



Colac Otway  
SHIRE

**PLANNING COMMITTEE MEETING**

**MINUTES**

**Wednesday 14 September 2022**

**at 4:00 PM**

**COPACC**

**95 - 97 Gellibrand Street, Colac**



# COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 14 September 2022

## TABLE OF CONTENTS

1 Declaration of Opening of Meeting .....	3
2 Present.....	3
3 Apologies and Leaves of Absence .....	3
4 Welcome and Acknowledgement of Country.....	4
5 Declarations of Interest .....	4
6 Confirmation of Minutes .....	4
7 Verbal Submissions from applicants/objectors .....	5
8 Officer Planning Reports.....	6
8.1 PP121/2020-1 - 640 Forrest Apollo Bay Road Barramunga - Use and Development of Land for a Dwelling.....	6

# 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 September 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 Chris Potter  
Cr Margaret White

Anne Howard, Chief Executive Officer  
Andrew Tenni, General Manager Corporate Services  
Heath Chasemore, General Manager Infrastructure and Operations  
Ian Seuren, General Manager Community and Economy  
Marlo Emmitt, Manager Governance and Communications  
Dani Wright, Communications Coordinator  
Lyndal Redford, Governance Officer  
Doug McNeill, Manager Planning and Strategic Focus  
Bláithín Butler, Statutory Planning Coordinator  
Ravi Ayyagari, Statutory Planner

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

Cr Stephen Hart - Apology  
Cr Joe McCracken - Leave of absence (Council Resolution 24 August 2022)

#### 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: Planning Committee meetings are live streamed and recorded when the meeting is held either at COPACC or online. This includes the public participation sections of the meetings. When meetings are held in other locations, Council will endeavour to make available an audio recording of the meeting for community access. Matters identified as confidential items in the Agenda will not be live streamed or recorded regardless of venue or mode.

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 open Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and 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 Council Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

This meeting was livestreamed to the public via Council's YouTube channel (search Colac Otway Shire Council at [www.youtube.com](http://www.youtube.com) ).

#### 5 DECLARATIONS OF INTEREST

Nil

#### 6 CONFIRMATION OF MINUTES

- Planning Committee Meeting held on 13 July 2022.

#### RESOLUTION

*MOVED Cr Chris Potter, SECONDED Cr Jamie Bell*

*That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 13 July 2022.*

*CARRIED 5 : 0*



## 7 VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

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

### Item: 8.1 PP121/2020-1 - 640 Forrest Apollo Bay Road Barramunga - Use and Development of Land for a Dwelling

Objector: Nil

Applicant: Chelci Cox – Tapir Design and Planning  
Ian Hopkins – Property owner

Item: 8.1

**PP121/2020-1 - 640 Forrest Apollo Bay Road Barramunga -  
Use and Development of Land for a Dwelling**

<b>ADDRESS AND PROPERTY DETAILS</b>	640 Forrest Apollo Bay Road BARRAMUNGA	<b>APPLICATION NUMBER</b>	PP121/2020-1
<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 Clause 42.01-2 – ESO3 – Buildings and works Clause 44.01-2 – EMO1 – Buildings and works Clause 44.06-2 – BMO – Buildings and works associated with accommodation use Clause 52.29 - Land adjacent to the Principal Road Network		
<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	<b>OVERLAYS</b>	Environmental Significance Overlay, Schedule 3 (ESO3) - Declared Water Supply Catchments  Erosion Management Overlay, Schedule 1 (EMO1)  Bushfire Management Overlay (BMO)
<b>COVENANTS</b>	None		
<b>CULTURAL HERITAGE</b>	The site is not within an area of cultural heritage sensitivity		
<b>OFFICER</b>	Ravi Ayyagari	<b>MANAGER</b>	Doug McNeill

## Item: 8.1

# PP121/2020-1 - 640 Forrest Apollo Bay Road Barramunga - Use and Development of Land for a Dwelling

DEPARTMENT	Planning and Strategic Focus
ATTACHMENTS	<ol style="list-style-type: none"><li>1. Application Documents [8.1.1 - 146 pages]</li><li>2. Amended Plans [8.1.2 - 4 pages]</li><li>3. Landscape Master Plan [8.1.3 - 1 page]</li><li>4. Draft Conditions [8.1.4 - 5 pages]</li><li>5. Former VCAT Decision [8.1.5 - 9 pages]</li></ol>

## RECOMMENDATION

*That Council resolves to refuse to grant a permit for the use and development of the land at 640 Forrest Apollo Bay, Barramunga for a dwelling, the construction of an agricultural building and alteration of access to a road in a Transport Zone 2, on the following grounds:*

- 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 limit new housing development in rural areas by directing housing growth into existing settlements, 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.*
- 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 Jamie Bell*

*That Council resolves to Grant a Permit for the Use and Development of the Land for a Dwelling and Construction of One Agricultural Building at 640 Forrest Apollo Bay Road, Barramunga (Lot 1 PS 434773, V/F 10577/741), 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.**

#### **Compliance with Geotechnical Assessment**

- 2. The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment Report by AGR GeoSciences Pty Ltd (ref: 21G683GTA, dated 02/08/2021) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.**

#### **Access**

- 3. Prior to the commencement of use or the occupation of the development, the driveway within the subject site must be constructed to an all-weather standard to the satisfaction of the Responsible Authority and must have a minimum width of 3 metres.**

#### **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. All works and development associated with this permit must be carried in accordance with the Land Capability Assessment produced by Beata Lorincz, Report No. LCA06102021 dated October 2021 unless otherwise agreed in writing by the Responsible Authority.**
- 7. 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.**

#### **Protection of existing native vegetation**

- 8. To prevent damage to existing native vegetation on site, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation in accordance with the endorsed plans. 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, surface water runoff areas or areas infested with weeds.**

#### **CFA**

- 9. The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.**



10. *Before the development starts, an amended Bushfire Management Plan must be submitted to and endorsed by the Responsible Authority. Once endorsed the plan must not be altered unless agreed to in writing by CFA and the Responsible Authority. The plan must be generally in accordance with plan prepared by Beacon Ecological (Bushfire Management Statement, 640 Forrest Apollo Bay Road, Barramunga, Appendix 3, dated 07/05/21) but modified to:*

- *Show '13m' of defensible space on the map to the south west, consistent with the conditions listed under 'Defensible Space Management'.*
- *Replace the wording under the heading "Bushfire Shelter" with:*

*"Prior to the occupation of the dwelling a private bushfire shelter (a Class 10c building within the meaning of the Building Regulations 2018) will be:*

- *Constructed in the location shown on this plan in accordance with the Building Regulations 2018.*
- *Available for use by the occupants of the dwelling at all times.*
- *Maintained in accordance with the requirements of the building permit issued for that private bushfire shelter."*

#### *Department of Transport*

11. *Prior to the commencement of construction of the dwelling, the crossover and driveway are to be constructed to the satisfaction of the Head, Transport for Victoria in accordance with VicRoads guideline drawing GD4010 Typical Access to Rural Properties (attached) to cater for an 8.8m service vehicle as detailed in Table 2 - Access Setout Details (or CFA requirement) as shown on the guideline drawing.*

12. *Should these works impact existing significant vegetation or areas of biological significance, appropriate environmental clearances must be obtained.*

#### *Barwon Water*

13. *The following shall be undertaken to the requirements of Barwon Water and to the satisfaction of the responsible authority:*

- i. *Wastewater treatment is to achieve a minimum water quality standard of 20mg/L BOD, 30mg/L SS and 10 orgs/100ml, i.e. secondary treatment, via an EPA approved all-wastewater treatment system.*
- ii. *Effluent disposal must be undertaken via a subsurface irrigation system designed and installed by a wastewater irrigation expert as recommended in the Beata Lorincz Land Capability Assessment – Report No. LCA06102021, dated October 2021.*
- iii. *All components of the wastewater management system including the effluent disposal area must be located at least 100m from any surface waterway.*
- iv. *All stormwater must be directed away from the effluent disposal area and roof stormwater must not be disposed to the effluent disposal area.*
- v. *Monitoring, Operation and Maintenance must be undertaken in accordance with Beata Lorincz Land Capability Assessment – Report No. LCA06102021, dated October 2021.*

- vi. *The effluent disposal field must be protected by being isolated from any building, driveway, livestock, and vehicles.*
- vii. *Sediment control measures as outlined in the EPA's publication No 275 Sediment Pollution Control shall be employed during the construction of the dwelling and maintained until the disturbed area has regenerated.*
- viii. *Prior to a certificate of occupancy being issued for the dwelling the owner must enter into an agreement with the Responsible Authority and Barwon Water in accordance with Section 173 of the Planning and Environment Act 1987 requiring that:*
  - a. *The Owner is to enter into a service contract to have any wastewater treatment facility and effluent disposal system for the dwelling inspected and maintained in accordance with the EPA Certificate of Approval for the installed system.*
  - b. *The Owner must provide to Barwon Water and the Responsible Authority an annual report on the condition and operation of the wastewater treatment system which documents the effluent quality achieved and provides laboratory, inspection and maintenance reports for the preceding 12 months.*
  - c. *The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by Council's Environmental Health Officer. Evidence of this desludging shall be provided in the annual report referred to in Clause (b) here in.*
  - d. *The Owner shall carry out any works considered necessary by the service contractor to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.*
  - e. *The Owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.*
  - f. *The Owner and the Responsible Authority agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.*
  - g. *The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c), (d), and (e) herein and all costs of the Responsible Authority in relation to stamping and registration of this Agreement.*
  - h. *The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (f) herein.*

14. *Barwon Water require the Section 173 to be signed by the Managing Director and Company Secretary and to state the following:*

*THE COMMON SEAL of the BARWON REGION WATER CORPORATION was hereunto affixed in the presence of.*

*Wannon Water*

15. *The following shall be undertaken to the requirements of Wannon Water and to the satisfaction of the responsible authority:*
- i. *Wastewater treatment is to achieve a minimum water quality standard of 20mg/L BOD, 30mg/L SS and 10 orgs/100ml, i.e. secondary treatment, via an EPA approved all-wastewater treatment system.*



- ii. *Effluent disposal must be undertaken via a subsurface irrigation system designed and installed by a wastewater irrigation expert to a Land Application Area sized to a minimum of 280m<sup>2</sup> as stated in the Land Capability Assessment received 2 February, 2022*
- iii. *All water supply fittings and fixtures having a 3 star WELS rating or better.*
- iv. *All components of the wastewater management system including the effluent disposal area must be located at least 100m from any surface waterway.*
- v. *All stormwater must be directed away from the effluent disposal area and roof stormwater must not be disposed to the effluent disposal area.*
- vi. *Monitoring, Operation and Maintenance must be undertaken in accordance with relevant standards.*
- vii. *The effluent disposal field must be protected by being isolated from any building, driveway, livestock, and vehicles with appropriate buffers.*
- viii. *Sediment control measures as outlined in the EPA's publication No 275 Sediment Pollution Control shall be employed during the construction of the dwelling and maintained until the disturbed area has regenerated. The use, storage and disposal of fuel and chemicals; these must be stored in their own, labelled containers above flood levels to avoid water contamination in flood or overland flow events. Bunds should be used when transferring fuels or chemicals and spill kits utilised if spilt outside of the bund.*
- ix. *Prior to a certificate of occupancy being issued for the dwelling the owner must enter into an agreement with the Responsible Authority and Barwon Water in accordance with Section 173 of the Planning and Environment Act 1987 requiring that:*
  - a. *The Owner is to enter into a service contract to have any wastewater treatment facility and effluent disposal system for the dwelling inspected and maintained in accordance with the EPA Certificate of Approval for the installed system.*
  - b. *The Owner must provide to the Responsible Authority an annual report on the condition and operation of the wastewater treatment system which documents the effluent quality achieved and provides laboratory, inspection and maintenance reports for the preceding 12 months.*
  - c. *The Owner shall have the wastewater treatment facility desludged at least once every 3 years or as otherwise determined by Council's Environmental Health Officer. Evidence of this desludging shall be provided in the annual report referred to in Clause (b) here in.*
  - d. *The Owner shall carry out any works considered necessary by the service contractor to ensure the satisfactory operation of the wastewater treatment facility and effluent disposal system.*
  - e. *The Owner will maintain all drainage lines at all times to divert surface water and subsurface water clear of the effluent disposal field.*
  - f. *The Owner and the Responsible Authority agree to do all things necessary to register a memorandum of this Agreement on the title of the land pursuant to Section 181 of the Planning and Environment Act 1987.*



- g. The Owner shall meet all costs of inspections, reports and works referred to in Clauses (a), (b), (c), (d), and (e) herein and all costs of the Responsible Authority in relation to stamping and registration of this Agreement.*
- h. The Owner shall not sell or enter into any contract to sell the land until this Agreement has been registered pursuant to Clause (f) herein.*

**Expiry**

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

- a) The development is not commenced within two years of the date of this permit.*
- b) The development is not completed, and use is not commenced, within four 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. Prior to commencing any works, a legal point of discharge (LPOD) must be obtained in accordance with Building Regulation 133.**
- 3. 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.**
- 4. Council's Health Protection Unit reserves the right to request the Land Capability Assessment to be amended or updated and submitted for approval by a suitably qualified person to support a detailed system design and proposed site plan at the permit application stage. The size and dimensions of the land application area will be finalised at the permit (PTI) stage.**

**CARRIED: 5 : 0**

*The meeting was declared closed at 4.36pm.*

**CONFIRMED AND SIGNED** at the meeting held on 12 October 2022.

A handwritten signature in blue ink, appearing to read "C. Henon", is written over a horizontal dotted line.

**MAYOR**