



PLANNING COMMITTEE MEETING

MINUTES

Wednesday 14 April 2021

at 2:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 14 April 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 14 April 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
Cameron Duthie, Acting General Manager, Environment & Infrastructure
Ian Seuren, General Manager, Development & Community Services
Marlo Emmitt, Manager, Governance & Communications
Lyndal Redford, Governance Officer
Sarah Osborne, Communications Officer
Doug McNeill, Manager, Planning, Building & Health
Bláithín Butler, Statutory Planning Coordinator
Ravi Ayyagari, Statutory Planner
Simon Clarke, Strategic Planning & Major Projects Coordinator

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 will be live streamed and recorded (where it is practicably possible to do so), and the meeting location has the required equipment and internet capability. This includes the public participation sections of the meetings. However, matters identified as confidential items in the Agenda will not be live streamed or recorded.

By participating in open Planning Committee 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 Planning Committee meetings is permitted without specific approval by resolution of the relevant Planning Committee meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- Planning Committee meeting held on 10 February 2021.

RESOLUTION

MOVED Cr Stephen Hart, SECONDED Cr Jamie Bell

That the Planning Committee confirm the minutes of the Planning Committee meeting held on 10 February 2021.

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Timothy Jinks (applicant)

Leah Clark (Managing Director, Inception Planning for the applicant)

Item: 8.1

**PP280/2020-1 - 285 Deans Creek Road, Elliminyt –
Proposed Dwelling**

ADDRESS AND PROPERTY DETAILS	285 Deans Creek Road Elliminyt	APPLICATION NUMBER	PP280/2020-1
PROPOSAL	Use and Development of the Land for a Dwelling		
PERMIT TRIGGERS	<p>Clause 35.07-1 - Farming Zone – Use of the land for a dwelling</p> <p>Clause 35.07-4 - Farming Zone – Building and works associated with a Section 2 (permit required) use</p> <p>Clause 44.04 - Land Subject to Inundation (LSIO) - Construction of a building or construction or carrying out of works</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Officer recommendation for refusal of an application for a dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	Land Subject to Inundation Overlay (LSIO)
COVENANTS	Nil		
CULTURAL HERITAGE	The site is within an area of cultural heritage sensitivity; however the proposal is not classed as a high impact activity		
OFFICER	Ravi Ayyagari	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. P P 280 2020-1 - 285 Deans Creek Road ELLIMINYT - Draft Conditions [8.1.1 - 2 pages] 2. PP280/2020-1 - 285 Deans Creek Road ELLIMINYT - Copy of Application Documents [8.1.2 - 28 pages] 		

RECOMMENDATION

That Council resolves to refuse to grant a permit for the use and development of the land at 285 Deans Creek Road, Elliminyt for a dwelling, on the following grounds:

- 1. The proposed development has potential to undermine future planning for urban residential development on this site and adjoining land as entertained under the Colac 2050 Growth Plan, by fragmenting it and prejudicing the location of future roads, open space, drainage and other infrastructure to support urban development that might occur if the land was rezoned. It has potential to act as a precedent for development of similar sized allotments in the Farming Zone to the north, which would further prejudice future planning for the area.*
- 2. The use and development of a site in a designated growth area with a single dwelling prior to the rezoning of the land for residential purposes is contrary to the objective of Clause 16.01-1S (Housing Supply) of the Colac Otway Planning Scheme, which seeks to facilitate well-located, integrated and diverse housing that meets community needs, and the strategic approach of both that clause and Clause 16.01-1L (Colac Housing Supply) which seek to encourage a range of lot sizes and configurations for different housing types in growth areas. The proposal is also contrary to the strategic direction in Clause 16.01-2S, which seeks to ensure land supply continues to be sufficient to meet demand, and to increase choice in housing type, tenure and cost to meet the needs of households.*
- 3. The proposal does not accord with the strategic directions of Clause 14.01-1L of the Colac Otway Planning Scheme, which discourage dwellings on lots that do not meet the minimum lot area of the Farming Zone unless it is required for an intensive agricultural activity on the land or to achieve the environmental protection of the land.*
- 4. The proposal does not accord with the purpose and relevant decision guidelines of the Farming Zone (FZ) set out in Clause 35.07 of the Planning Scheme, given that:*
 - a) The proposal would permanently remove land from agricultural production.*
 - b) The applicant has not proposed any agricultural activity of note.*
 - c) The development has the potential to limit the operation and expansion of adjoining and nearby agricultural activity.*
 - d) The application has not demonstrated that a dwelling would not lead to a concentration or proliferation of dwellings on small Farming Zone lots in the area, which would impact on the use of the land for agriculture*
- 5. 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 Joe McCracken

That Council resolves to Grant a Permit for the Use and Development of the Land at 285 Deans Creek Road Elliminyt (Lot 1 Title Plan 372755C, V/F 08641/003) for a Dwelling, 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.*

Drainage

2. *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.*
3. *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.*

Earthworks

4. *Unless otherwise approved by the Responsible Authority, no earthworks or construction activity is permitted to take place within 30 metres of the waterway*

Access

5. *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.*
6. *Prior to the commencement of the use of the dwelling, the driveway must be constructed to an all-weather standard to the satisfaction of the Responsible Authority and must have a minimum width of 3 metres.*

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.*

Corangamite Catchment Management Authority (CCMA) conditions

8. *The finished floor level of the dwelling must be constructed no lower than 133.45 metres to Australian Height Datum.*
9. *The finished floor level of the garage must be constructed no lower than 133.30 metres to Australian Height Datum (AHD).*
10. *The proposed driveway must be finished at existing ground level.*
11. *Importation of fill to the property for the purposes of achieving the above floor levels must be kept to the absolute minimum (i.e. building envelope) necessary for that purpose only. No other import of fill is permitted.*

Department of Environment Land Water and Planning (DELWP) conditions

12. *Soil erosion control measures must be employed throughout the construction stage of the development (in accordance with Construction Techniques for Sediment Pollution Control, EPA 1991) to the satisfaction of the responsible authority.*
13. *No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or tributaries of Deans Creek. To this end, pollution or litter traps must be provided on site.*

Expiry

14. *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 is not completed, and use is 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 building approval for the proposed dwelling.*
2. *Prior to commencing 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 5 : 2

Simon Clarke left the meeting at 2:35pm.

The meeting was declared closed at 2:50pm.

CONFIRMED AND SIGNED at the meeting held on 11 August 2021.


.....MAYOR