

COLAC OTWAY PLANNING SCHEME

AMENDMENT C123COLA

EXPLANATORY REPORT

Who is the planning authority?

This amendment has been prepared by the Minister for Planning which is the planning authority for this amendment.

The amendment has been made at the request of St Quentin Consulting on behalf of Bakerland Group.

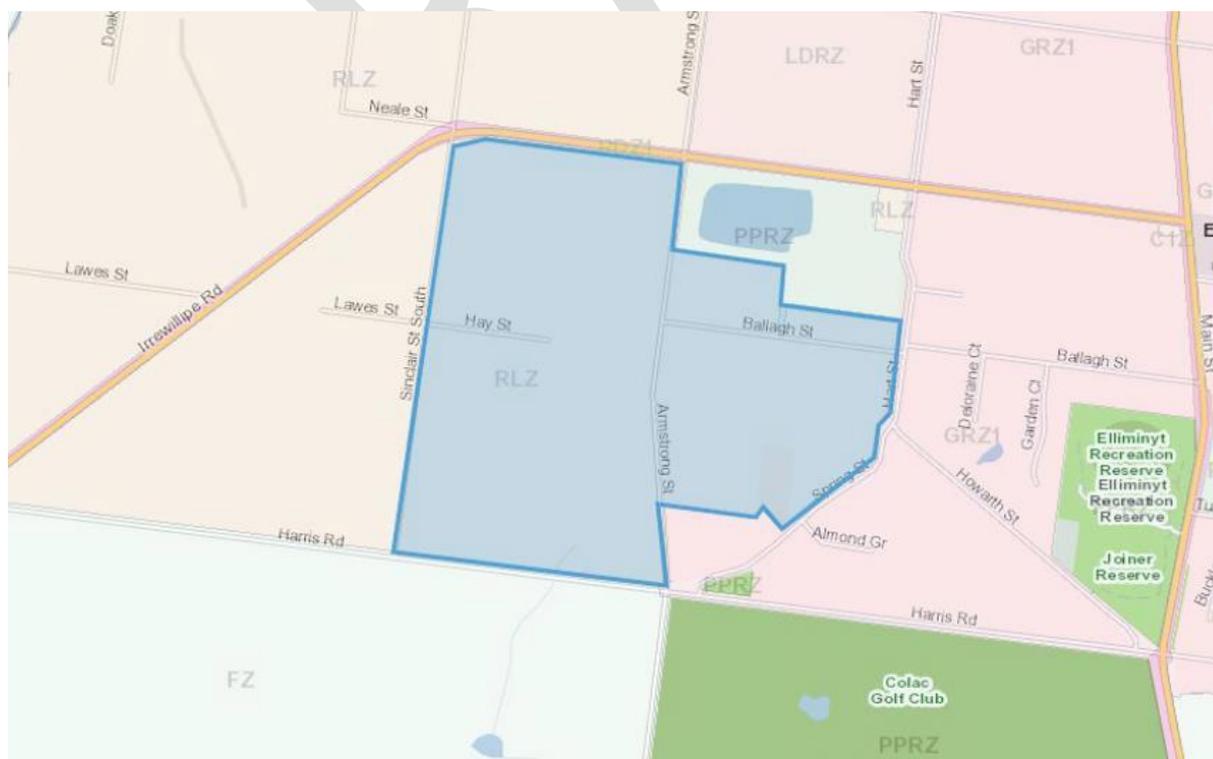
Land affected by the amendment

The amendment applies to an area of approximately 50 hectares comprising properties in an area bounded by:

- 278-530 Sinclair Street South, Elliminyt;
- 48-127 Irrewillipe Road, Elliminyt;
- 225 Hart Street, Elliminyt;
- 2-28 Spring Street, Elliminyt;
- 131-157 Harris Road, Elliminyt.

The land incorporates multiple titles and unutilised Government Road (refer Figure 1).

The land currently comprises of several dwellings, hobby farms and agricultural uses.



What the Amendment does

The Amendment rezones the land from the Rural Living Zone to the Neighbourhood Residential Zone

Schedule 1, inserts Schedule 8 to the Development Plan Overlay to ensure development occurs in accordance with the Irrewillipe Road Framework Plan and for the provision of community infrastructure. The Amendment also applies the Environmental Audit Overlay to 145 Harris Road, Elliminyt.

Specifically, the Amendment makes the following changes to the Planning Scheme:

- Amend Planning Scheme Map No. 11 to show extent of Neighbourhood Residential Zone – Schedule 1.
- Amend Planning Scheme Map No. 11DPO to show extent of Development Plan Overlay - Schedule 8.
- Insert new Planning Scheme Map No. 11EAO to show extend of Environmental Audit Overlay to 145 Harris Road, Elliminyt.
- Inserts a new Schedule 8 to Clause 43.04 (DPO).
- Amends the Schedule to Clause 72.03 to insert amended and new maps comprising part of the Planning Scheme.

Why is the amendment required?

The Amendment is required to facilitate the continued development of Colac in accordance with the *Colac 2050 Growth Plan*, the Colac Framework Plan, Clause 2.02, Clause 2.03, Clause 2.04 and Clause 11.01L of the Planning Scheme.

The City of Colac is experiencing increased population growth and changing demographic trends, resulting in a high demand for housing and a variety of housing types. The Amendment will allow the city to continue facilitating this growth.

The Growth Plan, Clause 02.02, Clause 02.03, Clause 02.04 and Clause 11.01L of the Planning Scheme identify the land as being located within the settlement boundary and directs coordinated residential development of the area.

The Amendment is required to facilitate growth by rezoning land within the settlement boundary of Colac for residential purposes in accordance with the Framework Plan. It will also ensure detailed and co-ordinated planning through the application of the Development Plan Overlay and will result in residential development which properly considers the drainage of the area, the existing context, and the needs of future residents.

The Environmental Audit Overlay applies to a parcel within the subject land as a result of a preliminary environmental assessment which was carried out to determine the land's suitability for the intended use. The assessment identified a medium level of potential contamination for this portion of the subject land.

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

The Amendment implements the following objectives of planning in Victoria, in accordance with Section 4(1) of the *Planning and Environment Act 1987* (the Act):

- (a) - 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;
- (b) - to secure a pleasant, efficient and safe working, living and recreational environment for all Victorians and visitors to Victoria;
- (f) - to facilitate development in accordance with the objectives set out in paragraphs (a), (b), (c), (d) and (e);
- (g) - to balance the present and future interests of all Victorians

The Amendment will assist in providing for the orderly and sustainable development of land that has been strategically identified for urban development. The Amendment will also facilitate residential development of land in close proximity to the urban township of Colac which provides necessary community services for future occupants of the land.

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

Environmental

To facilitate this outcome, the amendment considers a range of technical investigations and makes use of the Development Plan Overlay to ensure proper consideration of these matters in subsequent detailed planning processes. It is considered the amendment offers a low level of risk to air land and water quality in the area, except at one site where the application of an Environmental Audit Overlay has been recommended.

The amendment addresses bushfire risk and the existing inundation of the area and manages these issues appropriately whilst also providing additional amenity at the interface between the development area and land to the west. The management of inundation will also deliver a network of open space and connectivity along the waterways.

Social

The Amendment will result in a net community benefit by providing additional residential opportunities within the City of Colac, which is an established residential community with good access to public open spaces, walking/cycling infrastructure, community and commercial facilities, transport and employment nodes. Further, the Amendment promotes the future growth of the town, contributing to the health, wellbeing and safety of residents and sustainable residential growth within the settlement boundary. The additional residential opportunities will also contribute to meeting demand for residential land in support of projected population growth within the municipality.

It is also anticipated that the Amendment would facilitate contributions to infrastructure, both community and otherwise, which will have a positive effect on public infrastructure.

Site investigations indicate that parts of the subject land are within an area of Aboriginal Cultural Heritage Sensitivity. However, a mandatory CHMP is not required for the purposes of rezoning the land or obtaining approval for a Development Plan.

There are no significant adverse social implications that will arise as a result of the Amendment.

Economic

The Amendment is anticipated to have a positive economic effect for the community as it would allow for the land to be developed at a higher residential density than is currently allowed.

The *Colac Township: Economic Development, Commercial and Industrial Land Supply Strategy* associated with the Colac Framework Plan demonstrates a need for additional residential opportunities that the amendment can deliver, thereby addressing housing needs.

The additional residential population will provide benefits for local and regional employment and business whilst any agricultural loss is considered marginal given the low level of agricultural activity historically present on the subject land.

Overall, it is anticipated that with appropriate management of the drainage and environmental values associated with the land, the amendment can offer a net community benefit by enabling increased housing stock, increased population, and enhanced infrastructure, to enhance the existing Colac residential and commercial communities.

Does the amendment address relevant bushfire risk?

The key overarching strategy at Clause 13.02-1S – Bushfire is to strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. Strategic planning for settlement must assist with strengthening community resilience to bushfire and new development should only proceed if risk to life and property can be reduced.

The land is not affected by the Bushfire Management Overlay but is within a designated bushfire prone area. Clause 13.02-1S states that bushfire risk should be considered for planning applications for subdivisions of 10 or more lots.

A Bushfire Risk Assessment has been prepared as part of the Amendment documentation and has determined that future residential development can appropriately address bushfire risk. The assessment notes that the bushfire risk at a landscape context is grassfire from the north-west and west. The bushfire risk at the local level is mitigated by surrounding land uses, the built environment and buffering roadways.

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

The Amendment is consistent with the Ministerial Direction – Form and Content of Planning Schemes as identified at section 7(5) of the *Planning and Environment Act 1987*.

Under section 12(2) of the Planning and Environment Act 1987 the following Minister's Direction is applicable to the consideration of this Amendment:

Ministerial Direction No. 1 – Potentially Contaminated Land and Planning Practice Note 30 – Potentially Contaminated Land

This Direction seeks to ensure that potentially contaminated land is suitable for a use which is allowed by the planning scheme Amendment. The Amendment provides for residential land use, which is a sensitive land use. Accordingly, a preliminary environmental assessment was carried out to determine the land's suitability for the intended use. The investigation revealed a Medium level of potential contamination for one site within the Amendment area. An Environmental Audit Overlay will be placed upon this site as part of the Amendment documentation. The Amendment complies with the requirements of the Direction and Planning Practice Note.

Ministerial Direction No. 11 - Strategic Assessment of Amendments

The purpose of this Direction is to ensure a comprehensive strategic assessment of a proposed planning scheme amendment and the outcome it produces. It requires an explanatory report to demonstrate how the amendment address certain strategic considerations. The preparation of this explanatory report meets the requirements of this Direction.

Ministerial Direction No. 19 Part A – Ministerial Direction on the Preparation and Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health

The purpose of this Direction is to require planning authorities to seek the views of the Environment Protection Authority when preparing planning scheme amendments that could result in use or development of land that may result in significant impacts on the environment, amenity and human health due to pollution and waste.

Given the existing semi-rural nature of the site, the ecological and environmental site assessments, and the protection of the waterways incorporated into the subdivision layout, it is considered that the Amendment will not significantly impact Victoria's environment, amenity and/or human health due to pollution and waste.

How does the amendment support or implement the Municipal Strategic Statement?

The amendment supports the implementation of the by the Municipal Strategic Statement. Specifically, the Amendment conforms to the following policies:

Clause 02.02 Vision references the Colac 2050 Growth Plan (2019) which includes the vision for Colac as a major regional centre for the Shire.

Clause 02.03-1 Settlement seeks to:

- Encourage development within the major town of Colac and Apollo Bay.
- Focus development within existing town boundaries.
- Provide zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure.
- Limit the development of old and inappropriate subdivisions.

Specifically, within Colac, development is sought to be facilitated by (as appropriate):

- Encouraging residential growth within Colac as a targeted growth node and diversity in housing types, lot sizes and configurations.
- Increasing the amount of public open space and improving its quality, diversity and connectivity.

Clause 02.04 Strategic Framework Plans identifies the subject land as suitable for rezoning to accommodate additional residential supply.

The Amendment supports these policies by rezoning land for residential development in identified growth area and will facilitate the provision of additional residential land to meet growth needs.

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

The amendment supports the Planning Policy Framework by facilitating the orderly development of urban and rural areas. The following addresses the relevant State policies, objectives and strategies to this Amendment.

Clause 11.01-1S Settlement – To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The Clause identifies Colac as a regional centre and encourages sustainable development within its boundaries.

Clause 11.01-1R Settlement - Geelong G21 - The Clause identifies G21 Regional Growth Plan (Geelong Region Alliance, 2013) as a policy document identifying Colac as a settlement to which growth is to be directed as a district town and growth node.

Clause 11.01-1L Colac Urban Growth – To support and manage the growth of Colac consistent with its role as the major urban centre of the Shire and a targeted growth node in the G21 region. In support of the policy objective, the Clause seeks to provide fully serviced residential land and facilitate a more compact urban form for Colac by directing development inside the settlement boundary identified on the Colac Framework Plan, accommodate housing where identified within the Colac Framework Plan and facilitate coordinated development through the use of a Precinct Structure Plan or equivalent planning control.

Clause 11.02-1S Supply of urban land – To ensure sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses. In support of the policy objective, the Clause seeks to ensure a sufficient supply of land is available for residential uses.

Clause 11.02-2S Structure planning – To facilitate the fair, orderly, economic and sustainable use and development of urban areas. To support the policy objective, the Clause seeks to ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.

Clause 11.03-3S Peri-urban areas – To manage growth in peri-urban areas to protect and enhance their identified valued attributes. To support the policy objective, the Clause seeks to prevent dispersed settlement ensure development is linked to the timely and viable provision of physical and social infrastructure.

Clauses 12.01-1S Protection of biodiversity – To protect and enhance Victoria's biodiversity. To support the policy objective, the Clause seeks to ensure that decision making takes into account the impacts of land use and development on Victoria's biodiversity and support land use and development that contributes to protecting and enhancing habitat for indigenous plants and animals in urban areas.

Clause 12.01-2S Native vegetation management – To ensure that there is no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. To support the policy objective, the Clause seeks to ensure the three-step approach in accordance with the Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment, Land, Water and Planning, 2017). A *Vegetation Assessment* has been prepared for the Amendment.

Clause 12.03-1S River corridors, waterways, lakes and wetlands – To protect and enhance river corridors, waterways, lakes and wetlands. To support the policy objective, the Clause seeks to facilitate growth in established settlements where water and wastewater can be managed.

Clause 13.02-S Bushfire Planning – To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life. A *Bushfire Risk Assessment* has been prepared.

Clause 13.03-1S Floodplain management - *To assist the protection of:*

- *Life, property and community infrastructure from flood hazard.*
- *The natural flood carrying capacity of rivers, streams and floodways.*
- *The flood storage function of floodplains and waterways.*

- *Floodplain areas of environmental significance or of importance to river health. Avoid intensifying the impact of flooding through inappropriately located use and development.*

The Development Plan Overlay Schedule incorporates requirements consistent with these themes.

Clause 13.04-1S Contaminated and potentially contaminated land – To ensure that contaminated and potentially contaminated land is used and developed safely. To support the policy objective, the Clause seeks to ensure any contaminated or potentially contaminated land is suitable prior to use and protects sensitive uses from the effects of contamination. Pursuant to the *Site History & Preliminary Environment Site Investigation*, the majority of the land has a low potential for contamination and is therefore suited to residential development, however two areas have medium potential for contamination. An Environmental Audit Overlay will be placed upon this site as part of the Amendment documentation.

Clause 14.01-1S Protection of agricultural land – To protect the state's agricultural base by preserving productive farmland. To support the policy objective, the Clause seeks to protect productive farmland from unplanned loss due to permanent changes in land use. While the subject is considered to be high quality agricultural land, it is located within an area identified within the Colac Framework Plan, supported by the *Colac 2050 Growth Plan* as being designated for future growth. Further the current and historic zoning for low level residential purposes and associated ownership fragmentation, means it not productive and its loss in agricultural terms is not considered to be significant.

Clause 14.02-2S Water quality – To protect Water Quality. The prepared Development Plan Overlay specifies standards to be met in accordance with requirements from the relevant authorities and studies.

Clause 14.02-2L Lake Colac water quality – To protect the quality of water entering Lake Colac, Deans Creek, Barongarook Creek and their tributaries. To support the policy objective, the Clause seeks to ensure stormwater management and drainage solution are coordinated across developments to improve the flooding impacts and water quality. A Stormwater Management Plan has been prepared for the Amendment.

Clause 15.01-1L Colac built environment – To encourage urban design treatments in subdivision and development to reflect the regional character of Colac including space between buildings to allow for the establishment of a garden setting.

Clause 15.01-3S Subdivision design – To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Clause 15.01-4S Healthy neighbourhoods – To achieve neighbourhoods that foster healthy and active living and community wellbeing.

Clause 15.03-1S Heritage conservation – To ensure the conservation of places of heritage significance.

Clause 15.03-2S Aboriginal cultural heritage - To ensure the protection and conservation of places of Aboriginal cultural heritage significance. The site is partly mapped as an area of cultural sensitivity. Whilst a mandatory CHMP is not required for the rezoning of the land, a CHMP and appropriate protection and conservation is expected through subsequent processes under the Aboriginal Heritage Act 2006.

Clauses 16.01-1S Housing supply – To facilitate well-located, integrated and diverse housing that meets community needs.

16.01-1L Colac Housing supply – To encourage housing and residential subdivision in Colac that delivers a variety of lot sizes and configurations, and housing types, to cater for Colac's aging population and demographic and to capitalise on opportunities for infill development. To support the policy objective, the Clause seeks to encourage a range of lot sizes and configurations for different housing types in Colac's growth areas.

Clause 19.02-6L Public open space – To provide enhanced level of unencumbered public open space in Colac to cater for passive and active recreation needs of the community. To support policy objective, the Clause seeks to include the provision for a minimum additional 8 hectares reserve in the Deans Creek corridor for active recreational purposes and to provide improved pedestrian and cyclist linkages as identified on the Colac Environment and Connectivity Framework Plan. It is not considered the subject site is within the Deans Creek Corridor or capable of delivering 8 hectares of open space, noting that the proposal relies on Council's 2011 Public Open Space Strategy for direction on this matter. It is also noted that the proposed pedestrian and cyclist linkages are provided by the amendment.

Clause 19.03-2S Infrastructure design and provision – To provide timely, efficient and cost-effective

development infrastructure that meets the needs of the community. To support to the policy objective, the Clause seeks to provide an integrated approach to planning and engineering design of new subdivision and development. An *Infrastructure Servicing Report* and *Shared Infrastructure Plan* have been prepared.

Clause 19.03-3S Integrated water management – To sustainably manage water and demand, water resources, wastewater, drainage and stormwater through an integrated management approach.

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

The Amendment provides for the coordinated and sustainable development of land to interface with the existing residential zones and take in account the context of the site and its surround to provide for consistent development across the precinct.

The use of the Neighbourhood Residential Zone Schedule 1 reflects the strategic direction for this site as standard residential development. The proposed patterns of development and densities are also consistent with the surrounding density and patterns of development of land within the Neighbourhood Residential Zone. Pursuant to Planning Practice Note 91, the Neighbourhood Residential Zone is the recommended zone to apply to conventional residential development areas where the preferred character comprises maximum building heights of 1 to 2 and 9 metres. The Neighbourhood Residential Zone also reflects and is consistent with the existing residential zoning in across Colac

The Development Plan Overlay is an appropriate tool to enable more detailed planning, prior to the issue of planning permits, to a site which has more than one ownership and a variety of issues which require coordinated and comprehensive assessment.

The Environmental Audit Overlay addresses the potential environmental concerns raised in the Preliminary Environmental Site Investigation report

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

The views of relevant agencies will be obtained as part of the preparation of the amendment. .

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

The *Transport Integration Act 2010* creates a new framework for the provision of an integrated and sustainable transport system in Victoria. The vision statement recognises the aspirations of Victorians for an integrated and sustainable transport system that contributes to an inclusive, prosperous and environmentally responsible State.

The objectives of the *Transport Integration Act 2010* relate to social and economic inclusion, economic prosperity, environmental sustainability, integration of transport and land use, efficiency, coordination and reliability, and safety and health and wellbeing. The Amendment does not conflict with the purpose, objectives or requirements of the *Transport Integration Act 2010*.

The Amendment site has access to a well-established road network comprising of arterial and local roads. All traffic entering and exiting the subject site will used the internal street network, with major access points to Irrewillipe Road, Sinclair Street, Hart Street and Harris Road. Additionally, a number of minor access points will be provided to surrounding street network.

A Traffic Impact Assessment and Traffic Assessment have been prepared which have recommended that the surrounding road network is expected to accommodate the traffic generation associated with the Amendment.

The Development Plan Overlay for the Growth Corridor includes requirements that will meet the objectives of the *Transport Integration Act 2010*, including the preparation of a traffic management plan that identifies appropriate access and circulation of vehicles, existing and future public transport routes, pedestrian and cycling networks, and undertakes an integrated transport plan to mitigate the impact of any development.

The Amendment will not have a significant impact on the local transport system considering the established and planned road networks in the area, and will not have an adverse impact on the requirements of the *Transport Integration Act 2010*.

Resource and administrative costs

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

The new planning provisions will not have a significant impact on the resource and administrative costs to council.

Where you may inspect this amendment

The draft amendment can be inspected free of charge at the Department of Environment, Land, Water and Planning website at [Have your say \(planning.vic.gov.au\)](https://www.planning.vic.gov.au).

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