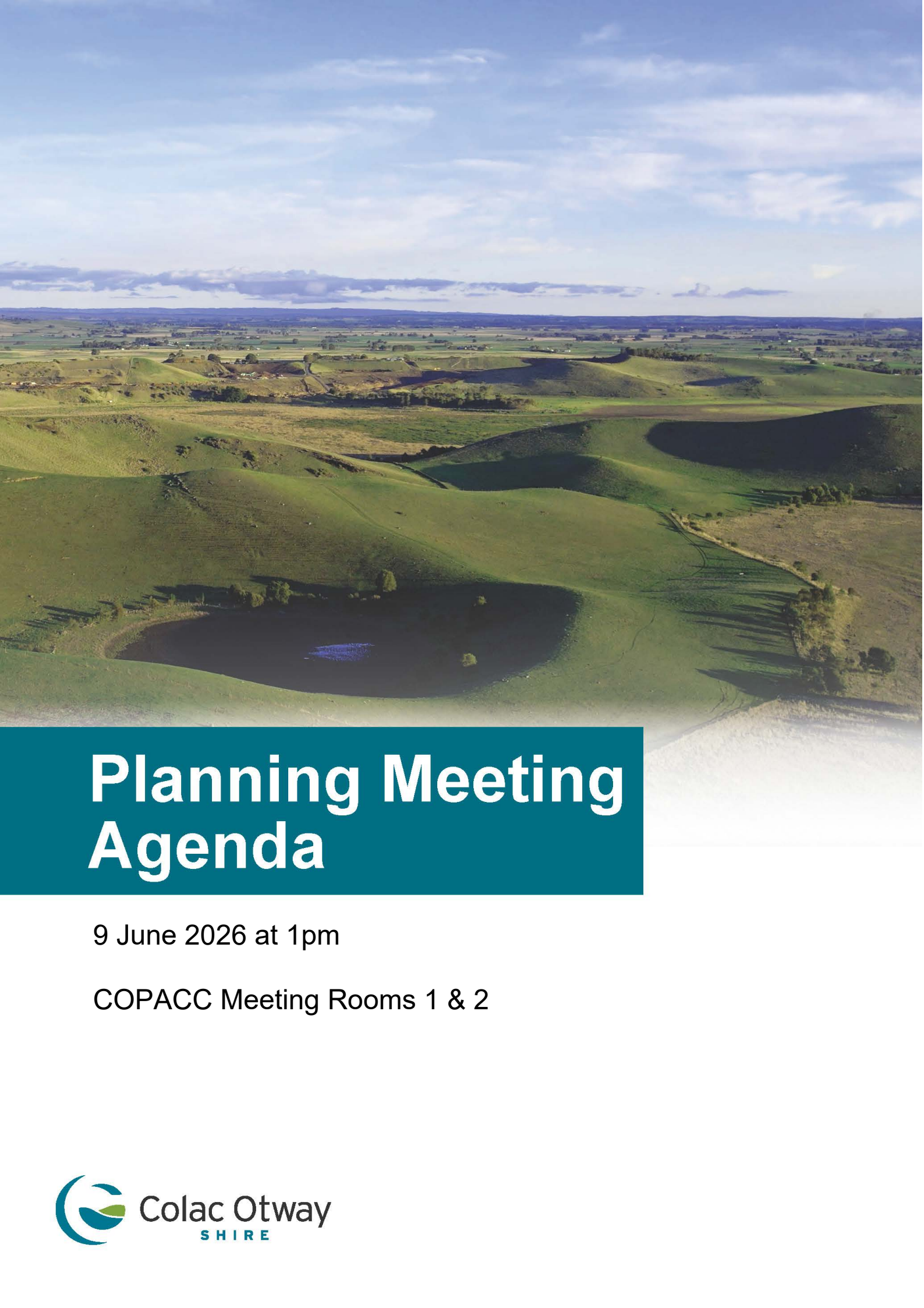




Planning Meeting Agenda

9 June 2026 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Tuesday 9 June 2026

TABLE OF CONTENTS

1 Declaration of Opening of Meeting	3
2 Welcome and Acknowledgement of Country	3
3 Meeting Administration	3
3.1 Present	3
3.2 Apologies	4
3.3 Confirmation of Minutes	4
3.4 Declarations of Interest	5
4 Officer Planning Reports	5
4.1 PP129/2023-1 at 507 Blue Johanna Road JOHANNA - Use and development for a Dwelling and associated building and works, and use and development for an Agricultural Building (Retrospective) and Agriculture (Grazing)	5
4.2 PP124/2024-1 - 365 Mooleric Road OMBERSLEY - Use and Development of the Land for Industry (Stone Processing Facility) and Reduction of Carparking Requirements	48
4.3 Amendment C131cola - Anomalies Amendment	81

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 9 June 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 present.

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 12 May 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

PP129/2023-1 at 507 Blue Johanna Road JOHANNA - Use and development for a Dwelling and associated building and works, and use and development for an Agricultural Building (Retrospective) and Agriculture (Grazing)

ADDRESS AND PROPERTY DETAILS	507 Blue Johanna Road JOHANNA Lot: 1 PS548145 V/F: 11044/887 Parish of Aire	APPLICATION NUMBER	PP129/2023-1								
PROPOSAL	Use and development for a Dwelling and associated building and works, and use and development for an Agricultural Building (Retrospective) and Agriculture (Grazing)										
PERMIT TRIGGERS	<table><tr><th>Planning scheme clause</th><th>Matter for which a permit has been applied for:</th></tr><tr><td>Clause 35.06 (RCZ)</td><td>Use and development of a dwelling and associated works including private bushfire shelter, swimming pool and retrospective development of a building (shed) for agricultural purposes</td></tr><tr><td>Clause 44.01 (EMO1)</td><td>Building and works for a dwelling, private bushfire shelter, swimming pool, agricultural building (retrospective) and associated earthworks</td></tr><tr><td>Clause 44.06 (BMO)</td><td>Building and works for construction of a dwelling</td></tr></table>			Planning scheme clause	Matter for which a permit has been applied for:	Clause 35.06 (RCZ)	Use and development of a dwelling and associated works including private bushfire shelter, swimming pool and retrospective development of a building (shed) for agricultural purposes	Clause 44.01 (EMO1)	Building and works for a dwelling, private bushfire shelter, swimming pool, agricultural building (retrospective) and associated earthworks	Clause 44.06 (BMO)	Building and works for construction of a dwelling
Planning scheme clause	Matter for which a permit has been applied for:										
Clause 35.06 (RCZ)	Use and development of a dwelling and associated works including private bushfire shelter, swimming pool and retrospective development of a building (shed) for agricultural purposes										
Clause 44.01 (EMO1)	Building and works for a dwelling, private bushfire shelter, swimming pool, agricultural building (retrospective) and associated earthworks										
Clause 44.06 (BMO)	Building and works for construction of a dwelling										
TRIGGER FOR DETERMINATION BY COMMITTEE	Dwelling in the Rural Conservation Zone										

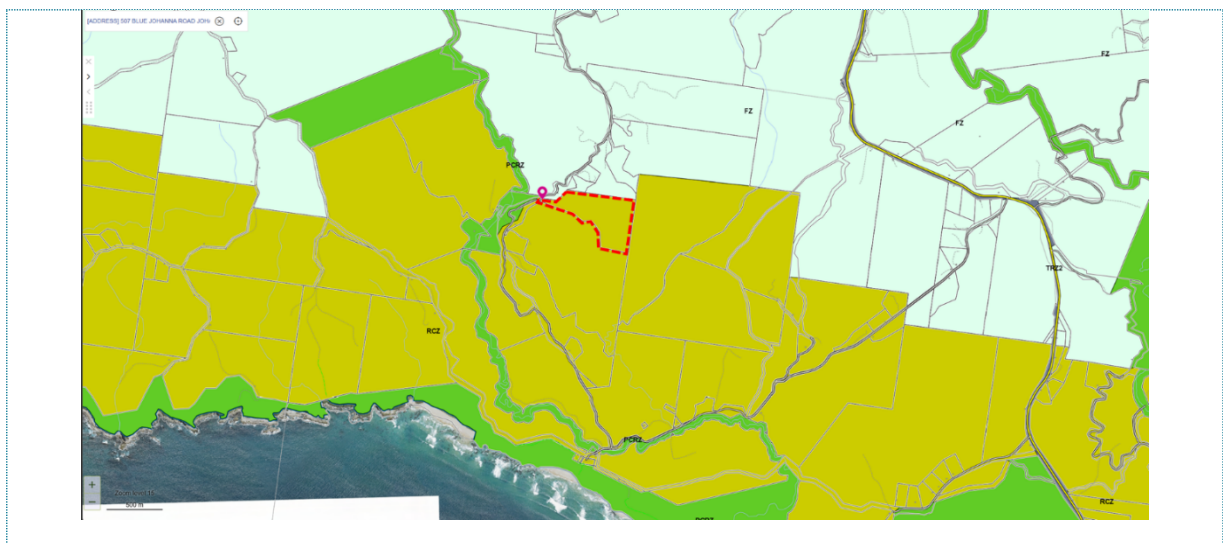
Item: 4.1

PP129/2023-1 at 507 Blue Johanna Road JOHANNA - Use and development for a Dwelling and associated building and works, and use and development for an Agricultural Building (Retrospective) and Agriculture (Grazing)

ZONE	Rural Conservation Zone (RCZ)	OVERLAYS	Erosion Management Overlay (EMO1) & Bushfire Management Overlay (BMO)
COVENANTS	Not Applicable		
CULTURAL HERITAGE	The site is partially within a culturally sensitive area located at the site entry however any works within this area are not considered to be a high impact activity.		
OFFICER	Adele McErlain	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	1. Site and Aerial Images [4.1.1 - 10 pages] 2. Development Plans - redacted - 507 Blue Johanna Road [4.1.2 - 16 pages]		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO – Year 2022

(Note: Vegetation conditions have changed following removal of blue gum plantation on the property in early 2026)



2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for the use and development of the land for a Dwelling and associated building and works, and use and development for an Agricultural Building (retrospective) and Agriculture (grazing) at 507 Blue Johanna Road JOHANNA (Lot: 1 PS548145 V/F: 11044/887 Parish of Aire), subject to the following conditions:

Amended plans required

- 1. Prior to commencement of the use and/or 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:***
 - a) Location of fencing to limit grazing access to vegetated (and revegetated) areas including site's eastern boundary.***
 - b) Clearly show and describe the areas within the whole site to be used for each specific purpose including:***
 - Agricultural use for livestock grazing.***
 - Revegetation and native vegetation to be retained.***
 - Domestic zone including the dwelling, agricultural building and driveway, and describing the specific requirements for the maintenance of the domestic zone in a lower bushfire threat 'grassland condition' generally in accordance with Defendable Space requirements described in Table 4***

to Clause 53.02-5 of the planning scheme and condition 17(a) of this permit, to the satisfaction of the Country Fire Authority and the Responsible Authority.

c) Setbacks of the dwelling to property boundaries.

d) Materials and 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.

Removal of Existing Building (tiny house)

3. Prior to the occupancy of the dwelling allowed by this permit, the existing tiny house located on the land must be removed and the area made good to the satisfaction of the Responsible Authority.

Dwelling Infrastructure

4. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:

a) Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.

b) The dwelling must be connected to a reticulated sewerage system or if not available, the wastewater must be treated and retained on-site in accordance with the State Environment Protection Policy (Waters of Victoria) under the Environment Protection Act 1970.

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 firefighting purposes.

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

Land Management Plan

5. Concurrent with the submission of plans pursuant to Condition 1, an amended Land Management Plan (LMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The amended LMP should be generally in accordance with the plan submitted with the application (referred to as that plan prepared by ecolink consulting, project 2338, dated March 2026) but amended as follows:

a) Acknowledgement that all timber harvesting activities have ceased and will not be undertaken in the future.

b) Specific details regarding fencing to control/limit grazing access to vegetated areas.

c) Consideration of a broader revegetation having regard to the existing vegetation along the site's eastern boundary.

d) Definitive details relating to the intensity and areas of the site used for agricultural and grazing areas.

- e) *Detail of the weed control and management of the grazing areas.*
 - f) *A schedule for the resowing of the grazing areas.*
6. *Within six (6) months of the occupation of the dwelling approved under this permit, the landowner/permit holder must submit to the satisfaction of the Responsible Authority a compliance report (Year 1 Report) confirming that the actions required by the endorsed Land Management Plan forming part of this permit have been satisfactorily implemented. Further compliance reports must be submitted to the satisfaction of the Responsible Authority at 18 months (Year 2 Report) and 30 months (Year 3 Report) after the occupation of the dwelling.*

Materials

7. *All external finishes on the dwelling hereby permitted must be in non-reflective, muted tones to blend with the surrounding landscape to the satisfaction of the Responsible Authority.*

Land Capability Assessment

8. *All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by Strata Geoscience and Environmental (Ref. No.05080, dated 31/10/2023) or as otherwise agreed in writing by the Responsible Authority.*

Onsite Wastewater Management and Disposal

9. *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. A pool, bath/spa bath (capacity greater than 200 Litres) must not be connected to the onsite wastewater management system.*

Stormwater Runoff

10. *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.*

Best Practice Stormwater Management

11. *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 to the satisfaction of the Responsible Authority.*

Compliance with Geotechnical Assessment

12. *The approved development must be carried out on the site in accordance with the recommendations of the Landslide Risk Assessment (Australian Geotechnical Testing Report AGTE211012 Rev 3 dated 12/2/24) any Geotechnical Practitioner engaged to review those assessments submitted with the application.*

Reticulated Gas Service Connection

- 13. 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

- 14. Prior to the commencement of any works, 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 property so as to run with the land, and must provide for the following:**

- a) The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP129/2023-1, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.**
- b) A dwelling constructed in accordance with planning permit PP129/2023-1 must not be occupied until a private bushfire shelter (a Class10c building within the meaning of the Building Regulations 2006) is:**
 - Constructed on the same land as the dwelling.**
 - Available for use by the occupants of the dwelling at all times.**
 - Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.**

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

Bushfire Management (Mandatory Condition)

- 15. The bushfire protection measures forming part of this permit and/or shown on the endorsed plans, including those relating to construction standards, defensible space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**
- 16. The dwelling must be constructed to a minimum of BAL 40 construction standard.**

CFA conditions

Bushfire Management Plan Required

- 17. Before the development starts, an amended Bushfire Management Plan must be prepared to the satisfaction of CFA then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Bushfire Management Plan prepared by Town Planning and Bushfire Services for 507 Blue Johanna Road, Johanna, Version 2, 11/03/2026, but modified to replace the conditions for water supply with:**

Defendable space

a) Defendable space for a distance of 65 metres around the proposed building must be provided where vegetation (and other flammable materials) will be modified and managed in accordance with the following requirements:

- **Grass must be short cropped and maintained during the declared fire danger period.**
- **All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.**
- **Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.**
- **Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.**
- **Shrubs must not be located under the canopy of trees.**
- **Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.**
- **Trees must not overhang or touch any elements of the building.**
- **The canopy of trees must be separated by at least 5 metres.**
- **There must be a clearance of at least 2 metres between the lowest tree branches and ground level.**

Water supply (with remote outlet)

b) A minimum of 10,000 litres of effective water supply for fire fighting purposes must be provided which meets the following requirements:

- **The static water supply must be stored in an above ground tank constructed of concrete or metal.**
- **The static water supply must be provided with an outlet for CFA (CFA outlet) that includes a 64 mm CFA 3 thread per inch male coupling.**
- **The location of the CFA outlet must be within 4 metres of the driveway (or other suitable 'hardstand') and within 60 metres of the building.**
- **The CFA outlet must be located to achieve gravity feed from the static water supply (the CFA outlet must be lower than the pipework outlet on the tank).**
- **All water pipes and fittings to the remote CFA outlet must be a minimum pipe size of 100 mm (Class A Copper or Class 12 PVC) or 125 mm PN 12.5 HDPE. This includes the outlet at the tank.**
- **The static water supply must include a separate outlet for the private use of the owner/occupier of the land that incorporates a ball or gate valve.**

- **All fixed above-ground water pipes and fittings must be made of corrosive resistant metal.**
- **A 65mm British Standard Pipe (BSP) ball or gate valve must be provided at the CFA outlet to control the flow of water to the CFA coupling. Any other valves between the CFA outlet and the tank must be locked in the open position.**
- **The CFA outlet must be:**
 - **Easily accessible by a fire-fighter in the event of a bushfire.**
 - **Clear of all vegetation for a distance of 1.5 metres.**
 - **Setback from flammable objects (including timber fences and timber retaining walls) for a minimum distance of 1.5 metres.**
 - **Oriented horizontally.**
- **The centreline of the CFA outlet must be a minimum of 300mm and maximum 600mm in height above the finished ground level.**
- **The riser for the CFA outlet must be supported by a galvanised steel post at least 50mm x 50mm or equivalent which is concreted in the ground to a depth of at least 450mm.**
- **The CFA outlet must be easily identifiable from dwelling or signage must be provided that meets the following requirements:**
 - **Has an arrow pointing to the location of the fire authority outlet.**
 - **Has dimensions of not less than 310mm high and 400mm long.**
 - **Is red in colour, with a blue reflective marker attached.**
 - **Is labelled with a 'W' that is not less than 15cm high and 3cm thick.**
- **The CFA outlet must include fade-resistant or engraved signage that:**
 - **Is to be fixed to the post supporting the fire authority outlet riser.**
 - **Has a minimum height of at least 1m from the ground surface level.**
 - **Includes the words "FIRE WATER TANK OUTLET" in lettering that is a minimum of 50mm in height and written in a colour contrasting with that of the signage background.**
 - **Includes the capacity of the water supply (in litres) in lettering that is a minimum of 50mm in height and written in a colour contrasting with that of the signage background.**
- **A blue reflective disc at least 50mm in diameter must be attached to the post holding the sign. The blue reflective disk must be located immediately below the sign.**
- **All below-ground water pipes must be installed to provide at least the following cover below the finished surface; 300 mm for pipes subject to vehicle traffic; 75 mm for pipes under dwellings or concrete slabs; and 225 mm for all other locations.**

No reduction in bushfire construction standards.

18. Construction standards specified on the endorsed Bushfire Management Plan must not be reduced to the next lower BAL using clause 3.5 of AS3959 (Reduction in construction requirements due to shielding).

Installation of private bushfire shelter

- 19. Before the development starts, the owner must enter into an agreement with the responsible authority under section 173 of the Planning and Environment Act 1987 to provide for the following:**

A dwelling constructed in accordance with planning permit PP129/2023-1 must not be occupied until a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018) is:

- Constructed on the same land as the dwelling.***
- Available for use by the occupants of the dwelling at all times.***
- Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter.***

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Land Management Plan Required

- 20. Before the development starts, the final Land Management Plan must be prepared then submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with the Land Management Plan prepared by Ecolink Consulting Pty Ltd for 507 Blue Johanna Road, Johanna, March 2026 however must be the final report.**

Expiry

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

- a) The development has not commenced within three (3) years of the date of this permit.***
- b) The development is not completed and the use has not commenced within five (5) 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

Building approval

- 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 buildings.**

Legal Point of Discharge

- 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.**

Wastewater

- 3. A separate application to install/alter 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. Slope risk mitigation strategies for the onsite wastewater management system may be requested.**

3. PROPOSAL

The amended proposal received on the 26 March 2026 is summarised as follows:

- Construction of a new single storey four-bedroom dwelling with swimming pool and outdoor deck.
- Installation of a private bushfire shelter.
- An upgraded existing 800m long driveway located between the road frontage and the proposed dwelling.
- Onsite earthworks are expected to have a depth of 2m with the dwelling nestled within this excavated area, and into the slope of the land with a wall height from the natural ground level no greater than 3.6 metres.
- The dwelling is orientated to capture views of the coastline to the south and is sited within an existing open space area.
- A defendable space around this dwelling of 30m which is gravelled and a further 35m of clear open space (65m of total defendable space).
- The dwelling will be constructed from concrete tilt walls and a Colourbond roof and will achieve a BAL rating of 40.
- The dwelling is setback at least 90m from the western boundary, 88m from the southern boundary, 100m from the eastern boundary and 800m from Blue Johanna Road
- Parking is provided on the existing turning circle at the head of the driveway along the northern side of the dwelling.

The subject land had a previous approved Timber Harvesting Plan and after implementation of the approved Timber Harvesting Plan in early 2026, the proposed dwelling and driveway are now sited within an open, cleared area.

Retrospective Approval

The following retrospective works are also seeking approval:

- Earthworks associated with the existing driveway.
- Use/development of the existing agricultural building (shed) with an area of 170sqm which was erected between 2019 and 2022. The shed is setback 600m from Blue Johanna Road.

Bushfire Management Plan

The Amended Bushfire Management Plan dated 11 March 2026 demonstrates the bushfire protection measures to reduce bushfire risks with these measures including:

- An increased defensible space from the required 50 metres to an enhanced 65 metres around the BAL-40 dwelling.
- At least 10 metres of clearing along both sides of the 800-metre driveway.
- Compliant water supply (10,000L) and vehicle access with three passing bays.
- Installation of a private bushfire shelter within the defensible space and close to the proposed dwelling.

Refer to Attachment 1 for photographs and artists impressions of the proposal while Attachment 2 contains the development plans.

4. SUBJECT LAND & SURROUNDINGS

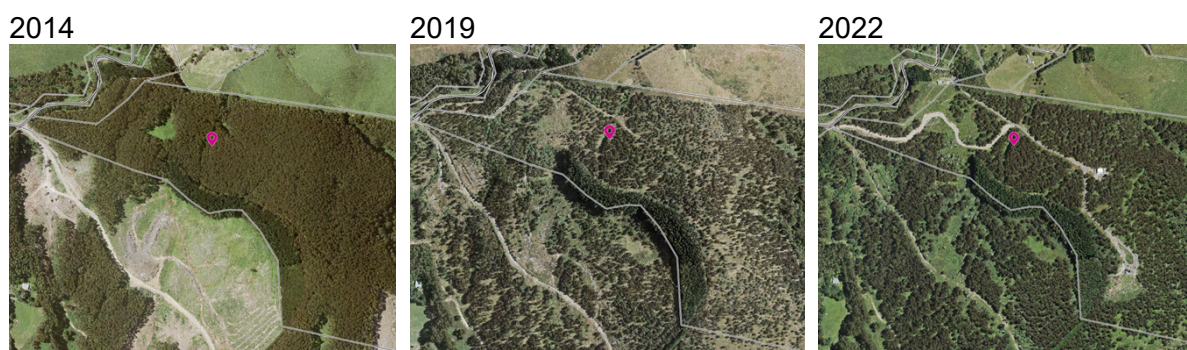


Figure 1 – Aerial photo/s of the site



Figure 2 – Drone photo (provided by Applicant) of the subject site

The subject site is 22.6ha with a frontage to Blue Johanna Road of 34.45m and currently comprises a 'tiny home' which does not form part of this application and will be removed. The site is within a Rural Conservation Zone (RCZ) and covered by the Bushfire Management Overlay and Erosion Management Overlay.

Prior to 2000, the land was used for cattle grazing and shortly after was planted out as a blue gum timber plantation (harvested between 2014-2019). The land then sat vacant with some planting and self-seeding occurring between 2019-2025.

In July 2025 Council approved a Timber Harvesting Plan (THP) for the remaining vegetation to be removed and this completed early 2026 – see figure 2.

Surrounding land is used for agricultural purposes or rural residential purposes. Adjoining land to the west and south has been developed with single dwellings.

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

- 02.02 – Vision
- 02.03 - Strategic Directions
- 02.04 - Strategic Framework Plans
- 12.01-1S - Protection of Biodiversity
- 12.01-2S - Native Vegetation Management
- 12.05-2S and 12.05-2L – Landscapes
- 13.02-1S - Bushfire Planning
- 13.04-2S and 13.04-2L - Erosion and Landslip
- 15.01-6S and 15.01-6L - Design for Rural Areas

Other relevant provisions

- Clause 53.03 – Residential Reticulated Gas Service Connection
- Clause 65 – Decision Guidelines

Relevant Planning Scheme amendments

- NIL

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department, Health Protection Unit and Environment Unit. No objections were received subject to standard permit conditions being imposed on any permit issued.

External Referrals

The CFA initially objected to the application in February 2024 due to non-compliance with dwelling siting and water supply requirements under the State bushfire planning provisions. Following this objection, the Applicant sought further CFA guidance and undertook measures to reduce bushfire risk from the Blue Gum plantation on the property.

In December 2025, the CFA advised that its support was contingent on future land conditions following plantation harvesting and the submission of an amended Bushfire Management Plan (BMP) and Land Management Plan (LMP).

After implementation of the approved Timber Harvesting Plan in early 2026 and submission of the amended BMP and LMP, the CFA was satisfied and issued conditional consent on 23 April 2026.

7. PUBLIC NOTIFICATION & RESPONSE

Public Notice of the application was undertaken via signs on site and direct mail notice to nearby property owner/occupiers in March 2024 and no objections were received. No further notice was deemed necessary for the amended plans given the only change involved the removal of the approved blue gum plantation within the property.

8. OFFICER'S ASSESSMENT

The proposal is considered an acceptable planning outcome when assessed against the provisions and objectives of Clauses 12.01-2S, 12.05-1S, 12.05-2S, 15.01-6S and 35.06 of the Colac Otway Planning Scheme.

Rural Conservation Zone

Clause 35.06-2 requires that a lot used for a dwelling must meet the following requirements:

- 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.

Access to the site would be via Blue Johanna Road and an internal gravel access road which Council's Infrastructure Department has confirmed is appropriate for the intended land use.

Council's Health Protection Unit raised no objection to the proposal subject to standard conditions to manage wastewater. The Land Capability Assessment (LCA) submitted with the application provides an acceptable response to wastewater management, with the effluent disposal field proposed within the defensible space area reducing any additional vegetation removal.

The siting, design, height, bulk, colours and materials of the dwelling are appropriate for the rural landscape, with limited views (if any) of the dwelling from any public spaces or private property. Additionally, the proposed excavation will further support limited views of the dwelling from adjoining properties.

The use of non-reflective cladding for the dwelling and shed would ensure that the buildings blend into the natural environment, major roads, vistas and water features, aligning with the objectives and policy of Clause 15.01-6S (Design for Rural Areas).

The dwelling is sited within an area recently cleared of vegetation, which was predominantly vegetated land due to its historical use as a timber plantation. The siting of the development would ensure that any potential impact from the proposal on the natural features, resources and/or vegetation is be minimised.

In terms of the agricultural use of the land, a Land Management Plan (LMP) was submitted as part of the application which outlines a program to enhance and protect the existing native vegetation and control the environmental weeds on the site. The existing native vegetation and faunal habitat onsite would be retained aligning with the objectives of clauses 12.01-2S, 12.05-1S and 35.06 of the planning scheme.

The tree stumps would be retained within the cleared land which will assist in stabilising the soil and will be used for grazing of animals of up to 50 head of cattle/sheep. Further the LMP requires the ongoing maintenance of the land and given the lot size this will require larger machinery which will be accommodated with the shed. The siting of the shed ensures that it would not be a dominate feature given its setbacks from boundaries, topography and existing vegetation.

It is recommended that changes to the LMP be required to clarify that existing native vegetation is not to be grazed and the area of revegetation is also to remain free from grazing animals.

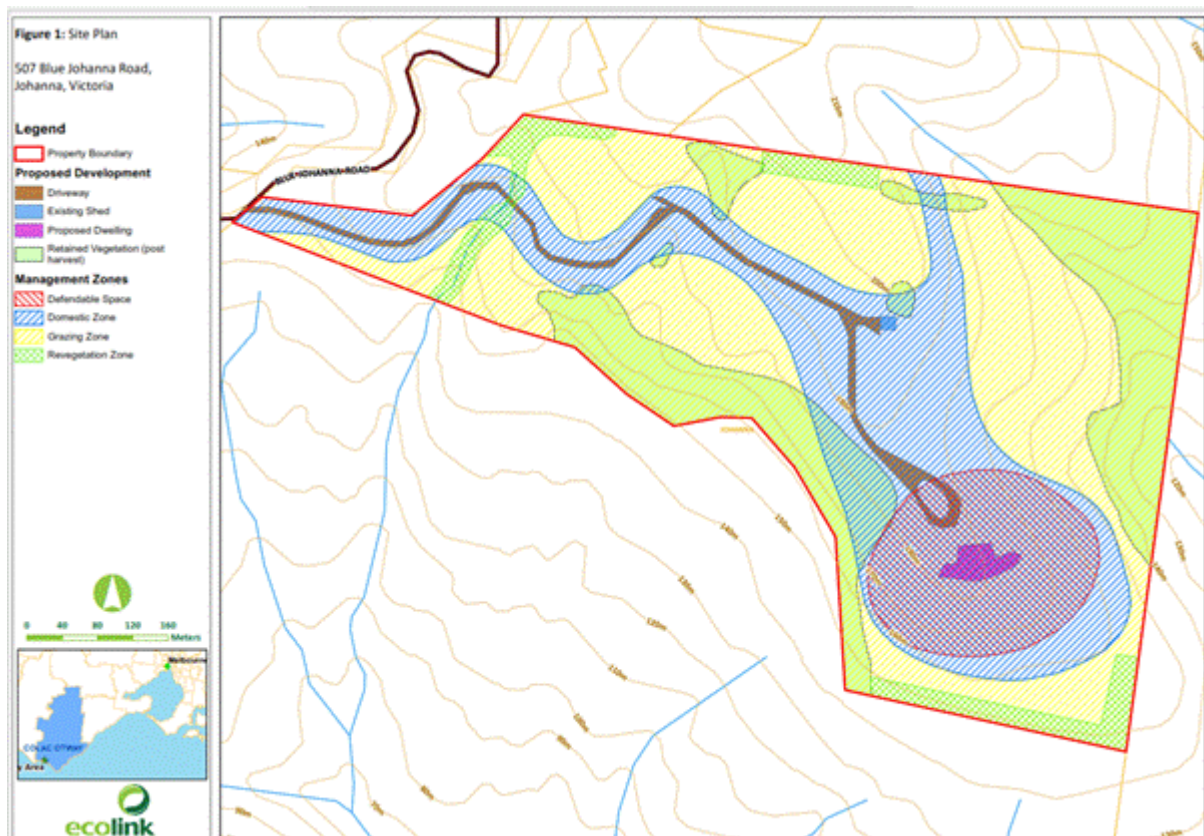


Figure 3 – Land Management Plan, dated March 2026

Erosion Management Overlay

The Erosion Management Overlay (EMO1) covers the entire site. A planning permit is required for buildings and works, earthworks associated with the accessway and vegetation removal. Under the EMO, an application for a planning permit must include the information set in the schedule to this overlay, to the satisfaction of the Responsible Authority.

The Geotechnical Assessment prepared and submitted with this application confirms the land can meet the tolerable risk criteria specified in the schedule to Clause 44.01 of the Colac

Otway Planning Scheme. A permit condition is recommended which requires compliance with the recommendations of the submitted Geotechnical assessment.

Bushfire Management Overlay

A planning permit is required for buildings and works of the proposed dwelling under the provisions of Clause 44.06-2 *Bushfire Management Overlay*. In response to this overlay and to comply with the bushfire protection measures of Clause 53.02 *Bushfire Planning*, the Applicant submitted an amended Bushfire Management Statement (BMS) prepared by Town Planning and Bushfire Services dated 11 March 2026.

As discussed previously, the CFA initially objected to the application on the basis that the proposed dwelling did not comply with dwelling siting matters in a higher landscape risk location pursuant to clauses 13.02-1S, 53.02-4.1 and not complying with the water supply requirements of Clause 53.02-4.3.

Following this objection, the Applicant sought advice from the CFA on how to revise the bushfire protection measures and reduce the risk to the proposed dwelling to an acceptable level in accordance with the State bushfire planning provisions.

On the 22 December 2025, the CFA responded with a Further Information Request advising that “*CFA’s consideration of the application in alignment with AM 2.1 and AM 2.2 is contingent on the future grassland condition of the property*” surrounding the proposed dwelling and existing driveway, following implementation of the plantation harvesting, combined with a review of the Land Management Plan and amended Bushfire Management Plan.

Following the implementation of the approved THP in early 2026, the applicant submitted the amended application including a revised Bushfire Management Plan which provided the enhanced bushfire protection measures and site conditions to CFA’s satisfaction.

Specifically, the amended Bushfire Management Plan proposed the following:

- An increased defendable space from the required 50 metres to an enhanced 65 metres around the BAL-40 dwelling.
- At least 10 metres of clearing along both sides of the 800-metre driveway.
- Compliant water supply (10,000L) and vehicle access with three passing bays.
- Installation of a private bushfire shelter within the defendable space and close to the proposed dwelling.

After review of the amended application, the CFA provided conditional consent (subject to conditions) as it now complies with the State bushfire planning provisions involving Clause 13.02-1S *Bushfire planning*, Clause 44.06 *Bushfire Management Overlay* and Clause 53.02 *Bushfire Planning*.

Additionally to achieve clarity between the amended Bushfire Management Plan and Land Management Plan, a condition on any planning approval will require that the site plan be amended to clearly show and describe the specific areas and the entire domestic zone (shown as ‘white area’ on the submitted Bushfire Management Plan) to be managed in a lower bushfire threat ‘grassland condition’ generally in accordance with Defendable Space requirements described in Table 4 to Clause 53.02-5 *Bushfire Planning* of the Colac Otway Planning Scheme. This gives certainty that the domestic zone is managed in its current lower bushfire threat condition in perpetuity.

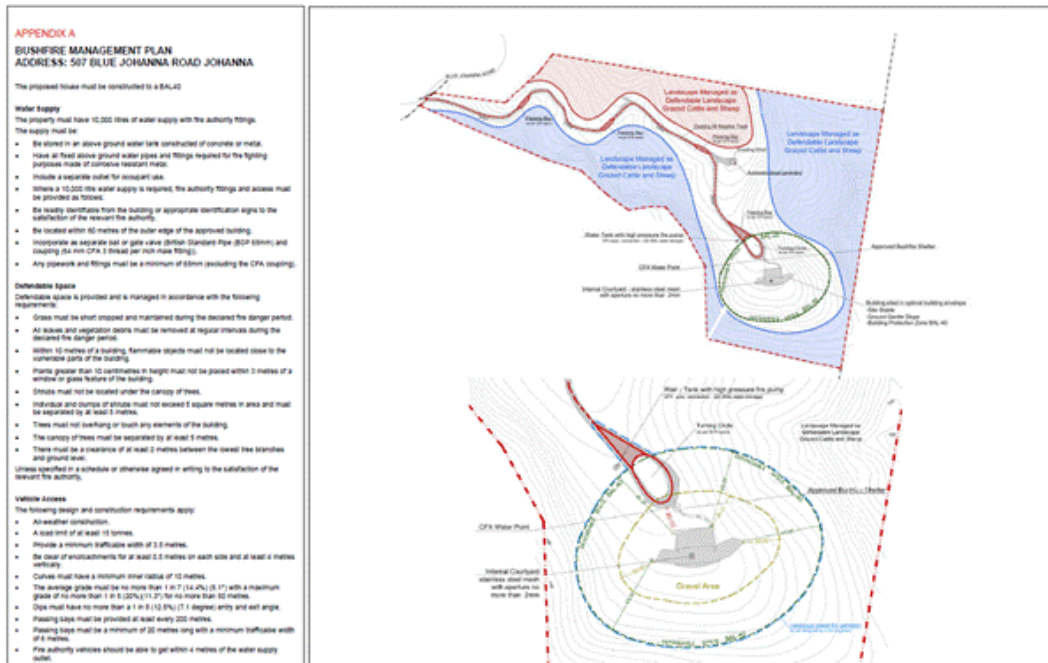


Figure 4 - Amended Bushfire Management Plan

9. OFFICER DIRECT OR INDIRECT INTEREST

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

Image 1 - Drone photo (provided by applicant) looking north-west post timber harvest



Image 2 - Drone photo (provided by applicant) looking north-east post timber harvest





Images 3 & 4
Internal Site Access Road





Image 6 – Photograph of the site (yellow star) from Blue Johanna Road (red star). Photo is from the road to the south of the site. [Attachment 4.1.1 Site and Aerial Images](#)



Image 7 – Photograph of the site (yellow star) from Blue Johanna Road (red star). Photo is from Johanna Beach Playground.





Image 9 – Proposed West Elevation









PROPERTY REFERENCE LOCATION



PLANTATION TO BE HARVESTED
(grassland only)
Landscape Managed as Defendable Landscape
Grazed Cattle and Sheep



GENERAL NOTES:
-All the dimensions must be confirmed on site, any lapse, omission or discrepancies between Architectural and Engineering drawings must be reported immediately to Nicholas Burns Studio and the responsible engineering team;
-Contractor must comply with all applicable laws and Government regulations, and is not exempt from obligations if there are errors or omissions in the drawings;
-Contractor shall work from written dimensions;
-Construction preparation drawings must be submitted for approval of Nicholas Burns Studio;
-Contractor must do all the complementary works needed to guarantee the quality and durability of the construction;
-When requested the contractor should execute prototype tests of the proposed details;
-All the equipment and appliances to install in the building as well as samples of all the materials and hardware must be provided for approval of Nicholas Burns Studio;
-Drawings and specifications are included in contract unless otherwise noted.
THIS DRAWING IS COPYRIGHTED

CLIENT:

-



BLUE JOHANNA
HOUSE
PLANNING APPLICATION
507, Blue Johanna Road
Johanna 3238 - Victoria

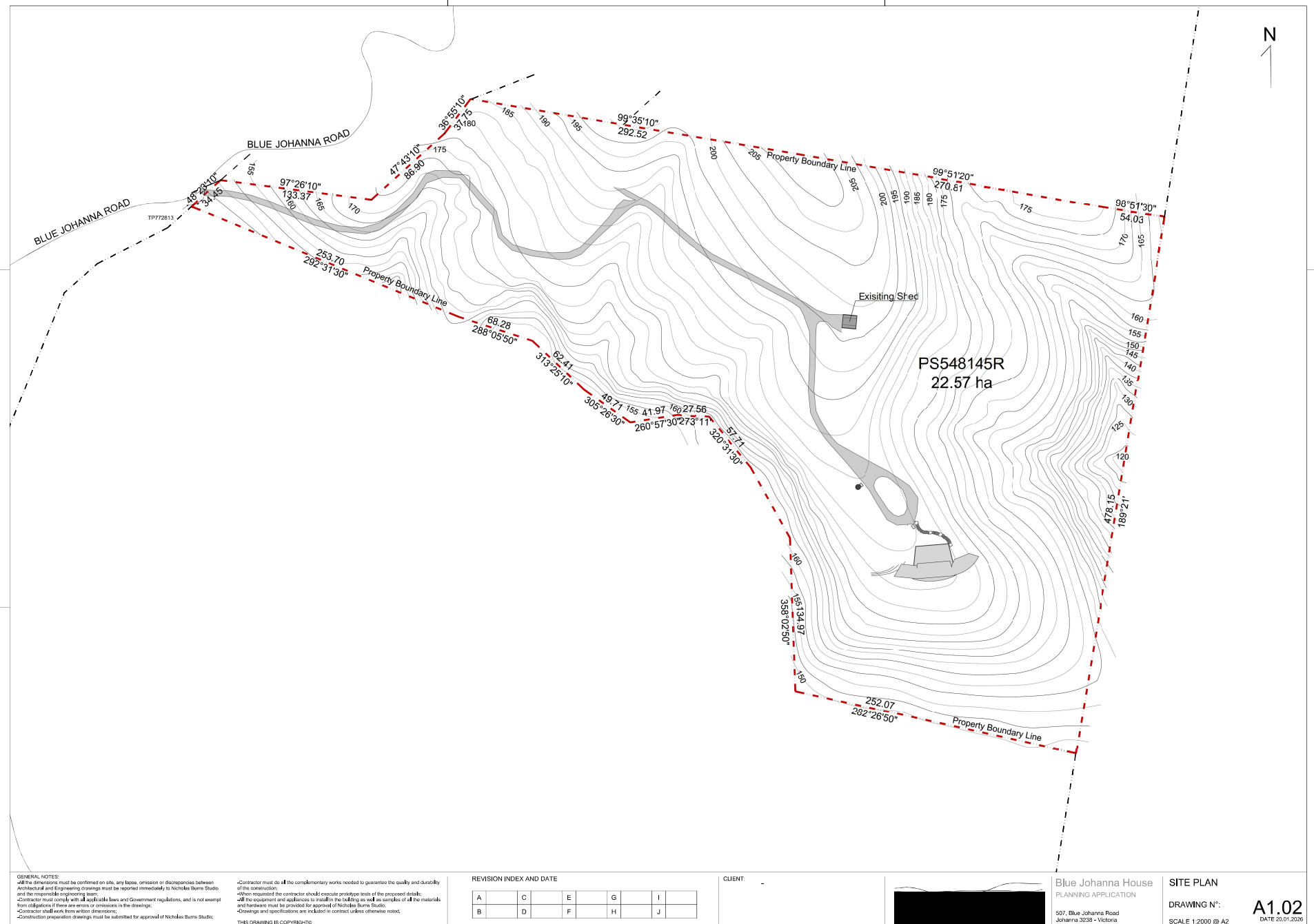
LOCATION PLAN

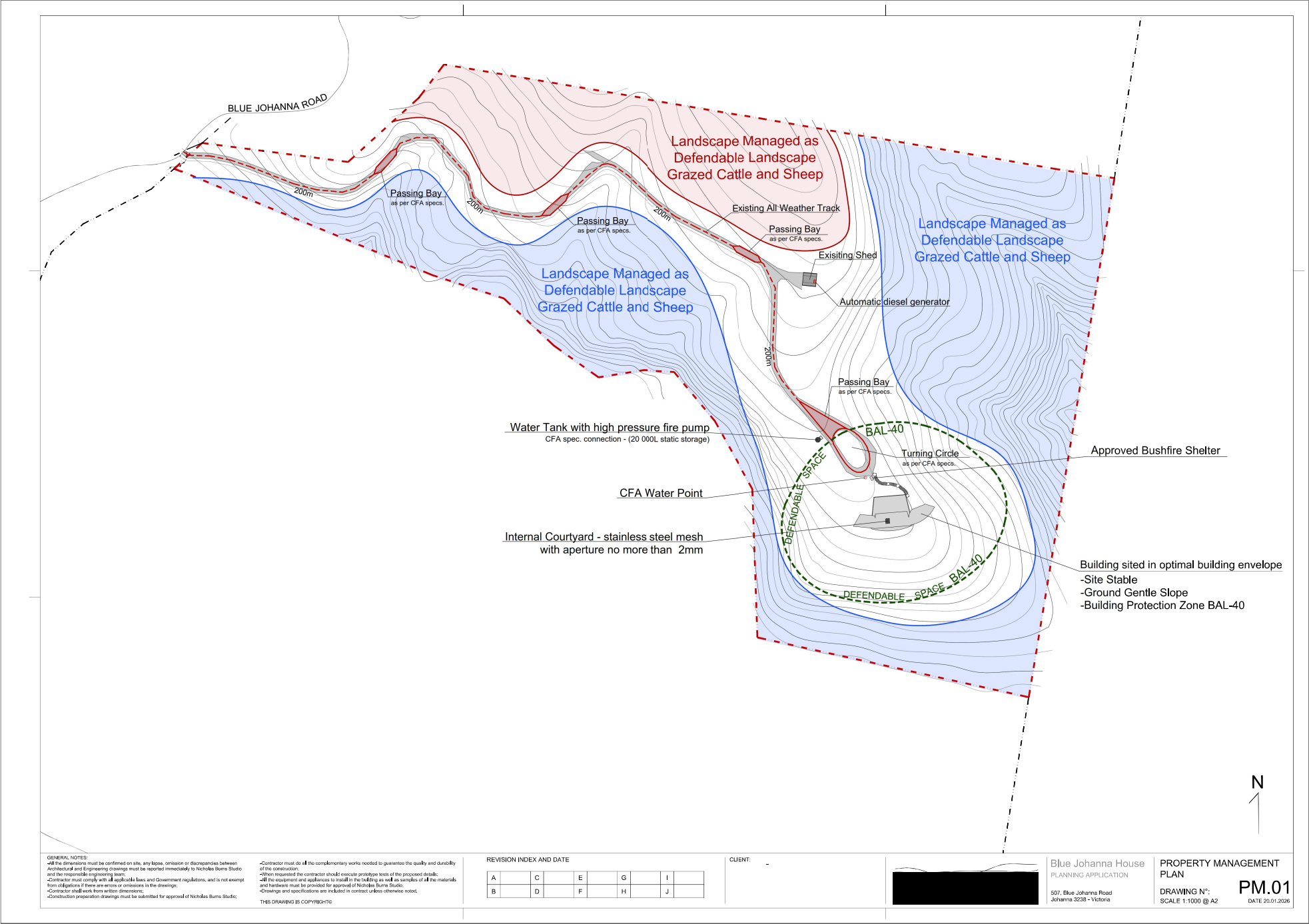
DRAWING N°:

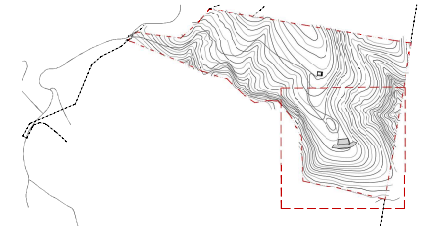
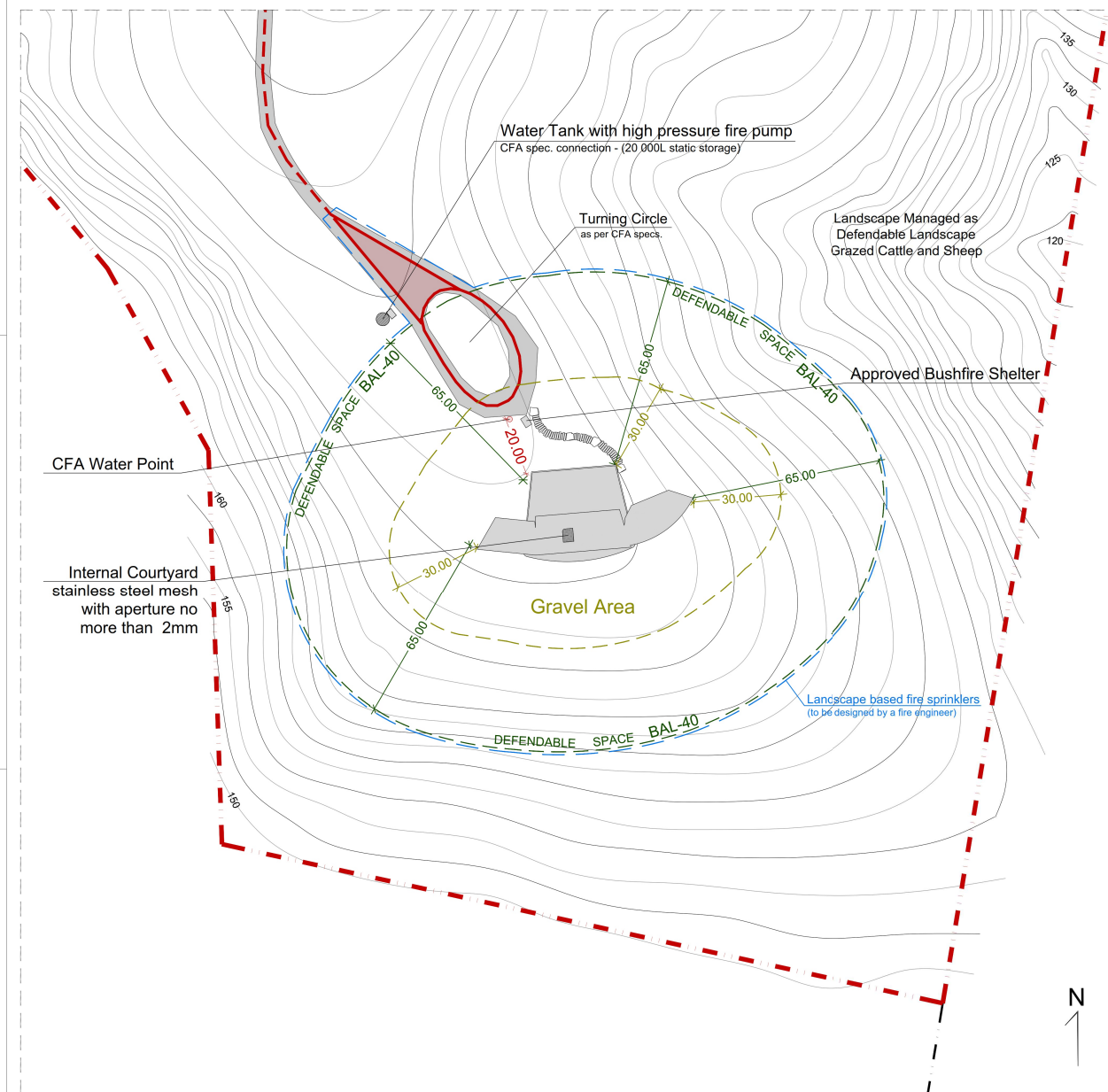
A1.01

SCALE 1:10000 @ A3

DATE 20.01.2026







GENERAL NOTES:

- All the dimensions must be confirmed on site, any lapse, omission or discrepancies between Architectural and Engineering drawings must be reported immediately to Nicholas Burns Studio and the responsible engineering team.
- Contractor must comply with all applicable laws and Government regulations, and is not exempt from obligations if there are errors or omissions in the drawings;
- Contractor shall work from written dimensions;
- Construction preparation drawings must be submitted for approval of Nicholas Burns Studio;

~~-Contractor must do all the complementary works needed to guarantee the quality and durability of the construction;~~
~~-When requested, the contractor should execute prototype tests of the proposed details;~~
~~-all the equipment and appliances to install in the building as well as samples of all the materials and hardware must be provided for approval of Nicholas Surra Studio.~~
~~-Drawings and specifications are included in contract unless otherwise noted.~~

THIS DRAWING IS COPYRIGHT©

REVISION INDEX AND DATE

A	Planning app. 14.09.2023	C		E		G		I	
B		D		F		H		J	

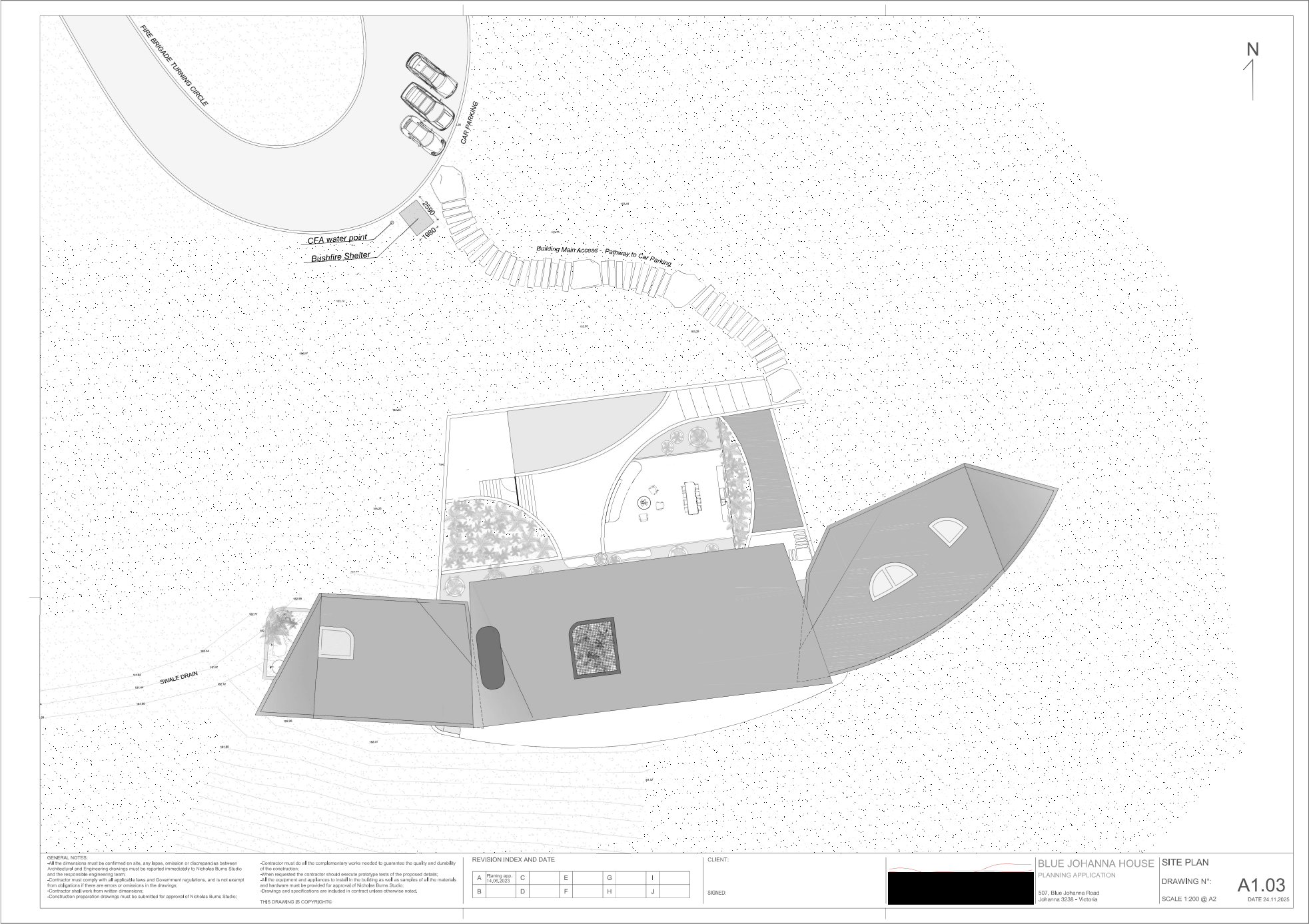
CLIENT:

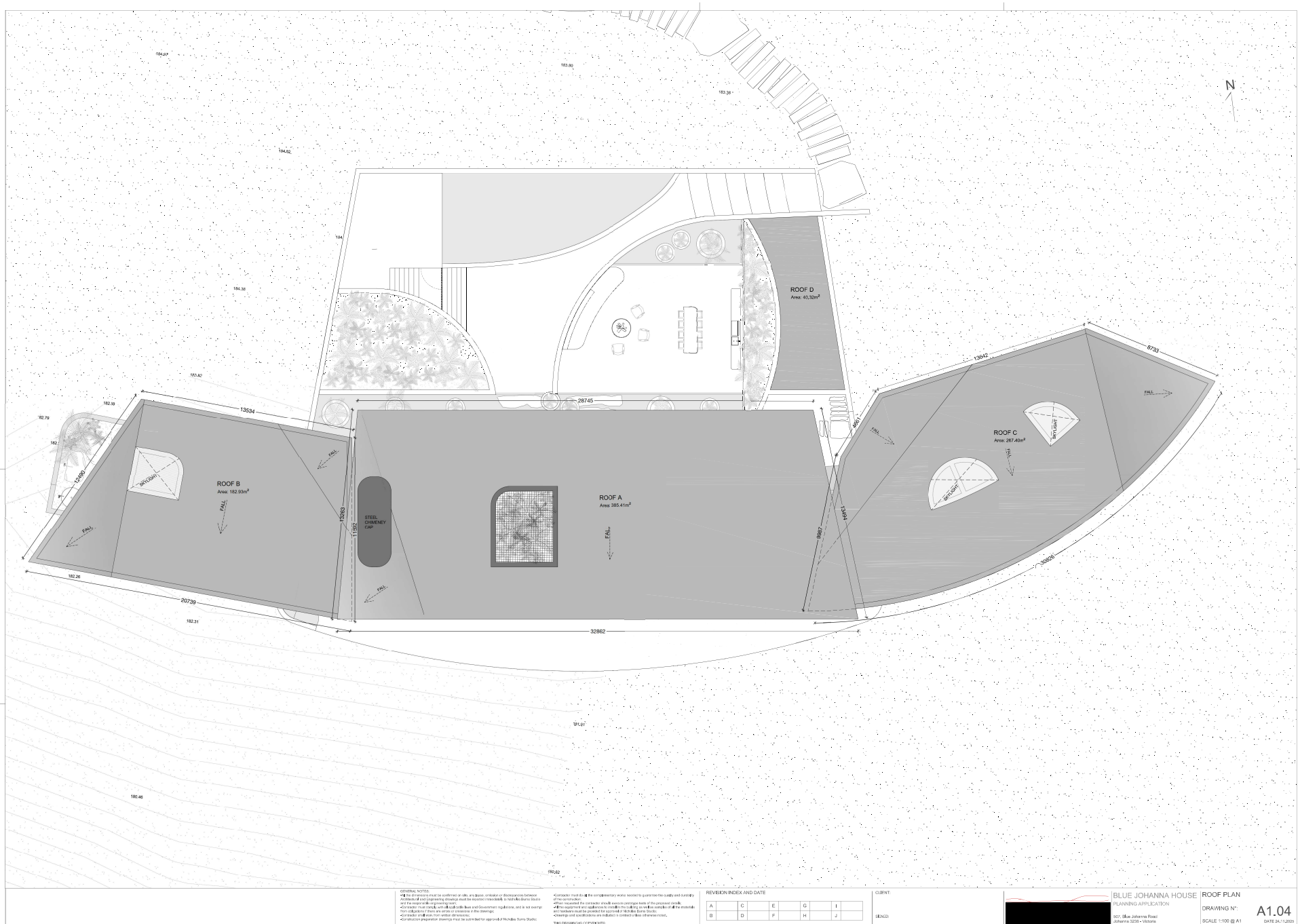


Blue Johanna House
PLANNING APPLICATION
507, Blue Johanna Road
Johanna 3238 - Victoria

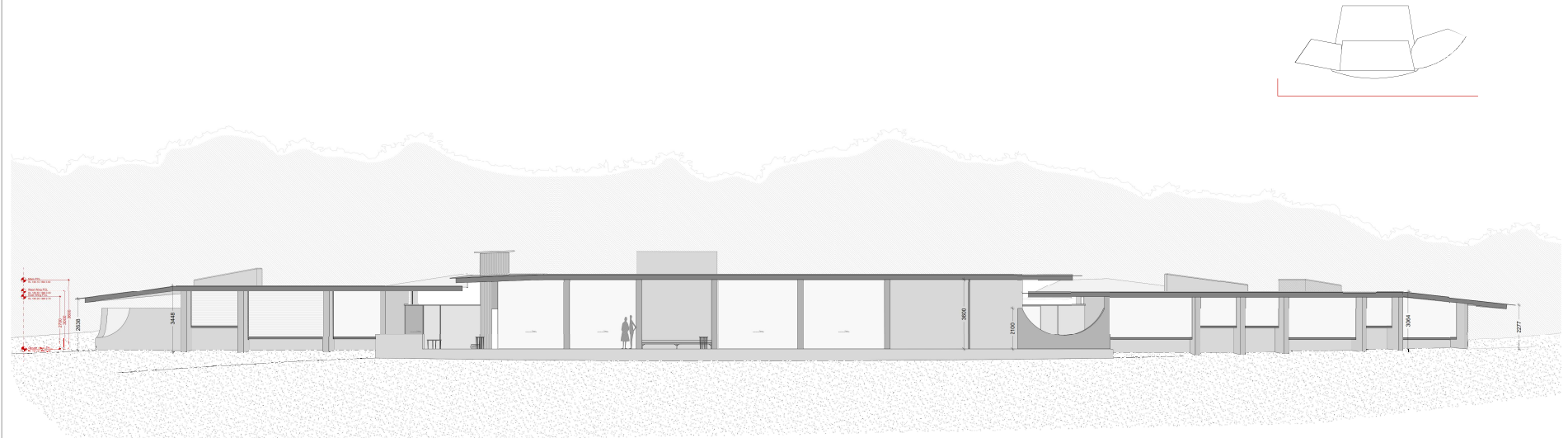
PROPERTY MANAGEMENT
PLAN

DRAWING N°: **PM.02**
SCALE 1:1000 @ A2 DATE 20.01.2026

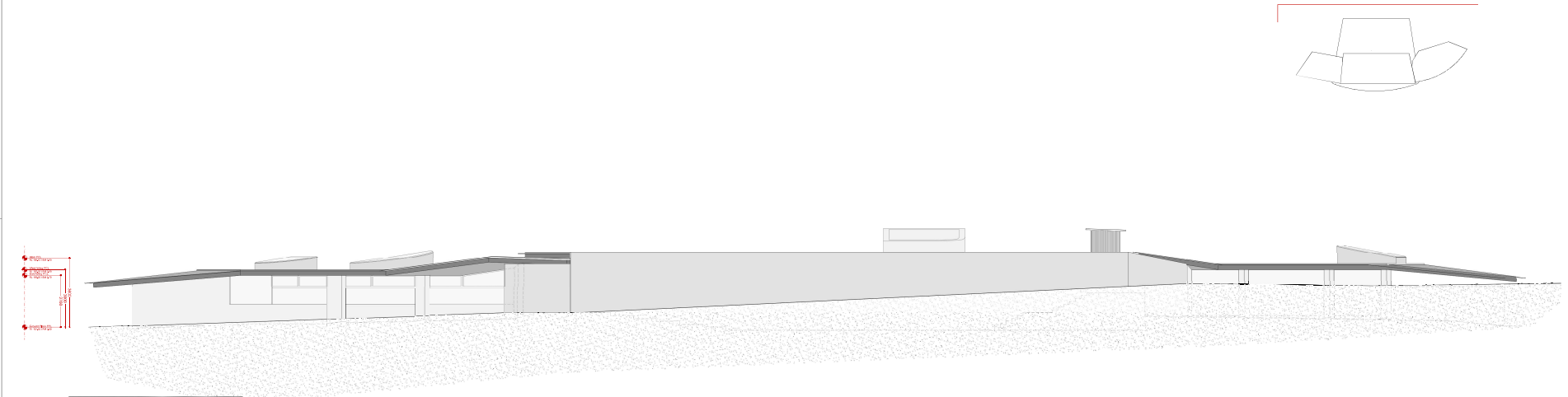








South Elevation



North Elevation

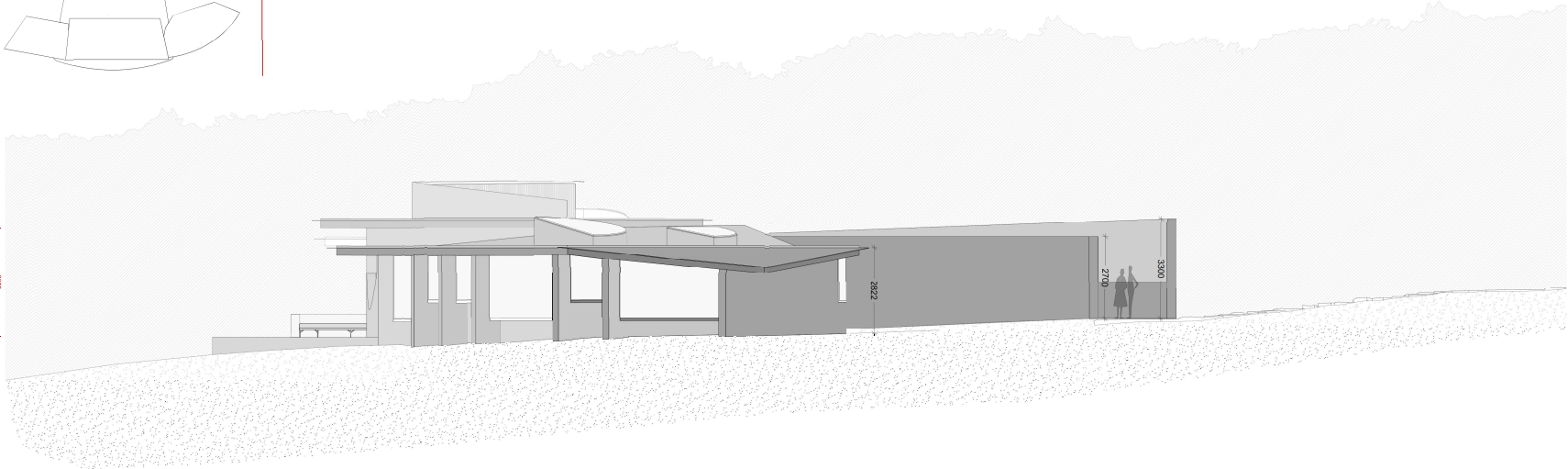
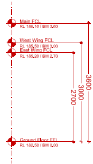
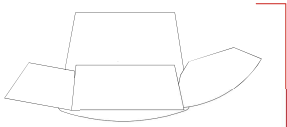
GENERAL NOTES:
 - All dimensions must be confirmed on site, any discrepancies or discrepancies between architectural and engineering drawings must be reported immediately to Nicholas Duma Studio and the relevant engineering team.
 - All work must comply with all applicable codes and regulations, and is not exempt from the Building Code of Australia or the Building Code of New South Wales.
 - All work must comply with all applicable codes and regulations, and is not exempt from the Building Code of Australia or the Building Code of New South Wales.
 - Construction completion drawings must be submitted for approval to Nicholas Duma Studio.

- Contractor must ensure the construction work is completed to the quality and safety of the construction.
 - All work must comply with all applicable codes and regulations, and is not exempt from the Building Code of Australia or the Building Code of New South Wales.
 - All work must comply with all applicable codes and regulations, and is not exempt from the Building Code of Australia or the Building Code of New South Wales.
 - Construction completion drawings must be submitted for approval to Nicholas Duma Studio.

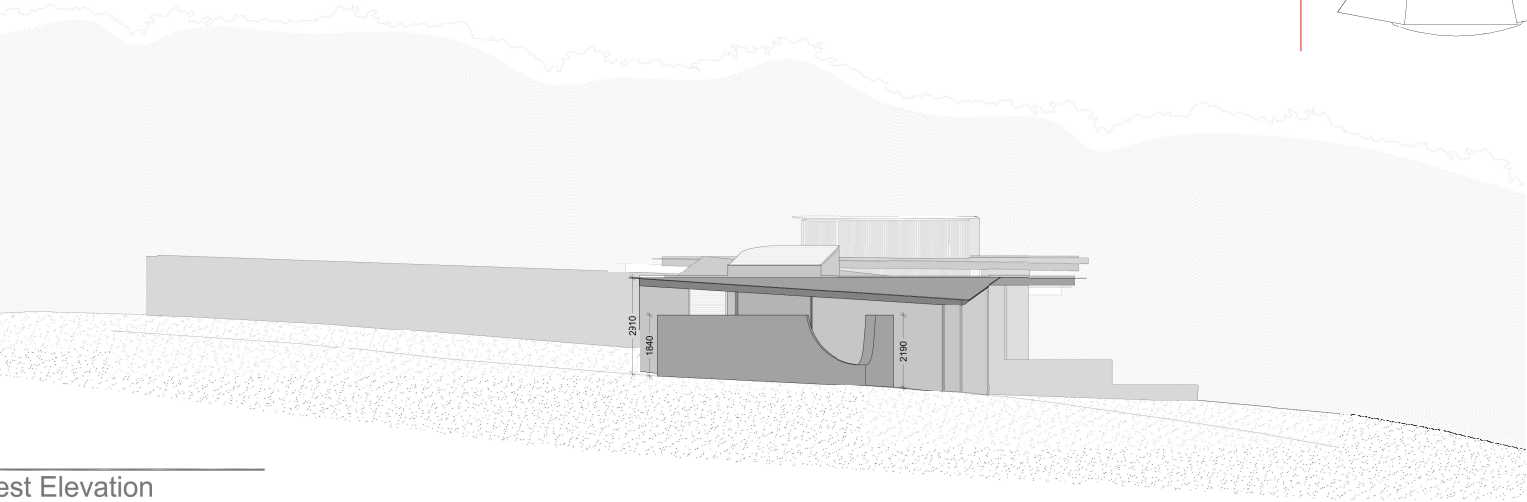
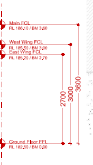
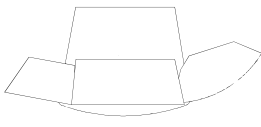
REVISION INDEX AND DATE					
A	C	E	G	I	
B	D	F	H	J	

CLIENT:
 NAME:

BLUE JOHANNA HOUSE
 PLANNING APPLICATION
 507 - Blue Johanna Road
 Sydney NSW - Australia
 ELEVATION
 DRAWING N°:
 SCALE 1:100 @ A1
 DATE: 04/11/2021
A2.01



East Elevation



West Elevation

GENERAL NOTES:
-All the dimensions must be confirmed on site, any lapse, omission or discrepancies between Architectural and Engineering drawings must be reported immediately to Nicholas Burns Studio and the responsible engineering team.
-Contractor must comply with all applicable laws and Government regulations, and is not exempt from obligations if there are errors or omissions in the drawings.
-Contractor shall work from written dimensions.
-Construction preparation drawings must be submitted for approval of Nicholas Burns Studio.

-Contractor must do all the complementary works needed to guarantee the quality and durability of the construction.
-When requested the contractor should execute prototype tests of the proposed details.
-All the equipment and appliances to install in the building as well as samples of all the materials and finishes must be provided for approval of Nicholas Burns Studio.
-Drawings and specifications are included in contract unless otherwise noted.
THIS DRAWING IS COPYRIGHT©

REVISION INDEX AND DATE

A	C	E	G	I
B	D	F	H	J

CLIENT:

SIGNED:



BLUE JOHANNA HOUSE
PLANNING APPLICATION
507, Blue Johanna Road
Johanna 3238 - Victoria

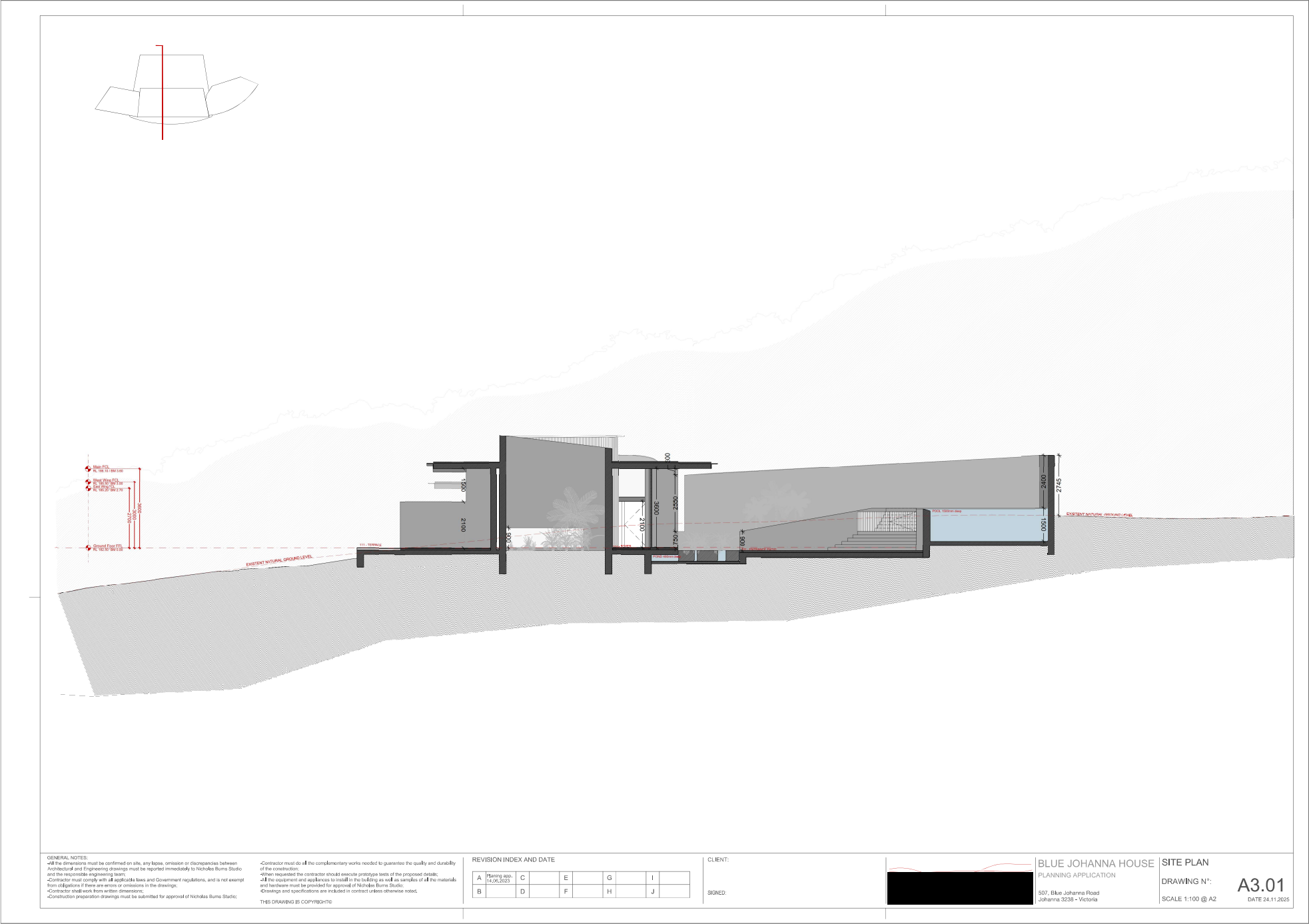
ELEVATION

DRAWING N°:

SCALE 1:100 @ A2

A2.02

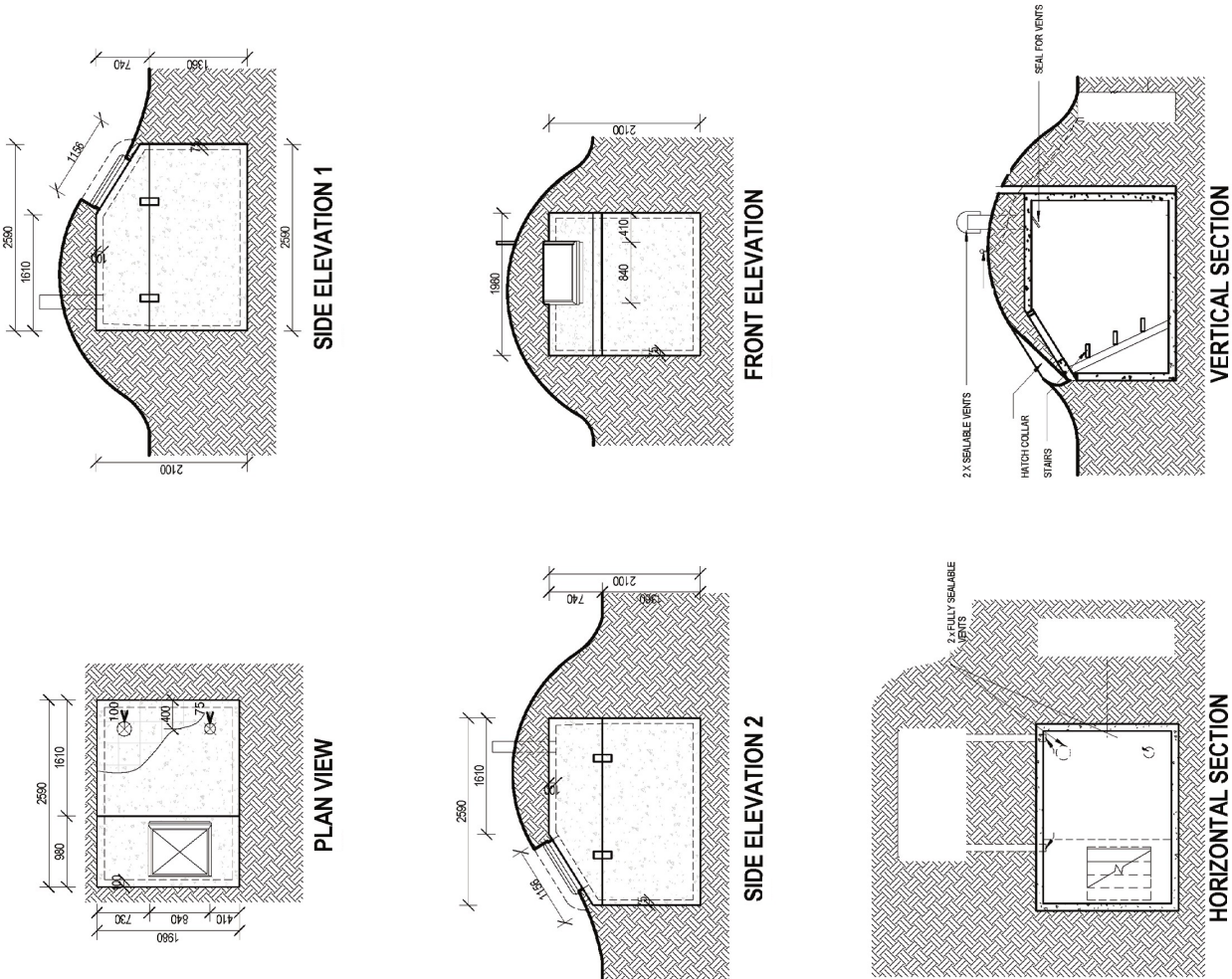
DATE 24.11.2025



**WILDFIRE
SAFETY BUNKERS**

Bunker Specifications

6 Person Bunker Dimensions

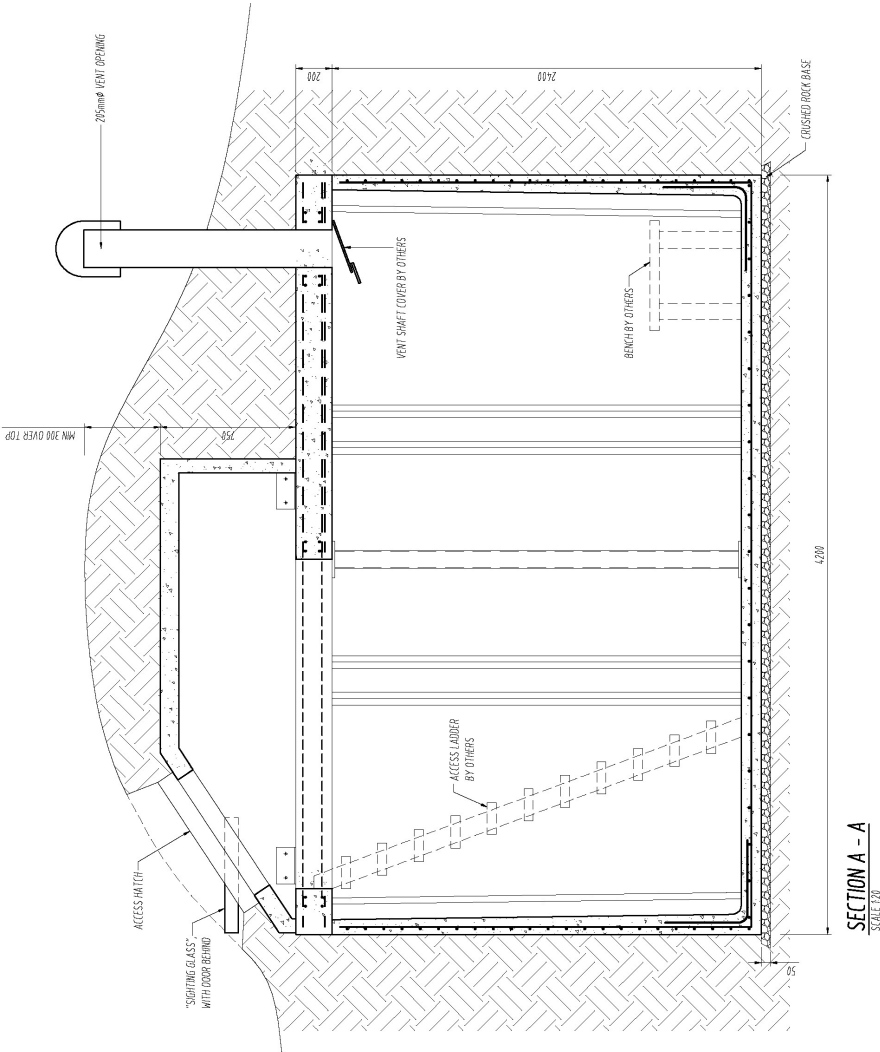


Wildfire Safety Bunkers

**WILDFIRE
SAFETY BUNKERS**

Bunker Specifications

12 Person Bunker Dimensions

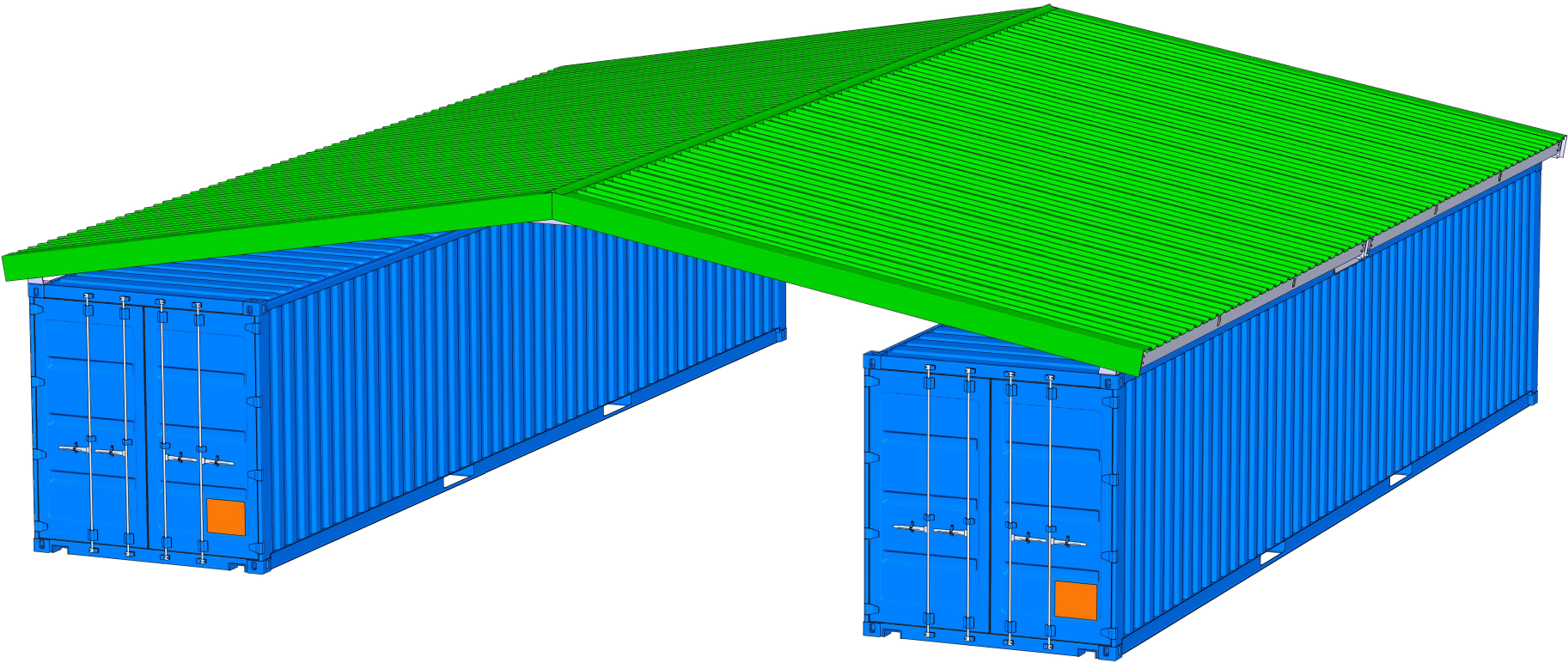


EXCAVATION WITH MOUND:
2400mm DEEP
2400mm WIDE
4400mm LONG
EXCAVATION WITHOUT MOUND:
3700mm DEEP
2400mm WIDE
4400mm LONG

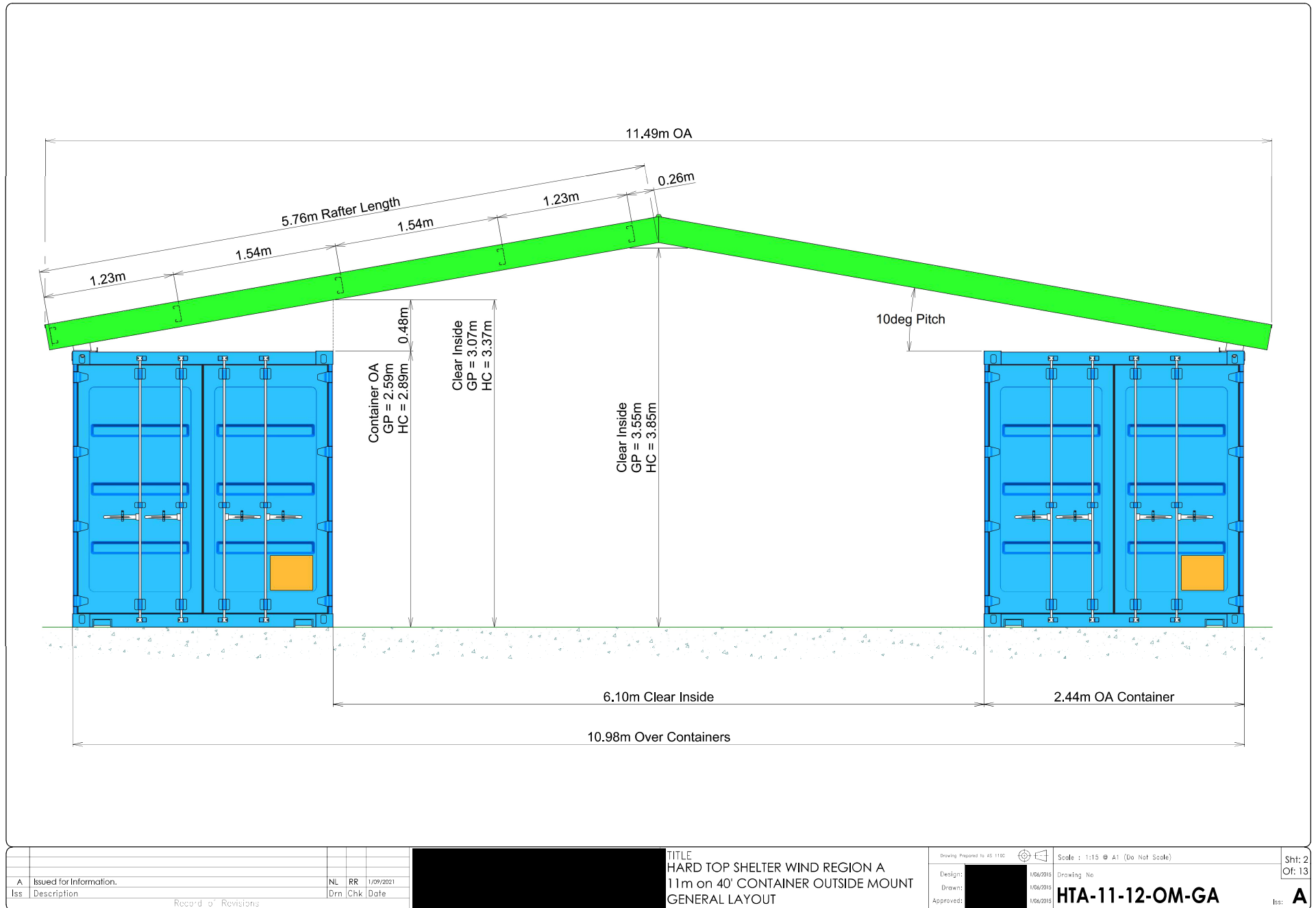


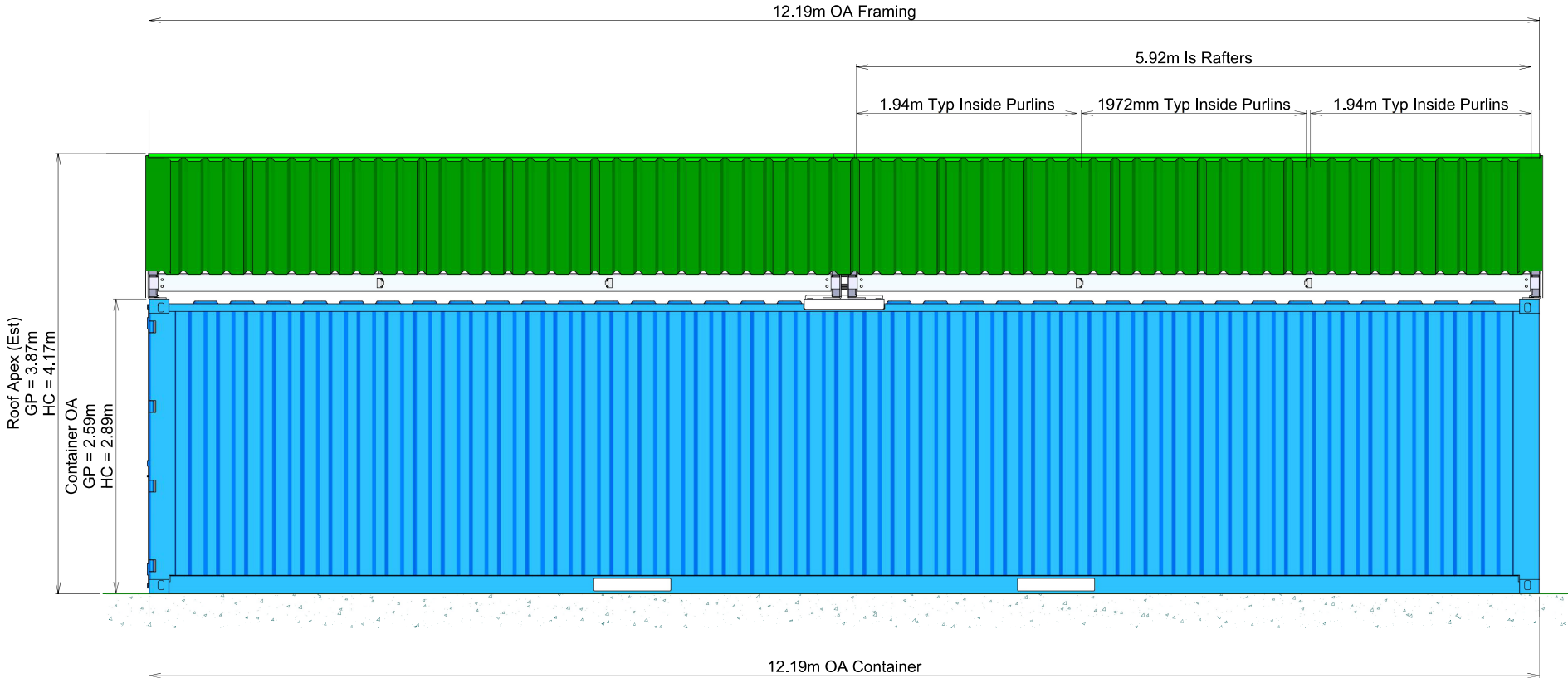
SOLAR PANELS:

- 1. THIS HARD TOP (HT) SHELTER CAN SUPPORT SOLAR PANEL LOADS OF UP TO 15 kg/m² TOTAL (INCLUDES SOLAR PANEL SELF-WEIGHT, FIXINGS AND RAILINGS) AND THEY ARE TO BE MOUNTED PARALLEL TO ROOF SURFACE.
- 2. SOLAR PANELS AND THEIR IMMEDIATE FIXINGS ARE TO BE DETAILED AND SUPPLIED BY OTHERS. THE INSTALLATION OF THE PANELS IS BY THE SUPPLIER AND IN ACCORDANCE WITH THEIR DETAILS.
- 3. SOLAR PANELS MAY BE MOUNTED ANYWHERE ON THE ROOF SURFACE AND MAY COVER THE ENTIRE ROOF SURFACE

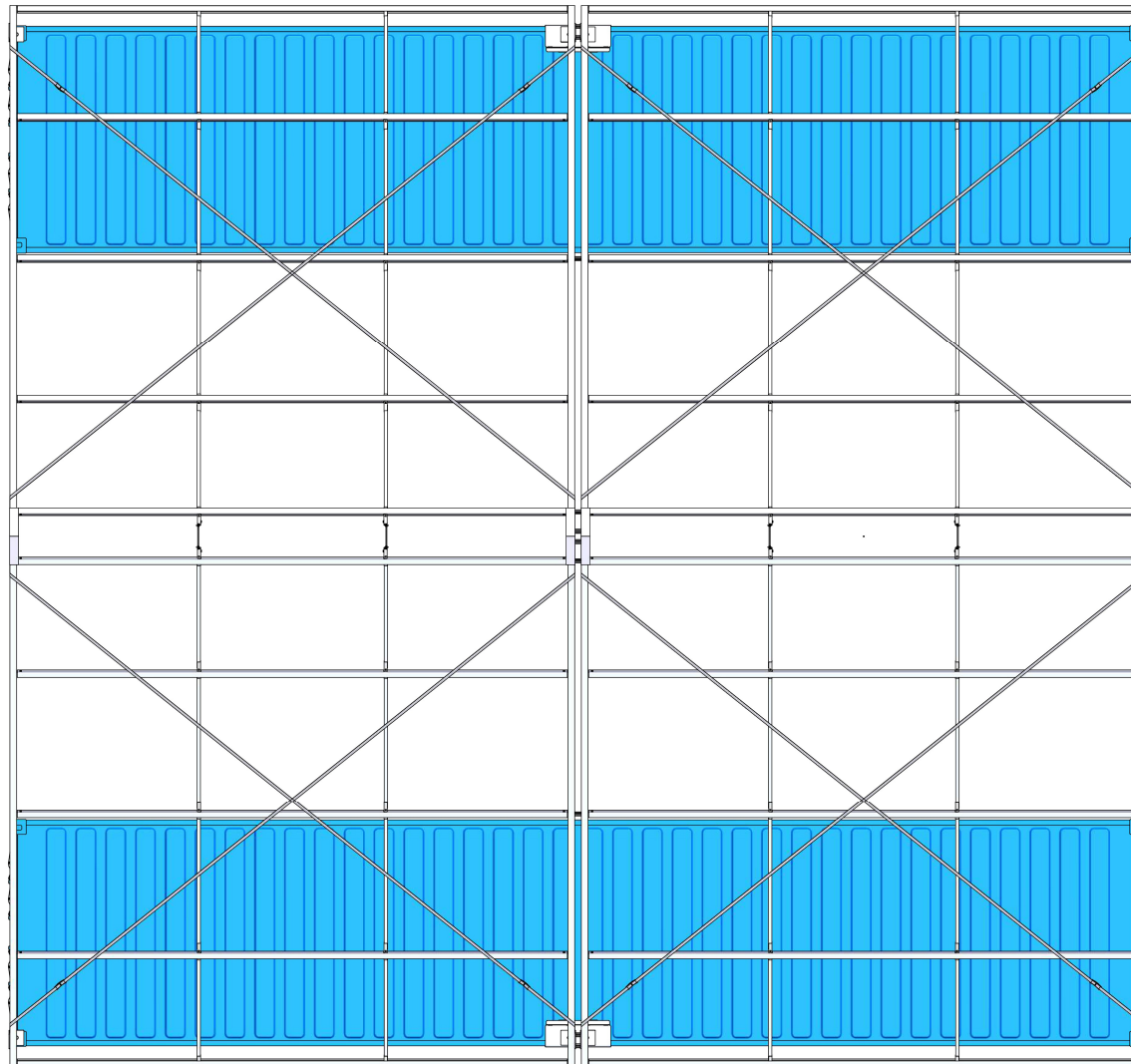


				TITLE		Drawing Prepared to AS 1100		Scale : 1:17 @ A1 (Do Not Scale)		Sht: 1			
				HARD TOP SHELTER WIND REGION A		Design: 1/06/2015		Drawing No		Of: 13			
				11m on 40' CONTAINER OUTSIDE MOUNT		Drawn: 1/06/2015		HTA-11-12-OM-GA		Iss: A			
				GENERAL LAYOUT		Approved: 1/06/2015							





				Drawing Prepared to AS 1100				 Scale : 1:17 @ A1 (Do Not Scale)				Sht: 3 Of: 13
				Design:  1/06/2015				Drawing No				HTA-11-12-OM-GA
				Drawn:  1/06/2015								
				Approved:  1/06/2015								
				TITLE				HARD TOP SHELTER WIND REGION A				
								11m on 40' CONTAINER OUTSIDE MOUNT				
								GENERAL LAYOUT				

[illegible]

Item: 4.2

PP124/2024-1 - 365 Mooleric Road OMBERSLEY - Use and Development of the Land for Industry (Stone Processing Facility) and Reduction of Carparking Requirements

ADDRESS AND PROPERTY DETAILS	365 Mooleric Road, OMBERSLEY Lot 3 PS429092	APPLICATION NUMBER	PP124/2024-1								
PROPOSAL	Use and development of the land for Industry (Stone Processing Facility) and Reduction in Car Parking										
PERMIT TRIGGERS	<table><tr><th>Planning scheme clause</th><th>Matter for which a permit has been applied for:</th></tr><tr><td>35.07-1 (FZ)</td><td>Use of the land for Industry (cutting, storage and wholesale distribution of stone)</td></tr><tr><td>35.07-4 (FZ)</td><td>Building or works associated with a use (Industry) in Section 2 of Clause 35.07-1</td></tr><tr><td>52.06-3 (CAR PARKING)</td><td>Reduce the statutory car parking requirements</td></tr></table>			Planning scheme clause	Matter for which a permit has been applied for:	35.07-1 (FZ)	Use of the land for Industry (cutting, storage and wholesale distribution of stone)	35.07-4 (FZ)	Building or works associated with a use (Industry) in Section 2 of Clause 35.07-1	52.06-3 (CAR PARKING)	Reduce the statutory car parking requirements
Planning scheme clause	Matter for which a permit has been applied for:										
35.07-1 (FZ)	Use of the land for Industry (cutting, storage and wholesale distribution of stone)										
35.07-4 (FZ)	Building or works associated with a use (Industry) in Section 2 of Clause 35.07-1										
52.06-3 (CAR PARKING)	Reduce the statutory car parking requirements										
TRIGGER FOR DETERMINATION BY COMMITTEE	Use and development of Industry in the Farming Zone (FZ)										
ZONE	Farming Zone (FZ)	OVERLAYS	Nil								
COVENANTS	Nil										
CULTURAL HERITAGE	The subject area - industry proposal (1.75ha) is not located within an Area of Aboriginal Cultural Heritage Sensitivity, however Aboriginal Cultural Heritage Sensitivity Areas are located within the subject site (204.7ha).										
OFFICER	Adele McErlain	GENERAL MANAGER	Ian Seuren								
DIVISION	Community and Economy										
ATTACHMENTS	1. P P 1242024-1 365 Mooleric Road OMBERSLEY - Plans redacted [4.2.1 - 9 pages] 2. P P 1242024-1 - 365 Mooleric Road OMBERSLEY - Further Information Response Letter [4.2.2 - 10 pages]										

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



Figure 1 – Site (highlighted in red) in relation to Colac and Birregurra

AERIAL PHOTO



Figure 2 – Site (highlighted in red) with the area subject to this application highlighted in orange

2. RECOMMENDATION

That the Planning Committee resolves to issue a Notice of Decision to Grant a Permit for Planning Application (PP124/2024-1) at 365 Mooleric Road, OMBERSLEY (Lot 3 PS429092), subject to the following conditions:

Amended Plans

- 1. Before the use and/or development commences, 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 and provided in a digital format (where possible). The plans must be generally in accordance with the advertised plans, but modified to show:***
 - a) Details of any signage.***
 - b) The location of all external lighting.***
 - c) A landscape plan (refer condition 26 below).***
 - d) A land management plan (refer condition 28 below).***

Endorsed Plans

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

Noise

- 3. Noise levels emanating from the premises must not exceed those required to be met under the Environment Protection Regulations 2021 and EPA Publication 1826.4: 'Noise limit and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues'.***

Site Operations

- 4. The use hereby permitted by this permit may only operate between the hours of:***
 - a) Monday to Saturday - 7:00am to 5:00pm***
 - b) Sundays and/or Public Holidays - No operations***

except with the prior written consent of the Responsible Authority.

- 5. No more than 10,000 tonnes of stone (measured at entry to the site) may be processed on the site in any one calendar year.***
- 6. No retail sales are permitted to be undertaken from the site. Wholesale activities are permitted provided the maximum number of heavy vehicle movements per month is not exceeded (refer condition below). Note: the definition of 'retail' and 'wholesale' have the same meaning as in Clause 73.01 of the Colac Otway Planning Scheme.***
- 7. The diesel generator must only operate during the approved hours of operation and must be acoustically treated and maintained to ensure compliance with condition 4 of this permit.***
- 8. No additional generators or increased generator capacity may be installed without the prior written consent of the Responsible Authority.***

Heavy Vehicle Traffic Management

9. **No more than 30 heavy vehicle truck movements may take place to/from the site in any one calendar month.**
10. **Site operator must keep a register of all heavy vehicle truck movements to/from the site for a period of not less than 24 months. The register must include (but is not limited to):**
 - a) **Time and date;**
 - b) **Vehicle registration number;**
 - c) **Import or export;**
 - d) **Tonnes of stone imported/exported;**
 - e) **Origin or destination (depending on import or export);**
 - f) **Vehicle operator/company.**
11. **Heavy vehicles accessing the site must do so only via Mooleric Road, between the site access (north) and the Princes Highway (south). Heavy vehicles must not access the site from the north unless with the prior written consent of the Responsible Authority.**
12. **Heavy Vehicles entering/exiting the site must have the load covered to limit dust or stone coming off the load while in transit to the satisfaction of the Responsible Authority.**

No intensification or change to operations

13. **The use must not be increased, expanded or intensified beyond that expressly authorised by this permit, including (but not limited to) increases in production volumes, staffing numbers, operating hours, building footprint, outdoor storage areas or vehicle movements.**

Amenity

14. **External lighting must be designed, baffled and located so as to prevent any adverse effect on adjoining land to the satisfaction of the Responsible Authority.**
15. **Lighting which is to operate outside of operating hours must only be to the minimum extent necessary for on-site security to the satisfaction of the Responsible Authority.**
16. **All areas of the site must be maintained in a clean and tidy manner at all times to the satisfaction of the Responsible Authority.**
17. **The use and development must be managed so that the amenity of the area is not detrimentally affected, through the:**
 - a) **Transport of materials, goods or commodities to or from the land;**
 - b) **Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, wastewater, waste products, grit or oil;**
 - c) **Presence of vermin.**

Dust Management

18. **Prior to the commencement of the use, a Dust Management Plan must be submitted to and approved by the Responsible Authority. The plan must identify potential dust sources and specify mitigation measures to be implemented, including wet-cutting procedures, truck load covering, site housekeeping and**

response procedures for dust complaints. The use must be operated at all times in accordance with the approved plan.

Onsite Wastewater Management System

- 19. A domestic wastewater management system must be constructed concurrently with the 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.**

Mooleric Road Upgrade

- 20. Within 12 months of the use commencing on site, Mooleric Road between the site entrance and its intersection with the road reserve forming the southern boundary of the lot must be resheeted with suitable materials to an approximate depth of 100mm, to the satisfaction of the Responsible Authority. The Responsible Authority must be notified upon completion of the works, and an inspection must be undertaken to confirm compliance, prior to the Responsible Authority assuming responsibility for future maintenance. Once satisfied, the Responsible Authority will assume responsibility for all ongoing maintenance of this section of road.**
- 21. Until the resheeting works are completed to the satisfaction of the Responsible Authority, the permit holder must reimburse Council for the full cost of any maintenance undertaken by Council on this section of road, on up to two occasions, as determined by the Responsible Authority.**

Stormwater Runoff

- 22. 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.**
- 23. The site must be developed and managed to ensure that no contaminants, including but not limited to chemicals, sediments, wastes or pollutants, are discharged off site or into the natural water body/stormwater drainage system from the property, and are managed in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) at any time during construction or operation, to the satisfaction of the Responsible Authority.**

Stormwater Management Plan

- 24. Prior to the commencement of the 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) Details of how stormwater will be managed to prevent pollution during both construction and ongoing operation of the development.**
 - b) Measures to ensure the Permissible Site Discharge (PSD) is limited to the pre-development discharge rate for the critical 1 in 5-year ARI (20% AEP) storm event, and that post-development flows are detained to**

pre-development levels for the critical 1 in 10-year ARI (10% AEP) storm event.

- c) Stormwater treatment measures designed in accordance with Clause 20.3.1 of the Infrastructure Design Manual (IDM) Standard.*
- d) Details of site management practices to prevent sediment, litter, and other pollutants from leaving the site.*
- e) Full details of all proposed drainage work, including any works required outside the subject land.*

- 25. 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.**

Landscape Plan

- 26. Concurrent with the submission of plans pursuant to condition 1, a landscape plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions noted. The plan must show:**

- a) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at maturity, and quantities of each plant;*
- b) landscaping and planting within all open areas of the site.*

All species selected must be to the satisfaction of the Responsible Authority.

- 27. Prior to use commencing, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including any dead, diseased or damaged plants are to be replaced.**

Land Management Plan

- 28. Concurrent with the submission of plans pursuant to condition 1, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Any plans must be to scale and with dimensions and applies to the area occupied by the use. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):**

- a) Site plan for the area occupied by the use;*
- b) Site description;*
- c) List of the objectives for the property;*
- d) A description of native plant and animals on site (if any) and in the occupied area;*
- e) Identification of Land Management Issues;*
- f) Goal setting and specification of actions and implementation and monitoring of the identified actions.*

The management of the land and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

Internal access road maintenance

- 29. Once the wind farm ceases to operate from the site the owner assumes full responsibility for the ongoing management and maintenance of the access road connecting the site to Mooleric Road to the extent required to provide access to the site by heavy vehicles. All costs associated with the maintenance of the access road on the site will be borne by the owner and the Responsible Authority will not provide any financial or operation assistance.**

Expiry Condition

- 30. The permit will expire if the use is discontinued for a period of 3 years.**

Note: The Responsible Authority may extend the periods referred to if a request is made in writing in accordance with the timeframes specified in s69 of the Planning and Environment Act 1987.

3. PROPOSAL

This planning permit application relates to land at 365 Mooleric Road Ombersley, located within a Farming Zone, with a site area of 204.7 hectares.

The application seeks retrospective approval for the use and development for industry, (cutting, storage and wholesale distribution of stone) and a reduction to the car parking requirements (3 car spaces).

The use commenced in 2024 without planning approval and ceased on January 2026 after Council initiated VCAT proceedings. The application seeks to formalise and regularise the previous operations.

The proposal applies to an area in the northeast section of land, is located on an existing gravel hardstand and is adjacent to the wind farm. The application seeks approval for the following:

- The importation of stone from external quarries.
- Cutting and processing of stone within an enclosed shed using wet cutting methods, powered by a 110 KVA diesel generator.
- Onsite storage and palletisation of the processed stone.
- Wholesale distribution of finished stone products and no onsite retail.
- Associated office and staff amenities, car parking, access arrangements and water recycling infrastructure.
- Hours of operation of 7:00am-5:00pm Monday to Saturday with a total of four (4) staff.
- Approximately 15 truck deliveries of raw stone per month (import) and 12 truck movements per month associated with the removal of processed stone (export).
- Deliveries and collections are undertaken by tandem tippers with tri-axle trailers, weighing approximately 42.5 tonnes when fully loaded.

Note that the application does not include extractive industry and expressly excludes the extraction, removal or processing of any stone sourced from the subject land.

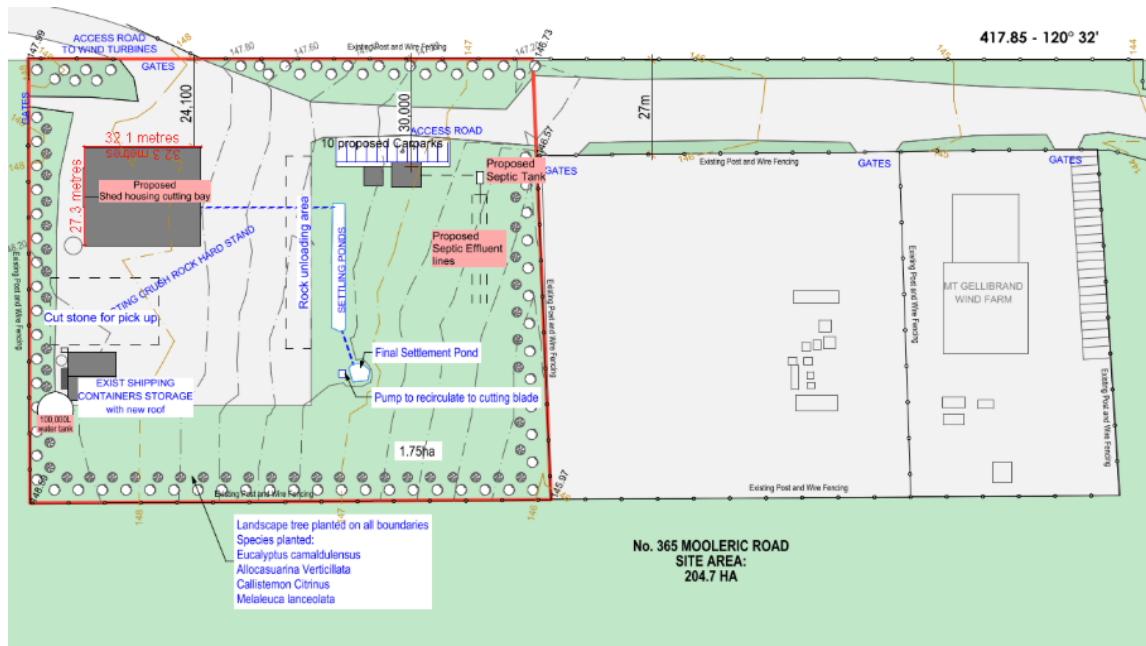


Figure 3 – Proposed Site Plan

4. SUBJECT LAND & SURROUNDINGS

Subject Site

The subject site is known as 365 Mooleric Road, Ombersley which is a large rural holding of approximately 204.7 hectares located within the Farming Zone (FZ). The area affected by the application is approximately 1.75 hectares which comprises gravel hardstand area located in the north-eastern portion of the site, adjacent to the wind farm infrastructure and internal access roads. The permit applicant states that the site was previously used as a concrete batching plant, although no historical planning permit has been located for this use.

The balance of the land (approximately 202.95 hectares) is intended to remain productive agricultural use, being sheep and beef cattle production. The balance of the land has 44 × 3 MW wind turbines as part of the Mount Gellibrand Wind Farm (Planning Permit PL-SP/05/0257, dated 18 August 2006).

Vehicular access to the site is via a private access road connecting to Mooleric Road, an unsealed gravel rural road that serves nearby agricultural and industrial land uses. Mooleric Road connects to the Princes Highway approximately 4.4 kilometres south of the subject site.

Surrounding Area

The area is predominantly rural and agricultural in nature, characterised by a mix of agricultural uses, rural infrastructure, established extractive and energy-related activities.

The Mount Gellibrand Wind Farm is a key feature of the area, occupying parts of the subject land and surrounding properties which includes wind turbines, operations and maintenance facilities, internal access roads and associated infrastructure.

There is an operational quarry located at 320 Mooleric Road to the south-east operated by Birregurra Resources. The quarry extracts, processes, aggregates and crushes rock for construction and landscaping. That permit was issued in June 2017 (PP169/2014) which has

an extensive history. This permit was ultimately granted at the direction of the Governor-in-Council in June 2017, with the following hours of operation (condition 6):

- 7am to 6pm (Monday to Friday)
- 7am to 1pm (Saturday)
- No operation on Sunday or Public Holidays
- No truck is to enter the site prior to 7.15am

Condition 23(a) of that permit also restricts the speed of trucks to no more than 40 km/hr on Mooleric Road between the site and the Princes Highway. Trucks may only enter from the south.

To the east and on the same land as the quarry, a Planning Permit (PP159/2023) was recently approved, allowing the construction of a broiler farm for a maximum of 1.56M birds. That permit allows the construction of four manager (caretaker) residences and construction has not yet commenced. The nearest dwelling is located approximately 2kms from the proposed site.

The above operations contribute to an established semi-industrial presence within the broader rural and agricultural landscape.

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

The relevant sections of the Planning Policy Framework are clauses 02.02 (Vision), 02.03 (Strategic Directions), 02.04 (Strategic Framework Plans), 15.01-1S (Urban Design), 15.01-2S and 15.01-2L (Building Design), 17.01 (Employment), 17.01-1S, 17.01-1R and 17.01-1L (Diversified Economy), 18.02-4S (Car Parking) and 19.03 (Development Infrastructure).

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, subject to standard conditions being included on any planning permit granted.

External Referrals

The application was referred to the Department of Energy, Environment and Climate Action (DEECA) who did not object to the application and did not recommend any conditions. The application was also referred to First Peoples – State Relations who did not respond.

7. PUBLIC NOTIFICATION & RESPONSE

Public notice of the application first occurred in March 2025 with 11 objections received. The application was then amended (February 2026) to remove all proposed extractive components on site to focus on industrial processing of stone imported from external quarries.

A second round of public notice was undertaken in March 2026 with no new objections and no previous objections withdrawn.

Five letters of support were received from local businesses generally in the field of transport, construction or landscaping.

Objectors raised concerns with the process employed by the owner, seeking to authorise a land use which previously operated without a permit, compatibility with the Farming Zone, traffic and safety, amenity impacts (dust and noise), environmental and land management impacts, cultural heritage and impacts on the adjacent wind farm.

8. OFFICER'S ASSESSMENT

Key planning issues for Council consideration include:

- The appropriateness of approving an industrial use within the Farming Zone, having regard to the purpose of the zone.
- Land use compatibility with surrounding agricultural, wind energy and quarry operations.
- Traffic, access and road maintenance impacts, particularly where infrastructure is shared with other permitted uses.
- Whether potential amenity and infrastructure impacts can be adequately managed through permit conditions.

Strategic and Policy Context

The land is within the Farming Zone where the primary purpose is to support agriculture while allowing certain non-agricultural uses, including industry, subject to assessment of land use compatibility, environmental impacts, and protection of agricultural values.

The proposal generally supports Council and planning policy objectives which encourage economic diversification and employment opportunities within rural areas, particularly where industry relates to regional resource supply chains.

The application indicates the operation supports a small workforce and services downstream construction and landscaping industries, contributing to the broader regional economy.

Farming Zone

The area subject to the application is 1.75 hectares, located on an existing gravel hardstand in the north-eastern portion of the site. The balance of the land (approximately 202.95 hectares) will continue to be used for sheep and beef cattle grazing and for the wind turbines associated with Mount Gellibrand Wind Farm.

The presence of an established quarry along Mooleric Road combined with the approved broiler farm demonstrates a transition from agricultural uses to a mix of agricultural and rural industries. These uses are not considered to compromise the agricultural character of the area. The proposal will provide economic and employment benefits through support of regional construction and landscaping supply chains contributing to the rural economy.

The proposal is confined to a small portion of the land, does not result in the permanent loss of productive agricultural land, nor does it constrain the agricultural use of the balance of the site.

Protection of Agricultural Land

The proposal occupies a small portion (<1%) of the site and is located already on existing hardstand not used for grazing or cropping. The balance of the land is intended to continue with the agricultural use while supporting the wind farm. The proposal does not materially constrain agricultural operations on the remainder of the site.

While the introduction of an industrial use represents a departure from the purpose of the Farming Zone, this departure is not uncommon with surrounding land uses including the wind farm, a quarry and the approved broiler farm. Subject to planning approval, a Land Management Plan should be requested as a condition outlining how the agricultural use will continue to form the dominate land use on the site.

Land Use Compatibility and Amenity

The site benefits from substantial separation distances to surrounding dwellings (exceeding 2 kms). All stone cutting activities are proposed to occur within an enclosed shed and utilises wet cutting, which significantly reduces dust generation. Given this, it is not expected to cause any adverse noise or amenity impacts from the operations.

Objections raised concerns regarding noise, dust, traffic impacts, and shared access infrastructure. While technical material submitted with the application concludes impacts are manageable, the interface between multiple industrial uses within a rural setting remains a key planning consideration, particularly given shared road infrastructure and differing maintenance obligations.

Subject to planning approval, conditions should be imposed to limit any adverse impacts on surrounding uses.

Traffic Impacts

The Traffic Impact Assessment (TIA) provided with the application concludes that the anticipated vehicle movements are low and will be accommodated by the existing road network without any upgrades. The use would take benefit from the upgraded Mooleric Road/Princess Highway interchange.

Mooleric Road is noted on Council's Roads Register with a 'minor' classification with a seal. The sealed section of the road terminates approximately 2.6kms from the Princes Highway-Mooleric Road intersection to the south of the subject site, at the driveway entrance to the quarry at 320 Mooleric Road.

Approximately 30 truck movements are proposed per month, split between importing raw materials and exporting of finished product. For comparative purposes, the nearby quarry generates 1,200 movements per month while the approved broiler farm anticipates 140 truck movements and 90 light vehicle movements per month.

Tube counts undertaken as part of the TIA between 2-8 December 2025 noted between 49-129 vehicle movements per day on Mooleric Road. An additional 30 truck movements per month would not result in the operational capacity of Mooleric Road being exceeded.

In terms of speed, heavy vehicles utilising the quarry are limited to 40km/hr on Mooleric Road as a result of a permit condition. A similar condition was contemplated for the nearby broiler farm application, however VCAT ultimately decided against it as per the below:

“(141) It has been pointed out to us that the Quarry planning permit imposes a speed limit on the quarry trucks. We are not persuaded imposing a permit condition restricting the broiler farm truck speed limit to 40km/h for acoustic reasons is necessary or acceptable in this case. It is not necessary because the acoustic evidence demonstrates there is minimal to no acoustic benefit in reducing the speed. It is not acceptable because this proposal will result in more traffic on the road where some traffic will not have a constrained speed limit. For example, if a 40km/h speed restriction was imposed on the B-doubles and semi-trailers associated with this proposal and the quarry trucks, all other vehicles still have the right to travel at 100km/h. An alternate example is a 40km/h speed limit on all trucks where other vehicles still have the right to travel at 100km/h. These speed differences may create traffic safety impacts. As there is no traffic engineering evidence before us, we are unable to make a finding about this. In any event, it seems to us council acting in its role as the road manager is the appropriate authority to decide what is safe for the traffic travelling on Mooleric Road.”

While the existing 40km/hr speed limit signs along Mooleric Road for ‘Quarry Trucks’ may inadvertently reduce the speed of heavy vehicles travelling to the subject site, it is not considered necessary to apply a condition to that effect. As VCAT highlighted above it would be for Council (as the road management authority) to decide on the speed limit for Mooleric Road for all heavy vehicle traffic. Council’s Infrastructure Department have confirmed that they will be undertaking a Road Safety Audit to determine future speed limit changes.

As part of the broiler farm application, the Department of Transport and Planning imposed permit conditions also require upgrades to the Mooleric Road/Princes Highway intersection which include:

- The existing ‘Give Way’ signs at the intersection of the Princes Highway and Mooleric Road replaced with a ‘Stop’ sign and stop line.
- ‘Stop Sign Ahead’ signs erected on Mooleric Road approaching the Princes Highway.
- Relocate or replace the road name sign and ‘quarry’ sign located on the approach to Mooleric Road from the Princes Highway to maximise sight lines for vehicles exiting Mooleric Road onto the Princes Highway.

These improvements will benefit the proposed application, and indeed all road users.

Car Parking

The statutory car parking rate for ‘industry’ is one space to each 100 square metres of leasable floor area. With a leasable floor area of 480sqm, the use generates a statutory car parking rate of 13 spaces. Given the site area, the intended use and the amount of staff present (4) the 10 spaces provided on site is more than sufficient to cater for the use and the reduction is therefore supported.

Infrastructure Impacts

Concerns have been raised regarding road wear, maintenance responsibilities, and cost sharing, particularly where access roads are subject to other existing permit obligations.

Specifically, Condition 8 of the Mount Gellibrand Wind Farm Planning Permit (PL-SP/05/0257, dated 18 August 2006) requires that:

“the use and development must be carried out in accordance with the endorsed traffic management and car parking plan and the costs of any works including maintenance are to be at the expense of the permit holder”.

Acciona, as the wind farm operator, submits that the access roads proposed to be used are wind farm access roads constructed and maintained under the 2006 permit for that purpose. Allowing heavy vehicles to use the access road may accelerate road deterioration and would create an unreasonable financial burden on the wind farm operator.

Acciona also refers to decommissioning obligations under the wind farm permit (Condition 35), which requires access roads to be restored when turbines cease operation, and argues that uncontrolled third-party use may compromise that obligation.

The below image shows the extent of the private access road (blue) which traverses the subject site and the site to the north. The access road connects to Mooleric Road (orange) at its eastern end.

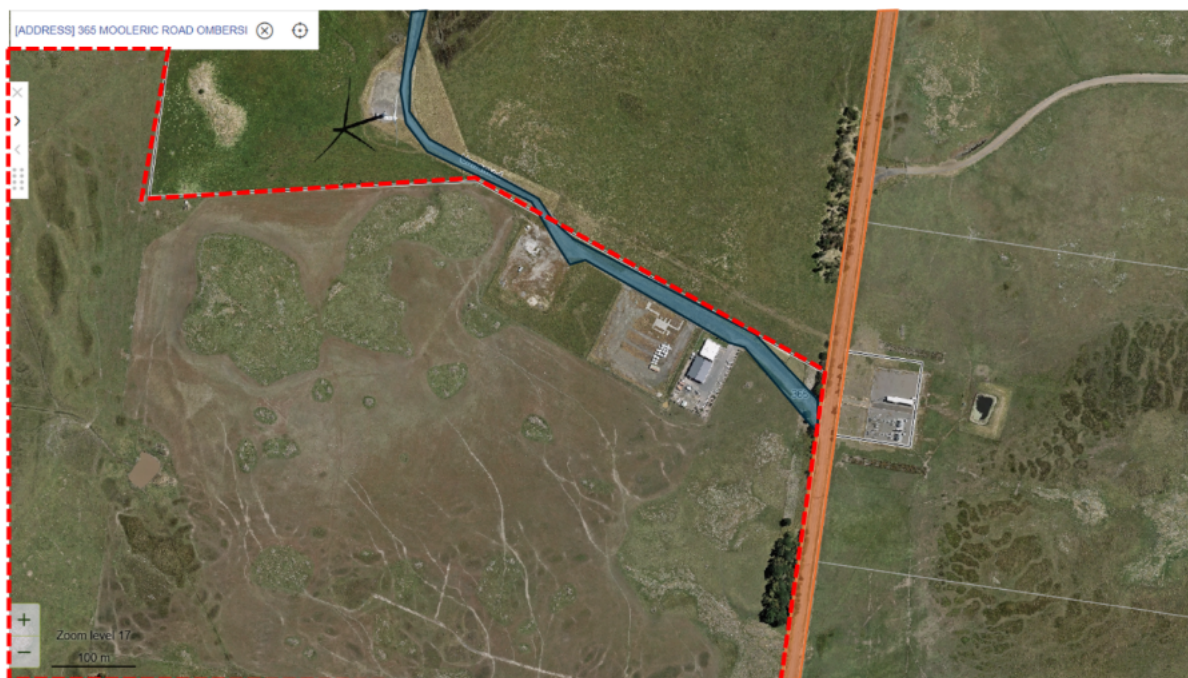


Figure 4 – Site (highlighted in red) with Mooleric Road (orange) and private access road (blue)

While these matters do not preclude approval, they are relevant to the imposition of permit conditions should the application be supported. Specifically, conditions aligning the operations to the wind farm permit conditions should be imposed for consistency and continuity.

Environmental and Land Management Considerations

The amended proposal removes onsite extraction, significantly reducing potential ecological, heritage and land disturbance impacts and no removal of native vegetation. The proposal will use a closed loop water reuse system, limiting wastewater discharge. Council's Infrastructure Department have requested a permit condition be imposed on any future permit issued to ensure appropriate management of stormwater.

Several submitters remain concerned about environmental oversight, compliance monitoring, and long-term operational controls, particularly given the retrospective nature of the application. Should a permit be granted, conditions should be imposed to address these issues.

Additionally, submitters raised concern regarding impact on Aboriginal Cultural Heritage. The below map shows areas of identified Aboriginal Cultural Heritage Sensitivity (yellow), which are located outside of the subject area (red). Nonetheless, the landowner remains responsible for compliance with the *Aboriginal Heritage Act 2006*, regardless of whether an artifact is found within or outside a mapped area. Additionally, DEECA did not object to the application and First Peoples – State Relations did not respond to Council's referral.



Figure 5 – Site area (highlighted in red) with areas of identified Aboriginal cultural heritage (yellow)

Retrospective Nature of Application

The retrospective nature of the application has no bearing on the decision before Council. The permit applicant abided by their commitment as part of the previous VCAT proceedings to cease operations by the end of January 2026. They have lawfully applied for a planning permit which Council must now assess.

Conclusion

The application aligns with Council and planning policy which seeks to allow limited non-agricultural uses that do not adversely affect the use of land for agriculture and which supports regional construction and landscaping supply chains and contributes to the diversification of the rural economy.

9. OFFICER DIRECT OR INDIRECT INTEREST

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



LOCALITY PLAN

NOTE: All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing	REVISIONS

Project Name	PLANNING PERMIT	Plot Date:	4/02/2026	Drawn:	WH
Client Name		Drawings:	PLANNING	Job No:	11518
Site	365 MOOLERIC RD OMBERSLY 3241	Drawing Title:	LOCALITY PLAN	Rev No:	
		Scale:	1 : 100 or as shown	Drawing No.:	P01



SITE PLAN 1:5000
1:5000

NOTE: All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing	REVISIONS

Project Name	PLANNING PERMIT	Plot Date:	4/02/2026	Drawn:	WH
Client Name		Drawings:	PLANNING	Job No:	11518
Site	365 MOOLERIC RD OMBERSLY 3241	Drawing Title:	SITE PLAN 1:5000	Rev No:	
		Scale:	1 : 100 or as shown	Drawing No.:	P02



SITE PLAN 1:1000

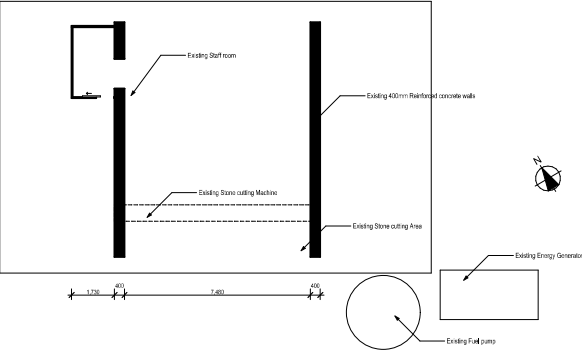
NOTE: All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing	REVISIONS

Project Name	PLANNING PERMIT	Plot Date:	4/02/2026	Drawn:	WH
Client Name		Drawings:	PLANNING	Job No:	11518
Site	365 MOOLERIC RD OMBERSLY 3241	Drawing Title:	SITE PLAN 1:1000	Rev No:	
		Scale:	1 : 100 or as shown	Drawing No.:	P03

1:500

REVISIONS

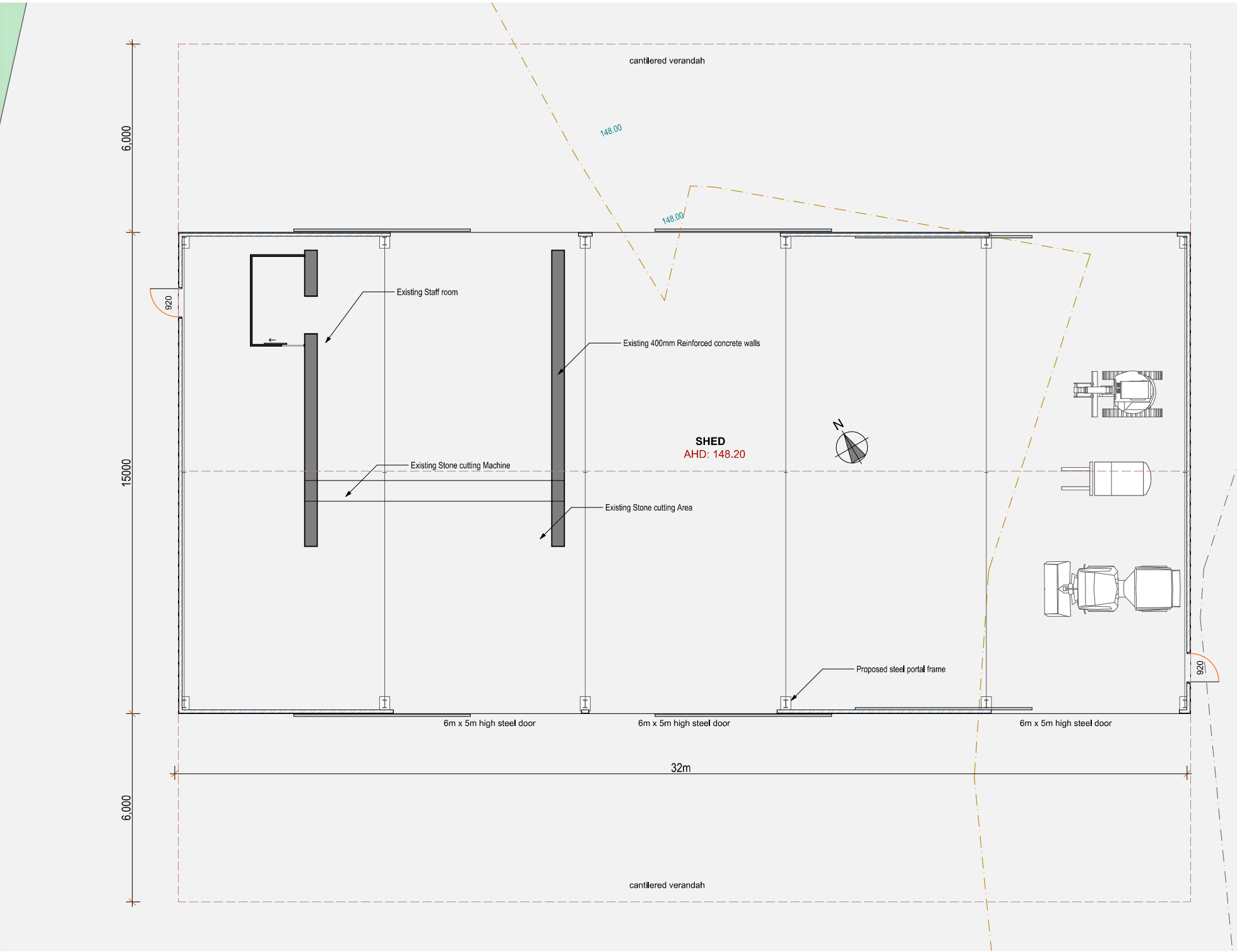
Drawing No.: **P04**



EXISTING CUTTING AREA FLOOR PLAN
1:200



EXISTING CUTTING WHEEL



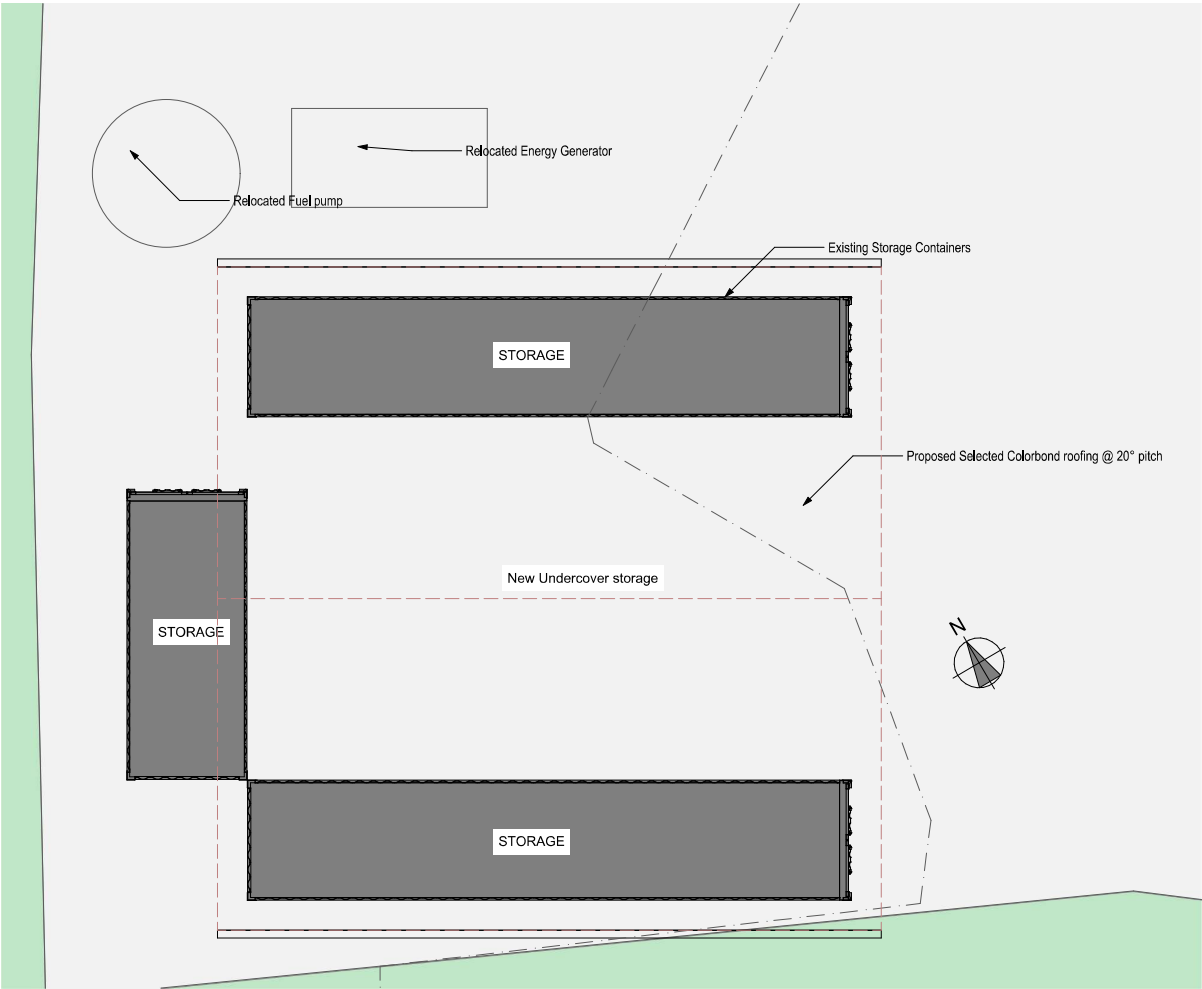
PROPOSED SHED FLOOR PLAN
1:100

NOTE:
All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing

REVISIONS

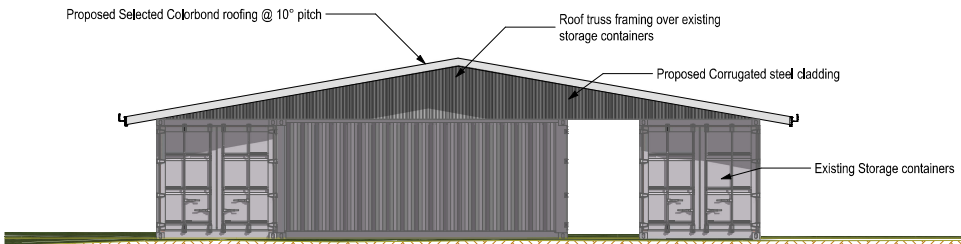
Project Name	PLANNING PERMIT
Client Name	
Site	365 MOOLERIC RD OMBERSLY 3241

Plot Date:	4/02/2026	Drawn:	WH
Drawings:	PLANNING	Job No:	11518
Drawing Title:	SHED PLANS	Rev No:	
Scale:	1 : 100 or as shown	Drawing No.:	P05



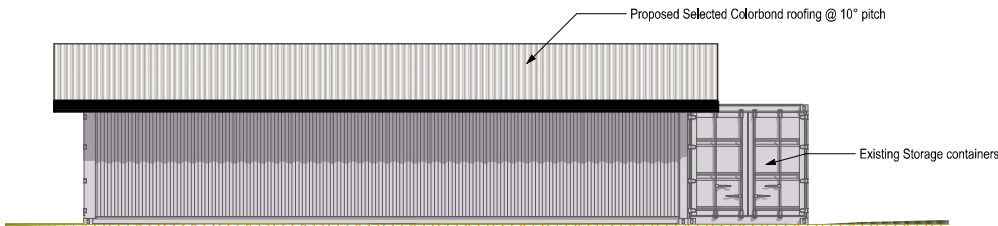
PROPOSED FLOOR PLAN

1:100



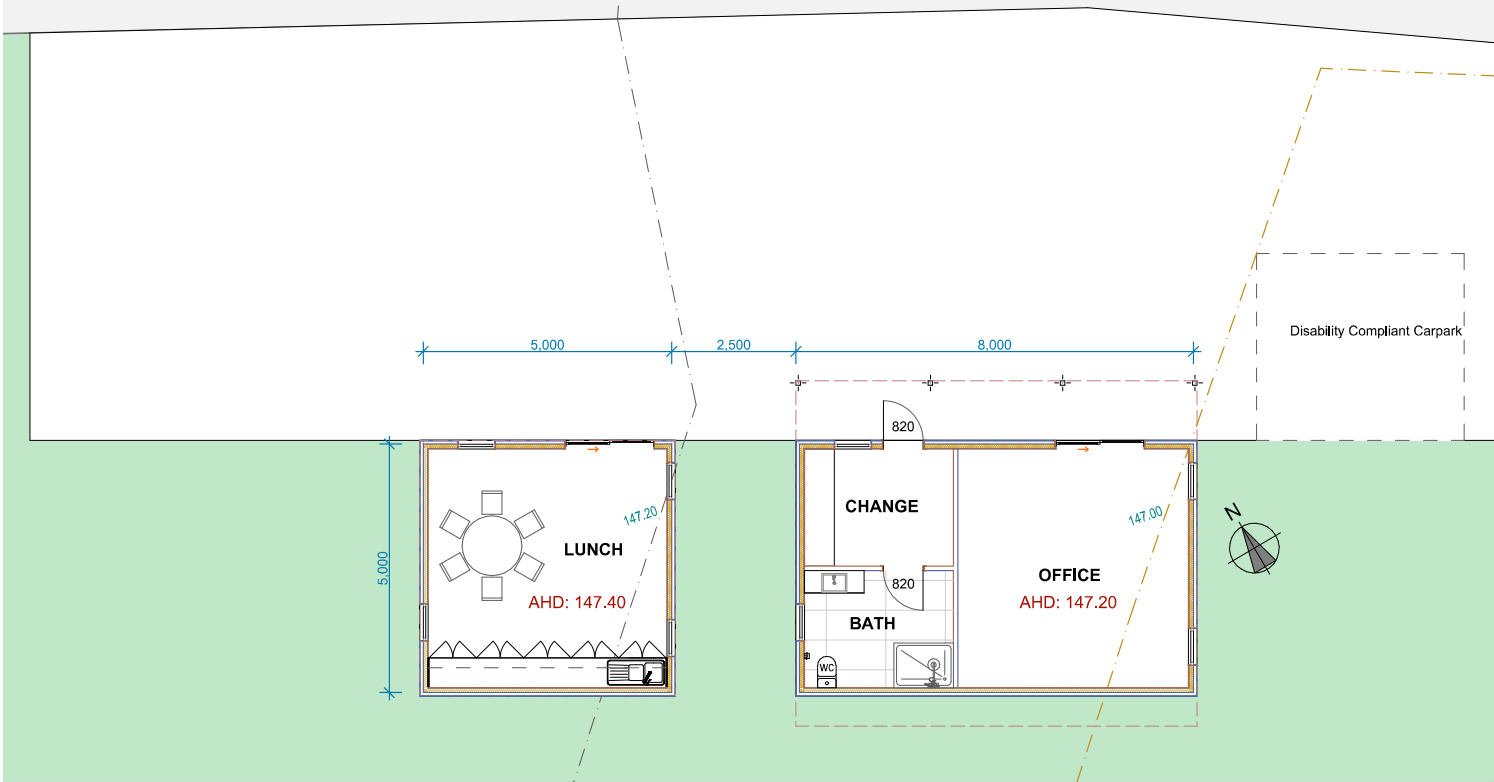
EAST CONTAINER ELEVATION

1:100



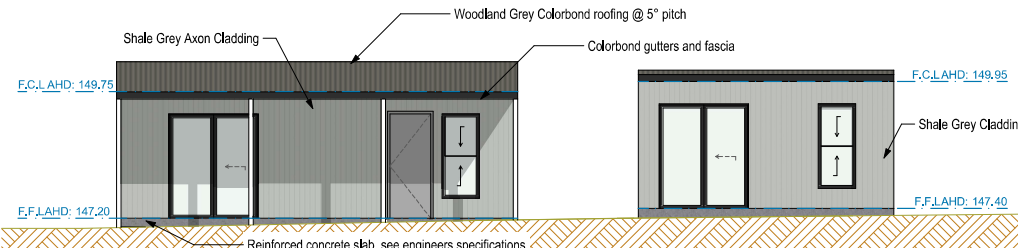
NORTH CONTAINERS ELEVATION

1:100



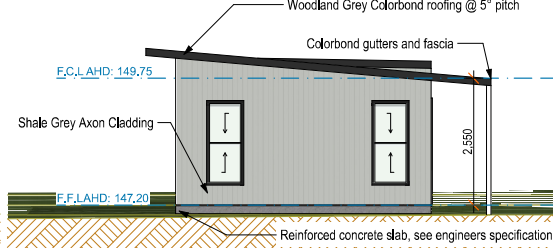
PROPOSED OFFICE FLOOR PLAN

1:100



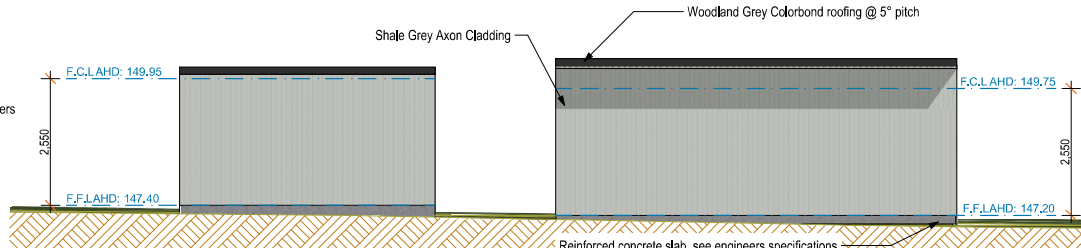
OFFICE NORTH ELEVATION

1:100



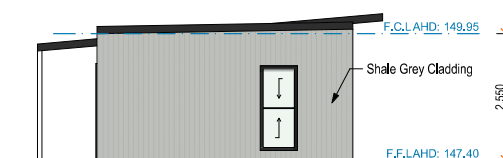
OFFICE EAST ELEVATION

1:100



OFFICE SOUTH ELEVATION

1:100



OFFICE WEST ELEVATION

1:100

NOTE:
All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing

REVISIONS

Project Name **PLANNING PERMIT**

Client Name

Site **365 MOOLERIC RD
OMBERSLY 3241**

Plot Date: 4/02/2026

Drawings: **PLANNING**

Drawing Title: **STORAGE & OFFICE PLANS**

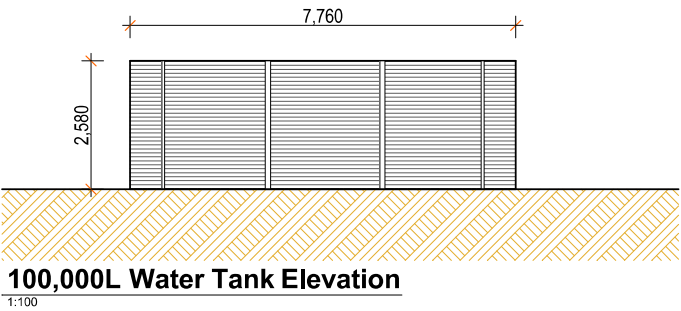
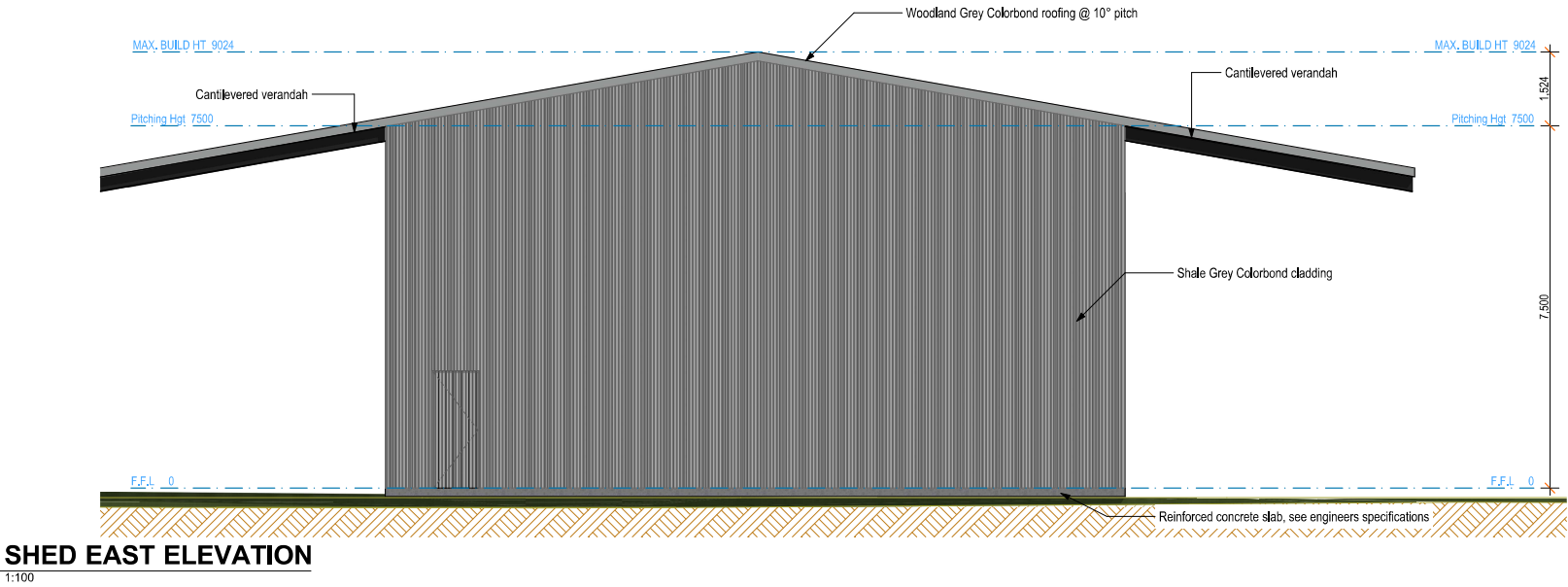
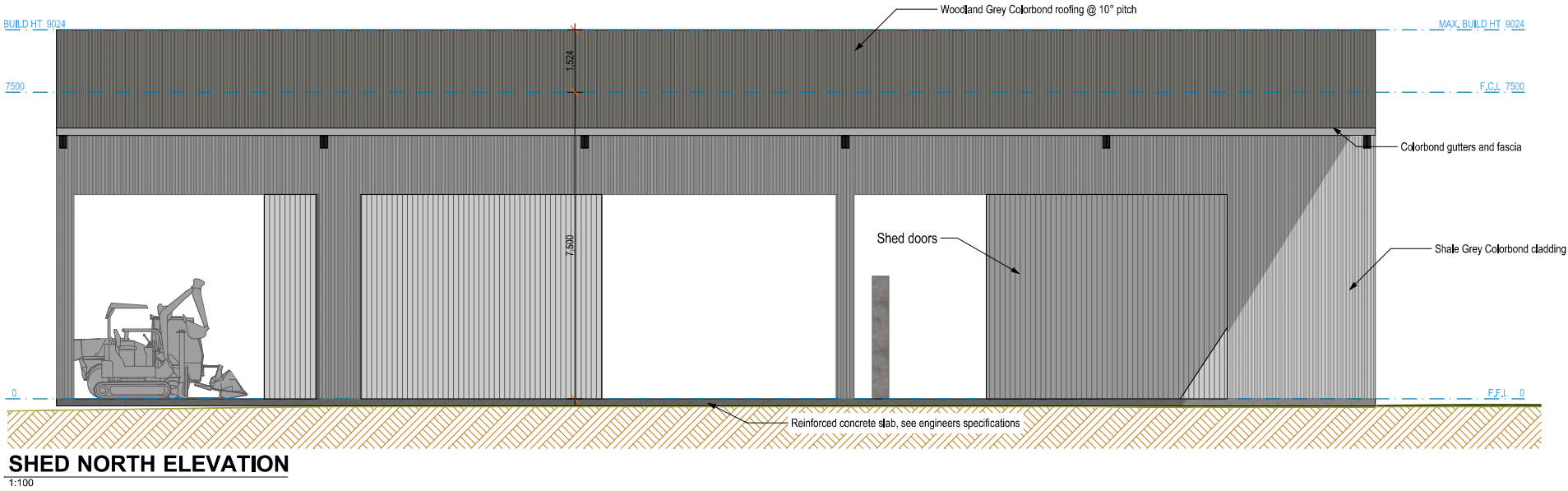
Scale: 1 : 100 or as shown

Drawn: **WH**

Job No: **11518**

Rev No:

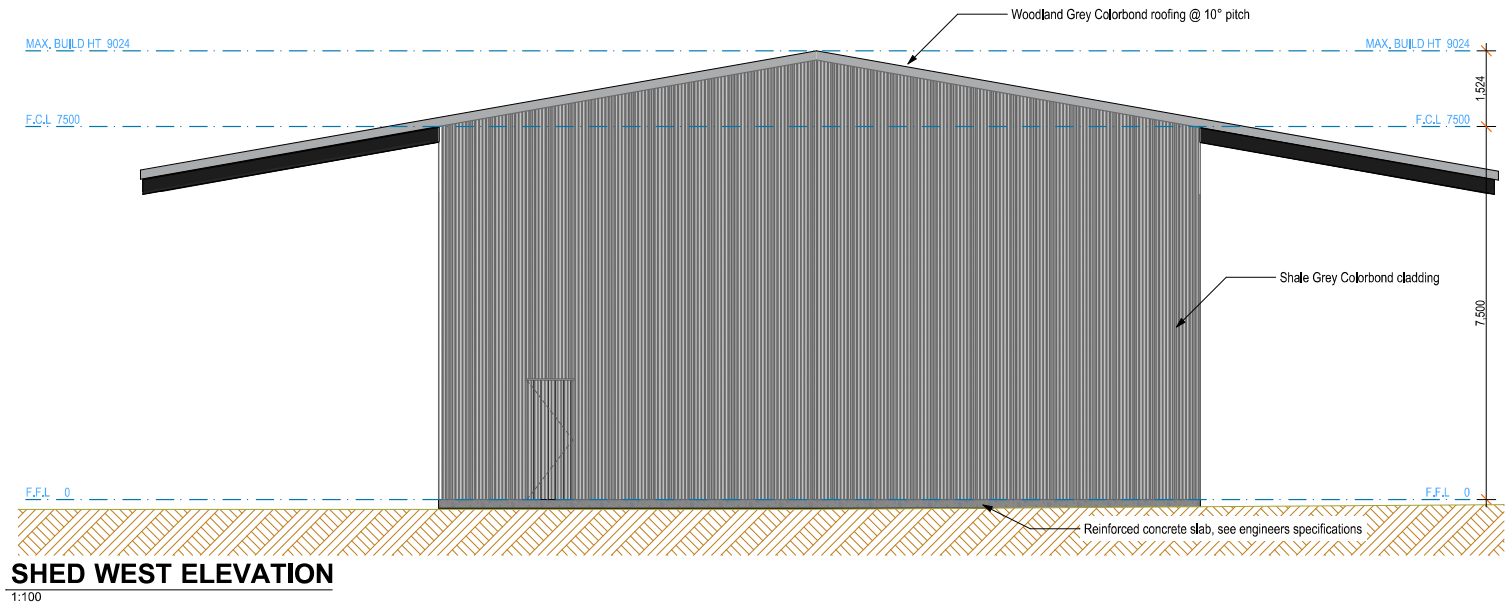
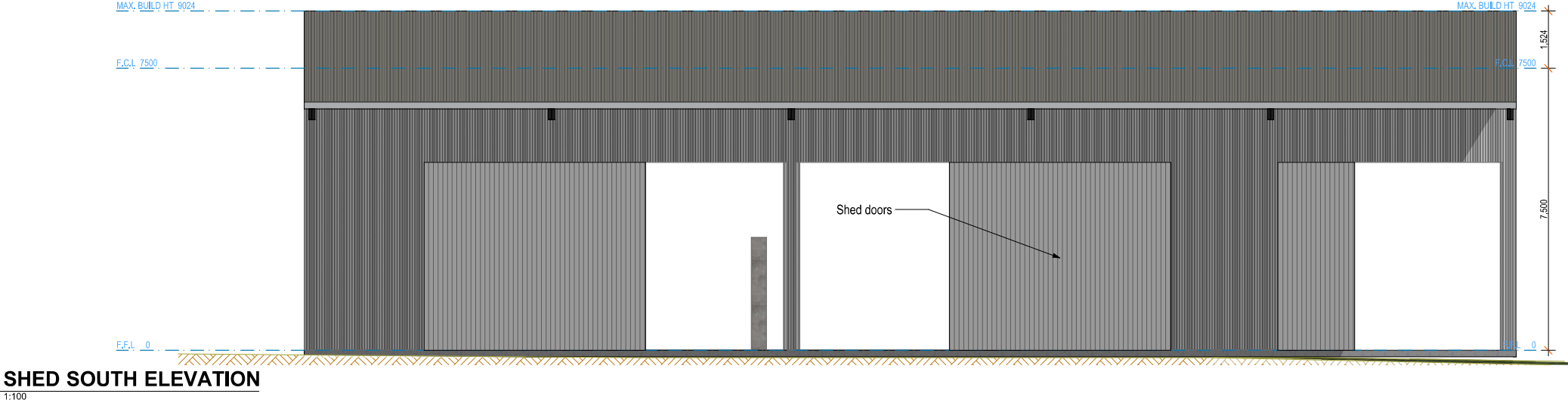
Drawing No.: **P06**



NOTE: All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing	REVISIONS

Project Name	PLANNING PERMIT
Client Name	
Site	365 MOOLERIC RD OMBERSLY 3241

Plot Date:	4/02/2026	Drawn:	WH
Drawings:	PLANNING	Job No:	11518
Drawing Title:	SHED ELEVATIONS	Rev No:	
Scale:	1 : 100 or as shown	Drawing No.:	P07



NOTE: All dimensions, levels & structure to be verified on site before commencement. These drawings are a schematic representation of the building structure and should be read in conjunction with specifications, Engineers drawings and standard building practices. Do not scale off drawing	REVISIONS

Project Name	PLANNING PERMIT
Client Name	
Site	365 MOOLERIC RD OMBERSLY 3241

Plot Date:	4/02/2026	Drawn:	WH
Drawings:	PLANNING	Job No:	11518
Drawing Title:	SHED ELEVATIONS	Rev No:	
Scale:	1 : 100 or as shown	Drawing No.:	P08



1:500

[illegible]

Plot Date: 4/02/2026	Drawn: WH
Drawings: PLANNING	Job No: 11518
Drawing Title: SITE PLAN 1:500 TRUCK PATH	Rev No:
Scale: 1 : 100 or as shown	Drawing No.: P09



23 February 2025

Senior Statutory Planner
Colac Otway Shire Council
Po Box 283
Colac VIC 3250

Via email: inq@colacotway.vic.gov.au

PLANNING APPLICATION: PP124/2024-1
SUBJECT LAND: 365 Mooleric Road, OMBERSLEY
PROPOSAL: Use and development of the Land for Industry

Hansen Partnership acts on behalf of [REDACTED] (the Permit Applicant) in relation to this matter.

I refer to Council's Request for Further Information (RFI) dated 16 October 2025 and provide the following responses to the specific items of further information requested. These responses should be read in conjunction with the appended:

- Application to amend a Planning Permit Application pursuant to Section 57A of the *Planning and Environment Act 1987*.
- A Planning Memo, which provides:
 - a detailed and accurate description of the amended proposal; and
 - A detailed assessment of the amended proposal against the applicable provisions of the Colac Otway Planning Scheme.
- Amended plans, which provide a clear graphic representation of the amended proposal and the area of land to which the amended application applies.
- A Traffic Impact Assessment, which details (as requested by Councils' RFI and in addition to other matters):
 - Proposed sources of rock:
 - Proposed vehicle movement routes:
 - Anticipated vehicle movements on daily basis:
 - Proposed hours of operation:
 - Any necessary improvements to the road network.
- Correspondence from the EPA which confirms the basalt cutting activity is not a prescribed activity per Schedule 1 of the Environment Protection Regulations 2021 and does not require a permission from EPA.

HANSEN PARTNERSHIP
Melbourne | Byron Bay | Vietnam
ABN 20 079 864 716

Level 10,
150 Lonsdale Street,
Melbourne, VIC, 3000

☎ 03 9654 8844
✉ info@hansenpartnership.com.au
🌐 hansenpartnership.com.au

	FURTHER INFORMATION REQUESTED	RFI RESPONSE
1	<i>Please note there a fee required to be paid to amend the application after notice.</i>	It is requested that Council issue an invoice for the amendment of the application after the giving of notice.
2	<i>I note the application was amended on 25/09/2025 by Geoff Beach to remove the extraction of embedded rocks. However, I would also point out that the 'applicant' as recorded on the submitted application form signed 29/11/2024 is Rosevear Planning Associates. Please advise and provide an updated application form if necessary.</i>	Please refer to the enclosed application to amend a Planning Permit Application pursuant to Section 57A of the <i>Planning and Environment Act 1987</i> and the associated Planning Memo. These documents confirm that: 1. The amended proposal does not include the extraction of embedded rocks. 2. As is detailed on the submitted application form, the permit Applicant is Hansen Partnership
3	<i>Please confirm that the proposal only relates to land at 365 Mooleric Road OMBERSLEY Lot: PT 3 PS: 429092 V/F: 10470/618 Parish of Turkeith, noting that the application has recently been amended. To avoid confusion, it would be helpful if all lots which form the subject of this application could be clearly identified.</i>	We confirm that the proposal relates only to land at 365 Mooleric Road OMBERSLEY Lot: PT 3 PS: 429092 V/F: 10470/618 Parish of Turkeith. There is no other land affected by the amended application.
4	<i>The site plan must be amended to clearly identify the area of land to which this application relates. If this now only applies to land associated with the cutting of stone, car parking and associated buildings, then the site plan should reflect this.</i>	Please refer to the enclosed amended site plan, which clearly identifies the area of land to which the amended application applies.
5	<i>Please confirm that this an accurate description for the proposal.</i> <i>"Use and Development of land for the purpose of an Industry (cutting, storage and wholesale distribution of stone) on 365 Mooleric Road OMBERSLEY and to reduce the statutory car parking requirements".</i>	Please refer to the enclosed and application to amend a Planning Permit Application pursuant to Section 57A of the <i>Planning and Environment Act 1987</i> and associated Planning Memo. The appended application form set out all the matters for which the amended proposal triggers a planning permit requirement under the Colac Otway Planning Scheme, specifically: • Clause 35.07-1 (FZ): Use of land for Industry. • Clause 35.07-4 (FZ): Buildings and works associated with a Section 2 use (Industry). • Clause 52.06-3: To reduce the minimum number of car parking spaces required under Clause 52.06-5. The appended Planning Memo provides a detailed description of the amended proposal.

6	Existing rockpiles <i>While the amended proposal has been noted, it remains unresolved whether the application continues to seek approval to utilise stone from the existing on-site stockpiles (i.e. loose rock piles) and transport this to the cutting area for processing.</i> <i>You are requested to confirm, without ambiguity, whether the amended proposal relies on the use of these existing on-site loose rockpiles, or whether all stone proposed for processing will be imported to the site from external sources.</i>	We confirm that the amended proposal involves, only, the importation of stone from external sources. The amended proposal does not seek approval to extract, remove, treat or process any stone sourced from the subject land, including but not limited to from existing on-site rockpiles.
7	<i>To be considered if loose rockpiles are to be utilised</i> <i>Your letter dated 16/01/2025 advises that “the proposal is focussed on the processing of loose rock piles on the property only. Once this material is exhausted, the process will cease unless further approval is granted by the Responsible Authority”.</i> <i>Council has proceeded to date on the basis that “loose rocks” are rocks that are located on the surface of the ground. Council previously advised you that it does not accept that the removal of embedded rocks/stone can be characterised as agricultural pasture improvement when they are being removed for processing /cutting plant as part of the industrial use. Clarification around this point is required. If the existing on-site stockpiles are to remain in situ and are no longer forming part of this application, please confirm that the ‘rock piles map’ etc no longer forms part of the application documentation.</i>	We confirm that the existing on-site stockpiles are to remain in situ, and their extraction, removal, treatment or processing no longer forms part of the amended proposal. On this basis, we confirm that the previously submitted ‘rock piles map’ no longer forms part of the application documentation.
8	<i>If the removal of stone from onsite stockpiles no longer forms part of this application, please update the [REDACTED] Planning Report to reflect the application ‘as amended’ on 25/09/2025, as the current report is inaccurate.</i> <i>In addition, the report references both 365 Mooleric Road OMBERSLEY Lot: PT 3 PS: 429092 V/F: 10470/618 Parish of Turkeith and 432 McDonnells Road Ombersley Lot 2 PS429092B V/F: 10470/617 Parish of Turkeith. 432 appears to have been removed from the application site. Similarly, if 432 McDonnells Road Ombersley is included in the application, then the report should reflect this.</i>	The previously submitted [REDACTED] Planning Report does not form part of the amended application. As such, rather than updating the previously submitted [REDACTED] Planning Report as requested, please refer to the appended Planning Memo which provides a detailed and accurate description of the amended proposal.

9	DEECA outstanding information – rock piles DEECA advised on 28/04/2025 that the application does not include an ecological assessment, and thus there is insufficient information regarding potential impacts to native vegetation and the impacts to threatened species. DEECA Regions is concerned that these rock piles may have now become refuge for native fauna including threatened fauna such as Striped Legless Lizard, Tussock Skink and Fat-tailed Dunnart. Furthermore, the placement of these stone piles may be in areas of native vegetation, and thus their removal may impact the native vegetation within these areas. Particularly, any of the rock piles that are located within the mapped wetland. The information provided in the application does not support the Department of Energy Environment and Climate Action (the Department) or the Responsible Authority in making a proper assessment of the proposed extractive industry at the site. Therefore, DEECA Regions recommends that further information is sought that includes: <u>Flora and Fauna Assessment</u> 1. A flora and fauna assessment of 365 Mooleric Road and 432 McDonnells Road, Ombersley (including all areas of rock collection) prepared by a suitably qualified and experienced person to the satisfaction of the responsible authority. The assessment should include: a. c. A flora and fauna survey. b. A habitat hectare assessment. c. Identification of the vegetation and native fauna habitat across the two properties. d. The total extent of vegetation on the property and the extent of native vegetation proposed to be removed, lopped or destroyed. e. A description of the steps that have been taken to avoid and minimise the removal of native vegetation and the removal of native fauna habitat including the practicality of alternative options which do not require the removal of these values. If no stone from the subject site is to be used, it is likely that the flora and fauna assessment from DEECA may not be required. However, this will ultimately depend on the final form of the proposal and confirmation from DEECA.	As noted above, we confirm that the amended proposal does not seek approval to extract, remove, treat or process any stone sourced from the subject land (including from existing on-site rockpiles). On this basis, we are of the view that the requested item of further information (Flora and Fauna Assessment) is not necessary to inform the assessment of the amended proposal by Council and DEECA. We appreciate however that this will only be confirmed by Council and DEECA following referral and review of the amended application.
---	--	--

10	Farming Zone/Agricultural Activities <i>I note from the amended application form that 'rock will be brought in from other sources and not from Geoff Beach's property'. Rocks sourced externally, brought onto the site, cut onsite and sold.</i> <i>If rock is intended to be sourced offsite and brought onsite, please advise of the intended ongoing operations for the remainder of the site, and how this use will support the agricultural productivity on the land and whether this land is intended to be used for extensive grazing of livestock or cropping.</i>	As is detailed in the appended plans, that part of the subject site affected by the amended application is 1.75ha in area, and predominantly comprises a large and existing gravel hardstand area that is not currently utilized for productive agricultural purposes. The balance of the subject site (202.95ha) is intended to continue to be utilized for productive agricultural purposes, namely sheep and beef cattle production. In theory, the proposal would result in 0.85% of the total site area of 204.7ha being lost to productive agricultural use. However, as noted above that part of the subject site affected by the amended application predominantly comprises a large and existing gravel hardstand area that is not currently utilized for productive agricultural purposes. For these reasons, it is our submission that the amended proposal does not substantially detract from the productive agricultural capacity of the subject site. It is also noted that should the amended application be approved and the current proposal cease operations in the future, by the nature of the proposal the area affected by the amended application could readily revert to productive agricultural use.
11	Truck Movements <i>Please advise whether onsite movement of stone across the paddocks is no longer proposed under this application.</i>	We confirm that, under the amended application, the onsite movement of stone across the paddocks of the subject land is no longer proposed.
12	<i>Please advise whether there will be any additional truck movements as a result of stone being brought into the site? If so, please advise of the size of truck, number of movements per day/week and times.</i>	Please refer to the appended Planning Memo which details proposed truck movements associated with the amended proposal.
13	<i>Please advise whether additional tonnage of rock beyond 5,000 and 10,000 tonnes a year will be brought into the site as a result of the amended proposal?</i>	Please refer to the appended Planning Memo which details anticipated maximum volumes of rock. In summary, the amended proposal is predicated upon an anticipated maximum of 10,000 tonnes per annum being brought to the site.
14	<i>Council's Infrastructure Department has requested a Traffic Impact Assessment. The report must detail the source of rock and how rocks are planned to be brought to site including the no. of trips that will be generated on daily basis and the proposed hours of operation.</i> <i>Council's Infrastructure Department Road notes that road upgrade works may be required depending on the findings contained within the traffic report.</i>	Please refer to the appended Traffic Impact Assessment.

15	Water Recycling <i>The further information response dated 29/11/2024, advises that there will be an on-site process for water recycling which would use the stone sludge at the end of the water recycling to make chemical free agricultural fertiliser. Please provide additional details in relation to this process as its not entirely clear how this would occur and what onsite wastewater treatment processes will be undertaken.</i>	Water for processing is intended to be sourced from rainwater collected from the roofs of proposed buildings and stored in the proposed on-site rainwater tanks. The intent is to collect and store rainwater for use during processing, with post-processing water directed to on-site settling ponds, with settled water then pumped back to the cutting bay for (re)use during processing; this is effectively designed to be a 'closed loop' system, negating the need for the sourcing of water from any dams or from groundwater sources. It is anticipated that 50 litres per day will be required for proposed processing operations. In the event that (for example during drought conditions) insufficient water was available in the proposed on-site rainwater tanks, water would be carted to site and filled into the proposed on-site rainwater tanks for use within the proposed 'closed loop' system.
16	<i>The information provided in Rosevear Planning Associates RFI response and objector response provides contradicting information regarding where water will be sourced from in association with the proposal. There appears to be considerable contradiction between the letters of 16/01/2025 and 28/05/2025. Council requires clarity on:</i> <i>a) Where the water will be sourced from. i.e. is groundwater being used? If so, a groundwater monitoring plan should be provided to prevent pollutants and contaminants from entering the aquifer.</i> <i>b) If water is to be sourced from a dam, please include a plan that shows the dam location as well as dam capacity, water/pipe runs and whether these are existing or proposed. All works associated with the water/pipe run must be shown on the site plan and details provided.</i> <i>c) In the event that dams on the property are dry, will water be brought into the site and where will this be stored?</i> <i>d) If a dam is to be used, even only in drought season, information on how the dam is currently used, any associated licenses and how any potential impacts to the existing / licensed dam use will be managed.</i> <i>e) What licences will be required for the use of the dams, noting that this dam is licenced for agricultural purposes and not commercial.</i> <i>f) How much water will be used in associated with the proposed use.</i> <i>g) How will wastewater will be managed to avoid potential contamination on and offsite. A wastewater</i>	a) Water will be sourced from roofs and stored in proposed rainwater tanks. In exceptional circumstances, water would be carted to site. b) Water is not proposed to be sourced from a dam. c) In exceptional circumstances, water would be carted to site and stored within the proposed on-site rainwater tanks. d) Water is not proposed to be sourced from a dam. e) Water is not proposed to be sourced from a dam. f) 50 litres per day will be required for proposed processing operations. g) Post-processing water will be directed to on-site settling ponds, with settled water then pumped back to the cutting bay for (re) use. It is our submission that such a 'closed loop' system, involving the use of 50 litres of water per day, negates the need for the amended application to be informed by a Wastewater Management Plan as requested, and that any potential concerns with the management of water associated with the amended proposal could be readily addressed via appropriate conditions of permit, should the amended proposal ultimately be approved. h) The submitted site plan shows the key elements of the proposed 'closed loop' system and identifies those that are existing and proposed.

	management plan should be prepared by a suitably qualified person. h) Your letter dated 16/01/2025 advises that wastewater is proposed to be recycled by return flow into settling ponds (35m x3.0m x1.0m deep). Please show these ponds on the site plan and advise what works (if not existing) are required to create these ponds. The RFI response dated 16 January 2025 advises: 'The stones are cut with a diamond blade saw that uses water to cool the blade and suppress dust. The water supply is sourced from a registered dam on the property and recycled by return flow and settling ponds (35m x 2.0m x 1.0m deep)' and 'Emissions from the proposal will be effectively limited to a slurry of rock dust and water. The water is recycled to a nearby dam on the site, which is registered for irrigation purposes and the rock dust (effectively soil) will be extracted via a settling pond and distributed across the wider property.' Comparatively, Rosevear Planning Associates response to the concerns raised by objectors advises: 'The proponents have no intention of using ground water in any of the processes associated with the proposal. Sufficient rainwater will be collected from the roof of the proposed shed to satisfy cutting requirements etc. and in the event of a drought, water will either be brought from one of the registered commercial dams on the property or bought in tanker loads. All cutting processes will use recycled water.'	
17	A Stormwater Strategy Report addressing how the stormwater will be managed at site to prevent pollution and possible contamination.	It is our submission that a 'closed loop' system, involving the use of 50 litres of water per day, negates the need for the amended application to be informed by a Stormwater Strategy Report as requested. We further submit that that any potential concerns with the management of water associated with the amended proposal could be readily addressed via appropriate conditions of permit, should the amended proposal ultimately be approved.

18	Proposed Buildings/Dust/Noise The letter dated 16/01/25 notes that “all cutting and polishing activities will be conducted within the new shed which will be designed and constructed to ensure noise impacts to all other sensitive land uses do not exceed required levels”. Similarly, within the letter dated 28/05/2025 you have advised that ‘stone cutting process is done in a sealed area’. In addition, within the letter dated 16/01/2025, you have advised that the shed has been designed to ensure that air-borne emissions do not exceed required levels. Please advise how the proposed open sided shed has been designed to contain noise and dust levels to avoid a potential disturbance to the surrounding area?	As is detailed on the submitted plans, the newly designed shed housing cutting equipment will be fully enclosed. We note that the nearest sensitive noise receptor is the existing dwelling at 695 Mooleric Road, which is greater than 2 kilometres from that part of the subject site affected by the amended proposal. Given the substantial distance to the nearest sensitive receptor, it is our submission that the proposal is unlikely to detrimentally impact upon the amenity of area. We further submit that that any potential concerns with noise or dust generation associated with the amended proposal could be readily addressed via appropriate conditions of permit, should the amended proposal ultimately be approved. Finally, we enclose written correspondence from the EPA confirming advice that the proposal is not a prescribed activity per Schedule 1 of the Environment Protection Regulations 2021 and does not require permission from EPA.
19	Please advise of what dust extraction and noise insulation is proposed to allow for this building to be sealed. Any extraction equipment/plant must be detailed on the plans.	No dust extraction equipment is proposed as the use of water in processing eliminates the creation of dust. No noise insulation measures are proposed for the reasons outlined above. Any potential concerns with noise or dust generation associated with the amended proposal could be readily addressed via appropriate conditions of permit, should the amended proposal ultimately be approved.
20	I note the shed is not proposed to be enclosed on all sides but contains large openings with no dust extraction/filtration equipment shown on the plans. Please advise whether this is incorrect.	As is detailed on the submitted plans, the newly designed shed enclosing cutting equipment will be fully enclosed.
21	A dust and noise management plan should be provided to support this application.	As noted above, it is our submission that any potential concerns with noise or dust generation associated with the amended proposal could be readily addressed via appropriate conditions of permit, should the amended proposal ultimately be approved.

22	Stone Crushing <i>I note the Planning Report references that “the proposal does not include the crushing of loose stone and therefore does not constitute a high impact activity pursuant to Part (2) of Regulation 55”. I also note that the application documentation has previously advised that stone offcuts would be ‘crushed’ and used to maintain the outdoor storage yard surrounding the shedding. Please clarify this contradiction.</i>	We confirm that it is intended to periodically crush a small amount stone off-cuts on site, in order to maintain the existing hard stand area and ensure that it remains fit for purpose. No crushed product is intended to be sold. In relation to the amended application, as detailed on the submitted plans we confirm that the proposed activity area is not located within any mapped areas of Cultural Heritage Sensitivity.
23	<i>If stone is proposed to be crushed on site, how will this process be undertaken and where would this occur on the site? This should be annotated on the site plan.</i>	The intent is to further cut all offcuts into smaller salable product, which will function to minimize any stone needing to be crushed. All required stone crushing would be undertaken utilizing mobile crushing plant brought to the site on an as needs basis, which is anticipated to be undertaken every 3-4 years based on low amounts of offcuts to be generated. Stone crushing will occur within the shed which will also house the stone for crushing.
24	Fencing <i>Please advise whether the site is to be fenced in any way and if so, please provide details and the location of all fencing. Please note that all proposed fencing should be outside of areas of identified cultural heritage and should aim to exclude these areas from employees and vehicle traffic.</i>	As per the submitted amended plans, the site is currently fenced with existing post and wire fencing. Existing fencing is outside of all areas of Aboriginal Cultural Heritage Sensitivity, and act to exclude such areas from employee and vehicular traffic.
25	Cultural Heritage <i>I note the CHMP letter which advises that:</i> <i>“an appraisal of planning information, and the current development plans, shows that the proposed activity area is not located within a mapped area of cultural heritage sensitivity. Current VicPlan imagery shows that the development activity is to occur outside nearby mapped areas of cultural heritage sensitivity (Figure 1). As a result, a mandatory CHMP will not be required for the proposed activity”.</i> <i>I would add that if the activity area extends into any areas of cultural heritage sensitivity, which includes the removal of stone from the existing on-site stockpiles, then a Cultural Heritage Management Plan may be required. Please confirm this is also your understanding.</i>	In relation to the amended application, we confirm that the proposed activity area is not located within any mapped areas of cultural heritage sensitivity, and the amended proposal does not involve the removal of stone from existing on-site stockpiles.

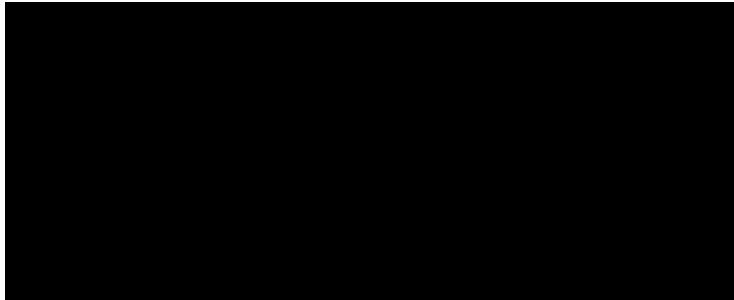
We trust that the above responses, read in conjunction with the appended documentation, provides a clear and complete response to Council's 16 October 2025 request for further information.

I have also attached a number of letters of support for the proposal, which outlines the economic benefits to the local based business.

Should you wish to discuss any aspect of this further information response or the submitted amended application, please do not hesitate to contact the undersigned.

Yours sincerely,

Hansen Partnership Pty Ltd



Senior Associate | Town Planning

Item: 4.3

Amendment C131cola - Anomalies Amendment

OFFICER	Simon Clarke
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy
ATTACHMENTS	1. C131cola Planning Scheme Anomalies Errors Spreadsheet 9 June 2026 [4.3.1 - 8 pages]

1. PURPOSE

The purpose of this report is to seek approval to commence a planning scheme amendment to the Colac Otway Planning Scheme. The Amendment seeks to remove errors and inconsistencies (or anomalies) and redundant provisions currently in the planning scheme.

2. EXECUTIVE SUMMARY

This Planning Scheme Anomalies Amendment (C131cola) to the Colac Otway Planning Scheme was previously considered by Council at its meetings on the 26 August 2025 and 26 May 2026, where Council resolved to request that the Minister for Planning authorise the preparation and exhibition of Amendment C131cola to the Colac Otway Planning Scheme.

Since the most recent resolution to progress the anomalies amendment (26 May 2026), an additional property adjacent to the Gellibrand Public Hall in Gellibrand has been identified. It is proposed to rezone this property from Farming Zone and included in the Township Zone to facilitate the construction of a new septic tank for the Hall and associated consolidation of the land with the Hall land.

Council officers have reviewed the additional property in Gellibrand and believe that it would be beneficial to include as part of c131cola.

Council officers are now seeking a resolution from Council to resubmit c131cola to the Minister for Planning for authorisation and to commence the exhibition of the amendment.

3. RECOMMENDATION

That the Planning Committee:

- 1. Notes that it previously considered Amendment C131cola to the Colac Otway Planning Scheme at its 26 August 2025 meeting and its 26 May 2026 meeting.***
- 2. Notes that the Department of Transport and Planning, as the Minister for Planning's delegate, has requested additional information regarding Amendment C131cola.***
- 3. Notes that since its consideration of this matter at the 26 May 2026 meeting, an additional property in Gellibrand has been identified for inclusion in Amendment C131colac to the Colac Otway Planning Scheme.***
- 4. Notes that the list of properties included in Amendment C131cola to the Colac Otway Planning Scheme has been amended and updated (attached to this report).***
- 5. Pursuant to section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise the preparation and exhibition of Amendment C131cola to the Colac Otway Planning Scheme.***
- 6. Pursuant to section 19 of the Planning and Environment Act 1987, place Amendment C131cola on exhibition for a period of six weeks and write to all concerned landowners and occupiers notifying them of the amendment.***
- 7. Authorises Council officers to make any necessary formatting and administrative corrections or changes to Amendment C131cola documents prior to sending the amendment to the Minister for Planning for authorisation.***

4. KEY INFORMATION

This Planning Scheme Anomalies Amendment (c131cola) to the Colac Otway Planning Scheme was previously considered by Council at its meeting on the 26 August 2025. Following feedback from the Department of Transport and Planning, a further report was presented to Council at the 26 May 2026 meeting where Council resolved:

That Council:

- 1. Notes that it previously considered Amendment C131cola to the Colac Otway Planning Scheme at its 26 August 2025 meeting.***
- 2. Notes that the Department of Transport and Planning, as the Minister for Planning's delegate, has requested additional information regarding Amendment C131cola.***
- 3. Notes that the list of properties included in Amendment C131cola to the Colac Otway Planning Scheme has been amended and updated.***
- 4. Pursuant to section 8A of the Planning and Environment Act 1987, request the Minister for Planning to authorise the preparation and exhibition of Amendment C131cola to the Colac Otway Planning Scheme.***
- 5. Pursuant to section 19 of the Planning and Environment Act 1987, place Amendment C131cola on exhibition for a period of six weeks and write to all concerned landowners and occupiers notifying them of the amendment.***
- 6. Authorises Council officers to make any necessary formatting and administrative corrections or changes to Amendment C131cola documents prior to sending the amendment to the Minister for Planning for authorisation.***

Shortly after the matter was presented to Council, an additional property in Gellibrand was identified by representatives of the Gellibrand Public Hall to be included in the anomalies amendment.

The lot adjacent to the Gellibrand Public Hall is in the process of being handed to the Trustees of the Gellibrand Public Hall. The lot now houses the CFA firefighting tank that was recently installed. The Hall is in the process of upgrading the septic tank that supports the facility, which will be located on the new lot.

The Gellibrand Public Hall is located in the Township Zone while the new lot is in the Farming Zone. The upgraded effluent system will be located on the new lot, which will require a Planning permit and trigger the consolidation of the lots. In addition, this will trigger the need to rezone all of the land to the Township Zone.

Considering that Council has only recently approved Amendment c131cola and that work to process the amendment has only just commenced, it is recommended that Council also considers this additional property in the anomalies amendment which will support the community in facilitating future developments at the hall.

A further resolution of Council is required to add the land to be consolidated into the Gellibrand Public Hall with a zone that is consistent with that of the Hall.

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)

This amendment will 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)

All planning scheme amendment documentation will be made publicly available. The community would be allowed to make submissions to the amendment and have them heard by an independent Panel appointed by the Minister for Planning if required.

Public Transparency (s58 LGA 2020)

A planning scheme amendment must be processed in accordance with the provisions of the *Planning and Environment Act 1987*. This process includes public consultation and the review of any unresolved submissions by an independent Panel. All amendment documentation would be publicly available as part of the exhibition process, consistent with the relevant planning legislation.

Alignment to Plans and Strategies

Alignment to Council Plan 2025-29:

THEME 1 – PLACE

1.1 – Enliven and beautify our townships and natural environments

THEME 2 – PEOPLE

3.1 – Elevate the efficiency and effectiveness of our Council

3.2 – Make well-informed, transparent decisions for the betterment of the community through best practice governance.

Financial Management (s101 *Local Government Act 2020*)

This amendment would reduce the planning permit load on Council, thus removing costs associated with processing planning permit applications. It would also be of benefit to future land owners by removing the financial burden of applying for a planning permit.

Service Performance (s106 *Local Government Act 2020*)

This amendment would reduce the planning permit burden on the Colac Otway community, particularly with regards to additional costs and fees, as well as building delays.

Risk Assessment

Not applicable.

Communication/Implementation

The Amendment would be formally exhibited for a period of six weeks by way of notice in the Colac Herald and Council website.

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

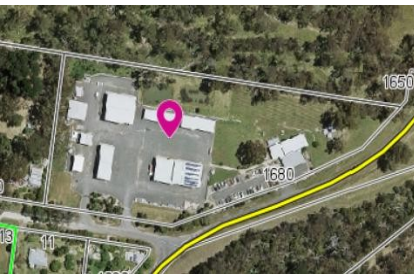
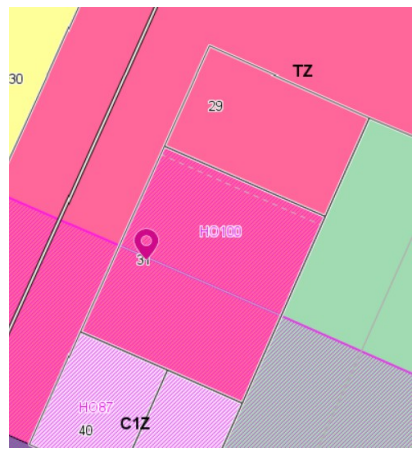
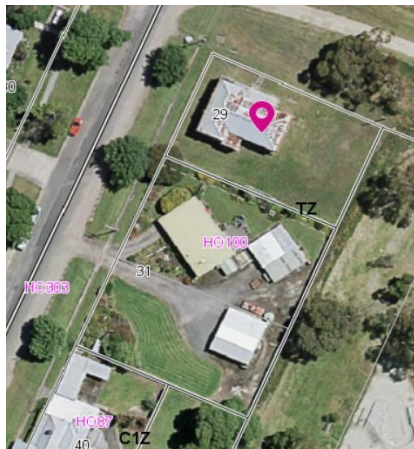
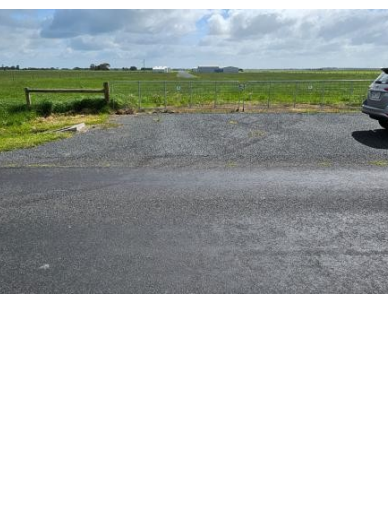
Option 1 – Add the additional lot in Gellibrand to Amendment C131cola to the Colac Otway Planning Scheme.

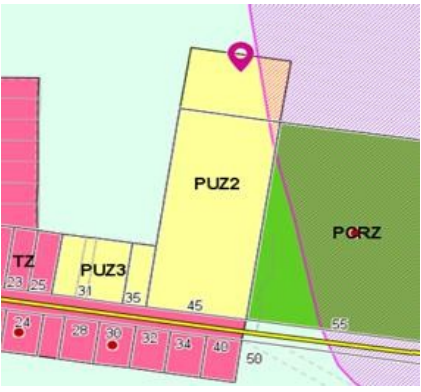
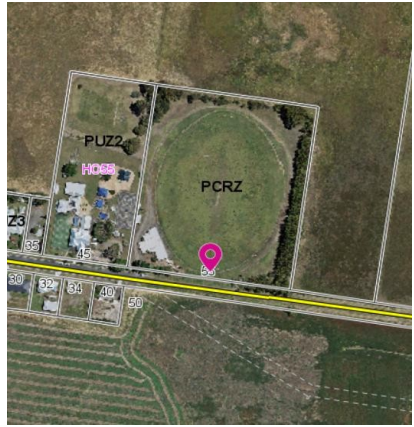
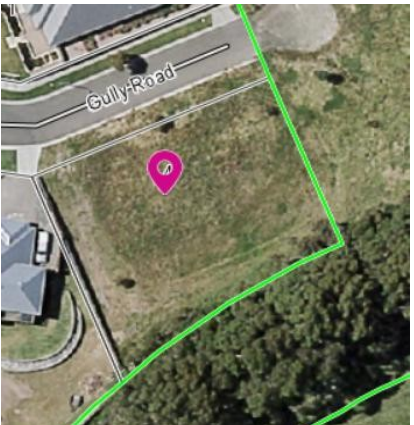
This option is recommended as it would support the Trustees of the Gellibrand Public Hall with future developments at the hall.

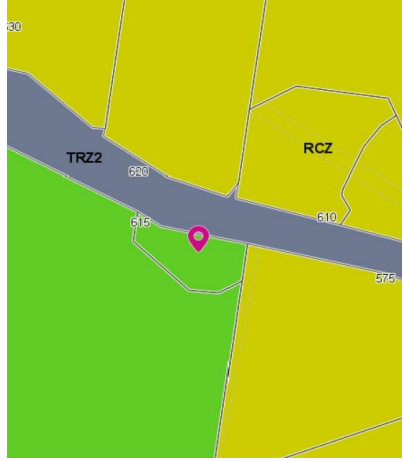
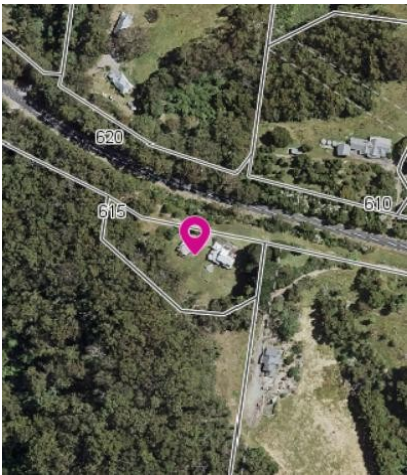
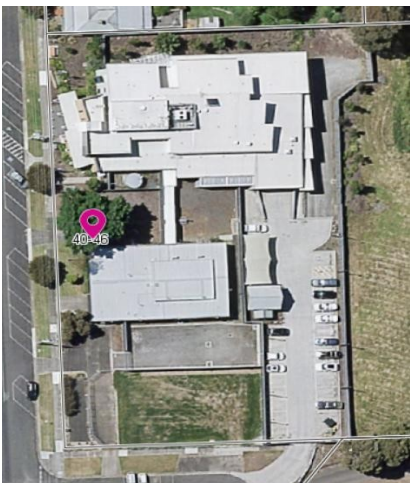
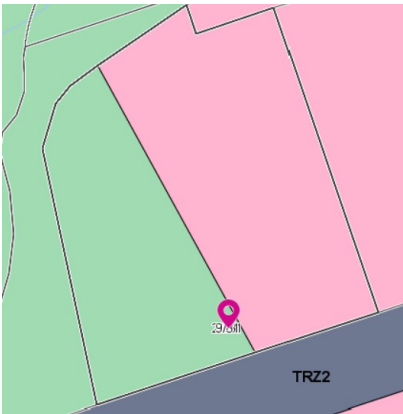
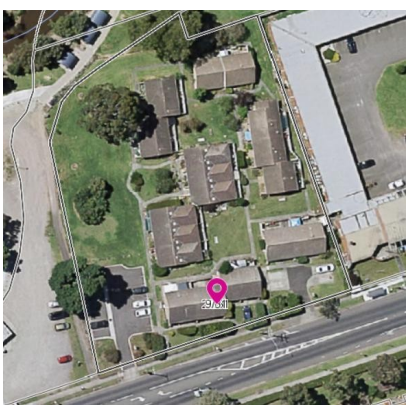
Option 2 – Do not include the additional lot in Gellibrand and exhibit Amendment C131cola to the Colac Otway Planning Scheme as resolved at the 26 May 2026 Council meeting.

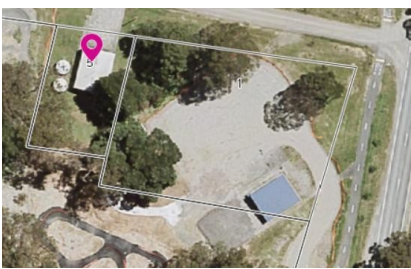
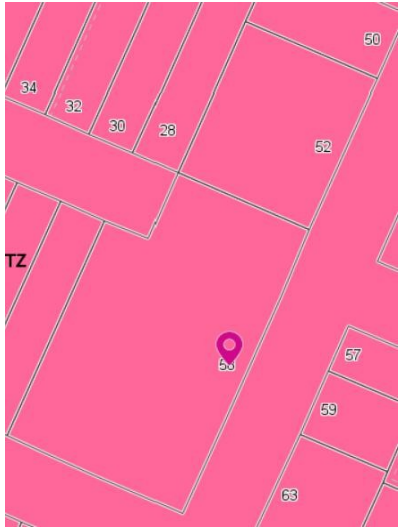
This option is not recommended as it would result in the required rezoning of the new lot at the Gellibrand Public Hall being held over to the next time Council considered an amendment to the Planning Scheme for zoning anomalies, which could be a number of years. Alternatively the Trustees of the Gellibrand Public Hall would potentially have to undertake a costly and time-consuming rezoning of the land themselves.

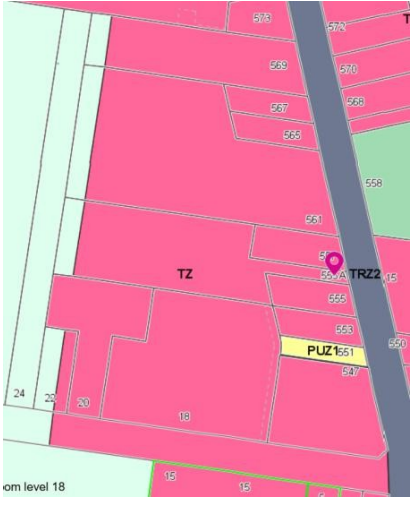
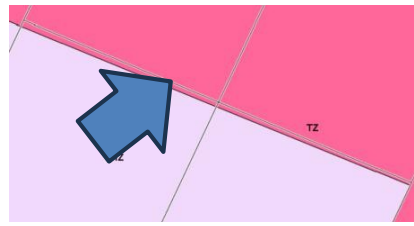
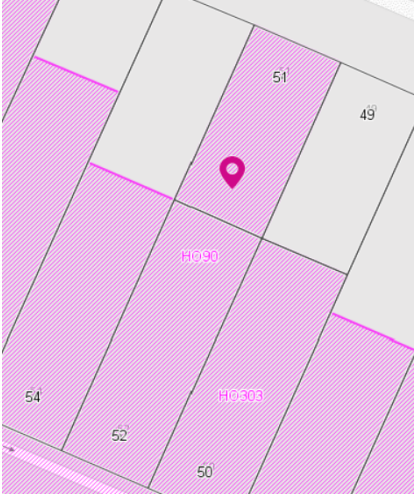
NO.	ADDRESS	PROPOSED CHANGE	REASON FOR CHANGE	SENSITIVE USES	PROPONENT	VIEWS OF RESPONSIBLE AGENCIES	CURRENT PLANNING SCHEME	AERIAL IMAGE	SITE PHOTO
1	15 - 17 Hart Street and 23 Miller Street Colac	Rezone land from General Residential Zone Schedule 1 (GRZ1) to Public Use Zone 3 (PUZ3) Health and Community	The land is owned by Colac Area Health and is currently occupied by a health centre. The current residential zone does not reflect the land ownership nor the current use. The proposed rezoning correctly identifies the current use, and will allow for the health centre to be extended if required, without the need for a planning permit.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Colac Area Health does not object			
2	135 Slater Street Elliminyt	Rezone from Rural Living Zone (RLZ) and General Residential Zone Schedule 1 (GRZ1) to Public Use Zone 2 (PUZ2) Education	The Elliminyt Primary School is owned by the Department of Education and is used for educational purposes. The current Rural Living and General Residential Zones do not reflect the land ownership and ongoing use. The rezoning to a public use education zone will reflect the current land use, will ensure a single zone across the entire school site and will allow for the land to be developed as required for educational purposes, without the need for a planning permit.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The proposed rezoning will allow a Sensitive Use to establish on the land. However, it is noted that the land is currently used for the purposes of a Sensitive use (Primary school) and has been for a number of years. There is a reasonable expectation that the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	The Education Department does not object.			
3	1 Polwarth Street Colac and 3 Polwarth Street	Rezone part of No.3 Polwarth Street from Public Use Zone 2 (PUZ2) Education to General Residential Zone Schedule 1 (GRZ1). Rezone part of No.1 Polwarth Street from Public Park and Recreation Zone (PPRZ) to Public Use Zone 2 (PUZ2), and rezone part of the open space reserve at Polwarth Street from Public Use Zone 2 (PUZ2) and General Residential Zone Schedule 1 (GRZ1) to Public Park and Recreation Zone (PPRZ).	No. 1 Polwarth Street is owned by Colac Otway Shire and used as the Colac East Kindergarten. Part of the kindergarten site (the play area, outbuildings and carpark to the north of the main kindergarten building), is included in the public park zone. Part of the PUZ2 also extends into the parkland to the rear of the main kindergarten building and into the private dwelling at abutting No. 3 Polwarth Street. Another part of the rear parkland (directly behind No's. 3 and 5 Polwarth Street) is zoned GRZ1. It is proposed to rezone the land to accurately reflect current land uses, the land tenure and the existing land title boundaries, and to facilitate future development.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The land to be rezoned to a residential zone is a sliver of land that already contains a dwelling.	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment			  

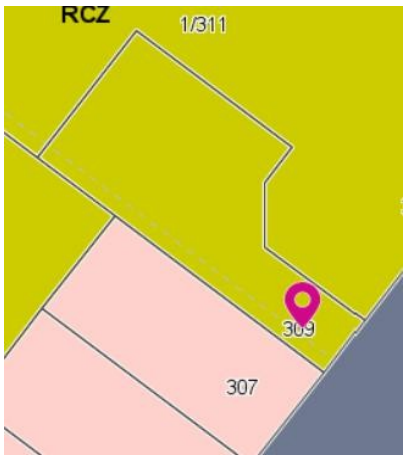
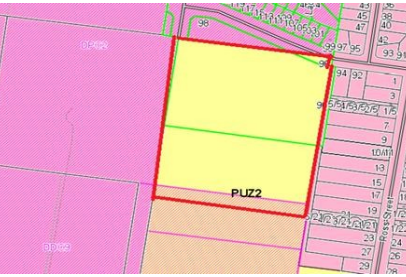
4	41 McLachlan Street Apollo Bay	Delete Heritage Overlay HO18 from 41 McLachlan's Street Apollo Bay.	Heritage Overlay HO18 applies to the land. This Overlay was applied to the former Apollo Bay Masonic Hall site and building, with the hall building noted as having heritage significance. The hall building was destroyed by fire in recent times and the land has since been subdivided into two land parcels. As the heritage building is no longer on the land and the land has been subdivided, the Heritage Overlay should be removed. Council's Heritage Advisor supports the removal of the HO.	No zoning changes are proposed	Identified by Colac Otway Shire	Not applicable			
5	1680 Birregurra Forrest Road Barwon Downs	Rezone land from Township Zone (TZ) to Public Use Zone 7 (PUZ7) Other public use	The site is owned by the Department of Sustainability and Environment and used a government depot. The land is included in the Township Zone. It is proposed to rezone the land to the Public Use Zone Schedule 7 to reflect its ownership and use and to remove the need for future planning permits at any development stage.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	The Department of Sustainability and Environment does not object			
6	29 and 31 Strachan Street Birregurra	Delete HO100 from 31 Strachan Street Birregurra and insert HO100 on 29 Strachan Street Birregurra	No. 29 Strachan Street Birregurra is occupied by a former Freemasons Hall and is co-owned by Freemasons Victoria and two other private landowners. Heritage Overlay HO100 acknowledges the significance of the hall and of the site. The reference in the Planning Scheme Ordinance is for the Heritage Overlay on No.29 Strachan Street, and so is correct. However, HO100 is incorrectly mapped on the abutting lot at 31 Strachan Street on the Heritage Overlay mapping layer. This abutting land is privately owned and not associated with the Freemasons or the abutting site. The dwelling on the site and the land has no heritage significance in accordance with the relevant heritage citation. The heritage mapping overlay should be deleted on No.31 Strachan Street and applied to No.29 Strachan Street to reflect the Planning Scheme Ordinance and the heritage values of the site.	No zoning changes are proposed	Identified by Colac Otway Shire	Not applicable			
9	11/235 McKays Road Irrewarra	Rezone land from Farming Zone (FZ) to Transport Zone 4 (TRZ4) Other transport use	The land forms part of Colac airport, and was recently subdivided off a parent agricultural allotment and purchased by Colac Otway Shire to facilitate the economic development of the airport precinct. The airport is being progressively development for airport related businesses. This land parcel was never rezoned from the Farming Zone to the Transport Zone, as previously agreed. A rezoning is required to facilitate the further development and expansion of the Colac airport on airport land, as identified by Council.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment			

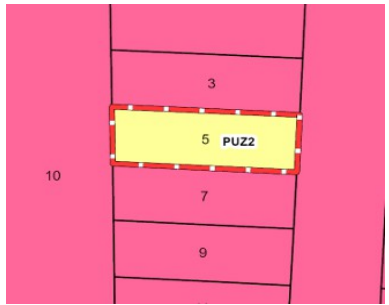
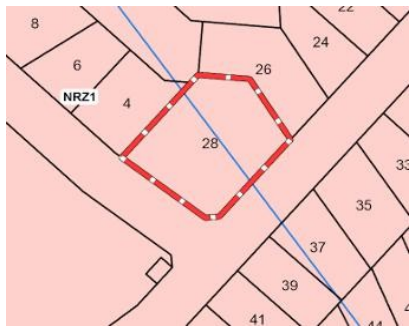
7	20 Main Street Beeac	Rezone land from Public Use Zone 2 Education (PUZ2) to Farming Zone (FZ)	Part of 20 Main Street Beeac, which fronts both Main Street and Lang Street, is zoned Public Use Zone 2 (PUZ2). This portion of land lies directly behind Beeac Primary School. This land is not part of the school site, nor is it owned by the Department of Education. This section of land should be included in the Farming Zone to match the zoning of the balance of the lot at 20 Main Street, and to reflect its private ownership and land use.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The portion of the land to be rezoned to the Farming Zone is already used for agriculture. It is noted that the land is currently zoned for school purposes and the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	Not applicable			
8	55 Lang Street Beeac	Rezone land from Public Conservation and Resource Zone (PCRZ) to Public Park and Recreation Zone (PPRZ)	Beeac Recreation Reserve is used for recreational purposes. The land is owned by Colac Otway Shire and is occupied by a community centre and a sports oval. The current zoning of the land is for a public use associated with conservation and resource purposes. The incorrect open space zoning has been applied to the reserve, and it should be rezoned to the PPRZ to reflect its existing development and its use as the Beeac Recreational Reserve.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment		  	
9	4 Gully Road Elliminyt	Rezone land from General Residential Zone (GRZ1) Schedule 1 to Public Park and Recreation Zone (PPRZ)	This land forms part of a new residential subdivision in Elliminyt. The land was handed over to Council by the developer as part of the subdivision approval process. The land is zoned residential but is identified and used for open space purposes. The zone should reflect the land ownership and the use of the land.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment		 	
10	44 Polwarth and 2B George Street Colac	Rezone land from General Residential Zone Schedule 1 (GRZ1) to Transport Zone 1 (TRZ1) State transport infrastructure	Part of rail reserve along the southern boundary of the rail track is included in the GRZ1. The land should be rezoned to TRZ1 to support the rail operator, its public ownership and current land use, and to match the land title boundary.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	No response		 	

11	615 Great Ocean Road Apollo Bay	Rezone land from Public Conservation and Resource Zone (PCRZ) to Rural Conservation Zone (RCZ)	The land is freehold land privately owned and contains a single residential dwelling. The land has been included in the abutting conservation zone land (the National Park) and zoned PCRZ. The zoning is incorrect, as a privately owned single dwelling is generally prohibited in the PCRZ. The underlying zoning is Rural Conservation Zone which reflects the zoning of surrounding zones and Council's strategic intent and also allows for a dwelling, subject to a planning process.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The portion of the land to be rezoned to the Rural Conservation Zone is already used for a Sensitive use (a residential dwelling) and the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	Not applicable			
12	40-46 Queen Street Colac	Rezone part of site from General Residential Zone Schedule 1 (GRZ1) and Public Park and Recreation Zone (PPRZ) to Public Use Zone 7 (PUZ7) Other public use	The site is occupied by the Colac Police Station and Court complex and is owned by the Department of Energy, Environment and Climate Action. Part of the site is included in both residential and open space zones. The zoning boundaries do not match the land title boundaries. The entire justice complex should be rezoned to the Public Use Zone 7 to reflect the land ownership and use and the land title boundaries and also to facilitate any future works or development at the justice complex.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Victoria Police do not object			  
13	31 Murray Street E East Colac	Rezone part of site from Public Park and Recreation Zone (PPRZ) to General Residential Zone Schedule 1 (GRZ1)	The land is owned by the Department of Families, Fairness and Housing and is used for higher density public housing. Part of the land occupied by dwellings is included in the abutting Council open space zoning. The land should be included in the residential zone to reflect its land use and surrounding zoning and to facilitate any future residential development of the site.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The portion of the land to be rezoned to the General Residential Zone is already used for a sensitive use (residential dwellings) and the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	Department of Families, Fairness and Housing does not object			

14	5 Rivendell Lane Forrest	Rezone land from Public Conservation and Resource Zone (PCRZ) to Public Use Zone 1 (PUZ1)	The site is owned by the Department of Energy, Environment and Climate Action and is occupied by the Forrest CFA fire station. The land has been included in the abutting conservation zone land zoned PCRZ. The current zoning does not reflect the use of the site. The PUZ1 (Service and Utility) best reflects the government authority land use and development.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Not applicable			
15	52 and 58 Beal St Birregurra	Rezone land from Township Zone (TZ) to Public Use Zone 2 (PUZ2) Education	The land is occupied by the Birregurra Primary School, which is owned by the Department of Education. The land is included in the Township Zone, which generally triggers planning permit applications for any works at the school. The rezoning of the two land titles to the PUZ2 will reflect the land ownership, its public educational use and will be consistent with the zoning of other government schools in the Colac region.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The proposed rezoning will allow a Sensitive Use to establish on the land. However, it is noted that the land is currently used for the purposes of a Sensitive use (Primary school) and has been for a number of years. There is a reasonable expectation that the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	The Education Department does not object.			 
16	55 Factory Road Cororooke	Rezone land from Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ)	The site was the former Cororooke Tennis Club, and is owned by Colac Otway Shire. The tennis courts are now redundant (new tennis courts are located elsewhere in Cororooke). The land is no longer required for public recreational purposes and will be disposed of by Council. The underlying zoning is Farming Zone, therefore the zone should revert to the Farming Zone.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The land to be rezoned to the Farming Zone is owned by and was historically used by Council for community and recreational purposes. The probability of any environmental concerns on the land is low. The land will be sold with disclaimers noting that any future owner must undertake their own investigations into the suitability of the land for a sensitive use.	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment			

17	555A, 561, and 569 Corangamite Lake Road Cororooke and 22 Corunnun Road Cororooke	Rezone land from Farming Zone (FZ) to Township Zone (TZ)	The rear of the lots fronting Corangamite Lake Road and part of a lot fronting Corunnun Road in Cororooke are zoned Farming Zone. The zoning boundary does not match the land title boundaries. Part of each land parcel should be rezoned to the Township Zone to reflect the zoning of the balance of the lot, the land title boundaries and the underlying residential land uses.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The land to be rezoned to a residential zone is a sliver of land across multiple land titles that already contain dwellings. The probability of any environmental concerns on the land is low as the land was historically used for residential purposes.	Identified by Colac Otway Shire	Not applicable			
18	50 & 52 Main Street Birregurra	Rezone parts 50 and 52 Main Street Birregurra from the Township Zone (TZ) to the Commercial 1 Zone (C1Z)	Very minor strip of land (indicated by arrow) along the northern boundary of 50 & 52 Main Street Birregurra is included in the Township Zone. The zoning boundary should match the land title boundary. The sliver of land across both lots should be rezoned to the Commercial 1 Zone to reflect the zoning of the balance of the lot.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The proposed commercial zone may contain residential dwellings however the land in question is a thin sliver of land and the probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	Not applicable			
19	51 Molesworth Street Birregurra	Delete Heritage Overlay (HO90) from 51 Molesworth Street Birregurra	A Heritage Overlay applies to the lot, which has recently been subdivided off the rear of the lot fronting Main Street (52 Main Street Birregurra). A new dwelling was built on No.51 Molesworth Street in 2022. The lot at 51 Molesworth Street, although still included in the Heritage Overlay, makes no contribution to the Birregurra Main Street Heritage Overlay Precinct. The site also cannot be viewed from Main Street. Other lots subdivided off the rear of Main Street have all had their heritage overlays removed. The Heritage Overlay HO90 on the site is redundant and should be deleted from the lot to reduce any unnecessary planning permit burden.	No zoning changes are proposed	Identified by Colac Otway Shire	Not applicable			

20	309 Great Ocean Road Apollo Bay	Rezone from Rural Conservation Zone (RCZ) to Public Use Zone 7 (PUZ1) Other public use	The land is owned by Barwon Water and is currently used for water supply purposes in Apollo Bay. The land should be rezoned to the PUZ1 (Service and utility) which reflects the public authority land ownership and the ongoing use of the land.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Barwon Water	Supported by Barwon Water			
21	Barwon Downs Wellfield Intake	Delete Environmental Significance Overlay Schedule 3 (ESO3) that covers the redundant Barwon Downs Wellfield Intake Area	Barwon Water has advised Council that it no longer intends to utilise the Barwon Downs Wellfield Intake Area for urban water supply purposes. The water authority has completed decommissioning of the groundwater extraction bores at the Barwon Downs Bore field. The Overlay is now redundant and serves no purpose, and should be removed from the planning scheme to minimise unnecessary planning permit triggers.	No zoning changes are proposed	Identified by Barwon Water	Supported by Barwon Water			
22	96 Moore Street, Colac	Rezone from Public Use Zone 2 (PUZ2) Education to Public Park and Recreation Zone (PPRZ) and delete Design and Development Overlay 9 (DDO9)	The site was a former school site which has been closed for several years. Council intends to use this land as sports fields as part of the Colac West redevelopment. The Public Park and Recreation Zone is the appropriate zone for this use. The DDO9 also applies to part of the site. This Overlay relates to design objectives for land fronting Murray Street. The Overlay is also redundant and should be removed.	The proposed rezoning will not allow a Sensitive Use to establish on the land	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment			
23	10 Kettles Road, Yeo	Rezone from Public Park and Recreation Zone (PPRZ) to Farming Zone (FZ)	The Council owned Yeo Hall site and adjacent open space are no longer used for community purposes. Colac Otway Shire Council has resolved to dispose of Yeo Hall. Given this, the Public Park and Recreation Zone will no longer be the relevant zoning for the land. Surrounding land is in the Farming Zone, which is the appropriate zone to apply to the land.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The land to be rezoned to the Farming Zone is owned and was historically used by Council for community and recreational purposes. The probability of any environmental concerns on the land is low. The land will be sold with disclaimers noting that any future owner must undertake their own investigations into the suitability of the land for a sensitive use.	Identified by Colac Otway Shire	Colac Otway Shire supports the Amendment			

24	5 Coulston Street Beeac	Rezone from Public Use Zone 2 (PU22) Education to Township Zone (TZ)	The site is privately owned and included in the Public Use Zone 2. The land is not linked to any educational use. All surrounding residential land is included in the Township Zone which is the underlying zone and reflects the current land use.	The proposed rezoning has been considered against section 12 of the Planning and Environment Act 1987. The land is to be rezoned to a residential zone and is already used for a residential use and has been for many years. The probability of any environmental concerns on the land is low.	Identified by Colac Otway Shire	Not applicable			
25	28 Overview Crescent Apollo Bay	Rezone land from Neighbourhood Residential Zone Schedule 1 (NRZ1) to Public Use Zone Schedule 1 (PU1Z) Service and utility	The land is owned by Barwon Water and is currently included in a residential zone. There is an existing water supply tank on the land that is to be commissioned in the near future to supply potable water for the surrounding new residential subdivision. The land should be rezoned to the PUZ1 which reflects the public authority land ownership and the ongoing use of the land.	The proposed rezoning will not allow a Sensitive use to establish on the land	Identified by Barwon Water	Supported by Barwon Water			
26	3 Old Main Road, Gellibrand	Rezone land from the Farming Zone (FZ) and include the land in the Township Zone (TZ)	The lot adjacent to the Gellibrand Public Hall has been transferred to the LAWROC Landcare group prior to handing it to the Trustees of the Gellibrand Public Hall. The lot now houses the CFA firefighting tank that was purchased with the help of Shire funding. It is now proposed to upgrade the septic tank on the land. The hall land is in the Township Zone while the new lot is in the Farming Zone. Any planning permit granted will require the rezoning of the new lot from Farming to Township Zone to enable all the lots to be consolidated.	It is not proposed to establish a sensitive use on the land.	Identified by the Trustees of the Gellibrand Public Hall.	Colac Otway Shire supports the Amendment	