



Colac Otway
SHIRE

7 December 2022

**Planning Committee meeting
Unconfirmed Resolutions**

Confirmation of Minutes

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Kate Hanson

That the Planning Committee confirm the minutes of the Planning Committee meeting held on 12 October 2022.

CARRIED 6 : 0

Item 8.1 – Development Plan (DPO5) - Amended - 6230 and 6280 Great Ocean Road Apollo Bay - Consideration of Submissions

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Graham Costin

That the Planning Committee:

- 1. Acknowledges the submissions received in response to the informal public notice undertaken for the Development Plan for 6230 and 6280 Great Ocean Road, Apollo Bay.**
- 2. Thanks the submitters for their informal input.**
- 3. Resolves to consider all written submissions and verbal presentations made in respect of submissions at a future meeting to consider adoption of the Development Plan.**

CARRIED 6 : 0

Item: 8.2 – PP223/2022-1 - 1140 Irrewillipe Road, Barongarook West - Use and Development of Land for Dwelling**RESOLUTION**

MOVED Cr Kate Hanson, SECONDED Cr Margaret White

That the Planning Committee resolves to Refuse to Grant a Permit for the Use and Development of the Land for a Dwelling and Construction of One Agricultural Building at 1140 Irrewillipe Road, Barongarook West (Lot 1 TP: 118801U V/F: 9826/929 Parish of Irrewillipe) for the following reasons:

- 1. The proposed dwelling is contrary to clauses 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the Colac Otway Planning Scheme, which seek to protect high quality agricultural land and 'Farmland of Strategic Significance', and to limit rural residential development unless an application adequately demonstrates that a dwelling is genuinely required to carry out a long term agricultural activity having regard to the size of the lot, and the intensity and ongoing nature of the proposed agricultural activity.**
- 2. The proposed use and development of a dwelling on the land does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the Planning Scheme, given that:**
 - a) It has not been adequately demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.**
 - b) The proposal has the potential to limit the operation and expansion of adjoining and nearby agriculture uses.**
 - c) The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.**
- 3. The proposed dwelling does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.**

EQUAL 3 : 3

DIVISION

For the motion: Cr Kate Hanson, Cr Margaret White, Cr Chris Potter

Against the motion: Cr Stephen Hart, Cr Jamie Bell, Cr Graham Costin

The Mayor used their casting vote to vote in favour of the motion. The motion was CARRIED.

Item: 8.3 - PP101/2020-1 - 979 Corangamite Lake Road, Cororooke - Use and Development of Land for Dwelling

Cr Graham Costin declared a material conflict of interest pursuant to section 128 of the *Local Government Act 2020* and left the meeting at 5.32pm prior to discussion taking place.

RESOLUTION

MOVED Cr Stephen Hart, **SECONDED** Cr Jamie Bell

That the Planning Committee:

- 1. Defers the decision on the application for planning permit seeking approval for the Use and Development of the Land for a Dwelling and Store at 979 Corangamite Lake Road, Coragulac to allow further time for the applicant to provide information requested by planning officers.**
- 2. Considers an officer report on the application when the requested information has been supplied to officer's satisfaction, or no later than the scheduled May 2023 Planning Committee meeting, whichever occurs first.**
- 3. Acknowledges that the only reason for refusal of the shed at this time is reason 5 (the Zincolume roof on the shed), and a new application for the construction of a shed that addresses the concern in that reason may be assessed in a more timely and simplified manner under delegation by officers.**

CARRIED 5 : 0

Cr Graham Costin returned to the meeting at 5.55pm after the vote was taken.

Item: 8.4 – PP188/2021-1 - 255 Colac Ballarat Road, Irrewarra - Use and Development of a Dwelling**RESOLUTION**

MOVED Cr Graham Costin, SECONDED Cr Stephen Hart

That the Planning Committee resolves to Grant a Permit for the Use and Development of the Land for a Dwelling at 255 Colac Ballarat Road, Irrewarra (Lot 2 TP863303, V/F: 6847/270), subject to the following conditions:

Endorsed Plans

- 1. The use and development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.***

Consolidation

- 2. Prior to commencement of development, Lot 2 TP863303D (currently part of V/F: 6847/270) and Lot 1 TP837025 (V/F: 8738/818) must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

Dwelling Infrastructure

- 3. Prior to the initial occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:***
 - a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***
 - b) The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
 - c) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.***
 - d) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

Access

- 4. Prior to the commencement of development, unless otherwise agreed in writing by the Responsible Authority, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.***
- 5. Prior to the initial occupation of the dwelling hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3 metres, to the satisfaction of the Responsible Authority.***

Stormwater

- 6. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.***
- 7. The site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for***

Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.

Wastewater

8. An onsite wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.

Expiry

9. This permit will expire if one of the following circumstances applies:

- a) The development is not commenced within three years of the date of this permit.**
- b) The development is not completed, and the use is not commenced, within five years of the date of this permit.**

In accordance with section 69 of the Planning and Environment Act 1987, an application may be made to the Responsible Authority to extend the periods referred to in this condition.

Notes:

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the dwelling.**
- 2. Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.**
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.**
- 4. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.**
- 5. A separate application to install an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that a new Land Capability Assessment by a suitably qualified person be submitted for approval at the onsite wastewater permit application stage, unless otherwise agreed in writing.**

CARRIED 4 : 2

DIVISION

For the motion: Cr Graham Costin, Cr Margaret White, Cr Stephen Hart, Cr Jamie Bell

Against the motion: Cr Kate Hanson, Cr Chris Potter

Item: 8.5 – PP70/2022-1 - 1075 Larpent Road, Larpent - Use and Development of Dwelling**RESOLUTION**

MOVED Cr Kate Hanson, **SECONDED** Cr Margaret White

That the Planning Committee resolves to Refuse to Grant a Permit for the Use and Development of the Land at 1075 Larpent Road, Larpent (Lot 1 PS024858 V/F: 07795/142) for a Dwelling, on the following grounds:

- 1. The proposal is contrary to clauses 02.03-1 (Settlement), 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the Colac Otway Planning Scheme, which seek to protect high quality agricultural land and to limit rural residential development unless an application adequately demonstrates that a dwelling is genuinely required to carry out a long term agricultural activity having regard to the size of the lot, and the intensity and ongoing nature of the proposed agricultural activity.**
- 2. The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the Planning Scheme, given that:**
 - a) It has not been adequately demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.**
 - b) The proposal has the potential to limit the operation and expansion of adjoining and nearby agriculture uses.**
 - c) The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.**
- 3. The proposal does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.**

CARRIED 4 : 2

DIVISION

For the motion: Cr Margaret White, Cr Kate Hanson, Cr Stephen Hart, Cr Chris Potter

Against the motion: Cr Graham Costin, Cr Jamie Bell