

# **Colac Otway Amendment C97 – Colac 2050 Growth Plan**

## **Part B Submission**

**On behalf of the Colac Otway Shire Council**

### **1 INTRODUCTION**

1. The following forms Council’s Part B submission to the independent Panel appointed by the Minister for Planning to consider submissions to Amendment C97 to the Colac Otway Planning Scheme.
2. It contains matters identified in the Panel’s direction letter dated 24 April 2019.
3. It follows Council’s Part A submission provided to the Panel on Monday 20 May 2019.
4. The submission is structured to explain the exhibition and post-exhibition process, followed by a consideration of issues raised in submissions. Through the consideration of issues, Council will address Panel’s directions as relevant.
5. The submission concludes with a summary and concluding remarks.

### **2 EXHIBITION AND POST-EXHIBITION NOTICE**

6. Council’s Part A submission contained the following information in relation to the public exhibition of the Amendment.
  - Amendment C97 was placed on joint public exhibition with the draft Colac Stormwater Development Strategy for a 6-week period in accordance with Council’s Community Engagement Policy, from the beginning of November to mid-December 2018. Submissions closed on 14 December 2018.
  - Letters of notice with an information brochure were posted to all residents and non-resident ratepayers in Colac and surrounds. Notices were also published in local media including the Colac Herald, and Council’s Facebook page, as well as the Government Gazette. Information was also provided on Council’s and DELWP’s websites.
7. Council considered submissions to the Amendment at the March 22 Special meeting. At that meeting, Council were presented with a submissions table with recommended changes in response to submissions (as provided to the Panel). They were also presented with a draft resolution, also prepared by officers.
8. Submitters were informed of the meeting and invited to present to Council on their submission. Several submitters took up this offer. Standing orders were suspended at the Special Council meeting to enable submitters to present. Council considered these further representations and submissions.
9. As noted in the minutes provided to the Panel, the Mayor presented an Alternative Motion to that proposed by officers, because he had specific concerns in relation to a number of issues.
10. Part of the Alternative Motion is extracted from the minutes of that meeting and shown on the next page:

**2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, makes changes to Amendment C97 as noted in this report and attachment as well as the following changes to the Colac 2050 Framework Plan as proposed by the Amendment:**

- a) Extend the urban boundary to the west to include parts of the land immediately north of the Princes Highway and east of Lake Corangamite Road (part 490 and 494 Princes Highway, and part of 470 Princes Highway) as an area for future non-core commercial and retail uses.
- b) Identify the land generally to the south west of the corner of Drapers Road and the Princes Highway to Triggs Road as an investigation area to explore suitable commercial uses to improve and enhance the entrance to Colac.
- c) Extend the urban boundary to the south of Harris Road, east of the Deans Creek and west of Christies Road (70 and 90 Christies Road, 130 Harris Road, part of 180 Harris Road, and part of 335 Irrewillipe Road) to include the land as future residential land subject to a development plan, and remove the notation referring to rezoning of 70, 90 & 102 Christies Road to Farming Zone.
- d) Identify the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street to be included as low density residential.

11. Whilst this Alternative Motion was defeated, it is described below to help explain Council's deliberations. Each matter raised in the motion is described with maps to identify the land in question.

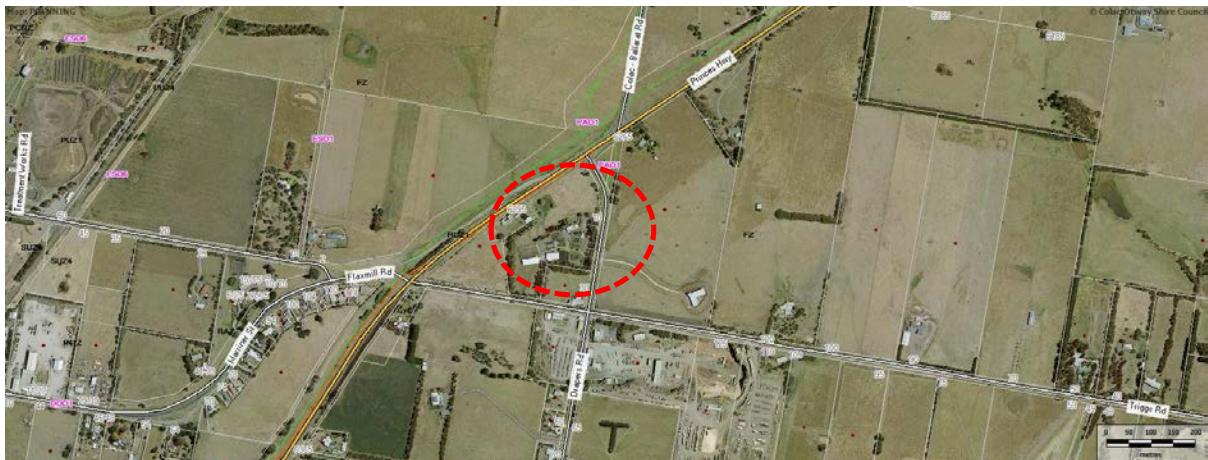
12. The first two matters relate to the entrances of Colac and were aimed at exploring opportunities to use development to enhance the arrival experience into Colac, because there is some concern about the derelict service stations at both ends of the Princes Highway:

- The first part of the motion (2a) relates to the western entrance of Colac and sought to include the area of land north of the Highway up to Lake Corangamite within the urban boundary.



**Figure 1 Land to the west of Colac identified in Alternative Motion – 2a**

- The second part (2b) sought to identify the land where the derelict service station is located at the eastern entrance of Colac Otway Shire for suitable commercial uses.



**Figure 2 Land identified in 2b of Alternative Motion – Aerial Map**



**Figure 3 Land identified in 2b of Alternative Motion – Zone Map**

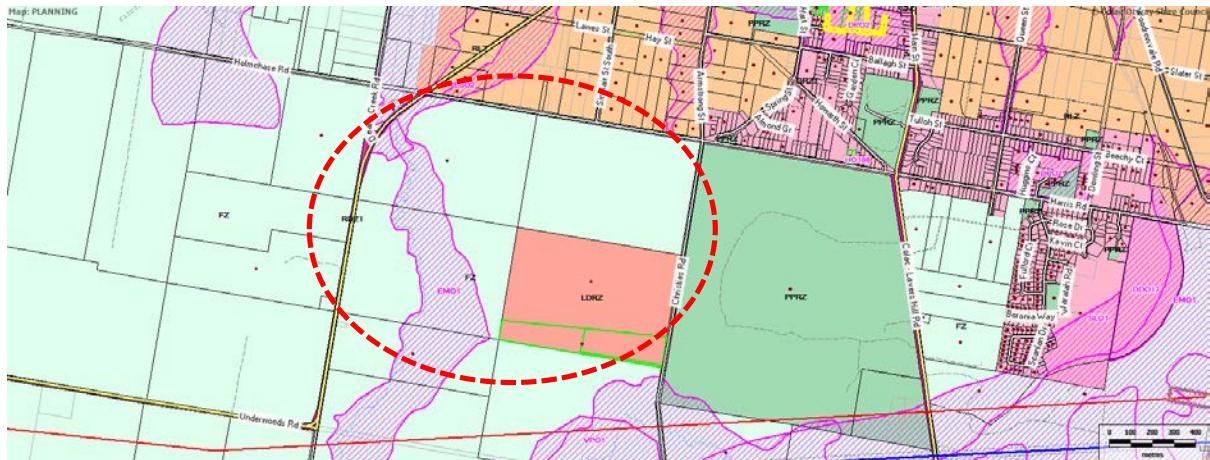
13. Council notes that the exhibited Framework Plan identifies the land for Rural Living purposes, and the service station is discussed in the Growth Plan (p 42) as follows:

*"A disused service station to the west of the Drapers Road – Princes Highway intersection is a prominent building, and forms part of a visually untidy entrance to Colac. The topography of the land at this intersection however, creates a sense of boundary to the town as the land commences its rise to the south west.*

...

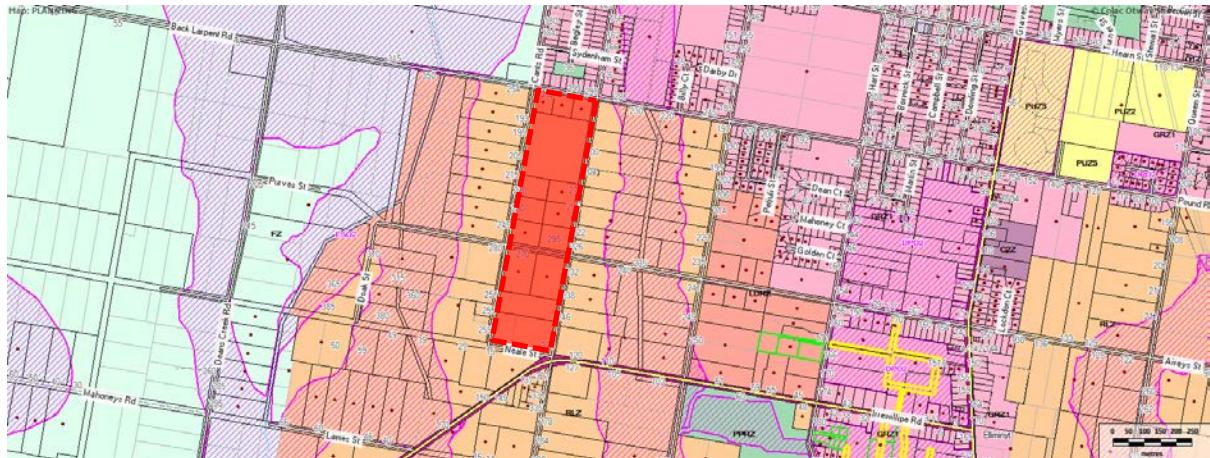
*As part of the rezoning the disused service station, the contamination risk associated the former use will need to be managed appropriately. There is also an opportunity to explore ways to improve the appearance of this site as an important entrance to Colac, in partnership with the land owner and VicRoads."*

14. Noting the above and that this was defeated, Council welcomes the Panel's views about the issue of Colac's entrances.
15. Part 2c of the Alternative Motion did not respond to any submission, but echoed discussions which were held during the Citizens' Jury process. Whilst the Jury recognised that the area should be developed for residential purposes in the future, it ultimately recognised that development in this location should not 'leapfrog' other areas of Colac, and that the focus should be on consolidation and the lower reaches of the Deans Creek corridor in the first instance. The Jury voted that this area should be left for long term residential growth, which was what was exhibited in the Framework Plan, and supported by Council.



**Figure 4 Land identified in 2c of Alternative Motion – Zone Map**

16. Part 2d of the Alternative Motion responds to Submission S33, and the area described is identified by the map below.



**Figure 5 Land identified in 2c of Alternative Motion – Zone Map**

17. A second Alternative Motion was put forward, which was ultimately carried 5 votes to 2. This is extracted below.

*That Council:*

1. Pursuant to section 22 (1) of the Planning and Environment Act 1987, has considered all submissions received to the Colac Otway Amendment C97.
2. Pursuant to section 23 (1)(a) of the Planning and Environment Act 1987, makes changes to Amendment C97 as noted in this report and attachment as well as the following changes to the Colac 2050 Framework Plan as proposed by the Amendment:
  - a) Identify the land bordered by Colac-Lavers Hill Road, Friends Road, Forest Street South and the exhibited urban boundary to be included as low density residential and within the urban boundary.
  - b) Identify the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street to be included as low density residential.
3. Makes changes to the draft Colac 2050 Growth Plan as noted in this report and attachment, and in point 2 above.
4. Pursuant to section 23 (1)(b) of the Planning and Environment Act 1987, refers submissions to a panel to be appointed by the Minister for Planning.
5. Authorises officers/suitable persons to represent Council at the Planning Panel hearing generally in accordance with the response to issues outlined in this report and its attachments, and to make minor changes to the Amendment in response to matters raised during the panel process.

18. The motion amended the officer recommended resolution in two ways:

- that the Framework Plan be modified as follows:
  - i. The extension of the urban boundary to include land bordered by Colac-Lavers Hill Road, Friends Road, Forest Street South for low density residential purposes, (2a of the Second Alternative Motion) and
  - ii. The identification of the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street as low density residential (2b of the Second Alternative Motion).

19. The second part of the motion was the same as noted in the first Alternative Motion, which responded to Submission S33.

20. The first part however responded to S30 by extending the town boundary further south.

21. The two parts of this motion are discussed in more detail later in this submission.

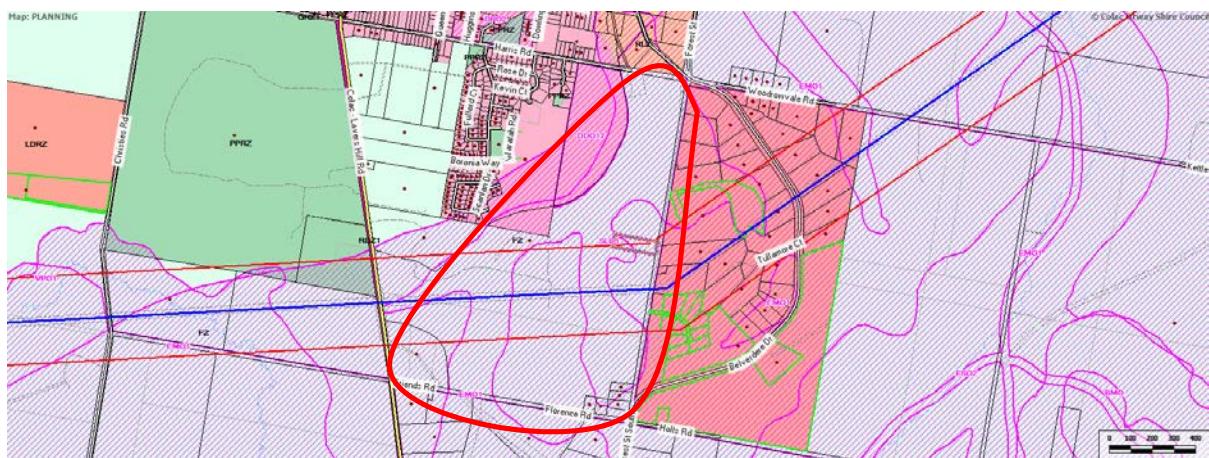


Figure 6 Approximate area identified in Second Alternative Motion – Part 2a

22. The results of the Council meeting were reported in the Colac Herald.

## **2.1 Further targeted notice and late submissions**

23. Given the Council resolution which proposed changes to the exhibited Framework Plan, Council undertook additional targeted notice.
24. Residents and ratepayers within the two discreet areas identified in the Council resolution were notified by way of an additional letter. This letter communicated the Council resolution and offered people the opportunity to make a late submission in response to this change.
25. Four late submissions have since been received, one of which was unrelated to the Alternative Motion. The location of the submitter's properties is shown on the Panel version of the Submitter Location Map.
26. The late submissions are discussed in further detail in the next section of the submission.

## **3 ISSUES AND RESPONSES TO ALL SUBMISSIONS**

27. 40 submissions were received from 35 submitters during the formal exhibition period. The submissions included:
  - Four public authorities and utilities (DELWP, EPA, Barwon Water, SP AusNet)
  - Nine supportive, and
  - Three generally supportive with some suggested improvements.
28. Four late submissions were also received.
29. Detailed responses to opposing submissions were provided to the Panel in the Part A submission.
30. Council notes the following supportive submissions:
  - Proposed rezoning of land to LDRZ in Colac east (S2, S3, S4, S34)
  - Proposed rezoning of land in Elliminty to residential (S5, S6, S26)
  - Proposal to rezone to Residential (east of Colac Lavers Hill Road area) (S11, S13, S16)
  - Barwon Water
  - AusNet Services (Electricity)
  - Proposal to implement a local policy to minimise court bowls and promote connectivity (S29).
31. Issues identified in submissions included:
  - Public notice
  - Issues associated with developing in areas of inundation
  - Provision of infrastructure
  - Discreet matters
  - Extent of sewer area
  - Green corridors
  - Housing renewal opportunity
  - Future use of land adjacent to Deans Creek and Lake Colac
  - Bypass of Colac
  - Long term vision to shift industry from Colac East
  - Environmental Protection
  - Proposal to rezone from Rural Living to Low Density land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street
  - Proposal to rezone land between Colac-Lavers Hill Road, Florence / Friends Road, and Forest Street South
  - Areas covered by the DPO2, and the DPO2 area north of Aireys Street
  - Various annotations on the Framework Plan
  - Existing sensitive uses within existing industrial buffer areas
  - Proposed zones / uses within existing industrial buffer areas
  - Clarification of notations on the Framework Plan and Development Contributions
  - Proposal for land in Rossmoyne Road.
32. The following section describes issues raised in submissions and Council's response.

### **3.1 Public Notice**

33. Submitter 18 raised the issue that public notice should have been personally addressed as it could have been easily overlooked and binned. They stated it should have been personally addressed rather than to the owner / occupier.
34. Council notes that it is a requirement of the *Planning and Environment Act 1987* to provide public notice to land owners if changes are proposed which may affect them. It is usual practice to directly notify owners and occupiers as part of processing which change planning controls which apply to their land, such as a rezoning. In the instance of a broad policy change such as is proposed in this Amendment, it would be usual to rely on public notice through the local paper.
35. Council has invested heavily in undertaking broad public notice as part of this Amendment. Public notice was undertaken by direct notice to owners and occupiers as part of this process to all properties in and around Colac. This included mail delivery to over 12,000 residents. While it is understood that personalised mail is preferable, to reduce costs associated with the mail delivery, a general addressee was used for owners and occupiers in Colac to assist with the process, with addressed mail to absentee owners.
36. It is considered this goes beyond the statutory requirements under the Act.

### **3.2 Issues associated with building in areas of inundation**

37. Two submitters (S1, S29) raised issues associated with building in areas subject to inundation.
38. Submitter 1 questioned the affordability of land given servicing and construction costs associated with extending the future residential area into drained areas under Flood Overlay (FO). They also questioned the ability to locate drainage infrastructure in areas of fill and the potential impact of future building foundations and building integrity.
39. Submitter S29 contended that land developers are not currently attracted to Colac due to the high development costs and lower sales prices. Costs for engineering solutions will make developments unfeasible and stifle growth. The plan needs to clearly outline what a “cost effective engineering solution is”, and how these costs can be shared with Council.
40. In relation to the affordability of land, Council submits the Colac 2050 Growth Plan and Amendment C97 seek to extend the existing town boundary to facilitate provision of more residential land over time, including a range of growth area locations with different price point differences – some is in areas not subject to inundation. It is considered that this will assist with land supply and affordability.
41. Council further submits it is not the role of the Growth Plan to provide all the detail required to enable growth. It is a high-level strategy which will require subsequent work to determine the detailed planning required for rezoning and subdivision.
42. The *Colac Stormwater Development Strategy* is a Council adopted Strategy, and provides detail about implementation of stormwater measures. It concludes that it is technically feasible to develop large areas of land currently subject to inundation in Colac / Elliminnyt, subject to detailed assessments. The Colac Stormwater Development Strategy forms a background document to this Amendment. It is therefore considered appropriate to identify future housing in some areas which are currently experiencing shallow inundation. Any future rezoning and subdivision would require detail assessments to demonstrate the land where housing is located is flood free.
43. It is further considered that engineering details of drainage and construction works are matters which are beyond the scope of this Amendment and a township Growth Plan. This would typically be considered as part of future planning and building processes.
44. In relation to the funding of drainage infrastructure, the Stormwater Development Strategy will be used to inform future shared infrastructure plans (or similar) as part of subsequent stages of planning. Council’s role in contributing to infrastructure upgrades will be explored as part of this process.
45. The term ‘cost-effective’ implies that any financial implications associated with stormwater measures need to be reasonable as part of the development process.
46. It is noted that the Stormwater Development Strategy calculated broad per hectare rates which would be required to implement the stormwater measures identified in the strategy to enable residential development in Colac / Elliminnyt. The figures are broadly consistent with other regional areas, and are not considered overly burdensome to stifle development. Furthermore, it is considered that over time, the englobo value of land in Colac will increase, further facilitating property development.

47. Council does not propose any changes in response to these issues.

### **3.3 Provision of infrastructure**

48. Two submissions (S1d, S29) raised issues associated with the provision of infrastructure.
49. Submitter 1d stated that Council should ensure that all required infrastructure is provided to areas prior to development and not claim that other authorities will be responsible.
50. Submitter 29 thought a clearer link between the increase in population growth and infrastructure requirements in different growth areas is required, and questioned what specific community infrastructure is required in Elliminnyt to support the growth in that area.
51. In response to the issue raised by submitter 1d, Council submits it cannot deliver infrastructure which is the jurisdiction of other Government departments or agencies. For example, it cannot deliver schools, power, water, or sewerage infrastructure. Furthermore, as part of future stages of planning, detailed assessments of servicing, and infrastructure requirements will be made as well as the requirement / timing of their delivery. It is expected as part of development, developers will provide infrastructure required to service their development.
52. In relation to community infrastructure, Council note that the Colac Community Infrastructure Plan was prepared as a background document to inform the Colac 2050 Growth Plan. The details of this are documented in the Colac 2050 Background Report, and highlights are also noted in the draft Colac 2050 Growth Plan. Whilst some recommendations were made in relation to the provision of open space, and the consolidation / modernisation of early education facilities, no specific recommendations were made. Further details of this can be explored as part of the implementation of the Growth Plan as it progresses into precinct / growth area plans.

### **3.4 Discreet matters**

53. Submitter 1 lodged several submissions which raised discreet issues including:
  - Greenhouse emissions associated with pumping required to service low lying land (S1b)
  - Impact on existing restrictions and planning controls (S1a)
  - Timing of drainage works in Deans Creek and Barongarook Creek to facilitate the removal of inundation overlays (S1c)
  - The ability of landowners to use land if Council is to undertake works (S1c)
  - Whether Council will pay relocation costs to landowners (S1c)
  - Use of clean fill (S1c).
54. Detailed responses are noted in the table presented to Council at the March Special meeting, and they are repeated here for the Panel's convenience:
  - In response to greenhouse gas emissions:
    - i. Council submits that the consideration of greenhouse gas emissions associated with servicing land is not within scope of the Amendment or proposal.
  - In response to existing restrictions and controls:
    - i. Council notes the Amendment does not propose any zoning or overlay changes, and is only proposing to change the Framework Plan and relevant local policy to support this strategic direction. It is therefore considered that the Amendment does not have any specific impacts on existing restrictions or planning controls.
  - In response to timing of drainage works:
    - i. Council submits the Colac 2050 Growth Plan is a long-term strategy which identifies the potential for residential development in some areas subject to inundation. The timing and delivery of drainage works required for future development of land in these areas will be the subject of future stages of planning. It is likely to be delivered over many years, probably a couple of decades, as part of Colac's future growth. Council may or may not be the delivery agent. It is anticipated that most works would be undertaken by developers.
  - In response to the ability of landowners to use land:
    - i. Council contends the details of the location and use of the land is a matter for future detailed design and cannot be determined at this stage of the planning process. It would

- be expected that any works undertaken on private land in Colac would be with the consent of the landowners.
- In response to payment of relocation costs and requirement for clean fill, Council submits these are not planning matters.

### **3.5 Extent of sewer area**

55. Submitter 29 raised concerns in relation to the extension of the sewer area in Colac.
56. They questioned why Barwon Water has not extended the sewer area in response to the 2007 Structure Plan in Colac West, and how the Growth Plan triggers change in relation to the provision of an expanded sewer network.
57. Council has worked closely with Barwon Water as part of the development of the Growth Plan to consider their views and ability to service future development. Council also notes that Barwon Water have advised that they have a system in place to facilitate the servicing of multiple lots where either some or all the cost of the sewer infrastructure is borne by them. This will be explored in further detail as part of future stages in planning.
58. Council does not propose any change in response to this issue.

### **3.6 Green corridors**

59. Submitter 29 noted that the emphasis in the Growth Plan is on the “Dean’s Creek Corridor”, and submitted there ought to be more emphasis on the Barongarook Creek corridor and linkages to the garden and lake.
60. Council submit the Plan highlights both creek corridors and more fully calls for the Botanic Link to utilise the creek corridors and lake. Also, the Deans Creek is largely undeveloped, so the Growth Plan identifies this area as a growth corridor to enable the realisation of the vision of the Botanic Link. It is considered necessary to emphasise this because of the significance of this area to the overall vision, and delivery of future residential land supply.
61. Council does not propose any change in response to this issue.

### **3.7 Housing renewal opportunity**

62. Two submitters (S29, S31) raised issues in relation to an area in Colac West which is identified in the Framework Plan for housing renewal. It is an area which has a high level of social disadvantage, and a high proportion of aging public housing stock. The Framework Plan identifies an opportunity to masterplan the area to assist with renewal.
63. Submitter 29 suggested a transition plan rather than a masterplan should be considered to promote this location as high-end residential area. The submitter believes this could link in with the 600+ new homes along the lake to Deans Creek. They submitted that the existing public housing could transition to another area identified in the plan.
64. Submitter 31 raised concerns about the street layout and provision of open space in this area (around Donaldson Street). They suggested the area needs improved open space and community facilities, with the potential for housing models such as co-housing, to address social and educational issues.
65. Council note that the Growth Plan nominates this area for master planning in collaboration with residents and the Department of Health and Human Services.
66. In response to S29, Council consider that a master planning process with relevant stakeholders and residents could explore different housing options to improve amenity, street connections, and reconfigure existing areas of open space dispersed in this location. An implementation plan could be prepared as part of this process which could assist with some of the matters raised by the submitter. It is not considered necessary to predetermine the details of the master planning process at this point in time.
67. Council also note in response to S31, that it is in the process of acquiring land which formed part of the former Colac High School site from the State Government. The area is more than 6 hectares and is intended for community and open space purposes. This land is immediately to the south west of this area, and will become a significant area of open space with community facilities to benefit people who live in this location, and beyond.
68. Furthermore, Council is also working with landowners to the west of the area to prepare a development plan, required by the DPO2. The development plan proposes to improve connections into the area

- identified for master planning by extending Moore Street through to Rifle Butts Road. It is also exploring additional street connections, subject to land acquisition.
69. It is considered that the broader social issues identified by Submitter 31 are complex, and beyond the immediate scope of the Growth Plan. It is further suggested that specific housing models such as co-housing could be explored as part of future stages of planning, in development applications, and do not need to be specified as part of this process.
  70. Council does not propose any change in response to this issue.

### **3.8 Future use of land adjacent to Deans Creek & Lake Colac**

71. Submitter 25 owns land north of the Highway and west (and east) of Rifle Butts Road. They submitted that the low-lying land which borders the creek and which is subject to flooding, could be used to create a lake which would become a significant tourist attraction and focal point for Colac. They suggested the area covers about 10 acres. They further noted that the section of Deans Creek immediately north of the highway was altered back in the 1960's (as part of the Princes Highway construction), and suggest the modification to the creek could restore the low-lying land to how it might have been in the early days of Colac's settlement. They thought the surrounding land could be converted into parkland for public use. They note that, the part of Deans Creek and the adjacent land closer to the lake is known to have been used by local Aboriginal people.
72. The submitter also noted that they have been in discussion with the State Government to safeguard those areas of cultural significance, which include middens and a corroboree site. They suggested that perhaps a facility with a walking track could be built which recognizes Colac's or Western Victoria's Aboriginal history. This could link with the proposed walking track along the foreshore.
73. In response, Council also notes the Panel's direction 9h which seeks Council to clarify the strategic basis for the proposed post-exhibition changes in response to this submission.
74. Council note the proposal and welcomes the suggestion to include part of the land for a constructed wetland / lake with parkland for public use. Council also welcomes the suggestion to explore ways to recognise Aboriginal history, and the potential to integrate this with walking tracks.
75. Council submit the Growth Plan should be amended to include a reference to investigate a potential focal point for the celebration and interpretation of Aboriginal stories in Colac West on the northern reaches of Deans Creek.
76. To explain this response, Council notes this area is identified by state wide cultural sensitivity mapping. Furthermore, as noted by the submitter, several registered Aboriginal sites are in this location. Parts of the area are also prone to inundation. Only a small section is public land, managed by DELWP. The balance is freehold.
77. The Growth Plan and Framework Plan have a key vision to utilise the creeks to create a Botanic Link which provides an open space network. A way to enable this is through land development, with encumbered areas of creek transferring to public ownership.
78. The implementation of this will enable the realisation of the vision, and will also assist to protect key areas of Aboriginal cultural heritage.
79. The area identified by the submitter is highly significant to Aboriginal people. It is suggested that subject to consultation with Aboriginal people and other relevant stakeholders, the idea of a focal point could be explored noting, that some areas may not be identified for cultural sensitivity reasons. This is a matter which should appropriately be determined in subsequent planning processes.
80. Council's response does not commit this to happening, but rather seeks to acknowledge the possibility and investigate whether this is appropriate.
81. In relation to the construction of a wetland / lake in this area, that should also be appropriately explored as part of detailed planning for this location, and further stormwater management assessments. There will be a mandatory requirement for a Cultural Heritage Management Plan as part of this process, which would explore the site-specific implications of this.
82. Council consider this is a strategically justified and sensible response at this stage of the process. However, Council welcomes any further recommendations the Panel may wish to offer in response to this issue.

### **3.9 Bypass of Colac**

83. The issue of a future bypass of Colac has been a matter which has been raised over many years by some members of the community.
84. Given its prominence in community discourse, it is surprising that only one submitter raised this as an issue (S27).
85. Council has previously sought to explore this matter by considering an alternative heavy vehicle route which was later abandoned due to community concern about trucks being directed into local streets.
86. Regional Roads Victoria (RRV - formerly VicRoads) are the relevant State authority who plan for and manage the arterial road network in Victoria.
87. The Princes Highway is a declared arterial road which is managed by RRV. Any bypass of the Princes Highway would need to be planned for and delivered by RRV.
88. RRV was invited to participate on the Project Control Group as a core stakeholder for the Colac 2050 Project. Their involvement throughout the development of the Growth Plan has been critical in managing this issue.
89. RRV has previously provided Council with advice that they do not currently have any funding to plan for, or construct a bypass of Colac, and if this were to become a priority in the future, then as the arterial road manager, RRV would be responsible for planning and delivering any change to the Princes Highway to bypass the town.
90. RRV have also advised Council that any future bypass would respond to strategic directions established for the town in the Growth Plan. It was therefore not critical to the development of the Colac 2050 Growth Plan to establish the route of a future bypass because RRV would consider the strategic directions established by the Plan in their planning.
91. Council has previously advocated to RRV to establish the economic, social and environmental impact of any proposed bypass to inform decisions about the need and impacts of such a proposal, prior to committing to its route or construction.
92. Council does not propose any changes in response to this issue.

### **3.10 Long term vision to shift industry from Colac East**

93. Council note that Submitter S29 contended the industrial area in Colac east near the lake is prime long-term residential land which could provide for 1000-1500 homes as part of a 100+ year vision to revitalise the town. Whilst they acknowledged the huge existing capital investment in the wastewater treatment plant and existing industry, they considered a long-term vision should be explored.
94. In response to this matter, Council considers that it is not realistic or feasible to speculate about the relocation of the abattoir or waste water treatment plant. As noted by the submitter, the relocation of uses in this area would involve significant capital investment which is unlikely. Furthermore, to identify residential uses next to these facilities, or to identify their relocation would potentially undermine the abattoir and wastewater treatment plant's ongoing operation and investment. It is poor planning practice to identify residential development next to areas of industrial activity or important infrastructure where potential land use conflict could occur.
95. Council does not propose any change in response to this submission.

### **3.11 Environmental Protection – (DELWP)**

96. DELWP's Environment Division lodged a submission (S10) to the exhibition of the Amendment. It submitted that environmental measures be adopted as part of the Amendment. These included:
  - The creation of substantial vegetation buffers along all waterways to protect and enhance riparian zones.
  - The use of native vegetation species within riparian zones and along all waterways rather than introduced species.
  - The use of sediment basins and constructed wetlands for improved management of stormwater and improved water quality of outflows into Lake Colac.
  - Further flora and fauna assessments to ascertain presence of threatened species, particularly aquatic flora and fauna and zoning to include measures to protect and enhance habitat for these species.

- Wide open space corridors or created wetlands along waterways and drainage lines in proposed Residential Zones which are subject to inundation, for example at the entrance of Deans Creek to Lake Colac.
  - The recommendations contained within Amendment VC154 regarding Water for Victoria - Water Plan, to enable the Victorian planning system to better manage water, stormwater and drainage in urban development be adopted where appropriate regarding planning permit applications that have implications in respect to water, stormwater and drainage management and treatment. This will provide for improved water quality and a reduction in overall nutrient quantities in the water cycle, ultimately benefiting waterways such as Barongarook and Deans Creek (and their tributaries) and waterbodies such as Lake Colac.
97. Officers discussed the submission with DELWP's planning unit, particularly in light of the conditions of authorisation, and the requirement to avoid duplicating provisions in the Scheme.
98. Officers formed the view with DELWP (Planning) that the suggested protection measures are already contained within the Colac Otway Planning Scheme and would result in the duplication of provisions. For example, Amendment VC154 was gazetted in October 2018 as part of the Colac Otway Planning Scheme and requires measures to improve stormwater management. Also, Clause 12 and 14 in State provisions have similar requirements noted in the DELWP Environment submission.
99. Detailed assessments in relation to environmental measures such as flora and fauna assessments will be required as standard parts of the next stages of planning.
100. Officers discussed this response verbally with DELWP's Environment Unit, and they were comfortable with this approach.
101. Council does not propose any change in response to this submission.

### **3.12 Changes identified in Alternative Motion**

#### **3.12.1 Proposal to rezone from Rural Living to Low Density land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street**

102. Council note that several submitters (S19, S20, S22, S28, S32, S33) raised concerns with the proposed rezoning of land from Rural Living to General Residential in Elliminty. They expressed preference for one acre allotments generally consistent with several lots in this location, and typical of a Low Density Residential Zone.

103. At the Special Council meeting held in March to consider submissions, Council officers provided Council with the following advice:

- "The land in question is considered strategically suitable for future residential over the medium to long term because it is close to existing residential areas and services, and would be serviced with utilities as part of future development (subdivision). The land would only be rezoned to Residential subject to a development plan, and majority land owner consent."*
- "The Growth Plan and Framework Plan nominates land to the east of the Colac Lavers Hill Road, as well as land to the north of Pound Road and west of Cants Road as the likely first stage of any future rezoning and residential development. The area noted by the submitter is likely to occur as part of subsequent stages in the medium to long term (15+ years). The Framework Plan and Growth Plan provide the strategic direction and ability for land owners to consider future rezoning, without requiring this."*

104. Officers did not recommend any change in response to the submissions.

105. Comments from the first part this submission are noted which describe how Council was presented with verbal submissions by Submitter 33. In response, Council passed an Alternative Motion which seeks to amend the Framework Plan as follows:

- The identification of the land bordered by Pound Road, Cants Road,*



**Figure 7 Map showing 200 Cants Road**

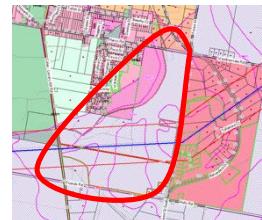
*Sinclair Street South and Neale Street as low density residential (2b of the Second Alternative Motion).*

106.In response, Council recognises that the area is largely developed with one acre allotments used for low density purposes. It notes that a LDRZ in a discreet location would broadly reflect the existing lot pattern with some additional subdivision permitted. An LDRZ zoning in a sewered area would permit lots of 2000sqm. It is likely that this area could be seweraged to facilitate this lot size.

107.Council welcomes the Panels' recommendation on this matter.

### 3.12.2 Proposal to rezone land between Colac-Lavers Hill Road, Florence / Friends Road, and Forest Street South (S30, S36, S37, S39)

108. As part of the exhibition of the Amendment, Council received submission S30 which sought the inclusion of their land for rural living purposes between Colac-Lavers Hill Road, Florence / Friends Road, and Forest Street South in the Framework Plan. They considered the land has the potential to fill the gap between the existing LDRZ to the east through to their southern property boundary.



109.Council note the Panel direction 9h which questions the strategic basis for the proposed post-exhibition changes in response to submissions S30.



110.At the Special Council meeting held in March to consider submissions, Council officers provided Council with the following advice:

- It is agreed there is an opportunity to include part of this land to geographically link the low density areas to the east and provide for further extension of the Beechy Rail Trail. It is therefore supported that part of this area be included within the township boundary for rural living or larger low density purposes – the zoning and minimum lot sizes should be considered as part of a future planning process. However, the land in question is steep as indicated by the Erosion Management Overlay which applies to the land, and includes the high power transmission line further south. Whilst some additional land is considered justified to include in the Framework Plan, it is not supported to include all of the land put forward in the submission, given that the Framework Plan identifies land to the east for rural living and low density purposes. There is a planning requirement to provide sufficient residential land supply, however there is no similar requirement to provide for low density and rural living areas. Furthermore, it is considered poor planning practice to provide excessive areas for these purposes. Whilst the balance of the land may be suitable for rural living or similar purposes in the long-term future, it is considered that the balance area identified in the submission should be excluded at this point in time. An analysis in the future as part of a future structure planning process can consider overall lot supply and demand to determine if additional rural living or low density land is warranted.*

Figure 8 Map showing land between Colac-Lavers Hill Road, Florence / Friends Road, and Forest Street South

111.Officers recommended a change as follows:

- Include part of the submitter's land which directly abuts the residential land to the east and identify this as 'rezone to rural living or low density subject to development plan' (i.e. exclude land which is further south).*



Figure 9 Map with area identified in officer recommendation

112.This change is reflected on the map in the figure shown, and the post exhibition and Panel version of the Framework Plan.

113.As noted in relation to the previous issue, at the Special meeting, Council was presented with verbal submissions by Submitter 30. In response, Council passed an Alternative Motion which seeks to amend the Framework Plan as follows:

- The extension of the urban boundary to include land bordered by Colac-Lavers Hill Road, Friends Road, Forest Street South for low density residential purposes, (2a of the Second Alternative Motion).*

114.Three late submissions were received in relation to this matter. They responded to the post exhibition notice and / or the Colac Herald article.

115. S36 of 5 Friends Road, Elliminnyt and S37 of 30 Friends Road, Elliminnyt, oppose the change to urban boundary to include the land. They consider the land unsuitable for this type of use. It is noted that they are scheduled to present to the Panel.

116. S39 owns 80 Forest Street, Elliminnyt. This land is currently zoned Farming and is about 3 acres (1.2ha). They are seeking the rezoning of their land to enable a house to be built.

117. Given the late submissions, Council cannot provide the Panel with an endorsed position in relation to the late submissions. However, at an officer level, and without prejudice, Council can provide the Panel with the following information.

118. Submitter 39's land is contained within both the officer recommended boundary change and the Council resolved boundary change.

119. The former Beechy Rail line alignment is located on submitter's S36 and S37's land, and does not fall within S30's parcel.

120. Council consider the strategic justification for inclusion of the land as per the Council resolution is:

- The Friends Road / Florence Road form a natural urban boundary
- It is likely that the area would at some stage be developed for rural residential purposes given the topography.

121. Council welcomes the Panels' recommendation on this matter.

### 3.13 Areas covered by the DPO2, and DPO2 area north of Aireys Street

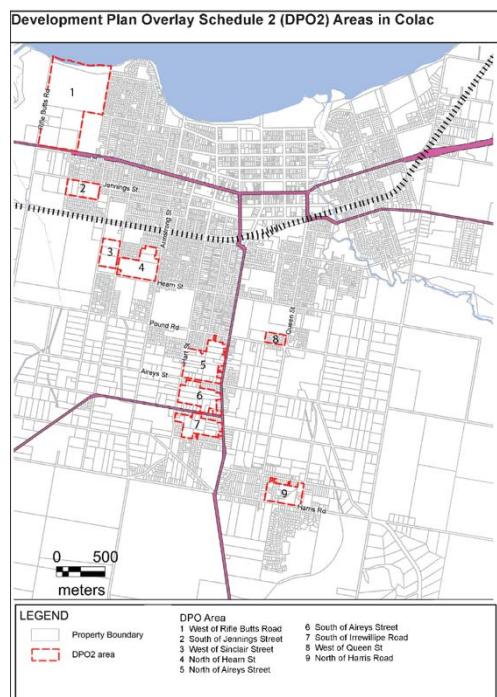


Figure 10 Figure 14 DPO2 Areas - Source p 30 Growth Plan

#### 3.13.1 Status of development plans for areas covered by the DPO2

122. Council note Direction 9b which seeks information about the status of development plans for areas covered by the Development Plan Overlay Schedule 2 (DPO2), and what this means for the current supply of residential land.

123. The description and status of areas covered by the existing DPO2 are described in the Growth Plan in relation to existing land supply (p 29). To avoid repetition, Council directs the Panel to this information.

124. The residential land supply analysis undertaken by Council included land covered by the DPO2 because it is zoned GRZ.

125. The DPO2 was considered a constraint by the consultant who prepared the assessment.

126. Council has recently facilitated the preparation of two development plans.

127. A development plan was recently approved by Council for land north of Hearn Street (identified as 4 on the map shown). This development plan identifies approximately 120 lots. A subdivision application is currently being assessed for about 30 lots within this area.

128. A further development plan is under preparation for land east of Rifle Butts (identified as 1 on the above map), and should be completed later this year.

129. This development plan is significant and will add a further 600+ lots when subdivisions are approved over the coming years.

130. It will also enable the construction of the road to interface with the new open space / community facility proposed for the former Colac High School site.

131. A subdivision application for this area is currently on hold, pending the approval of the development plan.

### 3.13.2 DPO2 area north of Aireys, west of Main Street (S9, S18, S24)

132.Three submissions were received clustered around the DPO2 land north of Aireys Street, west of Main Street. The expressed concern:

- about the historical process to apply the DPO2,
- with Council's development plan preparation project in 2014, and
- the extent of the mapped area of the Overlay.

133.Council note the Panels' direction to clarify the strategic basis for the proposed post-exhibition changes, in response to submissions S18.

134.Submitter 18 contended the Growth Plan on p29 incorrectly reports the reason for resident opposition to the development plan process. They stated the primary reasons the development plan was abandoned was due to safety and privacy concerns associated with the proposed open space and walkway, and not wanting to develop the land.

135.Submitter 18 also referred to Clause 21.03-2 Implementation – Future Strategic Work, and wording in relation to amending DPO2. They consider the wording requires further explanation and is obscure including the words "management of adjoining land uses", "and other requirements as appropriate".

136.The submitter considers the DPO2 area is now out of date given development which has occurred. They request that a review of the DPO2 boundaries is undertaken, and that the property is removed from the DPO2 area.

137.Council note, the DPO2 was approved as part of Amendment C55 which implemented the Colac Structure Plan in 2007.

138.In 2014, Council facilitated the preparation of three development plans, including in the area noted in submissions.

139.Two development plans were approved by Council as shown on the map shown. The third development plan was abandoned due to resident resistance.

140.In response to submissions, it is noted the Amendment does not propose to make any change to the existing DPOs in the Colac Otway Planning Scheme. No DPO is proposed to be applied or removed, including DPO2 which currently applies to the submitters' land.

141.The Growth Plan on p28 details existing residential areas where the DPO2 applies. It notes that no development plan has been approved for the submitters' area. It also refers to the need to amend the DPO2 in the future to require a shared infrastructure plan and ensure that a development plan is approved prior to subdivision.

142.Council submits it is not possible as part of this process to remove the DPO from the submitters' properties as it would be a transformation of the Amendment.

143.Furthermore, Council considers the area still requires a Development Plan Overlay to facilitate future orderly subdivision.

144.The Growth Plan predominantly refers to facilitating development planning processes in new growth areas. Council does not intend to undertake a development planning process in this area in the short term because it was only recently attempted but abandoned due to lack of land owner support/agreement.

145.Council partly agrees with S18 that further explanation could be included in the relevant section of the Growth Plan.

146.Council supported a change to page 29 of the Growth Plan to include additional reasons for opposition to the development plan. This should include safety and privacy associated with the open space and walkway, and property owners not wanting to develop.

147.While Council does not support changes to the wording of the provisions noted by the submitter, it acknowledges that the development planning process in the DPO2 area in question was not supported by



Figure 11 Map showing area of DPO2 north of Aireys Street



Figure 12 Development plan approved by Council in 2014

many of the land owners, and that the boundary of this area may need to be revisited as part of a future process. It is therefore considered appropriate to review the DPO2 area as part of a future planning process.

148.Council submit that the wording in the Growth Plan on page 29 should note the need to review the DPO2 boundary in the area north of Aireys Street and west of Main Street to consider the extent of the DPO2 mapping. It also considers Clause 21.03-2 Implementation should be amended to include a new line to review the extent of the mapping for the DPO2 area north of Aireys, west of Main Street to consider, in particular, small lots which have been developed, where appropriate.

149.Council welcomes the Panels views about this matter.

### 3.14 Various annotations on the Framework Plan

#### 3.14.1 Open space corridor – constructed waterway and extent of inundation shown

##### 3.14.1.1 Open space corridor – constructed waterway

150.Submitter 8 lodged two submissions which raised two main issues with the presentation of the Framework Plan:

- The identification of a constructed waterway and potential open space corridor on land they are currently seeking to subdivide, and
- The extent of flooding and inundation shown on the Framework Plan (S8a).

151.Submitter 8 has a current planning application for subdivision of land at 130-154 Sinclair Street which is zoned General Residential.

152.Council is currently considering that application and working with the submitter to resolve outstanding matters in relation to the proposed subdivision.

153.Since the time of exhibition and receipt of the submission, the proposed subdivision has been progressed and amended to incorporate a large swale-like median through the land which resembles a constructed waterway. The land is subject to significant flooding, and it is important that these matters are worked through carefully to the satisfaction of Council and the CCMA.

154.In relation to the Framework Plan, the purpose of the dashed green line through the property is to indicate a potential open space link utilising the creek and major drainage lines. The aim is to enhance the open space network in the town and overall pedestrian and cyclist safety and connectivity. This is an important part of the overall vision for Colac 2050 to create a highly liveable place with enhanced connectivity and open space. The physical form of the link is not prescribed and could be realised utilising different cross sections, which are to be determined as part of future planning.

155.The land in question has a major drainage line traversing through the site, and it is considered inappropriate to remove this from the plan given that it would disconnect two sections of a future corridor and impede the delivery of the strategic vision.

156. It is considered that the subdivision is broadly working towards this vision by including a wide central swale and a shared path through the site.

157.This response demonstrates that the subdivision application is the appropriate time to resolve these matters and that it is important to maintain the strategic vision as per the exhibited Framework Plan.

158.Council does not support the removal of the annotation from the submitter's client's land.

##### 3.14.1.2 Extent of flooding and inundation shown

159.The second submission (S8a) relates to the further land holdings owned by the submitter's client. The land holdings in Colac West are identified for future residential purposes. Part of the land is subject to inundation. This is identified by the existing Land Subject to Inundation Overlay, and is also identified in the current Colac Framework Plan at Clause 21.03 of the Scheme.



Figure 13 Map showing 130-154 Sinclair Street

160.The areas of inundation on the exhibited Framework Plan and in the Growth Plan identify land which is flood or inundation prone under existing conditions. This mapped area utilises mapping being implemented by Amendment C90.

161.It is submitted that it is appropriate to identify existing flooding constraints on the Framework Plan, consistent with the current Framework Plan. The extent of the mapping in this location is not substantially different.

162.Having said this, Council notes a key aim of preparing the Growth Plan and Colac Stormwater Development Strategy at the same time, was to consider the feasibility of developing parts of the land subject to inundation for residential purposes having regard to the shallow depth of inundation in some sections. Furthermore, the Stormwater Development Strategy considered the ability to mitigate inundation through stormwater management measures such as constructed wetlands, for example.

163.The Growth Plan acknowledges the ability to develop some of the submitter's client's land, subject to further assessments and the implementation of stormwater management measures. Council considers that, to ensure this intention is clear on the Framework Plan, it is suggested to include a note.

164.Council therefore submits that a note be included on the Framework Plan which states:

*'the area of inundation shown on the Framework Plan reflects the extent of existing conditions, and may be subject to further refinement as part of future planning and development processes which consider stormwater management measures.'*

165.This change is reflected in the post exhibition and Panel version of the Framework Plan.

### 3.14.2 Town Gateway symbol

166.Submitter 15 expressed concern that their property is directly affected by the symbol on the Framework Plan, that indicates "Town Gateway", and "Built form and landscaping".

167.Council note that several parts of the existing Colac Framework Plan which continued to have relevance, were carried over into the Colac 2050 Framework Plan. This included the 'town gateway with built form and landscaping' symbol. Whilst it is an existing symbol identified on the Princes Highway entrances to Colac, it has been applied to other key town entry points on all arterial roads. It is acknowledged that it could be shifted slightly north to indicate that it is intended to generally indicate treatment at the town entrance on the arterial road.

168.Council therefore submit that the location of the symbol on the Framework Plan should be shifted to align with the Colac-Forest Road. This is shown on the post-exhibition and Panel versions of the Framework Plan.

### 3.14.3 'Buffer Industrial Zone' notation (EPA)

169.The EPA (S23) submitted the meaning of the notation 'Buffer Industrial Zone' on the exhibited Framework Plan is unclear, and sought clarification.

170.Council submit that the intended zone is IN3Z as the zone's purpose is as a buffer industrial zone.

171. Council considers the Framework Plan annotation should be amended to read 'Industrial 3 Zone or Commercial 2 Zone' to avoid confusion. The post-exhibition and Panel version of the Framework Plan has amended the annotation to 'Rezone to Industrial 3 or equivalent'.

### 3.14.4 Identification of buffer areas on Framework Plan

172.Two submissions (S15, S23) raised the issue related to representation of buffer areas around existing industrial uses on the Framework Plan.

173.Submitter 15 expressed concern that their property is identified within the 500m buffer zone around the AKD saw mill, without a clear explanation for creating such a zone.

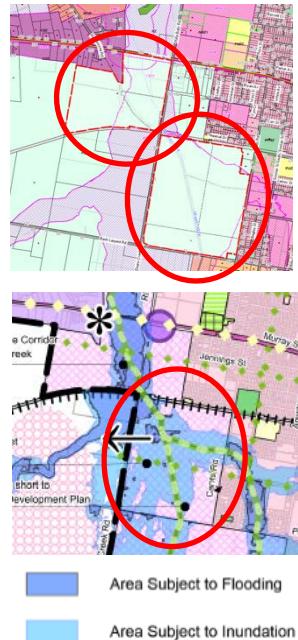


Figure 14 Growth area west of Cants Road (S8a)



Figure 15 Property identified in S15

174.Council also notes EPA's (S23) written submission, which commented on the identification of buffer areas between land used for industrial and residential uses, including low density and rural living zones. Whilst they noted their support for the provision of buffer areas, they noted that separation distances for industrial uses can vary and depend on the type and scale of activity and the offsite impacts associated with such uses.

175.The EPA stated that care should be taken against providing a 'uniform' buffer via the Development Plan Overlay as this may not capture all risks associated with the use of the land. Furthermore, they expressed the view that planning matters (both permit applications and strategic rezoning) should include a site-specific / localised assessment of local industrial uses and any likely impacts on sensitive uses.

176.Council also notes the Panel's direction 9j which relates to this issue, by seeking clarification of what Council intends by showing the buffers on the Framework Plan, and how these buffers tie in to the policy in Clause 21.03-2.

177.Clause 11.03-2S Growth areas has the following strategies:

- "Develop Growth Area Framework Plans that will:
  - i. *Include objectives for each growth area.*
  - ii. *Identify the long term pattern of urban growth.*
  - iii. *Identify the location of broad urban development types, for example activity centre, residential, employment, freight centres and mixed use employment.*
  - iv. *Identify the boundaries of individual communities, landscape values and, as appropriate, the need for discrete urban breaks and how land uses in these breaks will be managed.*
  - v. *Identify transport networks and options for investigation, such as future railway lines and stations, freight activity centres, freeways and arterial roads.*
  - vi. *Identify the location of open space to be retained for recreation, and/or biodiversity protection and/or flood risk reduction purposes guided and directed by regional biodiversity conservation strategies.*
  - vii. *Show significant waterways as opportunities for creating linear trails, along with areas required to be retained for biodiversity protection and/or flood risk reduction purposes.*
  - viii. *Identify appropriate uses for constrained areas, including quarry buffers.*" (Underlined for emphasis).

178.Council note that the exhibited Framework Plan identifies different buffer zone areas around:

- The wastewater treatment plant (300m)
- The abattoir (500m), and
- The sawmill (500m).

179.These areas identify constrained areas, which are measured from the boundary of the use, and reflect specific buffer distances identified at Clause 53.10 Uses with Adverse Amenity Potential, for those uses. The 500m buffer shown on the Framework Plan, for example, visually reflects the buffer distances identified at 53.10 for sawmills. The buffer areas therefore are a mapped representation of an existing provision in the Planning Scheme, to identify the constrained area.

180.The uses proposed within the constrained area are also identified by the Framework Plan and will be discussed in more detail later in this submission.

181.The Framework Plan additionally identifies buffer areas more generally along boundaries between industrial zones and areas proposed for rezoning to zones which would permit sensitive uses such as housing and open space.

182.The identification of the buffer areas is intended to guide subsequent planning processes which enable the development of locations proposed for the Rural Living or Low Density Residential zones. The mapped representations are aimed to clearly identify the notional area which lies within the buffer areas, and to inform preparation of Development Plan Overlay schedules and rezoning applications.

183.Colac has an important industrial landscape with industries such as the sawmill and abattoir functioning as key contributors to the local and regional economy. This part of the proposal seeks to balance and recognise in a map the industrial uses and their potential off-site adverse amenity impacts as identified by the Scheme.

184.Whilst Council has utilised uniform distances identified in Clause 53.10, it recognises that the buffers are notional at this high level, and subject to further detailed assessments at the time of rezoning and preparation of development plans. It recognises that detailed assessments by future proponents as agents of change, will scrutinise buffer distances to determine sources of amenity impacts, actual distances required to mitigate those impacts, and potential mitigating responses. For example, it is expected that further detailed investigations could determine matters such as sources of noise, odour, dust etc., and potential mitigating conditions such as topography, design or engineering responses, as part of the development plan process. The development planning process is therefore expected to develop a site nuanced response, and move beyond the uniform area identified in the Framework Plan. Some responses that might be used to respond to the amenity impacts include mounding, building envelopes, different lot sizes, and vegetation buffers for example. These matters should appropriately be worked through as part of subsequent planning stages.

185.Council is of the view that it is appropriate to identify buffer areas as a ‘uniform’ constraint on the Framework Plan using distances specified in Clause 53.10 given:

- the Framework Plan is a high-level policy tool
- the Framework Plan should properly identify constraints and guide suitable uses next to constrained areas as required by Clause 11.03-2S
- the Framework Plan does this by identifying areas adjacent to industrial uses for rural living and / or low density purposes noting the constraint
- it is expected that subsequent planning will develop nuanced responses to potential adverse amenity impacts, and
- the buffer is reinforced through Objective 1 in Clause 21.03-2.

186.Having said this and noting Council’s further consideration of EPA’s submission, Council consider the wording of the strategy associated with Clause 21.03-2 Objective 1 should be amended. It considers the strategy should be strengthened to reinforce the need to avoid locating sensitive uses within existing industrial buffer areas and the wastewater treatment plant, and to improve the cross-referencing between this strategy and the Framework Plan.

187.The exhibited wording already notes the requirement for a Development Plan Overlay as part of rezoning, although the word ‘treatment plant’ is not included after ‘wastewater’. It is considered this should be inserted for completeness and to avoid confusion.

188.The Council resolved change is noted on the post-exhibition version of Clause 21.03. Council submit the wording of the strategy should be:

- *“Support applications to rezone land to General Residential, Low Density Residential or Rural Living, only in accordance with the Colac Framework Plan and where accompanied by a Development Plan Overlay which sets out requirements for the orderly staging and development of the land, coordination of infrastructure, a shared infrastructure plan, management of adjoining land uses and need to avoid locating sensitive uses within existing industrial and wastewater treatment plant buffer areas, and other requirements as appropriate.”*

189.In relation to submitter 15’s property, it is contended that given the property is currently zoned farming, has an existing dwelling, and sits outside the proposed urban boundary, the identification of the buffer is unlikely to have any material effect on the property’s use and development.

### **3.15 Existing sensitive uses located within existing industrial buffer areas**

190.The EPA’s (S23) submission raised concerns with the Framework Plan because it showed existing residential and open space uses located within the buffer of the wastewater treatment plant, and abattoir. They considered this is a poor land use planning outcome. They noted their support for the recognition of the buffer in policy, however thought that further consideration should be given to what can be done to improve outcomes for residents and open space users. They contended that appropriate planning controls should be applied to ensure that no further sensitive uses are allowed within the buffer zones.

191.Council note the exhibited Framework Plan reflects historic land use and development patterns in relation to the abattoir, wastewater treatment plant, and adjoining existing sensitive uses.

192. Amendment C86 which was gazetted in October 2018, rezoned the abattoir to Special Use (SUZ). Amendment C86 also introduced into Clause 21.03 provisions to discourage the further subdivision of residential land within the buffer zone area.
193. Council defers to the EPA for any further submissions about this issue, however notes that it is important to balance existing use and development rights in historical parts of Colac with the protection of important industries.
194. Council note its previous suggested change to Clause 21.03-2 Objective 1.
195. Council does not propose any further changes in response to this issue.

### **3.16 Proposed zones/ uses proposed within existing industrial buffer areas in Colac East**

196. Council note the Panel's direction 9g to clarify the strategic basis for locating Low Density or Rural Living areas adjacent to existing industrial areas in Colac East.
197. Council also note submissions that raised matters related to the proposed zones (and uses) identified within industrial buffer areas.
198. These included submissions that sought residential growth to the east of Colac (S15 and S17).
199. Submitter S15 contended the logical direction for long term residential growth should be towards Geelong / Melbourne. They thought this would make it easier to commute, and considered the area more amenable than areas to the west.
200. Submitter S17 also considered the general area bounded by Marriners Street, Triggs Road and Drapers Road suitable for residential zoning. They submitted the area has great views over Lake Colac and surrounding area, and convenient access to Geelong with the new dual highway.
201. A late submission (S38) is seeking their land at 82 Marriner Street, Colac East, to be identified for General Residential purposes. The land is currently zoned Rural Activity, and is identified for Rural Living or Low Density Residential purposes in the exhibited Framework Plan. It is identified in the figure below.

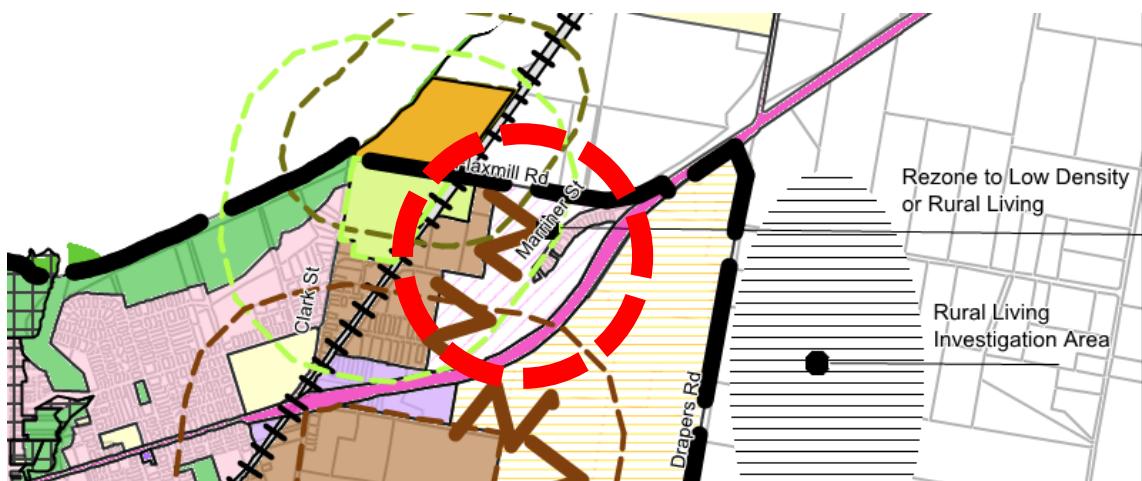


**Figure 16 Submitter 38's land – 82 Marriner Street, Colac East**

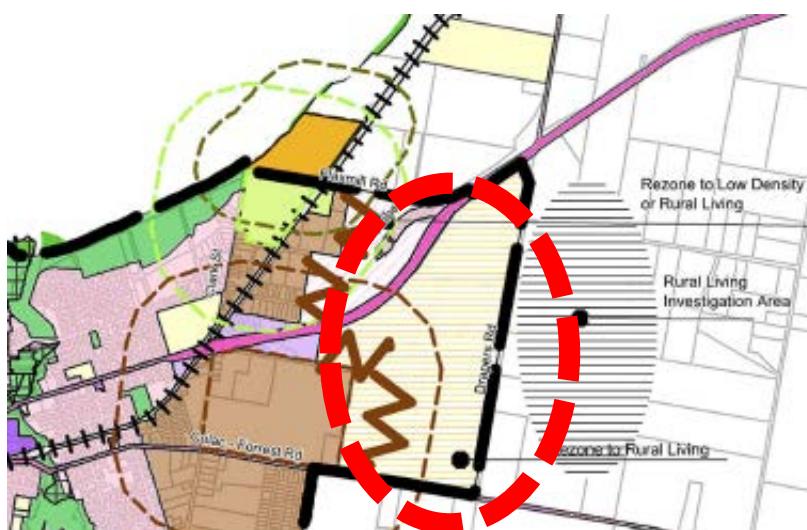
202. To address the issue of the proposed zones for areas next to industrial areas, Council will turn to the EPA's submission and respond to this and submissions S15 and S17 in a general way. It will then turn to the three specific areas in Colac East identified next to industrially zoned land, and comment on the strategic basis for each of the proposed zones.
203. Industrial land and buffer areas in Rossmoyne Road will be discussed separately later in this submission.

#### **3.16.1 General comments about proposed uses next to industrial areas in Colac East**

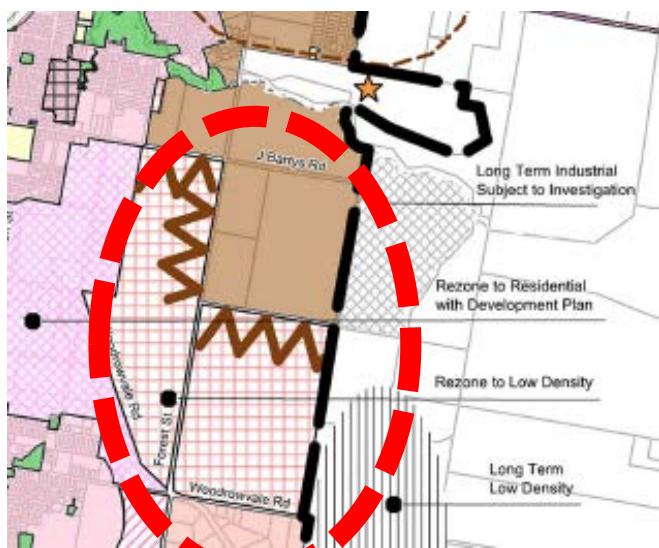
204. The EPA's submission (S23) noted the exhibited Framework Plan proposes Low Density or Rural Living uses within part of the identified buffer area of the sawmill. They recommended that consideration be given to potential offsite amenity and health impacts associated with this land use, and whether sensitive uses are appropriate. They submitted, that it is EPA's position that sensitive uses are not appropriate within buffers to industry that generate offsite impacts and recommend considering non-sensitive uses which may be more suitable in this location.
205. Council note that the Framework Plan identifies rural living or low density uses in three buffer areas of existing industry and undeveloped zoned industrial land in Colac East. These include areas:
- to the north of the Princes Highway (south of Flaxmill Road)
  - to the south of Princes Highway, next to the sawmill (west of Drapers Road), and
  - to the south of Hearn St / J Barry's Road, east and west of Forest Street.
206. These areas are noted in the following three figures.



**Figure 17** Rural Living or Low Density proposed for the industrial area south of Flaxmill Road and north of the Highway



**Figure 18** Rural Living proposed for the industrial area south of Highway, east of sawmill



**Figure 19** Low Density proposed for the industrial area south of Hearn / J Barry's Road, east and west of Forest Street

207. As noted in Council's Part A submission, Council underwent significant engagement and scenario testing to identify areas proposed for future development. This included consideration of suitable uses and development within industrial buffer areas.

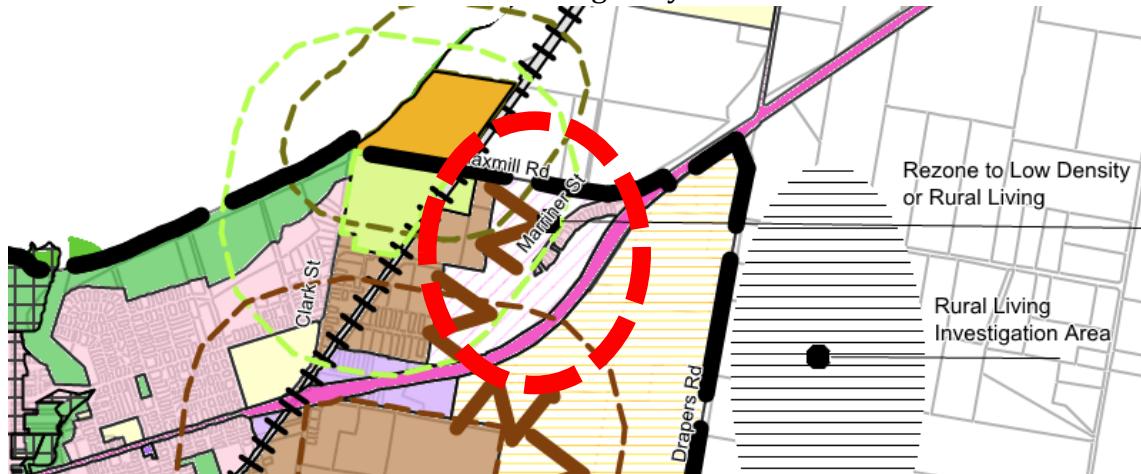
- 208.A key strategic direction of the Growth Plan and Amendment is to achieve urban consolidation in Colac by transitioning existing rural living areas in Elliminnyt to a General Residential Zone.
- 209.Furthermore, the *Colac Otway Rural Living Strategy*, 2011 identified and designated suitable locations for rural living areas which do not take up high quality agricultural land, and where an adequate level of service can be provided.
- 210.This is confirmed in the current Clause 21.03, which has a strategy to '*designate areas of rural land between Elliminnyt and Colac (east and west of Colac - Lavers Hill Road) as rural lifestyle opportunities.*' Rural living land is also identified in the current Colac Framework Plan, and land in Elliminnyt is zoned as such.
- 211.Given the proposed loss of RLZ land in Colac, it is considered necessary to identify additional supply to cater for this type of land use, and reduce pressure for rural lifestyle properties in other areas of the Shire.
- 212.The current minimum lot size for subdivision of RLZ land in Elliminnyt is 1.2ha. It is considered that a more efficient use of land would be to identify areas suitable for LDRZ to facilitate the offering of different lot sizes and lifestyle opportunities. This approach is also underpinned by the economic development strategy for Colac to attract people to settle here by offering a diverse type of housing and lifestyle opportunities.
- 213.The Framework Plan therefore seeks to identify different types of zoned land: General Residential; Low Density; and Rural Living.
- 214.Council's Part A submission described the opportunities and constraints map which identifies the buffer areas around industry, both existing industry, and undeveloped industrial land (west of Forest Street, south of Barongarook Creek). This was used extensively as part of engagement and scenario testing. The opportunity and constraints map and Background Document recognise, that it is unsuitable to identify General Residential land next to industrial areas.
- 215.This planning principle has been carried through to the exhibited Growth Plan and Amendment. No areas are proposed for General Residential purposes next to Industrial 1 zoned land. Furthermore, the planning principle has informed the rationale behind the proposed rezoning of the Industrial 1 zoned land in Rossmoyne Road to Industrial 3 Zone. This matter will be discussed later in this submission.
- 216.The direction of residential growth in Colac was also debated in workshops with Councillors, and as part of the Citizens' Jury process. Submissions 15 and 17 reflect a view by some in the community that Colac should grow towards the east.
- 217.However, orderly planning as noted by the EPA submission, seeks to avoid land use conflict between industrial uses and sensitive uses. Council therefore does not support residential growth to the east of Colac, and does not propose any change in response to Submissions 15 and 17.
- 218.The clear direction established by the Growth Plan and Amendment is for residential growth to consolidate in existing areas of Elliminnyt, in addition to the Deans Creek corridor. Furthermore, long term residential growth is clearly identified to the west and south of Colac.
- 219.Having said this, Council explored zoning options available to facilitate some development in Colac East. It analysed various planning schemes to see what zones were typically located next to industrial uses. Rural Living and Low Density are not uncommon choices, and have been used by the City of Greater Geelong around industrial areas such as Heales Road, and in Moolap.
- 220.It is therefore broadly considered appropriate to identify land for the Rural Living Zone and Low Density Zone next to the Industrial 1 Zone, subject to subsequent planning.
- 221.Whilst the preferred zones for specific areas in Colac East will be discussed shortly, Council makes the following concluding general comments about this matter.
- 222.Council acknowledges it is important to avoid locating sensitive uses within industrial buffer areas, however considers it is important to recognise the opportunity for a more nuanced approach to development.
- 223.Council's approach seeks to avoid the sterilisation of areas in Colac East through overly restrictive planning provisions.
- 224.It is considered that the Framework Plan and Amendment establish a clear direction in relation to the requirement for a future planning process via a DPO to explore options to accommodate some housing albeit at low densities. The Amendment also seeks to avoid locating sensitive uses in the buffer area. This has been reinforced through the post-exhibition change suggested by Council in response to the EPA submission.

225.This is not to say that no housing will be permitted within the buffer areas, but rather, as previously noted, that Council expect subsequent planning to explore the specifics of adverse amenity impacts in more detail. It would be expected that this process would also explore strategies and plans to potentially mitigate adverse amenity impacts where possible.

226.It is not the purpose of planning at the Framework Plan stage to resolve every detail, but rather to identify the process and matters which should be considered to progress a rezoning application.

227.Finally, the Rural Living Zone is not part of the residential suite of zones. This shall be discussed in more detail in the next section.

### 3.16.2 Rural Living or Low Density proposed next to the industrial area south of Flaxmill Road and north of the Highway



228.The exhibited Framework Plan identifies an area of land south of Flaxmill Road and north of the Princes Highway for the Low Density or Rural Living zones.

229.Council notes the Panel's direction 9f seeks clarification as to what is intended for areas identified as Rural Living or Low Density. Panel is also seeking clarification when the decision will be made as to which is the appropriate zone, and what criteria Council will apply in selecting the appropriate zone.

230.Council notes that this area is challenging to plan for. It is currently zoned Rural Activity with a 40ha minimum lot size, and sits outside of the town boundary. This zoning has effectively sterilised this area from development, despite its proximity to Colac.

231.It is recognised that the area has some inherent amenity advantages with views over the lake, however, also has some intrinsic constraints proximate to the abattoir and wastewater treatment plant. These result in odour impacts.

232.Furthermore, the buffer area of the wastewater treatment plant is recognised by the existing ESO6 control.

233.The buffers identified on the exhibited Framework Plan show that most the land wedged between the Highway and Flaxmill Road sits within either the abattoir's buffer or the sawmill's buffer.

234.In the first instance, Council formed the view that the land ought to be located within the urban boundary given that it is an infill area wedged between two existing parts of Colac, with Flaxmill Road forming a logical boundary.

235.Council considered various zone options for the area. It was not considered suitable for GRZ. It was also not considered suitable for IN3Z because of the existing residential land in Marriner Street. C2Z was considered but ruled out because there is sufficient land supply identified in Colac. This was confirmed through C86. It would otherwise have been a suitable option.

236.Council therefore turned to the RLZ and LDRZ.

237.The purpose of the Rural Living Zone is:

- “To provide for residential use in a rural environment.”
- “To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.”

- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.”*

238.The zone is not part of the residential suite of zones. Furthermore, the zone allows many uses which are not sensitive as of right, and many more subject to a permit.

239.Whilst a dwelling is as of right, a schedule to the zone can specify different minimum lot sizes.

240.The purpose of the Low Density Residential Zone is “*to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.”*

241.The strategic rationale for jointly identifying the area for LDRZ and RLZ is because it is recognised that not all the land in this area sits within a buffer with adverse amenity impact. Notably, the land identified in Submission 38 does not sit within any buffer area and was considered appropriate for some smaller residential lots.

242.It is expected that a development plan process would explore what minimum lot size was suitable for the area, noting that most of the land was expected to be identified as RLZ, with a small balance to the south west of Marriner Street identified for LDRZ.

243.Thus, larger RLZ lots could be identified in areas located within the buffer zones, whilst LDRZ could potentially be used outside of this area.

244.This was also considered appropriate because the purpose of the zones broadly reflected the intent for use of the land. The RLZ as a rural zone, could sit between the existing GRZ and IN1Z areas.

245.Furthermore, the LDRZ could comfortably sit behind the Marriner Street GRZ land.

246.It was thought that a development planning process for this area could determine where the zone boundary ought to be, and what the lot sizes should be.

### *3.16.2.1 Marriner Street area for GRZ purposes*

247.Having said this, Council notes submission S38, which is seeking their land at 82 Marriner Street to be identified for General Residential uses.

248.Given the late submission, Council cannot provide the Panel with an endorsed position in relation to this matter. However, at an officer level, and without prejudice, Council recognises the land in question is not contained within the nominated industrial or wastewater plant buffer areas.

249.Furthermore, Council recognises that it is likely that the land could be developed with reticulated sewer. Therefore, if it were to be rezoned to Low Density, it could potentially be subdivided to lots in the order to 2000sqm under the standard provisions of that zone.

250.Council recognises that the land is adjacent to a small area of General Residential, and could be characterised as an urban infill area.

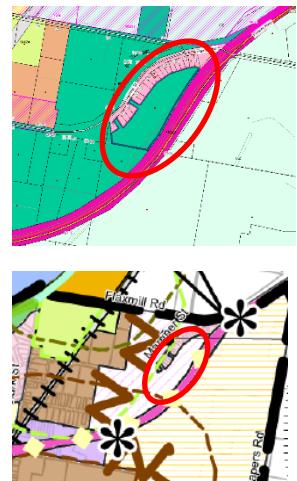
251.Whilst Council does not support GRZ for the entirety of the area to the east of the abattoir, and south of the wastewater treatment plant, it does recognise there is a planning argument for an isolated rezoning of the submitter’s land.

252.Having noted this, Council considers that orderly planning should nonetheless prevail and any future rezoning and development of the submitters’ land should have regard to the other land proximate to it, to ensure good urban design outcomes.

253.If the Panel considers the submitter’s land suitable for GRZ purposes, Council requests that the Framework Plan be amended to remove identification of LDRZ for this area with a specific annotation identifying GRZ for the submitter’s land. There should also be consequential changes to the Growth Plan to reflect any further refinements in this area.

254.In relation to the balance of the land in this area, Council reiterate, the area is not straight forward to plan, and considers the only two realistic zone options are C2Z and RLZ, noting that C2Z was ruled out for land supply reasons.

255.Council welcomes any further submissions from the EPA, and the Panel’s recommendation on this matter.



**Figure 20 Map showing 82 Marriner Street**

### 3.16.3 Rural Living proposed next to the industrial area south of the Princes Highway, east of sawmill

256. Council relies on its previous submissions to explain the strategic basis for using the Rural Living Zone as a legitimate Victorian Planning Provision next to Industrial 1 zoned land.

257. The land in question lies west of Drapers Road, south of the Princes Highway, north of Colac-Forest Road, and east of the AKD sawmill.

258. Furthermore, despite the Farming Zone of the land, it is heavily fragmented, and largely used for rural living purposes, as well as rural industries.

259. It is subject to large topographical changes, which are expected to mitigate some of the off-site amenity impacts associated with the sawmill. The buffer is shown as an area as the crow flies on a map, however the topography of the land should be considered when planning for the area next to the sawmill.

260. It is also noted that the Citizens' Jury recommended larger lots for this location, potentially in the order of 6ha, in acknowledgement of the constraint in this location.

261. They also considered that the land was unsuitable for residential purposes because it was effectively disconnected from the rest of the town due to road connections, land tenure, and land use. It would therefore prove difficult to ensure good walkability and broader urban connectivity.

262. Council reiterates that a development planning process should explore ways to accommodate the required buffer through means such as building envelopes or the location of non-sensitive uses in the area within buffer areas. The process should also scrutinise actual offsite amenity impact distances. This will be explored through a future process.



### 3.16.4 Low Density proposed next to the industrial area east and west of Forest Street

263. The exhibited Framework Plan proposes land next to Industrial 1 zoned land in Forest Street for a Low Density Residential Zone.

264. The proposed LDRZ land is to the south of the Bulla Factory in Hearn Street, and south of vacant industrial land rezoned by Amendment C86 in 2017.

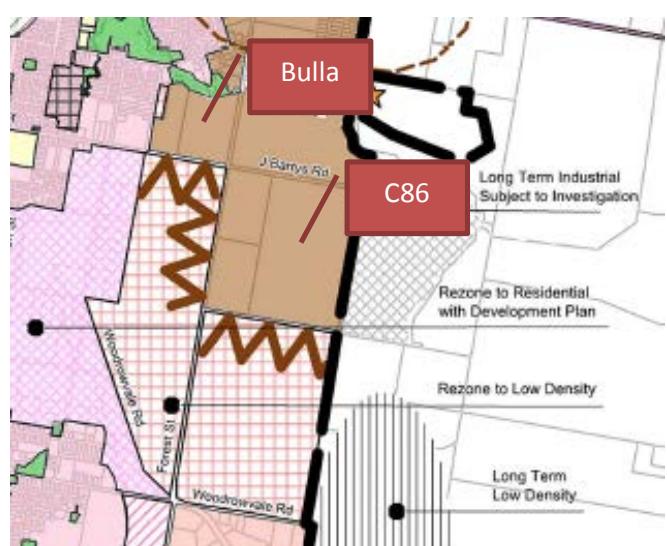
265. A small parcel of land is also proposed to be rezoned in Fulton Street. Submission S4 supported this proposal.

266. Council also received submissions in support from property owners west of Forest Street (S2 and S3).

267. Council relies on previous submissions in relation to the strategic justification for zone choice, and management of industrial buffer areas by way of a development plan process.

268. Council notes the land west of Forest Street is currently zoned Rural Living and developed with housing at relatively low densities.

269. The Growth Plan (p40) describes the area in detail.



270.Low Density has been chosen in this area given the industrial land rezoned as part of C86 is vacant, and there is no defined buffer distance. The land is also proximate to existing services and facilities in town, but cannot transition to General Residential given its proximity to industrial land. It was considered there is some opportunity for infill, albeit as low density residential, and that this area could function as a transition area between industry and the GRZ land.

271.DPO7 was applied as part of C86 to the land south of J Barrys Road. DPO6 was applied to the Bulla land.

272.Whilst DPO7 does not explicitly consider low density to its south, it does require consideration of residential interfaces, and is also explicit about its western interface.

273.DPO6 requires Bulla to consider its residential interface.

274.Given the area is largely undeveloped, Council consider there is an opportunity to explore appropriate use and development over time using the development planning process.

### 3.17 Clarification of notations on the Framework Plan and Development Contributions

275.Council notes Panel's Direction 9c:

- *What does Council intend for areas identified as suitable for rezoning, and areas identified as future investigation areas?*
- *What criteria did Council apply to identify and designate areas suitable for rezoning, and future investigation areas?*
- *What criteria did Council apply to identify and designate areas that should be rezoned subject to a Development Plan?*
- *What are Council's anticipated timeframes for rezonings and future investigations?*

276.Council also notes Direction 9i which questions the mechanism by which Council intends to develop shared infrastructure plans.

277.Council will respond to the first two parts of this direction in the next part of the submission when considering long term investigation areas.

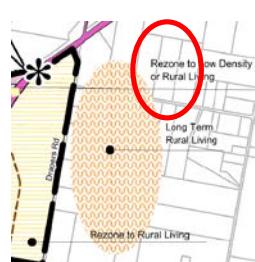
278.This will be followed with a response to the other directions.

#### 3.17.1 Long term investigation areas

279.Council notes that Submitter S14 has property at 90 Triggs Road, Irrewarra. The exhibited Framework Plan identifies this area as a rural living investigation area in the long term. The submitter contended that Council should rezone the land, or some of this area, to Rural Living under the current proposal. They considered this would otherwise be a missed opportunity to rezone an area that is already not viable for traditional farming.



280.Council also notes, Panel's direction 9d which questions the strategic basis for rezoning land on the west side of Christies Road from Low Density Residential Zone to Farming Zone.



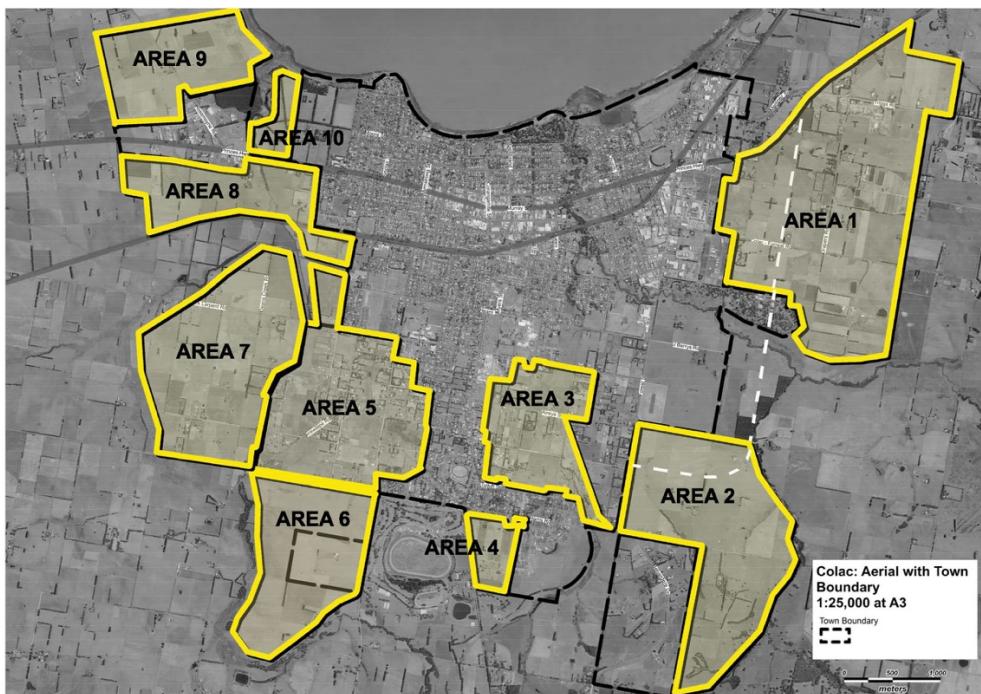
281.In response, Council will consider the submission and issue of all the investigation areas more broadly and how they were determined compared to other areas identified for inclusion within the urban boundary. In so doing, Council will explain the strategic basis for the proposed rezoning in Christies Road.

282.Council's Part A Submission explained the engagement and scenario testing process which culminated in the Citizens' Jury process. It explained the robust deliberations of the Jury to consider the planning merit in relation to how and where Colac should grow based on scenario testing. This included an understanding of the different land use zones and VPP tools, and broad consideration of approximate population yields likely for different areas sufficient to meet the population target. The process also considered various opportunities and constraints associated with these areas.

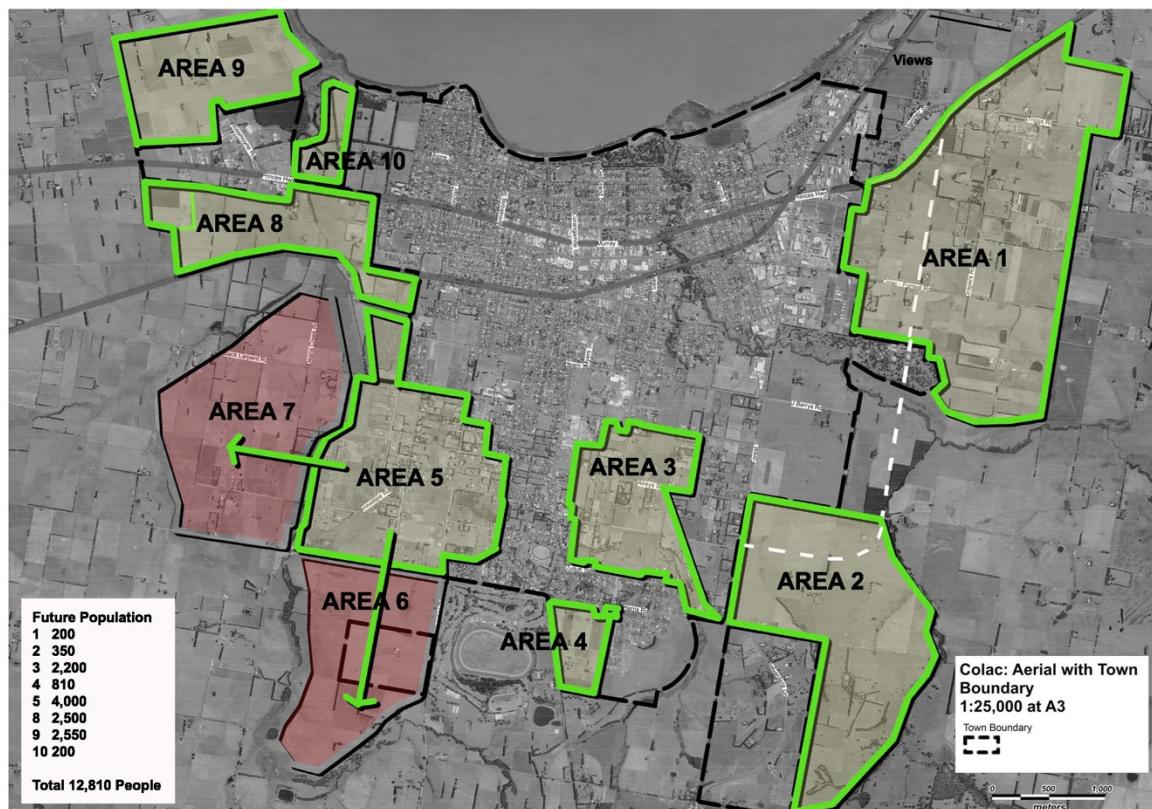
283.The Jury considered the following map (with the yellow areas) at length, and recommended Council use the subsequent map (with red and green) to guide where Colac should grow. The map also identified a notional buffer distance around industrial land to the east (the white dashed line).

Figure 21 Map showing location of 19 Triggs Road

284.The areas for deliberation were developed as part of the scenario testing in the phase one engagement. This process considered locations next to existing urban areas. The areas utilised various boundaries such as creek lines, cadastral lines and roads to construct edges.



**Figure 22 Areas considered by the Jury**



**Figure 23 Final areas determined by Citizens' Jury**

285. The Citizens' Jury resulted in a report with numerous recommendations to Council and included the above map. The map noted approximate population yield, and the table which accompanied the map (provided in Council's Part A Submission), identified recommended zones for the different areas. These areas were generally translated into the exhibited Framework Plan.

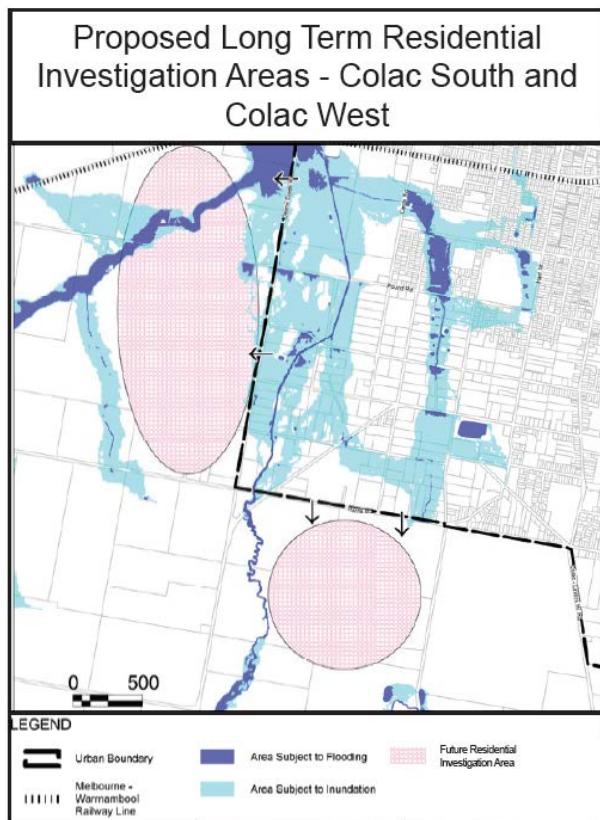


Figure 24 Colac South Long Term Investigation Area  
(Source: Growth Plan, p 38)

should not identify an oversupply of these land uses given they are less efficient and sustainable. The balance of the area was identified as 'long term', noting that the Growth Plan's title "Colac 2050" eludes to the long-term planning involved in the project's development. It is reasonably considered that subsequent processes over coming decades will review the Growth Plan and consider the appropriateness of the urban boundaries and supply of land.

292. On the exhibited Framework Plan, the long term residential investigation areas are identified as "growth corridors" as an annotation, and "future investigation area" in the legend.
293. The intention in relation to the "residential investigation area" is to ensure that the areas to the south and west should not be considered before Area 5 is largely developed.
294. The same intention that a future investigation should not precede the substantial development of land inside the urban boundary applies to all the investigation areas.
295. Whilst this intention is not explicitly noted in the exhibited Clause 21.03, it is noted in the exhibited Background document – the Colac 2050 Growth Plan.
296. In relation to the long-term investigation area in Colac South, the Growth Plan states:
- "*The land could provide high amenity residential land in the future. It could also provide an opportunity to extend the Deans Creek open space corridor further south. To preserve this opportunity, it is recommended to rezone the land currently zoned Low Density, to Farming. The area should remain outside of the urban boundary for the medium to long term. However, it should be noted that the land could be suitable for residential purposes in the very long term, subject to further investigation. This should only occur after the majority of land identified in this Growth Plan has been developed*" (p 38 underlined for emphasis).

286. The Jury identified areas for long term residential growth to the south and west (areas 6 and 7). These areas have also been translated into the exhibited Framework Plan.

287. Furthermore, post the Jury process, it was determined that the defined boundaries shown in the Jury's map should be represented in a less defined manner on the Framework Plan. This is to ensure that the symbol which identifies the investigation areas is interpreted as conceptual and that a future investigation process should properly determine suitable boundaries.

288. The other major change from the Jury's map in the exhibited Framework Plan is the extension of Area 5 to the west to utilise the Deans Creek Road as a logical boundary.

289. It was decided that the Deans Creek Road formed a more logical urban and zone boundary, than the current Framework Plan boundary and one shown in the Jury map.

290. This was considered a further refinement after the Jury process.

291. The areas identified by the Jury for RLZ and LDRZ (Area 1 and Area 2) were also subsequently refined to reduce the extent of land identified for these purposes. This is because Council considers the Framework Plan

297.This extract also considers why Council formed the view that it is necessary to rezone the LDRZ land to Farming Zone in Christies Road. This will be considered in more detail shortly.

298.In relation to the residential investigation area to the west, Council notes the Growth Plan uses the same language (p 39).

299.Regarding the low-density investigation area east of the Belverdere Estate (in south-east Colac), the Growth Plan notes:

- *“...it is considered that the land to the east of the Belverdere Estate could provide an opportunity for low density development in the very long term future, subject to further investigation. It should remain outside the urban boundary. However, it should be noted as an investigation area for low density development in the long term”* (p 41).

300.In relation to the rural living investigation areas, the Growth Plan notes:

- *“In the long-term future, however, this area could provide a natural extension to rural living uses as Colac grows, subject to further investigation. It should therefore be identified as a long-term investigation area for Rural Living uses”* (p 42-3).

301.Council also note, that whilst the exhibited Growth Plan contains an implementation plan (Part B) and a glossary (p 86+), they do not specifically define what is meant by ‘long term’, other than by way of headings in the implementation plan. Whilst this is considered broadly appropriate given the long-term nature of the strategy and difficulty in defining an expected horizon year, it is acknowledged that the phrasing used on the Framework Plan could be refined to improve clarity.

302.Regarding S14, Council acknowledge the area in question is used for different purposes and is often not used for traditional broad hectare farming. The Growth Plan and exhibited Framework Plan acknowledge the land may be suitable for rural living uses at some stage in the future, as an extension of the rural living area identified next to the sawmill.

303.Council responded to the submission at the March Special Meeting by agreeing the word “long term” should be deleted from the annotation on the exhibited Framework Plan in relation to the Rural Living investigation area.

304.This change is noted on the post exhibition and Panel version of the Framework Plan, however has not been noted in any post exhibition change to the Growth Plan. Council submit it ought to be.

305.Upon further reflection, Council considers the investigation areas should be defined in consistent language as annotated on the map and in the legend. The legend and annotations should therefore be phrased to remove the word “long term” and “future”.

306.It is submitted they should be phrased in the legend and annotation on the map as follows: rural living investigation area; low density investigation area; industrial investigation area; and residential investigation area.

307.The wording change to the investigation areas should also be reflected in the final version of the Growth Plan, as a consequential change.

308.Council further considers the revised annotation on the Framework Plan should clearly link with an explicit provision in Clause 21.03.

309.As previously noted, the exhibited Growth Plan notes the intention to consider investigation areas when most of the land in the same zone identified inside the urban boundary has been developed. This would be determined through land supply and demand monitoring and is clearly measurable.

310.To ensure this is clear, Council submits that Clause 21.03 should include the following strategy as part of Objective 1:

- Commence the investigation of an area identified in the Colac 2050 Framework Plan located outside the urban boundary only when a land supply analysis can demonstrate that most of the land identified in the same zone within the urban boundary has been developed.

311.Council consider this should also be reflected in the final version of the Growth Plan, as a consequential change.

312.Council welcomes the Panel’s views about this further refinement.

### 3.17.2 Proposal to rezone LDRZ land to Farming west of Christies Road

313.In relation to the proposed rezoning of land on the west of Christies Road, Council refers to S21.

314.The submitter notes the land is currently zoned Low Density Residential. It has a development history which includes a previous application to subdivide land into 69 lots. This was refused by Council. Council

also refused a 19 lot residential subdivision on adjoining land. The refusal for this subsequent application was upheld by VCAT in 2009.

315.The submitter contended there is no need to rezone the land given the VCAT decision, which articulated the subdivision of the land was premature. This was given the land's relative isolation from other residentially zoned land.

316.They submitted given the situation remains, any application to subdivide the land while the surrounding land is in the Farming Zone, would be met with a refusal. They contended that the effects of the VCAT decision are the same as rezoning the land.

317.They also support the long-term intent for the land to be rezoned for general residential purposes.

318.The EPA (S23) also submitted the notation on the Framework Plan which identifies the rezoning of the land from Low Density to Farming was unclear. They submitted that clarification is needed to set out the intended role of the Farming Zone land having regard to the current and future intended uses of this land and future residential zoned land abutting it.

319.Council consider the future use of land in this area is made clear by the exhibited Framework Plan which identifies it as a residential investigation area, with an intermediate use for farming purposes to be enabled through a rezoning to Farming Zone. It also notes the extract from the Growth Plan previously identified at paragraph 296 which explains the rationale for rezoning the LDRZ land.

320.The land forms part of a long-term growth corridor for residential development. The submitter's client's land is currently zoned Low Density Residential. The purpose of the LDRZ establishes an expectation that it could be used and subdivided for low density residential purposes.

321.While it is acknowledged that Council and VCAT refused an application to subdivide adjoining land, this does not mean that an application for less intense development with fewer lots would not be supported given the existing zoning. The potential for this will be further exacerbated as the residential front encroaches over time with the development of land for residential purposes north of Harris Road.

322.Rezoning land for residential development is complicated when land is highly fragmented. It is considered important to preserve the large parcels to facilitate their long-term development potential.

323.It is also noted that the symbol used on the exhibited Framework Plan to identify the land within the investigation area is unclear and should be amended to ensure its clarity.

324.The change of the symbol is noted on the post-exhibition and Panel version of the Framework Plan.

### 3.17.3 Development Plans and Development Contributions

325.To manage urban growth over the coming years, Council considered suitable tools available to ensure good planning outcomes.

326.An issue that Colac faces is historically slow growth. Development rates in Colac have sat between 30 to 50 houses on an annual basis for the past decade, although some increase in the last year or so has been noted.

327.An aim of the Growth Plan is to plan for the population target established in the G21 Regional Growth Plan to enable Colac to be ready for growth. It is also expected the Colac 2050 Growth Plan will also act as a catalyst to facilitate growth by enabling economic development and place making initiatives.

328.Council has therefore taken an approach to consider suitable options to plan for the Growth Plan's implementation.

329.Important considerations have included development contributions and mechanisms to influence and coordinate development, particularly in areas of fragmented land ownership.

330.Whilst Colac has an historical grid street pattern which provides the town with a legacy of well-connected streets, Colac also has many examples of poor subdivision outcomes, driven in part by opportunistic development practices, infrastructure and drainage issues, and poor planning.

331.Furthermore, the Colac Otway Planning Scheme does not have any development contributions mechanisms currently approved, and the current DPO2 has proven problematic because it has few requirements, does not consider development contributions, and allows subdivision prior to the approval of a development plan.



Figure 25 Map showing 70 Christies Road

332.Council recognises the need for fair, transparent and equitable development contributions. It also is committed to ensuring that development results in integrated, well-designed streets. Ad hoc development cannot continue as Colac grows, and development will be required to contribute to the provision of broader infrastructure.

333.Council sought advice from neighbouring Councils, in particular the City of Greater Geelong (CoGG), in relation to their experience with different approaches to growth planning. It also sought the independent advice of infrastructure planning experts, Urban Enterprise.

334.A significant issue which Council faces, is the need to identify a suitable mechanism to collect contributions, in the absence of knowing the rate of growth. If Colac continues to grow as per historical rates, the vision in the Growth Plan may take many decades to deliver.

335.Council has taken the advice from CoGG and Urban Enterprise to be careful with DCPs in the absence of high growth rates. Both have advised Council to use DPOs coupled with shared infrastructure plans as a preferred tool given the absence of high growth rates in Colac. This is because costings associated with infrastructure items can be notoriously difficult to predict over multiple decades. Furthermore, DPCs generally have a 10-year horizon for delivery. Council cannot be sure this will always be the case.

336.To this end, Council has nominated the use of DPOs (or similar) in the exhibited Clause 21.03, to ensure that development is planned to deliver integrated urban design and infrastructure outcomes.

337.All rezoning will require a DPO, unless there is some mitigating reason why it is not required. They will also require the preparation of a shared infrastructure plan to inform the DPO.

338.Council considers this is the best approach to manage growth and ensure equitable infrastructure contributions. Council recognise the need for an Outline Development Plan (ODP) to guide the Deans Creek corridor as the next stage of planning, followed by an ODP for the Barongarook Creek corridor. This will be programmed for the next two years, and will guide future DPOs, rezonings and shared infrastructure plan.

339.It is also noted the Stormwater Development Plan will form an important document to inform future drainage works, and will therefore be critical to inform the ODP planning process.

340.It is Council's approach, that, no land should be rezoned prior to the preparation of an ODP and infrastructure contributions plans (shared or otherwise) to guide how development should occur. This is critical to ensure that land is sequenced properly, and coordinated across multiple land owners.

341.It will also allow for appropriate development contribution mechanisms to be in place to facilitate a fair, transparent and orderly mechanism to fund and deliver future infrastructure.

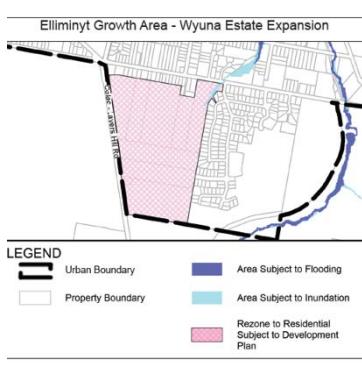
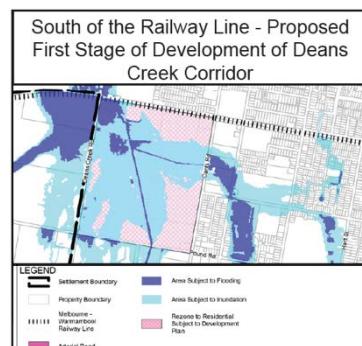
342.In relation to anticipated timeframes for rezoning and future investigations, Council notes the Growth Plan nominates two areas for the first stages of development:

- In Elliminnyt, east of Colac-Lavers Hill Road (the Wyuna Estate expansion), and
- The Deans Creek corridor, south of the railway line.

343.This is noted in the implementation plan in the Growth Plan.

344.Reflecting on the exhibited Framework Plan and potential for refinements to improve legibility, Council has noted a further refinement.

345.It considers reference to a development plan should be removed from annotations and the legend on the Framework Plan. This is because Objective 1 of Clause 21.03-2 clearly states a development plan is required for all rezonings.



**Figure 26 Areas identified for first stages of development**

### 3.18 Proposal for land in Rossmoyne Road

346.The Framework Plan has two proposals for the Rossmoyne Road area:

- rezone the IN1Z land to IN3Z, and
- extend the town boundary to the north of the industrial land to include an area for GRZ.

347.Council note the Panel's direction 9e to clarify the strategic basis for rezoning land in Rossmoyne Road, Colac north of the non-core retail area from Industrial 1 to 'buffer industrial'/Industrial 3.

348.Two submissions were received about this area.

349.Submitter S12, who has an interest in 20 Rossmoyne Road, and opposes the proposed rezoning to Industrial 3 Zone (IN3Z), and rezoning of land to the north to residential. They submit it will jeopardise their proposed manufacturing investment, which would involve the production of materials which require buffers up to 1km. They contend that IN3Z would restrict a number of the proposed uses on their land.

350.They propose that the land immediately to the north could be rezoned to IN3Z and land further north rezoned to residential.

351.Submitter 29 also raised concerns about rezoning this area for different reasons. They thought the proposed residential development area isolated and disconnected from the town. They suggested that it should be a 'long-term investigation area' rather than a "possibility to rezone." They considered it contrary to the 'Urban Growth Concluding remarks' that states "all development should integrate with the existing township rather than be in separate areas."

352.Council rely on previous submissions in relation to general comments about proposed uses next to industrial areas in Colac East, given the same principles apply to this area of land.

353.Council note the Framework Plan proposes to rezone the land to "buffer industrial". Previous submissions have suggested the wording change to 'rezone to IN3Z'.

354.The exhibited Growth Plan notes the following about the area as justification for rezoning the industrial land to IN3Z:

- The land adjoins an area zoned Industrial 1 which has a variety of modest industrial uses, but no heavy industry. Given the primary focus of future industrial activity to the east of Colac, as noted by the recent Colac Township: Economic Development, Commercial and Industrial Land Use Strategy, it is considered that this industrial area should be rezoned to Industrial 3. This will align the zone's purpose as a buffer between more sensitive uses. However, future residential development to the north should provide suitable buffer treatments within the residential development to transition this area away from the industrial area. This should be managed through the application of a Development Plan Overlay to the land. This could also provide an opportunity for an open space link to connect back through to the extended Lake Colac Foreshore environs. (p 37).*

355.The Amendment does not seek to rezone any land as part of this process. Council submit the rezoning of the land is likely to be a medium-term prospect (5+ years).

356.Council also submit, while a significant investment in Colac would be welcomed, it is important that strategic planning consider the best future use of the land, particularly if this development does not take place.

357.It is noted that Submitter 12 has not purchased the land to date or lodged any permit application. A permit application would be assessed under the current planning provisions. Initial discussions with the submittor began a few years ago (2014), and no application has been received to date. It is considered that existing zoning may support the proposed use subject to further detail.

358.It also considered that the Framework Plan is flexible enough to accommodate the proposed use in the short to medium term. This should allow sufficient time for the submittor to lodge an application if the proposal comes to fruition.



Figure 27 Map showing 20 Rossmoyne Road



Figure 28 Map shown in Growth Plan for Rossmoyne Road area (p 37)

- 359.Council does not support any change to the proposed rezoning of the industrial land in response to the submission.
- 360.In relation to the S12's submissions about the proposed residential area in Colac north, and the potential to rezone part of this to IN3Z or similar, Council makes the following comments.
- 361.Amendment C86 which was gazetted in October 2018, implemented the land use outcomes from the *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy*. It undertook a detailed land supply analysis which resulted in the rezoning of 70ha of industrial land in J Barry's Road in the east of Colac. That strategy stated that the main industrial land and growth area for industry in Colac should be to the east next to existing main industrial uses. The addition of industrial land proposed by the submitter is not strategically justified and would result in an excess supply of industrial land.
- 362.The development of the land to the north of the industrial land is considered a long-term prospect (15+ given the need to extend services to this area). It is considered that there is merit to identify this area as an investigation area to resolve any need for buffers prior to its formal designation as an area for rezoning (retaining the land in the town boundary). Should the submitter receive planning approval in the short to medium term, rezoning of the land to the north for residential purposes may need to be considered in light of any approved use and buffer requirement. This could be done as part of a future process when there is more certainty in relation to the use and development of the land in this area.
- 363.Council submit the Framework Plan should be amended to identify the area identified for residential development in Rossmoyne Road as a 'medium term residential development investigation area'.
- 364.Despite previous submissions which seek to refine the Framework Plan wording, Council considers medium term ought to remain in relation to this area because it should the land is within the urban boundary.
- 365.This change is partially noted as an annotation on the post exhibition and Panel version of the Framework Plan, except for the words "medium term".
- 366.Council welcomes the Panel's views about this matter.

## 4 FINAL POSITION ON THE AMENDMENT.

367.In summary, Council note the following proposed changes as outlined in this submission:

- The wording of the strategy in Clause 21.03 Objective 1 should be amended as follows:
  - i. *"Support applications to rezone land to General Residential, Low Density Residential or Rural Living, only in accordance with the Colac Framework Plan and where accompanied by a Development Plan Overlay which sets out requirements for the orderly staging and development of the land, coordination of infrastructure, a shared infrastructure plan, management of adjoining land uses and need to avoid location sensitive uses within existing industrial and wastewater treatment plant buffer areas, and other requirements as appropriate."*
- Clause 21.03 should include the following strategy as part of Objective 1:
  - i. Commence the investigation of an area identified in the Colac 2050 Framework Plan outside the urban boundary only when a land supply analysis can demonstrate that most of the land identified in the same zone within the urban boundary has been developed.
- The Framework Plan wording change as follows:
  - i. Delete the word "long term" from the annotations in the Framework Plan in relation to: the industrial investigation area; and low density investigation area. Also delete the word "future" from the legend in relation to the same zones. The investigation areas should be defined in consistent language with the legend. The legend and annotations should therefore be phrased as: rural living investigation area; low density investigation area; industrial investigation area; and residential investigation area.
  - ii. Amend the identification of the residential development area in Rossmoyne Road to 'medium term residential investigation area'.
- The wording change to the investigation areas should also be reflected in the final version of the Growth Plan, as a consequential change.
- Reference to a development plan should be removed from annotations and the legend on the Framework Plan.

- If the Panel considers the submitter 38's land suitable for GRZ purposes, Council requests that the Framework Plan be amended to remove identification of LDRZ for this area with a specific annotation identifying GRZ for the submitter's land. There should also be consequential changes to the Growth Plan to reflect any further refinements in this area.
- There should be a 'catch all' recommendation in relation to any consequential changes to the Growth Plan.

## 5 CONCLUSION

368. This completes Council's Part B submission.
369. Council welcomes the Panel's consideration of the Amendment, and respectfully requests a recommendation to adopt the Amendment with the suggested changes.
370. Council reserves the right to respond to any further matters at the conclusion of the Panel hearing.

Suzanne Barker

Director, Town Matters Pty Ltd

On behalf of Colac Otway Shire Council