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# Potential Mechanisms for Managing the Torquay/Jan Juc Town Boundary

Surf Coast Shire

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## 1.0 Council's Brief and Report Structure

Surf Coast Shire engaged Spatial Economics Pty Ltd to provide advice on potential planning mechanisms that could be used to strengthen protection of the Torquay/Jan Juc settlement boundary and better protect adjacent areas of landscape and environmental value.

The Council's brief asked for an assessment of the advantages and disadvantages of the options identified and also asked us to identify potentially relevant examples of the use of such planning mechanisms interstate and overseas. Council staff also asked for an approximate indication of the nature and cost of any studies that might need to be carried out either prior or as part of the process of introducing any new planning mechanism(s).

This report is simply structured around the main types of planning mechanisms that might be used to address the issues of concern to Council, viz:

- I. The imposition of an urban growth boundary and/or green belt controls;
- II. The use of a localised planning statements;
- III. A strengthened Municipal Strategic Statement;
- IV. The targeted use of significant landscape or significant environment overlays.

For each category of planning mechanism the report:

- outlines the option(s) available under the Victorian planning system and how they have been used to date;
- where relevant provides examples of the use of similar mechanisms interstate and/or overseas; and
- sets out our observations on the potential limitations, benefits and potential disadvantages of the option.

The final section of the report briefly sets out the nature and potential cost of the further planning studies that are likely to be required as part of the process of preparing and justifying any new planning mechanisms.

To simplify comparison of the alternative mechanisms two summary tables are appended to the report. Table 1: summarises the options available under the Victorian planning system and Table 2 summarises interstate and overseas examples.



## 2.0 Potential Planning Instruments

### 2.1 Use of Urban Growth Boundaries and Green Belts

#### 2.1.1 In the Victorian Planning System

Under the Victorian planning system the strongest way of reinforcing the Torquay/ Jan Juc town boundary would be establishing an Urban Growth Boundary (UGB). This could potentially be linked to the imposition of Green Wedge (GWZ) zoning over key areas outside the town boundary.

Imposing a UGB and GWZ would make ad hoc changes to the town boundary difficult and would limit the range of non-rural uses possible in areas close to the township.

Such a move would be dependent upon convincing the State Government of the justification for a Torquay/ Jan Juc UGB and GWZ and amendment of the Planning and Environment Act 1987. This would be difficult and is unlikely to be successful unless the Surf Coast Shire approach to the State Government was part of a broader sub-regional proposal to manage the impacts of the continuing strong growth of Geelong.

The UGB and GW zones were introduced to the Victorian planning system as part of the 2002 release of the *Melbourne 2030* metropolitan strategy. *Melbourne 2030* proposed introduction of a UGB “to better manage (Melbourne’s) outward expansion’. It was seen as “a tool to facilitate the achievement of a more compact city ..... direct growth to areas best able to be supplied with appropriate infrastructure and services ... (and) protect other valuable land from urban development pressures”<sup>1</sup>.

The metropolitan UGB incorporates stand-alone growth boundaries around a number of smaller towns in metropolitan fringe Council areas (e.g. around townships in the Yarra Valley that are beyond the contiguous Melbourne UGB). In these instances the township UGB’s were introduced to stop metropolitan development ‘leapfrogging’ beyond the UGB. Such township UGB’s therefore cannot be taken as an indication that the State Government, or Parliament, would accept proposals to introduce a township UGB elsewhere in Victoria.

The Planning and Environment Act was amended in 2003 to include a new Part 3AA – Metropolitan green wedge protection. This requires ratification by both houses of the Victorian Parliament of any metropolitan fringe planning scheme amendment that:

- “amends or inserts and urban growth boundary”, or
- “has the effect of altering or removing any controls over the subdivision of any green wedge land to allow the land to be subdivided into more lots or into smaller lots than allowed for in the planning scheme”.

Green wedge land was defined as “land that is described in a metropolitan fringe planning scheme<sup>2</sup> as being outside an urban growth boundary”.

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<sup>1</sup> Melbourne 2030 page 61

<sup>2</sup> The Act lists the Council areas having ‘metropolitan fringe planning schemes’ as Brimbank, Cardinia, Casey, Frankston, Greater Dandenong, Hobsons Bay, Hume, Kingston, Knox, Manningham, Maroondah, Melton, Mornington Peninsula, Nillumbik, Whittlesea, Wyndham and Yarra Ranges (i.e. all those whose planning schemes include part of the metropolitan UGB).



The imposition of an urban growth boundary does not preclude future change and urban expansion. This is clearly shown by fact that a number of substantial changes that have been made to the metropolitan UGB in the fifteen years following the release of *Melbourne 2030*. However it does substantially increase the level of scrutiny (including Parliamentary review) of any proposed boundary change. In this sense it is much more significant than the usual provision for definition of township boundaries in Victorian planning schemes.

Attempts to protect the 'green wedges' abutting Melbourne's urban area have long been a central goal of metropolitan planning. The concept of 'green wedges' goes back decades but Green Wedge Zones were introduced in parallel with the UGB to help manage growing pressures for approval of subdivision and approval of inappropriate, quasi-urban, developments in areas close to Melbourne but outside the UGB.

There are twelve designated green wedges across seventeen council areas around the fringes of Melbourne. Green wedge areas are intended to contain a mix of agriculture and low-density activities such as:

- Broad scale recreation uses;
- biodiversity conservation areas and cultural heritage sites;
- water catchments;
- major infrastructure that supports urban areas, including Melbourne and Moorabbin airports and the western and eastern water treatment facilities;
- major quarries.

Residential, tourist accommodation, retail, office and industrial uses are prohibited in the GWZ if not associated with a permitted agricultural, rural industry, outdoor recreation or environmental (i.e. 'natural systems') activity. Subdivision of land below 40 hectares is restricted unless a lesser minimum lot size is specified in a schedule to the zone.

At the time there was considerable controversy regarding the potential impact of introduction of the GWZ on land values and on agricultural and tourism enterprises operating in the green wedges.

Each Council whose area includes green wedge land is required to prepare a Green Wedge Management Plan which identifies:

- the key features and values of the green wedge;
- preferred future land uses;
- environmental resources that need to be protected;
- the type and scale of change envisaged for the green wedge and how such change should be managed.

The State Government (through DELWP) assists Councils with the preparation of their Green Wedge Management Plan.

Outside the Melbourne region, Bendigo says that it has an urban growth boundary. However proposed growth boundary changes are not subject to the procedures for parliamentary approval specified in the Act for the Melbourne UGB. The Bendigo UGB is therefore in essence merely a retitled settlement boundary.



### 2.1.2 Interstate & Overseas Use of Urban Growth Boundaries & Green Belts

#### Urban Growth Boundaries

To date no other Australian state has chosen to apply the Melbourne type of formal UGB/GRZ policy to manage the growth of their metropolitan area. South Australia comes closest with Adelaide's growth being constrained both by strict development controls covering the Barossa Valley and McLaren vale and the Hills Face Zone.

In part this difference in approach reflects differing physical circumstances – for example a significant part of the Sydney urban area is constrained by national parks and/or closed water catchments. The South East Queensland regional plan incorporated (vaguely defined) inter-urban breaks between Brisbane and the Gold and Sunshine Coast urban areas and Perth's metropolitan plan directs growth into defined corridors but without use of a UGB.

Overseas there are a number of examples of incorporation of urban growth boundaries and/or green belts into planning schemes (a number of which were drawn on in development of the Melbourne policy). The most notable examples of formal urban growth boundaries include:

#### Vancouver, British Columbia, Canada

The outward growth of Vancouver metropolitan area is restricted by an "Urban Containment Boundary" (UCB) that is designed to "reinforce the protection of agricultural, conservation and rural areas, and provide predictability for locating urban uses, major regional transportation and infrastructure investment".

The UCB forms part of the Regional Growth Strategy (*Metro Vancouver 2040. Shaping Our Future*). The Plan was developed by the Greater Vancouver Regional District, a regional planning agency established by the provincial government and comprising twenty three city and district councils and the regional transportation authority.

The UCB is the main policy measure used to deliver on the region's goal of creating a compact urban area. It is complemented by measures designed to encourage and facilitate higher density development in designated activity centres and corridors with good public transport access.

The Vancouver UCB has been in place for several decades and appears to have fairly widespread community support. As a consequence Vancouver has a relatively high average density.

The endurance of, and community support for, the Vancouver UCB is perhaps driven in part by Vancouver's unique physical setting - the metropolitan area is sandwiched between mountains to the north and the USA border to the south and is in part bordered by very high value agricultural land.

Vancouver has consistently been rated as among the world most liveable cities/metropolitan areas but also has among the least affordable housing in north America.

#### Portland, Oregon, USA

State legislation requires all cities in Oregon to define an urban growth boundary.

Portland has had a Regional Urban Growth Boundary (RUGB) since 1979. The RUGB is intended to "limit urban development of ... land beyond the (Portland) city limits until it is annexed and full urban services are extended" and to "preserve the rural character of land outside the RUGB". The Portland regional plan encourages higher density development near the Portland CBD, other major activity centres and along key public transport routes as an alternative to expansion of the RUGB.

The Portland RUGB has been, at least until recently, a growth management tool rather than a fixed urban boundary. Criteria for the setting and review of urban growth boundaries are





specified in a State ordinance and include a demonstrated need to accommodate population and employment growth as established in official 20 year forecasts.

Since 1979 there have been annual RUGB adjustments. This has included more than ten significant UGB extensions. In total over 31,000 acres of additional land has been brought into the UGB over this period (although it should be noted that this represents an increase of only 14% on the area within the original 1979 RUGB).

There has been ongoing controversy around the RUGB. This has included criticism from the development sector regarding its impact on housing affordability and opposition to the regular extension of the RUGB. Presumably in response to this controversy, the most recent update of the Portland regional plan introduced the idea of Urban and Rural reserves to complement/reinforce the RUGB.

The "Urban Reserves" are intended to provide for between twenty and thirty years supply of urban land, over and above the twenty years supply that is supposedly already included within the RUGB. The "Rural Reserves" are meant to protect the areas they cover from urban development for fifty years from the date of their designation. As with the RUGB State ordinances establish the rules and processes to be followed in designating both Urban and Rural Reserves. The reserves have not yet been in place for sufficient time to enable a judgement to be made on their impacts.

#### Auckland, New Zealand

The notion of using some form of urban growth boundary as a key tool in managing Auckland's growth goes back to the 1951 *Outline Development Plan for Auckland* but the purpose, status and impacts of the growth boundary has changed greatly over the years.

The 1951 Plan talked about using an 'urban fence' to direct growth in a way that facilitated the more efficient provision of urban infrastructure. Initially it was seen purely as a growth management tool and not as a means of promoting urban containment, let alone setting a permanent urban boundary.

Subsequent (1967, 1976 and 1988) regional plans gradually shifted the focus of discussion of the growth boundary (known in Auckland as the Metropolitan Urban Limit or MUL) from urban management and efficient delivery of urban infrastructure towards the promotion of urban consolidation and limiting the outward spread of the metropolitan area in order to protect areas of high environment or agricultural value. However the growth boundary was not rigorously enforced and even these later plans accepted the need to provide for some 'greenfield' growth.

In 1990 a new *Auckland Regional Development Strategy* proposed a stronger focus on urban consolidation although it still provided for one major growth corridor.

In 1994 the Auckland Regional Policy Statement further reinforced the importance of the MUL reflecting the integrated approach to planning and land management promoted by New Zealand's 1991 *Resource Management Act*. The principal stated purpose of the growth boundary shifted decisively from efficient infrastructure provision to environmental protection and the Auckland Regional Authority took over from local authorities the responsibility for defining the MUL. Under the Authority the purpose of the MUL and the urban containment policy was stated as being to "minimise the adverse effects of urban development" on areas of high heritage or amenity value, valuable ecosystems and agricultural land and areas subject to various natural hazards.

The 1999 Auckland regional plan (*A Vision for Managing Growth in the Auckland Region*) was intended to guide the region's growth to 2050. It established a policy goal of limiting the outward



growth of the metropolitan area to 10% of the existing urban area and of accommodating 70% of total regional housing demand within the existing metropolitan area (principally around selected town centres and along key transport corridors) with The balance of growth was to be accommodated in smaller regional towns and a limited amount of greenfield development.

In 2010 the Auckland Regional Authority was replaced by a City Council formed by amalgamation of the previous Auckland Council and a number of smaller LGA's. Under the new Council the MUL has been retitled a Rural Urban Boundary (RUB) but plays an essentially similar role. Amendments to the RUB must be made in accordance with procedures specified in the relevant schedule of the NZ *Resource Management Act*.

The Council's latest planning strategy aims to achieve a 75:25 split between growth accommodated in the existing urban area and growth accommodated in Greenfield developments.

### **Green Belts**

Green belts (broadly defined) have been used in a number of cities as a means of managing or restricting urban growth. In some instances (e.g. Portland) they have been used in conjunction with an urban growth boundary. In others they are standalone planning measures that form a *de-facto* urban growth boundary.

### Australian Examples

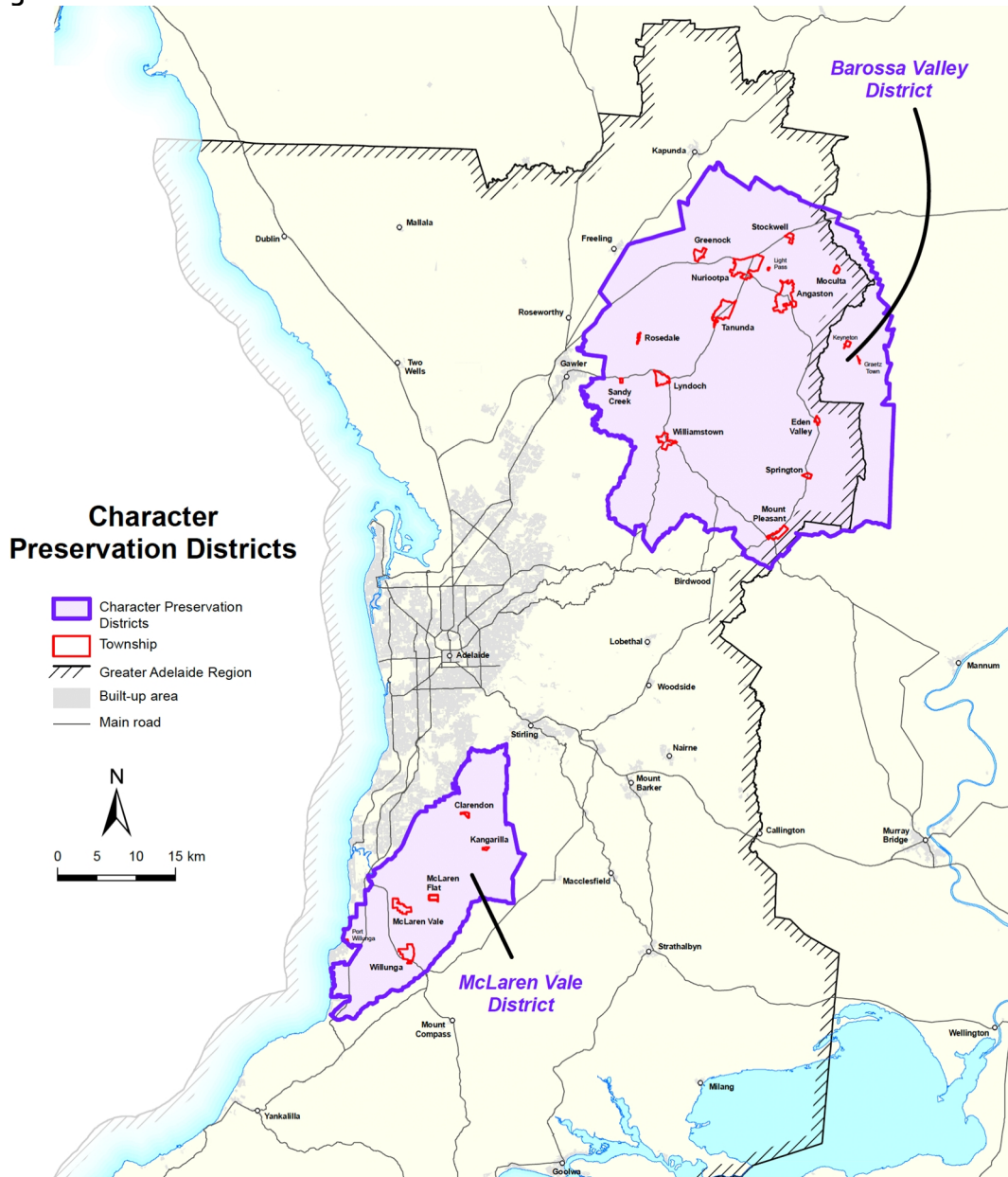
In Australia what might be described as greenbelt policies have been put in place as part of several regional growth plans. The most significant of these relate to the Melbourne (the Green Wedge Zones) and Adelaide (the Barossa and McLaren Vale Character Preservation Districts) greater metropolitan regions.

In Melbourne the green wedge zones abut the UGB and effectively totally surround the metropolitan area. Their stated purpose is to protect the green wedges from inappropriate development, consolidate any new residential development into existing settlements and protect important agricultural land and mineral resources together with areas of environmental and landscape value.

In the case of Adelaide the state parliament passed legislation in 2012 to create two 'Character Preservation Districts' covering the Barossa Valley and McLaren Vale wine and tourist areas to the north east and south of the metropolitan area. The Character Preservation Districts are intended to protect these high value rural areas from both uncontrolled township growth and diversion of agricultural land for rural residential purposes. Within each District (see image below) township boundaries have been defined and subdivision outside townships is restricted.



**Image One: Character Preservation Districts – Greater Adelaide**



Between the two Character Preservation Districts the Hills Face Zone (which effectively edges the whole of the eastern edge of the metropolitan area between the two Districts) also acts as a form of green belt.

The South East Queensland regional plan incorporates 'inter-urban breaks' between Brisbane and the Gold and Sunshine Coast urban areas (although as noted the inter-urban breaks are broadly defined and it is unclear whether any associated zoning controls will be sufficient to avoid the progressive loss of the rural character of the 'inter-urban breaks').

Overseas examples

The most significant examples of the use of green belts to contain urban growth are overseas. The most notable example of the use of green belts to limit urban growth is London and other major urban areas in the United Kingdom. Toronto and Ottawa in Canada and Portland in the USA also have versions of green belt policies.



### United Kingdom Green Belts

Green belts are widely used in the United Kingdom to contain the spread of major cities. The Greater London regional Planning Committee first proposed a metropolitan green belt around London in 1935. Shortly after the second world war the Town and Country Planning Act 1947 made it possible for local authorities to include green belts in their planning schemes.

The UK Government National Planning Policy Framework guidance note on protecting green belt land says that the green belts have five purposes:

- to check the sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist urban regeneration, by encouraging the recycling of derelict and other urban land.

The greenbelts are linked to a strong UK tradition of encouraging the intensification of development in existing urban areas and particularly the redevelopment of 'brownfield' land (i.e. areas of derelict or underused, mainly industrial land).

Planning authorities are required to take account of the need to promote sustainable patterns of development when drawing up or reviewing green belt boundaries. Planning authorities are told to "regard the construction of new buildings as in appropriate" in green belts (with limited exceptions for agricultural or outdoor recreation related buildings). Transport infrastructure and mineral extraction are permitted in green belts "provided they preserve the openness of the green belt".

The national guidance note makes it clear that the designation of green belts should not be used to manage the growth or protect the character of villages/small towns unless they make an important contribution to the open character of the green belt. In other circumstances conservation area controls or other development management policies are to be used to protect the character of the village/town.

In England there are green belts around the largest cities/metropolitan areas (see map below). The English green belts total 1.6 million hectares or about 13% of England's total land area (a larger area than the total for English cities). While there has been some minor reductions in the extent of the English green belts over the last decade (primarily in response to pressures to make more land available for housing) this has not yet made a significant impact on the extent and role of the green belts. (see image below)



**Image Two: Green Belts – England**



In addition to the English green belts there is one green belt in Wales, thirty in Northern Ireland (accounting for about 16% of the total land area) and ten green belts in Scotland.

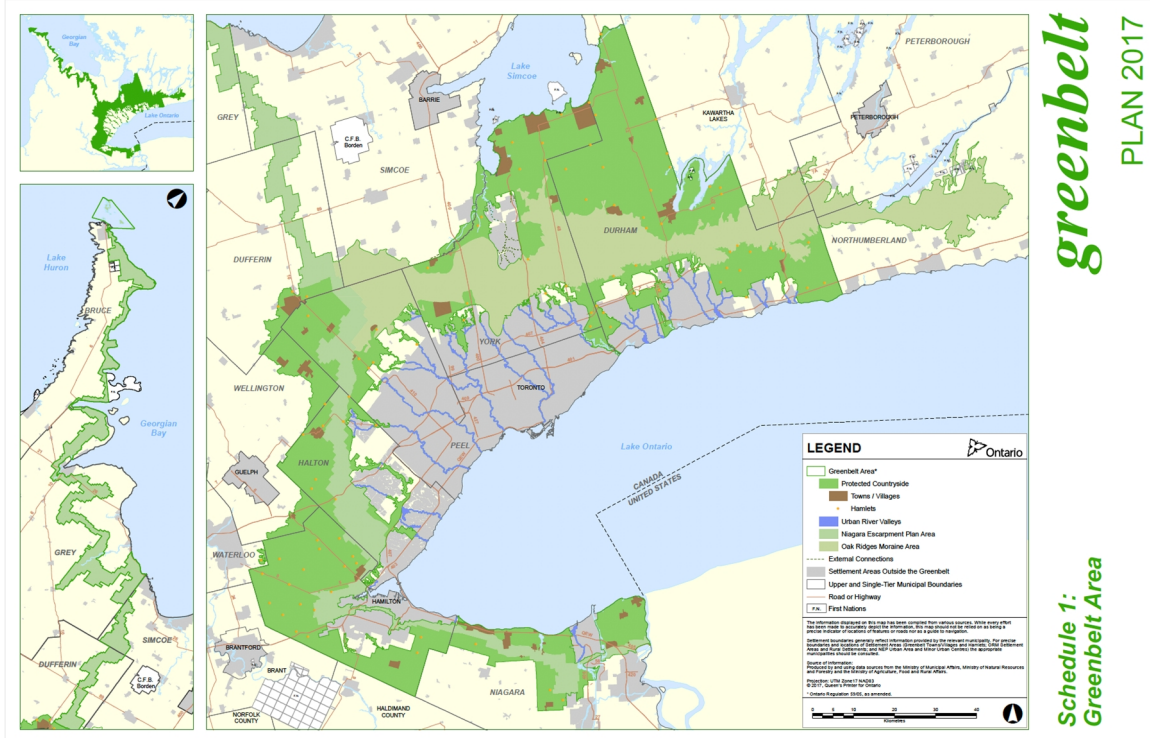
### Canadian Green Belts

#### Toronto Region

The region around Toronto in Ontario Province (referred to as the *Greater Golden Horseshoe* region) accommodates more than a quarter of Canada's population and is among the country's fastest growing urban areas. In 2005 the regional plan introduced a greenbelt "to help shape the future of (the) region" and to "provide permanent protection to the agricultural land base and the ecological and hydrological features" of Ontario's most productive farmlands. The greenbelt plan built upon pre-existing conservation reservations covering the Niagara escarpment and the Oak Ridges Moraine Conservation Area (see image below).



**Image Three: Green Belts – Toronto**



The vision for the Toronto greenbelt states that it is intended to:

- protect against the loss and fragmentation of the agricultural land base and support agriculture as the predominant land use;
- give permanent protection to the natural heritage and water resource systems;
- support agriculture, tourism, recreation and resource uses;
- contribute to climate change mitigation.

Consistent with the greenbelt concept the 2006 Regional Growth Plan proposes to provide for housing and employment growth by intensification of development in established urban areas, especially around activity centres and transit corridors, and directing greenfield growth to specified 'settlement areas'.

Ottawa

Canada's national capital is also surrounded by a greenbelt. The greenbelt is between two and ten kilometres in width and totals over 20,000 hectares. Approximately half of Ottawa's population lives within the greenbelt with the balance in new urban areas outside the greenbelt.

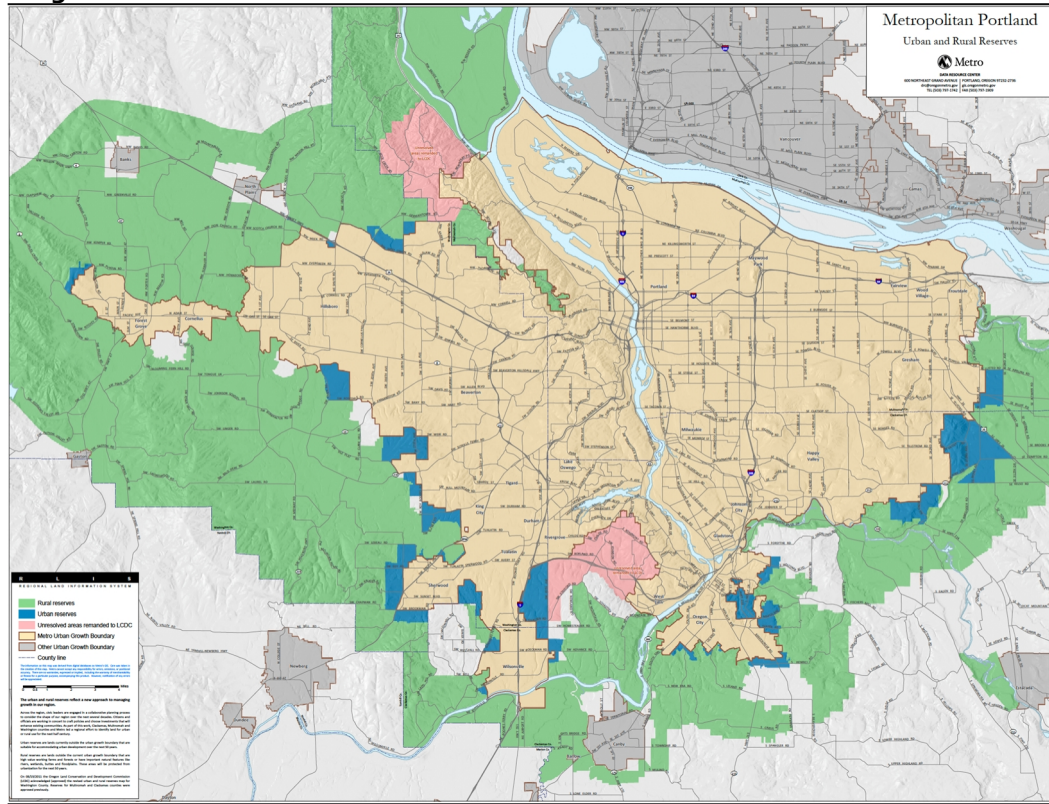
The national capital greenbelt was conceived in the 1950's to protect the setting of the national capital and help shape the city's development. Unlike almost all other greenbelt areas the national capital greenbelt is predominantly publicly owned having largely been purchased (in part compulsorily) between the late 1950's and mid 1960's. As a parkland greenbelt the Ottawa model is probably of limited relevance to other regions looking to manage urban growth.

Portland, Oregon

As noted in the earlier discussion of the Portland regional urban growth boundary the Portland regional plan has fairly recently been amended to incorporate a belt of 'Rural Reserves' (effectively a greenbelt) almost entirely surrounding the city (see image below).



**Image Four: Green Belts – Portland**



The Rural Reserves cover what are considered to be high value working farms or forests or areas that have important natural features such as wetlands and floodplains. A total of around 110,000 hectares is included within the Rural Reserves.

The Reserve designation does not change the underlying zoning of the land but is intended to protect the land from urbanisation pressures for at least fifty years. It is hoped that this will avoid speculative increases in land values and enable landowners to make long-term investment with greater confidence.

### **2.1.3 Observations on the use of urban growth boundaries and green belts**

This discussion seeks to assess the effectiveness of urban growth boundaries and green belts and to summarise opinions as to their principal benefits and disadvantages.

The first point that needs to be made is that both urban growth boundaries and green belts are tools that are generally used to manage or limit the growth of large urban areas (e.g. London, Melbourne, Vancouver, Toronto, Portland) and have the backing of national, state/provincial or regional governments. They have generally not been used as local initiatives to manage the growth of smaller settlements.

In the context of the Torquay/Jan Juc town boundary it is relevant to note that to protect the environment of the Mornington Peninsula, the metropolitan UGB extends to the Mornington Peninsula. On the Mornington Peninsula the UGB effectively followed the boundary of land already zoned for urban development. Most of the balance of the Peninsula is zoned Green Wedge.



It could be argued that non-urban land on the Bellarine Peninsula and the northern portions of the Great Ocean Road region are a similar distance from Melbourne, and under similar urban development pressures, as the Mornington Peninsula - and warrant a similar level of protection.

It is highly unlikely that the State Government, and Parliament, would agree to imposition of a UGB, and the introduction of Green Wedge zoning, just around Torquay/Jan Juc. To maximise the likelihood of support for such a move it would be advisable for Surf Coast Shire to work with the City of Greater Geelong (and possibly also Golden Plains Shire and the Borough of Queenscliffe) to argue the case for a UGB and Green Wedge zoning in the Geelong sub-region.

A joint approach could propose the imposition of a UGB around urban Geelong and the townships on the Bellarine Peninsula, northern Surf Coast and possibly townships in the easternmost portion of Golden Plains Shire. It could also propose the use of green wedge zoning in the key inter-urban breaks between Geelong and the townships. Such a sub-regional approach to the State Government could make the point that Geelong and the sub-region are beginning to experience similar growth pressures to those that justified the imposition of the UGB and GWZ in areas on the fringe of Melbourne and on the Mornington Peninsula.

If accepted by the State Government, implementing such an approach would require amendment of the relevant section of the Planning and Environment Act 1987.

If successful this would undoubtedly provide the strongest tools for managing the future growth of Geelong, Torquay/Jan Juc and other towns in the sub-region. However it would not set a permanent boundary for Torquay/Jan Juc. As with the metropolitan UGB it would be capable of periodic change if this was considered necessary to provide for ongoing housing and employment land needs – and if approved by the Minister and Parliament.

If a Torquay/Jan Juc UGB were implemented Surf Coast Shire would still need to meet the State Planning Policy Framework requirement to provide, on a continuing basis, for at least fifteen years supply of land for housing and employment development. The SPPF gives local authorities discretion as to where within the council area this land supply should be provided. A decision to limit the outward growth of Torquay/Jan Juc this is therefore likely to require Council to commit to intensification of development within Torquay/Jan Juc and/or the accelerated growth of Winchelsea or other settlements in the northern part of Surf Coast Shire.

Significant intensification of development within the Torquay/Jan Juc settlement boundary would obviously have implications for the Council's and community's objective to maintain the neighbourhood character of 'old Torquay'. For example it is likely to mean acceptance of intensification of development within and adjacent to the Torquay town centre (i.e. provision for more apartment development, shop-top housing, etc) and of some additional re-subdivision/ town house type development within other designated precincts of Torquay/Jan Juc.

The pros and cons of urban growth boundaries (and of green belt controls when used in a similar way to constrain the spread of major urban areas) have been widely debated both in Australia and overseas. The arguments can be summarised as follows:

**Pros:**

UGB's and green belts can undoubtedly be effective in limiting or controlling the direction of the spread of cities. Their effectiveness is based partly on the strength of the controls themselves (e.g. the presumption against approval of new buildings in UK greenbelts) and partly on the lengthy debate regarding future growth options and the resultant wide community support that usually accompanies the adoption of such measures.





The need for cooperative action by a number of levels of government and the relatively more complex procedures for making future changes to such measures have also added to the likelihood that such measures will endure once they are put in place.

The ability of UGB's and greenbelts to drive urban consolidation and the redevelopment of redundant or underused land within cities is also frequently cited as a key benefit of such measures. By closing off other development options such controls can undoubtedly improve the likelihood of increasing densities in established urban areas and of reusing sites that would otherwise be uneconomic to develop.

**Cons:**

The principal argument against the use of urban growth boundaries and/or greenbelts to limit the spread of urban areas relates to the effect of such controls on land prices and therefore housing affordability. By decreasing the supply of sites potentially available for development (and especially for 'greenfield' development) it is almost inevitable that such controls will put upward pressure on land prices.

The extent of such price effects is difficult to estimate, but experience with some of the major cities that have adopted UGB's or greenbelts suggests it can be substantial.

For example Vancouver is said to have median housing prices that, in terms of average earnings, are as high as or higher than those of New York and London. In London a recent report indicated that the cost of the site now comprises 70% of the cost of provision of new housing. In Melbourne it is also clear that there was a spike in Greenfield land values associated with the introduction of the UGB, although this price effect has no doubt been reduced somewhat by subsequent government decisions to move the UGB when necessary to maintain land supplies. Similarly in Torquay/Jan Juc the impact on land prices and housing affordability of introducing a UGB could be reduced somewhat if Council committed to periodic reviews of the boundary and/or made changes to other planning controls to facilitate the intensification of development within the Torquay/Jan Juc town boundary.

It has also been argued that the imposition of a UGB or greenbelt controls can have the effect of encouraging 'leapfrogging' development (i.e. the transfer of demand and development to areas beyond the limit of the control). The consequences of such a displacement of demand may include increased travel times and costs, higher costs for the provision of infrastructure and services, and a degree of social segregation (with those in need of more affordable housing having to live in less accessible and well serviced locations).

Such leapfrogging development is alleged to have been one consequence of the Portland RUGB and in London high housing costs have resulted in large numbers of people commuting to metropolitan jobs from cities and towns outside the greenbelt. In Melbourne there are already signs of something similar occurring with demand increases in townships (such as Bacchus Marsh and Kilmore) outside the UGB. This is presumably not an issue for Torquay as townships further down the coast are effectively constrained by national park and other public land.

Finally it is possible that by increasing housing and employment land prices and reducing choices such planning controls may reduce overall growth rates. It is difficult to find clear evidence of such an effect.



## 2.2 Localised Planning Statement

### 2.2.1 In the Victorian Planning System

Another option for strengthening the Torquay/Jan Juc town boundary and protecting adjacent areas of landscape and environmental significance is the preparation of a Localised Planning Statement (LPS). Localised Planning Statements are jointly (state and local government) developed statements of planning policy for areas of special significance. Localised Planning Statements form part of the State Planning Policy Framework.

A Ministerial Direction (No. 17) concerning Localised Planning Statements was issued by the (former) Planning Minister in August 2014. The Direction requires planning authorities to have regard to any relevant adopted Localised Planning Statement and, when proposing planning scheme amendments, to include in the explanatory report for the amendment a discussion of how the proposed amendment “implements the adopted Localised Planning Statement”. The Minister may exempt a particular amendment from the need to comply with the Direction.

Plan Melbourne proposed the preparation of four Localised Planning Statements for significant areas near Melbourne – the Yarra Valley and Dandenong Ranges, the Macedon Ranges, the Mornington Peninsula, and the Bellarine Peninsula. These targeted areas were selected on the basis that they had:

- significant environmental and landscape assets;
- high quality agricultural land; and
- important roles as tourist and recreational areas.

In referring to the four areas covered by the Localised Planning Statements, the introduction to the Bellarine Peninsula Localised Planning Statement says that:

*“These highly valued areas have significant geographic and physical features which contribute to the quality of life for Victorians and are a distinctive part of our state. They play an important role in the state as tourist destinations and have strong economic bases driven by tourism, agribusiness, and lifestyle, with all areas linking strongly to Melbourne.*

*The attractiveness, accessibility and proximity of these areas to metropolitan Melbourne mean that they are increasingly coming under pressure for growth and change. This could potentially undermine the long-term natural or non-urban uses of land in these areas and needs to be carefully managed. .... there is a need to identify the key valued attributes and activities important to these areas and put in place objectives and strategies to ensure that they are preserved and enhanced for ongoing use by present and future generations.”*

Localised Planning Statements are intended to set out broad policies to guide future planning and development of the area covered by the Statement. They are therefore expected to include:

- an overview of the valued characteristics of the area (i.e. a statement of what planning decisions need to protect and enhance);
- objectives for future planning and development of the area; and
- a set of planning strategies and policies to achieve the desired objectives.

The Mornington Peninsula LPS was adopted in July 2014, the Macedon ranges LPS in September 2014, and the Bellarine Peninsula LPS in September 2015. The Yarra Ranges Council adopted the draft Yarra Ranges LPS in June 2017. It must now be approved by the Minister for Planning before coming into effect.

The Bellarine Peninsula LPS covers the Peninsula east of urban Geelong and including the Borough of Queenscliffe as well as a significant part of the City of Greater Geelong. At present



the LPS stops at the boundary of the Surf Coast Shire. However many of the issues and development pressures addressed in the LPS apply equally to the northern Surf Coast.

The Bellarine Peninsula LPS sets out six objectives, together with specific strategies, for future planning and development of the Peninsula. These objectives, and the key strategies that are potentially relevant to Torquay/Jan Juc and its surrounds, are set out below:

- *to protect and enhance the rural and coastal environment on the Bellarine Peninsula and maintain non-urban breaks with open farmed landscapes between settlements, by*
  - *protecting rural and coastal environments from inappropriate urban encroachment and development;*
  - *protecting the scenic qualities of key landscape features; and*
  - *ensuring development outside of settlement boundaries (as shown in Structure Plan maps) does not compromise the rural, environmental and landscape values of the non-urban breaks, significant views or longer –term growth opportunities.*
- *to support the ongoing use of rural land on the Bellarine peninsula for agriculture and to preserve the open farmed landscape, by*
  - *support the establishment and ongoing use of rural areas .... For agricultural activities which do not impact on the open farmed landscape .....*;
  - *discourage intensive agricultural development or industrial development in rural areas .... ;*
  - *ensure the development of dwellings .... Is consistent with the use of the land for sustainable rural uses;*
  - *ensure new development is designed and sited to avoid compromising the open farmed landscape.*
- *to preserve and maintain the ecology of the Peninsula’s environmentally significant coastal, wetland and vegetated areas, by*
  - *protecting cliff, dune and foreshore areas from inappropriate development and subdivision;*
  - *protecting and restoring significant and remnant native vegetation .... .*
- *to protect, preserve and enhance built heritage, cultural and urban character values and preserve the individual identity of townships, by*
  - *ensuring that development responds to the identify and character of the individual township in which it is located;*
  - *encourage development which respects the setting of coastal settlements.*
- *to facilitate the planned residential growth of (the townships identified for growth) consistent with adopted structure plans ....., by*
  - *ensuring land use and development proceeds generally in accordance with the relevant structure plan maps.*
- *to support and encourage diverse and sustainable tourism as a key economic activity in townships and in rural areas where it complements and respects the farmed rural landscape of the area, does not impact upon existing farming activities and contributes to the local economy, by*
  - *preserving and enhancing key tourist assets, in particular the built and natural environments ... and sporting and tourist area;*
  - *ensuring that tourism uses in rural areas will not compromise agricultural activities on adjoining land.*



Some of the other Localised Planning Statements contain more detailed policies and requirements to be taken into account in the management of future planning and development.

For example the Mornington Peninsula LPS includes strategies to:

- *'maintain and increase biodiversity and increase the resilience of natural systems'*;
- *'specify that any required environmental offsets should 'be provided on the Mornington Peninsula, and in the local area where appropriate'*;
- *'make clear that 'there will be no linear development between towns ... or expansion into the areas between townships'*;
- designate and protect *'areas of special character, beauty and significance , including areas of strategic importance to maintain the sense of separation between townships'*, and
- strictly limit *'subdivision of rural land ... to avoid further fragmentation and ensure that the intensity of land use and development is appropriate to the ... natural attributes of the land and to the protection of the environment and landscape'*.

There would presumably be scope for Surf Coast Shire to seek the agreement of the City of Greater Geelong, Borough of Queenscliffe and the Minister for Planning to both extend the Bellarine Peninsula LPS to cover the northern Surf Coast and, where necessary, to strengthen some of planning strategies included in the current LPS.

### **2.2.2 Interstate and Overseas use of Localised Planning Statements**

There are a variety of interstate and overseas examples of the use of localised planning statements, policies or legislation to protect areas of special environmental, landscape or agricultural importance. In Australia, for example, this includes the Barossa Valley and McLaren Vale Character Protection District provisions referred to in the preceding section of this report and the earlier, and less proscriptive, Swan Valley Planning Act and policies in Western Australia.

Another good example of the use of a local or sub-regional planning statement to protect an area of environmental, landscape, agricultural and tourist value is the 1998 Western Australian Planning Commission's *Leeuwin-Naturaliste Ridge Planning Policy* (Statement of Planning policy No. 6.1).

This policy statement applies to a substantial coastal area between Busselton and Augusta in the far south of Western Australia. It includes the Margaret River area.

The policy statement defines an overall vision for the region to achieve:

*'creative, vital and sustainable communities living in balance with economic development and the unique landscape and environmental values of the Leeuwin-Naturaliste Ridge policy area.'*

It also sets out a number of policy objectives that, among other things, aim to:

- *'conserve and enhance the special benefits arising from the landscape elements that form the fabric of the region'*;
- *'... conserve its outstanding natural and cultural heritage and environmental values'*; and
- *'protect agricultural land for its economic, landscape, tourism and social values'*.

For each objective it sets out specific policies, land use strategies and other proposed implementation measures (see example/figure below). This format is clearer and more likely to result to achieve the result than the broad policy statements included in the Victorian Localised Planning Statements.



**Figure One: Policy Format - Leeuwin-Naturaliste Ridge Planning Policy**

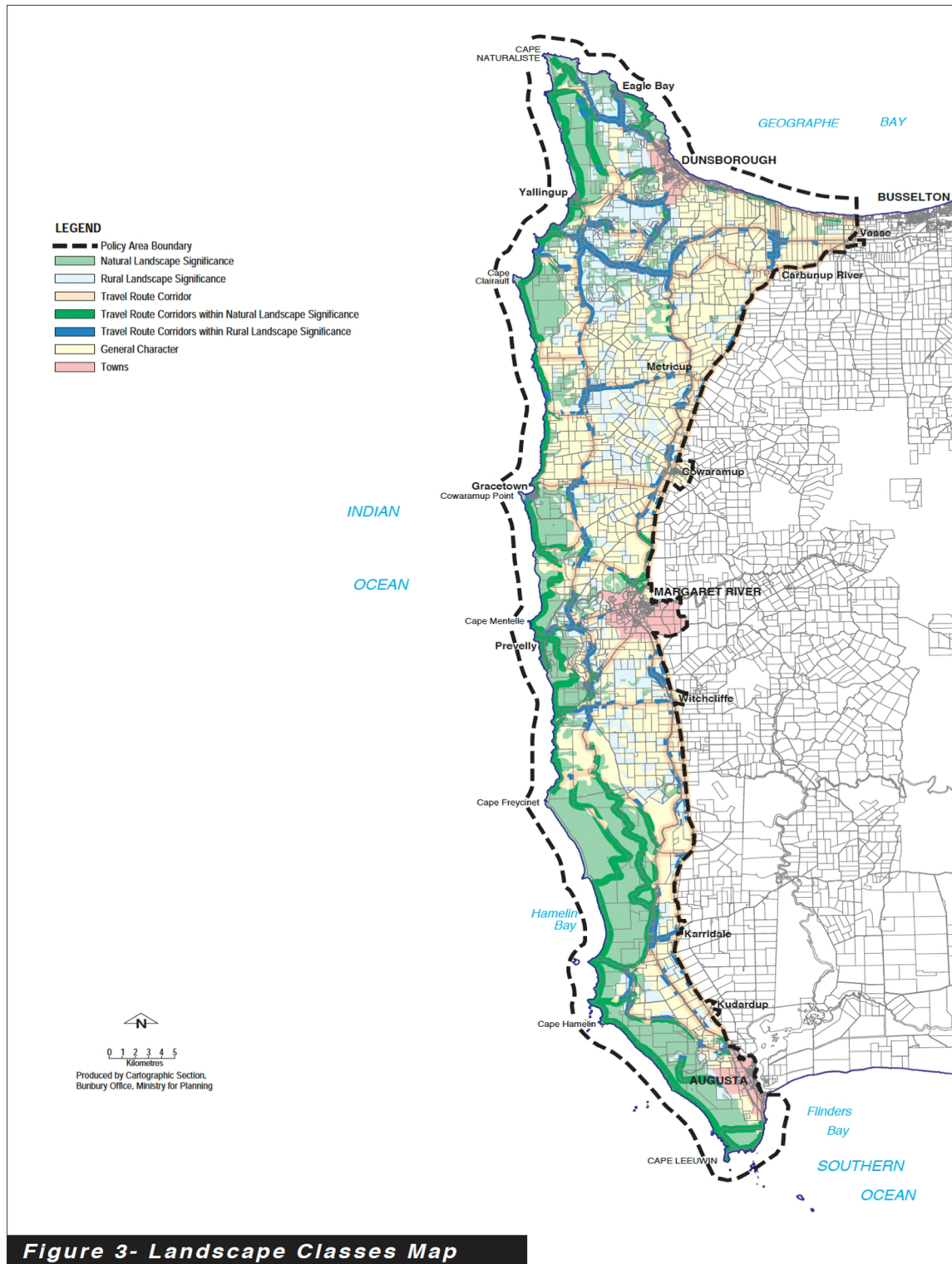
*Figure 2- Policy Format*

<i>Vision</i>	<i>Overall Objectives</i>	<i>Policy Statements</i>	<i>Land Use Strategy</i>	<i>Implementation</i>
<p><i>Creative, vital and sustainable communities living in balance with economic development and the unique landscape and environmental values of the Leeuwin-Naturaliste Ridgepolicy area.</i></p>	<p>The overall objectives of the LNRSP are to:</p> <ul style="list-style-type: none"> <li>• conserve and enhance the special benefits arising from landscape elements that form the fabric of the region;</li> <li>• respect and conserve its outstanding natural and cultural heritage and environmental values;</li> <li>• cater for population growth consistent with the objectives of the LNRSP and provide a range of settlement options located to enhance the economic, social and environmental functions, while promoting quality and innovation in urban design and built form;</li> <li>• protect agricultural land for its economic, landscape, tourism and social values;</li> <li>• encourage a mix of compatible land uses while separating conflicting land uses;</li> <li>• facilitate a robust, diverse and sustainable economy; and</li> <li>• foster a sense of community and creativity; for the benefit of all residents and visitors and for future generations.</li> </ul>	<p>(Example) <i>Agriculture-Subdivision</i> <b>PS 4.1</b> There is a general presumption against the subdivision of agricultural land for nonagricultural purposes. <b>PS 4.2</b> Notwithstanding PS 4.1, subdivision of land designated as Agricultural Protection will be considered under the following circumstances—</p> <ul style="list-style-type: none"> <li>• where the proposed subdivision does not detract from the long-term viability of the land for agricultural use; and</li> <li>• where the proposed subdivision provides an opportunity to diversify or intensify the agricultural use of the land.</li> </ul> <p>Rural strata subdivision will be considered where it can be demonstrated the intent of strata subdivision can be legally enforced in the event of the cessation of the strata. <b>PS 4.3</b> Subdivisions considered under PS 4.2 will comply with the following—</p> <ul style="list-style-type: none"> <li>• where land is to be used for irrigated horticulture, confirmation of suitable soil capability and water supply will be required. Subdivision should not be less than 20 hectares; or</li> <li>• where land is to be</li> </ul>	<p>(Example) <i>Agricultural Protection-Principal Agriculture (Horticulture and Grazing)</i> <b>LUS 4.6</b> In areas designated Principal Agriculture, the predominant use of land will be agriculture. Other uses, including uses of interspersed lands with lesser agricultural potential, will be compatible with and not jeopardise, agricultural use of adjoining prime land. <b>LUS 4.7</b> Agriculture (including horticulture and grazing) is to remain the predominant economic land use, within the constraints of protecting remnant vegetation and landscape values. <b>LUS 4.8</b> Subdivision of agricultural land other than for agricultural purposes will generally not be permitted. <b>LUS 4.9</b> The potential for expansion of rural/ horticultural uses and increases in the function of rural processing and cottage-based industries will be promoted by the establishment of:</p> <ul style="list-style-type: none"> <li>• rural processing activities;</li> <li>• cottage industry;</li> <li>• rural associated</li> </ul>	<p>(Example) <i>Guidelines for Enclaves</i> <b>LUS GS 1.1</b> Criteria for establishing clustered rural settlement in the form of Enclaves will address:</p> <ul style="list-style-type: none"> <li>• the exclusion of land required for potential urban expansion of the service centre. Prime Agricultural Land or land within high fire hazard areas;</li> <li>• separating the Enclave from surrounding land, including agriculture, and ensuring compatibility of land uses;</li> <li>• ensuring each Enclave is a discrete clustered settlement which enhances the overall rural landscape and which prevents coalescence with other Enclaves;</li> <li>• being within reasonable walking/ cycling distance of a service centre;</li> <li>• having appropriate and efficient infrastructure services that include the site being conducive to the principles of ecologically sustainable development, (for example, suitable for on-site effluent disposal without off-site effects);</li> <li>• conserving remnant vegetation and increasing overall vegetation cover,</li> </ul>



Importantly the Leeuwin-Naturaliste Ridge policy statement also identifies specific landscape classes/areas that justify special protection (see image below).

**Image Five:** Localised Planning Statements - Leeuwin-Naturaliste Ridge – Landscape Classes



In relation to landscape values the policy includes a 'Statement of Intent' that says:  
*'This is an extraordinary landscape which is part of the nation's heritage. Its unique values will be*



*conserved by land use strategies and development assessment processes, having particular regard for:*

- *protection of the natural character of the Leeuwin-Naturaliste Ridge, including the coastal and marine interfaces and areas of remnant vegetation;*
- *maintenance of the mosaic of land uses evident in existing agricultural area, while providing for change in agricultural land uses; and*
- *recognition of the role and importance of human activity and its contribution to (the) cultural landscape’.*

Specific policy requirements are set out for different landscape classes and particular ‘landscape character units’. For example design and siting requirements that specify that key landscape features are to be protected and buildings screened from defined travel routes).

Similarly there are specific localised landscape, environment and natural resource protection policies set out for the 2017 Greater Golden Horseshoe (Toronto) Greenbelt Plan.

### **2.2.3 Observations on the use of Localised Planning Statements**

The extension of the Bellarine Peninsula Localised Planning Statement to include Torquay/Jan Juc, Bellbrae and adjacent rural areas would potentially be a strong option for areas of landscape and environmental significant valued by the local community and could also strengthen the Torquay/Jan Juc town boundary.

Inclusion of Torquay/Jan Juc and surrounding rural areas in the Bellarine LPS would mean that the state government acknowledges that the rural landscape around Torquay/Jan Juc is of equal significant from a community, tourist and agricultural industry point of view as that of the Bellarine Peninsula. The symbolic value of this should not be underestimated. It would also mean that the state government would need to approve any future change in the planning policies set out in the LPS and could forestall any change that might threaten the values that had resulted in the Torquay/Jan Juc area being included in the LPS. Further it would mean that any future Council, Planning Panel or VCAT hearing would need to have regard to the strategies to protect the Torquay/Jan Juc environs that would form part of the State Planning Policy Framework.

There are however a number of reasons why we consider this option to provide a less secure long-term outcome than adoption of a formal urban growth boundary linked to green wedge zoning of adjacent rural areas. In particular:

- the planning objectives and strategies included in the existing LPS are fairly broad and therefore leave substantial scope for interpretation by a future council, Planning Panel or VCAT hearing;
- the existing Bellarine Peninsula LPS does not set specific limits on the growth of townships in the area it covers. Instead it refers to facilitating ‘planned residential growth consistent with ... adopted structure plans’. This leaves open the potential for future structure plan changes that could impact on the character of surrounding rural areas;
- a Localised Planning Statement can be altered by agreement of the relevant planning authorities and without the need for parliamentary approval.

The Bellarine Peninsula LPS has already been in effect for a couple of years and both the City of Greater Geelong will therefore have had the chance to gain some experience with its use and



interpretation. There may therefore be scope for Surf Coast Shire to seek agreement to some further strengthening/detailing of the planning strategies included in any expanded LPS.

Importantly the landscape, environmental and related analysis that would need to be undertaken in order to make the case for inclusion of the Torquay/Jan Juc environs in the Bellarine Peninsula LPS would, in themselves, more clearly set out the policy rationale for the outcomes being sought by the Council and the community.

A major limitation of the Localised Planning Statement option, as with the UGB/GRZ option, is that a decision to adopt this approach is not entirely within the control of Surf Coast Shire. It would be necessary to obtain the agreement of both the City of Greater Geelong and the state government. While it would be theoretically possible for the Surf Coast Shire to seek state government agreement to preparation of a separate Localised Planning Statement for the northern surf coast region it is less likely that such an approach would be successful.

Furthermore the Surf Coast Council would likely need to demonstrate to the state government that the inclusion of Torquay/Jan Juc and environs in the LPS would not jeopardise, either now or in the future, the Council's ability to meet the SPPF minimum fifteen year residential land supply requirement. This would presumably need to include spelling out how a significant part of future housing demand could be met within the Torquay/Jan Juc town boundaries.

## 2.3 A Strengthened Municipal Strategic Statement

### 2.3.1 In the Victorian Planning System

A further option available to Council would be to rely on further strengthening the Shire's municipal strategic statement (MSS) as the primary means of protecting the environs of Torquay/Jan Juc.

The MSS is intended to provide a clear strategic direction for detailed planning and management of development within each Council's area.

Planning Practice Note No 4 states that:

*"the MSS provides the broad local policy basis for making decisions under a planning scheme"* and that

*"the MSS must contain:*

- *the strategic planning objectives of the planning authority;*
- *the strategies for achieving those objectives;*
- *a general explanation of the relationship between the objectives and strategies and the controls on the use and development of land in the planning scheme."*

The Planning Practice Note also says that

*"the MSS should be continually refined as the planning authority develops and revises its strategic direction. The MSS must be taken into account when preparing amendments to a planning scheme or making decisions under a scheme."*

and

*"the vision and strategic framework plan (in the MSS) provide an opportunity to set out the key State and local directions of the planning scheme and assist the balancing of objectives."*

The existing MSS provisions, and clause 21.08 outlining the Council's Torquay/Jan Juc Strategy, include a number of statements that refer to the importance of the Shire's environment and landscape assets and rural areas and of protecting the rural landscape from intrusion and maintaining clear distinctions between townships. However the MSS also talks of concentrating urban growth predominantly in the towns of Torquay/Jan Juc and Winchelsea and the





Torquay/Jan Juc Strategy describes the township as “the main urban growth centre for the Surf Coast Shire.

As it stands the MSS provides limited real guidance as to the importance of the environmental, landscape and natural resource values of the areas surrounding Torquay/Jan Juc (with the exception of the view shed of the Bells Beach reserve), the way in which these values should constrain future development options for Torquay/Jan Juc and the Council’s views as the way in which future growth should best be provided for. On reading the MSS and Torquay/Jan Juc strategy it would be possible to draw the conclusion that, while Council favours growth to the north east, there is no real limit on the scale of future growth.

Given the importance that the Council and community now attach to managing the growth of Torquay/Jan Juc, and to protecting the particular values of the surrounding areas, there is clearly a case for updating the current MSS.

The aim should be to, as far as possible, remove uncertainty as to how much long-term urban growth can sustainably be provided for, how this growth will be accommodated and why and how it was proposed to protect areas of particular environmental, landscape and natural resource value adjoining Torquay/Jan Juc.

A strengthened MSS could:

- set out a settlement strategy for the Shire that, among other things, made clear that the Torquay/Jan Juc environs had limited long-term growth potential, identified the constraints that give rise to this limited growth potential, and importantly define the form that any future development should take.

For example a revised MSS could make it clear that future housing growth in Torquay/Jan Juc will come from defined by limited additional greenfield development coupled with strategies for the intensification of development in identified parts of Torquay/Jan Juc.

The settlement strategy would also need to make it clear that the Shire would look to grow Winchelsea (and possibly other inland townships) in order to meet forecast future housing requirements;

- reinforce the importance attached to protection of the urban breaks between Torquay/Jan Juc and Geelong (Armstrong Creek) and Bellbrae and also clearly set out the valued characteristics and basis for defining the boundaries of such breaks;
- define the specific areas of environmental, landscape and agricultural values in the areas surrounding Torquay/Jan Juc that need to be protected from development pressures and that justify the imposition of special planning controls (such as significant landscape and/or significant environment overlays). It will be important to set out the particular reasons that each area merits protection and the broad planning strategies/policies that will be applied to manage such areas.

As with the preceding option strong MSS provisions will need to be based upon sound investigation and documentation of future housing needs and capacities together with environmental, landscape and natural resource values.

As the MSS has a particular role in the Victorian planning system we have not attempted to identify good practice examples from interstate or overseas.



### 2.3.2 Observations on the use of Strengthening the Municipal Strategic Statement

#### Advantages

A key advantage of moving to strengthen the MSS is a step that Surf Coast Council could take on its own initiative and without the need to seek the agreement of adjoining Councils.

There would still be a need for sign-off on the proposed changes by the Department and the Minister but in this context the key issue is likely to be the suitability and adequacy of the alternative provision that the Council proposes to make to accommodate future population growth. This should not be an insurmountable problem provided that the Council clearly spells out the ways in which growth will be provided for within the proposed long-term boundary of Torquay/Jan Juc and the steps that will be taken to provide for additional growth in Winchelsea and possibly other townships.

The inclusion in the MSS of a clear and detailed vision and strategy for the future of Torquay/Jan Juc and adjacent rural areas that is based on sound investigation and analysis would undoubtedly contribute to strengthening the town boundary and provide a firmer basis for assessing any proposed future planning scheme changes. It would also provide an opportunity to fully test community views as to the objectives that should be pursued and the trade-offs that might need to be made (e.g. the degree and form of densification within established areas of Torquay/Jan Juc that would be acceptable if the outward expansion of the township is to be limited).

Review of the MSS, and particularly the component of the review relating to the extent of growth to the north/north-east, would also provide an opportunity for the Council to test with the State Government the implications of different scales of future growth for the feasibility of improving public transport links between Torquay/Jan Juc and Geelong (and Melbourne).

#### Disadvantages

The major disadvantage of relying on changes to the MSS to secure the objectives that are apparently sought by Council and the community is that any changes could potentially be reversed by a future Council. That is the key advantage and disadvantage of this option are mirror images of one another.

Of course the risk of future reversal (and of possible rejection of any proposed changes by the State) will be lessened to the degree that any changes that are put forward by the current Council are based upon clear investigations, are well argued and have demonstrated community support.

### 2.4 Use of Significant Environment and/or Landscape Overlays

The final, and weakest, option for managing the future growth of Torquay/Jan Juc and adjoining areas available under the Victorian planning system to Council is to make use of appropriate planning overlays in order to give greater protection to the areas in which development is considered in appropriate.

The two types of overlay that are potentially relevant are the Environmental Significance Overlay (ESO) and Significant Landscape Overlay (SLO). The Surf Coast planning scheme already includes examples of both types of overlays but the existing schedules to the ESO and SLO (with the exception of the schedule 1 of the SLO as it applies to Bells Beach) do not appear to address the specific issues relating to the growth of Torquay/Jan Juc that are currently concerning the Council and community.

Because schedule 1 of the SLO is intended to apply to a variety of areas of landscape significance along the Great Ocean Road it is broadly drafted. The two schedules (6 and 7) to the SLO that deal specifically with Torquay/Jan Juc and Bellbrae focus on the landscape of the townships and not the adjacent rural areas.



Similarly the schedules to the ESO have limited relevance in terms of managing the growth of Torquay/Jan Juc.

Subject to the completion of the necessary investigations, there may be scope to add further schedules of the SLO and ESO in order to recognise and help protect valued features of the rural areas surrounding Torquay/Jan Juc and Bellbrae.

Overlays supplement the basic land use controls in the planning scheme and are therefore at best a way of 'fine tuning' the application of those controls. They are not, by themselves, mechanisms that would be sufficient to direct or control the future extent and form of development in Torquay/Jan Juc.

However where a robust analysis of landscape and/or environmental values has been undertaken by Council, this can not only be reflected in the provisions of the planning scheme through suitable schedules, but also be incorporated as a reference document and become a factor that is likely to be taken into account in making decisions on future changes to the planning scheme.

As outlined earlier, and in the final section of this report, it is our view that Council will need to undertake further detailed investigations of landscape and environmental values in the areas surrounding Torquay/Jan Juc. This conclusion stands almost regardless of the planning mechanism chosen by Council to help manage the future growth of Torquay/Jan Juc.



### 3.0 Next Steps

As part of our brief we were asked to provide advice on the scope and likely cost of any priority tasks that are likely to be required before Council can successfully pursue any of the planning tools discussed in this paper. We have addressed these costs on the assumption that:

- Councils primary intention is to strengthen the Torquay/ Jan Juc town boundary and/or better protect the surrounding non-urban areas;
- Any necessary investigations will be contracted out rather than undertaken using in-house resources (which would potentially be less costly but would presumably disrupt other priority tasks).

This section of the report seeks to briefly outline those required pieces of work and their likely costs.

The identified priorities are based upon the assumption that to successfully get agreement to the implementation of any of the alternative planning tools it will be necessary for Council to be able to show that it has carefully addressed:

- i. overall housing demand and the residential land supply in Torquay/ Jan Juc and other relevant areas of the Shire - to demonstrate that the measures proposed for Torquay/ Jan Juc will not put at risk the ability to satisfy the minimum [15 year] land supply requirements set out in the State Planning Policy Framework.  
(NB: this is not an additional task as we understand that a biannual update of the Torquay/Jan Juc is already included in Council's forward work program);
- ii. a viable long-term settlement strategy that addresses how Council proposes to provide for population and housing growth and change in Torquay/ Jan Juc  
(i.e. that it is able to set out a clear strategy for meeting changing housing needs in Torquay/ Jan Juc [through a combination of intensification of existing residential uses and the direction/redirection of 'greenfield' development] together with a convincing rationale for whatever changes Council proposes to make to the previously envisaged Torquay/Jan Juc settlement boundary);
- iii. the justification for defining any adjacent non-urban areas as requiring special protection on the grounds of their environmental, landscape and/or agricultural value  
(i.e. that it can provide a clear and robust justification for any constraints that the settlement strategy proposes to put on the future growth of Torquay/ Jan Juc).

Given these assumptions we believe that the priority tasks going forward should be:

- Environmental Values Assessment  
It will be important to draw together, and where necessary supplement with additional data, the case for granting special protection through the planning system to areas of particular environmental significance. This is likely to include, but not necessarily be limited to, the identification of areas of natural foreshore, wetland areas and the catchments upon which they depend and areas of significant native vegetation or with other special biodiversity values. It will be necessary to both document relevant values and map the boundaries of the areas of significance and any associated buffer zones).

On the assumption that Council does not already hold fairly complete and up to date data we would anticipate that the cost of such work would be in the order of \$30,000 to \$40,000.



- Landscape Assessment

From our understanding of past Council and community views a high priority is attached to protecting especially valued landscapes. However we are not aware of the existence of any methodologically robust and up to date assessment of landscape values that could be used to justify and prioritise the selection of areas for protection under a significant landscape overlay or similar planning tool. We therefore believe that Council will need to commission such a landscape assessment.

Any such assessment will need to address both the local communities views on the significance of local landscapes and any factors that may point to landscapes being of wider state or national significance (e.g. the area surrounding Bells Beach would be recognised as being of state significance from a tourism and other perspectives while some other landscapes may be of more local but still significant value). It will also need to identify the potential impacts of any development related threats to such significant landscapes.

We are aware that a systematic and well regarded, but broad scale, landscape assessment was undertaken in 2003 as an input to preparation of the Great Ocean Road Regional Strategy. However that assessment will clearly not be adequate at the scale relevant to decisions on the Torquay/ Jan Juc settlement boundary. It will therefore be necessary to either replace or supplement that earlier assessment. We would anticipate that the cost of such work would be in the order of \$25,000 to \$30,000.

- preparation of a long-term Settlement Strategy for Torquay/Jan Juc and other relevant areas of Surf Coast Shire

Finally it will be necessary to draw together the above and any other relevant information into a draft long-term settlement strategy for Torquay/Jan Juc.

The settlement strategy would outline the anticipated growth scenarios for the northern portion of the Surf Coast Shire, outline any relevant environmental, landscape or other constraints on development, put forward Councils preferred allocation of growth between Torquay/Jan Juc and other settlements and outline the way in which the share of expected growth allocated to Torquay/Jan Juc would be accommodated.

Provided that the necessary data was available either from existing Council sources and the above proposed investigations we estimate the cost of preparing a draft settlement strategy at \$35,000-\$40,000.



**Table 2: Strengthening Surf Coast Town Boundary – Options Available Under the Victorian Planning System**

Planning measure	Pros	Cons	Requires action by:
<p>Imposition of an Urban Growth Boundary</p>	<p><u>Strongest option</u> as would require parliamentary approval of any future change to settlement boundaries</p>	<p>Not within Council control – would require State Govt decision/action</p> <p>Only likely to be successful if part of a joint proposal from Surf Coast &amp; City of Greater Geelong</p> <p>Would take decisions on any future changes to boundary out of the control of the Surf Coast Council/community</p> <p>Would require SC to provide for ongoing housing development (minimum 15 year requirement in SPPF) in other ways – probably including increases in density in Torquay/Jan Juc</p>	<p>Surf Coast to convince the City of Greater Geelong to jointly initiate request to state Gov't to implement a Geelong sub-region UGB</p> <p>State Government to agree boundaries &amp; initiate action to implement a Geelong sub-region UGB</p> <p>Parliament to approve proposed legislative change (to extend the UGB controls beyond metro fringe councils) and any future boundary changes</p>
<p>Imposition of a Localised Planning Statement limiting growth in township boundaries/reinforcing non-urban breaks &amp; Torquay/Jan Juc landscape controls</p> <p>Could be either:</p> <ol style="list-style-type: none"> <li>1. an extension/revision of the existing Bellarine Peninsula local statement; or</li> <li>2. creation of a separate Surf Coast/northern GOR statement</li> </ol>	<p><u>Potentially a strong option.</u></p> <p>If the Statement was sufficiently clear/directive regarding settlement growth and landscape/environment protection. Any proposed future zoning changes would have to be shown to be consistent with it.</p>	<p>Not entirely within Council control – would requires State Govt (and likely Geelong) agreement/action</p> <p>Would require considerable strengthening of the provisions included in the existing Bellarine Peninsula LPS (it has broad objectives that are potentially in conflict and leaves policy on changes in township boundaries to be addressed via township specific plans)</p>	<p>Joint - Council(s) &amp; State</p> <p>Surf Coast would need to carry out detailed environmental, landscape, etc studies as a basis for justifying proposed policies/controls.</p>

		<p>Most likely to be successful if a joint proposal from Surf Coast &amp; City of Greater Geelong to extend/strengthen the existing Bellarine LPS. A proposal by Surf Coast alone to create a new (Northern Surf Coast?) LPS is unlikely to win state gov't support.</p> <p>Would require SC to provide for ongoing housing development (minimum 15 year requirement in SPPF) in other ways – probably including increases in density in Torquay/Jan Juc</p>	
<p>Strengthened Surf Coast MSS provisions to:</p> <ul style="list-style-type: none"> <li>• Set out a clear settlement strategy for Torquay/Jan Juc</li> <li>• Make it explicit that SC Shire would meet its longer term land supply requirement primarily by inland development (e.g. primarily Winchelsea)</li> <li>• Reinforce the importance, basis for &amp; extent of the non-urban breaks between Torquay/Jan Juc and both Geelong + Bellbrae</li> </ul>	<p>Is a step that Council could initiate itself</p> <p>Would help provide a clear and explicit policy rationale for future decisions regarding the growth of Torquay/Jan Juc</p> <p>Could argue that if MSS changes propose more growth to the north of Torquay/Jan Juc this is consistent with/supports the State Govt's Torquay rail study initiative.</p> <p>Would need to be based upon detailed studies/analysis (including clear documentation of relevant</p>	<p>While the provisions of the MSS are an important factor to be taken into account in any proposed future zoning changes they are not the only (or predominant) factor – regard also has to be had to the provisions of the SPPF (including its land supply requirement)</p> <p>Would require Surf Coast to set out clearly how it would provide for ongoing housing needs (minimum 15 year requirement in SPPF) in other ways - likely including increases in density in Torquay/Jan Juc and potentially either some</p>	<p>Council initiative</p> <p>As with all planning scheme changes would require final approval by the Minister</p>



<ul style="list-style-type: none"> <li>Emphasise the importance of protection of areas of landscape, environmental and/or agricultural significance around Torquay/Jan Juc</li> </ul>	<p>environmental, landscape, etc values and constraints)</p>	<p>additional provision for development north of Torquay or diversion of growth to Winchelsea</p> <p>Would require Surf Coast Shire to fund a program of investigations to provide a strong evidence base for the proposed changes (landscape &amp; environmental analysis, etc)</p>	
<p>Imposition of more specific environmental &amp;/or landscape overlays that would highlight relevant values and put additional requirements on proposed development of selective areas outside the proposed township boundary</p>	<p>It <u>may</u> be possible to make a strong case for such controls on land adjacent to/impacting on water flows to the Karaaf Wetlands (environment) and the area north and west of Bells Beach (landscape)</p>	<p>Would be dependent upon the ability of SC Shire to produce the detailed analysis required to justify any new controls (may be able to draw on earlier work including the GOR Landscape Analysis and any Parks Victoria investigations of the Karaaf Wetlands)</p> <p>Would be difficult to justify such controls around significant parts of the Torquay/Jan Juc boundary (including the locally sensitive Spring Creek Valley)</p> <p>Would not necessarily support a strategy of refocussing Torquay/Jan Juc's growth to the north</p>	<p>Council initiative</p> <p>As with all planning scheme changes would require final approval by the Minister</p>





**Table 2: Strengthening Surf Coast Town Boundary – Potential Interstate and Overseas Examples**

Planning Measure	Pros	Cons	Comments
<b>Urban Growth Boundaries</b>			
<p>Vancouver, British Columbia - "Urban Containment Boundary"</p> <p>Designed to "establish a stable, long term, regionally defined area for urban development ...(and protect) .. agricultural, conservation and rural areas"</p>	<ul style="list-style-type: none"> <li>• Encourages a cooperative approach to management of metropolitan growth by multiple LGAs</li> <li>• Has been very effective in limiting the outward spread of metro Vancouver</li> <li>• It is a stable planning measure with wide community support – it has been in place for close to 20 years. Is part of a metro growth strategy that seeks to provide almost 70% of total housing needs from high density development around activity centres and transit corridors/stops</li> <li>• Is backed up by a direction to public utilities (esp. water authorities) that they are not to extend services to areas outside the UCB other than to address clearly defined public health or environmental issues</li> </ul>	<ul style="list-style-type: none"> <li>• Has resulted in Vancouver having a serious, ongoing housing affordability problem (in terms of median prices compared to median weekly earnings Vancouver housing is more expensive than London and New York)</li> <li>• <u>May</u> have had an impact on Vancouver's population and economic growth. (Vancouver's metropolitan area population in 2016 census was 2.5 million but average annual population growth is only 30,000 [i.e. &lt;1/3 of Melbourne's] despite Vancouver being Canada's principal Pacific city/port)</li> </ul>	<p>A metropolitan scale measure (covers multiple LGAs and is supported by the Provincial (state) Government</p> <p>Toronto and Ottawa also have UGB's (see below)</p>



	<ul style="list-style-type: none"><li>• Recognises the special circumstances of Vancouver (metro area is hemmed in by mountains and other areas of conservation significance, high agricultural value land and the US border)</li></ul>		
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<p>Portland, Oregon -  <i>"Regional Urban Growth Boundary"</i></p> <p>Is intended to "limit urban development of ...land beyond the City Limits until it is annexed and full urban services are extended" and to "preserve the rural character of land outside the RUGB"</p>	<ul style="list-style-type: none"> <li>• The RUGB is a useful tool to that seeks to encourage urban consolidation and limit the spread of Portland onto valuable farm and forest land</li> <li>• A stable planning measure that has been in place for close to 20 years</li> <li>• Encourages a cooperative approach to management of metropolitan growth by multiple LGAs (the RUGB is complemented by a planning strategy that seeks to focus housing growth in 'centres, corridors - i.e. along major road &amp;/or transit routes - and transit station areas')</li> <li>• The RUGB and processes for its periodic review are well understood (criteria are set out in a state ordinance)</li> </ul>	<ul style="list-style-type: none"> <li>• The RUGB is a growth management tool not a fixed urban boundary. The UGB has been moved regularly to accommodate projected development needs (although the total increase in the RUGB has been limited)</li> <li>• The development industry argues strongly that the RUGB has inflated greenfield land prices and reduced affordability</li> <li>• The RUGB is also alleged to be driving the 'leap-frogging' of urban development to townships beyond the RUGB &amp; the 'Rural Reserves' (see comments below) that surround it</li> </ul>	<p>All Oregon cities are required by State legislation to define a RUGB to control urban expansion</p> <p>Criteria for RUGB reviews are specified in an ordinance -including a demonstrated need to accommodate population and employment growth consistent with 20 year forecasts</p> <p>Oregon is one of only three US states (along with Washington and Tennessee where UGB are used to manage LGA boundary changes not limit urban growth) that mandate the setting of urban growth boundaries. A number of individual cities and counties within the US have also defined urban growth boundaries.</p>
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<p>Toronto Ontario -  <i>"Settlement Area Boundaries"</i>  The 2006 Growth Plan for 'Greater Golden Horseshoe Region' (centred on Toronto and includes a number of nearby LGA's) provides for municipalities to set 'settlement area boundaries' as part of growth management policies that concentrate population and employment growth in established urban areas (especially nominated 'growth centres') and a number of designated, compact, transit-orientated Greenfield development areas.</p>	<ul style="list-style-type: none"> <li>• The 'settlement area boundaries' are part of a comprehensive regional growth management plan that has the backing of the Provincial Government.</li> <li>• Have been effective (in conjunction with green belt controls – see comments below) in limiting the impact of urban growth on areas of high environmental, landscape and farming/forest value</li> </ul>	<ul style="list-style-type: none"> <li>• The 'settlement boundaries' are a subsidiary growth tool with the principal constraint on growth being the greenbelt controls</li> <li>• There is criticism that the growth restrictions in the Plans had reduced housing supply and affordability</li> </ul>	<p>The Greater Golden Horseshoe Region Growth Plan specifies that settlement area boundaries can only be altered:</p> <ul style="list-style-type: none"> <li>• 'as part of a municipal comprehensive review'</li> <li>• after it has been demonstrated that there are not sufficient opportunities to accommodate forecast growth through intensification or in designated greenfield areas (having regard to the ambitious density targets specified in the Plan)</li> <li>• to provide for growth for a period not exceeding 20 years</li> <li>• where it will not adversely effect the outcomes of the Greenbelt, Niagara Escarpment and Moraine (conservation) Plans</li> </ul>
<p>Greater Auckland, New Zealand -  <i>"Rural Urban Boundary"</i> (RUB)  Proposed in 2016 metropolitan plan to replace the previous</p>	<ul style="list-style-type: none"> <li>• A form of UGB has been used in Auckland since 2000 and has undoubtedly had the effect of reducing sprawl and driving urban consolidation.</li> </ul>	<ul style="list-style-type: none"> <li>• The NZ Productivity Commission in a 2013 report found that the Auckland MUL "is a binding constraint on land supply" and that the land price differential between land inside</li> </ul>	<p>The MUL/RUB is controversial and the NZ Opposition has pledged to abolish it as part of a policy package to address housing supply/affordability</p>



<p>"Metropolitan Urban Limit" which was part of the 1999 'Auckland Regional Growth Strategy 2050'. The 1999 metro strategy proposed only a 10% increase in Auckland's urban limits over 50 years and aimed for 70% of housing growth to be in activity centres or designated growth corridors</p>	<ul style="list-style-type: none"> <li>• The MUL (&amp; now the RUB) is intended to reduce but not totally restrict expansion of the Auckland metro limits. A (small) percentage of 'greenfield' growth is still allowed for</li> </ul>	<p>and outside the MUL "had increased significantly since the late 1990's: (i.e. the MUL had inflated land prices and impacted affordability)</p> <ul style="list-style-type: none"> <li>• A number of other studies have reached similar conclusions that the MUL/RUB has increased land prices and reduced the number of new houses constructed</li> </ul>	
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## Green Belts

United Kingdom Green Belts  
 London and 13 other major urban areas in England have green belts (totalling 13% of the national land area), as have 10 urban areas in Scotland and one in Wales  
 Changes to Green Belts are made through amendment of local planning schemes. In order to make changes there must be 'exceptional circumstances' (which may include housing and/or employment land needs)  
 In practice changes to green belts have been very limited

- In Green Belt areas there is a presumption against development – applicants have to demonstrate, by reference to very special circumstances, why development should be approved (i.e. the reverse of the presumption in favour of approval that applies in most other areas)
- The Green Belt policy has been highly effective in limiting urban sprawl & 'strip' development along major roads and maintaining open rural areas close to major cities
- The UK Green Belts have broad community support (as evidenced by their maintenance for 80 years)

- The Green Belt policy is said to have limited increases in housing supply and therefore contributed to the UK's high housing prices/affordability problem
- The green belts are also criticised as resulting in 'leap frogging' of development to towns outside green belt with resultant increases in commuting distances
- There is criticism that the extent of most green belts have not been carefully reviewed since their establishment in the 1950's

The metropolitan green belt around London was first officially proposed by the Greater London regional Planning Committee in 1935  
 The current (2012) English 'Planning Policy Guidance' (PPG) define the purposes of Green belts as:

- checking the unrestricted sprawl of large built up areas
- preventing neighbouring towns merging
- assisting safeguarding countryside from encroachment
- preserving the setting and special character of historic towns
- assisting in urban regeneration by encouraging the recycling of derelict and other urban land.

[NB landscape values per se cannot be used as a basis for including land in a green belt]

Local planning authorities are also required by the PPG to "prepare a Strategic Housing Land Availability Assessment" and to consider any impact that Green Belts may have



			on their ability to meet forecast housing needs. However there is no clear guidance as to how potential conflicts between green belt and housing objectives should be resolved
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<p>Portland Oregon - "Rural Reserves"</p> <p>Under policies established by the Oregon Land Conservation and Development Department provision is made for the establishment of both 'Urban' and 'Rural' Reserves around the Portland metropolitan area.</p> <p>'Urban reserves' are intended to provide long term certainty regarding the direction of future extensions to the Metropolitan Urban Growth Boundary.</p> <p>'Rural Reserves' are intended to provide long term protection for large blocks of agricultural and forest land and for important natural landscape features.</p>	<ul style="list-style-type: none"> <li>• The 'Reserves' policy further strengthens the Portland MUGB</li> <li>• The designation of Urban and Rural Reserves is particularly intended to overcome past criticism of regular changes to the MUGB and, by providing greater certainty regarding longer term land use, encourage rural investment and productivity</li> </ul>	<ul style="list-style-type: none"> <li>• The Urban and Rural Reserves provisions are new and their longer term effectiveness/ impacts cannot yet be assessed</li> <li>• It is not clear how the Reserves policy will cope with uncertainty re. future metropolitan growth rates</li> <li>• The Rural Reserves are likely to reduce the flexibility of the MUGB as a growth management tool and could thereby have an adverse impact on housing affordability</li> </ul>	<p>'Urban Reserves' are intended to be planned to accommodate between 20 and 30 years of metropolitan growth (beyond the 20 years supply that is intended to be included <u>within</u> the MUGB).</p> <p>'Rural Reserves' are intended to protect the designated land from urban development for 50 years from the date of designation.</p> <p>Detailed criteria are specified for designation of both Urban and Rural Reserve land</p> <p>Much of the Portland MUGB is now surrounded by designated Rural Reserves</p>
<p>Toronto Ontario - 'Greater Golden Horseshoe' Region Greenbelt'</p>	<ul style="list-style-type: none"> <li>• The Greenbelt Plan protects the regions agricultural land base and important landscapes, ecological areas and water resources</li> </ul>	<ul style="list-style-type: none"> <li>• The restrictions associated with the Greenbelt are claimed to have limited additions to regional housing supplies and</li> </ul>	<p>Urban Growth in the region is controlled by four interrelated plans – the Niagara Escarpment Plan (established 1985), the Oak Ridges Moraine Conservation Plan (2002),</p>





<p>The Greenbelt was established by the Ontario (provincial) Government</p> <p>The Greenbelt protects areas of significant landscape, forest, farmland and water catchments surrounding Canada's most densely developed region.</p> <p>The Greenbelt incorporates the earlier Niagara Escarpment and Oak Ridges Moraine Conservation reserves.</p>	<ul style="list-style-type: none"> <li>The Green Belt restrictions help drive achievement of the urban consolidation objectives set in the Growth Plan for the Greater Golden Horseshoe region</li> </ul>	<p>adversely affected housing affordability</p> <ul style="list-style-type: none"> <li>Some local councils have criticised the Plan as restricting their ability to plan for their local areas</li> </ul>	<p>the Greenbelt Plan (2005 – updated in 2017), and the Growth Plan for the Greater Golden Horseshoe region (2006).</p> <p>The four Plans are currently subject to a joint review.</p>
<p>Ottawa (national capital territory) – Greenbelt</p> <p>The 20,600 hectare greenbelt surrounds inner Ottawa. A population of approximately ½ million lives within the greenbelt with a similar number outside but adjacent to it.</p>	<ul style="list-style-type: none"> <li>The Ottawa Greenbelt has a high degree of protection both because it is a central element of the national capital plan (similar to Canberra's ridge-top reserves) and because the bulk of the land was acquired by the national government more than 50 years ago.</li> </ul>	<ul style="list-style-type: none"> <li>The Ottawa greenbelt is designed primarily to protect the setting of the national capital rather than to limit the growth of Ottawa (the population outside the greenbelt is equivalent to that inside)</li> <li>The public ownership of the Ottawa greenbelt means that it is not a realistic model for most other urban areas</li> </ul>	<p>The proposal for designation of an Ottawa greenbelt dates from the <i>1959 Plan for the National Capital</i>. The greenbelt comprises forests, wetlands and farmlands almost all of which was acquired by the (national) government in the 1950's and 1960's.</p>



Localised Planning Statements			
<p>Barossa Valley and McLaren Vale (SA) Character Preservation Districts</p> <p>The two 'Character Preservation Districts' were created by legislation passed in 2012 and designed to protect areas of high agricultural and tourist value from subdivision and urban development pressures</p> <p>Together with the (pre-existing) Hills face Zone the two Districts provide a form of 'green belt' around much of metropolitan Adelaide</p>	<ul style="list-style-type: none"> <li>• Within the two Character Preservation Districts township boundaries have been defined and subdivision of land outside the townships is restricted.</li> </ul>		<ul style="list-style-type: none"> <li>• The legislation is relatively recent and therefore its long term impact cannot be assessed.</li> </ul>
<p>Leeuwin-Naturaliste Ridge Planning Policy</p> <p>The Policy applies to a substantial area of coastal and near-coastal land (including the Margaret River region) between Busselton and Augusta in the south of Western Australia</p>	<ul style="list-style-type: none"> <li>• The regional policy has been in force for close to two decades</li> <li>• The Policy document is based upon detailed analysis of the environmental, landscape, primary production and tourism values of the region</li> <li>• It includes clear and relatively detailed objectives, policy statements, land use strategies and implementation measures.</li> </ul>	<ul style="list-style-type: none"> <li>• We have not found reports of major problems with the Policy</li> </ul>	<p>The Policy (Statement of Planning Policy No 6.1) was established by the WA Planning Commission</p>

