



Colac Otway  
SHIRE

**PLANNING COMMITTEE MEETING**

**MINUTES**

**Tuesday 13 May 2025**

**at 1:00 PM**



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Tuesday 13 May 2025

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# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

MINUTES of the **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** held at COPACC on Tuesday 13 May 2025 at 1:01 PM.

## MINUTES

### 1 DECLARATION OF OPENING OF MEETING

#### **OPENING PRAYER**

*Almighty God, we seek your blessing and guidance in our deliberations on behalf of the people of the Colac Otway Shire. Enable this Council's decisions to be those that contribute to the true welfare and betterment of our community.*

AMEN

### 2 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past, 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](http://www.youtube.com) ).

### **3 MEETING ADMINISTRATION**

#### **3.1 Present**

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

Andrew Tenni, Acting Chief Executive Officer  
Martin Cutter, Acting General Manager Corporate Services  
Doug McNeill, General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Steven O'Dowd, Manager Customer and Communications  
Matilda Hardy-Smith, Coordinator Council Business  
Anita Craven, Executive Officer Governance

#### **3.2 Apologies**

Nil.

#### **3.3 Confirmation of Minutes**

##### ***RESOLUTION***

***Moved Cr McCrickard, Seconded Cr Hudgell***

***That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 8 April 2025.***

***CARRIED 7 : 0***

#### **3.4 Declarations of Interest**

Nil.

Item: 4.1

## PP237/2024-1 - 720 Sunnyside Road WONGARRA - Construction of Replacement Dwelling, Associated Works and Native Vegetation Removal

<b>ADDRESS AND PROPERTY DETAILS</b>	720 Sunnyside Road WONGARRA (PC: 381325, V/F: 12509/161 Parish of Wongarra)	<b>APPLICATION NUMBER</b>	PP237/2024-1
<b>PROPOSAL</b>	Construction of Replacement Dwelling, Associated Works and Native Vegetation Removal		
<b>PERMIT TRIGGERS</b>	Clause 35.06-5 – RCZ – buildings and works Clause 42.03-2 – SLO3 – buildings and works Clause 42.03-2 – SLO3 - vegetation Removal Clause 44.01-2 – EMO1 – buildings and works Clause 44.06-2 – BMO – buildings and works		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Dwelling in the Rural Conservation Zone		
<b>ZONE</b>	Rural Conservation Zone (RCZ)	<b>OVERLAYS</b>	Significant Landscape Overlay, Schedule 3 (SLO3) - Apollo Bay Coastal Valley and Hills Precinct  Erosion Management Overlay, Schedule 1 (EMO1)  Bushfire Management Overlay (BMO)
<b>COVENANTS</b>	Nil		
<b>CULTURAL HERITAGE</b>	Whilst part of the site is within an area of cultural heritage sensitivity, the proposal is not a high impact activity.		
<b>OFFICER</b>	Ian Williams	<b>GENERAL MANAGER</b>	Ian Seuren

Item: 4.1

## PP237/2024-1 - 720 Sunnyside Road WONGARRA - Construction of Replacement Dwelling, Associated Works and Native Vegetation Removal

<b>DIVISION</b>	Community and Economy
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"><li>1. Plans [4.1.1 - 9 pages]</li><li>2. Landscaping Plan [4.1.2 - 4 pages]</li><li>3. Plan Showing Screening Along Sunnyside Road [4.1.3 - 1 page]</li></ol>

### RESOLUTION

*Moved Cr Potter, Seconded Cr McCrickard*

*That the Planning Committee resolves to Grant a Permit for the Construction of a Replacement Dwelling, Associated Works and Native Vegetation Removal at 720 Sunnyside Road, Wongarra (PC: 381325 V/F: 12509/161 Parish of Wongarra), 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.*
- 2. The removal of native vegetation must be in accordance with the endorsed plan to the satisfaction of the Responsible Authority.*

#### *Compliance with Geotechnical Assessment*

- 3. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by Provincial Geotechnical Pty. Ltd. (reference 23495A v1 dated 29th January 2025 and v2 dated 21st February 2025) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

#### *Decommissioning of Existing Dwelling*

- 4. The existing dwelling must not be occupied after the use of the replacement dwelling hereby permitted commences. The existing dwelling must be decommissioned within thirty days of occupation of the dwelling hereby permitted to the satisfaction of the Responsible Authority.*

#### *Materials*

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

### **Dwelling Infrastructure**

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

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

### **Driveway**

**7. Prior to occupation of the replacement dwelling 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.**

### **Stormwater**

**8. 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.**

**9. 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**

**10. 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.**

**11. All works and development associated with this permit must be carried in accordance with the Land Capability Assessment produced by Provincial Geotechnical Pty. Ltd. (ref. 19187C, v1 dated 10 May 2022 and v2 dated 20**

*February 2025) unless otherwise agreed in writing by the Responsible Authority. A reserve land application area must be provided where trench or bed systems are installed.*

#### **Protection of Vegetation**

- 12. *Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority. To prevent damage to the remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained in accordance with the endorsed plans. All storage sites must be restricted to existing cleared areas, and must not adversely impact upon native vegetation, including the root zones of existing trees. Such sites must not be located on or near erodible surfaces, surface water runoff areas or areas infested with weeds.***

#### **Landscaping**

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

#### **Land Management Plan**

- 14. *The management of the land and the activities on the site must be conducted in accordance with the Land Management Plan prepared by Arthur Nemet, Consultant Ecologist and endorsed as part of this permit, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed, to the satisfaction of the Responsible Authority.***
- 15. *An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five years following completion of the dwelling hereby permitted, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:***
  - permit holder*
  - planning permit number*
  - reporting year (1-5)*
  - date report is submitted*
  - who completed the report*
  - condition of site against each management commitment*
  - actions taken during the year to achieve the management commitment*
  - photographs which clearly depict management actions undertaken for the previous year.*

#### **Section 173 Agreement**

- 16. *Prior to the commencement of any works, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with***

*the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the property so as to run with the land, and must provide for the following:*

- a) *The land must be managed in accordance with the Land Management Plan endorsed as part of planning permit PP237/2024-1, or in accordance with any amendment to that plan or any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority.*

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

#### **CFA conditions**

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

#### **Endorsement of Bushfire Management Plan**

18. *Before the development starts, the Bushfire Management Plan prepared by SCBC for 720 Sunnyside Road, Wongarra, dated 19 February 2025, V3 must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.*

#### **Endorsement of the Land Management Plan**

19. *Before the development starts, the 'Land Management Plan prepared by Arthur Nemet for 720 Sunnyside Road, Wongarra, Victoria 3234' AND the 'Land Management Zones, V2' documents must be endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority.*

#### **Expiry**

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

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

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

## Notes

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will also be necessary to obtain a building permit for the proposed dwelling.***
- 2. Prior to preparing drainage plans, a legal point of discharge (LPoD) must be obtained in accordance with Building Regulation 133. A copy of the LPoD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.***
- 3. A separate application to install an onsite wastewater management system must be submitted 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 be amended or updated by a suitably qualified person and submitted for approval to support a detailed system design at the wastewater permit application stage. Secondary treatment may be sought.***

<b>Planning scheme clause</b>	<b>Matters for which the permit has been granted</b>
Clause 35.06-5	Construction of a replacement dwelling and associated works in the Rural Conservation Zone
Clause 42.03-2	Construction of a replacement dwelling and associated works on land affected by the Significant Landscape Overlay, Schedule 3
Clause 42.03-2	Removal of vegetation on land affected by the Significant Landscape Overlay, Schedule 3
Clause 44.01-2	Construction of a replacement dwelling and associated works on land affected by the Erosion Management Overlay, Schedule 1
Clause 44.06-2	Building and works associated with accommodation in the Bushfire Management Overlay

**CARRIED 7 : 0**

Item: 4.2

**PP268/2006-2 - 70 Triggs Road IRREWARRA - Use and Development of a Dwelling and Shed**

<b>ADDRESS AND PROPERTY DETAILS</b>	70 Triggs Road IRREWARRA Lot 1 TP: 427808 V/F: 3918/461 Parish of Irrewarra	<b>APPLICATION NUMBERS</b>	PP268/2006-2 and EXT15/2022-2
<b>PROPOSAL</b>	Use and Development of a Dwelling and Shed		
<b>PERMIT TRIGGERS</b>	Clause 35.07-1 – Use of Land for Dwelling – FZ Clause 35.07-4 – Buildings and Works – FZ		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Dwelling in the Farming Zone		
<b>ZONE</b>	Farming Zone (FZ)	<b>OVERLAYS</b>	Nil
<b>COVENANTS</b>	Nil		
<b>CULTURAL HERITAGE</b>	No		
<b>OFFICER</b>	Ian Williams	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Community and Economy		
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. Proposed Dwelling and Shed Plans [4.2.1 - 6 pages]</li> <li>2. Issued Planning Permit [4.2.2 - 2 pages]</li> <li>3. P P 268 2006-1 - 70 Triggs Road IRREWARRA - Endorsed Plans - Redacted [4.2.3 - 10 pages]</li> </ol>		

## RESOLUTION

*Moved Cr Howard, Seconded Cr Potter*

*That the Planning Committee:*

- A. Approves extension of time application EXT15/2022-2 for the Use and Development of a Dwelling and Sheds at 70 Triggs Road, Irrewarra (Lot 1 TP: 427808 V/F: 3918/461 Parish of Irrewarra) for a period of 4 years from the date of expiry, (i.e. the permit will now expire if the development is not completed by 26 September 2028).*
- B. Resolves to concurrently Grant an Amended Permit for the Use and Development of a Dwelling and Shed at 70 Triggs Road, Irrewarra (Lot 1 TP: 427808 V/F: 3918/461 Parish of Irrewarra), subject to the following conditions:*
- 1. All external materials to be used in the construction of the dwelling and sheds hereby permitted shall be of muted tonings and non-reflective and shall not result in any adverse visual impact on the amenity of the surrounding area.*
  - 2. This permit is granted for a dwelling and one shed only and no further buildings, unless allowed by the Colac Otway Planning Scheme, shall be erected on the site without the written consent of the Responsible Authority.*
  - 3. Access to the dwelling must be provided by an all-weather access from Triggs Road with dimensions adequate to accommodate emergency vehicles to the satisfaction of the Responsible Authority. A culvert complete with endwalls shall be provided at the entrance.*
  - 4. 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.*
  - 5. The dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire-fighting purposes to the satisfaction of the Responsible Authority.*
  - 6. The dwelling must be connected to reticulated electricity supply or have an alternative energy source to the satisfaction of the Responsible Authority.*
  - 7. This permit includes approval for a shed for storage and domestic and farm purposes only and such use shall not be altered without the prior written consent of the Responsible Authority. No human habitation of the proposed sheds shall be permitted.*
  - 8. The amenity of the area must not be detrimentally affected by the use or development through the:*
    - a) Transport of materials, goods or commodities to or from the land;*

- b) *Appearance of any buildings, works or materials;*
  - c) *Emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products;*
  - d) *Presence of vermin.*
9. *All runoff from storm water, including overflow from water storages, shall be taken to a legal point of discharge to the satisfaction of the Responsible Authority.*
10. *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.*

**Expiry**

11. *This permit will expire if the following circumstances applies:*
- a) *The development is not completed by 26 September 2028.*

*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. *A building permit is required for all new buildings, and associated works.*
2. *Properly prepared plans drawn to a scale of 1:100 shall be submitted with any building application.*
3. *No building or site works shall commence until a building permit has been obtained for the proposed building.*
4. *Fire safety issues are to be addressed under the building permit.*
5. *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.*
6. *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 a Land Capability Assessment be prepared by a suitably qualified person and submitted for approval, to support a detailed system design at the wastewater permit application stage.*

**THIS PERMIT HAS BEEN AMENDED AS FOLLOWS:**

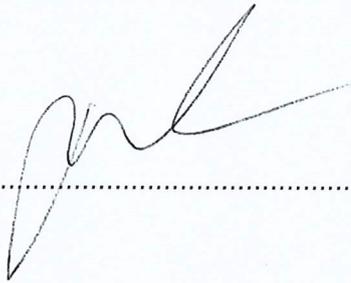
Date of amendment	Brief description of amendment	Name of Responsible authority that approved the amendment	Section of the Act under which the permit has been amended
13/05/2025	<ul style="list-style-type: none"> <li>• Preamble amended</li> <li>• Location, design and materials of dwelling amended</li> <li>• Number of sheds reduced to one, and shed plans altered</li> <li>• Conditions 2, 4 and 11 amended</li> <li>• Condition 10 inserted, and expiry condition (11) numbered</li> <li>• Notes numbered, and notes 5 and 6 added</li> </ul>	Colac Otway Shire Council	Section 74

Planning scheme clause	Matter for which the permit has been granted
Clause 35.07-1	Use of land in the Farming Zone for a dwelling
Clause 35.07-4	Building and works comprising the construction of a dwelling and shed in the Farming Zone

**CARRIED 7 : 0**

*The meeting was declared closed at 1.09pm*

**CONFIRMED AND SIGNED** at the meeting held on 8 July 2025.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

.....**MAYOR**

