



Planning Meeting Agenda

14 October 2025 at 1pm

COPACC Meeting Rooms 1 & 2

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Tuesday 14 October 2025

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Tuesday 14 October 2025 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, present and emerging.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. When meetings are held in other locations, Council will endeavour to make an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council and Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

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

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

3 MEETING ADMINISTRATION

3.1 Present

3.2 Apologies

3.3 Confirmation of Minutes

RECOMMENDATION

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 16 September 2025.

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.

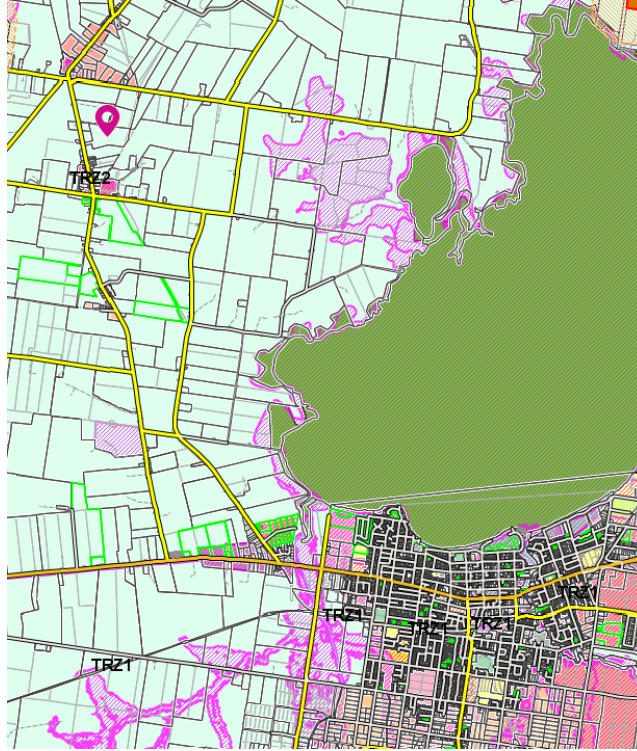
Item: 4.1

PP257/2024-1 - 622 Corangamite Lake Road COROROOKE - Use and Development of Dwelling (Retrospective)

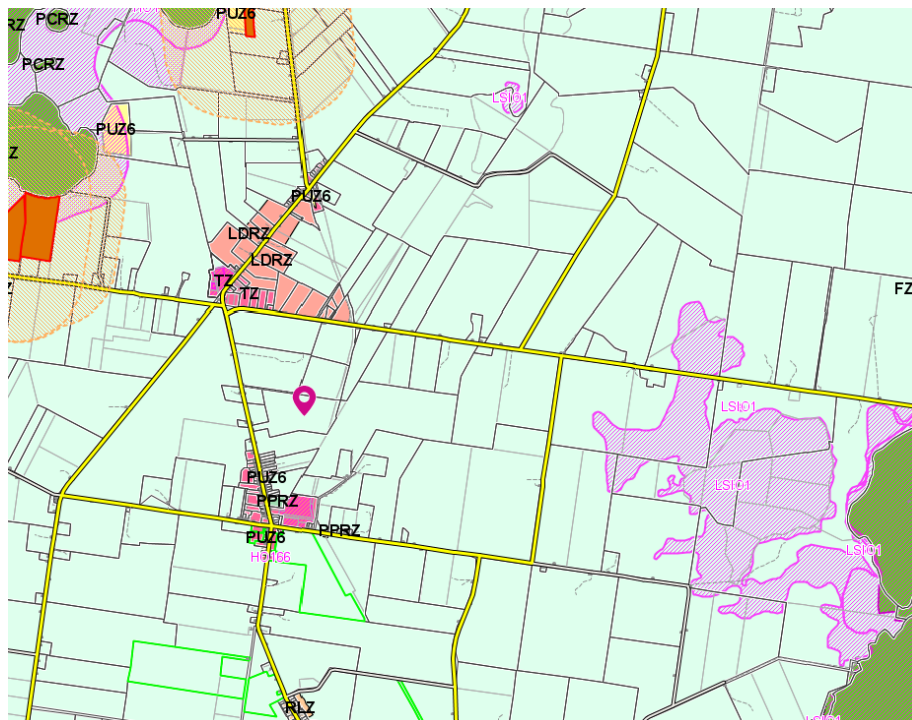
ADDRESS AND PROPERTY DETAILS	622 Corangamite Lake Road COROROOKE Lot 2 LP126876 V/F: 9354/874 and Lot 1 TP905933 V/F: 4743/499	APPLICATION NUMBER	PP257/2024-1
PROPOSAL	Use and Development of a Dwelling and Associated Works (Part Retrospective)		
PERMIT TRIGGERS	Clause 35.07-1 - use of the land for a dwelling in the Farming Zone Clause 35.07-4 - building and works comprising construction of a dwelling in the Farming Zone Clause 52.29-2 - Creation or alteration of access to a road in a Transport Zone 2		
TRIGGER FOR DETERMINATION BY COMMITTEE	Dwelling in the Farming Zone		
ZONE	Farming Zone	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	N/A		
OFFICER	Chris Hu	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	1. Plans [4.1.1 - 8 pages]		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



Location to north-west of Colac and Lake Colac marled by pink pin



AERIAL PHOTO



2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for the use and development of land for a dwelling and associated works, and creation/alteration of access to a road in a Transport Zone 2 (part retrospective) at 622 Corangamite Lake Road, Cororooke (Lot 2 LP126876 V/F: 9354/874 and Lot 1 TP905933 V/F: 4743/499), 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. 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 reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.***
 - c) The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.***
 - d) The dwelling must be connected to a reticulated electricity supply or have an alternative energy source.***

Drainage

3. ***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.***
4. ***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.***

Wastewater

5. ***The domestic wastewater management system must ensure that the 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

6. ***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.***

Expiry

7. ***This permit will expire if the following circumstances applies:***
 - a) ***The development is not completed 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 period referred to in this condition.

Note:

1. ***This planning permit does not purport to grant any permissions/consents/ approvals required under other legislation for the building/s and works on site, including any permits required under the Building Act 1993 and associated regulations, or any permits required for effluent treatment and disposal.***
2. ***This permit does not authorise any building works. It will be necessary to separately obtain a building permit for the dwelling. Properly prepared plans drawn to a scale of 1:100 must be submitted with any building application. No further building works may commence until a building permit has been obtained.***
3. ***Fire safety issues are to be addressed under the building permit. Energy efficiency and all other parts of 'ResCode' are to be addressed to meet all the building regulations for the building.***

4. ***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.***
5. ***The existing onsite wastewater management system (including the effluent disposal area) must be approved and an application to install/alter an onsite wastewater management system must be submitted to Council's Health Protection Unit in order for a certificate to use to be issued. An upgrade or replacement of the existing septic tank system and trenches may be required should it not comply with current standards. Contact the Health Protection Unit for the application form and to arrange a site meeting.***

The Health Protection Unit reserves the right to request that a Land Capability Assessment (LCA) prepared by a suitably qualified person be submitted for approval to support a detailed system design at the wastewater permit alteration stage.

3. PROPOSAL

The applicant is seeking a retrospective planning permit for the use of the land for a dwelling, together with building and works associated with a Section 2 (permit required) use and the creation/alteration of access to a road in a Transport Zone 2. A permit is also sought to construct a verandah and alfresco area extensions to the existing building that is currently being unlawfully used as a dwelling.

Background

The applicant converted a shed into a dwelling without obtaining the necessary planning permission or building permit. It is understood that the shed was converted in 2015 and has been occupied as a dwelling ever since. The building contains three bedrooms, a bathroom with laundry, a kitchen and an open plan dining/lounge room. The building has an area of 175sqm and is single-storey.

The construction materials include timber, Colorbond and powder coated aluminium.

The building is set back approximately 150m from Corangamite Lake Road, 20m from the southern boundary of the site and 25m from the western boundary.

Two water tanks, a septic tank (a 3,500L concrete tank) and grey water system are located on the south side of the building.

A new verandah is proposed on the eastern side of the building, and a new verandah/alfresco area is proposed on the western side. The verandah on the eastern side would have an area of 52.2sqm. The verandah/alfresco area on the western side would have an area of 73.2sqm.

Vehicle access would continue to be via the existing access point and driveway off Corangamite Lake Road. No changes would be made to the existing access point or driveway.

A Farm Plan was submitted with the application, which advises that the building would serve as the primary residence of the property owner/operator, ensuring onsite management of farm operations including taking care of livestock and the land. The Farm Plan also states that the

objective is to establish a sustainable quiet agricultural enterprise - focussing on livestock and a quiet environment for racehorses that come for agistment, to foal and rest.

No trees would be removed.

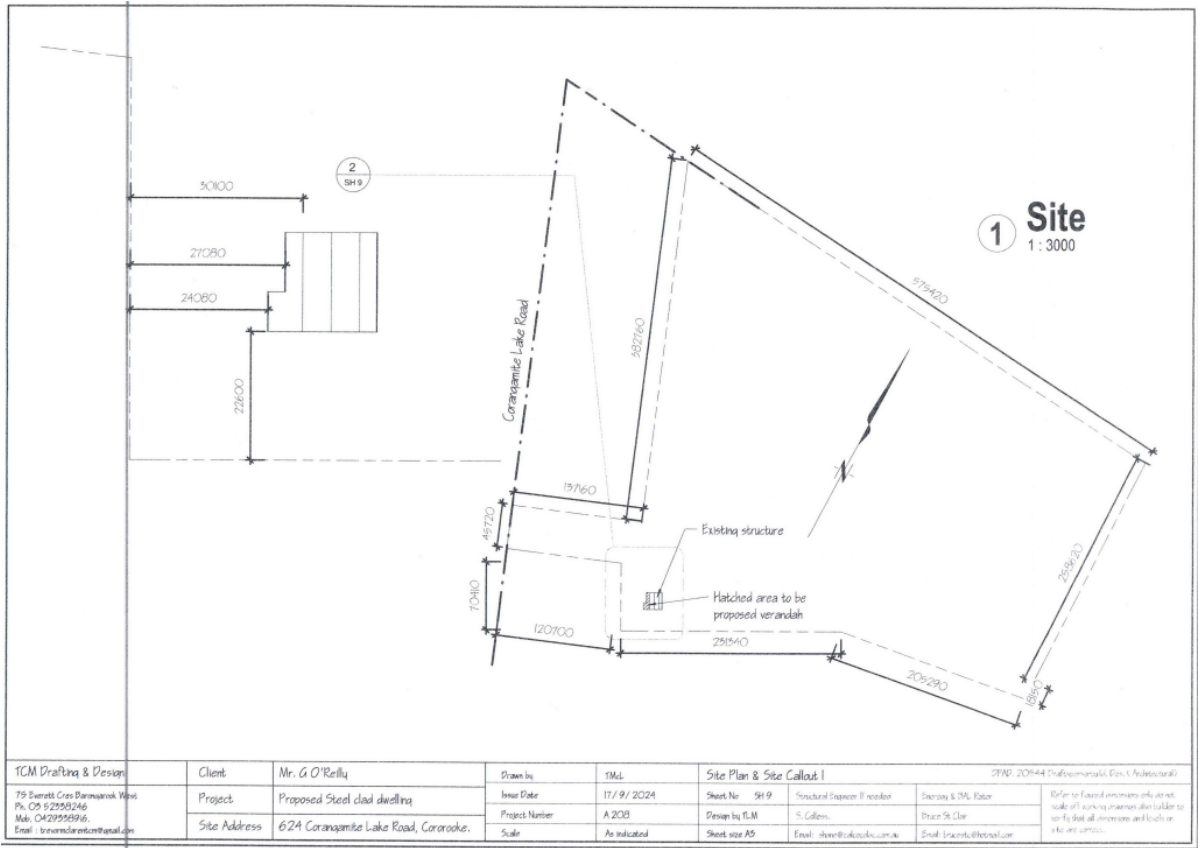


Figure 1 | Site Plan





Photographs | Existing conditions

4. SUBJECT LAND & SURROUNDINGS

The subject site, which is in the Farming Zone, is located at 622 Corangamite Lake Road in Cororooke. The property comprises two lots, with a combined total area of 16.1 hectares. The building under consideration is located on Lot 2 (15.5 hectares).

The site is currently used for livestock and racehorses that come to the site for agistment, to foal and rest. There are six (6) buildings on the subject lot. These include two (2) old farm sheds in the middle of the site, which appear to be used for non-habitable purposes. There is another shed at the north side of the property. The building used as a dwelling, for which retrospective planning permission is sought, is at the south end of the property (shown by the blue pin in the aerial image below).



Figure 2 | Existing buildings on site

Corangamite Lake Road runs to the west of the site.

The majority of adjoining lots are also small lots within the Farming Zone (under 40ha). A number of these have been developed with dwellings. However, these dwellings seem to be historic uses, with no recent planning permits issued for dwellings on a small lot in the area in recent years. Further south is land in the Township Zone of Cororooke (located approximately 145m south of the subject site).

5. PLANNING SCHEME PROVISIONS

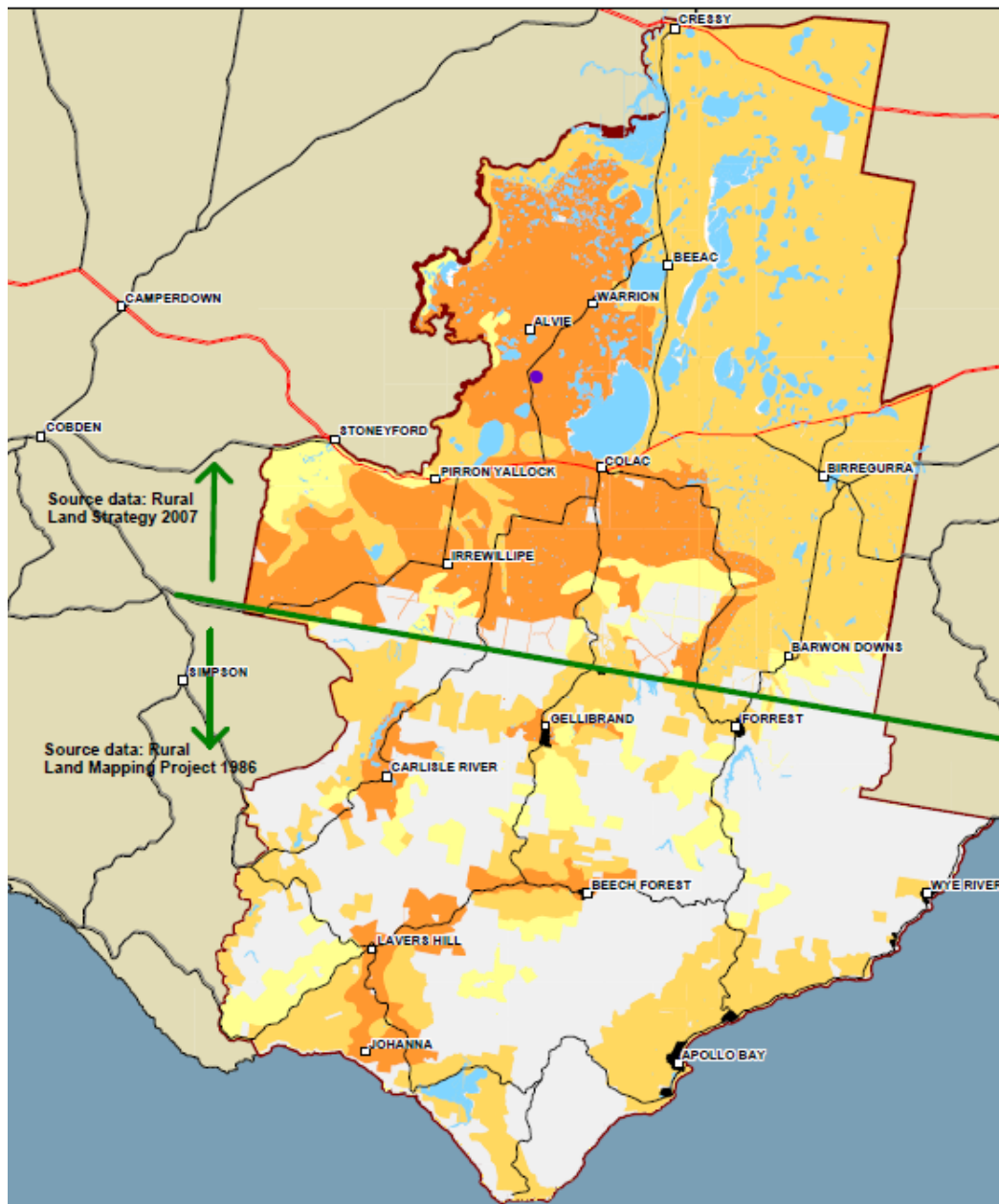
Planning Policy Framework

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

Other relevant provisions

The *Rural Living Strategy* 2011 does not recommend rezoning the subject site.

The *Rural Land Strategy* 2007 identifies the subject site (marked by the purple dot below) as located within land of High Agricultural Capability.



Agricultural Capability

Collected Information from Land Victoria,
Department of Sustainability & Environment.

Disclaimer Note

Colac Otway Shire Council (the Council) does not warrant or represent that the above information is free from errors or omissions. A person using the information should conduct independent enquiries to verify the accuracy of the information.

To the extent permitted by law, the Council, its employees and agents shall have no liability (including liability by reason of negligence) to any person for any loss, damage, cost or expense incurred or arising as a result of any information, whether by reason of any error, omission or misrepresentation in the information or for any action taken by any person in reliance upon the information.

Legend

- High Agricultural Capability
- Medium Agricultural Capability
- Low Agricultural Capability
- Lakes/reservoirs
- Public Land



Colac Otway
SHIRE

'Naturally Progressive'

The site is located outside the area of Farmland of Strategic Significance identified within the Rural Land Strategy 2007.

Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure Department, Health Protection Unit and Building Unit. Whilst it was noted that matters relating to building matters and wastewater would have to be separately addressed, no objection was raised subject to conditions which have been included in the recommendation earlier in this report.

External Referrals

The application was referred externally to Department of Transport and Planning, which advised it does not object to the proposal. No conditions were provided.

7. PUBLIC NOTIFICATION & RESPONSE

The application was advertised to surrounding properties, and a site notice was displayed on the land, for a period of 14 days. At the end of the public notice period, no objections were received.

8. OFFICER'S ASSESSMENT

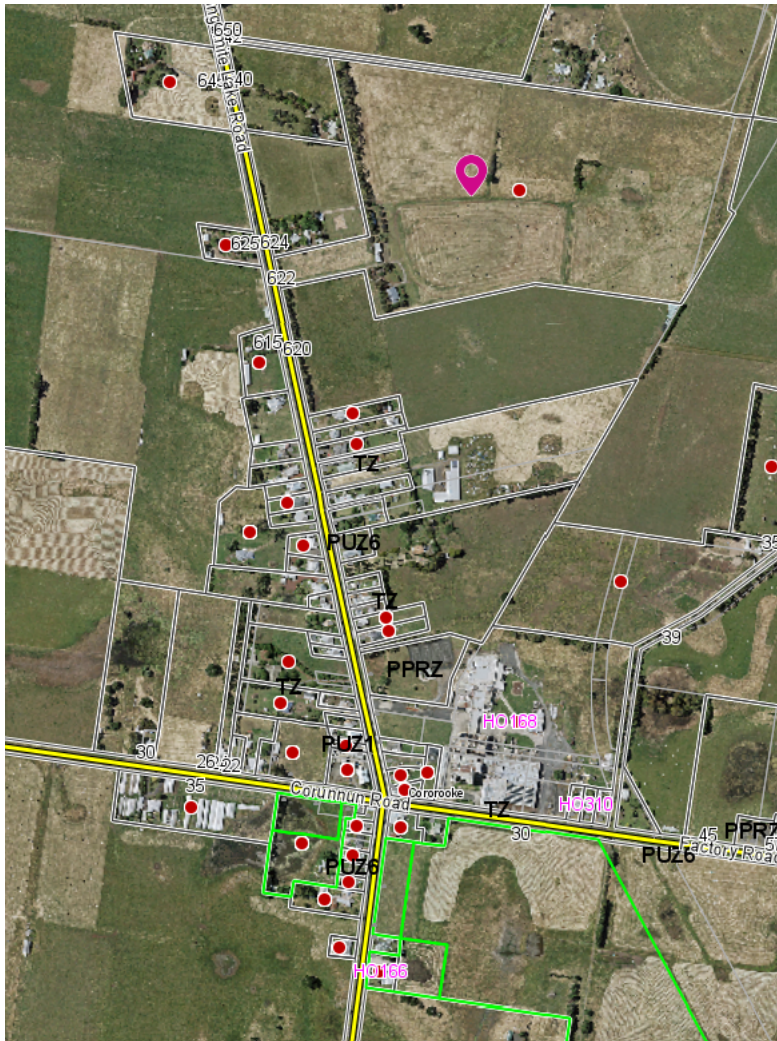
Farming Zone (FZ)

A retrospective permit is sought to use the land for dwelling purposes, and for building and works associated with a Section 2 (permit required) use. A permit is also sought to construct a proposed verandah and alfresco area extensions to the building that is being used as a dwelling.

General Issues

It is considered the land is able to accommodate the existing building that is being used as a dwelling, including the proposed verandah/alfresco areas, with the site having an area in excess of 15.46ha. The dwelling use would be generally compatible with surrounding land uses, with surrounding properties within the Farming Zone comprising vacant land and land used for agricultural and residential purposes.

On balance, and whilst not condoning the unlawful use that has been occurring on the land, it is considered the use of this relatively small lot in the Farming Zone for a dwelling is acceptable in this instance. The surrounding area includes a number of other small lots developed with dwellings. Whilst each application must be assessed on its merits, it is noted that this would be one of the last small Farming Zone lots in the area to be used and developed for a dwelling in proximity to the Cororooke township, as shown in the aerial image below.



The application also included a Farm Plan which states that the dwelling would serve as the primary residence for the property owner/operator, ensuring onsite management of farm operations that focus on livestock and providing a quiet environment for racehorses that come for agistment, to foal and rest.

Agricultural Issues and the Impacts from Non-Agricultural Uses

The dwelling would continue to be occupied by the current owner/operator, who would operate the agricultural enterprise described above. On balance, it is considered the dwelling would support the agricultural use of the site.

It is not anticipated that regularising the dwelling use and development would adversely affect soil quality or access to water or and rural infrastructure.

It is also not considered that regularising the dwelling use would materially affect the operation or expansion of adjoining or nearby agricultural uses.

Accommodation Issues

As previously mentioned, the dwelling would be occupied by the landowner/operator who would use the land for agricultural purposes.

The building does not result in the loss or fragmentation of productive agricultural land. The building used as a dwelling, which is located in the south-west corner of the site, has a small

footprint compared to the size of the site, minimising its encroachment into the agricultural land.

Environmental Issues

No vegetation would be removed as part of this application.

A septic tank was installed when the shed was unlawfully converted to a dwelling. The septic tank is located to the south of the building used as a dwelling. The wastewater system is considered acceptable. There are no waterways in proximity to the site. The application was referred to the Health Protection Unit, which did not object to a retrospective planning permit being issued.

Design and Siting Issues

The building in question is single-storey and is set back from Corangamite Lake Road and adjoining properties.

The location of the building is considered acceptable, as it is located in the south-west corner of the site away from the core agricultural land whilst also being set back from the adjoining road network and surrounding properties.

The materials used for the building comprise timber, Colorbond and powder coated aluminium. The nearest dwelling is located approximately 140m north-west of the site; however, there is high level vegetation on the nearby property and on the subject site that reduces the visibility of the building that forms the subject of this application. Given the vegetation on the subject site and on surrounding sites, along with the single-storey height of the building, it is considered there would be minimal visibility. The site also is not located within the Significant Landscape Overlay. As such, the materials are considered acceptable.

Given the materials, together with the scale of the building, setbacks, and vegetation onsite and on surrounding properties, it is considered the application is acceptable in terms of any impact to the streetscape and to the surrounding properties.

It is considered that the use and development of the dwelling could reasonably be regularised through the grant of a planning permit, having regard to the provisions of the Farming Zone. It is not considered that the proposed extensions would materially alter the impact of the building on the surroundings.

Particular Provisions

52.29 - Create or alter access to a road in a Transport Zone 2

The application was referred to the Department of Transport and Planning in accordance with clause 52.29 (Land Adjacent to the Principal Road Network). The Department of Transport and Planning did not object to the proposal and did not require any conditions to be imposed should a permit be issued. Based on the advice received, it is considered the proposal meets the requirements of clause 52.29.

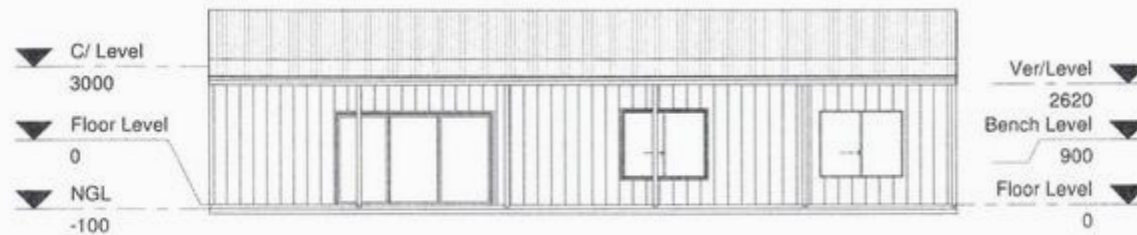
9. OFFICER DIRECT OR INDIRECT INTEREST

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

Preliminary not for construction

1 East Elevation

1 : 100



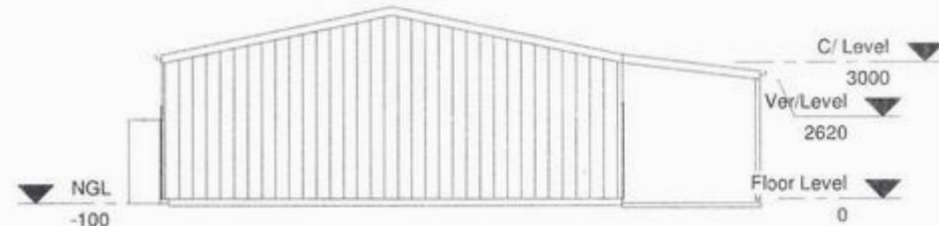
2 North Elevation

1 : 100



3 South Elevation

1 : 100



4 West Elevation

1 : 100



TCM Drafting & Design
75 Everett Cres Marong Brook West
Ph. 05 52558246
Mob. 0429558916
Email : trevornclarenton@gmail.com

Project	Proposed dwelling
Site Address	624 Corangamite Lake Road, Cororooke.

Drawn by	TMG
Issue Date	17/9/2024
Project Number	A 208
Scale	1 : 100

Elevations

Sheet No	SH 2	Structural Engineer	Wendell	Design & DPA	Other
Design by	T.M.	Structural Engineer	Wendell	Design & DPA	Other
Sheet size	A3	Email	shane@tcm.co.nz	Email	shane@tcm.co.nz

SH 2, 2024-04 (Professional Drafting & Design)

Refer to ground elevations only, do not
scale off drawings or use as a guide to
verify that all dimensions and levels on
site are correct.

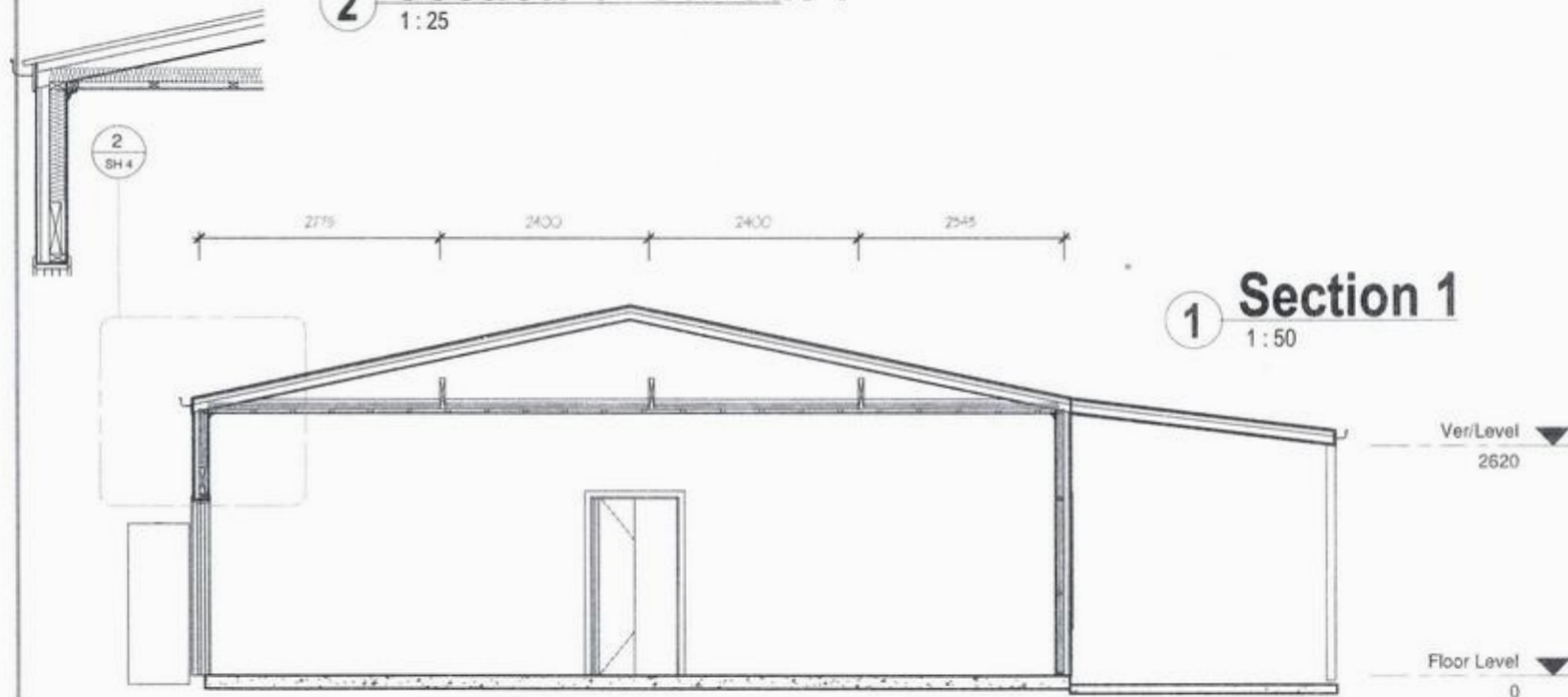
Preliminary not for construction

2 Section 1 -Callout 1

1:25

1 Section 1

1:50



TCM Drafting & Design
75 Everett Cres Banyarook West
Ph. 08 92558246
Mob. 0429558916
Email: tcmconsultants@gmail.com

Project Proposed dwelling
Site Address 624 Corangamite Lake Road, Cororooke.

Drawn by TML
Issue Date 17/9/2024
Project Number A 208
Scale As indicated

Section 1

Sheet No SH 4
Design by T.M.
Sheet size A3
Structural Engineer Provided
S. Collins
Email: s.collins@tcm.com.au
Engineer & JLC Sign
Place St Clear
Email: jmc@tcm.com.au

SPWP, 2019-A4 Drafting Standards (Rev. 1) (Indicative)

Note: to line of dimensions only, do not
scale off various drawings also include to
verify that all dimensions and levels are
correct.

Preliminary not for construction

Window Schedule							
Mark	Location	Window Style	Width	Height	Material	Glazing	Remarks
1	Bed 3	Sliding Type	1810	1450	Aluminium	Single Glazed	
2	Bed 2	Sliding Type	1810	1450	Aluminium	Single Glazed	
3	Bed 1	Sliding Type	1810	1450	Aluminium	Single Glazed	
4	Bath/laundry	Sliding Type	850	830	Aluminium	Single Glazed	
5	Kitchen	Sliding Type	1810	990	Aluminium	Single Glazed	

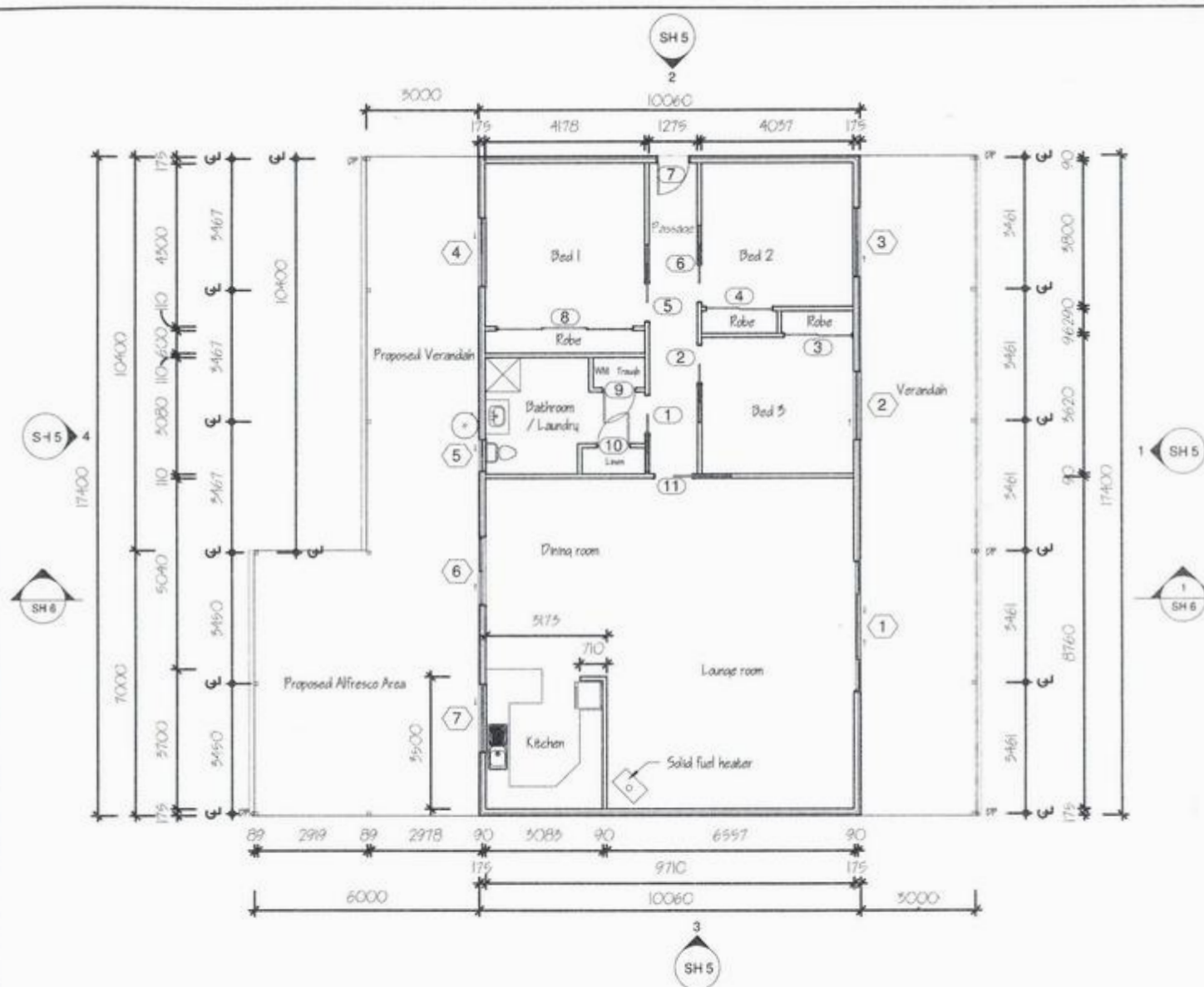
Door Schedule								
Level	Mark	Location	Height	Width	Thickness	Finish	Frame Material	Lintels
Floor Level	1	Bathroom / Laundry	2040	1020	35	Painted	Aluminium P/ Coated	190 x 45 LVL
Floor Level	2	Bed 3	2040	1020	35	Painted	Timber	190 x 45 LVL
Floor Level	3	Bed 3 Robe	2340	1800	35	Painted	Timber	190 x 45 LVL
Floor Level	4	Bed 2 Robe	2340	1800	35	Painted	Timber	190 x 45 LVL
Floor Level	5	Bed 1	2040	1020	35	Painted	Timber	190 x 45 LVL
Floor Level	6	Bed 2	2040	1020	35	Painted	Timber	190 x 45 LVL
Floor Level	7	Rear Entrance	2040	820	35	Colorbond	Colorbond Steel	N/A
Floor Level	8	Bed 1 Robe	2340	3600	35	Painted	Timber	240 x 45 LVL
Floor Level	9	Linen 1 Bath/Laundry	2040	820	35	Painted	Timber	N/A
Floor Level	10	Linen 2 Bath / Laundry	2040	820	35	Painted	Timber	N/A
Floor Level	11	Dining room	2000	3460	30	Colorbond	Aluminium P/ Coated	240 x 45 LVL
Floor Level	12	Lounge room	2000	3460	30	Colorbond	Aluminium P/ Coated	240 x 45 LVL
Floor Level	13	Passage	2040	1020	35	Painted	Timber	190 x 45 LVL

Floor Level: 13

Grand total: 13

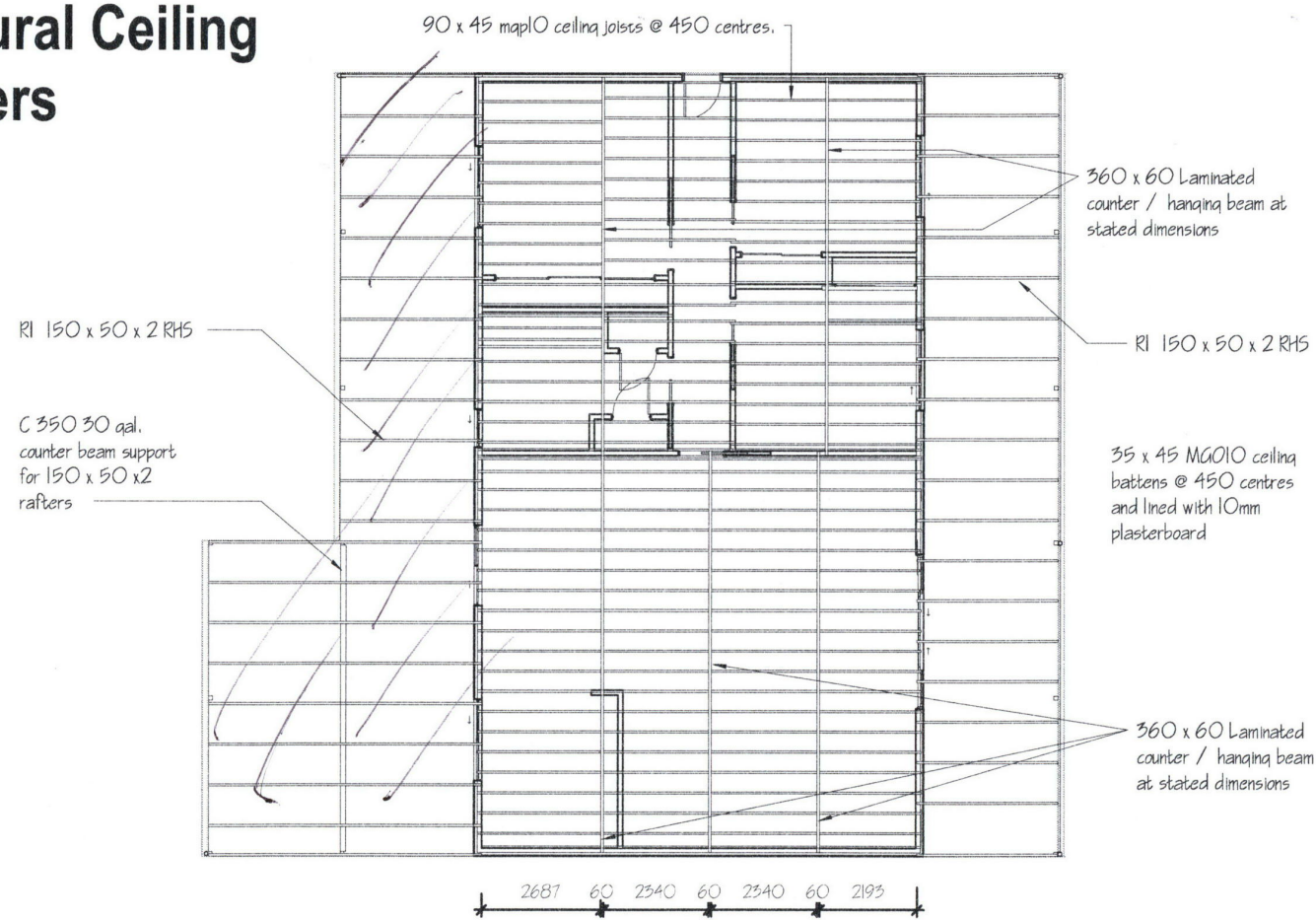
TCM Drafting & Design		[Redacted]		Drawn by	TMd	Window & Door Schedule		SYD, 20/04/2024 (Draftsman/Architect)	
75 Everett Cres Berrigerra NSW Ph. 02 52558246 Mob. 0429558916 Email: tcmconstructions@gmail.com		[Redacted]		Issue Date	17/9/2024	Sheet No	SH 5	Structural Engineer/Architect	Examiner & SEAL Name
Project		Proposed dwelling		Project Number	A 208	Design by	TMd	Structural Engineer/Architect	Drawn By Date
Site Address		624 Corangamite Lake Road, Cororooke.		Scale		Sheet size	A3	Email: shawn@tcmconstructions.com.au	Email: tcmconstructions@gmail.com

Refer to Structural drawings only do not scale off working drawings also builder to verify that all dimensions and levels are correct.

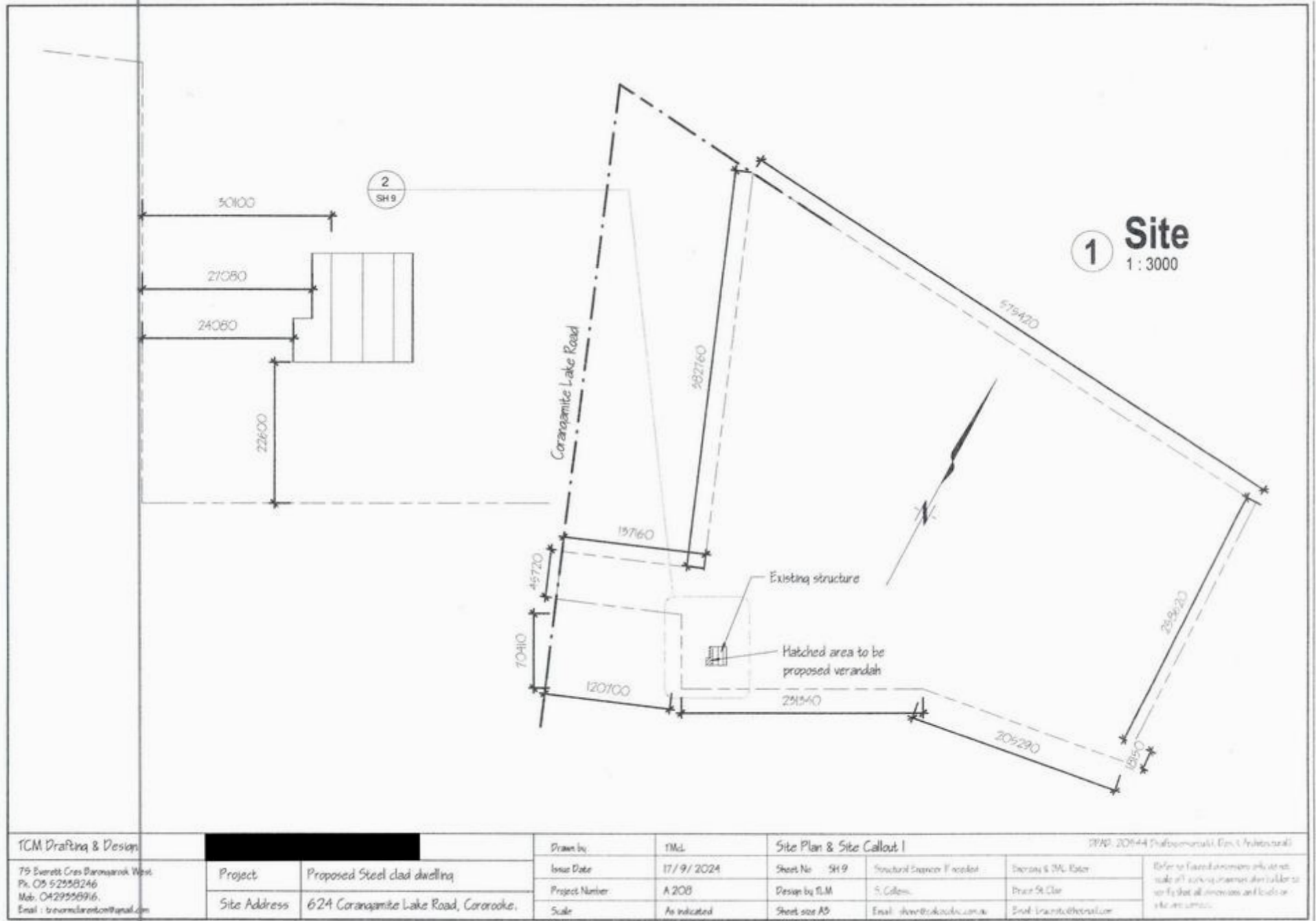


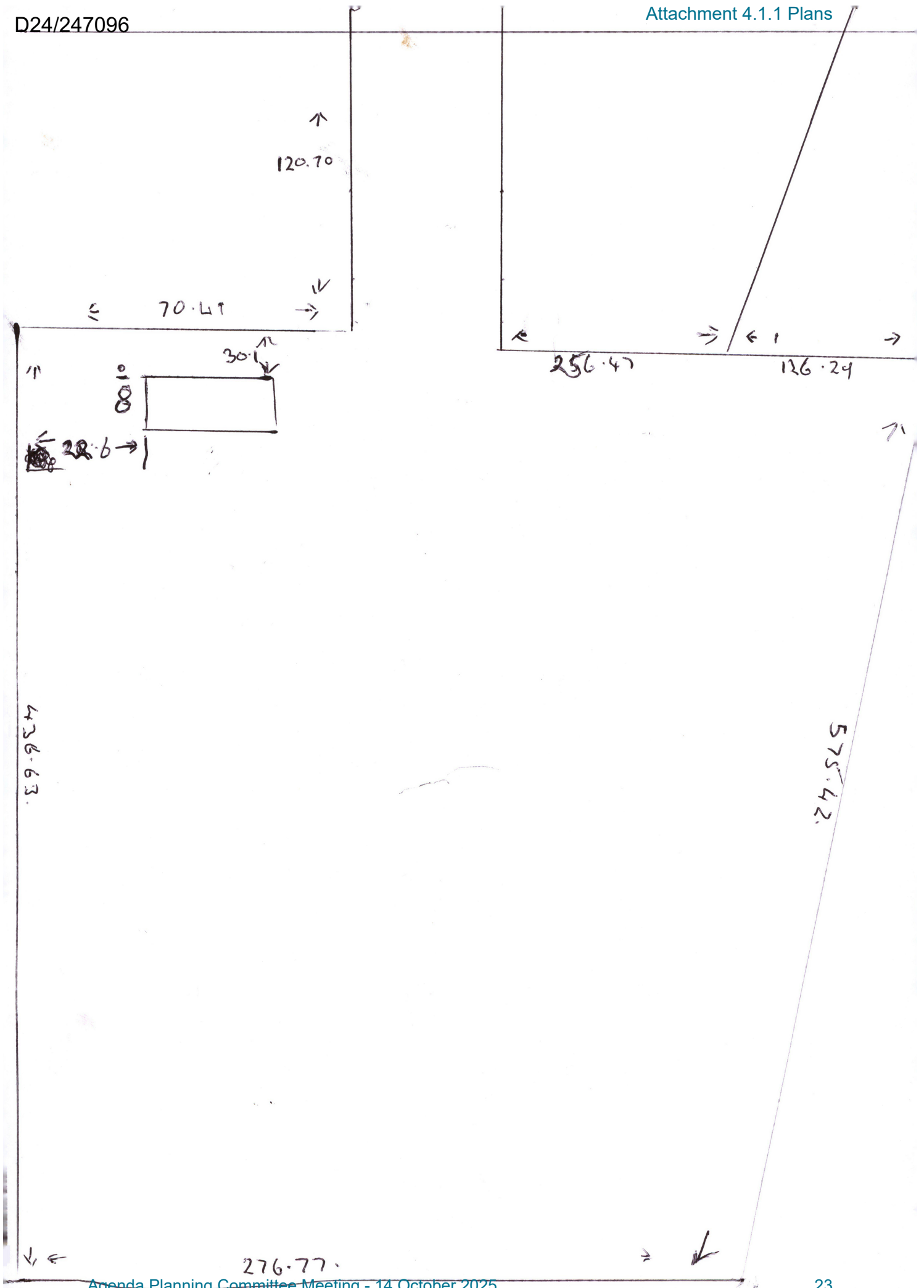
TCM Drafting & Design			Drawn by	TMd.	Proposed Floor Plan		DWG 20544 Draftsman/Arch. Plan. L. Anderson	
75 Everett Cres Barnagroat West Ph. 05 52558246 Mob. 0429558916 Email: tcm@tcmdrafting.com.au	Project	Proposed Steel clad dwelling	Issue Date	17/9/2024	Sheet No. SH 5	Structural Engineer if needed	Sherry & S.W. Baker	Refer to fixed dimensions only, in all scale all working drawings also refer to verify that all dimensions and levels are as per correct.
	Site Address	624 Corangamite Lake Road, Cororooke.	Project Number	A 208	Design by R.M.	S. Collins	Drawn by S. Clark	
			Scale	1:100	Sheet size A3	Email: sherry@tcmdrafting.com.au	Email: sherry@tcmdrafting.com.au	

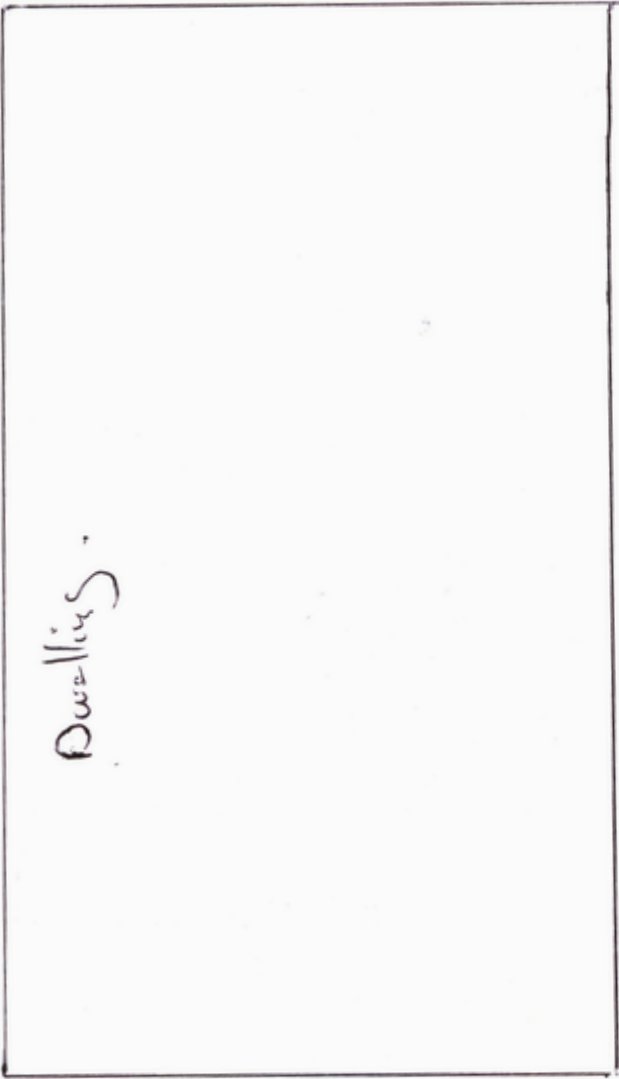
1 Structural Ceiling Members



TCM Drafting & Design			Drawn by	TMcl	Ceiling Structural Members				DPAD, 20544 Draftsperson/builder, Des. (Architectural)
75 Everett Cres Dianamirook West Ph. 03 52338246 Mob. 0429338916 Email : trevor.mclaren@cm@gmail.com	Project	Proposed Steel clad dwelling	Issue Date	17/9/2024	Sheet No	SH 8	Structural Engineer If needed	Energy & BAL Rater	Refer to fixed dimensions only do not scale off working drawings also builder to verify that all dimensions and levels on site are correct.
	Site Address	624 Corangamite Lake Road, Cororooke.	Project Number	A 208	Design by	TLM	S. Colless.	Bruce St Clair	
			Scale	1 : 100	Sheet size	A3	Email: shane@callocolac.com.au	Email: bruce.stclair@hotmail.com	







Item: 4.2

PP138/2025-1 - 45 Middle Murroon Road MURROON - Use and Development of Dwelling

ADDRESS AND PROPERTY DETAILS	45 and 66 Middle Murroon Road, MURROON Lots 1 and 2 TP: 888419 V/F: 8330/294, and Lots 1, 2, and 3 TP: 431581 V/F 06291/154 Parish of Murroon		APPLICATION NUMBER	PP138/2025-1
PROPOSAL	Use and Development of Dwelling and Associated Works			
PERMIT TRIGGERS	Planning scheme clause	Matter for which the permit has been applied		
	Clause 35.07-1	Use of land in the Farming Zone for a dwelling		
	Clause 35.07-2	Building and works for a Section 2 (permit required) use in the Farming Zone		
TRIGGER FOR DETERMINATION BY COMMITTEE	Dwelling in the Farming Zone			
ZONE	Farming Zone (FZ)	OVERLAYS	Part Erosion Management Overlay, Schedule 1 (EMO1) Part Bushfire Management Overlay (BMO)	
COVENANTS	Nil			

Item: 4.2

PP138/2025-1 - 45 Middle Murroon Road MURROON - Use and Development of Dwelling

CULTURAL HERITAGE	Whilst most of the site is in an area of cultural heritage sensitivity, a single dwelling is not a high impact activity and, as such, a Cultural Heritage Management Plan (CHMP) is not required.		
OFFICER	Vikram Kumar	GENERAL MANAGER	Ian Seuren
DIVISION	Community and Economy		
ATTACHMENTS	1. Planning Report and Plans [4.2.1 - 30 pages]		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN

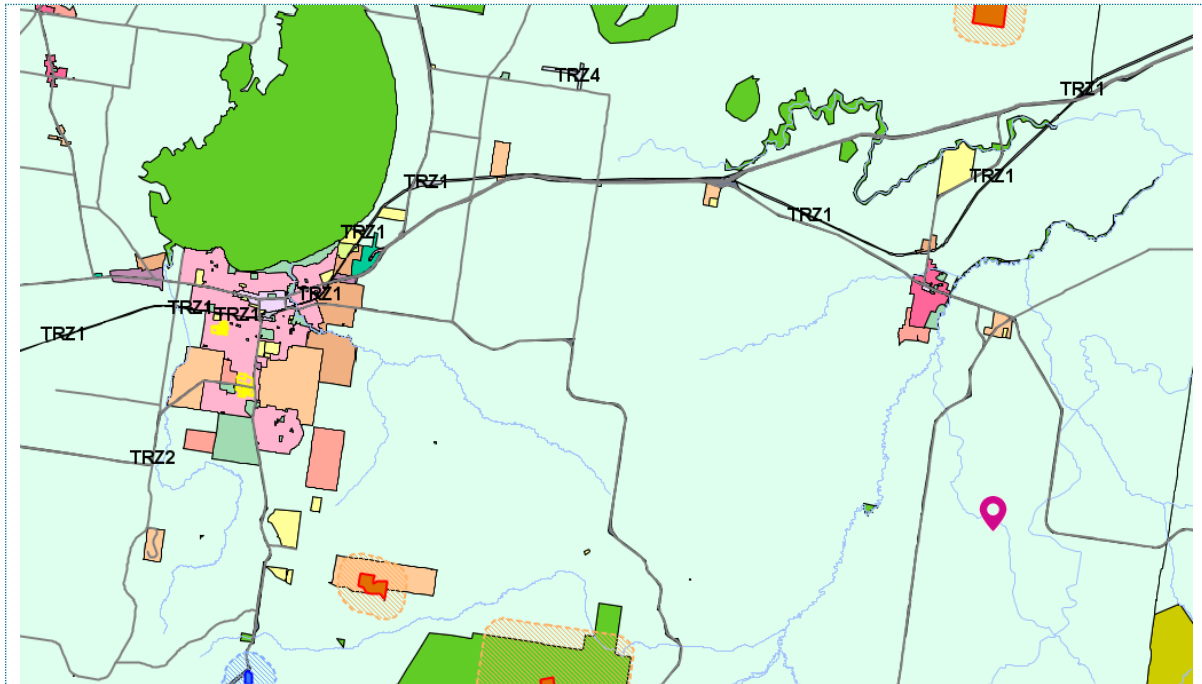


Figure 1 - Location plan of the subject site marked with pink pin, to the south-east of Colac

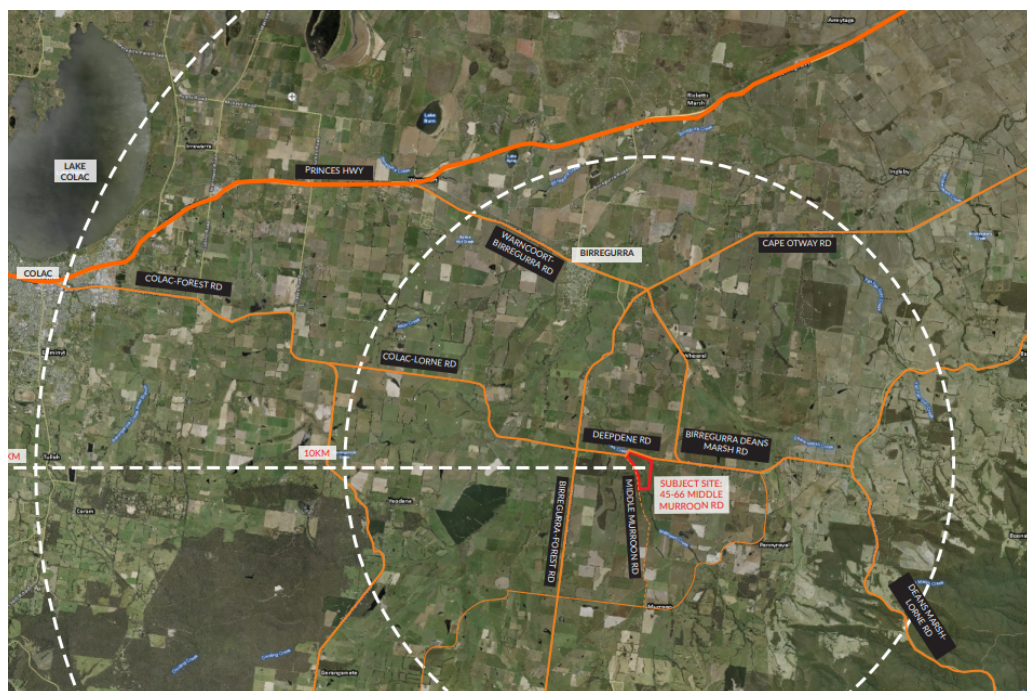


Figure 2 – Site context plan

AERIAL PHOTO

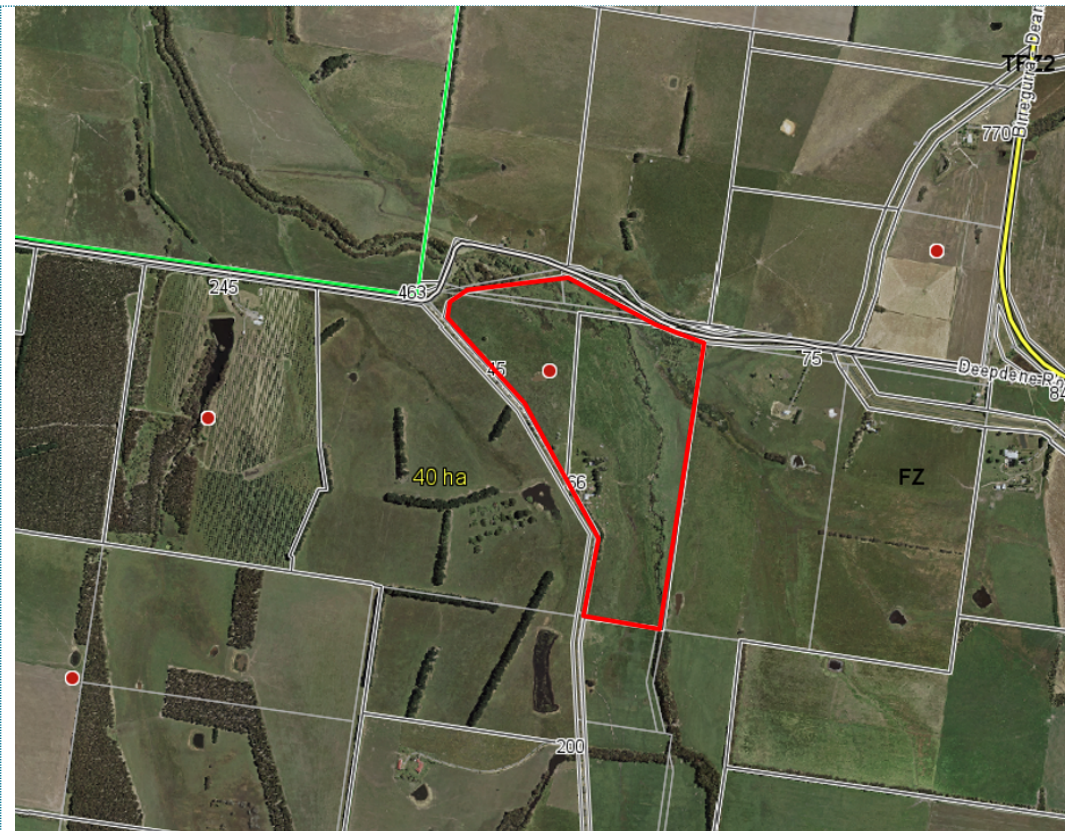


Figure 3 - Aerial photograph of the subject site and surroundings

2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for the use and development of a dwelling and associated works at 45 and 66 Middle Murroon Road, Murroon (Lots 1 and 2 TP: 888419 V/F: 8330/294 and Lots 1, 2, and 3 TP: 431581 V/F 06291/154 Parish of Murroon), 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.***

Consolidation of Lots

- 2. Prior to the commencement of the use of the dwelling hereby permitted, Lots 1 and 2 TP: 888419 V/F: 8330/294 and Lots 1, 2 and 3 TP: 431581 V/F 06291/154 Parish of Murroon, known as 45 and 66 Middle Murroon Road, MURROON, must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority.***

Dwelling Infrastructure

- 3. Prior to the commencement of the use 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 reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from the dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- c) *The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- d) *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 3.5m 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) 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.*

No Gas Connection

- 9. *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.*

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 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. *A separate application to install 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.*

3. PROPOSAL

The application seeks a planning permit for the use and development of a dwelling.

The dwelling would contain one bedroom, a bathroom, an open plan kitchen/dining/living area and an external deck. A carport would be attached to the west side of the proposed dwelling.

The dwelling would measure 15.6m x 5m (78m²), with an additional deck area of 5.86m x 3m (17.4m²). The floor area of the proposed dwelling, including deck, would be 95.4m².

The maximum building height would be 4m.

The dwelling would be located 25.8m from the western boundary (frontage to Middle Murroon Road) and 160m from the southern boundary of the site. The nearest dwelling in separate ownership would be 653m away.

The plan shows the proposed dwelling would be 3.9m, and the proposed deck would be 1.1m, from the area covered by EMO1. The extent of that overlay is shown below.



Figure 4 - Land covered by EMO1 shown hatched

The dwelling would be constructed of galvanised corrugated roofing sheet and a mix of galvanised corrugated cladding and timber shiplap cladding.

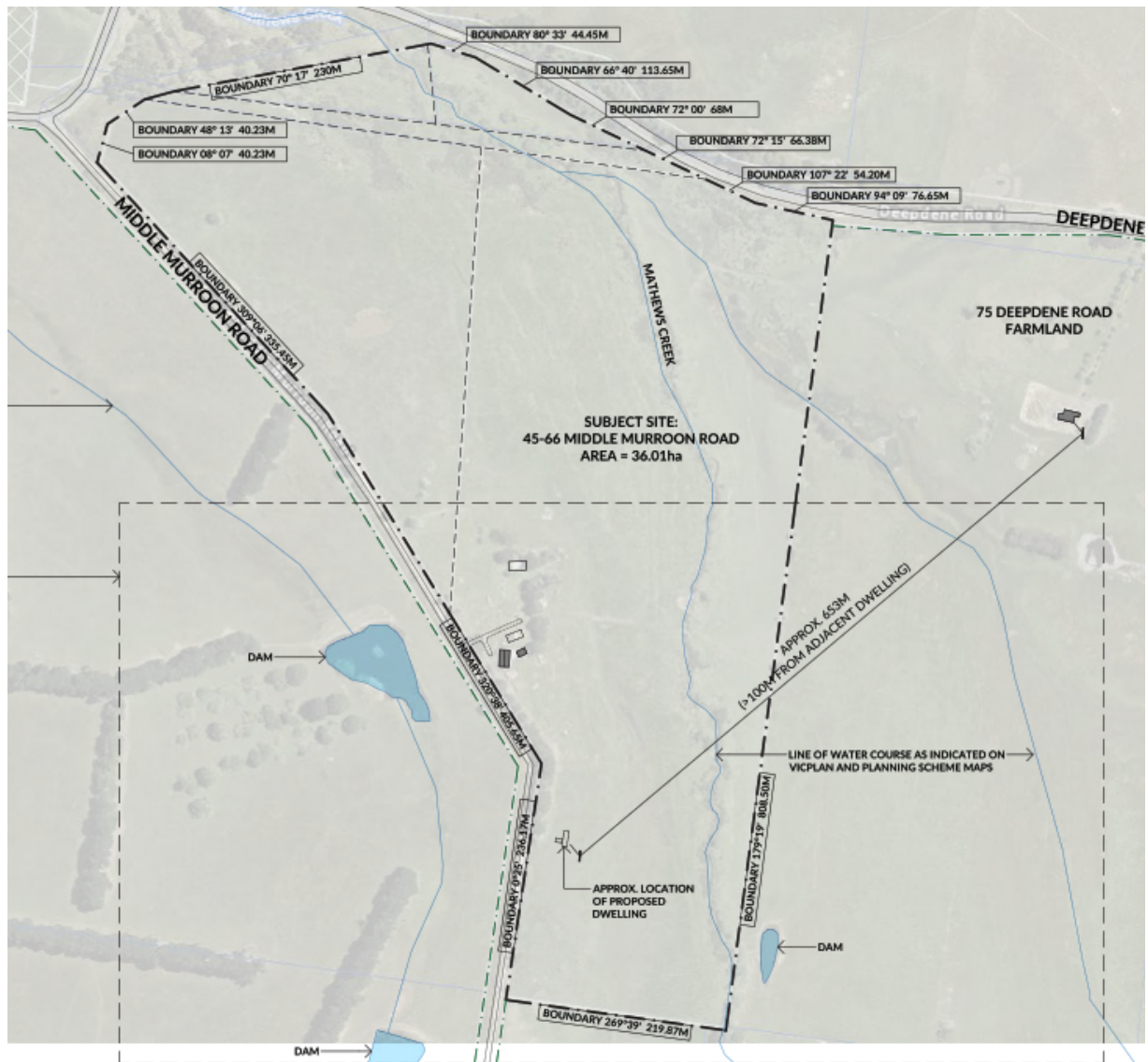


Figure 5- Proposed site plan

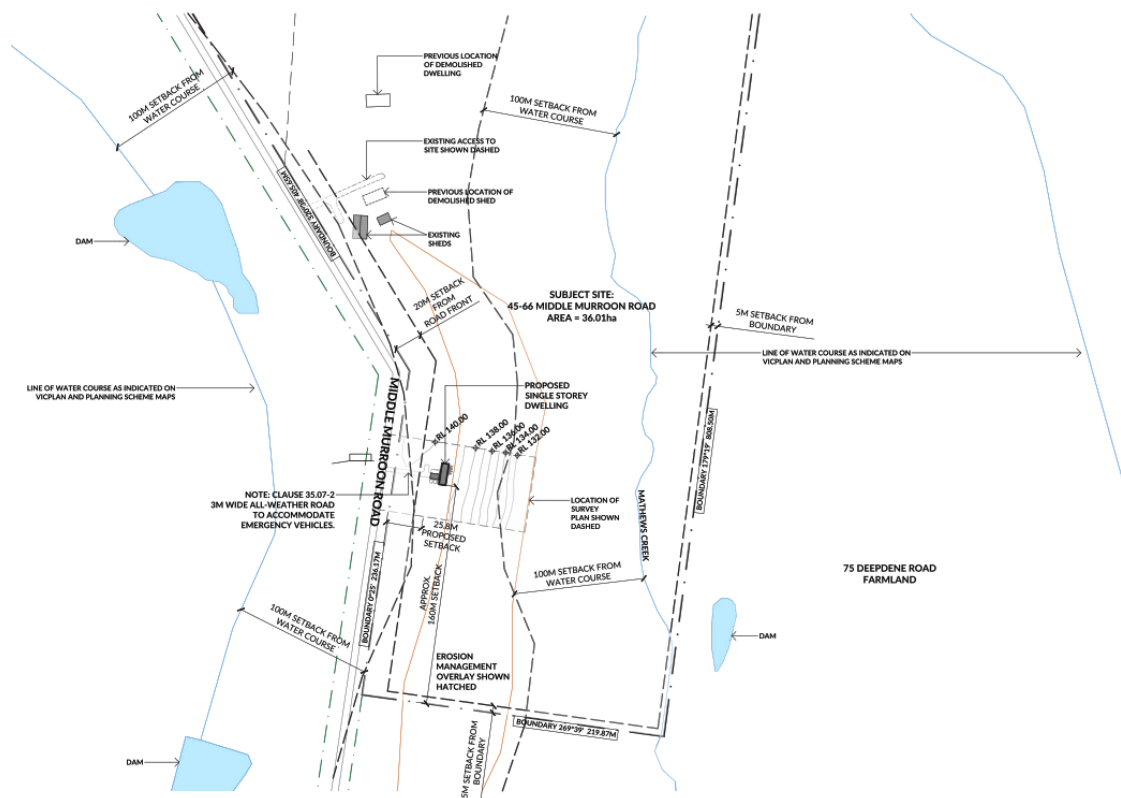


Figure 6 - Proposed enlarged site plan

4. SUBJECT LAND & SURROUNDINGS

The subject site is highlighted by the red line in the aerial image earlier in this report at figure 3. It comprises five parcels of land at two adjoining addresses - 45 Middle Murroon Road and 66 Middle Murroon Road.

The site is in an area where the minimum specified lot size is 40ha. The combined area of the lots forming the application site, as shown on the submitted plans, is 36.2ha. A planning permit condition has been included in the recommendation earlier in this report requiring the consolidation of these lots. The applicant is aware of, and has agreed to, this condition.

There are existing sheds on the land used for agricultural purposes. An old dwelling has recently been removed. It is noted that the trees shown on the aerial image below no longer exist.

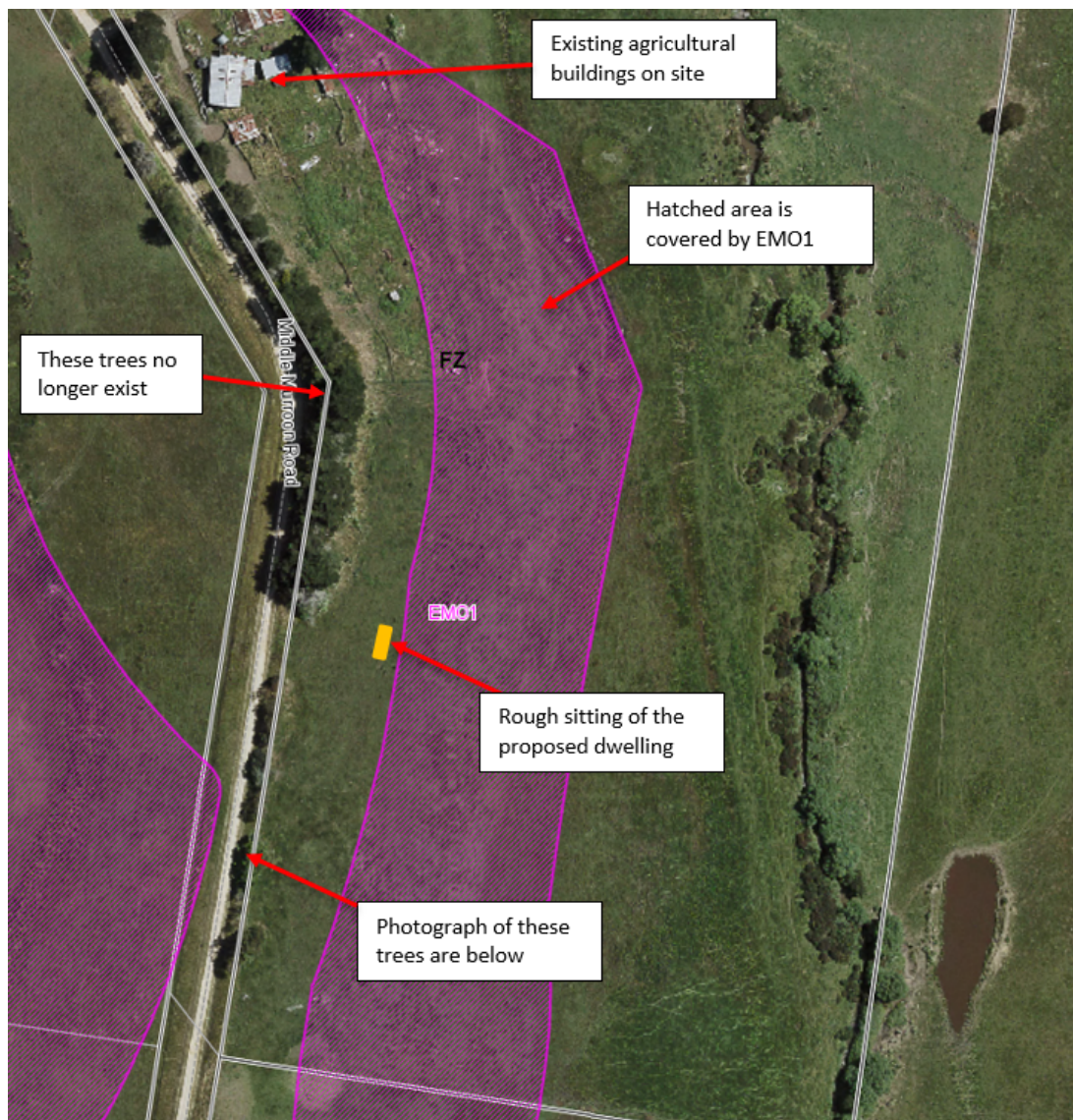


Figure 7 - Enlarged aerial image

The following are photographs of the site:



Figure 8 - Existing shed at the subject site



Figure 9 - Proposed sitting of the dwelling shown as red arrow.



Figure 10 - Existing access to the subject site, which serves the existing shed. A new crossover is proposed for access to the dwelling, as shown on the site plan earlier in this report.



Figure 81 - Existing condition of Middle Murroon Road

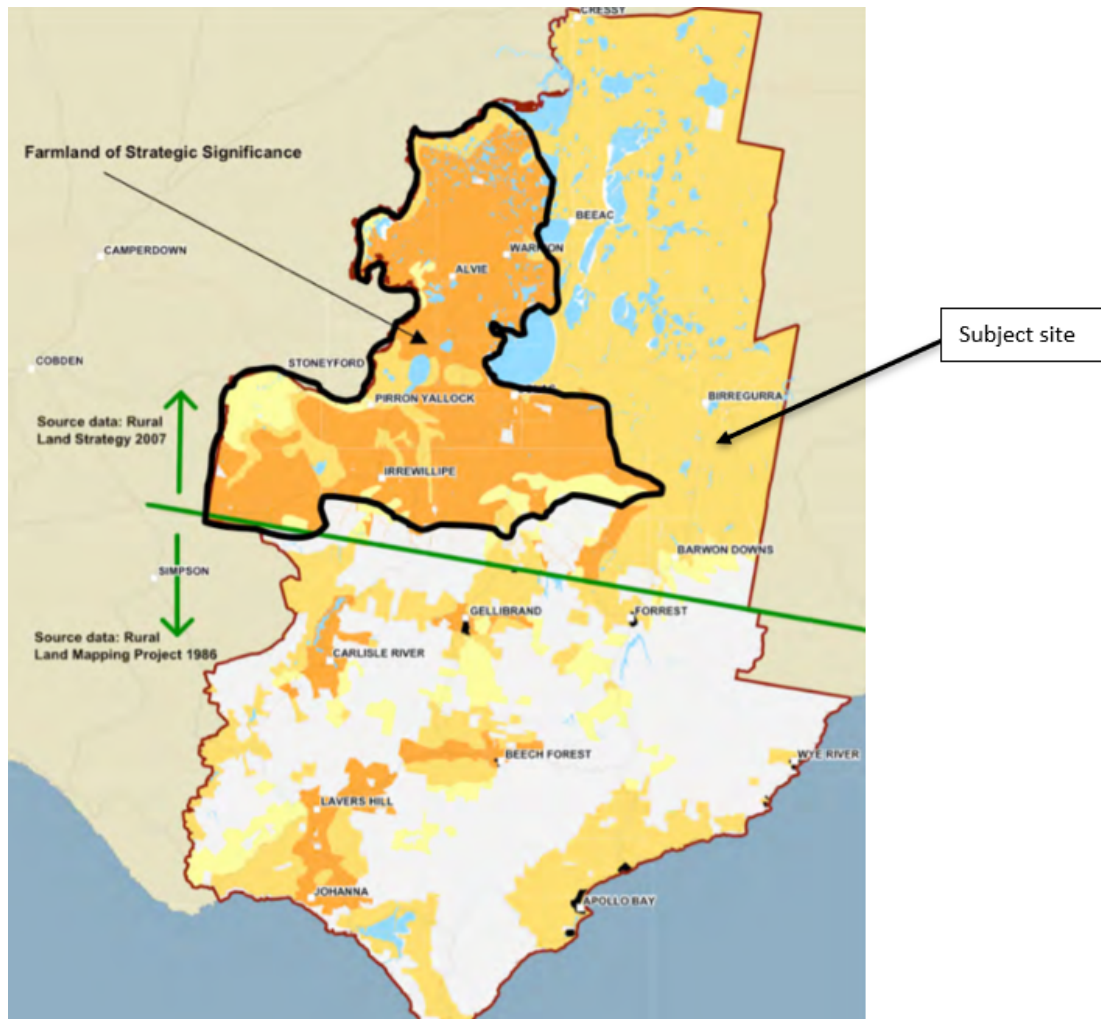
5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably clauses 11.01-1S (Settlement), and 14.01-1S and 14.01-1L (Protection of Agricultural Land)

Other relevant provisions

The *Rural Land Strategy* 2007 shows the subject site is located outside 'Farmland of Strategic Significance'. It is shown as being in an area of medium agricultural capability, as highlighted by the arrow below:



Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department and Health Protection Unit. No objection was raised to the proposal, subject to conditions which have been included in the recommendation earlier in this report.

External Referrals

No external referrals were required.

7. PUBLIC NOTIFICATION & RESPONSE

The application was not put on public notice, as the Responsible Authority is satisfied that the grant of a permit would not cause material detriment to any person, for the following reasons:

- The subject site had a dwelling on it in the past, albeit existing use rights were extinguished due to the removal of that dwelling.

- Following consolidation, the site would be 36.2ha - this is near the 40ha at which a planning permit would not be required to use the land for a dwelling.
- The proposed dwelling would meet the specified setbacks under the Farming Zone, and the only trigger for building and works is because they are associated with a Section 2 (permit required) use.
- Whilst the applicant has proposed potentially reflective materials for the roof and walls of the proposed dwelling, it is noted that the nearest dwelling in separate ownership is approximately 653m away. It is also noted that the proposed dwelling would be of small scale (1 bedroom), with a maximum building height of 4m.
- Middle Murroon Road is rural road (gravel) and the proposed building materials are common in the rural context and would be similar to the existing shed on the land.

8. OFFICER'S ASSESSMENT

Farming Zone

As mentioned earlier in this report, a planning permit is required to use the land for a dwelling as the size of the land that forms the subject of the application is slightly less than 40ha. A planning permit is also required for building and works associated with a Section 2 (permit required) use.

The proposed building and works would meet the specified setbacks under the Farming Zone, i.e. 500m from the nearest title boundary of a land used for work authority, 100m from the nearest dwelling in separate ownership, 100m from a waterway, 20m from the road and 5m from any other boundary.

General issues

It is considered that the land, which is 36.2ha in area, would be able to accommodate the 95.4sqm dwelling, noting that the use and development of a dwelling would be 'as of right' under the provisions of the zone if the lot was 3.8ha larger. The dwelling would take up a small portion of the south-west part of the site and would be unlikely to interfere with the existing agricultural use of the land. The land would be able to accommodate the wastewater associated with the dwelling, as confirmed by Council's Health Protection Unit.

The use of the land for a dwelling is considered to be acceptable, having regard to the size of the landholding and the character of the surrounds. It is considered that the proposal would be consistent with the strategy of Clause 14.01-1S to encourage consolidation of existing isolated small lots in rural zones.

Agricultural issues and the impacts from non-agricultural uses

The Planning Report states:

"Since purchasing the property, the owners have begun restoring it following a period of neglect, during which a significant weed infestation developed—including gorse and willows along Matthews Creek and various pasture weeds. They are actively managing this through mulching, spraying, and replanting the creek banks with trees and grasses, and have fenced one side of the creek to prevent cattle access, with plans to complete the other side in coming years. The property includes a shearing shed, hay shed, and partially electrified boundary fencing (approximately 60%)."

A dwelling is required to support the ongoing and effective management of the land and livestock. This is particularly necessary to enable feeding out of hay to cattle during the winter

months, as well as in general for delivery of effective animal husbandry. This is consistent with the property's long history of a farmhouse being on the land for farm management purposes and the amount of remediation work required only makes this even more necessary. The proposed dwelling is sited to have negligible impact on agricultural production and will not adversely affect soil quality."

The proposed dwelling would help to support and enhance agricultural production on the land. It should also be noted that the subject site is already set up for agricultural use and constructing the dwelling would allow the current owners to make use of the land and existing infrastructure to sustain the current agricultural use.

It is not considered that the development of a dwelling on this site would limit the operation and expansion of other agricultural uses in the area.

Dwelling issues

It is not considered that the construction of a dwelling on the subject site would result in any loss of productive agricultural land; rather it is considered that the dwelling would allow a more concentrated agricultural use to be undertaken on site.

The site is over 36 hectares in size; therefore, it is not considered that the dwelling would be adversely affected by the agricultural use of the land. The dwelling would also not be likely to have an adverse impact on other surrounding agricultural uses. As already noted, the subject site is very close to being the 40ha at which the dwelling would have been 'as of right'.

Environmental issues

There would be no vegetation removal required as a result of the construction of the dwelling. There would also not likely be any detrimental impact on surrounding natural resources and features of the area.

As mentioned earlier in this report, Council's Health Protection Unit has confirmed that the site would be capable of managing wastewater generated from the proposed dwelling.

Design and siting issues

The proposed dwelling would be located in the south-west side of the subject site. It would be 25.8m from the western boundary (frontage to Middle Murroon Road), 160m from the southern boundary, and approximately 653m from the nearest dwelling in separate ownership.

It is considered that this siting would adequately minimise the loss of productive agricultural land on this site.

It is considered that the design, height, bulk and colours of the proposed dwelling would be acceptable for the site. The building, which would be single-storey and constructed with a galvanised corrugated roof and a mix of galvanised corrugated cladding and timber cladding, would be low scale and would appear similar to agricultural buildings on the site and in the vicinity. It is therefore considered that there would be no material impact on the character or appearance of the area.

As such, the proposed dwelling is considered acceptable in terms of the provisions of the Farming Zone and relevant planning policy relating to agricultural land.

9. OFFICER DIRECT OR INDIRECT INTEREST

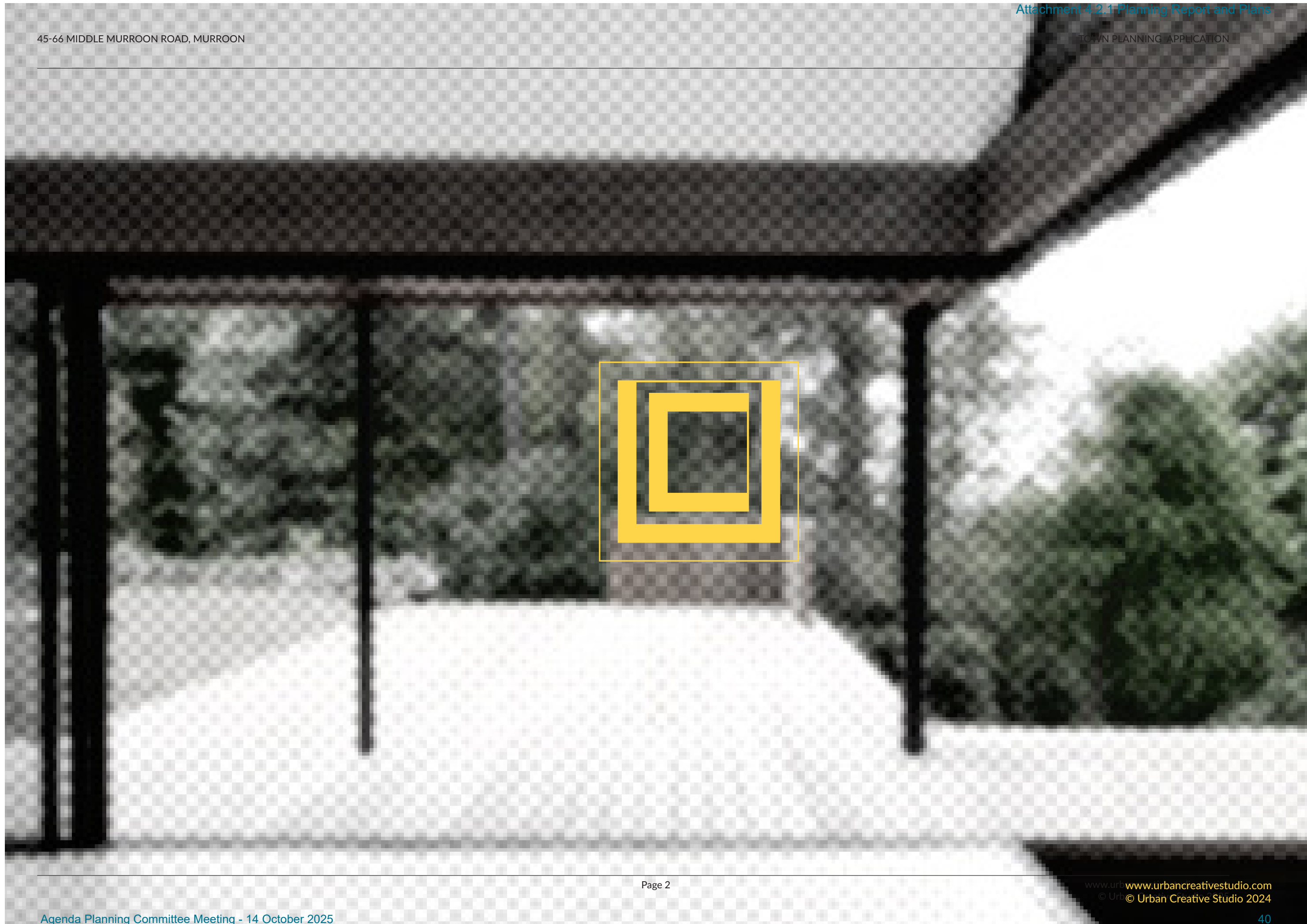
No officer declared an interest under the *Local Government Act 2020* in the preparation of this report.



TOWN PLANNING APPLICATION

45-66 MIDDLE MURROON ROAD

JULY 2025



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NOTE:

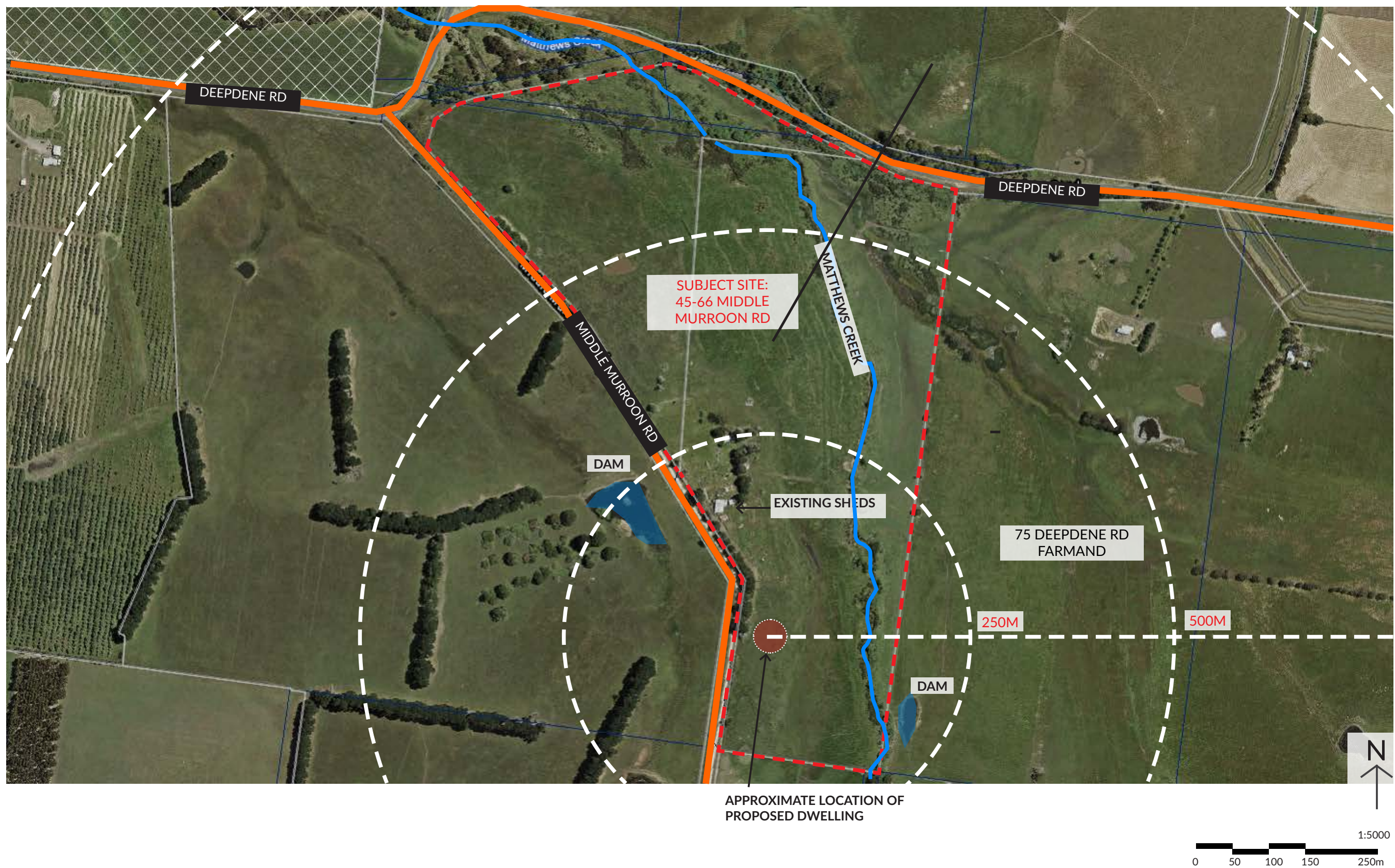
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01 EXISTING CONTEXT

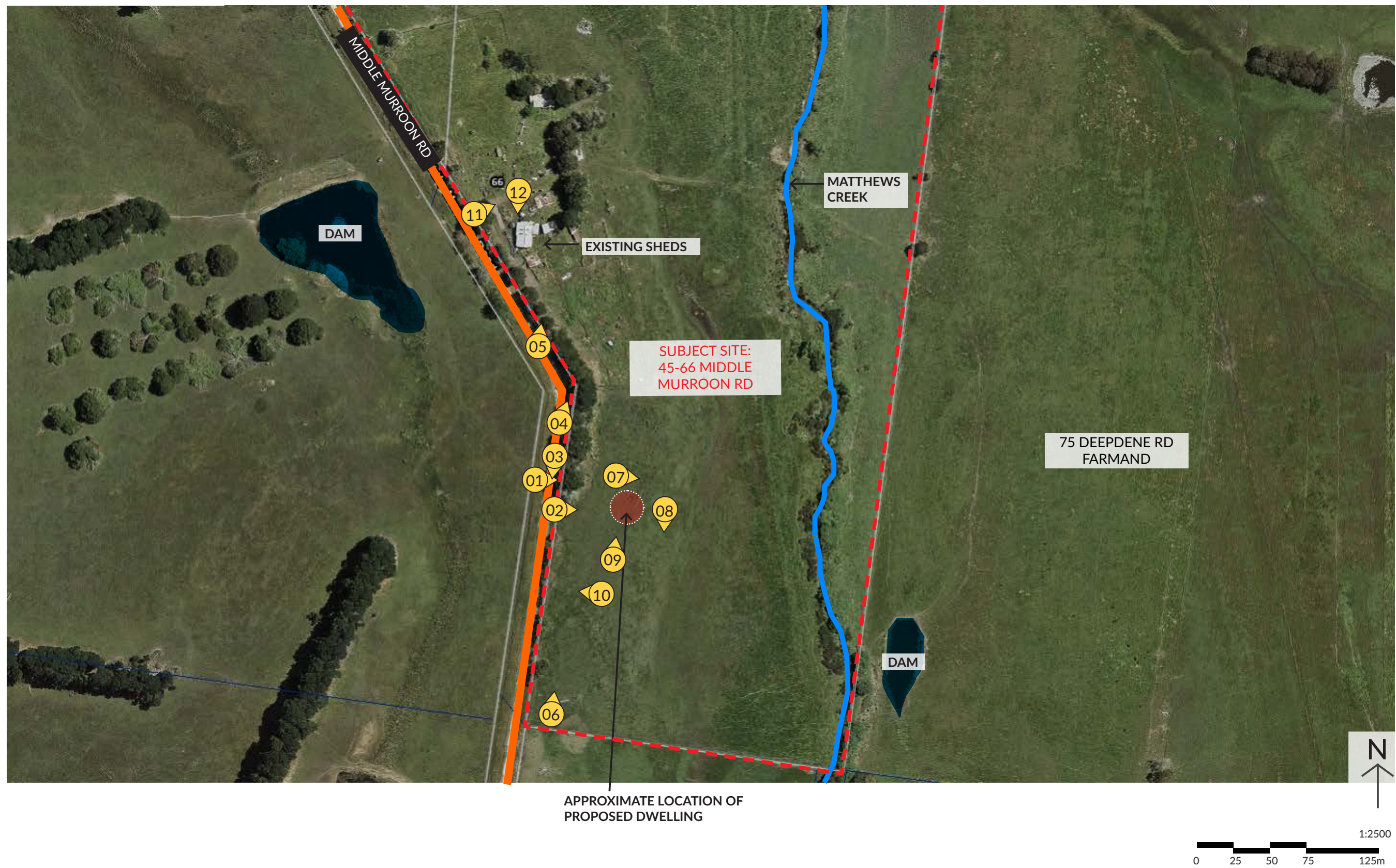
DISTRICT CONTEXT AERIAL



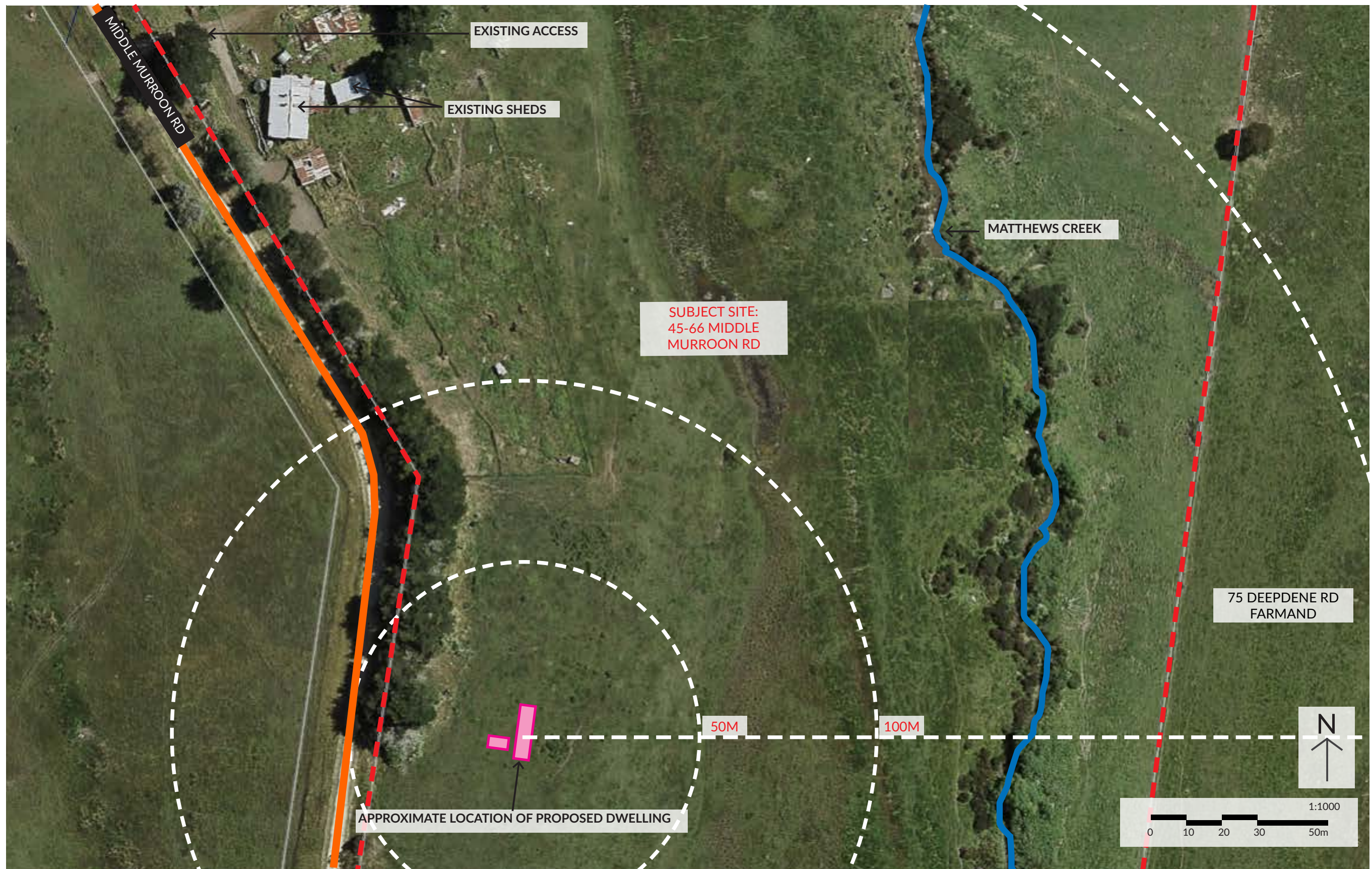
SITE CONTEXT AERIAL



SITE CONTEXT AERIAL



SITE CONTEXT AERIAL



SITE PHOTOS



01 SUBJECT SITE: EAST PERSPECTIVE FROM MIDDLE MURRON ROAD



02 SUBJECT SITE: EAST PERSPECTIVE FROM SITE BOUNDARY



03 VIEW TOWARDS SOUTH ALONG MIDDLE MURROON ROAD



04 VIEW TOWARDS NORTH EAST ALONG MIDDLE MURROON ROAD

SITE PHOTOS



05 VIEW TOWARDS FARM SHEDS FROM MIDDLE MURRON ROAD



06 VIEW TOWARDS NORTH ACROSS THE SUBJECT SITE

SITE PHOTOS



07 VIEW TOWARDS EAST TOWARDS MATHEWS CREEK AND 75 DEEPENE RD



08 VIEW TOWARDS SOUTH ACROSS THE SUBJECT SITE

SITE PHOTOS



09 VIEW TOWARDS NORTH FROM SUBJECT SITE



10 VIEW TOWARDS WEST FROM SUBJECT SITE

SITE PHOTOS



11 VIEW TOWARDS EAST TOWARDS THE EXISTING ENTRANCE TO PROPERTY FROM MIDDLE MURROON ROAD



12 EXISTING FARM SHEDS

TITLE INFORMATION

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

VOLUME 08330 FOLIO 294

Security no : 124126057507Y
Produced 09/07/2025 12:54 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 888419S.
PARENT TITLE Volume 02940 Folio 880
Created by instrument B227512 20/06/1961

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

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

NOTICE Section 57 Transfer of Land Act 1958
STATE ELECTRICITY COMMISSION
H691669 20/09/1979

DIAGRAM LOCATION

SEE TP888419S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

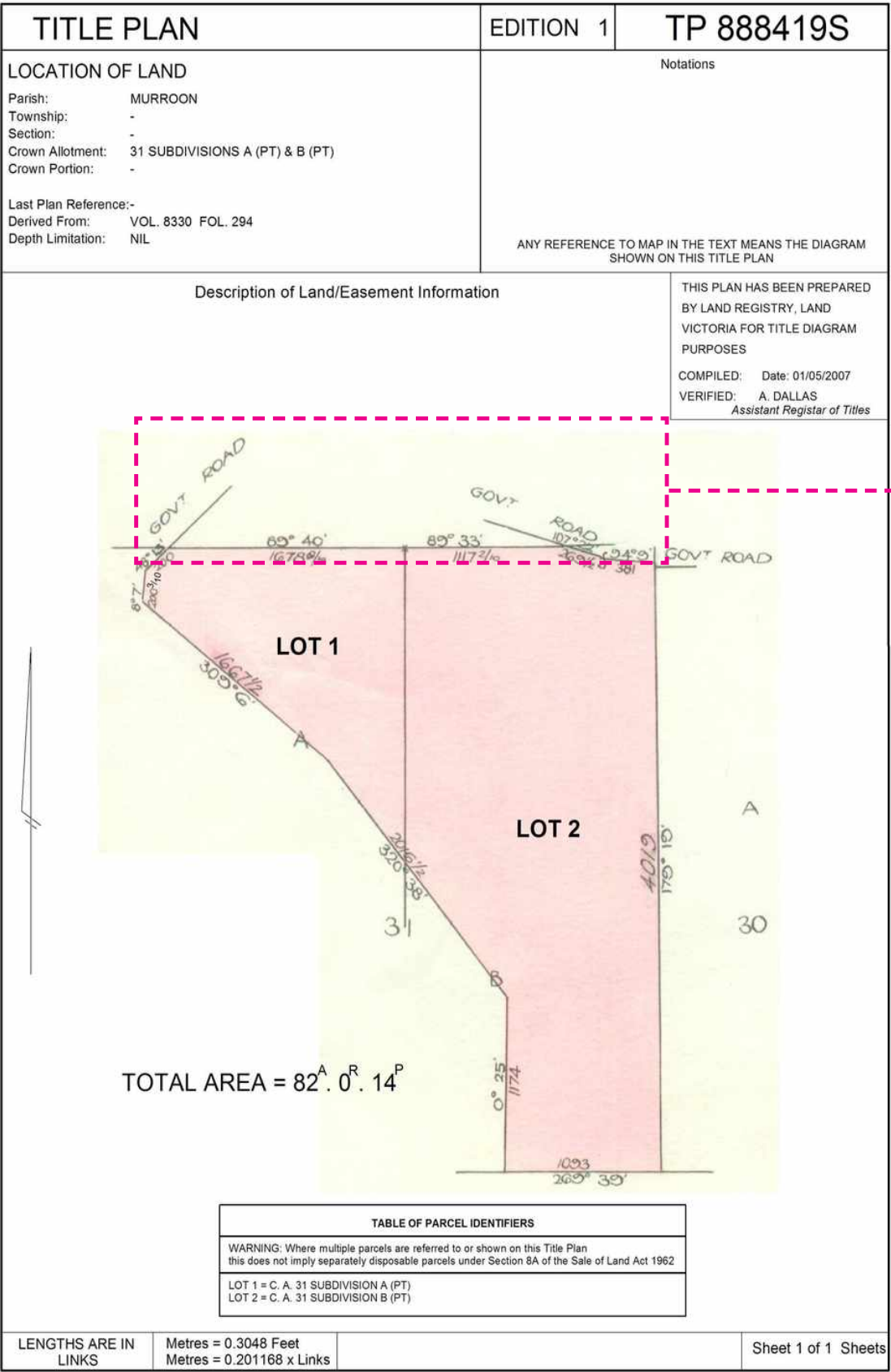
Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

eCT Control 17480L EASTERN BRIDGE
Effective from 28/10/2024

DOCUMENT END



TITLE INFORMATION



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

Page 1 of 1

VOLUME 06291 FOLIO 154

Security no : 124126374839X

Produced 21/07/2025 10:39 AM

LAND DESCRIPTION

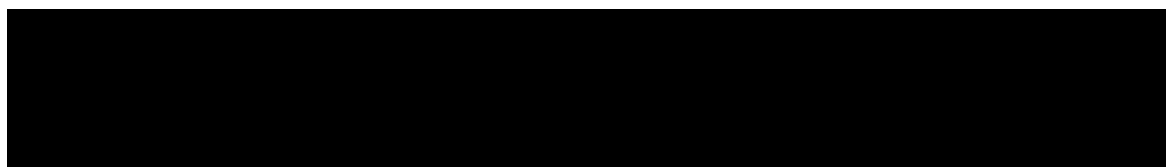
Lots 1,2 and 3 on Title Plan 431581J.

PARENT TITLES :

Volume 05630 Folio 917 Volume 06250 Folio 831

Created by instrument 1723542 15/03/1939

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP431581J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

ADMINISTRATIVE NOTICES

NIL

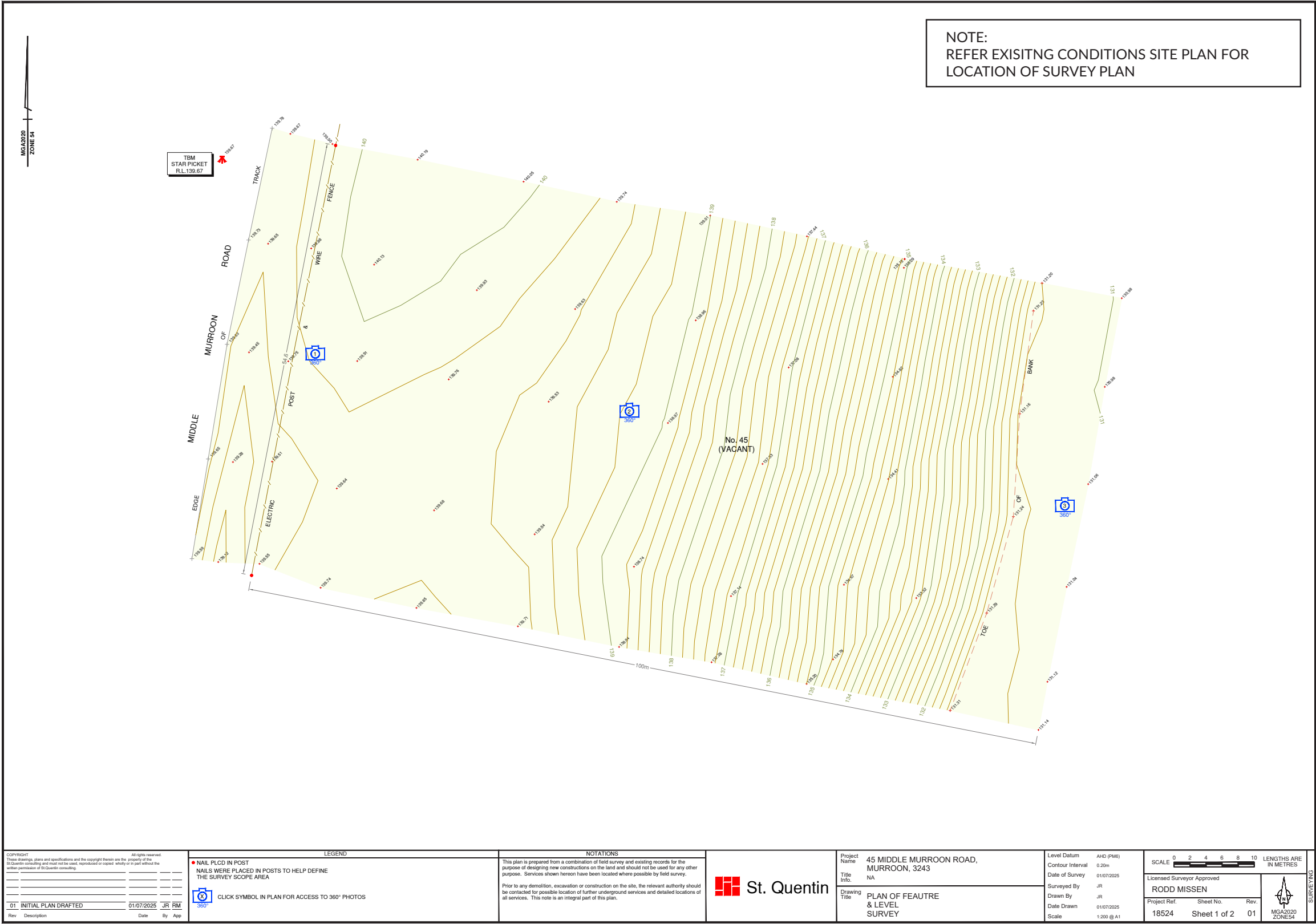
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Effective from 28/10/2024

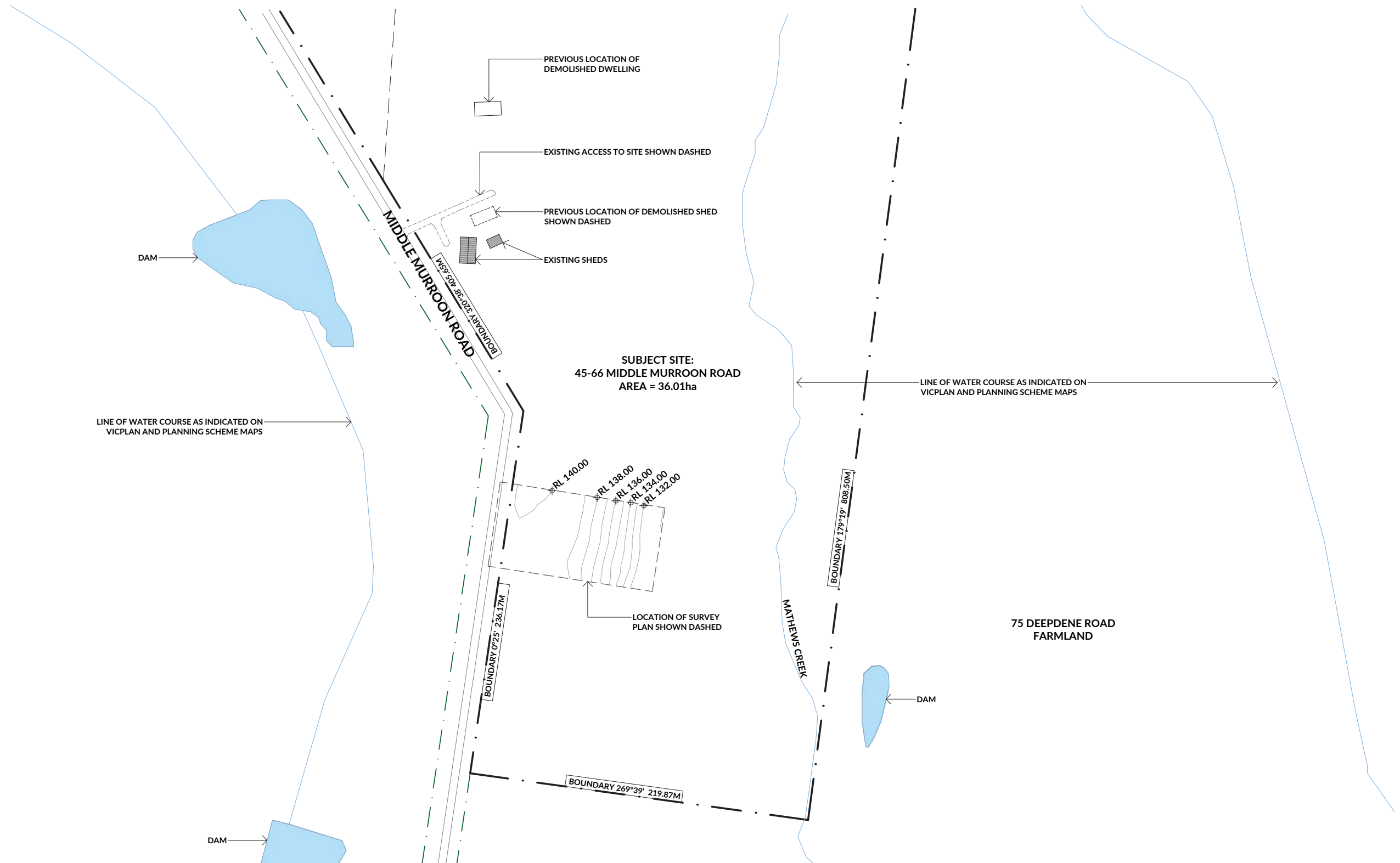
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Delivered by LANDATA®, timestamp 21/07/2025 10:39 Page 1 of 1

TITLE PLAN		EDITION 1	TP 431581J										
Location of Land Parish: WHOOREL MURROON Township: Section: Crown Allotment: Crown Portion: 40(PT), 41(PT) FORMER GOVERNMENT ROAD (PT) Last Plan Reference: Derived From: VOL 6291 FOL 154 Depth Limitation: 50 FEET (FORMER GOVERNMENT ROAD (PT))		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN											
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 10/05/2000 VERIFIED: HG											
TOTAL AREA = 6A 3R 22 2/5P													
<table><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CP 40 (PT)</td></tr><tr><td colspan="2">PARCEL 2 = CP 41 (PT)</td></tr><tr><td colspan="2">PARCEL 3 = FORMER GOVERNMENT ROAD (PT)</td></tr></table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CP 40 (PT)		PARCEL 2 = CP 41 (PT)		PARCEL 3 = FORMER GOVERNMENT ROAD (PT)	
TABLE OF PARCEL IDENTIFIERS													
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PARCEL 1 = CP 40 (PT)													
PARCEL 2 = CP 41 (PT)													
PARCEL 3 = FORMER GOVERNMENT ROAD (PT)													
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets											

SURVEY PLAN





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NOTES
Only use figured dimensions. Contractors must verify all dimensions on site before commencing work or preparing shop drawings. Do not scale drawing.

DATE	REV.	DESCRIPTION	DATE	REV.	DESCRIPTION
-	-	-			

TOWN PLANNING ISSUE
FOR REVIEW ONLY

urban creative
Studio 10, Level 6, Nicholas Building
37 Swanston Street
Melbourne 3000
ACN: 167 842 855

45-66 MIDDLE MURROON RD, MURROON EXISTING CONDITIONS PLAN							
DRAWN BY: SF	SCALE: 1:2500 @ A3	Project Code	DRG No.	Rev.	Status		
CHECKED: AMB	DATE: 22.07.2025	2507	A011	-	TP		

PLANNING CONTROLS AND SITE DESCRIPTION

The Site

The subject site is 45-66 Middle Murroon Road, Murroon with an area of 36.01 ha.

The Proposal

It is proposed to construct a single storey 1 bedroom dwelling on the property. The existing condition has some sheds on the property but no existing dwelling on the site.

Planning Controls

The following are the key planning controls relevant to this application. Please refer to the design response section of this application regarding the requirements set out below:

Clause 35.07 Farming Zone (FZ)

The current zoning status for the subject site is Clause 35.07 Farming Zone (FZ) Schedule 1 applies. A Use Permit trigger exists under 35.07-1 - the proposed dwelling is a Section 2 Permit Required use due to the size of the property being a little under 40 Ha. A Development Permit trigger also exists under Clause 35.07-4 as the proposed dwelling is associated with a Section 2 use under 35.07-1. No other Permit triggers under 35.07-4 apply.

Clause 35.07-2 sets requirements in relation to the driveway and connection to services.

Clause 35.07-5 requires an application to use a lot for a dwelling to be accompanied by a written statement which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone.

Schedule to Clause 35.07 Farming Zone (FZ)

The Schedule contains the following relevant setbacks:

- Min. 100m setback from a waterway
- Min. 20m setback from a road
- Min. 5m setback from any other boundary
- Min. 100m setback from a dwelling not in the same ownership.

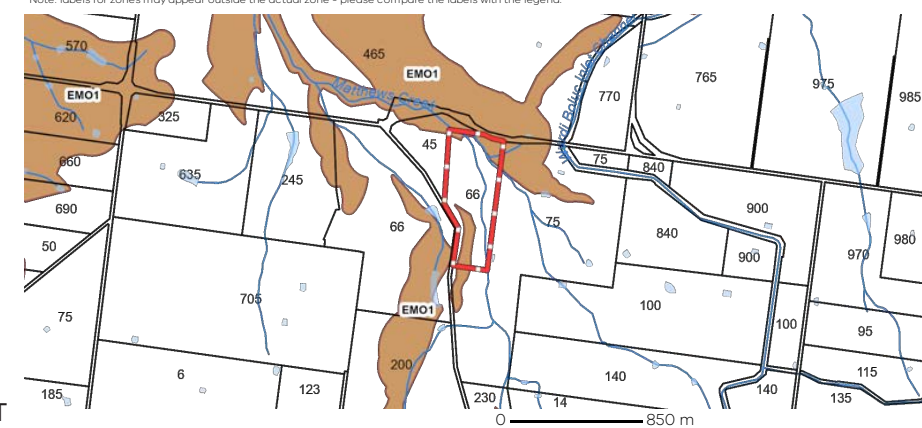
Planning Overlays

An Erosion Management overlay and an Aboriginal Cultural Heritage Overlay apply to part of the subject site. It is noted that the Erosion Management overlay does not apply to the area for the proposed dwelling. It is also noted that the scale of the proposed development is exempt from triggering the need for a Cultural Heritage Management Plan.

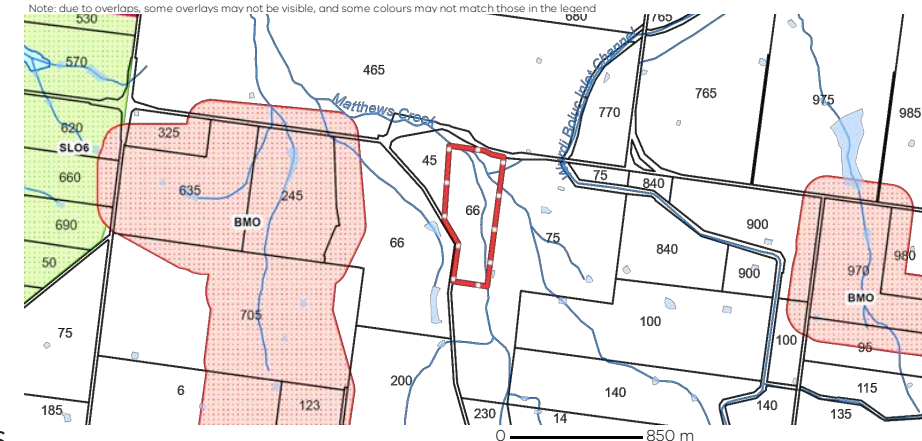
PLANNING ZONES - (FZ)



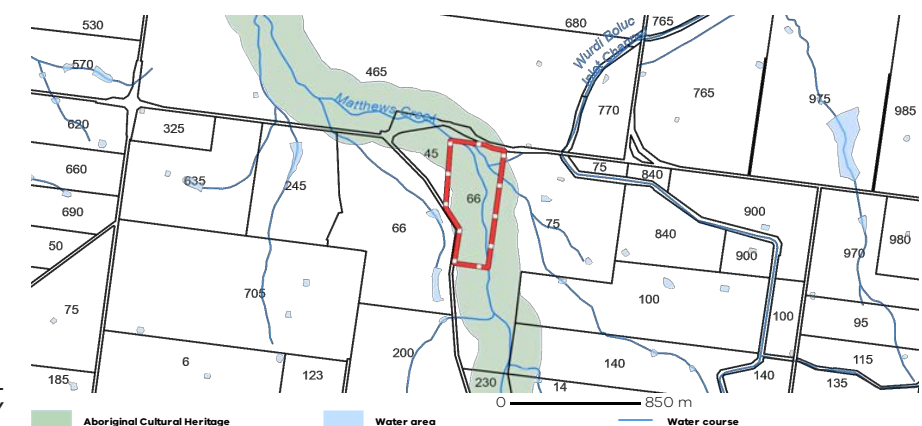
EROSION MANAGEMENT OVERLAY - (EMO)



OTHER PLANNING OVERLAYS (NONE APPLY TO SUBJECT SITE)



ABORIGINAL CULTURAL HERITAGE OVERLAY



02 DESIGN RESPONSE

DESIGN RESPONSE - PLANNING POLICY

The following is a summary of the Design Response in relation to Planning Policy compliance.

Clause 35.07-2 Use of land for a dwelling, small second dwelling or rural worker accommodation

Access to the dwelling will be via an all-weather road with dimensions adequate to accommodate emergency vehicles.

An Eco Nova or Biolytic Wastewater treatment system is proposed. This system is comprised of a treatment plant and wastewater irrigation area (field) of 130 square metres as described on the plans. The treatment system follows recommendations as per the results of the Geotechnical Investigation.

The property is not connected to a town water supply. It is proposed to install rainwater tanks with a total capacity of at least 20,000 litres adjacent to the dwelling, along with a domestic water pressure pump, to provide water for household use. All fixtures will be fitted with AAA-rated fittings to ensure water efficiency. Additionally, the property currently has three existing rainwater tanks with a combined capacity of approximately 45,000 litres, fed by the sheds, which can be integrated into the overall water supply system for the dwelling if required.

The property has mains electricity supply.

Clause 35.07-5 Application requirements for dwellings

Under this clause, a written statement is required which explains how the proposed dwelling responds to the decision guidelines for dwellings in the zone. This is provided below:

General Issues

The proposal is consistent with the Municipal Planning Strategy and the Planning Policy Framework and no issues associated with this Application arise under the Corangamite Regional Catchment Strategy (Barwon Plain is the relevant Local Area).

The land is highly capable of supporting a single dwelling as proposed, particularly considering its location being well clear of the minimum setbacks provided for under the Schedule to the Zone.

The 36.01 Ha property is currently not serviced by any dwelling and this is very much needed in support of sustainable land management and is compatible with adjoining and nearby land uses - including the relative density of dwellings in the area.

The proposed dwelling has no notable impact on existing infrastructure and services, and will provide its own water and treat its own wastewater on site in accordance with relevant guidelines. The property has mains electricity supply.

Agricultural issues

The property, located in the Farming Zone within Colac Otway Shire, has been used for sheep and beef cattle farming since the mid-1800s and is surrounded by similar commercial operations, with a commercial olive plantation located within 1 km. The owners acquired the property in October 2024 and currently graze beef cattle on the land and intend to continue this long-established agricultural use.

Since purchasing the property, the owners have begun restoring it following a period of neglect, during which a significant weed infestation developed—including gorse and willows along Matthews Creek and various pasture weeds. They are actively managing this through mulching, spraying, and replanting the creek banks with trees and grasses, and have fenced one side of the creek to prevent cattle access, with plans to complete the other side in coming years. The property includes a shearing shed, hay shed, and partially electrified boundary fencing (approximately 60%).

A dwelling is required to support the ongoing and effective management of the land and livestock. This is particularly necessary to enable feeding out of hay to cattle during the winter months, as well as in general for delivery of effective animal husbandry. This is consistent with the property's long history of a farmhouse being on the land for farm management purposes and the amount of remediation work required only makes this even more necessary. The proposed dwelling is sited to have negligible impact on agricultural production and will not adversely affect soil quality.

Accommodation Issues

The property previously had a dilapidated dwelling, now demolished. The proposed new dwelling will support and enhance ongoing agricultural use without fragmenting the land or impacting neighbouring properties. Given the 36.01 hectare site is currently without a dwelling having previously had one for many decades, the provision of a dwelling is considered reasonable to facilitate farm operations. There are no nearby wind energy or extractive industries.

Environmental Issues

Being a single storey dwelling on 36.01 ha of agricultural land, and being located remotely from any watercourse, this proposal has minimal impact on soil or water quality, natural features, biodiversity, or surrounding flora and fauna. On-site effluent disposal will be compliant with relevant requirements and a Land Capability Assessment is being provided in support of the Application.

Design and Siting Issues

The proposed new dwelling is to be located approximately 160 metres north of the southern boundary and 180m west of the eastern boundary and approximately 26m east of the Middle Murroon Road alignment. There is no impact on surrounding agricultural uses, and the dwelling location has been selected to best facilitate agricultural use on site by enabling cattle movement on the property and maintaining space around around the existing sheds for this. The dwelling is sited over 140m from Mathews creek and away from a sloping section of the site roughly corresponding with the portion of land under the erosion management overlay. This position also provides line of sight over the property for effective livestock monitoring.

The location ensures privacy, with more than 600 metres separating it from the nearest neighbouring dwelling. The single-storey, low-profile design with a skillion roof and neutral colour scheme minimizes visual impact - it is intended to blend in with the other agricultural building on site, rather than contrast this. At 75m², the proposed dwelling is also very small and compact. The dwelling will be approximately 700 metres from the nearest visible point along Deepdene Road. The siting meets all required setbacks from roads, waterways, and boundaries.

The proposed dwelling site allows for easy construction of an all-weather gravel driveway from Middle Murroon Road, suitable for use by emergency vehicles.

DESIGN RESPONSE - PLANNING POLICY

Schedule to Clause 35.07 Farming Zone (FZ)

The Schedule contains the following relevant setbacks for the proposed dwelling, all of which are satisfied:

- Min. 100m setback from a waterway (>250m)
- Min. 20m setback from a road (>225m)
- Min. 5m setback from any other boundary (>17m)
- Min. 100m setback from a dwelling not in the same ownership. (>350m)

Clause 44.01 Erosion Management Overlay (EMO&EMO1)

To address and protect areas prone to erosion, landslip, and other forms of land degradation, the proposal has been carefully designed to minimise land disturbance associated with the dwelling, driveway, and related works. As detailed in the attached Site Classification Report by Provincial Geotechnical P/L, the site-specific assessment concludes that the engineered footing system and associated retaining measures satisfy the Low to Medium landslip risk, supporting the grant of a planning permit. The proposed dwelling will be prefabricated off-site and craned into place in a single day, significantly reducing disturbance from prolonged construction activity and vehicle access. It will be installed on screw piles, eliminating the need for excavation or retaining walls. The siting is within established pasture, with no tree removal required. Wastewater will be managed via an onsite sewerage treatment plant with an appropriately sized effluent absorption field for a single-bedroom dwelling, ensuring there is no runoff into Matthews Creek or the adjacent flats.

Aboriginal Cultural Heritage Overlay

Part of the property, including the proposed siting for a dwelling, is designated as having Aboriginal Cultural Heritage Sensitivity under the Aboriginal Heritage Regulations 2018. The scale of the proposed development is exempt from triggering the need for a Cultural Heritage Management Plan.

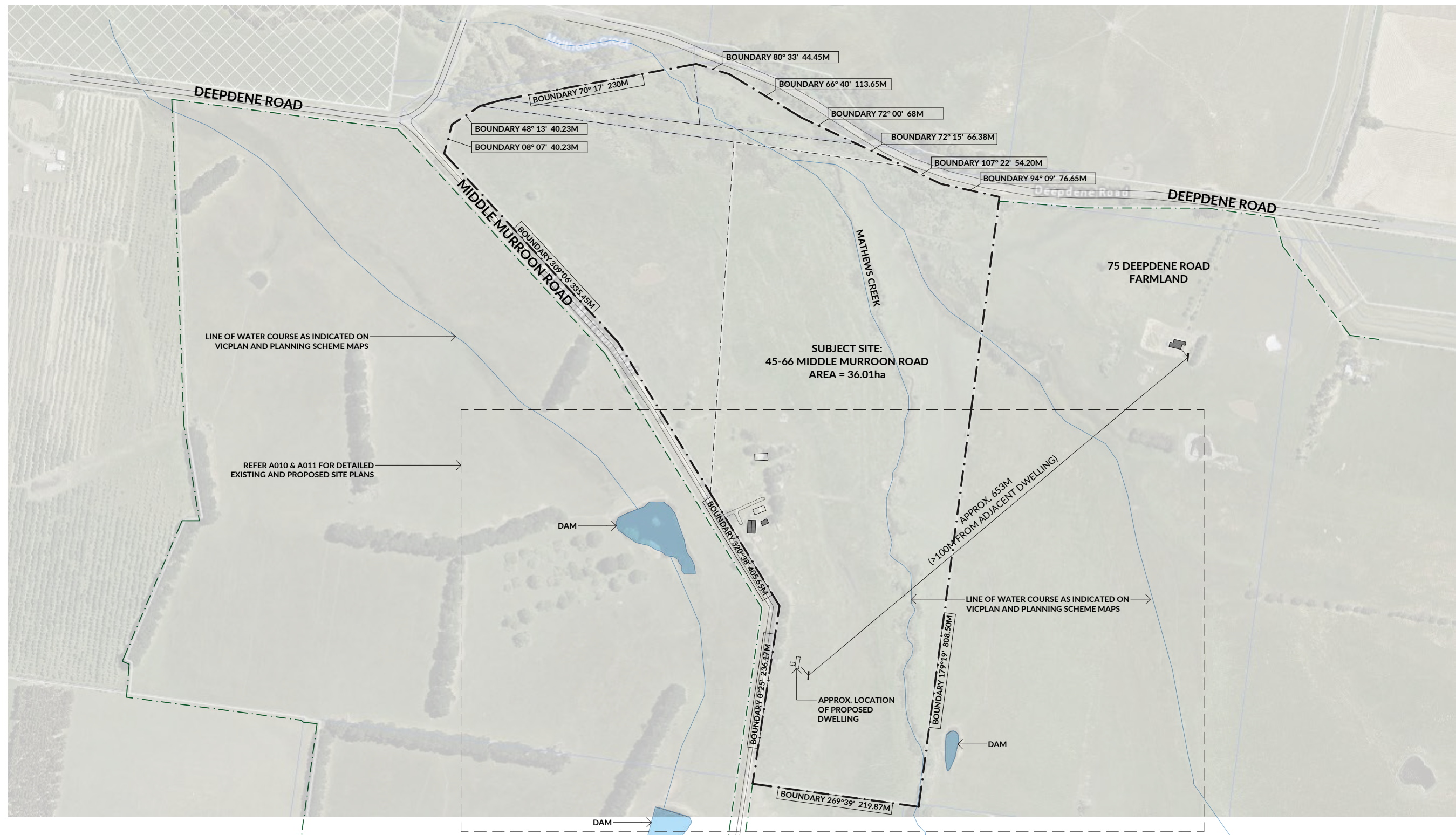
Bushfire Management

The property is in a designated Bushfire Prone Area, but it is not subject to the Bushfire Management Overlay (BMO). As the planned dwelling location is situated in established pasture, it will have at least 30M of defendible space in all directions. The proximity and access to Middle Murroon Road provides egress in the event of fire to both the south and the north along Middle Murroon Road. The external cladding and windows and doors will be of non-combustible materials to at least BAL 12.5 standard as per the attached Bushfire Attack Level report.

Clause 52.06 Car Parking

The proposed dwelling is a one bedroom dwelling with one compliant car space provided. No Permit trigger arises under this clause.

03 DRAWINGS



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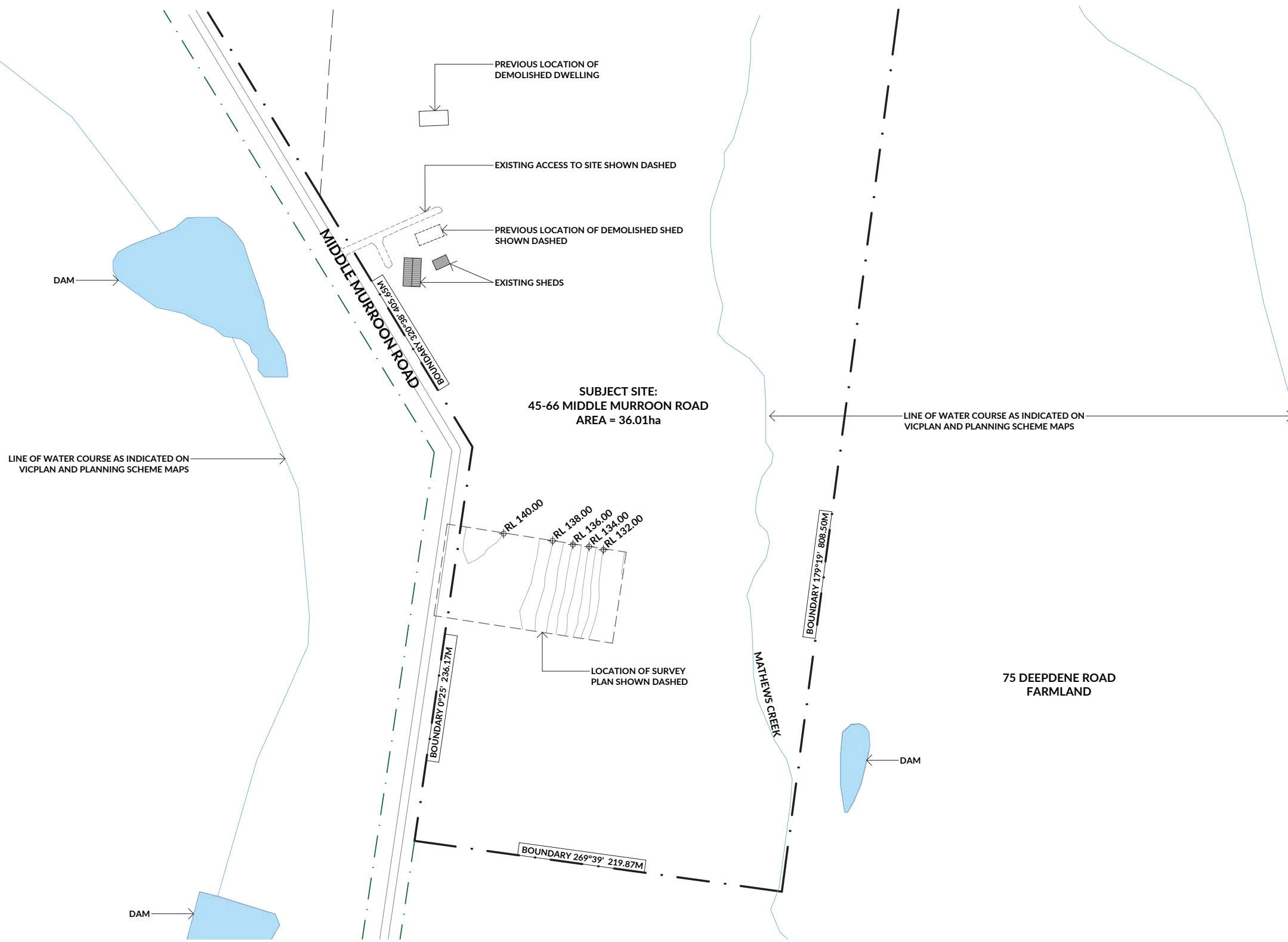
NOTES
Only use figured dimensions. Contractors must verify all dimensions on site before commencing work or preparing shop drawings. Do not scale drawing.

DATE	REV.	DESCRIPTION	DATE	REV.	DESCRIPTION
-	-	-			

TOWN PLANNING ISSUE
FOR REVIEW ONLY

urban creative
Studio 10, Level 6, Nicholas Building
37 Swanston Street
Melbourne 3000
ACN: 167 842 855

45-66 MIDDLE MURROON RD, MURROON EXISTING CONDITIONS PLAN					
DRAWN BY: SF	SCALE: 1:5000 @ A3	Project Code	DRG No.	Rev.	Status
CHECKED: AMB	DATE: 22.07.2025	2507	A010	-	TP



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DATE	REV.	DESCRIPTION	DATE	REV.	DESCRIPTION
-	-	-			

TOWN PLANNING ISSUE
FOR REVIEW ONLY

Studio 10, Level 6, Nicholas Building
37 Swanston Street
Melbourne 3000
ACN: 167 842 855

45-66 MIDDLE MURROON RD, MURROON
EXISTING CONDITIONS PLAN

DRAWN BY: SF

CHECKED: AMB

SCALE: 1:2500 @ A3

DATE: 22.07.2025

Project Code

2507

DRG No.

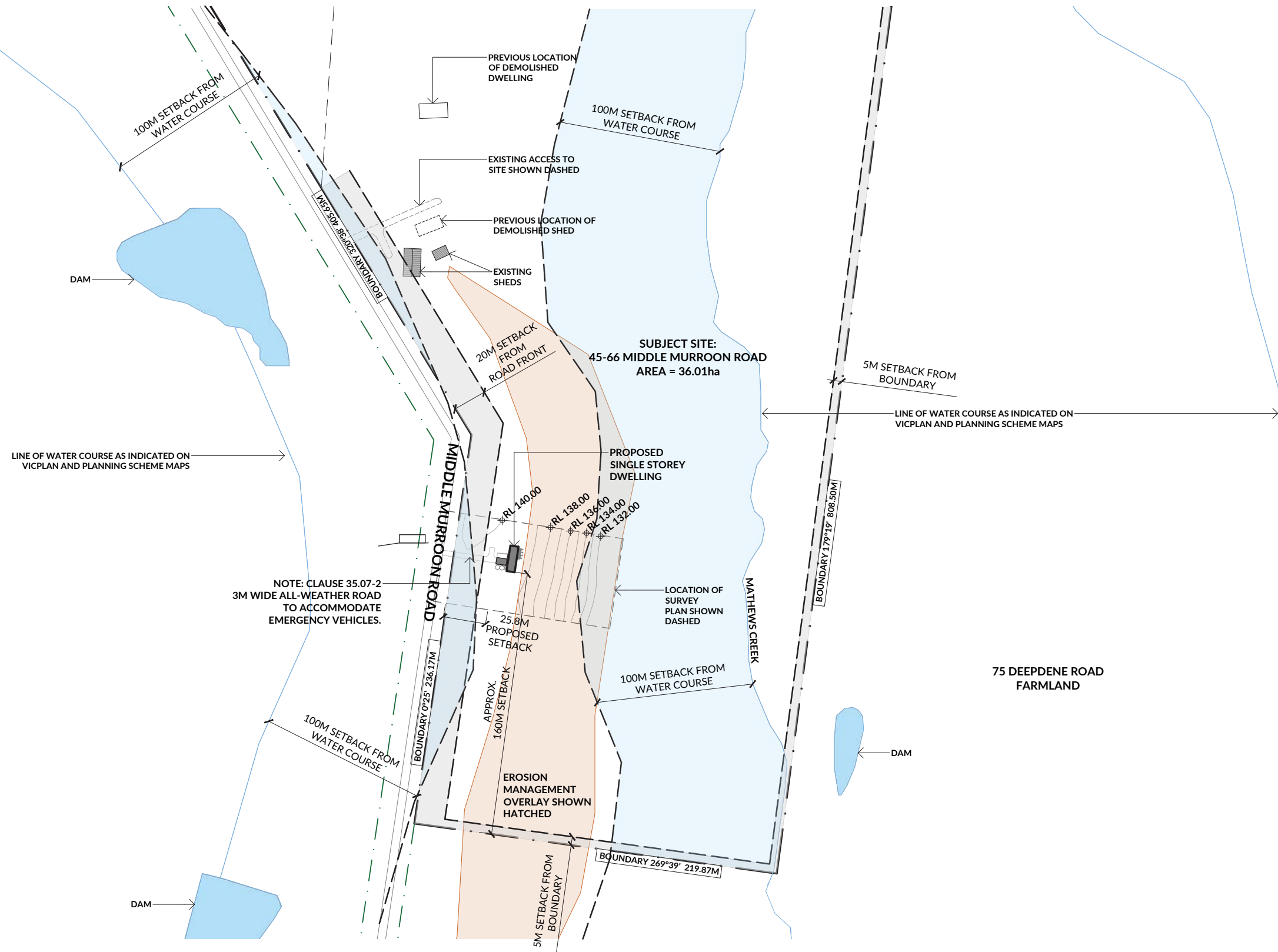
A011

Rev.

-

Status

TP



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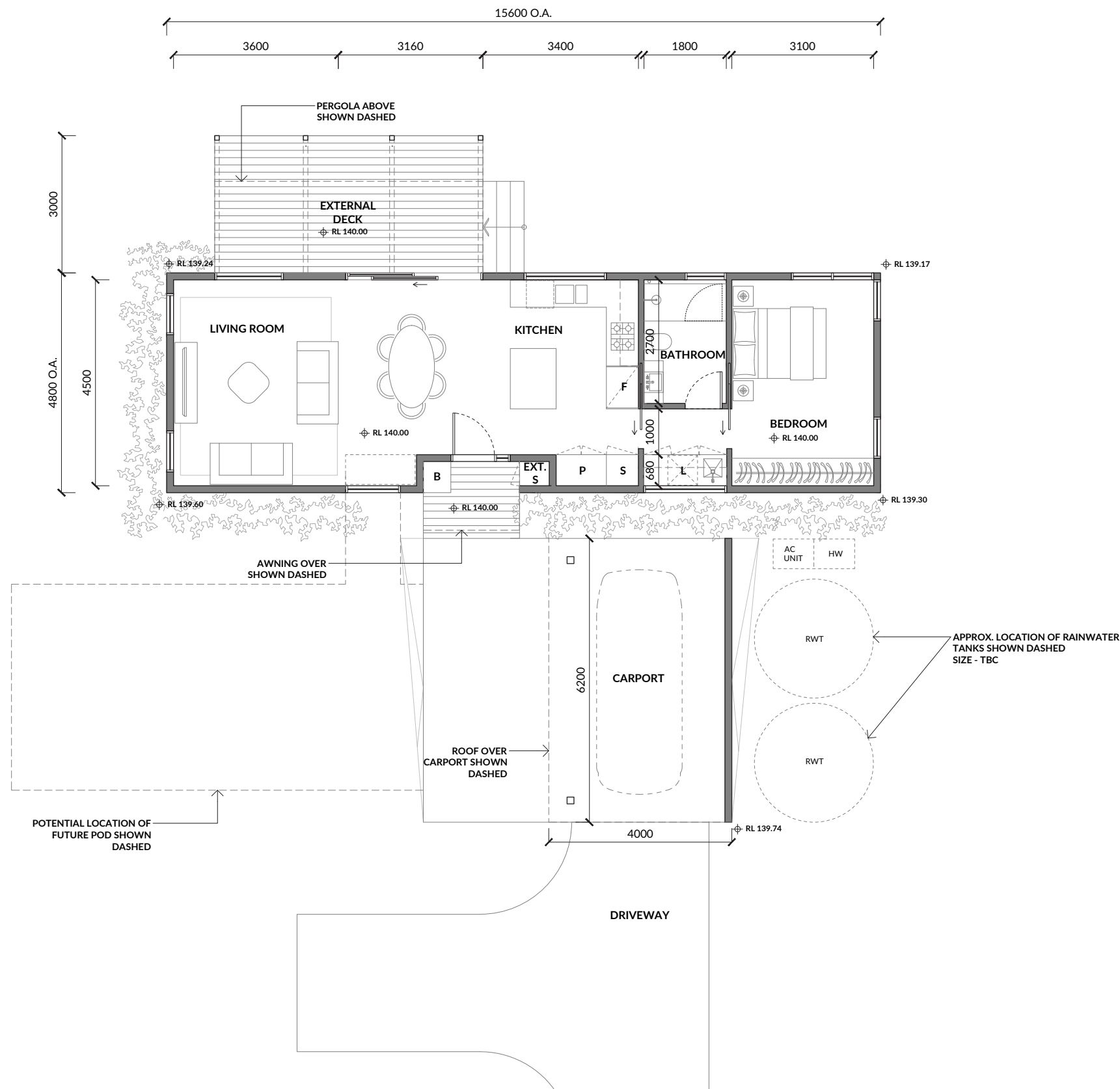
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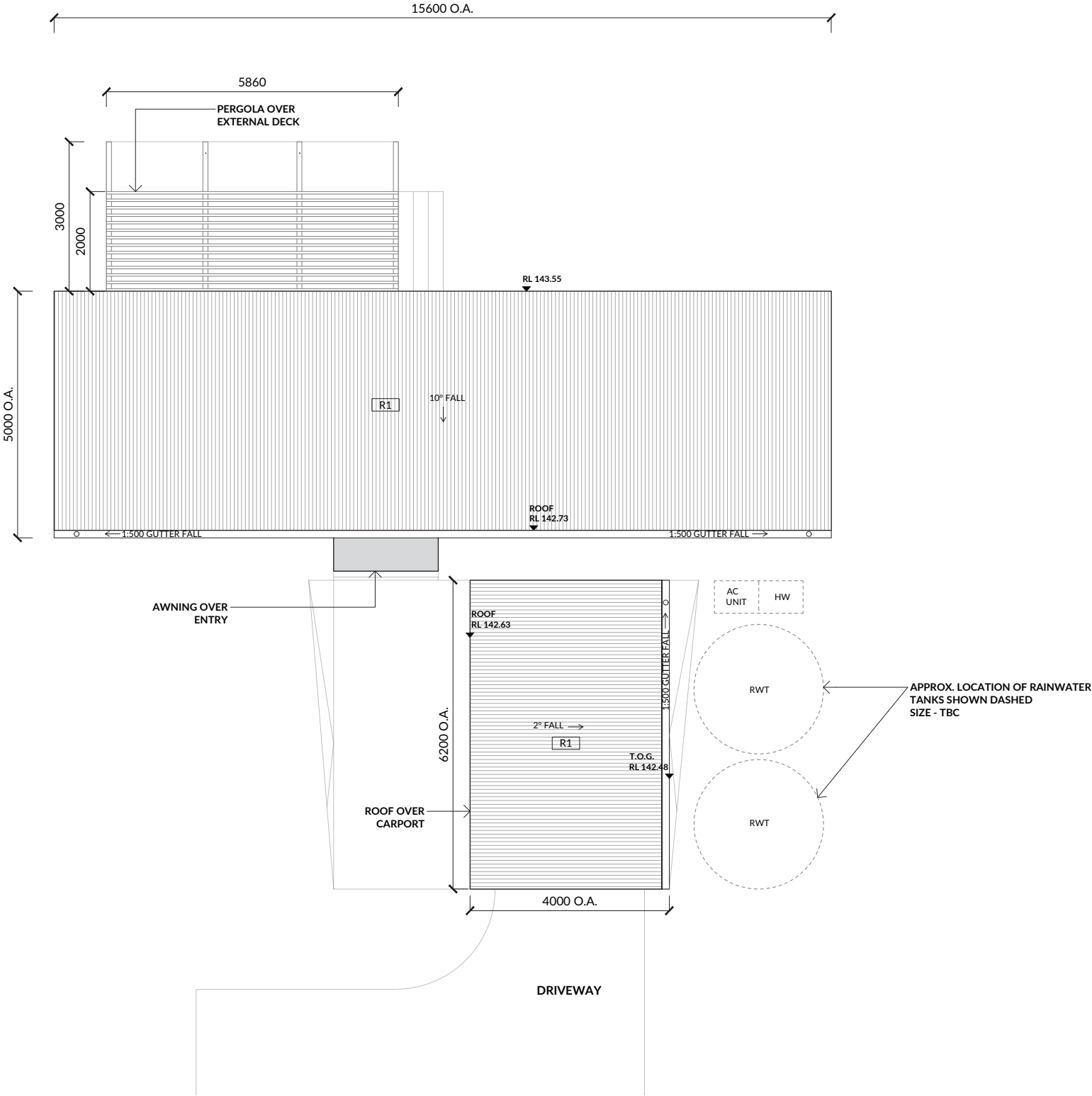
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37 Swanston Street
Melbourne 3000
ACN: 167 842 855

45-66 MIDDLE MURROON RD, MURROON PROPOSED SITE PLAN					
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CHECKED: AMB	DATE: 22.07.2025	2507	A012	-	TP



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	-	-	-						DRAWN BY : SF	SCALE : 1:100 @ A3	Project Code	DRG No.	Rev.	Status
									CHECKED: AMB	DATE: 22.07.2025	2507	A201	-	TP



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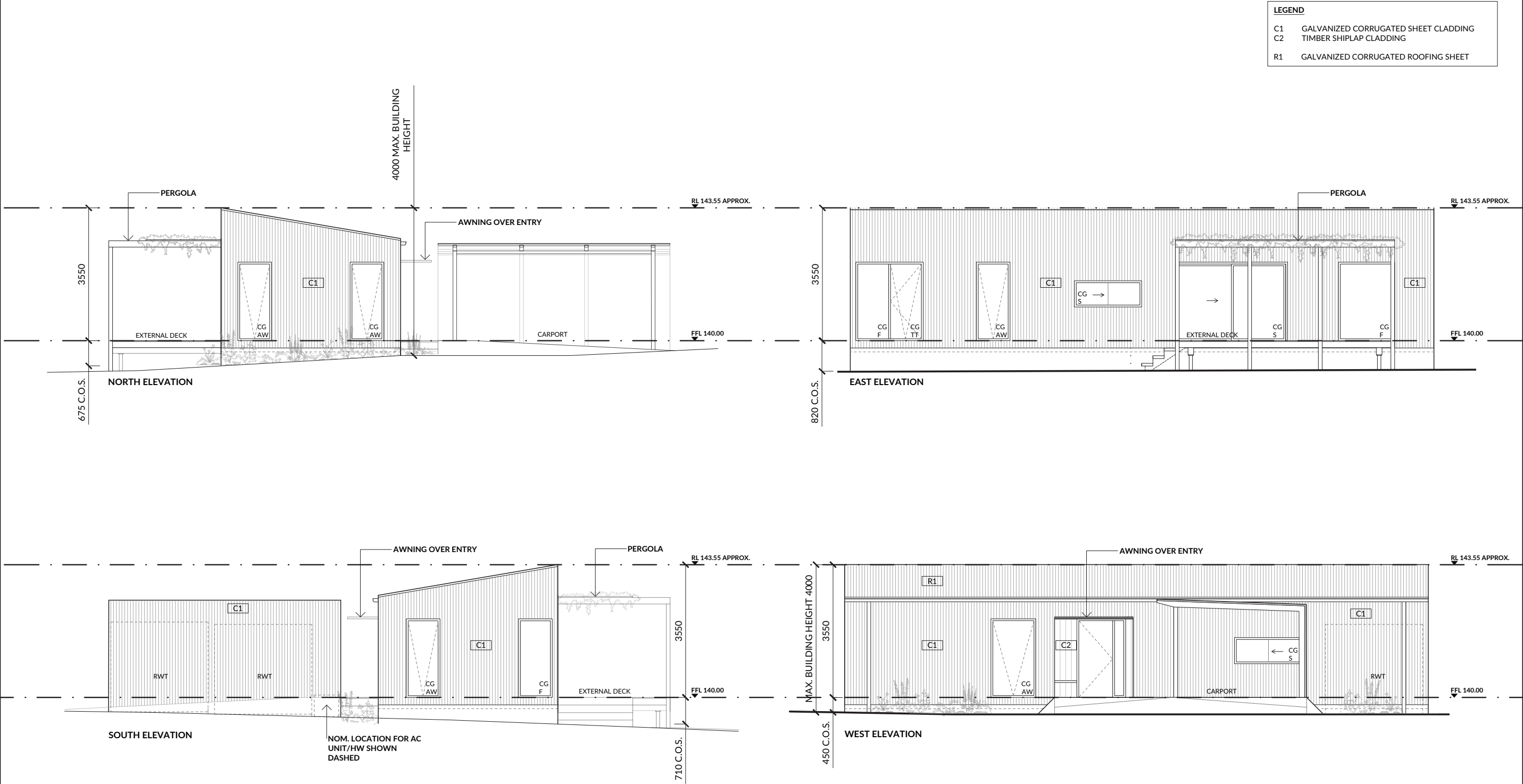
NOTES
Only use figured dimensions. Contractors must verify all dimensions on site before commencing work or preparing shop drawings. Do not scale drawing.

DATE	REV.	DESCRIPTION	DATE	REV.	DESCRIPTION
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45-66 MIDDLE MURROON RD, MURROON					
ROOF PLAN					
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DATE	REV.	DESCRIPTION	DATE	REV.	DESCRIPTION
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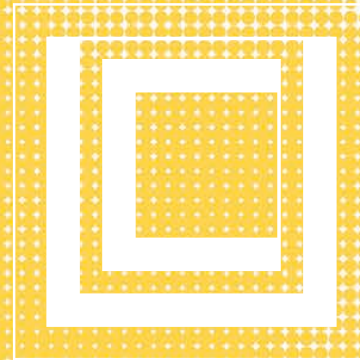
TOWN PLANNING ISSUE
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Melbourne 3000
ACN: 167 842 855

45-66 MIDDLE MURROON RD, MURROON ELEVATIONS					
DRAWN BY: SF	SCALE: 1:100 @ A3	Project Code	DRG No.	Rev.	Status
CHECKED: AMB	DATE: 16.07.2025	2507	A501	-	TP



Studio 10, Level 6
Nicholas Building
37 Swanston Street
Melbourne
3000



Item: 4.3

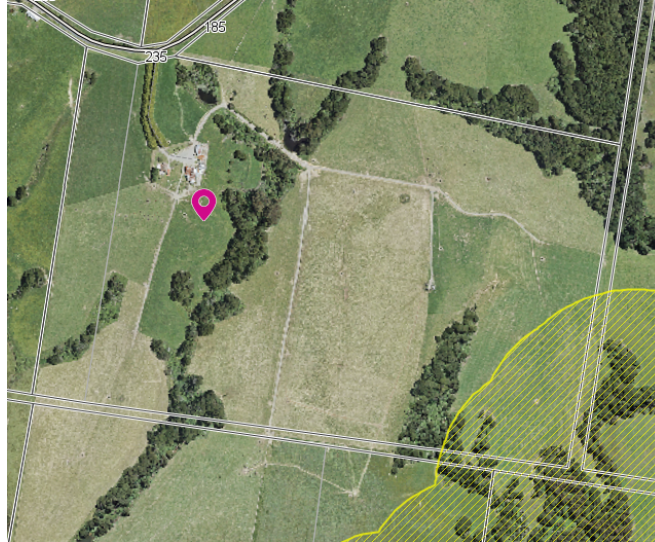
PP95/2025-1 - 235 Phillips Track FERGUSON - Construction of Replacement Dwelling and Associated Works

ADDRESS AND PROPERTY DETAILS	235 Phillips Track FERGUSON		APPLICATION NUMBER	PP95/2025-1
	Lot 1 TP: 828311 V/F: 4262/400 Parish of Weeaprounah			
	PROPOSAL			
	Construction of Replacement Dwelling and Associated Works			
PERMIT TRIGGERS	Planning scheme clause		Matter for which the permit has been applied for	
	Clause 35.07-4		Building and works comprising construction of a replacement dwelling in the Farming Zone, within 100m of a waterway	
	Clause 44.01-2		Building and works comprising construction of a replacement dwelling on land covered by Erosion Management Overlay, Schedule 1	
	Clause 44.06-2		Buildings and works associated with accommodation in the Bushfire Management Overlay	
	TRIGGER FOR DETERMINATION BY COMMITTEE		Dwelling in the Farming Zone	
ZONE	Farming Zone (FZ)	OVERLAYS	Bushfire Management Overlay (BMO) Erosion Management Overlay, Schedule 1 (EMO1)	
COVENANTS	Crown Grant only, relating to water and mining rights			
CULTURAL HERITAGE	Only a small portion of the subject site, in the south-west corner, is in an area of cultural heritage sensitivity (hatched			

Item: 4.3

**PP95/2025-1 - 235 Phillips Track FERGUSON -
Construction of Replacement Dwelling and
Associated Works**

yellow below):



The proposed replacement dwelling would be located outside this area and, in any event, a single dwelling is not a high impact activity.

OFFICER

Vikram Kumar

**GENERAL
MANAGER**

Ian Seuren

DIVISION

Community and Economy

ATTACHMENTS

1. Plans [4.3.1 - 8 pages]

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN

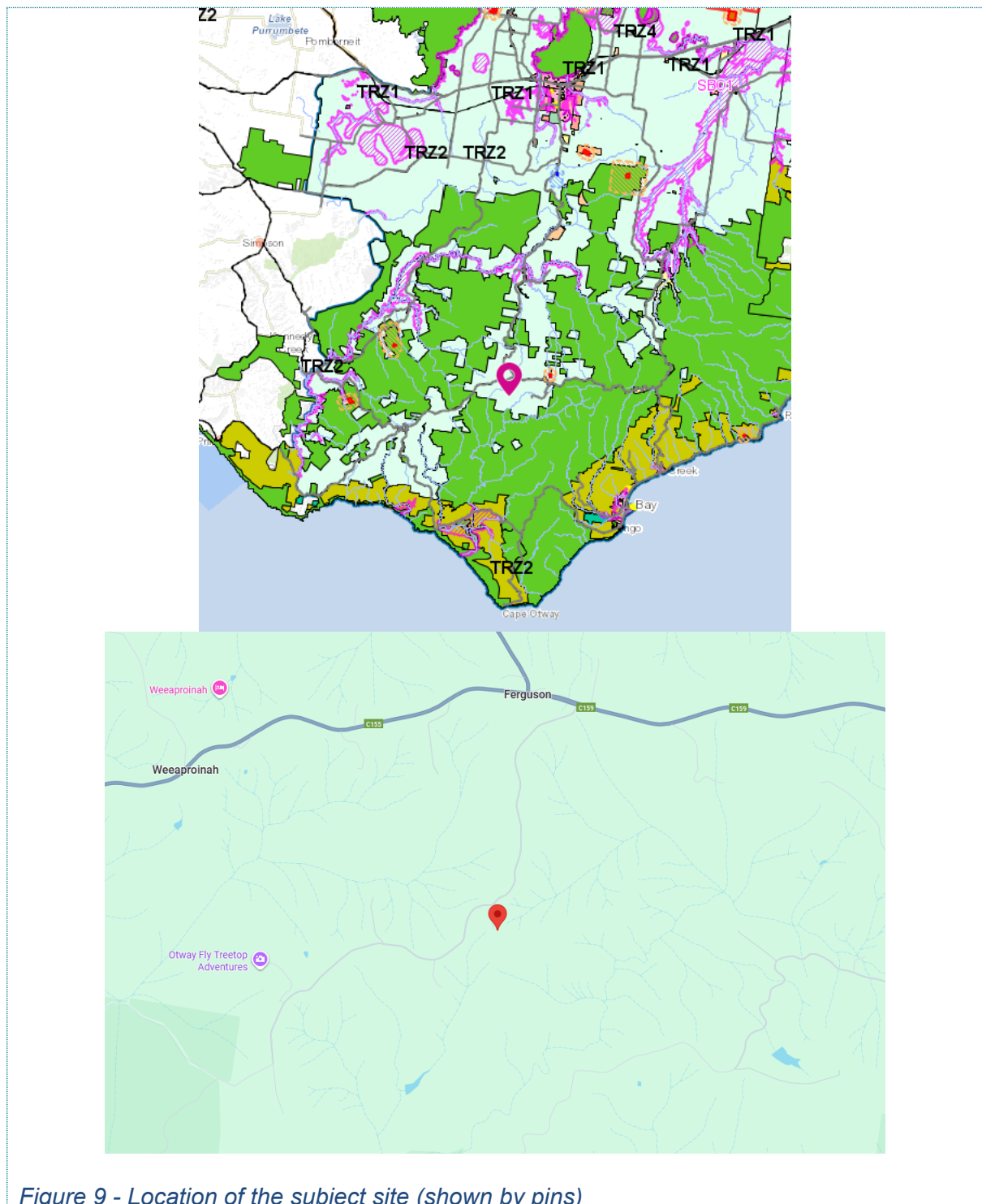


Figure 9 - Location of the subject site (shown by pins)

AERIAL PHOTO



Figure 10 - Aerial photograph of the subject site and surroundings

2. RECOMMENDATION

That the Planning Committee resolves to Grant a Permit for the construction of a replacement dwelling and associated works at 235 Phillips Track Ferguson (Lot 1 TP: 828311 V/F: 4262/400 Parish of Weeaprounah), subject to the following conditions:

Endorsed Plans

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

Compliance with Geotechnical Assessment

- 2. The approved development must be carried out on the site in accordance with the recommendations of the Landslide Risk Assessment Report prepared by Provincial Geotechnical Pty. Ltd (Ref. No. 23703C, dated 2nd April 2025) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.***

Drainage

- 3. 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.***

4. ***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

5. ***A domestic wastewater management system must be constructed concurrently with the replacement 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.***
6. ***All works and development associated with this permit must be carried out in accordance with the Land Capability Assessment prepared by Provincial Geotechnical Pty. Ltd (Ref. No. 23702C, dated 2nd April 2025) or as otherwise agreed in writing by the Responsible Authority.***
7. ***The number of bedrooms must not exceed 4.***

No Gas Connection

8. ***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.***

Country Fire Authority (CFA) conditions

9. ***The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable 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.***

Amended Bushfire Management Plan

10. ***Before the development starts, a Bushfire Management Plan must be submitted to the satisfaction of CFA 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 Proposed Bushfire Management Plan, Date: 23.06.25, Job No: 24-129, Drawing No: sheet 1.4 prepared by: Colin Armstrong Design Service but modified to include the conditional wording for Construction standards with:***
 - a) ***Construction standards***
The building must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL12.5)
 - b) ***Site plan***
Show the 82m defendable space around the proposed dwelling, on the visual site plan.

Expiry

11. 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 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 replacement dwelling. Approval will also be required for demolition works.**
- 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 to and approved by Council's Health Protection Unit prior to the commencement of works.**

3. PROPOSAL

The application seeks a planning permit for the construction of a replacement dwelling and associated works. The existing dwelling, garage and detached shed would be removed to accommodate the proposed replacement dwelling. Given this, it is not necessary to require the removal of the existing dwelling through a permit condition.

The proposed dwelling would contain three-bedrooms, a rumpus room, an open plan living/dining/kitchen area, an ensuite, a bathroom and a laundry, an attached garage, and an alfresco area. The dwelling would be located 47.45m from the western boundary of the site, 220.46m from the northern boundary and 97m from the nearest waterway.

The proposed dwelling would be single-storey, with a maximum height of 6m.

The dwelling would be constructed of a mix of wall cladding, including Colorbond 'Standing Seam' or similar, Scyon Axon or similar and Slenderstone or similar. It would have a Colorbond roof.

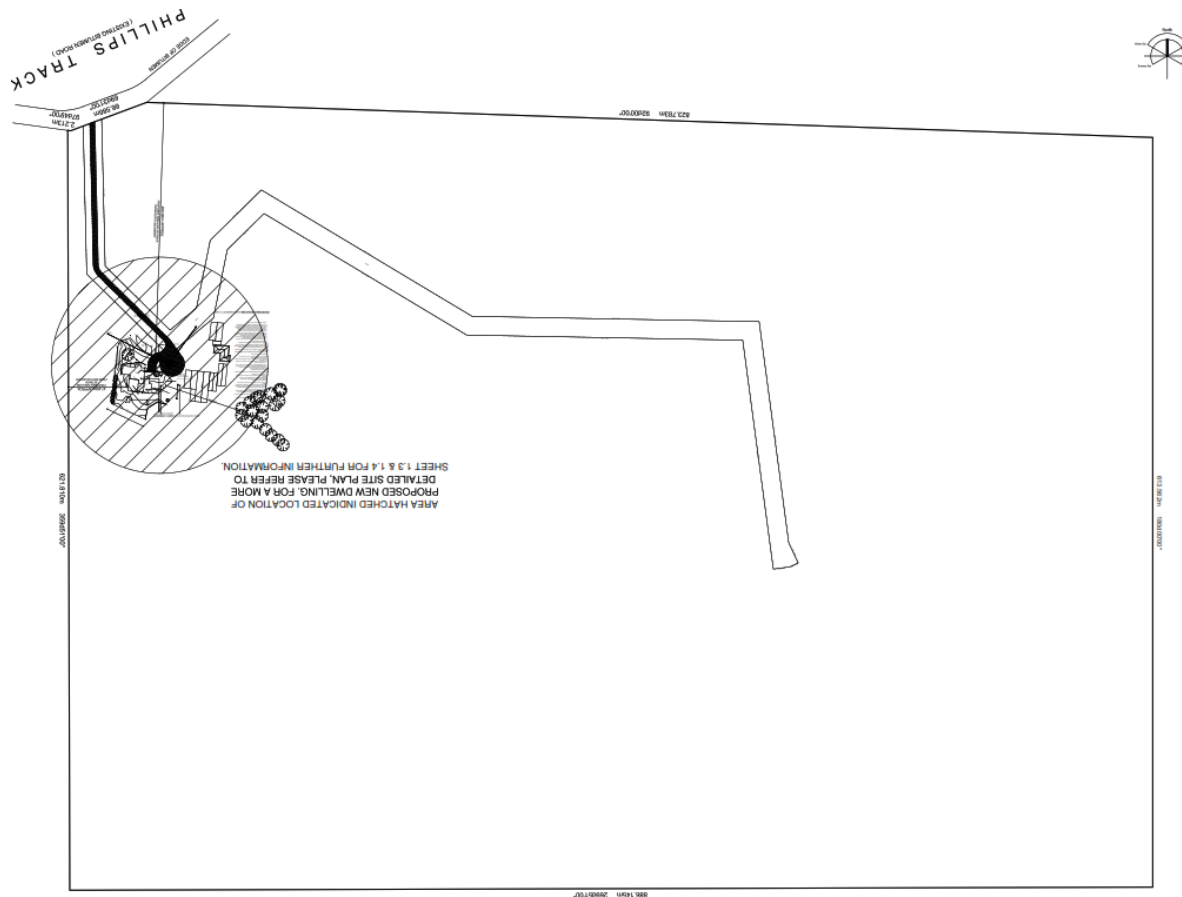


Figure 11 - Site plan

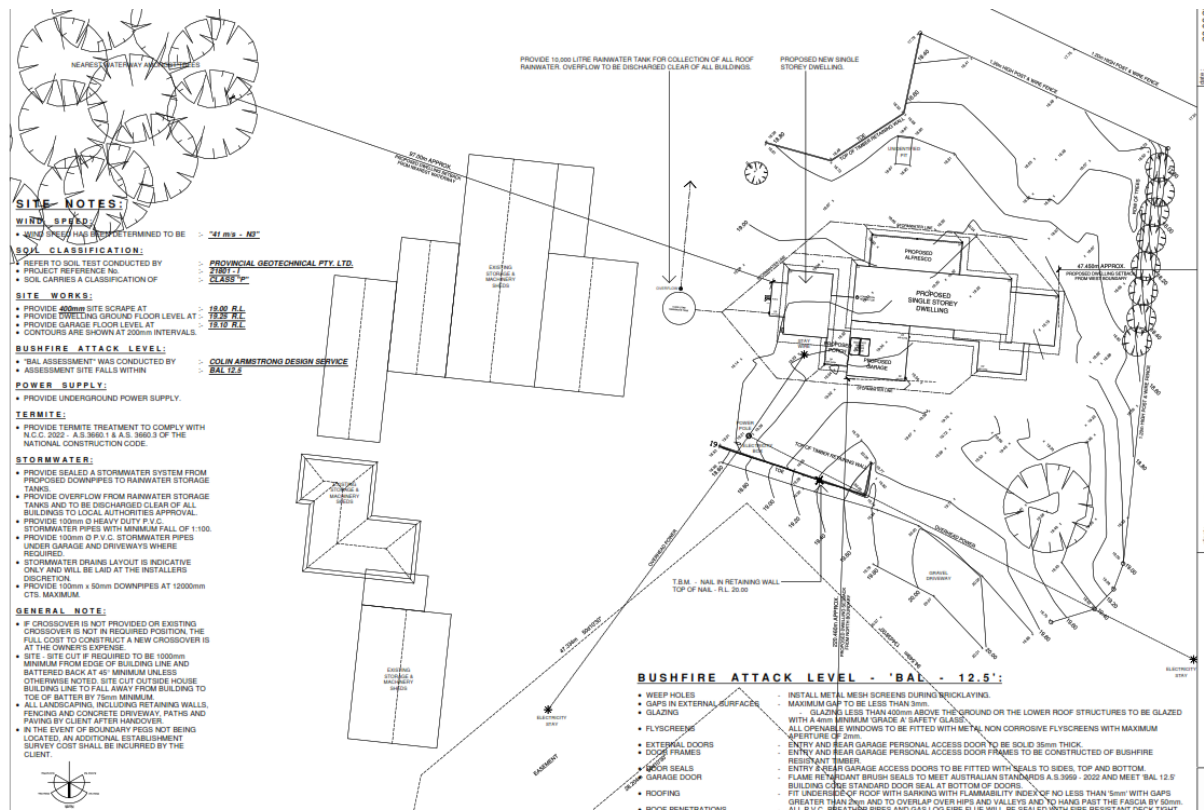


Figure 12 - Enlarged site plan

4. SUBJECT LAND & SURROUNDINGS

The subject site, which is located in the Farming Zone, is 55.81ha in area.

There are existing sheds on the land used for agricultural purposes, as well as an existing dwelling which would be removed if the replacement dwelling is approved. No vegetation removal is proposed.

There is an existing access to the property, as shown below:



The photograph below shows existing buildings on the site that are visible from Phillips Track:



Part of the existing dwelling is visible from the Philips Track:



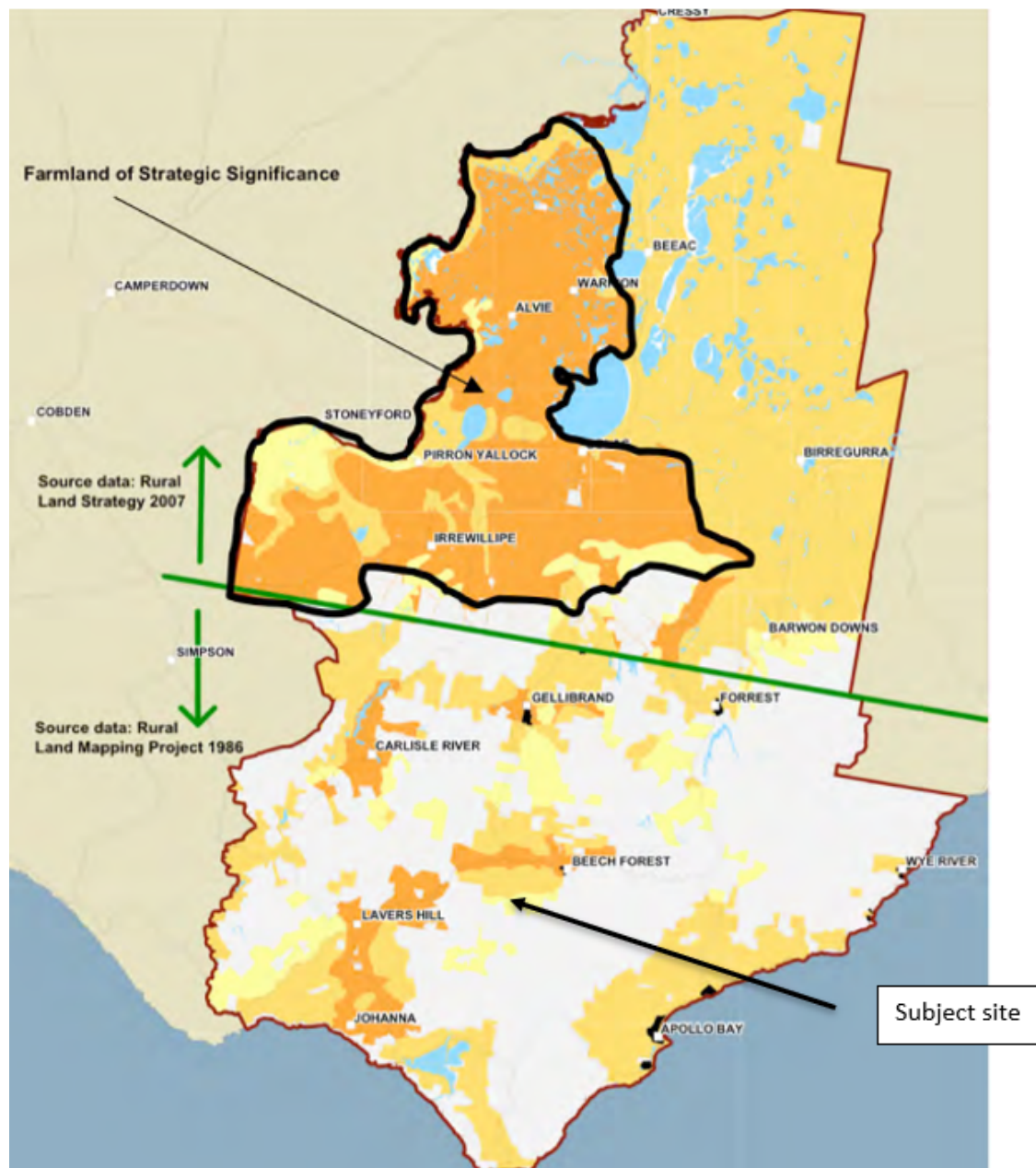
5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

It is considered that the proposal generally meets the relevant objectives, strategies and policies of the Planning Policy Framework, notably clauses 11.01-1S (Settlement), 13.02-1S (Bushfire Planning), 13.04-2S and 13.04-2L (Erosion and Landslip), 14.01-1S and 14.01-1L (Protection of Agricultural Land), and 15.01-6S and 15.01-6L (Design for Rural Areas).

Other relevant provisions

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



Legend

 High Agricultural Capability	 Lakes/reservoirs
 Medium Agricultural Capability	 Public Land
 Low Agricultural Capability	



Relevant Planning Scheme amendments

Nil

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department and Health Protection Unit. No objection was raised to the proposal, subject to conditions which have been included within the recommendation earlier in this report.

External Referrals

The application was referred to the Country Fire Authority (CFA), which raised no objection subject to planning permit conditions. These have also been included in the recommendation.

7. PUBLIC NOTIFICATION & RESPONSE

The application is exempt from public notice under Clause 44.01 (EMO1) and Clause 44.06 (BMO) but is not exempt under the provisions of the Farming Zone.

However, the Responsible Authority is satisfied that the grant of a permit would not cause material detriment to any person, for the following reasons:

- The only trigger under the Farming Zone is due to the proposed building and works being within 100m of a waterway (97m).
- The proposed replacement dwelling would be in the same location as the existing dwelling and would be constructed of non-reflective materials.
- The proposed replacement dwelling would mostly be screened from Phillips Track due to existing vegetation (see photographs earlier in this report).

8. OFFICER'S ASSESSMENT

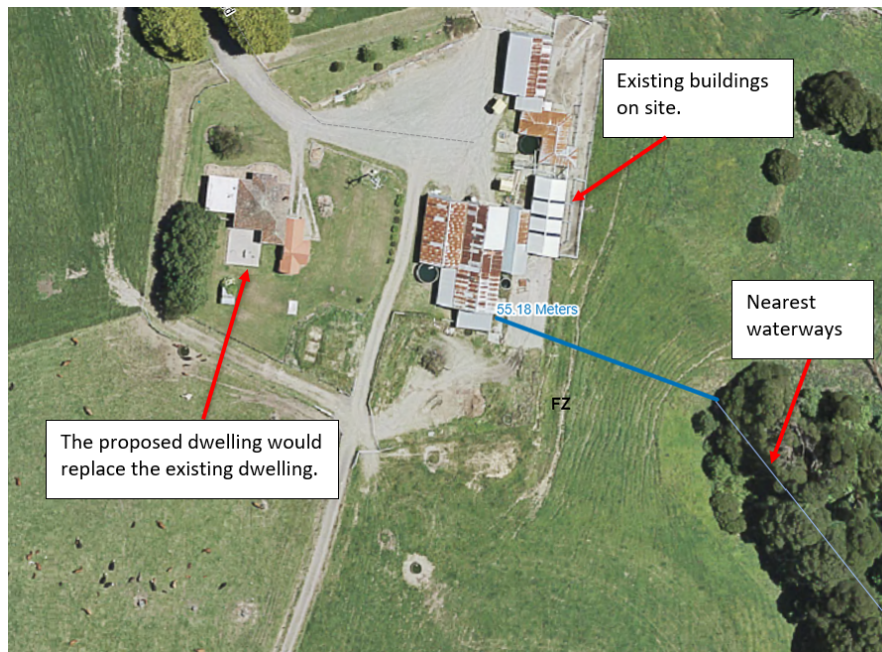
Farming Zone

A planning permit is not required to use the land for a dwelling, as the lot is more than 40ha in area (being 55.81ha).

A planning permit is only required for building and works within 100m of a waterway, with the proposed distance being 97m based on the plans submitted with the application.

As a variation of only 3m is sought, and the proposal is for a replacement dwelling in the same location as the existing dwelling, it is not considered that the proposed dwelling would have an adverse impact on the waterway.

It is also noted that there are other existing buildings on the site which are located within 100m of the waterway. These are located approximately 55m from the waterway, in between the location of the proposed replacement dwelling and the waterway, as shown below:



The proposed siting of the dwelling would meet the specified setbacks from a road and other boundaries, and from the nearest dwelling in separate ownership, under the Farming Zone provisions. The proposed materials would be non-reflective, and it is considered that the design, height, bulk and colours would be acceptable for the site.

As the proposal is for a replacement dwelling in the same location as the existing dwelling, the potential impact on agriculture and surrounding land would be similar to that existing, and is considered to be acceptable.

The submitted Land Capability Assessment (LCA) demonstrates that the site would be capable of managing wastewater. The application was referred to Council's Health Protection Unit, which raised no objection subject to planning permit conditions which have been included in the recommendation earlier in this report.

The application was also referred to Council's Infrastructure Department, which raised no objection subject to planning permit conditions that have also been included in the recommendation above.

As such, the proposed dwelling is considered to be acceptable under the provisions of the Farming Zone and in terms of relevant planning policy relating to agricultural land.

Erosion Management Overlay, Schedule 1 (EMO1)

A planning permit is required for the replacement dwelling under this overlay. A Geotechnical Assessment relating to the proposal (Report No. 23703C, prepared by Provincial Geotechnical Pty. Ltd. and dated 02 April 2025) was lodged with the planning application.

Below is a photograph of the existing dwelling:



Page 11 of the Geotechnical Assessment states:

“General Recommendations

The satisfactory performance of buildings on this site depends on good engineering and building practice. This includes

- c) the design of an appropriate development for the site;*
- d) the provision of adequate retaining structures and drainage for all cut faces (or batter at an appropriate angle);*
- e) adequate site drainage is essential; surface water and excess roof water must not be allowed to pond or seep into the ground near buildings.*
- f) regular maintenance of open drains.*

Refer also to the attached Appendices for more general advice.”

The applicant also included ‘Form A’, as required by the Schedule. Form A refers to the plans that form the subject of this application and concludes that the proposal would present an acceptable risk. It is therefore considered that the proposal is acceptable in terms of the provisions of Erosion Management Overlay, Schedule 1 (EMO1).

The standard condition requiring works to be carried out in accordance with the recommendations in the Geotechnical Assessment has been included in the recommendation earlier in this report.

Bushfire Management Overlay (BMO)

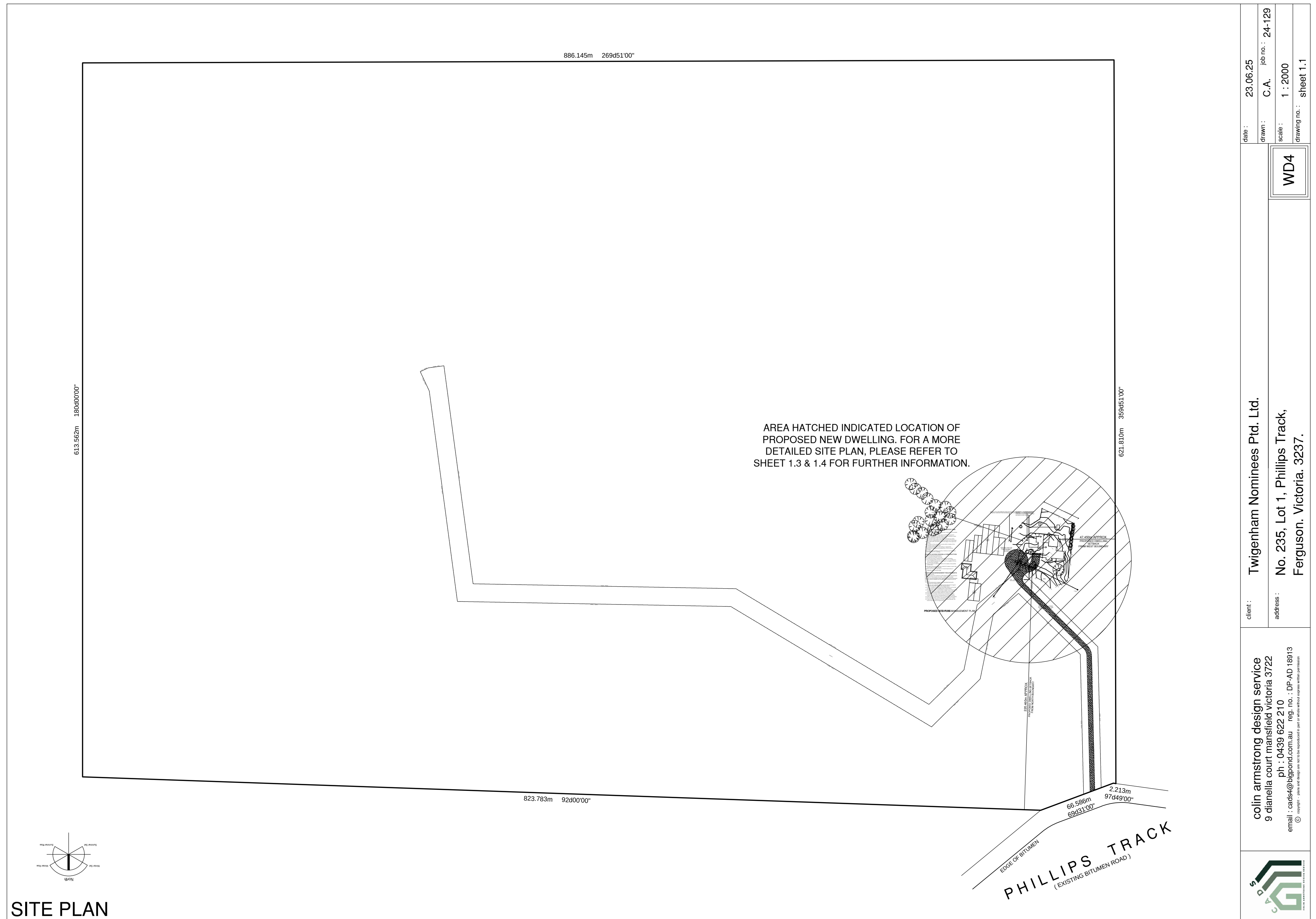
The application, which was supported by a Bushfire Management Statement, was referred to the Country Fire Authority (CFA).

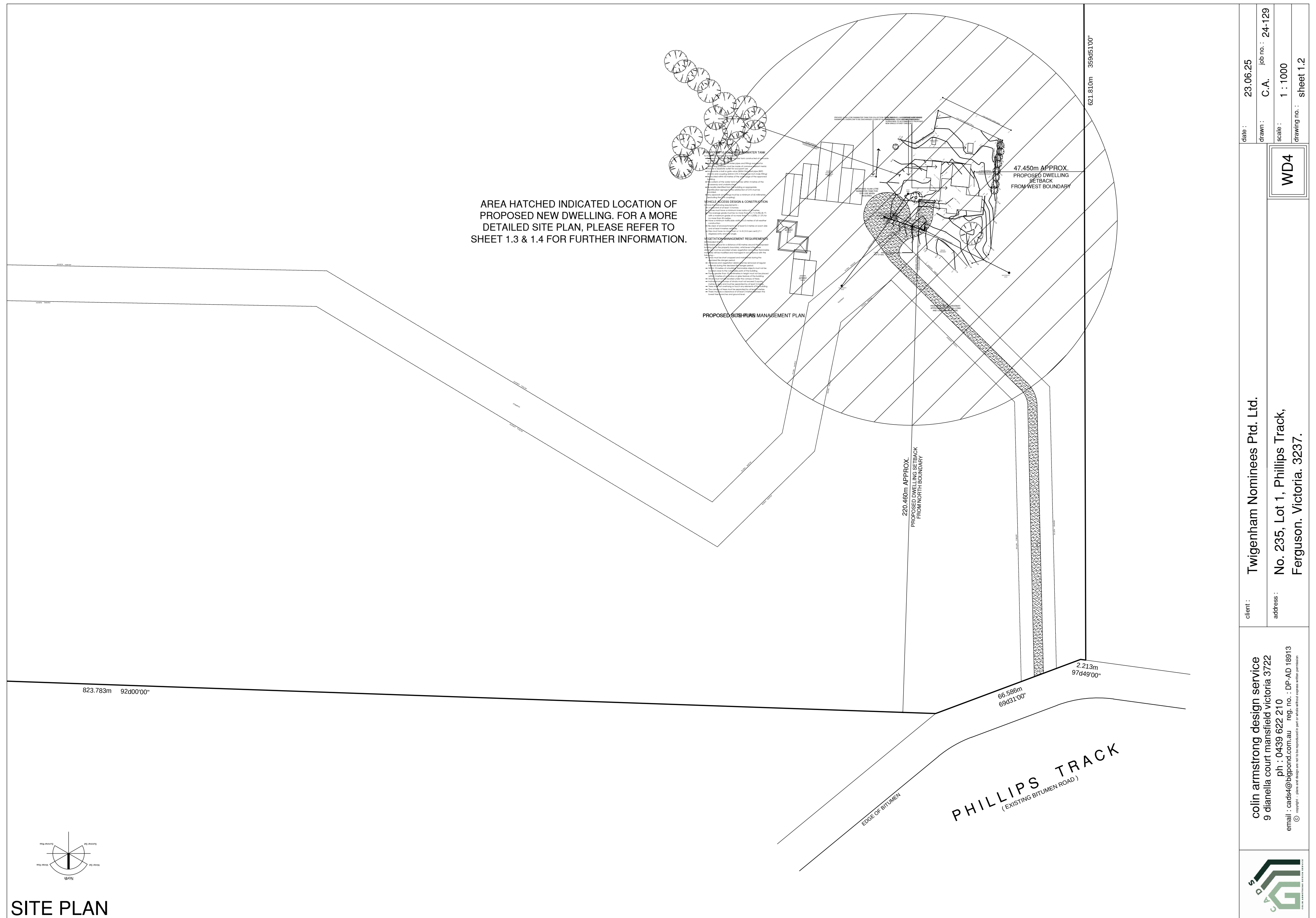
The CFA raised no objection, subject to planning permit conditions that have been included in the recommendation earlier in this report. These include a requirement that an amended Bushfire Management Plan be prepared.

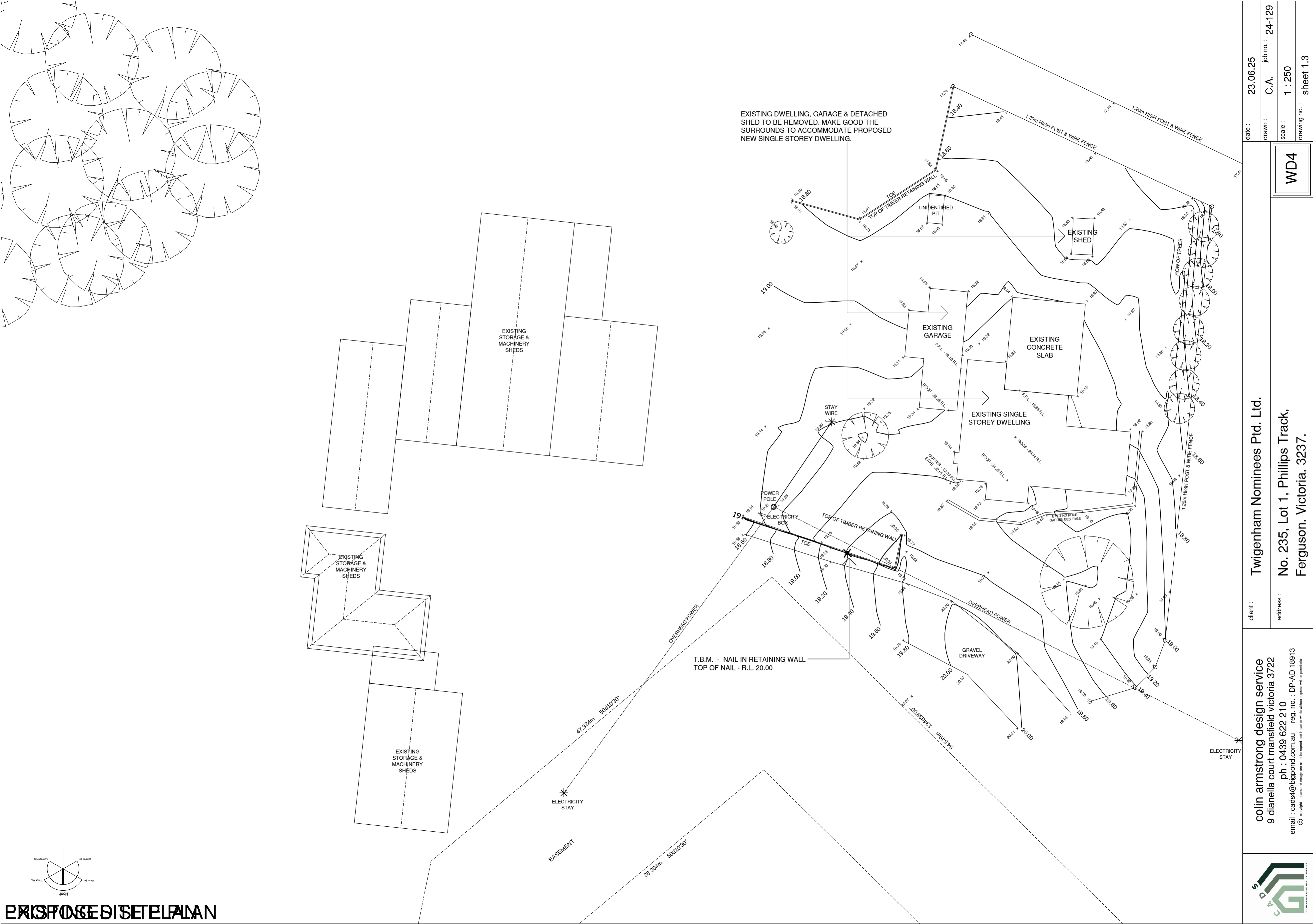
Given the CFA has raised no concerns, it is considered that the proposed replacement dwelling is acceptable under the provisions of the BMO.

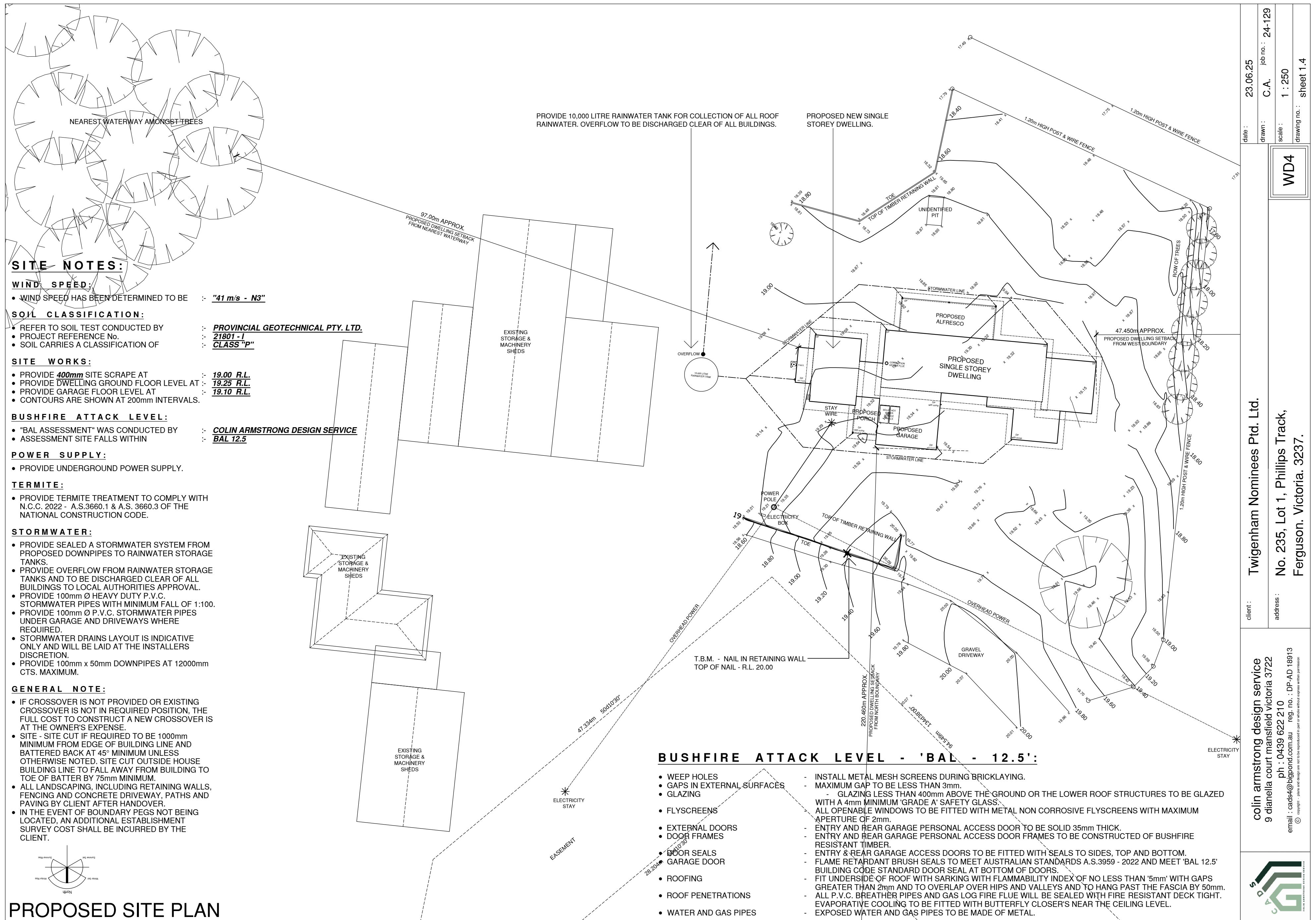
9. OFFICER DIRECT OR INDIRECT INTEREST

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











NOTE - GENERAL:

- FRONT ENTRY DOOR IS 2340mm HIGH.
- ALL INTERNAL DOORS ARE 2340mm HIGH THROUGHOUT.
- ALL ROBE AND LINEN CUPBOARD DOORS ARE 2340mm HIGH.

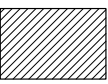
DIMENSIONS SHOWN LOCATING WINDOWS **DO NOT** TAKE INTO CONSIDERATION WINDOW FRAME OPENINGS AND ARE TO LOCATE PROPOSED WINDOWS ONLY.

IMPORTANT NOTE:

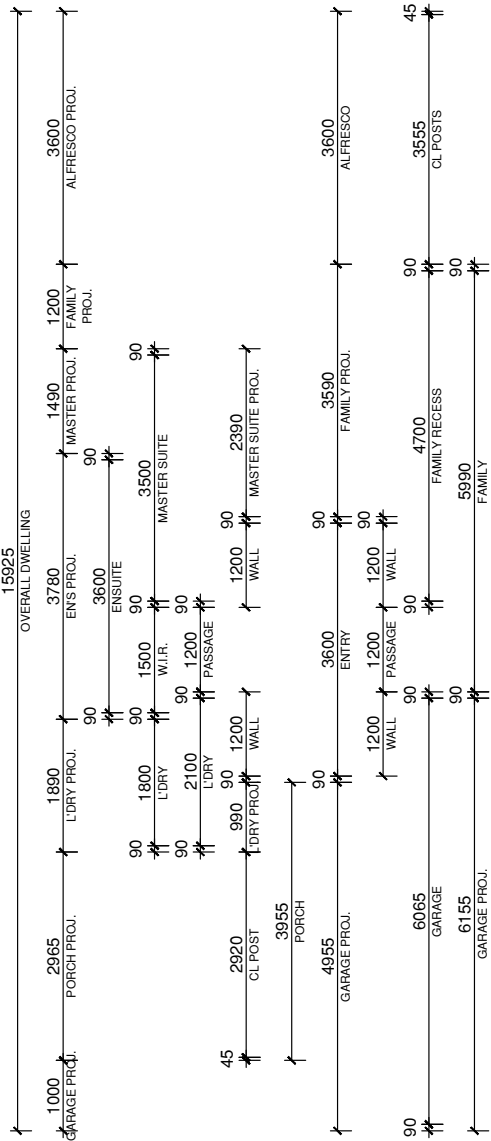
- IN THE EVENT SUCH AS THE CASE WITH THIS DWELLING, THE ENSUITE TOILET CUBICLE TO HAVE THE FOLLOWING ALLOWANCES :-
- EXHAUST FANS MUST DISCHARGE TO OUTSIDE AIR.
 - WHERE THERE IS NO WINDOW, THE EXHAUST FAN MUST BE :- INTERLOCKED WITH THE LIGHT SWITCH AND INCLUDE A RUN-ON TIMER SO THAT THE EXHAUST FAN CONTINUES TO RUN FOR 10 MINUTES AFTER THE LIGHT IS TURNED OFF.
 - A POWDER ROOM MUST ALSO BE PROVIDED WITH MAKE-UP AIR IN ACCORDANCE WITH THE B.C.A. 10.8.2(5).
 - ROOF VENTILATION MUST BE PROVIDED IN ACCORDANCE WITH B.C.A. TABLE 10.8.3

ELEVATION C

PROVIDE PLASTER BULKHEAD WHERE SHOWN HATCHED. DEPTH TO BE CONFIRMED ON SITE.



ELEVATION D



PROVIDE FEATURE COMBUSTION HEATER TO CONCRETE RAISED HEARTH AS SHOWN. COMBUSTION HEATER TO BE INSTALLED AS PER MANUFACTURERS SPECIFICATIONS.

PROVIDE FEATURE CONCRETE HEARTH TO BENEATH COMBUSTION HEATER AND TELEVISION AREA AS SHOWN.

PROVIDE RAKED CEILING THROUGHOUT FAMILY - MEALS - KITCHEN AREA AS SHOWN.

PROVIDE SELECTED TIMBER 90mm x 90mm SUPPORT POSTS AS SHOWN TO ALFRESCO AND FRONT PORCH.

PROVIDE SELECTED TIMBER 90mm x 90mm SUPPORT POSTS AS SHOWN TO ALFRESCO AND FRONT PORCH.

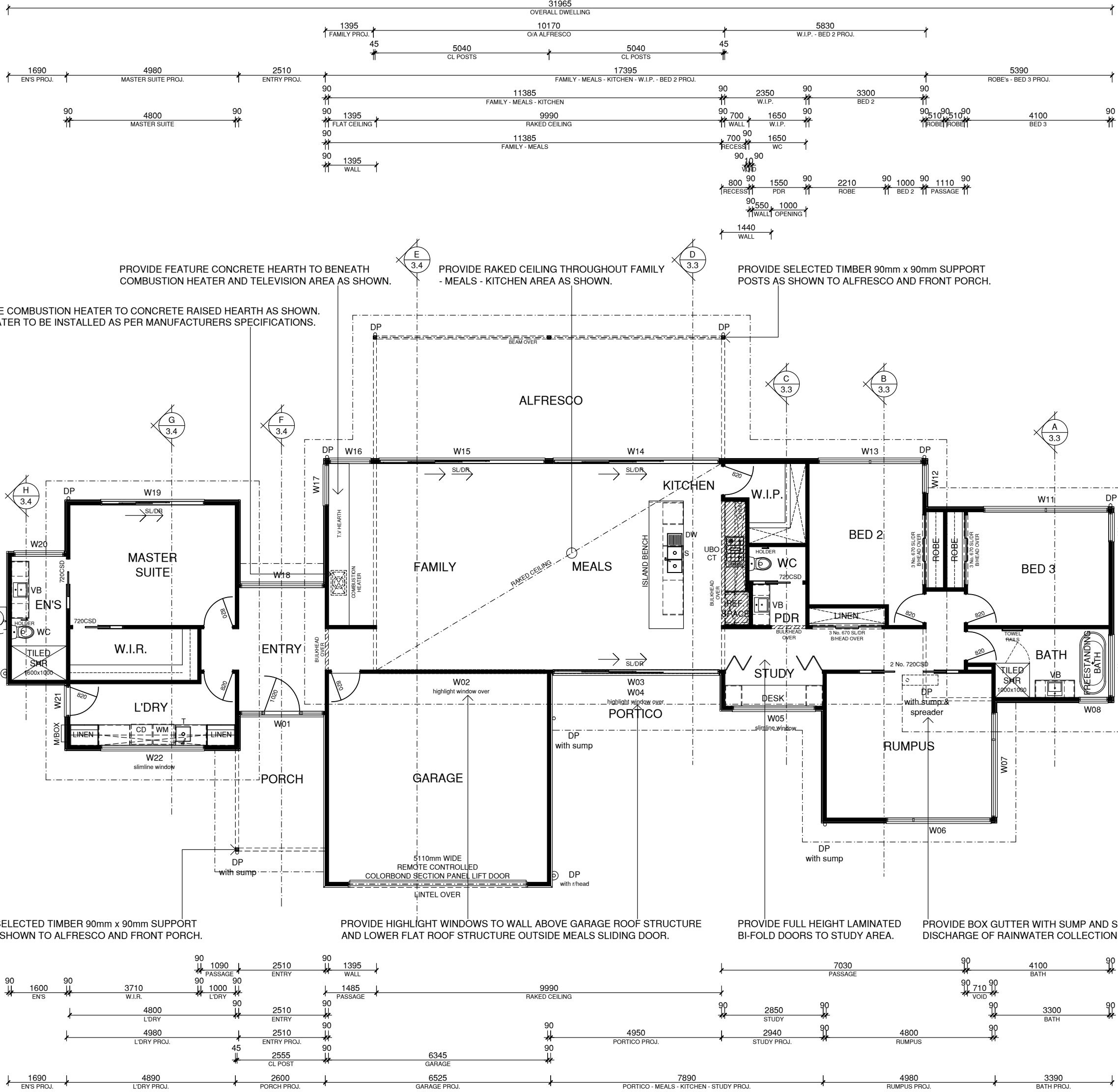
PROVIDE HIGHLIGHT WINDOWS TO WALL ABOVE GARAGE ROOF STRUCTURE AND LOWER FLAT ROOF STRUCTURE OUTSIDE MEALS SLIDING DOOR.

PROVIDE FULL HEIGHT LAMINATED BI-FOLD DOORS TO STUDY AREA.

PROVIDE BOX GUTTER WITH SUMP AND SPREADER TO ENABLE DISCHARGE OF RAINWATER COLLECTION TO ROOF STRUCTURE BELOW.

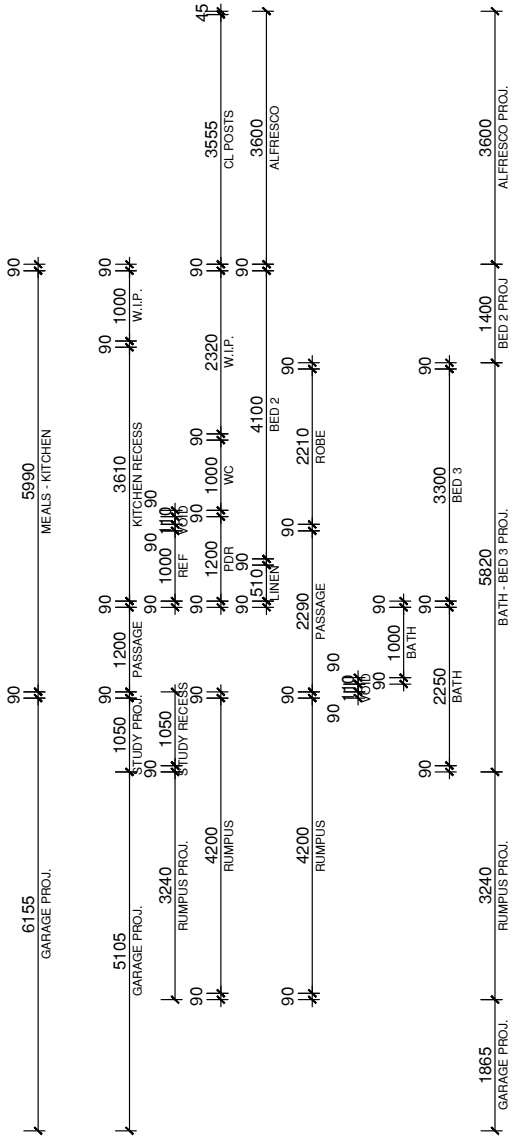
ELEVATION A

PROPOSED GROUND FLOOR PLAN



Ground Floor:	211.84	sq.m	22.80	sgrs
First Floor:	0.00	sq.m	0.00	sgrs
Sub Total:	211.84	sq.m	22.80	sgrs
Porch:	10.19	sq.m	1.10	sgrs
Alfresco:	36.61	sq.m	3.94	sgrs
Portico:	5.20	sq.m	0.56	sgrs
Garage:	40.05	sq.m	4.31	sgrs
Total Area:	303.89	sq.m	32.71	sgrs

ELEVATION B



client : Twigenham Nominees Pty. Ltd.

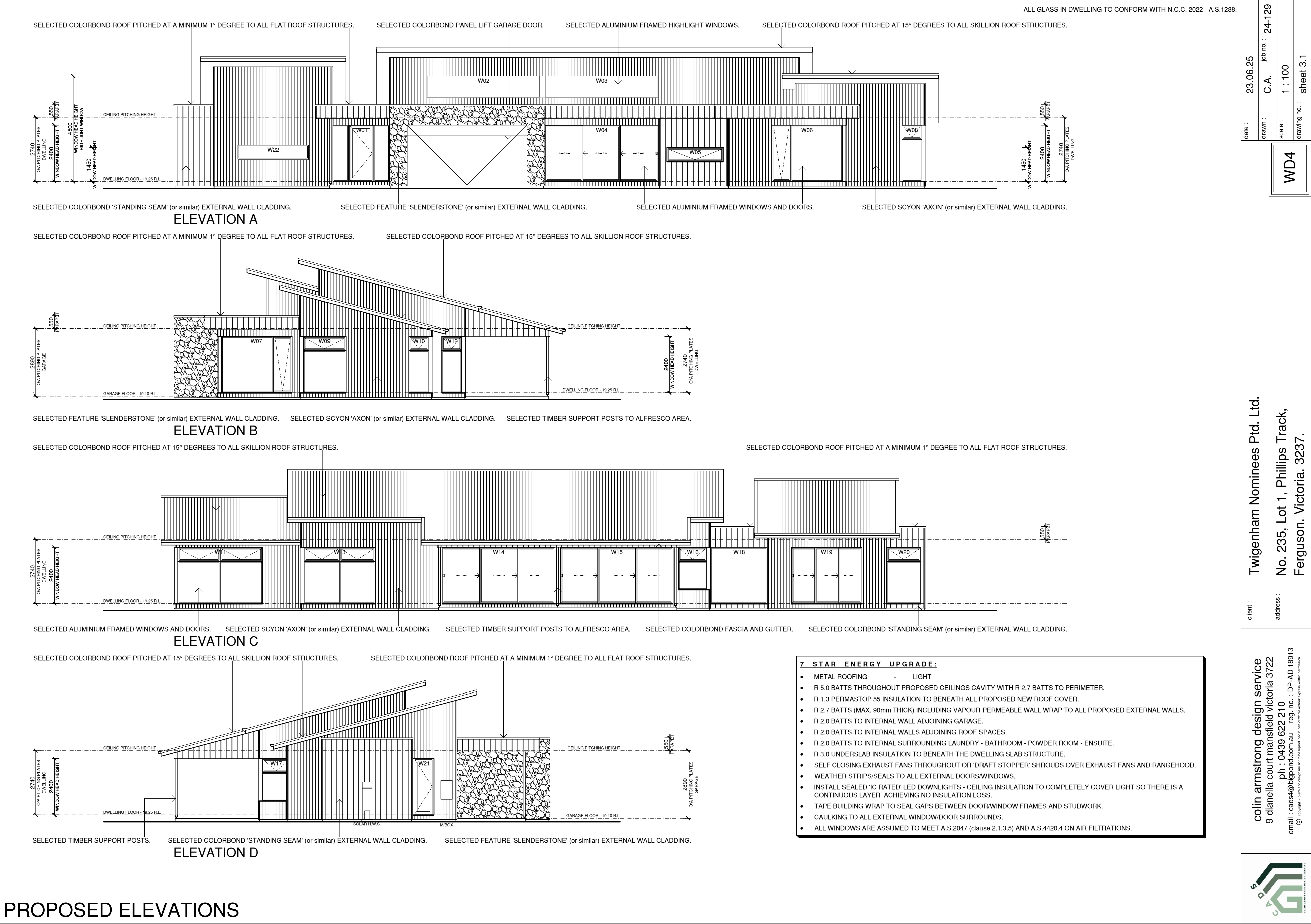
address : No. 235, Lot 1, Philips Track, Ferguson. Victoria. 3237.

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date : 23.06.25
drawn : C.A.
scale : 1 : 100
drawing no. : sheet 2.1

WD4



PROPOSED ELEVATIONS

