



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 12 February 2020

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac Victoria



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 12 February 2020

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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 Wednesday 12 February 2020 at 4:00 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 PRESENT

Cr Kate Hanson
Cr Stephen Hart
Cr Joe McCracken (Deputy Mayor)
Cr Chris Potter
Cr Chris Smith

Errol Lawrence, General Manager, Corporate Services
Tony McGann, General Manager, Infrastructure & Leisure Services
Ian Seuren, General Manager, Development & Community Services
Sarah McKew, Manager, Governance & Communications
Bláithín Butler, Coordinator, Statutory Planning
Helen Evans, Senior Statutory Planner
Julia Repusic, Statutory Planner
Vikram Kumar, Statutory Planner
Sarah Osborne, Communications Officer
Lyndal Redford, Governance Officer

3 APOLOGIES AND LEAVES OF ABSENCE

Cr Jason Schram (Mayor)
Cr Brian Crook
Peter Brown, Chief Executive
Doug McNeill, Manager, Planning, Building & Health

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY

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

Please note: All Council and Committee meetings will be audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

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

Audio recordings of meetings will be available to the public on Council's website as soon as practicable following the meeting and may be circulated by other means also. Audio recordings are also taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy. Original audio recordings will be retained by Council for a period of four years.

As stated in Local Law 4, 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 Council Meeting.

5 DECLARATIONS OF INTEREST

Cr Jason Schram	Item 8.1 : PP142/2019 260 Warrowie Road Irrewarra
Nature of Disclosure	Direct Interest
Type of interest	Section 77B
Nature of interest	My company does paid work for an objector to the PP142/2019. I will not be attending Briefing or the Planning Meeting as a result of this COI.

6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 11 December 2019.

RESOLUTION

MOVED Cr Stephen Hart, **SECONDED** Cr Chris Potter

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 11 December 2019.

CARRIED 5 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1: PP142/2019-1 - 260 WARROWIE ROAD IRREWARRA

Objector: David King, Kings Lawyers

Applicant: Anthony Bright, Rod Bright & Associates

Item: 8.1

PP142/2019-1 - 260 Warrowie Road Irrewarra

ADDRESS AND PROPERTY DETAILS	260 Warrowie Road Irrewarra	APPLICATION NUMBER	PP142/2019-1
PROPOSAL	Two Lot Subdivision of Land		
PERMIT TRIGGERS	Clause 35.07-3 – Farming Zone – Subdivision Clause 45.02-3 – AEO2 – Subdivision		
TRIGGER FOR DETERMINATION BY COMMITTEE	Officer recommendation for refusal of excision of dwelling in Farming Zone		
ZONE	Farming Zone	OVERLAYS	Airport Environs Overlay – Schedule 2
COVENANTS	Nil		
CULTURAL HERITAGE	The site is partially within an area of cultural heritage sensitivity, with the dwelling and its driveway entirely within this area; however the proposal is not classed as a high impact activity.		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	1. PP142/2019-1 - 260 Warrowie Road IRREWARRA - Application [8.1.1 - 3 pages]		

RECOMMENDATION

That Council resolves to issue a Notice of Decision to Refuse to Grant a Permit for the Subdivision of Land into Two (2) Lots at 260 Warrowie Road Irrewarra, known as C/A 42 Parish of Irrewarra, on the following grounds:

- 1. The proposed subdivision, which would create a 1.618 hectare lot projecting into a large agricultural landholding, is contrary to Clause 14.01-1S (Protection of Agricultural Land) of the Colac Otway Planning Scheme, which discourages development of isolated small lots in the rural zones from use for dwellings, and seeks to protect strategically important agricultural and primary production land from incompatible uses.*
- 2. The proposed subdivision is contrary to Clause 21.05-1 (Agriculture) of the planning scheme which seeks, inter alia, to limit the fragmentation of rural land by subdivision, to protect the rural and agricultural areas of the Shire from the proliferation of dwellings not associated with agriculture, and to discourage the subdivision of rural land that creates small lots for existing dwellings.*
- 3. The proposal, which would result in the fragmentation of productive agricultural land, does not accord with the purpose and relevant decision guidelines of the Farming Zone, set out in Clause 35.07 of the planning scheme which seek, inter alia, to ensure proposals are compatible with adjoining and nearby land uses, and require matters such as the potential for the use or development to limit the operation and expansion of adjoining and nearby agricultural uses, and the potential for a proposal to lead to a concentration or proliferation of dwellings in the area and the impact of this on the use of the land for agriculture, to be taken into account.*
- 4. The proposed subdivision would result in the creation of a small 'battle-axe' shaped lot extending over 300m into an agricultural landholding that would abut the entire length of its northern, southern and eastern boundaries. The excision of the dwelling as proposed would create the potential for land use conflicts and would not represent orderly planning, contrary to Clause 65 of the planning scheme.*

ALTERNATIVE MOTION

MOVED Cr Chris Smith, SECONDED Cr Stephen Hart

The meeting adjourned for a short break at 5.00pm
The meeting resumed at 5.09pm

That Council resolves to issue a Notice of Decision to Grant a Permit for Subdivision of Land into Two (2) Lots at 260 Warrowie Road Irrewarra, known as C/A 42 Parish of Irrewarra, subject to the following conditions:

Amended plans required

- 1. Prior to certification of the plan of subdivision under the Subdivision Act 1988, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the plans will be endorsed and will then form part of the*

permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plan described as proposed plan of subdivision, L & M Buchanan, Ref 19-28 dated 9 January 202 [sic], but modified to include an aerial image that shows the setbacks between the dwelling and the lot boundaries, to the satisfaction of the Responsible Authority.

Endorsed Plans

- 2. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be modified. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plans.*

Services and Buildings Within Lot Boundaries

- 3. Prior to the issue of statement of compliance under the Subdivision Act 1988, any existing services, infrastructure and/or buildings a lot boundary from the existing building must be relocated or removed to the satisfaction of the Responsible Authority and written and/or photographic evidence must be provided to the Responsible Authority to confirm the works have been completed.*

Wastewater

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, a domestic wastewater management system must be constructed for the dwelling on Lot 1, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

Access

- 5. Prior to the issue of a statement of compliance under the Subdivision Act 1988, vehicular access from the roadway to the property boundary of each lot must be constructed to the satisfaction of the Responsible Authority.*

Drainage

- 6. Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*

Agreement under Section 173 of the Planning and Environment Act 1987

- 7. Prior to the issue of a statement of compliance under the Subdivision Act 1988, 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 will not be further subdivided so as to increase the number of lots.*
- b) There will be no future use and/or development of a dwelling permitted on Lot 2.*

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

Landscaping

8. *Prior to the certification of the plan under the Subdivision Act 1988, a landscape plan for proposed Lot 1 to provide a buffer from the adjacent agricultural land to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions. The plan must show:*

- a) *planting to a minimum depth of 3m along the entire length of the northern (90m), southern (90m) and eastern (100m) boundaries of Lot 1 around the dwelling*
- b) *a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and maturity, and quantities of each plant for the length of the lot boundaries adjacent to the dwelling to a width of 3 metres*

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

9. *Prior to the issue of statement of compliance under the Subdivision Act 1988, 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.*

Servicing Authorities

10. *The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*

11. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*

12. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Expiry

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

- a) *The plan of subdivision is not certified within two years of the date of the permit.*
- b) *A statement of compliance is not issued within five years of the date of certification of the Plan.*

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

Notes

1. *A separate application to install/alter a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior approval of the subdivision.*

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.*

CARRIED 4 : 1

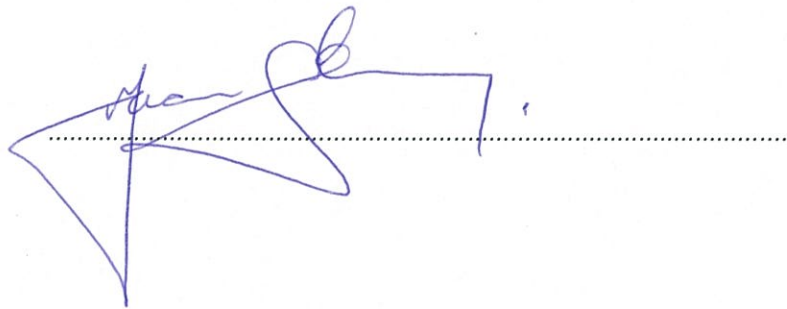
DIVISION

For the motion: Cr Chris Smith, Cr Chris Potter, Cr Joe McCracken, Cr Stephen Hart

Against the motion: Cr Kate Hanson

The meeting was declared closed at 5.31pm

CONFIRMED AND SIGNED at the meeting held on 8 April 2020

A handwritten signature in blue ink is written over a horizontal dotted line. The signature is stylized and appears to be a name, possibly 'John', followed by a large, decorative flourish that loops back to the left and then down.

