

SURF COAST PLANNING SCHEME
AMENDMENT C138surf
PLANNING PERMIT APPLICATION PG21/0085
EXPLANATORY REPORT

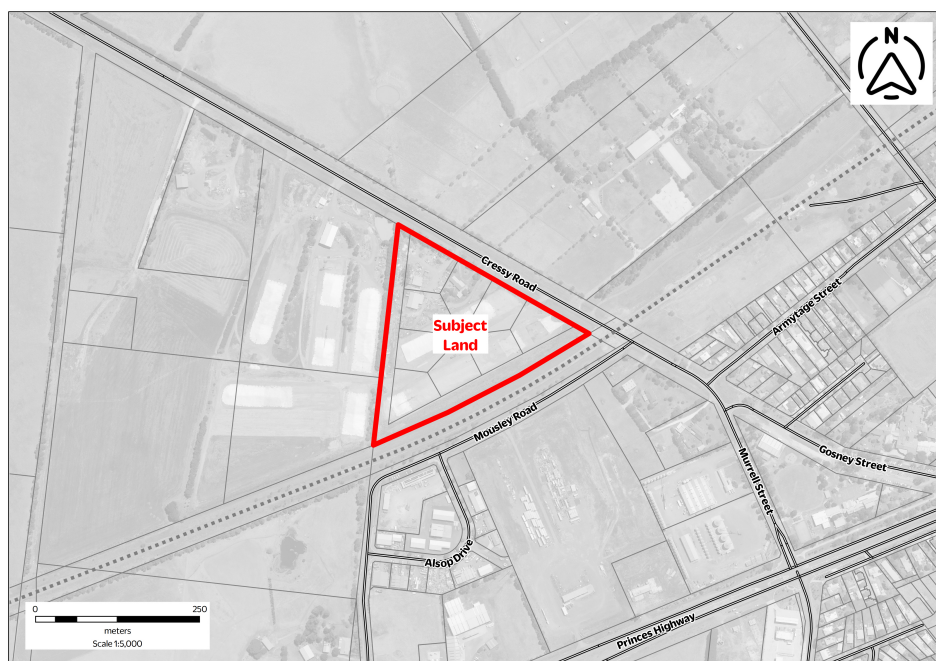
Who is the planning authority?

This amendment has been prepared by the Surf Coast Shire Council, which is the planning authority for this amendment.

The amendment has been made at the request of JR & KA Developments Pty Ltd.

Land affected by the amendment

The amendment applies to land at 25 Cressy Road, Winchelsea (Crown Allotments 1-9 on Title Plan 317193G, Section 72 Parish of Mirnee).



Map 1.1: Locality map – 25 Cressy Road, Winchelsea

A mapping reference table is attached at Attachment A to this Explanatory Report.

The amendment is a combined planning permit application and planning scheme amendment under Section 96A of the Planning and Environment Act of 1987.

The planning permit application applies to land at 25 Cressy Road, Winchelsea (Crown Allotments 1-9 on Title Plan 317193G, Section 72 Parish of Mirnee).

What the amendment does

The amendment proposes to rezone 3.9 hectares of Farming Zone land to the Industrial 1 Zone and apply the Design and Development Overlay – Schedule 5.

The amendment:

- Amends Planning Scheme Map No. 8 to change the zoning of the site from Farming Zone to Industrial 1 Zone.
- Amends Planning Scheme Map No. 8DDO to apply the Design and Development Overlay – Schedule 5.
- Amends the Winchelsea Framework Plan at Clause 02.04-4 to include land at 25 Cressy Road, Winchelsea within the defined settlement boundary.

The planning permit application seeks approval for:

- The subdivision of land to create 23 industrial lots.

The draft planning permit has been prepared and is exhibited as part of this amendment.

Strategic assessment of the amendment

Why is the amendment required?

Amendment C138surf is required to facilitate additional zoned industrial land supply in a designated growth town. The rezoning request is considered to be consistent with the policy directions of the *Growing Winchelsea Shaping Future Growth Strategy (2015)*, which identify the subject land as being located within an area designated for a future employment precinct.

The existing Winchelsea Industrial Estate contains 19 hectares of Industrial 1 Zoned land on the western entrance to Winchelsea, north of the Princes Highway. The Winchelsea Industrial Estate supports a number of service businesses and light industrial activities, however future expansion is constrained by both physical factors including a railway line and highway interface, and current land tenure arrangements.

The proposal is supported by an Industrial Land Supply and Demand Assessment. The report prepared by Spatial Economics in 2020, found that the Winchelsea industrial land supply market is characterised by:

- a small number of vacant lots (5 lots)
- a total of 3.4 hectares of vacant land
- no industrial land sales activity in recent years.

The study recognises that Winchelsea has a low rate of industrial land consumption, with a take up rate of 0.3 hectares per annum. At the current consumption rate Winchelsea has a supply of 9 years of Industrial 1 Zoned land assuming 'the larger lots are subdivided to smaller lots'. The proposal presents an opportunity to increase the number of smaller, serviced industrial lots available to the market and will thereby facilitate new business investment.

Future development of the subject land will be guided by the Design and Development Overlay – Schedule 5. This control is applied to other industrial estates located within Surf Coast Shire, where it has facilitated good development outcomes.

How does the amendment implement the objectives of planning in Victoria?

The amendment is considered to meet the objectives for planning in Victoria for the following reasons:

- The proposal provides for the orderly, economic and sustainable use and development of land within the town of Winchelsea.
- Conditions of planning permit consent will ensure that the development does not have an adverse impact on natural and man-made resources.
- The proposed use and development will provide for the efficient development of an industrial estate in a growing regional town.
- Technical reports demonstrate that the proposal will not have an unreasonable impact on public utilities.

As previously noted, the proposal is supported by policies contained within the Surf Coast Planning Scheme and the *Growing Winchelsea Shaping Future Growth* strategy.

How does the amendment address any environmental, social and economic effects?

The proposal is supported by a range of technical assessment reports detailing how the subdivision will address a range of environmental, social and economic considerations to prevent any detrimental impacts on the subject land or the immediately surrounding environment.

Technical reports successfully demonstrate that the subject land is not:

- Prone to flooding
- Impacted by salinity or erosion
- Encumbered by any remnant native vegetation.

The application is supported by a Bushfire Assessment Report prepared by South Coast Bushfire Consultants. The report provides a detailed response to Clause 13.02-1S of the Surf Coast Planning Scheme.

The proponent has carefully considered the historic use of the subject land and the directly adjoining land parcels. Jet Environmental Consultants have prepared a Landfill Gas Risk Assessment to address any potential impacts associated with a decommissioned municipal landfill previously operating at 75 Cressy Road. The assessment found that the risk of subsurface landfill gas migration from the former quarry site is very low. The report provides the following recommendations:

- No ongoing management or monitoring of landfill gas is recommended with respect to the proposed site rezoning and subdivision.
- Further assessment of landfill gas risk via an environmental audit under Section 53V of the Environmental Protection Act 1970 is not recommended for the site.

It is considered that the proposal will result in net community benefit through increased economic activity. During the construction phase the subdivision will support local jobs in construction. Once complete the business estate will increase the supply of serviced industrial lots and thereby encourage new business activity.

Does the amendment address relevant bushfire risk?

The subject land is not covered by the Bushfire Management Overlay, however it is located within a Bushfire Prone Area.

The proposal is supported by a Bushfire Risk Assessment Report prepared by South Coast Bushfire Consultants (May 2021). The assessment has determined that all proposed lots within the subdivision can achieve a BAL rating of 12.5.

More specifically, the report identifies a number of features of the subdivision design that provide an appropriate response to identified bushfire risk. Bushfire protection measures include:

1. The ongoing management of the surrounding road reserves in line with the license agreements with council.
2. The construction of a steel boundary fence to the western aspect.
3. Management of all vegetation within the subdivision to a low threat condition.

The report provides further support for the amendment indicating that *“the appropriate development of this site will reduce the grassland hazards on the western interface of the township, ultimately reducing the vulnerability of the Winchelsea township from a grassfire attack from the west”*.

Preliminary comments have been sought from the Country Fire Authority. The CFA has provided a number of recommendations encouraging further consideration of bushfire risk at a landscape scale.

Conditions of a draft planning permit consent will require the proponent to prepare additional information responding to issues identified by the CFA.

Does the amendment comply with the requirements of any Minister’s Direction applicable to the amendment?

The amendment complies with the following Ministerial Directions:

- Ministerial Direction No. 1 - Potentially Contaminated Land

- Ministerial Direction No. 11 - Strategic Assessment of Amendments
- Ministerial Direction No. 19 – Preparation and Content of Amendments that May Significantly Impact the Environment, Amenity and Human Health
- Form and Content of Planning Schemes (Section 7[5] direction)

Ministerial Direction No. 1 requires consideration of the potential for land contamination. A Landfill Gas Risk Assessment lodged in support of the proposal has considered the historic use of the subject land and the potential for a range of environmental impacts. The report did not identify any significant land contamination issues, nor did it detail any previous land use activities that might result in contamination of the land.

The requirements of Ministerial Direction No 19 are considered to be relevant to the consideration of the amendment given that the subject land is located within 500 metres of a former municipal landfill site. In response to the requirements of Ministerial Direction No. 19 the applicant engaged Jet Environmental Consultants to prepare a detailed Landfill Gas Risk Assessment Report. The Landfill Gas Risk Assessment Report recommends that no ongoing management or monitoring of landfill gas is required. Furthermore, the report indicates that an environment audit under Section 53V of the Environment Protection Act 1970 is not recommended for the site.

Ministerial Direction 19 requires the responsible authority to seek the written views of the Environmental Protection Authority (EPA). The EPA has reviewed the Landfill Gas Risk Assessment prepared by Jet Environmental Consultants and recommend further consideration of the following matters:

- The future use / retention of the existing dwelling at 25 Cressy Road.
- Permit controls to prevent the construction of sub-surface structures (i.e. cellars, basements or lift shafts) in any resulting industrial land development.

The EPA have not provided draft planning permit conditions at this stage in the assessment process.

The form and content of the proposed amendment is consistent with Ministerial Direction – The Form and Content of Planning Schemes. As set out in this explanatory report the amendment is consistent with Ministerial Direction No. 11.

How does the amendment support or implement the Planning Policy Framework and any adopted State policy?

The amendment supports and implements:

- Clause 11.02-1S (Supply of urban land) seeks to ensure that there is a sufficient supply of land provided within the Shire for industry. The proposal will deliver 23 serviced industrial lots, each with an area of between 1000 and 2500 square metres.
- Clause 11.02-2S (Structure planning) seeks to ensure the orderly development of land through the preparation of structure plans. The proposal is consistent with directions contained with the *Growing Winchelsea Shaping Future Growth Plan* regarding locations for future employment land.
- Clause 13.02-1S (Bushfire planning) is relevant to land located with a Bushfire Prone Area. As previously noted, the amendment is supported by a technical report responding to the specific requirements of Clause 13.02-1S.
- Clause 13.04-1S (Contaminated and potentially contaminated land) aims to ensure that contaminated and potentially contaminated land is or will be suitable for its intended future use and development, and that this land is used and developed safely. The former use of the subject land and the directly adjoining parcels have been considered in the investigation of potential impacts associated with a nearby decommissioned municipal landfill. The subject land is considered to have a very low risk of contamination and is therefore considered to be an appropriate location for industrial land use and development.
- Clause 14.01-1S (Protection of agricultural land) seeks to preserve productive farmland from unplanned loss due to permanent changes to land use. The subject land is zoned Farming Zone and is currently utilised for the purposes of grain storage. A planning permit has been issued to allow the relocation of the existing grain storage activities to a nearby parcel of land. The development of the subject land would not detrimentally impact an existing viable farming operation.

- Clause 17.01-1S (Diversified economy) seeks to 'Protect and strengthen existing and planned employment areas and plan for new employment areas'. Further the policy seeks to 'improve access to jobs closer to where people live' and 'support rural economies to grow and diversify'.
- Clause 17.03-1S (Industrial land supply) seeks to ensure the availability of land for industry in appropriate locations. The policy requires consideration of the EPA document '*Recommended separation distances for industrial residual air emissions*' (Publication 1518, Environment Protection Authority, March 2013). The guide provides recommendations for interface treatments and buffer distances to prevent amenity impacts as a result of dust and odour emissions.

The amendment supports the following Regional and Local Planning Policies as detailed below:

- Clause 11.01-1R (Settlement – Geelong G21) by providing an appropriately located additional supply of industrial land to meet community needs in accordance with the G21 Regional Growth Plan.
- Clause 17.01-1R (Diversified economy – G21 region) seeks to support new businesses that provide employment and innovation opportunities in identified employment nodes across the region.
- Clause 17.03-1R (Industrial land supply – Geelong G21) seeks to 'Plan for the expansion of industrial employment areas in Colac and Winchelsea'.
- Clause 17.03-1L (Industrial land supply) seeks to 'discourage industrial use and development along the Princes Highway outside of industrial zones in Winchelsea'.

How does the amendment support or implement the Municipal Planning Strategy?

The amendment supports the strategic directions of the Municipal Planning Strategy through the implementation of the following policies:

- Clause 02.03-7 – By facilitating 'business and industry ventures in Winchelsea that provide local services'.
- Clause 02.04-1 – By supporting growth in an identified 'Urban Growth Centre'.
- Clause 02.04-4 – By supporting the logical expansion of the 'Industrial Estate' on the western boundary of the Winchelsea township.

Does the amendment make proper use of the Victoria Planning Provisions?

The amendment makes proper use of the Victorian Planning Provisions by applying the appropriate zone and overlay controls to facilitate the future use of the subject land for employment generating activities.

How does the amendment address the views of any relevant agency?

Council has sought preliminary comments from a range of agencies, including the following:

- EPA
- CFA
- Department of Transport
- Barwon Water
- Powercor
- VicTrack

Referral responses have informed conditions on the draft planning permit.

Does the amendment address relevant requirements of the Transport Integration Act 2010?

The amendment is supported by a Traffic Impact Assessment Report prepared by Traffix Consultants. The proposal is not expected to have a significant impact on the transport system.

Resource and administrative costs

What impact will the new planning provisions have on the resource and administrative costs of the responsible authority?

Council has considered resource implications associated with the administration of Amendment C138. It is acknowledged that the rezoning and subdivision request will result in future planning permits for building and works. It is considered that future planning applications can be considered within legislative timeframes under existing operating budgets.

Where you may inspect this amendment

The amendment can be inspected free of charge at the Surf Coast Shire Council website at <https://www.surfcoast.vic.gov.au/Property/Planning-and-Building/Planning/Land-use-planning>.

The Amendment is also available for public inspection, free of charge, during office hours at the following places:

- Surf Coast Shire Council, 1 Merrijig Drive, Torquay – during office hours

The amendment can also be inspected free of charge at the Department of Transport and Planning website at www.planning.vic.gov.au/public-inspection or by contacting the office on 1800 789 386 to arrange a time to view the amendment documentation.

Submissions

Any person who may be affected by the amendment and/or planning permit may make a submission to the planning authority. Submissions about the amendment and/or planning permit must be received by 27 February 2023.

A submission must be sent to: Co-ordinator Strategic Land Use Planning, Surf Coast Shire, PO Box 350, Torquay VIC 3228.

Alternatively you may also lodge a submission online via www.surfcoast.vic.gov.au/C138.

Panel hearing dates

In accordance with clause 4(2) of Ministerial Direction No.15 the following panel hearing dates have been set for this amendment:

- directions hearing: 5 June 2023
- panel hearing: 31 July 2023

ATTACHMENT A - Mapping reference table

Location	Land /Area Affected	Mapping Reference
Winchelsea	Part of 25 Cressy Road, Winchelsea (known as Crown Allotments 1-9, Section 72, Parish of Mirnee)	Surf Coast C138 001znMap8 Exhibition Surf Coast C138 002ddoMap8 Exhibition