

Planning and Environment Act 1987

Panel Report

**Colac Otway Planning Scheme Amendment C86
Colac Industrial Land Use Strategy**

15 June 2017

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act

Colac Industrial Land Use Strategy

15 June 2017

A handwritten signature in blue ink, appearing to read 'Brett Davis', with a stylized flourish at the end.

Brett Davis, Chair

A handwritten signature in blue ink, appearing to read 'John Roney', with a stylized flourish at the end.

John Roney, Member

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List of Abbreviations

ALC	Australian Lamb Company
Bulla Dairy	Regal Cream Products Pty Ltd (trading as Bulla Dairy Foods)
DDO	Design and Development Overlay
DELWP	Department of Environment, Land, Water and Planning
DEDJTR	Department of Economic Development, Jobs, Transport and Resources
DPO	Development Plan Overlay
EPA	Environment Protection Authority
ESO	Environmental Sensitive Overlay
GRZ	General Residential Zone
IN1Z	Industrial 1 Zone
ISB	Irrewarra Sourdough Bakery
LSIO	Land Subject to Inundation Overlay
LPPF	Local Planning Policy Framework
MSS	Municipal Strategic Statement
PPN	Planning Practice Note
SPPF	State Planning Policy Framework
SUZ	Special Use Zone
The Strategy	The Colac Township Economic Development, Commercial and Industrial Land Use Strategy 2016
WMO	Wildfire Management Overlay

Overview

Amendment Summary

The Amendment	Amendment C86
Common name	Colac Industrial Land Use Strategy
Brief description	The Amendment seeks to rezone, apply or delete overlays on various sites in the Colac region as shown on the exhibition maps
Subject site	The Amendment applies to land within and adjacent to the township of Colac.
The Proponent	Colac Otway Shire Council
Planning Authority	Colac Otway Shire Council
Authorisation	27 May 2016
Exhibition	24 June to 5 August 2016
Submissions	Number of Submissions: 20 Opposed: 9 Support : 11 (including 6 Referral Authorities)

Panel Process

The Panel	Brett Davis (Chair), appointed 2 March 2017 On 4 April 2017, the appointment was cancelled and John Roney was appointed to the Panel, with Brett Davis remaining as Chair.
Directions Hearing	Colac Otway Shire Council offices, 31 March 2017
Panel Hearing	Colac Otway Performing Arts and Cultural Centre, 26 and 27 April 2017
Site Inspections	Unaccompanied 31 March, Accompanied 27 April (Bulla Dairy Site, Forest Street only)
Date of this Report	15 June 2017

Executive Summary

(i) Summary

Colac Amendment C86 (the Amendment) seeks to provide direction to the future of commercial and industrial land uses within Colac, as guided by the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* (The Strategy).

The Strategy seeks to identify future opportunities for Colac including retail and commercial development. It highlights the importance of the industrial sector in Colac, in particular in relation to employers such as AKD Softwoods, Australian Lamb Company and Bulla Dairy Foods, to protect the current investments of these companies. The Strategy notes that industrial land of significant size is in short supply in Colac, and that some of the existing planning provisions are overly complex and restrict new development.

There were a number of submissions in support, as well as objections. The submissions received primarily revolve around the industrial aspects of the amendment. These submissions have been considered by Council, and appropriate changes have been made to the Amendment.

Key issues raised in submissions included:

- Lack of strategic justification
- Impacts on property values
- Loss of and impact upon agricultural land
- Amenity impacts / interface issues.

Post-exhibition, Council removed reference to an intermodal hub in Irrewarra. It submitted that the potential impact of this hub required further investigation. A number of other changes were proposed to drafting and schedules.

The Panel notes that the revised *Ministerial Direction for the Form and Content of Planning Schemes* was released just prior to this report's submission. The implications of this will need careful consideration as the Amendment progresses. Despite this, the Panel concludes that the Amendment should be supported.

In particular, the Panel had concerns with the application of the Special Use Zone to the Australian Lamb Company site. Being mindful that no submissions were made on this aspect of the Amendment, the Panel has recommended it be approved, however offers an alternative recommendation as it believes that an extension of the existing zone regime (Industrial 1 Zone and Development Plan Overlay) would be more appropriate.

Given the number of schedules and provisions being put forward, the Panel considers there would be further benefit in a plain English, policy neutral review of the detailed provisions before Amendment finalisation. This could be undertaken when the final form of the Amendment is considered in the light of the new Ministerial Direction.

The Panel concludes that Amendment C86 is generally well-founded and presents a series of changes and updates to the Colac Otway Planning Scheme. It implements the findings of the draft *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy*

2016, which, amongst other matters, assesses the future requirements for commercial and industrial development and the preferred location and land requirements in Colac.

The Strategy responds to strong strategic direction at both State and local levels. It seeks to adopt a broad approach of encouraging the economic growth for future Colac. It also seeks to ensure consistency in the planning process.

The Amendment is Council's best attempt, based on detailed research and consultation, to adequately capture its industrial land supply needs to 2050. The intent of the Amendment is clear – it is to encourage the growth of existing major industries and enable new large-scale industrial development through the provision of large-scale industrial lots.

The Panel supports the Strategy and concludes that the Amendment is strategically justified. The Council is to be commended in its attempt to capture the economic development and employment issues facing its supply of industrially zoned land.

(ii) Recommendations

The 'overarching' recommendations apply to the whole Amendment. Recommendations have been separated to the particular sites discussed in this report for clarity.

Based on the reasons set out in this Report, the Panel recommends that Colac Otway Amendment C86 be approved as exhibited subject to the following:

Overarching recommendation

- 1. Adopt the Panel preferred changes to the Amendment found at Appendix C to J of this report.**
- 2. Review the provisions and schedules of the Amendment during finalisation to ensure they are consistent with the *Ministerial Direction on the Form and Content of Planning Schemes* (May 2017); and undertake a plain English, policy neutral review at the same time.**
- 3. Include the Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016 as a Reference Document.**

Site specific recommendations

Bulla Dairy

- 4. Adopt the revised changes to Special Use Zone, Schedule 3 included in Appendix F to this report.**
- 5. Modify the Incorporated Document title to 'Dairy Food Production Plant – Connor and Murray Streets, Colac May 2016'.**
- 6. Prior to adoption, or as part of its next round of planning scheme updates, revise the Framework Plan at Clause 21 to specifically designate 'land uses facilitated by the SUZ3' to the Bulla Dairy site at 270-302 Murray Street, Colac.**
- 7. Delete Design and Development Overlay Schedule 1 from the Forest Street and Fulton Street site.**

8. Adopt the Panel recommended Development Plan Overlay Schedule 6 as shown in Appendix I of this report.

Australian Lamb Company

9. Adopt the Panel recommended Special Use Zone, Schedule 4 as shown in Appendix G.
10. Modify the title of the Incorporated Document to 'Colac Abattoir and Food Production Plant Master Plan, May 2016' and include the following changes:
 - a) In Clause 3, 'Existing Conditions Plan' - requirements to include a new dot point requiring the location of rail infrastructure using similar wording to that suggested in Clause 5 of SUZ4.
 - b) In Clause 3, the requirements of the 'Fencing Plan' should be amended to include the location, height and materials of fencing along the rail corridor.
 - c) In Clause 4, the requirements under the heading 'General' should be amended to include a new dot point requiring the maximum retail floor space of 500 square metres and a requirement that the goods sold at the site must be in association with the abattoir and food production plant.
 - d) In Clause 4, the requirements under the heading 'Building design and landscaping' should be amended to include a new dot point to ensure that buildings and works on the land must not adversely impact upon the safe operation of the rail corridor and must not be sited where they may intrude upon the sightlines of the Flaxwell Road crossing from the railway line.
 - e) In Clause 5, the requirements under the heading 'General' should be amended to modify the second dot point to also refer to the rail corridor.

AKD Softwoods, Colac East

11. Rezone the land from Farming Zone to Industrial 1 Zone and apply the Design and Development Overlay Schedule 1 as exhibited.

AKD Softwoods, Irrewarra

12. Retain the existing planning controls on the AKD Softwoods land in Irrewarra as Farming Zone. Rezone the anomalous Rural Living Zone land within AKD Softwoods to Farming Zone.
13. Do not apply Development Plan Overlay Schedule 8 to the AKD land at Irrewarra.
14. Do not apply Design and Development Overlay Schedule 1 to the AKD land at Irrewarra.

J Barrys Road and Forrest Street, Elliminyt

15. Adopt the Panel recommended Development Plan Overlay Schedule 7 included in Appendix J of this report.

(iii) Further recommendations

The Panel makes the following further recommendations:

- a) **Prior to including the Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016, remove references to Irrewarra and the intermodal facility.**
- b) **Prior to Gazettal, Council should consider extending the Development Plan Overlay Schedule 1 over the additional ALC land to Dalton Street rather than applying the Special Use Zone 4.**
- c) **Council should pursue the zoning map anomaly north and east of the AKD Softwoods holdings (Pyles Road) through a separate Amendment process with DELWP, and rectify the different zoning allocations from its static mapping and planning maps on line.**
- d) **Council should consider a separate planning scheme amendment to update Development Plan Overlay Schedule 3.**

1 Background

1.1 The Amendment

(i) Amendment Description

The Amendment proposes to provide direction to the future of commercial and industrial land uses within Colac, as guided by the *Colac Township – Economic Development, Commercial and Industrial Land Use Strategy 2016* (The Strategy). The Strategy was exhibited together with the Amendment and is to be referenced in the Colac Otway Planning Scheme. The Strategy makes 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.

In addition, the Amendment corrects several zoning anomalies round the Colac township that were identified when the Strategy was prepared.

1.2 Background to the proposal

The Colac 2050 project commenced in 2013. The project stemmed from the G21 Regional Growth Plan, which was focused on Colac for growth. The need for the creation of an Industrial Land Strategy was identified in Colac 2050, and accordingly the *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016* (The Strategy) was developed. At its meeting on 23 March 2016, Council resolved to adopt the final draft Industrial Land Use Strategy and place it on exhibition for a six week period.

The Strategy seeks to identify future opportunities for Colac including retail and commercial development. It highlights the importance of the industrial sector in Colac, in particular in relation to employers such as AKD, Australian Lamb Company and Bulla Dairy Foods, to protect the current investments of these companies. The Strategy notes that industrial land of significant size is in short supply in Colac, and that some of the existing planning provisions are overly complex and restrict new development.

The Strategy noted that two investigation areas (Irrewarra and Forest Street) on the basis that the east side of Colac was preferential for industrial development.

1.3 Subject land

The Amendment generally applies to land shown in Figure 1, within and adjacent to the township of Colac, specifically:

Colac

- All industrial land in Colac
- 177 Bromfield Street, Colac
- Land generally bounded by Princess Highway, Corangamite Street, Connor Street and Hart Street used as part of the Bulla Dairy Food Murray Street operations
- 7-15 Forest Street, Colac and part of 18-24 Forest Street, Colac
- 50 J Barrys Road Colac and part of 286 Forest Road, Elliminyt (not shown in Figure 1)
- 75 Rossmoyne Road, Colac West
- 331 and part of 333 Princes Highway, Colac West

- 50 and 52-56 Queen Street, Colac
- 34 Fulton Street, Colac
- 1 Tristania Drive and 45 Flaxmill Road, Colac East.

Irrewarra

- 20 Warrowie Road Irrewarra (the land used for the AKD Sawmill)
- 15 Pyles Road, Irrewarra
- 5945 Princes Highway, Irrewarra
- 125 Drapers Road, Irrewarra.

Yeo

- 260 Colac Forest Road, Yeo
- 95 Old Yeo Road, Yeo.

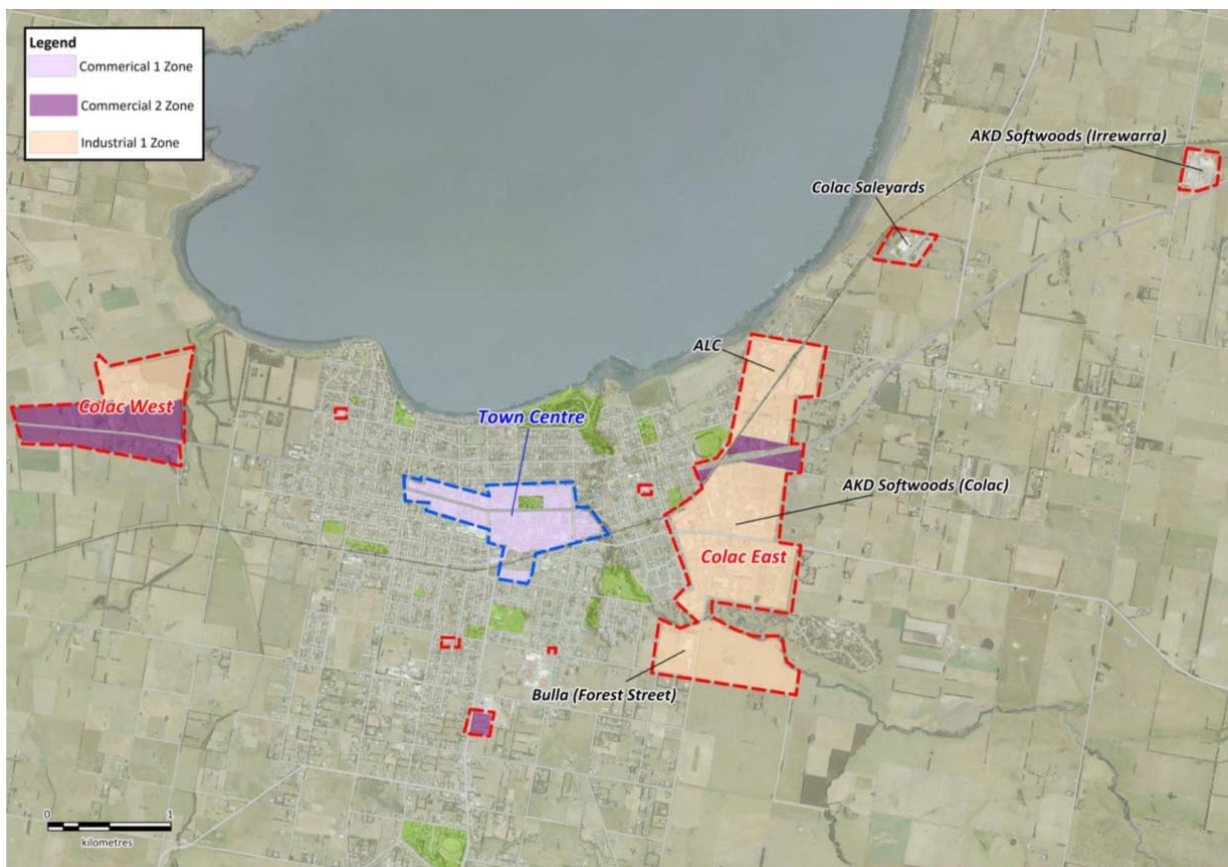


Figure 1 Colac Township Commercial and Industrial Land Use Study Area¹

¹ Source: Nick Brisbane Evidence Statement pg.5

1.4 Panel process

Table 1 Parties to the Panel Hearing

Submitter	Represented by
Colac Otway Shire Council	Sean O’Keefe who called the following expert witnesses: - Nick Brisbane (Essential Economics) in economic issues
Regal Cream Products Pty Ltd (Bulla Dairy Foods)	Juliet Foryth, Barrister instructed by Rhodie Anderson, Rigby Cooke
Joanne Foster	
John Evans	
Geoff Woods	
Neil Longmore	
D and L Harty	
Australian Lamb Company (ALC)	Kirsten Kilpatrick of Tract Consultants
Irrewarra Estate/Irrewarra Sourdough	Toni Sincock
Shane Vicary	AKD Softwoods

1.5 Procedural issues

At the Hearing on Day 1, Ms Suzanne Barker assisted Council’s advocate, Mr O’Keefe. Ms Barker is a sessional member of Planning Panels Victoria and contracts to Council. Given her background and assistance in the preparation of the Amendment, the Panel appreciated the offer of Council and permitted Ms Barker to assist where the Panel had questions of clarification. This was declared at the beginning of the Hearing and no parties objected to Ms Barker’s participation.

1.6 Issues dealt with in this report

The Panel considered all written submissions made in response to the exhibition of the Amendment; as well as further submissions, evidence and other material presented to it during the Hearing, and observations from site visits.

The Panel has reviewed a large volume of material. The Panel has had to be selective in referring to the more relevant or determinative material in the report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the report.

This report deals with the issues under the following headings:

- Planning Context
- Industrial Land Supply
- Bulla Dairy Foods properties
- Australian Lamb Company
- AKD Softwoods
- J Barrys Road and Forest Street

- Planning controls
 - Design and Development Overlay
 - Wildfire Management Overlay
- Post-exhibition changes
 - Mapping errors

1.7 Limitations

The Amendments are underlain by a number of background technical reports; the main ones being:

- *Colac Infrastructure Services Assessment 23 March 2016*
- *Colac Residential Housing Land Supply Assessment, May 2016*
- *Colac Housing Needs Assessment, May 2016*
- *Colac CBD and Entrances Project, 2012*
- *G21 Regional Growth Plan, 2013*
- *Colac Structure Plan 2007.*

The Panel has undertaken a brief review of these documents (see Chapter 2.1(iii)); but as they were not challenged by submitters, the Panel has not undertaken detailed analysis.

During the Hearing, the Panel raised the question to Council on the choice of the Special Use Zone and drafting matters associated with these zones. Council produced a written reply to this at the beginning of Day 2 (Document 10). In providing its advice, Council concluded:

Council notes no submissions received have explicitly raised any issues in relation to the choice of the SUZ with an incorporated plan as a planning tool. It is Council's view that this approach is valid and will assist both of these significant industries in their ongoing operations. Council welcomes the Panel's view on outstanding matters raised in submissions.

The Panel accepts Council's submission on this matter, and notes:

- No submissions raised or opposed the use of the SUZ
- The use of the zone was supported by Department of Environment, Land, Water and Planning (DELWP), Department of Economic Development, Jobs, Transport and Resources (DEDJTR), Council and the Project Control Group of Colac 2050
- Relevant landowners with representation did not query the zone.

The Panel raised the issues as it was not clear when assessed against the relevant Planning Practice Note 3 that the SUZ was in fact warranted for the ALC site (SUZ4). This is discussed in Chapter 6, and the Panel has provided an 'alternative approach' discussion on the choice of zone for this site. It has not made a recommendation on the matter noting its limitations under the *Planning and Environment Act (1987)*.

Where possible, the Panel has attempted to capture post-exhibition changes in the attached Appendices. However, due to the format supplied by Council, it is possible that not all the changes have been appropriately captured.

The Panel was severely limited by the electronic formatting of the documents supplied to it. In many cases post-exhibition schedules were unable to be formatted correctly. The Panel recommends that Council undertake a final sweep for consistency and in line with VC133

prior to submitting the Amendment for gazettal. The Panel has attempted to correct a number of grammatical and spelling errors and recommends a further check before the Amendment is finalised.

2 Planning context

Council provided a response to the Strategic Assessment Guidelines as part of the Explanatory Report.

The Panel has reviewed Council's response and the policy context of the Amendment, and has made a brief appraisal of the relevant zone and overlay controls and other relevant planning strategies.

2.1 Policy framework

(i) State Planning Policy Framework

Council submitted that the Amendment is supported by the following clauses in the SPPF:

Clause 11 (Settlement) – this clause states that *“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”*.

Clause 11.01-1 (Settlement networks) – this clause aims to *“Support the growth of Colac....as district towns by building on existing and planned infrastructure and focusing growth along key road and rail networks”*.

Clause 11.02-1 (Urban growth) – this clause states: *“...ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses”*. It states that Planning for urban growth should take into account *“Opportunities for the consolidation, redevelopment and intensification of existing urban areas”*.

Clause 11.02-3 (Planning for growth areas) – this clause states *“Provide for significant amounts of local employment opportunities and in some areas, provide large scale industrial or other more regional employment generators”*.

Clause 11.03-2 (Activity centre planning) – this clause encourages *“...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”*.

Clause 11.07-1 (Regional planning) – this clause aims to *“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.*

It supports *“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”*.

Clause 11.07-6 (Sustainable communities) – this clause has the objective *“To allow communities to live, work and participate locally”*.

Clause 11.09-1 (Planning for growth) – this clause has the objective to *“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”*. It supports planning for Colac and Winchelsea as new targeted growth nodes.

Clause 11.09-6 (Sustainable communities) – this clause has the objective to *“Support new businesses that provide employment and innovation opportunities in identified employment nodes across the region”*.

Clause 11.09-7 (A diversified economy) – This clause has the objective to *“Plan for the expansion of industrial employment areas at Colac and Winchelsea”*.

Clause 14.01-3 (Forestry and timber production) – This clause has the objective *“To facilitate the establishment, management and harvesting of plantations, and harvesting of timber from native forests”*.

Clause 15.01 (Urban environment) – This clause has the objective *“To create urban environments that are safe, functional and provide good quality environments with a sense of place and cultural identity”*.

Clause 17.02 (Industry) – this clause has the objective *“To ensure availability of land for industry”*.

Clause 19 (Infrastructure) – this clause states that *“Planning for development of social and physical infrastructure should enable it to be provided in a way that is efficient, equitable, accessible and timely”*.

(ii) Local Planning Policy Framework

Council stated that the following sections of the LPPF are relevant to the Amendment:

Clause 21.02-2 (Land Use) – 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”*.

Clause 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 include:

- *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.*

Clause 21.06 (General Implementation) – This clause states under 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.

Council 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.

(iii) Other planning strategies or policies used in formulating the Amendment

Colac CBD and Entrances Project, 2012

This is a 20-year plan that focuses on the design of buildings and spaces in the Colac CBD and along the eastern and western entrances to Colac. It was 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 Colac East to Industrial 1 and Industrial 3.
- Improve existing industrial development in Colac West, and prevent further development of the Industrial 1 Zone by back zoning to Farming Zone.
- Designate additional land for future industrial development if required.

It is also noted that the existing Colac Framework Plan in Clause 21.03 identifies part of the proposed rezoning site as a Potential Industrial Area.

G21 Regional Growth Plan, 2013

This Plan provides a strategic land use and growth framework to manage population growth of the broader (G21) region to 500,000 by the year 2050 and Colac to 20,000 by 2050.

Relevant objectives of the Growth Plan include the following:

- *To optimise infrastructure and consolidate growth*
- *To plan for Colac and Winchelsea as new targeted growth nodes*
- *To support the proposed national transport and logistics precinct and recognise greater connection to the Werribee growth corridor and Melbourne*

- *To provide for long term growth options that build on existing infrastructure*
- *Consistency with Colac CBD and Entrances Project, 2012.*

Colac Residential Housing Land Supply Assessment, 2016

This study presents an assessment of land supply against major constraints to residential subdivision. It finds that generally land supply for housing beyond 2026 is currently uncertain.

Colac Housing Needs Assessment, 2016

This paper guides the *Colac 2050* project, a long-range planning project that has been established to respond to Colac's increase to 20,000 residents by 2050. Supporting the planned growth and *G21 Regional Growth Plan* is a key element of the assessment.

2.2 Planning scheme provisions

The proposed zone and overlay changes applying to each site are discussed in detail in the Explanatory Report and throughout the report where changes are proposed.

2.3 Ministerial Directions and Practice Notes

(i) Ministerial Directions

Council submitted that the Amendment meets the relevant requirements of the following Ministerial Directions:

Ministerial Direction No 11 - Strategic Assessment of Amendments

The Amendment is consistent with Ministerial Direction 11 (Strategic Assessment of Amendments) and Planning Practice Note 46 (Strategic Assessment Guidelines).

The Form and Content of Planning Schemes (s7(5))

The Panel notes that a new version (24 May 2017) of the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act has been released post-hearing. The Panel has not completed a full review of the Amendment in accordance with the revised direction and this should be done following consideration of the Panel's recommendations.

2.4 Conclusion and recommendation

The Panel has reviewed the planning framework for the Amendments and considers that they are consistent with State and local planning policy.

The Panel concludes that the Amendment is supported by, and implements, the relevant sections of the State and Local Planning Policy Framework, and is consistent with the relevant Ministerial Directions and Practice Notes.

The Amendment is well founded and strategically justified, and the Amendment should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Panel recommends:

Review the provisions and schedules of the Amendment during finalisation to ensure they are consistent with the Ministerial Direction on the Form and Content of Planning Schemes (May 2017); and undertake a plain English, policy neutral review at the same time.

3 Industrial Land supply

3.1 The issue

Does the Amendment adequately address Colac’s industrial land supply needs? Is the *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016* (the Strategy) well founded and justified?

3.2 Evidence and submissions

A number of submissions (3, 8, 9, 14) questioned the strategic basis of the Amendment.

Mr O’Keefe submitted that given concerns raised by submitters on the strategic merits of the project, and the fact the findings of the Strategy are proposed to be included into the Planning Scheme (and the Strategy itself as a Reference Document), he called on Mr Nick Brisbane, of Essential Economics as an expert witness to explain the Strategy’s methodology and findings.

Mr Brisbane explained a detailed background research and analysis phase, followed by a comprehensive consultation phase. He explained:

A significant consultation process was undertaken as part of preparing the Strategy and included input from a total of 320 persons. Consultation involved:

- *three separate workshops (businesses, government agencies and Councillors) run by community engagement specialists Capire Consulting Group Pty Ltd*
- *a resident survey*
- *a business survey*
- *one-on-one interviews with key stakeholders.*

Mr Brisbane said that Council’s decision to remove Irrewarra from the Strategy document was not significant as it was always the intention for Council to choose either Irrewarra or Colac East for future industrial development – not both. The Strategy’s objectives relating to industrial land in Colac were identified as:

- *To recognise the important role played by existing businesses located in industrial areas in Colac.*
- *To investigate and promote opportunities for longer-term industrial land development and the attraction of new industries, their investments and jobs.*
- *To assist local businesses in meeting challenges and opportunities, including developing new markets and addressing new competition.*

For industrial land supply, Mr Brisbane gave evidence that *“an audit of all parcels of land located in industrial zones in Colac was undertaken by Essential Economics in August 2015 using aerial imagery provided by Council.”*

Key findings of this included with regard to vacant Industrial 1 Zone (IN1Z) land:

- *A total supply of 59.9ha of vacant IN1Z land exists in Colac.*

- The majority of IN1Z vacant land parcels are smaller than 2,000m² in size (80%).
- Only three vacant lots are of 5ha or more and these represent approximately 31.6ha of vacant IN1Z land (or 53% of vacant IN1Z land).



Figure 2 Industrial 1 Zoned and Commercial 2 Zoned Land Status, Colac, 2015²

Mr Brisbane gave evidence that, from an economic perspective, the lack of opportunities for new businesses requiring large parcels of land was a major issue for the development of Colac. He said that the Strategy recommended an additional 30 to 40 hectares of industrial land to facilitate the attraction of new medium to large industries to Colac and restrict the loss of new industry to another town.

He noted that the economic benefits of attracting large businesses to regional towns like Colac are significant. Large businesses provide direct employment as well as provide significant flow-on benefits to the rest of the local economy through supply chain linkages and the spending of employees' wages. As examples, he pointed to the important role that Bulla Dairy Foods, AKD Softwoods and the Australian Lamb Company play in the local Colac economy.

Mr Brisbane said that industrial lots of at least 5 hectares were typically required to accommodate large-scale industries. He said that some large businesses can require sites of up to 20 hectares (or more) and noted that the Bulla Dairy site in Forest Street was approximately 13 hectares and the AKD Softwoods sites (Colac and Irrewarra) were both approximately 16 hectares.

² Source: Nick Brisbane Evidence Statement, pg. 11

Mr Brisbane stressed the importance of maintaining a 'developable' industrial land supply and it was his evidence that:

While the baseline demand for industrial land summarised above indicates that an adequate long-term supply of smaller lots exists (i.e. sub-5ha), the reliance upon the Forest Street Industrial Site being brought to market in order to have land to offer prospective industrial operators is less than ideal.

Council and Mr Brisbane argued that while "on paper" there appeared to be sufficient large scale IN1Z land, a reluctant land holder had a majority of this land. As such, Mr Brisbane opined:

Having regard for the difficulty in gauging the likelihood of the Forest Street Industrial Site being available for development in the near future, it is prudent to investigate the scenario whereby the land is unable to be activated.

The details of this precinct are expanded on in Chapter 9.

On the question of location, Mr Brisbane's evidence was:

Discussions with key stakeholders were effectively unanimous that, should the need arise for additional industrial land in Colac, the most appropriate location for rezoning would be the eastern side of the town. This area would benefit from the availability of land and being on the 'Melbourne side' of the township. Furthermore, it is understood that difficulties exist in servicing land to the west of Colac.

Mr Brisbane supported the proposed rezoning of land as part of this amendment stating it would provide an opportunity that "currently does not exist for any new large industrial businesses seeking to establish in Colac."

Regional Development Victoria (submission 15) submitted that the Amendment would have a "positive impact on three major employers in the Colac area" and supported the Amendment.

Bulla Dairy (submission 11), Australian Lamb Company (ALC, submission 12) and AKD Softwoods (submission 17) supported the Strategy, subject to minor modifications. These are discussed in later in the report (Chapters, 4, 5, 6 and 7).

Council submitted that the Strategy's primary objective is to reinforce the importance of commercial and industrial sectors in Colac. It submitted that the Strategy would provide opportunities for its major employers to have "sufficient flexibility to expand their business and optimise their considerable existing investment in plant and equipment."

The Panel questioned Mr Brisbane and Council as to whether or not the Strategy had appropriately taken into account to the availability of services (sewer, drainage, water, electricity in making its recommendations.

Mr O'Keefe submitted that in conjunction with the Strategy Council had produced the *Colac Infrastructure Services Assessment Report, March 2016* (Document 5). This report broadly identifies that Colac West was "least favourable for future development" and that Forest

Street in particular was the “*most readily serviceable area, with water currently available, and low level upgrade works required to provide*” other items of infrastructure.³

When questioned in cross examination on the importance of the major employers to Colac Mr Brisbane’s evidence was that combined these three businesses employ more than 1,000 people; at Bulla Dairy alone is between 500-600 , ALC is 350 and AKD Softwoods approximately 100. He noted: “*In terms of benefits to the town jobs are for people from the region and supporting local jobs and residents is critical for supply chain linkages. Added to this are service and support industries.*”

Mr Brisbane gave evidence that over an 8 year period for Colac, there was an average of approximately 1.2 hectares per annum take up. He noted that this was predominately smaller industrially zoned lots. Taking the proposed Forest Street land out of the supply equation reduced total industrial land supply to 28 years. Including the land under the high growth scenario would ensure supply to 2050, and without it to 2043.

3.3 Discussion

When questioned on the extent of land proposed to be amended (more than recommended in the Strategy), Mr Brisbane said, coupled with the removal of some of the Irrewarra land, he did not think this was significant as it provided more flexibility. He added that some of the land proposed is encumbered by a Land Subject to Inundation (LSIO) and Environmental Significance Overlay (ESO), which he expects will reduce the net developable area.

The Panel accepts the evidence of Mr Brisbane and is comfortable that the quantum of future industrial land has been appropriately justified. The Panel is aware some of this land will still be subject to inundation and is likely to be even further reduced once flooding, setbacks from sensitive uses and other environmental constraints are factored in.

The Panel accepts the view of Mr Brisbane that industrial lots of at least 5 hectares are required to accommodate medium to large scale industries.

Council’s decision to remove the Irrewarra land as a result of submissions is discussed in Chapter 8. Council has resolved to widely consider opportunities for a freight hub which will be investigated in the future. The Panel supports this approach. Prior to the adoption of the Strategy as a Reference Document, Council will need to amend the Strategy to delete references to Irrewarra and the intermodal facility, in line with other amendments to its local policy discussed throughout this report.

Outside of existing industrial players (Bulla, ALC and to a lesser extent AKD Softwoods), the Strategy ‘hedges’ against Council being in position of current landholders not willing to rezone land designated for industrial uses. The amendment addresses this by allowing new land to come on line.

The Amendment is Council’s best attempt, based on detailed research and consultation, to adequately capture its industrial land supply needs to 2050. The intent of the Amendment is clear – it is to encourage the growth of existing major industries and enable new large scale industrial development through the provision of large scale industrial lots.

³ Document 5 section 10.

The Panel supports the Strategy and concludes the Amendment is strategically justified. How the Strategy is implemented through planning controls is discussed in the following chapters.

3.4 Conclusions

The Panel concludes:

- The Strategy is a sound strategic document and its inclusion as a Reference Document within the Planning Scheme is supported.
- References to remove Irrewarra as a specific location for the intermodal facility is supported.
- The Amendment is strategically justified.

3.5 Recommendation

The Panel makes the following recommendations:

Include the Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016 as a Reference Document.

Further recommendation

Prior to including the Colac Township: Economic Development, Commercial and Industrial Land Use Strategy 2016, remove references to Irrewarra and the intermodal facility.

4 270-302 Murray Street, Colac (Bulla Dairy)

4.1 The issue

The key issues are whether it is appropriate to rezone the land to the Special Use Zone Schedule 3 (SUZ3) and delete Design and Development Overlay Schedule 8 (DDO8); and replace these controls with an Incorporated Document and make the associated changes to Clause 21.

Regal Cream Products Pty Ltd (Bulla Dairy) leases and occupies the following land in Colac:

- a) 270-302 Murray St
- b) 91-149 Forest St
- c) 34 Fulton Street.

The table below summarises the suite of existing and proposed zones and overlays affecting the Murray Street site (and shown in Figure 3). Sites b) and c) are discussed in Chapter 5.

Control	Current	Proposed
Zone	Commercial 1 Zone	Special Use Zone 3
Overlay	Design and Development Overlay 8	Design and Development Overlay 8 deleted Incorporated Document

Table 2 Proposed controls, Bulla Dairy Foods Murray Street Colac

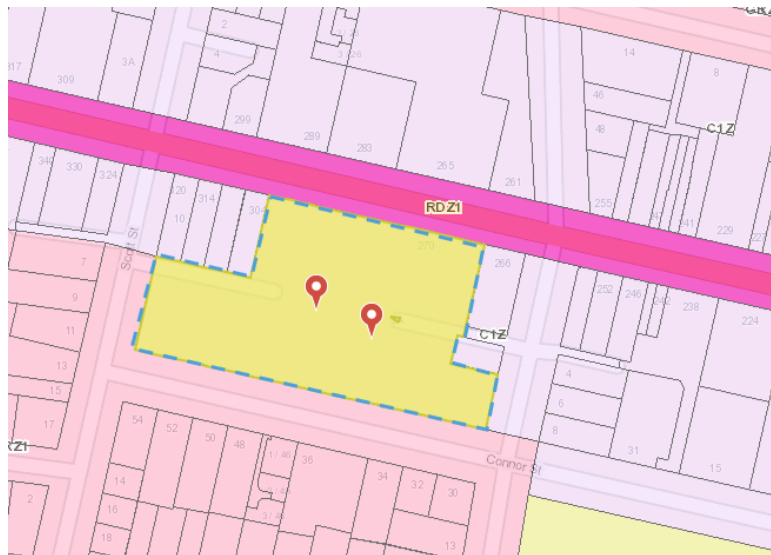


Figure 3 Bulla Dairy Site, Murray Street Colac

4.2 Special Use Zone, Schedule 3

(i) Evidence and Submissions

The Amendment proposes the SUZ for certain sites. In response to a question from the Panel on the choice of zone, Council, provided the following response:

Council was in the process of preparing the Strategy and took the view that it would make sense to rezone the Bulla land as part of implementation of the Strategy....Council acknowledges that the current C1Z controls are restrictive for Bulla's ongoing operations, and considers the SUZ and incorporated plan a superior approach.

Council submitted similar approaches had been undertaken in other constrained locations including Whittlesea Amendment C133 (Costa Exchange Mushroom Masterplan) and Ballarat C185 (Saleyards).

Council submitted it was opportune as part of C86 to approach the Australian Land Company with this same approach. This is discussed in Chapter 6.

Barwon Water (submission 1) submitted that changes to the SUZ were required. It noted that given its assets traverse the area, the use 'minor utility installation' should be included as a Section 1 use with no conditions.

Bulla Dairy made a submission to the Council in relation to the Amendment (submission 11) in which it expressed general support for the Amendment, subject to a few minor issues.

Ms Forsyth, for Bulla Dairy submitted:

The proposed rezoning of the land at Murray Street to an SUZ (Schedule 3) and deletion of the DDO (Schedule 8) was not opposed by any submitter. The SUZ (Schedule 3) is tailored to Bulla's requirements and will enable it to more quickly and easily respond to market changes.

The Panel asked Mr Brisbane whether there were any specific comments from existing businesses in relation to the existing industrial controls. Mr Brisbane said that there were no specific comments.

Bulla Dairy submitted that it has found that the existing framework at its Murray Street site had not been optimal in terms of enabling it to respond quickly to market demand, and has communicated those concerns to Council, hence the changes proposed through this Amendment.

Ms Forsyth submitted that the SUZ 'model' was in part developed by, or at least promoted by, Invest Assist (forming part of the Economic Development Department of DEDJTR). The 'model' tailors the SUZ specific to the end user and triggers a requirement for a 'Development Plan' or 'Master Plan' to be prepared and approved by the Council.

Ms Forsyth submitted that when assessed against the principles in the Practice Note, the SUZ is appropriate at the Murray Street site for a number of reasons, including:

- *The Commercial 1 Zone failed to meet Bulla Dairy’s operational needs.*
- *While an industrial zone may have more readily met Bulla’s needs, the use of a standard industrial zone in this location would allow for a wide range of industrial land uses to establish in the main street of Colac. Such an outcome is discouraged by the MSS. The purpose of the SUZ is to facilitate a range of existing and ongoing dairy-based uses and to ensure that these continue to be appropriately managed having regard to the site’s interfaces.*
- *Further, even the Industrial 1 zone may not be sufficiently flexible to enable Bulla to quickly and easily respond to market issues, having regard to the proximity of the residentially zoned land to the south, and the permit triggers in that zone. The SUZ model allows for an efficient approval processes once the Master Plan is in place. The residential land will be protected through that master planning process.*

Bulla Dairy sought an amendment to the wording of SUZ3 in so far as it relates to the requirement for a Noise Management Plan. Ms Forsyth submitted that the measuring point for determining NIRV⁴ compliance is not the property boundaries. Further, she submitted that the requirement in the Master Plan sets out a process for determining the assessment framework for noise.

It submitted alternative wording that states:

A Noise Management Plan (if proposing new industrial or warehouse uses only) which is consistent with the Acoustic Report included in the Master Plan.

Council agreed to this wording.

(ii) Drafting issues

The Panel raised queries with regards to the drafting of SUZ3. This is discussed in 1.7 of this report. Ms Forsyth provided a supplementary submission to the Panel to clarify, on the basis that *“any changes are needed to the final documents to improve the drafting and consistency of the Amendment documents.”*

Ms Forsyth summarised the Panel’s queries:

- *whether the use of the site at Murray Street is “rural industry” as defined in clause 74;*
- *whether the word “development” in the second bullet point of clause 6.0 of the Bulla Dairy Foods Incorporated Document May 2016 includes “subdivision” (having regard to the fact that cl 3 of the SUZ (Schedule 3) states that a permit is required for subdivision); and*
- *whether the conditions in the table of section 1 uses in the SUZ (Schedule 3) apply to all uses in section 1.*

While the site would enjoy existing use rights, the Panel’s concern was that if “Rural Industry” was contained in Section 3 of the SUZ, and Bulla Dairy’s operations were

⁴ Noise from Industry in Regional Victoria (NIRV; EPA Publication 1411, 2011

categorised as such, then Council was proposing using the SUZ and making Bulla Dairy effectively a prohibited use.

The definition of “rural industry” is:

Land used to:

- a) handle, treat, process, or pack agricultural produce;*
- b) service or repair plant, or equipment, used in agriculture; or*
- c) manufacture mud bricks.*

Ms Forsyth submitted that the question as to whether the Murray Street ice-cream factory is “rural industry” turns on the question whether the substantial purpose of the factory is the processing of milk (being the relevant “agricultural” product). She opined:

Bulla Dairy does not offer a definitive view about the proper characterisation of its existing use of the site, noting that, as an existing use, it is not constrained by the table of uses in the SUZ (Schedule 3). However, only about 40% of the raw materials used at the ice-cream factory could be described as “agricultural product” (i.e. products that leave the farm gate as raw product (eg milk) and have not been processed already (e.g. cream)). In those circumstances, the ice-cream factory is likely to fall within the more general term “industry”, rather than the more specific term “rural industry”.

Nevertheless, she submitted Bulla Dairy would not oppose “rural industry” being moved into section 1 of cl 1.0 of the SUZ (Schedule 3). The Panel is satisfied, that with the support of the site owner and in the interests of proper drafting that this be rectified as part of this Amendment.

The Panel noted that SUZ4 has defined conditions for certain uses, while the conditions listed in table 1 of SUZ3 apply to all the uses listed. Bulla Dairy confirmed this interpretation and did not consider any amendments were required to clarify this matter.

(iii) Discussion

The site clearly meets the unique circumstance criteria specified in PPN3, and the Panel agrees that the application of the SUZ is appropriate. It agrees with the assessment of Bulla Dairy.

The use of this zone is appropriate to manage an industrial use within a CBD context, and if ownership were to change in the future it safeguards against different uses operating from the site.

The Panel notes an inconsistency with the words in the Incorporated Document and the words of SUZ3 in relation to whether a permit is required for subdivision. Ms Forsyth submitted that a sensible way to reconcile these two documents is by inclusion of the following words into Clause 3.0 the SUZ3:

This does not apply if the proposed subdivision is generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme.

The Panel is not inclined in this instance to include a NIRV reference as suggested by Bulla Dairy by amending the Incorporated Document. It feels there is adequate direction given in both the SUZ3 with the suggested amendments, and the Incorporated Document.

Regarding Barwon Water's request, Council agrees and has updated the Schedule. In doing so it has reformatted the Table of Uses to clearly show no condition associated with a 'Minor Utility Installation' ensuring no permit trigger is required. It also provides consistency with SUZ4 and does not materially change the intent of the table.

(iv) Conclusion

The Panel concludes:

- The SUZ3 is appropriate and, subject to changes to Clause 3.0 concerning subdivision, is supported for this site.
- The Panel has reformatted the 'Table of Uses' to address Barwon Water's submission and for consistency with SUZ4, and relocate 'Rural Industry' to a Section 1 use.

4.3 Incorporated Document

(i) Submissions

The *Bulla Dairy Foods – Connor and Murray Streets*, Colac is proposed to be an Incorporated Document pursuant to Section 6(2)(j) of the *Planning and Environment Act 1987*. Its purpose includes:

- *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 Shire of Colac Otway.*
- *To ensure that the use and development of the site is undertaken in a manner that recognises and appropriately responds to the adjoining interfaces and CBD location.*

This Incorporated Document applies to the land to which the Special Use Zone Schedule 3 applies as shown below in Figure 4.



Figure 4 SUZ3 area as shown in the Incorporated Document

(ii) Discussion

The Panel was not taken to any detailed analysis of the Incorporated Document or the SUZ3. Council submitted that the naming of the original Incorporated Document referenced the name of the current business operating on the site. Council proposed to remove reference to the trading names and replace this with a more generic title. In this case, it proposed renaming it to *Dairy Foods Production Plant*. This situation applied to the other proposed Incorporated Document discussed in Chapter 6.

The Panel accepts the rationale for the naming and use of the Incorporated Document. Prior to gazettal, it suggests Council do a final sweep to ensure there are no further inconsistencies.

(iii) Conclusion

The Panel concludes:

- Modifying the name of the Incorporated Document is supported.
- The subdivision inconsistency can be rectified with the suggestion of Bulla Dairy by adding the suggested words to Clause 3.0 of the SUZ, included in Appendix F.
- Prior to gazettal, Council should undertake final review to ensure there are no further inconsistencies between the SUZ and Incorporated Document.

(iv) Recommendation

Adopt the Panel preferred changes to Special Use Zone Schedule 3 found at Appendix F of this report

Modify the Incorporated Document title to 'Dairy Food Production Plant – Connor and Murray Streets, Colac May 2016.'

4.4 Design and Development Overlay, Schedule 8

(i) Submissions

A Design and Development Overlay, Schedule 1 (DDO8) currently applies to the site. The exhibited Amendment proposes to delete this from the site.

(ii) Discussion

The Panel notes that the current DDO8 provisions have been generally transferred to SUZ4 and the Incorporated Document. No submissions were made regarding its removal. Ms Forsyth submitted:

The proposed rezoning of the land at Murray Street to an SUZ (Schedule 3) and deletion of the DDO (Schedule 8) was not opposed by any submitter. The SUZ (Schedule 3) is tailored to Bulla's requirements and will enable it to more quickly and easily respond to market changes

The Panel notes the Explanatory Report refers to this control being 'redundant.'

(iii) Conclusion

The Panel concludes that DDO8 is redundant and should be deleted, as exhibited.

4.5 Local Policy suggested changes – Clause 21

Bulla Dairy submitted additional changes to Clause 21 to reinforce the importance of its operations to Colac and the region.

(i) Submissions

Ms Forsyth submitted that the two minor amendments sought to the LPPF by Bulla Dairy as outlined are consistent with the objectives of Clause 21.03-2 and reflect the importance of Bulla Dairy to the township of Colac and the region more generally.

The Bulla Dairy Murray Street site is nominated in purple on the framework plan as "existing retail and commercial areas". Ms Forsyth submitted:

That designation is inappropriate, given Bulla's industrial use of the land. The land should have the designation "land uses facilitated by the SUZ (Schedule 3)" or "Bulla Dairy Foods". Council appeared to indicate to the Panel orally, through Mr O'Keefe, that it would accept the site being specifically recognised if that change is recommended by the Panel.

Ms Forsyth argued that while Bulla Dairy is specifically recognised in Clause 21.05, the specific strategies in Clause 21.03-2 could in fact be interpreted as undermining Bulla's presence in the township, contrary to the Economic Development, Commercial and Industrial Land Use Strategy due to the dot point "encourage the relocation of existing 'inappropriate' industrial uses out of the town centre". She submitted it was appropriate that the following dot points be included:

Encourage further land use and development at the Bulla Dairy Foods site at 270-302 Murray Street, Colac, in accordance with the purpose of Special Use Zone (Schedule 3) and the associated Incorporated Plan.

Encourage further land use and development at the Bulla Dairy Foods site at 91-149 Forest St and 34 Fulton Street, Colac, through application of the Industrial 1 zone and the Development Plan Overlay. Add further strategies re Bulla in 21.03-2

(ii) Discussion

The Panel was not convinced that further policy reinforcement in Clause 21.03-2 is required for Bulla Dairy. It is clear that this Amendment has specifically recognised the importance of Bulla Dairy, predicated on the Strategy and Council’s own strategic planning. The Panel does, however, see some merit in specific designation to Bulla Dairy for its Murray Street location to alleviate any concerns it was tied in with ‘existing retail and commercial areas.’

If this is a straightforward task, then Council should undertake this prior to gazettal of the Amendment. If further work is needed, such an update could be done as part of its next planning scheme review.

(iii) Conclusion

The Panel concludes:

- There is currently strong support with this Amendment and in Clause 21 for Bulla Dairy. No additional changes other than those shown in Appendix C are required.
- An update to the Framework Plan would be supported.

(iv) Recommendations

The Panel makes the following recommendations:

Prior to adoption, or as part of its next round of planning scheme updates, Council should revise the Framework Plan at Clause 21 to specifically designate “land uses facilitated by the SUZ3” to the Bulla Dairy site at 270-302 Murray Street, Colac.

Adopt revised changes to Clause 21.03 included in Appendix C to this report.

5.2 Industrial 1 Zone

(i) Submissions

Mr Woods (submission 9) strongly objected to the proposed zoning change from Rural Living Zone (RLZ) to the IN1Z. He raised concerns about future industrial development abutting his property and the increase in traffic and congestion. Mr Woods submitted to the Panel that in the future he planned on developing his land, and that Colac was short of quality residential land. He raised issues of amenity and land values.

Council advised that the submitter's land is currently zoned for residential purposes. Ms Forsyth submitted that the development of the Fulton Street land will need to respond to that existing interface. She submitted:

There are a range of uses associated with the Bulla Dairy business, including office uses, which do not have adverse offsite amenity impacts and are compatible with a residential interface and which could be established on any buffer land between the more intensive manufacturing uses to the east and the residential areas to the west.

Any uses with potential adverse amenity impacts will need to be assessed at the relevant time to determine whether they are compatible with the residentially zoned land to the west.

Council submitted that the proposed zoning change is considered appropriate to facilitate the future expansion of Bulla Dairy and ensure its “*continuance as a major employer in Colac.*”

Bulla Dairy submitted that as the land would be IN1Z, one condition is that the threshold distance must be met for a use listed in Clause 52.10 of the Planning Scheme. Clause 52.10 specifies the threshold distance to residentially zoned land for the manufacture of milk products as 300 metres and for freezing and cool storage as 150 metres. Issues such as noise and odour will need to be considered as part of any such application for permit.

Ms Forsyth explained that if the use is not listed in this clause, then a permit is required if the use is within 30 metres of residentially zoned land. A further condition is that the use “*must not adversely affect the amenity of the neighbourhood.*” She noted that a permit is required for buildings and works in the Industrial 1 Zone, regardless of use.

(ii) Discussion

The expansion of Bulla Dairy has been clearly articulated and based on its needs to expand in Colac without the need to relocate. Whilst it will bring industrial development closer to residential areas, the existing planning regime, as argued by both Bulla Dairy and Council, will require that amenity and design impacts be managed.

The Panel notes that the IN1Z zone requires that a permit be obtained for an industrial or warehouse use unless certain conditions are met, all of which are designed to protect the amenity of nearby residential land. It agrees with the submissions put to it by Bulla Dairy that the zone itself protects Mr Woods' land by restricting as-of-right uses in proximity to residential land and requiring a permit for buildings and works.

Mr Woods submitted that he would be impacted financially should the rezoning proceed. The Panel adopts the view expressed by other Panels that the Victorian planning system regulates use and development in the broader community interest.

(iii) Conclusion

The Panel concludes:

- Rezoning the land from Rural Living Zone to Industrial 1 Zone as exhibited is supported.
- There is sufficient guidance in the suite of controls proposed to ensure amenity and any adverse impacts are managed through the planning approvals process.

5.3 Development Plan Overlay, Schedule 6

(i) Evidence and Submissions

Mr Woods submitted that future development abutting his property would increase traffic congestion in Fulton Street as well as create an adverse visual impact, odour and flooding risk. Council submitted that DPO6 will require various technical assessments and an enforceable development plan to address any potential traffic, noise and odour issues.

Mr Woods suggested a “buffer” of residential and rural residential development should be included along the Fulton Street boundary. Ms Forsyth submitted that this would not provide a preferable planning outcome. She submitted that the requirements of DPO6 protected Mr Woods’ land.

Ms Forsyth submitted that DPO6 outlined extensive requirements relating to noise and interface issues. Detailed open space and landscape requirements were also required, and Ms Forsyth noted that a landscape buffer and mound has already been established between the residential land to the east and the Fulton Street land.

The only issue raised by Bulla Dairy in relation to DPO6 is whether the documentation fairly deals with infrastructure contributions. Bulla Dairy submitted its concern that the Council will require the Road Network and Transport Management Plan to require the upgrade of Forest Street in advance of major new development, and then require Bulla Dairy to undertake those works if it is the “first in time” developer of industrial land within the precinct, in circumstances where land owners to the south east will benefit from the upgrade works.

Council submitted:

With regard to infrastructure under the Incorporated Plan, 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.

(ii) Discussion

The Panel notes that the requirements of DPO6 are detailed in what it requires to be shown on the Master Plan. In particular, the Panel notes this Master Plan must show:

- *An interface treatment to the residential land to the west to protect the amenity of existing and future residents. The interface treatment must be:*
 - *cognisant of any findings of the Acoustic Report, Road Network and Transport Management Plan, and Lighting Report required by this Schedule and*
 - *cognisant of separation distances set out in EPA publication 1518 Recommended separation distances for industrial residual air emissions (March 2013), and*
 - *nominate any appropriate maximum building heights and / or setbacks within designated interface areas.*

With regard to traffic, the Panel notes that Bulla Dairy has submitted that it does not intend to use Fulton Street for truck access, and would not “*oppose the DPO6 being amended to reflect that intention.*” Bulla Dairy suggested a further dot point could be included under the requirements for the Master Plan as follows:

Primary truck routes for accessing the site, avoiding the use of Fulton Street except for emergency access.

The Panel notes that Fulton Street provides an appropriate interface treatment and enables Bulla Dairy to plan the layout of its land to control its own “buffer”. Having a residential or rural/residential interface, with no road separation, would simply shift the interface, make it more difficult to manage and curtail the ability of Bulla to develop its land for employment generating uses. The Panel does not support a buffer along this boundary for those reasons.

With regard to Infrastructure Contributions, the Panel agrees with the submission of Bulla Dairy that Council will not be able to require Bulla Dairy to upgrade Forest Street, nor to provide any other infrastructure, unless the permit condition meets the requirements of section 62(5) and (6) of the *Planning and Environment Act 1987*, the common law principles of need and nexus and is reasonable on its merits. Whether or not upgrades are required for a particular stage of the development will be a matter that is addressed through the development plan, and then through the permit phase.

(iii) Conclusion

The Panel concludes:

- any infrastructure upgrades will need to be determined by further processes, having regard to relevant planning principles including need and nexus.
- Restricting truck access along Fulton Street in DPO6 is supported by adding the words in Section 3.0 : “*Primary truck routes for accessing the site, avoiding the use of Fulton Street except for emergency access.*”

- There is sufficient guidance in the suite of controls proposed to ensure amenity and any adverse impacts are managed through the planning approvals process.

(iv) Recommendation

Adopt the Panel recommended Development Plan Overlay Schedule 6 as shown in Appendix I of this report.

5.4 Design and Development Overlay, Schedule 1

As the land is proposed to be covered by DPO6, in order to avoid unnecessary duplication, Council proposed deletion of DDO1 from this site. Bulla Dairy supported this approach.

The Panel concludes:

- The Panel supports the deletion of DDO1 as exhibited.

(i) Recommendation

Delete Design and Development Overlay Schedule 1 from the Forest Street and Fulton Street site.

6 Australian Lamb Company (ALC)

6.1 The issue

The Australian Lamb Company (ALC) is a major land holder in Colac and own a total of approximately 13.6 hectares consisting of:

- 1 Tristania Drive, Colac East - approximately 11.9 hectares
- 45 Flaxmill Road, Colac East - approximately 1.53 hectares
- 23 Dalton Street, Colac East – approximately 0.17 hectares

The Tristania Drive and Flaxmill Road parcels are split by a railway, but otherwise the holdings abut one another and operate as an integrated business.

Table 4 below summarises the suite of existing and proposed zones and overlays affecting the site.

Table 4 Zone and overlay controls applying to the ALC site

Control	Current	Proposed
Zone	Industrial 1 Zone	Special Use Zone 4
	Public Use Zone 4	Special Use Zone 4
Overlay	Development Plan Overlay 1	Development Plan Overlay 1 deleted
	Design and Development Overlay 1	Design and Development Overlay 1 deleted
		Incorporated Document

The Panel was advised that a small triangular shaped parcel of land at the rear of 45 Flaxmill Road is incorrectly shown as within Public Use Zone 4 (Transport). This is a mapping error and is proposed to be corrected as part of this Amendment.

DPO1 currently covers the northern portion of the ALC land holdings. DDO1 generally covers the southern portion of the land holdings. The DPO1 and DDO1 do not currently coincide over the same land.

The key issues are whether it is appropriate to delete the Development Plan Overlay 1 and Design and Development Overlay 1 and rezone all of the land to the Special Use Zone 4 and apply an Incorporated Document. Each of these issues are considered below.

6.2 Special Use Zone, Schedule 4

(i) Evidence and Submissions

The Council submitted that the Special Use Zone (SUZ) was an appropriate zone and followed extensive discussion with a variety of key stakeholders. It advised the Panel that the SUZ was originally proposed for the Bulla Dairy site in Murray Street, Colac, to help

resolve a number of on-going planning issues associated with that site. Further discussion on the Bulla Dairy issue is included in Chapter 4 of this Report.

The Council submitted that as a result of the work completed for Bulla Dairy Foods:

It was considered opportune as part of C86 to also approach the Australian Lamb Company to see if they were interested in exploring a similar approach to Bulla. Whilst ALC did not face the same challenges as Bulla, their site was also constrained in the long term because of the extent of the existing controls which do not cover the full land holdings of their operations. They also faced issues in relation to their operations and interfaces.

Council, through the Project Control Group which governs the Colac 2050 project, explored the development of the SUZ and incorporated plan with Regional Development Victoria and the Department of Environment, Land, Water and Planning's planning representative. The use of the SUZ and incorporated plan was welcomed by Regional Development Victoria. Furthermore, the controls were reviewed by DELWP prior to exhibition. DELWP expressed no concern with the drafting and noted its consistent approach across other municipalities. Furthermore, DELWP authorised the amendment without conditions.

Council notes that no submissions received have explicitly raised any issues in relation to the choice of the SUZ with an incorporated plan as a planning tool. (Document 10, page 2)

The exhibited purpose of Special Use Zone, Schedule 4 (SUZ4) was:

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 Incorporated Document entitled 'Australian Lamb Company Colac Abattoir and Food Production Plant'.

The statutory planning 'architecture' of SUZ4 is very similar to SUZ3 (Bulla Dairy).

Importantly though, in the Table of Uses, Agriculture, Office and Rural Industry (which includes an Abattoir) are included in Section 1 (no permit required) with a condition that these uses:

Must be associated with the manufacturing, storage and distribution of meat products.

Must be generally in accordance with the Colac Abattoir and 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.

A permit is not required to construct a building or construct or carry out works if the proposed buildings or works are generally in accordance with the Master Plan approved as part of the Incorporated Document or the approved Development Plan as referred to above.

A permit is required for the subdivision of land.

The PUZ4 also includes a range of application requirements, exempts notification and third party appeal rights for some permit applications and includes a number of decision guidelines.

In his evidence statement, Mr Brisbane said that he supported, from an economic perspective, the rezoning of the site to facilitate the operations of the ALC facility in Colac.

Ms Kilpatrick, on behalf of ALC (submission 12), said that the company generally supported the proposed SUZ4. She said that ALC did not suggest the SUZ4 for the site; rather, the Council approached ALC with the idea. ALC was also comfortable with the application of the Industrial 1 Zone and Development Plan Overlay 1 across the site, although she noted that DPO1 did not currently cover all of the ALC holdings.

It was submitted that the prime issue for ALC was to ensure the certainty of planning outcomes, particularly with respect to neighbouring land uses. Ms Kilpatrick said ALC was not wedded to a specific statutory planning tool to achieve this result.

Ms Kilpatrick said that the site has been used as an abattoir since the 1930s. It was purchased by ALC in 2011 and the company has expanded the plant and facilities through the investment of more than \$30 million and it now employs approximately 650 full-time staff.

The current activities at the facility include:

- Animal storage (Lairage)
- Skin and Salting
- Cold Storage and Distribution
- Meat Processing
- Chillers
- Workshop and Maintenance
- Office and Amenities.

Directly west of the abattoir site is land within the General Residential Zone (GRZ1) with some dwellings in Clark Street having a direct frontage to the abattoir. To the north is land within the Public Use Zone (PUZ2) and operates as Barwon Water Waste Treatment Facility. The Melbourne-Warrnambool railway line runs generally along the eastern boundary. To the south of the site is land within the Industrial 1 Zone (IND1) and includes a mixture of industrial uses.

Clause 52.10 specifies the recommended minimum separation distance for an abattoir from sensitive land uses is 500 metres. The ALC abattoir encroaches into this separation distance with sensitive land uses along Clark Street and extending further east, west and north.

ALC supported the proposed changes to Clause 21.03 to “discourage the subdivision of residential land within any relevant EPA threshold distance of ALC ... to minimise future amenity conflict issues”.

ALC submitted that an abattoir has operated on the site for nearly 90 years and has existing use rights. It said protection of the industrial land use buffer is important to ensure the day-to-day operations are not compromised by potential amenity conflicts associated with increasing the residential population within the residential area.

ALC submitted that the proposed SUZ4 (and Incorporated Document) does not include arrangements for transitional provisions. Under the existing DPO1, a Development Plan has been approved which facilitates the use and development of the land. ALC requested a sub-clause that establishes a link between the approved Development Plan and the Master Plan requirement when the Amendment comes into effect. It proposed a new Clause (9) in the SUZ4 Schedule that says:

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.

ALC said that this transitional provision would ensure that the existing approved Development Plan (applicable to only part of the site) would continue to apply until such time as the new Master Plan for the entire site has been prepared and approved. Ms Kilpatrick said that the transitional provision could have a 2 year sunset period added to the wording to limit the operation of the clause.

The Council submitted that it supported the proposed wording of the transitional provision.

In addition, ALC noted that Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises) is a Section 3 use (prohibited). It requested that Shop be included as a Section 2 use (permit required) in the SUZ4 Schedule. In support of this, ALC submitted:

“The proposal is to sell only ALC meat products on its land and for the retail space to be capped so it does not conflict with the broader retail and commercial objectives in Amendment C86.

...

It is recommended that the Shop use would be conditioned to provide a link to the abattoir use of the land and would also be referenced in the Incorporated Document.” (Document 13, page 7)

In response to questioning from the Panel, Ms Kilpatrick said that ALC would be happy to have a floor space cap of less than 500 square metres as a condition on the Shop use.

Ms Kilpatrick also submitted that ALC preferred to have the last purpose of the SUZ4 modified to delete specific reference to the company name. She suggested that the purpose should say:

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).

The Council supported this minor change to the wording.

The ALC land is dissected by a railway line and rail corridor which is owned by VicTrack and is zoned PUZ4. VicTrack submitted that SUZ4 (and the Incorporated Document) should make explicit reference to the rail corridor and to manage a variety of interface issues. It requested that SUZ4 include:

- *A requirement to show the rail corridor, the railway line, railway infrastructure and the site/ground levels along the rail corridor in an existing conditions plan*
- *A requirement that the rail corridor must at all times be fenced to prevent unauthorised access across the rail corridor*
- *A requirement that buildings and works on the land must not adversely impact upon the safe operation of the rail corridor and must not be sited where they may intrude upon the sightlines of the Flaxwell Road crossing from the railway line*
- *A requirement in the Decision Guidelines that the Responsible Authority must consider, as appropriate, the views of VicTrack.*

The Council responded that it supported the addition of a requirement to show the relevant rail infrastructure on the existing conditions plan referred to in SUZ4.

(ii) Discussion

The Panel acknowledges the important role that ALC plays within the local economy in Colac and supports the intention of Council to ensure that a planning framework exists to facilitate the orderly growth and expansion of the site. It is important that the planning provisions provide certainty to all stakeholders about the further development of the ALC land holdings in Colac. This will help retain and grow the ALC business and manage a variety of interface issues associated with residential amenity, traffic and so on.

The Panel is mindful that there were no submissions objecting to the introduction of SUZ4. Indeed, the Council submitted that SUZ4 had strong support from DELWP and other key stakeholders. On this basis, the Panel generally supports the introduction of the SUZ4, although it has some reservations about the appropriateness of this zone in these circumstances. Further discussion about this matter is provided in Section 6.6 of this Report.

The Panel has considered the specific issues raised in submissions regarding the detailed provisions of SUZ4.

The Panel is not satisfied with the suggested 'transitional provisions' recommended by ALC and supported by Council. The Panel questions the legitimacy of this approach given that the Amendment also proposes to delete DPO1, which effectively terminates the previously approved Development Plan under the Development Plan Overlay. In these circumstances, the Panel has difficulty in accepting provisions that reference a plan that is no longer relevant to the planning scheme.

The Panel is of the view it would be inappropriate for a development plan that is not an Incorporated Document and is no longer associated with a Development Plan Overlay for the land, to be given the status and weight as proposed in SUZ4. A document that forms no part of the planning scheme cannot dictate how land may be used or developed.

For the same reasons, the Panel is also concerned with several references in SUZ4 to requirements for uses or buildings or works to be generally in accordance with the Colac Abattoir and Food Production Master Plan approved as part of an Incorporated Document Plan or the approved Colac Abattoir and Food Production Plan Development Plan.

The Panel notes that the proposed Incorporated Document makes it clear that a planning permit may be granted for any matter prior to the approval of the Master Plan. This should be sufficient to ensure that, if required, the further development and use of the land is possible whilst the Master Plan is being finalised.

For the record, the Panel also notes that the title of the Master Plan in Clause 1 of SUZ4 is inconsistent with the title used in the Incorporated Document. The word 'Plant' appears to be missing from the title in the conditions in the Table of Uses.

The Panel has considered the request by ALC to include Shop within Section 2 (with conditions) in the SUZ4 Schedule. In principle, the Panel has no issue with the opportunity to provide for the limited retailing of produce associated with an abattoir and food production facility. The Panel notes that in the Industrial 1 Zone a Shop (other than Adult sex bookshop, Convenience shop and Restricted retail premises) is a Section 3 use (prohibited). The same provisions were exhibited in the SUZ4 Schedule.

Retail premises (other than Shop) is a Section 2 use in the Industrial 1 Zone. The definition of Retail premises includes a wide range of activities, including Manufacturing sales, which is defined as *"land used, as an incidental part of an industry, to retail goods made materially different on the land by that industry"*.

In the proposed SUZ4 Schedule, Retail premises (other than Shop) would be a Section 2 use as any use not listed in Section 1 or 3 is in Section 2. This effectively means that the proposed SUZ4 provisions are the same as for the IN1 Zone with respect to retailing.

The Panel also notes that the current DPO1 provisions already provide for the limited retailing of produce in the manner requested by ALC. It is a requirement of the Development Plan that *"the area set aside for the sale of goods associated with the main use of the land should not exceed 25 per cent of the gross floor area or a maximum of 150 square metres"*.

The Panel is of the view that there is sufficient flexibility within the SUZ4 provisions as exhibited to enable the limited retailing requested by ALC. It would be reasonable to include a specific limitation on the size and type of retailing within the provisions of the Incorporated Document. This would then mirror the current relationship that exists between the IN1 and DPO1.

The Panel accepts the comments from VicTrack and suggests that these issues should be addressed through a combination of modifications to the provisions in SUZ4 and the Incorporated Document.

It is important to ensure that the operation of the railway corridor that extends through the ALC land holdings is not compromised as a result of adjacent buildings and works. On balance, the submission from VicTrack is reasonable and attempts to manage the interface issues rather than prevent specific development or use of the ALC land.

The Panel has included its SUZ4 recommended at Appendix G, based on ALC's suggestions and VicTrack's submission.

(iii) Conclusion

The Panel concludes that:

- Rezoning of the small portion of land currently within PUZ4 owned by ALC to SUZ4 is supported. All of the ALC land should be within the SUZ4 as exhibited.
- The SUZ4 transitional provisions proposed are not supported.
- Shop not be included as a Section 1 or 2 use in Clause 1 of SUZ4. Limitations on the scope of retailing at the site should be included within the Incorporated Document.
- The SUZ4 should be modified to include a requirement to show the location of the rail corridor, railway line, rail infrastructure and site/ground levels along the rail corridor on an existing conditions plan.

(iv) Recommendation

Adopt the Panel recommended Special Use Zone, Schedule 4 as shown in Appendix G.

6.3 Incorporated Document

(i) Submissions

The rationale for the use of the Incorporated Documents was discussed in Chapter 4. Similar to Bulla Dairy, (SUZ3), Council submitted that the *Colac Abattoir and Food Production Plant Master Plan* essentially outlines the operation of the Master Plan and the matters that the Master Plan must address. It does not include any plans. The actual Master Plan prepared in accordance with the Incorporated Document is to be approved to the satisfaction of the Responsible Authority.

The Incorporated Document (and the associated Master Plan) work together with the provisions of the SUZ4.

ALC supported the Incorporated Document and said it:

...will ensure future development and expansion of the abattoir is monitored and documented in a Master Plan 'Colac Abattoir and Food Production Plant Master Plan'. The specific site controls ensure that amenity, site layout, building, design and layout and advertising are well considered to provide proper and orderly planning of the abattoir.

The operation of the proposed planning controls will help streamline development and efficiency for both the landowner and Council. The preparation of the 'Colac Abattoir and Food Production Master Plan' will

provide faster approvals for development that accords with the Master Plan.
(Document 13, page 6)

Following exhibition, ALC requested that the company name be removed from the Incorporated Document and for the title to read *Colac Abattoir and Food Production Plant Master Plan*.

Council has agreed to these changes and has amended the title in the post-exhibition version of the document.

(ii) Discussion

The Panel acknowledges that the Incorporated Document requires the preparation of a detailed Master Plan.

There were no submissions objecting to the Incorporated Document.

The general structure and format of the proposed Incorporated Document is similar to the Incorporated Document for Bulla Dairy Foods. The comments from the Panel with respect to some of the detailed drafting matters in the Incorporated Document for Bulla Dairy Foods in Clause 6 (Specific Controls) of the Incorporated Document are also generally applicable to ALC (refer Chapter 4).

As noted in Section 6.2, some of the issues raised by VicTrack should be addressed through modifications to the provisions in the Incorporated Document. These changes relate to a description of existing conditions, fencing requirements, rail crossing safety and decision guidelines and will complement the proposed modifications to SUZ4 and address the key concerns of VicTrack.

In Section 6.2, the Panel identified the desirability to limit the extent of retailing on the site through provisions in the Incorporated Document. This would ensure that any retailing on the site is restricted to the selling of goods associated with the abattoir and food production plant. The Panel considers that an appropriate limitation could include a maximum floor space of 500 square metres and a requirement that the goods sold at the site must be in association with the abattoir and food production facility. This should be a new requirement added to Clause 4 under the heading 'General'.

The Panel accepts the change to the title of the Incorporated Document as requested by ALC.

(iii) Conclusion

The Panel concludes that the *Colac Abattoir and Food Production Plant Master Plan, May 2016*, should be approved subject to it being amended where applicable with changes to a description of existing conditions, fencing requirements, rail crossing safety and decision guidelines. The Panel has not undertaken a marked up revision of the Incorporated Document. It suggests the a number of changes for Council to consider in amending its Incorporated document that will complement the proposed modifications to SUZ4 and address the key concerns of VicTrack.

The Panel concludes:

- Modifying the name of the Incorporated Document is supported.

- Council amend its Incorporated Document to complement the proposed modifications to SUZ4 and address the key concerns of VicTrack.

(iv) Recommendation

The Panel recommends:

Modify the title of the Incorporated Document to ‘Colac Abattoir and Food Production Plant Master Plan, May 2016’ and include the following changes:

- **In Clause 3, ‘Existing Conditions Plan’ - requirements to include a new dot point requiring the location of rail infrastructure using similar wording to that suggested in Clause 5 of SUZ4.**
- **In Clause 3, the requirements of the ‘Fencing Plan’ should be amended to include the location, height and materials of fencing along the rail corridor.**
- **In Clause 4, the requirements under the heading ‘General’ should be amended to include a new dot point requiring the maximum retail floor space of 500 square metres and a requirement that the goods sold at the site must be in association with the abattoir and food production plant.**
- **In Clause 4, the requirements under the heading ‘Building design and landscaping’ should be amended to include a new dot point to ensure that buildings and works on the land must not adversely impact upon the safe operation of the rail corridor and must not be sited where they may intrude upon the sightlines of the Flaxwell Road crossing from the railway line.**
- **In Clause 5, the requirements under the heading ‘General’ should be amended to modify the second dot point to also refer to the rail corridor.**

6.4 Development Plan Overlay, Schedule 1

(i) Submissions

The Amendment proposes to delete DPO1, which currently applies to the northern sections of the site.

Schedule 1 to the DPO outlines a wide range of matters that must be included in a Development Plan for the site, including:

- *The use of each part of the site*
- *Building siting, design, height, materials and floor area*
- *Landscaping to screen buildings and works*
- *A range of traffic management issues including, access and egress, parking, loading and pedestrian movement*
- *Advertising signs*
- *Animal storage issues*
- *Drainage, sewerage and wastewater disposal*
- *Emission abatement measures*

- *Lighting*
- *And other issues*

Clause 1 of the Schedule enables the Responsible Authority to grant a permit for subdivision, use or development prior to approval of a development plan provided that the Responsible Authority is satisfied that the issue of the permit will not prejudice the future use or development of the land for the purpose of the zone, overlay or any other aspect of Clause 21.

ALC provided a copy of the approved Development Plan to the Panel. The Council approved it on 27 April 2016. The Development Plan includes a detailed traffic impact assessment report, a noise emission report and odour assessment report.

Council submitted that the proposed introduction of SUZ4 across the entire site in association with the Incorporated Document means that DPO1 is redundant.

(ii) Discussion

The Panel agrees that if SUZ4 is applied it is unnecessary to retain DPO1, as this would be duplicating controls over the site. The range of requirements to be addressed in the Development Plan is generally consistent with the matters to be included in the Master Plan pursuant to the Incorporated Document.

(iii) Conclusion

The Panel concludes that DPO1 should be deleted from the ALC site, as exhibited.

6.5 Design and Development Overlay, Schedule 1

(i) Submissions

A Design and Development Overlay, Schedule 1 (DDO1) currently applies to the southern portion of the site not covered by the Development Plan Overlay. The exhibited Amendment did not propose to delete DDO1 from the site.

Following exhibition and a submission from ALC, the Council has agreed to delete DDO1 from the ALC land. This was on the basis that the proposed SUZ4 and the associated Incorporated Document essentially dealt with the design issues referred to in DDO1.

(ii) Discussion

Having regard to its previous recommendations for the ALC land, the Panel agrees that DDO1 should be deleted from the site. The application of SUZ4 and the associated Incorporated Document over all of the ALC land makes DDO1 redundant.

The deletion of DDO1 from the site will ensure that there is no unnecessary duplication of planning controls.

(iii) Conclusion

The Panel concludes that DDO1 should be deleted from the ALC site as exhibited.

6.6 Alternative Approach

The Panel acknowledges that there were no submissions objecting to the introduction of SUZ4 and the Incorporated Document or for the deletion of DPO1 and DDO1. While this is an important consideration, the Panel is required to assess the Amendment within the context of broader strategic considerations, including *Ministerial Direction 11, Strategic Assessment Guidelines* (June 2015).

This requires, amongst other things, an examination of whether the Amendment makes proper use of the Victoria Planning Provisions (VPP). In particular, whether the Amendment uses the most appropriate VPP tool to achieve the strategic objective of the scheme and whether the Amendment is consistent with any relevant planning practice note.

The basis of the Panel consideration is the submissions and the exhibited amendment. The Panel reiterates that no submissions were made for or against the use of the SUZ and Incorporated Document.

Notwithstanding the conclusions already expressed in this Report, the Panel makes the following observations for the consideration of the Planning Authority.

Zone

The Panel has reviewed *Planning Practice Note 3, Applying the Special Use Zone, May 2017*, (PPN3), and makes the following comments.

First, PPN3 states that:

When considering the application of the Special Use Zone, the following principles need to be understood:

- *The complexity of planning requirements is reduced by keeping the number of zones used to a minimum.*
- *Planning scheme maps identify the statutory requirements which apply to land, not the particular land uses which happen to exist there.*
- *Detailed and complex site specific zones are discouraged in preference for clear policy guidelines as the primary tool for decision making on planning matters.*
- *The planning permit should be the principal method for land use or development approval.*

A Special Use Zone can be considered when either:

- *an appropriate combination of the other available zones, overlays and local policies cannot give effect to the desired objectives or requirements*
- *the site adjoins more than one zone and the strategic intent of the site, if it was to be redeveloped, is not known and it is therefore not possible to determine which zone is appropriate.*

Application of the Special Use Zone is not appropriate when an alternative zone can achieve a similar outcome, with appropriate support from local policies and overlays.

PPN3 notes that most zones have sufficient discretion and flexibility to ensure satisfactory outcomes are achieved. In this respect, it states that consideration should be given to one of the surrounding zones as an alternative to the Special Use Zone.

It goes on to state that local policies should be used to guide or promote decisions about specific uses or locations without the need to apply the Special Use Zone. It notes that:

The first stated purpose of every zone is:

To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.

This is intended to emphasise the importance of the policy framework, in particular the Local Planning Policy Framework, as the key driver of the decision-making process for permit applications. The Municipal Strategic Statement and local policies carry weight in the decision-making process. Consideration of uses consistent with a local policy is a clear purpose of every zone. This is consistent with the approach of allowing discretion within the zones themselves and relying on the Local Planning Policy Framework to guide decision-making towards the outcomes sought.

PPN3 also considers whether it is necessary to use a Special Use Zone to implement a master plan for a site. It concludes that:

The Special Use Zone is not necessary to require or give effect to master plans for uses such as schools and hospitals. The Incorporated Plan Overlay or the Development Plan Overlay is the appropriate tool to encourage master planning and to provide exemptions from third party notice and review for permit applications which are generally consistent with the incorporated plan or the approved development plan.

The Panel considers that in this context, a reasonable argument could be put that the ALC site at Colac does not warrant the application of a Special Use Zone to control the future development of the site. This is because:

- there is no demonstrated need for the SUZ in this location
- the site is currently within an Industrial Zone and no specific problem has been presented with the operation of this zone at this site that necessitates the SUZ
- the Industrial Zone is capable of accommodating the existing and future development of the site for the intended purposes of ALC
- land surrounding the site is also within an Industrial Zone and this forms a strong industrial precinct
- the Industrial Zone is an appropriate long term zoning of the land if ALC was to ever vacate the site
- the SUZ4 adds complexity to the planning scheme that is not required in this instance to achieve the intended objectives
- clear policy guidelines can be used, if required, to assist the consideration of permit applications for the development and use of the land

- a Development Plan Overlay can be applied to the entire site to provide any necessary master planning for the site (and this has been successfully completed for part of the site)
- ALC has indicated that it is prepared to continue with the Industrial 1 Zone (and DPO1) over the site as an alternative to SUZ4.

Incorporated Document

If the land was to remain within IN1Z, then there would be no need for an Incorporated Document. It would be possible for the master planning process to be achieved via the application and extension of DPO1 to the entire site. This is discussed below.

Development Plan Overlay

Schedule 1 to the DPO provides for a comprehensive assessment of a variety of on-site and off-site issues. This is an appropriate approach for the development of such a large and important industry on a site that requires the sensitive management of significant amenity considerations.

The Development Plan would appear to provide appropriate certainty to all stakeholders about the future development of the site and also provides ALC with some flexibility about specific development details. The Panel notes that where there is an approved Development Plan for the site, permit applications are exempt from notification and third party appeals.

The Council and ALC did not provide the Panel with any information that suggested the current DPO1 or the approved Development Plan was causing a particular problem or issue. On this basis, the Panel does not consider it necessary to fine-tune the provisions of the Schedule.

Under the alternative approach of retaining the current IN1 across the site, the Panel is of the view that DPO1 should also be applied to the entire ALC land holdings. This will ensure that an appropriate master plan is prepared for the whole site.

The existing provisions in Clause 1 of the Schedule provide some flexibility for ALC to pursue limited development within the part of the site not currently covered by the approved Development Plan until such time that a new Development Plan for the whole site has been prepared and approved. This offers a more appropriate approach compared to the 'transitional provisions' proposed by ALC in the SUZ4.

Design and Development Overlay

Having regard to its previous recommendations for the ALC land, the Panel concludes that if the land is retained within IN1Z and is combined with DPO1 (applied across the entire site), then DDO1 should be deleted from the site. The application of DPO1 over all of the ALC land makes DDO1 redundant.

Summary

In summary, the Panel is of the view that the application of IN1 and DPO1 across the entire site would achieve the desired certainty and flexibility for ALC and comprehensively address a range of important planning and design matters through a detailed master planning

process. In addition, the Panel sees benefits to ALC through the retention of the current approved Development Plan while it strives for the approval of the Development Plan for the balance of the site. The IN1 and DPO1 combination would appear to be a much simpler approach compared to the application of SUZ4 and the associated Incorporated Document. The Panel puts this alternative approach forward for consideration by the Planning Authority.

Further recommendation

Prior to Gazettal, Council should consider extending the Development Plan Overlay Schedule 1 over the additional ALC land to Dalton Street rather than applying the Special Use Zone 4.

7 AKD Softwoods, Colac East

7.1 The issue

The key issues are whether it is appropriate to rezone the land to the Industrial 1 Zone and apply a Design and Development Overlay (Schedule 1). Each of these issues are considered below.

The table below summarises the suite of existing and proposed zones and overlays affecting the site to be rezoned.

Control	Current	Proposed
Zone	Farming Zone	Industrial 1 Zone
Overlay	Wildfire Management Overlay	Wildfire Management Overlay Deleted Design and Development Overlay 1

Table 5 Proposed controls, AKD Softwoods, Colac East

AKD Softwoods own a large portion of Industrial 1 zoned land along Forest Street and Colac-Forest Road, Colac East. It has operated an extensive processing plant at this site since 1957 and it complements another AKD Softwoods site located in Irrewarra (referred to in Chapter 8 of this Report).

To the east of the existing plant is a site of approximately 20 hectares. This land is owned by AKD Softwoods and is currently vacant, however up until about 2013 it contained a timber plantation. This land is within the Farming Zone.

It is proposed to delete the Wildfire Management Overlay (WMO) from the site, and further discussion on this matter is included in Chapter 10 of this Report. The key issues are whether it is appropriate to rezone the land to the Industrial 1 Zone and apply a Design and Development Overlay (Schedule 1). Each of these issues are considered below.

7.2 Industrial 1 Zone

(i) Evidence and Submissions

The Council submitted that the rezoning to Industrial 1 Zone was necessary to provide further industrial land to enable the ongoing growth and expansion of AKD Softwoods. It said that this was also consistent with the direction of the Strategy to encourage the consolidation of industrial growth in Colac East.

In his evidence statement, Mr Brisbane said that he supported, from an economic perspective, the rezoning of land to facilitate the expansion of the existing AKD Softwoods plant.

Mr Vicary, of AKD Softwoods (Submission 17), supported the rezoning of the land and advised that the company expects to invest a further \$65 million at the Colac East site over the next 3 years. The land to be rezoned adjoins the existing AKD Softwoods holdings and enables the safe and efficient expansion of the plant without the need to cross roads. Expansion in any other direction is problematic due to existing industries or roads.

G and B Kelly (Submission 5) expressed concern about the future rezoning of the land. They said:

We are generally very happy with AKD as a neighbour and appreciate the contribution made by them to the Colac economy and community. However, we have no desire to find that our quiet enjoyment, established over a 30 year period of occupancy in Parkinson Street, is decimated by the commencement of industrial activity in the immediate vicinity.

The Kelly's suggested a number of specific requirements to address the residential amenity of land on the north side of Parkinson Street. These are dealt with in Section 7.3 below.

(ii) Discussion and conclusion

The Panel supports the proposed Industrial 1 Zone in this location. The rezoning represents a logical extension of an existing industrial precinct based around Forest Street and Colac-Forest Road and is generally consistent with the recommendations of the Strategy.

The rezoning will help facilitate the future growth and expansion of AKD Softwoods at Colac East. This will help retain a large and important business in the Colac region and is of importance to the ongoing economic development of Colac. The rezoning will ensure that all of the AKD Softwood holdings in Colac East are within the Industrial 1 Zone.

The Panel concludes that the land should be included within the Industrial 1 Zone, as exhibited.

7.3 Design and Development Overlay, Schedule 1

(i) Evidence and Submissions

Council submitted that DDO1 is a 'generic' DDO covering most of the industrial zoned land in Colac. It is designed to deal with a range of matters dealing with fencing, site layout, building design, landscaping and other matters.

The Kellys submitted that the residential amenity on the north side of Parkinson Street should be protected through a range of specific controls, including:

- A 50 metre landscaped buffer along the Parkinson Street frontage
- Restrictions on the hours of use for industrial activity within the northern half of the site to prohibit all use between 8.00 pm and 7.00 am
- Restrictions on vehicular access points to the site.

In response, the Council submitted that these matters are more appropriately addressed at any future planning permit stage when proposed activities on the site are known. It did not support the proposed changes suggested by the Kellys.

(ii) Discussion and conclusion

The Panel supports the application of DDO1 to the land proposed to be included within the Industrial 1 Zone. It notes that the adjoining land to the west owned by AKD Softwoods already has a DDO1 and so the proposed DDO1 represents a logical extension and consistent application of planning controls across the entire AKD Softwoods holdings at Colac East.

The Panel notes that land on the north side of Parkinson Street is currently within a Commercial 2 Zone and Farming Zone. There is no residential zoned land within close proximity to the AKD Softwood operations and this part of Colac East has extensive industrial activity.

Notwithstanding the locational context, the Panel agrees that the future industrial development of the site needs to be appropriately managed to ensure that the interface with any existing residential uses are considered. In this regard, the DDO controls building siting, fencing and landscaping issues over the site. In addition, the future development of the site will require planning permits and these permits may contain a variety of conditions dealing with access, landscaping, setbacks and other amenity issues.

The Panel does not consider it appropriate or necessary to include the specific measures referred to by the Kellys. It believes there are sufficient provisions within the DDO and through conditions on permits to ensure the reasonable protection of amenity. The DDO is unable to include controls dealing with the hours of use of the site. This issue may be dealt with through conditions on a permit in circumstances where a permit is required for the use of the land pursuant to the zone requirements.

Further comment on the specific provisions of DDO1 is provided in Chapter 10 of this Report.

The Panel observes that the Council has not proposed a Development Plan Overlay for this site. This could have potentially dealt with a number of site specific interface issues and the co-ordinated development of the entire AKD Softwoods site. There were no submissions advocating a Development Plan for the site and the Panel makes no comment on this matter one way or the other. It does, however, note that there appears to be some inconsistency of approach to the non-application of the Development Plan Overlay at this site compared to other locations the subject of this Amendment.

The Panel concludes it is appropriate to apply DDO1 to the site as exhibited.

(iii) Recommendation

Rezone the land from Farming Zone to Industrial 1 Zone and apply the Design and Development Overlay Schedule 1 as exhibited.

8 AKD Softwoods , Irrewarra

8.1 The issues

The key issues are whether it is appropriate to rezone the land to the Industrial 1 Zone and apply a Development Plan Overlay (Schedule 8), a Design and Development Overlay (Schedule 1) and make the associated changes to Clause 21.

Table 6 below summarises the suite of existing and proposed zones and overlays affecting the site.

Table 6 Proposed controls, AKD Softwoods, Irrewarra

Control	Current	Proposed
Zone	Farming Zone	Industrial 1 Zone
	Low Density Residential Zone	Industrial 1 Zone
Overlay	Public Acquisition Overlay	Public Acquisition Overlay
	Wildfire Management Overlay	Wildfire Management Overlay Deleted
		Development Plan Overlay 8
		Design and Development Overlay 1

Land at 20 Warrowie Road, Irrewarra is owned by AKD Softwoods. The site is approximately 20 hectares and contains a large sawmill that has operated at the site for over 40 years. AKD has owned the land since 1999 and it complements another AKD Softwoods site located in Colac East (referred to in Chapter 7 of this Report).

There is no change proposed to the Public Acquisition Overlay (PAO). This relates to the widening of the Princes Highway along the southern boundary of the sawmill. It is proposed to delete the Wildfire Management Overlay (WMO) from the site and further discussion on this matter is included in Chapter 10 of this Report.

8.2 Industrial 1 Zone

(i) Evidence and Submissions

The Council submitted that the proposed Industrial 1 Zone reflected the existing use of the site. It said it was important to formalise the zoning of the land to provide certainty and security to AKD Softwoods, a significant employer in Colac. The Council said this was consistent with the thrust of the *Colac Township Economic Development, Commercial and Industrial Land Use Strategy, 2016*.

The Council acknowledged that although industrial development can occur in the Farming Zone, this is often fraught with difficulties and can result in long, complex and adversarial permit processes.

At the Hearing, Council noted that there was an apparent error in the current planning scheme maps. This related to land within and outside of the AKD Softwood site. The Panel was told that land along both sides of Pyles Road (to the east of the AKD Softwoods site) is shown on some maps as within the Low Density Residential Zone when in fact Amendment C69 recently rezoned the land to Rural Living Zone. It appears that an administrative error has not brought the maps in accordance with the approved Amendment C69. The eastern portion of the AKD Softwoods land is shown as within the Low Density Residential Zone, whereas according to the Council, it should be within the Rural Living Zone.

Council submitted:

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.

The Council invited the Panel to make recommendations to update the planning scheme maps regarding the Pyles Road anomaly. This included the land on both sides of Pyles Road, inside and outside the AKD Softwoods holdings.

In his evidence statement, Mr Brisbane said that he supported, from an economic perspective, the rezoning of 20 Warrowie Road to facilitate the operations of the existing AKD Softwood plant at Irrewarra.

Mr Vicary, of AKD Softwoods (submission 17) submitted that the Irrewarra site generally catered for the processing of larger logs and it was a 'feeder' plant to the larger site in Colac East. He said the Irrewarra site relied on the Colac East processing operation and would most likely not survive on its own.

The Irrewarra site employs about 50 people and supported a further 30 employees off-site. AKD Softwoods employed a total of about 430 people. Mr Vicary submitted that if the Irrewarra and Colac East operations were amalgamated it would result in the direct loss of at least 50 employees.

Mr Vicary said that in 2011 the Irrewarra site was only processing about 80,000 cubic metres of logs and was not internationally competitive. A decision was made at that time to close the operation at Irrewarra, however that decision was later reversed. Over the last 5 years, AKD Softwoods has invested over \$10 million in capital on site, which has enabled the plant to now process over 240,000 cubic metres of logs. In comparison, the Colac East site processes approximately 440,000 cubic metres of logs.

Mr Vicary submitted that AKD Softwoods plans to invest a further \$65 million over the next 3 years, however all of this investment is expected to occur at the Colac East site. There are no future significant capital upgrades planned for the Irrewarra site over the next 3 years.

In response to questions from the Panel, Mr Vicary said that while he supported the proposed Industrial 1 Zone, if the land remained in the Farming Zone then it would have little impact on the operation of the sawmill.

Mr Vicary said that the widening of the Princes Highway will result in the loss of about 3.1 hectares of land from the site and will have a marginal impact on the operation of the site.

On the other hand, Irrewarra Sourdough Bakery (ISB) (Submission 8), objected to the rezoning of the land. ISB is located approximately 500 metres to the north of AKD Softwoods. It produces natural, high quality and handmade/artisan bread, granola, biscuits and related products at its bakery located at Irrewarra School Road. These products are distributed to gourmet fresh food stores and markets across Australia.

ISB currently employs approximately 50 people and plans to expand by a further 20 staff following the recent approval of a planning permit to expand operations at the site. This will involve a capital investment of a further \$2.5 million.

ISB submitted that the Irrewarra district remains primarily a farming district outside of the Colac township. Other than the AKD saw mill, industry in Irrewarra includes the ISB, Irrewarra Homestead Bio-dynamic Ice-Cream, Oz-trees Native Nursery (wholesale and retail), Sunburnt Country Furniture and Irrewarra Food Company (preserves), all of which are in the Farming Zone.

ISB is featured in the Otway Harvest Trail, a collection of tourism related businesses in the Great Ocean Road hinterland. Tourists access the ISB site via Warrowie Road and travel past AKD Softwoods.

ISB acknowledged and supported the revised position of Council with respect to the deletion of any reference to the potential future industrial expansion and intermodal facility at Irrewarra. Its fundamental concern was the rezoning of the AKD Softwoods site. It submitted:

We are concerned that the justification for the rezoning of this property is based on the presence of existing use rights and the desire to 'support' major industry and employers in the town.

It is our submission that to entrench this use further by rezoning the land to provide for ongoing growth and development is inappropriate. The decision to rezone has no regard to the current planning scheme provisions, that via Clause 63 (Existing uses) or Clause 35.07 (Farming Zone) would enable a sound planning decision to be made for any future development without the need for the land to be rezoned.

Rezoning of the land to Industrial 1 Zone is clearly unnecessary. Amendment VC103 implemented the reformed Rural zones in 2013 to provide greater flexibility for Councils to consider previously prohibited land uses. The Farming Zone immediately prior to Amendment VC103 did not permit the use of land ... for a Sawmill or Industry, with the exception of Rural Industry. The flexibility now provided within the current zone provides sufficient mechanisms for AKD to continue to operate without rezoning the land.⁵

⁵ (Document 15, paragraph 15,17,19)

Industry is a Section 1 use within the Industrial 1 Zone subject to various conditions. As a result, ISB submitted that there was potentially very little difference in permit triggers for a Sawmill in the Farming Zone (a Section 2 use) or the Industrial 1 Zone.

It also submitted that if the land was rezoned then there was a risk in the future that other industrial uses could locate on the site and create a *“satellite industrial zone”*. This risk would be increased if AKD Softwoods ever relocated or closed the Irrewarra plant.

Mr Harty, on behalf of D and L Harty (submission 10) also expressed concerns with the proposed industrial expansion in the Irrewarra area in general and the intermodal freight facility proposed adjacent to the AKD Softwoods site in the exhibited version of Amendment C86. He has been a long-time resident near the AKD Softwoods site and noted that in the last 5 years the sawmill has increased in intensity and hours of operation.

Along with the removal of an extensive tree plantation, the increased activity on the site has resulted in additional noise, poor visual amenity, greater light spill and more truck traffic. Mr Harty submitted that the additional truck traffic along Collins Road has caused damage to the road pavement.

D and L Clayton (submission 7) submitted concerns with their ‘right to farm’ and the potential impacts of rezoning the land from Farming to Industrial, including loss of productive farm land, traffic and effect on rates. Ms Anderson (submission 18) opposed an industrial area at the Colac town entrance on the grounds that it would be *“an eyesore for visitors and compromise Shire tourism.”*

(ii) Discussion

The Panel agrees with the submission from ISB that formalising an existing use is not in itself sufficient justification for the rezoning of this site. The current use is able to develop and expand under a Farming Zone, subject to permits. AKD Softwoods confirmed that there are no immediate plans to further develop the site at Irrewarra.

The Farming Zone would appear to provide sufficient potential for the further development of the site to meet the needs of AKD Softwoods. The permit process would enable appropriate relevant information to be considered at the time an application was lodged. Conditions on permits can deal with a range of amenity, traffic, landscaping and other interface issues.

The Panel is most concerned that at the potential for this site to become a small and relatively isolated industrially zoned ‘island’ if it were to be within an Industrial 1 Zone. There is no surrounding industrially zoned land and it would create an anomaly within the broader Irrewarra area. As ISB pointed out, there are a number of other industrial uses within the region that are not within an Industrial 1 Zone. Indeed, many of these uses are within the Farming Zone. The planning scheme does not require every industrial use to be within an Industrial Zone.

Moreover, the Panel is mindful of creating a site specific rezoning to facilitate a single business when the rezoning creates a generic opportunity for further industrial development by other parties. In these circumstances, the Panel is most concerned about the outcome that could result if AKD Softwoods leave this site. This would clearly open up the possibility

for a very isolated industrial estate at the eastern entrance to Colac. Such an unintended consequence should be prevented from occurring where there is no strategic support for industrial growth in this area.

If a site-specific zoning uniquely tailored to meet the special needs of AKD Softwoods is required, then Council could perhaps pursue a Special Use Zone for the site in the same way that it has proposed for Bulla Dairy in Murray Street, Colac. This would ensure that any planning controls designed to encourage, facilitate and enhance a particular industrial use was not also providing the future possibility of other industrial uses occupying the site at some later time and creating undesirable and unintended consequences. If this approach is to be pursued then this should be the subject of a separate planning scheme amendment.

The Panel takes the view that the Farming Zone should apply to the whole of the AKD Softwood site. This includes the land that is currently within the Low Density Residential Zone (or Rural Living Zone pursuant to Amendment C69). The Panel notes that a sawmill would be prohibited under either the Low Density Residential Zone or Rural Living Zone. If the entire site is within the Farming Zone then there is no uncertainty about the potential to apply for planning permits.

The Panel does not believe it is appropriate for it to make any recommendations regarding the rezoning of land outside of the AKD Softwoods site along Pyles Road. If a mapping error has occurred, Council should pursue the DELWP Mapping team to correct the maps. There are a variety of other procedural ways to address this issue outside of this Panel. It notes while surrounding residents were notified in April this year, no responses were received and it is still unclear and not explained correctly in the Explanatory Report.

The Panel does not consider that there is a compelling reason to warrant the rezoning of the land to Industrial 1. The Strategy originally identified the Irrewarra area adjacent to the AKD Softwoods site as having future potential for further industrial growth. The Strategy also originally identified that this area could have potential for a future intermodal freight facility. Following the exhibition of the Amendment, Council decided to delete all reference to both of these matters regarding Irrewarra. Within this context, there is no apparent strategic justification for an Industrial 1 Zone in Irrewarra.

While empathetic to those submissions objecting on the zoning change, the Panel notes that even though it recommends retaining the Farming Zone, the AKD site enjoys existing use rights and will do so for some time into the future. It would encourage Council to work with AKD over the coming months on positive design solutions that can be incorporated when the by-pass reaches the site, that may alleviate some of the concerns regarding the look of the site.

For the land east of Pyles Road, the Panel notes that the 'static' Council maps show the land as Low Density Residential Zone (LDRZ) and the DELWP 'Planning Maps Online' show the same land as RLZ. This matter requires rectification separate to this Amendment process. For land within the AKD Softwoods holdings, the Panel sees no issue in rezoning all of its holdings to the underlying Farming Zone for this site, as either the LDRZ or RLZ is inappropriately applied to their holdings.

(iii) Conclusions

The Panel concludes:

- Rezoning the site to the Industrial 1 Zone could create the opportunity for other industrial uses not associated with AKD Softwoods to operate in this location and this would be inconsistent with the recommendations of the Colac Township Economic Development, Commercial and Industrial Land Use Strategy.
- There is no strategic justification for the zoning of the AKD Softwoods site at Irrewarra to the Industrial 1 Zone.
- The current use is able to operate within the Farming Zone.
- All of the AKD Softwoods site should be within the Farming Zone.
- Council should pursue the zoning map anomaly north and east of the Pyles Road area through a separate process to Amendment C86.
- The application of the Industrial 1 zone is not supported.

8.3 Recommendation

The Panel recommends:

Retain the existing planning controls on the AKD Softwoods land in Irrewarra as Farming Zone. Where the anomalous land within AKD Softwoods is Rural Living Zone, this should be rezoned to Farming Zone.

Further recommendation

Council should pursue the zoning map anomaly north and east of the AKD Softwoods holdings (Pyles Road) through a separate Amendment process with DELWP and rectify the different zoning allocations from its static mapping and planning maps on line.

8.4 Development Plan Overlay, Schedule 8

(i) Submissions

The Council submitted that Development Plan Overlay, Schedule 8 (DPO8) provided a detailed set of requirements to be addressed in a future Development Plan for the site. The Development Plan must include the following elements to the satisfaction of the responsible Authority:

- *A site analysis plan.*
- *A master plan*
- *An assessment against relevant State Environment Protection Policies.*
- *A landscape master plan.*
- *A services report.*
- *A road network and transport management plan*
- *An acoustic report.*
- *An integrated water management plan*
- *A lighting report.*
- *A construction management plan.*

The schedule lists more detailed requirements to be provided under each of these headings.

The schedule also provides the opportunity for the issue of a permit prior to the approval of a Development Plan for the site for a variety of developments including *“minor extensions, alterations or modifications to an existing use or development”*.

Consistent with its submission regarding the rezoning of the site, ISB said that it was concerned that DPO8 did not prohibit any other business or industry; it does not specify that the Development Plan must provide only for the AKD sawmill.

It was also concerned that the introduction of a DPO would mean, following the approval of the Development Plan, all future permit applications would be exempt from third party notification and appeal rights. This was within a context of no Development Plan having been prepared associated with the planning scheme amendment to introduce the DPO.

ISB submitted that the detailed matters referred to in the Development Plan requirements can be dealt with at the planning permit stage. It said *“demonstration of servicing, traffic, landscaping, acoustic measures and interface treatment can be considered via submission of a planning permit application, and we say that this is the appropriate mechanism to consider the future development of this site.”*

(ii) Discussion

The Panel generally agrees with the submission from ISB and does not support the introduction of DPO8 for this site.

The range of relevant servicing, environmental, traffic, landscaping, acoustic and other amenity issues referred to in the Development Plan requirements can be satisfactorily addressed via the usual planning permit application process. Given the size of the site and the limited anticipated further development by AKD Softwoods in at least the immediate future, this would also provide a more targeted approach to relevant information requirements.

The Panel also has some concern that the scope in DPO8 for a permit to be granted for *“minor extensions, alterations or modifications”* to the existing development at the site before a Development Plan has been approved could mean that AKD Softwoods may never need to prepare a Development Plan if it only ever proposes “minor” incremental works over time.

The Panel has considered whether any variations to the wording of DPO8 could assist in limiting the specific use of the AKD sawmill to this site, however it is not convinced that this approach is appropriate.

(iii) Conclusion

Having concluded above that the Industrial 1 Zone is not appropriate, it would also be inconsistent for the Panel to support DPO8 over land within the Farming Zone.

(iv) Recommendation

The Panel recommends:

Do not apply Development Plan Overlay Schedule 8 to the AKD Softwoods Land.

8.5 Design and Development Plan Overlay, Schedule 1

(i) Submissions

The Council submitted that Design and Development Overlay 1 (DDO1) should be applied to the site on the basis that DDO1 is to be applied to Colac and Irrewarra industrial areas.

There is currently no DDO covering the AKD Irrewarra site. Mr Vicary, on behalf of AKD Softwoods, said he generally supported the application of DDO1 except that he was concerned that detailed design controls may discourage further investment and industrial development in Colac. He highlighted a number of specific concerns, including:

- The objective “*to consider the amenity of adjacent residential uses*”.
- The fencing provisions – including the height restrictions, loss of site area when inseting fences and limitations on ‘solid’ fences.
- Requirements for staff parking and loading areas to be at the rear or side of the site.

(ii) Discussion

Consistent with the Panel’s conclusions above regarding the Industrial 1 Zone and the Development Plan Overlay, the Panel does not support the introduction of DDO1 to the AKD Softwoods site at Irrewarra.

It would not be appropriate to apply a DDO intended for ‘industrial areas’ to land within a Farming Zone, notwithstanding that an industrial *use* operates on the site.

The Panel is concerned that the application of DDO1 to AKD Softwoods at Irrewarra (where that land is recommended to be within a Farming Zone) would be inconsistent with the many other industrial uses in Farming Zones elsewhere in Colac and Irrewarra. The Council has only proposed that DDO1 apply to land within industrial zones. If the land is not strategically justified to be within an Industrial Zone it cannot follow that DDO1 is appropriate.

(iii) Conclusions

The Panel concludes:

- That DDO1 not be applied to the AKD Softwoods site at Irrewarra.
- Council should continue to work with AKD Softwoods on appropriate screening measures for its site.

(iv) Recommendation

The Panel recommends:

Do not apply Design and Development Overlay Schedule 1 to the AKD land at Irrewarra.

8.6 Clause 21

(i) Submissions

ISB submitted that a number of provisions in Clause 21.05-2 should be deleted. Specifically, it referred to:

- Under the heading 'Objectives', dot point 4, delete the words *"to facilitate the retention and growth of AKD Softwoods by tailoring land use provisions to ensure compatibility between the industrial needs of the company and neighbouring land uses"*.
- Under the heading 'Strategies', dot point 6, delete the words *"implement targeted planning provisions for AKD Softwoods operations which facilitate their growth and appropriately manages environmental and amenity impacts."*

ISB also sought an amendment to Clause 21.05-6, at dot point 2 under the heading 'Strategies'. It acknowledged that Council had varied this dot point following exhibition of the Amendment, however it submitted that following the words *"investigate the feasibility and spatial requirements of an intermodal facility in the Colac region"* the words *", excluding the land west of the AKD site at 20 Warrowie Road, Irrewarra"* should be added.

Council submitted that this dot point was amended post exhibition to specifically delete a previous reference to the intermodal facility in *"Irrewarra west of the AKD Softwoods operations"* and instead refer to the intermodal facility *"in the Colac region"*. Council said that this would require a separate investigation and all options would be considered, including locations outside of the Shire.

(ii) Discussion

The Panel does not agree that the dot points referred to by ISB at Clause 21.05-2 should be deleted, however, it believes that they should be amended. Both of the dot points refer to *"tailoring land use provisions"* or *"targeted planning provisions"* for the AKD Softwoods operations. The Panel's recommendations elsewhere in this Report with respect to AKD Softwoods make these comments redundant. There are no specific tailored or targeted planning controls recommended for AKD Softwoods as part of this Amendment. As such, the Panel agrees there is an argument for the dot points to be deleted.

Upon reflection, however, the Panel believes that there may be benefit in amending these dot points to help provide some policy support to the future operations of AKD Softwoods in Colac and Irrewarra. This would augment the existing words in the 'Overview' section of Clause 21.05-2, which highlight the significance of AKD Softwoods within the Shire, and may be of particular assistance when considering permit applications within the Farming Zone at Irrewarra.

The Panel provides the following words for both dot points for consideration.

Clause 21.05-2, Objectives, dot point 4 amended to read:

- *"To facilitate the retention and growth of AKD Softwoods and ensure the compatibility between the industrial needs of the company and neighbouring land uses."*

Clause 21.05-2, Strategies, dot point 6 to read:

- *“Ensure the future growth of AKD Softwoods operations appropriately manage environmental and amenity impacts.”*

The Panel is mindful that it has not discussed these words with Council or other parties and is open to the Planning Authority to amend the detailed wording as it sees necessary.

The Panel does not accept there is a need to add further words to dot point 2 at Clause 21.05-6 under the heading ‘Strategies’. The specific exclusion of land west of the AKD Softwoods site is unnecessary.

(iii) Conclusions

The Panel concludes that:

- The wording of Clause 21.05-2, Objectives, dot point 4 should be amended.
- The wording of Clause 21.05-2, Strategies, dot point 6 should be amended.
- Dot point 2 at Clause 21.05-6 should remain as Council has proposed in the post exhibition version of the Amendment documentation.

(iv) Recommendation

Adopt revised changes to Clause 21.05 included in Appendix D to this report.

9 J Barrys Road and Forest Street, Elliminyt

9.1 The issues

The key issues are whether it is appropriate to rezone the land to the Industrial 1 Zone and apply a Development Plan Overlay (Schedule 7) and a Design and Development Overlay (Schedule 1). Each of these issues are considered below.

The Amendment proposes to rezone approximately 68 hectares of vacant land south of J Barrys Road and east of Forest Street in Elliminyt from Farming Zone to Industrial 1 Zone. The land is within two ownerships and is currently used for grazing.

Table 7 below summarises the suite of existing and proposed zones and overlays affecting the site.

Table 7 Zone and overlay controls applying to the Elliminyt site

Control	Current	Proposed
Zone	Farming Zone	Industrial 1 Zone
Overlay	Land Subject to Inundation Overlay	Land Subject to Inundation Overlay
	Environmental Significance Overlay, Schedule 2	Environmental Significance Overlay, Schedule 2
		Development Plan Overlay, Schedule 7
		Design and Development Overlay, Schedule 1

There is no change proposed to the Land Subject to Inundation Overlay or the Environmental Significance Overlay. These overlays affect the same portion of the land, which is generally along Forest Street in the west of the site.

9.2 Industrial 1 Zone

(i) Evidence and Submissions

Council submitted that the proposed rezoning was consistent with the Strategy prepared as part of the Amendment.

The site abuts a large industrial area to the north that is centred on Forest Street. Land to the north-west is within the Industrial 1 Zone and is occupied by Bulla Dairy. Land to the east and south is within the Farming Zone. On the west side of Forest Street, opposite the land to be rezoned, is a large area of land within the Rural Living Zone.

Land on the north side of J Barrys Road is within an Industrial 1 Zone, but is currently vacant. Council advised the Panel that the owner of this land has no apparent plans to develop the

site. The land is approximately 31.6 hectares and is split into three parcels. This represents the only three vacant industrially zoned lots in Colac that are greater than 5 hectares in area. The owner lives on the site and has shown no interest in using or developing the land for industrial purposes.

As discussed in Chapter 3, the lack of availability of large lots within an Industrial Zone in Colac is a critical factor in the need for Council to rezone the land on the south side of J Barrys Road.

In summary, Council submitted that the land on the south side of J Barrys Road is appropriate to be rezoned because:

- It is based on sound strategic economic planning
- The location was determined following a wide ranging analysis of the strengths and weaknesses of alternative sites for future industrial growth
- The land is capable of being serviced
- It represents the logical extension of a larger industrial precinct to the north.

In addition, the Council noted that the northern part of the site is already identified in the Colac Framework Plan at Clause 21.03-2 of the planning scheme as a 'potential industrial area'.

In its right of reply, Council submitted that if the Panel had concerns about the quantity of land to be rezoned, then it ought to consider recommending 'back zoning' some or all of the vacant Industrial 1 land on the north side of J Barrys Road.

Mr J Evans and Mr J Barry, the two owners of the land to be rezoned, submitted that they supported the future zoning of their land to the Industrial 1 Zone (Submission 13).

On the other hand, J and C Foster (Submission 6) and D and P Cobbledick (Submission 3) objected to the rezoning of the land. Both of these parties reside on the west side of Forest Street, opposite the land to be rezoned, and made similar written submissions.

At the Panel Hearing, Ms Foster elaborated on their written submissions. She said that the site was inappropriate for an industrial use due to its location adjacent to a Rural Living Zone and that there were better locations elsewhere in Colac for industrial growth. It was submitted that future industrial growth should be located closer to the Princes Highway and adjacent to farming land to minimise the impact on the amenity of the area.

In response, the Council said that the land is adjacent to existing industrial areas and part of the site is already designated for future industry in the Colac Framework Plan within the planning scheme. It said the proposed DPO7 is designed to protect the abutting land, and requires the approval of an Urban Design Master Plan that requires "*an appropriate interface to rural living lots located to the west of the site*". Council said that a range of documents were required to be submitted before any development occurs, such as a Road Network and Transportation Management Plan, Landscape Plan, Water Management Plan and Lighting Plan. These will assist in mitigating the potential impact of the industrial uses on surrounding sensitive uses.

Mr O'Keefe said that the Council resolved to specifically request the Panel to examine the potential amenity impacts on Forest Street properties and how these can be mitigated.

Ms Foster was also concerned that the area was prone to flooding and the Land Subject to Inundation Overlay affected a large portion of the site. She also was concerned about the saturated soils on the site following periods of rain.

The Council accepted that part of the site is subject to inundation. It said updated flood mapping detail revised flood levels, which reveal the bulk of the site free from flooding. It noted that areas subject to inundation are along the western (Forest Street) side of the site. Any potential limitation on building on this part of the lot will separate future industrial development from the Rural Living Zone land to the west. Council submitted that there are potential engineering solutions available to assist and improve drainage on the site.

Council also noted that the Corangamite Catchment Management Authority acknowledged the drainage issues on the site but did not object to the rezoning (Submission 19).

Ms Foster also commented on a number of traffic related issues and was concerned about the volume of truck traffic already using the northern end of Forest Street, which would only increase if the land was developed for industrial purposes.

Council submitted that VicRoads and Council's Infrastructure Unit have considered the traffic implications of the Amendment and have raised no concerns. It said that that DPO7 required the preparation and approval of a Road Network and Transportation Management Plan that would provide an opportunity to address traffic management issues in further detail.

(ii) Discussion

The Panel is satisfied that Council has completed sufficient investigations to warrant the rezoning of the land to the Industrial 1 Zone. It acknowledges the need to have a supply of suitable land of appropriate lot sizes in order to help attract large-scale industries to establish in Colac. It agrees with Mr Brisbane's assessment that the current lack of readily available large industrial lots in Colac has the potential to restrict the economic growth of the town. The rezoning of the land south of J Barrys Road will increase the available supply of industrial land and increase competition on the market.

Having said that, the Panel is a little concerned that the land to be rezoned is about twice the area recommended by Mr Brisbane. The Panel considered reducing the amount of land to be rezoned as part of this Amendment, however in the end it has decided to support the rezoning of the entire site for the following reasons.

First, as noted in the submissions, about a quarter of the site is encumbered by the LSIO and ESO. This is likely to significantly reduce the extent of developable land on the site.

Second, the Panel is conscious that to reduce the Industrial 1 Zone to, say, the extent presented on the Colac Framework Plan, would also reduce the number of land owners able to develop the site. This could, in theory, limit competition and perpetuate the limited opportunities to purchase industrial land that is currently the case.

On balance, the Panel accepts that the whole site should be rezoned. This may produce a supply of land slightly greater than Mr Brisbane recommends, however the Panel is of the view that in the circumstances, it is preferable to provide slightly more land.

The Panel does not support any 'back zoning' of the vacant Industrial 1 zoned land on the north side of J Barrys Road as part of this Amendment. The owner of that land has not made a submission to Amendment C86 and was not a party at the Panel Hearing. It would be inappropriate to consider any change to the zoning or overlays affecting that land without consultation with the owner. The Panel was extremely surprised with the suggestion from Council that any back zoning should be contemplated. If Council wish to pursue the rezoning of the land on the north side of J Barrys Road, then it should be via a separate planning scheme amendment where it can be tested through an open and transparent process.

The Panel acknowledges the traffic, drainage and interface amenity issues raised by submitters. These are clearly matters that need to be addressed in the detailed planning for the site. The Panel is not convinced, however, that these issues should prevent the rezoning of the land. These and other matters can be dealt with through a Development Plan pursuant to the requirements of a Development Plan Overlay. Further comment on DPO7 is presented below.

(iii) Conclusions

The Panel concludes:

- That it is appropriate to rezone all of the land at 50 J Barrys Road, Elliminyt and part of 286 Forest Street, Elliminyt from the Farming Zone to the Industrial 1 Zone as exhibited.

9.3 Development Plan Overlay, Schedule 7

(i) Submissions

The Council submitted that DPO7 provided a comprehensive set of requirements for the Development Plan for the site. Clause 3 of Schedule 7 states that a Development Plan must include the following elements:

- *An Urban Design Master Plan*
- *A Road Network and Transport Management Plan*
- *An Integrated Water Management Plan*
- *An assessment against any relevant State Environment Protection Policies*
- *A Biodiversity Assessment*
- *An Open Space and Landscape Master Plan*
- *A Lighting Report*
- *A Services Report*
- *A Shared Infrastructure Funding Plan*
- *A Construction Management Plan*
- *An Acoustic Report*

A range of specific matters to be addressed under these headings results in a more detailed set of requirements to be met.

The Council noted that the Shared Infrastructure Funding Plan related to shared infrastructure in the development plan area only. It said this was appropriate given that there may be multiple landowners involved with the development of the site and this was a point of difference to the other DPO Schedules proposed in the Amendment.

The Council also noted that following the exhibition of the Amendment, it had made a number of minor changes to the content of Clause 3. These changes were in response to concerns regarding the impact of development on the surrounding area and related specifically to:

- The content of the Road Network and Transport Management Plan
- The content of the Open Space and Landscape Master Plan
- A new requirement for the preparation of an Acoustic Report.

In addition, Mr O’Keefe noted that the Council resolved to specifically request:

...the Panel to give particular consideration to the potential amenity impacts on residents of industrial development on the land being rezoned at Forest Street, Colac, including from traffic generated by that development on Forest Street, and make recommendations to Council on how those impacts could be minimised. (Council resolution, point 6, 22 February 2017)

The Department of Economic Development, Jobs, Transport and Resources (DEDJTR) made a co-ordinated response including comments from Public Transport Victoria and VicRoads. It supported the inclusion of a Road Network and Transport Management Plan to assess the impacts on the surrounding road network and said *“This requirement is strongly supported as the proposed zoning changes have the potential to impact on the amenity of abutting sensitive land uses and to place additional pressure on the broader transport network.”* (Submission 16)

The submission acknowledged that the Decision Guidelines in DPO7 requires the responsible Authority to consider the views of VicRoads (and other stated authorities) before approving a Development Plan. DEDJTR requested that an additional statement should be added to the Schedule requiring that VicRoads is consulted during the preparation of the Road Network and Transport Management Plan and VicRoads requirements are reflected in the plan.

In response, the Council submitted that it was standard practice to consult with VicRoads and it was not necessary to mandate consultation. It did not accept that any changes to the Schedule in this regard were required.

J and C Foster (Submission 6) and D and P Cobbleddick (Submission 3) made similar written submissions regarding the content of DPO7. They highlighted three issues.

First, they expressed concern that in Schedule 7 at Clause 2 (Conditions and requirements for permits) there is no reference to the LSIO or the ESO.

In response, the Council submitted that DPO7 mandates the approval of an Integrated Water Management Plan before development commences. As part of this plan, a drainage study is required 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”*.

The Council also submitted that the considerable size of the site easily facilitates the future storage and management of runoff within site boundaries.

Second, in Schedule 7 at Clause 2 (Conditions and requirements for permits) there is no reference to noise.

The Council noted that Clause 3 of DPO7 has been modified following exhibition of the Amendment to include reference to the requirement for an acoustic report to be prepared as part of the Development Plan. The report must identify:

- *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.*

Third, in Schedule 7 at Clause 3 (Requirements for development plan) there is reference to the need to provide footpaths on both sides of all roads. They were of the view that this was not appropriate for the area.

In response, the Council submitted that footpaths are a standard infrastructure item in all new subdivisions in urban environments.

(ii) Discussion

The Panel accepts that DPO7 generally provides a very comprehensive framework for the preparation of a development plan for the site. The broad scope of assessment and planning outlined in the Schedule ensures that impacts on the surrounding areas resulting from the industrial development of the site should be minimised.

The Panel also supports the post-exhibition changes to DPO7 made by Council. These minor variations represent a strengthening of the requirements in response to submissions. In particular, the Panel notes that:

- Access to the site from the external road network is required to minimise the amenity impact of vehicle movements on surrounding residential uses.
- Landscaping requirements now require provision of canopy trees to reduce the visual impact of development and a 20 metres wide landscaped strip along the southern boundary.
- The Schedule requires preparation of a detailed acoustic report to help minimise the impact of noise on the surrounding area.

The Panel is of the view that the potential amenity impacts from industrial development on nearby residents have, generally, been comprehensively addressed in DPO7. It does, however, consider that the west side of the site (with frontage to Forest Street) could have some additional landscaping requirements. The Panel was informed during the Hearing that Council added the abovementioned 20 metres wide landscaped strip along the southern boundary of the site to soften the visual impact of industrial development from residential land well to the south. While the Panel supports this inclusion, it considers that the same landscape strip should be applied along the Forest Street frontage.

The Panel notes that a substantial portion of this street frontage is also affected by the LSI0 and ESO, so the net impact of an additional landscape strip on the developable area is

expected to be relatively small. A wide landscaped strip would ensure a strong visual buffer to the industrial land. The provisions in the Open Space and Landscape Master Plan should be amended to include reference to a 20 metres strip along the Forest Street frontage.

The Panel agrees with Council that DPO7 does not require any modification to mandate consultation with VicRoads. The current wording in the Decision Guidelines is sufficient to ensure that the views of VicRoads are considered before the approval of the Development Plan.

The concerns expressed in submissions regarding drainage and flooding issues are noted, however DPO7 requires a thorough review of stormwater management and the Panel is satisfied that these issues can be controlled appropriately. It is not necessary or appropriate for DPO7 to refer specifically to the LSIO or ESO affecting the site. These overlays remain part of the planning scheme and are still required to be considered by applicants and the Responsible Authority when dealing with planning permit applications.

Finally, the Panel makes two other observations:

First, the Panel suggests that the clarity of Clause 1 could be enhanced through a slight reordering of the paragraphs in the clause. The first paragraph should be relocated to follow the two dot points.

Second, the Panel notes that the form and content of DPO7 is vastly different (and superior) to DPO3, which applies to the industrial land on the north side of J Barrys Road (opposite the land to be rezoned). The introduction of DPO7 will create two very different and inconsistent planning frameworks for abutting industrial areas. This is not desirable for the co-ordinated long term planning of the area.

DPO3 is a very simple Schedule with no provision for the granting of any planning permit prior to the approval of a Development Plan. There are no conditions and requirements for permits and the requirements for the development plan are very rudimentary. There is also no equivalent of the Shared Infrastructure Funding Plan, as proposed in DPO7.

The Panel flags this as a potential issue for the Council to consider. It may be appropriate to update the provisions in DPO3 to ensure greater consistency and co-ordination with DPO7. This would need the preparation of a separate planning scheme amendment.

(iii) Conclusions and recommendations

The Panel concludes:

- That a DPO is an appropriate tool to manage the future development of the site.
- That DPO7 provides a generally comprehensive approach to the planning of the land proposed to be included in the Industrial 1 Zone.
- That the post-exhibition changes made by Council to DPO7 are sound and further strengthen the protection of off-site amenity impacts.
- That the amenity of the housing on the west side of Forest Street could be further protected by the inclusion of a requirement for a 20 metres wide landscaped strip along the west side of the site (along the Forest Street frontage).
- That a range of traffic, drainage, landscaping and other interface amenity issues should be addressed in a Development Plan Overlay.

- DPO7 be subject to the Panel’s recommended changes.

(iv) Recommendation

Adopt the Panel recommended Development Plan Overlay, Schedule 7 included in Appendix J of this report.

Further work:

Council should consider a separate planning scheme amendment to update Development Plan Overlay Schedule 3.

9.4 Design and Development Plan Overlay, Schedule 1

(i) Submissions

The Council said it was appropriate to apply DDO1 to the site as well as the DPO7 because there were multiple landowners. On the other hand, in locations where there was a single business operating at a large site and it was covered by a DPO, then the Council said it was not necessary to apply a DDO.

(ii) Discussion

The Panel accepts the need for DDO1 to be applied to the site. The content of DDO1 is applicable to each separate development site created within the entire DPO7 area and manages a finer grain of development than at the Development Plan stage.

This is important, as DPO7 does not contain any direction about the siting and design of buildings within specific development sites.

(iii) Conclusions

The Panel concludes it is appropriate to apply DDO1 to the site, as exhibited. Further comment on the specific provisions of DDO1 is provided in Chapter 10 of this Report.

10 Planning Controls

10.1 The issues

The Amendment proposes the deletion of the existing Design and Development Overlay Schedules 1 and 2 (DDO1, DDO2) and the Wildfire Management Overlay (WMO). It proposes replacing DDO1 and 2 with a revised DDO1. Issues related to these changes are discussed below.

10.2 Evidence and Submissions

(i) Design and Development Overlay 1

Council submitted that DDO1 is a 'generic' DDO covering most of the industrial zoned land in Colac. It explained that this DDO1 substantially replaced the existing, or "old" DDO1. The "new" DDO1 is designed to deal with a range of matters dealing with fencing, site layout, building design, landscaping and other matters. It also includes a minimum subdivision size of 5 hectares.

DDO1 addresses these issues and provides a greater level of design control which is a significant benefit to the presentation of the industrial precinct in general and the interface with the land on the west side of the Forest Street site (discussed in Chapter 9) in particular.

VicTrack (submission 2) requested that a change be inserted into DDO1 and associated documents (SUZ4 and Incorporated Document) to make reference to the existing railway corridor. DELWP (submission 4) supported DDO1 as it created a consistent approach for incorporating stormwater treatment and reuse measures. It noted while stormwater measures are included as a design objective within the schedule, DDO1 was relatively silent on these measures anywhere else. DELWP requested that the 'Requirements' and 'Decision Guidelines' be expanded to include more detailed information regarding stormwater measures, similar to that described in various schedules to the Development Plan Overlay (DPO).

Council supported these requests and proposed the following additions to the DDO1 'site layout' requirements in its post-exhibition changes:

Location of all rail corridor and railway infrastructure and any potential impact on rail operations.

Areas for appropriate stormwater management measures.

Australian Lamb Company (submission 12) supported the deletion of DDO1 from its site as it was not a "relevant control to be maintained on their land." This is discussed in Chapter 6.

(ii) Design and Development Overlay Schedule 2

DDO2 (Colac West) is proposed to be deleted. The Panel notes that this DDO is not referred to in the LPPF at Clause 21.06 and it is generally similar to the 'old' DDO1 except that DDO2 has a minimum subdivision size of 4000 square metres (unsewered) and 1000square metres (sewered). The implication for the deletion of DDO2 is that now these areas have a minimum subdivision size of 5 hectares.

(iii) Wildfire Management Overlay

Council has proposed the deletion of the WMO. Prior to the Hearing, the Panel directed that Council follow up with the Country Fire Authority (CFA) and their views on this. At the Hearing, Council tabled document 8, an email from the CFA stating:

The CFA is satisfied that the areas referenced in C86 for removal of the WMO are remnant areas with low bushfire risk. We also concur that the BMO/WMO is no longer required on the exhibited parcels. As such, we have no objection to the C86 proposal.

Mr Sturre (submission 20) supported the removal of the BMO from his land. No submissions objected to the deletion of the WMO.

10.3 Discussion

The Panel generally accepts the use of the DDO1 except where it has discussed this separately in Chapter 8. The Panel suggests Council undertake a final sweep for consistency and in line with VC133 prior to submitting the Amendment for gazettal, as the number of objectives may need further refinement.

Council had proposed inclusions at the request of VicTrack and DELWP. The Panel generally accepts this wording, however suggests that these provisions should be within the Decision Guidelines (Section 5.0) and not in Section 2.0.

The Panel supports the consolidation of controls and deletion of DDO2 as part of the revised DDO1.

The Panel supports the deletion of the WMO in line with the CFA comments.

10.4 Conclusions and recommendation

The Panel concludes:

- it is appropriate to apply DDO1 subject to the Panel's recommended changes
- the deletion of DDO2, as exhibited, is supported
- deletion of the WMO, as exhibited, is supported

The Panel recommends:

Apply the revised Design and Development Overlay Schedule 1 as shown in Appendix H to this report.

11 Post Exhibition Changes

11.1 The issue

The issue relates to the extent of post-exhibition changes and whether or not they are appropriate. The key change is the removal of Irrewarra as an Investigation Area for an intermodal freight hub.

11.2 Submissions

Council submitted that, given the potential impact of an intermodal hub, land supply issues and surrounding uses, further investigation of appropriate areas is required. This investigation could include using the resources and expertise of DEDJTR. The Irrewarra site could form part of this investigation area, with potential sites not necessarily limited to the Colac Otway Shire.

Council submitted that following exhibition of this Amendment, it considered the submissions and has resolved to make the following changes to the Amendment:

- 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
- Amend Clause 21.06 General Implementation by making minor changes to the wording
- Amend Schedule 1 to Design and Development Overlay by making minor changes to the wording
- Amend 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
- Amend Schedule 3 to the Special Use Zone by making minor changes to the wording
- Amend Schedule 4 to the Special Use Zone by making minor changes to the wording
- Amend title of Australian Lamb Company Incorporated Document
- Amend title of Bulla Dairy Foods Incorporated Document
- Amend Schedule to Clause 81.01 by retitling several documents.

In an email dated 3 May 2017 to the Panel (post-hearing), Council attached the final version of the draft Colac Framework Plan to be included in amended Clause 21.03. As Council advised Panel during the Hearing, the exhibited Framework Plan did not include subsequent changes to the Plan approved as part of Amendment C78. This attached Plan is the latest version, and includes the proposed changes made as part of Amendment C86.

11.3 Discussion

The Panel notes that the post-exhibition changes are generally in response to the submissions received. The key change is the removal of Irrewarra as an Investigation Area for an intermodal freight hub and inclusion of an updated Framework Plan that did not include changes as part of Amendment C78. It has been updated to reflect changes as part of both gazetted Amendment C78, and Amendment C86.

11.4 Conclusions and recommendations

The Panel concludes:

- The post-exhibition changes are generally supported. The Panel's preferred changes, incorporating both exhibited and post-exhibition changes, are discussed throughout the report and found at Appendix C-I.

The Panel recommends:

Adopt Amendment C86 as exhibited subject to the Panel preferred changes found at Appendix C-J to this report.

Appendix A Submitters to the Amendment

No.	Submitter
1	Barwon Region Water Corporation
2	VicTrack
3	Dianne and Philip Cobbledick
4	Department of Environment Land Water and Planning (DELWP) – Barwon South West Region
5	Gerard and Barbara Kelly
6	Jo and Chris Foster
7	Lionel and Carol Clayton
8	Fadgyas Planning Associates Pty Ltd
9	Geoff Woods
10	Darryl, Leanne, Jacob and Nicholas Harty
11	Bulla Dairy Foods
12	Tract Consultants Pty Ltd
13	John Evans
14	Neil Longmore
15	Department of Economic Development, Jobs, Transport and Resources (DEDJTR) – Regional Development Victoria
16	Department of Economic Development, Jobs, Transport and Resources (DEDJTR) – Barwon South West Region
17	Rod Bright and Associates
18	Glenda Anderson
19	Corangamite CMA
20	Willem Sturre

Appendix B Document list

No.	Date	Description	Tabled by
1	26/04/17	Council Part A Submission	Mr O'Keefe
2	26/04/17	Council Part B Submission	Mr O'Keefe
3	26/04/17	Aerial Photographs (A3) x3	Mr O'Keefe
4	26/04/17	ARI Flood Maps (A4) x3	Mr O'Keefe
5	26/04/17	Colac Infrastructure Services Assessment Report, March 2016	Mr O'Keefe
6	26/04/17	Aerial Photograph (A3) x1	Ms Forsyth
7	26/04/17	Submission by Mr G Woods	Mr Woods
8	27/04/17	Email from CFA dated 03/02/17	Mr O'Keefe
9	27/04/17	Original CMA Submission (dated 08/08/16) in colour	Mr O'Keefe
10	27/04/17	Council response to the use of the SUZ	Mr O'Keefe
11	27/04/17	Submission on behalf of D and L Harty	Mr Harty
12	27/04/17	Submission on behalf of Bulla Dairy Foods	Ms Forsyth
13	27/04/17	Submission on behalf of Australian Lamb Company	Ms Kilpatrick
14	27/04/17	Colac Abattoir and Food Production Plant Development Plan (18/04/16)	Ms Kilpatrick
15	27/04/17	Submission on behalf of Irrewarra Sourdough Bakery (J and B Calvert)	Ms Sincock
16	27/04/17	Irrewarra Sourdough Bakery Planning Permit Plans (A3) x3	Ms Sincock
17	27/04/17	Otway Harvest Trail brochure	Ms Sincock
18	27/04/17	Submission on behalf of AKD Softwoods	Mr Vicary
19	27/04/17	Council Right of Reply	Mr O'Keefe
20	27/04/17	Colac Housing Needs Assessment, May 2016	Mr O'Keefe
21	27/04/17	Colac Residential Housing Land Supply Assessment	Mr O'Keefe
22	27/04/17	Updated version of Council Part B Submission	Mr O'Keefe
23	27/04/17	Colac Framework Plan showing changes resulting from Amendment C78	Mr O'Keefe

Appendix C Panel recommended Clause 21.03

21.03 SETTLEMENT

19/02/2015

21.03-1 General

11/09/20
1.4

Overview

- Colac is the major regional centre in the Shire for residential, service and manufacturing industry, retail, office services, recreation and education facilities.
- Apollo Bay is the major coastal urban centre in the Shire. It is experiencing high rates of development for both permanent and short-term (tourist) accommodation. It also provides a range of entertainment and recreational related facilities, including swimming, fishing, golf, cafes and restaurants.
- Colac and the coastal townships are experiencing increased rates of development.
- The management of residential, tourism and infrastructure development pressures is required, particularly in coastal areas.
- The development of the major towns in the Shire should take place in accordance with the recently completed Structure Plans for Colac and Apollo Bay.
- Smaller coastal settlements occur at Kennett River, Marengo, Separation Creek, Skenes Creek and Wye River, where development is expected to occur within current settlement boundaries due to various environmental constraints to growth.
- Other townships are located at Alvie, Barwon Downs, Beeac, Beech Forest, Birregurra, Carlisle River, Coragulac, Cororooke, Cressy, Forrest, Gellibrand, Lavers Hill, Pirron Yallock, Swan Marsh and Warrion.
- The future development of other townships in the Shire should proceed in a manner that contributes to the economic development of these townships, acknowledges and responds to environmental constraints and protects the broader landscapes within which these townships are located.
- Effluent disposal is a major problem in the smaller settlements, particularly in the peak periods with high tourist numbers.
- Rural residential living provides a desirable lifestyle for a number of residents and if appropriately located can reduce land use conflict in farming areas and contribute toward the economic development of small townships.
- The Rural Living Strategy 2011 has identified and designated suitable locations for rural living areas which do not take up high quality agricultural land and where an adequate level of services can be provided.
- The Rural Living Strategy highlights the role of small townships in accessing rural living land.
- A number of settlements have been identified with potentially suitable locations for additional rural living and township development subject to further investigation including Beech Forest, Gellibrand, Forrest, Alvie, Cororooke and Beeac.
- A number of de facto rural living areas have developed over a number of years on old subdivisions within the localities of Barongarook – Bushby’s Road, Barongarook – Robinson Road, Barongarook – Everett Crescent, Barramunga, Bungador, Cororooke – Langdons Lane, Grey River, Irrewarra – Pyles Road, Johanna, Kawarren, Marengo – Alice Court, Petticoat Creek, Warncoort and Weeaprounah.
- A number of largely undeveloped, old and inappropriate subdivisions unsuitable for development are found within the Shire abutting the township boundaries of Cressy and Pirron Yallock and in the localities of Gerangamete and Irrewillipe – Swan Marsh-Irrewillipe Road.

- There is a need to encourage excellence in the design of new development, including the layout of subdivisions and the recognition of cultural heritage.
- New urban development should be supported by the provision of or upgrade of public open space to meet the needs of the community it is to serve.

Objectives

- To facilitate the development of the various settlements in the Shire in accordance with the needs of each local community.
- To facilitate a range of developments in an environmentally sensitive way to provide greater residential choice.
- To direct rural residential and small town development to preferred locations.
- To provide limited opportunities for rural living development where these do not detract from the key environmental qualities of the region and do not cause land use conflict in farming areas.
- To minimise ad hoc development of unserviced old and inappropriate subdivision in the Farming Zone.
- To provide for and improve public open space to meet the needs of the community.

Strategies

- Ensure that there is sufficient fully serviced residential land to meet the needs of the existing and future population.
- Encourage future residential development into existing zoned and serviced areas to avoid an oversupply of residential zoned land and to make the most effective use of infrastructure services.
- Provide opportunities for the provision of a wide range of housing choices for residents, short-term holiday residents and tourists.
- Development within rural living areas should be contained within the existing Rural Living Zone land and further subdivision, other than in Elliminyt, should be discouraged.
- Restructure existing lots in old and inappropriate subdivisions in Cressy, Gerangamete, Pirron Yallock and Irrewillipe in order to minimise development, retain the land in agriculture, prevent further servicing problems and avoid ad hoc development outside designated settlement boundaries.
- Ensure that development incorporates Environmentally Sustainable Development (ESD) practises.
- Promote a pattern of settlements in the coastal strip that balances between opportunity for growth and retention of environmental and cultural qualities.
- Restrict the expansion of other coastal settlements in accordance with environmental constraints.
- Ensure that development of the Colac and Apollo Bay airfields is not prejudiced by encroaching urban development.
- Ensure the provision of public open space meets the needs of the communities it is to serve by improving access, facilities and presentation.

21.03-2 Colac

Overview

Colac Structure Plan, 2007

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:

- A township boundary to clearly identify the extent of future development and enable the protection of valuable farming land that surrounds the township.
- Consolidation around the town centre and activity nodes taking into account heritage constraints.
- Provision of a secondary commercial node to cater for the growing area of Elliminyt.
- Retention and enhancement of Colac's heritage assets.
- Protection of Lake Colac from inappropriate industrial development.
- Provision of an adequate supply of industrial land consolidated in east Colac.
- An increase in the amount of public open space (both linear and non-linear) and development of policy direction supporting future open space provision for residential development.
- Better integration between Colac and Lake Colac through design features and foreshore development.
- Increased opportunity for recreational linkages between key activity areas including Lake Colac.
- Urban design improvements for the enhancement of the Colac Town Centre and main street.
- Improved traffic management in Colac.
- Strategies to create a precinct to focus community learning through a multi-purpose education, recreation and community precinct.
- There is a need to identify a heavy vehicle by-pass of the Murray Street retail centre.

Colac CBD and Entrances Project, 2012

The Colac CBD and Entrances Project (2012) outlines proposals for the enhancement of Colac's CBD and its eastern and western entrances which focus on the design of buildings and spaces.

The Plan's key recommendations are to:

- Develop Colac as a 'Botanic Garden City' with thematic tree planting throughout the CBD, linking the Botanic Gardens, Beechy Precinct and Barongarook Creek corridor.
- Improve the eastern entrance to the CBD with enhanced landscaping and views to heritage buildings, widened pedestrian pathways over the Barongarook Creek bridge and improved visibility to the Visitor Information Centre.
- Enhance priority streetscapes: Improve Murray Street West's streetscape with tree planting and other works, continuing the design theme of the central part of Murray Street. Improve Bromfield Street's streetscape with new tree planting, improved pedestrian access, bicycle lanes and the redevelopment of underused land at the rear of Murray Street shops with improved pedestrian links through to Murray Street. Upgrade Memorial Square's western edge with refurbished amenities and a shared space where pedestrians have priority which could ultimately be extended around the park and south along Gellibrand Street to the Station. Improve Murray Street East's streetscape with road side tree planting, upgraded footpath pavement, pedestrian crossings and street furniture, and infill planting where gaps exist.
- Improve the outer approaches to Colac with new landscaping, framing views to the Lake and emphasis on reducing the visual clutter of advertising signage.
- Improve the laneway network.
- Provide new and improved bicycle lanes.
- Apply built form guidelines to the CBD with emphasis on the inner retail areas to maintain the 'fine grain' character of these areas and to ensure a high quality of new architecture and the protection of heritage buildings.

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

Colac Township: Economic Development, Commercial and Industrial Land Use Strategy (February 2016) provides guidance on the future economic development opportunities in Colac, and a framework for the future planning of commercial and industrial land in the town.

The Strategy's key directions seek to:

- Retain and further develop existing businesses that meet existing and new market opportunities in retail, commerce and industry.
- Attract new investment to Colac with a focus on developing new and sustainable businesses and local jobs.
- Attract a skilled and experienced labour force to Colac by promoting the town as a desirable place to live where career opportunities can be pursued.
- Provide training and skills development opportunities for the local labour force.
- Improve the performance of retail and commercial activities in the Colac town centre in terms of improved levels of service, output and employment.
- Build on the competitive advantages of Colac as a place to invest and do business in the retail and commercial sectors.
- Recognise the important role played by existing businesses located in industrial areas in Colac.
- Investigate and promote opportunities for longer-term industrial land development and the attraction of new industries, their investments and jobs.
- Assist local businesses in meeting challenges and opportunities, including developing new markets and addressing new competition.

Objectives

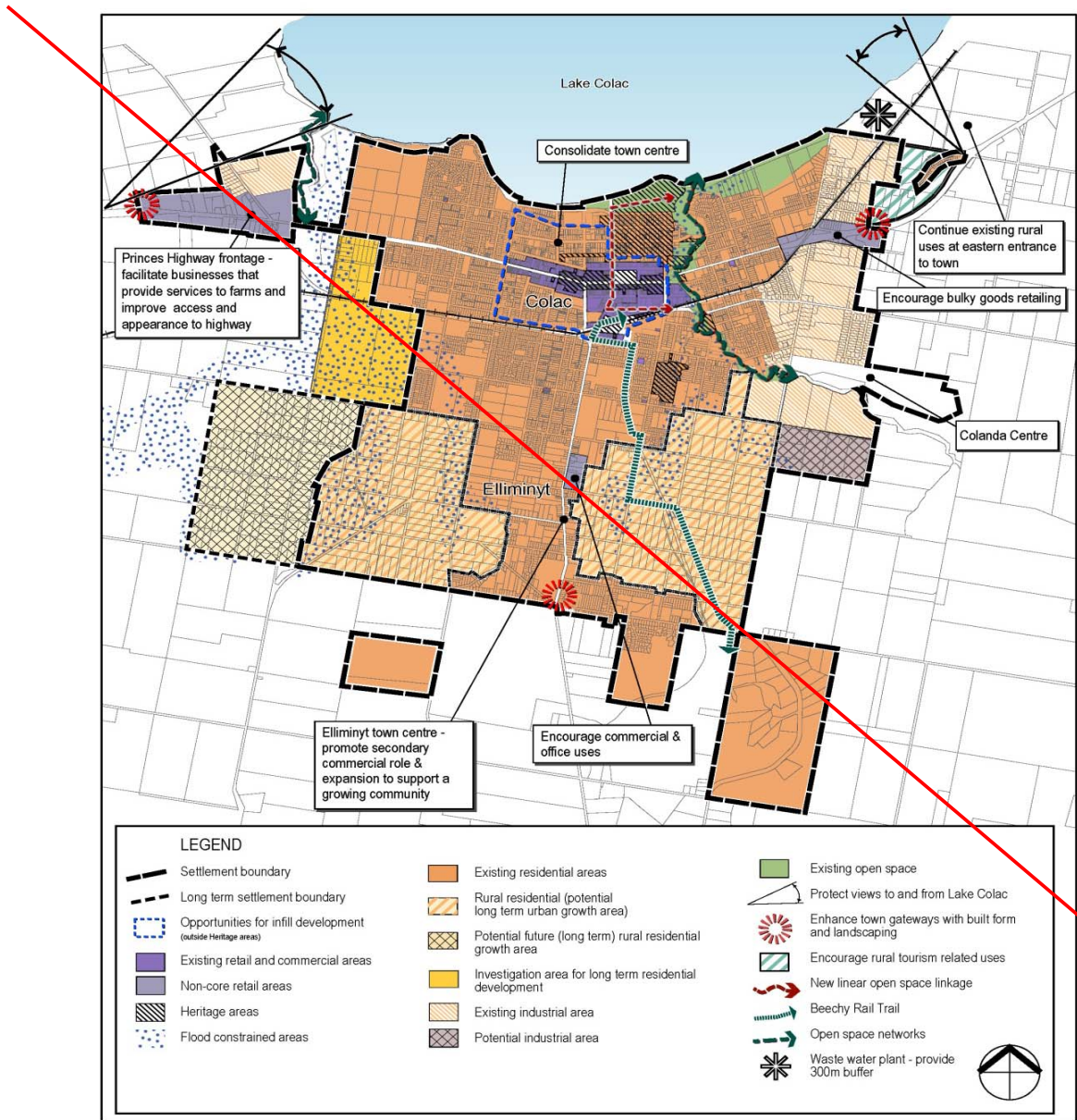
- To manage the growth of Colac consistent with its role as the major urban centre of the Shire.
- To enhance the built and natural environment of Colac.
- To develop a unifying design theme for Colac – 'Colac Botanic Garden City' – as a memorable and identifying feature of the town.
- To create landscape links between the main activity areas of the CBD and its principal open spaces.
- To improve the amenity and appearance of Colac's main pedestrian streets and town entrances.
- To create a pedestrian-focussed, accessible and well-connected public realm, particularly for those with limited mobility.
- To promote sustainable methods of transport, supporting walking and cycling as viable alternatives to car travel.
- To manage the road network to optimise its safety, efficiency and amenity for all road users.
- To improve the economic performance of the existing commercial and retail areas in Colac.
- To recognise the important economic contribution of existing industries to Colac and the region, and protect these industries from the encroachment of sensitive uses.
- To improve the amenity and appearance of industry from public viewing areas.
- To ensure that an adequate supply of large allotments (greater than 5ha) are available for industrial development to encourage investment and meet the future needs of industry.
- To encourage investment and foster economic development opportunities in Colac and surrounds.

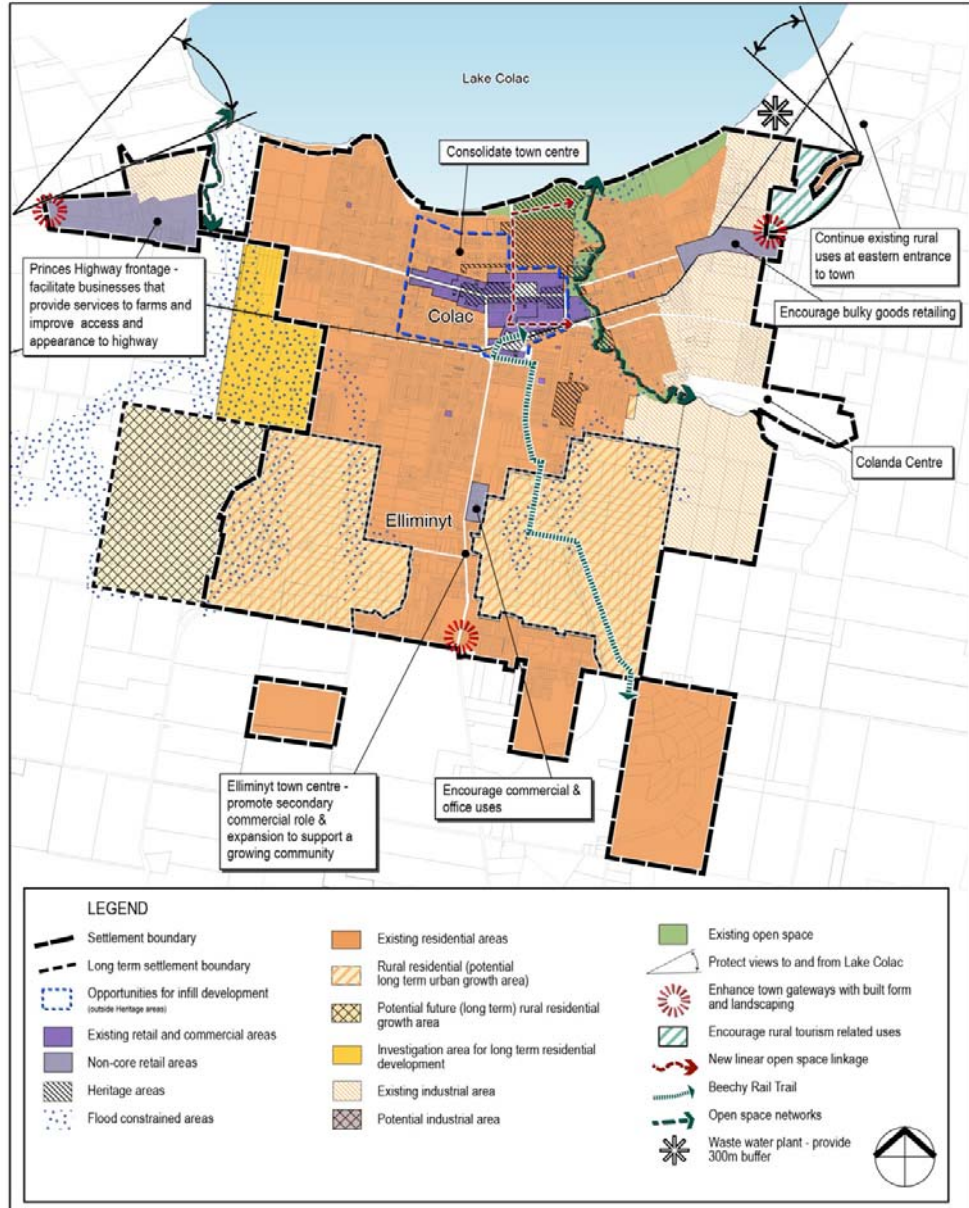
Strategies

- Ensure that the development of Colac occurs generally in accordance with the strategic directions outlined in the Colac Framework Plan and the Colac CBD Framework Plan attached to this Clause.
- Encourage medium density development in the existing Colac town centre and ensure that infill housing proposals demonstrate that they are designed in a manner that is compatible and appropriate for the prevailing character and heritage values of the precinct.
- Create additional residential opportunities close to the Colac town centre.
- Provide adequate car parking to cater for commercial development consistent with the Colac Commercial Centre Parking Precinct Plan 2011, recognising that opportunity exists to take advantage of underutilised street parking and shared off street parking.
- Ensure new development in the hospital precinct of the CBD provides on site parking to meet projected demand and does not contribute further to on street parking pressures.
- Retain heritage places and areas as significant components of Colac's character and attractiveness and encourage their adaptive re-use and restoration including by supporting innovative uses that attract visitors and customers into disused retail areas.
- Maintain the primacy of the CBD as the regional centre serving the Colac Otway Shire and beyond by ensuring that those retail and commercial land uses that are essential to a 'town centre' role are located in the CBD.
- Encourage office accommodation in Colac's commercial areas for small to mid-sized businesses that provide services to the surrounding region.
- Encourage other forms of development in the CBD that contribute to its role as a regional centre including visitor accommodation and community, entertainment and cultural facilities.
- Manage the shift in retail focus between Murray Street and Bromfield Street by supporting the development of a permeable network of active pedestrian thoroughfares in the form of laneways and arcades that link these precincts.
- Encourage bulky goods retailing and restricted retailing to locate in the Commercial 2 Zone land in Colac West.
- Designate areas of rural land between Elliminyt and Colac (east and west of Colac - Lavers Hill Road) as rural lifestyle opportunities.
- Support an increase in the amount of usable public open space (both linear and non-linear) to support recreational land uses and linkages between activities.
- Discourage any additional or new industrial development adjacent to Lake Colac on land which is not zoned industrial.
- Encourage the relocation of existing 'inappropriate' industrial uses out of the town centre.
- ~~Identify~~ Encourage new industrial opportunities in Colac's Eastern industrial areas ~~which provide areas suited for~~ to a diverse range of light to general industrial activities.
- Ensure that new industrial development is well designed and will enhance the amenity and visual appearance of industrial areas.
- Discourage the subdivision of residential land within any relevant EPA threshold distance of Australian Lamb Company such as noted in EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013) to minimise future amenity conflict issues.
- Manage the balance between industry needs and residential amenity through the use of master planning processes, developments plans and Special Use Zones.
- Investigate the opportunities and viability for the development of an intermodal freight facility for transport and logistics purposes in the Colac region Irrewarra, west of of AKD Softwoods.
- Discourage further subdivision of land below 5ha in Colac's eastern industrial areas to ensure sufficient supply of land for large scale industrial development.

- Improve the appearance of existing industrial development in Colac to provide more attractive and inviting entrances to the town.
- Designate land in Elliminyt for a community / commercial node.
- Provide for commercial type uses on Colac-Lavers Hill Road.
- Provide opportunities for expansion of the east Colac Highway Commercial area.
- Ensure major retail and commercial developments locate within the Colac CBD (Commercial 1 Zoned land only) rather than outside the town centre
- Minimise the impact of the Colac Water Reclamation Plant on development on nearby land.
- Ensure that future use and development of the Colac Water Reclamation Plant is not detrimentally affected by allowing inconsistent and potentially conflicting development to occur within its buffer area.
- Create a multi-purpose education, recreation and community precinct to focus community learning.
- Investigate options for a heavy vehicle by-pass of the Murray Street retail centre.
- Encourage redevelopment of underused or vacant sites (e.g. surface car parks, vacant land at the rear of buildings, upper levels of single storey buildings) in the CBD.
- Encourage the upgrading of shopfronts and building facades in the CBD, particularly on Murray Street and around Memorial Square.
- Support innovative uses that attract visitors and customers in disused areas in the Colac CBD.
- Encourage the removal of excessive roof top, above verandah and free standing signs, and other visually dominant signs, as sites are redeveloped.
- Develop a permeable network of active laneways and arcades in the CBD, including improved pedestrian thoroughfares between Murray and Bromfield Streets.
- Encourage and facilitate a high quality of architecture within the CBD through the implementation of building design guidelines.
- Encourage new development to provide an active frontage to the streetscapes and car parks, including the provision of active frontages to Bromfield Street for buildings fronting Murray Street.
- Encourage the reinstatement of verandahs on older buildings and encourage verandahs on new buildings for weather protection.
- Encourage planting on properties along the eastern and western entrances to Colac, particularly where it has potential to screen industrial activities.
- Undertake and implement a strategy for the co-ordination and design of all signage along the eastern and western entrance corridors to Colac.
- Encourage new development within the CBD to incorporate Environmentally Sustainable Design (ESD) initiatives.
- Maintain the 'fine grain' character of inner retail areas.
- Explore the potential of developing a neighbourhood park on the Irrewillipe Road Basin Reserve.
- Improve and enhance the pathways along Barongarook Creek.
- Improve and expand organised sports facilities at the Golf Club/Turf Club site.
- Investigate opportunities for open space at the former High School site.

Colac Framework Plan





NOTE – CLAUSES 21.03-3 TO 21.03-9 NO CHANGE AND NOT INCLUDED IN THIS APPENDIX

Appendix D Panel recommended Clause 21.05

Panel Version of Documents

[Tracked Added](#)

~~Tracked Deleted~~

21.05 ECONOMIC DEVELOPMENT

13/08/201

21.05-1 Agriculture

18/07/201
3

Overview

Agriculture is a key economic contributor to the Colac Otway Shire with the dairy and beef industries the most significant in terms of land use and economic contribution to the Shire. The protection of agricultural industries is critical to the economic and social wellbeing of the Shire. Dairy farms account for 65% of the total contribution made by agriculture to the Colac Otway economy and, along with other forms of broadacre agriculture, will require access to affordable land for future growth and expansion.

The Colac Otway Shire has three distinct geographical areas that offer different agricultural land use opportunities. The Rural Land Strategy (2007) identified the north-western part of the Shire as an area of “Farmland of Strategic Significance” having ‘high’ agricultural capability due to soil type, climatic conditions and larger land parcels. The primary agricultural land use of this area is dairying, while the north-eastern part of the Shire is identified as having ‘medium’ agricultural capability with the primary land use for production of beef. The southern part of the Shire includes the Otway Ranges and is generally characterised by rolling hills and heavily vegetated forests with pockets of cleared farmland. Along the coastal fringe of the shire, there is a mix of mainly medium and low agricultural capability land interspersed with areas of medium and high agricultural capability. This land predominantly consists of grazing based farming systems due to contours and climactic conditions. The Rural Land Strategy has acknowledged that to maintain viability, many farms will have to increase in size or look to more intensive, alternative enterprises. However, there are evident land use trends which pose significant threats to the consolidation and expansion of farm holdings.

The protection of agricultural land and the strategic provision of land designated for rural living development in appropriately serviced areas was identified as a key issue in the Rural Living Strategy (2011). It is anticipated that the need to protect arable land within the Shire will intensify as the Shire’s significant landscapes continue to attract those seeking a rural/coastal lifestyle, and farmers seeking to relocate and/or diversify their business, and as farming land in other areas of the State becomes increasingly vulnerable to harsher climactic conditions.

Future land use planning should prevent these trends from prevailing and enable opportunities for expansion of the medium to large farms, which is of greater net community benefit.

The following key land use trends and issues were identified in the Rural Land Strategy:

- Farm consolidation and expansion is evident and is considered fundamental to the long term protection of the agricultural base of the Shire.
- Future rural land use in the Colac Otway Shire is likely to comprise a few large farms, some medium family farms and an increasing number of small or part-time farms.
- There has been an increase in demand for rural lifestyle properties.
- There has been an increase in demand for tourism based activities in rural areas.
- The diversity of land uses resulting from change in rural land use may bring conflict between agriculture and other land uses.
- Proliferation of dwellings for lifestyle / hobby farm purposes in the Farming Zone will compromise the long term viability of farming in Colac Otway Shire.

- Proliferation of tourism-based activities in the Farming Zone will compromise the long-term viability of farming in Colac Otway Shire unless they are appropriately located.
- The clear evidence of farm amalgamations and the need to increase farm sizes to remain economically viable indicates that policy and provisions relating to dwellings and small lot subdivisions in rural areas will require a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.
- Approval of a dwelling or a small lot subdivision accompanied by a legal agreement prohibiting further subdivision and a further dwelling being erected on the vacant parcel can ensure the value of the remainder of the land will not be distorted by the presence of a house, but will be priced to reflect that the land has no further potential for a house. Given that the remainder of the land will have no housing potential, this may be the incentive for the land to be retained and consolidated in agricultural use.

Objectives

- To facilitate the growth of key primary industries and a range of developments to add to the economic base of the Shire.
- To maintain the viability of large-scale agriculture and the retention of areas of farmland of strategic significance and other high quality agricultural land for agricultural use.
- To protect rural land for agricultural production and timber harvesting activities.
- To limit the further fragmentation of rural land by subdivision.
- To encourage the consolidation of rural land.
- To protect the rural and agricultural areas of the Shire from the proliferation of dwellings not associated with agriculture.
- To ensure that lots resulting from subdivision are of a sufficient size to be of benefit to agricultural production or environmental protection.
- To ensure that the development of dwellings on rural land does not prejudice existing agricultural production or forestry activities on surrounding land.
- To discourage the development of dwellings that has a detrimental impact in areas of high landscape value and significant environmental quality.
- To ensure that incompatible land uses (including dwellings) do not negatively impact on the ability to farm.

Strategies

Dwellings

- Discourage the development of dwellings on lots that do not meet the minimum lot area of the zone or relevant schedule unless it can be demonstrated that the dwelling is required to carry out an intensive agricultural activity on the land or is required to achieve the environmental protection of the land.
- Development of the land for a dwelling should avoid or minimise the removal of native vegetation and be sited and designed to reduce visual prominence within the landscape.
- Development of the land should not lead to a localised concentration of dwellings so as to change the established land uses and/or character of the rural locality.
- Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon any of the following:
 - Any existing agricultural production or timber harvesting activities on surrounding land.
 - The environmental characteristics of the land including vegetation, natural systems and water quality.
 - The rural character and landscape values of the area, including visual and environmental impact.

Subdivisions

- Discourage the subdivision of rural land that creates small lots for existing dwellings or vacant lots for the purposes of a dwelling.
- Discourage the realignment of boundaries which create small lots for existing dwellings unless the re-subdivision contributes to the restructure and/or consolidation of agricultural holdings into larger farming units.
- Encourage the consolidation and restructure of agricultural land into larger parcels that meet the subdivision minimum under the zone or schedule to the zone.
- Ensure that small lot subdivisions or excisions facilitate sustainable rural production and do not prejudice surrounding rural activities.
- Discourage boundary realignments (re-subdivision) if they rely on land which was previously a road reserve, utility lot, crown land or are of insufficient size to support a dwelling.

Land Management

- Support development which will provide economic and social benefits while not adversely affecting farmland of strategic significance, water catchments, timber production and environmental and landscape attributes.
- Ensure that existing dairying and other agricultural producers are protected from encroachment by conflicting development such as hobby farms.
- Apply a strict interpretation of the Farming Zone provisions to ensure incompatible land uses (including dwellings) do not negatively impact on the ability to farm.
- Protect farmland of strategic significance and other high quality agricultural land for sustainable agriculture use and development.
- Protect the environmental significance of key sites while allowing limited diversification into new agricultural uses.
- Encourage tourist related development in association with agricultural enterprises in appropriate locations where development does not compromise use of land for agriculture.
- Encourage land management practices that are sustainable and protect the environment.
- Provide for innovative agricultural activities that do not detract from the long-term sustainability of large-scale agriculture.
- Introduce the Rural Activity Zone to selected areas, which better provide for uses and development that are compatible with agriculture and the environmental and landscape characteristics of the area with a focus on areas with moderate to low agricultural capability and in close proximity to the coast or within the Otway Ranges to provide for tourism.

Specific Implementation

Policy guidance

An application for a dwelling or subdivision must include, as appropriate:

- A site analysis outlining notable features of the site and surrounding area including topography, vegetation, existing buildings and works, roads (made and unmade), utility services, easements, soil type and other relevant features.
- A Whole Farm Plan and/or Business Plan with any application to use and develop a lot for a dwelling in association with an agricultural activity, including a written report that provides justification for the dwelling on the basis of the agricultural use of the land.
- A Land Management or Environmental Management Plan with any application to use and develop a lot for a dwelling in association with the environmental protection of the land, including a written report that provides justification for the dwelling on the basis of the environmental protection of the land.
- A detailed set of plans, drawn to scale, showing all of the following:
 - Subdivision layout and/or site layout, as applicable;
 - Floor plans and elevations for dwellings;

- External building and materials and colours; and
- Location of wastewater system and effluent fields.

Proposals for a dwelling or small lot subdivision (including a house lot excision and boundary re-alignment) must be assessed against the following criteria:

- Any small lot containing the dwelling and associated infrastructure should be at least 0.4ha and no more than 2ha in area;
- An adequate distance around the existing dwelling to lot boundaries should be provided to limit likely impacts (if any) of adjacent agricultural activity.

Decision Guidelines

When deciding on applications for a dwelling or small lot subdivision (including a house, lot excision and boundary re-alignment) consider, as appropriate:

- Whether it has been adequately demonstrated that the dwelling is genuinely required to carry out a long-term agricultural activity on the land and whether a dwelling is reasonably required on the land having regard to the size of the lot, intensity and ongoing nature of the proposed agricultural activity.
- Whether it has been adequately demonstrated that the dwelling is necessary to improve, or provide for, the ongoing protection of the environmental qualities of the land.
- Whether the commercial agricultural activities of the existing farm are compromised by a reduction in the size of the existing farm, which may include a tenement or multi-lot holding.
- Whether the dwelling requires the removal of vegetation or is intrusive on the landscape.
- Whether there is a need for planting of vegetation and construction of fences within the excised lot to reduce any potential impacts.
- Whether the proposal will lead to a concentration of lots that would change the general use and character of the rural area.
- Whether an adequate distance is maintained from dwellings to limit impacts on agricultural and forestry activities, including the setbacks required under the zone.
- Whether there is the need for any approval to be conditional upon the applicant entering into an agreement under Section 173 of the Act to prevent the further subdivision of the land and the construction of a dwelling on any lot created other than in accordance with the minimum lot size in the zone.
- Whether the proposal reduces the number of existing titles (having the effect of reducing future opportunities for applications for dwellings) and increases the size of remaining lots to reflect the minimum subdivision requirement of the zone or schedule to the zone.
- Whether there is the need for an agreement under section 173 of the Act acknowledging the possible off-site impacts of adjoining or nearby agricultural activities.

Rezoning guidance

- Support the Rural Activity Zone on land in close proximity to the coast or within the Otway Ranges to provide for tourism use on land with moderate to low agricultural capability and provided the use and development are compatible with agricultural, environmental and landscape characteristics of the area.

21.05-2 Timber Production

Overview

18/07/201
3

Despite the cessation of timber harvesting from Crown land in the Otways the forestry industry, overall, contributes significantly to the local and regional economy and is a significant employer.

Council prepared and adopted a “Rural Land Strategy” (2007) which identified the value of the forestry industry at approximately \$156 million (\$82 million from gross value of production and \$74 million from timber processing) to the economy in 2001/2002 and employed 392 people directly in forestry production and 315 people in timber processing.

These plantations are located mainly in the southern part of the Shire with higher rainfall. Jobs associated with management, harvesting and processing of the forestry resource are predominantly located in Colac.

Timber processing plants in and around Colac employ over 380 people in kiln drying, preservation treatment and a range of sawmilling processes, while smaller more specialised mills occur in smaller settlements such as Birregurra. Some key issues identified include:

- Timber production and processing is a significant contributor to the economy of the Colac Otway Shire.
- AKD Softwoods is a major employer in Colac and continues to expand operations and investment in plant and machinery. They follow a national trend towards increased capital intensity as firms increasingly compete with sawmilling firms in other countries. As a major employer, it is important that land use planning supports the ongoing investment and development of their operations.
- The proclamation of the Great Otway National Park will result in reduced harvesting of native timber and a significant impact on local processors and employment is forecast.
- Timber plantation expansion through lease arrangements can provide an alternative source of farm income, which for small farms on lower agricultural capability land, may ensure that the farm continues to be used for primary production.
- The expansion in the establishment of plantation forestry on private land has caused concern within the broader community relating to:
 - Loss of farming families from local communities;
 - Decline in rural services with reduced population;
 - Loss of “prime” agricultural land;
 - Perceived conflicts between land uses; and
 - Water yields in water supply catchments.
- A significant expansion in the area of timber plantations on farmland of strategic significance could be of concern due to the impacts of higher land prices on farm viability and reduction of area of land available for food production.
- Barwon Water and Wannon Water have both advised that their preference is to limit timber plantations in declared water supply catchments to protect water quality and water yields. Applying a planning permit trigger will enable an assessment of applications against issues such as water quality and yield and the cumulative impact of plantations in water supply catchments to be considered by the relevant water corporation and potentially provide for planning permit conditions above and beyond the requirements of the Code of Forest Practice.
- A Land Use Determination for the Gellibrand River notes the importance of consideration of plantation forestry on sub catchment hydrology.
- The Great Ocean Road Region Landscape Assessment Study identifies the potential for timber plantations to have a negative impact on the nationally significant Great Ocean Road Region landscape. Landscape is an issue that is not addressed to a significant degree by the Code of Forest Practice.

Objectives

- To ensure that timber plantations are located in areas best suited in terms of environmental, social, economic and land capability impacts.
- To have regard to adjoining land uses when considering applications for timber production.
- To minimise the visual impact of clear felling of plantation trees adjacent to main road corridors and tourist routes which leave large and often highly visible areas of the landscape scarred, detracting from the landscape character of the Region.
- To facilitate the retention and growth of AKD Softwoods ~~and by tailoring land use provisions to~~ ensure the compatibility between the industrial needs of the company and neighbouring land uses.

Strategies

- Continue to encourage the forestry industry within the Shire due to its significant contribution to the Shire economy and employment.
- Ensure that timber production does not negatively impact on the viability of traditional agricultural activities in areas identified as being 'farmland of strategic significance', also taking into consideration the cumulative impact of timber production on traditional agricultural activities in these areas.
- Ensure that timber production does not negatively impact upon water quality and water yield in Declared Water Supply Catchments, also taking into account the cumulative impact of timber production on water quality and yield in these areas.
- Utilise vegetation buffers of appropriate width (minimum 20 metres) to screen the clear felling of large areas of the landscape that are adjacent to and visible from main road corridors and tourist routes. It may be appropriate to harvest buffers when the clear felled areas of the landscape protected by the buffer have regrown adequately.
- Discourage timber plantations in the Rural Conservation Zone on land identified for its scenic and landscape qualities in the Great Ocean Road region.
- ~~Implement targeted planning provisions for~~ [Ensure the future growth of](#) AKD Softwood operations ~~which facilitate their growth and appropriately manages~~ [appropriately manage](#) environmental and amenity impacts.

21.05-3 Industry

18/07/2013

Proposed
CR6

Overview

- There are approximately 60 major manufacturing industries in the Shire and they are closely linked to the agricultural and forestry resource base of the region. Manufactured products include powdered milk, cheese and ice-cream, packaged meat, sawn timber and timber by-products. The Shire also sustains a large number of highly competitive, small industry-service firms.
- Approximately 25% of the Shire's labour force is employed in the manufacturing, construction and transport sectors, and despite the decline in the broader manufacturing sector throughout Victoria, manufacturing has experienced employment growth in the Shire between 2006 and 2011.
- The meat processing and saleyard facilities in Colac employ over 200 people processing cattle, sheep and pigs. These major producers are supplemented by a range of smaller employers of businesses serving the primary producers and the transport industries.
- Australian Lamb Company (ALC), and Bulla Dairy Foods and AKD are major employers in Colac with significant land holdings and capital investment, and make an important contribution to the local and regional economy.
- Although the harbour at Apollo Bay is small by Victorian standards it does provide a sheltered haven for fishing boats and there has been an increase in the catch of shellfish such as crayfish and abalone. The harbour's importance to recreational boating adds a further feature to the attractiveness of Apollo Bay for longer stay visitors.

Objectives

- To develop synergies between existing industries, businesses and the education sector to facilitate developments that will help diversify the employment base of the region.
- To support the development of industries that introduce diversity to the economy and contribute to value adding industries.
- To facilitate the retention and growth of Bulla Dairy Foods and the Australian Lamb Company by tailoring land use provisions to ensure compatibility between the industrial needs of the companies and neighbouring land uses.

Strategies

- Promote Colac as a location for industry.
- Assist industries within the main urban area of Colac to develop while minimising off-site effects.
- Facilitate the diversification and expansion of employment opportunities by encouraging the clustering of related industries and services and the development of niche markets.
- Encourage the establishment of industries and businesses that seek to add value to existing primary producers of the region.
- Implement targeted planning provisions for Bulla Dairy Food and Australian Lamb Company's operations which facilitates their growth and appropriately manages environmental and amenity impacts.

21.05-4

Tourism

13/08/2015

Proposed
C86

Overview

- The tourism industry is a very important contributor to employment in the Shire and has demonstrated consistent growth over the past two decades.
- The Shire contains some of Victoria's most significant tourist attractions. The Great Ocean Road with internationally acclaimed beaches and cliff scenery is backed by the diverse beauties of the Otway Ranges, while in the north of the Shire, is an extremely interesting area of old volcanic plugs, craters and lakes.
- The tourist industry has an increasing emphasis on eco-tourism, cultural tourism and experiential tourism. These sectors and the Shire's close proximity to Geelong and Melbourne have consequent demands for backpacker accommodation and facilities for people interested in short-stay visits.
- The Shire is well placed to capture a large proportion of Victoria's key tourism growth market - short-stay visits and day trips. Colac is within a 2-hour drive of Melbourne and can provide the base for a well-varied day or short-stay visit.
- Visitors to Colac already make an important contribution to businesses in Colac and there is an opportunity for the economic development of Colac by encouraging visitors to extend their stay in town.
- The Colac town centre presents a number of unique attributes that would be worthy of a longer stay, including Memorial Square, proximity to the Botanical Gardens and Lake Colac, and numerous heritage buildings.
- The range of attractions in the Shire and surrounding region also provide Colac Otway the opportunity to attract longer stay and out-of season tourists, market segments which contribute more to the economy.
- While tourism activity is seasonal, there are opportunities to add variety to the Shire's attractions that would encourage the development of more all-year round activities.
- The increase in tourism has the potential to create conflicts through environmental damage, pressure on attractive and sensitive areas for development to meet accommodation demands and potential dangers to residents and visitors in areas sensitive to landslip and bushfires.
- Protecting those resources and assets on which tourism depends is vitally important. They include the natural environmental and cultural features, heritage, infrastructure, settlements and townscape design and presentation.
- There is potential for further development in the Johanna area for low intensity tourism activity based on its outstanding natural attributes.
- With tourism as a major growth sector it will be necessary to recognise more closely the ways in which other industries and business can add to the tourist appreciation of the region both through improvements to the quality of the visual landscape and in the introduction of new experiences.

- The Rural Land Strategy has identified some demands for tourism and accommodation in an area to the west of Apollo Bay that has been included within the Rural Activity Zone.
- The identification of this area to the west of Apollo Bay does not aim to increase rural living opportunities, but aims to facilitate commercial, tourism or recreation development that will complement and benefit the particular agricultural pursuits, landscape features or natural attractions of the area.
- The Rural Land Strategy has also identified demand for tourism and accommodation in the Otway Ranges that is not adequately catered for in the Farming Zone.
- It is recognised that within the Rural Activity Zone there is the potential for both farm based activities on relatively cleared land, and nature based activities on partly vegetated land to occur.
- The Forrest Structure Plan has identified opportunities for expanded tourism accommodation, cafes, eateries and rural produce and recreation-based commercial enterprises along Grant Street.
- The Forrest Structure Plan has also identified an area at the northern entrance to the Forrest Township suitable for rural and eco-tourism enterprises.
- The redevelopment of the Apollo Bay Harbour will be based on a Development Plan that will enhance the tourism appeal of the area and provide another attraction that will encourage longer stays along the coast.

Objectives

- To encourage growth in tourism in a way that assists diversification in the economy and ensures the protection of key environmental features.
- To encourage investment in tourism that has close linkages with local industries and the environment.
- To protect key visual and environmental features which are of major significance and contribute to the tourism assets of the Shire.
- To provide a range of accommodation and related activities which encourages tourist visitation.
- To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.
- To provide for a preferred mix of uses in the Otway Ranges.
- To encourage economic development in towns in the Otway Ranges through tourism uses and development which acknowledge and respond to environmental constraints and protect landscape values.

Strategies

- Encourage the development of activities such as eco-tourism, which can demonstrate sensitivity to the environment with economic benefit to the locality.
- Encourage the development of small-scale activities, which are related to locally produced arts, crafts or products as a diversification of the economy.
- Encourage the development of tourism trails based on the cultural heritage features of the Shire, the environmental assets of the Shire and link those to wider regional trails.
- Encourage the development of agriculture based tourism industry as a means of assisting and diversifying the agricultural economy.
- Promote heritage related businesses and the private and public gardens in towns and rural properties.
- Support high quality tourist and recreation developments that clearly provide linkages to other regional features such as the coast, the natural environment, the built and cultural heritage and specific local experiences.

- Protect and enhance those natural, physical and amenity features which contribute to providing a 'tourism experience' including the natural environment, heritage elements, landscape features and cultural activities.
- Protect the visual and amenity qualities of the Great Ocean Road and its adjoining coastal and rural landscapes.
- Consolidate larger scale tourism use and development into identified activity nodes along, or located off, the Great Ocean Road that is subservient to the landscape so as not to detract from the quality of the landscape; of high quality design and style relevant to the surrounding land uses and is capable of net gain environmental outcomes.
- Ensure tourist developments are compatible with the immediate area.
- Consider proposals for application of the Rural Activity Zone to provide for tourism facilities in the Otways on a case-by-case basis.
- Facilitate the development of a diverse range of accommodation to meet changing visitor needs.
- To encourage the establishment of equipment hire and tour groups to support tourist recreational needs within Forrest.
- Consider tourism accommodation proposals and compatible developments in Forrest along Grant Street and outside the northern boundary of the town on land in the Rural Activity Zone.
- Ensure new development in the Apollo Bay Harbour is consistent with a Development Plan to be prepared for the Harbour.
- Encourage development in Colac which facilitates visitors to extend their stay.

Specific Implementation

Policy guidance

Assess proposals for use and development in any Rural Activity Zone west of Apollo Bay or in the Otway Ranges against the following criteria:

- Use and development for equestrian supplies, helicopter land site, landscape gardening supplies, motor racing track, tavern, and other similar uses should be avoided.
- The scale of development and use should relate to the land size and surrounding uses.
- Development should be subservient to the landscape and not detract from the landscape quality.
- Development should be of high design quality and the style should respect surrounding development.
- Support compatible tourism and recreation related land uses and development within the Rural Activity Zone located on the northern approach to the Forrest Township.
- Development should provide a net environmental gain.
- Development should be self sufficient in, or meet all the relevant costs of, infrastructure provision.

Rezoning guidance

Support the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges to provide for a mix of uses including agriculture; tourist and recreational activities; group accommodation with tourist or recreational activities (including backpacker accommodations, camping and caravan park, cabins, etc); and restaurant in association with a tourist facility or recreational activity.

21.05-5 Green Energy

--/--/2016

Overview

- The region broadly surrounding Colac is becoming a focus for investment in wind farms, with nearby Mt Gellibrand (Acciona) 25km east of Colac and Berrybank Wind Farm 50km north of Colac.
- Wind farm projects create local employment during the development phase, while the associated benefits flow to local business operators in a range of sectors, including transport, trade supplies, vehicle maintenance, fuel supplies, accommodation, retail, cafes and restaurants. Colac is geographically well placed to capitalise on the associated benefits of wind farm projects.
- Colac is strategically located for the development of biofuel projects. It is situated in an agricultural area which has a significant supply of animal and agricultural waste products such as manure and stalk waste. It has locational attributes sought for by biofuel projects such as:
 - Central to agricultural production
 - Proximity to road and rail transport infrastructure
 - Social compatibility
 - Likely environmental impact
 - Availability of water.
- Subject to social and environmental investigations, opportunities exist for bio-fuels development in Colac utilising the surrounding agricultural waste products.

Objectives

- To encourage growth in green energy development in Colac Otway and technologies in Colac.

Strategies

- Encourage the development of green energy projects in Colac Otway Shire.
- Investigate the feasibility of facilitating a small employment node in Colac's industrial areas which undertakes activities associated with green industries.

21.05-6 Transport and logistics

--/--/2016

Overview

- The freight task in Victoria is substantial and the volume of freight is expected to double with significant growth in interstate freight flows along the Victoria-South Australia route. Road transport freight is currently the dominant form of logistics transport in Victoria. Rail performs best when moving large volumes of commodities over long distances. Air transport typically moves very time-sensitive, high-value commodities.
- Colac is strategically located along one of the nation's major transport routes (Princes Highway) [and the Melbourne to Warrnambool rail line](#) and is well located to provide industry-related facilities and support services.
- The nearest intermodal terminal to Colac is located at Warrnambool where freight is transferred between road and rail, and facilities such as this will have a central role to play if rail is to increase its role in the freight transport and distribution system.
- [The location of an intermodal terminal in the Colac region will have a significant economic benefit to the Colac community.](#)

- ~~Land west of the AKD Softwoods operations in Irrewarra is ideally located for an intermodal facility with access to both rail and arterial road infrastructure. The land is relatively unencumbered and sufficiently sized. Whilst the viability of such a facility may be a number of years away, it is important to maintain the opportunity for the future development of an intermodal freight terminal to service Colac.~~

Objectives

- To encourage investment in transport and logistic developments in Colac that have close linkages with local industries.
- To explore opportunities for an intermodal facility to service Colac and the region ~~in Irrewarra~~ to facilitate the shift of freight from road to rail.

Strategies

- Encourage the development of transport and logistic developments in Colac's industrial areas.
- Investigate the feasibility and spatial requirements of an intermodal facility in [the Colac region](#) ~~Irrewarra west of the AKD Softwoods operations~~.

Appendix E Panel recommended Clause 21.06

[Tracked Added](#)

~~Tracked Deleted~~

21.06 GENERAL IMPLEMENTATION

13/08/2015

Proposed C86

The objectives and strategies identified in Clause 21 will be implemented by:

Using zones, overlays, local policy and the exercise of discretion

- Applying the Low Density Residential Zone to land within Coragulac to facilitate rural residential development of land between the two areas zoned Township.
- Rezoning areas of Farming Zoned land in north-east Colac to Rural Activity Zone.
- Applying minimum setbacks to identified main roads in the schedule to the Farming Zone.
- Rezoning the Industrial 1 Zone land in West Colac to the Farming Zone.
- Rezoning the Industrial 1 Zone land north of Treatment Works and Flaxmill Roads Colac to the Farming Zone.
- Applying the Industrial 1 Zone to land east of Forest Street, ~~Colac~~ [Elliminyt](#) to provide for an adequate and diverse supply of industrial land.
- [Applying the Industrial 1 Zone to land in J Barry's Road, Elliminyt to provide for an adequate and diverse supply of industrial land.](#)
- Applying the ~~Business 3~~ [Commercial 2](#) Zone to land in Main Road Colac to recognise existing commercial uses.
- Applying the Special Use Zone (Schedule 2) to the Apollo Bay Harbour.
- [Applying the Special Use Zone \(Schedule 3\) to the Bulla Foods Murray Street site in Colac.](#)
- [Applying the Special Use Zone \(Schedule 4\) to the Australian Lamb Company site in Colac.](#)
- Applying the Rural Living Zone to an area south of Colac with a minimum lot size of 1.2ha to reflect the existing settlement and development pattern.
- Applying the Rural Living Zone to areas in Kawarren, Barongarook, Irrewarra, east of Birregurra, Cororooke, Warncoort and Forrest to reflect existing settlement and development patterns.
- Applying the Rural Activity Zone to an area of the Apollo Bay Hinterland with a 40ha minimum lot size.
- Applying the Rural Activity Zone to an area east of Colac with a minimum lot size to reflect the existing settlement pattern.
- Applying the Rural Activity Zone to land north of Forrest with a 40ha minimum lot size to support tourist development.
- Maintain the current minimum lot size provisions in the schedule to the Farming Zone for subdivision of 40ha (with 80ha in the north east).
- Maintain 40 hectares as the minimum area for which no permit is required for a dwelling in the Farming Zone (with 80ha in the north east).
- Applying the Development Plan Overlay (Schedule 2) to undeveloped land zoned Residential 1 in Colac.
- Applying the Development Plan Overlay (Schedule 3) to land proposed to be rezoned to Industrial 1 Zone east of Forest Street, Colac.
- [Applying the Development Plan Overlay \(Schedules 6\) to land proposed to be rezoned to Industrial 1 Zone at the Bulla Foods Forest Street site in Colac.](#)

- [Applying the Development Plan Overlay \(Schedules 7\) to land proposed to be rezoned to Industrial 1 Zone in J Barrys Road, Colac.](#)
- ~~Applying the Development Plan Overlay (Schedule 8) to land proposed to be rezoned to Industrial 1 Zone at the AKD sawmill in Irrewarra.~~
- Applying the Design and Development Overlay Schedule 1 to [all industrial land at the eastern entry to](#) Colac [and Irrewarra.](#)
- Applying the Design and Development Overlay Schedule 3 to highway commercial land at the western entrance to Colac.
- Applying the Design and Development Overlay Schedule 5 to land within the Apollo Bay town centre.
- Applying Design and Development Overlay Schedule 6 to land adjoining the town centre of Apollo Bay.
- Applying Design and Development Overlay Schedule 7 to all other residentially zoned land within Apollo Bay and Marengo.
- Applying the Design and Development Overlay Schedule 8 to the Colac CBD.
- Applying the Design and Development Overlay Schedule 9 to undeveloped residential land at 413-479 Murray Street, Colac.
- Modifying the boundary of Airport Environs Overlay Schedule 2.
- Applying the Significant Landscape Overlay (Schedules 1-5) as identified in the Great Ocean Road Region Landscape Assessment Study and the Apollo Bay Framework Plan.
- Applying the Environmental Significance Overlay (Schedule 6) to an area buffering the Colac Water Reclamation Plant.
- Considering applications for all areas affected by the Heritage Overlay in accordance with Clause 22.01 (Heritage Places and Areas Policy).
- Apply the Restructure Overlay to “old and inappropriate” subdivisions at areas in Cressy, Gerangamete, Irrewillipe and Pirron Yallock.
- Applying the Parking Overlay Schedule 1 to the Colac CBD.
- Applying the Parking Overlay Schedule 2 to the Apollo Bay CBD.
- Applying the Commercial 1 Zone to the commercial core of Main Street, Birregurra to encourage a consolidated town centre.
- Applying the Design and Development Overlay (Schedules 11, 12, 13, 14, 15 and 16) to land within Birregurra.
- Applying the Vegetation Protection Overlay (Schedule 3) to the Roadknight Street entryway and an area south of the Main Street in Birregurra.

Undertaking further strategic work

- Monitor the rate of infill development in Birregurra to make sure that the substantial infill development opportunities that exist are being realised.
- Undertake local bushfire assessments for the towns of Beech Forest, Forrest, Gellibrand and Lavers Hill to further clarify their development potential.
- Prepare a Master plan for Beeac. The work should include:
 - A Township Effluent Management Plan to determine capacity for infill development and future growth.
 - Evaluation of development options immediately to the east and north-west of the existing township zone.
- Prepare a Master plan for Gellibrand. The work should include:
 - A Township Effluent Management Plan to determine capacity for infill development and future growth.
 - Evaluation of development options in the vicinity of Gellibrand-Carlisle Road and along the northern approach to Gellibrand.

- Consider the appropriateness of rezoning the Low Density Residential Zoned land in Christies Road to Farming Zone through the review of the Colac Structure Plan.
- Prepare a precinct structure plan for Elliminyt.
- Prepare a precinct structure plan for the East Colac area north of the Princes Highway.
- Undertake a residential land supply analysis for all segments of the Colac market.
- ~~Monitor the rate of~~ ~~Undertake an~~ industrial land ~~supply analysis~~ ~~development~~ for Colac ~~to make sure that development opportunities that exist are being realised.~~
- Further investigate and consider the former Bruce Street landfill site for the purpose of a recreation area or other appropriate use linked to Lake Colac.
- Prepare a Development Plan for the Apollo Bay Harbour that is consistent with the provisions of Schedule 2 to the Special Use Zone.
- Prepare a structure plan for Birregurra to manage future growth in a manner responsive to environmental constraints and respectful of the unique qualities of this township. This should be prepared and implemented before the advent of sewerage to ensure development is properly controlled to ensure the preservation and enhancement of the local character and natural and built form of the town.
- Investigate the development of policy guidelines to guide development within the Birregurra township including materials, built form, height, setback and colours and the appropriateness of a Design and Development Overlay to protect its unique qualities.
- In conjunction with Barwon Region Water Corporation, assess the needs and opportunities for reticulated sewerage in Birregurra and impacts on future development.
- Update Overlays on completion of the Corangamite River Health Strategy.
- Update the Vegetation Protection and Environmental Significance Overlays to incorporate revisions to the Ecological Vegetation Class mapping.
- Update the Land Subject to Inundation Overlay and schedule to align with revised data and mapping when available from the Corangamite Catchment Management Authority.
- Revise the Erosion Management Overlay following completion of the Department of Primary Industries and Corangamite Catchment Management Authority review.
- Consider applying the Salinity Management Overlay to areas recommended by the Corangamite Catchment Management Authority.
- ~~Review~~ ~~Monitor the rate of~~ retail and office floor ~~space~~ ~~development~~ ~~needs~~ in Colac ~~to make sure that development opportunities that exist are being realised~~ ~~and review zones accordingly.~~
- Investigate potential to accommodate additional township development on 2324 and 2330 Birregurra-Forrest Road, Forrest as part of a local bushfire risk assessment.
- Prepare township plans for Alvie, Cororooke and Beeac to determine a revised settlement boundary that supports growth of the towns in accordance with the Rural Living Strategy.
- Investigate potential for expansion of Gellibrand and Beech Forrest subject to further strategic assessment having regard to bushfire risk and effluent management.
- Prepare an advertising signs policy for Colac and Apollo Bay.
- Develop a set of 'Standards for Open Space Development' that will be used to guide the provision of facilities in each open space area in line with the area's position in the open space hierarchy and nature or category.

Undertaking other actions

- Develop strategies to identify and, if possible, mitigate bushfire risk within the Forrest Township.
- Maintain close linkages with the Corangamite Catchment Management Authority, the Western Coastal Board, VicRoads, Water Corporations, the Victorian Coastal Council, the Department of Sustainability and Environment and the Department of Planning and Community Development to ensure regional consistency is developed.

- Undertake urban design improvements for the enhancement of the Colac Town Centre through implementation of the Colac CBD and Entrances Project
- Undertake enhanced recreation and pathway connections particularly around Lake Colac and in relation to the proposed Education, Recreation and Community Precinct.
- Maintain and enhance the local road network, particularly links with Colac, to support viability of Birregurra and encourage tourism.
- Undertake urban design and pedestrian infrastructure improvements for the enhancement of the Grant Street core in Forrest.
- Investigate the land use planning implications of sea level rise and storm surge associated with climate change and appropriate planning scheme responses.
- Identify and protect RAMSAR wetlands as important ecological and economic assets.
- Identify and promote activities which illustrate and are sensitive to local Koori history and culture.
- Prepare detailed designs for priority capital works projects (streetscape, parking, pedestrian and cycling projects) arising from the Colac CBD and Entrances Project Planisphere 2012.
- Developing an Urban Forest Strategy for Colac and Elliminyt to:
 - Set a vision for the long term botanic theme for planting in streets and public places;
 - Determine species selection;
 - Identify priority locations for planting (streets, public spaces and private land);
 - Review existing Tree Asset Management Plan;
 - Establish staged implementation program of tree planting;
 - Detail required maintenance regimes;
 - Establish identification and signage system for botanic collection.
- [Investigate the opportunities and viability for the future of an intermodal freight facility for transport and logistics purposes in the Colac region ~~Irewarra.~~](#)

Appendix F Panel recommended Special Use Zone Schedule 3

SCHEDULE 3 TO THE SPECIAL USE ZONE

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

BULLA DAIRY FOODS DAIRY FOOD PRODUCTION PLANT- 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 **NOTE TABLE REFORMAT FOR CONSISTENCY WITH SUZ 4**

--/--/----

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	
Rural Industry	
Minor Utility Installation	

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

--/--/----

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

--/--/----

A planning permit is required to subdivide land.

[This does not apply if the proposed subdivision is generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme.](#)

4.0 Buildings and works

--/--/----

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);~~
- A Noise Management Plan (if proposing new industrial or warehouse uses only) which is consistent with the Acoustic Report included in the Master Plan.
- 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

--/--/---- 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

--/--/----

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

--/--/----

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

--/--/----

Advertising sign requirements are at Clause 52.05. This zone is in Category 3.

Appendix G Panel recommended Special Use Zone Schedule 4

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 Table of uses

--/--/----

Section 1 - Permit not required

Use	Condition
Agriculture (other than Animal keeping, Animal training, Apiculture, Intensive animal husbandry, Rice growing and Timber production)	<p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir & Food Production Plant 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>
Minor Utility Installation	
Office	<p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir & Food Production Plant 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>
Railway	
Rural Industry	<p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir & Food Production Plant 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>
Tramway	

Warehouse	<p>Must be associated with the manufacturing, storage and distribution of meat products.</p> <p>Must be generally in accordance with the Colac Abattoir & Food Production Plant 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>
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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

- /--/----
- 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

- /--/----
- A planning permit is required to subdivide land.
- [This does not apply if the proposed subdivision is generally in accordance with a Master Plan approved as part of an Incorporated Document forming part of this Planning Scheme.](#)

4.0 Buildings and works

- /--/----
- 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 ~~eonstruction~~ [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

--/--/----

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

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

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 and the [rail corridor](#)
- 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

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.~~

Appendix H Panel recommended Design and Development Overlay Schedule 1

SCHEDULE 1 TO THE DESIGN AND DEVELOPMENT OVERLAY

27/02/2014
Proposed
C86

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

19/01/20 All lots should have a minimum area of five (5) ha.

4.0 Advertising signs

27/02/2014 Advertising controls are at Clause 52.05. Land affected by this schedule is in Category 3.

Proposed
C86

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 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:

Proposed
C86

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.
- [Location of rail corridor and railway infrastructure and any potential impact on rail operations.](#)
- [Areas for appropriate stormwater management measures](#)

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 \(2016\)](#)

Appendix I Panel recommended Development Plan Overlay Schedule 6

SCHEDULE 6 TO THE DEVELOPMENT PLAN OVERLAY

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Shown on the planning scheme map as **DPO6**

Bulla Dairy Foods - Forest Street, Colac

A development plan is required to guide the future development of the Bulla Dairy Foods – Forest Street, Colac operations.

1.0 Requirement before a permit is granted

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A planning permit may be granted before a Development Plan has been prepared for any use or buildings and works or other matter under the Planning Scheme on the land known as 91-149 Forest Street (Lot 2 LP207690) to the satisfaction of the Responsible Authority.

A planning permit may be granted before a Development Plan has been prepared for the following:

- Utility installation;
- 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
- Subdivision, boundary realignment, creation and / or removal of easements or reserves which are necessary to facilitate a transfer of land for public purposes or utility installations to the ~~satisfaction~~ [satisfaction](#) of the Responsible Authority.

Before granting a permit the Responsible Authority must be satisfied that the permit will not prejudice the future use and development of the land as contemplated by this Overlay.

2.0 Conditions and requirements for permits

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Requirements for permits

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 otherwise required for operational purposes.

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.

Application requirements

An application for a planning permit to use or develop land should be accompanied by the following, as appropriate, to the satisfaction of the Responsible Authority:

- A Town Planning Report that assesses how the planning permit application is generally in accordance with the approved Development Plan.
- A Landscape Plan, detailing existing vegetation; proposed retention and removal of vegetation; new planting / landscape works; and any fencing required within the landscape areas of the site.
- A Transport Impact Assessment Report, detailing the existing and proposed transport arrangements and impacts taking into consideration Clauses 52.06, 52.07 and 52.34 of the Planning Scheme.
- An Acoustic Report, detailing the proposed noise mitigation measures for the operational aspects of the development.

Conditions for permits

A planning permit must include a condition or conditions which ensure that any requirements or conditions set out in the approved development plan are implemented as part of the planning permit or the plans endorsed under the permit including works identified by the:

- Road Network and Transport Management Plan.
- Integrated Water Management Plan.
- Open Space and Landscape Masterplan.
- Acoustic Report.
- Construction Management Plan.

This includes conditions to require prior to the commencement of the use of the approved development the permit holder to construct the identified off-site infrastructure appropriate to the stage as identified in the aforementioned plans to satisfaction of the ~~Responsible~~ [Responsible](#) Authority.

3.0 Requirements for development plan

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A Development Plan may be prepared in stages but consider the whole land.

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

A Development Plan must include the following:

A **Site Analysis Plan** which includes:

- Title boundary dimensions of the land and total land area;
- Details of any existing buildings and works on the land;
- Any features of the land, including topography, vegetation, and watercourses;
- Details of existing interfaces with adjoining land;
- Details of the nearby land uses and built form;

- Details of the adjoining road network;
- Details of the land subject to inundation and the applicable flood level/s;
- Details of any relevant EPA threshold distances as noted in EPA Publication 1518 Recommended separation distances for industrial residual air emissions (March 2013).

A **Master Plan** which shows as appropriate:

- The general location and footprint of new land uses and buildings;
- Staff parking and loading bays to the side or rear of any buildings;
- Office components and public areas, including visitor car parking, towards a street frontage of the site;
- Footpaths from the street to the main building entrance(s);
- Separation of pedestrian and vehicle circulation;
- Separation of loading and truck parking areas from car parking areas;
- Loading and unloading areas, truck parking and outdoor goods or waste storage (including tanks) to the rear of buildings and the use of landscaping to screen them from street frontages where practicable;
- An interface treatment to the residential land to the west to protect the amenity of existing and future residents. The interface treatment must be:
 - cognisant of any findings of the Acoustic Report, Road Network and Transport Management Plan, and Lighting Report required by this Schedule and
 - cognisant of separation distances set out in EPA publication 1518 Recommended separation distances for industrial residual air emissions (March 2013), and
 - nominate any appropriate maximum building heights and / or setbacks within designated interface areas;
- Primary truck and vehicle entry and exit locations and internal circulation spaces;
- [Primary truck routes for accessing the site, avoiding the use of Fulton Street except for emergency access;](#)
- The location of any acoustic treatment zones;
- Any major items of engineering infrastructure (retarding basins etc.);
- Any spatial requirements of a Cultural Heritage Management Plan or study;
- A staging plan that identifies the stages by which the development of the land may proceed, identifying the infrastructure required to facilitate development without causing adverse impacts to the surrounding land and land upstream or downstream.

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

A **Biodiversity Assessment** which includes:

- Assessment of the existing vegetation on the land having regard to Clause 52.17 of the Colac Otway Planning Scheme;
- Recommendations regarding existing vegetation to be removed and retained.

An **Open Space and Landscape Master Plan** which includes:

- The location of any existing vegetation to be retained or removed;
- Details of the proposed landscape setback zones at the interface with the road network, adjoining properties, the Creek interface, and internal roadways;

- Fencing requirements in relation to street frontages and frontage to the Barongarook Creek;
- Details of the interface with the Barongarook Creek and indicative cross sections;
- Indicative cross-sections of the site with Fulton Street and Hearn Street;
- Details of any proposed street tree planting;
- Nomination of preferred species;
- 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;
- Reference to Colac Otway Public Open Space Strategy, October 2011.

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

- Details of the existing conditions, including vehicle access, crossover locations, and car parking;
- Details of the adjoining road network, including existing volumes of traffic;
- Identification of the car parking, loading and bicycle parking requirements set out in the Colac Otway Planning Scheme;
- Assessment of future vehicle, truck, cycle and pedestrian access locations and circulation zones within the site;
- Reference to the requirement of the Infrastructure Design Manual and associated Design Notes;
- All off-site traffic infrastructure requirements detailing both upgrades to the existing and new infrastructure required associated with the development of the land at different stages of its development to the satisfaction of the Responsible Authority.

The Road Network and Transport Management Plan is to define external road cross sections, including where relevant, verge widths, nature strips, kerb and channel, pavement widths and pathways for all identified roads within and adjoining the development, to meet the traffic needs and be capable of incorporating any drainage elements such as WSUD if needed.

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 **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.

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;
 - The Infrastructure Design Manual and associated Design Notes;
 - Colac Stormwater Development Strategy, 2016.

- Details of existing drainage infrastructure;
- Basic MUSIC modelling for evaluation of the required areas for stormwater management facilities;
- Details of the proposed options for managing flooding and stormwater which:
 - Integrates Water Sensitive Urban Design features;
 - Shows areas for treatment and retardation;
 - Includes opportunities for re-use for immediate or future implementation;
 - with technical design details to form part of future planning permit applications.

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

An **Aboriginal Cultural Heritage Report** addressing the requirements of the *Aboriginal Heritage Act 2006*, as relevant.

A **Lighting Report** which identifies:

- Nearby land uses which may be sensitive to lighting impacts;
- Requirements for external lighting of buildings, car parks and accessways;
- Relevant lighting guidelines and framework for future detailed lighting design.

A **Construction Management Plan** specifying measures proposed to ensure that construction activity has minimal impact on surrounding residential areas.

4.0 Decision guidelines

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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.

Appendix J Panel recommended Development Plan Overlay Schedule 7

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

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.

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.

2.0 Conditions and requirements for permits

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

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:

- [Access to the site from the external road network designed to minimise the amenity impact of vehicle movement on surrounding residential uses;](#)
- 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.

An Open Space and Landscape Masterplan that includes:

- A landscape street tree treatment to provide an attractive subdivision, [including the provision of canopy trees throughout the site to reduce the visual impact of industrial development when viewed from surrounding land, particularly the elevated land to the south;](#)
- The potential retention of existing trees wherever possible;
- [The inclusion of canopy trees within larger allotments;](#)
- 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;
- [The provision of a 20m deep landscaped strip along the southern and western boundary;](#)
- 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.

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.

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.

4.0

Decision Guidelines

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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.