



Colac Otway
SHIRE

SUBMISSIONS COMMITTEE MEETING

AGENDA

Wednesday 2 August 2023

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

Wednesday 2 August 2023

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COLAC OTWAY SHIRE SUBMISSIONS COMMITTEE MEETING

NOTICE is hereby given that the next **SUBMISSIONS COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on Wednesday 2 August 2023 at 4:00 PM.

AGENDA

1 DECLARATION OF OPENING

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

4 WELCOME AND ACKNOWLEDGEMENT OF COUNTRY AND REASON FOR MEETING

Colac Otway Shire acknowledges the original custodians and law makers of this land, their elders past and present and welcomes any descendants here today.

RECORDING AND PUBLICATION OF MEETINGS

Please note: All Submissions Committee meetings 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 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 Submissions Committee 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 Submissions 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 meetings will be permitted without specific approval by resolution of the relevant meeting.

This meeting will be livestreamed to the public via Council's You Tube channel (search Colac Otway Shire Council at www.youtube.com).

The sole purpose of this Submissions Committee meeting is to hear persons who indicated they wish to speak in support of their written submissions to PP329/2022-1 - 465 Birregurra Forrest Road, Birregurra - Two Lot Subdivision.

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

- **Submissions Committee meeting held on Wednesday 14 June 2023.**

RECOMMENDATION

That the Submissions Committee confirm the minutes of the Submissions Committee meeting held on Wednesday 14 June 2023.

7 VERBAL SUBMISSIONS

The Mayor is to read out the names of the people who have confirmed 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 limit of 5 minutes will apply.

Item: 8.1

PP329/2022-1 - 465 Birregurra Forrest Road, Birregurra - Two Lot Subdivision

OFFICER	Vikram Kumar
CHIEF EXECUTIVE OFFICER	Anne Howard
DIVISION	Executive
ATTACHMENTS	1. Application Documents [8.1.1 - 4 pages]

1. PURPOSE

To hear verbal submissions from the applicant and objectors about the planning application for a two lot subdivision of land at 465 Birregurra Forrest Road, Birregurra.

The role of the Submissions Committee is to hear submissions. The committee has no authority to make a decision about the application.

2. EXECUTIVE SUMMARY

The land is part of a large farm in the Farming Zone on the corner of Birregurra Road and Deepdene Road, south of Birregurra. The application seeks a planning permit for re-subdivision of existing titles into two (2) new lots. The re-subdivision would result in two lots of 40.04ha (Lot 1) and 216.5ha (Lot 2). Its purpose is to separate the existing two dwellings onto separate lots.

The application was subject to public notice and four objections were received. The application was also referred to both internal departments of Council and external authorities. There were no objections subject to recommended conditions being included on any permit issued.

It is intended that the application will be determined when an officer report and recommendation is considered at the 9 August 2023 Planning Committee meeting.

3. RECOMMENDATION

That the Submissions Committee:

- 1. Acknowledges and notes the verbal comments made in support of written submissions.*
- 2. Thanks the submitters and the applicant for their contribution to the submission process.*
- 3. Having heard all persons wishing to speak to their submissions, recommends that Council consider all submissions at the 9 August 2023 Planning Committee meeting.*

4. KEY INFORMATION

The subject land is on the north east corner of the intersection of Birregurra Forrest Road and Deepdene Road, south of Birregurra. The map below shows the location of the site.



The aerial photo below shows the subject land:



The overall property comprises eight lots with a total area of 358.3 ha but not all of this land is included in the proposal. Land forming part of this application is identified as Lot 1 PS839570 (257.3ha) and Lot 1 TP250255 (0.8ha). The 257.3ha lot contains the existing two dwellings and associated infrastructure and shedding, whereas the smaller 0.8ha lot is a small undeveloped lot located along the Birregurra Forrest Road towards the south.

The application seeks a planning permit for a re-subdivision of two existing titles into two new lots. The re-subdivision would result in two lots of 40.04ha (Lot 1) and 216.5ha (Lot 2). Its purpose is to separate the existing two dwellings onto separate lots with their associated farming activities, infrastructure, septic system, and shedding such as outbuildings/agricultural buildings. Both the lots would utilise the existing crossover, accessed from Birregurra-Forrest Road. A 6m wide carriageway easement (E-3) is proposed over this access-way in favour of proposed Lot 2, and it would be shared between both lots. Both lots would continue to have frontage to Deepdene Road to the south.

The proposed subdivision is shown as per the plan below:

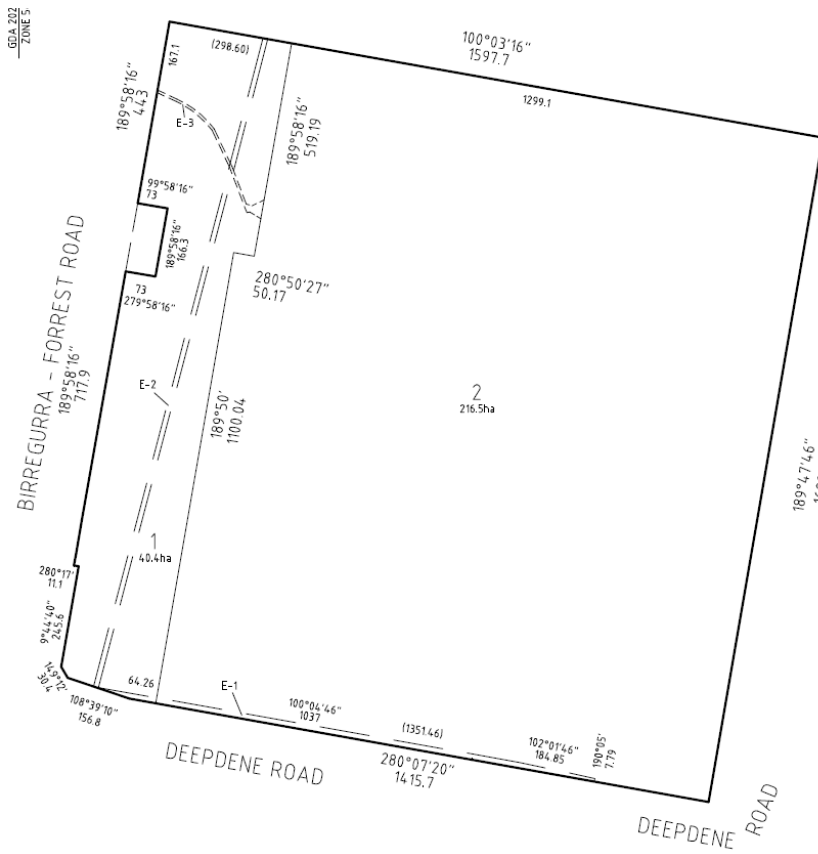


Fig.1 – Proposed plan of subdivision

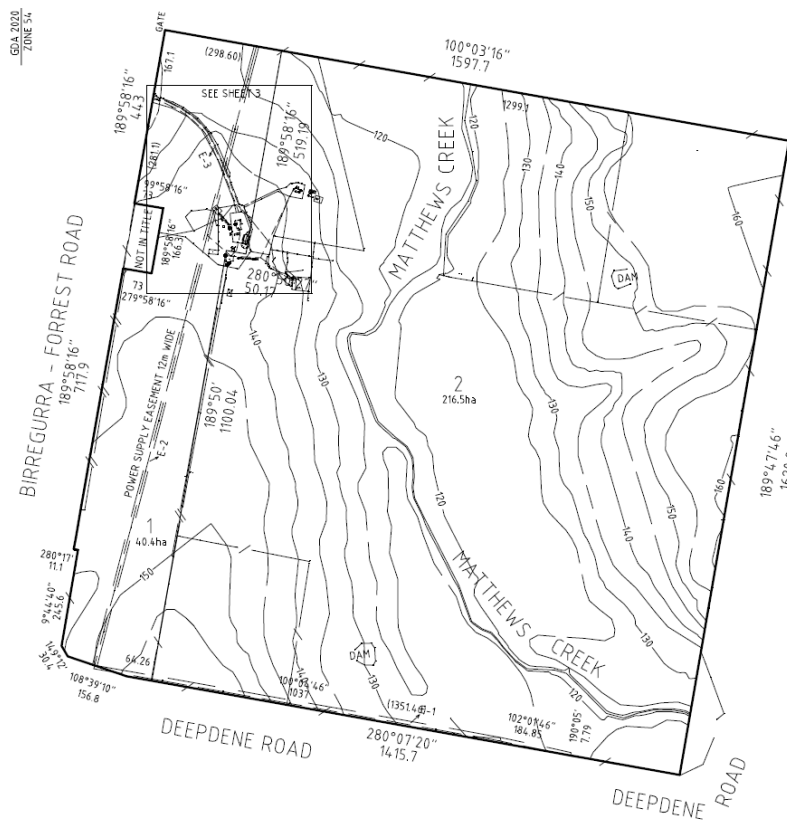


Fig.2 – Feature plan.

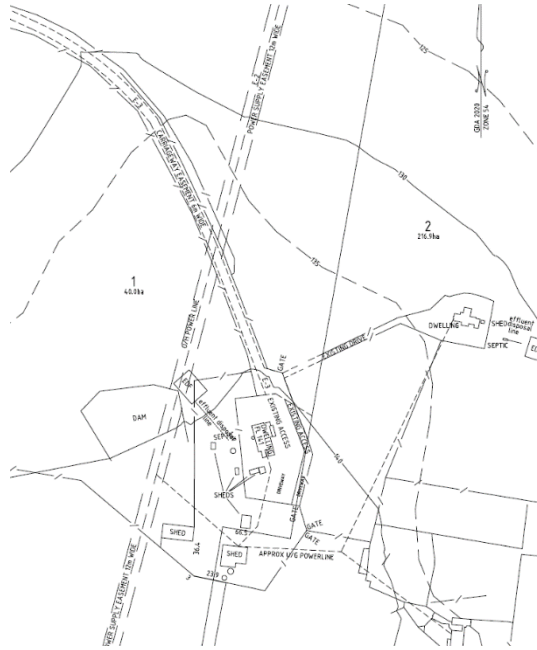


Fig.3 – Enlarged section of proposed plan of subdivision

Public notice was given for the application in the form of a site notice and letters to adjoining landowners/occupiers. The four (4) objections received were from co-owners of the property, or people directly associated with these co-owners. The grounds of objection are summarised as:

- a) Proposal does not meet the purpose and guidelines of the Farming Zone (Clause 35.07).
- b) Lot 1 will prejudice agricultural operations in proposed Lot 2 and diminish its agricultural productivity.
- c) The proposal will cause a significant farm to be fragmented.
- d) Farm subdivision and fragmentation can lead to a shift in land use from primary production to rural residential uses, increasing the risk of land use conflict.
- e) Proposed Lot 1 is considered too small to effectively carry out the current agricultural activity and will not provide a viable farming enterprise.
- f) The proposed Lot 1 does not have enough land around the dwelling to buffer adjoining agricultural operations in Lot 2, with potential to cause amenity conflict.
- g) The shared driveway could cause amenity conflict given the 24 hour nature of farming activities.
- h) The subdivision would interrupt water supplies currently available across the property.
- i) If proposed Lot 2 is sold it is likely that future owners would want a new dwelling to be constructed for farm management.
- j) The objector disputes claims by the applicant that lot sizes in the area are around 40ha.
- k) Inadequate notice was given of the planning application.
- l) More detail was requested of the measurements of the proposed Lot 1 and it was claimed that the application does not contain sufficient detail.

5. CONSIDERATIONS

Overarching Governance Principles (s(9)(2) LGA 2020)

This report aligns with relevant Governance Principles by seeking to ensure that those who have made submissions on the planning application, including the applicant and those objecting to the proposal under Section 57 of the *Planning and Environment Act 1987*, also have the opportunity to do so verbally to Councillors as the decision-makers in this case.

Policies and Relevant Law (s(9)(2)(a) LGA 2020)

This report has had regard to the provisions of the *Planning and Environment Act 1987* and the Colac Otway Planning Scheme. A full report with an officer assessment of the proposal will be presented to a future Planning Committee meeting for consideration.

Environmental and Sustainability Implications (s(9)(2)(c) LGA 2020)

Any environmental and sustainability implications will be considered as part of the future officer report assessing the proposal.

Community Engagement (s56 LGA 2020 and Council's Community Engagement Policy)

Landowners and residents of land surrounding the application site were notified of the application and a sign placed at the property entry. Four objections from co-owners of the land were received.

Public Transparency (s58 LGA 2020)

A Submissions Committee meeting provides an opportunity for people to speak to their submission, providing further clarity around key points they wish to convey to Councillors. The applicant and objectors will also be invited to attend any future publicly held Planning Committee meeting at which the decision on the application will be made. The officer report on the application will be made publicly available prior to that meeting.

Alignment to Plans and Strategies

The officer report presented to a future Planning Committee meeting will make an assessment of how the proposal meets relevant planning policy.

Financial Management (s101 Local Government Act 2020)

Not applicable to this report.

Service Performance (s106 Local Government Act 2020)

Not applicable to this report.

Risk Assessment

Not applicable to this report.

Communication/Implementation

Following the Submissions Committee meeting, a report on the planning application will be presented at a Planning Committee meeting for consideration. This will have regard to submissions received during the processing of the application. All submitters will be advised of the meeting date.

Human Rights Charter

No impact.


Officer General or Material Interest

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

Options

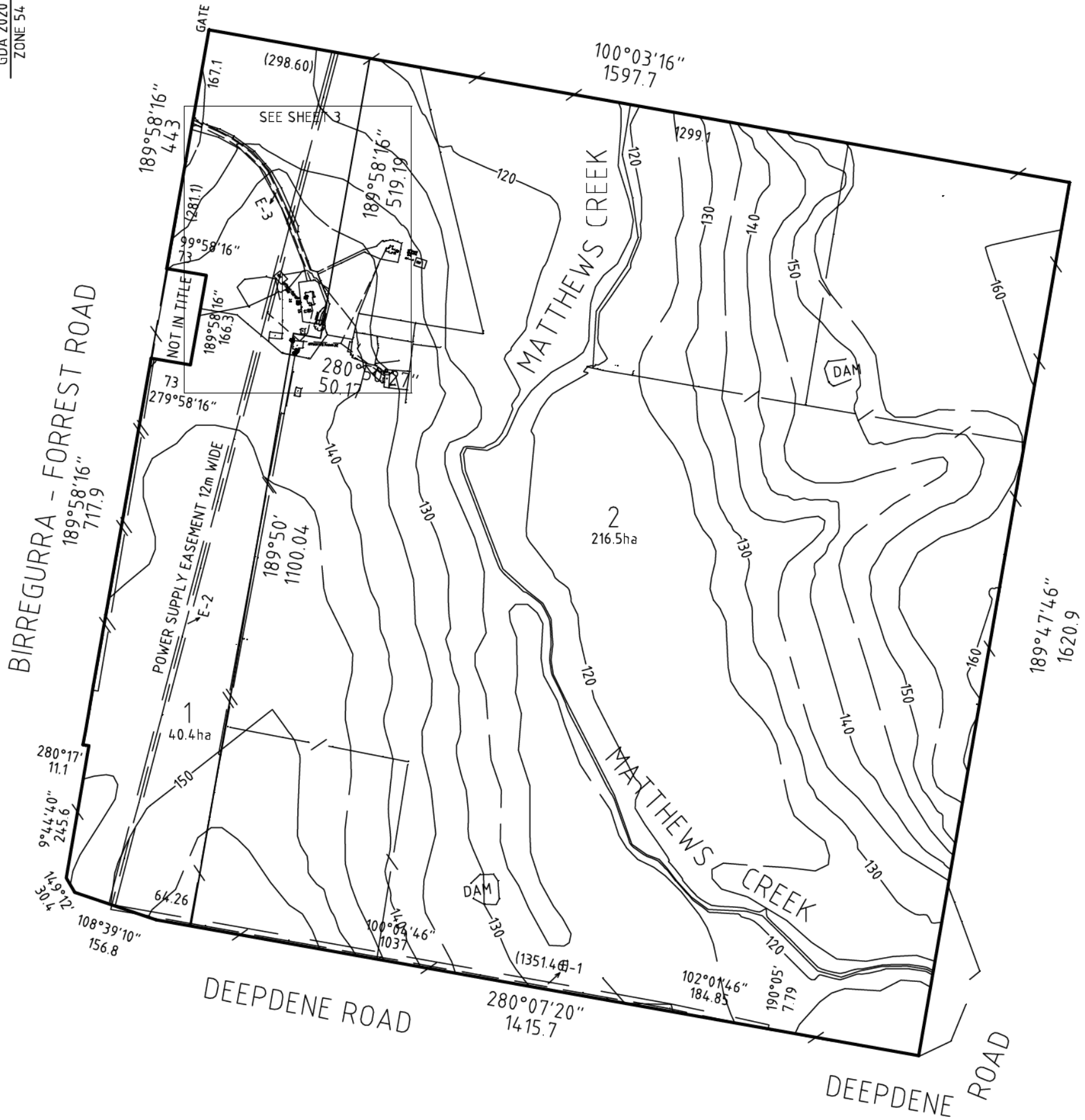
Option 1 – Note the verbal submissions


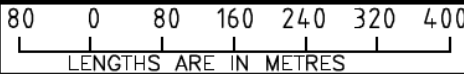
This option is recommended by officers, as the purpose of the meeting is to hear verbal submissions. The merits of the planning application will be considered at a future Planning Committee meeting.

PLAN OF SUBDIVISION		EDITION 1		PS 915328N	
LOCATION OF LAND PARISH: WHOOREL TOWNSHIP: – SECTION: – CROWN ALLOTMENT: 5 (PART), 6, 7, 8 CROWN PORTION: – TITLE REFERENCE: 09813/178 LAST PLAN REFERENCE: 2/LP211723W, 1/TP250255F POSTAL ADDRESS: 465 BIRREGURRA – FORREST ROAD (at time of subdivision) BIRREGURRA 3242 MGA2020 CO-ORDINATES: E: 743360 ZONE: 54 (of approx centre of land N: 5748599 GDA 2020 in plan)		COLAC OTWAY SHIRE			
VESTING OF ROADS AND/OR RESERVES			NOTATIONS		
IDENTIFIER		COUNCIL/BODY/PERSON			
NIL		NIL			
NOTATIONS					
DEPTH LIMITATION NIL					
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. – This survey has been connected to permanent marks No(s). 6, 26 In Proclaimed Survey Area No. –					
EASEMENT INFORMATION					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1 E-2 E-3	POWERLINE POWERLINE CARRIAGEWAY	SE PLAN 6m 6m	C/E J185425 THIS PLAN THIS PLAN	STATE ELECTRICITY COMMISSION OF VICTORIA POWERCOR AUSTRALIA LTD LOT 2 ON THIS PLAN	
Rodney Martin & Associates Pty.Ltd.		SURVEYORS FILE REF: 22082		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 2
 GEELONG WEST A.C.N. 053 461 073 236 Latrobe Terrace, Geelong West 3218. Ph.(03)52 293788, RMSURVEYING.COM		[REDACTED] VERSION 4			

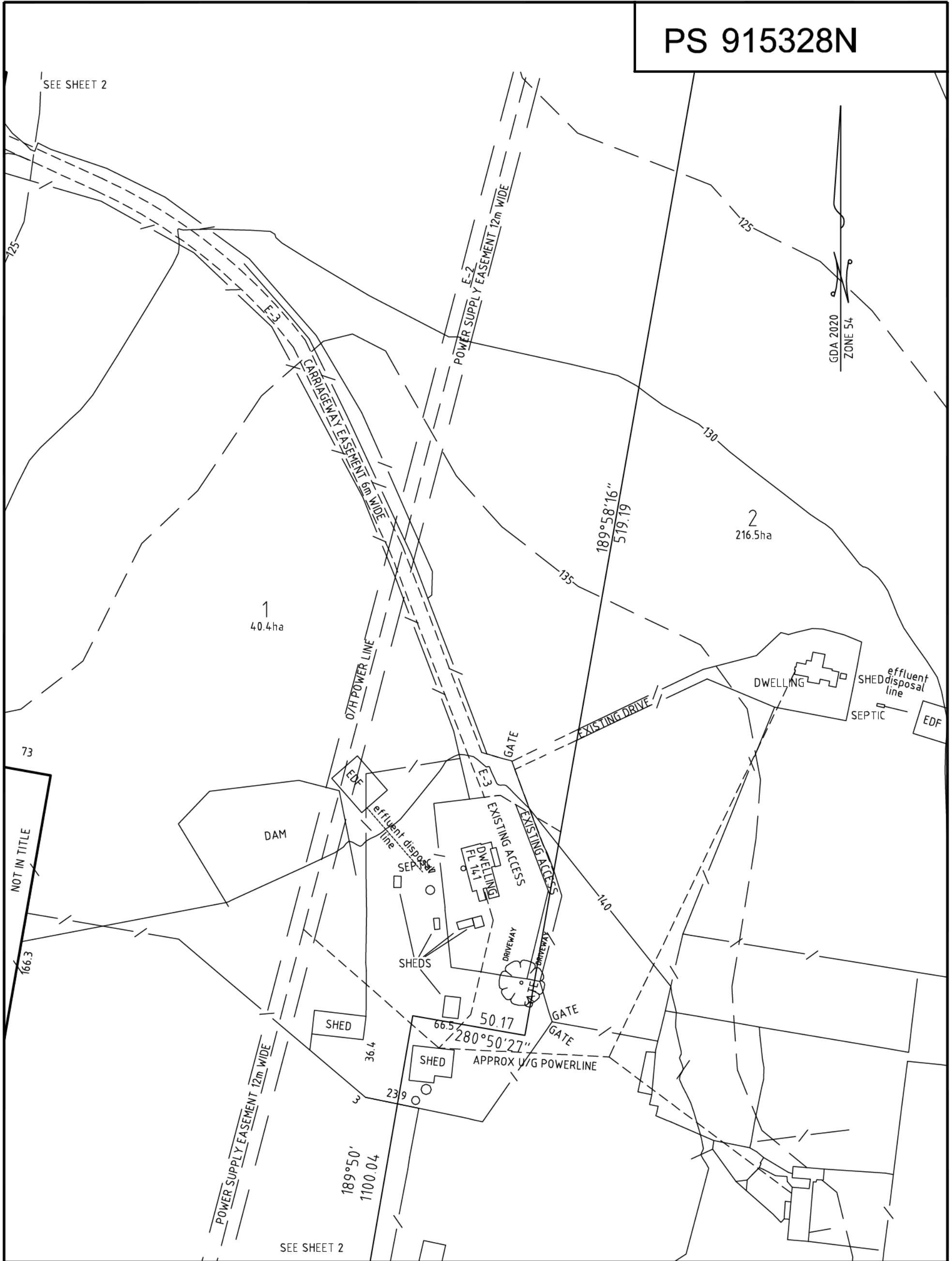
PS 915328N


GDA 2020
ZONE 54



<p>Rodney Martin & Associates Pty.Ltd.</p> <p>GEELONG WEST  A.C.N. 053 461 073</p> <p>236 Latrobe Terrace, Geelong West 3218. Ph.(03)5229 3788</p>	<p>SCALE 1:8000</p>  <p>LENGTHS ARE IN METRES</p> <p>VER 4</p>	<p>ORIGINAL SHEET SIZE: A3</p> <p>Sheet 2</p> <p>NOTES: DATE OF SURVEY 10/10/2022-11/10/2022 CONTOUR INTERVAL IS 5m HEIGHTS ARE TO AHD</p>
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PS 915328N



<p>Rodney Martin & Associates Pty.Ltd.</p> <p>GEELONG WEST  A.C.N. 053 461 073</p> <p>236 Latrobe Terrace, Geelong West 3218. Ph.(03)5229 3788</p>	<p>SCALE 0 15 30 45 60 75 1:1500</p> <p>LENGTHS ARE IN METRES</p> <p>VER 4</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>Sheet 3</p> <p>NOTES: DATE OF SURVEY 10/10/2022-11/10/2022 CONTOUR INTERVAL IS 5m HEIGHTS ARE TO AHD</p>
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