



Submissions Committee Meeting Agenda

11 February 2025 at 3pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

Tuesday 11 February 2025

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COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

NOTICE is hereby given that the next **SUBMISSIONS COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Tuesday 11 February 2025 at 3:00 PM.

AGENDA

1 DECLARATION OF OPENING

OPENING PRAYER

Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.

AMEN

2 PRESENT

3 APOLOGIES

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and emerging.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Submissions Committee meetings live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Submissions Committee meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Submissions Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Submissions Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

This meeting will be livestreamed to the public via Council's You Tube channel (search Colac Otway Shire Council at www.youtube.com).

The sole purpose of this Submissions Committee meeting is to hear persons who indicated they wish to speak in support of their written submissions to the 'Hillview' *Eliminyt Development Plan (DPO9)*.

5 DECLARATIONS OF INTEREST

A Councillor who has declared a conflict of interest, must leave the meeting and remain outside the room while the matter is being considered, or any vote is taken.

6 CONFIRMATION OF MINUTES

RECOMMENDATION

That the Submissions Committee confirms the minutes of the Submissions Committee meeting held on 11 September 2024.

7 VERBAL SUBMISSIONS

The Mayor is to read out the names of the people who have confirmed they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A limit of 5 minutes will apply.

Item: 8.1

Hillview Elliminyt Development Plan (DPO9)

OFFICER	Bernadette McGovan
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. Development Plan Revision 15 (20/11/24) [8.1.1 - 1 page]

1. PURPOSE

To hear verbal submissions from the applicant and submitters about a Development Plan prepared for land in the General Residential Zone (GRZ1) in Elliminyt.

The role of the Submissions Committee is to hear submissions. The Submissions Committee meeting is not a decision-making forum, and the Committee has no authority to make a decision on the Development Plan. The merits of the Development Plan will be considered at a future Planning Committee or Council meeting, when it will be determined whether or not the Development Plan should be approved.

2. EXECUTIVE SUMMARY

The Hillview Development Plan area comprises multiple titles with a total area of approximately 35ha, located approximately 3.2km south of central Colac. The land has a western frontage to Colac-Lavers Hill Road, abuts Harris Road on its northern boundary in several locations and adjoins the Wyuna Estate on its eastern boundary.

The location and extent of the DPO9 overlay area is shown on the plans below. The Development Plan has been prepared to ensure coordinated and integrated development outcomes for the land, given the site context and scale, and the fact that not all of the land is in the same ownership. If approved, the Development Plan would help unlock land for approximately 345 new dwellings, providing a mix of lot sizes, as well as providing around 220 dwellings in a residential village.

LOCATION PLANS

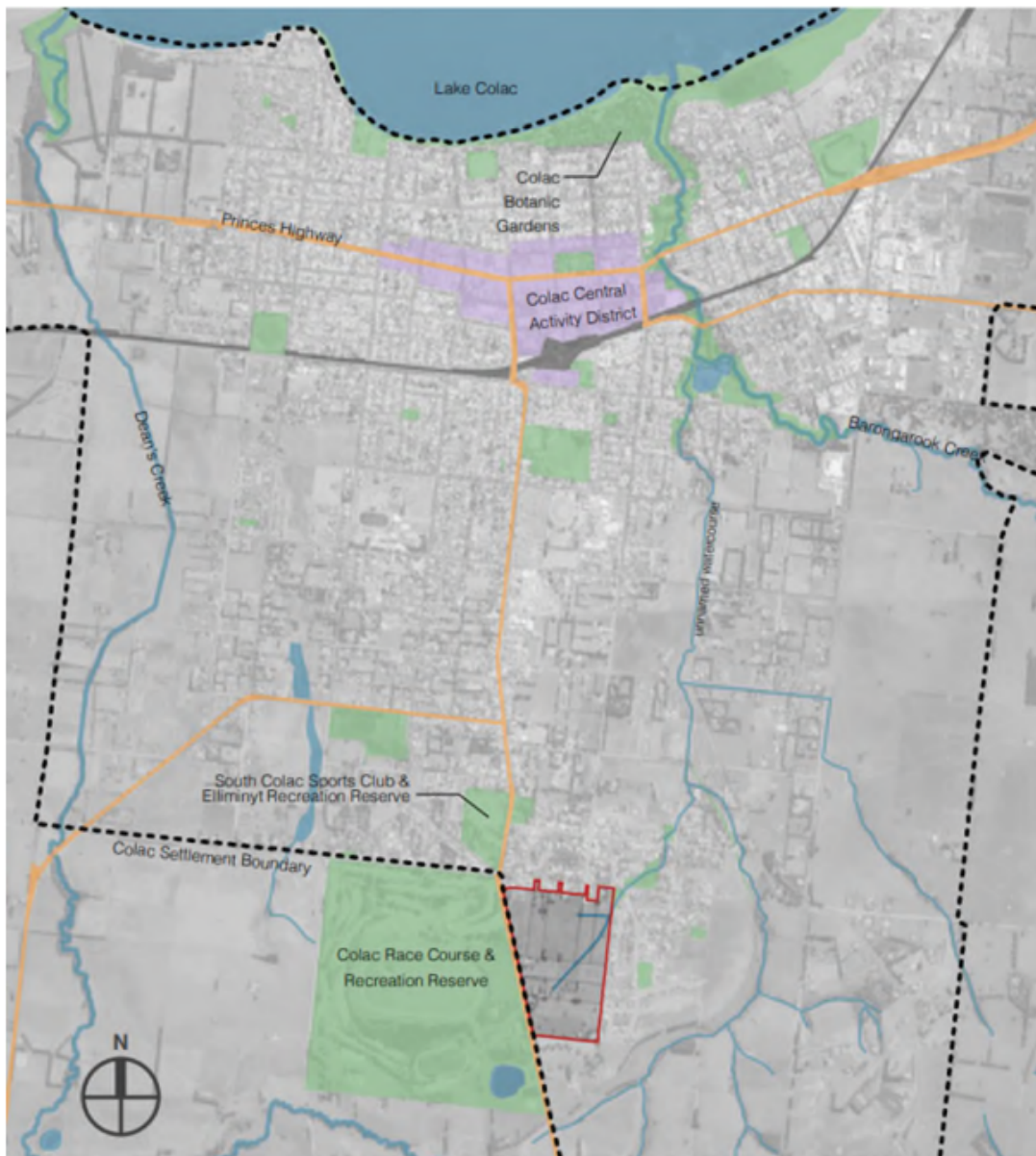


Figure 1 – Location plan with site outlined in red



Figure 3 – Development Plan area outlined in red

AERIAL PHOTO



Figure 3 – Aerial image with Development Plan area highlighted in blue

Whilst there is no statutory requirement for public notice of a development plan, it is Council's practice to informally notify surrounding residents of proposed development plans and to invite submissions, to enable an informed decision on the 'Hillview' Development Plan to be made. To date, six objections have been received in response to the informal notice undertaken by Council for the 'Hillview' Elliminyt Development Plan.

An officer report that discusses the planning merits of the Development Plan will be considered later at a future Planning Committee or Council meeting.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made in support of written submissions.*
- 2. Thanks the submitters and the applicant for their contribution to the submission process.*
- 3. Having heard all persons wishing to speak to their submissions, recommends that Council consider the Development Plan and all submissions at a future Planning Committee or Council meeting.*

4. KEY INFORMATION

The land to which the Development Plan Overlay applies is in the General Residential Zone (GRZ1), having been rezoned from Farming Zone under planning scheme amendment C127cola in late 2023. That planning scheme amendment also introduced Development Plan Overlay, Schedule 9 (DPO9 - 'Hillview' Elliminyt Development Plan) over the site. The land is also partially affected by the Land Subject to Inundation Overlay (LSIO1). No part of the land is in an area of cultural heritage sensitivity.

As noted above, Council has provided the local community with an opportunity to make submissions on an informal basis to enable an informed decision on the Development Plan to be made. The Development Plan was put on informal exhibition for three (3) weeks. Notices were sent to affected landowners, and to the owners and occupiers of land adjoining and opposite the site. The Development Plan was also advertised in the Colac Herald and on Council's Facebook page. At the time of writing this report, six submissions had been received.

Those notified have been advised that there are no third-party appeal rights (i.e., going to VCAT) for submitters.

Summary of key points raised through submissions

- Traffic concerns:
 - No connection to Colac-Lavers Hill Road proposed in stage 1 due to Land Lease Community (LLC) residential village. Single access only proposed along Harris Road until stage 2; construction of the Connector Road (Boronia Way extension to the west) must be completed prior to any houses being occupied in Hillview Estate.
 - Negligible traffic from Hillview Estate can be handled by Queen Street (estimated to be 13 additional lots, not 164 as claimed).
 - Traffic Report does not include actual increases since August 2023 or expected future traffic volumes from Wyuna Estate in traffic estimates for southern end of Queen Street.
 - Indicated there was agreement in 2023 that the connection of Boronia Way to Colac-Lavers Hill Road would be required prior to any further development of Elliminyt south of Harris Road beyond Wyuna Stage 19.
 - 'Right Turn' only signage on Harris Road is likely to be ignored; connection to Harris Road should be by a 'One Way' (heading south) road only with no exit allowed to Harris Road.
 - Turning across Harris Road to go to Queen Street will result in congestion around western Harris Road and the Queen Street intersection.

- Questioned why a road connecting Boronia Way extension to northern intersection with Colac Lavers Hill Road as shown in Hillview Framework Plan is not proposed.
 - The intersection of Boronia Way to Colac-Lavers Hill Road should be moved north of 75 Colac-Lavers Hill Road to avoid the hill.
 - Opportunity missed to fix the dangerous Harris Road/Lavers Hill intersection.
 - Colac-Lavers Hill Road is very busy with lots of trucks, especially log trucks, etc.
 - Two internal local access streets shown from Hillview Estate entering the rear of the LLC.
 - Widening access from the development onto the Colac-Lavers Hill Road; could be done properly with an island.
 - A 24-25m connector street should be included south of Boronia Way to connect land to the south which may be developed in future.
 - Page 20 of the Traffic Report should include 'No Parking' signs on one side of 6m wide carriageway streets (as required by CFA guidelines) to ensure CFA access.
 - No traffic calming controls for Boronia Way are included in the Traffic Report.
- The Harris Road swamp is described as a 'storage basin'; questioned if this means that there will be a visible body of water anticipated.
 - Questioning why does the LLC (8ha) require 3,200 cubic metres of stormwater storage, but the much larger Hillview Estate (26.41ha) only require 5,000 cubic metres. The residential development should be responsible for storing its own stormwater, not sending it to the Harris Road Swamp; impacts on Harris Road from increased runoff during rain events.
 - Inadequate noise and light control infrastructure to reduce the effects of shotgun noise and light emissions from the Colac Gun Club shooting range across the road; potential section 173 agreement suggested to protect the club's interests.
 - Noise and dust pollution; 1.7m high Colorbond fencing suggested for adjoining properties in the Wyuna estate to match existing fencing in the estate to combat noise and dust pollution.
 - Potential effects (zoning, upgraded services/sewer, obligations) on a property which does not form part of the DPO9/Development Plan area.
 - Insufficient detail on the LLC residential village; no roads, traffic consideration, building plans, green connections.
 - No planned waterway/green corridor south of Boronia Way to the southern edge of the development and to the Beechy Rail trail; no mention of how water south of Boronia Way will be handled.
 - No planned waterway/wildlife connection from the large open space area west of Colac-Lavers Hill Road (golf course and racetrack) through the LLC to the parkway.
 - No indoor community meeting places proposed in this development.
 - For safety, designated cycling/e-scooter lanes/path should be provided, (including from the LLC to Queen Street), separate to the pedestrian paths and roads, not just a 2.5m shared path. Best practice is to separate bicycle lanes from both pedestrian and car movements.

- Proposed street trees in the Landscape Masterplan will be too large for the 2m-3m wide nature strips and will overhang the carriageway and impede emergency access (3.5m width required).
- Pedestrian crossing of Colac-Lavers Hill Road should be a mandatory feature of the design of Hillview Estate, and not reliant on LLC development.
- A firm commitment is required to manage bushfire risk in a low threat state.
- Inconsistencies in lot numbers, staging plans/delivery of roads, road and paths widths in the Urban Design Masterplan, Landscape Master Plan, Traffic Report, Shared Infrastructure Funding Plan (SIFP); pedestrian crossing of Colac-Lavers Hill Road not consistently shown; proposal should be withdrawn and re-submitted when fixed.
- Query why is 45 Colac-Lavers Hill Road excluded?

Note: This site is included in the Development Plan. It is located centrally within the DPO9 area and is in separate ownership. A separate application will be required to subdivide this site.

- Concerns/suggestions from the owner of 45 Colac-Lavers Hill Road, which forms part of the Development Plan area, with a request for revisions to the layout of the Development Plan to accommodate these. The matters raised relate to access and connectivity; access from Colac-Lavers Hill Road; excessive earthworks - with submitter of the opinion that the proposed constructed waterway alignment should be revised to more closely align with the existing natural waterway; and realignment of water main.
- Effect on property prices for adjoining properties given the potential glut of housing this new development may cause.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report aligns with relevant Governance Principles by seeking to ensure that those who have made submissions on the Development Plan application, including the applicant and those informally objecting to the proposal, also have the opportunity to do so verbally to Councillors as the decision-makers in this case.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

This report has had regard to the provisions of the *Planning and Environment Act 1987* and the Colac Otway Planning Scheme. A full report with an officer assessment of the proposal will be presented to a future Planning Committee or Council meeting for consideration.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Any environmental and sustainability implications will be considered as part of the officer report assessing the proposal.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Whilst the consideration of a Development Plan does not involve a formal process of public consultation, Council has provided the local community with an opportunity to make submissions. The Development Plan was exhibited for three (3) weeks, with notices sent to

affected landowners, and to the owners and occupiers of land adjoining and opposite the site. The Development Plan was also advertised in the Colac Herald and on Council's Facebook page. There is no statutory requirement for notice to be given and those notified have been advised that there are no third-party appeal rights for submitters.

Public Transparency (s58 LGA 2020)

A Submissions Committee meeting provides an opportunity for people to speak to their submission, providing further clarity around key points they wish to convey to Council and for the applicant to respond to concerns raised. The applicant and objectors will also be invited to attend the future Planning Committee or Council meeting at which a decision on the Development Plan will be made. The officer report on the application will be made publicly available prior to that meeting.

Alignment to Plans and Strategies

Alignment to Council Plan 2021-2025:

The officer report presented to the future Planning Committee or Council meeting will make an assessment of how the proposal meets relevant planning policy.

Financial Management (s101 Local Government Act 2020)

Not applicable.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Following the Submissions Committee meeting, a report on the Development Plan will be presented to a future Planning Committee or Council meeting for consideration. This will have regard to submissions received since informal notice was undertaken.

Human Rights Charter

No impact.

Officer General or Material Interest

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

Options

Option 1 – Note the verbal submissions

This option is recommended by officers as the purpose of the meeting is to hear verbal submissions. The merits of the planning application will be considered at a future Planning Committee or Council meeting.

URBAN DESIGN MASTERPLAN

Site Area			
Area (ha)	% Site	% NDA	
34.41			
Land Lease Community (LLC)	8.00	23.26%	-
Subtotal	8.00	23.26%	-
Site Area (excluding LLC)			
Area (ha)	% Site (excluding LLC)	% NDA	
26.41			
Non Credited Open Space			
Waterway and Drainage	0.61	2.29%	2.55%
Subtotal	0.61	2.29%	2.55%
Credited Open Space			
Local Park Network	0.66	2.52%	2.80%
Green Corridor	1.41	5.34%	5.95%
Subtotal	2.08	7.86%	8.75%
Total	2.68	10.15%	11.30%
NDA	23.73	89.85%	100.00%

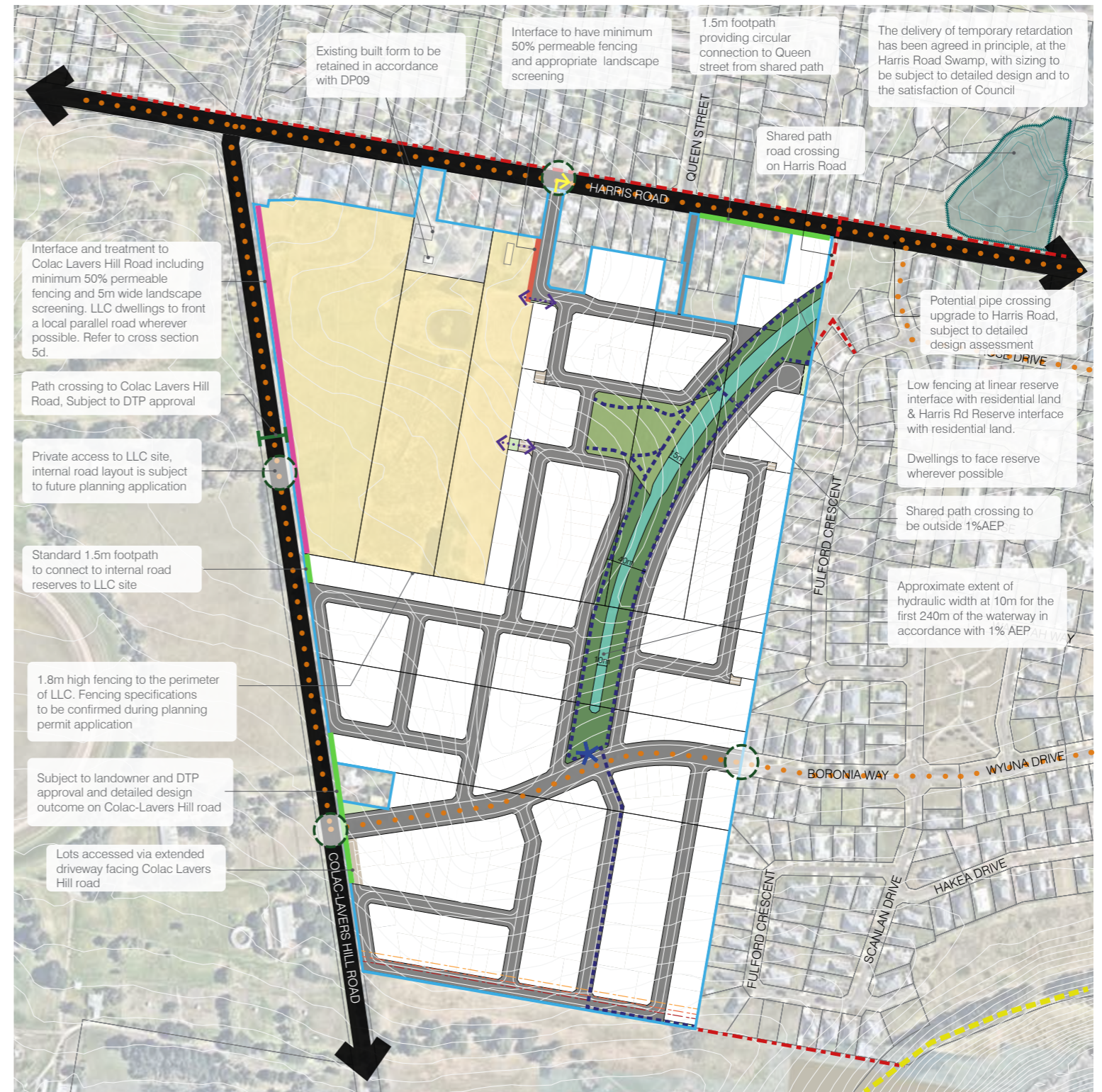
Land Use			
Area (ha)	% Site	% NDA	
Residential	15.73	59.57%	66.31%
Existing lot	0.55	2.08%	2.32%
Roads/Mews	7.37	27.90%	31.05%
Non Credited Open Space	0.08	0.29%	0.33%
Total	23.73	89.85%	100.00%

NOTES:

- ▶ Access to the development will be via Harris Road and controlled by the Queen Street lot capacity. Prior to the commencement of each stage, a traffic assessment should be done to determine Queen Street's capacity. Before this is exceeded it will trigger the need to construct the Colac-Lavers Hill Road intersection.
- ▶ Approval required for removal of native vegetation
- ▶ Lots under 400sqm to provide 25% garden area
- ▶ Provision of 1.5m (wide) standard paths throughout the estate on the proposed street network
- ▶ The development plan application will need to be revised should LLC not proceed.
- ▶ The development plan will include the requirement for construction management plan to manage interfaces noting that the site is predominantly under the control and management of a single entity.

LEGEND

- Development Plan Boundary
- Site Entry
- Potential Bus Route
- Shared Path (Botanic Link)
- Potential Pedestrian Connection for LLC Residents (Subject to LLC design)
- Existing Built Form to be retained in accordance with DP09
- Path Extension Outside DP09 (Delivered by others)
- Old Beechy Rail Trail (Delivered by others)
- Basin Batter Top
- BAL 12.5 - 19m
- BAL 19 - 13m
- BAL 29 - 9m
- Pedestrian crossing
- 1.5m footpath
- Indicative Location of Bus Stop and Shelter



INDICATIVE DEVELOPMENT PLAN

Elliminyt Hill, Colac

DRG NO. UD ID 01 DEVELOPMENT PLAN
CAD REV UD C 02 rev5

REV 15

DATE 20/11/2024

DES/DOC M/J/AC

AUTH ER

