



Colac Otway
SHIRE

SUBMISSIONS COMMITTEE MEETING

AGENDA

Wednesday 11 September 2024

at 3:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

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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 Wednesday 11 September 2024 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 AND REASON FOR MEETING

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

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 Colac West Development Plan.

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.

Councillors are also encouraged to declare circumstances where there may be a perceived conflict of interest.

6 CONFIRMATION OF MINUTES

- **Submissions Committee meeting held on 14 August 2024.**

RECOMMENDATION

That the Submissions Committee confirm the minutes of the Submissions Committee meeting held on 14 August 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

Colac West Development Plan

OFFICER	Ian Williams
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Planning and Strategic Focus
ATTACHMENTS	1. Development Plan v.7 [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 Colac West.

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, which will be considered later by Councillors at the Unscheduled Council Meeting on 11 September 2024.

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. Three objections were received in response to the informal notice undertaken by Council for the Colac West Development Plan.

2. EXECUTIVE SUMMARY

A Development Plan for land between Lake Colac and Murray Street in Colac West, which was prepared under Development Plan Overlay, Schedule 2 (DPO2 – Future Residential Areas), has submitted to Council for approval. Given the site context, scale and the number of parcels in different ownership, the Development Plan has been prepared to ensure coordinated and integrated development outcomes for the land. If approved, the Development Plan would help unlock land for approximately 450-600 new dwellings, providing a mix of lot sizes.

Whilst 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 to enable an informed decision on the Colac West Development Plan to be made. Those notified have been advised that there are no third-party appeal rights (i.e., going to VCAT) for submitters.

An officer report that discusses the planning merits of the Development Plan will be considered later at the Unscheduled Council Meeting on 11 September 2024.

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 the Unscheduled Council meeting on 11 September.*

4. KEY INFORMATION

The land to which the Development Plan Overlay applies is in the General Residential Zone (GRZ1). The western boundary of the land is delineated by Rifle Butts Road, with land further to the west being in the Farming Zone. Lake Colac, which is within the Public Conservation and Resource Zone (PCRZ), is on the northern boundary.

To the east, the land covered by DPO2 extends as far as existing developed land in the GRZ1 in Stodart Street and Moore Street, and to the rear gardens of properties in Bilson Street. To the south, the land covered by DPO2 extends to the former Colac Secondary School site (which is nominated for a special development school by the Department of Education and Training), and a proposed open space reserve – all that adjoining land is within the Public Use Zone (PUZ2 - Education). Further south the DPO2 land extends to Murray Street, which is a Transport Zone 2 (TRZ2). The Development Plan area is outlined in red in the aerial image below.



Whilst, as noted above, there is no statutory requirement to undertake notice, 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. Four signs were installed around the site, letters were sent to nearby properties and notice was published in the Colac Herald. Those notified have been advised that there are no third-party appeal rights (i.e., going to VCAT) for submitters. At the time of writing this report, there were three (3) objections to the Development Plan.

All three objections relate to the draft Shared Infrastructure Funding Plan (SIFP) submitted by the proponent for the Development Plan. In summary, the objectors consider that the project costing distributions would be unfair on the Rifle Butts Road landowners. The objections state that the proposed Stodart Street extension, Moore Street extension, north-south roads and intersections, plus the majority of the shared pathways, are required for the proponents to be able to subdivide their land and are not the responsibility of the landowners in Rifle Butts Road.

The objections also state that the decision to put the wetlands on contaminated land was made by the proponents and this should not be the responsibility of the other landowners.

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 the Unscheduled Council Meeting on 11 September 2024 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. As noted above, four signs were installed around the site, letters were sent to nearby properties and notice was published in the Colac Herald. 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 Councillors and for the applicant to respond to concerns raised. The applicant and objectors have also been invited to attend the Unscheduled Council Meeting on 11 September 2024, 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:
{council-plan}

The officer report presented to the Unscheduled Council Meeting on 11 September 2024 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 Councillors at the Unscheduled Council Meeting on 11 September 2024 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 the Unscheduled Council meeting on 11 September 2024.

