

# Colac Otway Amendment C97 – Colac 2050 Growth Plan

## Part C Submission

On behalf of the Colac Otway Shire Council

### 1 INTRODUCTION

1. The following forms Council's Part C submission to the independent Panel appointed by the Minister for Planning to consider submissions to Amendment C97 to the Colac Otway Planning Scheme. It is Council's right of reply to matters raised at the Hearing.
2. It follows Council's Part A and Part B submissions.

### 2 RESPONSE TO MATTERS RAISED AT THE HEARING

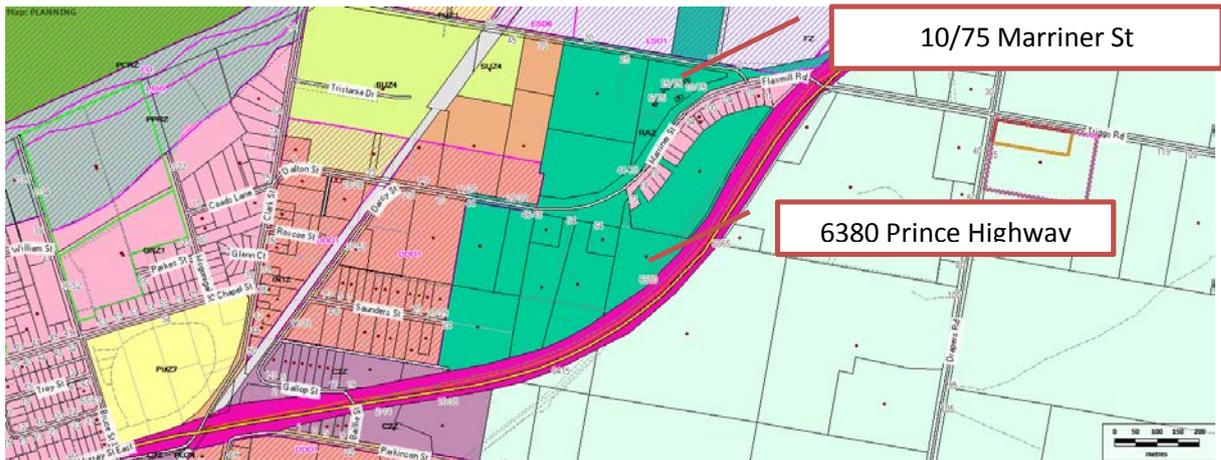
3. A number of matters were raised at the Hearing which Council seeks to respond to.
4. These include:
  - Matters raised in the EPA submission
  - Matters raised in relation to the area north the Highway, and south of Flaxmill Road
5. The Panel also requested further information about rural living / low density land supply, and information about bushfire risk. These two matters will be dealt with verbally.

#### 2.1 EPA Submission

6. Council note that the EPA is not adverse to buffers being shown on the Framework Plan. Council maintains that it is important to show this spatial constraint on the plan. Whilst it recognises the Framework Plan should be as clear as possible, it reiterates that it is important also to identify known constraints. Given the land next to important industrial areas is identified for zones which permit sensitive uses, it is submitted that it is important to show where this on the map, and link this with text in the provisions of 21.03-2.
7. The EPA made submissions in relation to amendments to Clause 21.03-2 to ensure appropriate separation distances are maintained and sensitive uses are not impacted by industrial uses.
8. Council support the refinements suggested by the EPA, and looks forward to working with them as part of future planning processes.
9. Council also recognise the need to manage the potential for contamination, and considers the proper stage to address this is as part of the rezoning process. Council is aware of the potential contamination risk associated with the Rifle Club and has already begun consultation with them to consider alternative sites. We recognise that any future use of the land is likely to require remediation.

#### 2.2 Area north the Highway, and south of Flaxmill Road

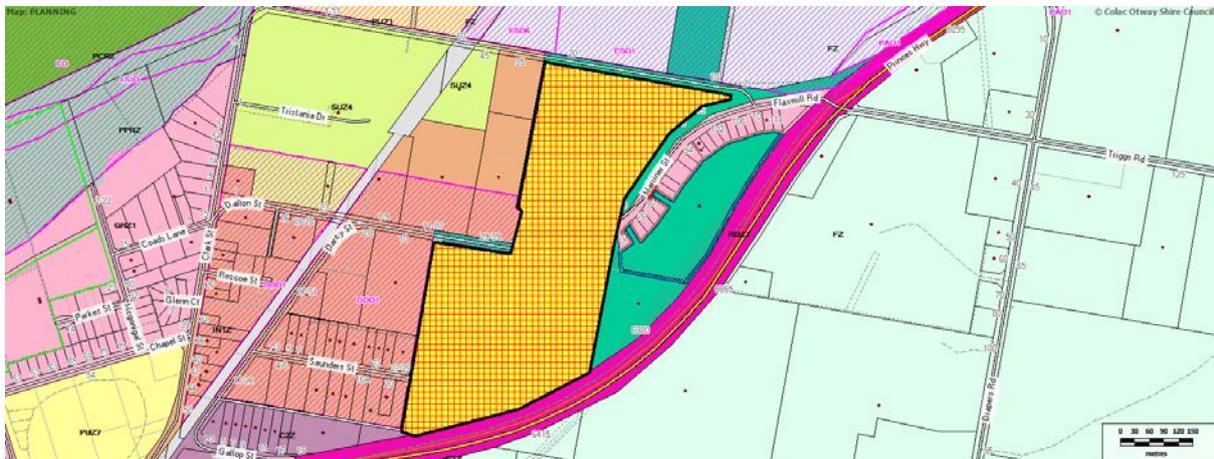
10. Council notes Ms Bright's submission in relation to 82 Marriner Street. She submitted the land at 6380 Princes Highway, and 10/75 Marriner Street was potentially suitable for a General Residential Zone.



11.

**Figure 1 Land north of the highway, south of Flaxmill Road**

12. Council submit that 10/75 Marriner Street, Colac is not suitable for a General Residential Zone because it fronts Flaxmill Road which is a major truck route for ALC. ALC has worked extensively to mitigate impacts to their western residential interface by relocating their major access point via Flaxmill Road. Council does not support further residential uses on this road which could compromise ALC's access.
13. Council note there may be an opportunity for part or all of 6380 Princes Highway to be used for residential purposes, although part of this land does fall within buffer distances from ALC and AKD, but not all of it. It is submitted if the Panel forms the view that some of the land is suitable for residential uses, that guidance is provided that only the part which is outside buffer areas is suitable.
14. In relation to the balance of the land in this area (identified in the map below, Council note it is about 22.04ha in area.



**Figure 2 Area for IN3Z / SUZ / CDZ**

15. Whilst Council note that the EPA has suggested the C2Z and confirms their view that sensitive uses are not suitable for this location, Council considers a C2Z is not a suitable zone choice.
16. However, having reflected further, Council agrees that it is unlikely that any dwellings would be permitted in this area given the numerous buffers involved, and that a more suitable zone choice would involve some commercial uses such as warehousing, storage and the like.
17. Council considers the only suitable standard VPP zone choice here is IN3Z noting that industry is a permit required use. This zone would require policy to discourage industrial uses in this area because of the residential uses to the east.
18. A C2Z is considered unsuitable because it would potentially undermine Council's retail strategy and intention for C2Z land to the west of Colac with 22+ha of additional commercial land.

19. Other preferred options include a Special Use Zone or Comprehensive Development Zone to tailor a control to exclude industry, and support uses such as warehousing and range of uses typical of IN3Z (without the industry). It should also prohibit dwellings.
20. Council welcomes the Panel's recommendation about this matter.
21. Council will verbally respond to other issues identified by the Panel.

### **3 CONCLUSION**

22. This completes Council's Part C submission.
23. Council welcomes the Panel's consideration of the Amendment, and respectfully requests a recommendation to adopt the Amendment with the suggested changes.

Suzanne Barker

Director, Town Matters Pty Ltd

On behalf of Colac Otway Shire Council