



## **PLANNING COMMITTEE MEETING**

# **AGENDA**

**Wednesday 10 February 2021**

**at 2:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 10 February 2021

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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 Wednesday 10 February 2021 at 2:00 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 PRESENT**

#### **3 APOLOGIES AND LEAVES OF ABSENCE**

#### **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.

##### **RECORDING AND PUBLICATION OF MEETINGS**

Please note: All Council and Committee meetings will be audio recorded and live streamed, 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 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 Council Meeting.

A registration system will be in place for the February Planning Committee meeting to allow members of the public to attend this meeting. To ensure COVID-19 restrictions are adhered to, the number of people allowed to attend will be capped according to the room size, therefore any person who wishes to attend the meeting must register by contacting the shire before 5:00pm on Tuesday 9 February 2021.

## **5 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.

## **6 CONFIRMATION OF MINUTES**

- **Planning Committee Meeting held on 9 December 2020.**

### ***RECOMMENDATION***

***That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 9 December 2020.***

## **7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS**

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



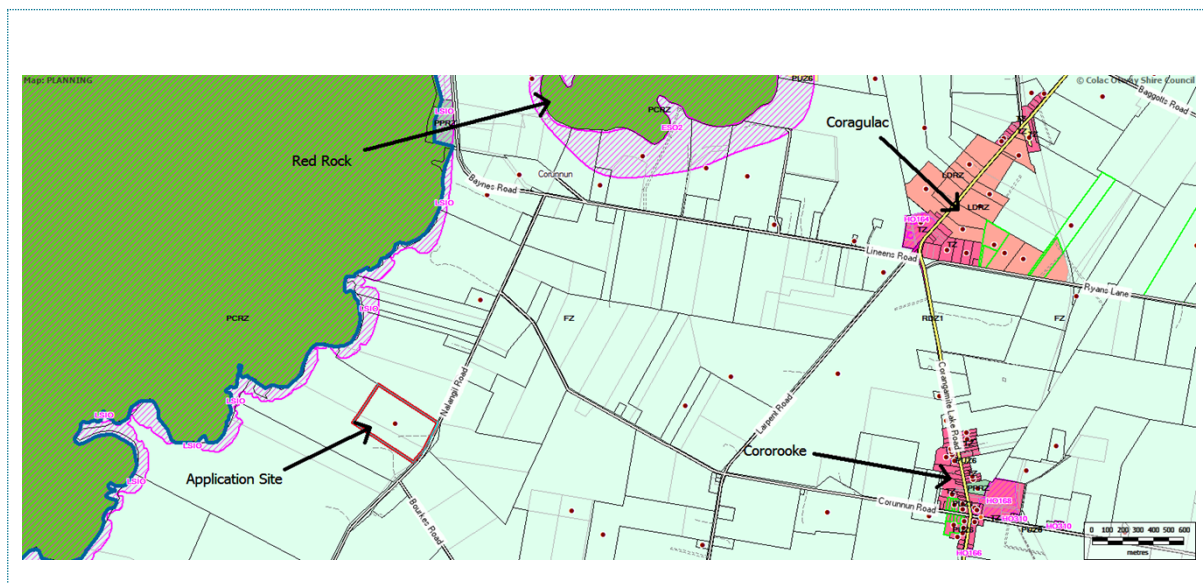
**Item: 8.1**

**PP175/2020-1 - 697 Nalangil Road Corunnun - Use and Development of the Land for a Dwelling**

<b>ADDRESS AND PROPERTY DETAILS</b>	697 Nalangil Road Corunnun  (Lots 1 and 2 TP078681V, V/F: 9453/686 Parish of Warrion)	<b>APPLICATION NUMBER</b>	PP175/2020-1
<b>PROPOSAL</b>	Use and Development of the Land for a Dwelling		
<b>PERMIT TRIGGERS</b>	Clause 35.07-1 - Farming Zone – Use of the land for a dwelling Clause 35.07-4 - Farming Zone – Building and works associated with a Section 2 (permit required) use		
<b>TRIGGER FOR DETERMINATION BY COMMITTEE</b>	Officer recommendation for refusal of an application for a dwelling in the Farming Zone		
<b>ZONE</b>	Farming Zone (FZ)	<b>OVERLAYS</b>	Nil
<b>COVENANTS</b>	Nil		
<b>CULTURAL HERITAGE</b>	The site is not within an area of cultural heritage sensitivity		
<b>OFFICER</b>	Helen Evans	<b>GENERAL MANAGER</b>	Ian Seuren
<b>DIVISION</b>	Development & Community Services		
<b>ATTACHMENTS</b>	<ol style="list-style-type: none"> <li>1. PP175/2020-1 - 697 Nalangil Road, CORUNNUN - Map A - Numbering [8.1.1 - 1 page]</li> <li>2. PP175/2020-1 - 697 Nalangil Road CORUNNUN - Map B - Existing Dwellings and Lot Layout [8.1.2 - 1 page]</li> <li>3. PP175/2020-1 - 697 Nalangil Road, CORUNNUN - Area Analysis information [8.1.3 - 3 pages]</li> <li>4. Planning Committee Attachment - Alternate Recommendation [8.1.4 - 2 pages]</li> </ol>		

# 1. LOCATION PLAN / AERIAL PHOTO

## LOCATION PLAN



## AERIAL PHOTO



## 2. RECOMMENDATION

***That Council resolves to Refuse to Grant a Permit for the Use and Development of Land for a Dwelling at 697 Nalangil Road, Corunnun (Lots 1 and 2 TP078681V, V/F: 9453/686 Parish of Warrion), for the following reasons:***

- 1. The proposal is contrary to clauses 02.03-4 (Natural Resource Management), 02.04 (Strategic Framework Plans), 14.01-1S and 14.01-1L (Protection of Agricultural Land) and 16.01-3S (Rural Residential Development) of the Colac Otway Planning Scheme, which seek to protect high quality agricultural land and 'Farmland of Strategic Significance', and to limit rural residential development unless an application adequately demonstrates that a dwelling is genuinely required to carry out a long term agricultural activity having regard to the size of the lot, and the intensity and ongoing nature of the proposed agricultural activity.***
- 2. The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone set out in Clause 35.07 of the Planning Scheme, given that:***
  - a) It has not been demonstrated that a dwelling would enhance agricultural production based upon the land unit described in the application.***
  - b) The proposal has the potential to limit the operation and expansion of adjoining and nearby agriculture uses.***
  - c) The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings in the area, which would impact on the use of the land for agriculture.***
- 3. The proposal does not accord with Council's adopted Rural Land Strategy 2007 or its Rural Living Strategy 2011, not being within an area nominated in these documents for rural living purposes.***

## 3. PROPOSAL

Planning permission is sought for the use and development of the land for a dwelling.

The proposal is for a 351m<sup>2</sup> dwelling, which would be sited 265 metres from the south eastern boundary and 12m from the south western boundary of the site. The proposed house would contain 4 bedrooms, 2 bathrooms, a kitchen/meals/living area and a double garage. There would also be a timber deck on the western side of the dwelling. The driveway accessing the dwelling would have a length of approximately 265m.

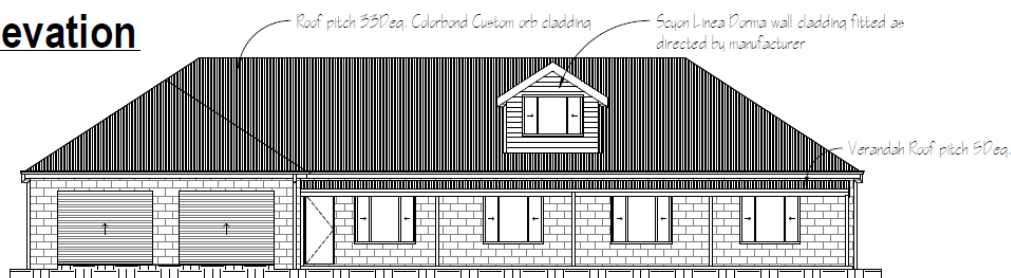
The applicant has advised that the dwelling would be used in conjunction with grazing animal production, which he states is currently established on the subject land and surrounding land.

The applicant has provided a farm management plan as part of the application. No farm buildings are proposed as part of the application; however, it would be possible to construct farm buildings on the land without the need for planning permission if the setbacks specified in the planning scheme are met.



## 1 East Elevation

1 : 100



## 4. SUBJECT LAND & SURROUNDINGS

The subject property is located within the Farming Zone and is known as 697 Nalangi Road. It comprises two lots:

- Lot 1 TP078681V, V/F: 9453/686 Parish of Warrion – approximately 10.5ha
- Lot 2 TP078681V, V/F: 9453/686 Parish of Warrion – approximately 4.3ha

It is noted that there are currently two lots on the existing title and advice from the Titles Office is that the two lots could be split onto their own titles, making each lot separately saleable without subdivision. This means the dwelling is proposed on a lot which is 4.3ha in area. The property, comprising the two lots, has a total area of 14.89ha based on title.



The property has a 303m frontage to Nalangil Road and is located on the western side of this road. The land is undulating with several small rocky outcrops. The area outlined below in blue is the perimeter of 697 Nalangil Road.



Photo – along the southern boundary of 697 Nalangil Road

The subject site is mostly void of any significant vegetation cover and has a strip of boxthorn adjacent to the proposed dwelling site. This vegetation is located on the south western boundary of the site

and the application notes that it is proposed to be removed. It was observed during a site inspection on 18 January 2021 that the proposed dwelling site is being prepared and the boxthorn has already been removed (the vegetation removal did not require a permit).

The site is currently being used for pasture, with cattle present on the land during the site inspection. The applicant has advised that this land is grazed together with 39ha directly to the south and west at 695 Nalangil Road, and also 10ha at 829 Nalangil Road located some 930m to the north. This other land, which is currently in separate ownership (being owned by other family members), in total provides approximately 64 hectares of land available for grazing.



Map showing the locations of 695, 697 and 829 Nalangil Road.

The nearest dwelling is located 450m to the south east, with another dwelling located 525m directly to the north.

The building at 695 Nalangil Road shown below was approved as a shed, with a building permit issued in 2009. It is on the abutting lot located to the south and west of the subject site. The northern section of this shed is being used for domestic storage and the southern section is regularly being used as accommodation.

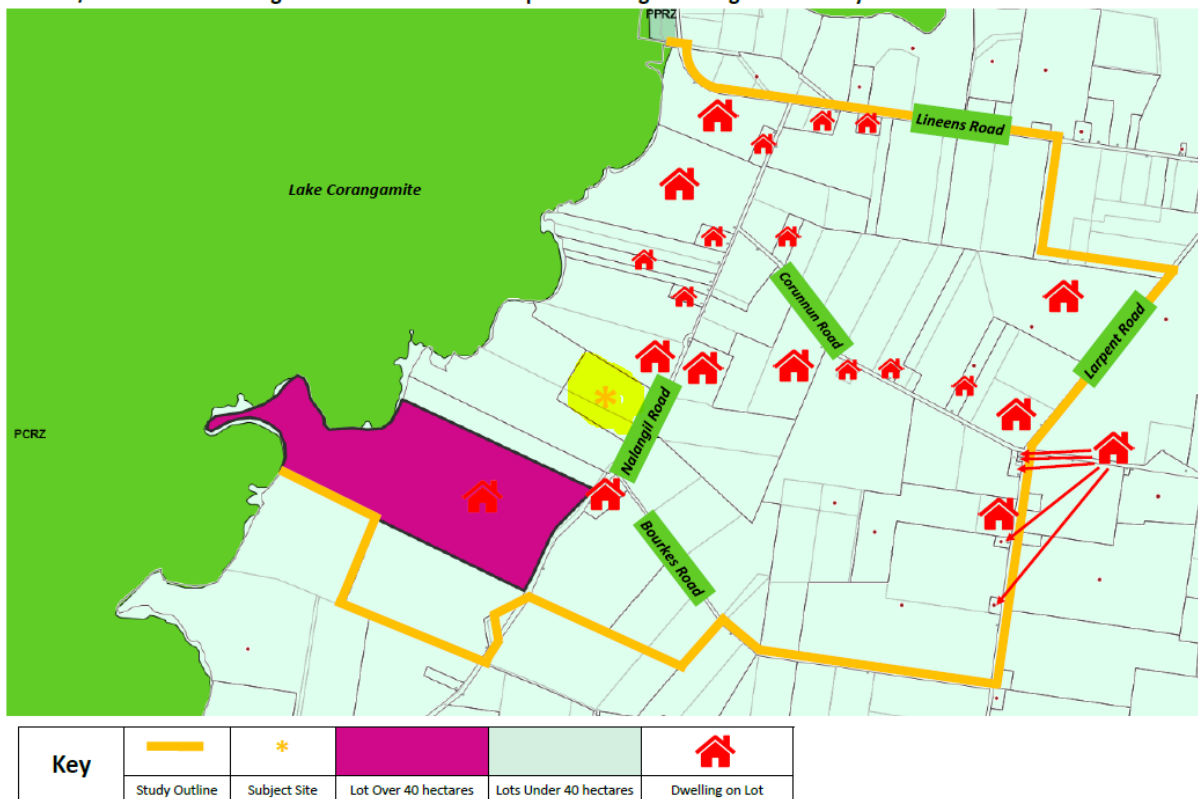




Surrounding land is also within the Farming Zone and is primarily used for agricultural purposes, with some rural living lots.

The map produced below by Council shows the subject site in yellow, with all surrounding lots which contain an existing dwelling marked with a red house. The study area is outlined in orange. The only lot/parcel greater than 40ha in area is highlighted in purple, with all other lots/parcels being under the minimum 40 hectare lot size for a dwelling to be as of right.

PP175/2020-1 - 697 Nalangil Road CORUNNUN—Map B - Existing Dwellings and Lot Layout—Over and Under 40 hectares



Whilst there are existing dwellings on small lots in the area, it is important to note that nearly all of the existing dwellings were constructed/permitted before 2005. Since 1998 (when electronic records started being kept by Council) only two planning permits have been issued for dwellings in the study area (see attachment - map references 1 and 23). One of those permits, which also involved consolidation, was issued in 2001 (PP309/2001). That land (18.4ha), which had been in the ownership of the applicant's family, sold for \$790,000 in 2015, which provides evidence of the inflated values that are created by allowing dwellings on smaller rural lots. Such inflated land values put land out of range for bone fide agricultural purposes such as increasing the size of existing agricultural landholdings in the area.

The other permit, which was issued in 2006, allowed the use of an existing derelict brick building at 255 Corunnun Road as a dwelling (PP369/2005). This building was a former dwelling that did not hold existing use rights as a dwelling. The derelict dwelling was situated on a lot of 8068m<sup>2</sup> but formed part of a larger landholding totalling 64.9ha. This landholding has much greater agricultural potential than the small landholding that forms the subject of the current planning application.

It should also be noted that the Rural Land Strategy was finalised in September 2007. Before the research for this document was undertaken and the Rural Land Strategy issued, Council had limited strategic direction relating to the agricultural capability of land throughout the Shire.

## 5. PLANNING SCHEME PROVISIONS

### Planning Policy Framework

The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are identified below:

- 02.01 - Context
- 02.02 - Vision
- 02.03 - Strategic Directions
- 02.04 - Strategic Framework Plans
- 11.01-1S, 11.01-1R, 11.01-1L - Settlement
- 14.01-1S, 14.01-1L - Protection of Agricultural Land
- 14.01-2S, 14.01-2R - Sustainable Agricultural Land Use
- 14.02-1S - Catchment Planning and Management
- 15.01-6S, 15.01-6L - Design for Rural Areas
- 16.01-3S - Rural Residential Development

Clause 14.01-1S, which is a state planning policy relating to the protection of agricultural land, seeks to ensure that areas of productive agricultural land are identified and that productive farmland that is of strategic significance in the local or regional context is protected. Colac Otway Shire's Rural Land Strategy 2007 has identified Farmland of Strategic Significance and the high agricultural capability land for this Shire. The plan identified in Clause 02.04 (Strategic Framework Plans) shows the subject site within the 'Farmland of Strategic Significance'. Clause 02.03-4 (Natural Resource Management) seeks to ensure that natural resources are managed, inter alia, by protecting high quality agricultural land, limiting rural residential development that impacts viable agricultural land, and supporting farm consolidation and expansion.



### Colac Otway Shire Rural Living Strategy

The subject site and the surrounding area are not identified as a potential rural living area within this strategic document. The Strategy identified that the isolation, lack of services and distance to existing settlement are constraints to the further expansion of Corunnun. Furthermore, as the locality is identified as Farmland of Strategic Significance in the Rural Land Strategy 2007, it is important the land is preserved for farming purposes. The Strategy also notes that the settlement is located on the Warrion aquifer.

### **Zone**

The subject site is located within the Farming Zone (FZ). The key purpose of this zone is to provide for the use of land for agriculture and to ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture. Under Clause 35.07-1 of the Farming Zone a permit is required to use the land for a dwelling, and under Clause 35.07-4 a permit is required for building and works associated with a dwelling on a lot less than 40ha. There is also a permit trigger if minimum setbacks are not met. The relevant setbacks in the Schedule are:

- 20m from any road – the proposed dwelling would comply;
- 5m from any boundary – the proposed dwelling would comply;
- 100m from any dwelling not in the same ownership – the proposed dwelling would comply.

The proposal also has to meet a setback specified in the parent clause of the Farming Zone, at Clause 35.07-4:

- 100m away from a waterway, wetland or designated flood plain – the proposed dwelling would comply.

The main issues therefore in this case relate to the principle of allowing the proposed dwelling on a small lot, having regard to the purpose of the Farming Zone and relevant planning policy.

### **Overlays**

At the time the application was lodged, the site was covered by the Environmental Significance Overlay, Schedule 1 (ESO1 – Warrion Groundwater Area). A key purpose of this overlay was to protect and maintain the quality and quantity of groundwater recharge in the Warrion aquifer area. A planning permit was required for buildings and works under this overlay. However, on 12 November 2020, planning scheme amendment C101cola removed ESO1 from this site and the Colac Otway Planning Scheme, and therefore a planning permit is no longer required under ESO1.

### **Other relevant provisions**

Nil

### **Relevant Planning Scheme amendments**

As discussed above, planning scheme amendment C101cola removed ESO1 from the planning scheme and the site during the processing of this application.

## **6. REFERRALS**

### **Internal Referrals**

The application was referred internally to Council's Infrastructure, Environment, Health and Building Units. No objections were raised, subject to conditions being included on any permit issued.

## External Referrals

No external referrals were required.

## 7. PUBLIC NOTIFICATION & RESPONSE

Public notice was given for this application in the form of a site notice and letters to adjoining landowners/occupiers. No objections were received.

## 8. OFFICER'S ASSESSMENT

The key issues for consideration in the determination of this application are whether the proposal is in accordance with planning policy for the Farming Zone, including whether reasonable justification has been provided to demonstrate that the proposed dwelling is reasonably required to support agricultural production on the land, presenting a substantial economic benefit to the land.

It is considered that the proposal is incompatible with the following clauses in the Colac Otway Planning Scheme:

- 02.03-4 - Strategic Directions – Natural Resource Management
- 02.04 - Strategic Framework Plans
- 14.01-1S, 14.01-1L - Protection of Agricultural Land
- 16.01-3S - Rural Residential Development

The state planning policy, 'Protection of Agricultural Land' (Clause 14.01-1S) seeks to ensure, inter alia, that:

- areas of productive agricultural land are identified
- productive farmland that is of strategic significance in the local or regional context is protected
- productive agricultural land is protected from unplanned loss due to permanent changes in land use
- new housing development in rural areas is limited by:
  - directing housing growth into existing settlements
  - discouraging development of isolated small lots in the rural zones from use for dwellings or other incompatible uses
  - encouraging consolidation of existing isolated small lots in rural zones

Colac Otway Shire's Rural Land Strategy 2007 has identified 'Farmland of Strategic Significance' and the high agricultural capability land for this Shire. This plan, located at Clause 02.04, shows this site within the 'Farmland of Strategic Significance'. Clause 02.03-4 states that:

*Council seeks to manage its natural resources by:*

- *Protecting high quality agricultural land.*
- *Limiting rural residential development that impacts viable agricultural land.*
- *Supporting grazing and cropping farming practices as preferred land uses in areas designated as 'Farmland of Strategic Significance'.*

- *Supporting farm consolidation and expansion.*
- *Supporting agricultural diversity and sustainable forestry and timber industries.*
- *Supporting the growth and operations of existing timber processing.*

Clause 16.01-3S (Rural Residential Development) includes the following as strategies:

- *Manage development in rural areas to protect agriculture and avoid inappropriate rural residential development.*
- *Demonstrate need and identify locations for rural residential development through a housing and settlement strategy.*
- *Ensure land is not zoned for rural residential development if it will encroach on high quality productive agricultural land or adversely impact on waterways or other natural resources.*
- *Discourage development of small lots in rural zones for residential use or other incompatible uses.*

The application as initially submitted included a farm management plan based upon the 64ha property owned by the family, as described earlier in this report (which was subsequently superseded by a plan the applicant advised was based on the 14.89ha site):

695 Nalangil Road	39ha
697 Nalangil Road	15ha
829 Nalangil Road	10ha
Total	64ha

However, not all of the land is adjoining and the land is contained within multiple lots with a number of owners. An application should only be considered and justified based on the planning unit applicable to the proposal. It is considered that, with small lots, associated land should be consolidated into one larger lot to provide justification for a dwelling on land when the subject lot does not satisfy the minimum 40ha lot size in the Farming Zone.

It is important to note that there are currently two lots on the existing title. Advice from the Land Registration Services Department of DELWP is that the two lots on this title could be separated without subdivision and therefore, if Council was to allow this application, it is essential to require the consolidation of Lots 1 and 2 TP078681V, totalling 14.89ha, being the land described in the planning application. Otherwise there would be the potential for Lot 2 to be sold off, with the end result being a dwelling on 4.3ha. However, as discussed below, it is considered that further consolidation would also be required to render this proposal acceptable from a planning policy perspective.

Council officers have advised the applicant that a permit would be issued under delegation if the subject land (Lots 1 and 2 TP078681V) was consolidated with 695 Nalangil Road (15ha and 39ha totalling 54ha). However, the applicant chose not to take this approach, advising he wanted the application considered as submitted.

It appears that parts of the Farm Management Plan and the stocking rate described is reliant upon the other family-owned land. Based upon either the 4.3ha or the 14.89ha alone, it is not considered appropriate to issue a permit for this application in its current form, as it has not been adequately demonstrated that a dwelling is reasonably required for the agricultural activity on a 4.3ha or 14.89ha landholding.

Whilst it is noted that the applicant has advised that it is proposed he will inherit the land at 695 Nalangil Road, there is no guarantee that he will have any control over that land within the immediate future unless the land was consolidated with the 14.89ha at 697 Nalangil Road. There would also be no guarantee that the subject land would not be sold off as a rural living lot, as has happened following the issue of planning permits for dwellings on small lots in the Farming Zone in other cases, including recently at 2235 Birregurra Forrest Road, Forrest and 295 Deans Creek Road, Elliminyt.

If the land was consolidated (695 and 697 Nalangil Road), a planning permit would only be required for the development of a dwelling if the minimum setbacks were not satisfied as the total land at 54ha would exceed the minimum 40ha lot area required for the use of the land for a dwelling. The suggestion of such consolidation, which would render the proposed development acceptable from a planning policy perspective, was presented to the applicant, but that approach was rejected.

The application has stated that:

*The business will be based at the house and all financial transactions occurring (sic) from 697 Nalangil Road.*

*The other properties will be effectively a family lease arrangement to be attached to 697 Nalangil Road. This arrangement already exists except that [the son/applicant] runs the farm from the shed on the adjoining property. The whole application is about improving the efficiency of the farming activity.*

*..intent of the policy is to encourage consolidation of smaller rural lots, but we submit that in this particular case the best way to ensure a future consolidation of titles is to allow the proponent to establish a farming enterprise with the support of his relatives in Nalangil Road that has long-term financial viability. Such an enterprise would be unviable from the outset if the proponent were forced to pay a significant upfront cost to consolidate the titles before he even started farming. The cost of consolidating the titles would significantly reduce the upfront capital that the proponent could invest in the required infrastructure and the availability of credit, thereby also increasing the risk and financial exposure of the enterprise.*

*Although the intention is to consolidate in accordance with the farm succession plan, consolidation at this time would render the upfront cost of setting up this farming enterprise completely prohibitive. Therefore the likely outcome of this application being rejected (or granted subject to consolidation) is, at best, the continuation of the low-intensity, low-revenue, open paddock grazing and grow out on fragmented titles that are the current land use.*

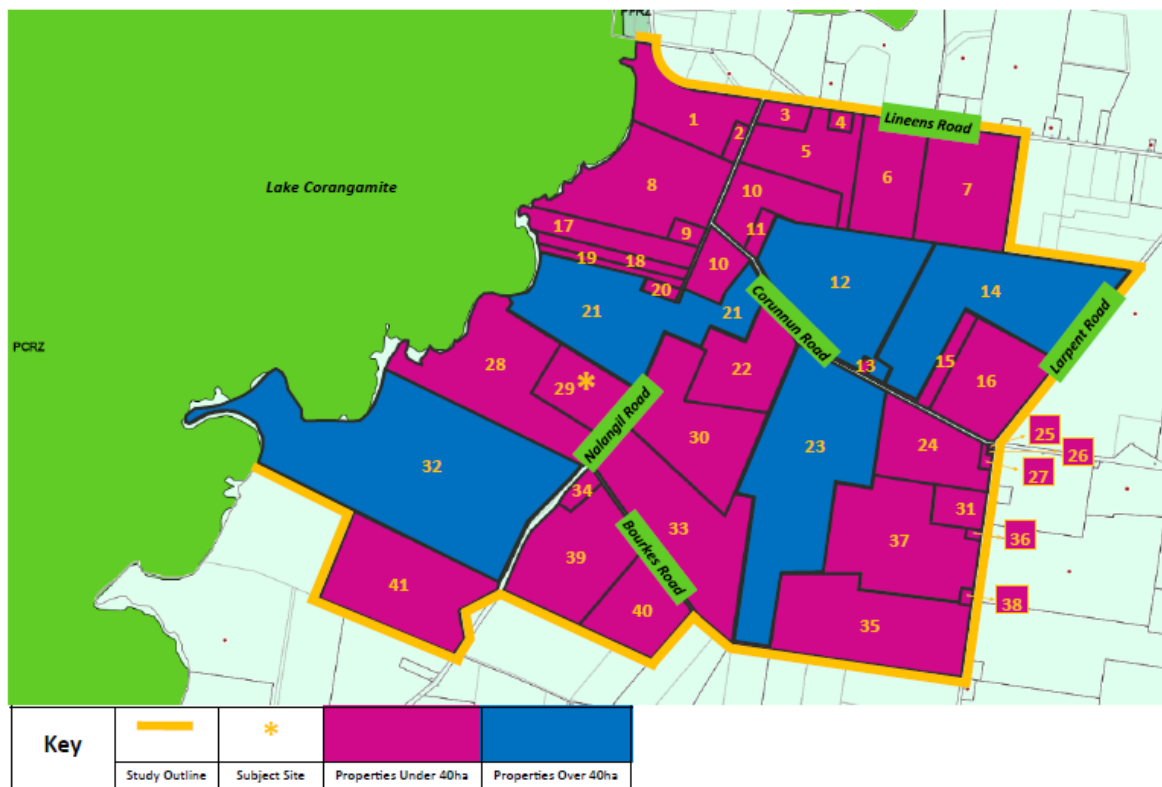
Based on the above statement by the applicant, it appears that he may not be in a position to comply with any proposed permit condition relating to consolidation, including the consolidation of the two lots that form the subject site, namely Lots 1 and 2 TP078681V.

To understand the surrounding land pattern with regard to lot size and ownership, an analysis of the surrounding area is mapped below. It should be noted that:

- The analysis area is a generally square area bounded by the yellow line and Lake Corangamite (Lineens Road, Larpent Road, Bourkes Road)
- It is 835ha in area
- No. 29 is the subject site

- 41 separate properties are rated
- Only 5 properties have a total land area greater than 40ha; 4 with dwellings
- There are 90 lots within the study area
- 1 lot is greater than 40ha (No.32), which contains a dwelling
- 89 lots are less than 40ha
- There are 25 dwellings, 24 on lots of less than 40ha
- Details of lot and property areas, ownership patterns, permits issued are attached to this report

PP175/2020-1 - 697 Nalangil Road CORUNNUN - Map A - Numbering



Another concern that must be considered is that just within the general area alone (as shown above), there are 65 lots under 40ha without dwellings, and allowing this application against Council policy would create a precedent for others to follow suit, ultimately potentially losing 'Farmland of strategic Significance' to rural living.

The Rural Land Strategy has acknowledged that, in order to maintain viability, many farms will have to increase in size or look to more intensive, alternative enterprises. However, there are evident land use trends which pose significant threats to the consolidation and expansion of farm holdings. It is anticipated that the need to protect arable land within the Shire will intensify as the Shire's significant landscapes continue to attract those seeking a rural/coastal lifestyle and as farming land in other areas of the State becomes increasingly vulnerable to harsher climactic conditions.

Without a viable agricultural use that requires a permanent on-site presence, the proposal would result in a rural living type use on the subject site. Council's Rural Living Strategy 2011 nominates appropriate nodes for rural living development, and this area is not identified as a potential node. It is considered that the application would not result in an orderly planning outcome, and is against the policy direction provided by the Colac Otway Planning Scheme.

The Rural Land Strategy notes that a viable farm should generate a minimum gross annual income of between \$270,000 and \$300,000 (based on 2007 values). The applicant estimates that after the initial development period, the agricultural return from the cattle produced on the property is expected to average \$67,000 a year in cattle sales.

The land is located within an area of 'farmland of strategic significance' and as such, dwellings are discouraged on lots that do not meet the minimum lot area. It is not considered that cattle grazing is an agricultural activity to warrant onsite management, particularly on only 4.3ha or 14.89ha.

It is considered that neither the 4.3 ha lot on which the dwelling is proposed, nor the subject site (comprising two lots with a combined area of 14.8ha), is large enough to support a substantial agricultural use and a dwelling. Therefore the result would be that the land is occupied by a resident who operates a small-scale agricultural activity on the holding and the dwelling would become the predominant use on the subject land. If the adjoining land owned by the applicant's father was consolidated with the subject land, a dwelling would be acceptable. Similarly, if a dwelling was proposed instead on that adjoining land at 695 Nalangil Road, it is considered that the site would be large enough at 39ha to contain both the dwelling and the agricultural use.

The family already has a sizeable herd of Angus cows (and a bull), and it is proposed that the number would increase with a dwelling. The applicant submits that a dwelling would provide for an increase in the breeding herd size from 30 to 40 cows, and increase production from its current level of about 25 calves per year to up to 40 calves. The stocking rate for beef cattle is dependent upon the pasture, supplementary feeding; paddock rotation and size of the animal. The quick calculation (rule-of-thumb) is 1.5-2 acres / 1 hectare per head.

It was also noted during the site inspection on 18 January 2021 that a building located on 695 Nalangil Road is used for the keeping of pigs. There is no mention of pigs within either of the Farm Management Plans, on the 64ha or the 14.89ha land.

The revised Farm Management Plan states that the subject land is 14 hectares, and the applicant's father owns the adjoining property. This is also managed by the applicant for his father, as well as his grandmother's 10ha further north. The applicant states that he spends a lot of time on the land, visits 3-4 times a day during calving and that he does not have a house in the area. It is submitted that living on the property would allow the applicant to manage all three properties more effectively, increase the number of cattle he can breed, and implement a rotational grazing strategy to increase the amount of feed available. Again, this statement is based upon all 63ha (the area stated in the farm plan) and not the 14.89ha alone as 30 head of cattle together with calves could not be sustained on 14.89ha.

In response to the Decision Guidelines of the Farming Zone:

#### General issues

The applicant submitted a Land Capability Assessment that has been considered by Council's Health Protection Unit, which did not raise any objection to the proposal subject to permit conditions should the proposal be considered acceptable. On this basis, it is considered that the site would be capable of accommodating the proposed use and development in terms of the disposal of effluent and wastewater.

#### Agricultural issues and the impacts from non-agricultural uses

As detailed in this report, it is not considered that the agricultural use outlined in this application justifies allowing a dwelling on the subject land.

#### Dwelling issues

With regard to the 'dwelling issues' it is considered that, for the reasons outlined in this report, allowing a dwelling on such a small site is very difficult to justify on planning policy grounds. In this particular instance, the dwelling is not considered to be reasonably required to support and enhance the proposed agricultural activity. However, it is considered that options which would be compliant with planning policy are available for a dwelling either on the subject land if it is consolidated with the neighbouring lot, or alternatively on that larger neighbouring lot.

#### Environmental issues

It is not considered that the proposal would negatively impact on the natural physical features and resources of the area; in particular, on soil and water quality. The proposed use and development would not require the removal of any vegetation.

#### Design and siting issues

Had the proposal been considered acceptable from a planning policy perspective, it is considered that the proposed scale, height, bulk, materials and location of the dwelling would have been acceptable in the context of the site and the surrounding land use. The proposed dwelling would be of a reasonable scale and appearance in the context of surrounding agricultural use and buildings on surrounding land.

It is also noted that Council has in the past allowed a number of applications for dwellings on smaller holdings in the Farming Zone where the applicant appears to have submitted a bona-fide application, including very detailed information about the proposed agricultural activities (such as egg production and equestrian uses) and how those uses would be implemented and managed on an ongoing basis. Such permits have been issued in the recent past in Cororooke and Barongarook. A short period after those permits were issued, enquiries were received from potential purchasers asking about those particular properties and whether an agricultural activity need to be developed as notated on the permit, or whether the dwelling could be constructed and occupied as a rural living property.

Further to this, two properties in the Farming Zone for which the Planning Committee recently granted permits for dwellings, against officer recommendation, are now on the market as rural living properties at inflated values beyond the agricultural land value, namely 2235 Birregurra-Forrest Road Forrest and 285 Deans Creek Road Elliminyt.

It is considered that the current proposal would not assist with the protection of productive agricultural land, but would present an incompatible permanent change in land use and the creation of a site which could be disposed of as a rural living lot separately to the surrounding agricultural land, ultimately potentially contributing to a proliferation of incompatible rural lifestyle dwellings on lots not associated with agriculture.

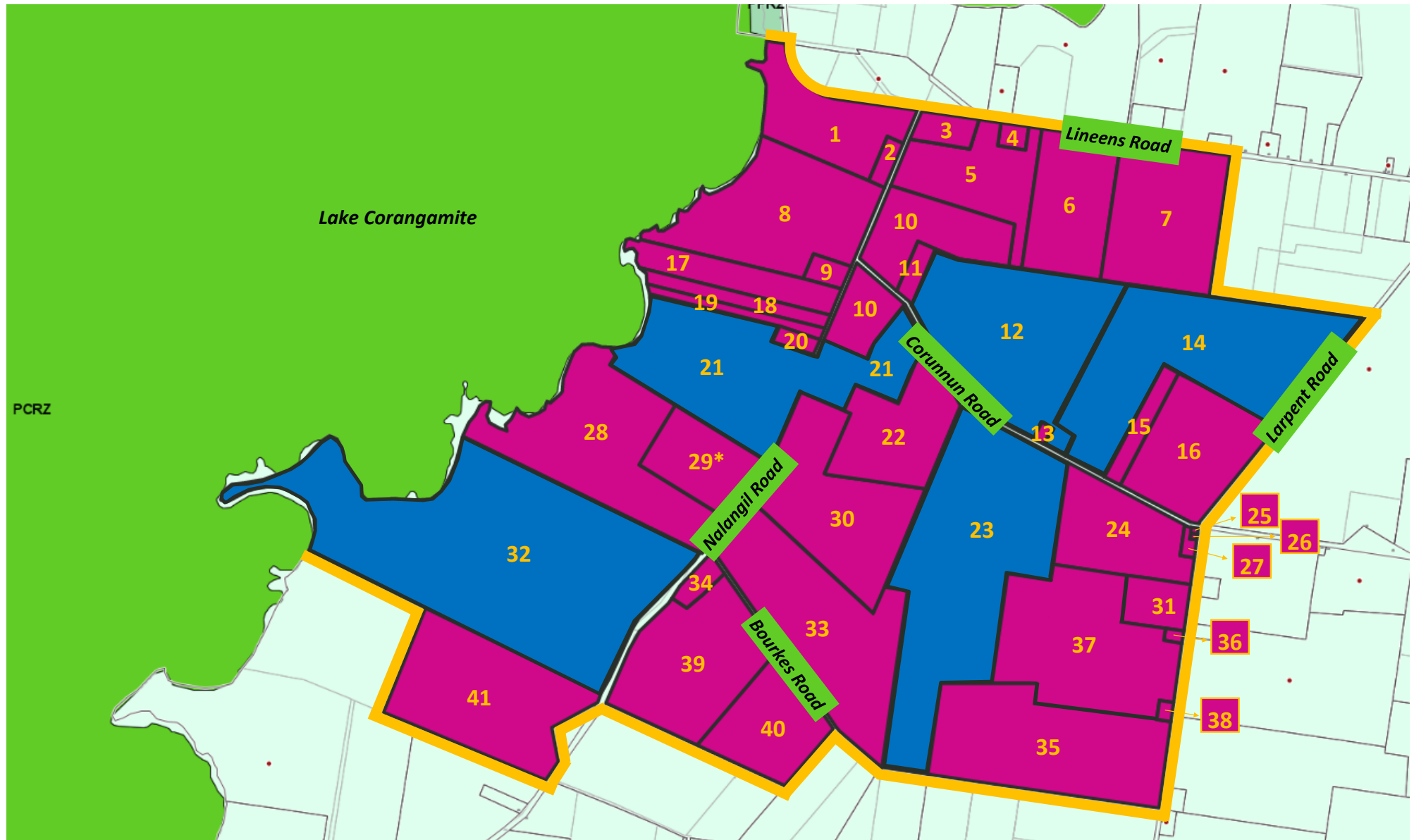
Rather than creating a rural living lot the applicant could, when he is in a position to do so in the future, consolidate the subject land with neighbouring land to result in a land area of 40ha or greater, which would allow him to construct a dwelling without planning permission (if minimum setbacks are satisfied).

## **9. OFFICER DIRECT OR INDIRECT INTEREST**

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



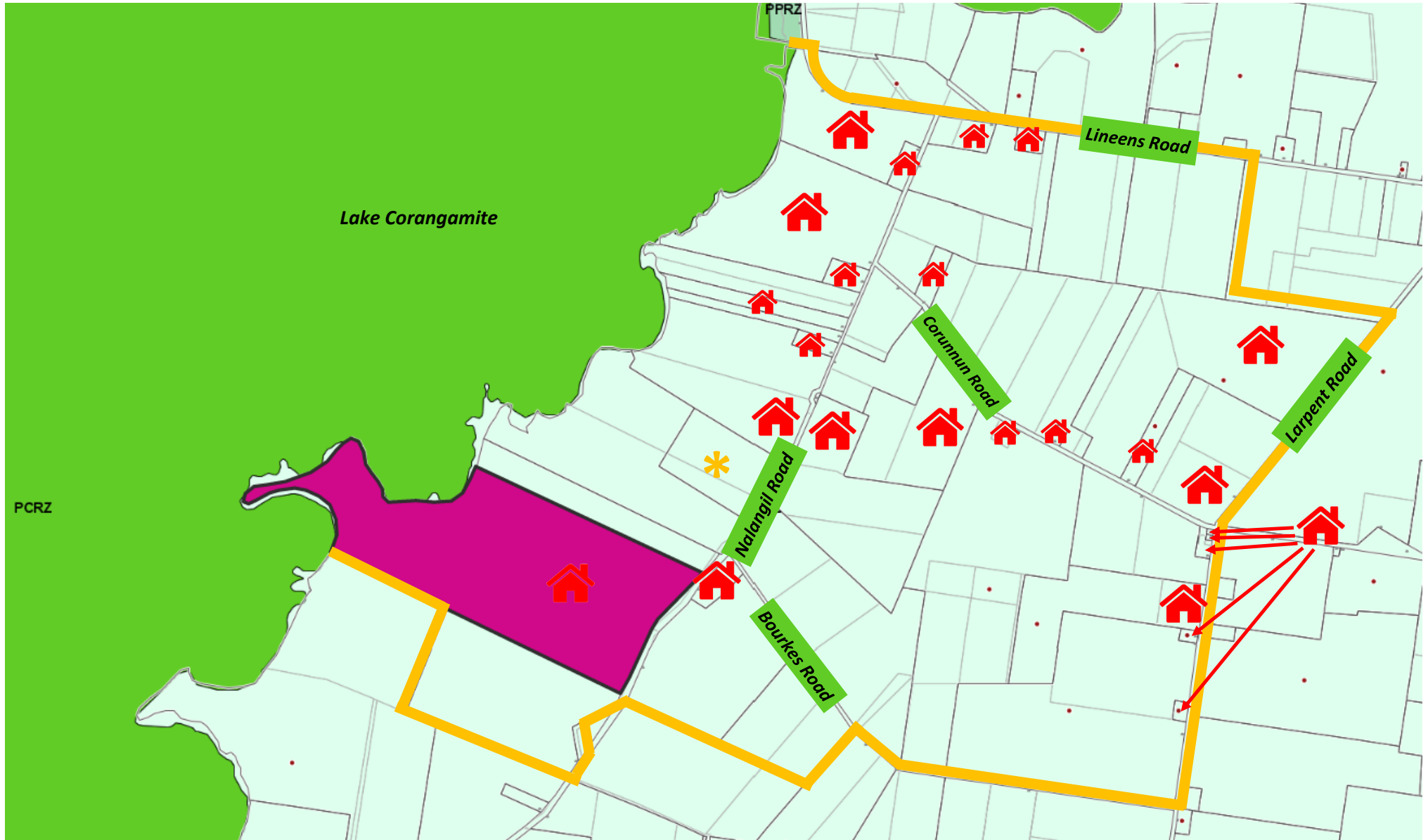
# PP175/2020-1 - 697 Nalangil Road CORUNNUN - Map A - Numbering



Key			
	Study Outline	Subject Site	Properties Over 40ha



**PP175/2020-1 - 697 Nalangil Road CORUNNUN—Map B - Existing Dwellings and Lot Layout—Over and Under 40 hectares**




Key					
	Study Outline	Subject Site	Lot Over 40 hectares	Lots Under 40 hectares	Dwelling on Lot

Attachment 8.1.3 PP175/2020-1 - 697 Nalangil Road, CORUNNUN - Area Analysis information

PP175/2020-1 - 697 Nalangil Road Corunnun - Area Analysis - Map Legend										
Map Ref	Address	per propert	Parcel / Lot description	Parcel / Lot Size in Ha	Total Property Area in Ha	Buildings	Permit Ref	Development	Decision	Date
1	65 BAYNES ROAD CORUNNUN	1	PC363818	18.4	18.4	Dwelling	PP309/2001-01	Consolidate Two (2) Existing Titles & Construction Of A Dwelling & Shed	Permit Issued Delegate	24/09/2001
2	895 NALANGIL ROAD CORUNNUN	1	Lot 1 TP137302	1.5	1.5	Dwelling				
3	225 LINEENS ROAD CORUNNUN	2	Lot 1 TP221588 Lot 2 TP221588	1.3 2	3.3	Dwelling				
4	205 LINEENS ROAD CORUNNUN	1	LOT 1 LP121277	1.2	1.2	Dwelling				
5	880 NALANGIL ROAD CORUNNUN	2	LOT 2 LP121277 LOT 1 TP633402	15 3.4	18.4	Vacant				
6	175 LINEENS ROAD CORUNNUN	2	LOT 1 TP539076 LOT 2 TP539076	16.4 4.3	20.7	Vacant				
7	115 LINEENS ROAD CORUNNUN	2	LOT 2 TP754704 LOT 1 TP754704	12.1 16.4	28.6	Vacant				
8	845 NALANGIL ROAD CORUNNUN	1	CP152191	33.7	33.7	Dwelling				
9	835 NALANGIL ROAD CORUNNUN	1	LOT 1 TP80496	1.8	1.8	Dwelling	PP277/1998-01	Dwelling Extensions	Permit Not Required	14/10/1998
10	350 CORUNNUN ROAD CORUNNUN	6	LOT 3 TP429199 LOT 1 TP429199 LOT 2 TP429199 LOT 1 TP518415 LOT 2 TP518415 LOT 1 TP614525	4.3 7 0.0253 4 6.5 0.8	22.6	Vacant				
11	330 CORUNNUN ROAD CORUNNUN	1	LOT 1 TP848344	2	2	Dwelling				
12	260 CORUNNUN ROAD CORUNNUN	6	LOT 3 TP848382 LOT 2 TP848382 LOT 1 TP848382 LOT 1 TP622080 LOT 3 TP622080 LOT 2 TP622080	3.4 7.6 11.5 13.2 9.5 0.4	45.7	Vacant				
13	240 CORUNNUN ROAD CORUNNUN	1	LOT 1 TP418707	0.4	0.4	Dwelling				
14	100 LARPENT ROAD CORUNNUN	3	LOT 2 TP530440 LOT 1 TP530440 LOT 70 LP2890	4.5 15.1 31.6	51.1	Dwelling	PP60/2020-01	Buildings and Works Comprising Construction of an Agricultural Building	Permit Issued Delegate	20/04/2020
15	210 CORUNNUN ROAD CORUNNUN	1	LOT 1 TP226023	4.1	4.1	Dwelling	PP12/2019-01	Building and Works Comprising Extension of Dwelling	Permit Issued Delegate	2/04/2019
16	170 LARPENT ROAD CORUNNUN	3	LOT 3 TP848346 LOT 2 TP848346 LOT 1 TP848346	4.1 10.5 8.4	23.1	Dwelling				
17	829 NALANGIL ROAD CORUNNUN	2	LOT 1 TP628344 LOT 1 TP230414	6 4.9	10.9	Vacant				
18	825 NALANGIL ROAD CORUNNUN	1	LOT 1 TP234249	4.8	4.8	Dwelling				
19	815 NALANGIL ROAD CORUNNUN	1	LOT 1 TP574188	3.1	3.1	Vacant				
20	805 NALANGIL ROAD CORUNNUN	1	LOT 1 TP760973	1.3	1.3	Dwelling				
21	765 NALANGIL ROAD CORUNNUN	4	CP170161 LOT 1 TP446895 LOT 2 TP166314 LOT 1 TP166314	18.5 14.7 9 2.5	44.6	Dwelling				
22	275 CORUNNUN ROAD CORUNNUN	2	LOT 2 TP830199 LOT 1 TP830199	6.9 13	19.9	Dwelling				

PP175/2020-1 - 697 Nalangil Road Corunnun - Area Analysis - Map Legend										
Map Ref	Address	per propert	Parcel / Lot description	Parcel / Lot Size in Ha	Total Property Area in Ha	Buildings	Permit Ref	Development	Decision	Date
23	255 CORUNNUN ROAD CORUNNUN	9	LOT 1 PS600191	0.8	64.9	Dwelling & buildings	PP46/2004-01	Use And	Withdrawn	1/12/2004
			LOT 2 PS600191	35.5				Development Of A Dwelling		
			LOT 4 TP422218	2.7				Use And		
			LOT 5 TP422218	2.7			PP47/2004-01	Development Of A Dwelling	Withdrawn	1/12/2004
			LOT 6 TP422218	0.2						
			LOT 3 TP422218	8						
			LOT 2 TP422218	7.2			PP369/2005-01	Two (2) Lot Re-Subdivision & Use Of A Dwelling	Permit Issued Delegate	6/06/2006
LOT 1 TP422218	0.5									
LOT 1 TP615642	7.3									
24	195 CORUNNUN ROAD CORUNNUN	2	LOT 1 TP137045	11	19.1	Vacant				
			LOT 2 TP137045	8.1						
25	182 LARPENT ROAD CORUNNUN	1	LOT 1 TP82988	0.1	0.1	Dwelling				
26	184 LARPENT ROAD CORUNNUN	1	LOT 1 TP298209	0.1	0.1	Dwelling				
27	190 LARPENT ROAD CORUNNUN	3	LOT 1 TP848341	0.1	0.6	Dwelling				
			LOT 1 TP545701	0.5						
			LOT 1 TP608480	0.1						
28	695 NALANGIL ROAD CORUNNUN	5	LOT 4 TP837806	12.5	39.3	shedding				
			LOT 5 TP837806	26.5						
			LOT 1 TP837806	0.2						
			LOT 3 TP837806	0.0238						
			LOT 2 TP837806	0.0377						
29	697 NALANGIL ROAD CORUNNUN - subject site	2	LOT 1 TP78681	9.8	14	Vacant	PP175/2020-01	Use and Development of Dwelling		
			LOT 2 TP78681	4.3						
30	750 NALANGIL ROAD CORUNNUN	3	LOT 2 TP848383	6.9	31.6	Dwelling				
			LOT 1 TP848383	13.7						
			LOT 1 TP848368	11						
31	220 LARPENT ROAD CORUNNUN	2	LOT 1 PS644911	3.8	3.8	Dwelling	PP38/2008-01	Three (3) Lot Re-Subdivision	Refusal to Grant	6/08/2008
							PP59/2010-01	Re-Subdivision Of Existing Allotments	Permit Issued Delegate	25/06/2010
							PP397/2004-01	To Re-Align Property Boundary	Permit Issued Delegate	8/11/2004
32	665 NALANGIL ROAD CORUNNUN	3	LOT 2 TP826687	12.4	96.8	Dwelling				
			LOT 1 TP826687	0.1						
			LOT 3 TP826687	84.2						
33	735 NALANGIL ROAD CORUNNUN	5	LOT 3 TP169647	9	39.9	Vacant				
			LOT 1 TP169647	10.2						
			LOT 2 TP169647	15.3						
			LOT 2 TP741343	1.3						
			LOT 1 TP741343	4						
34	680 NALANGIL ROAD CORUNNUN	1	LOT 1 LP220330	2.3	2.3	Dwelling				
35	270 LARPENT ROAD CORUNNUN	1	LOT 4 PS644911	39.5	39.3	Shedding	PP38/2008-01	Three (3) Lot Re-Subdivision	Refusal to Grant	6/08/2008
							PP59/2010-01	Re-Subdivision Of Existing Allotments	Permit Issued Delegate	25/06/2010
							PP397/2004-01	To Re-Align Property Boundary	Permit Issued Delegate	8/11/2004
36	230 LARPENT ROAD CORUNNUN	1	LOT 2 PS644911	0.4	0.4	Dwelling	PP38/2008-01	Three (3) Lot Re-Subdivision	Refusal to Grant	6/08/2008
							PP59/2010-01	Re-Subdivision Of Existing Allotments	Permit Issued Delegate	25/06/2010

<b>PP175/2020-1 - 697 Nalangil Road Corunnun - Area Analysis - Map Legend</b>										
Map Ref	Address	per propert	Parcel / Lot description	Parcel / Lot Size in Ha	Total Property Area in Ha	Buildings	Permit Ref	Development	Decision	Date
							PP397/2004-01	To Re-Align Property Boundary	Permit Issued Delegate	8/11/2004
37	232 LARPENT ROAD CORUNNUN	1	LOT 3 PS644911	39.3	39.3	Vacant				
38	260 LARPENT ROAD CORUNNUN	1	CP164362	0.5	0.5	Dwelling	PP247/2016-01	Buildings and Works Comprising Carport Extension to Dwelling	Permit Issued Delegate	14/11/2016
39	650 NALANGIL ROAD CORUNNUN	1	LOT 2 LP220330	29.8	29.8	Vacant				
40	155 BOURKES ROAD CORUNNUN	2	LOT 1 TP895562 LOT 2 TP895562	10.1 6.9	17	Vacant				
41	595 NALANGIL ROAD CORUNNUN	1	LOT 1 TP591995	35	35	shedding				
		90		835	835					

 25 Dwellings in study area

**Planning Committee – 10 February 2021**  
**PP175/2020 – 697 Nalangil Road CORUNNUN**  
**Draft permit conditions**

***That Council resolves to issue a Permit for the Use and Development of the Land for a Dwelling at 697 Nalangil Road, Corunnun (Lots 1 and 2 TP078681V, V/F: 9453/686 Parish of Warrion, 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 land***

- 2. Prior to the commencement of the use and/or development hereby permitted, unless an alternate timeframe is agreed in writing by the Responsible Authority, Lots 1 and 2 TP078681V V/F: 9453/686 must be consolidated under the provisions of the Subdivision Act 1988 to the satisfaction of the Responsible Authority, and a copy of the title must be submitted to the Responsible Authority.***

***Access***

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

***Stormwater***

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

***Wastewater***

- 7. A domestic wastewater management system must be constructed concurrently with the dwelling hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot. The design and installation of any wastewater disposal system for any building on the land must comply with 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.***

***Protection of Vegetation***

- 8. Unless otherwise approved in writing by the Responsible Authority, no works, trenching, soil excavation, storage or dumping of equipment or waste is to occur within areas of existing native vegetation on the site. All storage sites must be restricted to existing cleared areas close to existing roads and tracks, 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, waterways and drainage lines, surface water runoff areas or areas infested with weeds.*

**Expiry**

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

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

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

**Notes:**

- 1. This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the dwelling.**
- 2. Prior to conducting any drainage works, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133.**
- 3. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.**
- 4. At least seven (7) days before any works start, an Asset Protection Permit must be obtained from Council. Council infrastructure must be maintained in a safe condition during the construction period. Any damage caused by these works to Council assets must be reinstated to the satisfaction of the Council prior to the completion of works.**
- 5. A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.**

