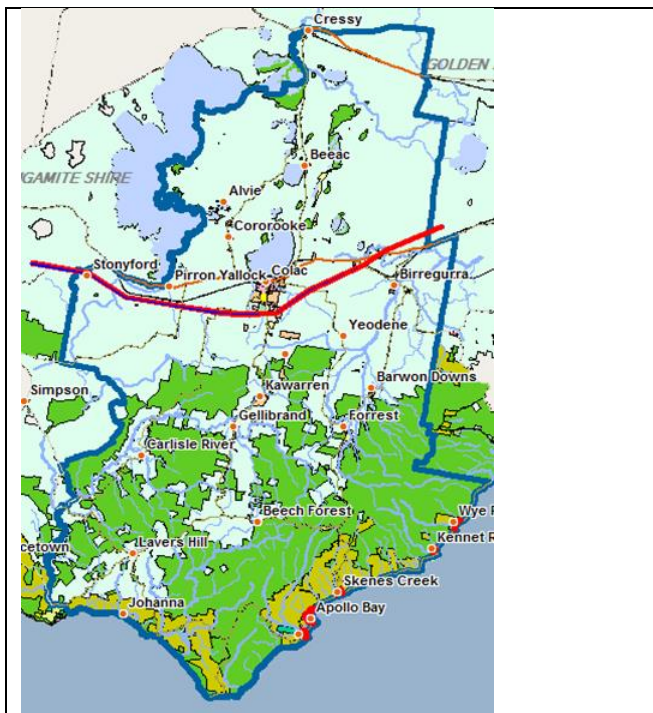


ORDINARY COUNCIL MEETING
**PLANNING SCHEME AMENDMENT C96 -
 ANOMALIES AMENDMENT**
 OM172308-5

LOCATION / ADDRESS	Various sites across Colac Otway Shire	GENERAL MANAGER	Gareth Smith
OFFICER	Sean O'Keeffe	DEPARTMENT	Development & Community Services
TRIM FILE	F16/6696	CONFIDENTIAL	No
ATTACHMENTS	<ol style="list-style-type: none"> 1. Amendment C96 - Maps 2. Amendment C96 - Amendment Documents 		
PURPOSE	To correct anomalies identified in the Colac Otway Planning Scheme		

1. LOCATION PLAN / AERIAL PHOTO



2. EXECUTIVE SUMMARY

The Colac Otway Planning Scheme (the Scheme) guides land use and development within Colac Otway Shire (the Shire). Council, as the Planning Authority, is responsible for the ongoing upkeep of its Planning Scheme to ensure it is up to date, accurate, and meets the relevant provisions of the *Planning and Environment Act 1987 (the Act)* and changing community needs.

As part of managing the performance of the Scheme, both Council officers and the local community periodically identify anomalies and errors within the Scheme. Anomalies could include where zoning boundaries do not match lot boundaries, public zones having been applied across private land or where land uses such as public conservation or service authority managed land is covered by rural or residential zones.

Errors and anomalies in the Planning Scheme limit the intended use and development capacity of land and may cause difficulties when owners try to sell land with anomalies. As such correcting anomalies and errors is essential for the effectiveness and performance of the Planning Scheme.

This amendment is only to correct the identified anomalies within the Planning Scheme maps, and as such it is different to the Colac Otway Planning Scheme Review and Cutting Red Tape project and associated amendments. The Cutting - Red Tape amendments will streamline the planning scheme requirements by eliminating unnecessary permit triggers that do not add value through the process, and streamline the referrals processes when a planning permit is required. In addition, it will also update the Municipal Strategic Statement (MSS), and local policies within the Planning Scheme to reflect the changing community needs, policy directions from adopted strategies and will maintain consistency with the relevant State planning policies at local level.

Correction of anomalies and errors within the Planning Scheme does not cause detrimental impact to any persons; as such they are considered policy neutral. Therefore they can be undertaken under section 20(2) of the Act, under which the Minister may exempt Council from a full public exhibition process. However the affected landowners and occupiers, relevant authorities and anyone nominated by the Minister at authorisation will be notified of the amendment and have an opportunity to respond for a period of 4 weeks.

Council's approval is sought to request authorisation from the Minister to undertake Amendment C96 to correct a number of anomalies and errors within the Colac Otway Planning Scheme and seek exemption under section 20(2) of the Act for a full exhibition of the amendment.

3. RECOMMENDATION

That Council:

- 1. Notes the importance of correcting anomalies as part of the maintenance of the Colac Otway Planning Scheme to ensure accuracy and improve efficiency in the development approval process.***
- 2. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise Amendment C96 to the Colac Otway Planning Scheme.***

3. *Pursuant to section 19 (1) (b) of the Planning and Environment Act 1987, notify the owners and occupiers of the land forming part of the amendment.*
4. *Pursuant to section 20(2) of the Planning and Environment Act 1987, request the Minister for Planning to exempt Amendment C96 from the requirements of sections 19(2) and (3) of the Act.*
5. *Authorises officers to make any necessary minor formatting and administrative corrections to Amendment C96 documents prior to sending to the Minister for Planning for authorisation.*

4. BACKGROUND / KEY INFORMATION

An important part of Council's role in maintaining the Colac Otway Planning Scheme is to correct errors and anomalies. This ensures the Planning Scheme continues to be relevant, up-to-date and the provisions and maps in the Scheme are correct.

Council has received a number of requests to correct anomalies in the Planning Scheme. Landowners often notice the anomalies when they either seeking to develop or sell their land and find the anomaly in the Scheme limits them doing so. Landowners could apply to Council to correct the anomaly on their land through individual amendments or wait for a periodic anomaly amendment to be undertaken by Council. This amendment combines 15 anomalies identified within zones and overlays maps in the Planning Scheme.

Other anomalies or errors within the ordinance of the Planning Scheme, such as discrepancies between requirements, duplications, outdated information and reference documents and typographical errors are to be corrected during the three year review of the Planning Scheme which is a separate project. The current Colac Otway Planning Scheme Review and Cutting – Red Tape project will include such corrections as part of an amendment implementing the review recommendations at a later stage. The most recent anomalies amendment to the Colac Otway Planning Scheme was completed in February 2012.

Section 20(2) of the Act enables "Fast tracked with limited notice amendments," which allows for the Minister to give complete or partial exemptions from notice requirements for amendments that do not require full public exhibition process. Amendment C96, correcting 15 anomalies in zones and overlays, can be considered for this exemption as it will not cause detrimental impacts to any person and/or adjoining uses of the parcels of land affected by the amendment.

Given the minor nature of the proposed changes and their positive impact, officers recommend that this amendment to be processed using the provisions of section 20(2) of the Act.

KEY INFORMATION

Table 1 below shows the parcels of land impacted by the proposed Amendment C96, corrections required and justification (refer Attachment 1 for maps of the land affected by the Amendment).

Table 1

Address	Proposed Changes	Reasons for changes
Part 465 Skenes Creek Road, Skenes Creek	Rezoning land from Road Zone Category 1 (RDZ1) to Rural Conservation Zone (RCZ)	The land owner requested this rezoning. The land is partly included in the RDZ1 zone. RDZ1 applies to VicRoads managed land. This amendment seeks to rezone the privately-owned land to RCZ (the balance of the lot) so that the zoning of the entire land is consistent, and reflects other privately owned properties in the locality.
6 Bath St, Colac	Rezoning land from Public Use Zone Schedule 6 (PUZ6 – for Local Government use) to Public Use Zone Schedule 3 (PUZ3 – for Health and Community use)	The Department of Health and Human Services owns the land. The current zoning allows for Council land uses. This amendment will reflect the current owner and its land use. It will allow health and community related land uses and development on the land.
LOT RES1 PS705228 (Boronia Way Elliminyt)	Rezoning land from General Residential Zone Schedule 1 (GRZ1) to Public Park and Recreation Zone (PPRZ)	The land forms part of a recently subdivided housing estate in Elliminyt. The land has been vested in Council to be used as parkland to service the needs of the new community. The proposed zone reflects the future planned use of the land.
79 – 81 Grant Street Forrest (5E P081777, 8E P081778, 9E P081779 and 10E P081780)	Rezoning land from Rural Living Zone (RLZ) and Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ)	The Department of Environment, Land, Water and Planning, the manager of the land, requested this rezoning. The land is part of the Otway Forest Park, and is public (Crown) land. The land is currently included in zones associated with private land. The rezoning will ensure its zoning is consistent with the balance of the Otway Forest Park and reflects its current and future public use.
360 Corangamite Lake Road, Cororooke	Rezoning land from Farming Zone (FZ) to Rural Living Zone (RLZ)	The land is occupied by a dwelling and falls within two zones. A small section of the land is zoned FZ. Rezoning this section to the RLZ will allow the entire lot to be included in a single zone that reflects the current use of the land.

<p>Part Nos. 270 and 340 Dewings Bridge Road, Gerangamete and 390 Dewings Bridge Road, Gerangamete</p>	<p>Delete Public Acquisition Overlay (PAO)</p>	<p>Barwon Water requested this amendment. The works on the land form a key part of the Colac Water Supply Upgrade project. An acquisition overlay was placed over the land to facilitate its purchase and redevelopment. The land has been acquired by Barwon Water and is being redeveloped for water infrastructure purposes. The PAO is therefore redundant and should be removed.</p>
<p>Part 15-19 Strachan Street, Birregurra</p>	<p>Rezone land from Township Zone (TZ) to Public Park and Recreation Zone (PPRZ)</p>	<p>The Crown land forms part of the Birregurra Recreation Reserve. The land, which is to the rear of residential dwellings, is currently included in the Township Zone but is used for recreational purposes and managed by Council. The rezoning will ensure the zoning of the land is consistent with its ownership, current use and the broader zoning of the Reserve.</p>
<p>2A Alexander Street, Colac</p>	<p>Rezone land from General Residential Zone Schedule 1 (GRZ1) to Public Use Zone Schedule 1 (PUZ1)</p>	<p>Barwon Water, which acquired the land for a sewerage pumping station, requested this rezoning. The small section of land was excised off an existing residential lot. The proposed zoning acknowledges the existing public ownership and public utility land use.</p>
<p>162 Lineens Road, Corunnun (Lot 1 TP192207 and Lot 1 LP77507)</p>	<p>Rezone land from Public Use Zone Schedule 6 (PUZ6) to Farming Zone (FZ)</p>	<p>The land was previously owned by Council and used as a quarry. The land was sold in 2002. The current zoning reflects the former use and ownership of the land. The land is now privately owned. The surrounding zone is Farming Zone. The zoning should revert to the underlying Farming Zone, reflecting both the current use of the land and the rural character of the locality.</p>
<p>1535, 1571, 1575, 1577, 1579, Birregurra Forrest Road, Barwon Downs</p>	<ul style="list-style-type: none"> • Rezone part 1535 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) to Farming Zone (FZ) • Rezone part 1571 Birregurra-Forrest Road, 	<p>The owner at 1571 Birregurra-Forrest Road, Barwon Downs requested their land be rezoned. On investigation, it was revealed that the zoning along this section of Birregurra Forrest Road does not reflect the current title boundaries and all lots have at least two separate zones. These</p>

	<p>Barwon Downs from Public Use Zone 7 (Schedule 7) to Township Zone (TZ)</p> <ul style="list-style-type: none"> • Rezone part 1575 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) and Farming Zone (FZ) to Public Use Zone 7 (Schedule 7) • Rezone part 1577 and 1579 Birregurra-Forrest Road, Barwon Downs from Farming Zone (FZ) to Township Zone 	<p>zones do not reflect the existing land uses and title boundaries. The rezoning of land will ensure that the zones reflect both the title boundaries and the current land uses along the road.</p>
130 Old Ocean Road, Glenaire	<p>Rezone land from Public Conservation and Resource Zone (PCRZ) to Rural Conservation Zone (RCZ)</p>	<p>The land owner requested this rezoning. The land is included in a public land zone. The land is privately owned and occupied by a single dwelling. The zone should reflect the current land use and private ownership. All surrounding private land is included in the Rural Conservation Zone.</p>
13 Lang Street, Beeac	<p>Rezone land from Farming Zone (FZ) to Public Use Zone Schedule 1 (PUZ1)</p>	<p>The land is currently owned and occupied by the CFA. The partial Farming Zone does not reflect the title boundaries or the current land use. This rezoning will ensure that the zone is consistent with the title boundary and ownership.</p>
195 McCalls Road, Yeodene	<p>Rezone land from Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ)</p>	<p>The land owner requested this rezoning. The land is part of the Otway Forest Park, and is public (Crown) land. The land is currently zoned FZ. The proposed correction will ensure the zoning of the land is consistent with the balance of the Otway Forest Park.</p>
10 McDonnells Road, Birregurra	<p>Remove HO95</p>	<p>The Department of Environment, Land, Water and Planning requested this rezoning. HO95 covers 10 McDonnells Road, Birregurra. This land has no heritage significance. The land in the heritage citation and ordinance section of the Colac Otway Planning Scheme refers to this land as 'Bleak House'. Bleak House is located nearby at 4970 Princes Highway, Birregurra. The current heritage overlay mapping is incorrect, as it applies to the wrong land. This amendment will remove the incorrect overlay from the land.</p>

		Further work, including consultation with the land owner of Bleak House, will define the correct boundary of the HO95. This will be undertaken as part of an additional planning scheme amendment process.
25 Weston Street, Beeac	Rezone land from Public Use Zone Schedule 6 (PU6Z) to Township Zone (TZ)	The privately owned residential lot is partially covered by the PUZ6. PUZ6 is applied to Council owned land used for municipal purposes, and has been applied to the abutting Council works depot. This zone appears to have been inadvertently extended into the adjacent private residential land at 25 Weston Street. This rezoning will ensure that the entire lot is located in the Township Zone.

FURTHER SUPPORTING INFORMATION

5. COMMUNITY CONSULTATION & ENGAGEMENT

It is noted a number of landowners affected by this amendment have requested Council for amending the zoning or overlay anomaly of their land.

Section 20 (2) of the Act will be used to guide the community consultation process. It is proposed to notify of the amendment to the affected land owners and occupiers and any relevant public authority. It is also required that prescribed Ministers will also be formally notified. Exemption is requested from the need to advertise the amendment in the local newspaper and the Government Gazette.

6. ANALYSIS

ALIGNMENT TO COUNCIL PLAN OR COUNCIL POLICY

Amendment C96 directly relates to Council policy through the 'Cutting the Red Tape' initiatives.

The proposed amendment will allow errors and anomalies within the planning scheme to be corrected. This will facilitate any future redevelopment of the subject land without having to negotiate the current zoning irregularities, which may limit or prevent the future development and use of the land.

ENVIRONMENTAL IMPLICATIONS

It is considered that there are no environmental implications associated with this amendment.

SOCIAL AND CULTURAL IMPLICATIONS

It is considered that there are no social and cultural implications associated with this amendment.

ECONOMIC IMPLICATIONS

It is considered that there are no negative economic implications associated with this amendment. By correcting the anomalies in the zones and overlays, landowners will be able to use their land to its full capacity, which will have a positive impact by maximising the land use within the Shire.

LEGAL AND RISK IMPLICATIONS

It is considered that there are no legal and risk implications associated with this amendment. It is noted that Council as the Planning Authority has an obligation under *the Act* to maintain its planning scheme up to date and accurate as intended.

It is also noted that several parcels of Council owned or managed land are included in this amendment.

RESOURCE IMPLICATIONS (FINANCIAL ETC)

The amendment is undertaken in-house and no additional resource implications are associated with this amendment.

7. IMPLEMENTATION STRATEGY

DETAILS

Subject to Council endorsement, the Minister for Planning will be invited to approve amendment C96. Subject to the Minister's approval, the proposed changes and corrections to the Planning Scheme will be implemented through Amendment C96 under relevant provisions of *the Act*.

COMMUNICATION

Subject to Council endorsement, the Minister for Planning will be notified in writing of Council's decision.

Affected landowners and occupiers will be notified of the Amendment.

TIMELINE

The following is a proposed timeline:

- September 2017 – Send to the Minister for authorisation (subject to Council endorsement).
- October 2017 – Notify affected parties.
- December 2017 – Council reconsiders the Amendment and forward it to the Minister for approval.

8. OFFICER DIRECT OR INDIRECT INTEREST

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