



Colac Otway  
SHIRE

PLANNING COMMITTEE MEETING

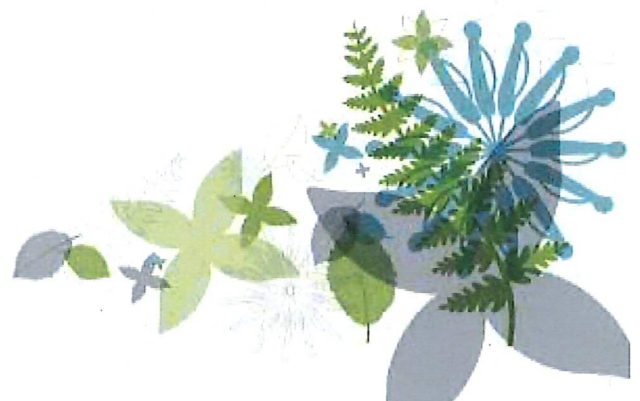
MINUTES

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

MINUTES of the *PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL* held at  
COPACC on Wednesday 10 February 2021 at 2:00 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 (Mayor)  
Cr Graham Costin (Deputy Mayor)  
Cr Jamie Bell  
Cr Stephen Hart  
Cr Joe McCracken  
Cr Chris Potter  
Cr Margaret White

Peter Brown, Chief Executive  
Errol Lawrence, General Manager, Corporate Services  
Tony McGann, General Manager, Environment & Infrastructure  
Ian Seuren, General Manager, Development & Community Services  
Marlo Emmitt, Manager, Governance & Communications  
Lyndal McLean, Governance Coordinator  
Sarah Osborne, Communications Officer  
Doug McNeill, Manager, Planning, Building & Health  
Blaithin Butler, Statutory Planning Coordinator  
Helen Evans, Senior Statutory Planner

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

Nil

#### **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 are 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 are 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 are 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 is permitted without specific approval by resolution of the relevant Council Meeting.

#### **5 DECLARATIONS OF INTEREST**

Nil

#### **6 CONFIRMATION OF MINUTES**

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

#### **RESOLUTION**

***MOVED Cr Joe McCracken, SECONDED Cr Chris Potter***

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

***CARRIED 7 : 0***

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

Dean Suckling (on behalf of applicant)



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>		

## 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.*

## ALTERNATIVE MOTION

*MOVED Cr Stephen Hart, SECONDED Cr Graham Costin*

*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.*

**CARRIED 4 : 3**

**DIVISION**


***For the motion: Cr Graham Costin, Cr Margaret White, Cr Stephen Hart, Cr Joe McCracken***

***Against the motion: Cr Chris Potter, Cr Kate Hanson, Cr Jamie Bell***



*The meeting was declared closed at 2.43pm.*

**CONFIRMED AND SIGNED** at the meeting held on 14 April 2021.

.....**MAYOR**