

Submission by [REDACTED] regarding the draft Bellarine Peninsula Statement of Planning Policy – 14/08/21 – Revised 26/08/21

Submission Summary

Both [REDACTED] as local residents and active community members fully supports the State Government's initiative in preparing and approving a Statement of Planning Policy (SPP) for the Bellarine Peninsula consistent with the undertaking to the Community by The Hon Richard Wynne as contained in the Minister's Press Release dated 27th September 2018. It is noted this undertaking was supported by the Declaration of the Bellarine Peninsula as a Distinctive Area and Landscape. Refer Victorian Government Gazette No S 430 of Tuesday 29 October 2019. The key issues identified by the Minister at that time included the establishment of "permanent height controls and town boundaries to protect the environment, landscape and local lifestyles".

This undertaking supported by our local members was a major commitment to the community and represented a significant step forward in the development of planning controls in the area with a strong State Policy as a guide to local planning.

We are pleased to see in the Draft SPP that key elements are supported by binding objectives which in our view should be non - negotiable if the integrity of the planning controls are to be protected.

The key Elements include:

- Environmental risks and resilience
- Landscape
- Environment and biodiversity
- Aboriginal cultural heritage – Wadawurrung Country
- Historic heritage
- Tourism, agriculture and natural resources
- Strategic infrastructure
- Settlements

We understand that there is a complex and long Approval Process for the SPP and in the interim this long approval process can enable the approval of developments that are inconsistent with draft SPP. This situation could be avoided by the introduction of interim controls especially related to impacts on the character of local villages including the height of multi-storey buildings. We trust the Minister will monitor this position as there has been a 3storey development recently approved by VCAT against a Council determination in St Leonards opposite the foreshore. A height limit of 9 metres and maximum of 2 storey in our villages, would seem appropriate to prevent repeats of this situation.

There would appear to be no real justification for 3 storey residential or commercial developments in designated villages where there is provision for "limited growth". The draft SPP identifies the need for sustainable development, multi-storey buildings (3 storey and above) would appear to be at odds with the principles of sustainability especially when the additional construction costs and environmental

impacts are taken into account. The slopes around Portarlington potentially with substantial 3 storey dwellings draped over the landscape is inconsistent with the objectives of the draft SPP.

The major initiative of establishing fixed urban boundaries in the SPP is strongly supported. This provides certainty for the communities and developers, there will no doubt be challenges to this initiative.

Issues to be addressed

1. The SPP in its present form, does set out some specific/quantitative performance standards, it is less specific with qualitative type objectives which allow a considerable breadth in interpretation, (for example, development should proceed generally consistent with the identity and character of the individual township – the word **generally** should be deleted). Whilst this may be in line with one of the objectives of the current “performance based” planning controls it is also one of the confusing elements in the SPP which is not well understood by many community members and thereby reflects a major weakness in the policy. It is acknowledged that local policies attempt to be more specific however they are can be constrained by the lack of specificity in the SPP an example is as follows. It would appear the word “generally” confuses rather than clarifies the criteria.

*Portarlington Town
Centre Urban Design
Framework (2011)*

- Guides the town centre’s growth and development, built form outcomes, streetscapes, traffic and pedestrian movements, car parking and land use.
 - Requires that buildings **generally** be one to two storeys with higher buildings assessed against heritage significance, residential interface and visual amenity criteria.
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2. The draft SPP provides a policy framework to guide management and development of the area **generally** including the settlements. From a local perspective there is a need to be more specific with planning controls that can be both performance based and qualitative. This would enhance the capacity of local residents to understand and constructively participate in the planning process. In the event there is justification for additional flexibility this can be provided through a site specific amendment. This would also ensure the developments meet the sustainability objectives relating to the environment. With developments “sitting within the landscape” as opposed to on the landscape.
3. The designation of Villages and Townships does provide some level of comfort in identifying the role of the settlements in a hierarchical sense, for example the villages of Indented Head, Portarlington and St Leonards are recognised and defined as villages being small settlements with low population that are not identified as growth areas, it is suggested that the words are made consistent with the existing objective of being low profile and low density of developments.
4. The Bellarine Settlement Background Paper (informed by the Bellarine Peninsula Township Character Report) has a number of proposals to amend the zones for villages such as Portarlington and Indented Head and these should be mandated in the SPP. Specific height controls and more robust performance criteria should be incorporated into the Policy for the Commercial area. It is suggested that as for St Leonards a maximum height of 9 metres and 2 storey would be appropriate in these villages.

The provisions enabling two storey dwellings with a maximum building height of 9 metres would appear to be very generous especially when the predominance of concrete slab floors and footings are taken into account. For example the majority of ceiling heights in domestic buildings would under 3 metres, allowing for slab heights of 0.300m and similar allowance for a first floor thickness of 0.300m plus a pitched roof of 1.3m a total building height of 8.0m would seem more appropriate and generous especially having regard to the Building Standards A4 and B7. The height of 8.0metres would also be appropriate for Commercial and or mixed use developments.

5. The significance and character of the landscape and the iconic views from the coastal villages of Portarlinton, Indented Head and St Leonards should be protected as should the views from the Bay to the villages. The commentary on Page 31 of the SPP, relating to these features and views should be enhanced. Controls required to protect these views and features should be developed with more detail and incorporated in the SPP. There is a need to identify a management regime which not only focusses on the protection of the views but also on the need for a sharing of views which are a public asset. Fixed maximum building heights as proposed in the Settlement Background Paper would appear to be a major component of the revised changes.
6. The commentary on Page 52 relating to Settlements and in particular the areas of Indented Head, St Leonards and Portarlinton requires amplification and clarification to clearly identify the role of the villages and the character of each village such that the development is required to be consistent with the character of low profile residential and mixed uses which predominate in the nature of these villages. The inclusion of the settlement character statements to be included in the SPP is strongly supported.
The current trend of applications would appear to be challenging the fundamental character of the villages. The recommendation relating to Building Height that the GRZ1 zone should be replaced by the GRZ2 zone is supported. This would ensure a building height maximum of 9metres and a maximum of 2 storey would apply.
7. There is a need to identify significant view cones and tree-lines especially in the Portarlinton hinterland but also across the whole Peninsula. The designation would also assist in identification of additional opportunities for bio-links connecting areas of landscape significance.
8. The proposed implementation action 22 is supported. It is requested that upon approval of the SPP a detailed implementation plan that identifies responsibilities, time frames and resources be prepared and circulated to all communities and parties with an interest and responsibility for implementation of actions.
9. Planning is about communities as much as it is about development, changes which clarify processes, property rights and opportunities will enhance planning outcomes and ensure engagement of communities. Designation of performance standards such as clearly stated building heights for example will enhance the process and avoid the dissent in communities and in the building and development industry. Having regard to the backlog of cases at VCAT and to a lesser extent with Panels Victoria, the Planning process is currently unsustainable and initiatives such as the SPP will only assist if specificity is provided.

Conclusion

We provide these comments supporting and recognising the significant work carried out to date in preparing the draft SPP. This document once approved will signify a landmark improvement and change in the Planning framework for this area for decades to come. This change should signify a change to the adversarial nature of planning for the future generations of residents in this area.

There is an opportunity to identify a maximum building height for villages of say 8.0m and 2 stories this would be consistent with the objective of protecting the character of villages.

The assistance of project staff is acknowledged and appreciated. The development of the SPP has been a long journey addressing major issue and identifying opportunities for communities to participate in the planning for their communities.

We look forward to the final approval of the SPP and appreciate the opportunity to participate in the consultation process.