Planning and Environment Act 1987

# Colac Otway PLANNING SCHEME

# AMENDMENT C101cola

# 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 in the north of the municipality.

## What the amendment does

## The Amendment deletes the Environmental Significance Overlay Schedule 1 (ES01) from the mapping and ordinance of the Colac Otway Planning Scheme and amends the mapping to the Environmental Significance Overlay Schedule 2 from the mapping of the Colac Otway Planning Scheme.

## Specifically, the amendment seeks to make the following changes:

Planning Scheme Overlay Map Changes:

* Delete Planning Scheme Overlay Maps 1ESO1, 2ESO1, 5ESO1, 6ESO1, 7ESO1, 8ESO1, 9ESO1 10ESO1 and 11ESO1.
* Amend Planning Scheme Overlay Maps 5ESO2, 11ESO2 and 15ESO2 to remove the Environmental Significance Overlay Schedule 2 (ESO2) from various parcels of land in and around Colac township.

Planning Scheme Ordinance Changes:

* Delete Clause 42.01 Environmental Significance Overlay – Schedule 1 (Warrion Groundwater Area).
* Update the Schedule to Clause 72.03 *– What does this planning scheme consist of*? to delete reference to ESO1.
* Update the Schedule to Clause 66.04 to delete reference to ESO1.

**Strategic assessment of the Amendment**

**Why is the Amendment required?**

The amendment is required to update the Environmental Significance Overlay (ESO) that relates to the Warrion Groundwater Area in the north-west of the Shire and biodiversity values previously mapped by the Department of Environment, Land Water and Planning (DELWP) on waterways and wetlands in and around Colac township.

Warrion Groundwater Area

The amendment reviews the ESO1 relating to the Warrion Groundwater Area. The ESO1 currently covers a large area of land to the north-west of the Shire. The Overlay aims to protect and retain groundwater quality. However, both Barwon Water and Southern Rural Water, the determining authorities, have indicated that they do not require the ESO1 as it not required to protect and retain groundwater quality. Barwon Water and Southern Rural Water recommend that the ESO1 be deleted from the planning scheme.

Biodiversity in Colac waterways

The amendment reviews the ESO2 relating to lakes, wetlands and watercourses in and around Colac township. The current ESO2 in Colac applies to the waterway floodplains of the Barongarook and Deans Creeks in Colac. A previous planning scheme amendment (C70) reviewed the ESO2 in and around Colac township. The ESO2 was mapped by the Department of Environment, Land, Water and Planning in 2009. On exhibition, the mapping proved to be inaccurate, and Council resolved to abandoned the amendment. New mapping has not been prepared. This Amendment now seeks to remove the ESO2 mapping from the Barongarook and Deans Creeks in Colac due to mapping discrepancies.

**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 removes a redundant planning provision and improves recognition of the biodiversity values of the in the Shire. The amendment will address social and economic effects by updating the overlay coverage and removing unnecessary planning permit triggers which may restrict economic development.

**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 Planning Policy Framework and any adopted State policy?**

The Amendment will assist in implementing of the PPF by ensuring that the land can be developed in accordance with relevant state policy.

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

The Amendment will assist in implementing of the LPPF by ensuring that the land can be developed in accordance with relevant local policy and that environmental protection afforded through the LPPF will continue to be applied to environmentally sensitive land in Colac.

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

The amendment will ensure that Victorian Planning Provisions are applied correctly.

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

Relevant authorities will be 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 impacted by 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 1 June 2020
* Panel hearing: To commence in the week of 29 June 2020

## 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.](http://www.dtpli.vic.gov.au/planning/planning-schemes/changing-the-planning-scheme/planning-documents-on-exhibition)