

Bass Coast Shire Council Planning Scheme Review 2022

February 2023

Final Version



Acknowledgement of Traditional Owners

Bass Coast Shire Council acknowledge the Bunurong as the Traditional Owners and Custodians of the lands and waters, and pays respect to their Elders past, present and emerging, for they hold the memories, the traditions, the culture and Lore.

Bass Coast Shire Council celebrates the opportunity to embrace and empower the Aboriginal and/or Torres Strait Island Communities in their diversity.

Bass Coast Shire Council will create opportunities for future recognition and respectful partnerships that will honour the Traditional Owners and Custodians, and Aboriginal and/or Torres Strait Islander Peoples.

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I. Executive summary

I.1 Why is the planning scheme being reviewed?

Bass Coast Shire Council (*Council*) as the Planning Authority for the Bass Coast Planning Scheme (the scheme) is required to review the scheme every four years under Section 12(B) of the *Planning and Environment Act 1987* (the Act).

This review is an opportunity for Council to look at how its planning scheme is performing in terms of its effectiveness and efficiency in achieving the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework.

The review also provides an opportunity for Council to identify areas that need to be improved through a planning scheme amendment and/or further strategic work to ensure it can deliver on the community vision outlined in the Council Plan.

This review will be submitted to the Minister for Planning as required under section 12(B) of the Act once complete.

I.2 What has happened since the last review, and how is the scheme operating?

The scheme has undergone significant change since its last review in 2018. The Victorian State Government reforms have fundamentally changed the structure of the scheme to improve its operation and outcomes across the Shire. This work included a new Municipal Planning Strategy (replacing the former Municipal Strategic Statement) and a new Planning Policy Framework (relocating the content from Clause 21 and Clause 22 of the former Local Policy Planning Framework).

Since the last review Council has been actively responding to the fundamental issue of managing growth while ensuring the intrinsic values and character of the Shire are retained by commencing a number of strategies including, Housing Strategy, Neighbourhood Character Study, Industrial Land Use Strategy, Urban Forest Strategy, Integrated Water Management Strategy, and Rural Tourism Strategy. To complement this suite of strategic work, this planning scheme review has found additional shire wide strategies expressing an oversight about the Shire's future needs relating to economic development, transport, community services and facilities, provision of public open space, environmental assets and environmental risks (including impacts of climate change) are also required.

In addition, it has been a priority of the State Government to protect the Shire's unique and sensitive landscape from threats including development pressures. In response to this the State Government commenced the Bass Coast Distinctive Areas and Landscapes Project (DAL project). The DAL project declared the entire Bass Coast a 'distinctive area and landscape' and prepared a draft Statement of Planning Policy (SPP) including the preparation of a *Bass Coast Landscape Assessment Report* and a *Bass Coast Township Character Report*. Once finalised, the SPP will be the most significant piece of planning policy to come into effect within the Shire. Its implementation will require the Scheme to be amended to ensure the two documents align. This scheme review recognises the alignment will be a significant task that could encompass the need for further strategic to be undertaken.

Council, in recognition of Wonthaggi being the regional centre for the Shire, has prepared a significant body of strategic work including the preparation and adoption of four key documents: *Wonthaggi Structure Plan Review 2018*, *Wonthaggi North East Precinct Structure Plan and Development Contributions Plan* (WNE PSP and DCP), *Wonthaggi Access and Movement Strategy* (WAMS) and the *Wonthaggi Activity Centre Plan* (WACP). This body of work reinforces the role of Wonthaggi as a regional centre for South Gippsland.

Council has recognised the contribution of our cultural heritage has in the Shire by completing two studies include the Bass Coast Heritage Gaps Analysis and Prioritisation Framework and Bass Coast Thematic Environmental History. This work provides an understand of European post-contact heritage of the Shire. However, a noticeable gap is an understanding of the rich Aboriginal history and heritage of Bass Coast and the wider area. This is recognised as a gap that must be addressed.

Since the last review of the planning scheme in 2018, a number of planning issues have emerged that the Scheme needs to respond to. The most serious issue is climate change, which is predicted to cause an increase in sea levels, a decrease in rainfall and more frequent and severe fire and storm events. There will be impacts on coastal settlements, biodiversity, Aboriginal heritage, stormwater quality and quantity, infrastructure, and agricultural production. As Bass Coast Shire has several low-lying regions (both on the coast and further inland) and a large amount of viable agricultural land, the future impact of climate change on the municipality is a significant planning issue. Further strategic work is required to prepare for the impacts of climate change by ensuring it is understood and reflected in policy.

Other issues for planning to address, not already mentioned are related to extractive industries, rural land use, social and affordable housing.

Overall, this planning scheme review has found that while the scheme is operating well, it is recommended that the planning scheme is aligned to the Council Plan, Community Vision with further strategic work undertaken. The further work will be prioritised following the completion of the Bass Coast Distinctive Areas and Landscapes Project.

1.3 Consolidated recommendations

The analysis determined the below further strategic work needs to be undertaken. This list will be refined and prioritised following the finalisation of the Bass Coast DAL project, with a view to include the final list of further strategic work in Clause 74.02 of the Scheme:

Settlement and housing

- Complete the shire wide strategies that have already commenced including:
- Housing Strategy, Social and Affordable Housing Strategy, Industrial Land Use Strategy, Urban Forest Strategy, Economic Development Framework, and Neighbourhood Character Study
- Ensure integration the Bass Coast Landscape Assessment Report Vol 1 and Vol 2 into relevant strategy plans and the Scheme
- Undertake a Settlement Strategy and other shire wide strategies relating to transport, integrated water management, community services and facilities, provision of public open space, environmental assets and environmental risks
- Following completion of Shire wide studies prepare structure plans for all settlements

Economic development

- Complete the Bass Coast Unlocking Rural Tourism Strategy and commence review of the Rural Land Use Strategy that is informed by a detailed agricultural land assessment
- Complete the Bass Coast Industrial Land Use Strategy
- Complete the Economic Development Framework and implement relevant findings into the scheme, and where necessary undertake further strategic work.

Built form and heritage

- Complete and implement the findings of the Neighbourhood Character Study
- Prepare urban design frameworks for settlements in gateway locations or along tourist routes (for example Grantville, Newhaven, Kilcunda, Dalyston)
- Prepare design guidelines for rural, industrial and commercial development
- Develop an ESD Policy
- Progress the implementation of the Heritage Gaps Analysis and Prioritisation Framework
- Preparation of an Aboriginal Heritage Study

Infrastructure and transport

- Prepare strategies to manage transport, parking, waste, community services and facilities, and provision of public open space
- Implement relevant findings from strategies including, Wonthaggi Activity Centre Plan, and Smiths Beach Town Plan.
- Monitor trends in population growth and the land available for public uses, including health and education
- Investigate the benefits of a development contributions plans
- Collaborate with water authorities to ensure planning protection of infrastructure

Environment and landscape values

- Undertake shire-wide study of biodiversity to identify and determine planning controls to protect environmental assets, areas of high conservation value, and significant vegetation
- Implement the findings of the Bass Coast Landscape Assessment Report Vol 1 and Vol 2
- Undertake a vegetation study (including preparation of significant vegetation register) to enable review of planning policy, overlays schedules, and clause 52.17 schedules.
- Investigate increasing vegetation cover within medium density development.

Environmental risks and climate change

- Shire-wide identification of environmental hazards, relating to inundation, erosion, land subsidence, acid sulphate soils, and salinity
- Continued advocacy to the State government to manage flood mapping and coastal erosion amendments, and to provide the tools for the adaptation of townships to the impacts of climate change
- Continue scoping delivery of actions 24 and 25 in the Climate Change Action Plan

Natural Resource Management

- Complete the Rural Tourism Strategy
- Review the Rural Land Use Strategy in association with a detailed agricultural land assessment
- Investigate the implementation of the Catchment Management Authorities strategies into the Bass Coast Planning Scheme
- Review of the Extractive Resources Interest Areas be commenced, concurrent with the first recommendation listed under 'environment and landscape values'

2018 Review

- Undertake outstanding recommendations from the 2018 review, and Clause 74.02

Process improvement recommendations

- Introducing a governance framework that ensures Council meets its financial and legislative obligations in administering the PSP and DCP
- Continue to monitor and review process improvement relating to internal and external referrals
- Monitor delegations for efficiency in decision making with less than 3 percent of planning permit decisions referred to Council
- Ensure adequate data collection to improve strategic planning decision making

2. Introduction

2.1 Bass Coast Planning Scheme

Purpose

A planning scheme is a statutory document that regulates the use and development of land in a municipality. It contains policies that are used to inform and guide planning decisions and controls that relate to the use, development, protection, and conservation of land.

The scheme describes its purpose at Clause 01:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express state, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
- To support responses to climate change.

Vision

The Vision of the Scheme is set out in Clause 02.02, and mirrors that of the (albeit outdated) 2013-2017 Council Plan as it relates to land use planning and development, it states:

Bass Coast Shire will be recognised as a unique place of environmental significance where our quality of life and sense of community is balanced by sustainable and sensitive development, population and economic growth.

This is supported by four objectives that shape Council's vision for land use planning:

- **Natural Environment:** Our unique natural environment is protected, maintained and enhanced for the enjoyment of all.
- **Sustainable Development and Growth:** Our built environment complements our landscape, lifestyle and climate.
- **Healthy Communities:** Our community feels connected, safe and strong.
- **Economic Development:** Our economy is supported by diverse, local and innovative businesses and employment.

Structure

In 2018, the State Government implemented a number of changes to the Victorian Planning Provisions and Planning Schemes across Victoria to clarify and improve their structure, function and operation, and to remove unnecessary regulation. This was carried out through Amendment VC148 which specifically:

- introduced a new Planning Policy Framework (PPF)
- enabled the future introduction of a Municipal Planning Strategy (MPS)
- simplified the VPP structure by:
 - restructuring particular provisions
 - integrating VicSmart into applicable zones, overlays and particular provisions
 - consolidating operational and administrative provisions
- amended specific zones, overlays and particular provisions to improve their structure and operation, and to support the future translation of Local Planning Policy Frameworks (LPPFs) into the MPS and PPF
- introduced a new Specific Controls Overlay to replace Clause 52.03 (Specific Sites and Exclusions)
- deleted outdated particular provisions
- deleted permit requirements for low-impact uses in industrial zones

- reduced car parking requirements for uses in commercial areas and for land within walking distance of high-quality public transport.

The Bass Coast Planning Scheme was “translated” into this new structure in July 2021 via Amendment C160bas. This was a policy neutral amendment undertaken by the State government in collaboration with Council Officers.

Changes to the planning scheme

The Planning Scheme is constantly being reviewed and updated at a State level with numerous VC and GC amendments occurring each year. The scale of changes to the Victorian Planning Provisions since the preparation of the last Planning Scheme Review in 2018 has been considerable. The changes to policy at the State level through VC and GC amendments are reflective of the key local and global issues that the State is seeking to address. To date, these have mostly related to the themes of:

- Energy, to support electrification and renewables
- Recovery from Covid-19
- Recovery natural disasters
- Transport reforms towards alternative transport
- Facilitation of State infrastructure and housing projects
- Protecting extractive industries
- Climate change and ESD.

2.2 Purpose of Review

Council as the Planning Authority is required to review the scheme every four years under Section 12(B) of the Act.

The scope of a planning scheme review is established under Section 12(B) and is reinforced through Planning Practice Note 32 which outlines that planning scheme reviews should focus on:

- The effectiveness and efficiency of the planning scheme in achieving the objectives of planning in Victoria and the objectives and strategies of the Planning Policy Framework.
- Aligning the planning scheme with the Ministerial Direction on the Form and Content of Planning Schemes.
- Ensuring the planning scheme contains a clear narrative about the way use and development of land will be managed to achieve the planning vision or objectives of the area.

A review of the planning scheme was last undertaken in 2018 following the adoption of the previous Council Plan 2017-2021.

This review will be submitted to the Minister for Planning as required under section 12(B) of the Act once complete.

2.3 Objectives of Planning in Victoria

Section 4 of the Planning and Environment Act 1987 sets out the objectives of planning in Victoria:

The objectives of planning in Victoria are –

- to provide for the fair, orderly, economic and sustainable use, and development of land;*
- to provide for the protection of natural and man-made resources and the maintenance of ecological processes and genetic diversity;*
- to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;*
- to conserve and enhance those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value;*
- to protect public utilities and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community;*

- f) to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- g) to facilitate the provision of affordable housing in Victoria;
- h) to balance the present and future interests of all Victorians.

2.4 Methodology

This planning scheme review was undertaken by Council officers utilising the methodology, procedure and templates developed by Regional Planning Partnerships at Department of Environment, Land, Water and Planning (DELWP). It was also prepared with consideration of the *Ministerial Direction on the Form and Content of Planning Schemes*, *Planning Practice Note 32: Review of Planning Schemes* and *A Practitioners' and Guide to Victorian Planning Schemes*. The key stages of the review are listed in the Table below.

| Stage | Tasks |
|----------------------|---|
| Inception stage | Data collection (permit data, VCAT data, amendment data, strategic plans) |
| Analysis stage | <p>Review of previous Planning Scheme Review Report (12B)</p> <p>Review of VCAT decisions and Planning Panel recommendations</p> <p>Review of Planning Permit Activity Reporting System (PPARS) data.</p> <p>Review of new and emerging strategic plans (regional and local), including Council Plan and Council Vision</p> <p>Audit of existing planning scheme.</p> |
| Consultation stage | <p>Targeted consultation with Councillors, Council Officers and referral authorities. The consultation approach is consistent with the DELWP methodology. The views and aspirations of the broader community were recently captured through the preparation of the Council Plan and Council Vision.</p> |
| Reporting stage | <p>Preparation of planning scheme review report</p> <p>Identify further strategic work</p> |
| Finalisation stage | <p>Report is adopted by Council and forward to the Minister for Planning as required by section 12(B) of the <i>Planning and Environment Act 1987</i>.</p> |
| Implementation stage | <p>Revaluation of the further strategic work list to consider the strategic implications of the finalised Statement of Planning Policy.</p> |

3. Current trends, issues, and opportunities

This section provides an overview of the strategic context as it relates to land use planning and development in Bass Coast. It provides an overview of current trends being experienced in the municipality, alongside the identification of emerging issues and opportunities relevant to the planning scheme and outlines the future strategic work that needs to occur.

3.1 Context

Bass Coast Setting

Bass Coast is one of Victoria's fastest growing regional municipalities. It is located approximately 130km south-east of Melbourne and covers an area of just over 860 square kilometres. It is predominantly a coastal municipality defined by the foreshore habitats of Bass Strait, the Bunurong Coast, Western Port and Anderson Inlet. The coastal areas are complemented by rural hinterland, river flats and the Strzelecki Foothills.

The major resident population centre is Wonthaggi. It is the Shire's main centre for administrative, retail, commercial, industrial and community facilities. The other major population and activity centres include Cowes, San Remo, Grantville and Inverloch. These towns provide retail and community facilities for local and wider populations. Alongside these townships are a number of smaller coastal communities which experience large population fluctuations during holiday and summer periods, and rural communities

Agricultural activities, particularly dairy and beef cattle farming are a significant contributor to the local and regional economies and a major source of local employment. Agriculture is the main land use of the Shire's hinterland and creates an attractive landscape backdrop to the coastal areas. The main pillar to Bass Coast's economy is tourism, with internationally recognised tourism destinations such as Phillip Island and the coastlines of Western Port and Bass Strait.

Changing and growing population

Victoria in Future (2019) projects the population of the Shire to increase to 48,140 by 2036 with an annual growth rate of 1.7%. Since the last planning scheme review in 2018, the Bass Coast population has grown more rapidly than anticipated. The estimated residential population (ERP) for the Shire as of June 2021 was 40,641, 2,981 higher than the VIF projection. In fact, State government population projections show the Shire adding almost 10 000 residents over the next 14 years. This is 20 percent of the forecast population increase expected for Gippsland, and represents one of the highest rates of growth for Victorian local government areas.

Internal migration to Bass Coast contributed substantially to population growth, with 5,970 people migrating within-state from elsewhere in Victoria to Bass Coast since 2016. People have predominately migrated from the adjoining and nearby local government areas of Casey, Yarra Ranges, Cardinia, and Frankston. The age group with the highest net migration to Bass Coast was those aged 55 years and over.

The age structure in recent years indicates there is an overall trend towards an aging population, with 52.1% of residents aged over 50 years old and 39% aged over 60 in 2021. The Shire's older age profile is also reflected in the household mix with 'couple families without children' and 'lone person households' making up 67 percent of all households in Bass Coast. Future projections indicate that 78% of the additional households over the next 15 years will have either 1 or 2 residents.

The growing population and household types will present challenges for housing supply, affordability, housing diversity, infrastructure, services and the natural environment.

The 2026 Census will provide a more robust view of the population and demographic trends following Covid-19. It will be important to continually analyse the population change and ensure the planning scheme is positioned to proactively adapt.

3.2 Trending strategic work

Wonthaggi North East Precinct Structure Plan and Development Contributions Plan

The WNE PSP and DCP has been prepared to guide the sustainable development of approximately 5,000 new homes over the next 30 to 50 years and ensure the delivery of infrastructure needed to support the growing community, such as roads, drainage, open space, recreation facilities, learning centres, and land for employment and retail.

The preparation of the WNE PSP and DCP cements Wonthaggi's position as a regional centre identified in Plan Melbourne and Gippsland Growth Plan. The Victorian Planning Authority (VPA) has prepared the planning scheme amendment C152 that seeks to amend the scheme to include the PSP and DCP.

The WNE PSPS and DCP, will introduce the Shire's first development contributions plan that will fund the delivery of essential development and community infrastructure required to support the residential growth in the Precinct, the estimated total contribution is \$90,000,000. The administering of the DCP places strict legislative obligations on Council, in addition to being the Responsible Authority and Planning Authority, Council will also become the Collecting Agency and Developing Agency for the DCP. To ensure Council can seamlessly manage its roles and the administration of the DCP sound governance procedures and financial oversight will need to be in place.

In response to this, Council has introduced a dedicated Growth Areas Planning to manage the PSP process and implementation, including management of the DCP.

Recommendation

In summary, the key recommendations related to WNE PSP and DCP is to:

- introducing a governance framework that enables Council to meet its financial and legislative obligations in administering the PSP and DCP.

Bass Coast Distinctive Areas and Landscape Project

On 29 October 2019, the entire Bass Coast was declared a 'distinctive area and landscape' in accordance with section 46AO of the Act 1987. The declaration includes a statement that sets out the significance of the area to the people of Victoria, including the Traditional Owners of the Bass Coast. Following the declaration, section 46AT of the Act required the Minister for Planning to prepare a Statement of Planning Policy (SPP). The purpose of a SPP, as outlined by section 46AU of the Act is *'to create a framework for the future use and development of the land in the declared area to ensure the protection and conservation of the distinctive attributes of the declared area'*

The draft Statement of Planning Policy (draft SPP) has been prepared, together with proposed landscape planning controls. The controls were developed from the *Bass Coast Landscape Assessment Report Vol 1 and Vol 2*. The draft SPP includes policy domains relating to Climate change mitigation and adaption, Landscape, Environment and biodiversity, Historic heritage, Sustainable economic development, Strategic infrastructure, and Settlements. The settlement section proposes protected settlement boundaries for all Bass Coast settlements.

Consultation of the draft SPP occurred in April 2022 and attracted a substantial number of submissions. The Minister for Planning has referred all written submissions to the Distinctive Areas and Landscapes Standing Advisory Committee (the Committee). The Final SPP will be prepared by the Minister following receipt of the report from the Committee.

Once finalised the draft SPP will be the most significant piece of planning policy to come into effect within Bass Coast. It's proposed protected settlement boundaries will, at a high level, address the critical issue of managing the ongoing tension between population growth and development pressures against the protection of the environment and significant landscapes. However, what the SPP will not do, is consider how Council manages the population growth and housing change that will occur once land available in greenfield areas is consumed and growth is now directed to the established residential areas within the existing settlement boundaries. It also does not account for the growth of commercial and industrial land use, or the growing needs of community services.

To complement the SPP, it is recommended that Council remain vigilant about the needs of its community by preparing a suite of shire wide strategies that express the needs for settlements, housing, built form and character, commercial, industrial and community needs, infrastructure needs across all townships. These strategies will then

underpin the development of structure plans for each settlement that will ensure growth within the established settlements will not erode what the community values about their towns.

It will be crucial for this shire wide work to be scheduled and resourced to align and coordinate with the 10-year reviews of the draft SPP.

Overall, it is recommended that as a priority the Council completes the shire wide studies it has commenced and seeks to implement a program of strategic work that will manage the impact of protected settlement boundaries on established residential and commercial areas of settlements.

Recommendation

In summary, the key recommendations include:

- Completes the shire wide studies it has commenced and seeks to implement a program of strategic work that will manage the impact of protected settlement boundaries on established residential, commercial and community areas of established settlements

3.3 Opportunities and issues by planning theme

Settlement and Housing

Preparing for growth while ensuring the intrinsic values and character of the Shire are retained presents the most significant planning challenge for Council, as population growth has implications on almost all aspects of the planning scheme.

Over the next 15 years, projections indicate that between 534 – 656 additional dwellings will be required per year, resulting in the need for approximately 10,000 additional dwellings by 2036.

The established settlement boundaries direct housing within town boundaries, which minimises urban sprawl and the impact on the valued landscape character of the Shire. Within these boundaries, the settlement hierarchy contained in the scheme outlines the strategic direction for all towns in Bass Coast. Since its introduction the settlement hierarchy has not been reviewed and it is noted the Shire does not benefit from a settlement strategy.

The Bass Coast DAL project proposes protected settlement boundaries for all settlements within the Shire. This has significant implications for settlement planning by setting the spatial extent of land in which housing and consequently population growth can be accommodated. Specifically, the protected settlement boundaries bring challenges in determining how the increasing housing will be accommodated within the settlement boundaries. Most homes in Bass Coast are separate dwellings and there is a continued preference towards this housing type in new developments. Traditionally, housing has been met with greenfield development. As the remaining greenfield 'vacant' land is consumed and eventually exhausted, it is imperative that Council develop a plan to transition to infill and medium density development in a way that manages the tension of providing additional homes and preserving character values.

This transition to infill and medium density will present a shift for the community. Currently, less than 10% of all housing is considered medium density, and despite household demographics of smaller and aging households there is a strong preference for detached dwellings in greenfield estates.

The sustained period of growth and potential for permanent settlement boundaries recognises a need for a clear set of strategies to effectively manage the settlement hierarchy and housing provision across the Shire.

Another challenge to settlement planning is housing availability and the scale of unoccupied dwelling across the Shire. Only 56% and 62.5% of dwellings were occupied on the 2016 and 2021 Census nights, respectively. It is estimated that more than one-third of the existing housing stock in 2016 was used primarily to accommodate non-residents, including holiday homes and holiday rentals. The number of active listings for holiday rentals (including AirBnB) increased by 9% per annum from 2018 to 2021.

Housing affordability is emerging as a significant issue for residents of Bass Coast. The median rent in Bass Coast is \$390 per week, higher than Regional Victoria (\$360/week), which has increased at an average rate of 7% per annum since 2015.

Social and affordable housing is also a very serious concern for the community. The current amount and configuration of social and affordable housing in the Shire does not match local need, and there are an estimated 733 households in Bass Coast in need of affordable housing (5.1 per cent of all households in the Shire). Addressing affordable housing requires an approach from local, state and federal government. The State government has commenced the Big Housing Build to work towards increasing the supply of social housing and amended the planning scheme to facilitate this. Council is in the process of developing its Social and Affordable Housing strategy.

A shortage of accommodation for local workers is also an emerging issue, which has been exacerbated by housing affordability, occupancy and supply issues. This further highlights an integrated approach is required to seek to address these linked issues.

Council will need to manage the growth of the municipality by ensuring effective planning policy is in place to direct growth to places which have the infrastructure and services to support it, while preserving the valued character of places. To address this, it is recommended that the current strategic work program is completed as a priority. Then more localised settlement planning should occur in the form of structure plans.

Recommendation

In summary, the key recommendations as a result of the review are to:

- Complete the shire wide strategies that have already commenced including:
- Housing Strategy, Social and Affordable Housing Strategy, Industrial Land Use Strategy, Urban Forest Strategy, Economic Development Framework, and Neighborhood Character Study
- Ensure integration the *Bass Coast Landscape Assessment Report Vol 1 and Vol 2* into relevant strategy plans and the Scheme
- Undertake a settlement strategy and other shire wide strategies relating to transport, integrated water management, community services and facilities, provision of public open space, environmental assets and environmental risks
- Following completion of Shire wide studies prepare structure plan all settlements

Economic Development

The major industries providing employment and driving growth in the Shire are those mostly servicing the population, with tourism and agriculture also defining the economy.

Since the last review, further work has commenced to identify strategic policy gaps related to tourism and industrial land supply.

Rural tourism

The Bass Coast Unlocking Rural Tourism Strategy seeks to facilitate sustainable rural tourism. The development of this rural tourism strategy, together with the review of the scheme has highlighted a need to review rural tourism within the context of all rural land uses that occur within the Shire's hinterland. This includes a holistic consideration of the relationship between agriculture, tourism, extractive industry, industry, and rural residential living with the valued landscapes and natural environment of the rural hinterlands. As such, it is recommended to undertake a comprehensive review of the Bass Coast Rural Land Use Study 2014, underpinned by a detailed agricultural land assessment for the Shire. This work would be complemented by the work discussed under the theme, '*Environment and landscape values*', and the preparation of design guidelines for rural development.

Industry

As the permanent and visitor population of the Shire continues to grow, it's important that the within our settlements the type and location of land for employment, commercial, retail, and industry remains suitable and aligned to our current and future needs. The availability of adequate land for these uses is a critical ingredient to the performance of the local economy. The planning scheme review and recent strategic studies have identified there is a policy gap within the scheme relating to these land uses, as well as an emerging shortfall in industrial land supply.

Council has commenced the preparation of the Bass Coast Industrial Land Use Strategy, and Economic Development Framework (EDF), together these strategies should provide a basis for addressing the identified policy gaps and ensure the scheme is aligned to facilitate business investment, with an adequate supply of suitably zoned land available.

Recommendation

In summary, the key recommendations as a result of the review are to:

- Complete the Bass Coast Unlocking Rural Tourism Strategy and commence review of the Rural Land Use Strategy that is informed by a detailed agricultural land assessment
- Complete the Bass Coast Industrial Land Use Strategy
- Complete the Economic Development Framework and implement relevant findings into the scheme, and where necessary undertake further strategic work.

Built form and heritage

The review found there are policy gaps in neighbourhood character, environmentally sustainable design, urban design for industrial and commercial areas, design of rural development, and limited mention of universal design.

The neighbourhood character policy gap has been identified by the current strategic planning work programme and preferred character guidelines will be implemented to ensure that the intrinsic values of residential areas within settlements are retained.

For commercial and industrial areas, the planning scheme provides minimal guidance on the preferred form new developments should take in a local context. There is a need to prepare urban design guidelines for development to be responsive to the local context. Similarly, there are several townships on key tourist routes, like Grantville, Newhaven, Kilcunda and Dalyston that have limited guidance about preferred urban design outcomes.

For our places to be designed in an inclusive way for all genders, backgrounds and needs, further work is required to implement universal design principles into the Scheme.

Currently, there is no local policy or mechanism in the Scheme to achieve environmentally sustainable design outcomes in built form. This gap is also identified in Council's Climate Change Action Plan (action 24).

The Heritage Gaps Analysis and Prioritisation Framework was adopted by Council earlier this year, which included an implementation plan to investigate a list of places for heritage significance and inclusion in the Heritage Overlay. The Heritage Gaps Analysis and Prioritisation Framework reiterated the importance of undertaking an Aboriginal Heritage Study, which was identified by previous planning scheme reviews.

Collectively, this work is vital to ensure that the strategic objectives of the new Council Plan for strengthening the connection between people and the public places they share, there is business growth in harmony with our natural environment and sustainable values, and residential growth while ensuring the intrinsic values and character of Bass Coast are retained.

Recommendation

In summary, the key recommendations as a result of the review are to:

- Complete and implement the findings of the Neighbourhood Character Study
- Prepare urban design frameworks for settlements in gateway locations or along tourist routes (for example Grantville, Newhaven, Kilcunda, Dalyston)
- Prepare design guidelines for rural, industrial and commercial development
- Develop and implement an ESD Policy
- Progress the implementation of the Heritage Gaps Analysis and Prioritisation Framework
- Preparation of an Aboriginal Heritage Study

Infrastructure and transport

With the population growth projected, will come a demand for infrastructure to support new residents in existing and new communities, including development infrastructure such as roads and drainage, open space, as well as community infrastructure that is necessary for communities to be healthy and connected.

The growing and changing demand for infrastructure is reflected in the State government investment in health facilities since 2018. In recognition that the Bass Coast Shire population is one of the fastest growing areas and Wonthaggi's role as a regional centre, the State government has invested \$115 million in the Wonthaggi Hospital expansion project.

In 2019, the Phillip Island Health Hub located in Cowes was upgraded to include an urgent care centre opened to provide non-emergency care to residents and visitors. This upgrade was the first stage in the development of the Phillip Island Community Hospital which will be a small public hospital providing outpatient care, community-based health and social care services.

A new senior campus for Year 10–12 students in Wonthaggi was completed in 2019, which included buildings and recreation areas. Following this, a new junior secondary school campus was opened in San Remo in early 2022 to provide an education facility for Year groups 7 to 9 closer to growing populations from Phillip Island, San Remo, Coronet Bay, Corinella and Grantville. Additionally, a gymnasium was constructed at the Cowes Primary School in 2020 to provide social and recreational infrastructure for the school and broader community. There have also been upgrades to private schools, with access and recreation upgrades completed in 2018 at Newhaven College on Phillip Island.

The scale in health and school infrastructure investment by the State government is reflective of the overall trend in community infrastructure and capital works over the last few years to accommodate population growth. While health and education are State Government initiatives, it is recommended that Council monitors trends in population growth and the land available for these uses.

Since 2018, Council has delivered and planned for significant public infrastructure. This includes the Cowes Cultural Centre, which will be a purpose-built public building by Council including a theatre, library, gallery, museum, community function rooms and offices to provide for the social and cultural needs of the community. It has also undertaken the planning scheme amendment C153 to secure the Cowes Recreation Reserve at the Corner of Thompson Ave and Ventnor Beach Road Cowes. These projects are the outcomes of the Cowes Activity Plans.

The preparation of an activity centre and town plans for Smiths Beach and Wonthaggi have also provided the framework for infrastructure delivery program, with streetscape, pathway and recreation facility upgrades. Relevant findings from these strategies should be included within the planning scheme.

To ensure the needs of the growing Bass Coast Shire population are met in relation to public open space Amendment C147 in 2017 secured a five per cent public open space contribution requirement on subdivisions of three or more lots. This rate was informed by the *Public Open Space Strategy 2008* and the *Public Open Space Review 2016*, which included the *Sport and Active Recreation Needs Assessment 2016* which assessed the impact of population and demographic change on open space provision. It found that most of the Bass Coast's sport and active recreation facilities performed at a below average level when assessed against neighbouring and comparative councils. Since 2016, there has been considerable upgrades to public open space and recreational facilities in Bass Coast.

Consultation with Council planners indicated an increasing trend for piecemeal subdivision applications to avoid public open space contributions. It is recommended that this be further investigated and where necessary policy and the scheme improved to ensure that infill development is making an adequate contribution to public open space provision.

In addition, the transition to infill development within established areas of settlements emphasises the need for a holistic framework for the collection, spending, and general management of public open space contributions to ensure appropriate land is available for public open space and upgrades to public open space are reflective of forecasted population trends.

Increasing pressures placed on physical infrastructure, including roads and drainage, will be exacerbated through the need to direct residential development to existing settlements. Funding infrastructure more broadly across the Shire is a challenge which will be heightened by anticipated population growth. The scheme does offer mechanisms to collect development and community levies, and it is recommended that a study be undertaken to investigate the benefits of a shire wide development contributions plans.

Parking remains a contentious issue, particularly within activity centres and popular beach side locations. The scheme has provisions to be able to address parking however to date this has been underutilised. It is recommended the need for parking studies and use of parking overlay be investigated.

The scheme has a preference to ensure an integrated transport and land use planning. Council has prepared access and movement strategies for Cowes, Smiths Beach and Wonthaggi, however there is no overarching policy guiding transport and land use planning, specifically how parking, freight, bicycle networks, and pedestrian networks interact with land uses. It is recommended that the transport strategy be prepared.

Waste management is emerging as a key issue. Consultation with internal stakeholders identified there are legacy issue relating to private waste collection for subdivisions and residential developments. The scheme has provision to provide policy direction about waste resource and waste recovery which is not currently populated with local content. To assist planners with decision making where private waste collection is proposed a study should be undertaken to ensure the waste streams are utilised effectively in new developments with private collection to minimise the amount of waste going to landfill.

To proactively manage the increasing pressure on physical infrastructure, there is need to for the holistic planning of infrastructure to ensure that it meets future needs of the Shire, while being designed to be climate resilient and respectful of neighbourhood character. A need for overarching strategies for key infrastructure was identified as strong theme from consultation across Council for public open space, roads and traffic, movement networks, drainage and waste.

The analysis of the planning scheme identified a gap in controls and policy for the protection of significant state infrastructure. This includes the gas pipeline, the desalination pipeline, and waste water assets, which are all required to be protected from land use encroachments to ensure the capacity is not impacted. DEWLP will address the gas pipeline and the desalination pipeline. However, it is recommended that Council collaborate with waste water authorities to ensure the scheme offers a level of protection of their assets.

Recommendation

In summary, the key recommendations as a result of the review are to:

- Prepares strategies to manage transport, parking, waste, community services and facilities, and provision of public open space
- Implements relevant findings from strategies including, Wonthaggi Activity Centre Plan, and Smiths Beach Town Plan.
- Monitor trends in population growth and the land available for public uses, including health and education
- Investigate the benefits of a development contributions plans
- Collaborate with water authorities to ensure planning protection of infrastructure.

Environment and landscape values

The protection of the natural environment emerged as a priority from consultation with internal stakeholders and is identified as a key area of opportunity from the review analysis.

The Bass Coast DAL project's draft Statement of Planning Policy include two relevant policy domains of Landscape and Environment and biodiversity. Additionally, the *Bass Coast Landscape Assessment Report Vol 1 and Vol 2* were undertaken to characterise the character and significance of the landscapes. Previous reviews and planning scheme analysis identified policy gaps in landscape values, which this work should address. Implementation of the policy and controls will be required for this to be achieved.

The impact of extractive industries on the environment has been a contentious issue which has emerged since the last review. This has been identified in the planning scheme analysis, where the environmental and landscape value held and expressed by the community do not align with what is currently reflected in the planning scheme.

This policy gap in protection of the natural environment was identified by previous reviews, where there is an identified need for improved planning policy and reviewed planning controls for the protection for vegetation and significant environments. To date, there has not been a shire-wide study of biodiversity. It is recommended one is undertaken to ensure planning can contribute to the improvement of biodiversity through the management of land, water and ecosystems.

Council has commenced work to prepare the Urban Forest Strategy that outlines councils' vision for urban forest cover. For planning to give effect to this work it is recommended that a shire wide vegetation study and significant vegetation register are prepared. This would allow for the review of the vegetation policy and controls within the planning scheme. Additionally, the Urban Forest Strategy has identified a need to ensure appropriate vegetation cover is established within medium density development. It is recommended a study is undertaken to understand how policy and zone schedules can be utilised to increase vegetation cover within medium density development.

Recommendation

In summary, the key recommendations as a result of the review are:

- Undertake shire-wide study of biodiversity to identify and determine planning controls to protect to environmental assets, areas of high conservation value, and significant vegetation.
- Implement the findings of the Bass Coast Landscape Assessment Report Vol 1 and Vol 2
- Undertake a vegetation study (including preparation of significant vegetation register) to enable review of planning policy, overlays schedules, and clause 52.17 schedules.
- Investigate increasing vegetation cover within medium density development

Environmental risks and climate change

The issue of climate change has become pressing at a local and state level since the last planning scheme review and has significant planning implications for the Shire. Potential hazards identified include: increased average temperatures and solar radiation; increased extreme heat days; increased extreme storm events; decreased annual rainfall; rising sea levels; and ocean acidification. This may impact on the settlements, flora and fauna.

Council declared a climate emergency in 2021 and adopted the *Climate Change Action Plan 2020-2030*.

The Climate Change Action Plan (CCAP) includes two actions for strategic planning, to develop a local ESD policy in the Bass Coast Planning Scheme and the preparation of township adaptation plans. There are also actions elsewhere in the CCAP which overlap with, and have strategic planning implications, including the vulnerability of Council assets to climate change. This highlights the need for a more integrated approach to effectively respond to climate change.

State policy and strategy on climate change adaptation has significantly evolved in the last five years, notably the recognition of climate change in legislation through the *Climate Change Act 2017*. The *Built Environment Climate Change Adaptation Action Plan 2022–2026* is focused on improving essential policies and standards to make built environments more climate-resilient, and the *Marine and Coastal Act 2018* and *Marine and Coastal Strategy 2022* is focused on building the foundations for long-term climate adaptation in Victoria's marine and coastal environment, which includes land within 5 kilometres of the coast. A Regional and Strategic Partnership (RASP) was established by the State government under the *Marine and Coastal Act 2018* to address erosion issues arising in Inverloch. This project is currently undergoing consultation. Relevant to Council, the RASP project has produced coastal hazard assessments that included updated coastal inundation maps that differ from those currently mapped by the land subject to inundation overlay (LSIO). As planning authority, Council has a responsibility to update the planning scheme to reflect the most up to date flood mapping, and it is recommended Council undertake this work. It is acknowledged that flood mapping updates to the scheme could be streamlined if managed by the State Government, in a similar way they manage Bushfire. As such it is recommended Council advocate for streamlined flood mapping reviews and subsequent amendments.

The planning scheme review identified a significant change to planning policy was introduced by Amendment VC171 in September 2021, which requires planning to allow for sea level rise by 2100 and other coastal processes or within existing settlements. As a coastal municipality with a number of low lying settlements this has a significant impact on planning. This policy change has impacted on Melbourne Water's assessment of planning applications in areas likely to be affected by sea level rise for 2100, objecting to new dwellings in areas where road access will be inundated by 2100. This has left a 'policy vacuum' where the tools and resources have not been implemented by the State government to manage this policy transition, which is posing a significant challenge to Council and landowners. It is recommended Council continue to collaborate with State government to address this issue.

In addition to sea level rise and coastal erosion, there are also planning implications of climate change that affect Bass Coast which need to be identified and responded to. This includes the impact of a changing climate on bushfire, acid sulphate soils, salinity, erosion and land subsidence.

These issues stress the importance of undertaking work to identify environmental hazards to inform future strategic planning responses.

Recommendation

In summary, the key recommendations as a result of the review are to:

- Shire-wide identification of environmental hazards, relating to inundation, erosion, land subsidence, acid sulphate soils, and salinity
- Continued advocacy to the State government to manage flood mapping and coastal erosion amendments, and to provide the tools for the adaptation of townships to the impacts of climate change
- Continue scoping delivery of actions 24 and 25 in the Climate Change Action Plan

Natural Resource Management

Since the last review, a review of the rural tourism policy settings through the Bass Coast Unlocking Rural Tourism (BURT) has been undertaken. The preliminary outcomes of the community consultation and further strategic work as part of this project have highlighted that to effectively review rural tourism, a holistic review of rural land uses is required to ensure that this is undertaken in way that recognises environmental and agricultural values. This requires a greater understanding of agricultural land values and biodiversity values across the shire.

Previous planning scheme reviews identified further work is required in relation to rural living. The findings of the Housing Land Supply and Demand assessment reaffirms this, with demand for rural living remaining steady since previous review and even stronger in the last 6-12 months. With a shift toward infill development from protected settlement boundaries, the constrained supply of larger lots and strong demand for rural living may generate pressure on rural areas and consequential land use conflict.

To address these issues, it is recommended that a comprehensive review of the Bass Coast Rural Land Use Study 2014 is undertaken, with the purpose of establishing an up-to-date and clearly articulated Strategy. The strategic work should begin with a detailed Agricultural Land Assessment, which would be the first undertaken for the shire and provide foundational data for the planning of rural areas.

The operation and expansion of extractive industries has been a contentious issue which has emerged since the last review. This has primarily related to the tension between extractive industries and biodiversity, with the challenge of balancing these evident in the recent Panel report for a quarry extension. To address this issue, it is recommended that a review of the Extractive Resources Interest Areas be commenced, this would be concurrent to the recommendations listed under 'environment and landscape values'

Since the last review, updated Regional Catchment Management Strategies have been prepared. The Port Phillip & Westernport is currently in draft status. The West Gippsland Regional Catchment Strategy 2021 – 2027 lists a series of opportunities for planning scheme in land management, which will require further work with the CMA for implementation.

Recommendations

In summary, the key recommendations as a result of the review are to:

- Complete the Rural Tourism Strategy (BURT)
- Review the Rural Land Use Strategy in association with a detailed agricultural land assessment
- Investigate the implementation of the Catchment Management Authorities strategies into the Bass Coast Planning Scheme
- Review of the Extractive Resources Interest Areas be commenced, concurrent with the first recommendation listed under 'environment and landscape values'.

4. Previous planning scheme review

The Bass Coast Planning Scheme was last reviewed in 2018. An audit of the previous review has been undertaken to identify any outstanding actions that need to be carried over and addressed as part of a future workplan. This audit is included in Appendix One.

It should be noted that for the most part, Council has completed or is in the process of preparing many of the strategic projects that address the work identified in the previous review. There are, however, several outstanding recommendations from the 2018 review which will need to be addressed following further strategic work being undertaken.

In addition to the actions identified in the previous planning scheme review, the actions in the schedule to Clause 74.02 *Further Strategic Work* have also been reviewed. This Clause was introduced into the Bass Coast Planning Scheme as part of Amendment VC148 and allows Council to specify its approach to further strategic work. Through the MPS and PPF translation (Amendment C160base), any references to further strategic work otherwise written or alluded to in local policies were relocated into this Schedule. This Schedule is therefore currently an accumulation of further work actions that have been progressively added to the planning scheme through various planning scheme reviews since its inception.

Recommendations

In summary, the key recommendations as a result of the review are to:

- Undertake outstanding recommendations from the 2018 review, and update Clause 74.02

5. Planning permit activity

This section contains an analysis of planning permit activity that has taken place during the last four years, from January 2018 to June 2022. It draws on both publicly available Planning Permit Activity and Reporting System (PPARs) data and from Council's application management system.

Number of applications assessed

The number of permit applications processed since the last review in 2018 is shown in Table 1. This table demonstrates while permit outcomes were consistently steady, in 2021/2022 there was a strong uptick, with over 100 more permits determined than in previous years.

Table 1: Planning permits decisions since 2018 (Source: PPARS)

| Outcomes | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 |
|--|------------|------------|------------|------------|
| Responsible authority outcomes | 529 | 481 | 485 | 645 |
| Notices of Decision to issue permit (includes amended permits) | 36 | 67 | 49 | 92 |
| Refusal | 9 | 6 | 11 | 18 |
| Withdrawn / not required / lapsed | 59 | 58 | 64 | 102 |
| Final outcomes | 533 | 484 | 486 | 642 |
| New permit issued | 409 | 357 | 377 | 464 |
| Amended permit issued | 59 | 61 | 36 | 53 |
| Combined permit issued | 0 | 0 | 0 | 0 |
| No permit issued | 65 | 66 | 71 | 125 |

Post permit activity in the review period, which includes secondary consent, amendments, plans to comply with conditions and section 173 Agreements is shown in Table 2.

As current reporting abilities do not allow for the categories to be easily distinguished, limitations to this data and analysis should be noted.

As current reporting abilities do not allow for the categories to be easily distinguished, this data was obtained manually from Council systems, and limitations to this data and analysis should be noted.

The post permit activity is consistent with the planning permit activity, with the number of post permit decisions generally on-par with total number of permit decisions. Section 173 Agreements make up the least by volume of post permit activity. There was an usually high volume of S173 Agreements in 2018/2019 comparative to the rest of the period.

The largest volume of post permit activity is represented by plans (or documents) submitted to comply with permit conditions and extensions of time. Since 2018 this has increased substantially, with an approximate 44% increase between 2018 and 2021.

Table 2: Post permit decisions since 2018 (Source: Council data)

| | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 |
|---|------------|------------|------------|------------|
| Secondary consent | 75 | 78 | 79 | 72 |
| Amendments | 63 | 61 | 41 | 62 |
| Condition plans (includes EOT and drainage plans, including S173) | 307 | 293 | 401 | 443 |
| TOTAL | 445 | 378 | 521 | 577 |
| S173 Agreements | 47 | 17 | 20 | 18 |

The Table 3 below provides an overview of the combined totals of planning activity from the above tables, and formal requests which includes planning information requests, request for in principal support to end or amend an agreement and liquor license referrals.

For formal written requests, the date of lodgement determined the inclusion in relevant year.

Over the review period, there has been approximately a 20% increase in the combined total of planning activity for Bass Coast.

If this is sustained, this overall increase in activity represents a noticeable impact on Council's Statutory Planning Team workload, both planners and administration officers. It is important that resources are reflective of the planning activity to ensure that assessments can be thorough and detailed. Increased workloads also highlight the importance of ensuring the planning scheme is efficient through improvements.

Table 3: Combined planning activity since 2018 (Source: Council data)

| | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 |
|-------------------------|--------------|--------------|--------------|--------------|
| Permit | 529 | 481 | 485 | 645 |
| Post permit | 445 | 378 | 521 | 577 |
| Formal written requests | 311 | 301 | 445 | 319 |
| TOTAL | 1,285 | 1,160 | 1,451 | 1,541 |

Nature of applications assessed

Over the last 4 years, the category of permits generating the highest activity depicted in the PPARS data is consistently “single dwelling” or “subdivision of land”.

This is illustrated in the following figures, which display the Category of permits from PPARS for planning permits issued each year. Permits may have more than one category.

Figure 4: Application categories for permit issued 2018/2019 (Source: PPARS)

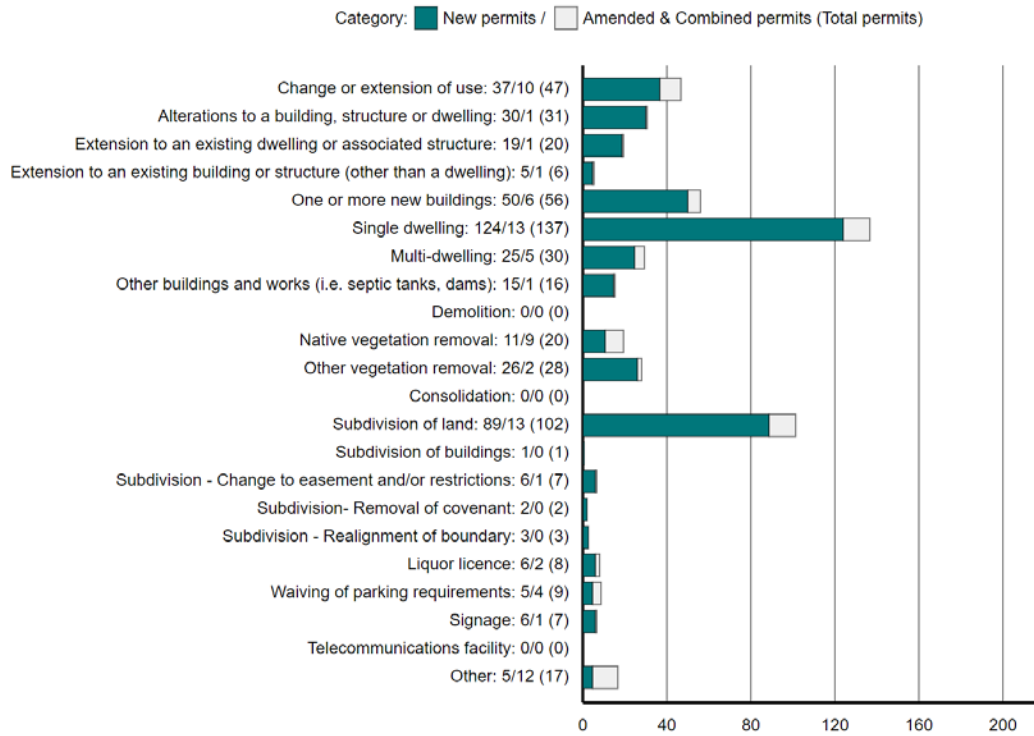


Figure 5: Application categories for permit issued 2019/2020 (Source: PPARS)

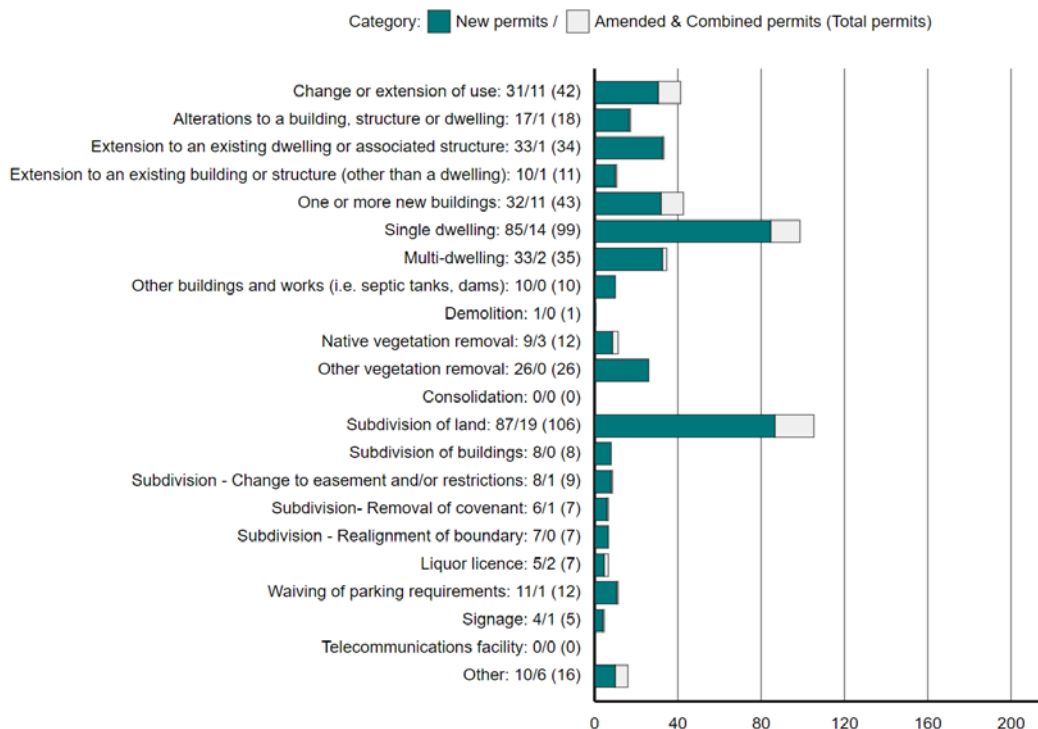


Figure 6: Application categories for permit issued 2020/2021 (Source: PPARS)

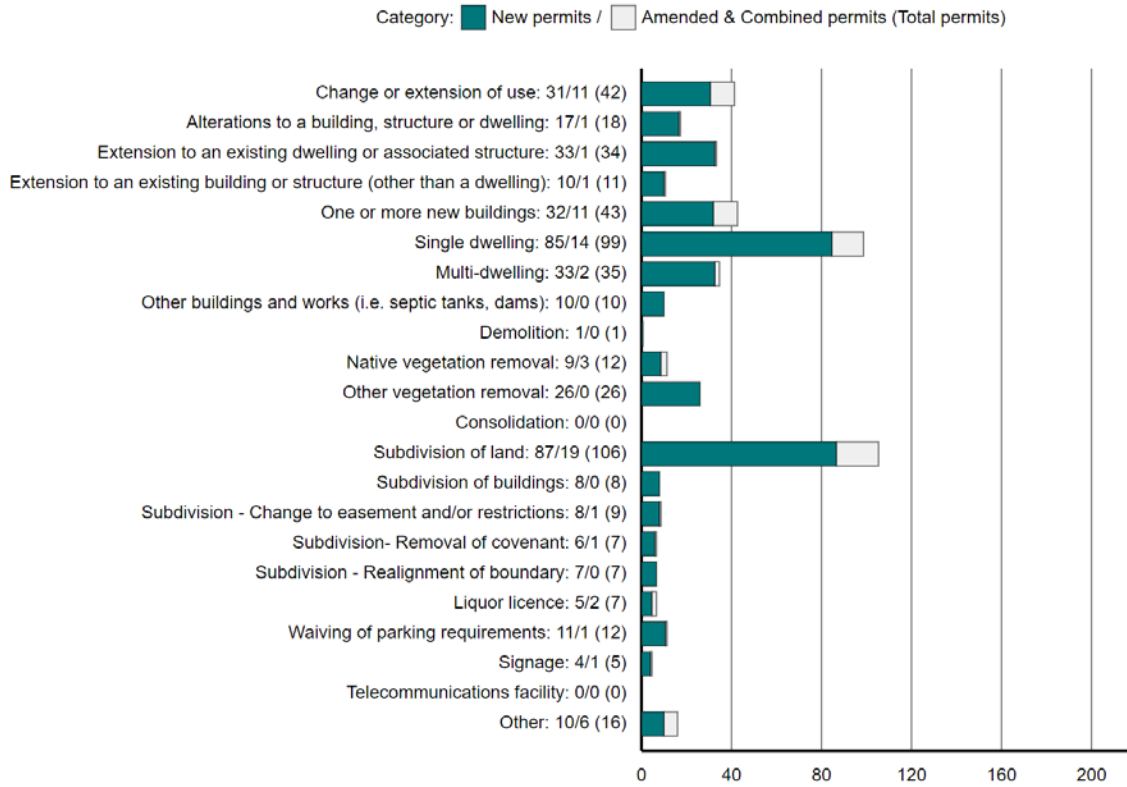


Figure 7: Application categories for permit issued 2021/2022 (Source: PPARS)

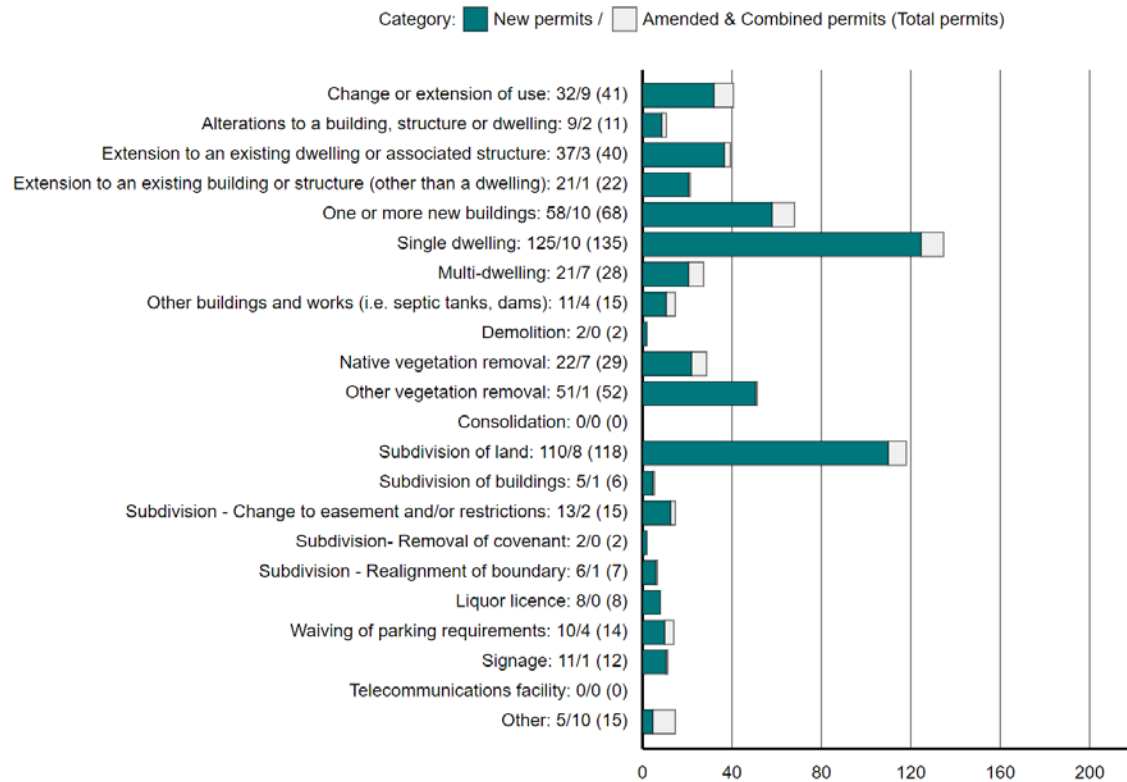


Table 8 below shows the number of net new dwellings and lots from planning permit outcomes from the PPARS data.

Table 8: Number of dwellings and subdivisions for permit outcomes (Source: PPARS)

| | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 | Total |
|---------------------|-----------|-----------|-----------|-----------|---------------|
| Dwellings | 178 | 199 | 138 | 151 | 666 dwellings |
| Subdivisions | 436 | 433 | 384 | 413 | 1,666 lots |

Service performance

Table 9 below shows the planning permit timeframes from since 2018 based on Council data.

During the review period of 2018 to 2022, the number of days taken between receipt of an application and a decision was on average 148 days. In this same period, on average 63.9 percent of applications were completed within 60 statutory days.

The processing time was notably higher in 2020-2021 where the average gross days was 177 and only 51.3% of applications were determined within 60 days.

Since the last review Council has appointed a Principal Statutory Planner of Innovation who will be addressing this through continuous process improvement. Council has also participated in the 'Better Applications' program from DELWP which will reduce processing days. Service performance must also be considered in the context of table 1, that indicates in 2021- 2022 more than 160 decisions were made than the previous year.

Table 9: Performance figures since 2018 (Source: PPARS)

| | 2018/2019 | 2019/2020 | 2020/2021 | 2021/2022 | Average |
|--------------------------|-----------|-----------|-----------|-----------|-----------------|
| Average gross days | 114 | 145 | 177 | 158 | 148 days |
| Median processing days | 33 | 99 | 110 | 108 | - |
| Completed within 60 days | 76.2% | 64.4% | 51.3% | 63.8% | 63.9% |

Decision making

Table 10 provides an overview of the decision outcomes made by the delegate and Council. It excludes withdrawn, lapsed, permit not required.

The data in Table demonstrates that most decisions are made under delegation (96.8%). Guidance by DELWP suggests less than 3% of decisions should be determined by the Council. Bass Coast exceeds this marginally, with 3.9% of decisions being made in the chambers between 2018 and June 2022.

This generally indicates a well-functioning planning unit, with opportunity to monitor the trend and review delegations as necessary.

Table 10: Decision outcome data from 2018 to June 2022

| | Decision issued by delegate | Permit issued by Council | Total decisions (by delegate and Council) |
|------------|-----------------------------|--------------------------|---|
| Permit | 1731 | 69 | 1787 |
| % of total | 96.8% | 3.9% | - |

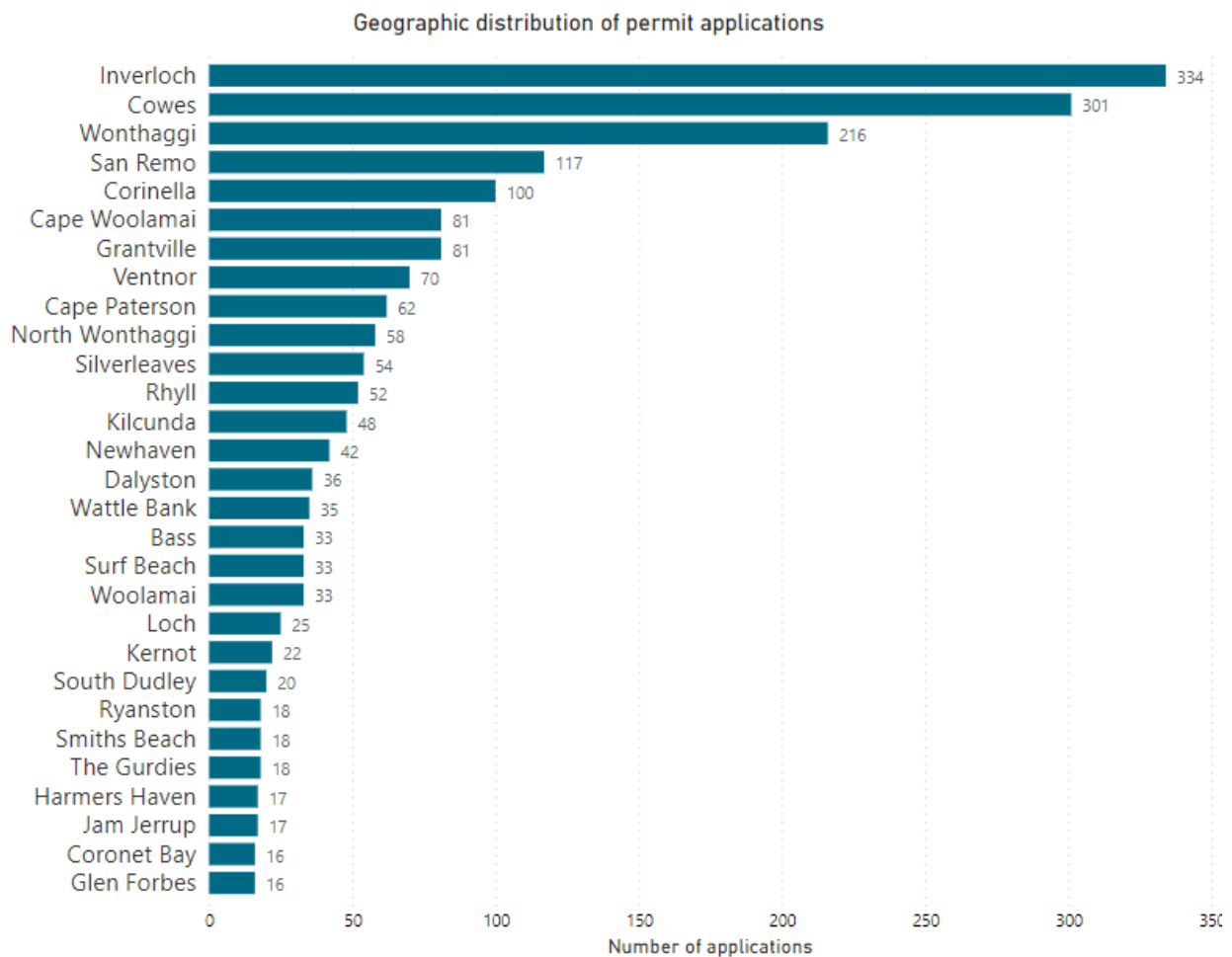
Geographic spread of applications

Planning permit activity is not distributed evenly across the municipality. Permit activity was most concentrated in Inverloch, followed by Cowes and Wonthaggi. The distribution of planning permit applications is shown in Figure 11.

Inverloch experienced the highest number of permit applications, accounting for approximately 16.5% of all applications. Many applications were for single dwellings which indicates a trend toward new dwellings. This is explained by the extensive coverage of the overlays in Inverloch, including the DDO1, DDO9, VPO3, LSIO and BMO.

The distribution of permit activity in Cowes and Wonthaggi is expected. Wonthaggi contains the largest population base within the Shire and is the main commercial, industrial, and administrative centre. Policy for Wonthaggi and Cowes supports further development and growth within the relevant settlement boundaries. There are minimal overlays applying to Wonthaggi and a greater proportion of applications in this area were for commercial and industrial development.

Figure 11: Key permit action areas from January 2018 to June 2022.



6. Planning scheme performance

6.1 Planning Panel Victoria recommendations

Council has undertaken nine planning scheme amendments since the last planning scheme review. These are detailed in Appendix 2. Of these amendments two were led by the State government and involved administrative changes to policy. Of the remaining amendments only two proceeded to a Planning Panel Hearing, that is C150bas and C151bas. Neither of these amendments have generated any further strategic planning recommendations.

Two other matters were referred to Planning Panels by the Minister for Planning. This includes planning permit 120388-1 that sought an extension to an existing quarry, and consideration of the Environmental Effects Statement (EES) for the Gas Import Jetty Facility and Crib Point to Pakenham Gas Pipeline.

In relation to the quarry, the Panel concluded the Proposal provides a net community benefit, however local community benefits rely on careful and considered management to ensure that local amenity and environmental impacts are acceptable. It is further recognised the delivery of long-term net community benefits relies on ecological benefits that are in turn critically reliant on successful offset and revegetation programs. In response to this, it is important for the scheme to include policy and controls that conserve the ecological attributes of the area.

While the EES site was not within the Shire’s boundary, the potential development’s impact on Westernport Bay, which the Shire is part of, would have had significance impact. The EES decision was extensive, and it makes no direct recommendations for the scheme. But, it does highlight the significance of Westernport Bay and the threat it is under from inappropriate development. In this regard, it is important for the Scheme to include policy that reflects the areas significance, as well as include policy and controls that seek to avoid development causing adverse impacts on the bay.

6.2 VCAT decisions

Table 12 displays the decisions of the Victorian Civil Administrative Tribunal (VCAT). This includes applications for review relating to refusals to grant, permit requirements, failures to grant permits, extensions of time, and applications by objectors to review the decision of Council to grant a permit.

The number of decisions made by Council appealed to VCAT has increased substantially over the last four years, with the number of decisions reviewed by VCAT doubling between 2019 and 2021. Since the last review, a total of 32 decisions were appealed for review.

Council’s performance varies during this time. Between late 2019 and mid-2021, 11 decisions in a row were set aside by the Tribunal. After this point, the trend is moving towards a greater percentage of decisions upheld increased.

Table 12: VCAT decisions from 2018 to June 2022

| Year | Total | Affirmed | Varied | Set aside | Other (dismissed, struck out) |
|--------------|-------|----------|--------|-----------|-------------------------------|
| 2018 | 5 | 2 | 1 | 1 | 1 |
| 2019 | 4 | 2 | - | 3 | - |
| 2020 | 6 | 0 | - | 6 | - |
| 2021 | 8 | 3 | - | 4 | 1 |
| 2022 | 9 | 5 | 1 | 3 | - |
| Total | 32 | 12 | 2 | 17 | 2 |

An overview of the VCAT decisions is included in Appendix 2. The nature of the decisions appealed to VCAT mostly comprised of:

- residential development (including single dwellings, multiple-dwellings and apartments) or subdivisions, or
- tourism accommodation (including host farms, caravan parks, motels), or
- use and development/subdivision in rural zones (FZ/RCZ).

In summary, a reoccurring theme considered was whether a development respected neighbourhood character, often there was a reliance on the Design and Development Overlay, Schedule 1 (DDO1) to argue character outcomes. However, the DDO1 considers the impact of a development ‘on the coast’. It is not a control to argue the finer grain elements (eg setbacks, materiality, fencing, landscaping) of neighbourhood character. Many of these decisions also highlight an emerging trend that the prevailing character of neighbourhoods are changing. As such, it is important to complete the Bass Coast Neighbourhood Character Study.

Recommendation

In summary, the key recommendations is to complete the neighbourhood character study to provide preferred character statements in the planning scheme.

6.3 Consultation with stakeholders

Consultation was undertaken with Councillors, Council Officers, and referral authorities. A detailed consultation summary is included in Appendix 3. In this summary, the facilitator noted that:

It is rare to have such an overlap of ideas and views on how planning needs to progress in a municipality. Bass Coast is currently in an enviable position where the three tiers of a Council (Councillors, Executive and Officers) are in alignment on how to proceed with the current set of constraints and resources.

There was a high correlation between themes arising across the groups. The following themes or issues are considered consistent:

- Character and good design
- ESD & Climate change measures
- Structure Planning
- Environmental protection
- Industrial Strategy

This correlation was also observed with the prioritisation of the strategic work program between the Council planners and Councillors, which is reflective of the key themes above. The Councillors and planners identified the priority projects as those which provide for Neighbourhood Character, Housing Strategy, Climate Change & ESD, Environmental protection and Structure Planning of townships.

External consultation with referral authorities identified opportunity for improvement in the external referral process, including refinement of the existing controls. Referral agencies responded with a request for some greater clarity in referral letters particularly in relation to what aspects of a proposal Council is seeking feedback on, and also the specific mechanism. Other suggestions for improvement include the introduction of a checklist for subdivision applications and for ongoing liaison meetings between organisations.

7. Analysis of the current scheme

An audit of each local provision and schedule in the planning scheme has been undertaken and included at Appendix One. Each provision has been assessed with consideration to the work it is doing in achieving the strategic objectives that are set out in the State, regional and local planning provisions.

This audit has also compared the drafting and application of each provision against the Ministerial Direction on the Form and Content of Planning Schemes, *a Practitioners' Guide to Victorian Planning Schemes* (Version 1.5, April 2022) and relevant planning practice notes.

The audit has found that there are several enhancements of varying complexity that can be made to both the Municipal Planning Strategy, the Planning Policy Framework and the Planning Controls of the Bass Coast Planning Scheme ranging from relatively simple changes to ensure alignment with the new Council Plan and Vision through to complex matters that require further strategic work to address key policy gaps, and to improve the overall efficiency of the scheme.

Analysis identified there are strategic gaps in the planning policy framework, relating to Settlement, housing, neighbourhood character, industrial supply, biodiversity, climate change, environmental hazards, rural land use. These have been identified by the current strategic planning program, with several strategic plans underway.

Opportunities for improvement identified by the analysis in the planning policy framework, schedules to zones and overlays, and particular provisions can be addressed incrementally as relevant strategic work occurs. This ensures policy changes are evidence based and are part of holistic decision making.

8. Further strategic work

The scheme review has highlighted significant strategic work that needs to be completed, listed below.

This list will be refined and prioritised following the completion of the DAL project and endorsement of the final SPP.

| Further Strategic Work |
|---|
| Settlement Strategy |
| Housing Strategy |
| Social and Affordable Housing Strategy |
| Urban Forest Strategy |
| Neighbourhood Character Study |
| Vegetation within Medium Density Development. |
| Public Open Space Strategy |
| Public land use |
| Waste management |
| Integrated Transport Plan |
| Parking Plans |
| Integrated Water Management (and CMA strategies, Urban Stormwater Management and Drainage) |
| Structure Plan Reviews |
| Industrial Land Use Strategy |
| Economic Development Framework |
| Agricultural Land Assessment |
| Review Rural Land Use Strategy |
| Bass Coast Unlocking Rural Tourism Strategy |
| Implement Bass Coast Landscape Assessment Report Vol 1 and Vol 2 into relevant strategy plans |
| Review Extractive Resources Interest Areas |
| Biodiversity and vegetation study to protect areas of high conservation value, and significant vegetation |
| Climate Change Action Plan actions 24 (ESD policy) & 25 (LSIO update & adaption plans) |
| Aboriginal Heritage Study |
| Environmental Risks Assessments |
| Referral Provisions Review |
| Outstanding 2018 review measures and Clause 74.02 |
| Built form design frameworks for commercial, industrial, gateway locations and rural areas (including universal design) |
| Implement planning scheme findings for WACP and SMTP |
| Wonthaggi North East Implementation |
| Shire wide Development Contributions Plan investigation |
| Planning Protection of key waste water infrastructure |

Appendix I - Planning scheme analysis

This analysis was undertaken by Council officers utilising the methodology, procedure and templates developed by Regional Planning Partnerships at Department of Environment, Land, Water and Planning (DELWP).

| | |
|--|----|
| Previous Planning Scheme Review | 2 |
| Previous Planning Scheme Review | 2 |
| Municipal Planning Strategy (MPS) | 12 |
| Planning Policy Framework | 22 |
| Zone analysis | 43 |
| Overlay analysis | 54 |
| Particular provisions analysis | 60 |
| General provisions analysis | 63 |
| Referral and notice under local provisions | 63 |
| Referral and notice to DELWP | 63 |
| Referral and notice relating to emergency services flight paths | 65 |
| Operational provisions analysis | 66 |
| Council documents | 68 |

Previous Planning Scheme Review

Previous Planning Scheme Review

| Strategic Planning from 2018 PSR | Current Status | Recommendation |
|---|---|---|
| High Priority Future Strategic Work | | |
| <p>Planning Scheme Rewrite and Planning Scheme Amendment</p> <p>This project should:</p> <ul style="list-style-type: none"> • Rewrite the Municipal Strategic Statement (MSS) to implement recommendations of the Planning Scheme Review (which do not require further strategic work). • Commence implementation of the above through a Planning Scheme amendment in 2018/19. • This project would utilise this Review by addressing all of the ‘matters that could be addressed by a Planning Scheme Rewrite,’ which are summarised at the conclusion of each section. | <p>Partly completed.</p> <p>It was intended to undertake the rewrite as part of the PPF translation, to avoid multiple redrafts and amendments.</p> <p>However, the PPF translation commenced in Nov 2020 and was completed in June 2021. In scope was policy neutral changes. As many of the suggested matters for the planning scheme rewrite required further investigation and exhibition the identified matters for rewrite were omitted from the PPF translation.</p> | <p>Rewrite of relevant policy to follow completion of key strategic projects.</p> |
| <p>Heritage Gaps Analysis and Prioritisation Framework</p> <p>A major heritage study was undertaken in 2001, which initially identified a 651 potentially significant heritage places across the municipality. Since this time, 165 of the heritage places have been through a second phase of investigation (a full Citation) which has provided the justification for protection through the Planning Scheme.</p> <p>The outstanding 486 heritage places have not been further investigated and there are no planning controls in place to trigger consideration of heritage significance for these sites. Further to this, other matters of cultural heritage significance, such as</p> | <p>Completed.</p> | <p>Completed.</p> |

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| <p>aboriginal heritage sites and significant trees have not been included in previous heritage studies.</p> <p>This project will investigate the gaps, audit the outstanding 486 sites identified in 2001, and also develop a framework for prioritising places for further investigation.</p> | | |
| <p>Heritage Priority Places Planning Scheme Amendment</p> <p>This project will further investigate the heritage significance of 9 heritage places across the municipality.</p> <p>For those places found to be significant, Heritage Citations (which are studies into the significance of a heritage place and how heritage values can be protected) will be completed. Once these studies are completed, those that are identified as requiring planning protection through the Heritage Overlay will be put through a Planning Scheme amendment process.</p> <p>A rolling program of further investigation and implementation will be required to implement the Heritage Gaps Analysis work described above</p> | <p>The Heritage Gaps Analysis and Prioritisation Framework has prioritised the heritage places that should be further investigated.</p> | <p>Planning scheme amendment to occur subject to funding.</p> <p>Additionally, opportunities to undertake the detailed assessments of individual priority places (and subsequent amendment) can be investigated as part of other strategic work, for example Structure Planning.</p> |
| <p>Program of review for Structure Plans for townships</p> <p>Many of the Structure Plans and other strategic planning documents which established settlement boundaries for towns across the municipality are now more than 5 years old and require updating. The roll-out of this work has been prioritised as follows:</p> <p><u>Short term</u>: Cowes and Silverleaves, San Remo, Newhaven and Cape Woolamai, and Grantville</p> <p><u>Medium</u>: Surf Beach, Smiths Beach, Sunderland Bay, Sunset Strip, Ventnor, Wimbledon Heights, Rural</p> | <p>On Hold.</p> <p>State government assistance was sought from VPA to undertake the structure plan reviews. The VPA referred the project to DELWP. DELWP then sought to address these matters via declaring Bass Coast a DAL.</p> <p>At the conclusion of the DAL project the settlement boundaries for each township will be known. However, the DAL project will not inform whether the settlement boundaries are adequate to supply the land needed to support sustainable employment, retail, industrial, education, community</p> | <p>Structure Planning is required.</p> <p>However, the priority is to complete shire wide strategic planning documents that will properly inform settlement planning, commencing with Housing, Neighbourhood Character, Industry, Urban Forest Strategy, Economic Development Framework.</p> |

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| settlements (focusing on small lots), Bass, Inverloch and Cape Paterson <u>Long term:</u> Rhyll, Harmers Haven, Jam Jerrup, Kilcunda, Pioneer Bay, The Gurdies, Wattle Bank. | services, and housing needs of the current and future community. | |
| Medium Priority Actions | | |
| Review the Hilltops, Ridgelines and Landscape Policy (Clause 22.02) to ensure areas of significance are protected through appropriate planning controls. | On Hold. The Bass Coast DAL project includes proposed landscape controls. However, it is unclear if will also result in the update to local policy. | Review the need for this project following the Minister for Planning's decision on the Bass Coast SPP and proposed landscape controls. |
| Work with the Department of Environment, Land, Water and Planning (DELWP) to review state owned Public Use Zone (PUZ) land. | Not commenced. | Commence this project and ensure it includes a full review of the PUZ as the PUZ is known to be located on private land, and there are public owned facilities that should be investigated for inclusion in a PUZ. |
| Development of a local planning policy (at Clause 22) encouraging different modes of transport and alternatives to the car. | Not commenced. Access and Movement Strategies (AMS) have been prepared for the townships of Wonthaggi, Cowes and Smiths Beach. These AMS sought to prioritise active transport over vehicles. These studies highlighted integrated land use and transport planning is pivotal to place making. It also highlighted that transport issues faced across the Shire are similar across settlements and development of a Shire wide Integrated Transport Strategy would be beneficial. | It is recommended that a Shire wide integrated transport and land use planning strategy be prepared. |
| Define the character of townships in the Planning Scheme and develop a design framework that | Commenced. The Bass Coast DAL project included the preparation of a Township Character Study. | To ensure the planning scheme is adequately equipped to manage growth pressures within the established areas of settlements it is recommended that the Neighbourhood Character Study and Housing Strategy |

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| protects and encourages the preferred character and built form | To complement the DALs township study and enable changes to the planning scheme Council is undertaking a Neighbourhood Character Study and Housing Strategy. | is completed and implemented into the planning scheme as a high priority. |
| Identify key landscapes that need to be protected | Completed. The 'Bass Coast Landscape Assessment Report, Vol 1', prepared as part of the Bass Coast DAL project, identifies key landscapes that need to be protected. | Collaborate with DELWP to ensure the relevant aspects of this work is implemented into the planning scheme as part of the Bass Coast DAL project. |
| Develop a vision and policy directions for small rural settlements | Not commenced. | Carry work over and prioritise. |
| Preparation of an Aboriginal Cultural Heritage Study for the Shire to collect and manage information about the heritage, traditions and stories of the Boon Wurrung people. | Not commenced. The Heritage Gaps Analysis and Prioritisation Framework reiterated the importance of undertaking an Aboriginal Heritage Study. | Carry work over and prioritise |
| Prepare a Development Plan Overlay (DPO) for the Isle of Wight and Warley Hospital sites and implement through a Planning Scheme Amendment | Completed. Planning Scheme amendment C151bas required Design and Development Overlays rather than Development Plan Overlay. | Completed. |
| Investigate the merits of applying the Rural Conservation Zone in The Gurdies to the land that was proposed by Amendment C140 for rezoning to the Rural Activity Zone | Not commenced. | To ensure that the environmental and agricultural values of land are understood, it is recommended this work is undertaken as part of the next review of the Rural Land Use Strategy and that the review is informed by a shire wide agricultural land assessment. |
| Prepare a Rural Housing and Settlement Strategy to update planning policy and land use zoning responses regarding; development within historic villages; appropriate locations for rural living development; and small rural lot development. | This is partially addressed through the preparation of the Housing Strategy. However, further work is required to investigate rural living or small lot development. Such work should be | Carry over work and address in the preparation of a Rural Land Use Strategy Review. Bring Housing Strategy project to completion and seek to implement its findings. |

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| | considered as part of a holistic Rural Land Use Strategy. | |
| Review the Rural Conservation Zone at Glen Alvie and surrounding areas to determine if the minimum subdivision area should be increased to 80 hectares (from 40 hectares), consistent with the surrounding Farming Zone minimum subdivision size. Also consider the merits of applying local policies (Clause 22.04 Rural Subdivision Policy, Clause 22.05 Rural Dwellings Policy and Clause 22.06 Non Agricultural Uses in the Farming Zone Policy) to the land. | Not commenced. The consideration of applying local policies will require a review. This, and the review of the Rural Conservation Zone, is work that can be addressed through a review of the Rural Land Use Strategy. | Carry over work and address in the preparation of a Rural Land Use Strategy Review. |
| Investigate Low Density Residential Zone (LDRZ) areas to determine the extent of issues being created by incremental subdivision applications | Commenced, this is addressed through the preparation of the Housing Strategy. | Bring Housing Strategy project to completion and seek to implement its findings. |
| As part of the Structure Plan Review which deals with Sunset Strip, investigate the future role of the four low density properties outside the settlement boundary | As outlined above a structure plan review for Sunset Strip has not commenced, however this will be addressed through the preparation of Distinctive Areas and Landscapes Project with the Draft Statement of Planning Policy proposing to realign the settlement boundary to include these four lots. | Resolve as part of the Bass Coast DAL project. |
| Undertake a detailed review of the mapping, provisions, exemptions and decision guidelines of the Schedules to the Environment Significance Overlay and the Vegetation Protection Overlay | Not commenced. | Carry over work. |
| Review the Coastal erosion mapping provided through the Western Port local Coastal Hazard Assessment to determine whether a planning control is required | Not commenced. This highlights further work is required to investigate the impacts of climate change on the shire. | Collaborate with DELWP to identify coastal erosion hazards. |

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| | The Marine and Coastal Strategy 2022 outlines DELWP will create a mechanism for advice on coastal erosion. | |
| Further work is required to investigate mechanisms for dealing with future land use and development in the DPOI area. | Not commenced. The overlay assessment highlights the need to review Development Plan Overlays. | Undertake review of all DPOs and implement findings. |
| Investigate opportunities to address advertising signage issues | Not commenced. | Carry over work. |

| Clause 74.02 item | Current Status | Recommendation |
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| Explore opportunities to use vacant or under-utilised Council-owned land for affordable housing. | Commenced through the preparation of Council's Social and Affordable Housing Strategy. | Bring Social and Affordable Housing Strategy to completion and seek to implement its findings. |
| Define the role and functions of industrial areas and explore opportunities for industrial activity. | On Hold. This work was commenced through the preparation of Council's Industrial Lands Study which projected the quantum of industrial land that would be needed to cater to demand. The remainder of this work will be addressed through the preparation of an Industrial Land Use Strategy. The Bass Coast DAL project proposes a retraction of boundaries in locations where future industrial land had been earmarked. | Complete DAL project, understand roles of settlements and complete Industrial Land Use Strategy. |
| In Wonthaggi, support the rezoning of the Cyclone Industrial Factory site from Commercial 2 Zone to Commercial 1 Zone. | This work was commenced through the Wonthaggi Activity Centre Plan. | Address via Industrial Land Use Strategy. |

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| <p>In Cowes, develop a Parking Precinct Plan for the Activity Centre and locations identified for higher density development (substantial change).</p> | <p>Partly commenced. Significant public realm work has been undertaken in the activity centre. However, a parking Precinct Plan has not been prepared.</p> | <p>Prepare the Precinct Parking Plan for all activity centres</p> |
| <p>Prepare Urban Design Guidelines for: Cowes East. Cowes Central. Cowes West. Wimbledon Heights.</p> | <p>The Housing Strategy and Neighbourhood Character Study are required to inform 'urban design guidelines'</p> | <p>Bring Neighbourhood Character Study project to completion and seek to implement its findings.</p> |
| <p>In San Remo, use the proposed East-West Link Road as a catalyst for new commercial development within the town centre by:</p> <ul style="list-style-type: none"> – Extending the Commercial I Zone between Bergin Grove and Woolamai Grove to Mary Grove. – Extending the existing Mixed Use Zone to Panorama Drive. | <p>No</p> | <p>The review of zoning can be undertaken as part of any structure planning work.</p> |
| <p>In Grantville, encourage the residential rezoning of land located behind the commercial properties located to the west side of Bass Highway.</p> | <p>No</p> | <p>The preferred zoning of land is identified in the Grantville strategic framework plan. The review of zoning can be undertaken as part of the future structure plan review.</p> |

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| <p>In Corinella, apply a Development Plan Overlay to:</p> <ul style="list-style-type: none"> – Land identified for short-term residential expansion to ensure residential design respects existing site conditions and introduces setbacks from and interface treatments with the foreshore reserve. – Land identified for intermediate residential expansion to coordinate the development of existing low-density residential lots. | <p>No</p> | <p>This land is now substantially fragmented through subdivisions.</p> <p>It is recommended that this further considered as part of the Housing and Neighbourhood Character Work.</p> |
| <p>In Cape Paterson, continue implementing local Coastal Management Plans and review feasibility of land uses and amenities within the foreshore reserve.</p> | <p>No</p> | <p>This land is zoned appropriately.</p> <p>Public land use can be investigated as part of the public land use zoning review.</p> |
| <p>Apply a Design and Development Overlay to the existing crown subdivision land included in the Kilcunda settlement boundary to ensure that development incorporates an integrated approach to stormwater management and minimises visual intrusion.</p> | <p>No</p> | <p>A review of zones and overlays and drainage will be undertaken as part of structure plan review.</p> |
| <p>Prepare an integrated foreshore management plan for Tenby Point Foreshore Reserve.</p> | <p>No</p> | <p>Plan should be prepared as part of Council's operational program. It is not required to be listed in the planning scheme.</p> |
| <p>Investigate feasibility of streetscape renewal in Bass, in conjunction with improved mixed-use functions of existing commercial developments.</p> | <p>No</p> | <p>Will occur as future structure planning work.</p> |

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| Identify and plan for environmental hazards by: | Yes | Occur as part of structure planning work and other shire wide studies. |
| <ul style="list-style-type: none"> – Identifying areas subject to future impacts of climate change. – Preparing a strategy to deal with the possible impacts of climate change for developments located within existing urban boundaries and identified at-risk areas. – Applying planning controls to ensure responsive development in areas affected by environmental hazards. – Determining the effects of sea level rise and storm surges and implementing strategies to address potential issues. – Monitoring coastal hazards and the coastal impacts of climate change on the San Remo Commercial Areas. – Reviewing the role of the San Remo Commercial Area when the Victorian Coastal Council 'Coastal Vulnerability Study' is released. – Investigating feasibility of providing alternative emergency exits for residents in Jam Jerrup and Tenby Point. | | |
| Investigate locations to set aside land for planting of vegetation offsets. | No | Can occur as part of broader strategic work to review vegetation. |
| Investigate and map potential locations for Acid Sulphate Soils. | No | Project should occur. |
| Identify locations of important historical significance. | Yes | Implement findings of heritage gaps project. |
| Undertake mapping of areas of remaining Aboriginal cultural heritage. | No | Amend to combine with 2018 review recommendation prepare of an Aboriginal Cultural Heritage Study. |

Open Space - Undertake a Social Impact Assessment to identify gaps in social and cultural infrastructure and provide additional infrastructure accordingly. No

Scope and prioritise action, as it could occur as part of a broader public open space strategy.

Municipal Planning Strategy (MPS)

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
|-----------------------------------|---|--------|---|
| Word count (Planner) | Is the word count 5000 words or less? | Yes | |
| 02.01 Context | Does the Context section include a brief description of the geographic qualities of the municipality? | Yes | |
| | Does the Context section include a brief description of the economic qualities of the municipality, using the most recently available data, with source and date specified? | No | Update with information from Council Plan and Vision |
| | Does the Context section include a brief description of the demographic qualities of the municipality, using the most recently available demographic data / projections, with source and date specified? (Specifically ABS and VIF) | No | Update with information from ABS, VIF, Council Plan and Vision. |
| | Are the First Nations people of the land recognised in the first paragraph of the Context. (May be multiple). | No | No. It is the third paragraph, and uses the word 'landowners' instead of 'owners'. Register of National Estate closed in 2007 and needs to be corrected. |
| | Is there opportunity to reduce the word count for this Clause (aim for 500 words). | No | Opportunity to be expanded to include information identified above. |
| 02.02 Vision | Does the Vision section clearly and succinctly describe the type of municipality Council seeks to create? (If unsure use the Council Plan vision, extracting land use matters). | No | It currently refers to 2013-2017 Council Plan. Needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Does the Vision section only include land use and development issues capable of being influenced by the Planning Scheme? | Yes | Needs updating to new Council Plan 2021-25 and Vision 2041 |
| 02.03 Strategic directions | | | |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
|--------------------|--|--------|--|
| 02.03-1 Settlement | Are the Strategic Directions consistent with and build upon State Planning Policy? | Yes | The hierarchy needs review to ensure the settlement status of each township is appropriate. A settlement strategy is required to underpin this. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | Yes | |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | Yes | |
| | Do the Strategic Directions respond to the planning vision in Council's Plan? | No | The Settlement strategic directions are generally consistent with the relevant vision themes of 'protect and enhance natural environment'. However, minor policy neutral changes may be required to ensure the strategic directions are consistent with the new Council Plan 2021-25 and Vision 2041. The draft SPP proposes a settlement hierarchy. Once the SPP is endorsed, this clause will need to be reviewed to ensure alignment with the SPP. |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | No | The SD are grouped by town sub-headings. There is no sub heading between Bass and the strategic directions. To improve clarity this requires correction. |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| 02.03-2 Environmental and landscape values | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | The strategic directions are consistent with the State Planning Policy, however the strategic direction does not provide local context. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | Further strategic work is required to identify all local level biodiversity and environmental values that the Planning Policy needs to express. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | No | Update to reflect the new Council Plan 2021-25 and Vision 2041 |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | No | An objective of the Council Plan is ' <i>Protecting our natural environment</i> ' and a strategy is to ' <i>Ensure Council's planning instruments protect the environmental assets of the Bass Coast.</i> ' To implement the 2021 Council Plan and Council Vision (2041), further strategic work is required to identify the environmental assets of the shire. The landscape assessments undertaken as part of the DALs contribute towards this, however, there remains a gap in the biodiversity and environmental values. |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | These are the result of Victorian Coastal Spaces work. |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | Context is included within the strategic direction however further strategic work is required to identify biodiversity and environmental values for the Planning Scheme to articulate how State and Regional Planning Policy will be expressed at a local level. |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |
| 02.03-3 Environmental risks and amenity | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | While consistent with the State planning policy, many of the strategic directs do not provide local context. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | The strategies do not specifically articulate how these will be implemented at a local level. The strategic direction and framework plans should provide indicative locations and potential for environmental risks. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | | Needs updating to reflect the new Council Plan 2021-25 and Vision 2041 Importantly, the following Council vision statement should be included in 02.02: <i>“Climate Emergency and Climate Preparedness Community Aspiration: We take immediate and urgent action to protect and prepare Bass Coast for the serious risk that climate change poses, to secure a liveable and healthy future for our community.”</i> |
| | Do the Strategic Directions respond to the planning vision in Council’s Corporate Plan? | No | Clause 02.02 requires updating to reflect Council Plan 2021-25 and Vision 2041 |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | No | While the SD are evidence based, the science relating to environmental risks evolves rapidly and the planning scheme needs to keep pace. Further strategic work is required to research environmental hazards, with gaps being: salinity, erosion (including coastal) and acid sulphate soils, sea level rise and inundation. Further work is required to understand how climate change will impact on environmental hazards beyond the coastal processes. |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | Yes, it provides provide high level direction. The PPF complements this to support application for zones. There are no planning controls that relate to management of salinity and acid sulphate soils, nor are they mentioned in local policy. |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |
| 02.03-4 Natural resource management | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | The Strategic Directions for agriculture are consistent with and build upon State Planning Policy to a degree, but do not adequately identify local places and areas. The Strategic Directions for forestry and timber production are consistent with, however do not build upon State Planning Policy. There are currently no known forestry and timber production areas in the shire, this will require a review to ensure that this direction recognises the local context. The Strategic Directions for water catchment management are consistent with and build upon State Planning Policy to a degree. Improvements could be undertaken to identify how the 'protect' or 'minimise' is implemented at a local level, specifically mentioning the water catchments in the area. The Strategic Directions for extractive are consistent with and build upon State Planning Policy to a degree recognising the Gurdies-Grantville area and sand. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | Further strategic work is required in these areas to provide locally specific context. This could occur as part of a rural land use strategy review. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | - | Council Vision requires updating. |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | - | Council Vision requires updating. |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |
| 02.03-5 Built environment and heritage | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | The Strategic Directions are consistent with but do not build upon State Planning Policy. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | There are no strategic directions to articulate the need to protect neighbourhood character, which forms part of the Council Plan. Further work on neighbourhood character is required. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | No | Needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | No | The direction of the new Council Plan 2021-25 and Vision 2041 is generally consistent, however this clause needs to be updated to strengthen the alignment. This is required to implement the Council strategy to <i>Promote environmentally sustainable and universal design principles as standard.</i> |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | The background work Coastal Spaces and Heritage Study have informed the SD. However, a significant gap in evidence based strategic work relating to heritage places of Aboriginal settlement significance. This must be addressed through additional strategic work. |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | No | The Strategic Directions do not articulate what is most important form a land use and development perspective. The rural and coastal setting, historic development patterns are broadly |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | | | described but are not clearly articulated to recognise the local places. Important to finalise further strategic work (i.e Neighbourhood Character, and Landscape Assessment). |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | No | There is a need to distinguish aboriginal heritage from post-colonisation heritage. |
| 02.03-6 Housing | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | The strategic directions are consistent with, but do not build upon State Planning Policy. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | Yes | The Strategic Directions could be improved to clarify housing supply and needs sought. Additionally, the scheme does not contain any local policies to implement housing that is sustainably or universally designed. To address this, further strategic work including the Housing Strategy policy and the Social and Affordable Housing strategy are required. Additionally, there is a need to investigate ESD policy. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | - | It is recommended that the strategic directions should be reviewed following completion of the further strategic work (Housing Strategy and Social and Affordable Housing Strategy and ESD policy). |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | No | It is recommended that the strategic directions should be reviewed following completion of the further strategic work (Housing Strategy and Social and Affordable Housing Strategy and ESD policy). |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |
| 02.03-7 Economic development | Are the Strategic Directions consistent with and build upon State Planning Policy? | Yes | |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | Yes | |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | No | Vision needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | Yes | |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | Amendment C140bascc implement the recommendations of the Bass Coast Rural Land Use Strategy (2013). Strategic work is currently underway to prepare the Economic Development Framework which might result in the need to amend this direction. |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| 02.03-8 Transport | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | The Strategic Directions for transport articulates broadly how these may be achieved at a local level but does not specify towns. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | Policies replicate state and don't add local context. To do that we need integrated transport strategy / further strategic work. Currently done town by town but there is opportunity to do this as part of a shire wide strategy. |
| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | - | Needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | Yes | |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |
| 02.03-9 Infrastructure | Are the Strategic Directions consistent with and build upon State Planning Policy? | No | Strategic Directions replicate state policy but don't add local context. Updated following shire wide strategies related to infrastructure. |
| | Do the Strategic Directions articulate how State and Regional Planning Policy will be implemented at a local level? | No | Strategic Directions replicate state policy but don't add local context. Further strategic work is required to investigate the infrastructure required to support growth and all mechanisms available, including development contributions, that can fund infrastructure. |

| Clause and name | Practitioners Guide to Victorian Planning Schemes requirement | Comply | Recommended changes |
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| | Do the Strategic Directions articulate how the Vision (Clause 02.02) will be implemented? | No | Needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Do the Strategic Directions respond to the planning vision in Council's Corporate Plan? | No | Needs updating to new Council Plan 2021-25 and Vision 2041 |
| | Are the Strategic Directions evidence-based, supported by background strategic work that is adopted by Council? | Yes | |
| | Do the Strategic Directions articulate what is most important to the municipality from a land use and development perspective? | Yes | |
| | Do the Strategic Directions provide the policy basis for the application of Zones, Overlays, Particular Provisions and Local Policies? | Yes | |
| | Are the Strategic Directions grouped by PPF theme and identified by sub-headings? | Yes | |

Planning Policy Framework

| Clause and name (PPF) | Observations / comments | Recommended changes |
|------------------------|---|---|
| 11.01-1L-01 Settlement | <ul style="list-style-type: none"> • Strategies reinforce existing settlement boundaries • The effectiveness of two settlement strategies, ‘Minimise the impact of use and development on significant environmental features within identified settlement boundaries.’ and ‘Ensure additional residential development minimises adverse impacts on existing road networks and surrounding areas’ would benefit from additional strategic work to clarify the environmental features and impacts on traffic that are to be addressed. • Policy document referenced Bass Coast Strategic Coastal Planning Framework included in background documents 72.08 | <p>Following the finalisation of the SPP, Housing Strategy and Neighbourhood Character study this clause will need to be reviewed to ensure alignment with those strategic documents.</p> <p>Investigate a strategic project related to the environmental values and separately integrated land use and transport planning.</p> |
| 11.01-1L-02 Wonthaggi | <ul style="list-style-type: none"> • The policy application, objectives and strategies are clear and assist with land use planning decisions within the settlement boundary of Wonthaggi. | <p>In the time that has elapsed since the 2018 Planning Scheme Review, Council has adopted a revised Wonthaggi Structure Plan, and Wonthaggi North East PSP and DCP. The relevant parts of these documents will be implemented into the planning scheme via planning scheme amendment Bass Coast C152bas, this will include updates to Clause 11.01-1L-02.</p> <p>The Council has also adopted the Wonthaggi Activity Centre Plan and is undertaking a Housing Strategy, Industrial Land Use Strategy and Neighbourhood Character Study. The implementation of these strategies could result in updates to these strategies.</p> <p>The Draft SPP indicates a protected settlement boundary is required for Wonthaggi pending further strategic planning. This indicates that Council or State Government will be required to undertake additional structure planning work for Wonthaggi to define the location of the protected settlement boundary.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|------------------------------------|--|---|
| 11.01-IL-03 Cowes and Silverleaves | <ul style="list-style-type: none"> This policy implements the Cowes, Silverleaves, Ventnor and Wimbledon Heights Structure Plan that was prepared in 2008. The planning informing this policy is approximately 15 years old. This policy was updated with the introduction of the Cowes Activity Centre Plan (prepared 2015) which has led to the Jetty Triangle Redevelopment, Transit Centre, Cultural Centre Redevelopment and interest in the development of key strategic infill sites. <p>Of note, the following was identified of the existing policy:</p> <ul style="list-style-type: none"> the industrial strategy does not articulate an action for maintaining supply, also seems to apply to 'the shire' and not only Cowes Identification of incremental change opportunities on the Cowes strategic framework plan conflicts with discouraging development to the east of Coughlan Road. | <p>The Cowes Structure Plan is required to be reviewed and updated.</p> <p>The Housing Strategy, Neighbourhood Character Study, Industrial Land Use Strategy are likely to impact this clause and may result in some redrafting, particularly as it relates to the location of substantial, incremental, and minimal change areas.</p> <p>The draft SPP includes a settlement boundary that differs from that listed in this clause, as such the strategic framework could require updates to align with any SPP approved by the Minister for Planning.</p> |
| 11.01-IL-04 Ventnor | <ul style="list-style-type: none"> This policy implements the Cowes, Silverleaves, Ventnor and Wimbledon Heights Structure Plan that was prepared in 2008. The planning informing this policy is approximately 15 years old and it is appropriate for this structure plan to be reviewed. The commercial strategy is partly realised, however, the provision of the 'general store' at Lyall Street and Graydens Road has not occurred. It is noted commercial activity has established at near Ventnor Beach Road and Ventnor Road. <p><u>Ventnor strategic framework plan</u></p> <ul style="list-style-type: none"> Areas of incremental change, that are identified for infill opportunities, are included in the Farming Zone and Low Density Residential. While the farming zone land remains unchanged, there has been some piecemeal redevelopment of the LDRZ land. The suggested rezoning of the site at land at the intersection of Anchorage Road and Ventnor Road has not progressed. | <p>The structure plan requires a review and update. Amongst other matters normally considered in a structure plan it would need to investigate the commercial needs of Ventnor.</p> <p>In addition to the Structure Plan, the Housing strategy, and Neighbourhood Character Study will assist with understanding Ventnor's role in providing future housing supply.</p> |

| Clause and name (PPF) | Observations / comments | Recommended changes |
|-----------------------|--|---|
| 11.01-IL-05 San Remo | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2010, and are taken from the San Remo, Newhaven and Cape Woolamai Structure Plan. These policies are over 10 years old. <p><u>San Remo Strategic Framework Plan</u></p> <ul style="list-style-type: none"> • The area identified for ‘<i>proposed residential</i>’ in the plan is now zoned General Residential Zone. Most land with the exception of two parcels has progressed residential development. • Since the development of the plan, the Victorian Government has developed a site on the eastern side of Potters Hill Road for Bass Coast College. This land remains farming zone. | <p>The structure plan is required to be reviewed and updated. In addition to the Structure Plan, the Housing strategy, and Neighbourhood Character Study will assist with understanding San Remo’s role in providing future housing supply.</p> <p>The draft SPP includes a settlement boundary that differs from that included in this clause, following the Ministers adoption of the SPP ensure the planning scheme and the SPP align. This would likely include applying an appropriate zone to the land containing Bass Coast College.</p> |
| 11.01-IL-06 Newhaven | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2010, and are taken from the San Remo, Newhaven and Cape Woolamai Structure Plan. These policies are over 10 years old. • Of note, the ordinance does not reference the Newhaven as a gateway location to Phillip Island or provide an urban design framework for the redevelopment of the land fronting Phillip Island Road between Boys Home Road and Forrest Avenue. <p><u>Newhaven Strategic Framework Plan</u></p> <ul style="list-style-type: none"> • Subdivision completed and residential development significantly progressed in the area to the immediate south of the Boys Home. A large lot at 12 Narrows Way remains. • Strategies do not reflect impacts of climate change in future growth. Plan prepared prior to sea level rise modelling • Identifies potential tourism precinct, but contains no strategies to envisage this • There is no policy relating to caravan park – Crown Land P243445. • The proposed draft SPP proposes a protected settlement boundary that does not align with the settlement boundary shown in the strategic framework plan. | <p>Review and update structure plan for Newhaven, including an urban design framework study for the gateway of Phillis Island, generally the section of land fronting Phillip Island Road between Forrest Ave and Boys Home Road.</p> <p>The draft SPP includes a settlement boundary that differs from that included in this clause, following the Ministers adoption of the SPP ensure the planning scheme and the SPP align.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|------------------------|--|--|
| 11.01-1L-07 Grantville | <p>These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework. These policies are over 10 years old. In this time, the understanding of the impacts of climate change and other environmental risks has improved. It would be appropriate for the structure plan to be reviewed with this in mind.</p> <p>Additionally, a number of the suggested rezonings have not occurred.</p> <p>There is limited guidance about the urban design aspirations for the commercial areas.</p> | <p>The structure plan requires review, and amongst other matters this would need to consider the suitability of development in the township given the environmental risks and land use conflicts.</p> <p>In addition to the Structure Plan, the Housing strategy, and Neighbourhood Character Study will assist with understanding Grantville's role in providing future housing supply and the form it should take across the settlement.</p> <p>As a gateway to the Bass Coast, there is opportunity to undertake an urban design review (addressing built form, signage) for the commercial area.</p> <p>The draft SPP includes a protected settlement boundary that differs from that included in this clause, following the Ministers adoption of the SPP ensure the planning scheme and the SPP align.</p> |
| 11.01-1L-08 Inverloch | <ul style="list-style-type: none"> • These policies were most recently updated in 2014. • The proposed Housing and Neighbourhood Character work will provide further detail with regards to settlement strategies. • The Cape to Cape Resilience Project has identified risks that should be considered in the next review of the structure plan, of importance ensuring the plan has regard for 2100 sea levels. • The LDRZ land outside the settlement boundary should be included within the settlement boundary. • The commercial policies and Inverloch Town Centre restructure plan warrant investigation and review. | <p>Finalise Housing Strategy to provide direction for growth across Inverloch.</p> <p>The Inverloch Framework Plan is reviewed and updated following housing, neighbourhood character and industrial studies.</p> <p>Seek to implement relevant planning recommendations from the Inverloch Rasp.</p> <p>Review the Inverloch Town Centre restructure plan to understand its effectiveness and update accordingly.</p> |
| 11.01-1L-09 Rhyll | <ul style="list-style-type: none"> • This policy has generally remained in the scheme, unchanged from 2008. It is derived from the Philip Island and San Remo Urban Design Framework Plan, and amendment C46pt2. | <p>Finalise Housing Strategy and Neighbourhood Character study to assist with managing housing change across the settlement.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---------------------------|--|--|
| | <ul style="list-style-type: none"> The Rhyll strategic framework plan identifies the settlement boundary. It does not provide any greater detail on growth, environmental values, environmental risks or other land use objectives. | <p>Investigate the environmental values and threats impacting this coastal settlement.</p> <p>Prepare a Structure Plan for Rhyll.</p> |
| 11.01-IL-10 Coronet Bay | <ul style="list-style-type: none"> These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework. These policies are over 10 years old The land identified to change from FZ to LDRZ has been rezoned and subdivided. Subdivision in the land identified for infill surrounding the recreation reserve has commenced. | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement.</p> <p>Investigate the environmental values and threats impacting this coastal settlement.</p> <p>Prepare a Structure Plan.</p> |
| 11.01-IL-11 Corinella | <ul style="list-style-type: none"> These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework. These policies are over 10 years old No progress to rezone LDRZ to GRZ. Some progress to subdivide land in the LDRZ. Highly fragmented land ownership in the LDRZ area No progress on land in the FZ identified for change to LDRZ Requires a review, no substantive progress since 2011 | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement.</p> <p>Prepare a Structure Plan.</p> |
| 11.01-IL-12 Cape Paterson | <ul style="list-style-type: none"> These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework. The settlement policies for this settlement remain contentious. The location of the boundary is under review by the draft SPP. | <p>Following the Ministers adoption of the SPP ensure the planning scheme and the SPP align.</p> <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement</p> <p>Prepare a Structure Plan for Cape Paterson.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---|---|---|
| 11.01-IL-13 Kilcunda | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework • Kilcunda strategic framework plan is substantially completed. Kilcunda's coastal setting on a key tourism route warrants a study to improve integrated land use planning decisions and urban design outcomes along the settlement's bass highway frontage. | <p>Finalise Housing Strategy and Neighbourhood Character study to assist with managing housing change across the settlement</p> <p>Undertake a study to review development and change along the Bass Highway frontage (eg Urban Design Framework Plan, Access and Movement Strategy)</p> <p>Prepare a Structure Plan for Kilcunda.</p> |
| 11.01-IL-14 Dalyston | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2010 and are adapted from the Dalyston and Wonthaggi Structure Plan. That structure plan is superseded by the 2018 Dalyston Structure Plan. • The Dalyston Strategic Framework Plan to this clause illustrates much of the land identified for proposed growth area is subdivided with development of dwellings progressing • Only remaining action in the plan is the land identified for growth area that is covered by the Restructure Overlay remains covered by the RO • A gap in policy are the urban design outcomes along the settlement's bass <i>highway</i> frontage and how to overcome the disconnection caused by the highway. | <p>Finalise Housing Strategy and Neighbourhood Character study to assist with managing housing change across the settlement</p> <p>Undertake a study to review development and change along the settlements Bass Highway frontage (eg Urban Design Framework Plan, Access and Movement Strategy)</p> <p>Following the Ministers adoption of the SPP ensure the planning scheme and the SPP align, and introduce the relevant 2018 policy into the scheme.</p> |
| 11.01-IL-15 Smiths Beach, Sunderland Bay, Sunset Strip and Surf Beach | <ul style="list-style-type: none"> • This policy has generally remained in the scheme, unchanged from 2008. It is derived from the Philip Island and San Remo Urban Design Framework Plan, and amendment C46pt2. | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlements.</p> <p>Prepare a Structure Plans for these towns.</p> |
| 11.01-IL-16 Cape Woolamai | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2010, and are taken from the San Remo, Newhaven and Cape Woolamai Structure Plan. These policies are over 10 years old. • The investigation area is under review as part of the draft SPP. | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement.</p> <p>Following the Ministers adoption of the SPP ensure the planning scheme and the SPP align.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---|--|--|
| | | Prepare a Structure Plans for Cape Woolamai. |
| 11.01-IL-17 Tenby Point | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework <p>The Tenby Point strategic framework plan</p> <ul style="list-style-type: none"> • Identifies a development extent / settlement boundary • Investigate shared bicycle / pedestrian path is a public realm aspiration • Indicates 5 metre contour • No strategies to action | Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement. |
| 11.01-IL-18 Harmers Haven | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework <p>The Harmers Haven strategic framework plan has no actions that need to be implemented. It does Identify vegetation on both sides of Viminaria Road to be retained to contribute to character of place. There are no strategies to identify or encourage this.</p> <ul style="list-style-type: none"> • Identifies William Hovel Flora and Fauna Reserve which has since been renamed. | Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement. |
| 11.01-IL-19 Wimbledon Heights | <ul style="list-style-type: none"> • This policy implements the Cowes, Silverleaves, Ventnor and Wimbledon Heights Structure Plan that was prepared in 2008. <p>The strategic framework plan contains no strategies to be actioned</p> | Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement. |
| 11.01-IL-20 Pioneer Bay and the Gurdies | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework • Land identified for change from FZ to RLZ has not been rezoned in accordance with the plan. • The action to investigate the application of ESO creek to Hurdy Gurdy Creek needs to be investigated. | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement.</p> <p>Future strategic work to investigate the merit in the application of ESO to this locality, including the creek and nature reserve.</p> <p>Further work is required to review the LSIO mapping to ensure flood prone land is identified.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|-------------------------------------|--|--|
| 11.01-1L-21 Jam Jerrup | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework <p>The Jam Jerrup strategic framework plan outlines settlement boundary. Identifies land 5 metres AHD and lower, which reflects land to the east of Bass Highway. This mapping does not align to the LSIO mapping and suggests that further work may be required to review LSIO mapping</p> | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement.</p> <p>Further work is required to review the LSIO mapping to ensure flood prone land is identified.</p> |
| 11.01-1L-22 Bass | <ul style="list-style-type: none"> • These policies were introduced into the scheme in 2012 and adapted from the Bass Coast Strategic Coastal Framework • Not all the aspirations of the Bass Strategic Framework Plan have been undertaken. | <p>Finalise Housing Strategy and Neighbourhood Character Work to assist with managing housing change across the settlement. Prepare a Structure Plan for Bass.</p> |
| 11.02 MANAGING GROWTH | <ul style="list-style-type: none"> • No local policies included in managing growth • No local policy for Supply of urban land (11.02-1S) • No local policy for Structure planning (11.02-2S) • No local policy for Sequencing of development (11.02-3S) | <p>Prepare shire wide housing strategy and subsequent structure planning work, as identified in following sections.</p> |
| 11.03 PLANNING FOR PLACES | <ul style="list-style-type: none"> • Other than Cowes activity centre, no local policies are included in planning for places. • No local policy for Growth areas (11.03-2S) • No local policy for Peri-urban areas (11.03-3S) • No local policy for Coastal settlement (11.03-4S) | <p>Consider introducing relevant findings of the Wonthaggi Activity Centre Plan. Prepare activity centre plans for the main settlements and urban design frameworks for other key settlements on key routes.</p> |
| 11.03-1L Cowes activity centre | <ul style="list-style-type: none"> • Provides locally specific direction for Cowes | |
| 12 ENVIRONMENT AND LANDSCAPE VALUES | | |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---|--|---|
| 12.01 BIODIVERSITY | <ul style="list-style-type: none"> • 1 local policy that relates to biodiversity. • no local policy to provide locally specific direction on vegetation management (12.01-2S) | Further work to develop a new local policy to provide locally specific guidance on Native vegetation management (12.01-2S). See below comment. |
| 12.01-1L Protection of biodiversity | <ul style="list-style-type: none"> • does not provide locally specific direction other than Wonthaggi. • Strategies are broad | Further work is required this would include mapping all environmental values, including but not limited to areas like Mouth of Powlett, Westernport Woodlands. Such work would outline the threats and clearly define how to protect and conserve (via planning or other mechanism) the Shire's biodiversity and environmentally sensitive areas from permanent loss. |
| 12.02 Marine and coastal environment | <ul style="list-style-type: none"> • No local policy for Marine and coastal Crown land, however locally specific direction may not be required for this policy. | State policy refers to the Victorian Coastal Strategy (Victorian Coastal Council, 2014) which has been replaced by the 2022 Marine and Coastal Strategy. |
| 12.02-1L Protection coastal areas | <ul style="list-style-type: none"> • Name does not read correctly – error with policy name which requires correction. As a coastal municipality, this policy does not provide for adequate locally specific direction to achieve the desired outcomes for the Shire, and there is considerable scope for this to be improved. | Update heading to protection of coastal areas. Further work required to review and strengthen the policy for the protection of coastal areas. |
| 12.03 Water bodies and wetlands | <ul style="list-style-type: none"> • Given the region contains a number of rivers, waterways and wetlands, there is significant scope to strengthen this policy. | Further work to provide locally specific direction for water bodies and wetlands. |
| 12.03-1L River corridors, waterways, lakes and wetlands | | |
| 12.05 SIGNIFICANT ENVIRONMENTS AND LANDSCAPES | There is a policy gap in the local recognition of Western Port and foreshore as an environmentally sensitive area that requires protection. However, there are no strategies as to how this may be achieved at a local level to inform use and development. | Further strategic work is required to provide locally specific direction. This would include mapping all environmental values, including but not limited to areas like Mouth of Powlett, Westernport Woodlands, Western port bay. Such work would outline the threats and clearly define how to protect and conserve (via planning or other mechanism) the Shire's biodiversity |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---|---|--|
| | | and environmentally sensitive areas from permanent loss. |
| 12.05-2L-01 Landscapes | <ul style="list-style-type: none"> • Strategy intent is generally clear. | Following the Ministers adoption of the SPP ensure the planning scheme and the SPP align, including potential updates to these clauses. |
| 12.05-2L-02 Landscape character areas | <ul style="list-style-type: none"> • includes a policy application all land identified in the Landscape Character Areas Plan to this clause and is generally clear. | |
| 12.05-2L-02 Hilltops, ridgelines and prominent coastal landform protection in Rural Zones | <ul style="list-style-type: none"> • includes a policy application is to all land located on and adjacent to significant hilltops, ridgelines and prominent coastal landforms found within Farming, Rural Activity and Rural Conservation Zones. • It provides locally specific direction and is generally clear. | |
| 13 Environment risks and amenity | | |
| 13.01 CLIMATE CHANGE IMPACTS | <ul style="list-style-type: none"> • No local policy for Natural hazards and climate change (State 13.01-1S) • No recognition of the other climate change impacts that will affect Bass Coast as acknowledge in the climate change plan or strategies that relate to them. i.e. storms, wind, extreme rainfall • Amendment VC171 amended the state strategies to remove planning to 0.2m in 2040 for established settlements. This has implications for development and infrastructure provision within established areas that must be investigated in collaboration with DELWP, WGCMA and Melbourne Water | <p>Further work is required to develop a local policy for natural hazards and climate change</p> <p>Advocate to State Government to understand the implications of VC171 on Bass Coast settlements, and develop a holistic strategy to manage the issue.</p> |
| 13.01-2L Coastal inundation and erosion | <ul style="list-style-type: none"> • Limited information about acid sulphate soils. | Further strategic work to investigate acid sulphate soils and required strategies or planning controls to minimise the disturbance. |
| 13.02 BUSHFIRE | The draft SPP includes a proposed landscape controls that require consideration of bushfire risk. An updated Clause 13 VPP, that seeks to ensure settlement growth and development approvals can implement bushfire protection measures | Advocate to State government. |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--------------------------------|--|---|
| | without unacceptable landscape impacts, would be beneficial for all decision makers. | |
| 13.02-1L Bushfire planning | <ul style="list-style-type: none"> • Include a policy application to provide certainty that this applies to all applications. | <p>Further strategic work is required to review the strategy and determine whether there are opportunities to improve the local policy to consider the local context.</p> <p>This work could be considered as part of structure plan reviews for settlements.</p> |
| 13.03 FLOODPLAINS | | |
| 13.03-1L Floodplain management | <ul style="list-style-type: none"> • This policy is broad, appears to be opportunities to provide local guidance. This would support council in its role as drainage authority. | Further strategic work is required to review and strengthen to provide locally specific direction on the management of floodplains. |
| 13.04 SOIL DEGRADATION | <p>No local policy to achieve state objectives and implement strategies:</p> <ul style="list-style-type: none"> • Contaminated and potentially contaminated land (13.04-1S). • Salinity (13.04-3S) <ul style="list-style-type: none"> – There is no identification of areas subject to salinity in the Bass Coast Planning Scheme (no policy or overlay) | <p>Further work:</p> <ul style="list-style-type: none"> - Identify contaminated land (former landfill, fire fighting stations) - Identify areas of salinity |
| 13.04-2L Erosion and landslip | <ul style="list-style-type: none"> • Opportunity to provide local context and guidance about appropriate land use. | Investigated as part of a shire-wide review of environmental hazards and rural land use strategy. |
| 13.05 NOISE | No local policy to implement state strategies for noise management (13.05-1S). | Land use conflict to be considered as part of structure planning |
| 13.06 AIR QUALITY | no local policy for to implement state strategies for Air quality management (13.06-1S) | Land use conflict to be considered as part of structure planning |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--|---|---|
| 13.07 AMENITY, HUMAN HEALTH AND SAFETY | <ul style="list-style-type: none"> no local policy to implement state strategies for Land use compatibility (13.07-IS) | Land use conflicts identified as part of structure plan reviews for settlements. |
| 13.07-1L Industry protection | <ul style="list-style-type: none"> Additional local context could be provided. | Further work is underway to review the policy setting for industrial land through BILUS. |
| 14 Natural resource management | This clause would benefit from identification of productive agricultural, as well as land of strategic significance for agriculture. | To address this, a shire-wide agricultural study is required. This can inform a review of the rural land use strategy to ensure that agricultural land is adequately protected. |
| 14.01-1L Dwelling and subdivisions in rural areas | <ul style="list-style-type: none"> The strategies are clear in their desired outcome. | |
| 14.01-2L-01 Sustainable agricultural land use | <ul style="list-style-type: none"> Policy application could be included. The term 'associated rural activities' is not defined and is ambiguous Overall unclear in desired outcome | Detailed review of policy required. This would occur as part of the broader rural land use strategy review and agricultural land assessment. |
| 14.01-2L-02 Sustainable agricultural land use in the Farming Zone | <ul style="list-style-type: none"> Improvements to drafting possible for better alignment with the policy theme. Contains prescriptive guidelines with encouraged and discouraged uses that may impact innovation. | Detailed review of policy required this would occur as part of the broader rural land use strategy review and agricultural land assessment. |
| 14.01-2L-03 Sustainable agricultural land use in the Rural Activity Zone | <ul style="list-style-type: none"> Policy application is clear however it does not inform the location of the Rural Activity Zone, which continues to be an unresolved matter for places like Phillip Island, as highlighted by the draft Unlocking rural tourism policy (BURT). | Detailed review of policy required. This would occur as part of the broader rural land use strategy review and agricultural land assessment. |
| 14.01-3L Forestry and timber production | <ul style="list-style-type: none"> Contains a local objective, which To minimise the impact of timber plantations and forestry on the environment, significant landscapes and infrastructure. Clear strategies to achieve the desired objective | Review this policy as part of the broader rural land use strategy review and agricultural land assessment. |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--|--|---|
| 14.02 WATER | | |
| 14.02-1L Catchment planning and management | <ul style="list-style-type: none"> Local policies have limited local level detail. | Further work to review the local catchment planning and management policy |
| 14.02-2L Water quality | <ul style="list-style-type: none"> Effective with clear intent however would benefit from locally specific content. | Further work is required to strengthen these policies by providing locally specific direction for water quality. |
| 14.03 EARTH AND ENERGY RESOURCES | Heading clause | |
| 14.03-1L Resource exploration and extraction | <ul style="list-style-type: none"> While consistent with the State level policy, opportunity exists to investigate and improve policy around minimise impacts on areas of high landscape and environmental quality. | <p>Further work is required to ensure protection of the natural environment from resource exploration and extraction.</p> <p>Investigate the SERA project and advocate for review of Regional Sand Extraction Strategy Lang Lang to Grantville (1996).</p> |
| 15 Built environment and heritage | | |
| 15.01-1L-01 Urban Design in Bass Coast | <ul style="list-style-type: none"> No policy application The inclusion of Bass Coast in the name is unnecessary as it contained with the Bass Coast Planning Scheme. Design is not required to be capitalised. Overall, this analysis shows there is a policy gap in urban design guidance for Bass Coast. Importantly, coastal architecture is not defined or clearly articulated, which forms an essential part of the desired outcome of the policy. | <p>Delete Bass Coast in title, correct Design to lowercase 'd'.</p> <p>Further work is required to provide for locally specific direction for urban design including universal design, which is not currently included in the scheme. Where possible consider undertaking as part of the structure plan work.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|----------------------------------|---|---|
| 15.01-1L-02 Landscape design | Clear intent and could be improved to include local context as additional strategic work is undertaken. | Finalise Urban Forest Strategy, Neighbourhood Character Study, and review the landscape design policy. |
| 15.01-1L-03 Signs | <ul style="list-style-type: none"> Major tourist routes need to be identified. | Seek to include reference to the tourist routes identified in the Bass Coast Strategic Coastal Framework. |
| 15.01-2L Building design | <ul style="list-style-type: none"> This policy needs locally specific direction towards achieving the intended outcome. Policy related to building design in specific commercial and industrial precincts would be ideal. The state policy objective includes support environmentally sustainable development. This clause needs to be updated to work towards achieving ESD outcomes. | <p>Further work is required to strengthen, and provide locally specific strategies about building design for commercial and industrial areas</p> <p>Further work is required to provide locally specific direction on environmentally sustainable design.</p> |
| 15.01-3L Subdivision design | <ul style="list-style-type: none"> Subdivisions form the foundation of a community, they are a legacy that will extend over many decades. As such, the initial subdivision design represents an enormous opportunity to create fundamental conditions, for a sustainable and resilient community. There is limited policy requirements and standards to support robust evaluation of subdivisions from a sustainability perspective. | <p>Continue advocacy programs to ensure subdivisions are designed from a sustainability perspective.</p> <p>Consider developing policy about sustainable subdivisions in Bass Coast.</p> |
| 15.01-5L Neighbourhood character | <ul style="list-style-type: none"> Strategies are not drafted in accordance with guides. Seeks to provide locally specific guidance, but does not identify preferred character or articulate how each strategy can be achieved The policy will benefit from preferred character outcomes. | Complete the neighbourhood character study and implement its recommendations. |
| 15.02 | <ul style="list-style-type: none"> Deleted. | |
| 15.03 HERITAGE | <ul style="list-style-type: none"> HEADING No local policy for aboriginal cultural heritage | No policy for Aboriginal heritage highlights this work should be undertaken as a priority. |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--|--|---|
| 15.03-1L Heritage conservation | <ul style="list-style-type: none"> • Strategies are generally clear and well structured • Some strategies are prescriptive and may be better suited as policy guidelines (Avoid 'reproduction' architecture) • Some strategies are repetitive of state policies or one another. The policy could be significantly consolidated with guidance provided in policy guidelines. | Further work should be undertaken to review to consolidate strategies with the next heritage planning scheme amendment. |
| 16 Housing | | |
| 16.01 RESIDENTIAL DEVELOPMENT | <ul style="list-style-type: none"> • No local policy for affordable housing • No local policy for community care accommodation • No local policy for residential aged care facilities. • This presents a policy gap, given the aging population of Bass Coast | Finalise the Social and Affordable Housing Strategy. 'Lifestyle villages' are an emerging development type in Bass Coast, further work may be required to investigate whether there should be policy to guide decision making. |
| 16.01-1L Housing supply | <ul style="list-style-type: none"> • The initial direction is clear. • CI60basc translation of the policy relating Cape Paterson, Dalyston, Kilcunda, Bass, Corinella, Coronet Bay, Newhaven, Ventnor and Rhyll has not keep intent of this policy and it needs to be fixed. • Broad policy on housing change anticipated across settlement, that needs to be clarified. • Encourages diversity but doesn't explain how • Policy touches on the factors that will drive the level of housing change across the settlements, for example environmental and service constraints. But, does not provide locally specific direction • The housing policy is not detailed enough to inform the selection of zones and overlays to guide appropriate housing change. | Finalise the Housing Strategy and Neighbourhood Character Study. |
| 16.01-3L Rural residential development | <ul style="list-style-type: none"> • Contains three strategies, which are not effective in outlining how this would be undertaken at a local level. | Review this policy as part of the broader rural land use strategy review and agricultural land assessment. |
| 17 Economic development | | |
| 17.01 EMPLOYMENT | <ul style="list-style-type: none"> • No local policy for innovation and research | |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---------------------------------|--|---|
| 17.01-IL Diversified economy | <ul style="list-style-type: none"> • Contains two strategies, they are both clear in their intent and about directing industry and commercial uses to Wonthaggi and encouraging the application of the commercial zone to land. • However, these policies do not relate to a diversified economy | <p>Further work is required to prepare a vision for economic development across the Shire and understand the employment land needs across settlements to achieve the vision.</p> <p>Undertaking this work is critical because the draft SPP is proposing protected settlement boundaries that will limit spatial growth and consequently land available for employment. Having a vision for how the economy can be diversified in a constrained setting it vital.</p> |
| 17.02 COMMERCIAL | <ul style="list-style-type: none"> • No local policies to implement state policy in a way that is relevant to the Bass Coast vision for the municipality • No local policy for business / commercial centres • No local policy out of centre development | <p>Further strategic work is required, of importance is the Shire wide economic development strategy that sets out a clear vision and employment, commercial and retail land needs across the shire. The Shire-wide document would assist with the development of structure plans and locally specific policy for business and commercial centres.</p> |
| 17.03 INDUSTRY | <ul style="list-style-type: none"> • No local policy to implement state sustainable industry policy • Local policy for industrial land and supply does not ensure there is available industrial land • No locally specific policies for buffer areas, or policies or minimise land use conflict to provide guidance that there are many industrial areas that adjoin residential areas in the shire | <p>Complete the Industrial Land Use strategy.</p> |
| 17.03-IL Industrial land supply | <ul style="list-style-type: none"> • The strategies included in this policy do not work towards ensuring there is adequate supply available for industry. • No local policies for facilitating of identifying additional industrial land • No consideration of protecting industrially zoned land from non-industrial land uses. | <p>Complete the Industrial Land Use strategy.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---|--|--|
| 17.04 TOURISM | <ul style="list-style-type: none"> No local policy to implement the state strategies for Coastal and maritime tourism and recreation. As a coastal municipality this is a gap. This policy contains strategies that specifically mention Cowes and Western Port. | <p>Consider developing a Shire-wide tourism strategy.</p> <p>As part of the rural land use review ensure an agricultural assessment is undertaken to assist with the identifying appropriate areas for rural activity zone.</p> |
| 17.04-1L Facilitating tourism | <ul style="list-style-type: none"> There are strategies that relates to environmental and landscape policy, but no clear link to an objective Many of the strategies repeat the same idea Contains several strategies that relate to accommodation, with varying land use terms not consistent with the VPP. The strategy under diversification to Support tourist development that will contribute and reinforce the municipality as an all-year round tourist destination could be better suited as an objective with strategies to outline how this can be implemented at a locally specific context Clarify the strategy: support the provision of temporary camping and accommodation premises to satisfy demand beyond the capacity of established premises for major events attracting over 50,000 people is linked to the Phillip Island Race Track. No strategies to facilitate the nature based tourism No strategies to provide direction to balance the use and development of tourism within the local context | <p>Further work is required to improve strategies for tourism, include a local objective and clarify the strategies on tourist accommodation.</p> <p>Inclusion of strategies regarding the Phillip Island Race Track are limited and warrant review.</p> |
| 18 Transport | | |
| 18.01 Land use and transport | <ul style="list-style-type: none"> Lacks local policy | <p>Develop shire wide integrated land use planning and transport strategy that will provide locally specific policy to assist with place making.</p> |
| 18.01-3L Sustainable personal transport | <ul style="list-style-type: none"> Policy name of sustainable personal transport is different to state policy which is sustainable and safe transport, indicates its own objective might be required. | <p>Develop shire wide integrated land use planning and transport strategy that will provide locally specific policy to assist with place making and sustainable and safe personal transport across the Shire.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|---------------------------|--|--|
| | <ul style="list-style-type: none"> • The strategy to Discourage high or opaque fencing along walking and cycling tracks to encourage natural surveillance and promote safety could be better located elsewhere in the scheme, eg urban design • Includes a policy document reference to the Bass Coast Bicycle Strategy (Parklinks Pty Ltd, 2000), may need to be updated to reference the Bass Coast Tracks and Trails Strategy. • The plans are over 10 years old and with the introduction of the Tracks and Trails Strategy will need to be reviewed and potentially updated. • A policy for movement networks may be better situated in 18.02 Movement networks | <p>Investigate if the Bass Coast Tracks and Trails document requires this clause to be updated.</p> |
| 18.02 MOVEMENT NETWORKS | <ul style="list-style-type: none"> • No local policy for 18.02-1S Walking • No local policy for 18.02-2S Cycling • No local policy for freight • The policy gaps for walking and cycling highlight of a need for an integrated approach to movement networks. | <p>Develop shire wide integrated transport and land use planning strategy</p> |
| 18.02-3L Public transport | <ul style="list-style-type: none"> • Policy includes one strategy - Support the provision of an effective and efficient public transport system with bus services linking all major towns to Wonthaggi. • Strategies should relate to use and development that can be realised by the scheme and its relationship to public transport. • This policy is not in accordance with the Practitioners Guide | <p>Further work is undertaken to review this policy. It is recommended that this is undertaken concurrent with the above.</p> |
| 18.02-4L Car parking | <ul style="list-style-type: none"> • No policy application • No objective • Policy name of car parking differs from the relates state provision which is 18.02-4S Roads. • Intent of policy is unclear, to improve these policies the integrated land use and transport planning strategy. The policy provides no guidance about car Parking within activity centres. | <p>Further work to review this policy. It is recommended that this is undertaken concurrent with the above.</p> <p>Car parking strategies are required for all activity centres so that car parking can be considered in a holistic manner, added benefits is better management of the streetscape and potential activation.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|----------------------------------|---|---|
| 18.02-7L Phillip Island airfield | <ul style="list-style-type: none"> • One strategy, which is to Ensure that development close to the Phillip Island Airfield does not adversely impact on its operation. • This strategy provides locally specific direction by referring to the Phillip Island Airfield. It does not specifically articulate what or how development might adversely affect the operation of the airfield and can be interpreted ambiguously which weakens the strategy. • Locally specific guidance is achieved by DDOs on surrounding land. • The Phillip Island Airfield is no longer operational as an airfield and it is currently used as a heliport. | <p>Further work to review the policy to determine whether this is required as the Phillip Island airfield is no longer operational.</p> <p>Further work is required to provide locally direction on heliports or helicopter landing sites.</p> |
| 19 Infrastructure | | |
| 19.01 ENERGY | <ul style="list-style-type: none"> • No local policy for the state wide policy Energy supply 19.01-IS • No local policy for the state wide policy Energy supply – Gippsland 19.01-IR – High voltage transmission easement • No local policy for the state wide policy Renewable energy 19.01-2S • There is a policy gap for local direction on energy policy, including renewable energy. • No local policy for the state wide policy • A strategy of this state wide policy is to Recognise existing transmission-pressure gas pipelines in planning schemes and protect from further encroachment by residential development or other sensitive land uses, unless suitable additional protection of pipelines is provided. The Bass Coast has not recognised the existing transmission-pressure gas pipeline in the municipality. • The Yolla Gas Pipeline – Kilcunda under Bas Hills to Lang Lang Refinery is not identified or protected by the planning scheme. | <p>Further strategic work is required to address policy gaps in energy and renewable energy.</p> <p>It is recommended that this is addressed as part of the scoping of addressing ESD policy gaps.</p> <p>The gas and desal pipelines are not identified or protected</p> |
| 19.02 COMMUNITY INFRASTRUCTURE | <ul style="list-style-type: none"> • No local policies for emergency services, education facilities or cultural facilities. • No mention of early childhood learning centres • Identify and protect land for cemeteries and crematoria. | <p>Further work is required to provide locally specific direction on community infrastructure</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--|--|---|
| 19.02-1L Health facilities | <ul style="list-style-type: none"> • Further work is required to review this local policy and determine whether this should be improved to recognise any demand and direct medical services to be located in areas where demand can be demonstrated • The Wonthaggi Strategic Framework Plan refers to a potential future medical precinct surrounding the hospital, which is not recognised in policy | <p>Further work required to review and update this policy to identify what services are in demand and how the planning scheme needs to facilitate, direct and protect health facilities.</p> <p>The Wonthaggi Hospital as a regional hospital and future Phillip Island Hospital need to be recognised in the planning scheme</p> |
| 19.02-4L Social and cultural infrastructure | <ul style="list-style-type: none"> • The strategies in this policy reflect aspirations of Council however are broad and do not provide locally specific direction to implement the state strategy to identify and address gaps and deficiencies in social and cultural infrastructure, including additional regionally significant cultural and sporting facilities. A recognised policy gap, is a strategy relating to public restrooms, which are fundamental to human dignity and critical for all to enjoy places. • The state wide strategic objective to Plan and design community places and buildings so they can adapt as the population changes and different patterns of work and social life emerge should be further considered. • Does not provide locally specific direction to Ensure social infrastructure is designed to be accessible. | <p>Further work is required to identify and address gaps and ensure universal design of infrastructure.</p> |
| 19.02-6L Open space | <ul style="list-style-type: none"> • The strategies relate more to the design rather than ensuring there is adequate and equitable supply of open space across the Shire. • Open space is fundamental to the liveability of a settlement and adequate policy is required to ensure this achieved overtime. | <p>Develop a Public Open Space Strategy that includes a vision, assess needs across settlements and how the open space will be delivered (including collecting and spending of contributions).</p> |
| 19.03 DEVELOPMENT INFRASTRUCTURE | <ul style="list-style-type: none"> • No local policy for Development and infrastructure contributions • No local policy for telecommunications • No local policy for waste and resource recovery (Do not have an up to date Regional Waste and Resource Recovery Implementation Plan) | <p>Investigate the need for the preparation and implementation of infrastructure contribution plans to contribute towards infrastructure across all settlements.</p> <p>Introduce the WNE PSP and DCP into the Planning Scheme.</p> |
| 19.03-2L Infrastructure design and provision | <ul style="list-style-type: none"> • Includes four strategies, a policy guideline and document. • Of note: | <p>Further work required including finalising Housing strategy, Neighbourhood Character Study.</p> |

Planning Policy Framework Analysis

| Clause and name (PPF) | Observations / comments | Recommended changes |
|--|--|--|
| | <ul style="list-style-type: none"> • Provide a consistent approach to the design and construction of infrastructure across the municipality. <ul style="list-style-type: none"> – This is clear in desired intent. Clarity could be improved to add locally specific policy, that would ensure new infrastructure has regard for the character of an area. • Use public open space contributions to improve the provision and quality of neighbourhood amenities. <ul style="list-style-type: none"> – Place under 19.02-6L and develop an Open Space Strategy that outlines how contributions will be collected and spent. • Improve drainage in and around foreshore reserves. <ul style="list-style-type: none"> – Provide locally specific direction and consider preparing drainage schemes for settlements. | <p>Investigate how to facilitate improved end of line drainage solutions.</p> <p>Develop a Public Open Space Strategy that identifies open space vision, open space needs across settlements and how the supply will be delivered.</p> |
| 19.03-3L Integrated water management | <ul style="list-style-type: none"> • Contains multiple objectives • References the Stormwater management plan dated 2003 as a policy objective • Local policies assist with design and could be included in 19.03-2L • There are no locally specific integrated water management plan strategies. | <p>Investigate inclusion of the Shire Wide Integrated water management strategy into the scheme. Doing this should ensure there is adequate policy for all sources of water (Agricultural, Cultural, Environmental and Urban) as well as clear strategies about management of surface water, ground water, desalination water and alternative water.</p> |
| 19.03-4L High speed telecommunications | <ul style="list-style-type: none"> • Intent is clear | |

Planning Policy Framework Analysis

Zone analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-------------------------------------|-----------------------------|---|---------------------------------------|-------------------------|
| RESIDENTIAL ZONES | | | | |
| Low Density Residential Zone (LDRZ) | | To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater. | | |
| 32.03s Schedule I - LDRZI | | | Complies | - |
| 32.04 Mixed Use Zone (MUZ) | | <p>To provide for a range of residential, commercial, industrial and other uses which complement the mixed-use function of the locality.</p> <p>To provide for housing at higher densities.</p> <p>To encourage development that responds to the existing or preferred neighbourhood character of the area.</p> <p>To facilitate the use, development and redevelopment of land in accordance with the objectives specified in a schedule to this zone.</p> | - | - |
| Schedule I – MUZ | Bass Coast Mixed Use Areas | None specified | Amend Schedule I to to comply with MD | - |
| 32.05 Township Zone (TZ) | | To provide for residential development and a range of commercial, industrial and other uses in small towns. | - | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-------------------------------|----------------------------------|--|---|---|
| | | <p>To encourage development that respects the neighbourhood character of the area.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> | | |
| Schedule I – TZ | Bass Coast Townships | | Complies | - |
| 32.07 Residential Growth Zone | | <p>To provide housing at increased densities in buildings up to and including four storey buildings.</p> <p>To encourage a diversity of housing types in locations offering good access to services and transport including activity centres and town centres.</p> <p>To encourage a scale of development that provides a transition between areas of more intensive use and development and other residential areas.</p> <p>To ensure residential development achieves design objectives specified in a schedule to this zone.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> | - | - |
| Schedule I - RGZ | Cowes Activity Centre Precinct 4 | . | 32.07-1 RGZ specifies that 'A schedule to this zone must contain the design | Design objective derived from Cowes Activity Centre Plan requires name amended for consistency. |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-----------------------------------|-----------------------------|---|---|---|
| | | | <p>objectives to be achieved for the area'. Schedule 1 does not contain design objectives to be achieved and the RGZ1 does not comply.</p> <p>Naming of Schedule 1 and 2 is not consistent.</p> | |
| Schedule 2 - RGZ | Former Warley Hospital Site | | 32.07-1 RGZ specifies that 'A schedule to this zone must contain the design objectives to be achieved for the area'. Schedule 1 does not contain design objectives to be achieved and the | Design objective derived from Cowes Activity Centre Plan and requires name amended for consistency. |
| 32.08 General Residential Zone | | <p>To encourage development that respects the neighbourhood character of the area.</p> <p>To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.</p> <p>To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.</p> | - | - |
| Schedule 1 - GRZ | General Residential Area | None specified | <p>Complies</p> <p>Minor grammatical note for correction</p> | No full stop required at the end of 'No' in 2.0 and 3.0. |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|----------------------------|-----------------------------|---|-------------------|--|
| | | | | No full stop required at the end of 'None specified' at 4.0. |
| INDUSTRIAL ZONES | | | | |
| 33.01 Industrial 1 Zone | | To provide for manufacturing industry, the storage and distribution of goods and associated uses in a manner which does not affect the safety and amenity of local communities. | - | |
| Schedule – IN1Z | | None specified | Complies | - |
| 33.03 Industrial 3 Zone | | To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict. To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community. To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses. | - | - |
| Schedule – IN3Z | | None specified | Complies | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|----------------------------|-----------------------------|---|-------------------|-------------------------|
| COMMERCIAL ZONES | | | | |
| 34.01 Commercial 1 Zone | | To create vibrant mixed use commercial centres for retail, office, business, entertainment and community uses. To provide for residential uses at densities complementary to the role and scale of the commercial centre. | - | - |
| Schedule – CIZ | No name | | Complies | |
| 34.02 Commercial 2 Zone | | To encourage commercial areas for offices, appropriate manufacturing and industries, bulky goods retailing, other retail uses, and associated business and commercial services. To ensure that uses do not affect the safety and amenity of adjacent, more sensitive uses. | Complies | |
| RURAL ZONES | | | | |
| 35.03 Rural Living Zone | | To provide for residential use in a rural environment. To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses. To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area. To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision. | - | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|----------------------------------|-----------------------------|---|--|-------------------------|
| Schedule I – RLZ | Not named | None specified | Should be shown on the planning scheme map as RLZ I | |
| 35.06 Rural Conservation Zone | | <p>To conserve the values specified in a schedule to this zone.</p> <p>To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.</p> <p>To protect and enhance natural resources and the biodiversity of the area.</p> <p>To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.</p> <p>To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.</p> <p>To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.</p> | - | - |
| Schedule I - RCZ | Conservation Values | | Complies, however does repeat parent provision requirement for minimum subdivision area. | |
| 35.07 Farming Zone | | To provide for the use of land for agriculture. | - | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|---------------------------------------|-----------------------------|--|---|--|
| | | <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p> | | |
| Schedule 1 – FZ Shown as FZ on map | | See appendix below. | Illustrate on planning scheme map as FZ I | Undertake rural land use strategy review and agricultural land assessment. |
| Clause 35.08 Rural Activity Zone | | <p>To provide for the use of land for agriculture.</p> <p>To provide for other uses and development, in appropriate locations, which are compatible with agriculture and the environmental and landscape characteristics of the area.</p> <p>To ensure that use and development does not adversely affect surrounding land uses.</p> | - | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-------------------------------------|-----------------------------|---|---|--|
| | | <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p> <p>To protect and enhance natural resources and the biodiversity of the area.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> | | |
| Schedule I – RAZ | | Copied from RLUS | <p>Contains more than 5 purposes (maximum specified in MD).</p> <p>Required to be shown in the planning scheme map as RAZI as per MD.</p> | Amend to comply with MD |
| PUBLIC LAND ZONES | | | | |
| 36.01 Public Use Zone | | <p>To recognise public land use for public utility and community services and facilities.</p> <p>To provide for associated uses that are consistent with the intent of the public land reservation or purpose.</p> | Mapping anomalies existing with some private land included in the PUZ, and public uses not included in a PUZ. | Undertake project to review the application of the PUZ across the Shire. |
| Schedule – PUZ | | None specified | Complies | |
| 36.02 Public Park and Resource Zone | | <p>To recognise areas for public recreation and open space.</p> <p>To protect and conserve areas of significance where appropriate.</p> | - | - |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|--|---|--|--|--|
| | | To provide for commercial uses where appropriate. | | |
| Schedule – PPRZ | | None specified | Complies | - |
| 36.03 Public Conservation and Resource Zone | Shown on the planning scheme map as PCRZ. | To protect and conserve the natural environment and natural processes for their historic, scientific, landscape, habitat or cultural values. To provide facilities which assist in public education and interpretation of the natural environment with minimal degradation of the natural environment or natural processes. To provide for appropriate resource based uses. | - | - |
| Schedule – PCRZ | | Cape Paterson Foreshore Reserve - All use and development - If the use or development is consistent with the Cape Paterson Management Plan (Shire of Bass Coast, January 1998) Bunurong Coastal Reserve - All use and development - If the use or development is consistent with the Bunurong Marine and Coastal Park Management Plan (Department of natural Resources and Environment, May 1992) | Complies The condition for permit exemption is the use or development is consistent with the plans from 1992 and 1998 which are outdated. | Update the relevant management plan dates. |
| 36.04 Transport Zone | | To provide for an integrated and sustainable transport system. To identify transport land use and land required for transport services and facilities. | Zone introduced by <u>Amendment VC205</u> to replace RZ and PUZ4. The TRZ mapping appears to contain anomalies as in | Request DELWP review application extent of schedule to TRZ mapping |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|------------------------------|---|--|---|---|
| | | <p>To provide for the use and development of land that complements, or is consistent with, the transport system or public land reservation.</p> <p>To ensure the efficient and safe use of transport infrastructure and land comprising the transport system.</p> | some instances it is shown on private land. | |
| SPECIAL PURPOSE ZONES | | | | |
| Schedule 1 – SUZ SUZ1 | PHILLIP ISLAND MOTOR RACING TRACK | To provide for the use or development of a motor racing track and associated activities. | <p>The uses do not relate to the <u>incorporated document</u>.</p> <p>There is no masterplan to guide use and development of the site, other than the incorporated document.</p> <p>The inclusion in SUZ dates to NFPS (2000), with the incorporated document introduced by C58 2007.</p> | Further strategic work is required to review the planning controls for the site to comply with MD |
| Schedule 2 – SUZ SUZ2 | <p>EARTH AND ENERGY RESOURCES INDUSTRY</p> <p>Applies to several quarries in the Grantville area.</p> | <p>To recognise or provide for the use and development of land for earth and energy resources industry.</p> <p>To encourage interim use of the land compatible with the use and development of nearby land.</p> <p>To encourage land management practice and rehabilitation that minimises adverse impact on the use and development of nearby land.</p> <p>Custom table of uses</p> | The inclusion in the SUZ predates NFPS (2000). | |

Zone Analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|--|-------------------------------------|---|--|--|
| | | Buildings and works exemption for compliance with Dangerous Goods Act or Water Discharge License | | |
| Schedule 3 – SUZ SUZ3 | WONTHAGGI MOTOR RACING TRACK | To provide for the use or development of the Wonthaggi motor racing track and associated activities. Custom table of uses Motor racing track is listed in Section 1 use | Uses listed do not align with the purpose of the schedule. There is no strategic document or relevant masterplan | Review of SUZ schedule should be undertaken to ensure there is strategic direction and complies with MD. |
| No schedule 4 | NA | - | - | - |
| Schedule 5 - SUZ | INVERLOCH RACV RESORT | To allow a mix of uses to recognise and support sustainable tourism activity and accommodation opportunities at the RACV Inverloch Resort. | Complies | - |
| Schedule 6 – SUZ SUZ6 | SILVERWATER RESORT, SAN REMO | To provide for a mix of uses to recognise and support sustainable tourism activity and accommodation opportunities at the Silverwater Resort, San Remo. | Online formatting mistake will be noted for resolution. | - |
| 37.02 Comprehensive Development Zone | | To provide for a range of uses and the development of land in accordance with a comprehensive development plan incorporated in this scheme. | - | - |
| Schedule 1 – CDZ | CAPE PATERSON ECOVILLAGE CDZ1 | Cape Paterson Ecovillage Comprehensive Development Plan April 2011. Incorporated Document | Does not comply, Contains more than 5 purposes (9). | Review to align with MD. |

Zone Analysis

Overlay analysis

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|---|--|---|--|--|
| 42.01 Environmental Significance Overlay (ESO) | | To identify areas where the development of land may be affected by environmental constraints. To ensure that development is compatible with identified environmental values. | | |
| 42.01s Schedule 1 – ESO ESOI | Applies to areas near Westernport and Anderson inlet | <i>Coastal Wetland Areas.</i> | Exceeds the maximum of 1 objective. Background Documents are now 20 years old 1998, 2002, and 2003. References DSE rather than DELWP. The document which outlines sites of sites of International, National and State zoological significance or sites of Regional or Local zoological or botanical significance cannot be located, and it is therefore not possible to determine in areas where the ESO 1 applies of what significance the site is. See separate table Referral and notice under local provisions | The 2018 PSR recommended a detailed review of the mapping, provisions, exemptions, and decision guidelines of the ESO schedules be undertaken. This need remains. However, it should be undertaken as part of a broader environmental study as discussed at Clause 12 of this PPF assessment. DELWP have confirmed they cannot locate the reference documents which determine the referral triggers. Council will work towards locating these documents form State Records. |
| Schedule 2 ESO2 | Applies to narrow strips surrounding Jam Jerrup | Sites of geological and geomorphological significance, | Does not comply with MD needs updating. | |

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|--|--|--|---|---|
| Schedule 3 – ESO ESO3 | Applies to predominantly crown land areas of the Phillip Island coastline and several larger parcels that adjoin the Churchill Island Marine National Park (RAMSAR). | Significant flora and fauna habitats | Does not comply Exceeds the maximum of 1 objective for environmental objectives to be achieved with 4. Background Documents are dated prior to 1996. The background document which identifies sites of zoological and botanical significance cannot be located by Council or DELWP. See separate table Referral and notice under local provisions | |
| Schedule 4 to ESO ESO4 | Wonthaggi, South Dudley and Kilcunda | Land Subsidence | Not consistent with MD structure. | |
| 43.02 Vegetation Protection Overlay | | | | |
| VPO1 | SIGNIFICANT REMNANT VEGETATION | Significant Vegetation throughout the shire. | Complies with MD | The 2018 PSR recommended a detailed review of the mapping, provisions, exemptions, and decision guidelines of the VPO schedules be undertaken. This need remains and will be a recommendation of this review. |
| VPO2 | PHILLIP ISLAND | | Complies with MD | |
| VPO3 | INVERLOCH | | Complies with MD The reference documents are out of date. | |

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-----------------|--|--------------------------------|---|---|
| SLO | Schedule 1 - 6 | Impacted by DALs | The DAL proposed changes to the schedule content and mapping of the Significant Landscape Overlays. | Following the Ministers approval of the SPP ensure the SPP and Planning Scheme align. |
| HO | | | Complies with MD Mapping anomalies | Further strategic work is required to implement the Heritage Gaps and Prioritisation Framework, which would see changes to the HO. |
| DDO | | | The 2018 review identified that all schedules of the DDO (except one – DDO5 which was recently updated) are not in accordance with Ministerial Directions and require updating in planning scheme update. | Recommendations of 2018 review remain. The Neighbourhood Character Study will likely include a review of DDO1. |
| 43.03 IPO | - | - | - | - |
| SCHEDULE I | Applies to residential land on either side of Richardson Way, some parcels on Heyley Avenue, Spaven Court, and the public land containing Saltwater Creek. | SALTWATER CREEK AREA, VENTNOR | The Incorporated Plan for this overlay is the Overall Development Plan No. 4- Saltwater Creek Area Ventnor. The area has been developed in accordance with the plan. An IPO does not trigger permits and therefore many of the requirements cannot be met unless there is a permit trigger under the zone. The plan is dated May 1991. | It is recommended that further strategic work is undertaken to review whether the Saltwater Creek Area IPO is required and the most effective mechanism to achieve the intent of the IPO. |
| 43.04 DPO | DPO1 - 25 | Various areas across the Shire | Recommendations of 2018 review carried over. | Undertake DPO review, where the possibility arises review individual DPOs as part of structure planning work. |
| 44.01 EMO | | | | |

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-----------------|---|---|---|---|
| SCHEDULE I | Not named Applies to the Bass Hills | Not named | Does not comply with MD as the schedule does not have a name. | Insert name. Further strategic work is required to review the content and mapping of the EMO. |
| 44.04 LSIO | | | | The 2018 review recommended to update the Schedule to the Land Subject to Inundation Overlay to provide an exemption from a planning permit requirement where minimum floor levels (set by the relevant Floodplain Manager) have been met. This should be investigated. |
| LSIO | | | WGCMA requested inclusion of current catchment strategy in decision guidelines. | As new data becomes available the LSIO ordinance and mapping will need to be update. |
| 44.06 BMO | | | The schedules do not apply to all residential areas, some areas are included in the BMO without a schedule. | There is the opportunity to undertake further strategic to include more areas in the Schedules to the BMO to improve the efficiency of the Scheme. |
| BMO I | CAPE PATERSON, CAPE WOOLAMAI, GRANTVILLE, NEWHAVEN, PIONEER BAY, VENTNOR, COWES, WONTHAGGI BAL-12.5 AREAS | Outlines requirements to be met (notably BAL-12.5) and exempts from referral of the application if the required measures are met. | Complies | |

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|-----------------------------------|--|---|---|--|
| BMO2 | CAPE PATERSON, CAPE WOOLAMAI, GRANTVILLE, PIONEER BAY, VENTNOR, THE GURDIES BAL-29 AREAS | Outlines requirements to be met (notably BAL-29) and exempts from referral of the application if the required measures are met. | Complies | |
| 45.01 Public Acquisition Overlay | Schedule | | Complies with MD | The 2018 PRS recommendation for further strategic work to review PAO, is carried over. |
| 45.02 Airport Environs Overlay | | | | |
| Schedule 2 AEO2 | AEO2 is not mapped in the Scheme | | The Schedule 2 to AEO is in accordance with the MD. However, it is not mapped and has no relevant referral requirement. | Further strategic work is required to investigate why the AEO2 is not mapped but included in the Scheme. |
| 45.03 Environmental Audit Overlay | Applies to several parcels in Cowes, one in San Remo and Archies Creek | There is no schedule | Amendment C1 (2000) applied the EAO to these parcels. | No action recommended |
| 45.05 Restructure Overlay | | | Complies with MD | Further strategic work required to review restructure overlays. |

| Clause and name | Applies to (schedules only) | Purpose and requirements | Adherence with MD | Additional improvements |
|---------------------------------|---|--------------------------|---|--|
| 45.12 Specific Controls Overlay | Gap Road and Phillip Island Grand Prix Circuit. | | Complies, noted minor spelling mistake. | Further strategic work required to review include other incorporated plans into this clause. |

Particular provisions analysis

| Clause and name | Does the Schedule reference a Background or Incorporated Document? | Is the Background or Incorporated Document listed at 72.04s or 72.08s? | Adherence with MD | Additional improvements suggested |
|--|--|--|-------------------|-----------------------------------|
| 51 PROVISIONS THAT APPLY ONLY TO A SPECIFIED AREA | | | | |
| 51.01 Specific sites and exclusions | | | | Review and transition to overlay. |
| Schedule to Clause 51.01 | Westernport Water's Drought Relief Water Supply Strategy, (July 2007) | Yes – <u>incorporated document</u> | Complies | |
| | Desalination Project Incorporated Document, January 2008 | Yes – <u>incorporated document</u> | | |
| | 2255 Dalyston-Glen Forbes Road and part of 1905 Bass Highway, Glen Forbes – August 2007. | No | | |
| | Victorian Desalination Project Incorporated Document, June 2009 | Yes – <u>incorporated document</u> | | |
| 52 PROVISIONS THAT REQUIRE, ENABLE OR EXEMPT A PERMIT (only lists clauses where local content is permissible) | | | | |
| 52.02 EASEMENTS, RESTRICTIONS AND RESERVES | Includes several sites in Inverloch | | Complies | |
| 52.05 SIGNS | Contains an empty schedule | - | - | |
| 52.16 Native vegetation precinct plan | Contains schedule Schedule empty | - | Complies | |

| Clause and name | Does the Schedule reference a Background or Incorporated Document? | Is the Background or Incorporated Document listed at 72.04s or 72.08s? | Adherence with MD | Additional improvements suggested |
|--|---|---|--------------------------|---|
| 52.17 Native Vegetation | Contains schedule Schedule exempts vegetation removal for Bass Highway upgrades | - | Complies | Review existing Weed list, and removal of the Bass Highway exemptions |
| Schedule to 52.27 Licensed Premises | Includes schedule Schedule empty | - | Complies | |
| Schedule to 52.28 Gaming | Includes schedule Schedule is empty, other than prohibiting in a strip shopping centre | - | Complies | |
| Schedule to 52.32 Wind energy facility | Prohibits wind energy within 5km of the coast | - | Complies | |
| 53 GENERAL REQUIREMENTS AND PERFORMANCE STANDARDS | | | | |
| Schedule to 53.01 Public open space contribution and subdivision | 5% contribution for all subdivisions of three or more | - | Complies | |
| Schedule to 53.06 Live music entertainment venues | Schedule empty | - | Complies | Review schedule to determine whether other venues or areas are required to be specified |
| Schedule to 52.13 | Schedule Empty | - | Complies | - |
| 59 VICSMART APPLICATIONS AND REQUIREMENTS | | | | |
| Schedule to 59.15 Local Vicsmart applications | None specified in the schedule | - | Complies | Further work to review additional inclusions to improve efficiency. |
| Schedule to 59.16 Information requirements | None specified in the schedule | - | Complies | Planners identified this as an opportunity. |

| Clause and name | Does the Schedule reference a Background or Incorporated Document? | Is the Background or Incorporated Document listed at 72.04s or 72.08s? | Adherence with MD | Additional improvements suggested |
|---|--|--|-------------------|-----------------------------------|
| and decision guidelines for local Vicsmart applications | | | | |

General provisions analysis

Referral and notice under local provisions

Referral and notice to DELWP

| Listed in referral and notice provisions | Referral/notice requirement listing in overlay | Overlay | Kind of application | Analysis |
|--|--|--|---|--|
| 66.04 66.06 | Clause 3.0 of Schedule 1 42.01 ESO | Schedule 1 to Clause 42.01 Environmental Significance Overlay Coastal Wetland Areas | S55 Determining An application affecting sites of International, National and State zoological significance. S52 Notice An application affecting sites of Regional or Local zoological or botanical significance. | Provisions do not include a definition of International, National, State, Regional or Local zoological or botanical significance or refer to a relevant background document Background documents are dated 2002, 2003 and 1998 and may be out of date |
| 66.04 66.06 | Clause 3.0 of Schedule 2 to 42.01 ESO | Schedule 2 to Clause 42.01 Environmental Significance Overlay Sites Of Geological And Geomorphological Significance | S55 Determining An application affecting sites of International, National and State geological and geomorphologic significance. S52 Notice An application affecting sites of Regional or Local geological and geomorphological significance. | Complies Sites are listed here: https://vro.agriculture.vic.gov.au/dpi/vro/portregnsf/pages/port_lf_ppsites_sig-map Listing in the Schedule to the overlay aligns to the referral and notice provisions of Clause 66.04 and 66.06. |
| 66.04 66.06 | Clause 3.0 of Schedule 3 to 42.01 ESO | Schedule 3 to Clause 42.01 Environmental Significance Overlay | S55 Determining An application affecting sites of International, National and State zoological significance and for sites containing broad | The schedule does not define which sites are of which significance |

Provisions Analysis

| | | |
|--------------------------------------|---|---|
| Significant Flora And Fauna Habitats | vegetation types classified depleted, rare or threatened at the Statewide level. | The background documents which may be able to could not be located |
| | S52 Notice An application affecting sites of Regional or Local zoological or botanical significance. | <ul style="list-style-type: none"> • Sites of Zoological Significance in the Westernport Region, Department of Conservation, Forests and Lands (Andrew et al., 1984). • Sites of Botanical Significance in the Westernport Region, Department of Conservation, Forests and Lands (Opie et al., 1984). |

| | | | | |
|-------------------------------|---|--|---|---|
| Not listed in 66.04 or 66.06. | Clause 2.0 of Schedule 1 to Clause 43.02 DDO1 | Schedule 1 to Clause 43.02 Design And Development Overlay Residential Areas Near The Coast | S52 Notice Notice of application must be given to the Department of Environment, Land, Water and Planning in accordance with Section 52(1)(c) of the Planning and Environment Act 1987 where the land adjoins coastal Crown land as defined under the <i>Coastal Management Act 1995</i> . | The notice requirement is listed in the Schedule to the Overlay, however, is not listed in 66.06. |
|-------------------------------|---|--|---|---|

Provisions Analysis

Referral and notice relating to emergency services flight paths

The Bass Coast Planning Scheme contains four schedules to the Design and Development Overlay which relate to the emergency services flight paths to Blue Gum Reserve in Cowes and Wonthaggi Hospital.

The sole decision guideline for these respective schedules is whether the height and design of any proposed buildings and works will have an impact on the flights associated with the helicopter landing site.

This review identified that there are issues with the referrals which warrant further investigation as part of future strategic work.

Provisions Analysis

Operational provisions analysis

| Clause | Name | Considerations | Recommendations |
|--|--|--|--|
| ADMINISTRATION AND ENFORCEMENT OF THIS SCHEME | | | |
| 72.01s | Schedule to Responsible Authority for this Planning Scheme | Are all relevant responsible authorities specified correctly? If no, please list any inaccuracies. | Yes |
| 72.02s | Schedule to What Area is Covered by this Planning Scheme? | Is the Municipal district named correctly? | Yes |
| 72.03s | Schedule to What Does this Scheme Consist of? | Are all currently applicable Planning Scheme maps listed correctly? If no, please list any inaccuracies. | Yes |
| 72.04s | Schedule to Documents Incorporated in this Planning Scheme | <p>Is the most up to date version of each Incorporated Document listed?</p> <p>Are there any Incorporated Documents no longer required that can be deleted?</p> <p>Do all Incorporated Documents link to an Amendment and Planning Scheme provision in the final column of the schedule?</p> <p>Would any Incorporated Documents benefit from being mapped as a Special Control Overlay?</p> <p>Note: any changes to Incorporated Documents are beyond the scope of a 20(4) amendment.</p> | <p>Updates are required relating to:</p> <ul style="list-style-type: none"> Westernport Water's Drought Relief Water Supply Strategy (July 2007) – expired on 31 December 2018. Bunurong Marine and Coastal Park Management Plan (Department of Natural Resources and Environment, May 1992) was superseded by the Bunurong Marine National Park Management Plan (2006). <p>The Bunurong Marine and Coastal Park was amalgamated with other parks to form the Yallock-Bulluk Marine and Coastal Park.</p> <p>Further work is required with Parks Victoria to confirm what Management Plan applies to the new park.</p> |

Provisions Analysis

| Clause | Name | Considerations | Recommendations |
|--------|----------------------------------|--|---|
| 72.08s | Schedule to Background Documents | <p>Is the most up to date version of each Background Document listed?</p> <p>Are there any Background Documents no longer required that can be deleted?</p> <p>Do all Background Documents link to an Amendment and Planning Scheme provision in the final column of the schedule?</p> | Current list is adequate and will be updated as further strategic work is undertaken. |

Provisions Analysis

Council documents

Other than the Council Plan and vision these documents have been adopted since the 2018 Planning Scheme Review and are relevant to the scheme and should be considered as part of further strategic work.

| Full name of document | Date of adoption by Council | Strategic Themes |
|---|-----------------------------|--|
| Council Plan 2021-25 (Bass Coast, 2021) | 2021 | |
| Bass Coast Community Vision 2041 (Bass Coast, 2021) | 2021 | |
| Healthy Communities Plan 2021-25 (Bass Coast, 2021) | 2021 | Affordable housing, Equity |
| Climate Change Action Plan 2020 – 2030 (Bass Coast, 2020) | 2021 | Climate Change |
| Access, Equity and Inclusion in Bass Coast 2021-25 (Bass Coast, 2021) | 2021 | Universal design |
| Tracks and Trails 2022 | 2022 | Movement networks |
| Dinosaurs Trail Masterplan | 2021 | Social infrastructure |
| Biodiversity Biolinks Plan 2018 | 2018 | Biodiversity |
| Drainage Services Asset Management Plan 2020-2024 (Bass Coast, 2020) | 2020 | Drainage |
| Living Young Plan 2021-2025 | | Social infrastructure |
| Active Bass Coast 2018 | 2018 | Movement networks |
| Integrated Water Management Plan 2020 | 2021 | Water, Drainage |
| Significant Roadside Vegetation Management Plan 2020 | | Biodiversity |
| Wonthaggi Activity Centre Plan | 2021 | Activity Centre Planning |
| Wonthaggi Access and Movement Study | 2021 | Activity Centre Planning, Transport Planning |

Provisions Analysis

| Full name of document | Date of adoption by Council | Strategic Themes |
|---|-----------------------------|-----------------------------------|
| Wonthaggi North East Precinct Structure Plan and Development Contributions Plan | 2021 | Growth Areas Planning, Settlement |
| Smiths Beach Town Plan | 2022 | Settlement |
| Heritage Gaps Framework and Prioritisation Framework | 2022 | Heritage |
| Thematic Environmental History | 2022 | Heritage |
| Bass Coast Industrial Lands Supply, Demand and Market Analysis | 2022 | Industry |
| Bass Coast Residential Market, Demand and Supply Assessment | 2022 | Housing, Settlement |

Provisions Analysis

Appendix 2 - Third party reviews

This analysis was undertaken by Council officers utilising the methodology, procedure and templates developed by Regional Planning Partnerships at Department of Environment, Land, Water and Planning (DELWP).

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VCAT decisions

This section details the VCAT cases in the review period.

Sibenik v Bass Coast SC [2021] VCAT 526 (13 May 2022)

| Address | Units 1 and 2/33-37 Genista Street SAN REMO 3925 |
|---|---|
| Council Ref: | 210095 |
| Date of VCAT Order: | 13 May 2022 |
| VCAT Citation: | <u>Sibenik v Bass Coast SC [2021] VCAT 526 (13 May 2022)</u> |
| Nature of proceeding: | Section 82 – Objector appeal to review the decision to grant a permit |
| Council Decision: | NOD |
| Council Decision Upheld at VCAT: | Varied – permit granted |
| Applicable policies and provisions: | Clauses 2.03, 11, 15, 16, 18, 19, 32.08, 54, 65, 71.02 and 72.04. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | The proposed dwelling designs have not attempted to consider the visual impact on the sharing of view lines and will cause unreasonable visual bulk. Appellant raised doubts over proposed levels and believes a permit will be triggered by the DDO1 Raise concerns about non-compliance with the requirements in Clause 54 for Neighbourhood Character (standard A1) and design detail (standard A19) |
| Description: | The proposed extensions are to two attached single storey dwellings. The permit trigger is Clause 32.08-5 (Construct or extend a single dwelling on a lot less than 300 square metres). |

VCAT Decisions

| Address | Units 1 and 2/33-37 Genista Street SAN REMO 3925 |
|------------------------------|--|
| Tribunal response to issues: | <p>The order discusses view sharing in the coastal context. It outlines and assesses the proposal against the view sharing principles that have been established over many years by the Tribunal. It found that while the Submitters will be affected by the first-floor extensions, the member was not persuaded that the potential impact on views or amenity warrant refusal of the application. In assessing the application against the well established principles the permit applicants were considered to have made every effort to modify the design of the dwelling to provide for a reasonable sharing of views.</p> <p>The order also explains the development has been designed to respect Neighbourhood Character.</p> |
| Recommendations for the PSR: | <p>View sharing in the coastal context is a common and contentious issue. To address this issue planners often apply the <i>Tashionidis Principles</i> (these principles are mentioned at paragraph 23 of the order). Of note, is paragraph 13, where the member prefaces the discussion about view sharing by noting the objectives of Bass Coast's DDO1 do not making reference to view sharing, and this is different in respect to other coastal areas in Victoria, For example DDO11 and DDO13 in the Surf Coast Planning Scheme include design objectives specific to achieving reasonably sharing of views. DDO1, DDO2 and DDO3 in the Mornington Peninsula Planning Scheme all include a design objective to protect shared view lines where reasonable and practical.</p> <p>The strategic planning work program should seek to include a review of the view sharing controls across the state and investigate opportunities to improve the Bass Coast Planning Scheme.</p> |

Krastoy Pty Ltd v Bass Coast SC [2022]VCAT 511 (11 May 2022)

| Address | Parklands Coastal Estate, Wonthaggi |
|-------------------------------------|---|
| Council Ref: | 190225 |
| Date of VCAT Order: | 11 May 2022 |
| VCAT Citation: | <u>Krastoy Pty Ltd v Bass Coast SC [2022] VCAT 511 (11 May 2022)</u> |
| Nature of proceeding: | Section 79 – failure to grant the permit within the prescribed time |
| Council Decision: | Council resolve that, had this application not been made to the Tribunal, it would have refused the proposal |
| Council Decision Upheld at VCAT: | Refused |
| Applicable policies and provisions: | <p>Clause 11.02-3S – Sequencing of development</p> <p>Clause 19.03-2S – Infrastructure design and provision</p> <p>Clause 19.03-3S – Integrated water management</p> <p>Clause 19.03-3L – Integrated water management</p> <p>Clauses 02, 11, 12, 14, 15, 19, 32.08, 43.04, 56, 65 and 71.02</p> |

VCAT Decisions

| Address | Parklands Coastal Estate, Wonthaggi |
|---|--|
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Stormwater |
| Description: | The staged subdivision of land to create 149 residential lots |
| Summary of Tribunal response to issues: | The member found the application to be incomplete on a number of levels, and that overall the proposal did not achieve an acceptable outcome regarding stormwater management (refer to paragraphs 152& 166 of the order) and that more broadly, the proposed subdivision would not achieve an acceptable planning outcome. |
| Recommendations for the PSR: | No relevant policy considerations. It is noted that Bass Coast Planning Scheme Amendment c152 is currently underway and will introduce the Wonthaggi North East PSP and DCP into the Bass Coast Planning Scheme. This amendment will assist with stormwater management across the precinct. |

Coleman v Bass Coast SC [2022] VCAT 295 (21 March 2022)

| Address | 36 Venus Street, Inverloch |
|---|--|
| Council Ref: | 200403 |
| Date of VCAT Order: | 21 March 2022 |
| VCAT Citation: | <u>Coleman v Bass Coast SC [2022] VCAT 295 (21 March 2022)</u> |
| Nature of proceeding: | section 77 – to review the refusal to grant a permit. |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Set aside – permit granted |
| Applicable policies and provisions: | Clauses 02, 11, 15, 16, 32.08, 42.02, 43.02, 65 & 71.02. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | The keys issues related to: |

VCAT Decisions

| | |
|--|---|
| Address | 36 Venus Street, Inverloch |
| | Is the dwelling an acceptable response to planning policy? Is the dwelling's height acceptable? Is the building's site coverage acceptable? |
| Description: | The Applicants sought a permit for Buildings and works associated with a Dwelling. A permit was triggered by Clause 43.02-2: Buildings and works that have a height of 7m or more above ground level (DDO1), and where the building footprint exceeds 30% of the lot and where less than 40% of the lot is retained as lawn or landscaping (DDO9). The Applicant sought review of Council's decision to refuse to grant a permit. |
| Key summary or paragraphs from decision: | The Tribunal found the proposed dwelling is an acceptable response to planning policy and that its height and site coverage are acceptable. The decision largely disagree with Council's position and consequently interpretation of the DDO1 and DDO9. From a planning perspective the Tribunal confirmed: <ul style="list-style-type: none"> • Neighbourhood Character is not a relevant consideration as no permit is triggered under the GRZ. As such the only relevant planning policy is that relevant to the permit trigger, the relevant policy for this application relates to the DDO's not the GRZ. • The DDO1 needs to be considered within in the context of residential development 'on the coast', not its impact on adjoining properties or the streetscape. |
| Recommendations for the PSR: | The Bass Coast Planning Scheme recognises, through the application of the DDO1 and DDO9, that the replacement of a dwelling or development of one new dwelling on a lot needs to be considered for the impact it might have 'on the coast'. However, it is the finer grain level of detail (setbacks, materiality, fencing, landscaping etc) of the replacement dwelling or new dwelling that is contentious. In this regard controls that consider a dwelling for its broad impact on the coast provide little assistance to address the key issue of respecting neighbourhood character. As such, the completion of the Bass Coast Neighbourhood Character Study is important to provide decision makers with the necessary tools to assess development applications. |

KJR Investments Pty Ltd v Bass Coast SC [2022] VCAT 191 (7 March 2022)

| | |
|-----------------------|---|
| Address | 1285 Phillip Island Road, Newhaven |
| Council Ref: | 200028 |
| Date of VCAT Order: | 7 March 2022 |
| VCAT Citation: | <u>KJR Investments Pty Ltd v Bass Coast SC [2022] VCAT 191 (7 March 2022)</u> |
| Nature of proceeding: | S79 - review of the failure to grant a permit |

VCAT Decisions

| Address | 1285 Phillip Island Road, Newhaven |
|---|--|
| Council Decision: | Council resolve that, had this application not been made to the Tribunal, it would have refused the application. |
| Council Decision Upheld at VCAT: | Refused |
| Applicable policies and provisions: | Clause 11,12,13, 14, 15, 17, 35.07, 42.01 and 52.17 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | This application was to review the failure of Council to grant a permit within the prescribed time. The issues with the proposal to relate to, landscape impacts, vegetation removal, environmental impacts and also unacceptable having regard to the site's strategic context. |
| Description: | The use and development of land at 1285 Phillip Island Road, Newhaven for a camping and caravan park, removal of vegetation, the creation of an access to Phillip Island Road, construction of a caretaker's residence and erection and display of a floodlit business identification sign. |
| Key issue summary | <p>The Tribunal concluded that while the planning scheme supports at a broad level the introduction of additional tourist accommodation on Phillip Island as part of a broad-based tourism strategy, the benefits of providing a camping and caravan part on this site must be balanced against the strong emphasis in the planning scheme on the protection and enhancement of the review site's contribution to the locality's landscape and environmental values.</p> <p>Importantly, the Tribunal note that the existing tourism strategies are too broad and do not provide any information on how to resolve the potential conflicts between the impacts of tourism related development and the landscape/ environmental values of individual sites. Additionally, the Tourism Strategy's reference to the location of a 'south coast precinct' is also too broad to infer a conclusion that the review site has been identified at a strategic level for a camping and caravan park. Furthermore, the Tribunal was concerned about the large scale accommodation unreasonably intruding on the non-urban break for this area of Phillip Island.</p> |
| Recommendations for the PSR: | Further strategic work is required to understand where specific land uses can occur in the rural (non-urban breaks) of the Shire. Additionally, the Bass Coast Unlocking Rural Tourism Strategy must have regard and added emphasis on landscape and environmental values. |

Mendis v Bass Coast SC [2022] VCAT 129 (3 February 2022)

| | |
|---|---|
| Address | 2 Hillside Avenue, INVERLOCH |
| Council Ref: | 200306 |
| Date of VCAT Order: | 3 February 2022 |
| VCAT Citation: | <u>Mendis v Bass Coast SC [2022] VCAT 129 (3 February 2022)</u> |
| Nature of proceeding: | S77 - review of refusal |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | No, set aside permit granted |
| Applicable policies and provisions: | Design and Development Overlay Schedule 1 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | The proceeding was about the review of Council's decision to refuse to grant a permit for the construction of one new dwelling on the review site. Council refused the application as it was not responsive to its context. |
| Description: | Development of a dwelling exceeding 7 metres in the DDO1 |
| Key summary or paragraphs from decision: | The Tribunal found that the proposal is acceptable, albeit not ideal. |
| Recommendations for the PSR: | The DDO1 considers the impact a dwelling might have 'on the coast'. However, within the established areas it is often the finer grain details of development that are contentious (eg setbacks, materiality, fencing, landscaping etc). These issues are related dwellings respecting neighbourhood character. As such, the completion of the Bass Coast Neighbourhood Character Study is important to provide decision makers with the necessary tools to assess development applications. |

BRB Law on behalf of the Estate of the late Ian Leslie Montgomery v Bass Coast SC [2022] VCAT 47 (14 January 2022)

| | |
|---|---|
| Address | Lot 1 TP512047, Bass Highway, Inverloch |
| Council Ref: | 190235 |
| Date of VCAT Order: | 7 December 2021 |
| VCAT Citation: | <u>BRB Law on behalf of the Estate of the late Ian Leslie Montgomery v Bass Coast SC [2022] VCAT 47 (14 January 2022)</u> |
| Nature of proceeding: | S77 - Review the refusal to grant a permit |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Affirmed – no permit granted |
| Applicable policies and provisions: | Clauses 02, 11, 12, 13, 14, 16, 35.07, 65, 71 and 72. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Whether the proposed subdivision is consistent with the Farming Zone purpose and supported by the relevant planning policies and provisions. |
| Description: | Two lot subdivision to excise an existing dwelling. The subdivision will create 'lot 1' of 1.226 ha for the existing dwelling and 'lot 2' of 60.75ha. |
| Key summary or paragraphs from decision: | The tribunal found the proposed subdivision to be inconsistent with the Farming Zone and not supported by the MPS or PPF. It highlights that the personal circumstances relating to a proposed subdivision do no warrant greater weight being attributed to a proposed subdivision over policies and planning controls that seek to reduce land use conflict, protect agricultural land and encourage housing in the appropriate locations. |
| Recommendations for the PSR: | No implications. |

O'Brien v Bass Coast SC [2021] VCAT 1491 (7 December 2021)

| | |
|---|---|
| Address | 250 McKenzie Road, Bass |
| Council Ref: | 210028 |
| Date of VCAT Order: | 29 November 2021 |
| VCAT Citation: | <u>O'Brien v Bass Coast SC [2021] VCAT 1491 (7 December 2021)</u> |
| Nature of proceeding: | section 77 - to review the refusal to grant a planning permit |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | No, set aside – permit granted |
| Applicable policies and provisions: | 35.07 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Is the proposed use acceptable within the planning context? Will any off-site amenity impacts be acceptable? |
| Description: | The proposal allows the use of the land as ‘motor repairs’ in the farming zone; and the erection and display of business identification signage. |
| Key summary or paragraphs from decision: | Decision made on the day, oral reasons provided that explained: <ul style="list-style-type: none"> • Incorrect characterisation of use. • The zoning of the land as Farming zone does not mean that it can or should be used for agriculture. • The context of the site and it being a small lot with an existing building used for an as of right rural industry use • A substantial proportion of the land (to the south and east of the dwelling and shed) is covered by dense vegetation and the site will have limited adverse amenity impact. |
| Recommendations for the PSR: | No applicable recommendations. |

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Meglyn Pty Ltd v Bass Coast SC [2021] VCAT 1433 (29 November 2021)

| Address | |
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| Council Ref: | 200029 |
| Date of VCAT Order: | 29 November 2021 |
| VCAT Citation: | <u>Meglyn Pty Ltd v Bass Coast SC [2021] VCAT 1433 (29 November 2021)</u> |
| Nature of proceeding: | section 79 – to review the failure to grant a permit within the prescribed time. |
| Council Decision: | Council resolve that, had this application not been made to the Tribunal, it would have refused the application. |
| Council Decision Upheld at VCAT: | Application refused. |
| Applicable policies and provisions: | Clauses 2, 11, 12, 15, 16, 18, 19, 32.08, 43.02, 52.06, 55, 65 and 71.02. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | <p>The issues or questions for determination are:</p> <ol style="list-style-type: none"> a. Is the proposal an appropriate built form and landscaping response to the surrounding neighbourhood character? b. Will there be any unreasonable off-site amenity impacts? c. Is an appropriate level of internal amenity achieved? d. Does the proposal appropriately provide for car parking and traffic movements? |
| Description: | Construction of two dwellings |
| Key summary or paragraphs from decision: | <p>The Tribunal could not find that the proposed development represented an appropriate response to the Bass coast Planning Scheme. While the site is in an area where medium density development is expected to bring about incremental change and an increase in density and diversity in built form is encouraged for the review site. This encouragement exists as a result of the location of the review site within an existing township area that is close to a commercial centre and a range of community facilities. Given the site's location adjacent to a public path along the foreshore, new medium density development on the review site is also encouraged to achieve the following outcomes:</p> |

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| Address | |
| | <ul style="list-style-type: none"> • A design that is sympathetic to the existing neighbourhood character; • The retention of the dominant natural character of the coastal landscape, by setting development back from the coast to minimise the visibility of development from walking trails, and by avoiding the loss of vegetation; • Development that is subordinate and sympathetic to the natural, visual and environmental landscape character, and minimises visual intrusion into the landscape, by having regard to the use of scale, height, massing and color; and, • The provision of a landscaped setting for new development. |
| Recommendations for the PSR: | The completion of the Bass Coast Neighbourhood Character Study is important as it will provide decision makers with the necessary tools to assess development applications. |

Hill v Bass Coast SC [2021] VCAT 1276 (27 October 2021)

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|---|--|
| Address | 3 McCauley View, Dalyston |
| Council Ref: | 200257 |
| Date of VCAT Order: | 27 October 2021 |
| VCAT Citation: | <u>Hill v Bass Coast SC [2021] VCAT 1276 (27 October 2021)</u> |
| Nature of proceeding: | section 82– to review the decision to grant a permit. |
| Council Decision: | NOD |
| Council Decision Upheld at VCAT: | affirmed a permit is granted and directed |
| Applicable policies and provisions: | Clauses 02.01, 02.02, 02.03, 11, 12, 13, 15, 16, 19, 32.05, 52.06, 56, 65, 66.01, 71.02 and 72.08. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | This is an objector appeal to an application concerns raised primarily related to safety and the site being an in appropriate location of this type of development, which is though to be better suited to areas like Wonthaggi. |

VCAT Decisions

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| Address | 3 McCauley View, Dalyston |
| Description: | To subdivide land into two lots, each just over 300 square metres in size, and each with their own street frontage. |
| Key summary or paragraphs from decision: | The tribunal directed that the permit should be issued as it is generally consistent with the PPF and GRZ. In particular the proposes subdivision is consistent with the density of development that is already found in Dalyston, particularly within close proximity to the review site. |
| Recommendations for the PSR: | No |

Australian Tourist Park Management Pty Ltd T/A NRMA Parks and Resorts v Bass Coast SC [2021] VCAT 1028 (6 September 2021)

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|---|--|
| Address | 164-188 Church Street, Cowes |
| Council Ref: | 190239 |
| Date of VCAT Order: | 6 September 2021 |
| VCAT Citation: | <u>Australian Tourist Park Management Pty Ltd T/A NRMA Parks and Resorts v Bass Coast SC [2021] VCAT 1028 (6 September 2021)</u> |
| Nature of proceeding: | section 79 – to review the failure to grant a permit within the prescribed time |
| Council Decision: | Council resolve that, had this application not been made to the Tribunal, it would have approved the proposal, subject to conditions. |
| Council Decision Upheld at VCAT: | Permit granted |
| Applicable policies and provisions: | Cl. 02, 11.03-4S, 12.02, 15.01, 17, 18, 36.02 and 65. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Public Land Manager issues, Glamping Tents, Car Parking, and Tree removal. |

VCAT Decisions

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| Address | 164-188 Church Street, Cowes |
| Description: | construct buildings and works to the existing camping and caravan park |
| Key summary or paragraphs from decision: | The tribunal decided to approve the permit, somewhat varied from Council's suggested permit conditions. Of primary concern during the hearing was the glamping tents. On this matter the tribunal found that the location of the glamping tents was appropriate as they would be read and understood as forming part of the site's context, rather than intrusions into the foreshore reserve. Landscaping would be used to further enhance this area. |
| Recommendations for the PSR: | No |

Mahood v Bass Coast SC [2021] VCAT 890 (16 August 2021)

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|---|---|
| Address | 42 Howie Lane, CORONET BAY VIC 3984 |
| Council Ref: | 180485 |
| Date of VCAT Order: | 16 August 2021 |
| VCAT Citation: | <u>Mahood v Bass Coast SC [2021] VCAT 890 (16 August 2021)</u> |
| Nature of proceeding: | section 82– to review the decision to grant a permit. |
| Council Decision: | NOD to grant permit |
| Council Decision Upheld at VCAT: | Set aside – no permit granted |
| Applicable policies and provisions: | Cl. 02, 12, 14, 21, 17, 35.07 and 65. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Whether the proposal is a host farm and, if so, whether it will represent an acceptable planning outcome. |
| Description: | Use and construct a host farm. |

VCAT Decisions

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| Address | 42 Howie Lane, CORONET BAY VIC 3984 |
| Key summary or paragraphs from decision: | The tribunal determined the material provided did not indicate the proposal is a host farm. In fact the application material did not substantiate that the guests would be provided with a farm experience. |
| Recommendations for the PSR: | No |

Ramage v Bass Coast SC [2021] VCAT 697 (5 July 2021)

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|---|--|
| Address | 27 McRae Avenue, Cowes |
| Council Ref: | 190324 |
| Date of VCAT Order: | 5 July 2021 |
| VCAT Citation: | <u>Ramage v Bass Coast SC [2021] VCAT 697 (5 July 2021)</u> |
| Nature of proceeding: | S77 - review of refusal |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Set aside – permit granted |
| Applicable policies and provisions: | 15.01-3, 21.02, 21.05, 21.08-5, 32.08, 44.06, 43.02, 42.02 |
| Was the appeal related to interpretation of policy? | No |
| AndithKey Issues: | Whether the subdivision and vegetation removal respond to the physical and planning context. |
| Description: | Two lot subdivision and removal of vegetation. |
| Key summary or paragraphs from decision: | The Tribunal consider that the proposal is an acceptable outcome, and that when assessed against all relevant policies it does, on balance, achieve a net community benefit. It is found that the proposed subdivision has been designed to respect the areas character. |

VCAT Decisions

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| Address | 27 McRae Avenue, Cowes |
| Recommendations for the PSR: | The decision notes that there is an emerging trend that the prevailing character of this locality is changing. As the Bass Coast Planning Scheme offers limited detailed neighbourhood character advice it is important that the Bass Coast Neighbourhood Character Study be prioritised. |

James V Bass Coast SC (2020) VCAT 850

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| Address | Lot PS706362 on Loch-Wonthaggi Road, RYANSTON VIC 3992 |
| Council Ref: | 190180 |
| Date of VCAT Order: | 10 August 2020 |
| VCAT Citation: | <u>James v Bass Coast SC [2020] VCAT 850 (10 August 2020)</u> |
| Nature of proceeding: | S79 – failure to grant a permit within the prescribed time |
| Council Decision: | NA |
| Council Decision Upheld at VCAT: | set aside - a permit is granted |
| Applicable policies and provisions: | Clauses 12.05-1S, 12.05-2, 13.02-1S, 21.03-5, 21.04-5, 21.05, 21.06-6, 22.02 and 65. |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | <p>The use and development of the land for a dwelling and outbuilding in a Rural Conservation Zone, Environmental Management Overlay and Significant Landscape Overlay.</p> <p>The primary concern with this application is the vehicle access, specifically the issues are:</p> <ul style="list-style-type: none"> • Does the preferred vehicle access route relied upon by the applicant constitute a ‘public road’? • Does this route meet the ‘vehicle access’ requirements of the RCZ? • Is the alternative vehicle access arrangement sought by Council a readily viable option? • If the applicant’s preferred vehicle access arrangement is found by the Tribunal to constitute a formal ‘road’, are there still any unacceptable road safety risks? |

VCAT Decisions

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| Address | Lot PS706362 on Loch-Wonthaggi Road, RYANSTON VIC 3992 |
| Description: | The use and development of the land for a dwelling and outbuilding in a Rural Conservation Zone, Environmental Management Overlay and Significant Landscape Overlay. |
| Key summary or paragraphs from decision: | Provides commentary on what is considered a road. |
| Recommendations for the PSR: | No. |

Ritterman v Bass Coast SC [2020] VCAT 713 (29 June 2020)

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|---|--|
| Address | 23 Dunvegan Crescent, Surf Beach VIC 3922 |
| Council Ref: | 180122 |
| Date of VCAT Order: | 29 June 2020 |
| VCAT Citation: | <u>Ritterman v Bass Coast SC [2020] VCAT 713 (29 June 2020)</u> |
| Nature of proceeding: | section 77 – to review the refusal to grant a permit. |
| Council Decision: | Council officer recommendation – approve Refusal (at Council Meeting) |
| Council Decision Upheld at VCAT: | Decision of the Responsible Authority set aside. |
| Applicable policies and provisions: | Clauses 11, 12, 15, 16, 18, 21.01, 21.02, 21.05, 21.09, 22.01, 32.08, 43.02, 55, 56, 65, 71.02. |
| Was the appeal related to interpretation of policy? | N/A |
| Key Issues: | Vehicle access, planning policy, neighbourhood character, design response and clause 55 |
| Description: | The construction of a double storey dwelling to the rear of the existing dwelling and subdivision of the land into two lots. |

VCAT Decisions

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| Address | 23 Dunvegan Crescent, Surf Beach VIC 3922 |
| Key summary or paragraphs from decision: | <p>The tribunal member found the permit should be issued. It found that access to the site was adequate subject to it being widened to the required 3.0m standard. The construction of a second dwelling is consistent with settlement policies. In assessing neighbourhood character, the member notes that the Bass Coast Planning Scheme does not contain a separate neighbourhood character policy outlining existing or preferred future character for different areas in the municipality, including design objectives and design objectives to guide future development. As such, this location relies on the existing character is prevailing and needs to be respected, this does not however mean no change to the current circumstances.</p> <p>The member also reinforces the use of the Tashounidis principles as they relate to view sharing.</p> |
| Recommendations for the PSR: | The Bass Coast Neighbourhood Character Study and review of DDO's for view sharing are important pieces of work that would assist with decision making. |

Grebe Investments Pty Ltd v Bass Coast SC [2020] VCAT 442 (6 April 2020)

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| Address | 8 Dowson Drive and 161 and 163 Reed Crescent, Wonthaggi |
| Council Ref: | 160132 |
| Date of VCAT Order: | 7 May 2020 |
| VCAT Citation: | <u>Grebe Investments Pty Ltd v Bass Coast SC [2020] VCAT 551 (7 May 2020)</u> |
| Nature of proceeding: | S79 – failure to grant a permit within the prescribed time |
| Council Decision: | It was determined the permit application would have been refused |
| Council Decision Upheld at VCAT: | Position set aside - Permit granted |
| Applicable policies and provisions: | Clauses 11, 12, 13, 14, 15, 16, 19, 21.01, 21.02, 21.04, 21.06, 21.07, 22.01, 32.03, 44.06, 52.17, 53.02, 56.07, 65 and 71.02 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | <ul style="list-style-type: none"> • Potential pollution and safety risks associated with gas and leachate from the closed former Wonthaggi landfill. |

VCAT Decisions

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| Address | 8 Dowson Drive and 161 and 163 Reed Crescent, Wonthaggi |
| | <ul style="list-style-type: none"> • Amenity impacts from odour and noise from the current Wonthaggi Waste Transfer Station and noise from the Wonthaggi dog pound. • Stormwater management from the Wonthaggi Cemetery and the adjoining external catchments. • The impacts that stormwater generated from the proposed subdivision and associated development may have on the sensitive natural environments with the Rifle Range Wetlands and Wonthaggi Heathlands. |
| Description: | 83 lots and the removal of native vegetation The site is bordered by the former landfill site and dog pound |
| Key summary or paragraphs from decision: | The Tribunal found that this proposal to subdivide land for residential purposes adjacent to an operating waste transfer station, dog pound, a cemetery and sensitive conservation areas raises a myriad of issues warranting careful assessment and consideration. The bar is lifted even higher when such a proposal is located adjacent to a closed landfill and relevant EPA default buffers are unable to be met. Extensive technical advice was provided to support the application and overall, the Tribunal decided that a permit should issue. One of Council's key concerns was stormwater, the members were not convinced the applicant should be required to make any contribution towards the upgrade of the Reed Crescent drainage system. Rather it appears to be an existing flooding issue which needs to be addressed. Overall, the stormwater quality and flow related concerns were not a basis for refusing the subdivision. |
| Recommendations for the PSR: | The Environmental Protection Act has recently been updated to assist with the assessment of potentially contaminated land. There are legacy drainage issues that exist across the Shire, and which warrant further strategic investigation. |

Lt Corporation Pty Ltd v Bass Coast SC [2020] VCAT 442 (6 April 2020)

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| Address | 9-11 Lock Road, RHYLL VIC 3923 |
| Council Ref: | 180224 |
| Date of VCAT Order: | 6 April 2020 |
| VCAT Citation: | <u>Lt Corporation Pty Ltd v Bass Coast SC [2020] VCAT 442 (6 April 2020)</u> |
| Nature of proceeding: | Section 77 – to review the refusal to grant a permit. |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Set aside – permit granted |
| Applicable policies and provisions: | Clauses 11, 12, 13, 15, 16, 21, 22.01, 32.04, 42.02, 52.06, 53.18, 55, 65 and 71. |

VCAT Decisions

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| Address | 9-11 Lock Road, RHYLL VIC 3923 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | <ul style="list-style-type: none"> • Whether the extent of vegetation removal is acceptable and whether the proposed landscaping achieves an acceptable outcome. • Whether the design response in this development respects neighbourhood character and contributes to the preferred character of Rhyll. • Whether the proposal creates unacceptable off-site amenity impacts for adjoining and nearby residential properties particularly with respect to visual bulk. • Whether the internal amenity of the proposed dwellings is acceptable. • Whether increased traffic and parking associated with the development would cause safety, congestion or other issues. |
| Description: | Construction of 15 dwellings (six, two storey and nine, single storey) and vegetation removal. |
| Key summary or paragraphs from decision: | The tribunal member found that on considering the relevant policy within the scheme there proposed development was a suitable outcome at this site. |
| Recommendations for the PSR: | The Bass Coast Neighbourhood Character Study together with the housing strategy, and an understanding of how to establish trees within medium density development is a high priority. |

Keane v Bass Coast SC [2020] VCAT 119 (21 February 2020)

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| Address | 524 Ventnor Beach Road, VENTNOR |
| Council Ref: | 180345 |
| Date of VCAT Order: | 21 February 2020 |
| VCAT Citation: | <u>Keane v Bass Coast SC [2020] VCAT 119 (21 February 2020)</u> |
| Nature of proceeding: | S77 - to review the refusal to grant a permit. |
| Council Decision: | Council officer recommendation – approve Refusal (at Council Meeting) |
| Council Decision Upheld at VCAT: | Set aside – permit granted |

VCAT Decisions

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| Address | 524 Ventnor Beach Road, VENTNOR |
| Applicable policies and provisions: | Clauses 11.01, 11.02, 11.03, 12.01, 12.02, 12.05, 15.01, 16.01, 19.03, 21.02, 21.04, 21.05, 21.08, 22.10, 32.03, 52.17, 53.01, 56.07 & 65 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Neighbourhood character |
| Description: | A staged three lot subdivision (LDRZ) |
| Key summary or paragraphs from decision: | <p>The member found:</p> <p>13. I provided details why I consider the following aspects of the proposal to be fairly straightforward/acceptable, and certainly where I saw no reason to refuse the proposal when assessed against these factors:</p> <ul style="list-style-type: none"> • The support for the proposal from Council Delegate Planner. • The fact that the subject land falls within the established urban area pursuant to the Ventnor Structure Plan. • The favourable feature that the site has a residential form of zoning (LDRZ). • The site having the benefit of having access to reticulated sewerage, as well as to other necessary utility services. • The fact that the site is already largely cleared of vegetation. • The reality that the subject land sits next door to an equivalent large parent title which has recently been subdivided into four new titles, keeping in mind that this recent next door subdivision was <u>not</u> approved by VCAT but by Council itself. • The fact that the proposed two new lots facing the street each meet the minimum lot size for any new subdivision as ascribed by the LDRZ, being 2000 square metres. • The favourable aspect that the subject land faces onto a higher order road. That is, all things being equal, higher order roads can usually more readily accommodate more intensive development activity, compared to more sensitive lower order local streets. |
| Recommendations for the PSR: | No |

McKenzie v Bass Coast SC [2020] VCAT 136 (7 February 2020)

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| Address | 131-133 Marine Parade, San Remo |
| Council Ref: | 180004 |
| Date of VCAT Order: | 7 February 2020 |
| VCAT Citation: | <u>McKenzie v Bass Coast SC [2020] VCAT 136 (7 February 2020)</u> |
| Nature of proceeding: | S77 - to review the refusal to grant a permit. |
| Council Decision: | Council officer recommendation – approve Refusal (at Council Meeting) |
| Council Decision Upheld at VCAT: | Set aside – permit granted |
| Applicable policies and provisions: | Clauses 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22.01, 34.01, 43.02, 52.06, 53.18, 58, 65, 71.02 |
| Was the appeal related to interpretation of policy? | |
| Key Issues: | Commercial I Zone; DDO4; Mixed use development; Four storeys; Access via laneway; Pedestrian- vehicle conflict Council and the respondents submit that the proposal has not satisfactorily resolved its car parking and access arrangements. Council had specific concerns about the proposed waiver of car parking requirements for the customers of the retail premises and the reliance on car stackers. The respondents are the owners of the adjoining IGA Supermarket. The supermarket has a pedestrian pathway forming part of its car parking arrangements constructed within the alignment of Back Lane Bergin Grove. The respondents submit that access should not be taken from the lane, but rather from Marine Parade. |
| Description: | Development of the land for a four-storey building comprising shops and dwellings and a reduction in car parking requirements of Clause 52.06 for shop customers (5 spaces). |
| Key summary or paragraphs from decision: | The Council officer’s report supported the proposal. Recognised that car parking stackers while less common in regional areas remain a valid solution. Specifically recognises mixed use buildings are rented on a short term basis. |
| Recommendations for the PSR: | No |

VCAT Decisions

Brown v Bass Coast SC [2019]VCAT 1976 (13 December 2019)

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| Address | 1 The Mount Drive, San Remo |
| Council Ref: | 180412 |
| Date of VCAT Order: | 13 December 2019 |
| VCAT Citation: | <u>Brown v Bass Coast SC [2019] VCAT 1976 (13 December 2019)</u> |
| Nature of proceeding: | S77 - to review the refusal to grant a permit. |
| Council Decision: | Council officer recommendation – approve Refusal (at Council Meeting) |
| Council Decision Upheld at VCAT: | (Council decision) Set aside – permit granted |
| Applicable policies and provisions: | General Residential Zone (GRZ1), Design and Development Overlay (DDOI Residential Areas Near the Coast) |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Planning policy and clause 56 |
| Description: | Subdivision of land into two lots, with both facing the street and having dimensions of 10.67 metres width, 44.2 metres depth, and an area of 472 square metres each. |
| Key summary or paragraphs from decision: | The Tribunal determined the subdivision as acceptable in line with the officer’s recommendation to approve the proposal. |
| Recommendations for the PSR: | No |

Twenty Four Outdoor Australia Pty Ltd v Bass Coast SC [2019]VCAT 1890 (2 December 2019)

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| Address | 1528-1536 Bass Highway, Grantville |
| Council Ref: | 190001 |

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|---|---|
| Address | 1528-1536 Bass Highway, Grantville |
| Date of VCAT Order: | 2 December 2019 |
| VCAT Citation: | <u>Twenty Four Outdoor Australia Pty Ltd v Bass Coast SC [2019] VCAT 1890 (2 December 2019)</u> |
| Nature of proceeding: | S77 - review of refusal Repeat appeal |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Set aside – permit granted |
| Applicable policies and provisions: | Clause 21.01-5 Clause 21.08-7 |
| Was the appeal related to interpretation of policy? | Yes |
| Key Issues: | Repeat appeal, Promotion sign, Main road location and Consistency with existing built form character. |
| Description: | To erect an electronic promotion sign. The sign is to be erected on a pole and proposes an overall height of 4.5 metres and has dimensions of 2.4 metres by 7.4 metres. The advertising sign area is 17.76 square metres. |
| Key paragraphs from decision: | There was inadequate policy in the scheme to support the position of Council that Grantville is on a tourist route, which may suggest a policy gap. |
| Recommendations for the PSR: | Investigate and seek to clarify signage policy |

Total Outdoor Media Pty Ltd v Bass Coast SC [2019] VCAT 1550 (9 October 2019)

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| Address | 1/130-132 McKenzie Street, WONTHAGGI VIC 3995 |
| Council Ref: | 180267 |
| Date of VCAT Order: | 9 October 2019 |

VCAT Decisions

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| Address | 1/130-132 McKenzie Street, WONTHAGGI VIC 3995 |
| VCAT Citation: | <u>Total Outdoor Media Pty Ltd v Bass Coast SC [2019] VCAT 1550 (9 October 2019)</u> |
| Nature of proceeding: | S77 - review of refusal |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | Affirmed – no permit granted |
| Applicable policies and provisions: | Industrial 1 Zone Clause 52.05- to display two freestanding floodlit major promotion signs Clauses 10, 11, 15, 17, 18, 21, 33.01, 52.05, 65, 72.01 |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Industrial 1 Zone; Major Promotion Sign; Front setback; Scale The permit applicant seeks to display a freestanding floodlit major promotion sign in the front setback of the review site. The sign is orientated to the north and south (to the highway). The permit applicant says the sign is appropriately located within an industrial area and will not impact on the amenity of the locality. Council submits that the proposal is not consistent with the planning policy, Council argues the sign is not appropriately sited being within the front setback of the buildings and will dominate in its setting. Council submits that the sign is not respectful of its location as part of the entrance to Wonthaggi and the roll of the highway as a tourist route. |
| Description: | To display two freestanding floodlit major promotion signs. One side will face north and the other south. Each sign will have a display area 12.660m by 3.35m. There will be a cladding skirt below (additional 650mm high). The panel will be mounted on two columns with the overall height of the structure being 7m (3m to the underside of the sign). The sign will be located within the site's frontage, set back 50mm from the road reserve and about 1.52m from the southern boundary (floodlights extending to 20mm). |
| Key paragraphs from decision: | The sign fills the entire width of the front setback. The sign at 7m will be higher than the industrial buildings. It would also appear to be higher and far larger than other freestanding or pylon signs within the precinct including the tenancy signs to the south. Although the height of the industrial building on the land is not specified, I have the height of the building at 134 McKenzie Street on the endorsed plans for that permit as 5m and the review site building is not much higher. As the sign is positioned in the foreground of the buildings, the sign would also appear higher in perspective from the public realm. In this context, I find that the proposed sign as before me is too large, too tall and too close to the frontage. I agree with Council that it will be dominant within the open frontages of the industrial premises. While there may be scope for an alternative design as suggested by |

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| Address | 1/130-132 McKenzie Street, WONTHAGGI VIC 3995 |
| | the permit applicant at the hearing, I find that this should be considered as a new application that specifically addresses the scale of the sign in relation to the surrounding buildings and its position on the land. |
| Recommendations for the PSR: | Investigate signage policy. |

Kelly v Bass Coast SC [2019] VCAT 9 (3 January 2019)

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| Address | 22 Hamilton Street, Corinella |
| Council Ref: | 170172 |
| Date of VCAT Order: | 3 January 2019 |
| VCAT Citation: | <u>Kelly v Bass Coast SC [2019] VCAT 9 (3 January 2019)</u> |
| Nature of proceeding: | section 82– to review the decision to grant a permit |
| Council Decision: | Notice of Decision (NOD) to grant a planning permit |
| Council Decision Upheld at VCAT: | Affirmed - a permit is granted |
| Applicable policies and provisions: | Clause 21.02-2 Design and Development Overlay Schedule I (DDOI) General Residential – Schedule I (GRZI) |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | neighbourhood character, street setback, overlooking |
| Description: | Construction of two, two storey dwellings in a one-behind-the-other format. |
| Key summary or paragraphs from decision: | The application was supported, and the member found that the Bass Coast Planning Scheme is relatively silent on new preferred character for Corinella, aside from that which can be derived from the DDO objectives. |

VCAT Decisions

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| Address | 22 Hamilton Street, Corinella |
| Recommendations for the PSR: | Undertake the Bass Coast Neighbourhood Character Study. |

Twenty Four Australia PL v Bass Coast SC [2018]VCAT 1698 (5 November 2018)

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| Address | 1528-1536 Bass Highway, Grantville |
| Council Ref: | 170291 |
| Date of VCAT Order: | 5 November 2018 |
| VCAT Citation: | <u>Twenty Four Australia PL v Bass Coast SC [2018] VCAT 1698 (5 November 2018)</u> |
| Nature of proceeding: | section 79 - to review the failure to grant a permit within the prescribed time. |
| Council Decision: | Council advised that had it been in a position to do so, it would have refused the proposal. |
| Council Decision Upheld at VCAT: | Affirmed – no permit is to issue |
| Applicable policies and provisions: | Clause 21.05-8 Advertising Signage Commercial I Zone (CIZ) Abuts land in the Road Zone – Category I (RDZ1) Clause 52.05 – Erect an internally illuminated promotion sign in a Category I area |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Major Promotion sign, main road location, consistency with existing built form character |
| Description: | Erection of an internally illuminated (electronic) Major Promotion sign. The sign would have dimensions of 9.0 metres by 3.0 metres and be 4.5 metres above the ground. It would be a freestanding sign setback at an angle to Bass Highway a minimum of 5.1 metres and between 5.4 metres and 8.4 metres to the southern property boundary. |
| Key summary or paragraphs from decision: | The tribunal found that having considered the submissions presented about the applicable policies and provisions of the Bass Coast Planning Scheme, and undertaken a site inspection of the area, they have decided to affirm the decision of the responsible authority and direct that no permit be granted. |

VCAT Decisions

| | |
|------------------------------|---|
| Address | 1528-1536 Bass Highway, Grantville |
| | It was found that the proposed signage is incompatible with the amenity and visual appearance of the area |
| Recommendations for the PSR: | Investigate signage policy. |

Island Investment Group Pty Ltd v Bass Coast SC [2018] VCAT 1634 (18 October 2018)

| | |
|---|---|
| Address | 8 Dunsmore Road, COWES VIC 3922 |
| Council Ref: | 080436A |
| Date of VCAT Order: | 18 October 2018 |
| VCAT Citation: | <u>Island Investment Group Pty Ltd v Bass Coast SC [2018] VCAT 1634 (18 October 2018)</u> |
| Nature of proceeding: | Section 81(1)(a) - review of the decision of the responsible authority to refuse to extend the time within which any development or use is to be started or any development completed |
| Council Decision: | Refusal to grant the extension of time to permit |
| Council Decision Upheld at VCAT: | Yes – extension of time refused |
| Applicable policies and provisions: | Kantor Principles |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Affirmed use of Kantor Principles |
| Description: | Application requested a fifth extension of the Permit to develop the land for six-dwellings |
| Key summary or paragraphs from decision: | The member stated at paragraph 14: <i>As will become apparent, I have found the Council's submissions in support of a refusal, having regard to these factors, to be compelling.</i> |
| Recommendations for the PSR: | No |

VCAT Decisions

Grebe Investments Pty Ltd v Bass Coast SC (Red Dot) [2018]VCAT 1570 (16 October 2018)

| | |
|---|---|
| Address | 8 Dowson Drive & 161-163 Reed Crescent, Wonthaggi |
| Council Ref: | 160132 |
| Date of VCAT Order: | 16 October 2018 |
| VCAT Citation: | <u>Grebe Investments Pty Ltd v Bass Coast SC (Red Dot) [2018] VCAT 1570 (16 October 2018)</u> |
| Nature of proceeding: | S79 – failure to determine |
| Council Decision: | NA |
| Council Decision Upheld at VCAT: | The application is dismissed because the Tribunal lacks jurisdiction and because it is misconceived. Need for an approved cultural heritage management plan for the entire activity area before application under <u>s 79</u> of the <u>Planning and Environment Act 1987</u> is lodged |
| Applicable policies and provisions: | CHMP |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | Whether approved CHMP sufficient for the activity in the permit application |
| Description: | Subdivision. |
| Key summary or paragraphs from decision: | The application was premature because the prescribed period to decide a permit application had not started. Although the facts were different in this proceeding, the Tribunal found an approved CHMP that assesses only part of the activity area for an activity has the same legal effect as no approved CHMP. |
| Recommendations for the PSR: | No |

Malone v Bass Coast SC [2018]VCAT 1442 (17 September 2018)

| | |
|----------------|-------------------------------------|
| Address | 5610 Bass Highway, Inverloch |
| Council Ref: | 160367 |

VCAT Decisions

| | |
|--|--|
| Address | 5610 Bass Highway, Inverloch |
| Date of VCAT Order: | 13 March 2018 |
| VCAT Citation: | Malone v Bass Coast SC [2018] VCAT 1442 (17 September 2018) |
| Nature of proceeding: | S77 - review of refusal |
| Council Decision: | Refusal |
| Council Decision Upheld at VCAT: | No – set aside Permit granted |
| Applicable policies and provisions: | Farming Zone (Clause 35.07) Advertising signs (Clause 52.05) Alterations to access to a Road Zone Category 1 (Clause 52.29) Clauses 11.01, 13.05, 13.07, 14, 17.04, 18.04, 21.03 and 22.06 of the Policy Planning Framework. |
| Key Issues: | Conflict with agricultural use of land. Effect of aircraft noise on amenity. Council refused to grant a permit because it believed that the operation of aircraft from the land will result in a land use conflict. Two reasons are given: <ul style="list-style-type: none"> • The use will result in adverse impacts on the agricultural use of surrounding properties; and • The use will result in unreasonable and detrimental amenity impacts to adjoining land owners and occupiers. |
| Description: | Use of the land for an innominate use in a Farming Zone (joy flights in a single engine, fixed wing aircraft). Development of land with a shed containing an office and waiting room. Associated advertising signage. |
| Key summary or paragraphs from decision: | The Tribunal concluded that on balance, there is no policy reason for refusing the grant of a permit. |
| Recommendations for the PSR: | To assist with decision making undertake a shire wide rural land use strategy review that will investigate all potential suitable land uses across the non-urban areas of the shire. |

Baird v Bass Coast SC [2018] VCAT 385 (13 March 2018)

| | |
|---|--|
| Address | 127 Desmond Road, Wattle Bank |
| Council Ref: | 170115 |
| Date of VCAT Order: | 13 March 2018 |
| VCAT Citation: | Baird v Bass Coast SC [2018] VCAT 385 (13 March 2018) |
| Nature of proceeding: | S82 - review of NOD |
| Council Decision: | Notice of Decision to Grant a Permit |
| Council Decision Upheld at VCAT: | Yes - Varied |
| Applicable policies and provisions: | LSIO, RLZ |
| Was the appeal related to interpretation of policy? | No |
| Key Issues: | The issues raised within the context of this review relate generally to the impacts arising from a 4 lot subdivision of the site within the contexts of the existing conditions of the broader area around Desmond Road and the zoning and policy framework of the planning scheme. |
| Description: | To subdivide land at 127 Desmond Road, Wattle Bank into four (4) lots. |
| Key summary or paragraphs from decision: | After considering the submissions and evidence presented with regards to the applicable policies and provisions of the Bass Coast Planning Scheme, the Tribunal found the proposal is an acceptable outcome and appropriately responds to its physical and policy context in terms of a subdivision for rural living purposes within an area where such activity and character is prevalent. The member found the current condition of Desmond Road adequate to accommodate the four-lot subdivision and it will not generate unreasonable impacts with respect to amenity |
| Recommendations for the PSR: | No |

Amendments since 2018

| Amendment number | In operation from | Brief description of the amendment | Status of the amendment - Did not progress - Approved - Underway | Was there are Planning Panel Hearing? |
|------------------|-------------------|--|---|---------------------------------------|
| C161basc | 31 March 2022 | The amendment rezones the land at 2295 Loch Wonthaggi Road, Ryanston (more accurately described as Lot 3 on Plan of Subdivision 305196F) from the Public Use Zone to the Farming Zone. | Approved | No |
| C136basc | Lapsed | The proposed to rezone approximately 53 ha of land north of Cape Paterson from Farming Zone to the General Residential Zone and removes the Significant Landscape Overlay and Environment Significance Overlay. Applies a Development Plan Overlay to this and a wider area which includes all land within the settlement boundary and introduces a specific public open space contribution for this area. | Lapsed | - |
| C157basc | 08 July 2021 | The amendment maps and transfers existing incorporated documents specified in the schedule to 'Specific Sites and Exclusions' (Clause 51.01) into the new Specific Controls Overlay (Clause 45.12). The amendment also corrects a technical error by amending the Schedule to Clause 72.03 by updating the reference to Map No 26PAO. | Approved | No |
| C160basc | 08 July 2021 | Replaces the Local Planning Policy Framework of the Bass Coast Planning Scheme with a new Municipal Planning Strategy at Clause 02, local policies within the Planning Policy Framework at Clauses 11-19 and a selected number of local schedules to overlays and operational provisions consistent with changes to the Victoria Planning Provisions introduced by Amendment VC148. | Approved | No |
| C150basc | 18 June 2021 | The amendment rezones part of 126 Shetland Heights Road, San Remo from the Low Density Residential Zone to the General Residential Zone Schedule 1. | Approved | Yes |
| C151basc | 04 July 2019 | The amendment proposes to implement the recommendations of the Cowes Activity Centre Plan 2015 by updating local policies, rezoning land, introducing new schedules to the General Residential Zone and Residential Growth Zone, | Approved | Yes |

PPV reports, EES's and AC reports

| Amendment number | In operation from | Brief description of the amendment | Status of the amendment - Did not progress - Approved - Underway | Was there are Planning Panel Hearing? |
|------------------|-------------------|--|---|---------------------------------------|
| | | removing the Design and Development Overlay from land parcels, introducing new schedules to the Design and Development Overlay, amending the application of the Vegetation Protection Overlay Schedule 2 and correcting a zoning anomaly at 11 Coastal Way, and Inverloch-Venus Bay Road, Inverloch. | | |
| C153basc | 18 June 2020 | The amendment applies the Public Acquisition Overlay Schedule 4 to land described as Lot 1 PS 706350M, Phillip Island Road, Cowes, for the purpose of protecting land suitable to meet the projected open space requirements of the Bass Coast Shire community. | Approved | No |
| C156basc | 11 July 2019 | Corrections amendment to remove inconsistencies in local schedules with the Victorian Planning Provisions and Ministerial Direction – Form and Content of Planning Schemes as part of the Smart Planning Local Schedules Update. | Approved | No |
| C155basc | 16 May 2019 | The amendment revises the incorporated document for 116 Gap Road, Cowes by extending the expiry date for the development of a 'Materials recycling and transfer station' for a further three (3) years and updating the address details to 158 Gap Road, Cowes to reflect the newly created allotment. | Approved | No |

Planning Panel Victoria and Environmental Effect Statements since 2018

EES

| Matter | Response |
|---|--|
| Decision date: | March 2021 |
| Project title: | Gas Import Jetty Facility and Crib Point to Pakenham Gas Pipeline |
| May require further work / implementation in the planning scheme. | <p>This site area is not within the Bass Coast boundaries, however, is regionally significant given that a significant portion of the Shire fronts Westernport.</p> <p>It was determined that the project would have unacceptable environmental impacts.</p> <p>The decision was extensive, and it makes no direct recommendations for the scheme. It does highlight the significance of Westernport Bay and the threat it is under from inappropriate development. In this regard, it is important for the Scheme to include policy that reflects the areas significance, as well as include policy and controls that seek to avoid development causing adverse impacts on the bay.</p> |

Minister Call-In

| Matter | Grantville Quarry Permit Call-in |
|---|--|
| No: | Permit No.: 120388-1 |
| Decision: | <p>The Panel submitted its report to the Minister for Planning on 12 June 2021.</p> <p>19 April 2022 Minister Decision</p> |
| Brief description of the proposal: | <p>Grantville Quarry Permit Call In</p> <p>1381 – 1395 Bass Highway, Grantville</p> <p>Amendment to the permit to allow for the expansion of the quarry.</p> |
| Policy matters raised by the Panel that require | The Panel concluded that on balance the Proposal is supported by State and local policy and will result in net community benefit. |

PPV reports, EES's and AC reports

| | |
|---|---|
| further consideration or action by Council. | <p>The irreversible damage to the native vegetation within this corridor and potential amenity impacts did not outweigh the benefit from the sand extraction.</p> <p>The Panel considered three overarching issues: the significance of the site being on the Extractive Industry Priority Project List in a planning context, policy balance and net community benefit, and the relationship between the Work Plan and Planning Permit. This report does not include recommendations for Council, however, provides an indication of policy strength.</p> <p>The Panel concludes that on balance the proposal is supported by State and local policy and will result in net community benefit.</p> <p>The issue of policy balance has been challenging for the Panel, and there is a direct tension particularly between policies relating to extractive industries and native vegetation. The Proposal clearly represents strategic sand extraction that has policy support, however the Proposal also requires removal of a significant extent of native vegetation. The policy balance must be considered with reference to Clause 71.02-3 (Integrated decision making), which “requires an integrated and balanced approach to planning decision making which focuses on net community benefit”.</p> <p>The Panel concludes that on balance the Proposal provides a net community benefit, however local community benefits rely on careful and considered management to ensure that local amenity and environmental impacts are acceptable. The delivery of long term net community benefits relies on ecological benefits that are in turn critically reliant on successful offset and revegetation programs.</p> <p>Over the long term there is significant potential for local community benefit, however this will depend on the Applicant undertaking appropriate progressive and end of life rehabilitation in consultation with the local community.</p> |
| May require further work / implementation in the planning scheme. | Further work to understand the ecological benefits of this area. Also important to understand the effectiveness of revegetation programs. |

Amendments

| Matter | Bass Coast Resorts |
|---|---|
| Amendment No: | C150basc |
| In operation from: | 18 June 2021 |
| Brief description of the amendment: | The amendment rezones part of 126 Shetland Heights Road, San Remo from the Low Density Residential Zone to the General Residential Zone Schedule 1. |
| Policy matters raised by the Panel that require further consideration or action by Council. | None |
| Recommendations that require further work / implementation in the planning scheme. | None. |

| Matter | Cowes Activity Centre |
|-------------------------------------|--|
| Amendment No: | C151basc |
| In operation from: | 4 July 2019 |
| Brief description of the amendment: | <p>Bass Coast Planning Scheme Amendment C151 (the Amendment) seeks to implement recommendations from the Cowes Activity Centre Plan 2015 to:</p> <ul style="list-style-type: none"> • rezone land within the activity centre • delete existing Design and Development Overlay schedules and apply a new Design and Development Overlay Schedule 11 to most of the land within the activity centre, applying new preferred building heights and setbacks • apply new Development Plan Overlay schedules across two key redevelopment sites (the former Isle of Wight site and the former Warley Hospital site) |

| | |
|---|---|
| | <ul style="list-style-type: none"> • amend local planning policy to reflect and reference the Cowes Activity Centre Plan 2015 and the Phillip Island and San Remo Visitor Economy Strategy 2035 – Growing Tourism. |
| Policy matters raised by the Panel that require further consideration or action by Council. | None |
| Recommendations that require further work / implementation in the planning scheme. | None |



**Bass Coast Shire
2022 Planning Scheme Review
Consultation Summary Report**



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1. Introduction

Smith Urban Planning has been engaged by Bass Coast Shire Council to assist with the facilitation of initial consultation associated with the 2022 Planning Scheme Review. This consultation process was held over a number of months in the first half of 2022. Workshops and consultation through online surveys were conducted. Sub-consultants Moonah Design Pty Ltd assisted with the workshop preparation and facilitation.

Planning Scheme Reviews are required through the Planning and Environment Act 1987, despite the requirement to undertake a review within 1 year of a Council Plan (or approximately every 4 years) there are no legislated consultation processes in Victoria.

As part of the initial review and preparation of the project it was determined that there was a need to focus on the outstanding priorities from the 2018 Planning Scheme Review process. The 2018 review was widely consulted and resulted in a long term strategic planning programme. The consultation undertaken as part of this (2022) Planning Scheme Review sought to focus on prioritising the long outstanding work program, identifying technical improvements to the Planning Scheme and identifying issues and opportunities related to the Planning Service function at Bass Coast Shire Council.

The purpose of the consultation report is:

- to provide a summary of workshops and surveys undertaken with Councillors, Council officers and external stakeholders
- to identify key themes and issues resulting from the consultation undertaken.

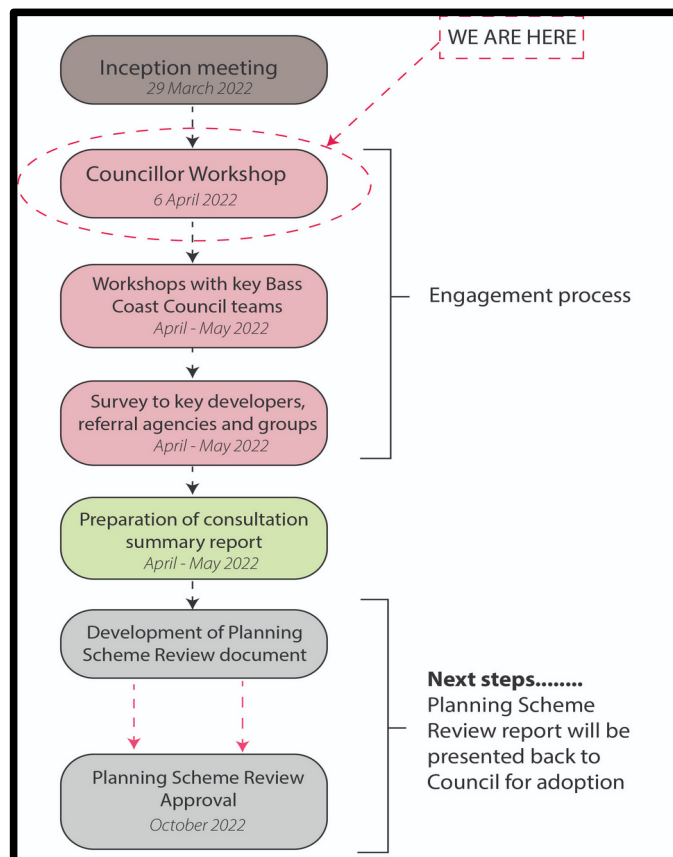
This information is intended to provide direction and inform the development of the Planning Scheme Review which is to commence following the publication of this report.

2. Methodology

The following steps were undertaken in the preparation of this report:

- Review of past PS Review, Consultation Report Summary Papers and DELWP Practice Note.
- Development of Consultation Plan.
- Inception meeting with Council Officers.
- Consultation as follows:
 - Councillor Workshop – held 6 April 2022 in person at Council offices
 - Planning team workshop
 - Targeted Surveys – referral agencies / Councillors.
- Development of consultation summary report which summarises feedback and identify any key themes which can be further explored in the preparation of the Planning Scheme Review 2022.

Figure 1 – Initial Process Plan From Councillor Workshop



3. Councillor Briefing and Workshop

The Councillor workshop was undertaken in Wonthaggi on 6 April 2022. Councillors as elected representative are decision makers on planning decisions both in the statutory and strategic capacity. Councillors are often a touch point for the community and local development industry in understanding planning matters and areas of concerns. The Councillor group had recently participated in and adopted the Council Plan 2021-2025 Strategic Objectives as well as the Healthy Communities Plan Priorities 2021-2025.

The Councillors were provided with background which covered the following topics:

- What is a planning scheme review?
- The relationship between the Council Plan and the Planning Scheme Review.
- What is the Planning Scheme Review Process
- Observations from the 2018 Planning Scheme Review, the strategic work actions listed in the review and the current Strategic Planning Work Programme.

Following on from the background information there were questions asked of the group which included:

- *What are the big planning challenges to: your municipality and your specific ward?*
- *If you had a magic wand what is the one thing you would change to the Bass Coast Planning Scheme?*

The questions were designed to identify and prompt consideration of:

- Municipal wide planning challenges
- Planning challenges specific to wards
- Changes specific to the planning scheme / any issues Councillors are aware of within the planning scheme.

Table 1: Perceived Planning Challenges to Bass Coast and Planning Scheme Changes

| Comments by Ward | Planning Challenges specific to the Municipality and Councillor's own ward | Changes needed to the Planning Scheme |
|------------------|--|---|
| Island Ward | <ul style="list-style-type: none"> • Stopping excessive vegetation removal and the protection of environmental. The bushfire defendable exemptions, making a lot of vegetation removal exempt from requiring a planning permit, makes the protection environmental values difficult to achieve. • Ensuring over densification, and spilling of urban development is adequately controlled. • Further towns shop character strategic work is needed in main centres such as Wonthaggi • Implementation of the Cowes Rail Plan • Bio-links and the protection of habitat corridors. • Protection of neighbourhood character • Promotion of rural tourism. • Coastal erosion. • Protecting the Urban Forest. • Implementation of Activity Centre plans. | <ul style="list-style-type: none"> • Climate Change. The Planning Scheme needs stronger controls. The State Government needs to include the Planning Scheme in Schedule 1 of the Climate Change Act. • The 'as of right' vegetation removal exemptions of the BMO are destroying the environment and needs to be removed. • Implementation of ESD policy into the Planning Scheme. |
| Westernport Ward | <ul style="list-style-type: none"> • Buffers between agriculture and township boundaries (issues ward with agricultural spraying going across the residential zone). • Climate change, and future legal litigation claims from approval of development subject to future flooding. • Township boundaries are important. • Precinct Structure Plans • Balancing extractive industry and the impact on the main arterial roads (dust and traffic) • Elevating Inverlock and San Remo in priority. • Coastal erosion. • Protection of heritage • Activity Centre Panning | Balancing extractive industry and the impact on the main arterial roads (dust and traffic) |
| Bunurong Ward | <ul style="list-style-type: none"> • Extractive industry within close proximity to townships and impact on arterial road networks. • Preserve bio-links and green corridors between townships. • Township character. All towns need a settlement plan. • Car dominated town centres and the parking rates of Clause 52.06 need to be | <ul style="list-style-type: none"> • Having more robust control over subdivision size and making sure that that planning encapsulates the correct character of the area. • Environmentally sustainable housing - better housing code and ESD policy |

| | | |
|--|--|---|
| | <p>reviewed.</p> <ul style="list-style-type: none"> • Protection of townships, made difficult with no township plans for Inverloch and San Remo • PSP prioritisations (review of township growth, Inverloch as priority). Inverloch should be elevated to high short term. | <p>should be enforced in the Planning Scheme.</p> |
|--|--|---|

In summary the following themes were raised:

- **Sustainability** (vegetation protection / climate change / ESD principles / bio-links / urban forest)
- **Strategic Township Planning** (PSP implementation, clearly delineated township boundaries, population densification management, town centre car parking, industry location, & buffers between incompatible uses)
- **Environmental Risk** (flooding, coastal erosion, climate change)
- **Heritage and Character** (town centre character, neighbourhood character, subdivision size).

During the workshop session the Councillor group expressed a wish to provide further information into the strategic work program prioritisation. It was agreed to provide the Councillors with a survey to record their views on the topic.

4. Officer Workshop

The Council Officer workshop was held on 20 May 2022 at Wonthaggi at the Shire office. The session commenced with a brief introduction from representatives from the Department of Environment, Land, Water and Planning (DELWP) who advised that they were currently working on guidelines to streamline and make consistent planning scheme reviews across Victoria. DELWP were seeking to pilot and test some of the new documentation associated with the development of their guidelines. Bass Coast are considering incorporating aspects of this pilot project into the Planning Scheme Review.

The Officer workshop consisted of 15 members of Bass Coast's planning team from a variety of positions and teams.

The workshop structure was as follows:

- What is a planning scheme review?
- Council Plan and the Planning Scheme Reviewed
- What is the Planning Scheme Review Process?
- Observations from the 2018 Planning Scheme Review & the Strategic Planning work programme.
- A series of 4 group exercises.

Workshop Exercise Overview

The group were asked to split into 3 groups on separate tables – the groups were given instruction to discuss and explore in detail the questions posed in the exercises and record the views on butchers paper. Following the discussion and recording of ideas, the teams shared with the entire group the discussions and views they had arising from the exercises.

Exercise 1

- What are the big challenges facing Bass Coast Shire.
- If you had a magic wand what would you change?

Exercise 2

- Review the project list from the last review, what are the top 5 priorities, and what is missing?

Exercise 3

- From a technical perspective; which parts of the planning scheme work well, which controls do not work well for:

- Planning policy
- Zones
- Overlays
- Particular Provisions

Exercise 4

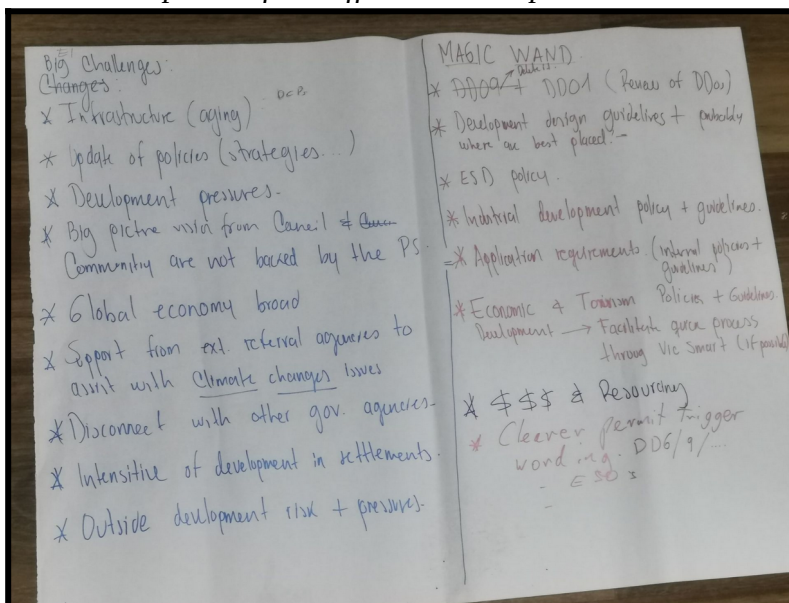
- From a service perspective, what works well at Bass Coast Shire, what could be improved (eg Council systems, referral ease, resourcing)?

-Is there anything preventing you from making good decisions, anything preventing you from making fast decisions?

The exercises were designed to extract the collective views of the town planners who use the planning scheme in their daily jobs. In particular to find out their views on:

- The large overarching planning challenges facing the Shire.
- If there are any significant issues within the planning scheme that require attention.
- Which strategic planning projects should be prioritised in Councils strategic planning work programme?
- The effectiveness of the planning scheme; including breaking down the particular parts of the planning scheme.
- The effectiveness of the planning service.

Figure 2 – Group notes from officer workshop



Exercise 1

- What are the big challenges facing Bass Coast Shire.
- If you had a magic wand what would you change?

| Group No. | Challenges | Magic Wand |
|-----------|--|--|
| 1 | <ul style="list-style-type: none"> • Population growth + affordability <ul style="list-style-type: none"> ◦ Creativity in housing ◦ Urban growth vs. environmental protection • Industrial & commercial land <ul style="list-style-type: none"> ◦ ‘dirty LDRZ’ should be considered, in terms of industrial uses within LDRZ land. ◦ Need more industrial and commercial land ◦ Industrial zones are being used by non-industrial uses eg: F45, Gyms, Dance & Leisure, Recreation • Vegetation <ul style="list-style-type: none"> ◦ Loss in vegetation cover across the Shire ◦ Community education on vegetation removal ◦ Permit triggers for the removal of non-native trees • Review agriculture <ul style="list-style-type: none"> ◦ Increase dwellings in rural zones ◦ Schedules providing exemptions ◦ Assessment of ‘arable’ land within the Shire • Character identity crisis <ul style="list-style-type: none"> ◦ Outdated documents ◦ Minimal guidance & policy ◦ Existing vs. preferred character | <p>Vegetation:</p> <ul style="list-style-type: none"> ◦ Some of the vegetation removal requirements could be moved to a Local Law requirement, rather than the Planning Scheme. <p>Review agriculture</p> <ul style="list-style-type: none"> ◦ Schedules providing exemptions in rural zone and farm zone ◦ Removing redundant triggers and appeal rights for some types of applications <p>Other:</p> <ul style="list-style-type: none"> ◦ Environmental Management Overlay (EMO) application requirements ◦ Geotechnical reports & Landslide Risk Assessments |
| 2 | <ul style="list-style-type: none"> • Managing impacts on sites/biodiversity of international & natural significance. RAMSAR, ROKAMBA, JAMBA • The SLO1 in urban areas • Housing affordability & supply. • Cultural change, tenure change such as holiday houses to permanent houses • Climate change and risk to settlements • Land use conversion <ul style="list-style-type: none"> ◦ Urban sprawl | <ul style="list-style-type: none"> • More prescription in requirements = faster decisions • Incorporate the design guidelines for DDO’s • Fix DDO1, 6, 8, 9 • ESD implementation within the Planning Scheme • Clearer decision guidelines <ul style="list-style-type: none"> ◦ Application requirements ◦ Stronger referral responses & objections |

Exercise 2

- Review the project list from the last review, what are the top 5 priorities, and what is missing?

| Group No. | Top 5 Priorities from 2018 PS Review | Missing Strategies |
|-----------|--|--|
| 1 | <ol style="list-style-type: none"> 1. Neighbourhood Character Study 2. Identify key landscapes that need to be protected 3. Define the character of townships and develop a design framework 4. Investigate tools for dealing with future land use and development in the DPO1 5. Undertake a review of the ESO and VPO Schedules | <p>ESD</p> <p>Industrial Design Guidelines</p> <p>Some overlap between the projects on the list</p> <p>MWAT, sulphate soils, silverleaves</p> <p>Review of the schedules – DDO, EMO, SLO, VPO</p> <p>Grantville & San Remo – these need to be done. Other towns have been done (boundaries aren't going to change)</p> |
| 2 | <ol style="list-style-type: none"> 1. Bass Coast Industrial Land Use Strategy (just completed the Economic Analysis, Land Supply and Demand assessment and about to commence the Infrastructure Needs Assessment for residential & industrial land) 2. Housing Strategy (currently undertaking the market analysis and land supply and demand assessment) 3. Define the character of townships and develop a design framework 4. Neighbourhood Character Study 5. Undertake a review of the ESO and VPO Schedules | <p>Impact of lighting within the farm zone/rural zone on the night sky (and how this impacts biodiversity/landscape)</p> <p>Neighbourhood character should include review of DDOs</p> <ul style="list-style-type: none"> ◦ ESD ◦ Industrial design guidelines. Study needs to review this and provide guidance. <p>Signage/setbacks/bulk etc... Nothing in the scheme that provides any 'teeth' to enforcing these requirements.</p> |
| 3 | <ol style="list-style-type: none"> 1. Prepare a Rural Housing and Settlement Strategy to update planning policy and land use zoning 2. Review the coastal erosion mapping from the Western Port Local Coastal Hazard Assessment to determine whether a planning control is required | <ol style="list-style-type: none"> 1. Earthworks as a trigger within the Farm Zone (close to the LSIO) 2. Structure Plans for Grantville and San Remo 3. Glazing as reflective material & night/day impacts |

| | |
|--|--|
| <p>3. Undertake a review of the ESO and VPO Schedules</p> <p>4. Investigate the merits of applying the RCZ in The Gurdies that was proposed by Amendment C140 for rezoning the RAZ</p> <p>5. Program of review for Structure Plans for townships</p> | |
|--|--|

Figure 4 – Workshop notes from Exercise 2

E2

Future strategies identified in 2018 PS Review

| Future strategies identified in 2018 PS Review | Priority |
|---|------------------------------------|
| Planning Scheme Rewrite & Planning Scheme Amendment | * |
| Heritage Gaps Analysis & Prioritisation Framework | + |
| Heritage Priority Places Planning Scheme Amendment | + |
| Program of review for Structure Plans for Townships | 11 GRANTVILLE & GR. (5) |
| Review the Hilltops, Ridgelines and Landscape Policy (Clause 22.02) to ensure areas of significance are protected through the appropriate planning controls. | Glazing * |
| DELWP to review state owned PUZ land. | 8 |
| Development of a local planning policy encouraging different modes of transport and alternatives to the car. | 10. |
| Define the character of townships and develop a design framework. | + |
| Identify key landscapes that need to be protected. | - DALS. * |
| Develop a vision and policy directions for small rural settlements | 9 |
| Prepare a DPO for the Isle of Wight and Warley Hospital sites | + |
| Investigate the merits of applying the RCZ in The Gurdies that was proposed by Amendment C140 for rezoning to the RAZ - <i>Tarom / BMO /</i> | 4 |
| Prepare a Rural Housing and Settlement Strategy to update planning policy and land use zoning | 10 |
| Review the RCZ at Glen Alvie and surrounding areas to determine if the minimum subdivision area should be increased to 80ha to match the FZ. Consider the merits of applying local policies Clause 22.04, Clause 22.05 and Clause 22.06 to the land | 7 |
| Investigate LDRZ areas to determine the extent of issues being created by incremental subdivision applications | 6 |
| As part of the Structure Plan Review which deals with Sunset Strip, investigate the future role of the four low density properties outside the settlement boundary | + |
| Undertake a review of the ESO and VPO Schedules | DDO, EMO * FZ (3) |
| Review the coastal erosion mapping from the Western Port local Coastal Hazard Assessment to determine whether a planning control is required | * - Silverbeams Sulphate soils (2) |
| Investigate tools for dealing with future land use and development in the DPO1 | 13. |
| Investigate opportunities to address advertising signage issues | 12. DDO current controls |
| Housing Strategy (currently undertaking the market analysis and land supply and demand assessment) | + |
| Bass Coast Distinctive Areas and Landscapes | Being done! * |
| Neighbourhood Character Study | " " |
| Bass Coast Industrial Land Use Strategy (just completed the Economic Analysis, Land Supply and Demand assessment and about to commence the Infrastructure Needs Assessment for residential & industrial land) | + |
| Bass Coast Unlocking Rural Tourism | + |
| Heritage Gaps Analysis and Prioritisation Framework & Thematic Environmental History (both adopted at 16 March 2022 Council meeting) | + |

LEGEND

(*) = 1-5 Priorities.

Clazing as reflective modern & Night Day impact

Each works FZ close to S10. Each works FZ close to S10.

PU

NOT work!

Exercise 3

- From a technical perspective; which parts of the planning scheme work well, which controls do not work well for:

- Planning policy
- Zones
- Overlays
- Particular Provisions

| Group No. | Zones / Overlays | Policy / Particular Provision / Other |
|-----------|--|---------------------------------------|
| 1 | <p>DDO1:</p> <ul style="list-style-type: none"> • Complete rewrite • Heights etc.. should be managed through schedules • Should split into different schedules <p>ESO</p> <ul style="list-style-type: none"> • Clarify referrals (local/regional/national) decision guidelines outside of expertise (there are no council resources to confirm) • No application requirements <p>ESO2</p> <ul style="list-style-type: none"> • No application requirements <p>42.01-02</p> <ul style="list-style-type: none"> • No info in PPF that speaks to this <p>ESO3</p> <ul style="list-style-type: none"> • Flora & fauna habitat – wildlife corridors (where are they?) <p>ESO4 (EMO is similar)</p> <ul style="list-style-type: none"> • Constraints & subsidies • Out of place as an ESO • Risk based • Decision guidelines specify a Geotech report that is not specified as an application requirements <p>VPO1</p> <ul style="list-style-type: none"> • Obsolete (all areas are covered by the BMO) <p>VPO2</p> <ul style="list-style-type: none"> • Triggers all trees but does not line up with objectives • Decision guidelines review (“wildlife corridor”) <p>VPO3</p> <ul style="list-style-type: none"> • Happy with this one <p>All VPOs should require an arborist report for any vegetation removal.</p> <p>SLO1</p> | No responses given* |

| | | |
|---|---|---|
| | <ul style="list-style-type: none"> • VicSmart form farming sheds (currently only VicSmart for sheds associated with a dwelling) <p>DPO 1-24</p> <ul style="list-style-type: none"> • Review all of these <p>45.02 – AEO?</p> <p>45.05 – Restructure Overlay Plans</p> | |
| 2 | <p>Zones</p> <ul style="list-style-type: none"> • Schedules in the zones (site coverage, setbacks etc...) • Land uses in zones (review section 1, 2, 3) <p>Overlays</p> <ul style="list-style-type: none"> • DDOs – Permit triggers DDO9, DDO6 (additions or RL) • VPOs – Clearer to identify exempt trees (weed list) • Maps in Planning Scheme to be clear | <p>Planning Policy</p> <ul style="list-style-type: none"> • Sets scene OK • Weakness in Economic Development & Tourism <ul style="list-style-type: none"> • Agriculture policy is going • Conflicting land uses • Application requirements • Maps in Planning Scheme <p>Particular Provisions</p> <ul style="list-style-type: none"> • Quite weak wording • Prescriptive <p>Referrals – LSIO – South Gippsland Water (CMA) are S5, however currently a recommending authority.</p> |
| 3 | <p>Overlays:</p> <ul style="list-style-type: none"> • DDO1 & 9 are ineffective • EMO – application requirements for geotechnical reports • Correct 43.01 – Schedule & table, replace 43.01-3 with 43.01-4 • ESO – no pool trigger (why??) <p>Geomorphology</p> <ul style="list-style-type: none"> • DDO1 – S55 DELWP referral - do they really want to see these? Why? Risk? • DCO – Are there other areas where we can get ahead of the curve/developer? <p>Zones:</p> <ul style="list-style-type: none"> • Schedules please (FZ, GRZ, FZ) to give effect to exemptions <p>Includes Neighbourhood Character (once work done) in the schedules. Perhaps prioritise these in accordance including the need & commercial expectations</p> <ul style="list-style-type: none"> • Any thoughts regarding the Neighbourhood Residential Zone? • DDO's – more notice and review exemptions • Clearer landscaping expectations • "Design Guidelines" Character Studies | <p>Policy:</p> <ul style="list-style-type: none"> • Tourism (Rural Tourism) • Works adjacent to water/coast • Climate change stops development in inappropriate areas – "Silverleaves" • Day/night – view vista impacts • Land adjacent to Shearwater Rookeries <ul style="list-style-type: none"> • Hilltops • Industrial & Township entrances (they are ugly) <p>Planning Provisions</p> <ul style="list-style-type: none"> • 53.01 – Give use more \$\$\$\$ please. • Schedules • 54, 55, 58 – 7 Star energy rating • 56 – Larger road reserves • New social housing requirements based on a % per lot/development • EV Charging stations • Disability access requirements |

* Note that groups would not repeat issues already discussed beforehand from another group.

Exercise 4

- From a service perspective, what works well at Bass Coast Shire, what could be improved (eg Council systems, referral ease, resourcing)?

-Is there anything preventing you from making good decisions, anything preventing you from making fast decisions?

| Group No. | What works well at Bass Coast? | Areas of opportunity |
|-----------|--|--|
| 1 | Great culture and teams | Internal resources: <ul style="list-style-type: none"> • Arborist • Environmental officer • Urban Design • Geotechnical officer • Landscape architects • More admin officers (at least 2) • Subject Matter Experts (SMEs) available to all of statutory planning • ESD officer • S55 referrals should be less clunky. This could be an easy win. It should be much easier to refer under S55 of the Act <ul style="list-style-type: none"> • Better internal referrals as well |
| 2 | No response given* | <ul style="list-style-type: none"> • Internal arborists, or access to appropriate expertise • Referral response times (e.g.: DOT etc...) to be improved • Planning app lodgement process/resource improvements • Review the Planning & Environment Act |
| 3 | <ul style="list-style-type: none"> • Admin team on top of everything • Upgrade policy/templates • Good people and teams • Good level of council delegations • Varied experience – lots of support and knowledge | <ul style="list-style-type: none"> • In-house expertise is lacking. Particularly <ul style="list-style-type: none"> ◦ Arborist ◦ Urban Designer • Internal referrals can be slow to respond • Delegation resources |

5. Surveys

Surveys were conducted in July 2022 sent to external referral authorities and Councillors. The design of the surveys were tailored to each group with the focus on the referral authorities on planning scheme and planning service performance and the Councillor survey was orientated toward prioritising the programme of works.

Referral Authorities

All main referral agencies were given opportunity to provide a response to a survey. The Department of Environment, Land, Water and Planning (DELWP) and the West Gippsland Catchment Management Authority (WGCMA) provided responses to the survey questions while the Environmental Protection Agency provided an email response.

A summary of the responses to the surveys are provided in the table below:

| Question | DELWP | WGCMA |
|--|--|---|
| What is your main relationship to the BCPS? | 66.01, 66.02-2, 66.02-6, 66.02-8, 66.03 (PCRZ, BMO), 66.04 (ESO1, ESO2, ESO3) | Person or body listed under State provisions (clause 66.01, 66.02, 66.03 and 66.05) |
| Are there any types of planning permit applications referred to you that you do not see the value in reviewing as part planning process? If yes, please outline whether you see strategic benefit in this requirement removed? | Stormwater management plans and their offsite impacts offsite (Examples being referral and risk transfer where the adjacent land is Crown land) DELWP and Parks Victoria (where DELWP exercises delegation administratively through consultation with Parks Victoria) does not have the technical expertise to assess or determine this matter. It is suggested where drainage is proposed to be directed onto coastal Crown land the Responsible Authority takes an approach of considering how the proposed drainage outcomes align with the marine and coastal policy principles. Further conversation around this matter could improve understanding and practice for both the Responsible Authority and DELWP and potentially inform future changes to the provisions of the Scheme | No |

| | | |
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| <p>From your interaction with the Bass Coast Planning Scheme, are there any changes that you think should be made to it to improve planning outcomes?</p> <p>(i.e. this might be policy changes, addition or removal of permit triggers, decision guidelines)</p> | <p>Environmental Significance Overlay Schedule 1: Coastal Wetland Areas (Clause 42.01s1)</p> <p>Recommend the development of permit requirements for inclusion in the schedule to this overlay. This would provide focussed information relevant to the site that addresses how the proposal responds to the overlay objectives as opposed to broad environmental considerations.</p> <p>With recent applications further information would have streamlined the referral process and avoided an inappropriate design and siting proposal in the first instance and / or further information requests. In particular the following key information needs to be understood in order to assess the proposal against the site / environment conditions and the objectives of the overlay:</p> <ul style="list-style-type: none"> • buffer area retained or landscaped with species complementary to the indigenous vegetation • set back from boundary taking into consideration topography • site hydrology and run off management as a result of the proposal • noise impacts • light impacts • access to Crown land management <p>For an example of locally relevant guidelines in an overlay please see ESO2 in the Wellington Planning Scheme.</p> <p>Environmental Significance Overlay Schedule 3: Significant Flora and Fauna Habitats (Clause 42.01s3)</p> <p>Recommend a review the ESO3 Significant Flora and Fauna Habitats provisions where DELWP is a determining referral authority. The condition of the environment affected by the overlay and the baseline document referred to in the provisions have not been reviewed since the introduction of the New Format Victoria Planning Provision Scheme in 1999. DELWP has not recently been able to source the reference documents:</p> <ul style="list-style-type: none"> • Sites of Zoological Significance in the | <p>Decision guidelines to be updated within the LSIO to include the West Gippsland Catchment Management Authorities Guidelines for development in flood prone areas.</p> |
|---|---|--|

| | | |
|---|--|-----------|
| | <p>Westernport Region, Department of Conservation, Forests and Lands (Andrew et al., 1984).</p> <ul style="list-style-type: none"> • Sites of Botanical Significance in the Westernport Region, Department of Conservation, Forests and Lands (Opie et al., 1984). <p>Recent applications have been assessed against DELWP databases but this needs to be critically examined as to their appropriateness as they are a modelled prediction tool and static, that is a time stamped snap shot. To be more effective site based information needs to be provided to determine the presence of significant flora, fauna and / or habitat. There also needs to be an indication of the level and criteria definition of significance (i.e. local, regional, national, international). It is suggested that a review to consider including permit application requirements or development of focussed guidelines to ensure this required information is provided and an assessment be made / considered. This might be a future action by Council recommended by this review process.</p> <p>Expert opinion where there are high values should be provided with the application to inform the limits to acceptable change to the critical ecological elements of the site – there should be a defined focus on the ecological outcomes.</p> | |
| <p>Are there any type of applications that you are not listed as requiring a referral or notice to that you think there would like to be more involved with? If yes, why?</p> | <p>Yallock Bulluk Trail DELWP has a significant interest in the proposed Yallock Bulluk Trail on the coastal Crown land at San Remo. With a number of recent applications DELWP has made advisory comment on the potential impact of proposals on the coastal trail experience. It may be appropriate to explore options for DELWP beyond the adjacent land owner interest provisions or suggesting Council consider the Victorian Marine and Coastal Policy 2020 and particularly the Design and Siting Guidelines for Structures on the Victorian Coast. There may be other similar assets and facilities on coastal Crown land that would benefit from a referral to DELWP process.</p> | <p>No</p> |

| | | |
|---|--|-----------|
| | <p>Coastal erosion DELWP has been undertaking coastal hazard assessment. There is commensurate interest in mitigation against coastal erosion – both for the ongoing protection of public land and assets as well as private land and assets with works on public land. The types of applications being for addressing changes in coastal processes – seawalls, groynes, sand beach retention and the like. Council may like to consider the following:</p> <ul style="list-style-type: none"> • Should there be a mechanism for the referral of these proposals under planning schemes? • Is DELWP an appropriate referral authority? • What provisions under the Victoria Planning Provisions would be appropriate? <p>Desalination plant pipeline There have been issues with development conflict in Cardinia and Casey with the power and pipeline easement from Wonthaggi to Berwick. Concern has been raised that growth development in Bass Coast see this conflict occur, if it has not already emerged. In the metropolitan area the Specific Controls Overlay includes a mechanism for Melbourne Water and DELWP to be referral authorities. DELWP’s Water and Catchments Group raised this issue with P&A Gippsland’s metropolitan counterparts (Port Phillip Region) who currently use an informal referral process. Bass Coast may like to consider, as an interim arrangement, informal referral agreement until a more appropriate mechanism is found such as the Specific Control Overlay.</p> | |
| <p>Do you have any significant infrastructure that requires protection through planning controls, for example an overlay? If yes, please provide further information.</p> | <p>DELWP is referred selective native vegetation removal (nvr) applications. There are nvr applications appropriately dealt with by the responsible authority. A measure of success of the no net loss policy position is the sum of all nvr applications – there is a reporting to DELWP policy group mechanism which is not well used in practice. As a conversation starter would notice of applications dealt with by the responsible authority be a burden or an alternative to capturing the nvr applications and offset activity?</p> | <p>No</p> |

| | | |
|--|--|--|
| <p>Are there any changes to the Bass Coast referral process which would improve response timeframes?</p> | <p>The notes that are provided with some referrals are appreciated and provide valuable context and background. The referral response is framed primarily against the statutory mechanisms in the Planning and Environment Act 1987 and the Bass Coast Planning Scheme. General advice is provided as separate commentary to the formal advice. There is sometimes an issue with understanding the mechanism under which the referral has been made. Where there is uncertainty the DELWP P&A Gippsland team would welcome a conversation. There are also occasions when DELWP is asked to comment on other planning issues outside the team’s core business and we engage subject to time and resources permitting. The perennial matter of directing all referral business through the P & A Gippsland team remains critically important using gippsland.planning@delwp.vic.gov.au as the entry point.</p> | <p>Section 52 notices should clearly articulate what issue Council is seeking advice on.</p> |
| <p>Do you have any suggestions that would assist in improving your interactions with the Bass Coast Planning Department?</p> | <p>Continue the liaison meetings between the Shire and Bass Coast in recognition of their mutual benefits and value.</p> | <p>A checklist for Statement of Compliance would be helpful to ensure that the required information is being submitted with the application. The checklist should state each condition and provide a section for the applicant to fill in that includes the documentation or evidence being submitted by the applicant to support the claim that the condition has been met.</p> |

The Environment Protection Agency (EPA) did not provide a response to the survey but provided the following comments for consideration.

Has Council identified any risks associated with potentially contaminated land that requires

specific attention in the Planning Scheme Review?

Refer Ministerial Direction 1 and Planning Practice Note 30.

Has Council identified any issues with encroachment / land use compatibility as a result of either, the introduction of sensitive uses, or industry, that requires specific attention in the Planning Scheme Review?

Refer EPA Publication 1518 – Recommended Separation Distances for Industrial Residual Air Emissions.

Are there any potential risks to the environment or human health associated with pollution or waste that requires specific attention in the Planning Scheme Review?

Is Council seeking to facilitate use or development of land that could result in water, noise, air or land pollution impacts on the environment, amenity or human health?

Is Council seeking to facilitate the use or development of land within a buffer or separation distance for an industry engaged in materials recycling, refuse disposal, transfer station (waste and resource recovery facility)?

Refer EPA Publication 1518 – Recommended Separation Distances for Industrial Residual Air Emissions.

Refer PPN92 – Buffer Area Overlay.

If there are specific aspects of the Planning Scheme review that requires input from EPA Strategic Planning i.e. relates to a proposal where there is a significant risk of harm to the environment, amenity or human health from pollution or waste, then we may be in a position to comment but we would need to Council to confirm this is the case.

Councillors

In addition to the Councillor workshop in April, the Councillors were also provided a survey that was geared toward the large work programme identified in the last Planning Scheme Review. The purpose of the survey was to ascertain the Councillors views as to what is a current priority (next 4 years). The Councillor group ultimately determine the Council budget including which strategic projects the planning department will be working toward.

| Question | Councillor 1 | Councillor 2 | Councillor 3 | Councillor 4 |
|--|---|--|---|---|
| Three most important projects overall (existing list) | Neighbourhood Character Study Industrial Land Use Strategy Housing Strategy | Neighbourhood Character Study Industrial Land Use Strategy San Remo Structure Plan | Neighbourhood Character Study Housing Strategy Climate and ESD planning policy | Climate Change & ESD planning policy Housing Strategy Neighbourhood Character Study |
| Any projects that are a priority for the next 4 years? | Climate Change into the PS & ESD requirements | All policies listed are urgent. Difficult to choose a priority. Preference would be to act on existing work rather than adding extra. | Inverloch Structure Plan & Activity Centre Plan Footpath development strategy (more asset related but requires planning) | N/A |
| Additional comments | Current requirement to include gas referral is wrong and should be addressed immediately. | San Remo structure plan included as a priority as the township has little recreational or community infrastructure and I one of the fastest growing suburbs in Bass Coast. | Happy with the BILUS and BURT*, would like to see clarity on signage for identifying businesses in FZ or Rural Zone. | Township adaptation planning is my 4 th and I hope it is covered off in my 1 st choice. |

* *BILUS = Industrial Land Use Strategy; Bass Coast Unlocking Rural Tourism Strategy (BURT)*

In summary the top 3 priorities are:

1. The Neighbourhood Character Study
2. Housing Strategy
3. Tied between Industrial Land Use Strategy and Climate Change and ESD planning policy

6. Key Issues

- *Are there any consistent themes or issues arising across the groups' consultation?*

There is a high correlation between themes arising across the groups. In particular the following themes or issues are considered consistent:

- Character and good design
- ESD & Climate change measures
- Structure Planning
- Environmental Protection
- Industrial Strategy

- *Priority of Work Programme*

Again we find there is a high correlation between the Council officers and Councillors on the prioritisation of the strategic work programme.

- Neighbourhood Character
- Housing Strategy
- Climate Change / ESD and Environmental protections
- Structure Planning of townships

The planning officers also had a number of specific planning scheme matters that were required to be fixed in order to improve the operation of the planning scheme. This was seen as a priority amongst the town planners.

- *The planning service at Bass Coast Shire Council*

There appears to be opportunity for improvement in the external referral process. Referral agencies responded with a request for some greater clarity in referral letters particularly in relation to what aspects of a proposal Council is seeking feedback on, and also more specifically the mechanism / clause the referral was sent pursuant to.

Other suggestions for improvement include the introduction of a checklist for subdivision applications and for ongoing liaison meetings between organisations.

7. Conclusion

The feedback and input provided by the Councillor group, the Council officers and referral agencies provides for an excellent starting point to develop the 2022 Bass Coast Shire Planning Scheme Review. Despite the challenges posed by COVID-19 in undertaking workshops with the Council, it was fantastic to be able to undertake two of these in person at the Council Chambers.

It was also generally acknowledged that the 2018 Planning Scheme Review provided for an excellent long term programme of strategic planning projects needed at Bass Coast. It is recommended that the focus of the 2022 Review be to further refine the suggested project list, as well as consider how to undertake many of the changes required to the planning scheme schedules as identified by the Planning team. It is evident that many of the drafting matters identified in the workshops do need to be corrected as a priority.

It is rare to have such an overlap of ideas and views on how planning needs to progress in a municipality. Bass Coast is currently in an envious position where the three tiers of a Council (Councillors, Executive and Officers) are in alignment on how to proceed with the current set of constraints and resources.