

COLAC OTWAY PLANNING SCHEME

AMENDMENT C103COLA

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

Amendment C103cola applies to;

- 28-30 Strachan Street, Birregurra
- 35 McKays Road, Irrewarra
- 1140 Corangamite Lake Road, Alvie
- 124 Sinclair Street, Colac
- 215 McLaughlins Road, Barwon Downs
- 5 Barongarook Road, Barongarook
- 39 Yarima Road, Cressy
- 175 Queen Street, Colac
- Crown Allotment 1D and Crown Allotment 2024, Parish of Wangerrip, Gellibrand Lower
- 9A Callistemon Court, Elliminyt
- 33 Weston Street, Beeac
- 23 Jakaranda Street and Petjuli Street, Elliminyt
- 1, 2, 4 and 6 Hakea Drive, 57, 58, 59 and 60 Scanlan Drive, Lot Res1 PS 745327, Gully Road, 1 and 2 Gully Road, 12 Banksia Drive and 19, 32, 34, 36 and 38 Clare Crescent, Elliminyt
- 107, 109, 111, 113 and 115 Pound Road, 181, 183, 185 187 and 189 Queen Street, and 2 - 5, 5A, 6 - 8, 8A, 9, 10, 12, 14, 16 and 18 Jarver Close, Colac.
- Land in the DDO7, Apollo Bay and Marengo
- Land in DDO12, DDO13 and DDO14, Birregurra
- Land abutting the Barongarook Creek bridge, Princes Highway, Colac.

What the amendment does

The Amendment corrects mapping and ordinance anomalies, errors and redundant provisions.

The amendment makes the following detailed changes to the Colac Otway Planning Scheme:

Planning Scheme Zone Map Changes:

- Rezone 28-30 Strachan Street, Birregurra from TZ to PU3Z.
- Rezone part of 35 McKays Road, Irrewarra from FZ to PPRZ.
- Rezone part of 1140 Corangamite Lake Road, Alvie from FZ to PPRZ.
- Rezone part of 124 Sinclair Street, Colac from GRZ1 to PUZ1.

- Rezone part of 215 McLaughlins Road, Barwon Downs from PCRZ to FZ.
- Rezone 5 Barongarook Road, Barongarook from PUZ6 to FZ.
- Rezone part of 39 Yarima Road, Cressy from PUZ6 to TZ.
- Rezone part of 175 Queen Street, Colac from GRZ1 to PUZ2.
- Rezone Crown Allotment 1D and Crown Allotment 2024, Parish of Wangerrip, Gellibrand Lower from FZ to PCRZ.
- Rezone 9A Callistemon Court, Elliminyt from GRZ1 to PPRZ.
- Rezone 33 Weston Street, Beeac from PUZ6 to TZ.
- Rezone 23 Jakaranda Street and Petjuli Street, Elliminyt from GRZ1 and LDRZ to PPRZ.
- Delete SLO1 from 1 (part) 2 (part), 4 and 6 Hakea Drive, 57, 58 (part) 59 and 60 (part) Scanlan Drive, Lot Res1 PS 745327, Gully Road, 1 and 2 Gully Road, 12 Banksia Drive (part), and 19 (part), 32 (part), 34 (part), 36 (part) and 38 Clare Crescent, Elliminyt.
- Delete DPO2 from 107, 109, 111, 113 and 115 Pound Road, 181, 183, 185 187 and 189 Queen Street and 2 - 5, 5A, 6 - 8, 8A, 9, 10, 12, 14, 16 and 18 Jarver Close, Colac.
- Include the EAO over 33 Weston Street, Beeac.

Planning Scheme Ordinance Changes:

- Replace Schedules 7, 12, 13 and 14 to Clause 43.02 with new Schedules.
- Replace Schedule to Clause 72.03 with a new Schedule.

Strategic assessment of the Amendment

Why is the Amendment required?

The amendment is required to correct a number of errors and anomalies in the Colac Otway Planning Scheme. These are listed below.

1. Amend Planning Scheme Zone Map 13 to rezone 28-30 Strachan Street, Birregurra from Township Zone (TZ) to Public Use Zone 3 (PU3Z). The PU3Z is applied to land used for Health and Community purposes. This amendment seeks to rezone the land owned by Colac Area Health and used as the Birregurra Community Health Centre so that the zoning reflects the ongoing public health and community use of the land.
2. Amend Planning Scheme Zone Map 9 to rezone part of 35 McKays Road, Irrewarra from the Farming Zone (FZ) to the Public Park and Recreation Zone (PPRZ). The land is Crown land managed by Council and forms part of the Irrewarra Recreation Reserve. The strips of land are to the west and rear of the reserve and are currently included in the Farming Zone. The rezoning will ensure that the zoning of the land is consistent with its current use, ownership and the existing zoning of the balance of the site.
3. Amend Planning Scheme Zone Map 5 to rezone part of 1140 Corangamite Lake Road, Alvie from the Farming Zone (FZ) to the Public Park and Recreation Zone (PPRZ) and from the Public Use Zone 1 (PUZ1) to the Public Park and Recreation Zone (PPRZ). The land is Crown land managed by Council and forms part of the Alvie Recreation Reserve. The land along the western boundary is currently

included in the Farming Zone. The rezoning will ensure the zoning of the land is consistent with its current use, ownership and the broader zoning of the Reserve. Part of the land fronting Corangamite Lake Road is currently included in the PUZ6. This land was formally occupied by the Alvie Community Hall and used for community purposes. The hall has now been demolished and replaced with tennis clubrooms and a playground. The PPRZ reflects the current recreational use of the land.

4. Amend Planning Scheme Zone Map 11 to rezone part of 124 Sinclair Street, Colac from the General Residential Zone Schedule 1 (GRZ1) to the Public Use Zone 1 (PUZ1). The land is owned and used by Barwon Water as part of its water network. The proposed zoning acknowledges the existing ownership and the use of the land for public utility purposes.
5. Amend Planning Scheme Zone Map 18 to rezone part of 215 McLaughlins Road, Barwon Downs from Public Conservation and Resource Zone (PCRZ) to Farming Zone (FZ). The land is private land, disposed of by the Crown in 1998 and consolidated with abutting freehold land. The land is currently included in a zone associated with a public use. The rezoning will ensure its zoning is consistent with the balance of the site and its private ownership and use.
6. Amend Planning Scheme Zone Map 16 to rezone 5 Barongarook Road, Barongarook from the Public Use Zone 6 (PUZ6) to the Farming Zone (FZ). The land was previously owned by Council and formed part of the Barongarook Rifle Range. The land was disposed of by Council and developed for private purposes. The current zoning reflects the former use and ownership of the site. Surrounding land is included in the Farming Zone. The zoning should revert to the underlying Farming Zone, reflecting the surrounding zoning and the rural character of the locality.
7. Amend Planning Scheme Zone Map 3 to rezone part of 39 Yarima Road, Cressy from Public Use Zone 6 (PUZ6) to Township Zone (TZ). The site is privately owned and occupied by a dwelling. The site abuts the Cressy Community Hall, which is zoned PUZ6. The abutting PUZ6 extends onto 39 Yarima Road. This amendment will reflect the current private ownership and use of the land, as well as the zoning on the balance of the site.
8. Amend Planning Scheme Zone Map 11 to rezone part of 175 Queen Street, Colac from General Residential Zone Schedule 1 (GRZ1) to Public Use Zone 2 (PUZ2). The site is owned by the Education Department and occupied by the Colac Secondary College. This site is fully developed by buildings which are used for education purposes. The balance of the site is within the PUZ2. A rezoning of part of the site to the PUZ2 will reflect the ongoing use and ownership of the land, and the zoning of the balance of the site.
9. Amend Planning Scheme Zone Map 25 to rezone Crown Allotment 1D and Crown Allotment 2024, Parish of Wangerrip, Gellibrand Lower from Farming Zone (FZ) to Public Conservation and Resource Zone (PCRZ). The land is public (Crown) land, is heavily forested and forms part of the Great Otway National Park. The land is currently included in a zone associated with privately owned land. The rezoning will ensure its zoning is consistent with the balance of the Great Otway National Park and reflect its current and future public conservation use.
10. Amend Planning Scheme Zone Map 16 to rezone 9A Callistemon Court, 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 local community.

11. Amend Planning Scheme Zone Map 10 to rezone 33 Weston Street, Beeac from Public Use 6 Zone (PUZ6) to Township Zone (TZ). The land is the former Colac Otway Shire Beeac works depot and is no longer required by Council. The adjacent zone is the Township Zone.
12. Amend Planning Scheme Zone Map 11 to rezone 23 Jakaranda Street and Petjuli Street, Elliminyt from the General Residential Zone Schedule 1 (GRZ1) and Low Density Residential Zone (LDRZ) 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 and has been developed as parkland to service the needs of the local community.
13. Amend Planning Scheme Overlay Map SLO16 to remove the Significant Landscape Overlay Schedule 1 (SLO1) from No's. 1 (part) 2 (part), 4 and 6 Hakea Drive, Elliminyt, 57, 58 (part) 59 and 60 (part) Scanlan Drive, Elliminyt, Lot Res1 PS 745327, Gully Road, Elliminyt, 1 and 2 Gully Road, Elliminyt, 12 Banksia Drive Elliminyt (part), and 19 (part), 32 (part), 34 (part), 36 (part) and 38 Clare Crescent, Elliminyt. The SLO1 was applied to the site to protect and enhance landscapes of significant during the subdivision process. The land has been subdivided, SLO is now redundant and it should be removed.
14. Amend Planning Scheme Overlay Map 11DPO to remove the Development Plan Overlay Schedule 2 (DPO2) from No's. 107, 109, 111, 113 and 115 Pound Road, Colac, 181, 183, 185 187 and 189 Queen Street, Colac and 2 - 5, 5A, 6 - 8, 8A, 9, 10, 12, 14, 16 and 18 Jarver Close, Colac. The DPO2 was applied to the site to facilitate the orderly subdivision of the land. The land has now been subdivided and developed for residential purposes. The DPO2 is redundant and it should be removed.
15. Insert Planning Scheme Overlay Map 10EAO to include the Environmental Audit Overlay (EAO) over 33 Weston Street, Beeac. The land is the former Colac Otway Shire Beeac works depot and is no longer required by Council. It is proposed to replace the current Public Use Zone 6 (PUZ6) with the Township Zone (TZ) and apply the EAO to ensure any future sensitive use is protected from any potential contamination.
16. Amend Design and Development Overlay Schedule 7 – Apollo Bay and Marengo Lower Density Residential Areas (DDO7) by amending the wording to section 2.0 Buildings and Works to remove the words 'or extend' from the Clause stating 'A permit is not required to construct *or extend* a dwelling if...' and include the words 'or alter' to the Clause stating 'A permit is not required to extend *or alter* an existing dwelling...'. Extensions to dwellings are referred to elsewhere in the Schedule. The removal of the term will ensure accuracy and clarity, and ensure that there are no unnecessary planning permit triggers resulting from the Overlay. Including the term 'or alter' will remove the requirement for a planning permit for minor works.
17. Amend Design and Development Overlay Schedule 12 (Birregurra Preferred Character Area B (North East)), Schedule 13 (Birregurra Preferred Character Area C (Roadknight Street Entry and south of Main Street)) and Schedule 14 (Birregurra Preferred Character Area D (South)) to insert 'Alterations and additions' into Clause 43.02-2 Buildings and works of the Schedules. This will allow for planning permit exemptions for 'alterations and additions' to dwellings which are in keeping with the applicable Design Standards of the Clause.
18. Amend the Incorporated Document titled 'Princes Highway – Barongarook Creek Bridge Upgrade, October 2017' by including reference to the current DELWP vegetation guidelines, titled 'Guidelines for the removal, destruction or lopping of native vegetation, (DELWP 2017).' This document is referenced at Clause 72.04 of the Planning Scheme. The change will ensure that the Incorporated Document refers the most up to date and relevant vegetation guidelines.

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

The amendment ensures that planning scheme provisions are correctly applied.

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

There are no adverse social, economic or environmental effects arising from this amendment. The amendment will result in positive social and economic effects.

The Amendment has been referred to the Environmental Protection Authority (EPA) for comment regarding the application of the Environmental Audit Overlay (EAO) over 33 Weston Street, Beeac (a former Council depot site). The EPA encouraged Council to undertake further work to ensure that there is sufficient justification for the application of the EAO. Council undertook the additional work as requested, which confirmed the justification for the Amendment.

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.

In response to Ministerial Direction No.19, Council referred the Amendment to the EPA for comment regarding the application of the Environmental Audit Overlay on 33 Weston Street, Beeac. The views of the EPA have been considered and included in the amendment process. The Amendment complies with Ministerial Direction No. 19.

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

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

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

The amendment is consistent with local planning policy.

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

The amendments correct errors and 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?

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 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 20 April 2020.
- Panel hearing: To commence in the week of 18 May 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.