



Colac Otway  
SHIRE

**AGENDA**

PLANNING COMMITTEE MEETING  
OF THE  
COLAC-OTWAY SHIRE  
COUNCIL

12 DECEMBER 2012

at 10:30 AM

COPACC, Gellibrand Street Colac

An audio recording of this meeting is being made for the purpose of verifying the accuracy of the minutes of the meeting. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982.

COLAC-OTWAY SHIRE PLANNING COMMITTEE MEETING

12 DECEMBER 2012

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NOTICE is hereby given that the next *PLANNING COMMITTEE MEETING OF THE COLAC-OTWAY SHIRE COUNCIL* will be held in COPACC, Gellibrand Street Colac on 12 December 2012 at 10.30 am.

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## **AGENDA**

### **1. 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. PRESENT**

### **3. APOLOGIES**

### **4. MAYORAL STATEMENT**

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendents here today.

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

An audio recording of this meeting is being made for the purpose of ensuring the minutes of the meeting are accurate. In some circumstances the recording may be disclosed, such as where Council is compelled to do so by court order, warrant, subpoena or by any other law, such as the Freedom of Information Act 1982. It is an offence to make an unauthorised recording of the meeting.

### **5. DECLARATION OF INTEREST**

### **6. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that they wish to make a verbal submission. These verbal submissions will be made in relation to each respective agenda item and must be directly relevant to the respective agenda item. A time limit of 5 minutes will apply.

## 7. CONFIRMATION OF MINUTES

- Planning Committee held on the 14/11/12.

### Recommendation

*That Council confirm the above minutes.*

## OFFICERS' REPORTS

### Sustainable Planning and Development

PC121212-1 PLANNING & BUILDING STATISTICAL REPORT

PC121212-2 PP203/2012 - BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A ROOF OVER EXISTING SALEYARD STRUCTURES AND INSTALLATION OF FOUR RAIN WATER TANKS AT 55 COLAC BALLARAT ROAD, IRREWARRA

**Rob Small**  
Chief Executive Officer

**PC121212-1**

**PLANNING & BUILDING STATISTICAL REPORT**

AUTHOR:	Janole Cass	ENDORSED:	Jack Green
DEPARTMENT:	Sustainable Planning & Development	FILE REF:	F12/6341

**Summary**

This report provides statistics relating to the month of November 2012.

**Planning Statistics**

25 Planning Permit Applications were received for the period 1 November 2012 – 30 November 2012.

24 Planning Permit Applications were determined for the period 1 November 2012 – 30 November 2012.

**Building Statistics**

Please note that the Building Commission website has been updated to September 2012.

**Attachments**

1. Planning Statistical Report - Agenda Copy - November 2012 0 Pages

**Recommendation(s)**

***That Council's Planning Committee note the Statistical report for November 2012.***

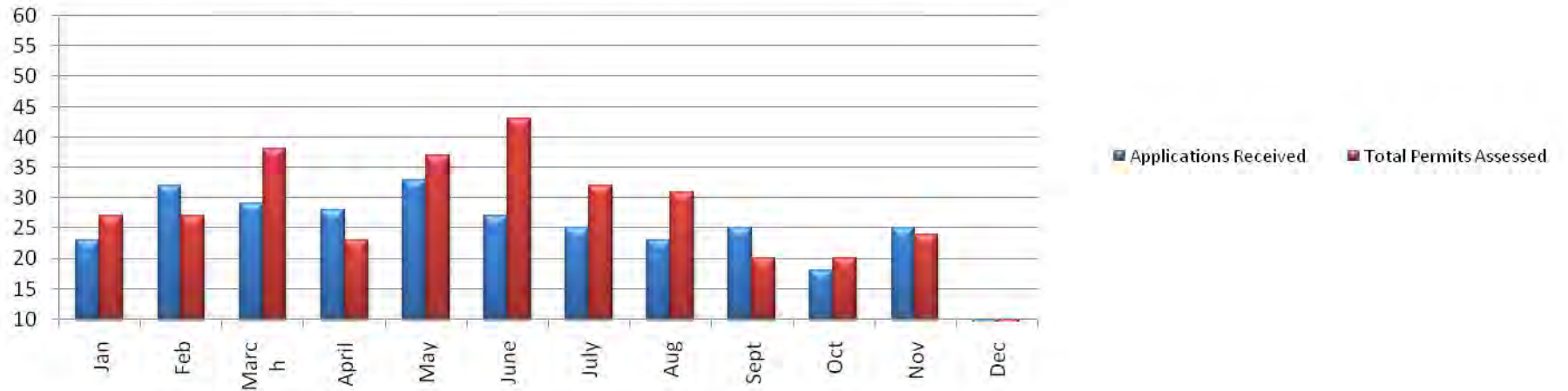
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## PLANNING STATISTICAL REPORT – NOVEMBER 2012

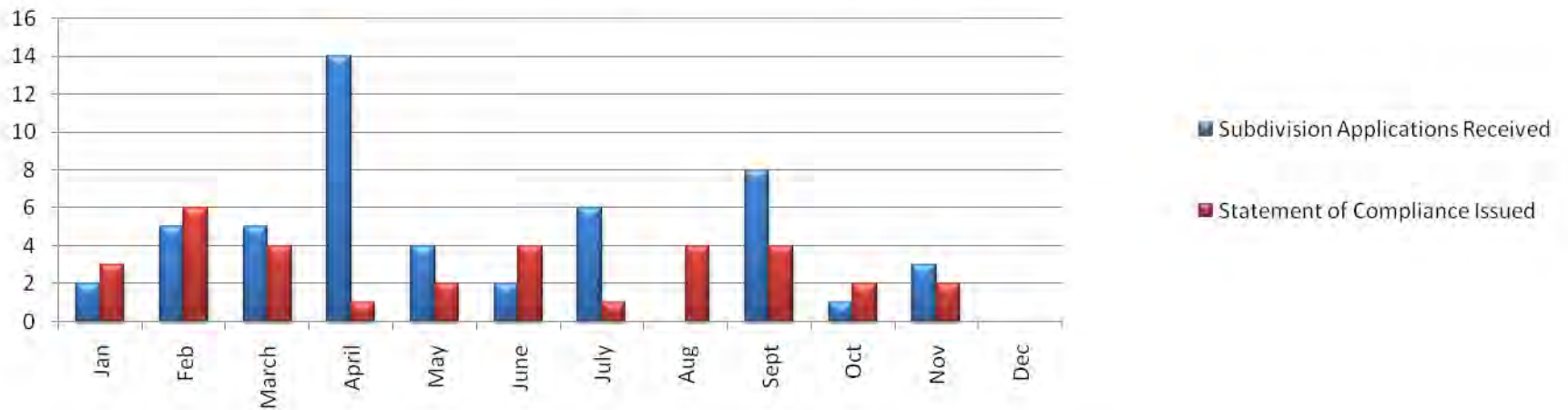
| APPLICATION NUMBER | DATE RECEIVED | LOCATION                                 | PROPOSAL                                                                                                                                                                                                                       | ACTUAL TIME | DATE DETERMINED | DETERMINATION & AUTHORITY                                  |
|--------------------|---------------|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|------------------------------------------------------------|
| 10/2010-2          | 10 OCT 12     | 23 HARRINGTON STREET<br>SEPARATION CREEK | ALTERATIONS & ADDITIONS TO EXISTING DWELLING –<br>AMENDMENT                                                                                                                                                                    | 43          | 22 NOV 12       | AMENDED PERMIT<br>ISSUED<br><b>DELEGATE</b>                |
| 44/2010-2          | 27 JUL 12     | 51-53 HESSE STREET COLAC                 | USE OF LAND AS A MEDICAL CENTRE AND REDUCTION<br>IN THE CARPARKING REQUIREMENT                                                                                                                                                 | 85          | 14 NOV 12       | AMENDED PERMIT<br>ISSUED<br><b>COUNCIL</b>                 |
| 260/2011-1         | 20 OCT 11     | 32 TULLOH STREET<br>ELLIMINYT            | ELEVEN (11) LOT SUBDIVISION                                                                                                                                                                                                    | 363         | 12 NOV 12       | NOTICE OF DECISION<br>TO GRANT A PERMIT<br><b>DELEGATE</b> |
| 328/2011-1         | 22 DEC 11     | 325 DEANS CREEK ROAD<br>ELLIMINYT        | USE & DEVELOPMENT OF THE LAND FOR A DWELLING<br>AND SHED & ALTERATION OF AN ACCESS ROAD                                                                                                                                        | 88          | 6 NOV 12        | REFUSAL TO GRANT<br><b>DELEGATE</b>                        |
| 80/2012-1          | 19 APR 12     | 4 MULLER ROAD SKENES<br>CREEK            | CONSTRUCTION OF A DOUBLE STOREY DWELLING                                                                                                                                                                                       | 35          | 5 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 116/2012-1         | 24 MAY 12     | 44-46 NELSON STREET<br>APOLLO BAY        | CHANGE OF USE TO MEDICAL CENTRE<br>(CHIROPRACTIC AND MASSAGE THERAPY) AND A<br>REDUCTION IN THE CARPARKING REQUIREMENT                                                                                                         | 132         | 14 NOV 12       | PERMIT ISSUED<br><b>COUNCIL</b>                            |
| 132/2012-1         | 13 JUN 12     | 150 BUSHBYS ROAD<br>BARONGAROOK          | CONSTRUCTION OF A STORAGE SHED ANCILLIARY TO<br>EXISTING DWELLING                                                                                                                                                              | 129         | 8 NOV 12        | NOTICE OF DECISION<br>TO GRANT A PERMIT<br><b>DELEGATE</b> |
| 167/2012-1         | 31 JUL 12     | 4 TIGER LANE SKENES CREEK                | ALTERATIONS AND ADDITIONS TO EXISTING DWELLING                                                                                                                                                                                 | 75          | 20 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 175/2012-1         | 8 AUG 12      | 785 CARLISLE ROAD<br>IRREWILLIPE EAST    | NATIVE VEGETATION REMOVAL                                                                                                                                                                                                      | 0           | 12 NOV 12       | APPLICATION LAPSED<br><b>DELEGATE</b>                      |
| 176/2012-1         | 8 AUG 12      | 275 FLANNAGANS ROAD<br>IRREWILLIPE EAST  | NATIVE VEGETATION REMOVAL                                                                                                                                                                                                      | 0           | 12 NOV 12       | APPLICATION LAPSED<br><b>DELEGATE</b>                      |
| 184/2012-1         | 24 AUG 12     | 50 HUGH MURRAY DRIVE<br>COLAC EAST       | CONSTRUCTION OF AN INDUSTRIAL BUILDING                                                                                                                                                                                         | 75          | 5 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 188/2012-1         | 3 SEP 12      | 20 COADS LANE ONDIT                      | BUILDINGS AND WORKS COMPRISING THE<br>CONSTRUCTION OF AN OUTBUILDING (SHED)                                                                                                                                                    | 52          | 15 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 191/2012-1         | 28 AUG 12     | 36-38 STATION STREET<br>FORREST          | USE OF LAND AS A RETAIL PREMISES (BIKESHOP &<br>CAFÉ) BUILDINGS AND WORKS COMPRISING<br>ALTERATIONS AND ADDITIONS TO AN EXISTING<br>BUILDING, WAIVER OF LOADING REQUIREMENT AND<br>DISPLAY OF BUSINESS IDENTIFICATION SIGNAGE. | 32          | 2 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 198/2012-1         | 12 SEP 12     | 125 HART STREET ELLIMINYT                | CONSTRUCTION OF A SHED                                                                                                                                                                                                         | 50          | 1 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>                           |
| 207/2012-1         | 21 SEP 12     | 20 FORANS ROAD<br>BARONGAROOK            | CONSTRUCTION OF A CARPORT                                                                                                                                                                                                      | 12          | 12 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>                           |

| APPLICATION NUMBER | DATE RECEIVED | LOCATION                             | PROPOSAL                                                                                                                                                                                                       | ACTUAL TIME | DATE DETERMINED | DETERMINATION & AUTHORITY                |
|--------------------|---------------|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------|-----------------|------------------------------------------|
| 210/2012-1         | 27 SEP 12     | 1-5 GELLIBRAND STREET COLAC          | DEMOLITION OF TWO (2) EXISTING CANOPIES AND CONSTRUCTION OF A NEW ENTRY                                                                                                                                        | 40          | 6 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 211/2012/1         | 28 SEP 12     | 370 SHORTS ROAD BARONGAROOK          | CONSTRUCTION OF A DOUBLE GARAGE                                                                                                                                                                                | 38          | 5 NOV 12        | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 215/2012-1         | 8 OCT 12      | 126 CORANGAMITE LAKE ROAD COLAC WEST | CONSTRUCTION OF AN OUTBUILDING                                                                                                                                                                                 | 28          | 29 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 226/2012-1         | 30 OCT 12     | 16 FYANS STREET COLAC                | REMOVAL OF INFILLING OF WINDOWS, RE-ROOFING OF STABLES AND COACH HOUSE, REPLACEMENT OF GUTTERING AND DOWNPIPES, REPAIRS TO DETERIATED FABRIC INCLUDING WINDOWS, VERANDAH AND BARGEBOARDS AND EXTERNAL PAINTING | 30          | 29 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 228/2012-1         | 30 OCT 12     | 100 BLUE JOHANNA ROAD JOHANNA        | CONSTRUCTION OF AN AGRICULTURAL SHED                                                                                                                                                                           | 27          | 26 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 232/2012-1         | 5 NOV 12      | 16 GRANT STREET FORREST              | INCREASE RESTAURANT SEATS FROM 20 TO 30                                                                                                                                                                        | 0           | 21 NOV 12       | APPLICATION WITHDRAWN<br><b>DELEGATE</b> |
| 234/2012-1         | 9 NOV 12      | 120 FOREST STREET COLAC EAST         | CONSTRUCTION OF A SHADE SAIL                                                                                                                                                                                   | 11          | 20 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 236/2012-1         | 12 NOV 12     | 123 DIVISION ROAD MURROON            | CONSTRUCTION OF AN AGRICULTURAL SHED                                                                                                                                                                           | 17          | 29 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
| 237/2012-1         | 12 NOV 12     | 79 MAIN STREET BIRREGURRA            | EXTERNAL PAINTING OF BUILDINGS (79 & 81 MAIN STREET BIRREGURRA)                                                                                                                                                | 17          | 29 NOV 12       | PERMIT ISSUED<br><b>DELEGATE</b>         |
|                    |               |                                      |                                                                                                                                                                                                                |             |                 |                                          |
|                    |               |                                      | AVERAGE DAYS TO PROCESS PLANNING APPLICATIONS                                                                                                                                                                  | 57          |                 |                                          |

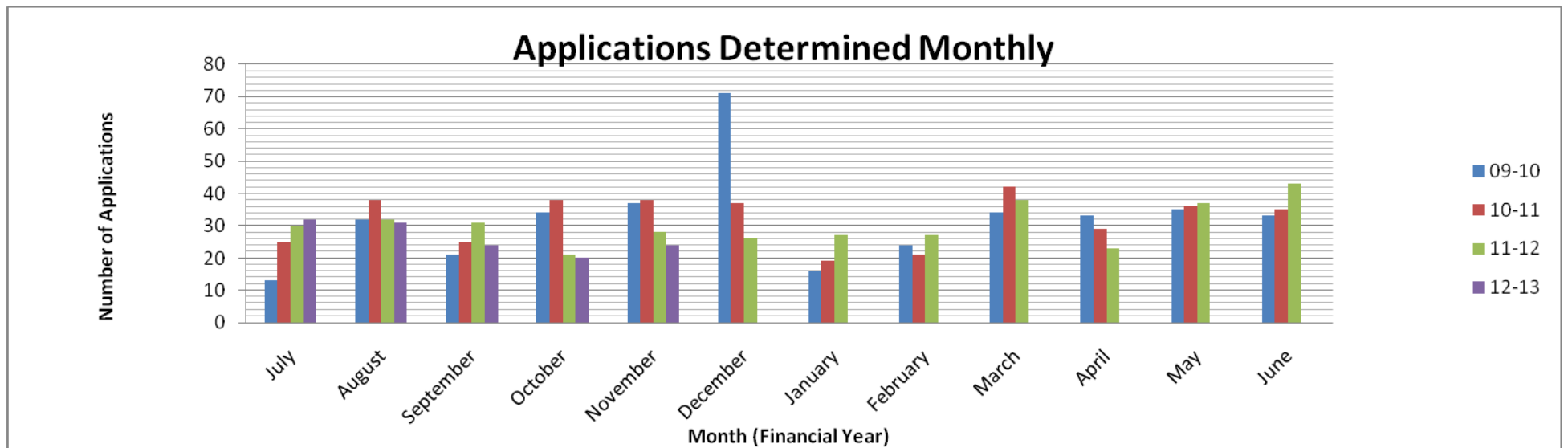
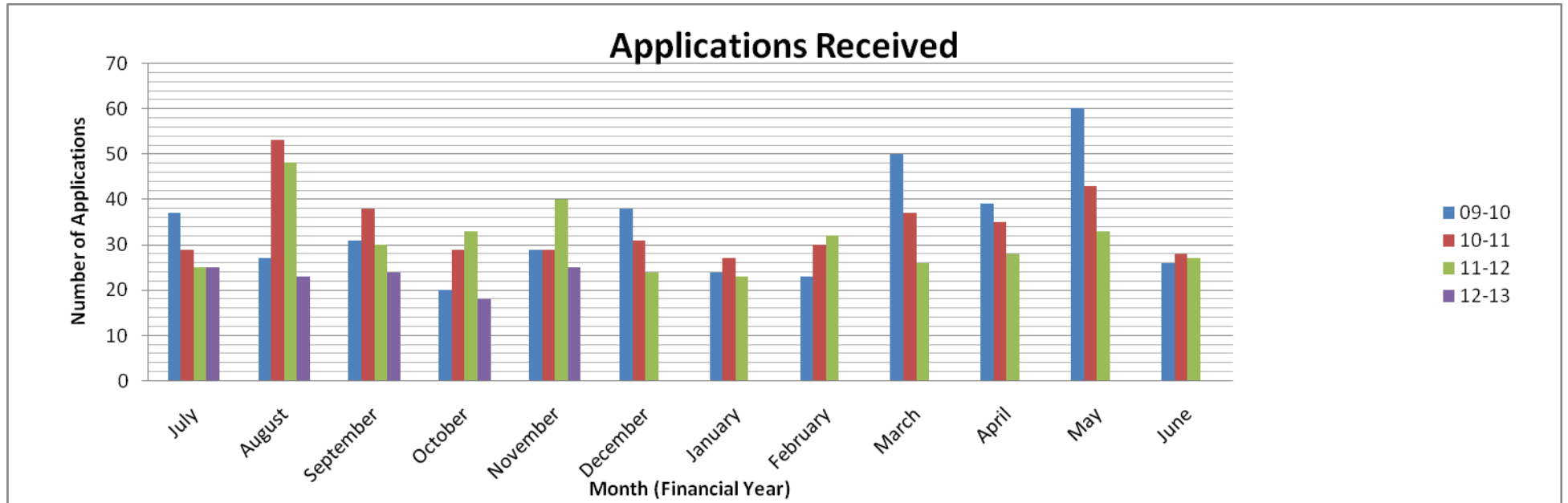
### Planning Permits Received & Determined for 2012



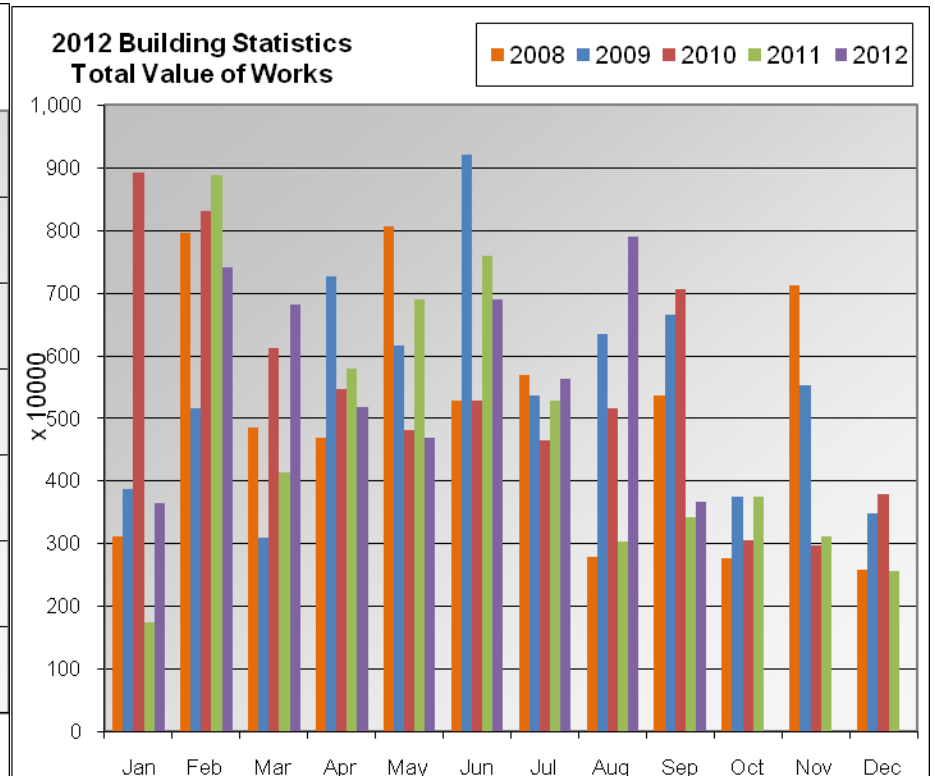
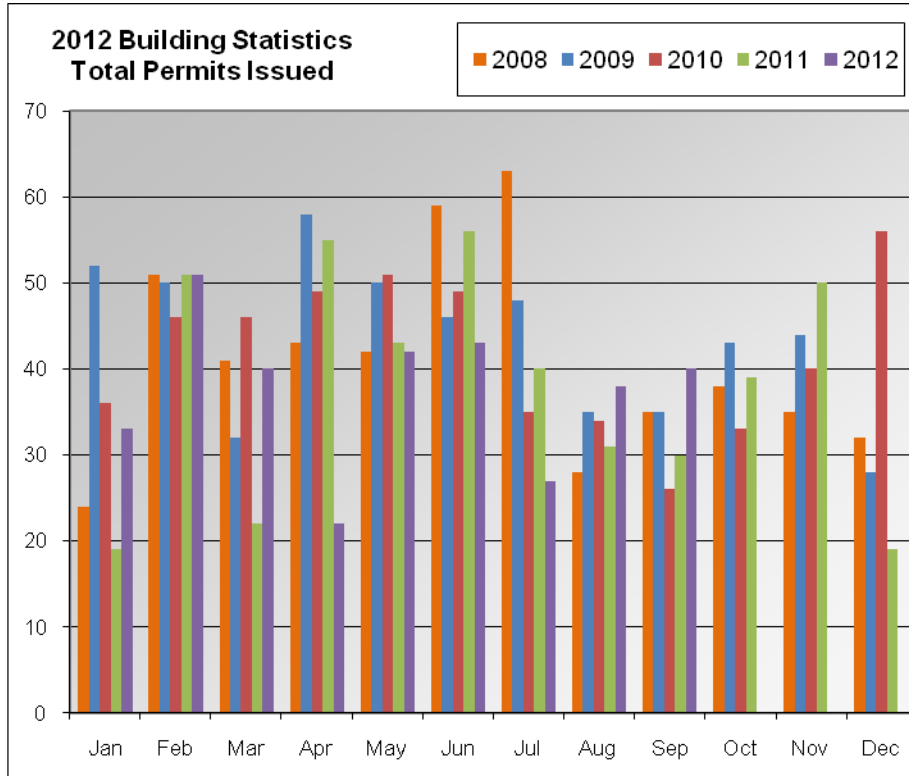
### Subdivision Applications for 2012







|               | Domestic |            | Residential* |            | Commercial |            | Retail   |            | Industrial |            | Hospital/HealthCare |            | Public Buildings |            | Municipal Totals |            |
|---------------|----------|------------|--------------|------------|------------|------------|----------|------------|------------|------------|---------------------|------------|------------------|------------|------------------|------------|
|               | No of BP | Value (\$) | No of BP     | Value (\$) | No of BP   | Value (\$) | No of BP | Value (\$) | No of BP   | Value (\$) | No of BP            | Value (\$) | No of BP         | Value (\$) | No of BP         | Value (\$) |
| Jan           | 23       | 2,632,772  | 0            | 0          | 4          | 356,809    | 2        | 410,000    | 1          | 27,000     | 0                   | 0          | 3                | 210,173    | 33               | 3,636,754  |
| Feb           | 36       | 4,147,416  | 0            | 0          | 7          | 229,380    | 2        | 66,500     | 4          | 2,910,222  | 0                   | 0          | 2                | 56,000     | 51               | 7,409,518  |
| Mar           | 30       | 4,901,928  | 0            | 0          | 4          | 143,000    | 2        | 30,000     | 2          | 520,000    | 0                   | 0          | 2                | 1,217,137  | 40               | 6,812,065  |
| Apr           | 18       | 1,600,096  | 1            | 15,666     | 2          | 368,000    | 0        | 0          | 1          | 3,200,000  | 0                   | 0          | 0                | 0          | 22               | 5,183,762  |
| May           | 29       | 3,543,672  | 2            | 135,000    | 3          | 152,362    | 2        | 161,500    | 3          | 328,554    | 0                   | 0          | 3                | 368,000    | 42               | 4,689,088  |
| Jun           | 35       | 4,637,580  | 1            | 1,200,000  | 4          | 1,008,450  | 1        | 10,000     | 0          | 0          | 0                   | 0          | 2                | 26,200     | 43               | 6,882,230  |
| Jul           | 21       | 2,453,226  | 0            | 0          | 2          | 46,000     | 0        | 0          | 2          | 214,000    | 1                   | 100000     | 1                | 2,813,840  | 27               | 5,627,066  |
| Aug           | 32       | 4,675,264  | 0            | 0          | 3          | 53,168     | 0        | 0          | 2          | 3,068,750  |                     | 0          | 1                | 93,800     | 38               | 7,890,982  |
| Sep           | 28       | 2,256,760  | 0            | 0          | 3          | 107,100    | 0        | 0          | 2          | 110,000    | 1                   | 1132000    | 6                | 64,624     | 40               | 3,670,484  |
| Oct           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Nov           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| Dec           |          |            |              |            |            |            |          |            |            |            |                     |            |                  |            |                  |            |
| <b>Totals</b> | 252      | 30,848,714 | 4            | 1,350,666  | 32         | 2,464,269  | 9        | 678,000    | 17         | 10,378,526 | 2                   | 1,232,000  | 20               | 4,849,774  | 336              | 51,801,949 |



**PC121212-2            PP203/2012 - BUILDINGS AND WORKS COMPRISING THE CONSTRUCTION OF A ROOF OVER EXISTING SALEYARD STRUCTURES AND INSTALLATION OF FOUR RAIN WATER TANKS AT 55 COLAC BALLARAT ROAD, IRREWARRA**

|             |                                    |           |            |
|-------------|------------------------------------|-----------|------------|
| AUTHOR:     | Carl Menze                         | ENDORSED: | Jack Green |
| DEPARTMENT: | Sustainable Planning & Development | FILE REF: | F12/7931   |

**Location:** 55 Colac Ballarat Road, Irrewarra

**Zoning:** Public Use 6 (PUZ6)

**Overlay controls:** Environmental Significance Overlay Schedule 1 (ESO1)

**Proposed Amendments:** Nil

#### **Purpose**

This application seeks a planning permit for buildings and works comprising the construction of a roof over existing enclosures in a saleyard and the installation of four rainwater tanks.

The application is before Council for consideration as the proposed roof structure would reach a height in excess of 8m above natural ground level.

It is recommended that a planning permit be issued subject to conditions.

#### **Declaration of Interests**

The Manager of Planning and Building has declared an interest in this application as he is related to the sole objector. The Manager has therefore not been involved in the processing of this application.

#### **Summary**

- An application has been submitted for buildings and works comprising the construction of a roof over existing enclosures in a saleyard and the installation of four rainwater tanks. The site is currently used as the Colac Otway Shire livestock saleyards.
- The proposed roof structure would reach a maximum height of 9.2m above natural ground level.
- The requirement for a planning permit is only triggered by the provisions of the Environmental Significance Overlay Schedule 1 (ESO1), the objective of which is to protect and maintain the quality and quantity of groundwater recharge in the Warrion aquifer area.
- There is no permit trigger for the works under the zone, which allows buildings and works for local government to be carried out without a planning permit.
- As such, the only matters that can be considered when determining this application are those listed in the decision guidelines for ESO1 in the Planning Scheme (ie. the need to minimise effluent and waste disposal, and the need to minimise groundwater usage, including that incurred indirectly by commercial forestry, softwood plantations, or by direct extraction from bores).

- The application was referred to Barwon Water and Southern Rural Water, both of which are statutory referral authorities for applications where the permit requirement is triggered by ESO1. Neither body raised any objection to the proposal, nor did either request that any conditions be imposed in the event a planning permit is issued. Council's Infrastructure Department also raised no objection to the proposal. It is therefore considered that the proposal responds acceptably to the purpose and objectives of the ESO1.
- Whilst the potential impact of the structure on the character and amenity of the area is not a matter to be considered, as the sole permit trigger is ESO1, it is noted that the proposed roof should not have a significant impact on the area, due to its location to the rear of the site and at a distance from any other property.
- Given the above, it is recommended that the application be supported subject to conditions.

### **Background**

There are no previous planning permit applications on record for the subject land.

Council funded the construction of the saleyard roof in the 2012/13 budget.

### **Issues / Options**

Council has the options of:

- a) Supporting the application by issuing a Notice of Decision to Grant a Planning Permit subject to conditions;
- b) Supporting the application with changes;
- c) Refusing to grant a permit.

The key issue is whether the proposal is consistent with the objective and decision guidelines of ESO1. Council cannot consider the merits of the project from a funding point of view – rather its discretion relates only to planning permit considerations.

It is recommended that Option (a) is supported.

### **Proposal**

The proposal seeks a planning permit for buildings and works comprising the construction of a roof over existing enclosures in a saleyard and the installation of four rainwater tanks.

The site is currently used as the Colac Otway Shire livestock saleyards. The Council owned and operated saleyard opened at its this location on the Colac-Ballarat Road in 1979, and generates an estimated \$4.7M in economic activity for the district each year.

The proposed roof structure would be constructed over the existing saleyards, which are located to the rear of the site. The proposed roof structure would have a maximum width of 77m, a maximum length of 113.5m and a total area of 8200sqm. The roof structure would be sloping, with a 3° fall, and would have a maximum height of 9.2m above natural ground level.

The roof structure would be constructed of steel framing with roof sheets of colorbond cladding and translucent material.

Permission is also sought for four (4) water tanks adjacent to the proposed roof, which would be used to harvest the water collected from the roof. These would comprise two (2) 400KL water tanks, each with a diameter of 13.6m, and two (2) 200L tanks with a diameter of 9.7m.

The applicant has described the proposal as follows:

*'The application is for construction of a roof over the enclosures area of the Colac Livestock Selling Centre in Colac Ballarat Road, Colac East, to improve operations from the existing pens and enclosures. The application also includes a stormwater harvesting component.*

*It is an objective that the improvements to the facility will maintain the business providing a viable enterprise into the future.'*

The applicant has clarified the stormwater harvesting element by stating:

*'The cleaner waste product disposal and management relates to the proposed roof protecting the enclosures from storm water infiltration which will allow the saleyards operation to implement a woodchip soft flooring material. This can be recycled and is better to manage than the current system of hosing down the pens and treating the effluent. The soft floor solution is also better for the cattle. After the final re-use the material is used as mulch.*

*On another level the problems with experiencing a storm event prior to hosing down waste from the pens can create a waste runoff problem which can be difficult to manage.*

*Re-use of storm water captured from the roof will assist to diminish the amount of water used from the town supply.'*

### **Site & Surrounds**

The subject site, which is irregular in shape and has an area of 19.3ha, is located on the west side of Colac Ballarat Road, Irrewarra. The site contains the Colac Otway Shire Livestock Saleyards. The saleyards are located to the rear of the site, along with two (2) large effluent ponds, car parking and associated outbuildings.

The surrounding area generally comprises large allotments used for agricultural purposes primarily grazing. The landscape is undulating in form and void of significant vegetation.

The nearest dwellings on adjoining land are located approximately 400m from where the proposed roof would be located. Lake Colac is located approximately 300m to the west of the subject land.

### **Cultural Heritage**

The subject site is within an area of cultural heritage sensitivity.

Section 43 of the Aboriginal Heritage Regulations 2007 states that:

*"...the construction of a building or the construction or carrying out of works on land is not a high impact activity if it is for or associated with a purpose for which the land was being lawfully used immediately before the commencement day."*

The commencement date in question is 28 May 2007 and the subject site has been used for its current purpose since 1979. As such, a cultural heritage management plan is not required for the proposal.

**Public Notice**

Public notice of the application was given in accordance with Section 52 of the Planning and Environment Act, and Section 67.02 of the Planning Scheme (which relates to Council applications, and proposals on Council owned land) by sending letters to adjoining owners/occupiers, by placing a sign on-site and by putting a notice in the Colac Herald.

At the conclusion of the notification period, one (1) objection was received. The grounds of objection are summarised as follows:

- Cost of development, which would be borne by ratepayers and producers.
- Operational changes may necessitate major alterations to existing infrastructure, equipment purchases and ongoing costs.
- Minimal benefit to shire residents.
- Lack of consultation with producers.

The above objections are not relevant planning considerations in this instance. As noted earlier in this report, the requirement for a planning permit is only triggered by ESO1. Therefore, in terms of this planning application, Council can only consider how the proposal responds to the objectives and decision guidelines of this overlay control. Notwithstanding this, it should be noted that an objection based on development costs is not a material planning consideration. The matters raised in this objection would have to be considered by the Council as landowner and operator, rather than through the planning process. It is not considered that it would be possible to substantiate a reason for refusal against the provisions of the Planning Scheme on the basis of the issues raised in the objection.

**Referrals**

The application was referred under Section 55 of the Planning and Environment Act to Barwon Water and Southern Rural Water. Both of these statutory referral authorities advised that they have no objections to the proposal. Furthermore, neither body required that any specific conditions be imposed in the event a permit is issued.

In addition, the application was referred to Council's Infrastructure Department, which raised no concern about the proposal. The Infrastructure department has recommended a standard drainage condition be placed on a permit, if issued. This has been included in the recommendation below.

**Planning Controls****a. State and Local Planning Policy Framework**

The State and Local Planning Policy Frameworks seek to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices which integrate relevant environmental, social, and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application.

- Clause 11.05 – Regional Development
- Clause 14.02 – Water
- Clause 17.1-1 – Business
- Clause 19.03-2 – Water Supply, Sewerage and Drainage
- Clause 19.03-3 - Stormwater
- Clause 21.02-2 – Land Use Vision
- Clause 21.03-2 – Colac
- Clause 21.04-2 – Water
- Clause 21.05-1 - Agriculture

The proposal would improve operations at an existing facility that is important in terms of economic activity in Colac. As noted, the key issue in this case is the protection and maintenance of the quality and quantity of groundwater recharge in the Warrion aquifer area. The application has been referred in accordance with statutory requirements, and no objections have been raised to the proposal by the referral authorities. The proposal is therefore considered to accord with the relevant policies of the State and Local Planning Policy Frameworks.

b. Zone provisions

The purpose of the Public Use Zone (Schedule 6) is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To recognise public land use for public utility and community services and facilities.*
- *To provide for associated uses that are consistent with the intent of the public land reservation or purpose.*

Any use for Local Government purposes is a Section 1 Use (permit not required) under the provisions the Public Use Zone. In addition, a planning permit is not required for buildings and works associated with a Section 1 Use.

The current proposal relates to a Council owned and operated facility, and there is no trigger for a planning permit under the zone.

c. Overlay Provisions

The objective of the Environmental Significance Overlay Schedule 1 (Warrion Groundwater Area) is:

- *To protect and maintain the quality and quantity of groundwater recharge in the Warrion aquifer area.*

A planning permit is required for buildings and works under the provisions of this overlay.

**Consideration of the Proposal**

Environmental Significance Overlay Schedule 1 (ESO1)

A planning permit for the proposed buildings and works is only required under the provisions of the ESO1, and therefore Council considerations are limited to the objectives and decision guidelines of this overlay control.

In accordance with the requirements of the overlay, the application was referred to both Barwon Water and Southern Rural Water under Section 55 of the Planning and Environment Act. Both authorities have advised that they have no objections to the proposal, and no specific permit conditions are required.

The proposal does not seek approval for the use of groundwater and there is no evidence to suggest the proposal would have any adverse impact on groundwater. Therefore the proposal is considered to be in keeping with the purpose and objectives of the Environmental Significance Overlay Schedule 1.



**Council Plan / Other Strategies / Policy****Leadership and Governance****Council Plan – 3 Land Use and Development***Objective:*

*“Council will engage, plan and make decisions about land use and development that takes into account the regulatory role of Council, its diverse geography, social, community, economic and environmental impacts for current and future generations.”*

As noted above, the saleyard is important in terms of economic activity in Colac and it is considered that the current proposal would be beneficial to ongoing operations. It is considered that the proposal is in accordance with the above objective.

**Financial & Other Resource Implications**

There are no financial implications arising from this report from a planning perspective. The project has been funded in the 2012/13 Council budget.

**Risk Management & Compliance Issues**

There are no risk management or compliance implications arising from this report.

**Environmental Consideration / Climate Change**

There are no environmental or climate change implications arising from this proposal.

**Communication Strategy / Consultation Period**

Community consultation in the form of public notification has been undertaken as part of this assessment process in accordance with the Planning and Environment Act.

**Conclusion**

A requirement for a planning permit for the proposed buildings and works is only triggered by the Environmental Significance Overlay - Schedule 1. This overlay relates to the protection and maintenance of the quality and quantity of groundwater recharge in the Warrion aquifer area. The statutory referral authorities for the application have raised no objection to the proposal and have not requested that any conditions be imposed in the event a planning permit is issued. On this basis, the proposal is considered to be acceptable in terms of the relevant planning controls. Whilst the potential impacts of the proposed structure on the character and amenity of the area is not a matter that can be considered under ESO1, it is not considered that the proposal would have a detrimental impact on the area given its location. As such, it is considered that a permit could reasonably be issued for the proposed buildings and works.

**Attachments**

Nil

**Recommendation(s)**

***That Council's Planning Committee resolves to issue a Notice of Decision to Grant a Planning Permit for buildings and works comprising the construction of a roof over existing saleyard enclosures and installation of four rainwater tanks at 55 Colac Ballarat Road, Irrewarra subject to the following conditions:***

***Endorsed Plan***

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

2. ***Stormwater discharge must only be distributed across the property by sheet flow (i.e. along a contour) or to a legal point of discharge as approved by the Responsible Authority. No sheet flow discharge point must be permitted within five (5) metres of the lowest property boundaries and any discharge point must not be located so as to surcharge the septic effluent disposal system.***

***Expiry***

3. ***This permit will expire if one of the following circumstances applies:***
  - a) ***The development is not commenced within two (2) years of the date of this permit.***
  - b) ***The development is not completed within four (4) years of the date of this permit.***

***The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires, or within three (3) months afterwards.***

***Note***

1. ***A building permit will also be required, which must be obtained prior to the commencement of works on the development hereby permitted.***

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