

1. Referral Authorities

No.	Authority/Submitter	Summary of submission	Response
1	(S1) Wathaurung Aboriginal Corporation	No objection to the amendment. Concerned that Clause 52.48-1 of the planning scheme (bushfire protection exemptions) could result in losses of Aboriginal scarred trees.	The Aboriginal Heritage Regulations that seek to protect scarred trees applies independently of the planning scheme. The proposed changes through amendment C96 will not influence this process. Clause 52 is included within the 'particular provisions' of the planning scheme and can only be amended by the DELWP. Refer submission to panel.
2	(S2) Southern Rural Water	No objection	Submission noted.
3	(S7) Country Fire Authority	Objects to the amendment and is seeking wording changes within Local policy and overlay schedules, to strengthen and highlight the risks associated with bushfire.	Amended versions of the exhibition documents have been prepared which incorporates the issues raised by the CFA. Refer submission and amended versions of the documents to panel.
4	(S10) Barwon Water	Supports the amendment subject to modifications being made to the ESO4.	An amended version of the ESO4 has been prepared which incorporates the requests made by Barwon Water. Barwon Water supports the wording changes. Refer submission and amended version of the ESO4 to panel.
5	(S13) Vic Roads	No objection to the amendment subject to modifications being made to the ESO4.	Clause 42.01-3, the head Clause to the ESO4 already includes the exemptions being sought by Vic Roads, changes to the schedule are therefore not required. Refer submission to panel.
6	(S14) Department Environment, Land, Water and Planning	Supports the amendment and requests minor wording to local policy to improve references to significant biodiversity sites and bushfire threats.	Amended versions of the exhibition documents have been prepared which incorporates the suggestions made by the DELWP. Refer submission and amended versions of the documents to panel.

2. Public Submissions

No.	Submitter	Type of submission	Summary of submission	Response
7	(S3) Jan Juc	Objection (withdrawn)	Objects to the mapping of the ESO4 on their property on the grounds that it is too	The site is within the Spring Creek Urban Growth Zone (UGZ) and is subject to a Precinct Structure Plan that considers native vegetation

			extensive. Does not dispute the existence of Bellarine Yellow Gums on the property but suggests the mapping covers too broad an area.	<p>protection. Other submissions (discussed below) have requested that amendment C96 and the ESO4 not be applied in this area which has received managerial support. On the assumption that C96 will not be applied to this area the ESO4 has not been remapped on this property. Refer to comments under <u>S8</u></p> <p>The submission was withdrawn based on the recommendation that the UGZ be excluded from C96.</p> <p>Withdrawal of submission noted.</p> <p>Refer submission to panel.</p>
8	(S4) Aireys / Anglesea district	Support	Supports the amendment	Submission noted.
9	(S5) Torquay	Objection (withdrawn)	Objects to the ESO4 covering an approved building envelope (approved under permit 11/0486). The permit has been acted upon, the vegetation has been cleared and a fence erected.	<p>A site meeting was conducted on the 24th April 2015 and the submitters allegations were confirmed. A modified map of the ESO4 (with building envelope removed) and explanatory letter was sent to the landowner on the 22nd May 2015 and with further modifications on 15th July 2015.</p> <p>The submission was withdrawn based on the modifications made to the coverage of the ESO4.</p> <p>Withdrawal of submission noted.</p> <p>Refer modified mapping of the ESO4 to panel.</p>
10	(S6) Torquay	Objection	Objects to the removal of the SLO1 (currently applied to the property) and it's replacement with the ESO4 on the grounds that the site was historically grazed and the vegetation on the site has been planted.	<p>A site meeting was conducted on the 24th April 2015 and the submitters allegations were confirmed. The site contains a mixture of exotic, weed and planted natives that do not warrant protection under the ESO4. Retention of the SLO1 is extremely important however in recognition of the sites high visibility from Nationally significant viewing points such as the Bells Beach carpark and its environs. All vegetation exceeding 2m in height helps to soften the visible appearance of the built environment when viewed from beyond the site and is therefore worthy of continued control under the planning scheme.</p> <p>The retention of the SLO1 and removal of the ESO4 has been verbally supported.</p> <p>Refer modified mapping of the ESO4 to panel.</p>
11	(S8)	Objection	Amendment C96 applying the Urban	Amendment C96 applying the Urban Growth Zone in Spring Creek

	Jan Juc	(withdrawn)	<p><u>Growth Zone in Spring Creek</u> Objects to the application of the ESO4 to significant vegetation through amendment C96. Submits that the Precinct Structure Planning (PSP) process being undertaken for the Spring Creek valley is a more appropriate planning tool for management of significant vegetation.</p>	<p>The subject site is within the Spring Creek Urban Growth Zone (UGZ) and a PSP has been developed for the site. The plan proposes to remove the VPO1 and protect significant vegetation (including the Bellarine Yellow gums) through a native vegetation precinct plan. This approach is currently being considered by Panels Victoria.</p> <p>Removal of all land subject to the UGZ from amendment C96 is supported and should be referred to panel for their consideration.</p> <p>A letter was sent to all affected landowners on 31st July 2015 seeking feedback from the proposed removal of the land from amendment C96.</p> <p>The submission was withdrawn based on C96 not being applied to the UGZ.</p> <p>Withdrawal of submission noted.</p> <p>Refer submission and proposal to remove land subject to the UGZ from amendment C96 to panel.</p>
12	(S9) Torquay	Objection (withdrawn)	<p>Objects to the mapping of the ESO4 on the site on the grounds that the schedule also covers a planted native tree and a drainage pit. Does not dispute the coverage of the Bellarine Yellow Gums but requests the mapping be slightly modified.</p>	<p>A site meeting was conducted on the 24th April 2015 and the submitters allegations were confirmed. A modified map of the ESO4 (with planted native tree and drainage pit removed) and explanatory letter was sent to the landowner on the 22nd May 2015.</p> <p>This submission was withdrawn based on the modifications made to the coverage of the ESO4.</p> <p>Withdrawal of submission noted.</p> <p>Refer modified mapping of the ESO4 to panel.</p>
13	(S11) Aireys Inlet district	Objection	<p><u>Removal of the ESO4</u> Objects to removal of the ESO4 from the valley on the grounds that the valley forms an important part of the overall biodiversity of the township (with possible seed bank still present in the topsoil). If significant works were ever undertaken in the valley acid sulphate soils could be released into the estuarine system causing significant environmental damage.</p>	<p><u>Removal of the ESO4</u> Amendment C96 seeks to remove the ESO4 from the Painkalac valley. This has been proposed for three reasons;</p> <ol style="list-style-type: none"> 1) Amendment C96 creates a new ESO4 which will not be appropriate in the Painkalac valley; 2) Much of the valley contains introduced pasture grass of low environmental significance. 3) The significant values within the valley are both environmental and scenic based and the current schedules don't adequately reflect this.

			<p><u>Scenic values within the valley</u> Supports the wording alterations to the DDO11 through amendment C96 which seeks to strengthen the scenic values of the Painkalac valley.</p> <p><u>Minor wording changes to local policy</u> In a meeting with Council officers (post public exhibition), an addendum to the submission was provided. It included a list of requested changes to local policy to provide greater clarity and to strengthen references to environmental and township character.</p>	<p><u>Amendment C96 creates a new ESO4</u> The current ESO4 is applied to locally significant native vegetation within and adjoining the settlements of Aireys Inlet – Moggs Creek. The ESO4 proposed through Amendment C96 is to be applied across all of the coastal townships (from Lorne – Torquay) and although it is still focused on the protection of significant vegetation it is to be applied to urban areas only (land within a defined urban settlement boundary).</p> <p>The valley is zoned Rural Conservation Zone and is located outside the urban settlement boundary in the framework map within the Aireys-Eastern View Strategy, located at Clause 21.12. Amendment C81 (which was being processed concurrently) sought to apply an ESO6 to all significant vegetation located in rural areas and outside settlement boundaries.</p> <p>The rationale behind applying 2 different schedules through the 2 amendments is to recognise the different pressures put on native vegetation in a rural/farming setting compared with an urbanised area where lots are significantly smaller and subject to more intensive subdivision.</p> <p>Applying the new urban focused ESO4 to the Painkalac valley, considering it's rural zoning and location beyond the settlement boundary, would therefore be inappropriate.</p> <p><u>Much of the vegetation in the valley is highly degraded</u> The Biodiversity Mapping Project (BMP) 2014 found that the northern and eastern parts of the valley mostly contain introduced pasture grass of low environmental significance. Amendment C81 intended to apply the ESO6 to mapped patches of significant vegetation within the valley compared with the blanketly applied ESO4.</p> <p>This is the primary source of the submitters concern, the loss of a schedule to degraded areas. The submission suggests that if land management practices changed indigenous vegetation would naturally regenerate from the dormant seed bank still present in the top soil.</p> <p>Council has recently abandoned Amendment C81 and the ESO6 as previously intended will no longer be applied. How best to resolve this issue is discussed below.</p> <p><u>Expansion of the ESO1 – suggested solution</u></p>
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14	(S12) Jan Juc	Objection (withdrawn)	Objects to the application of the ESO4 to significant vegetation through amendment C96. Submits that the Precinct Structure Planning (PSP) process being undertaken for the Spring Creek valley is a more appropriate planning tool for management of significant vegetation.	<p><i>Amendment C96 applying the Urban Growth Zone in Spring Creek</i> Refer discussion under <u>S8</u>.</p> <p>The submission was withdrawn based on C96 not being applied to the UGZ.</p> <p>Withdrawal of submission noted.</p> <p>Refer submission and proposal to remove land subject to the UGZ from amendment C96 to panel.</p>
15	(S15) Jan Juc	Objection	Objects to the application of the ESO4 to significant vegetation through amendment C96. Submits that the Precinct Structure Planning (PSP) process being undertaken for the Spring Creek valley is a more appropriate planning tool for management of significant vegetation.	<p><i>Amendment C96 applying the Urban Growth Zone in Spring Creek</i> Refer discussion under <u>S8</u>.</p> <p>Refer submission and proposal to remove land subject to the UGZ from amendment C96 to panel.</p>
16	S16 Torquay	Objection (withdrawn)	Objects to the mapping of the ESO4 and submits that the coverage on the property should be modified. Submission is based on an Ecological study undertaken for the site by Beacon Ecology.	<p>The ecological report was utilised to remap the ESO4 on the submitters property and a modified map of the ESO4 (with planted sugar gums and cleared areas removed) with explanatory email was sent to the landowner on the 13nd July 2015.</p> <p>This submission was withdrawn based on the modifications made to the coverage of the ESO4.</p> <p>Withdrawal of submission noted.</p>

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