



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

MINUTES

Wednesday 8 June 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 8 June 2022

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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 8 June 2022 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 (Mayor)
Cr Graham Costin (Deputy Mayor)
Cr Jamie Bell
Cr Stephen Hart
Cr Joe McCracken
Cr Chris Potter
Cr Margaret White

Anne Howard, Chief Executive Officer
Errol Lawrence, General Manager Corporate Services
Bryan Lancaster, Acting General Manager Environment and Infrastructure
Ian Seuren, General Manager Development and Community Services
Marlo Emmitt, Manager Governance and Communications
Lyndal Redford, Governance Officer
Sarah Osborne, Communications Officer
Bláithín Butler, Coordinator Statutory Planning
Ian Williams, Senior Statutory Planner
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: This Planning Committee meeting was live streamed and recorded. 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 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 Planning Committee meeting, the live stream recording will be accessible on Council's website. Audio recordings are also taken to facilitate the preparation of the minutes of 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 Planning Committee meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

5 DECLARATIONS OF INTEREST

Nil

6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 9 March 2022.
- Unscheduled Planning Committee Meeting held on 18 May 2022.

RESOLUTION

MOVED Cr Joe McCracken, SECONDED Cr Stephen Hart

That the Planning Committee confirms the minutes of the:

- *Planning Committee Meeting held on 9 March 2022.*
- *Unscheduled Planning Committee Meeting held on 18 May 2022.*

CARRIED 7 : 0

7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

Item 8.1 **PP39/2022-1 - 111-117 Great Ocean Road, Apollo Bay - Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Easement (E1 & E2) and Waiver of Bicycle Parking Requirements.**

Objector: Luke Mooney (of Planning and Property Partners) acting on behalf of Everspring Pty Ltd (by videoconference)

Applicant: John Riches

Item 8.2 **PP350/2021-1 - 45 Glenn Street Warrion - Use and Development of the Land for a Dwelling**

Applicant: Sue Spokes

Item 8.3 **PP264/2021-1 - 321 Larpent Road Cororooke - Use and Development of Land for Dwelling**

Applicant: Liam McGuane

Item: 8.1

PP39/2022-1 - 111-117 Great Ocean Road, Apollo Bay - Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Easement (E1 & E2) and Waiver of Bicycle Parking Requirements.

ADDRESS AND PROPERTY DETAILS	111-117 Great Ocean Road, Apollo Bay	APPLICATION NUMBER	PP39/2022-1
PROPOSAL	Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Easement (E1 and E2) and Waiver of Bicycle Parking Requirements.		
PERMIT TRIGGERS	Clause 34.01-4 - Buildings and works - C1Z Clause 43.02-2 - Buildings and works - DDO5 Clause 52.02 - Variation to carriageway and drainage easements Clause 52.06 - Reduction in parking (for bar) Clause 52.27 - Use land to sell or consume liquor Clause 52.29 - Land Adjacent to the Principal Road Network		
TRIGGER FOR DETERMINATION BY COMMITTEE	Similar application previously determined by Planning Committee		
ZONE	Commercial 1 Zone (C1Z) Adjacent Transport Zone 2 (TRZ2)	OVERLAYS	Design and Development Overlay, Schedule 5 (DDO5): Apollo Bay - Town Centre Parking Overlay, Schedule 2 (PO2): Apollo Bay Commercial Centre
COVENANTS	Nil Note easements on title - E-1 (Drainage and Carriageway Easement - 0.91m wide) and E-2 (Carriageway Easement - 3.66m wide)		
CULTURAL HERITAGE	The site is in an area of cultural heritage sensitivity, but the proposal is not defined as a high impact activity as the ground has undergone significant ground disturbance. As such, a Cultural Heritage Management Plan is not required.		
OFFICER	Ian Williams	GENERAL MANAGER	Ian Seuren

Item: 8.1

PP39/2022-1 - 111-117 Great Ocean Road, Apollo Bay - Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Easement (E1 & E2) and Waiver of Bicycle Parking Requirements.

DIVISION	Development and Community Services
ATTACHMENTS	1. Draft Planning Permit Conditions Should Application be Approved (Not Officer Recommendation) [8.1.1 - 4 pages]

RECOMMENDATION

That Council resolves to Refuse to Grant a Permit for an Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Carriageway and Drainage Easements (E1 and E2) and Waiver of Bicycle Parking Requirements at 111-117 Great Ocean Road, Apollo Bay (Lot 2 PS309031), on the following grounds:

- 1. The front section of the proposed first floor extension, which would project over the pavement rather than being recessed from the street, would constitute an incongruous, prominent and bulky form of development out of keeping with the character of the area and detrimental to the streetscape. As such, the proposal is contrary to Schedule 5 to the Design and Development Overlay (DDO5) and the Decision Guidelines in Clause 65 of the Colac Otway Planning Scheme.*
- 2. The proposed development would not respect and respond to the character or context of the existing upper levels within this part of Apollo Bay, or promote best practice urban design, and is therefore contrary to clauses 11.03-5R (The Great Ocean Road Region), 11.03-6L (Apollo Bay and Marengo) and 15.01-1S (Urban Design).*
- 3. The proposed development would not achieve a building design outcome that contributes positively to the local context and enhancement of the public realm and would not respect the identified heritage values of the Great Ocean Road, contrary to clauses 15.01-2S (Building Design) and 15.03-1S (Heritage Conservation).*

RESOLUTION

MOVED Cr Graham Costin, **SECONDED** Cr Joe McCracken

That Council resolves to Issue a Notice of Decision to Grant a Permit for an Extension to Commercial Building (Bar), General Liquor Licence, Reduction of Car Parking (5 spaces), Variation of Carriageway and Drainage Easements (E1 and E2) and Waiver of Bicycle Parking Requirements at 111-117 Great Ocean Road, Apollo Bay (Lot 2 PS309031), 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.*
2. *The area in which liquor is allowed to be consumed or supplied under a licence hereby permitted must not be altered without the written consent of the Responsible Authority.*

Car Parking

3. *Prior to the commencement of the development an obligation under clause 4.0 of schedule 2 to the Parking Overlay to make a payment in lieu of the provision of the three car parking spaces required but not provided on the land must be met in through a payment made in accordance with the rate specified in clause 4.0 of schedule 2 to the Parking Overlay (as indexed).*
4. *Prior to the commencement of the use, the area/s set aside for the parking of vehicles and access lanes as shown on the endorsed plans must be:*
 - a) *Constructed;*
 - b) *Properly formed to such levels that they can be used in accordance with the plans;*
 - c) *Surfaced with an all-weather seal coat to the satisfaction of the Responsible Authority.*
 - d) *Drained;*
 - e) *Line-marked to indicate each car space and all access lanes.*
 - f) *Clearly marked to show the direction of traffic along access lanes and driveways;*
 - g) *Properly illuminated for both pedestrians and vehicles, with lighting designed, baffled and located to the satisfaction of the Responsible Authority to prevent any adverse effect on adjoining land;*

to the satisfaction of the Responsible Authority.

The areas must be constructed, and drained to prevent diversion of flood or drainage waters, and maintained in a continuously useable condition to the satisfaction of the Responsible Authority. Car spaces, access lanes and driveways must be kept available for these purposes at all times.

Loading/Unloading

5. *The loading and unloading of goods from service vehicles must only be carried out on the land within the designated loading bay and must not disrupt the circulation and parking of vehicles on the land to the satisfaction of the Responsible Authority. The loading bay must remain free for the purpose of loading and unloading at all times.*

Easements

6. *Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.*
7. *Plans lodged for certification, pursuant to the provisions of the Subdivision Act 1988, must include a separate sheet which limits the height of the carriageway easement to 4.1m, its width to 3.5m and shows the relocation of the 0.9m drainage easement to the centre of the*

carriageway easement to align with the stormwater drain, to the satisfaction of the Responsible Authority.

Stormwater

8. *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.*
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.*

Amenity

10. *Noise levels emanating from the premises:*

- a) *must comply with the Environment Protection Regulations 2021 and EPA Publication 1826.4: with regard to noise limits and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues.*
- b) *must comply with Noise Control Guidelines publication 1254.2 in relation to noise from deliveries to shops, supermarkets and service stations, public address systems, commercial and industrial waste collection, mobile vendors and truck mounted refrigeration units.*
- c) *including those relating to industrial waste collection, truck mounted refrigeration units and deliveries, must comply with EPA Noise Control Guidelines (Publication 1254.2).*

11. *Prior to the bar being brought into use, an updated Noise and Amenity Management Plan 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 Noise and Amenity Management Plan must be generally in accordance with the Noise and Amenity Management Plan submitted with the application (received on 23 February 2022), but revised in consultation with a suitably qualified acoustic professional to demonstrate how compliance with under State Environment Protection Policy (Control of Music Noise from Public Premises), No. N-2 will be achieved on site on an ongoing basis. All activities on site must be undertaken in accordance with the endorsed Noise Management Plan.*
12. *No external sound amplification equipment or loudspeakers may be used for the purpose of announcement, broadcast, playing of music or similar purpose within the first floor front area projecting over the footpath, nor shall any live music be played within this area.*
13. *All security alarms or similar devices installed on the land must be of a silent type in accordance with any current standard published by Standards Australia International Limited and must be connected to a security service.*
14. *All external plant and equipment must be acoustically treated or placed in soundproofed housing to reduce noise to a level satisfactory to the Responsible Authority.*
15. *Prior to the commencement of development details of the location and operation of lighting in the carriageway easement and rear parking area must be submitted to and approved the*

Responsible Authority. The lighting must be installed in accordance with the approved details, to the satisfaction of the Responsible Authority.

16. *All buildings and works must be maintained in good order and appearance to the satisfaction of the Responsible Authority pursuant to Clause 34.01-4 of the Colac Otway Planning Scheme.*
17. *The development must be managed so that the amenity of the area is not detrimentally affected, through the:*
 - a) *transport of materials, goods or commodities to or from the land;*
 - b) *appearance of any building, works or materials;*
 - c) *emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;*
 - d) *presence of vermin.*

Liquor Licence

18. *The sale and consumption of alcohol hereby permitted must only be between the hours of:*
 - a) *Monday to Sunday - 8:00am to 1:00am*
 - b) *ANZAC Day - 12:00pm to 10:00pm*

The premises must stay closed on Good Friday and Christmas Day.

19. *The area in which liquor is allowed to be supplied under a licence must not be increased without the written consent of the Responsible Authority.*
20. *The permit holder must require that all employees of the premises engaged in the service of alcohol undertake a 'Responsible Serving of Alcohol' course.*
21. *The owner/operator must take all responsible measures to ensure that patrons consuming alcohol remain within the licensed area, so as not to breach conditions of the liquor licence, and that patrons' behaviour is acceptable, so as not to create a nuisance to pedestrians or road users.*

Department of Transport condition

22. *Prior to Certification of the Plan of Subdivision being issued or commencement of the development hereby approved (whichever comes first), a lease agreement must be entered into with the Department of Transport for the space proposed above the road reserve. Discussions regarding leasing of the space above RDZ1 can occur through the contact: landandproperty@roads.vic.gov.au*

Expiry

23. *This permit will expire if one of the following circumstances applies.*
 - a) *The development has not commenced within two (2) years of the date of this permit.*
 - b) *The plan of subdivision for the variation of the easements has not been certified within two (2) years of the date of this permit.*
 - c) *The development is not completed within four (4) years of the date of this permit.*

- d) *A statement of compliance is not issued for the subdivision within five years of the date of certification.*

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 proposed development. The building must meet the requirements of the Building Act 1993, Building Regulations 2018 and National Construction Code.*
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. *The provision and or consumption of liquor within the development hereby permitted must not commence until such time as a Liquor Licence has been issued, pursuant to the Liquor Control Reform Act 1988, as amended.*
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. *Council's Health Protection Unit has advised that as of 1 July 2021 Environmental Reference Standards (ERS) and the General Environmental Duty (GED) applies in relation to noise and other pollution generating sources.*
6. *Compliance is required with regard to the Environment Protection Regulations 2021 and EPA Publication 1826:4 with regard to noise limits and assessment protocol for the control of noise from commercial, industrial and trade premises and entertainment venues.*
7. *Compliance is required with regard to Noise Control Guidelines Publication 1254:2 in relation to noise from deliveries to shops, supermarkets and service stations, public address systems, commercial and industrial waste collection, mobile vendors and truck mounted refrigeration units.*
8. *Any changes to the food premises (including the Bar) must be in accordance with the Food Act 1984. Contact Council's Health Protection Unit to discuss this further.*
9. *This permit does not authorise works, material or equipment storage, or vehicle access on adjoining Crown land (Crown Allotment 11B, Section 8, Parish of Krambruk). Discussions regarding leasing of the space above the RDZ1 under Condition 22 can occur with Department of Transport through the contact: landandproperty@roads.vic.gov.au.*

CARRIED 4 : 3

DIVISION

For: Cr Graham Costin, Cr Jamie Bell, Cr Joe McCracken, Cr Margaret White

Against: Cr Kate Hanson, Cr Chris Potter, Cr Stephen Hart

Item: 8.2

PP350/2021-1 - 45 Glenn Street Warrion - Use and Development of the Land for a Dwelling

ADDRESS AND PROPERTY DETAILS	45 Glenn Street, Warrion (Lot 6 LP4452 Parish of Warrion)	APPLICATION NUMBER	PP350/2021-1
PROPOSAL	Use and Development of the Land for a Dwelling		
PERMIT TRIGGERS	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		
TRIGGER FOR DETERMINATION BY COMMITTEE	Officer recommendation for refusal of an application for a dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	Nil
COVENANTS	Nil		
CULTURAL HERITAGE	The site is not within an area of cultural heritage sensitivity.		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Map A - Property Size in Surrounding Area [8.2.1 - 1 page] 2. Map B - Dwellings on Lots in Surrounding Area [8.2.2 - 1 page] 3. Analysis of Permit History - Surrounding Area [8.2.3 - 7 pages] 4. Draft Permit Conditions if Application Approved - Not Officer Recommendation [8.2.4 - 2 pages] 		

RECOMMENDATION

That the Planning Committee resolves to Refuse to Grant a Permit for the Use and Development of the Land for a Dwelling at 45 Glenn Street, Warrion (Lot 6 LP4452 Parish of Warrion), on the following grounds:

- 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.*

RESOLUTION

MOVED Cr Graham Costin, SECONDED Cr Joe McCracken

That Council resolves to Grant a Permit for the Use and Development of the Land for a Dwelling at 45 Glenn Street Warrion (Lot 6 LP4452, V/F: 5736/177 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.*

Access

- 2. 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.*
- 3. 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

4. *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.*
5. *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

6. *An onsite 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 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

Expiry

7. *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 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 also be necessary to 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.*

CARRIED 6 : 1

Item: 8.3

PP264/2021-1 - 321 Larpent Road Cororooke - Use and Development of Land for Dwelling

ADDRESS AND PROPERTY DETAILS	321 Larpent Road, Cororooke Lot 2 LP: 217502 V/F: 9906/424 Parish of Nalangil	APPLICATION NUMBER	PP264/2021-1
PROPOSAL	Use and Development of the Land for a Dwelling and Construction of Three Agricultural Buildings		
PERMIT TRIGGERS	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, and within specified setbacks		
TRIGGER FOR DETERMINATION BY COMMITTEE	Officer recommendation for refusal of an application for a dwelling in the Farming Zone		
ZONE	Farming Zone (FZ)	OVERLAYS	None
COVENANTS	None		
CULTURAL HERITAGE	The site is not within an area of cultural heritage sensitivity.		
OFFICER	Ravi Ayyagari	GENERAL MANAGER	Ian Seuren
DIVISION	Development and Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Map A - Street Numbering of Properties in Area [8.3.1 - 1 page] 2. Map B - Existing Dwelling and Lot Layout [8.3.2 - 2 pages] 3. Draft Conditions Should Application be Approved - Not Officer Recommendation [8.3.3 - 2 pages] 4. Area Analysis Information [8.3.4 - 3 pages] 		

RECOMMENDATION

That Council resolves to Refuse to Grant a Permit for the Use and Development of Land for a Dwelling and Construction of Agricultural Building at 321 Larpent Road, Cororooke (Lot 2 LP: 217502 V/F: 9906/424 Parish of Nalangil) for the following reasons:

- 1. The proposed dwelling 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 proposed use and development of a dwelling on the 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, given that:*
 - a) It has not been adequately 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 proposed dwelling 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.*

RESOLUTION

MOVED Cr Graham Costin, **SECONDED** Cr Joe McCracken

That Council resolves to Grant a Permit for the Use and Development of the Land for a Dwelling and Construction of Three (3) Agricultural Buildings at 321 Larpent Road Cororooke (Lot 2 LP 217502, V/F 9906/424), 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.*

Access

- 2. 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.*
- 3. Prior to the initial occupation of the dwelling, 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.*

Drainage

4. *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.*
5. *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

6. *An onsite wastewater management system must be constructed concurrently with the building 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 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*

Expiry

7. *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 also be necessary to obtain a building approval for the proposed buildings.*
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.*
3. *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.*
4. *A separate application to install an onsite wastewater management system must be submitted and approved by Council's Health Protection Unit prior to the commencement of works. Should significant site constraints be observed at the permit application stage, the Health Protection Unit reserves the right to request a Land Capability Assessment by a suitably qualified person to be submitted for approval, to support a detailed system design and proposed site plan.*

CARRIED 4 : 3

The meeting was declared closed at 5.37pm

CONFIRMED AND SIGNED at the meeting held on 13 July 2022.

.....**MAYOR**