



Planning Meeting Agenda

10 March 2026 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Tuesday 10 March 2026

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Tuesday 10 March 2026 at 1:00 PM.

AGENDA

1 DECLARATION OF OPENING OF MEETING

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 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and emerging.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. 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 Planning 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 Council and Planning 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 Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

This meeting will be livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at www.youtube.com).

3 MEETING ADMINISTRATION

3.1 Present

3.2 Apologies

3.3 Confirmation of Minutes

RECOMMENDATION

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 10 February 2026.

3.4 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.

Item: 4.1

Planning Scheme Amendment - 175 Skenes Creek Road, Skenes Creek

OFFICER	Sean OKeeffe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	Nil

1. PURPOSE

To consider a proposed Planning Scheme Amendment to rezone land at 175 Skenes Creek Road, Skenes Creek.

2. EXECUTIVE SUMMARY

The land at 175 Skenes Creek Road, Skenes Creek is a privately owned parcel of land that has been included in the Transport Zone (TRZ2 – Principal Road Network). The site has been used as dwelling since the 1980's. The landowner has identified the zoning anomaly because of a proposed contract of sale.

The Department of Transport and Planning (DTP) has indicated that the land is not required for road purposes and that it supports the rezoning of the land to another zone. As the surrounding private land is included in the Rural Conservation Zone, the underlying zoning for this land should be the Rural Conservation Zone. It is therefore recommended that 175 Skenes Creek, Skenes Creek Road, Skenes Creek be rezoned from the Transport Zone 2 to the Rural Conservation Zone.

The lot is also covered by several overlays of the Colac Otway Planning Scheme, including the Vegetation Protection Overlay Schedule 2 (VPO2). The Vegetation Protection Overlay Schedule 2 is applied to protect roadside vegetation. On rezoning the site, the vegetation on the land will no longer be 'roadside vegetation' and therefore this overlay will be redundant. It is recommended that the Vegetation Protection Overlay Schedule 2 be removed from the land as part of the amendment process.

Given the administrative nature of this proposed amendment, it is recommended that the amendment not be publicly exhibited.

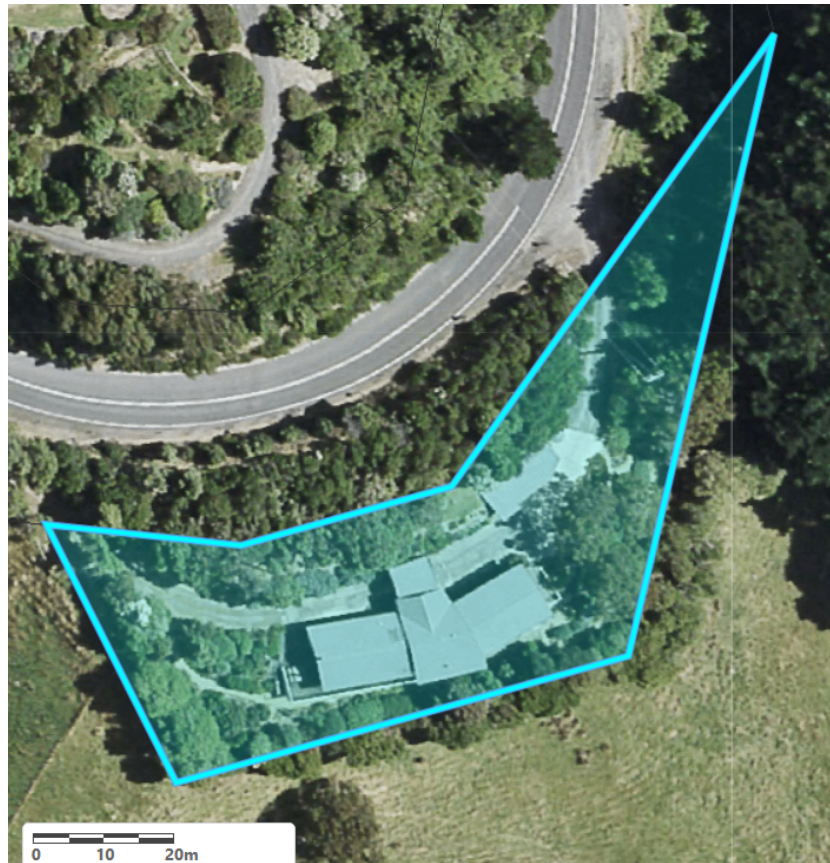
3. RECOMMENDATION

That Council:

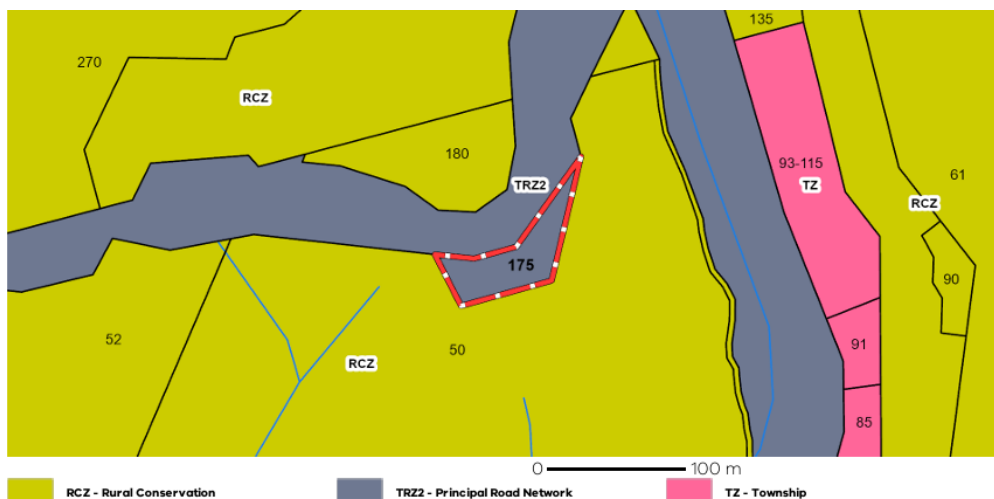
- 1. Pursuant to section 8A of the Planning and Environment Act 1987, requests the Minister for Planning to authorise the preparation of a Planning Scheme Amendment to rezone 175 Skenes Creek Road, Skenes Creek from the Transport 2 Zone (TRZ2) to the Rural Conservation Zone and to delete the Vegetation Protection Overlay Schedule 2 (VPO2) from the land.***
- 2. Pursuant to section 20 (4) of the Planning and Environment Act 1987, seek exemption from notification and exhibition requirements for the amendment.***
- 3. Pursuant to section 29 of the Planning and Environment Act 1987, adopt the completed amendment without changes.***
- 4. Pursuant to section 31 of the Planning and Environment Act 1987, forward the completed amendment and prescribed information to the Minister for Planning for approval.***
- 5. Advise the landowner upon the final approval of the amendment.***

4. KEY INFORMATION

Colac Otway Shire is responsible for the upkeep of the Colac Otway Planning Scheme, including ensuring that land is correctly zoned. A parcel of land in Skenes Creek has been identified by its current landowner as having an incorrect land zoning. 175 Skenes Creek Road, Skenes Creek is 0.337ha in area and is located on the periphery of Skenes Creek township, on a bend in the Skenes Creek Road (see aerial image below).



The site is currently included in the Transport Zone Schedule 2 (see zoning extract below).

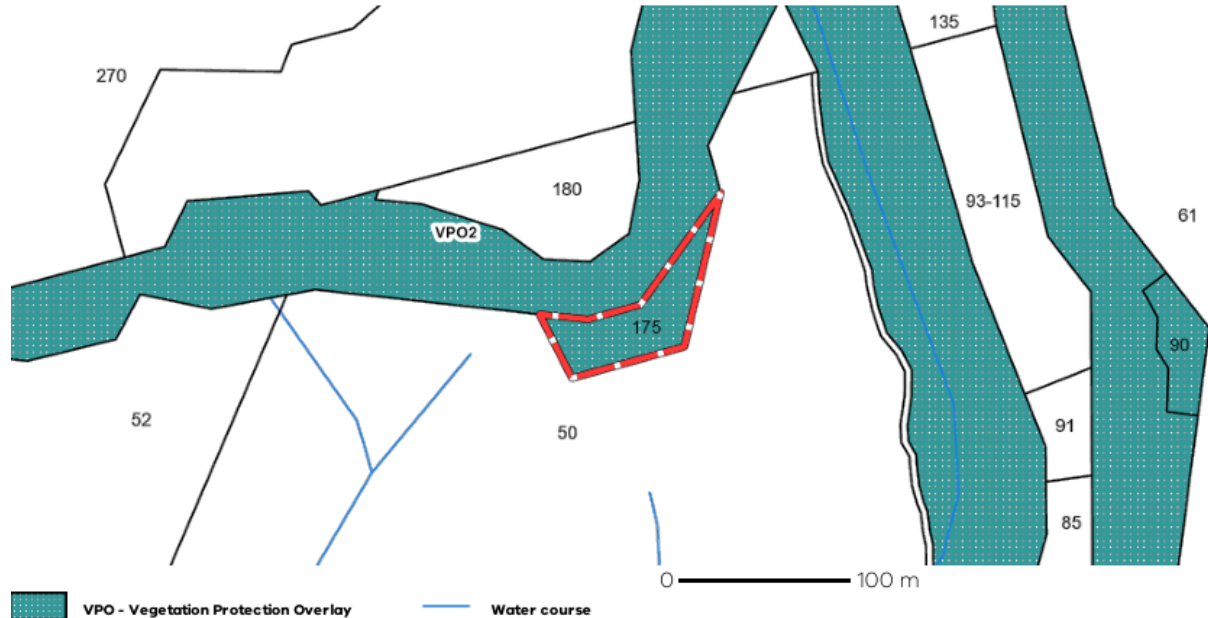


175 Skenes Creek Road, Skenes Creek has been in private ownership for over 50 years and has been used as a rural residential style property for around 40 years. The land was excised from the adjoining Skenes Creek Road reserve prior to 1974, when it became surplus to the requirements of the road authority, and was sold. The current owners have been in possession of the land since 1995. A planning permit was issued by Council for a dwelling extension in 2006. No concerns regarding the zoning of the land were raised at this time during the consideration of the planning permit application.

The DTP has acknowledged in writing (provided under separate cover) that the land is not required for road purposes and supports the rezoning of the land. It is noted that surrounding

private land is included in the Rural Conservation Zone. Given this strategic land use direction in Skenes Creek and the existing land use, the Rural Conservation Zone is the appropriate zone to apply to the land.

The Vegetation Protection Overlay Schedule 2 (Roadside Vegetation) has also been applied to the land.



The Statement of nature and significance of vegetation to be protected in the VPO2 notes that the remnant vegetation along roadsides plays an important role in preserving tracts of remnant vegetation and can provide strategic biodiversity links. It also notes that remnant vegetation along roadsides is a key feature of the landscape and scenic recreational value for local, regional and state communities.

As the site is not within the roadside, the Vegetation Protection Overlay Schedule 2 should not be applied to the land. Furthermore, it is noted that the proposed Rural Conservation Zone and the existing Erosion Management Overlay and the Significant Landscape Overlay applied to the land will continue to protect vegetation and will direct ongoing land management on this site.

Given the administrative nature of the amendment, it is recommended that Council request the Minister for Planning to proceed with the application under section 20(4) of the *Planning and Environment Act 1987*, thereby seeking an exemption from public notification procedures.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report considers the overarching governance principles and ensures that decisions are made in accordance with relevant legislation and priority is given to achieving the best outcomes for the community, including future generations.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

The Planning Scheme Amendment would be processed in accordance with the provisions of the *Planning and Environment Act 1987* and relevant Ministerial Directions.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Not applicable.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Given the administrative nature of the proposed amendment, it is proposed to seek a 20(4) amendment process, where the requirement for public consultation is removed and a Panel hearing is not required.

Public Transparency (s58 LGA 2020)

All amendment documentation will be publicly accessible.

Alignment to Plans and Strategies

Alignment to Council Plan 2025-2029:

Theme 2 – PEOPLE

3.1 – Elevate the efficiency and effectiveness of our Council.

Financial Management (s101 Local Government Act 2020)

The amendment will be processed using the recurrent budget of the Strategic Planning department.

Service Performance (s106 Local Government Act 2020)

Not applicable.

Risk Assessment

Not applicable.

Communication/Implementation

Not applicable.

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 – Prepare and approve a Planning Scheme Amendment to rezone 175 Skenes Creek Road, Skenes Creek from the Transport 2 Zone (TRZ2) to the Rural Conservation Zone and delete the Vegetation Protection Overlay Schedule 2 (VPO2) from the land.

This option is recommended as it would allow the processing of amending the Colac Otway Planning Scheme to commence and remove a zoning anomaly in the planning scheme.

Option 2 – Do not progress the amendment to rezone 175 Skenes Creek Road, Skenes Creek from the Transport 2 Zone (TRZ2) to the Rural Conservation Zone and to delete the Vegetation Protection Overlay Schedule 2 (VPO2) from the land.

This option is not recommended as it would retain the status quo and the current zoning of this land is not appropriate.

Item: 4.2

**PP190/2025-1 - 1005 Wool Wool Road WOOL WOOL -
Use and Development of Land for a Dwelling**

ADDRESS AND PROPERTY DETAILS	1005 Wool Wool Road WOOL WOOL 1060 Wool Wool Road WOOL WOOL	APPLICATION NUMBER	PP190/2025-1
PROPOSAL	Use and Development of Land for a Dwelling and Re-subdivision of Land		
PERMIT TRIGGERS	Farming Zone – Use of land for a dwelling Farming Zone – Re-subdivision of land Farming Zone – Development of land for a dwelling Farming Zone – Construct a building within 100m of a floodplain Environmental Significance Overlay – Construct a building Significant Landscape Overlay – Construct a building		
TRIGGER FOR DETERMINATION BY COMMITTEE	Use of the land for a dwelling in the Farming Zone		
ZONE	Farming Zone	OVERLAYS	Significant Landscape Overlay, Schedule 1 (SLO1) – Valleys, Hills and Plains Landscape Precinct Land Subject to Inundation Overlay< Schedule 1 (LSIO1) – 13.18% Environmental Significance Overlay, Schedule 4 (ESO4) – Habitat Protection
COVENANTS	No covenants		

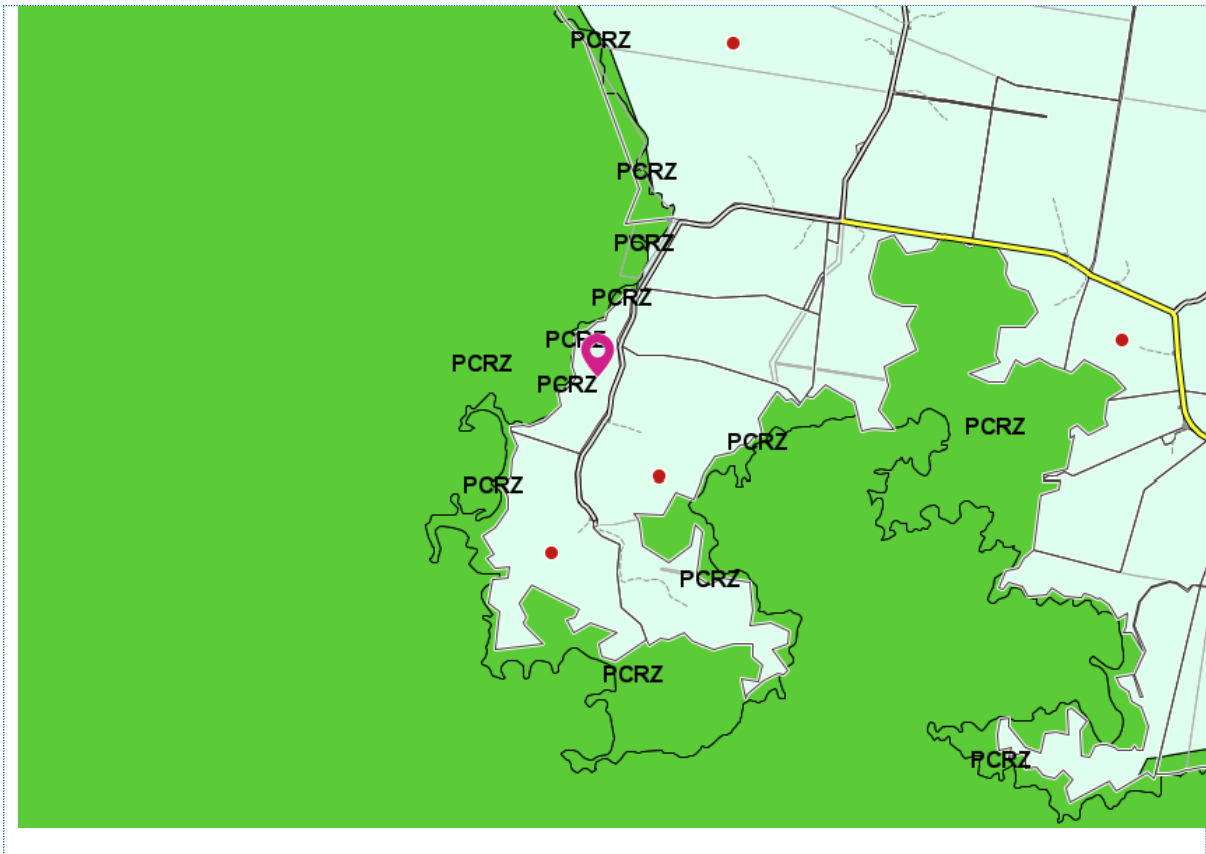
Item: 4.2

PP190/2025-1 - 1005 Wool Wool Road WOOL WOOL - Use and Development of Land for a Dwelling

CULTURAL HERITAGE	Most of the site is within an area of cultural heritage sensitivity, including the location of the proposed dwelling. However, a Cultural Heritage Management Plan (CHMP) is not required for the construction of a single dwelling or the re-subdivision of land.		
OFFICER	Julia Repusic	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	<ol style="list-style-type: none">1. Planning Submission - PP190/2025-1 - 1005 Wool Wool Road WOOL WOOL [4.2.1 - 32 pages]2. Plans - PP190/2025-1 - 1005 Wool Wool Road WOOL WOOL [4.2.2 - 4 pages]		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for the use and development of a dwelling and the re-subdivision of land at 1005 Wool Wool Road and 1060 Wool Wool Road, WOOL WOOL (Lot 1 TP: 133616 and Lot 1 TP: 861882) subject to the following conditions:

DEVELOPMENT

Amended Plans

- 1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of***

the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show the colours of the dwelling.

Endorsed Plans

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

Dwelling infrastructure

- 3. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:***
 - Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***
 - 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.***
 - 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.***
 - 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 commencement of the use hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3m, to the satisfaction of the Responsible Authority.***

Drainage

- 6. All stormwater runoff from the development, 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 and operation, to the satisfaction of the Responsible Authority.***

Wastewater

- 8. A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.***

Native Vegetation Protection

- 9. During the construction and occupation of the dwelling, no native vegetation is to be removed or damaged, to the satisfaction of the Responsible Authority.**

No Gas Connection

- 10. Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed**

SUBDIVISION

Endorsed Plans

- 11. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.**

Servicing Authorities

- 12. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.**
- 13. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.**
- 14. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.**

Telecommunications

- 15. The owner of the land must enter into an agreement with:**
 - a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**
 - a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.**
- 16. Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:**

- ***a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and***
- ***a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.***

Expiry

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

- The development has not commenced within three (3) years of the date of this permit;***
- The development is not completed and the use commenced within five (5) years of the date of this permit;***
- The plan of subdivision has not been certified within two (2) years of the date of this permit;***
- A statement of compliance is not issued within five (5) years of the date of certification.***

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 sections (a), (b) and (c) of this condition.

Notes

- 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 proposed dwelling.***
- A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.***
- 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.***
- A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.***

3. PROPOSAL

The application seeks a planning permit for the use and development of a dwelling in the Farming Zone and the re-subdivision of the land. The dwelling would be located on 1005 Wool Wool Road, and the re-subdivision would be between 1005 Wool Wool Road and 1060 Wool Wool Road.

The dwelling would be sited 488m from the northern boundary, 86m from the eastern boundary and 104m from the western boundary. The dwelling would be sited generally centrally on site with a new driveway proposed to traverse the site from the north through to the dwelling. The

dwelling would be within an existing area of vegetation and would not impact that vegetation in any way.

The dwelling would contain three bedrooms, two bathrooms, laundry and a kitchen/living/dining area with a separate rumpus room. A porch would attach to the western side of the dwelling.

The dwelling itself would be rectangular with a length of 20m and a width of 9m (180sqm), and the attached porch 3m x 9m (207sqm in total). The building would have a maximum height of 5.87m with a gable roof that would have a pitch of 30-degrees. The roof would be constructed of Colorbond materials, as would the external walls.

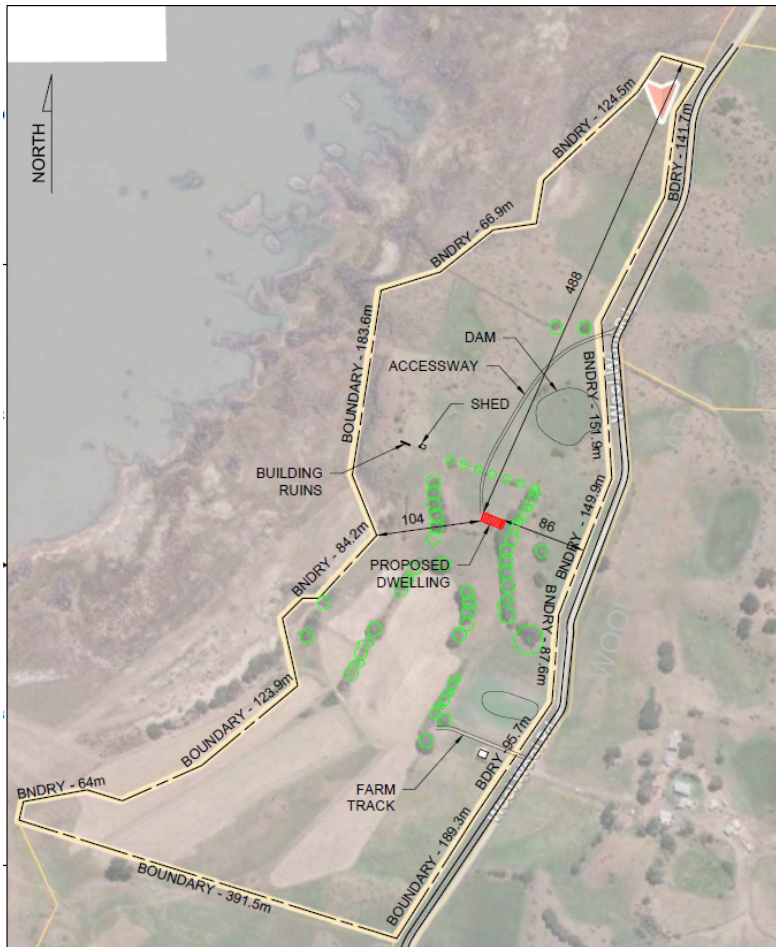


Figure 1 – proposed site plan for the dwelling

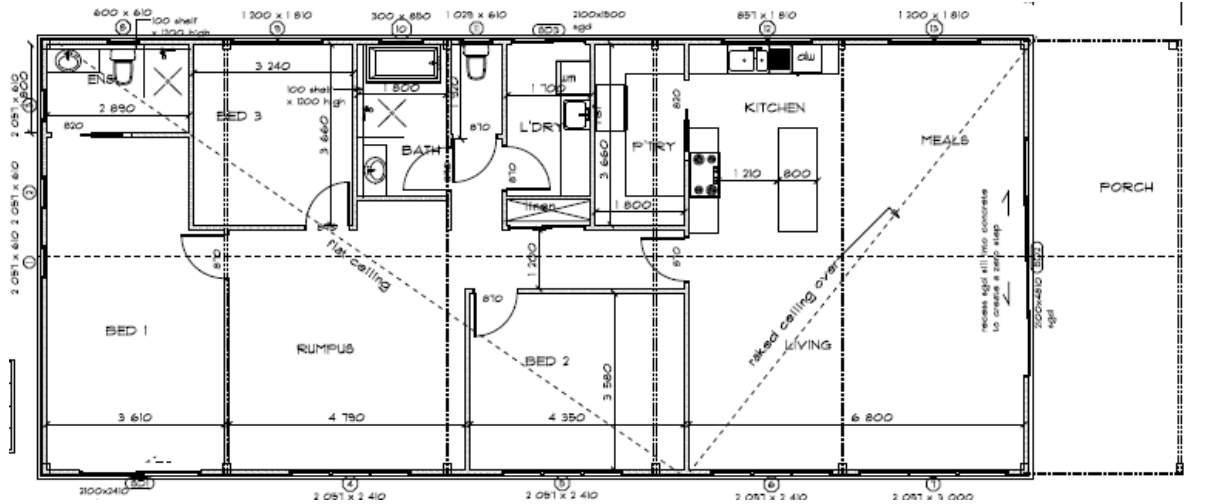


Figure 2 – proposed floor plan

Resubdivision of land is also proposed between 1005 Wool Wool Road (northern lot) and 1060 Wool Wool Road (southern lot). The current lot sizes are 19ha and 54ha, respectively. It is proposed to create one lot of 32ha (1005 Wool Wool Road) which would contain the proposed dwelling and one lot of 40ha (1060 Wool Wool Road).

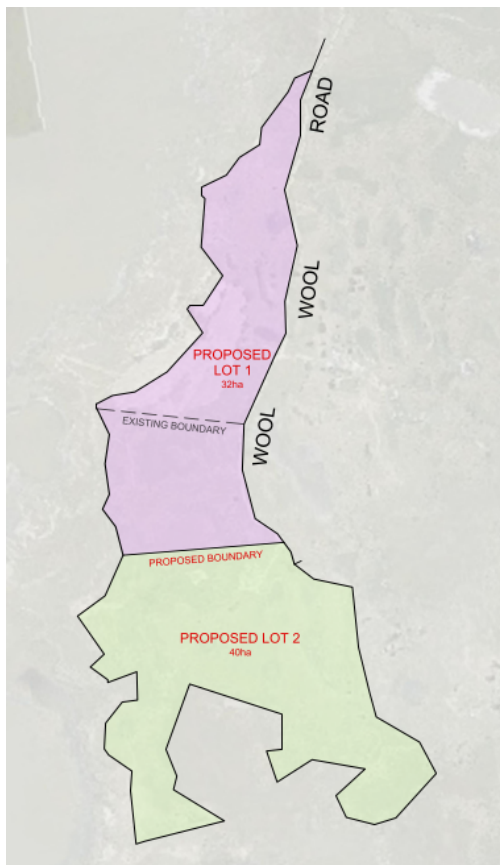


Figure 3 – Proposed resubdivision

4. SUBJECT LAND & SURROUNDINGS

1005 Wool Wool Road

The subject site is located on the western side of Wool Wool Road. It is an irregular shaped lot and has an area of 19ha. The frontage to Wool Wool Road is approximately 950m.

The site is currently vacant of buildings and contains 2 dams. There is also scattered vegetation around the site.

1060 Wool Wool Road

The subject site is located on the western and southern side of Wool Wool Road. It is an irregular shaped lot and has an area of 54ha. It currently gains access from the end of Wool Wool Road. The site contains 3 agricultural buildings. There is scattered vegetation around the site.

Both sites are adjacent to Lake Corangamite, which is a RAMSAR Wetland and a breeding ground for birds.

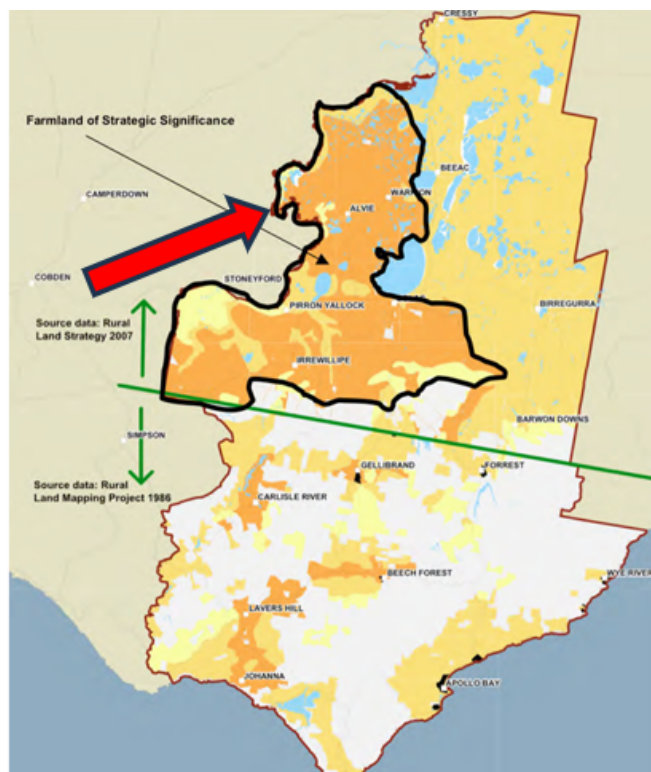
Surrounding land is generally used for agricultural purposes, with dwellings sporadically located throughout. The closest dwelling to the subject site is at Lot 1 TP189133, 1005 Wool Wool Road (note this is not the subject site but a site within the same ownership of the subject site).

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably 02.03-1 (Settlement) 02.03-2 (Environmental and landscape values), 02.03-4 (Natural resource management), 11.01-1S and 11.01-1L (Settlement), 12.01-1S (Protection of biodiversity), 13.03-1S (River and riparian corridors, waterways, lakes, wetlands and billabongs), 12.05-2S and 12.05-2L (Landscapes), 14.01-1S and 14.01-1L (Protection of agricultural land), 15.01-2S and 15.01-2L (Building design), 15.01-6S and 15.01-6L (Design for rural areas) and 15.03-2S (Aboriginal cultural heritage).

Other relevant provisions



The subject site is identified as being Farmland of Strategic Significance in the Rural Land Strategy 2007. This means that the site is in an area of high quality agricultural land, allotments that are conducive to agriculture and have an economic contribution to the Shire. This is identified in the map above by the black boundary.

Being in the area of Farmland of Strategic Significance requires Council to ensure that this land is protected from unplanned loss of productive land due to permanent change. This is a significant consideration in the assessment of this application as is discussed further in the assessment portion of this report.

Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred to the Infrastructure and Environment Teams. Conditional consent was provided from the Infrastructure Department. The Environment Department provided conditional consent, requiring a Land Management Plan to be submitted as the site is near the RAMSAR wetland and possible vulnerable Ecological Vegetation Class (EVC).

External Referrals

The application was referred to the Corangamite Catchment Management Authority (CCMA), which advised that it has no objections to the proposal. The CCMA does not require any conditions to be imposed in the event a permit is issued.

DEECA was also notified of the application, and no response was received.

7. PUBLIC NOTIFICATION & RESPONSE

COMMUNICATION & TIMELINE

Public notice of the application was undertaken by means of letters sent by registered post to the owners of neighbouring properties.

The application was on public notice for 2 weeks, with documents associated with the proposal accessible for inspection on Council's website for the entire notice period. No objections or submissions were received throughout the notice period, or since then.

8. OFFICER'S ASSESSMENT

The subject site is within an area of cultural heritage sensitivity. However, the application is exempt from requiring a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Regulations 2018*, as the application is for a single dwelling and resubdivision. Neither of those proposals trigger a requirement for a CHMP within the *Regulations*.

The main considerations of this application are:

- whether the use and development of the land with a dwelling would undermine the purpose of the Farming Zone;
- whether the land would be permanently lost for agricultural purposes;
- whether a dwelling can be reasonably supported on the land in terms of services;
- whether the design of the dwelling is acceptable;
- whether the resubdivision is acceptable; and
- whether the proposal is acceptable under the overlays.

Planning Policy Framework and Farming Zone

The land of 1005 Wool Wool Road is under 40ha. Therefore, a permit is required to use and develop the land for a dwelling.

The site is currently being used for agricultural purposes. The proposal seeks to establish a dwelling that will directly support the ongoing agricultural operations. By providing a dwelling onsite, the development will strengthen and enhance the existing agricultural use, contributing to its long-term viability.

1005 Wool Wool Road is relatively small in comparison to surrounding properties and the broader landholding. The proposed resubdivision would create a parcel that can function as an independent agricultural unit, despite that not being the intention of the proposal, it is important that the future of the site is taken into consideration. This approach ensures that, should the land be separated from the larger enterprise in the future, it will remain suitable for productive agricultural use in its own right.

The Farming Zone seeks to '*ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.*' This is one of the main considerations of this application. The use of land for a dwelling in the Farming Zone is a balance and must be carefully assessed. In this case, it is considered that a dwelling can be accepted on the land after careful consideration against the Planning Policy Framework and Farming Zone, which is discussed below.

In this instance, the resubdivision would result in the 1005 Wool Wool Road having an area of 32 hectares which is closer to the land supply needed for a viable farm. The dwelling is intended to accommodate a family member involved in the management of the landholding,

thereby assisting in the ongoing operation of the enterprise. The proposal is not considered to represent a lifestyle development, as demonstrated by the applicant's agreement to the resubdivision, which supports the agricultural purpose of the land.

The Farming Zone also seeks to encouraging the retention of employment and population, which this proposal contributes to by enabling a family member involved in the agricultural enterprise to reside on the property. As a result, the provision of a dwelling on the land will provide the workforce required for ongoing farm operations on the land. This supports the continuity of agricultural activity, which is essential for sustaining local employment and economic viability. The resubdivision will create a land parcel closer to the size typically associated with viable farming, further strengthening the long-term sustainability of the enterprise. By linking the dwelling to the agricultural use rather than a lifestyle purpose, the proposal helps retain population in Wool Wool.

Provision of services

In the Farming Zone, a lot for a dwelling must have access to a road, connected to a wastewater system, have potable water and electricity.

The application has demonstrated that a new crossover and driveway would be constructed from the road to the dwelling. The crossover and driveway must be to Infrastructure's specifications, as controlled by a permit condition should a permit be issued. There is adequate space on the land for a wastewater system to be installed. The applicant advises that there is sufficient power and water infrastructure. This would be controlled by a permit condition to ensure appropriate services are available to the dwelling, should a permit be issued.

Design and siting of dwelling

A key consideration in the determination of this application is whether the bulk, scale, design, colour and location of the proposed dwelling would dominate the natural landscape or be in keeping with the immediate and surrounding area. In particular, any visual impact from the road and to the RAMSAR wetland.

The building would be single storey constructed of non-reflective materials and of an acceptable height. The building would be simple in design with a gable roof and a porch. The building would be a reasonable distance from all boundaries so as to avoid any visual impacts or environmental impacts. The setback to the RAMSAR wetland is over 100m, therefore it is not considered that the dwelling itself would have a direct impact on the wetlands. The setback to the floodplain is also acceptable as per the CCMA referral response.

The dwelling would be the only building on the site, therefore would not be clustered with any other building. The applicant has advised that the building would be sited where a previous dairy was sited, therefore the paddocks and farm operation would not be impacted by the dwelling. The design and siting are acceptable.

Resubdivision

The acceptability of the proposed resubdivision must be evaluated against the purpose of the Farming Zone, relevant policy directions in the Planning Policy Framework, and the practical implications of reconfiguring high value agricultural land. The key considerations include agricultural productivity, long-term land use outcomes, relationship to the proposed dwelling, environmental constraints, and servicing requirements.

The land is located within an area identified as Farmland of Strategic Significance under the Rural Land Strategy 2007, being high quality agricultural land with strong economic contribution to the Shire. Council policy requires such land to be protected from the unplanned loss of productive land due to permanent change. The proposed resubdivision results in two

lots of 32 ha and 40 ha, each of a size capable of continued agricultural use and considered closer to the land supply typically required for a viable farming unit. The revised configuration allows 1005 Wool Wool Road to function as an agricultural parcel in its own right should the broader landholding be separated in the future, which is consistent with the zone's intent to avoid fragmentation that undermines productive potential.

A central consideration is whether the resubdivision facilitates a dwelling that would undermine agricultural use. In this case, the dwelling is explicitly proposed to support ongoing farm operations and is not a detached lifestyle dwelling. It will be located in an area previously developed for agricultural purposes (former dairy), avoiding the displacement of productive paddocks. The new 32 ha lot remains sufficiently large and appropriately configured to support continued farm activity.

Given these circumstances, the resubdivision does not create conflict between residential and agricultural uses and appropriately integrates the dwelling within the existing farm unit

Accordingly, the resubdivision is consistent with the purpose of the Farming Zone, the Planning Policy Framework, and Council's strategic objective to protect high value agricultural land and can be supported subject to appropriate conditions.-value agricultural

Consideration of overlays

A permit is triggered under the Environmental Significance Overlay for the construction of a building. The dwelling would avoid environmentally sensitive areas, requires no native vegetation removal, and is sited on already modified land. Its setbacks, low-impact design, and contained effluent and stormwater systems ensure no adverse effects on waterways, soil stability, or habitat values. The development does not intensify land use beyond the rural context and maintains the natural landscape character. Overall, it meets the ESO3 objectives by protecting environmental processes, biodiversity, and landscape values while ensuring compatible, low-impact development.

The proposal triggers a permit under the Significant Landscape Overlay due to the construction of a building; however, the design employs a low-profile, non-reflective built form that is well suited to the rural landscape. The building is carefully sited to avoid visually prominent locations, incorporating generous setbacks and a central position on the lot. It protects key views to Lake Corangamite and avoids any encroachment on the RAMSAR-listed wetland interface. The development maintains the established pattern of sparse rural settlement and avoids introducing visual clutter, while also steering clear of environmentally sensitive and flood-affected areas. By replacing a former agricultural building site, it limits new landscape disturbance. For these reasons, the proposal is considered to appropriately respond to the landscape values protected under SLO1 and is acceptable, subject to standard conditions.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

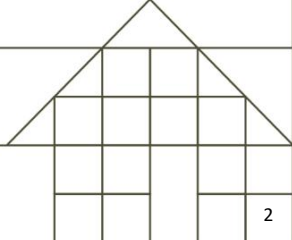
ELEVATE

PLANNING



1005 Wool Wool Road Wool Wool

USE AND DEVELOPMENT OF THE LAND FOR A DWELLING

REV	DATE	DETAILS
1	25.09.25	VERSION 1
2		
3		
<p>COPYRIGHT Elevate Planning shall retain ownership of the reports and drawings, design, displays and other work produced by Elevate Planning during fulfilling a commission until final payment by the client.</p>		
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1. Outline

Elevate Planning has been engaged to prepare a report on behalf of the property owners for the use and development of the land for a dwelling located at 1005 Wool Wool Road in Wool Wool.

The site which consists of a single title formally described as Lot 1 TP133616. There are no restrictions registered on title.



Figure 1 Existing site access

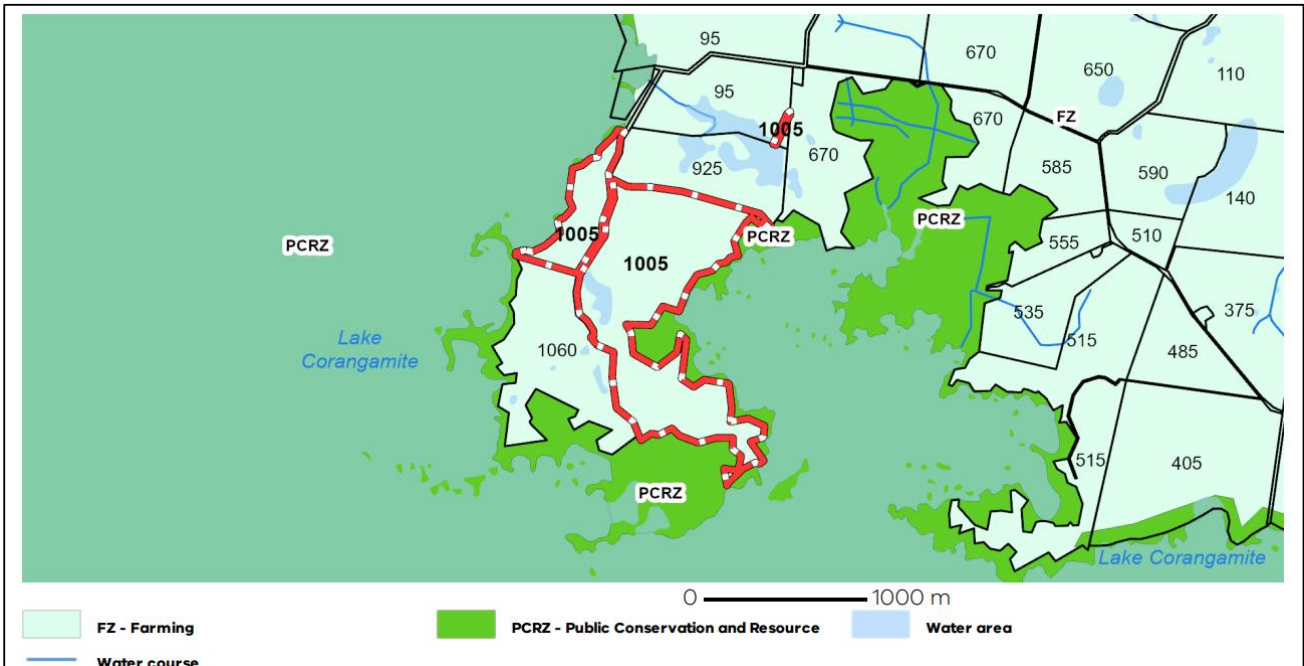
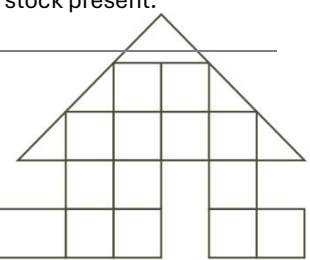


Figure 4 VicPlan Zoning Mapping

Street Address:	1005 Wool Wool Road, Wool Wool
Title Details:	Lot 1 TP133616
Restrictions/Covenants:	Nil
Land Size:	18.93 hectares
Zone:	Farming Zone
Overlays:	Environmental Significance Overlay Schedule 4 Significant Landscape Overlay Schedule 1
Other Regulatory Constraints:	The site is affected by AAV Mapping. A single dwelling on a lot is exempt from requiring the submission of a Cultural Heritage Management Plan. The site is mapped within the bushfire prone area
Site Features:	The site is located on the banks of Lake Corangamite in the district of Wool Wool. The site is undulating in nature and in operation as a sheep farm. The site is undulating throughout and has sporadic farming infrastructure sited predominantly towards the roadside boundary. The site is bound by Lake Corangamite to the west and Wool Wool Rod to the north. The site is divided into several paddocks and is in use for the grazing of sheep as part of a larger agricultural enterprise. Planted rows of trees are present onsite which act as wind breaks for the stock present.



Wool Wool Road is an all-weather road controlled and maintained by the Colac Otway Shire Council. The Road has grassed road reserves and overhead powerlines on its western elevation.

Surrounds

Surrounding land to the north, south and west is zoned Farming and is in use for broad acre farming pursuits. The site is located 26 kilometres from the centre of Colac.



Figure 5 Overview of build area

3. PROPOSAL

The application seeks planning permission for the use and development of the land for a dwelling at 1005 Wool Wool Road in Wool Wool.

Development

The proposal seeks Council approval for a single storey three-bedroom dwelling setback approximately 86 metres from the roadside boundary and 488 metres northern most property boundary. The dwelling is to have an overall height of 5.72 metres and is to be clad in Colorbond steel sheet roofing and wall cladding. The dwelling will feature a pitched roof. Access to the dwelling will be from an internal driveway located adjacent to the western boundary of the site.

The existing accessway will be upgraded to lead to the site of the dwelling on the property. No existing vegetation will be impacted by the development. The dwelling is to be built on an old dairy site, since demolished within an existing clearing where existing access is present. The existing access track which converses the allotment will be upgraded to a crushed rock all weather service. The site of the proposed dwelling construction site is within close proximity to electricity and water connection.

Land Use

The subject site forms part of a long-standing farming enterprise that has operated continuously in Wool Wool for more than 125 years. The family’s connection to the land spans four generations, with the current operation actively farming the property for the past 73 years.

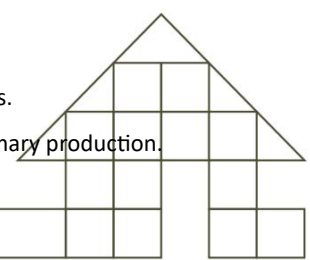
The broader enterprise extends across approximately 274.5 hectares of freehold land and a further 155.5 hectares of leased land within the Wool Wool district. Of this, the subject site and associated holding at 1005 Wool Wool Road comprise 116 hectares of freehold land and 77 hectares of leased land.

Historically operated as a dairy farm, the enterprise transitioned two years ago into a diversified agricultural model focused on beef cattle and fat lamb production. This evolution has ensured the ongoing viability of the farm and reflects broader industry trends within the Colac Otway region.

On Lot 1 TP133616, remnants of the former dairy operation remain evident through existing infrastructure, including the old dairy site and associated works. It is within this cleared and previously developed area that the proposed dwelling is to be located. Reusing this site avoids any loss of productive agricultural land or removal of native vegetation, thereby preserving the property’s integrity for ongoing farming purposes.

The proposed dwelling will be occupied by the farm owner’s daughter and her family, forming an integral part of succession planning. It will facilitate the transfer of knowledge and management responsibilities across generations while ensuring the availability of labour for day-to-day operations. Permanent on-site accommodation for the next generation will:

- Support the long-term sustainability and productivity of the enterprise.
- Ensure adequate labour capacity for animal husbandry and farm operations.
- Provide flexibility during peak periods such as lambing, calving, and adverse seasonal events.
- Contribute to the resilience of the local community by retaining younger generations in primary production.



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Accordingly, the proposed dwelling is not a lifestyle development, but a functional and necessary piece of farm infrastructure essential to the continuation and strengthening of a significant agricultural operation within the Farming Zone.

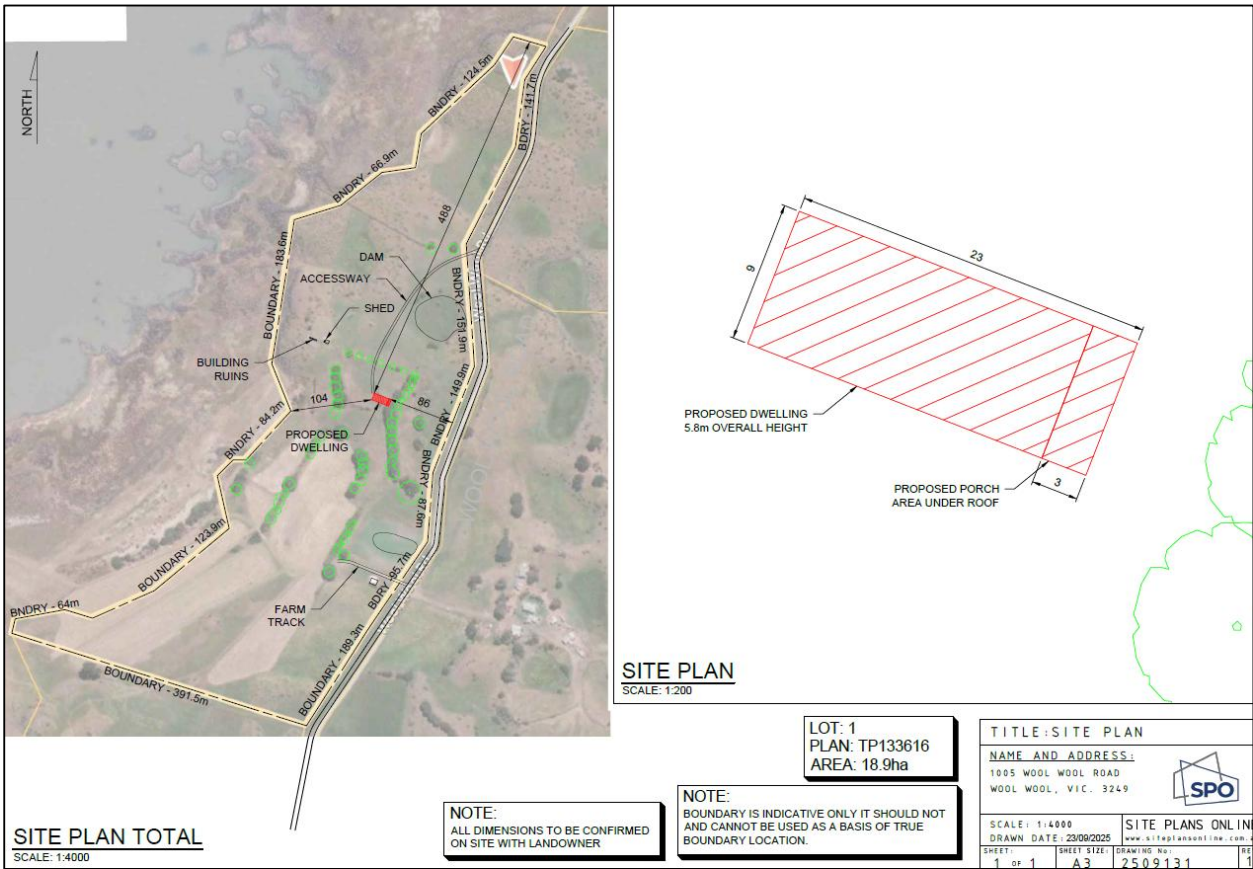


Figure 6 Proposed site plan

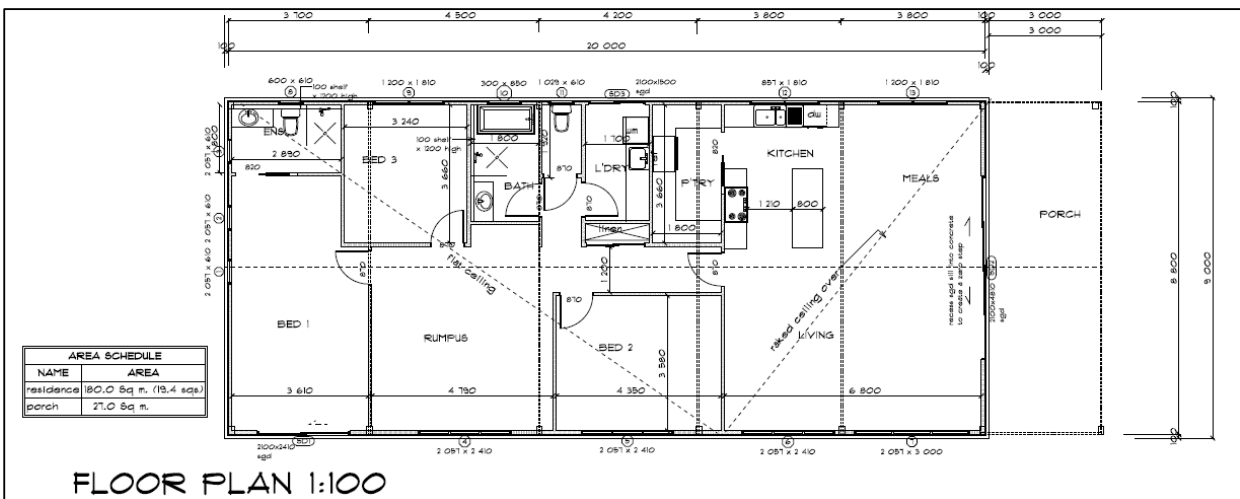
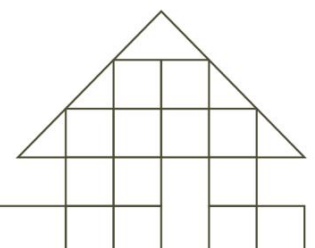


Figure 7 Dwelling layout



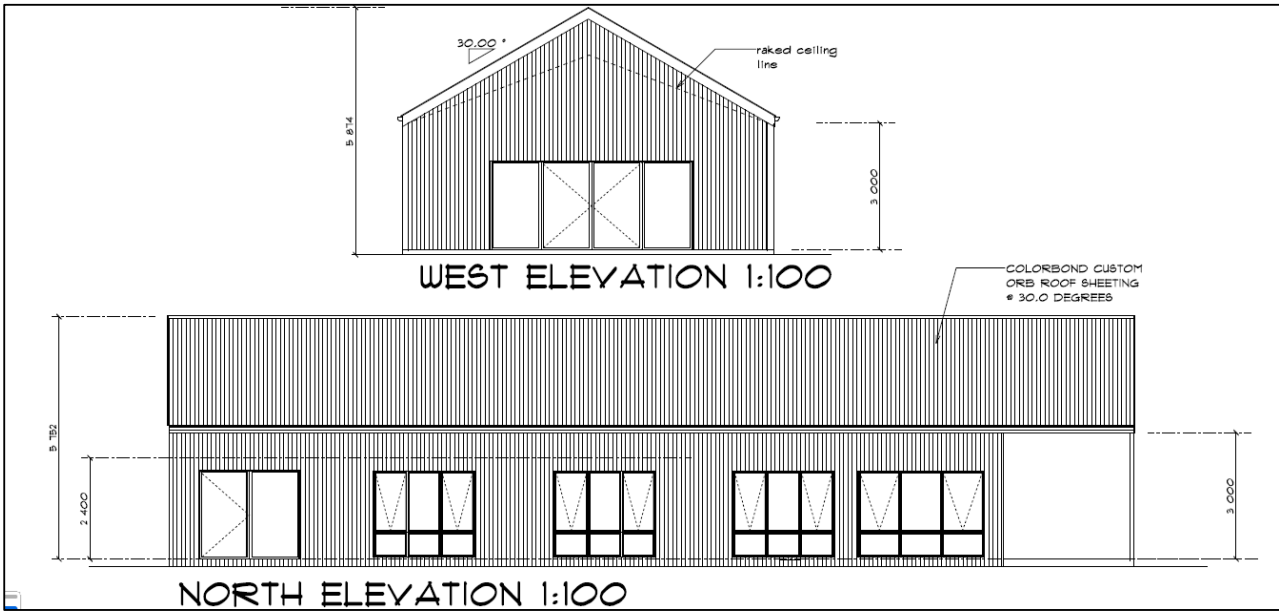


Figure 8 Dwelling Elevations

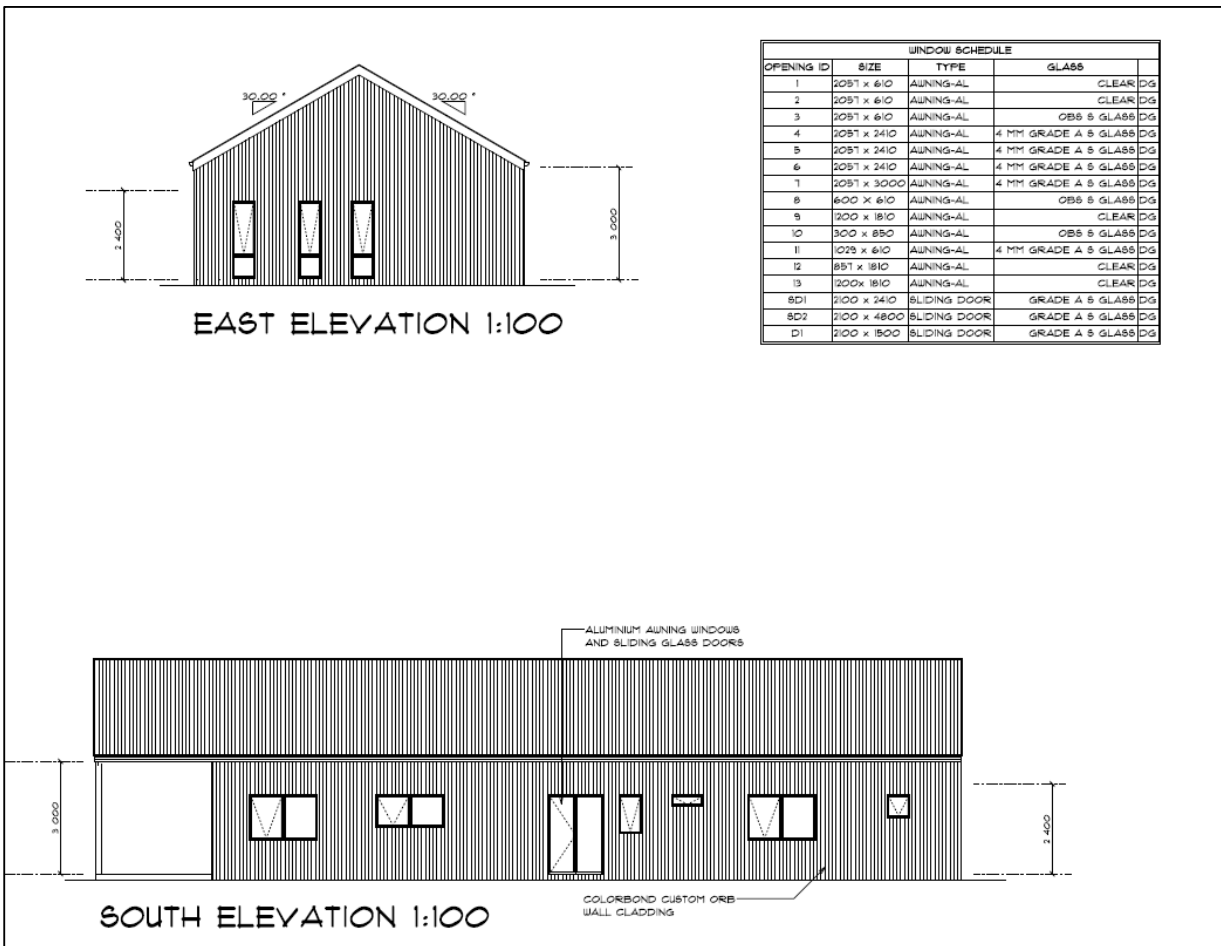


Figure 9 Dwelling elevations

4. Planning Triggers

Clause 35.07-1 – Use of the land for a dwelling (site is less than 80 hectares) (FZ)

Clause 35.07-4 – Buildings and works associated with a section 2 use. (FZ)

Clause 42.01-2 – Buildings and works (ESO4)

Clause 42.03-2 – Buildings and works (SLO1)



5. Municipal Planning Strategy

02.03-2 Environmental and landscape values

The Shire contains landscapes that are important for their environmental, cultural, social and economic significance as well as diversity of ecosystems.

The landscape character types within the Shire include:

- Western Plains.
- Volcanic Plains and associated Cones and Lakes.
- Otway Foothills, Valleys and Uplands.
- Otway Forests and Coast.
- Localised flatlands.

The saline lakes of the Volcanic Plain north of Colac are of international significance because of the number of threatened species and migratory species that depend on the sites.

Council seeks to manage environmental and landscape values by:

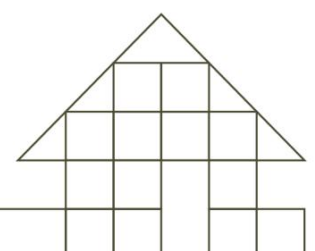
- Protecting significant landscapes and features that contribute to the amenity of the Otway Ranges and coast such as declared water supply catchments, the coast, forested public land, rivers and water courses, lakes and major geological features.
- Retaining the dominance of the landscape between towns.
- Enhancing views of the landscape from road corridors.
- Protecting the scenic landscape of ridgelines and landforms from incompatible built form and removal of vegetation.

02.03-3 Environmental risks and amenity

The Shire is affected by an array of environmental risks including landslips, bushfire, salinity, flooding, erosion and water quality.

Landslips are a hazard in the southern half of the Shire associated with steep slopes and high rainfall including the:

- Otway Ranges from Marengo to Wye River.
- Slopes of the Barham River and Gellibrand River valleys.
- Hordern Vale – Glenaire area.
- Lavers Hill – Johanna River area.
- Kawarren – Yeodene area.
- Irrewillipe area.



Salinity is an issue, particularly in the northern half of the Shire. Flooding is a threat north of the Otway Ranges and is particularly associated with the Barwon River and the lakes system of the Volcanic Plains. Water quality in rivers, streams, lakes and wetlands has declined since European settlement due to increasing salinity and reduced flow regimes.

Council seeks to control environmental risks and amenity by:

- Managing landslip risk especially along the coastal areas.
- Ensuring development responds to environmental risks such as bushfire, flooding, erosion and salinity.

02.03-4 Natural resource management

The protection of agricultural industries is critical to the economic and social wellbeing of the Shire. The need to protect arable land will intensify as the Shire’s significant landscapes continue to attract those seeking a rural/coastal lifestyle. Protection will also be necessary as farmers seek to relocate or diversify their business, and as farming land in other areas of the State becomes increasingly vulnerable to harsher climactic conditions.

Rural land traditionally used for farming is increasingly being used for lifestyle purposes. This is causing problems associated with increasing property values inhibiting farm growth, servicing, provision of infrastructure and conflict with adjoining land uses and has the potential to undermine the protection of the agricultural base of the Shire.

There are distinct areas that offer different agricultural land use opportunities in the Shire:

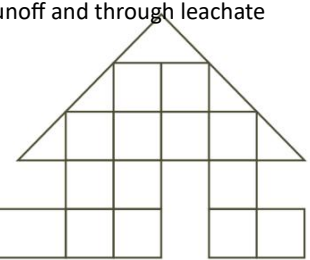
- The north-western area contains ‘Farmland of Strategic Significance’ that has ‘high’ agricultural capability due to soil type, climatic conditions and larger land parcels.
- The north-eastern area is identified as having ‘medium’ agricultural capability with primary land use for production of beef.
- The southern area including the Otway Ranges are characterised by rolling hills and heavily vegetated forests with pockets of cleared farmland.
- Along the coast there is a mix of mainly medium and low agricultural capability land interspersed with areas of medium and high agricultural capability.

Plantations are located primarily in the southern area of the Shire with higher rainfall. Jobs associated with management, harvesting and processing of the forestry resource are mainly located in Colac.

Water quality of rivers and streams north of the Otway Ranges is generally poor due to the impacts of land clearing and development.

Lake Colac is a freshwater lake formed through volcanic activity. Water quality in Lake Colac has suffered from blue-green algal blooms and sediment build up. Some of the main causes of poor water quality in the lake have been associated with development close to the lake, particularly industry, nutrients and pollutants from creeks, through runoff and through leachate from the former tip site.

Council seeks to manage its natural resources by:



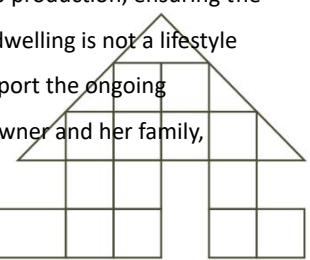
- Protecting high quality agricultural land.
- Limiting rural residential development that impacts viable agricultural land.
- Supporting grazing and cropping farming practices as preferred land uses in areas designated as 'Farmland of Strategic Significance'.
- Supporting farm consolidation and expansion.
- Supporting agricultural diversity and sustainable forestry and timber industries.
- Supporting the growth and operations of existing timber processing.

Response to Municipal Planning Strategy

The subject site at 1005 Wool Wool Road, Wool Wool is located within the Volcanic Plains and associated Cones and Lakes landscape type and directly interfaces with Lake Corangamite, which is recognised for its international environmental significance in supporting threatened and migratory bird species. The proposal to construct a single dwelling has been carefully designed and sited to respect these environmental and landscape values. The dwelling is to be located within an existing cleared area formerly occupied by a dairy facility, thereby avoiding the removal of vegetation or disturbance to intact landscapes. Its setback of approximately 86 metres from Wool Wool Road ensures that the open and undulating rural landscape character of the site is maintained, with broad views to Lake Corangamite and the Volcanic Plain preserved. The single storey built form, use of a muted colour palette and Colorbond cladding will ensure that the dwelling sits sympathetically within the agricultural setting and does not detract from the scenic qualities of the surrounding landscape. The proposal avoids visually dominant ridgelines and lake edges, ensuring no adverse impact upon the natural values, environmental significance or visual amenity of the area. The development therefore supports Council’s objective to protect significant landscapes and features, retain the dominance of the rural landscape and enhance views from road corridors by avoiding visually obtrusive or incompatible built form.

The site is not affected by landslip risk but is located within a designated bushfire prone area and within the saline lake system of the Volcanic Plains. These risks have been appropriately considered in the design and siting of the dwelling. The dwelling will be constructed on elevated, stable ground, well clear of the Lake Corangamite shoreline and associated flood-prone areas, thereby avoiding potential impacts of flooding, waterlogging and erosion. The reuse of an existing dairy site minimises the risk of further soil disturbance or salinity impacts. Bushfire risk will be mitigated by siting the dwelling within an established clearing, providing adequate defensible space, and upgrading an all-weather access track suitable for emergency vehicles. The availability of reticulated power and onsite water storage will provide further bushfire response capacity. A bushfire management plan will be prepared to ensure compliance with the relevant safety standards and to mitigate risks to life and property. The proposal therefore responds appropriately to Council’s policy to ensure development is located and designed to address environmental risks including bushfire, flooding, erosion and salinity.

The site forms part of a broader 116-hectare farming enterprise which has been in continuous operation for over 125 years in the Wool Wool district. The farm has recently transitioned from dairying into beef cattle and fat lamb production, ensuring the continued viability of the operation and reflecting industry change within the region. The proposed dwelling is not a lifestyle development but a functional and necessary piece of agricultural infrastructure that will directly support the ongoing management of the enterprise. The dwelling is to be occupied by the daughter of the current farm owner and her family,



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providing for succession planning and ensuring that the next generation of the family remains engaged in farming operations. The on-site presence of additional farm operators will improve the capacity to manage livestock, allow for greater flexibility in responding to seasonal and climatic conditions and ensure that the enterprise remains sustainable into the future. By enabling intergenerational succession, the proposal directly supports the retention of younger generations in farming and helps to counter the pressures of land fragmentation, lifestyle development and rising property values which can undermine agricultural viability. The proposal therefore directly supports Council’s policy to protect high quality agricultural land, prevent inappropriate rural residential encroachment and promote the ongoing operation, expansion and diversification of farming enterprises across the Shire.



6. Planning Policy Framework

12.05-2L Landscapes

Strategies

- Retain open and rural views, particularly from main road corridors and tourist routes.
- Increase endemic planting to emphasise natural features such as creeks.
- Protect ridgelines from visual intrusion by development and vegetation removal.
- Retain existing endemic trees and understorey.
- Retain views of geological features such as volcanic cones, craters and lakes from the Princes Highway and other main roads.
- Discourage quarrying or excavation on geological features.

13.07-1S Land use compatibility

Objective

To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.

Strategies

- Ensure that use or development of land is compatible with adjoining and nearby land uses
- Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.
- Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.
- Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.

Policy documents

Consider as relevant:

- Separation Distance Guideline (Environment Protection Authority, August 2024)
- Landfill Buffer Guideline (Environment Protection Authority, August 2024)

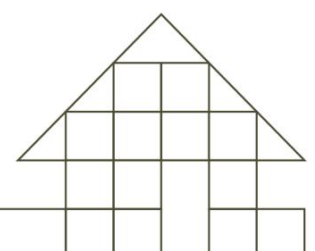
14.01-1L Protection of agricultural land

Policy application

This policy applies to all land in the Farming Zone, Rural Conservation Zone and Rural Activity Zone.

Strategies

Minimise ad hoc development of unserviced old and inappropriate subdivisions.



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Ensure that lots resulting from subdivision are of a sufficient size to benefit agricultural production or environmental protection.

Discourage dwellings on lots that do not meet the minimum lot area of the zone or relevant schedule unless it is required for an intensive agricultural activity on the land or to achieve the environmental protection of the land.

Avoid localised concentration of dwellings in agricultural areas.

Discourage the realignment of boundaries that will create small lots for existing dwellings unless the re-subdivision contributes to the restructure and/or consolidation of agricultural holdings into larger farming units.

Ensure that small lot subdivisions or excisions facilitate sustainable rural production and do not prejudice surrounding rural activities.

Discourage boundary realignments if they rely on land that was previously a road reserve, utility lot, crown land or are of insufficient size to support a dwelling.

Support a mix of uses in the Rural Activity Zone on land west of Apollo Bay and in the Otway Ranges including:

- Agriculture.
- Tourist and recreational activities.
- Group accommodation with tourist or recreational activities (including backpacker accommodations, camping and caravan park, cabins, etc).
- Restaurants in association with tourist facilities or recreational activities.

Policy guidelines

Consider as relevant:

- Whether any small lot containing a dwelling and associated infrastructure should be at least 0.4 hectare and no more than 2 hectares in area.
- Providing setbacks around the existing dwelling from lot boundaries to limit likely impacts of adjacent agricultural activity.
- The use of an agreement under Section 173 of the Act to prevent the further subdivision of the land and the construction of a dwelling on any lot created other than in accordance with the minimum lot size in the zone.

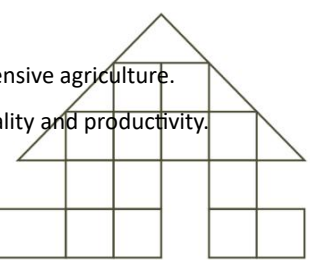
Clause 14.01-1S Protection of agricultural land

Objective

To protect the state’s agricultural base by preserving productive farmland.

Strategies

- Identify areas of productive agricultural land, including land for primary production and intensive agriculture.
- Consider state, regional and local, issues and characteristics when assessing agricultural quality and productivity.



- Avoid permanent removal of productive agricultural land from the state's agricultural base without consideration of the economic importance of the land for the agricultural production and processing sectors.
- Protect productive farmland that is of strategic significance in the local or regional context.
- Protect productive agricultural land from unplanned loss due to permanent changes in land use.
- Prevent inappropriately dispersed urban activities in rural areas.
- Protect strategically important agricultural and primary production land from incompatible uses.

Limit new housing development in rural areas by:

- Directing housing growth into existing settlements.
- Discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses.
- Encouraging consolidation of existing isolated small lots in rural zones.

Identify areas of productive agricultural land by consulting with the Department of Energy, Environment and Climate Action and using available information.

In considering a proposal to use, subdivide or develop agricultural land, consider the:

- Desirability and impacts of removing the land from primary production, given its agricultural productivity.
- Impacts on the continuation of primary production on adjacent land, with particular regard to land values and the viability of infrastructure for such production.
- Compatibility between the proposed or likely development and the existing use of the surrounding land.
- The potential impacts of land use and development on the spread of plant and animal pests from areas of known infestation into agricultural areas.
- Land capability.

Avoid the subdivision of productive agricultural land from diminishing the long-term productive capacity of the land.

Give priority to the re-structure of inappropriate subdivisions where they exist on productive agricultural land.

Balance the potential off-site effects of a use or development proposal (such as degradation of soil or water quality and land salinisation) against the benefits of the proposal.

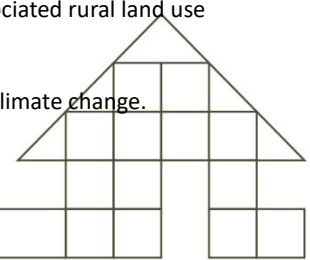
Clause 14.01-2S Sustainable agricultural land use

Objective

To encourage sustainable agricultural land use.

Strategies

- Ensure agricultural and productive rural land use activities are managed to maintain the long-term sustainable use and management of existing natural resources.
- Support the development of innovative and sustainable approaches to agricultural and associated rural land use practices.
- Support adaptation of the agricultural sector to respond to the potential risks arising from climate change.



- Encourage diversification and value-adding of agriculture through effective agricultural production and processing, rural industry and farm-related retailing.
- Assist genuine farming enterprises to embrace opportunities and adjust flexibly to market changes.
- Support agricultural investment through the protection and enhancement of appropriate infrastructure.
- Facilitate ongoing productivity and investment in high value agriculture.
- Facilitate the establishment and expansion of cattle feedlots, pig farms, poultry farms and other intensive animal industries in a manner consistent with orderly and proper planning and protection of the environment.
- Ensure that the use and development of land for animal keeping or training is appropriately located and does not detrimentally impact the environment, the operation of surrounding land uses and the amenity of the surrounding area.

15.01-6S Design for rural areas

Objective

To ensure development respects valued areas of rural character.

Strategies

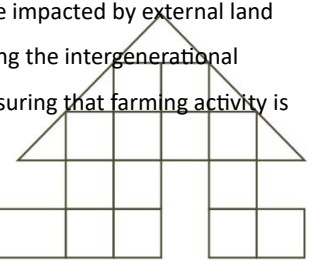
- Ensure that the siting, scale and appearance of development protects and enhances rural character.
- Protect the visual amenity of valued rural landscapes and character areas along township approaches and sensitive tourist routes by ensuring new development is sympathetically located.
- Site and design development to minimise visual impacts on surrounding natural scenery and landscape features including ridgelines, hill tops, waterways, lakes and wetlands.

Response to Planning Policy Framework

The proposed use and development of the land for a dwelling at 1005 Wool Wool Road is entirely consistent with the relevant planning policy framework and demonstrates a strong alignment with both strategic and local policy objectives.

In relation to Clause 12.05-2L Landscapes, the proposal has been carefully sited to minimise any visual intrusion into the valued rural landscape. The dwelling is located within an existing cleared area on the site of a former dairy, ensuring that no native vegetation or significant trees are removed and that established windbreak plantings are retained. The setback of approximately 86 metres from Wool Wool Road and over 480 metres from the northern boundary ensures that open rural views from the road corridor are maintained, with the low-profile, single-storey built form blending into the agricultural setting. The dwelling’s modest height of 5.72 metres and use of muted Colorbond cladding ensures it does not compromise the visual appreciation of Lake Corangamite or surrounding volcanic features. The proposal therefore maintains the integrity of key landscape elements while supporting the ongoing agricultural use of the land.

Under Clause 13.07-1S Land Use Compatibility, the proposal represents an appropriate and compatible use of land within the Farming Zone. The dwelling is proposed as part of a genuine and long-established farming enterprise, rather than an isolated lifestyle development. The location and use will not give rise to adverse off-site impacts, nor will it be impacted by external land uses, which are primarily broadacre farming activities consistent with the Farming Zone. By supporting the intergenerational transfer of the farm, the proposal directly contributes to the ongoing viability of local agriculture, ensuring that farming activity is



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not fragmented or compromised. Importantly, the proposed dwelling will not encroach on, or constrain, the operation of surrounding agricultural land uses and thereby maintains land use compatibility in the district.

With regard to Clause 14.01-1L and Clause 14.01-1S Protection of Agricultural Land, the proposal directly supports the objectives of preserving and enhancing productive farmland. The development does not result in the loss of productive agricultural land, as the dwelling is located within a cleared, previously developed site associated with the historic dairy. The dwelling forms part of the broader 116-hectare farm enterprise, ensuring the landholding continues to be managed for viable agricultural production. The establishment of on-site accommodation for the next generation of farmers is fundamental to the enterprise’s succession planning and labour requirements, particularly during periods of peak demand such as lambing and calving. The proposed dwelling therefore enhances rather than diminishes the productive capacity of the land, securing the long-term sustainability of the farm and ensuring the continued agricultural contribution of the holding to the district.

In the context of Clause 14.01-2S Sustainable Agricultural Land Use, the proposal demonstrates the ongoing adaptation and diversification of the farming enterprise. The transition from dairy into beef and lamb grazing reflects current industry trends and ensures sustainable management of the land. The establishment of a dwelling for family members directly engaged in farming provides the operational flexibility and labour resources needed to maintain this productivity. The proposal represents a practical and innovative response to the challenges of rural farming, aligning with strategies to encourage intergenerational investment and adaptation to industry change.

Finally, consistent with Clause 15.01-6S Design for Rural Areas, the siting and design of the proposed dwelling is sympathetic to the surrounding landscape and respects the rural character of Wool Wool. The dwelling is located away from visually prominent ridgelines or sensitive natural features, with a low-scale and recessive built form ensuring minimal impact on the visual amenity of the area. The use of simple materials and a muted colour palette reinforces the rural character of the site and its surrounds.

Overall, the proposal represents a well-considered and policy-aligned outcome that balances the need to provide for intergenerational farm succession with the overarching objectives of protecting agricultural land, maintaining rural landscape values, and ensuring land use compatibility. The proposed dwelling is not a lifestyle incursion, but an essential element of a significant and long-standing farming operation that directly supports the agricultural productivity and social sustainability of the Wool Wool district.



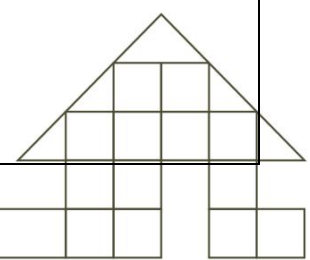
7. Zone

Clause 35.07 FARMING ZONE

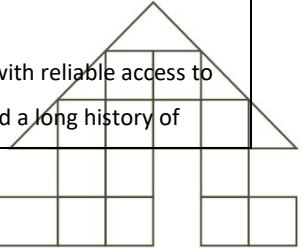
Purpose

- 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.

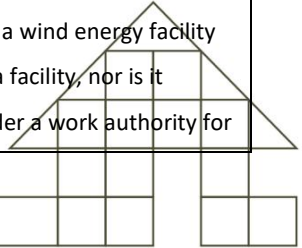
CLAUSE 35.07 FARMING ZONE (FZ)	COMMENTS / RESPONSE
<p>Purpose</p> <p>To implement the Municipal Planning Strategy and the Planning Policy Framework.</p> <p>To provide for the use of land for agriculture.</p> <p>To encourage the retention of productive agricultural land.</p> <p>To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.</p> <p>To encourage the retention of employment and population to support rural communities.</p> <p>To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.</p> <p>To provide for the use and development of land for the specific purposes identified in a schedule to this zone.</p>	<p>The proposal is consistent with the purpose of the Farming Zone as it directly supports the ongoing use of the land for agriculture. The dwelling is an essential component of a long-standing, multi-generational farming enterprise and will facilitate succession planning, labour availability, and the continued viability of the operation. The siting of the dwelling within an existing cleared area ensures no loss of productive agricultural land, and its occupation by farm family members ensures it will not adversely affect, but rather strengthen, agricultural use of the land. By enabling the next generation to reside on the property, the proposal supports rural population retention, sustainable land management practices, and the long-term prosperity of the district’s agricultural base.</p>



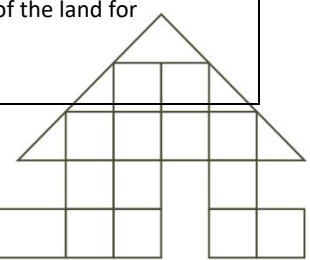
Clause 35.07-6 - Decision Guidelines	
<p>Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:</p> <p><u>General issues</u></p> <p>The Municipal Planning Strategy and the Planning Policy Framework.</p> <p>Any Regional Catchment Strategy and associated plan applying to the land.</p> <p>The capability of the land to accommodate the proposed use or development, including the disposal of effluent.</p> <p>How the use or development relates to sustainable land management.</p> <p>Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.</p> <p>How the use and development makes use of existing infrastructure and services.</p>	<p>The proposal has been carefully designed and is consistent with the Municipal Planning Strategy and the Planning Policy Framework, supporting both agricultural productivity and rural community sustainability. The land is highly capable of accommodating the proposed dwelling, with the site selected on a previously developed and cleared area, avoiding the loss of productive land and ensuring no adverse impacts on effluent management or environmental values. The dwelling directly relates to sustainable land management by providing on-site accommodation for family members engaged in daily farm operations, thereby supporting the ongoing viability of the enterprise. The site is suitable for residential use in the context of a farming operation and is entirely compatible with surrounding broadacre agricultural land uses. The proposal makes efficient use of existing access, power, and water infrastructure, with only minor upgrades required, ensuring orderly and sustainable development that reinforces the long-term agricultural use of the land.</p>
<p><u>Agricultural issues and the impacts from non-agricultural uses</u></p> <p>Whether the use or development will support and enhance agricultural production.</p> <p>Whether the use or development will adversely affect soil quality or permanently remove land from agricultural production.</p> <p>The potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses.</p>	<p>The proposed dwelling will directly support and enhance agricultural production by providing on-site accommodation for family members actively engaged in the day-to-day management of the farm, thereby ensuring the enterprise remains viable and sustainable. The siting of the dwelling within a previously cleared and developed area ensures there is no adverse impact on soil quality or the permanent removal of productive agricultural land. The proposal will not limit the operation or expansion of adjoining farms, as surrounding land will continue to be used for broadacre farming without restriction.</p> <p>The site has strong agricultural qualities, with reliable access to water, established rural infrastructure, and a long history of</p>



<p>The capacity of the site to sustain the agricultural use.</p> <p>The agricultural qualities of the land, such as soil quality, access to water and access to rural infrastructure.</p> <p>Any integrated land management plan prepared for the site.</p> <p>Whether Rural worker accommodation is necessary having regard to:</p> <p>The nature and scale of the agricultural use.</p> <p>The accessibility to residential areas and existing accommodation, and the remoteness of the location.</p> <p>The duration of the use of the land for Rural worker accommodation.</p>	<p>productive use. The proposal therefore complements rather than compromises these values. While a formal integrated land management plan has not been prepared, the farming enterprise demonstrates sustainable practices through diversification and intergenerational operation.</p> <p>In terms of rural worker accommodation, the proposal is necessary given the scale and continuity of the agricultural enterprise, which spans over 116 hectares across multiple parcels and requires significant hands-on labour. The location is remote from townships and existing accommodation options, making on-site housing critical to farm management, particularly during periods of peak demand such as lambing and calving. The accommodation is permanent and intended for family members directly engaged in farming, ensuring the dwelling remains an essential piece of farm infrastructure rather than a lifestyle use.</p>
<p>Accommodation issues</p> <p>Whether the dwelling will result in the loss or fragmentation of productive agricultural land.</p> <p>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.</p> <p>Whether the dwelling will adversely affect the operation and expansion of adjoining and nearby agricultural uses.</p> <p>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.</p> <p>The potential for accommodation to be adversely affected by noise and shadow flicker impacts if it is located within one kilometre from the nearest title boundary of land subject to:</p> <p>A permit for a wind energy facility; or</p>	<p>The proposed dwelling will not result in the loss or fragmentation of productive agricultural land, as it is located within a previously cleared and developed area associated with the former dairy, ensuring all surrounding land remains available for farming. The dwelling is compatible with the surrounding farming context and will not be adversely affected by normal agricultural activities such as dust, noise, odour, use of machinery, or farm traffic, as the occupants are directly involved in and reliant upon agricultural production. Similarly, the proposal will not adversely affect the operation or potential expansion of adjoining farms, as it is an integrated component of the broader farming enterprise rather than an isolated lifestyle development.</p> <p>The proposal does not contribute to a concentration or proliferation of dwellings in the area, given the large landholding, long-standing farm operation, and genuine agricultural need underpinning the development. The dwelling is required for succession planning and on-farm labour, not for rural residential purposes.</p> <p>The site is not located within proximity to a wind energy facility or any land subject to approvals for such a facility, nor is it located within 500 metres of any land under a work authority for</p>



<p>An application for a permit for a wind energy facility; or</p> <p>An incorporated document approving a wind energy facility; or</p> <p>A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the <i>Environment Effects Act 1978</i>.</p> <p>The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	<p>extractive industry. Accordingly, there are no amenity or operational conflicts with such uses.</p> <p>Overall, the proposal represents a carefully considered and low-impact development that will maintain the primacy of agriculture in the area while ensuring the long-term sustainability of the farming enterprise.</p>
<p>Environmental issues</p> <p>The impact of the proposal on the natural physical features and resources of the area, in particular on soil and water quality.</p> <p>The impact of the use or development on the flora and fauna on the site and its surrounds.</p> <p>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.</p> <p>The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.</p>	<p>The proposal will have minimal environmental impact as it utilises a cleared, previously developed portion of the site, thereby avoiding disturbance to significant natural features. Soil and water quality will be protected through the use of appropriate construction methods and on-site effluent management consistent with EPA standards, ensuring nutrient loads do not affect nearby waterways or vegetation. No native vegetation is proposed for removal, and the existing cleared setting avoids impacts on flora, fauna or habitat values. The proposal does not interrupt biodiversity corridors or habitat linkages, and opportunities exist to strengthen environmental outcomes through continued land management practices, such as maintaining shelter belts and riparian buffers where applicable. Effluent disposal will be located to maximise separation from drainage lines and sensitive areas, ensuring there are no off-site impacts to soil or water environments. Overall, the proposal appropriately manages environmental issues while supporting the ongoing use of the land for productive agricultural purposes.</p>



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 need to locate and design buildings used for accommodation to avoid or reduce noise and shadow flicker impacts from the operation of a wind energy facility if it is located within one kilometre from the nearest title boundary of land subject to:

A permit for a wind energy facility; or

An application for a permit for a wind energy facility; or

An incorporated document approving a wind energy facility; or

A proposed wind energy facility for which an action has been taken under section 8(1), 8(2), 8(3) or 8(4) of the *Environment Effects Act 1978*.

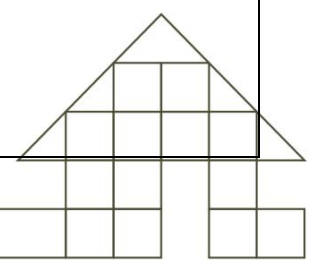
The need to locate and design buildings used for accommodation to avoid or reduce the impact from vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry

The proposed dwelling has been carefully sited to avoid any adverse impacts on surrounding agricultural uses and to minimise the loss of productive land by utilising a previously cleared area associated with the former dairy site. Its location within the existing footprint ensures the broader farming operation remains uninterrupted, preserving the viability and continuity of agricultural production.

The design, scale, height, and materials of the dwelling have been selected to complement the natural environment and rural landscape. The single-storey form, pitched roof, and muted Colorbond cladding ensure minimal visual intrusion, preserving views of Lake Corangamite, surrounding ridgelines, and volcanic plains from road corridors and neighbouring properties. Existing infrastructure, including water, electricity, and the internal access track, will be used with only minor upgrades required, ensuring efficient integration without the need for additional servicing or extensive construction works.

The dwelling is located well away from major roads, commercial or industrial activities, and there are no nearby wind energy facilities or extractive industry operations; therefore, noise, shadow flicker, dust, vibration, or traffic impacts on accommodation are not anticipated. Traffic generation is minimal, limited to farm-related and domestic use, and no additional traffic management measures are required.

Overall, the siting and design of the dwelling ensure it is compatible with the rural character of the area, avoids impacts on productive agricultural land, preserves natural vistas and environmental features, and integrates efficiently with existing infrastructure, representing an appropriate and low-impact form of development within the Farming Zone.



<p>operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the <i>Mineral Resources (Sustainable Development) Act 1990</i>.</p>	
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7. Overlays

CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY SCHEDULE 4

HABITAT PROTECTION

Statement of environmental significance

The Colac Otway Shire – Sites of Biodiversity Significance, June 2002 identifies the particular characteristics of rare and threatened habitat found in the Shire.

Environmental objective to be achieved

- To protect Victorian Rare or Threatened (VROT) flora and fauna species or communities and significant habitats for native flora and fauna.
- To maintain and enhance the long-term viability of significant flora and fauna populations and habitats listed in the table to this schedule.
- To ensure development does not adversely impact on rare or threatened species and their habitats.
- To encourage the re-establishment of habitat areas and to remove or modify threatening processes and introduced plant species.

Decision guidelines:

The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The particular characteristics of the habitat listed in the table in this schedule and referenced in the map titled Colac Otway Shire – Sites of Biodiversity Significance, June 2002.
- The effect of the proposed removal of native vegetation on the habitat value and long term viability of flora and fauna and rare, endangered and threatened species.
- The significance of the native bushland area.
- The reason for removing the vegetation and the practicality of alternative options which do not require removal of native vegetation.
- Whether the application is subject to the Flora and Fauna Guarantee Act and Environment Protection and Biodiversity Conservation Act.

Response

he proposed dwelling will not result in the removal of any native vegetation or disturbance to significant habitat, as it is sited entirely within a previously cleared and developed portion of the property associated with the former dairy. No rare, threatened, or endangered flora or fauna species are present on the site, and the proposal does not impact areas mapped as significant habitats under the Colac Otway Shire – Sites of Biodiversity Significance, June 2002. By reusing an existing cleared footprint, the development avoids adverse impacts on the long-term viability of native species and habitats. Furthermore, no works trigger

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requirements under the Flora and Fauna Guarantee Act or the Environment Protection and Biodiversity Conservation Act. The proposal therefore meets the objectives of Clause 42.01 by protecting biodiversity values, avoiding habitat disturbance, and maintaining the ecological integrity of the site while enabling the continued productive use of the land for agricultural purposes.

CLAUSE 42.03 SIGNIFICANT LANDSCAPE OVERLAY SCHEDULE 1

VALLEYS, HILLS AND PLAINS LANDSCAPE PRECINCT

Statement of nature and key elements of landscape

The Shire contains many sites of geological significance, and other natural features that form key components in establishing the landscape character within the Shire.

Landscape character objectives to be achieved

- To conserve and enhance areas of natural beauty, wildlife habitat, and important natural features.
- To limit clearance of remnant native vegetation that provides wildlife habitat and forms an important part of the visual landscape.
- To protect wetland areas as important habitat for birdlife by preventing the drainage of the wetland areas and by ensuring that existing water flow patterns and water quality are not adversely affected.
- To protect the landscape character of the stony rises and lava flows, including the stone fences which form a landscape feature of historic interest.
- To protect and enhance the visual quality of waterways, waterbodies, lake foreshores and riparian zones.
- To protect landscape features including volcanic cones and significant views within the Shire.

Application requirements

A landscaping plan should be submitted with an application for buildings and works, or to remove, destroy or lop vegetation, utilizing appropriate species and demonstrating how the affected area will be remediated after development.

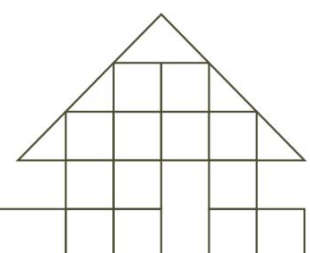
An application is required to demonstrate the following:

- All new buildings and works are designed and constructed to avoid contrasting shape, colour, size and mass.
- Buildings and works are sited and screened so that they become an integral part of the visual landscape rather than dominating it.
- Buildings and works on ridgelines, the slopes of scoria cones and inside craters are to be avoided. It must be demonstrated that there is no alternative suitable site and that the buildings and works are essential.

Decision guidelines

The following decision guidelines apply to an application for a permit under Clause 42.03, in addition to those specified in Clause 42.03 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

- The purpose and provisions of this schedule.
- The objectives and strategies at Clause 12.05-2S and 12.05-2L.
- The Great Ocean Road Region Landscape Assessment Study (Planisphere 2003).



- The landscape character and whether the proposed development or works will harmonise with this character.
- The siting, design, dimensions and materials to be used in any buildings.
- The visibility of proposed buildings or works to the surrounding area or within significant views.
- The proposed landscaping.
- The risk of erosion.
- The impact of buildings or works on drainage of the site.
- The extent of native vegetation to be removed and the impact on landscape character, drainage, and wildlife habitat.
- Whether there is a need for removal of native vegetation, drainage works or excavation associated with an approved development, and whether alternative sites are available.
- The significance of any wildlife habitat affected by the proposed development or works and the relative scarcity of habitat in the area.
- The significance of the area for recreation and tourism.
- Whether a section 173 agreement is appropriate in providing for vegetation protection and/or management of the land.

Response:

The proposed dwelling has been sited and designed to respond sensitively to the objectives of Clause 42.03 and the Valleys, Hills and Plains Landscape Precinct. The dwelling will be located within a previously cleared and developed area associated with the former dairy site, ensuring that no remnant native vegetation is removed and that existing wildlife habitat is retained. The low-profile, single-storey form with pitched roof and muted Colorbond cladding ensures that the building integrates with the surrounding rural landscape and does not dominate key vistas, including views of Lake Corangamite and the volcanic plains.

The development avoids ridgelines, scoria cones, craters, and other visually prominent landforms, ensuring no alteration to significant geological features or historic landscape elements, such as stone fences or stony rises. The reuse of the cleared footprint minimises erosion and maintains natural drainage patterns, while the location within the existing farm infrastructure ensures efficient integration with access, water, and power services.

No landscaping works affecting native vegetation are proposed, though existing shelter belts and windbreak plantings will be retained, contributing to visual and ecological outcomes. The proposal aligns with Clause 12.05-2S and 12.05-2L by maintaining open rural views, protecting landscape character, and conserving significant natural features. Overall, the dwelling will form an unobtrusive and functional component of the agricultural landscape, reinforcing the rural character and ecological integrity of the site while supporting the long-term productivity of the farm.

8. Particular Provisions

Nonapplicable.



9. Clause 65 Provisions

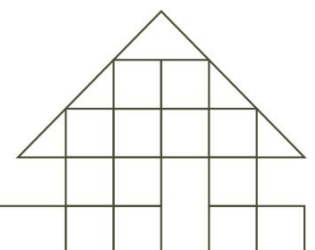
65.01 | APPROVAL OF AN APPLICATION OR PLAN

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- The matters set out in section 60 of the Act.
- Any significant effects the environment, including the contamination of land, may have on the use or development.
- The Municipal Planning Strategy and the Planning Policy Framework.
- 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 environment, human health and 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.
- The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.
- The impact the use or development will have on the current and future development and operation of the transport system.

Response:

The proposed dwelling at 1005 Wool Wool Road appropriately responds to the decision guidelines in Clause 65. The development is consistent with the Municipal Planning Strategy, Planning Policy Framework, and the purpose of the Farming Zone, supporting ongoing agricultural production and the intergenerational sustainability of the enterprise. The site is a previously cleared and developed area associated with the former dairy, ensuring no loss or fragmentation of productive agricultural land, no removal of native vegetation, and minimal environmental disturbance.



Environmental impacts, including soil quality, water quality, and stormwater management, are effectively managed through the location of the dwelling on a stable, cleared footprint, with effluent disposal sited to avoid waterways and sensitive areas. The proposal avoids areas of flood, erosion, or landslip risk and incorporates bushfire management measures in line with applicable overlays.

The siting, design, scale, and materials of the dwelling are sympathetic to the surrounding landscape, maintaining rural character, preserving key vistas to Lake Corangamite and surrounding volcanic plains, and avoiding visual intrusion on ridgelines or significant landforms. Traffic generation is minimal and confined to farm and domestic access, ensuring no adverse impacts on road safety, amenity, or the operation of the local transport system.

Overall, the proposal represents an orderly and sustainable form of development that protects environmental and landscape values, supports agricultural productivity, and meets the objectives and decision guidelines of Clause 65.



10. Conclusion

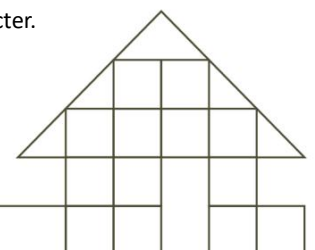
The proposed dwelling at 1005 Wool Wool Road is a critical component of the ongoing viability and sustainability of a long-established, multi-generational agricultural enterprise. It is required to support farm management, facilitate succession planning, and provide on-site labour for essential agricultural activities, particularly during peak periods such as lambing, calving, and other time-sensitive operations. The dwelling will be occupied by the next generation of the farm family, ensuring the continued transfer of knowledge, management responsibilities, and operational oversight, which is essential to the long-term sustainability of the enterprise. This direct connection to the land, spanning four generations, underscores the functional necessity of the dwelling rather than it being a lifestyle or discretionary development.

The dwelling is carefully sited within a previously cleared area associated with the former dairy site, ensuring that no productive agricultural land or native vegetation is removed. The existing cleared footprint minimises environmental impacts and retains the integrity of surrounding habitats, landscape features, and biodiversity values. By locating the dwelling on an area already developed and serviced, the proposal avoids fragmentation of farmland, preserves open rural vistas, and ensures that the broader farm holding continues to operate efficiently. The subject lot, approximately 18 hectares in size, is below the 80-hectare minimum typical for the Farming Zone; however, it forms part of a substantially larger agricultural holding comprising 116 hectares of freehold land and 77 hectares of leased land. This integration into a broader operational farm demonstrates that the dwelling will not compromise the productivity of the land or facilitate isolated lifestyle development.

To further address potential Council concerns regarding the sub-minimum lot size, a Section 173 agreement or permit condition can be implemented to prevent further subdivision or the construction of additional dwellings on the lot. This ensures that the dwelling remains directly tied to farm management and succession, and that the lot continues to function as part of a consolidated agricultural operation. The proposal therefore safeguards the ongoing viability of the enterprise while preventing any precedent for lifestyle subdivision within the Farming Zone.

The design, scale, and materials of the dwelling have been selected to integrate with the rural landscape and minimise visual impacts. The single-storey form, pitched roof, and muted Colorbond cladding ensure the building sits unobtrusively within the site, maintaining key vistas to Lake Corangamite, surrounding volcanic plains, and other landscape features. The dwelling is positioned to avoid ridgelines, scoria cones, craters, and other visually prominent or geologically significant features, protecting the scenic and environmental values identified in the Significant Landscape Overlay and Volcanic Plains character area. Existing infrastructure, including access tracks, water, and electricity services, can be efficiently utilised with minor upgrades, reducing the need for additional land disturbance or works.

Environmental risks and considerations have been appropriately addressed. The site is mapped as bushfire prone, and the proposal includes measures consistent with relevant overlays to provide defensible space and safe access. Effluent disposal is located to minimise impacts on soil and water quality and to avoid sensitive waterways or riparian areas. The proposal avoids vegetation removal, protects fauna habitat, and preserves biodiversity values, consistent with the objectives of the Environmental Significance Overlay. Stormwater will be managed to maintain quality within and exiting the site, and the design of the dwelling ensures minimal impacts on surrounding land uses and the broader landscape character.



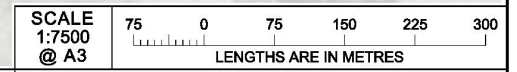
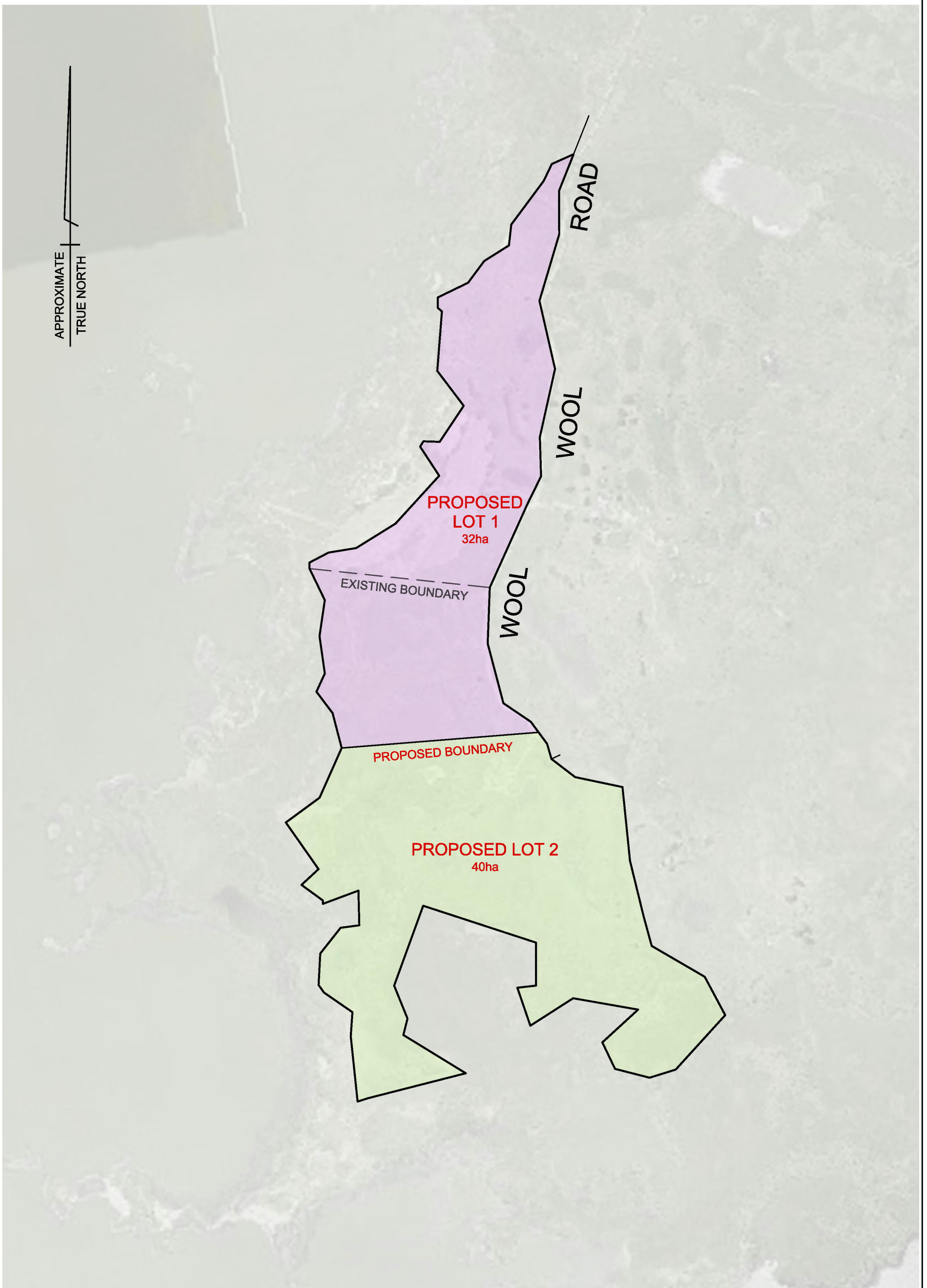
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Overall, the proposal represents a considered and sustainable outcome, aligning with the objectives of the Farming Zone, relevant Planning Scheme provisions, and local policy. It supports productive agricultural use, enables intergenerational succession, preserves environmental and landscape values, and integrates sensitively with the existing rural character of the area. The proposal ensures that the site continues to contribute to the economic, social, and cultural fabric of the Shire while safeguarding the broader agricultural and environmental values of Wool Wool and the Volcanic Plains region.



1005 & 1060 WOOL WOOL ROAD, WOOL WOOL, 3249

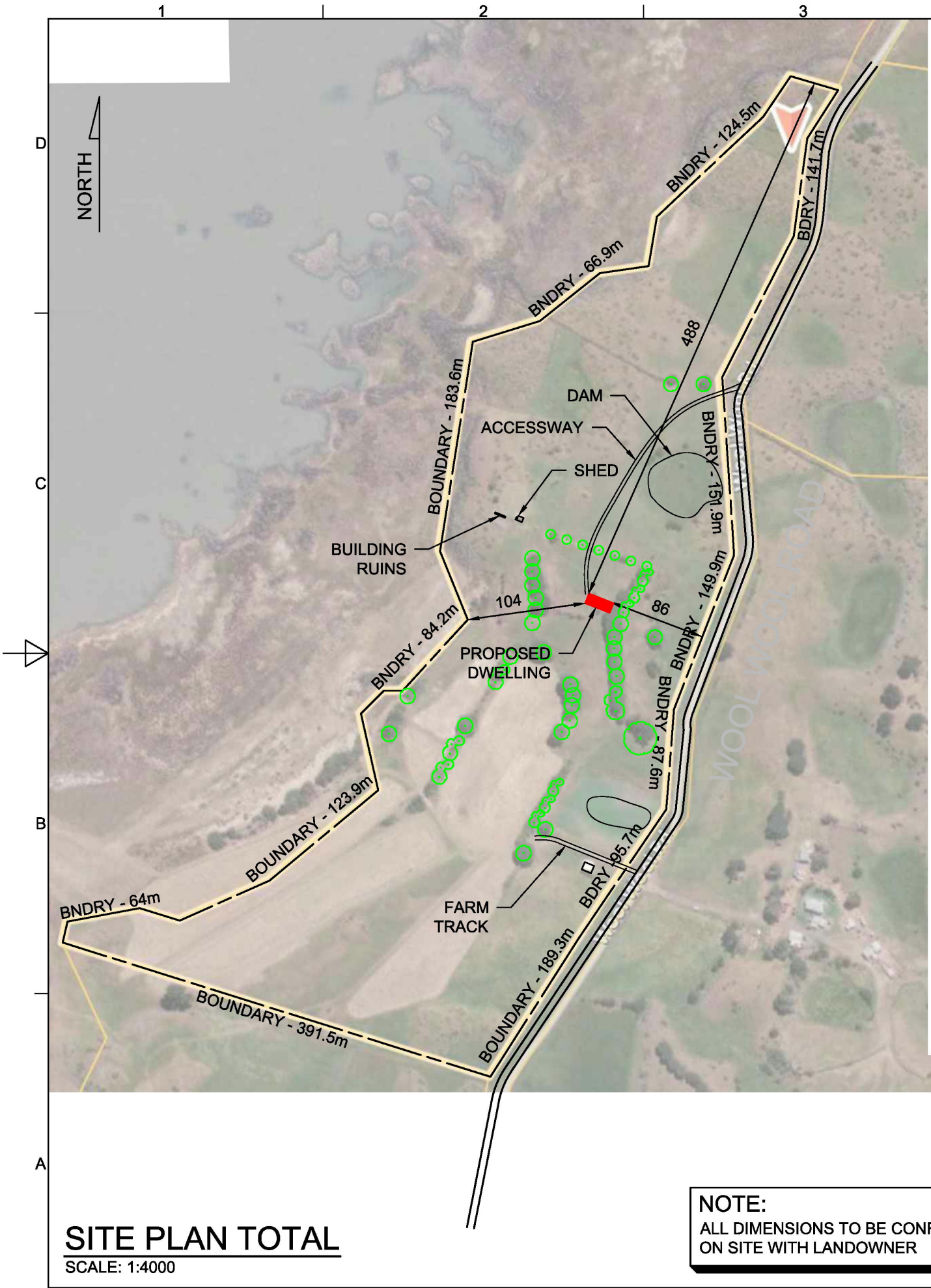
PLAN OF PROPOSED SUBDIVISION:



FILE REF. 14758 PPOS01V1 A3-P OF 1

HEIGHT DATUM: -
 CO-ORDINATE DATUM: ARBITRARY
 CONTOUR INTERVAL: -
 DATE OF SURVEY: -
 SURVEYOR: -
 DRAFTED: LPM QA: -

NOTATIONS
 This plan has been prepared for design and planning purposes.
 It should not be used for any other purpose.
 All dimensions are in metres



SITE PLAN TOTAL

SCALE: 1:4000

NOTE:
ALL DIMENSIONS TO BE CONFIRMED ON SITE WITH LANDOWNER

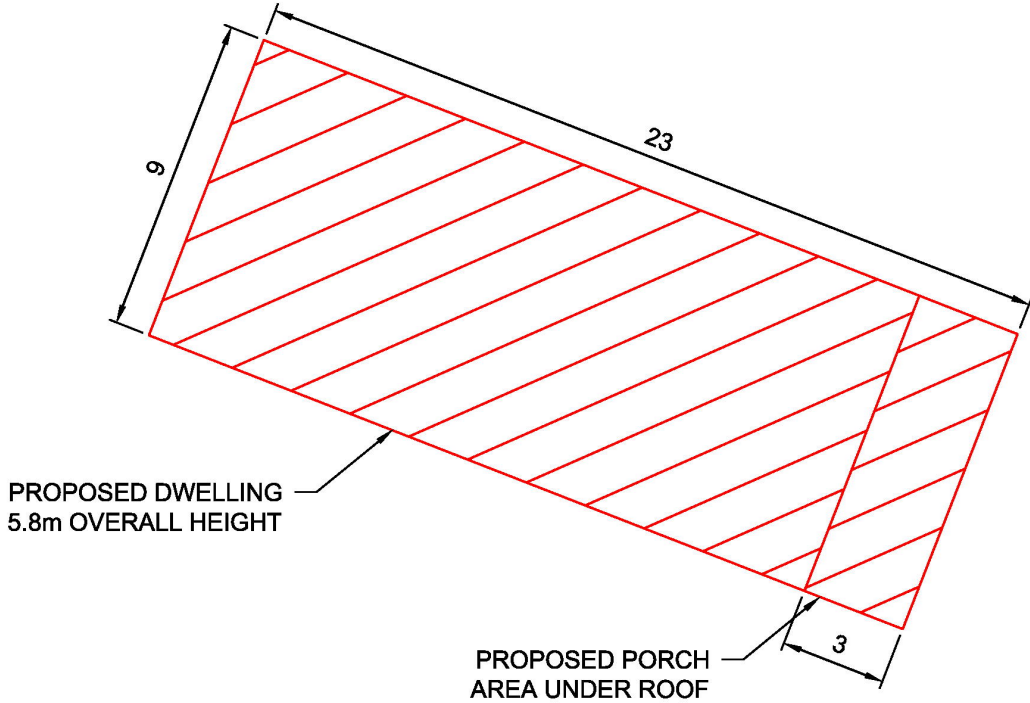
NOTE:
BOUNDARY IS INDICATIVE ONLY IT SHOULD NOT AND CANNOT BE USED AS A BASIS OF TRUE BOUNDARY LOCATION.

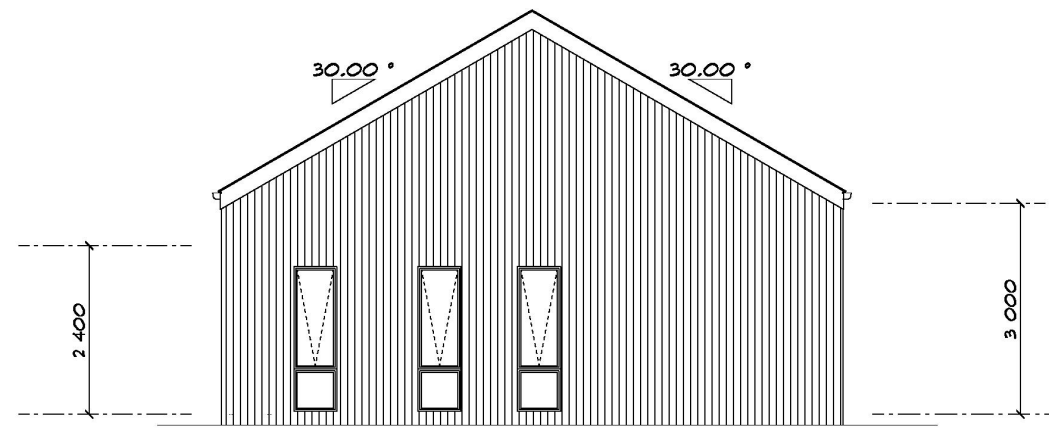
LOT: 1
PLAN: TP133616
AREA: 18.9ha

TITLE: SITE PLAN			
NAME AND ADDRESS: 1005 WOOL WOOL ROAD WOOL WOOL, VIC. 3249			
SCALE: 1:4000		DRAWN DATE: 23/09/2025	
SHEET: 1 OF 1	SHEET SIZE: A3	DRAWING No: 2509131	REV: 1

SITE PLAN

SCALE: 1:200





EAST ELEVATION 1:100

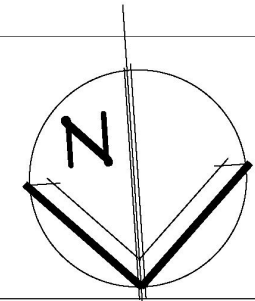
WINDOW SCHEDULE				
OPENING ID	SIZE	TYPE	GLASS	
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2	2057 x 610	AWNING-AL	CLEAR	DG
3	2057 x 610	AWNING-AL	Obs & Glass	DG
4	2057 x 2410	AWNING-AL	4 MM GRADE A & GLASS	DG
5	2057 x 2410	AWNING-AL	4 MM GRADE A & GLASS	DG
6	2057 x 2410	AWNING-AL	4 MM GRADE A & GLASS	DG
7	2057 x 3000	AWNING-AL	4 MM GRADE A & GLASS	DG
8	600 x 610	AWNING-AL	Obs & Glass	DG
9	1200 x 1810	AWNING-AL	CLEAR	DG
10	300 x 850	AWNING-AL	Obs & Glass	DG
11	1023 x 610	AWNING-AL	4 MM GRADE A & GLASS	DG
12	857 x 1810	AWNING-AL	CLEAR	DG
13	1200x 1810	AWNING-AL	CLEAR	DG
SD1	2100 x 2410	SLIDING DOOR	GRADE A & GLASS	DG
SD2	2100 x 4800	SLIDING DOOR	GRADE A & GLASS	DG
DI	2100 x 1500	SLIDING DOOR	GRADE A & GLASS	DG

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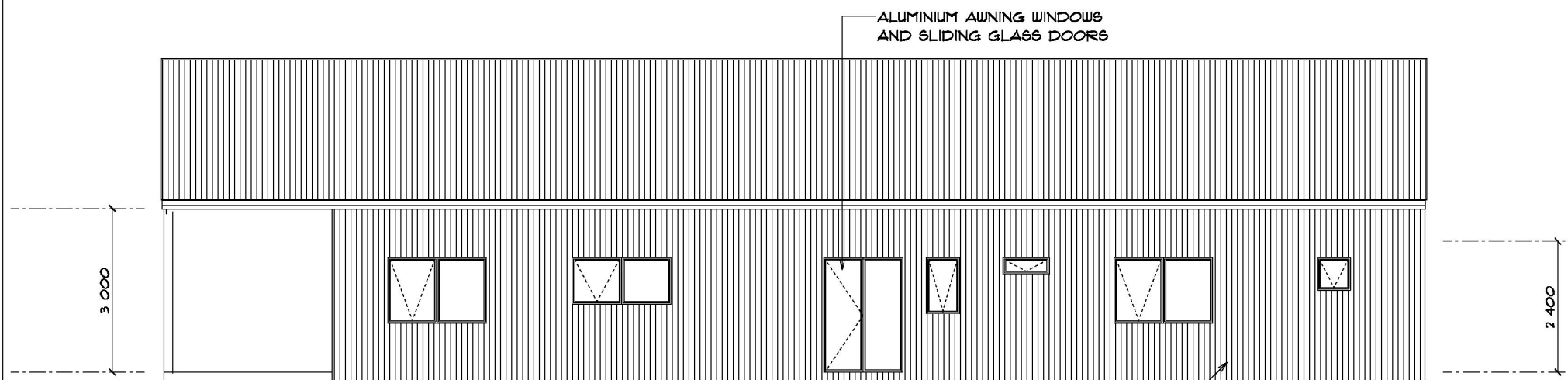
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THIS DRAWING IS PRODUCED ON CAD AND IS NOT TO BE ALTERED MANUALLY UNDER ANY CIRCUMSTANCES

AMENDMENTS:



PRELIMINARY DRAWINGS



SOUTH ELEVATION 1:100

job name:
proposed residence for [redacted] at
1005 WOOL WOOL RD
WOOL WOOL

date: JULY 2025
scale: 1:100

drawn by: [redacted]
prep no: AD DP 1717

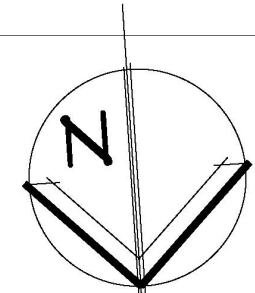
sheet no: 002
drawing no: SKETCH 25.3

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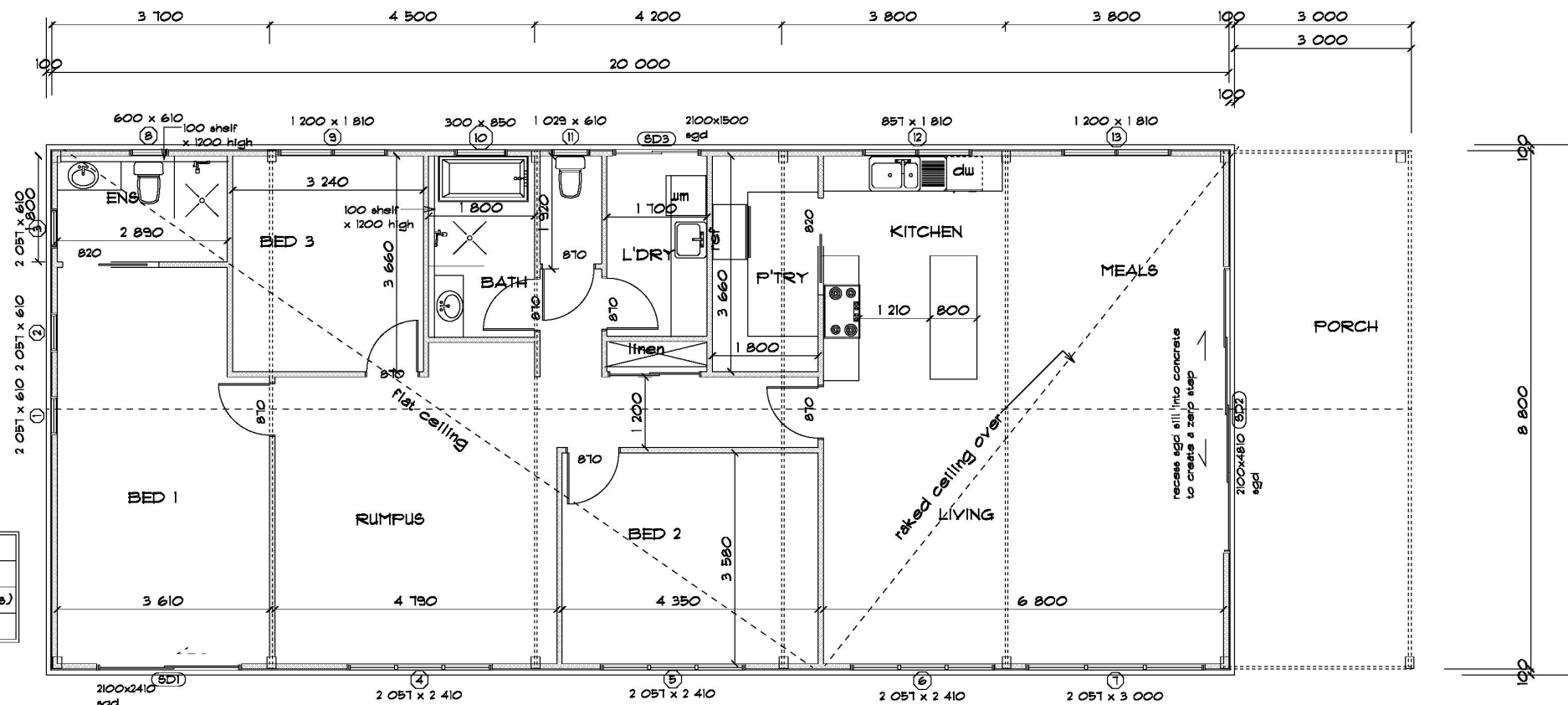
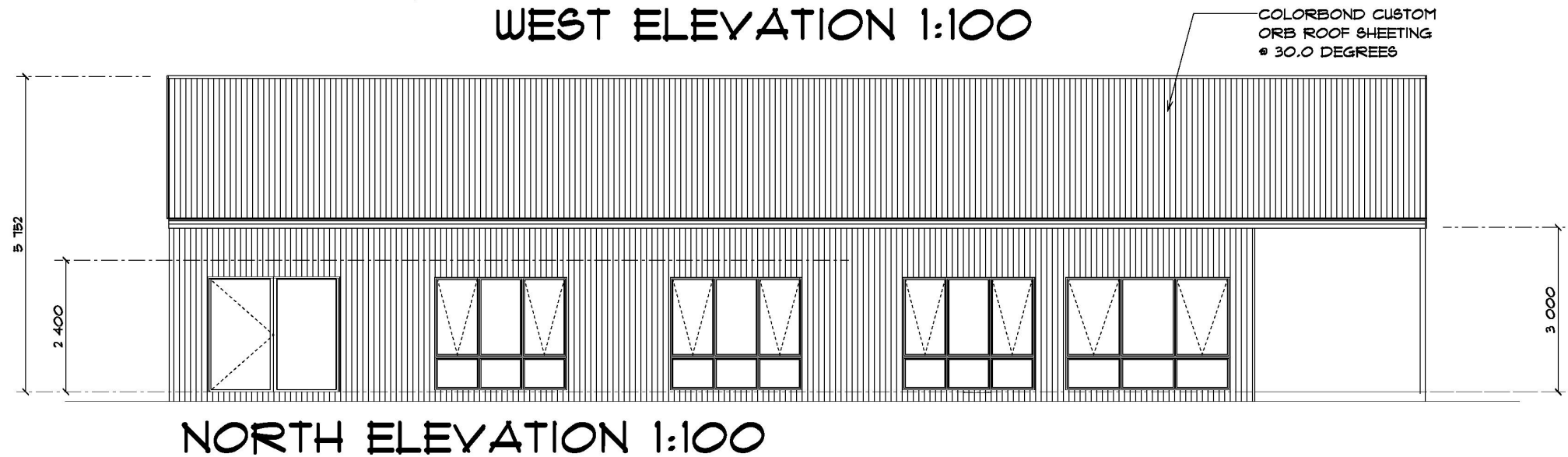
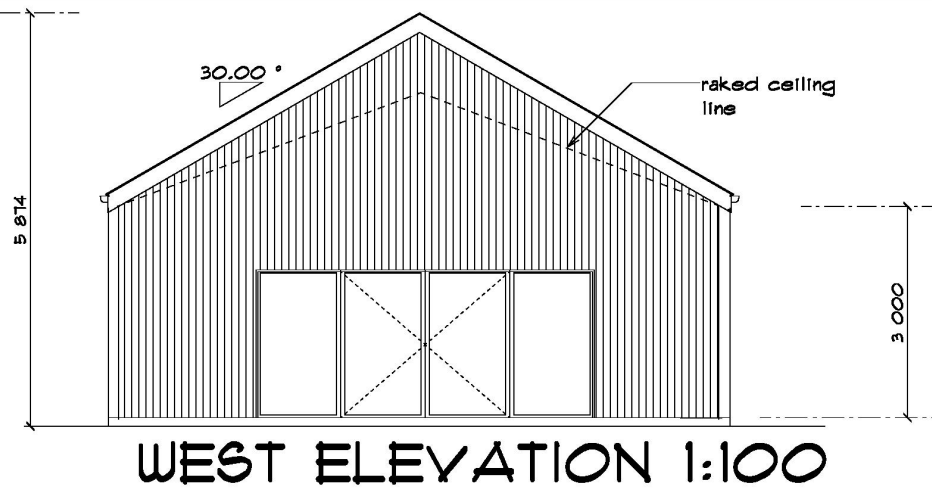
AMENDMENTS:



PRELIMINARY DRAWINGS

Job name:
 proposed residence for [redacted] at
 1005 WOOL WOOL RD
 WOOL WOOL

date: JULY 2025	scale: 1:100
drawn by: [redacted]	prep no: AD DP 1717
sheet no: 001	drawing no: SKETCH 25.3



AREA SCHEDULE	
NAME	AREA
residence	180.0 Sq. m. (19.4 sqs)
porch	27.0 Sq. m.

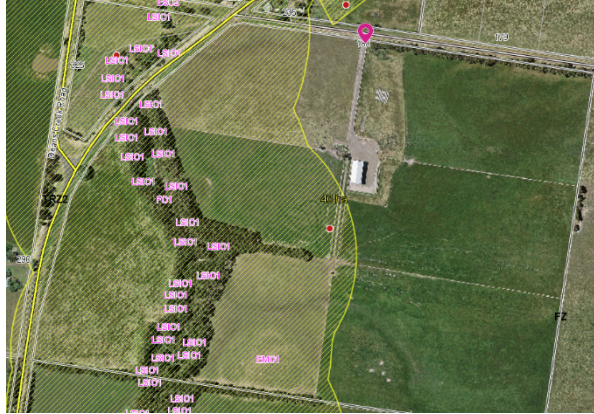
Item: 4.3

PP213/2025-1 - 180 Harris Road ELLIMINYT - Use and Development of the Land for a Dwelling

ADDRESS AND PROPERTY DETAILS	180 Harris Road ELLIMINYT	APPLICATION NUMBER	PP213/2025-1
PROPOSAL	Use and Development of the land for a Dwelling		
PERMIT TRIGGERS	FZ – Use and development of the land for a dwelling		
TRIGGER FOR DETERMINATION BY COMMITTEE	An application for use of land for a dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	Environmental Significance Overlay, Schedule 2 (ESO2 – 1.39% - Lakes, Wetlands and Watercourses) Erosion Management Overlay, Schedule 1 (EMO1 – 16.06%) Floodway Overlay (FO – 3.73%) Land Subject to Inundation Overlay (LSIO – 0.24%)
COVENANTS	Nil		
CULTURAL HERITAGE	Yes, partially. The dwelling is proposed to be constructed outside the area of cultural sensitivity which is located on the western side of the site.		

Item: 4.3

PP213/2025-1 - 180 Harris Road ELLIMINYT - Use and Development of the Land for a Dwelling



OFFICER

Julia Repusic

**GENERAL
MANAGER**

Ian Seuren

DIVISION

Community and Economy

ATTACHMENTS

1. Plans [4.3.1 - 4 pages]
2. Farm Management Plan [4.3.2 - 23 pages]

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN

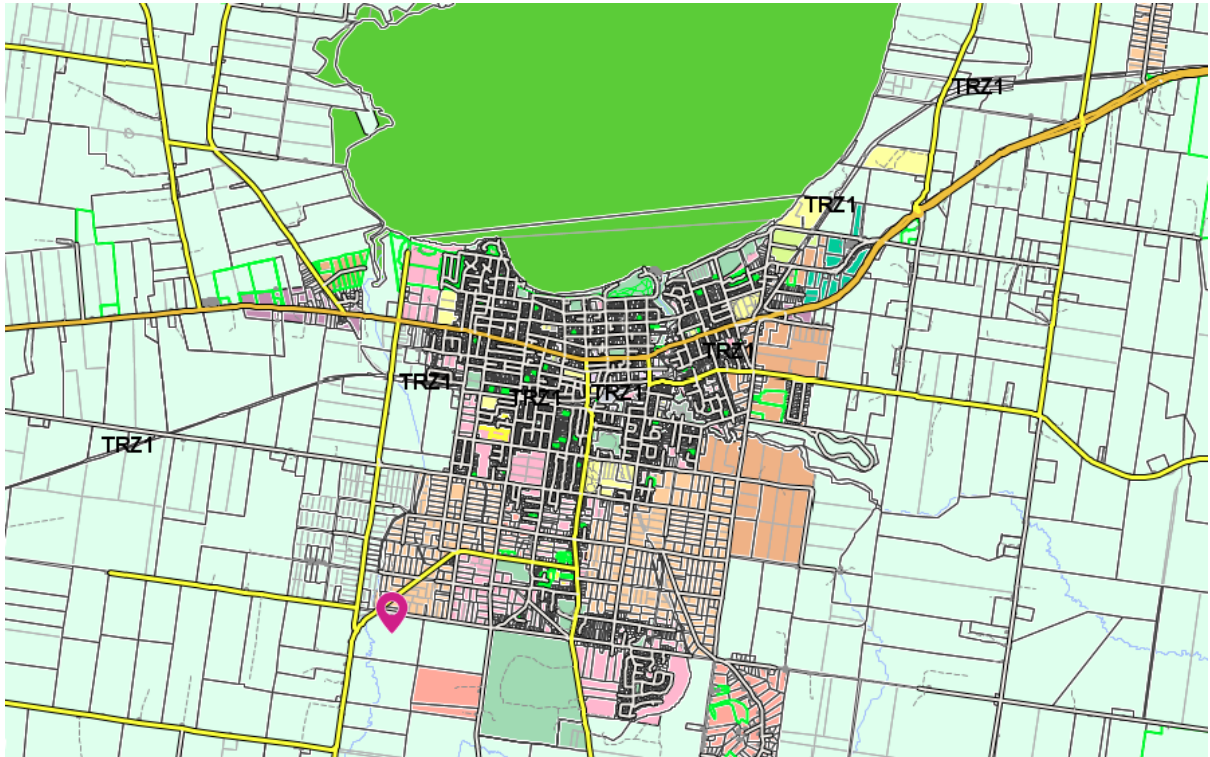


Figure 1 – Subject site shown with pink pointer

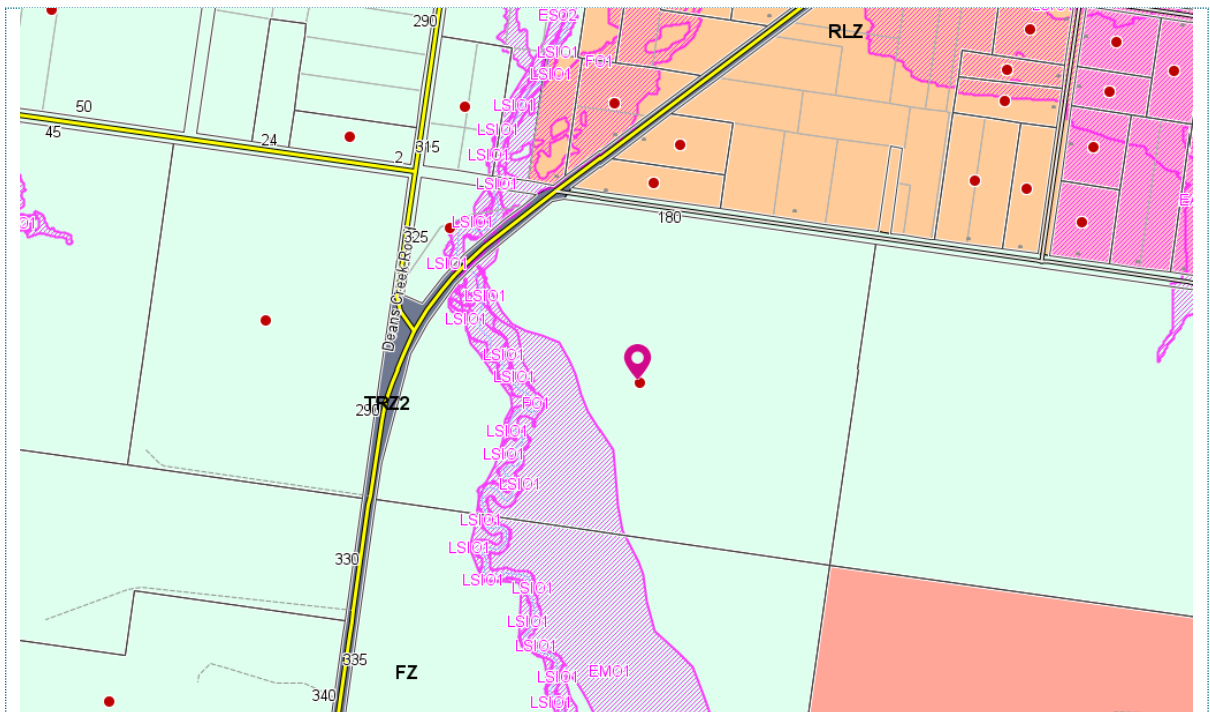


Figure 2 – Subject site and surrounds (overlays shown in pink)

AERIAL PHOTO

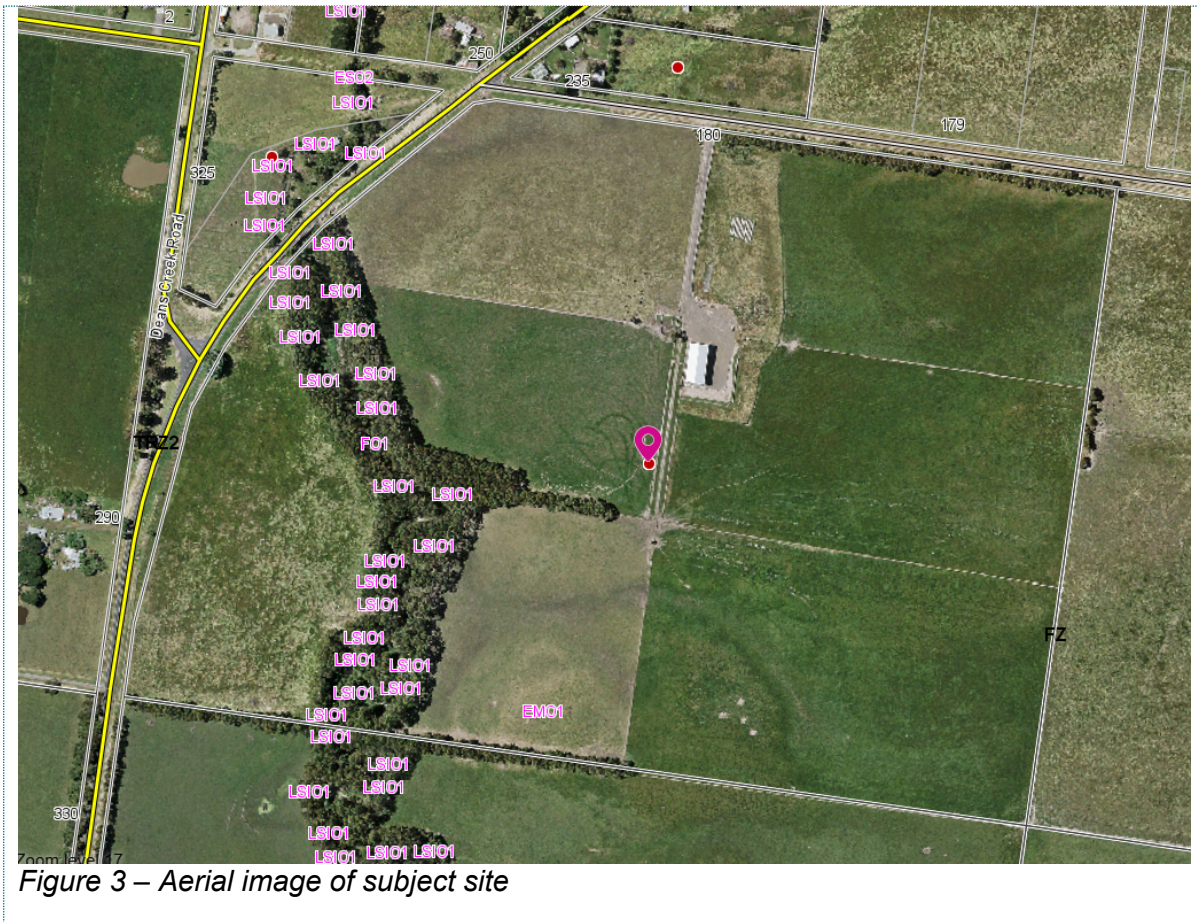


Figure 3 – Aerial image of subject site

2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for 180 Harris Road Elliminyt Lot: 1 TP: 748707 V/F: 8833/220 Parish of Elliminyt 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.***

Dwelling infrastructure

- 2. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:***
 - Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***
 - 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.***

- *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.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Gas connection

3. *Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed*

Access

4. *Prior to the commencement of the use hereby permitted or building hereby permitted being brought into use, the driveway must be constructed to an all-weather standard and with a minimum width of 3m, to the satisfaction of the Responsible Authority.*

Drainage

5. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

Wastewater

6. *All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by LandTech consulting (Ref. No. 1803250, dated January 26, 2026) or as otherwise agreed in writing by the Responsible Authority.*
7. *A domestic wastewater management system must be constructed concurrently with the dwelling/building hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.*

Expiry

8. *This permit will expire if one of the following circumstances applies:*
 - a) *The development has not commenced within three years of the date of this permit.*
 - b) *The development is not completed and the use has 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 proposed 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 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 the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.**

3. PROPOSAL

The proposal is for the use and development of a single dwelling on the land.

The dwelling is proposed to be located in the northeast corner of the site, 223 metres from the northern boundary (Harris Road) and 140 metres from the eastern side boundary. Access to the dwelling would be via the existing track leading to the existing shed. A new driveway is proposed to branch west from this track behind the existing shed. The driveway would be constructed in gravel.

The dwelling would be 376sqm (including eaves) and would contain a double garage, living/kitchen/dining area, three bedrooms, a study, two bathrooms, laundry and store. A balcony would connect to the living room to the north and an alfresco would connect to the living room to the east.

The dwelling would be single storey and have a maximum height of 6.39m. The north elevation would have the double garage door, front door and sliding doors to the balcony. The building would have a hipped roof constructed in Colorbond materials in Monument. The external walls would be constructed of weatherboard cladding (shale grey) and brick veneer (steel).

4. SUBJECT LAND & SURROUNDINGS

The subject site is located on the southern side of Harris Road and the eastern side of Irrewillipe Road. The site is irregular in shape, following the shape of Irrewillipe Road. On the western side of the site is Deans Creek which is highly vegetated around the banks. This leaves around 31ha of productive farming land.

The site is divided into eleven paddocks with associated fencing and one farm shed located centrally on site. The vehicle access from Harris Road has also recently been upgraded.

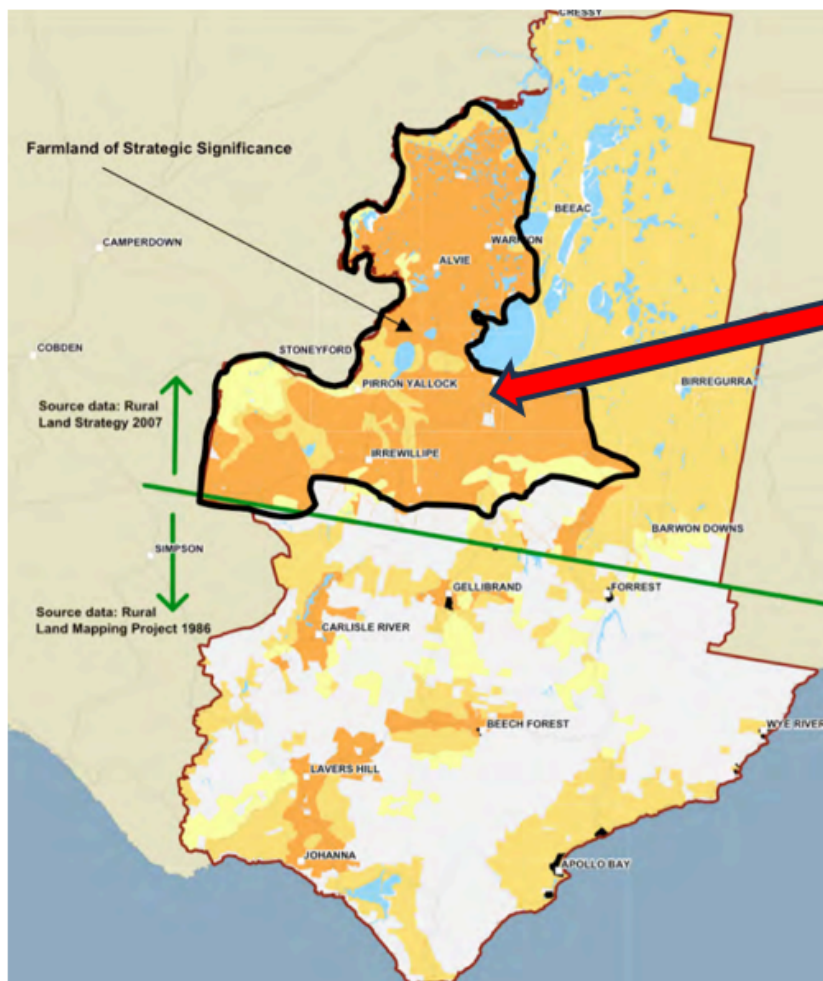
5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably clauses 11.01-1S and 11.01-1L (Settlement), 14.01-1S and 14.01-1L (Protection of Agricultural Land), 15.01-2S and 15.01-2L (Building Design), 15.01-6S and 15.01-6L (Design for Rural Areas) and 16.01-3S (Rural Residential Development).

Other relevant provisions

The Rural Land Strategy 2007 shows the subject site is located within 'Farmland of Strategic Significance'. It is in an area of high agricultural capability, as identified by the arrow below:



Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure Department and Health Protection Unit. The Infrastructure Department provided conditional consent to the proposal, with those conditions included in the recommendations of this report.

The Health Protection Unit requested additional information by way of a Land Capability Assessment, which was submitted to demonstrate wastewater could be appropriately treated and disposed of on site. Once this was submitted, the Health Protection Unit provided their conditional consent. Those conditions have also been included in the recommendations of this report.

External Referrals

No external referrals were required.

7. PUBLIC NOTIFICATION & RESPONSE

COMMUNICATION & TIMELINE

The application was on public notice for a period of 14 days. Adjoining neighbours were notified by registered post and a sign was also posted on site for the duration of the notice period. No submissions were received.

8. OFFICER'S ASSESSMENT

The main consideration in this case is whether the proposed dwelling is acceptable under the provisions of the Farming Zone. As the land is less than 40ha in area, a permit is required to use the land for a dwelling, as well as for buildings and works. Normally, a dwelling in the Farming Zone on a lot less than 40ha cannot be supported. For the reasons outlined below, it is recommended that the dwelling can be supported in this case.

The proposed dwelling would be outside the boundaries of all the overlays which cover the site; therefore, no permit is triggered under the overlays.

The land, which is 35.9ha in area, would be able to accommodate the 376sqm dwelling, noting that the use and development of a dwelling would be 'as of right' under the provisions of the zone if the lot was 4.1ha larger. The dwelling would take up a small portion of the east part of the site and would be unlikely to interfere with the existing and proposed agricultural use of the land. The land would be able to accommodate the wastewater associated with the dwelling, as confirmed by Council's Health Protection Unit.

Many of the surrounding sites, which are all less than 40ha, contain dwellings. There is a proliferation of dwellings in this area considering it is directly south of the rural living land of Elliminyt and only 1.5km from the residential land. The dwellings are generally located on land which is on the western side of Irrewillipe Road, however there is also a dwelling at 365 Irrewillipe Road on the eastern side of the road. The proposal for a dwelling would therefore be reasonably compatible with the surrounding land uses. It should also be noted that many

surrounding sites are used for agricultural purposes as well, and the farming activities proposed for the site would also be compatible with those agricultural uses.

It is acknowledged that the land is currently used for agricultural production, and should a permit for a dwelling be granted, it will support cattle operations. The submitted Farm Management Plan indicates the property could sustain up to 45 cattle and 45 calves, generating a minimum of \$86,000 annually in cattle sales. It is put forth that this level of productivity can only be maintained with a dwelling and permanent residents on site to manage the enterprise effectively. The proposal therefore seeks to enhance agricultural productivity, and the provision of a dwelling is considered necessary to support and sustain this outcome.

By establishing a dwelling to enable on-site supervision and efficient farm management, the proposed development could improve the agricultural productivity of the land, in keeping with both statewide policy and zone objectives. Notably, the Farming Zone, which has the following purpose: *“To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.”* Clause 14.01-1S (Protection of agricultural land) seeks to avoid removing land permanently from agricultural land and to protect farmland of strategic significance. The land would not be permanently removed from production as over 30ha of the site would continue to be used for farming. The land would continue to be used as intended within the Rural Land Strategy – for agricultural purposes.

The dwelling would be of a design which is sympathetic to the surrounding rural area. The dwelling would be single storey and have a maximum height of 6.39m. The building would utilise a variety of building materials including weatherboards and brickwork for the external walls for visual interest. The building would be setback a sufficient distance from Irrewillipe Road and Harris Road so as to not have any visual impact on those roads.

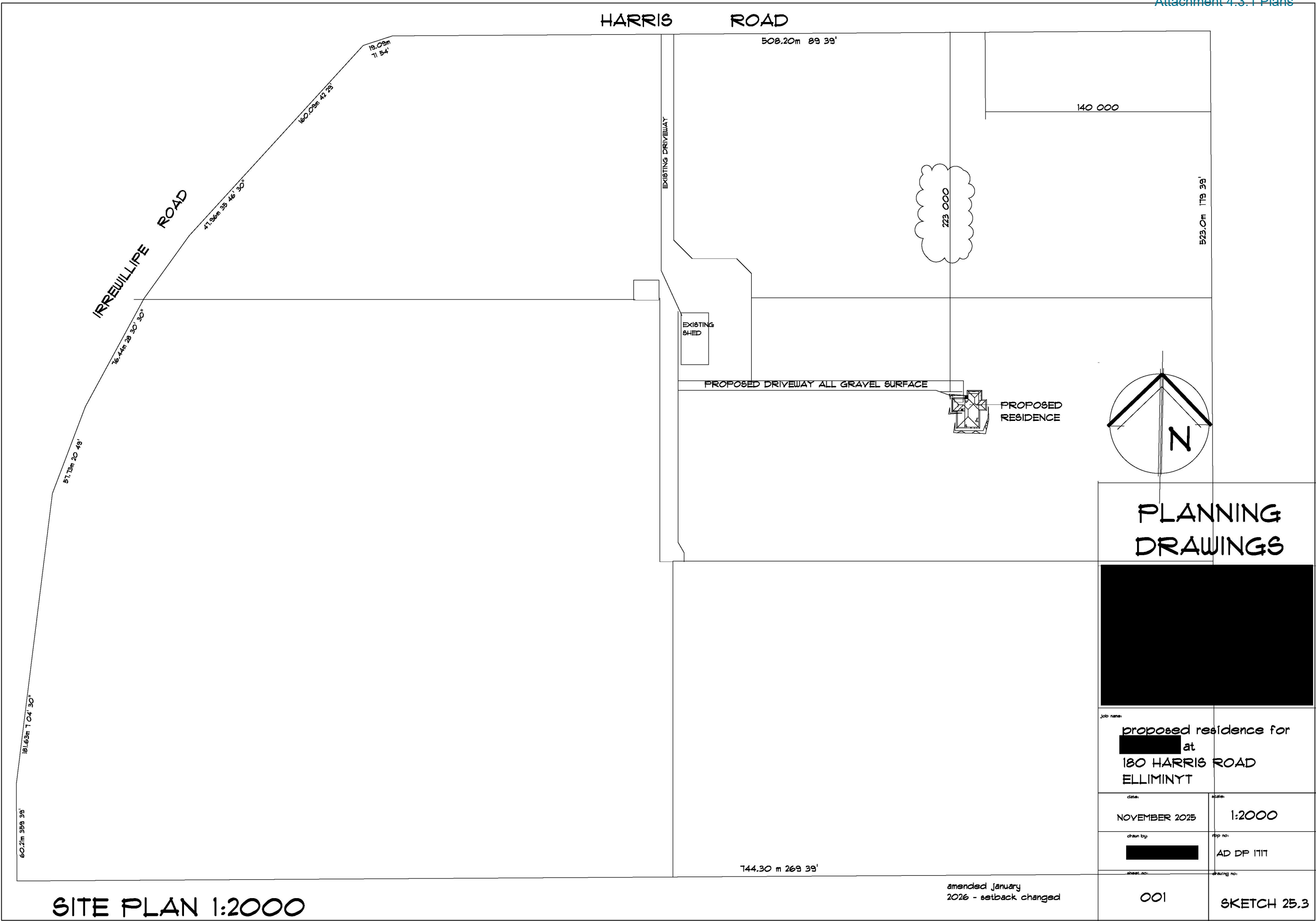
For the reasons outlined above, it is considered that the dwelling can reasonably be allowed.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.

HARRIS ROAD

IRREWILLIPE ROAD



PLANNING DRAWINGS

Job name: proposed residence for [redacted] at 180 HARRIS ROAD ELLIMINYT	
date: NOVEMBER 2025	scale: 1:2000
drawn by: [redacted]	resp no: AD DP 1111
sheet no.:	drawing no.:

SITE PLAN 1:2000

amended January 2026 - setback changed

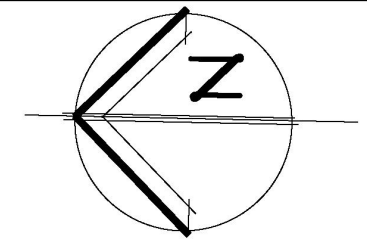
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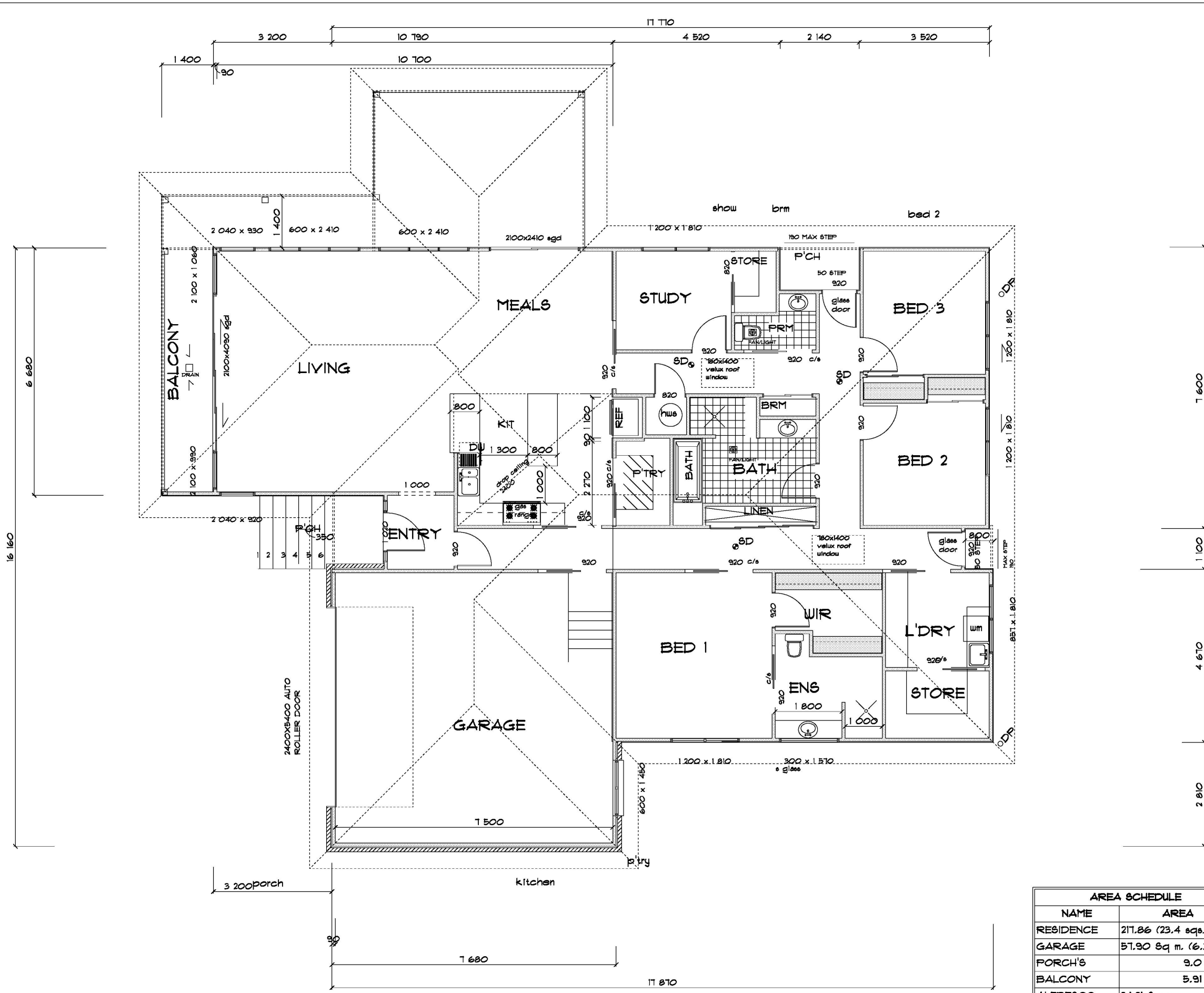


PLANNING DRAWINGS

job name:
proposed residence for [redacted] at 180 HARRIS ROAD ELLIMINYT

date:	scale:
JULY 2025	1:100
drawn by:	prep no.:
[redacted]	AD DP 1711
sheet no.:	drawing no.:
002	025035

AREA SCHEDULE	
NAME	AREA
RESIDENCE	217.86 (23.4 acq) 8q m.
GARAGE	57.90 Sq m. (6.3 acq)
PORCH'S	9.0 Sq m.
BALCONY	5.91 Sq m.
ALFRESCO	24.21 Sq m.
FRONT PORCH	17.33 Sq m.

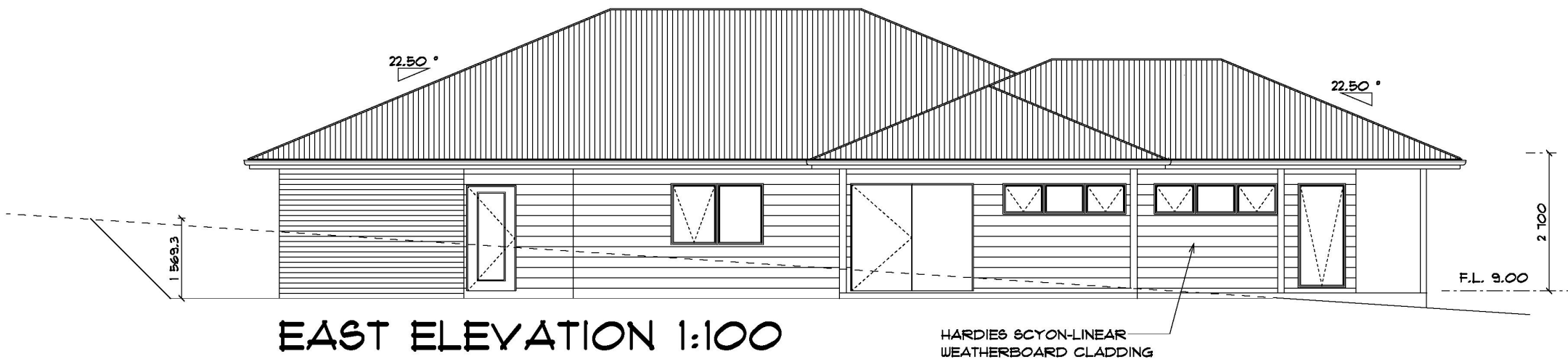


FLOOR PLAN 1:100

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AMENDMENTS:



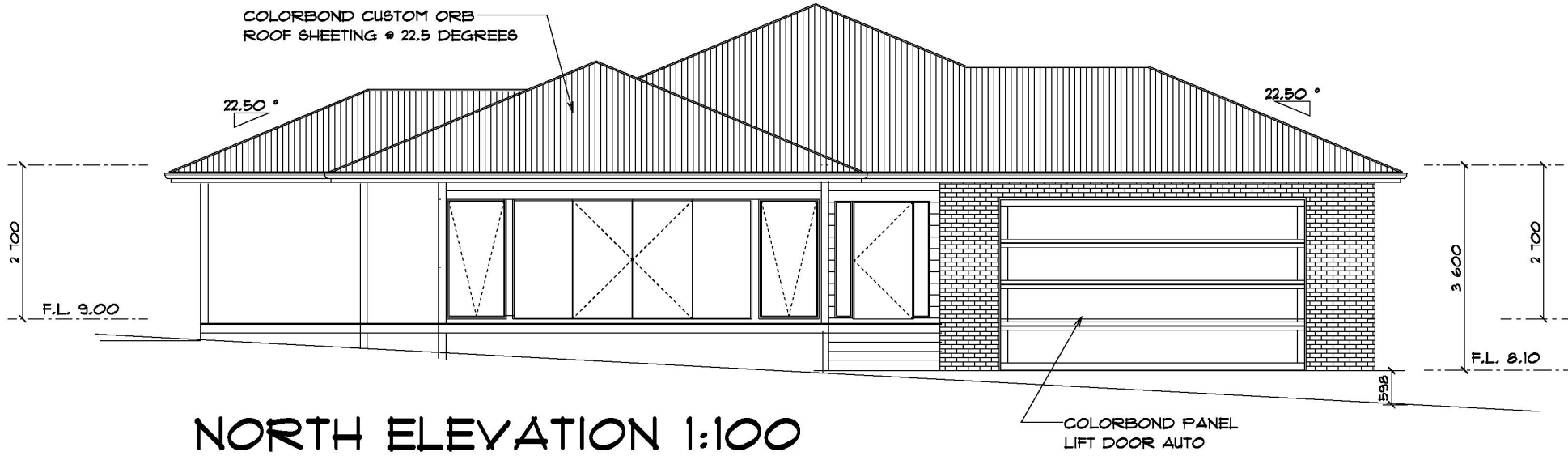
EAST ELEVATION 1:100

COLORBOND CUSTOM ORB ROOFING, GUTTERS
 - MONUMENT

FASCIA AND WINDOWS,
 PANEL LIFT DOOR
 COLORBOND - MONUMENT

WEATHERBOARDS/COLORBOND
 CUSTOM ORB WALL CLADDING
 PAINTED - SHALE GRAY

BRICKWORK
 ADBRI - 'STEEL' CONCRETE BRICK



NORTH ELEVATION 1:100

PLANNING DRAWINGS

Job name:
 proposed residence for [redacted] at
 180 HARRIS ROAD
 ELLIMINTY

date: July 2025	scale: 1:100
drawn by: [redacted]	rep no: AD DP 1717
sheet no: 003	drawing no: 025035

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AMENDMENTS:



SOUTH ELEVATION 1:100

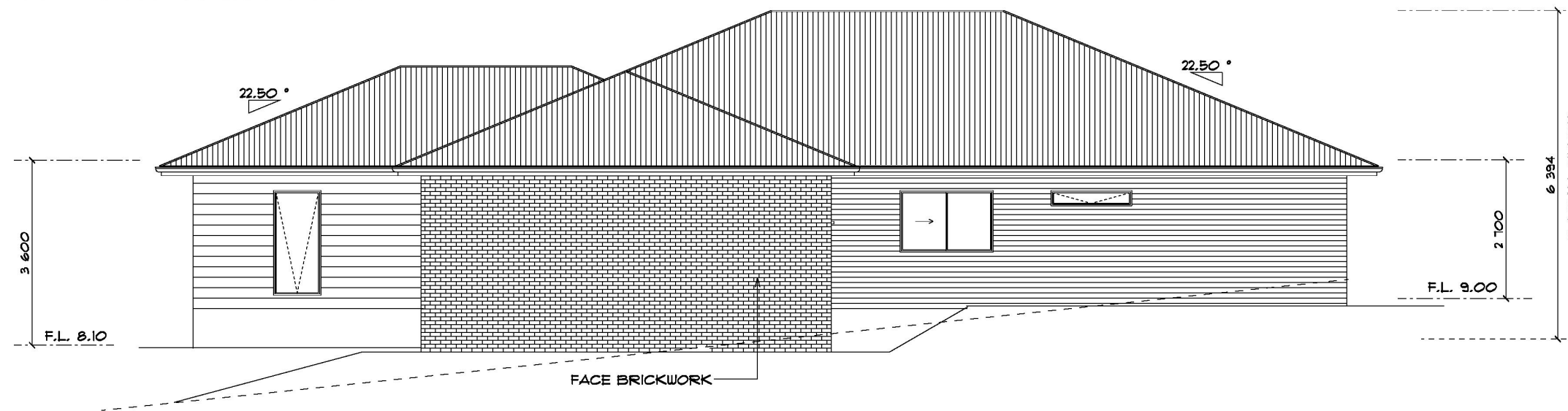
COLOR SCHEDULE:

COLORBOND CUSTOM ORB
 ROOFING, GUTTERS
 - MONUMENT

FASCIA AND WINDOWS,
 PANEL LIFT DOOR
 COLORBOND - MONUMENT

WEATHERBOARDS/COLORBOND
 CUSTOM ORB WALL CLADDING
 PAINTED - SHALE GRAY

BRICKWORK
 ADBRI - 'STEEL' CONCRETE BRICK



WEST ELEVATION 1:100

**PLANNING
 DRAWINGS**

job name:
 proposed residence for [redacted] at
 180 HARRIS ROAD
 ELLIMINYT

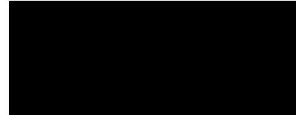
date: July 2025	scale: 1:100
drawn by: [redacted]	prep no: AD DP 1711
sheet no: 004	drawing no: 025035

Farm Management Plan

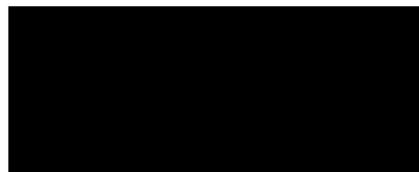
Angus Beef Cattle
Breeding and
Rearing

180 Harris Road
Eliminyt

Report Prepared by



Date: 20th October 2025



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Plan Objective:

This Farm Management Plan is drawn to provide an assessment of current agricultural issues and identify future improvements that will benefit the agricultural production values of the property, and identify the benefits of the proposed dwelling at 180 Harris Road, Elliminyt.

This plan is for the provision of Grazing Animal Production at the property, specifically the introduction of Angus cattle breeding and rearing, and the documented agricultural improvements proposed will be completed contingent on the issuing of a planning permit for the construction of a dwelling.

This farm plan has been drawn after consultation with the owner about how he wants to run his farm business and what he plans to achieve. The farm layout and agricultural activities are as described by the proponents, and Enprove has assessed the site to provide agronomic and environmental management advice included within the report. Land and conditions can change seasonally, and management variation can and should be expected. This report does rely on external data and information, which is assumed to be accurate.

Site Details:

Address: 180 Harris Road Elliminyt

Property Description(s): Lot 1 TP748707

Property Size: 35.9 Hectares

Local Authority: Colac Otway

Zones / Overlays:
 Farming Zone
 Schedule to the Farming Zone
 Erosion Management Overlay
 Erosion Management Overlay – Schedule 1
 Environmental Significance Overlay
 Environmental Significance Overlay – Schedule 2
 Land Subject to Inundation
 Land Subject to Inundation – Schedule 1

Current Use: Fodder Production

Proposal Overview:

This farm zone proposal calls for introducing the high-value beef cattle breed, Black Angus, and a breeding program to establish a high-quality breeding herd. This sector has seen a significant value increase in the last few years and has made smaller grazing lots more viable and attractive than in the past. The higher price allows for supplementary feeding in the cattle diet, which can significantly increase cattle weights. Initially, a small number of cows will be held, and female offspring will be retained for breeding.

The farm will be a high-performing beef breeding facility using dairy pasture production techniques, including quality ryegrass and paddock rotation. The breeding cows will be held at this site, and calves will be early weaned and sent for growout at other farms the proponents own at Pound Road and Winchelsea.

The proponent owns [REDACTED] and will use this site as a test and demonstration site for pasture grasses and animal health products to ensure local suitability of products and allow sharing of that knowledge. It will be a peak performer.

The site has already had a significant financial investment with new fencing, a farm shed, access improvement, services connection and a major pasture renovation and conditioning program.

The agricultural and land management highlights include:

- Extensive investment in farming infrastructure, including new fences, a new farm shed and services and access.
- The keeping of 45 Angus cows producing 45 calves for sale each year.
- The maintenance of 4.2 hectares of native revegetation area along the Deans Creek and along the farm boundary for water quality, biodiversity and ecological gain.
- The development and use of the site for pasture research trials and on-farm demonstrations.
- The adoption of regenerative and ecologically aware methods for improving a farming property.
- Improvement of soils to a productive farming standard.
- A sustainable financial model for production from a small rural property.

The breeding program cannot commence without a dwelling on the property, allowing them to monitor the stock to ensure the best animal health and welfare and ensure adequate feed and water are always available. This is particularly true during the calving season, when the animals are at the greatest risk, and stock death is most common.

The proposal land is 35.9 hectares and will retain an effective grazing area of about 31 hectares. The initial target stocking rate is 45 cows and 45 calves, which is high for beef production and will rely on fodder feedout to maintain that stocking rate.

After the initial development period, the agricultural return from the yearling cattle born at the property is expected to be \$86,000 yearly in cattle sales. More importantly, the breeding herd value will increase to over \$110,000.

Siting a dwelling on the property means that the property can be confidently improved, knowing that those improvements can be effectively utilised to increase productive value. A resident also means that animals can be monitored for health and welfare and rotated through the paddocks to ensure maximum feed utilisation. This enterprise is a great example of high-value grazing animal production on a smaller farming lot within the farming zone.

The requirements for a dwelling on an undersized lot are the same as justifications for any farm. The management times and tasks can be similar:

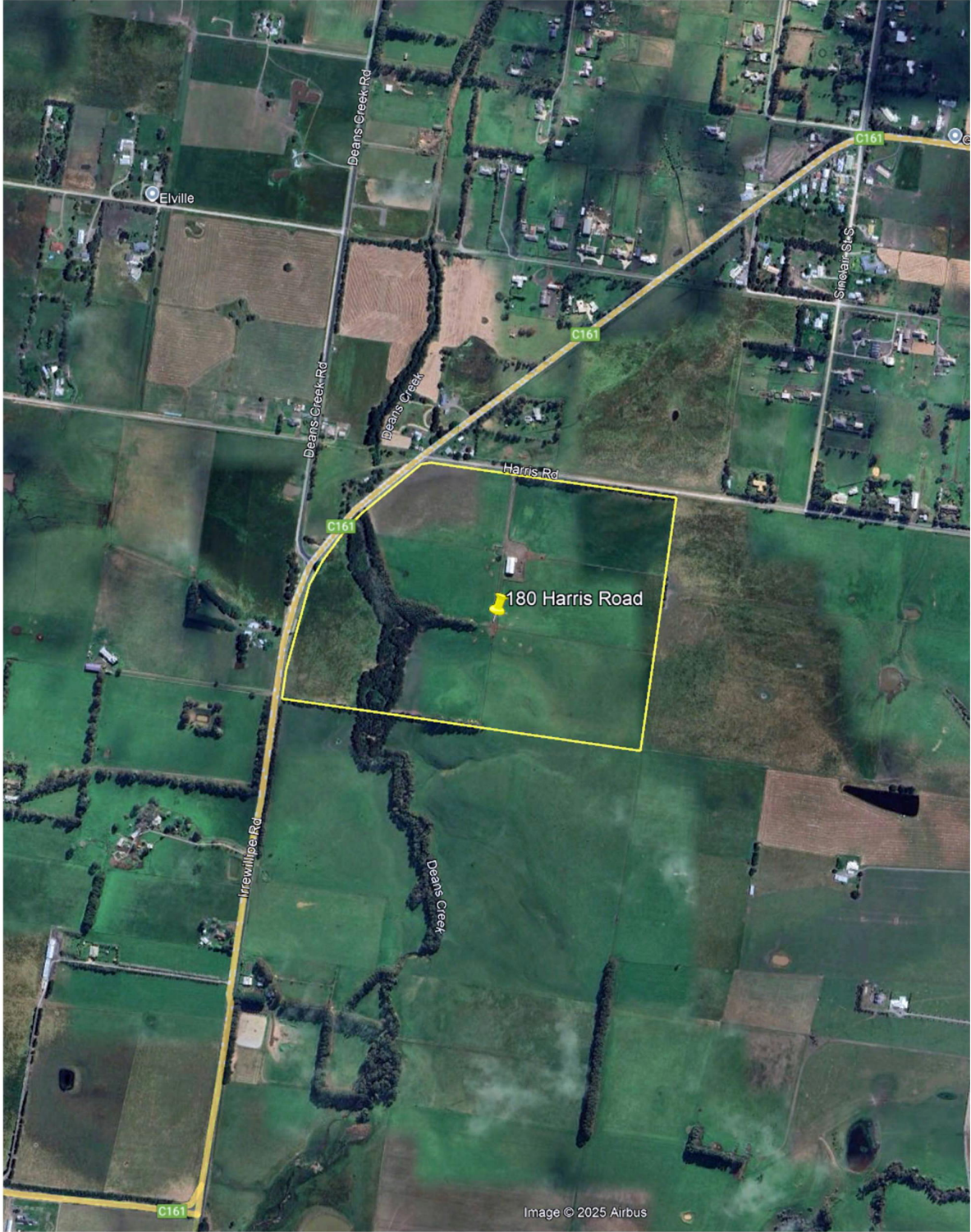
- **Biosecurity:** New nationally mandated requirements mean all visitors, vehicles and new stock to the property should be screened and, if necessary, disinfected. This needs to be monitored constantly. This is
- **Stock Safety and Management:** Cattle require monitoring, care, and protection from predators. They need to be fed, and the water supply checked daily.
- **Monitor Animal welfare:** (typical daily routine) listen and watch the stock for illness and lameness, identify downed stock and identify the issue, check for broken legs or injuries (calves are boisterous, and this happens often), birthing complications (any time of the day or night), milk fever or grass tetany (needs quick treatment or death will result), staggers, scours (scours in calves spreads in hours if the animal is not isolated and treated or culled), animals trapped in fences, gates, feeders bullying.
- **Monitor for and treat common rapid and potentially fatal illnesses:** infections from bacteria, viruses or fungi, parasite infestations, nutritional deficiencies, excesses or imbalances, metabolic disorders, calf scours (neonatal calf diarrhoea), pinkeye, calf scours (neonatal calf diarrhoea), gastrointestinal parasites, liver fluke, grass tetany (hypomagnesemia), milk fever (hypocalcaemia), bloat and ketosis (pregnancy toxemia). Stock death can be very quick if not identified and treated.
- **As with any stock rearing,** the requirement for someone to be nearby to monitor audible and visual signs of animal distress for animal health and welfare is very important.
- **Road safety:** stock escape, young stock are particularly good at this. Monitoring stock and identifying and relocating potential rogues will prevent this and may save a passing motorist's life.
- **Daily Farm management routine:** check water, check fences, feed stock, check pasture availability, fix things (say 10 hours a week for a resident without the corrective works).
- **Agricultural Improvement:** Remotely operated farms are always understocked and undermanaged, as the above tasks cannot be completed in a timely manner. This activity level is nearly impossible to manage remotely; in winter, when it's dark more than 12 hours a day, this monitoring will not occur for over half the time.
- **Pastoral use maximisation:** Paddocks can be constantly monitored for growth rates, fertiliser requirements, pest attacks, growth rates, and animals relocated as required.
- **Monitor and react to weather:** Heat, frost, hail, and wind can cause havoc, and responding quickly can manage issues or minimise losses.
- **Security and prevention of theft of produce and equipment.**
- **Occupational Health and Safety:** This property will have visitors who may not be familiar with farming and associated risks, and extended care and supervision will be required.
- **Wildfire risk prevention and response:** In the event of wildfire, a resident in a dwelling will be more responsive, animals can be monitored and relocated if required, fire mitigation procedures implemented, and maybe even fires fought.

A dwelling on a farm is a lot more than a place where people reside. It is the administrative centre, office, meeting room, first aid shed, pharmacy, security and biosecurity checkpoint, tea room and monitoring post for a 24-hour-a-day, 365-day-a-year business.

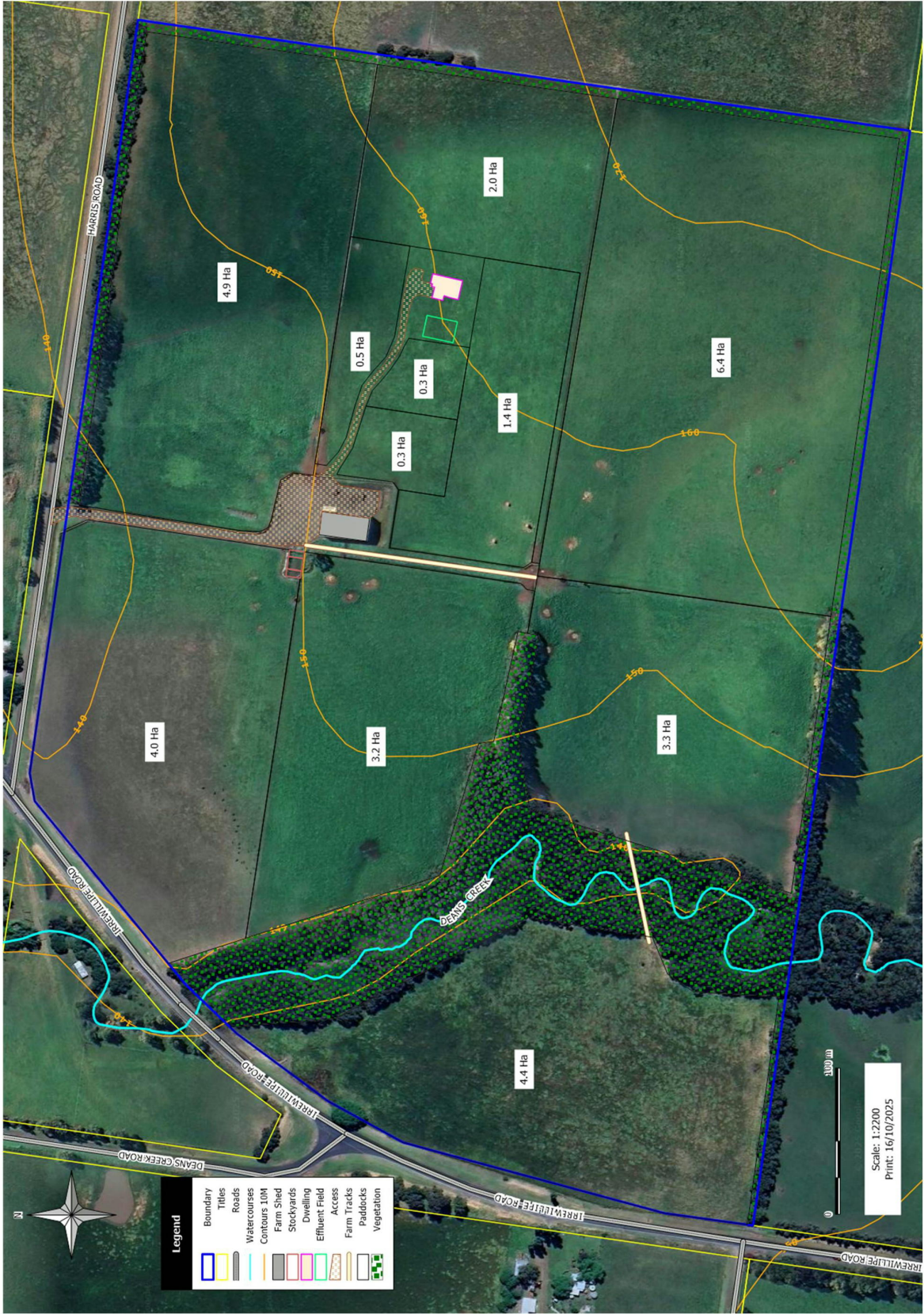
Good farming is about timeliness, and constant monitoring and reacting quickly is incredibly important. Failing to do so costs production and, sometimes, viability. The farm size is almost irrelevant; the quality of the farm management is what matters, and it isn't easy to achieve that remotely.

Property Maps:

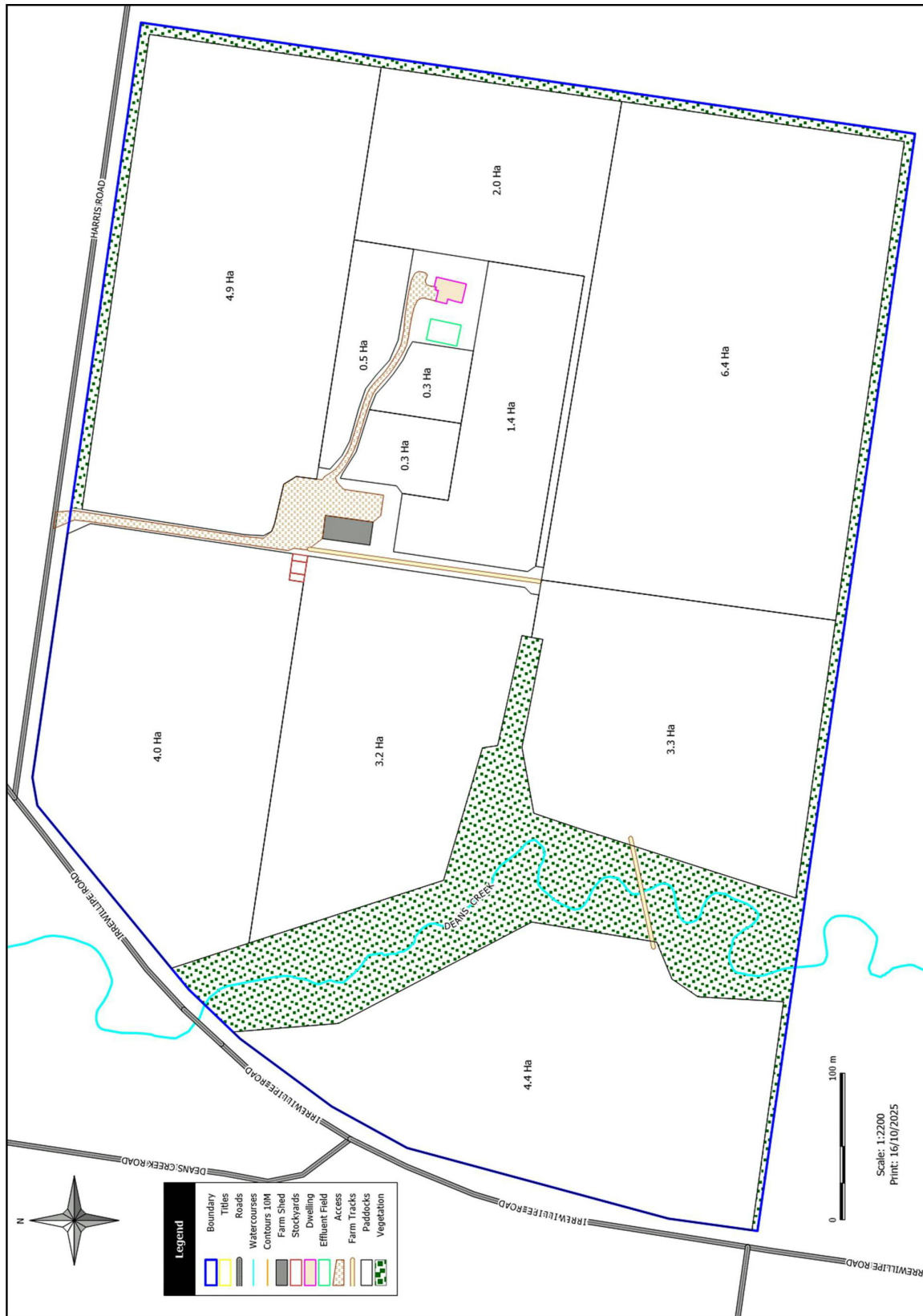
Map 1: Locality Map



Map 2: Farm Map



Map 3: Farm Layout



Map 4: Property Dimensions



Farming Factors:

Site Topography:

The property is considered a gentle gradient with a general fall from southeast to northwest and a total elevation change of about 33 metres across the entire property, giving an average gradient of 4.4 %. Deans Creek transects the site at the western end, creating a steeper gradient along those banks. There are no other notable topographical features on the site.

Elliminyt climate statistics:

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Annual
Mean Max (°C)	25.7	26.0	23.5	19.3	15.8	13.1	12.5	13.7	15.8	18.3	20.8	23.4	19.0
Mean Min (°C)	10.7	11.2	10.1	8.0	6.2	4.5	3.9	4.5	5.8	6.9	8.3	9.4	7.5
Mean Rain (mm)	37.0	33.9	41.4	55.2	67.6	72.9	75.0	85.7	74.8	71.6	56.7	43.9	725.1
Mean Rain Days	4.9	4.2	5.7	7.9	10.6	11.7	12.6	13.3	11.9	10.3	8.0	6.4	107.5

Data: BOM 90147 Colac Shire Office

The climate is the typical temperate type, with warm, dry summers and cool, wet winters. The climate is most suitable for the chosen agricultural activity, and pasture coverage should be sound for most of the year in a normal year.

Water Supply:

The property is well set for water with an existing town water connection for stock water and the new dwelling.

Weed and Pest Management:

The property is well-managed by the proponent and has limited environmental weeds or pest issues. The waterline is fenced and vegetated, and this is and will remain the greater ongoing weed issue, especially blackberries, which are controlled by backpack weed spraying. There is some seasonal capeweed establishment that is managed by slashing and sprays, and sound pasture establishment. Onion weed is prevalent on the site, and Metsulfuron will be included in ongoing spray routines.

The property will be subject to normal pastoral weeds, which will be controlled with standard agricultural methods like sprays and physical removal.

There is some rabbit activity at the rear of the site along the waterway, and baiting will be used to control this.

Soils:

The property land class is typical of the region, productive, well-structured sandy clay loams over deeper clay classed as duplex soil. The soils may be prone to waterlogging during wet periods and drying and cracking during dry periods, but generally retain productivity.

Lab Results:

Customer:	Mark Slater	Sample Date:	17/10/2025
Sample Name:	Harris Road	Lab. No.:	21943428

Test Depth (cm):	0-10	Soil Colour:	Brown
Gravel %:	0%	Assessed Texture:	Clay Loam

	Unit	Level Found	Good Range
Phosphorus Olsen	mg/Kg	18.0	14 - 25
Phosphorus Colwell	mg/Kg	45	30 - 63
Potassium Colwell	mg/Kg	92	140 - 250
Sulphur	mg/Kg	8.0	10 - 20
Conductivity	dS/m	0.10	< 4.0
pH Level (H ₂ O)	pH	5.3	5.6 - 6.4
pH Level (CaCl ₂)	pH	4.5	5.0 - 6.0

Cations	Unit	Level Found	Good Range
Cation Exchange Capacity	meq/100g	5.30	10 - 20
Exchangeable Calcium	meq/100g	3.60	
	BSP %	67.92	70 - 85
Exchangeable Magnesium	meq/100g	1.00	
	BSP %	18.87	10 - 20
Exchangeable Potassium	meq/100g	0.24	
	BSP %	4.53	3 - 8
Exchangeable Sodium	meq/100g	0.26	
	BSP %	4.91	< 5
Exchangeable Aluminium	meq/100g	0.20	
	BSP %	3.77	< 2.0

Recommendations:

The soil is obviously well-suited to the proposed pasture production and grazing activities, and productivity can be boosted with minor soil amendment. The soil was rated acidic, and this has already been corrected with an application of calcium bearing agricultural lime and should be tested next year to determine the altered pH level.

Phosphorus is in a good range for pasture and will only require maintenance fertiliser. Potassium is considered low for rye grass and particularly for hay production, which removes significant potassium.

Trace elements, zinc and boron, could also be added, which would improve pasture quality, and zinc will improve animal health and growth rate. Boron and zinc are important for ryegrass growth and development.

Pastoral Improvement:

The farm is currently going through a full pasture renovation program (partly necessitated by the extended dry) and will be sown down to perennial ryegrass, which is optimum for grazing and fodder production. It is currently sown to annual Italian ryegrass, which will allow hay to be produced before the permanent pasture establishment. The improvement in pasture quality will also allow for fodder production in the springtime.

Paddock Layout:

The farm will have 6 main grazing paddocks, 4 husbandry paddocks and a bull paddock. The husbandry will be located near the new house for pregnancy, birthing and calf management. The increased number of paddocks will allow greater control of the pasture production and allow close monitoring of stock for improved animal welfare.

Rotational / Cell Grazing:

Rotational grazing (cell grazing in beef production terminology) will be adopted to improve pasture use efficiency, minimise soil damage and allow greater recovery time between grazings. Cell grazing involves moving livestock through a series of paddocks, so when they have finished grazing the last paddock in the series, the first paddock has recovered to allow the rotation to recommence. Rotations are generally organised around the plant growth cycles and aim to optimise pasture utilisation. Plant growth determines paddock moves in rotational grazing - the faster the growth, the more moves and vice versa. Younger, smaller stock are moved less often than older, heavier stock.

Grass reaches the best growth rate about 35 days after grazing, and higher yields are achieved by allowing paddocks to be ungrazed for more than 35 days. More paddocks mean a more extended, ungrazed period is possible in each paddock. Cell grazing will produce 15-25% more grass from the same grazing area.

Livestock:

The chosen breeding herd is Black Angus beef cattle, which have very strong marketability. Black cattle have the highest sale price for both meat processing and breeding stock. That also means they are the highest cost to add to a herd and can require significant investment before the breeding program allows solid returns. An Angus bull will be brought in seasonally for servicing cows.

The property is expected to hold up to 50-60 Angus cows and calves, with late pregnancy cows moved from other farms located at Pound Road and Winchelsea. The average cow and calf loss is 10 per cent on unattended properties. Growout calves and dry stock will be relocated back to the other properties.

Research Trials and On-farm Demonstrations:

The proponent will make part of the site available for long and short-term trials, which will ultimately impact the future pasture varieties the Co-op will sell. Each year, hundreds of new pasture varieties are developed to increase production or replace degrading varieties. In our region, this is especially important for ryegrass and understanding the impacts of the variable and inconsistent climate conditions now occurring.

Key reasons for local grass trials:

- Performance evaluation: To assess a variety's dry matter production, persistence, and establishment rates under local conditions, not just where it was bred.
- Agronomic traits: To test specific characteristics, such as heading dates, which are crucial for managing grazing and cropping rotations, as well as overall plant height and tiller production.
- Pest and disease resistance: To evaluate tolerance and resistance to local pests like black beetle and diseases like crown rust, which varies widely by region and with changes in growing conditions like low nitrogen levels.
- Endophyte impact: To understand how local endophytes (symbiotic fungi) affect animal health and pasture performance, as their effects can be region-specific. For example, some endophytes can cause ryegrass staggers, while novel endophytes can deter insects without the same risks.
- Weed control and herbicide resistance: To identify which varieties are more susceptible to weeds or to test the effectiveness of local weed management strategies against them, especially in the face of growing herbicide resistance.
- Soil suitability: To ensure varieties will thrive in local soil types and conditions, including pH levels and nutrient profiles found in a local area.

The site will also be available for animal health trials for the same reasons. Feed additives, worm drenches, various medications and medicants can see variations in efficacy due to climate and regional conditions, and animal health product companies are always looking for local partners.

On-farm walks and demonstrations will be conducted to share the locally relevant findings and will improve the Co-op's ability to provide sound local farming and agronomic knowledge.

Business Management:

Required Infrastructure:

Most of the required infrastructure for farming is already in place and has recently been upgraded. The external fencing and paddock fencing have been replaced, there is a new farm shed was built 2 years ago, the water supply network has been upgraded, and the access has been improved. The main infrastructure is a new dwelling to allow the introduction of breeding stock.

Staffing:

The management of the farm calls for one person to manage the farm (in this case, the presence of a resident and property owner). As with any stock rearing, the requirement for someone to be nearby to monitor audible and visual signs of animal distress for animal health and welfare is very important.

As with these types of enterprises, they contribute to the local economy by utilising local contractors for construction work, farm maintenance, transport industries and agricultural support industries.

Opportunity Cost / Diversification:

The property has always been used for grazing since clearing at a set stocking; the proposal moves the farm to a high-value grazing activity with improved pasture and rotational management. This requires a significant investment in production and infrastructure, and it isn't easy to see a better use for this lot. The infrastructure improvements could encourage higher returns from agriculture in the future, such as horticulture. A property like this is unlikely to be integrated into another farming property due to land size and high property value.

Agriculture is dynamic; markets change and evolve; climate change impacts agricultural suitability, and farm circumstances alter. As with any business, the farming method and type should be constantly evaluated and, if required, adjusted to meet new circumstances.

Financial Projections:

The proposal calls for an investment in farm infrastructure and pastoral improvement of an additional \$480,000, the purchase of breeding cows in year one and the investment in a dwelling.

After the initial development period, the enterprise return is expected to be over \$86,000 a year in yearling sales value. The true value of the enterprise is the increase in the herd asset, and it is expected that the breeding herd value will be valued at \$110,000.

Closing the herd like this creates a valuable breeding herd, and the offspring are often in demand as breeders and become significantly more valuable than meat animals (creating a stud).

Indicative Farm Profit/Loss (excluding dwelling, shedding and machinery costs and not adjusted for CPI):

Income/Cost Item	Year 1	Year 2	Year 3	Year 4	Year 5+
Yearling Sales (350 kgs @\$5.50 kg)	\$0	\$25,000	\$50,000	\$86,625	\$86,625
Total Revenue	\$0	\$25,000	\$50,000	\$86,625	\$86,625
Heifer Purchases (\$1500 ea)	-\$30,000	\$0	\$0	\$0	\$0
Cattle Maintenance (Vet, medications, etc.)	-\$2,000	-\$2,000	-\$2,000	-\$2,000	-\$2,000
Pasture / Cropping Costs	-\$10,000	-\$10,000	-\$2,000	-\$2,000	-\$2,000
Variable Costs (~15%)	\$0	-\$3,750	-\$7,500	-\$12,994	-\$12,994
Infrastructure Investment / Maintenance	-\$20,000	-\$20,000	-\$2,000	-\$2,000	-\$2,000
Net Return	-\$62,000	-\$10,750	\$36,500	\$67,631	\$67,631

Year 1 identifies breeding herd purchases and identifies proposed pastoral changes made.

Excludes shedding, land, dwelling and equipment costs, which can be financed in many different ways.

Herd Asset Value (assumes keeping all female calves as breeders, years 1-3):

	Year 1	Year 2	Year 3	Year 4	Year 5+
Cattle Value (Breeding Herd)	30,000	45,000	65,000	110,000	110,000

These values are conservative in approach and could be termed natural growth; an aggressive expansion program could be adopted, requiring higher stock investment.

Environmental Factors:

Natural Resource Management:

The site has previously been entirely cleared for farming and has no remnant vegetation (ref image 1). The site is partially included in an Environmental Overlay, and there is no development in this overlay, which is contained within a fenced riparian revegetation area. Deans Creek, which crosses the site, is also wholly contained in that revegetation area, which has a well-established tree and understory layer, and the local landcare group completed those works. There are some good native shelterbelt trees along some boundary fences, and this shelterbelt revegetation will be extended to cover most of the boundary.

Erosion and Compaction:

Part of the property is included in an erosion management overlay, which specifically covers the Deans Creek and adjoining steep bank areas, and there is no planned development in this overlay. Deans Creek has clearly been heavily eroded in the past by flood scouring, and those old scars are still present. A significant area along the entirety of the creek has been planted to trees and allowed to revegetate, and that work appears to have been very successful. The bank area is included in paddocks and has an excellent establishment of pasture grass to reinforce against erosion.

The property is in a medium rainfall area, and compaction of soils in the paddocks could occur in areas where the animals camp or in traffic areas such as gateways, troughs, fence lines, and shelters. Heavy vehicle traffic should be confined to constructed tracks, particularly during wetter seasons.

Floodway Overlay / Land Subject to Inundation:

These overlays coincide with the Deans Creek, and as described above, these overlays are wholly contained within the fenced and revegetated riparian buffer zone and are excluded from development and stock use.

Groundwater:

Groundwater is at a depth of 10-20 metres and is at low risk of exposure from any form of nutrients infiltrating from the surface. Maintaining plant coverage will assist in keeping soil nutrient levels lower to minimise further risk.

Drainage:

The property has no formal drainage network; instead, it relies on soil infiltration, plant uptake, and overland flows to Deans Creek and the Harris Road drains for rainfall management. The waterways serve other properties, and those water flows will not be impeded in any way as part of the development.

Fire Management:

The land use does not contribute to any fire risk in the area. The land is in a designated bushfire-prone area, although not of any greater risk than normal farmland. Fire management plans should be drawn for the property.

Firewater will be available from a mains connection, although a firewater tank could be included.

Adverse impacts on adjacent land:

There is not expected to be any change to the amenity on the adjacent properties from the increase in agricultural production. It may be from time to time that some animal odour or noise may be generated, but it is the same as any agricultural enterprise. The use of sprayed chemicals in this operation would be rare.

Adverse impacts from adjacent land:

The properties within a 500-metre radius of the proposed dwelling are utilised to produce fodder, grazing animals or lifestyle properties. The activity of the area is pasture production, cattle and sheep grazing and lifestyle living, which generates minimal dust, odour, noise and chemical spray activity, and they are not expected to be issued.

Animal Welfare and Biosecurity:

Animal welfare, in this instance, will be very good. The practice of cattle breeding and calf rearing is almost entirely about animal welfare in that it closely monitors animals and provides constant and ongoing care. A list of best practice animal welfare guidelines is available from <http://animalwelfarestandards.net.au/>. This is a comprehensive, common-sense approach to caring for farm animals driven largely by the buyer's expectations and contagious disease control and prevention.

Biosecurity is about preventing and containing any disease and negative issues that could generally impact both the farm and agriculture.

Recommended by Meat and Livestock Authority (not compulsory) Procedures for Biosecurity

- The farm should have a documented Farm Biosecurity Plan
- All livestock movements onto the farm have known health status (e.g. Livestock Health Statement/Declaration or equivalent)
- All introduced livestock are inspected for signs of ill health or disease on arrival at the property and kept in isolation for a period
- Livestock are regularly inspected for ill health and disease, and appropriate action is undertaken.
- The risk of livestock straying onto or from the property is minimised.
- If an unusual disease, illness, or mortality is observed, there are systems to notify a veterinary practitioner or animal health officer.
- Where reasonable and practical, the movement of people, vehicles and equipment entering the property is controlled and, where possible, movements recorded.
- Any other procedures or practices that contribute to minimising the risk or spread of disease.

The property has the required Property Identification Code (PIC).

Site Photos:

Image 1: Aerial photograph from 1989 shows that the site was entirely cleared and used as a single paddock.



Image 2: Looking east over the site from Irrewillipe Road (house site shown).



Image 3: Looking west over the site.



Image 4: Harris Road frontage and existing access.



Image 5: Looking north over the farm



Image 6: Recently constructed farm shed,



Image 7: The existing stockyards.



Image 8: Newly installed stockwater network.



Image 9: The property has been resown after the drought period



Image 10: Deans Creek is fully fenced and revegetated, including the ESO, FO and LSIO areas. The most erosion-prone areas are included in this exclusion area.



Image 11: Deans Creek showing old erosion scars.



Image 12: As with any riparian exclusion, blackberries will be a lifelong management issue.



Item: 4.4

**PP376/2022-2 - 26 Roadknight Street BIRREGURRA -
Use and Development of Dwelling**

ADDRESS AND PROPERTY DETAILS	26 Roadknight Street BIRREGURRA Lot: 4 TP: 17357 V/F: 10515/977 Parish of Birregurra	APPLICATION NUMBER	PP376/2022-2
PROPOSAL	Use and Development of Land for a Dwelling, Construction of Two Outbuildings, Water Tank and Creation of Access to a Road in a Transport Zone 2		
PERMIT TRIGGERS	Planning scheme clause	Matter for which the permit has been applied for	
	Clause 35.07-1	Use for dwelling under Farming Zone (FZ)	
	Clause 35.07-4	Construction of dwelling, outbuilding and water tank under Farming Zone (FZ)	
	Clause 52.29-2	Creation of an access to a Road in Transport Zone 2 (TRZ2) under Land Adjacent to the Principal Road Network	
TRIGGER FOR DETERMINATION BY COMMITTEE	Dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	None
COVENANTS	None		
CULTURAL HERITAGE	Only a small portion of the subject site to the south-east is covered by the Cultural Heritage Sensitivity. Single dwelling is not a high impact activity.		
OFFICER	Vikram Kumar	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		

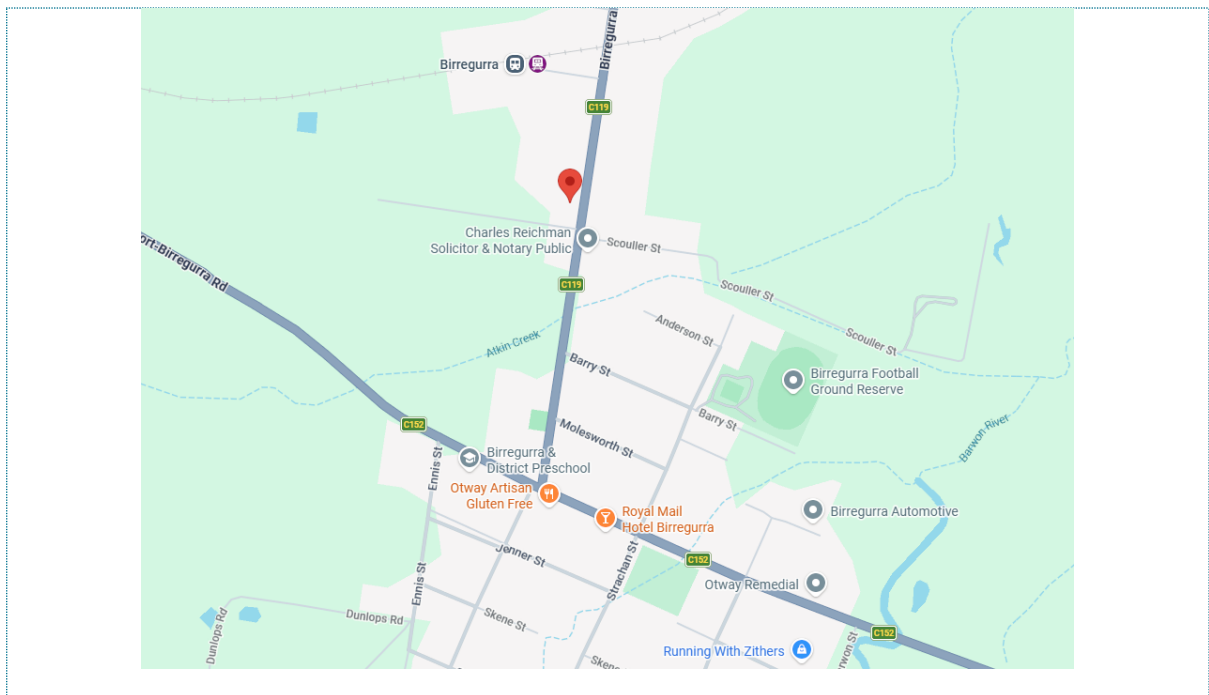
Item: 4.4

PP376/2022-2 - 26 Roadknight Street BIRREGURRA - Use and Development of Dwelling

ATTACHMENTS 1. P P 376 2022-2 - 26 Roadknight Street BIREGURRA -
Plan (REDACTE D) [4.4.1 - 6 pages]

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That the Planning Committee resolves to Grant an Amended Permit for Use and Development of Land for a Dwelling, Construction of Two Outbuildings, Water Tank and Creation of Access to a Road in a Transport Zone 2 at 26 Roadknight Street BIRREGURRA, Lot: 4 TP: 17357 V/F: 10515/977 Parish of Birregurra, 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.***

Drainage

- 2. 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.***
- 3. During construction works, 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), to the satisfaction of the Responsible Authority.***

Stormwater Management Plan

4. **Prior to the commencement of development, a Stormwater Management Plan must be submitted to and approved by the Responsible Authority. The Stormwater Management Plan must show how the developed site will be effectively drained without effecting the adjacent properties or causing detrimental downstream effects and must include:**
 - a. **Stormwater detention system designed by a qualified engineer, which must provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the post development 10 year storm (10% AEP);**
 - b. **Address the Stormwater treatment in accordance with the Clause 20.3.1 of Infrastructure Design Manual (IDM) Standard.**
 - c. **Details of all drainage works including any works required outside of the proposed site.**
5. **All works, including the stormwater detention system, must be undertaken in accordance with the approved Stormwater Management Plan to the satisfaction of the Responsible Authority.**
6. **Within five (5) business days of the installation of the stormwater detention system, notice of its installation must be given to the Responsible Authority and an inspection must be requested. The written approval of the Responsible Authority to the stormwater detention system must be obtained prior to the initial occupation of the dwelling hereby permitted.**

Wastewater

7. **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.**
8. **All works and development associated with this permit must be carried in accordance with the Land Capability Assessment produced by AGR Geosciences Pty. Ltd. (Ref. No. 21L759LCA, dated 29/3/2023) unless otherwise agreed in writing by the Responsible Authority.**

Access

9. **Prior to the dwelling hereby permitted being brought into use, the driveway must be constructed to an all-weather standard and with a minimum width of 3m in accordance with the endorsed plans, to the satisfaction of the Responsible Authority.**

Department of Transport and Planning

10. **Prior to the works commencing (or unless otherwise agreed to in writing by the Head, Transport for Victoria), the proposed accessway must be constructed in accordance with the design of a Typical Driveway Access to Semi Rural Properties (see attached drawing GD4011) to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Head, Transport for Victoria.**

Expiry

11. 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 has 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 proposed 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 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 the Land Capability Assessment be amended or updated by a suitably qualified person and submitted for approval, to support a detailed system design and proposed site plan at the permit application stage.*

Department of Transport and Planning

4. *The proposed alteration requires works within the road reserve. Before the works start a separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. When ready please submit your application: <https://rapp.transport.vic.gov.au/>.*

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

Date of amendment	Brief description of amendment	Name of Responsible authority that approved the amendment	Section of the Act under which the permit has been amended
11/02/2026	<ul style="list-style-type: none">• Amended plan endorsed• Addition of two outbuildings and water tank in the preamble• Condition 5 inserted, and subsequent conditions renumbered• Condition 9 deleted.• Condition 11 and note 4 amended.	Colac Otway Shire	Section 74,

3. PROPOSAL

The proposed amendment to planning permit application seeks to alter the design and sitting of the house, add two outbuildings, one water tank and change in location of the access from the Roadknight Street (TRZ2)

Please see the table below for the comparison of the difference in the original application to this amendment:

	PP376/2022-1 (Original application)	PP376/2022-2 (Amendment application)
Dwelling		
Setback from eastern front boundary	5.06m	6.5m
Setback from northern side boundary	3.59m	3.5m
Setback from southern side boundary	2.6m	1.5m
Setback from western side boundary	31.4m	34.28m
Number of bedrooms	4	3
Area of the house	242.5sqm	177.5sqm
Materials	<p>CLADDING LEGEND</p> <p>(HW) HARDWOOD TIMBER CLADDING</p> <p>HARDWOOD</p> <p>(CB) COLORBOND FASCIA</p> <p>MONUMENT</p> <p>(REW) RAMMED EARTH WALL</p> <p>RAMMED EARTH</p>	<p>WEATHERBOARD [WHITE]</p> <p>CEMENT SHEET [WHITE]</p> <p>STONE</p>
Maximum height of the dwelling	4.48m	5.86m
Two Outbuildings		
Size	N/A as not proposed	<p><u>Outbuilding One</u> Measuring 9m x 6m (54sqm)</p> <p><u>Outbuilding Two</u> Measuring 6.06m x 2.5m (15.15sqm)</p>
Maximum height	N/A as not proposed	<p><u>Outbuilding One</u> Maximum height of 3.5m</p> <p><u>Outbuilding Two</u> Maximum height of 2.6m</p>

Location	N/A as not proposed	<u>Outbuilding One</u> 0.5m from the northern boundary, 10m from the western boundary. <u>Outbuilding Two</u> 0.5m from the northern boundary, 6.75m from the western boundary.
Materials	N/A as not proposed	Both the outbuilding would be constructed of Custom orb steel 'Monument'
Water tank		
Size	N/A as not proposed	50kL
Maximum height	N/A as not proposed	Maximum height of 2.3m
Location	N/A as not proposed	0.5m from the northern and western boundary.
Materials	N/A as not proposed	Custom orb steel 'Monument'

Below are the plans submitted with the amendment to planning permit application:

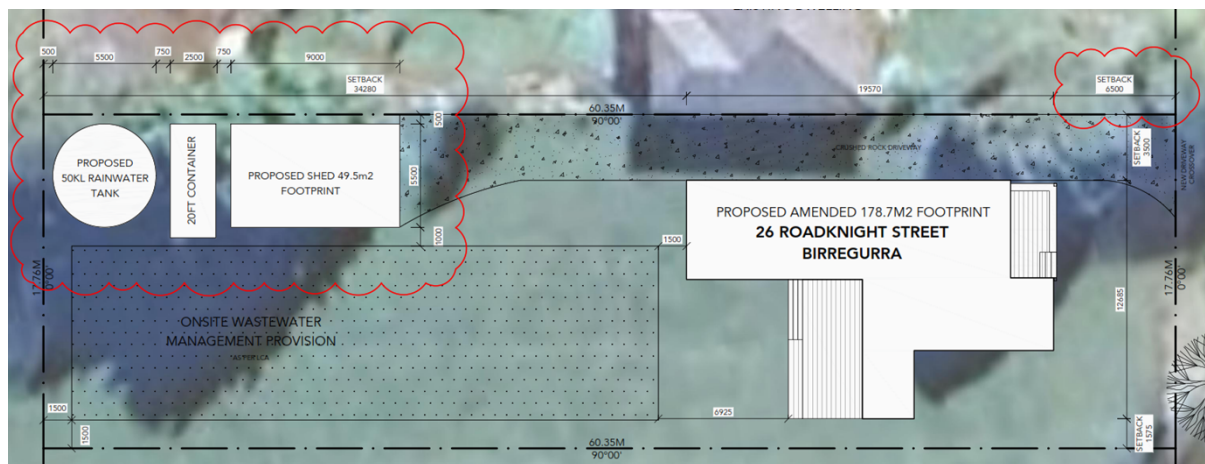


Figure 1 - Site plan

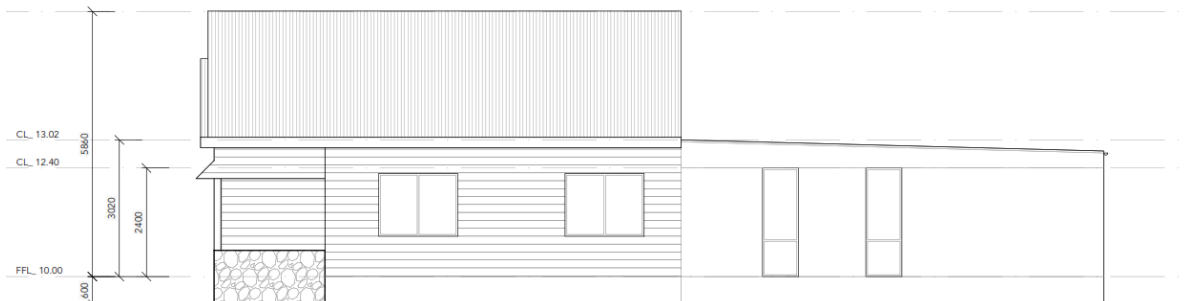
Dwelling



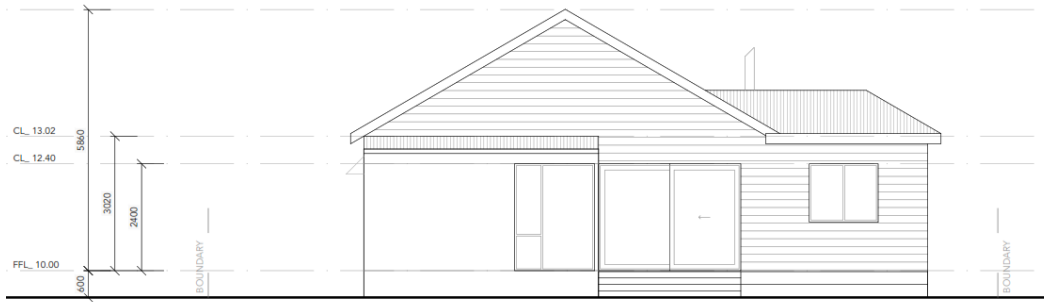
Figure 2 - Floor plan



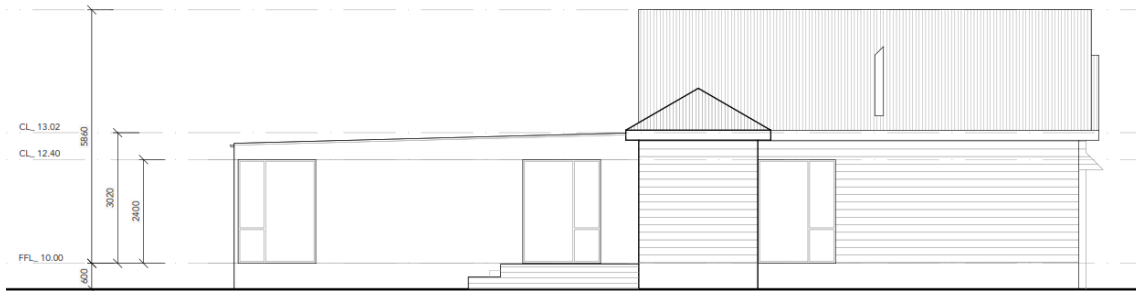
East elevation



North elevation



West elevation



South Elevation

Figure 3 - Elevations

Two outbuildings and water tank

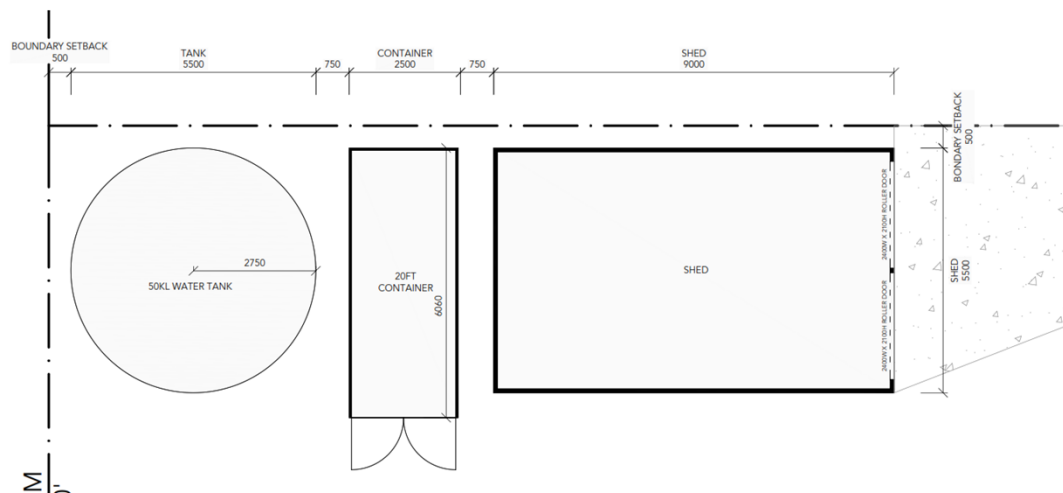
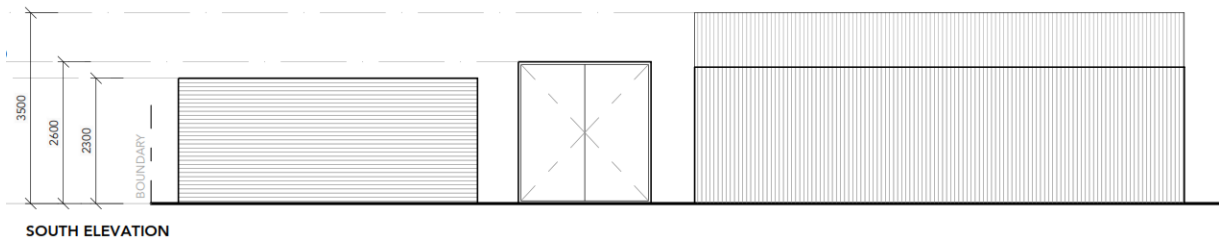


Figure 4 - Floor plan of the two outbuildings and water tank



SOUTH ELEVATION

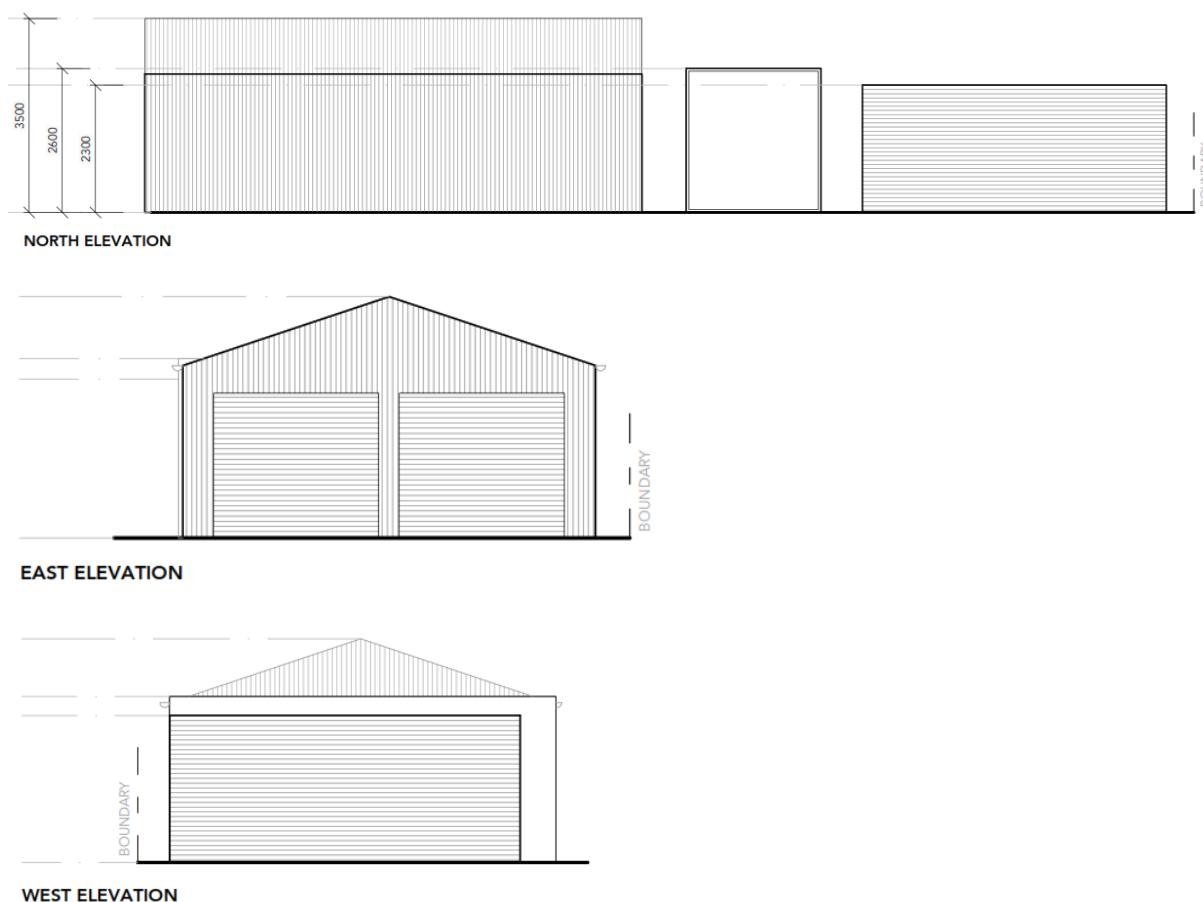


Figure 5 - Elevations

4. SUBJECT LAND & SURROUNDINGS

Lot description remains the same as mentioned in the original officer report under PP376/2022-2, i.e.

“The lot, which is located on the west side of Roadknight Street, has an area of 1072sqm and a frontage of 17.76m to the road.

The site currently vacant.

Land to the immediate east and south-east is in the Township Zone and is used for residential purposes. Land to the north, south and west is in the Farming Zone.”

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably:

- 11.01-1S – Settlement
- 14.01-1S and 14.01-1L – Protection of Agricultural Land
- 14.01-2S - Sustainable Agricultural Land Use

- 15.01-6L – Design for Rural Areas

Other relevant provisions

Nil

Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department and Health Protection Unit. No objections were raised by Council's Health Protection Unit subject to previously provided conditions and no objection was raised by Council's Infrastructure Unit with change in the wording for the Stormwater Management Plan condition. These conditions have been included in the recommendation earlier in this report.

External Referrals

The application was referred to the Department of Transport and Planning, which raised no objection subject to a revised condition and note that has been added in the recommendation section earlier in this report.

7. PUBLIC NOTIFICATION & RESPONSE

Public notice was given for this application in the form of a site notice and letters to adjoining landowners/occupiers. No objections were received.

8. OFFICER'S ASSESSMENT

Farming Zone (FZ)

The proposed changes under the amendment would not change the primary consent given for the approval of the dwelling for its use and development under the Farming Zone (FZ).

The proposed change under the amendment includes:

- Addition of an outbuilding, shipping container and water tank.
- Change in the design and siting of the dwelling.
- Change in location of the access from the Roadknight Street (TRZ2).

The amendment to the planning permit application was advertised and no objection was received.

The application continues to meet the relevant requirements under the Farming Zone (FZ) and is considered acceptable.

Clause 52.29 (Land Adjacent to the Principal Road Network)

The location of the proposed access has been changed from the southern section of the frontage to the northern part of the frontage. The amendment to planning permit application

was referred to the Department of Transport and Planning and they raised no objection subject to a revised condition.

Other matters

Tree protection zone condition

It is noted that the proposed crossover would now be further away from the street tree which was previously closer and a tree protection zone condition was required in the original application. This condition is being deleted as part of this amendment application as it would no longer be required due to the distance of new crossovers from the tree.

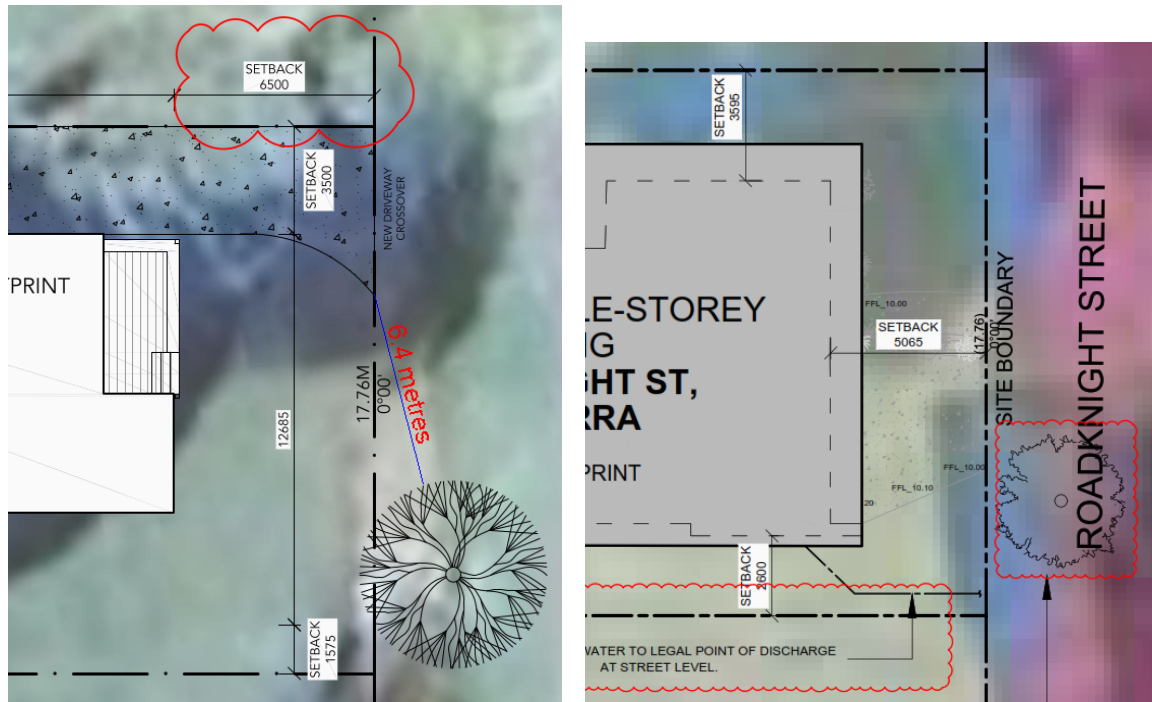


Figure 6 - Plan for Amendment application (left), and plan endorsed for original application (right)

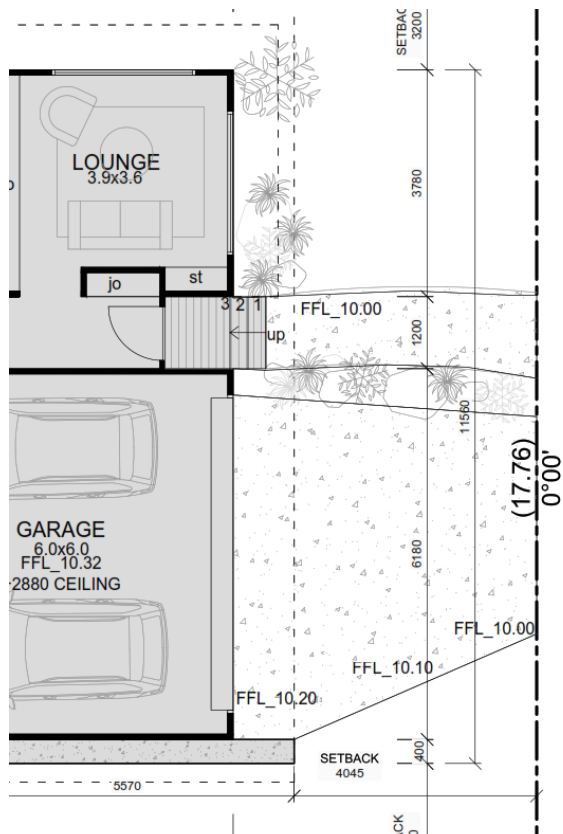


Figure 7 - Endorsed plan for original application showing location of driveway.

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



PROJECT
ROADKNIGHT COTTAGE
 LOCATION
 26 ROADKNIGHT STREET
 BIRREGURRA, VIC 3242

TITLE
SITE COMPARISON

SCALE
 1:200

DATE
 19 DECEMBER 2025

DWG
 251219

SHEET
 01

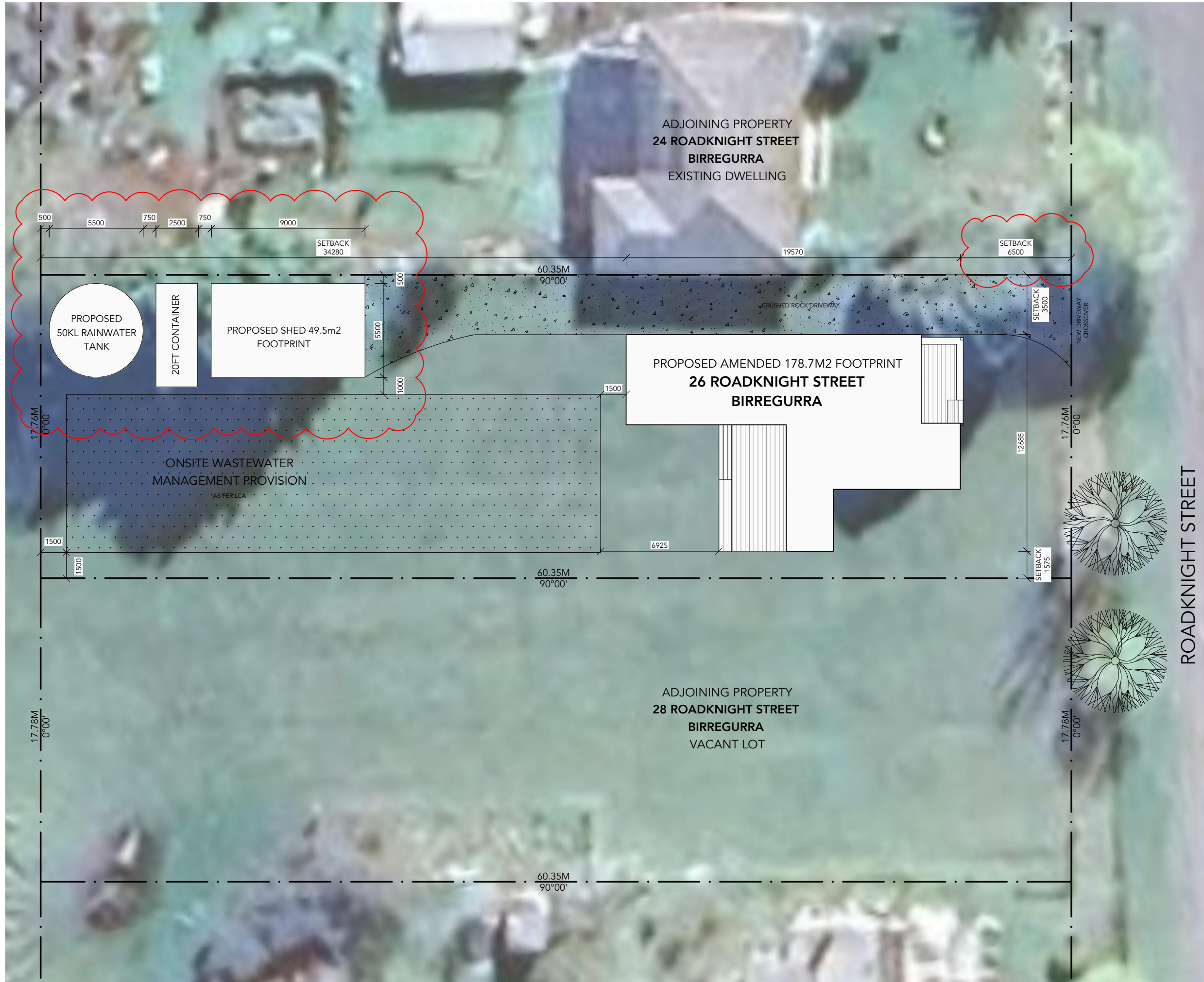
ISSUED FOR:
 PLANNING
 AMENDMENT



AREA SCHEDULE

SITE	1072.0M ²
PROPOSED FLOOR AREA	140.0M ²
PROPOSED DECK AREA	38.7M ²
PROPOSED SHED AREA	49.5M ²
SITE COVERAGE	21%

CURRENT ENDORSED FOOTPRINT



PROJECT
ROADKNIGHT COTTAGE

LOCATION
26 ROADKNIGHT STREET
BIRREGURRA, VIC 3242

TITLE
SITE PLAN

SCALE
1:200

DATE
19 DECEMBER 2025

DWG
251219

SHEET
02

ISSUED FOR:
PLANNING
AMENDMENT



AREA SCHEDULE

SITE	1072.0M2
PROPOSED FLOOR AREA	140.0M2
PROPOSED DECK AREA	38.7M2
PROPOSED SHED AREA	49.5M2
SITE COVERAGE	21%

PROJECT
ROADKNIGHT COTTAGE
 LOCATION
 26 ROADKNIGHT STREET
 BIRREGURRA, VIC 3242

TITLE
PROPOSED PLAN

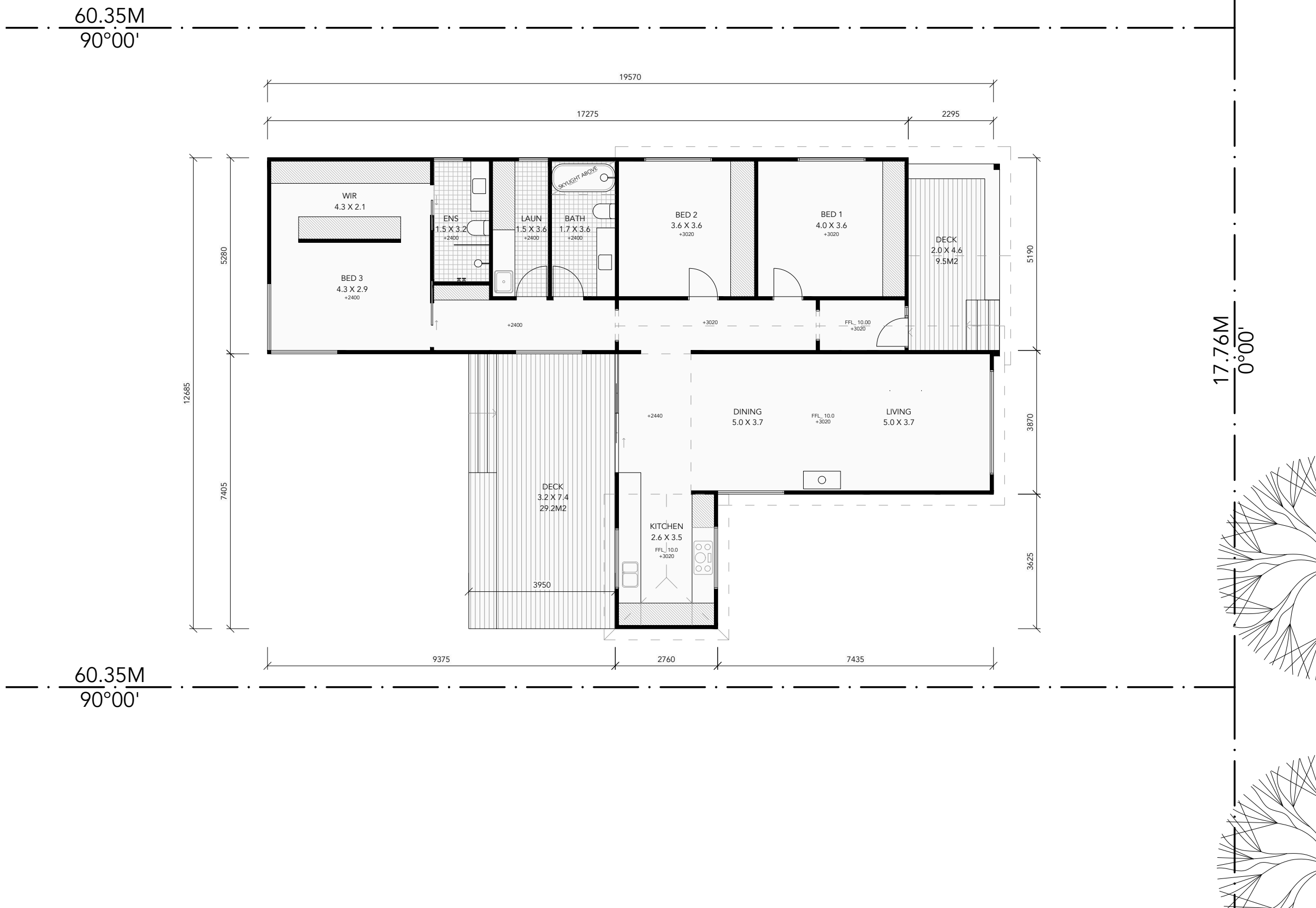
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 DATE
 19 DECEMBER 2025

DWG
 251219




SHEET
 03

ISSUED FOR:
 PLANNING
 AMENDMENT

AREA SCHEDULE	
SITE	1072.0M2
PROPOSED FLOOR AREA	140.0M2
PROPOSED DECK AREA	38.7M2
PROPOSED SHED AREA	49.5M2
SITE COVERAGE	21%



MATERIAL SCHEDULE

	WEATHERBOARD [WHITE]
	CEMENT SHEET [WHITE]
	STONE

PROJECT

ROADKNIGHT COTTAGE

LOCATION

26 ROADKNIGHT STREET
BIRREGURRA, VIC 3242

TITLE

ELEVATIONS i

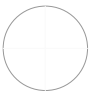
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DATE
19 DECEMBER 2025

DWG
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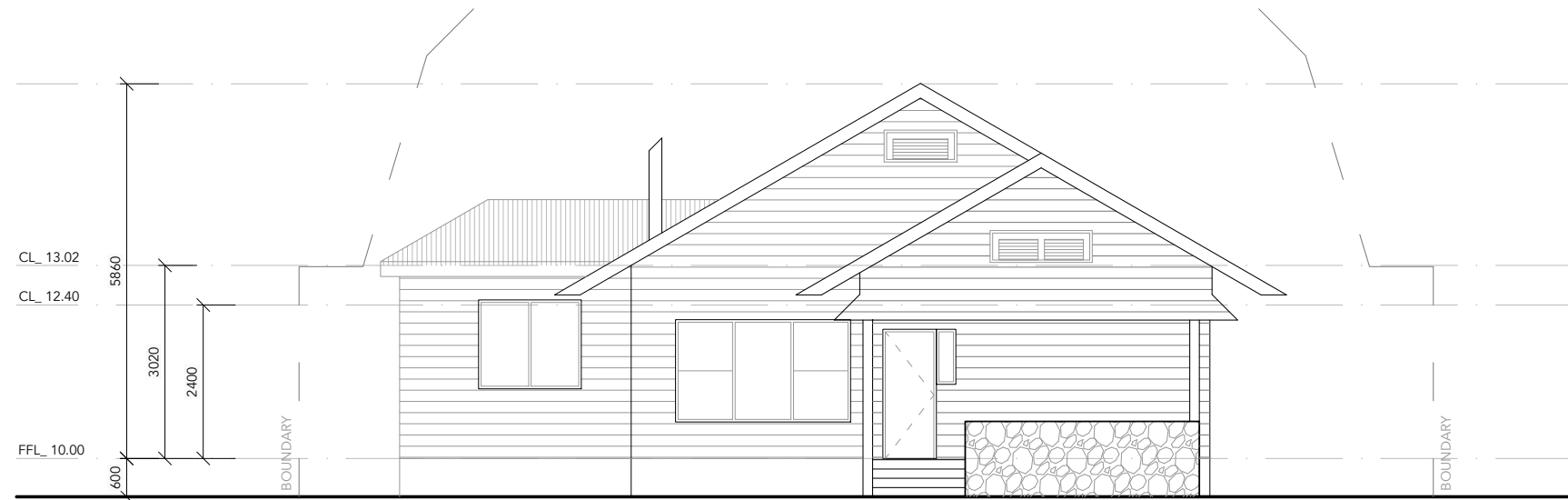
SHEET
04

ISSUED FOR:
PLANNING
AMENDMENT

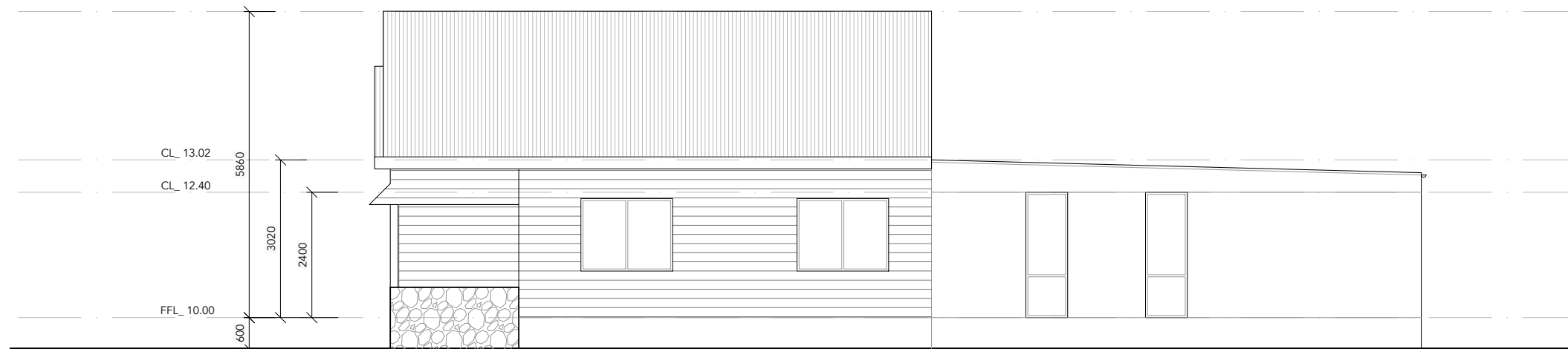


AREA SCHEDULE

SITE	1072.0M2
PROPOSED FLOOR AREA	140.0M2
PROPOSED DECK AREA	38.7M2
PROPOSED SHED AREA	49.5M2
SITE COVERAGE	21%






EAST ELEVATION



NORTH ELEVATION

MATERIAL SCHEDULE

	WEATHERBOARD [WHITE]
	CEMENT SHEET [WHITE]
	STONE

PROJECT

ROADKNIGHT COTTAGE

LOCATION
26 ROADKNIGHT STREET
BIRREGURRA, VIC 3242

TITLE

ELEVATIONS ii

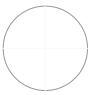
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DATE
19 DECEMBER 2025

DWG
251219

SHEET
05

ISSUED FOR:
PLANNING
AMENDMENT

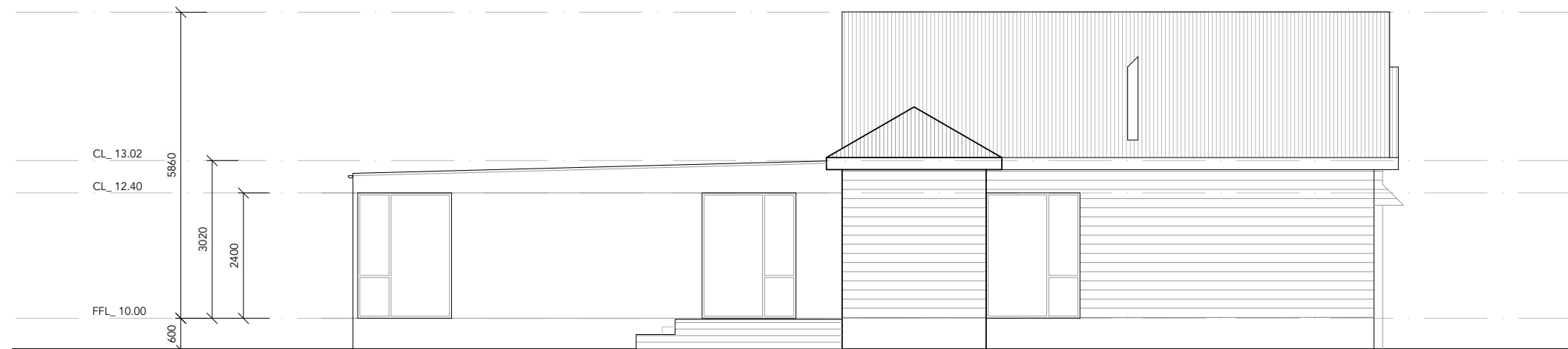


AREA SCHEDULE

SITE	1072.0M2
PROPOSED FLOOR AREA	140.0M2
PROPOSED DECK AREA	38.7M2
PROPOSED SHED AREA	49.5M2
SITE COVERAGE	21%




WEST ELEVATION



SOUTH ELEVATION

MATERIAL SCHEDULE

 CUSTOM ORB STEEL [MONUMENT]

PROJECT

ROADKNIGHT COTTAGE

LOCATION
26 ROADKNIGHT STREET
BIRREGURRA, VIC 3242

TITLE

PROPOSED SHED

SCALE
1:100

DATE
19 DECEMBER 2025

DWG
251219

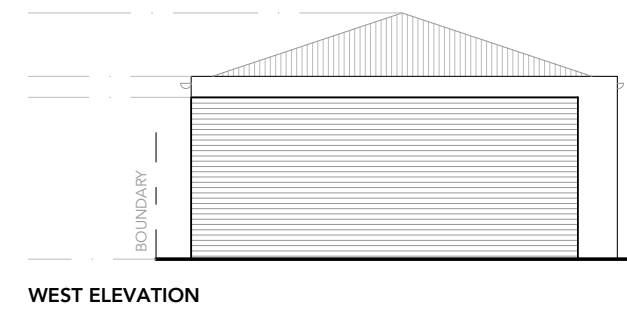
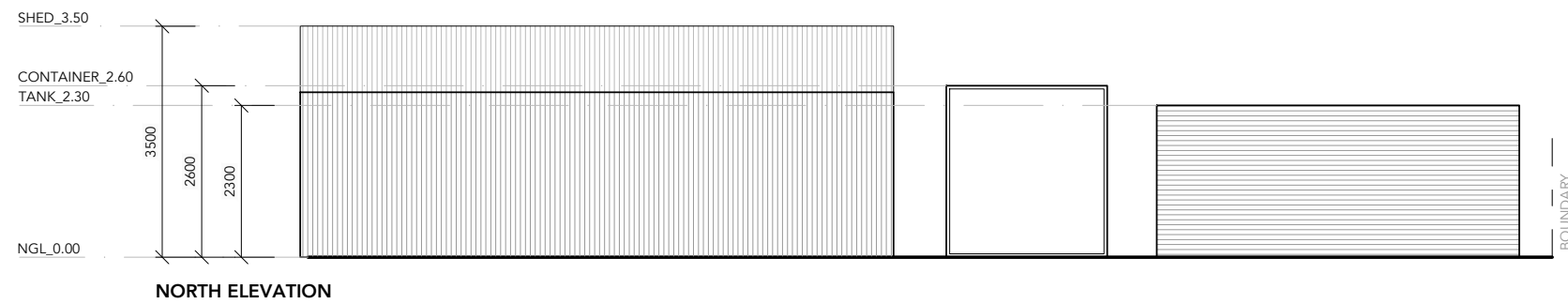
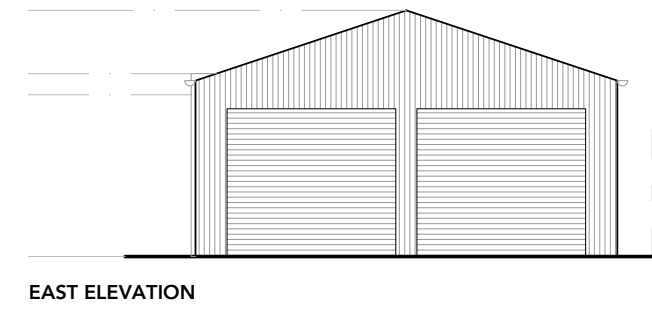
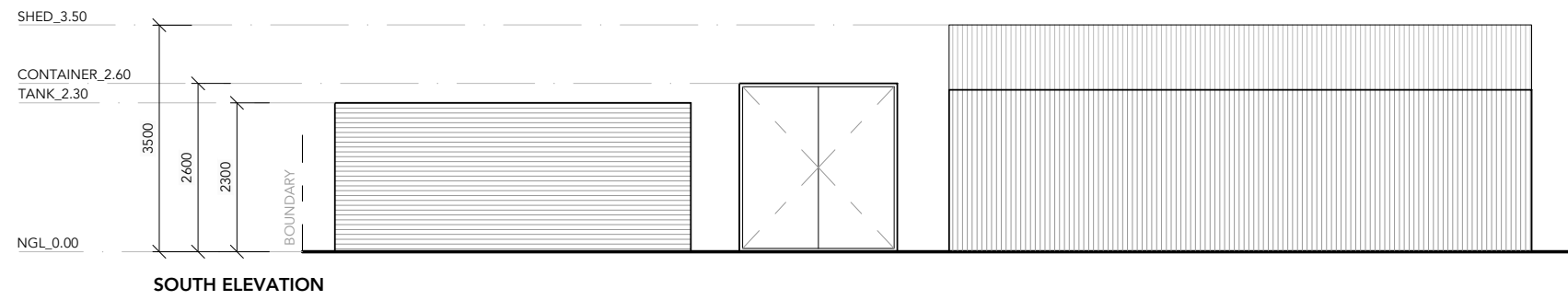
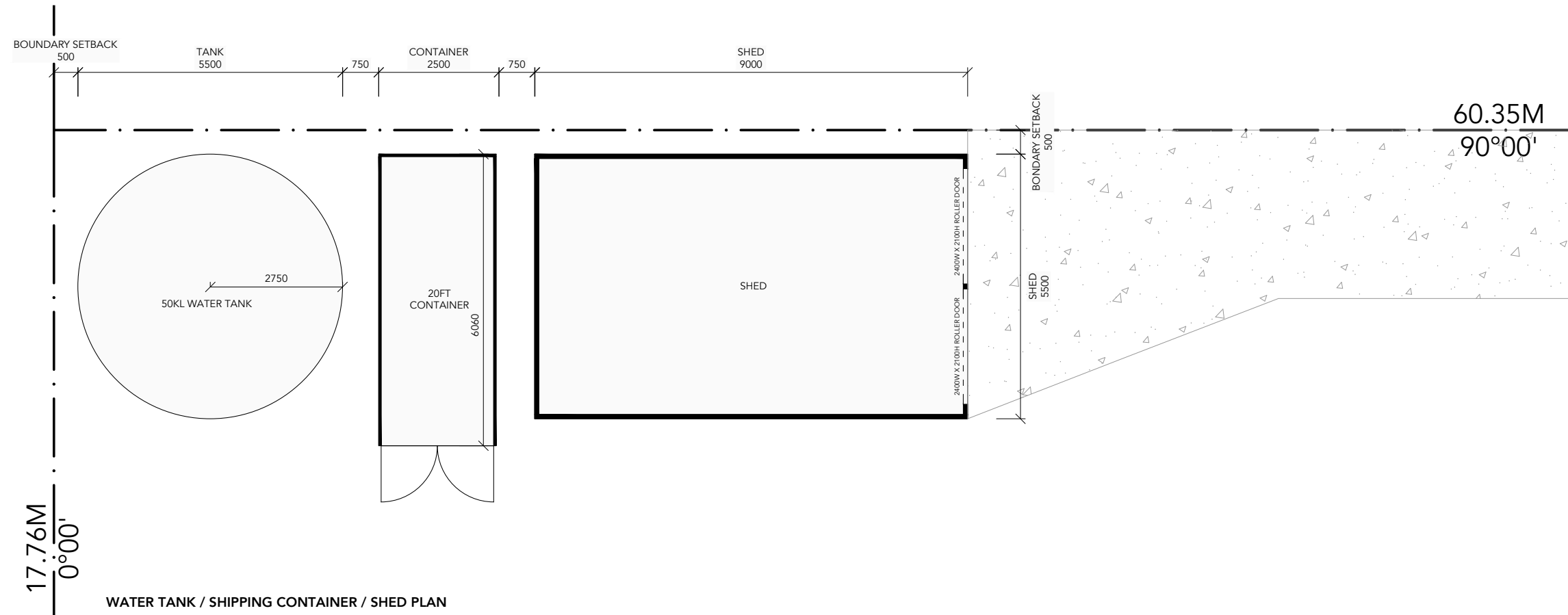
SHEET
06

ISSUED FOR:
PLANNING
AMENDMENT



AREA SCHEDULE

SITE	1072.0M2
PROPOSED FLOOR AREA	140.0M2
PROPOSED DECK AREA	38.7M2
PROPOSED SHED AREA	49.5M2
SITE COVERAGE	21%



Item: 4.5

**PP206/2024-2 - 205 Birregurra Road BIRREGURRA -
Use and Development of a Dwelling and Alteration of
Access to a Road in a Transport Zone 2**

ADDRESS AND PROPERTY DETAILS	205 Birregurra Road BIRREGURRA	APPLICATION NUMBER	PP206 / 2024-2
PROPOSAL	<p>Use and Development of a Dwelling and Alteration of Access to a Road in a Transport Zone 2</p> <p><u>Amendment –</u> The proposed amendment is sought to remove the condition 8 (Section 173 agreement) of issued planning permit PP206/2024-1.</p> <p>Section 173 Agreement</p> <p>8. Prior to the commencement of the use and/or development, the owner of the land must enter into an agreement under section 173 of the <i>Planning and Environment Act 1987</i> with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority’s reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the title of the land at 150 Birregurra Road, Birregurra (Lot 1 TP109895 V/F: 10059/986) so as to run with the land, and must provide for the following:</p> <p style="padding-left: 40px;">a) Lot 1 TP109895 V/F: 10059/986 at 150 Birregurra Road, Birregurra will not be used or developed for a dwelling.</p> <p>The agreement will be registered on the title of Lot 1 TP109895 (V/F: 10059/986) in accordance with section 181 of the <i>Planning and Environment Act 1987</i>.</p>		
PERMIT TRIGGERS	<p>FZ – 35.07-1 - Use of the land for a dwelling (Section 2 use) FZ – 35.07-4 - Building and works associated with a use in Section 2 of Clause 35.07-1 in the Farming Zone 52.29-2 - Create or alter access to a road in a Transport Zone 2</p>		

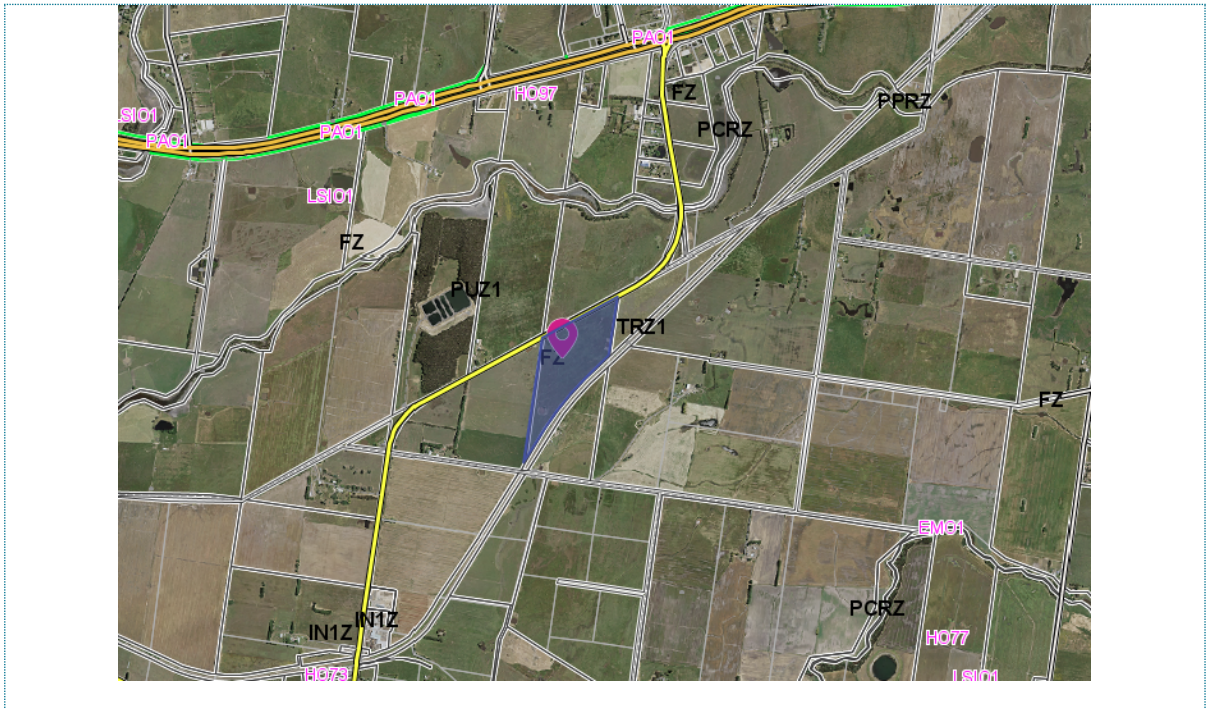
Item: 4.5

**PP206/2024-2 - 205 Birregurra Road BIRREGURRA -
Use and Development of a Dwelling and Alteration of
Access to a Road in a Transport Zone 2**

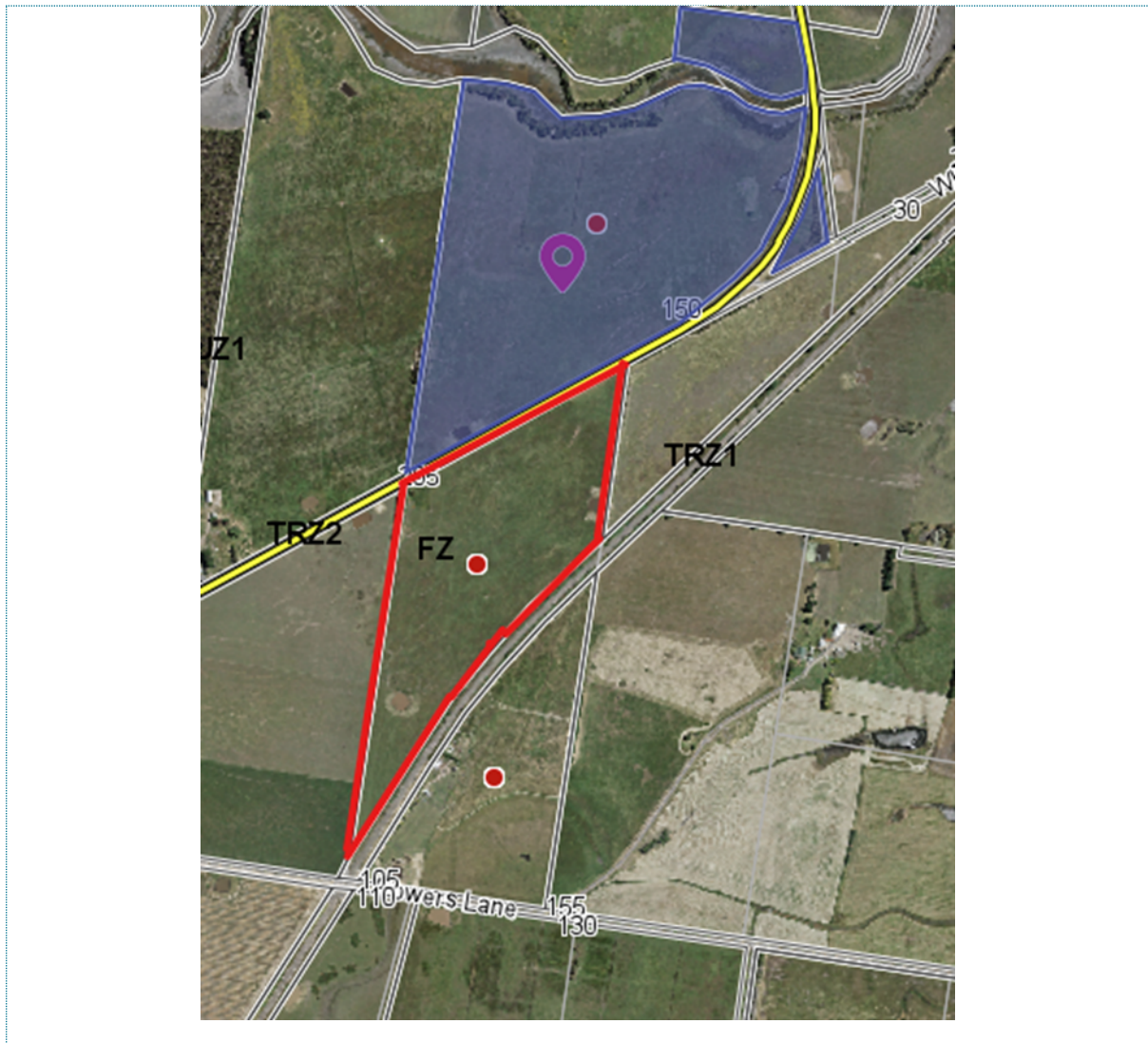
TRIGGER FOR DETERMINATION BY COMMITTEE	Use of land for a dwelling in the Farming Zone.		
ZONE	Farming Zone	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	Nil		
OFFICER	Archna Rani	GENERAL MANAGER	Ian Seuren
DIVISION	Planning and Building Department		
ATTACHMENTS	Nil		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Refuse to Grant an Amended Permit to remove the condition 8 (section 173 agreement) of planning permit PP206/2024-1 issued for “Use and Development of a Dwelling and Alteration of Access to a Road in a Transport Zone 2” at 205 Birregurra Road BIRREGURRA on 29 April 2025, subject to the following grounds:

It is considered that the proposed amendment to remove the condition 8 (section 173 agreement) of planning permit PP206/2024-1 would result in refusal of planning permit for the following reasons –

- ***The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of Colac Otway Planning Scheme, given that:***
 - c) ***It has not been demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.***

- c) *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.*
2. *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.*
 3. *The proposal is inconsistent with the objectives in the Municipal Planning Strategy and the Planning Policy Framework to consolidate growth within existing settlements, protect rural land for agricultural use and avoid inappropriate rural development.*

Planning scheme clause	Matter for which the permit has been refused
35.07-1	Use of land in the Farming Zone for a dwelling

Therefore, the proposed amendment is refused, and original planning permit conditions would remain unchanged as following -

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*

Dwelling Infrastructure

2. *Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
 - c) *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.*
 - c) *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Driveway

3. *Prior to the commencement of the use hereby permitted, the driveway must be constructed to an all-weather standard and with a minimum width of 3m to the satisfaction of the Responsible Authority.*

Stormwater

4. *All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*

5. ***During construction works, 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) to the satisfaction of the Responsible Authority.***

Wastewater

6. ***A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all wastewater is at all times contained within the curtilage of the site. The design and installation of any wastewater disposal system for any building on the land must comply with the EPA Guidelines for Onsite Wastewater Management (May 2024, or as amended) and the EPA Effluent Dispersal and Recycling Systems Guidance (May 2024, or as amended), to the satisfaction of the Responsible Authority.***

No Gas Connection

7. ***Any new dwelling allowed by this permit must not be connected to a reticulated gas service (within the meaning of clause 53.03 of the relevant planning scheme). This condition continues to have force and effect after the development authorised by this permit has been completed***

Section 173 Agreement

8. ***Prior to the commencement of the use and/or development, the owner of the land must enter into an agreement under section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the title of the land at 150 Birregurra Road, Birregurra (Lot 1 TP109895 V/F: 10059/986) so as to run with the land, and must provide for the following:***

- a) ***Lot 1 TP109895 V/F: 10059/986 at 150 Birregurra Road, Birregurra will not be used or developed for a dwelling.***

The agreement will be registered on the title of Lot 1 TP109895 (V/F: 10059/986) in accordance with section 181 of the Planning and Environment Act 1987.

Department of Transport and Planning condition

9. ***Before the development starts the accessway and crossover must be constructed generally in accordance with the design of a Typical Rural Driveway Access to Rural Properties (see attached drawing GD4010) with no compromise to operational road safety or efficiency or public safety. All works must be undertaken to the satisfaction of the Head, Transport for Victoria and the Responsible Authority and at no cost to the Department of Transport.***

Expiry

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

- b) ***The development is not commenced within two years of the date of this permit.***
- b) ***The development is not completed and the use has not commenced within four 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 proposed 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 separate application to install/alter an onsite wastewater management system must be submitted to and approved by Council’s Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.***

Department of Transport and Planning

- 4. The proposed accessway requires works within the road reserve. Before the works start a separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. When ready, an application must be submitted on:
<https://rapp.transport.vic.gov.au/>***

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of Responsible authority that approved the amendment</i>	<i>Section of the Act under which the permit has been amended</i>
<i>DD/MM/YYYY</i>	<i>Proposed amendment refused</i>	<i>Colac Otway Shire Council</i>	<i>Section 74</i>

3. PROPOSAL

The proposed amendment is sought to remove the condition 8 (Section 173 agreement) of the original planning permit PP206/2024-1 issued on 29 April 2025.

Planning permit PP206/2024-1 approved use and development of a dwelling and alteration of access to a road in a Transport Zone 2 on the subject site 205 Birregurra Road BIRREGURRA.

The condition 8, section 173 agreement of PP206/2024-1, restricted the future use and development of 150 Birregurra Road, Birregurra (Lot 1 TP109895 V/F: 10059/986) for a dwelling. This land is under the same ownership as the subject site.

The proposed dwelling would support an agricultural use of 'Angus Beef Cattle breeding and rearing'.

The proposed dwelling would be located in the north-west corner of the subject site, with access from an existing driveway to Birregurra Road which is in the TRZ2. An effluent disposal field is proposed to the west of the proposed dwelling.

The dwelling would be setback around 132m from Birregurra Road and around 70m from the western boundary.

The proposed dwelling would have a total floor area of 308 square metres (Council measurement). The proposed dwelling would be single story and contain 3 bedrooms and 2 bathrooms. The proposed dwelling would have a maximum building height of 5.5m.

The plans submitted show a nominal future site for an agricultural shed which does not form part of this application.

The access point would be upgraded to satisfy the Department of Transport and Planning requirements and to provide a driveway to the dwelling.

No vegetation removal is proposed.

4. SUBJECT LAND & SURROUNDINGS

The subject site is currently used for cattle breeding and rearing as set out in the Farm Management Plan received 11 October 2024 and updated 15 January 2025. There are a number of properties in the surrounding area under the same ownership as the subject site and held as a long-term lease for cattle breeding and rearing. The properties include:

- 205 Birregurra Road, Birregurra (subject site) – 1 lot (20ha)
- 150 Birregurra Rd, Birregurra – 3 lots (35.2ha, 0.7ha, 3.2 ha)
- 110 Powers Lane, Birregurra – 4 Lots (7ha, 11.6ha, 0.6ha, 1.3ha)
- 270 Birregurra Rd, Birregurra (leased) – (46.9ha)

The proposed subject site is bounded by Birregurra Road to the north and a train line to the south. Neighbouring properties to the east and west are also within the Farming Zone and appear to be used for an agricultural purpose.

The nearest dwelling is located at 105 Powers Lane, Birregurra, around 445 metres from the proposed dwelling on a lot of 14.2ha. The second nearest dwelling is located at 155 Powers Lane, Birregurra, around 790m from the proposed dwelling on a lot of 31.8ha. A further dwelling is located at 55 Powers Lane, Birregurra, located around 920m from the proposed dwelling on a lot of 37.4ha. The remainder of land within the vicinity of the site is agricultural land without a dwelling.

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably clauses 11.03-6L (Birregurra), 13.02-1S (Bushfire Planning), 14.01-1S and 14.01-1L (Protection of Agricultural Land), 15.01-2S (Building Design), 15.01-5S (Neighbourhood Character), 15.01-6S and 15.01-6L (Design for Rural Areas) and 16.01-3S (Rural Residential Development).

Other relevant provisions

52.29 – Land Adjacent to the Principal Road Network
53.03 – Residential Reticulated Gas Service Connection

Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

Nil

External Referrals

Nil. It is considered that the proposed amendment does not require referral to any external or internal referral authority.

7. PUBLIC NOTIFICATION & RESPONSE

Public Notice is not exempt under clause 35.07 Framing Zone (FZ). However, the Responsible Authority is satisfied that the grant of a permit would not cause material detriment to any person, for the following reasons:

- The proposed amendment to remove the condition 8 (section 173 agreement) would not change the design, location, bulk, height, material or colour of proposed dwelling on the subject site. As such, it is considered that proposed amendment would not cause material detriment to surrounding properties.
- The original application was advertised and did not receive any objections.

8. OFFICER'S ASSESSMENT

Clause 35.07 - Farming Zone

The subject site is in the Farming Zone (FZ). The key purpose of this zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and to encourage use and development of land based on comprehensive and sustainable land management practices, and infrastructure provision.

Pursuant to Clause 35.07-1 of the FZ, a planning permit is required to use a lot less than 40 hectares for a dwelling (Section 2 – permit required use). The subject site lot size is 20 hectares. In addition, pursuant to Clause 35.07-4 of the FZ, a planning permit is required for a building and works associated with a use in section 2 of clause 35.07-1.

The original planning permit PP206/2024-1 approved for use and development of a dwelling and alteration of access to a road in a Transport Zone 2 on the subject site 205 Birregurra Road BIRREGURRA. Condition 8 (section 173 agreement) of PP206/2024-1 restricted the future use and development of 150 Birregurra Road, Birregurra (Lot 1 TP109895 V/F: 10059/986) for a dwelling. This land is under the same ownership as the subject site.

The current amendment application PP206/2024-2 is seeking approval to remove the condition 8 (Section 173 agreement) of original planning permit PP206/2024-1.

Reason for including Section 173 Agreement as a permit condition

The subject site (205 Birregurra Road BIRREGURRA) area is 20ha, which is less than the specified minimum lot size (40ha) under clause 35.07 of Farming Zone to use land for a dwelling. Despite not meeting the minimum area requirement of 40ha for a dwelling, the original planning permit was approved considering that the proposed development would support agricultural production. Given that the land at 150 Birregurra Road in the same ownership will have no housing potential, this may be an incentive for the land to be retained and consolidated for agricultural use.

History

At the time of assessment of the original application, the applicant was provided with a number of options to avoid the recommended refusal of the application due to the subject site (205 Birregurra Road BIRREGURRA) area (20ha) being less than the specified land area (40ha) in the Farming Zone for use and development of land for a dwelling:

- Consolidation of lot at 205 Birregurra Road and 150 Birregurra Road to achieve specified minimum lot size (40ha) requirement for a dwelling.
- Construct a dwelling at 150 Birregurra Road, as this lot size (35.3ha), is closer to the specified minimum lot size (40ha) requirement for a dwelling.
- Enter into a section 173 agreement placed on the title for TP109895 at 105 Birregurra Road which would not allow the lot to be developed for a dwelling in the future. The agreement would effectively tie the land together at 205 and 150 Birregurra Road and prevent them being sold separately.

In response the applicant provided written confirmation of their acceptance to enter into a section 173 agreement to be placed on the title for TP109895 at 105 Birregurra Road, which would not allow the lot to be developed for a dwelling in the future.

Based on the above information and written confirmation from the applicant, Council considered the proposed dwelling on 205 Birregurra Road would not result in the loss or fragmentation of productive agricultural land. This issue is largely satisfied due to the proposed section 173 Agreement as discussed above, which would limit the development potential of the lot at 150 Birregurra Road, Birregurra. Because of this, Council was satisfied that the proposal would not lead to a concentration or proliferation of dwellings in the area. Council resolved to grant a planning permit for the proposal at the Council meeting held on 29 April 2025 with a condition that required a section 173 agreement.

The original justification for a dwelling relied upon the wider land holdings in the same ownership to demonstrate a sustained agricultural use. Council was provided with some assurance of ongoing productivity and land in the same ownership being retained for

agriculture as the applicant agreed that a Section 173 Agreement be entered into limiting the potential for a dwelling on the lot at 150 Birregurra Road.

Other policy directions in Colac Otway

The purpose of placing the restriction on lot 150 Birregurra Road for not allowing further use and development for a dwelling is in accordance with the *Colac Otway Rural Land Strategy 2007*, which notes that the “*Proliferation of dwellings for lifestyle/hobby farm purposes in the Farming Zone will compromise the long-term viability of farming in Colac Otway Shire*”. The subject site is located within the identified area of Medium Agriculture Capacity of the *Rural Land Strategy 2007*. It is considered that such restriction would protect the Agriculture Capacity of land.

Applicant justification for section 173 agreement removal and Council comments:

Section 173 Location Issue

- *The existing section 173 Agreement does not apply to 205 Birregurra Road, the subject land.*
- *The agreement applies to 150 Birregurra Road, a lot that has never been subject to a planning application.*
- *The applicant argues that applying conditions to a non-permit lot is inappropriate and contrary to due process.*

As discussed above a confirmation was sought from the applicant before placing a section 173 agreement on TP109895 at 105 Birregurra Road as both lots (205 Birregurra Road and 150 Birregurra Road) are under the same ownership.

Council considered it necessary to include a section 173 Agreement condition on the planning permit as it should be registered on the TP109895 at 105 Birregurra Road to ensure that this land is not used and developed for the dwelling in the future. Such restrictions cannot be attained by placing a condition on the planning permit.

Restriction on Agricultural Use

- *The existing agreement could:*
 - *Unreasonably limit normal farming practices.*
 - *Prevent diversification or modernisation.*
 - *Restrict justified agricultural buildings or infrastructure.*

The key purpose of the Farming Zone is to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture and to encourage use and development of land based on comprehensive, and sustainable land management practices and infrastructure provision.

It is considered that the restriction placed with a section 173 agreement would ensure continued agriculture use of land. Also, this restriction will discourage non-agriculture use of land in the Farming Zone such as accommodation as recommended in *Colac Otway Rural Land Strategy 2007*.

Overall, it is considered that the proposed amendment to remove the condition 8 (section 173 agreement) of planning permit PP206/2024-1 should then result in refusal of the planning permit for the following reasons:

- The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of Colac Otway Planning Scheme, given that:

- a. It has not been 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.
- 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.
 - The proposal is inconsistent with the objectives in the Municipal Planning Strategy and the Planning Policy Framework to consolidate growth within existing settlements, protect rural land for agricultural use and avoid inappropriate rural development.

Clause 52.29

No change in the matter considered under clause 52.29 (Create or alter access to a road in a Transport Zone 2)

9. OFFICER DIRECT OR INDIRECT INTEREST

No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.