

PP60/2019-1

245 Birregurra Forrest Road BIRREGURRA

**Lot: 1 TP: 547439 V/F: 11424/069, Lot: 2 TP: 547439
V/F: 11424/069**

**Development of a new Dwelling and use of
the existing buildings as Group
Accommodation**

P C Nott & M J Nott

Officer - Helen Evans

EXHIBITION FILE

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Submissions to this planning application will be accepted until a decision is made on the application.

If you would like to make a submission relating to a planning permit application, you must do so in writing to the Planning Department

Office Use Only

VicSmart?

Specify class of VicSmart application:

Application No.:

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Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

Clear Form

Application Type

Is this a VicSmart application?*

No Yes

If yes, please specify which VicSmart class or classes:

If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

Pre-application Meeting

Has there been a pre-application meeting with a Council planning officer?

No Yes

If 'Yes', with whom?: BLATHIN BUTLER / HELEN EVANS

Date: 15/1/2019 day / month / year

The Land i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:

St. No.: 245

St. Name: BIRREGURRA FORREST RD

Suburb/Locality: BIRREGURRA

Postcode: 3242

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: 1+2 Lodged Plan Title Plan Plan of Subdivision No.: 547439 Q

OR

B Crown Allotment No.:

Section No.:

Parish/Township Name:

The Proposal

A You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

USE ANY DEVELOPMENT OF SITE WITH
A NEW DWELLING AND GROUP ACCOMMODATION

A Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i Estimated cost of any development for which the permit is required *

Cost \$ 1 million.

A You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions **i**

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

EXISTING DWELLING AND SITES (TO BE
CONVERTED TO GROUP ACCOMMODATION)

A Provide a plan of the existing conditions. Photos are also helpful.

Title Information **i**

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

A Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name: PAUL & MARION	Surname: NEIT
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 245	St. Name: BUREGWKA FOREST RD
Suburb/Locality: BUREGWKA	State:	Postcode: 3242

Please provide at least one contact phone number *

Contact information for applicant OR contact person below	
Business phone:	Email: brydon@brydonplanning.com.au
Mobile phone: 089 289 883	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*		Same as applicant <input type="checkbox"/>
Name:		
Title: MR	First Name: BRYDON	Surname: KING
Organisation (if applicable): BDK PLANNING		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 22	St. Name: JOHN ST
Suburb/Locality: GEELONG WEST	State: VIC	Postcode: 3218

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		Same as applicant <input checked="" type="checkbox"/>
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):		Date:
		day / month / year

Information requirements

Contact Council's planning department to discuss the specific requirements for his application and obtain a planning permit checklist.

Is the required information provided?

Yes No

Declaration i

This form must be signed by the applicant *


! Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.


I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.	
Signature: <i>Brydon King</i>	Date: 18/3/2019
	day / month / year

Checklist

Have you:

FEE TO BE PAID
CREDIT CARD FORN SEPARATELY

<input checked="" type="checkbox"/>	Filled in the form completely?
<input type="checkbox"/>	Paid or included the application fee?
	Provided all necessary supporting information and documents? <input type="checkbox"/> A full, current copy of title information for each individual parcel of land forming the subject site. <input type="checkbox"/> A plan of existing conditions. <input type="checkbox"/> Plans showing the layout and details of the proposal. <input type="checkbox"/> Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist. <input type="checkbox"/> If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts) <input type="checkbox"/> If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void
<input type="checkbox"/>	Completed the relevant council planning permit checklist?
<input checked="" type="checkbox"/>	Signed the declaration above?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Need help with the Application?

If you need help to complete this form, read [More Information](#) at the end of this form.

For help with a VicSmart application see [Applicant's Guide to Lodging a VicSmart Application](#) at www.planning.vic.gov.au

General information about the planning process is available at www.planning.vic.gov.au

Assistance can also be obtained from Council's planning department.

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Colac Otway Shire
PO Box 283
Colac VIC 3250
2-6 Rae Street
Colac VIC 3250

Contact information
Phone: (03) 5232 9400
Email: ing@colacotway.vic.gov.au

Deliver application in person, by post or by electronic lodgement.

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 11424 FOLIO 069

Security no : 124076198899N
Produced 19/02/2019 08:36 AM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 547439Q.
PARENT TITLE Volume 06733 Folio 549
Created by instrument AK374089H 30/05/2013

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
PAUL CHRISTOPHER NOTT
MARION JEAN NOTT both of 245 BIRREGURRA-FORREST ROAD BIRREGURRA VIC 3242
AN702643H 31/03/2017

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP547439Q FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



Imaged Document Cover Sheet

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Document Assembled	19/02/2019 08:44

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TITLE PLAN	EDITION 1	TP 547439Q
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Location of Land

Parish: WHOOREL
 Township:
 Section: 9
 Crown Allotment: 5
 Crown Portion:
 FORMER GOVERNMENT ROAD (PT)
 Last Plan Reference:
 Derived From: VOL 6733 FOL 549
 Depth Limitation: NIL

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

Description of Land / Easement Information

THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT

COMPILED: 29/06/2000
 VERIFIED: G.B.

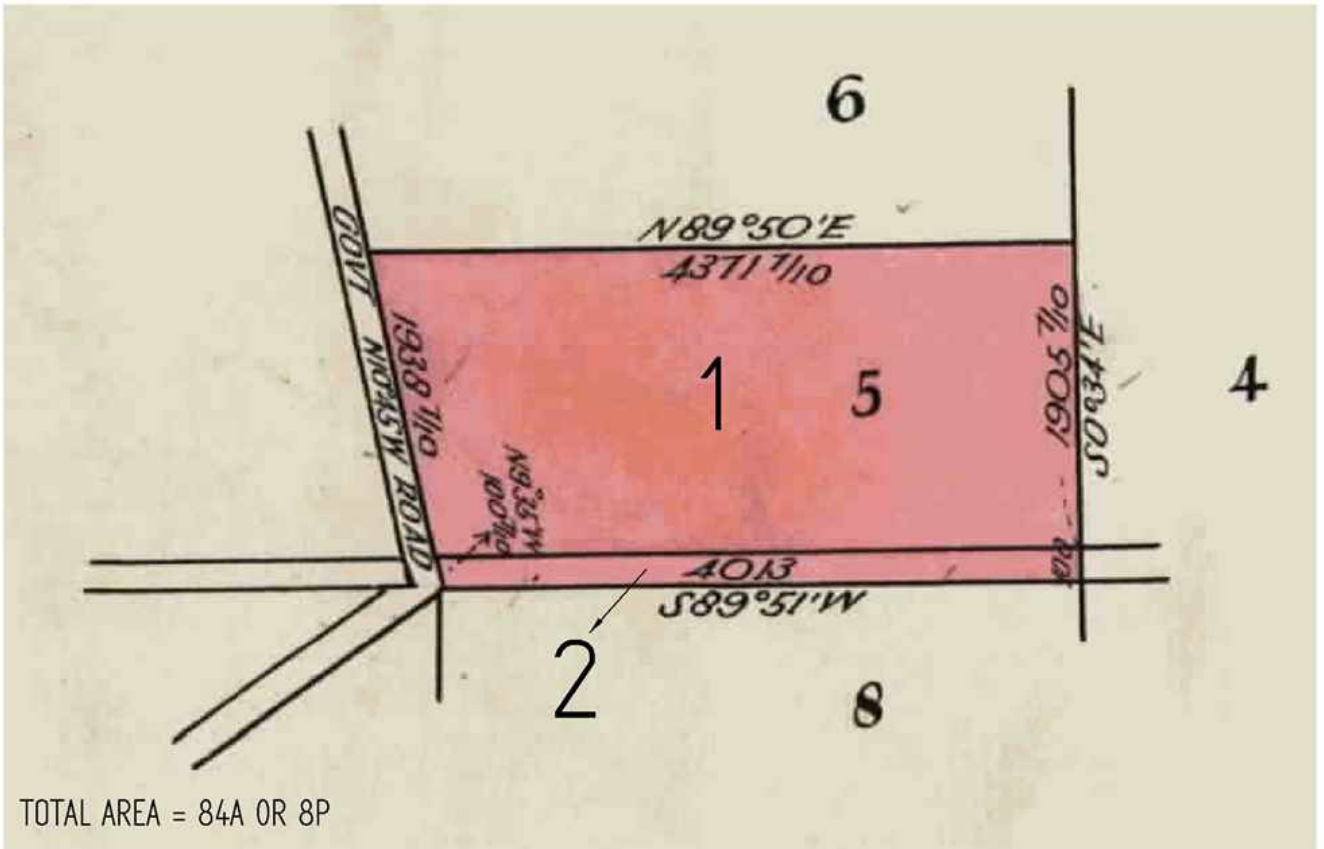


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 5
PARCEL 2 = FORMER GOVERNMENT ROAD (PT)

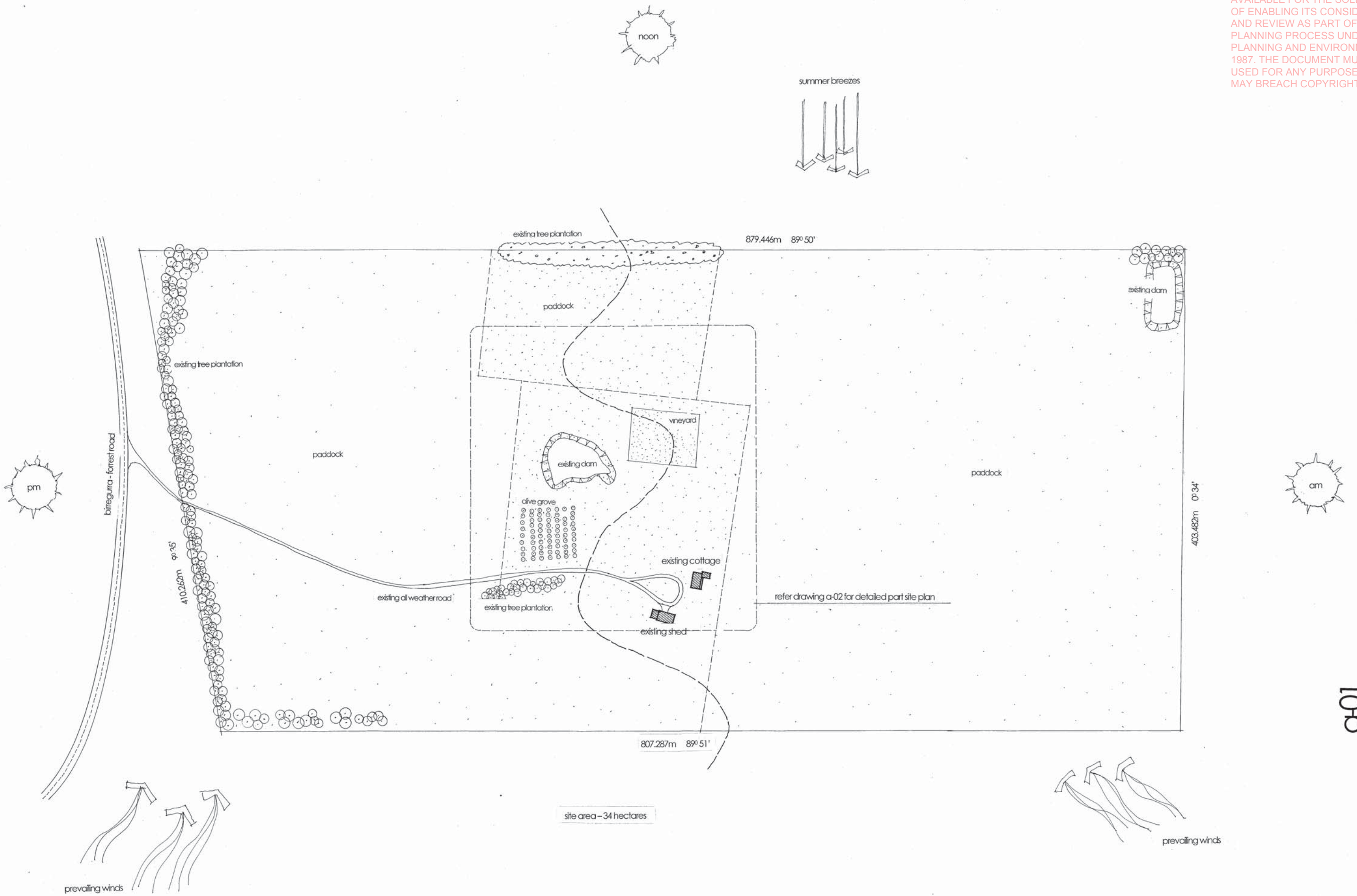
nott residence

245 birregurra—forrest road,
birregurra

planning permit documentation

a-01	existing site plan
a-02	existing part site plan
a-03	proposed site plan
a-04	proposed part site plan
a-05	existing cottage plan/elevations
a-06	existing shed plan/elevations
a-07	proposed residence floor plan
a-08	proposed residence roof plan
a-09	proposed residence elevations
a-10	proposed residence elevations
a-11	site section

february 2019



a-01

nott residence

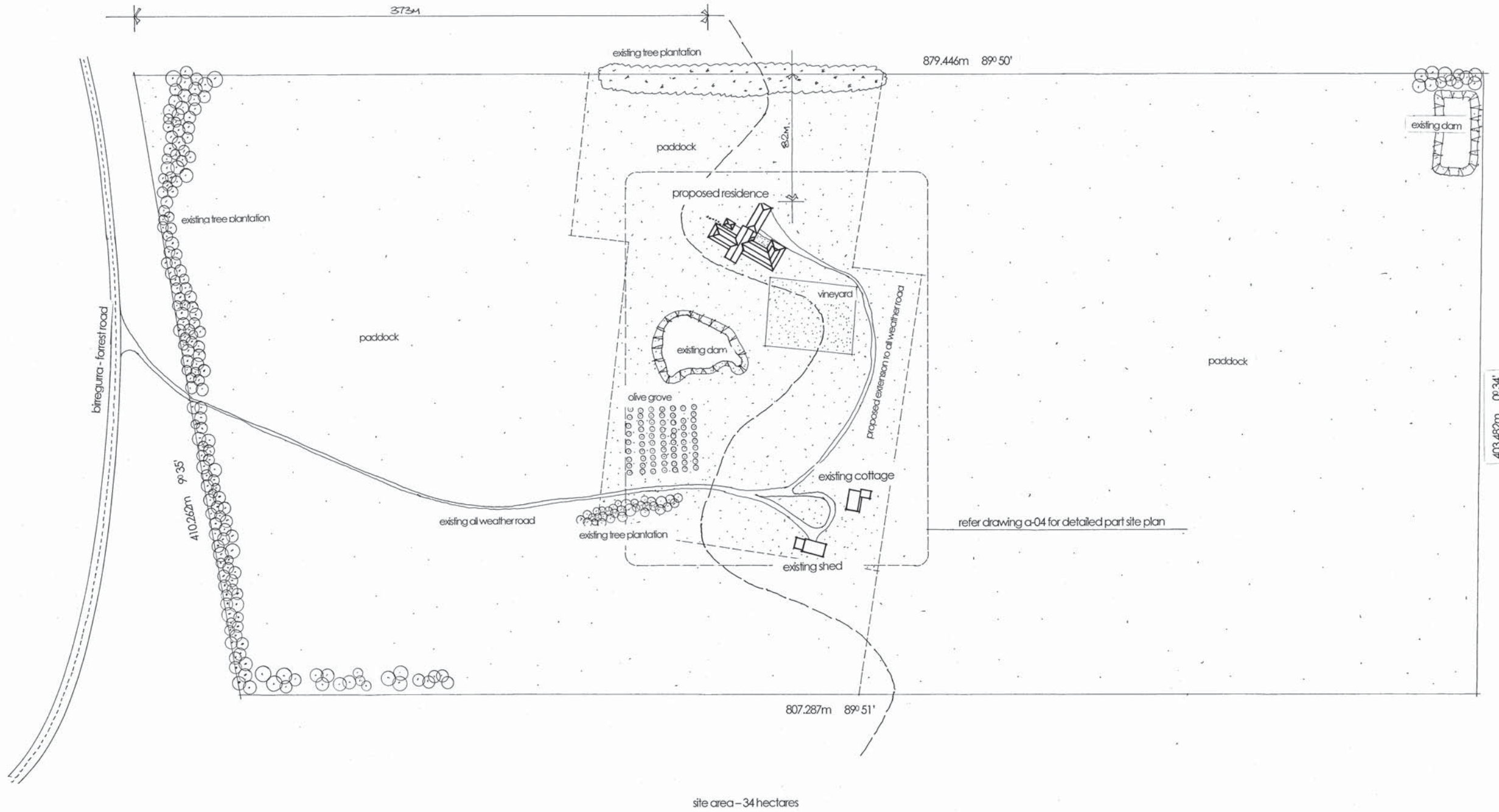
245 biregura - forrest road, biregura
existing site plan



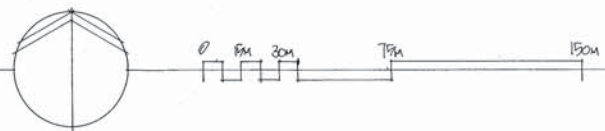
nott residence

245 birregurra - forest road, birregurra
existing part site plan

14 february 2019

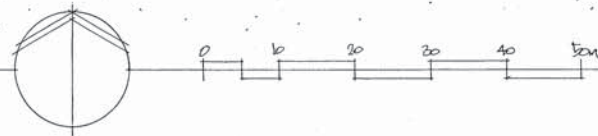
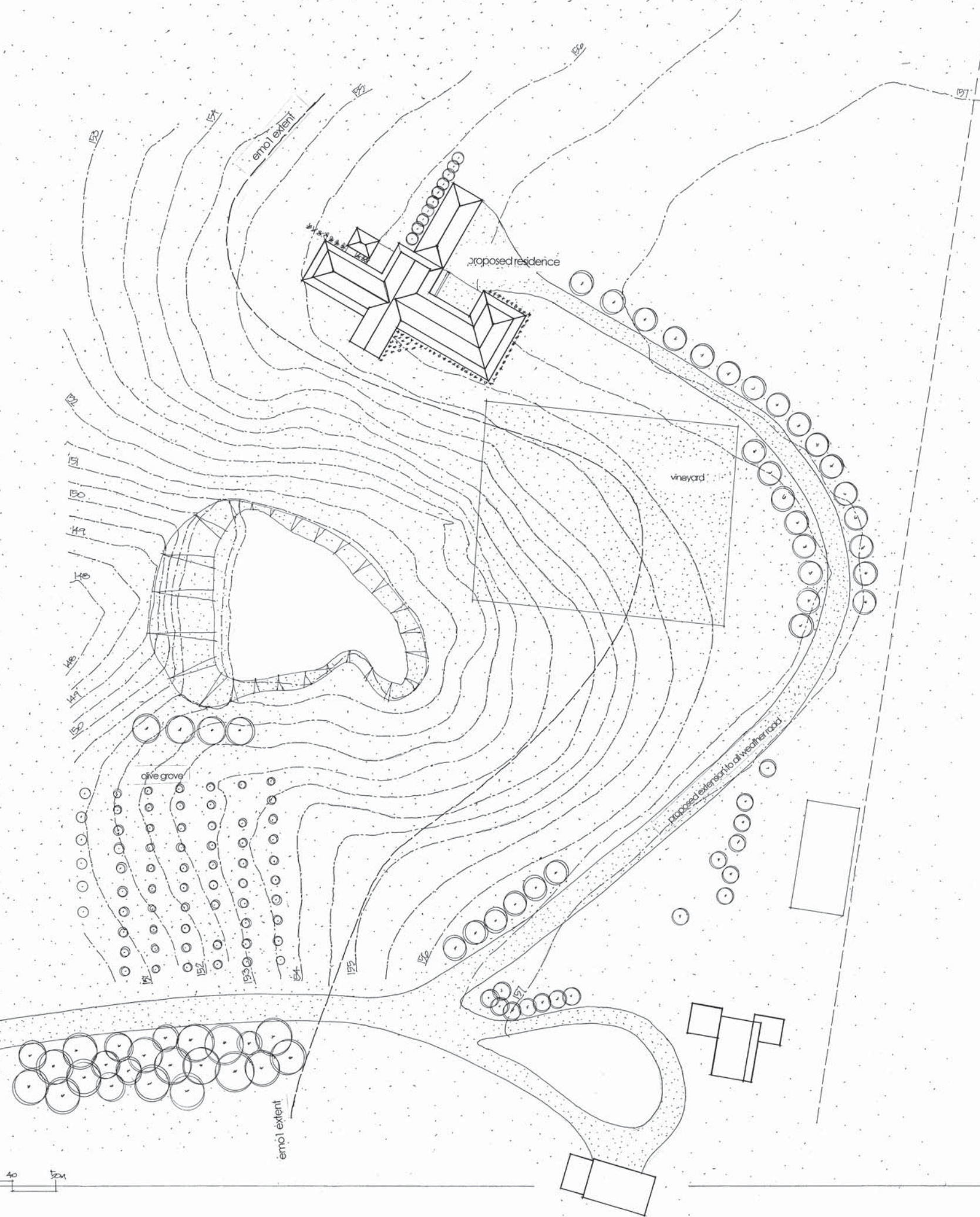


a-03



nott residence

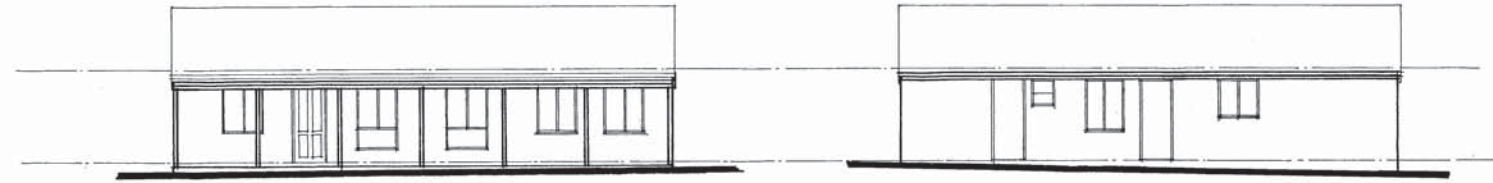
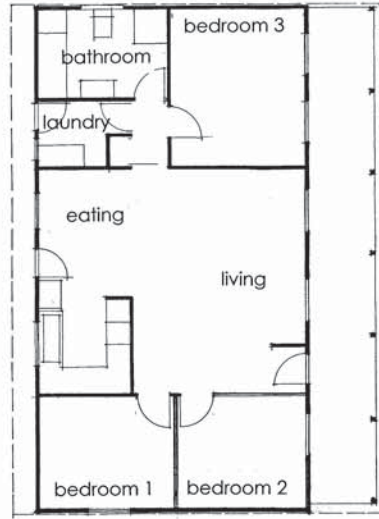
245 birregura - forrest road, birregura
proposed site plan



nott residence

245 birregurra - forest road, birregurra
proposed part site plan

February 2019



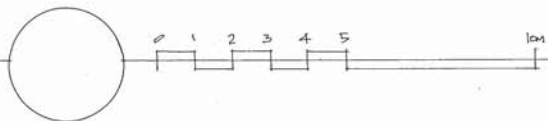
east elevation

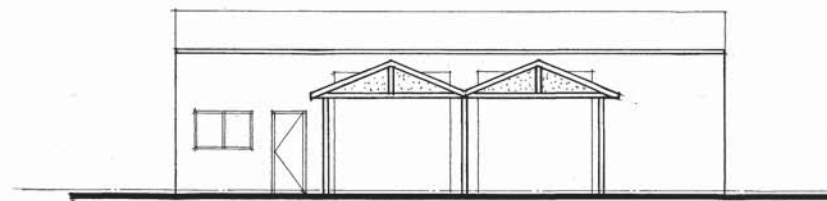
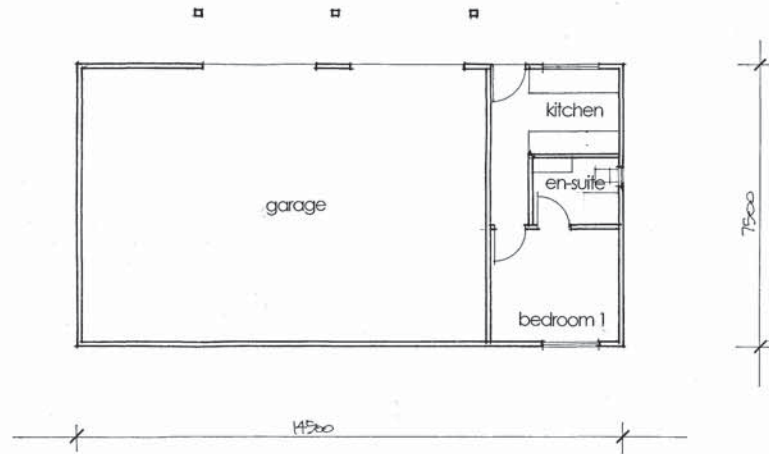
west elevation



south elevation

north elevation

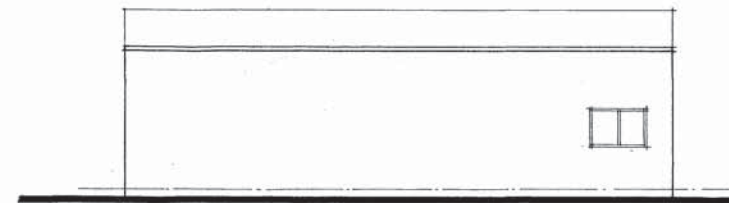




north elevation



west elevation



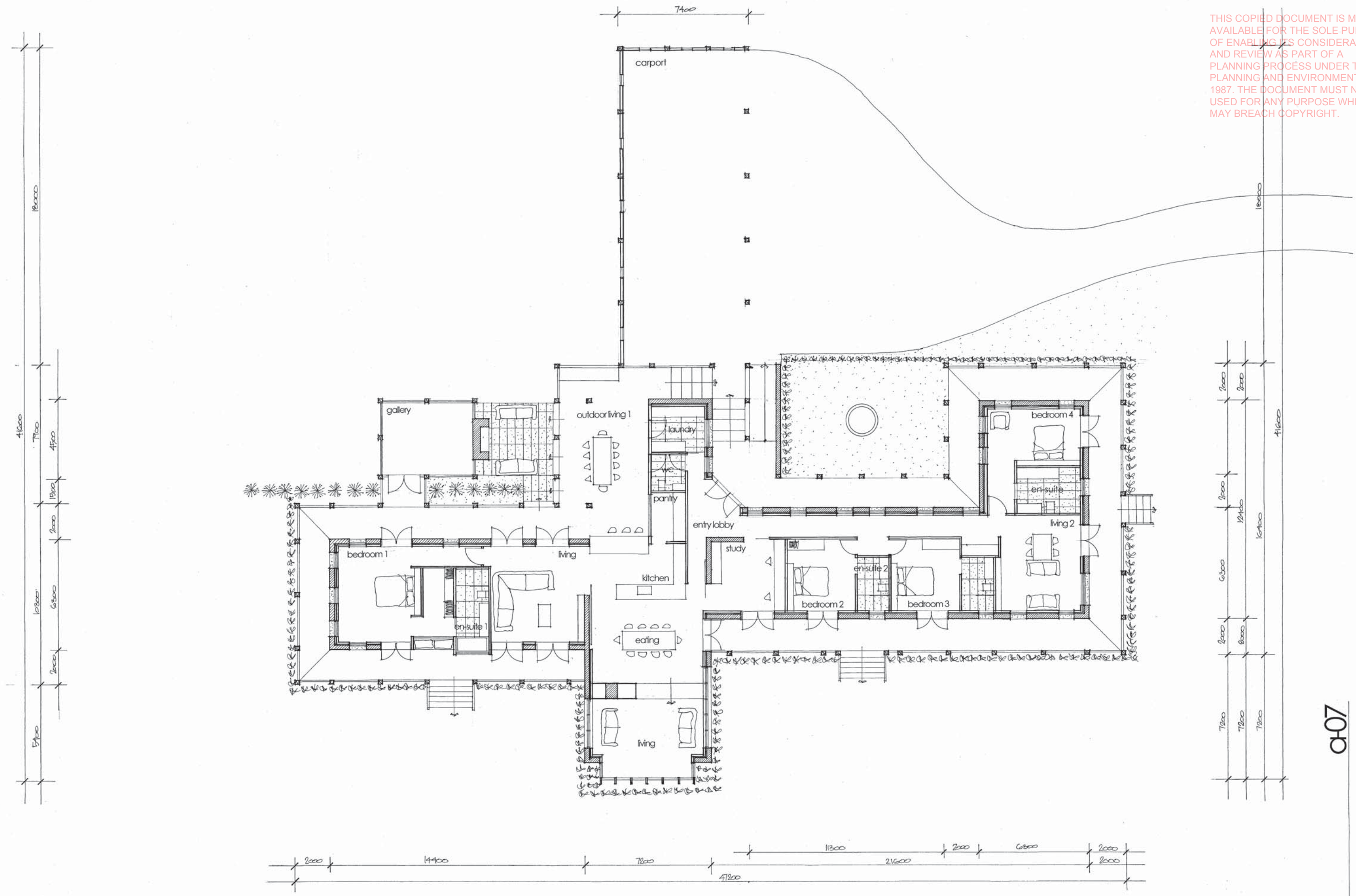
south elevation



east elevation



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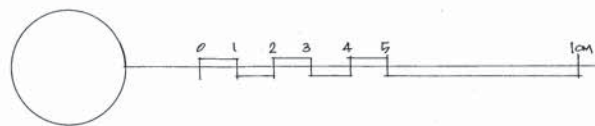
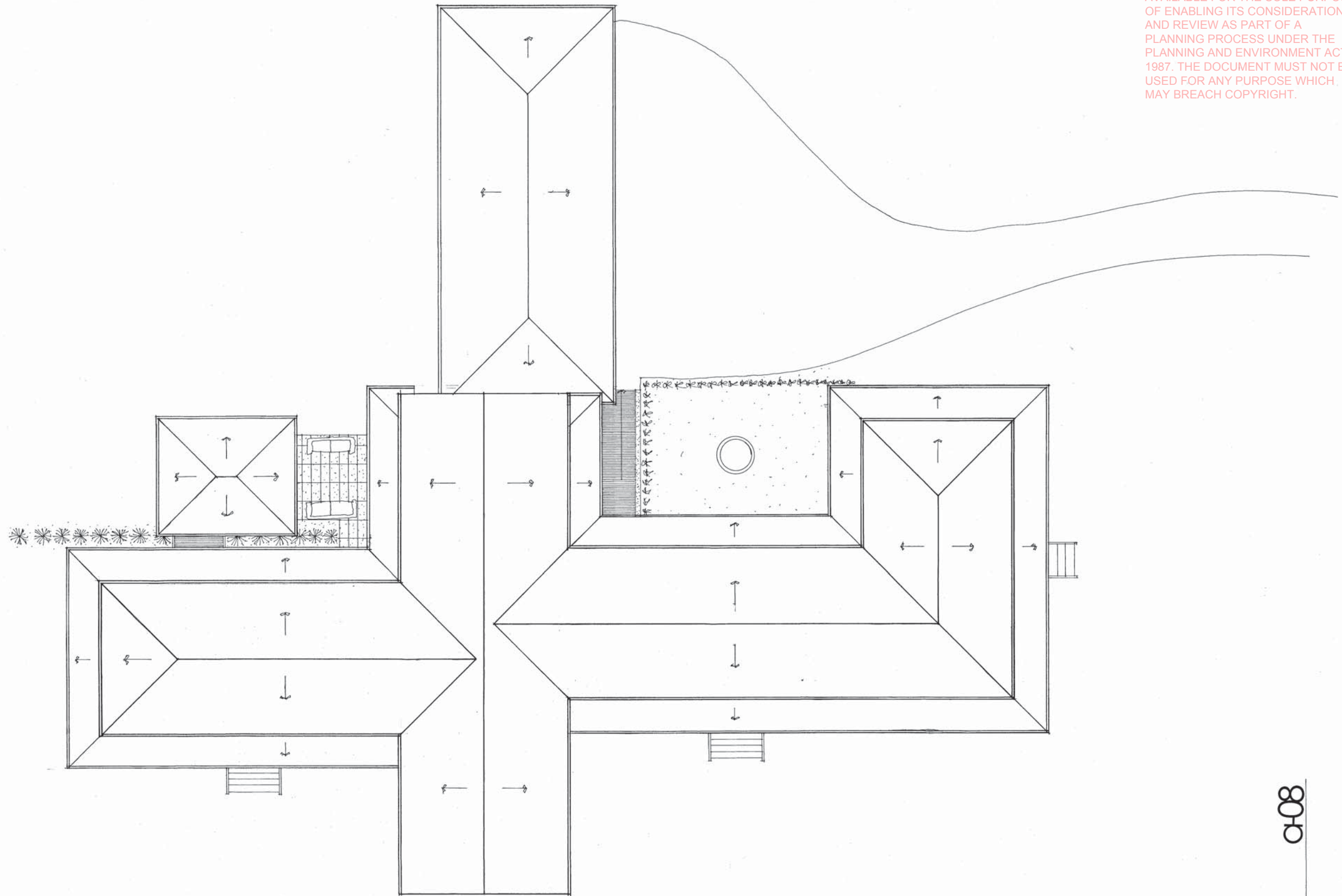


α07

nott residence

245 birregulla - forrest road, birregulla
proposed residence floor plan

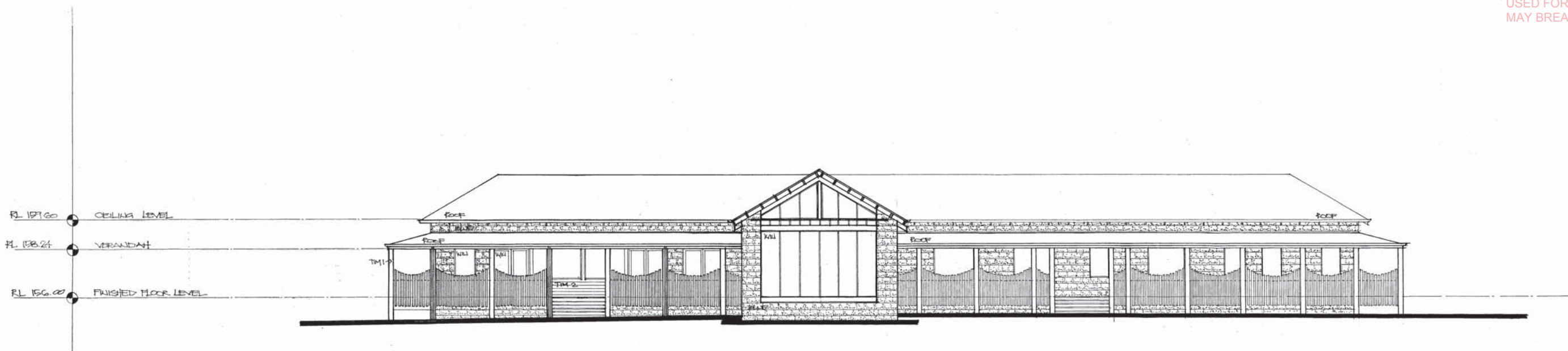
february 2019



nott residence

245 biregura - forest road, biregura
proposed residence roof plan

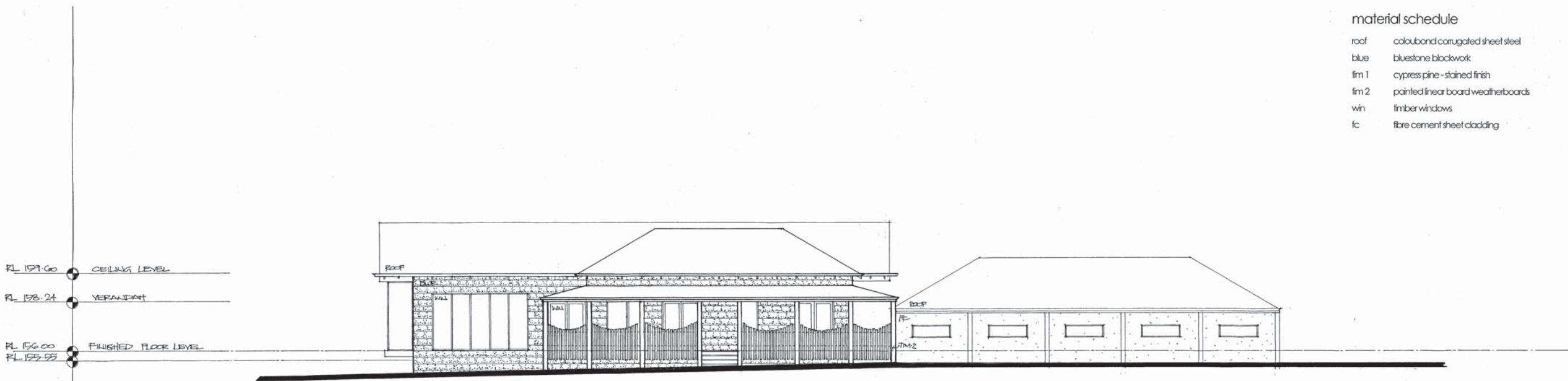
february 2019



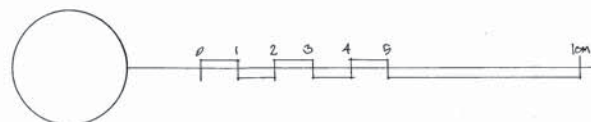
south elevation

material schedule

roof	colourbond corrugated sheet steel
blue	bluestone blockwork
fm 1	cypress pine - stained finish
fm 2	pointed linear board weatherboards
win	timber windows
fc	fibre cement sheet cladding



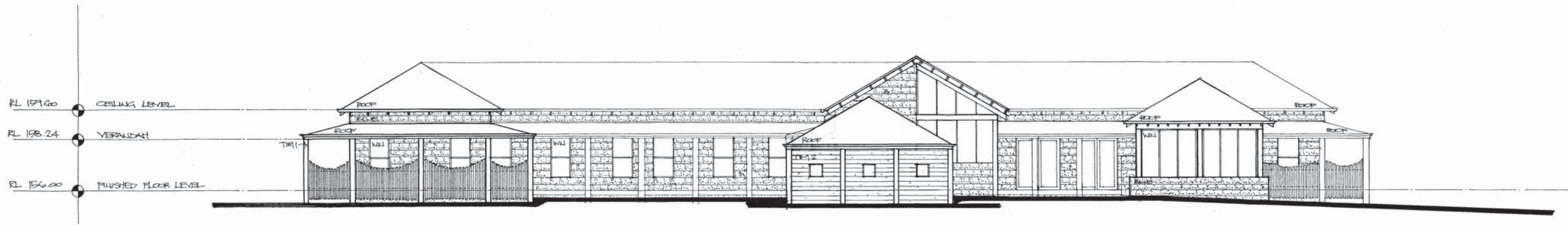
east elevation



09

nott residence

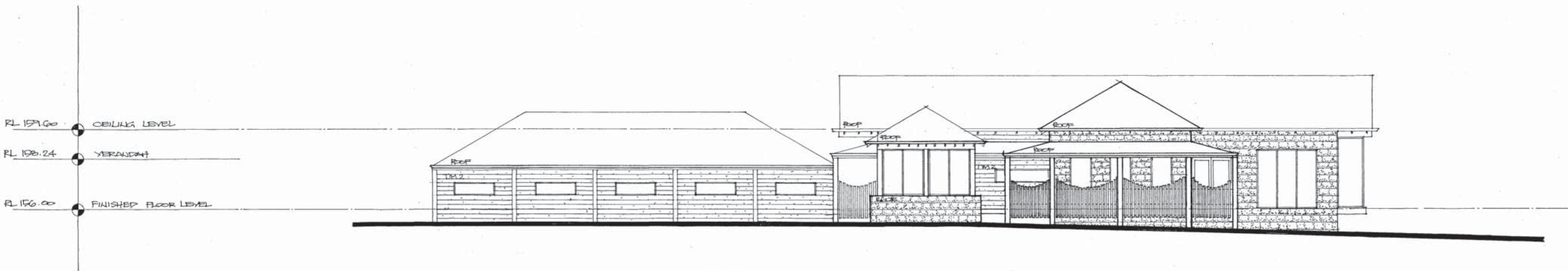
245 birregurra - forrest road, birregurra
proposed residence elevations



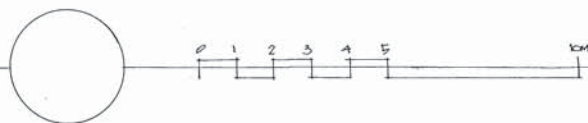
north elevation

material schedule

roof	coloubond corrugated sheet steel
blue	bluestone blockwork
fm 1	cypress pine - stained finish
fm 2	painte linear board weatherboards
win	timber windows
fc	fibre cement sheet cladding



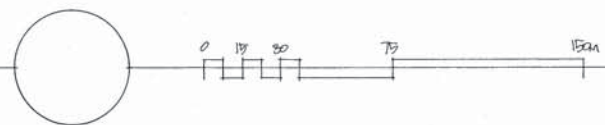
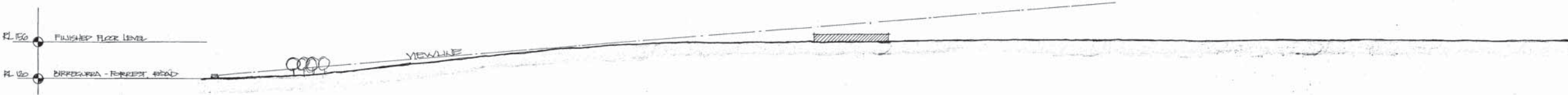
west elevation



α10

nott residence

245 birregurra - forrest road, birregurra
proposed residence elevations





Planning Report

Use and development of the land for a dwelling (including bed and breakfast) and group accommodation

**245 Birregurra – Forrest Road
Birregurra**

BJK Planning for P & M Nott

March 2019

1 SUMMARY

This report supports a planning application for use and development of the land at 245 Birregurra Forrest Road for a new dwelling (including an as of right bed and breakfast use) and for group accommodation. The application is lodged on behalf of the owners of the land, Mr and Mrs P and M Nott.

The subject land is located on the east side of the Birregurra Forrest Road, approximately one kilometre south of the intersection of the Cape Otway Road and the Birregurra Forrest Road. The land is developed with an existing dwelling and has an area of 34 hectares. The land slopes up from the Birregurra Forrest Road and features two existing dams.

The land is zoned Farming Zone with the front section of the land featuring an Erosion Management Overlay Schedule 1. The land has existing access from the Birregurra Forrest Road (which is a Road Zone Category 1). Land to the north, south, east and west is similarly zoned Farming land.

The application seeks permission to:

- Use and develop the land with a new dwelling in the Farming Zone on a lot less than 40 hectares to the northern side of the site.
- Use and develop the existing dwelling and an existing shed as group accommodation.

The proposed dwelling will also be developed to contain accommodation for a bed and breakfast which will accommodate up to six people with appropriate parking therefore meeting the as of right conditions listed in Clause 35.07-1 of the Farming Zone.

The existing access from Birregurra Forrest Road will remain and the driveway on the land will be extended to the north to provide access to the new dwelling.

No development or works are proposed in the Erosion Management Overlay Schedule 1.

The accommodation uses are seeking to provide tourist accommodation to service the Otway hinterland area and the activities in the region including the townships of Forrest, Birregurra and Deans Marsh consistent with Clause 21.05-4 of the Colac Otway Planning Scheme. The land will continue to be farmed including cattle breeding, olives and a small section of grape vines.

2 SITE SUMMARY

Proposal	Use and development of the site with a new dwelling and group accommodation
Subject land	245 Birregurra Forrest Road Birregurra
Title Details	Lot 1 TP547439
Restrictions/Covenants	None
Land area	34 Hectares
Zoning	Farming Zone
Overlays	Part Erosion Management Overlay Schedule 1

3 SITE AND CONTEXT

3.1 Subject land

The subject land is located on the east side of the Birregurra Forrest Road, approximately one kilometre south of the intersection of the Cape Otway Road and the Birregurra Forrest Road. The land is developed with an existing dwelling and shed and has an area of 34 hectares. The land slopes up from the Birregurra Forrest Road and features two existing dams.

The land is zoned Farming Zone with the front section of the land featuring an Erosion Management Overlay Schedule 1. The land has existing access from the Birregurra Forrest Road (which is a Road Zone Category 1).

Land to the north, south, east and west is similarly zoned Farming land.



Figure 1 Aerial view of subject land

4 PROPOSAL

4.1 *Outline of proposal*

The application seeks permission to:

- Use and develop the land with a new dwelling in the Farming Zone on a lot less than 40 hectares to the northern side of the site.
- Use and develop the existing dwelling and an existing shed as group accommodation.

The proposed dwelling will also be developed to contain accommodation for a bed and breakfast which will accommodate up to six people with appropriate parking therefore meeting the as of right conditions listed in Clause 35.07-1 of the Farming Zone.

The existing access from Birregurra Forrest Road will remain and the driveway on the land will be extended to the north to provide access to the new dwelling.

A new waste water system will be developed for the new dwelling and ample space exists on site for such a system to be developed per appropriate standards.

No development or works are proposed in the Erosion Management Overlay Schedule 1.

The group accommodation use is created through the use of the existing dwelling and shed on the land as dwellings – see Photo 1, 2 and 3 below. This will be for short term stay and is focussed on providing accommodation options to service tourism in the rural hinterland as promoted in Clause 21.05-4 of the Colac Otway Planning Scheme. Existing waste water systems for the current dwelling will be adapted to support the group accommodation use.

The accommodation will allow for short term stays in a rural setting for significant tourist market moving through the Otway hinterland area and with accessibility to places such a Forrest, Birregurra and Deans Marsh. The bed and breakfast accommodation in the main dwelling will also provide such options as an as of right use.

The proposal tourist accommodation uses will complement existing agricultural activities occurring on the land including cattle breeding, a small olive grove and vineyard.

Photo 1 – Existing two bedroom dwelling



Photo 2– Shed to be used as one bedroom dwelling



Photo 3 – View of existing dwelling and shed from south looking to north west



5 OVERVIEW OF PLANNING PROVISIONS

5.1 Zone

The subject land is included in the **Farming Zone** under the Colac Otway Planning Scheme. The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

A planning permit is required for the use and development of the land for a dwelling on land less than 40 hectares pursuant to Clause 35.07-1 and building and works per Clause 35.07-4.

The bed and breakfast use proposed in part of the new dwelling can meet the requirements of Clause 35.07-1 as an as of right use through the use being operated by a resident of the dwelling for no more than ten persons and at least one parking space for each two persons being provided on site.

A planning permit is also required to use the existing dwelling and shed on the land as self contained dwellings to be used as group accommodation which is a section 2 use pursuant to Clause 35.07-1 and building and works associated with the group accommodation requires a permit per Clause 35.07-4.

5.2 Overlays

The subject land is not impacted by the Erosion Management Overlay Schedule 1. No building and works are proposed in the area of the overlay and no permit is triggered under the provisions of the overlay.

5.3 Planning Policy Framework

The Planning Policy Framework (PPF) provides a context for spatial planning and decision making by planning and responsible authorities.

Aspects of the PPF relevant to the current proposal are:

- **Clause 11.01-1R Settlement – Geelong G21** supports the development of the region through targeted growth and the protection of critical agricultural land.

- **Clause 13.04-2S Erosion and Landslip** seeks to protect areas prone to erosion, landslip or other land degradation processes.
- **Clause 14.01-1S Protection of agricultural land** provides that development of high quality agricultural land should be carefully considered and what impacts might occur on surrounding agricultural uses.
- **Clause 15.01-6S Design for rural areas** seeks to ensure development respects valued areas of rural character. Strategies to achieve this include:
 - *Ensure that the siting, scale and appearance of development protects and enhances rural character.*
 - *Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.*
 - *Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.*
- **Clause 17.04-1S Facilitating tourism** has the following objectives and strategies:

Objective

 - *To encourage tourism development to maximise the employment and long-term economic, social and cultural benefits of developing the State as a competitive domestic and international tourist destination.*

Strategies

 - *Encourage the development of a range of well designed and sited tourist facilities, including integrated resorts, motel accommodation and smaller scale operations such as host farm, bed and breakfast and retail opportunities.*
 - *Seek to ensure that tourism facilities have access to suitable transport and be compatible with and build upon the assets and qualities of surrounding urban or rural activities and cultural and natural attractions.*

The proposal is considered to respond positively to the State policy directions through a responsive tourism development that is in keeping with the landscape features of the area and complements the existing agricultural activities on the land.

5.4 Local Planning Policy Framework

Clause 21.04-5 Erosion has the following objectives:

- *To ensure that use and development has regard to the potential for landslip.*

- *To ensure that in areas where a risk of landslip is identified, all new buildings and works do not increase the possibility of landslip on the land or surrounding land.*
- *To manage landslip risk especially along the coastal areas.*

The proposed new dwelling and driveway/parking areas and the converted existing buildings to be group accommodation are all located outside the Erosion Management Overlay Schedule 1.

Clause 21.05-1 Agriculture recognises agriculture as a key economic contributor to the Shire. Relevant objectives of the policy include:

- *To facilitate the growth of key primary industries and a range of developments to add to the economic base of the Shire.*
- *To maintain the viability of large-scale agriculture and the retention of areas of farmland of strategic significance and other high quality agricultural land for agricultural use.*
- *To protect the rural and agricultural areas of the Shire from the proliferation of dwellings not associated with agriculture.*
- *To ensure that the development of dwellings on rural land does not prejudice existing agricultural production or forestry activities on surrounding land.*
- *To discourage the development of dwellings that has a detrimental impact in areas of high landscape value and significant environmental quality.*
- *To ensure that incompatible land uses (including dwellings) do not negatively impact on the ability to farm.*

Strategies to help achieve the policy objectives related to dwelling development are as follows:

- *Discourage the development of dwellings on lots that do not meet the minimum lot area of the zone or relevant schedule unless it can be demonstrated that the dwelling is required to carry out an intensive agricultural activity on the land or is required to achieve the environmental protection of the land.*
- *Development of the land for a dwelling should avoid or minimise the removal of native vegetation and be sited and designed to reduce visual prominence within the landscape.*
- *Development of the land should not lead to a localised concentration of dwellings so as to change the established land uses and/or character of the rural locality.*
- *Development of the land for the purposes of a dwelling should be compatible with and not adversely impact upon any of the following:*
 - *Any existing agricultural production or timber harvesting activities on surrounding land.*
 - *The environmental characteristics of the land including vegetation, natural systems and water quality.*
 - *The rural character and landscape values of the area, including visual and environmental impact.*

The proposed new dwelling on the subject land will replace an existing dwelling and support the farming activities that currently occur on the land including cattle breeding and a small olive grove and vineyard.

The development of the dwelling will also support the as of right use of a bed and breakfast, which combined with the use of the existing dwelling and conversion of the shed as a dwelling for group accommodation, will provide additional income to help manage agricultural activities on the land.

Clause 21.05-4 Tourism has the following objectives

- *To encourage growth in tourism in a way that assists diversification in the economy and ensures the protection of key environmental features.*
- *To encourage investment in tourism that has close linkages with local industries and the environment.*
- *To protect key visual and environmental features which are of major significance and contribute to the tourism assets of the Shire.*
- *To provide a range of accommodation and related activities which encourages tourist visitation.*
- *To provide for a preferred mix of uses in the Rural Activity Zone to the west of Apollo Bay.*
- *To provide for a preferred mix of uses in the Otway Ranges.*
- *To encourage economic development in towns in the Otway Ranges through tourism uses and development which acknowledge and respond to environmental constraints and protect landscape values.*

Strategies listed at the clause to help achieve the policy objectives and that are relevant to the proposal are highlighted below:

- *Encourage the development of agriculture based tourism industry as a means of assisting and diversifying the agricultural economy.*
- *Protect and enhance those natural, physical and amenity features which contribute to providing a 'tourism experience' including the natural environment, heritage elements, landscape features and cultural activities.*
- *Ensure tourist developments are compatible with the immediate area.*
- *Facilitate the development of a diverse range of accommodation to meet changing visitor needs.*

The proposed tourism accommodation (both bed and breakfast and group accommodation) provide for short term accommodation in the rural hinterland in a central location to key attractions in the area such as Forrest and Birregurra consistent with the Great Ocean Road Destination Management Plan of February 2012. The proposal allows for a tourism experience based on the natural and rural landscape setting whilst not prejudicing existing agricultural activities that currently occur on the land.

5.5 Local Planning Policies

There are no Local Policies relevant to the proposal.

5.6 Particular Provisions

Clause 52.06 Car Parking does not detail a specific car parking ratio for group accommodation. Pursuant to Clause 52.06-6 where a car parking requirement is not specified for the use, car parking spaces must be provided to the satisfaction of the responsible authority. The group accommodation buildings are to contain no more than two bedrooms each and will be provided with two car parking spaces each ensuring an adequate car parking arrangements for likely guests.

The bed and breakfast use in the main dwelling will provide one car parking spaces to every two persons to be accommodated totalling three car parking spaces for the six people to be accommodated. This is consistent with the as of right provisions at Clause 35.07-1 of the Farming Zone.

5.7 General Provisions

Clause 65 (Decision Guidelines) sets out the matters that must be considered by a responsible authority before deciding on an application. It provides at Clause 65.01, that the following matters must be considered:

- *The matters set out in Section 60 of the Act.*
- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *The purpose of the zone overlay or other provision.*
- *Any matter required to be considered in the zone, overlay or other provision.*
- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The proximity of the land to any public land.*
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
- *The extent and character of native vegetation and the likelihood of its destruction.*
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*

5.8 Cultural Heritage Management Plan

Under the *Aboriginal Heritage Regulations* 2007 there are two triggers both of which must be met for there to be a requirement for a Cultural Heritage Management Plan (CHMP). The two triggers are:

- That the proposed works are a high impact activity.
- That the works are in an area defined under the regulations as being an area of cultural heritage sensitive and there has not been significant ground disturbance.

In this case the subject land is not mapped as an area of cultural heritage sensitivity and therefore no CHMP is required.

5.9 Referral requirements

There are no formal referral requirements listed in the Scheme related to the proposed use and development.

5.10 Public notice

Section 52 of the *Planning and Environment Act* 1987 provides Council with discretion to place the application on public notice.

6 ASSESSMENT OF PROPOSAL

6.1 Dwelling in rural area on lot less than 40 hectares

The proposed new dwelling will replace the existing dwelling on the land and allow for the owners to continue agricultural activities currently occurring combined with the as of right use of a bed and breakfast on the site.

The existing dwelling on the land will be converted to short stay visitor accommodation as group accommodation in combination with an existing shed on the site. Assessment of the group accommodation use is outlined later in this report.

The land currently is used to breed cattle (23 breeding cows), has a grove of 70 olive trees and a small vineyard block. The land is serviced by two existing dams. The development of the new dwelling, and additional income anticipated from the tourist accommodation uses, will enable the owners of the land to increase the cattle breeding to 35 cows and formalise irrigation to the olives and vineyard increasing the productivity of the land. These elements are integrated into the tourism accommodation to help provide a "farm stay" experience where people can be in the environment of a working farm.

The dwelling will be sited centrally on the land to the northern side of the property. The dwelling will be a single storey form located in an area at the 156 metre contour with the land rising up to the east (rear) of the dwelling to contour over 160 metres. The frontage of the land at Birregurra Forrest Road is at the 120 metre contour and as a result the building will not be visible and will not site above the highest portion of the land avoiding a silhouette form. Plan A-11 helps illustrate this.

Appropriate services can be provided to the dwelling including tank water and reticulated electricity and driveway access. A waste water treatment system can be provided to service the proposal as ample land exists outside the Erosion Management Overlay for such treatment to occur.

Overall the dwelling and associated bed and breakfast will support the objectives of the Faming Zone through:

- Supporting the ongoing productive use of the land.
- Not prejudicing existing broad hectare agricultural uses on adjoining land given the location and separation of the dwelling and bed and breakfast.
- Having a form and scale that will sit comfortably in the rural setting and not be highly visible in the landscape.
- Can be serviced appropriately.

6.2 Group accommodation use

As detailed earlier in the report Clause 21.05-4 Tourism supports development of tourism accommodation in the rural hinterland to help diversify the economy where such is respectful of the immediate landscape and character.

The proposed use of the existing buildings on the land (existing dwelling and conversion of a shed to dwelling) as group accommodation will provide for additional short term stay options in the location and complement the bed and breakfast to be offered in the main dwelling.

The site is located in a central location to existing tourist attractions in Birregurra, Forrest, Deans Marsh and the Otways. A significant tourism market travels through the area using the Birregurra Forrest Road. According to the Great Ocean Road Destination Management Plan of February 2012, the Great Ocean Road is forecast to attract between 9.6 – 10.5 million visitors by 2030 (pg 10). The report found that the accommodation preferences for international experience seekers included guest house/bed and breakfasts and self contained accommodation (pg. 8) and highlighted gaps in the current offering (pg. 12) with the need for significant increases in the provision of such i.e. '90 farm stay accommodation establishments' and 'up to 50 Guest houses and bed and breakfast' (pg. 13).

The existing dwelling has two bedrooms and shed to be converted to a dwelling will have one bedroom and each will allow visitors to stay in self contained accommodation. The existing buildings are not visible from the Birregurra Forrest Road and the existing driveway access, electricity service, water and waste water services to the existing buildings can adequately service the proposed group accommodation use.

As the buildings to be used for group accommodation are existing buildings there is no loss to productive agricultural land and the scale and location of the group accommodation is not considered to prejudice existing grazing and cropping activities on surrounding land. The buildings are single storey and are setback over 100 metres from the closest southern boundary.

Based on the above it is considered the proposed group accommodation will support strategic tourism objectives for the hinterland in combination with the proposed bed and breakfast whilst supporting productive agricultural use of the land.

7 Conclusion

The use and development of the site for a new dwelling with as of right bed and breakfast and use of an existing dwelling and shed as group accommodation:

- Supports rural hinterland tourism policy in the Colac Otway Planning Scheme through providing a diversity of accommodation offers on a recognised tourist route that is responsive to the rural character and experience.
- Maintains the ongoing productive farming use of the land.
- Will not prejudice surrounding farming activities.
- Is of a scale and form to be recessive in the rural landscape.

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26 April 2019

Helen Evans
Statutory Planning
Colac Otway Shire
By email inq@colacotway.vic.gov.au

Dear Helen

Re: PP60-2019 – Use and development of the site with a new dwelling and group accommodation – 245 Birregurra Forrest Road, Birregurra

I refer to the above application and the request for further information dated 17 April 2019.

In relation to the further information requested please find the following responses to the items as numbered in Council's letter.

Item 1 - External works

The permit applicant can confirm that no external works have been done or are required in relation to the conversion of the existing dwelling and shed to group accommodation.

Item 2 and Item 3 – linkage to agricultural use and response to decision guidelines of Farming Zone

The application relies on the development of a new dwelling on the subject land (which will include an as of right bed and breakfast) and conversion of the original dwelling and shed on the land to group accommodation.

The new dwelling proposed for the land is the primary driver to support the ongoing operation of the existing agricultural uses on the land which include cattle grazing, an olive grove and a small vineyard. The development of the new dwelling will help support agricultural uses on the land through the following:

- increase the cattle breeding to 35 cows.
- further develop the fencing and water supply infrastructure to the farm.
- formalise irrigation to the olives and the vineyard increasing the productivity of the land.

The purpose of the Farming Zone is as follows:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for the use of land for agriculture.*
- *To encourage the retention of productive agricultural land.*
- *To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*
- *To encourage the retention of employment and population to support rural communities.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

(Emphasis added)

It is noted that group accommodation is defined as “*Land, in one ownership, containing a number of dwellings used to accommodate persons away from their normal place of residence*” and is a Section 2 use within the Farming Zone. There is no requirement within the Farming Zone nor Council policy at Clause 21.05-1 or Clause 21.05-4 that requires group accommodation to be directly linked to agricultural uses. Despite this, the proposal aims to promote agricultural use of the land by providing farm stay accommodation which will not only enhance the accommodation experience for guests but encourage efficient farm practice and tidy presentation.

The proposed group accommodation use provides for accommodation for tourists in a rural setting on a recognised tourist route consistent with policy at Clause 21.05-4 without reducing agricultural land as the group accommodation use relies on the conversion of existing built form. In this way the group accommodation use responds to the purpose of the Farming Zone as it does not prejudice ongoing farming and supports conversion of existing building for accommodation purposes and supports the economic development of the region both through continued agricultural use of the land and servicing tourists.

A detailed assessment of the overall proposal against the decision guidelines of the Farming Zone is outlined below with the decision guidelines in bold and a summary response below:

General issues

The Municipal Planning Strategy and the Planning Policy Framework.

- **Any Regional Catchment Strategy and associated plan applying to the land.**
- **The capability of the land to accommodate the proposed use or development, including the disposal of effluent.**
- **How the use or development relates to sustainable land management.**
- **Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.**
- **How the use and development makes use of existing infrastructure and services.**

Response

The proposed dwelling and group accommodation use seek to respond to policy at Clause 21.05-1 and Clause 21.05-4 as detailed in the original planning report as submitted and detailed above. The proposal allows for a new dwelling to be located on the land which will allow the owners to enhance operation of the existing agricultural activities on the land including cattle breeding, olives and a vineyard.

In addition, the site is over 34 hectares and has ample space to manage treatment of waste water.

The group accommodation use seeks to provide accommodation for tourists through reuse of the existing dwelling and shed on the land. Such reuse of the building minimise impacts on the existing land based agricultural activities and is sited considerable distances from boundaries to ensure existing agricultural activities on the site and adjoining land will not be prejudiced. The site has existing access to the recognised tourist route of the Birregurra Forrest Road which allows the proposal to appropriately respond to the existing context of the area whilst continuing to respect the agricultural focus of the region.

Agricultural issues and the impacts from non-agricultural uses

- **Whether the use or development will support and enhance agricultural production.**
- **Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.**
- **The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.**
- **The capacity of the site to sustain the agricultural use.**
- **The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.**
- **Any integrated land management plan prepared for the site.**

As detailed previously the proposed new dwelling will assist with agricultural production on the land through increase of the cattle breeding herd, further improvements in the fencing and water supply infrastructure, and development of irrigation to the olive grove and vineyard increasing productivity. Such outcomes are facilitated by the owners being located in a new dwelling on site and through additional off farm income from the proposed group accommodation use and as of right bed and breakfast use.

The new dwelling and proposed group accommodation use are substantially setback from boundaries and will not prejudice the ongoing operation of surrounding grazing activities on adjacent properties.

In context of the above it is considered that the proposal will increase the agricultural productivity of the land from that currently occurring and provides a level of tourist accommodation that is respectful of the rural setting.

Dwelling issues

- **Whether the dwelling will result in the loss or fragmentation of productive agricultural land.**
- **Whether the dwelling will be adversely affected by agricultural activities on adjacent and nearby land due to dust, noise, odour, use of chemicals and farm machinery, traffic and hours of operation.**
- **Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.**
- **The potential for the proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture.**

The subject land already has a dwelling present which is located on the southern side of the site and is to be converted for use as group accommodation. The new dwelling is to be located on the northern side of the site on an area of gently sloping land near the existing vineyard. Whilst the dwelling does occupy a new portion of the site it is considered it does not significantly reduce the available land for farming activities as the broader grazing paddocks, olive grove and vineyard will remain in place. The presence of the dwelling will help facilitate increased agricultural activities as described earlier in this correspondence.

The closest point of the new dwelling will be 82 metres from the northern boundary and will ensure the proposal has adequate separation from farming activity, mainly grazing, on adjacent land. An existing plantation is present on a portion of the northern boundary adjacent the proposed dwelling.

The presence of the new dwelling and conversion of existing building for group accommodation does not lead to an unreasonable proliferation of dwellings as the primary dwelling on the land will assist with ongoing use of the land and the new group accommodation use will facilitate an accommodation use specific to short term stays supporting the tourist economy of the locality. Such an outcome will ensure ongoing farming of the land and that visitors can appreciate the rural context of the setting whilst undertaking broader tourist activities in the area.

Environmental issues

- **The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.**
- **The impact of the use or development on the flora and fauna on the site and its surrounds.**
- **The need to protect and enhance the biodiversity of the area, including the retention of vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.**
- **The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.**

There are no environmental significant features on the land. The land does feature an Erosion Management Overlay to the western portion of the land however the proposed new dwelling is to be located outside that overlay. Any waste water treatment areas will also be located outside the overlay and the appropriate distance from the existing dam on the site.

Design and siting issues

- **The need to locate buildings in one area to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive agricultural land.**
- **The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.**
- **The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.**
- **The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.**
- **Whether the use and development will require traffic management measures**

The proposed new dwelling is located to the northern section on the site adjacent the existing vineyard and will involve an extension of the existing driveway. Whilst such is separate from the existing dwelling and shed (to be converted to group accommodation) the impact on the overall land based agricultural activities will not be compromised. As detailed earlier in this correspondence such agricultural activities will be increased.

Ample space exists for the cattle breeding on the paddocks to the eastern and western portions of the site and the vineyard and olive grove will remain centrally located and be enhanced with irrigation.

The dwelling will be a single storey form located in an area at the 156 metre contour with the land rising up to the east (rear) of the dwelling to contour over 160 metres. The frontage of the land at Birregurra Forrest Road is at the 120 metre contour and as a result the building will not be visible and will not site above the highest portion of the land avoiding a silhouette form.

Appropriate services can be provided to the dwelling and group accommodation use including tank water and reticulated electricity and driveway access. A waste water treatment system can be provided to service the proposal as ample land exists outside the Erosion Management Overlay for such treatment to occur.

It is anticipated the above information will enable the further processing of the application and if you have any further queries, please do not hesitate to me on m: 0438 289 883.

Your faithfully

A handwritten signature in blue ink that reads "Brydon King". The signature is written in a cursive, flowing style.

Brydon King

Attachments