

**Colac Otway Planning Scheme Amendment C123cola
Irrewillipe Road, Elliminyt rezoning**

Priority Projects Standing Advisory Committee Referral 28 Report

Planning and Environment Act 1987

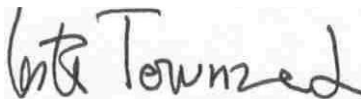
14 July 2023

Planning Panels Victoria acknowledges the Wurundjeri Woi Wurrung People as the traditional custodians of the land on which our office is located. We pay our respects to their Elders past and present.

Planning and Environment Act 1987

Priorty Projects Standing Advisory Committee Referral 28 Report pursuant to section 151 of the Act
Irrewillipe Road, Elliminyt rezoning

14 July 2023



Lester Townsend, Chair



Geoff Underwood, Deputy Chair

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Glossary and abbreviations

the Amendment	Draft Amendment C123cola
CFA	Country Fire Authority
the Committee	Priority Projects Standing Advisory Committee
Council	Colac Otway Shire Council
DEECA	Department of Energy, Environment and Climate Change
GRZ	General Residential Zone
NRZ	Neighbourhood Residential Zone
PE Act	<i>Planning and Environment Act 1987</i>
planning scheme	Colac Otway Planning Scheme
PRSA	Preliminary Risk Screen Assessment
WSUD	Water Sensitive Urban Design

Referral summary

Referral summary	
Date of referral	25 March 2023
Referral	Draft Amendment Colac Otway C123cola
Description of referral	The Amendment proposes to apply the Neighbourhood Residential Zone Schedule 1 (NRZ1) and the Development Plan Overlay Schedule 8 (DPO8) to all the subject land and to apply the Environmental Audit Overlay (EAO) to 145 Harris Street, Elliminyt.
Common name	Irrewillipe Road, Elliminyt rezoning
Municipality	Shire of Colac Otway
Planning Authority	Minister for Planning
Subject land	The Amendment applies to an area of approximately 50 hectares of land at Elliminyt comprising properties in an area bounded by Irrewillipe Road, Harris Road, Sinclair Street, Hart Street and Spring Street.
the Proponent	Bakerland Pty Ltd
Exhibition	24 October – 14 November 2022 Further exhibition to extend the notice area occurred from 12 May to 25 May 2023
Submissions	Number of Submissions: 18 including 4 from agencies
Directions Hearing	Online, 29 May 2023
Site inspections	Unaccompanied inspections on 22 and 23 June 2023.
Committee Hearing	Held at Colac on 22 and 23 June 2023.
Parties to the Hearing	Bakerland Pty Ltd, the Proponent, represented by Cameron Gray of St Quentin Consulting with Lissa Broughton of Bakerland, and Steven Baker of Bakerland Pty Ltd on day 2, calling evidence in: - Drainage from Scott Dunn of Engeny. Colac Otway Shire represented by Simon Clarke, Coordinator Strategic Planning and Major Projects with Doug McNeill, Manager Planning and Strategic Focus. Mrs Kerrie Cole and Jarron Cole submitter 15 Paul Finn for Paul and Shantelle Finn submitter 9
Citation	Colac Otway PSA123cola [2023] PPV
Date of this report	14 July 2023

1 Introduction

(i) Terms of Reference and letter of referral

The Priority Projects Standing Advisory Committee (the Committee) was appointed by the Minister for Planning on 14 June 2020. The purpose of the Committee is set out in its Terms of Reference (Appendix A) to:

... provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

This is Referral 28. It relates to a proposal to rezone about 50 hectares of land identified in the *Colac 2050 Growth Plan* as a growth area to allow the expansion of the Colac township.

The Committee was provided with a letter of referral from the Minister for Planning dated 25 March 2023 (Appendix B) that tasked it to consider draft Planning Scheme Amendment C123cola that would:

- rezone the subject land from the Rural Living Zone to the Neighbourhood Residential Zone Schedule 1
- apply the Development Plan Overlay with a new Schedule 8 that includes a framework plan
- apply the Environmental Audit Overlay to 145 Harris Road, Elliminyt.

The letter of referral requests that the Committee provide specific advice recommendations on:

... strategic suitability of the site for residential use, inundation risk, layout and apportionment of infrastructure (including drainage), response to potential land contamination, location of open space, amenity impacts on existing residents and whether I should approve the draught amendment.

I request your specific advice about the drafting of amendment C123, taking into consideration the matters raised in submissions.

(ii) Membership

The members of the Committee dealing with Referral 28 were:

- Lester Townsend, Chair
- Geoff Underwood, Deputy Chair.

The Committee was assisted by Georgia Thomas, Project Officer, of the office of Planning Panels Victoria.

(iii) Background to the proposal

This matter began with a rezoning request from the Proponent to Council following Amendment C97 which introduced the *Colac 2050 Growth Plan* into the planning scheme.

Council agreed to consider a rezoning in advance of Council undertaking its more detailed strategic planning assessment and work to develop a Precinct Structure Plan for the broader Deans Creek growth corridor because:

Colac is currently experiencing a significant shortage of available residential land to meet demand and it is therefore considered appropriate to proceed with this amendment while the broader strategic work is being undertaken by Council in parallel.¹

¹ Document 43, para 11

In December 2021, Council sought authorisation for Amendment C120cola to rezone the subject land but the Amendment was overtaken in June 2022 when Council resolved to refer the Amendment to the Development Facilitation Program within the Department of Transport and Planning for accelerated assessment and determination. The Proponent supported the approach.

The draft Amendment was exhibited from 24 October to 14 November 2022. It was readvertised from 12 May to 25 May 2023 to give notice of the proposal to landowners outside the area of the Amendment. No further submissions were received following this re-advertising of the Amendment.

2 Background

2.1 The Amendment

(i) Amendment description

Colac is approximately 150 kilometres southwest of Melbourne on the southern shore of Lake Colac. It has a population of about 13,000 people and is experiencing increased population growth and changing demographic trends, resulting in a high demand for housing and a variety of housing types.

Draft Amendment C123cola (the Amendment) proposes to rezone an area of about 50 hectares of land identified in the *Colac 2050 Growth Plan* as a growth area to allow the expansion of the Colac township. The Amendment responds to a request from the Proponent, Bakerland Pty Ltd, for early zoning of the land ahead of the preparation of a Precinct Structure Plan process that will implement other parts of the *Colac 2050 Growth Plan*.

Specifically, the Amendment proposes to:

- rezone the subject land from the Rural Living Zone to the Neighbourhood Residential Zone Schedule 1 (NRZ1)
- apply the Development Plan Overlay with a new Schedule 8 (DPO8) that includes a framework plan
- apply the Environmental Audit Overlay to 145 Harris Road, Elliminyt.

(ii) The subject land

The subject land is located south of the Colac township in the suburb of Elliminyt. Council describes the subject land as within the broader Deans Creek growth corridor which is the major residential growth front in the township of Colac.²


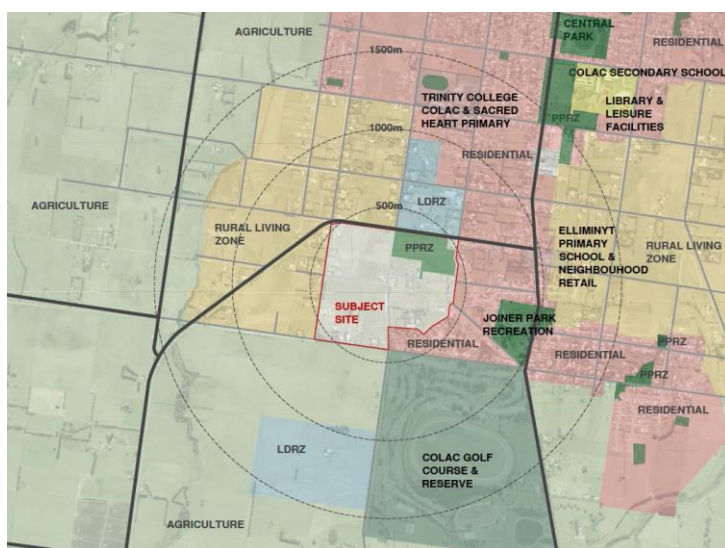
Figure 1 shows the location of the subject land, , as well as zones and nearby uses.

Figure 1 The subject land



Source: Proponent Part A submission

² Document 43

The subject land is subdivided into about 47 rural residential lots with 28 dwellings.

The Proponent owns nine properties, , and has a contract on a further two, , in the northern half of the subject land as shown in Figure 2.³ Some properties consist of more than one parcel.

Figure 2 **Proponent land**



2.2 The Committee's approach

No submissions opposed the Amendment; however, landowners, the Proponent, Council and the Country Fire Authority (CFA) all raised issues about the form of development shown on the exhibited Irrewillipe Framework Plan.

For the landowners, issues related to:

- the consequences of the waterway and drainage areas shown on the plan and the impacts on potential development
- costs of development to be shared between landowners
- the siting of open space areas.

For the Proponent, issues related to:

- the application of the Neighbourhood Residential Zone and a suitable schedule to guide development
- provisions of the Development Plan Overlay about a Housing Diversity report aimed at the ultimate supply of affordable housing as a development outcome
- other minor issues with the wording of the Development Plan Overlay.

For Council, issues related to:

- framing a new schedule to the Neighbourhood Residential Zone tailored to the subject land
- deleting the requirement for a Housing Diversity report in the Development Plan Overlay to leave the matter for resolution with the Proponent, perhaps before the Amendment is approved.

³ Document 41, paragraphs 17 and 18.

The CFA lodged two submissions recorded as submission 4. The concern is about the classification of grassland on the subject land and the subsequent allocation adoption of protection measures through the formulation of the development plan.

The Committee 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 Committee considered all written submissions made in response to the exhibition of the Amendment, observations from site visits, submissions, evidence and other material presented to it during the Hearing. All submissions and materials have been considered by the Committee in reaching its conclusions, regardless of whether they are specifically mentioned in the Report.

This Report deals with the issues under the following headings:

- Strategic issues:
 - The identification of the land for development
 - Addressing flooding issues
 - Other issues
- Appropriate planning controls:
 - Neighbourhood Residential Zone or General Residential Zone
 - Environmental Audit Overlay
 - Land Subject to Inundation Overlay
- Development Plan Overlay – Schedule 8:
 - Bushfire
 - Waterway alignment options
 - Location of open space
 - Staging
 - Shared infrastructure
 - Social Housing Policy
 - Botanical link.

3 Strategic issues

3.1 The identification of the land for development

(i) The issue

Is the land identified for development?

(ii) Background

The subject land is unambiguously supported by a number of policies directing growth to this location, including Clauses 02.03-1, 02.04, 11.01-1R, and 11.01-1L.



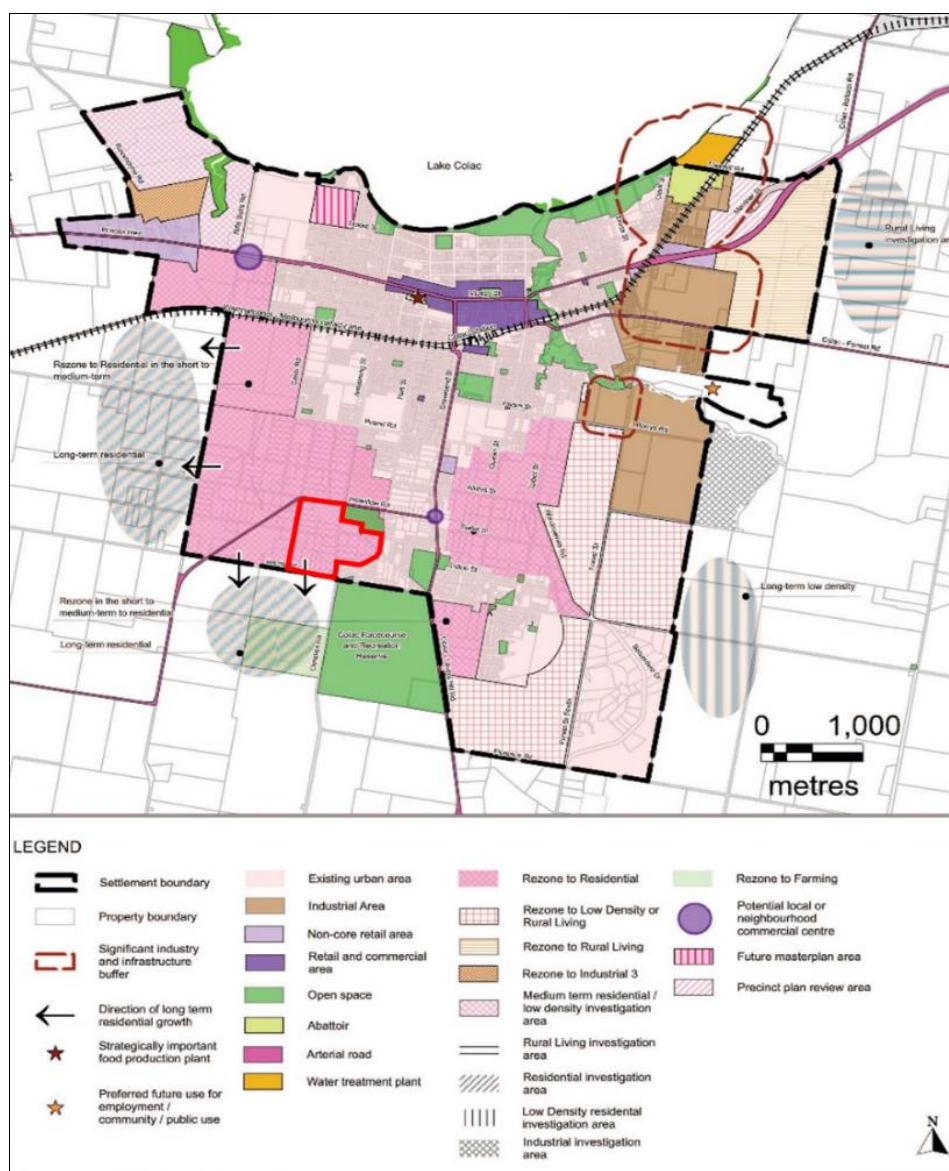
Figure 3 shows the 'Colac Framework Plan' at Clause 02.04 (Strategic Framework Plans) in the planning scheme. The subject land  is identified as  'Rezoned to Residential'.

Figure 3 Colac Framework Plan



Source: Prepared by the Committee

Development of land to meet population needs is a central theme of planning policy and the following polices are relevant to this proposal:

- Clause 2 (Municipal Planning Strategy)
- Settlement
 - Clause 11.01-1S (Settlement)
 - Clause 11.01-1R (Settlement – Geelong G21)
 - Clause 11.01-1L (Settlement – Colac Otway)
 - Clause 11.01-1L (Colac Urban Growth)
 - Clause 11.02-1S (Supply of urban land)
 - Clause 11.02-2S (Structure planning)
 - Clause 11.03-3S (Peri-urban areas)
- Environmental and landscape values
 - Clause 12.01-1S (Protection of biodiversity)
 - Clause 12.01-2S (Native vegetation management)
 - Clause 12.03-1S (River corridors, waterways, lakes and wetlands)
- Environmental risks and amenity
 - Clause 13.02-1S (Bushfire Planning)
 - Clause 13.03-1S (Floodplain management)
 - Clause 13.04-1S (Contaminated and potentially contaminated land)
- Natural resource management
 - Clause 14.01-1S (Protection of agricultural land)
 - Clause 14.02-2S (Water quality)
 - Clause 14.02-2L (Lake Colac water quality)
- Built environment and heritage
 - Clause 15.01-1L (Colac built environment)
 - Clause 15.01-3S (Subdivision design)
 - Clause 15.01-4S (Healthy neighbourhoods)
 - Clause 15.03-1S (Heritage conservation)
 - Clause 15.03-2S (Aboriginal cultural heritage)
- Housing
 - Clause 16.01-1S (Housing supply)
 - Clause 16.01-1L (Colac Housing supply)
- Infrastructure
 - Clause 19.02-6S (Public open space)
 - Clause 19.03-2S (Infrastructure design and provision)
 - Clause 19.03-3S (Integrated water management)

(iii) Submissions

Submitters raised concerns about the impact of the rezoning on the rural living lifestyle.

Submitters 5, 6, 7, 8, 9, 10 and 11 submitted that they purchased their land for a rural residential lifestyle and therefore objected to a higher density form of development being proposed through the amendment.

Submitters 7 and 17 believed other land was more suitable and in response Council submitted that:

The presence of other land elsewhere being more suitable for development is not a relevant consideration for an assessment of this particular planning scheme amendment proposal.

Though some submitters questioned how development will be coordinated across the numerous land parcels, none disputed the extent of policy support for the proposal or made a case against rezoning.

The Proponent submitted:⁴

- The land is strategically identified to be rezoned by the *2050 Growth Plan*, a strategic planning project which involved significant community consultation.
- It is also supported by a number of policies including Clauses 02.03-1, 02.04, 11.01-1R, and 11.01-1L.
- Developing the land in accordance with these strategies and policies will clearly change the nature of the area, however this change is sought by the planning scheme as it stands today.
- It is also clear that individual properties and landowners are able to retain their existing living arrangements and lifestyle by choosing not to develop their land.

(iv) Discussion

It is common ground that the land is part of the Rural Living Zone and has been developed, particularly over the southern parts of the land, for rural lifestyle living.

The land has been found to be suitable for inclusion within the Urban Boundary through the *Colac 2050 Growth Plan* project and indicated as being appropriate to a 'Rezone to Residential'.

No submissions disputed the extent of local policy support in the planning scheme or through the *Colac 2050 Growth Plan* that identifies the Irrewillipe Road area as a location for future growth of Colac.

Clause 71.02-3 of the planning scheme requires decision makers to consider planning policies relevant to the issues to be determined and to balance conflicting objectives in favour of net community benefit and sustainable development for the benefit of present and future generations.

The weight of strategic planning support for the Amendment leads the Committee to conclude the Amendment will lead to a net community benefit and sustainable development as required by Clause 71.02-3.

Nothing in the proposed amendment forces landowners to develop their own land for more intense residential purposes and parts of the Amendment land may retain a rural living character for some time to come.

(v) Conclusions

For the reasons set out in this report, the Committee concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

⁴ Document 45, paragraphs 50–53

3.2 Addressing flooding issues

(i) The issue

Is the subject land suitable for development given it is subject to inundation?

(ii) Background



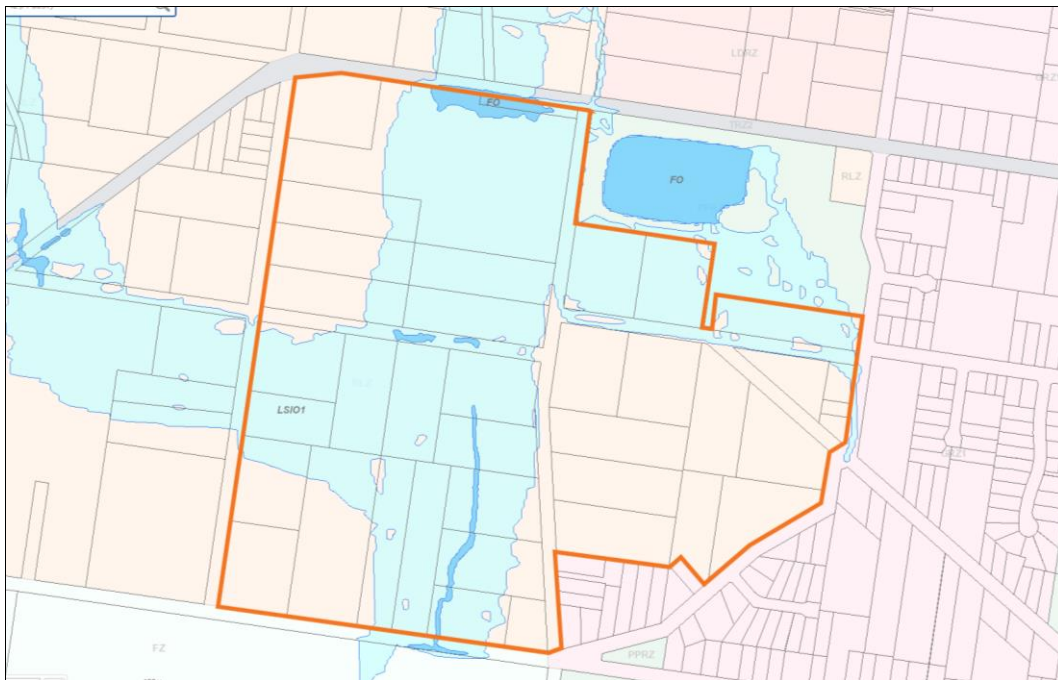
Parts of the subject land are covered by the Land Subject to Inundation Overlay (LSIO), , and the Floodway Overlay (FO), . Figure 4 shows the extent of the overlays in the Amendment area.

Figure 4 Current LSIO and Flood Overlay



Source: Prepared by the Committee from VicPlan

The Amendment is supported by an Elliminyt Precinct Stormwater Management Strategy prepared for the Proponent by Engeny Water Management (4 April 2022). The strategy uses the outcomes of hydrologic modelling and hydraulic modelling, in addition to stormwater quality modelling.

The strategy consists of components to achieve stormwater management objectives for the amendment land, including, but not limited to:

- A constructed waterway which safely conveys the external upstream catchment through the land.
- A retarding basin located on the north-western side of the land which provides sufficient flood storage that removes existing overland flows which overtop Irrewillipe Road and in turn generally reduces the flood depths on downstream properties.
- A financial cash contribution to incorporate storm water quality improvements to the existing retarding basin in Irrewillipe Road.

(iii) Evidence and submissions

Submitters 3, 5, 6, 7, and 17 were concerned that the land is low-lying and floods and is unsuitable for development. Submitter 17 was also concerned that the proposed retarding basin will flood land downstream when full.

Barwon Water had previously provided servicing advice and raised no objection to the Amendment. It recommended that the Colac Integrated Water Cycle Management Plan be incorporated into documentation to address potential optimum use of stormwater in the Amendment area.

The Proponent submitted:

78. Flood risk is evident, has been clearly identified and addressed prior to this amendment by the Colac Stormwater Development Strategy, with which this Amendment is consistent.
79. The *Colac 2050 Growth Plan* is reliant on the Colac Stormwater Development Strategy assessment of, and response to, the issue of flooding. That is, the identification of the land as being suitable for residential purposes has accepted the drainage solutions proposed.
80. The amendment provides for:
 - Waterways of a size, location, and extent consistent with the Colac Stormwater Development Strategy
 - A basin of a size, location, and function consistent with the Colac Stormwater Development Strategy
 - Corangamite Catchment Management Authority support of the proposal, pending minor variations and detailed design to be undertaken through subsequent planning processes
 - A Development Plan Overlay Schedule and permit process which can further refine stormwater outcomes based on the principles of the Colac Stormwater Development Strategy.

Council acknowledged ⁵ that significant parts of the Deans Creek Growth corridor are low-lying and liable to flooding events. Large parts of the flood plain are impacted by shallow flooding in rare events. The Stormwater Management Strategy provides examples of before and after scenarios once the stormwater management plan has been implemented, showing a stark difference in the flood regime.

(iv) Discussion and conclusion

The Stormwater Management Strategy will involve the complete re-engineering of the existing drainage path that runs from south to north through the land. It is a completely different outcome from what exists on the land today.

It is not possible to compare the present topographic state of the land with topographic state of the land when works have been undertaken to make it suitable for urban purposes.

The Committee accepts that the proposed re-engineering of the land is to make land flood-free from 1 in 100 year events and suitable for residential development. The Committee accepts that this is work for technical experts and notes the opinion of Mr Dunn who gave evidence for the Proponent that:

I am of the opinion that the [Stormwater Management Strategy] prepared for the Elliminyt Precinct is of sufficient rigour and accuracy to confidently manage stormwater within the site and surrounds and allow for the proposed rezoning amendment to occur.⁶

⁵ Document 43, paragraph 97

⁶ Document 42, page 14

The Committee notes that Council's engineers are satisfied with the proposed stormwater management approach in the Amendment and that it accords with the Colac Stormwater Development Strategy.

The Committee notes that an additional layer of policy protection against flood risk, the LSIO and the Flood Overlay, are retained by the amendment.

The Committee concludes:

- The flooding issues can be appropriately dealt with in the development of the land.

3.3 Other issues

Submitters 6 and 17 did not think the Amendment should be considered a priority project, and Submitters 6, 10 and 11 expressed concerns about what they saw as a lack of communication regarding the Amendment.

Concerns were also expressed about the future maintenance of the waterway corridors. Once established Council will maintain the corridors. Council submitted that there is no reason to expect that the waterway corridors will be any less maintained than many of Council's other open space corridors elsewhere in Colac.

One submission indicates a loss of land value by being locked-in by the development plan, or perhaps locked out, thereby reducing land value.

These matters are beyond the scope of the advice the Committee has been tasked to provide.

4 Appropriate planning controls

4.1 Neighbourhood Residential Zone or General Residential Zone

(i) The issue

Would the General Residential Zone be more appropriate than the Neighbourhood Residential Zone?

(ii) Background

Council advised that the original application lodged with Council (C120cola) proposed a rezoning to the General Residential Zone (GRZ) to effectively be an extension of the existing GRZ in Elliminyt.⁷

Following further advice to the Proponent from the Department of Environment, Land, Water and Planning, the current Amendment proposes a rezoning to the Neighbourhood Residential Zone Schedule 1 (NRZ).

A key difference between the GRZ and the NRZ in this context is that the NRZ without variation to the schedule, limits heights to 9 metres (2 storey), while the GRZ without variation to the schedule limits heights to 11 metres (3 storey).

Council understood the reason for the change from the GRZ to the NRZ was because three storey development is considered inappropriate.

(iii) Evidence and submissions

Submitters 15 and 16 raised concerns about the zone saying it was unclear what zone will apply and what impacts will be on the current use of land with a new zone.

Submitter 15 noted there are no special characteristics that distinguish specific character values that would warrant the use of the NRZ.

Council did not have a particular view on whether the GRZ or the NRZ ought be applied.

The Proponent submitted⁸ that Planning Practice Note 91 *Using the residential zones* is relevant and that in response to the practice note:

There are no studies of character, built form, heritage or landscape which might inform or seek a particular outcome.

GRZ1 is the default residential zone for Colac including in the vicinity of the site.

The established character of the GRZ1 development within the vicinity of the site, in terms of built form, is predominantly single story.

The Proponent did not see the need to protect the character of the area by limiting development to 2 storeys but accepted the direction of the Department of the Environment, Land, Water and Planning in relation to zone choice.

Council, the Proponent and Submitter 15 pointed out the exhibited NRZ1 is not appropriate as it is focused on the Apollo Bay and Marengo Lower Density Residential Area, which is in a different town and therefore irrelevant.

⁷ Document 43, paragraph 77

⁸ Document 45, paragraph 55

Council identified that the references to NRZ1 in the Amendment documentation is flawed because NRZ1 is already part of the planning scheme.

A schedule to the NRZ “*must contain the neighbourhood, heritage, environment or landscape character objectives to be achieved for the area*”. The Proponent submitted that this raises the question of what that schedule should be seeking to achieve. Given there are no identified objectives in relation to character, built form, heritage, landscape etc it is difficult to form a view on what form the schedule should take. If the NRZ is the preferred zone because it limits heights to 9 metres (2 storeys), the Proponent submitted⁹ that an appropriate schedule might include the following objectives:

To respect the dominant single story and character of the area.

To avoid three storey dwellings.

(iv) Discussion and conclusion

It is important there are adequate opportunities for suitable growth, increased diversity of housing and affordable housing in Colac recognising that this should not compromise the character of existing areas.

The relevant purposes of the NRZ are:

To recognise areas of predominantly single and double storey residential development.

To manage and ensure that development respects the identified neighbourhood character, heritage, environmental or landscape characteristics.

In growth areas, the Committee believes the NRZ is an unusual choice of tool. There is no existing single or double storey development to recognise, and in this case no identified neighbourhood character, heritage, environmental or landscape characteristics that would restrict three-storey development.

There may be opportunities for sensitive medium density housing, such as townhouses, rising to three storeys in some locations. Such development would not affect the character of existing areas and new areas should be allowed to develop their own distinctive character, and this could include three-storey development. The GRZ is a better tool in this instance.

The Committee concludes:

- It is more appropriate to apply the General Residential Zone in place of the Neighbourhood Residential Zone.

4.2 Environmental Audit Overlay

(i) The issue

Is the application of the EAO to 145 Harris Road appropriate?

(ii) Background

Since the exhibition, the Proponent commissioned a Preliminary Risk Screen Assessment (PRSA) for 145 Harris Road undertaken by Environmental Earth Sciences (7 March 2023). This was appended to Document 41, the Proponent’s Part A report.

The PRSA finds that an audit is required, and that the application of the EAO is appropriate.

⁹ Document 45a

(iii) Submissions

The owner of the affect land submitted:

This has been placed on the property at 145 Harris Road Elliminyt were the business ... was running from but since 2020 has now closed. The overhead Diesel Fuel container has now gone and the property has been cleared and re fenced. How and when can this be taken off and at what cost?

The Proponent and Council considered that the application of the EAO was appropriate.

(iv) Discussion and conclusion

The EAO has been applied because of contamination associated with the previous diesel tanks, not the tanks themselves. The Committee agrees that the application of the EAO is appropriate. The precise works required to clean up contamination will determine the timing and cost for removal of the EAO.

The Committee concludes:

- The application of the EAO is appropriate.

4.3 Land Subject to Inundation Overlay

(i) The issues

Should changes to the LSIO and the Flood Overlay be made as part of the Amendment?

(ii) Background

Development of the land will establish a new stormwater management regime across the land in accordance with the Colac Stormwater Development Strategy prepared for Council and the Elliminyt Precinct Stormwater Management Strategy prepared for the Proponent, both prepared by Engeny Water Management.

The strategies involve re-engineering land to make land flood-free from 1 in 100-year flooding events and make land suitable for residential development, mainly through the deepening, widening and reinstatement of functional waterways.

Once the land is re-engineered to be flood-free, the LSIO and Flood Overlay will remain until removed in the future by some other form of planning scheme amendment.

(iii) Evidence and submissions

Council submitted:

88. Council has recognised that this will be a problem into the future, not only confusing prospective purchasers of re-engineered land, but will trigger unnecessary permit requirements. This is a problem throughout Colac and not unique to the amendment land.
89. Consequently, Council is proposing a separate planning scheme amendment that will remove the permit trigger for a range of things ordinarily associated with establishing dwellings on land which is not part of the LSIO.

Wording for the Amendment requires confirmation from the Corangamite Catchment Management Authority and review by the Department of Transport and Planning.

(iv) Discussion and conclusion

The management of flood issues on land covered by an LSIO and Flood Overlay where subdivision works alter the topography or drainage conditions of land to remove the flood risk is a common

issue in development areas across Victoria. It is typically only appropriate to remove the overlays after the physical conditions of the land have been changed so that the land is no longer subject to inundation. In some cases where development has begun and the developer is legally obliged to change the topography of the land removal can also be appropriate to remove the overlays.

The Committee accepts that it is appropriate to continue to apply the LSIO and the Flood Overlay until the necessary works to remove the flood risk have been completed. On the face of it, Council's proposal to change to the LSIO schedule appears sensible but it is not a matter that is before the Committee.

The Committee concludes:

- No changes to the LSIO and the Floodway Overlay or Flood Overlay are required as part of the Amendment.

5 Development Plan Overlay Schedule 8

5.1 Bushfire

(i) The issue

Should the DPO require a 20 metre perimeter road around the Irrewillipe Basin Reserve that abuts the northeast corner of the subject land?

(ii) Evidence and submissions

The CFA (Submitter 4) submitted that:

- it generally supported the Amendment, but
- did not agree with the wetland being classified as a low threat and therefore excludable and recommends a perimeter road to incorporate a 20 metre buffer.

The Proponent submitted that:

15. In relation to the request or suggestion that land in the Irrewillipe Basin Reserve should not be considered 'low threat'
 - a. The Irrewillipe Basin Reserve currently functions as a drainage reserve, owned and maintained by Council.
 - b. The Irrewillipe Basin Reserve is proposed to be enhanced and improved, both in terms of its stormwater function and in terms of its open space function. As envisaged by current design, vegetation in this reserve is likely to be considered 'low threat'.
 - c. An argument can be made that the vegetation in the Irrewillipe Basin Reserve or at least some of it, is not properly managed by Council, noting that 'managed' vegetation can generally be considered 'low threat'.
 - d. Council is obliged to manage this reserve in order to prevent fires on, and minimise the spread of fires on or from, this land. It is worth noting that there are existing dwellings already abutting this reserve.
18. This is consistent with the following view expressed in the CFA submission:

There are, however, no setbacks identified between future development and the grassland hazard within Councils' drainage reserve to the northeast. CFA is of the view that clarification is required on the ongoing management and maintenance of the drainage reserve ... to determine setbacks to ensure radiant heat benchmarks can be achieved

On the basis of the earlier CFA advice the Proponent submitted that that it would be appropriate for the provision of a 20 metre perimeter road abutting the Irrewillipe Basin Reserve be considered at the permit stage, not as a requirement of the DPO8.

(iii) Discussion and conclusions

The Committee considers that the future development of the Irrewillipe Basin Reserve can and should ensure vegetation is low threat. This would negate the need for any bushfire mitigation measure such as a perimeter road.

The provision of a perimeter abutting the Irrewillipe Basin Reserve is one measure to ensure a BAL12.5 for future dwellings. There are other measures available, but the Committee considers that it is possible that no bushfire mitigation measures will be required at all depending on how the Irrewillipe Basin Reserve is developed and maintained.

The Committee agrees that delivery of a perimeter road would make the relevant land parcels difficult to develop.

The Committee concludes:

- Addressing bushfire risk from the Irrewillipe Basin Reserve be considered at the permit stage, and no change the DPO schedule is needed.

5.2 Waterway alignment options

(i) The issue

Is the waterway location and width appropriate?

(ii) What the DPO says


The 'Irrewillipe Road Framework Plan' in the DPO schedule, see Figure 5, identifies the location of the waterway and open space, .

Figure 5 Irrewillipe Road Framework Plan from Development Plan Overlay Schedule



(iii) Evidence and submissions

Submitters were concerned about the location of the waterway with its associated open space that appears to them to be located through existing homes and sheds. The submitters were also concerned about reduced privacy due to more people accessing open space and being closer to private homes.

Submitter 9 was concerned:

... we are losing 70 metres of land between my neighbour and ourselves, [This] left us scratching our heads. We are on a hill! And still to this day, even after reading all the expert opinions; even Mr Dunn's yesterday, I am still not 100 per cent sold that we need it.

Submitter 17 thought stormwater should be redirected around the land and not through it or placed underground.

The Proponent submitted:

34. The waterway location as shown in the exhibited DPO8 is indicative only at this point and has been informed in the following manner.

35. ... The route and extent are approximate until more detailed design work can be undertaken and completed with the input of Council and the Catchment Management Authority. ...
37. There is a logical expectation that the waterway will essentially follow the lowest point.
38. The waterway shown on the exhibited plan has essentially followed this principle but has been subject to variations seeking to ensure the proposed route avoids existing dwellings and outbuildings where practical, in an attempt to cater for the possibility that retention of some dwellings may be an objective of landowners/developers at the time of development.

Council submitted:

124. The waterway width of 40-45 metres is generally in accordance with the cross-sections specified in Melbourne Water's *Guidelines for Constructed Waterways* and will include active edge treatments.
125. As previously advised, the construction of the waterway will introduce a new re-engineered stormwater management regime to the amendment land. It is not possible to compare the current location of the existing waterway or its flood extent with current conditions.

(iv) Discussion and conclusion

The Committee accepts that the waterway as shown in DPO8 is indicative, but generally follows the low point of the land with some adjustments for existing assets. The final location of the waterway will depend on more detailed engineering investigations.

Waterways in new subdivisions have more than a simple drainage function; they are used to provide high quality public open space, deliver walking paths and support natural values. To deliver these functions the width of 70 metres is required. The Committee notes that the width has been determined in accordance with accepted guidelines for this style of waterway. Developing the waterway as an open space corridor will deliver a long-term recreational asset for Colac.

The Committee concludes:

- The location and width of the proposed waterway in DPO8 is appropriate.

5.3 Location of open space

(i) The issue

Is the proposed location of open space in the southwest part of the subject land appropriate?

(ii) Background

The Colac Otway Open Space Strategy and Clause 56.02-2 of the Planning Scheme encourage local parks within 400 metres safe walking distance to at least 95 per cent of all dwellings.

Council has secured funds to develop the Irrewillipe Road Basin Reserve as a neighbourhood park with neighbourhood open space facilities. The Proponent is proposing to contribute to these facilities. The Reserve will ultimately provide in excess of 2.5 hectares of public open space; it will be immediately available and accessible to future residents of the land to be rezoned, particularly those on the north and east parts of the site.

(iii) What the DPO says


The 'Irrewillipe Road Framework Plan' in the DPO schedule, identifies the location of new open space in the southwest quadrant. Figure 6 shows the open space, , with 400 metre walkability circles superimposed.

Figure 6 Open space accessibility



(iv) Evidence and submissions

Submitter 15 was concerned with the proposed open space on 151 and 145 Harris Road, believing it was unnecessary, or could be moved northward:

There is a good quality open space on Main Street Elliminyt behind the South Colac football club which has a playground and BBQ area. Also, on the corner of Harris Road and Spring Street there is also open space.

... As I have 9 acres, I can only see in the future for the growth of Colac that my land will be subdivided and so the open space would be a hindrance to this.

Other submissions were concerned with open space including the open space along the waterway as it proposed open space through existing homes and sheds.

The Proponent submitted:¹⁰

22. The location of open space ... is based on a number of key principles and investigations.
23. It should also be clear that the 'generally in accordance with' principles associated with DPO Schedules, Development Plans, and permits apply, whereby variations on the specific open space locations shown in the DPO8 (Irrewillipe Road Framework Plan) are possible.
24. The location and function of open space, which comprises linear open space on either side of the waterway, and a 0.5–1 hectare reserve has been informed by.
 - The Colac Otway Open Space Strategy
 - Clause 56.05-2 objectives
 - Engagement with Council Officers
 - The proposed development of the Irrewillipe Basin Reserve.

In terms of the location of the reserve at 151 and 145 Harris Road the Proponent advised that the following matters were considered:¹¹

- Co-location with linear open space and the associated connectivity with the waterway. This maximises the utility of both the reserve and the linear open space, and it is an obvious proposition in the absence of compelling reasons to do otherwise, that the reserve should abut the linear open space.
- 400 metre walkable catchments. ...

10 Document 45

11 Document, paragraph 32

Council advised:¹²

123. Subject to refinement through the development plan and permit process, the location of the local park is supported from Council's perspective.

(v) Discussion and conclusion

Given the location of the Irrewillipe Basin Reserve immediately to the northeast of the amendment land, it makes planning sense to locate a local park at a reasonable distance from the reserve to provide a more even pattern of open space distribution relative to dwelling distribution.

Open space is an important community resource and it needs to be located in walking distance of future residents. Compensation for the land required for the open space will be dealt with in the shared infrastructure plan to ensure landowners contributions are managed in a fair way.

The Committee concludes:

- The location of the open space is appropriate as it will ensure open space is within a walkable distance of future homes.

5.4 Staging

(i) The issue

Are the provisions around staging appropriate?

(ii) Evidence and submissions

Submitters 6, 9 and 14 expressed concerns about some land becoming land-locked as part of the development process.

Some submitters thought that only the Proponent's land should be rezoned. Council responded:

135. There is usually a logical sequence in the development of land that requires one party to commence development before another. It is unclear how a coordinated development plan could leave land-owners land-locked as suggested by submitters.
136. Furthermore, it generally follows that downstream development occurs first to cater for stormwater drainage infrastructure. However, this is not always the case. In certain circumstances, it may be more appropriate to develop upstream land first. In the case of upstream land developing first, interim storm water detention measures may be required to manage storm water flow. The plan does not hinder consideration of such sequence of development as is suggested by some submitters.

The Proponent submitted:¹³

47. Staging of development has not been explicitly defined at this point; this will take place through the Development Plan process.
48. In this case development staging is likely to commence in the north, with drainage infrastructure in this location, and proceed south. The proponent in this case controls land in the north and is therefore in a position to provide infrastructure and development staging to upstream properties.
49. Dependency on key infrastructure delivery is a standard development principle and is unavoidable, as is the reliance on development of surrounding or downstream parcels.

¹² Document 43

¹³ Document 45

(iii) Discussion and conclusion

The Committee accepts that the staging of the development will be further resolved through the Development Plan process and will depend on a mix of technical considerations and which landowners are ready to develop. Restricting the rezoning to land north of Hay Street would undermine the delivery of infrastructure needed to develop the land and is not supported.

The Committee concludes:

- It is appropriate to resolve staging issues through the Development Plan process.

5.5 Shared infrastructure

(i) The issue

Is the approach to shared infrastructure costs appropriate and fair?

(ii) What the DPO says

The DPO includes:

3.0 Conditions and requirements for permits

A permit for the subdivision of land must contain include conditions which require the owner(s) of the land to enter into an agreement under section 173 of the Planning & Environment Act 1987. The agreement must provide for infrastructure contributions in accordance with the Shared Infrastructure Funding Plan.

4.0 Requirements for development plan

The Development Plan must ... include the following:

...

A **Shared Infrastructure Funding Plan** which includes:

Identification of shared infrastructure consistent with Development Contributions Plan and Infrastructure Contributions Plan principles on equity, nexus, need and reasonableness.

Costs and apportionment of the shared infrastructure.

(iii) Evidence and submissions

The Proponent submitted that the shared infrastructure funding will be delivered in an equitable manner based on accepted principles and guidelines. The approach is:

- To identify infrastructure, which is shared, typically related to open space, drainage, traffic and to both the land and works component of each category.
- For each shared infrastructure item:
 - Identify the cost of land.
 - Identify the cost of works.
- Equalise those costs across all benefitting parcels via a Shared Infrastructure Funding Plan.
- Ensure either payment or works-in-kind for these items via planning permit conditions.

The Proponent submitted that model provides an equitable and guaranteed shared funding of shared infrastructure.

Council submitted (126) that it was understandable that some submitters have raised concerns about a Shared Infrastructure Funding Plan that will accompany the development plan in due course:

127. There is understandable confusion about how contributions will work, contributing to a plan that is not supported and making available the true costs of contributing to the plan upfront.
128. A Shared Infrastructure Funding Plan implemented by a s173 agreement is a common planning tool used in land development as a method of equalising the costs of shared

infrastructure, and an alternative to a formal Development Contributions Plan implemented by a Development Contributions Overlay.

Council pointed out¹⁴ that there was no obligation on any land owner to contribute financially to a Shared Infrastructure Funding Plan until such time that they propose to develop or subdivide their land.

Council submitted:

131. All developable land will be valued at the market rate when the Shared Infrastructure Funding Plan is prepared, regardless of how it appears on the Development Plan (that is unencumbered open space will be values in the same way as residential land).

Council also noted that:

147. The Proponent's land holdings are located predominately north of Hay Street. However, for a coordinated planned development to occur, it is necessary to take a catchment approach to the planning of the overall precinct. In this way, shared infrastructure can be properly costed and apportioned. To confine the rezoning to the current land holdings of the proponent would be a piece-meal approach to land development: an approach not advocated by the *Colac 2050 Growth Plan*.

(iv) Discussion and conclusion

At this stage, it is not possible to determine the full extent of shared infrastructure associated with a future development plan. The cost of constructing shared infrastructure and land valuations can only be determined with further detailed design. In this circumstance there is no option but to require the shared infrastructure plan at a later date. It is not appropriate to demand that this work happen ahead of the rezoning of the land because until the land is rezoned there is no certainty about the ability to develop or the likely costs of development.

The Committee is satisfied that DPO8 adequately ensures that an equitable Shared Infrastructure Funding Plan will be delivered.

The principles for shared infrastructure are well established – equity, nexus, need and reasonableness – and these are specifically referenced in DPO8.

The Committee concludes:

- The approach to shared infrastructure is appropriate as a practical way to ensure costs are shared and infrastructure is delivered in line with the principles of equity, nexus, need and reasonableness.

5.6 Social Housing Policy

(i) The issue

Are the proposed provisions for social housing appropriate?

(ii) What the DPO says

The DPO includes:

- 4.0 Requirements for development plan

...

The Development Plan must ... include the following:

A **Housing Diversity Report** which includes:

¹⁴ Document 43, paragraphs 130 and 131

- Explaining the mix of housing on the site and how much of the overall housing stock will be proposed as affordable/ key worker housing.
- Detail the criteria for determining affordable/ key worker housing stock.

An **Affordable/ Key Worker Housing Contribution**:

- Prior to the approval of the Development Plan, the owner of the land must provide for the provision of a contribution towards affordable/ key worker housing to the satisfaction of Colac Otway Shire Council.

(iii) Evidence and submissions

The Proponent advised ¹⁵ Council has suggested the removal of the requirement for a Housing Diversity report within the schedule as it has its own Social Housing Plan and its own expectation around numbers and proportions. The Proponent submitted:

67. These matters do however change over time, and with the possibility of inclusionary zoning on the horizon, it is still considered useful to investigate these matters as part of a comprehensive planning approach rather than relying on what may quickly become an historic document.

Since the proposed the Amendment was prepared, Council has prepared its own study and has adopted its own Social Housing Policy adopted by Council in August 2021. Council submitted:¹⁶

There is no longer a need for a specific Housing Diversity Report in the Schedule and it is recommended that reference to a Housing Diversity Report be removed.

The Proponent was concerned that the wording around the affordable housing component appeared clumsy and submitted:

- It does not logically flow, ...
- Rather than informing or directing the Development Plan, the wording appears to require something to take place prior to the Development Plan
- It includes duplication – for example “*must provide for the provision of a contribution*”.
- It references a ‘contribution’ towards affordable housing, rather than simply the ‘provision’ of affordable housing. The use of this term or philosophy is uncommon in recent examples. The important element is provision of affordable housing, not necessarily contribution. The provision of affordable housing is highly likely to involve a contribution, but it may not, for instance in the event that a [housing provider] can fully fund the provision.

In response to these matters, the Proponent proposed the following changes:

An Affordable/ Key Worker Housing Contribution Plan which:

~~Prior to the approval of the Development Plan, the owner of the land must~~ provides for the provision of a contribution towards affordable/ key worker housing to the satisfaction of Colac Otway Shire Council.¹⁷

(iv) Discussion and conclusion

There is no fundamental disagreement on the proposition of providing affordable or key worker housing as part of the development.

The Committee agrees that there is no need to prepare a bespoke housing diversity report for the site given that Council has developed a broader strategy.

¹⁵ Document 45, paragraph 65

¹⁶ Document 43, paragraph 163

¹⁷ Document 45, paragraphs 68 and 69

The Committee agrees the language of the affordable key worker housing contribution could be improved upon agreement between Council and the Proponent with the terms resolved as required under the Development Plan.

The Committee concludes:

- The approach to Affordable/ Key Worker Housing can be refined.

5.7 Botanical link

(i) The issue

How should Council's proposals for 'on-road shared pathways' be addressed?

(ii) Background

The Colac Framework Plan – Map 1 Land Use has been included in the planning scheme at Clause 02.04. However, the Colac Framework Plan Map 2 – Environment, Landscape a Connectivity has not. The Framework Plan Map 2, see Figure 7, shows:

- 'Investigate on-road shared pathways', ◆ ◆ ◆ ◆
- 'Potential open space Corridor using creeks and drainage lines', ➡.

Figure 7 Extract of plan from *Colac 2050 Growth Plan*



(iii) Evidence and submissions

Council explained:

178. The *Colac 2050 Growth Plan* makes references to a Botanic Link. The concept of a Botanic Link was developed as part of the Colac Integrated Water Cycle Management Plan and expanded as part of the *Colac 2050 Growth Plan*. The concept relates to using the lake creeks and dedicated streets to create a circuit of safe pathways for pedestrians and cyclists to move around the town. The Deans Creek Precinct Structure Plan will develop cross sections and plan views of what exactly this entails and draw upon the updated policy requirements in relation to Integrated Water Management and canopy cover targets.
179. Given that this planning scheme amendment is proceeding in advance of this work, it is suggested that the proponent should prepare cross sections and a plan view for Harris Road

and Spring Street that is signed off by council and meet the strategic intent for the Botanic link.

The Proponent submitted¹⁸ the following change to DPO8 under the Road Network and Traffic Management Plan heading to achieve Council's objective:

A **Road Network and Traffic Management Plan** generally in accordance with the recommendations of the SALT Report dated May 2021 that:

- Provides for an internal road network, and shared path networks with a high level of access for all vehicular and non-vehicular traffic and that responds to the topography.
- Considers safe sightlines to all property access and internal roads.
- [Provides cross sections and a plan view for Harris Road and Spring Street which makes the strategic intent for the Botanic link.](#)
-

(iv) Discussion and conclusion

The Committee acknowledges the broad strategic aims in the *Colac 2050 Growth Plan* and supports the proposed changes to DPO8 to allow the practical implementation of what is intended to be explored in the detailed planning of the area.

The Committee concludes:

- It is appropriate to address the botanical links by changes to the specification for road cross sections in the DPO schedule.

¹⁸ Document 45, paragraph 77

6 Reasons and recommendations

There is clear policy identification for the development of the subject land for residential development.

Council supports initiatives to expedite the delivery of housing supply to meet the demand in Colac. There is a critical need for appropriately zoned land to supply the market. Amendment C123cola is an important initiative in achieving this goal.

The proposed Schedule 8 to the Development Plan Overlay outlines the requirements for a Development Plan and mandates the provision of a Shared Infrastructure Funding Plan and a mechanism to achieve social housing in line with Council policy.

Further work is required to achieve a Development Plan and associated Shared Infrastructure Funding Plan. However, these items are guided by the Schedule which include the Irrewillipe Framework Plan.

For the reasons set out in this report, the Committee concludes that the Amendment:

- is supported by, and implements, the relevant sections of the Planning Policy Framework
- is consistent with the relevant Ministerial Directions
- is well founded and strategically justified
- should proceed subject to addressing the more specific issues raised in submissions as discussed in the following chapters.

The Committee believes that it is more appropriate to apply the GRZ rather than the NRZ given that this is a growth area without an established urban character.

The Committee agrees that there is no need to require a Housing Diversity Report as this has been superseded by Council work. There is a need, however, to refine the DPO schedule to clarify the requirement for Affordable/ Key worker Housing. There is also a need to refine the provisions on road cross sections to accommodate the botanical links.

The Committee has also identified some minor drafting refinements to DPO8.

In response to specific concerns, the Committee concludes:

- The flooding issues can be appropriately dealt with in the development of the land.
- The application of the EAO is appropriate.
- No changes to the LSIO and Flood Overlay are required as part of the Amendment.
- Addressing bushfire risk from the Irrewillipe Basin Reserve be considered at the permit stage, and no change to DPO Schedule 8 is needed.
- The location and width of the proposed waterway in the DPO Schedule 8 is appropriate.
- The location of the open space is appropriate as it will create ensure open space is within a walkable distance of future homes.
- It is appropriate to resolve staging issues through the Development Plan process.
- The approach to shared infrastructure is appropriate as a practical way to ensure costs are shared and infrastructure is delivered in line with the principles of equity, nexus, need and reasonableness.

Recommendations

Based on the reasons set out in this Report, the Priority Projects Standing Advisory Committee recommends that an amendment be prepared and approved based on the draft Colac Otway Planning Scheme Amendment C123cola, but with the following changes:

- 1. Apply the General Residential Zone in place of the Neighbourhood Residential Zone.**
- 2. Make the changes to Development Plan Overlay Schedule 8 as shown in Appendix E.**

The Committee notes that if Recommendation 1 is not accepted, a new Schedule 2 to the NRZ will need to be drafted before the Amendment is approved with this new schedule applies to the subject land. The Committee supports the Proponent's proposal for objectives:

To respect the dominant single story and character of the area.

To avoid three storey dwellings.

Appendix A Terms of Reference

Terms of Reference

Priority Projects Standing Advisory Committee

Standing Advisory Committee appointed pursuant to Part 7, section 151 of the *Planning and Environment Act 1987* to advise the Minister for Planning on referred priority planning proposals.

Name

1. The Standing Advisory Committee is to be known as the 'Priority ProjectsPriority Projects Standing Advisory Committee' (the Committee).
2. The Committee is to have members with the following skills:
 - a. statutory and strategic land use planning
 - b. land development and property economics
 - c. urban design and architecture
 - d. heritage
 - e. civil engineering and transport planning
 - f. social impacts
 - g. environmental planning
 - h. planning law.
3. The Committee will include a lead Chair, Chairs, Deputy Chairs and not less than ten other appropriately qualified members.

Purpose

4. The purpose of the Committee is to provide timely advice to the Minister for Planning on projects referred by the Building Victoria's Recovery Taskforce (BVRT), projects affected by Covid-19 and or where the Minister has agreed to, or is considering, intervention to determine if these projects will deliver acceptable planning outcomes.

Background

5. The Victorian Government has identified Victoria's building and construction sector as a key mechanism to revitalise Victoria's economy during the coronavirus (COVID-19) pandemic.
6. The Government has committed to a fast-track assessment process for priority projects of state and regional significance that are shovel-ready and that will provide immediate benefits to Victoria's economy, keeping Victorians in work and priority infrastructure on track for completion.
7. The BVRT was formally announced on 26 April 2020. The Taskforce was established by the Minister for Planning and Treasurer to help keep Victoria's building and development industry running during the coronavirus crisis. The Taskforce will investigate planning and investment opportunities to boost Victoria's building and development industry over the short, medium and long term.

Method

8. The Minister for Planning or delegate will refer projects by letter to the Committee for advice on whether the project achieves acceptable planning outcomes.
9. The referral letter must specify:
 - a. the specific issues the Minister for Planning seeks advice about
 - b. the mechanism of intervention being considered
 - c. whether, or which previously collected, submissions are to be considered by the Committee
 - d. how the costs of the Committee will be met.

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Terms of Reference | Priority Projects Standing Advisory Committee

10. The letter of referral will be a public document.
11. In making a referral, the Minister for Planning or delegate must, either:
 - a. be satisfied that any proposed planning controls for the land make proper use of the Victoria Planning Provisions and are prepared and presented in accordance with the Ministerial Direction on The Form and Content of Planning Schemes, or
 - b. seek advice from the Committee on the drafting of the planning controls or permit conditions.
12. The Committee may inform itself in anyway it sees fit, but must consider:
 - a. The referral letter from the Minister for Planning,
 - b. referred submissions,
 - c. the comments of any referral authority,
 - d. the views of the project proponent,
 - e. the views of the relevant Council,
 - f. The relevant planning scheme.
13. The Committee is not expected to carry out additional public notification or referral but may seek the views of any relevant referral authority, responsible authority or government agency.
14. The Department of Environment, Land, Water and Planning (DELWP) will be responsible for any further notification required. New submissions will be collected by DELWP.
15. The Committee may seek advice from other experts, including legal counsel where it considers this is necessary.
16. The Committee is not expected to carry out a public hearing but may do so if it is deemed necessary and meets its quorum.
17. The Committee may:
 - a. assess any matter 'on the papers'.
 - b. conduct discussions, forums, or video conferences when there is a quorum of:
 - i. a Chair or Deputy Chair, and
 - ii. at least one other member.
18. The Committee may apply to vary these Terms of Reference in any way it sees fit.

Submissions are public documents

19. The Committee must retain a library of any written submissions or other supporting documentation provided to it directly to it in respect of a referred project until a decision has been made on its report or five years has passed from the time of the referral.
20. Any written submissions or other supporting documentation provided to the Committee must be available for public inspection until the submission of its report, unless the Committee specifically directs that the material is to remain confidential. A document may be made available for public inspection electronically.

Outcomes

21. The Committee must produce a concise written report to the Minister for Planning providing the following:
 - a. A short description of the project.
 - b. A short summary and assessment of issues raised in submissions.
 - c. A draft planning permit including relevant conditions from Section 55 referral authorities, or draft planning scheme control depending on the nature of the referral.
 - d. Any other relevant matters raised in the course of the Committee process.
 - e. Its recommendations and reasons for its recommendations.
 - f. A list of persons or authorities/agencies who made submissions considered by the Committee.
 - g. A list of persons consulted or heard, including via video conference.

Terms of Reference | Priority Projects Standing Advisory Committee

22. Following the completion of a report, the Committee may deliver an oral briefing to the Minister for Planning and/or DELWP. The briefing may be by video conference or telephone.

Timing

23. The Committee is required to submit its reports in writing as soon as practicable, depending upon the complexity of the referred project between 10 and 20 business days from either:
- a. the date of receipt of referral, if no further submissions or information are to be sought, or
 - b. receipt of the final submission of material or final day of any public process in respect of a referral.

Fee

24. The fee for the Committee will be set at the current rate for a Panel appointed under Part 8 of the *Planning and Environment Act 1987*.

The costs of the Advisory Committee will be met by each relevant proponent.



Richard Wynne MP
Minister for Planning

Date: 14 / 06 / 2020

Appendix B Letter of Referral



The Hon Sonya Kilkeny MP

Minister for Planning
Minister for Outdoor Recreation

8 Nicholson Street
East Melbourne, Victoria 3002 Australia

Ref: BMIN-1-23-14705

Ms Kathy Mitchell AM
Chair (Lead)
Priority Projects Standing Advisory Committee
Planning Panels Victoria
planning.panels@delwp.vic.gov.au

Dear Ms Mitchell

DRAFT AMENDMENT C123 TO THE COLAC OTWAY PLANNING SCHEME IRREWILLIPE ROAD, ELLIMINYT

I refer to draft Planning Scheme Amendment C123 to the Colac Otway Planning Scheme affecting land bounded by Irrewillipe Road, Sinclair Street, Spring Street, Harris Road and Hart Street, Elliminyt. The proposal has been considered by the Development Facilitation Program (DFP), which has deemed that it meets relevant criteria and should be prioritised for accelerated assessment and determination.

I am considering whether to prepare, adopt and approve draft Amendment C123 to the Colac Otway Planning Scheme and exempt myself under section 20(4) of the *Planning and Environment Act 1987* from the requirements of section 17, 18 and 19 of the Act and the Regulations. The draft amendment seeks to rezone the subject land from Rural Living Zone to Neighbourhood Residential Zone and apply a Development Plan Overlay and Environmental Audit Overlay to a portion of the land.

To inform my decision about whether to prepare, adopt and approve draft Amendment C123, under delegation, the department carried out consultation under section 20(5) of the Act. The parties consulted included Colac Otway Shire Council, Barwon Water, Corangamite Catchment Management Authority, Environment Protection Authority, Country Fire Authority, the then Department of Environment, Land, Water and Planning – Forest, Fire and Regions, Transport for Victoria, Bakerland c/- St Quentin Consulting (the proponent) and adjoining owners and occupiers. There were 18 submissions received.

I have decided to refer the matter to the Priority Projects Standing Advisory Committee for advice and recommendations on strategic suitability of the site for residential use, inundation risk, layout and apportionment of infrastructure (including drainage), response to potential land contamination, location of open space, amenity impacts on existing residents and whether I should approve the draft amendment.



I request your specific advice about the drafting of Amendment C123, taking into consideration the matters raised in submissions. The submissions received will be provided to the committee, along with the draft amendment and documents made available during the consultation period.

The cost of the committee will be met by the proponent, Bakerland Pty Ltd.

If you have any questions about this matter, please contact Bart Gane, Manager, Priority Projects, Department of Transport and Planning, on 0448 048 704 or on email bart.gane@delwp.vic.gov.au.

Yours sincerely



The Hon Sonya Kilkenny MP
Minister for Planning

25/4/2023

Appendix C Submitters to the Amendment

No	Submitter
1	Environment Protection Authority
2	Barwon Water
3	Jim Burns
4	Country Fire Authority
5	Janet Clayton
6	Zoe and Khan Beckett
7	Wayne and Margaret Monk
8	Paul and Jacinta Mahony
9	Paul and Shantelle Finn
10	Shayne and Trina Mason
11	Amy and Richard Ellis
12	Annette Robbins
13	Shane Stevens
14	Tanya Wilson
15	Mrs Kerrie Cole and Jarron Cole
16	Haley and Greg Bishop
17	Scott and Lauren Williamson
18	Colac Otway Shire

Appendix D Document list

No.	Date	Description	Provided by
1	14 Jun 20	Terms of Reference	Minister for Planning
2	3 May 23	Letter of Referral	"
3	"	Bushfire Risk Assessment	"
4	"	<i>Colac 2050 Growth Plan</i>	"
5	"	Cultural Heritage Assessment	"
6	"	Draft Framework Plan	"
7	"	Colac Otway C120cola Map11 DPO Exhibition	"
8	"	Colac Otway C120cola Map11 Exhibition EAO	"
9	"	DPO concept plan	"
10	"	Explanatory Report	"
11	"	Instruction Sheet	"
12	"	Infrastructure Servicing Report	"
13	"	Noise Impact Assessment	"
14	"	Planning Report	"
15	"	Planning Scheme Amendment Cover Letter	"
16	"	Preliminary Environmental Site Assessment	"
17	"	Risk Assessment	"
18	"	Shared Infrastructure Plan	"
19	"	Site and Context Plan	"
20	"	Stormwater Management Plan	"
21	"	Traffic Assessment	"
22	"	Traffic Impact Assessment 1 August 2022	"
23	"	Traffic Impact Assessment 4 April 2023	"
24	"	Vegetation Assessment	"
25	"	Council Resolution 15 December 2021	"
26	"	Council Meeting 23 March 2022 - Elliminyt Rezoning Agenda Item	"
27	"	Council Resolution 23 March 2022	"
28	"	Recreation and Open Space Comments and minutes	"
29	"	Development Plan Traffic meeting minutes	"
30	"	Explanatory Report Authorisation C120cola	"
31	"	Instruction Sheet Authorisation C120cola	"

No.	Date	Description	Provided by
32	"	Colac Otway C120cola Map11 DPO Authorisation	"
33	"	Colac Otway C120cola Map11 EAO Authorisation	"
34	"	Colac Otway C120cola Map11 ZN Authorisation	"
35	"	Concept Plan	"
36	"	C123cola - DPO Schedule 8	"
37	"	DPO Schedule 8	"
38	"	Schedule to Clause 72.03 what does this planning scheme consist of	"
39	5 May 23	Directions Hearing letter	Committee
40	2 Jun 23	Directions and Hearing timetable	"
41	14 Jun 23	Part A Submission	Proponent
41a	"	Preliminary Risk Screen Assessment	"
41b	"	Mapped Wetland Assessment	"
41c	"	<i>Colac 2050 Growth Plan</i> Final Adopted August 2019	"
41d	"	Colac Otway Public Open Space Final Report October-2011	"
41e	"	Colac Stormwater Development Strategy Engeny March 2019	"
41f	"	Irrewillipe Road Basin Functional Design Final Report	"
42	"	Expert Witness Statement of Scott Dunne	"
43	16 Jun 23	Submission	Council
44	20 Jun 23	Hearing Timetable (version 2)	Committee
45	22 Jun 23	Part B Submission	Proponent
45a	"	Appendix 1 – Neighbourhood Residential Zone Schedule 2	"
46	"	Presentation	Paul and Shantelle Finn
47	23 Jun 23	Presentation	Jarron and Kerrie Cole

Appendix E Committee preferred version of Development Plan Overlay Schedule 8

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SCHEDULE 8 TO CLAUSE 43.04 DEVELOPMENT PLAN OVERLAY

Shown on the planning scheme map as **DPO8**

IRREWILLIPE ROAD, ELLIMINYT DEVELOPMENT PLAN

1.0 OBJECTIVES

To ensure that development occurs in accordance with the broad development principles as shown in the Irrewillipe Road Framework Plan and to ensure delivery of essential community infrastructure.

2.0 REQUIREMENT BEFORE A PERMIT IS GRANTED

A permit may be granted for the following before a development plan has been approved by the responsible authority:

- Construction of one dwelling on an existing lot, including outbuildings.
- An extension or alteration to an existing building.
- Any buildings and works associated with the use of land for Agriculture.
- Subdivisions creating a lot for an existing dwelling.

Before granting a permit, the responsible authority must be satisfied that the permit will not prejudice the future use and development of the land in an integrated and orderly manner.

3.0 CONDITIONS AND REQUIREMENTS FOR PERMITS

A permit for the subdivision of land must contain include conditions which require the owner(s) of the land to enter into an agreement under section 173 of the Planning & Environment Act 1987. The agreement must provide for infrastructure contributions in accordance with the Shared Infrastructure Funding Plan.

4.0 REQUIREMENTS FOR DEVELOPMENT PLAN

The Development Plan may consist of a plan and associated planning and technical reports and other documents.

The Development Plan may be prepared and approved in stages.

The Development Plan must be generally in accordance with the Irrewillipe Road Framework Plan as shown at Figure 1 and include the following:

An **Urban Design Masterplan** that includes:

- A general subdivision layout that includes the location and general distribution of lots showing a variety of lot sizes and densities to encourage a variety of housing types.
- The location of all roads, open spaces and drainage reserves.
- Contours of land at 0.5m intervals.
- A subdivision design ~~which~~ that provides a positive identity and contributes to the amenity and safety of all surrounding roads, waterways, and the Irrewillipe Reserve.
- Within the development area, provide an interconnected and continuous network of safe and efficient conventional footpaths, shared paths, and cycle lanes.

- Appropriate interface and design measures on the Irrewillipe Reserve interface.
- The [proposed](#) stages ~~by which of~~ the development of the land ~~is to proceed~~.

An **Integrated Water Management Plan** that takes an integrated approach to flooding, stormwater, and drainage management, is designed with reference to the whole of the catchment, and includes:

- Reference to:
 - WSUD Engineering Procedures: Stormwater, CSIRO Publishing, 2005.
 - Clause 56.07 of the Colac Otway Planning Scheme.
 - The Infrastructure Design Manual and associated Design Notes.
 - Colac Stormwater Development Strategy – Engeny March 2019
- A Drainage Strategy that addresses:
 - Drainage Feasibility.
 - Stormwater Quality Management.
 - Peak Discharge Management; and
- Identification of all land to be set aside for drainage purposes, detailing the approximate size and location of all drainage reserves and system components, including retarding basins to meet peak discharge limits and WSUD elements to meet Best Practice Environmental Management Guidelines.
- Easement creation and/or widening and realignment as necessary to ensure adequate provision for pipe-laying and maintenance, both within the development area, and to external affected properties.
- A stormwater management system that ensures peak discharge rates, pollutant loads of all stormwater leaving the site post development are no greater than pre-development and that ensures no adverse impacts to any surrounding area, upstream or downstream.
- Consideration of development staging.

A **Road Network and Traffic Management Plan** generally in accordance with the recommendations of the SALT Report dated May 2021 ~~which that~~:

- Provides for an internal road network, and shared path networks with a high level of access for all vehicular and non-vehicular traffic and ~~which that~~ responds to the topography.
- Considers safe sightlines to all property access and internal roads.
- [Provides cross sections and a plan view for Harris Road and Spring Street which makes the strategic intent for the Botanic link.](#)
- Provides details of all necessary upgrades to the surrounding road network to urban standards including any required upgraded intersection treatments.
- Includes indicative cross sections of all roads.
- Considers public transport routes.
- Considers Traffic Management Controls to the internal road networks.

An **Open Space and Landscape Masterplan** that includes:

- An open space contribution equal to 10% of the developable residential land or in-lieu cash payment or combination of both. Encumbered land shall not be credited as Public Open Space including land required for the future retarding basins.
- All public open space to be a useable size, configuration, and location.
- Local Parks with a minimum area of 1 hectare (unless adjoining a drainage reserve where a minimum area of 0.5 ha may be accepted) and bounded by development frontages and/or roads on at least 3 sides.
- Plans for all open space areas showing the location of proposed improvements including playgrounds, pedestrian and cycle paths, earthworks, seats, bollards, fencing, landscaping, irrigation systems, drinking fountains, drainage lines and retention basins.

A **Shared Infrastructure Funding Plan** ~~which that~~ includes:

- Identification of shared infrastructure consistent with Development Contributions Plan and Infrastructure Contributions Plan principles on equity, nexus, need and reasonableness.

- Costs and apportionment of the shared infrastructure.

A Housing Diversity Report which includes:

- Explaining the mix of housing on the site and how much of the overall housing stock will be proposed as affordable/ key worker housing.
- Detail the criteria for determining affordable/ key worker housing stock.

An Affordable/ Key Worker Housing Contribution Plan that:

Prior to the approval of the Development Plan, the owner of the land must provide for the provision of a contribution towards Provides affordable/ key worker housing to the satisfaction of Colac Otway Shire Council.

Figure 1: Irrewillipe Road Framework Plan

