

Planning and Environment Act 1987

Panel Report

Colac Otway Planning Scheme Amendment C97

Colac 2050 Growth Plan

11 July 2019

Planning and Environment Act 1987

Panel Report pursuant to section 25 of the Act
Colac Otway Planning Scheme Amendment C97
Colac 2050 Growth Plan
11 July 2019



Tim Hellsten, Chair



Rachael O'Neill, Member

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Glossary and abbreviations

Act	<i>Planning and Environment Act 1987</i>
Amendment	Colac Otway Planning Scheme Amendment C97
BMO	Bushfire Management Overlay
Council	Colac Otway Shire Council
DELWP	Department of Environment, Land, Water and Planning
DPO	Development Plan Overlay
DPO2	Development Plan Overlay, Schedule 2 (Future Residential Areas)
EAO	Environmental Audit Overlay
Economic Development Strategy	<i>Colac Township: Economic Development, Commercial and Industrial Land Use Strategy, Essential Economics, 2017</i>
EPA	Environment Protection Authority
Framework Plan	Colac 2050 Framework Plan
Growth Plan	<i>Colac 2050 Growth Plan, Exhibition Version – July 2018, Colac Otway Shire</i>
GRZ	General Residential Zone
INZ1	Industrial 1 Zone
INZ3	Industrial 3 Zone
LDRZ	Low Density Residential Zone
MSS	Municipal Strategic Statement
planning scheme	Colac Otway Planning Scheme
PPF	Planning Policy Framework
RLZ	Rural Living Zone
Stormwater Strategy	<i>Colac Stormwater Development Strategy, Engeny Water Management, March 2019</i>
VCAT	Victorian Civil and Administrative Tribunal
VPP	Victoria Planning Provisions

Overview

Amendment summary

The Amendment	Colac Otway Planning Scheme Amendment C97
Common name	Colac 2050 Growth Plan
Brief description	The Amendment implements the strategic land use directions of the Colac 2050 Growth Plan
Subject land	The township of Colac
Planning Authority	Colac Otway Shire Council
Authorisation	10 October 2018
Exhibition	1 November to 14 December 2018
Submissions	Number of Submissions: 39 Submissions opposed or seeking change: 26

Panel process

The Panel	Directions Hearing: Sarah Carlisle (Chair) and Tim Hellsten The Panel was reappointed for the Hearing with Tim Hellsten (Chair) and Rachael O'Neill
Directions Hearing	Colac Performing Arts Centre, Colac, 15 April 2019
Panel Hearing	Colac Performing Arts Centre, Colac, 27 and 28 May 2019
Site inspections	Unaccompanied, 15 April and 28 May 2019
Citation	Colac Otway PSA C97 [2019] PPV
Date of this Report	11 July 2019

Executive summary

Colac is the key industrial, commercial and service centre for the Colac Otway Shire and surrounding region with a population of 12,000.

Colac Otway Planning Scheme Amendment C97 (the Amendment) seeks to implement the *Colac 2050 Growth Plan July 2018* (Growth Plan) to provide the strategic framework for the sustainable growth of Colac to a population of 20,000 consistent with the *G21 Regional Growth Plan, Geelong Region Alliance, 2013*. The Growth Plan is the culmination of an extensive background analysis of infrastructure, land supply and housing needs, creek ecology, flood and stormwater assessment and extensive community engagement which included a Citizen's Jury process.

The Amendment makes changes to the Municipal Strategic Statement to update population estimates and to guide the implementation of the Growth Plan for Colac, including a replacement Framework Plan.

A total of 39 submissions were received following exhibition of the Amendment including two late submissions. Key issues raised in opposition to its exhibited structure and content included:

- management of land uses within industrial buffers
- application of Development Plan Overlay 2
- housing renewal
- zoning directions for:
 - Pound Road, Cants Road, Sinclair Street South and Neale Street area
 - land bordered by Colac-Lavers Hill Road, Friends Road and Forest Street
 - Rossmoyne Road area
 - Mariner Street area
 - Colac East industrial areas
- other issues
 - infrastructure
 - Colac Bypass
 - environmental protection
 - gateways
 - creek corridors
 - public notice.

The Panel considered all submissions referred to it by Council and those presented to the Panel during the Hearing on 27 and 28 May 2019.

Council has invested significantly in the development of the Colac 2050 Growth Plan. The Panel acknowledges the extensive and innovative community engagement process employed by Council to develop the Growth Plan including the use of the Citizen's Jury process. The Panel considers that this is reflected in both the supporting submissions and the relatively low number of opposing submissions which tend to indicate that the Plan is for the most part embraced by the wider Colac community.

The Panel concludes that the Growth Plan and the Amendment are strategically sound. The Panel considers that while the Amendment has accurately translated the key directions of the

Growth Plan into the amended Clause 21.03-2 and the associated Framework Plan there are issues of future zoning designation and land use direction that require additional consideration.

The Panel notes that it is often challenging to translate a broad strategic plan such as the Growth Plan into a planning scheme in a manner that is succinct and clear yet still consistent with other policy provisions, legislation and drafting guidelines. To this extent, the Panel has proposed a number of recommendations relating to the management and treatment of industrial buffers and the development of medium to longer term housing areas proximate to strategically important industrial and employment nodes.

The Panel supports the broader housing directions of the Amendment, however some critical issues require further analysis before considering whether to provide residential opportunities in certain areas. These include drainage and flooding, potential contamination and bushfire in addition to industry buffers. Therefore, the Panel has recommended a number of changes to the housing directions of the exhibited Amendment taking into account submissions and Council's proposed post exhibition changes including:

- identifying the Rossmoyne Road residential investigation area as a 'Medium term residential/low density investigation area'
- Identifying the land west of Rifle Butts Road as a 'Medium term residential/low density investigation area'
- Identifying the Deans Creek Growth Area Corridor (south of Princes Highway to Pound Road) as a 'Residential investigation area'
- maintaining a 'Rezone to residential' designation across all of the Deans Creek Growth Area Corridor (south of Pound Road)
- identifying the Elliminyt Growth Area (west of the Wyuna Estate) as 'Rezone to residential in the short to medium term'
- identifying the Colac-Lavers Hill Road, Friends Road/Florence Road and Forest Street South as 'Rezone to Rural Living or Low Density'
- identifying the land east of Woodrowvale Road and Forest Street, Colac as a 'Rural Living investigation area'
- identifying the area south of Flaxmill Road and in the Marriner Street precinct as a 'Precinct Plan review area'.

The Panel considers that these changes will still support the primary directions of the Growth Plan and accommodate a broad supply of conventional and larger lot housing options in the short to medium term to achieve growth targets. They will also allow constraints to be examined in time to undertake the next level of detailed planning. The Panel supports the further critical work identified by Council to undertake a review of the Development Plan Overlay 2 and to prepare an Outline Development Plan in the Deans Creek Growth Area corridor to guide future planning, including the application of zones and overlays and infrastructure contributions.

While the Panel acknowledges that the former service station sites at the western and eastern entries are prominent and need a greater level of direction, it is not appropriate that this Amendment provide specific direction about their zoning or future use. It is preferable to identify this as part of identified a 'Further strategic work'.

At the invitation of Council at the Directions Hearing, the Panel identified a number of other recommendations included in Chapter 9 of this Report relating to the form of mapping and content of Clause 21.03-2. The Panel considers that these changes will add greater strategic clarity and enhance policy legibility without changing the exhibited objectives or strategies.

Recommendations

Based on the reasons set out in this Report, the Panel recommends that Colac Otway Planning Scheme Amendment C97 be adopted as exhibited subject to the following:

- 1. Redraft Clause 21.03-2 applying a consistent set of drafting principles based on Planning Practice Notes and plain English guidance and the Panel's recommendations in section 9.1 of this Report.**
- 2. Amend Clause 21.03-2 to:**
 - a) Include under Objective 1 'Urban Growth, Accommodation and Housing', an additional strategy: *'Protect the amenity of sensitive uses by avoiding their location within recommended separation distances for industrial activities'*.**
 - b) Re-order the third strategy under Objective 1 'Urban Growth, Accommodation and Housing' as the fourth strategy and reword it to read: *'Support the rezoning of land to accommodate new housing areas where identified in the Colac Framework Plan and supported by a Development Plan Overlay. A Development Plan Overlay should identify the requirements for the orderly staging and development of the land including coordination of infrastructure, a shared infrastructure plan and the management of interface areas, including industry interfaces and buffers'*.**
 - c) Include as an Objective 1 strategy under 'Urban Growth, Accommodation and Housing', *'Support the future planning of investigation areas outside the settlement boundary and as identified in the Colac Framework Plan, where land supply analysis can demonstrate that less than 15 years supply of land in the same zone, within the urban boundary remains developed'*.**
 - d) Rephrase the second strategy under Objective 3 'Economic Development and Employment' to read: *'Provide appropriate industrial area interface treatments within Colac's new urban areas to ensure the operations of existing industries are not compromised'*.**
 - e) Insert under the heading of 'Further Strategic Work', 'Urban Growth, Accommodation and Housing', two additional actions:**
 - *'Review the extent of the Development Plan Overlay Schedule 2 for the area north of the Pound Road and west of Main Street to refine the mapped boundary to exclude small lots which have been developed, where appropriate.'***
 - *'The development of a Precinct Plan for the Marriner Street precinct and area south of Flaxmill Road'***
- 3. Amend the Framework Plan mapping to:**
 - a) Split the Framework Plan content into two Framework Plan Maps as generally identified in Council's Part A Submission Panel version Maps and amended to include the Panel's mapping recommendations in section 9.2 of this Report.**

- b) Amend the designation of the Rossmoyne Road industrial area to ***'Rezone to Industrial 3'***.
- c) Replace ***'Buffer to Industrial Uses to be protected by Development Plan Overlay'*** with ***'Manage industry interface and buffers'*** designation.
- d) Replace the separate buffers for the water treatment plant, abattoir and sawmill with a single ***'Significant industry and infrastructure buffer area'***.
- e) Identify the Rossmoyne Road residential investigation area as a ***'Medium term residential/low density investigation area'***.
- f) Identify the land west of Rifle Butts Road as a ***'Medium term residential/low density investigation area'***.
- g) Identify the Deans Creek Growth Area Corridor (south of Princes Highway to Pound Road) as a ***'Residential investigation area'***.
- h) Identify the Deans Creek Growth Area Corridor (south of Pound Road) as ***'Rezone to residential'***.
- i) Identify the Elliminyt Growth Area (west of the Wyuna Estate) as ***'Rezone to residential in the short to medium term'***.
- j) Identify the Colac-Lavers Hill Road, Friends Road/Florence Road and Forest Street South as ***'Rezone to Rural Living or Low Density'***.
- k) Identify the land east of Forest Street, Colac as ***'Rural Living investigation area'*** and the land east of Woodrowvale Road remaining ***'Rural Living'***.
- l) Delete the identification of the area south of Flaxmill Road and in the Marriner Street precinct as a ***'Rural Living or Low Density subject to Development Plan'*** and replace it with a ***'Precinct Plan review area'*** designation.

1 Introduction

1.1 The Amendment

(i) Amendment description

The purpose of the Amendment is to introduce key land-use planning directions of the draft Growth Plan into the Colac Otway Planning Scheme.

Specifically, the Amendment proposes to:

- Amend Clause 21.01 (Municipal Profile) to update population estimates based on 2016 Census results.
- Amend Clause 21.02 (Vision) to update the vision for Colac consistent with the Growth Plan.
- Amend Clause 21.03 (Settlement) to incorporate the key objectives, strategies, and implementation for the Growth Plan including an updated Colac 2050 Framework Plan (Framework Plan).
- Amend Clause 21.06 (General Implementation) to remove references to the application of zones and overlays in Colac and remove actions relating to Colac under the headings '*Undertaking further strategic work*' and '*Undertaking other actions*'.
- Amend Clause 21.07 (Reference Documents) to remove reference to the *Colac Structure Plan 2007*, and include reference to both the Growth Plan and the *Colac Stormwater Development Strategy 2018*.

(ii) The subject land

The Amendment applies to land within the urban boundary of Colac and land immediately adjoining that boundary, as shown in Figures 1 and 2.

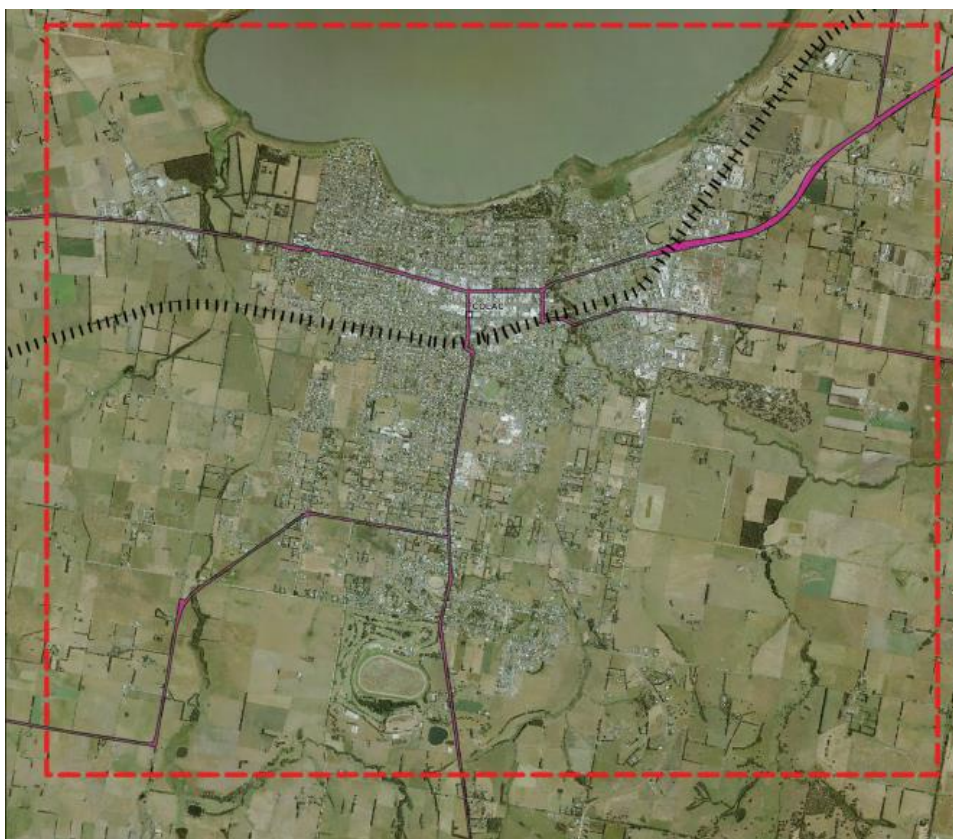
1.2 Background

About 21,000 people live in the Colac Otway Shire, which includes the Otway Ranges, coastal areas along the Great Ocean Road including the town of Apollo Bay and land used for agriculture and forestry purposes. Colac is the key industrial, commercial and service centre for the Colac Otway Shire and surrounding region with a population of 12,000.

Colac is located on the southern banks of Lake Colac, approximately 80 kilometres west of Geelong. The landscape comprises flatter areas south of the lake with flooding and drainage constraints along Deans Creek and Barongarook Creek. More elevated areas are located to the southern and eastern edges of the town offering extensive views over the lake and surrounding hinterland. Significant industrial areas are located to the eastern edge of the town including meat, timber and dairy processing and manufacturing.

The Shire is currently experiencing a modest growth rate, however Council has set a more ambitious target for population growth. The Amendment represents the culmination of strategic work to prepare Colac for growth into the future. Its purpose is to implement policies identified in the Colac 2050 Growth Plan into the Colac Otway Planning Scheme (planning scheme) to provide a strategic framework for that growth.

Figure 1 Study area for Colac 2050 Growth Plan

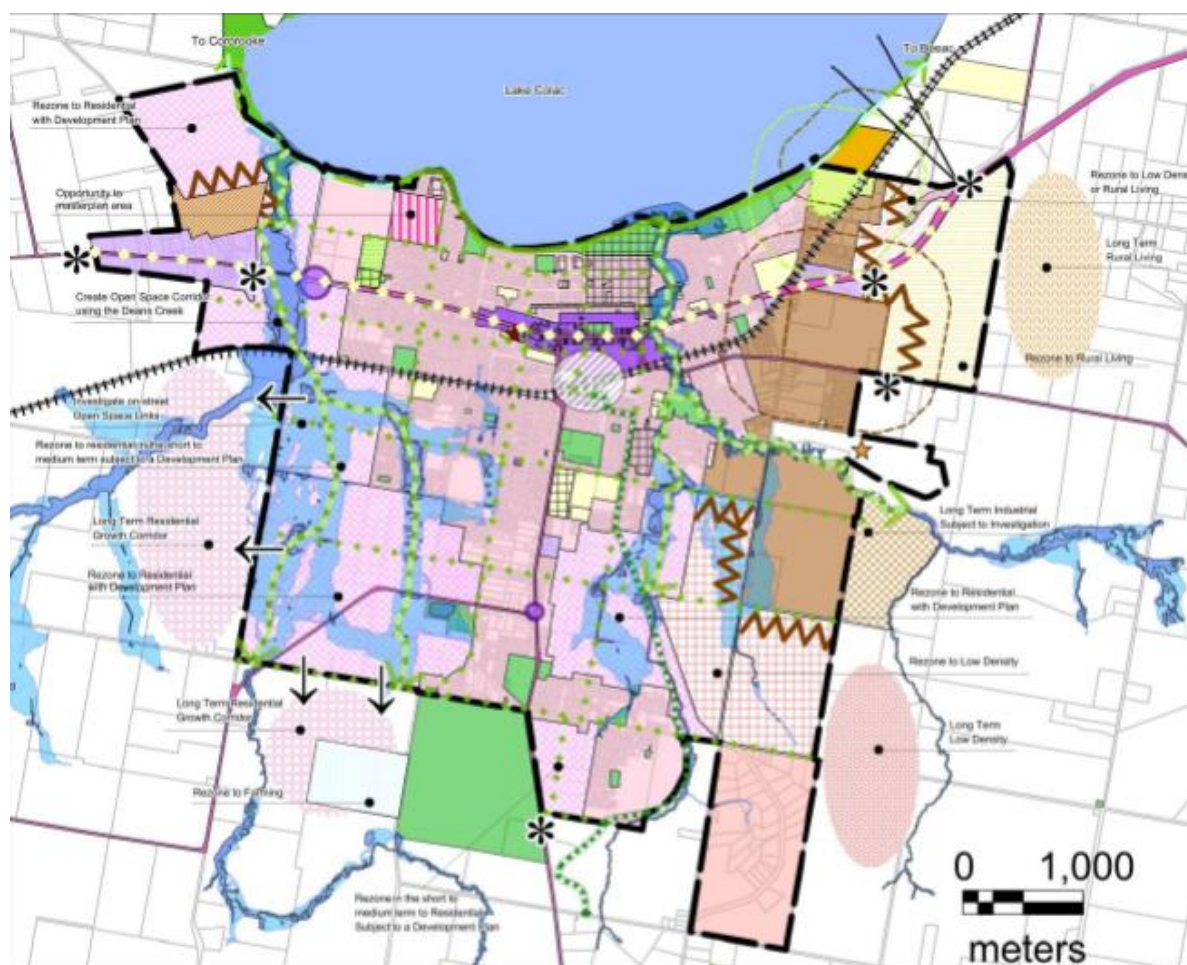


Source: Colac 2050 Growth Plan (Exhibited), Map 2, p8

The impetus for the development of a new Growth Plan for Colac was the G21 Regional Growth Plan. Completed in 2013, it identified Colac as an attractive target for population growth in the region, laying out an aspirational increase in population to 20,000. Council endorsed an exhibition version of the Growth Plan in July 2018 as a basis for developing the Amendment. The Growth Plan was informed by an extensive community engagement process including a Citizen's Jury, and by the following background reports:

- *Deans Creek and Barongarook Creek Flora and Fauna Assessment, Ecology and Heritage Partners, 2016*
- *Colac Community Infrastructure Plan, ASR, 2016*
- *Colac 2050 – Colac Heritage Precinct Built Form Character Review, The Planning Connection, 2015*
- *Colac Residential Housing Land Assessment, Rod Bright and Associates, 2016*
- *Colac Housing Needs Assessment, Southern Cross Town Planning, 2016*
- *Colac Infrastructure Services Assessment, St Quentin Consultants, 2016*
- *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy, Essential Economics, 2017.*

Figure 2 Exhibited Colac 2050 Framework Plan



Council adopted the *Colac Stormwater Development Strategy, Engeny Water Management, March 2019 (Stormwater Strategy)* in March 2019 following 6 weeks of community consultation. The Stormwater Strategy was developed to:

- identify areas in Colac that experience stormwater management challenges and require mitigation to improve the overall drainage system
- facilitate the development of land in Colac as part of the implementation of the draft Growth Plan.

The Growth Plan and Stormwater Strategy are discussed in more detail in Chapter 3.

1.3 Summary of issues raised in submissions

Council received 39 submissions to the Amendment (including late submissions) with 13 submissions supporting the Amendment.

Four submissions were received from public authorities and utilities including DELWP, Environment Protection Authority (EPA) and Barwon Water which provided commentary or sought changes. The submission from SP Ausnet offered no objection.

The 26 submissions opposing the Amendment or seeking changes identified the following issues:

- management of land uses within industrial buffers
- application of the Development Plan Overlay 2
- housing renewal
- zoning directions for:
 - Pound Road, Cants Road, Sinclair Street South and Neale Street area
 - land bordered by Colac-Lavers Hill Road, Friends Road and Forest Street
 - Rossmoyne Road area
 - Mariner Street area
 - Colac East industrial areas
- other issues:
 - infrastructure
 - Colac by-pass
 - environmental protection
 - gateways
 - creek corridors
 - public notice.

Post-exhibition changes

Council's resolution of the 20 March 2019 proposed a number of post-exhibition changes to the Amendment documents including Clause 21.03-2 and the proposed Framework Plan (post-exhibition version) and reference document (Growth Plan) in response to issues raised in submissions.

The proposed changes included an extension to the town boundary to include land south of Harris Road and west of Forest Street adjacent to the Wyuna Estate and to respond to issues raised by the EPA regarding industry buffers. The changes were identified in Council's Part A submission (Document 3) with annotated comments and tracked changes.

Two additional changes to the Framework Plan and Growth Plan were included in Council's resolution but not shown on the post-exhibition version documents provided to the Panel:

- inclusion of the land bordered by Colac-Lavers Hill Road, Friends Road/Florence Road and Forest Street within the urban boundary as Low Density Residential Zone (LDRZ) or Rural Living Zone (RLZ)
- identifying the land bordered by Pound Road, Cants Road, Sinclair Street South and Neale Street as LDRZ.

Given the nature of the proposed changes, Council provided additional notice to landowners in those two areas. Two further submissions were received relating to those changes (Submissions 36 and 37).

At the Directions Hearing the Panel clarified that, although those changes were the subject of a Council resolution, they had not yet taken effect and that the only point at which Council is able to make changes to the Amendment is at the adoption stage. The Panel advised that it would be considering the Amendment as exhibited and make recommendations in relation to the exhibited Amendment, taking into account the proposed post-exhibition changes.

1.4 Procedural issues

Declarations

At the time of the Directions Hearing, Ms Barker (representing Council) was a sessional member of Planning Panels Victoria. Senior Panel member Ms Carlisle (originally appointed as Chair) and Mr Hellsten (subsequently appointed Chair) declared that they had some professional association with Ms Barker at professional development days, but neither Ms Carlisle or Mr Hellsten had sat with Ms Barker on any matter. By the time of the Hearing however, Ms Barker was no longer a sessional member of Planning Panels Victoria.

Mr Hellsten also declared that he was previously employed by the City of Greater Geelong and the G21 Regional Alliance in 2012 as Project Manager of the G21 Regional Growth Plan. No parties identified any concerns with these declarations.

Confidential submission

At the Directions Hearing, Whey Solutions Pty Ltd (Submission 12) sought to present its submission to the Panel 'in camera' for commercial-in-confidence reasons. The Panel accepted the request after considering a submission from Ms Stanley for Whey Solutions, noting Council's support and the lack of submissions from nearby land owners.

Late submissions

Council received two late submissions from R. Grimmer (Submission 38 and Document 2) and R. and M. Krall (Submission 39 and Document 4) after the Directions Hearing. Council advised the Panel that it had accepted these submissions and referred them to it for consideration. Both parties made submissions to the Panel.

Parties unable to attend Hearing

Two submitters, T and L Fletcher (Submission 36) and N and S Weedon (Submission 37) intended to present to the Panel but were ultimately unable to attend. The Panel enabled these parties to provide further written submissions. These were received before the Hearing (Documents 1 and 5) and provided to all parties and considered by the Panel.

Content and format of Amendment

At the Directions Hearing the Panel requested that Council provide revised mapping for Clause 21.03 to separate the content of the proposed Framework Plan into two maps to enhance legibility, one showing key land use directions (Map 1 Land Use – Panel Version) and one showing open space related directions (Map 2 Proposed Open Space – Panel Version). Both maps were included in Council's Part A submission and contain the same content mapped in the post-exhibition version of the Framework Plan. The Panel's recommendations were informed by these maps.

At the Directions Hearing the Panel was invited by Council to provide comments and recommendations on the drafting of Clause 21.03 including mapping. This was in part a recognition that Council is in discussions with the Department of Environment, Land, Water and Planning (DELWP) regarding the migration of the planning scheme's Municipal Strategic Statement (MSS) and Local Planning Policy Framework (LPPF) into the new Planning Policy Framework (PPF) format introduced through Amendment VC148. The Hearing timetable

included a ‘without prejudice’ workshop session with Council on the drafting of the Amendment. On both Hearing Days, the Panel reinforced that this session could be attended and observed by submitters. The Panel limited its focus to ensuring that the meaning and expression of the proposed Amendment were clear.

The Panel identifies related recommendations in Chapter 9 in addition to recommendations concerning changes identified by Council in its Part A and B submissions and submitter input.

Council provided some additional Framework Plan maps (Document 15) on 1 July 2019 in response to discussion items raised at the workshop session which clarified the extent of growth areas, staging and included a legend and mapping format discussions. While some of these elements have been used in this Report, the Panel’s recommendations are based on the Framework Plan maps provided in Council’s post-exhibition and Part A submissions.

1.5 The Panel’s approach

The Panel has assessed the Amendment against the principles of net community benefit and sustainable development, as set out in Clause 71.02-3 (Integrated decision making) of the planning scheme.

The Panel considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, and submissions and other material presented to it during the Hearing. It has reviewed a large volume of material and has had to be selective in referring to the more relevant or determinative material in the Report. All submissions and materials have been considered by the Panel in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Planning context
- Strategic context
- Industrial areas and buffers
- Existing residential areas
- Residential growth
- Low Density Residential, Rural Living and Long-term Investigation Areas
- Other issues
- Form and content of the Amendment.

2 Planning context

2.1 Planning policy framework

Council submitted that the Amendment is supported by various clauses in the PPF which the Panel has summarised below.

Victorian planning objectives

Council identified that the Amendment will assist in implementing State policy objectives set out in section 4 of the Act by providing for the fair, orderly and sustainable development of land in Colac where environmental, social and economic effects are recognised.

Clause 11.01-1S (Settlement)

The objective of this Clause is:

To promote sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

Relevant strategies include:

- Develop sustainable communities through a settlement framework offering convenient access to jobs, services, infrastructure and community facilities.
- Support sustainable development of the regional [centre] of ... Colac.
- Ensure regions and their settlements are planned in accordance with their relevant regional growth plan.
- Guide the structure, functioning and character of each settlement taking into account municipal and regional contexts and frameworks.
- Create and reinforce settlement boundaries.
- Provide for growth in population and development of facilities and services across a regional or sub-regional network.
- Encourage a form and density of settlements that supports sustainable transport to reduce greenhouse gas emissions.
- Limit urban sprawl and direct growth into existing settlements.
- Promote and capitalise on opportunities for urban renewal and infill redevelopment.
- Develop compact urban areas that are based around existing or planned activity centres to maximise accessibility to facilities and services.
- Ensure retail, office-based employment, community facilities and services are concentrated in central locations.
- Ensure land that may be required for future urban expansion is not compromised.

Council identified that the Amendment achieves these objectives through the development of a Growth Plan for the identified regional centre of Colac consistent with the G21 Regional Growth Plan.

Clause 11.01-1R (Geelong G21)

Relevant strategy includes:

- Plan for Colac and Winchelsea as new targeted growth nodes.

Council submitted that the Amendment satisfies this strategy by consolidating the role of Colac as a targeted growth node through the implementation of the Growth Plan, consistent with the G21 Regional Growth Plan.

Clause 11.02-1S (Supply of urban land)

The objective is:

To ensure a sufficient supply of land is available for residential, commercial, retail, industrial, recreational, institutional and other community uses.

Relevant strategies include:

- Ensure the ongoing provision of land and supporting infrastructure to support sustainable urban development.
- Plan to accommodate projected population growth over at least a 15 year period and provide clear direction on locations where growth should occur. Residential land supply will be considered on a municipal basis, rather than a town-by-town basis.
- Monitor development trends and land supply and demand for housing and industry.
- Maintain access to productive natural resources and an adequate supply of well-located land for energy generation, infrastructure and industry.
- Restrict rural residential development that would compromise future development at higher densities.

Council identified that the Amendment achieves these objectives through the development of a 30 year strategy to accommodate planned and targeted population and housing growth by identifying opportunities for urban consolidation and short to medium and longer term growth in a diversity of conventional, low density and rural living formats. The Growth Plan also provides for the protection of existing and future industrial areas from the impact of sensitive uses.

Clause 11.02-2S (Structure planning)

The objective is:

To facilitate the orderly development of urban areas.

Relevant strategies include:

- Ensure effective planning and management of the land use and development of an area through the preparation of relevant plans.
- Undertake comprehensive planning for new areas as sustainable communities that offer high-quality, frequent and safe local and regional public transport and a range of local activities for living, working and recreation.
- Facilitate the preparation of a hierarchy of structure plans or precinct structure plans that:
 - Take into account the strategic and physical context of the location.
 - Provide the broad planning framework for an area as well as the more detailed planning requirements for neighbourhoods and precincts, where appropriate.
 - Provide for the development of sustainable and liveable urban areas in an integrated manner.
- Assist the development of walkable neighbourhoods.
- Facilitate the logical and efficient provision of infrastructure.
- Facilitate the use of existing infrastructure and services.

Council identified that the Amendment achieves these objectives through the development of the Growth Plan, mindful of land capability and servicing limitations, creating sustainable and liveable urban areas with walkable neighbourhoods.

Clause 11.02-3S (Sequencing of development)

The objective is:

To manage the sequence of development in areas of growth so that services are available from early in the life of new communities.

Relevant strategies include:

- Define preferred development sequences in areas of growth to better coordinate infrastructure planning and funding.
- Ensure that new land is released in areas of growth in a timely fashion to facilitate coordinated and cost-efficient provision of local and regional infrastructure.
- Require new development to make a financial contribution to the provision of infrastructure such as community facilities, public transport and roads.
- Ensure that planning for water supply, sewerage and drainage works receives high priority in early planning for areas of growth.

Council identified that the Amendment achieves these objectives by identifying growth areas and land supply timing based on utilisation of existing infrastructure and allowing for logical extensions where provided in a coordinated and cost-effective manner. The Amendment introduces policy directions relating to existing Development Plan Overlays (DPOs) and infrastructure contributions planning.

Clause 12.03-1S (River corridors, waterways, lakes and wetlands)

The objective is:

To protect and enhance river corridors, waterways, lakes and wetlands.

Clause 14.02-1S (Catchment planning and management)

The objective is:

To assist the protection and restoration of catchments, water bodies, groundwater, and the marine environment.

Clause 14.02-2S (Water quality)

The objective is:

To protect water quality.

Council submitted that the Amendment supports Clauses 12.03-1S, 14.02-1S and 14.02-2S by ensuring growth directions are informed by the Stormwater Strategy and the *Towards a 'Botanic Colac', Colac Integrated Water Cycle Management Plan, July 2014* and support the enhancement of creek corridor environments and water quality.

Clause 13.02-1S (Bushfire planning)

The objective is:

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Council submitted that the Growth Plan was informed by a bushfire risk assessment, with only a small portion of land within Colac previously used for a timber plantation near Lake Colac located within a Bushfire Management Overlay (BMO). Council identified that much of Colac and surrounds is included in Bushfire Prone Area mapped areas as a result of potential ember

attack from the forested uplands. Council submitted that the Growth Plan provides recommendations to identify ways that ensure all new buildings meet the construction standard of Bushfire Attack Level 12.5.

Clause 13.03-1S (Floodplain management)

The objective is to assist the protection of:

- Life, property and community infrastructure from flood hazard.
- The natural flood carrying capacity of rivers, streams and floodways.
- The flood storage function of floodplains and waterways.
- Floodplain areas of environmental significance or of importance to river health.

Relevant strategies include:

- Identify land affected by flooding, including land inundated by the 1 in 100 year flood event or as determined by the floodplain management authority in planning schemes.
- Avoid intensifying the impact of flooding through inappropriately located use and development.

Council identified that the Amendment was informed by existing flood mapping, the Stormwater Strategy and the identification of mitigation works.

Clause 16.01-1S (Integrated housing)

The objective is:

To promote a housing market that meets community needs.

Relevant strategies include:

- Ensure that an appropriate quantity, quality and type of housing is provided, including aged care facilities and other housing suitable for older people, supported accommodation for people with disability, rooming houses, student accommodation and social housing.
- Ensure housing developments are integrated with infrastructure and services, whether they are located in existing suburbs, growth areas or regional towns.
- Facilitate the delivery of high quality social housing.

Clause 16.01-2S (Location of residential development)

The objective is:

To locate new housing in designated locations that offer good access to jobs, services and transport.

Clause 16.01-3S (Housing diversity)

The objective is:

To provide for a range of housing types to meet diverse needs.

Clause 16.01-4S (Housing affordability)

The objective is:

To deliver more affordable housing closer to jobs, transport and services.

Council submitted that the Amendment supports Clauses 16.01-1S, 16.01-2S, 16.01-3S and 16.01-4S by providing for housing supply, diversity of residential options and housing close to jobs, transport and services.

Clause 16.01-5S (Rural residential development)

The objective is:

To identify land suitable for rural residential development.

Council submitted that the Amendment and Growth Plan reinforces the identification of Colac as the preferred location of rural residential activity as identified in the *Colac Otway Rural Living Strategy (2011)*.

Clause 19.02 (Community infrastructure)

The sub clauses of Clause 19.02 identify objectives relating to planning for open space, health and cultural facilities, social facilities and emergency services. Council identified that the Amendment and Growth Plan were informed by the Colac Community Infrastructure Plan (2016) and provides appropriate direction for the future provision of open space and community infrastructure.

Clause 19.03 (Development infrastructure)

The sub clauses of Clause 19.03 identify objectives relating to the planning for integrated water management, telecommunications, infrastructure contributions and waste management. Council submitted that the Growth Plan was informed by discussions with service authorities including Barwon Water and that the Amendment includes policy direction around development contributions.

Municipal Strategic Statement

Clause 21.03 (Settlement)

While the Amendment replaces significant content within Clause 21.03-2 (Colac) it is consistent with the existing strategies of that clause which support the development of Colac as the regional centre of the Shire. The clause supports the provision of serviced residential land to meet future population needs and reinforces the role of Colac as the focus of rural living, commercial and industrial activity.

Clause 21.04 (Environment)

The Amendment and Growth Plan have been informed by appropriate background work to ensure the policy directions proposed are consistent with the objectives and strategies in Clause 21.04 for catchment management, flooding, water, vegetation and cultural heritage.

Clause 21.05 (Economic development)

The Amendment and Growth Plan are consistent with objectives and strategies aimed at limiting the further fragmentation of productive rural land and agricultural areas, supporting the retention and growth of timber processing and other agricultural-based manufacturing operations in Colac. These include AKD Softwoods, Bulla Dairy Food and the Australian Lamb Company.

2.2 Other relevant planning strategies and policies

(i) G21 Regional Growth Plan

The G21 Regional Growth Plan provides broad direction for land use and development across the G21 region.

Council submitted that the Amendment supports the G21 Regional Growth Plan because it provides for the targeted growth of Colac to 20,000 residents.

2.3 Planning scheme provisions

The Amendment does not make any changes to existing zones or overlays.

2.4 Amendments VC148 and VC154

VC148 was gazetted on 31 July 2018, after the Amendment was exhibited. VC148 made substantial changes to the structure and content of the planning policy framework, as well as other provisions in the planning scheme including the use of reference documents (now background documents – Clause 72.08), the ‘application of zones and overlays’ (Clause 74.01) and ‘further strategic work’ (Clause 74.02).

As identified in Chapter 1, Council is at an early stage of working with DELWP on the migration of its planning scheme to the new PPF format. As a result, Council has not prepared the Amendment documentation using updated content for Clauses 72.08, 74.01 and 74.02 or utilised the new PPF format for the proposed policy changes. The Panel is comfortable that Council has taken this approach based on advice from DELWP and that the necessary format changes can be made post-adoption without any impact on content.

Amendment VC154 was gazetted on 26 October 2018 after authorisation of the Amendment. VC154 introduced an integrated water cycle management policy at Clause 19.03-3S. Council submitted that the Stormwater Strategy and the *Towards a ‘Botanic Colac’, Colac Integrated Water Cycle Management Plan, July 2014* which underpin the Growth Plan’s approach to management of stormwater and inundation embed the principles of integrated water management. Council acknowledged that further work might be required to better align the related policy directions to avoid duplication, probably as part of the upcoming planning scheme migration process.

The Panel is comfortable that Council has taken this approach based on advice from DELWP and that the necessary format changes can be made as part of the planning scheme migration amendment process.

2.5 Ministerial Directions and Practice Notes

Ministerial Directions

The Explanatory Report discusses how the Amendment meets the relevant requirements of *Ministerial Direction 11 (Strategic Assessment of Amendments)*.

Council sought the advice of EPA in the development of the Amendment in relation to industry emissions and buffer issues consistent with *Ministerial Direction 19 (Preparation of and*

Content of Amendments that may Significantly Impact the Environment, Amenity and Human Health).

Planning Practice Notes

The Amendment has been prepared consistently with *Planning Practice Note 46: Strategic Assessment Guidelines for preparing and evaluating planning scheme amendments*. The Amendment and Growth Plan directions are generally consistent with *Planning Practice Note 23: Applying the Incorporated Plan and Development Plan Overlays* and *Planning Practice Note 42: Applying the Rural Zones*. The implications of *Planning Practice Note: Local planning for bushfire protection* through Clause 13.02-1S on future residential areas is discussed in Chapter 6.

2.6 Discussion and conclusion

For the reasons set out in this Report, the Panel concludes that the Amendment is supported by, and implements, the relevant sections of the PPF and MSS, and is consistent with relevant Ministerial Directions and Practice Notes. The Amendment is well founded and strategically justified, and should proceed subject to addressing more specific issues raised in submissions as discussed in the following chapters.

3 Strategic context

3.1 Existing reference documents

(i) Economic Development Strategy

The *Colac Township: Economic Development, Commercial and Industrial Land Use Strategy, Essential Economics, 2017* (Economic Development Strategy) was commissioned by Council as part of the preparation of the Growth Plan. It provides guidance on economic development strategies in Colac, as well as providing a planning framework for industrial land.

The Strategy was presented in two parts, with Part A containing the Colac Township Economic Development Strategy. This provides a vision for economic development in Colac, objectives and an Action Plan. Objectives include:

To retain and further develop existing businesses that meet existing and new market opportunities in retail, commerce and industry.

To attract new investment to Colac with a focus on developing new and sustainable businesses and local jobs.

To attract a skilled and experienced labour force to Colac by promoting the town as a desirable place to live and where career opportunities can be pursued.

To provide training and skills development opportunities for the local labour force.

Part B of the Strategy contains the Colac Commercial and Industrial Land Strategy, which identified the following objectives in relation to industrial land including:

To recognise the important role played by existing businesses located in industrial areas in Colac.

To investigate and promote opportunities for longer-term industrial land development and the attraction of new industries, their investments and jobs.

(ii) Colac Otway Rural Living Strategy

The *Colac Otway Rural Living Strategy, 2011* prepared by CPG Australia was developed in response to increasing pressure for rural living and rural settlement lifestyle opportunities within the Shire, as highlighted in the findings of the *Rural Land Strategy 2007*. Objectives of the Strategy include to:

- protect productive agricultural land from urban encroachment;
- minimise conflict between agricultural activities and lifestyle housing;
- recognise and consolidate existing settlements; and
- direct rural living opportunities to existing settlements that have the necessary infrastructure and services to support additional population growth.

The Strategy identifies that:

Theoretically, there is sufficient land available to meet the demand for rural residential development within the Shire for approximately 33.3 years. However, the large majority of this supply is heavily constrained by environmental and infrastructure issues and unlikely to be developable. Further, the supply of land available for rural living opportunities is not necessarily located in the higher demand areas along the coast or near the Otways. The majority of vacant undeveloped land available for rural living and township development is located on the outskirts of existing built-up areas where, at the

very least, a basic level of community infrastructure is available within adjoining townships.

The Strategy identifies Colac and, to a lesser extent, Apollo Bay as 'growth areas' as these two townships are the principal places for residential development and currently offer the necessary infrastructure and services to support further population growth. The area between Colac and Elliminyt is identified as containing the majority of land available for rural residential development within the Shire (with over 30 years supply). Based on the range of life style opportunities, access to public transport and services and utilities, the Strategy recommends that:

Colac and Elliminyt continue to provide the majority supply of land for residential, low density and rural living development opportunities for the Shire.

3.2 Proposed reference documents

(i) Colac 2050 Growth Plan

The purposes of the Growth Plan are to:

- Set out a vision for Colac.
- Establish principles, directions, and recommendations for growth.
- Identify the key strategic planning issues facing the city, including community aspirations and needs.
- Describe the preferred future directions and the location of an urban boundary in a framework plan which identifies the medium and long term growth.
- Identify the appropriate planning controls to manage growth.
- Set out an implementation plan with recommendations priorities, actions and processes required to make the plan happen.

The Growth Plan is divided into two parts; Part A and Part B. Part A contains the content of the Growth Plan and includes the *Colac 2050 Framework Plan*, which provides a spatial overview of the Growth Plan directions. The Plan is set out under five themes:

- Urban Growth
- Housing and accommodation
- Economic development and employment
- A cultural landscape, sustainability, and healthy environment
- Infrastructure.

Each of these themes is analysed with reference to particular areas and opportunities within Colac. A set of principles and directions are presented for each theme.

Council's Part A submission highlighted the features of the Framework Plan in identifying the following key elements of the Growth Plan:

- A variety of residential options including:
 - General residential living
 - Low density living, and
 - Rural living.
- An urban structure which incorporates the vision for the City identified by the Jury and Colac Integrated Water Cycle Management Strategy, to utilise Colac's waterways (its Creeks and Lake) as key features to enhance liveability, place making, and environmental outcomes

- A staged approach to future development for the next 15 years and beyond that sequences development close to the existing urban area and services, and identifies long term growth areas to 2050. This will avoid 'out-of-sequence' development and consequential increased land servicing costs.
- In relation to specific areas, the Plan identifies a revised urban boundary, including:
 - A new area for Rural Living land to the east of Colac, up to Drapers Road
 - A new Low Density Residential area to the south east of Colac
 - Conversion of Rural Living land in Elliminyt (east and west of Colac Lavers Hill Road) to General Residential
 - Conversion of Rural Living zoned land east of Woodrowvale Road and west of Forest Road to Low Density Residential with larger lots closer to sensitive industrial interfaces
 - Rezoning the area west of the Wyuna Estate up to Colac Lavers Hill Road for residential purposes (i.e. land between racecourse/golf club and Wyuna Estate)
 - A long term residential growth corridor to the west and south of Colac
 - An area for long term industrial uses subject to further investigation, east of the J Barrys Road land, as a potential extension of existing undeveloped, but industrially zoned land
 - The conversion of Rural Activity Zone land near Marriners Street to Rural Living or possibly Low Density Residential with larger sized blocks
 - A new residential area to the west of Colac along the Deans Creek to transform land subject to inundation to a vibrant community with a new open space corridor that features constructed wetlands and walkways
 - A new residential growth area north of Princes Highway off Rossmoyne Road adjacent to Lake Colac, to be connected to existing open space along the lake foreshore area
 - The potential for the Civic and Rail Precinct in central Colac as an urban infill area
 - The potential for two local commercial centres to support convenience shopping needs in Elliminyt and Colac west as growth occurs in those areas (but not competing with the primary retail role of Murray Street)
 - The potential for Gateway and Boulevard treatments along the Princes Highway and main entrances corridors into Colac
 - The provision of an open space network which utilises the creek corridors, Lake, Beechy Rail line, and on-street green links
 - The long term potential for the extension of open space corridors around the Lake to link Cororooke and Beeac, subject to further investigation.

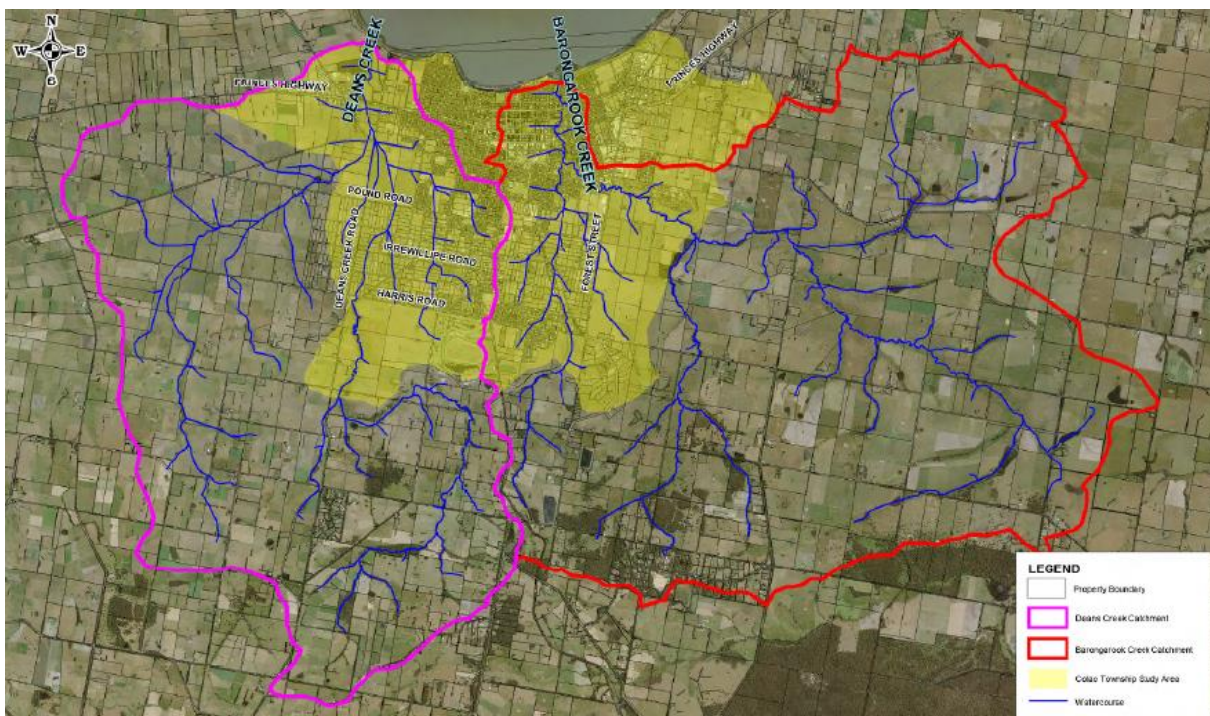
Part B of the Growth Plan contains the implementation program for the Growth Plan. It sets out 63 specific actions to be undertaken to fulfil the objectives of the plan, grouped into short, medium and long-term priorities. As a reference document in the planning scheme, Council identified that the Growth Plan will guide the application of planning controls and identify and prioritise further strategic work that may need to be undertaken including a review of the Plan itself. Council's Part A submission (paragraphs 5 to 82) provided an extensive overview of the process undertaken to prepare and develop the Growth Plan including background research, community engagement involving workshops and a Citizens' Jury process, scenario development and testing.

(ii) Colac Stormwater Development Strategy

Council commissioned Engeny Water Management to produce the Stormwater Strategy to model development scenarios in flood prone areas and advise on how to manage or mitigate development in those areas. The Strategy underpins the Growth Plan and associated Framework Plan directions for housing. Figure 3 shows the stormwater catchments for the key waterways of Deans Creek and Barongarook Creek. Specifically, the Strategy:

- identifies areas of poor drainage performance through hydraulic modelling of the Council's drainage network
- identifies surface water requirements for future growth
- considers the effects of climate change into the future to assist with adaptation strategies
- models major flooding events
- summarises structural mitigation options available to Council to mitigate flooding in the most prone areas, including costs and staging of that work
- assesses structural mitigation options available to Council to mitigate the effects of climate change, including costs and staging of that
- recommends stormwater drainage and treatment works to enable future development.

Figure 3 Stormwater Strategy - Catchment map



The Strategy identifies the following recommendations:

- Consider the use of Special Building Overlays (SBO) across the catchment to manage future infill development in existing urban areas and to reduce the flood risk for new buildings. The use of SBOs is recommended as they do not have any capital cost and will result in an effective measure across the study area.
- Structural mitigation works should be considered to be constructed to reduce the impacts of flooding in existing development areas.

- Make provision for waterway corridors through the proposed development areas to cost effectively contain flood flows within the waterways, to improve waterway health, to allow for more development and to provide environmental and open space corridors.
- Make provision for stormwater wetlands within the proposed development areas to treat stormwater to remove pollutants, thus meeting planning scheme requirements. The wetlands will also provide valuable habitat, green space and public amenity as well as peak flow attenuation.

3.3 Growth Plan support documents

(i) Colac Residential Housing Land Supply Assessment

The *Residential Housing Land Supply Assessment, Rob Bright and Associates Pty Ltd, May 2016* contains a stocktake of residential land supply in Colac and Elliminyt. It found four major constraints to residential subdivision:

- Extensive areas subject to inundation
- Extent of current sewer district
- Availability and viability of storm-water infrastructure and limitations caused by flat land gradients which also impacts provision of sewer infrastructure; and
- Historic ad-hoc development patterns necessitating strategic planning directions to achieve successful subdivision design outcomes.

The Assessment report found:

- Unconstrained lot supply opportunities in the GRZ1 are likely to respond to current demand in the short term (approximately 2 years to 2018).
- In the medium term (from 3-10 years (to 2026)) there is likely to be 413 lots (GRZ1) available for housing (averaging 51.6 lots per annum over 8 years). Housing demand may exceed supply during this period based on current supply conditions. Housing demand is likely to exceed land supply during this period if the higher Colac 2050 growth target of 86 dwellings per year is achieved.
- Land supply for housing beyond 2026 is currently uncertain. Supply within current residential zones will require resolution of major constraints as noted above.
- Even if the above major constraints are resolved, based on the higher growth target, from 2026- 2050 there will be a shortage of supply of 903 lots, requiring additional 75 ha of land supply at a lot yield rate of 12/hectare, or 60ha at 15/ha. If the above constraints are not resolved, additional land will be required.
- Excluding the Belverdere Drive Estate, land supply in the LDRZ and RLZ relies solely on small-lot infill subdivision or sale of vacant lots by individual landholders.

(ii) Colac Housing Needs Assessment

Key findings from the *Colac Housing Needs Assessment, Southern Cross Town Planning Pty Ltd, May 2016*, were:

... between 60 – 111 new dwellings per year will be required to meet the housing needs of Colac up until 2031. If Council seeks to reach the aspirational year 2050 target of 20,000 persons, then 86 new dwellings are required per annum till 2050. Growth is likely to concentrate on Elliminyt and, to a lesser extent, Colac West and Colac East. It is forecast that on current growth rates, Colac Central will have limited population growth.

Considering residential land supply in Colac and Elliminyt, the Colac Housing Land Supply Assessment 2016 found that on current trends, from 2018 the estimated

residential land supply will not keep up with forecast demand. The Assessment notes that significant tracts of residential land in Colac are constrained by a combination of lack of access to a sewerage network, flooding and poor drainage and land fragmentation. Further infrastructure upgrades can partially address this shortfall. Infill development will provide some opportunity for increased land supply. It is noted that if the higher levels of demand are assumed, as noted in G21 data, then future residential land supply falls well short of forecast demand.

(iii) Deans Creek and Barongarook Creek Flora and Fauna Assessment

Deans Creek and Barongarook Creek Flora and Fauna Assessment, Ecology and Heritage Partners, 2016 found that in order to protect ecological values during any future development:

- Opportunities should be investigated to protect remnant vegetation patches of higher conservation value through planning controls (e.g. Environmental Significance Overlays/Vegetation Protection Overlays).
- Opportunities should also be investigated to enhance waterways, including degraded areas, through planning controls relating to future development. For example through a Development Plan Overlay requiring a masterplan upon applications for a subdivision, which considers retention and enhancement of biodiversity values, and a rehabilitation plan, requiring revegetation within degraded riparian environments. Through these controls, future development has the opportunity to increase connectivity throughout the broader environment and increase biodiversity values within the study area.
- Detailed ecological assessments will be required within the Special Investigation Areas to further inform the implications of future development in regards to the Guidelines (DEPI 2013).
- Detailed habitat assessments and/or targeted surveys are recommended to further inform the likelihood of the species being present and implication under the EPBC Act prior to any works within the vicinity of the creeks or artificial waterbodies which are likely to have a significant impact on Yarra Pygmy Perch, Dwarf Galaxias or Growling Grass Frog.

3.4 Discussion

The Panel considers that the Amendment is consistent with existing reference documents, particularly the Economic Development Strategy and Colac Otway Rural Living Strategy. The proposed reference documents are considered sufficiently robust and informed by an extensive background analysis. The housing directions in the Growth Plan and Amendment are informed by an understanding of housing supply and demand factors, the Stormwater Strategy and the Deans Creek and Barongarook Creek Flora and Fauna Assessment.

4 Industrial areas and buffers

4.1 The issues

The issues are:

- Are the industrial areas appropriate?
- Does the Amendment provide adequate buffer protection around industrial areas?

4.2 Are the industrial areas appropriate?

(i) What is proposed

Proposed Clause 21.03-1 includes a strategy to identify a long-term industrial investigation area next to the exiting Colac East industrial area, to rezone the Industrial 1 Zone land in Colac West to Industrial 3 and to “*provide a buffer with less intensive industrial uses next to planned residential land to its north*”. The Framework Plan identifies existing industrial areas and a long-term industrial area east of Forest Street and a direction to rezone the Rossmoyne Road industrial area to a ‘*Buffer Industrial Zone*’.

(ii) Submissions

Submission 29 sought the identification of the north-east industrial area (comprising the water treatment plant and abattoir) as a long-term residential area. The submission acknowledged the extent of capital investment in establishing this infrastructure but considered it a more appropriate long-term vision for Colac.

Council considered that identifying residential development near major industrial facilities was poor planning practice and would potentially undermine the operations of and considerable investment in the abattoir and treatment plant. Council submitted that any relocation of these facilities was unlikely.

Submission 12 (Whey Solutions) identified concerns with the proposed designation of the Rossmoyne Road industrial area to the Industrial 3 Zone (INZ3) from the Industrial 1 Zone (INZ1) to provide a buffered transition to a “*Medium term residential investigation area*” to the north. Whey Solutions is seeking to develop a site in this area for a manufacturing plant utilising dairy products and dairy waste and anticipate the need for extensive buffers. They submitted that the site’s current zoning, existing site conditions, access to three phase power, proximity to key transport routes and the lack of nearby sensitive uses made it a desirable site for the proposed operation. The submission identified that the application of the INZ3 and designation of land to the north for future residential would render the proposal a potentially prohibited use (or at least significantly reduce its operations because of buffer requirements). It identified that this zone change risked significant potential investment and would make it difficult to establish a manufacturing cluster at the site. Ms Stanley, for Whey Solutions, identified that they had not found suitable sites in the Colac East industrial area that met their needs. The submission recommended the retention of the existing INZ1 and the application of the INZ3 to land to the north (identified for future residential growth) and including additional land beyond the urban boundary as an alternative future residential growth area.

Council identified that while it welcomed the proposed investment by Whey Solutions, there was no current permit application before it to consider. Council submitted that any rezoning of the industrial area was at least 5 years away and that any rezoning of the future residential area was a medium to long term proposition. This, it said would allow a proposal to be submitted by Whey Solutions and considered by Council. It identified that the future growth area would need to provide for suitable buffer treatments. Council submitted that its focus for industrial growth was to the east and that further industrial land was not required or strategically justified. Council identified that its proposed post-exhibition version amended the Framework Plan legend from *'Rezone the land to buffer industrial'* to *'Rezone as Industrial 3 Zone or equivalent'* in response to the submission from the EPA (Submission 23). However, Council at the Hearing that this should be further amended to read *'Rezone to Industrial 3 Zone or Commercial 2 Zone'*.

(iii) Discussion and conclusions

The Economic Development Strategy provides a strong and coherent basis for identifying future industrial land supply needs. It reinforces the importance of providing larger industrial allotments and that future industrial growth should occur in Colac East, adjacent to existing industries and support infrastructure. This Strategy formed the basis of recent additional land zoning in the J Barrys Road area through Amendment C86 (Colac Otway PSA C86 [2018] PPV).

The Panel considers that there is no medium-term strategic need or basis to identify further industrial land within the Colac urban boundary including the land north of the Rossmoyne Road industrial area. The Panel does support however, the logic of designating a future longer-term industrial investigation area to the east of the existing industrial node in Colac East in recognition of the important employment and economic role played by industry and in supporting a future population of 20,000 residents and providing for a diverse and sustainable economy.

The Panel agrees with Council that it is both unlikely and a significant economic cost to relocate established industrial uses and the water treatment plant to allow future residential development as proposed by Submission 29. Importantly there is no strategic basis within the Growth Plan to support the Panel making such a recommendation. The Growth Plan and Framework Plan provide for additional short to medium term residential land adjacent to the Lake. The Panel notes that the Amendment retains the existing policy elements of Clause 21.03-2 which seek to *"Discourage any new or new development adjacent to Lake Colac on land which is not zoned industrial."* This is considered necessary to maintain important views to the Lake and its predominantly rural setting.

The Rossmoyne Road industrial area while providing for modest industrial or service business related activities, is predominantly occupied, and is part of the overall industrial land supply for Colac. Further, it is part of a larger industrial and commercial precinct at the western entrance to the town. This modest sized precinct provides an alternative employment node to that provided by the Colac CBD and the Colac East industrial area. As growth occurs in the Deans Creek Growth Area corridor it is likely to play a more important role in providing services and employment opportunities close to homes.

The INZ3 includes as its purpose:

...

- To provide for industries and associated uses in specific areas where special consideration of the nature and impacts of industrial uses is required or to avoid inter-industry conflict.
- To provide a buffer between the Industrial 1 Zone or Industrial 2 Zone and local communities, which allows for industries and associated uses compatible with the nearby community.
- To allow limited retail opportunities including convenience shops, small scale supermarkets and associated shops in appropriate locations.
- To ensure that uses do not affect the safety and amenity of adjacent, more sensitive land uses.

Given the nature of existing uses and that the primary industrial precinct is identified as Colac East, the application of the INZ3 is considered appropriate if further residential development is to be supported to the north. The INZ3 allows a range of commercial uses that will support the existing Commercial 2 zoned activities along the Princes Highway.

In relation to the Whey Solution submission, Council seems to be open to considering a future proposal under the current INZ1 provisions although it seeks to apply the INZ3 to support further growth to the north and defer consideration of buffers as part of a later strategic planning process.

The Panel considers that Whey Solution's proposed concept is likely to require substantial buffers that could significantly impact on the prospect of achieving housing outcomes in a large portion of the identified future growth area to the north. Ultimately there is no approved permit in place for the Whey Solutions proposal. Council's identified priorities through the Amendment and Hearing were aligned to the Growth Plan's designation of the future residential growth area (linked to the future residential area off Rifle Butts Road) and managing the industrial interface through zoning and buffer treatments.

The status of the Amendment (adopted or approved) at the time of any application by Whey Solutions will also inform any decision Council might make. Council should be mindful however, that this direction within the Amendment as framed will potentially discourage investment in manufacturing or processing industrial operations on the larger sites within this industrial area, particularly where the necessary buffers cannot be accommodated on-site or where future residential activities may impact on future operations.

The direction for the Rossmoyne Road future residential area is discussed in section 6.1 of this Report.

The Panel supports Council's intent to clarify what is meant by the term '*Rezone the land to buffer industrial*' in the exhibited Framework Plan. However, it considers that the post-exhibition version's proposal to use the alternative term '*Rezone as Industrial 3 Zone or equivalent*' remains unclear. There is no equivalent zone to the INZ3. Council's Part B submission suggestion that this be clarified by replacing '*equivalent*' with '*Commercial 2 Zone*' does provide greater direction and certainty however, the strategic basis for further commercial zoning has not been identified. The Economic Development Strategy suggests that additional retail floor space is not required. Without further strategic work the Panel considers that the Framework Plan should limit the direction to '*Rezone to Industrial 3*'. This phrase is consistent with the exhibited content of Clause 21.03-2.

Given it is not Council's intention to rezone this area within the next 5 years, an appropriately reworded strategy could provide a mechanism for looking at a range of zone options supported by an appropriate level of analysis. As identified above, the INZ3 does allow a limited range of commercial uses which could meet short to medium term commercial floor space to support the Deans Creek Growth Area.

The Panel concludes that:

- The strategy to apply the INZ3 to the Rossmoyne Road industrial area is appropriate to provide for an appropriate transition to the future residential growth area.
- The Amendment's directions for future industrial land are appropriate.

(iv) Recommendation

The Panel recommends that:

The Framework Plan mapping be amended to:

- **Amend the designation of the Rossmoyne Road industrial area to 'Rezone to Industrial 3'.**

4.3 Does the Amendment provide adequate buffer protection around industrial areas?

(i) What is proposed?

Proposed Clause 21.03-1 includes an objective to recognise the important economic contribution of Colac's industrial businesses and their protection from the encroachment of sensitive uses. Strategies proposed include, providing for open space or landscaped buffers between industrial areas and new urban areas; and requiring the use of the DPO to support residential, LDRZ and RLZ rezoning applications to avoid locating sensitive uses within buffer areas. The Framework Plan identifies existing threshold buffers for the abattoir (ALC), sawmill (AKD Softwoods) and water treatment plant as well as notional buffer treatment areas to future LDRZ and RLZ growth areas to the south and east of industrial areas in Colac East, and the future residential area north of the Rossmoyne Road industrial area.

(ii) Submissions

The EPA submission:

- supported the identification of separation distances between industrial and residential uses but noted these distances varied relative to industry types
- recommended localised assessment of appropriate buffer distances
- identified the importance of planning controls to manage the health and amenity of sensitive uses, referencing Ministerial Direction 19, sections 4(1)(c) and 12(2)(b) of the *Planning and Environment Act 1987* (Act) relating to the objectives of planning and consideration of environment effects of an amendment, Clauses 11 and 13 of the PPF and the industrial buffer provisions of Clause 53.10 (Uses with Adverse Amenity Potential).

The EPA submission identified that the threshold buffer distances based on Clause 53.10 with referral-based triggers account primarily for environmental impacts associated with industry

including noise and odour. It submitted these needed to be considered alongside residual emissions for dust and odour as identified in EPA publication 1518 *Separation Distances for Industrial Residual Air Emissions* (2013). As a result, the EPA submitted that caution should be used in applying uniform buffers as they might not capture all risks.

The EPA submission identified concern associated with future residential use in proximity to industrial areas without adequate consideration of separation distances including the:

- RLZ area east of Woodrowvale Road and west of Forest Street and the Farming Zoned land east of Forest Street and north of Woodrowvale Road identified for LDR
- residential growth areas adjacent to the Rossmoyne Road industrial area.

The submission supported the use of the Framework Plan to identify that a buffer between industrial and residential uses may be required. It also supported the use of a DPO to require an assessment of appropriate separation distances and to provide guidance within and outside the buffer. The EPA proposed an additional strategy under '*Urban Growth, Accommodation and Housing*' to:

Ensure protection of the amenity of sensitive uses by avoiding sensitive use development within recommended separation distances for industrial activities.

Council's Part C submission supported the EPA's proposed additional strategy. In its Part A submission, Council also identified other minor wording changes to Clause 21.03-2 to respond to the EPA's submission.

Submission 15 identified concerns associated with the application of the 500 metre buffer around the AKD Softwoods sawmill which extended onto the owner's farming zoned property.

Council submitted that it was appropriate to identify industry buffers on the Framework Plan based on Clause 53.10 to identify "*constrained areas*" and that the level of detail was appropriate to a high-level policy tool. It identified that the notional buffer areas between existing industry and future residential areas were intended to guide subsequent planning processes. Council submitted that the DPO process would enable nuanced site responses to manage amenity impacts such as mounding, building envelopes, lot size and vegetation treatments, provide for a more consolidated urban area, offset the loss of existing Rural Living land supply to accommodate conventional housing and to avoid the "*the sterilisation*" of these areas.

In relation to the Rural Activity Zone area south of Flaxmill Road and adjacent to Marriner Street, the EPA submission explained that using the land for non-sensitive uses and applying a Commercial 2 Zone rather than the RLZ or LDRZ was preferred given the difficulty in establishing site specific industry buffers. The submission identified that the threshold separation distance under Clause 53.10 of 500 metres for the sawmill at 45 Drapers Road, was not identified on the Framework Plan and impacted the northern section of the land to the west of Drapers Road identified for RLZ.

(iii) Discussion and conclusions

The Economic Development Strategy identifies the important role played by existing businesses located in Colac's industrial areas with the major industries (Bulla Dairy, AKD Softwoods and the Australian Lamb Company) employing 1,000 people. It identifies supporting and expanding industries (including food and fibre processing associated with

dairy, lamb and sawmilling) as a key objective. The Strategy identifies the limited number of large holdings and the “*lack of appropriate threshold distances from residential uses*” as a constraint to new industrial entrants. A key action of the Strategy is to:

5.1 Support the retention of existing businesses by protecting existing industrial land precincts for residential encroachment and minimising the amenity impacts on residential properties.

The importance of protecting these significant industrial operations is further reinforced by existing strategies in Clause 21.03-2 which discourage the subdivision of residential land near the abattoir, discourage the subdivision of industrial land in Colac East below 5 hectares and support new industrial opportunities in Colac’s eastern industrial areas.

The Panel considers that the Growth Plan and existing policy provide a strong strategic basis for ensuring that existing industry is able to operate without the threat of potential amenity impacts of encroaching sensitive uses curtailing operations. The Growth Plan endeavours to balance the provision of additional conventional housing, providing housing choice with larger lot options and displaced RLZ on the urban edge, while protecting existing industry from the potential detrimental impacts of sensitive use incursion.

The Panel considers that the Amendment generally strikes the right balance however, considers that the protection of Colac’s major water treatment infrastructure and the eastern industrial areas have a higher strategic policy imperative than accommodating additional RLZ land. This is particularly so in areas adjacent to industrial operations which have significant separation distance requirements. Applying the ‘*agent of change*’ principle, Council needs to be confident that identifying RLZ in these areas without more detailed buffer analysis will not compromise the future economic sustainability of this important industrial and employment area. The Panel considers a more cautious approach is required in relation to identifying land use outcomes for these areas. Chapters 6 and 7 discuss the impacts of this approach in relation to the directions for future housing areas.

The Panel supports the intent behind Council’s designation of current Clause 53.10 separation distances and notional buffers for future residential, LDRZ and RLZ on the Framework Plan and the proposed additional strategy elements endeavouring to protect industry buffer areas. However, the Panel considers that the mapping designations in the Framework Plans and the strategies require further refinement.

In relation to the identified threshold separation distances for the sawmill, abattoir and water treatment plant, the Panel considers that their identification on the Framework Plan provides an important awareness signal and establishes a link with the relevant strategy directions. The Panel is of the view that they could be simplified (both on the related Map and legend) to identify a single ‘*Significant industry and infrastructure buffer area*’. Related mapping technique recommendations are identified in section 9.2 of this Report.

For similar reasons, the Panel supports the Framework Plan identifying sensitive industry interfaces for new housing areas adjacent to existing industrial zones. The identification of these areas regardless of their current zoning and future designation is considered appropriate. The Panel considers that the mapping of these areas is better represented as ‘*Manage industry interface and buffers*’ (without referring to the DPO) with the strategy element of the Clause providing greater direction as to how this might be achieved. The Panel

notes that there are many ways in which these interface areas might be managed but that this should be determined through detailed assessment and considered land use planning. The use for example, to the provision of “*open space or landscaped buffers*” is only one way this might be achieved. In the first instance, the key objective is to ensure that the operations of existing industrial uses are not compromised.

The Panel generally supports Council’s proposed post-exhibition changes and those identified in Council’s Part A and B submissions relating to minor wording changes in response to the EPA’s submission. This includes clarifying that wastewater buffer related to the ‘*treatment plant*’ and including the EPA’s proposed additional strategy. However, the two strategies should be reworded and reordered to clarify what is being protected and secondly, the tool to be used. This will avoid strategy content duplication and enable a wider application of the strategies as intended.

Council should review the final wording of all proposed strategies relating to industrial area interfaces in the context of the policy wording and mapping change recommendations identified in sections 9.1 and 9.2 of this Report.

The Panel concludes:

- That the Amendment provides adequate identification of buffer protection around industrial areas however, the Framework Plan mapping and strategies of Clause 21.03-2 should be further revised to enhance interpretation.

(iv) Recommendations

The Panel recommends:

- **That Clause 21.03-2 be amended to:**
 - include under Objective 1 ‘Urban Growth, Accommodation and Housing’, an additional strategy: *‘Protect the amenity of sensitive uses by avoiding their location within recommended separation distances for industrial activities’*
 - reorder the third strategy under Objective 1 ‘Urban Growth, Accommodation and Housing’ as the fourth strategy and reword it to read: *‘Support the rezoning of land to accommodate new housing areas where identified in the Colac Framework Plan and supported by a Development Plan Overlay. A Development Plan Overlay should identify the requirements for the orderly staging and development of the land including coordination of infrastructure, a shared infrastructure plan and the management of interface areas, including industry interfaces and buffers.’*
 - rephrase the second strategy under Objective 3 ‘Economic Development and Employment’ to read: *‘Provide appropriate industrial area interface treatments within Colac’s new urban areas to ensure the operations of existing industries are not compromised’.*
- **Amend the Framework Plan mapping to:**
 - replace ‘Buffer to Industrial Uses to be protected by Development Plan Overlay’ with *‘Manage industry interface and buffers’*
 - replace the separate buffers for the water treatment plant, abattoir and sawmill with a single *‘Significant industry and infrastructure buffer area’* designation.

5 Existing residential areas

5.1 Development Plan Overlay Schedule 2

(i) What is proposed?

The existing residential areas are included in Development Plan Overlay Schedule 2 - Future Residential Areas (DPO2). The Growth Plan identifies that DPO2 should be amended. The Amendment does not propose to remove or amend the overlay however submissions sought that it be removed.

(ii) The issue

The issue is:

- Whether the DPO2 should be deleted or amended as part of this Amendment.

(iii) Submissions

Three submissions (9, 18 and 24) were received in response to the existing DPO2 that applies to land south of the railway line and west of Main Street.

Submitter 9 submitted that the overlay should be removed and that they have no intention of subdividing their property that is a size that suits their lifestyle.

Submitter 18 also opposed the presence of the overlay over land that has already been subdivided and submitted that the prospect of preparing a Development Plan with some many landowners was unlikely. It observed that the abandonment of a previous Development Plan preparation process in 2014 was because of owners not wanting to subdivide their land and concerns with privacy and safety of land associated with open space. It resisted the statement in the Growth Plan that the process had been abandoned because of compensation for land used for shared infrastructure.

Submission 24 opposed the presence of the overlay and submitted that the owners had not been informed of the proposal to apply the DPO.

Submission 29 submitted that the reason that land in the DPO2 area had not been developed was because of the absence of infrastructure plans. It submitted that these were necessary to *“unlock the development potential of these areas”*.

Council advised the Panel that the DPO2 was approved as part of Amendment C55 (Colac Otway PSA C55 [2009]) which implemented the Colac Structure Plan 2007. Since that time, two Development Plans have been prepared and a third was abandoned.

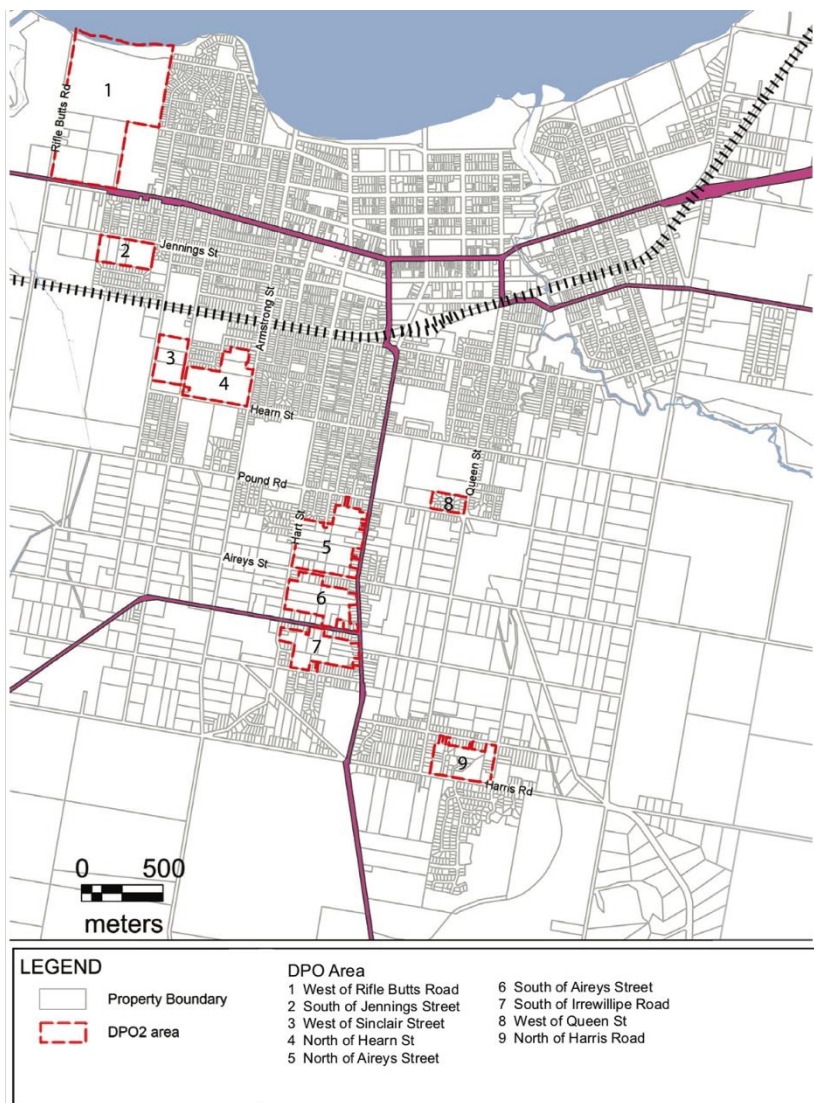
Council submitted that it is not possible to remove the overlay as it would be a transformation of the Amendment. It submitted that it remains relevant to facilitate future orderly subdivision. Council advised the Panel that it did not propose to undertake a development planning process in the short term because it was only recently abandoned due to lack of landowner support or agreement. It observed that it might be appropriate to review the boundary of the area as part of a future strategic process.

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

(iv) Discussion and conclusions

The 2007 Colac Structure Plan identified several areas for residential development. Amendment C55 implemented the Structure Plan and applied DPO2 to various precincts that are shown in Figure 4.

Figure 4 Existing Development Plan Overlay, Schedule 2 areas



Source: Growth Plan

The Growth Plan notes that the purpose of the DPO is to coordinate use and development of the land across different landowners to facilitate the orderly planning of the area. It notes that DPO2 had been problematic effectiveness because it allows the consideration of

subdivision applications prior to the approval of a Development Plan and it does not require any consideration of shared infrastructure. The preparation of a Development Plan is also seen as a constraint by landowners who do not have the capacity or capability to coordinate a Development Plan.

The Growth Plan notes the following in relation to the various precincts:

- Area 8 has been developed and DPO2 should be removed
- Council has taken a lead role and prepared and approved Development Plans for Areas 6 and 7
- a Development Plan was prepared for Area 5 but was abandoned
- two Development Plans are currently being prepared for Areas 1 and 4
- there are no approved Development Plans for Areas 2, 3 and 9.

The Growth Plan notes that Schedule 2 should be amended to require preparation of an infrastructure plan or similar to provide guidance and clarity in relation to the delivery of shared infrastructure for an area. It states that it will also be necessary to amend the Schedule to require that a Development Plan is approved prior to the subdivision of land for residential purposes. The document emphasises the need for Council to continue to take a lead role in the preparation of Development Plans in the remaining DPO2 areas to unlock their development potential.

The Panel notes that the exemption from preparing a Development Plan prior to development of a single dwelling or subdivision (provided that any permit does not compromise the orderly planning and development of the area) came from a recommendation from the Panel in Amendment C55 to address landowners' concerns that the application of the DPO would be an impediment to development. The Panel also notes that at the time C55 was being considered, Council had forecast very low levels of growth. The C55 Panel did not accept those figures and ultimately recommended that Council undertake a more realistic estimate of the land supply in Colac. Council has subsequently undertaken further assessment of housing needs and land supply in the context of the G21 Regional Growth Plan.

Therefore, this Panel agrees with Council that further consideration is warranted as to whether to amend the Schedule to remove this exemption and the exemption relating to the construction of a dwelling.

However, the Panel acknowledges that the removal and amendment of the Schedule does not form part of this Amendment and is not in a position to make a recommendation in relation to these matters.

That said, in the context of this Amendment, the Panel acknowledges the constraints in Area 5 due to land fragmentation and extent of development of dwellings and agrees with Council that it would be appropriate to review the boundary of this Area. The Panel agrees with Council's post-exhibition change to update the text of the Growth Plan and Clause 21.03-2 to review the extent of mapping for Area 5.

The Panel concludes:

- That Clause 21.03-2 and the Framework Plan should be updated to identify that the mapping of DPO2 to Area 5 will be reviewed.

(v) Recommendation

The Panel recommends:

- **Clause 21.03-2 be amended to:**
 - **Insert under the heading of ‘Further strategic work’, ‘Urban Growth, Accommodation and Housing’, an additional action: ‘Review the extent of the Development Plan Overlay Schedule 2 for the area north of the Pound Road and west of Main Street to refine the mapped boundary to exclude small lots which have been developed, where appropriate.’**

5.2 Moore Street Housing Renewal Area**(i) What is proposed?**

The exhibited Framework Plan shows land in the west end of Moore Street (coloured dark pink hatching in Figure 5) as ‘Opportunity to Master Plan’.

Figure 5 Moore Street Master Plan Area



Source: Growth Plan

(ii) The issue

The issue is:

- What is the appropriate level of future planning for the west end of Moore Street?

(iii) Submissions

Submission 29 identified that a “transition plan” should be adopted to promote the area as “high-end residential”. This, it submitted, would facilitate in excess of 600 dwellings along the lake to Deans Creek. It also submitted that the existing public housing area could transition to another area within the urban boundary.

Mr Barrett (Submission 31 and Document 11) observed the existing social problems that exist in the area. He explained the on-going cost if no action was taken to address the social problems and submitted that there is a necessity for commitment to change. Mr Barrett submitted that a neighbourhood should be planned around a sports oval with a community and commercial centre and that housing should be built around it. He submitted that there should be 25% social housing managed by a non-government provider.

Council submitted that the Growth Plan nominates the area (which has a high level of social disadvantage, and a high proportion of ageing public housing stock) for master planning in collaboration with residents and the Department of Health and Human Services.

Council submitted that the master planning process could explore housing options to improve amenity, street connections and reconfigure public open space. It also observed that Council is currently in the process of acquiring the former Colac High School site from the state government, which will become a significant area of open space and accommodate community facilities to benefit residents of the immediate context and beyond.

(iv) Discussion and conclusions

The Growth Plan observes that the area has a high proportion of public housing dating from the 1960s and 1970s and that the street patterns and provision of open space are typical of that era with poor passive surveillance. The Growth Plan identifies the opportunity to engage with the Department of Housing and Human Services to collaborate on a Master Plan to *“explore opportunities to modernise and diversify housing options in the area with improved connectivity and provision of public open space.”*

The Panel accepts Mr Barrett’s and Council’s submissions in relation to the social problems and poor planning. The Panel also observed on its site inspection the state of housing and the appearance of dwellings to the street. The Panel agrees with the merit of Council instigating change, engaging with the state government and preparing a Master Plan. The Panel notes the value of undertaking strategic planning to guide critical infrastructure investment, land use direction and identify urban regeneration opportunities through a partnership approach with key stakeholders. The *Corio Norlane Structure Plan, City of Greater Geelong and Department of Planning and Community Development, July 2012* is considered to be an exemplar of such an approach in a similar socio-economic context.

The Panel concludes that:

- The Directions of the Growth Plan and Clause 21.03-2 relating to the future planning for the west end of Moore Street, Colac are appropriate.

The Panel considers that the terminology used in the Framework Plan relating to the future planning for the west end of Moore Street, Colac could be simplified. This is identified in the recommendations included in section 9.2 of this Report.

6 Residential growth

6.1 Rossmoyne Road Area

(i) What is proposed?

The exhibited Framework Plan shows land in the Rossmoyne Road area (coloured pink in Figure 6) as land to be rezoned to *'Residential subject to Development Plan'*. Part of the land is also affected by a *'Buffer to industrial Areas'* adjacent the existing industrial area.

Figure 6 Residential land subject to a Development Plan for the Rossmoyne Road Area



Source: Growth Plan

(ii) The issue

The issue is:

- Whether it is appropriate to extend the urban boundary to the north-west of the town and zone the land residential.

(iii) Submissions

The submissions that addressed the industrial buffer to this area are discussed at section 4.2 of this Report.

Submission 29 submitted that this area is *"isolated and disconnected from the town"* and that it should be identified as a *"long-term investigation area"* rather than a *"possibility to rezone"*. It submitted that this designation was contrary to the intention expressed in the Growth Plan that *"all development should integrate with the existing township rather than separate areas"*.

Council submitted that the development of the land to the north of the industrial land is a long-term prospect (15 plus years) given the need to extend services to this area. It submitted there is merit in identifying this area as an investigation area to resolve any need for buffers prior to its formal designation as an area for rezoning, but to retain it in the town boundary. Council submitted that if Whey Solutions was granted approval on the industrial land, then

the rezoning of land to the north for residential purposes would need to be considered in light of any approved use and buffer requirements, but that this could be done as part of a future process when there is greater certainty about future use and development in this area.

Council submitted that the Framework Plan should be amended to identify this area as a *“medium term residential development investigation area”*.

(iv) Discussion and conclusions

The Growth Plan explains that this land has an area of 83 hectares and that whilst it is remote from the urban areas of Colac, there is an opportunity to connect it into town through an extended open space corridor along the lake. It notes that it could provide a high amenity area subject to good design.

The Growth Plan suggests that this area should be the last area to develop in terms of staging to focus investment in the areas which are closest to services and to ensure that there is no oversupply of residential land. The designated rezoning is linked to the proposal to rezone the existing industrially zoned land to INZ3.

As discussed in section 4.2 of this Report, the rezoning of the industrial land to INZ3 is appropriate if Council is committed to allowing residential land to its north. However, it may well do so at the expense of significant economic investment by industry. The Panel observes that the existing Industrial 1 Zone land in this location contributed to the overall land supply considered by the Panel in Amendment C86.

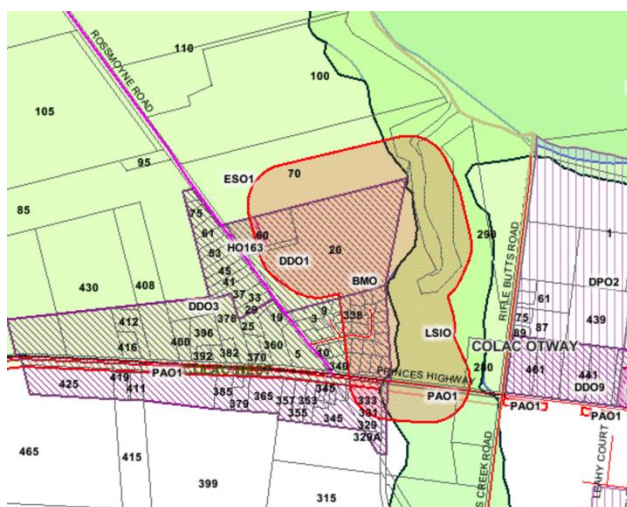
The Panel observes that whilst the land has opportunities through its topography and location on the lake and that it is not subject to flooding or inundation, it is remote and removed from other residential land and is encumbered by its interface with industrial land.

The Panel also observes that the southern part of the land is also included in a Bushfire Management Overlay (BMO) as seen in Figure 7. The Growth Plan observes that this BMO is in place because of *“a timber plantation and significant tree planting within the creek corridor”*.

Council addressed the issue of bushfire risk in its Part A submission, noting that the bushfire risk assessment report prepared to inform the Growth Plan identified that much of the land on the Framework Plan was not included in the BMO apart from a small area of land to the north-west of the town near Lake Colac. Council’s Part A submission noted that the CFA response *“does not specifically raise any issues per se with areas identified for growth”*.

In its closing, Council advised the Panel that the timber plantation had been felled and therefore the BMO should no longer cover this land.

Nevertheless, it does exist and as such the Panel does not agree that the land is therefore suitable for residential development. To allow the rezoning of land to facilitate residential development would be contrary to the provisions of Clause 13.02-1S of the planning scheme.

Figure 7 Extent of Bushfire Management Overlay

Source: Planning Scheme maps

Noting Council's submissions that this would be the last precinct to be considered for residential development, the Panel is of the view that several caveats exist prior to its consideration and designation. The Panel observes that there are unresolved issues around the use of the industrial land and the BMO that require further consideration before it can be considered appropriate to designate the land for residential development and use. At best, this area could potentially be identified as a 'medium term residential investigation area'.

Given the uncertainty around the future of the area, the Panel considers that the exhibited Framework Plan should be amended to replace the annotation 'Rezone to Residential with Development Plan' and related Map legend with 'Medium term residential/low density investigation area'.

However, if the adjoining land to the south land remains in the Industrial 1 Zone, the Panel considers that it is more appropriate for the subject land to be rezoned to low density, as is the approach adopted at the interface of other industrial areas within the town boundary.

The Panel concludes that:

- The Framework Plan should be amended to replace its identification as 'Rezone to Residential with Development Plan' to a 'Medium term residential/low density investigation area'.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the Rossmoyne Road residential investigation area as a 'Medium term residential/low density investigation area'.**

6.2 Deans Creek Corridor – North of Princes Highway

(i) What is proposed?

The exhibited Framework Plan shows land in the Deans Creek Corridor, north of Princes Highway (coloured pink in Figure 8) as land to be rezoned to *'Residential subject to Development Plan'* and as *'Potential Open Space Corridor using Creek and Drainage lines'* (green dashed line in Figure 8). There is also a *'Buffer to Industrial areas'* shown to the part of the western edge of the land as it abuts the existing industrial area (brown zig-zag line on Figure 8).

Figure 8 Residential land subject to a Development Plan within the Deans Creek Corridor – North of Princes Highway



Source: Growth Plan

Following receipt of submission 25, Council resolved to adopt a post-exhibition change that would include reference in the Growth Plan to investigate Colac West on Deans Creek as having potential for a focal point with constructed wetland and Aboriginal focus.

(ii) The issue

The issue is:

- Whether there is strategic support to extend the General Residential Zone.

The creek corridors are discussed in section 8.5 of this Report.

(iii) Submissions

Submission 25 addressed the green corridors (Creek corridors) and the significance of the area to Aboriginal people. It did not address the proposed designation of the land for residential.

Council submitted that the Growth Plan should be amended in response to this submission in accordance with the post-exhibition resolution. Council noted that the area is identified as an area of cultural heritage sensitivity and acknowledged the registered Aboriginal sites in this

location. It also noted that parts of the land are subject to inundation. Part of the land is public land managed by DELWP and the balance is freehold.

The EPA submission identified that the existing Rifle Club, west of Rifle Butts Road could be potentially contaminated and if it remains will require appropriate separation distances from sensitive uses.

Council noted that the area is highly significant to Aboriginal people and submitted that the creation of a wetland or lake and focal point could be explored through detailed planning for the area in conjunction with relevant stakeholders.

(iv) Discussion and conclusions

The Growth Plan identifies that this land has an area of approximately 32 hectares and there is an opportunity to develop it for residential and open space purposes. The Growth Plan acknowledges the importance of the area to the local Aboriginal community and that Council should investigate alternate suitable locations to accommodate the relocated rifle club from this area. It also identifies opportunities to investigate future creek crossing points and the future extension of Moore Street. The Growth Plan acknowledges the interface with the Rossmoyne Road industrial area to the west.

The same observations made above in Section 6.1 as it relates to the future role of the industrial land in Rossmoyne Road and the BMO in relation to the north-west corner of this precinct. This land is also subject to inundation and flooding, but has greater separation from the industrial land by the creek and is more closely connected to the balance of the residential land within the town boundary.

The Panel observes that this land will be subject to various considerations as part of the Development Plan process and that prior to any rezoning proposal that the interface issues and bushfire risk would need to be adequately addressed. In light of this, the Panel also considers it appropriate to update the Framework Plan to include an annotation in relation to this land that it is identified as a 'medium term residential investigation area'. This process will also enable an appropriate response to any potential contamination or need for separation buffers associated with the Rifle Club.

This Panel's approach to issues of cultural and environmental significance is discussed in section 8.5 of this Report.

The Panel concludes that:

- The Framework Plan should be amended as it relates to land west of Rifle Butts Road to replace its identification for '*Rezone to Residential Subject to Development Plan*' to a '*Medium term residential/low density investigation area*'.
- The proposed objectives and strategies of Clause 21.03-2 provide sufficient direction regarding the protection and management of areas of environmental and cultural heritage significance without further addition.

(v) Recommendation

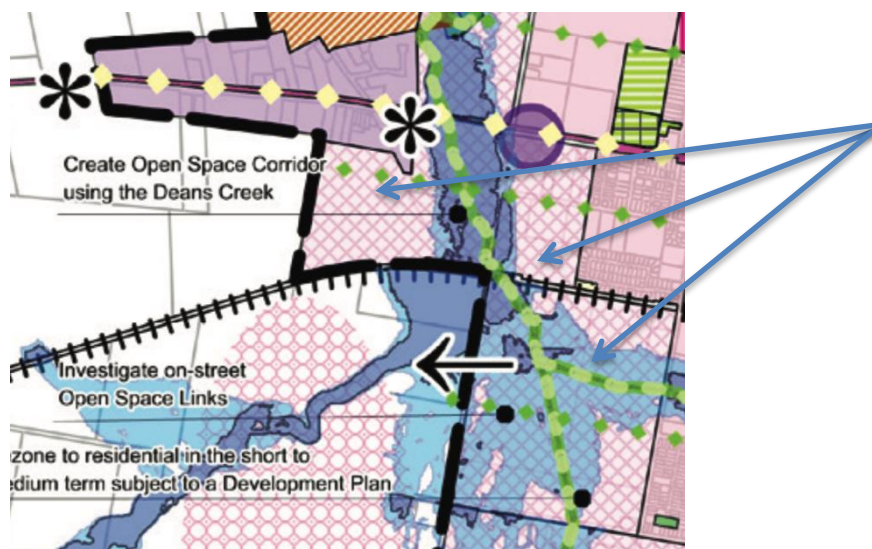
The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the land west of Rifle Butts Road as a ‘Medium term residential/low density investigation area’.**

6.3 Deans Creek Corridor – South of Princes Highway to Pound Road**(i) What is proposed?**

The exhibited Framework Plan shows land in the Deans Creek Corridor, to the south of Princes Highway to Pound Road (coloured pink in Figure 9) as land to be rezoned to ‘Residential subject to Development Plan’. There is also a ‘Potential Local or Neighbourhood Commercial Centre’ (purple circle on Figure 9).

Figure 9 Residential land subject to a Development Plan within the Deans Creek Corridor – South of Princes Highway to Pound Road



Source: Growth Plan

(ii) The issue

The issue is:

- Whether there is strategic support to extend the General Residential Zone.

(iii) Submissions

Submission 8A was prepared on behalf of an owner of land in Cants Road, Princes Highway, Deans Creek Road and Pound Road. The submitter was supportive of the proposed designation for residential but was concerned as to the extent of land being shown as subject to flooding and inundation (shown in light and dark blue in Figure 9 above).

The submission noted that the Growth Plan is a high-level document but requested that “appropriate safeguards are put in place within the approved report under Amendment C97 to allow for future investigations to take place on the land to enable a reduction in the areas

shown for flooding/inundation and wetlands.” The submission concluded that this would maximise the developable area while addressing the flooding issues.

Council submitted that the extent of flood or inundation prone land shown on the exhibited Framework Plan reflects existing conditions. Council noted that the key aims of preparing the Growth Plan and the Colac Stormwater Development Strategy concurrently were 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. The Growth Plan acknowledges the ability of the owner’s land to be developed, subject to further assessment and implementation of stormwater management measures.

(iv) Discussion and conclusions

The Growth Plan identifies that the Colac-West Deans Creek corridor provides an opportunity to accommodate residential expansion, which was recognised in the 2007 Colac Structure Plan and as being subject to resolution of inundation constraints.

The Growth Plan notes that some sections of the creek are significantly flood prone with significant flood depths. Also, some parts of the creek have relatively intact riparian environs, whilst other sections are heavily modified. These issues are addressed at section 8.3 of this Report.

The Growth Plan identifies the first stage of the Deans Creek corridor is the land to the south of the railway line (bound by Deans Creek Road, Pound Road, Cairns Road and the railway line). This land has an area of approximately 78 hectares and is highly modified pastoral land that is very flat. The Growth Plan identifies that development of this land should be prioritised because of its strategic location, consolidated land ownership.

The Growth Plan identifies that the land to the south of Princes Highway has an area of approximately 67 hectares. It has frontage to the Highway and has the potential to accommodate a neighbourhood centre to serve the needs of the new population in Colac west.

The proposed activity centre and part of the land identified for residential appears to be affected by the BMO.

The Panel is supportive of development of land beyond the BMO for residential purposes but for the reasons provided above cannot endorse expansion of the residential zone within the BMO. The Panel concludes that this issue needs to be addressed prior to consideration of a rezoning application.

The Panel concludes that:

- The Framework Plan should be amended as it relates to this precinct to identify it as a *‘Residential investigation area’*.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the Deans Creek Growth Area Corridor (south of Princes Highway to Pound Road) as a *‘Residential investigation area’*.**

6.4 Deans Creek Corridor – south of Pound Road, east of Deans Creek Road and north of Harris Road

(i) What is proposed?

The exhibited Framework Plan shows land in the Deans Creek Corridor, to the south of Pound Road, east of Deans Creek Road and north of Harris Road (coloured pink in Figure 10) as land to be rezoned to 'Residential subject to Development Plan'.

Figure 10 Residential land subject to a Development Plan within the Deans Creek Corridor – South of Pound Road, east of Deans Creek Road and north of Harris Road



Source: Growth Plan

Following receipt of six submissions (submissions 19, 20, 22, 28, 32 and 33) Council resolved to propose a post-exhibition change to part of this precinct to be designated for Low Density Residential. This post-exhibition change affects land bound by Pound Road, Cants Road, Sinclair Street South and Neal Street.

(ii) The issue

The issue is:

- Whether there is strategic support to extend the General Residential Zone. If so, is it appropriate to set aside a centrally located part of the precinct for LDRZ?

(iii) Submissions

Council submitted that this area is one of two areas of the first stages of development.

In terms of the post-exhibition change, Council submitted that the area is largely developed with one acre lots and used for low density purposes. It noted that a LDRZ in "a discrete location would broadly reflect the existing lot pattern with some additional subdivision permitted" and would allow lots of 2,000 square metres.

Ms Bright made submissions at the Hearing (Document 9) on behalf of the owners of land in Cants Road, Elliminyt who oppose the designation of the land (Submission 25). Ms Bright advised the Panel that the current controls allow for the land to be subdivided into three lots

of 1.2 hectares. Her clients would like to subdivide their land into eight lots of 4,500 square metres or into smaller lots of 2,000 square metres. Their preference is to retain larger allotments to *“reflect the surrounding pattern of development, density and established neighbourhood character, which the Calders and surrounding residents have indicated is their preferred long term expectation for the area.”*

Ms Bright submitted that the Panel for Amendment C55 concluded that the LDRZ is a more appropriate zone to be applied to the south-east and south-west of Colac with a schedule setting the minimum lot size of 1.2 hectares. She advised that the Panel had stated that the application of the LDRZ should not be regarded as an opportunity to subdivide all of the existing 1.2 hectare lots into lots of 1,500 to 2,000 square metres.

Ms Bright submitted that investigations had not been undertaken until the preparation of the current Growth Plan and that it applied a *“blanket approach to all land in the area, whether or not constrained by inundation and absence of drainage, and have no regard to the particular circumstances of this site.”*

Ms Bright submitted that her clients were concerned that resolution of matters identified in the Growth Plan including fragmented ownership and the need for council to take a lead role to co-ordinate development plans will require significant time and resources that will take many years. Further, that ultimately it will result in development that is inconsistent with the established pattern of development in neighbourhood character and in the short term will render land vacant when there are no impediments to development except for lot size.

Ms Bright requested the Panel to acknowledge the different characteristics of her clients' land from the *“wider constrained land”* and sought direction regarding the appropriate short-term outcomes for the land.

Mr Calder also made submissions to the Panel. He provided background to the proposals to subdivide the land since 2003. He submitted that the land is not required for residential in the short to medium term and that a more appropriate outcome would be to allow larger lots that are consistent with existing allotments that accommodate substantial houses.

(iv) Discussion and conclusions

The Growth Plan identifies that land east and west of Main Street in Elliminyt currently comprises approximately 152 hectares and 231 hectares respectively. Historically the land has been constrained for urban development because it is subject to flooding due to its flat topography. The Growth Plan notes that the land is not connected to the existing sewer network but is proximate to key infrastructure and services in town.

The Growth Plan identifies that, subject to appropriate stormwater management and extensive of the sewer network, the land should be rezoned to General Residential. It notes that given the land fragmentation, Council will need to take a lead role to co-ordinate Development Plans. Given the land fragmentation there is an expectation that the redevelopment of these areas will take *“considerable time, resources and effort”* and should not be relied on as Colac's only residential land supply.

Having reviewed the Panel report for Amendment C55, it appears to this Panel that observations in response to submissions put on behalf of Mr Calder in relation to the

investigations for a LDRZ were based on land supply, forecasts and Council's position in relation to flooding, inundation and sewer connection. This Panel does not deduce from a review of that report that the Panel for Amendment C55 concluded that the land was suitable for LDRZ based on its prevailing lot character or neighbourhood character.

The Amendment C55 Panel observed that Council's strategic objectives needed to be more clearly specified, but that they appeared to include:

- The areas subject to inundation should not become available for more intensive subdivision and development due to possible contamination of groundwater and threats to homes.
- The release of a large number of rural lifestyle lots could undermine the urban consolidation objectives.
- Colac should protect its long term urban growth options by retaining land in larger lots rather than becoming ringed by smaller lots that are very difficult to convert to urban design lots and development.

The Panel agrees with the exhibited version of the Framework Plan and does not support the post-exhibition change to exclude part of the land to be rezoned to Low Density Residential. Although Council proposed to resolve the submissions this way, the submissions remain before the Panel for its recommendation. The Panel is of the view that this post-exhibition change would undermine and compromise the broader strategic objectives of the Growth Plan.

The Panel accepts that the timeframe for realising the development potential of this land may not coincide with landowners' expectations; however, it is important to maintain the vision for the town.

The Panel concludes that:

- The Framework Plan should not be amended as per the post-exhibition change in relation to land south of Pound Road and that the precinct should be identified in the Framework Plan as *'Rezone to residential'*.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the Deans Creek Growth Area Corridor (south of Pound Road) as *'Rezone to residential'*.**

Chapter 9 makes further recommendations relating to removing the reference to *'Subject to Development Plan'* against rezoning annotation and Map legend elements of the exhibited Framework Plan.

6.5 Elliminyt Growth Area

(i) What is proposed?

The exhibited Framework Plan shows the Elliminyt Growth Area – Wyuna Estate expansion (coloured pink in Figure 11) as land to be rezoned to *'Residential subject to Development Plan'* in the short to medium term.

Figure 11 Residential land subject to a Development Plan within the Elliminyt Growth Area

Source: Growth Plan

(ii) The issue

The issue is:

- Whether there is strategic support for the extension of the General Residential Zone to this area and whether it is appropriate to bring forward rezoning of land within the precinct.

(iii) Submissions

Council submitted the proposal was to ultimately rezone the land to General Residential and that potentially this land could include land to its south as open space to integrate with the Beechy Rail Trail. Council submitted that this area is one of two areas for the first stages of development.

Three submissions were received in relation to this land (Submissions 11, 13 and 16) and all were supportive of the Amendment and the proposal to rezone the land to General Residential.

Ms Curtis (submitter 13) submitted that her land was surrounded by residentially zoned land and had numerous attributes that made it suitable for a residential zone, including that reticulated water, gas and sewerage are available at the property boundary and that it is well located in terms of community facilities and services. Ms Curtis also referred to the Panel's observations in relation to her land in its consideration of Amendment C55 in 2008 which recommended "*council consider inclusion of the land to the south and west of the Scanlan land for rezoning to Residential 1 Zone subject to the completion of a Precinct Plan that demonstrates the integration development of all the land.*" Ms Curtis submitted that the land should be rezoned now to avoid further delays.

Council submitted in its Part B submission that the Amendment did not include the rezoning of any land and reiterated in its closing that immediate rezoning would be a transformation of the Amendment and that no rezoning would be undertaken prior to the preparation of a Development Plan Overlay for infrastructure. It submitted that there needs to be a proper and orderly process to avoid fragmented development and that there needs to be a clear mechanism.

(iv) Discussion

The Growth Plan identifies that the land to the west of the Wyuna Estate is approximately 35 hectares in area and is well located for residential development. It noted the opportunity to expand the Wyuna Estate to the west and improve the connectivity in this area to provide additional street connections and that there is an opportunity to extend and connect the open space areas by using the Beechy Rail Trail and connecting this with the golf course and race course.

The Panel considers that it may be logical to extend the residential zone to “fill in a gap” between the Wyuna Estate, residentially zoned land to the north and Colac-Lavers Hill Road that forms a natural boundary. Rezoning would also be consistent with the Panel’s recommendations in Amendment C55. The Panel also notes Council’s submission that this area will likely be in the first stages of in-fill development.

However, in terms of process and timing, the Panel agrees with Council’s submissions that work relating to infrastructure needs to be undertaken prior to rezoning. The Panel observes that it is necessary to put in place appropriate mechanisms to achieve the orderly planning of an area and not allow ad-hoc development. The Panel also agrees that rezoning of land at this stage would constitute a transformation of the Amendment.

The Panel concludes that:

- The Framework Plan should identify this as *‘Rezone to residential in the short to medium term’*.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the Elliminyt Growth Area (west of the Wyuna Estate) as *‘Rezone to residential in the short to medium term’*.**

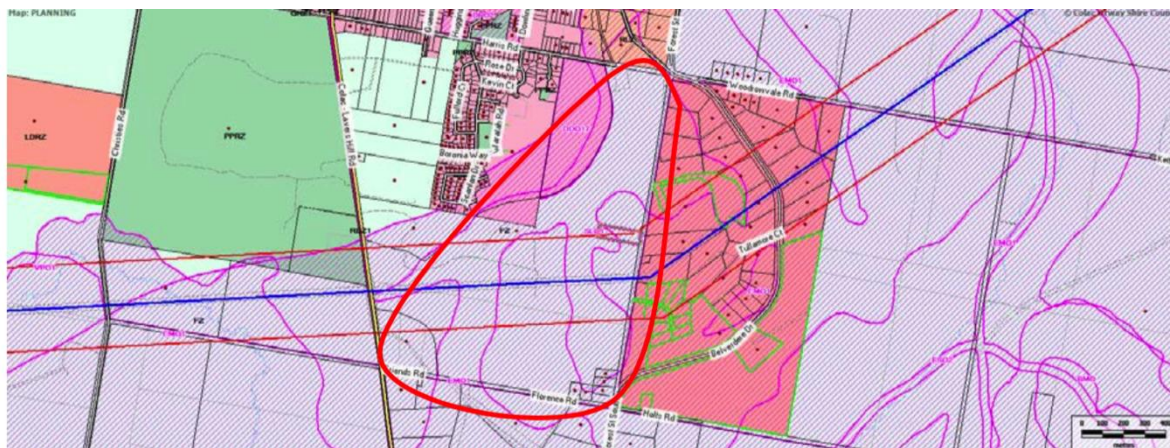
7 Low Density Residential, Rural Living and Long-term Investigation areas

7.1 Colac-Lavers Hill Road, Friends Road/Florence Road and Forest Street South

(i) What is proposed?

Council resolved as a post-exhibition change to the Amendment to rezone land to the east of the Wyuna estate and the Beechy Rail Trail, west of Forest Street South, and north of Friends Road/Florence Road (shown in Figure 12) from Farming Zone to 'rural living or low density with a Development Plan'.

Figure 12 Council's post-exhibition change to rezone land to 'rural living or low density'



Source: Council's Part B submission

(ii) The issue

The issue is:

- Whether there is strategic support for the post-exhibition change to extend the residential designation to land further south to Friends Road/Florence Road.

(iii) Submissions

In response to submitter 30 (who owns all of the land subject to the post-exhibition change), Council officers resolved to extend the low-density designation to include part of their land to effectively square off the residential land with the southern boundary of the Wyuna Estate. Subject to further submissions at the council meeting, Council resolved to extend the boundary to include all of the land (extending the southern boundary to Friends/Florence Road).

In relation to the post-exhibition inclusion of additional land in this area (known as the Scanlan land), Council submitted Friends Road/Florence Road forms a natural urban boundary and that it is likely that, given the topography, the area would at some stage be developed for rural residential purposes.

Following Council's resolution in relation to the land identified for post-exhibition changes and subsequent notice of affected properties, three late submissions were received. Submitters 36 and 37 opposed the change to extend the urban boundary and submitter 39 sought to have their land rezoned to enable a dwelling to be built.

Submitter 37 submitted that there was no identified need for additional rural living land in Colac and that this type of dwelling was not consistent with the demographics of the municipality. It also submitted that further detailed analysis including land servicing, geotechnical stability and bushfire risk needed to be undertaken and that government policy supports the retention of farmland.

Submitter 36 opposed the inclusion of the land within the urban boundary and that submitter 30 should not have offered the potential for parts of the Beechy Rail Trail for public open space because it is on land owned by submitter 36. Submitter 36 considered that the land was unsuitable for residential land because it was subject to erosion, was steep, power lines traverse it and there is an oversupply of low-density land. In closing, submitter 36 submitted that *"we feel that the original plan of the Citizens jury and the C-O planners provided for potential growth whilst protecting the rural aspect of the town without impacting the environment to any large extent."*

Ms Krall (submitter 39) supported the post-exhibition change and requested that a rezoning occur *"sooner rather than later"*. She submitted that due to the size of her land (3 acres) that she is unable to build a dwelling on the land, which was gifted to her by her parents in 1974. The land has road access and is serviced and *"perfect"* for rural living.

In closing, given the proposed revised designation on the framework plan, Council submitted that it was supportive of the statutory planning department issuing a planning permit for a dwelling.

Mr Scanlan (submitter 30) presented to the Panel (Document 12). He submitted that redevelopment of the land was a real, long-term prospect and one that could more readily be realised by a family with development experience than by other land owners on land that has also being designated as suitable for low-density living. He also submitted that it appeared *"to make sense"* that this land would be considered before other land identified for potential long-term low density to the east of Woodrowvale Road or the Rural Living Investigation Area to the east of Drapers Road. He observed that *"there are no sawmills, yoghurt factories or abattoirs surrounding our property"*. He submitted that the land is not suitable for farming and that it is presently used for agistment and hay.

Mr Scanlan submitted that the land is undulating and elevated and is not at risk of inundation. He submitted that, for the most part, the Beechy Rail Trail is on their property and that the family is supportive of extending the rail trail and setting aside part of their land for public open space. He submitted that the transmission lines will not prevent development and highlighted that other development has been recently approved in proximity to the lines.

(iv) Discussion

The Panel accepts Council's submissions that the extension of the rural living or low density area and the urban boundary further south to Florence Road is appropriate. The designation

is a logical extension and will provide an effective “closing in” between land presently zoned and developed for residential purposes.

Apart from the transmission lines traversing the land, it appears relatively unconstrained. Having said that, it is clear that development is occurring on other land that is also affected by the transmission line and that this is not an impediment to development. The Panel is of the view that this land is more suited to low density than land further north that is constrained by its proximity and interface to industrial development.

The Panel considers that the alignment of the open space corridor can be resolved through detailed analysis.

The Panel notes Council’s submissions in relation to Ms Krall’s land but does not make any recommendations in this regard.

The Panel supports the post-exhibition change to include land to the east of the Wyuna estate and the Beechy Rail Trail, west of Forest Street South and north of Friends Road/Florence Road from Farming Zone to *‘rural living or low density.’*

The Panel concludes:

- That there is strategic support for the post-exhibition change to extend the residential designation to land further south to Friends Road/Florence Road.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the Colac-Lavers Hill Road, Friends Road/Florence Road and Forest Street South as *‘Rezone to Rural Living or Low Density’.***

7.2 East of Woodrowvale Road and Forest Street

(i) What is proposed?

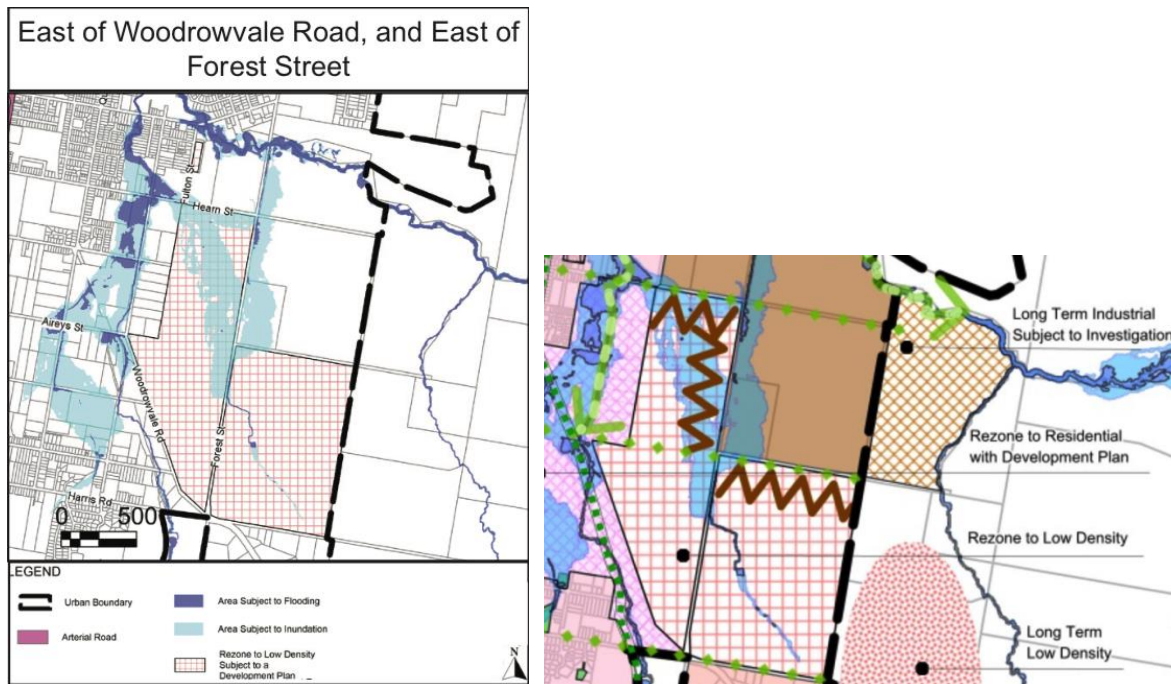
The exhibited Framework Plan proposes to rezone land from RLZ and Farming Zone to Low Density and has nominated a *‘buffer to industrial uses’* as identified in Figure 13.

(ii) The issue

The issue is:

- Whether there is strategic support for the proposed designation of land for residential purposes.

The land is next to INZ1 land. It is to the south of the Bulla factory in Hearn Street and south of vacant industrial land. The issue of industrial buffers is addressed in section 4.3 of this Report.

Figure 13 Rezone land east of Woodrowvale Road and Forest Street to Low Density Residential

Source: Growth Plan

(iii) Submissions

Council submitted that a key strategic direction of the Growth Plan and in turn the Amendment is to achieve urban consolidation in Colac by transitioning existing rural living areas in Elliminyt to a GRZ. In turn, it is necessary to identify additional land supply for RLZ. It submitted that the *Colac Otway Rural Living Strategy 2011* identified and designated suitable locations for rural living, which do not take up high quality agricultural land and where an adequate level of service can be provided.

Council submitted that its approach to designating land as RLZ or LDRZ adjacent to industrially zoned land was appropriate and is an approach adopted by the City of Greater Geelong for Heales Road, Lara.

Council submitted that the land west of Forest Street is currently zoned Rural Living and is developed with housing at relatively low densities. In support of the proposed zoning, Council submitted:

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 is 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 GRZ land.

Two submissions (submissions 2 and 3) were received in relation to this land. Both submitters were supportive of the proposed designation. Submitter 2 noted that the land was well located and serviced to accommodate growth of the town.

(iv) Discussion and conclusions

The Growth Plan notes that the land in this area has not been identified for residential purposes because of its interface with INZ1 land. Land to the east of Woodrowvale Road includes the industrial buffer. Land to the east of Forest Street and north of Woodrowvale Road is largely cleared pastoral land and adjoins industrial land that was rezoned in 2017. To the south is the Belverdere Estate, which is in the LDRZ. The Growth Plan notes that the land is prominent in Colac and forms part of the rural backdrop to the town with the rising foothills of the Otways.

The precinct comprises an area of approximately 179 hectares. The Growth Plan concludes that both parts of the precinct are suitable for low density. It notes that the land is not suitable for conventional residential development because of its proximity to industrial land.

The Panel observes that the provision of land for rural living and low density is of importance in the municipality and that the Growth Plan identifies that there is demand for properties which are larger than conventional lots and that whilst Colac has a supply of rural living zoned land, this will transition over time to the GRZ. The Growth Plan states that there should be no net loss of the existing provision of rural living and low density lots. However, as discussed in section 4.3 of this Report, the Panel cautions the Council that it would need to first be confident that bringing forward a higher order residential zone adjacent to an important industry was fully considered. The Panel in Amendment C55 offered similar observations, which this Panel observes came before Amendment C86 and the rezoning of additional industrial land. The Panel in Amendment C55 observed:

... the designation of the land to the south-east of Woodrowvale Road and Forest Street ... for rural living or low density residential development appears at this time to be premature. Its use for residential development needs to be carefully considered as the land is higher than the nearby land proposed for future industrial development, and dwellings will overlook the future industrial area and create a sensitive interface that needs to be examined in more detail. The suitability of the subject land needs to be assessed against other candidate areas for this type of development and the release of land driven by clear strategic directions for the Colac housing market and realistic forecasts of likely demand and take up rates.

If residential rezoning was found to be appropriate, given the interface, including elevated position, the Panel considers that a more appropriate designation would be for rural living in this location subject to further consideration of interface and buffer issues. It seems that the additional land that is now proposed for inclusion in the urban boundary (the Scanlan land) is more suited to low density residential given its existing abutments to land to the east, north and west for residential purposes.

The Panel concludes that:

- The Framework Plan as it relates to this precinct (east of Forest Street) should read '*Rural Living investigation area*' with the remainder remaining Rural Living.

(v) Recommendation

The Panel recommends:

- **That the Framework Plan be amended to:**
 - **Identify the land east of Forest Street, Colac as '*Rural Living investigation area*' and the land east of Woodrowvale Road remaining '*Rural Living*'.**

7.3 South of Flaxmill Road and Marriner Street precinct

(i) What is proposed?

The exhibited Framework Plan nominates land currently in the Rural Activity Zone to be included in the LDRZ or RLZ and there is a 'buffer to industrial areas' adjacent the western edge of the precinct as it abuts existing industrial land, including the abattoir.

Figure 14 Rezone land south of the Flaxmill Road and in the Marriner Street precinct to Low Density Residential or Rural Living



Source: Explanatory Report

In its Part B submission, Council referred to submission 38 and advised the Panel that whilst a formal Council position had not been formed, officers were supportive of land to the south of Marriner Street being included in the GRZ (Figure 15).

Figure 15 Rezone land south of Marriner Street to General Residential Zone



Source: Council's Part B submission

(ii) The issue

The issue is:

- Whether the proposed change to the Rural Activity Zone is appropriate.

(iii) Submissions

Council conceded that the *“area is challenging to plan for”*. The Rural Activity Zone has a minimum lot size of 40 hectares and sits beyond the existing town boundary. Council submitted that the zoning has *“effectively sterilised this area from development, despite its proximity to Colac”*. It submitted that the whilst the area has inherent amenity advantages with views over the lake, intrinsic constraints are its proximity to the abattoir and wastewater treatment plant, which result in odour issues.

Council observed that most of the land sits within either the abattoir and wastewater treatment plant (as coloured in green and brown dashed lines in Figure 15 above). Council advised the Panel that it considered that the land should be located within the urban boundary because it is an infill area *“wedged between two existing parts of Colac”* and it considered that Flaxmill Road forms a logical boundary.

Having considered various options for the land, Council formed the view that the land was not suitable to be included in the GRZ or the INZ3 because of existing residential land in Marriner Street. It also concluded the land was not suitable for the Commercial 2 Zone because there is insufficient land supply, which was confirmed by Amendment C86.

Council submitted that the land had been identified for both the LDRZ and the RLZ, with the expectation that larger lots in the RLZ could be provided within the industrial buffers and that the LDRZ could be applied to land beyond the buffer areas. Council submitted that a planning process could determine where the zone boundary should be.

In relation to the Marriner Street precinct, Council submitted that the land is not constrained by the industrial buffers and reticulated sewerage could be provided. Council observed that given the land’s abuttal to a General Residential Zone, it could be characterised as an *“urban infill area”*.

Ms Bright represented submitter 38 at the hearing. Ms Bright submitted that the land coloured blue in Figure 16 also possessed attributes including an elevation position and views across the lake for it to also be considered appropriate for inclusion in the GRZ.

Ms Bright advised the Panel that the subdivision of land currently in the GRZ occurred during the 1980s and the planning permit was approved to develop a larger parcel that was in the one ownership that extended across Princes Highway to Drapers Road. At that time Marriner Street was the main thoroughfare into town, but that it ultimately became disconnected from the town by the upgrade of Princes Highway and subsequent closure of Marriner Street into Dalton Street and with the expansion of the abattoir.

Ms Bright advised the Panel that the land had been rezoned from Farming Zone to Rural Activity Zone as part of Amendment C55 in 2008. In that Amendment, she submitted that the Panel considered applying the new zone as an improvement to the Farming Zone, but noted that it was *“far from ideal”*. She submitted that the Panel had recommended *“a precinct plan be prepared as a matter of high priority to guide the long term zoning use and development of the area, including the land adjacent to Marriner Street”*. She identified that the panel had detailed a list of items that it recommended be included in precinct plan.

Figure 16 Rezone land at 82 Marriner Street to General Residential Zone

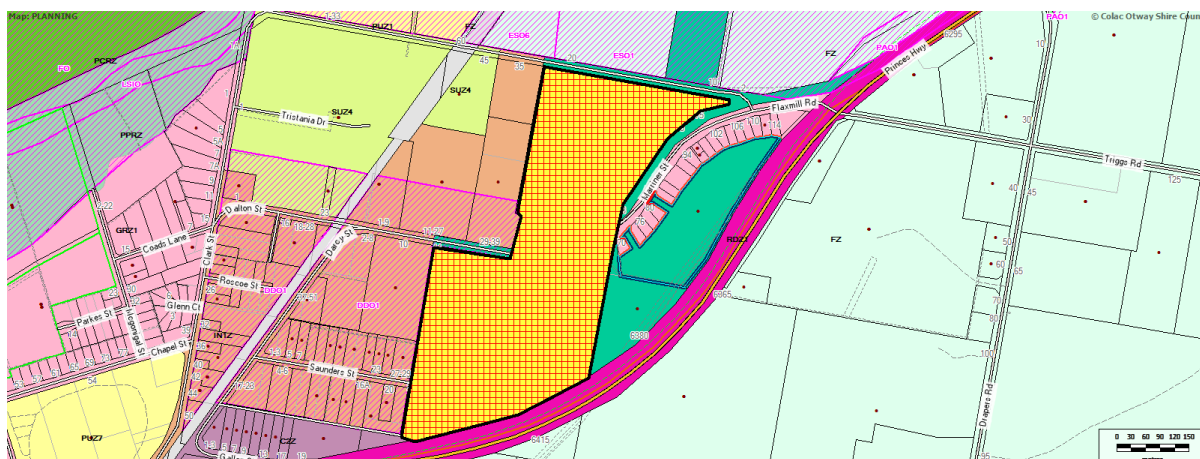
Source: Ms Bright's submission for 82 Marriner Street, Colac East

Ms Bright submitted that intensifying development within the area by virtue of the GRZ would provide the impetus for community infrastructure including walking and cycling links into town; installation of vegetation buffers to reduce noise from the highway; options of public open space linked with stormwater treatment; and the provision of housing for abattoir staff.

In its Part C submission, Council submitted that it did not support Ms Bright's submission that the GRZ could extend to the north-west of Marriner Street (to 10/75 Marriner Street) because the land fronts Flaxmill Road which is a major truck route for the abattoir. It submitted that the Australian Lamb Company has worked extensively to mitigate impacts to their western residential interface by relocating their major access point via Flaxmill Road. It submitted that it did not support further residential uses on this road that could compromise access by the abattoir. It submitted that there might be an opportunity for land at 6380 Princes Highway to be used for residential purposes, although it observed that part of the land fell within the industrial buffers. It sought the Panel's guidance in relation to whether land beyond the buffer would be suitable for residential use.

Also in its Part C submission, Council accepted the EPA's submission that the land was not appropriate for sensitive uses and submitted that a more suitable zone for the balance of the precinct shown in yellow hatching in Figure 17 would allow for warehousing, storage and the like, such as the INZ3. It submitted that this zone would require policy to discourage industrial uses in this area because of the residential uses to the east.

Council did not agree with the EPA that a Commercial 2 Zone was preferable, and it considered that it would potentially undermine Council's retail strategy and intention for Commercial 2 zoned land. It submitted that other preferred options include a Special Use Zone or Comprehensive Development Zone to tailor a control to exclude industry and prohibit dwellings.

Figure 17 Potential rezoning of land at 10/75 Marriner Street to Industrial 3 Zone

Source: Council's Part C submission

(iv) Discussion and conclusion

The Panel agrees with Council's submission that this part of town generates particular planning challenges. It is clear that development of dwellings in proximity to important industrial uses represents a planning anomaly and risk, as does the land fragmentation. Despite the proximity to the town centre, the Panel does not accept submissions that an expansion of the General Residential Zone in this area is appropriate.

The Panel notes Council's amended position in relation to the precinct and concludes that the possibility that various zones could be considered demonstrates that a more thorough and considered approach is required to better plan for this precinct.

The Panel observes Ms Bright's summary of the panel's recommendations in Amendment C55 in relation to this precinct and this Panel concurs. This Panel agrees that there should be a detailed Precinct Plan prepared that would enable consideration of a range of possible uses that will not compromise the operations of existing industry or adversely affect the amenity of the existing residential dwellings.

The Panel for Amendment C55 observed that the purpose of the Rural Activity Zone as it applies to Colac is:

The use of the Rural Activity Zone will allow for existing uses to be recognised and allow minimal further development which, through subdivision in accordance with minimum lot sizes will provide the opportunity for renewal of the medium density units and the creation of a small number of additional lots on the land between Marriner Street and the highway to enhance this entrance to Colac. The rezoning will also reflect that this area contains a mix of land uses and future development must be compatible with the surrounding Farming Zone and Industrial 1 Zone.

This Panel did not observe, nor was it identified through submissions, that the context had altered significantly since that time or that the imperatives to ensure compatibility with farming and industrial land had diminished.

Indeed, since Amendment C55, Amendment C86 has been adopted which consolidated the industrial land to the east of Colac. The Amendment implemented the Economic Development Strategy, which highlighted the importance of the industrial sector in Colac. The

Panel notes that the buffer for the abattoir extends to the majority of the precinct. The Panel is of the view that the criterion adopted by the Panel in Amendment C55 to inform a Precinct Plan remains appropriate and agrees that if one is to be undertaken it should include:

- Appropriate buffers or separation of sensitive uses from the sawmill, abattoir and waste treatment plant.
- Preferred land uses.
- The treatment of Mariner Street and its use by heavy vehicles accessing the industrial areas.
- Proposals to improve accessibility between the precinct and centre of Colac.
- The treatment of the interface between the established industrial uses and the new uses.
- The scale and quality of the built form particularly to preserve views of Lake Colac from the Princes Highway.
- Landscaping themes, particularly adjacent to the Princes Highway and Lake Colac.
- Proposals to minimise the flow of sediments and urban runoff into Lake Colac.
- The proximity of development to the railway line.
- Appropriate access to the Princes Highway.

This Panel agrees with the Panel for Amendment C55, that this is the appropriate tool to guide the long-term planning for the precinct.

The Panel concludes:

- That the exhibited *'Rural Living or Low Density subject to Development Plan'* should be deleted from the Framework Plan and that the area should be subject to a Precinct Plan review.

(v) Recommendations

The Panel recommends:

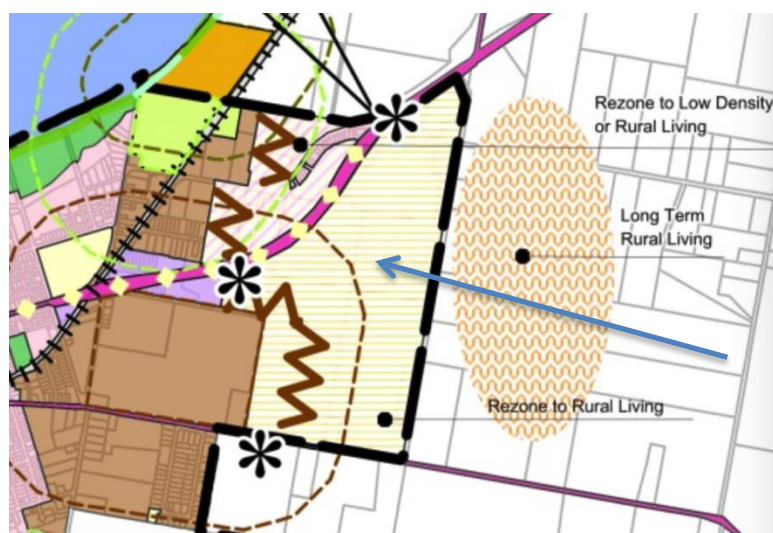
- **That the Framework Plan and Clause 21.03-2 be amended to:**
 - **Delete the identification of the area south of Flaxmill Road and in the Marriner Street precinct as a 'Rural Living or Low Density subject to Development Plan' and replace it with a 'Precinct Plan review area' designation**
 - **Include the development of a Precinct Plan for the Marriner Street precinct and area south of Flaxmill Road as a 'Further Strategic Work' action.**

7.4 West of Drapers Road

(i) What is proposed?

The land is presently in the Farming Zone. The exhibited Framework Plan includes the land in an area to be *'rezoned to rural living'*. It also includes a buffer to industrial uses to its western interface with existing industrially zoned land as shown in Figure 18.

Figure 18 Rezone to Low Density



Source: Explanatory Report

(ii) The issue

The land is to the south of Princes Highway, north of Colac-Forest Road and east of the AKD sawmill. The issue is:

- Whether there is strategic support for the proposed designation of land for rural living.

The issue of industrial buffers is addressed in section 4.3 of this Report.

(iii) Submissions

Council relied on its position in relation to designating land as being suitable for low-density living adjacent to industrially zoned land. In relation to this land Council submitted that despite its current zoning, it is *“heavily fragmented, and largely used for rural living purposes, as well as rural industries”*.

Council submitted that due to the topography of the land, off-site amenity impacts associated with the sawmill could be mitigated. It noted that 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”*.

Council referenced the Citizens’ Jury’s recommendations in relation to the land, noting that it considered the land to be unsuitable for residential purposes because *“it is 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.”*

(iv) Discussion and conclusions

The Growth Plan notes that this land has a relatively fragmented land ownership with various property sizes that are well below the 40 hectare minimum that is typical of farming areas. Land use ranges from accommodation to rural industries. The land abuts industrial land and is within the buffer of the sawmill.

Despite its constraints in terms of adjacency to the industrial land, the Growth Plan notes that the precinct is large and picturesque and that it could provide sufficient supply for rural living development in the long term. It notes that development will need to manage its interface with industry.

On the basis that the interface issues can be successfully managed, the Panel agrees that the land appears suitable for its rural living designation. As identified in section 8.2 of this Report future planning for this area could include consideration of industry buffers, the former service station and application of the Environmental Audit Overlay (EAO).

The Panel concludes:

- That the exhibited 'Rural Living' designation on the Framework Plan is appropriate with the removal of the reference to 'subject to Development Plan' as identified in section 9.2 of this Report.

7.5 Long-term investigation areas

(i) What is proposed?

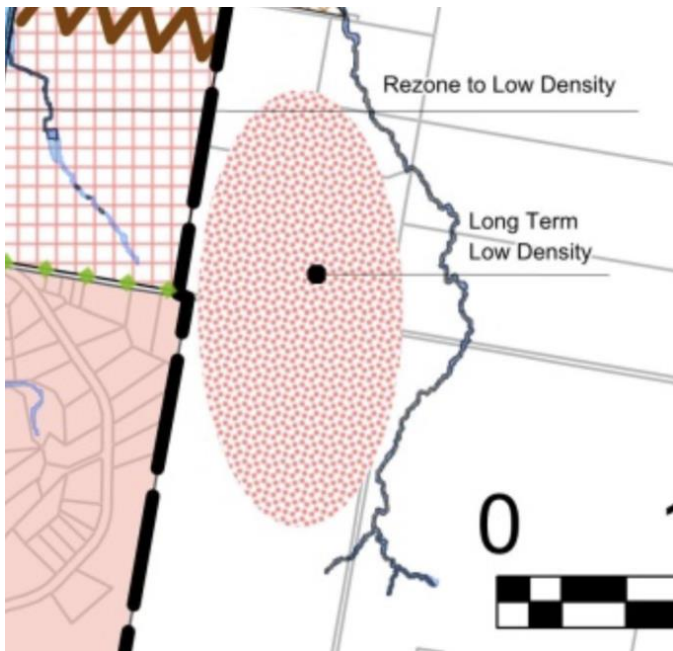
On the exhibited Framework Plan there are four long-term investigation areas that sit outside the proposed urban boundary. These are shown in Figures 19 to 21 and include long-term Rural Living to the north-east of the town, long-term Low Density to the south east and long-term residential growth to the west and south of the town. All identified long-term investigation areas are in the Farming Zone, other than an area of LDRZ land in Christies Road which is identified in the Framework Plan and Clause 21.03-2 to be rezoned Farming to "protect its long term use as general residential land."

Figure 19 Rural Living Investigation area



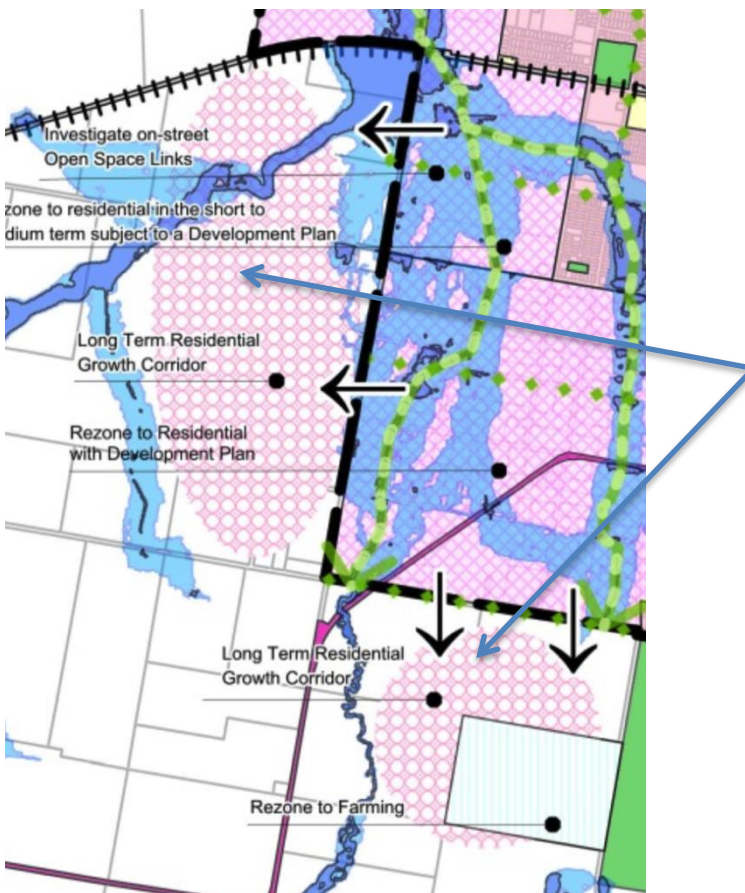
Source: Framework Plan

Figure 20 Long-term Low Density Residential area



Source: Framework Plan

Figure 21 Long-term residential growth corridor



Source: Explanatory Report

(ii) The issues

The issues are:

- Whether there is a need to identify long-term growth areas given the forecast period of growth to 2050.
- Whether the designation of land at Christies Road to be rezoned to Farming is appropriate.

(iii) Submissions

Council submitted that the exhibited Framework Plan was refined from the maps developed by the Citizens' Jury as it is of the view that it should not identify an oversupply of land. In terms of the long-term residential growth areas, it is Council's position that these should not be considered before the adjoining land in the south-west corner of the urban boundary is largely developed. In relation to these areas, Council submitted that 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 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.

In relation to the long-term Low Density area, the Growth Plan states:

... it is considered that the land to the east of the Belvedere 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, should be noted as an investigation area for low density development in the long term.

In relation to the long-term Rural Living areas, the Growth Plan states:

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.

Council submitted that to provide certainty around the timeframe for land supply 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.

Submitter 14 submitted that the proposal to rezone the land to Rural Living should occur within a short timeframe and not be deferred to a long-term prospect. They noted that the land is not suitable for traditional farming and observed that land in Princes Highway, Collins Road, Triggs Road and Drapers Road comprises approximately 17 titles held by 15 owners.

Submission 21 was lodged on behalf of the owners of land that is shown on the exhibited Framework Plan as "*rezone to Farming*" and also within the "*long term residential growth corridor*". The submission notes that the family has owned the land since 1981. At the time of purchase the land was in the Rural 4 Zone that allowed for subdivision into 0.75 hectare lots with an average of 2 hectares. When the VPPs were introduced the land was included in the LDRZ. The land has consistently been used for farming.

Submission 21 notes the opportunities the land provides for redevelopment including its topography, views of the town and lake and to the west and its proximity to the racecourse, recreation reserve and golf club. An application for subdivision of the land into 69 lots was lodged with and refused by Council in 2009. Also in 2009, the owner of adjoining land lodged an application for subdivision of the land into 19 lots. Council refused the application and the Victorian Civil and Administrative Tribunal (VCAT) upheld its decision. In reaching its decision, VCAT found that there was no policy support for subdivision; that there was more than a 10 year supply of residential land within the area; and that the land was isolated from other residentially zoned land.

Submitter 21 submitted that there was no need to “back zone” the land to Farming Zone as VCAT’s decision provides a clear view as to the strategic direction for the land under the existing policy and zoning framework. The submitter supports the designation of long-term residential.

Council submitted that the exhibited Framework Plan clearly articulated the future intent for the land owned by submitter 21’s client and that the Farming Zone appropriately reflects the current and intermediate use. Acknowledging the VCAT decision, Council submitted “*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.*” It also submitted “*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.*”

(iv) Discussion and conclusions

The Growth Plan describes the land to the east of Drapers Road as visually prominent from the Highway and whilst clear from buffer areas from the industrial uses it is remote from the urbanised areas of Colac. It also observes that there are some rural industries in Triggs Road that should be recognised. It notes that the land is suitable to identify as a long-term investigation area for rural living.

The Growth Plan notes that land to the east of the Belvedere Estate could provide an opportunity to low density development in the very long-term future, subject to further investigation. It observes that this area should be shown as an investigation area for low density development in the long term.

The Panel does not take issue with the designation of the two proposed investigation areas, noting that they are long-term propositions and will be informed by the ultimate take up of land inside the urban boundary.

In terms of the long-term residential investigation areas, the Growth Plan notes that land to the south of Harris Road, west of the race course and golf course is elevated, undulating land with views of Lake Colac. It also forms part of the upper catchment of Deans Creek. The land is currently partly zoned Farming and Low Density. The Growth Plan notes that whilst it is presently remote from the residential areas of town, with the development of the land to the north, it will at some stage be proximate to urban areas.

The Growth Plan recommends that the land should be rezoned to Farming and that it should remain outside the urban boundary for the medium to long term, but that it could be suitable for residential subject to further investigation.

The Growth Plan makes similar observations in relation to the land to the west of the urban boundary. It notes that it is partially subject to inundation; however, there is an opportunity to extend the Deans Creek open space corridor further west. It identifies that this land could be suitable for residential purposes in the very long term and investigation should only occur after most of the land in the Growth Plan has been developed.

Given the remoteness of all of this land identified for investigation and the extent of land within the proposed urban boundary that can accommodate growth, the Panel does not agree that it is appropriate to bring forward investigations or rezoning of these precincts.

The Panel also agrees with Council's submission that it is appropriate to rezone the land that is currently in the LDRZ to Farming Zone. Whilst the Panel accepts that this is effectively "*back zoning*" the land, it is a step that is necessary to rectify a zoning anomaly and to ensure that the logical extension of the town occurs without potential for land fragmentation.

The Panel broadly supports the intent of Council's proposed additional strategy relating to investigation timing, noting that the term '*urban boundary*' is not used for other Framework Plans in Clause 21.03 (which use the terms '*settlement boundary*') and the reference to '*2050*' should be removed as it is unnecessary. The Panel notes that all proposed longer term investigation areas are located outside the identified urban boundary. This is considered appropriate given the likely long time frames for these areas. The proposed additional strategy is broadly consistent with the intent of the Growth Plan however, it needs further refinement to add clarity. The Panel does not support the use of vague terms such as "*most of the land*" and considers that a more definitive term be used for the future planning of these areas. The Panel considers that supply of around 15 years of a particular zone supply type is an appropriate measure. The Panel accepts that Council may wish to use another benchmark.

The Panel concludes that:

- The exhibited '*investigation designations*' and the '*rezone to farming*' designation on the Framework Plan and in Clause 21.03-2 are appropriate, noting terminology recommendations identified in Chapter 9 of this Report.

(v) Recommendation

The Panel recommends:

- **That Clause 21.03-2 be amended to:**
 - **Include as an Objective 1 strategy under '*Urban Growth, Accommodation and Housing*', '*Support the future planning of investigation areas outside the settlement boundary and as identified in the Colac Framework Plan, where land supply analysis can demonstrate that less than 15 years supply of land in the same zone, within the urban boundary remains developed*'.**

8 Other issues

8.1 Colac Bypass

(i) Submissions

Submission 27 considered that the Growth Plan should reserve land for a future bypass of Colac.

Council submitted that Regional Roads Victoria (formerly VicRoads) as manager of the arterial road network had been involved in the development of the Growth Plan. Council advised that Regional Roads Victoria that the planning of a Colac bypass was not currently a priority and that future planning of a route if required would respond to Council's growth area planning. Council proposed no changes to the Amendment in response to the submission.

(ii) Discussions and conclusions

The Panel considers that the principal focus of the Amendment is on accommodating future housing growth in Colac and not in the planning of the transport network. On the basis that the need for a bypass or its potential impacts have not been established in the Growth Plan, it is not possible for that document or this Amendment to identify a potential route.

The Panel concludes that no changes are required in response to this submission.

8.2 Town gateways

(i) What is proposed

The exhibited Framework Plan includes a symbol '*Enhance town gateways with built form and landscaping*'. The symbol is identified at six locations, two at the eastern and western ends of the Princes Highway, and one at each of the southern and eastern urban boundary entries on the Colac-Lavers Hill Road and Colac-Forest Road respectively.

(ii) Submissions

Submission 15 identified a concern that the gateway symbol was located on their Colac-Forest Road property, potentially impacting on site development. Council's submission identified that the symbols were derived from the existing Colac Framework Plan and should be aligned to the arterial road. Council identified that the post exhibition version of the Framework Plan and the Panel version of 'Map 2 Proposed Open Space' adjusted the gateway symbol closer to the alignment of Colac-Forest Road.

Council's submission invited comment from the Panel regarding the merits of an alternative Council motion (which was not carried) that sought to include specific direction relating to the derelict service station sites at the eastern and western ends of the Princes Highway within the urban boundary. The alternative motion proposed:

- moving the urban boundary westwards along the Princes Highway to Lake Corangamite Road to accommodate a caravan park and disused service station (land currently within a Rural Zone and Rural Activity Zone)

- identifying the land on the Princes Highway west of Drapers Road as an area for future non-core commercial and retail uses.

Council submitted that the Growth Plan identified the eastern disused service station as being in a prominent location and part of an important but untidy entrance. Council submitted that the Growth Plan identifies an opportunity for the appearance of the site and contamination issues to be considered as part of a rezoning. The Growth Plan and Framework Plan identify the site as part of a future Rural Living area.

The EPA submission identified that the Growth Plan proposed to investigate the application of an EAO over the former service station west of Drapers Road, noting that such sites have high potential for contamination.

(iii) Discussions and conclusions

The Panel considers that all the gateway symbols should align as close as possible to the arterial road alignments to which they relate. It concludes that the Framework Map 2 should be amended accordingly. This is discussed in more detail in section 9.2 of this Report.

The Panel considers that the former service stations on the eastern and western Princes Highway gateways to Colac are visually prominent and compromise the sense of entry to Colac. Consequently, there is some value in developing appropriate strategic directions for these sites, whether that be by providing for an alternative use or incorporating them into the urban boundary or applying a different zone.

The service station site west of Drapers Road is within an area designated for future Rural Living which would provide for a future planning exercise that considers the role of the site. This would include an examination of the application of EAO to the site, particularly if sensitive uses are contemplated. The Panel considers there is no strategic support in the Growth Plan to encourage commercial uses on this site. Accordingly, the Panel considers that to do so would represent a potential transformation of the Amendment.

The identified Princes Highway sites east of Lake Corangamite Road comprise isolated commercial activity (caravan park and disused service station) and a dwelling located over 600 metres from other commercial activities further east along Princes Highway. Inclusion of these sites within the urban boundary at this time without considering the broader landscape or entry objectives for the town or whether the prospect of further extending the Commercial 2 Zone strip along the Princes Highway, is not appropriate. Without the Growth Plan identifying a strategic basis for inclusion of the sites such a change would be premature. In the interim, the current Rural Activity Zone provides for some tourism related use and its inclusion in the urban boundary for this purpose is not necessary.

The Panel concludes that at this point in time there is no strategic basis to support changes to the Framework Plan relating to the former Princes Highway Service station sites.

However, should Council wish to further explore the role and future use of the former service station sites this would be best identified as a 'Further strategic work' action. The Panel makes no recommendations in this regard but would not oppose its identification as "*Further strategic work*" if Council chose to explore such a change.

8.3 Infrastructure

(i) What is proposed

Proposed Clause 21.02-3 introduces Objective 2 under the heading 'Infrastructure'. Objective 2 provides seeks:

To ensure physical and community infrastructure is adequately provided to service population growth and meet the needs of the local and surrounding population to promote well-being.

Strategies for achieving this objective include infrastructure funding mechanisms including requiring shared infrastructure plans.

(ii) Submissions

Submission 29 identified sewerage infrastructure as a major constraint to growth and questioned why Barwon Water had not extended the reticulated sewer network to support growth in Colac West as identified in the Colac Structure Plan. It also questioned how the Amendment will trigger any change. The submission identified the costs of development in Colac relative to sales prices and the impact costs of finding effective engineering solutions to drainage constraints. The submission supported the need to introduce shared infrastructure plans, including to DPO2 areas, to unlock development potential.

Submission 1 raised a number of concerns about the high servicing costs of development in areas subject to inundation and the timing and responsibility in delivering those works.

In relation to reticulated sewerage and water provision, Council submitted that it had worked closely with Barwon Water in developing the Growth Plan. Council indicated that Barwon Water had advised that they had systems in place to support the rollout of required water and sewerage infrastructure to support identified growth, through joint funding or developer funded contributions at development stage. Barwon Water's submission supported the Amendment and identified that sewerage and water could be provided to respond to the Growth Plan directions.

In relation to drainage, Council submitted that details of drainage works and future construction were matters for more detailed planning processes and not for this Amendment to determine. It relied on the findings of the Stormwater Strategy and Colac Community Infrastructure Plan to establish Growth Plan infrastructure directions. Council submitted that the Stormwater Strategy established the feasibility of managing shallow inundation through engineering works and further detailed assessment. It submitted that the Stormwater Strategy would inform future shared infrastructure plans or Infrastructure Contribution Plans, with any Council contribution to be explored.

(iii) Discussions and conclusion

The Panel agrees with Council that it is not the role of the Growth Plan or the Amendment to resolve more detailed infrastructure provision challenges. Barwon Water has advised that it is able to deliver the infrastructure necessary to support the growth directions articulated in the Growth Plan. There was no evidence put to the Panel or in submissions that identified that the findings or recommendations of the Stormwater Strategy could not be achieved or

presented a significant future risk. It is the next level of detailed planning which will appropriately determine how the growth areas can be developed to manage any site constraints.

Council has identified the development of shared infrastructure plans as a section 173 Agreement requirement at rezoning stage (including application of the DPO) as a method of managing future infrastructure provision.

While the Panel notes that the preparation of Development Contributions Plans or Infrastructure Contributions Plans may also be appropriate, the shared infrastructure plan approach seems to be preferred by Council based on historically slow growth rates. Regardless of the methodology adopted, Council will have a key role to play in supporting or facilitating as appropriate, the development of these plans particularly where growth areas have fragmented ownership and to ensure an affordable and equitable funding regime that does not hinder the achievement of Council's strategic housing priorities. To this end, the Panel notes that Council flagged the preparation of Outline Development Plans for the two Creek growth areas corridors over the next two years to guide the use of DPOs, zones and infrastructure contributions. This approach is strongly supported by the Panel.

The Panel concludes that no changes are required to the Amendment (including to the proposed reference documents) to address the identified infrastructure issues.

8.4 Environment

(i) Submission

The submission from DELWP (Submission 10) proposed that the Amendment adopt a number of environmental measures including vegetated waterway buffers, use of native vegetation in riparian zones, use of sediment basins and wetlands for stormwater management and water quality, further flora and fauna assessments and inclusion of recommendations from VC154.

Council submitted that it had not proposed any change to the Amendment to address the DELWP submission to avoid duplication of strategies already contained in the PPF and MSS.

(ii) Discussion and conclusion

The Panel supports the position of Council in ensuring that the duplication of planning policy is minimised. This is one of the key objectives of VC148 and the transition of planning schemes to the PPF format.

8.5 Creek corridors

(i) What is proposed

The Growth Plan and Framework Plan provides for two growth areas along the Deans Creek and Barongarook Creek corridors. A key feature of these corridors is to establish a 'Botanic Link' with Lake Colac through open space, drainage and waterway treatments. Proposed Clause 21.03-2 supports new paths and open spaces being provided as part of the development of the Creek corridors.

(ii) Submissions

Submission 8 raised issues associated with the designation of floodway and inundation mapping and open space corridor designation along the Deans Creek corridor over 130-154 Sinclair Street (which is the subject of a subdivision permit application) and land west of Cants Road, Colac. The submission sought removal of the open space corridor designation on the Framework Plan and to identify that the Stormwater Strategy flooding and mapping extent are indicative only.

In response to submission 8, Council indicated that the open space link network was an important element of the Growth Plan and that the designation was only indicative and its form was not prescribed. Council did not support the removal of the designation on this site as it would remove the opportunity to connect two sections of the corridor. Council submitted that the areas of inundation and flooding reflect existing conditions and were based on 2015 DELWP flood mapping and identified in Colac Otway Planning Scheme Amendment C90 (currently at submissions consideration stage). It submitted that with the mitigation measures identified in the Stormwater Strategy, areas subject to shallow levels of inundation could be developed. Council in its post-exhibition version of the Framework Plan proposed to include the following Note:

Note: The extent 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 processes which consider stormwater measures.

Submission 25 identified opportunities for low lying parts of land west of Rifle Butts Road adjacent to Deans Creek to be used as a waterway or Lake and to protect areas of cultural heritage significance. Council submitted that there are several registered Aboriginal sites in this location. Council supported the sentiments of this submission and have proposed a change to the exhibited Growth Plan to include reference to investigate the *“potential for a focal point with constructed wetland and Aboriginal focus”* and following consultation with the Aboriginal community. Council identified that for cultural sensitivity reasons, the site response should be determined by subsequent planning processes which would include a Cultural Heritage Management Plan rather than a Framework Plan designation.

(iii) Discussions and conclusions

The Panel considers that the proposed open space corridors are an important element of the Growth Plan and a key opportunity to be achieved through future development. It supports the designation of the open space corridor designation on the Framework Plan (or proposed Framework Plan Map 2). The Panel makes further comment about related mapping and policy wording in Chapter 9.

Framework Plans at the municipal or town level provide a high-level visual depiction of the directions identified in the supporting policy framework, usually with the introductory words *“consistent with”* or *“generally in accordance with”* the particular framework plan. They cannot always be read at the individual lot level. This is the case for the proposed Framework Plan which includes an indicative open space corridor along with the current mapped flooding and inundation extent. The next level of detailed planning, whether that be part of a Council-led Outline Development Plan or a developer-led DPO for a particular growth area, will need to be supported by more detailed analysis to determine the appropriate open space pathway

and waterway treatment to provide for connections and mitigate existing flooding and inundation conditions. It is not unusual for drainage mitigation works when completed in growth areas to be followed by an amendment to reduce the extent of flooding or inundation mapping based on the new 'as built' conditions.

While the Panel does not disagree with Council's proposal to include a notation regarding flooding and inundation mapping on the amended Framework Plan (Map 2), it does not consider it necessary. The proposed Framework Plan (Map 2) identifies areas "*subject to flooding and inundation*" (Panel's emphasis). This designation has not changed the land use designation on the Framework Plan (proposed Map 1), rather it is a pointer to a constraint that needs to be managed. It is reasonable to conclude that growth is supported accordingly where flooding and inundation can be appropriately managed. The Framework Plan does not need a note to identify this.

If Amendment C90 progresses and changes the extent of mapping identified in this Amendment, Council should consider updating the relevant Framework Plan Map at that time. The Panel notes however, that the introductory wording to the Framework Plan Maps could be improved to provide greater clarity and this is discussed further in section 9.2 of this Report.

The Panel supports the Council's response to submission 25. The Panel considers that the proposed objectives and strategies of Clause 21.03-2 provide sufficient direction regarding the protection and management of areas of environmental and cultural heritage significance without further addition. The Panel considers that there are adequate tools in place to ensure that development of the Deans Creek corridor identifies and appropriately responds to areas of environmental and cultural heritage significance including detailed assessments and preparation of a Cultural Heritage Management Plan. While not a recommendation, the Panel supports Council's proposed amendments to the Growth Plan regarding the investigation of the potential for a focal point with constructed wetland and Aboriginal focus in the Rifle Butts Road area of Deans Creek.

8.6 Public notice

(i) Submission

Submission 18 raised concerns with notice of the Amendment being addressed to the owner/occupier rather than being individually addressed.

Council advised that it had notified over 12,000 residents of the Amendment by mail using the owner/occupier address type and that this exceeded the statutory requirements of the Act.

(ii) Conclusion

The Panel concludes that an appropriate level of notification had been undertaken for an amendment of this town-wide scale in a manner consistent with the requirements of the Act.

9 Form and content of the Amendment

The Panel was invited by Council to provide comments and recommendations regarding its proposed post-exhibition changes and on the form and content of the Amendment. This opportunity was explored in part through a ‘without prejudice’ session with Council that was open to other parties, following the conclusion of Day 2 of the Hearing. This Chapter focuses on opportunities for Council to make further changes to the Amendment which enhance its legibility without changing the exhibited directions, objectives or strategies. The recommendations are based on the post-exhibition Panel version of the Amendment and the two Framework Plan Maps (Maps 1 and 2 included in Council’s Part A submission).

The time permitted the Panel to complete its report has not allowed a major rewrite of Clause 21.03-2. The Panel acknowledges that Council’s response to recommended changes will be influenced by the current PPF migration and further discussions with DELWP in the next phase of the Amendment. These recommendations are therefore not comprehensive but ‘pointers’ to Council to enhance the Amendment’s intent. They should be read in context with other recommendations included in this Report related to managing industry buffers and housing directions in Chapters 4, 5, 6 and 7. Council is strongly encouraged to refer to the following documents when reviewing the final version of the Amendment for adoption:

- the *Ministerial Direction on The Form and Content of Planning Schemes*, which includes a requirement to draft in plain English
- *Planning Practice Note 8: Writing a Local Planning Policy, June 2015* which explains the ways in which a Local Planning Policy can give guidance on how a responsible authority will exercise discretion or what its expectations are
- *Using Victoria’s planning system*, Chapter 9 – Plain English, which provides specific guidance on drafting for planning schemes as well as more general plain English advice
- *A Practitioner’s Guide to Victorian Planning Schemes, Version 1.1, October 2018*.

The Panel notes that Council may wish to translate any recommended mapping changes introduced into the Framework Plans or recommended policy changes into the Growth Plan. The Panel considers that the recommended changes in this chapter of the Report do not change the directions of the Growth Plan and an exact language terminology or mapping relationship between the two documents is not necessary, particularly as the Growth Plan is only proposed to be a Reference or Background document.

9.1 Policy

The exhibition and post-exhibition versions of the Clause 21.03-2 contain elements that are unclear, use inconsistent or inappropriate terminology. The following changes are recommended by the Panel:

- remove unnecessary strategy heading capitalisation. The Panel notes that while the MSS has adopted a style of capitalising each word of each strategy, it is not the correct style (for example as applied in the PPF)
- where the word ‘*facilitate*’ is used it should identify how this will be done, alternatively use words such as ‘*support*’ instead

- avoid using the word *'discourage'* for strategies unless necessary. For example, replace *'Discourage the development of an out of town neighbourhood centre unless...'* with *'Support additional neighbourhood activity centres where ...'*. The Panel assumes these centres are those identified in the Framework Plan (Map 1). If so, similar descriptive terminology should be used. A reference to those sites *'as identified in the Framework Plan'* could also be used in the strategy wording. Council should check that the strategy is consistent with the wording of the strategy to *'Designate in Elliminyt and Colac West for a future commercial node'* to avoid confusion or inconsistency
- replace the words *'require'* from strategies, with more appropriate words that do not imply a mandatory provision
- use defined words where possible. *'Apartment'* is not a defined term and should be replaced by a phrase such as *'higher density housing'*
- break up long sentences. For example, the third *'Further strategic work'* item and the third strategy under *'Urban Growth, Accommodation and Housing'* are lengthy and multi-faceted. Consider breaking them up with dot points or full stops. In the last example replace the words *'only in accordance'* with *'consistent'* or *'identified in'*
- replace phrases that are unclear such as *'space between buildings'* (strategy four, Objective 2, *'Urban Growth, accommodation and Housing'*) with clearer language such as *'separation between buildings'*. Replace *'new population'* (*'Further strategic work'* action four under *'Urban Growth, Accommodation and Housing'* with *'population growth'*
- link strategies to the policy *'Overview'* where appropriate. For example, the second strategy under Objective 1 *'Economic Development and Employment'* encourages industries based on the region's strengths but these are not identified anywhere in Clause 21
- ensure consistency in the use of business names. For example, the Australian Lamb Company is also referred to as *'ALC'* and Bulla Dairy is also referred to as *'Bulla'* (full name is *Bulla Dairy Foods*). Generally, aligning strategies to specific businesses is not encouraged. While the policy context appropriately identifies the strategic importance of the AKD (full name is *AKD Softwoods*), Australian Lamb Company and Bulla Dairy manufacturing businesses, a change in business name or operation could change the intent of the related strategies. An alternative is to refer to these operations at the strategy level as the *'abattoir located at ...'* or *'sawmill located at ...'*
- delete the acronym's such as *'CPTED'* if they are not repeated
- consistent use of growth names, for example the names of growth areas. Policy references to the *'Deans Creek Growth Area'* in some cases do not use the word *'Area'* or replace it with the word *'corridor'*. To be consistent the same reference should be used (ideally *Deans Creek Growth Area*) continuously and supplemented by words such as *'corridor'* where necessary. Generally, references to the strategies for Deans Creek Growth Area should include reference to the Barongarook Creek Growth Area where appropriate. The Panel notes that the neither of the growth areas are identified specifically in the related Framework Plan Map. This should be corrected

so that consistent terminology is used. Consistent mapping treatments will help with this

- reword strategies which cannot be achieved. For example, Objective 3 under *'Economic Development and Employment'* should not seek to *'protect'* the *'ongoing viability'* of businesses. Consider using alternative words such as *'...to support their operations by ...'*
- the further strategic work reference relating to the precinct adjacent to the station, the Colac Otway Performing Arts and Cultural Centre and Colac Area Health does not use the same terminology as the Framework Plan (*'Civic, Rail and Health Precinct'*). This should be corrected, and consistent terminology used. Remove the word *'other'* as it is not necessary
- align the reference to the *'Botanic Link Pathway'* to the Framework Plan Map which does not use this term
- apply a 'plain English' approach to strategies and objectives. For example, the strategy *'Provide for a minimum additional 8 hectare reserve in the Deans Creek corridor...'* could be written as *'Provide for an open space sports reserve of at least 8 hectares in the Deans Creek Growth Area'*. This removes the need to refer to the term *'lower profile sports'*, the meaning of which is unclear, and which is considered unnecessary given Council will determine its usage at the appropriate time
- repositioning strategies that are better located elsewhere in the policy. For example, the strategy to apply site specific controls to key industries is considered better identified as *'Further strategic work'*. Council is encouraged to review all proposed strategies to determine if some better belong under *'Future strategic work'* if they are unlikely to inform decision making on permit applications or Amendments
- providing suitable strategy links to the Framework Plan. The Panel also notes that only one strategy (under Objective 1, *'Urban Growth, Accommodation and Housing'*) references the Colac Framework Plan and ensures that development is consistent with it. The Panel recommends that Council consider further changes to refer to the Colac Framework Plan (comprising Maps 1 and 2) and include references to the Framework Plan where other strategies include directions identified in it (for example *'Economic development and Employment'* in relation to buffers and *'Infrastructure'* in relation to pathways and open space corridors).

The Panel supports the exhibited changes to Clauses 21.01, 21.02 and 21.03-1, 21.06 and 21.07.

9.2 Mapping

The Panel supports the separation of the exhibited Framework Plan into two separate maps. It considers this assists in making the strategic directions clearer and distinguishes the key land use directions relating to housing and industry from the landscaping, open space and environmental directions.

The post-exhibition version of the Framework Plan provided by Council and the Panel versions of the Framework Plan maps identified several changes:

- shifting the gateway symbol (discussed in Chapter 8)

- changing the graphics for *'Rezoning to Farming to...'* to identify that the site was part of the southern long term growth corridor, in response to Submission 21
- inclusion of a Note relating to inundation extent, in response to Submission 8 (discussed in Chapter 8).

(i) Mapping content

The purpose of framework plans is to identify key directions of strategy. To this end the Panel found the level of information trying to be conveyed in the maps and the mapping designations difficult to interpret. Council is encouraged to consider what the key directions of the Growth Plan are and how it informs future decision making and limit the mapping to those elements. The Panel considers these are principally the directions associated with industry and short to medium and longer term residential growth areas.

The Panel considers that there are further mapping elements that should be changed to better link to the policy directions and to further simplify content. The Panel's recommendations include responses to Council's proposed post-exhibition changes where not addressed specifically elsewhere in this Report.

Framework Plan Map 1

The following changes to Framework Plan Map 1 are recommended by the Panel:

- correct Framework Plan and Map heading. The Panel notes that the exhibited and post-exhibition version of the Amendment includes a *'Colac Framework Plan'* heading followed by the Framework Plan Map which also has the title *'Colac 2050 Framework Plan'*. This second heading is unnecessary and should be removed so both the Map and policy utilise the words *'Colac Framework Plan'* followed by the words Map 1 (Map name)
- ensure that all Map legend and annotations have a policy link and use consistent terminology
- remove annotations that repeat the content of the legend
- consider using a simpler graphic representation of short to medium and longer term growth areas so that these areas are can be more readily distinguished from existing residential areas, more easily read and reproducible. This could include designating growth areas with a solid line and identification number (and short legend description) as mapped in the Growth Plan and Citizens Jury process and as described in in this Report. This mapping approach would also allow differentiation between short, medium and longer term growth areas and investigation areas
- include an annotation for the Melbourne – Warrnambool Railway Line (and remove its identification from the legend)
- remove the buffer to industrial areas symbol as this duplicates the existing buffers to the sawmill, water treatment plant and abattoir
- remove heritage precincts – these are understood to be in place and in part repeated in the Colac CBD Framework Map
- remove the *'Potential for infill Housing in Civic, Rail and Health Precinct'* designation (including legend reference) and rely on a policy description or use a different

mapping technique to identify it so it does not cover up other Plan content. Alternatively, this precinct could be shown on the existing Colac CBD Framework Plan

- consider using a single wider graduated line that encapsulates the three buffers into a single strategic buffer area
- legend content:
 - use consistent *'boundary'* language. The Panel notes that the term *'Urban boundary'* is used for the Framework Plan, while other Framework Plans in Clause 21.03 use *'Settlement Boundary'*. A consistent term should be used for all Framework Plans.
 - change Arterial Road symbol to a line format rather than box format
 - simply the identification of the abattoir by deleting the words *'Special Use'*
 - more clearly distinguish the site to be rezoned to Farming Zone as it is not clearly visible from the longer-term residential directions. Using the more simplified mapping technique identified above for residential growth areas will assist here
 - remove the words *'Subject to Development Plan'* against the Residential, Low Density and Rural Living rezoning references (the Panel notes that Council's Part B submission identified this as a further proposed change)
 - correct the spelling of Rural Living
 - remove the word *'Future'* from Investigation Area references. The Panel notes that Council's Part B submission identified this as a further proposed change
- change *'Future Low Density Investigation Residential'* to *'Low Density Residential Investigation Area'*
- simplify *'Opportunity to master plan area near west end of Moore Street'* to read *'Future masterplan area'* as the mapping already identifies the area's location
- remove the words *'Subject to Investigation'* relating to *'Potential Local or Neighbourhood Commercial Centre'* as the word *'potential'* infers this and the policy also identifies it as further work. The legend symbol should use a circular rather than rectangular form to match the map
- remove unnecessary capitalisation of words.

Framework Plan Map 2

The following changes to Framework Plan Map 2 are recommended by the Panel:

- use an alternative Framework Plan Map title. Framework Plan Map 2 should be renamed *'Colac Framework Plan – Map 2 Environment and landscape'* or similar as it identifies more than just proposed open space by identifying gateways, views, flooding and inundation information and linkage opportunities
- ensure that all map directions and terminology have a policy link
- include annotations that identify Deans Creek and Barongarook Creek
- remove unnecessary notations
- align gateway symbols with the centre of identified arterial roads
- Council advised that the mapping of view lines was based on the existing Colac Framework Plan however, the Panel notes that the western view lines of that plan have not been transferred to the new Framework Plan. Council suggested that this may have been an error. An opportunity exists to correct this omission

- legend:
 - simplify town gateways reference by removing the words '*with built form and landscaping*'
 - enhance legibility of from the '*Enhance town gateways*' legend and designation on the map
 - align legend for protecting views with that shown on the map and with the wording of Objective 2 '*Cultural, Heritage, Sustainability and Environment*'
 - align language relating to '*Links*' used in the legend and '*pathway*' terminology used in the policy
 - remove unnecessary capitalisation of words.

9.3 Reference documents

The Panel supports the inclusion of the Growth Plan and Stormwater Strategy as reference or background documents. The Panel does not make any recommendations regarding the content of those documents.

9.4 Recommendations

The Panel recommends:

- **Redraft Clause 21.03-2 applying a consistent set of drafting principles based on Planning Practice Notes and plain English guidance and the Panel's recommendations in section 9.1 of this Report.**
- **Split the Framework Plan content into two Framework Plan Maps as generally identified in Council's Part A Submission Panel version maps and amended to include the Panel's mapping recommendations in section 9.2 of this Report.**

Appendix A Submitters to the Amendment

No.	Submitter	No.	Submitter
1	J Rudd	21	E and D Sgro
2	J Evans	22	B and M Stahl
3	J and G Clifford	23	Environment Protection Authority
4	H Paatsch	24	D and G McKenzie
5	T Roache	25	J Madden
6	H Bush	26	K Anderson
7	Barwon Water	27	K Hooke
8	Ablut Pty Ltd	28	D Henry
9	T and M Rodger	29	Bakerland
10	Department of Environment, Land, Water and Planning	30	B and R Scanlan and family
11	D Anderson	31	L Barrett
12	Whey Solutions	32	J and B Wallace
13	J Curtis	33	J and E Calder
14	D Wade	34	R Morrow
15	R Paatsch	35	AusNet Services
16	Rooney Partnership	36	T and L Fletcher
17	L Hawkett	37	N and S Weedon
18	D and W Walsh	38	R Grimmer
19	B Newcombe and R Mitchell	39	R and M Krall
20	L and D Walker		

Appendix B Parties to the Panel Hearing

Submitter	Represented by
Colac Otway Shire Council	Suzanne Barker
EPA Victoria	Carolyn Francis and Hayley Thompson
J and E Calder	Katy Bright of Rod Bright and Associates
R Grimmer	Katy Bright of Rod Bright and Associates
Whey Solutions Pty Ltd	Jane Stanley
L Barrett	Leigh Barrett
Scanlan Family	Shaun Scanlan
J Evans	John Evans
J Curtis	Judith Curtis
R and M Krall	Mary Krall
N and S Weedon	Unable to attend – written submission provided
T and L Fletcher	Unable to attend – written submission provided

Appendix C Document list

No.	Date	Description	Provided by
Prehearing documents			
1	12/5/2019	Written submission from T and L Fletcher	Mr Fletcher
2	17/5/2019	Late submission from R Grimmer	Mr Grimmer
3	20/5/2019	Council Part A submission	Council
4	22/5/2019	Late submission from R and M Krall	Council
5	22/5/2019	Written submission from N and S Weedon	Ms Prentice
Hearing documents			
6	27/5/2019	Bundle of maps, including location of submitters, Framework Plan, aerial photograph, zoning and overlay maps	Council
7	27/5/2019	Council Part B submission	Council
8	27/5/2019	Submission	EPA
9	27/5/2019	Submission on behalf of Mr and Ms Calder	Ms Bright
10	27/5/2019	Submission on behalf of R Grimmer, M Williamson and G Kerr	Ms Bright
11	28/5/2019	Submission and attachments	Mr Barrett
12	28/5/2019	Submission	Mr Scanlan
13	28/5/2019	Submission	Ms Curtis
14	28/5/2019	Council Part C submission	Council
15	1/7/2019	Additional mapping showing housing development stages and summary post-hearing workshop discussion mapping elements	Council