# Contents

1  **INTRODUCTION** ......................................................................................................................... 4  
1.1  Purpose ....................................................................................................................................... 4  
1.2  Background .................................................................................................................................. 4  
1.3  Overview ...................................................................................................................................... 5  
2  **THE SITE CONTEXT** .................................................................................................................... 9  
2.1  Land .............................................................................................................................................. 9  
2.2  Locational context ....................................................................................................................... 10  
2.2.1  Surrounding area and neighbouring properties ...................................................................... 11  
2.3  Hilton Chadwick Reserve ............................................................................................................ 11  
2.3.1  Cowes Future Recreation Land Master Plan .......................................................................... 12  
3  **EXISTING PLANNING SCHEME PROVISIONS** ........................................................................ 15  
4  **THE PROPOSED PLANNING SCHEME AMENDMENT** ............................................................... 18  
4.1  Public Acquisition Overlay ......................................................................................................... 18  
5  **STRATEGIC POLICY CONTEXT** ............................................................................................... 20  
5.1  Settlement and future urban growth .......................................................................................... 20  
5.2  Local planning context ................................................................................................................ 20  
5.2.1  Strategic Directions Framework Plan ..................................................................................... 20  
5.2.2  Structure and Strategic Framework Plans .............................................................................. 21  
5.3  Population and housing growth ................................................................................................ 22  
5.4  Loss of agricultural land ............................................................................................................. 23  
6  **OPEN SPACE AND RECREATION** ............................................................................................. 26  
6.1  Strategic planning framework for open space ........................................................................... 26  
6.2  Integrated Open Space Plan ........................................................................................................ 27  
6.2.1  Bass Coast Open Space Plan ................................................................................................ 27  
6.2.2  Municipal Recreation Plan ..................................................................................................... 29  
6.2.3  Bass Coast Aquatic Strategy .................................................................................................. 29  
6.2.4  Bass Coast Sport and Active Recreation Needs Assessment .................................................. 30  
6.2.5  Active Bass Coast .................................................................................................................... 31  
7  **MINISTERIAL DIRECTIONS** ........................................................................................................ 34  
7.1  Form and Content of Planning Schemes .................................................................................... 34  
7.2  Direction No. 9 – Metropolitan Planning Strategy .................................................................... 34
Attachments

1  Certificate of Title
1 INTRODUCTION

1.1 Purpose

Bass Coast Shire Council [Council] seeks to acquire an appropriate site for the further development of community facilities, including public recreation and open space, to serve residents and visitors to Cowes and Phillip Island.

Land in the locality of the southwest corner on the intersection of Phillip Island and Ventnor Roads, being Lot 1 PS 706350 [Land], has previously been identified in planning strategies for Cowes as suitable for this role.

It offers the appropriate attributes to realise the Council’s strategic objectives for the provision and development of public open space and recreation facilities.

1.2 Background

Council is pursuing a two-staged strategy to acquire the Land for a public purpose and role.

A Notice of Intention Not to Acquire the Land was served on the landowner under Section 7(1)(b) of the Land Acquisition and Compensation Act 1986 on 12 April 2018 (‘Stage 1’).

This report addresses ‘Stage 2’ of the strategy.

It seeks to amend the Bass Coast Planning Scheme to apply a Public Acquisition Overlay [PAO] over the Land. The proposed amendment would accordingly:

i. ‘reserve’ the Land for a public purpose; and

ii. enable the acquisition of the Land, if necessary.

1 The serving of notice enabled the initiation of negotiations with the landowner on a contract for sale that would enable Council to acquire the Land in the absence of a Public Acquisition Overlay.
The planning scheme amendment is being sought pursuant to the provisions of Part 3 of the *Planning and Environment Act 1987*.

This report sets out the strategic justification for the proposed amendment to apply a PAO relying upon State, Regional and local planning policies, and other relevant planning policy and strategies for Phillip Island and Cowes.

### 1.3 Overview

Over the last eight years the structure plan for Cowes, Silverleaves, Ventnor and Wimbledon Heights has identified the Land at the southwest quadrant of Ventnor and Phillip Island Roads as being the location of a public and recreational hub, serving the local community and visitors.

This vision and intent was partially realised with the acquisition of the Hilton Chadwick Reserve in 2011 and the adoption of a master plan for that parcel of land in 2014.

The strategy envisioned a larger public and recreational hub, given the Land had historically performed a quasi-public role as part of the annual carnival site.

The acquisition of the Hilton Chadwick Reserve and the containment of the Land by arterial roads essentially isolated it from a meaningful agricultural farming role.

While the zoning of the Land (*Farming Zone* [FZ]) could enable permits to issue for a range of leisure and recreation purposes, the private ownership of the Land fundamentally prevents the realisation of the vision for a large landholding to be used extensively for a public purpose, including as integrated public recreation space.

The assembly of the now larger consolidated parcel of land would enable the master plan for the Hilton Chadwick Reserve to be reconsidered with a view to:

- a more spacious allocation of active and passive sports and recreation facilities;
- more extensive bushland restoration and tracks;
the possibility of a broader and more diverse mix of land and aquatic based recreation facilities; and

other public facilities and attributes that might emerge through public engagement and revised master planning.

In summary, the expanded and consolidated public and recreational 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.

Public ownership is fundamental to the attainment of such an outcome.
Figure 1: Excerpt of PS706350M

Figure 2: Aerial photo [nearmap] (Land shown indicatively)
Figure 3: Aerial photo (nearmap) (Land shown indicatively)
2 THE SITE CONTEXT

2.1 Land

Figures 1-3 illustrate the attributes and the location of the Land proposed to be acquired.

The Land:

- is located on the southwest corner of Phillip Island and Ventnor Road, Cowes;
- is formally described in Certificate of Title 11375 Folio 852 as Lot 1 on Plan of Subdivision 706350M [Attachment 1];
- is a large, regularly shaped property comprising approximately 16.29 hectares;
- has a northern frontage to Ventnor Road of approximately 404.08 metres and an eastern frontage to Phillip Island Road of approximately 402.23 metres;
- is encumbered by a drainage easement, approximately 10 metres wide, along part of its eastern boundary (Figure 2);
- has been previously cleared suitable for grazing however retains some pockets of remnant trees and vegetation, principally in the eastern half of the site; and
- is currently undeveloped.²

² Planning Permit No. 170159 was issued on 5 January 2018 and allows the use and development of a dwelling and creation of access / alteration of a road in a Road Zone.

The Land is commonly known as the ‘Carnival Site’ and is utilised in a recreation role to host the annual ‘Island Summer Carnival’, including a large selection of fairground attractions and games.
2.2 Locational context

21 Phillip Island’s well-known attractions, including the Penguin Parade, Australian Motorcycle Grand Prix and surf beaches have contributed to it being a popular tourist destination with over 3.4 million visitors annually. As a consequence, Phillip Island experiences highly variable fluctuations in permanent and seasonal resident population.

22 Cowes is the largest settlement on Phillip Island serving two distinct roles; as the main holiday town, and as a community and retail service centre.

23 The Land is strategically located at the main entrance to Cowes and at the interface between settlement and urban development and land in the FZ.

24 Ventnor Road to the immediate north serves as the boundary and interface.

25 The settlement pattern is reflected in the Cowes, Silverleaves, Ventnor & Wimbledon Heights Structure Plan [2010] (CSVWH Structure Plan), which provides for future use and development on Phillip Island within defined settlement boundaries, as well as adjacent rural and coastal areas (Figure 4).

- Use and development is expected to be generally consistent with the CSVWH Structure Plan which confirms that the Land benefits from a central location and convenient access to Cowes’ principal commercial precinct focused further north, along Thompson Avenue.

- The commercial precinct is identified as a strategic location anticipated to support significant change and more intense land use and built form.

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[3] Including 35% of Melbourne’s international visitors [Bass Coast Sport and Active Recreation Needs Assessment, April 2016].

2.2.1 Surrounding area and neighbouring properties

The following relevant matters are noted.

- With the exception of some limited commercial activity on the southwest corner of Ventnor Road and Thompson Avenue, the northern side of Ventnor Road opposite the Land is characterised by a mix of conventional and low-density housing.

- The Phillip Island RSL occupies the northeast corner of the adjoining intersection, at 225 Thompson Avenue, Cowes.

- South of Ventnor Road the rural land is used and developed for a range of farming; tourism related activities; open space; and rural living opportunities.

- The rural lots on the eastern side of Phillip Island Road accommodate a mix of rural dwellings, farming and rural activities as well as a church.

- Toward the south the irregularly narrow and deep rural property at 2185 Phillip Island Road, known as ‘Woodbyne Resort’, is used and developed with ‘holiday cottages’, offering self-contained accommodation as well as an on-site restaurant and café.

2.3 Hilton Chadwick Reserve

The Hilton Chadwick Reserve⁵ (also known as Cowes Future Recreation Land) (Reserve) adjoins the Land to the immediate west. The Reserve comprises the “balance” lot described in PS706350M.

Council purchased the Reserve in 2011 for future use and development as part of a recreation and sporting precinct to accommodate the long-term future recreation needs of the growing Phillip Island and Cowes community⁶.

The Reserve:

⁵ Also known as the ‘Cowes Future Recreation Land’
⁶ As identified by the Cowes Future Recreation Land Master Plan emerging open space and recreation strategy discussed in Chapter 5 of this report.
• comprises approximately 16.3 hectares of land;

• is undeveloped;

• has been previously partially cleared, suitable for grazing; and

• contains remnant pockets of trees and vegetation.

2.3.1 Cowes Future Recreation Land Master Plan


31 Figure 5 illustrates that the Master Plan anticipates the future use and development of the Reserve with a range of public and recreation facilities, including two ovals; pavilion and clubrooms; netball courts; practice wickets; an archery range; car parking and access arrangements; and a network of paths and landscaping works.
Figure 4: Cowes, Silverleaves, Ventnor & Wimbledon Heights Structure Plan (2010) (Excerpt) (Land shown indicatively)
Figure 5: Long Term Master Plan (excerpt Cowes Future Recreation Master Plan, October 2014)
3 EXISTING PLANNING SCHEME PROVISIONS

32 Under the provisions of the *Bass Coast Planning Scheme* [BCPS] the Land is:

- Subject to *Farming Zone* (FZ) (Figure 5); and
- Not covered by any overlays.

33 Other relevant features of the zoning map include:

- Phillip Island and Ventnor Roads are zoned *Road Zone, Category 1*;
- The surrounding land to the south of Ventnor / Cowes Rhyll Road is subject to FZ; and
- The surrounding land to the north of the Ventnor / Cowes-Rhyll Road is subject to the *General Residential Zone* (Schedule 1), and *Low-Density Residential Zone*, to the northwest.

34 The FZ is a zone strongly focused on protecting and promoting farming and agriculture. Its purpose includes to:

- *provide for the use of land for agriculture*;
- *encourage the retention of productive agricultural land*;
- *ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture*;
- *encourage the retention of employment and population to support rural communities*;
- *encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision*; and
- *provide for the use and development of land for the specific purposes identified in a schedule to this zone.*
Under the zone provisions:

- *Informal outdoor recreation* is a Section 1, permitted uses [Clause 35.07-1];

- all other forms of *Leisure and recreation* are Section 2, permit required uses [Clause 35.01-1];

- a permit is required to subdivide land and the minimum subdivision area is 40 hectares [Clause 35.07-3];

- a permit is required for buildings and works associated with a Section 2 use [Clause 35.07-4]; and

- a permit is required for buildings and works within [inter alia]:
  - 100m of a *Road Zone, Category 1*;
  - 5 metres from any other boundary; and
  - 100 metres from any dwelling not in the same ownership [Clause 35.07-4].

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*I.e. Phillip Island and Ventnor Roads.*
Figure 6: Zone map [Bass Coast Planning Scheme] [Land shown indicatively]
4 THE PROPOSED PLANNING SCHEME AMENDMENT

36 The planning scheme amendment [Amendment] proposes to apply a Public Acquisition Overlay [PAO] over the Land for the purposes of establishing and enhancing the existing public facilities and integrated open space network on Phillip Island.

4.1 Public Acquisition Overlay

37 The Amendment will introduce Map No. 26PAO [Public Acquisition Overlay] to the Bass Coast Planning Scheme.

38 The purpose of the PAO includes to:

- identify land which is proposed to be acquired by a Minister, public authority or municipal council;

- reserve land for a public purpose and to ensure that changes to the use or development of the land do not prejudice the purpose for which the land is to be acquired; and

- designate a Minister, public authority or municipal council as an acquiring authority for land reserved for a public purpose.

39 The application of the PAO indicates that, for the purposes of the Land Acquisition and Compensation Act 1986 [LAC Act], any land included in the overlay is reserved for public purposes.

40 This satisfies the requirement in Section 5 of the LAC Act that an authority cannot commence to acquire the land, “... unless the land has been first reserved by or under a planning instrument for a public purpose.”

41 By identifying land in a PAO:

- it is strategically understood that a nominated public authority will at some future point acquire that land; and

- a level of transparency as to the authority’s intentions for the future use and development of the land is established.
In summary, the PAO is considered to be a necessary and appropriate tool that would:

- assist to ensure that Council is neither delayed or denied in its efforts to acquire the Land for the proposed public purpose;

- minimise cost and delays in negotiations with the affected landowner, including in the event that agreement on a contract of sale could not be reached by other channels; and

- ensure that interim changes to the use or development of the Land do not prejudice the Land’s use and development for the proposed public purpose, and as part of Council’s open space strategy.
5 STRATEGIC POLICY CONTEXT

5.1 Settlement and future urban growth

Notwithstanding demographic analysis pointing to Phillip Island as a focus for a significant proportion of the Shire’s growth\(^{13}\), there is clear and consistent policy direction that the island’s defined urban areas will be the focus for that growth.

- The Planning Policy Framework [PPF] as it relates to settlement planning seeks to meet the needs of existing and future communities, through the provision of a sufficient supply of land for recreational uses and open space among a range of relevant considerations (Clause 11).

- The expectation is that planning will facilitate sustainable development that takes full advantage of existing settlement patterns and investment in social and community infrastructure and services (BCPS, Clauses 11, 21.01, 21.02 and 21.08).

With attention to coastal settlement and the Land, policy provides for sustainable coastal development, including by:

- identifying clear settlement boundaries;

- ensuring that coastal values are protected; and

- protecting areas between settlements for non-urban use (BCPS, Clause 11.03-4S).

5.2 Local planning context

5.2.1 Strategic Directions Framework Plan

The Bass Coast Settlement Hierarchy is reflected in the Shire’s Strategic Directions Framework Plan (Figure 7).

It identifies Cowes as a District Town with a ‘large and diverse population’; ‘moderate spatial growth capacity’; and as a location for planning to,

\(^{13}\) Bass Coast Sport and Active Recreation Assessment, April 2016.
“Encourage some growth beyond urban zoned land and infill development within the township boundary” (BCPS, Clause 21.02-1).

47 Local planning is accordingly expected to:

- ensure that residential development and related urban uses are restricted to existing or identified settlements (BCPS, Clause 21.02-1); and

- encourage increased housing densities within Cowes / Ventnor proximate to commercial centres, community facilities and services (inter alia) (BCPS, Clause 21.02-2).

5.2.2 Structure and Strategic Framework Plans

**Cowes, Silverleaves, Ventnor & Wimbledon Heights Structure Plan**

48 The *Cowes, Silverleaves, Ventnor & Wimbledon Heights Structure Plan (2010)* (CSVWH Structure Plan) articulates a vision for the use and development of the structure plan area.

49 The CSVWH Structure Plan is a Reference Document in the BCPS and establishes a planning framework to direct future land use and development in the Land’s locality.

50 It seeks to:

- preserve existing areas of open space and enhance new open spaces and recreation facilities;

- protect and maintain non-urban landscapes between settlements;

- ensure the growth and development of residential precincts more closely align with the principles of Sustainable Neighbourhoods;

- create a diverse and integrated network of public open space commensurate with the needs of both residents and visitors; and

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14 Refer Chapter 2.2 of this report and Figure 4.
15 At Clause 21.10.
• protect rural areas for their agricultural, landscape, environmental and recreational qualities.

**Cowes & Silverleaves Strategic Framework Plan**

51 The *Cowes & Silverleaves Strategic Framework Plan* (Strategic Framework Plan) gives effect to the CSVWH Structure Plan in the BCPS.

52 It establishes the future physical form of Cowes and Silverleaves by defining boundaries for residential development and appropriate locations for open space (Figure 8).

53 Figure 8 confirms:

- the Land’s location 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, southwest of the intersection of Phillip Island and Ventnor Roads.

54 The Strategic Framework Plan gives weight to the overarching policy framework and emphasises an objective to limit land available for urban development to land contained within the defined settlement boundaries, while providing for greater residential densities proximate to the activity centre and defined locations within the township where, “… greater densities can be accommodated…” (BCPS, Clause 21.08-5).

55 Complementary policy seeks to preserve and enhance existing open space and recreation facilities and to create new areas of open space and recreation facilities connected through a series of accessible wildlife corridors (BCPS, Clause 21.08-5).

56 That objective (adopted in 2010) is to be partially realised by strategy that undertakes to “… conduct a feasibility study to determine the requirements for establishing a new recreation facility on Hilton-Chadwick Reserve.”

**5.3 Population and housing growth**

57 Population projections undertaken for Bass Coast and Phillip Island foreshadow a population increase of approximately 3,187 people or 28% on
Phillip Island in the period to 2031, with the majority of growth being at Cowes (approximately 2,230 people). This snapshot of a forecast population can be compared with more recent figures prepared by id Consultants for Bass Coast Shire.

Those forecasts support steady continued growth on Phillip Island, including a population increase of approximately 9,219 persons (or 38.25% change) in the period 2018-36 in the Cowes – Ventnor District.

This is to be paralleled with a forecast increase of 1,566 new dwellings in the district in the same period.

The 2017 Planning Panel convened to consider submissions to Amendment C147 to the BCPS and a proposed public open space contributions levy considered the strategic arguments for increasing demands for open space and recreation facilities in the Shire.

The Panel Report recorded projections for:

- the Shire’s population of 32,321 to grow to 44,798 by 2031, including a forecast annual growth rate of 2.43%;
- an increase in 7,636 unoccupied dwellings by 2031, as an indicator of visitor demand associated with holiday home use; and
- an increase in visitor numbers to the Shire of 1.55 million by 2035.

Planning for recreation and open space in Bass Coast has accounted for the growth in demand. Plans for additional open space provision and recreation facilities to meet forecast need are discussed in Chapter 6.

5.4 Loss of agricultural land

Also relevant to this proposal, integrated planning policy expects planning to prevent the unplanned loss of productive agricultural land, including by

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16 Bass Coast Sport and Active Recreation Assessment, April 2016.
18 Strategically advanced on the back of the 2008 Bass Coast Open Space Plan, and the 2016 Bass Coast Open Space Plan Review (refer section 6.2.1 of this report).
preventing inappropriately dispersed urban activities in rural areas (BCPS, Clauses 14.01, 21.02 and 21.03-5).

Given the zoning of the Land within the Farming Zone, the proposed application of a PAO and a future use and development proposal for public open space facilities will amount to a loss of agricultural land to the south of Cowes.

The Land is:

- set in a quasi-urban context;
- fragmented from surrounding productive farmland and rural land uses; and
- influenced by an established expectation for non-traditional agricultural activities owing to its use for public gathering and activity (carnival), during the summer months.

The loss of the Land from a farming role is not unplanned, the Strategic Framework Plan having previously nominated an alternative role for the southwest quadrant of Phillip Island and Ventnor Roads.
**Figure 7: Strategic Directions Framework Plan (Clause 21.02)**

**Figure 8: Cowes & Silverleaves Strategic Framework Plan (Clause 21.08-5)**
6 OPEN SPACE AND RECREATION

6.1 Strategic planning framework for open space

Planning policy for sustainable development is underpinned by an overarching objective to establish, manage, and improve a diverse and integrated network of public open space that meets the needs of the community (BCPS, Clause 19).

Associated strategies emphasise planning for regional and local open space networks for both recreation and conservation of natural and cultural environments, including by:

- creating opportunities to enhance open space networks within and between settlements;
- improving the quality and distribution of open space and ensuring long-term protection; and
- ensuring land identified as critical to the completion of open space links is transferred for open spaces purposes (BCPS, Clause 19.02-S).

The Bass Coast Municipal Strategic Statement (MSS) advances complementary 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).

Associated strategies include:

- 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 (BCPS, Clauses 21.02-1);
- ensure recreational activities and facilities have minimal effect on the natural environment (BCPS, 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 (BCPS, Clause 21.06-5); and

• provide a range of types and sizes of open space that cater for all residents, including large regional spaces for sports, intimate parks for social interaction and open space that offers off-leash exercise for dogs (BCPS, Clause 21.06-5).

6.2 Integrated Open Space Plan

Bass Coast has a well-developed, integrated open space strategy that anticipates and plans for:

• projected population growth;

• future sport participation projections; and

• a sufficient supply of open space and recreation facilities to meet future needs, including as foreshadowed by local planning policy and the CSVWH Structure Plan in the general locality of the Land19.

6.2.1 Bass Coast Open Space Plan

The Bass Coast Open Space Plan [2008] [2008 OSP], and the subsequent Bass Coast Shire Open Space Plan Review [2016] [2016 OSP Review] are reference documents in the BCPS20.

The 2008 OSP advanced a strategic approach to the planning and development of the Shire’s open space.

It established priorities for open space planning, including identifying specific opportunities to improve the open space network in each location across the Shire, as well as to support the provision for more functional open space in each township, partially in response to population projections forecast to confirm the Shire with one of the highest growth rates in Victoria21.

19 Refer Figures 4 and 8.
20 Clause 21.10.
21 Bass Coast Open Space Plan [2008], p. 6.
The 2008 OSP was also prepared to provide a basis for the collection of open space developer contributions.

It observed:

“… More spaces need to be designed for sport, for social / family recreation, for trails, and to provide a greater diversity of activities as well as enhanced amenity and environmental quality…”

and

“… In order to ensure open spaces are sustainable they need to be generally larger in size, better designed and configured, and to be flexible to accommodate change. They need to be fit-for-purpose and not compromised by poor drainage or other such constraints …” (p. 22).

The 2016 OSP Review built on the 2008 OSP and was prepared to assist with a planning scheme amendment to incorporate an open space contribution requirement in the BCPS.

The following relevant matters are noted.

• The 2016 OSP Review confirmed the 2008 OSP and that Bass Coast was experiencing “moderate to high levels of population growth”22, as well as a significant visitor population which was creating the demand for more open space and the need for improvement of existing open space.

• The findings of the 2016 OSP Review, including objectives and strategies to ensure the appropriate provision and use of public open space contributions, were implemented in the BCPS in December 2017 as part of Amendment C147.

22 The 2016 OSP Review identified that between 2016 and 2031, the number of persons [in Bass Coast] was projected to increase by 39.5% and the number of private dwellings by 29.3% (p.8).
6.2.2 Municipal Recreation Plan

The *Bass Coast Shire Council Municipal Recreation Plan 2009-2014* articulated the Shire’s vision for a “... welcoming and diverse high-quality recreation environment across Bass Coast that supports a healthy lifestyle and is enjoyed by all who live, work and holiday in the Shire.”

It identified six key objectives, including supporting actions, to underpin core planning principles directed to increase participation by residents and visitors in their preferred physical and social recreation activities (inter alia).

Key Objective 4 was to, “Secure sufficient open space to meet future population growth”.

Associated actions and tasks positively influencing this proposal included:

- provide new sites for the development of multiple playing fields, and consolidate separate sports grounds in Inverloch, Cowes and Wonthaggi; and

- ensure appropriate sites are identified in Structure Plans for those localities.

6.2.3 Bass Coast Aquatic Strategy

The *Bass Coast Aquatic Strategy 2015-2024* was adopted by Council in June 2015 to provide a clear direction to enable Council to meet the current and future requirements for aquatic leisure facilities within the Shire.

In summary, the aquatic strategy recognised that the Shire’s population had increased by approximately 18% over a period of 10 years, and that the trend was expected to continue. Accordingly, a ‘two facility and location strategy’ was advanced, including for the:

- redevelopment of the Bass Coast Aquatic Leisure Centre at Wonthaggi; and

- development of a new aquatic leisure centre in Cowes.

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Giving further weight to the demand for recreation facilities on Phillip Island and this public acquisition, the aquatic strategy observed the key findings of a Phillip Island Aquatic Centre Feasibility Study (October 2010), which reported (inter alia):

- a high level of community demand and need for an aquatic facility on Phillip Island; and
- the continued growth of the local population and the significant health and fitness benefits that would be derived by the community among key reasons for developing an aquatic centre on Phillip Island.

The following relevant finding arising from the aquatic strategy is noted:

“... The most obvious site is the one that is available at the Phillip Island Adventure Resort, however if alternative sites were made available in Cowes the consulting team does not believe there would be a major impact on facility usage.”

6.2.4 Bass Coast Sport and Active Recreation Needs Assessment

The Bass Coast Sport and Active Recreation Needs Assessment (SARNA) was prepared in April 2016 to assist to plan for the sport and recreation needs of Bass Coast and to address a gap in planning and provision for “highly participated informal and active recreation pursuits, including walking, cycling, skate and BMX”.

It identified both Shire wide and individual project planning area needs, findings and priorities, as well as a strategic framework for future sport and active recreation provision including a detailed implementation plan.

The following relevant matters are noted.

- The township of Cowes was foreshadowed to accommodate the majority of projected growth on Phillip Island (approximately 2,230 people) by 2031.

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24 Ibid, p.33.
A ‘balanced’ approach to future sport and active recreation provision was foreshadowed to address the needs of forecast population growth in both older adults and younger children.

The Cowes ‘Future Recreation Land’ was identified among the settlement’s existing facilities, although being undeveloped.

A strategic framework plan advanced to guide the future directions of open space planning in Bass Coast prioritised matters including:

- **addressing current gaps** in strategic planning for sport and active recreation provision; and

- building the capacity and use of existing community sport and active recreation facilities and **developing new facilities that address current and future demand**.

Associated planning principles included the following:

- The provision of sport and active recreation facilities shall **maximise shared usage and flexibility to meet changing community needs and aspirations**.

- **Future facility developments, [particularly those funded, or part funded by the Shire] should be publicly accessible and available for community usage**.

- **Recreation facilities shall provide safe and supportive environments for participants and an emphasis on the provision of new [unstructured] recreational pursuits and open space should be considered**.

### 6.2.5 Active Bass Coast

*Active Bass Coast 2018-2028* was adopted by Council on 19 September 2018 and builds on the SARNA and is a draft 10-year plan prepared in July 2018 to set the vision for the provision and use of open space and recreation activities across the Shire.

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25 I.e. the Reserve adjoining the Land.
The draft plan confirms Bass Coast as one of the fastest growing municipalities in Victoria, and the influence of projected population on the need to provide quality recreation options within a variety of open space settings in advancing a number of short, medium and long term recommendations to (inter alia):

- provide clear strategic directions for developing recreation services and facilities; and
- develop a network of recreation facilities and open spaces that provide a diverse range of social, environmental and economic benefits to the community.

Among identified key regional projects, the draft plan foreshadows the acquisition of regional recreation land in Cowes in the general vicinity of the Land and its establishment as open space recreation reserve (Figure 9).

It also includes provision for planning to, "Review existing masterplan for neighbouring property (Hilton Chadwick Reserve) and expand to include new property (corner Phillip Island Road and Ventnor Road)."
Figure 9: Cowes, Silverleaves, Wimbledon Heights (excerpt Draft Active Bass Coast 2018-2028) (Land shown indicatively)
7 MINISTERIAL DIRECTIONS

95 The proposed planning scheme amendment been prepared in accordance with the following relevant Ministerial Directions.

7.1 Form and Content of Planning Schemes

96 The planning scheme amendment is confined to the application of a PAO over land [the Land] shown on Map 26 of the BCPS as provided for in the suite of overlays included in the Victorian Planning Provisions.

7.2 Direction No. 9 – Metropolitan Planning Strategy

97 This report has included relevant references to the Metropolitan Planning Strategy, Plan Melbourne 2017-2050.

98 The proposal will positively contribute to the key policy direction to Make Melbourne cooler and greener (Direction 6), including the policy directed to “Strengthen the integrated metropolitan open space network” (Policy 6.4.2), which notes:

“... Better planning, design and use of new and existing public open space is critical ... [to] delivering an integrated open space network that responds to Melbourne’s projected population growth.”

“... Open space provision must also be fair and equitable with the aim of providing access that meets the needs of all members of the community, regardless of age, gender, ability or a person’s location.”

99 The proposed amendment presents no impediment or compromise to other metropolitan policy initiatives.

7.3 Direction No. 11 – Strategic Assessment of Amendments

100 This report has demonstrated that:

- The proposed 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 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.

  • secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;

  • 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.

  • facilitate development in accordance with the objectives of paragraphs (a), (b), (c), (d) and (e).

  • balance the present and future interests of all Victorians.

• 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 amendment will have no environmental impact as it is limited to a power to acquire land.

  • Any future use and/or development of the Land will be subject to appropriate planning approval.

• The amendment does not of itself pose a bushfire risk, providing for the protection of the Land only for the purpose of a future public land use only.

• The amendment complies with all of the relevant Ministerial Directions.

• This report demonstrates that the amendment positively contributes to implementing the State and Local Planning Policy Frameworks, including the MSS of the BCPS as it applies to settlement and public space and recreation.
The relevant net community benefit and sustainable development considerations of BCPS [Clause 71.02] suggest the public benefit represented by the amendment exceeds the loss of productive land which might occur as an inherent consequence of the amendment proposal.

This report demonstrates that the amendment makes proper use of the Victorian Planning Provisions, including the PAO.

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

The Transport Integration Act 2010 is not a relevant consideration in this matter.
8 CONCLUSION

101 The proposed planning scheme amendment provides for the protection and acquisition of land to respond to the future open space and recreation requirements of Bass Coast and the community on Phillip Island.

102 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.

103 Bass Coast Shire proposes to apply the PAO over the Land in order to:

- secure an interest in the Land; and
- establish a level of public transparency as to its intentions for future use and development.

104 Approval of the proposed planning scheme amendment would enable:

- the Land to be acquired in due course; and
- the opportunity for the Land to be rezoned to a suitable public use zone as a separate and sequential process, and as appropriate.

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

106 The proposed amendment responds positively to the State and Local Planning Policies Frameworks with particular respect to the settlement and urban growth and recreation and open space planning for existing and future communities.

107 The amendment would ensure that the objectives of planning in Victoria area fostered and 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 BCPS.
Attachment

1 Certificate of Title
LAND DESCRIPTION

Lot 1 on Plan of Subdivision 706350M.
PARENT TITLE Volume 06476 Folio 168
Created by instrument PS706350M 12/09/2012

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
  VAL Verna Watkins
  Brian John Watkins
  Margaret Jean Watkins all of 9 Clara ST Newtown N S W 2042
PS706350M 12/09/2012

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AE209786M 28/02/2006
  ESANDA FINANCE CORPORATION LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section
24 Subdivision Act 1988 and any other encumbrances shown or entered on the
plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE PS706350M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

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Additional information: (not part of the Register Search Statement)

Street Address: PHILLIP ISLAND ROAD COWES VIC 3922

ADMINISTRATIVE NOTICES

NIL

eCT Control 16165A ANZ RETAIL AND SMALL BUSINESS
Effective from 18/08/2018

DOCUMENT END
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PLAN OF SUBDIVISION
Under Section 35 of the Subdivision Act 1988

LOCATION OF LAND
PARISH: PHILLIP ISLAND
TOWNSHIP: —
SECTION: —
CROWN ALLOTMENT: 79
CROWN PORTION: —
TITLE REFERENCE: VOL.6476 FOL.168
LAST PLAN REFERENCE: TP776364R
POSTAL ADDRESS: PHILLIP ISLAND ROAD
COWES, 3922

COUNCIL CERTIFICATION AND ENDORSEMENT
COUNCIL NAME: BASS COAST SHIRE COUNCIL REF: 600600701
A. This is a plan under section 35 of the Subdivision Act 1988 which does not create any additional lots.
B. This plan is exempt from Part 3 of the Subdivision Act 1988.
C. This is a plan under section 35 of the Subdivision Act 1988 which creates land additional lots.
D. It is certified under section 6 of the Subdivision Act 1988.
E. It is certified under section 11(7) of the Subdivision Act 1988.
F. Date of original certification under section 6: 23/01/2012
G. This is a statement of compliance under section 21 of the Subdivision Act 1988.

Council Delegate

Date 08/03/2012

NOTATIONS
STAGING THIS IS NOT A STAGED SUBDIVISION
PLANNING PERMIT NO:
DEPTH LIMITATION DOES NOT APPLY

ALL THE LAND IS TO BE ACQUIRED FREE FROM ALL ENCUMBRANCES OTHER THAN ANY EASEMENTS SPECIFIED ON THIS PLAN.

LAND TO BE ACQUIRED BY COMPULSORY PROCESS: NIL
LAND TO BE ACQUIRED BY AGREEMENT: RESERVE No.1

SURVEY THIS PLAN IS BASED ON SURVEY.

This survey has been connected to permanent Mark Nos. PM8, PM67, PM168 & PM160 in proclaimed survey area No. —

EASEMENT INFORMATION

LEGEND: E - ENCUMBERING EASEMENT OR CONDITION IN CROWN GRANT IN THE NATURE OF AN EASEMENT
A - APPURTENANT EASEMENT R - ENCUMBERING EASEMENT (ROAD)

EASEMENTS MARKED (E) ARE EXISTING EASEMENTS.
EASEMENTS MARKED (*) ARE CREATED UPON REGISTRATION OF THIS PLAN.
EASEMENTS MARKED (+) ARE CREATED WHEN THE APPROPRIATE VESTING DATE IS RECORDED OR TRANSFER REGISTERED.
EASEMENTS MARKED (++) ARE REMOVED WHEN THE APPROPRIATE VESTING DATE IS RECORDED OR TRANSFER REGISTERED.

SYMBOL / SUBJECT LAND / PURPOSE / WIDTH (METERS) / ORIGIN / LAND BENEFITED/IN FAVOUR OF
— E-1 WATER SUPPLY 10 E/R 9226627 / WESTPORT WATER RRA

LRS USE ONLY
STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
RECEIVED
DATE 04/03/12

LRS USE ONLY
PLAN REGISTERED
TIME 9:04AM
DATE 12/09/12

M.V
Assistant Registrar of Titles

SHEET 1 OF 3 SHEETS

Beveridge Williams
development & environment consultants
Wonthaggi ph: 03 5672 1505
www.beveridgewilliams.com.au

LICENSED SURVEYOR
SIGNATURE
DATE: 03/02/2012
REF: 1200042
VERSION 2

COUNCIL DELEGATE SIGNATURE

DATE: 08/03/2012

ORIGINAL SHEET SIZE A3
### PLAN OF SUBDIVISION
Under Section 35 of the Subdivision Act 1988

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**Beveridge Williams**
development & environment consultants
Wonthaggi ph: 03 5672 1505
www.beveridgewilliams.com.au

**ORIGINAL SCALE**: A3

**LICENSED SURVEYOR (PRINT)**: ADAM MAHER
**SIGNATURE**: [Signature]
**DATE**: 03/02/2012
**REF**: 1200042
**VERSION**: 2

**COUNCIL DELEGATE SIGNATURE**: [Signature]