

**Surf Coast Planning Scheme Amendment C133surf
Rural Futures Strategy**

Panel Report

Planning and Environment Act 1987

14 April 2022

How will this report be used?

This is a brief description of how this report will be used for the benefit of people unfamiliar with the planning system. If you have concerns about a specific issue you should seek independent advice.

The planning authority must consider this report before deciding whether or not to adopt the Amendment.
[section 27(1) of the *Planning and Environment Act 1987* (the PE Act)]

For the Amendment to proceed, it must be adopted by the planning authority and then sent to the Minister for Planning for approval.

The planning authority is not obliged to follow the recommendations of the Panel, but it must give its reasons if it does not follow the recommendations. [section 31 (1) of the PE Act, and section 9 of the *Planning and Environment Regulations 2015*]

If approved by the Minister for Planning a formal change will be made to the planning scheme. Notice of approval of the Amendment will be published in the Government Gazette. [section 37 of the PE Act]

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the PE Act

Surf Coast Planning Scheme Amendment C133surf

Rural Futures Strategy

14 April 2022



Rodger Eade, Chair



Jessica Tulloch, Member

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Glossary and abbreviations

| | |
|------------|---|
| Council | Surf Coast Shire Council |
| DAL | Distinctive Area and Landscape |
| DELWP | Department of Environment, Land, Water and Planning |
| MPS | Municipal Planning Strategy |
| PE Act | <i>Planning and Environment Act 1987</i> |
| RHFS | Rural Hinterland Futures Strategy, 2019 |
| the Scheme | Surf Coast Planning Scheme |
| TCCR | Thompsons Creek Catchment Review, 2021 |

Overview

Amendment summary

| | |
|--------------------|---|
| The Amendment | Surf Coast Planning Scheme Amendment C133surf |
| Common name | Rural Futures Strategy |
| Brief description | The Amendment implements the strategic directions of the <i>Rural Hinterland Futures Strategy 2019</i> by providing a Planning Policy Framework that enables increased agricultural, agritourism and tourism opportunities while protecting the environmental and landscape values of the hinterland. |
| Subject land | The Amendment applies to land in the Farming Zone and Rural Conservation Zone within the Hinterland Study Area (all land outside a settlement boundary) as identified in Figure 1 of the <i>Rural Hinterland Futures Strategy 2019</i> |
| Planning Authority | Surf Coast Shire Council |
| Authorisation | 28 July 2021 |
| Exhibition | 2 September – 4 October 2021 |
| Submissions | Fourteen submissions were received. Refer to Appendix A. |

Panel process

| | |
|------------------------|---|
| The Panel | Rodger Eade (Chair) and Jessica Tulloch |
| Directions Hearing | 19 January 2022 by video conference |
| Panel Hearing | 2, 3 and 4 March 2022 by video conference |
| Parties to the Hearing | Refer to Appendix B |
| Citation | Surf Coast PSA C133surf 2022 PPV |
| Date of this report | 14 April 2022 |

Executive summary

Surf Coast Planning Scheme Amendment C133surf (the Amendment) seeks to amend the Surf Coast -Planning Scheme (the Scheme) to give effect to the adopted *Rural Hinterland Futures Strategy, 2019* (RHFS) by inserting it as a background document and amending clauses of the Scheme to translate key directions to policy.

The amended clauses are:

- Clause 02.03 (Strategic directions)
- Clause 12.01-1L (Protection of biodiversity in Surf Coast)
- Clause 13.02-1L (Bushfire planning)
- Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)
- Clause 14.01-1L-03 (Subdivision in the Farming Zone and Rural Conservation Zone)
- Clause 14.01-1L-04 (Other discretionary use and development in the Farming Zone and Rural Conservation Zone) (new clause)
- Clause 14.01-2L (Sustainable agricultural use)
- Clause 15.01-6L (Design for rural areas)
- Clause 17.01-1L (Diversified economy in Surf Coast) (new clause)
- Clause 17.04-1L (Facilitating tourism in Surf Coast).

Further the Amendment proposes to implement the *Thompsons Creek Catchment Review, 2021* by amending the Schedule to Clause 35.07 (Farming Zone) to remove the variation to the minimum lot size of 60 hectares, amending the Schedule to Clause 72.08 to insert two new background documents, *Rural Hinterland Futures Strategy (Surf Coast Shire, 2019)* and *Hinterland Design Guidelines (Surf Coast Shire and Inclusive Design, 2021)* and amending the Schedule to Clause 74.02 to delete completed further strategic work in relation to subdividing land in the Thompsons Creek Catchment area.

Key issues raised in submissions included:

- the translation of the RHFS to policy does not appropriately reflect its objectives, principles and broad strategic direction
- the proposed change to the minimum lot size in the Farming Zone in the Thompsons Creek Catchment is not strategically justified
- the application of the RHFS to the land in the Spring Creek Corridor is not appropriate given that the outcomes of the Statement of Planning Policy for that corridor has not been finalised.

The hinterland in the Surf Coast Shire is coming under pressure for tourism development in areas near the coast and Surf Coast Shire Council (Council) both wishes to manage this development and also to direct appropriate tourism related development to other parts of the hinterland which it considers are appropriate for tourist development. Council is undertaking this in the context that the primary purpose of the hinterland is and continues to be agriculture.

In order to both protect prime agricultural land and to manage tourism related development the RHFS proposes the hinterland be broadly divided into three focus areas but without hard boundaries:

- intensive and commercial farming
- agribusiness and commercial farming
- tourism.

The *Rural Hinterland Futures Strategy, 2019* is based around five key objectives each of which has a number of priority actions to implement the objectives. Seven principles are set out to underpin the strategy and it is acknowledged that these need to be balanced against one another.

The Panel has considered the exhibited material, the submissions and evidence presented to it and in each Chapter of the report has drawn a number of detailed conclusions. The broad conclusions drawn by the Panel are:

- With some exceptions the Amendment is appropriate and broadly strategically justified.
- The translation of the *Rural Hinterland Futures Strategy, 2019* to policy is broadly acceptable with a number of changes to the wording of policy recommended below.
- The strategic work that underpins the proposal to amend the Schedule to the Farming Zone in the Thompsons Creek Catchment is not appropriate and that part of the Amendment should be deleted.
- The *Rural Hinterland Futures Strategy, 2019* should apply to land in the Farming Zone and Rural Conservation Zone in the Spring Creek Corridor, however it is not the role of this Panel to comment on the western boundary of the urban area of Torquay.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Surf Coast Planning Scheme Amendment C133surf be adopted as exhibited subject to the following:

1. **Amend the post exhibition version of Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) (Document No 15) to:**

Delete the seventh strategy which reads “Discourage uses not associated with an agricultural activity”.
2. **Amend the second strategy of the post exhibition version of Clause 14.01-1-04 (Other discretionary uses in the Farming Zone and Rural Conservation Zone) (Document No 15) to read:**

Ensure that discretionary use and development (other than industry, manufacturing sales and warehouse):

 - is located outside an identified Agricultural Soil Quality Hotspot (shown on the Sustainable agricultural focus area map at Clause 14.01-2L) and the Winchelsea Plains landscape precinct (shown on the Landscape Precincts plan at Clause 02.04)
 - is strategically located with respect to an identified tourist route and bushfire risk can be reduced to an acceptable level
 - do not rely on publicly funded upgrades to municipal infrastructure or an extension of municipal services
 - is clustered with tourism and agrifood businesses
 - is not dependent on a non-urban setting.
3. **Amend the post exhibition version of Clause 15.01-6L (Design for rural areas) (Document No 15) as follows:**

Delete dot point 4 commencing “Limiting the length...” under the heading “Policy guideline” and add the following two dot points

 - The visual impact of vehicle accessways and internal roads.

- **Whether vehicle accessways and internal roads that bisect productive agricultural land are appropriate.**
- 4. Replace Clause 17.04-1L (Facilitating tourism in the Surf Coast) with the Panel recommended version at Appendix D.**
 - 5. Delete the exhibited changes to the Schedule to Clause 35.07 (Farming Zone) and the Schedule to Clause 74.02 (Further Strategic Work), and the post exhibition changes to Clause 14.01-1L (Dwellings in the Farming and Rural Conservation Zones) (Document No 15).**
 - 6. Replace the following Clauses with the post exhibition versions (Document 15):**
 - a) Clause 12.01-1L (Protection of biodiversity in Surf Coast)**
 - b) Clause 13.02-1L (Bushfire planning)**
 - c) Clause 14.01-1L-03 (Subdivision in the Farming Zone and Rural Conservation Zone)**
 - d) Clause 14.01-2L (Sustainable agricultural use)**
 - e) Schedule to Clause 72.08 (Background documents).**

1 Introduction

1.1 The Amendment

(i) Background

The Surf Coast rural hinterland (the hinterland) covers around 60 per cent of the Shire and includes the localities of Deans Marsh/Pennyroyal, Freshwater Creek, Modewarre, Moriac and Winchelsea. The hinterland is dominated by farming and other rural uses and has a long agricultural history in the dairy, beef, sheep and grain industries.

More recently, several smaller boutique businesses have been established, particularly in the agri-food and agriculture sectors. These new ventures, along with more traditional agricultural operations, contribute significantly to the region's diversity, longer-term sustainability, and overall productivity.

Council expects the Shire's rural hinterland to play an increasingly important role in economic contribution and job provision. The region itself receives over 5.1 million visitors annually. The coastline and wide rural vistas are a significant drawcard for the tourism industry, which is a major industry sector for the Shire. These visitors and the surrounding population present a significant opportunity for the hinterland.

The *Rural Hinterland Futures Strategy, 2019* (RHFS) aims to respond to these emerging issues and provide leadership, vision, and a clear direction for the hinterland areas in the Farming Zone and Rural Conservation Zone.

(ii) Amendment description

Surf Coast Planning Scheme Amendment C133surf (the Amendment) implements the strategic directions of the RHFS. It makes changes to the Planning Policy Framework (PPF) to enable increased agricultural, agritourism and tourism opportunities while seeking to protect the environmental and landscape values of the hinterland.

The Amendment proposes to change local planning policy to strengthen the role of the hinterland for agriculture and facilitate tourism and nature based tourism in designated areas. It also proposes to change the Schedule to the Farming Zone to change the minimum lot size requirements within the Thompsons Creek Catchment area.

Specifically, the Amendment:

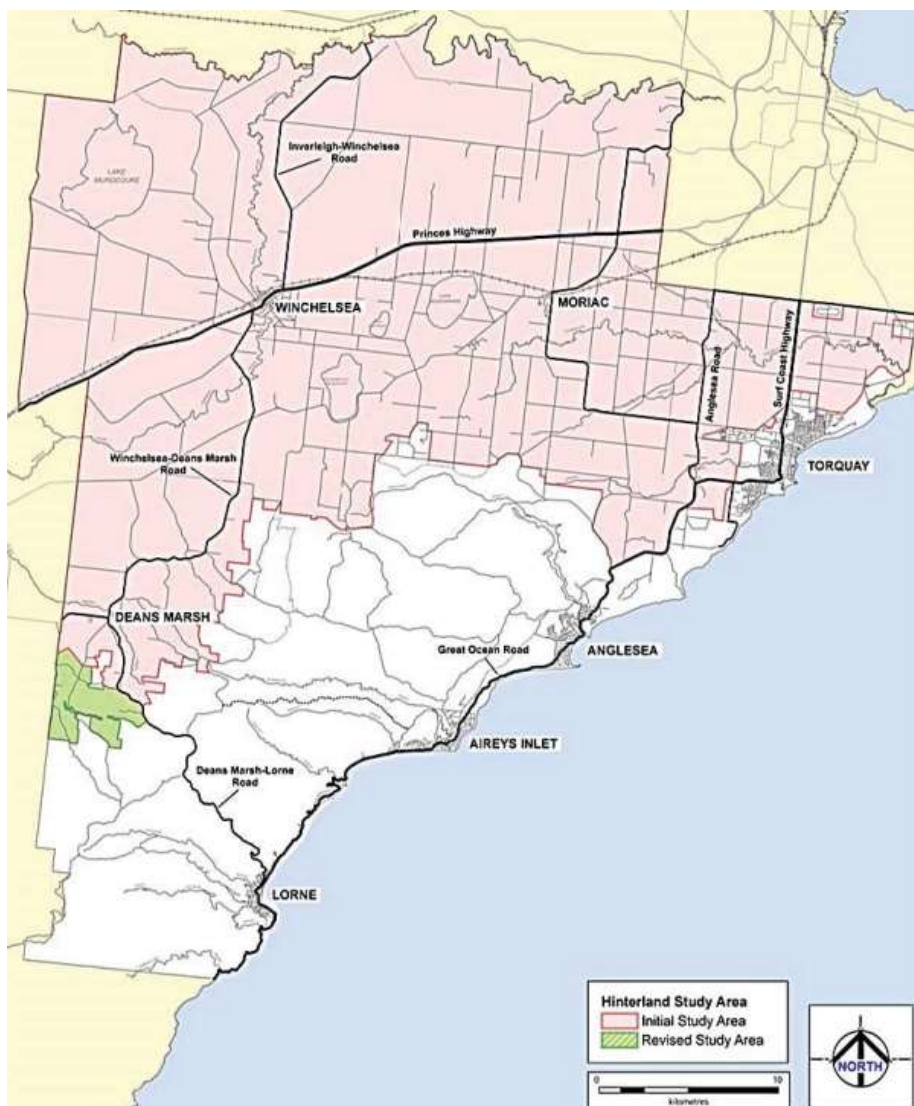
- amends Clause 02.03 (Strategic directions)
- amends Clause 12.01-1L (Protection of biodiversity in Surf Coast)
- amends Clause 13.02-1L (Bushfire planning)
- amends Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)
- amends Clause 14.01-1L-03 (Subdivision in the Farming Zone and Rural Conservation Zone)
- inserts Clause 14.01-1L-04 (Other discretionary use and development in the Farming Zone and Rural Conservation Zone)
- amends Clause 14.01-2L (Sustainable agricultural use)
- amends Clause 15.01-6L (Design for rural areas)
- inserts Clause 17.01-1L (Diversified economy in Surf Coast)

- amends Clause 17.04-1L (Facilitating tourism in Surf Coast)
- implements the *Thompsons Creek Catchment Review, 2021* by amending the Schedule to Clause 35.07 (Farming Zone) through the removal of the variation to the minimum lot size of 60ha
- amends the Schedule to Clause 72.08 to insert reference to two new background documents, titled:
 - Rural Hinterland Futures Strategy (Surf Coast Shire, 2019)
 - Hinterland Design Guidelines (Surf Coast Shire and Inclusive Design, 2021).
- amends the Schedule to Clause 74.02 to delete completed further strategic work in relation to subdividing land in the Thompsons Creek Catchment area.

(iii) The subject land

The Amendment applies to land in the Hinterland Study Area that is in the Farming Zone and Rural Conservation Zone, essentially land outside a settlement boundary. Land within the settlement boundary of townships is not within the scope of the RHFS as these areas are covered by existing structure plans. The Hinterland Study Area (including the revised area) is shown in Figure 1.

Figure 1 Hinterland Study Area – subject land



Source: Rural Hinterland Futures Strategy, 2019

1.2 Procedural issues

On the 16 and 23 December 2021 Mr Naughton of Planning and Property Partners on behalf of Rural Estates Torquay Pty Ltd (Rural Estates) wrote to the Panel requesting the Hearing be delayed pending the release of the report of the Distinctive Areas and Landscapes Standing Advisory Committee (DAL Standing Advisory Committee). The issue was further raised at the Directions Hearing and was opposed by Council. The Panel considered that there was no reason to delay the Hearing to await the outcome of the DAL process and agreed to proceed as per the dates agreed at the Directions Hearing.

1.3 Summary of issues raised in submissions

A total of fourteen submissions were received:

- two submissions supported the Amendment (submissions 2 and 11)
- 11 submissions objected to or partially supported the Amendment or sought changes
- one submission raised issues with the Amendment which were resolved by Council prior to the public hearing (Submission 13 - Wadawurrung Traditional Owners Aboriginal Corporation).

(i) Individual submitters or groups of submitters

Two submitters supported the Amendment, specifically:

- Mr Galbraith (submission 2) fully supports the Amendment.
- Environment Protection Authority (submission 11) supports the intent of the Amendment and *“consider that the proposal presents a low risk to the environment, amenity and human health as a result of pollution or waste”*¹.

Mr Welsh (submission 1) queried the benefit of the process (40 hectares variation in the Farming Zone) as compliance with land plans does not seem to be enforced.

The key issues raised by submitters in opposition to the Amendment were:

- **40 hectares lot size/ as of right dwelling:**
 - Opposition to the removal of the provision within the Schedule to the Farming Zone that allows a 40 hectare lot size and dwelling ‘as of right’ (subject to conditions), within the Thompsons Creek Catchment area.
 - Concern that properties that have an approved land management plan and have signed a Section 173 agreement will be unable to seek approval to build a dwelling (applies to three properties).
- **Green break/Settlement boundary:**
 - Opposition to references to the green break between Spring Creek Urban Growth Area and Bellbrae as the location of the settlement boundary has not been approved by the Governor in Council as part of the Declaration of the Surf Coast as a Distinctive Area and Landscape (DAL).
- **Tourism:**
 - Concern that the Amendment does not sufficiently encourage tourism uses.
 - Consider recognising the area south of Bellbrae as a tourism cluster.

¹ Submission 11, Environment Protection Authority

- Consider applying the Rural Activity Zone to the land around Gundrys Road instead of the Farming Zone if tourism is to be encouraged.
- 60 hectares is not a viable agritourism lot size.
- **Bells Beach ‘view shed’:**
 - Concern that changes to the settlement boundary because of the DAL declaration will inadvertently impact the Bells Beach ‘view shed’.

(ii) Wadawurrung Traditional Owners Aboriginal Corporation

The key issues for the Wadawurrung Traditional Owners Aboriginal Corporation (submission 13) were:

- the Barrabool ridgeline is significant for its aesthetic qualities as well as its Wadawurrung living cultural heritage values and warrants greater protection
- the document Paleert Tjaara Dja: Wadawurrung Healthy Country Plan (Wadawurrung Traditional Owners Aboriginal Corporation, 2020) should be included as a background document to the Scheme.

Council made post exhibition changes to respond to the submission made by the Wadawurrung Traditional Owners Aboriginal Corporation. The changes were to:

- amend the Schedule to Clause 74.02 (Further Strategic Work) to include the preparation of a landscape assessment for the Barrabool ridgeline to consider and recommend suitable mechanisms to protect its visual and aesthetic qualities as well as its Wadawurrung living cultural heritage values.
- amend the Schedule to Clause 72.08 (Background documents) by including the Paleert Tjaara Dja: Wadawurrung Healthy Country Plan (Wadawurrung Traditional Owners Aboriginal Corporation, 2020).

Council noted that a *“landscape assessment north of the Princes Highway cannot be undertaken as part of this Amendment but it can be included as further strategic work required to be undertaken in the Surf Coast Planning Scheme”*².

The Wadawurrung Traditional Owners Aboriginal Corporation agreed that this would be a satisfactory outcome.

1.4 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the Scheme. The Panel notes that in its submissions Council did not undertake an assessment of net community benefit but the Panel considers that the Amendment as recommended by it will result in a net community benefit.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions, evidence and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in this report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in this report.

² Surf Coast Shire, Minutes of Council Meeting 23 November 2021

This Report deals with the issues under the following headings:

- Planning context
- The Rural Hinterland Futures Strategy
- Translating the strategy to policy
 - Complementary development
 - Cluster and ribbon development
 - Impacts on the arterial road network
 - Bells Beach viewshed
 - Green break
- Changes to policy
- Schedule to the Farming Zone
- Spring Creek

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the exhibited Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment and has made a brief appraisal of the relevant policy framework.

2.1 Planning Policy Framework

Council submitted that the Amendment implements the objectives of the *Planning and Environment Act 1987* (PE Act) and is supported by various Clauses in the PPF, which the Panel has summarised below.

Victorian planning objectives

The Amendment will assist in implementing State policy objectives set out in section 4 of PE Act as follows:

- (a) to provide for the fair, orderly, economic and sustainable use, and development of land;
- (b) to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;
- (c) to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (d) to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;
- (e) ...
- (f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) ...
- (g) to balance the present and future interests of all Victorians.³

The Amendment balances supporting innovative agriculture, agribusiness, agriculture based tourism, nature and adventure based tourist activities with protecting the valued and significant environmental and landscape values of the Hinterland Areas. The Amendment also seeks to ensure that new development in rural areas does not compromise valued landscape character.

The Amendment provides direction for the use and development of land that is fair, orderly and sustainable in a manner that represents an appropriate balancing of the present and future interests of Victorians.

Clause 02.03 (Strategic Directions)

The Amendment supports Council's strategic directions outlined in this Clause, under the following headings:

- 02.03-1 (Settlement) by maintaining non-urban breaks between townships to protect the rural landscape and significant biodiversity assets from urban intrusion
- 02.03-2 (Environmental landscapes and values) by protecting landscapes, encouraging development which complements landscapes and landscape character
- 02.03-4 (Natural resource management) by protecting productive farmland, avoiding loss of productive farmland and encouraging sustainable agricultural activities

³ PE Act section 4(1)

- 02.03-7 (Economic development) by facilitating appropriate tourism consistent with the local character amenity.

These are implemented through later Clauses in the Scheme and where relevant are discussed later in the Report.

Clause 12 (Environmental and Landscape Values)

The Amendment supports Clause 12 as follows:

- Clause 12.01-1S (Protection of biodiversity) by assisting the protection and conservation of Victoria's biodiversity
- Clause 12.05-2S (Landscapes) by protecting and enhancing significant landscapes and open spaces that contribute to character, identity and sustainable environments.

Clause 13 (Environmental Risks and Amenity)

The Amendment supports Clause 13 through the following:

- Clause 13.01-1S (Natural hazards and climate change)
- Clause 13.02-1S (Bushfire planning)
- Clause 13.03-1S (Floodplain management)
- Clause 13.04-3S (Salinity)
- Clause 13.05-1S (Noise abatement)
- Clause 13.07-1S (Land use compatibility).

The policies included under the headings above are implemented through the inclusion of local strategies that provide local context and additional decision making tools on the above matters.

Clause 14 (Natural Resource Management)

The Amendment supports Clause 14 through:

- Clause 14.01-1S (Protection of agriculture)
- Clause 14.01-2S (Sustainable agricultural land use).

The Clause includes a number of key strategies which:

- protect the State's agricultural base by preserving productive farmland
- encourage sustainable agricultural use.

Clause 17 (Economic Development)

The Amendment supports Clause 17 through:

- Clause 17.01-1S (Diversified economy)
- Clause 17.01 – 1S (Facilitating Tourism)

The Amendment also introduces a number of strategies and associated policy guidelines to encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.

2.2 Other relevant planning strategies and policies

(i) Surf Coast Distinctive Areas and Landscape

In 2019, the Minister for Planning declared part of the Surf Coast Shire as a DAL under the PE Act. This required the preparation of a Statement of Planning Policy for the area. A draft was

considered by the DAL Standing Advisory Committee between March and May 2021 and its report and the final Statement of Planning Policy have not yet been released.

(ii) Great Ocean Road Action Plan

The Victorian Government prepared a Great Ocean Road Action Plan in 2018 in response to the Great Ocean Road Taskforce report that recommended reforms to the management of the Great Ocean Road. The Action Plan is guided by five objectives:

- protect the ecological and landscape integrity of coastal and marine environments
- increase Traditional owner inclusion
- protect distinctive areas and landscapes
- grow the local, state and national visitation economies
- modernise governance.

(iii) Biodiversity Mapping Project

This Project was undertaken by the Department of Environment, Land, Water and Planning and included biodiversity mapping for the Surf Coast Shire outlining all the sites of biodiversity significance within the municipality. The Project builds on and updates this mapping and contains principles for biodiversity conversation works.

(iv) G21 Regional Growth Plan

The G21 Regional Growth Plan was developed in a partnership between local government and state agencies and authorities. The plan covers the municipal areas of Geelong, Queenscliffe, Surf Coast, Colac Otway and the southern portion of Golden Plains.

The G21 Regional Growth Plan is a high level integrated land use and transport plan that provides a strategy for the development of the region over the coming decades. The plan considers a range of land uses including agriculture, tourism, environmental assets, commercial and residential. It recommends checks and balances that need to be applied when considering future growth.

(v) Rural Strategy

This strategy included a landscape assessment of the area north of the Princes Highway and associated Planning Scheme Amendment, recommendations for incorporating the findings of the Great Ocean Road Regional Landscape Assessment Study into the Scheme. It also included an investigation of candidate areas for Rural Activity Zone and Rural Living Zone.

(vi) Great Ocean Road Region Landscape Assessment Study

The aim of this study was to classify landscape precincts for an area stretching from Torquay to Warrnambool, and to develop appropriate policy guidance for describing and protecting significant landscape areas and features.

(vii) Surf Coast Shire Rural Land Use Strategy

This is a background document in the Scheme. It provides the strategic justification for the objectives and strategies relating to the protection of and sustainable agriculture local policies. The strategy established optimum lot sizes for subdivision in rural areas based on an assessment of physiography, geology, soils, climate and water resources and agricultural viability.

2.3 Planning scheme provisions

(i) Zones

The Amendment applies to land in the Farming Zone and the Rural Conservation Zone.

The purposes of the Farming Zone are:

- to provide for the use of land for agriculture.
- to encourage the retention of productive agricultural land.
- to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- to encourage the retention of employment and population to support rural communities.
- to encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- to provide for the use and development of land for the specific purposes identified in a schedule to this zone.

The purposes of the Rural Conservation Zone are:

- to conserve the values specified in a schedule to this zone
- to protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values
- to protect and enhance natural resources and the biodiversity of the area
- to encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality
- to provide for agricultural use consistent with the conservation of environmental and landscape values of the area
- to conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.

(ii) Overlays

A number of Overlays apply to part of the land. Relevant Overlays are listed below but are not detailed here. Where relevant, Overlays are referred to in later sections of the Report. Not all Overlays that apply are listed. Relevant Overlays include:

- Bushfire Management Overlay
- Significant Landscape Overlay
- Salinity Management Overlay.

2.4 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of Ministerial Direction 11 (Strategic Assessment of Amendments) and *Planning Practice Note 46: Strategic Assessment Guidelines*, August 2018 (PPN46). That discussion is not repeated here.

Council's Part A submission states that the Amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes and the Panel accepts this.

Planning Practice Notes

No Planning Practice Note other than PPN46 were referenced by Council. The Panel notes that PPN13 – incorporated and background documents is relevant.

2.5 Discussion and conclusion

For the reasons set out in the following chapters, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF, and is consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the specific issues raised in submissions as discussed in the following chapters. In addition, as indicated in Chapter 3, the RHFS is well based and appropriate.

3 The Rural Hinterland Futures Strategy

3.1 Rural Hinterland Futures Strategy, 2019

The RHFS was prepared by Council and formally adopted by it in May 2019. The RHFS applies to Farming Zone and Rural Conservation Zone land in the municipality, an area of approximately 1,020 square kilometres. It is intended to provide direction for Council and landholders on the economic activation and vitalisation of the Shire's rural hinterland. It notes that the hinterland has a diverse character with productive agriculture and rural land, tourist businesses, rural townships, waterways, native vegetation and scenic landscapes all forming a rich and valued environment.

The aims of the RHFS are:

- to increase the hinterland's contribution to the local economy from a baseline of 6% by supporting existing agricultural uses so they develop and thrive; and
- to develop agri-food, agritourism and tourism opportunities in the hinterland that are complementary to the rural landscape and environmental values.⁴

The RHFS is based around a vision which is further elucidated through five key objectives as follows:

1. Elevate the value of our environment and rural landscapes as the defining feature of the surf coast hinterland and its significance to the local economy.
2. Encourage innovative agricultural and other businesses displaying sustainable land management practices to enhance our reputation as a forward thinking business destination.
3. Stimulate agritourism to enhance the surf coast as a visitor destination.
4. Support tourism activities which complement the landscape, agricultural and environmental values of the surf coast shire.
5. Secure enabling infrastructure to deliver the vision and objectives of the strategy.⁵

Further there are seven key principles around which the RHFS is focussed. It is acknowledged that in considering future development these need to be balanced against one another. These are:

1. Agriculture will remain the primary purpose of land in the Farming Zone.
2. New uses and development should not result in an unreasonable loss of productive capacity of agricultural land, or impact on the productivity of existing adjoining agricultural uses.
3. Development (built form) should avoid negative impacts on environmental and landscape values and adjoining agricultural uses through appropriate siting and detailed design measures.
4. New industrial, storage (warehouse), or manufacturing uses on Farming zoned land should have a direct relationship with the agricultural production of the land or surrounding district.
5. Environmental values and rural landscape features will remain the defining physical and visual attributes of the hinterland.
6. Tourism and agritourism attractions should be clustered around key nodes in the hinterland.
7. Discretionary use and development will consider fire risk including landscape type, vehicle access, the ability to mitigate the risk and the capacity of the emergency services.⁶

The RHFS identifies three strategic areas (Figure 2) where each of the following types of use can be supported:

- intensive and commercial farming

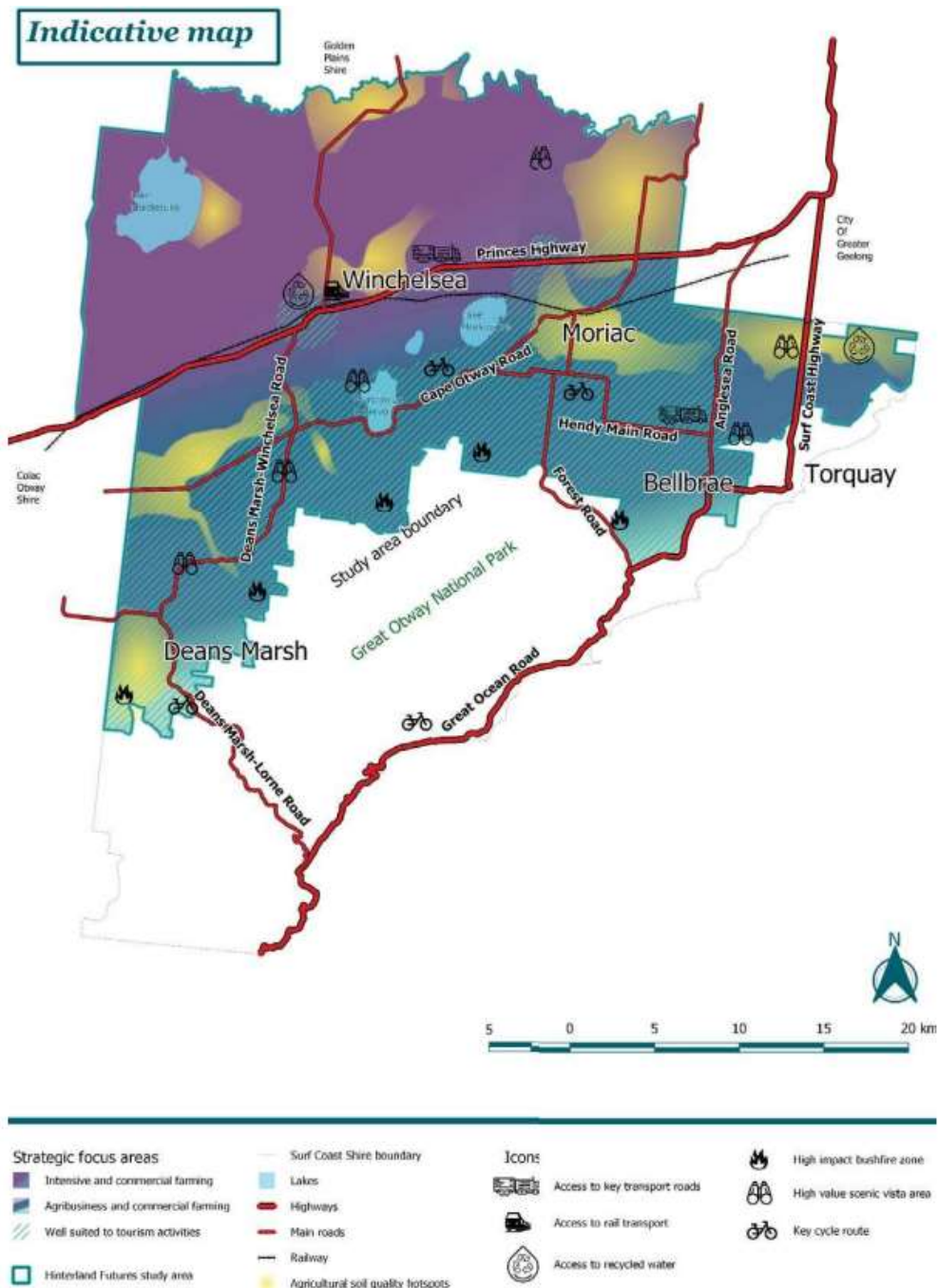
⁴ Rural Hinterland Futures Strategy, 2019, p5

⁵ Rural Hinterland Futures Strategy, 2019, p18

⁶ Rural Hinterland Futures Strategy, 2019, p19

- agribusiness and commercial farming
- tourism.

Figure 2 Strategic Framework Map



Source: Rural Hinterland Futures Strategy, 2019 (Figure 3)

The strategic underpinnings of the RHFS have not been questioned in any detail by submitters and the Panel accepts that it is strategically justified. Council submitted that the RHFS is a high level document to guide the planning for and economic development of the rural hinterland of the Shire. The submissions made to this Amendment where they relate directly to the RHFS focus on aspects of the translation of the RHFS into policy.

Mr Gray in particular made the following general points about that translation into policy:

- it does not give appropriate emphasis to tourism that is not directly related to agriculture
- it does not provide clear direction or decision making tools for discretionary uses in rural areas
- it provides a number of apparently contradictory directions.

Later chapters deal with, amongst other issues, issues arising from this translation as raised by submitters and specific aspects of the translation to policy.

However, the Panel makes the following general observations about the RHFS and its translation into policy.

- the RHFS is a sound well researched and well-presented document which grapples effectively with a range of significant issues which will arise from development pressure, particularly non-agricultural development, over coming years
- there are policy directions which can be interpreted as contradictory at worst or perhaps not as clear as they could be, but this is the nature of planning for good outcomes in complex environments
- there is an inherent tension in RHFS and in its translation to policy about the nature and quantum of non-agricultural based tourism development which can and should occur, consistent with the primary agricultural purpose of the hinterland
- there is a significant tension between the extent to which the RHFS and policy should give clear direction and the wish by Council to retain adequate discretion to enable it to make appropriate decisions in the interest of good planning outcomes for the community.

The Panel fully understands the tensions identified above and understands Council's wish to retain degrees of discretion in decision making. It is likely that parts of the hinterland will undergo significant development pressure in coming years and Council needs to retain a degree of discretion in the interest of good planning outcomes. However, the Panel considers that some aspects of the translation to policy proposed by Council either try to unnecessarily limit development subject to a permit in the appropriate zone or trespass into areas outside the role of planning. This is addressed in specific detail in Chapters 4 and 5.

3.2 Conclusions

The Panel concludes:

- The *Rural Hinterlands Futures Strategy, 2019* is appropriate and strategically justified.
- Subject to specific points and recommendations made in later chapters of the Report, the translation of the *Rural Hinterlands Futures Strategy, 2019* into the Planning Policy Framework is appropriate.

4 Translating the strategy to policy

4.1 Complementary development

The issues are:

- is the term ‘complementary’ appropriately defined?
- is use and development which complements existing and surrounding uses appropriately translated into policy?

(i) Submissions

Mr Gray on behalf of the Neate and Grossman families (submissions 5 and 8) raised concerns about the term ‘complementary’ in the RHFS and in proposed policy. Mr Gray submitted that the way the term is used *“is inconsistent with the current use throughout the Victoria Planning Provisions⁷.”*

Mr Gray submitted that the RHFS seeks to ensure new tourism use and development are complementary to “values” and not existing agricultural uses. Mr Gray highlighted this by referencing the second aim and the fourth objective of the RHFS (Panel emphasis):

- to develop agri-food, agritourism and tourism opportunities in the hinterland that are **complementary** to the rural landscape and environmental **values**.⁸
- Support Tourism Activities which **complement** the Landscape, Agricultural and Environmental **Values** of the Surf Coast Shire⁹.

Council disagreed with the position put forward by Mr Gray and submitted the overall policy intent is to ensure new use and development is compatible with existing and surrounding land uses in the Farming Zone and Rural Conservation Zone. Council highlighted that the purpose of the Farming Zone, and Principles 1 and 2 of the RHFS *“broadly seek to protect agricultural land for agricultural use and allow for other activities where those activities will not affect existing agricultural or result in the unreasonable loss of agricultural land¹⁰”*.

(ii) Discussion

The RHFS defines “Complementary Use” as:

A land use which:

- enhances the quality of the existing use of the land.
- is compatible and can be integrated with the existing use and surrounding uses.
- is not detrimental.¹¹

The Panel agrees that a new use and development in the Farming Zone and the Rural Conservation Zone should be compatible, integrate and not be detrimental to existing and surrounding land uses. The Panel also agrees that enhancing the quality of the existing use of the land is important, but a lesser order consideration. The Panel observes some ambiguity with the use of the term

⁷ Document 31, pg11

⁸ Rural Hinterland Futures Strategy, 2019, pg5

⁹ Rural Hinterland Futures Strategy, 2019, pg6

¹⁰ Document 42, pg5

¹¹ Rural Hinterland Futures Strategy, 2019, pg59

‘complementary’ in the RHFS and the way it has been translated into policy. The Panel questions whether the policy as written is clear and implementable.

The Farming Zone allows for ‘as of right’ uses that are unrelated to agriculture, e.g. Bed and Breakfast, Informal Outdoor Recreation. There are also a range of ‘section 2 – permit required’ uses in the Farming Zone and the Rural Conservation Zone that are unrelated to agriculture.

The Panel understands the need for better policy guidance in the Scheme to ensure that discretionary uses in the zone do not compromise the ongoing operation of existing rural uses or occur on prime agricultural land.

The Panel questions the need for uses such as a camping and caravan park, school or place of assembly (all section 2 uses) to demonstrate they are associated with an agricultural use, but it is important to ensure those uses are directed to appropriate locations to avoid land use conflicts in the future. Users of a camping and caravan park for instance might complain of noise or odour from a neighbouring agricultural use if located in an inappropriate location. The proposed strategy in Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) seeks to address this issue:

Discourage use and development that results in an unreasonable loss of productive capacity of agricultural land or adversely impacts on the productivity of adjoining agricultural land.

Further, it would be inappropriate for a camping and caravan park to be developed on prime agricultural land. The proposed strategy at Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) seeks to address this issue:

Discourage use and development in identified Agricultural Soil Quality Hotspots (shown in the Sustainable agricultural focus area map at Clause 14.01-2L), that is not directly associated with soil based agriculture.

The Panel commends the work by Council through the RHFS to identify the ‘agricultural soil quality hotspots’, areas ‘well suited to tourism activities’ and areas for farming in the hinterland (Figure 2). The Panel supports its translation into Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast).

For a use to be complementary to a value seems to be a different proposition than seeking a discretionary use to be complementary to agricultural use. Environmental values are described in the RHFS, but landscape and agricultural values aren’t defined or expressly described. The definition in the RHFS seems to be more directed at protecting existing and surrounding land uses. The Panel notes that the RHFS is a background document and the nuanced wording of the second aim and the fourth objective isn’t likely to play an important role in decision making. The Panel is not inclined to make recommendations to reword these, but Council may elect to do so based on the discussion in this report.

While the Panel agrees with Mr Gray that the definition may be used to assist in interpretation of policy, the Panel finds the definition to be appropriate.

It seems to the Panel that it is not intended for a complementary use to be necessarily interdependent with agricultural use but that it’s important for the uses to co-exist without having a detrimental impact on the primary use of the land being agriculture.

For the sake of clarity, the Panel finds that the policy where possible should be amended to be more explicit about what is intended rather than relying on decision maker’s interpretation of the term ‘complementary’. The Panel’s recommendations in Chapter 5.6 are made on the premise that:

- good quality agricultural land needs to be protected

- new use or development should not impact on agricultural uses on adjoining land.

(iii) Conclusions

The Panel concludes:

- The definition of “Complementary Uses” in the *Rural Hinterland Futures Strategy, 2019* is appropriate.
- The use of the term ‘complementary’ in the second aim and the fourth objective of the *Rural Hinterland Futures Strategy, 2019* is not as clear as it could be but is unlikely to play an important role in decision making.
- It is appropriate for Policy to be written to ensure discretionary uses are directed to appropriate locations, so that uses can co-exist without having a detrimental impact on the primary use of the land being agriculture.

Recommendations addressing changes to Clause 17.04-1L (Facilitating tourism in the Surf Coast) are addressed in Chapter 5.6 of this report and in Appendix D.

4.2 Cluster and ribbon development

(i) The issues

The issues are:

- is the focus on clustering of tourism and agritourism related development appropriate?
- are the four clusters identified in Clause 17.04-1L (Facilitating tourism in the Surf Coast) appropriate?
- should other clusters be identified at this stage?
- is the development or emergence of new clusters appropriately provided for?
- whether the terminology of clusters and nodes used in Clause 17.04-1L (Facilitating tourism in the Surf Coast) appropriate?
- is the focus on discouraging ribbon development appropriate?
- should other detail be provided on the Tourism in the hinterland activation map at Clause 17.04-1L (Facilitating tourism in the Surf Coast)?

(ii) Submissions

The RHFS recognises the role that clusters can play in directing activity, particularly tourist related development to group together in designated locations.

In respect of areas of tourism focus, the RHFS states:

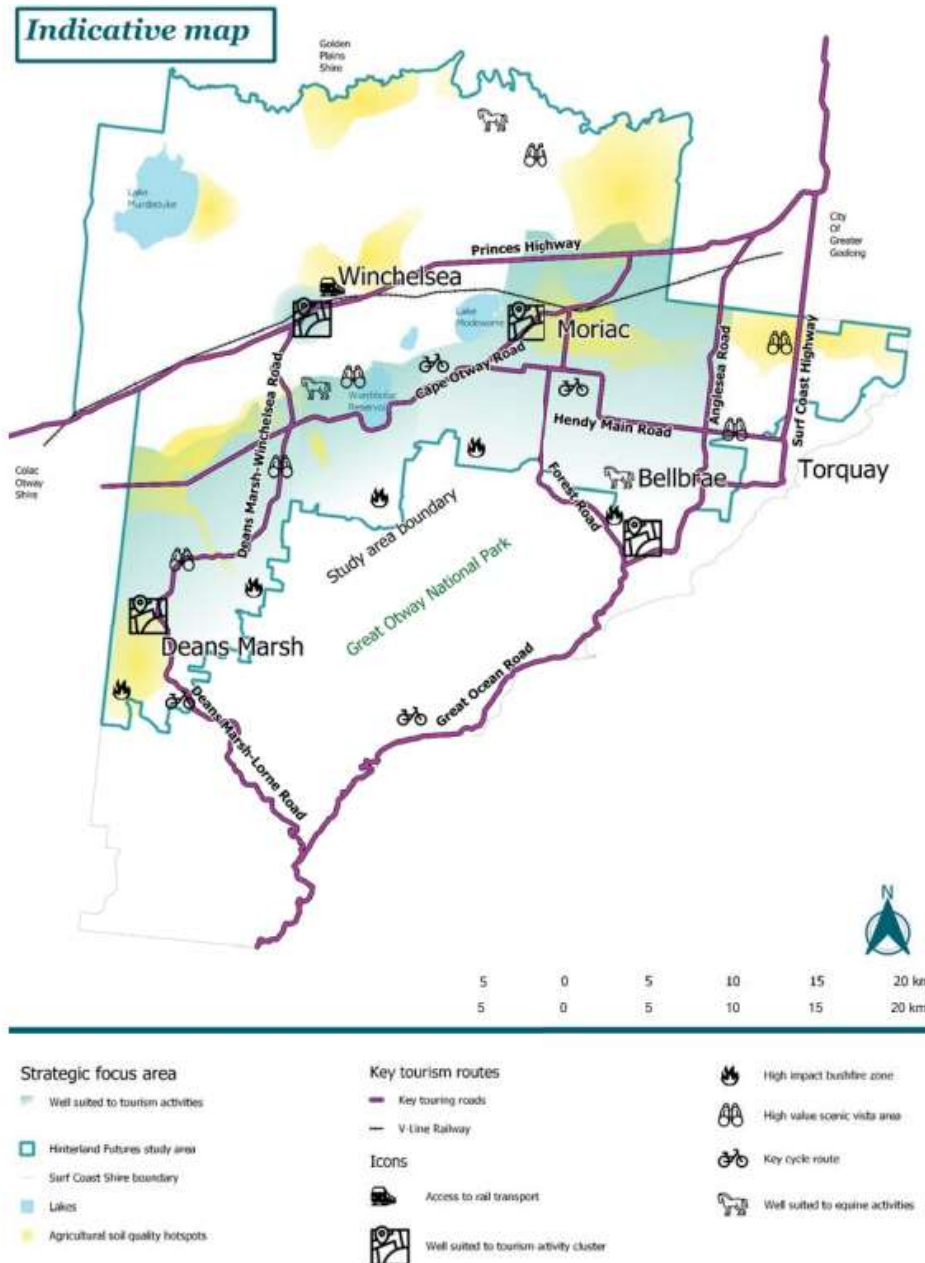
Areas well suited to tourism ... are characterised by a mixture of lot sizes (including smaller lots) with variable soil quality. The high coverage of indigenous vegetation and access to the (Great Otway National) Park lends itself to tourism-focused land use, when carefully balancing bushfire risk management and protection of environmental values. Land closest to the Park contains dense vegetation and is at high risk from bushfire. Tourism clusters are well suited to locate around Winchelsea, Moriac, Deans Marsh and Bellbrae.¹²

¹² Rural Hinterland Futures Strategy, 2019, p24

In Figure 3 these four locations are designated as ‘well suited to tourism activity cluster’. Further the RHFS goes on to state:

There is also an opportunity to encourage future tourism developments and activities to form clusters in areas identified as well suited to tourism activities ... such as around Winchelsea, Deans Marsh, Bellbrae, and Moriac.¹³

Figure 3 Areas well suited to tourism



Source: Rural Hinterland Futures Strategy (Figure 6)

In its closing submission, Council identified the following four factors as relevant to the selection of these clusters:

- proximity to existing settlements
- proximity to existing infrastructure, including road infrastructure

¹³ Rural Hinterland Futures Strategy, 2019, p55

- existing tourism attractions
- bushfire risk¹⁴.

This aspect of the RHFS is translated to policy at Clause 17.04-1L (Facilitating tourism in the Surf Coast) to a strategy which states:

Promote the clustering of complementary rural tourism use and development with agrifood businesses at designated nodes throughout the hinterland as shown on the Tourism activation map to this clause.¹⁵

The proposed map in Clause 17.04-1L (Facilitating tourism in the Surf Coast) designates the clusters as 'Opportunity for tourism activity cluster'.

In his submissions on behalf of the Grossman and Neate families, Mr Gray acknowledged that the benefits of clustering economic activity are clear through use of existing infrastructure and various forms of business interdependency.

However, Mr Gray expressed significant concern about the way clustering is addressed in the RHFS and in its subsequent translation to policy. He submitted:

The RHFS uses the term 'cluster' or 'clustered' on a number of occasions, but appears to identify only 4 locations in the hinterland as having this characteristic, and does not define these terms. There is little to no guidance of what these terms mean and as a consequence, little direction on how to interpret them. Adding to the confusion of interpretation is the fact that the Elkington Road cluster seems to have a single discretionary use, whilst the subject land has multiple discretionary uses in close vicinity – only the first is considered a cluster in the RHFS.¹⁶

As a result of this submission Mr Gray tabled a number of suggested changes to planning policy which are addressed in Chapter 5.

One of the changes suggested by Mr Gray was to delete the Tourism in the hinterland activation map from Clause 17.04-L1 (Facilitating tourism in the Surf Coast), thereby removing the four designated tourism clusters.

In its closing submission Council reiterated its position that a significant part of the central area of the hinterland is identified on relevant maps as 'tourism and agritourism focus area'. It outlined the criteria it had used in identifying the tourism clusters shown on the map in Clause 17.04-1L (Facilitating tourism in the Surf Coast). Further, Council submitted:

Clusters other than those specified on the map in Clause 17.04-1L may develop. Whether a proposal is acceptable will be determined based on a case by case basis have regard to the merit of the proposal and its physical and policy context. There is nothing in the RHFS or the Amendment documents that prevents a new cluster forming. Nor is there anything prevents tourism use and development outside the designated clusters¹⁷

Mr O'Brien submitted that the area south of the Bellbrae township along the Great Ocean Road and in the vicinity of his property was the location of a number of existing tourism related businesses and should be designated as a cluster in the RHFS and in the map in Clause 17.04-1 (Facilitating tourism in the Surf Coast). In closing Council rejected this suggestion.

¹⁴ Document 42, p8

¹⁵ Document 15

¹⁶ Document 31, para 56(c)

¹⁷ Document 42, p9

Mr Gray was critical of the RHFS and policy for using confusing terminology, that is, using the terms 'cluster' and 'node' interchangeably. Council replied that it had used the terms in that way so as not to complicate text with multiple uses of the same term.

Mr Macdougall expressed some concern about a minimum lot size of 60 hectares for subdivision and compatibility of that with clustering. He submitted that small wineries and vineyards could operate viably on lots as small as 10-20 hectares.

Mr Gray was critical of the use of the term ribbon development without clearly defining it. The RHFS discourages ribbon development along the Great Ocean Road.

(iii) Discussion

With respect to terminology, the Panel agrees that the use of the terms cluster and node interchangeably could be confusing. Without going into the semantics of the precise meaning of each term, the Panel considers that the term 'tourism node' is the appropriate one and it would be better for the map in Clause 17.04-1 (Facilitating tourism in the Surf Coast) to nominate 'Existing or proposed tourism nodes' rather than 'clusters'. The strategy in Clause 17.04-1 (Facilitating tourism in the Surf Coast) could then be amended as follows:

- Promote the clustering of ... at tourism nodes

This is consistent with the wording of Principle 6 in the RHFS.

The concept of clustering economic activity is a well-accepted one and brings significant economic and social benefits. It is a fundamental basis of planning where like uses are clustered together. Such clusters are in fact well established drivers of economic growth. The concept is not disputed here and is considered by the Panel as appropriate to use as one aspect of managing tourism related development in the Surf Coast hinterland. A wide scattering of uses throughout the hinterland would not be a good outcome.

Mr Gray's suggested deletion of the map from Clause 17.04-1L (Facilitating tourism in the Surf Coast), is not supported by the Panel. It considers that it is appropriate to give some guidance to locations for tourism nodes. It is not entirely clear to the Panel why these particular locations have been chosen. That said, it is not suggested that they are not appropriate.

The Panel notes that the RHFS clearly contemplates that other tourism nodes may develop or emerge over time. Given the likely growth in tourism in this area over the forthcoming years the Panel considers this is both likely and appropriate.

The Panel accepts the criteria used by Council to identify the proposed clusters, with one exception. The Panel notes that economic activity which clusters is often anchored by a key development. An appropriate analogy are neighbourhood shopping centres which are typically anchored by a supermarket. It seems to the Panel that a significant development such as the Chocolaterie at the Bellbrae cluster has the potential to perform such a role.

The Panel considers that the criteria set out in Council's closing submission as the basis for identifying the proposed four clusters should be made explicit in the RHFS as relevant criteria for identifying new tourism nodes and that it is Council's role to identify new clusters. The third of these could be reworded to state:

- tourism attractions which have the potential to anchor further complementary development.

If Council takes up this suggestion a suitable preamble paragraph will be required.

Because these possible changes to the RHFS were suggested by Council in responding to submissions or are suggestions by the Panel to improve the usefulness and clarity of the RHFS, the Panel draws conclusions that should be considered by Council but does not make specific recommendations.

Further the Panel considers that the RHFS should also make clear that where further tourism nodes are identified the Tourism in the hinterland activation map should be updated at the time of next review of the Scheme.

Consistent with this, the Panel considers that the designation of these tourism nodes on the map in Clause 17.04-1 (Facilitating tourism in the Surf Coast) should be changed to 'Existing or proposed tourism nodes'. This wording is more consistent with the way in which these might evolve over time.

The Panel does not see it as its role to comment in detail on the proposals by Mr Gray and Mr O'Brien for areas identified by them to be designated as tourism nodes. This is properly Council's role. Further the Panel does not have all the relevant information available to it to make such a recommendation.

With respect to a potential tourism node in the area of the Grossman property, the Panel notes Council's assurance to Mr Gray that tourism related development is directed to the whole of the area designated on the Tourism in the hinterland activation map as 'Tourism and agritourism focus area'. Further the Panel considers that designating a tourism node in this area may muddy the water even further with respect to future urban development in the Spring Creek Corridor.

The Panel has some concern that the concept of clustering could be at odds with the 60 hectare minimum subdivision requirement in areas as submitted by Mr Macdougall. In areas where existing lot sizes are much smaller than the 60 hectare minimum this may not be an issue. However, in areas where the minimum lot size is 60 hectares or larger, effective clustering may only be able to occur on one property. This may be unnecessarily restrictive to innovative development. The Panel makes this comment on the basis that a 60 hectare lot, if square, would have boundaries around 775 metres each. In this instance clustering could be difficult. The Panel raises this as an issue for Council's consideration but not on the basis of an issue to be resolved as part of this Amendment.

With respect to ribbon development, the Panel accepts that it is not defined in the RHFS or in the Scheme. Its general meaning is in the Panel's view understood in the planning context and the Panel is not convinced that trying to tightly define it for this Amendment is worth pursuing.

There was no dispute about discouraging ribbon development.

(iv) Conclusions and recommendation

The Panel concludes:

- The *Rural Hinterland Futures Strategy, 2019* should be amended to include the following four factors as relevant in identifying new tourism nodes:
 - proximity to existing settlements
 - proximity to existing infrastructure, including road infrastructure
 - tourism attractions which have the potential to anchor further complementary development
 - bushfire risk.

- The terminology in the Legend of the Tourism in the hinterland activation map in Clause 17.04-1 (Facilitating tourism in the Surf Coast) should be changed to 'Existing or proposed tourism nodes' to avoid confusion with the word clustering in the text and to acknowledge the potential for new tourism nodes to develop over time.
- That ribbon development should not be encouraged and is appropriately managed through the proposed policy.

The Panel recommends that the post exhibition version of Clause 17.04-1 (Facilitating tourism in the Surf Coast) be changed to:

Amend the Legend of the Tourism in the hinterland activation map to rename 'Opportunity for tourism activity cluster' to 'Existing or proposed tourism nodes'.

4.3 Impacts on the arterial road network

(i) The issues

The issues are:

- is the impact of future tourism related development on the arterial road network appropriately provided for?
- is strategic planning for future road upgrades appropriate?

(ii) Submissions

The Department of Transport (submission 12) was generally supportive of the Amendment. The key issues for the Department of Transport were:

- Concern that the Amendment may impact on the safety of the arterial road network due to the accumulative effect of tourism activities particularly around designated clusters –
- The transfer of the management and operation of part of Cape Otway Road to the Department of Transport.

In response to the submission, Council made post exhibition changes to Clause 14.01-1L (Other Discretionary Use and Development in the Farming Zone and Rural Conversation Zone) and Clause 17.04-1L (Facilitating tourism in the Surf Coast). The changes sought to ensure any new use or development does not comprise the safe and efficient operation of arterial roads and tourism routes.

The Department of Transport supported the introduction of *"transport-specific local policy to mitigate potential clustering impacts"*.¹⁸

In response to the issue of management and operation of Cape Otway Road, Council in its closing submission highlighted that Priority Action 5.1 of the RHFS states:

Advocate for Cape Otway Road to become a Regional Roads Victoria managed road due to its increased profile as an alternative inland route to Lorne and destinations further along the Great Ocean Road.¹⁹

Council submitted that this action falls outside the scope of the Amendment as it *"is not related to the Amendment and is aimed at a purpose other than planning"*.²⁰

¹⁸ Document 30, para 26

¹⁹ Rural Hinterland Futures Strategy, 2019, p30

²⁰ Document 42, p16.

(iii) Discussion

The Panel supports the post exhibition changes put forward by Council.

In response to questions about the pressure on the road network over time as tourism related development increases, the Department of Transport explained that it undertakes strategic planning for road infrastructure improvements. The Panel commends this work and notes that as tourism uses begin to cluster together and tourism nodes grow, Council needs to regularly consult with Department of Transport to ensure that future planning of road infrastructure meets the needs of the development. The RHFS should be updated to reflect this.

The Panel agrees with Council that Action 5.1 of the RHFS is outside the scope of this Amendment.

(iv) Conclusions

The Panel concludes:

- The post exhibition changes to Clause 14.01-1L (Other Discretionary Use and Development in the Farming Zone and Rural Conversation Zone) and Clause 17.04-1L (Facilitating tourism in the Surf Coast) that relate to the safe and efficient operation of arterial roads and tourism routes are appropriate.
- It is suggested that the *Rural Hinterland Futures Strategy, 2019* could be amended at page 45 to add the following after the first sentence in paragraph 4:
 - “Where appropriate, consultation with the Department of Transport will ensure that its strategic planning is appropriately informed”

4.4 Bells Beach viewshed**(i) The issues**

The issues are:

- the relationship between the Amendment and the proposed Significant Landscape Overlay (Schedule 10) proposed by the DAL process
- whether the Bells Beach viewshed is appropriately defined in Clause 17.04-1L (Facilitating tourism in Surf Coast)?

(ii) Submissions

Glenkeen Pastoral Partnership (Glenkeen) (submission 10) raised concerns with changes to the landscape controls in proposed Significant Landscape Overlay Schedule 10 put forward as part of the DAL process. The Glenkeen property at 615 Great Ocean Road, Bellbrae is currently located outside Significant Landscape Overlay Schedule 1 and the submitter raised concerns that the proposed Significant Landscape Overlay Schedule 10 will impact their property.

Concern was also raised the Hearing about reference to the Bells Beach viewshed in Clause 17.04-1L (Facilitating tourism in Surf Coast). Mr O’Brien questioned if this reference was meant to apply the land covered by Significant Landscape Overlay Schedule 1 or have a broader application.

Mr Gray on behalf of the Neate family (submission 5) suggested that the tenth general strategy of Clause 17.04- 1L (Facilitating tourism in Surf Coast) be amended as follows:

Discourage tourist development in the Bells Beach viewshed as defined by the Significant Landscape Overlay Schedule 1, and the Point Addis area.²¹

Council suggested deleting this strategy as the existing strategy 8 already addresses the issue of protecting the area covered by Significant Landscape Overlay Schedule 1:

Discourage tourism uses and development on land outside settlement boundaries that are is subject to the Significant Landscape Overlay Schedule 1 or where the removal of indigenous vegetation cannot be avoided or minimised.

(iii) Discussion

The Panel agrees with Council that it is outside its scope to consider matters before the DAL Advisory Committee, including the application of Significant Landscape Overlay Schedule 10. The Panel also notes that this Amendment does not alter the boundary of Significant Landscape Overlay Schedule 1.

The Panel supports Council's position to delete the tenth strategy Clause 17.04-1L (Facilitating tourism in Surf Coast).

(iv) Conclusions

The Panel concludes:

- It is outside the scope of the Panel to consider matters before the Distinctive Areas and Landscapes Advisory Committee, including the application of Significant Landscape Overlay Schedule 10.
- The tenth strategy in Clause 17.04- 1L (Facilitating tourism in Surf Coast) should be deleted as it is already addressed in strategy 8.

Recommendations addressing changes to this policy are in Chapter 5.6.

4.5 Green break

(i) The issues

The issues are:

- are green breaks appropriately defined or described in the RHFS?
- are the designations of two green breaks on the proposed Tourism in the hinterland activation map²² in Clause 17.04-1L (Facilitating tourism in the Surf Coast) appropriate?

(ii) Evidence and submissions

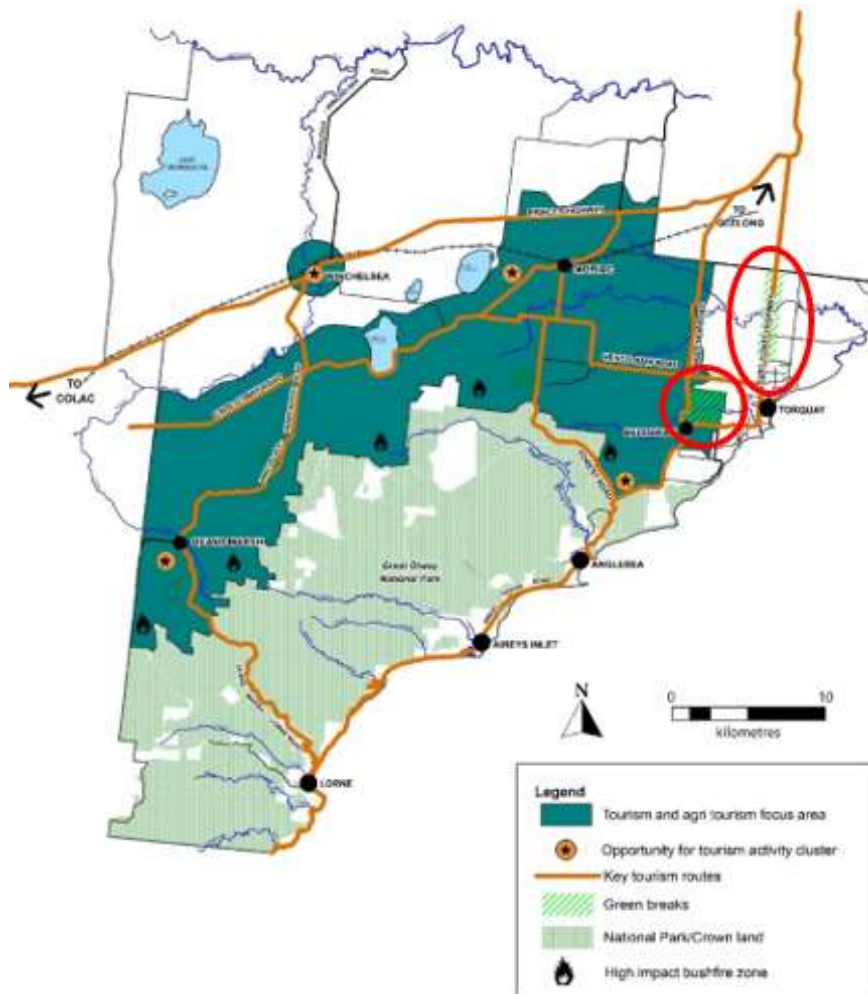
Council submitted that the *"scheme already recognises and defines 'the green break'"*²³ between Torquay-Jan Juc and Bellbrae. It further submitted that that referencing the green break in the RHFS and on the Tourism in the hinterland activation map at Clause 17.04-1L (Facilitating tourism in the Surf Coast) (Figure 4) is consistent with existing policy, and that it does not strengthen the existing policy.

²¹ Document 35, p22

²² The Panel notes that Council changed the name of this map in the post-exhibition version of the clause. It was labelled *Rural Hinterland Tourism Activation map* in the exhibited documents.

²³ Document 42, p15

Figure 4 Tourism in the hinterland activation map



Source: Clause 17.04-1L (Facilitating tourism in the Surf Coast)

Note: Green breaks notated in red by the Panel

Mr Lake on behalf of Rural Estates sought to have references to the green break between Bellbrae and Torquay removed from the RHFS and the Amendment documents.

Mr Lake did not question the existing policy position for a green break between the two settlements and agreed that the Scheme recognises it. However, he believed that *“the long foreshadowed and recommended work in defining the appropriate extent and form of this green break has not yet been done”*²⁴. He stated that showing the green break on the proposed map at Clause 17.04-1L *“goes a step further”* than what is currently in the Scheme.

Ms Milner in planning evidence on behalf of Rural Estates concluded that a fair and orderly outcome for the Spring Creek Corridor would be achieved if:

... proposed policy provision and references which seek to strengthen the role of a green break ahead of the preparation of a long-term settlement strategy for Torquay Jan-Jun are removed, including the proposed map at Clause 17.04-1L ...²⁵

Further discussion on the Spring Creek Corridor is provided in Chapter 7.

²⁴ Document 39, para 18

²⁵ Document 10, para 70

(iii) Discussion

The Panel agrees with Council that the references to the green break between Torquay-Jan Juc and Bellbrae in the RHFS are appropriate and consistent with existing policy. The RHFS is intended to be a background document in the Scheme and will play a limited role in decision making for the Spring Creek Corridor.

The Panel questions the need for the green break to be shown on the map at Clause 17.04-1L (Facilitating tourism in the Surf Coast). The green break between the settlements is currently notated on the Torquay-Jan Juc framework plan (Clause 02.04-3) and the Bellbrae framework plan (Clause 02.04-9). Neither map shows a definitive boundary for the break, nor is 'green break' defined in the legend. The Panel agrees with Mr Lake that the proposed green break shown on the Tourism in the hinterland activation map is more precise, with defined boundaries, compared to the two references currently found in the Scheme.

The Panel is not convinced that it is appropriate to reference the green break on the map in a clause that seeks to facilitate tourism. There is no associated text in Clause 17.04-1L (Facilitating tourism in the Surf Coast) relating to the green break so its notation on the proposed map is unnecessary.

References to 'urban breaks', 'green breaks' and 'settlement boundaries' are found in Clause 02.03-1 (Settlement) and Clause 11.01-1L-01 (Settlement in Surf Coast). Should Council pursue an Amendment in the future which addresses the settlement boundary and the extent of the green break, the Panel believes that this would be a more appropriate location for such a map.

(iv) Conclusions and recommendation

The Panel concludes:

- References to the green break between Torquay-Jan Juc and Bellbrae in the RHFS are appropriate and consistent with existing policy in the Scheme.
- The proposed Tourism in the hinterland activation map at Clause 17.04-1L (Facilitating tourism in the Surf Coast) should be amended to remove both areas nominated as 'green break'.

The Panel recommends that the post exhibition version of Clause 17.04-1L (Facilitating tourism in the Surf Coast) be amended to:

Delete reference to the two green breaks in the Tourism in the hinterland activation map and delete reference to green breaks in the legend.

5 Changes to policy

At the Directions Hearing the Panel directed that any party to the Hearing who proposed a change to exhibited policy should put those proposed changes in writing. A template to facilitate this was circulated to all parties.

Mr Gray on behalf of the Grossman and Neate families (submissions 5 and 8) made detailed suggested policy changes. Council provided a response to each change as part of its closing submission.

The changes, the rationale provided by Mr Gray and the Council response are summarised in Tables 1 to 7 which are each sourced from Document 43.

In a number of instances, the issues relevant to the proposed changes are addressed in Chapter 4.

In closing, Council circulated a complete set of the policy changes as exhibited with post exhibition changes highlighted in yellow (Document 44). The Panel has used this version of the documents for the purpose of its recommendations.

5.1 Clause 02.03-4 (Natural resource management – protection of agricultural land)

(i) Requested changes and Council response

Table 1 Requested changes to Clause 02.03-4 (Natural resource management – protection of agricultural land)

| Requested change | Submitter rationale | Council response |
|--|--|--|
| <p><i>Amend first dash point in dot point 8 of Clause 02.03-4</i></p> <p>Discourage use and development in rural areas that:</p> <p>—Is unrelated to agriculture or that does not complement an agricultural use.</p> <p>- <u>results in unreasonable loss of productive agricultural land, or negatively impacts on the productivity of existing adjoining agricultural uses</u></p> | <p>Policy as written is not an intended land use outcome of the RHFS in that it links discretionary uses directly to agricultural uses</p> | <p>Proposed change not supported.</p> <p>The RHFS is based on 7 principles and five objectives with priority actions sitting beneath of the objectives. Not all priority actions are planning related.</p> <p>Principle 1 is “Agriculture will remain the primary purpose of land in the Farming Zone” and the following 5 principles complement the first. Principle 7 relates to bushfire risk.</p> <p>The dash point referred to is part of the MPS and therefore, a higher order strategy. It reflects the principles on which the RHFS was based. Amending the wording of the dash point as requested by the submitter introduces qualitative considerations and makes Council’s position unclear.</p> |

(ii) Discussion

The requested change is not supported by the Panel. The Panel notes Mr Gray's argument that this could be interpreted as linking discretionary uses directly to agriculture but considers later Clauses in the Scheme give adequate direction for both Council and landholders.

(iii) Conclusion

The Panel concludes:

- The suggested change to Clause 02.03-4 (Natural resource management – protection of agricultural land) is not appropriate.

5.2 Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)**(i) Requested changes and Council response**

Table 2 Requested changes to Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast)

| Requested change | Submitter rationale | Council response |
|--|---|---|
| <i>Delete the seventh Strategy</i> Discourage uses not associated with an agricultural activity. | Policy as written is not an intended land use outcome of the RHFS in that it links discretionary uses directly to agricultural uses | Proposed change not supported. This is an existing strategy and is in keeping with RHFS, in particular, Objectives 2 and 4 and Principles 1, 2 and 4. |

(ii) Discussion

The Panel notes Council's comment that this is an existing strategy but observes that the Amendment proposes to change its wording so it is appropriate for the Panel to consider it.

The third and fourth strategies in Clause 14.01-1L (Protection of agricultural land in Surf Coast) are as follows:

Discourage use and development that results in an unreasonable loss of productive capacity of agricultural land or adversely impacts on the productivity of adjoining agricultural land.

Discourage use and development in identified Agricultural Soil Quality Hotspots (shown in the Sustainable agricultural focus area map at Clause 14.01-2L), that is not directly associated with soil based agriculture.²⁶

These align with Principle 2 and the Strategic Framework Map of the RHFS.

The Panel agrees with Mr Gray's suggested deletion, as the third and fourth strategies appropriately address this issue. The Panel considers that there could be a number of uses that could co-exist with agricultural uses, including 'Section 1 as of right uses' that are not associated with agricultural activity. Refer to further discussion on complementary uses in Chapter 4.1.

(iii) Conclusions and recommendations

The Panel concludes:

- The seventh strategy in Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) is at odds with the RHFS and should be deleted.

²⁶ Proposed Clause 14.01-1L (Protection of agricultural land in Surf Coast)

The Panel recommends to:

Amend the post exhibition version of Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) (Document 15) to:

Delete the seventh strategy which reads “Discourage uses not associated with an agricultural activity”.

5.3 Clause 14.01-1L-04 (Other discretionary uses and development in the Farming Zone and Rural Conservation Zone)

(i) Requested changes and Council response

Table 3 Requested changes to Clause 14.01-1L-04 (Other discretionary uses and development in the Farming Zone and Rural Conservation Zone)

| Requested change No. | Submitter rationale | Council response |
|---|--|--|
| <p><i>Amend the objective of Clause 14.01-1L-04</i></p> <p>To protect the primacy of agricultural production in the rural hinterland and strengthen opportunities for complementary use and development that respects the hinterland’s scenic values.</p> <p><u>Support tourism activities and other discretionary uses which complement the agricultural, landscape, and environmental values of the Surf Coast Shire.</u></p> | <p>Policy as written is not an intended land use outcome of the RHFS in that it links discretionary uses directly to agricultural uses</p> | <p>Proposed change not supported.</p> <p>This policy relates to all discretionary uses in the Farming Zone and Rural Conservation Zone. The tourism policy is at Clause 17.04-1L.</p> <p>The suggested wording is written as a strategy and not an overarching objective.</p> <p>Amending the objective to refer only to tourism uses would unreasonably confine the policy to a narrow and undefined suite of uses.</p> |
| <p><i>Amend the second paragraph of Strategies (and following dot points) in Clause 14.01-1L-04</i></p> <p>Ensure that discretionary use and development (other than industry, manufacturing sales and warehouse) are complementary to an agricultural activity on the property unless:</p> <ul style="list-style-type: none"> - The site is <u>Are</u> located outside an identified Agricultural Soil Quality Hotspot (shown on the Sustainable Agricultural Focus Area map at Clause 14.01-2L) and the Winchelsea Plains landscape precinct (shown on the | <p>Policy as written is not an intended land use outcome of the RHFS in that it links discretionary uses directly to agricultural uses, is complex, confusing, and highly limiting</p> | <p>Proposed change not supported.</p> <p>The purpose of the RHFS is to protect the primacy of agriculture and elevate the value of the rural landscapes while allowing for the growth of agritourism, encouraging nature based tourism, and encouraging other tourism where it is complementary to agriculture or clustered in particular locations. It does not encourage other discretionary uses.</p> <p>Agricultural related uses, uses that complement agriculture like agritourism, nature based tourism, and tourism uses that are within a cluster are encouraged</p> |

| Requested change No. | Submitter rationale | Council response |
|----------------------|--|--|
| | <p>Landscape Precincts plan at Clause 02.04).</p> <ul style="list-style-type: none"> - The site is <u>Are</u> strategically located with respect to an identified tourist route and bushfire risk can be reduced to an acceptable level. - The use and development <u>does</u> <u>Do</u> not rely on publicly funded upgrades to municipal infrastructure or an extension of municipal services. - The development is clustered with, and will complement, uses that have a direct relationship to agricultural production. - The use is dependent on a non-urban setting | <p>elsewhere in policy (tourism policy).</p> <p>The strategy was drafted to limit the proliferation of uses that are not consistent with the direction of the RHFS. The requested change fails to recognise the RHFS objectives and priorities in this regard.</p> |

(ii) Discussion

The Panel agrees with Council that the objective is appropriate given it applies to all discretionary uses and not just tourism.

The Panel agrees with Mr Gray's suggestion to delete the words 'are complementary to an agricultural activity on the property unless' because the dot points following this statement are what will assist the decision maker decide whether the use is appropriate.

The Panel does not agree with all of Mr Gray's suggestions, it considers that bushfire risk, clustering and the use being dependent on an urban setting are all appropriate requirements. The Panel has changed the clustering requirement to be consistent with the requirement in Clause 17.04-1L (Facilitating tourism in the Surf Coast), rather than requiring uses to have a direct relationship with agriculture.

Refer to further discussion on complementary uses in Chapter 4.1.

(iii) Conclusions and recommendations

The Panel concludes:

- The objective at Clause 14.01-1L-04 (Other discretionary uses and development in the Farming Zone and Rural Conservation Zone) is appropriate.
- The second strategy of Clause 14.01-1L-04 (Other discretionary uses and development in the Farming Zone and Rural Conservation Zone) should be amended to make the requirements for discretionary uses and development in the Farming Zone and Rural Conservation Zone clear.

The Panel recommends to:

Amend the second strategy of the post exhibition version of Clause 14.01-1-04 (Other discretionary uses in the Farming Zone and Rural Conservation Zone) (Document 15) to read:

Ensure that discretionary use and development (other than industry, manufacturing sales and warehouse):

- **is located outside an identified Agricultural Soil Quality Hotspot (shown on the Sustainable agricultural focus area map at Clause 14.01-2L) and the Winchelsea Plains landscape precinct (shown on the Landscape Precincts plan at Clause 02.04)**
- **is strategically located with respect to an identified tourist route and bushfire risk can be reduced to an acceptable level**
- **do not rely on publicly funded upgrades to municipal infrastructure or an extension of municipal services**
- **is clustered with agritourism and/or agrifood businesses**
- **is not dependent on a non-urban setting.**

5.4 Clause 15.01-6L (Design for rural areas)

(i) Requested changes and Council response

Table 4 Requested changes to Clause 15.01-6L (Design for rural areas)

| Requested change | Submitter rationale | Council response |
|---|--|---|
| <p><i>Remove dot point 1 from Policy guidelines</i></p> <p>Consider as relevant:</p> <p>Limiting the length of vehicle accessways and internal roads</p> | <p>Policy as written is unwarranted and appears to be inconsistent with key methods of meeting the objective and strategies.</p> | <p>Proposed change not supported but alternate wording proposed.</p> <p>The policy guideline directs decision makers to consider the impact that roads have on the landscape. It should remain but could be amended to qualify this.</p> <p>Suggested wording:</p> <p><i>Consider as relevant:</i></p> <p><i>The visual impact of vehicle accessways and internal roads.</i></p> |

(ii) Discussion

The Panel supports the suggested wording proposed by Council. In addition to its suggested wording, Council further submitted:

The length of vehicle accessways is one potentially relevant consideration in determining the acceptability of new use and development. Longer driveways can bisect productive land or remove productive land.²⁷

This is a relevant consideration, and the Panel considers that an appropriate dot point should be added.

²⁷ Document 29, p18

(iii) Conclusions and recommendation

The Panel concludes:

- Council’s suggested wording in Clause 15.01-6L (Design for rural areas) requiring consideration of the visual impact of vehicle accessways and internal roads is appropriate.
- Long vehicle accessways that bisect productive land is a relevant consideration in Clause 15.01-6L (Design for rural areas).

The Panel recommends to:

Amend the post exhibition version of Clause 15.01-6L (Design for rural areas) (Document 15) as follows:

Delete dot point 4 commencing “Limiting the length ...” under the heading “Policy guideline” and add the following two dot points

- **The visual impact of vehicle accessways and internal roads.**
- **Whether vehicle accessways and internal roads that bisect productive agricultural land are appropriate.**

5.5 Clause 17.01-1L (Diversified economy)**(i) Requested changes and Council response**

Table 5 Requested changes to Clause 17.01-1L (Diversified economy)

| Requested change | Submitter rationale | Council response |
|--|---|--|
| <i>Change the first Strategy Encourage agribusiness, agriculture based tourism, nature and adventure based tourist activities and complementary use and development in the Tourism and agri tourism area shown on the Rural Hinterland Tourism Activation map at Clause 17.04-1L to assist in the diversification of the rural economy.</i> | Policy as written is not consistent with RHFS which indicates potential for such uses throughout the hinterland with applications to be based on merit. | Proposed change not supported. Such a change does not recognise the broad application of the RHFS and the Amendment documents which include to protect the area generally north of the Princess Highway from non-agricultural uses. The mapping of the various areas is a key component in achieving this objective and minimising land use conflicts. |

(ii) Discussion

This section of the Scheme is related to diversifying the economy and as such the strategy should be kept high level. The Panel prefers to reference the whole of Clause 17.04-1L (Facilitating tourism in Surf Coast) rather than just the map. The Panel also prefers to use the term ‘agritourism’ instead of ‘agriculture based tourism’ given it is defined in the RHFS. This was not discussed at the Hearing and as such is a suggestion for consideration by Council rather than a recommendation.

(iii) Conclusions and recommendations

The Panel concludes:

- The Council consider amending the first strategy at Clause 17.01-1L (Diversified economy) to be a high level statement referencing the requirements at Clause 17.04-1L (Facilitating tourism in Surf Coast).

5.6 Clause 17.04-1L (Facilitating tourism in Surf Coast)**(i) Requested changes and Council response**

Table 6 Requested change to Clause 17.04-1L (Facilitating tourism in Surf Coast)

| Requested change | Submitter rationale | Council response |
|---|--|--|
| <p><i>Delete the third general strategy</i></p> <p>Direct tourism use and development to land within settlement boundaries or in locations with easy access to the infrastructure needed to support the use and development.</p> | <p>Policy as written is inconsistent with the aims and objectives of the RHFS which seek to facilitate tourism in the hinterland rather than within settlement boundaries and access to infrastructure is unnecessarily limiting where many services can be provided "off grid".</p> | <p>Proposed change not supported.</p> <p>This is an existing strategy that has been relocated for a more logical flow. The strategy has been retained because it is consistent with the RHFS. The strategy directs tourism use to land within settlement boundaries OR to locations with easy access to infrastructure.</p> <p>The strategy must be read in its entirety in conjunction with other strategies in the scheme including 14.01-1L-04 which includes that discretionary use and development <i>should not rely on publicly funded upgrades to municipal Infrastructure or an extension of municipal services.</i></p> <p>When read in context with other scheme provisions, the strategy provides an appropriate level of guidance without being unnecessarily restrictive.</p> |
| <p><i>Delete the first dot point of the fourth general strategy</i></p> <p>Encourage tourism development in a non-urban zone to be:</p> <p>— Located near existing townships</p> <p>- Sited and designed to avoid conflict with existing rural uses.</p> | <p>Policy as written is not an intended land use outcome of the RHFS in that it clearly identifies opportunities in a wide range of the hinterland well outside settlement boundaries.</p> | <p>Proposed change not supported.</p> <p>This is an existing strategy and was not inserted by C133. It does not conflict with RHFS objectives.</p> |
| <p><i>Amend the tenth general strategy</i></p> | <p>Defines the Bells Beach viewshed area</p> | <p>Generally supported</p> <p>Strategy 8 in the same clause reads, "<i>Discourage tourism uses and</i></p> |

| Requested change | Submitter rationale | Council response |
|--|---|---|
| Discourage tourist development in the Bells Beach viewshed as defined by the SLO1 , and the Point Addis area. | | <i>development on land that is subject to the Significant Landscape Overlay Schedule 1</i> ". The Bells Beach Viewshed and Pt Addis are both within the SLO1. As such, the identified strategy can be deleted. |
| <p><i>Amend the eleventh strategy</i></p> <p>Encourage the provision of camping and caravan parks with a tourism focus as affordable visitor accommodation when they are located within or near existing settlements and in locations with easy access to a main road camping and caravan parks that are functionally distinct from a residential village by:</p> <ul style="list-style-type: none"> —Providing supporting facilities focused on tourist needs, including communal and recreation facilities, ablution blocks, and facilities that allow for pre-booked or walk-up bookings. - A balanced mix of short term accommodation types, including movable buildings, and sites for motor homes, camper vans and tents. | Policy as written is inconsistent with the aims and objectives of the RHFS which seek to facilitate tourism in large areas of the hinterland rather than within settlement boundaries and access to infrastructure is unnecessarily limiting where many services can be provided "off grid" | <p>Proposed change not supported.</p> <p>The language used in the strategy is proportionate to the weight that should be given it.</p> <p>Larger camping and caravan parks could reasonably be expected to provide an appropriate standard of amenity for users of the park that would be difficult to provide in an "off grid" scenario.</p> <p>Sites close to settlements and main roads could reasonably be expected to have access to reticulated services. Camping and caravan parks in remote areas are not encouraged due to the significant risk of bushfire (among other things).</p> |
| <p><i>Delete the Rural hinterland strategies 1, 2, 3, 4, 5 and 8 and replace with:</i></p> <p>Support tourism activities which complement the agricultural, landscape, and environmental values of the municipality.</p> | See submission – too detailed to properly summarise | Proposed change not supported. The strategies are consistent with the priority actions contained within the objectives within the RHFS. |
| Delete the Rural Hinterland Tourism Activation Map | See submission – too detailed to properly summarise | Deleting the map is not supported. As outlined in Council's response to 17.04-1L, it is an important tool to |

| Requested change | Submitter rationale | Council response |
|---|---|--|
| <p><i>Amend the fourth dash point, under the second dot point of Policy guidelines</i></p> <p>Whether the proposed function centre:</p> <ul style="list-style-type: none"> - Complements the primary use of the land for agriculture. - Will be conducted predominantly within a building designed to protect people and livestock on nearby properties from unreasonable interference from noise. - Has convenient access to a main road. - Will <u>significantly limit the operation or expansion of agricultural uses on the land</u> or nearby land <u>or limit the agricultural use or expansion of agricultural uses on nearby land.</u> | <p>Policy as written is too restrictive as any discretionary use on an agricultural parcel will create some limit on agricultural uses, however small</p> | <p>protect areas of intensive farming and minimise the potential for land use conflict.</p> <p>Proposed change not supported.</p> <p>The policy guideline is purposefully written to discourage the use being conducted predominantly outdoors, in a marquees, or in structures like agricultural sheds that have not been acoustically modified.</p> <p>The language and considerations within the policy guidelines are commensurate to the risk to agricultural production.</p> |

(ii) Discussion

The Panel agrees with Council in relation to:

- the third general strategy is appropriate and is an existing strategy not proposed to be amended
- the first dot point of the fourth general strategy is appropriate and is an existing strategy not proposed to be amended
- the tenth general strategy should be deleted
- the Rural Hinterland Tourism Activation Map should be retained.

With respect to the eleventh strategy, the Panel agrees that this strategy should remain. However, the Panel sees merit in part of the suggestion by Mr Gray, specifically directing camping and caravan parks to areas ‘within or near existing settlements and in locations with easy access to a main road’.

The Panel does not support replacing Rural hinterland strategies 1, 2, 3, 4, 5 and 8 with Mr Gray’s suggested text. However, the Panel suggests inserting a new strategy to make it clear that tourism

use and development should be directed to the 'tourism and agritourism focus area' shown on the Tourism in the hinterland activation map.

The Panel has used the term 'agritourism' rather than 'agriculture based tourism' in Appendix D and it has updated references to the map consistent with the Council's post exhibition version. The Panel further suggests that the term 'rural tourism' not be used as it is not defined anywhere. As these terms were not discussed at the Hearing, despite being recommended in Appendix D they are proposed here as suggestions to be considered by Council. In Appendix D, the Panel also suggests other minor wording changes to make the policy more consistent with the language of the Scheme and to add clarity and readability.

The Panel understands the intent of Mr Gray's suggested amendment that the fourth dash point, under the second dot point of Policy guidelines is appropriate and consistent with Principle 2 of the RHFS. However, on balance it is not convinced that the change of wording submitted is justified. The Panel notes that it is Clause 14.01-1L-01 (Protection of agricultural land in Surf Coast) that provides the basis of protecting agricultural land from inappropriate development.

(iii) Conclusion and recommendation

The Panel concludes that:

- A number of the suggested changes to Clause 17.04-1L (Facilitating tourism in Surf Coast) are not appropriate.
- A new strategy under the heading 'General strategy' should be included in Clause 17.04-1L (Facilitating tourism in Surf Coast) to directing camping and caravan parks to areas within or near existing settlements and in locations with easy access to a main road.
- A new strategy under the heading 'Rural Hinterland strategy' should be included in Clause 17.04-1L (Facilitating tourism in Surf Coast) to direct tourism use and development to the 'tourism and agritourism focus area' shown on the Tourism in the hinterland activation map.
- The map in Clause 17.04-1L (Facilitating tourism in Surf Coast) should be consistently described in the text as *Tourism in the hinterland activation map*.

The Panel recommends:

Replace Clause 17.04-1L (Facilitating tourism in Surf Coast) with the Panel recommended version at Appendix D.

6 Schedule to the Farming Zone

6.1 The issues

The issues are:

- is there a need to review the minimum lot size in the Thompsons Creek Catchment?
- are the proposed changes to the Schedule to the Farming Zone strategically supported by background work?
- are rights of landholders in the Thompsons Creek Catchment appropriately protected if the minimum lot size for constructing a dwelling is increased?

6.2 Summary of the control and its history

The Schedule to the Farming Zone currently allows for a smaller minimum lot size of 40 hectares in the Thompsons Creek Catchment provided the following conditions are met:

1. A land plan is submitted that shows:
 - that principles of biodiversity have been applied
 - fencing of areas of remnant vegetation and/or conservation areas to exclude stock a minimum area of 10% established to trees (increasing to 15% where salting or other problems exist)
 - proposed management practices in the fenced off areas especially for the control of rabbits, foxes and noxious weeds
 - evidence that the recommendations of the Department of Natural Resources and Environment will be implemented in recognised hot spot salt areas in the Thompsons Creek Catchment Plan
2. The owner enters into an agreement under Section 173 of the Act which commits any present or future owner to the implementation of the land plan and ongoing management of maintenance of the property so the land does not revert back to its former state.

The Amendment seeks to remove the above variation which would make the minimum lot size 60 hectares for land in the Thompsons Creek Catchment.

The Farming Zone allows for an 'as of right dwelling' if the lot is at least the area specified in schedule. If the lot is smaller than the area specified in the schedule, a planning permit can be sought to build a dwelling at the discretion of the responsible authority (Council). The changes in the Amendment mean that a landowner with a lot size less than 60 hectares would need to apply for a planning permit to build a dwelling. The Amendment removes the ability for landowners who have an approved land plan and section 173 agreement to build a dwelling 'as of right'.

The relevant chronology of events as follows:

- 1998 – The *Thompsons Creek Catchment Plan, 1998* identified issues with land degradation in the area including problems relating to dryland salinity, the quality waterways and the management of pest plants and animals.
- 1999 – The Advisory Committee and Panel Report for Amendment NPS1 (New Format Planning Scheme) supported “*this innovative approach aimed at improving the standard*

*of land management*²⁸. The Panel recommended that the control “*be monitored and evaluated as part of the first scheduled review of the planning scheme*”²⁹.

- 2000 – New Format Planning Scheme came into effect
- 2010 – The Salinity Management Overlay introduced into the Scheme
- 2021 – The *Thompsons Creek Catchment Review, 2021* (TCCR) prepared by Council
- 2021 – Amendment C133 seeks to implement the finding of the TCCR by making changes to the Schedule to the Farming Zone.

6.3 Submissions

Ms Tansley on behalf of Council explained that the TCCR was prepared in response to the further work identified in the Schedule to Clause 74.02 of the Scheme. The TCCR sought to review the effectiveness of the provision by way of a desktop review of the 28 applications made since the provision was implemented in 2000.

Council, noting that the TCCR was a desktop review, submitted:

The variation was introduced to reduce salinity (by increasing tree cover) and incentivise good land management practices. There is limited evidence that increased tree coverage has resulted and there is no way to estimate if the impacts of salinity had been altered or not.³⁰

Council does not believe that the benefit to the community is proportionate to the administrative burden, and the cost to both Council and landowners to meet the requirements of the provision.

Mr Swain (Submission 3) made a submission in support of the provision as it currently stands. He submitted that he entered into a section 173 agreement in September 2021 to allow a dwelling to be constructed on the property at 900 Mt Duneed Road, Freshwater Creek. He said:

We have erected 1.4 kilometres of fencing and also planted new native plantations around the property. We will be applying for a building within a month. We have over 14% native plantations and have planted out the 2 seasonal creeks. We believe that removing 173 agreements to farmland properties would negate the beautification and native plantations for the future.

...

We look around and most agreements have had a positive impact to the country side.³¹

Mr Gray and Mr King on behalf of Mr Mann (submission 14) held similar views that the TCCR was not thorough enough to warrant the proposed changes.

Mr Gray, Mr King and Mr Swain all shared the view that the clause shouldn't be removed just because Council believed the process to be burdensome.

Mr Macdougall on behalf of Bellbrae Estate (submission 6) submitted that it is easier to manage the land degradation issues on smaller blocks:

Hobby farms and 'bush blocks' present the same valued rural landscape as 60 hectares of grazing land and in most cases, the land will be cared for at an equal or better manner than large blocks, and have a significantly better outcome for the environment.³²

²⁸ Advisory Committee and Panel Report on Amendment NPS1, October 1999, p35

²⁹ Advisory Committee and Panel Report on Amendment NPS1, October 1999, p36

³⁰ Document 9, para 65.3

³¹ Submission 3, Austin Swain

³² Submission 6, Bellbrae Estate, p3

Mr Macdougall also submitted that it would be difficult for agritourism to be viable on larger block and the removal of the variation was inconsistent with the part of the Amendment that seeks to encourage agritourism:

Further research is required to identify if agritourism can be done in an economic and sustainable manner if a minimum lot size of 60 hectares is mandated.³³

6.4 Discussion

The Panel agrees that there is a need to review the effectiveness of the variation in the schedule for the Thompsons Creek Catchment however it is not convinced that the changes proposed by the Amendment are strategically justified by the TCCR. There are two main areas of concern with the TCCR; that it was limited to two case studies and that it relies on a desktop review using aerial images.

The TCCR identified 28 examples of where the provision had been applied and used two of those examples as case studies: 900 Mount Duneed Road, Freshwater Creek and 230 Buckley School Road, Buckley. When asked by the Panel if aerial photography for the remaining sites had been obtained, Ms Tansley advised that the review had looked at aerial images of the other 26 sites but that these sites were not documented in the report.

The case study at 900 Mount Duneed Road (which is owned by submitter 3) provides a single aerial photograph (Figure 5). The Panel is curious as to why this site was chosen as a case study, particularly as the TCCR concludes (Panel emphasis):

As the approval at 900 Mt Duneed Road is very recent **it is too soon to ascertain** if vegetation works have commenced through an interrogation of aerial photography.³⁴

The Panel notes the submission by Mr Swain and while not doubting that work has been undertaken by him, is unable to confirm conclusively that the agreed Land Plan has been implemented.

Figure 5 900 Mt Duneed Road - Revegetation works required on the Land Plan



³³ Submission 6, Bellbrae Estate, p4

³⁴ Thompsons Creek Catchment Review, 2021, p11

The case study at 230 Buckley School Road compares aerial photography from 2014 and 2019. The Panel agrees that it is difficult to observe significant increase to the vegetation based on the information in the TCCR. However, the Panel also observes that the case study does not identify where on the site the revegetation works were required. It is also not clear to the Panel what was required by the approved Land Plan and if fencing or management of pests was a priority.

Council relied heavily on the issue of tree cover to respond to issues of salinity. The Panel agrees that the Salinity Management Overlay is a suitable tool to manage this issue and notes that it was introduced into the Scheme in 2010 and applies to land in the Thompsons Creek Catchment. However, the provision in the Schedule to the Farming Zone seeks to address broader land improvements, not just salinity.

The Panel agrees with a number of submitters (submissions 3 (Swain), 5 (Neate), 8 (Grossman) and 14 (Mann)) that a site inspection to document the outcomes on the site would have been beneficial. The Panel notes that an increase in vegetation is one, albeit important, element of the control but fencing off vegetation and pest control are also important requirements of the Land Plan. Without a site inspection it is also not possible to understand if exotic vegetation has been replaced with native vegetation. The TCCR itself concludes:

It is not possible from aerial photographs to conclusively say if any remnant vegetation has been fenced off or if pest plants or animal activities have occurred.³⁵

The minimum lot sizes in the Schedule to the Farming Zone are based on the *Rural Land Use Strategy, 1997*. The *Surf Coast Rural Strategy, September 2007* reviewed the 1997 work and concluded that the “*tenement provisions*” in the Scheme had been effective in managing the demand for dwellings in rural areas. The strategy also found that 161 vacant lots may be eligible for a dwelling based on their location and size.

Given the number of vacant lots in the Shire in 2007, it’s not surprising the uptake of the provision in the Thompsons Creek Catchment was 28. The TCCR did not review the existing lot sizes, vacant or occupied and it is unclear to the Panel how many sites in the Thompsons Creek Catchment are between 40 and 80 hectares.

The *Surf Coast Rural Strategy, September 2007* noted the number of smaller lots (less than 80 hectares) in the area between Torquay and the Princess Highway that have poor soil quality and are not large enough to be viable for farming:

Map 4 provides a breakdown of the size of the tenements still vacant in 2006. Of note is the number of small tenements, approximately 50 less than 80 hectares, between Torquay and the Princes Highway. With much of the land in this area having average to poor agricultural quality, these tenements are not of a sufficient size to support a viable farm business. The high land values across the Shire are likely to see these tenements purchased for rural lifestyle purposes.³⁶

The Panel understands the desire of landowners to be able to proceed on the controls that existed when the land was purchased. The Panel understand that two landowners have a section 173 agreement and approved land plan but under the proposed changes will need to obtain a planning permit before being able to construct a dwelling on land. It seems to the Panel that it would be unfair to disadvantage landowners who actively entered into an agreement to improve the quality of the land.

³⁵ Thompsons Creek Catchment Review, 2021, p11

³⁶ Surf Coast Rural Strategy Review, September 2007 p12

The Panel understands the position of the Department of Environment, Land, Water and Planning which Council submitted had wished to avoid a “dead” transitional provision in the Schedule to the Farming Zone. However, the Panel does not agree that the post exhibition changes at Clause 14.01-1L (Dwellings in the Farming and Rural Conservation Zones) go far enough to provide an appropriate level of certainty to those landowners losing their ability to build a dwelling ‘as of right’.

The Panel is unclear based on the TCCR if the control resulted in the intended land improvements or not. The number of case studies used was too small and it was difficult to ascertain the extent of fencing and pest management based on aerial images.

The Panel understands the cost and resource burden on Council to administer the provision, but it is not able to support the changes solely on the basis that Council is not committed to enforcing the agreements. It is not appropriate to recommend changes where the strategic work underpinning the change is lacking an appropriate level of rigour.

The Panel might have been convinced that the proposed changes were appropriate if the TCCR:

- Used a larger proportion of case studies
- Used a combination of historical and current aerial photography, and site visits where possible
- Compared the extent of works to those required by the approved Land Plan and the requirements of the relevant section 173 agreement
- Provided a greater level of certainty to those landholders losing the ability to construct a dwelling ‘as of right’.

6.5 Conclusions and recommendation

The Panel concludes:

- The changes to the Schedule to the Farming Zone are not strategically justified by the *Thompsons Creek Catchment Review, 2021*.

The Panel recommends to:

Delete the exhibited changes to the Schedule to Clause 35.07 (Farming Zone) and the Schedule to Clause 74.02 (Further Strategic Work), and the post exhibition changes to Clause 14.01-1L (Dwellings in the Farming and Rural Conservation Zones) (Document 15).

7 Spring Creek

7.1 The issues

The issues are:

- what are the current policy provisions with respect to the future urban development of the Spring Creek Corridor?
- how the future development of the Spring Creek Corridor should be addressed in this Amendment?
- what is the appropriate application of the RHFS and related policy to the Spring Creek Valley?

7.2 Evidence and submissions

Future development of the Spring Creek Valley west of Duffields Road has a significant history dating back more than a decade.

The future of the settlement boundary to the west of Torquay was subject to the DAL Standing Advisory Committee process which held a public hearing in 2021. That Advisory Committee made its recommendations to the Minister for Planning in 2021 and at the time of preparation of this report, that report had not been released nor had any decision on that boundary been made public.

Currently land approximately one kilometre west of Duffields Road is in the Urban Growth Zone Schedule 1.

Council submitted that the future urban development of the Spring Creek Corridor is addressed at Clause 11.02-1L (Spring Creek Corridor) which states that it is policy:

To protect the long term urban development future of the Spring Creek Corridor, while providing for interim development opportunities

and it is a strategy to:

Discourage interim development that prevents potential long term urban expansion along the corridor³⁷

Council submitted that the Amendment does not vary the polices as they relate to Spring Creek.

Rural Estates, requested the Panel to make the following acknowledgments in its report:

- the past strategic planning history associated with the Spring Creek Valley; and
- that further strategic work that has been recommended by previous panels to determine the scope of appropriate urban development in the Spring Creek Valley, and an appropriate green break between Bellbrae and Torquay-Jan Juc, has not yet been addressed³⁸

and further to recommend:

- that this further strategic planning work be commenced as soon as possible
- that references in the Hinterland Strategy at Priority Actions 1.6 and 1.9 (and in any other related documents) to maintaining or protecting the green break between Torquay and Bellbrae ought be removed or at least modified until further strategic work has been completed. This could be done by drafting that provides for 'maintain a green break' and

³⁷ Document 42, para 37.2

³⁸ Document 39, para 20a

which references the need for future strategic work to define the extent and form of that green break³⁹.

In evidence on behalf of Rural Estates, Ms Milner detailed recent planning history of Spring Creek including the Precinct Structure Planning that had occurred for the area one kilometre west of Duffields Road and the area's lack of suitability for viable agricultural use.

At the Hearing, both Mr Lake for Rural Estates and Ms Milner in evidence detailed the history of planning in the Spring Creek Corridor dating back to the 1980s.

Ms Milner concluded:

The unique circumstances and well documented planning history which addresses future urban growth in the Spring Creek Corridor has been considered by successive planning panels and firmly confirmed as warranting further investigation and resolution, before any further strategic planning is progressed that either:

- Does not preserve growth options
- Predetermines a certain land use future⁴⁰.

In closing Council opposed the acknowledgments and recommendations that Mr Lake submitted that the Panel should make. It submitted that even if urban development in the land in the Precinct Structure Plan area west of Duffields Road occurs subsequent to any decision by the Minister on the DAL process, that it will be some time before urban development further to the west is justified and therefore planning for this area is not urgent.

Council acknowledged that the planning for Spring Creek had been complicated and frustrating for all stakeholders. It submitted:

The current Scheme recognises the potential future role of Spring Creek for urban uses. This Amendment does not change that position.⁴¹

The issue of the green breaks between urban settlements in Surf Coast including the green break between Torquay-Jan Juc and Bellbrae is addressed in Chapter 4.5.

7.3 Discussion

The Panel notes Council's submission that the future urban planning for Spring Creek has been complicated and frustrating. The Panel does not wish to add to those complications. As requested by Rural Estates, the Panel acknowledges that long planning history, but in the context that the Amendment is not a relevant addition to that history.

The Panel understands that the Minister is anticipated to determine the western settlement boundary of Torquay as an outcome of the DAL process. An outcome of the Amendment is that land to the west of that boundary will be part of the rural hinterland of the Shire and subject to the RHFS and changed policy adopted as part of the Amendment.

Protecting the area to the west of the settlement boundary for possible future urban development is the subject of existing Council policy in Clause 11.02-1L (Spring Creek Corridor) and the relevant strategy which discourages inappropriate interim development in the area. Further the Municipal Planning Strategy at Clause 02.03-1 identifies the area west of Duffields Road for long term urban growth.

³⁹ Document 39, para 20b

⁴⁰ Document 10, para 66

⁴¹ Document 42, para 54

The Panel considers that it is not its role to comment further than this either on future urban growth in the Spring Creek Corridor or on the planning for it. The latter, in particular, is not relevant to the Amendment.

7.4 Conclusion

The Panel concludes:

- It is not the role of the Panel to comment on the western settlement boundary of Torquay or future urban growth in the Spring Creek Corridor.

Appendix A Submitters to the Amendment

| No. | Submitter |
|-----|---|
| 1 | John Welsh |
| 2 | Stuart Galbraith |
| 3 | Austin Swain |
| 4 | Surf Coast Energy Group |
| 5 | Neate Family |
| 6 | Bellbrae Estate |
| 7 | Bernadette Bowman |
| 8 | Keith Grossman |
| 9 | Rural Estates (Torquay) |
| 10 | Janine Denholm and David O'Brien on behalf of Glenkeen Pastoral Partnership |
| 11 | Environment Protection Authority |
| 12 | Department of Transport |
| 13 | Wadawurrung Traditional Owners Aboriginal Corporation |
| 14 | Lance and Margaret Mann |

Appendix B Parties to the Panel Hearing

| Submitter | Represented by |
|---|--|
| Surf Coast Shire | Allison Tansley of Harwood Andrews Lawyers, instructed by Barbara Noelker, Principal Strategic Planner |
| Austin Swain (submission 3) | |
| Neate Family (submission 5) | Cameron Gray of St Quentin Consulting |
| Bellbrae Estate (submission 6) | Richard Macdougall |
| Keith Grossman (submission 8) | Cameron Gray of St Quentin Consulting |
| Rural Estates (Torquay) (submission 9) | Geoff Lake of Counsel, instructed by Planning and Property Partners who called expert evidence from: - Alison Milner of Kinetica (planning) |
| Glenkeen Pastoral Partnership (submission 10) | David O'Brien |
| Department of Transport (submission 12) | Jozef Vass, Manager Transport Integration, Department of Transport and Delegate of the Head, Transport for Victoria |
| Lance and Margaret Mann (submission 14) | David King, Kings Lawyers |

Appendix C Document list

| No. | Date | Description | Provided by |
|-----|-------------|--|---|
| 1 | 16 Dec 2021 | Procedural issues raised by Planning and Property Partners | Mr Naughton, Planning and Property Partners |
| 2 | 17 Dec 2021 | Response to procedural issues raised by Planning and Property partners | PPV |
| 3 | 23 Dec 2021 | Correspondence regarding Hearing dates | Mr Naughton |
| 4 | 21 Jan 2022 | Directions and timetable | PPV |
| 5 | 27 Jan 2022 | Policy change recording template | Ms Tansley, Harwood Andrews |
| 6 | 31 Jan 2022 | Letter from Council re changes to policy in response to Department of Transport, and 2 attachments | Ms Tansley |
| 7 | 1 Feb 2022 | Response to Council on DoT submission | PPV |
| 8 | 3 Feb 2022 | Version 2 Timetable and Distribution List | PPV |
| 9 | 23 Feb 2022 | Council Part A submission | Ms Tansley |
| 10 | 23 Feb 2022 | Expert Witness Statement – Ms Milner | Planning and Property Partners |
| 11 | 24 Feb 2022 | Council Part A submission Appendix 1 - Public exhibition notice | Ms Tansley |
| 12 | 24 Feb 2022 | Council Part A submission Appendix 2 - Email from DELWP re changes in response to Submission no. 3 | Ms Tansley |
| 13 | 24 Feb 2022 | Council Part A submission Appendix 3 - Agencies notified | Ms Tansley |
| 14 | 24 Feb 2022 | Council Part A submission Appendix 4 - Summary of submissions | Ms Tansley |
| 15 | 24 Feb 2022 | Council Part A submission Appendix 5 - Proposed changes post exhibition | Ms Tansley |
| 16 | 24 Feb 2022 | Council Part A submission Appendix 6 - Summary of strategic documents | Ms Tansley |
| 17 | 24 Feb 2022 | Council Part A submission Appendix 7.1. Rural Land Use Strategy 1997 | Ms Tansley |
| 18 | 24 Feb 2022 | Council Part A submission Appendix 7.2. Rural Strategy 2007 | Ms Tansley |
| 19 | 24 Feb 2022 | Council Part A submission Appendix 7.3. Great Ocean Road Region Landscape Assessment Study 2003 | Ms Tansley |

| No. | Date | Description | Provided by |
|-----|-------------|--|--------------------------------|
| 20 | 24 Feb 2022 | Council Part A submission Appendix 7.4. G21 Regional Growth Plan | Ms Tansley |
| 21 | 24 Feb 2022 | Council Part A submission Appendix 7.5. G21 Agribusiness Strategy | Ms Tansley |
| 22 | 24 Feb 2022 | Council Part A submission Appendix 7.6.1. Surf Coast Landscape Assessment Study North of Princes Highway 2007 – Barrabool Hills Precinct | Ms Tansley |
| 23 | 24 Feb 2022 | Council Part A submission Appendix 7.6. Surf Coast Landscape Assessment Study North of Princes Highway 2007 – Background report | Ms Tansley |
| 24 | 24 Feb 2022 | Council Part A submission Appendix 7.7. Biodiversity Mapping Project 2014 | Ms Tansley |
| 25 | 24 Feb 2022 | Council Part A submission Appendix 7.8. Surf Coast DAL Draft Statement of Planning Policy November 2020 | Ms Tansley |
| 26 | 24 Feb 2022 | Council Part A submission Appendix 7.9. Planning for Melbourne’s Green Wedges and Agricultural Land Consultation Paper May 2020 | Ms Tansley |
| 27 | 24 Feb 2022 | Council Part A submission Appendix 7.10. Great Ocean Road Action Plan 2018 | Ms Tansley |
| 28 | 24 Feb 2022 | Council Part A submission Appendix 7.11. Wadawurrung Healthy Country Plan 2020 | Ms Tansley |
| 29 | 1 Mar 2022 | Council Part B Submission | Ms Tansley |
| 30 | 1 Mar 2022 | DoT Submissions | Mr Nairn, DoT |
| 31 | 1 Mar 2022 | Submission on behalf of Keith Grossman Family | Mr Gray, St Quentin Consulting |
| 32 | 1 Mar 2022 | Clause 22.06 - Tourism, Accommodation and Function Centre Development in Rural Areas | Mr Gray |
| 33 | 1 Mar 2022 | Agricultural Land Assessment prepared by Darrel Brown and Associates Pty Ltd | Mr Gray |
| 34 | 1 Mar 2022 | Schedule of Submitter Requested Changes template dated 27 January 2022 | Mr Gray |
| 35 | 1 Mar 2022 | Submission on behalf of Neate Family | Mr Gray |
| 36 | 1 Mar 2022 | Clause 22.06 - Tourism, Accommodation and Function Centre Development in Rural Areas | Mr Gray |

| No. | Date | Description | Provided by |
|-----|------------|---|---|
| 37 | 1 Mar 2022 | Surf Coast C121 Panel Report | Mr Gray |
| 38 | 1 Mar 2022 | Schedule of submitter requested changes template dated 27 January 2022 | Mr Gray |
| 39 | 2 Mar 2022 | Submissions on behalf of Rural Estates (Torquay) Pty Ltd | Mr Morrison, Planning and Property Partners |
| 40 | 3 Mar 2022 | Submissions on behalf of Lance Mann | Mr King, Kings Lawyers |
| 41 | 4 Mar 2022 | Clause 14.01-1L-02 – Dwelling in the Farming and Rural Conservation Zones (Post exhibition, in tracked changes) | Mr Swain |
| 42 | 4 Mar 2022 | Closing submissions on behalf of Council | Ms Lo, Harwood Andrews |
| 43 | 4 Mar 2022 | Submitter requested policy changes with Council response | Ms Lo |
| 44 | 4 Mar 2022 | Amendment documents in Word versions | Ms Lo |

Appendix D Panel preferred version of Clause 17.04-1L (Facilitating tourism in Surf Coast)

The Panel has made its changes to the post exhibition version of Clause 17.04-1L (Facilitating tourism in Surf Coast) as follows:

Text Added

~~Text Deleted~~

Recommended change to the map

17.04-1L Facilitating tourism in Surf Coast

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C---

General strategies

Encourage tourism use and development that will increase visitor length of stay and increase visitor numbers in the off-peak period.

Encourage tourism use and development to incorporate ecologically sustainable design.

Direct tourism use and development to land within settlement boundaries or in locations with easy access to the infrastructure needed to support the use and development.

Encourage tourism development in a non-urban zone to be:

- Located near existing townships.
- Sited and designed to avoid conflict with existing rural uses.

Encourage eco-tourism operations and ancillary uses that respond to their natural setting and avoid adverse impact on the natural environment and rural landscape.

Design tourism use and development to complement the site's natural features and ecological processes.

Encourage nature based activities that complement the environmental assets and landscape values on the land and surrounding area.

Discourage tourism use and development on land that is subject to the Significant Landscape Overlay Schedule 1.

Discourage ~~tourist~~ [tourism](#) use and development in the Benwerrin Mt Sabine area.

~~Discourage tourist development in the Bells Beach viewshed and the Point Addis area.~~

Encourage the provision of camping and caravan parks with a tourism focus as affordable visitor accommodation when they are located within or near existing settlements and in locations with easy access to a main road and reticulated services.

[Direct camping and caravan parks to areas located within or near existing settlements and in locations with easy access to a main road.](#)

Encourage camping and caravan parks that are functionally distinct from a residential village by:

- Providing supporting facilities focused on tourist needs, including communal and recreation facilities, ablution blocks, and facilities that allow for pre-booked or walk-up bookings
- A balanced mix of short term accommodation types, including movable buildings, and sites for motor homes, camper vans and tents.

Coastal towns strategies

Encourage the retention of caravan parks and school camps in Torquay-Jan Juc, Lorne, Anglesea and Aireys Inlet as a provider of low cost visitor accommodation.

Limit non-agricultural based tourism development in the Lorne coastal hinterland.

Encourage the establishment of sustainable tourism activities in the Lorne hinterland where:

- Bushfire risk will not be increased.
- Environmental assets identified through the Surf Coast Shire *Biodiversity Mapping Project 2014* (The Surf Coast Shire, 2014) will not be significantly impacted.

Encourage tourist accommodation in Lorne's Tourist Accommodation Precincts along Smith Street and at the eastern end of Point Grey, as indicated on the Lorne framework plan in Clause 2.04.

Promote a variety of environmentally sustainable nature and adventure based tourism use and development in:

- Aireys Inlet to Eastern View.
- Anglesea.

Promote opportunities for tourist accommodation in Aireys Inlet to Eastern View where the accommodation is located and sited to respond to its location and natural setting.

Rural towns strategies

Support the establishment of tourism based commercial development in Winchelsea that is associated with its historic buildings.

Encourage activities and events in Winchelsea that attract year round tourism.

Encourage uses compatible with tourism in Winchelsea to locate in the commercial areas indicated on the Winchelsea commercial centre framework plan in clause 2.04 that are:

- Between the Barwon River and Austin Street north of Willis Street
- In the Winchelsea Town Centre.

Facilitate opportunities for Barwon Park to develop as a tourism and events hub for Winchelsea.

Facilitate tourist accommodation and enterprises in the Bellbrae township that complement the scenic values and appeal of the area.

Encourage a variety of tourist accommodation and produce based events in the Deans Marsh township to cater for visitors seeking a retreat from urban areas.

Rural Hinterland strategies

Encourage ~~agriculture based tourism~~ [agritourism](#) and use and development in the tourism and [agritourism focus](#) area shown on the [Tourism in the hinterland activation map](#) ~~Rural hinterland tourism activation map~~ in this clause.

Promote nature-based tourism use and development in the Tourism and agritourism [focus](#) area shown on the [Tourism in the hinterland activation map](#) ~~Rural hinterland tourism activation map~~ to this clause. ~~containing natural assets where~~

[Ensure](#) bushfire risk can be reduced to an acceptable level without compromising the natural values of the site or surrounding area.

[Direct tourism use and development to the in the Tourism and agritourism focus area shown on the Tourism in the hinterland activation map to this clause.](#)

Promote tourism use and development that emphasises:

- local food, wine and produce; or
- nature based experiences and outdoor recreation that prioritise the natural environment.

Discourage ~~rural tourist~~ [tourism use and](#) development outside of the Tourism and [agritourism focus](#) area shown on the [Tourism in the hinterland activation map](#) ~~Rural hinterland tourism activation map~~ in this clause.

Promote the clustering of ~~complementary rural~~ tourism use and development with agrifood businesses at designated [tourism](#) nodes ~~throughout the hinterland~~ as shown on the [Tourism in the hinterland activation map](#) ~~Rural hinterland tourism activation map~~ in this clause.

Ensure tourism use and development does not compromise the safe and efficient operation of arterial roads and tourist routes.

Discourage the proliferation of access points along arterial roads and tourist routes in rural areas.

Encourage a diversity of short term accommodation in the rural hinterland with a particular focus on bed and breakfast, host farms and group accommodation where an on-site manager is present.

Promote host farms in the Deans Marsh and Pennyroyal districts.

Direct Residential Hotels and Camping and Caravan Parks to areas;

- of lower bushfire risk, [and](#)
- [that have a](#) ~~where they provide a~~ connection or convenient access to a tourist facility, tourist attraction or outdoor recreation.

Encourage events in lower bushfire risk areas or outside of the declared bushfire season where:

- The use and development, whether permanent or temporary, will not limit the agricultural production capacity on the land or nearby land;
- The site is conveniently located to a main road.

Policy guidelines

Consider as relevant:

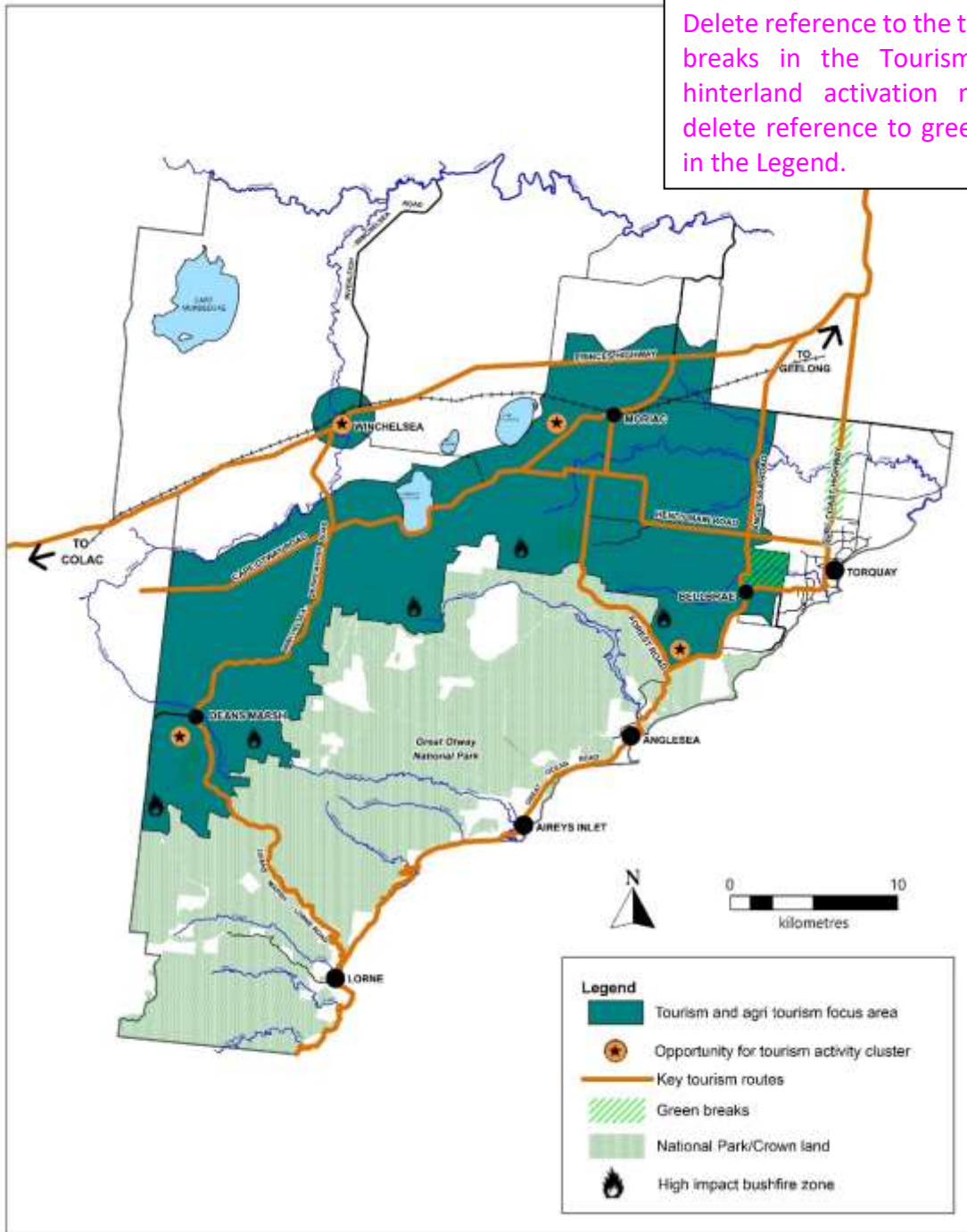
- For events in rural areas, the views of the Country Fire Authority and other relevant emergency service providers, including on their capacity to respond to an emergency event on or threatening the site.
- The need for a Traffic Impact Assessment that includes consideration of traffic impacts to the road network, and identifies measures to address any related road safety issues to an acceptable standard.
- Whether the proposed function centre:
 - complements the primary use of the land for agriculture
 - will be conducted predominantly within a building designed to protect people and livestock on nearby properties from unreasonable interference from noise;
 - has convenient access to a main road;
 - will limit the operation or expansion of agricultural uses on the land or nearby land.
- Whether the location of a proposed camping and caravan park outside of a settlement:
 - relies on its location having regard to its proximity to existing tourist attractions
 - is suitable by way of topography, road access, landscape significance and vegetation cover.

Policy documents

- Rural Hinterland Futures Strategy (Surf Coast Shire, 2019)
- Great Ocean Road Landscape Assessment Study (Department of Sustainability and Environment, 2003)

Tourism in the hinterland activation map

Panel recommendation:
Delete reference to the two green breaks in the Tourism in the hinterland activation map and delete reference to green breaks in the Legend.



Panel recommendation:
Amend the Legend to rename 'Opportunity for tourism activity cluster' to 'Existing or proposed tourism nodes'.