





3. Legislative, Strategic & Policy Review

3.1. Legislative, Strategic & Policy Review

Critical to the successful delivery of the Point Grey and Slaughterhouse Masterplan is the way in which the project gives effect to and is framed by the relevant legislative, strategic and policy frameworks influencing these two Crown land reserve sites.

From a Legislative context, the Crown Land (Reserves) Act 1978 and the Coastal Management Act 1995 are the two relevant legal documents influencing this project and set the charter by which coastal Crown land is to be managed and coordinated within strategic planning objectives.

These planning strategies provide a Statewide policy basis and set of guiding principles for the future use and management of all public and private land throughout Victoria and therefore must be carefully considered throughout this masterplan process.

Most importantly, it is at the local level where these two sites must be sensitive to and directed by the Surf Coast Planning Scheme, the Lorne Coastal Action Plan (CAP) and stakeholder and community group sentiment where this project must respond to localised needs and expectations; is regionally and coastally relevant; and to all intents and purposes be owned and accepted by the community.

Details of the legislation, strategies and policies directly influencing or impacting on this project in particular are summarised in the adjacent diagram and outlined on the following pages.



3.1.1. Crown Land (Reserves) Act 1978

The Crown Land (Reserves) Act 1978 provides for the acquisition and reservation of Crown land for a variety of public purposes, the appointment of Committees of Management to manage those reserves and for leasing and licensing of reserves for purposes approved by the Minister.

The Committee of Management (COM) for any land reserved under this Act shall manage, improve, maintain and control the land for the purposes for which it is reserved and carry out works and improvements on the land provided that in the case of works or improvements on coastal Crown land:

1. It has the consent of the Minister administering the Coastal Management Act 1995;
2. The works are carried out in accordance with any management plan prepared under the Coastal Management Act 1995 which relates to the land; and
3. The works or improvements are being carried out solely to maintain the land.

The COM may also grant licences to enter and use any portion of such land or any building thereon for any purpose consistent with the purpose of the reservation of the land; and may enter into agreements to operate services and facilities consistent with the purpose of the reservation.

The Act notes that the leasing of Crown land must preserve the environmental, historic, recreation, tourism, natural resource, social and culturally significant values of the land.

It also requires DSE, Committees of Management and other land managers to lease land through an open, fair and impartial process and that the Victorian community benefits through improved social and economic outcomes without detriment to the public land values.

The Act has now revised its provision for leases on Crown land from 21 years to a maximum of 65 years.

3.1.2. Coastal Management Act 1995

The Coastal Management Act 1995 provides the framework for the coordinated strategic planning and management of the Victorian coast, including the establishment of a Victorian Coastal Council and Regional Coastal Boards, the preparation and implementation of management plans for coastal Crown land, and a coordinated approach to approvals for the use and development of coastal Crown land.

The key objectives of the Act include:

1. To plan for and manage the use of Victoria's coastal resources on a sustainable basis for recreation, conservation, tourism, commerce and similar uses in appropriate areas;
2. To protect and maintain areas of environmental significance on the coast including its ecological, geomorphological, geological, cultural and landscape features;
3. To facilitate the development of a range of facilities for improved recreation and tourism;
4. To maintain and improve coastal water quality;
5. To improve public awareness and understanding of the coast and to involve the public in coastal planning and management.

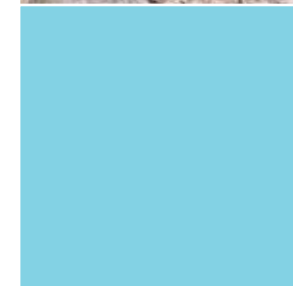
Under the Act, the **Victorian Coastal Council** is responsible for the development of the Victorian Coastal Strategy to provide for the long term strategic planning of the Victorian coast.

The Coastal Management Act 1995 also provides for a Committee of Management to prepare a management plan for coastal Crown land.

The responsible land manager for this section of the coast is **GORCC**, the **Great Ocean Road Coast Committee**.

In carrying out land management on behalf of the Crown and or under the Act, the Committee of Management of reserved Crown land must take all reasonable steps to give effect to the Victorian Coastal Strategy and any Coastal Action Plan applying to land under their management.

No use or development on coastal Crown land can occur without first obtaining the written consent of the Minister. A planning permit application can be referred to DSE as a referral authority, and is deemed an application for consent under the Coastal Management Act 1995.





3.1.3. Victorian Coastal Strategy 2008

The **Victorian Coastal Strategy 2008** sets a long term vision for the coast and provides policies and actions to guide decisions about its management over the next five years.

The Strategy has identified three key issues facing the Victorian coast and applies policies and actions over the next five years which focus primarily on **Climate Change, Population Growth and Marine Ecological Integrity**.

The core principles of this strategy are derived from the Coastal Management Act 1995 and are included in the State Planning Policy Framework in all planning schemes in Victoria to ensure decision making:

1. Provides for the protection of significant environmental and cultural values;
 2. Undertakes integrated planning and provides clear direction for the future;
 3. Ensures the sustainable use of natural coastal resources; and
- When the above principles have been considered and addressed:
4. Ensures development on the coast is located within existing modified and resilient environments where the demand for development is evident and the impact can be managed.

The purpose of the Victorian Coastal Strategy is to direct all planning and management that effects the Victorian coast. All land managers ie. GORCC, must take all reasonable steps to give effect to this strategy.

- The **Victorian Coastal Council's** role is to coordinate the implementation of Victorian Coastal Strategy and Coastal Action Plans
- The **Regional Coastal Boards** have the responsibility for development of Coastal Action Plans within their respective regions and must identify strategic directions and objectives for use and development.
- The **Committees of Management** shall, for their respective land, manage, improve, maintain and control the land for the purposes for which it is reserved. Any works and or improvements must have the consent of the Minister, be carried out in accordance with any management plan prepared under the Coastal Management Act 1995 and be carried out solely to maintain the land.



Key Messages:

- To identify then protect, conserve, improve and restore biological, ecological, physical and cultural integrity and diversity;
- Provide clear direction and resources for protection, management, development and the use of the coastal, estuarine and marine environment in a way that is sustainable;
- To use the coastal, estuarine and marine environment in an ecologically sustainable way which maintains the resources potential to meet the needs and aspirations of present and future generations;
- Any development on the coast is directed to appropriate areas within existing settlements and activity centres, is coastal-dependent and or have closely related uses, is directed to activity nodes and recreation nodes, and is high quality, well designed and sensitively sited;
- Development to enhance the community use, enjoyment and experience of special coastal values, and enhance the economic and social well-being of the community; and
- Coastal Crown land is a limited resource and must be used sparingly and wisely, and above all, preserve the natural asset.

Relevant Policies:

- Plan for sea level rise of not less than 0.8 metres by 2100 and ensure development responds to climate change's risks and impacts;
- Protect cultural landscapes, heritage places, and archaeological sites and encourage re-use for community uses and coastal tourism;
- Plan for and deliver sustainable and equitable recreational opportunities that respond to an identified demand to Crown land access, protect natural and cultural values, and optimise visitor experiences;
- Plan for and deliver sustainable boating facilities and infrastructure that respond to demand, safety considerations, the protection and sustainable management of coastal processes;
- Support development of sustainable nature-based tourism that benefits the local community, state and regional economies and heightens visitors' experience of the coast; and
- Ensure provision of buildings and infrastructure on coastal Crown land is coastal dependant, sustainable, accessible, equitable and meets community needs for coastal and water-based experiences.

3.1.4. Nature-Based Tourism Strategy 2008 - 2012

The focus of this strategy is on a coordinated approach to policy, planning, sustainable development and marketing of the nature-based tourism (NBT) sector directly related to natural attractions.

In particular, the strategy aims to stimulate and grow five identified nature-based tourism types including:

1. **Eco-tourism** (eg. guided nature interpretation and Aboriginal cultural heritage in nature);
2. **Adventure tourism** (eg. horse riding and kayaking);
3. **Extractive tourism** (eg. fishing, gold panning and fossicking);
4. **Wildlife tourism** (eg. native wildlife viewing and whale watching); and
5. **Nature retreats** (eg. eco-lodges).

The Nature-Based Tourism Strategy 2008–2012 proposes a partnership between industry and government that will provide a long-term approach to destination planning, development and management by focusing on key nature-based tourism destinations.

The key strategic directions identified to achieve this vision are:

- **Creating supportive frameworks and partnerships** - To create an 'enabling environment' to attract nature-based tourism investment and maintain the integrity of the natural environment;
- **Planning and managing sustainable destinations** - To foster sustainable practices including carbon reduction initiatives and strategies to maintain a healthy environment;
- **Developing authentic, memorable experiences** - To fill identified access, activity, amenity and accommodation gaps through public and private investment;
- **Facilitating viable and innovative business** - To increase the triple bottom line sustainability of the industry; and
- **Effective marketing** - To enhance the competitive positioning of Victoria as a destination with world-class natural attractions.

Key Messages:

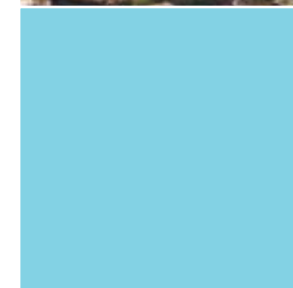
- To create a sustainable nature-based tourism industry, foster higher operating standards, encourage more business investment, boost and diversify regional economies, and improve the competitive positioning of Victoria as a nature-based tourism destination;
- For Victoria to develop successful nature-based tourism destinations and experiences, gaps in the five A's - Attractions, Access, Activities, Amenities and Accommodation must be addressed;
- Provide for longer-term leases of up to 65 years that match tenure to return on investment, excluding national parks and increase maximum licence terms to 10 years for tour operators on public land;
- Phase 1 to focus on the greatest immediate potential to trigger increased visitation and tourism yield for provincial Victoria and includes the Great Ocean Road (GOR); and
- Encourage private investment into sustainable nature-based tourism accommodation projects in the Otways and along Great Ocean Road.

Policy & Planning Framework:

- Provides a statewide framework for the coordination, management and growth of Victoria's nature-based tourism industry.

Relevant Priorities (GOR):

- Consider options for competitive allocation of leases and licences for small-scale products with exclusive commercial access;
- Maintain existing mechanisms for site-specific legislation to facilitate NBT developments beyond current lease terms for public lands;
- Encourage destinations to commence planning, development and management of nature-based tourism;
- Review the impact of climate change on NBT and identify areas of vulnerability to climate change and priority adaptation responses.
- Encourage benchmark sustainable NBT accommodation projects in spectacular locations (through private investment);
- Provide high yielding commercial opportunities for a number of sites in Victoria that currently have high consumer awareness; and
- Develop a range of value added 'for fee' services to enhance the visitor experience on public lands, such as merchandising, food and beverage, and tourism parks passes.





3.1.5. Coastal Spaces Recommendation Report 2006

This report provides a series of recommendations which seek to improve and clarify strategic planning and tools for managing sustainable coastal development in non-metropolitan coastal areas and identifies opportunities for improvements through reform, partnerships, investment and other approaches.

Coastal Settlement Framework:

The Framework provides direction on which settlements have the capability to sustain and support spatial growth, identifies settlements which need to be managed within their coastal environments, and creates a framework to help guide infrastructure investment.

This report identifies **Lorne** as:

- A District Town - as all essential services are provided. A variety of accommodation stocks are available comprising of a number of hotel/motels, multiple caravan parks and other boutique establishments. It has a dominant business district with moderate employment base, is located on the coast and is a popular visitor destinations in summer
- Having Low Spatial Growth Capacity.

Tourism Developments Along The Coast:

To achieve coastal planning policy objectives and increase regional tourism investment in the right locations within non-urban areas:

- High quality visitor/tourist accommodation must respond to regional tourism product strength, outline the desired visitor experience to be achieved and demonstrates consistency with regional tourism strategies.
- Design should respond to the above and seek to minimise overall impact through being subordinate to the visual and environmental qualities of a particular locality and minimise the overall footprint of a development.
- Accommodation should be specifically designed to prevent conversion to permanent residential occupation to protect the future overall availability of accommodation stock.

Provide appropriate scale and intensity of use and development relative to a site to manage the provision of services such as water and sewerage.

Protecting Spaces Between Settlements:

The report highlights the importance of identifying, protecting and managing change within landscapes, particularly those identified as visually significant.

- **Lorne** has been identified as having **National Landscape Significance** as its coastal edge landscape is rated 'exceptional'.

Settlement Boundaries:

The need for strategically established settlement boundaries responds to the increasing pressure on fragile coastal environments and landscapes to:

- Establish the edge of a town so that the coastal and landscape values of non-urban areas can be protected and retained;
- Protect areas of environmental/landscape significance;
- Optimise the use of existing infrastructure and services within settlements to minimise resource use and costs;
- Meet community desires to have separate, clearly identifiable settlements; and
- Provide clarity on what is considered urban and non-urban.

Public Land Recreation Nodes:

Provides a framework for the future development of recreation nodes on public land, such as Point Grey, with the objective of:

- Providing access to recreation and water-based activities where a genuine need is identified, whilst limiting the scale and intensity of development to that which appropriate to the area.

Recreation Nodes are defined as areas that:

- Are located on Crown land; exhibit a high level of use and visitation, offer foreshore and marine access, contain recreational infrastructure and provide existing recreation facilities and or opportunities for redevelopment for the net community and public benefit.

3.1.6. Great Ocean Road Region Strategy 2004

The Great Ocean Road Region Strategy 2004 focuses on the sustainable development of the region through the balanced and managed growth of selected towns along the coast and inland. By focusing on land use and transport planning it aims to provide appropriate strategies and actions for managing growth and change across the region over a 20-year time frame.

Vision:

"The Great Ocean Road region will be vibrant, prosperous and beautiful. Its diverse natural and built environment will be universally recognised, protected and enhanced. It will continue to be a prime visitor destination with world-class standing. A strong, sustainably based economy will be the foundation for its continued prosperity. The changing lifestyle needs of the community will be acknowledged and accommodated"

Prevailing Messages:

As part of the Discussion Paper used to inform this strategy, a consultative process was undertaken with the key consultation messages being:

- Put the environment first;
- Manage the development and planning of tourism to ensure it does not diminish the region's natural values and assets;
- Protect scenic and landscape values;
- Manage the future growth of the region's townships to ensure the beauty, lifestyle and character of these towns are not lost or compromised;
- Improve access to the region while maintaining the tourist function of the Great Ocean Road; and
- Recognise the diverse local character of different parts of the region.

Key Directions:

The strategy is built around four key directions and is supported by strategies that will guide future action and decision-making:

1. **Environment** - Protect the landscape and care for the environment;
2. **Settlement** - Manage the growth of towns;
3. **Access** - Improve access and transport; and
4. **Prosperity** - Encourage sustainable tourism and resource use.

Relevant Initiatives & Actions:

- Review Coastal Action Plans and implement coastal action plan initiatives;
- Promote storm water management, vegetation retention, water-sensitive urban design, water conservation, waste management, energy conservation and heritage management.
- Recognise and preserve the Indigenous and non-indigenous cultural heritage of the region;
- Expand education, information provision and promotion of the region's environmental and cultural heritage values;
- Identify and protect township character;
- Preserve key vistas along the Great Ocean Road;
- Improve public transport services to link coastal towns with key tourism sites;
- Develop and promote strategic walking and cycling routes and associated infrastructure;
- Make towns more 'walker-friendly', improve pedestrian access to foreshore;
- Encourage high quality nature-based tourism investment to enhance the visitor experience;
- Encourage and facilitate more high-quality accommodation, including nature-based accommodation in key towns and suitable locations near visitor attractions;
- Encourage the tourism industry and communities to provide complementary services such as eco-tourism guides, accommodation, food and transport services;
- Protect the existing supply of Crown land camping grounds and caravan parks, ensuring maximum public availability;
- Sustain and enhance the regions natural assets through well-managed tourism development and planning;
- Promote industry standards and accreditation such as Green Globe 21 and the Eco Certification Programs and recognition programs that reward environmental responsibility; and
- Assist in facilitating regional priority projects for tourism attractions and associated visitor facilities.





3.1.7. Western Victoria Boating Coastal Action Plan

The Western Coastal Board (WCB) is preparing a Boating Coastal Action Plan (CAP) for the western region of Victoria, extending from Breamlea to the South Australian border. A final draft of this CAP is due for completion in August 2009.

The Western Coastal Region currently does not have a strategic boating facilities framework. The purpose of the WVB CAP is, therefore, to provide strategic direction and objectives for the use, development, management and funding of boating infrastructure and facilities within the region.

Successful implementation of this CAP therefore aims to provide the following outcomes consistent with the principles of Ecologically Sustainable Development as outlined in the Victorian Coastal Strategy:

- A vision for the future direction and management of recreational boating facilities in the Western Coastal Region;
- Regional strategic context and guidance for the location and scale of boating use and development in the Western Coastal Region based on environmental, economic, social assessment principles;
- Priorities for future public and private investment in the development of boating infrastructure in the Western Coastal Region to maximise benefits to current and future generations;
- Improved co-ordination of the provision and regulation of boating facilities, leading to improved decision-making; and
- Improved safety standards for boating launch and retrieval activities.

Lorne Classification - Current Situation

Within the current boating hierarchy for Victoria, Lorne's boating facility is considered a **Local Boating Facility**. This means it is a locally significant facility that provides boating access and meets the following criteria:

- Services a local catchment area for smaller populations ie. Lorne.
- Is publicly accessible.
- Provides a good quality level of service that caters for local access to boating but does not have a wide range of services or facilities.
- Does not generate major investment opportunities or responsibilities.
- Is not expected to provide a safe harbour.

3.1.8. Lorne Strategy Plan Review 2003 (revised 2004)

The Lorne Strategy Plan Review provides a framework for the future land use and development of Lorne over the next 20 years and acknowledges Lorne's continuing role as a coastal resort and activity node for the wider community as promoted by the State Government and Surf Coast Shire.

This strategy plan focused on a number of identified issues and offered a series of recommendations for Council to adopt as part of a revised Lorne Strategy Plan.

Council Adopted Recommendations

- Maintain and enhance the status of Lorne as a primary tourist destination and activity node whilst protecting its natural environment and scenic values (Recommendation 1.3, page 27).
- To promote Lorne and its hinterland as a year round tourist destination (Recommendation 4.1, page 109).
- To support tourism facilities and infrastructure where consistent with the hierarchy of principles in the Victorian Coastal Strategy (Recommendation 4.3 amended, page 109).
- Protect the fragile coastal and forest environment of Lorne and scenic landscapes by containing urban development within a clearly defined urban boundary.
- To encourage tourism facilities and infrastructure that compliments and enhances the commercial precincts and the tourism and recreational precincts identified in the CAP.

3.1.9. Surf Coast Planning Scheme 2008

The purpose of the Surf Coast Planning Scheme is to provide a clear and consistent framework within which decisions about the use and development of land can be made. It expresses state, regional, local and community expectations, together with the mechanisms to implement state, regional and local policies affecting land use and development.

Governing Act:

Planning Schemes in Victoria must seek to achieve the objectives of planning in Victoria as set out in Section 4(1) of the Planning & Environment Act 1987.

State Planning Policy Framework:

The State Planning Policy Framework seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development.

Local Planning Policy Framework:

21.04 Strategic Framework

Due to Lorne being considered the premier resort town on the Great Ocean Road, any future development should recognise the need to maintain and enhance its reputation as a year round holiday resort and tourist destination, while protecting its scenic attractions, the lifestyle it provides for residents and visitors.

21.11 Lorne Strategy (relevant to project)

- Contain urban development within the defined settlement boundary.
- Preserve historic places and landscapes that contribute to the character and history of Lorne.
- Provide for a diversity of tourism, recreation, leisure and accommodation activities at the periphery of the core retail precinct.
- Encourage good pedestrian access between residential, community, commercial & recreational spaces, promoting community connectedness.

As documented on the Lorne Framework Plan, both Point Grey and the Slaughterhouse site are contained within Lorne's settlement boundary.

Zoning:

36.02 Public Park and Recreation Zone

The majority of Point Grey Precinct is located within the PPRZ zone whose primary purpose is to:

- Recognise areas for public recreation and open space;
- Protect and conserve areas of significance where appropriate; and
- Provide for commercial uses where appropriate.

A permit IS NOT required for a:

- Contractor's depot, heliport, office, retail premises or store as long as the use is by or on behalf of a public land manager under the provisions of the Crown Land (Reserves) Act, 1978.

36.03 Public Conservation and Resource Zone

The Slaughterhouse Precinct is located within the PCRZ zone whose primary purpose is to:

- Protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values;
- Provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes; and
- Provide for appropriate resource based uses.

A permit IS NOT required for a:

Camping and caravan park, caretaker's house, car park, informal outdoor recreation, interpretation centre or kiosk as long as the use is by or on behalf of a public land manager under the provisions of the Crown Land (Reserves) Act, 1978.

For both PPRZ and PCRZ a permit IS required to:

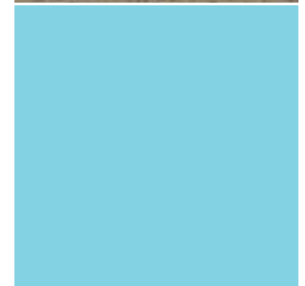
- Construct a building or construct or carry out works;
- Subdivide land.

Incorporated Plan

If an area is proposed to be redeveloped:

- An '**Incorporated plan**' can be developed to show how the land is to be used and developed and on consent from the relevant Minister, be attached as a schedule to this zone.

This plan must be consistent with the intent of the public land reservation under any Act and make reference to relevant policies and guidelines.





3.1.10. Lorne Coastal Action Plan 1998

The purpose of the Coastal Action Plan is to provide for strategic coastal planning for the township of Lorne under the larger framework of the Victorian Coastal Strategy. As part of this strategy, Lorne was identified as an Activity Node requiring a strategic priority for improved facilities or need for detailed planning to direct use and future development to suitable locations.

The major role of the Lorne CAP is to build on existing plans and to develop, through a proper consultative process, a framework for the future direction of the development and management of the Lorne coast.

Historical Recognition:

The Port of Lorne is recognised as an important commercial and recreational precinct which comprises the Point Grey environs, pier, commercial buildings and the open space of the carpark and surrounds.

A business plan was developed in 1996 which identified a number of areas of concern including:

- Recognition of the sites environmental sensitivity;
- Landscaping requirements;
- Refurbishment of existing buildings;
- Examination of a seawall; and
- Structural integrity of the pier.

Main Objectives:

- To conserve natural and historic features of state and local significance;
- To enhance the quality of life of local residents;
- To provide for a diverse range of recreational and tourism opportunities including the provision of infrastructure to extend the tourist season;
- To improve pedestrian links on the foreshore and between the main street and the foreshore;
- To increase the amount of public open space by returning the foreshore between the pool and surf club to open space and reducing year round foreshore camping; and
- To provide opportunities for commercial development in appropriate areas that recognise the natural attributes of Lorne for residents and visitors, particularly the unique environment created by the meeting of the mountains and the ocean.



Key Recommendations:

Shelly Beach

- Upgrade car park to improve parking and for coastal risk mitigation.

Slaughterhouse Site

- Review development options for the said mentioned tract of land.

Pier Environs

- Protect the Point Grey landscape and natural values;
- Refurbish the pier (completed 2007) ;
- Improve the appearance of existing buildings;
- Remove the existing concrete boat ramp;
- Landscape the site and improve pedestrian access and visual amenity; and
- Review development opportunities for the Pier area and make recommendations for appropriate development.

Slaughterhouse

This site was identified as having development potential provided:

- It is sympathetic to the natural environment of Queens Park; and
- Does not create adverse visual impact as you enter Lorne.

Possible uses identified include:

- Extension of Queens Park Caravan Park; Low level, high quality accommodation, Recreation area and Indigenous nursery and identification and protection of township character.

Point Grey

This site was identified as having development potential provided:

- That the Pier's visual & landscape significance is not compromised.

Possible uses identified include:

- Dining activities, commercial development and eco-tourism.