

COLAC OTWAY PLANNING SCHEME

AMENDMENT C96

EXPLANATORY REPORT

Who is the planning authority?

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

The Amendment has been made at the request of Colac Otway Shire.

Land affected by the Amendment

The Amendment applies to various parcels of land throughout the municipality.

What the amendment does

The Amendment corrects anomalies in the mapping of the Colac Otway Planning Scheme. Specifically, the amendment seeks to make the following changes:

Planning Scheme Zone Map Changes:

- Amend Planning Scheme Zone Maps 21 and 28 to rezone part of 465 Skenes Creek Road, Skenes Creek from Road Zone Category 1 (RDZ1) to Rural Conservation Zone (RCZ). The land is partly included in the RDZ1 zone. This zone is applied 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 site is consistent, and reflects other privately owned properties in the locality.
- Amend Planning Scheme Zone Map 11 to rezone 6 Bath Street, Colac from Public Use Zone Schedule 6 (PUZ6) to Public Use Zone Schedule 3 (PUZ3). The Department of Health and Human Services own the land. The current zoning allows for Council land use. This amendment will reflect the current ownership and will allow health and community related land uses and development on the land.
- Amend Planning Scheme Zone Map 16 to rezone part of lot Res1 PS705228 (Boronia Way, Elliminyt) from the General Residential Zone Schedule 1 (GRZ1) to the Public Park and Recreation Zone (PPRZ). The land is 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 community.
- Amend Planning Scheme Zone Map 17 to rezone 5E P081777, 8E P081778, 9E P081779 and 10E P081780 (79-81 Grant Street Forrest) from Rural Living Zone (RLZ) and Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ). The land is public (Crown) land and forms part of the Otway Forest Park. 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 reflect its current and future public use.

- Amend Planning Scheme Zone Map 7 to rezone part of 360 Corangamite Lake Road, Cororooke from the Farming Zone (FZ) to the Rural Living Zone (RLZ). The land, occupied by a dwelling, currently falls in two zones. A small section of land is zoned FZ. The rezoning will allow the entire lot to be included in the one zone, reflecting the current use of the land.
- Amend Planning Scheme Zone Map 13 to rezone part of 15-19 Strachan Street, Birregurra from the Township Zone (TZ) to the Public Park and Recreation Zone (PPRZ). The land is Crown land and forms part of the Birregurra Recreation Reserve. The land is to the rear of existing residential dwellings and is currently included in the Township Zone. The rezoning will ensure the zoning of the land is consistent with its current use, ownership and the broader zoning of the Reserve.
- Amend Planning Scheme Zone Map 11 to rezone 2A Alexander Street, Colac from the General Residential Zone Schedule 1 (GRZ1) to the Public Use Zone Schedule 1 (PUZ1). The land was excised off a residential lot, acquired by Barwon Water and is currently used as a sewerage pumping station. The proposed zoning acknowledges the existing ownership and the use of the land for public utility purposes.
- Amend Planning Scheme Zone Map 5 to rezone 162 Lineens Road, Corunnun (Lot 1 TP192207 and Lot 1 LP77507) from the Public Use Zone Schedule 6 (PUZ6) to the Farming Zone (FZ). The land was previously owned by Council and used as a quarry. The current zoning reflects the former use and ownership of the site. The land is now privately owned and the surrounding land is included in the Farming Zone. The zoning should revert to the underlying Farming Zone, reflecting both the currently land use and the rural character of the locality.
- Amend Planning Scheme Zone Map 16 to rezone part of 1535 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) to Farming Zone (FZ), rezone part of 1571 Birregurra-Forrest Road, Barwon Downs from Public Use Zone 7 (Schedule 7) to Township Zone (TZ), rezone part of 1575 Birregurra-Forrest Road, Barwon Downs from Township Zone (TZ) and Farming Zone (FZ) to Public Use Zone 7 (Schedule 7) and rezone part of 1577 and 1579 Birregurra-Forrest Road, Barwon Downs from Farming Zone (FZ) to Township Zone. The zoning along this section of Birregurra-Forrest Road does not reflect the current title boundaries. All of the lots have at least two different zones. The rezoning of land represents a zone boundary re-alignment and will ensure that the zone reflects the site boundaries, ownership and the current land uses along the Birregurra - Forrest Road in Barwon Downs.
- Amend Planning Scheme Zone Map 26 to rezone 130 Old Ocean Road, Glenaire from the Public Conservation and Resource Zone (PCRZ) to the Rural Conservation Zone (RCZ). The land is currently included in a public land zone. The land is privately owned and occupied by a single dwelling. The application of the RCZ is consistent with the zoning of privately owned land in the locality.
- Amend Planning Scheme Zone Map 10 to rezone part 13 Lang Street, Beeac from the Farming Zone (FZ) to the Public Use Zone Schedule 1 (PUZ1). The land is currently owned and occupied by the CFA and used as a fire station. The zone does not, in part, reflect the title boundaries nor the current land use and ownership. This rezoning will ensure that the zone matches the title boundary and land use.
- Amend Planning Scheme Zone Map 16 to rezone 195 McCalls Road, Yeodene, from the Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ). The land is public (Crown) land and forms part of the Otway Forest Park. The land is currently included in a zone generally associated with private land. The rezoning will ensure the zoning of the land is consistent with the balance of the Otway Forest Park.

- Amend Planning Scheme Zone Map 10 to rezone part of 25 Weston Street, Beeac from the Public Use Zone Schedule 6 (PUZ6) to the Township Zone (TZ). The privately owned residential lot is partially covered by the PUZ6. This zoning is applied to Council owned land used for municipal purposes, and has been applied to the abutting Council works depot at 33 Weston Street. This zone appears to have been inadvertently extended into the adjacent private residential land at 25 Weston Street. This rezoning will ensure that this entire lot is located within the Township Zone.

Planning Scheme Overlay Map Changes:

- Delete Public Acquisition Overlay Map 16 to remove the PAO from 390 Dewings Bridge Road, Gerangamete and parts of 270 and 340 Dewings Bridge Road, Gerangamete. The properties form part of the Colac Water Supply Upgrade project. An acquisition overlay was placed over the land to facilitate its redevelopment for water utility purposes. The land has now been acquired by Barwon Water and the PAO is now redundant.
- Amend Planning Scheme Overlay Map 12 to remove the HO95 from 10 McDonnells Road, Birregurra. 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. This amendment will remove the incorrect overlay from the site.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to correct a number of anomalies in the mapping of the Colac Otway Planning Scheme in order to improve the implementation of the Scheme. The amendment is part of Council's monitoring and review process required to ensure that the administration of the planning scheme is efficient and accurate. Several of the amendments were identified by land owners or their managers who requested that the zone or overlay provisions be updated.

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

The amendment implements the objectives of planning in Victoria. It results from the regular monitoring and review of the Colac Otway Planning Scheme to ensure that it is maintained in a clear and useable form and that land can be used and developed in accordance with the Act.

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

This amendment improves the operation of the Planning Scheme by correcting anomalies, thus improving environmental, social and economic effects as the Planning Scheme will be implemented correctly.

Removing redundant planning controls will reduce economic burden on applicants by removing the requirement for applying for a planning permit when it is not justified.

Rationalising zoning of allotments into one zone and correcting mapping anomalies will avoid confusion for applicants and Council officers, improving planning permit processing time or remove the requirement to obtain a planning permit.

Removing lapsed or incorrect overlays such as the Public Acquisition Overlay (PAO) or Heritage Overlay (HO) will also improve the functioning of the Planning Scheme by removing redundant planning permit triggers.

Does the Amendment address relevant bushfire risk?

The amendment does not impact on existing bushfire controls and will not result in any increase to the risk to life, property, community infrastructure and the natural environment from bushfire.

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

The amendment is consistent with the Ministerial Direction on the Form and Content of Planning Schemes under section 7(5) of the Act. Ministerial Direction No. 11 (Strategic Assessment of Amendments) is addressed through this explanatory report.

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

The correction of anomalies in the Planning Scheme will improve the implementation of the SPPF.

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

The correction of anomalies in the Planning Scheme will improve the implementation of the LPPF.

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

The amendments correct anomalies through the Colac Otway Planning Scheme to ensure the Victoria Planning Provisions are applied appropriately.

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

The amendment has been prepared, in part, with correspondence from the Department of Environment, Land, Water and Planning, VicRoads and Barwon Water. The relevant authorities will be further notified as part of the standard notice requirements during the exhibition period of this Amendment.

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

The Transport Integration Act 2010 is not relevant to this amendment.

Resource and administrative costs

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

The amendment will result in no negative impact on the resource and administrative costs for the Responsible Authority as the proposed changes are minor in nature. Administration of the Colac Otway Planning Scheme will likely be more efficient as a result of this amendment.

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 29 January, 2018
- Panel hearing: To commence in the week of 26 February, 2018

Where you may inspect this Amendment

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

Colac Otway Shire Council
2-6 Rae Street
COLAC VIC 3250

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.

Planning and Environment Act 1987

COLAC OTWAY PLANNING SCHEME

AMENDMENT C96

INSTRUCTION SHEET

The planning authority for this amendment is the Colac Otway Shire.

The Colac Otway Planning Scheme is amended as follows:

Planning Scheme Maps

The Planning Scheme Maps are amended by a total of 14 attached map sheets.

Zoning Maps

Amend Planning Scheme Zone Map No's 5, 7, 10, 11, 13, 16, 17, 21, 26 and 28 in the manner shown on the 12 attached maps marked "Colac Otway Planning Scheme, Amendment C96".

Overlay Maps

Amend Planning Scheme Map No HO12 in the manner shown on the one attached map marked "Colac Otway Planning Scheme, Amendment C96".

Delete Planning Scheme Map No 16PAO in the manner shown on the attached map marked "Colac Otway Planning Scheme, Amendment C96".

Planning Scheme Ordinance

The Planning Scheme Ordinance is amended as follows:

1. In General Provisions – Clause 61.03, replace the Schedule with a new Schedule in the form of the attached document.

End of document