



Our Ref: 20903-01

Contact: [REDACTED]

18 August 2021

Engage Victoria
Distinctive Areas and Landscapes

Via email: planning.implementation@delwp.vic.gov.au

Dear Sir/Madam,

Bellarine Peninsula Distinctive Area and Landscape Draft Bellarine Peninsula Statement of Planning Policy

We write on behalf of landowners located on the eastern boundary of Leopold in response to the Bellarine Peninsula Distinctive Area and Landscape Draft Bellarine Peninsula Statement of Planning Policy.

We wish to express concerns regarding the introduction of a permanent settlement boundary for Leopold based on the current settlement boundary location established ten years ago as its introduction without a comprehensive assessment of the towns needs is inconsistent with orderly planning processes.

We also raise concerns that the introduction of this Draft Bellarine Peninsula Statement of Planning Policy will essentially prevent consideration of the future expansion of Leopold outside the existing town boundary which does not accord with the function and designation of this town.

We note this process excludes the consideration of verbal submissions which we submit is completely inconsistent with accepted planning acumen as required by Local and State Governments when considering major and minor land use changes.

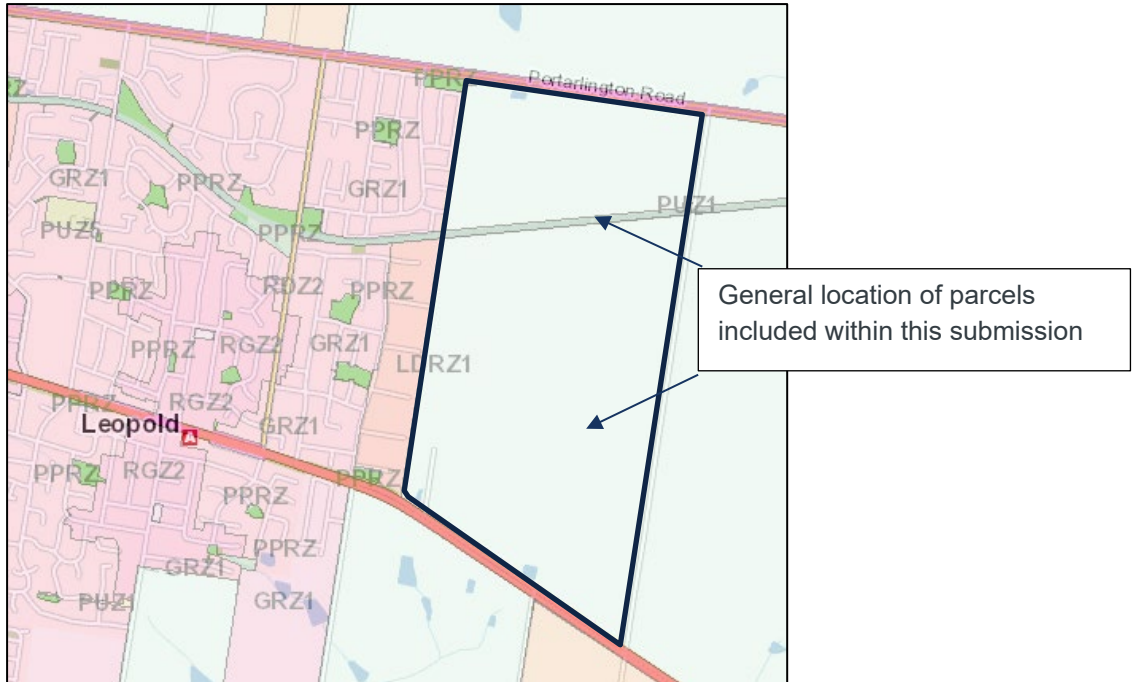
TGM Group Pty Ltd
(a Cardno Company)

ABN 11 125 568 461



www.cardno.com

The subject land is within the Farming Zone and is located near the eastern boundary of the Leopold Settlement boundary. The land is bound by [REDACTED] to the north, [REDACTED] to the south and [REDACTED] to the east.



Property Address	Client
[REDACTED]	

Landowners within this submission

Leopold

We recognise that the Bellarine Peninsula Distinctive Area and Landscape Draft Bellarine Peninsula Statement of Planning Policy has been drafted to protect the values of the Bellarine Peninsula and provide a strategic policy direction to protect and enhance the important cultural, landscapes and natural features of this region. Whilst we acknowledge that these strategic directions are broadly applied we do not believe that the entire Bellarine Peninsula overwhelmingly contains the values identified that require protection and believe that Leopold is a good example of this.

Leopold is located 8 kilometres from central Geelong and is identified as the entrance to the Bellarine Peninsula. However, unlike all the towns in the Bellarine Peninsula, Leopold does not adjoin Port Phillip Bay or the outer coast and thus it does not contain the natural values or the tourism attractions of the majority of other towns in the Bellarine Peninsula. Indeed, Leopold is a considerable distance from the closest Bellarine Peninsula town at Drysdale approximately 16 kilometres away where substantial public access to the Bay is provided.

Put simply Leopold is a commuter town for Geelong and Melbourne and provides affordable housing opportunities that is not influenced by the tourism market of towns adjoining the Bay and coastline. Thus, it performs a distinctly different role than the other towns in the Bellarine Peninsula.

Leopold is also conveniently serviced by both the Bellarine Highway and Portarlington Road which are the arterial roads that service the broader Bellarine Peninsula. No other Bellarine towns are serviced by both of these roads. Thus, Leopold is ideally located with established town services and a significant commercial hub to continue its role as a commuter town to Geelong and Melbourne.

Given Leopold's basic function, location and access to arterial roads Leopold's impact on the values of the Bellarine Peninsula are not comparable to those towns that are located further in the Peninsula adjoining the Bay or coastline and have a more tourism focus. Leopold is not a tourist destination and thus does not contribute to the growth of tourism and tourist developments that may pose a threat to the natural; Bay and coastal environs of the Bellarine Peninsula.

Whilst Leopold does not have a coastal frontage and a tourism industry it does have a number of environmental and landscape constraints external to the current settlement boundary located to the south and west of the town that does considerably restrict its future growth direction. These constraints include land to the north of the Portarlington Road which is essentially flood prone land and forms part of the rural land buffer between Geelong and Drysdale/Clifton Springs, land to the west which is also essentially flood prone and land to the south that provides a scenic farming buffer to Lake Connemara.

Given location of these environmental constraints the only logical direction for future growth is to the east of the existing settlement boundary between the Bellarine Highway and Portarlington Road and thus away from the environmental and sensitive landscapes that surround the other boundaries of Leopold.

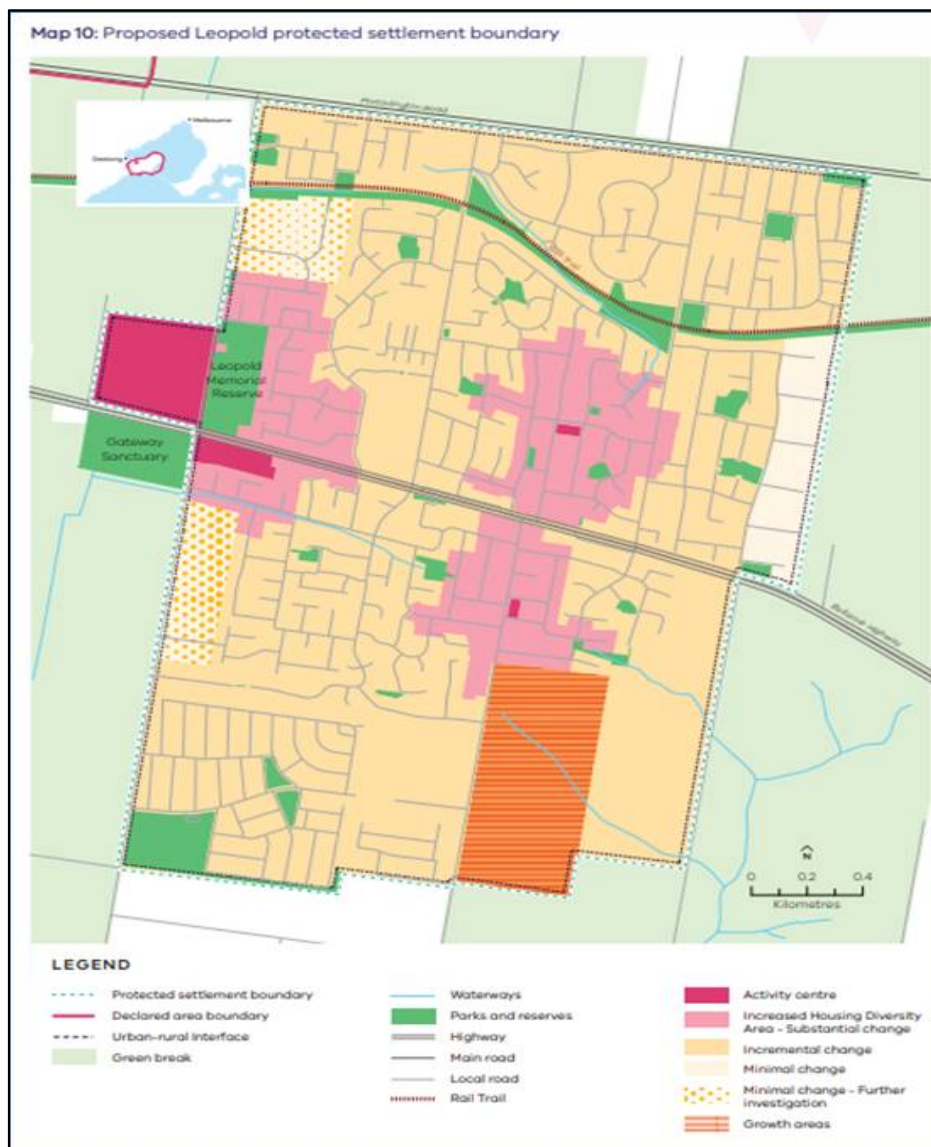
Growth

Currently Leopold has a limited supply of Greenfield development land located between Ash Road and Mollers Lane in the south eastern corner of the town. Part of this land at Mollers Lane has been rezoned to the General Residential Zone Schedule 1 and is currently under construction with the early stages already

sold. The Ash Road portion of this greenfield land is also currently undergoing a rezoning application which is likely to conclude in early 2022.

After both these estates are developed there is no proposed additional greenfield land identified for future residential development for Leopold which is recognised as a District Town where growth is expected.

Therefore, without new greenfield development sites future growth will be limited to increasing housing diversity by the development of higher density housing developments within the current settlement boundary. We believe that this additional housing source will not meet demand and is unlikely to provide a significant housing option given higher density development is incongruent with the low scale housing character of the town. The limit of the future greenfield development options is indicated below in Map 10.



Map 10 above shows the limited growth area of Ash Road East that is currently being rezoned.

Bellarine Peninsula Distinctive Area and Landscape Draft Bellarine Peninsula Statement of Planning Policy

Statement of Planning Policy

The Statement of Planning Policy applies to the declared area being the entirety of the Bellarine Peninsula including Leopold. Under Section 46AV of the Planning and Environment Act the Statement of Planning Policy must:

Set a 50-year vision that identifies the values, priorities and preferences of the Victorian community in relation to the distinctive attributes of the declared area, including preferences for future land use and protection and development.

We submit that the policy fails to meet the vision for a 50-year development horizon as it relies on existing infill and existing greenfield development areas of each town in the Bellarine to meet the likely development demands over this period.

We also submit there is likely only approximately five years land supply within most of the Bellarine Peninsula and some of which has already been developed. Indeed, this is the case for Leopold where there remains only one future growth front.

Therefore, the vision for the development of these towns (including Leopold) will substantially fall short of the 50-year Policy timeframe. This would not ordinarily prevent future considerations of additions to some towns to meet demands for greenfield development.

However, we are concerned that policy only directs development to the existing settlement boundaries which this policy proposes to make permanent without current or future review. Therefore, the vision for development of the Bellarine Peninsula does not extend past the current land supply.

Community Needs

We note that the Draft Statement of Planning Policy also claims to reflect the priorities and preferences of the Victorian Community for the future of the Bellarine Peninsula and on this basis proposes to instigate permanent settlement boundaries with no review rights and no proposed additional land supply other than the existing land located in the current settlement boundaries.

However, given the unprecedented growth of the Bellarine Peninsula particularly in the past five years clearly the Victorian Communities overwhelming preference is to live in this Region. Therefore, we query whether the policy is based on a balanced community view or just those that want to stop any future development of this area.

We understand that the Bellarine Peninsula has some significant environmental and landscape attributes but are not convinced that these attributes prevail throughout the majority of the Bellarine. Indeed, the features indicated in Table 1 of the Policy are distinctly located and thus do not justify the introduction of permanent settlement boundaries and the designation of the entire area of the Bellarine Peninsula outside sensitive coastal and environmental landscapes as Regional Significant Landscapes: Bellarine Northern Coast and Central Hills.

We are concerned that the policy lacks balance and does not provide guidance or consideration when settlement boundaries may be amended and additional greenfield development may be considered.

In fact, other than the existing limited land supply within the existing settlement boundaries and encouragement for high density (subject to character considerations) the policy provides no discussion or consideration of new growth opportunities at all.

We also note that a Statement of Planning Policy under Section 46AV of the Act must also:

Include a declared area framework plan that may specify settlement boundaries or protected settlement boundaries to help assure local communities about the conservation and significant attributes in the declared area, while providing certainty for growth in preferred locations.

We oppose the instigation of permanent settlement boundaries as proposed as clearly this power is discretionary and given that most towns have not been subject to any recent town boundary reviews we believe that the application of a permanent settlement boundary is premature. We believe that instigating permanent settlement boundaries should be based on broader considerations which has long been an accepted and robust process as part of town structure plan reviews. This should include consideration of contemporary planning policy and current growth needs which the existing boundaries are not based on.

The policy also fails to meet the requirements of the Act as it does not provide any certainty for growth in preferred locations. As advised a substantial part of the existing growth areas of the Bellarine Peninsula are, or have been developed therefore, it is highly likely that existing development opportunities are substantially exhausted. However as mentioned earlier the policy does not at all mention when boundaries may be considered for review and thus provides no longer term growth certainty as required by the Act.

This also does not accord with the designation of district towns in particular Leopold where growth is recognised to be facilitated. We submit this policy closes the door on the future development of district towns which is incongruent with the role of these towns as the prosperity of district towns is underpinned by the growth and services that these towns provide.

Objectives

Whilst the policy espouses a balanced approach that delivers a 50-year vision we believe that in reality it has been drafted to prevent any future consideration of settlement boundary changes and the addition of any residential growth land for the towns of the Bellarine Peninsula which is evident in the following proposed objectives:

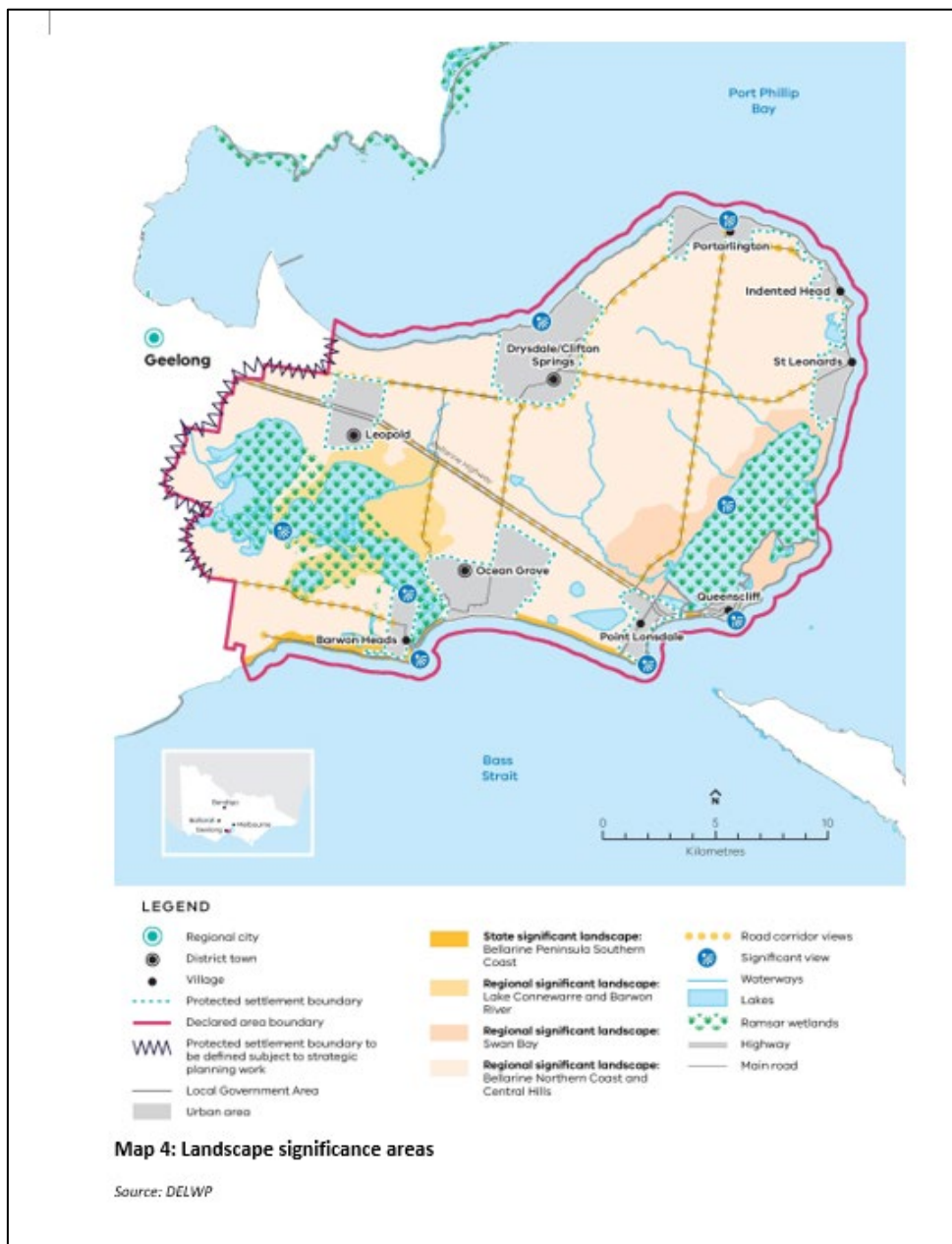
Objective 2 of the Policy is binding on Responsible Public entities and requires:

To protect and enhance the identified landscape character, physical features, view corridors and natural and cultural values of the declared areas significant landscapes.

The Policy also requires that the:

Responsible Public Entities must consider, where relevant, the following strategies to achieve the objective when performing a function or duty or exercise power in relation to the declared area.

The objective requires the protection of **significant landscapes**, which as detailed in Map 4 (below) includes the entirety of the Bellarine Peninsula. So, it is misleading to infer that the Public Entities have any discretion to revise and expand settlement boundaries in the future without impacting these significant landscapes as indicated in Map 4.



Map 4: Landscape significance areas

This is further reinforced in Strategy 2.2 which requires to:

Protect the coastal and hinterland settings of settlements by containing urban growth and development within settlement boundaries.

Under this strategy no additional growth of the towns in the Bellarine Peninsula including District Towns can be considered outside the existing boundaries without impacts on the surrounding setting.

If all the hinterland and coastal landscapes settings around existing settlements are to be protected then there is no opportunity to amend any settlement boundaries therefore this policy essentially prevents any consideration of future growth in the Bellarine Peninsula.

This lack of discretion and guidance in considering any changes to future settlement boundaries is also reflected in the 'Settlement' section of this policy which avoids any discussion regarding if and how new greenfield areas may be considered.

Objective 8 of the Draft Policy does not provide any guidance how Responsible entities would consider any settlement boundary changes and what criteria would apply to consider any new growth. Strategy 8.1 recommends to:

Direct urban development to a hierarchy of settlements, through designating areas for change and clearly defining protected settlement boundaries.

However, the Objective does not advise where and how this will occur particularly as the entire Bellarine Peninsula is considered to be a significant landscape. We suggest that the policy requires amending to provide the process, criteria and the likely locations where future additional greenfield sites will be considered. We also suggest that the introduction of a permanent settlement boundary for Leopold is introduced after a thorough and comprehensive review of the towns needs including the future direction of growth needs for additional residential land.

The Victorian Marine and Coastal Policy

The Victorian Marine and Coastal Policy also seeks to:

Identify clear settlement boundaries in planning schemes, to plan for growth and protect coastal values; and direct growth to within these boundaries. Where no settlement boundary is identified, define the extent of the settlement by the existing urban zoned land and land identified in the planning scheme for future urban settlement.

Clearly the Victorian Marine and Coastal Policy supports facilitative planning for growth in coastal towns throughout Victoria subject to the protection of natural coastal environments. This established coastal development approach has been approved by the government and community but is not reflected in the Draft Bellarine Peninsula Statement of Planning Policy which ultimately mandates the end of growth in the Bellarine Peninsula. Therefore, proposed local policy does not accord with the Victoria wide Victorian Marine and Coastal Policy.

Councils advice over this process is the growth of towns within the Bellarine will be informed by the Bellarine Peninsula Distinctive Area and Landscape process as developed by the Department of Environment Land Water and Planning. However, given the proposed recommendations basically accord with the existing town boundaries already determined by Council we query the independence of this 'assessment' and reliability of this process.

Geelong Planning Scheme

The introduction of a permanent settlement boundary for Leopold does not accord with the strategic planning growth direction and processes as set in the relevant policies of the Geelong Planning Scheme which support the growth of Leopold.

Clause 11.01-1R Settlement - Geelong G21 supports:

- > The growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, **Leopold**, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focussing growth along key road and rail networks.
- > Reinforce the role of district towns in providing services to surrounding areas.

Clause 11.02-2S Structure planning

The Objective of this clause is to:

- > To facilitate the orderly development of urban areas.

The strategies to achieve this include:

- > Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.
- > Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.

Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:

- > Take into account the strategic and physical context of the location.
- > Provide for the development of sustainable and liveable urban areas in an integrated manner.
- > Assist the development of walkable neighbourhoods.
- > Facilitate the logical and efficient provision of infrastructure.
- > Facilitate the use of existing infrastructure and services.

Clause 21.14 The Bellarine Peninsula

The relevant strategies of this policy include:

- > To support the different roles and functions of townships on the Bellarine Peninsula.
- > To provide attractive and sustainable industrial, commercial, retail, agricultural and tourism development in designated locations, to service the wider Bellarine community.
- > To preserve the individual character, identity and role of each Bellarine township
- > Support the district towns of Ocean Grove, Drysdale and Leopold to fulfil their role as service hubs for the Bellarine Peninsula.
- > Ensure land use and development proceeds generally in accordance with the relevant Structure Plan maps included in this Clause.

The proposed introduction of a permanent settlement boundary for Leopold is inconsistent with the above policies which identifies Leopold for growth and proposed structure planning process required to facilitate orderly growth and the effective planning and management of the land use and development of the town.

The Leopold Structure Plan 2011 is 10 years old and thus well overdue to be comprehensively reviewed which is the accepted process to determine the future growth opportunities and settlement boundary of the town consistent with the above policies. It should be noted that full Structure Plan reviews are aimed to occur every seven years.

We suggest that this process needs to be undertaken before a permanent settlement boundary is determined as the environmental and landscape issues are just part of the suite of matters that require consideration to determine the location of a permanent settlement boundary. However, the proposed policy provides no commitment or guidance to review the location of these boundaries.

Given the introduction of the permanent settlement boundaries under the Act is discretionary, the limited considerations of this policy and over ten years since this boundary was comprehensively reviewed it is responsible to delete the proposed permanent settlement boundary for Leopold and reinstate a boundary after a more comprehensive process is completed in accordance with the Planning Scheme.

Coastal settlement

The Objective of this clause is:

- > To plan for sustainable coastal development.

The strategies to achieve this include:

- > Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.
- > Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.
- > Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.
- > Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the

extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

- > Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.
- > Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.
- > Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.
- > Protect areas between settlements for non-urban use.
- > Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.
- > Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.
- > Ensure a sustainable water supply, stormwater and sewerage treatment for all development.
- > Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

We submit that this policy clearly seeks to facilitate the planned growth of Coastal Towns to support diverse coastal settlements which we believe conflicts with the proposed policy which essentially stops growth and any future consideration of town growth.

We also submit that Leopold is unlike other towns in the Bellarine Peninsula as it is essentially a commuter town that is not sited next to the Bay or coast and thus does not pose a threat to those coastal and environmental features of the region as outlined in the policy above. Indeed, it is 16 kilometres from Drysdale located on Port Phillip Bay and thus does not contribute to the impacts of tourism which may threaten the values of the Bellarine.

Leopold Structure Plan 2011

The development of the Leopold Structure Plan was based on the consideration of a broader land area than the land located in the current settlement boundary and this broader area included land located to the east of the settlement boundary. In response to submissions seeking support to be included in the settlement boundary in 2011 Council Officers provided the following assessment in the 27 September Council Minutes:

If Leopold is to further expand, expansion to the east is the most logical option. Land to the west is low lying with drainage/flooding issues, land to the south is adjacent to Lake Connewarre and land to the north is be separated from the township by Portarlington Road and has landscape values.

This land is considered to present a good opportunity for future growth if Leopold is to further expand. The Kingston residential estate adjoining the site to the west has a subdivision pattern that would allow integration with new development. Based on an average growth scenario the current Structure Plan provides around 22 years supply. Under a higher growth scenario there is approximately 10 years available. Based on the current lot supply and the inclusion of additional housing diversity areas within the settlement boundary it is not recommended this site be included within the settlement boundary as part of this Structure Plan.

It is recommended the study area be extended to Bawtree Road to east to include this site. This would allow the future consideration of this site, particularly at the next Structure Plan review and in the context of the G21 Regional Land Use Plan.

Clearly 10 years ago Council Officers identified the only logical extension of Leopold will be to the east to Bawtree Road which accords with this submission. Given there now remains only one development front in Leopold (which reflects the higher growth scenario) it is an appropriate time for the settlement boundary to be reviewed and extended to include this land prior to the introduction of a permanent settlement boundary.

Implementing a Coastal Settlement Boundary Planning Practice Note 36

This practice note has been developed to provide the relevant considerations to assist in determination coastal settlement boundaries. The following are relevant extracts from this Practice Note.

The location of a coastal settlement boundary should be established through a strategic planning process with a 10-year planning horizon. This process should identify the:

- > desired future vision for a settlement
- > role and function of the settlement in comparison with other settlements within the region
- > constraints on development such as topography, native vegetation, rural land-use activity and areas of environmental or landscape significance and sensitivity
- > areas with susceptibility to flooding (both river and coastal inundation), landslip, erosion, coastal acid sulfate soils, salinity, wildfire or geotechnical risk • supply/demand of land within a 10 year planning horizon and opportunities for future growth (if any).

Strategic documents such as township strategies, structure plans, housing strategies and urban design frameworks help to define the logical extent of coastal settlements. These documents provide a basis for identifying coastal settlement boundaries in planning schemes.

The recommended approach for applying a coastal settlement boundary in planning schemes is:

- > inclusion of policy objectives and strategies for coastal settlements in the LPPF (see model provisions)
- > identification of the coastal settlement boundary on a map linked to the objectives and strategies in the LPPF
- > identification of opportunities and constraints that support the location of the settlement boundary
- > identification of areas suitable for future urban development

Clearly this Practice Note recommends a more expansive assessment as compared with the proposed policy which seeks to instigate permanent settlement boundaries based only on landscape and environmental issues which have been extrapolated to include the Bellarine Peninsula in its entirety. The Practice Note also recommends the assessment includes contemporary planning policy and the identification of areas suitable for future urban development.

Timing

We submit that as the introduction of permanent settlement boundaries is discretionary, and a considerable number of Structure Plans including the Leopold Structure Plan are well overdue for a review, we request that the introduction of the permanent settlement boundaries is postponed until a more comprehensive structure planning process of Leopold is undertaken.

This would better align with accepted orderly planning processes and would provide additional strategic justification subject to a broader more robust assessment that in our view should consider the different roles of these towns and the needs of the broader community. We believe that this is a sounder process compared to the current draft policy which proposes the introduction of permanent settlement boundaries consistent with existing town boundary of Leopold which was determined ten years ago.

In the meantime, the existing settlement boundaries cannot change before this work is completed and thus there is no impost on delaying the introduction of these permanent boundaries only in our mind additional strategic planning benefits and benefits to the wider community.

Planning and Environment Act 1987

We submit that DELWP and Council has a duty under Section 12(1) of the Planning and Environment Act 1987 to implement the strategic objectives of Planning Victoria as set out in Section 4(1) of the Planning and Environment Act 1987. This includes (but not limited to):

to provide for the fair, orderly, economic and sustainable use, and development of land;

We submit that it is neither fair or orderly to introduce a permanent settlement boundary around Leopold without considering the towns function, role and the needs of this community which we believe is significantly different from the other towns of the Bellarine. Its is not fair, orderly or economically sound to instigate a permanent settlement boundary which was previously established ten years ago.

Consultation

Public consultation has always formed part of strategic and statutory planning processes where land use changes are proposed. This has been in the form of both written and verbal submissions to allow submitters a chance to expand and emphasise further on matters they deem as significant that may be difficult to emphasise and communicate in writing. It also provides an opportunity for applicants to further clarify their proposal and respond to matters raised.

We understand that it is proposed to limit consultation to written submissions only and not proceed to consider verbal submissions at a Subsequent Panel or Advisory Committee. Given the far-reaching impact of this amendment and its likely long-term effect on the future of the Bellarine Peninsula it is incumbent on DELWP and Council to appoint an independent body to hear submissions.

This will be consistent with the DAL process for the Surf Coast Shire which received considerable interest and verbal submissions as the community required a platform to have their views heard. Anything less than this same process would be unacceptable and tarnish the validity and fairness of this process, particularly given that the permanent boundaries proposed by DEWLP exactly mimic those currently in the Planning Scheme. Clearly this and other matters need to be considered by an impartial committee.

Conclusion

We oppose the Bellarine Peninsula Distinctive Area and Landscape Draft Bellarine Peninsula Statement of Planning Policy and introduction of permanent settlement boundaries which we submit is based on only part of the issues and considerations required to instigate long term land use change. We also oppose the instigation of the proposed permanent settlement boundary for Leopold based on the town boundary established ten years ago.

We seek an amendment to the policy that addresses when and under what criteria settlement boundaries may be changed as the proposed policy is silent on any additional growth considerations and thus in its current form prevents any further development of Leopold outside the current boundary.

Given it has been ten years since the last full review of the Leopold Structure Plan it is consistent with orderly planning processes that a review including long term growth considerations be conducted before the introduction of a permanent settlement boundary.

If you have any queries please do not hesitate to contact [REDACTED] on [REDACTED].

Yours sincerely,

CardnoTGM

[REDACTED]

[REDACTED]

Planning Manager, Regional Victoria/Principal