

BASS COAST PLANNING SCHEME

AMENDMENT C150BASC

EXPLANATORY REPORT

Who is the planning authority?

The 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 Bass Coast Resort Pty Ltd.

Land affected by the Amendment

The amendment applies to part of 126 Shetland Heights Road, San Remo, more particularly described as part of Lot 30 on Plan of Subdivision 509910X and shown in the following map:



What the amendment does

The amendment rezones part of 126 Shetland Heights Road, San Remo from the Low Density Residential Zone (LDRZ) to the General Residential Zone Schedule 1 (GRZ1).

Specifically, the amendment makes the following change to the Bass Coast Planning Scheme:

- Amends Bass Coast Planning Scheme Map 46ZN by rezoning part of 126 Shetland Heights Road, San Remo from the LDRZ to the GRZ1.

Strategic assessment of the Amendment

Why is the Amendment required?

The site contains a development known as the Bass Coast Resort, which was part of a larger golf course resort development originally approved in 2003 but has been only partially developed. Only

nine holes of the golf course were ever developed and used for a short period and have now fallen into disrepair.

The Bass Coast Resort facilities were established pursuant to Planning Permit 030723 which allowed for the use and development of group accommodation and associated facilities on the site as part of the golf resort development, which included other land in the area.

The current development on the subject site contains 46 residential units contained in four "pavilions" located in the western portion of the site. The south-east portion of the site is vacant and is the subject of a separate application to subdivide this portion into three Low Density Residential Zone lots.

The subject land is currently included in the LDRZ of the Bass Coast Planning Scheme which sets out a minimum subdivision lot size of 0.2 hectare where sewerage is available. The land therefore cannot be subdivided under the current zone provisions.

The existing units are owned under a 399-year leasehold arrangement with the owner of the overall site and are mainly occupied on a permanent basis by the lessees or are sub-let on a casual basis for tourism purposes. This use pattern is a direct result of the golf course resort not taking place and is the only realistic and viable option for the future of the facility.

The current leasehold structure has proven to be problematic, in that it is a commercial arrangement between parties that operates outside of the traditional Owners Corporation structure which would be governed by the Owners Corporations Act 2006. The rights and obligations of unit owners have a much more structured and protected arrangement under a formal Owners Corporation structure.

The amendment includes the subject land in the GRZ1, which will allow the units to be subdivided under the normal Owners Corporation subdivision process and therefore enable the conversion of the long term leases to freehold title. This will enable a formal Owners Corporation to be established under the provisions of the Subdivision Act 1988 which will provide for a more appropriate relevant legal framework for the future operation and maintenance of the buildings. The GRZ1 will also allow the use of the units as "Dwellings" on an as of right basis and will remove any uncertainty in relation to the existing uses on the site.

The amendment is therefore required to ensure that the planning scheme more accurately reflects the council's strategic intent for the area and the existing use of the site. The amendment is also required to facilitate the subdivision of the land. This will provide for a more appropriate ownership and management structure that will underpin a sustainable future for landowners.

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

The amendment implements the objectives of planning in Victoria (outlined in section 4(1) of the *Planning and Environment Act 1987*), in particular the following:

- *(a) to provide for the fair, orderly, economic and sustainable use, and development of land.*
- *(f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e).*
- *(g) to balance the present and future interests of all Victorians.*

The amendment furthers the above objectives by rezoning the land to the GRZ1 which more accurately reflects the existing use of the site. The amendment will also enable a subdivision and resultant ownership and management structure that will provide for the sustainable future for landowners.

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

The amendment relates to a site that is already substantially developed and should not result in any environmental impacts. The site is already well serviced by infrastructure and the amendment will not result in any increased demands on existing infrastructure.

An outcome of the amendment is that the owner of the subject land will be required to enter into a Section 173 agreement with the council to make a financial contribution for the upgrade of infrastructure in the area prior to any issue of a Statement of Compliance for the subdivision of the units on the land, which will be of benefit to the broader community.

The amendment will also facilitate a pedestrian link from Shetland Heights Road through the subject land to Cayley Street, providing walkable and cyclable access for residents in Shetland Heights Road through to Potters Hill Road, and therefore access through to Bore Beach and associated public

recreation areas. This will also be achieved prior to any issue of a Statement of Compliance for the subdivision of the units on the land.

The amendment will therefore result in a net community benefit.

Does the Amendment address relevant bushfire risk?

The site is not affected by the Bushfire Management Overlay (BMO). The subject land is within an existing urban area and has already been developed and therefore will not result in any additional bushfire risk.

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

The amendment complies with the requirements set by the Ministerial Direction on the Form and Content of Planning Schemes.

The amendment has been prepared and evaluated in accordance with Direction No. 11 Strategic Assessment of Amendments.

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

The amendment supports the implementation of the following State policies:

Clause 11.01-1S Settlement

The amendment seeks to rezone a small part of the land on the south eastern fringe of the San Remo township to the GRZ1. This will provide for a diversity of housing tenure opportunities within this area which is currently constrained by zoning provisions in place.

Clause 11.02-1S Supply of Urban Land

The amendment will formalise the existing conditions on the land whereby there is a residential development locked into a tenure arrangement by the zoning of the land. The amendment will lead to an increase in the supply of urban land able to be disposed of separately, without any change to the township boundaries, and is appropriate having regard to landscape constraints.

Clause 16.01-2S Location of residential development

The amendment will provide for existing housing opportunities within 850 metres of the commercial activity centre of San Remo. The land has direct and convenient access to the commercial centre of San Remo, schools and main services via Shetland Heights Road.

Clause 16.01-4S Housing Affordability

The GRZ1 provides for the subdivision of existing dwellings therefore diversifying tenure in this area by allowing for the individual sale of dwellings currently limited to renting by the inability of the dwellings to be subdivided onto individual entitlements.

Clause 19.03-3S Water supply, sewerage and drainage

The subject site already has access to reticulated water, sewerage and drainage facilities and therefore there is no barrier towards achieving appropriate servicing with little cost and a demand able to be met by the servicing authorities.

Clause 19.03-4S Stormwater

The land has discharges to a legal point of discharge. The amendment does not increase the stormwater discharge from the site.

Clause 19.03-4 Telecommunications

The land and any future development thereof have the capacity to be connected to NBN Co. Pty. Ltd.

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

The amendment supports the implementation of the following Local policies:

Clause 21.02-1 Growth of towns

The amendment is supported by Clause 21.02 – 1 Growth of towns. The site is located within the township boundary of San Remo which is designated as a ‘District Town’ and is provided with all essential services to support the surrounding settlement, and is a place where infill development is considered appropriate.

Clause 21.02-2 Housing

The amendment meets Clause 21.02-2 Housing as it will provide a diverse range of housing types and tenures to cater for the municipality’s varied community; and it will allow for urban consolidation in an area that is serviced by physical infrastructure, community and commercial facilities.

Clause 21.08 Moderate Growth Settlements

The amendment aligns with Clause 21.08-3 Moderate Growth Settlements, as the existing development accords with the San Remo Structure Plan.

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

The amendment makes proper use of the Victoria Planning Provisions by rezoning the land to the GRZ1 which enables the effective operation of the Bass Coast Planning Scheme by ensuring that the most appropriate planning control is in place. The application of the GRZ1 enables the existing residential use of the land in accordance with the strategic direction of the Planning Scheme.

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

The amendment was referred to the relevant agencies and their views were addressed as part of the amendment exhibition process.

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

The amendment is not anticipated to have any significant impacts on the transport system, as defined by the Transport Integration Act 2010.

Resource and administrative costs

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

The amendment is not anticipated to unreasonably impact the resource and administrative costs of the responsible authority. The amendment proponent will pay for the statutory fees associated with the amendment.

Where you may inspect this Amendment

The amendment can be inspected free of charge at the Bass Coast Shire Council website at www.basscoast.vic.gov.au; or

The amendment is available for public inspection, free of charge, during office hours at the following places: 76 McBride Avenue, Wonthaggi.

The amendment can also be inspected free of charge at the Department of Environment, Land, Water and Planning website at www.planning.vic.gov.au/public-inspection or by contacting 1800 789 386 to arrange a time to view the amendment documentation.