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# Bass Coast Distinctive Areas and Landscapes - Further landscape assessment for Cape Paterson

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THIS REPORT HAS BEEN PREPARED FOR THE DEPARTMENT OF  
TRANSPORT AND PLANNING



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Appendix A – 40 Seaward Drive, Cape Paterson, Statement of landscape and visual amenity evidence.

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## Quality Assurance

File Name	Date	Details	Reviewed and Approved	
20240122_Cape Paterson Boundary_Final	22/01/2024	FINAL	Peter Haack	

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# 1 INTRODUCTION

The Department of Transport and Planning (DTP) has determined that a detailed landscape assessment report (Study) is required to address certain matters raised within the Distinctive Areas and Landscape Standing Advisory Committee (DAL SAC) hearing for the Bass Coast Distinctive Areas and Landscape (DAL) (**Figure 1**).



Figure 1 – Bass Coast declared area (Source: Bass Coast Distinctive Areas and Landscapes Declaration Assessment, 2020).

The intent of the Study is to assess the impact of developing land for urban purposes on the landscape values of land to the north of Cape Paterson.

The results of the Study will be considered in the finalisation of the Bass Coast Statement of Planning Policy (SPP), including determining the alignment of the protected settlement boundary (PSB) for Cape Paterson.

Cape Paterson is located 108 kilometres (km) directly southeast of the Melbourne CBD, and 145km by road.

The Study Area is defined as the land to the north of Seaward Drive, Cape Paterson, which is located to the north of the existing developed extent of the Cape Paterson settlement. It extends from Wilsons Road in the west, to Cape Paterson Road in the east (**Figure 2**).





Figure 2 – The Study Area (Source: Google Earth).



## 2 SCOPE AND APPROACH

### 2.1 Study scope

The Study will build on The Distinctive Areas and Landscapes Bass Coast Landscape Assessment Review (2022), prepared by Claire Scott Planning for the former DELWP to support the Bass Coast DAL and Landscape Draft Bass Coast Statement of Planning Policy (Bass Coast SPP).

The scope of the Study is to

- Undertake the further assessment, namely, to identify the landscape values of the land to the north of Seaward Drive (at a site-specific level but having regard to the regional assessment undertaken by Claire Scott Planning) and to make an assessment of whether the land to the north of Seaward drive can be developed in such a way as to protect those values (with or without additional planning controls).
- If the assessment finds that parts of the land is developable, provide a map that illustrates the extent of developable land.

The Minister's submissions to the DAL SAC stated that:

*the Department, at an officer level, would not oppose any recommendation that further work be undertaken to identify the visual values of the land either to confirm or refine the boundaries or to determine the form of development within the boundaries (noting that such work would probably be confined to assessing the dunes in the south-east corner of the land).*

The approximate location of the dunes in the south-east corner of the land are shown indicatively in **Figure 3**.



Figure 3 - Indicative area of dunes in southeast corner of the Study Area (Source: Google Earth).



## 2.2 Approach to the Study

The Distinctive Areas and Landscapes Bass Coast Landscape Assessment Review (2022) (the Landscape Review) undertook a comprehensive regional level assessment with the objective of informing the location and extent of controls to protect important cultural, natural and landscape features of the Bass Coast DAL.

Given the broad scale nature of the Landscape Review, site specific considerations such as the detailed assessment of visibility of landscapes from surrounding sensitive viewpoints was not undertaken. Therefore, the Study will accept the landscape values and their underlying attributes as outlined in the Landscape Review and build on them with supplementary visual analysis to further define potential settlement boundaries.



## 3 STRATEGIC CONTEXT

### 3.1 Background to DAL and SPP process

The entire Bass Coast municipality has been declared a DAL under section 46AO of the Planning and Environment Act 1987 (PE Act). One of the reasons for declaring the Bass Coast as a DAL was to protect significant geographical features, including landscape and landform.

To give effect to a declaration of a DAL, the Minister for Planning must prepare a SPP for the DAL in consultation with Traditional Owners, councils, other responsible public entities (RPEs), local communities and any other person or entity that may be affected by the SPP.

The declaration of an area and preparation of the SPP provides the Victorian planning system's strongest level of protection for the area's significant attributes. The objectives are to:

- recognise the importance of DALs to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes;
- enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas;
- enable the integration of policy development, implementation and decision-making for declared areas under SPP; and
- recognise the connection and stewardship of traditional owners in relation to land in declared areas.

A draft SPP for the Bass Coast declared area has been prepared by the former Department of Environment, Land, Water and Planning (DELWP) in collaboration with the Bunurong Land Council Aboriginal Corporation, Bass Coast Shire Council, other government agencies and authorities and with significant community input.

The draft SPP seeks to provide long-term certainty about how the Bass Coast's distinctive attributes will be safeguarded, while managing growth. It includes:

- a vision for at least 50 years that identifies the significant values and attributes that the community wants to protect;
- a declared area framework plan that identifies areas for protection and conservation of the distinctive attributes of the declared area; and proposes protected settlement boundaries for the majority of townships within the declared area; and
- policy objectives and strategies to achieve the vision.

In accordance with section 46AV(1)(c) of the PE Act, the objectives in the draft SPP are binding on responsible public entities (RPEs) and the strategies in this SPP are not binding on RPEs: they are recommendations to which RPEs must have regard. Section 46AZK of the PE Act requires that 'A responsible public entity must not act inconsistently with any provision of the SPP that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area.' Therefore, RPEs must not act inconsistently with the objectives of the SPP when developing or implementing policies or programs or making decisions in relation to the declared area, including when performing their regular functions or duties.

The draft SPP was informed by two phases of public engagement and technical studies including a landscape significance and character assessment undertaken by Claire Scott Planning. Proposed landscape planning controls (LPCs) were also prepared that identify the planning provision requirements for new and proposed Significant Landscape Overlays (SLOs).



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The draft SPP and proposed LPCs were publicly exhibited from 3 March to 29 April 2022 and a total of 747 written public submissions were received. The protection of the Bass Coast's significant landscape attributes and township character was a key matter raised by submitters as was the sustainable development of townships.

The SPP, LPCs and the submissions were referred to the Distinctive Areas and Landscape Standing Advisory Committee (DALSAAC) and hearings took place on 6 March 2023 to 27 April 2023.

At the DALSAAC hearings, DTP agreed in principle that further work ought to be done in relation to particular matters, including in relation to land at Cape Paterson.



## 4 EXISTING AND PROPOSED PLANNING ZONES AND SETTLEMENT BOUNDARY

### 4.1 Existing zoning

Land surrounding Study Area and the existing developed areas of the settlement are primarily Farming Zone (FZ) land (**Figure 4**). A small area of Public Use Zone (PUZ), which comprises the settlement’s water supply tank, is located within the Study Area.

The existing eastern part of the developed settlement area is zoned General Residential Zone (GRZ1) and the western part, comprising “The Cape development” is zoned Comprehensive Development Zone – Cape Paterson Eco-resort (CDZ1).

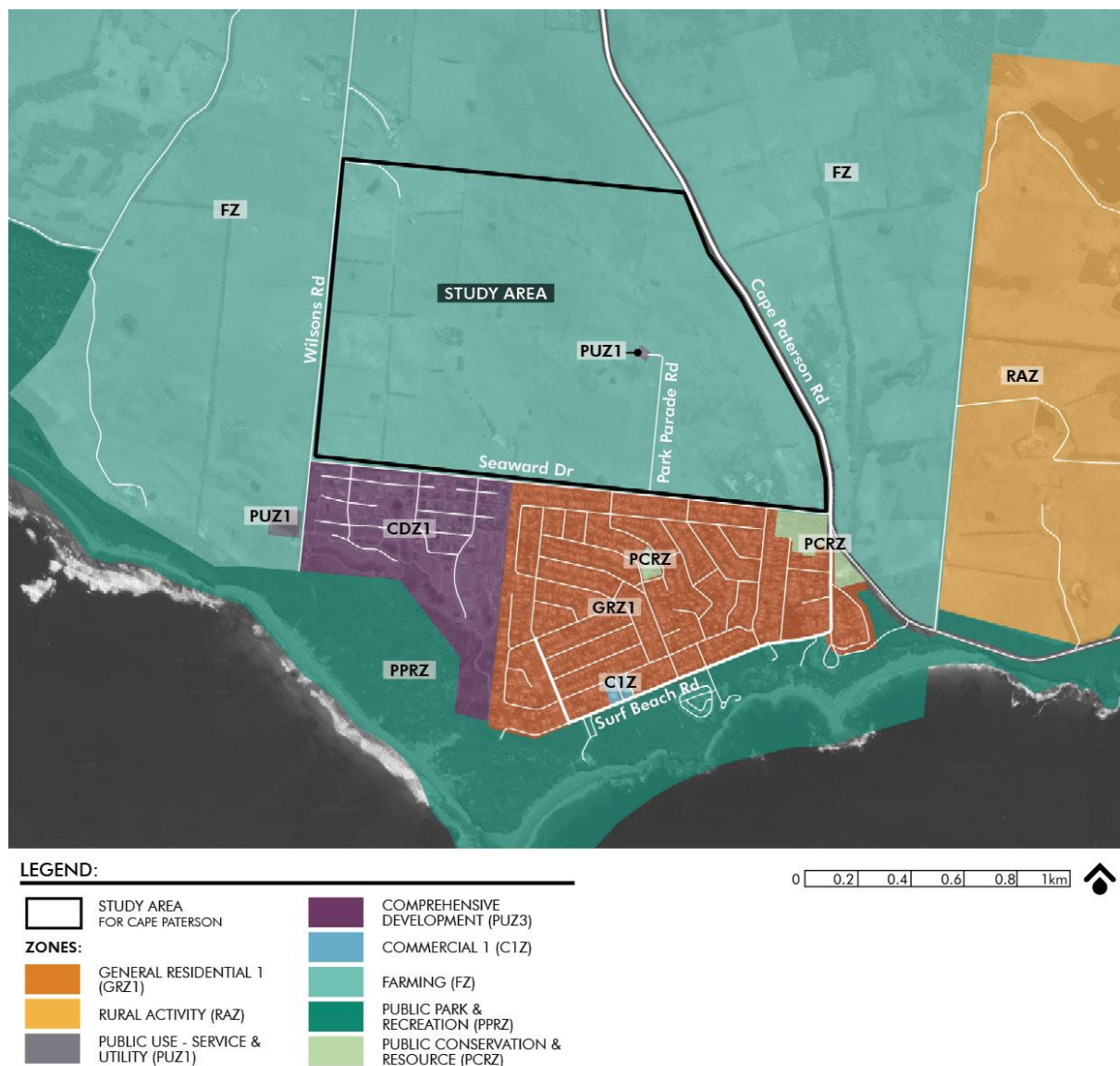


Figure 4 – Study Area zoning.



## 4.2 The existing settlement boundary and Significant Landscape Overlay

### 4.2.1 The existing settlement boundary

The existing settlement boundary, which extends from 500m to 800m northwards from Seaward Drive, is designated in the Bass Coast Planning Scheme Clause 11.01-1L in the Cape Paterson Strategic Framework Plan (**Figure 5**). The boundary was incorporated into the planning scheme in 2011 through Amendment C119.

The boundary was originally exhibited as part of Amendment C93 which was independently assessed by a planning panel in 2010. Amendment C93 considered expanding the settlement to the west – the area known as ‘The Cape development’ – and to the north – the area known as Cape Paterson North. In recommending the settlement boundary, the panel considered Cape Paterson’s role and function.

Unlike other small Bass Coast settlements, Cape Paterson is close to Wonthaggi, a regional centre and the shire’s primary place for retail, employment and community services. It is also located close to Inverloch, a district town. The panel found its proximity to Wonthaggi made it more suitable for growth than more distant settlements. It was likely to provide a more sustainable community in the long term.

The panel concluded that expansion to the north – Cape Paterson North – was consistent with coastal planning policies, which prefer development directed away from the coast; and the potential environmental impacts were low. The panel determined extension to the west – the area now The Cape development – was inconsistent with coastal policies, due to its proximity to sensitive coastal reserves and the linear nature of the development along the coast.

In 2011, the former Minister for Planning intervened and included both The Cape development area and Cape Paterson North within the Cape Paterson settlement boundary through Amendment C119. The Cape area was rezoned to Comprehensive Development Zone 1 and is being progressively developed as an environmentally sustainable development, known locally as the ‘eco village’.

The development of Cape Paterson North was previously under consideration as part of Amendment C136, which proposed to rezone approximately 53 ha of land north of Cape Paterson from Farming Zone to the General Residential Zone and to remove the Significant Landscape Overlay and Environment Significance Overlay. (Amendment C136 lapsed on 6 June 2022 before adoption).

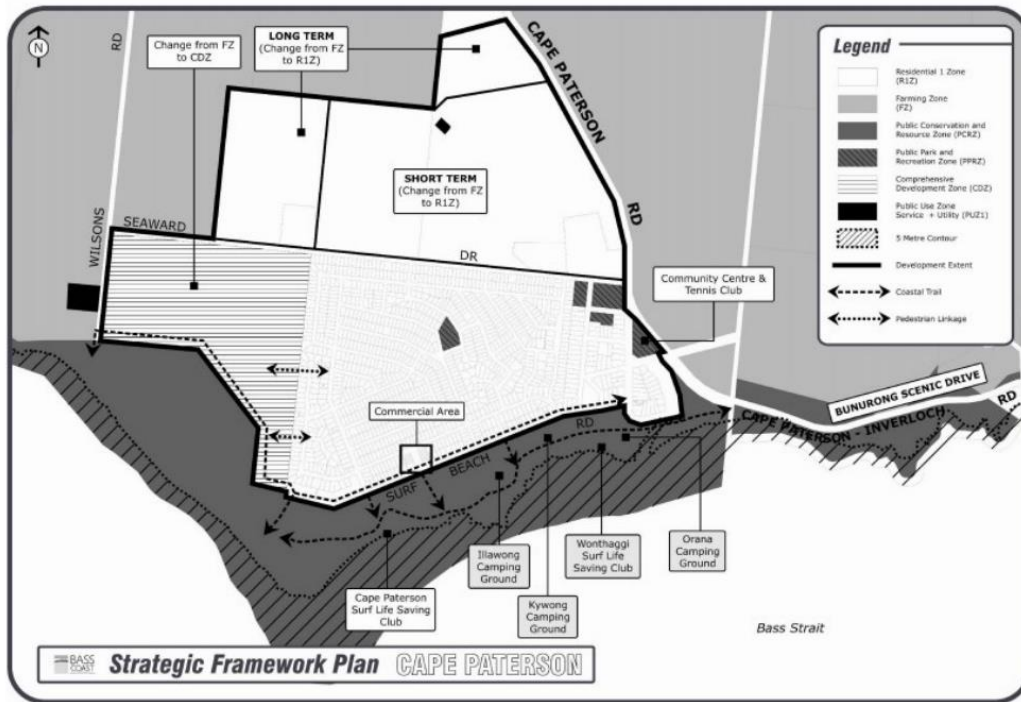


Figure 5 – Existing settlement boundary – Cape Paterson Strategic Framework Plan (Source: Bass Coast Planning Scheme).

#### 4.2.2 Existing Significant Landscape Overlay

The existing SLO4 – Kilcunda to Inverloch Coast includes a broad area to the west of the existing developed area of the settlement and much of the undeveloped part of the existing settlement boundary located north of Seaward Drive (Figure 6).

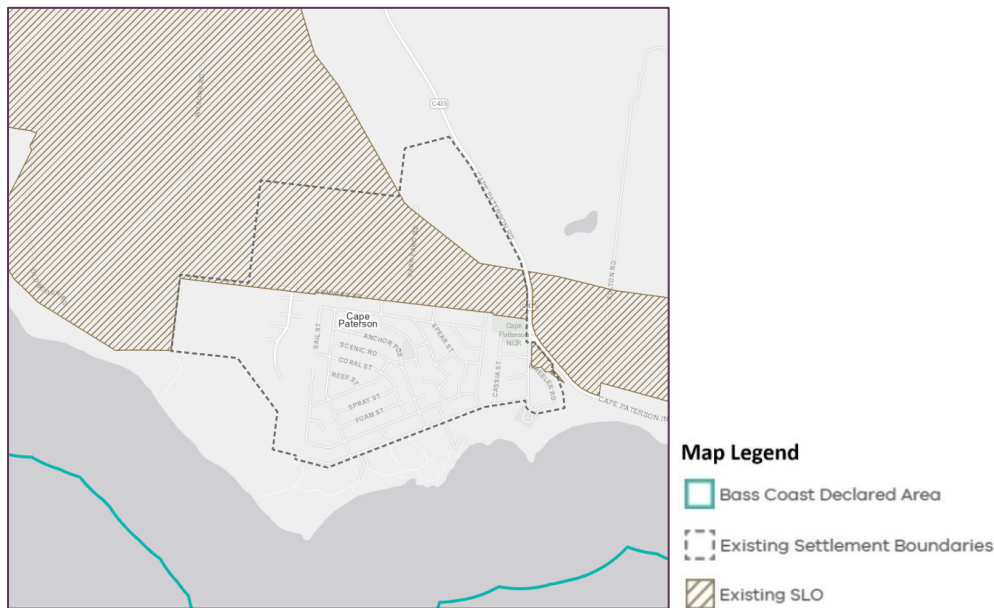


Figure 6 – Cape Paterson existing settlement boundaries and SLOs (Source: Mapshare).





## 4.3 The proposed SPP Significant Landscape Overlays and protected settlement boundary

### 4.3.1 SPP Proposed SLOs

The proposed SLO4 – Wonthaggi and Bunurong Coast has the same southern boundary as the existing SLO4, but extends further northwards, encompassing all of the existing and proposed settlement boundaries (*Figure 7*).

#### 4.3.1.1 Rationale

The San Remo to Inverloch Coast and Coastal Hinterland landscape is known for its extensive dune system, native vegetation, high sea cliffs, dramatic rock formations, and sweeping beaches. It includes the rocky headland of Cape Paterson and its settlement, to the east the rugged Bunurong Coastal Reserve with its eroded sandstone cliffs, bays, and rock formations such as Eagles Nest, and to the west, Harmers Haven located in coastal scrub on the dune landscape.

The purpose of SLO4 is to protect the undeveloped character of the landscape between coastal settlements and to minimise the visual impact of development on the coastal strip and the hinterland.

The proposed SLO4 would make minor adjustments to the existing SLO4's inland boundary within the coastal hinterland to better correlate with the topography, extent of vegetation cover and pattern of viewing.

### 4.3.2 DAL proposed settlement boundary

The proposed protected settlement boundary is the same as the existing boundary (refer to *Figure 7*).

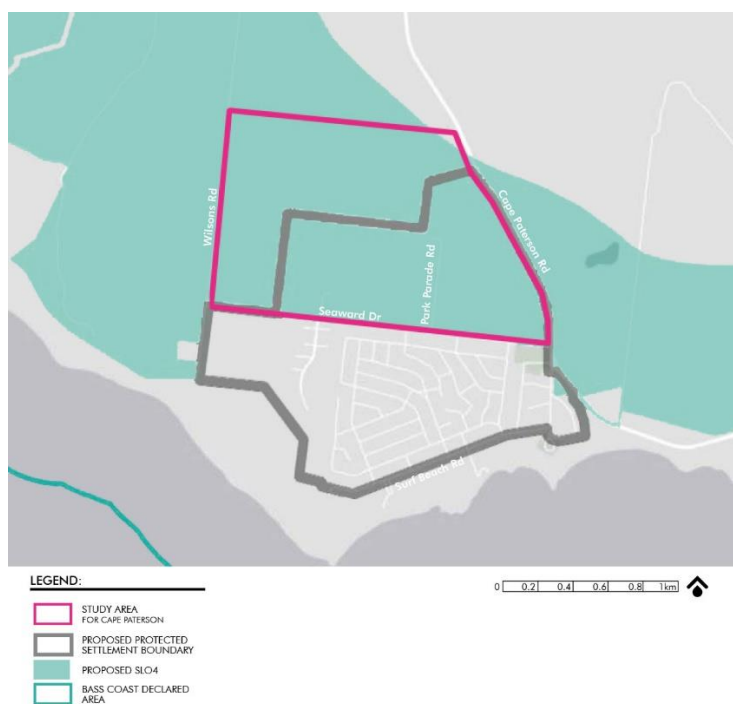


Figure 7 – Cape Paterson proposed Protected Settlement Boundary and SLOs (Source: Mapshare).



## 5 LANDSCAPE ASSESSMENT

### 5.1 DAL Landscape character units / areas

The Study Area is located in the following unit as defined in the Landscape Review (**Figure 8**):

#### **Cape Paterson – 1.3 Bunurong Coast and Hinterland**

This landscape unit extends from the rugged coastline to the Shire boundary 20km inland. The Unit also includes Wonthaggi, the Shire’s largest town.

Apart from a vegetated coastal strip ranging in width up to 2km, the bulk of the Unit is comprised of flat to slightly undulating, mostly cleared agricultural land, with vegetation typically confined to roadsides, paddock boundaries and lightly incised waterways.

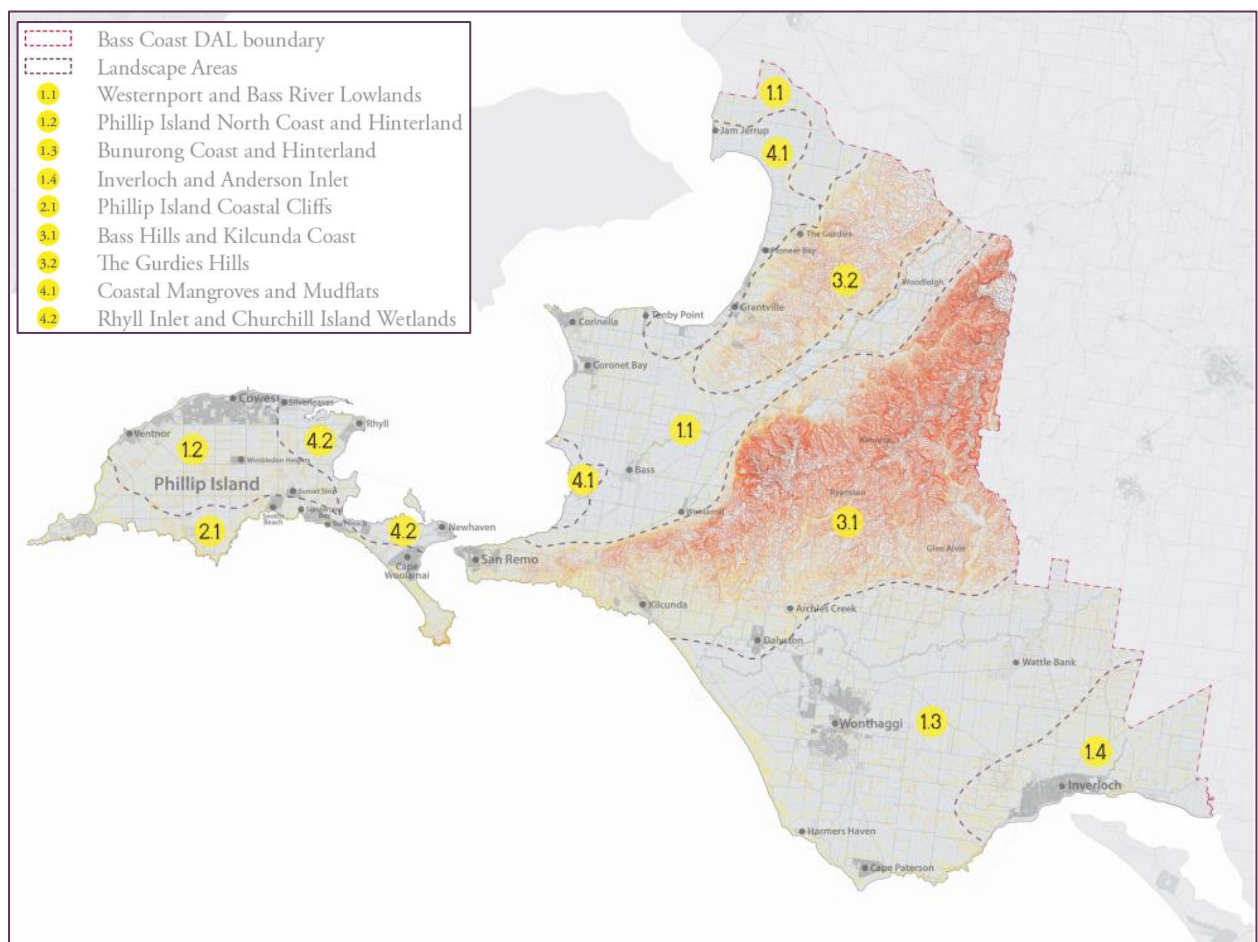


Figure 8 – Bass Coast DAL - Topography and Landscape Areas (Source: Bass Coast Landscape Assessment Report).

### 5.2 Landscape significance

The Landscape Review defines the landscape significance of the Study Area and its broader setting as:

- San Remo to Inverloch Coast and Hinterland – Regional significance.



The coastal zone to the south of the Study Area is also identified as San Remo to Inverloch Coast and Hinterland but is defined as being of State significance.

## 5.3 Landscape character of the Study Area and surrounds

### 5.3.1 Character overview

The landscape character of the Study Area is slightly undulating with remnant longitudinally parallel dune forms apparent, particularly in the southeastern corner.

The setting is primarily comprised of open pasture with limited areas of taller vegetation around paddock boundaries and along roads (**Figure 9**).



*Figure 9 – View east southeast from Seaward Drive, near the intersection of Wilson Road, across the Study Area to the low dunes in the southeast corner.*

### 5.3.2 Elevation

The Study Area rises from lower topography to the south, along Seaward Drive, and east, along Cape Paterson Road, to a broad highpoint which extends into the central Study Area in a south easterly direction from Wilson Road (**Figure 10**).

The elevation across the Study Area has minimal topographic relief, ranging from approximately 25m AHD in the southeast corner adjacent to Cape Paterson Road, to approximately 40m AHD in the northwest.

The dunes in the southeast corner have a maximum elevation above adjacent ground level of 5m (**Figure 11**).

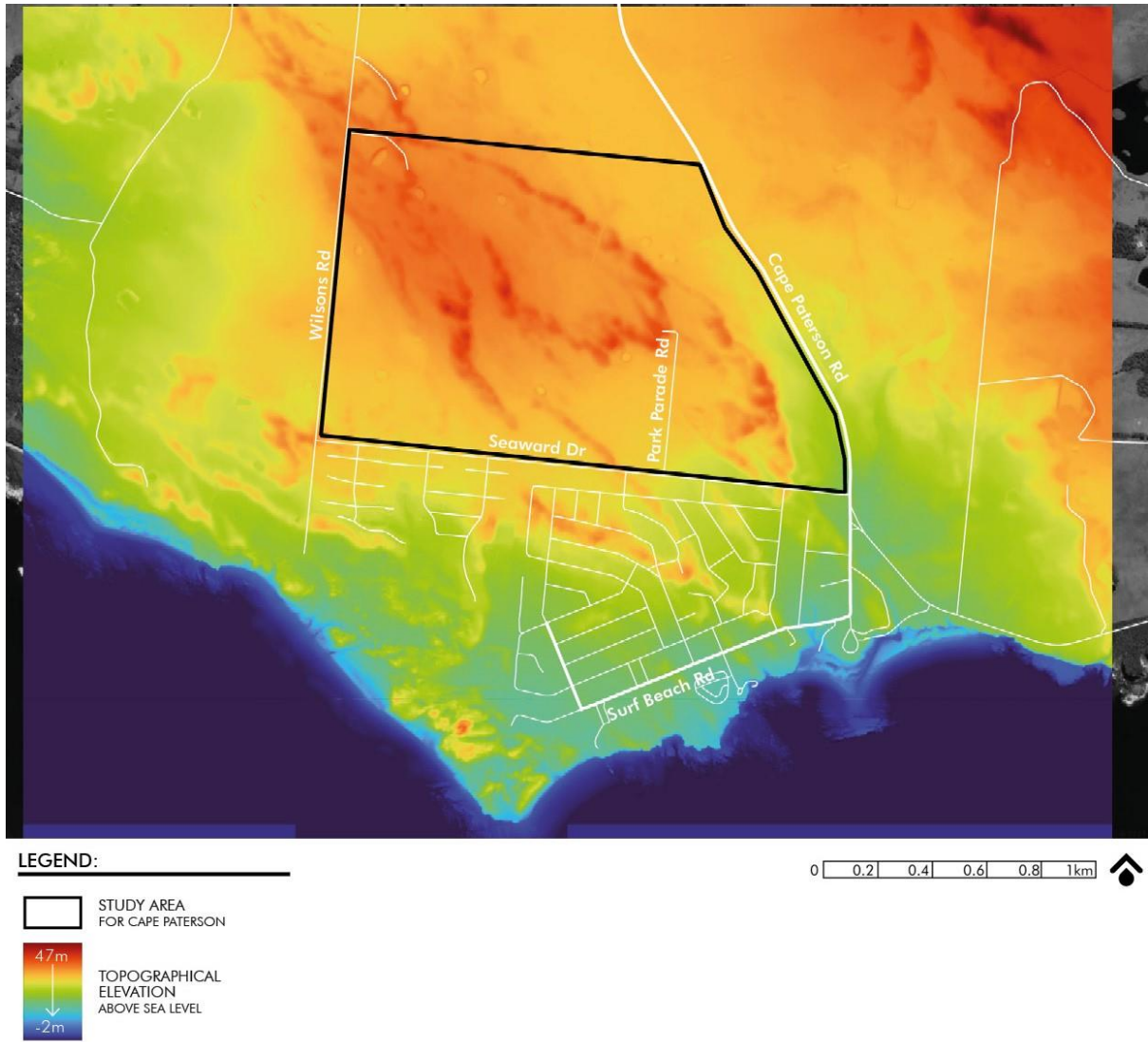


Figure 10 – Elevation of Subject Area and immediate surrounds



*Figure 11 – View west from Cape Paterson Road to dunes in the southeast corner of the Study Area.*

### 5.3.3 Slope

The gradient of slopes across the Study Area are shown in **Figure 12**.

The flattest part of the Study Area is located to the north of the dunes where slopes are typically less than 1 percent, or 1:100 (**Figure 13**).

The steepest slopes are located on the eastern face of the most south easterly dune where slopes are in the order of 7 percent, or 1: 14, gradually flattening out as the line of dunes extends to the northwest. Additionally, there is a small area of localised steep slopes to the south of the water tank (**Figure 14**).

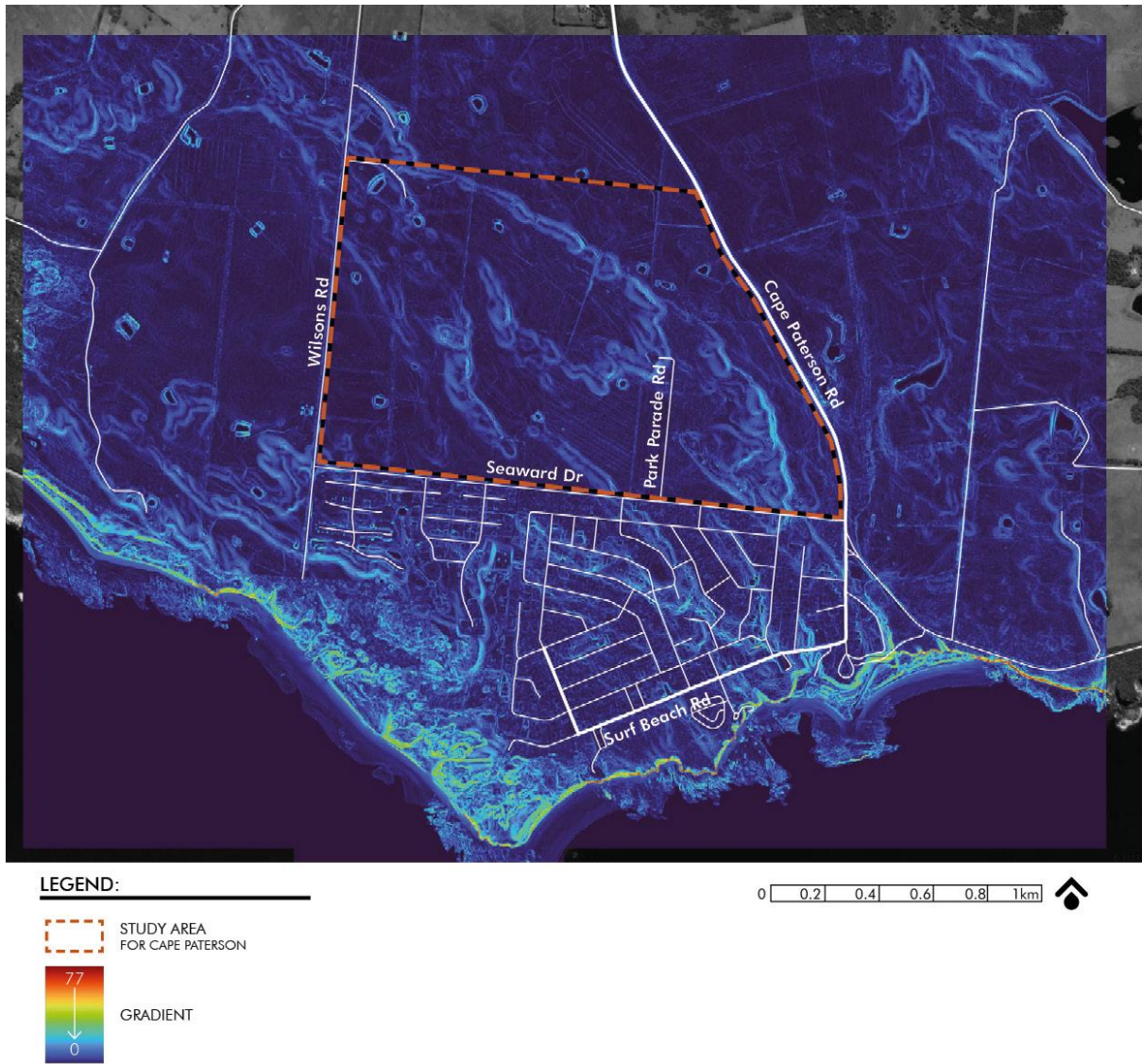


Figure 12 – Slope analysis of Study Area and immediate surrounds



*Figure 13 – View southwest from Cape Paterson Road to the flat northern part of the Study Area.*



*Figure 14 – A small extent of steep slopes is located to the south of the water tank.*



#### 5.3.4 Vegetation

The Study Area is mostly devoid of tall vegetation, apart from along the property boundaries and road interfaces (**Figure 15**).

An area of indigenous vegetation is located in the southeast corner at the most southerly extent of the dunes (**Figure 16**).

A thin, dense band of indigenous vegetation, typically above head height, lines the road reserves of Wilson Road and Cape Paterson Road (**Figure 17**).

Approximately 600m of the eastern part of the Study Area's boundary with Seaward Drive is lined with indigenous vegetation, with the majority of the vegetation being located on land within the Study Area (**Figure 15**).

Vegetation along the Study Area's boundary adjacent to the Cape Paterson Ecovillage Development (Cape Development) is confined to scattered indigenous vegetation to less than head height, located in the road reserve (**Figure 18**).

Cypress trees are limited to only a few paddock boundaries within the Study Area (**Figure 18**)

The bulk of the Study Area is comprised of pasture grasses.



Figure 15 - Study Area vegetation cover (Source: Google Earth).





*Figure 16 – Indigenous vegetation at the most southerly extent of the dunes.*



*Figure 17 – A thin band of indigenous vegetation lines the boundary adjacent roads to the east and west.*



Figure 18 – Vegetation along Seaward Drive adjacent to the Cape Development, with a hedgerow of Cypress in the background.

## 5.4 Cape Paterson - Settlement attributes

The following summary of settlement attributes, including character, is drawn from the Bass Coast Character Assessment / Draft Township Character Report (Township Character Report) (**Figure 19**).

Cape Paterson is described as a village with low spatial capacity.

**Potential for growth and change** – Substantial.

**Setting and boundaries** – Established high above Bass Strait on the cape that overlooks the Bunurong Marine and Coastal Park.

**Primary roles** - Residential and occasional.

**Standing and separation** – Freestanding.

**Landscape and form** – Elevated cape.

**Foreshore character** – Dense Vegetated foreshore above access to beaches.

**Street network structure** – Modified grid.

**Street network character** – Coastal casual.

**Role of vegetation** - Dense lower-level foreshore bushes and shrubs. Garden vegetation balances the presence of development.

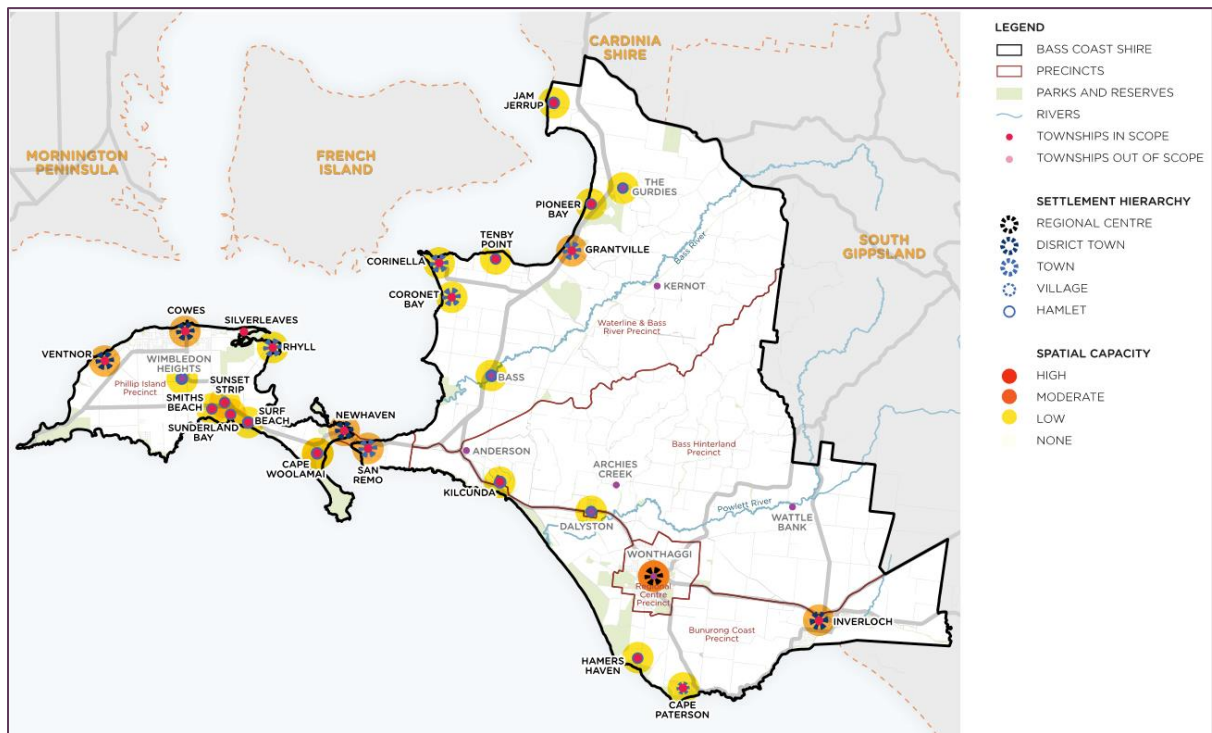
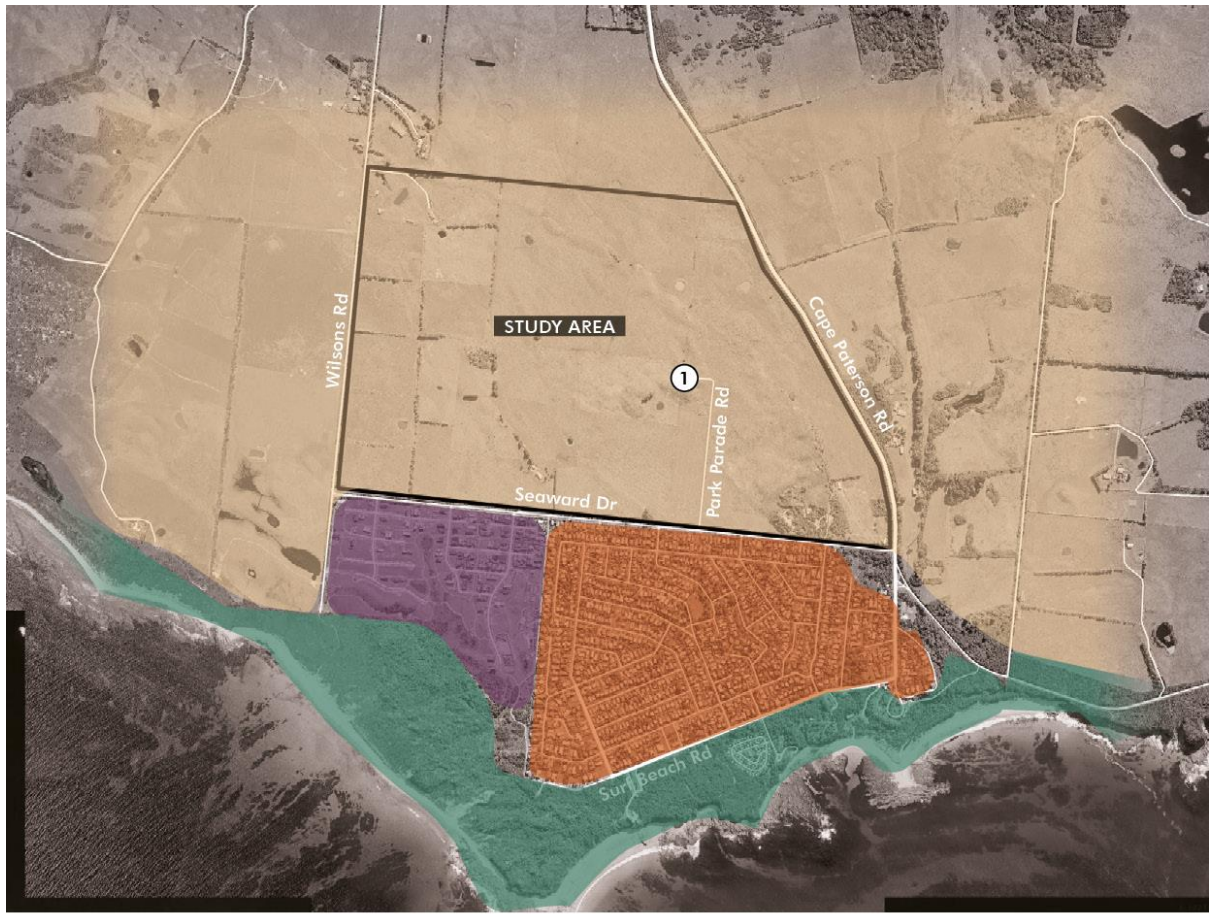


Figure 19 – Bass Coast Township Character Assessment Study Area (Source: Bass Coast Township Character Assessment).

## 5.5 Existing Study Area edge conditions and built form character

The developed residential area of Cape Paterson forms an abrupt edge to the south of Seaward Drive. There is a clear delineation between the initial development of Cape Paterson to the east and the more recent Cape Development to the west.

The location of adjacent land uses are shown in (Figure 20) and their associated built form character is described in Table 1 - Interfacing land use – built form character.



LEGEND:

- |   |  |
|---|--|
|  STUDY AREA FOR CAPE PATERSON            |  CAPE PATERSON COASTAL RESERVE                        |
|  WATER TANK                              |  PRIMARILY FARMLAND WITH LOOSLEY SCATTERED RESIDENCES |
|  THE CAPE SUSTAINABLE LIVING DEVELOPMENT |  |
|  NORMAL DENSITY RESIDENTIAL              |  |

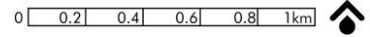


Figure 20 – The Subject Area and interfacing land uses.



**Normal Density Residential (GRZ1)**

The bulk of the eastern part of Cape Paterson settlement, south of Seaward Drive. Lots are in the order of 600m<sup>2</sup> Houses represent a range of eras and are a mixture of single and double storey, of mostly neutral colours with a mixture of flat or shallow pitched roofs. Given the relative lack of coastal views available from most properties, significant vegetation has been retained or planted and, as a result, the built form is typically recessive within the setting.



**Comprehensive Development Zone (CDZ1).**

The Cape Development is located at the western part of the Cape Paterson settlement, south of Seaward Drive. Lots are in the order of 600m<sup>2</sup>, however, the occupied footprint appears larger than for the more established, eastern part of Cape Paterson. Houses are typically double storey and of natural materials and colours. Roofs are mostly a mixture of flat or shallowly pitched. Indigenous vegetation is being progressively established that will reduce the visual prominence of built form.



**Public Use Zone (PUZ) – Water tank**

A water tank, with telecommunications antennae attached to its upper surfaces, is located on low dunes to the central east of the Study Area.



**Farming Zone (FZ) - Residences**

Residences throughout the farming zone are typically surrounded by vegetation and outbuildings.



**Farming Zone (FZ) – Agricultural activities**

The open pastoral landscape is primarily used for cattle grazing.

*Table 1 - Interfacing land use – built form character.*



## 5.6 Scenic quality

Scenic quality is somewhat subjective, but typically is a combination of a range of factors that have been found to contribute to the human appreciation of landscape. These factors are:

- Topographic variation and ruggedness;
- Strong patterning of vegetation; and
- The presence of water.

Agricultural landscapes are particularly subject to divergent opinions as to what constitutes scenic values. However, basic principles relating to diversity of topography, patterning of vegetation and the presence of water remain contributing factors to a higher level of scenic quality.

The scenic quality is generally low for the bulk of the Study Area and pastoral landscape surrounds, where water is not prominent in views.

The dune forms to the southeast of the Study Area have attributes of moderate scenic quality, particularly where topographic variation is greater and where a denser coverage of indigenous vegetation exists.



## 6 VISUAL ANALYSIS

### 6.1 Overview of approach

Landscape and visual impact assessment is based on a detailed analysis of the landscape and visual setting and an assessment of the potential impacts of a proposed or potential development on the viewshed of that setting.

As the Landscape Review has identified the landscape values of the broader study, the focus of this Study is to consider the potential visual impacts of potential development on the Study Area on its viewshed.

Considerations in the assessment of visual impact are:

- The number and location of sensitive viewing locations;
- The degree to which a proposed development would be visible;
- The quality of the landscape setting; and
- The degree to which a proposed development contrasts with, or is compatible with, the visual character of the setting.

The assessment method assumes that if the proposed development would not be seen, there is no visual impact.

The Landscape Review identified key viewpoints that should be considered in the assessment of views of, and towards, landscapes of significance. These viewpoints are locations defined as being of high visual sensitivity and include:

- Views from tourist routes;
- Views from visitor or tourist related land uses such as National and State Parks; and
- Views from settlements and rural residences.

Visual sensitivity is a measure of how critically a change to the existing environment would be viewed from various land uses. Different activities have different sensitivity levels. For example, tourists on holiday would generally view changes to a landscape more critically than industrial workers in the same area. Similarly, individuals would view changes to the visual setting of their homes more critically than changes to the broader area in which they travel or work.

The visual sensitivity of the existing residential area of Cape Paterson is low. This is because of the like for like character of any proposed residential development and the long-held expectation, formalised in the 2011 Strategy Plan, that the land to the north of Seaward Road would be developed as residential housing.

Additionally, there is no right to a view, unless it is expressed specifically in planning policy.

Another key consideration in the assessment of impacts on the landscape setting is that of the degree of visual fit or degree of compatibility of elements within the landscape.

The level of visual modification resulting to a setting from a proposed development, or the degree to which the setting is modified, can be best measured as an expression of the visual interaction, or the level of visual contrast between the proposed development and the existing visual environment.

A high level of visual modification will result if the major components of a proposed development contrast strongly with the existing landscape, including existing built form in the case of settlements.



A low level of visual modification will occur if there is little or minimal visual contrast and a high level of integration of form, line, shape, pattern, colour or texture values between the proposed development and the environment or setting in which it sits. In this situation, the proposed development may be noticeable, but does not markedly contrast with the existing, already modified landscape.

The degree of visible modification would generally decrease as the distance from the proposed development to various viewing locations increases.

## 6.2 Assessment of key viewpoints

### 6.2.1 Adjacent road views

#### 6.2.1.1 Cape Paterson Road

Cape Paterson Road, a “C category” road, is the main road connecting to Cape Paterson and is an alternative coastal route to Inverloch from Wonthaggi. It is assessed as being of moderate to high visual sensitivity due to its primarily tourism use.

The analysis of views from Cape Paterson Road focus on the movement from the rural landscape character of the north, towards the settlement landscape of the south. It is this arrival, or transition experience from the natural to the built form, that is of most relevance to the assessment of acceptable change to the landscape setting.

A number of representative viewpoints have been assessed with their locations shown in **Figure 21**.



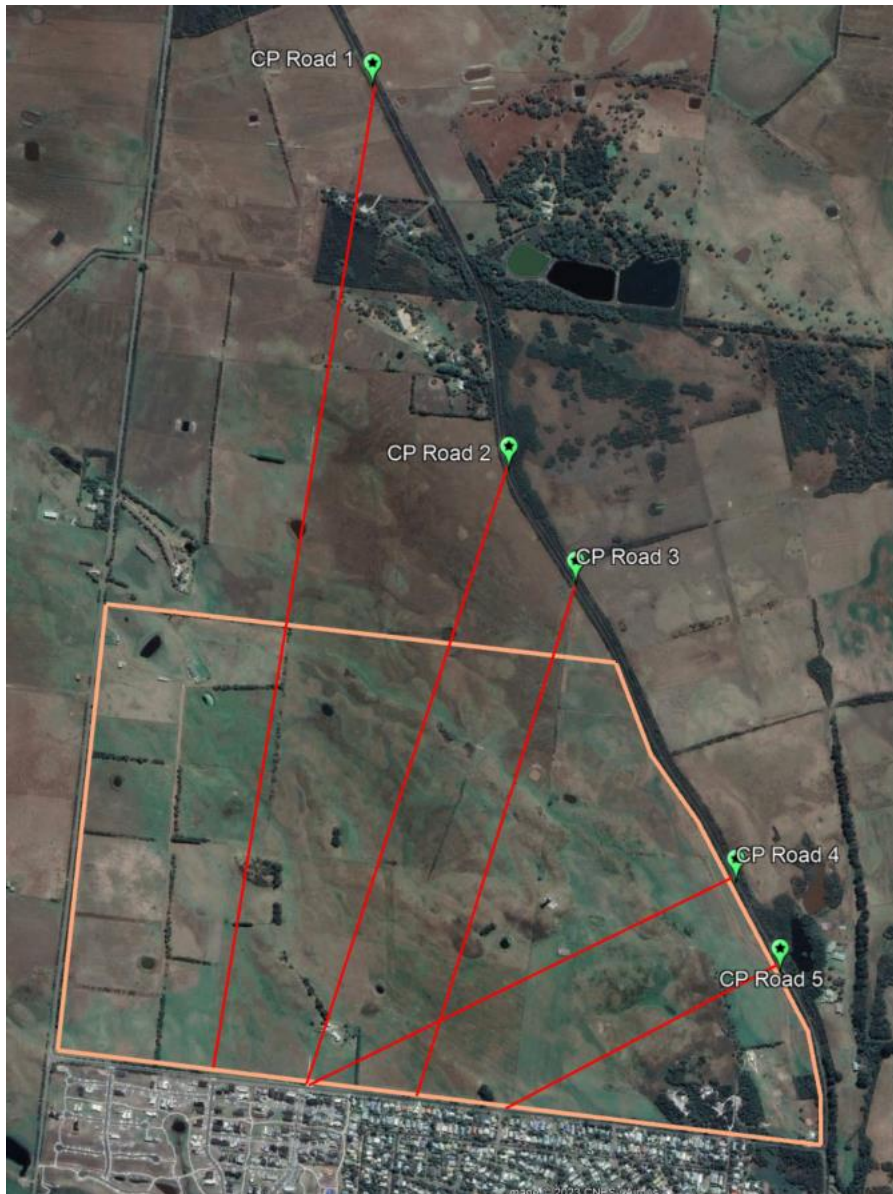


Figure 21 – Location of viewpoints and elevation profiles for Cape Paterson Road (Source: Google Earth).

The elevation of the landscape along the assessed section of Cape Paterson Road slowly decreases, from approximately 34m AHD in the north, to 23m AHD in the south until the point where the road makes a sharp right hand turn along the coastal edge of the settlement (Figure 22).

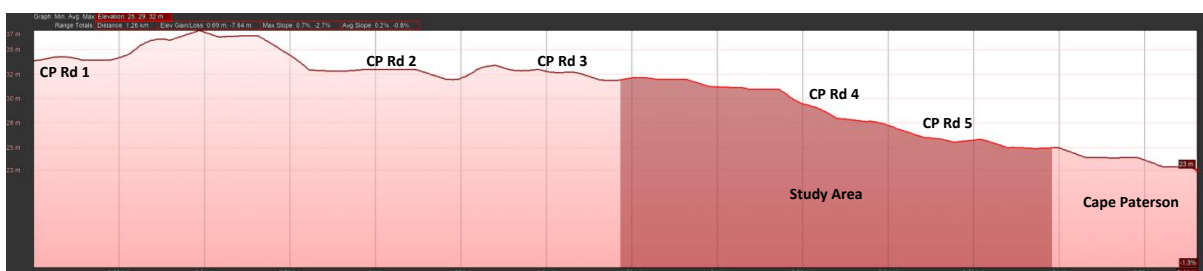


Figure 22 - Cape Paterson Road long section adjacent to the eastern Study Area boundary - Exaggerated vertical scale elevation profile (Source: Google Earth).



The approach from the north (Wonthaggi side) is characterised by mostly flat topography with views confined to the roadway by dense vegetation lining the road reserve. North of viewpoint CP Road 2, views to the Study Area are not possible due to the screening effects of intervening vegetation (**Figure 23** and **Figure 24**).



Figure 23 - CP Rd 1 - View south southwest from Cape Paterson Road, approximately 1.4km north of the Study Area.



Figure 24 — CP Rd 1 - north to south profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

From viewpoint CP Road 2 south, views to the Study Area are possible but are limited to occasionally short breaks in the roadside vegetation (**Figure 25**). From this viewpoint, the low, undulating dunes that extend from the water tower to the northwest are visible. The elevation of the road at this location is approximately 33m AHD and the most elevated point in the vicinity of the water tower is 38m AHD. The tops of the dunes block views to the southern and south western parts of the Study Area (**Figure 26**).



Figure 25 – CP Rd 2 - View south from Cape Paterson Road, approximately 450m to the northern edge of the Study Area.

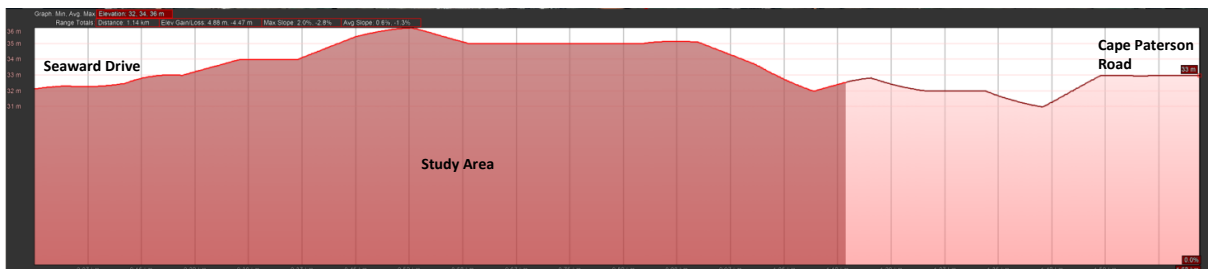


Figure 26 - CP Rd 2 - north northeast to south southwest profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

From viewpoint CP Road 3, the landform of the Study Area and views to it are similar to viewpoint CP Road 2 (**Figure 27** and **Figure 28**).



Figure 27 - CP Rd 3 - view southwest from Cape Paterson Road, approximately 180m to the northeast of the Study Area.

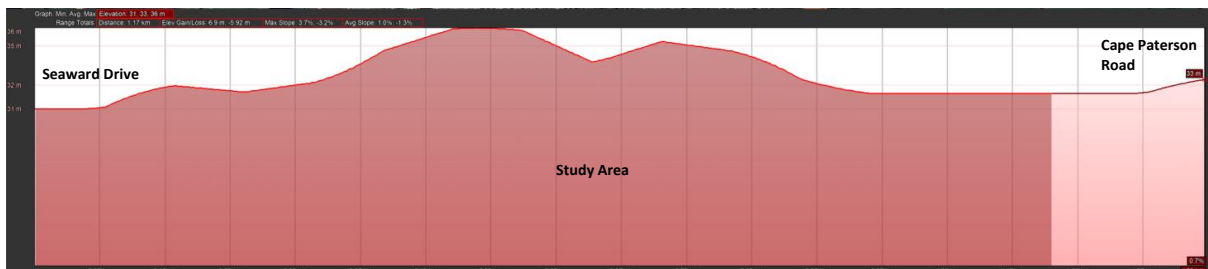


Figure 28 - CP Rd 3 - north northeast to south southwest profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Closer to the settlement at viewpoint CP Road 4, the dunes to the southeast of the Study Area are visible in occasional breaks in roadside vegetation (**Figure 29**).

At this location, the relative elevation difference between Cape Paterson Road and the dunes increases, with the road sitting at approximately 29m AHD and the tops of the dunes at approximately 35m AHD (**Figure 30**). The dunes prevent views to the western part of the Study Area



Figure 29 – CP Rd 4 – View west to the Study Area from Cape Paterson Road, roughly mid-point along the Study Area’s eastern boundary.

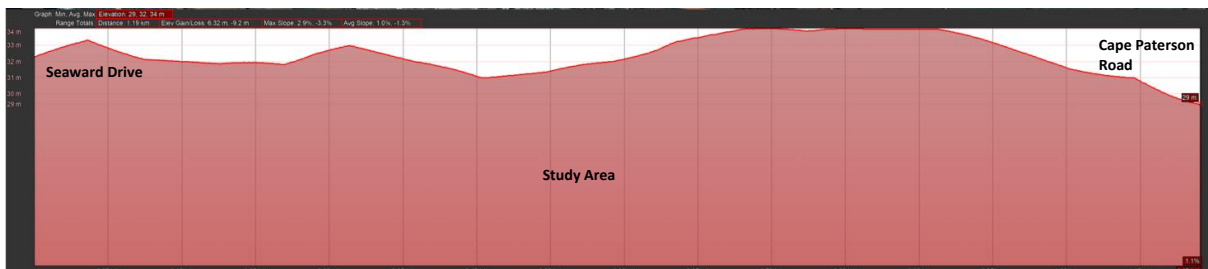


Figure 30 - CP Rd 4 - northeast to southwest profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Closer to Cape Paterson in the vicinity of viewpoint CP Road 5, the vegetation lining the road increases in height, creating a semi enclosed arrival experience to the settlement. Views to the eastern edge of the Study Area are only possible through occasional breaks in the dense roadside vegetation (**Figure 31**).

At this location, the relative elevation difference between Cape Paterson Road and the dunes increases again, with the road sitting at approximately 27m AHD and the tops of the dunes at approximately 35m AHD (**Figure 32**). The dunes prevent views to the western part of the Study Area.



Figure 31 – CP Rd 5 – View west to the Study Area from Cape Paterson Road, immediately adjacent to the Study Area, and approximately 400m from its southern boundary.

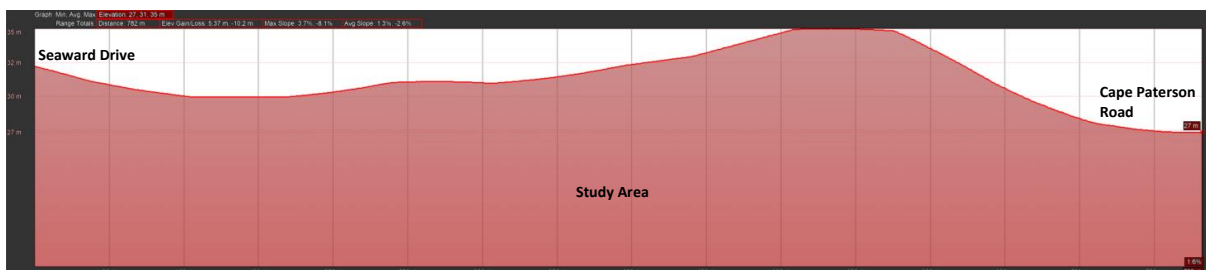


Figure 32 - CP Rd 5 - northeast to southwest profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

The built form of the settlement is only visible from Cape Paterson Road approximately 250m south of intersection of Seaward Drive.

#### 6.2.1.2 Wilsons Road

South of Old Boiler Road, Wilsons Road is an unsealed local road that provides access to a small number of rural properties as well as providing alternate access to the west side of Cape Paterson from the main road. As such, the level of use is low, and the majority of users would be defined as being of a low level of visual sensitivity.

Although views from this road are not considered significant from a visual sensitivity perspective, a number of locations with views to the Study Area were selected for assessment (**Figure 33** and **Figure 34**).



Figure 33 - Location of viewpoints and elevation profiles for Wilsons Road (Source: Google Earth).

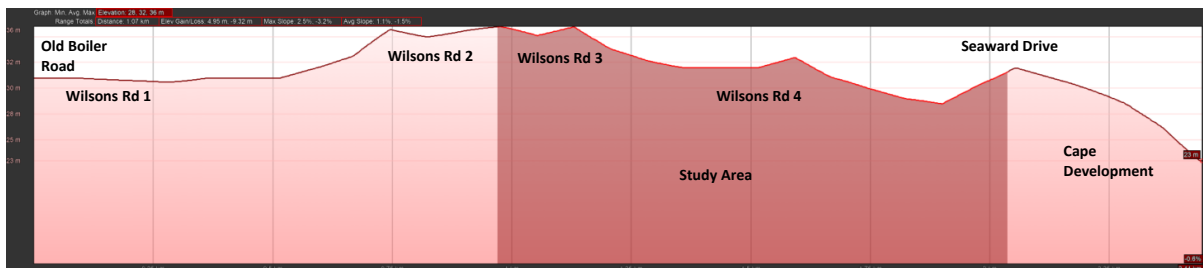


Figure 34 – Wilsons Road long section adjacent to western Study Area boundary - Exaggerated vertical scale elevation profile (Source: Google Earth).



Where views to the south east are possible through occasional breaks in roadside vegetation, such as from viewpoints Wilsons Rd 1 and Wilsons Rd 2, intervening bands of vegetation further screen views to the Study Area (**Figure 35, Figure 36, Figure 37** and **Figure 38**).



Figure 35 – Wilsons Rd 1 – view southeast from Wilsons Road, approximately 800m from the northern face of the Study Area.

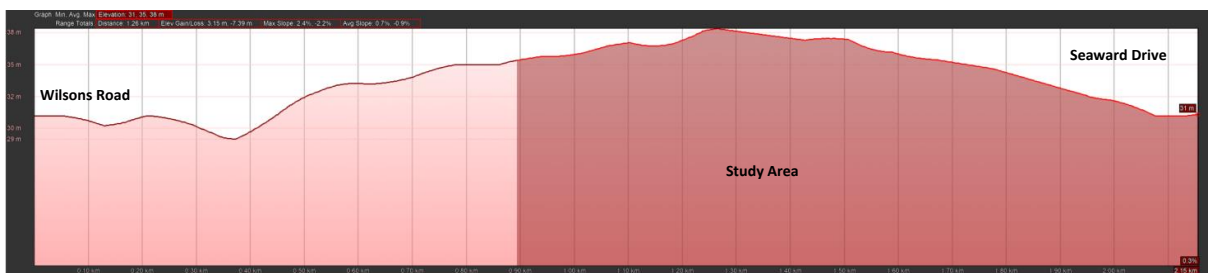


Figure 36 - Wilsons Rd 1 - northwest to southeast profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).





Figure 37 – Wilsons Rd 2 - view east southeast from Wilsons Road, approximately 80m from the northern face of the Study Area.

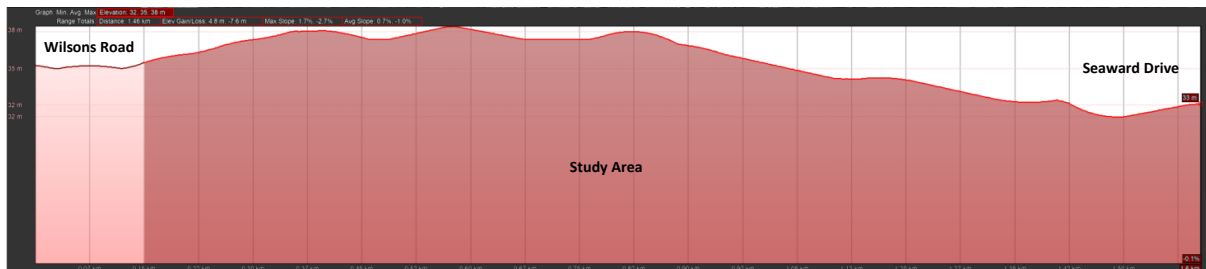


Figure 38 – Wilsons Rd 2 - northwest to southeast profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Where views are possible between roadside vegetation, such as viewpoint Wilsons Rd 3, slightly elevated topography at the northern edge of the Study Area blocks views to the south and southeast (Figure 39 and Figure 40).



Figure 39 – Wilsons Rd 3 – View southeast from Wilsons Road immediately adjacent to the Study Area, approximately 250m to the south of the northern Study Area boundary.

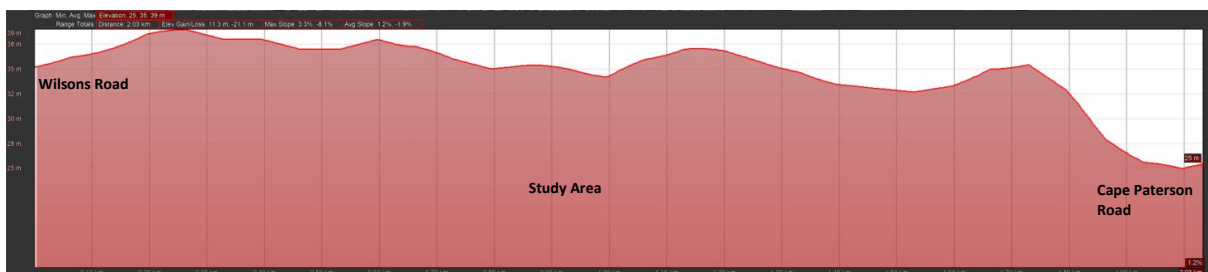


Figure 40 - Wilsons Rd 3 northwest to southeast profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Viewpoint Wilsons Rd 4 is located to the south of the elevated topography located to the north of the Study Area. As a result, where views are possible through roadside vegetation, the southern part of the Study Area is visible (**Figure 41** and **Figure 42**).



Figure 41 – Wilsons Rd 4 – View east from Wilsons Road immediately adjacent to the Study Area, approximately 350m to the north of the southern Study Area boundary.

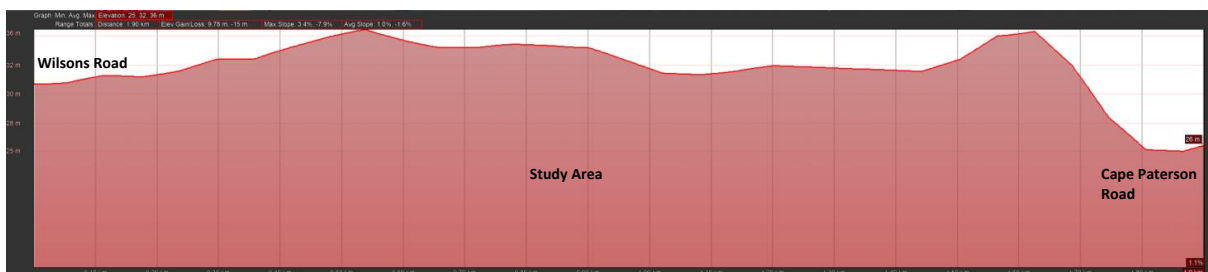


Figure 42 - - Wilsons Rd 4 west to east profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

### 6.2.1.3 Old Boiler Road

Old Boiler Road is an unsealed local road that provides access to a small number of rural and residential properties at Harmers Haven, as well as the carpark that affords access to Harmers Haven Beach

Given the low level of use, the majority of users would be defined as being of a low level of visual sensitivity.

Although views from this road are not considered significant from a visual sensitivity perspective, a number of locations with views to the Study Area were selected for assessment (**Figure 43**).



Figure 43 - Location of viewpoints and elevation profiles for Old Boiler Road (Source: Google Earth).

Like most other roads surrounding the Study Area, Old Boiler Road is lined by dense indigenous vegetation, typically greater than head height. As a result, views out from the road are limited to occasional breaks in the vegetation (**Figure 44**).

Apart from the screening or filtering effects of vegetation, views from viewpoint OB Road 1 are also partly blocked by rising or elevated topography to the west of the Study Area (**Figure 45**).



Figure 44 – OB Road 1 – view southeast from Old Boiler Road, approximately 750m from the Study Area.

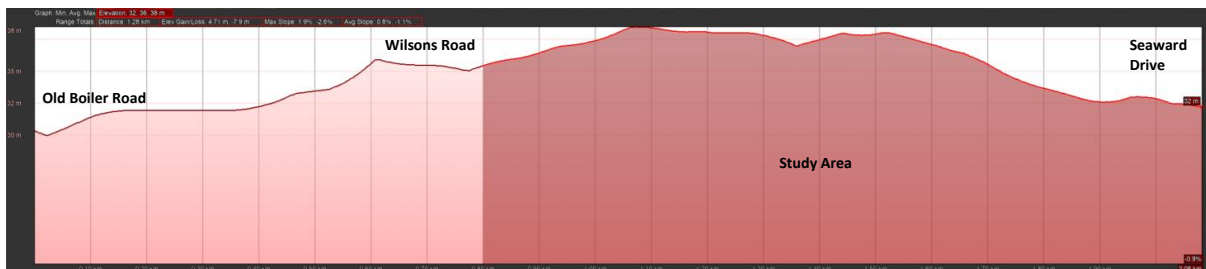


Figure 45 – OB Road 1 – north northwest to east southeast profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

The topography rises by 10m at a gentle 1% gradient between viewpoint OB Road 2 and the western boundary of the Study Area. Where views of the Study Area are possible between vegetation, the western part of the Study Area is visible. However, the majority of the Study Area to the east and southeast is not visible (**Figure 46** and **Figure 47**).



Figure 46 – OB Road 2 – view east southeast from Old Boiler Road, approximately 730m from the Study Area.

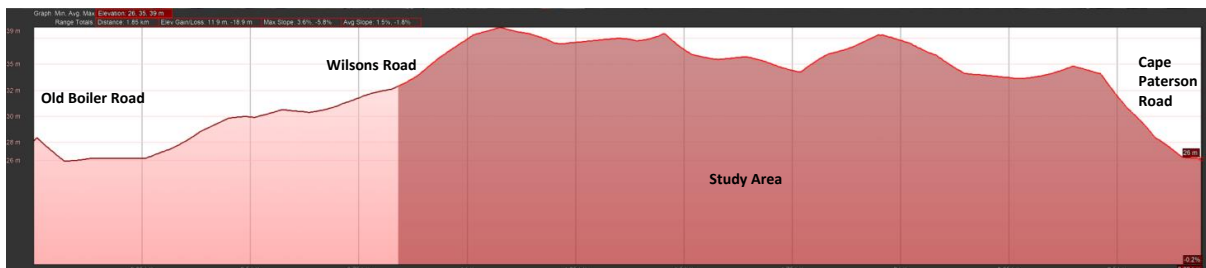


Figure 47 – OB Road 2 – north northwest to east southeast profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

### 6.2.2 Existing Township – Cape Paterson

The assessment of views from the existing developed area of Cape Paterson have been taken from Seaward Drive, which is a sealed local road at the northern edge of the existing extent of residential development (**Figure 48** and **Figure 49**).

Given the topography typically falls southwards from the Study Area, this factor, in conjunction with the screening effects of built form and existing vegetation, means that any views from the existing settlement area will be confined to Seaward Drive and the north facing residences along its southern edge.

The analysis of views from the residential edge at Seaward Drive is intended to demonstrate that visually, the Study Area is associated with the existing settlement due to visual



compartmentalisation resulting from topography, in this instance the dune form that blocks views to Cape Paterson and the southwest part of the Study Area from surrounding rural areas, and Cape Paterson Road.

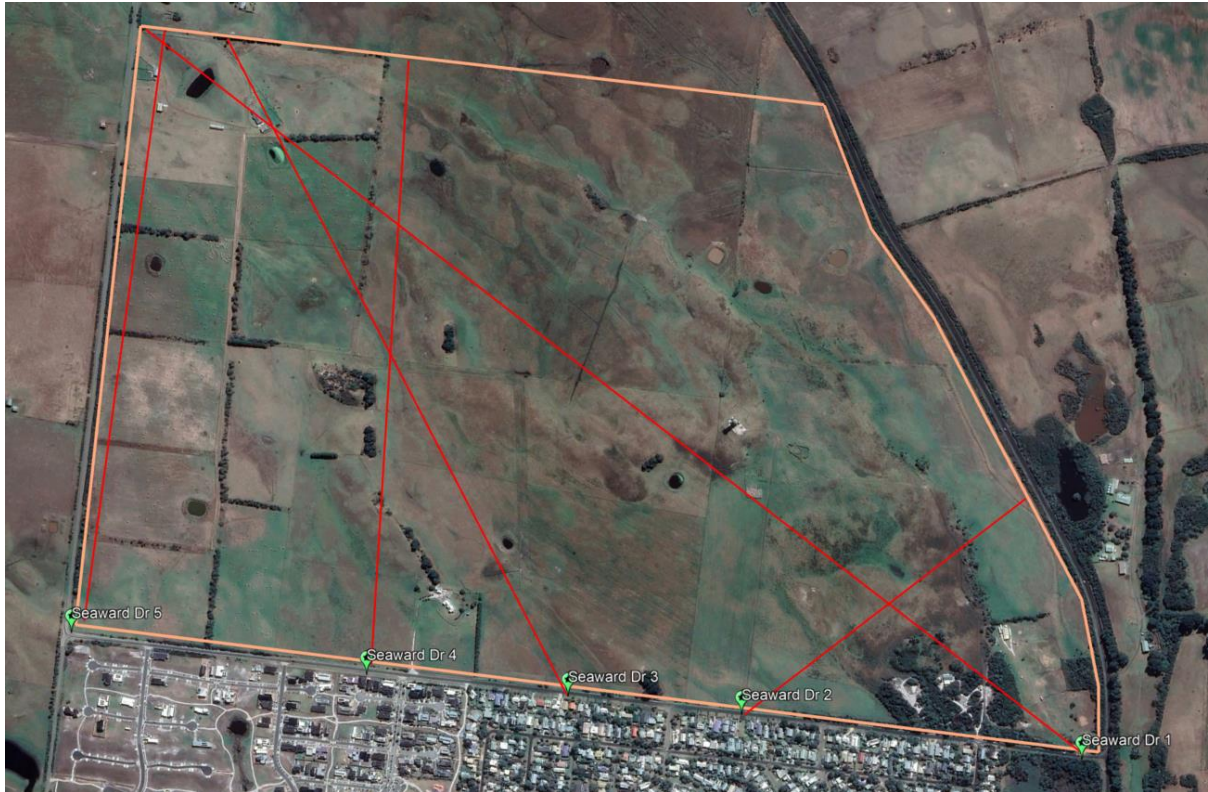


Figure 48 - Location of viewpoints and elevation profiles for Seaward Drive (Source: Google Earth).

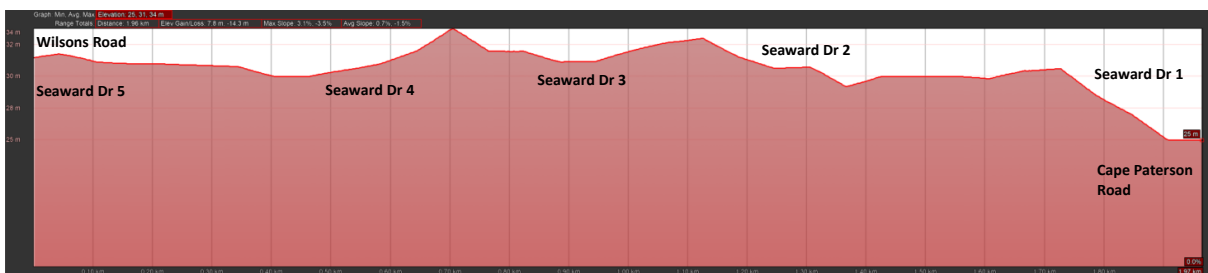


Figure 49 – Seaward Drive - long west to east section along the southern Study Area boundary - Exaggerated vertical scale elevation profile (Source: Google Earth).

Views from the southeast corner of the Study Area to the broader Study Area, are confined to the eastern, or Cape Paterson Road side of the dunes (**Figure 50** and **Figure 51**).

In this location, the topographic relief of the dunes is higher than it is to the northwest. Likewise, the vegetation cover on the dunes is denser in the southeast, slowly become sparser to the northwest.



Figure 50 – Seaward Dr 1 - View north northwest to the Study Area from Seaward Drive near the intersection with Cape Paterson Road.

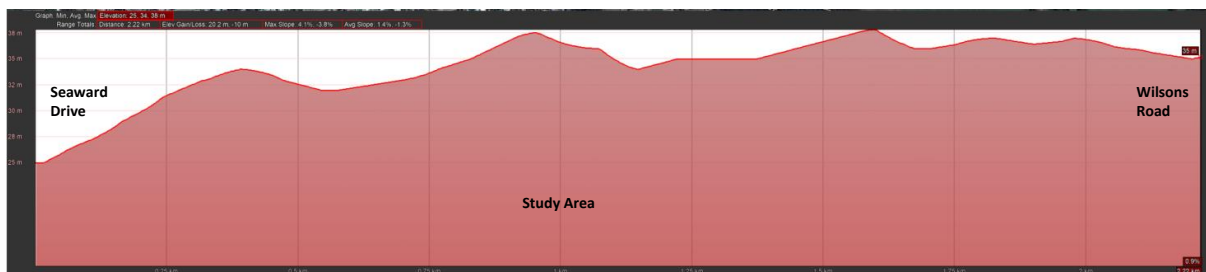


Figure 51 – Seaward Dr 1 – southeast to northwest profile through Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Viewpoint Seaward Dr 2 is located to the west of the dune in the southeast corner of the Study Area. Relatively dense vegetation lines the northern road reserve of Seaward Drive between viewpoint Seaward DR 1 and Seaward Dr 2. The vegetation along Seaward Road is an extension of the dense vegetation that covers the dune. The elevated form of the dune and its associated vegetation block views to the east and northeast (**Figure 52** and **Figure 53**).

Views to the north and west are of open pasture, with the treeless rolling dunes providing a backdrop that contains the views to the southern part of the Study Area (**Figure 54**).





Figure 52 – Seaward Dr 2 – view northeast to the area of dunes in the southeast corner of the Study Area.

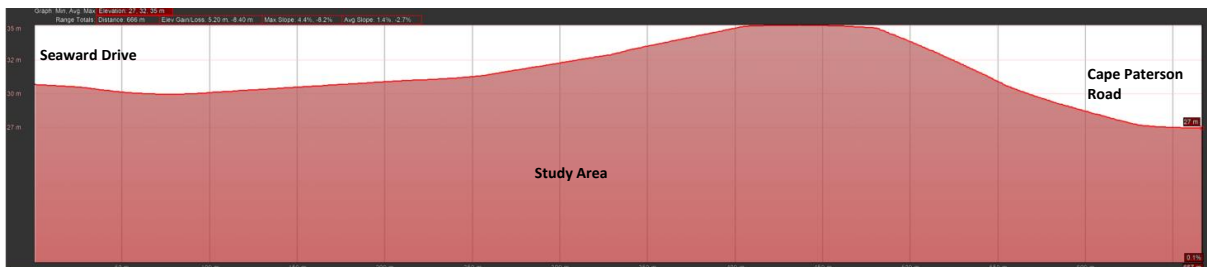


Figure 53 – Seaward Dr 2 - southeast to northwest profile through the Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).



*Figure 54 - Seaward Dr 2 – view north northwest to the Study Area.*

The density of vegetation along the northern roadside reduces along the central southern boundary of the Study Area. As for viewpoint Seaward Dr2, views to the north and west are of open pasture, with the treeless rolling dunes providing a backdrop that contains the views to the southern part of the Study Area (**Figure 55** and **Figure 56**).



Figure 55 – Seaward Dr 3 – View north northwest from Seaward Drive to the Study Area.

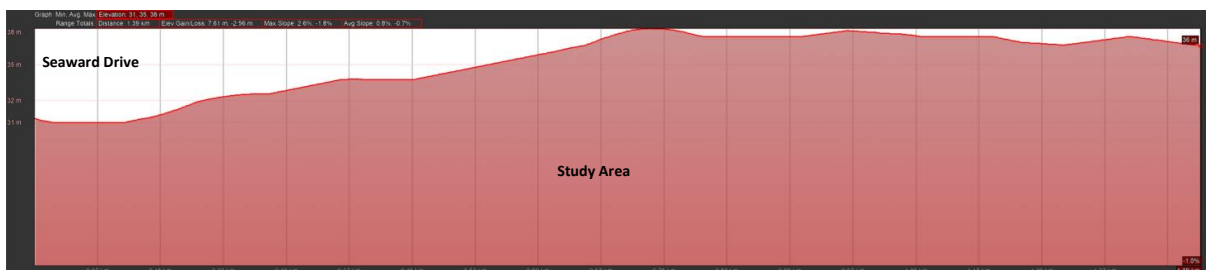


Figure 56 - Seaward Dr 3 - southeast to northwest profile through the Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

In the vicinity of viewpoint Seaward Dr 4, only occasional vegetation lines the northern roadside. Views to the north, west and east are of open pasture, with the rolling dunes transitioning to a broader, slightly elevated, but still treeless landscape and landform that contains views to the southern part of the Study Area (**Figure 57** and **Figure 58**).



Figure 57 – Seaward Dr 4 – view north from Seaward Drive to Study Area.

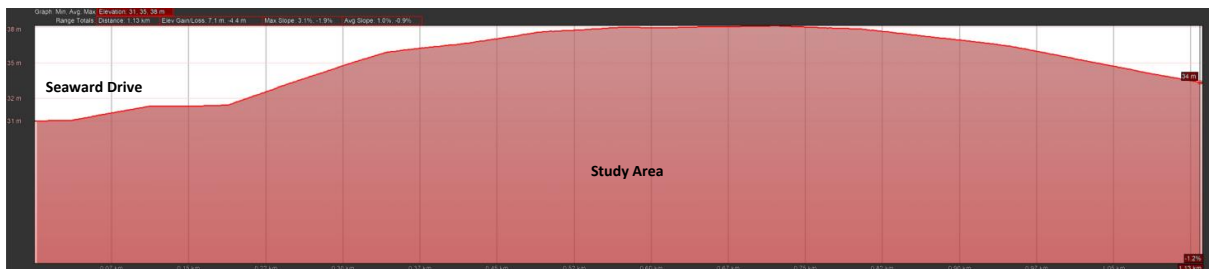


Figure 58 - Seaward Dr 4 - south to north profile through the Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).

Views from viewpoint Seaward Dr 5 are very similar to those from viewpoint Seaward Dr 4 (**Figure 59** and **Figure 60**).



Figure 59 – Seaward Dr 5 – View north from Seaward Drive near the intersection of Wilsons Road, along the Study Area's western boundary

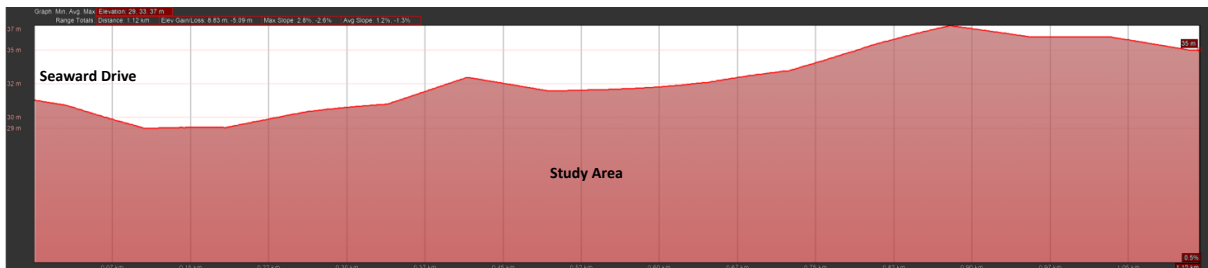


Figure 60 – Seaward Dr 5 - south to north profile inside the Study Area's western boundary - Exaggerated vertical scale elevation profile (Source: Google Earth).

## 6.2.3 Coastal Reserve

### 6.2.3.1 Boat Ramp Lookout

The "boat ramp lookout" is located adjacent to the carpark at the end of Hut View, within the coastal reserve (**Figure 61**).



Figure 61 - Location of viewpoint and elevation profile for the boat ramp lookout (Source: Google Earth).

The lookout is an area with seating, located to the east of the carpark, that overlooks the boat ramp and affords views east along the coast.

The focus of views from coastal lookouts are typically out to sea or along the coastline. Views inland towards the Study Area are blocked by the convex topography of the coastal edge (**Figure 62**).

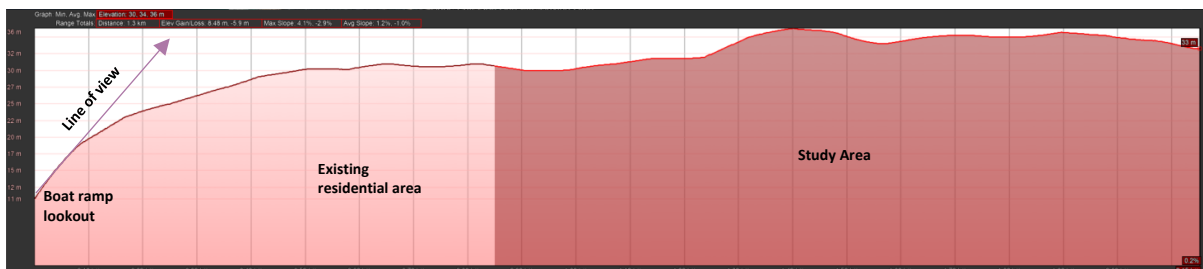


Figure 62 – Boat Ramp Lookout - south to north profile through Cape Paterson and the Study Area - Exaggerated vertical scale elevation profile (Source: Google Earth).



### 6.3 Summary

The analysis demonstrates that the form of the low dunes to the southeast corner of the Study Area, which also run to the northwest through the Study Area, are rare in the hinterland area and the region. The vegetated section of the dunes in the very southeast corner are particularly of regional interest and worthy of protection.

The analysis has found that the arrival experience to the Cape Paterson settlement from Wonthaggi and from Inverloch is one of concealment, with no built form visible until the very southeastern edge, resulting in a rare edge character. Views from Cape Paterson Road are considered to be the most visually sensitive of any surrounding the Study Area, given its tourist use.

Although the low and dense vegetation between the Study Area boundary and Cape Paterson Road provides some visual concealment, an additional buffer of taller vegetation would be required to screen any development located between the road and the dunes.

The dunes provide a highly effective and permanent visual barrier to development to their west and south.

The area of land to the west of the existing settlement boundary is relatively common in occurrence and mostly of lower scenic quality. Additionally, there are no views from higher sensitivity uses along this interface.



## 7 RECOMMENDATIONS

### 7.1 Potential extent of development

#### 7.1.1 Recommended extent of development

The Landscape Review provides guidance to this Study through its definition of the northern part of the Study Area as part of the regionally significant San Remo to Inverloch Coast and Hinterland landscape unit.

However, this Study does not find that the entire landscape of the Study Area is of regional significance, as there are expanses that are mostly unremarkable in their landscape characteristics and relatively common in occurrence.

The visual assessment has identified that the dunes in the southeastern to central northern part of the Study Area are of regional significance due to their uncommon form resulting from their degree of topographic relief, with the southeastern part of the dune having the additional landscape value of a relatively dense indigenous vegetation cover.

In determining the potential extent of development, the key considerations have been:

- Protection of landscapes of regional significance;
- Degree of visual exposure and impact to adjacent sensitive views; and
- The level of visual fit with the existing built form character of the settlement.

Considering visual fit, or compatibility with the existing landscape and built form character, additional development north of Seaward Drive, of a similar character to the existing, would appear as a logical extension of the Cape Paterson settlement.

Apart from protecting the dunes to the southeast of the Study Area, the rationale for defining the potential extent of development along the eastern boundary of the Study Area is the retention of an undeveloped rural landscape character, as viewed from Cape Paterson Road, on the approach to the Cape Paterson settlement.

Interfaces to the west are not sensitive to change due to the relative lack of sensitive viewpoints, the relative lack of visual exposure and the relative ease of achieving ameliorative landscaping, should it be required.

Given the lack of opportunity for overlooking, or for distant views, as well as the ability for vegetation throughout the generally flat landscape to either filter or block views from surrounding vantage points, it is not considered necessary to set the ground level for developable lots significantly below the adjacent topographic high points.

The Study recommended Protected Settlement Boundary (PSB), based on landscape and visual attributes, is shown in *Figure 63*. The proposed land use is sensitively designed residential development.

Additionally, although not included in the Bass Coast SPP consultation process or the Distinctive Area and Landscapes, Standing Advisory Committee Hearing process, it is recommended that the area between the existing settlement boundary and Wilson Road be considered for future investigation to determine its suitability for inclusion within the PSB. This is a result of the relatively low landscape values of this land and its limited exposure to sensitive viewpoints.





The process to determine the recommended PSB on the Study Area has not considered other strategic planning factors relating to the appropriateness or viability for inclusion within the PSB of Cape Paterson. However, the appropriate ongoing management of the dune landscape has been a consideration in the determination of the potential extent of development.



Figure 63 – Proposed recommended extent of Protected Settlement Boundary on the Study Area (Source: Google Earth)

### 7.1.2 Alternative extent of development

While the recommended extent of development would allow for well designed, close to normal densities over its entire extent, an alternative scenario would be to allow very low-density, environmentally sensitive development on the area of dunes between the sensitively designed residential development area and Cape Paterson Road (refer to **Figure 64**).

The primary areas of landscape sensitivity are the eastern and northeastern facing slopes of the dunes and the dune crests. A development outcome that achieved very low densities, in the order of 1 dwelling per 2 hectares, with building envelopes defined to protect the dunes and confine development to the area between the eastern foot of the dunes and Cape Paterson Road, could be possible.

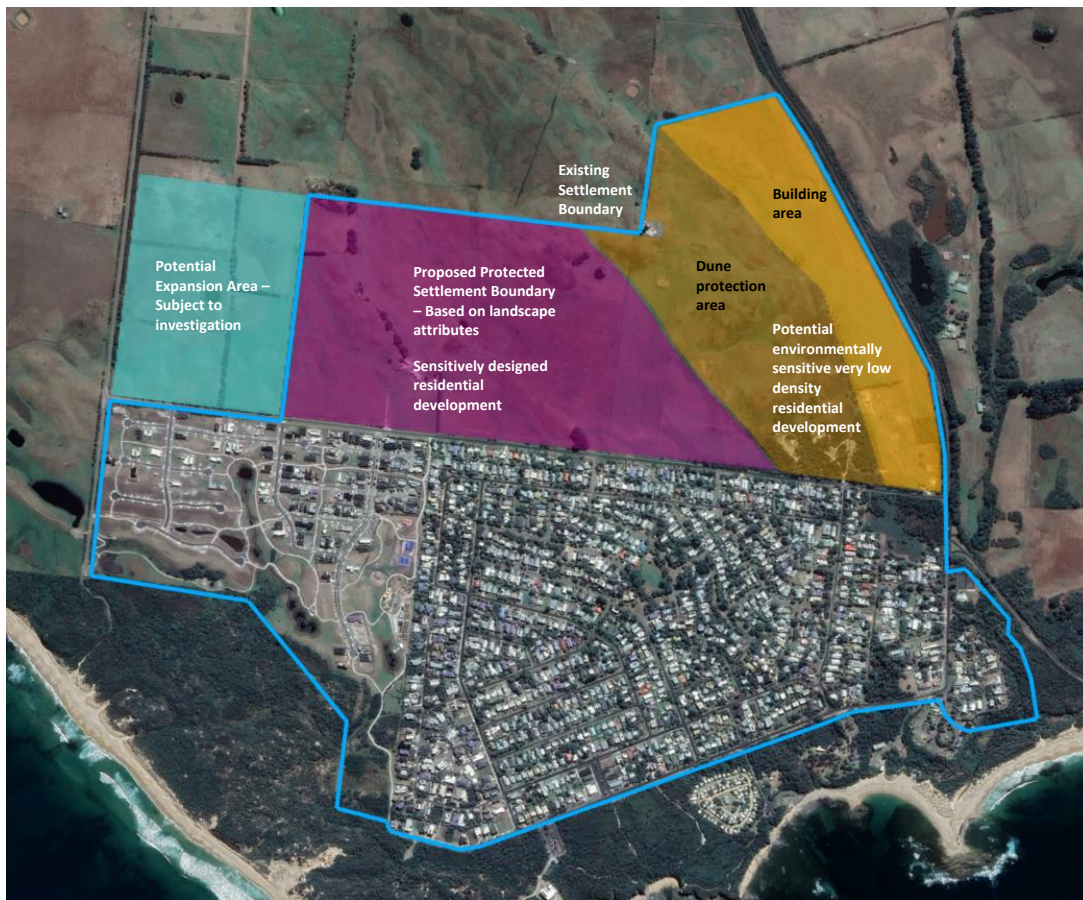


Figure 64 – Alternative extent of development with low density uses located to the eastern part of the Study Area (Source: Google Earth).

### 7.1.3 Boundary locations as they relate to landform

Exaggerated elevation profiles are instructive in understanding the relationship between the proposed PSB and the crest of the dunes (refer to **Figure 65**).

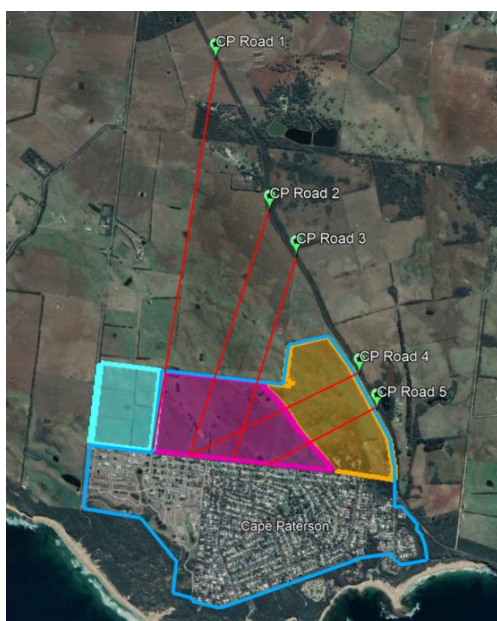


Figure 65 – Location of sections/elevation profiles from Cape Paterson Road (Source: Google Earth)



Figure 66, Figure 67 and Figure 68 show that the potential extent of developable area is screened from views on Cape Paterson Road by elevated topography in the northern part of the Study Area.



Figure 66 – CP Rd 1 - Exaggerated elevation profile – boundary located to south of topographic high point at approximately 39m AHD (Source: Google Earth).

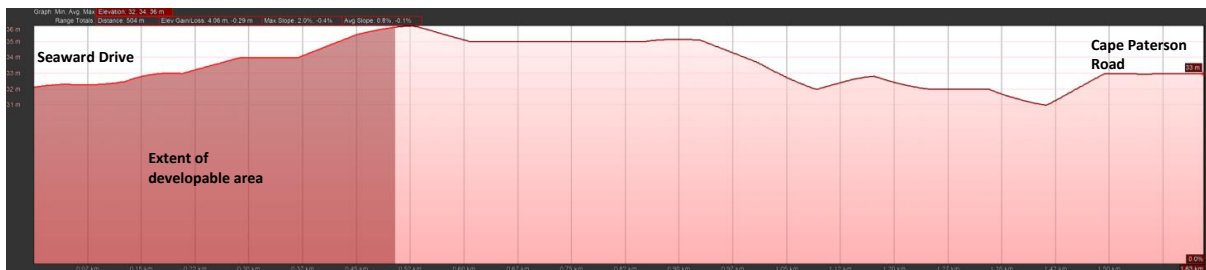


Figure 67 – CP Rd 2 - Exaggerated elevation profile – boundary located to south of topographic high point at approximately 37m AHD (Source: Google Earth).

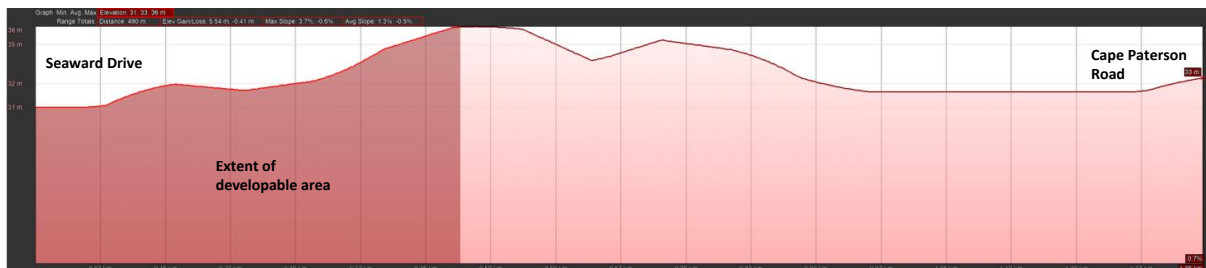


Figure 68 - CP Rd 3 - Exaggerated elevation profile – boundary located to south of topographic high point at approximately 37m AHD (Source: Google Earth).

Figure 69 and Figure 70 show that the potential extent of developable area is screened from views on Cape Paterson Road by the dunes in the southeastern part of the Study Area. The extent of developable area is set well away from the crest of the dune and outside of the area of dune defined as being regionally significant.

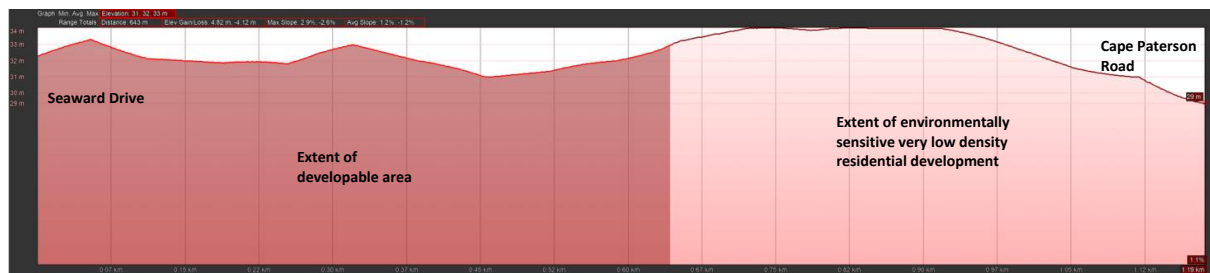


Figure 69 - CP Rd 4 - Exaggerated elevation profile – boundary located to south of topographic high point at approximately 34m AHD (Source: Google Earth).

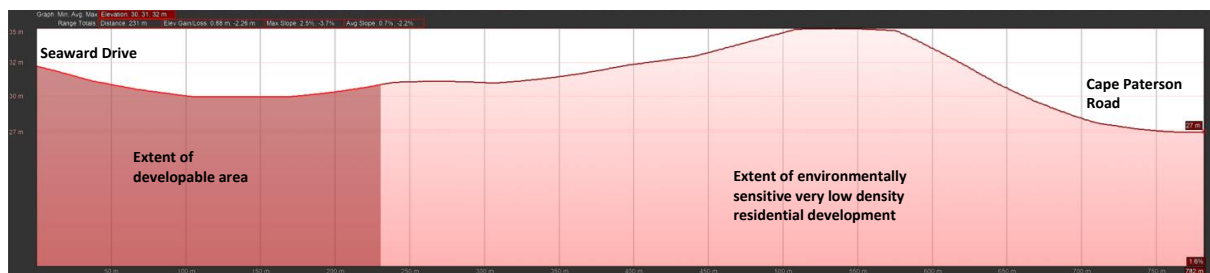


Figure 70 – CP Rd 5 - Exaggerated elevation profile – boundary located to south of topographic high point at approximately 35m AHD (Source: Google Earth).

## 7.2 Potential planning controls

### 7.2.1 Existing Cape Paterson Planning Controls

#### 7.2.1.1 General Residential Zone (GRZ1)

The eastern part of Cape Paterson is GRZ1. The extent of land is bound by Seaward Drive (north), Surf Beach Road (south), Cape Paterson Road (east) and rear of properties fronting and Salt Street and Pinnacle Close (west).

No objectives are specified for the zone.

No neighbourhood character objectives are specified for the zone.

#### 7.2.1.2 Cape Paterson Ecovillage

The Cape Paterson Ecovillage development at Cape Paterson is subject to Schedule 1 to Clause 37.02 Comprehensive Development Zone (CD1) - Cape Paterson Ecovillage.

The extent of land is bound by Seaward Drive (north), the coastal reserve (south), the rear of properties fronting and Salt Street and Pinnacle Close (east) and Wilsons Road (west)

Apart from the sustainability goals, the purpose of the development relevant to landscape and visual matters are:

- To encourage ecological restoration, regeneration, revegetation and ongoing maintenance of native vegetation habitat.
- To ensure development is compatible with the coastal landscape character of the area and does not dominate the coastal edge of Cape Paterson.
- To ensure use and development has regard to the environmental values of the adjacent coastal reserve and the surrounding area.



- To maintain locations of highly scenic and natural vistas along roads and at formal lookout points.
- To retain clear views of the coastal dunes, cliffs and formations from coastal areas, including the Bunurong Coastal Drive and other coastal roads.

The Cape Design Guidelines (2020) for the Cape Paterson Ecovillage provide clear guidance on matters of landscape and built form siting and design, as well as landscaping.

*7.2.1.3 Schedule 4 to Clause 42.03 Significant Landscape Overlay - Kilcunda to Inverloch Coast (SLO4)*

***Landscape character objectives to be achieved:***

- To maintain and improve indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape.
- To protect cultural vegetation patterns in the landscape.
- To maintain locations of highly scenic and natural vistas along roads and at formal lookout points.
- To retain clear views of the coastal dunes, cliffs and formations from coastal areas, including the Bunurong Coastal Drive and other coastal roads.
- To create a clearly defined edge softened by vegetation at the interface between settlements and rural/natural areas.
- To ensure that the natural landscape dominates the coastal edge and foreshore of the settlements of Kilcunda and Cape Paterson.
- To retain the dominance of the undulating, uncluttered pastoral landscape throughout the hinterland by ensuring that buildings and structures outside settlements sit within, rather than dominate the landscape.
- To maintain the dominance of the natural landscape along the coastline, on hill slopes visible from main roads and settlements and prominent slopes adjoining Anderson Inlet.
- To protect the undeveloped character of the coastal strip between Kilcunda and Cape Paterson, and Cape Paterson and Inverloch.
- To minimise the visual impact of signage and other infrastructure, particularly on hill faces, in coastal areas and in other areas of high landscape values or visibility.
- To ensure that the open rural character and scenic coastal features of the landscape are not dominated by plantation forestry.
- To protect landscape character and attributes that are consistent with the Aboriginal cultural heritage values of the area.
- To recognise, and protect, the landscape of the Kilcunda to Inverloch Coast as a place of significant Aboriginal cultural heritage value.



## 7.2.2 SPP proposed controls

### 7.2.2.1 Proposed SLO4 - Schedule 4: Wonthaggi and Bunurong Coast

#### **Landscape character objectives to be achieved:**

- To ensure that the Wonthaggi and Bunurong Coast remains characterised by significant natural coastal landforms and native vegetation and non-existent or visually subservient built form.
- To minimise the visual impact of development on the coastal landscape including on views of the landscape from road corridors that traverse or edge the area, known viewing locations and lookouts and coastal reserves including beaches.
- To protect significant views from the landscape including panoramic seascapes and coastline views from the Bunurong Coastal Drive (Cape Paterson-Inverloch Road) and lookout points accessed via the road including Eagles Nest.
- To retain clear edges to settlements and to protect the undeveloped, natural coastal and hinterland landscape between them.
- To protect existing native vegetation.

#### **Application requirements**

The following application requirements relevant to landscape and visual matters would apply:

- A site analysis that includes a detailed assessment of the existing landscape context including topography, vegetation, any waterways or landscape features and views to the site from main roads, public reserves and/or identified viewing locations/lookouts, as relevant.
  - A landscape plan that specifies:
    - The location of existing vegetation.
    - The use of local indigenous species.
    - The species, age, health and growth characteristics of any vegetation to be removed.
    - Whether the vegetation to be removed is isolated or part of a remnant community.
    - Suitable replacement plantings for any vegetation proposed to be removed.
- A visual impact assessment of the proposal from adjacent road corridors; walking tracks, foreshore reserves including beaches and/or identified public viewing locations and lookouts, where relevant, with particular consideration of the impact of the proposal on the foreground of views and on the subject, composition and quality of views available.

#### **Decision guidelines**

The following items of relevance to landscape and visual matters would be considered by the responsible authority:

- Whether the buildings or works:
  - Are screened by existing or proposed landscaping or vegetation.
  - Would be visually impactful in landscapes visible within 500 metres of identified public viewing locations and lookouts, for example those accessed via the Bunurong Coastal Drive, including Eagles Nest Lookout.



- Are sited a sufficient distance from the cliff tops to avoid visual intrusion into the coastal viewshed.
- Are sited away from visually prominent locations such as ridgelines and elevated hill faces.
- Would be visually impactful when viewed from a road corridor or walking or bicycle trail that travels through or is adjacent to the landscape, including (but not limited to) Cape Paterson-Inverloch Road, Chisolm Road, Berrys Road and Old Boiler Road), a settlement area or a public reserve including a beach.
- Require excessive cut and fill or other earthworks.
- The effect of removing vegetation on the landscape character and significance of the area.

## 7.3 Recommended controls

### 7.3.1 Recommended extent of development

The logic for the location of the proposed SLO boundaries is considered generally appropriate, as are the proposed SLO controls to reduce landscape and visual impacts on the setting of the Study Area.

The Study recommended PSB ensures that development would be limited to areas not visible from highly sensitive use areas, particularly coastal areas and lookouts. As a result, SLO4 could be realigned so that it does not include the area of the recommended PSB.

Planning controls for the PSB area should ensure that the future landscape character is such that built form is subservient to the landscape, very much in the same way that the buildings within the established eastern part of Cape Paterson sit within established coastal vegetation, and roads meander, following the slight variations in topography.

Built form, materials and colours should also be controlled to ensure integration with the colours of the vegetation and soils.

A potential approach could be the development and application of design guidelines, similar to those at the Cape Paterson Ecovillage, to provide greater certainty over built form, colour, materials and landscaping so that any new development integrates with the character of the Cape Development and the landscape character of the more established eastern part of the township.

### 7.3.2 Alternative extent of development

An Expert Evidence Report for landscape and visual amenity was prepared for the property at 40 Cape Paterson Road (refer to **Appendix A**).

This report was reviewed, with the findings included in **Appendix B**.

As a result of considering this Expert Evidence, an alternative scenario for development within the recommended PSB was developed.

Under the alternative scenario, the same controls would apply as for areas of normal residential development. However, the desired landscape character and visual outcome for the environmentally sensitive very low-density residential development area would require controls that limit the height of built form, require it to be visually concealed within the landscape setting and that its colour and form was recessive and not dominant, particularly in views from Cape Paterson Road.

Consideration should be given to the development of design guidelines and the definition of building envelopes.



**PETER HAACK**  
CONSULTING

## Appendix A – 40 Seaward Drive, Cape Paterson, Statement of landscape and visual amenity evidence – Hansen Partnership





# 40 SEAWARD DRIVE, CAPE PATERSON

Draft Bass Coast Statement of Planning Policy  
Standing Advisory Committee

## **Statement of landscape and visual amenity evidence**

prepared by:

**Stephen Schutt of Hansen Partnership Pty Ltd.**

December 2023

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# 1 Preamble

1. My name is Stephen Schutt and I am a Registered Landscape Architect and a Director of Hansen Partnership. I have over 25 years professional experience in urban design and landscape architectural projects in Australia and overseas. I hold a Bachelor degree in Planning and Design and a Masters degree in Landscape Architecture.
2. I have been instructed by S & K Planning Lawyers (acting for submitters in relation to land at 40 Seaward Drive in Cape Paterson) to prepare an expert witness statement relevant to landscape and visual amenity matters in relation to the declared Bass Coast Distinctive Area and Landscape (DAL) under s 46AO of the *Planning and Environment Act 1987*.
3. My instructions – which I received in writing on 25<sup>th</sup> January 2023 – were to:
  - review this memorandum and background materials in your brief including the public submissions included at this link - <https://engage.vic.gov.au/project/distinctive-areas-andlandscapes-program/page/bass-coast>;
  - confer with instructing solicitors where necessary;
  - undertake a site inspection;
  - prepare an expert witness statement suitable for filing with the Standing Advisory Committee addressing landscape and visual impact matters relevant to your expertise;
  - attend the landscape and visual assessment conclave; and
  - attend the Standing Advisory Committee to present your evidence.
4. A copy of my letter of instruction is provided at Appendix A of this evidence statement.
5. I declare that I have no current relationship with the submitter other than an agreement to prepare this expert witness statement.
6. I have visited the subject site, most recently on Friday 23<sup>rd</sup> December 2022.
7. In preparing this expert witness statement, I have reviewed all relevant exhibited materials and submissions received in response to the exhibited materials.

## 2 Planning framework

- Existing controls within the Bass Coast Planning Scheme which affect the subject land and are relevant to my assessment of landscape visual amenity matters include:

### 2.1 Planning policy framework

- Policies that I am broadly familiar with and are relevant to my assessment include:

- Clause 12.2-1S Protection of Marine and Coastal Environment
- Clause 12.05 Significant Environments and Landscapes
- Clause 14.01 Agriculture
- Clause 15.01 Built Environment

### 2.2 Zoning

- The subject land is located within the **Farming Zone (FZ)**.
- The purpose of the **Farming Zone (FZ)** is:
  - To implement the Municipal Planning Strategy and the Planning Policy Framework.
  - To provide for the use of land for agriculture.
  - To encourage the retention of productive agricultural land.
  - To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
  - To encourage the retention of employment and population to support rural communities.
  - To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision, and
  - To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

### 2.3 Overlays

- The subject land is affected by the following overlay controls relevant to my evidence within the Bass Coast Planning Scheme:
  - Schedule 4 to the Significant Landscape Overlay – Kilcunda to Inverloch Coast (SLO4)**, which affects the southern part of the land only; and
  - Schedule 1 to the Environmental Significance Overlay – Coastal Wetland Areas (ESO1)**, which affects the southern part of the land only, across the same extent as SLO4.

15. SLO4 includes the following statement of nature and key elements of landscape:

*The coastline from Kilcunda to Inverloch is of regional significance for its combination of visual landscape qualities including the Powlett River, sand dune systems, and dramatic rock formations and cliffs around Cape Paterson itself.*

*The Cape Paterson coastline is characterised by a rugged landscape of high cliffs, bays and spectacular rock stacks such as the Eagles Nest. There are open and extensive views from the cape, extending as far as Venus Bay to the east and Cape Woolamai to the west. These views are available from a number of walking trails and lookouts, as well as the Bunurong Coastal drive between Cape Paterson and Inverloch.*

*The National Trust recognises the Powlett River and its estuary for its high scenic values and as a small scale ecosystem. It consists of three kilometres of estuary and swamp separated from the ocean beach by coastal dunes covered in stable vegetation, and is also a valuable wetland and bird habitat.*

16. The landscape character objectives of SLO4 relevant to my evidence are:

- To maintain and improve indigenous vegetation, particularly at roadsides and in riparian strips throughout the landscape.
- To protect cultural vegetation patterns in the landscape.
- To maintain locations of highly scenic and natural vistas along roads and at formal lookout points.
- To retain clear views of the coastal dunes, cliffs and formations from coastal areas, including the Bunurong Coastal Drive and other coastal roads.
- To create a clearly defined edge softened by vegetation at the interface between settlements and rural/natural areas.
- To ensure that the natural landscape dominates the coastal edge and foreshore of the settlements of Kilcunda and Cape Paterson.
- To retain the dominance of the undulating, uncluttered pastoral landscape throughout the hinterland by ensuring that buildings and structures outside settlements sit within, rather than dominate the landscape.

17. ESO1 includes the following statement of environmental significance:

*The coastline of Bass Coast Shire varies from internationally significant wetlands in Western Port and the rugged coastal cliffs along Bass Strait to Anderson Inlet. Development in these environmentally significant areas has the potential to impact on water quality and habitat values of these wetland ecosystems.*

*Western Port is an internationally significant (Ramsar) wetland because it has an unusually wide variety of habitat types. The Western Port Ramsar site contains important foraging areas, high tide and other roosts and breeding areas for a number of waterbird species including migratory waders. The site is also an important drought refuge for waterbirds during the summer months as, being marine, it provides habitat all year round.*

*Anderson Inlet has significant natural qualities and is the most clearly defined estuary in Victoria. It is both scenic and an important area for flora and fauna. The area provides an internationally significant habitat for migratory wader birds and habitat for endangered bird species.*

*Bass Coast Shire is adjacent to two Marine Parks. The Bunurong Marine and Coastal Park extends from Coal Point near Harmers Haven to Anderson Inlet. This includes the Bunurong Marine National Park which*

*extends from The Oaks beach to Eagles Nest. These coastal waters contain a remarkable range of habitats that support abundant marine life. The diverse marine habitats at Bunurong include extensive inter tidal rock platforms.*

*The Churchill Marine National Park is located south of Rhyll off Phillip Island in Western Port. This park forms part of the Western Port Ramsar site and contains important roosting and feeding sites for migratory wader birds.*

18. The environmental objectives of ESO1 relevant to my evidence are:

- To ensure that development is compatible with the environmentally sensitive coastal areas.

### 3 Review of background reports

#### 3.1 Distinctive Areas & Landscapes: Bass Coast Landscape Assessment Review – Volume 1: Landscape Assessment (Claire Scott Planning)

19. The *Distinctive Areas & Landscapes: Bellarine Peninsula Landscape Assessment Review – Volume 1: Landscape Assessment (2022)* by Claire Scott Planning is a technical assessment which has informed the preparation of the *Draft SPP*. Part 1 of this report considers 'Landscape Character', Part 2 considers 'Landscape Significance' and Part 3 considers 'Townships and the Landscape'.
20. The subject land sits within *Landscape Area 1.3 – Bunurong Coast and Hinterland*.
21. The map at Figure 1 below is an extract from the Scott report, which illustrates the location and extent of identified landscape character areas.

#### Bass Coast: Aerial & Landscape Areas Landscape Assessment



Figure 1: Aerial & Landscape Areas Map (extract from Landscape Assessment Review, Vol. 1, p.26)

22. Scott describes the landscape character type as follows:

#### **Landscape Area 1.3 – Bunurong Coast and Hinterland**

*Landscape Area 1.3 within the Bass Coast Declared Area includes the diverse and rugged Bunurong coast between the southern edge of Kilcunda, and The Caves to the west of Inverloch; and a largely cleared, rolling pastoral hinterland extending inland to the Strzelecki foothills.*



*Along the Bass Strait coast for much of this Landscape Area high sand dunes, sea cliffs, rocky headlands, rock stacks and beaches are valued landscape features. These include the Eagles Nest, a sandstone sea stack, which sits on a large off-shore rock platform; and The Caves, which are located in a well-known and geologically significant area, which is the site of Australia's first dinosaur bone discovery in 1903. The immediate hinterland is largely undeveloped and in part supports intact Coastal Banksia woodland communities and large swathes of coastal heathland vegetation.*

*Further inland, open grazing land is interspersed with corridors of indigenous vegetation (especially riparian reserves and at roadsides), exotic windbreaks and farming structures. The regional centre of Wonthaggi is located within the Landscape Area, while Cape Paterson, and nearby Harmers Haven, are coastal holiday home locations set atop the rugged coastline. The Victorian Desalination Plant is located to the northwest of Wonthaggi, on the coast.*

*The Powlett River runs east-west through the northern part of the landscape, along the southern edge of the Strzelecki foothills. Its flat floodplains contrast with the otherwise gently undulating topography, and its large and scenic estuary forms part of a series of connected coastal conservation reserves.*

*Off the coast of Cape Paterson is the Bunurong Marine National Park, which supports broad rock platforms and underwater reefs, and diverse communities of marine plants and animals, including colonies of Weedy Sea Dragons. (p.41).*

23. Scott provides a definition of 'landscape significance' as follows:

*Landscape significance is the designation of a particular landscape as special or important arising from its visual values, including its landscape features, edges or contrasts, and composition, with consideration of its other landscape values (i.e. cultural heritage, environmental, scientific, social etc.); and for its predominantly natural or undeveloped character, in which development is absent or clearly subordinate to its natural landscape qualities. (p.87)*

24. It is unclear whether this definition has been peer-reviewed or is based on any recognised reference document.
25. On the basis of a methodology outlined in her report, Scott determines that the 'San Remo to Inverloch Coastal Hinterland' landscape – within which the subject land is located – is of regional significance.
26. The maps at Figures 2-3 below are extracted from the Scott report, and illustrate the location and extent of identified landscapes of significance.

## Bass Coast: Declaration Area Landscapes of Significance

Landscape Assessment



Figure 2: Landscapes of Significance Map (extract from Landscape Assessment Review, Vol. 1, p.95)

## San Remo to Inverloch Coast and Coastal Hinterland: State Landscape Assessment

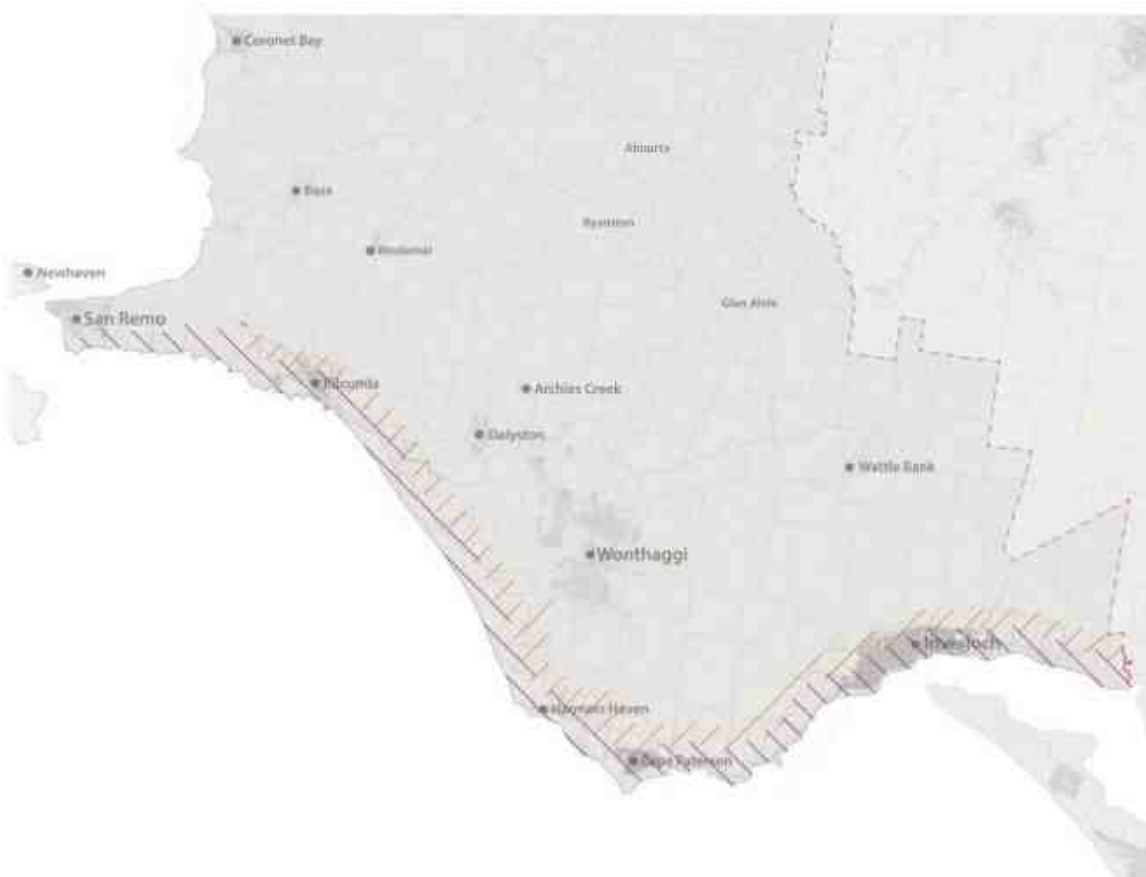


Figure 3: Phillip Island Southern & Western Coast: State Significance Map (extracted from Landscape Assessment Review, Vol. 1, p.96)

- 3.2 Of relevance to the subject land, The *Landscape Assessment Review* makes the following observations with respect to the adjoining settlement of Cape Paterson:

### **Landscape setting & significance**

*Cape Paterson is located within the Bunurong Coast and Powlett River Lowlands (Landscape Area 1.3), and is part of the broader South Gippsland Coastal Plains Landscape Type. The landscape is characterised by a dramatic and scenic coastal edge; a near coastal hinterland that remains largely undeveloped, with large areas of indigenous woodland and heathland vegetation; and an expansive hinterland of undulating hills and plains used for agriculture, interspersed with riparian reserves and cultural vegetation patterns.*

*The township is located within a landscape of significance, which extends from San Remo to Inverloch. The coastal edge to the south of the township is of state significance, and the landscape to the north, west and east is of regional significance. This coastline is a well-known and highly valued landscape of stunning contrasts and iconic features, including the headland of Cape Paterson itself, and nearby sea cliffs and off-shore rock formations such as the Eagle's Nest.*

### **Relationship to landscape & visibility**

*Cape Paterson is separated from the edge of the headland by the densely vegetated Cape Paterson Coastal Reserve, and is laid out on a modified grid. The topography slopes up from the coastal reserve to a small ridge at around Scenic Road, which is located centrally in the township, and represents a change in elevation across the settlement area of around 15 metres. Development in this area seeks to take advantage of ocean views.*

*Traditionally a coastal holiday village, built form comprises many beach shacks, including some raised on stilts. There is however an increasing number of permanent dwellings in the township, including contemporary, sustainable homes at 'The Cape', the recently developed area at the western edge of the original settlement.*

*An informal, beach shack character permeates the established area of Cape Paterson due to the prevalence of native and indigenous vegetation, including substantial canopy trees (on private property and within the streetscapes); generous front setbacks; and a lack of front fencing.*

*Overall, there is a balance between vegetation and built form across the township, and a visual dominance of greenery in some areas. This is due to high levels of permeability i.e. a predominance of grass surrounding dwellings and not hard surfacing, enabling large canopy trees to thrive. Wide, grassy nature strips provide the same opportunity for mature trees in the public domain, screening or partially screening many homes from view.*

### **Landscape interface / edges**

*The southern edge to Cape Paterson abuts a road, which is immediately adjacent to the coastal reserve. The heavy vegetation of the reserve prevents views of the water from the residential area, but in turn completely screens the settlement area from the beach. This preserves the natural character of the landscape from the beach, from trails through the coastal reserve, and largely from the water, which adds to the enjoyment of the natural beauty of the significant landscape. The southern edge of The Cape, when fully developed, will also abut the coastal reserve. The eastern edge of the township beyond Wheeler Road is also heavily vegetated, and as a result the township is not visible from Cape Paterson- Inverloch Road to the east.*

*The current northern edge of the township is clearly demarcated by Seaward Drive. The road acts as an unambiguous boundary between the built up residential area of the settlement, and the hinterland beyond. The farmland to the north is covered by the Significant Landscape Overlay, and also plays an important role in the green, open break between the regional town of Wonthaggi and the coastal settlement of Cape Paterson.*

### **Landscape character 'essence' / conclusions**

*Cape Paterson is located within a landscape of state and regional significance, on an iconic headland with rocky cliffs, wild beaches and significant swathes of coastal indigenous vegetation*

*The significance of the coastal landscape has been elevated from regional to state significance as a result of this study, and the coastal hinterland (earmarked as between 800m/1km to 1.6km inland) is of regional significance*

*Additional detailed work is required to determine the exact boundary between the landscapes of regional and state significance (included in Volume 2 of this study)*

*The built form of the township is largely screened from view by dense vegetation on the southern and eastern edges*

*Historical levels of good permeability and non-excessive site coverage has contributed to an excellent tree canopy cover*

*It is important that built form remains subservient to the natural landscape in an area of state significance*

*The planning elements that most affect the landscape character and the relationship of Cape Paterson to its broader landscape setting are lot size, building site coverage, permeability and landscaping*

*Building height is also an important consideration in small coastal hamlets*

*While built form is currently a maximum of two storeys, three storey development is permitted under the current zoning (GRZ1)*

*Only a very small area of the township's native vegetation is currently protected by the Vegetation Protection Overlay (VPO)*

*If Cape Paterson were to be developed to the north, the current landscape and township character of the small coastal hamlet, and the character and significance of its landscape setting would change and be potentially negatively impacted*

*Development northwards would result in the loss of the small-scale nature of the coastal hamlet, tucked into the significant landscape*

*The northern boundary (at its intersection with Cape Paterson Road) is currently well defined and vegetated, and designates a clear point of arrival at the township*

*Cape Paterson Road, between Wonthaggi and Cape Paterson, currently provides a picturesque journey dominated by roadside reserves of indigenous vegetation, and scenic outviews across gently undulating paddocks*

*Development northwards would potentially impact on the picturesque and regionally significant coastal/rural hinterland, and its contribution to the journey along Cape Paterson Road*

*As well as forming part of the regionally significant coastal hinterland, the landscape to the north of Seaward Drive plays a role in the open and undeveloped green break between Cape Paterson and Wonthaggi*

### 3.3 Distinctive Areas & Landscapes: Bass Coast Landscape Assessment Review – Volume 2: Statutory Implementation Package(Claire Scott Planning)

27. Volume 2 of the *Landscape Assessment Review* translates the findings of Volume 1 into planning provisions for the identified significant landscapes that are directly implementable through the Bass Coast Planning Scheme.
28. The proposed controls have been incorporated into the *Draft SPP*, and – to the extent that they are relevant to my evidence – are addressed in Section 4.5 of this evidence statement.

### 3.4 Discussion

Is the Scott methodology representative of 'best practice'?

29. In outlining the methodology used to determine landscape significance, Volume 1 of the *Landscape Assessment Review* describes it (at p.88) as "the current best practice significance methodology". For the reasons articulated in the following paragraphs, I do not agree with that description.

30. I have previously prepared landscape evidence on behalf of submitters to Standing Advisory Committee Hearings in relation to the Draft Statements of Planning Policy for both the Surf Coast and Bellarine Peninsula Distinctive Areas and Landscapes. As is the case with the Bass Coast *Draft SPP*, both the Surf Coast and Bellarine Peninsula *Draft SPPs* were informed by technical studies undertaken by Claire Scott Planning, in the form of a *Landscape Assessment Review*.
31. In each case, the overall structure of the *Landscape Assessment Review* technical study has been the same, comprising:
  - A *Landscape Assessment*, which considers landscape character, landscape significance and townships within the Declared Area, and
  - A *Statutory Implementation Package*, which makes recommendations with respect to proposed planning controls to be applied to the respective Planning Schemes.
32. Similarly, the methodology used by Scott in the *Bass Coast Landscape Assessment Review*, to determine landscape character and landscape significance, is similar – if not identical – to that used in the *Surf Coast Landscape Assessment Review* and the *Bellarine Peninsula Landscape Assessment Review*.
33. The methodology used by Scott to determine landscape character is – in my opinion – consistent with standard industry practice, in that it considers a range of physical and environmental characteristics of the landscapes within the Declared Area, identifies and maps the spatial distribution of those characteristics as a series of layers and – through a process of overlaying - describes landscape types and areas which share common landscape characteristics. It is an approach which is widely taught in landscape architectural schools and is typically attributed to Scottish landscape architect Ian McHarg (1920-2001) in his seminal work, *Design with Nature* (The Natural History Press, 1969).
34. In contrast, the methodology used by Scott to determine landscape significance is not – in my opinion – consistent with standard industry practice, but rather appears to derive from a methodology developed by Planisphere Consultants – a Melbourne-based town planning and urban design practice – who were founded in 2001. It is a methodology which was used by Planisphere in the preparation of a number of strategic landscape assessments for the Victorian State Government, including the *Great Ocean Road Region Landscape Assessment Study* (2003) and the *Coastal Spaces Landscape Assessment Study* (2006), both of which are reference documents within the Victorian Planning Provisions.
35. In my own practice as a Registered Landscape Architect who specialises in landscape and visual impact assessment, I am aware of a number of reference texts which are widely considered to provide verifiable, peer-reviewed guidance in the determination of landscape significance or value, including:
  - *Guidelines for Landscape and Visual Impact Assessment*, Third Edition, Landscape Institute and Institute of Environmental Management and Assessment (2013);

- *Approach to Landscape Sensitivity Assessment – To inform spatial planning and land management*, Natural England (2019);
  - *Landscape Aesthetics: A handbook for scenery management*, United States Department of Agriculture Forest Service (1995);
  - *Best Practice Note: Landscape Assessment and Sustainable Management*, New Zealand Institute of Landscape Architects (2010);
  - *Guidance Note for Landscape and Visual Impact Assessment*, Australian Institute of Landscape Architects (2018), and
  - *Visual Landscape Planning in Western Australia: A manual for evaluation, assessment, siting and design*, Western Australian Planning Commission (2007).
36. The *Bass Coast Landscape Assessment Review* incorporates numerous references to the *Coastal Spaces Landscape Assessment Study*, but does not make reference to any of the documents listed above.
37. In my own practice as a Registered Landscape Architect who specialises in landscape and visual impact assessment, I have undertaken peer reviews of expert witness statements and landscape and visual impact assessments prepared by a number of other practitioners, including Hayden Burge of Landform Architects, Allan Wyatt of XUrban, Dennis Williamson of Scenic Spectrums, ERM and Urbis. On the basis of those peer reviews, I have not observed any of those practitioners using the Scott methodology to determine landscape value or significance.

#### Are there any weaknesses in the Scott methodology?

38. In addition to the observations I have articulated in the preceding paragraphs with respect to the lack of any clear consideration or incorporation of verifiable, peer-reviewed and industry-recognised guidance apparent in the Scott methodology, it is my opinion that a number of other inherent weaknesses exist.
39. It is my opinion that the methodology has an over-reliance on the visual experience of one person, being the author of the *Landscape Assessment Review*, in informing the 'visual values', which are described in Volume 1 of the *Landscape Assessment Review* (at p.88) as being "*weighted most highly*". It is my understanding that the methodology determines visual values through the consideration of '*landscape features*', '*edges or contrasts*' and '*composition*', with a level of significance assigned to each component on the basis of the degree to which each component is considered '*exemplary*', '*iconic*' and '*scarce*' at a local regional or state level. Such an approach requires the assessor to effectively 'benchmark' the landscape in question against all other examples of landscapes with similar characteristics locally, regionally and state-wide.
40. In my experience, a more reliable means of 'benchmarking' the visual characteristics of specific landscapes - which is not utilised by the Scott methodology - is to utilise visual landscape character preference indicators, which are derived from perception research and are useful in identifying features of landscapes which are

highly valued by communities and contribute to the visual character of landscapes. Such an approach is encouraged in *Visual Landscape Planning in Western Australia: A manual for evaluation, assessment, siting and design*, Western Australian Planning Commission (2007) as a means of ensuring an accurate reflection of community experience and preferences.

Is the Scott methodology sufficiently robust to be relied upon by the *Draft SPP* and associated policy?

41. In consideration of the observations and opinions articulated above, it is my opinion that the Scott methodology is not sufficiently robust to be relied upon by the *Draft SPP* and to provide a basis for changes to planning policy, including revised controls within the Bass Coast Planning Scheme and the implementation of protected settlement boundaries, on the basis that:
- The *Landscape Assessment Review* has not demonstrated that the methodology is consistent with 'industry standard' or 'best' practice, and
  - The methodology is over-reliant on the visual experience of one person, ie the author.
42. Importantly, I also note the precautionary advice contained within the *Landscape Assessment Review* itself, that:

*The significance areas are necessarily nebulous at this stage of the process. Additional detailed fieldwork (outside the scope of this study) is required to define a finite and fully justifiable boundary of the type required to implement the Significant Landscape Overlay. (p.94).*

Has the Scott methodology been peer reviewed?

43. I am aware – through my involvement in the Bellarine Peninsula Distinctive Area and Landscape process – that the methodology used in the *Bellarine Peninsula Landscape Assessment Review*, which is essentially the same as that used in the *Bass Coast Landscape Assessment Review*, was reviewed by Helen Martin of Shearwater Associates.
44. My opinions with respect to the adequacy of that review were set out in an addendum to my *Statement of Landscape and Visual Amenity Evidence* (dated May 2021) prepared under instruction from Hall & Wilcox Lawyers acting for submitters in that matter. In relation to the *Peer Review of Landscape Assessment (Significance) Methodology* (dated January 2022) prepared by Helen Martin of Shearwater Associates Pty Ltd I provided the following opinions and observations:
- *It is my understanding that a peer review should be undertaken by a person or persons with expertise in the field of work which is the subject of the report or publication being reviewed. In my own professional capacity as a Registered Landscape Architect and expert witness in the allied fields of landscape architecture and landscape and visual impact assessment, I have undertaken peer reviews of reports prepared by other landscape architects, where the content of those reports falls within the fields in which my professional*



*expertise lies. It is my understanding that Ms Martin is a strategic planner and not a landscape architect. It is also my understanding – on the basis of information contained within the curriculum vitae appended to her Expert Witness Statement (dated April 2022) – that Ms Martin’s professional experience in the field of landscape assessment is limited to her role as “project coordinator’ for preparation of Statement of Planning Policy for Victoria’s coastline and her role as ‘team member’ for SPP for Macedon Ranges & Surrounds, including strategic landscape assessment”, during her period of employment as a Town Planner for the Town & Country Planning Board Victoria between 1974 and 1977.*

- *Given this understanding, it is my opinion that the ‘Peer Review’ prepared by Ms Martin is more accurately described as a literature review, given that it does not test the technical robustness of the methodology employed by Ms Scott against Ms Martin’s own technical knowledge or expertise in the field of landscape assessment, but rather compares Ms Scott’s methodology to that of other practitioners in the field, on the basis of documented examples of those methodologies.*
  - *The conclusions of Ms Martin’s ‘Peer Review’ do not – in my opinion – validate the landscape assessment methodology utilised by Ms Scott, but rather simply provide a non-technical appraisal of it with regard to its apparent similarities to other recognised methodologies and with regard to its contextual fit with the Victorian Planning Provisions.*
45. I was subsequently instructed to undertake a review of the *Expert Witness Statement* of Helen Martin (April 2022). On the basis of that review, I provided the following further opinions and observations with respect to Ms Martin’s evidence:
- *In paragraphs 8 and 9 (p. 3), Ms Martin outlines the “key questions” she was asked to address, which relate to determination of visual significance, levels of visual landscape significance, how the methodology compared to international best practice, and whether it provided a sufficient basis for the application of the Significant Landscape Overlay or other management provisions for public land. On the basis of my opinions outlined above with respect to Ms Martin’s professional qualifications, experience and expertise, I am unclear about the technical knowledge base she has drawn upon to answer those ‘key questions’.*
  - *The overall content of Ms Martin’s Witness Statement does not introduce any new information other than that which has already been addressed in her ‘Peer Review’, which I have referred to in Section 3 above.*

## 4 Review of Draft Statement of Planning Policy

46. I have undertaken a review of the *Bass Coast Distinctive Area and Landscape Draft Statement of Planning Policy* (March 2022). In summary, the following areas are of relevance to landscape and visual amenity matters.

### 4.1 Introduction

47. The *Draft Statement of Planning Policy* (SPP) describes the declaration of the Bass Coast Shire as a distinctive area and landscape, under section 46AO of the Planning and Environment Act (1987), noting:

*Under the Act, an area of Victoria can be declared a distinctive area and landscape if it has a majority of the attributes section 46AP of the Act specifies — outstanding environmental, geographical, heritage, cultural, natural resources or productive land, strategic infrastructure or built form significance — and if its attributes are under threat of significant or irreversible land use change that would affect the environmental, social or economic value of the area. (p.1)*

### 4.2 Vision

48. The *Draft SPP* articulates a vision for the declared area, with a 50-year timeframe envisaged. With respect to landscape significance, the vision articulates the following:

*We protect and enhance the declared area's significant landscapes, with their many views, panoramic seascapes, rugged coastlines, tranquil wetlands, elevated rural hinterland and idyllic pastoral landscapes of rolling rises and gullies. We value the declared area's scenic beauty and recognise its importance for the community's health and wellbeing, for the environment and biodiversity, and for heritage and the local economy. (p.18)*

### 4.3 Declared area framework plan

49. Of relevance to landscape and visual amenity matters, the *Bass Coast Declared Area Framework Plan* identifies and spatially defines:
- Protected settlement boundaries, which are defined as “a settlement boundary in a declared area protected under a SPP. It is a long-term boundary intended to contain the settlement's growth. Such boundaries apply to settlements identified for growth.”
  - Road corridor views for which the development of new infrastructure requires management to maintain views to hills, the rural hinterland and/or the coast;
  - Green breaks, which are defined as “predominantly rural land located between settlement boundaries”;
  - Significant views within the landscape, which are identified on the Framework Plan Maps (Map No's 3, 3A, 3B and 3C) but not defined or described within the *Draft SPP*, and

- State significant landscapes, where state significance is defined as “a quality of environmental, landscape, economic and cultural heritage value important to the State of Victoria.”

#### 4.4 Policy domains

50. The *Draft SPP* identifies a range of policy domains, which are intended to set out long-term planning needs for the declared area. Of relevance to landscape and visual amenity matters are the ‘Landscape’ and ‘Settlements’ policy domains.

##### Landscape policy domain

51. The landscape policy domain within the *Draft SPP* observes that:

*The Bass Coast’s coastal and rural landscapes are of outstanding natural beauty. The beaches and bays, rugged coastlines, rock platforms and formations, seascapes and bush provide stunning views, recreation and other enjoyments for residents and visitors. There are countless panoramic seascapes and other views across Western Port and along the Bass Strait coastline. Moving inland, rolling, pastoral hills and a patchwork of paddocks and native vegetation give way to the foothills of the Strzelecki Ranges, known locally as Bass Hills, which form an iconic backdrop to the rural hinterland. (p.42)*

52. The *Draft SPP* at p.44 states that the entire declared area has landscape significance, however *Map 7* within the *Draft SPP*, which illustrates the spatial extent of the declared area’s six significant landscapes, shows that the extent of significant landscapes does not encapsulate the entire declared area.
53. Of relevance to my evidence, the subject land is located within an area described in the *Draft SPP* as the *San Remo to Inverloch Coastal Hinterland* landscape, which is identified as a landscape of regional significance.
54. The *San Remo to Inverloch Coastal Hinterland* landscape is described as follows:

*The San Remo to Inverloch Coast and Coastal Hinterland landscape is state-significant, and the coastal hinterland beginning slightly east of Kilcunda is regionally significant. The highly valued views along the coast are varied and include views of state significance.*

*The landscape’s coast is one of stunning contrasts and iconic features. The high sea cliffs between San Remo and Kilcunda (where the Strzelecki Foothills meet Bass Strait) include jagged headlands and rock shelves — exposed to and battered by Bass Strait seas — interspersed with sandy coves and isolated beaches. The George Bass Coastal Walk from San Remo to Kilcunda offers commanding views of the dramatic coastline and Bass Strait.*

*The coastal edge between Kilcunda and west of Inverloch is just as visually arresting, with elevated cliffs and sand dunes, the iconic Cape Paterson headland and nearby offshore rock formations. Eagles Nest, between Cape Paterson and Inverloch, is a particularly notable sandstone formation protruding from the shore platform high out of the water. South of Kilcunda, the large, scenic estuary of the Powlett River meets the coast; there is a hinterland of intact and significant Coastal banksia woodland communities to the north and south of it. There are also views of iconic structures in the landscape (such as the Kilcunda Trestle Bridge and the Wonthaggi Wind Farm turbines).*

*As the coastline approaches Inverloch from the west, the elevation of the coastal topography steadily declines, merging into tidal sand flats and the low-energy Anderson Inlet landscape. This shallow, dynamic*

*river mouth, edged by broad, sandy beaches and low, grassy dunes, provides important habitat for endangered migratory birds and other animals. (p.45)*

55. The stated objective within the landscape policy domain is:

*To protect and enhance the declared area's significant landscapes, including their distinctive characters, physical features and cultural values. (p.49)*

56. Strategies proposed within the *Draft SPP* to achieve that objective relevant to my evidence are:

- *Ensure landscape and seascape features that are sensitive to change are identified and threats to them identified and addressed in strategic planning processes.*
- *Contain urban growth within settlement boundaries.*
- *Discourage new residential development in the green breaks between settlements.*
- *Ensure development responds sympathetically to the landscape character and maintains the visual dominance of the natural landscape by:*
  - *being sited so that buildings are tucked into the landscape among established vegetation or new vegetation buffers that screen development when it is viewed from the public realm.*
  - *providing substantial setbacks from road corridors and publicly accessible land*
  - *using building forms and design detailing including materials and colours that immerse buildings within the landscape, so they are not visually dominant.*
- *Ensure development is located away from and does not protrude above hilltops and ridgelines, so the natural contours and vegetation remain visible.*
- *Manage land use, development and infrastructure to ensure that the dominance of significant landscapes, views and vantage points is conserved and enhanced by:*
  - *retaining the rural outlook from inland, main road corridors, particularly the scenic panoramas available of the Bass Hills from the Bass Highway*
  - *retaining views to the coastline and water from scenic coastal drives (such as the Bunurong Coastal Drive between Cape Paterson and Inverloch)*
  - *retaining and planting native and indigenous vegetation.*
- *Retain and enhance remnant native vegetation in coastal reserves, along road and waterway corridors and on private land (for example in shelterbelts, along fence lines and on steep agricultural land), where appropriate and in accordance with bushfire risk management requirements.*

#### Settlement policy domain

57. Of relevance to my evidence, the *Draft SPP* makes specific reference to Cape Paterson, noting:

*Cape Paterson is a village that is a popular holiday and recreation destination. Its few commercial facilities mostly service the local population. The settlement's residential character is evolving in stages.*

*Older areas have a modified grid of mainly unsealed roads with vegetated verges and much coastal vegetation. Newer development on land rising to the north is more diverse, while still influenced by existing development and the coastal character.*

*The settlement is located within the state-significant and regionally significant San Remo to Inverloch Coast and Coastal Hinterland landscape. This is a well-known, highly valued landscape of stunning contrasts and iconic features including the Cape Paterson headland, nearby sea cliffs and offshore rock formations (such as Eagles Nest).*

*Growth will be accommodated by developing vacant residential land and more substantial greenfield development north of Seaward Drive that will be sensitively designed to integrate with the regionally significant landscape. Cape Paterson's proposed protected settlement boundary will provide long term protection for Cape Paterson's environs while containing its growth within an area close to nearby Wonthaggi's regional services and facilities. (p.82)*

58. The Draft SPP provides the following 'preferred township character statement' for Cape Paterson:

*Development at Cape Paterson respects the characters of the established and newer areas with:*

- *generous open spaces in the public realm that reflect the setting with coastal planting, minimal hard surfaces, water sensitive urban design and active transport connections to existing coastal networks*
- *pedestrian-friendly road networks and streets that provide a sense of informality*
- *a mix of lot sizes and varied sitings of built form that reinforce a sense of spaciousness*
- *dwellings styled and finished in forms, finishes and colours that reference the coastal character.*

*The low-rise built form is one and two storeys. Dwellings occasionally have a third storey where a sunken site permits a taller form, but these do not impose on the amenity of others or the overall low-rise, coastal character of the area.*

*Any expansion of the village north retains the landscape significance of the open break north towards Wonthaggi with a vegetated buffer to northern views. A generous, landscaped setback to Cape Paterson Road retains the existing sense of arrival from the north.*

59. The stated objective within the settlement policy domain is:

*To plan and manage the sustainable development of settlements in the declared area consistent with each settlement's unique character, role and function and the protection and enhancement of the area's landscape significance, environmental and biodiversity values, Bunurong cultural heritage and historic heritage values. (p.124)*

60. Strategies proposed within the Draft SPP to achieve that objective relevant to my evidence are:

- *Direct urban development to a hierarchy of settlements identified for growth through designating change areas and clearly defining long-term settlement boundaries.*
- *Implement protected settlement boundaries for each settlement identified in the proposed Bass Coast settlement hierarchy.*

- *Ensure development at the periphery of settlements is designed to transition to the surrounding landscapes, integrating development with its environs, landscape character and features, subject to addressing bushfire risks.*
- *Ensure development in settlements maintains and enhances views of the rural hinterland, coast and foreshore.*
- *Ensure development in settlements achieves best practice environmentally sustainable design and development for the full life of the development.*

## 4.5 Proposed planning controls

61. I have undertaken a review of the *Draft Bass Coast Statement of Planning Policy: Proposed Landscape Planning Controls* (March 2022).
62. Of relevance to my evidence is the proposed amendment to *Schedule 4 to the Significant Landscape Overlay – Wonthaggi and Bunurong Coast (SLO4)*, to the extent that it affects the subject land.
63. The purpose of the existing SLO4 within the Bass Coast Planning Scheme, as described in Table 2 at p.9 of the *Proposed Landscape Planning Controls*, is “to protect the undeveloped character of the landscape between coastal settlements and to minimise the visual impact of development on the coastal strip and the hinterland”.
64. The *Proposed Landscape Planning Controls* provide the following explanation of why changes to the existing SLO are needed:

### **Views**

*The landscape has many highly valued views that must be protected. It is typically viewed from lookouts at Cape Paterson and along the adjacent coastline (such as Eagles Nest), as well from as far away as Venus Bay to the east and Cape Woolamai to the west. The Bunurong Coastal Drive (Cape Paterson-Inverloch Road) offers a sense of immersion in the landscape, and occasional breaks in the roadside vegetation offer views of Bass Strait. The SLO would minimise the impacts of development on the landscape’s many highly valued views: development viewed from the above locations should not be seen or else should be visually subservient.*

### **Native vegetation**

*Native vegetation within the area has largely been cleared for agriculture. Remnant vegetation within roadsides and riparian reserves provides an important connection to the coast. Protecting native coastal and hinterland vegetation will help ensure the landscape character does not degrade over time, and it will help achieve the environmental and Aboriginal cultural and historic heritage objectives of the draft Bass Coast SPP.*

### **Outcomes**

*The proposed SLO4 would protect the Wonthaggi and Bunurong Coast from development detrimental to its much-valued landscape attributes, especially at Harmers Haven and Cape Paterson. Development would be sited and designed to fit within the landscape and not detract from significant views or impose visually on the landscape. The coastal hinterland would continue to be used for agriculture purposes and continue to contribute to local and regional economies. The removal of native vegetation for development would also be minimised, to preserve the landscape’s character. (p.38)*

65. In spatial terms, the Proposed Landscape Planning Controls describe the changes to the extent of SLO4 as follows:

*It would make minor adjustments to the existing SLO4's inland boundary within the coastal hinterland to better correlate with the topography, extent of vegetation cover and pattern of viewing. (p.38).*

66. The statement of nature and key elements of landscape within the existing SLO4 is proposed to be replaced with the following:

*The coastal and coastal hinterland landscape between Wonthaggi and Inverloch is of state significance (all coastal reserves) and regional significance (non-reserved land) for its highly valued landscape features including its extensive dunal systems, large swathes of intact indigenous vegetation, high sea cliffs, dramatic rock formations and sweeping beaches.*

*The landscape includes the iconic, rocky headland of Cape Paterson and the rugged Bunurong Coastal Reserve, which is characterised by eroded sandstone cliffs, picturesque bays and resistant rocky formations such as Eagles Nest. Further east is The Caves, which is located in a well-known, geologically significant area, being the site of Australia's first dinosaur bone discovery in 1903.*

*There are extensive, open views from walking trails and lookouts at the cape and along the adjacent coastline, extending as far as Venus Bay in the east and Cape Woolamai in the west. The panoramic seascapes are dominated by a foreground of deep green, headland scrub, with no built form visible at the coastal edge between settlements. A sense of immersion in the landscape also characterises the Bunurong Coastal Drive (Cape Paterson-Inverloch Road), where occasional breaks in the roadside vegetation offer views to Bass Strait.*

*Further north, the Wonthaggi coast and near-coastal hinterland includes extensive reserves of indigenous vegetation, including Coast Banksia Woodland and Coastal Dune Scrub communities. Beyond the eastern edge of the reserves is the site of the Wonthaggi Wind Farm; the turbines are a feature of views from the elevated Kilcunda foreshore. To the south of the densely vegetated Wonthaggi Heathlands is the hamlet of Harmers Haven, where a small number of dwellings sit deep in the coastal scrub atop the sensitive dunal landscape.*

*Further inland, the rolling hinterland has been largely cleared for agriculture, and it provides a picturesque but marked visual contrast with the intact, coastal landscape. Remnant vegetation in roadside and riparian reserves provides an important connection to the coast. (p.42).*

67. The landscape character objectives within the existing SLO4 are proposed to be replaced with the following:
- *To ensure that the Wonthaggi and Bunurong Coast remains characterised by significant natural coastal landforms and native vegetation and non-existent or visually subservient built form.*
  - *To minimise the visual impact of development on the coastal landscape including on views of the landscape from road corridors that traverse or edge the area, known viewing locations and lookouts and coastal reserves including beaches.*
  - *To protect significant views from the landscape including panoramic seascapes and coastline views from the Bunurong Coastal Drive (Cape Paterson-Inverloch Road) and lookout points accessed via the road including Eagles Nest.*
  - *To retain clear edges to settlements and to protect the undeveloped, natural coastal and hinterland landscape between them.*

- *To protect existing native vegetation. (p.42).*

## 4.6 Discussion

68. It is my understanding that any declaration of an area within Victoria as a distinctive area and landscape is done under *Part 3AAB of the Planning and Environment Act 1987 (Vic) (P&E Act)*.

69. The objects of Part 3AAB are set out at s.46AN, as follows:

*The objects of this Part are –*

*(a) to recognise the importance of distinctive areas and landscapes to the people of Victoria and to protect and conserve the unique features and special characteristics of those areas and landscapes; and*

*(b) to enhance the conservation of the environment in declared areas including the unique habitats, ecosystems and biodiversity of declared areas; and*

*(c) to enable the integration of policy development, implementation and decision-making for declared areas under Statements of Planning Policy; and*

*(d) to recognise the connection and stewardship of traditional owners in relation to land in declared areas.*

70. Of primary relevance to my evidence is the first object.

71. The declaration of Bass Coast as a distinctive area and landscape sets out the attributes which qualify Bass Coast as a distinctive area and landscape. Of primary relevance to my evidence are the distinctive features which are described as significant geographical features, including natural landforms. These are:

*(a) The Bass Hills and Strzelecki Foothills provide backdrop to landscapes throughout the Shire and are highly visible from main road corridors.*

*(b) San Remo to Kilcunda coastline contains open pastoral landscapes edged by rocky cliffs and slopes to the Bass Strait.*

*(c) Kilcunda to Inverloch coastline (Bunurong Coast) is recognised for its rock formations, sand dune systems, dramatic cliffs and rock stacks. Eagles Nest is a dominant feature in the landscape and a site of national and geomorphological significance.*

*(d) Phillip Island has distinctive landscapes including rocky cliffs and outcrops of volcanic origin such as the Nobbies and Pyramid Rock, as well as surf beaches and dune systems.*

72. It is my understanding that once an area is declared to be a distinctive area and landscape, the Minister must prepare a 'statement of planning policy' (SPP) for the declared area. The purpose of an SPP, as set out in s.46AU of the P&E Act is:

*The purpose of a Statement of Planning Policy for a declared area is to create a framework for the future use and development of land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area.*

73. The primary mechanisms by which the objectives and strategies of the *Draft SPP* are able to be achieved are through changes to existing planning controls, which are set out in *Draft Bass Coast Statement of Planning*



*Policy: Proposed Landscape Planning Controls (March 2022)*, and through the implementation of protected settlement boundaries for the 25 existing settlements within the declared area.

#### Are protected settlement boundaries required?

74. It is my opinion that – for many of the existing settlements within Bass Coast – the implementation of protected settlement boundaries is not required, for the following reasons:
- There is insufficient evidence that many of the landscapes which sit outside the proposed protected settlement boundaries exhibit any of the distinctive features described in the declaration;
  - There is insufficient evidence that some areas which are described in the *Landscape Assessment Review* as being of State or regional significance exhibit the features which – on the basis of the methodology contained within that assessment – would be required to justify that level of significance, and
  - The landscapes adjoining a number of existing settlements are not identified as being of State or regional significance in either the *Landscape Assessment Review* or the *Draft SPP*.
75. I am aware that the Standing Advisory Committee which reviewed the *Bellarine Peninsula Draft SPP* was critical of the proposed implementation of protected settlement boundaries for settlements in that region, on the basis that – in the Committee's view – there was insufficient rigour in the technical assessments which informed that *Draft SPP* and insufficient information within the *Draft SPP* to explain how the protected settlement boundaries were needed to protect and conserve the distinctive attributes and features of the landscape.
76. Noting my familiarity with the Bellarine Peninsula DAL process, it is my opinion that the same deficiencies which were identified by the Standing Advisory Committee in that matter are evident in the Bass Coast *Draft SPP*. Protected settlement boundaries are proposed around every existing settlement, however there is insufficient evidence to demonstrate that many of the landscapes surrounding these settlements require protection. For example, Map 7 within the *Draft SPP* illustrates that the settlement of Wonthaggi does not adjoin any landscapes identified as being of State or significance, however a protected settlement boundary is proposed.
77. There is – in my opinion – an inconsistency within the *Draft SPP* between the proposed protected settlement boundaries and the proposed planning controls, specifically in relation to the proposed changes to the Significant Landscape Overlay. The basis of this inconsistency lies in the proposal to implement protected settlement boundaries in locations where there is no corresponding proposal to implement a Significant Landscape Overlay. This raises a fundamental question; if the landscape under consideration is not considered to require protection through a Significant Landscape Overlay, then why is a protected settlement boundary required?

78. Further to this, it is my opinion that in circumstances where the landscape under consideration exhibits a level of significance worthy of the application of a Significant Landscape Overlay, such as is the case in parts (but not all) of Bass Coast municipality, then it is that overlay control which can and should afford the level of protection warranted. In very simple terms, if the significance of the landscape warrants the application of a Significant Landscape Overlay, then that control can provide an appropriate level of protection of the valued landscape attributes. If the significance of the landscape does not warrant the application of a Significant Landscape Overlay – as is the case in many locations across Bass Coast – then neither should a protected settlement boundary be required.

## 5 Landscape assessment – 40 Seaward Drive, Cape Paterson

### 5.1 Description of the subject land

79. The subject land is located on the northern side of Seaward Drive in Cape Paterson and comprises a total area of approximately 97 hectares. The subject land is located on the northern interface of the Cape Paterson settlement. The site is irregularly shaped, clear of buildings and contains some fragmented patches of vegetation located centrally within the site. The land is bounded by residential land to the south, on the opposite side of Seaward Drive. The land is undulating, with a gentle – although visually-noticeable – ridgeline running through the property approximately parallel with Cape Paterson Road. The land is currently used for agriculture.
80. To the south of the subject land is the Cape Paterson township which is zoned General Residential Zone (GRZ), with development along Seaward Drive comprising standard residential allotments. Cape Paterson Road abuts the subject site to the east. Land to the north, east and south is zoned Farming (FZ) and comprises an undulating landscape with similar characteristics to the subject land.
81. The subject site along with neighbouring properties to the east and west are zoned Farming Zone (FZ). The *Significant Landscape Overlay – Schedule 4 (SLO4)* applies to the southern part of the subject land, affecting approximately 40% of the total landholding. The *Environmental Significance Overlay – Schedule 1 (ESO1)* applies to the same extent of land.



Figure 4: View north-east across subject land from Seaward Drive.



*Figure 5: View north across subject land from Seaward Drive.*



*Figure 6: View south towards Cape Paterson settlement from the subject land.*



Figure 7: View east along Seaward Drive, with subject land at left and northern edge of Cape Paterson settlement at right.



Figure 8: View west over subject land from Cape Paterson Road, with elevated ridgeline providing backdrop to viewshed.



Figure 9: View south across subject land from Cape Paterson Road.



Figure 10: Cape Paterson Road on approach to Cape Paterson settlement, with remnant roadside vegetation.

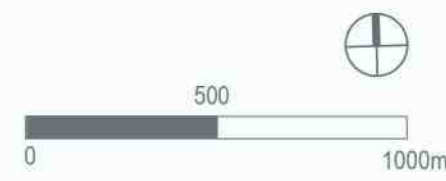
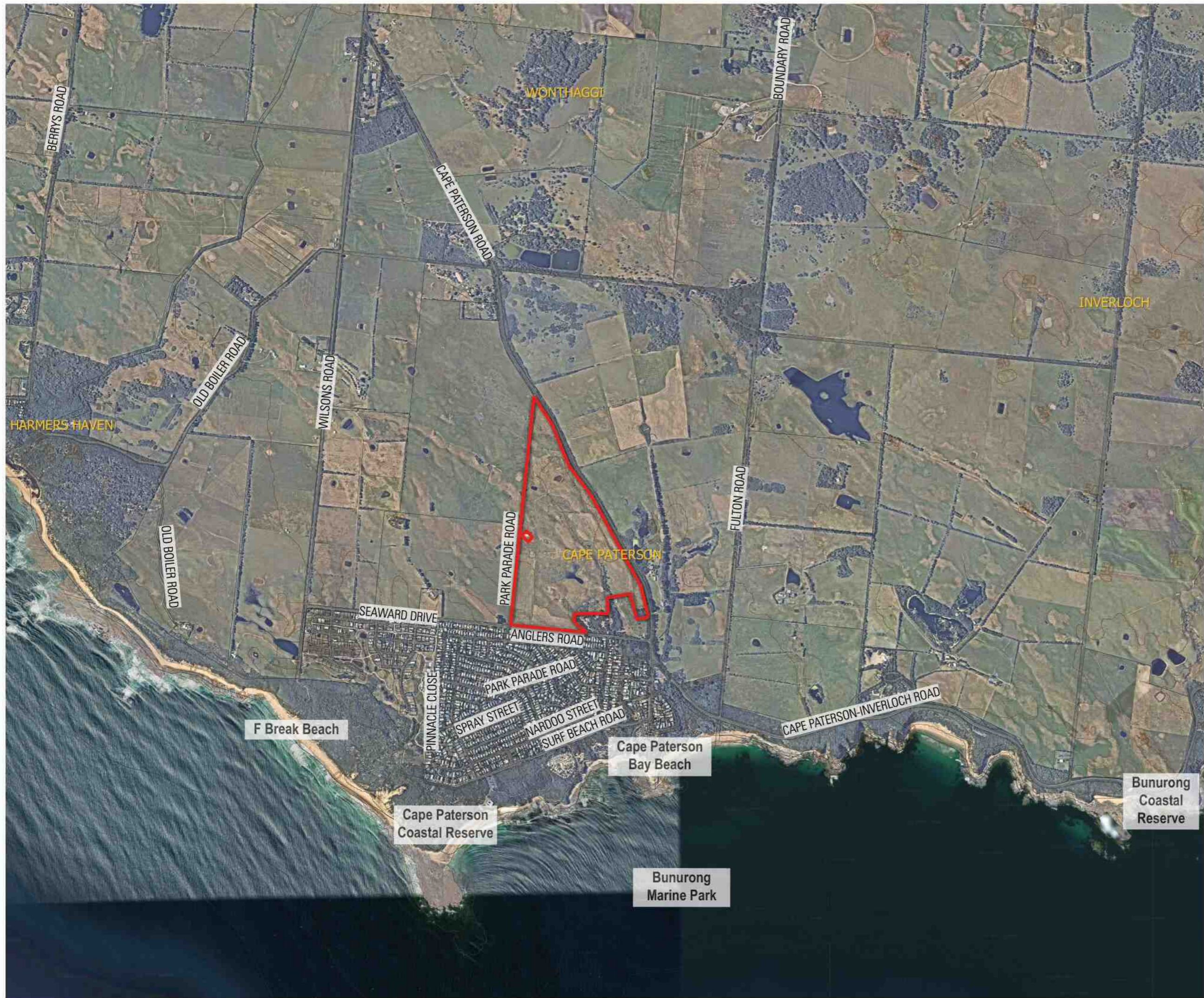
Project Ref: 22.0677  
Dwg No.: LVIA-1  
Scale: 1:20000  
Date: 07/02/2023  
Revision: P



### 40 Seaward Drive, Cape Paterson

Aerial map

Subject site   
Roads 



Hansen Partnership Pty Ltd  
Melbourne | Byron Bay | Vietnam  
Level 4 136 Exhibition St  
Melbourne VIC 3000  
T 61 3 9654 8844 F 61 3 9654 8088  
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Project Ref: 22.0677  
 Dwg No.: LVIA-2  
 Scale: 1:20000  
 Date: 07/02/2023  
 Revision: P



hansen

40 Seaward Drive,  
 Cape Paterson

Tree density map

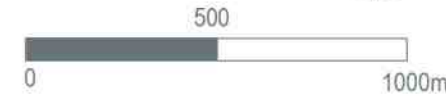


- Subject site
- Roads
- Water Body

Tree Density Legend

- Tree density - dense
- Tree density - medium
- Tree density - scattered

Source: Victorian  
 Government Data Directory  
 - Vicmap Vegetation





Project Ref: 22.0677  
 Dwg No.: LVIA-3  
 Scale: 1:20000  
 Date: 07/02/2023  
 Revision: P



hansen

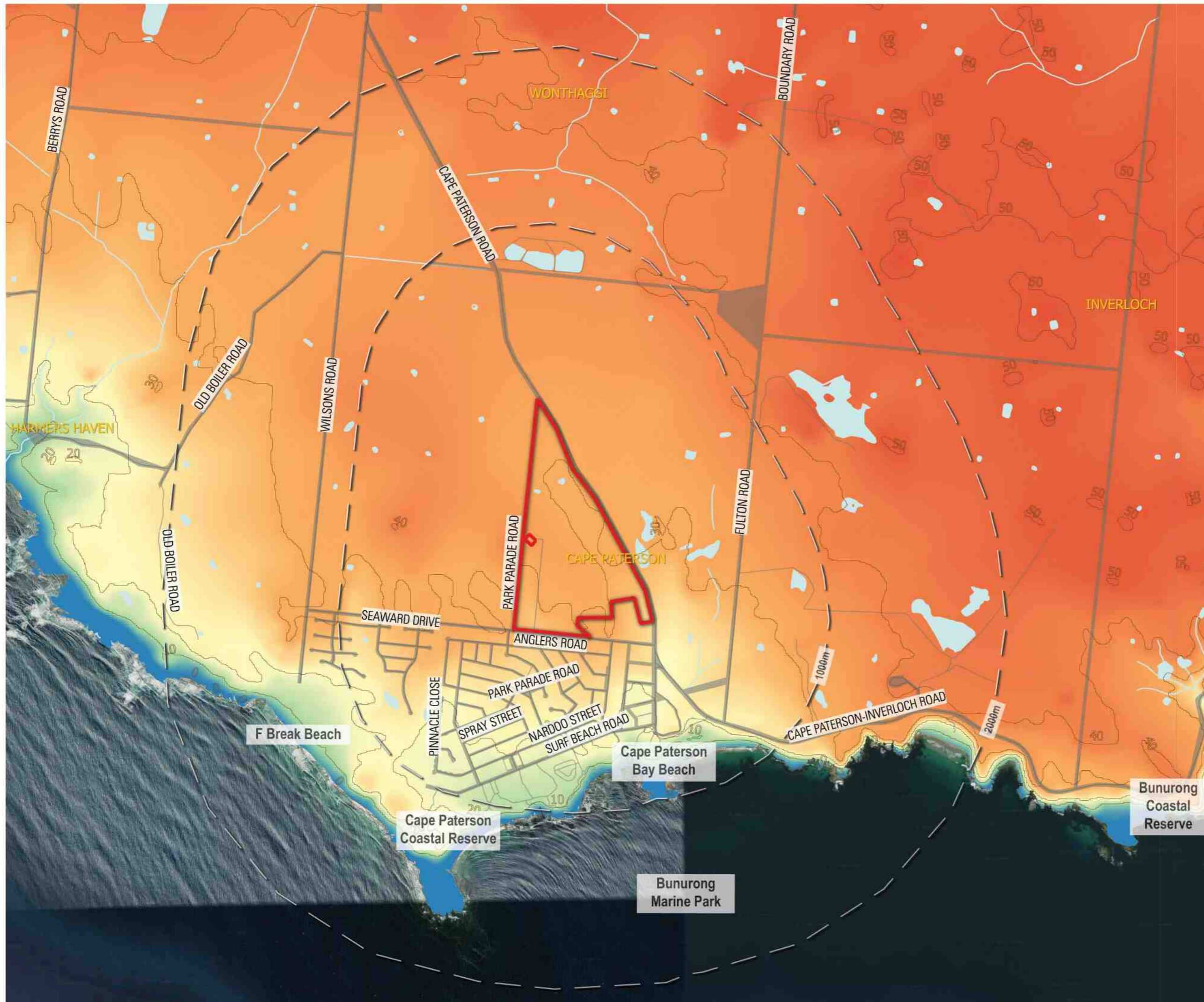
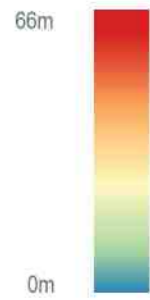
**40 Seaward Drive,  
Cape Paterson**

Elevation and hydrology map  
 (Generate from 10m DEM map)

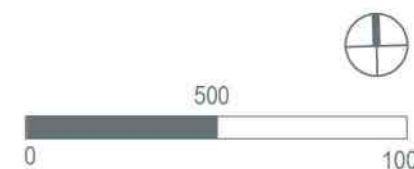
Legend:

- Subject site
- Roads
- Existing contour (10m interval)
- Water area

Elevation Colour Range Classification:



DEM map resource: ELVIS  
 (Elevation and Depth -  
 Foundation Spatial) Data



Project Ref: 22.0677  
 Dwg No.: LVIA-4  
 Scale: 1:20000  
 Date: 07/02/2023  
 Revision: P

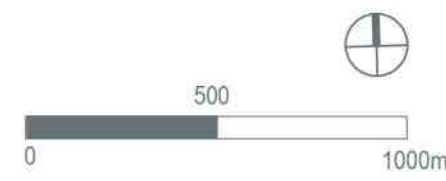


**40 Seaward Drive,  
Cape Paterson**

Viewshed analysis map  
 (Viewpoints from Cape Paterson  
 Road at 1.5m height above ground)



- Subject site
- Roads
- Viewshed generation point
- Existing contour (10m interval)
- Water area
- Potential Visual Exposure



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Project Ref: 22.0677  
 Dwg No.: LVIA-5  
 Scale: 1:20000  
 Date: 07/02/2023  
 Revision: P



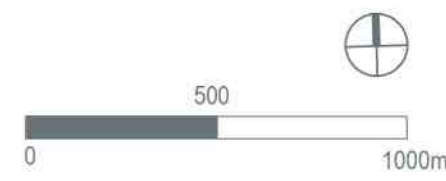
**40 Seaward Drive,  
Cape Paterson**

Viewshed analysis map  
 (Viewpoints from Seaward Drive  
 at 1.5m height above ground)

- Subject site
- Roads
- Viewshed generation point
- Existing contour (10m interval)
- Water area
- Potential Visual Exposure



DEM map resource: ELVIS  
 (Elevation and Depth -  
 Foundation Spatial) Data

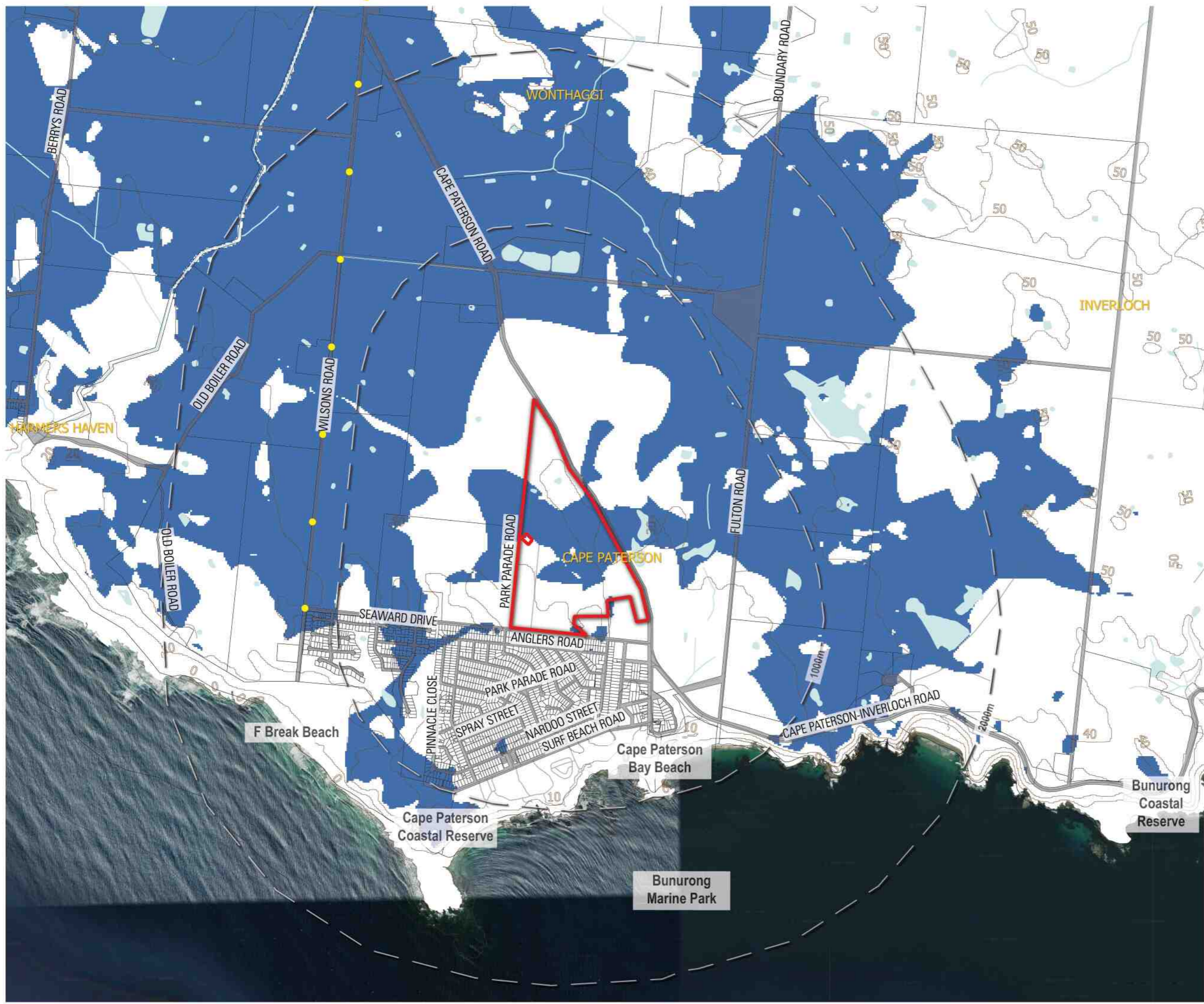


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 Dwg No.: LVIA-6  
 Scale: 1:20000  
 Date: 07/02/2023  
 Revision: P

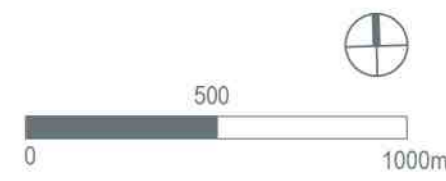


**40 Seaward Drive,  
Cape Paterson**

Viewshed analysis map  
 (Viewpoints from Wilsons Road at  
 1.5m height above ground)



- Subject site
- Roads
- Viewshed generation point
- Existing contour (10m interval)
- Water area
- Potential Visual Exposure

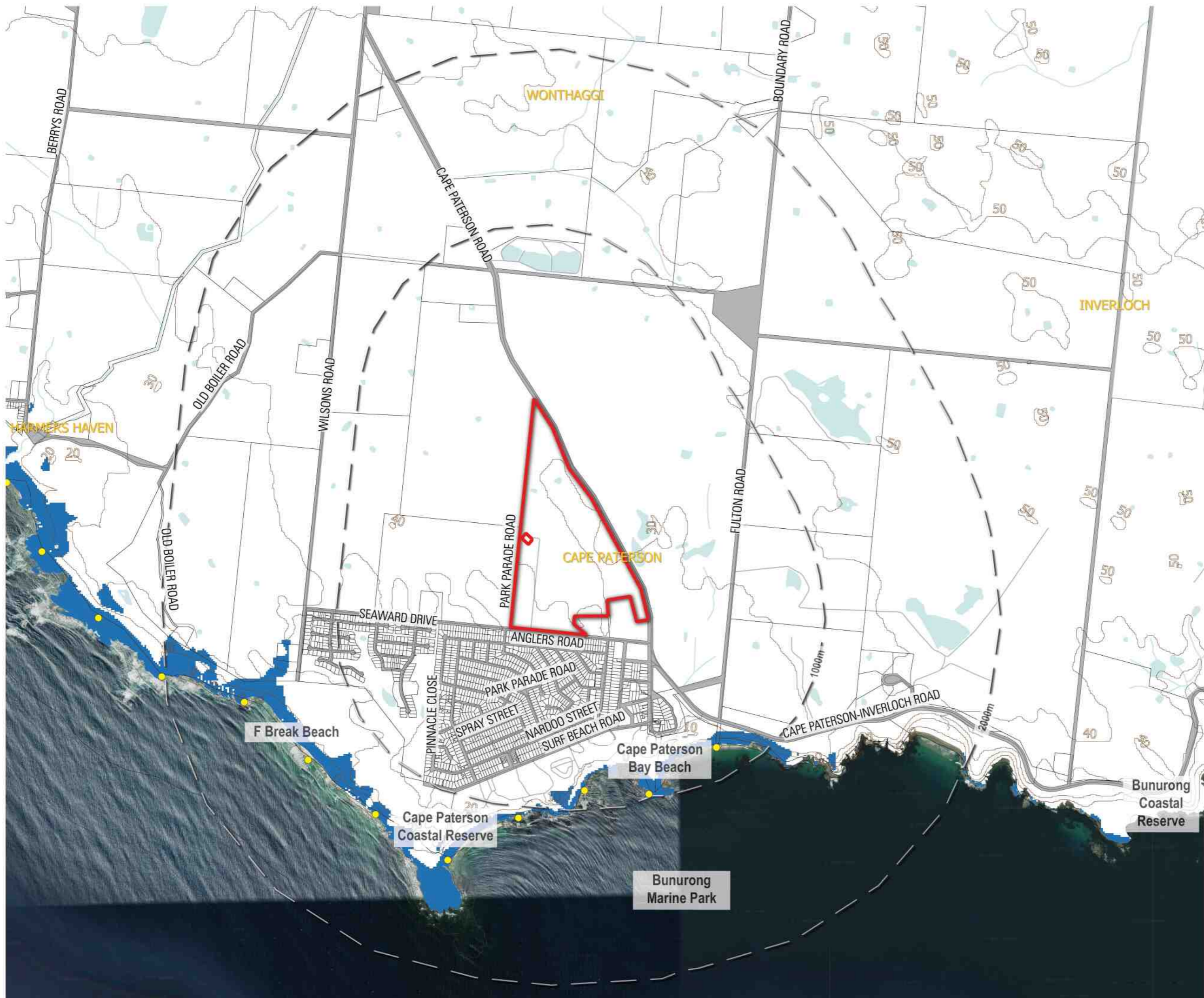


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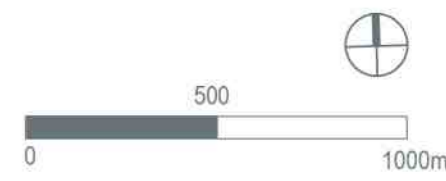


**40 Seaward Drive,  
 Cape Paterson**

Viewshed analysis map  
 (Viewpoints from foreshore at  
 1.5m height above ground)



- Subject site
- Roads
- Viewshed generation point
- Existing contour (10m interval)
- Water area
- Potential Visual Exposure



## 5.2 Character and significance of the subject land

### Landscape character

82. The *Coastal Spaces Landscape Assessment Study* (2006), which is a reference document within the Bass Coast Planning Scheme, identifies the landscape within which the subject land – and the broader landscape – is located as the *Bunurong Coast and Hinterland*, and provides the following description:

*This Character Area includes the diverse and rugged Bunurong coastline between Kilcunda and Inverloch, and a largely cleared, rolling pastoral hinterland extending inland to the Strzelecki Range and east to Cape Liptrap (including the Bald Hills). High sand dunes, sea cliffs, rocky headlands, rock stacks and beaches along the Bass Strait coast throughout much of this Character Area are valued landscape features. The immediate hinterland is largely undeveloped and in parts supports native heath vegetation in coastal reserves. Further inland, open grazing land is interspersed with corridors of native vegetation (especially riparian reserves and at roadsides), exotic windbreaks, farmhouses and settlements. Two major urban settlements (Wonthaggi and Inverloch) are within the Character Area, while Cape Paterson is a coastal holiday home location set atop the rugged coastline. (p.37).*

83. The *Bass Coast Landscape Assessment Review* proposes a revised character description, and proposes to rename landscape area as *Landscape Area 1.3 – Bunurong Coast and Powlett River Lowlands*, which is described in the *Landscape Assessment Review* as follows:

*Landscape Area 1.3 within the Bass Coast Declared Area includes the diverse and rugged Bunurong coast between the southern edge of Kilcunda, and The Caves to the west of Inverloch; and a largely cleared, rolling pastoral hinterland extending inland to the Strzelecki foothills.*

*Along the Bass Strait coast for much of this Landscape Area high sand dunes, sea cliffs, rocky headlands, rock stacks and beaches are valued landscape features. These include the Eagles Nest, a sandstone sea stack, which sits on a large off-shore rock platform; and The Caves, which are located in a well-known and geologically significant area, which is the site of Australia's first dinosaur bone discovery in 1903. The immediate hinterland is largely undeveloped and in part supports intact Coastal Banksia woodland communities and large swathes of coastal heathland vegetation.*

*Further inland, open grazing land is interspersed with corridors of indigenous vegetation (especially riparian reserves and at roadsides), exotic windbreaks and farming structures. The regional centre of Wonthaggi is located within the Landscape Area, while Cape Paterson, and nearby Harmers Haven, are coastal holiday home locations set atop the rugged coastline. The Victorian Desalination Plant is located to the northwest of Wonthaggi, on the coast.*

*The Powlett River runs east-west through the northern part of the landscape, along the southern edge of the Strzelecki foothills. Its flat floodplains contrast with the otherwise gently undulating topography, and its large and scenic estuary forms part of a series of connected coastal conservation reserves.*

*Off the coast of Cape Paterson is the Bunurong Marine National Park, which supports broad rock platforms and underwater reefs, and diverse communities of marine plants and animals, including colonies of Weedy Sea Dragons. (p.41)*

84. The *Landscape Assessment Review* describes the following key landscape features for *Landscape Area 1.3 – Bunurong Coast and Powlett River Lowlands*:

*Dramatic and scenic coastal edge, including cliffs, rock stacks, dunes and beaches*

*Coastal landscape features such as the Eagles Nest, The Caves and the Powlett River estuary*

*A near-coastal hinterland that remains largely undeveloped, with large areas of indigenous woodland and heathland vegetation throughout*

*Lookout points and occasional breaks in roadside vegetation offer outviews to local and distant landscape features from the coastal Cape Paterson-Inverloch Road*

*Expansive rolling hills and plains used for agriculture, interspersed by a combination of riparian reserves and cultural vegetation patterns*

*Bunurong Coastal Reserve, and Bunurong Marine National Park*

*Wonthaggi Wind Farm, comprising six turbines*

*Victorian Desalination Plant, to the north-west of Wonthaggi (p.42)*

85. On the basis of my own observations of the subject land and the surrounding landscape, it is my opinion that the description of *Landscape Area 1.3 – Bunurong Coast and Powlett River Lowlands* appropriately reflects the character of this landscape.

#### Landscape significance

86. *Coastal Spaces* (2006) identifies the Kilcunda to Cape Paterson Coast as being of regional significance, with the following valued landscape attributes listed on Map 1 at .p.74:

*Visually significant for landscape features such as the Powlett River, sand dune systems and dramatic rock formations and cliffs around Cape Paterson.*

*Characterised by a coastline including rugged high cliffs, bays and rock stacks such as the Eagles Nest.*

*Valued by the community for open and expansive views, extending as far as Venus Bay to the east and Cape Woolamai to the west, and for the scenic values of the Powlett River and its estuary. (p.74).*

87. Map 1 at p.74 of *Coastal Spaces* identifies the Kilcunda to Cape Paterson Coast as being of regional significance, however the inland extent of the regionally-significant landscape is not clearly defined, and an annotation on the Map states that:

*The delineation of areas of significance on this map is indicative and approximate only. (Map 1, p.74).*

88. The *Bass Coast Landscape Assessment Review* provides marginally-clearer mapping, with the Map at p.115 of that document illustrating that – with respect to the subject land – the landscape of regional significance appears to encapsulate most of the subject land. The proposed extent of the regional significance designation is described as follows:

*The San Remo to Inverloch Coast and Coastal Hinterland landscape of state and regional significance includes the coast and coastal hinterland generally between the western edge of the Anderson Peninsula (southern side) and the Declared Area boundary to the east of Inverloch.*

*At the Anderson Peninsula, the state significance area boundary is defined by the top of the central ridge, to its intersection with the Bass Highway and Phillip Island Road. From this intersection, the inland extent of the significance area boundary is located approximately 1.6km from the coastal edge. The first 800m to*

*1km from the coastal edge has been initially earmarked as state significant, and the coastal hinterland to 1.6km as regionally significant.*

*The significance area includes the coastal reserves that will eventually form part of the proposed Yallock-Bulluk Marine and Coastal Park. Around Harmers Haven, Cape Paterson and towards Inverloch, the inland boundary is based on a minimum of 1.6km from the coastline, and includes existing SLO areas. It follows the top of the ridge on the sloping land to the west of Inverloch (which coincides with approximately 1.6km), and terminates at the Declared Area boundary. (p.116).*

89. I note the reliance upon a minimum distance of 1.6km in defining the inland extent of the regionally-significant landscape. An explanation of 'viewing distances' is provided at p.90 of the *Landscape Assessment Review*, which includes the following:

*Immediate foreground*

*This zone takes in the immediate environment of the viewer, and extends to approximately 800 metres.*

*Foreground*

*This zone begins at the viewer (and includes the immediate foreground), and extends to approximately 1.6km of the observer. Generally, the detail of the landscape is more pronounced within this view plane.*

*Middle ground*

*The middle ground of a view occurs within 1.6km to 6km, and alterations within this zone are less distinctive.*

*Background*

*This view plane extends from 6km to infinity. Shape may remain evident beyond 16km, but beyond that distance alterations in the landscape become obscure. (p.90)*

90. There is no clear rationale within the *Landscape Assessment Review* to explain the basis upon which these viewing distances have been determined, other than a reference to the *South West Victoria Landscape Assessment Study* (2013), which was prepared by Planisphere Consultants, and is not a reference document within the Victorian Planning Provisions. That document itself provides no clear rationale for the determination of the viewing distances relied upon, other than a non-functional weblink reference -

[http://brekenridgepeak6.com/document/DEIS/Chapter\\_3D\\_Scenery/](http://brekenridgepeak6.com/document/DEIS/Chapter_3D_Scenery/)

91. It is my opinion that these viewing distances should not be relied upon as a 'blanket' benchmark for determining the spatial extent of a significant landscape. Viewshed mapping undertaken as part of my evidence demonstrates that – due to the topography of landscape in question – there is no opportunity for a direct line of sight from the coastline for a distance of 1.6km, as the land rises sharply – often as steep cliffs – from the sea, thereby limiting long range vistas in any inland direction. The presence of extensive coastal vegetation – which the viewshed mapping does not take into account – would further reduce any potential views across that distance towards the subject land from the coast.



92. In seeking to understand whether the regionally-significant landscape designation should encompass the subject land entirely, it is in my opinion useful to consider this question within the context of existing and proposed planning controls.
93. With respect to the subject land, the existing SLO4 does not extend across the entire property, but rather applies to the southern part of the subject land only, affecting approximately 40% of the total landholding. It is unclear to me why that is the case, as there does not appear – from my own observations – to be any obvious landscape feature informing or influencing the northern edge of SLO4 as it relates to the subject land or to the adjacent rural properties to the east and west.
94. The proposed changes to SLO4 – to the extent that they affect the subject land – comprise the following:
- Extend SLO4 to the north such that it affects virtually the entirety of the subject land, and
  - Revise the statement of nature and key elements of landscape, and the landscape character objectives, by replacing the current text with text quoted in paragraph 65-66 of this evidence statement.
95. With reference to the subject land, it is my opinion that the proposed extension of SLO4 is not necessary, on the basis that the subject land is located within the proposed protected settlement boundary, and one of the landscape character objectives of the proposed SLO4 is to retain clear edges to settlements and to protect the undeveloped, natural coastal and hinterland landscape between them. The protected settlement boundary should ensure the long-term provision of a clear northern edge to Cape Paterson, without the need for further control via an expanded SLO4 boundary.
96. On the basis of my own observations of the subject land, it is my opinion that it does not encompass any of the valued landscape attributes which the objectives of proposed SLO4 are seeking to protect. The land is not within or adjacent to the coastline, nor is it visible from the coastline. It is not located within any panoramic or coastline views from the Bunurong Coastal Drive. It is not visible from any recognised viewing locations, lookouts, coastal reserves or beaches.
97. Noting that the *Draft SPP* identifies the land as being located within the protected settlement boundary of Cape Paterson, it is my opinion that the future development of this land in a manner which is consistent with the preferred township character statement set out in the *Draft SPP* is readily achievable, and provides the opportunity to ‘soften’ the relatively abrupt existing northern edge of the township, which follows a cadastral boundary rather than any landscape feature. The recently-developed residential land at ‘The Cape’ development on the western side of Cape Paterson provides a useful example of the manner by which new residential development can occur in a manner which is more sympathetic and respectful of the landscape within which it sits than the more traditional rectilinear subdivision layout of the established Cape Paterson township. The manner in which that development has retained and improved existing natural drainage lines, and subsequently incorporated them into a generous public open space network which is embellished with

recreational pathways, playgrounds, picnic areas and other facilities, provides a benchmark which should apply to any future development of the subject land.

### 5.3 Summary of opinions

98. It is my opinion that there is no evidence-based rationale for the proposed extension of SLO4 across the subject land.
99. It is my opinion that the implementation of a protected settlement boundary for the Cape Paterson settlement – which includes the subject land and land to its west- is appropriate, on the basis that it provides the opportunity for future development of a form and character consistent with the preferred township character statement within the Draft SPP, including the provision of opportunity for a managed transition in scale, form and density between pastoral landscapes and urban settlements which does not detrimentally impact upon the valued landscape attributes of the landscape beyond the settlement edge.

## 6 Review of relevant submissions

100. I am aware that over 700 written public submissions have been prepared by individuals and organisations in response to the Draft Bass Coast SPP and proposed landscape planning controls. I have reviewed the submissions prepared by organisations which in my opinion are relevant to my evidence, in that they either raise general issues with regard to landscape character, value or significance, or they raise issues specifically relevant to the 4 landholdings considered in my evidence.

101. I have not reviewed submissions prepared by individuals.

102. The following table summarises issues raised in submissions from organisations which relate to landscape character, value or significance, either generally or with specific reference to the subject land:

Issue raised in submission	Response
<p>Key area of concern regarding the Settlement Policy Domain for Cape Paterson relates to the rationale for location of the township boundary to the north of Seaward Drive.</p> <p>Existing designation of the township boundary in the Bass Coast Planning Scheme does not constitute justification for this to remain without appropriate critical analysis.</p> <p>Proposed township boundary for Cape Paterson is considered to provide the potential for significant over development.</p> <p>The location of the township boundary is inconsistent with the objectives of the draft SPP to maintain and enhance the distinctive identity of Cape Paterson and its unique sense of place.</p> <p>Cape Paterson has a scarcity of open space assets outside the foreshore reserve and beach areas. In response to this, and the need to promote active transport opportunities, The Cape estate provides approximately 50% of it's site to open space comprised of parks, community gardens, walking paths, sports areas, wetlands and habitat areas. These open space facilities are privately owned and maintained by a Body Corporate comprising residents of The Cape. The estate has been developed with an open design and connecting pathways that invite visitation and usage by the residents of the broader Cape Paterson township and visitors to Cape Paterson.</p> <p>The Cape is concerned that the scale of potential development to the north of Seaward Drive will create a scenario where the open space and amenity of The Cape becomes the de facto open space for the entire township. This has the potential to create management and access issues which may prove to be problematic for the entire township of Cape Paterson, and visitors.</p> <p>(Submission 138)</p>	<p>These issues are discussed at paragraphs 95-99 of my evidence.</p>

Claire Scott Planning (2021) found that the development of Cape Paterson North could negatively impact the character and significance of the landscape setting and the picturesque hinterland that contributes to the sense of arrival to the settlement. It is therefore proposed that the Northern town boundary be reduced to Seaward Drive, as it was prior to Ministerial Amendment C119 in 2011. This should be a protected settlement boundary to provide long-term certainty about the extent of the settlement's future growth, to prevent further linear development along the coast and to protect the visible green break to Wonthaggi. Cape Paterson should remain a village, to reflect its role and function and relationship to Wonthaggi and Inverloch.

#### Proposals for the draft Bass Coast SPP

Proposal 1: That a protected settlement boundary be applied to Cape Paterson that reduces the existing settlement boundary set out in the Bass Coast Planning Scheme Clause 11.01-1L-12 to remove the area North of Seaward Drive.

Proposal 2: That Cape Paterson be identified as a village, consistent with Bass Coast Planning Scheme Clause 02.03-1 -- We believe these excerpts from Distinctive Areas & Landscapes Bass Coast Landscape Assessment Review Accessible Format Volume 1: Landscape Assessment For the DELWP were not adequately considered in the preparation of the draft SPP and need to be included in the final SPP with the relevant concerns addressed.

1. If Cape Paterson were developed beyond its current residential zoned (GRZ1 and CDZ1) limits, the significance of its landscape setting would be impacted.
2. Based on the landscape assessment, the townships with the most potential for expansion without impacting landscape character and significance are non-coastal settlements such as Wonthaggi, an already high growth regional centre.
3. The current northern edge of the township is clearly demarcated by Seaward Drive. The road acts as an unambiguous boundary between the built-up residential area of the Cape Paterson Residents and Ratepayers Association DAL draft SPP submission settlement, and the hinterland beyond. The farmland to the north is covered by the Significant Landscape Overlay, and also plays an important role in the green, open break between the regional town of Wonthaggi and the coastal settlement of Cape Paterson.
4. If Cape Paterson were to be developed to the north, the current landscape and township character of the small coastal hamlet, and the character and significance of its landscape setting would change and be potentially negatively impacted.

These issues are discussed at paragraphs 95-99 of my evidence.

<p>5. Development northwards would result in the loss of the small-scale nature of the coastal hamlet, tucked into the significant landscape.</p> <p>6. The northern boundary (at its intersection with Cape Paterson Road) is currently well defined and vegetated, and designates a clear point of arrival at the township.</p> <p>7. Development northwards would potentially impact on the picturesque and regionally significant coastal/rural hinterland, and its contribution to the journey along Cape Paterson Road.</p> <p>(Submission 361)</p>	
<p>Draft SPP and Settlement Background Paper have not properly contemplated the impact of anticipated growth needs across the Shire and whether the full extent of land north of Seaward Drive is required to help manage growth across the municipality.</p> <p>It has not considered the impact of the Claire Scott work that could potentially reduce the number of lots in Cape Paterson north and the impact this might have on land supply in the municipality and whether the reduction in lots will place unnecessary and unplanned strain on other settlements.</p> <p>Recommendation Within the Settlement Background Paper:</p> <ol style="list-style-type: none"> <li>1. Amend Proposal 3 to read, 'A protected settlement boundary be applied to Cape Paterson, the location which will be informed by further strategic planning work.</li> <li>2. Amend Action 1, to ensure DELWP are responsible for engaging a technical expert to undertake the proposed work.</li> <li>3. Include a new action that requires, comprehensive strategic work that will provide clear and consistent advice about the long term development of Cape Paterson with consideration to reducing the boundary."</li> </ol> <p>(Submission 593)</p>	<p>These issues are discussed at paragraphs 95-99 of my evidence.</p>

## 7 Review of Minister's Part A Submission and evidence

### 7.1 Scott expert witness statement

103. I have reviewed the Expert Witness Statement of Claire Scott, prepared for DELWP on behalf of the Minister for Planning (final version, dated 13/02/2023).

104. Noting that significant parts of Scott's expert witness statement comprise discussion around the content of the *Landscape Assessment Review*, the *Draft SPP* and the proposed planning controls, I am satisfied that my opinions as outlined in Sections 3 to 8 of this evidence statement already address my concerns with respect to the methodology applied and the conclusions drawn in that work. Given that, my review of Scott's expert witness statement does not seek to revisit that, but rather to identify and respond to issues and opinions not previously articulated.

105. My response to the Scott expert witness statement follows.

106. At paragraph 23 of the Scott evidence, a number of suggest revisions to wording within the draft proposed SLO schedules are outlined. I support these revisions on the basis that the current draft wording is in my opinion onerous, essentially prescribing mandatory prohibition of development. The revised wording is more appropriate within the context of an overlay control, where development can be considered appropriate so long as it is consistent with the objectives and permit requirements of the schedule.

107. At paragraph 25 of the Scott expert witness statement, there is an acknowledgement that in undertaking the *Landscape Assessment Review*, no opinion was sought or provided on protected settlement boundaries. On this basis, it is apparent to me that the proposed implementation of protected settlement boundaries has no landscape-related basis.

108. At paragraphs 27 and 29 of the Scott expert witness statement, the author states that:

*27. It is also important to note that a landscape assessment study such as the Landscape Assessment Review undertaken for the Bass Coast DALs program differs markedly from a 'visual impact assessment' in scale, objectives, outcomes and qualifications required to undertake them.*

*29. Visual impact assessments do not attempt to assess the features or qualities of a landscape for its aesthetic significance, but rather, are focussed on visibility and impact. The issue of visibility does not determine whether a landscape is significant in a landscape assessment study. It is important to understand how a landscape is viewed i.e., the pattern of viewing from key road corridors, public reserves and designated lookout points; and a landscape's visual sensitivity to change (related to its physical characteristics or landscape character); for future management. However, visibility any visual sensitivity do not equate to visual significance in a landscape assessment study.*

109. These statements are – in my opinion – fundamentally incorrect and likely to confuse rather than assist the Standing Advisory Committee. To suggest that “*visual impact assessments do not attempt to assess the features or qualities of a landscape for its aesthetic significance*” is simply untrue. The industry-accepted

correct terminology for the type of work Scott refers to is 'landscape and visual impact assessment'. The fundamental basis for the assessment of the 'impact' is not simply a matter of whether something is visible, but a matter of the effect its visibility has on the significant or valued attributes of the landscape in question. A landscape and visual impact assessment requires, firstly, the assessment of the landscape, and then, the assessment of the visual impact on the significant or valued attributes of that landscape. Within a best-practice context, supported by recognised reference texts such as those referred to in paragraph 28 of the Scott expert witness statement, a landscape and visual impact assessment does not "differ markedly" from a landscape assessment. Rather, the landscape assessment is the first stage of work and the visual impact assessment is the second stage of work, and is reliant upon the first stage in order to understand and assess the impacts.

110. At paragraph 45 of the Scott expert witness statement, the author states:

*45. It is my opinion that the landscape assessment methodology used to undertake the Bass Coast Landscape Assessment Review represents best practice for the determination of landscape character and significance, for the purposes of protecting and managing such landscapes within the Victorian planning context.*

111. For reasons already explained in Section 3 of my evidence, it is my opinion that whilst the methodology employed in the *Landscape Assessment Review* is consistent with best practice in the determination of landscape character, it is not consistent with best practice in the determination of landscape significance.

112. At paragraph 119 of the Scott expert witness statement, there is a reference to the wording within the *Draft SPP* that "*the entire declared area has landscape significance, consistent with its declaration under the Act*". I agree with Scott that this statement is confusing, and in colloquial terms I would argue it is an example of 'putting the cart before the horse'. It is my view that it is not the declaration of the area as a 'Distinctive Area and Landscape' which determines that it comprises significant landscapes, but rather the subsequent *Landscape Assessment Review* which determines that. The *Landscape Assessment Review* clearly identifies landscapes within Bass Coast which are considered significant at a local, regional or State level, but it does not assign that level of significance to all landscapes within Bass Coast.

113. At paragraph 200 of the Scott evidence statement, the proposed extension of SLO4 is explained as being intended to:

*Reflect more accurately the actual extent of the significant landscape unit, with consideration of topography, indigenous vegetation cover and pattern of viewing / coastal viewshed.*

*Topography and the existence of indigenous coastal vegetation justifies the location of the extended significance boundary inland of Harmer's Haven and Cape Paterson.*

114. It is my opinion that this is not demonstrated with evidence. Inland of Cape Paterson, there is no clear correlation between the revised overlay extent and either topography or indigenous vegetation cover. Neither is it reflective of any coastal viewshed, on the basis that the land immediately north of the Cape Paterson township, including the subject land, is simply not visible from the coast.

115. Paragraphs 250-252 of the Scott expert witness statement outline a similar argument to that provided in paragraphs 27-29 of the same witness statement; namely, that a 'landscape assessment' differs markedly from a 'visual impact assessment'. For the reasons explained in paragraph 187 of this evidence statement, I categorically disagree with this argument, on the basis that it reflects either a misunderstanding or a misrepresentation of the field of work which is typically referred to within our industry as 'landscape and visual impact assessment'.

116. At paragraph 251 of the Scott expert witness statement, the author states:

*Visual impact assessments do not attempt to assess the features or qualities of a landscape for its aesthetic significance, but rather, are focussed on visibility and impact.*

117. That statement is simply untrue, and contradicts industry best practice reference texts such as those referred to by Scott in the same paragraph.

118. At paragraph 252 of the Scott expert witness statement, the author states:

*The issue of visibility does not determine whether a landscape is significant in a landscape assessment study.*

119. This statement seems to contradict the methodology for the determination of landscape significance as described within the *Landscape Assessment Review*, which includes the following explanation of the importance of visual values (with my emphasis added):

*While consideration of all cultural landscape values is important, visual values are weighted most highly, and are the basis for determining the significance of landscapes in this study.*

*This is because the end-point of a landscape assessment study is the protection and management of a significant landscape – it is about the visual impact of development on a significant landscape, and what is appropriate to be seen based on the landscape's visual qualities. In short, the purpose of a landscape assessment study is to manage the visual impact of development on a visually significant landscape.*

*Also, in most landscape assessment studies including this one, primary research into historic, environmental, scientific, social or other values is not undertaken, therefore the designation of a landscape as significant on these bases alone should not be attempted. Rather, they are documented as evidence in support of a landscape's overall significance.*

*Primary fieldwork and the exercising of professional judgment are undertaken in relation to visual values only. It has been well-established in previous landscape assessments that for a landscape to be classified as significant, it must have aesthetic or visual value. (p.88)*

120. At paragraph 287 of the Scott expert witness statement, the author states:

*the Landscape Assessment Review Volume 1 (Part 3, Townships) also includes the advice (specifically sought) that if other strategic planning considerations resulted in the residential zoning of the land to the north of Seaward Drive, that "the principles of the SLO should be incorporated into any future residential zone schedule." 38 This advice (to remove the SLO from future residential land) is conditional upon the application of the NRZ to the land with appropriate schedule contents e.g., landscape character objectives, variations to Clauses 54 and 55 relating to site coverage, permeability and landscaping, etc. as outlined on p. 159 of Volume 1.*



121. My interpretation of this is that Scott is supportive of future residential development of the subject land, and is supportive of the removal of SLO4 from the subject land, on the condition that the land is re-zoned as NRZ – with appropriate schedule contents - rather than GRZ. I agree with this position, on the basis that it provides a suitable planning framework for the achievement of residential development outcome consistent with the preferred township character statement within the *Draft SPP*.

## 7.2 Moir expert witness statement

122. I have reviewed the Expert Witness Statement of David Moir, prepared for DELWP on behalf of the Minister for Planning (final version, dated 20/02/2023).

123. At paragraphs 1 and 2 of the Moir expert witness statement, the author states:

*1. It is my conclusion that, generally, the Landscape Assessment undertaken by Claire Scott is an appropriate assessment of the landscape typologies, landscape character and key values that contribute to defining the significance of the landscapes of the Bass Coast.*

*2. It is my opinion that the level of assessment is of sufficient detail to inform the development of landscape policy and controls included in the Draft Bass Coast Statement of Planning Policy.*

124. Notwithstanding this, the author goes on to identify numerous weaknesses within the *Landscape Assessment Review* and is generally quite critical of it.

125. At paragraphs 4-6 of the Moir expert witness statement, the author states:

*4. It is my opinion that where boundaries rely on topographical information for their alignment that the level of assessment is not of sufficient detail to provide accurate information for the purpose of defining boundaries, within which, the policies and controls of the Draft Bass Coast Statement of Planning Policy are to be applied.*

*5. It is my understanding that the current topographic mapping utilizes a data set based on 10m contour intervals. It is my opinion that this is not an appropriate level of detail to determine the potential impacts of development on significant visual landscapes. Working with this level of detailed base data also renders it very difficult to apply visual analysis tools (GIS mapping, Zone of Visual Influence etc) that would assist in accurately defining visual catchments and subsequently, the boundaries of the significant landscapes.*

*6. It is my opinion that this lack of detail and absence of detailed visual analysis when determining and justifying the SLO boundaries and the settlement boundaries (where the SLO is referred to as a justification for the PSB alignment) weakens the policy.*

126. I agree with these statements, and I question why the *Landscape Assessment Review* relies upon data which only provides contour information at 10-metre intervals, when more detailed information is readily available. The viewshed mapping included within my evidence is based on 5-metre or better contour information, sourced from the publicly-available *Digital Elevation Model (DEM) of Australia* dataset.

127. The Moir evidence statement identifies and describes a number of issues in respect of the methodology, data, assumptions and outcomes of the *Landscape Assessment Review*. I share the concerns raised by these issues, which include:

- Acknowledgements within the *Landscape Assessment Review* that “*further work is required to define finite and fully justifiable boundaries*”, with no evidence to demonstrate that any such ‘further work’ has been carried out in advance of setting those proposed boundaries;
- Reliance on the *South West Victoria Landscape Assessment Study* as a benchmark document, when it is not a reference document within the Victorian Planning Provisions;
- The subjective nature of some terminology used in relation to landscape character and significance;
- Lack of detail underpinning the determination of proposed boundaries for Significant Landscape Overlays;
- The suggestions within the *Landscape Assessment Review* that alignment of SLO boundaries is informed by landscape features, where no such features appear present, and
- Lack of any viewshed modelling to inform proposed SLO boundaries.

## 8 Review of evidence prepared on behalf of Bass Coast Shire Council

### 8.1 Haack expert witness statement

128. I have reviewed the Expert Witness Statement of Peter Haack, prepared for Bass Coast Shire Council (final version, dated 22/02/2023).

129. The expert opinions of Mr Haack are set out in Section 5 of his expert witness statement.

130. Of relevance to the subject land, the Haack evidence includes the following observations about land to the north of the existing Cape Paterson settlement in Section 5.5.5:

#### *5.5.5.1 Existing landscape character*

*The inland landscape to the north of the established settlement area has a highly modified agricultural character with limited areas of roadside or boundary planting. The topography is flat to slightly undulating with low remnant dune forms visible.*

#### *5.5.5.2 Views*

*Low to mid height vegetation along Seaward Drive provides partial screening of views from the existing developed area of the settlement to the landscape to the north.*

*Views into the existing and proposed settlement boundary are possible from Cape Paterson Road through breaks in roadside vegetation.*

#### *5.5.5.1 Scenic quality*

*The scenic quality is generally low due to lack of topographic variation and the lack of vegetation patterning. No views of water are possible from this landscape.*

131. With regard to the proposed extension of SLO4, the Haack evidence notes the following:

#### *5.5.5.2 Opinion of SLO and proposed settlement boundary location*

*It is my opinion that the boundary of the proposed SLO4 – Wonthaggi and Bunurong Coast inaccurately captures landscape values associated with the more pronounced remnant dunes in the existing and proposed settlement boundary. Vestiges of low dunes extend well to the north of the proposed SLO4, but in my opinion these are not significant features. The more pronounced dunes that may warrant protection are shown indicatively in Figure 55.*

*Apart from being a buffer to the coastal zone, I'm not convinced that proposed SLO4 is related to landscape character or features.*

132. Figure 55 from the Haack evidence is reproduced at Figure 18 in this evidence statement. It is my opinion, based on my own observations of the subject land and surrounds, that the land area highlighted in Haack's Figure 55 does not accurately define the actual location and extent of the remnant dune formation as it relates to the subject land. Photographs that I have taken on both the subject land and along Cape Paterson Road (Figures 4 and 8 in this evidence statement) demonstrate that the remnant dune formation, which is visually

discernible as a gentle rise in the pastoral landscape, is located in the eastern part of the subject land and close to Cape Paterson Road. It does not extend across the majority of the subject land as suggested in the Haack evidence.



Figure 18: Extract from Haack expert witness statement.

133. With regard to the proposed permanent settlement boundary, the Haack evidence includes the following opinion:

*Based on landscape character and scenic quality, it is my opinion that the settlement boundary could extend north of Seaward Drive, as demonstrated in Figure 56.*

134. Figure 56 from the Haack evidence is reproduced at Figure 19 in this evidence statement.

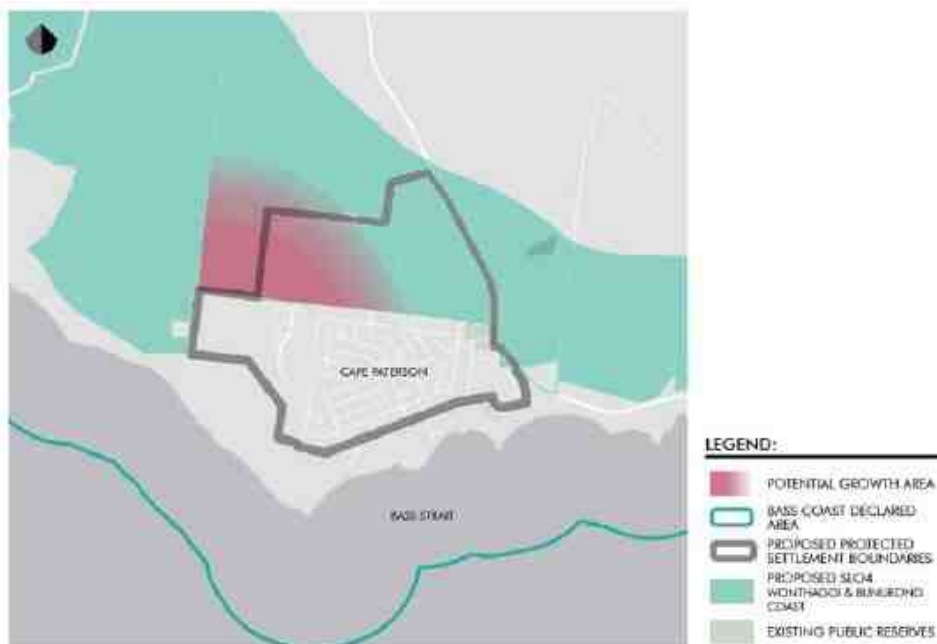


Figure 19: Extract from Haack expert witness statement.

135. It is my opinion that Haack's Figure 56 is confusing, as it appears to advocate for future growth of the Cape Paterson settlement beyond the proposed protected settlement boundary. The basis upon which the extent of the "potential growth area" shown in Haack's Figure 56 is not clear.

136. I do not agree with the 'suggestion' provided in Section 5.5.5.2 of the Haack evidence that the "more pronounced dunes" identified diagrammatically in his Figure 55 warrant protection, as it is my opinion that they form part of the landscape to the north of the existing settlement which he correctly describes as having a highly modified agricultural character. As noted in paragraph 79 of this evidence statement, I agree that there is visually-noticeable ridgeline running through the property approximately parallel with Cape Paterson Road, but it is only distinguishable by its slightly elevated form, and otherwise appears entirely consistent with the highly modified agricultural character.

137. I agree with the opinions set out in the Haack evidence as they relate to the subject land, namely:

- That the landscape has a highly modified agricultural character and
- That scenic quality is generally low due to lack of topographic variation and lack of vegetation patterning.

138. I agree with the opinion of Mr Haack in relation to SLO4 as set out in Section 6.2.4 of his evidence statement, which states that:

*both the existing and proposed SLOs are "generic" coastal buffer zones that do not reflect the relatively common landscape character of the rural landscape immediately adjacent to the north of the existing developed area of Cape Paterson.*

## 9 Declaration

139. I have made all the inquiries that I believe are desirable and appropriate and no matters of significance which I regard as relevant have to my knowledge been withheld from the Committee.



Stephen Schutt BPD (Hons) M L Arch Grad Dip Proj Mgt RLA

Director

**Hansen Partnership Pty Ltd.**

14<sup>th</sup> December 2023

## Appendix A

### Letter of instruction (dated 25<sup>th</sup> January 2023)





## 2 Your engagement

2.1 You are instructed to:

- (a) review this memorandum and background materials in your brief including the public submissions included at this link - <https://engage.vic.gov.au/project/distinctive-areas-and-landscapes-program/page/bass-coast>;
- (b) confer with instructing solicitors where necessary;
- (c) undertake a site inspection;
- (d) prepare an expert witness statement suitable for filing with the Standing Advisory Committee addressing landscape and visual impact matters relevant to your expertise;
- (e) attend the landscape and visual assessment conclave; and
- (f) attend the Standing Advisory Committee to present your evidence.

## 3 The Land

3.1 The Land sits on the northern side of Seaward Drive, Cape Paterson. The Land is currently zoned Farming Zone and is subject to a Significant Landscape Overlay (Schedule 4 – Kilcunda to Inverloch Coast) (SLO) and Environmental Significance Overlay (Schedule 1 – Coastal Wetland Areas) (**ESO**).

3.2 The location of the Land is shown coloured red in the plan below:



3.3 Part of the Land is identified in the Cape Paterson Strategic Framework Plan in clause 11.01-1L-12 of the Bass Coast Planning Scheme as land to be rezoned Residential 1 Zone in the short term, as



of the Planning & Environment Act 1987 (**Act**). The declaration:

- (a) Requires the preparation of a Statement of Planning Policy in partnership with local government and Traditional Owners.
- (b) Requires the development of a long-term vision and strategies to protect distinctive areas in consultation with local communities
- (c) Introduces the opportunity for protected settlement boundaries for townships – like Melbourne’s urban growth boundary.

5.2 A draft SPP was prepared and exhibited. The draft SPP was accompanied by proposed new planning controls including new SLOs.

5.3 The draft SPP proposes a protected settlement boundary around Cape Paterson shown in the plan below:



5.4 The Land is included within the proposed protected settlement boundary.

5.5 It is proposed that a new Significant Landscape Overlay – Schedule 4 – Wonthaggi and Bunurong

Coast be applied to part of the Land shown in the plan below:



- 5.6 Beveridge Williams, on behalf of our client, made a written submission to the draft SPP on 27 April 2022. The submission was supportive of the draft SPP on the basis that the protected settlement boundary is consistent with the Cape Paterson Strategic Framework Plan and that the draft SPP otherwise meets the requirements of Part 3AAB of the Act. The submission requested that the proposed SLO not be applied to the Land. We understand that it is now the client's position that it does not oppose the imposition of the SLO but seeks advice as to the appropriateness of the contents of the proposed control.
- 5.7 A number of submissions were received in response to the draft SPP. This included submissions from the local community who queried whether the Cape Paterson protected settlement boundary should be moved and, if so, to what extent.
- 5.8 Council raised concerns in relation to the draft SPP on the basis that it considered that the proposed settlement boundaries for all settlements in the draft SPP require further strategic work before they are supported by Council.
- 5.9 The Minister has now referred the draft SPP to the SAC. The hearing will commence on 6 March 2023 and run for approximately 4-6 weeks.

## 6 Enclosed documents

- 6.1 Enclosed is a link to background documents for your consideration.

## 7 Timing

- 7.1 Expert evidence is due to be filed by **17 February 2023**. We would therefore be grateful if you could provide us with your draft statement to review by **14 February 2023**.

## 8 Client details

- 8.1 As per your fee proposal, any accounts should be provided directly to our mutual client at the following address:

Wallis Watson Cape Paterson Pty Ltd atf Cape Paterson Unit Trust No.1  
Jim Watson  
[jim@walliswatson.com.au](mailto:jim@walliswatson.com.au)  
Address for billing: [susan@walliswatson.com.au](mailto:susan@walliswatson.com.au)

## 9 Confidentiality

- 9.1 This letter and enclosed documents and all future communications between us are confidential (**Confidential Information**), are subject to a claim for privilege and must not be disclosed without our consent or the consent of our client.
- 9.2 The duty of confidentiality will continue beyond the conclusion of your instructions.
- 9.3 If you are obliged by law to disclose Confidential Information, it is not a breach of this engagement if you first give written notice to us of that obligation and if you can do so without breach of any law.
- 9.4 Upon request, you must return all documents and other media, including copies, which contain Confidential Information to us. You must delete all electronically stored material immediately when requested to do so by us.
- 9.5 You must take all steps necessary to maintain Confidential Information and notes in strictest confidence.

## 10 Change of opinion

- 10.1 If, for some reason, you change your opinion after delivering your report, please notify us as soon as possible. If that change is material, a supplementary report will need to be prepared which explains the reasons for the change in your opinion.
- 10.2 Please do not hesitate to contact Jessica Kaczmarek on 0428 456 131 should you wish to discuss this matter further.

Yours sincerely



Jessica Kaczmarek  
**Principal**  
**S & K Planning Lawyers**

## Index to Brief

No	Document	Date
<b>1. Land Information</b>		
1.1.	Planning property report – 40 Seaward Drive, Cape Paterson	Undated
1.2.	Certificate of Title Vol 10403 Fol 839	Undated
1.3.	Plan of Subdivision 417548A	Undated
<b>2. Bass Coast Distinctive Areas Landscapes Program – Current documents</b>		
2.1.	Draft Bass Coast Statement of Planning Policy	March 2022
2.2.	Bass Coast Proposed Landscape Planning Controls	March 2022
2.3.	Bass Coast Landscape Assessment Report Vol 1	February 2022
2.4.	Bass Coast Landscape Assessment Report Vol 2	February 2022
2.5.	Bass Coast Draft Township Character Report	August 2021
2.6.	Bass Coast Residential Supply Assessment	January 2021
2.7.	Bass Coast Bushfire Landscape Assessment	19 February 2021
2.8.	Bass Coast Bushfire Analysis of Property SLOs	19 February 2021
2.9.	Bass Coast Environmental Opportunities and Constraints Assessment	3 March 2022
2.10.	Bass Coast Settlement Background Paper	September 2021
<b>3. Submissions</b>		
3.1.	Wallis Watson submission	27 April 2022
3.2.	Ethos Urban Peer Review	29 April 2022
3.3.	Council submission	May 2022
3.4.	Council delegates report	18 May 2022
<b>4. Background documents</b>		
4.1.	Bass Coast Declaration Map	undated
4.2.	Bass Coast Distinctive Areas and Landscapes Declaration Assessment	undated
4.3.	Bass Coast Landscape Assessment Stage 1	May 2019

4.4.	Bass Coast Phase 1 Engagement Report	22 October 2019
4.5.	Bass Coast Discussion Paper	March 2020
4.6.	Bass Coast Phase 2 Community Engagement Key Findings Report	9 June 2020
4.7.	Bass Coast Draft Vision Summary	undated
<b>5. Amendment C136bas (lapsed)</b>		
5.1.	Explanatory Report	
5.2.	Schedule 26 to clause 43.04 Development Plan Overlay	
5.3.	Schedule to clause 53.01 Public Open Space	
5.4.	Zoning map	
5.5.	DPO Map	
5.6.	ESO Map	
5.7.	SLO Map	
5.8.	Proposed Drainage Strategy	1 February 2016
5.9.	Bushfire Hazard Assessment dated	June 2018
5.10.	Cape Paterson North Design Guidelines	October 2017
5.11.	Community Infrastructure Needs Assessment	15 May 2015
5.12.	Cultural Heritage Preliminary Review	16 February 2019
5.13.	Ecological assessment for proposed drainage strategy	5 February 2016
5.14.	Biodiversity Assessment	June 2016
5.15.	Updated cultural heritage assessment	3 December 2019
5.16.	Indicative Development Plan	10 December 2019
5.17.	Native vegetation assessment	June 2018
5.18.	Planning Report	November 2019
5.19.	Preliminary contamination assessment	28 May 2018
5.20.	Residential Land Assessment	December 2019
5.21.	Retail Assessment	13 December 2019
5.22.	Traffic Engineering Assessment	30 June 2016

<b>6. New Amendment</b>		
6.1.	Letter to Council	4 November 2022
6.2.	Draft explanatory report	November 2022
6.3.	Draft DPO Schedule	November 2022
6.4.	Indicative Development Plan	November 2022
6.5.	Traffic Impact Assessment	27 October 2022
<b>7. DAL SAC</b>		
7.1.	Letter for SAC	11 November 2022
7.2.	Request to be heard form	7 December 2022
7.3.	SAC directions	19 December 2022
7.4.	DELWP summary of issues	21 December 2022
<b>8. Other documents</b>		
8.1.	DAL SAC Surf Coast report	25 June 2021
8.2.	DAL SAC Bellarine Peninsula report	8 July 2022



## Appendix B

### curriculum vitae for Stephen Schutt

A portrait of Steve Schutt, a man with short brown hair and a beard, wearing a blue blazer over a white shirt. He is smiling and looking towards the camera. The background is a blurred outdoor setting with greenery and a building.

# Steve Schutt

## Director

email [sschutt@hansenpartnership.com.au](mailto:sschutt@hansenpartnership.com.au) | phone +61 3 9664 9811 | mobile + 61 417 042 343

## Summary of Experience

Steve is a Registered Landscape Architect with extensive experience in Australia and internationally in the delivery of projects across the fields of public domain design, residential landscapes, educational institutions, recreational facilities, natural and rehabilitated landscapes, commercial developments and large-scale infrastructure projects. His skills and experience embrace the full spectrum of landscape architecture, from conceptual design to design development, documentation, contract administration, master planning, visual assessment, community consultation and the provision of expert evidence to planning tribunals.

As a director of **Hansen Partnership**, Steve is able to apply his skills and experience across a broad range of projects, from landscape master planning to urban design studies and the detailed implementation of landscape designs in both urban and non-urban environments. In this regard, Steve is able to operate effectively as a multi-disciplinary professional, offering skills in urban planning, urban design and landscape architecture.

## Current

Director  
**Hansen Partnership**  
July 2006 – present

## Experience

**Hansen Partnership**  
Associate (July 2002 - July 2006)

Context Landscape Design  
Associate (January 1997 – June 2002)

GBLA  
Landscape architect (June 1995 – November 1996)

Melbourne Parks & Waterways  
Landscape architect (June 1994 – November 1995)

## Qualifications

- Graduate Diploma in Project Management, RMIT University (2004)
- Master of Landscape Architecture, The University of Melbourne (1994)
- Bachelor of Planning & Design (hons), The University of Melbourne (1992)

## Affiliations

- Australian Institute of Landscape Architects (AILA) - RLA
- Victorian Planning & Environmental Law Association (VPELA) - Member

## Specialisations

- Public domain design
- Master planning
- Landscape design
- Strategic planning & design
- Visual assessment
- VCAT expert witness



## Key Project Experience

### Public Domain Design

- Hillview Reserve, Dromana, Mornington Peninsula Shire Council (2019)
- Fitzgerald Street, South Yarra, Stonnington City Council (2018)
- Whitehall Street Park, Footscray, Maribyrnong City Council (2017)
- Narambi Reserve, Mornington Shire Council (2017)
- Rose Street, Fitzroy, City of Yarra (2017)
- Ballarat Avenue of Honour, Ballarat City Council (2017)
- Croydon Town Centre Development, Maroondah City Council (2017)
- Rose Street, Fitzroy, City of Yarra (2017)
- Williams Reserve, East Richmond, City of Yarra (2016)
- Charles St & Mollison St, Abbotsford, City of Yarra (2016)
- Windsor Siding, City of Stonnington (2016)
- Upper Ferntree Gully Streetscape Design, Knox City Council (2015)
- Yarra Trail Gipps Street Ramp, Parks Victoria (2015)
- Alfred Street, Hastings, Mornington Peninsula Shire Council (2013)
- Vernon Street, South Kingsville, Hobsons Bay City Council (2013)
- Empire Mall, Mornington, Mornington Peninsula Shire Council (2013)
- Richmond Terrace Park, City of Yarra (2012)
- Sherbrook Park, Ringwood, Maroondah City Council (2012)
- Langtree Mall Redevelopment, Mildura, Mildura Rural City Council (2011)
- Port of Echuca Visitor Experience, Shire of Campaspe (2011)
- Devonport Foreshore Plaza, Devonport City Council (2011)
- Nunawading Village Urban Realm Vision, Whitehorse City Council (2009)
- Alfredia Street Improvements, St Albans, Brimbank City Council (2009)
- Lakes Reserve, Taylors Lakes, Brimbank City Council (2008)
- Montrose Linear Garden, Shire of Yarra Ranges (2007)
- Frankston CAD Urban Renewal, Frankston City Council (2004)
- Frankston Waterfront Entry, Frankston City Council (2004)
- Hastings Anzac Plaza, Mornington Peninsula Shire (2001)
- University of New South Wales Mall, UNSW (2001)
- St Mary's Cathedral, Sydney, Catholic Archdiocese (2000)
- Sydney Olympic Velodrome, Bankstown, Sydney Olympic Coordination Authority (1999)
- Wollongong Entertainment Centre Foreshore Plaza, Wollongong City Council (1998)
- Toukley Village Green, Wyong Shire Council (1997)

### Master Planning

- The Briars Master Plan, Mornington Peninsula Shire Council (2018)
- Chadstone Indoor Sports Stadium, City of Stonnington (2017)
- Bridge Road Streetscape Master Plan, City of Yarra (2016)
- Merricks Station Reserve Master Plan, Mornington Peninsula Council (2016)

- Korumburra Town Centre Streetscape Master Plan, South Gippsland Shire Council (2015)
- Queenscliff Caravan Parks Master Plan, Borough of Queenscliff (2015)
- Stonnington Public Realm Strategy, City of Stonnington (2015)
- South Yarra Railway Station Design Study, City of Stonnington (2015)
- Princes Gardens Framework Master Plan, City of Stonnington (2015)
- Portland to Cape Bridgewater Shared Pathway, Portland Pathways Group (2014)
- Windsor Siding Master Plan, City of Stonnington (2014)
- Mount Alexander Master Plan, Mount Alexander College (2014)
- Alfred Street Landscape Master Plan, Hastings, Mornington Peninsula Shire Council (2013)
- Mount Baw Baw Development Concept Plan, Mount Baw Baw Management Board (2013)
- 'Re-Discover' Chapel Street Public Domain Master Plan, City of Stonnington (2013)
- Yarra Junction Community Precinct Master Plan, Yarra Ranges Shire Council (2012)
- Bridport Central Foreshore Precinct Plan, Dorset Council (2012)
- Traralgon Railway Station Precinct Master Plan, Latrobe City Council (2011)
- Warragul Town Centre Master Plan, Baw Baw Shire (2011)
- Gaskin Park Master Plan, Churchill, Latrobe City Council (2010)
- Eastern Park and Geelong Botanic Gardens Strategic Plan, City of Greater Geelong (2008)
- Ted Summerton Reserve Master Plan, Moe, Latrobe City Council (2008)
- Cathedral Range Golf Resort Master Plan, Golf Club Properties (2004)
- Sandridge Beach Foreshore Reserve Master Plan, City of Port Phillip (2002)

### Landscape Design

- 117 Darling Road, Malvern East, private client (2019)
- 11 Crest Street, Greensborough, private client (2019)
- 13-15 New Street, Brighton, JTX Construction and Development (2018)
- 6-34 High Street, Preston, private client (2017)
- 52 Andersons Creek Road, Doncaster East, Wonder Property Devt (2017)
- 348 Porter Street, Templestowe, private client (2017)
- 6,7,8 Yolande Court, Tempelstowe, private client (2017)
- 230-232 Wattletree Road, Malvern, private client (2017)
- 6 Cross St, Footscray, private client (2017)
- Arthur St & Pryor St Etham, Eltham Outlook Unit Trust (2017)
- Swan Hill South West Development Precinct, private client (2016)
- 1-3 Station St, Riddells Creek, private client (2015)
- Stewart St, Richmond, City of Yarra (2015)
- Mount Hotham Precincts Concept Design, Mount Hotham Resort Board (2015)

- Melbourne Metro Rail Project, City of Stonnington (2015)
- Chapel Street Mid-Block Upgrade, City of Stonnington (2015)
- Martha Cove Harbour, Mornington, private client (2015)
- Coles, Lara, Coles Property Group (2013)
- Coles, Hallam, Coles Property Group (2013)
- Scenic Estate Master Plan, Bass Coast Shire Council (2013)
- Zumsteins and MacKenzie Falls Precinct Plan, Grampians National Park, Parks Victoria (2012)
- Devonport Maritime Museum, Devonport City Council (2011)
- Riverside Park Concept Plan, Mildura, Mildura Rural City Council (2011)
- Morningside Estate, Gisborne, Dennis Family Corporation (2010)
- Whitehorse Civic Centre Forecourt, Whitehorse City Council (2008)
- Mildura Council Offices Forecourt, Mildura Rural City Council (2011)

## Strategic Planning and Design

- Nepean Highway Landscape Treatments, Kingston City Council (2018)
- Boroondara Dog Park Assessment, City of Boroondara (2018)
- Paisley Precinct Public Realm Plan, Maribyrnong City Council (2017)
- Echuca West Public Space Plan, Shire of Campaspe (2017)
- Ballarat Avenue of Honour Urban Design Plan, Ballarat City Council (2017)
- Wyndham RDF Landscape Plans, City of Wyndham (2014)
- Hastings Laneways Strategy, Mornington Peninsula Shire Council (2014)
- Phillip Island Integrated Transport Study, Bass Coast Shire Council (2013)
- Werribee River Shared Trail Strategy, Melton Shire Council (2012)
- New Gisborne Development Plan, Macedon Ranges Shire (2011)
- Ballarat Avenue of Honour Urban Design Guidelines, Ballarat City Council (2010)
- Warragul Town Centre Urban Design Framework and Railway Station Master Plan, Baw Baw Shire Council (2009)
- Mersey Bluff Precinct Urban Design Framework, Devonport City Council (2008)
- Spring Creek Growth Framework Plan, Torquay, Surf Coast Shire (2009)
- Jackass Flat New Development Area Structure Plan, City of Greater Bendigo (2005)
- San Remo, Newhaven and Cape Woolamai Structure Plan, Bass Coast Shire (2005)
- Geelong Western Wedge Urban Design Framework, City of Greater Geelong (2002)
- Point Lonsdale Village Urban Design Framework, Borough of Queenscliff (2002)

## Landscape and Visual Impact Assessment

- North East Link Project, Maddocks Lawyers (2019)
- North East Link Project, Manningham Council (2019)
- Waterways of the West, Department of Environment, Land, Water and Planning (2019)
- Barwon and Moorabool, Department of Environment, Land, Water and Planning (2019)
- Bunyip North Quarry, private client (2019)
- Ballarat Gold Mine, AECOM (2019)
- 1244 Western Freeway, Truganina, private client (2019)
- 20 Settlement Road, Wesburn, NBN Co Ltd (2019)
- Crib Point AGL Gas Project, Mornington Peninsula Shire Council (2018)
- 22A Tone Road, Wangaratta, private client (2018)
- Oakland Junction Quarry, AECOM Australia Pty Ltd (2018)
- 253-273 Normanby Road, South Melbourne, private client (2017)
- Westgate Tunnel Project, Melbourne City Council (2017)

- 79 Old Coach Road, Princetown, private client (2017)
- 37 Swanston Steet, Melbourne, private client (2017)
- Westgate Tunnel Project, Melbourne City Council (2017)
- 130 Bells Rd, Bells Beach, private client (2016)
- 5 Broadbeach Rd, Jan Juc, private client (2016)
- Melbourne Metro Rail Project, City of Stonnington (2015)
- Central Victorian Livestock Exchange, private client (2015)
- Baringhup West Visual Assessment, private client (2015)
- Arthurs Seat Skylift, Arthurs Seat Skylift Pty Ltd (2014)
- 86 Paradise Drive, St Andrews Beach, private client (2014)
- Torquay Eco-Park, Torquay, BCR Asset Management (2013)
- Casey Foothills Landscape Assessment, City of Casey (2012)
- Pakenham East Landscape Assessment, Cardinia Shire Council (2012)
- Western Water Storage Facility, Mount Cottrell, Western Water (2012)
- Visual Assessment of Ridgelines in Banyule, Banyule City Council (2011)
- Vodafone Telco Facility Visual Impact Assessment, Warrandyte, Vodafone (2011)
- Bells Boulevard Landscape Assessment, Jan Juc (2009)
- Victorian Desalination Plant EES Enquiry Visual Impact Assessment, Cardinia Shire Council, (2008)
- Stockyard Hill Wind Energy Facility, Beaufort (2008)
- Martha Cove, Safety Beach (2007)
- Devon North Wind Energy Facility, Yarram (2007)
- Oaklands Hill Wind Energy Facility, Glenthompson (2007)

## International

- Bat Trang Village Tourism Competition, Hanoi Peoples Committee (2016)
- Surabaya Urban Corridor Development Program, The World Bank (2014)
- Con Dao Precinct Master Plan, BR-VT Province Peoples Committee, Vietnam (2014)
- Xining ToD PoD Workshop, The World Bank (2012)
- Haiphong Transit Oriented Design Study, Haiphong People's Committee, Vietnam (2012)
- Soc Trang Technology Park Master Plan, Vietnam, Viet Investment Projects Corporation (2008)
- Saigon Golf and Country Club Master Plan, Norfolk Group Vietnam (2005)
- Dalat Walking Centre Urban Design Framework, Dalat People's Committee, Vietnam (2004)



**PETER HAACK**  
CONSULTING

Appendix B – Review of 40 Seaward Drive, Cape Paterson,  
Statement of landscape and visual amenity evidence.

# Review of 40 Seaward Drive, Cape Paterson, Statement of landscape and visual amenity evidence

## Document details

40 Seaward Drive, Cape Paterson, Statement of landscape and visual amenity evidence prepared by: Stephen Schutt of Hansen Partnership Pty Ltd, December 2023 for the Draft Bass Coast Statement of Planning Policy - Standing Advisory Committee

## Introduction

A statement of evidence assessing the landscape and visual amenity values of the property was prepared by Mr Steve Schutt. This document has been reviewed as part of the process of determining a proposed PSB for Cape Paterson.

## Property location

The property at 40 Seaward Drive is located to the east of the Study Area, incorporating a large proportion of the area of dunes (refer to **Figure A1**).



Figure A1 – Location of 40 Cape Paterson Road (Source: Google Earth).

## Review and commentary

### Description of the landscape

In *Description of the subject land*, paragraph 79 of his Statement of Evidence, Mr Schutt, states:

*The subject land is located on the northern side of Seaward Drive in Cape Paterson and comprises a total area of approximately 97 hectares. The subject land is located on the northern interface of the Cape Paterson settlement. The site is irregularly shaped, clear of buildings and contains some fragmented patches of vegetation located centrally within the site. The land is bounded by residential land to the south, on the opposite side of Seaward Drive. The land is undulating, with a gentle – although **visually-noticeable** – **ridgeline** running through the property approximately parallel with Cape Paterson Road. The land is currently used for agriculture.*

### Comment

Of particular relevance here is the final sentence recognising that the ridgeline of the dunes is noticeable. Supporting this statement of Mr Schutt's is Figure 8 of his Statement of Evidence with the caption recognising that the ridgeline provides a backdrop to the viewshed from the road (refer to **Figure 2A**).

The dunes, or ridgeline as described by Mr Schutt, would block views to any future settlement expansion to their west/southwest.

Development in the area between the road and the dunes would also obscure views to this interesting landscape feature to varying degrees, depending on density.



Figure 8: View west over subject land from Cape Paterson Road, with elevated ridgeline providing backdrop to viewshed.

Figure A2 – Figure 8 of the Statement of Evidence showing the elevated ridgeline (Source: Statement of Evidence).

### Landform analysis

According to an annotation of the *Elevation and hydrology map*, the digital terrain data that was used to analyse topographic form across the site was 10m (refer to **Figure A3**).

In paragraph 126 of the Statement of Evidence, Mr Schutt states:

*126. I agree with these statements, and I question why the Landscape Assessment Review relies upon data which only provides contour information an (sic) 10-metre intervals, when more detailed information is readily available.*

*The viewshed mapping included within my evidence is based on 5-metre or better contour information, sourced from the publicly-available Digital Elevation Model (DEM) of Australia dataset.*

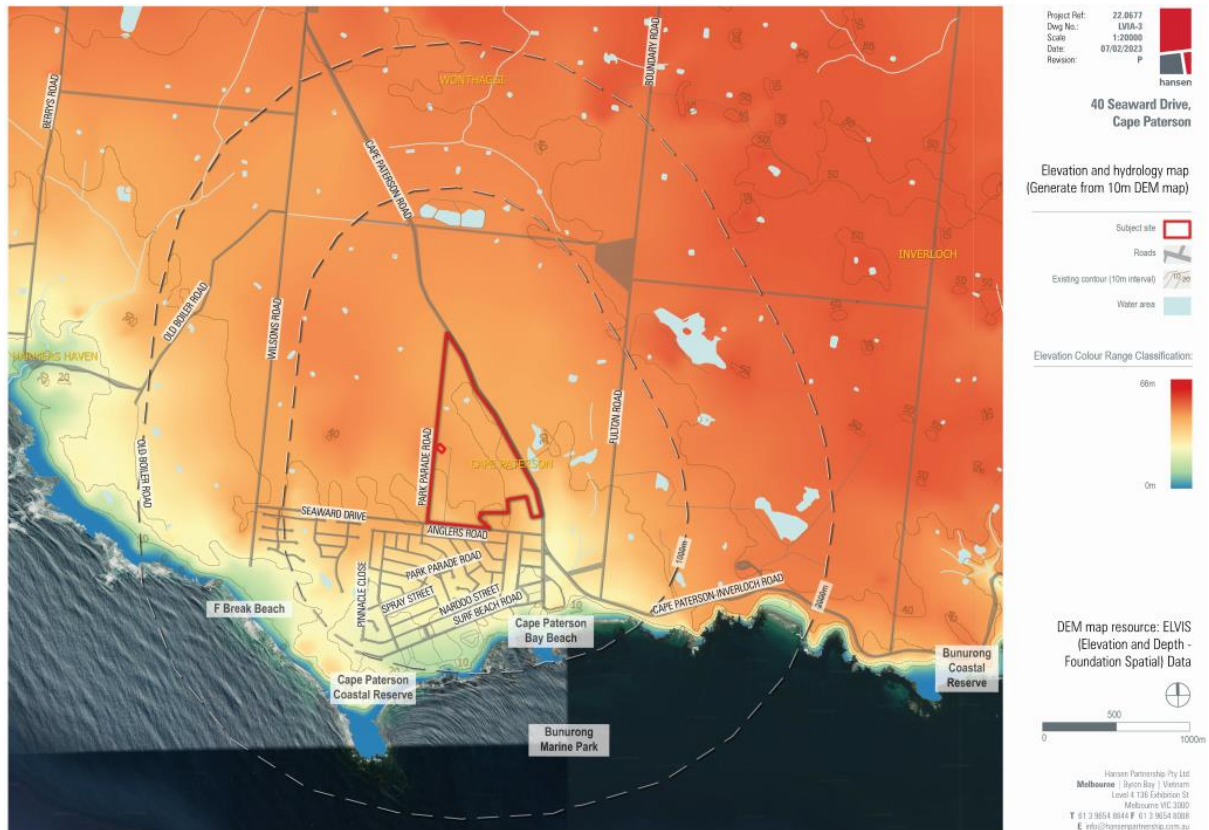


Figure A3 – Elevation and hydrology map (Source: Statement of Evidence).

*Comment*

Mr Schutt has used 10m data for the elevation map which, as he implies himself, is inadequate when more detailed data is available. Although it is noted that he states that 5m data was available for the preparation of the viewshed mapping.

As evidenced by the topographic mapping for the Further Landscape Assessment Report (Assessment Report) which utilised 1m data, the mapping in Mr Schutt’s Statement of Evidence does not adequately capture the variations in topography of the dunes (refer to **Figure A4**).

It is also noted that only an elevation model was prepared, with no slope analysis undertaken to further define the distinctive form of the dunes (refer to **Figure A5**). The slope analysis identifies the steep and distinctive dune faces visible from Cape Paterson Road.



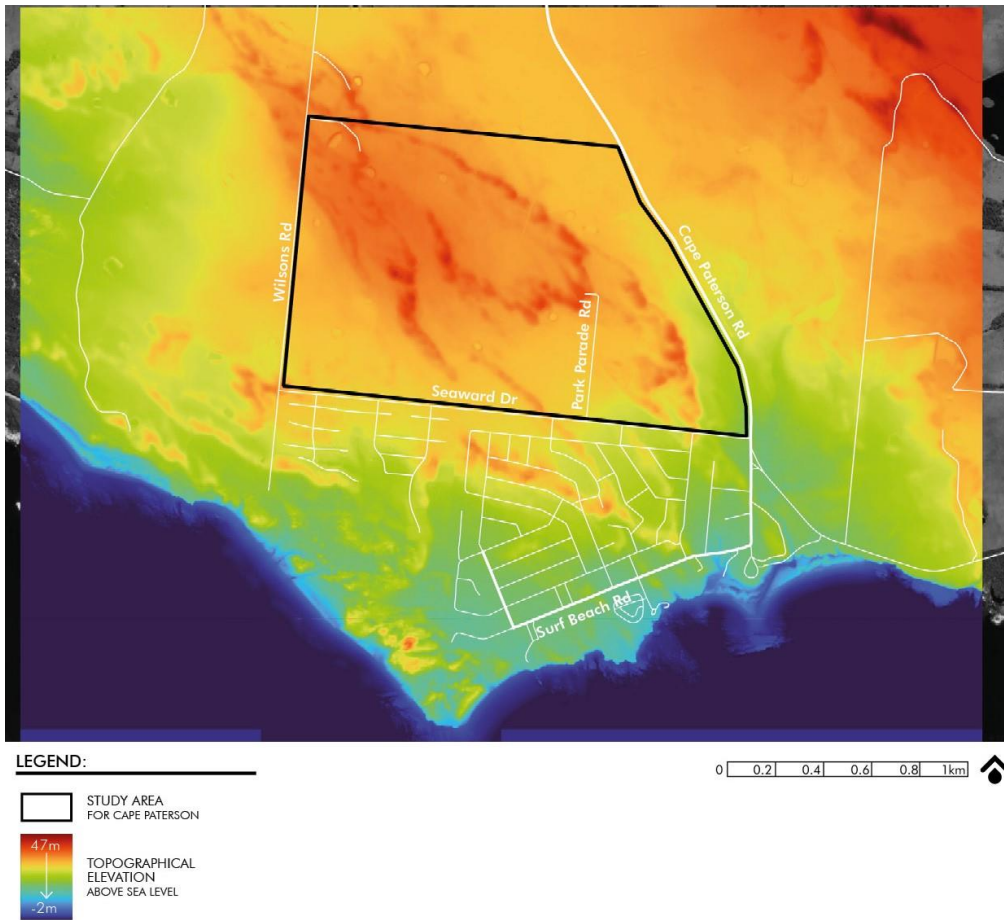


Figure A4 – Elevation model in Assessment Report.

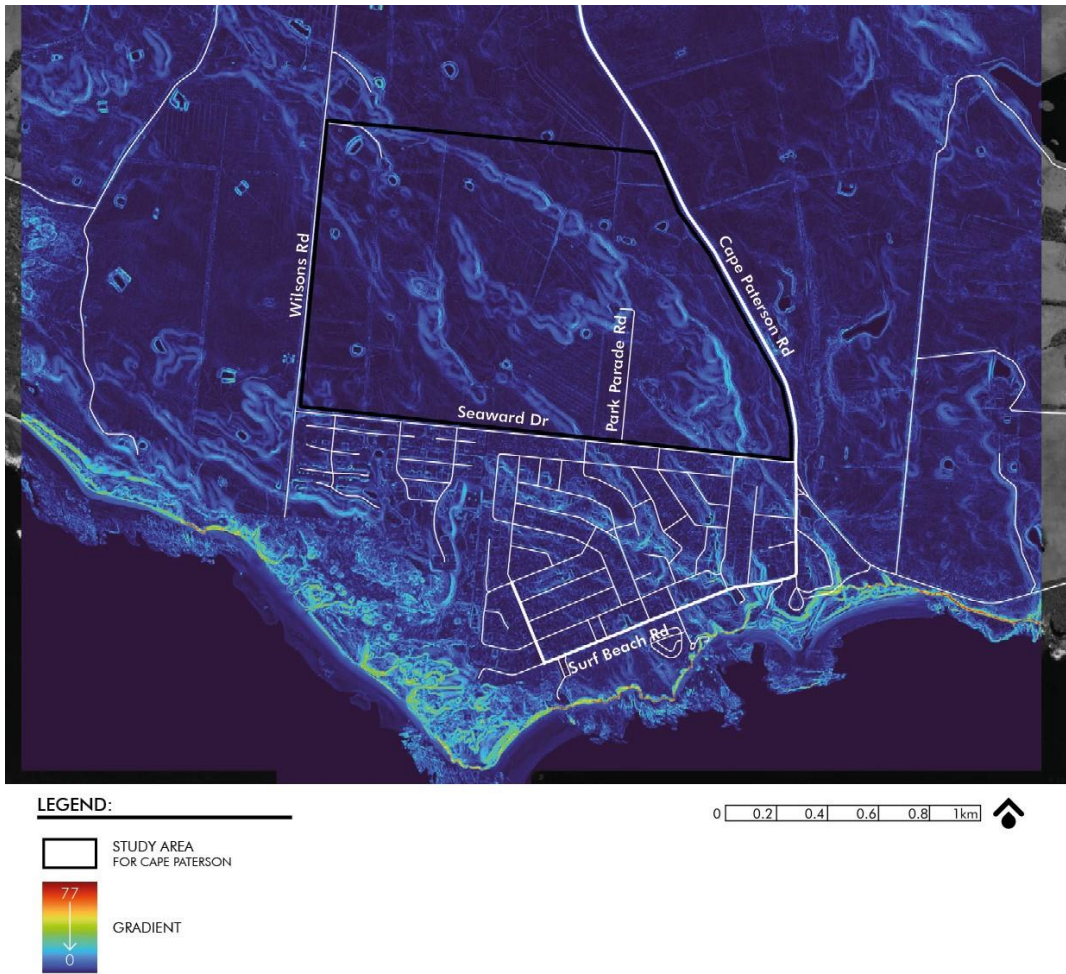


Figure A5- Slope analysis in Assessment Report

### Viewshed analysis

Mr Shutt’s Expert Evidence includes viewshed analysis maps for views from Cape Paterson Road and Seaward Drive (refer to **Figure A6** and **Figure A7**).

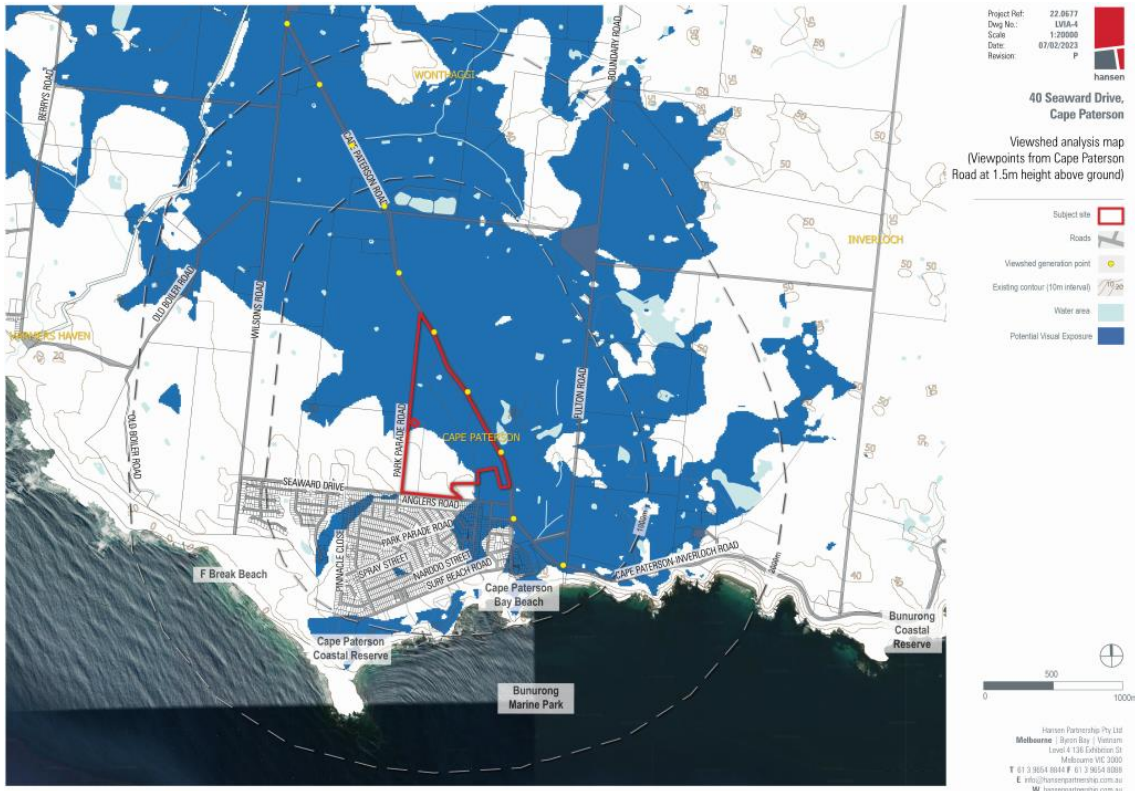


Figure A6 – Viewshed analysis map – Cape Paterson Road (Source: Statement of Evidence).



Figure A7 – Viewshed analysis map – Seaward Drive (Source: Statement of Evidence).

*Comment*

The viewshed analyses from Cape Paterson Road and Seaward Drive both clearly show how the line of dunes that run diagonally through the property at 40 Cape Paterson Road, provide visual separation of views from the central part of the proposed PSB and Cape Paterson Road.

### Landscape Character and significance

In paragraph 95 of his Expert Evidence, Mr Schutt states:

*With reference to the subject land, it is my opinion that the proposed extension of SLO4 is not necessary, on the basis that the subject land is located within the proposed protected settlement boundary, and one of the landscape character objectives of the proposed SLO4 is to retain clear edges to settlements and to protect the undeveloped, natural coastal and hinterland landscape between them. The protected settlement boundary should ensure the long-term provision of a clear northern edge to Cape Paterson, without the need for further control via an expanded SLO4 boundary.*

In paragraph 96 of his Expert Evidence, Mr Schutt states:

*On the basis of my own observations of the subject land, it is my opinion that it does not encompass any of the valued landscape attributes which the objectives of proposed SLO4 are seeking to protect. The land is not within or adjacent to the coastline, nor is it visible from the coastline. It is not located within any panoramic or coastline views from the Bunurong Coastal Drive. It is not visible from any recognised viewing locations, lookouts, coastal reserves or beaches.*

In paragraph 97 of his Expert Evidence, Mr Schutt states:

*Noting that the Draft SPP identifies the land as being located within the protected settlement boundary of Cape Paterson, it is my opinion that the future development of this land in a manner which is consistent with the preferred township character statement set out in the Draft SPP is readily achievable, and provides the opportunity to 'soften' the relatively abrupt existing northern edge of the township, which follows a cadastral boundary rather than any landscape feature. The recently-developed residential land at 'The Cape' development on the western side of Cape Paterson provides a useful example of the manner by which new residential development can occur in a manner which is more sympathetic and respectful of the landscape within which it sits than the more traditional rectilinear subdivision layout of the established Cape Paterson township. The manner in which that development has retained and improved existing natural drainage lines, and subsequently incorporated them into a generous public open space network which is embellished with recreational pathways, playgrounds, picnic areas and other facilities, provides a benchmark which should apply to any future development of the subject land.*

*Comment*

There is nothing within the proposed SLO4 that precludes sensitively designed development occurring within the proposed PSB, of a similar character to that occurring at the Cape Development.

With regards to development occurring on the dunes, particularly on their eastern and northeastern slopes, and the area between the dunes and Cape Paterson Road, the detailed analysis undertaken during the Assessment Report demonstrates a distinctive dune landform that is part of the extensive

dune form noted as being of significance in the San Remo to Inverloch Coast and Coastal Hinterland landscape type.

Of note in the Landscape Character Objectives for proposed SLO4 are the following objectives not referenced by Mr Schutt:

- *To maintain locations of highly scenic and natural vistas along roads and at formal lookout points.*
- *To retain the dominance of the undulating, uncluttered pastoral landscape throughout the hinterland by ensuring that buildings and structures outside settlements sit within, rather than dominate the landscape.*

The Assessment Report finds that *“Cape Paterson Road, a “C category” road, is the main road connecting to Cape Paterson and is an alternative coastal route to Inverloch from Wonthaggi. It is defined as being of moderate to high visual sensitivity due to its primarily tourism use.”*

On this basis, views from Cape Paterson Road of the distinctive dune landscape should be considered for protection.

With regard to paragraph 97, Mr Schutt refers to *“the opportunity to ‘soften’ the relatively abrupt existing northern edge of the township, which follows a cadastral boundary rather than any landscape feature”.*

This is consistent with the following Landscape Character Objective of SLO4:

- *To create a clearly defined edge softened by vegetation at the interface between settlements and rural/natural areas.*

As demonstrated by the viewshed analysis in his Expert Evidence for views from Cape Paterson Road, the topography of the dunes will provide a highly effective visual break between a proposed settlement expansion and surrounding rural areas, as well as views from Cape Paterson Road.

It is notable that the report does not describe the existing character of Cape Paterson settlement, or the arrival experience, whereby any development is concealed from the view of the road user arriving from Wonthaggi or Inverloch, until the last moment.

Apart from landscape significance, the Assessment Report also considers the maintenance of this arrival experience to be a significant factor in defining the future extent of settlement boundaries for Cape Paterson.

## Summary

The key difference between the Assessment Report and Mr Schutt’s evidence relates to the significance placed on the landscape values of the dunes landscape and the need for the protection of the existing undeveloped arrival experience to Cape Paterson township from both Wonthaggi and Inverloch.

The Assessment Report concluded that the dune form, particularly where remnant vegetation exists, is of regional landscape significance due to its relative rarity. Mr Schutt did not reach this conclusion.

The Assessment Report also found that the arrival experience to Cape Paterson was unusual, and resulted in a distinctive character, in that no residential development is visible from approaching tourist routes until the very edge of the township appears between dense surrounding vegetation. The line of dunes provides concealment of the settlement on the approach from Wonthaggi.

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