

## Move Item Forward

### Council Resolution

#### **MOVED Cr Rose Hodge, Seconded Cr Libby Coker**

That Council consider 5.2 Draft Hinterlands Futures Strategy - Submissions at this point in the Agenda for the benefit of the gallery present.

CARRIED 7:0

## 5.2 Draft Hinterland Futures Strategy - Submissions

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**General Manager:** Ransce Salan

**Department:** Planning & Development

**File No:** F17/961

**Division:** Environment & Development

**Trim No:** IC18/1658

### Appendix:

1. Summary of Submissions (D18/127719)
2. Deans Marsh Structure Plan Desktop Review (D18/130567)
3. Proposed Changes to Hinterland Futures Strategy Draft (D18/130568)

### Officer Direct or Indirect Conflict of Interest:

In accordance with Local Government Act 1989 – Section 80C:

Yes

No

### Status:

Information classified confidential in accordance with Local Government Act 1989 – Section 77(2)(c):

Yes

No

**Reason:** Nil

**Reason:** Nil

## Purpose

The purpose of this report is to consider submissions relating to the Draft Hinterland Futures Strategy.

## Summary

In 2017 Council exhibited an Issues and Opportunities Paper and Background Report for the Hinterland Futures Strategy. As a result of that work and feedback received during the exhibition of those documents Council prepared the Draft Hinterland Futures Strategy and at the 26 June 2018 Council meeting resolved to exhibit the draft strategy for two months.

Beyond additional resources to make changes to the Strategy additional planning and bushfire risk analysis in the context of the new bushfire policy at Clause 13 of the planning scheme needs to be considered and incorporated into the strategy. Taking into consideration the existing budget, the estimate for the additional funds required to complete work is \$10,000. A request for an additional \$10,000 to complete this work and finalise the project is included in the project budget adjustment and cash reserve transfer report.

## Recommendation

That Council:

1. Receives and notes all submissions to the Draft Hinterland Futures Strategy.
2. Receives and notes the Deans Marsh Structure Plan desktop review.
3. Defers the final adoption of the Rural Hinterland Futures Strategy subject to the following further work:
  - 3.1 Mapping and analysis of rural areas of the Shire subject to high bushfire risk and incorporation of those findings into the final strategy in the light of Clause 13 in the Surf Coast Planning Scheme;
  - 3.2 The incorporation of changes outlined in Appendix 1 including mapping and graphics.

## 5.2 Draft Hinterland Futures Strategy - Submissions

### Council Resolution

#### **MOVED Cr Margot Smith, Seconded Cr Heather Wellington**

That Council:

1. Receives and notes all submissions to the Draft Hinterland Futures Strategy.
2. Receives and notes the Deans Marsh Structure Plan desktop review.
3. Defers the final adoption of the Rural Hinterland Futures Strategy and undertake the following further work:
  - 3.1 Mapping and analysis of rural areas of the Shire subject to high bushfire risk and incorporation of those findings into the final strategy in the light of Clause 13 in the Surf Coast Planning Scheme;
  - 3.2 The incorporation of changes outlined in Appendix 3 and feedback from the community on topics such as:
    - (a) Emphasising the primacy of rural production
    - (b) Emphasising the protection of environmental values and the natural environment
    - (c) Principles to guide decision-making on tourist-focussed development and land use conflict
    - (d) Providing additional definitions
    - (e) Clarification of the scope of the strategy and potential renaming of the strategy
    - (f) Amendment to maps to provide greater clarity and accuracy; and
    - (g) Refer requests for additional pathway and shared paths to the relevant departments of council for assessment and response.
4. Considers the revised strategy at a future council meeting following completion of the further work outlined above at (3).
5. Consults with submitters on the revised strategy and exhibits it on the website for 4 weeks.
6. Reports the second series of submissions received to council with any further recommendations for consideration of adoption.
7. Refers community submissions outside of the scope of this project on matters such as social and community development, to budget discussions for the 2019-20 financial year as potential future projects.

CARRIED 7:0

## 5.2 Draft Hinterland Futures Strategy - Submissions

### Report

#### **Background**

At its meeting held on 26 June 2018 Council resolved to publicly exhibit the Draft Hinterland Strategy for 2 months from 27 June to 24 August 2018.

Notice was sent to the Environmental Rural Advisory Panel members, the business list register from Economic Development, previous submitters to the Issues and Opportunities Paper in 2017 and registered community groups. A letterbox drop was also made to 130 community members of the Gnarwarre Fire Brigade. Notices appeared in the Surf Coast Times, the Mayors Column and Winchelsea Star. The draft Strategy was also advertised on Council's website and social media. The draft Strategy was available in hard copy for reading at:

- Deans Marsh General Store
- Lorne Visitor Information Centre
- Moriac General
- Surf Coast Shire Council offices
- Winchelsea Post Office.

During the two months of exhibition, 10 drop in sessions and Open Houses were held (in addition to individual meetings with officers) with attendance details as follows:

Torquay Drop in Session 10 July: 10  
Winchelsea Open House 11 July Wed evening: 40  
Deans Marsh Open House 19 July Thurs evening: 35  
Torquay Open House/Torquay Farmers Market 14 July Sat morning: 24 conversations.  
Lorne VIC Drop In Session 12 July: 3  
Lorne VIC Drop In Session: 18 July: 0  
Anglesea Open House 18 July afternoon: 2  
Torquay Drop in Session 26 July: 3  
Moriac Saturday morning 11 August: 9 conversations; 15 flyers handed out.  
Gnarwarre Sunday morning 19 August: 6

#### **Summary of Submissions**

A total number of 94 submissions were received during the exhibition period and during the two weeks afterwards (one received after the closure of the agenda for the Hearing of Submissions). Due to the large number of submissions covering such a broad strategy, submissions have not been summarised individually. However, Councillors have been provided with access to a full copy of each submission.

Below is a table summarising the key themes raised in submissions. The key themes have been identified based on the number of submissions received on a particular topic or issue. They are not in priority order.

<b>Key Theme</b>	<b>Topic/Issue</b>	<b>Officer Response</b>
1	Support for the Strategy or particular aspects of the Strategy.	No comment required
2	Adverse impact of tourism and accommodation on existing and future rural uses including traditional farming and rural lifestyle amenity.	Officers recommend changes to the strategy to emphasise the importance of rural production and introduce principles for new tourism development see Appendix 3.
3	Opposition to the Green Break between Spring Creek Urban Growth Area and Bellbrae: Some suggesting investigation of the area for urban development or Low Density Residential development.  The area between Torquay and Bellbrae should not be included in the Hinterland Futures Strategy as it is not part of the hinterland.	Council has resolved on potential development in the green break in response to a petition last year on 26 September 2017 and on 28 March 2017 and 24 October 2017 in relation to Amendment C114, and rejected any change to the settlement boundary for Torquay. The existing planning scheme at Clause 21.08 designates the area as a

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Key Theme	Topic/Issue	Officer Response
	Query as to the meaning of “green break”.	<p>green break, i.e. non-urban land, and the strategy is consistent with that local policy. The Minister for Planning set the settlement boundary through Amendment C95 in March 2014.</p> <p>Consideration of uses in the Farming Zone between Torquay and Bellbrae was deliberately included in the scope of the project in response to “Further Strategic Work” identified in the planning scheme. As the land is zoned Farming it was reconfirmed as a green break to avoid any confusion about its status.</p> <p>“Green break” is a widely used planning phrase meaning non-urban land in between settlements or towns. Green breaks are designed to prevent separate townships from joining together.</p> <p>A definition of green break can be added to the Definitions section in the strategy.</p>
4	Moriac: Cape Otway Road not suitable for tourism with increased traffic and intersection problems; Opposition to the CORA proposal and large scale tourism; desire to retain the rural amenity of Moriac; suggestions for improvement and development within the township.	<p>The Strategy only relates to rural land outside townships and not land within townships which are covered by structure plans. The scope of the strategy needs to be clarified in the final version.</p> <p>The Minister for Planning has advised his intention to appoint an Advisory Committee. Matters such as off-site traffic impacts and access would be part of any assessment which would also recommend upgrades required.</p> <p>Officers have recommended changes to the strategy to better address land use conflict – see attached Appendix 3.</p> <p>In Objective 5 Cape Otway Road has been identified in the strategy as requiring upgrades and Council wishes to advocate to VicRoads for the road to become a VicRoads managed road. Its identification as an alternative inland route to Lorne and other destinations makes it more eligible for upgrades.</p>
5	Environment: the natural environment and environmental values not highlighted enough in the Strategy e.g. values around Lake Modewarre and key directions to protect those values.	Changes are recommended to the strategy to emphasise the importance of the Shire’s environmental values see attached Appendix 3. The strategy already refers to the need to protect environmental values and refers to them

## 5.2 Draft Hinterland Futures Strategy - Submissions

Key Theme	Topic/Issue	Officer Response
		as “underpinning” the strategy, however; as the strategy’s purpose is not an environmental strategy it does not include environmental actions.
6	Agriculture and farming etc. not highlighted enough in the Strategy.	Changes are recommended to the strategy to emphasise the importance of agriculture and farming. Refer Appendix 3.
7	Tourism – some opposition to tourism and the economic emphasis in the strategy; also the opposite with some support for both of these.	Changes are recommended to the strategy to address some of the issues raised with tourist development and events such as accommodation. Due to new State Policy on Bushfire, further work is also recommended to identify areas of high bushfire risk. Changes recommended also include principles to be added to guide decision-making on tourist focussed development in the hinterland. Refer Appendix 3.
8	Requests for greater clarity in the Strategy: improvements to the maps; definition of “complementary” uses and wording.	Changes are recommended to provide greater clarity in the strategy, including a definition of “complementary” and changes to the maps to make them more accurate.  It is also recommended that the strategy be renamed to better reflect its scope.
Other Matters Raised:	<ul style="list-style-type: none"> <li>Lorne Hinterland should be included in the study area (Rural Conservation Zoned land)</li> <li>Winchelsea: suggestions for improvements within the township and request for a new structure plan for Winchelsea.</li> <li>Minimum lot sizes in rural areas are too restrictive: desire to subdivide their land; smaller lot sizes should be permitted.</li> <li>Improvements to infrastructure required: particularly roads, separation of heavy vehicle traffic, cycling and pedestrian facilities.</li> <li>Support for the development of a recycled water/irrigation scheme and the need for better quality (low saline) recycled water in the Thompson Valley.</li> </ul>	<ul style="list-style-type: none"> <li>Lorne Hinterland (Rural Conservation Zoned land) was not included in the strategy study area and therefore has not been studied. Townships including the coastal townships have been deliberately excluded from the strategy to focus on the rural areas. The RCZ land in Lorne can be considered as part of the future Lorne Strategy/Structure Plan. However, only a small number of parcels zoned RCZ exist in the Lorne hinterland and are subject to extreme bushfire risk.</li> <li>State and Local Policy is consistent regarding the fragmentation of rural land into smaller parcels and opposition to smaller lot sizes in the Farming Zone. The adverse impact of smaller lots and additional dwellings has been evidenced in many detailed studies. The State-set minimum lot size in the Farming Zone is 40 hectares.</li> <li>Upgrades to some roads have been identified in Objective 5 of the strategy, including Cape Otway Road, Deans Marsh-Lorne Road and Anglesea Road. Council’s rural</li> </ul>

## 5.2 Draft Hinterland Futures Strategy - Submissions

Key Theme	Topic/Issue	Officer Response
		<p>roads are planned for maintenance and upgrade through the asset management system, Road Safety Strategy and Road Management Plans where works are prioritised. In some cases Council relies on grants from State or Federal Government.</p> <ul style="list-style-type: none"> <li>Innovative and beneficial wastewater and recycled water projects are a key initiative in the strategy with the Black Rock Water Reclamation Plant specifically mentioned at Objective 5.</li> </ul>

In accordance with section 223(1)(b)(i) of the *Local Government Act 1989* submitters were provided with the opportunity to be heard by the Hearing of Submissions Committee (the committee).

At the Hearing of Submissions Committee Meeting held on 2 October 2018, the committee heard submissions on this matter as per the committee's delegation under section 86 of the *Local Government Act 1989*. A total number of thirteen presentations were heard by the committee. The committee resolved to receive and note the submissions and forward to Council for consideration at the 23 October Council meeting.

### Issues

The draft Hinterland Strategy is a broad strategy covering all the rural land in the Hinterland, hence a large number of issues have been raised in submissions. However, many individual submissions were from people wishing to achieve the highest and best use of their land (in many cases – subdivision or residential rezoning). Those submissions need to be weighed against State Policy and the broader objectives for rural land and therefore cannot be supported.

Topical issues within the hinterland area such as the CORA proposal in Cape Otway Road influenced submissions received from the Winchelsea and Moriac districts.

### Deans Marsh

The Deans Marsh district residents became actively engaged and put forward many suggestions for improvement to their area, as did Moriac and Winchelsea residents. Some are matters to be considered as part of future structure plans as they relate to land within the townships, not the rural land outside the settlement. Requests in submissions for additional pathways and shared paths have been referred to relevant officers responsible for pathway requests and will be actioned separately. However, the scope of the Strategy probably needs to be more clearly stated early in the document.

Several submissions from Deans Marsh supported the concept of allowing further development of residential land within the township either by rezoning or the subdivision of existing lots into smaller allotments. Due to the interest shown by submitters and enquiries from other residents in recent years on the same topic, Council officers have undertaken a desktop review of the Deans Marsh Structure Plan, considering in particular land supply, land capability and development potential. That review is attached to this report for consideration. The review has found very little potential for further subdivision and development due to land capability issues such as poor soil and steep slopes.

### State Policy – Bushfire

During the development of the draft Strategy, the State Government introduced a new policy in the planning scheme relating to bushfire in November 2017. The policy places the protection of human life above all other considerations in decision-making for strategic studies and all planning decisions.

Clause 13.02 refers to “ensuring that strategic planning documents, planning scheme amendments, planning permit applications and development plan approvals properly assess bushfire risk and include appropriate bushfire protection measures” and, further, “not approving” any strategic document which intensifies development in an area that will have more than a BAL 12.5 rating under the building regulations.

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After the draft Strategy was approved for exhibition in June 2018, the first decisions considering Clause 13 were tested through VCAT and independent planning panels. The decisions now being published from VCAT and Panels Victoria demonstrate a significant elevation of bushfire risk consideration in decision-making.

The policy therefore impacts significantly on the draft Strategy, in particular the encouragement of greater numbers of people in high bushfire risk areas through uses such as accommodation, events, and function centres. Prior to being adopted, the draft Strategy needs to respond to the new State policy to ensure it is not in contravention of it. Council officers are attending training on the matter on 25 October 2018 and the bushfire management team are developing bushfire risk maps to assist.

It is considered that if bushfire risk is not adequately addressed in the strategy the planning scheme amendment proposed to implement it would be jeopardised when scrutinised by an independent planning panel. Council needs to demonstrate evidence-based assessment of the risk and implications for the strategy recommendations as part of good governance. Therefore, further work is recommended prior to adopting the final Strategy.

### **Discussion**

Wherever directly relevant to the strategy, the majority of submissions can be responded to through minor amendments to the strategy as recommended in Appendix 1. It is considered that the strategy can be improved through clarification of the strategy's scope, amendments to the maps and the inclusion of a number of definitions.

Submissions which request upgrades to road or new pathways have been referred to the appropriate department in the Infrastructure Division of Council.

### **Financial Implications**

As the current budget for the strategy has been mostly expended (approx. \$5,000 remains in budget), an additional allocation is required to fund the further work recommended in this report. Taking into consideration the existing budget, the estimate for the additional funds required to complete work is \$10,000. The funds will enable planning and bushfire risk analysis in the context of the new bushfire policy at Clause 13 of the planning scheme to be considered and incorporated into the strategy; add additional resources to make changes to the strategy text and final graphics/mapping.

### **Council Plan**

Theme	3 Balancing Growth
Objective	3.1 Retain and enhance rural land for appropriate and sustainable uses
Strategy	3.1.1 Finalise and implement the Rural Hinterland Strategy
Theme	2 Environmental Leadership
Objective	2.3 Support local food production
Strategy	2.2.4 Work in partnership with relevant stakeholders to investigate the feasibility of recycled water to support agriculture in the Thompson Valley and other rural areas
Theme	4 Vibrant Economy
Objective	4.4 Support key industry sectors such as surfing, tourism, home-based, construction and rural businesses
Strategy	4.4.4 Develop and implement an agribusiness strategy

### **Policy/Legal Implications**

Implementation of the Hinterland Strategy will require.

### **Officer Direct or Indirect Interest**

No officer involved in the preparation of this report has any conflicts of interest.

### **Risk Assessment**

It is considered that further work in relation to bushfire risk is required in order to mitigate the risk that the strategy will not be supported when scrutinised as part of a future planning scheme amendment. The strategy needs to demonstrate an appropriate assessment of bushfire 13 and compliance with Clause 13.02 of the planning scheme in its decision-making.

## 5.2 Draft Hinterland Futures Strategy - Submissions

### **Social Considerations**

The Hinterland Futures project affects all land within the Surf Coast Shire hinterland area, the majority of which is Farming Zoned land. A large variety of businesses operate within this area, from agribusiness and farming activities to tourism based uses. The project has a close connection with local food production. As the strategy has such a broad base, it has the ability to affect a large number of people, properties and businesses.

A key finding of consultation on the Issues and Opportunities Paper and the draft Strategy found that the Hinterland is greatly valued by the community, not only for its economic value, but also its environmental, landscape and amenity attributes.

### **Community Engagement**

Extensive community engagement has been undertaken on the draft strategy as outlined earlier in this report, including:

- Ten open houses and drop in sessions at various times on weekdays, evenings and weekends;
- One- on -one meetings with residents and interested parties;
- Substantial mailouts, emails and letterbox drops to stakeholders, community groups, the Environmental and Rural Advisory Panel, Gnarwarre Fire Brigade community members, previous submitters, government agencies and the like;
- Media and social media coverage.

### **Environmental Implications**

One of the primary objectives of the Council plan and the planning scheme is to protect and enhance the Shire's significant environmental assets and scenic landscapes. This remains a key foundation for the Strategy, with Objective One seeking to elevate the importance of the rural landscapes "*as a defining feature of the Surf Coast hinterland and its significance to the local economy*". The draft Strategy reinforces the green breaks in the planning scheme, particularly between Torquay and Mt Duneed Road and between the Torquay settlement boundary and Bellbrae. The clustering of development in appropriate locations is also designed to reduce the potential for impact on significant environmental and rural assets in the Shire and encourage co-location of complementary uses.

In response to submissions received during exhibition, there is an opportunity to further emphasise the importance of the environment in the hinterland, as outlined in the recommended changes.

### **Communication**

All submitters were invited to the recent Hearing of Submissions on 2 October 2018 and were advised of the consideration of submissions by Council at this council meeting. Following this meeting submitters will again be advised of Council's resolution on the draft strategy and the website will be updated.

### **Options**

#### Option 1 – Adopt the Strategy as Exhibited

This option is not recommended by officers as it is considered that the strategy can be improved in response to submissions.

#### Option 2 – Amend the Strategy prior to Adoption

This option is recommended by officers as further work on bushfire risk is required, and opportunities to further improve the text and maps have been identified.

#### Option 3 – Abandon the Strategy

This option is not recommended by officers as significant resources have been deployed in the development of the draft strategy and extensive community engagement has occurred. The Strategy will add significant value to economic development in the Shire and provide direction for future planning policy.

### **Conclusion**

During exhibition 95 submissions were received to the draft Hinterland Futures Strategy; many of which can be addressed through minor changes to text in the document and alterations to mapping to provide clarity. Additional work on bushfire policy implications will ensure that the document is robust and able to be implemented through a future planning scheme amendment.

It is recommended that a further \$10,000 is allocated to the project to enable the further work to be completed.



## **5.2 Draft Hinterland Futures Strategy - Submissions**

### **APPENDIX 1 SUMMARY OF SUBMISSIONS**

**Draft Hinterland Futures Strategy- Summary of Submissions to community engagement process July/August 2018**

**\*Please refer to individual submissions for detailed comments.**

Submission No	Locality	Comments
1	Gherang	Questions why the area north & west of the corner of Gherang Rd & Wormbete Station Rd was not included in the study area.
2	Wensleydale	There is significant inconsistency in the document and lack of clarification- terminology and mapping. The entire area north of the Cape Otway Road in Modewarre shown in orange on the map on page 21 should be green breaks of national environmental significance – high conservation value – high sensitivity.
3	Moriac	Supports Council's forward thinking approach. Main concerns for the Moriac area is the lack of wide, good quality roads and bicycle lanes/paths in Moriac.
4	Moriac	Queries whether the Moriac township Body Corporate has been raised during the information gathering; What if any traffic management and town planning is occurring around Moriac; What major changes can we expect to improve Moriac from a lack of real town planning.
5		States that the Shire must not approve tourism and accommodation or any other non-farming activity in a Farming Zone when the principle income is not from farming but from the tourism and accomodation.
6	Lorne	Requests that the Lorne hinterland be included in the study area and show it as a tourism focus area. States that the Bushfire Management Overlay should not preclude or rule out tourism development opportunities for the Lorne hinterland or any other areas of the shire. New proposed tourism developments should rather be based on evidence and judged on merit.
7	Winchelsea	States that Winchelsea needs at least one footbridge to enable the fabled loop walk to come into existence. Objects to encouraging "intensive farming" adjacent to a town (Winchelsea).
8	Deans Marsh	Expressed disappointment that Pennyroyal area wasn't included in original draft plan. Tourism focus area could have significant impact on Deans Marsh township. Need for focus groups to discuss key issues for the township. Undertake a strategic approach to the three focus areas rather than an individual approach.
9		States that the hinterland should be retained as natural and authentic. There is a need to maintain green breaks between development e.g. Torquay and Bellbrae.
10		Requested more information on how to make a submission.
11	Pennyroyal	The Strategy needs to be broadened in scope and that the future of Deans Marsh needs to be discussd in detail. There is an inconsistency with the supply of dining/food and entertainment for guests to our immediate area. The continual degradation of the unsealed road network is a deterrent for potential visitors and detracts from the experience for others, affecting repeat business. Continual growth is not sustainable. The shaping of the hinterland should be sensitive to the values of those who live in the region.

12	Moriac	Requests the following: Extend submission closing date. Provide a summary sheet.
13	Pennyroyal	Housing affordability has not been considered in the Strategy. Deans Marsh should have a plan similar to Growing Winchelsea.
14		Supports the Strategy. Development needs to be in line with the environment and growth of the community - the strategy seems to do both. Strategy needs greater clarity around its terminology etc. so that applicants have greater opportunity for success.
15	Deans Marsh	States there is a lack of clarity and concern about how the strategy applies to Deans Marsh given it is a focus area. There is a need to undertake a more engaged and informative consultation process. Minimum subdivision area in Farming Zone will limit the aims of the Strategy.
16		Supports the Strategy. Ensure the new zones are further explained and describe how the council will support and/or approve proposals.
17	Deans Marsh	States that the Strategy is more a wishful statement of management-speak predicated solely on economic factors, than an actual plan for those of who live in our region. Council should work with indigenous groups to make appropriate acknowledgement of ongoing Indigenous land custodianship in the region. There is a need to upgrade the Deans Marsh Lorne Road. Improve access to NBN and internet speeds in rural areas. Land use flexibility to allow sustainable housing options.
18	Torquay	States that certain aspects of residential and rural living development are not adequately addressed. There are other areas than Torquay and Winchelsea for people to live. The Strategy should be used as an opportunity to increase the level of rural living in the Surfcoast hinterland.
19	Moriac	Concerned that the Strategy is tourism focused rather than hinterland proper. The Activity hub status likely to significantly change the rural small community feel of the Moriac area. Priority actions 2.5 and 4.7 appear to want to change the concept of a farm gate to something commercial and different altogether. The whole concept of a farm gate is contradicted if producers cannot sell from their property. There is a lack of green breaks such as that displayed on the map of figure 3, page 18. This concern is also reiterated on the map on page 21 showing the surrounding landscape around Lake Modewarre as a tourist focused, not an area of high conservation value. The document felt as if it was created with the purpose to facilitate large scale private enterprise such as the CORA proposal.
20	Bellbrae	States that the Strategy seems to carefully consider the environmental challenges that exist, while focusing on opportunities to explore and develop tourism opportunities in the hinterland.

21	Bellbrae	Supports larger blocks (2 to 10 acre allotments) that allow hobby farming and planting of trees within the Torquay Bellbrae green break. Supports arts and small scale accomodation in the green break.
22	Deans Marsh	States that Deans Marsh will require improved infrastructure before progressing as a focus area.
23	Moriac	Supports innovative approach to expanding hinterland tourism Supports the creation of area maps that include day tour options.
24	Bellbrae	States that land between Torquay and Bellbrae should be more hobby type farming or similar to the north side of Grossmans Rd.
25	Sorento	States that the area between Torquay to Bellbrae should not be in the Strategy and that the Hinterland Study should follow the stringy bark messmate forest.
26	Torquay	Opposes the Hinterland Strategy and does not want to be in the study area between Torquay and Bellbrae and that 100% of landowners with over one acre want lifestyle lots.
27	Bellbrae	Opposes the Hinterland Strategy between Torquay and Bellbrae. The area should be retained for future growth.
28	Sorento	Opposes the Hinterland Strategy between Torquay and Bellbrae. The area should be lifestyle living lots.
29	Torquay	Opposes the Hinterland Strategy between Torquay and Bellbrae. The area should be planned more like north of Grossmans Rd.
30	Torquay	Opposes the Hinterland Strategy between Torquay and Bellbrae. The area should be lifestyle living lots.
31	Deans Marsh	Disappointed that Strategy lacks detail and with lack of community engagement. The strategy should support locally generated community plans.
32	Spring Creek	Objects to the nomination of the Spring Creek corridor as a Green Break. The Strategy must be amended to provide for the balance of the Spring Creek corridor to be properly planned and investigated for possible future expansion. Strongly objects to Council's attempts to establish land use and development directions for the balance of the Spring Creek corridor while Amendment C114 remains under active consideration.

33		<p>Provides detailed commentary on the Strategy's objectives including Action 1.1, Action 1.2, Action 1.4, Action 1.6, Action 2.2, Action 4.1, Action 4.6, Action 4.7.</p> <p>Questionable mapping and determination fo focus areas.</p> <p>Broadbrush application to focus areas and land use.</p> <p>Excessive empahsis on tourism and siting of tourist development</p> <p>Lack of strategy to guard against loss of residential amenity and lifestyle.</p> <p>Inadequate identification and protection of environmental assets</p> <p>Poor utilisation of road infrastructure objectives inconsistencies and contradictions</p>
34		<p>Congratulates Council on a good strategy.</p> <p>The Significant Landscapes Overlay (SLO) should be applied to areas of high conservation values and high sensitivity.</p> <p>If SLO is not used then the Design and Development Overlay should be used.</p> <p>There is a need to control subdivision and to prevent the fragmentation of good agricultural land or land with high landscape values.</p>
35		<p>States the Strategy is heading in the right direction.</p> <p>Concerned that there is an implication that tourism should be imposed on the agricultural industry.</p> <p>The soil quality in Bellbrae area is not high quality.</p> <p>Support for recycled water</p> <p>Impact of residential development detrimental.</p> <p>Pleased that the strategy wants to draw a line between residential development and farming land.</p> <p>Seeks assistance and guidance in improving the commercial viability of farming activities.</p>
36	Winchelsea	<p>States that the Strategy focusses too narrowly on tourism and fails to appropriately recognise productive agriculture and care of the natural environment as foundations for the hinterland's success.</p> <p>Proposes a new broader vision that focuses on a range of matters affecting hinterland.</p> <p>Strategy needs to address:</p> <ul style="list-style-type: none"> <li>• support for large scale agriculture;</li> <li>• protection of productive rural land;</li> <li>• innovative ways to address unproductive land use;</li> <li>• the availability of land for diverse commercial, recreational, agricultural and community purposes.</li> </ul> <p>Does not support designation of land to the north and east of the Great Otway National Park as it is highly productive land.</p>
37	Moriac	<p>Raises concerns about the following:</p> <ul style="list-style-type: none"> <li>- The Vision has a narrow focus on tourism and economic growth to the detriment of local communities, amenity of rural residents, agricultural businesses and the environment.</li> <li>- Proposed tourist route along Cape Otway Road is not suitable for major alternate tourist route.</li> <li>- Large scale tourism development opportunities preferred way forward through the heart of existing agri-food and agri-tourism areas, the productive land belt, small townships and sensitive biodiverse environments.</li> </ul>

38		Opposes the area between Bellbrae and Torquay being in the Strategy. The area should be life style living with 5 to 10 Acre Lots running with the fall of the land. Grossman's Rd South should be made similar to the North side of Grossman's Rd.
39	Spring Creek	Objects to the nomination of the Spring Creek corridor as a Green Break. Remainder of Spring Creek should properly planned and further investigated as per the Panel report for C114. No land use or development directions should be provided for this area in the Hinterland Strategy.
40	Bambra	Congratulates Council for acknowledging the importance of the hinterland. The Strategy should be implemented through planning controls rather than planning policy as these carry more weight.
41	Spring Creek	Opposes the nomination of land between Torquay and Bellbrae as hinterland. Strategy contains no answers on how this unviable land can be used for other purposes. Unreasonbale to nominate as green break based on current development in Bellbrae and future urban growth.
42	Spring Creek	Raises the following concerns: - There is no strategic justification for the designation of Spring Creek as per the Strategy - The Spring Creek area should be designated as a "future investigation area" to allow a proper strategic planning investigation to take place into this precinct.
43	Spring Creek	Raises the following concerns: - There is no strategic justification for the designation of Spring Creek as per the Strategy - The Spring Creek area should be designated as a "future investigation area" to allow a proper strategic planning investigation to take place into this precinct.
44	Pennyroyal	Hopes that Council will be innovative to allow accommodation providers that are passionate about the land, environment and ecotourism to actively move forward to promote such a beautiful and natural resource in the Otway Hinterland.
45	Pennyroyal	Believes that if the rural subdivision restrictions remain, Pennyroyal region will stagnate.
46	Spring Creek	Requests that the land of south of Grossmans Rd, north of Spring Creek, west of the urban boundary be removed from the Strategy pending further investigation into future appropriate land use.
47	Bellbrae	Provides commentary on a number of objectives and priorities through the lens of focusing on the importance of protecting the natural environment. Submitter raises concerns about contradictions through the support for tourist development and protection of natural environment.
48	Spring Creek	Opposes land between Bellbrae & Torquay being included in the Strategy.
49	Pennyroyal	Requests that Council suspends the Strategy in it's current form and revisits some of the communities that are affected to better determine what the residents want.

50	Spring Creek	Opposes the Strategy between Bellbrae and Torquay. The area is a growth corridor surrounded by development.
51	Deans Marsh	Believes the strategy is a good move forward in encouraging better use of our hinterland. To encourage tourism, consideration needs to be made to allow multiple dwellings on lots and smaller lot sizes in the areas tourist want to visit and stay. The main issue will be housing affordability.
52	Deans Marsh	States that more flexibility in zoning regulations is required to create sustainable communities and allow for smaller lots sizes.
53	Deans Marsh	Provides suggestions from Forrest Mountain Bike Volunteers, a proposal for Hinterland Tracks as an investment into tourism in the area, and an overall plan put together based on community suggestions.
54	Deans Marsh	States that the hinterland land management has improved significantly in the last 30 years. Strong community has supported the economy and land management. Housing affordability is a serious issue. Minimum lot sizes is making matters difficult.
55	Yeodene	States that land and housing affordability is an issue, particularly for younger generations.
56	Deans Marsh	States that the Strategy lacks a holistic approach. Strategy needs to focus on: - Housing affordability. - Allowing cottage industries to develop on small acreage. - Maintaining and facilitating for a diverse community (socio-economic diversity, age diversity, skills diversity). - Aged care plan. - Recognition and support of local peoples contributions. - Support re-generative farming practices and businesses.
57	Moriac	Raises concern about the proposed tourist route along Cape Otway Road as increased traffic will be directed to a local road and through the Moriac township. The Vision as a whole only deals with economic value which disregards the rural value of the area. The submitter states that the paragraph included to explain the vision includes a more balanced direction.
58	Torquay	Opposes the Strategy. The Spring Creek valley is not viable farming land and should be considered as a growth corridor.
59	Spring Creek	Opposes the Strategy. The Spring Creek valley should be used for hobby farming and be provided with a walking track. Grossmans Rd South should be the same as Grossmans Road North.

60	Gherang	States that Maps (pages 18-21) need to have clearly identified spatial inputs with metadata to allow readers to quantify map information.
61	Spring Creek	Objects to the Spring Creek Corridor (in it's entirety) being included in the Strategy and being nominated as a "Green Break" and remaining as Farming Zone. The Strategy does define what a green break is and the intent appears to be, lock it up and limit permitted uses. The Spring Creek corridor west of the PSP area should be properly planned and investigated in a separate study i.e not the Hinterland Futures Strategy.
62	Bambra/Deans Marsh	States that the agroforestry industry needs to be fully understood before new rules about management of trees and vegetation are introduced. Benefits of the forestry industry in the hinterland are wide ranging. Agroforestry, as practiced by farmers in the Surfcoast Hinterland, is much more than small-scale forestry. It is the foundation of a new industry that is enhancing the rural environment, improving animal welfare on farms, providing financial rewards for landholders, creating new employment opportunities for young farm workers, supplying high value timbers for new craft industries (furniture, building etc.), educating the wider community about sustainable land management and sharing ideas with the national and international community.
63	Torquay	Suggests that the soil quality mapping in Figure 5 is not accurate and that soil quality is less than shown on the maps. Particularly the "higher soil quality locations" are not accurate in terms of the quality of soils. The Strategy does not reflect the marginal nature of soils in the Thompsons Valley. Recycled water is supported but should be used on smaller lots sizes to allow hydroponic production as opposed to soils. The term Green Break should be defined in the Strategy. The defined green break is also in an area identified as a future transit corridor and suggests that the green break be removed from this area.
64	Torquay	Strongly opposes the Strategy and believes that the viability of agriculture in the hinterland is no longer relevant. The area between Torquay and Bellbrae should be investigated for future hobby farms, which in turn will protect the rural nature aspect.
65	Torquay	Opposes the Strategy and that investigation of the Spring Creek valley for land uses other than broadacre farming should be undertaken.
66	Bambra	Has multiple concerns with the Strategy ranging from the background analysis, lack of detail in the strategy, lack of clarity around terminology, the vision, and lack of community input.



67	Deans Marsh	<p>Makes the following recommendations:</p> <ol style="list-style-type: none"> <li>1. The strategy needs to recognise the input of locals in the regeneration of the hinterland landscape and develop a strategic support mechanism including consultation with those on the ground. Support is required for existing community groups involved in education and extension such as landcare and agroforestry groups.</li> <li>2. The Deans Marsh district requires a far more flexible approach to shire planning and housing permits. The approach needs to be outcome focussed and not input regulated.</li> <li>3. The Deans Marsh Community needs support to develop a Community Plan including a succession plan</li> <li>4. The Surfcoast Shire needs to lobby State Government to prepare a Localised Planning Statement for a State Significant Distinctive Area to be applied to the Deans Marsh district and other relevant areas within the Surfcoast Shire.</li> <li>5. Review clause 21.05 Agriculture in the Surfcoast Planning Scheme to consider the themes presented in this submission.</li> </ol>
68		<p>Makes the following recommendations:</p> <ol style="list-style-type: none"> <li>1. The Surfcoast Shire Supports the Otway Agroforestry Network (OAN) as an existing practical extension/education group to create greater awareness to farmers, educational institutions and other interested organizations and people about the multiple benefits of agroforestry.</li> <li>2. The Surfcoast Shire considers hosting and funding a Master Tree Grower Program for landholders and other interested people.</li> <li>3. Tht the wording of the OAN's Mission Statement be included in the Hinterland Futures Strategy.</li> </ol>
69	Torquay	<p>Generally supports the Strategy in terms of its attempt to strengthen the town boundaries and retention of the open spaces between Torquay/ Jan Juc and Bellbrae to the west and from Torquay north to Mt Duneed Rd along the Surf Coast Highway. There is a need to reinforce the 1Km west of Duffields Road as the limit of urban growth for Torquay/Jan Juc. The Strategy appears to be solely concerned with economic development. It is vital that any policy change to enact the Strategy, acknowledges that retention and protection of the flora (and fauna) of all areas is not compromised. Safety of residents and tourists should be a priority in any change of policy in pursuit of increased economic activity. Supports the availability of recycled water to residential and rural properties. The mapping and legends appear incomplete- legend symbols do not appear on the map.</p>
70	Lorne	<p>States that Lorne is the most tourism related hinterland areas of the Shire and the proposal to direct most tourist developments within townships will severely restrict future tourism developments within the Shire. The Strategy does not address affordable housing, seasonal workers accomodation or event car parking. There is no proposal for the Rural Activity Zone or low density housing in the Shire.</p>
71	Deans Marsh	<p>Supports the need for affordable housing and enabling younger generations to live in the Deans Marsh area. Submitter proposes a development concept that focuses on eco living and economic activities as a viable option for this area.</p>

72	Spring Creek	States that the Strategy assumes the town boundary 1km west of Duffields Road is final and has not undertaken a proper exercise to determine preferred land uses within the break between Torquay and Bellbrae. Spring Creek should not form part of the Strategy or alternatively, the Strategy should be amended to include a proper planning process to determine a town boundary and green break.
73	Torquay	Opposes the Strategy.
74	Torquay	States that the Strategy is strongly biased towards the growth of tourism within the area- creates the impression of a Hinterland Tourism plan, rather than a document guiding the overall future of the Hinterland region. Particular concern with the lack of green breaks as displayed on the map of figure 3, page 18, and reiterated on the map on page 21. The latter showing the surrounding landscape around Lake Modewarre as tourist focused, not as an area of high conservation value.
75	Spring Creek	States that south side of Grossmans Road should be developed similar to Ocen Acres. Land on south side is not viable farm land and given the surrounding urban context it should be developed. The Strategy should not penalise those who wish to develop.
76		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
77		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
78		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
79		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
80		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.

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81		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
82		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
83		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
84		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
85		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.
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88		Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break". The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.

89		<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
90		<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
91		<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
92	Spring Creek	<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
93	Torquay	<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
94	Bellbrae	<p>Objects to the Spring Creek corridor west of the Precinct Structure Plan area being included in the Strategy, and being nominated as a "Green Break".</p> <p>The Spring Creek corridor area should be properly planned and investigated for future residential development in a separate study as recommended by the C66 and C114 panel reports.</p>
95	Bellbrae	<p>States that Strategy is biased towards tourism.</p> <p>The vision should be more broadly focused on matters such as landowners, environment, fire management, infrastructure, community well-being.</p>

## **5.2 Draft Hinterland Futures Strategy - Submissions**

### **APPENDIX 2 DEANS MARSH STRUCTURE PLAN DESKTOP REVIEW**

# DESKTOP REVIEW DEANS MARSH STRATEGIC ASSESSMENT



October 2018



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## Deans Marsh Strategy Review

### 1. Introduction

This report is an informal desktop review of the strategic direction and planning controls as they relate to Deans Marsh; it includes a review of the Deans Marsh Strategy, Design & Development Overlay-Schedule 18 (DDO18) and the Restructure Overlay (RO3).

The report does not question the findings of the Deans Marsh Structure plan; however, it does broadly consider the themes evident in some submissions to the recently exhibited draft Hinterland Futures Strategy (HFS).

The HFS seeks to provide clear strategic direction for the rural areas of the Shire and includes a vision, five key objectives and thirty eight priority actions. Although the towns, including Deans Marsh, are beyond the scope of the strategy a number of HFS submissions focussed on Deans Marsh were received. The Deans Marsh Strategy review has benefitted from the feedback contained in those HFS submissions.

Of further relevance, and as recognised by the 2009 Deans Marsh Structure Plan, the town's picturesque setting within the broader hinterland contributes meaningfully to its character and the application of the preferred minimum 0.4ha lot size articulated in the DDO18 broadly considers this from a wastewater management perspective. While the previous desktop review recognises the relationship between minimum subdivision lot sizes and the effective disposal of waste on-site, development density expectations in central Deans Marsh have not been recently reviewed.

In light of the development of many of the residential sized vacant lots over time, a more timely review of the Deans Marsh Strategy is considered appropriate.

Figure 1 + Aerial image of Deans Marsh (2017)

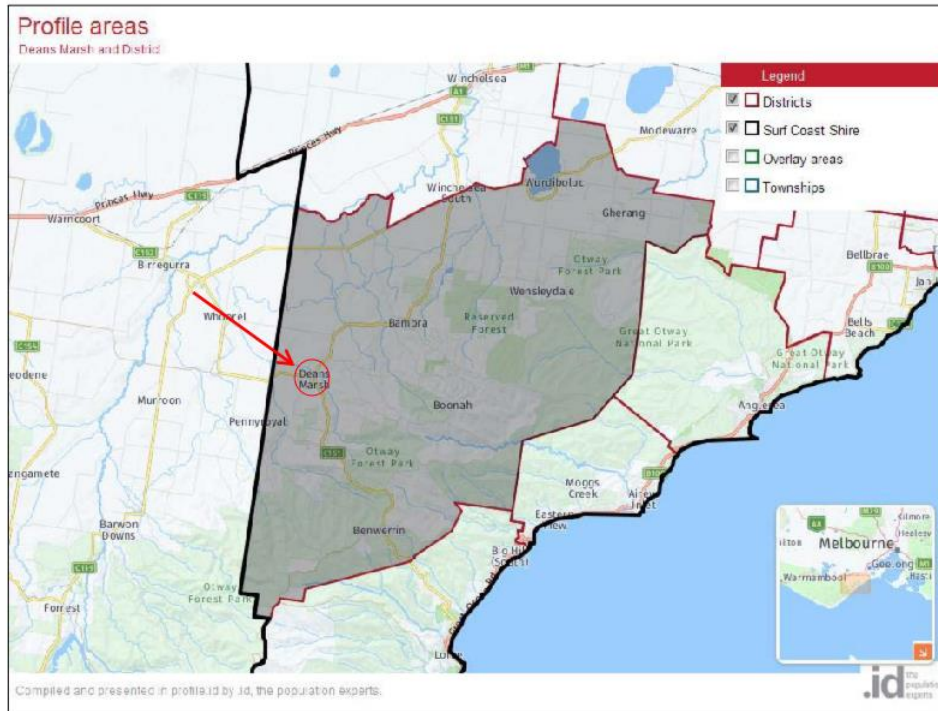




## 2. The study area

Deans Marsh and District encompasses a broad area that includes the Deans Marsh township, Benwerrin, Boonah, Bamba, Winchelsea South, Wensleydale, Gherang and Wurdiboluc (see Figure 1 below). It also includes portions (ie. those parts within Surf Coast Shire) of Birregurra and Pennyroyal.

Figure 2 - Deans Marsh and District (<https://profile.id.com.au/surf-coast/about?WebID=120>)



Deans Marsh is a small hinterland settlement located midway (24 kilometres) between Lorne and Winchelsea in the northern foothills of the Otway Ranges and it has its own unique character. This is expressed in its architecture, in its layout and spatial characteristics, in its vegetation and in its people.

Once a thriving rural service centre, the town now provides limited services to a much smaller community and with its history strongly reflected in numerous buildings and sites within the town and in the surrounding rural hinterland.

The Winchelsea-Deans Marsh/Deans Marsh-Lorne Road which passes through the town connects the Great Ocean Road at Lorne and the Princes Highway at Winchelsea. Deans Marsh lies midway between Winchelsea and Lorne and approximately 60 kilometres from the regional centre of Geelong.

The Deans Marsh district accommodates approximately 3.5% of Surf Coast Shire's overall population and while the area has a historically focused on dairy farming, other pursuits such as agro-forestry, olives, grapes and tourist accommodation have become more common.

### 3. Existing planning context

The Deans Marsh settlement boundary shown in the Deans Marsh Framework Plan at clause 21.15 is consistent with the outer limits of the Township and Public Park and Recreation Zones shown in Figure 3 below.

Figure 3 - Deans Marsh

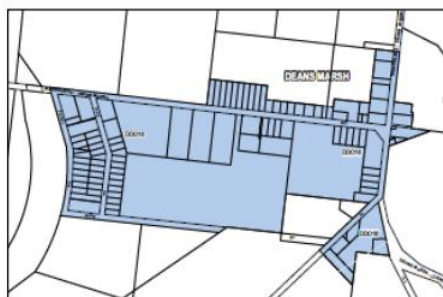


The Township Zone affords greater flexibility than the General Residential Zone, providing for residential development and a range of community, commercial, industrial and other uses while respecting the small town character.

Dwellings make up the dominant land use within the town; non-residential uses, including the general store, café, Country Fire Authority, school and recreation reserve are concentrated in the vicinity of the Winchelsea-Deans Marsh Road.

A comparatively large area of land developed by a single dwelling is located in the town's centre making connectivity between the east and the west of the town problematic in the short term. Currently, the Birregurra-Deans Marsh Road provides the only public connection between the western and eastern sides of the town.

Figure 4 - Design and Development Overlay-Schedule 18 (DDO18)



The Design and Development Overlay-Schedule 18 (DDO18) has been applied to all Township zoned land.

While the overlay seeks to manage built form, fencing, advertising signs and minimum lot areas it is only the subdivision and advertising sign requirements that apply to all of the area covered by the DDO18.

Figure 5 – Map 1 to Schedule 18 to the Design and Development Overlay



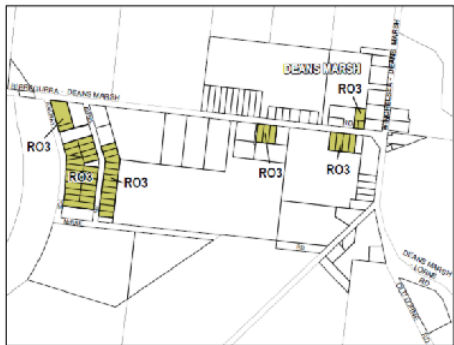
The buildings and works and fence requirements seek to build on the historic rural character of the town and apply only to the land indicated in Map 1 of the DDO18 shown at Figure 5.

The design objectives seek to limit building height, direct roof form and external cladding, ensure that outbuildings are sited behind dwellings and that front fencing is lightweight.

The overlay also seeks to achieve a minimum lot size to ensure that waste water dispersal can be effectively managed on site.

In January 2012, Amendment C67 implemented the relevant land use recommendations of the Deans Marsh Structure Plan 2008 and this included the application of the Restructure Overlay (RO3). The lots to which the overlay has been applied are shown in the map at Figure 6 below.

Figure 6 - Restructure Overlay (Deans Marsh)



The RO3 has been applied to land parcels where more than one lot is (or was at the time that the overlay was applied) held in common ownership.

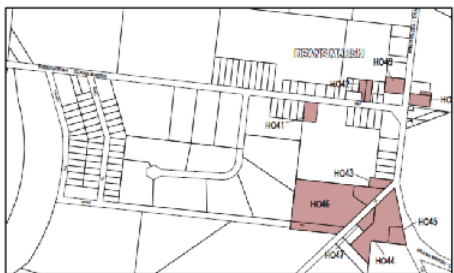
The RO3 broadly references the need to ensure that the minimum developable lot size is reflective of the capacity of a site to contain waste water within its boundaries and development must conform to the overlay requirements.

The overlay is supported by an incorporated Restructure Overlay Plan which sets out the development potential and requirements that apply to the restructured lots. In short, however, the RO3 seeks to limit the development of each restructured

lot to one dwelling.

While it is not of particular relevance to this review, there are a number of heritage sites within the town and these are recognised through the application of the Heritage Overlay as shown in Figure 6 below.

Figure 7 - Heritage Overlay



The heritage listed properties include Howard's Carrying Depot and Lawrence Cottage, both of which are on Birregurra-Deans Marsh Road and the former Deans Marsh Hotel which is located on Winchelsea-Deans Marsh Road. The building known as "Mrs McInnes Milk Bar and Boarding House" is located on the western side of Winchelsea-Deans Marsh Road.

Further to the south-east are the Deans Marsh Public Hall and Recreation Reserve, the former Methodist Church and Hall, St Paul's Anglican Church, the Primary School and the former Presbyterian Church.

All of the latter buildings are also heritage listed.

#### 4. Review

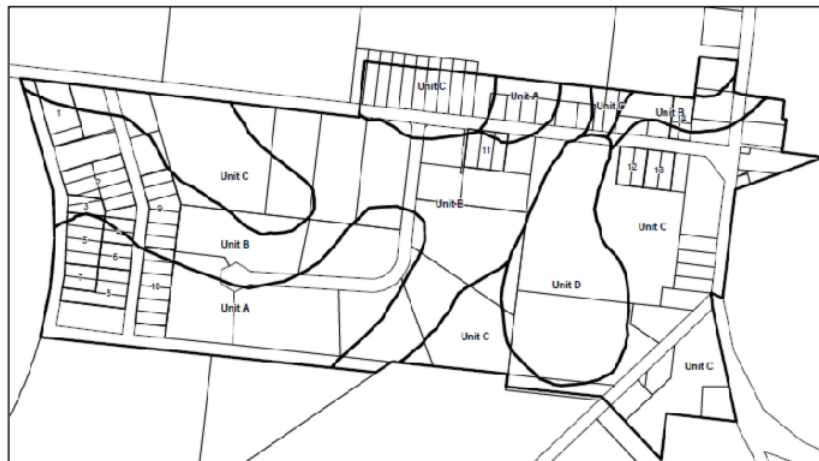
##### Waste water dispersal

In March 2012, a land capability assessment (Domestic Wastewater Management Plan (the Plan) by Geocode and van de Graaff and Associates) was undertaken for the township. The Plan examined the local soil conditions, topography and climate and the effect that these elements have on the dispersal of waste water and its uptake, including through percolation and evaporation.

In short, the Plan recognises that the soil quality (which includes a heavy clay subsoil) in Deans Marsh is naturally poor for onsite domestic wastewater dispersal. The area also experiences comparatively high rainfall, wet winters and low annual evaporation exacerbating the problem.

The Plan explains the town's potential for the treatment of wastewater by dividing it into four land units; this is shown in Figure 2 below. In short, units B and C have the most restrictions and D is undevelopable. Unit A has the most capability but is still poor for onsite domestic wastewater dispersal and a minimum land area of 2331m<sup>2</sup> for a 5BR home has been recommended. The qualities of these land units are set out in more detail below.

Figure 8 - Waste water land units



Unit A	The highest point in the Deans Marsh Township; unit A is a plateau and its flatness does not facilitate down slope drainage so waterlogging is common.
Unit B	Upper mid (largely concave) slopes immediately below the plateau; the concave slopes accumulate water and the convex slopes tend to be steep and would require careful engineering to install a dispersal field.
Unit C	Lower lying, largely concave; unit C is a drainage point where downwards water percolation is poor. Land unit C is prone to saturation.
Unit D	Described as "entirely unsuitable for onsite domestic wastewater disposal".

The minimum land area recommendation considers the local saturation and drainage conditions and is based on a calculation of the area required for the dispersal of waste water for a 5 BR home. The calculations also consider an arbitrary development envelope of 450m<sup>2</sup> and a 3m buffer to all boundaries.

The projected cumulative development impact has informed the desired development density sought through the RO3; in this instance the RO was applied based on ownership patterns (at the time the RO was applied). While the method was largely sound, it seemingly fails to contemplate the higher

development potential of the larger lots and allows some smaller than desired land sizes to be excluded.

There are four lots in Areas A and B that significantly exceed the 2,331m<sup>2</sup> area mentioned above; the further potential of lots in Units C – D has not been considered here due to their constraints. This will, however, be discussed below.

The larger lots in Units A - B are:

Restructure Unit	Land Unit/Area (A, B, C, D)	Land Area
R2	Unit "B"	6,556m <sup>2</sup>
R5	Predominantly Unit "A"	4,524m <sup>2</sup>
R9	Predominantly Unit "B"	5,977m <sup>2</sup>
R10	Predominantly Unit "A"	5,580m <sup>2</sup>

R2 contains a dam, dwelling and outbuildings. The land is located on a slope of about 5°. Consequently, the land lies within land unit "B". There is not enough evidence to indicate in absolute terms, the development/subdivision potential of this land unit.



R5 is largely in unit "A"; a small northern section is in Unit B. Based on the information available and notwithstanding the limitations of the RO, on its face the subdivision of this land into two lots could be explored in the future. Information relating to the dam (and whether it would be removed), restrictions on the development area and limitations on the number of rooms for any dwellings would be required to better understand this.

R10 is predominantly within unit "A"; the exception is a small northern section. Notwithstanding the RO and having regard to the 2,331m<sup>2</sup> minimum lot size mentioned earlier, the subdivision of the land into two lots could be explored. It is not clear why only one dwelling is allowed on this lot although like R5, information would be required about the dam and any future development if a review was to proceed.

R9 is wholly in unit "B" and is on a slope of 5.5°. There is not enough evidence to indicate in absolute terms, the development potential of this land unit.

As noted above, unit "B" is described as, "upper mid (largely concave) slopes immediately below the plateau; the concave slopes accumulate water and the convex slopes tend to be steep and would require careful engineering to install a dispersal field".

The 2013 Panel Report for Amendment C88 includes that:

*"...the Panel notes that the restructure requirements and maximum number of dwellings specified for each lot are generally consistent with the evidence of Mr van de Graaff, with the exception of restructure lots R2, R9 and R10. The Restructure Plan specifies a maximum of one dwelling for each of these lots, while Mr van de Graaff's evidence indicated that R2 could potentially contain two dwellings, R9 could potentially contain three dwellings and R10 could potentially contain 2 dwellings. Notably, Mr van de Graaff attached a number of caveats to this assessment, such as filling dams, locating dwellings in particular areas and configuring lot boundaries in certain ways.*

*While there might be an argument for modifying the Restructure Plan to take account of Mr van de Graaff's assessment in relation to restructure lots R2, R9 and R10, the Panel believes*

*that further analysis and broader consultation would be required before this could happen.*" [my emphasis]

The Deans Marsh Wastewater Management Plan authored by Mr van de Graaf and Geocode and the Panel Report for the now gazetted amendment C88 are both relevant in informing the current view. That is, a site specific and credible Land Capability Assessments would be required to inform any proposed amendment to the Restructure Overlay to increase the number of permissible dwellings. Such an assessment would need to consider things like the soil quality, slope and future development potential having regard to setbacks, siting, dwelling size and other surfacing (eg. sheds, driveways, swimming pools, tennis courts).

A methodical approach underpinned by a technical assessment is considered to be the appropriate way forward; however, even with a favourable Land Capability Assessment, the additional dwelling yield would be minimal (perhaps one more dwelling on each restructured lot mentioned here/three dwellings overall).

It is not ordinary practice for Council to undertake site specific amendments without a broader community benefit. Amendments like the ones alluded to above would commonly be undertaken as private planning scheme amendments; however, given the limited lot yield and the likelihood of a referral to a Planning Panel it could be disproportionately costly for proponents.

Council's Environmental Health Department has confirmed that the conditions upon which the 2014 assessment was based remain relevant; the assessment criterion has not changed. It has also been confirmed that waste water treatment technology has not advanced significantly and certainly not to a point where it would alter the conclusions of the Plan. In short, there is no new information that alters Council's position on the minimum lot size requirements within the Restructure Overlay.

Having said this, on face value and based on waste water dispersal alone there might be some restructured land units that have greater potential than has been allowed under the RO3. This does not account for the aggregate or cumulative impact of waste water dispersal in the area, however. Irrespective, the overlay does not allow a merit based reduction in land area and given the risks associated with the poor waste water dispersal, the RO3 is considered to be the best tool available for its purpose.

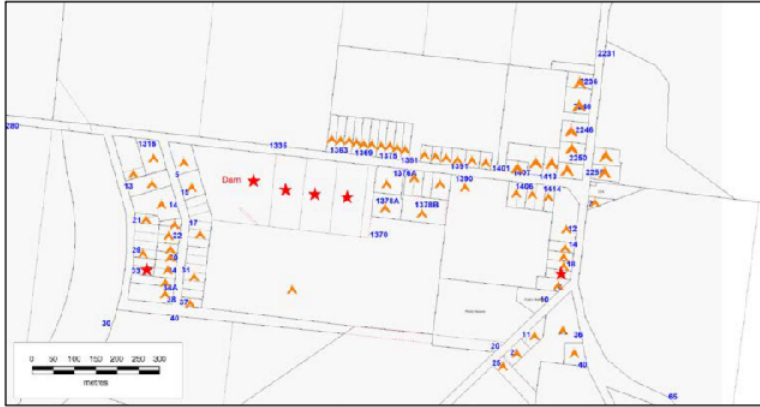
It was considered whether the installation of a water treatment plant similar to the facilities at Birregurra and Forrest would be an option for Deans Marsh. Barwon Water has advised informally that such plants are constructed in response to domestic wastewater treatment reports which identify the imperative for an alternative treatment solution for health or environmental reasons. Currently Barwon Water does not have any plans for Deans Marsh.

#### Land Supply

There are currently 72 land parcels (comprised of individual lots and lots held in common in the RO) within the Deans Marsh Township Zone. Of these, six are vacant.

The 2008 Deans Marsh Structure Plan 2021 (Map 2.2) indicates the number of dwellings within the town at that time. Since the drafting of the Structure Plan, ten dwellings have been approved and constructed and limited vacant residential sized lots remain. The undeveloped lots are indicated with the red stars on the map at Figure 9.

Figure 9 - Developed lots (orange symbol) and undeveloped lots (red symbol)



The Restructure Overlay limits the development potential of the lots covered by the overlay. For those areas outside of the Restructure Overlay, the subdivision potential of the land is limited by the Design and Development Overlay-Schedule 18 and the capacity of the land to treat and retain wastewater.

The Structure Plan includes that the potential exists for the creation of an additional 38 lots within the town. The number of infill lots is based on an assumed density of two dwellings per hectare; a minimum 0.4 hectare lot size. Where there is no existing road access an additional allowance of 1,000sqm per lot for infrastructure (off-site) is provided. Where subdivided lots would have direct access to a road, the report assumes a density of two dwellings per 8,000sqm with no additional infrastructure allowance. The larger central parcels are noted as having limited subdivisional potential (over 1 hectare).

The table below indicates the distribution of large lots and the predicted subdivision potential referenced above.

Site	Street Address	Current Status	Area	Potential Lot Yield	Additional Lots
1	1370 Birregurra Deans Marsh Road	Vacant with dam	28,600m <sup>2</sup> / 2.86ha	4	3
2	1370 Birregurra Deans Marsh Road	Vacant	12,160m <sup>2</sup> / 1.2ha	2	1
3	1370 Birregurra Deans Marsh Road	Vacant	12,340m <sup>2</sup> / 1.2ha	2	1
4	1370 Birregurra Deans Marsh Road	Vacant	12,340m <sup>2</sup> / 1.2ha	2	1
5	1370 Birregurra Deans Marsh Road	Single Dwelling	126,700m <sup>2</sup> / 12.6ha	25	24
6	1390 Birregurra Deans Marsh Road	Single Dwelling with dam	52,880m <sup>2</sup> / 5.2ha	9	8
<b>Total</b>				<b>44 lots</b>	<b>38</b>

The 2012 desktop review of the 2008 Plan broadly recognises the body of work carried out subsequent to the Structure Plan which highlights the significant constraints associated with the on-site dispersal of treated waste water.



Currently, the Structure Plan suggests that the capacity exists for the creation of an additional 38 lots and further land capability investigations would be required if Council sought to reevaluate the subdivisional capacity of this land.

Such a review is not expected to significantly depart from the earlier findings.

#### Land Demand

The Deans Marsh Structure Plan 2008 (the Structure Plan) references the *Great Ocean Road Region – a Land Use and Transport Strategy (2004)* and the *Victorian Coastal Strategy (2002)* as it relates to land demand.

Having regard to the above documents, the Structure Plan recognises Deans Marsh as a settlement in which limited urban growth will occur; growth is directed to townships which have adequate access to reticulated sewerage, land availability and potable water supply. Winchelsea and Torquay are cited as the towns most suitable for expansion due to their geographic location and access to existing services.

It is important to recognise that access to public transport and reticulated water and sewerage systems in Deans Marsh has not altered since the adoption of the Structure Plan. Barwon Water has recently confirmed that there are no future plans to initiate the installation of sewerage infrastructure in Deans Marsh. In short, schemes like those in Birregurra, Bannockburn and Skenes Creek are instigated at the direction of the State Government and are generally driven by existing environmental health concerns and not future growth potential.

Currently, the Deans Marsh Strategy at clause 21.15-3 encourages the development of B&Bs, country cottages and other forms of tourist accommodation within the township to cater for visitors seeking a retreat from urban areas. There is no clear evidence to suggest that this is occurring in great numbers. It is also not clear whether this is due to an absence of available buildings, an absence of demand or simply an absence of available data.

#### Design and Development Overlay, Schedule 18

In 2013, amendment C88 sought to (inter alia) rezone the Low Density Residential (LDRZ) areas of Deans Marsh to Township Zone (TZ) thus removing the minimum lot size requirements previously enforced through the LDRZ.

To offset this, preferred minimum lot size requirements were introduced as part of a new Design and Development Overlay, the primary purpose of which was to establish a preferred character outcome for the town.

The character objectives sought through the overlay are considered to be a sound reflection of the Deans Marsh Structure Plan that was undertaken in 2008. The language of the overlay is, however, imprecise and this makes interpreting some of the objectives and requirements difficult. As it is written, the overlay lacks both clarity and qualitative information, particularly at the decision guidelines where clear direction for decision makers is generally required.

It is also noted that the Structure Plan lacks any analysis of character as it relates to lot size and this is reflected in the C88 Panel report which stated, *“In the Panel’s view, the discussion of lot sizes in the Structure Plan seems to be in relation to effluent disposal rather than character”*.



The Panel went on to state that, *“the Panel does not believe that the link between the preferred minimum lot size and protecting the town’s character has been adequately demonstrated and recommends that these references be removed from the amendment”*.

In response to this, the exhibited version of the DDO18 was amended to delete the objective, *“to provide for a minimum lot size that reflects the rural character of the town”* and the decision guideline, *“whether the size and shape of a lot reflects the rural character of the township”*. This weakens the overlay as it relates to minimum lot size in the context of neighbourhood character.

Of further interest, the Panel report also noted that, *“it seems to the Panel that the previous zoning arrangement that applied to the TZ in the east of the town and the LDRZ in the west better reflected two reasonably distinct character areas within the town and provided a considered basis on which to manage development, including effluent disposal”*.

On this it is generally agreed. Although limited, the commercial and community uses are to the east as are the heritage buildings. There are also differences in the spacing around and between buildings which do potentially contribute to a different character outcome to the east and the west. Having said this, there does not appear to be subdivision pressure in the township in those areas not covered by the RO. In light of this, the DDO18 has not been tested in this regard and there is no evidence to suggest that this trend will change.

In short, the intent of the design objectives should be maintained but minor changes to language should be considered in order to add clarity. A draft amended schedule is attached at Appendix A.

Changes are also recommended to the permit requirements in order to add quantitative information and improved qualitative information and this will assist users who need to decide when a permit is triggered. Minor changes are also recommended to the buildings and works and subdivision requirements.

In its current form, the schedule lacks qualitative information for applicants and decision makers and additional decision guidelines have been included to assist decision makers in determining the appropriateness of roof form, wall cladding and subdivision.

#### Opportunities and constraints

##### Pathway

The eastern and western edges of the town are poorly connected with the only convenient public connection being via the Birregurra-Deans Marsh Road. While the road pavement is sealed, no pedestrian pathway or track has been constructed and therefore, the loop walk desired by the community is currently not possible.

A feasibility study is currently being undertaken by Council’s Recreation and Open Space Planning unit with the connection considered pertinent given the clustering of the school, public reserve and commercial activity on the western side of the town.

##### Parking

While the Deans Marsh township is beyond the ambit of the recently exhibited Hinterland Futures Strategy, the submissions (to HFS) received raise the lack of publicly accessible parking as a concern.

While there are examples of home based businesses in Deans Marsh, formal commercial development is limited with the General Store and Martians Café (the latter of which has associated on-site car parking) being the two commercial focal points. Other areas that attract higher than residential volumes of traffic are the school and the Recreation Reserve.

Limited on-street parking is available adjacent to the General Store but on-street parking close to Martians Café is limited due to the nearby fuel bowsers. On-street parking is also available adjacent to the school with additional informal parking on the opposite side of Pennyroyal Valley Road directly outside of the Recreation Reserve. On-site parking associated with the Recreation Reserve is also available but not in large volumes.

It is acknowledged that public parking in Deans Marsh is limited and it is considered to be commensurate to the existing population, commercial activity and community services. It is a relevant matter to be further considered during future Structure Plan reviews.

#### Summary

The limited availability of land ready for development has prompted a question about the township boundary.

In short, previous assessments indicated that in context, the land supply potential in Deans Marsh was satisfactory and this position has not altered. While all but two of the residential sized vacant lots have been developed, the land in central Deans Marsh has yet to be subdivided and the potential for adequate land supply remains. At this time, there is no new information to support a departure from Council's previous position. It is recommended that the town boundary remains.

The minimum subdivisional land area has been applied to respond to the existing and preferred character of Deans Marsh as identified through the Deans Marsh Structure Plan. Further, the capacity of land in the Deans Marsh area is poor for the on-site dispersal of waste water. No new information is available to support a departure from Council's previous land area position having regard to waste-water dispersal as articulated through the DDO18 and RO.

In the event that Council chose to pursue an amendment, a methodical approach underpinned by site specific land capability studies would be required. However, given the limited scope of the amendment it would in essence, be site specific and it is not practice for Council to undertake site specific amendments. Site specific amendments are commonly private planning scheme amendments where the amendment process is privately funded. In this instance, the limited increase in potential dwellings relative to the cost in running an amendment would be a pertinent consideration for the landowners.

In addition to the waste water dispersal issues, the planning controls relating to character were also reviewed. Simply put, the design objectives articulated through the DDO18 are a sound reflection of the preferred and existing character of Deans Marsh as it relates to built form. However, the language of the overlay does not adequately communicate this. It is recommended that the overlay be amended without changing the intent or outcomes sought through the overlay in its current iteration.

## **Appendix A**

Proposed draft - changes to the DDO18

SURF COAST PLANNING SCHEME

30/05/2014  
C88 **SCHEDULE 18 TO THE DESIGN AND DEVELOPMENT OVERLAY**

Shown on the planning scheme map as **DDO18**.

**DEANS MARSH TOWNSHIP CHARACTER**

**1.0 Design objectives**

30/05/2014  
C88 To build on the historic rural character of the town, through the appropriate design and style of buildings, fences and advertising signs. The important elements comprise:

- 1-2 storey building scale
- Pitched roof
- Lightweight, weatherboard cladding
- Lightweight, open front fencing

To preserve the low scale built character of the town.

To provide a minimum lot size for on-site wastewater dispersal.

**2.0 Buildings and works**

30/05/2014  
C88 **Permit requirements**

Permit requirements shall only apply to the precinct identified in Map 1 to schedule 18 to the Design and Development Overlay.

A permit is required to construct a fence that is more than 1 metre in height.

A permit is not required to construct a building or construct or carry out works where all of the following are met:

- The roof of the building has a pitch greater than 20 degrees;
- At least 70% of the external wall cladding (excluding doors and windows) of a building is weatherboard or weatherboard in appearance (horizontal or vertical overlapping boards used as cladding);
- The building is not more than two storeys in scale and not more than 7.5 metres in height;
- Any outbuilding on the land is located behind the dwelling.

**Requirements**

Buildings should not exceed two storeys.

Buildings should not exceed 7.5 metres in height.

Buildings should enhance the historic character of the township as generally illustrated in Diagram 1 to this schedule.

A garage associated with a dwelling should be setback at least 1 metre behind the front wall of the dwelling and be similar in style to the dwelling.

New commercial development should provide for integrated on and off street parking.

Off-street commercial car parking should be sited to the rear of commercial development so that it does not dominate the streetscape (Refer to Diagram 2 & 3 to this schedule).

Commercial development should be built to the street boundary and should have verandas over the footpath. (Refer to Diagram 2 & 3 to this schedule).

**3.0 Subdivision**

30/05/2014  
C88 **Requirement**

Subdivision must meet the following requirements:

A lot should have an area of at least 0.4 ha. A lot that includes a battle-axe driveway must not include the area of the driveway in the lot area calculation.

#### **Application Requirements**

An application for subdivision must be accompanied by a Land Capability Assessment.

#### **4.0 Advertising signs**

30/05/2014

Advertisement signs as at Clause 52.05-9 – Category 3 - High Amenity areas.

C88

#### **5.0 Decision guidelines**

30/05/2014

Before deciding on an application, the responsible authority must consider, as appropriate:

C88

- Whether a fence greater than 1 metre in height respects the character of the streetscape through lightweight construction and visual permeability.
- Whether the roof form is appropriate having regard to:
  - the existing and preferred character;
  - whether the roof pitch is less than 20 degrees and the extent of any reduction;
  - the proportion of the roof with a pitch that is less than 20 degrees;
  - the prominence of the building in the streetscape and from other public viewing areas.
- Whether the external wall cladding is appropriate having regard to the existing and preferred character and the prominence of the building in the streetscape and from other public viewing areas.
- Whether the setback of an outbuilding or garage relative to a dwelling on the site is appropriate having regard to its comparative scale and its visual prominence within the streetscape.
- Whether an advertising sign would be dominant in the streetscape, having regard to its size, location, colour and illumination.
- Whether the area and dimensions of a lot provides for on-site treatment and dispersal of wastewater having regard topography and soil characteristics.

## **5.2 Draft Hinterland Futures Strategy - Submissions**

### **APPENDIX 3 PROPOSED CHANGES TO HINTERLAND FUTURES STRATEGY DRAFT**

PROPOSED CHANGES TO HINTERLAND FUTURES STRATEGY

ISSUE	PROPOSED CHANGE	PAGE NUMBER OR SECTION
<p><b>1. Updates to Maps</b></p>	<p>Update maps to:</p> <ul style="list-style-type: none"> <li>• Refine the green break hatching on the Strategic Framework Plan to reflect existing settlement boundaries.</li> <li>• Refine the mapping of high quality soil areas to be more accurate.</li> </ul>	<p>Strategic Framework Map</p> <p>Intensive and Commercial Farming Focus Area Map</p>
<p><b>2. Updates to Text</b></p>	<p>Remove references to uses which do not have planning permission.</p>	<p>Various</p>
<p><b>3. Bushfire</b></p>	<p>Add a new Bushfire section into the Strategy referencing the current State Policy and Clause 13.</p> <p>Undertake mapping of high risk areas and incorporate the results into the Strategy.</p>	<p>Section 4 – Context – Drivers for Change</p> <p>Section 12 – Land Use Context – After “Environmental Values and Risk” – insert new section on “Bushfire” and Clause 13.</p>
<p><b>4. Definitions and Clarity</b></p>	<p>Define “complementary” as a new use which:</p> <ul style="list-style-type: none"> <li>*enhances the quality of the existing use of the land.</li> <li>*is compatible and can be integrated with the existing use or surrounding uses</li> <li>*is not detrimental.</li> </ul> <p>Define “green break” as non-urban land between townships.</p> <p>Discussed further below.</p>	<p>Maps</p> <p>Various sections</p> <p>Add definition of “complementary” and “green break” to Definitions section in Appendix 1.</p>

PROPOSED CHANGES TO HINTERLAND FUTURES STRATEGY

ISSUE	PROPOSED CHANGE	PAGE NUMBER OR SECTION
<p><b>5. Clarify the Scope of the Strategy</b></p>	<ul style="list-style-type: none"> <li>• At the start of the document, explain that land within townships is not in scope but are covered by structure plans.</li> <li>• Rename the Strategy the “Rural Hinterland Futures Strategy” to make it clear it is about the land between townships.</li> </ul>	<p>Include in the Introduction section</p> <ul style="list-style-type: none"> <li>• <i>This hinterland covers about 1,020 square kilometres (or 60% of the Shire) and includes Deans Marsh/Pennyroyal, Freshwater Creek, Modewarre, Moriac and Winchelsea.... Winchelsea is the largest town in the hinterland and acts as a regional centre for many local farmers. <b>Land within the settlement boundary of townships is not within the scope of this strategy but are covered by structure plans. However, they are recognised as a valuable element of the hinterland and some already function as tourist hubs</b>.</i></li> <li>• In the Executive Summary and Introduction, specify that the Strategy is an Economic Development and Planning Strategy for the rural land in the Shire</li> </ul>
<p><b>6. Accommodation</b></p>	<p>Encourage accommodation uses which have a manager on site such as group accommodation or bed and breakfast. Highlight bushfire risk in the discussion.</p>	
<p><b>7. Environment</b></p>	<p>Highlight the natural Environment in the Strategy and the need to protect environmental values while explaining this is not an environmental strategy.</p>	<p>Objective 1.2: “Encourage nature based activities and agri-tourism in areas identified as high environmental and landscape value”. Change to: “Encourage nature based activities and agri-tourism in areas identified as high environmental</p>



PROPOSED CHANGES TO HINTERLAND FUTURES STRATEGY

ISSUE	PROPOSED CHANGE	PAGE NUMBER OR SECTION
		and landscape value that preserve those values as a priority. New uses must be complementary and must address bushfire risk".
<p><b>8. General issues with new uses in rural zones – Tourism/Accommodation/Function Centres.</b></p>	<p>Introduce "Principles" section: Wording to provide direction as follows (not exact wording):</p> <ul style="list-style-type: none"> <li>*New tourism uses should demonstrate that it will not impact on the productivity of existing agricultural activity on adjoining land.</li> <li>*New tourism uses and development should not result in an unreasonable loss of productive capacity of agricultural land.</li> <li>*Siting and design guidelines proposed should include matters such as setbacks and buffers from existing agricultural uses in addition to: access, heights, colours and materials, avoiding loss of native vegetation, and landscape impacts (topography and values).</li> <li>*Agriculture to remain the primary purpose of the Farming zoned land.</li> <li>*New tourism uses must not adversely impact on high environmental values or significant landscape values.</li> <li>*New tourism uses must take into account bushfire risk.</li> <li>*New industrial uses should have a direct connection with agricultural use of the land and not be used as a cheaper alternative to industrial land. E.g. caravan storage.</li> </ul>	<p>New Section "Principles" to be added.</p>

PROPOSED CHANGES TO HINTERLAND FUTURES STRATEGY

ISSUE	PROPOSED CHANGE	PAGE NUMBER OR SECTION
	<p>Siting and context to be a decision guideline. *Decision guidelines for function centres and places of assembly must include bushfire risk, appropriate road access, infrastructure availability and ability to manage amenity impacts such as noise.</p>	
<p><b>9.Green Break between Torquay and Bellbrae</b></p>	<p>Revising the mapping to be more accurate as described above.</p> <p>Revise the wording in the Implementation Plan to read as follows for greater clarification: “Maintain the green breaks between Torquay and Mt Duneed Road and between the Torquay western boundary and Bellbrae. Support the ongoing use of the land for existing uses such as arts, small scale accommodation and for lifestyle/hobby farming. If new uses are proposed, such uses should be complementary to the existing uses and not adversely impact on the landscape in the green break as viewed from the Great Ocean Road.”</p>	<p>Strategic Framework Plan and Commercial Farming and Agribusiness Focus Area map.</p> <p>Implementation Plan</p>