

COLAC OTWAY PLANNING SCHEME (COLAC OTWAY SHIRE)

AMENDMENT C86

**SUBMISSION TO PLANNING PANEL
on behalf of the PLANNING AUTHORITY
Part A**

April 2017

Prepared and presented by Southern Cross Town Planning Pty Ltd

1. INTRODUCTION

This Part A submission is made on behalf of the Colac Otway Shire (Council). Council is the Planning Authority for Amendment C86 (Amendment) to the Colac Otway Planning Scheme (Scheme). Council is also the proponent for this Amendment.

The Amendment applies to land within and adjacent to the township of Colac.

The Amendment seeks to provide direction to the future of commercial and industrial land uses within Colac. This direction is guided by the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* (the Strategy). The Strategy is to be given formal recognition by making changes to certain key framework plans within the policy framework, changes to existing Schedules and new Schedules, rezonings, new Incorporated Documents and the referencing of the Strategy within the Scheme.

The Amendment also takes the opportunity of correcting several zoning anomalies around the Colac township identified during the preparation of this Strategy.

Though future decisions about commercial and industrial land use will be made on the basis of policy, the Strategy will also provide an understanding of the general direction of policy by providing background information.

As will be discussed during this Hearing and in response to submissions received, Council seeks to make changes to the exhibited material and also no longer seeks to proceed with the identification of Irrewarra as an industrial investigation area.

This submission will;

- Introduce Amendment C86;
- Set out the Background of the Amendment, including the Strategic Context;
- Outline the exhibited amendment;
- Set out the chronology of events (including Departmental correspondence);
- Note submissions received, issues raised and include a Council response;
- Discuss changes made to the amendment proposed as a result of submissions received; and
- Identify an error noted during the preparation of this Submission.

Documents

The exhibited Amendment documents are found at the following link;

<http://planning-schemes.delwp.vic.gov.au/updates-and-amendments/amendment?id=52E0FA0A2CBC9C3CCA257FCD000261B5>

Colac Otway Shire website contains additional background material, including the post exhibition changes to the amendment documents. The link to the website is found here;

<http://www.colacotway.vic.gov.au/Planning-building/Strategic-planning/Planning-scheme-amendments#Colac-Otway-Amendment-C86-1>

2. BACKGROUND TO AMENDMENT

The G21 Regional Growth Plan sets the overarching Strategic Growth Framework for Colac.

The Colac 2050 Plan (in preparation) seeks to implement the G21 Regional Growth Plan.

The ‘*Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016*’ is a subset of the Colac 2050 Plan. The Strategy focuses on economic development and employment generating land uses in Colac and will be implemented through Amendment C86.

Anomalies to the current planning scheme that were identified during this process were also included in the Amendment.

A Strategic Assessment of the Amendment was included in the Explanatory Report as part of the exhibition materials.

The following clauses of the State Planning Policy Framework support the Amendment.

Colac Otway Planning Scheme State Planning Policy Framework (SPPF)

11 Settlement

- Planning is 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, commercial and community facilities and infrastructure.

11.01-1 Settlement networks

- Support the growth of Colac....as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks.
- Ensure regions and their settlements are planned in accordance with any relevant regional growth plan.
- Providing for appropriately located supplies of residential, commercial, and industrial land across a region, sufficient to meet community needs in accordance with the relevant regional growth plan.

11.02-1 Urban growth

Supply of urban land

- To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Planning for urban growth should consider:

- Opportunities for the consolidation, redevelopment and intensification of existing urban areas.

11.02-3 Planning for growth areas

- Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators.

11.03-2 Activity centre planning

- To encourage the concentration of major retail, residential, commercial, administrative, entertainment and cultural developments into activity centres which provide a variety of land uses and are highly accessible to the community.

11.07-1 Regional planning

A network of integrated and prosperous regional settlements.

Support a network of integrated and prosperous regional settlements by:

- Directing growth to locations where utility, transport, commercial and social infrastructure and services are available or can be provided in the most efficient and sustainable manner.
- Ensuring there is a sufficient supply of appropriately located residential, commercial, and industrial land across a region to meet the needs identified at regional level.

Regional Victoria's competitive advantages.

Maintain and enhance regional Victoria's competitive advantages by:

- Providing adequate and competitive land supply, including urban regeneration, redevelopment and greenfield sites, to meet future housing and urban needs and to ensure effective utilisation of land.

11.07-6 Sustainable communities

- To allow communities to live, work and participate locally.

11.09-1 Planning for growth

- Support the growth of Bannockburn, Colac, Drysdale/Clifton Springs, Lara, Leopold, Ocean Grove and Torquay/Jan Juc as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks.
- Plan for Colac and Winchelsea as new targeted growth nodes.

11.09-6 Sustainable communities

- Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.

11.09-7 A diversified economy

- Plan for the expansion of industrial employment areas at Colac and Winchelsea.

14.01-3

Forestry and timber production

- To facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests.

15.01 Urban environment

- To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity.

17.02 Industry

- To ensure availability of land for industry

19 Infrastructure

- Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely.

Local Planning Policy Framework (LPPF) – Municipal Strategic Statement (MSS)

The following clauses of the Local Planning Policy Framework support the amendment.

21.02-2 Land Use Vision

The Colac Structure Plan (2007) includes the following vision for Colac:

- Colac will be a thriving town with a vibrant town centre that takes pride in its Lakeside location, is responsive to the housing needs of its residents and offers a variety of opportunities for employment and economic development.

21.03-2 Colac Overview

A Structure Plan for Colac was adopted by Council (February 2007) and articulates the preferred development future for this key centre of the municipality and broader region. Key issues to emerge from the Structure Plan include the need for:

- Provision of an adequate supply of industrial land consolidated in east Colac.
- To enhance the built and natural environment of Colac.
- To improve the amenity and appearance of Colac's main pedestrian streets and town entrances.

Strategies

- Identify new industrial opportunities in Colac East which provide areas suited to a diverse range of light to general industrial activities.
- Improve the appearance of existing industrial development in Colac to provide more attractive and inviting entrances to the town.
- Undertake and implement a strategy for the co-ordination and design of all signage along the eastern and western entrance corridors to Colac.

21.06 General Implementation

Undertaking further strategic work

- Undertake an industrial land supply analysis for Colac.
- Review retail and office floor space needs in Colac and review zones accordingly.

It is also noted that the Colac Framework Plan in Clause 21.03 identifies part of the proposed rezoning site on Forest street/J Barrys Road as a Potential Industrial Area.

Colac CBD and Entrances Project, 2012

This is a 20-year plan focuses on the design of buildings and spaces in the Colac CBD and along the eastern and western entrances to Colac. It is adopted by Council and is an

essential part of its vision for the CBD to present an impressive image along the Princes Highway corridor, from the edges of the City to its core. This correlates with the objective in the 2007 Colac Structure Plan to relocate industry away from the city's core and into defined industrial corridors.

Colac Structure Plan 2007

- Rezone land in east Colac to Industrial 1 and Industrial 3.
- Improve existing industrial development in West Colac, and prevent further development of the Industrial 1 Zone by back zoning to Farming Zone.
- Designate additional land for future industrial development if required.

3. EXHIBITED AMENDMENT COLAC OTWAY C86

The land use components of the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* are to be implemented through Amendment C86 to the Colac Otway Planning Scheme. The exhibited amendment also proposes to remove several anomalies and redundancies that were raised during the preparation of the Strategy but were outside the scope of that study.

The key ordinance changes in the exhibited Amendment are outlined as follows:

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, encouraging the retention of large industrial zoned lots to encourage economic activity and amending 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) and include an Incorporated Document; and
- 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; 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) and include an Incorporated Document;
- 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; and

- Rezone a small section of privately owned land zoned Public Use Zone (PUZ4) abutting the railway reserve to SUZ4.

AKD Softwoods – Colac East

- 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; and
- 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 part Farming Zone (FZ) and Low Density Residential Zone to Industrial 1 Zone (IN1Z) to facilitate the operations of the existing AKD Softwoods;
- 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;
- 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 land to be available to service the need of businesses that require a large land holding (greater than 5ha);
- 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; 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.

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; 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.

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.

Other Mapping – Anomalies and Redundancies

- Rezone part of 75 Rossmoyne Drive, Colac, from Farming Zone (FZ) to Industrial 1 Zone (IN1Z);
- 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;
- 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);
- Rezone 177 Bromfield Street, Colac, from part Commercial 1 Zone (C1Z) to Public Park and Recreation Zone (PPRZ);
- 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); and
- Apply the Design and Development Overlay Schedule 3 (Clause 43.02) (DDO3) to part 331 and part of 333 Princes Highway, Colac.

4. CHRONOLOGY

Background

As the key driver of Amendment C86, the Colac 2050 project commenced in 2013. The project emerged from the G21 Regional Growth Plan, which targeted Colac for growth. Colac 2050 Plan seeks to shape the future look and feel of Colac, where future residential and commercial growth will be directed, and how infrastructure will be provided. The ongoing preparation of Colac 2050 has involved significant community consultation and numerous technical papers.

The creation of an industrial land strategy was identified as a key foundation of Colac 2050. The Strategy would identify future land needs for industrial and commercial development to match employment needs. The *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016* delivers on this requirement.

The preparation of Strategy was guided by significant industry and community consultation, including three ‘issues and opportunities’ workshops, conducted by the Capire Consulting Group. These stakeholder workshops were attended by a total of 36 persons, representing government, business stakeholders and Councillors. Council also conducted a business survey as part of the project, receiving 320 submissions.

Council Resolution to Prepare Amendment C86

The Strategy was reported to Council at its meeting of 23 March, 2016. At this meeting, Council resolved to:

- i. Adopt the final draft Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016 and place it on public exhibition for a period of 6 weeks;*

- ii. Request authorisation from the State Planning Minister to prepare and exhibit Amendment C86 to the Colac Otway Planning Scheme;*
- iii. Place Amendment C86 on public exhibition for a period of 6 weeks; and*
- iv. Authorise Council officers to make minor changes to the Amendment C86 documentation prior to exhibition.*

Exhibition

Ministerial authorisation to proceed with Amendment C86 was sought, and was granted on 27 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 as required.

Both the final draft Strategy and Amendment C86 were publicly exhibited in the period from 24 June to 5 August 2016 and submissions sought from the community and interest groups.

Public Information Sessions were conducted by Council on 12 and 13 July 2016.

Submissions Received

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

Of these 20 submissions, six submissions were received from Government Departments or agencies, being:

- Barwon Region Water Corporation;
- VicTrack;
- Department of Environment, Land, Water and Planning;

- Regional Development Victoria;
- Department of Economic Development, Jobs, Transport and Resources; and
- Corangamite Catchment Management Authority.

Four submissions were received by a combination of consultants on behalf of, or from large employers, in Colac. Ten submissions were received from local and Shire based residents.

Key issues and concerns raised in these submissions are noted in the officer's report to Council dated 22 February 2017. In summary, the issues raised relate to;

- Administrative corrections;
- Industrial land adjacent to rural living land;
- Proposed industrial land subject to inundation;
- No reference to noise issues;
- Access issues;
- Loss of and impact upon agricultural land;
- Impact on tourism;
- Lack of strategic justification;
- Broad planning controls don't consider the site specific requirements of individual parcels of land; and
- Impact on views and land value.

Submissions referred to Independent Panel

On 22 February 2017 Council resolved, pursuant to section 23 (1) (a) of the *Planning and Environment Act 1987* (the Act), to make changes to the Amendment and to request the Minister for Planning to appoint an Independent Panel to consider the Amendment and submissions received.

5. SUBMISSIONS RECEIVED

As stated earlier, the Amendment was exhibited from 24 June to 5 August 2016. Twenty submissions were received during this period.

Each submission will now be summarised and broadly commented upon, and any changes made noted.

Submitter 1

- Water supply is available to all users but notes there are capacity constraints in the sewerage system;
- Proposed zoning changes are generally in locations where Barwon Water has planned for growth. An upgrade of the Colac Water Reclamation Plant is proposed; and
- Requests to inset the use ‘minor utility installation’ as a Section 1 use in the proposed SUZ3 for the Bulla Dairy Foods site.

Council Response

- ‘Minor utility installation’ inserted as a section 1 use with no conditions in Schedule 3 to the SUZ.

Submitter 2

- Notes that no reference is made in the proposed SUZ4 or DDO1 to the existing rail corridor or rail infrastructure, and requests that the SUZ4 be amended to refer to the rail infrastructure and activities; and
- Investigation of an intermodal transport facility in the Irrewarra area is supported but investigation should also include the Colac station area.

Council Response

- DDO1 changed as recommended; and
- The statement made regarding the potential intermodal facility is noted. Further sites will be explored in future, including the Colac railway station site.

Submitter 3

- Notes the J Barrys Road/ Forest Street land is not appropriate for industrial use due to its location adjacent to Rural Living land;
- Notes the land is subject to an inundation overlay and environmental significance overlay;
- 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; and
- The proposal would diminish the submitters quality of living and property values

Council Response

- DPO7 changed to reflect the need for an acoustic report; and
- No other changes supported.

Submitter 4

- With regards to Crown land, the submitter supports the rezoning of 177 Bromfield Street to address an anomaly; and
- Supports the application of the Design & 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.

Council Response

- No change in response to this submission.

Submitter 5

- In response to the proposed Parkinson Street/ Colac-Forest Road rezoning, the submitter requests:
 - a tree buffer established and maintained by AKD for 50 metres from the Parkinson Street fenceline extending west along the Parkinson Street boundary at least 300m from the rear of the property;
 - a prohibition of industrial activity on the northern 50% of the rezoned area between the hours of 8.00pm & 7.00am;
- That any transport links necessary for the industrial activity should be put in place inside the rezoned property, and that Parkinson Street not be used as an access or egress for heavy machinery/road transport vehicles east of the existing access point to the weighbridges.

Council Response

- No change in response to this submission.

Submitter 6

- Notes the J Barrys Road/ Forest Street land is not appropriate for industrial use due to its location adjacent to Rural Living land;
- Raises traffic concerns;
- Notes the land is subject to an inundation overlay and environmental significance overlay;
- 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; and
- The proposal would diminish the submitters quality of living and property values

Council Response

- No change in response to this submission.

Submitter 7

- The submitter is concerned with the potential impact the Warrowie Road/ Irrewarra rezoning to an Industrial Zone (IN1Z) will have on their right to farm in a Farming Zone (FZ), the associated loss of productive farm land, the increase in traffic using Warrowie Road and the effect on Shire rates.

Council Response

- No change in response to this submission.

Submitter 8

- Considers that the Strategy is too focused on industrial zoning in Colac without a regional or statewide 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 rural precinct and potentially value-adding tourism;
- The Strategy is detrimental to the Shire's long term strategic tourism goal;
- Considers that 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;
- The FZ is sufficiently flexible to offer opportunity for expansion of AKD;
- The proposal is unsympathetic to the Otway Harvest Trail, agro-tourism and tourist visitation in Colac;
- 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;
- 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; and
- Any intermodal proposal requires substantial further investigation and consultation and only then should such an amendment for industrial land proceed.

Council Response

- Council supports the contention that any intermodal proposal requires substantial further investigation.
- No other changes based on this submission are proposed.

Submitter 9

- Submitter objects to the proposed zoning change at the rear of Bulla Foods Forest Street site to IN1Z. 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 increased flooding risk; and
- The submitter considers that Colac is short of quality residential land and that the proposal will seriously reduce amenity and land value.

Council Response

- No change in response to this submission.

Submitter 10

- The submitter objects to the proposed zoning change from FZ to IN1Z at the AKD site, Irrewarra, on the grounds that:
 - industrial development would compromise current cattle breeding operations;
 - industrial development would negatively affect the property's operation as a Land for Wildlife site;
 - submitter's lifestyle will be negatively affected by noise, increased truck traffic, lighting & smoke. They have not been consulted about these increasing impositions;
 - no notice was provided of any potential future industrial site or consideration of its impacts;
 - will de-value current property improvements & outlook;
- The submitters are happy with industrial on the west side of Colac or in areas close to existing industrial.

Council Response

- No change in response to this submission.

Submitter 11

- The submitter supports the Strategy and the proposed rezoning of 34 Fulton Street;
- Supports the rezoning at the Murray Street plant subject to correct alignment of zone and title boundaries, and 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;
- The submitter generally supports removal of the DDO1 and DDO8 from its properties and the application of 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; and
- Supports changes to the Local Planning Policy Framework (LPPF) subject to the individual designation of the Murray Street site on the map and a change to Clause 21.03-2 to confirm the importance of the land to Colac.

Council Response

- The change of name of the Incorporated Document is supported.
- No other changes in response to this submission are supported.

Submitter 12

- The submitter supports C86 with a few minor changes as follows:
 - Removal of DDO1 from land as the proposed Incorporated Document sufficiently addresses built form outcomes is an unnecessary duplication;
 - 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);

- Removal of the company name from incorporated documents as planning controls relate to the land and not the specific company.

Council Response

- Removal of DDO1 from land is supported;
- The change of name for the Incorporated Plan Document is supported; and
- Transitional arrangements are supported

Submitter 13

- Supports the rezoning of land south of J Barrys Road to IN1Z

Council Response

- Noted.

Submitter 14

- The submitter 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.

Council Response

- No change in response to this submission.

Submitter 15

- Submits that C86 would have a positive impact on three major employers in the Colac area – BDF, ALC & AKD Softwoods – facilitating future expansion, employment, new investment and export growth.

Council Response

- Noted.

Submitter 16

- The submitter supports inclusion of the Road Network and Transport Management Plan in the DPO's and proposed SUZ schedules; and
- The DPO8 on the Warrowie Road/ Princes Highway rezoning needs to be consistent with the Public Acquisition Overlay.

Council Response

- No change in response to this submission. It is considered that VicRoads, as a road manager, will be consulted during the preparation of any Road Network and Transport Management Plan.
- Proposed rezoning is consistent with the existing PAO.

Submitter 17

- 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;

- Notes that the DDO1 disadvantages their client because its land holdings are highly visible and any requirements should be made more specific to the locale;
- Requests specific design objectives in the DDO1 for the subject sites;
- Notes the fencing requirements in DDO1 are onerous and that other specific items of detail regarding car parking, layout, landscaping, building design, safety matters, access and loading, entrances and signage should either be removed or modified; and
- 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.

Council Response

- No change in response to this submission.

Submitter 18

- Opposes an industrial area at the Colac town entrance as it will be an eyesore for the submitter and visitors & compromise Shire tourism.

Council Response

- No change in response to this submission.

Submitter 19

- The submitter proposes no changes to the Amendment;
- Advises that with regard to the 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; and
- The western portion of the J Barrys Road land to be rezoned is likely to be inundated by a 1% riverine flood event and the same due consideration needs to be given as per the Fulton Street site.

Council Response

- Noted

Submitter 20

- Submitter supports the removal of the Bushfire Management Overlay on his land at 594J Princes Highway.

Council Response

- Noted.

6. POST EXHIBITION CHANGES

Following exhibition of this Amendment, Council considered the proposed changes to the Scheme, the Strategy and the submissions received.

Council resolved to make the following changes to Amendment C86:

- Amend Clause 21.03 Settlement by making minor changes to the wording;
- Amend Clause 21.05 Economic Development by making minor changes to the wording and also deleting reference to Irrewarra as an investigation area for a proposed intermodal facility;
- 21.06 General Implementation by making minor changes to the wording;
- Schedule 1 to Design and Development Overlay by making minor changes to the wording;
- Schedule 7 to the Development Plan Overlay by amending the requirements for a Road Network and Transportation Management Plan, Open Space and Landscape Master Plan and inserting the requirement for an Acoustic Report;
- Schedule 3 to the Special Use Zone by making minor changes to the wording;
- Schedule 4 to the Special Use Zone by making minor changes to the wording;
- Australian Lamb Company Incorporated Document – change to title;
- Bulla Dairy Foods Incorporated Document – change to title; and
- Schedule to Clause 81.01 by retitling several documents.

7. MAPPING ERRORS

An examination of the amendment documents exhibited has noted an error in the Explanatory Report forming part of this Amendment. The Report refers to the proposed rezoning of 20 Warrowie Road, Irrewarra from the Farming Zone to the Industry 1 Zone. The Explanatory Document should have referred to the rezoning of the land from the Farming Zone and Low Density Residential Zone to the Industry 1 Zone. It is noted that the exhibited mapping was correct, as was the property address of the subject land.

Submitters to the Amendment who raised concerns regarding the rezoning of land in Irrewarra were notified of this error on 7 April 2017 and invited to comment.

It was further noted that there is an error in the current zoning maps in the Irrewarra district. The error relates to land on both sides of Pyles Road, Irrewarra to the north of Princes Highway and south of Hardbattles Road, including part of 20 Warrowie Road (which forms part of Amendment C86).

According to the Departmental mapping base, the land is zoned Low Density Residential. However the land was rezoned as part of the adopted Rural Living Strategy 2011 (approved Amendment C69) to the Rural Living Zone. Due to an administrative error, the approved mapping was never updated. DELWP has advised Council that the matter '*appears to be a notation error at gazetta*' and that the '*... use of RLZ was supported by the Department and signed off as such.*'

Landowners/occupiers covered by the zone and surrounding landowners and occupiers were notified on 7 April 2017 and advised that Council proposes to include the zoning anomaly on Pyles Road in this Amendment and update the map to the Rural Living Zone. Landowners and occupiers were invited to comment before this Panel hearing.

8. CONCLUSION

Council submits that the exhibition of the Amendment and its referral to the Minister for Planning has been carried out in accordance with the provisions of the Act.



Sean O'Keeffe

Council Advocate