

BASS COAST PLANNING SCHEME
AMENDMENT C153
EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Bass Coast Shire Council which is the planning authority for this Amendment.

The Amendment has been made at the request of the Bass Coast Shire Council.

Land affected by the Amendment

The Amendment applies to the land in the Farming Zone (FZ) at the southwest corner of the intersection of Phillip Island and Ventnor Roads, Cowes, being Lot 1 PS 706350M.

The land is a large, regularly shaped parcel comprising 16.29 hectares.

It has a northern frontage to Ventnor Road of 404.08 metres and an eastern frontage to Phillip Island Road of 403.23 metres.

The land is strategically located at the southern 'entrance' to Cowes and at the interface between the existing settlement and urban development toward the north, and land in the rural hinterland and FZ toward the south.

It is flanked by the Hilton Chadwick Reserve to the immediate west.



Figure 1: Amendment C153 land

What the amendment does

The Amendment applies to the land at the southwest corner of the intersection of Phillip Island and Ventnor Roads, Cowes (Lot 1 PS 706350M) (subject land).

The Amendment applies a Public Acquisition Overlay (PAO) over the land for the purpose of reserving and acquiring the land to establish and enhance the public open space network on Phillip Island.

Strategic assessment of the Amendment

Why is the Amendment required?

The Amendment is required to fulfil a public purpose and for the protection of land suitable to meet the projected open space requirements of the Bass Coast and Phillip Island community.

The 2010 Structure Plan for Cowes, Silverleaves, Ventnor & Wimbledon Heights has strategically identified the land in the southwest quadrant of Ventnor and Phillip Island Roads, Cowes as the location for a recreational hub serving the local community and visitors to Phillip Island for the last 8 years.

The Cowes & Silverleaves Strategic Framework Plan gives effect to the 2010 Structure Plan and is illustrated at Clause 21.08-5 of the *Bass Coast Planning Scheme*. It establishes the future physical form of Cowes and Silverleaves by defining boundaries for residential development and appropriate locations for open space. The Strategic Framework Plan confirms:

- the location of the land outside the Cowes' urban area, within the rural hinterland at the southern edge of the town; and
- the planned location for a 'Future Recreation Hub' in the general locality of the land.

The vision and strategic intent for a recreation hub was partially realised with the acquisition of the adjoining Hilton Chadwick Reserve in 2011 and the adoption of a master plan (*Cowes Future Recreation Land Master Plan*) for that land in 2014.

The Structure Plan and local planning policy framework however envision a larger recreation hub.

The vision and opportunity for a recreation hub has been influenced by:

- the subject land's locational and site attributes, including its recent history as serving a quasi-public role as part of an annual carnival site; and
- the acquisition of the Hilton Chadwick Reserve, which has contributed to the containment of the subject land by arterial roads and its associated isolation from a meaningful agricultural / farming role.

While the FZ could enable a permit to issue for the use of the subject land for a range of leisure and recreation activities, the private ownership of the land prevents the realisation of the strategic vision for a large landholding to be used extensively to serve a community and public open space role.

The application of the PAO will result in a positive planning outcome. It will:

- reserve the subject land for a public purpose;
- provide the mechanism to resolve the timely and efficient acquisition of the subject land by the Bass Coast Shire Council; and
- ensure that interim changes to the land's use and development do not prejudice its future use and development for a public purpose.

Active Bass Coast Plan 2018 was adopted by Council in September 2018 and builds on the *Bass Coast Sport and Active Recreation Needs Assessment* prepared in 2016.

The plan confirms a strategic vision for the assembly of the subject land with the adjoining Hilton Chadwick Reserve to enable a larger more spacious allocation of active and passive sports and recreation facilities on Phillip Island, including the opportunity for more extensive bushland restoration and tracks, and a broader and diverse mix of land and aquatic based recreation facilities.

A key determinate underpinning the need for the land for additional open space provision is the forecast continuing growth of Phillip Island, as supported by State, regional and local planning policies.

The expanded and consolidated public recreation hub is envisaged as a major asset and attraction that can benefit a broad range of the community without detracting from the open space character of the land or the body of farmland available on Phillip Island.

The Amendment will result in positive social, recreational and open space impacts to support the wellbeing of the local and visitor community to Phillip Island.

The proposed application of a PAO would allow for long term flexibility to plan the future use and development of the subject land as open space and recreational facility demands, needs and requirements on Phillip Island evolve.

How does the Amendment implement the objectives of planning in Victoria?

The Amendment will positively contribute to implementing the following objectives of planning in Victoria.

- *To provide for the fair, orderly, economic and sustainable use and development of land.*
- *To secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria.*
- *To protect public utilities and other assets and enable the orderly provision and coordination of public utilities and other facilities for the benefit of the community.*
- *To facilitate development in accordance with the objectives of paragraphs (a), (b), (c) (d) and (e).*
- *To balance the present and future interests of all Victorians.*

How does the Amendment address any environmental, social and economic effects?

The Amendment will have no environmental impact as it is limited to a power to acquire land.

The Amendment would ensure that the objectives of planning in Victoria are fostered.

The Amendment is in the interests of net community benefit and sustainable land use and development consistent with the purpose of the Planning Policy Framework as set out at Clause 71.02 of the *Bass Coast Planning Scheme*.

Does the Amendment address relevant bushfire risk?

The Amendment does not of itself pose or create a bushfire risk as it provides for the protection and future acquisition of the subject land for the purpose of a future public land use only.

Does the Amendment comply with the requirements of any Minister's Direction applicable to the amendment?

The Amendment has had regard to and complies with all of the relevant Ministerial Directions, including the requirements of:

- the Ministerial Direction on the Form and Content of Planning Schemes (section 7(5) of the Act);
- Ministerial Direction No. 9 – *Metropolitan Planning Strategy*;
- Ministerial Direction No. 11 – *Strategic Assessment of Amendments*; and
- Ministerial Direction No. 15 – *The Planning Scheme Amendment Process*.

How does the Amendment support or implement the State Planning Policy Framework and any adopted State policy?

The Amendment responds positively to the Planning Policy Framework with respect to settlement and urban growth and recreation and open space planning for existing and future communities.

The Amendment will assist to:

- ensure that Phillip Island and Cowes provide for a sufficient supply of land for residential, commercial, retail, industrial, recreational, institutional and other community uses (Clause 11.02-1S);
- facilitate the orderly development of urban areas (Clause 11.02-2S);
- facilitate integrated place-based planning, including by supporting the specific direction for the planning of sites, places, neighbourhoods and towns (Clause 11.03-6S);
- ensure the protection and conservation of Victoria's biodiversity (Clause 12.01-1S); and
- support planning for the fairer distribution of and access to, social and cultural infrastructure (Clause 19.02-4S).

The relevant net community benefit and sustainable development considerations of the *Bass Coast Planning Scheme* (Clause 71.02) confirm the public benefit represented by the proposal exceeds the loss of productive land which might occur as an inherent consequence of the Amendment.

How does the Amendment support or implement the Local Planning Policy Framework, and specifically the Municipal Strategic Statement?

The Amendment provides for the protection and acquisition of land to respond to the anticipated future open space and recreation requirements of Bass Coast and the community on Phillip Island.

The Amendment is a positive response to local policy directed to:

- provide for improved public open spaces to meet the needs of growing communities, including a range of passive and active recreational facilities that caters for the needs of the local population, as well as tourist, seasonal holiday-makers and day trippers (BCPS, Clauses 21.02 and 21.06);
- ensure the provision of unencumbered public open space meets the needs of the communities it is to serve by improving access, facilities, presentation and environmental sustainability (Clause 21.02-1);
- ensure recreational activities and facilities have minimal effect on the natural environment (Clause 21.06-5);
- provide recreational facilities and activities that are compatible with the size, role, character and appearance of the town in which are located (Clause 21.06-5); and
- provide for a range of types and sizes of open space that cater for all residents, including large regional spaces for sports and intimate parks for social interaction (Clause 21.06-5).

Does the Amendment make proper use of the Victoria Planning Provisions?

The Amendment will contribute to the fair, orderly, economic and sustainable use and development of land and will make proper use of the *Victorian Planning Provisions*, including the PAO to reserve land that has been strategically identified to serve a public role.

The Amendment would enable the subject land to be used and developed for a public purpose and acquired as appropriate.

How does the Amendment address the views of any relevant agency?

Bass Coast Shire is the relevant agency, planning authority and proponent in this matter, and its interests are presented and addressed by the Amendment.

The views of other interested parties will be taken into account through the exhibition process.

Does the Amendment address relevant requirements of the Transport Integration Act 2010?

The Amendment will not result in any substantive impact on the existing or proposed transport system.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

Any costs associated with the Amendment and acquisition of the subject land will be borne by the Bass Coast Shire Council, who will be responsible for negotiations with the current landholders regarding the timing of acquisition and compensation.

Where you may inspect this Amendment

The Amendment is available for public inspection, free of charge, during office hours at the following places:

Wonthaggi

76 McBride Avenue

Monday to Friday

8.30am to 5pm

Cowes

91-97 Thompson Avenue

Monday to Friday

9am to 5pm

The Amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.delwp.vic.gov.au/public-inspection.

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **5.00pm Monday 9 December 2019**.

A submission must be sent to:

Bass Coast Shire Council

Postal: PO Box 118, Wonthaggi VIC 3995

Email: strategic.planningadmin@basscoast.vic.gov.au

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- Directions hearing: Week commencing 23 March 2020.

- Panel hearing: Week commencing 27 April 2020.

ATTACHMENT 1 - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Cowes	Land bound by Phillip Island and Ventnor Roads, being Lot 1 PS 706350M	Bass Coast C153 Map 26PAO Exhibition