

## **COLAC OTWAY PLANNING SCHEME**

### **SECTION 96A COMBINED AMENDMENT C92 & PLANNING PERMIT APPLICATION PP82/2016-1**

#### **EXPLANATORY REPORT**

##### **Who is the planning authority?**

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

The Amendment has been made at the request of Rod Bright & Assoc. Pty Ltd on behalf of the landowners Damian & Jenny Gatens.

##### **Land affected by the Amendment**

The Amendment applies to 120 Pound Road, Elliminyt, being part of Lot 2 PS537971S contained in Certificate of Title V/F 10928/014. The land contains two dwellings with two separate addresses – 120 Pound Road and 199 Queen Street (as shown in Figures 1 and 2).

The amendment also applies to the land known as 98 Pound Road, 100 Pound Road, 102 Pound Road, 104 Pound Road, 106 Pound Road, 108 Pound Road, 110 Pound Road, 112 Pound Road, 114 Pound Road all located within Elliminyt (as shown in Figure 3).



**Figure 1: Area affected by amendment highlighted red.**



Figure 2: Land affected by the amendment forms part of a larger title including 199 Queen Street which is proposed to be subdivided.



Figure 3 Land proposed to be included within the long term settlement boundary in the Colac Framework Plan at Clause 21.03 of the Colac Otway Planning Scheme

The Amendment is a combined planning permit application and planning scheme amendment under section 96A of the Act.

The planning permit application applies to 120 Pound Road, Elliminyt, being part of Lot 2 PS537971S contained in Certificate of Title V/F 10928/014.

### **What the amendment does**

The Amendment proposes to re-zone a part of 120 Pound Road, Elliminyt from the Rural Living Zone to the General Residential Zone; and amend the long term settlement boundary of the Colac Framework Plan within Clause 21.03-2 of the Colac Otway Planning Scheme.

The Amendment proposes to:

- Rezone 1068m<sup>2</sup> of land fronting Pound Road (proposed Lot 1 on PS745316R) from Rural Living Zone (RLZ) to General Residential Zone Schedule 1 (GRZ1), and
- Amend the long term settlement boundary of the Colac Framework Plan within Clause 21.03-2 of the Municipal Strategic Statement to include part of 120 Pound Road, Elliminyt, and 98 Pound Road, 100 Pound Road, 102 Pound Road, 104 Pound Road, 106 Pound Road, 108 Pound Road, 110 Pound Road, 112 Pound Road, 114 Pound Road.

The planning permit application seeks approval for:

- A two lot subdivision.

The planning permit is attached as a separate document to this Explanatory Report.

### **Strategic assessment of the Amendment**

#### **Why is the Amendment required?**

The planning scheme amendment is required to:

- (a) Recognise the existing residential use and development of 120 Pound Road, consistent with adjoining land;
- (b) Update the Colac Framework Plan long term settlement boundary in this location to reflect the existing and proposed residential zoning, and existing residential use and development; and
- (c) Enable the subdivision of the 120 Pound Road from the parent title into lots less than 1.2 hectares (which is currently prohibited under the Rural Living Zone).

The proposed rezoning would allow for 120 Pound Road to be subdivided and the two existing dwellings to be located on separate lots. The proposed larger lot would remain within the RLZ.

The settlement boundary within the Colac Framework Plan at Clause 21.03 currently incorrectly excludes the GRZ1 zoned land fronting the south side of Pound Road as shown in Figure 4. The amendment is therefore required to amend the Colac Framework Plan to include these properties and the proposed new lot at 120 Pound Road within the settlement boundary as shown in Figure 5.

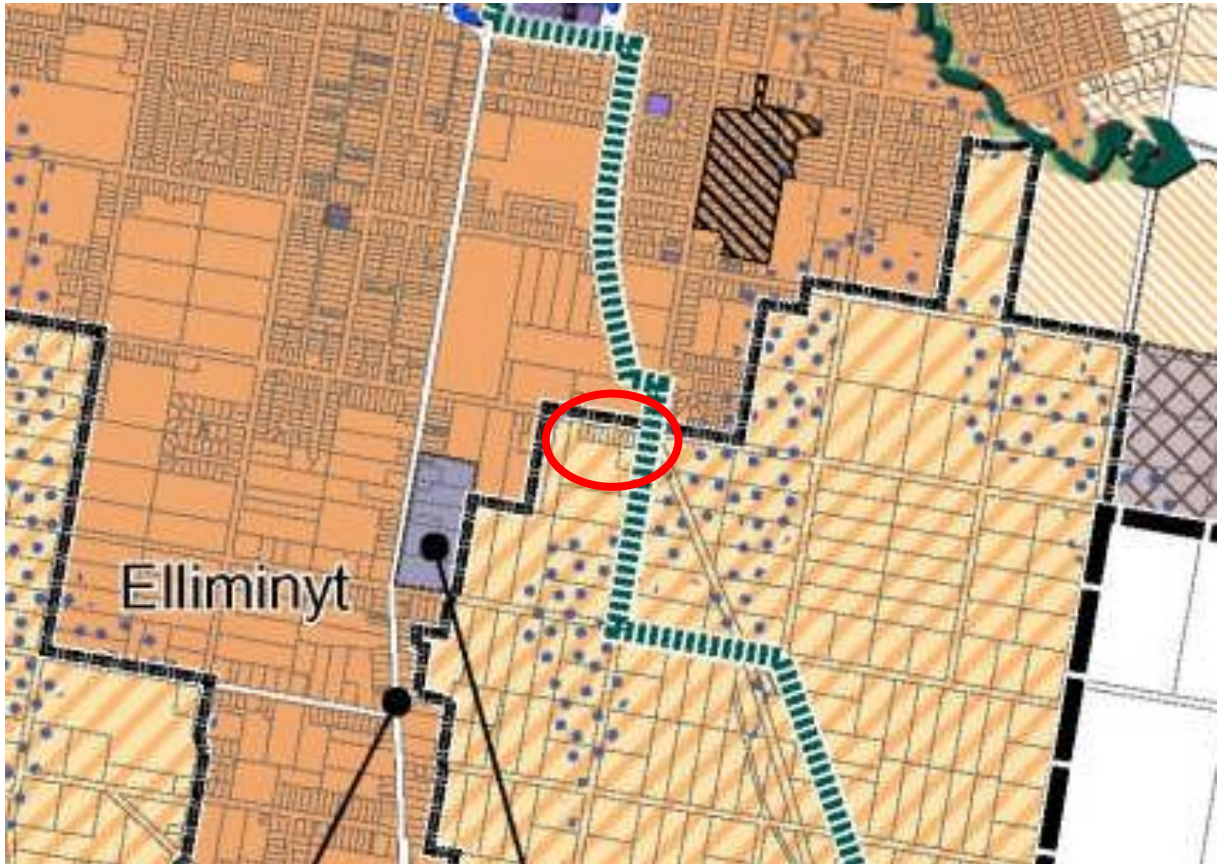


Figure 4 Extract from current Colac Framework Plan at Clause 21.03 which shows existing area of residential zoned land outside of the long term settlement boundary

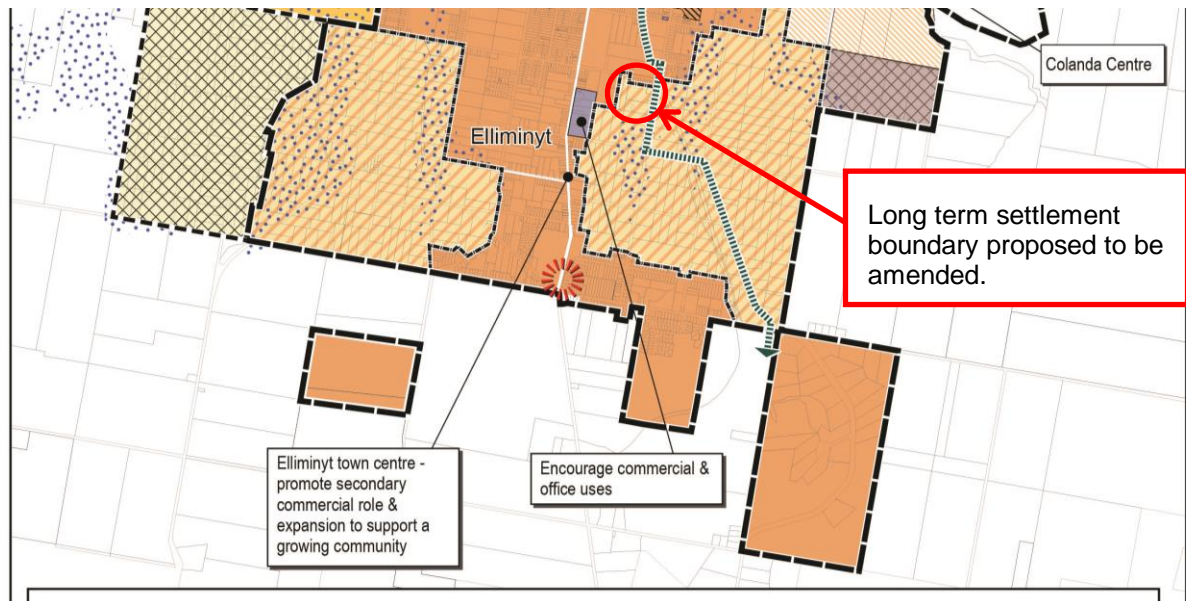


Figure 5 Extract from proposed Colac Framework Plan at Clause 21.03 with adjusted long term settlement boundary

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

The amendment implements the objectives of Planning in Victoria as specified with in Section 4 of the *Planning and Environment Act 1987* by:

- Providing for the fair and orderly use and development of the land, by rezoning the land to reflect the current use and development of the land;
- Facilitating a (subdivision) development which will also provide for the fair and orderly use and development of the land.

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

There are no adverse environmental, social or economic effects anticipated as part of this amendment.

All reticulated infrastructure services are available and connected to the land, preventing any potential for adverse environmental impacts.

### **Does the Amendment address relevant bushfire risk?**

The land subject to the amendment is not within a Bushfire Prone Area.

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

The amendment complies with the requirements of the Ministerial Direction on the Form and Content of Planning Schemes under Section 7(5) of the Act.

The amendment is consistent with Ministerial Direction No. 11 in relation to the Strategic Assessment of Amendments.

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

The amendment and application support and implements policy and strategies relating to:

- the intensification of urban land supply and efficient infrastructure provision, in particular:
  - Clause 11.02-1 – Supply of Urban Land
  - Clause 11.07-1 Geelong (G21 Regional Growth – Planning for Growth) which targets Colac for regional growth.
- neighbourhood and subdivision design, in particular Clause 15.01-3 – Neighbourhood and Subdivision Design

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

The Amendment supports and implements the Local Planning Policy and the Municipal Strategic Statement. Specifically the following:

- Clause 21.02-2 – Land Use Vision
- Clause 21.03-2 – Colac to manage the growth of Colac consistent with its role as the major urban centre of the Shire.

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

The amendment makes proper use of the Victorian Planning Provisions through the application of the General Residential Zone Schedule 1 to land which is currently being used for residential purposes within an existing residential area.

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

The amendment will be placed on public exhibition and the standard permit conditions for two lot subdivisions (Clause 66.01) will be included on any planning permit to be issued as part of the combined application process.

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

The amendment will not have any impact on the transport system.

## Resource and administrative costs

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

There are no significant resource or administrative cost implications for the responsible authority arising from the proposed amendment.

## Where you may inspect this Amendment

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

### **Colac Otway Shire Council**

Development and Community Services Office

101-105 Gellibrand Street

COLAC VIC 3250

Website: [www.colacotway.vic.gov.au](http://www.colacotway.vic.gov.au)

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

## Submissions

Any person who may be affected by the Amendment and/or planning permit may make a submission to the planning authority. Submissions about the Amendment and/or planning permit must be received by 2 November 2016.

A submission should be titled "Amendment C92 and PP82/2016-1 Submission" and must be e-mailed to [inq@colacotway.vic.gov.au](mailto:inq@colacotway.vic.gov.au) or mailed to:

Strategic Planning

Colac Otway Shire Council

PO Box 283

COLAC VIC 3250

## Panel hearing dates

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

- directions hearing: To commence in the week of 20 February, 2017
- panel hearing: To commence in the week of 6 March, 2017