



ORDINARY COUNCIL MEETING

AGENDA

25 JANUARY 2017

at 6.00PM

COPACC

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

25 JANUARY 2017

TABLE OF CONTENTS

OM172501-1	TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED WORKS AT 30 GREENS ACCESS, GELLIBRAND (PP226/2016-1)
OM172501-2	TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED WORKS AT 415 BARRYS ROAD, BARONGAROOK WEST (PP232/2016)
OM172501-3	TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED WORKS AT 420 YEO-YEODENE ROAD, YEODENE (PP262/2016-1)
OM172501-4	SECTION 96A COMBINED PLANNING SCHEME AMENDMENT C91 AND PLANNING PERMIT APPLICATION NO. PP58/2016-1 - REZONING AND RE-SUBDIVISION OF LAND AT 120 BARHAM RIVER ROAD, APOLLO BAY AND REZONING OF LAND AT 200 BARHAM RIVER ROAD, APOLLO BAY
OM172501-5	COLAC TOWNSHIP - ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL LAND USE STRATEGY AND PLANNING SCHEME AMENDMENT C86
OM172501-6	CONTRACT 1621 - ROAD RECONSTRUCTION WORKS
OM172501-7	APPOINTMENT TO RURAL COUNCILS VICTORIA
OM172501-8	ASSEMBLY OF COUNCILLORS
OM172501-9	CONTRACT 1623 – WYE RIVER-SEPARATION CREEK – SUPPLY AND INSTALL RETAINING WALLS (TO BE ISSUED AS A SUPPLEMENTARY AGENDA AT A LATER DATE)

COLAC OTWAY SHIRE ORDINARY COUNCIL MEETING

NOTICE is hereby given that the next **ORDINARY COUNCIL MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held in COPACC on 25 January 2017 at 6pm.

1. I DECLARE THIS MEETING OPEN

OPENING PRAYER

*Almighty God, we seek your
blessing and guidance in our
deliberations on behalf of the
people of the Colac Otway Shire.
Enable this Council's decisions to be
those that contribute to the true
welfare and betterment of our community.*

AMEN

2. PRESENT

3. APOLOGIES

4. MAYORAL STATEMENT

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

I ask that we all show respect to each other and respect for the office of an elected representative.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. QUESTION TIME

A maximum of 30 minutes is allowed for question time. To ensure that each member of the gallery has the opportunity to ask questions, it may be necessary to allow a maximum of two questions from each person in the first instance. Once everyone has had an opportunity to ask their initial questions, and if time permits, the Mayor will invite further questions.

Please remember, you must ask a question. If you do not ask a question you will be asked to sit down and the next person will be invited to ask a question. Question time is not a forum for public debate or statements.

1. Questions received in writing prior to the meeting (subject to attendance and time).
2. Questions from the floor.

6. TABLING OF RESPONSES TO QUESTIONS TAKEN ON NOTICE AT PREVIOUS MEETINGS

These responses will not be read out but will be included in the minutes of this meeting.

7. DECLARATION OF INTEREST

8. CONFIRMATION OF MINUTES

- **Ordinary Council Meeting of 14 December 2016.**

Recommendation

That Council confirm the above minutes.

**ORDINARY COUNCIL MEETING
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED
WORKS AT 30 GREENS ACCESS, GELLIBRAND (PP226/2016-1)
OM172501-1**

LOCATION / ADDRESS	30 Greens Access, Gellibrand	GENERAL MANAGER	Gareth Smith
OFFICER	Ian Williams	DEPARTMENT	Development and Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. PP226/2016 - Locality map and application for planning permit		
PURPOSE	A planning permit is sought to use and develop land at 30 Greens Access, Gellibrand with a 35m high monopole. This application is before Council as the monopole would be over twenty metres in height.		

Zoning:	Farming Zone (FZ)
Overlay controls:	Environmental Significance Overlay (ESO3 - Declared Water Supply Catchments) Erosion Management Overlay (EMO1) Land Subject to Inundation Overlay (LSIO) Bushfire Management Overlay (BMO)
Proposed Amendments:	Nil

1. DECLARATION OF INTERESTS

As Telstra is the applicant and Gareth Smith owns Telstra shares, Gareth Smith has an indirect financial interest – s78A.

2. SUMMARY

- A planning permit is sought by Telstra for the construction of a 35m high monopole at 30 Greens Access, Gellibrand. Permission is also required to use the land for this purpose.
- The proposed monopole would support six (6) panel antennas on a standard triangular head frame. The proposal includes an equipment shelter and access track.
- Key issues in the consideration of this application relate to the visual impact of the development, the need for such a facility in this area and whether the proposal adequately addresses the provisions of Clause 52.19 (Telecommunications Facility) of the Planning Scheme.

- It is considered that the provisions of Clause 52.19 have been adequately addressed. It is also considered that the proposed siting of the monopole, together with its narrow appearance, would ensure an acceptable balance is achieved between visual impact and community benefit. This monopole is proposed as part of the Federal Government's Mobile Black Spot Program and allowing the proposal would improve telecommunications coverage in this part of the Shire.
- Public notification was not required. The Planning Scheme was amended state-wide on 24 November 2016 (VC131) to exempt from public notice those applications for telecommunications facilities which are funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Program. This proposal meets this exemption.
- It is considered that a planning permit should be issued for the proposed monopole.

3. BACKGROUND

Council has been advocating strongly in recent years for improved telecommunications coverage throughout the Shire. There are many areas of the Shire, such as Lavers Hill, Beech Forest, Swan Marsh, Cororooke, Warrion, Warncoort, Gellibrand and Birregurra, which do not have reliable mobile coverage. This limits the capacity for these communities to communicate effectively in emergency situations, such as on high fire risk days. The lack of mobile coverage in these areas also limits the potential benefits of high speed broadband for the community, by reducing the ability of people living and working within the Otways to use that technology.

The applicant has advised that there are three primary drivers for proposing a new telecommunications facility at Greens Access, Gellibrand. These are set out as follows:

a. Federal Government's Mobile Black Spot Program

Telstra is participating in one of the largest ever expansions of mobile coverage in regional and remote Australia, through the Federal Government's 'Mobile Black Spot Program', which includes the provision of necessary mobile phone coverage to the Gellibrand regional community. Telstra, in partnership with the Federal Government and several State and Local Governments, will be building 429 new 3G/4G towers over the next three years, plus a further 250 4G data only small cells, representing a combined investment of more than \$340 million in regional and remote Australia.

In addition to the new mobile towers, Telstra will be installing 250 Small Cells to deliver high speed 4G data services in some small country towns where suitable Telstra infrastructure is available. At this stage, the Small Cell technology can only provide data services; however, Telstra is working on implementing Voice Over LTE technology which will allow customers to make voice calls using 4G.

b. Capacity relief to existing Telstra sites

To provide much needed capacity relief for the nearest existing Telstra sites in Gellibrand, and carry new local cellular traffic in its vicinity. Surrounding sites have been expanded to their 3G maximum capability and this additional site is required to meet the traffic demand and growth in the area.

c. Reliable NextG Telstra services

Providing the depth of coverage required to enable reliable NextG Telstra cellular services for local residents, businesses and other mobile users.

A mobile telecommunications network is made up of multiple base stations covering a geographic area. They work by sending and receiving low power radio signals from their antennas to mobile phones and other mobile devices such as tablets, wireless dongles etc. Base stations are designed to provide service to the area immediately surrounding the base station (which can be up to several kilometres). Depending on the technical objectives of a base station, the physical characteristics of each telecommunications facility (such as its height, number and size of antennas, equipment, cabling etc.) will vary.

As a general rule, the higher the antennas at a base station, the greater the range of coverage and its ability to relieve capacity issues. Each base station transmits and receives signals to and from mobile devices in the area. As mobile device users move around, their devices will communicate with the nearest base station/facility to them at all times. If they cannot pick up a signal, or the nearest base station is congested (already handling the maximum number of phone calls or maximum level of data usage), the user may not be able to place a call, experience a call "drop out" or a slowing data rate while attempting to download content.

4. ISSUES / OPTIONS

Council has the options of:

- a) Granting a planning permit subject to the recommended conditions;
- b) Granting a planning permit subject to recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

Key issues in the consideration of this application relate to the visual impact of the development and the need for such a facility in this area. As noted above, there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the local community from a net community benefit point of view. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

5. PROPOSAL

A planning permit is sought for the use and development of a telecommunications facility, comprising a 35m high monopole with associated antennae, equipment shelter cabinet, access driveway and infrastructure.

The proposed telecommunications facility would form part of Telstra's NextG network solution to the Gellibrand district and surrounding areas and would deliver essential mobile services (voice calling, SMS), as well as live video calling, video-based content and high-speed wireless internet - wireless broadband.

A Telecommunications Facility is defined as:

“Land used to accommodate any part of the infrastructure of a Telecommunications network. It includes any telecommunications line, equipment apparatus, telecommunications tower, mast, antenna, tunnel, duct, hole, pit, pole, or other structure or thing used, or for use in or in connection with a Telecommunications network.”

The proposed monopole has been designed to support a wide range of antenna configurations, in all weather conditions. The pole would be embedded into the ground 5m deep and 5m wide, with a 35m section of the pole above the ground. The monopole would be sited 7m from the western boundary with Greens Road.

The proposed 35m high monopole would have a concrete natural finish and would accommodate six panel antennae, 2.5m by 0.3m by 0.2m, resulting in a total height of 36.5m.

The proposal also includes an outdoor cabinet 3.0m wide by 2.5m deep and 3.0m high, enclosed by a 10m (w) x 10m (d) x 1.4m (h) security fence with access gate. The cabinet would contain electrical equipment associated with the facility and would be finished in a pale eucalypt colour.

Access to the monopole would be via a 3m wide access track off Greens Road. The proposal also includes an underground power cable onto Greens Road.

6. SITE & SURROUNDS

The subject land (Lot 1 TP109351) has an irregular shape and is located on the western side of Greens Road, to the north of Gellibrand Carlisle Road. Gellibrand River is located to the west. The site is located at approximately 97.5m AHD. The surrounding land contains vegetated gullies, access tracks and dwellings on agricultural holdings.

The site of the proposed monopole is a cleared area of privately owned land. The topography of the land is slightly undulating. The site, and surrounding land, is currently used for open grazing and is located within the Farming Zone (FZ) and covered by a number of overlays. The closest dwellings to the site of the proposed monopole are the residences at 15 and 20 Greens Access, which are approximately 277m to the south. The west and east of the application site is identified as an area of cultural heritage sensitivity, although the site of the proposed works is not within this identified area.

The site of the proposed telecommunications installation would be approximately 970m west of Colac - Lavers Hill Road and the township of Gellibrand. The township is at a land elevation of approximately 75m AHD.

The applicant has advised that the site is considered to be appropriate for the following reasons:

- a) The site is an appropriate high ground location and no vegetation removal would be required to accommodate the use and development, assisting in reducing any potential visual impact.
- b) The site presents an appropriate rural setting being separate from surrounding sensitive land uses, with consideration being given to the proximity of surrounding dwellings.
- c) The proposed site would achieve the coverage objectives for Gellibrand.
- d) Co-location is not possible elsewhere, as the closest facility does not meet all of the required criteria for the Black Spot Program.

Site Selection Criteria

The applicant advised that Telstra commences the site selection process with a search of potential sites that meet the network's technical requirements, with a view to also having the least possible impact on the surrounding area. The applicant also advised that there are a number of important criteria that Telstra uses to assess options and select sites that may be suitable for a proposed new facility. These take into account factors other than the technical performance of the site, and include:

- The potential to co-locate on an existing telecommunications facility.
- The potential to locate on an existing building or structure.
- Visual impact and the potential to obtain relevant town planning approvals.
- Proximity to community sensitive locations and areas of environmental heritage.
- The potential to obtain tenure at the site.
- The cost of developing the site and the provision of utilities (power, access to the facility and transmission links).

The applicant noted that Telstra is contracted to meet objectives of the 'Mobile Black Spot Program', with parameters set by the Federal Government. A number of factors determined which areas received funding, including the lack of outdoor coverage and the number of people who would benefit from a new facility.

The applicant confirmed that Telstra has carefully examined the possibility of alternative sites in the area before concluding that a new telecommunications facility at 30 Greens Access, Gellibrand would be the most appropriate solution to provide necessary mobile phone coverage to the Gellibrand district and surrounding areas as part of the Federal Government's Mobile Black Spot Program. The following site was considered for co-location as part of the application process.

385 Wonga Park Road, Gellibrand

This site is located in the Farming Zone 2.3km north of the subject land, at an elevation of 295m AHD. The site currently contains a 50m high NBN lattice telecommunications tower in a cleared area at the northeast corner of Wonga Road and Escarpment Road, with screening provided by existing vegetation (mature trees) northeast, south and west. The applicant was asked to explore the potential to co-locate on this existing mast; however, after a thorough investigation, it was determined that Telstra's coverage objectives could not be met, given transmission distances and the terrain.

The applicant confirmed that Telstra endeavours to co-locate its facilities on existing towers where possible, and these opportunities are always considered in the first instance. Given that this proposal is for the Government funded Black Spot Program, there is a series of criteria (or objectives) which each project must meet including, but not limited to, radiofrequency, transmission, tenure/leasing, design and planning.

The applicant advised that, although the existing 50m lattice tower is located northwest of Gellibrand, a new telecommunications facility at 30 Greens Access Gellibrand would be the most appropriate option to pursue when all relevant factors were considered, including the Black Spot Program, radio design, site construction and environmental planning issues. The applicant noted that the proposed site is accessible and technically viable, and considers that it would result in minimal impact on the amenity of the area whilst also providing possible co-location opportunities for other carriers in the future.

Based on the information provided, the existing facility at 385 Wonga Park Road does not meet all the required criteria of the Black Spot Program, as coverage objectives would be severely compromised.

7. PUBLIC NOTICE

Public notice of the application was not required. Under the provisions of Clause 52.19, Planning Scheme Amendment VC131, dated 24 November 2016, amended Clause 52.19 (Telecommunications Facility) to remove the requirement for public notice to be given for applications that are funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Program.

8. REFERRALS

In accordance with Section 55 of the Planning and Environment Act 1987 (the Act), the application was referred to Barwon Water and Wannon Water as determining referral authorities under the provisions of ESO3 (Declared Water Supply Catchments). The Department of Environment, Land, Water and Planning was also notified of the application under Section 52 of the Act, in accordance with the provisions of ESO3.

Barwon Water advised that it does not object to the proposal because it is located outside of the catchment from which Barwon Water harvests water, and that it refers Council to Wannon Water's referral response as a fellow referral authority for the Gellibrand Special Water Supply Catchment Area.

Wannon Water advised that it has no objection, subject to a condition being included in any permit issued. This has been included in the recommendation at the end of this report.

The Department of Environment, Land, Water and Planning has not objected to this proposal and has not recommended any permit conditions.

The application was referred internally to Council's Infrastructure and Building Units. Neither raised any objection to the proposal, or requested that any conditions be imposed in the event a planning permit is issued.

9. PLANNING CONTROLS

The land is included in the Farming Zone (FZ) and is subject to the Environmental Significance Overlay (ESO3), Bushfire Management Overlay (BMO), Land Subject to Inundation Overlay (LSIO) and Erosion Management Overlay (EMO1). A planning permit is required under the following provisions:

- Clause 35.07-1 – use of land for a telecommunication facility (FZ)
- Clause 35.07-4 – buildings and works associated with Section 2 Use (FZ)
- Clause 42.01-2 – buildings and works (ESO3)
- Clause 44.01-1 – buildings and works (EMO1)
- Clause 52.19-2 - building and works for a Telecommunications Facility.

a. State and Local Planning Policy

The State and Local Planning Policy Frameworks seek to ensure the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 12 – Environmental and Landscape Values
- Clause 13.03-2 – Erosion and Landslip
- Clause 15 – Built Environment and Heritage
- Clause 19.03-4 – Telecommunications
- Clause 21.02 – Vision
- Clause 21.03-8 – Smaller Townships
- Clause 21.04-5 – Erosion
- Clause 21.04-8 – Landscape Character

Clause 19.03-4 (Telecommunications) has the following objective:

“To facilitate the orderly development, extension and maintenance of telecommunication infrastructure.”

Clause 19.03-4 lists a number of strategies on how this objective can be achieved, including to *“ensure that modern telecommunications are widely accessible to business, industry and the community”* and to seek *“a balance between the provision of important telecommunications services and the need to protect the environment from adverse impacts arising from telecommunications infrastructure”*.

The clause states that a Planning Scheme should not prohibit the use of land for a telecommunications facility in any zone.

To improve the viability of the small townships within the Shire, it is acknowledged that future planning needs to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, community facilities and related infrastructure. The objectives include facilitating the ongoing economic future of small communities. The need for improved infrastructure is recognised and the provision of appropriate communications facilities will contribute to the economic development of small towns and communities within the shire.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. The applicant has investigated adjacent sites and found that no other option could provide the extent of service required to the area.

The applicant has provided an appropriate and reasonable justification for the selection of the subject site. It is considered there would be no unreasonable adverse visual impact to the environment as a result of this proposal.

b. Clause 62 - Uses, buildings, works, subdivisions and demolition not requiring a permit
Clause 62 provides exemptions to permit requirements for Telecommunications Facilities when the requirements of Clause 52.19 are met. In this instance, Clause 52.19 requirements have not been satisfied and therefore a planning permit is required.

c. Zoning

The land is zoned Farming Zone (FZ). The purpose to the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

A planning permit is required for the use of the land for a telecommunications facility under the provisions of Clause 35.07-1 and for buildings and works associated with a Section 2 Use under Clause 35.07-4.

d. Overlays

i. Environmental Significance Overlay (ESO3)

The site is covered by the Environmental Significance Overlay (Schedule 3). The purpose of this overlay is:

- *To identify areas where the development of land may be affected by environmental constraints.*
- *To ensure that development is compatible with identified environmental values.*

Environmental objective to be achieved

- *To protect the public health of communities that depend on water from declared water supply catchments.*
- *To protect and maintain water quality and water yields in the declared water supply catchments.*
- *To ensure that subdivision, land use and development meets the requirements of any Land Use Determination.*
- *To provide for appropriate land use and development within these declared water supply catchments.*
- *To manage the impact of incremental development on water quality and yield.*

A planning permit is required under the provisions of Clause 42.01-2 for buildings and works.

ii. Bushfire Management Overlay (BMO)

This site is covered by the Bushfire Management Overlay (BMO). Under the provisions of the BMO, a planning permit is not required for buildings and works associated with a Telecommunications Facility.

iii. Erosion Management Overlay (EMO1)

This site is covered by the Erosion Management Overlay Schedule 1 (EMO1). The purpose of this overlay is:

- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

Under the provisions of the EMO1, a planning permit is required for buildings and works as the proposal would result in ground works exceeding 1m in depth and the exemptions listed within the Schedule to the overlay cannot be applied.

iv. Land Subject to Inundation Overlay (LSIO)

The proposed telecommunications facility would be located outside the area covered by this overlay and therefore the provisions of the LSIO are not relevant in the determination of this application.

e. Particular Provisions

Clause 52.19 - Telecommunications Facility is relevant in the consideration of this application. The purpose of this provision is:

- *To ensure that telecommunications infrastructure and services are provided in an efficient and cost effective manner to meet community needs.*
- *To ensure the application of consistent provisions for telecommunications facilities.*
- *To encourage an effective state-wide telecommunications network in a manner consistent with the economic, environmental and social objectives of planning in Victoria as set out in Section 4 of the Planning and Environment Act 1987.*
- *To encourage the provision of telecommunications facilities with minimal impact on the amenity of the area.*

Under the provisions of Clause 52.19-2, a permit is required to construct a building or construct or carry out works for a Telecommunications Facility which is not a *Low Impact Facility*. The proposed facility is considered to require a permit under the provisions of Clause 52.19, as it is not identified as a Low Impact Facility or other exempt facility listed under Clause 52.19-2.

The decision guidelines of Clause 52.19 state that before deciding on an application, consideration should be given to:

- *The principles for the design, siting, construction and operation of a Telecommunications Facility set out in A Code of Practice for Telecommunications Facilities in Victoria;*
- *The effect of the proposal on the adjacent land;*
- *If the Telecommunications facility is located in an Environmental Significance Overlay, a Vegetation Protection Overlay, a Significant Landscape Overlay, a Heritage Overlay, a Design and Development Overlay or an Erosion Management Overlay, the decision guidelines in those overlays and the schedules to those overlays.*

A Code of Practice for Telecommunications Facilities in Victoria (July 2004) is an incorporated document in the Colac Otway Planning Scheme pursuant to Clause 81. The purpose of the code is to:

- *Set out circumstances and requirements under which land may be developed for a telecommunications facility without the need for a planning permit.*

- *Set out principles for the design, siting, construction and operation of a telecommunications facility which a responsible authority must consider when deciding on a application for a planning permit.*

The principles in the Code of Practice for Telecommunications Facilities in Victoria are:

- *A telecommunications facility should be sited to minimise visual impact.*
- *Telecommunications facilities should be co-located wherever practical.*
- *Health Standards for exposure to radio emissions will be met.*
- *Disturbance and risk relating to siting and construction should be minimized.*
- *Construction activity and site location should comply with State environmental protection policies and best practice environmental management guidelines.*

10. CONSIDERATION OF THE PROPOSAL

The proposed 35m high monopole and ancillary components would be located within a 100sqm fenced area.

The grey colouring and materials to be used in the construction of the monopole tower would assist in blending the monopole in with the surrounding natural landscape setting. The siting of the monopole would be at approximately 97.5m AHD and it would be located adjacent to the existing vegetation screen along Greens Road.

It is considered that the surrounding vegetated land and undulating topography would offer a suitable visual barrier from surrounding properties in the immediate area and from the township of Gellibrand, which is located approximately 940m to the east at 75m AHD.

As previously noted the closest dwellings are at 15 and 20 Greens Access, approximately 277m to the south of the subject site. Given the existing vegetation cover to the south of the application site, it is considered that the proposed monopole would not cause any material detriment to the amenity of its closest neighbour and the surrounding properties.

It is considered that the proposed monopole would be consistent with the purpose of the zone and would not negatively impact on existing surrounding agricultural land use. The proposal would also assist in providing improved telecommunications, which would be beneficial to the Gellibrand area and surrounds. The proposed monopole would improve the level of service coverage, with minimal impact on the surrounding area. The proposed monopole would be located on the outskirts of Gellibrand, occupying a small area (10m by 10m), with productive agricultural land on the remainder and larger part of the lot. Overall it is considered that the proposal is consistent with the decision guidelines of the Farming Zone.

Another candidate site in the locality was examined for co-location opportunities. As previously noted, the applicant has considered and rejected the option of co-location at 385, Wonga Road, Gellibrand.

The proposed telecommunications equipment would be located at a high point adjacent to Greens Road that would allow for suitable signal dispersal to the surrounding area. It would avoid the clearance of native vegetation that provides wildlife habitat and forms an important part of the visual landscape. The significant coverage of vegetation adjacent to the site and along Greens Road would assist in screening the proposed monopole from key vantage points along main roads and from within the township of Gellibrand.

The applicant has provided a realistic visual impression of the projection of the monopole above the tree line when viewed from the township of Gellibrand. It is considered that projection above the tree line would be minimal, whilst allowing for the antenna to provide adequate service.

The applicant has also submitted a Geotechnical Report by CivilTest (reference 1160876) which confirms that the monopole would be acceptable with regard to slope stability. The applicant has included the required Form A with the application, which concludes that the site can meet the acceptable risk criteria specified within the Schedule to Clause 44.01.

Principles in the Code of Practice for Telecommunications Facilities in Victoria

a. A telecommunications facility should be sited to minimise visual impact

It is considered that the proposed 35m high monopole would be suitably located to avoid any significant potential visual impact, having regard to the distance of the site outside of the Gellibrand township and the surrounding vegetation cover. It is accepted that the proposed monopole, due to its height, proximity and location, would inevitably be seen from the adjacent and surrounding roads, such as Greens Road and Gellibrand Carlisle Road. This would be unavoidable.

However, given the significant vegetation cover surrounding the site and adjacent to Greens Road, Gellibrand Carlisle Road and through to the township of Gellibrand, it is considered that the proposed monopole would not be significantly visible or materially detrimental to the natural landscape character of the immediate and surrounding area. Whilst glimpses of the top of the monopole may be evident from Gellibrand (adjacent to the hotel), it is considered that the proposed location would strike an acceptable balance between visual impact and net community benefit.

The proposed location is also considered to be suitably separated from any nearby dwellings, with the closest located at 15 and 20 Greens Access approximately 277m to the south.

On balance, it is considered that the proposed telecommunications facility would be appropriately sited to minimise visual impact on the landscape setting and to avoid compromising existing views from Gellibrand. The proposal is considered to meet the requirements of Principle A.

b. Telecommunications facilities should be co-located wherever practical

Another candidate site in the locality, at 385 Wonga Road, was examined to establish whether it would meet the coverage requirements and network objectives. The applicant confirmed that this existing tower was not considered to be suitable to meet the requirements of the Government funded Black Spot Program. It should also be noted that the proposed Telstra monopole would provide a future co-location opportunity.

The applicant has advised that, in this particular instance, no co-location opportunities were deemed to be viable and, as such, a new structure is required to provide coverage for the service.

In view of this, it is considered that the applicant has considered the option of co-location on this site and Principle B has been addressed.

c. Health standards for exposure to radio emissions will be met

It should be noted that numerous VCAT decisions have stated that there is a clear regulatory standard to protect the health or safety of those who may be affected by the operation of a telecommunications network or facility from the potential impacts of electromagnetic radiation, and that compliance with that standard has been effectively incorporated into the Victorian planning framework through clause 52.19 of all Victorian planning schemes and the requirements of 'A Code of Practice for Telecommunications Facilities in Victoria'. These VCAT decisions also make clear it is not the role of the planning system to second-guess the expert authorities that regulate the area and that health concerns are outside the expertise of planners and VCAT.

As part of the application submission, the applicant has included an Electromagnetic Energy (EME) Report. The report demonstrates that the proposed facility would comply with the Standard, with the maximum predicted EME equating to 0.39% of the maximum public exposure limit. This is considered to be substantially less than the 1% of the minimum allowable exposure limit (where 100% of the limit is still considered to be safe). The Standard operates by placing a limit on the strength of the signal (or RE EME) that Telstra can transmit to and from any network base station. The general public health standard is not based on distance limitations, or the creation of buffer zones.

The environmental standard restricts the signal strength to a level low enough to protect everyone at all times. It has a significant safety margin, or precautionary approach, built into it. In view of the above, it is considered that Principle C has been addressed.

d. Disturbance and risk relating to siting and construction should be minimised

It is noted that the site does not contain any existing telecommunications equipment and, as such, cannot be considered to comprise a modified environment. Given the nature of the works, it is considered that any disturbance to the site would be minimal and limited to the proposed compound area, the power line and small access track. The applicant has advised that the installation of the proposed facility could be undertaken at any time and it is not anticipated it would affect the use of the site or the surrounding area. In view of this, it is considered that Principle D has been addressed.

e. Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines

The construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. In view of this, it is considered that Principle E has been addressed.

The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the purpose of the Code of Practice has been satisfied. The proposal has satisfactorily addressed the principles for design, siting, construction and operation of 'A Code of Practice for a Telecommunications Facility'.

11. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Relevant pillars in the Council Plan are:

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, live ability and development of the shire and encourage innovation and efficiency in the local economy.

A Healthy Community and Environment

Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.

Within this pillar, there is a goal to *“respect cultural differences, support a range of healthy and creative activities, foster community safety and promote environmental sustainability”*.

Amongst the relevant services/activities listed is emergency management coordination. A relevant strategy is to:

“Support community safety initiatives, local law enforcement and emergency management”.

As noted in this report, the proposal would result in improved communications, which in turn would help provide the community with the services and facilities it needs now and in the future, and would also help to support a prosperous economy where trade, manufacturing and business activity flourishes. In addition, improved coverage would assist in improving emergency management, which also would be beneficial to the community.

12. FINANCIAL & OTHER RESOURCE IMPLICATIONS

The proposal raises no financial or resourcing implications for Council.

13. RISK MANAGEMENT & COMPLIANCE ISSUES

If the proposal was to proceed, it would contribute to improved communications in this area which, amongst other things, would enhance the capacity of the local community and fire agencies to communicate in emergency situations, which is particularly important for the Shire given its high wildfire risk.

14. ENVIRONMENTAL CONSIDERATION / CLIMATE CHANGE

Any relevant environmental considerations have been addressed within this report.

15. COMMUNICATION STRATEGY / CONSULTATION PERIOD

Clause 52.19-4 of the Colac Otway Planning Scheme provides an exemption from the public notification process if an application for a permit for a Telecommunications Facility is funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Program.

16. CONCLUSION

Allowing this proposal, which is part of the Federal Government's Mobile Black Spot Program, would improve telecommunications service coverage in this part of the Shire. The proposal is considered generally consistent with the State and Local Planning Policy Frameworks, zoning requirements, and current local policies.

Having given due regard to the matters discussed above, it is considered that the application should be supported, subject to conditions.

17. RECOMMENDATION

Recommendation

That Council resolves to issue a planning permit for the Use and Development of the Land for a Telecommunications Facility (35m monopole) and Associated Works at 30 Greens Access, Gellibrand subject to the following conditions:

Endorsed plans

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Amenity

- 2. The nature and colour of building materials employed in the construction of the monopole and associated structures hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.***
- 3. The telecommunications facility and associated development hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.***

Geotechnical Assessment

- 4. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1160876, dated 8 September 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Removal of facility

5. ***In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.***

Wannon Water condition

6. ***Movement of soil, sediment and nutrients from the property during development and use of the property must be minimised.***

Expiry

7. ***This permit will expire if one of the following circumstances applies:***
- a) ***The development is not commenced within two years of the date of this permit.***
 - b) ***The development is not completed and the use has not commenced within four years of the date of this permit.***

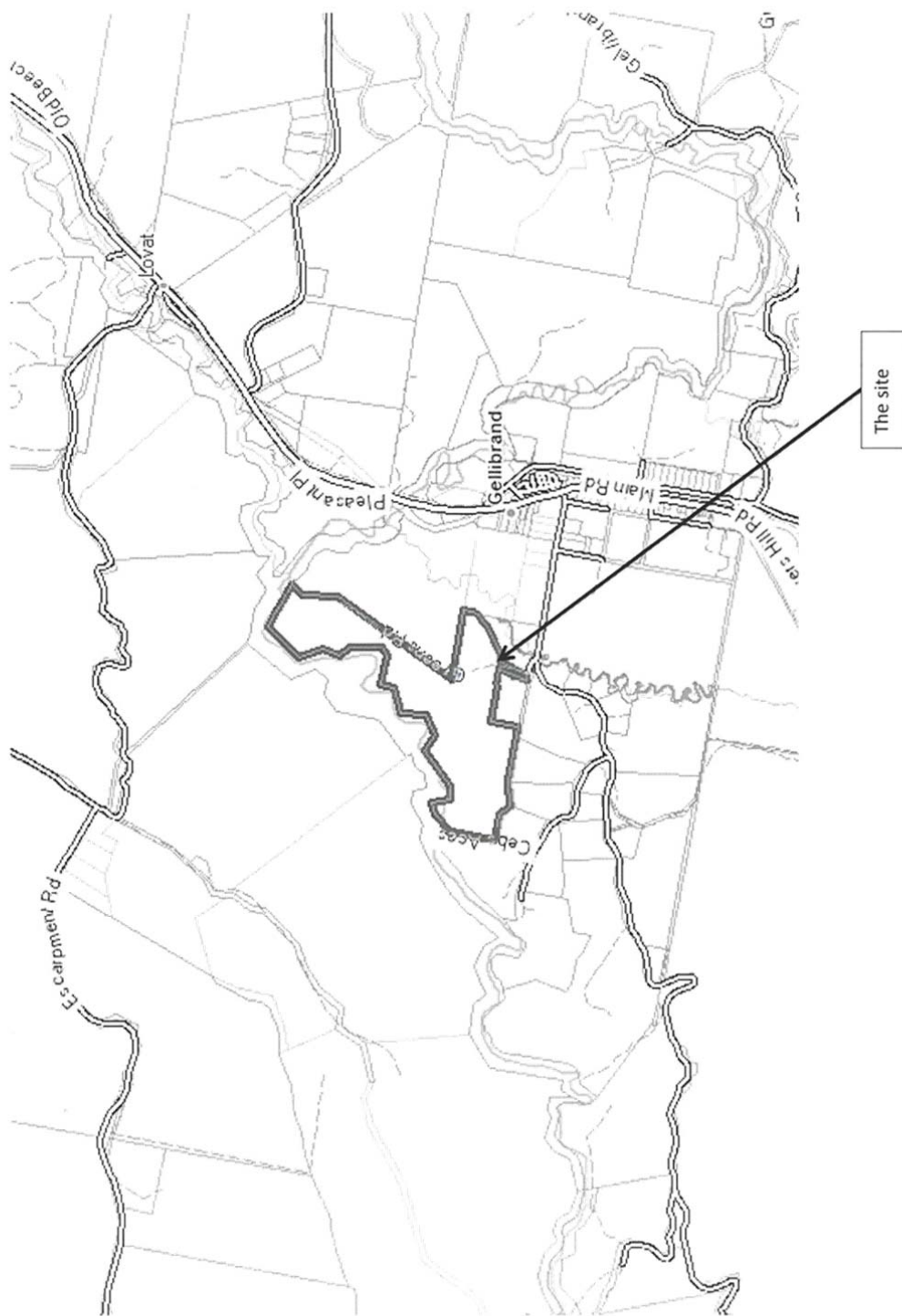
In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

~~~~~



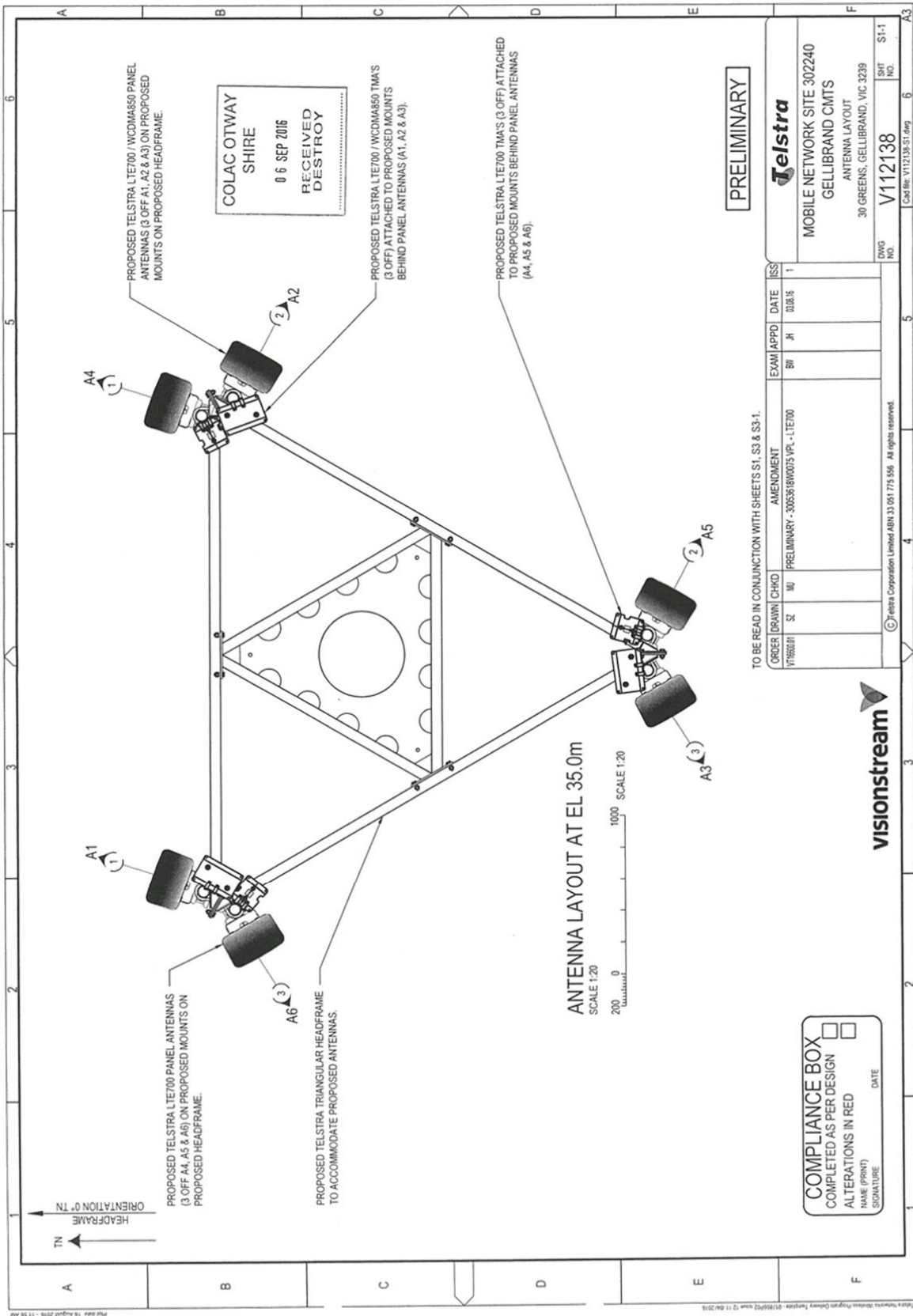




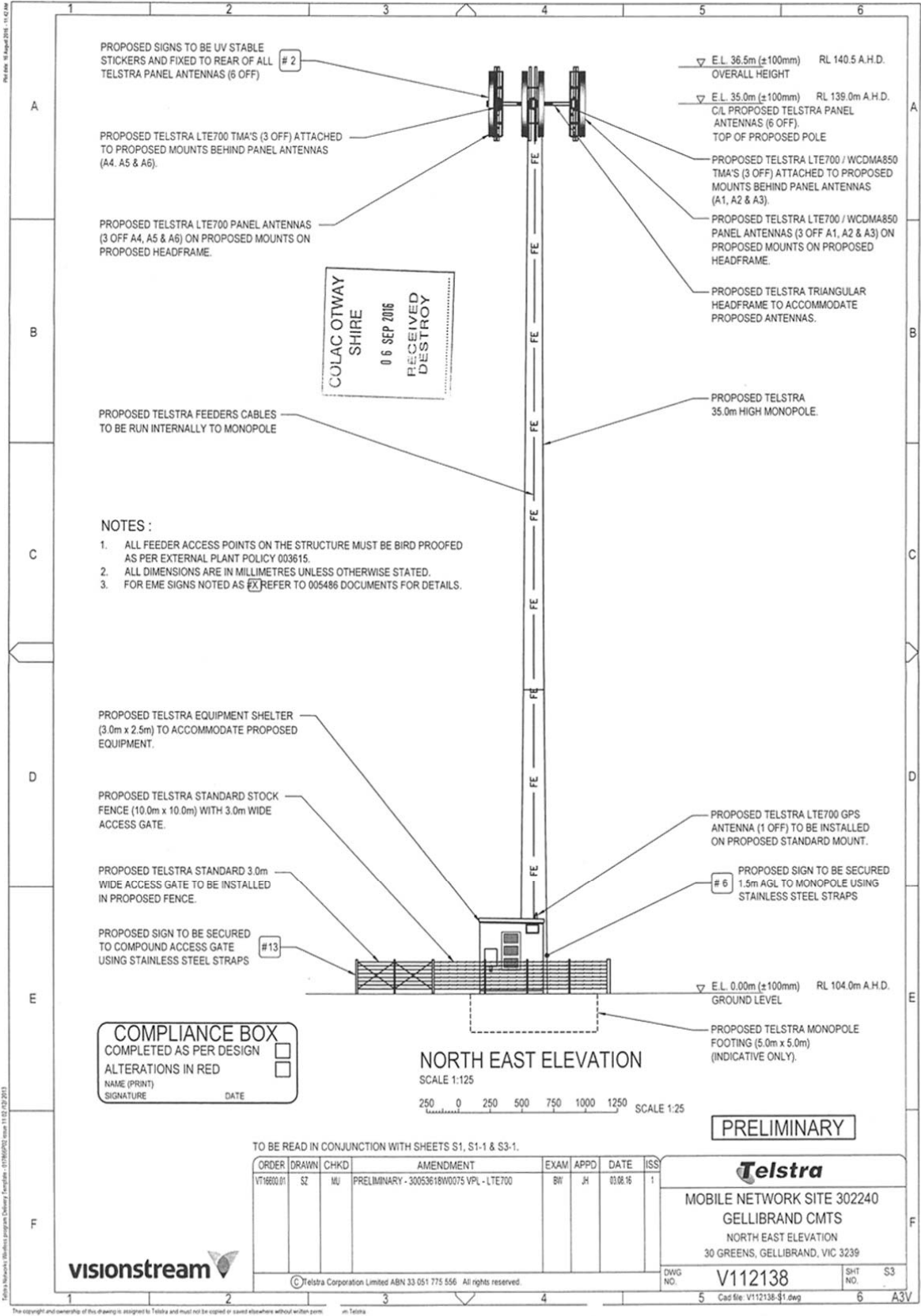




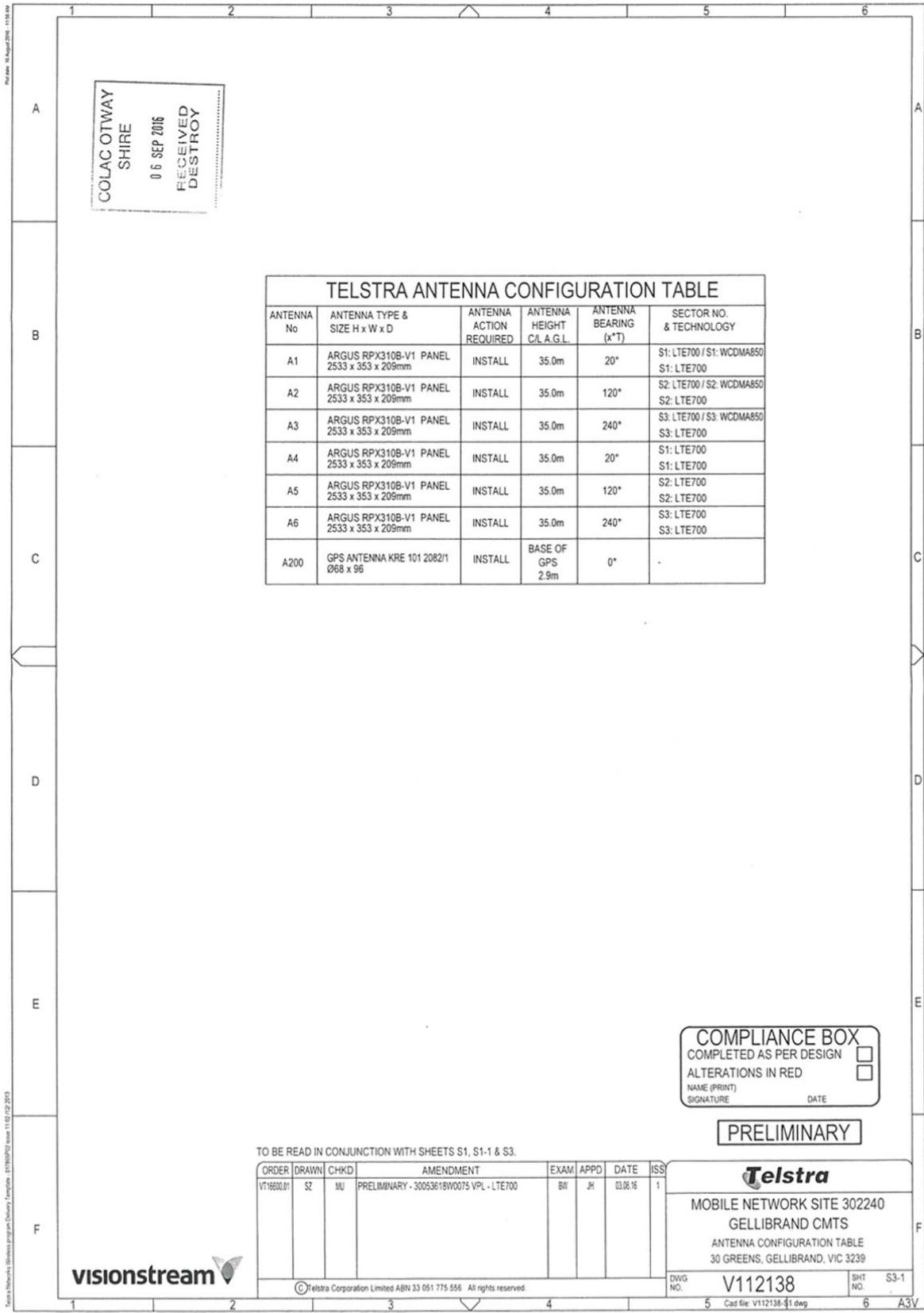








Telstra Network Rollout Program Delivery Framework - 01/10/2015 Issue 11 12/02/2015  
 The copyright and ownership of this drawing is assigned to Telstra and must not be copied or saved elsewhere without written perm. in Telstra



COLAC OTWAY  
SHIRE  
06 SEP 2016  
RECEIVED  
DESTROY

| TELSTRA ANTENNA CONFIGURATION TABLE |                                           |                         |                           |                       |                                         |
|-------------------------------------|-------------------------------------------|-------------------------|---------------------------|-----------------------|-----------------------------------------|
| ANTENNA No                          | ANTENNA TYPE & SIZE H x W x D             | ANTENNA ACTION REQUIRED | ANTENNA HEIGHT C/L A.G.L. | ANTENNA BEARING (x°T) | SECTOR NO. & TECHNOLOGY                 |
| A1                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 20°                   | S1: LTE700 / S1: WCDMA850<br>S1: LTE700 |
| A2                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 120°                  | S2: LTE700 / S2: WCDMA850<br>S2: LTE700 |
| A3                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 240°                  | S3: LTE700 / S3: WCDMA850<br>S3: LTE700 |
| A4                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 20°                   | S1: LTE700<br>S1: LTE700                |
| A5                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 120°                  | S2: LTE700<br>S2: LTE700                |
| A6                                  | ARGUS RPX310B-V1 PANEL 2533 x 353 x 209mm | INSTALL                 | 35.0m                     | 240°                  | S3: LTE700<br>S3: LTE700                |
| A200                                | GPS ANTENNA KRE 101 2082/1 Ø68 x 96       | INSTALL                 | BASE OF GPS 2.9m          | 0°                    | -                                       |

**COMPLIANCE BOX**  
 COMPLETED AS PER DESIGN   
 ALTERATIONS IN RED   
 NAME (PRINT) \_\_\_\_\_  
 SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**PRELIMINARY**

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1 & S3.

| ORDER     | DRAWN | CHKD | AMENDMENT                                | EXAM | APPD | DATE     | ISS |
|-----------|-------|------|------------------------------------------|------|------|----------|-----|
| V11620.01 | SZ    | MU   | PRELIMINARY - 30053618W0075 VPL - LTE700 | BIT  | JH   | 03.08.16 | 1   |

**Telstra**  
 MOBILE NETWORK SITE 302240  
 GELLIBRAND CMTS  
 ANTENNA CONFIGURATION TABLE  
 30 GREENS, GELLIBRAND, VIC 3239

DWG NO. **V112138** SH1 NO. S3-1



© Telstra Corporation Limited ABN 33 051 775 556 All rights reserved.

5 Cad file: V112138-1.dwg 6 A3V



Planning Enquiries  
Phone: (03) 5232 9412 ☐☐  
Web: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au) ☐☐

|                               |              |
|-------------------------------|--------------|
| Office Use Only               | Fee: \$ 604  |
| Application No.: PP226/2016-1 | Receipt No.: |
| Date Lodged: 21 / 9 / 16      | Ward:        |
| Date Allocated: / /           | Zone(s):     |
| Allocated to:                 | Overlay(s):  |

## Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application.  Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

### Privacy notice

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

### Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or [www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning).

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

Yes  No

If yes, with whom?: Ian William

Date: 17 / 05 / 2016

### The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

#### Street Address

Street No.: 30 Street Name: Greenw Access

Suburb/Locality: Gellibrand Postcode: 3239

#### Formal Land Description

▲ This information can be found on the certificate of title.

Lot No.: 1 on Lodged Plan, Title Plan or Subdivision Plan No.: TP109351

OR

Crown Allotment No.: Section No.: Parish Name:

- ③ Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

Vacant farmland.

- ⑤ Plan of the land.

Attach a plan of the existing conditions. Photos are also helpful.

## The proposal

**▲** You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Building and works comprising a 35m Telstra Facility (Telecommunications Monopole).

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- No, go to 9.
- Yes,  Attach a copy of the document (instrument) specifying the details of the encumbrance.
- Does the proposal breach, in any way, the encumbrance on title?
- No, go to 9.
- Yes, contact council for advice on how to proceed before continuing with this application.

### **▲ Note**

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

## Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ 250,000 **▲** You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes  No



## Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

### Contact

The person you want Council to communicate with about the application.

|                               |                                    |                                     |
|-------------------------------|------------------------------------|-------------------------------------|
| Name:                         | Clinton Northey                    |                                     |
| Organisation (if applicable): | Victorwrean Pty Ltd                |                                     |
| Postal address:               | Lashed Bag 4001                    |                                     |
|                               | Heatherton                         |                                     |
|                               | Postcode: 3202                     |                                     |
| Contact phone:                | 03 9258 5859                       | <input type="checkbox"/>            |
| Mobile phone:                 | 0418 594 481                       | <input checked="" type="checkbox"/> |
| Email:                        | clinton.northey@victorwrean.com.au | <input checked="" type="checkbox"/> |
| Fax:                          |                                    | <input type="checkbox"/>            |

Indicate preferred contact method

### Applicant

The person or organisation who wants the permit.

Same as contact. If not, complete details below.

|                               |                            |
|-------------------------------|----------------------------|
| Name:                         |                            |
| Organisation (if applicable): | Teltra                     |
| Postal address:               | Level 1, 282 Exhibition St |
|                               | Melbourne                  |
|                               | Postcode: 3000             |

### Owner

The person or organisation who owns the land.

Same as contact  Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

|                               |                  |
|-------------------------------|------------------|
| Name (if applicable):         | Erin Greene      |
| Organisation (if applicable): |                  |
| Postal address:               | 30 Greenw Access |
|                               | Gellibrand       |
|                               | Postcode: 3239   |

## Checklist

12 Have you?

|                                     |                                                              |
|-------------------------------------|--------------------------------------------------------------|
| <input checked="" type="checkbox"/> | Filled in the form completely?                               |
| <input checked="" type="checkbox"/> | Paid or included the application fee?                        |
| <input checked="" type="checkbox"/> | Attached all necessary supporting information and documents? |
| <input checked="" type="checkbox"/> | Completed the relevant council planning permit checklist?    |
| <input checked="" type="checkbox"/> | Signed the declaration on the next page?                     |

## Declaration

13 This form must be signed.  
Complete one of A, B or C

▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

### A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date: / /

### B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date: / /

### Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date: 02/09/2016

### C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

Date: 02/09/2016

## Lodgement

Lodge the completed and signed form and all documents with:

Colac-Otway Shire ☐☐  
PO Box 283, ☐COLAC VIC 3250☐☐  
2-6 Rae Street, COLAC VIC 3250☐☐  
Telephone: (03) 5232 9412 ☐☐  
Fax: (03) 5232 1046 ☐☐  
Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) ☐☐  
TTY: (03) 5231 6787☐☐

For help or more information

**ORDINARY COUNCIL MEETING  
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED WORKS AT  
415 BARRYS ROAD, BARONGAROOK WEST (PP232/2016)  
OM172501-2**

|                           |                                                                                                                                                                                                                                |                        |                                     |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------------------|
| <b>LOCATION / ADDRESS</b> | 415 Barrys Road,<br>Barongarook West                                                                                                                                                                                           | <b>GENERAL MANAGER</b> | Gareth Smith                        |
| <b>OFFICER</b>            | Blaithin Butler                                                                                                                                                                                                                | <b>DEPARTMENT</b>      | Development &<br>Community Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                                                                                                                                       | <b>CONFIDENTIAL</b>    | No                                  |
| <b>ATTACHMENTS</b>        | 1. PP232/2016 - Locality map and application for planning permit                                                                                                                                                               |                        |                                     |
| <b>PURPOSE</b>            | A planning permit is sought for the construction of a 35m high monopole at 415 Barrys Road, Barongarook West (Lot 3 on TP643654).<br>This application is before Council as the monopole would be over twenty metres in height. |                        |                                     |

**Zoning:** Farming Zone (FZ)

**Overlay controls:** Environmental Significance Overlay (ESO3 – Declared Water Supply Catchments)  
  
Significant Landscape Overlay (SLO1 – Valleys, Hills and Plains Landscape Precinct)  
  
Vegetation Protection Overlay (VPO1 – Significant and Remnant Vegetation)

**Proposed Amendments:** Nil

## 1. DECLARATION OF INTERESTS

As Telstra is the applicant and Gareth Smith owns Telstra shares, Gareth Smith has an indirect financial interest – s78A.

## 2. SUMMARY

- A planning permit is sought by Telstra for the construction of a 35m high monopole at 415 Barrys Road, Barongarook West. A permit is not required to use the land for this purpose, as there is an existing Telstra exchange on the land.
- The proposed monopole would support four (4) omni antennae on a standard triangular head frame. The proposal includes an equipment shelter and 3m wide access track, as well as underground optical fibre and power supply routes.
- Key issues in the consideration of this application relate to the visual impact of the development, the need for such a facility in this area and whether the proposal adequately addresses the provisions of Clause 52.19 (Telecommunications Facility) of the Planning Scheme.

- It is considered that the provisions of Clause 52.19 have been adequately addressed. It is also considered that the proposed siting of the monopole, together with its narrow appearance, would ensure an acceptable balance is achieved between visual impact and community benefit.
- This monopole is proposed as part of the Federal Government's Mobile Black Spot Program and allowing the proposal would improve telecommunications coverage in this part of the Shire.
- Public notification was not required to be carried out, for the reasons explained in the report on application PP226/2016 (30 Greens Access, Gellibrand) which is also on this agenda.
- It is considered that a planning permit could reasonably be issued for the proposed monopole.

### 3. BACKGROUND

The background to the Federal Government Mobile Black Spot Program is set out in the report on planning application PP226/2016, which is also on this agenda. That report also contains details of how a mobile telecommunications network operates.

### 4. ISSUES / OPTIONS

Council has the options of:

- a) Granting a planning permit subject to the recommended conditions;
- b) Granting a planning permit subject to recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

Key issues in the consideration of this application relate to the visual impact of the development and the need for such a facility in this area. As noted above, there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the local community from a net community benefit point of view. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

### 5. PROPOSAL

A planning permit is sought for the construction of a telecommunications facility, comprising a 35m high monopole with associated antennae, and optical fibre and power supply routes. The facility would form part of Telstra's NextG network solution for the surrounding area.

As with the other telecommunications facilities reported on this agenda, the proposed monopole has been designed to support a wide range of antenna configurations, in all weather conditions. The pole would be embedded into the ground 5m deep and 5m wide, with a 35m section of the pole above the ground (overall the telecommunications facility would be 39.5m high including antennas).

The proposed monopole would be located on the north side of Barrys Road and 280m east of Irrewillipe Road. The monopole would be sited on an existing Telstra site, which is delineated by low post and wire fencing. It would be located just over 16m from the southern boundary to Barrys Road and abutting the eastern boundary of the lot. The monopole would accommodate four (4) omni directional antennae on a triangular headframe, resulting in a total height of 39.5m.

The existing green Telstra exchange and toilet buildings would be retained. No additional buildings are proposed. The exchange shelter would accommodate equipment associated with the proposed monopole, with feeders running from the exchange shelter to the monopole.

No vegetation removal is required to facilitate the construction of the monopole.

## 6. SITE & SURROUNDS

An existing Telstra exchange, comprising a small green colorbond building with detached toilet, currently exists on the land. The Telstra site, which is located within a 6.2ha lot, is delineated by a low post and wire fence.

Surrounding land is clear and used for agricultural purposes. The Telstra site is partially screened by large mature trees bordering both Barrys Road and nearby Irrewillipe Road. The immediate land topography is flat, with a slight undulation on the Barrys Road edge. The wider landscape is undulating.

The monopole would be approximately 135m from the dwelling to the west on the same lot and approximately 193m from the neighbouring dwelling to the south-west.

The surrounding area is characterised by agricultural uses on large allotments.

## 7. PUBLIC NOTICE

The application was exempt from the requirement for public notice, for the same reasons as discussed in the report on application PP226/2016.

## 8. REFERRALS

In accordance with Section 55 of the Planning and Environment Act 1987 (the Act), the application was referred to Barwon Water and Wannon Water as determining authorities under the provisions of ESO3. The Department of Environment, Land, Water and Planning (DELWP) was also notified of the application under Section 52 of the Act in accordance with the provisions of ESO3.

Barwon Water advised that the site is located within the Barwon Downs Wellfield Intake Supply Protection Area, and raised no objection subject to a condition being imposed on any permit issued.

Wannon Water advised that the site is not within its water catchment area.

No response had been received from the Department of Environment, Land, Water and Planning at the time of drafting this report. It is noted that there is only a requirement for Council to notify DELWP of the application, rather than to formally refer the application.

The application was referred internally to Council's Infrastructure Department, which raised no objection to the proposal subject to a permit conditions.

## 9. PLANNING CONTROLS

The land is in the FZ and covered by ESO3, VPO1 and SLO1. A planning permit is required under the following provisions:

- Clause 35.07-4 – buildings and works associated with Section 2 Use (FZ)
- Clause 42.01-2 – buildings and works (ESO3)
- Clause 42.03-2 – buildings and works (SLO1)
- Clause 52.19-2 - building and works for a Telecommunications Facility.

Apart from SLO1, and the fact that a permit is not required for the use of the land in this case, the permit triggers are the same as those considered for planning application PP226/2016, reported elsewhere on this agenda.

a. State and Local Planning Policy

The policy considerations are the same as those discussed in the report on PP226/2016.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. The applicant has found that no other option could provide the extent of service required to the area, and has provided an appropriate and reasonable justification for the selection of the subject site. It is considered there would be no unreasonable adverse visual impact to the environment as a result of this proposal.

b. Clause 62 - Uses, buildings, works, subdivisions and demolition not requiring a permit

Clause 62 provides exemptions to permit requirements for Telecommunications Facilities when the requirements of Clause 52.19 are met. In this instance, Clause 52.19 requirements have not been satisfied and therefore a planning permit is required.

c. Zoning

The purpose of the Farming Zone is set out in the report on PP226/2016.

In this case, a planning permit is required for buildings and works associated with a Section 2 Use under Clause 35.07-4.

d. Overlays

i. Environmental Significance Overlay (ESO3 – Declared Water Supply Catchments)

The purpose and objectives of this overlay are set out in the report on PP226/2016.

A planning permit is required under the provisions of Clause 42.01-2 for buildings and works.

ii. Vegetation Protection Overlay (VPO1 – Significant and Remnant Vegetation)

This site is covered by the Vegetation Protection Overlay Schedule 1 (VPO1). The site of the proposed telecommunications facility does not require the removal of any native vegetation and, as such, a planning permit is not required under the provisions of this overlay.

iii. Significant Landscape Overlay (SLO1 – Valleys, Hills and Plains Landscape Precinct)

This site is covered by the Significant Landscape Overlay Schedule 1 (SLO1). The purpose of this overlay is:

- *To identify significant landscapes.*
- *To conserve and enhance the character of significant landscapes.*

Under the provisions of SLO1, a planning permit is required for buildings and works as the exemptions listed within the Schedule to the overlay cannot be applied.

e. Particular Provisions

Clause 52.19 - Telecommunications Facility is discussed in the report on PP226/2016. The proposed facility is considered to require a permit under the provisions of Clause 52.19, as it is not identified as a Low Impact Facility or other exempt facility listed under Clause 52.19-2.

The purpose and principles of 'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004), which is an incorporated document in the Colac Otway Planning Scheme and equally relevant to this application, are also discussed in the report on PP226/2016.

## 10. CONSIDERATION OF THE PROPOSAL

The proposed 35m high monopole and ancillary components would be located within an existing Telstra site.

The colouring and materials to be used in the construction of the monopole tower would assist in blending the monopole in with the surrounding natural landscape setting. The siting of the monopole would be at approximately 285m AHD and it would be located adjacent to the existing vegetation screen along Barrys Road. It is considered that this mature vegetation would help ameliorate the potential impact of the monopole from Barrys Road, especially when travelling in a westerly direction. This existing vegetation would also help to ameliorate the potential impact of the monopole from Irrewillipe Road, forming a backdrop to the structure.

The closest dwelling to the proposed monopole would be the residence on the same lot (which has an address of 410 Barrys Road on the mailbox). The monopole would be clearly visible from this dwelling, which is approximately 135m to the west of the subject site. The application form confirms that the owner of the lot on which the monopole would be located was notified of the application.

The monopole would be approximately 193m from the neighbouring dwelling to the south-west. Given the distance to that dwelling and the existing vegetation along Barrys Road and on the residential property, it is considered that the proposed monopole would not have a detrimental impact on the amenity this property. There are no other dwellings close to the application site.

It is considered that the proposed monopole would be consistent with the purpose of the zone and would not negatively impact on existing surrounding agricultural land use. The proposal would also assist in providing for improved telecommunications which would be beneficial to the area and surrounds. The proposed monopole would provide the level of service coverage required, with minimal impact on the surrounding area. In the proposed location, it is considered that the proposed monopole development would remain consistent with the provisions of the Farming Zone, occupying a small area within an existing Telstra compound, whilst retaining productive agricultural land on the larger part of the lot. The proposed location would also ensure that the proposed non-agricultural development would not adversely affect the viability and use of the land for agriculture but would maintain the status quo. Overall it is considered that the proposal is consistent with the decision guidelines of the Farming Zone.

The sole alternative candidate site considered was the NBN 50m lattice tower at 50 Barongarook Road, Barongarook. However, as that site is 10km away from the proposed Telstra facility and the topography is undulating, the applicant advised that it would not meet Telstra's coverage objectives.

As co-location is not a feasible option in this area, it is considered that utilising the existing Telstra site to mitigate the impact of the facility on the landscape would be acceptable. No vegetation removal would be required to facilitate the construction of the monopole. The proposed telecommunications equipment would be located within a compound area already leased by Telstra and containing an equipment cabinet. It is not considered that the proposed facility would cause a material loss of visual amenity to the surrounding area. The proposed location, away from ridgelines and residential areas, would utilise existing vegetation to screen the facility's lower and middle portions. The structure's colour scheme has been designed to fit in with the natural environment by using natural finishes on the structure and by retaining the existing green Telstra exchange. The monopole would be positioned to allow for suitable signal dispersal to the surrounding area.

### **Principles in the Code of Practice for Telecommunications Facilities in Victoria**

#### **a. A telecommunications facility should be sited to minimise visual impact**

It is considered that the proposed 35m high monopole would be suitably located to avoid any significant potential visual impact, having regard to the distance from the nearest residential dwellings and the surrounding vegetation cover. It is accepted that the proposed monopole, due to its height, proximity and location, would inevitably be seen from the adjacent and surrounding roads, such as Barrys Road and Irrewillipe Road, which is unavoidable. However, given the significant vegetation cover along the Barrys

Road frontage in the vicinity of the Telstra site, especially when travelling in a westerly direction, it is considered that the proposed monopole would not be significantly visible or detrimental to the natural landscape character of the immediate and surrounding area. This existing vegetation would also help to ameliorate the potential impact of the monopole from Irrewillipe Road, forming a backdrop to the structure. It is considered that the proposed location would strike an acceptable balance between visual impact and net community benefit. The proposed location is also considered to be suitably separated from any nearby dwellings, as discussed earlier in this report.

On balance, it is considered that the proposed telecommunications facility would be appropriately sited to minimise visual impact on the landscape setting and to avoid compromising existing views from the broader surrounding area. The proposal is considered to meet the requirements of Principle A.

b. Telecommunications facilities should be co-located wherever practical

The proposed monopole would be on an existing Telstra site, which currently contains a couple of small buildings.

The applicant submitted a map of existing and proposed telecommunications facilities surrounding the Barongarook area, and advised that the nearest existing facility at 50 Barongarook Road, Barongarook (a 50m NBN lattice tower) is more than 10km west of the proposed site. The applicant also stated that Telstra's coverage objectives could not be met through co-location on this mast, given location of that site and the undulating terrain.

As such, it is accepted that there are no alternative candidate sites in the vicinity of the subject land and, as such, co-location is not an option available. It should also be noted that the proposed Telstra monopole would provide a future co-location opportunity.

In view of this, it is considered that the applicant has considered the option of co-location on this site and Principle B has been addressed.

c. Health standards for exposure to radio emissions will be met

The issue of health standards has been discussed in the report on PP226/2016, elsewhere on this agenda. As part of the application submitted, the applicant included an Electromagnetic Energy (EME) Report. The report demonstrates that the proposed facility would comply with the Standard, with the maximum predicted EME equating to 0.0089% of the maximum public exposure limit. This is considered to be substantially less than the 1% of the minimum allowable exposure limit (where 100% of the limit is still considered to be safe).

It is considered that Principle C has been addressed.

d. Disturbance and risk relating to siting and construction should be minimised

It is noted that the site contains an existing telecommunications equipment cabinet and, as such, it is considered to comprise a modified environment. Given the nature of the works, it is considered that any disturbance to the site in this location would be minimal and limited to the existing compound area, with access existing. The applicant has advised that the installation of the proposed facility could be undertaken at any time and it is not anticipated that it would affect the use of the site or the surrounding area. In view of this, it is considered that Principle D has been addressed.

e. Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines

The construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. In view of this, it is considered that Principle E has been addressed.



The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the purpose of the Code of Practice has been satisfied. The proposal has satisfactorily addressed the principles for design, siting, construction and operation of 'A Code of Practice for a Telecommunications Facility'.

## **11. COUNCIL PLAN / OTHER STRATEGIES / POLICY**

Relevant pillars in the Council Plan are:

### *A Planned Future*

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

### *Our Goal:*

*Facilitate the growth, live ability and development of the shire and encourage innovation and efficiency in the local economy.*

### *A Healthy Community and Environment*

*Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.*

Within this pillar, there is a goal to *"respect cultural differences, support a range of healthy and creative activities, foster community safety and promote environmental sustainability"*.

Amongst the relevant services/activities listed is emergency management coordination. A relevant strategy is to:

*"Support community safety initiatives, local law enforcement and emergency management"*.

As noted in this report, the proposal would result in improved communications, which in turn would help provide the community with the services and facilities it needs now and in the future, and would also help to support a prosperous economy where trade, manufacturing and business activity flourishes. In addition, improved coverage would assist in improving emergency management, which also would be beneficial to the community.

## **12. FINANCIAL & OTHER RESOURCE IMPLICATIONS**

The proposal raises no financial or resourcing implications for Council.

## **13. RISK MANAGEMENT & COMPLIANCE ISSUES**

If the proposal was to proceed, it would contribute to improved communications in this area which, amongst other things, would enhance the capacity of the local community and fire agencies to communicate in emergency situations, which is particularly important for the Shire given its high wildfire risk.

## **14. ENVIRONMENTAL CONSIDERATION / CLIMATE CHANGE**

Any relevant environmental considerations have been addressed within this report.

## 15. COMMUNICATION STRATEGY / CONSULTATION PERIOD

Clause 52.19-4 of the Colac Otway Planning Scheme provides an exemption from the public notification process if an application for a permit for a Telecommunications Facility is funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Programme.

## 16. CONCLUSION

Allowing this proposal would improve telecommunications service coverage in this part of the Shire. The proposal is considered generally consistent with the State and Local Planning Policy Frameworks, zoning requirements, and current local policies.

Having given due regard to the matters discussed above, it is considered that the application could reasonably be allowed, subject to conditions.

## 17 RECOMMENDATION

### Recommendation

***That Council resolves to issue a planning permit for the construction of a telecommunication facility (35 metre high monopole) and associated works at 415 Barrys Road, Barongarook West (Lot 3 TP643654) subject to the following conditions:***

### ***Endorsed plans***

- 1. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

### ***Amenity***

- 2. The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.***
- 3. The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.***

### ***Removal of facility***

- 4. In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.***

### ***Barwon Water condition***

- 5. The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:***
  - a) Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.***
  - b) Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.***

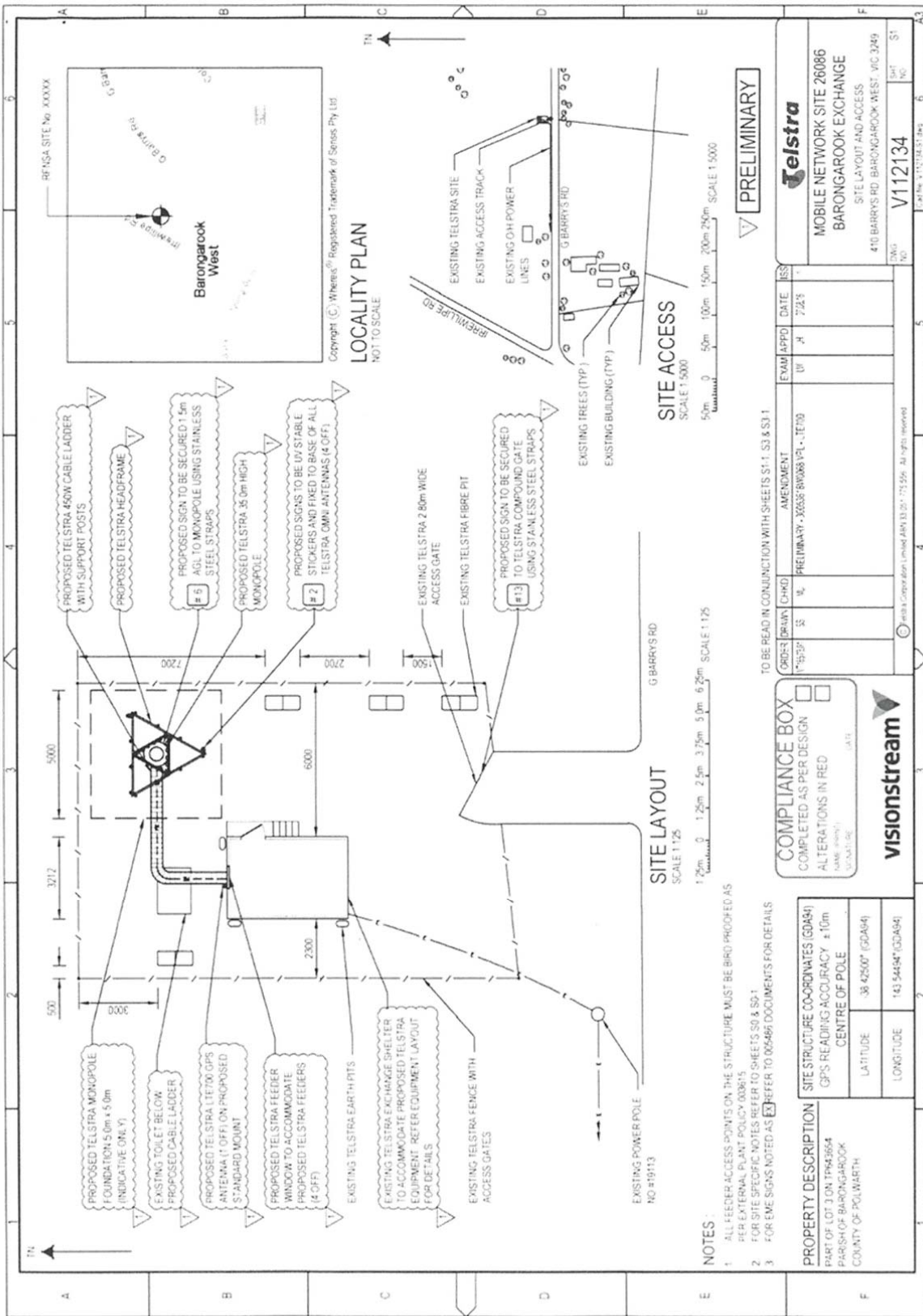
**Expiry**

**6. This permit will expire if one of the following circumstances applies:**

- a) The development is not commenced within two years of the date of this permit.**
- b) The development is not completed within four years of the date of this permit.**

**In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.**

~~~~~

NOTES:

- 1 ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003614
- 2 FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S01
- 3 *FOR EVE SIGNS NOTED AS * REFER TO 005466 DOCUMENTS FOR DETAILS

COMPLETED AS PER DESIGN	ALTERATIONS IN RED
visionstream	

PROPERTY DESCRIPTION	SITE STRUCTURE COORDINATES (GD494)
PART OF LOT 3 ON TM43654	GPS READING ACCURACY ± 10m
PARISH OF BARONGAROOK	CENTRE OF POLE
COUNTY OF PGLWARTH	LATITUDE 38 42507 (GD494)
	LONGITUDE 143 54454 (GD494)

COMPLIANCE BOX	AMENDMENT
17/2022	PRELIMINARY - 302638 26088 V1 - TEL70

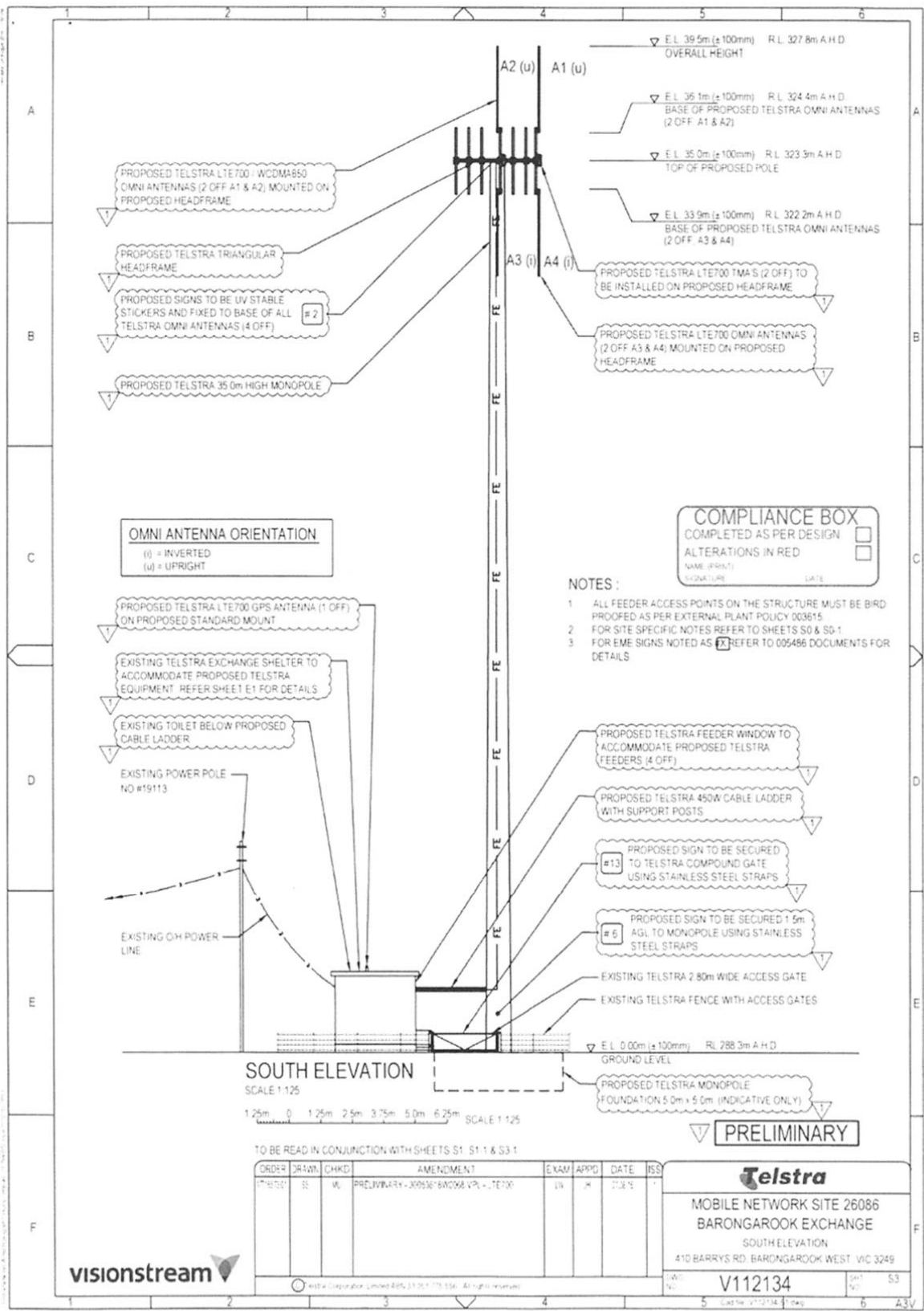
TELSA	MOBILE NETWORK SITE 26088
	BARONGAROOK EXCHANGE
	SITE LAYOUT AND ACCESS
	410 BARRYS RD BARONGAROOK WEST VIC 3249
NO	NO
V112134	

DATE	7/2/23
APPROVED BY	[Signature]
DESIGNED BY	[Signature]
CHECKED BY	[Signature]
DATE	7/2/23
APPROVED BY	[Signature]
DESIGNED BY	[Signature]
CHECKED BY	[Signature]

TO BE READ IN CONJUNCTION WITH SHEETS S0.1, S3 & S3.1

PRELIMINARY

© visionstream Limited ABN 83 201 775 256. All rights reserved.



OMNI ANTENNA ORIENTATION
 (i) = INVERTED
 (u) = UPRIGHT

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME: (PRINT)
 SIGNATURE: DATE:

- NOTES:**
- 1 ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615
 - 2 FOR SITE SPECIFIC NOTES REFER TO SHEETS S0 & S0-1
 - 3 FOR EME SIGNS NOTED AS #2 REFER TO 005486 DOCUMENTS FOR DETAILS

SOUTH ELEVATION
 SCALE 1:125
 1.25m 0 1.25m 2.5m 3.75m 5.0m 6.25m SCALE 1:125

TO BE READ IN CONJUNCTION WITH SHEETS S1, S1-1 & S3-1

ORDER	DRAWN	CHKD	AMENDMENT	EXAM	APPD	DATE	ISS
1	SI	WL	PRELIMINARY - 2016/08/08 VPL - LTE700	UN	JH	21.12.15	1

PRELIMINARY

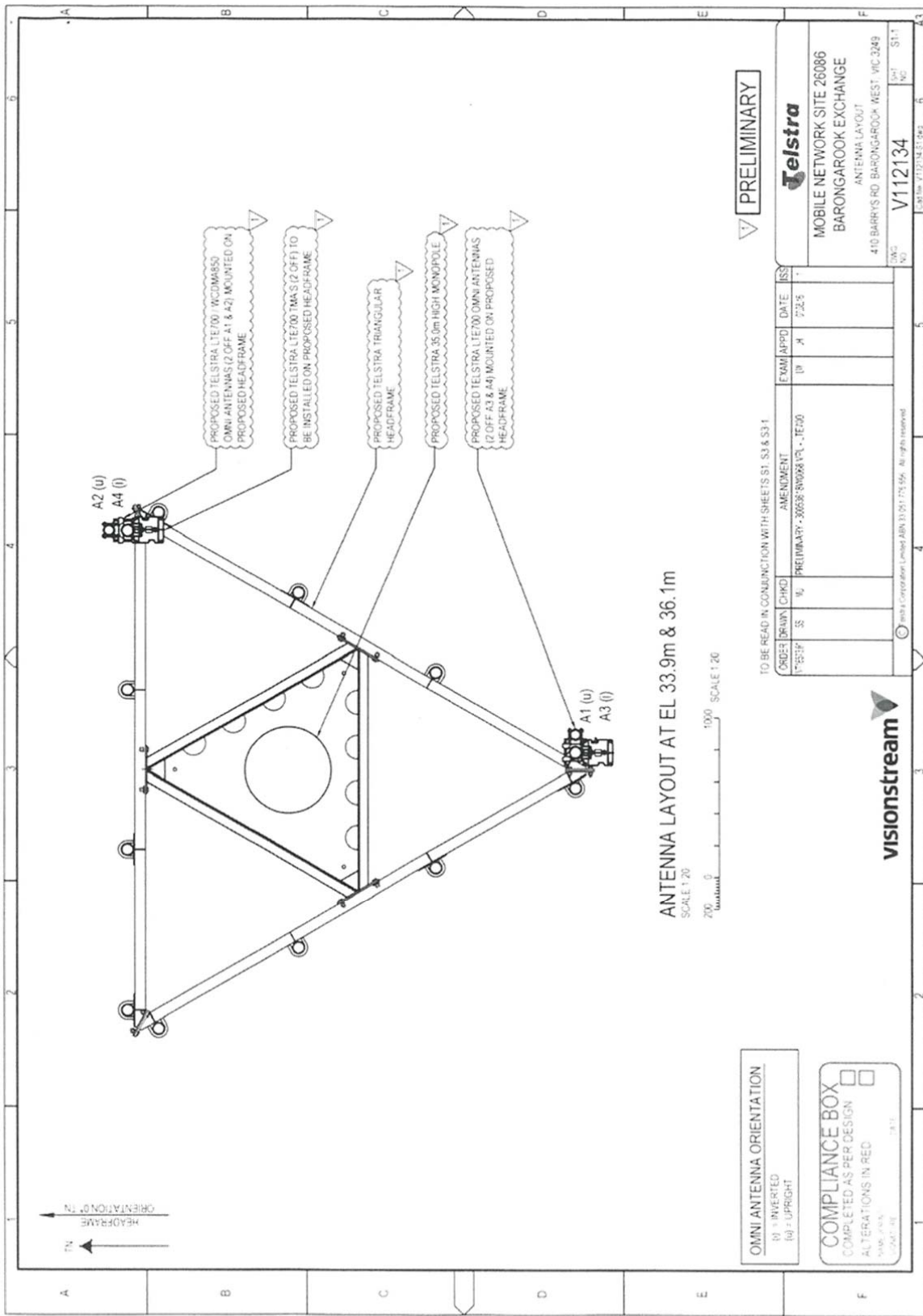
Telstra

MOBILE NETWORK SITE 26086
 BARONGAROOK EXCHANGE
 SOUTH ELEVATION
 410 BARRYS RD, BARONGAROOK WEST VIC 3249

NO: **V112134** SHEET NO: 53



© Telstra Corporation Limited 2015. All rights reserved.



PRELIMINARY

Telstra
 MOBILE NETWORK SITE 26086
 BARONGAROOK EXCHANGE
 ANTENNA LAYOUT
 410 BARRYS RD, BARONGAROOK WEST, VIC 3249
 DWG NO: V112134
 DATE: 27/07/16
 SHEET: 5/11

ORDER	DRWN	CHKD	AMENDMENT	ISS
1	SS		PRELIMINARY - 30658-SW083 V1 - TEL00	22.15
				22.15

TO BE READ IN CONJUNCTION WITH SHEETS S1, S3 & S3.1
 visionstream
 visionstream Corporation Limited ABN 63 291 775 556. All rights reserved.

OMNI ANTENNA ORIENTATION
 (u) = INVERTED
 (l) = UPRIGHT

COMPLIANCE BOX
 COMPLETED AS PER DESIGN
 ALTERATIONS IN RED
 NAME: JAVAN
 COMPANY: VEE



Planning Enquiries
Phone (03) 5232 9412
Web www.colacotway.vic.gov.au

Office Use Only	Fee: \$
Application No.:	Receipt No.:
Date Lodged: / /	Ward:
Date Allocated: / /	Zone(s):
Allocated to:	Overlay(s):

Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application. Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

Privacy notice

▲ Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or www.dse.vic.gov.au/planning.

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

Yes No

If yes, with whom?: Ian Williams

Date: 17/05/2016

The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Street No.: 410 Street Name: Barrys Road

Suburb/Locality: Barongarook West Postcode: 3249

Formal Land Description

▲ This information can be found on the certificate of title.

Lot No.: 3 on Lodged Plan, Title Plan or Subdivision Plan No.: TP 643654

OR

Crown Allotment No.: Section No.: Parish Name:

- ③ Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

Teltra Exchange

- ⑤ Plan of the land

Attach a plan of the existing conditions. Photos are also helpful.

The proposal

▲ You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Building and works comprising a 35m Telstra monopole (Telecommunications Facility).

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- No, go to 9.
- Yes, Attach a copy of the document (instrument) specifying the details of the encumbrance.
- Does the proposal breach, in any way, the encumbrance on title?
- No, go to 9.
- Yes, contact council for advice on how to proceed before continuing with this application.

▲ Note

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ 250,000

▲ You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes No

Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

Contact

The person you want Council to communicate with about the application.

Name:	Clinton Northey	
Organisation (if applicable):	Visionstream Pty Ltd C/- Telstra Pty Ltd	
Postal address:	Locked Bag 4001	
	Heatherton	
	Postcode: 3202	
Contact phone:	(03) 9258 5859	<input type="checkbox"/>
Mobile phone:	0418 594 487	<input checked="" type="checkbox"/>
Email:	clinton.northey@visionstream.com.au	Indicate preferred contact method
Fax:		

Applicant

The person or organisation who wants the permit.

<input type="checkbox"/>	Same as contact. If not, complete details below.
Name:	Telstra Pty Ltd
Organisation (if applicable):	Level 1, 282 Exhibition St
Postal address:	Melbourne
	Postcode: 3000

Owner

The person or organisation who owns the land.

<input type="checkbox"/>	Same as contact	<input type="checkbox"/>	Same as applicant
Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.			
Name (if applicable):	Mr Norman Howe		
Organisation (if applicable):			
Postal address:	415 Berrys Road		
	Barongaroo West		Postcode: 3249

Checklist

12 Have you?

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration on the next page?

Declaration

13 This form must be signed.
Complete one of A, B or C

▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date:

B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date:

Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date:

C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature

Date:

Lodgement

Lodge the completed and signed form and all documents with:

Colac-Otway Shire
PO Box 283, COLAC VIC 3250
2-6 Rae Street, COLAC VIC 3250
Telephone: (03) 5232 9412
Fax: (03) 5232 1046
Email: inq@colacotway.vic.gov.au
TTY: (03) 5231 6787

For help or more information

**ORDINARY COUNCIL MEETING
TELECOMMUNICATIONS FACILITY (35M MONOPOLE) AND ASSOCIATED WORKS AT
420 YEO-YEODENE ROAD, YEODENE (PP262/2016-1)
OM172501-3**

LOCATION / ADDRESS	420 Yeo-Yeodene Road, Yeodene	GENERAL MANAGER	Gareth Smith
OFFICER	Ian Williams	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	1. PP262/2016- Locality maps and application for planning permit		
PURPOSE	A planning permit is sought for the construction of a 35m high monopole at 420, Yeo- Yeodene Road, Yeodene. This application is before Council as the monopole would be over twenty metres in height.		

Zoning: Farming Zone (FZ)

Overlay controls: Environmental Significance Overlay (ESO3 - Declared Water Supply Catchments)

Vegetation Protection Overlay (VPO1 – Significant and Remnant Vegetation)

Significant Landscape Overlay (SLO1 – Valleys, Hills and Plains Landscape Precinct)

Erosion Management Overlay (EMO1)

Bushfire Management Overlay (BMO)

Proposed Amendments: Nil

1. DECLARATION OF INTERESTS

As Telstra is the applicant and Gareth Smith owns Telstra shares, Gareth Smith has an indirect financial interest – s78A.

2. SUMMARY

- A planning permit is sought by Telstra for the construction of a 35m high monopole at 420, Yeo-Yeodene Road, Yeodene. A permit is not required to use the land for this purpose, as there is an existing Telstra Exchange on the land.
- The proposed monopole would support four (4) omni-directional antennas on a standard triangular head frame. The existing equipment shelter would be used to house electrical equipment.
- Key issues in the consideration of this application relate to the visual impact of the development, the need for such a facility in this area and whether the proposal adequately addresses the provisions of Clause 52.19 (Telecommunications Facility) of the Planning Scheme.

- It is considered that the provisions of Clause 52.19 have been adequately addressed. It is also considered that the proposed siting of the monopole, together with its narrow appearance, would ensure an acceptable balance is achieved between visual impact and community benefit. This monopole is proposed as part of the Federal Government's Mobile Black Spot Program and allowing the proposal would improve telecommunications coverage in this part of the Shire.
- Public notification was not required to be carried out, for the reasons explained in the report on application PP226/2016 (30 Greens Access, Gellibrand) which is also on this agenda.
- It is considered that a planning permit should be issued for the proposed monopole.

3. BACKGROUND

The background to the Federal Government Mobile Black Spot Program is set out in the report on planning application PP226/2016, which is also on this agenda. That report also contains details of how a mobile telecommunications network operates.

4. ISSUES / OPTIONS

Council has the options of:

- a) Granting a planning permit subject to the recommended conditions;
- b) Granting a planning permit subject to recommended conditions with changes;
- c) Refusing to grant a permit on specified planning grounds.

Key issues in the consideration of this application relate to the visual impact of the development and the need for such a facility in this area. As noted above, there is a critical need for improved telecommunications in the Shire, which would be of significant benefit to the local community from a net community benefit point of view. It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

5. PROPOSAL

A planning permit is sought for the construction of a telecommunications facility, comprising a 35m high monopole with associated antennae and infrastructure. The facility would form part of Telstra's NextG network solution for the surrounding area.

The proposed monopole has been designed to support a wide range of antenna configurations, in all weather conditions. The pole would be embedded into the ground 5m deep and 5m wide, with a 35m section of the pole above the ground.

The monopole would be sited 63m from the eastern site boundary with McCalls Road and 17m from the northern boundary with Yeo-Yeodene Road. The proposed 35m high monopole would be finished in a concrete natural grey colour and would accommodate four (4) omni directional antennae on a triangular headframe, resulting in a total height of 39.5m.

All electrical equipment associated with the facility would be contained within the existing Telstra Exchange building (3.2m wide by 4.8m deep and 3.0m high). The proposed facility would be enclosed by the existing fenced leased area (15.3m by 12.2m). The existing toilet building currently situated adjacent to the exchange building would be removed.

Access to the site would be via the existing access off Yeo-Yeodene Road with power provided via the existing fibre and power supply routes.

6. SITE & SURROUNDS

The site is located on the southern side of Yeo-Yeodene Road, Yeodene and to the west of its junction with McCalls Road. The junction of Yeo-Yeodene Road with Colac-Forest Road is located approximately 90m east of the subject land. The site of the proposed monopole is relatively flat at 217m AHD. With the exception of the scattered vegetation to the south, the site does not contain any significant vegetation cover.

The subject land is identified on title as Lot 2 PS614498, which comprises three separate pieces of land. The site of the proposed monopole is a cleared area of land leased to Telstra and under private ownership. A Section 173 Agreement (AF737178G, dated 26/03/2008) is recorded on site. This Agreement relates to land management within the southern parcel of Lot 2 and does not impact on the site of the proposed development. The site and surrounding land is currently used for open grazing and is located within the Farming Zone (FZ) and covered by a number of overlays. The closest dwelling to the site of the proposed monopole is the residence at 25 McCalls Road, which is 250m to the south east. The site is not identified as an area of cultural heritage sensitivity.

The applicant has advised that the site is considered to be appropriate for the following reasons:

- a) The site presents as an appropriate level ground location and no vegetation removal is required to accommodate the development; assisting in reducing any potential visual impact.
- b) The site presents an appropriate rural setting, being separate from surrounding sensitive land uses, and would utilise existing vegetation along the boundary as a screen.
- c) The proposed site would utilise the existing access, fibre connection and power source to the site.
- d) The proposed site achieves the coverage objectives for surrounding properties and roads.

Site Selection Criteria

Details of Telstra's site selection process are set out in the report on PP226/2016, elsewhere on this agenda.

The applicant has advised that Telstra has carefully examined a range of possible alternative sites in the area before concluding that a new telecommunications facility at 420 Yeo-Yeodene Road, Yeodene would be the most appropriate solution to provide necessary mobile phone coverage to this district and surrounding areas as part of the Federal Government's Mobile Black Spot Program.

The applicant advised that no co-location opportunities exist on existing telecommunications infrastructure within the Yeodene area. An option to co-locate on an existing mast in Warncoort was explored, but rejected due to the distance from the search area and coverage concerns. The co-location options considered are discussed in more detail later in this report.

7. PUBLIC NOTICE

The application was exempt from the requirement for public notice, for the same reasons as discussed in the report on application PP226/2016.

8. REFERRALS

In accordance with Section 55 of the Planning and Environment Act 1987 (the Act), the application was referred to Barwon Water and Wannon Water as determining authorities under the provisions of ESO3. The Department of Environment, Land, Water and Planning was also notified of the application under Section 52 of the Act in accordance with the provisions of ESO3.

Barwon Water advised that the site is located within the Barwon Downs Wellfield Intake Supply Protection Area, and raised no objection subject to a condition being imposed on any permit issued.

Wannon Water advised the site is not within its catchment area and that it has no objection to the application.

The Department of Environment, Land, Water and Planning has not objected to this proposal and has not recommended any conditions in the event a permit is issued.

The application was referred internally to Council's Infrastructure and Building Units, neither of which raised any objection to the proposal, subject to permit conditions.

9. PLANNING CONTROLS

The land is in the FZ and covered by ESO3, the BMO, VPO1, SLO1 and EMO1. A planning permit is required under the following provisions:

- Clause 35.07-4 – buildings and works associated with Section 2 Use (FZ)
- Clause 42.01-2 – buildings and works (ESO3)
- Clause 44.01-1 – buildings and works (EMO1)
- Clause 42.03-2 – buildings and works (SLO1)
- Clause 52.19-2 - building and works for a Telecommunications Facility.

Apart from SLO1, and the fact that a permit is not required for the use of the land in this case, the permit triggers are the same as those considered for planning application PP226/2016, reported elsewhere on this agenda.

a. State and Local Planning Policy

The policy considerations are the same as those discussed in the report on PP226/2016.

The proposal is considered to accord with the principles of the State and Local Planning Policy Frameworks. The applicant has found that no other option could provide the extent of service required to the area, and has provided an appropriate and reasonable justification for the selection of the subject site. It is considered there would be no unreasonable adverse visual impact to the environment as a result of this proposal.

b. Clause 62 - Uses, buildings, works, subdivisions and demolition not requiring a permit

Clause 62 provides exemptions to permit requirements for Telecommunications Facilities when the requirements of Clause 52.19 are met. In this instance, Clause 52.19 requirements have not been satisfied and therefore a planning permit is required.

c. Zoning

The purpose of the Farming Zone is set out in the report on PP226/2016.

In this case, a planning permit is required for buildings and works associated with a Section 2 Use under Clause 35.07-4.

d. Overlays

i. Environmental Significance Overlay (ESO3 – Declared Water Supply Catchments)

The purpose and objectives of this overlay are set out in the report on PP226/2016.

A planning permit is required under the provisions of Clause 42.01-2 for buildings and works.

ii. Bushfire Management Overlay (BMO)

This site is covered by the Bushfire Management Overlay (BMO). Under the provisions of the BMO, a planning permit is not required for buildings and works associated with a Telecommunications Facility.

iii. Erosion Management Overlay (EMO1)

The purpose of this overlay is set out in the report on PP226/2016.

Under the provisions of the EMO1, a planning permit is required for buildings and works as the proposal would result in ground works exceeding 1m in depth and the exemptions listed within the Schedule to the overlay cannot be applied.

iv. Vegetation Protection Overlay (VPO1 – Significant and Remnant Vegetation)

This site is covered by the Vegetation Protection Overlay Schedule 1 (VPO1). The site of the proposed telecommunications facility does not require the removal of any native vegetation and, as such, a planning permit is not required under the provisions of this overlay.

v. Significant Landscape Overlay (SLO1 – Valleys, Hills and Plains Landscape Precinct)

This site is covered by the Significant Landscape Overlay Schedule 1 (SLO1). The purpose of this overlay is:

- ☒ *To identify significant landscapes.*
- ☒ *To conserve and enhance the character of significant landscapes.*

Under the provisions of SLO1, a planning permit is required for buildings and works as the exemptions listed within the Schedule to the overlay cannot be applied.

e. Particular Provisions

Clause 52.19 - Telecommunications Facility is discussed in the report on PP226/2016. The proposed facility is considered to require a permit under the provisions of Clause 52.19, as it is not identified as a Low Impact Facility or other exempt facility listed under Clause 52.19-2.

The purpose and principles of 'A Code of Practice for Telecommunications Facilities in Victoria' (July 2004), which is an incorporated document in the Colac Otway Planning Scheme and equally relevant to this application, are also discussed in the report on PP226/2016.

10. CONSIDERATION OF THE PROPOSAL

The proposed 35m high monopole and ancillary components would be located within an 186sqm fenced area.

The grey colouring and materials to be used in the construction of the monopole tower would assist in blending the monopole in with the surrounding natural landscape setting. The siting of the monopole would be at approximately 217m AHD and it would be located adjacent to the existing vegetation screen along Yeo-Yeodene Road. It is considered that the surrounding vegetation along McCalls Road and Yeo-Yeodene Road would provide a suitable visual barrier from the immediate surrounding properties and from Colac-Forest Road, which is located approximately 90m to the east at 212m AHD.

The closest dwelling is the residence at 25 McCalls Road, which is approximately 250m to the south east. Given the distance and the existing vegetation cover to the south east of the application site, and the vegetation surrounding this dwelling, it is considered that the proposed monopole would not have a detrimental impact on the amenity of its closest neighbour or any other surrounding properties.

It is considered that the proposed monopole would be consistent with the purpose of the zone and would not negatively impact on existing surrounding agricultural land use. The proposal would also assist in providing for improved telecommunications which would be beneficial to the Yeodene area and surrounds. The proposed monopole would provide the level of service coverage required, with minimal impact on the surrounding

area. In the proposed location, it is considered that the proposed monopole development would remain consistent with the provisions of the Farming Zone, occupying a small area within an existing Telstra compound (12.2m by 15.3m), whilst retaining productive agricultural land on the larger part of the lot. The proposed location would also ensure that the proposed non-agricultural development would not adversely affect the viability and use of the land for agriculture but would maintain the status quo. Overall it is considered that the proposal is consistent with the decision guidelines of the Farming Zone.

A number of alternative candidate sites were examined within the search area such as 125 Birregurra-Yeodene Road, 420 De La Rues Road and 90 Birregurra-Yeodene Road, Yeodene; however these candidate sites were discounted due to lack of owner interest. The applicant also considered the option of co-location on the existing NBN tower at 175 Trask Road, Warncoort but advised that, as that site is more than 7km from the proposed Telstra facility, it would not meet Telstra's coverage objective of providing mobile coverage to the local community of Yeodene.

As co-location is not a feasible option in this area, it is considered that utilising the existing Telstra site to mitigate the impact of the facility on the landscape would be acceptable. No vegetation removal would be required to facilitate the construction of the monopole. The proposed telecommunications equipment would be located within a compound area already leased by Telstra and containing an equipment cabinet. It is not considered that the proposed facility would cause a material loss of visual amenity to the surrounding area. The proposed location, away from ridgelines and residential areas, would utilise existing vegetation to screen the facility's lower and middle portions. The structure's colour scheme has been designed to fit in with the natural environment by using natural finishes on the structure and by retaining the equipment shelter in a pale eucalypt colour. The monopole would be positioned to allow for suitable signal dispersal to the surrounding area.

The applicant has submitted a Geotechnical Report by CivilTest (reference 1161100) which confirms that the monopole would be acceptable with regard to slope stability. The applicant has included the required Form A with the application, which concludes that the site can meet the acceptable risk criteria specified within the Schedule to Clause 44.01.

Principles in the Code of Practice for Telecommunications Facilities in Victoria

a. A telecommunications facility should be sited to minimise visual impact

It is considered that the proposed 35m high monopole would be suitably located to avoid any significant potential visual impact, having regard to the distance from the nearest residential dwellings and the surrounding vegetation cover. It is accepted that the proposed monopole, due to its height, proximity and location, would inevitably be seen from the adjacent and surrounding roads, such as Colac-Forest Road, which is unavoidable. However, given the significant vegetation cover surrounding the site and adjacent to Yeo-Yeodene Road and McCalls Road, it is considered that the proposed monopole would not be significantly visible or detrimental to the natural landscape character of the immediate and surrounding area. Whilst glimpses of the top of the monopole may be evident from Colac-Forest Road, it is considered that the proposed location would strike an acceptable balance between visual impact and net community benefit. The proposed location is also considered to be suitably separated from any nearby dwellings, as discussed earlier in this report.

On balance, it is considered that the proposed telecommunications facility would be appropriately sited to minimise visual impact on the landscape setting and to avoid compromising existing views from the broader surrounding area. The proposal is considered to meet the requirements of Principle A.

b. Telecommunications facilities should be co-located wherever practical

As discussed earlier in this report, there are no alternative candidate sites within the immediate location of the application land and, as such, co-location is not an option available. It should also be noted that the proposed Telstra monopole would provide a future co-location opportunity.

In view of this, it is considered that the applicant has considered the option of co-location on this site and Principle B has been addressed.

c. Health standards for exposure to radio emissions will be met

The issue of health standards has been discussed in the report on PP226/2016, elsewhere on this agenda. As part of the application submitted, the applicant included an Electromagnetic Energy (EME) Report. The report demonstrates that the proposed facility would comply with the Standard, with the maximum predicted EME equating to 0.063% of the maximum public exposure limit. This is considered to be substantially less than the 1% of the minimum allowable exposure limit (where 100% of the limit is still considered to be safe).

It is considered that Principle C has been addressed.

d. Disturbance and risk relating to siting and construction should be minimised

It is noted that the site contains an existing telecommunications equipment cabinet and, as such, is considered to comprise a modified environment. Given the nature of the works, it is considered that any disturbance to the site in this location would be minimal and limited to the existing compound area, with the power line and access track existing. The applicant has advised that the installation of the proposed facility could be undertaken at any time and it is not anticipated that it would affect the use of the site or the surrounding area. In view of this, it is considered that Principle D has been addressed.

e. Construction activity and site location should comply with State environment protection policies and best practice environmental management guidelines

The construction of the facility is designed to be carried out in accordance with relevant Occupational Health and Safety Guidelines. In view of this, it is considered that Principle E has been addressed.

The proposal has been assessed against the relevant criteria and policies as detailed above. It is considered overall that the purpose of the Code of Practice has been satisfied. The proposal has satisfactorily addressed the principles for design, siting, construction and operation of 'A Code of Practice for a Telecommunications Facility'.

11. COUNCIL PLAN / OTHER STRATEGIES / POLICY

Relevant pillars in the Council Plan are:

A Planned Future

Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, live ability and development of the shire and encourage innovation and efficiency in the local economy.

A Healthy Community and Environment

Actively connects and includes people of all ages and backgrounds and promotes a healthy and vibrant community life in a clean, safe and sustainable environment.

Within this pillar, there is a goal to "respect cultural differences, support a range of healthy and creative activities, foster community safety and promote environmental sustainability".

Amongst the relevant services/activities listed is emergency management coordination. A relevant strategy is to:

“Support community safety initiatives, local law enforcement and emergency management”.

As noted in this report, the proposal would result in improved communications, which in turn would help provide the community with the services and facilities it needs now and in the future, and would also help to support a prosperous economy where trade, manufacturing and business activity flourishes. In addition, improved coverage would assist in improving emergency management, which also would be beneficial to the community.

12. FINANCIAL & OTHER RESOURCE IMPLICATIONS

The proposal raises no financial or resourcing implications for Council.

13. RISK MANAGEMENT & COMPLIANCE ISSUES

If the proposal was to proceed, it would contribute to improved communications in this area which, amongst other things, would enhance the capacity of the local community and fire agencies to communicate in emergency situations, which is particularly important for the Shire given its high wildfire risk.

14. ENVIRONMENTAL CONSIDERATION / CLIMATE CHANGE

Any relevant environmental considerations have been addressed within this report.

15. COMMUNICATION STRATEGY / CONSULTATION PERIOD

Clause 52.19-4 of the Colac Otway Planning Scheme provides an exemption from the public notification process if an application for a permit for a Telecommunications Facility is funded, or partly funded, by the Victorian or Commonwealth governments through the Mobile Black Spot Programme.

16. CONCLUSION

Allowing this proposal, which is part of the Federal Government’s Mobile Black Spot Program, would improve telecommunications service coverage in this part of the Shire. The proposal is considered generally consistent with the State and Local Planning Policy Frameworks, zoning requirements, and current local policies.

Having given due regard to the matters discussed above, it is considered that the application should be supported, subject to conditions.

17. CONCLUSION

Recommendation

That Council resolves to issue a planning permit for the Construction of a Telecommunications Facility (35m Monopole) and Associated Works at 420 Yeo-Yeodene Road, Yeodene (Lot 2 PS614498) subject to the following conditions:

Endorsed plans

1. ***The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Amenity

2. ***The nature and colour of building materials employed in the construction of the monopole hereby permitted must be non-reflective, to the satisfaction of the Responsible Authority.***
3. ***The telecommunications facility hereby permitted must be maintained in good condition to the satisfaction of the Responsible Authority.***

Geotechnical Assessment

4. ***The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment by CivilTest (reference 1161100, dated 31 October 2016) and the addendum to that report dated 30 November 2016, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Removal of facility

5. ***In the event that the telecommunications facility hereby permitted ceases to be operational, the facility must be decommissioned and removed from the site in its entirety within 12 months of the use ceasing, and the land must be re-instated, all to the satisfaction of the Responsible Authority.***

Barwon Water condition

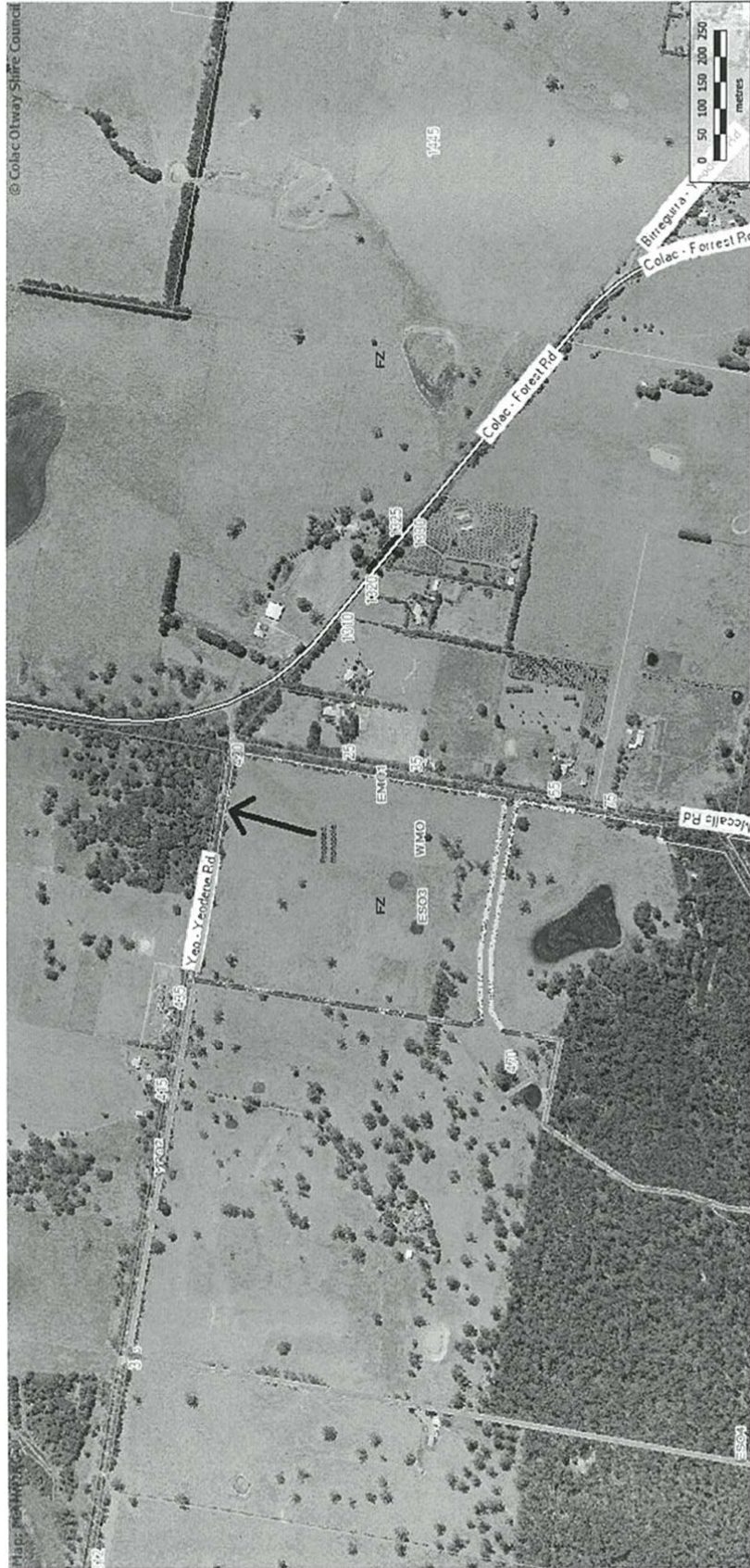
6. ***The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:***
 - a) ***Stormwater must not be released directly into any waterway and must be directed away from any existing or approved effluent fields.***
 - b) ***Sediment control measures outlined in the EPA's publication No 275, Sediment Pollution Control, shall be employed during construction and maintained until the disturbed area has been revegetated.***

Expiry

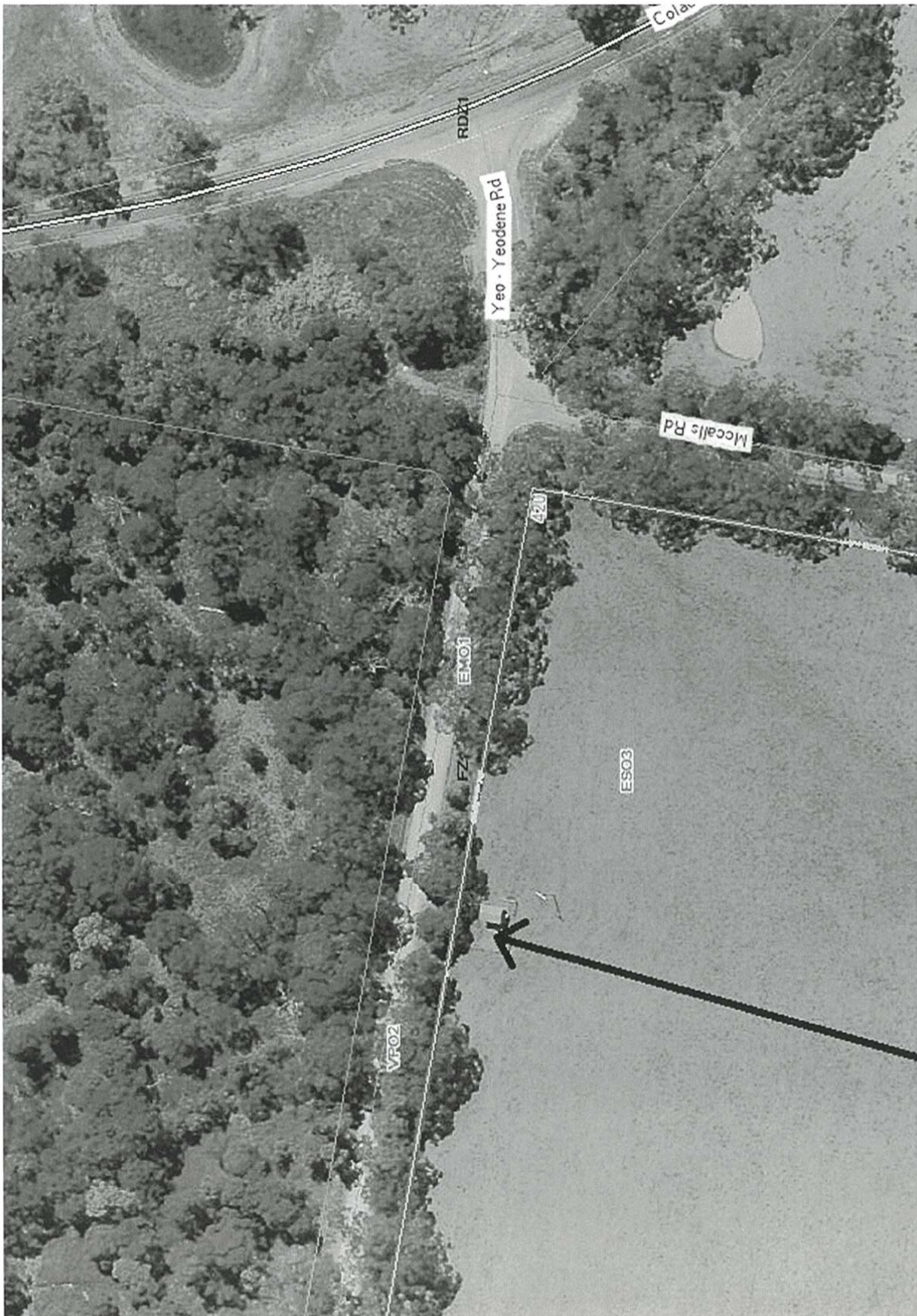
7. ***This permit will expire if one of the following circumstances applies:***
 - a) ***The development is not commenced within two years of the date of this permit.***
 - b) ***The development is not completed within four years of the date of this permit.***

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

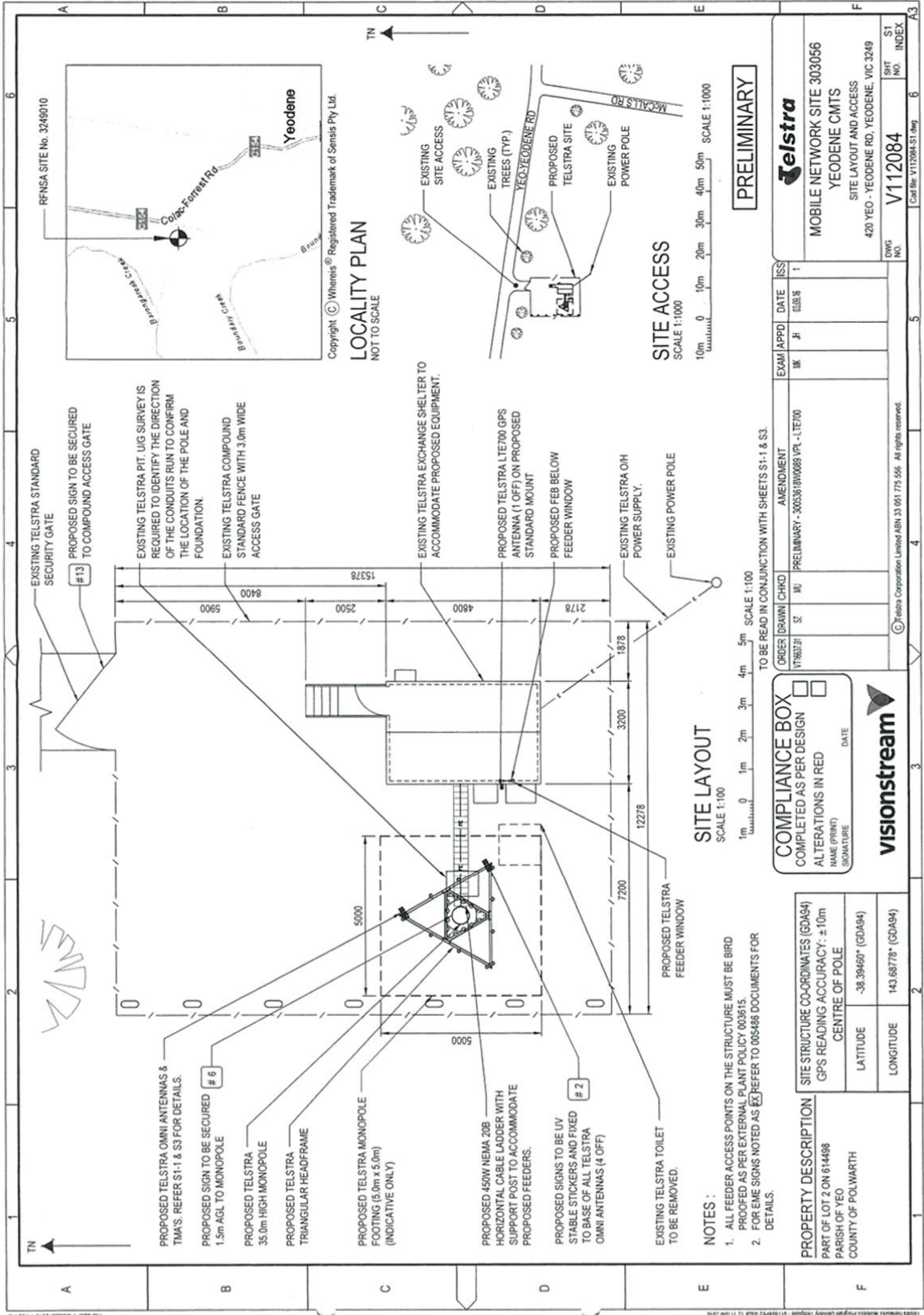
~~~~~











EXISTING TELSTRA STANDARD SECURITY GATE #13  
 PROPOSED SIGN TO BE SECURED TO COMPOUND ACCESS GATE

EXISTING TELSTRA LUG SURVEY IS REQUIRED TO IDENTIFY THE DIRECTION OF THE CONDUITS RUN TO CONFIRM THE LOCATION OF THE POLE AND FOUNDATION.

EXISTING TELSTRA COMPOUND STANDARD FENCE WITH 3.0m WIDE ACCESS GATE

EXISTING TELSTRA EXCHANGE SHELTER TO ACCOMMODATE PROPOSED EQUIPMENT.

PROPOSED TELSTRA LTE/700 GPS ANTENNA (1 OFF) ON PROPOSED STANDARD MOUNT

PROPOSED FEB BELOW FEEDER WINDOW

EXISTING TELSTRA OH POWER SUPPLY

EXISTING POWER POLE

PROPOSED TELSTRA OMNI ANTENNAS & TIMAS. REFER S1-1 & S3 FOR DETAILS.

PROPOSED SIGN TO BE SECURED TO MONOPOLE #6

PROPOSED TELSTRA 35.0m HIGH MONOPOLE

PROPOSED TELSTRA TRIANGULAR HEADFRAME

PROPOSED TELSTRA MONOPOLE FOOTING (5.0m x 5.0m) (INDICATIVE ONLY)

PROPOSED 450W NEMA 208 HORIZONTAL CABLE LADDER WITH SUPPORT POST TO ACCOMMODATE PROPOSED FEEDERS.

PROPOSED SIGNS TO BE LIV STABLE STICKERS AND FIXED TO BASE OF ALL TELSTRA OMNI ANTENNAS (4 OFF)

EXISTING TELSTRA TOILET TO BE REMOVED.

PROPOSED FEEDER WINDOW

EXISTING TELSTRA OH POWER SUPPLY

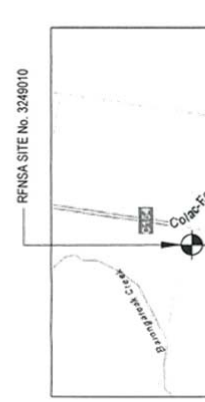
EXISTING POWER POLE

EXISTING POWER POLE

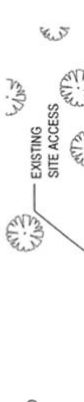
EXISTING POWER POLE

LOCALITY PLAN  
 NOT TO SCALE

Copyright © Whereis® Registered Trademark of Sensis Pty Ltd.



SITE ACCESS  
 SCALE 1:1000



SITE LAYOUT  
 SCALE 1:100

COMPLIANCE BOX  
 COMPLETED AS PER DESIGN  
 ALTERATIONS IN RED  
 NAME (PRINT) DATE  
 SIGNATURE

visionstream

PROPERTY DESCRIPTION  
 PART OF LOT 2 ON 614488  
 PARISH OF YEO  
 COUNTY OF POLWARTH

SITE STRUCTURE CO-ORDINATES (GDA94)  
 GPS READING ACCURACY: ± 10m  
 CENTRE OF POLE

LATITUDE -38.39450° (GDA94)  
 LONGITUDE 143.68778° (GDA94)

NOTES:  
 1. ALL FEEDER ACCESS POINTS ON THE STRUCTURE MUST BE BIRD PROOFED AS PER EXTERNAL PLANT POLICY 003615.  
 2. FOR EME SIGNS NOTED AS EX REFER TO 005488 DOCUMENTS FOR DETAILS.

| ORDER / DRAWN / CHKD | AMENDMENT                                | EXAM / APPD | DATE | ISS      |   |
|----------------------|------------------------------------------|-------------|------|----------|---|
| V176527 / ST         | PRELIMINARY - 30053619/0085 VPL - LTE700 | TK          | JF   | 10/08/16 | 1 |

TO BE READ IN CONJUNCTION WITH SHEETS S1-1 & S3.

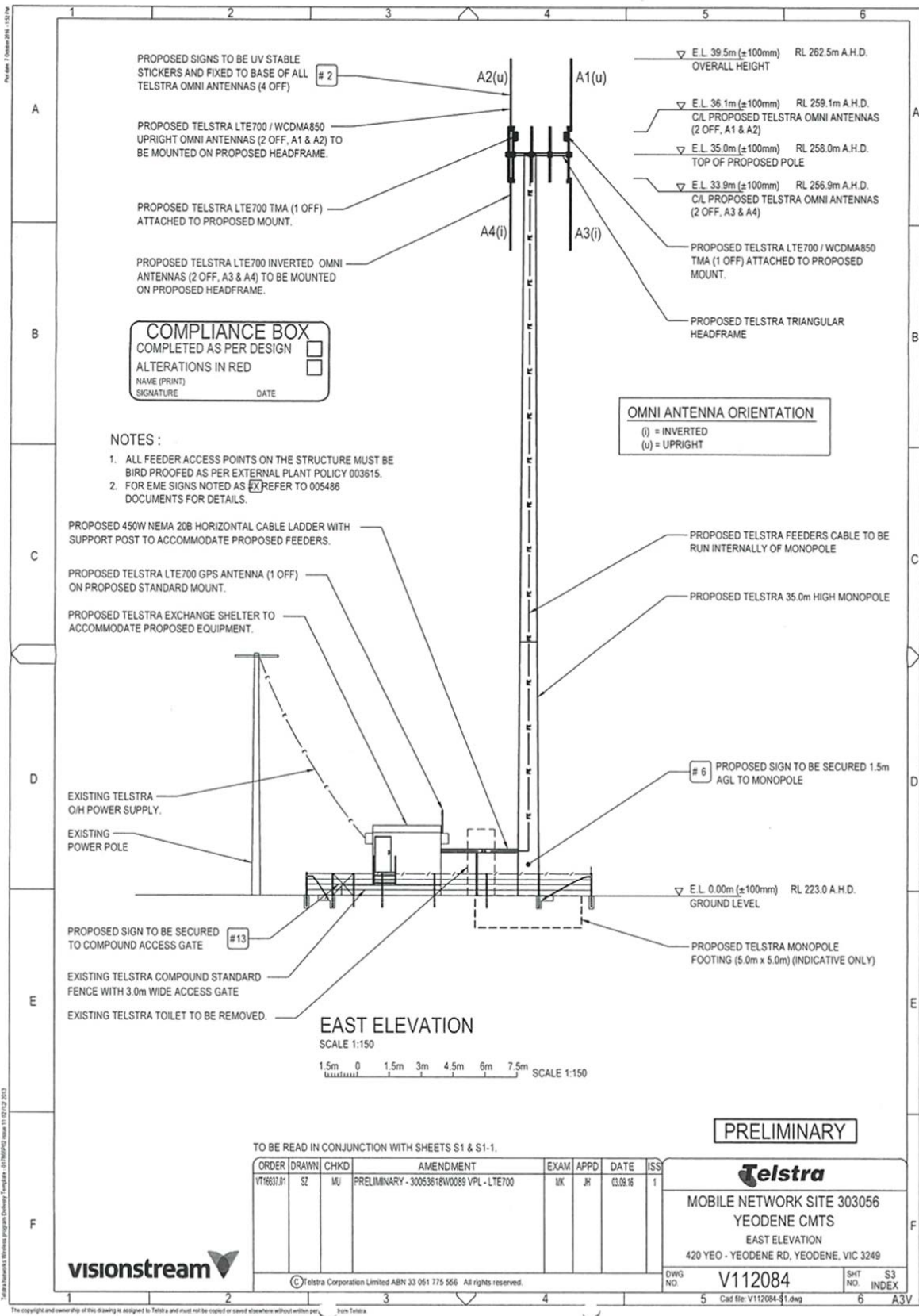
© Telstra Corporation Limited ABN 33 061 175 556. All rights reserved.

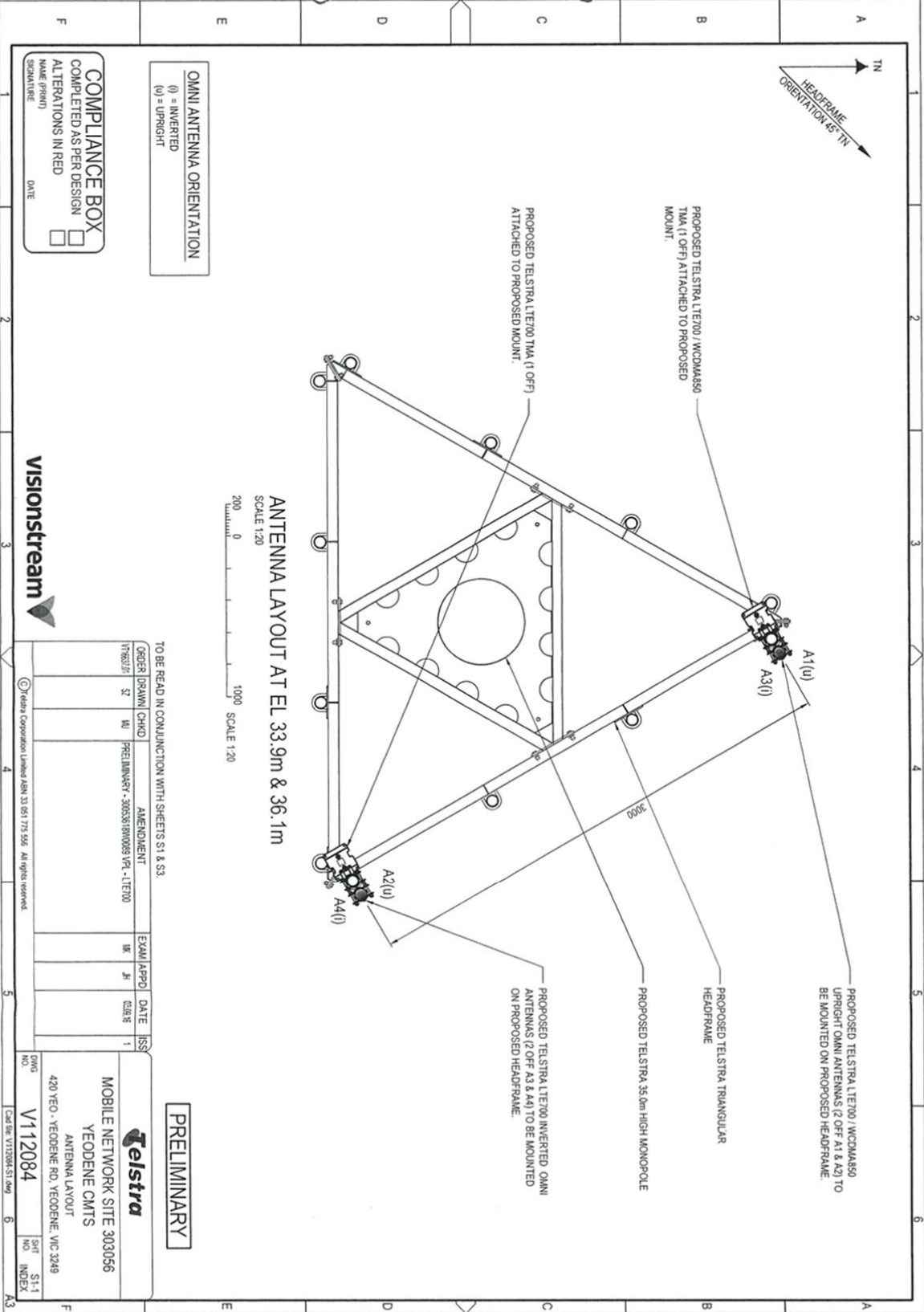
MOBILE NETWORK SITE 303056  
 YEODENE CMTS  
 SITE LAYOUT AND ACCESS  
 420 YEO - YEODENE RD, YEODENE, VIC 3249

DWG NO. V112084  
 SKT NO. 6  
 INDEX

RFNSA SITE No. 3249010

Scale bars for 1:1000 and 1:100.







Planning Enquiries  
 Phone: (03) 5232 9412  
 Web: www.colacotway.vic.gov.au

|                        |              |
|------------------------|--------------|
| <b>Office Use Only</b> | Fee: \$      |
| Application No.:       | Receipt No.: |
| Date Lodged: / /       | Ward:        |
| Date Allocated: / /    | Zone(s):     |
| Allocated to:          | Overlay(s):  |

## Application for Planning Permit

Use this form to make an application for a planning permit and to provide the information required by section 47 of the *Planning and Environment Act 1987* and regulations 15 and 38 of the *Planning and Environment Regulations 2005*.

Supplementary information requested in this form should be provided as an attachment to your application.  Please print clearly or complete the form electronically (refer to How to complete the Application for Planning Permit form).

### Privacy notice

**▲** Information collected with this application will only be used to consider and determine the application. It will be made available for public inspection in accordance with section 51 of the *Planning and Environment Act 1987*.

### Need help with the application?

If you need help to complete this form, read *How to complete the Application for Planning Permit form*. For more information about the planning process, refer to *Planning: a Short Guide*. These documents are available from your local council, the Planning Information Centre (Ph: 03 9637 8610, 8 Nicholson Street, Melbourne), or [www.dse.vic.gov.au/planning](http://www.dse.vic.gov.au/planning).

Contact council to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

- ① Has there been a pre-application meeting with a council officer?

Yes  No

If yes, with whom?:

Date: / /

### The land

- ② Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address

Street No.: 420

Street Name: Yeo-Yeodene Road

Suburb/Locality: Yeodene

Postcode: 3 2 4 9

Formal Land Description

**▲** This information can be found on the certificate of title.

Lot No.: 2

on Lodged Plan, Title Plan or Subdivision Plan No.: 614498

OR

Crown Allotment No.:

Section No.:

Parish Name:

- ③ Title information.

Attach a full, current copy of title information for each individual parcel of land, forming the subject site.

- ④ Describe how the land is used and developed now.

eg. single dwelling, three dwellings, shop, factory, medical centre with two practitioners, licensed restaurant with 80 seats.

Agricultural / Rural. Existing Telstra Exchange building.

- ⑤ Plan of the land.

Attach a plan of the existing conditions. Photos are also helpful.



## The proposal

**▲** You must give full details of your proposal and attach the information required to assess the application.

If you do not give enough detail or an adequate description of the proposal you will be asked for more information. This will delay your application.

- 6 For what use, development or other matter do you require a permit?

Read *How to complete the Application for Planning Permit form* if you need help in describing your proposal.

Telecommunications Facility. 35 metre monopole with 4 omni-directional antennas on triangular headframe. Associated electrical equipment to be housed in existing Telstra Exchange building. Use of existing access and fenced lease area.

- 7 Additional information about the proposal.

Contact council or refer to council planning permit checklists for more information about council's requirements.

Attach additional information providing details of the proposal, including:

- Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
- Plans showing the layout and details of the proposal.
- If required, a description of the likely effect of the proposal (eg. traffic, noise, environmental impacts).

- 8 Encumbrances on title.

Encumbrances are identified on the certificate of title.

Is the land affected by an encumbrance such as a restrictive covenant, section 173 agreement or other obligation on title such as an easement or building envelope?

- No, go to 9.
- Yes,  Attach a copy of the document (instrument) specifying the details of the encumbrance.
- Does the proposal breach, in any way, the encumbrance on title?
- No, go to 9.
- Yes, contact council for advice on how to proceed before continuing with this application.

**▲ Note**

Council must not grant a permit that authorises anything that would result in a breach of a registered restrictive covenant (sections 61(4) and 62 of the *Planning and Environment Act 1987*). Contact council and/or an appropriately qualified person for advice.

## Costs of buildings and works/permit fee

Most applications require a fee to be paid. Where development is proposed, the value of the development affects the fee. Contact council to determine the appropriate fee.

- 9 Estimated cost of development for which the permit is required.

Cost \$ 240,000.00

**▲** You may be required to verify this estimate.

Write 'NIL' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

- 10 Do you require a receipt for the permit fee?

Yes  No

## Contact, applicant and owner details

11 Provide details of the contact, applicant and owner of the land.

### Contact

The person you want Council to communicate with about the application.

|                                                    |                                     |
|----------------------------------------------------|-------------------------------------|
| Name: Sean Brien                                   |                                     |
| Organisation (if applicable): Visionstream Pty Ltd |                                     |
| Postal address: Locked Bag 4001                    |                                     |
| Heatherton, VIC                                    | Postcode: 3 2 0 2                   |
| Contact phone: 9242 8868                           | <input checked="" type="checkbox"/> |
| Mobile phone:                                      | <input type="checkbox"/>            |
| Email: sean.brien@visionstream.com.au              | <input checked="" type="checkbox"/> |
| Fax:                                               | <input type="checkbox"/>            |

Indicate preferred contact method

### Applicant

The person or organisation who wants the permit.

Same as contact. If not, complete details below.

|                                                        |                   |
|--------------------------------------------------------|-------------------|
| Name: Telstra Corporation Limited                      |                   |
| Organisation (if applicable): C/- Visionstream Pty Ltd |                   |
| Postal address: Locked Bag 4001                        |                   |
| Heatherton, VIC                                        | Postcode: 3 2 0 2 |

### Owner

The person or organisation who owns the land.

Same as contact  Same as applicant

Where the owner is different from the applicant or contact, provide the name of the person or organisation who owns the land.

|                                               |                   |
|-----------------------------------------------|-------------------|
| Name (if applicable): Michael Hayden McDoland |                   |
| Organisation (if applicable): N/A             |                   |
| Postal address: 420 Yeo-Yeodene Road          |                   |
| Yeodene, VIC                                  | Postcode: 3 2 4 9 |

## Checklist

12 Have you?

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration on the next page?

## Declaration

- ⑬ This form must be signed.  
Complete one of A, B or C

▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

### A Owner/Applicant

I declare that I am the applicant and owner of the land and all the information in this application is true and correct.

Signature

Date:  /  /

### B Owner

I declare that I am the owner of the land and I have seen this application.

Signature

Date:  /  /

### Applicant

I declare that I am the applicant and all of the information in this application is true and correct.

Signature

Date:  /  /

### C Applicant

I declare that I am the applicant and:

- I have notified the owner about this application;
- and all the information in this application is true and correct.

Signature *Jan Egan*

Date: 1 0 / 1 0 / 2 0 1 6

## Lodgement

Lodge the completed and signed form and all documents with:

Colac-Otway Shire

PO Box 283,  COLAC VIC 3250

2-6 Rae Street, COLAC VIC 3250

Telephone: (03) 5232 9412

Fax: (03) 5232 1046

For help or more information

Email: [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au)

TTY: (03) 5231 6787



**ORDINARY COUNCIL MEETING**  
**SECTION 96A COMBINED PLANNING SCHEME AMENDMENT C91 AND PLANNING PERMIT**  
**APPLICATION NO. PP58/2016-1 - REZONING AND RE-SUBDIVISION OF LAND AT 120 BARHAM**  
**RIVER ROAD, APOLLO BAY AND REZONING OF LAND AT 200 BARHAM RIVER ROAD, APOLLO BAY**  
**OM172501-4**

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                        |                                     |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-------------------------------------|
| <b>LOCATION / ADDRESS</b> | 120 Barham River Road and<br>200 Barham River Road,<br>Apollo Bay                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>GENERAL MANAGER</b> | Gareth Smith                        |
| <b>OFFICER</b>            | Francis Wong                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>DEPARTMENT</b>      | Development &<br>Community Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>CONFIDENTIAL</b>    | No                                  |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"> <li>1. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 1 - Subject Lots</li> <li>2. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 2 - Proposed Subdivision page 1</li> <li>3. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 2 - Proposed Subdivision page 2</li> <li>4. Amendment C91 - 120 Barham River Road APOLLO BAY - Figure 3 - Proposed Rezoning</li> <li>5. Amendment C91 - 120 Barham River Road APOLLO BAY - Explanatory Report</li> <li>6. Amendment C91 - 120 Barham River Road APOLLO BAY - Draft Planning Permit PP58/2016-1</li> </ol> |                        |                                     |
| <b>PURPOSE</b>            | Consider the adoption of Planning Scheme Amendment C91.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                        |                                     |

**1. DECLARATION OF INTERESTS**

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

**2. BACKGROUND**

A combined rezoning (C91) and re-subdivision application (PP58/2016-1) has been submitted to Council under Section 96A of the Planning and Environment Act 1987 (the Act). The proposal concerns a total of six lots (Attachment 1 identifies each of the six lots).



Figure 1 – Subject land

All lots, other than Lot 1 TP95752, are in the ownership of Barwon Water and have an address of 120 Barham River Road. Lot 1 TP95752 is in private ownership, with an address of 200 Barham River Road. Most of the land concerned is within the Rural Conservation Zone (RCZ), whilst parts of Lot 1 TP95752 and the whole of Lot 1 TP243582 are within the Public Use Zone 1 (PUZ1 – Service and Utility). The lots are completely covered by the Significant Landscape Overlay Schedule 3 (SLO3), partially by the Erosion Management Overlay Schedule 1 (EMO1), and partially by the Land Subject to Inundation Overlay (LSIO).



Figure 2 – Area covered by EMO1



Figure 3 – Area covered by LSIO

Lot 1 TP95752 contains an existing dwelling, whilst Lot 1 PS408749 and Lot 2 PS440381 contain a large water storage basin owned by Barwon Water. Lots 1 and 2 LP13765 are currently vacant. Lot 1 TP243582 currently contains a concrete lined basin, which previously acted as a pressure holding point for pumped water before it was gravity fed to the Apollo Bay Township. The easements connecting to the basin (the zigzag PUZ1-zoned land within Lot TP95752) comprise disused pipelines associated with the water holding basin and carriageway easements. As such, Lot 1 TP95752 contains land in two zones: PUZ1 for the easements and RCZ for the balance of the lot.

There are currently two legal agreements entered into under Section 173 of the Act attached to Lot 1 PS408749, Lot 2 PS440381, Lot 1 LP13765 and Lot 2 LP13765:

- AK987461V (26/03/2014), which requires land to be managed in accordance with the Land Management Plan.
- AK987508V (26/03/2014), which indemnifies the Responsible Authority (Colac Otway Shire Council) against liability, costs, etc. regarding infrastructure and water assets.

The intention of the proposal is to have the large water storage basin on one lot, with the balance of the land to be on a separate lot and the land rezoned to a more appropriate zoning (Attachments 2, 3, and 4). The application proposes:

- Re-subdivide four lots (Lot 1 PS408749, Lot 2 PS440381, Lot 1 LP13765 and Lot 2 LP13765) into two lots (proposed Lot 1 PS743873 and Reserve No. 1).
- Rezone proposed Reserve No. 1 from RCZ to PUZ1 (which would be the Barwon Water storage basin, and would reflect the use of the land for public purposes).
- Rezone Lot 1 TP243582 and part of Lot 1 TP95752 (the zigzag easements) from PUZ1 to RCZ. The easements would remain on title. It is not proposed to consolidate Lot 1 TP243582 (which is in the ownership of Barwon Water) with Lot 1 TP95752 (which is in private ownership).
- End the Section 173 agreement AK987508V on proposed Lot 1 PS743873, which would become a single lot in the RCZ (but retain the Agreement on proposed Reserve No. 1).

It is noted that the ending of the Section 173 agreement would occur as a separate process to this Section 96A combined application process.

It is not proposed to amend any of the overlays which apply to the land.

### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

#### A Planned Future

*Creates an attractive shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.*

#### *Our Goal:*

*Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.*

This amendment would apply the most appropriate zones to the land, which would be consistent with the current use and development of the land.

### 4. ISSUES / OPTIONS

#### Strategic justification for rezoning

The proposed rezoning and re-subdivision is strategically justified and would not cause material detriment to the surrounding areas as the intention of the proposal is to reflect the existing use and development on the land. The rezoning would formalise the use and development of the land for the Barwon Water storage basin, and would result in the basin being located in the appropriate zone of PUZ1 (Service and Utility). Similarly, the rezoning of Lot 1 TP243582 and part of Lot 1 TP95752 from PUZ to RCZ would apply appropriate zoning to the privately owned land, and would match the zoning, and the existing use and development of the balance of Lot 1 TP95752.



The relationship of the Barwon Water storage basin to adjoining land would not alter, as the current use would remain the same and the proposal does not include any buildings or works. Both of the proposed lots would retain independent access to Barham River Road.

#### Strategic justification for rezoning of the Barwon Water storage basin

Under the current planning provision any buildings or works that Barwon Water requires in association with its water storage basin would require planning permission. The water storage basin is classed as a 'Utility installation' in land use terms, which has the following definition:

##### *Land used:*

- a) For telecommunications;*
- b) To transmit or distribute gas, oil, or power;*
- c) To collect, treat, transmit, store, or distribute water; or*
- d) To collect, treat, or dispose of storm or flood water, sewage, or sullage.*

A 'Utility installation' is a Section 2 Use (permit required) in the RCZ and therefore triggers a requirement for a planning permit for buildings and works. Furthermore, there are setback triggers within the RCZ that would trigger a requirement for planning permission, particularly the setback triggers from a waterway or from a designated floodplain (i.e. LSIO). This is considered to be an unnecessary requirement and does not serve any strategic planning purpose.

By allowing the rezoning and subdivision, the water storage basin would be within the appropriate zone of PUZ1, which would not trigger a requirement for planning permission for any buildings or works associated with 'Service and Utility'.

#### Strategic justification for partial rezoning of Lot 1 TP95752 from PUZ1 to RCZ

The partial PUZ1 zoning of Lot 1 TP95752 is seen as inappropriate in terms of private land being burdened by a public use zoning (PUZ1), as it means planning permission would be required for any buildings or works that are not undertaken by a public land manager associated with 'Service and Utility'.

Allowing the rezoning from PUZ1 to RCZ would bring the whole of Lot 1 TP95752 into one contiguous zone that would appropriately reflect the existing use and development of the lot.

#### Strategic justification for rezoning of Lot 1 TP243582 from PUZ1 to RCZ

Barwon Water has advised that this lot, which contains remnant infrastructure, is no longer required for its business. It is considered that the land could be reinstated and put to pasture, with the RCZ consistent with the adjoining land use and allowing for a variety of rural uses, as opposed to the PUZ1 that would only allow a 'Service and Utility' use.

#### Strategic justification for re-subdivision

The proposed re-subdivision of the four lots into two lots would facilitate the appropriate rezoning of the land. The Barwon Water storage basin is currently within two lots, which includes a large parcel of land to the north that is not currently being used by Barwon Water.

It is therefore considered appropriate to allow the re-subdivision so that the Barwon Water storage basin would be within one contiguous 10.79 hectare lot, with the balance of the land to be within another contiguous 28.35 hectare lot, which could then be made available for other more appropriate uses within the RCZ. Both lots would continue to have independent access to Barham River Road.

## Public Exhibition

After receiving authorisation from the Minister on 9 September 2016, C91 was publicly exhibited for eight weeks between 21 September and 16 November 2016.

No submissions were received during the public exhibition of the amendment.

## Options

Council may adopt or abandon Amendment C91. If adopted, Council must submit the amendment to the Minister for approval, together with a copy of the recommendation on the proposed subdivision and the proposed permit. If Council resolves to abandon the amendment, it must notify the proponent of its decision.

## **5. PROPOSAL**

It is recommended that Council adopt Amendment C91 as exhibited, and submit it to the Minister for approval.

## **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

The financial cost of the amendment is being borne by the proponent.

## **7. RISK MANAGEMENT AND COMPLIANCE ISSUES**

There are no risk management or compliance issues associated with the proposed combined amendment.

## **8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS**

There are no environmental or climate change considerations associated with the proposed combined amendment.

## **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected for this amendment was to inform and consult.

The public exhibition of the amendment was undertaken through the following methods: The Notice of Amendment was published in the Colac Herald newspaper and the Government Gazette. Notices were sent to the prescribed ministers and landowners and occupiers of properties adjoining and opposite to the subject land. The exhibition documents were made available for public viewing at the Council office in Colac and on Council's website.

## 10. IMPLEMENTATION

The subdivision and rezoning would be implemented via a combined application for a Planning Scheme Amendment (C91) and a subdivision permit (PP58/2016-1). In order to proceed with the amendment, it must be adopted by Council and submitted to the Minister with the draft permit for approval.

## 11. CONCLUSION

Amendment C91 seeks to rezone and re-subdivide land at 120 Barham River Road, Apollo Bay and rezone land at 200 Barham River Road, Apollo Bay.

It is recommended that Council adopts the amendment, recommends that a permit is granted for the proposed subdivision, and submits the amendment and a copy of the proposed permit to the Minister for approval.

## 12. RECOMMENDATION

### Recommendation


*That Council:*

- 1. Pursuant to Section 29 of the Planning and Environment Act 1987, adopts Amendment C91 as exhibited without changes.*
- 2. Pursuant to Section 31 of the Planning and Environment Act 1987, submits Amendment C91 to the Minister for Planning together with the prescribed information for approval.*
- 3. Pursuant to Section 96H of the Planning and Environment Act 1987, submits proposed planning permit PP58/2016-1 to the Minister, together with adopted Amendment C91.*
- 4. Pursuant to Section 96G of the Planning and Environment Act 1987, recommend to the Minister that proposed planning permit PP58/2016-1 be granted as exhibited without changes.*

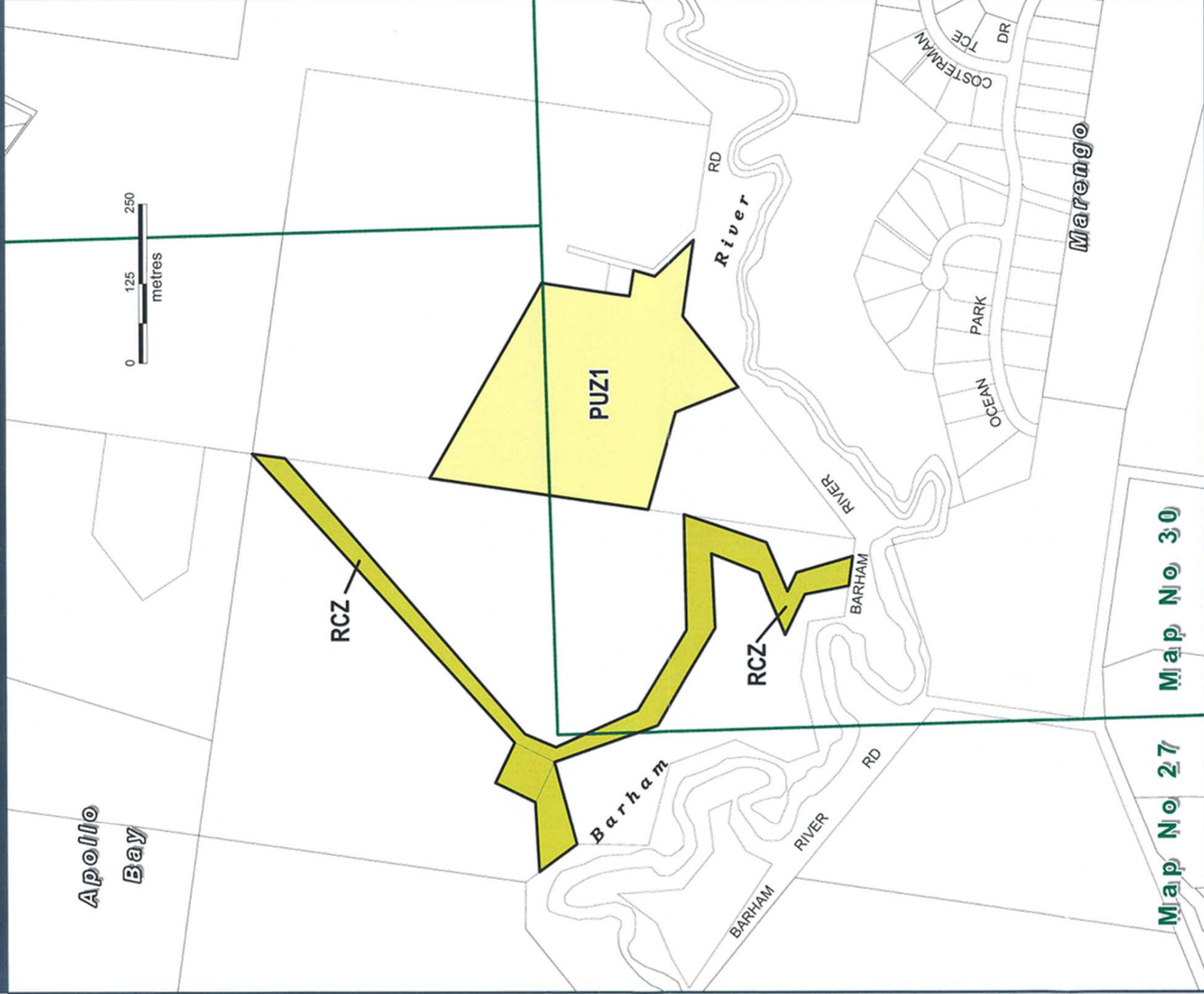
~~~~~




Figure 1 – Subject Lots

PLAN OF SUBDIVISION	LV USE ONLY EDITION	PLAN NUMBER PS 743873Q
LOCATION OF LAND		
<p>PARISH: KRAMBRUK COUNCIL NAME: COLAC OTWAY SHIRE COUNCIL REF:</p> <p>TOWNSHIP: -----</p> <p>SECTION: 1</p> <p>CROWN ALLOTMENT: 5 (PART)</p> <p>CROWN PORTION: -----</p> <p>TITLE REFERENCES: Vol.5881 Fol.025, Vol.6137 Fol.288, Vol.10579 Fol.241 & Vol.10453 Fol.057</p> <p>LAST PLAN REFERENCE/S: LP13765 (Lots 1 & 2), PS440381E (Lot 2) & PS408749Q (Lot 1)</p> <p>POSTAL ADDRESS: 120 BARHAM RIVER ROAD, (At time of subdivision) APOLLO BAY, 3233</p> <p>MGA94 Co-ordinates E 730 620 (of approx centre of N 5 706 080 land in plan) ZONE 54</p>		
VESTING OF ROADS AND/OR RESERVES		
Roads and reserves vest in the council/body/person named upon registration of this plan.		
IDENTIFIER	COUNCIL/BODY/PERSON	
RESERVE No.1	BARWON REGION WATER CORPORATION	
NOTATIONS		
DEPTH LIMITATION: DOES NOT APPLY		
STAGING This is/is not a staged subdivision.		
THIS IS A SPEAR PLAN.		
30041890S.06-VER B.DWG LFM/AG		
NOTATIONS		
NO LAND IS TO BE ACQUIRED BY THIS PLAN		
THIS PLAN IS BASED ON SURVEY		
THE LAND IN THE SURVEY IS SHOWN ENCLOSED BY THICK CONTINUOUS LINES.		
OTHER PURPOSE OF THE PLAN:		
1. REMOVAL OF POWERLINE EASEMENT SHOWN AS E-2 ON PS440381E.		
2. REMOVAL OF WAY, SUPPLY OF WATER & DRAINAGE EASEMENT SHOWN AS E-3 ON PS440381E.		
3. REMOVAL OF SUPPLY OF WATER EASEMENT SHOWN AS E-5 ON PS440381E AS AFFECTS LAND ON THIS PLAN.		
GROUND FOR REMOVAL OF EASEMENT:		
AS DIRECTED IN PLANNING PERMIT		
EASEMENT INFORMATION		
LEGEND E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)		
Easement Reference	Purpose	Origin
E-1	POWERLINE	PS 408749Q (SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993)
E-2	POWERLINE	PS 440381E (SECTION 44 OF THE ELECTRICITY INDUSTRY ACT 1993)
E-3	SEWERAGE	U601235U PS 408749Q 2494824
E-4	WATER SUPPLY POWERLINE	THIS PLAN (SECTION 88 ELECTRICITY ACT 2000)
		Land Benefited/in Favour Of
		POWERCOR
		POWERCOR
		OTWAY REGION WATER AUTHORITY BARWON REGION WATER AUTHORITY APOLLO BAY WATERWORKS TRUST
		POWERCOR AUSTRALIA LIMITED
		SURVEYOR REF: 1890S.06
Geelong Survey T 5228 3100		ORIGINAL SHEET SIZE: A3
DIGITALLY SIGNED BY LICENSED SURVEYOR: JOHN RICHARD MCKENZIE		SHEET 1 OF 2
VERSION B		

COLAC OTWAY PLANNING SCHEME



Part of Planning Scheme Maps 27 & 30

- LEGEND**
- Rural Conservation Zone
 - Public Use Zone - Schedule 1

AMENDMENT C91

| Planning Mapping Services |
| Planning Information Services |
| Planning |



COLAC OTWAY PLANNING SCHEME

AMENDMENT C91

EXPLANATORY REPORT

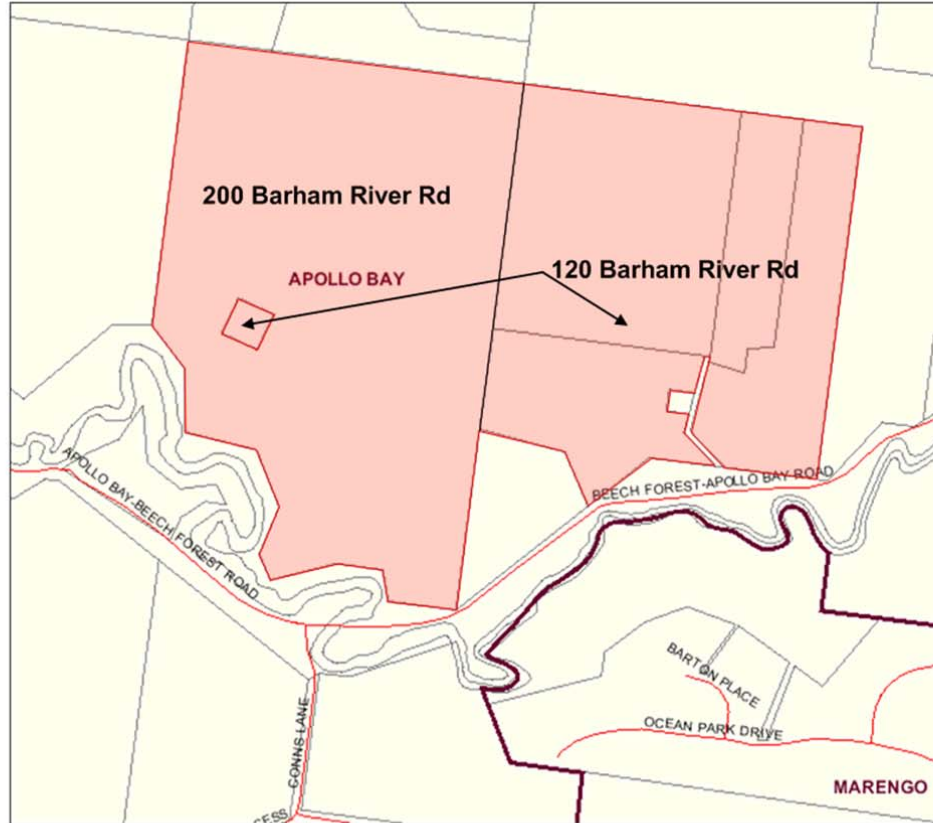
Who is the planning authority?

This amendment has been prepared by the Colac Otway Shire, which is the planning authority for this amendment.

The Amendment has been made at the request of SMEC on behalf of the Barwon Region Water Corporation.

Land affected by the Amendment

The Amendment applies to 120 Barham River Road, Apollo Bay (Lot 1 TP243582, Lot 2 PS440381, Lot 1 PS408749, and Lot 1 & 2 LP13765), and 200 Barham River Road, Apollo Bay (Lot 1 TP95752) as shown on the map below.



What the amendment does

The Amendment will rezone part of the land at 200 Barham River Road (Lot 1 TP95752) and the detached island parcel of 120 Barham River Road (Lot 1 TP243582), from the Public Use Zone 1 (PUZ1) to the underlying Rural Conservation Zone (RCZ), consistent with the surrounding area. The detached landholding of 120 Barham River Road is considered surplus to Barwon Water requirements, while the privately owned land at 200 Barham River Road is not currently used for the purposes specified under PUZ1. The amendment seeks to rezone the land for its underlying purpose.

The Amendment will also rezone part of 120 Barham River Road (Lot 2 PS440381, and Lot 1 PS408749), from the Rural Conservation Zone (RCZ) to the Public Use Zone 1 (PUZ1). This land comprises a Barwon Water-owned water storage basin and the amendment seeks to rezone the land for its ongoing public-use purpose.

Concurrent with the preparation of the planning scheme amendment, a planning permit application is also made pursuant to Section 96A of the *Planning and Environment Act 1987* (Planning Application PP58/2016-1). This application is to subdivide the four lots comprising 120 Barham River Road to create one separate title for the Barwon Water-owned storage basin and consolidate all other titles to create one lot (the balance lot) that can be divested.

The Amendment makes the following changes:

- Rezone land at 200 Barham River Road currently zoned Public Use Zone 1 - Service and Utility (PUZ1) to the Rural Conservation Zone (RCZ). This comprises Lot 1 TP95752 and the detached island parcel of 120 Barham River Road (Lot 1 TP243582);
- Rezone part of 120 Barham River Road (Lot 2 PS440381, and Lot 1 PS408749), Apollo Bay from the Rural Conservation Zone (RCZ) to the Public Use Zone 1 - Service and Utility (PUZ1); and
- Amend Planning Scheme Map 27 and 30.

Concurrent with the amendment, a planning permit application (Planning Application PP58/2016-1) has been made for a two lot subdivision to individually title the Barwon Water storage basin. Parts of the eastern parcels (Lot 2 PS440381, and Lot 1 PS408749) contain the basin site.

The amendment will change the planning scheme maps. No changes to policy clauses will occur.

The amendment is relatively minor and will generally serve to enable a private entity to purchase land surplus to Barwon Water's needs.

Strategic assessment of the Amendment

Why is the Amendment required?

Barwon Water has completed an extensive review of its property assets throughout the region to identify land that is surplus to its current and future operational needs. Zoning anomalies have been identified and it is sought to rectify these.

The land at 200 Barham River Road is currently partly in the Public Use Zone 1 - Service and Utility (PUZ1), however is privately owned. The 120 Barham River Road 'island lot' is owned by Barwon Water however is not used for public purposes. Application of the Rural Conservation Zone (RCZ) is proposed to reflect the underlying zoning of the local area and rectify a planning anomaly.

Part of the land at 120 Barham River Road comprises an existing Barwon Water asset (water storage basin) and Barwon Water wishes to rezone the land to reflect its ongoing use for this purpose. The land is currently within the Rural Conservation Zone (RCZ) and the application of the Public Use Zone 1 (PUZ1) is proposed to facilitate this current use.

The permit application accompanying the amendment will separate the land required for the water storage basin from that which has been identified as being surplus to Barwon Water's

needs. This will enable Barwon Water to divest the surplus land and enable ongoing use for rural residential purposes. The subdivision will define the lot that is to be rezoned to PUZ that will contain Barwon Water's assets.

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

The amendment implements the objectives of planning in Victoria as set out in Section 4(1) of the *Planning & Environment Act 1987* by:

- *Providing for the fair, orderly, economic and sustainable use and development of the land*

The amendment implements this objective by applying appropriate zones to enable the site to be used to its full potential. The amendment will enable the orderly provision of public utilities for the benefit of the community, while also enabling land not required for public use to be divested and used for purposes consistent with surrounding land.

- *Protecting natural and man-made resources, ecological processes and genetic diversity.*

The amendment will not impact significant flora and fauna habitats or ecological processes. While significant environmental attributes are present at the site and in the surrounding area, the amendment proposes to rezone agricultural and public use land that is largely altered from its natural state.

The amendment is predicted to result in improved land practices and it is important to note that development is not proposed. Once sold, the surplus land will predictably be subject to a greater level of management consistent with surrounding land uses and the natural environment.

- *Securing a pleasant, efficient, safe working, living and recreational environment.*

The amendment will facilitate Barwon Water to provide public utilities more efficiently. Divesting surplus land will allow Barwon Water to consolidate operations at the site and remain focused on service provision rather than managing land that is agricultural in nature.

- *Conserving and enhancing places of historic interest and cultural value*

Parts of the subject site have been identified as having historical interest and cultural value. The amendment will not impact these values with no new development proposed.

- *Protecting and enabling the orderly provision and coordination of public utilities and other facilities*

The amendment will facilitate improved provision of public utilities consistent to the planning scheme controls and policy objectives. As discussed previously, the amendment will allow Barwon Water to divest surplus land and focus on providing public utility provision rather than managing agricultural land.

- *Facilitating development in accordance with the above objectives*

Development is not proposed as part of the amendment.

- *Balancing the present and future needs of all Victorians*

The amendment will ensure that the planning controls are sufficiently appropriate for the underlying land uses that are currently occurring at the site. Appropriate zoning regimes assist with the future needs of Victorians.

Barwon Water has now spoken to the owners of the property surrounding the 'island lot' (Mr Nathan Telford) about the proposed rezoning of the land, which he has no objections toward. This PSA has been put forward to address a planning scheme anomaly, not

because Barwon Water are wanting to sell the isolated lot. Having said that, Mr. Telford has expressed his interest in reincorporating the concrete basin title into his property at a later date. Barwon Water has processes in place to facilitate the transfer of land-locked land to surround properties.

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

The amendment will have no adverse environmental, social or economic effects. The site is located within the Erosion Management Overlay (EMO1), Land Subject to Inundation Overlay (LSIO), and Significant Landscape Overlay (SLO3), and while altered for agricultural and service provision uses, has significant environmental values. The SLO3 in particular relates to the *Apollo Bay Coastal Valley and Hills Precinct*, providing an intersection of differing landscape elements which produce a '*landscape setting of national significance*'.

The proposed amendment and subdivision would not adversely affect or constrain these values, as it proposes to introduce zoning controls that are responsive to the existing conditions of the land, and allow its appropriate use. The amendment will apply the underlying zoning controls to 200 Barham River Road (privately owned) and the surplus Barwon Water land at 120 Barham River Road, whilst simultaneously removing these zoning controls from the existing water storage basin asset to facilitate its ongoing service and utility use.

An assessment of the site's Aboriginal cultural heritage significance identified no additional areas of significance located within the subject site. Previous assessments have identified four (4) registered cultural heritage places. Additionally, an approved CHMP applies to the heritage places within the site in relation to the construction and ongoing management of the Barwon Water asset on the land. Based on the findings of this CHMP assessment, it is considered that the proposed subdivision of the land would not detrimentally impact the identified heritage places within the property.

Does the Amendment address relevant bushfire risk?

The land is located within a Bushfire Prone Area. The future use and development of the land will provide the necessary infrastructure to support the strengthening of community resilience to bushfire, in accordance with Clause 13.05 'Bushfire'. The application of the underlying zoning and overlay controls would not result in an increased risk to life, property and community infrastructure from bushfire, nor would it result in inappropriate or over development of bushfire prone land (noting again that no development is proposed).

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

The amendment complies with applicable Minister's Directions. The amendment is consistent with the Minister's Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act, which directs that planning schemes may only include land in a Public Use Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. As the land will be released/on sold and obtained/used by Barwon Water, it is appropriate to remove and apply the PUZ to the land respectively as proposed.

Ministerial Direction 1

The purpose of Ministerial Direction 1 (Potentially Contaminated Land) is to ensure that potentially contaminated land is suitable for a use which is proposed to be allowed under an amendment to a planning scheme and which could be significantly adversely affected by any contamination.

Table 1 of the *Potentially Contaminated Land Practice Note* lists the type of land uses that may have potential for contaminating land. Utility depots are listed in the medium potential category. The assessment matrix in the Practice Note indicates that including the land within the Rural Conservation Zone would result in a 'C' score for addressing potential

contamination. Rezoning agricultural land to a Public Use Zone similarly results in a 'C' score (agriculture is in the low potential category).

The 'C' scores requires an assessment consideration of 'General duty under Section 12(2)(b) and Section 60(1)(a)(iii) of the *Planning and Environment Act 1987*'. Given, the assessment score, an Environmental Site Assessment is not necessary for the site in order to support the amendment.

Ministerial Direction 11

Ministerial Direction No.11 (Strategic Assessment of Amendments) is the relevant Minister's Direction with regard to the proposed amendment. This section of the report outlines the proposed amendment's compliance with the Strategic Assessment Guidelines. The amendment documents also comply with the Ministerial Direction on the Form and Content of Planning Schemes.

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

The amendment will achieve an appropriate balance between the various needs and expectation of society in terms of their economic, environmental and social well-being. Improved utility provision facilitated by the amendment will provide economic benefits to the community and will promote the sustainable growth of the municipality. This will not occur at the unreasonable expense of the environment and the social fabric of the community.

The amendment will not pose an unreasonable impact to the environment. The site has been historically used for agricultural and public utilities uses. The Amendment will not alter this situation, and will primarily serve to enable a private owner to purchase part of the site and continue agricultural uses.

The amendment implements Clause 11.07 Geelong (G21) Regional Growth, by enabling the land to be used consistent with established planning for the surrounding area. The amendment supports:

- Clause 11.07-4 Environmental Assets, by protecting, restoring and enhancing the region's unique environment.
- Clause 11.07-5 Agricultural Productivity, by securing food, water and energy resources.
- Clause 12.01-1 Protection of Biodiversity, by assisting the protection and conservation of Victoria's biodiversity, including important habitat for Victoria's flora and fauna and other strategically valuable biodiversity sites.
- Clause 13.03-1 Use of Contaminated and Potentially Contaminated Land, by ensuring that potentially contaminated land is suitable for its intended future use and development, and that contaminated land is used safely.
- Clause 14.02-3 Water Conservation, by ensuring that water resources are managed in a sustainable way.
- Clause 19.03-2 Water Supply, Sewerage and Drainage, by planning for the provision of water supply, sewerage and drainage services that efficiently and effectively meet State and community needs and protect the environment.

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

The amendment supports:

- Clauses 21.04-1 Catchment Management, by promoting a co-operative regional approach to natural resource management.
- Clause 21.04-2 Water, by protecting water catchments, and retaining and improving water quality and water yield.

- Clause 21.04-5 Erosion, by ensuring that use and development has regard to the potential for landslip.
- Clause 21.04-6 Flooding, by minimising environmental hazards.
- Clause 21.04-9 Cultural Heritage, by protecting places and areas of cultural heritage significance and encourage development and adaption where appropriate that does not detract from their significance.

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

The amendment makes proper use of the Victoria Planning Provisions, applying relevant zones consistent with the underlying land uses, relevant environmental considerations and the zoning and controls applying to surrounding land.

The amendment is consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* which directs that planning schemes may only include land in a Public Use Zone if the land is Crown land, or is owned by, vested in or controlled by a Minister, government department, public authority or municipal council. The inclusion of relevant Barwon Water land within the Public Use Zone 1 is also consistent with *Planning Practice Note No.2 – Public Land Zones*.

The amendment is also consistent with the newly introduced Fast Track Government Land (FTGL) Service, which seeks to facilitate the orderly management of government or publically owned land, including the rezoning and on selling of surplus land holdings in accordance with the zoning and overlay controls applicable to the local area and future use and development.

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

This amendment has been prepared in consultation with affected agencies. The amendment will incorporate, where appropriate, the views and requirements of other relevant agencies.

Colac Otway Shire

The Colac Otway Shire has been consulted throughout the preparation of this amendment request and is supportive of Barwon Water with this amendment. Consultation with Council has included a pre-application meeting held with relevant Council officers on 4 February 2016 and 29 April 2016, which suggested that officers were generally supportive of the amendment and associated subdivision.

Department of Environment, Land, Water and Planning (DELWP)

The Department will provide strategic and statutory input into the amendment process and its merits. DELWPs role will be to authorise exhibition of the amendment and to make recommendations to the Minister for Planning on whether the amendment should be approved. In addition, the land is also affected by the Significant Landscape Overlay (SLO3) which will require DELWP involvement and consideration.

In relation to agriculture, planning authorities are encouraged to contact the relevant State Authority on the suitability of the land for its intended agricultural use.

Corangamite Catchment Management Authority (CCMA)

The view of the Corangamite Catchment Management Authority (CCMA) will be considered during the amendment process due to the subject site being affected by the Land Subject to Inundation Overlay (LSIO).

Department of Transport

The views of the Director General of Transport will be considered during the amendment process due to the requirements of Practice Note 11 'Strategic Assessment Guidelines', specifically Question 9.

Country Fire Authority

The views of the Country Fire Authority will be considered during the amendment process due to the requirements of Practice Note 11 'Strategic Assessment Guidelines', specifically Question 3.

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

The amendment will not create a significant impact on the existing transport system as defined by Section 3 of the *Transport Integration Act 2010*. Appreciable increases in private vehicle traffic volumes are not expected as a result of the amendment.

There are no requirements of the Transport Integration Act that apply to this amendment.

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

It is expected that the new planning scheme provisions will have a limited impact on the resource and administrative costs of the Colac Otway Shire. Council planning officer resources will be required to assess and implement the amendment. However, the resource and administrative costs to council will not be in excess of the costs typically associated with planning scheme amendments.

Where you may inspect this Amendment

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

Colac Otway Shire Council Development and Community Service Centre 101-105 Gellibrand Street COLAC VIC 3250	Colac Otway Shire Council Apollo Bay Customer Service Centre 69-71 Nelson Street APOLLO BAY VIC 3233
---	--

Website: www.colacotway.vic.gov.au

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

Submissions

Any person who may be affected by the Amendment may make a submission to the planning authority. Submissions about the Amendment must be received by **[insert date]**.

A submission should be titled "Amendment C91 and PP58/2016-1 Submission" and emailed to inquiry@colacotway.vic.gov.au or mailed to:

Strategic Planning
Colac Otway Shire Council
PO Box 283
COLAC VIC 3250

Panel hearing dates

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

- directions hearing: [insert directions hearing date]
- panel hearing: [insert panel hearing date]]

PLANNING PERMIT

GRANTED UNDER SECTION 96I OF THE
PLANNING AND ENVIRONMENT ACT 1987

Permit No.: PP58/2016-1

Planning scheme: Colac Otway

Responsible authority: Colac Otway Shire

ADDRESS OF THE LAND:

120 Barham River Road APOLLO BAY

Lot: 1 LP: 13765 V/F: 5881/025, Lot: 2 LP: 13765 V/F: 6137/288, Lot: 2 PS: 440381 V/F: 10579/241, Lot: 1
PS: 408749 V/F: 10453/057 Parish of Krambruk

THE PERMIT ALLOWS:

Re-Subdivision of the Land from Four (4) Lots to Two (2) Lots in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Endorsed plan

1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan.

Compliance with Geotechnical Assessment

2. Prior to the issue of statement of compliance under the *Subdivision Act 1988*, a Geotechnical Assessment to the satisfaction of the Responsible Authority by a suitably qualified professional and in accordance with the requirements of Schedule 1 to the Erosion Management Overlay in the Colac Otway Planning Scheme, must be submitted to the Responsible Authority.
3. The approved subdivision must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment submitted in accordance with condition 2 of this permit, or any Geotechnical Practitioner engaged to review the assessment submitted with the application.

Access

4. Prior to the issue of statement of compliance under the *Subdivision Act 1988*, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.

Date issued:

**Date permit comes into
operation:**

(or if no date is specified, the permit
comes into operation on the same day
as the amendment to which the permit
applies comes into operation)

**Signature for the
responsible authority:**

Permit No.: PP58/2016-1

Page 1 of 3

Servicing Authorities

5. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Expiry

8. This permit will expire if one of the following circumstances applies:
 - a) The plan of subdivision is not certified within two years of the date of the permit.
 - b) A statement of compliance is not issued within five years of the date of certification of the Plan.

In accordance with section 69 of the *Planning and Environment Act 1987*, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

IMPORTANT INFORMATION ABOUT THIS PERMIT

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit. The permit was granted by the Minister under section 96I of the **Planning and Environment Act 1987** on approval of Amendment No. C91 to the **Colac Otway Planning Scheme**.

WHEN DOES THE PERMIT BEGIN?

The permit operates from a day specified in the permit being a day on or after the day on which the amendment to which the permit applies comes into operation.

WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of a permit, unless the permit contains a different provision; or
 - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if—
 - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
 - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if—
 - the development or any stage of it does not start within the time specified in the permit; or
 - the development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
 - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
 - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the **Subdivision Act 1988**, unless the permit contains a different provision—
 - the use or development of any stage is to be taken to have started when the plan is certified; and
 - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT REVIEWS?

- In accordance with section 96M of the **Planning and Environment Act 1987**, the applicant may not apply to the Victorian Civil and Administrative Tribunal for a review of any condition in this permit.

Date issued:

Date permit comes into operation:

(or if no date is specified, the permit comes into operation on the same day as the amendment to which the permit applies comes into operation)

Signature for the responsible authority:

**ORDINARY COUNCIL MEETING
COLAC TOWNSHIP - ECONOMIC DEVELOPMENT, COMMERCIAL AND INDUSTRIAL
LAND USE STRATEGY AND PLANNING SCHEME AMENDMENT C86
OM172501-5**

LOCATION / ADDRESS	Whole of Municipality	GENERAL MANAGER	Gareth Smith
OFFICER	Doug McNeill	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none">1. Attachment 1 - Summary of submissions and officers response2. Attachment 2 - Changes to C86 Exhibited Documents3. Attachment 3 - Exhibited Maps		
PURPOSE	To consider submissions received in response to public exhibition of the draft <i>Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016</i> (the Strategy) and the associated Planning Scheme Amendment C86 which seeks to implement the key outcomes of the Strategy by various changes		

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Colac Otway Shire Council is currently undertaking the *Colac 2050 Growth Plan*. The Growth Plan will identify locations for future residential and commercial development. The need for this plan has been identified following gaps in past strategic planning for Colac which did not adequately consider the constraints to development from flooding of low lying land, nor the rate of future population growth. The 2006 Colac Structure Plan did not identify longer term growth areas, nor did it consider the future industrial and commercial floor space requirements associated with employment growth.

Given the priority of Council to support economic development in the Shire, and to support investments by the key manufacturing companies, it was decided to advance the commercial and industrial components of Colac 2050 as a priority and progress this work as a separate but aligned project. Essential Economics were engaged to prepare the '*Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016*'. This Strategy is a crucial project, focusing on economic development and employment generating land uses in Colac.

This work was completed early in 2016, prior to other elements of Colac 2050 including the consideration of future residential growth options, which is occurring at the current time.

The Strategy preparation has been overseen by the Colac 2050 Project Steering Committee.

The key aims of the Strategy are to:

- Provide a vision for the economic expansion of Colac
- Examine commercial and industrial land supply
- Identify a number of actions and catalyst projects to achieve the vision; and
- Provide a planning framework for the future planning of commercial and industrial land in Colac.

The land use planning aspects of the Strategy are being implemented through Colac Otway Planning Scheme Amendment C86, which specifically includes rezoning identified land to facilitate appropriate industrial growth and update relevant land use policies (expressed in the Municipal Strategic Statement of the Scheme) and zoning and overlay controls in the Planning Scheme.

Council has sought to implement the findings of this Strategy prior to completion of the broader *Colac 2050 Growth Plan* through a planning scheme amendment to ensure that the economic development outcomes are advanced as quickly as possible. Further amendments will occur in the coming 12-18 months to implement the planning outcomes of the final Growth Plan.

Summary of Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016

The *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* comprises three parts:

- Colac Economic Development Strategy
- Colac Commercial and Industrial Land Use Strategy, and
- Background Analysis.

Economic Development

The Economic Development Strategy addresses the key strengths, weaknesses, opportunities and threats facing the economy of Colac and its surrounds. Key issues examined include:

- Increased commuter rail services
- Inter-modal facility for transport and logistic purposes for investigation in Irrewarra
- Exploring ways to promote / facilitate tourism attractors in Colac
- Exploring employment generating land uses for the Colanda site; and
- Attracting and maintain skilled employees.

The project also examined opportunities associated with the following key industries:

- Dairy farming and processing
- Forestry and sawmilling
- Health Services
- Green energies (most notably wind and biofuels)
- Freight and logistics, and
- Tourism.

A number of ‘catalytic’ projects were identified which could help drive investment and employment and potentially transform the local and regional economy. Actions are identified in the Strategy which Council can adopt to promote or facilitate the realisation of these projects.

Retail and Commercial Land Use

Key issues and opportunities identified by the Strategy in relation to retail and commercial land uses include:

- Enhancement of the town centre
- Acknowledgement of a shift in retail focus away from Murray Street
- Encouragement of the relocation of existing industrial uses from the CBD
- Note the potential for a new neighborhood retail centre
- Note the importance of key commercial uses in the CBD, and
- Note the importance of the CBD’s unique features.

The Strategy concluded that sufficient capacity exists within the CBD to accommodate the projected growth of Colac over the next 20 years and that additional commercial zoned land is not required at this time.

Industrial Land Use

The key issues identified by the Strategy in relation to industrial land use include:

- The need to highlight the importance of the industrial sector in Colac particularly existing large employers such as AKD Softwoods, Australian Lamb Company (ALC) and Bulla Dairy Foods
- The management of the interface between industrial and residential development
- Recognition that there are servicing and buffer area constraints in regard to expansion of existing industrial zoned land
- Acknowledging that at current take up rates, the existing supply of industrial zoned land is sufficient to supply industrial demand over at least the next 20 years, however there is a shortage of serviceable industrial allotments greater than 5 hectares in area
- Noting that some current planning controls can unnecessarily stifle development
- The need for road access for industrial land uses that rely on the movement of goods between Colac and major city locations, and
- Acknowledging the physical constraints such as land subject to inundation and the connection to services on some existing industrial land.

To address the deficiency in land available for large scale industrial development, the Strategy recommends that Council seek the rezoning of approximately 30 - 40ha of land from Farming Zone (FZ) to Industrial 1 Zone (IN1Z), with a preference for the east side of Colac for industrial expansion, given its proximity to Melbourne and the ports, existing services and the location of existing industry.

It identified two industrial land investigation areas (Irrewarra and Forest Street). An assessment was conducted comparing the suitability of the two sites and it was concluded that the sites were relatively equal in merit.

The Irrewarra site straddles the Geelong – Warrnambool railway line and is approximately 68 hectares in area. The site has a diverse land ownership. Whilst the site has the potential to contain an intermodal facility which could be an economically (and socially) transformative project for Colac, a considerable amount of further investigation would need to be undertaken. At this stage it is considered appropriate to broadly identify the Irrewarra site as an investigation area in the Municipal Strategic Statement (MSS) by means of Amendment C86. This would not allow industrial development in the short term, but it would clearly identify the intention that further detailed investigations take place into this potential in the future.

The Forest Street site is also approximately 68 hectares in area and has two land owners. It is partially subject to inundation along the Forest Street edge. Initial indications from servicing authorities (gas and water / sewer) suggest that utilities can be extended to service the land.

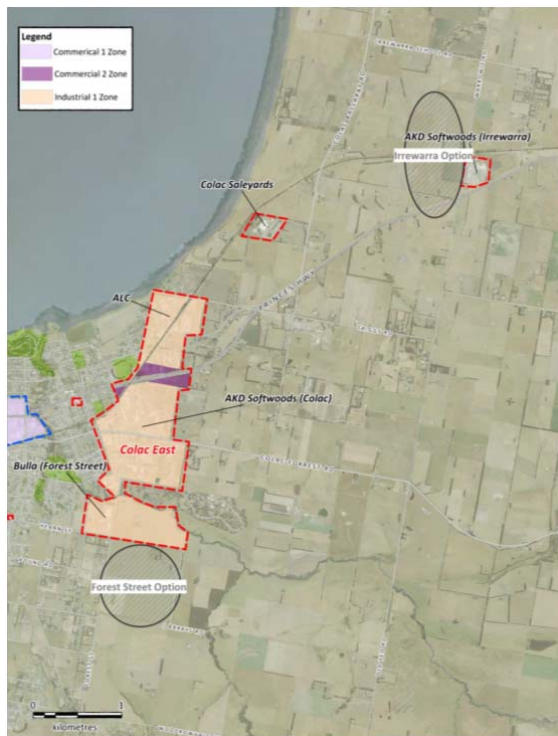
It is proposed in Amendment C86 to rezone this land as part of increasing Colac's industrial land supply in the shorter term.

This rezoning will be accompanied by a Development Plan Overlay to ensure that appropriate technical assessments are undertaken and an integrated street network is established as part of any future development.

Below is a map of the existing commercial zones in Colac.



Below is a map showing the potential new industrial areas:



Planning Scheme Amendment C86

As noted above, Planning Scheme Amendment C86 seeks to implement the land use components of the Strategy. The Amendment also removes several anomalies and redundancies that were raised during the preparation and implementation of the Strategy but were outside the scope of the study.

By way of overview, Amendment C86 includes the following:

Municipal Strategic Statement (MSS)

- Amend Clauses 21.03 (Settlement) and 21.05 (Economic Development) to implement the key outcomes of the Strategy by discouraging further subdivision of residential zoned land around the Colac abattoir, promoting good design outcomes for new development on all industrial zoned land and encouraging the retention of large industrial zoned lots to encourage economic activity, and amending the Framework Plan in the MSS to reflect the proposed Forest Street industrial area expansion and the Irrewarra investigation area, and
- Amend Clause 21.07 (Reference Documents) to include the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* as a reference document.

Bulla Dairy Foods-Murray Street

- Rezone land which forms part of the Bulla Dairy Foods Murray Street operations from Commercial 1 Zone (C1Z) to Special Use Zone Schedule 3 (SUZ3). SUZ3 proposes to allow for the ongoing and future use and development of the land for the purpose of industry, manufacturing, storage and distribution of iced-confection, milk and dairy-based products. The current C1Z is not an appropriate zone for an existing industrial use and the SUZ allows a tailored zone to manage operations and interface issues more effectively. The SUZ3 will also remove the need for Bulla to seek planning permission for minor works at the site.
- Delete the Design and Development Overlay Schedule 8 (DDO8) which will be redundant given the site specific controls being introduced with the SUZ3.

Bulla Dairy Foods-Forest Street

- Rezone 34 Fulton Street, Colac from Rural Living Zone (RLZ) to Industrial 1 Zone (IN1Z) to facilitate the future expansion of Bulla Dairy Foods
- Insert a new Schedule 6 to Clause 43.04 Development Plan Overlay (DPO6) and apply it to 34 Fulton Street and 91-149 Forest Street, Colac to guide the use and development of the existing and future Bulla Dairy Food operations. Bulla has purchased land to the west of its existing operations. This change, whilst allowing industrial expansion towards existing residential areas, would manage any potential amenity impacts through the DPO6. DPO6 proposes to manage amenity issues by requiring technical reports and a development plan to address potential issues in relation to traffic, noise, and odor, and
- Delete the Design and Development Overlay Schedule 1 (Clause 43.02) as applied to 91-149 Forest Street, Colac, as it is now redundant (again, due to the site specific provisions being introduced in the DPO6).

Australian Lamb Company (ALC)

- Rezone 1 Tristania Drive and 45 Flaxmill Road, Colac East, from Industrial 1 Zone and part Public Use Zone Schedule 4 (PUZ4) to Special Use Zone Schedule 4 (SUZ4). SUZ4 proposes to support the ongoing use (and future development of the land) for an abattoir.
- The SUZ4 would apply to all of the land owned by ALC and would provide greater certainty for the company's future development. The SUZ4 Zone would remove the need for minor planning permit applications for site works;
- Delete Development Plan Overlay Schedule 1 from 1 Tristania Drive, 35 and 45 Flaxmill Road, 1-9, 11-27, and 29-39 Marriner Street, Colac East, as it will be redundant given the site specific clauses being introduced in the SUZ4.
- Rezone a small section of privately owned land zoned Public Use Zone (PUZ) abutting the railway reserve to SUZ4. This land appears to have been incorrectly zoned for railway purposes.

AKD Softwoods – Colac

- Rezone 7-15 Forest Street, Colac, part of 18-24 Forest Street, Colac, and 73 Colac- Forest Road, Colac, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z) to facilitate the ongoing development of the AKD Softwood operations. This comprises land to the rear (east) of the current AKD operations which was previously used for plantation purposes. The proposed rezoning does not encroach onto any sensitive uses;

- Apply the Design and Development Overlay Schedule 1 (Clause 43.02) (DDO1) to 7-15 Forest Street, part of 18-24 Forest Street, and 73 Colac Forrest Road, Colac, and
- Delete the Wildfire Management Overlay (WMO) as it is no longer relevant with harvesting of the plantation.

AKD Softwoods – Irrewarra

- Rezone 20 Warrowie Road, Irrewarra, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z) to facilitate the operations of the existing AKD Softwoods. The Farming Zone is not considered to be an appropriate zone for the current timber milling operations, which have existing use rights. The site is partially affected by a Public Acquisition Overlay (PAO) as part of the Princes Highway duplication works. It is proposed to rezone the land outside of this acquisition area;
- Insert a new Schedule 8 to Clause 43.04 Development Plan Overlay (DPO8) and apply it to 20 Warrowie Road, Irrewarra to guide the use and development of the site. The DPO8 proposes to manage amenity issues by requiring technical reports and a development plan to address potential issues in relation to traffic, noise, and odour;
- Apply the Design and Development Overlay Schedule 1 (Clause 43.02) (DDO1) to 20 Warrowie Road, Irrewarra, and
- Remove the Wildfire Management Overlay (WMO) from the site and surrounding rural living land (see WMO changes below).

J Barrys Road and Forest Street Industrial Land Expansion

- Rezone 50 J Barrys Road and part of 286 Forest Street, Colac, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z) to enable a large tract of vacant industrial land to be available to service the need of businesses that require a large land holding (greater than 5ha). This reflects one of the key outcomes of the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016*, which noted a lack of large parcels of land in Colac;
- Insert a new Schedule 7 to Clause 43.04 Development Plan Overlay (DPO7) and apply to 50 J Barrys Road and part of 286 Forest Street, Colac, to guide the use and development of a future industrial estate, and
- Apply the Design and Development Overlay Schedule 1 (Clause 43.02) (DDO1) to 50 J Barrys Road and part of 286 Forest Street, Colac. Application of the DPO and DDO will ensure that future works are developed in a manner sensitive to the local environment.

Other Industrial Land in Colac

- Amend the Design and Development Overlay Schedule 1 (Clause 43.02) (DDO1) to apply to all industrial land in Colac and Irrewarra, including performance measures in place of prescriptive requirements. The intent of the amended DDO1 is to remove the onerous and restrictive elements contained within the existing overlays, such as height, setback and plot ratio controls, and replace them with performance based objectives aimed at achieving flexibility and quality design outcomes for industrial buildings and landscaping visible from public places. The DDO1 will not trigger the need for any additional planning permits as they are already required for all buildings and works under the provisions of the IN1Z, and
- Delete the Design and Development Overlay Schedule 2 (Clause 43.02) (DDO2) from industrial land in the west of Colac as it is proposed to consolidate the DDO1 and DDO2 overlays. The DDO1 currently only applies to a number of properties on the eastern side of Colac and generally relates to enhancing the eastern entrance to Colac. DDO2, which is similar, applies to industrial land in the Rossmoyne Road precinct to the west of Colac and seeks to protect the landscape character on the western side of Colac from inappropriate development.

Redundant Wildfire Management Overlay

- Delete the Wildfire Management Overlay (Clause 44.06) from 20 Warrowie Road, Irrewarra, 15 Pyles Road, Irrewarra, 5945 Princes Highway, Irrewarra, 125 Drapers Road, Irrewarra, 260 Colac Forrest Road, Yeo, 95 Old Yeo Road, Yeo, 17 Forest Street, Colac, 7-15 Forest Street, Colac, 18-24 Forest Street, Colac, 68 Forest Street, Colac, and 73 Colac-Forrest Road Colac. These sites either formerly contained small plantations which have since been removed, or were incorrectly identified as forested

areas when applying the WMO. Removing these overlays will remove the need for unnecessary planning permits.

Other Mapping – Anomalies and Redundancies

- Rezone part of 75 Rossmoyne Drive, Colac, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z). 75 Rossmoyne Drive, Colac, is currently an industrial site and was rezoned from IN1Z to FZ in error as part of Amendment C55 in 2008. It is proposed to rezone the land back to IN1Z and apply the DDO1 to reflect the land's current use;
- Apply the Design and Development Overlay Schedule 1 (Clause 43.02) (DDO1) to 75 Rossmoyne Drive, Colac;
- Rezone 50 Queen Street, Colac, from part Public Park and Recreation Zone (PPRZ) and part General Residential Zone (GRZ) to Commercial 1 Zone (C1Z);
- Apply the Design and Development Overlay Schedule 8 (Clause 43.02) (DDO8) to 50 Queen Street, Colac. 50 Queen Street is a free hold title owned by the Girl Guides Association. It is currently developed with a hall. It is proposed to rezone the land to Commercial 1 Zone (C1Z) and apply DDO8 to reflect the existing private ownership and Colac CBD location;
- Rezone 52-56 Queen Street, Colac from part Public Park and Recreation Zone (PPRZ) and part General Residential Zone (GRZ) to Public Park and Recreation Zone (PPRZ). 52-56 Queen Street forms part of the Barongarook Creek public open space network and is owned by Council. It is proposed to rezone the land to PPRZ to reflect the current public ownership and use of the land;
- Rezone 177 Bromfield Street, Colac, from part Commercial 1 Zone (C1Z) to Public Park and Recreation Zone (PPRZ). 177 Bromfield Street, Colac, is Crown land managed by DELWP. It is proposed to rezone the land to PPRZ and remove the DDO8 to reflect its public use and ownership;
- Delete the Design and Development Overlay 8 (DDO8) from 177 Bromfield Street, Colac;
- Rezone part 331 and part of 333 Princes Highway, Colac, from Farming Zone (FZ) to Commercial 2 Zone (C2Z). 331 and part of 333 Princes Highway, Colac form part of the balance of 333 Princes Highway in use. It is proposed to rezone the land to ensure the entire site is consistent in zone and overlay controls and reflects its current C2Z use, and
- Apply the Design and Development Overlay Schedule 3 (Clause 43.02) (DDO3) to part 331 and part of 333 Princes Highway, Colac.

3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

A Planned Future

Creates an attractive Shire with quality buildings and spaces, accessible travel and transport, and a community that has the services and facilities it needs now and in the future; supports a prosperous economy where trade, manufacturing and business activity flourishes.

Our Goal:

Facilitate the growth, liveability and development of the shire and encourage innovation and efficiency in the local economy.

4. ISSUES / OPTIONS

Submissions

A total of 20 written submissions were received in response to the exhibition of Amendment C86. A summary of points made by the submitters and an officer's response is provided at Attachment 1.

Six submissions were lodged by government agencies. These submissions offered broad support for the amendment, with several suggesting minor technical improvements to the amendment documentation. These minor changes are generally supported and the amendment documents will be modified accordingly.

Eleven submissions were received from local land owners. Four of these submissions opposed the expansion of industrial land in Colac East, one submission supported the expansion of industrial land in Colac East and four submissions opposed the expansion of industrial land in Irrewarra.

Issues raised in the submissions generally revolve around various concerns for the potential for industrial expansion near their homes in Colac East, the suitability of the rezoned land for industrial uses and the impact of a new industrial area in Irrewarra in terms of aesthetics, tourism and the impact on farming activities. These submissions are noted but no changes to the amendment are recommended.

Three submissions supporting the amendment were received from the owners and their agents of Bulla Dairy Foods, AKD Softwood and the Australian Lamb Company (ALC). The contents of the submissions are noted and some minor changes to the amendment are proposed to reflect the submissions.

One submission supported the removal of a Wildfire Management Overlay from their land. Another detailed submission was received on behalf of Irrewarra Sourdough Bakery questioning various aspects of the amendment and highlighting concerns relating to perceived potential negative impacts in Irrewarra and the wider Colac area.

Options

Section 22 of the *Planning and Environment Act 1987* (the Act) requires that Council consider all submissions to a planning scheme amendment.

Section 23 of the Act mandates that after considering a submission which requests a change to an amendment, Council must either:

- (a) change the amendment in the manner requested; or
- (b) refer the submission to a panel; or
- (c) abandon the amendment or part of the amendment

The *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* (the Strategy) and associated Planning Scheme Amendment C86 are significant and future focussed. They respond to the stated priority of the Council to support and strengthen the economy of the Shire.

This is done firstly by streamlining planning controls for some of the Shires largest employers and by planning for new future opportunities thereby strengthening Councils ability to promote the Shire as a great place to invest, attract new businesses and in turn, creating job growth and greater prosperity for the community.

The critical importance of this work is evidenced by the decision to advance the commercial and industrial components of Colac 2050 ahead of the rest of the Strategy. If Council was to abandon the Amendment at this point in the process, the current issues of constraints to development of Colac's major employers and lack of available land suitable for attracting a new major manufacturing investment would remain.

Whilst the existing supply of industrial zoned land at current take-up rates is sufficient to supply industrial demand over at least the next 20 years, it is the structure of existing supply and its lack of convertibility that present major constraints to new development. A shortage of serviceable industrial allotments greater than 5 hectares in area available for development was clearly identified in the Strategy as acting as a competitive impediment to large scale industrial growth, whether sourced from existing investment or new external investment.

It was also identified that detailed planning controls are in place which may act as a brake on development. An example is the current Design and Development Overlay Schedule 1 which applies to some industrial land to the east of Colac. It is proposed to amend this Overlay as part of Amendment C86.

It is considered that there have been no issues raised in the submissions received that successfully challenge the strategic basis of the strategy or proposed changes to planning provisions. The number of submissions received opposing the plans, given the complex and broad nature of the Amendment, is relatively low and

there is strong support from key employers. Any concerns about the new industrial areas can be tested through the independent panel process and on balance Officers will recommend this course of action.

The key statutory requirement for Council at this time is to consider the submissions and decide whether to change the amendment as requested, refer submissions to a Planning Panel or abandon the amendment, as prescribed under section 23 (1) of the *Planning and Environment Act 1987*. Under section 23(2) Council can refer any submission to a panel.

As noted previously a planning panel hearing has been tentatively scheduled for March, 2017.

Panel process

Should Council resolve to request the appointment of a panel, the Minister for Planning will appoint an independent Planning Panel to consider all submissions received. The Panel will be made up of independent person/s with skills considered by the Minister to be relevant to the amendment. The Panel would most likely sit in Colac over several days and would invite submitters to articulate their views. After considering the submissions in a public process, the Panel would provide a report with its recommendations to Council.

Under section 27 of the Act, Council must consider the Panel's report before deciding whether or not to adopt the amendment. An adopted amendment is forwarded to the Minister for Planning for approval. When considering the Panel report, Council can also request that the Minister make other/further changes to the Amendment or abandon the Amendment. The current consideration of submissions is therefore not the final opportunity for Council to make decisions on whether to proceed with the proposals before it.

5. PROPOSAL

On consideration of all submissions received, officers recommend that Council refer submissions to a Planning Panel in accordance with S.23 (1) of the *Planning and Environment Act 1987 (as amended)*. It is recommended that Council adopt a number of minor changes suggested by submitters as outlined in Attachment 1.

6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

The *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy* was prepared with resources from both Council and Regional Development Victoria (RDV). Amendment C86 has been prepared by Council as part of its statutory obligation to manage the Colac Otway Planning Scheme. These costs are largely borne by Council.

Planning panel costs will be borne both by Planning Panels Victoria and Council.

7. RISK MANAGEMENT & COMPLIANCE ISSUES

Council must develop and consider strategic directions in Colac Otway Shire that align with broader State Government policy and Council has taken this policy into account in developing appropriate changes to the Colac Otway Planning Scheme.

8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

A number of environmental considerations have been taken into account in ensuring that the most appropriate overlay controls are maintained on sites affected by this amendment.

No climate change issues are associated with this amendment.

9. COMMUNITY ENGAGEMENT PROCESS

The community engagement process is partly the result of statutory requirements under the *Planning and Environment Act 1987* and partly influenced by Council policy.

The community engagement deployed is in accordance with the *Colac Otway Shire Council Community Engagement Policy of July 2013*, which details five levels of engagement – inform, consult, involve, collaborate and empower. The first two of these stages have been adopted in engagement activities to date. The engagement process can be summarised as follows:

The Colac Township – Economic Development, Commercial and Industrial Land Use Strategy included discussion and interaction with various stakeholders during its preparation phase.

At its meeting of 23 March, 2016, Council resolved to adopt the final draft Strategy and exhibit it for a period of six weeks. It also resolved to prepare and exhibit Amendment C86 to the Colac Otway Planning Scheme over the same period. The purpose of the amendment was to include the substantive recommendations of the Strategy into the Colac Otway Planning Scheme.

Ministerial authorisation to proceed with Amendment C86 was sought and granted on 27 May 2016.

Council prepared and distributed an Information Sheet for landowners on 31 May 2016.

Notice of Public Exhibition of Amendment C86 was given by Council on 21 June, 2016, including notice to the Minister for Planning and to various other Ministers.

A newspaper notice was inserted in the Colac Herald newspaper on 22 June 2016.

The Strategy and Amendment C86 were publicly exhibited in the period from 24 June 2016, to 5 August 2016 and submissions sought from the community.

Public information sessions were conducted by Council on 12-13 July 2016, at COPACC with the aim to further disseminate information and obtain feedback on the key issues associated with C86.

At the expiry of the public exhibition period for the Strategy and Amendment C86, a total of 20 written submissions had been received by Council.

10. IMPLEMENTATION

The Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016 is being implemented through Amendment C86 to the Colac Otway Planning Scheme.

The current decision point in this process is for Council to consider the receipt of submissions and resolve whether to refer such submissions to an independent planning panel. Should Council endorse this approach, officers will request Planning Panels Victoria to confirm dates for a Directions hearing. Panels Victoria would administer the process and contact each of the submitters.

11. CONCLUSION

The Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016 aims to adopt a multi-faceted approach to promoting the economic development of Colac. The Strategy was endorsed in final draft form by Council in early 2016. At the same time, Council resolved to prepare Amendment C86 to the Colac Otway Planning Scheme to implement the Strategy and its key recommendations ahead of the Colac 2050 Growth Plan.

The Amendment seeks to make changes to the Colac Otway Planning Scheme which are in accordance with the thrust of the Strategy. These include a number of rezonings, and changes to several other controls. The Amendment also seeks to facilitate the expansion of new and existing industries in Colac by removing onerous planning controls, and prioritising the rights of existing industries over future residential development in key strategic locations. The changes in Amendment C86 are considered to be appropriate to achieve the broader purpose of maximising economic opportunity.

Having considered the matters raised by submitters, officers recommend that changes be made to the exhibited Amendment C86 in accordance with the comments in Attachment 1 prior to referral to the Planning Panel and that Amendment C86 be referred to a Planning Panel for independent assessment in accordance with the relevant section of the *Planning & Environment Act 1987*.

12. RECOMMENDATION

Recommendation

That Council:

- 1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, consider all submissions received to Colac Otway Amendment C86.**
- 2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, make limited changes to Amendment C86 as noted in the Attachment that have been suggested in response to submissions.**
- 3. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refer the unresolved submissions to a Panel**
- 4. Authorise officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report.**

~~~~~

**Attachment 1: AMENDMENT C86 TO COLAC OTWAY PLANNING SCHEME – SUMMARY OF WRITTEN SUBMISSIONS AND OFFICER RESPONSE**

| Submitter | Nature of Submission                                   | Officer Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------|--------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Various   | Questioning the strategic foundation of Amendment C86. | <p>A number of submissions have referred to the strategic basis upon which Amendment C86 has been formulated. It is appropriate to make some general preliminary comments about the strategic purpose of the amendment which may be of benefit in assessing the merit of each particular submission.</p> <p>The purpose of Amendment C86 to the Colac Otway Planning Scheme is to implement the findings of the <i>Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016</i> which has been endorsed in draft form by Council. It also seeks to correct a number of Scheme errors and anomalies identified during the strategy process.</p> <p>The primary objective of the strategy is to reinforce the importance of the commercial and industrial sectors in Colac and provide opportunity for the current major employers in the Shire – namely AKD Softwoods, Australian Lamb Company (ALC) and Bulla Dairy Foods (BDF) – to have sufficient flexibility to expand their businesses and optimise their considerable existing investment in plant and equipment. Council believes it is of benefit to all residents and ratepayers of the Shire for it to help secure the existing industrial base of Colac and plan for its further development.</p> <p>One way to do this is to manage the interface between industrial and residential development to avoid possible amenity conflicts or undesirable encroachment of residential land use into industrial buffer areas. This can be achieved through a consistent and efficient application of the planning overlays affecting industrial areas. Amendment C86 therefore seeks to support industry’s long term viability. More significantly, Council can ensure there is adequate supply of usable land for industrial purposes.</p> <p>It is recognised by Council that the existing supply of industrial zoned land in Colac is, at current take-up rates, sufficient to supply industrial demand across the next 20 years. However, it is the structure of this existing land supply and its capacity to convert into on-ground industrial development that has been identified as a serious constraint. In this regard, the shortage of serviceable industrial allotments greater than 5 hectares in area and available for immediate development tends to be a competitive impediment to large scale industrial growth, whether such growth is</p> |

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|  | <p>sourced from existing business or from new, external investment. To address this deficiency, Council seeks to rezone approximately 30-40ha of vacant land from the Farming Zone (FZ) to Industrial 1 Zone (IN1Z).</p> <p>The east side of Colac is preferred for future industrial expansion given its proximity to Melbourne and the ports, existing services and the location of existing industrial activities. The suitability of two industrial investigation areas at Princes Highway, Irrewarra, and Forest Street, Colac East, was assessed as part of the strategy. It was concluded that these areas are relatively equal in merit as potential industrial sites and were included in Amendment C86 subject to appropriate environmental protections. The 'Forest Street Option' is proposed to be rezoned to IN1Z in Amendment 86 on the basis that it is suitable for immediate development whilst the 'Irrewarra Option' is intended for further investigation as a potential site for an intermodal transport facility.</p> <p>Convenient road access is essential for industrial land users who rely on the efficient movement of goods between Colac and major city locations. The completion of the highway duplication to Colac from Geelong by 2019 will offer a major opportunity for improved access to the town and surrounds. Council therefore considers it good planning to concentrate industrial expansion in the east of Colac forming part of an industrial corridor extending along and south of the Princes Highway in the Colac East and Irrewarra areas where potential conflict with other land uses is minimal. The amended overlay controls proposed in Amendment C86 will provide additional protection.</p> <p>The strategy also identified detailed planning controls currently in place which may act as a brake on development and adversely affect industry. An example is the current Design and Development Overlay Schedule 1 (DDO1) which applies to some industrial land to the east of Colac. It is proposed to amend this overlay as part of Amendment C86 and introduce other changes with the aim to make this control simpler, more consistent and more performance-focused without compromising environmental protection.</p> <p>Natural physical constraints such as land subject to inundation that are evident on tracts of existing industrial zoned land and the potential cost of connection to water reclamation services are matters that Council also recognises require further attention. Amendment C86 will provide a better opportunity to do so.</p> |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

| Submitter   | Nature of Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Officer Comment                                                                                                                                                                                                                                                                                                                           |
|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submitter 1 | <ul style="list-style-type: none"> <li>• Water supply is available to all users. Proposals for high volume users will need further assessment.</li> <li>• There are capacity constraints in the sewerage system for some areas affected by C86.</li> <li>• Proposed zoning changes are generally in locations where Barwon Water has planned for growth.</li> <li>• Barwon Water is planning an upgrade of the Colac Water Reclamation Plant in 2019 to service industrial growth. Industrial proposals need to be assessed on a case by case basis.</li> <li>• Given that Barwon Water's assets traverse the area, the use 'minor utility installation' should be included as a Section 1 use in the proposed SUZ3 for the Bulla Dairy Foods site.</li> <li>• Aside from the above this submitter has no objection to C86.</li> </ul> | <p>The comments about water supply and sewerage are noted and supported.</p> <p>With regard to the insertion of 'minor utility installation' as a section 1 use with no conditions in Schedule 3 to the SUZ, this is supported. It is recommended that Amendment C86 be varied accordingly.</p>                                           |
| Submitter 2 | <ul style="list-style-type: none"> <li>• No reference is made in the SUZ4 requirements (ALC site) to the existing rail corridor, railway line, railway infrastructure and the site/ground levels along the corridor. The submitter requests that the SUZ4 and associated Incorporated Document be amended to better reflect the above including a requirement that the corridor be fenced appropriately to preclude unauthorized access and buildings and works must not impede the safe operation of the corridor or the sightlines to the Flaxmill Road crossing.</li> <li>• The same requirements should apply in the DDO1.</li> <li>• Investigation of an intermodal transport facility in the Irrewarra area is supported but investigation should also include the Colac station area.</li> </ul>                                | <p>This submission is generally supported. A change is recommended to the SUZ4, DDO1 and ALC Incorporated Document to include such references.</p> <p>The statement made regarding the potential intermodal facility is noted.</p>                                                                                                        |
| Submitter   | Nature of Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Officer Comment                                                                                                                                                                                                                                                                                                                           |
| Submitter 3 | <ul style="list-style-type: none"> <li>• The J Barrys Road/ Forest Street land is not appropriate for industrial use due to its location adjacent to Rural Living zoned land. It would be better placed along the Princes Highway adjacent to</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <p>The J Barrys/ Forest Street site is proposed to be rezoned to the Industry 1 Zone because it is located adjacent to the existing industrial precinct on the east side of Colac and is a natural extension of the Colac industrial corridor. The land is serviceable (as indicated in a report commissioned by Council), relatively</p> |

|                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                    | <p>farming land for accessibility and amenity reasons.</p> <ul style="list-style-type: none"> <li>• The land in question is subject to an inundation overlay and environmental significance overlay.</li> <li>• The DPO7 does not make reference to these overlays or noise but makes reference to footpaths for all roads which is not applicable to this area.</li> <li>• The proposal would diminish the submitter's quality of living and property values.</li> </ul>                       | <p>unconstrained and is capable of accommodating larger industrial allotments in accordance with the objectives of the industrial strategy. The area affected by Land Subject Inundation Overlay (LSIO) and Environmental Significance Overlay Schedule 2 (ESO2) in the south west quadrant of the site will be managed at any development stage. Whilst land on the Princes Highway in Irrewarra may be used for this purpose in the future, the J Barry's land is already close to existing utility connections such as sewer, water and power, and would be available for more immediate release.</p> <p>Reference to the other overlays in the DPO7 is unnecessary because the LSIO and ESO2 must be considered as part of any future planning permit application. However, variation of the DPO7 to refer to an acoustic (noise) report is supported and recommended.</p> <p>Footpaths are considered to be essential infrastructure in the proper forward planning of an urban development area. They support safe walking, improve the overall amenity of the area and effectively integrate road networks. Other specific aspects of amenity such as lighting will be addressed at development stage.</p> <p>Also see comments in relation to Submission 7 which have some relevance to this matter.</p> |
| <b>Submitter</b>   | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>Submitter 4</b> | <ul style="list-style-type: none"> <li>• The submitter supports rezoning of 177 Bromfield Street from part Commercial 1 Zone (C1Z) to Public Park and Recreation Zone (PPRZ).</li> <li>• It supports the application of Schedule 1 to the Design and Development Overlay (DDO1) across Colac township but suggests that the Requirements and Decision guidelines sections of DDO1 be expanded to include more detailed information on stormwater design measures similar to the DPO.</li> </ul> | <p>The submitter support for the change at 177 Bromfield Street is acknowledged.</p> <p>With regard to DDO1, the submitter's suggestion is agreed in part and minor changes are recommended to the DDO1 exhibited as part of Amendment C86. However, as a general principle Council considers that the DDO1 requires only broad reference to water sensitive design principles as it is primarily concerned with protecting the integrity of the built form in the industrial landscape. By contrast the DPO concerns itself with development planning for new urban areas and the specific conditions necessary to implement such plans. Hence, more detailed water treatment requirements and decision guidelines are relevant to this process. It is the express purpose of this amendment to simplify planning controls and avoid duplication wherever possible as a key part of encouraging economic investment in Colac.</p>                                                                                                                                                                                                                                                                                                                                                                               |



| <b>Submitter</b>   | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Submitter 5</b> | <ul style="list-style-type: none"> <li>• In response to the proposed Parkinson Street/ Colac-Forest Road rezoning to Industrial 1 (IN1Z) the submitter's request, subsequent to rezoning: <ul style="list-style-type: none"> <li>○ a buffer of trees established and maintained by AKD for 50 metres from the Parkinson St fence line extending west along the Parkinson St boundary at least 300m from the rear of the property;</li> <li>○ a prohibition of industrial activity on the northern 50% of the rezoned area between the hours of 8.00pm and 7.00am;</li> <li>○ Transport links be put in place inside the rezoned property, and that Parkinson St not be used as an access or egress for heavy machinery/road transport vehicles east of the existing access point to the weighbridges.</li> </ul> </li> </ul> | <p>This submission is not supported at this stage and no change is recommended to Amendment C86. The rezoning of the land does not in itself allow development. A planning permit must be considered to allow specific development, and the detail associated with a buffer zone, amenity impacts, hours of business operation and access, egress and internal vehicle movements as well as local landowner comments must all be considered at this time.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Submitter</b>   | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Submitter 6</b> | The submitters reside on the western side of Forest Street and raise similar objections to those of Submitter 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Same comment as Submission 3.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Submitter</b>   | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Submitter 7</b> | The submitter is concerned with the potential impact the Warrowie Road/ Irrewarra rezoning from Farming Zone (FZ) to IN1Z will have on their right to farm, the loss of productive farm land, the increase in traffic using Warrowie Rd and effect on Shire rates.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <p>It is considered that the existing rights of the submitters will not be adversely impacted by the proposed zoning change as it primarily acknowledges an existing (and longstanding) use of the land contained within two zones – FZ and RLZ and a sawmill. Given this, a change in zoning of the land cannot be seen as contributing to a loss of productive farming land. A new Schedule 8 to the DPO (DPO8) and the DDO1 are to be applied to the area to effectively manage amenity issues.</p> <p>The proposal to identify and investigate an area west of the AKD Softwoods for an intermodal transport facility requires detailed analysis to consider the benefits (or otherwise) of the site before it could be rezoned. This process would involve broad community consultation.</p> <p>Rates are not a relevant consideration in determining the rezoning of land.</p> <p>No change to the exhibited C86 is seen to be desirable on the basis of this submission.</p> |

| Submitter   | Nature of Submission                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Officer Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Submitter 8 | <ul style="list-style-type: none"> <li>• The Strategy is too focussed on industrial zoning in Colac without a regional or state-wide context. The Strategy doesn't take sufficient account of innovative initiatives particularly in clean manufacturing and tourist services and opportunities. It mainly seeks to provide surplus industrial land around the AKD facility which will be unsightly, unnecessary, visually intrusive and detrimental to the historic and rural precinct and potentially value-adding tourism.</li> <li>• The Strategy is detrimental to the Shire's long term strategic tourism goal.</li> <li>• Colac already has an over-supply of under-developed industrial land. The creation of another industrial precinct (at Irrewarra) without sufficient evidence or justification, at Colac's gateway will lead to visual blight. The proposed overlay controls will be difficult to manage.</li> <li>• The Farm Zone is sufficiently flexible to offer opportunity for expansion of AKD.</li> <li>• The proposal is unsympathetic to the Otway Harvest Trail, agro-tourism and tourist visitation in Colac.</li> <li>• C86 should be deferred until the Strategy is reviewed on a regional basis. It should not be an incorporated document at this time and the MSS and Framework Plan should not be amended.</li> <li>• There is no need for the Irrewarra rezoning or associated overlay controls. As an alternative for IN1Z, Council should consider land occupied by Colanda which is understood to close in the near future.</li> <li>• Any intermodal proposal requires substantial further investigation and consultation and only then should such an amendment for industrial land proceed.</li> </ul> | <p>The matters raised about innovative economic opportunities including tourism are noted and are pertinent to a future Shire-wide economic development strategy. They are not limited by the proposals in Amendment C86 to offer greater industrial land capacity in Colac which is beneficial to the long term growth of Colac.</p> <p>The contention that any intermodal proposal requires substantial further investigation is supported. It is noted that no land is being rezoned at this time. Recognition is only being given for an area to be further investigated.</p> <p>As indicated by the submitter, a planning permit can be granted for 'rural industry' (including 'sawmill') in both the Farming Zone (FZ) and Rural Living Zone (RLZ) so the change of zoning to industrial (IN1Z) in Irrewarra will have no practical effect other than recognition of the AKD land as a longstanding industrial type usage. The DPO and DDO1 are applied to address amenity issues. Visual amenity can be addressed if and when an intermodal transport facility is a realistic proposal on adjoining land and given that an industry of any sorts could be located on this land (with the issue of a permit) the same circumstances relating to the need to protect amenity would apply.</p> <p>Any proposal could be seen to prejudice tourism if development (and the highway interface) is not treated sensitively. However, it is also imperative that the entrances to Colac maximise the opportunity provided by prospective freeway access to Melbourne and Geelong (and beyond) from 2019 and the benefits that will accrue to Colac's industrial base.</p> <p>It is considered that assessments made in relation to the supply of industrial land and justification for the land use strategy as adopted in draft form by Council have been based on strategic considerations as outlined in the preliminary comments.</p> <p>The contention that 'regional context' has been ignored is not supported and consequently it is considered there is no merit in deferring the amendment on this basis. On the contrary, a critical objective of the <i>Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016</i> is the integration of Council's economic and planning strategies as they relate to a range of market segments, including tourism, and localities requiring specific treatment in terms of long term planning. In land use terms, the Municipal Strategic Statement is the municipal wide or sub-regional strategic context for these plans and policies to be applied. At the same time it is imperative that Colac develops a coherent strategy to</p> |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>address its future industrial growth needs.</p> <p>Similarly, the Colac 2050 Growth Plan seeks to identify and address Colac's long term residential growth needs and connect, not only with Amendment C86, but with broader regional plans (G21 Regional Growth Plan) and the State Government's regional planning initiatives.</p> <p>The Colanda site will be addressed as part of the Colac 2050 Growth Plan.</p> <p>No change to the exhibited Amendment C86 is considered necessary.</p>                                                                                                                                                                                                       |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Submitter 9</b>  | <ul style="list-style-type: none"> <li>Strongly objects to the proposed zoning change at the rear of Bulla Foods Forest Street site from Rural Living Zone (RLZ) to IN1Z.</li> <li>Concerned about future industrial development abutting his property and the increase in traffic and congestion in Fulton Street as well as adverse visual impact, odour and flooding risk.</li> <li>The submitter considers that Colac is short of quality residential land and that the proposal will seriously reduce amenity and land value.</li> </ul>                                                                    | <p>The proposed zoning change is considered appropriate to facilitate the future expansion of Bulla Dairy Foods and ensure its continuance as a major employer in Colac. Whilst it will bring industrial development closer to residential areas, amenity impacts can be managed through the Development Plan Overlay (DPO6) which will require technical assessment reports and an enforceable development plan to address any potential traffic, noise, and odour issues.</p> <p>Residential growth opportunities will be assessed as part of the Colac 2050 Growth Plan.</p> <p>See previous comments in relation to land value.</p> <p>No change to the exhibited Amendment C86 is recommended.</p> |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Submitter 10</b> | <p>Objects to the proposed zoning change from FZ to IN1Z at the AKD site, Irrewarra, on the grounds that:</p> <ul style="list-style-type: none"> <li>* industrial development would compromise current cattle breeding operations;</li> <li>* industrial development would negatively affect the property's operation as a Land for Wildlife site;</li> <li>* the submitter's lifestyle will be negatively affected by noise, increased truck traffic, lighting and smoke. They have not been consulted about these increasing impositions;</li> <li>* no notice was provided of any potential future</li> </ul> | <p>It is considered that a change in zoning of the AKD Softwoods site to recognise the longstanding existing operations on the site is appropriate and unlikely to have any perceived impact on existing agricultural or environmental protection activities in the area. Council comments in submission 7 are also pertinent.</p> <p><i>The Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016</i> and associated Amendment C86, including the proposal affecting AKD Softwoods in Irrewarra, have been subjected to a comprehensive community engagement process as outlined in the body of the Council report.</p>                                              |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <p>industrial site or consideration of its impacts;<br/> * it will de-value current property improvements and outlook;<br/> The submitter's are happy with industrial on the west side of Colac or in areas close to existing industrial.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <p>No change to exhibited C86 is recommended on the basis of this submission.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Submitter 11</b> | <p>The submitter generally supports the Strategy and the proposed rezoning of 34 Fulton Street in Amendment C86.</p> <p>The submitter generally supports the rezoning at its Murray Street plant subject to:</p> <ul style="list-style-type: none"> <li>• correct alignment of zone and title boundaries, and</li> <li>• modification of a requirement for a Noise Management Plan deferring to the outcomes of the Master Plan acoustic study rather than pre-emptive results through a generic noise framework.</li> </ul> <p>The submitter supports removal of the DDO1 and DDO8 from both properties. It generally supports Schedule 6 to the Development Plan Overlay (DPO6) at Forest Street-Fulton Street, subject to contributions to infrastructure upgrades being extended to nearby industrial beneficiaries as well as BDF. The same issue applies to the DPO7 proposed to be applied to IN1Z at J Barrys Road.</p> <p>The submitter generally supports changes to the Local Planning Policy Framework (LPPF) subject to designation of the actual use in the proposed Murray Street SUZ3 and a change to Clause 21.03-2 to read:</p> <p>"Encourage further land use and development at the Bulla Dairy Foods site at 270-302 Murray Street, Colac, in accordance with the purpose of the Special Use Zone (Schedule 3) and the associated Incorporated Plan".</p> | <p>These matters are noted and the intent of the submissions acknowledged but further changes to the exhibited documents are not considered necessary for the reasons indicated below.</p> <p>The mapping coverage at Murray Street is correct.</p> <p>The Special Use Zone requires that applications for buildings and works must be in accordance with an approved Master Plan as part of the Incorporated Document for the site, including an acoustic report addressing noise related issues.</p> <p>With regard to infrastructure under the Incorporated Document, the Master Plan will include an 'Infrastructure / Servicing Report' detailing the existing site services available, including capacity for future expansion. The DPO6 also requires as part of its development plan details from the Master Plan pertaining to "...any major items of engineering infrastructure". The extension of contributions from further development to other beneficiaries in the vicinity of Forest Street - Fulton Street is not referred to in these documents and could only be implemented by means of a Development Contributions Overlay (DCO) which is not part of Amendment C86. Any such intent would require further consideration by Council.</p> <p>With regard to suggested changes to Clause 21.03-2, the following objectives are contained in the exhibited Amendment C86:</p> <p><i>'To recognise the important economic contribution of existing industries to Colac and the region, and protect these industries from the encroachment of sensitive uses', and,</i><br/> <i>'To encourage investment and foster economic development opportunities in Colac and surrounds'</i></p> <p>Given these clear strategic directions in the MSS supported by the range of controls applicable to this site and the accepted planning principle that these controls apply to the land rather than any particular company, no reference to Bulla Dairy Foods as a</p> |

|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                               |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | specific business entity is considered warranted.                                                                                                                             |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Comment</b>                                                                                                                                                        |
| <b>Submitter 12</b> | <p>Generally supports Amendment C86 with minor changes as follows:</p> <ul style="list-style-type: none"> <li>• Removal of DDO1 from ALC land as the proposed Incorporated Document sufficiently addresses built form outcomes and it is an unnecessary duplication;</li> <li>• a new clause in SUZ4 to clarify transitional arrangements specifying that the existing DPO applies up to the final approval of the Colac Abattoir and Food Production Plant Master Plan (Incorporated Document).</li> </ul> | The submission is supported and the suggested changes in Amendment C86 are recommended. See also comments in submission 11 above.                                             |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Comment</b>                                                                                                                                                        |
| <b>Submitter 13</b> | Supports the rezoning of land south of J Barrys Road to IN1Z on the basis that there will be demand for such industrial lots close to the city centre and Princes Highway.                                                                                                                                                                                                                                                                                                                                  | The comments made in this submission are noted. No changes to the exhibited Amendment C86 are required.                                                                       |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Comment</b>                                                                                                                                                        |
| <b>Submitter 14</b> | Objects to C86 on the grounds that there does not appear to be sufficient strategic background supporting some of the proposals for expansion of the IN1Z.                                                                                                                                                                                                                                                                                                                                                  | The submission is not supported on the basis of matters addressed in the preliminary comments and in other submissions. No change to the exhibited Amendment C86 is required. |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Comment</b>                                                                                                                                                        |
| <b>Submitter 15</b> | The submitter states that C86 would have a positive impact on three major employers in the Colac area – BDF, ALC and AKD Softwoods – facilitating future expansion, employment, new investment and export growth. An industrial estate at 50 J Barrys Rd and part of 286 Forest Rd in Elliminyt could assist new investment and job creation in Colac.                                                                                                                                                      | The statements in this submission are agreed. No further changes are required.                                                                                                |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>Officer Comment</b>                                                                                                                                                        |
| <b>Submitter 16</b> | <ul style="list-style-type: none"> <li>• Submitter supports inclusion of the Road Network and Transport Management Plan in the DPO's and</li> </ul>                                                                                                                                                                                                                                                                                                                                                         | The comments are noted and generally agreed. The DPO8 is consistent with PAO3 and the need for VicRoads to be consulted on access arrangements is acknowledged.               |



|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | <p>proposed SUZ schedules and requests that VicRoads be consulted.</p> <ul style="list-style-type: none"> <li>• The DPO8 on the Warrowie Rd/ Princes Highway rezoning needs to be consistent with VicRoads Public Acquisition Overlay (Schedule 3) (PAO3). No new access would be permitted from Princes Highway.</li> <li>• VicRoads refers to other access and transport requirements at development stage and the desire to be consulted.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | No further change to the exhibited C86 is required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Submitter 17</b> | <ul style="list-style-type: none"> <li>• Supports the Irrewarra zoning changes, the new DDO for all industrial areas at Colac East and removal of the Bushfire Management Overlay (BMO) where indicated.</li> <li>• The DDO1 disadvantages the submitter because its land holdings are highly visible and any requirements should be made more specific to the locale.</li> <li>• Requests specific design objectives in the DDO1 for the AKD sites including the 'amenity of adjacent residential uses' and 'stormwater quality and re-use measures' be removed because they are unnecessary or are replicated in the IN1Z decision guidelines and State policy.</li> <li>• The fencing requirements in DDO1 are onerous.</li> <li>• Other specific items of detail regarding car parking, safety matters, access and loading, entrances and signage should either be removed or modified.</li> <li>• The minimum allotment size of 5 hectares should be capable of reduction if part of a realignment of boundaries and provided the number of lots is not reduced.</li> </ul> | <p>Support for the DDO in Colac East industrial areas and removal of superfluous BMO's is acknowledged.</p> <p>The proposed new DDO1 applies across all Colac and Irrewarra industrial areas for consistency and to avoid duplication. As part of this change the DDO2 will become redundant and be absorbed into DDO1. The DDO1 promotes flexibility by removing a number of very specific requirements without losing sight of the need to protect amenity through development of the built form and the efficiency of access and movement. The DDO1 provides a framework for application of performance-oriented measures rather than specific requirements which could be applied more effectively at development (permit) stage to suit local conditions. Consequently the requested changes to Amendment C86 are considered to be unwarranted.</p> <p>The design objectives as expressed in the exhibited DDO1 are considered necessary and their removal or variation is also not supported.</p> <p>Subdivision in IN1Z requires the issue of a planning permit but a re-alignment of boundaries (resulting in no new lots) could be exempt under Clause 62.04 of the planning scheme. However, a key purpose of the new industrial areas under the DDO1 is to retain 5 hectare plus sized allotments wherever possible.</p> |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Officer Comment</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Submitter 18</b> | The submitter owns property at Irrewarra, and opposes an industrial area at the Colac town entrance and the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | This submission not supported on the basis of the preliminary comments and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |



|                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                    |
|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                     | grounds that it will be an eyesore for visitors and compromise Shire tourism.                                                                                                                                                                                                                                                                                                                                                                                                                         | responses to Submissions 7 and 8. Hence no change to Amendment C86 is recommended.                                                                                                                                                                                                 |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Officer Comment</b>                                                                                                                                                                                                                                                             |
| <b>Submitter 19</b> | <ul style="list-style-type: none"> <li>The submitter advises that with regard to the Bulla Dairy Food Fulton Street site, due consideration needs to be given to flooding risk ensuring that no adverse impacts occur on neighbouring properties and safe access to and from these properties.</li> <li>The western portion of the J Barrys Rd rezoning is likely to be inundated by a 1% riverine flood event and the same due consideration needs to be given as per the Fulton St site.</li> </ul> | <p>Comments made by the submitter in relation to the J Barry's site are noted.</p> <p>Appropriate recognition and due diligence will be accorded to development of the site as per the planning overlay controls proposed in Amendment C86 and no further change is necessary.</p> |
| <b>Submitter</b>    | <b>Nature of Submission</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>Officer Comment</b>                                                                                                                                                                                                                                                             |
| <b>Submitter 20</b> | Supports the removal of the BMO on his land at on the Princes Highway.                                                                                                                                                                                                                                                                                                                                                                                                                                | This submission is noted and no further change is necessary.                                                                                                                                                                                                                       |

27/02/2014  
Proposed  
C86

## SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

Shown on the planning scheme map as **DDO1**.

### COLAC AND IRREWARRA INDUSTRIAL AREAS

#### 1.0 Design objectives

27/02/2014  
Proposed  
C86

To enhance the appearance of industrial areas.

To ensure that industrial areas in Colac and Irrewarra support the development of large scale industrial uses on large lots.

To encourage a high standard of architecture and urban design on land visible from public areas.

To ensure that fencing and signage are integrated with the building and landscape design to enhance the presentation of the development to the public realm.

To provide a high level of amenity for workers and visitors to the industrial areas.

To consider the amenity of adjacent residential uses.

To promote best practice stormwater quality and re-use measures.

#### 2.0 Buildings and works

27/02/2014  
Proposed  
C86

##### Permit requirement

A permit is required to construct a fence that is:

- more than 1.5 metres in height and located on or within 5 metres of a public open space reserve boundary or a boundary that has a frontage to a street; or
- constructed of materials which are less than 50 per cent transparent and located on or within 5 metres of a public open space reserve boundary or a boundary that has a frontage to a street.

##### Requirements

###### Site layout

The layout of individual sites should ensure the following where practicable:

- Locate all staff parking and loading bays to the side or rear of any buildings.
- Locate office components and public areas, including visitor car parking, towards the front of the site.
- Provide footpaths from the street to the main building entrance(s).
- Separate pedestrian and vehicle circulation.
- Separate loading and truck parking areas from car parking areas.
- Locate loading and unloading areas, truck parking and outdoor goods or waste storage (including tanks) at the rear of buildings or behind landscaping areas to screen them from street frontages.
- [Location of rail corridor and railway infrastructure and any potential impact on rail operations.](#)
- [Areas for appropriate stormwater management measures](#)

###### Building design and landscaping

The design of new buildings and the extension of existing buildings should ensure the following where practicable:

- Design building facades which are visible from public areas to add visual interest.
- Design buildings on corner allotments to face both street frontages.
- Design buildings to emphasise the main entry.
- Design buildings to allow for signage to be integrated within the building form.
- Design larger buildings to address visual bulk and massing issues through using a range of building materials, colours, roof forms, articulation, and landscaping.
- Provide landscaping using a range of indigenous and exotic species where appropriate to soften the appearance of car parks, driveways and buildings. Landscaping should provide shading for buildings, define entrances and provide a buffer between buildings. A landscape strip along the front of buildings should be considered to soften views to the industrial areas from public viewing areas. Landscaping is to be completed within 6 months of the development or works being constructed and minimise the use of potable water.
- Set back fencing behind or in line with the front wall of the building, and design the fencing to integrate with landscaping and be recessive unless it can be demonstrated that it is required for operational purposes.

**3.0 Subdivision**

19/01/2006  
VC37

All lots should have a minimum area of five (5) ha.

**4.0 Advertising signs**

27/02/2014  
Proposed  
C86

Advertising controls are at Clause 52.05. Land affected by this schedule is in Category 3.

**Permit requirement**

A permit is not required for a non-illuminated business identification sign not exceeding 8sqm in area per premise provided the sign is not freestanding, located on or above the roof; and is flush with the building.

**Requirements**

Signage should address the following requirements:

- Avoid creating visual clutter in the development of new signage.
- Incorporate new signage into building design below the roof line and avoid roof top signs.
- Avoid freestanding signs unless they are able to accommodate multiple tenancies, provide a navigational or orienting function, and consolidate signage in one location.
- Minimise the visibility of outdoor advertising signage from the Princes Highway.

**5.0 Decision guidelines**

27/02/2014  
Proposed  
C86

Before deciding on an application the responsible authority must consider, in addition to the decision guidelines in Clauses 65 and 43.02-05, the following matters:

**Building design and landscaping**

- Whether the building design and siting contributes to the appearance of the industrial area from public viewing areas.
- Whether the landscaping design and siting, species used and planting densities:
  - Help frame and soften any building and screen industrial processing areas;
  - Provide shade to parking and amenity areas; and

- Contribute to the amenity of the working environment.
- Whether the proposed fencing has been designed to have minimal visual impact, and allow for passive surveillance of public and semi-public areas, or is required for operational purposes.

**Advertising signs**

- Whether the advertising signage:
  - detracts from the visual appearance or amenity of public places;
  - is located on awnings, or within built elements;
  - is consistent with the scale and character of the building and its surrounds;
  - is of a high quality design and standard.

**6.0**

**Reference documents**

27/02/2014  
Proposed C86

Colac Structure Plan (2007)

Colac CBD and Entrances Project (2012)

Colac Township: Economic Development, Commercial and Industrial Land Use Strategy (2016)

~~of~~  
Proposed C86

## SCHEDULE 7 TO THE DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO7**

### J Barrys Road, Colac Industrial Area

A development plan is required to guide the future subdivision, use and development of the J Barrys Road Industrial Area to ensure that a range of detailed planning issues are resolved prior to the commencement of development of the area.

#### 1.0 Requirement before a permit is granted

~~of~~  
Proposed C86

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated and orderly manner.

A planning permit may be granted before a development plan has been prepared for the following:

- Agriculture, and any building or works in association with the use of the land for agricultural purposes;
- Minor extensions, alterations or modification to an existing use or development.

#### 2.0 Conditions and requirements for permits

~~of~~  
Proposed C86

##### Application requirements

The following information must be provided with any permit application as appropriate:

- An assessment demonstrating that the proposal is generally in accordance with the approved development plan;
- An **Environmental Management Plan** showing measures proposed to be applied to the new buildings or works to achieve minimal impact on surrounding residential areas. The Environmental Management Plan must include all monitoring, auditing, reporting and mitigation measures that are relevant to the new use and development of the land.

##### Conditions for permits

A planning permit must include conditions or requirements which give effect to the provisions and requirements of the approved Development Plan and the approved Shared Infrastructure Funding Plan which forms part thereof.

#### 3.0 Requirements for development plan

~~of~~  
Proposed C86

One Development Plan must be prepared for the whole of the land to which this schedule applies.

An approved Development Plan may be amended to the satisfaction of the Responsible Authority.

A Development Plan must include the following elements to the satisfaction of the Responsible Authority:

An **Urban Design Masterplan** that includes:

- A site analysis;

- The location of all proposed land uses including roads, public open space, drainage reserves, and other known authority reserves;
- The general subdivision layout including location and distribution of lots showing a variety of lot sizes with a minimum size of 5ha. The layout is to maximise solar efficiency to as many lots as possible;
- An appropriate interface to rural living lots located to the west of the site, and any areas of proposed open space;
- Details of any relevant separation distances from EPA *Publication 1518 Recommended separation distances for industrial residual air emissions* (March 2013) and any proposed land use restrictions and / or uses allowed within the buffer which respect the residential interface
- Staging of the development of the land and infrastructure requirements needed for each stage.

**A Road Network and Transport Management Plan** that includes:

- An internal road network that provides for a high level of permeability through, and access within the development, for all vehicular and non vehicular traffic including pedestrians and cyclists and which responds to the topography of the site;
- An extension of the east-west section of J Barrys Road to the west along the unnamed road reserve which forms the southern edge of the development plan area;
- Identification of upgrades to the external road network to the satisfaction of the Responsible Authority including:
  - the Forest Street South intersection;
  - Hearn Street intersection;
  - Forest Street.
- Reference to the requirement of the Infrastructure Design Manual and associated Design Notes;
- Provision of footpaths on both sides of all roads;
- Definition of the cross sections, including where relevant, verge widths, naturestrips, kerb and channel, pavement widths and pathways for all identified roads within the development, to meet the traffic needs and be capable of incorporating any drainage elements such WSUD.

The Road Network and Transport Management Plan is to address all off-site traffic infrastructure requirements associated with the site to the satisfaction of the Responsible Authority.

The Road Network and Transport Management Plan must be accompanied by a Road Safety Audit prepared by an appropriately qualified person and must address any safety issues raised by the Audit which arise as a consequence of the development of the land.

**An Integrated Water Management Plan** that takes an integrated approach to stormwater and drainage management, is designed to reference the whole catchment and includes:

- Reference to:
  - WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005;
  - Clause 56-07 of the Colac Otway Planning Scheme;
  - The Infrastructure Design Manual and associated Design Notes;
  - Colac Stormwater Development Strategy, 2016.
- A Drainage Feasibility Study which analyses the sub-catchment with appropriate hydrological and hydraulic modelling, to determine urban stormwater management strategies to the satisfaction of the Responsible Authority. Strategies shall be based on limiting flows and runoff volumes to the downstream drainage system, drainage lines, waterways and water bodies to ensure no adverse impact;



- Details of the management and control of stormwater during the construction phase of the development and contingency measures for floodwater treatment where any flooding occurs prior to the connection of all infrastructure;
- Measures to be incorporated into the design and construction of the drainage basins to discourage mosquito breeding;
- A Water Sensitive Urban Design that:
  - Demonstrates the methods of collection, treatment and disposal of stormwater runoff in an environmentally acceptable manner including as appropriate, provision of detention and water quality treatment;
  - Utilises the MUSIC (Model for Stormwater Improvement Conceptualisation) program to measure the benefits and performance outcomes incorporated into the plan;
  - Provides for the safe overflows paths for the 1% ARI and considers the impact of the >1% ARI event.

The Integrated Water Management Plan is to address all off-site drainage infrastructure requirements associated with the development of the site to the satisfaction of the Responsible Authority.

**An assessment against any relevant State Environment Protection Policies.**

A **Biodiversity Assessment** which includes the application requirements of Clause 52.17.

A **Open Space and Landscape Masterplan** that includes:

- A landscape street tree treatment to provide an attractive subdivision;
- The potential retention of existing trees wherever possible;
- A plant species list and proposed location of each species;
- Details of any proposed landscape setback areas at the interface with the road network; adjoining properties, and internal roadways as required;
- Details of any proposed areas of open space;
- Reference to Colac Otway Public Open Space Strategy, October 2011.

A **Lighting Report** that identifies:

- nearby land uses which may be sensitive to lighting impacts;
- requirements for external lighting of buildings, car parks and accessways, and street lights;
- relevant lighting guidelines and framework for future detailed lighting design.

A **Services Report** that details how physical infrastructure will be provided to all lots and any external upgrades which may be required.

A **Shared Infrastructure Funding Plan** which guides the delivery of shared infrastructure in the development plan area by:

- Identifying the land parcels which are to be developed and quantifying the area and likely development yield of each parcel;
- Identifying shared infrastructure required to support development;
- Identifying the specifications, costs and justification for each item;
- Apportioning costs to each catchment area in the development plan area, and calculating levies payable to ensure delivery of shared infrastructure;

- Identifying any additional infrastructure items that are to be provided by specific landowners;
- Describing the mechanisms by which the Shared Infrastructure Funding Plan will be implemented, including collection of levies, delivery of infrastructure, responsibilities for works in-kind and administration of the document (such as indexation);
- Provides clear principles regarding obligation of developers to deliver and/or facilitate works.

A **Construction Management Plan** specifying measures to:

- Protect any significant vegetation on the site;
- Minimise the impact of construction on neighbouring properties and uses;
- Protect council assets, including access roads;
- Manage the removal, stockpiling, respreading and/or disposal of soil.

An **Acoustic Report** which identifies:

- Existing noise sources, noise levels and noise attenuation mechanisms;
- Possible sensitive land uses / noise receptors surrounding the land;
- Possible future proposed noise sources and impacts;
- Parameters for future acoustic mitigation works, including any relevant State Environment Protection Policies or guidelines;
- Noise management frameworks.

#### 4.0

#### **Decision Guidelines**

~~4.0~~  
Proposed C86

Before approving a development plan, in addition to the decision guidelines in Clause 65, the Responsible Authority must consider, as appropriate, the views of the EPA, VicRoads, Barwon Water and the Corangamite Catchment Management Authority.

Proposed C86

**SCHEDULE 3 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ3**

**DAIRY FOOD PRODUCTION PLANT BULLA-DAIRY FOODS - CONNOR AND MURRAY STREETS, COLAC**

**Purpose**

To allow for the ongoing and future use and development of the land for the purpose of industry, manufacturing, storage and distribution of iced-confection, milk and dairy-based products.

To provide for the ongoing and future use and development of the land for the purpose of administrative, commercial and office functions associated with Bulla Dairy Foods.

To support employment and investment opportunities within the Colac Otway Shire.

To ensure that the use and development of the site is undertaken in a manner which recognises and considers the interfaces with adjoining land uses.

To provide for the use and development of the land in accordance with the Incorporated Document entitled 'Bulla-Dairy Foods Production Plant – Connor and Murray Streets, Colac'

**1.0**

**Table of uses**

Proposed C86

**Section 1 - Permit not required**

| Use                                                                                                            | Condition                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|
| Car park                                                                                                       | Must be associated with the manufacturing or production of iced-confection, milk and dairy-based products                            |
| Industry (other than Materials recycling, Refuse disposal, Rural industry, Service industry, Transfer station) |                                                                                                                                      |
| Manufacturing Sales                                                                                            | Must be generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme |
| Office                                                                                                         |                                                                                                                                      |
| Shop                                                                                                           |                                                                                                                                      |
| Warehouse                                                                                                      |                                                                                                                                      |
| <u>Minor Utility Installation</u>                                                                              |                                                                                                                                      |

**Section 2 - Permit required**

| Use                                 | Condition |
|-------------------------------------|-----------|
| Caretaker's house                   |           |
| Food and drink premises             |           |
| Any other use not in Section 1 or 3 |           |

**Section 3 - Prohibited**

| Use |
|-----|
|     |

**Accommodation (other than Caretaker's house)**  
**Agriculture**  
**Child care centre**  
**Earth and energy resources industry**  
**Leisure and recreation**  
**Materials recycling**  
**Place of assembly**  
**Pleasure boat facility**  
**Refuse disposal**  
**Retail premises (other than Food and drink premises, Manufacturing sales and Shop)**  
**Rural industry**  
**Service industry**  
**Transfer station**  
**Transport terminal**

---

**2.0 Use of land**

~ ~ ~ ~ ~  
Proposed C86

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**3.0 Subdivision**

~ ~ ~ ~ ~  
Proposed C86

A planning permit is required to subdivide land.

**4.0 Buildings and works**

~ ~ ~ ~ ~  
Proposed C86

A permit is required to construct a building or construct or carry out works.

This does not apply if:

- the proposed buildings and works are generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme.
- the proposed buildings or works rearrange, alter or renew plant if the area or height of the plant is not increased.

A building or works which is generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme must be constructed or carried out in accordance with the following plans, as appropriate, prepared to the satisfaction of the responsible authority.

- Site Context Plan identifying the location and extent of the new works, including surrounding land uses and built form;
- Existing conditions floor plans and elevations;
- Proposed floor plans and elevations;
- Section drawings;
- Landscaping details (if any);
- Colours, materials and finishes;
- Car Parking, Access, Bicycle Parking and Loading Report or a Traffic Management Plan where buildings and works will result in a significant increase in traffic generation or parking requirements;

- Infrastructure / Services Report;
- A Stormwater Management Plan specifying details of how stormwater runoff from proposed new buildings or works will be managed;
- Waste Management Plan (if proposing new uses or additional floor space that would warrant a change to existing arrangements);
- A Noise Management Plan (if proposing new industrial or warehouse uses only) providing details on the expected noise levels from the new buildings or works at the property boundaries to ensure noise emitted from the premises does not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011);
- Odour Report (if proposing new industrial or warehouse uses only) providing details on the expected levels of emissions from new buildings or works ; and
- An assessment of the proposal against any relevant State Environment Protection Policies;
- A Construction Management Plan (if proposing new industrial or warehouse uses only) specifying measures proposed to ensure that construction activity has minimal impact on surrounding areas.
- An Environmental Management Plan (if proposing new industrial or warehouse uses only) showing measures proposed to be applied to the new buildings or works to achieve minimal impact on surrounding areas. The Environmental Management Plan must include all monitoring, auditing, reporting and mitigation measures that are relevant to the new use and development of the land .

If the above items are generally in accordance with an approved Master Plan and to the satisfaction of the Responsible Authority, the plans may be approved by the Responsible Authority.

## 5.0 Application requirements

---  
Proposed C86

### Use

An application to use land in Section 2 must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.
- Whether a notification under the *Occupational Health and Safety (Major Hazard Facilities) Regulations 2000* is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2000* is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking including the number of new car parking spaces and loading and unloading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas.
  - Areas not required for immediate use.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

## 6.0 Exemption from notice and review

~~---~~  
Proposed C86

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Any consent required for plans lodged under Section 4.0 of this Schedule which are generally in accordance with the Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 7.0 Decision guidelines

~~---~~  
Proposed C86

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.
- Whether the proposal enhances visual character and pedestrian amenity.
- Whether the proposal achieves a high standard of architectural and urban design.

### Use



- The effect that the use may have on nearby existing residential areas or other uses which are sensitive to industrial off-site effects.
- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.
- The interim use of those parts of the land not required for the proposed use.

#### **Subdivision**

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

#### **Building and works**

- The movement of pedestrians and cyclists, and vehicles providing for supplies, waste removal, emergency services and public transport.
- The provision of car parking and bicycle parking.
- The provision for the loading and unloading of vehicles
- The streetscape, including the conservation of buildings, the design of verandahs, access from the street front, protecting active frontages to pedestrian areas, the treatment of the fronts and backs of buildings and their appurtenances, illumination of buildings or their immediate spaces and the landscaping of land adjoining a road.
- The storage of rubbish and materials for recycling.
- Defining the responsibility for the maintenance of buildings, landscaping and paved areas.
- The availability of and connection to services.
- The drainage of the land.

### **8.0 Advertising signs**

~~4-4~~  
Proposed C86

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Proposed C86

**SCHEDULE 4 TO THE SPECIAL USE ZONE**

Shown on the planning scheme map as **SUZ4**

**COLAC ABATTOIR & FOOD PRODUCTION PLANT**

**Purpose**

To allow for the ongoing and future use and development of the land as an abattoir for the purpose of industry, manufacturing, storage and distribution of meat products.

To support employment and investment opportunities in Colac.

To ensure that the manufacturing, storage and distribution of goods and associated uses does not affect the safety and amenity of local communities.

To provide for the use and development of the land in accordance with the [approved Colac Abattoir and Food Production Plant Master Plan \(Incorporated Document Incorporated Document entitled 'Australian Lamb Company - Colac Abattoir and Food Production Plant'](#).

**1.0**

Proposed C86

**Table of uses**

**Section 1 - Permit not required**

| Use                                                                                                                                         | Condition                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agriculture (other than Animal keeping, Animal training, Apiculture, Intensive animal husbandry, Rice growing and Timber production)</b> | <p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir &amp; Food Production Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme or the approved Colac Abattoir and Food Production Plan Development Plan</p> |
| <b>Minor Utility Installation</b>                                                                                                           |                                                                                                                                                                                                                                                                                                                                                          |
| <b>Office</b>                                                                                                                               | <p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir &amp; Food Production Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme or the approved Colac Abattoir and Food Production Plan Development Plan</p> |
| <b>Railway</b>                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                          |
| <b>Rural Industry</b>                                                                                                                       | <p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir &amp; Food Production Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme or the approved Colac Abattoir and Food Production Plan Development Plan</p> |
| <b>Tramway</b>                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                          |

|                  |                                                                                                                                                                                                                                                                                                                                                          |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Warehouse</b> | <p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir &amp; Food Production Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme or the approved Colac Abattoir and Food Production Plan Development Plan</p> |
|------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Section 2 - Permit required**

| Use                           | Condition |
|-------------------------------|-----------|
| Any use not in Section 1 or 3 |           |

**Section 3 - Prohibited**

| Use                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Accommodation (other than Caretaker's house)</p> <p>Cinema based entertainment facility</p> <p>Hospital</p> <p>Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises)</p> |

**2.0**

**Use of land**

---/---/---  
Proposed C86

A use must not detrimentally affect the amenity of the neighbourhood, including through the:

- Transport of materials, goods or commodities to or from the land.
- Appearance of any building, works or materials.
- Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil.

**3.0**

**Subdivision**

---/---/---  
Proposed C86

A planning permit is required to subdivide land.

**4.0**

**Buildings and works**

---/---/---  
Proposed C86

A permit is required to construct a building or construct or carry out works.

This does not apply if:

- the proposed buildings and works are generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme.
- the proposed buildings or works rearrange, alter or renew plant if the area or height of the plant is not increased.
- the proposed buildings or works is generally in accordance with the approved Colac Abattoir and Food Production Plan Development Plan

A building or works which is generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme must be constructed or carried out in accordance with the following plans, as appropriate, prepared to the satisfaction of the responsible authority.

- Site Context Plan identifying the location and extent of the new works, including surrounding land uses and built form;
- Existing conditions floor plans and elevations;
- Proposed floor plans and elevations;
- Section drawings;
- Landscaping details (if any);
- Colours, materials and finishes;
- Visual assessment (if required).
- Car Parking, Access, Bicycle Parking and Loading Report or a Traffic Management Plan where buildings and works will result in a significant increase in traffic generation or parking requirements;
- Infrastructure / Services Report;
- A Stormwater Management Plan specifying details of how stormwater runoff from proposed new buildings or works will be managed;
- Waste Management Plan (if proposing new uses or additional floor space that would warrant a change to existing arrangements);
- A Noise Management Plan (if proposing new industrial or warehouse uses only) providing details on the expected noise levels from the new buildings or works at the property boundaries to ensure noise emitted from the premises does not exceed the recommended levels as set out in Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011);
- Odour Report (if proposing new industrial or warehouse uses only) providing details on the expected levels of emissions from new buildings or works ; and
- An assessment of the proposal against any relevant State Environment Protection Policies;
- A Construction Management Plan (if proposing new industrial or warehouse uses only) specifying measures proposed to ensure that construction activity has minimal impact on surrounding areas.
- An Environmental Management Plan (if proposing new industrial or warehouse uses only) showing measures proposed to be applied to the new buildings or works to achieve minimal impact on surrounding areas. The Environmental Management Plan must include all monitoring, auditing, reporting and mitigation measures that are relevant to the new use and development of the land .

If the above items are generally in accordance with an approved Master Plan and to the satisfaction of the Responsible Authority, the plans may be approved by the Responsible Authority.

## 5.0 Application requirements

Proposed C86

### Use

An application to use land in Section 2 must be accompanied by the following information, as appropriate:

- The purpose of the use and the types of processes to be utilised.
- The type and quantity of goods to be stored, processed or produced.
- How land not required for immediate use is to be maintained.
- Whether a Works Approval or Waste Discharge Licence is required from the Environment Protection Authority.

- Whether a notification under the *Occupational Health and Safety (Major Hazard Facilities) Regulations 2000* is required, a licence under the *Dangerous Goods Act 1985* is required, or a fire protection quantity under the *Dangerous Goods (Storage and Handling) Regulations 2000* is exceeded.
- The likely effects, if any, on the neighbourhood, including:
  - Noise levels.
  - Air-borne emissions.
  - Emissions to land or water.
  - Traffic, including the hours of delivery and despatch.
  - Light spill or glare.

### Buildings and works

An application to construct a building or construct or carry out works must be accompanied by the following information, as appropriate:

- A plan drawn to scale which shows:
  - The boundaries and dimensions of the site.
  - Adjoining roads.
  - The location, height and purpose of buildings and works on adjoining land.
  - Relevant ground levels.
  - The layout of existing and proposed buildings and works.
  - All driveway, car parking including the number of new car parking spaces and loading and unloading areas.
  - Proposed landscape areas.
  - All external storage and waste treatment areas
  - Areas not required for immediate use.
- Location of the rail corridor, railway line, rail infrastructure and site/ ground levels along the corridor.
- Elevation drawings to scale showing the colour and materials of all buildings and works.
- Construction details of all drainage works, driveways, vehicle parking and loading areas.
- A landscape layout which includes the description of vegetation to be planted, the surfaces to be constructed, site works specification and method of preparing, draining, watering and maintaining the landscape area.

## 6.0 Exemption from notice and review

Proposed C86

An application to subdivide land or construct a building or construct or carry out works is exempt from the notice requirements of Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act. This exemption does not apply to land within 30 metres of land (not a road) which is in a residential zone, land used for a hospital or an education centre or land in a Public Acquisition Overlay to be acquired for a hospital or an education centre.

Any consent required for plans lodged under Section 4.0 of this Schedule which are generally in accordance with the Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme is exempt from the notice requirements of

Section 52(1)(a), (b) and (d), the decision requirements of Section 64(1), (2) and (3) and the review rights of Section 82(1) of the Act.

## 7.0

~~7.0~~  
Proposed C86

### Decision Guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- The interface with adjoining zones, especially the relationship with residential areas.
- Whether the proposal achieves a high standard of architectural and urban design.

#### Use

- The effect that existing uses may have on the proposed use.
- The drainage of the land.
- Odour and noise emissions.
- The availability of and connection to services.
- The effect of traffic to be generated on roads.

#### Subdivision

- Provision for vehicles providing for supplies, waste removal and emergency services and public transport.
- The effect the subdivision will have on the potential of the area to accommodate the uses which will maintain or enhance its competitive strengths.

#### Building and works

- The provision of car parking.
- Whether the building design and siting contributes to the appearance of the industrial area from public viewing areas.
- Whether the landscaping design and siting, species used and planting densities:
  - Help frame and soften any building and screen industrial processing areas;
  - Provide shade to parking and amenity areas; and
  - Contribute to the amenity of the working environment.
- Whether the proposed fencing has been designed to have minimal visual impact, and allow for passive surveillance of public and semi-public areas.
- Whether the proposed signage:
  - detracts from the visual appearance or amenity of public places;
  - is located on awnings, or within built elements;
  - is consistent with the scale and character of the building and its surrounds;
  - is of a high quality design and standard.

## 8.0

### Advertising signs

~~8.0~~  
Proposed C86

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

## 9.0

### Transitional Arrangements





In the absence of the approved *Colac Abattoir and Food Production Plant Master Plan (Incorporated Document)*, the approved *Colac Abattoir and Food Production Plant Development Plan* applies to the land at 1 Tristania Drive and 45 Flaxmill Road, Colac East. Following approval of the *Colac Abattoir and Food Production Plant Master Plan (Incorporated Document)*, the *Colac Abattoir and Food Production Plant Development Plan* will cease to apply.

# COLAC OTWAY PLANNING SCHEME



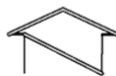
## LEGEND

-  PPRZ PUBLIC PARK AND RECREATION ZONE
-  C1Z COMMERCIAL 1 ZONE

Part of Planning Scheme Map 11

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

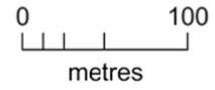


Department of  
Environment, Land,  
Water & Planning



004

# COLAC OTWAY PLANNING SCHEME



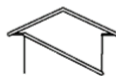
## LEGEND

 INDUSTRIAL 1 ZONE

Part of Planning Scheme Map 5

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

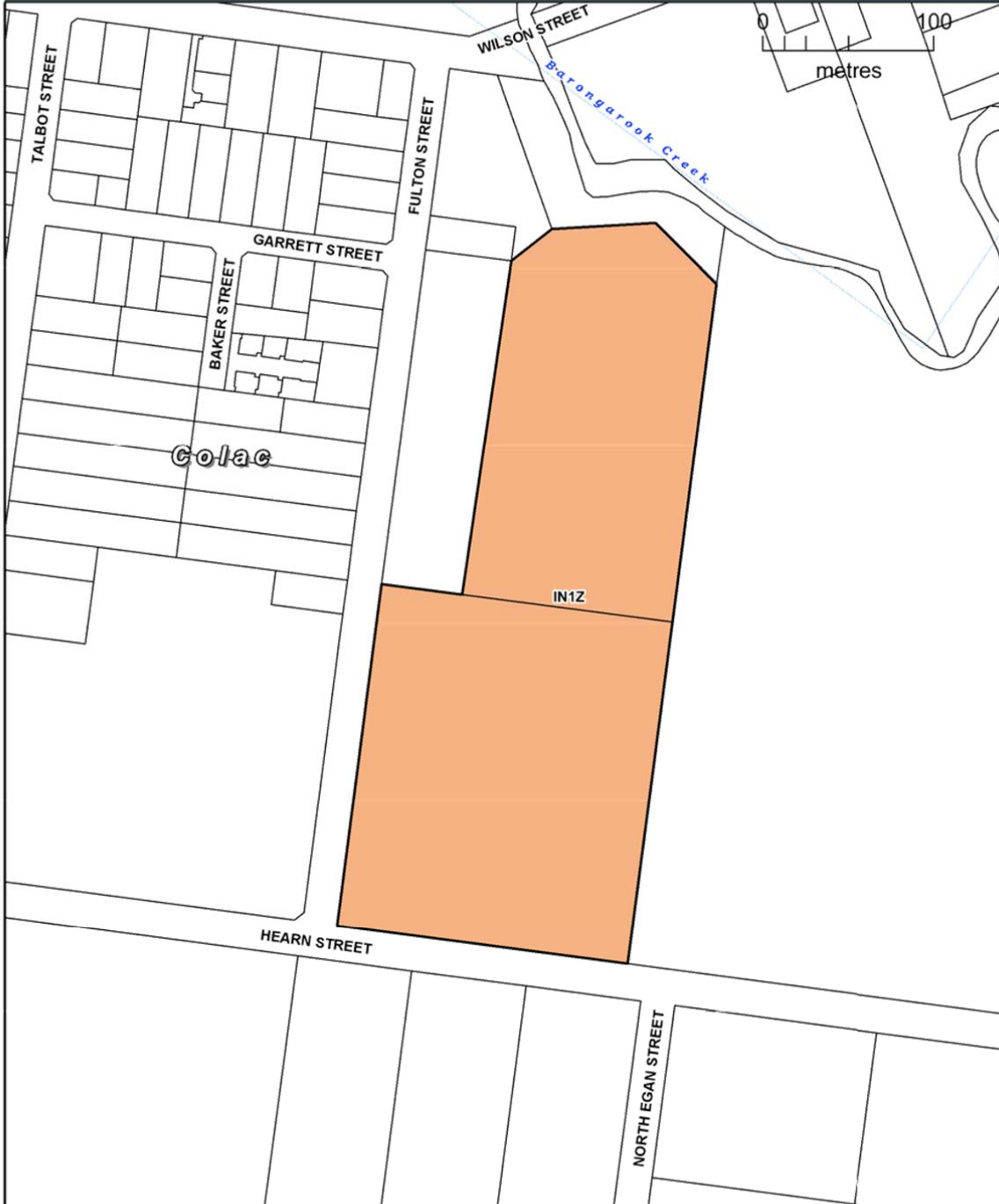


Department of  
Environment, Land,  
Water & Planning



003

# COLAC OTWAY PLANNING SCHEME



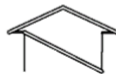
## LEGEND

**IN12** INDUSTRIAL 1 ZONE

Part of Planning Scheme Map 11

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



008

# COLAC OTWAY PLANNING SCHEME



## LEGEND

 INDUSTRIAL 1 ZONE

Part of Planning Scheme Map 9

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



005

# COLAC OTWAY PLANNING SCHEME



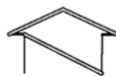
## LEGEND

**SUZ3** SPECIAL USE ZONE - SCHEDULE 3

Part of Planning Scheme Map 11

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



007



# COLAC OTWAY PLANNING SCHEME



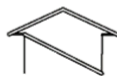
## LEGEND

**c2z** COMMERCIAL 2 ZONE

Part of Planning Scheme Map 5

# AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

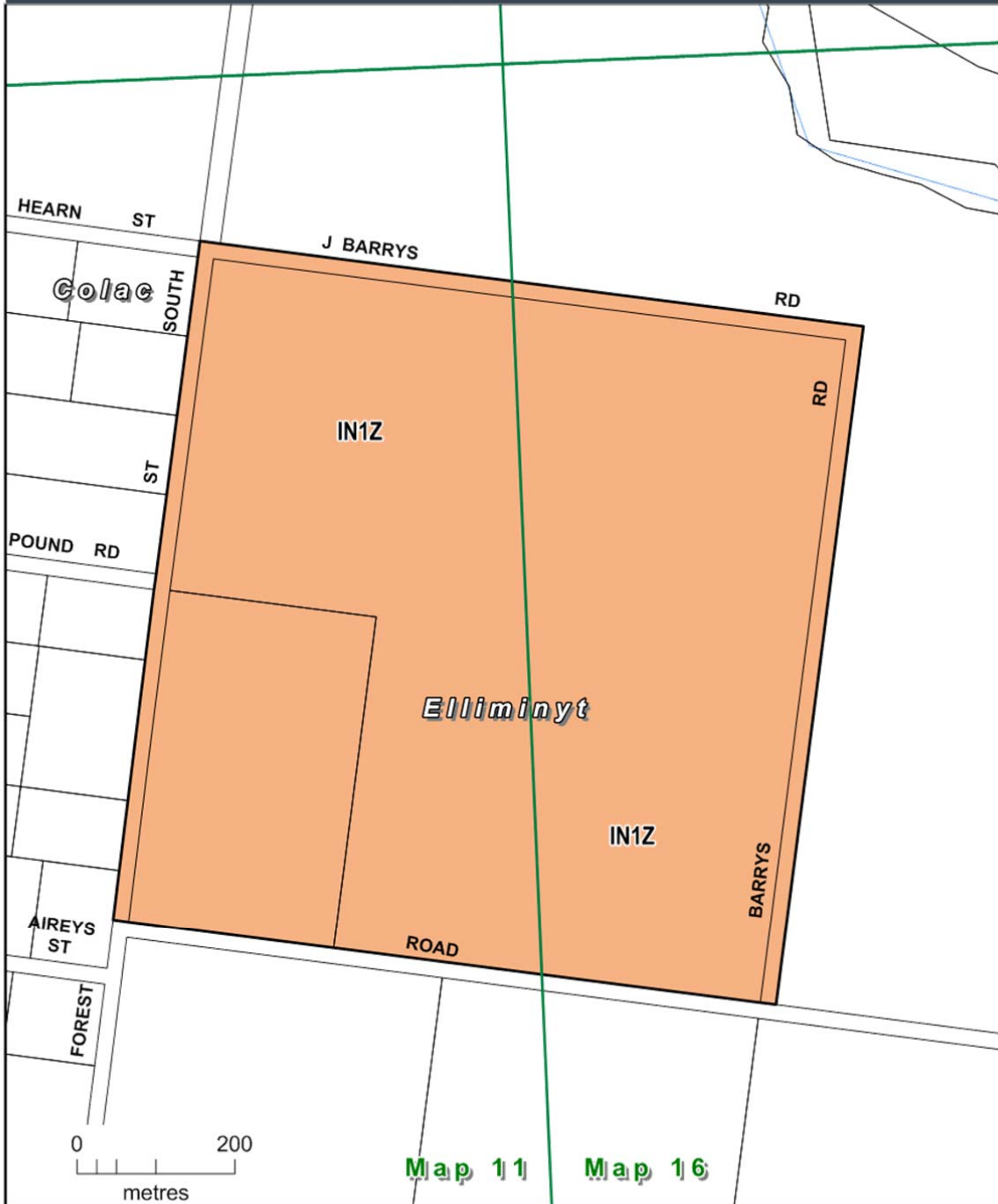


Department of  
Environment, Land,  
Water & Planning



019

# COLAC OTWAY PLANNING SCHEME



## LEGEND

 **IN1Z** INDUSTRIAL 1 ZONE

Part of Planning Scheme Maps 11 & 16

# AMENDMENT C86

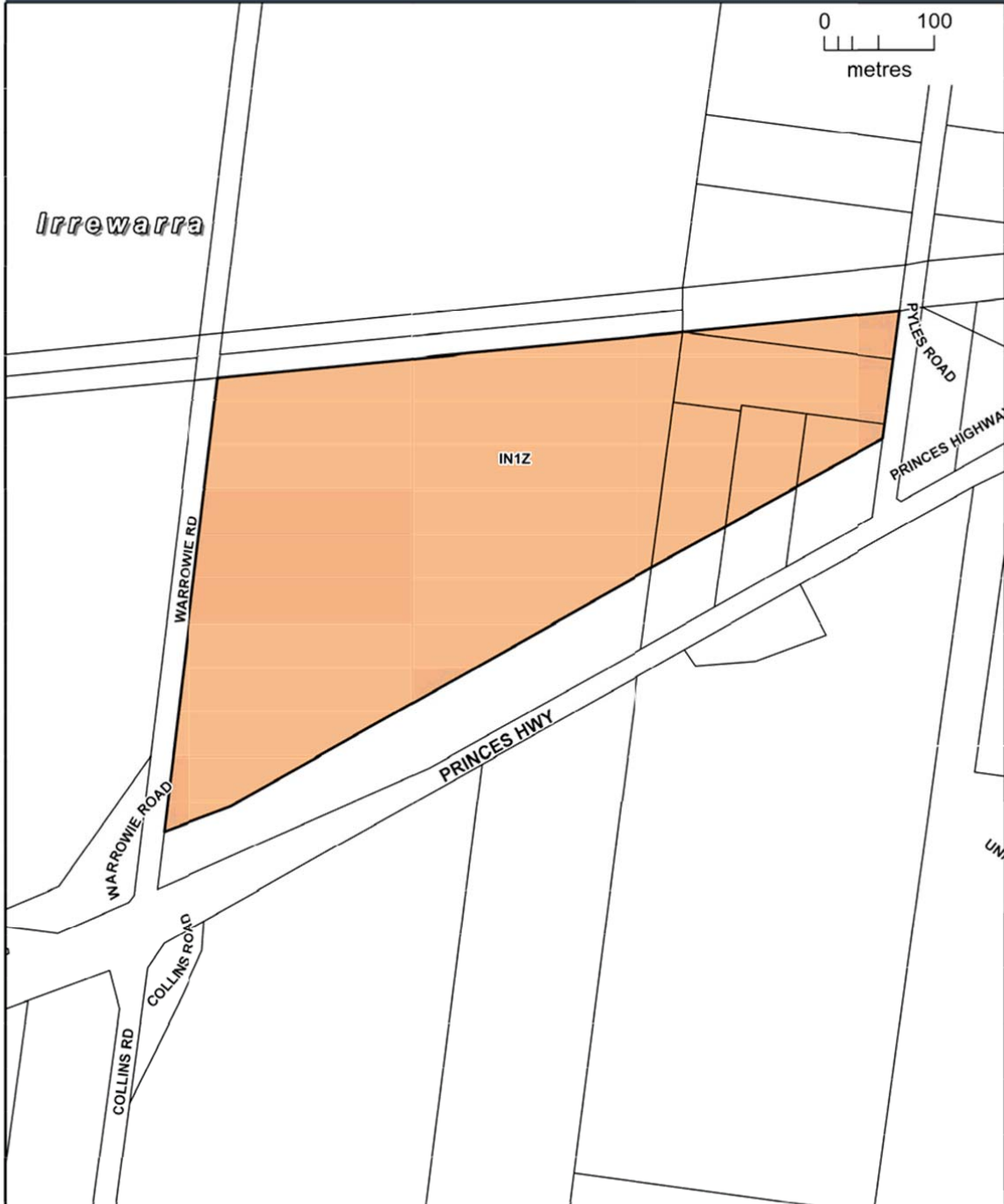
| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning 

023

# COLAC OTWAY PLANNING SCHEME



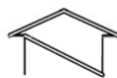
## LEGEND

**IN1Z** INDUSTRIAL 1 ZONE

Part of Planning Scheme Map 9

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning





026

# COLAC OTWAY PLANNING SCHEME



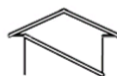
## LEGEND

-  SUZ4 SPECIAL USE ZONE - SCHEDULE 4
-  GRZ1 GENERAL RESIDENTIAL ZONE - SCHEDULE 1

Part of Planning Scheme Map 9

## AMENDMENT C86

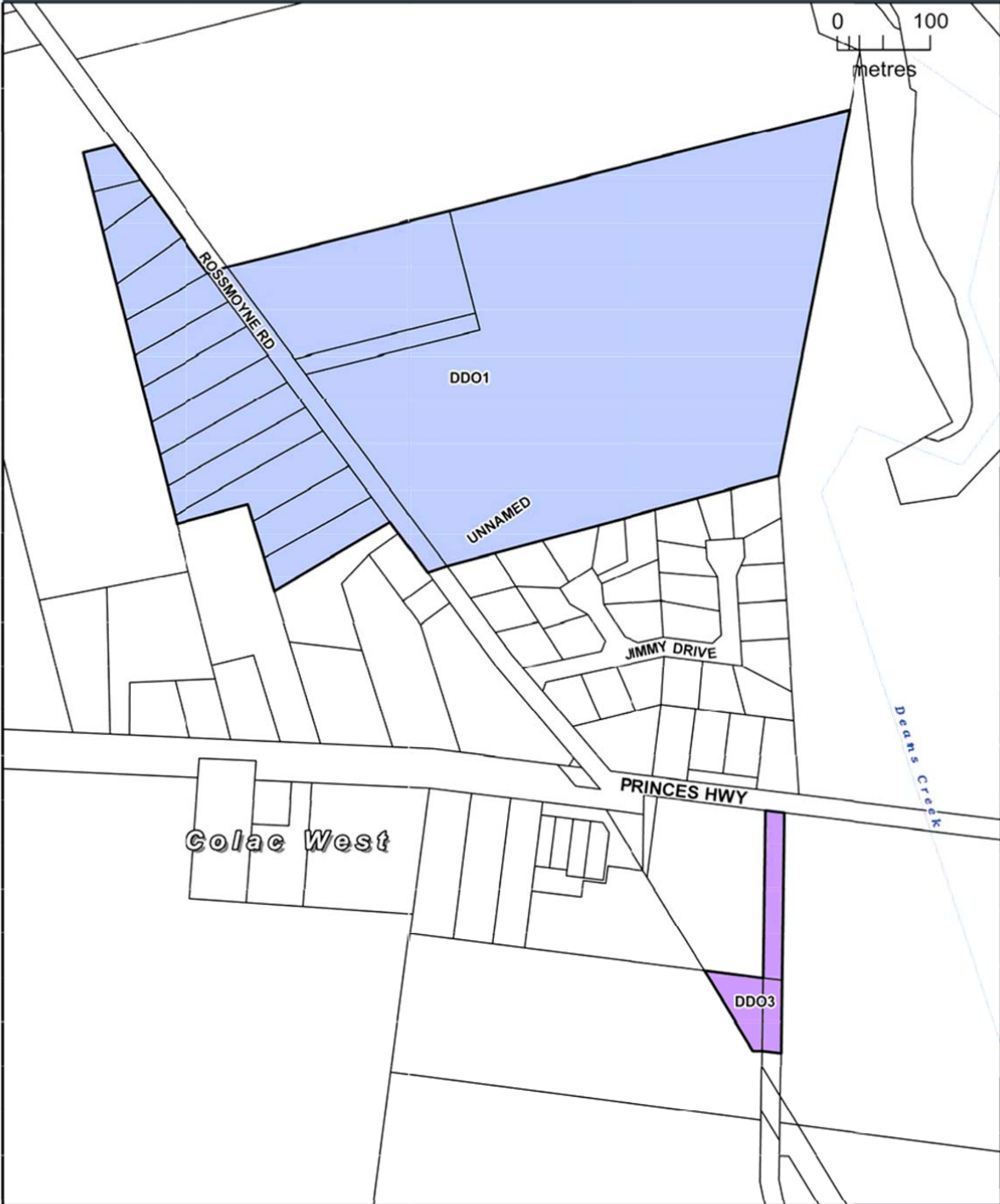
| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning 

009

# COLAC OTWAY PLANNING SCHEME



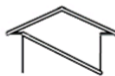
## LEGEND

-  DDO1 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1
-  DDO3 DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 3

Part of Planning Scheme Map 5DDO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

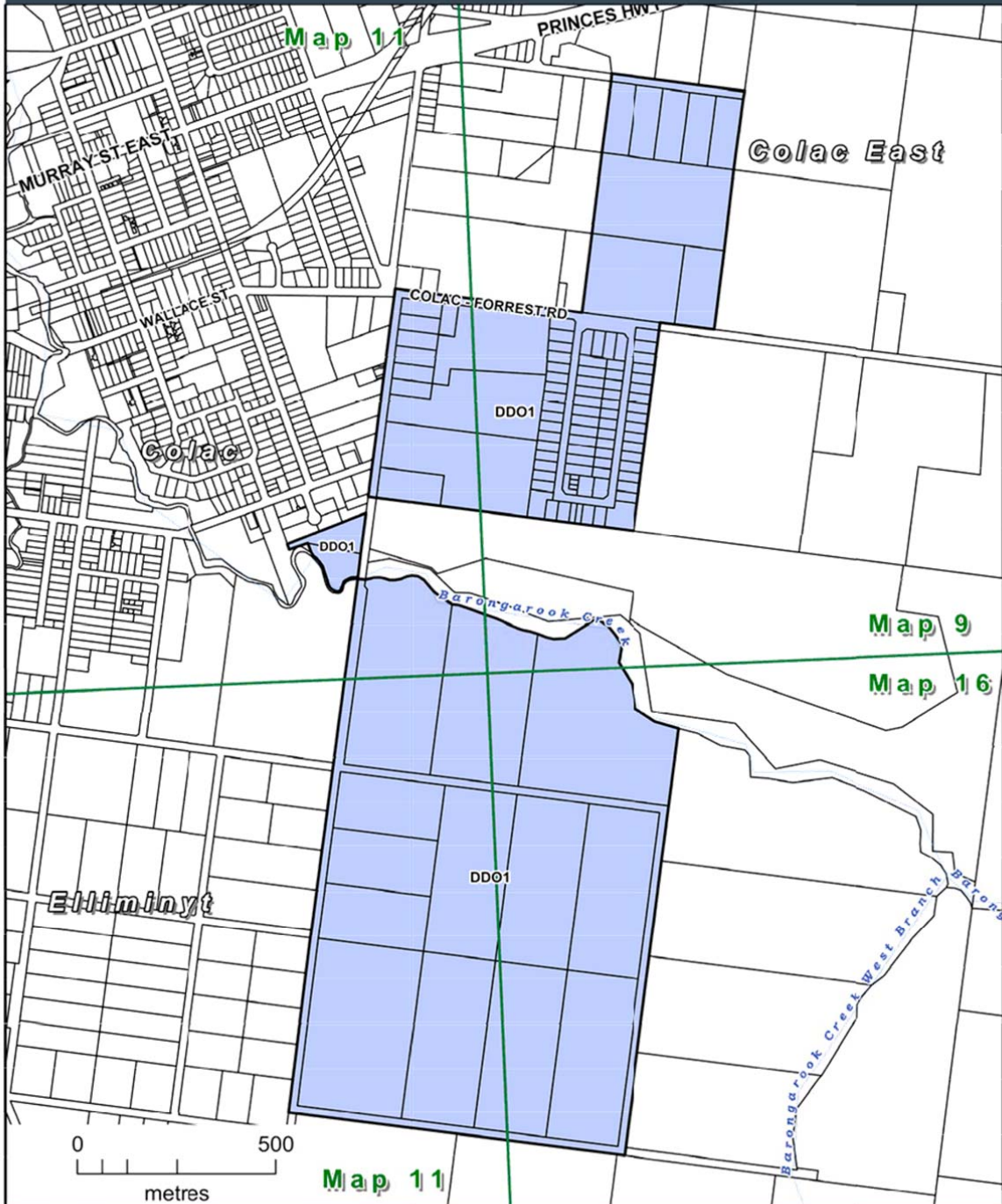


Environment,  
Land, Water  
and Planning

017



# COLAC OTWAY PLANNING SCHEME



## LEGEND

**DDO1** DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1

Part of Planning Scheme Maps 9DDO, 11DDO & 16DDO

# AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



018



# COLAC OTWAY PLANNING SCHEME



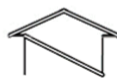
## LEGEND

**DDO1** DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 1

Part of Planning Scheme Map 9DDO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

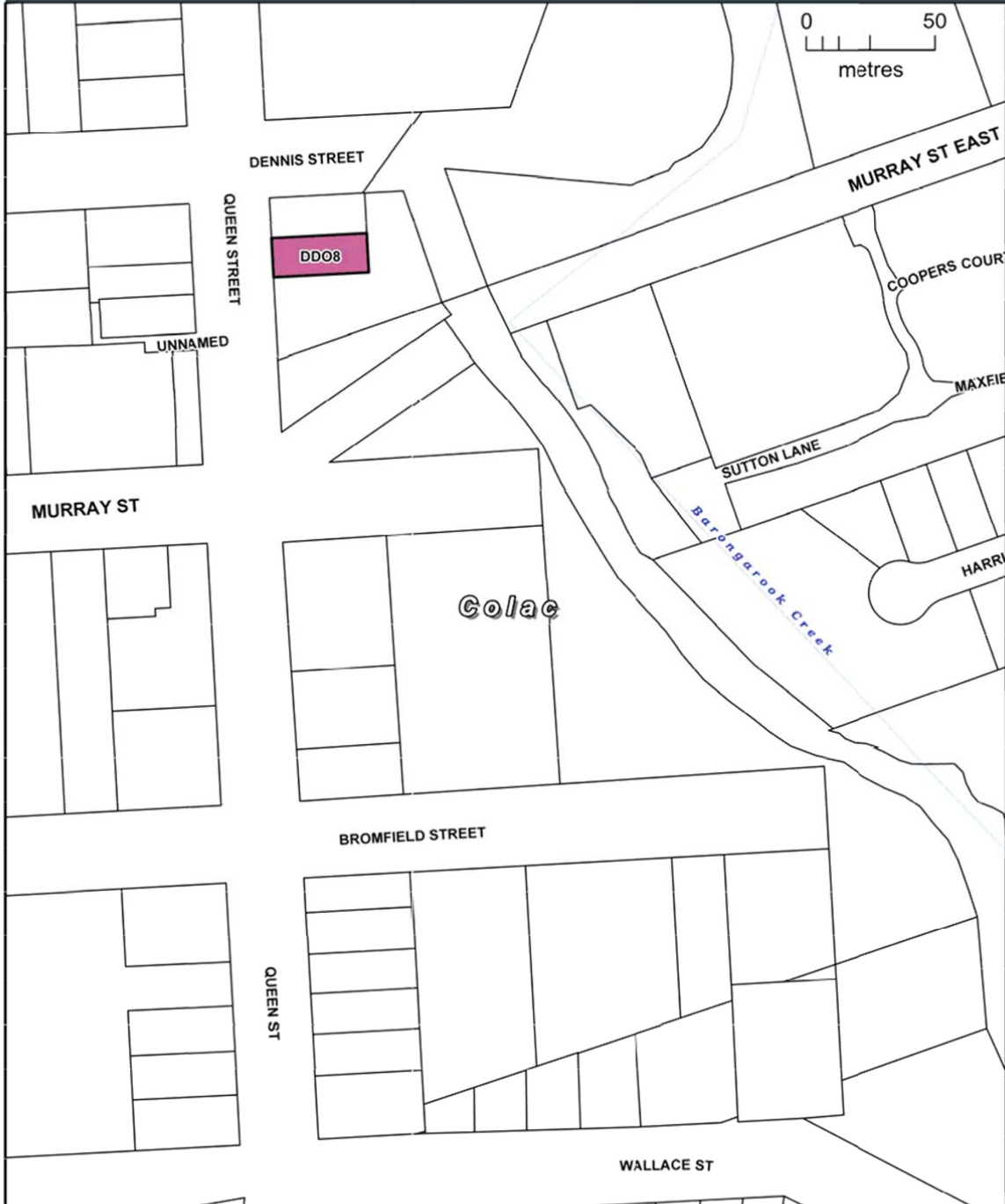


Department of  
Environment, Land,  
Water & Planning



027

# COLAC OTWAY PLANNING SCHEME



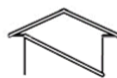
## LEGEND

**DDO8** DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 8

Part of Planning Scheme Map 11DDO

# AMENDMENT C86

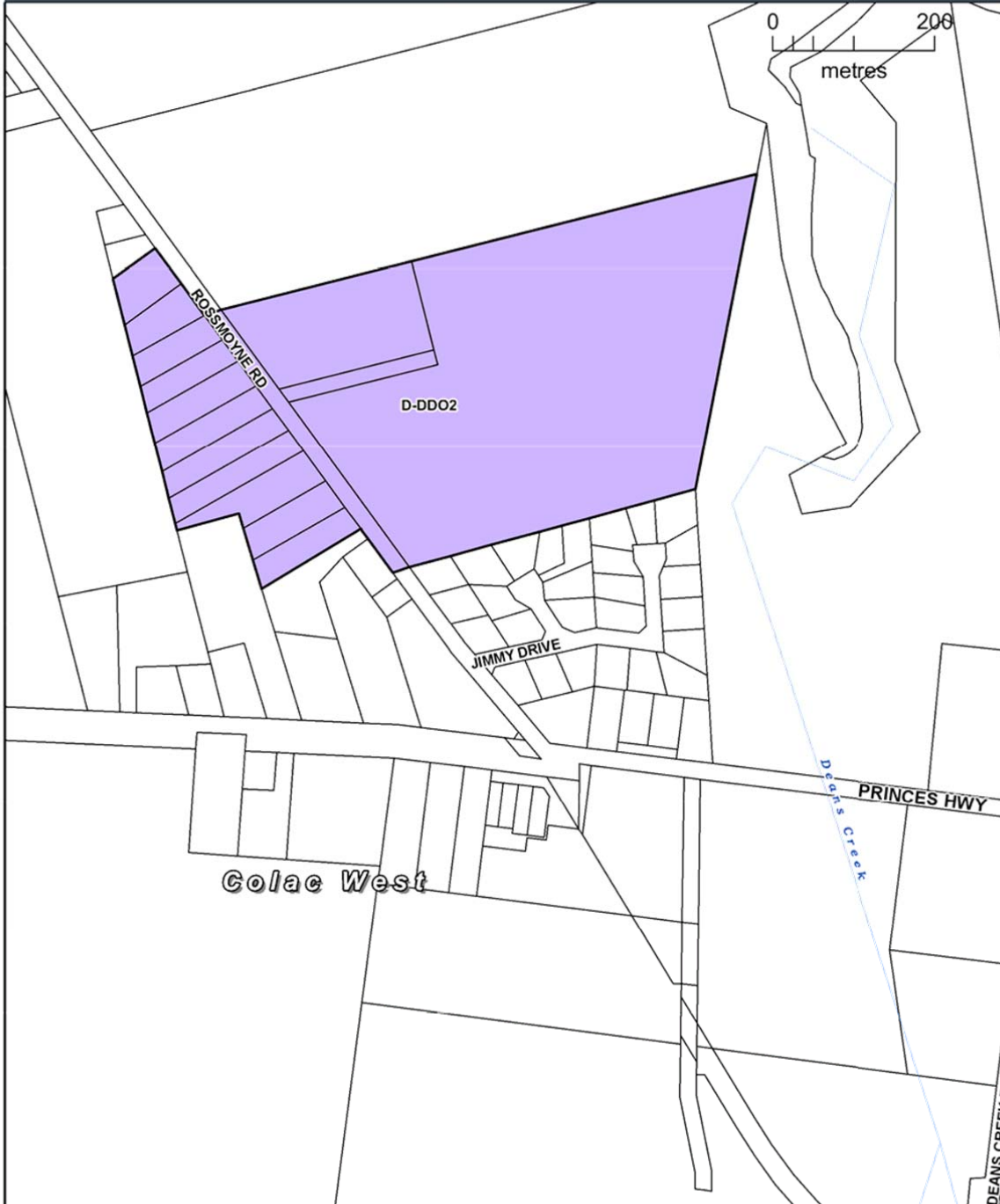
| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Environment,  
Land, Water  
and Planning

021

# COLAC OTWAY PLANNING SCHEME



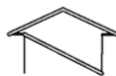
## LEGEND

**D-DDO2** AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY  
- SCHEDULE 2

Part of Planning Scheme Map 5DDO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Environment,  
Land, Water  
and Planning

022

# COLAC OTWAY PLANNING SCHEME



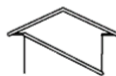
## LEGEND

**D-DDO3** AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY  
- SCHEDULE 8

Part of Planning Scheme Map 11DDO

# AMENDMENT C86

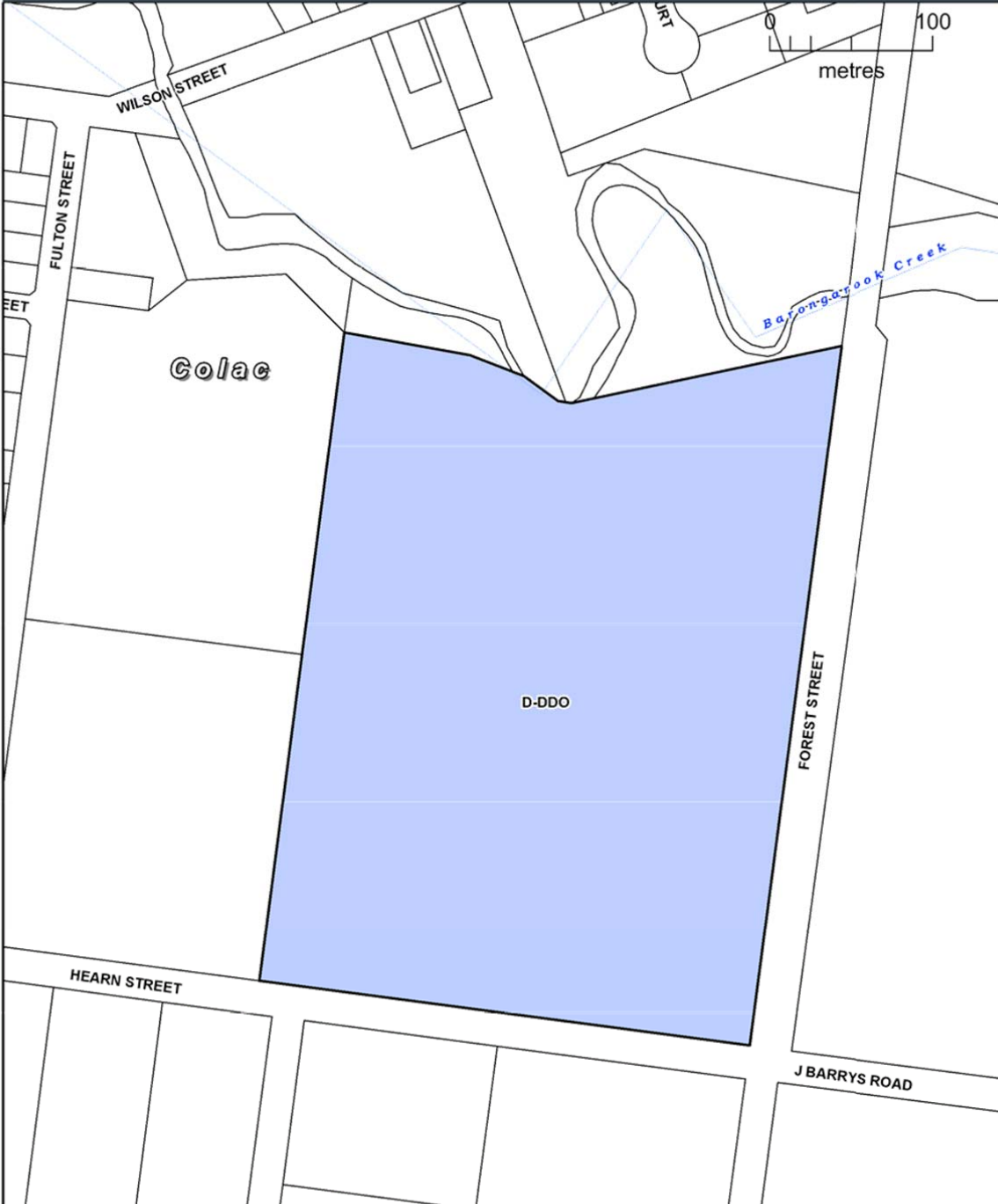
| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Environment,  
Land, Water  
and Planning

020

# COLAC OTWAY PLANNING SCHEME



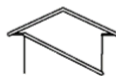
## LEGEND

**D-DDO** AREA TO BE DELETED FROM A DESIGN AND DEVELOPMENT OVERLAY

Part of Planning Scheme Map 11DDO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning  
State Government  
**Victoria**

014



# COLAC OTWAY PLANNING SCHEME



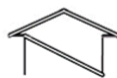
## LEGEND

**D-DDO8** AREA TO BE DELETED FROM A DESIGN & DEVELOPMENT OVERLAY (D-DDO8)

Part of Planning Scheme Map 11DDO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



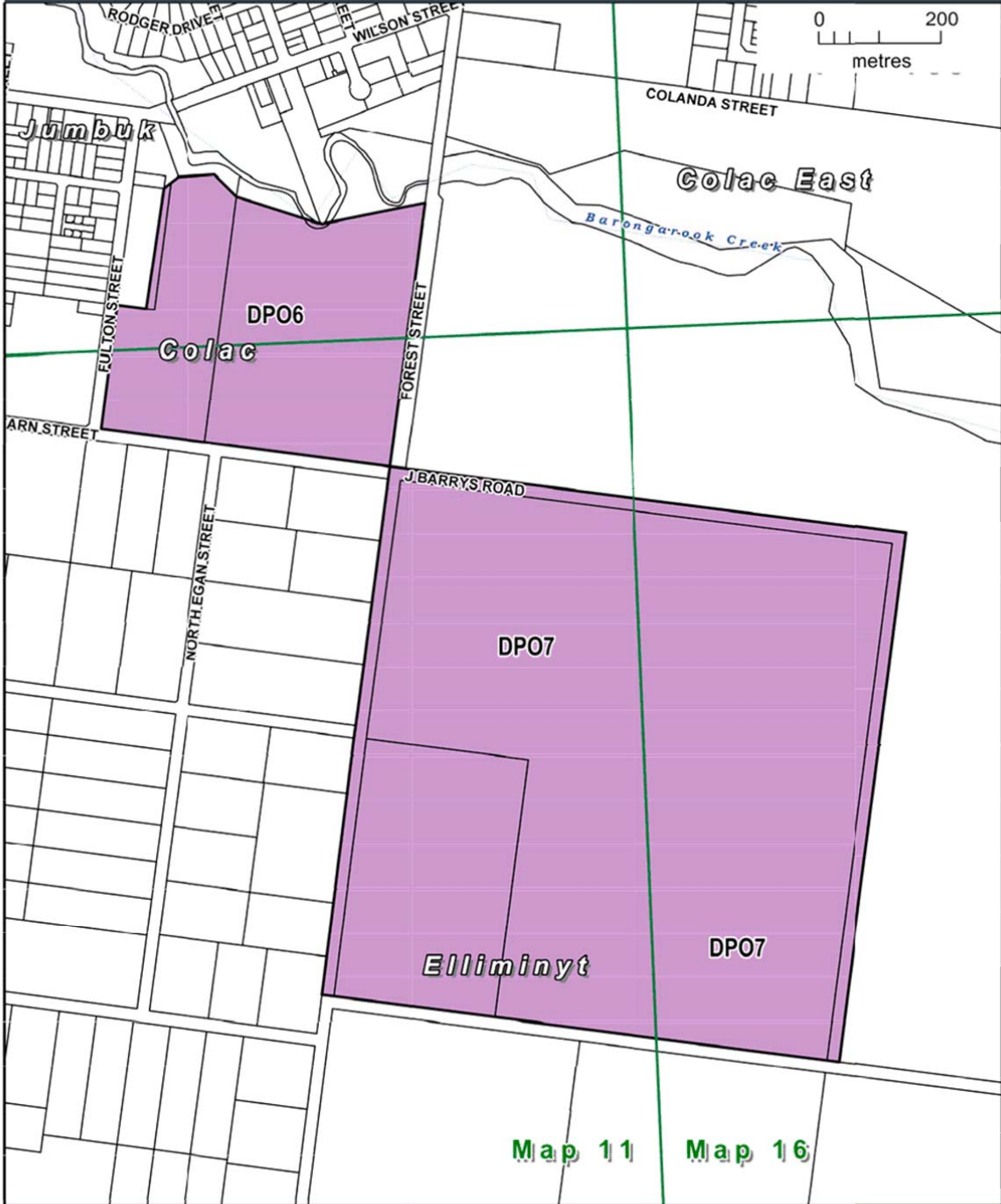
Department of  
Environment, Land,  
Water & Planning



024



# COLAC OTWAY PLANNING SCHEME



## LEGEND

 DPO Development Plan Overlay

Part of Planning Scheme Maps 11DPO & 16DPO

## AMENDMENT C86

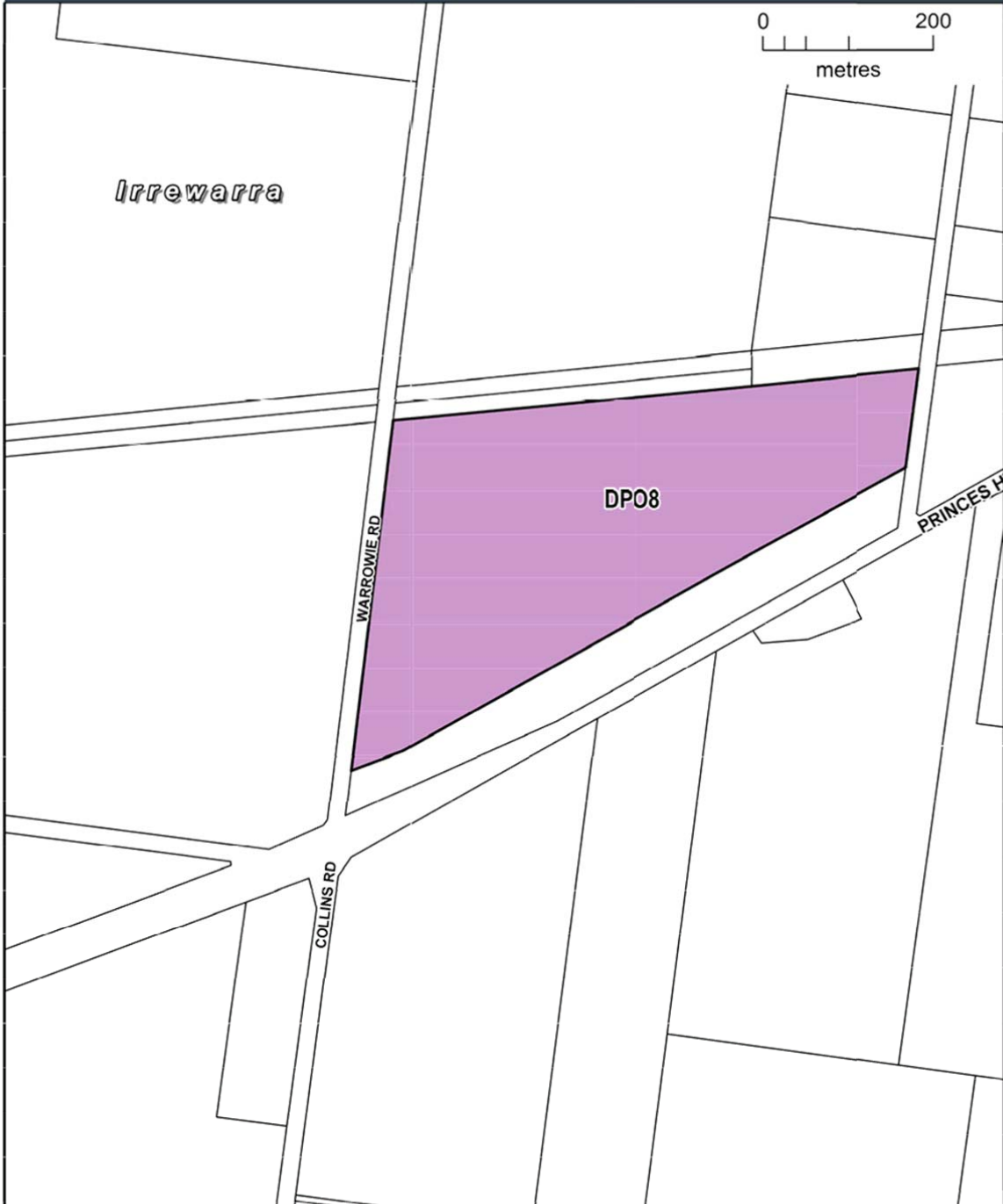
| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning 

011

# COLAC OTWAY PLANNING SCHEME



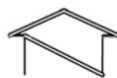
## LEGEND

 DPO8 Development Plan Overlay - Schedule 8

Part of Planning Scheme Map 9DPO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning 

028

# COLAC OTWAY PLANNING SCHEME



## LEGEND

 D-DPO AREA TO BE DELETED FROM A DEVELOPMENT PLAN OVERLAY

Part of Planning Scheme Map 9DPO

# AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |

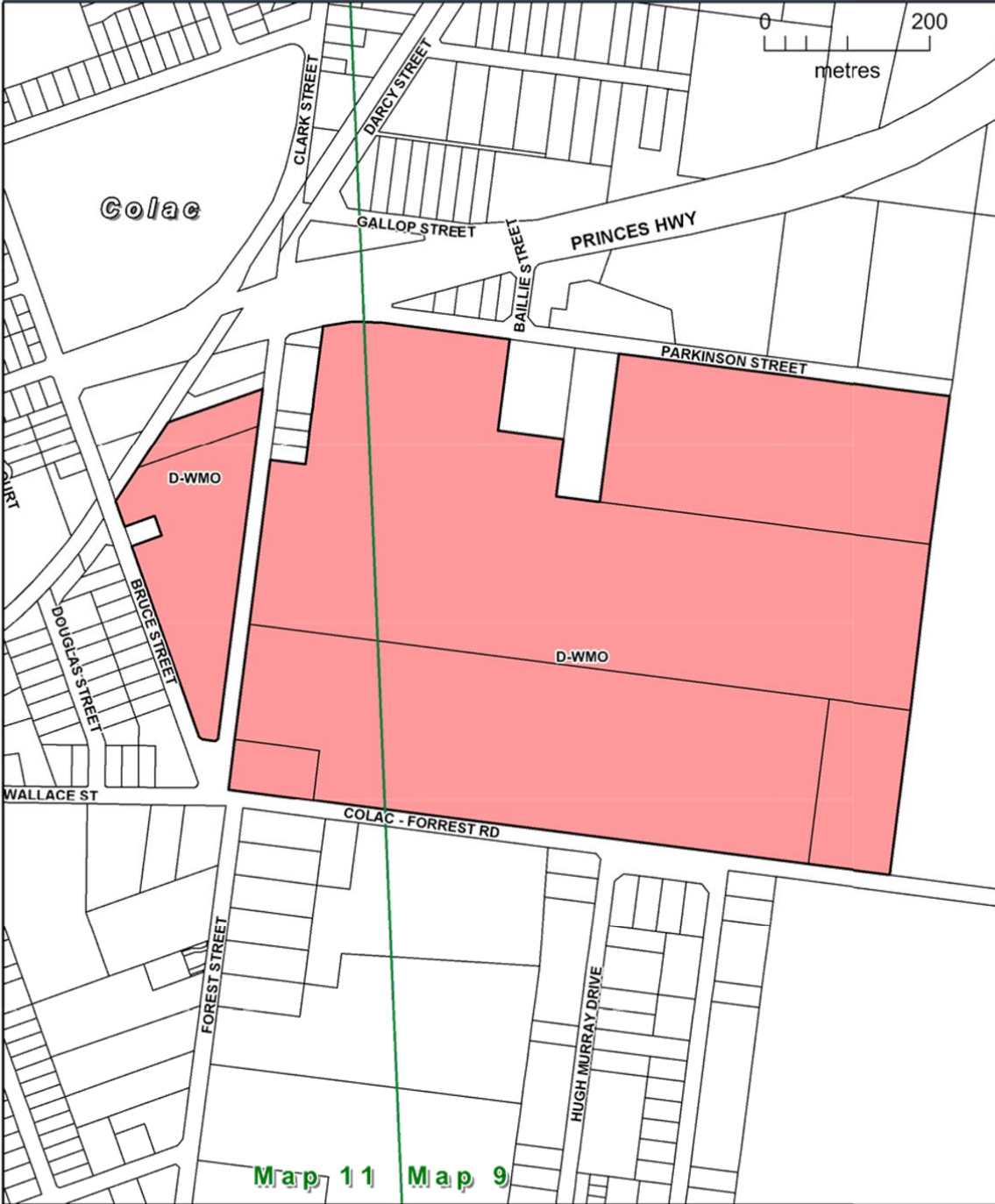


Department of  
Environment, Land,  
Water & Planning



010

# COLAC OTWAY PLANNING SCHEME



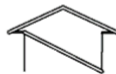
## LEGEND

**D-WMO** AREA TO BE DELETED FROM A WILDFIRE MANAGEMENT OVERLAY

Part of Planning Scheme Maps 9WMO & 11WMO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning



012

# COLAC OTWAY PLANNING SCHEME



## LEGEND

**D-WMO** AREA TO BE DELETED FROM A WILDFIRE MANAGEMENT OVERLAY

Part of Planning Scheme Maps 9WMO & 16WMO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning  
State Government  
Victoria

016



# COLAC OTWAY PLANNING SCHEME



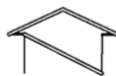
## LEGEND

**D-WMO** AREA TO BE DELETED FROM A WILDFIRE MANAGEMENT OVERLAY

Part of Planning Scheme Map 9WMO

## AMENDMENT C86

| Planning Mapping Services |  
| Planning Information Services |  
| Planning |



Department of  
Environment, Land,  
Water & Planning  
State Government  
Victoria

013



**ORDINARY COUNCIL MEETING**  
**CONTRACT 1621 - ROAD RECONSTRUCTION WORKS**  
**OM172501-6**

|                           |                                                                                                                       |                        |                                      |
|---------------------------|-----------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------|
| <b>LOCATION / ADDRESS</b> | Conns Lane, Birregurra<br>Trasks Road, Warncoort                                                                      | <b>GENERAL MANAGER</b> | Ingrid Bishop                        |
| <b>OFFICER</b>            | Andrew Kavanagh                                                                                                       | <b>DEPARTMENT</b>      | Infrastructure &<br>Leisure Services |
| <b>TRIM FILE</b>          | F16/6678                                                                                                              | <b>CONFIDENTIAL</b>    | No                                   |
| <b>ATTACHMENTS</b>        | Nil                                                                                                                   |                        |                                      |
| <b>PURPOSE</b>            | Council approval is required to award Contract 1621 – Road Reconstruction Works for which tenders have been received. |                        |                                      |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

Tenders closed on 21 December 2016 for the reconstruction of two lengths of sealed road at Conns Lane, Birregurra (3,650 metres) and Trasks Road, Warncoort (1,000 metres).

Council, in the tender documents reserved the right to award the road reconstructions to different contractors at its option.

The works include pavement widening, crushed rock pavement construction and spray sealing. There is also an option exercisable by Council for the contractor to complete a final seal of either or both road reconstructions in March 2018. Council may opt-out of the optional works by notifying the contractor at any time prior to 5 January 2018.

The lump sum tender price for the Conns Lane reconstruction works (excluding final seal) includes a provisional allowance of \$85,000 for removal and replacement of unsuitable material and a provisional allowance of \$30,000 for dayworks.

The lump sum tender price for the Trasks Road reconstruction works (excluding final seal) includes a provisional allowance of \$20,000 for removal and replacement of unsuitable material and a provisional allowance of \$10,000 for dayworks.

The contracts are lump sum contracts with no provision for rise and fall (with the exception of the final seals which are subject to rise and fall in accordance with the relevant industry price index) and practical completion of both road reconstructions is to be achieved by 30 April 2017.

Tenders were received from the following contractors (in alphabetical order):

**Bitu-Mill (Civil) Pty Ltd**

**Deja Eight Pty Ltd**

**R Slater & Sons Pty Ltd**

Tenders were evaluated and a recommendation made in accordance with Council's *Procurement Policy and Tenders/Quotations and Purchasing Procedure*.

All tenders were evaluated and scored using the following selection criteria:

| <u>Criteria</u>                             | <u>Weighting</u> |
|---------------------------------------------|------------------|
| Tendered price                              | 50               |
| Experience and track record                 | 25               |
| Capacity and resources                      | 20               |
| Economic Contribution to Colac Otway Region | 5                |

The Tender Evaluation Panel consisted of two Project Delivery Officers and the Contract Governance Coordinator.

Tenderers must also satisfy Colac Otway Shire Council that they meet requirements for:

- Occupational health & safety
- Financial viability

The submissions by **Deja Eight Pty Ltd** for both road reconstructions were assessed by the Tender Evaluation Panel as offering best value based on the selection criteria and are recommended for acceptance by Council. Deja Eight Pty Ltd, trading as Evans Earthmoving, is a local business based in Forrest that has successfully completed numerous projects for Council.

### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

#### **Good Governance**

Means we care about and are responsive to the community, encourage democratic participation and involve people in decisions that affect them. We strive for excellence in financial management and council services, and always look for better ways to do things.

#### *Our Goal:*

Ensure transparency of governance practices, the capability of our organisation and effective resource management.

### 4. ISSUES / OPTIONS

It is considered necessary to award the contract and proceed with the reconstruction works for Conns Lane and Trasks Road. It is within the 2016/2017 budget and is in compliance with Council's commitment to construct the works.

### 5. PROPOSAL

It is proposed to accept the tenders of Deja Eight Pty Ltd to allow completion of the road reconstruction works this financial year.

## **6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS**

The preferred tenders are within Council's budget allocation for these projects.

## **7. RISK MANAGEMENT & COMPLIANCE ISSUES**

The preferred tenderer, Deja Eight Pty Ltd, has a strong track record in the risk management and completion of contracts to specification and on time. Council should be confident that contracting with this contractor will manage exposure to occupational health and safety issues and any non-compliance issues with the contract.

Deja Eight Pty Ltd has provided details to confirm it has in place an effective, suitable occupational health and safety system.

## **8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATION**

The Contractor is required under the contract to provide a suitable, approved environmental plan which will actively prevent incidents and occurrences.

The construction site is located in an area which is considered low risk for environmental concerns provided proper construction techniques are undertaken.

## **9. COMMUNITY ENGAGEMENT**

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of January 2010, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform. The tender was advertised in the Colac Herald on 18 November 2016 and the Geelong Advertiser on 19 November 2016. The tender was also advertised on Council's website and on the e-tender website TenderSearch.

Prior to commencement of works on site a public notice is to be placed in the local newspaper to advise of pending operations. Also, prior to undertaking works affected residents will be notified directly with a letterbox drop and other appropriate methods.

## **10. IMPLEMENTATION**

The Contract will be awarded upon Council's approval and works will be programmed to commence. If successful, Deja Eight Pty Ltd proposes to commence works in February 2017 and will complete all works by the nominated 30 April 2017 practical completion date.

## **11. CONCLUSION**

A recommendation is made to award the contract for both the Conns Lane and Trask road reconstructions to Deja Eight Pty Ltd.

## 12. RECOMMENDATION

### Recommendation

#### *That Council:*

1. *Awards Contract 1621 for Road Reconstruction Works to Deja Eight Pty Ltd at the following lump sum tender prices:*
  - a. *for Conns Lane Reconstruction \$964,078.12, with \$73,219.00 final seal option;*
  - b. *for Trasks Road Reconstruction \$237,870.46, with \$30,940.00 final seal option;*
2. *Delegates to the Chief Executive Officer authority to sign and place under Council seal the contract documents following award of Contract 1621.*
3. *Delegates to the Chief Executive Officer authority to fully administer the Contract according to its terms and conditions.*

~~~~~

ORDINARY COUNCIL MEETING
APPOINTMENT RO RURAL COUNCILS VICTORIA
OM172501-7

LOCATION / ADDRESS	Whole of Municipality	MANAGER	Mark Lyons
OFFICER	Jenny Wood	DEPARTMENT	Corporate Services
TRIM FILE	F16/6678	CONFIDENTIAL	No
ATTACHMENTS	Nil		
PURPOSE	To appoint a Councillor to Rural Councils Victoria.		

1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

2. BACKGROUND

Council has Councillor/Officer representation on a number of committees associated with a variety of interests. This includes managing Council owned or managed facilities, advising Council on issues and representing Council views on regional and state wide matters.

A number of the committees are not managed by Council and operate under their own charter and determine their procedures, policies and practices. Council involvement is to participate and influence the activities of those external groups where those activities are in the public's interest.

This report is to consider a nomination for Rural Councils Victoria (RCV) which is an alliance representing the 38 rural Victorian councils, supporting and promoting sustainable, liveable, prosperous rural communities.

Member Councils are broken up into six (6) regions with one Councillor and one CEO representative elected to the Committee from each region.

Cr Lyn Russell previously represented Colac Otway Shire Council in our region which comprises the following Councils:

- Ararat Rural City Council
- Colac Otway Shire Council
- Corangamite Shire Council
- Glenelg Shire Council
- Moyne Shire Council
- Southern Grampians Shire Council.

3. PROPOSAL

Victoria's rural councils are responsible for 79 per cent of Victoria's land area, and have a combined population of approximately 704,000 people (June 2011). RCV was established in 2005 to coordinate the network of 38 rural councils across Victoria in their efforts to better understand, articulate and address the issues affecting them.

RCVs Vision is for an alliance representing the 38 rural Victorian councils, supporting and promoting sustainable, liveable, prosperous rural communities.

RCV operates under a comprehensive framework of governance endorsed by all 38 member councils. The guiding principles of the framework are:

- To support successful delivery of advocacy, programs and communications for rural councils.
- That all 38 councils are engaged, involved and informed of the strategy, programs and advocacy campaigns of the network.
- That the RCV Executive Committee considers regional equity in recommendations it provides and decisions it makes on behalf of the network.
- That the RCV Executive Committee develops ways to keep all programs and projects 'fresh', contemporary and 'best practice'.
- That there are mechanisms in place to shape and steer the program, define priorities and allocate project resources to ensure accountability to the members and funders of the alliance.
- That funds are allocated to projects that empower rural councils to address their current and future challenges in a more sustainable way.
- The RCV Executive Committee is guided by the priorities of the 38 rural councils.

4. CONCLUSION

That Council appoint a Councillor to represent Colac Otway Shire at Rural Councils Victoria.

5. RECOMMENDATION

Recommendation

That Council appoints Cr Potter as its representative to Rural Councils Victoria until determined otherwise.

~~~~~



**ORDINARY COUNCIL MEETING  
ASSEMBLY OF COUNCILLORS  
OM172501-8**

|                           |                                                                                                                                                                                                                                                                                             |                     |                    |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|--------------------|
| <b>LOCATION / ADDRESS</b> | Whole of Municipality                                                                                                                                                                                                                                                                       | <b>MANAGER</b>      | Mark Lyons         |
| <b>OFFICER</b>            | Sarah McKew                                                                                                                                                                                                                                                                                 | <b>DEPARTMENT</b>   | Corporate Services |
| <b>TRIM FILE</b>          | F16/6696                                                                                                                                                                                                                                                                                    | <b>CONFIDENTIAL</b> | No                 |
| <b>ATTACHMENTS</b>        | <ol style="list-style-type: none"><li>1. Assembly of Councillors - Councillor Briefing - 7 December 2016</li><li>2. Assembly of Councillors - Councillor Briefing - 14 December 2016</li><li>3. Assembly of Councillors - Colac Friends of the Botanic Gardens - 15 December 2016</li></ol> |                     |                    |
| <b>PURPOSE</b>            | To note the Assemblies of Councillors.                                                                                                                                                                                                                                                      |                     |                    |

### 1. DECLARATION OF INTERESTS

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

### 2. BACKGROUND

The *Local Government Act 1989* S.3 (1) defines an 'Assembly of Councillors' as:

A meeting of an advisory committee of the Council, if at least one Councillor is present, or a planned or scheduled meeting of at least half of the Councillors and one member of Council staff which considers or is likely to be:

- the subject of a decision of the Council or
- subject to the exercise of a function, duty or power of the Council that has been delegated to a person or committee.

The *Local Government Act 1989* S.3 (1) defines an Advisory Committee as:

Any committee established by the Council, other than a special committee, that provides advice to:

- the Council; or
- a Special committee; or
- a member of Council staff who has been delegated a power, duty or function of the Council under S. 98 (Delegations).

#### Criteria

When considering whether or not a committee is an advisory committee, there are two key criteria to consider:

- How is it established?
- What is its advisory role?

For a committee to be considered an 'advisory committee' under the Act, it must be established by the Council. This generally requires a decision to establish the committee by:

- Council resolution; or
- resolution of a special committee; or
- a Council management decision.

*Local Government Act 1989 S.80* requires a written record to be made by Council Staff member:

"At an assembly of Councillors, the Chief Executive Officer must ensure that a written record is kept of":

- the names of all Councillors and members of Council staff attending; and
- the matters considered; and
- any conflict of interest disclosures made by a Councillor attending.

This information is:

- to be recorded (documented);
- to be retained by the Chief Executive Officer for 4 years;
- to be made available for public inspection at the Council Offices for 12 months after the date of the Assembly of Councillors.

### **Council Agenda**

An agenda item is required to note the Assembly of Councillors.

It is a requirement that the written record of any Assembly of Councillors must be (as soon as practicable):

- reported at an ordinary meeting of the Council; and
- incorporated in the minutes of that Council meeting.

### **Written Record**

The written record of an Assembly must include at least:

- the names of all Councillors and names of Council staff attending;
- the matters considered;
- any conflict of interest disclosures made by a Councillor attending;
- whether a Councillor who has disclosed a conflict of interest leaves the Assembly.

### **Procedure at an Assembly of Councillors**

A Councillor who has a conflict of interest at an assembly of Councillors must:

- disclose to the meeting that he or she has a conflict of interest; and
- leave the meeting while the matter is being discussed and is recalled once the discussion has concluded.

### **Staff attendance**

It is important that any meeting that is an assembly of Councillors should have at least one member of Council staff in attendance to:

- prepare the record of the Assembly;
- make recommendations about Council decisions;
- disclose any conflict of interest if applicable.

Relevant meetings in a Colac Otway Shire context that meet the reporting requirements include:

- Councillor Briefings (including pre-meeting briefings);
- Central Reserve Advisory Committee;
- Colac Livestock Selling Centre Advisory Committee;
- Friends of the Colac Botanic Gardens Advisory Committee; and
- Lake Colac Advisory Committee.

### 3. COUNCIL PLAN / OTHER STRATEGIES / POLICY

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated into the minutes of the Council meeting.

### 4. ISSUES / OPTIONS

Not all gatherings or meetings at which Councillors are present will constitute assemblies of Councillors. For a meeting to be an assembly of Councillors it **MUST** be one of the two types of meetings described above.

Examples of Meetings or Committees that would **NOT** be defined as an Assembly of Councillors are:

- Ordinary Meeting of the Council;
- an Audit Committee established under S.139 of the *Local Government Act*;
- Special Committee of the Council;
- a committee or working group established by another organisation;
- chance meetings of Councillors and Council staff that are not planned or scheduled;
- meetings of other organisations such as clubs, associations, peak bodies or political parties.

### 5. PROPOSAL

The following assemblies of Councillors have been held and are attached to this report for noting:

- |                                               |                         |
|-----------------------------------------------|-------------------------|
| • <i>Councillor Briefing</i>                  | <i>7 December 2016</i>  |
| • <i>Councillor Briefing</i>                  | <i>14 December 2016</i> |
| • <i>Colac Friends of the Botanic Gardens</i> | <i>15 December 2016</i> |

### 6. FINANCIAL AND OTHER RESOURCE IMPLICATIONS

Nil

### 7. RISK MANAGEMENT & COMPLIANCE ISSUES

The inclusion of the Assembly of Councillors report meets the compliance requirements of the *Local Government Act 1989*:

Section 80 A – requirements for an assembly of Councillors;  
Section 3 (1) – definition of an ‘advisory committee’ and ‘assembly of Councillors’.

## 8. ENVIRONMENTAL AND CLIMATE CHANGE CONSIDERATIONS

Nil

## 9. COMMUNITY ENGAGEMENT

The community engagement strategy follows the recommendations of the Colac Otway Shire Council Community Engagement Policy of July 2013, which details five levels of engagement – inform, consult, involve, collaborate and empower.

The method selected would be to inform. This is achieved by including documentation and notification of the Assembly of Councillors that have occurred to the public at the Ordinary Council Meeting.

## 10. IMPLEMENTATION

All meetings that are defined as an Assembly of Councillors will be recorded, documented and kept by Council for 4 years. They will be reported to the next practicable Ordinary meeting of Council.

## 11. CONCLUSION

The *Local Government Act 1989* requires that records of meetings which constitute an Assembly of Councillors be tabled at the next practicable meeting of Council and incorporated in the minutes of the Council meeting. All relevant meetings have been recorded, documented and will be kept by Council for 4 years. The attached documents provide details of those meetings held that are defined as an Assembly of Councillors.

## 12. RECOMMENDATION

### Recommendation

***That Council notes the Assembly of Councillors reports for:***

- |                                                      |                                |
|------------------------------------------------------|--------------------------------|
| • <b><i>Councillor Briefing</i></b>                  | <b><i>7 December 2016</i></b>  |
| • <b><i>Councillor Briefing</i></b>                  | <b><i>14 December 2016</i></b> |
| • <b><i>Colac Friends of the Botanic Gardens</i></b> | <b><i>15 December 2016</i></b> |

~~~~~

Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith			
ATTENDEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken (arrived 1.26pm), Mark Lyons, Gareth Smith, Vige Satkunarajah, Blaithin Butler, Marni Young, Trevor Olsson, Jenny Wood, Francis Wong, Ingrid Bishop			
EXTERNAL ATTENDEES: Nil			
APOLOGIES: Sue Wilkinson			
ABSENT: Nil			
Meeting commenced at 1.06pm			
	Declaration of Interest	Item	Reason
	Nil		
1.07pm – 2.23pm	Development Plan (DPO5) – 6280 and 6230 Great Ocean Road, Apollo Bay (PC) - Confidential Submissions attachment		Vige Satkunarajah Blaithin Butler
2.23pm – 2.43pm	Buildings and Works Comprising the Construction of Two Sheds/Warehouses, Kiln, Office/Amenities Building, Extension to Mill and Associated Works, and a Reduction in Car Parking Requirements, at 7-15 and 18-24 Forrest Road, Colac (PP252/2016)(PC)		Vige Satkunarajah Blaithin Butler
2.43pm – 2.47pm	Section 96A Combined Planning Scheme Amendment C92 and Planning Permit Application No. PP82/2016-1 Rezoning and Subdivision of Land at 120 Pound Road, Elliminyt (PC)		Vige Satkunarajah Blaithin Butler Francis Wong
2.47pm – 2.50pm	Planning & Building Statistical Reports September & October 2017 (PC) - Confidential Attachments		Vige Satkunarajah Blaithin Butler



2.50pm – 3.07pm	State Initiated Bush Fire Management Overlay (BMO) Mapping 2016	Vige Satkunarajah
3.07pm – 3.30pm	Melbourne Cup Day Public Holiday	Jenny Wood
3.30pm – 3.48pm	S86 Committees of Management & Insurance Options	Trevor Olsson Marni Young
3.48pm – 4.08pm	General Business <ul style="list-style-type: none"> • Valuation Objections • GORRT Committee • Heavy Vehicle Access Colac 	
4.08pm – 4.26pm	COPACC Cinema Lease Key Terms	Ian Seuren
4.26pm – 5.00pm	Bluewater	
5.00pm	Meeting closed	



Assembly of Councillors

INVITEES: Cr Smith, Cr Woodcroft, Cr Hanson, Cr Hart, Cr Schram, Cr Potter, Cr McCracken, Sue Wilkinson, Mark Lyons, Ingrid Bishop, Gareth Smith			
ATTENDEES: Cr Potter, Cr Woodcroft, Cr Hart, Cr Hanson, Cr McCracken (arrived 12.30pm), Cr Schram (arrived 2.39pm), Cr Smith (arrived 12.08pm), Sue Wilkinson, Ingrid Bishop, Gareth Smith, Jenny Wood, Daniel Fogarty, Trevor Olsson, Heather Johnson, Vige Satkunarajah, Sarah McKew			
EXTERNAL ATTENDEES: Nil			
APOLOGIES: Mark Lyons			
ABSENT: Nil			
Meeting commenced at 12 noon.			
Declaration of Interest		Item	Reason
Cr McCracken	Left the meeting at 2.21pm; returned at 2.26pm	General Business – Trinity College	Employed at Trinity College
12.10pm – 1.08pm	Council Plan Themes (Review Work from Councillor Induction) Cr Smith left the meeting at 12.12pm (returned at 1.52pm)		Heather Johnson Trevor Olsson
1.08pm – 1.15pm	Budget 2017-18 & Rating Strategy		Daniel Fogarty
1.15pm – 2.21pm	Valuation Objections - Wye River & Separation Creek Cr Woodcroft left the meeting at 1.45pm; returned at 1.50pm Cr Smith returned to the meeting at 1.52pm		Daniel Fogarty



2.21pm – 2.32pm	<p>General Business</p> <ul style="list-style-type: none"> • Trinity College request for funding for athletics track \$100,000 • Pamphlets for encouraging reading/libraries (State Government) 	
2.32pm – 2.40pm	Break	
2.40pm – 2.51pm	<p>Planning Committee Meeting Preparation</p> <ul style="list-style-type: none"> • Review of agenda items 	Vige Satkunarajah
2.51pm – 3.30pm	<p>Ordinary Council Meeting Preparation</p> <ul style="list-style-type: none"> • Review of agenda items <p>Cr Woodcroft left the meeting at 3.25pm (did not return)</p>	
3.30pm	Meeting closed	



Assembly of Councillors Record

This Form MUST be completed by the attending Council Officer and returned IMMEDIATELY to Document Management Co-ordinator for filing. A copy of the completed form must be provided to the Executive Officer to the CEO, Mayor & Councillors for reporting at the next Ordinary Council Meeting. (See over for Explanation/Guide Notes)

Assembly Details:

Colac Friends of Botanic Gardens December Meeting

Date: 15, 12, 16

Time: 7.00 am/pm

Assembly Location: Colac Botanic Gardens Tearooms - Frys St
(some e.g's. COPACC, Colac Otway Shire Offices, 2 - 6 Rae Street, Colac, Shire Offices - Nelson Street, Apollo Bay)

In Attendance:

Councillors: J. McCracken

Officer/s: General Manager Ingrid Bishop
Mark Robinson, Laurence Towers

Matter/s Discussed: Colac Friends Botanic Gardens December Meeting

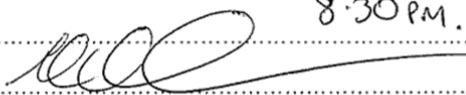
(some e.g's. Discussions with property owners and/or residents, Planning Permit Application No. xxxx re proposed development at No. xx Pascoe Street, Apollo Bay, Council Plan steering committee with Councillors and officers.)

Conflict of Interest Disclosures: (refer page 5)

Councillors: Nil

Officer/s: Nil

Left meeting at: 8:30 PM.

Completed by:  MARK ROBINSON

IN COMMITTEE

Recommendation

That pursuant to the provisions of Section 89 (2) of the Local Government Act, the meeting be closed to the public and Council move "In-Committee" in order to deal with:

SUBJECT	REASON	SECTION OF ACT
Minutes of In-Committee Council Meeting held on 14 December 2016	this matter deals with contractual matters; AND this matter may prejudice the Council or any person.	Section 89 (2) (d) & (h)
Contract 1621 – Road Reconstruction Works	This report is being considered In Committee under the <i>Local Government Act 1989</i> Section 89 (2) (d) because this matter deals with contractual matters.	Section 89 (2) (d)
Contract 1623 – Wye River-Separation Creek – Supply and Install Retaining Walls (to be issued as a supplementary agenda at a later date)	This report is being considered In Committee under the <i>Local Government Act 1989</i> Section 89 (2) (d) because this matter deals with contractual matters.	Section 89 (2) (d)