

**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Tuesday, 13 June 2017 1:13 PM  
**To:** Info  
**Subject:** Submission for Proposed Planning Scheme Amendment C121  
**Attachments:** C121submission [REDACTED]

Attention:

The Strategic Planning Co-ordinator, Surf Coast Shire

Please find attached our submission.

Regards

[REDACTED]

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Dear Sir/Madam

We are the owners of [REDACTED], which will be affected by proposed Planning Scheme Amendment C121. After reviewing the amendment documents we make the following submission.

The introduction of Significant Landscape Overlay; Schedule 1 as proposed in Planning Scheme Amendment C121, will unreasonably and inappropriately limit development of the land at [REDACTED] for the following reasons:

1. The decision guidelines require that “all development must be ‘visually recessive’ within the Bells Beach viewshed” where ‘visually recessive’ development is defined as:

*A development is ‘visually recessive’ when the following siting and design principles are followed; sits below the existing tree canopy, is modest in size and height (predominantly single storey) so that the surrounding landscape dominates the structure, is tucked into a hill side or utilises a stand of trees as a backdrop, maximises landscaping and has minimal hard surface areas, constructed in natural materials and colours (stone and/or timber), is located below a ridge line and is setback far enough from the street or public vantage point so that it is hardly visible from beyond the site*

By default these requirements effectively limit all development on the property to a predominantly single storey scale only, which when combined with the requirement to maintain vegetation on the land will unreasonably prevent the owners from accessing coastal views in the area.

2. The requirement that all development must be ‘visually recessive’ and therefore predominantly single storey, is counter productive to the other relevant planning controls which apply to the land that seek to limit vegetation removal. A single storey development will result in a larger building footprint and this combined with the defensible space requirements applied through the Bushfire Management Overlay will result in a greater loss of vegetation or unrealistically limited development expectations being imposed on the landowners.
3. The requirement that development is to be located so as to be ‘hardly visible from beyond the site’ is subjective and an inappropriate measure for a planning control.
4. The decision guidelines for recreational structures should also consider whether private recreational structures have been sited within existing and proposed areas of defensible space.

[REDACTED]

[REDACTED]



Department of Economic Development,  
Jobs, Transport & Resources

Ref: DOC/17/298620

Ms Karen Hose  
Coordinator Strategic Land Use Planning  
Surf Coast Shire  
PO Box 350  
**TORQUAY VIC 3228**

Dear Ms Hose

**AMENDMENT C121 SURF COAST SHIRE PLANNING SCHEME**

I refer to your letter to VicRoads dated 15 May 2017, inviting submissions in relation to the above mentioned amendment which has been placed on public exhibition until 19 June 2017.

This is a coordinated response from Transport For Victoria (TFV) with input from VicRoads. It would be appreciated if future strategic planning referrals of this nature are directed to myself at TFV.

It is understood that the amendment proposes to modify planning policy, zone and overlay provisions applying to the Bells Beach hinterland as well policy controls relating to land impacted by the Coastal Development Policy, Vegetation Protection Overlay Schedule 1 and the Significant Landscape Overlay Schedule 1 in proximity to the Great Ocean Road.

It is noted that the amendment does not affect land within the road reservation of the Great Ocean Road.

Transport For Victoria has no objection to this amendment.

If you require further information, please do not hesitate to contact me on [REDACTED] or at [REDACTED]

Yours sincerely

8 / 6 / 2017

**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 8:22 PM  
**To:** Barbara Noelker  
**Subject:** Amendment C121 - submission on behalf of [REDACTED]

Hi Barb,

Hope you're well.

We act for the owners of [REDACTED]. This property is currently subject to the VPO1 and as such would be affected by Amendment C121 in that it introduces Clause 22.04 to land covered by the VPO1.

I understand that Amendment C96 proposes to remove the VPO1 from this land, in which case the amended Clause 22.04 would not apply. I also understand that Amendment C96 is in train and the Panel Report still has to go to Council and back to the Minister. I am not familiar with the Panel recommendations or where that Amendment is likely to go, so for the moment we are proceeding on the only basis we can – that is that the VPO1 and therefore the amended Clause 22.04 applies.

We don't believe that the intention is for Clause 22.04 to apply to this land as the intent and justification for C121 relates to strengthening controls within the Bells Beach hinterland, however, but until C96 is resolved we are uncertain on that matter.

We therefore submit to Amendment C121 that the amended Clause 22.04 does not apply to this land on the basis that;

- There is a uncertainty as to whether it will apply in future;
- There is no strategic justification for an amendment seeking to apply controls to the Bells Beach hinterland, to also apply controls to land remote from the hinterland and which has no effect on the hinterland.

Kind regards,

[REDACTED]

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 7:06 PM  
**To:** Info  
**Subject:** Submission re - Proposed Amendment C121 to Surf Coast Planning Scheme

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

For the attention of the Strategic Planning Coordinator

I am writing to object to any proposed amendments covered in the " Proposed Amendment C121 to the Surf Coast Planning Scheme".

It is my belief that the current Rural Conservation Zone and Significant Landscape Overlay, coupled with the Local Planning Policies are already so restrictive, onerous and prohibitive on property owners in the Bells Beach area, that any proposed amendments are both overly aggressive and unwarranted.

No doubt the proposed amendments will come at a significant and unnecessary cost and it is most probable that Council will, once again, end up wasting more ratepayer's money at VCAT in the future.

We pay a considerably lower rate on a "Capital Improved Value" basis in Brighton, as well as lower municipal administration charges and waste collection charges, whilst receiving a better and more comprehensive range of services. In these difficult economic times Council should focus on reducing or containing costs to ratepayers and not wasting money on unnecessary changes to existing policies.

I am particularly concerned about Bells Beach being added to the list of areas where Council supports the concept of a "buy-back " scheme for land with " significant environmental value". This is totally unacceptable and would place an ongoing uncertainty on the value of any land covered by any potential "buy-back".  
 Who would be the determinant in any such case?

I also am of the opinion that the following additions/amendments are equally unnecessary:  
 Rural Landscape Policy 21.06-3 Objective 3: - Council will oppose any proposal or rezoning that would allow more intensive development in the Bells Beach hinterland.

Objective 4: - Oppose subdivision and tourist development.

landscape, environmental and supported. WHAT CULTURAL VALUES?

- Development that is likely to detrimentally affect the scenic and cultural values within the Bells Beach hinterland will not be

planning controls are more than sufficient without adding any potentially additional overlay.

The alterations to the schedule to the Significant Landscape Overlay broadens the current restrictions on landowners as well as extending the significant area to include all approaches to the Bells Beach reserve.

I am somewhat confused as to why the major approach and most visible area, at the top of Bells Boulevard and continuing on to Bones Road, is not considered hinterland but is designated "Low Density Residential". Whereas the least used approach of Addiscott Road, and Bones Road or

Bells Road is considered to be hinterland. Without doubt the only main approaches to the Reserve are via Bell Boulevard or Jarosite Road.

Our family has occupied and maintained the land at [REDACTED] with care and consideration for over 50 years and can see absolutely no reason whatsoever to further amend the already onerous overlays and policies currently covering this area.

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 9:02 PM  
**To:** Info  
**Subject:** Bells beach

This decision will spell the end of community trust in your council no matter who is elected . We can either form a future in managed open spaces or good policy.

This needs to be rethought again. It would devastating to lose this pristine asset.

[REDACTED]  
Sent from my Huawei Mobile

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Claire Cowan

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 10:14 PM  
**To:** Info  
**Subject:** Submission re Bells Beach Hinterland

To whom it may concern:

with respect to the planning amendment -

Instead of Clause 10, there needs to be a hierarchy that says where two or more policies contradict each other, the policy that protects the natural environment takes precedence every time. This will create better consistency and the planning process can move forward with certainty.

- Clause 12.02-4: Environment & Landscape Values. This clause encourages suitably located and designed coastal and marine tourism opportunities, however the Bells Beach hinterland requires a **special exclusion** from this clause.
- Clause 21.04-2: Tourism. This clause says, 'To enhance and expand the tourism industry whilst protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents'. The clause needs to have an **exclusion added** that clearly states that the Bells Beach hinterland is not to be an area where the tourism industry is developed and expanded.

Part 21 of the Planning Scheme includes planning strategies for towns like Lorne, Bellbrae and Moriac etc. Given the recurring pressure for Bells Beach and surrounds to be developed, we believe that Bells Beach should have its own strategy too. The strategy should be one that:

- Protects the natural environment
- Retains the rural landscape
- Protects the visual amenity of the hinterland/viewshed
- Respects the remote and isolated experience that people have when using the reserve
- Retains the feel of the recreational surfing experience
- Recognises the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach
- Recognises that there is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developments for short term gain and/or for only a few people - the developers

Cheers

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 10:45 PM  
**To:** Info  
**Subject:** Bells Beach Hinterland

Dear Sir / Madam

I have become aware that vcat has overturned the council decision not to allow development of a commercial holiday venture on bones road.

I am very much against this decision. As old (age) surfer, I see that every effort must be made to protect the bells precinct in its current condition. Even if this venture is termed an eco lodge it should not be permitted as it creates a dangerous precedent. There is plenty of good accommodation and food places, five minutes away in Torquay, so to term it "eco" is untrue.

I would support th council to continue to strongly oppose all these developments.

I plan to write to our local polliies on this

Best Regards

[REDACTED]

Sent from my iPad

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 10:53 PM  
**To:** Info  
**Subject:** My submission to save the area around Bells Beach

All I can say really is that saving Bells Beach and the viewshed is an absolute imperative for future generations. Tourism flourishes best when our natural environments are saved. If people want surf holidays where the beach has development up to the shoreline they can go to many places. If you retain the wonderful natural environment around Bells, you have something unique and if you save it for the future, it will remain where other places will become more fully built out. I am no lawyer, nor do I know much about putting in a submission, but I really want my voice to be heard as you make this decision that will never be able to be reversed. Do you understand? Never. If you want to be a council that will be remembered for doing great work for your community, protect (maybe even purchase) this land and save it for the future. Thank you for your consideration. Please make a good decision.

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 15 June 2017 11:56 PM  
**To:** Info  
**Subject:** Preserving the amazingly beautiful Bells

Bells Beach International Surf Carnival is unique. The environment of that beach adds to its globally special appeal. To destroy that for a few housing blocks is totally irresponsible. Housing can go anywhere, but we can't recreate another Bells anywhere. So please, let's be simply practical here, Bells area should be totally protected. The developers want to promote an address they are ready to trash for a quick profit. Let's step back here and weigh up our future options. Let us chose the best for now and future generations forever. To me, it is a no brainer. Profit for everyone forever, not a few dollars for a few people today, but gone tomorrow forever.

So I hope vision and common sense prevail, not greed and the filthy dollar. Good luck with all your efforts and please hang in there for future generations. [REDACTED]

Sent from my iPad

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 7:48 AM  
**To:** Info  
**Subject:** Bells Beach Development

I strongly disapprove of developing the natural area surrounding Bells Beach for many reasons that should be so obvious to everyone.  
Don't sell out to greedy developers!!!

Sent from my iPhone

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## Claire Cowan

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 10:07 AM  
**To:** Info

The following areas of the Surf Coast Shire planning scheme need to be strengthened:

- **Clause 10: Operation Of State Planning Policy Framework**

The main reason we lost at VCAT relates to Clause 10 of the planning scheme, which says to determine whether a proposed development complies with the overall intent of the planning scheme, regardless of whether specific clauses say a type of development should be discouraged. It becomes a subjective process open to the interpretation and biases of individual council officers or VCAT members. There should be no grey areas and we believe this section should be removed.

Some of the planning policies seek to protect the Bells hinterland, protect the natural environment and protect rural communities, (eg. Clause 21.06 states "Oppose further subdivision and tourist development especially around Bells Beach and the Point Addis area"), but there are other policies, (in the tourism strategy for instance), that seek to encourage tourist and other commercial developments in rural areas. We believe that instead of Clause 10, there needs to be a hierarchy that says where two or more policies contradict each other, the policy that protects the natural environment takes precedence every time. This will create better consistency and the planning process can move forward with certainty. Everyone will know where they stand without having to campaign every time a developer tries to push the boundaries.

- **Clause 12.02-4: Environment & Landscape Values.** This clause encourages suitably located and designed coastal and marine tourism opportunities, however the Bells Beach hinterland requires a special exclusion from this clause.
- **Clause 21.04-2: Tourism.** This clause says, 'To enhance and expand the tourism industry whilst protecting the environmental, landscape and cultural values of the Shire and the lifestyle of its residents'. The clause needs to have an exclusion added that clearly states that the Bells Beach hinterland is not to be an area where the tourism industry is developed and expanded.

Part 21 of the Planning Scheme includes planning strategies for towns like Lorne, Bellbrae and Moriac etc. Given the recurring pressure for Bells Beach and surrounds to be developed, we believe that Bells Beach should have its own strategy too. The strategy should be one that:

- Protects the natural environment
- Retains the rural landscape
- Protects the visual amenity of the hinterland/viewshed
- Respects the remote and isolated experience that people have when using the reserve
- Retains the feel of the recreational surfing experience
- Recognises the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach
- Recognises that there is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developments for short term gain and/or for only a few people - the developers

The suggested improvements appear to be effective, however, we believe that it should be stated that

small additions to properties could be permitted, such as water tanks, sheds and out buildings primarily used for storage, but not for habitable spaces or commercial activity.

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 10:33 AM  
**To:** Info  
**Subject:** Bells Beach Hinterland Planning Amendment

Dear Surf Coast Shire Council,

I understand you will be receiving numerous submissions about the VCAT and council decisions to develop at Bells Beach, which petition and social media comments reveal is viewed by many members of the public as short-sighted and self-interested profiteering. Consequently, there is a perceived need to strengthen the existing planning scheme to appropriately guide instances of overly subjective analysis of planning policy.

I add my support to those submissions opposing the Bells Beach development that you will be receiving, and which will go into much detail in respect of specific clauses requiring amendment to promote the preservation of the natural environment, wildlife habitat and landscape values.

Sincerely

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 12:15 PM  
**To:** Info  
**Subject:** proposal of development at Bells Beach

to: Shire Council

I wish to register a concern regarding the proposal of development at the Bells Beach area. This area is an important and significant historic surf area, know worldwide for its fantastic and unique surf conditions. To impose development on this pristine area would change the natural landscape and put a suburban feel on what is a beautiful unchanged landscape. There is also the important concerns of wildlife habitat and indigenous hertiage that exists in that area, all pointing to the importance of maintaining the area in its natural state for rural landscape to continue. This intial development may also lead to further development of the Bells Beach area. This would be a real shame, and an embarrasment to the Australian surf community to have such an important beach turned into suburbs for the reason of profit.

I am hoping that Shire would see reason to reconsider this application, and continue to maintain the important area of Bells Beach as it is.

Regards

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 12:56 PM  
**To:** Info  
**Subject:** Bells Beach Hinterland Planning Amendment

The Surf Coast Planning Scheme

Dear Sirs

The following is my submission to the Surf Coast Planning Scheme for a development Application at 130 Bells Road, Bells Beach, Victoria.

There are a few very special areas in this vast country that are singled out. We have been lucky that Governments, either Local, State or Federal have over the years recognised some of these areas and protected them. Mostly after quite a fight.

Each of these areas have been on the brink of being ruined by development, industry or dams but saved at the last minute. A few good examples are Qld's Fraser Island, Tasmania's Franklin River and Heron Island on the Great Barrier reef. Each of these amazing places have become our greatest assets. And our tourists recognise and appreciate their protection.

There are other areas that by good fortune still remain in their pristine condition but should now be recognised as very special and protected before it's too late.

One such area is this area of coastline around Bells Beach and its neighbouring hinterland. The very reason why it is such a fabulous place to visit, (and you don't need to be a surfer to feel the spiritual power of the place) is because of the untouched surrounding bushland.

Why would you allow a private development company to take for itself something that could and should be shared by all who visit the area.

There are plenty of areas within the district where tourist accommodation can be built without destroying this pristine area.

The Surf Coast Shire planning scheme must strengthen its framework so as areas such as the area in question around Bells Beach and its hinterland, remain the wilderness for future generations not just the current and previous generations.

The Surf Coast Shire planning scheme must

- protect the natural environment
- protect the rural communities over development.
- Protect the visual amenity of the hinterland
- Respect the remote and isolated experience that people have when using the reserve
- Recognise the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach
- Recognise that there is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developments for short term gain and/or for only a few people - the developers.

To achieve the above will mean changing Clause 10 so there are no grey areas to allow for the "intent" to be misinterpreted. That Clauses 12.02-2 Tourism and 12.02-4 Environment & Landscape Values protect the Bells Beach Hinterland with a special clause of its own, so as this area remains in its pristine condition without infrastructure for tourism and without changing or developing the environment and landscape to enhance tourism.

Once it's gone, it's gone forever.

Yours faithfully



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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 2:51 PM  
**To:** Info  
**Subject:** Fwd: Submission re Proposed Amendments s121. Surf Coast Planning Scheme

Strategic Planning Co-ordinator

- Re Surf Coast Planning Scheme Amendment s121
- 
- I do not believe that the proposed s121 Amendments are sufficient to prevent further inappropriate tourist development in the Bells Beach Viewshed.
- Attached are suggested amendments which would help to do so drafted by Mark Naughton of Planning and Property Partners and submitted in 2014
  
- Additionally or Alternatively ( in some instances) Council should adopt the submission of the Surf Riders regarding the following
  - ♣ Clause 10: Operation Of State Planning Policy Framework. Clause 10 should be removed. Instead of Clause 10, there needs to be a hierarchy that says where two or more policies contradict each other, the policy that protects the natural environment takes precedence every time. This will create better consistency and the planning process can move forward with certainty. Everyone will know where they stand without having to campaign every time a developer tries to push the boundaries.
  - Clause 12.02-4: Environment & Landscape Values. The Bells Beach hinterland requires a special exclusion from this clause.
  - Clause 21.04-2: Tourism. The clause needs to have an exclusion added that clearly states that the Bells Beach hinterland is not to be an area where the tourism industry is developed and expanded. The View Shed should be recognised and effectively protected as a primary asset that supports tourism in they Surf Coast region.

There should be a specific Strategy for Bells Beach View Shed. Part 21 of the Planning Scheme includes planning strategies for towns like Lorne, Bellbrae and Moriac etc. Given the recurring pressure for Bells Beach and surrounds to be developed, we believe that Bells Beach should have its own strategy too. The strategy should be one that:

- Protects the natural environment
- Retains the rural landscape
- Protects the visual amenity of the hinterland/viewshed
- Respects the remote and isolated experience that people have when using the reserve
- Retains the feel of the recreational surfing experience
- Recognises the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach
- Recognises that there is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developments for short term gain and/or for only a few people - the developers .

Thank you for your consideration

[REDACTED]

- [REDACTED]

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Friday, 16 June 2017 3:21 PM  
**To:** Info  
**Subject:** Proposed Amendment C121 to the Surf Coast Planning Scheme

Attention : Strategic Planning Coordinator

I wish to register my objection to the body of proposed amendments set out in the "Proposed Amendment C121 to the Surf Coast Planning Scheme".

As the owner of [REDACTED], our families (4 generations) have occupied the land continuously over a period of 50 years; a testament to our love of the area and it's environs. Over this period there have been many changes to the planning scheme which I believe more than adequately protect the present and future of the area.

My concern is that the proposed amendments are unnecessary, restrictive on current landowners, onerous and aggressive in their nature.

My particular concerns are with :

\* Significant landscape overlay Schedule 1.

The alterations to the schedule to the Significant Landscape Overlay broadens the scope of restrictions on landowners

significantly as well as extending the significant area to include all approaches to the bells beach Reserve. This is totally unnecessary.

\* Rural conservation zone schedule

As noted above, para 3.

\* Coastal development policy

As noted above, para 3.

\* Rural landscape policy

I am particularly concerned about Bells Beach being added to the list of areas where the Council supports the concept of a

buy-back scheme for private land with "significant environmental value". This is unacceptable and could, inter alia, have a negative affect on the land valuation for current and future owners.

I am also concerned with the ramifications of ...."cultural values of land within the Bells Beach hinterland"... as mentioned in

21.06-4. This is ambiguous and open to wide interpretation.

In summary I am opposed in entirety to the Proposed Amendment.

Yours sincerely,

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Saturday, 17 June 2017 8:04 AM  
**To:** Info  
**Subject:** Bells Beach

I am writing to voice my protest against any development in the Bells Beach hinterland. The area should be preserved and not used for commercial development of any kind. Protecting the natural environment should take precedence and the rural landscape should be retained and not exploited for the purposes of tourism or any form of commercial enterprise.

Yours sincerely,

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Saturday, 17 June 2017 10:46 AM  
**To:** Info  
**Subject:** Bells Beach

Dear Shire Council

I am a member of a Melbourne based Bushwalking club. The club regularly walks in your beautiful environment, in particular from Bell's Beach to Point Addis. I feel the entire area will be dramatically changed by the introduction of commercial development at Bells Beach and be less attractive to those of us who seek natural environments to participate in recreational activities.

Please leave us somewhere as spectacular and varied as this environment to enjoy and don't just become an outer suburb of Melbourne.

Yours Sincerely

[REDACTED]

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[REDACTED]



I acknowledge and pay respects to the Bunurong people of the Kulin nation, their Elders and the Traditional Owners of the land on which Peninsula campus stands.

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## Surfers Appreciating The Natural Environment

**Barbara Noelker**  
 Senior Strategic Planner  
 (Monday | Wednesday | Thursday | Friday)  
 Surf Coast Shire | 1 Merrijig Drive | Torquay VIC 3228  
 P: (03) 5261 0697 | F: (03) 5261 0525  
 Email: [BNoelker@surfcoast.vic.gov.au](mailto:BNoelker@surfcoast.vic.gov.au)

### **RE: Surf Coast Planning Scheme – Bells Beach Hinterland Review Amendment C121**

Dear Barbara,

On behalf of Surfers Appreciating Natural Environment (SANE) thank you to you and the Shire for instigating this amendment. We are somewhat heartened by this response to do something pro-active in planning that attempts to provide more certainty and protection to the Bells Beach hinterland. We hope the following comments assist this process.

#### **Overview:**

In order to provide some constructive contribution to this space, we feel it is necessary to consider a broader overview of planning generally, as well as an historical perspective in order to understand where it is that we are really heading. SANE thinks it is critical that good planning begins with an endgame and works backwards from there in order to achieve good outcomes. Those endgame objectives need to consider:

- What changes are acceptable/desirable for the area over many generations, perhaps say 200 years' time? And consequently, what do we need to do to achieve that?
- We might be better informed if we asked different questions. For instance, "What is the maximum level of disturbance (modification) permissible within an ecosystem shared between people and other animals before its resilience is undermined?"
- What living planet indicators within that ecosystem should we be looking to in order to help us make better decisions?
- At this point in time, planning is based on other considerations, none of which considers or understands the practical limits to growth on a finite planet.

These are important considerations as it is likely we've already over-stepped the mark. Whatever the reality, in the future we really need tangible, living benchmarks to work from rather than the present framework that provides for a gradual and generational whittling away of nature over time in favour of 'growth'.



### **Historical experience:**

We have been prompted to offer the above insights based on our direct experience with the 'system' over many years, but the last year in particular, where in four attempts to contest development or aspects of development, we've found the system is largely blind to nature's requirements and heavily skewed toward individual rights and the notion of growth as sacrosanct. The four cases are:

1. 305 Great Ocean Road, Jan Juc Surf Coast Planning Scheme Amendment C99
2. 5 Broadbeach Road JAN JUC VIC 3228 Permit Application no. 16/0060
3. 130 Bells Road Bells Beach Planning Application 150374
4. Spring Creek PSP, UGZ1, Amendment C114.

In order for this Amendment to move toward something that reflects the challenges of the 21<sup>st</sup> century, we see the overall goal required being **a change to Victorian Planning Regulation** and the **introduction of a Coastal Planning Code** across Victoria. Indeed, that is what SANE and other groups actively canvassed to achieve with the Spring Creek Precinct Structure Plan. All other efforts to create specific planning overlays, whilst highly admirable, should be seen in the scheme of things as simply a step toward achieving that greater goal. We also don't think it is realistic to attempt to put out planning 'spot fires' when the planning problems we're seeing are the result of a statewide planning code that thinks all of Victoria is metropolitan.

Having clarified that issue, we turn to the specifics of the Amendment:

### **Amendment Considerations:**

- The State Planning Policy Framework is ambivalent in its aims and open to the whims and bias of Council officers and VCAT members. This harks back to the earlier point of not being clear about the planning endgame and benchmarks. For instance, whilst clause 10 of the Framework says a proposed development must comply with the overall intent of the Planning Scheme, specific clauses within the framework make it ambiguous and hard to interpret. For instance, some policies seek to protect the Bells view shed, protect the natural environment & protect rural communities, whilst others (like tourism) encourage tourist and other commercial developments in rural areas. As we have seen, the balance of VCAT decisions favour development, and even when they are small they expose nature and landscape values to development creep. Therefore, the policy platform requires clarity and intent so that protection of the natural environment and social amenity have planning priority.

SANE is in full agreement with SurfRider Foundation on the following points:

- That Bells Beach should be included in Part 21 of the Planning Scheme which provides planning strategies for towns like Lorne, Bellbrae and Moriac etc. Bells Beach should have its own strategy too. The strategy should be clear with its intent:
  1. To uphold the rights of nature
  2. To protect the natural environment,
  3. To protect the visual amenity of the view shed,
  4. To retain the rural landscape,
  5. To foster the ambience of visiting the world's first surfing recreational reserve, one that is set in a natural landscape and one that is of international import.
  6. To recognise the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach,
  7. To recognise that there is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developers a short term gain.

- Part 21.06-2 of the Amendment considers pastoral landscape and seascape but misses other key values including:
  1. Aboriginal heritage
  2. Geology of State Significance
  3. Physically linked to Point Addis Marine National Park and Otway National Park
  4. And the importance of Ecological Vegetation Classes associated with the Reserve; namely EVC 161 Coastal Headland Scrub and EVC 21 Shrubby Dry Forest, both of which are integral botanical features of the Reserve and general landscape.
  
- Part 21.06-3 Objective 1, Dot Point 6 looks to “Manage development” Maybe the wording should be changed to something like “Manage human construction activity” as the word ‘development’ has an inherent loaded value as something that contributes to our economy whilst the natural landscape is there waiting to be ‘developed’. As such, the dot point could also be expanded to say “manage human construction activity so that it is limited to items like water tanks, sheds and non-habitable out-buildings”.

Yours Sincerely,

[Redacted]

[Redacted]

Surfers Appreciating Natural Environment (SANE)  
Torquay, Victoria 3228

**Our Ref: 15021**

14 June 2017

Barbara Noelker  
Senior Strategic Planner

Via email; info@surfcoast.vic.gov.au

Dear Barbara,

**SUBMISSION TO AMENDMENT C121 SURF COAST PLANNING SCHEME**

- 1 This submission is made on behalf of [REDACTED], the owner of [REDACTED].
- 2 In addition, our client [REDACTED] has had discussions with his neighbour [REDACTED] from [REDACTED]. [REDACTED] is currently overseas and not in a position to properly review the amendment documentation or make a submission, however he has conveyed to our client that he has concerns similar to those of our client. On that basis, we ask that this submission be taken to also represent [REDACTED], and that he be given an opportunity to make separate submission on his return.
- 3 The owners of the land support the continuation of landscape protection in the Bells Beach hinterland and viewshed;
- 4 **What is the Hinterland, and the Viewshed?**
  - 4.1 Figure 1 in the exhibited Explanatory Report appears to show the hinterland as a very broad area, including for example both sides of the Great Ocean Road, areas of residential Jan Juc, areas south of Jarosite Road;
  - 4.2 The Explanatory Report tabled in the Council meeting which sought authorisation and exhibition of the Amendment, the hinterland is mapped as being bounded by Bones Road, Addiscot Road, Jarosite Road, and Bell Beach Road.
  - 4.3 Proposed Clause 21.06 appears to define the hinterland as being bounded by Bones Road, Addiscot Road, Jarosite Road, and Bell Beach Road.
  - 4.4 The *Surf Coast Planning Scheme Review Report 2014* (the Review Report) defines the viewshed as the land covered by the SLO1 at that time. It is noted that the Amendment proposes to extend the SLO1 to additional properties. These properties do not include the subject land.
  - 4.5 For the purposes of this submission hinterland assumes the definition in proposed Clause 21.06 and viewshed assumes the definition of land covered by the SLO1.

**5 Basis for Amendment**

- 5.1 In describing what the Amendment does, the Explanatory Report states that;

*The Amendment modifies planning policy, zone and overlays provisions applying to the Bells Beach hinterland to better recognise the important landscape, environmental and cultural role of Bells Beach. (emphasis added)*

*The Amendment also makes changes to broader policy and controls relating to land impacted by the Coastal Development Policy and the Significant Landscape Overlay Schedule 1 in proximity to the Great Ocean Road.*

- 5.2 In describing why the Amendment is required, the Explanatory Report states;

*The Amendment is required to implement the findings of the Surf Coast Planning Scheme Review Report 2014 (the Review Report) as it relates to the Bells Beach hinterland. The Review Report highlighted opportunities to improve elements of the Surf Coast Planning Scheme by strengthening reference to Bells Beach in Clause 21.06, Clause 22.04 and in relevant zones and overlays. Council supported preparation of an amendment in 2016 and supported seeking Authorisation from the Minister on 26 April 2017.*

*The amendment supports the recommendations of the Report of the Bells Beach Task Force October 2015 which highlighted community support for strengthening planning controls in the Bells Beach hinterland.*

- 5.3 The Review Report methodology was based, in part, on the following;

*Review the local planning policy provisions for the Bells Beach area, including an expansion of the area to which policy applies (emphasis added)*

*A review of the Bells Beach planning controls.*

- 5.4 The Review Report is considered to apply to the viewshed, rather than the hinterland, through regular reference to the viewshed in consideration of impact. The review of development applications for instance are for properties within the viewshed for instance, rather than on the subject land on which permits have been issued but not identified in the Review Report. The recommendations also relate to the viewshed, rather than any broader area, with the exception of expanding policy provisions to the existing RCZ land.

- 5.5 The Review Report makes some specific recommendations in relation to the Bells Beach viewshed as outlined above, however it also finds;

*From the review of the applicable planning policy framework and controls it is clear that the Surf Coast Planning Scheme contains strong and consistent policy and controls to ensure that the Bells Beach viewshed remains an area where the environmental and landscape values prevail. It provides a robust framework to manage any pressure arising from the broadening of discretionary uses in the reformed RCZ.*

*It is considered that there is clear and strong policy intent in the Surf Coast Planning Scheme regarding maintaining the environmental integrity and landscape values of the Bells Beach viewshed area and the controls have proven to be effective (emphasis added)*

- 5.6 The Review Report made a number of conclusions and recommendations in relation to Bells Beach viewshed policy and controls; these are replicated below, and broadly speaking are limited in scope and effect, presumably on the basis that the current policy framework is effective.

*Expand policy provisions in Clause 21 and 22 to apply to the Bells Beach area within the RCZ, rather than confined to the viewshed area covered by SLO1.*

*Review and expand the conservation values in the schedule to the RCZ to be more specific about the landscape and environmental values of the Bells Beach viewshed.*

*Add the following statement under 'Using policy and the exercise of discretion' at Clause 21.06-4: Development that is likely to detrimentally affect the scenic landscape, environmental and cultural values of land within the Bells Beach Area will not be supported.*

*Reinstate the previous provision in 21.06 to discourage development and subdivision within the Bells Beach Area and review all wording*

*Review the Coastal Development Policy and focus its aim on protection of significant rural landscapes within coastal areas.*

*Rework the SLO1 to focus its aim on protection of significant rural landscapes within coastal areas.*

*Include the Bells Beach RCZ area in the Thompson Valley/Rural Policy project in 2014/15 to determine the scale and type of appropriate development for the area.*

5.7 The *Report of the Bells Beach Task Force October 2015 (RBBTF)* relates largely to the vision for the Bells Beach Surfing Recreation Reserve.

5.8 The RBBTF makes little reference to broader hinterland and landscape issues, however there are a number of comments, suggestions, or recommendations which seek improved protection of the Bells hinterland through proposed changes to the Surf Coast Shire Planning Scheme. There is no recommendation or direction that rezoning of land be contemplated in order to address these issues.

5.9 It is submitted that;

5.9.1 The amendment is specifically intended to apply to the 'hinterland', a definition which excludes the subject land;

5.9.2 Elements of the amendment are also intended to apply to the 'viewshed' a definition which excludes the subject land;

5.9.3 The current controls within the hinterland offer a strong and consistent approach which has proven to be effective;

5.9.4 The reports which justify the amendment do not make reference in any sense to the subject land and therefore do not justify the amendment as it applies to the subject land.

## **6 Application of Rural Conservation Zone**

6.1 The Amendment seeks to apply the Rural Conservation Zone (RCZ) to the subject land, however the Explanatory Report clearly states the amendment is to apply to the hinterland, a definition which excludes the subject land;

6.2 As outlined above, the Review Report does not incorporate the subject land.

6.3 The Review Report methodology was based, in part, on the following;

*Review the local planning policy provisions for the Bells Beach area, including an expansion of the area to which policy applies (emphasis added)*

*A review of the Bells Beach planning controls.*

6.4 The Review Report does not consider the issue of rezoning land, nor does it make any recommendation on rezoning land in the area, or on the subject land. The focus of the report is on an assessment of local policy and existing zone and overlay provisions and their performance, rather than on the re-zoning of land, and the recommendations of the Review Report reflect that focus.

6.5 Neither report, the findings of which Amendment C121 seeks to implement and upon which Amendment C121 is strategically justified, recommend any change to the existing zoning of the subject site. Both reports, particularly the Review Report, recommend only amendments to local policy and overlays to better address issues associated with the protection of viewsheds and landscape values.

6.6 Planning Practice Note No.42 'Applying the Rural Zones' states;

*Applying a new rural zone or making adjustments to a schedule to an existing rural zone should be underpinned by clearly expressed planning policies in the planning scheme. If a proposed change is at odds with the existing policy framework, either a different planning tool or approach should be used or the policy framework itself might need re-assessment. (p.2)*

*New strategic work may not be required if the existing MSS addresses the key rural land use issues and adequately reflects the planning outcomes that the council wants to achieve. The scheme may already contain a sufficient strategic basis for applying a different rural zone or making adjustments to an existing rural zone.*

6.7 The existing MSS has no policy in relation to agriculture or rural land use in relation to the Subject Site which supports or strategically justifies the application of the RCZ;

6.8 The current *Surf Coast Shire Rural Strategy September 2007* does not support or propose rezoning the subject land to RCZ; in fact it nominates what land may be considered for RCZ and specifically does not include the subject land in that nomination.

*The existing areas zoned for Rural Conservation purposes should remain in the Rural Conservation Zone. Environmentally sensitive sites in Freshwater Creek and adjacent the Otway foothills south of Deans Marsh should be considered for inclusion in the Rural Conservation Zone.*

6.9 It has become clear, during the final days of exhibition that there is a background document, looking into the issue of zoning, entitled Farming Zone review, and/or Zone Discussion Paper (the title appears to have changed). This document seems to be in draft form and perhaps been prepared during the exhibition period, rather than forming a basis for the Amendment. It is not clear whether this is a publicly available document, and given the time frames, it has not been possible to review it in any detail in order to inform this submission.

6.10 In summary, the background reports and strategic justification for Amendment C121 are based on landscape values, and visual assessments, and are limited to controls proposed to apply to the viewshed, or the hinterland. The planning tools identified for managing appropriate outcomes in relation to these issues are local policy and overlays. There is no suggestion or recommendation in any of the documentation supporting Amendment C121 that zone changes are either necessary to deliver these outcomes, or desirable. The case been not made, or even assessed, that the Farming Zone, in conjunction with the aforementioned planning tools, is not capable of addressing the landscape issues. Nor has there been any assessment of whether the application of the RCZ is necessary or appropriate. It is clear that the Amendment in relation to the rezoning of the Subject Site is not strategically justified, and the Amendment should be changed to delete the re-zoning of the Subject Site on this basis.

## **7 Application of Clause 21.06 Rural Landscape**

7.1 The subject land is clearly not within the Bells Beach hinterland as defined by exhibited Clause 21.06. The C121 Explanatory Report states that "*the Amendment is required to implement the findings of the Surf Coast Planning Scheme Review Report 2014 (the Review Report) as it relates to the Bells Beach Hinterland*". The Explanatory Report also states that the Amendment supports recommendations of the Report of the Bells Beach

Task Force October 2015, "*which highlighted community support for strengthening planning controls in the Bells Beach Hinterland*". Therefore, the strategic documents that underpin Amendment C121 and the Amendment as exhibited provide no apparent strategic justification for any changes to Policy, Zone or Overlay provisions affecting the Subject Site, which sits clearly outside of the Bells Beach Hinterland..

7.2 Broadly speaking, the Clause incorporates objectives, largely unchanged by the Amendment, which seek to protect and enhance identified landscape values. These objectives, based as they are on landscape outcomes, can be considered to be impacted upon by built form rather than use.

7.3 A number of the strategies however, appear relate to use, rather than simply built form, and have the potential to prevent uses and development which have no impact on landscape values, or which have impacts which are considered acceptable.

Objective 1 is *To protect and enhance the landscape values of the rural precincts as described in Clause 21.06-2 above.*

7.4 One of the strategies to achieve this is to; *Direct tourism and other commercial facilities to land within settlement boundaries or in locations with easy access to existing infrastructure. Beyond settlement boundaries, avoid these uses in land subject to the Significant Landscape Overlay Schedule 1 or where the removal of indigenous vegetation cannot be avoided or suitably minimised.*

7.5 This strategy can prevent tourism and/or commercial activities in the area. There appear to be a number of potential Section 2 uses (e.g. host farm, group accommodation, yoga studio, etc) which could be either contained within existing buildings or could be developed with no impact on identified landscape values.

7.6 There is no relationship or nexus between an objective which seeks to protect landscape values, and a strategy which seeks to restrict certain uses. The issue to be managed is clearly one of built form rather than use.

7.7 Objective 3 is *To protect the rural landscape from urban intrusion and to provide clear distinction between townships.*

7.8 One of the strategies to achieve this is to *Oppose any proposal or rezoning and/or subdivision that would allow more intensive development in the Bells Beach hinterland and Point Addis.*

7.9 Again, this strategy goes well beyond the objective, and again it essentially acts to prevent relatively simple and low impact developments, without consideration of their impact on landscape values. An example might be a simple extension to a dwelling which is clearly both a 'proposal' and 'more intensive development'. Irrespective of whether there are landscape implications to such a proposal, such a proposal would be unlikely to be consistent with this strategy.

7.10 There is no direct link between protecting the rural landscape from urban intrusion, and preventing *all* development which can be considered to be more intensive than that which currently exists.

## **8 Application of Clause 22.04 Coastal Development Policy**

8.1 The subject site is within the VPO1 and it is considered that the Clause as exhibited would apply as the Amendment extends application of this policy to areas subject to the VPO1. Previously it applied to land subject to the SLO1.

8.2 Presumably, the Clause would also apply via the proposed application of the RCZ to the subject land, although the map in the clause does not specify the subject land as RCZ.

- 8.3 No mention is made in the Explanatory Report on why this clause has been extended to cover land that is subject to the VPO1.
- 8.4 The subject land is not within the Bells Beach hinterland as defined in Clause 21.06, nor is it within the Bells Beach viewshed as defined in the Review Report as being land subject to the SLO1 (existing or proposed).
- 8.5 The Review Report advises, with respect to this issue;

*The review has revealed a need to overhaul the Coastal Development Policy at Clause 22.04. The Policy as currently contained in the planning scheme is the remains of a policy that was introduced with the new format planning scheme and at the time applied to all coastal townships in the Shire from Torquay to Lorne. Through township specific strategic work and associated amendments, such as neighbourhood character studies and structure plans, its application to Aireys Inlet/Fairhaven, Lorne, Anglesea and Torquay-Jan Juc was gradually removed. It now only applies to land within the RCZ in coastal areas (excluding land from Aireys Inlet to Eastern View covered by the DDO11) and land affected by the SLO1.*

*As the policy no longer applies to township areas, the focus of the policy should shift from facilitating and managing development and protecting streetscapes and township character to protecting significant coastal or rural landscapes. The performance measures are more applicable to development on smaller lots, whereas most lots affected by the policy are larger rural and semi-rural properties. Restrictions on site coverage and plot ratio become meaningless on those larger lots. The siting, building height, external colours and materials and retention or planting of vegetation are more relevant deciding matters to ensure development is not highly visible within the landscape.*

- 8.6 The Review Report concludes with respect to this issue;

*Opportunities exist however to further strengthen the controls to be more explicit about what will and what will not be supported and to provide targeted controls. Possibilities include reviewing and strengthening the provisions contained within the Coastal Development Policy, SLO1 and schedule to the RCZ (Surf Coast Planning Scheme Review Report 2014 p.50, emphasis added)*

- 8.7 The Review Report recommendation, in relation to this Clause is;

*Expand policy provisions in Clause 21 and 22 to apply to the Bells Beach area within the RCZ, rather than confined to the viewshed area covered by SLO1.*

*Review the Coastal Development Policy and focus its aim on protection of significant rural landscapes within coastal areas.*

- 8.8 There is no strategic direction in the Review Report to extend the application of Clause 22.04 to land covered by the VPO1. There is no strategic direction in the Review Report to extend the application of the land covered by Clause 22.04 at all, with the exception of land covered by the SLO1. The SLO1 does not apply to the subject land (existing or proposed).
- 8.9 It is noted that on Council's website, a document entitled 'Bells Beach – Viewshed Analysis Report' (BBVAR) is linked to Amendment C121. This document does not form part of the exhibited documents.
- 8.10 This document, (which we note is untested, apparently un-adopted and not consistent with the methodology specifically recommended by the parent assessment [i.e. the 1996 Visual Landscape Overlay Assessment by Scenic Spectrums]), appears to nominate the subject land as being visible from a number of the locations within the Bells Beach hinterland. The BBVAR goes on to recommend that certain properties be subject to the SLO1 on the basis



of this assessment. However importantly, the BBVAR does not recommend that the SLO1 be applied to the subject land.

- 8.11 Given the absence of the existing or proposed SLO1, the fact that the land is not within the Bells Beach hinterland or viewshed, and the absence of any recommendation in the Review Report, the logic in applying the Coastal Development Policy to the subject land is not clear, however, it appears to be;
- The application of the RCZ to the subject land (without strategic justification) brings the land under the operation of Clause 22.04;
  - The extension of the application of Clause 22.04 to land subject to VPO1 (without strategic justification) brings the land under the operation of the Clause.
- 8.12 The application of Clause 22.04 to this land is unjustified and goes beyond the recommendations of the report on which this Amendment is based.

## **9 Discussion**

- 9.1 It is submitted that the amendment is largely based on and in response to the Review Report which, whilst acknowledging that the current planning controls are robust and are proven to be effective, makes a number of recommendations which are effectively intended to revise these controls. With the exception of extending the application of certain controls to a broader area (defined as being the RCZ land as it existed in 2014 and within the hinterland), neither the Review Report, or the Explanatory Report, or the RBTF contemplates the application of policy to the subject land.

The recent provision of documents relating to zoning in this area, and the Amendment itself, make it clear that Council is contemplating broader policy review, in addition to that outlined in the reports which justify this Amendment. If this is the case, the owners of 185 Bones Road would welcome involvement in that process, but would expect the process to be robust, to Council's typical standards for a review of that nature, and with proper opportunity for review. Based on the points made above, it is not considered that this Amendment is the place for that review, and it may be an additional strategic project for Council to consider moving forward.

- 9.2 For these reasons, we submit and request that;

- The application of the RCZ to the subject land be removed;
- The strategies at Clause 21.02 be reviewed and refined to reflect the objectives of landscape values rather than uses.
- That the application of Clause 22.04 be removed from the subject land.
- The Amendment be changed to clearly and consistently define the Bells Beach hinterland as per the area specified by exhibited Clause 21.06, and ensure all resulting Amendments proposed to be implemented by Amendment C121 are targeted to this defined area.

Should you require any further information or wish to discuss, please do not hesitate to contact the writer or his assistant, [REDACTED].

Yours faithfully

[REDACTED]

[REDACTED]

## Claire Cowan

---

**From:** [REDACTED]  
**Sent:** Thursday, 20 July 2017 8:43 AM  
**To:** Claire Cowan  
**Cc:** Karen Hose  
**Subject:** Planning Scheme Amendment C121

Hi Claire, Karen,

I understand Barb is away, so I'll direct this to you.

In our submission on behalf of [REDACTED], we mentioned that one of his neighbours, [REDACTED] of [REDACTED], was overseas at that time but would likely be interested in making a submission when he returned. [REDACTED] has now returned; I have spoken to him and he wished to make a written submission so he can be formally involved moving forward. [REDACTED] submission is essentially this email, however his views on the matter are those expressed in our submission on behalf of [REDACTED], and that submission can be used to represent [REDACTED] views.

Apologies for the late notice; however we did flag this possibility in our earlier submission and note that [REDACTED] was overseas during the exhibition period.

Kind regards,

[REDACTED]

[REDACTED]



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**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Saturday, 17 June 2017 1:26 PM  
**To:** Info  
**Subject:** Bells Beach

Dear Sir/Madam.

I would like to make a very brief comment regarding the proposed development at Bells Beach.

Listen carefully to those who are objecting to this development. Consider what it is that presents Bells as such an iconic site - world wide, and what precedents would be set regarding future planning applications.

It is precisely the undisturbed pristine and development-free nature of the area that once altered by such a proposal, can never, and would never, be retrievable.

Protect and preserve the iconic Victorian Bells Beach.

[REDACTED]

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**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Sunday, 18 June 2017 11:37 PM  
**To:** Info  
**Subject:** Bells Beach

Dear Council,

I write re the proposed development of Bells Hinterland, a site I treasure each time I enter that area headed for Bells.

I believe Shire regulations should be changed to preserve the natural beauty of the area surrounding Bells Beach.

There is far more monetary value and benefit to the community by preserving the natural and heritage values of Bells Beach rather than allowing a handful of developments for short term gain and/or for only a few people - the developers.

Yours sincerely, [REDACTED]

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Claire Cowan

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 1:52 AM  
**To:** Info  
**Subject:** Bells Beach

Please keep the natural beauty of the Bells Beach hinterland. There is a reason why people visit the place, surf is only one reason and that is only at one time of the year!, people visit because of its natural environment to be in nature, destress from their hectic/technological world. There are far too many natural places getting developed, people visit these places because they want to be in nature to be away from development and the hassle and bussle of the city. Developing this place is defeating the purpose. I love visiting the Great Ocean Road it's beautiful environment, I and many other people don't want to see tourist accommodations that destroys the views and natural inhabitants such as the wildlife.

**Some places just needs to stay away from development!!!! Look at Wilson's Promontory it is protected, why cannot that this side of the state be protected to???? Please stop developments of big buildings and protect the areas. Of course you/we need tourism but you/we do not need to have too much that it will destroy the national icons and environments and wildlife. Look towards Wilson's Promontory for inspiration in protecting the land!**

"Maintaining the natural beauty of the hinterland is critical to the overall experience of visiting and surfing at Bells. If the hinterland is developed for commercial and/or other reasons it increases pressure for the Bells Reserve itself to be developed and we all know that should never happen."

"The following areas of the Surf Coast Shire planning scheme need to be strengthened:"

[https://www.change.org/p/bells-last-stand-please-help-save-bells-beach-from-tourist-development/u/20555780?j=87204&sfmc\\_sub=196699146&l=32\\_HTML&u=14990181&mid=7259882&jb=22&utm\\_medium=email&utm\\_source=87204&utm\\_campaign=petition\\_update&sfmc\\_tk=iMsK3Bl6hH6FZcD0RMVtb%2fek3ypAAIHp7yuxf9F2ZuE6%2bPJEZtN5fWh0bVxFcyyo](https://www.change.org/p/bells-last-stand-please-help-save-bells-beach-from-tourist-development/u/20555780?j=87204&sfmc_sub=196699146&l=32_HTML&u=14990181&mid=7259882&jb=22&utm_medium=email&utm_source=87204&utm_campaign=petition_update&sfmc_tk=iMsK3Bl6hH6FZcD0RMVtb%2fek3ypAAIHp7yuxf9F2ZuE6%2bPJEZtN5fWh0bVxFcyyo)

[REDACTED]  
Just a girl who wants to see the Great Ocean Road and surrounds to remain in its natural beauty state, wildlife and environment protected.

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## Submission to Surf Coast Shire Planning scheme

### Amendment C121

[REDACTED]

1. I would request a meeting be held between Shire planners and Lorne Ward landowners affected by this proposed amendment before the hearing of submissions so landowners can better understand the impact the amendment will have on their land and their respective communities.
2. I support the amendment focus on protecting Bells Beach and its environs, however the adverse impacts on areas such as Lorne's hinterland have not been fully recognised or investigated.
3. The SLO applied to much of Lorne's hinterland is without justification. It has never had the required viewshed analysis such as has been applied to the Bells Beach area.
4. Consideration should be given as to whether some land in Lorne hinterland should be re-zoned Rural Activity Zone to better reflect its current use and future potential.
5. The proposal to direct tourist development to land within settlement boundaries is unworkable and not in the best interest for future development on which Lorne relies for its survival.
6. The Coastal Development Policy which supports a range of housing types and densities, supports diversity of housing needs and household types should not be deleted.
7. The proposal to give DELWP the right to impose conditions should be opposed
8. The development of tourist accommodation and other tourist attractions such as the Falls Festival in Lorne's hinterland has proved to be positive for Lorne and has not created controversy.

[REDACTED]

**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 27 June 2017 7:30 AM  
**To:** Info  
**Cc:** Claire Cowan  
**Subject:** HPRM: Planning Amendment C121 submission

**Record Number:** D17/74472

Dear Strategic Planning Co-ordinator

I have reviewed Planning Amendment C121.

I consider it appropriately strengthens the planning controls for the Bells Beach area and it has my support accordingly.

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 12:01 PM  
**To:** Info  
**Subject:** C121 Bells Beach Hinterland Planning Amendment

**19 June 2017**

**To Whom It May Concern**

**C121 Bells Beach Hinterland Planning Amendment**

The most recent outcomes West of Duffields Rd Jan Juc have favoured development:

1. 305 Great Ocean Road, Jan Juc Surf Coast Planning Scheme Amendment C99
2. 5 Broadbeach Road JAN JUC VIC 3228 Permit Application no. 16/0060
3. 130 Bells Road Bells Beach Planning Application 150374
4. Spring Creek PSP, UGZ1, Amendment C114.

Non of the 4 case outcomes nor the Planning Scheme respond to or acknowledge we live in an area recognised as a High Fire Danger Area (as do other Regional Townships). Climate Science is telling us these HFDA's will, in the future, experience more bushfires and more intense bushfires.

Our Community leaders have a **Duty of Care** to ensure there is no development into HFDA's.

Worst case scenario potential Loss of Life, Loss of Assets, Class Action risk exposure to the Surfcoast Shire Council in the event of a major bushfire in this HFDA Victorian Planning Regulation.

I'm opposed to additional housing or subdivision development West of Duffields Rd which includes any proposed additional development in the C121 Bells Beach Hinterland and Viewshed.

Best Regards,

[REDACTED]

[REDACTED]



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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 12:31 PM  
**To:** Barbara Noelker  
**Subject:** Concerns regarding the proposed SurfCoast Planning Scheme Amendment C121

Dear Barbara,

I am writing to you regarding the proposed SurfCoast Planning Scheme Amendment C121.

Our property is situated at [REDACTED]. Our property appears in Map1: Bells Beach Viewshed locations of the SLO Schedule 1, however our property is not subject to the SLO.

We are concerned about and oppose the Viewshed Visibility Analysis. According to this analysis, our property is categorised as being in the high and very high viewshed.

The viewshed as it currently stands is unreasonable, due to the extensive vegetation surrounding our property and our physical distance from the siting points and Bells Beach itself. Our property is arguably within the greater hinterland, rather than in the viewshed of Bells Beach. We cannot see our property from any of the four siting points utilised in the viewshed analysis and Bells Beach is not visible from any points on our property. A topographical analysis in this regard is insufficient as it does not take into account the actual view with the naked eye and the fact that we are physically situated a significant distance from the key points of the Bells Beach Recreation Reserve.

We believe we should not be subject to any of the proposed changes to the SLO given we are not within the SLO, however we also need to clarify the situation given that our property appears as high/very high within the Viewshed Analysis.

Therefore, we request that the Viewshed Visibility Analysis only include areas covered by the SLO Schedule 1 so that the position is clear and those properties outside the SLO are not subject to any limitations imposed by the SLO or the Viewshed Analysis.

Thank you for your assistance.

Kind regards,

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 3:25 PM  
**To:** Info  
**Cc:** Barbara Noelker; [REDACTED]  
**Subject:** Submission regarding proposed C121 Amendment; Attention Strategic Planning Co-ordinator

Dear SurfCoast Shire,

I am writing to you regarding the proposed SurfCoast Planning Scheme Amendment C121.

Our property is situated at [REDACTED].

We have a number of concerns regarding the proposed planning amendments, including the application of the Significant Landscape Overlay to properties which border the SLO, the Viewshed Visibility Analysis, the Vegetation Protection Overlay and the proposed changes to the Policy generally.

#### Application of the SLO and the Viewshed Visibility Analysis

Our property appears in Map1: Bells Beach Viewshed locations of the SLO Schedule 1, however, our property is not a part of the area within the SLO.

We are concerned about and oppose the Viewshed Visibility Analysis. According to this analysis, our property is categorised as being in the high and very high viewshed.

The viewshed as it currently stands is unreasonable, due to the extensive vegetation surrounding our property and our physical distance from the siting points and Bells Beach itself. Our property is arguably within the greater hinterland, rather than in the viewshed of Bells Beach. We cannot see our property from any of the four siting points utilised in the viewshed analysis and Bells Beach is not visible from any points on our property. A topographical analysis in this regard is insufficient as it does not take into account the actual view with the naked eye and the fact that we are physically situated a significant distance from the key points of the Bells Beach Recreation Reserve.

We believe we should not be subject to the provisions of the SLO, given we are not within the SLO. However, we also need to clarify the situation given that our property appears as high/very high within the Viewshed Analysis and is on the border of the SLO.

Therefore, we request that the Viewshed Visibility Analysis only include areas covered by the SLO, so that the position regarding the properties adjoining the boundary of the SLO is clear.

We further request that those properties outside the SLO are not subject to any limitations imposed by the SLO or the Viewshed Analysis, despite being situated on the boundary of the SLO.

#### Vegetation Protection Overlay

Again, we dispute the application of the VPO to our property, given the physical distance of our property from Bells Beach as outlined in the paragraph above. The capacity of vegetation removal on our property to influence the attributes of the Bells Beach landscape in an unacceptable way is negligent or non-existent.

The manner in which the overlay is drafted and implemented through the proposed amendments places an unreasonable restriction on the use of our property.

### Policy Framework

Overall, our concerns regarding the Policy are that the proposed changes are very prescriptive and highly restrictive.

The Policy fails to consider the practical needs of landowners who, if the Policy amendments proceed, will be placed in a situation where the Policy is inflexible and detrimental to the affected landowners, meaning that the affected landowners will not be able to use their properties in the way that they should be entitled to, simply because of being situated in the locality of Bells Beach. The result will be protracted and costly approval processes for affected landowners and disproportionately unfair increases in costs for planning and vegetation removal for those affected by the changes.

The Policy amendments seek to elevate the Policy beyond the practicalities and realities of what the Policy should achieve for the community and affected landowners.

It is fair to say that all Bells Beach landowners seek to have the natural beauty and sanctity of the place preserved, this is what brought us all here in the first place.

We ask that there be some level of consideration given to these matters as the ramifications are significant for residents affected by these proposed changes.

Thank you for your assistance.

Kind regards,

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Claire Cowan

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 1:35 PM  
**To:** Info  
**Subject:** C121 Bells Beach Hinterland - Submission

Hi  
Please accept the following as a submission towards the C121 Bells Beach Hinterland planning amendment. Firstly, I would like to commend council in its efforts to protect the viewshed of Bells Beach. My comments are as follows;

1. There should be no conflicts within the planning scheme. Various clauses of the planning scheme come into conflict due to competing interests, however there is little or no guidance within the planning scheme on how these conflicts should be treated or how any interest should be considered in relation to other interests. I believe that more clarity on how decisions are to be considered and when one interest takes precedence over another should be outlined in the planning scheme.  
Strengthening a particular aspect of the planning scheme has no real effect if a proposer for a particular use can simply rely on VCAT to overturn any decision made by councillors. More clarity in how decisions are to be made will give better direction to VCAT decisions.
2. I believe that schedule 1 of the Significant Landscape Overlay, in clause 2.0 Landscape, paragraph 3, the phrase "To encourage the discreet placement of simple unobtrusive structures..." . I suggest that the word "encourage" be removed and replaced with "permit" or "consider" . I understand the intent is not to dissuade the construction of small structures, but the word 'encourage' implies that council wants to have more structures rather than 'will allow' them if proposed.
3. All parts of the planning scheme relating to tourism need to be reviewed when considering this amendment. Many tourism related clauses within the planning scheme encourage developments. This will become an area of conflict when considering the protection of the Bells viewshed. I suggest further work be undertaken and a report produced to highlight the areas of possible conflicts within the planning scheme, and that recommendations be made to change clauses as necessary to strengthen this amendment to create more certainty of the intent.
4. Maintain clause 22.04-3. Some rewording of the clause could clarify the intent, but removal of the clause will weaken the overall planning intent of maintaining the character of our Shire.
5. I suggest that in relation to the Bells viewshed, schedule to clause 95 2.0 be provided, so that guidelines on how decisions are to be ascertained are transparent.

Thank you for your consideration

Regards

[REDACTED]

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**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 3:41 PM  
**To:** Info  
**Cc:** [REDACTED]  
**Subject:** Submission to amend Planning Scheme  
**Attachments:** Submission to Amendment C121 Surf Coast Planning Scheme.docx

To: Barbara Noelker - Senior Strategic Planner - SurfCoast Shire.

Dear Barbara,

Attached is the Submission to Amendment C121 - SurfCoast Planning Scheme.

Kindly acknowledge receipt of this email.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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Your Ref: 15021

Barbara Noelker  
Senior Strategic Planner

**Via Email: [infor@surfcoast.vic.gov.au](mailto:infor@surfcoast.vic.gov.au)**

Dear Barbara

**SUBMISSION TO AMENDMENT C121 SURF COAST PLANNING SCHEME**

The amendment seeks to re-zone the subject land which is currently in the Farming Zone to the Rural Conservation Zone.

This submission is made on behalf of [REDACTED], the owner of [REDACTED]. This submission opposes this re-zoning on the basis that there is no strategic support for that proposed re-zoning and my reasons follow:

- The owner of the land supports the continuation of landscape protection in the Bells Beach hinterland and viewshed.
- *The Surf Coast Planning Scheme Review Report 2014* (the Review Report) defines the viewshed as the land covered by the SLO1 at that time. It is noted that the Amendment proposes to extend the SLO1 to additional properties. These properties do not include the subject land.
- The Review Report made a number of conclusions and recommendations in relation to Bells Beach viewshed policy and controls and broadly are limited in scope and effect, on the basis that the current policy framework is effective.
- *The Report of the Bells Beach Task Force October 2015* (RBBTF) relates largely to the vision for the Bells Beach Surfing Recreation Reserve.
- The RBBTF makes little reference to broader hinterland and landscape issues, however there are a number of comment, suggestions, or recommendations which seek improved protection of the Bells hinterland through proposed changes to the Surf Coast Shire Planning Scheme. There is no recommendation or direction that rezoning of land be contemplated in order to address these issues.

- The amendment is specifically intended to apply to the 'hinterland' a definition which excludes the subject land.
  - The current controls within the hinterland offer a strong and consistent approach which has proven to be effective.
  - The reports which justify the amendment do not make reference in any sense to the subject land.
  - The Review Report does not consider the issue of rezoning land, nor does it make **any** recommendation on rezoning land in the area, or on the subject land.
  - The findings of which Amendment C121 seeks to implement and upon which Amendment C121 is strategically justified, do not recommend any change to the existing zoning on the subject site.
  - The current *Surf Coast Shire Rural Strategy September 2007* does not support or propose rezoning the subject land to RCZ and specifically does not include the subject land.
  - There is a background document entitled Farming Zone Review, and/or Zone Discussion Paper. It has not been possible to review it in any detail in order to inform this submission.
  - The background reports and strategic justification for Amendment C121 are based on landscape values, and visual assessments, and are limited to controls proposed to apply to the viewshed, or the hinterland. Nor has there been any assessment of whether the application of the RCZ is necessary or appropriate.
  - The subject land is clearly not within the Bells Beach hinterland as defined. The strategic documents that underpin Amendment C121 and the Amendment as exhibited provide no apparent strategic justification for any changes to Policy, Zone or Overlay provisions affecting the Subject Site, which sits clearly outside of the Bell Beach Hinterland.
  - The subject land is not within the Bells Beach hinterland nor is it within the Bells Beach viewshed as fined in the Review Report.
  - The amendment is largely based on and in response to the Review Report.
  - Neither the Review Report, or the Explanatory Report, contemplates the application of policy to the subject land.
  - The owner of [REDACTED] requires a proper opportunity for review.
-



- The owner of [REDACTED] requests that the application of the Rural Construction Zone to the subject land be removed.
- The owner of [REDACTED] requests the strategies be reviewed and refined to reflect the objectives of landscape values rather than uses.
- The owner of [REDACTED] requests the Amendment be changed to clearly and consistently define the Bells Beach hinterland as per the area specified.

Yours faithfully,

[REDACTED]

**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 3:27 PM  
**To:** Info; Barbara Noelker  
**Cc:** [REDACTED]  
**Subject:** C121 Surf Coast Submission  
**Attachments:** 20170619 C121 [REDACTED]  
**Importance:** High

Dear Barbara

Please find attached a submission to the abovementioned Amendment as discussed over the phone last week.

The submission relates to the site at [REDACTED].

The landowner looks forward to a meeting with Council to discuss further should this be required by Council

Please contact me at any stage to discuss.

[REDACTED]

[REDACTED] | [REDACTED]

[REDACTED]

[REDACTED]

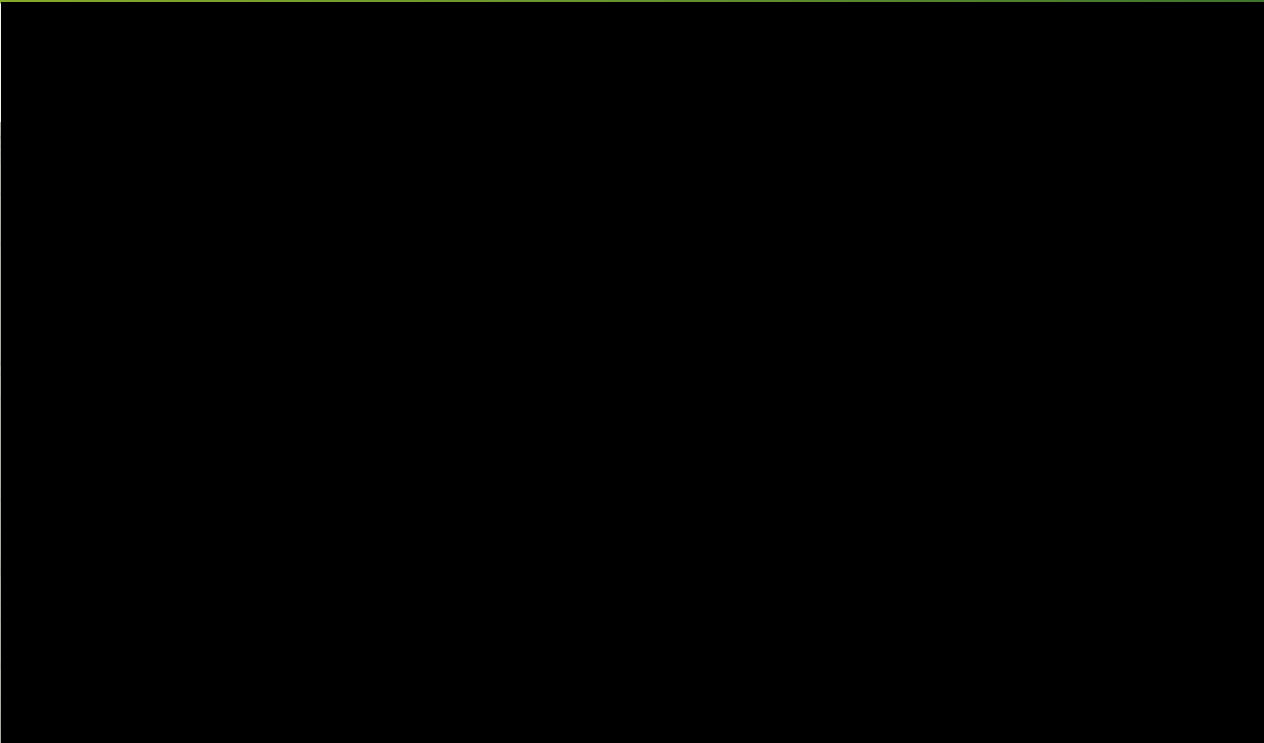
[REDACTED]

[REDACTED] 

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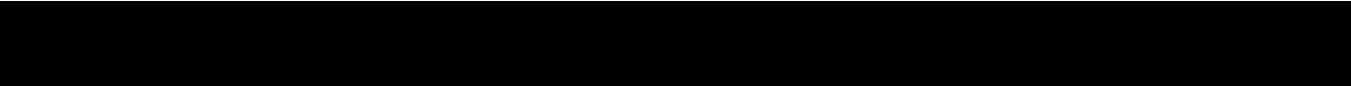


# Submission to Planning Scheme Amendment C121 (Surf Coast Shire)



Submission prepared by   
on behalf of landowner

June 2017





## Submission Summary

This submission has been prepared on behalf of the landowner of [REDACTED] in response to Amendment C121 of the Surf Coast Planning Scheme proposed by Council.

This submission relates to land at [REDACTED], which is affected by the Amendment.

The site is a large 85.9 Hectare parcel of land that sits within an existing rural residential precinct zoned Rural Conservation Zone. The land forms part of the Bells Beach tourism precinct and is located adjacent to the Bells Beach coastal reserve within the view shed of the Bells Beach Surfing Recreation Reserve.

The Amendment is of significant concern as it seeks to impose excessive requirements to the precinct over and above current policy requirements, which are highly restrictive and rigid in their current form.

The Amendment seeks to create further prohibitions through the local planning policy framework, which will compromise the ability for any future proposals to enhance the Bells Beach precinct.

[REDACTED] constitutes a farming asset for the landowners and its management is tied into the management of other agricultural properties. The landowners have carefully managed this property for over 60 years. The keynote of this management has been to implement very low stocking rates as well as the following: Control of noxious weeds, control of rabbits, addressing erosion as necessary, revegetation by fencing out areas for regrowth and new planting, refencing as required, and maintenance of existing dams for stock water and tree watering. It will be imperative that these activities will not be interrupted by any proposed changes to the planning scheme.

In its current form the policy amendments would prohibit a range of applications, even those that could be considered to be minor improvements that may have negligible or zero impact on the environmental or landscape values of the site.

Planning policy should intend to operate as guidelines to be considered within a broader framework that allow decision makers to have the ability to exercise discretion when considering appropriate applications for use and development. Instead, we submit that the further attempt to create mandatory requirements constrains the ability for discretion and may restrict decisions from being fairly considered on their merits as part of an integrated decision making process.

Clause 10.02 of the State Planning Policy Framework outlines the importance of supporting an integrated decision making process, noting that *'Planning authorities and responsible authorities should endeavour to integrate the range of policies relevant to the issues to be determined and balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.'*

The Amendment is therefore considered to directly contrast with the intended purpose of the Victorian Planning Provisions, which were implemented to allow Responsible Authorities to use the framework as a guide in the decision making process.

Whilst concern is held with the Amendment more generally, we highlight the following key concerns with the documentation where they specifically impact the site at [REDACTED]



[REDACTED]

## **Rural Landscape Policy 21.06**

The amendments made to the Rural Landscape Policy at Clause 21.06 are of the most significant concern. Key concerns are as follows.

- Clause 21.06-3 Objective 4 has been amended to include Bells Beach to the list of areas where Council supports the concept of a buy-back scheme for private land with significant environmental value as a strategy to maintain the visual landscape qualities of the Bells Beach environs for both residents and visitors to the coast.

This Clause is of significant concern to the landowner given that the land has already been subject to a compulsory acquisition process where approximately 16 Hectares (40 Acres) of land was acquired to form part of the Bells Beach Surfing Recreation Reserve.

On this basis, there should be no further need to acquire any additional land from this site and any implication within the Planning Scheme that Council may do so is of significant concern.

This Clause of the Amendment should therefore specifically exclude the site at [REDACTED]

- Clause 21.06-3 Objective 4 has been amended to oppose subdivision and tourist development in the Bells Beach view shed. The word 'intensive' has been removed and 'Bells Beach view shed' has been included.

This Clause is of concern as the scale of what may be considered as 'tourism' is unclear and the Clause may be read to prohibit any future application, without the ability to consider it on its merit. As an example, this could include a restriction to applications as minor as building improvements.


- Clause 21.06-3 Objective 3 has been amended to prohibit any proposal that would allow more intensive development in the Bells Beach hinterland.

Similarly to the above, this Clause is of concern due to the uncertainty in its wording of what may be considered to be a 'proposal'. The use of the term 'intensive' is also unclear and may be difficult for decision makers to interpret. We have concern that there is a risk that 'intensive' may be read as though any further development should be prohibited, irrespective of its scale.

- Clause 21.06-4 has been amended to include the addition of dot point 1 '*Development that is likely to detrimentally affect the scenic landscape, environmental and cultural values of land within the Bells Beach hinterland will not be supported*'

With regard to this Clause, we have concern that the definition of Cultural values is ambiguous and may be difficult to interpret.

This dot point should be removed.

- 
- Clause 21.06-4 has been amended to include the addition of a Design and Development Overlay (DDO)

The creation of a future DDO is not supported and should be removed from this Clause. The current Planning Scheme controls are more than sufficient guidance for future development to respond to without the introduction of an additional Overlay.

In addition, we submit that any proposed DDO should be included within this Amendment to allow landowners the ability to understand the full extent of impact that the overall Amendment will have to their land and the broader precinct.

Reference to the creation of a future DDO should be removed from this Clause.

### ***Schedule to the Significant Landscape Overlay***


- The Amendment seeks to strengthen restrictions to landowners as well as extending the Overlay area to include all approaches to the Bells Beach reserve.

The expansion of the Overlay and the revision to the wording to create further restrictions is unnecessary. The Overlay already provides a sufficient framework for Council to access planning permit applications and does not require further modification or strengthening to do so.

In addition, we have concern with the maps within the Overlay which identifies areas considered to have 'significant' vegetation. Given this Amendment is based on desktop assessments of native vegetation, the use of maps that have not been 'ground truthed' is of concern.

### **Recommendations**

It is recommended that:

- Council modify the amendment as it is overly restrictive and creates further unnecessary prohibitions that are inconsistent with the purpose and intent of the Victorian Planning Provisions.
- That the land  is removed from the Amendment.

**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 4:23 PM  
**To:** Info  
**Subject:** Proposed SurfCoast Planning Scheme Amendment C121.

Dear SurfCoast Shire,

I am writing to you regarding the proposed SurfCoast Planning Scheme Amendment C121.

Our property is situated at [REDACTED].

We are concerned about and oppose the Viewshed Visibility Analysis. According to this analysis, our property is categorised as being in the high and very high viewshed. The viewshed as it currently stands is unreasonable, due to the extensive vegetation surrounding our property and our physical distance from the siting points and Bells Beach itself. Our property is within the greater hinterland, rather than in the viewshed of Bells Beach. We cannot see our property from any of the four siting points utilised in the viewshed analysis and Bells Beach is not visible from any points on our property. A topographical analysis in this regard is insufficient as it does not take into account the actual view with the naked eye and the fact that we are physically situated a significant distance from the key points of the Bells Beach Recreation Reserve.

We believe we should not be subject to the provisions of the SLO, given we are not within the SLO. However, we also need to clarify the situation given that our property appears as high/very high within the Viewshed Analysis and is on the border of the SLO.

Therefore, we request that the Viewshed Visibility Analysis only include areas covered by the SLO, so that the position regarding the properties adjoining the boundary of the SLO is clear.

We further request that those properties outside the SLO are not subject to any limitations imposed by the SLO or the Viewshed Analysis, despite being situated close to the boundary of the SLO.

Again, we dispute the application of the VPO to our property, given the physical distance of our property from Bells Beach as outlined in the paragraph above. The capacity of vegetation removal on our property to influence the attributes of the Bells Beach landscape in an unacceptable way is negligent or non-existent.

The manner in which the overlay is drafted and implemented through the proposed amendments places an unreasonable restriction on the use of our property.

Overall, our concerns regarding the Policy are that the proposed changes are very prescriptive and highly restrictive.

The Policy fails to consider the practical needs of landowners who, if the Policy amendments proceed, will be placed in a situation where the Policy is inflexible and detrimental to the affected landowners, meaning that the affected landowners will not be able to use their properties in the way that they should be entitled to, simply because of being situated in the locality of Bells Beach. The result will be protracted and costly approval processes for affected landowners and disproportionately unfair increases in costs for planning and vegetation removal for those affected by the changes.

The Policy amendments seek to elevate the Policy beyond the practicalities and realities of what the Policy should achieve for the community and affected landowners.

It is fair to say that all Bells Beach landowners seek to have the natural beauty and sanctity of the place preserved, this is what brought us all here in the first place.

We ask that there be some level of consideration given to these matters as the ramifications are significant for residents affected by these proposed changes.

Kind regards,



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**CMA Reference No:** F-2017-0295  
**Document No:** 1  
**Council No:** C121  
**File No.:** STP/02-0005  
**Date:** 20 June 2017

Karen Hose  
 Coordinator Strategic Land Use planning  
 Surf Coast Shire  
 PO Box 350  
 Torquay, Vic 3228

[info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

Dear Ms Hose,

**CMA Reference Number:** F-2017-0295  
**Section:** S 19 – Amendment C121 to the Surf Coast Shire Planning Scheme

I refer to your referral dated 15 May 2017, received at the Corangamite Catchment Management Authority on 19 May 2017 in accordance with the provisions of *Section 19 of the Planning and Environment Act 1987*.

Corangamite CMA has assessed this application in accordance with its functions as the Floodplain Management Authority for the Corangamite Waterway Management District pursuant to Sections 201 to 212 of the Water Act 1989.

The Floodplain Management functions of the Authority relevant to this matter are described in Section 202 of the Water Act 1989, Clauses (1)(a), (d) and (f):

- a) To find out how far floodwaters are likely to extend and how high they are likely to rise
- b) to control developments that have occurred or that may be proposed for land adjoining waterways
- c) to provide advice about flooding and controls on development to local councils, the Secretary to the Department and the community.

Below is the Authority's understanding of the application:

**The applicant(s),** Karen Hose, Coordinator Strategic Land Use Planning - Surf Coast  
**Proposed Development Type:** Other Planning Scheme Amendment  
**Proposed Development Description:** Rezoning from Farming Zone to Rural Conservation Zone and Amendments to various Clauses – Amendment C121

on the abovementioned proposed development location



## Summary and Conditions

The Corangamite Catchment Management Authority understands that this planning scheme amendment proposes to modify planning policy, zone and overlay provisions applying to the Bells Beach hinterland to better recognize the important landscape, environmental and cultural role of Bells Beach.

The Corangamite CMA also understands that the amendment plans to make changes to the broader policy and controls relating to land impacted by the Coastal Development Policy, Vegetation Protection Overlay Schedule 1 and the Significant Landscape Overlay Schedule 1 in proximity to the Great Ocean Road.

The Corangamite CMA's interest in the amendment relates to the Corangamite CMA's role as the relevant floodplain management authority for the purposes of the Surf Coast Shire's Planning Scheme, this extends to planning for future coastal storm surges associated with sea level rise. The Authority also has waterway management responsibilities under the provision of the Water Act 1989.

The CCMA's statement of obligations also indicate that the Corangamite CMA has responsibilities to facilitate and coordinate the management of catchments in an integrated and sustainable manner; by planning and making decisions within an integrated catchment management context: whilst recognizing the integral relationship between rivers, their catchments and coastal systems.

Considering the above obligations, the CCMA offers the following comments for consideration. Regarding the proposed changes the Authority supports the amendment's objective to better recognize the importance of the internationally significant area of Bells Beach and associated areas of the Great Ocean Road. The CCMA has a strong and long-term community connection to Bells Beach and the area through decades of supporting voluntary on ground conservation efforts from a number of community groups which the CCMA continues to support.

In light of this assessment and pursuant to *Section 56 of the Planning and Environment Act 1987*, the Authority **does not object** to the granting of a permit.

In accordance with Section 66 of the *Planning and Environment Act 1987*, please provide an electronic copy of the outcome of this proposal to the Authority for our records.

Should you have any queries, please do not hesitate to contact [REDACTED] on ([REDACTED]) or [REDACTED]. To assist the CMA in handling any enquiries please quote **F-2017-0295** in your correspondence with us.

Yours sincerely,

[REDACTED]  
[REDACTED]  
[REDACTED]

Cc: Barbara Noelker, Senior Strategic Land Use Planning - Surf Coast, [bnoelker@surfcoast.vic.gov.au](mailto:bnoelker@surfcoast.vic.gov.au)

**Submission to Planning Scheme Amendment C121 Surf Coast Shire Planning Scheme.**

We write to express concern that this amendment C121 seems to take in a much broader area than the Bells Beach Coastal Reserve, without having seen any up to date, strategic work / documents contained in this report relating to those areas outside the Bells Beach Coastal Reserve. Land affected by this amendment covers large parcels of land outside coastal settlements, from Lorne Hinterland to Bells Beach.

As we know the initial focus of amendment C121 was about The Bells Beach Coastal reserve and environs. The strategic work has been completed to make these recommendations in relation to that area, but it is difficult to find current strategic work as it relates to other areas affected by this amendment. It would appear that a broad brush approach has taken place.

Whilst supporting many of the recommendations, there are some that we believe should not be included until further strategic work is undertaken.

In relation to the Rural zones and in particular the Rural Conservation Zone and the Schedule to such, it is in need of urgent updated strategic work to better represent what actually occurs in that zone so better planning can occur.

Under the Rural Landscape Precincts 21.06-2

It states- The rural areas of the shire have been categorized into five landscape precincts based primarily on landscape features, but also taking into account land use, agricultural quality, tenement/allotment patterns and environmental values.

There is no mention of tourism in the precincts above and the mapping could be better represented if tourism, which is predominant throughout the shire and one of the Surf Coast Shire's main industry were noted, and taken into consideration.

Reading further into the landscape precincts, rural tourism business gets a mention around Deans Marsh, Bellbrae and further on in the precinct, Otway Ranges and Coast- The townships, settlements and nearby hinterland of the Great Ocean Road are popular tourist destinations.

This does not adequately reflect the importance of tourism to our shire and the Rural areas in which it exists. The Lorne Hinterland is an example of where many tourism businesses exist in conjunction with the landscape, and the benefits to the community and shire are seen by local, national and international visitors alike. The Lorne Hinterland bounded by the Deans Marsh road, Mt Sabine road and the Erskine Falls road including Allenvale should be considered a Tourism Precinct and recognized for the important values it brings to Tourism, our community and shire.

Finally having had our property rezoned 3 times now over some 30 years (Not this Amendment) with no right of appeal to those rezoning's and with land use rights taken away each time, we feel that as Amendment C121 was initiated to deal with issues to do with the Bells Beach Coastal Reserve, it should confine itself to that area where the strategic work has been done and not consider a broad brush application into areas from Jan Juc to Lorne.

Regards

[REDACTED]

[REDACTED]

**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 4:37 PM  
**To:** Info  
**Cc:** Barbara Noelker; [REDACTED]  
**Subject:** Submission to Planning Scheme Amendment C121 to Surfcoast Planning Scheme  
**Attachments:** Submission to Surfcoast Shire Council in relation to Amendment C121 (2).docx  
**Importance:** High

Attention: Strategic Planning Coordinator

Please find attached submission to the proposed Planning Scheme Amendment C121.

Regards,

[REDACTED]

[REDACTED]

Please forward all hard copy correspondence to:

[REDACTED]

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19 June 2017

Strategic Planning Co-ordinator  
Surf Coast Shire Council  
1 Merrijig Drive  
Torquay 3228

**Submission to Surfcoast Shire Council in relation to Amendment C121**

We are the owners and occupiers of [REDACTED]. We wish to strongly object to the proposed inclusion of any part of our property in the proposed planning scheme Amendment C121.

This amendment is designed to protect Bells Beach and the Bells Beach Hinterland, neither of which relate to our property which is located outside the hinterland (as defined in the amendment) and more properly forms part of Bellbrae and the Great Ocean Road rural hinterland. This is clear from the map in Figure 1 below that accompanied the explanatory memorandum as passed by Council on 26 April 2017. This was sent to us as residents in March 2017 to provide notice of the proposed amendment.

For convenience the map is set out below:



Figure 1: Map of Bells Beach Hinterland

Our property is located to the north of the hinterland and accordingly, as a matter of fairness and strategic planning, should not (together with the other properties on the north side of Bones Road) be included in the amendment at this late stage.

### **Introduction and Discussion**

Our farm is presently used as an operational farm of 135 acres containing breeding stocks of superfine merino sheep, angus cattle and alpacas. We have recently submitted a planning permit application to Council for a replacement dwelling, vegetation removal and group accommodation at our property.

We can see no reason for the Council to be seeking to include nearly 40 acres of our farming land in a Rural Conservation Zone. Throughout the extensive community consultation in relation to the Bells Beach surfing reserve there has been no identification of any need to alter the planning policies affecting our property at Bellbrae on the Great Ocean Road. Our property draws more from its frontage to the Great Ocean Road with all its associated activities including the Bellbrae Winery, Nursery/café and the approved Adventure Park and Addiscott Road (which is a Rural Residential area) than it does from the Bells Beach Hinterland, which is on the south side of Bones Road.

Our property is already heavily regulated by the existing planning controls, which include an extensive Vegetation Protection Overlay and Bushfire Management Overlay and a Rural Conservation Zone (relating to Bellbrae) over approximately the southern 3/4 section of our property. The proposed rezoning of the northern 1/4 of our property (which is the extensive open farmed section) is unnecessary and not warranted by any concerns in relation to the impact of any use or development of our property on Bells Beach or the Bells Beach Hinterland.

If there is any future consideration of the appropriate zoning of our property, the southern portion which has a large open paddock of around 12 ha with access from Bones Road, would more appropriately be zoned Farming Zone (excluding the bush block of around 10 ha) rather than its present Rural Conservation Zone.

It is acknowledged that there is a wide spread community interest in Bells Beach and the Bells Beach Hinterland (as defined). A key question in the consideration of this proposed planning scheme Amendment is what is the “Bells Beach Hinterland”. From our research, any time this area has been defined and considered, it has only ever extended to be the area of rural land bounded by Bones Road, Addiscott Road and Jarosite Road.

This has been clearly demonstrated in the various background reports and existing planning policies referring to Bells Beach or the Bells Beach hinterland.

In this regard we have carefully reviewed the past strategic documents in the planning scheme and the documents that are expressed to form the basis of the

proposed amendment. These documents also formed part of the extensive community consultation over the future protection of the Bells Beach surfing reserve and the Bells Beach Hinterland and include:

- **Surf Coast Planning Scheme Review Report 2014** – in particular section A6 commencing on page 43 which is entitled “Review of Bells Beach viewshed and controls” noting that Maps 1 “Bells Beach” and Map 2 “Bells Beach viewshed” also exclude our property. Further, the wider “Bells Beach Area” mentioned in the text in this document specifically limits its reference to exclude our property with the statement: “*The Rural Conservation Zone covers a broader area generally considered to be the “Bells Beach Area” bounded by Bones Road/Bells Beach Road/Addiscott Road and the coastline.*” (emphasis added);
- **The Bells Beach Surfing Recreation Reserve Coastal Implementation Plan 2015-2016** refers to the Coastal Recreation Reserve and makes no reference to any portion of our property;
- **The Bells Beach Task Force Report to Council, dated October 2015** refers to the “Bells Hinterland” and “adjoining hinterland” in an undefined sense but in no part of the document is there any suggestion that our property ought to be considered as part of this hinterland.

This process of extensive consultation in relation to the “Bells Beach hinterland” planning controls culminated in the Notice of proposed amendment, which we received in the post in March 2017. The Notice clearly shows by highlighted yellow areas and arrows that the Bells Beach hinterland is to the south of our property which is clearly located outside the “Bells Beach Hinterland” (see the map on page 1 of this submission).

The same map was also shown on the front page of the explanatory memorandum to the proposed amendment as agreed to be placed on public exhibition by Council on 26 April 2017. This document also incorrectly listed our property address as [REDACTED] [REDACTED] contained a handwritten map on the last page showing the proposed rezoning of the upper 1/4 of our property from Farming Zone to Rural Conservation Zone (separate to the identification of the properties located within the “Bells Beach hinterland”).

Since we have received the notice of the actual amendment, which contrary to the indications in March did propose to affect and indeed rezone part of our property, we have met with the Council’s strategic planner Barbara Noelker. We appreciate the time she has taken to hear our concerns and visit our property.

The recent Council discussion paper that we have received from Ms Noelker in relation to our property and the other four properties north of Bones Road between Addiscott Road and Bells Boulevard we presume represents the Council’s latest

strategic thinking on the proposed amendment at least at an officer level.

### **Council's Strategic Discussion Paper**

We agree with the Discussion paper's conclusions (in so far as they relate to our property in particular) and the proposal discussed in Option 2 to not rezone the northern part of our Property from Farming Zone to Rural Conservation Zone. We contend (for the reasons set out) that our property and the other properties north of Bones Road should simply be removed from all aspects of the proposed Amendment C121 and their strategic planning future zoning be separately considered with other properties in the Rural Bellbrae hinterland rather than being lumped in with the "Bells Beach Hinterland" Amendment C121.

The northern section of our property and the adjoining lands at [REDACTED] and the [REDACTED] are also relatively cleared portions of land north of the Jan Juc Creek, which is a separate and distinct land slope as opposed to the hills to the south. These hills on the south-eastern side form part of the Bells Beach hinterland as proposed in the original amendment documentation put to Council and the community in April 2017.

### **Conclusion**

In conclusion, we strongly object to the proposed inclusion of our property in the proposed Amendment for the following reasons:

- (1) There is no strategic or community support for the inclusion of properties outside the Bells Beach hinterland, in particular our property which is not visible from Bells Beach (including Bells Boulevard or Jarosite Road) and outside the Bells Beach hinterland as defined in the maps that preceded the amendment and in the original text of the amendment as approved by Council on 26 April 2017.
- (2) Casting the "Bells Beach" net too widely will only serve to weaken the planning protections intended for the Bells Reserve and visible hinterland as none of the policies will have sensible application to properties outside the Bells Beach viewshed and hinterland such as ours.
- (3) The proposal to suddenly rezone nearly 1/4 of our property from Farming Zone to Rural Conservation Zone will raise unnecessary, unfair and undesirable conflicts with the primary farming activities conducted on the property and sensible related uses including small scale farm produce and related retail and tourism/accommodation uses more suitable to the present Farming Zone than the Rural Conservation zone. These farming and associated tourism uses are sought to be encouraged by the Council along, and in the vicinity of, the Great Ocean Road;



- (4) Conflict with activities along the Great Ocean Road, in particular the newly approved Adventure Park, Bellbrae Nursery and Café and the proposed new Roundabout at the intersection of Gundry's Road and Addiscott Road.
- (5) The inclusion of properties north of Bones Road, including our property, ought to be deleted from proposed Amendment C121 and if necessary considered further as part of the Rural Zones review and Great Ocean Road strategies.

Accordingly, we recommend that our property and the other properties north of Bones Road be removed from the proposed Amendment C121, which should focus on the Bells Beach Hinterland as defined, being the properties south of Bones Road. Any proposed consideration of the appropriate zoning and planning policies for this land should be separately considered.

We have also been provided with a copy of the submission prepared by [REDACTED] on behalf of the property of our neighbours [REDACTED] and [REDACTED] and [REDACTED]. We refer to and adopt the detailed concerns in relation to the impact of the proposed amendments to the policies expressed in that submission as part of our submission.

In particular, we endorse the concerns expressed in [REDACTED] submission regarding the proposed local policy provisions in Clause 21.06 and 22.04 to all the land covered in the Vegetation Protection Overlay and the Rural Conservation Zone. We do not consider that the proposed amendments to these policies, which relate specifically to the Bells Beach Hinterland, should apply to our property. We should remain in the Bellbrae, not the Bells Beach policy area.

We also reserve our right to amend or alter this submission, particularly in the light of more certainty being provided to the proposal for a roundabout outside our property in the vicinity of the intersection of Gundry's and Addiscott Roads with the Great Ocean Road.

We are also concerned that the owner and occupier of [REDACTED] [REDACTED] is presently overseas (which is a long standing practice of his each winter) and deserves a better opportunity to respond to the proposed amendment. We have spoken to [REDACTED] and he has requested that the reasons we have stated in this submission not to proceed with the proposed introduction of the amendment in relation to our property also be considered as applicable to his property. He has also requested that he be given an opportunity to make a further submission on his own behalf when he has returned from overseas.

We would appreciate the opportunity to address you further in relation to this Amendment and to appear at any hearing of submissions by Council and/or an independent panel.

Yours faithfully

[Redacted]

[Redacted]

**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 4:47 PM  
**To:** Info  
**Cc:** [REDACTED]  
**Subject:** Submission regarding proposed c121 Amendment : attention Strategic Planning Co Ordinator

Dear Surf Coast Shire

I am writing with regard to the planned changes to the Surf Coast Planning Scheme Amendment C121

We are the owners of the property at [REDACTED] and have resided here for 44 years.

We have concerns over the proposed amendments including the application of the Significant Landscape Overlay to properties which border the SLO the Viewshed Visibility Analysis and proposed changes to the Policy generally

We have concerns about the Viewshed visibility analysis which classifies us as being in a high and very high view shed but heavy vegetation including ironbark trees surrounding our property means we are not visible from Bells Beach Our property is over a kilometre from the car parks at Bells

We would concede we are in the Greater Hinterland rather than the view shed.

With regard to the Policy Framework

Overall, our concerns regarding the Policy are that the proposed changes are very prescriptive and highly restrictive.

The Policy fails to consider the practical needs of landowners who, if the Policy amendments proceed, will be placed in a situation where the Policy is inflexible and detrimental to the affected landowners, meaning that the affected landowners will not be able to use their properties in the way that they should be entitled to, simply because of being situated in the locality of Bells Beach. The result will be protracted and costly approval processes for affected landowners and disproportionately unfair increases in costs for planning and vegetation removal for those affected by the changes.


The Policy amendments seek to elevate the Policy beyond the practicalities and realities of what the Policy should achieve for the community and affected landowners.

It is fair to say that all Bells Beach landowners seek to have the natural beauty and sanctity of the place preserved, this is what brought us all here in the first place.

We ask that there be some level of consideration given to these matters as the ramifications are significant for residents affected by these proposed changes.

Thank you for your assistance

Kind Regards



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19 June, 2017

Planning Department  
Surf Coast Shire  
PO BOX 350, Torquay, 3228

Via Email: [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

To Whom It May Concern,

### **SURF COAST SHIRE PLANNING SCHEME**

#### **AMENDMENT C121 - BELLS BEACH HINTERLAND**

On behalf of our members, supporters and the many thousands of people who love the Bells Beach Surfing Recreation Reserve for its open spaces and rugged natural beauty, Surfrider Foundation Surf Coast Branch submit the following with regard to the proposed amendment to the Planning Scheme and how it affects the Bells Beach hinterland.

We would like to thank the Surf Coast Shire for initiating this process. The hinterland of Bells holds a special place in the hearts of many people who live locally and visit the area from overseas. This can be seen by the 33,000 + people who signed our [petition](#) last year in opposition to the tourist development adjacent to the Bells Beach Surfing Recreation Reserve at 130 Bells Road, which they felt clearly threatened the amenity of Bells Beach and created a precedent for further inappropriate developments in the area.

We were heartened that the Council rejected that proposal, however, we were then extremely disappointed that VCAT set aside that decision and allowed the development. VCAT granted a permit as part of a subjective decision caused by inconsistencies in the planning scheme. Future losses of this nature can be prevented by strengthening the following areas of the Surf Coast Planning Scheme,

#### **1. Clause 10: Operation Of State Planning Policy Framework.**

The main reason the 130 Bells Road issue was lost at VCAT relates to Clause 10 of the planning scheme, the intent of which is to determine whether a proposed development complies with the overall intent of the planning scheme, regardless of whether specific clauses say a type of development should be discouraged. It becomes a subjective process open to the interpretation and biases of individual council officers or VCAT members. There should be no grey areas and this section should be removed.

Some of the planning policies seek to protect the Bells viewshed, protect the natural environment & protect rural communities, (eg. Clause 21.06 states "Oppose further subdivision and tourist development especially around Bells Beach and the Point Addis area"), but there are other policies, (in the tourism strategy for instance), that seeks to encourage tourist and other commercial developments in rural areas. This creates an inconsistency within the planning scheme giving no certainty to the community of landowners. We believe, that instead of Clause 10, there needs to be a hierarchy that says, where two or more policies contradict each other, the policy that protects the natural environment and social amenity takes precedence every time. This will create better consistency and the planning process can move forward with certainty. Everyone will know where they stand without having to campaign every time a developer tries to push the boundaries.

## 2. Clause 12.02-4: Environment & Landscape Values.

This clause encourages suitably located & designed coastal and marine tourism opportunities, however it needs to exclude the Bells Beach hinterland from this requirement.

## 3. Clause 21.04-2: Tourism

This clause says, 'To enhance and expand the tourism industry whilst protecting the environmental, landscape & cultural values of the Shire and the lifestyle of its residents'. The clause needs to have an exclusion added that clearly states that the Bells Beach hinterland is not to be an area where the tourism industry is encouraged, enhanced and expanded.

## 4. Clause 21 Of The Planning Scheme

This clause includes planning strategies for towns like Lorne, Bellbrae and Moriac etc. Given the recurring pressure for Bells Beach and surrounds to be developed, we believe that Bells Beach should have its own planning strategy. The strategy should,

- Protect the visual amenity of the viewshed,
- Protect the natural environment and indigenous heritage,
- Retain the rural landscape,
- Respects the remote and isolated sensation that people have when using the reserve,
- Retain the feel of the recreational surfing experience,
- Recognise the importance of the surfing culture and the income that it generates for Torquay and the Surf Coast which is largely underpinned by Bells Beach,
- Recognise that there is far more monetary value and benefit to the community in preserving the natural and heritage values of Bells Beach rather than allowing a handful of developers a short term gain.

## 5. Comments On Documents In Amendment C121

The suggested improvements in C121 appear to be effective, however, we believe that it should be stated that minor additions to properties could be permitted such as water tanks and sheds and out buildings primarily used for storage and shelter but not for habitable spaces or conducting a commercial activity.

With regard to the Amendment documents, we have the following comments,

Clause 21.06-2 refers to "...pastoral landscape and seascape.." but omits the importance of the coastal heath/moonah scrub which is a key part of the identity of the area. It seems to only refer to the paddocks and the sea and not the coastline. This is repeated in Schedule 1 to the SLO, and should be amended to create consistency within the document.

Clause 21.06-3 Objective 1, Dot Point 5 discusses "..... Direct tourism....", appearing to say facilities can go where there is existing infrastructure or where vegetation clearing can be minimised. The Bells amenities block, carparks, communications cables and sewer main are existing infrastructure. This seems to set up greater development expectations rather constrain them. The Bells beach Surfing Recreation Reserve and hinterland should be excluded from this.

Clause 21.06-3 Objective 1, Dot Point 6 discusses "Manage development...." This is too subjective and provides a loophole for development. We suggest "exclude development except for water tanks, sheds and non-habitable out buildings"

Clause 21.06-3 Objective 4, Dot Point 4 discusses "Oppose subdivision ..... in the Bells Beach view shed". Is the viewshed the same as the hinterland? There is a need to be consistent and/or specific with these terms for clarity, to prevent loopholes. Perhaps 'hinterland' should be used throughout the document.

Clause 22.04-3 Application Of This Policy. It's not clear why this section has been deleted. It provided guidance for interpretation. We firmly believe more guidance is needed and the clause should be retained or improved to reduce ambiguity, conflict and controversy.

Schedule 1 to the Significant Landscape Overlay, 2.0 Landscape. Paragraph 3 states "To encourage the discreet placement of simple unobtrusive structures within the hinterland....." This seems to encourage development per se rather than stating if development is to occur, it needs to be discreet & unobtrusive. It needs to be re-written such, to prevent another loophole.

#### 6. Carrying Capacity of Bell Beach

Finally, we are of the strong opinion that an independent study into the carrying capacity of Bells Beach and the Bells Hinterland in the context of impacts of development and tourism on the environmental, cultural and social elements associated with Bells Beach. The study should take into account the increasing and proposed visitation from populations in Spring Creek, Torquay North and Armstrong Creek. We believe there should be no more development or planning permits issued within Bells Hinterland until such a study is completed.

Thank you for the opportunity to provide input into this matter.

Yours sincerely,

**The Committee**  
**Surfrider Foundation Surf Coast Branch**



*For more information about Surfrider Foundation Surf Coast Branch please go to:*

*<https://www.facebook.com/SurfriderFoundationSurfCoast>*

*For more information about Surfrider Foundation Australia please go to: <http://www.surfrider.org.au>*

19 June 2017

To: Surf Coast Shire  
Councillors and Planning Officers  
[info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

Re: Submission on Bells Beach Hinterland Planning Amendment

*Dawn...  
Awakened...  
Breathless...  
Sunshine magically painting its way across the moving canvas above...  
Sparkles of divinity, virginity  
Gleam and dance  
To the tune of ripples in play  
Our hearts bloom  
Fragrant with the scent of this new day...  
Cliffs alive they mesmerise  
Colours sculptured in layers of time  
An ancient echo we all know...  
While the birds and the breeze in Moonah trees  
Glide on freely through the show...  
And like a Mothers arms  
The heavenly Hinterland  
Warmly, safely, lovingly holds the beauty and resonance of this iconic place  
Allowing one to enjoy, embrace  
Natures grace  
In peaceful oneness...  
I am home*

Dear SCS Councillors and Planning Officers,

Please kindly ensure the Mother Hinterland to Bells Beach Surfing Recreation Reserve is respected and protected in perpetuity by new amendments in local planning law that:

- Ensure the natural/environmental values of the hinterland are always first and top priority in all considerations and decision making, and where any disharmony of policy and/or impasse in decision making occurs the decision is always given in favour of maintaining natural/environmental values
- Do not allow for any reason any further development of the tourist development defiantly allowed by VCAT at 130 Bells Road Bells Beach, e.g., the commercial venture fails and so the title-holders of the land make submission for upgrade/expansion of commercial facilities/infrastructure
- Follow the precedent of other natural Australian icons like Uluru where all tourist accommodation, shops and other facilities/infrastructure are located well away and beyond all vistas from the iconic site

In addition I respectfully suggest SCS invite all current title-holders of land within the Bells hinterland and local community groups and individuals who have been active volunteers in the restoration and care for Bells and surrounds for decades, to a meeting with Councillors and relevant Shire Officers so we can all enter a friendly, respectful and productive dialogue on current and future issues for the Bells hinterland.

Thank you kindly for considering my submission.

Kind regards,

[Redacted signature]

[Redacted contact information]

[Redacted contact information]



**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 20 June 2017 9:05 PM  
**To:** Info  
**Subject:** Re: Planning Scheme Amendment C121 - Amended Submission  
**Attachments:** [REDACTED]

Dear Strategic Planning Co-Ordinator,

please find attached my amended submission to replace the one I sent yesterday which I now retract,

regards

[REDACTED]

[REDACTED]

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**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 2:51 PM  
**To:** [info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)  
**Subject:** Planning Scheme Amendment C121 - Submission

Dear Strategic Planning Co-Ordinator,

please find attached my submission relating to the Planning Scheme Amendment C121. My apologies for the delay, but I was having trouble accessing the documents on the state government website today and when speaking with Claire Cowan today she indicated that late submissions would be accepted.

I have not had sufficient time to detail all the issues of concern in the various Clauses and Schedules so I hope to get the chance to discuss some of them with you further at a later stage.

I am hoping to talk with Barbara Noelker (possibly that is you!) tomorrow after which I may wish to amend the submission, but I thought I would send it through now anyway,

regards

[REDACTED]

[REDACTED]

[REDACTED]

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19<sup>th</sup> June 2017

Re: Proposed Changes to the Surf Coast Planning Scheme relating to land near Bells beach

*(Please note that this is an amended submission that replaces my earlier submission that contains some errors, which I would like to retract)*

Dear Surf Coast Shire Strategic Planning Coordinator,

I would like to register my concerns with the proposed changes to the Planning Scheme.

Our family are the owners of [REDACTED], having purchased the property in 1980 when I was one year old. I have been regularly staying at the property and visiting the region my whole life and have a very strong attachment to Bells Beach and its surrounds. The beaches, the bush and the landscape in the area hold significant value to me. I believe it is very special place and I am keen that it remains so for generations to come. As such, I appreciate the intention of the changes to be Planning Scheme, however I believe some of the details proposed are unnecessarily conservative and overly restrictive.

From what I understand the Rural Conservation Zone is one of the most restrictive zones in the Planning Scheme with regards to environmental and building/development controls, and the Significant Landscape Overlay further strengthens these controls. The amount of development that we have witnessed in the past 37 years in this area is extraordinarily low, particularly for a coastal area so close to major cities. This is testament not only to the planning controls already in place but also to the values the local residents and landowners place on the landscape and environment. We have been looking after the area for generations now and I believe doing a pretty good job at it - certainly better than many other parts of the region when it comes to environmental stewardship and sustainable development.

There are numerous examples in the proposed changes that I would like to see amended or removed. Most notable are:

- The increased restrictions on tourism and other commercial activities. This is disrespectful to the local residents, some who have been the custodians of the area for generations now. I agree that any such activities should be heavily controlled, but I do not think they should be completely rejected without consideration.
- The restrictions on the buildings are overly restrictive and there are already ample controls within the existing Clause and Schedules. The red tape proposed is an unnecessary and significant burden to land owners.

- Repeated instances of strong wording being altered to absolute wording which does not allow any consideration of individual circumstances should be reconsidered (is changing wording such as “strongly discourage” and “avoid” to “ensure” really necessary?)
- The “Bells Beach Viewshed Visibility Analysis” is significantly incorrect with many areas included that are not at all visible from either the Bells Beach car-park or indeed from any of the access routes to the area. While some of these areas are in part obscured by vegetation, much of it is due to permanent topographical features.

The response to the recent planning permit application for a development on Bells Road has shown that there is a huge amount of passion, interest and dedication to the area to ensure that the landscape is not adversely affected. This, combined with the planning controls already in place within the planning scheme, should ensure any development is appropriate and sustainable. And the passion, which at times can be misguided and misinformed, as I believe was the case with Bells Road, needs to be balanced with the views and wishes of the local residents who are as committed to the area and its natural beauty as any one.

I would encourage the Council to balance the focus placed on the Bells Beach Hinterland with the areas further afield. The Torquay township and the travel routes to Bells Beach are very much part of the value our family places on our Bells Beach experience. The development that has occurred, particularly in the last ten years, not to mention the plans for the next few years are completely ruining the whole spirit and essence of the area. It seems disingenuous to be using definitions such as what can be viewed from the entrance to the Bells Beach carpark as measures of the social, cultural or environmental significance and value in the area. Yes that is important, but I think it is overemphasising it at the expense of the value that the whole region contributes to why the area is so special.

Torquay, Jan Juc, Anglesea and other nearby towns are all part of the connection to the surfing history of the area and disappearing forests and farmland in between are part of the environmental value. This value will be lost if we have the high density residential development extending from Geelong right to the Bells Beach Hinterland “Boundary” which, if the trends of the past decade are anything to go by, is only a matter of time unless better planning controls are put in place.

I would be keen to discuss the matter further with council staff and to have an opportunity to present to the Councillors.

Regards

A large black rectangular redaction box covers the signature and name of the sender. A small handwritten mark is visible above the top-left corner of the redaction.

**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Tuesday, 20 June 2017 9:54 AM  
**To:** Info  
**Subject:** Bells Beach

Hello!

Though it seems we are a day late for the public comments regarding Bells Beach development proposals (sorry, I only just discovered the email with this link), hopefully we can still make this contribution to the public voice.

As Surfers and lovers of Nature observing the way the world is going, and the way people deal with the challenges, we recognise that at the end of the day, Natural beauty and its value will always win over all the commercial crap that is sneakily being forced upon us. Living the typical stressed out life, everyone yearns for the ultimate 'Re-Creation', and unspoilt Nature is one of the main things on the list to achieve this. Bells Beach, another one of those spots. May it always stay pristine, for us and future generations to enjoy!!!

Yours Sincerely,

[REDACTED]

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**Claire Cowan**

---

**From:** [REDACTED]  
**Sent:** Monday, 19 June 2017 6:27 PM  
**To:** Barbara Noelker  
**Subject:** Feedback - proposed amendment C121

Hi Barbara,

Many thanks for taking the time to explain the above this morning.

I would like to let you know that I am in favour of any initiative that will protect bells beach natural landscape, fauna and flora, and general untouched look.

If any change were to be made, I would hope that it would be to protect the area even further and prevent further development. We all have witnessed examples of poor land management/protection, especially of beautiful coast lines, around the world.

My personal view is that any slight change in the wrong direction will most likely be one of many steps that would make bells beach looking nothing like it should in years to come.

Thank you for giving me the opportunity to express my views.

Looking forward to a positive outcome.

[REDACTED]

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[REDACTED]

22<sup>nd</sup> June, 2017.

Re proposed amendments to the Surf Cost Planning Scheme relating to land near  
Bells Beach (C121)

Dear Surf Coast Strategic Planning Coordinator,

Our family has owned the property at [REDACTED] for the past 37 years and have treasured it as our rural retreat. Our two sons spent their childhoods growing up there on school holidays and weekends. We have preserved it in its original bushland form, which is largely undeveloped.

We support the intention of council to preserve the environment of the Bells Beach area, but we feel that the existing regulations have served their purpose well. The limited amount of development in the area is generally secluded and has little impact on the visual or ecological amenity of the area. This is in complete contrast to the development that council has allowed in the surrounding suburbs, which we would have strenuously opposed. We think that some of the proposed changes go too far and are unnecessarily restrictive.

We were very interested to read in the local newspapers over the Christmas holidays of the proposed development at Bells. We rather felt from these reports that a major multi level development was planned in the Bells Beach car park and we were not surprised to see the strong public reaction. However, it turned out that it was a modest development about 2 km from the beach and would have minor impact on it. Some of the media stories and the on-line petitions were a complete beat-up and the public response which resulted was unnecessary. If you are looking for an eyesore, go no further than the Bells Beach car park itself and the constant stream of tour busses.

We think it is unfortunate that the public reaction may have played a part in council's decision to recommend changes to the planning regulations, which in our opinion are also an unnecessary over-reaction.

We would like to recommend that council modify many of the proposed regulations to take into account these points of view.

Yours faithfully

[REDACTED] [REDACTED]

**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Thursday, 22 June 2017 1:54 PM  
**To:** Info  
**Subject:** Against development at Bells Beach area

Hello,

Sorry I missed the deadline for your petition. I wonder if anyone is making a case based on protection of falcon and owl habitats in the critical area overlooking the beach.

Please see the following, for your reference. Perhaps contact Birds Australia to help turn threatened species protection in the vicinity into a campaign.

### **Bells Beach and hinterland under threat**

Rare falcons and owls nest sites would be put at risk by redevelopment for increased tourism facilities.

Bell's Beach is overlooked by a cliff at Point Addis. This cliff is of soft, wind-eroded sandstone geology, resulting in clefts and caves that are visible from beach level and the wave-break along the shoreline. This provides ideal nesting opportunities for the rare and beautiful Peregrine Falcon, which has nested in this location since time immemorial. Generations of naturalists and admirers have witnessed these majestic birds engaged in mating flights, nesting activities (including spectacular defense against intruders). In successful breeding seasons (August - November), the young falcons can be seen learning to fly and hunt with the guidance of protective parents – a rare privilege for nature lovers. It would be a tragedy if this traditional breeding location was abandoned as a consequence of inappropriate development justified by the 'all-important economic imperative.'

Another of nature's secrets is the breeding ground of Powerful Owls in the ironbark forest in close proximity to Point Addis coastal cliffs. These great forest owls nest in hollow trees and are very sensitive to intruders and disturbances such as machinery noise and associated human activity.

Both species are dependent on preservation of the isolated nature of this area, and extensive tourism-based developments would put both species futures at risk.

Please respect and preserve the natural beauty of this special area.

Sincerely,

[REDACTED]

**Claire Cowan**

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**From:** [REDACTED]  
**Sent:** Monday, 17 July 2017 9:16 PM  
**To:** Info  
**Subject:** Bells Hinterland

I wanted to register my dismay about the Bells Hinterland proposals.

This is woeful and short term thinking. Protect our assets and protect what makes them unique.

[REDACTED]

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