



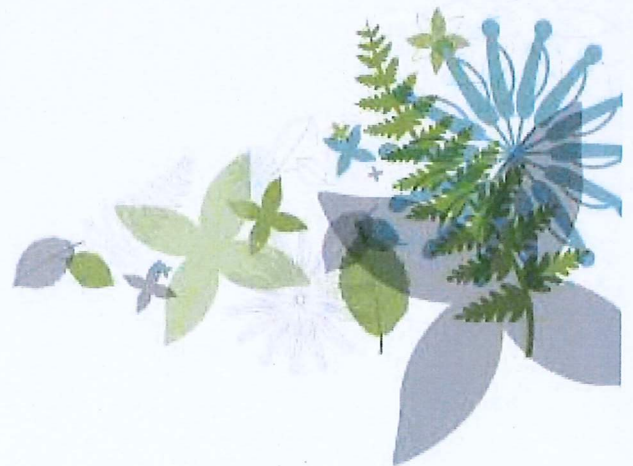
Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Tuesday 10 March 2026

at 1:00 PM



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Tuesday 10 March 2026

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on Tuesday 10 March 2026 at 1:01 PM.

MINUTES

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

Cr Jason Schram (Mayor)
Cr Phil Howard (Deputy Mayor)
Cr Chris Potter
Cr Zoe Hudgell
Cr Charlie Buchanan
Cr Mick McCrickard
Cr Chrissy De Deugd

Andrew Tenni, Chief Executive Officer
Emma Lowes, General Manager Corporate Services
Doug McNeill, General Manager Infrastructure and Environment
Ian Seuren, General Manager Community and Economy
Anita Craven, Executive Officer Governance
Matilda Hardy-Smith, Coordinator Council Business

3.2 Apologies

Nil.

3.3 Confirmation of Minutes

RESOLUTION

Moved Cr Howard, Cr Hudgell

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

CARRIED 7 : 0

3.4 Declarations of Interest

Cr Schram	General	Item 4.3 - PP213/2025-1 - 180 Harris Road ELLIMINYT - Use and Development of the Land for a Dwelling	Resides on the same road as this property.
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Item: 4.1

Planning Scheme Amendment - 175 Skenes Creek Road, Skenes Creek

OFFICER	Sean O'Keeffe
GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy

RESOLUTION

Moved Cr Howard, Seconded Cr Potter

That Council:

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

CARRIED 7 : 0

Item: 4.2

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

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

Item: 4.2

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

CULTURAL HERITAGE	Most of the site is within an area of cultural heritage sensitivity, including the location of the proposed dwelling. However, a Cultural Heritage Management Plan (CHMP) is not required for the construction of a single dwelling or the re-subdivision of land.		
OFFICER	Julia Repusic	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		

RESOLUTION

Moved Cr Potter, Seconded Cr Howard

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

DEVELOPMENT

Amended Plans

- 1. Prior to the commencement of development, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to show the colours of the dwelling.*

Endorsed Plans

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

Dwelling infrastructure

- 3. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
 - Access to the dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
 - All wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*

- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Access

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

Drainage

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

Wastewater

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

Native Vegetation Protection

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

No Gas Connection

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

SUBDIVISION

Endorsed Plans

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

Servicing Authorities

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

Telecommunications

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

Expiry

- 17. This permit will expire if one of the following circumstances applies:**
 - 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 commenced within five (5) years of the date of this permit;**

- c) The plan of subdivision has not been certified within two (2) years of the date of this permit;*
- d) A statement of compliance is not issued within five (5) years of the date of certification.*

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

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.*
- 2. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.*
- 3. 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.*
- 4. A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.*

CARRIED 7 : 0

Item: 4.3

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

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

Item: 4.3

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



OFFICER

Julia Repusic

**GENERAL
MANAGER**

Ian Seuren

DIVISION

Community and Economy

Cr Schram declared a Conflict of Interest pursuant to Section 127 of the Local Government Act 2020, and she left the room at 1.08pm. Cr Schram returned to the room at 1.10pm when discussion on the item had concluded.

The below motion was presented as a revised officer's recommendation, which ultimately became the resolution.

RESOLUTION

Moved Cr Potter, Seconded Cr McCrickard

That the Planning Committee resolves to Grant a Permit for a dwelling at 180 Harris Road Elliminyt Lot: 1 TP: 748707 V/F: 8833/220 Parish of Elliminyt subject to the following conditions:

Endorsed Plans

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

Dwelling infrastructure

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

- *The dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.*
- *The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Gas connection

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

Access

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

Drainage

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

Wastewater

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

Expiry

8. *This permit will expire if one of the following circumstances applies:*
 - a) *The development has not commenced within three years of the date of this permit.*

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

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

Notes

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.***
- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.***
- 3. A separate application to install an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.***

CARRIED 6 : 0

Item: 4.4

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

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

RESOLUTION

Moved Cr McCrickard, Seconded Cr Hudgell

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

Endorsed Plans

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

Drainage

- 2. All runoff from stormwater, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 3. During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA), to the satisfaction of the Responsible Authority.*

Stormwater Management Plan

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

Wastewater

- 7. An onsite wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained*

within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.

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

Access

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

Department of Transport and Planning

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

Expiry

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

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

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

Notes

1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.*
2. *Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.*
3. *A separate application to install an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment be amended or updated by a suitably qualified person and submitted for approval, to support a detailed system design and proposed site plan at the permit application stage.*

Department of Transport and Planning

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

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

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

CARRIED 7 : 0

Item: 4.5

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

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

Item: 4.5

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

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

RESOLUTION

Moved Cr Howard, Seconded Cr Hudgell

That Council resolves to Grant an amended permit and remove Condition 8 of issued permit PP206/2024 which states:

Section 173 Agreement

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

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

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

THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:

<i>Date of amendment</i>	<i>Brief description of amendment</i>	<i>Name of Responsible authority that approved the amendment</i>	<i>Section of the Act under which the permit has been amended</i>
<i>DD/MM/YYYY</i>	<i>Remove Condition 8 – requirement for a Section 173 Agreement</i>	<i>Colac Otway Shire Council</i>	<i>Section 74</i>

Therefore, the proposed amendment is supported, and original planning permit conditions remain the same except for the removal of Condition 8 as following -

Endorsed Plans

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

Dwelling Infrastructure

- 2. Prior to occupation of the dwelling hereby permitted, the following must be provided to the satisfaction of the Responsible Authority:*
 - a. 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.*
 - b. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes.*
 - c. The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

Driveway

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

Stormwater

- 4. All stormwater runoff from the development, including overflow from water storage, must be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
- 5. During construction works, the site must be developed and managed to ensure there is no stormwater pollution through the contamination of runoff by chemicals, sediments, wastes or pollutants in accordance with 'Best Practice*

Environmental Management Guidelines for Stormwater Management and Construction Techniques for Sediment Pollution Control' (EPA) to the satisfaction of the Responsible Authority.

Wastewater

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

No Gas Connection

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

CONDITION DELETED

~~Section 173 Agreement~~

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

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

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

Department of Transport and Planning condition

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

Expiry

10. **This permit will expire if one of the following circumstances applies:**
 - a. **The development is not commenced within two years of the date of this permit.**
 - b. **The development is not completed and the use has not commenced within four years of the date of this permit.**

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

Notes

1. **This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.**
2. **Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.**
3. **A separate application to install/alter an onsite wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works. The Health Protection Unit reserves the right to request that the Land Capability Assessment (LCA) be amended or updated by a suitably qualified person and submitted for approval at the wastewater permit application stage. The LCA must be accompanied by a detailed system design if required by the Health Protection Unit.**

Department of Transport and Planning

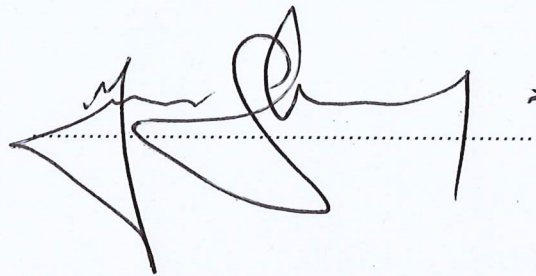
4. **The proposed accessway requires works within the road reserve. Before the works start a separate consent for works within the road reserve and the specifications of these works is required under the Road Management Act 2004. When ready, an application must be submitted on: <https://rapp.transport.vic.gov.au/>**

CARRIED 6 : 1

<i>For</i>	<i>Against</i>
<i>Cr Schram</i>	<i>Cr Potter</i>
<i>Cr Buchanan</i>	
<i>Cr De Deugd</i>	
<i>Cr Howard</i>	
<i>Cr Hudgell</i>	
<i>Cr McCrickard</i>	

The meeting was declared closed at 1.17pm

CONFIRMED AND SIGNED at the meeting held on 12 May 2026.



.....MAYOR