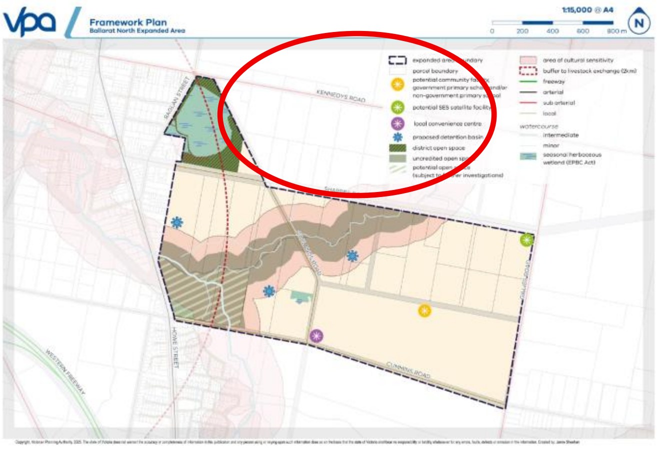
**BALLARAT NORTH PRECEINCT STRUCTURE PLAN SEPTEMBER 2025**

**SUBMISSION**

This Submission relates to land not currently included in the core or expanded areas of the Ballarat North Precinct Structure Plan September 2025 (BNPSP); but rather land to the north of this area known as the Dowling Forest Equine Precinct (Equine Precinct).





The reason we are seeking its inclusion in the BNPSP is two-fold:

1. The change in the land use definition of Animal training on 24 January 2020 (VC160) which the City of Ballarat (Council) have not conveyed to landowners undermines the purpose, intent and operation of the Equine Precinct land, particularly the portion zoned Special Use Zone 13 (SUZ13); and
2. Council's communication to me on 23 June 2025 conveying that the SUZ13 portion of the Equine Precinct has potential rural residential uses.

If the Victorian Planning Authority (VPA) do not consider it appropriate to include the Equine Precinct land in the BNPSP; considering

- the impact the 24 January 2020 change in land use definition for Animal training has had on the purpose and intent of the area, particularly the SUZ13 component;
- Council's lack of transparency regarding the land use definition change;
- the unfilled commitments made by Council on 7 July 2021 which formed the basis of an agreement by me as the contact person for the SUZ13 Action Group and other stakeholders for Council to abandon Amendment C220ball and commence a fresh Planning Scheme Amendment which led to the abandonment of the Planning Panel Hearing initially scheduled for 21 June 2021 and adjourned at the request of Council to mid to late September 2021; and
- the advice contained in Council's June 2025 communication confirming the Equine Precinct is so tainted Consultants are no longer willing to become involved and Council has little appetite and potentially no budget to progress zone changes in the foreseeable future;

we seek an **urgent review by the VPA of the unfair and unreasonable land zones in the Equine Precinct, particularly the SUZ13 which has and will continue to cause immense stress and financial hardship for the affected landowners and zero overall community benefit.**

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**SUMMARY**

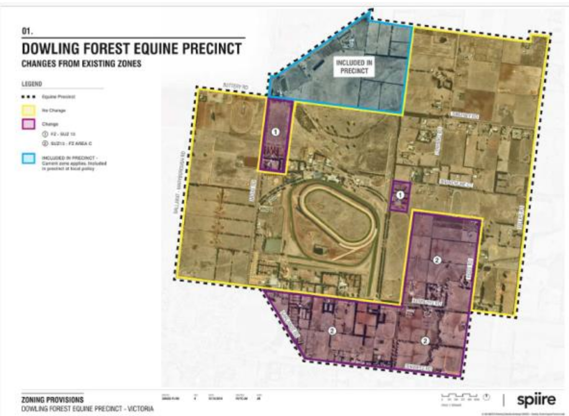
- The Dowling Forest Precinct Master Plan was prepared by Coffey Commercial Advisory Pty Ltd in February 2011 (the Masterplan).
- The Masterplan acknowledged the difficulty within the planning system of ensuring a property is retained for horse training related use beyond the initial permit and development (i.e. when a change of ownership occurs) - thus highlighting a problem with 'control' as being a primary focus of a planning tool. The report also acknowledged that *"... control may be too restrictive in that it significantly reduces the market to which owners can sell their property. This in turn may open Council to compensation claims from disaffected owners" and that "a better solution for Council maybe to introduce some other form of incentive such as discounting property rates and charges for businesses seeking to relocate ... "* (page 54).
- The Masterplan did not acknowledge or address the impact of existing use rights on 'control' which would appear remiss with 23 of the 32 allotments at the time SUZ13 was introduced having pre-existing houses and uses, 17 of which were not associated with thoroughbred racehorses; thereby negating the ability/requirement for **all** SUZ13 allotments to be associated with thoroughbred racehorse training.
- The Panel Report of 26 June 2012 addressed the issues/objections relating to Amendments 148 (Schedules A & B to the Farming Zone (FZ)) and 149 (SUZ13) and noted that *"...in the very long term this precinct could grow beyond what is proposed in the SUZ13, but there is little strategic basis to place such restrictive use on that land now and withhold it from other types of development. Land may still be used for training within the FZ subject to any approvals required. The challenge is to find a set of controls which does not mean that the land is necessarily removed from thoroughbred racing related uses in the very long term."* (page 51), and "*Arguments over the perceived advantaging of one sector of the community to the detriment of others must be considered in the context of whether in so doing, the wider good of the community as a whole is being achieved. Similarly, while the Panel is very conscious of and sensitive to the effect of changed land use controls on the aspiration of the affected landowners, it reiterates that the test of fairness must consider the overall community benefit against the perceived individual impact – the Panel emphasises "perceived" because it is not unknown for such assertions of impact not to be borne out in practice."* (page 59).
- On 9 August 2012 the Victorian Planning Provisions (VPP) Land use term Animal training was defined as 'Land used to train animals'; includes Horse riding school and Racing dog training and is a sub-set of Animal husbandry, which in turn is a sub-set of Agriculture, and the Land use term Horse stables was a sub-set of Animal husbandry without a definition.
- Based on the Masterplan and Panel Report, amidst strong opposition from landowners SUZ13 was introduced on 6 December 2012 to encourage the use and development of thoroughbred racehorse training facilities in association with the Dowling Forest Racecourse.
- SUZ13 Section 1 requires Animal training and Horse stables to be conducted by a person registered under the Australian Rules of Racing; and Section 2 requires a Dwelling; Group accommodation or Host farm to be 'in conjunction with ' Horse stables or Animal training facilities conducted on the lot and must meet the requirements of Clause 3.0 which states that a permit may only be granted to use the land for the purposes of a dwelling, caretakers house, dependent persons unit, group accommodation, host farm or residential hotel if: the dwelling is in conjunction with horse stables and the business of horse training as described in the ILMP; the occupier of the land is a licensed horse trainer or is an employee of a licensed horse trainer (for the avoidance of doubt, a dwelling

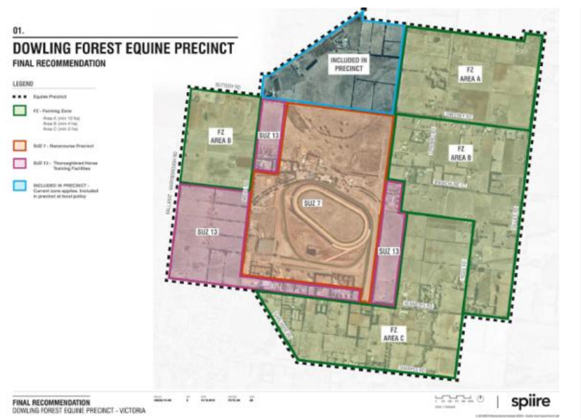
may only be occupied by a licensed horse trainer or employee of a licensed horse trainer within the meaning of the Australian Rules of Racing, together with their domestic partner and nay dependents); the horse stables or animal training facilities are established on the lot … .

- After agitation from SUZ13 landowners to replace SUZ13 with a less restrictive zoning, on 25 July 2016 a communication from Racing Victoria (RV) to Council, cc Lachlan McKenzie, CEO Ballarat Turf Club (BTC) shut down any consideration by Council to change the SUZ13 when RV confirmed it '… *was a major supporter of the introduction of SUZ13 in 2009 in the interest of securing the long term sustainability of Dowling Forest Racecourse as one of Victoria's premier racecourses and training centres … the number of horses trained at Ballarat has increased dramatically in recent years … almost a 60% increase in the number of starters generated from Ballarat … growth has been driven by the expansion of Australia's leading Trainer Darren Weir and many new trainers moving to Ballarat including Archie Alexander, Matt Cumani, Julie Scott, Pan Cannon and Henry Dwyer, clearly SUZ13 has been a vital factor in the Dowling Forest Racecourse's continuing success and the overall growth of Ballarat's training footprint'*.

  Note: Only 2 of the trainers listed in the communication were located on SUZ13 land (Weir and Alexander); Weir's expansion was on Dowling Forest Racecourse (Racecourse) land directly adjacent to his property; Alexander's training establishment also utilises directly adjacent Racecourse land; and from 2012 (the introduction of SUZ13, not 2009 s advised in the RV communication) to July 2016 there was no development of other SUZ13 land for racehorse training; in fact, the racehorse training footprint on SUZ13 land reduced with the retirement of at least one trainer who could not sell the property due to the restrictive SUZ13.

- Following ongoing pressure from the community to review SUZ13, Council engaged Spiire Consultants (Spiire), and after extensive community consultation, including Ballarat Turf Club's then outgoing CEO [redacted] and incoming CEO [redacted] who both confirmed at community meetings they did not object to the proposed changes, the Spiire Dowling Forest Precinct Planning Controls Review, Final Report and Recommendations (Sept 2019) was presented to and adopted by a Council Planning Special Committee Meeting on 16 October 2019 where it resolved to seek authorisation from the Minister for Planning to prepare Planning Scheme Amendment C220ball to implement the recommend changes contained in the Spiire Sept 2019 report as detailed on the below maps:




- Subject to a final review by Spiire on 6 October 2019, the Sept 2019 'final draft' became the Dowling Forest Precinct Planning Controls Review, FINAL REPORT, October 2019 (Spiire 2019 Report) and placed on the Council's website as part of the Dowling Forest Precinct Review document library.

- On 24 January 2020 the definition of Animal training changed to ‘Land used to train animals, other than domestic animals, horses, or racing dogs’; Horse stables was unchanged and the Land use term Horse husbandry was introduced; defined as ‘Land used to keep, breed, board or train horses’, includes Horse riding school and Horse stables and is a sub-set of Animal husbandry/Agriculture.
- As the SUZ13 defines Animal husbandry as a Section 2 – Permit required use; from 24 January 2020, unless existing use is established, thoroughbred racehorse trainers are required to obtain a Planning Permit to undertake Horse husbandry in order to conduct racehorse training on the land.

  Council have not informed SUZ13 landowners and/or occupiers of the change in definition of Animal training or the requirement to establish existing use or obtain a Planning Permit in order for a licensed thoroughbred racehorse trainer to operate their training business on the land; that only becomes evident when an SUZ13 landowner is required to apply for a Planning Permit for another reason, i.e., located within 100m of a flood zone and/or applies for a Building Permit and the Building Surveyor requests Council confirmation a Planning Permit is not required, and the landowner then faces the preparation time and cost of an Existing Use Rights (EUR) application (around $350) if sufficient evidence can be gathered for immediately before 29 July 1999 or continuously for the previous 15 years; and if the EUR application is not approved, a Planning Permit (around $850); plus, if required, the cost of engaging a Planning Consultant to prepare and lodge the applications which can add a further $1,500+.

  Experience has demonstrated that the Planning Permit is issued with the condition Horse husbandry cannot commence until all works under the Planning Permit are completed; which is totally unreasonable as paddock shelters are an option, not a requirement for horses; and works associated with staff facilities, including upgrading the septic system do not impact keeping, boarding or training horses.

  Experience confirms Council officers are not transparent and nor do they adopt procedural fairness when assessing EUR applications, i.e., they did not provide reasons for their decision when rejecting an application; when asked to provide reasons for the rejection they did not do so until a complaint was lodged and then verbal only; they do not work with the applicant to endeavour to remedy short-comings; and they would not accept Stat Decs from long-standing (30+year) residents as sufficient to establish existing use in line with the requirements of clause 63 of the VPP.

  Discussion with Council officers in respect of EUR applications confirm they do not accept horse husbandry can be carried out in the absence of stables even when provided with an RSPCA article confirming that whilst stabling a horse may be desirable in some situations; it is not a necessity and can be detrimental to horses’ health.

  As Horse husbandry is defined as ‘*Land used to keep, breed, board or train horses*’; one pony or off the track thoroughbred racehorse (OTTT) will fulfil this criteria and for which a permit is not required under SUZ13 (Section 1, Animal keeping) or the prior Farming Zone (FZ) (Section 1 Agriculture/ Animal husbandry), and being of a non-business nature, the use will not be reflected in utility and/or insurance records, leases or licenses; purchase receipts will not be retained, and if the horse is not owned by the landowner, rarely will agistment invoices be issued or photos taken, aerial or otherwise, which leaves little alternative other than the provision of Stat Decs by current and previous landowners; neighbours and/or associated parties.
- On 19 June 2020 Council forwarded an email to an unknown list of recipients advising they were proposing some changes to the planning controls adopted by Council in late 2019 which are required to ensure the controls are clearly understood and consistent with state policy. In

conjunction with this email Council removed the Spiire 2019 Report from the Dowling Forest Precinct Review Document Library despite the recommendations in the report being the subject of an active Council resolution; uploaded the City of Ballarat Dowling Forest Equine Precinct, Planning Controls Review, FINAL REPORT, June 2020 (June 2020 Report) and sought feedback on the proposed changes by 8 July 2020.

- The June 2020 Report purportedly prepared by Council is at least an 80% copy and paste of the Spiire October 2019 Report with modified recommendations narrowing the use and changing the zoning of the 'buffer' land. The June 2020 Report contains conflicting elements; did not reference the Spiire 2019 Report under Previous Work or reference the fact the 2019 Report recommendations were adopted by Council and infers the recommendations and planning controls contained in the June 2020 Report were the result of the community consultation process and endorsed by the community, which definitely was not the case.

  As such, the June 2020 Report is considered to be deceptive and misleading. Copies of the Spire 2019 Report and the Council 2020 Reports are available if required.

- On 2 July 2020 the SUZ13 Action Group relayed to Council the concerns relating to the June 2020 Report, and although Council committed to make changes to the June 2020 Report, that did not occur and on 8 July 2020 the SUZ13 Action Group lodge a formal submission detailing the concerns about the June 2020 Report and the fact it does not reflect the outcome of the community consultation process and opposed the recommendations and proposed planning controls in the June 2020 Report.
- On 29 July 2020, a Council Special Committee Meeting endorsed the June 2020 Report and the revised planning controls.
- Public exhibition of the revised Planning Scheme Amendment C220ball commenced on 12 November 2020 and on 20 December 2020 the SUZ213 Action Group lodged a formal objection. This document is available if required.
- As the objections to Amendment C220ball could not be resolved the matter proceeded to a Planning Panels Victoria (PPV) hearing; with the directions hearing held on 27 May 2021 and the hearing to commence on 21 June 2021.

  However, after the Directions hearing, at the request of Marcus Lane Group on behalf of Council, a request to adjourn the hearing was sought on the basis '*Council has formed the view further consideration of the merits and form of the Amendment is required before a panel hearing proceeds. In particular, Council wishes to engage further with the substantive issues ventilated by Ms Christne Hay. Having said that, Council will engage more broadly with all the parties to the panel hearing proceeding and will ensure fair process and participation is accorded*.' PPV Panel Chair Michael Kirsch agreed to the adjournment request to mid to late September 2021.

- On 11 June 2021 I met with [redacted], Council Director of Development and Growth who advised she considers she got it wrong supporting the referral of the Amendment to a Panel; the broadened use of an SUZ and the utilisation of Section 173 Agreements, which she is prepared to relay to a Council Meeting. Her reasoning for not identifying the issues earlier is that she was permanently appointed to the position late last year, there was a settling in period and staff members supported the Amendment. However, with a 'changing of the guard' at Council and a new CEO and Directors, a reassessment has occurred.

**SUBMISSION**

- On 6 July 2021 [redacted] held a meeting with all stakeholders involved with the PPV Panel Hearing as a result of the objection to Amendment C220ball. On 7 July 2021 Natalie Robertson on behalf of Council confirmed the actions and present options discussed at the meeting, namely:

  **Preparation of information on the current SUZ13**

  Council will prepare the following information/training on the current planning controls, including:

  - Internal training and information for staff relating to the current controls and how to provide responses to general enquiries, including use of Certificate of Compliance for existing use rights (to be provided to all staff in July/August 2021).
  - information flyers to residents about the current planning controls will be prepared as additional background for residents (to be finalised in August 2021).

  **Options to move forward**

  ***Option 1***: Proceed with the PPV Panel with the amendment as proposed.

  ***Option 2***: Council resolved to abandon the current Amendment C220 ball and commence a fresh Planning Scheme Amendment once the strategic justification has been prepared and further community engagement undertaken based on the updated background research.

  On balance, should Option 2 be deemed the most appropriate way to move forward and the current C330ball is abandoned at a Council meeting in August 2021, Council proposes to commence a fresh planning scheme amendment, including the following background work:

  1. Review the current strategic content of the precinct, including:
     a. A further review of planning controls within the C220 ball pre4cinct boundaries, including a further review of the Spiire Dowling Forest Precinct Review, October 2019 and surrounding/potential Farming Zone Schedules (can commence immediately)
     b. A further review of the need to complete a Cultural Values Assessment (can commence immediately)
     c. A further consultation meeting with residents to discuss the finding of Council's review of the planning controls and work towards future planning controls.
  2. Commence new Planning Scheme Amendment based on the background research undertake above.

  Council seeks to ensure that all future community engagement processes on this project are targeted and work towards reaching the best planning outcome for the community.

  Copy of this communication available if required. It should be noted this communication DID NOT advise of the change to the VPP Land use definition for Animal training which Council must/should have been aware of, and the only way landowners would reasonably know about such a change would be through advice from Council.

- A follow up communication to Natalie Robertson's team on 7 July 2021 seeking some clarifications elicited a response including '*with a new PSA we can put some key questions back on the table; we will also look to review the appropriateness of the FZ; we believe we owe it to the process to review the proposed planning controls to ultimately achieve the best planning outcome; we don't believe the current proposal does present the best planning outcome possible*'.

- On 7 July 2021 I emailed [redacted] about an SUZ13 property trying to be sold before a mortgagee auction occurred and seeking assistance to obtain an EUR Certificate of Compliance (EUR CoC) in an endeavour to aid the sale after previously keen prospective purchasers withdrew their interest when they and/or their conveyancer and/or financier further researched SUZ13. As such, [redacted] and her staff were aware of the very real issues associated with SUZ13 properties, even with a pre-existing house. A copy of this communication is available if required.

When seeking clarification on some elements of the EUR CoC, I was advised the house could be occupied and the land and existing improvements used in line with the EUR CoC, however, further improvements could not be undertaken, i.e., ,the house could not be extended and an outbuilding could not be constructed in associated with livestock or home based business activities – extension and improvements can only be undertaken in association with thoroughbred racehorse training.

As one of the stakeholders involved with the PPV Panel Hearing is a Planning Consultant/Lawyer, I sought his advice on Council's response to my query, and he confirmed the advice from the Council officer was incorrect; thus highlighting the need for Council staff to be adequately trained on EUR CoC applications.

An EUR CoC was obtained, and with a pre-existing house and an EUR CoC the property ultimately sold to the sole remaining interested party, who has horses but is not in any way associated with thoroughbred racehorse training, for at least $100,000 less than the Agent believed was attainable based on the level of interest before the prospective purchasers researched the SUZ13 restrictions. The Agent is prepared to provide a Stat Dec regarding this and other properties he has endeavoured to sell in the SUZ13.

- Based on the commitments made by [redacted] in her 7 July 2021 communication and the fact a Planning Panel hearing clearly got it wrong in June 2012 when they approved the adoption of the SUZ13; my recommendation to the SUZ13 landowners was to accept Option 2: abandon the current Amendment C220ball and work with Council to progress a more appropriate change. The SUZ13 landowners endorsed my recommendation and this was conveyed to Council on 21 July 2021 with the comment '*We sincerely hope that Council are acting in good faith when offering to work with stakeholders to reach a decision that will alleviate the torture SUZ13 landowners have been put under by the decisions of Council and DELWP form 2012 to the present'*.

  I can categorically state that had I been aware of the change in the definition of Animal training and the flow effect to SUZ13 landowners, I would NOT have voted to abandon Amendment C220ball and consequently the Panel Hearing.

- On 6 August 2021 [redacted] advised '*With your response from 21 July we have had the opportunity to meet with the Turf Club and have outlined our intention with DELWP. Once we have the formal resolution of Council to abandon the panel we can concurrently work on information the panel and working with stakeholder on progressing outside the panel process.'*.
- On 11 August 2021 Council's Planning Delegated Committee resolved to abandon Planning Scheme Amendment C220ball. As advised by PPV on 19 August 2021, consequently, a Panel Hearing will not be required.
- After Council abandoned Amendment C220ball [redacted] handed the matter over to other officers to progress and whose lack of interest and subject knowledge was profoundly evident with the result that despite ongoing follow-up; Council have not provided evidence they have addressed/ progressed any of the commitments made in the 7 July 2021 communication.
- It has taken two complaints lodged with Council and a complaint to the Ombudsman to obtain a response from Council about SUZ13 - Dowling Forest Equine Precinct. Key elements of the 23 June 2025 communication, with comments in blue:

- The PDC resolution responded to amendment C220 that did not possess sufficient strategic justification to receive Ministerial or Panel support. In the absence of such an assessment, any Amendment to introduce rural residential uses cannot be strategically justified.

  Changing the SUZ13 to rural residential has come from left field – it was not a component of the Spiire 2019 Report and has not been discussed with Council as a required option. The SUZ13 landowners are very happy for the land to revert to what it was before the SUZ13 was introduced, i.e., the Farming Zone which, as advised by the Panel Hearing in June 2012 and confirmed by the FZ Schedule, permits the training of thoroughbred racehorses as a Section 1 use – Permit not required.

- City of Ballarat officers sought advice from Department of Transport and Planning (DTP) on the minimum level of strategic work required to give effect to changes to SUZ13 given budgetary and capacity constraints. In response, DTP advised an approach that included an economic assessment of the need of the racing club to maintain the existing functions of SUZ13 and the preparation of a masterplan for the racecourse and surround that reflect changes in operations by the Turf Club (consistent with approaches of other turf clubs/equine precincts in other LGAs) may be sufficient.

  On 10 October 2025 I met with the Ballarat Turf Club CEO and a long-serving Committee member who both confirmed that on the whole trainers do not have the funds to acquire property and develop their own training facilities; there is sufficient racecourse land to accommodate future stabling for trainers for many, many decades, which the Club wishes to promote to generate income; as trainers are only permitted to walk/ride racehorses onto the turf club grounds from directly adjacent properties (5 in SUZ13), trainers are generally not interested in occupying land from which they have to float horses to the track for training purposes; it would appear the Ballarat Turf Club Workshop Summary in the Masterplan may reflect personal opinions as there does not appear to have been a Committee Meeting or Member Survey to obtain a consensus of opinion; the then Turf Club outgoing and incoming CEO did not object to the recommendations of the Spiire 2019 Report and the current CEO would not object to the SUZ13 reverting to the FZ, an FZ Schedule similar to that recommended by Spiire and endorsed by Council in 2019, or other options that do not involve small-lot residential land.

  Empirical evidence confirms that since the introduction of SUZ13 in 2012:

  - the Ballarat Turf Club has exponentially expanded its oncourse training stables and facilities resulting in a significant increase in the number of horses being trained from onsite stables;
  - with the exception of land with direct access to the turf club grounds there has been minimal uptake of SUZ13 land by thoroughbred racehorse trainers; and
  - generally, SUZ13 land is at best difficult to sell and when it does sell the price achieved is well below valuation.

  Trainers are not constrained to establish their training facilitates on SUZ13 land.

  The model for SUZ13 was based on Pakenham and Cranbourne Racecourses, yet both of these facilities have developed racecourse land for racehorse trainers; they have not been instrumental in imposing a restrictive zoning on 34 privately owned lots, 29 of which are not located directly adjacent to the racecourse and the landowners are required to float their horses to the track for training.

- In communications on 21 September 2022, City of Ballarat Officers noted that the scope of works pursued in the Equine Precinct, including SUZ13 includes: A review of the Dowling Forest Equine

Precinct Masterplan (2011), current land use activities, and the operation of the planning controls is required to understand the current situation and context of the Dowling Forest Equine Precinct and the operation of properties within the precinct, to determine whether changes to the controls, and therefore, the permissible use and development within the precinct, is warranted.

In late 2022, officers invited Planning consultants to respond to a request to complete a Dowling Forest Equine Precinct land Use Review and Dowling Forest Racecourse. Unfortunately, no submissions were received.

In May 20923, Council officers again invited Planning consultants to respond to a request to undertake the Land Use Review and masterplan, with an increased budget. Whilst some consultants asked further questions and showed some initial interest, again, no submission were received.

It is not surprising Consultants do not want to be involved with SUZ13 considering how the Spiire 2019 Report was cannibalised by Council to provide a different outcome.

In lieu of unsuccessful efforts to secure consultants to undertake preparation of a Land Use review, Masterplan and Planning scheme amendment, City of Ballarat officers consider that municipal-wide Rural Areas Review will provide the strategic justification necessary and will consider strategy for the future development and use of the rural lands across the municipality (including SUZ13 properties) in the context of the broader rural land use and settlement issues.

This review will need to demonstrate that there is insufficient supply of rural living land and to demonstrate that the area is appropriately located to accommodate rural residential development to advance the overall strategic planning ambitions for the municipality, noting that the preparation of a rural areas review will be subject to Council budget allocation

Engagement with key stakeholders on strategic planning processes would ordinarily occur upon preparation of draft directions and reports on land use findings, options and recommendations prior to consideration by councillors. This process has not commenced in respect of a review of SUZ13 or a rural areas review for reasons outlined above. When a rural areas review is undertaken, a community consultation and engagement program will for part of this wider project and all community members will have an opportunity to provide input.

SUZ13 landowners have been tortured and punished for long enough owing to the actions of Council and they should not be forced to continue that torture and punishment indefinitely until Council decide they have the budget to hold yet another review when Council have wasted tens if not hundreds of thousands of dollars trying to justify the imposition of a restrictive zoning that should never have been imposed in the first instance.

- Council refuse to consider Human Rights issues in the context of the SUZ13, however, the Charter of Human Rights and Responsibilities (Charter) requires public authorities to turn their mind to human rights when they carry out their work. The Charter advises that Charter rights may become engaged if a decision provides for the delivery of an entitlement to some groups but not others and/or if a decision limits or terminates property rights or restricts the use of private property.

  There is absolutely no doubt the implementation of SUZ13 delivered an entitlement to some groups (licensed racehorse trainers) but not others (horse trainers and operators of horse stables who are not licensed racehorse trainers) and restricts the use of private property (from being able to build and reside in a home on the property without being involved with horses to not being able to build and reside in a home on the property unless a licensed racehorse trainer or an employee thereof or the partner and dependents of either the licensed racehorse trainer or their employee.

- In June 2012 the Panel advised '*it is very conscious of and sensitive to the effect of changed land use controls on the aspiration of the affected landowners whilst reiterating that the test of fairness must consider the overall community benefit against the perceived individual impact – the Panel emphasises "perceived" because it is not unknown for such assertions of impact not to be borne out in practice.*'.

  13 years on there is no '*perceived*' individual impact; there is absolutely no doubt SUZ13 landowners have been unfairly and adversely impacted by the imposition of a zoning they did not want and for which there has not been any overall community benefit.

  Many of the SUZ13 landowners are long-standing residents, which equates to them being an ageing population, so what happens when they want or need to downsize and they can't sell their property as a direct result of the restrictive SUZ13. That is when Council and the VPA may find themselves in a world of difficulty trying to publicly explain why the disastrously restrictive SUZ13 was permitted in the first instance or not removed when landowners first identified the serious adverse impact (2014) or when Council officers finally admitted they got it wrong (2021).

[redacted]

[redacted]

[redacted]

[redacted]