

Bellarine Peninsula DAL

Project status

- At the last election, the government committed to declaring Bellarine Peninsula a Distinctive Area and Landscape under the *Planning and Environment Act 1987* (the Act) and to develop a Statement of Planning Policy to protect environment, landscapes and lifestyle of the Bellarine Peninsula.
- The area was declared in October 2019 triggering the need to develop a Statement of Planning Policy (SPP) within 12 months.

Why has the Bellarine Peninsula been declared?

The Bellarine Peninsula declared area generally meets the assessment criteria set out in the Act as being distinctive and under threat from development pressures and land use conflict. Additionally, there is significant community concern over the scale of development that is occurring in some parts of the Bellarine Peninsula, which has been one of the fastest growing areas within the City of Greater Geelong municipality.

Which areas of the Bellarine Peninsula have been declared?

The declared area covers most of the Bellarine Peninsula and extends around the coastline, including 600 metres seaward of the low water mark, from Leopold on Outer Harbour in the north to just before Breamlea on the Bass Strait coast in the south. This western part includes the Lake Connewarre Wetlands complex and the Sparrovale wetlands project, which is currently being developed.

How were the boundaries determined?

The declared area is generally consistent with the area covered by the existing *Bellarine Peninsula Localised Planning Statement* (LPS). The western boundary generally weaves a path that separates rural land to the east from developed or developing land in the west, and the Surf Coast DAL in the south-west.

What happens now the area has been declared a distinctive area and landscape?

Now that the Bellarine Peninsula is a declared distinctive area and landscape, an SPP must be prepared within one year of declaration.

What is a Statement of Planning Policy (SPP)?

An SPP will provide the highest level of planning protection and:

- Set a 50-year vision which identifies the values and attributes to be protected and enhanced
- Sets out the long-term needs for the integration of decision making and planning for the declared area
- Includes a framework plan for the declared area that identifies areas to be protected and conserved.

The SPP may also specify protected settlement boundaries for townships.

Once the SPP is approved it will be incorporated into the planning scheme and enforced through the *Planning and Environment Act 1987*.

How have the community, developers and business been involved in the process so far?

Last year's declaration followed community consultation with the community sharing their views and ideas online and in person and confirmed overwhelming support for the need to carefully plan for development and growth in the Bellarine Peninsula region.

Are there more opportunities for community input?

There will be further community and stakeholder engagement to capture community input into the long-term vision and direction for the declared area. The next stage (phase 2) of community consultation will further inform the development of the SPP, including the potential for protected settlement boundaries. A third phase of community consultation will then seek submissions on a draft SPP.

Who is leading the process?

The Department of Environment, Land, Water and Planning (DELWP) is working in collaboration with the Bellarine Peninsula Shire Council, and Traditional Owners, the Wadawurrung People to prepare the State of Planning Policy, with input from local communities and other key stakeholders.

How does the City of Greater Geelong Settlement Strategy amendment relate to the distinctive area and landscape?

The Settlement Strategy amendment process for Greater Geelong Planning Scheme Amendment C395 is separate to the DAL process. The Settlement Strategy will be considered by the DAL process through the development of the SPP. The final public hearing was held on Wednesday 18 March and the Panel is due to deliver its report to council within 40 days of this date.

What is the process for determining protected settlement boundaries?

The department is collaborating with the Borough of Queenscliffe and the City of Greater Geelong to consider appropriate protected settlement boundaries. Current township structure plans that have been through public exhibition and independent review will be used as a basis to inform protected settlement boundaries, along with the results of public engagement and any relevant recommendations from technical assessments currently underway. There will be further opportunities for public feedback on the draft SPP and protected settlement boundaries.

How will height controls be determined? Where will height controls be implemented?

Current height controls are being reviewed as part of this process. Height controls will be considered in relation to township character, the relationship between townships and their broader landscape setting. Public feedback gathered through further consultation and engagement activities will be an important input into this process.

General DALs questions

About DALs

What are distinctive areas and landscapes?

Distinctive areas and landscapes are places that contain a concentration of unique attributes of state and/or national significance. They include environmental, landscape, geological, water, cultural heritage, natural resource, agricultural and strategic infrastructure features. These are considered to have a positive social, environmental and economic impact on the lives of Victorians. Distinctive areas and landscapes are critical to state and regional economies, supporting diverse industries like tourism, agriculture and resources.

The Victorian Government recognises that many of these areas are increasingly under threat or pressure from continuing urban development and/or land use change. The right land use planning settings need to be put in place to protect their long-term viability.

Which other areas are being considered?

The Bass Coast, Macedon Ranges and Surf Coast regions have also been declared and are working through the process to develop and implement their respective SPPs, with the SPP for Macedon Ranges having been approved by Parliament and gazetted.

Wasn't this Distinctive Areas and Landscapes legislation passed in 2018?

The *Planning and Environment (Distinctive Areas and Landscapes) Bill 2017* passed in 2018, which amended the *Planning and Environment Act (1987)* to enable the State Government to declare a region as a Distinctive Area and Landscape, subject to meeting strict criteria.

Once an area is declared, a Statement of Planning Policy must be prepared to guide future land use and development within that area. The Bellarine Peninsula Distinctive Area and Landscape was declared on 29 October 2019 (i.e. the date the Declaration was published in the Victoria Government Gazette).

What does this legislation mean for the region?

The declaration allows this iconic region's natural beauty and state significant environmental, heritage, landscape and rural values to be protected.

The Act requires a statement of planning policy to be developed for the region, which requires responsible public entities, such as VicRoads, Parks Victoria and the local council, to consider the SPP in relevant decision-making and in carrying out duties.

The Act also allows for the establishment of long-term settlement boundaries for townships within a declared area. This will secure the long-term sustainability of townships in the region and ensure growth does not encroach into valued natural and rural landscapes. The Act requires any change to these boundaries to be ratified by Parliament.

Definition & criteria for declaration

How are distinctive areas and landscapes defined?

Distinctive areas and landscapes contain a concentration of unique features of state and/or national significance. This includes for example, environmental, landscape, geological, historic, natural resource, cultural heritage, economic, and agricultural values that are under threat or pressure from continuing urban development and/or land use change. It may also include major infrastructure (for example, airports, freight networks, energy generation) that is critical to the economy.

An area declared as distinctive may contain World Heritage properties, National Heritage listed places, wetlands of international significance (for example, Ramsar wetlands), threatened species and ecological communities and migratory species.

What are the criteria?

To ensure the right areas are afforded protections under the Act, criteria have been developed to guide decision making. Any decision to protect an area through declaration needs to consider both the components of distinctiveness that an area contains as well as the nature and level of threat to these components.

The following specific criteria are established in the Act:

Distinctiveness criteria:

The Minister must be satisfied that an area has most of the following attributes to recommend that the area be declared as a distinctive area and landscape:

- outstanding environmental significance
- significant geographical features, including natural landforms
- heritage and cultural significance

- natural resources or productive land of significance
- strategic infrastructure or built form of significance.

Threat criteria:

The Minister must also be satisfied that an area is under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area to recommend that the area be declared as a distinctive area and landscape, whether that threat arises from:

- land use conflicts, or
- multiple land use changes over time, or
- other land use threats identified.

For example, in practice a distinctive area and landscape may contain a concentration of heritage listed places, wetlands of national or international significance, populations of threatened species and ecological communities, cultural significance for Aboriginal Peoples and important water catchment areas – features which might be at risk due to increased pressure for residential (or other) development and rapidly expanding townships.

The criteria have been developed across the Victorian Government to holistically reflect social, environmental and economic values.

What types of threats are significant areas facing?

Threats include:

- conflicts between incompatible land uses, such as development encroaching on an existing quarry providing significant natural resources
- cumulative impacts of development and land use practices, such as continued land clearing leading to further fragmentation of biodiversity
- compounding threats such as downstream pollution where a change in one part of a catchment detrimentally impacts on another part of the catchment.

It is a combination of the concentration of unique values and potential threats to these values that will determine whether an area is of state distinctiveness.

Traditional owners

How does this process emphasise Traditional Owners' connection to their Country?

One of the four objectives of the Act is to recognise the connection and stewardship of Traditional Owners in relation to land in declared areas.

Recognising Aboriginal Peoples' connection to Country is an important step as Victoria moves towards a Treaty with Aboriginal Victorians. There is intrinsic value in utilising Aboriginal knowledge and tradition to better understand Victoria's diverse landscapes.

Through the Act, new Statements of Planning Policy can be prepared for 'declared' areas which must set out, among other things, Aboriginal tangible and intangible cultural values in relation to the declared area. This is an opportunity to emphasise a continuing association with Aboriginal living tradition.

In the preparation of Statements of Planning Policy, the Government must work in partnership with relevant Registered Aboriginal Parties and groups recognised through agreements under the *Traditional Owner Settlement Act 2010*.

The Act complements (but does not replace) the *Aboriginal Cultural Heritage Act 2006* which protects places and objects of identified Aboriginal cultural significance or sensitivity.

Process

What happens after an area is declared?

After declaration, a statement of planning policy must be prepared for land within the declared area to coordinate decision making for land use and development.

How is a statement of planning policy approved?

Statements of Planning Policy be endorsed by relevant parties prior to final approval by the Victorian Government to facilitate integrated management and the protection of state significant attributes. This includes:

- endorsement by responsible public entities (government agencies and local councils) specified in the statement
- endorsement of the Ministers responsible for those entities
- approval by Governor in Council and notice published in the Government Gazette.

Impact on existing permits, rights etc

Will the declaration as a distinctive area and landscape impact existing planning permits?

Existing, valid planning and building permits will not be affected by the proposed new legislation or the draft statement of planning policy.

Councils will continue to assess and determine applications for planning permits based on the planning scheme provisions.

What is a settlement boundary?

A settlement boundary is a defined area which limits urban expansion. The key aims of settlement boundaries are to ensure there is a rural break between townships to keep a towns unique identity and to stop urban encroachment into productive agricultural land and/or significant landscapes.

Any change to a settlement boundary, identified in a statement of planning policy, requires a rigorous structure planning process, a planning scheme amendment and parliamentary ratification.

How are settlement boundaries determined?

Settlement boundaries are determined by assessing the needs of a township in terms of future land supply requirements, community expectations and physical or environmental barriers to growth.

Future change and enforcement

Can settlement boundaries be changed once they are in place?

Yes, but there must be strategic justification for the change and the council will be required to seek endorsement from the Minister for Planning. An amendment to the planning scheme would be required to change the boundary, which would need the approval of the Minister and ratification from the Parliament.

How is the statement of planning policy enforced?

Once the statement of planning policy is approved and incorporated in the relevant planning scheme, it will be enforced through the *Planning and Environment Act 1987*.

Who is bound by the statement of planning policy?

An important objective of the Act is to enable the integration of policy development, implementation and decision-making through statements of planning policy. Any responsible public entity specified in the statement must not act inconsistently with any provision of the statement.

What happens if an authority does not ‘have regard to this statement of planning policy’?

Any matters regarding enforcement would be under the provisions set out in the *Planning and Environment Act 1987*, or under relevant legislation governing the responsible public entities specified in a statement.

How will the statement of planning policy be used by VCAT?

The SPP will form part of the relevant planning scheme and the objectives and strategies of the SPP will be used as part of decision-making framework for VCAT.

How will the Government support local council to implement the statements of planning policy?

The Government has previously funded the background and technical work to substantiate statements of planning policy as well as the advisory committee and public consultation process. Funding was also provided to support further strategic planning work. Support for local councils in the investigation areas will be considered in discussion with the relevant local government.