



PLANNING COMMITTEE MEETING

AGENDA

WEDNESDAY 11 JULY 2018

AT 4PM

COPACC

COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

11 JULY 2018

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COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

NOTICE is hereby given that the next **PLANNING COMMITTEE MEETING OF THE COLAC OTWAY SHIRE COUNCIL** will be held at COPACC on 11 July 2018 at 4pm.

AGENDA

1. I DECLARE THIS MEETING OPEN

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

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

Colac Otway Shire encourages community input and participation in Council decisions.

Council meetings enable Councillors to debate matters prior to decisions being made. I ask that we all behave in a courteous manner.

All Council and Committee meetings are audio recorded, with the exception of matters identified as confidential items in the Agenda. This includes the public participation sections of the meetings.

Audio recordings of meetings are taken to facilitate the preparation of the minutes of open Council and Committee meetings and to ensure their accuracy.

In some circumstances a recording will be disclosed to a third party. Those circumstances include, but are not limited to, circumstances, such as where Council is compelled to disclose an audio recording because it is required by law, such as the Freedom of Information Act 1982, or by court order, warrant, or subpoena or to assist in an investigation undertaken by the Ombudsman or the Independent Broad-based Anti-corruption Commission.

Council will not use or disclose the recordings for any other purpose. It is an offence to make an unauthorised recording of the meeting.

5. DECLARATIONS OF INTEREST

6. CONFIRMATION OF MINUTES

- **Planning Committee Meeting held on 13 June 2018.**

Recommendation

That the Planning Committee confirm the above minutes.

7. VERBAL SUBMISSIONS FROM APPLICANTS/OBJECTORS

The Mayor is to read out the names of those applicants and objectors who have confirmed in writing that 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 time limit of five minutes will apply.

PLANNING COMMITTEE

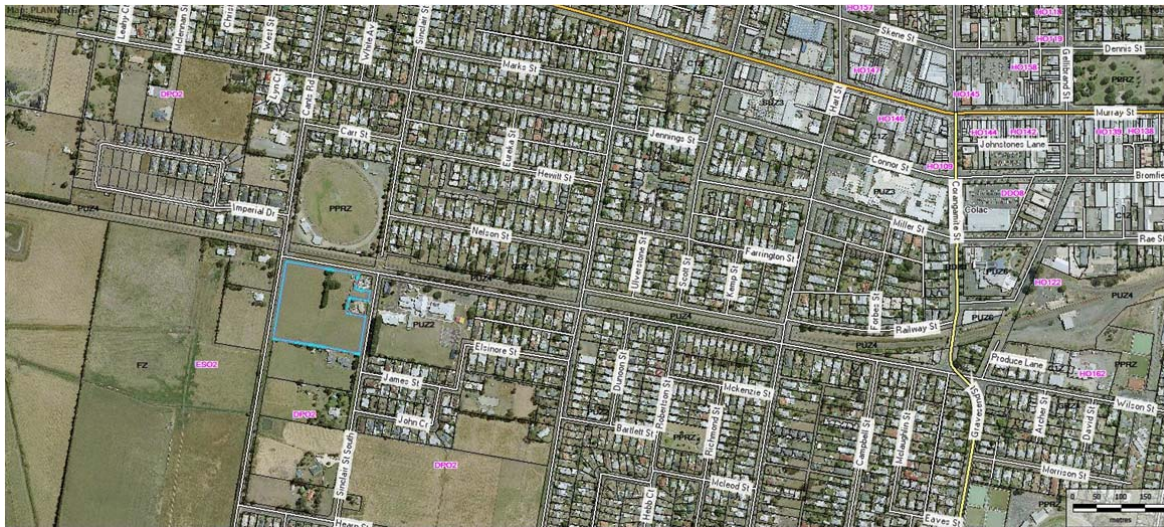
SUBDIVISION OF LAND INTO THREE LOTS AT 250 WILSON STREET, COLAC

PC181107-1

ADDRESS AND PROPERTY DETAILS	250 Wilson Street, Colac	GENERAL MANAGER	Gareth Smith
PREPARED BY	Helen Evans	TRIM FILE	F18/2712
DIVISION	Development & Community Services	CONFIDENTIAL	No
PERMIT TRIGGERS	Clause 32.08-3 – Subdivision of Land		
TRIGGER FOR DETERMINATION BY COMMITTEE	Five objections received		
APPLICATION NUMBER	PP57/2018-1		
PROPOSAL	Subdivision of Land into Three (3) Lots		
ZONE	General Residential 1 Zone	OVERLAYS	Nil
COVENANTS	Not Applicable		
LIST OF ATTACHMENTS	1. Permit Application		
CULTURAL HERITAGE	Not Applicable		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. EXECUTIVE SUMMARY

A planning permit is sought to subdivide the subject land into three lots. The land is located between Sinclair Street South and Cants Road, at the western boundary of the General Residential zoned area of Colac and to the south of the railway line. Proposed Lot 1, which would have an area of 6,444m², would have vehicle access from Wilson Street. Lot 2 would have an area of 6,443m² and vehicle access from Cants Road. Lot 3 would be a larger lot of 1.393ha, with dual frontage to Sinclair Street South and Wilson Street. Five (5) objections were received in response to public notice.

Consideration of this application must have regard to clause 56 (Residential Subdivision) of the planning scheme. The concerns raised by local residents about the potential impacts of the

subdivision were also a key consideration when assessing the proposal. However, having regard to planning policy on subdivision, the purpose of the zone and the referral responses received, it is considered that any potential impacts would be acceptable.

It is considered a Notice of Decision to Grant a Permit could reasonably be issued for the proposed subdivision of land.

3. RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the subdivision of land into three (3) lots at 250 Wilson Street Colac (Lot S2 PS600535P, Parish of Colac), subject to the following conditions:

Endorsed plan

- 1. The layout and site dimensions of the subdivision hereby permitted, as shown on the endorsed plan/s, must not be altered or modified without the written consent of the Responsible Authority. There are no requirements to alter or modify the endorsed plan if a plan is certified under the provisions of the Subdivision Act 1988 that is generally in accordance with the endorsed plan/s.*

Creation of easements

- 2. 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.*

Erosion Control Plan

- 3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, unless otherwise approved in writing by the Responsible Authority, an 'Erosion Control Plan' must be submitted to and approved by the Responsible Authority. The plan must describe the erosion and sediment control techniques that will be used when constructing the subdivision, detail how the site will be managed prior to and during the construction period and must set out requirements for managing:
 - a) Erosion and sediment.
 - b) Dust.
 - c) Runoff
 - d) Litter, concrete and other construction wastes.
 - e) Chemical contamination.
 - f) Vegetation and natural features planned for retention.*

The developer must ensure that all contractors are aware of the requirements of the approved Erosion Control Plan and understand how to implement them. No polluted and/or sediment laden runoff is to be discharged directly or indirectly into Colac Otway Shire drains and/or watercourses at any time during construction or operation to the satisfaction of the Responsible Authority.

Landscaping

- 4. Prior to certification of the plan of subdivision under the Subdivision Act 1988, unless otherwise approved in writing by the Responsible Authority, a Landscape Master Plan 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 plan must be drawn to scale with dimensions and three copies must be provided. The Landscape Master Plan must include:

- a) The species, location, approximate height and spread of planting (where appropriate) including all street trees. All species selected must be to the satisfaction of the Responsible Authority.*
 - b) Four street trees along Wilson Street, in locations to the satisfaction of the Responsible Authority.*
 - c) The promotion of the use of drought tolerant and low maintenance plants, and avoidance of species that are likely to spread into the surrounding environment.*
 - d) Details of implementation of the planting and of the maintenance of the trees (for two years), including an undertaking to replace dead trees.*
- 5. Prior to the issue of Statement of Compliance, or as otherwise agreed in writing with the Responsible Authority, the Landscape Master Plan must be implemented to the satisfaction of the Responsible Authority at the expense of the applicant.*
 - 6. The street trees must be maintained in accordance with the detail in the Landscape Master Plan for a period of two years at the applicant's expense. Prior to Statement of Compliance being issued, a landscaping bond equivalent to \$150 per tree must be lodged with the Responsible Authority for the maintenance of the landscaping works in accordance with the endorsed plan for a two year period.*
 - 7. Upon completion of the two year maintenance period to the satisfaction of the Responsible Authority, the Responsible Authority may refund the landscaping bond after receiving a written request from the applicant. In the event that the landscaping works are not maintained to the satisfaction of the Responsible Authority, the Responsible Authority may complete or maintain the landscaping works and deduct the cost thereof, including supervision fee, from any bond lodged in accordance with condition 6 of this permit.*

Construction Plans

- 8. Prior to the issue of Statement of Compliance under the Subdivision Act 1988, unless otherwise approved in writing by the Responsible Authority, a service vehicle plan showing the movement of a typical waste vehicle for the proposed lots accessed from Cants Road, with no reversing of the waste vehicle other than by 3 point turns must be submitted to and approved by the Responsible Authority*
- 9. Prior to the commencement of any works associated with the subdivision, detailed construction plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and form part of the planning permit. The plans must be drawn to scale with dimensions and three copies provided. The plans must include:*
 - a) Design for a footpath conforming to the requirements of the adopted Infrastructure Design Manual, between Cants Road and Sinclair Street South, including provision of kerb ramps at kerb returns and the installation of Tactile Ground Surface indicators as necessary.*
 - b) Details of vehicle crossover*

c) Locations of street trees as required under Landscaping Plan.

Stormwater Management Plan

10. Prior to commencement of any works associated with the subdivision hereby permitted, a stormwater management plan demonstrating how the proposed subdivision will be drained to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will form part of the planning permit. The plans must be drawn to scale with dimensions and three copies must be provided.

Drainage

11. Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.

Access

12. Prior to the issue of a statement of compliance under the Subdivision Act 1988, vehicular access from the roadway to the property boundary must be constructed to the satisfaction of the Responsible Authority.

Compliance with Construction and Stormwater Management Plans

13. Prior to the issue of statement of compliance under the Subdivision Act 1988, or as otherwise agreed in writing with the Responsible Authority and subject to a payment of a bond, all works associated with the Construction Plans and drainage must be constructed in accordance with the approved plans and specifications, to the satisfaction of the Responsible Authority.

The bond would be calculated by Council following receipt from the owner of an independent cost estimate for the proposed footpath and drainage works, and payment of a bond amount of 150% of that cost estimate would be required, to the satisfaction of Council.

In the event the works are completed to the satisfaction of the Responsible Authority after statement of compliance has been issued and a bond has been paid, the Responsible Authority will refund the bond after receiving a written request from the applicant. In the event that the works are not completed by 31 May 2019 to the satisfaction of the Responsible Authority, the Responsible Authority may complete the works and deduct the cost thereof, including supervision fee, from any bond lodged.

Submission of Drawings

14. Prior to the statement of compliance for the subdivision or as otherwise agreed in writing with the Responsible Authority, the following drawings and information must be submitted to the Responsible Authority:

- **Copies of the as constructed engineering footpath drawings in the following format: one (1x) A3 print, one (1x) LandXML file with MGA Co-ordinates.**
- **Survey enhanced digital data for the asset information component of the subdivision, in accordance with the current version of the relevant A-SPEC format. The preferred formats are Mif/mid or Shape file.**

Telecommunications

15. The owner of the land must enter into an agreement with:

- **a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and**

- *a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*
16. *Before the issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:*
- *a telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and*
 - *a suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.*

Barwon Water conditions

General

17. *The plan of subdivision must be referred to Barwon Water in accordance with the Subdivision Act 1988 and any subsequent amendments to the plan provided to Barwon Water.*
18. *The owner shall create easements for Pipelines or Ancillary Purposes in Favour of Barwon Region Water Corporation over all existing and proposed sewer mains located within the subdivision. The width of these easements shall be 2.0m.*

Potable Water

19. *The provision and installation of a potable water supply to the development.*
20. *Reticulated potable water mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
21. *New Customer Contributions are payable for water for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development that is or can be separately metered for a potable water supply.*

Sewer

22. *The provision and installation of a sewerage service to the development.*
23. *Reticulated sewer mains are required. This work must be undertaken by a Barwon Water accredited Consultant and accredited Contractor following the "Developer Works" process.*
24. *New Customer Contributions are payable for sewer for each additional connection which includes any new lot on a plan of subdivision and/ or any apartment, unit, or premises within the development (that is or can be separately metered for a potable water supply).*

CFA conditions

Hydrants

25. Prior to the issue of a Statement of Compliance under the Subdivision Act 1988 the following requirements must be met to the satisfaction of the CFA:

- a) Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.**
- b) The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.**

Powercor conditions

26. The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to Powercor Australia Ltd in accordance with Section 8 of that Act.

27. The applicant shall:

- a) Provide an electricity supply to all lots in the subdivision in accordance with Powercor's requirements and standards, including the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor (A payment to cover the cost of such work will be required). In the event that a supply is not provided the applicant shall provide a written undertaking to Powercor Australia Ltd that prospective purchasers will be so informed.**
- b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Service and Installation Rules issued by the Victorian Electricity Supply Industry. You shall arrange compliance through a Registered Electrical Contractor.**
- c) Any buildings must comply with the clearances required by the Electricity Safety (Installations) Regulations.**
- d) Any construction work must comply with Energy Safe Victoria's 'No Go Zone' rules.**
- e) Set aside on the plan of subdivision for the use of Powercor Australia Ltd reserves and/or easements satisfactory to Powercor Australia Ltd where any electric substation (other than a pole mounted type) is required to service the subdivision.**

Alternatively, at the discretion of Powercor Australia Ltd a lease(s) of the site(s) and for easements for associated powerlines, cables and access ways shall be provided. Such a lease shall be for a period of 30 years at a nominal rental with a right to extend the lease for a further 30 years. Powercor Australia Ltd will register such leases on the title by way of a caveat prior to the registration of the plan of subdivision.

- f) Provide easements satisfactory to Powercor Australia Ltd, where easements have not been otherwise provided, for all existing Powercor Australia Ltd electric lines on the land and for any new powerlines required to service the lots and adjoining land, save for lines located, or to be located, on public roads set out on the plan. These easements shall show on the plan an easement(s) in favour of 'Powercor Australia Ltd' for 'Power Line' pursuant to Section 88 of the Electricity Industry Act 2000.**
- g) Obtain for the use of Powercor Australia Ltd any other easement external to the subdivision required to service the lots.**

- h) Adjust the position of any existing easement(s) for powerlines to accord with the position of the line(s) as determined by survey.*
- i) Obtain Powercor Australia Ltd's approval for lot boundaries within any area affected by an easement for a powerline and for the construction of any works in such an area.*
- j) Provide to Powercor Australia Ltd a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.*

Expiry

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

- a) The plan of subdivision is not certified within two years of the date of the permit.*
- b) A statement of compliance is not issued within five years of the date of certification of the Plan.*

The Responsible Authority may extend the period referred to for certification if a request is made in writing before the permit expires, or within six months afterwards.

Notes

1. Prior to commencement of development, an application to undertake works within the road reserve the must be submitted to and approved by the Council.

2. Barwon Water

The developer is to apply to Barwon Water for details relating to servicing requirements and costing for the provision of a potable water supply and where applicable, recycled water and/ or sewerage services to the subdivision. It would be appreciated if all communication between the developer/agent and Barwon Water quote Barwon Water reference number L013310.

3. Powercor

It is recommended that, at an early date, the applicant commences negotiations with Powercor for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued once all electricity works are completed (the release to the municipality enabling a Statement of Compliance to be issued).

Prospective purchasers of lots in this subdivision should contact Powercor Australia Ltd to determine the availability of a supply of electricity. Financial contributions may be required.

4. CFA

CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site (www.cfa.vic.gov.au).

4. OPTIONS

Council has the options of:

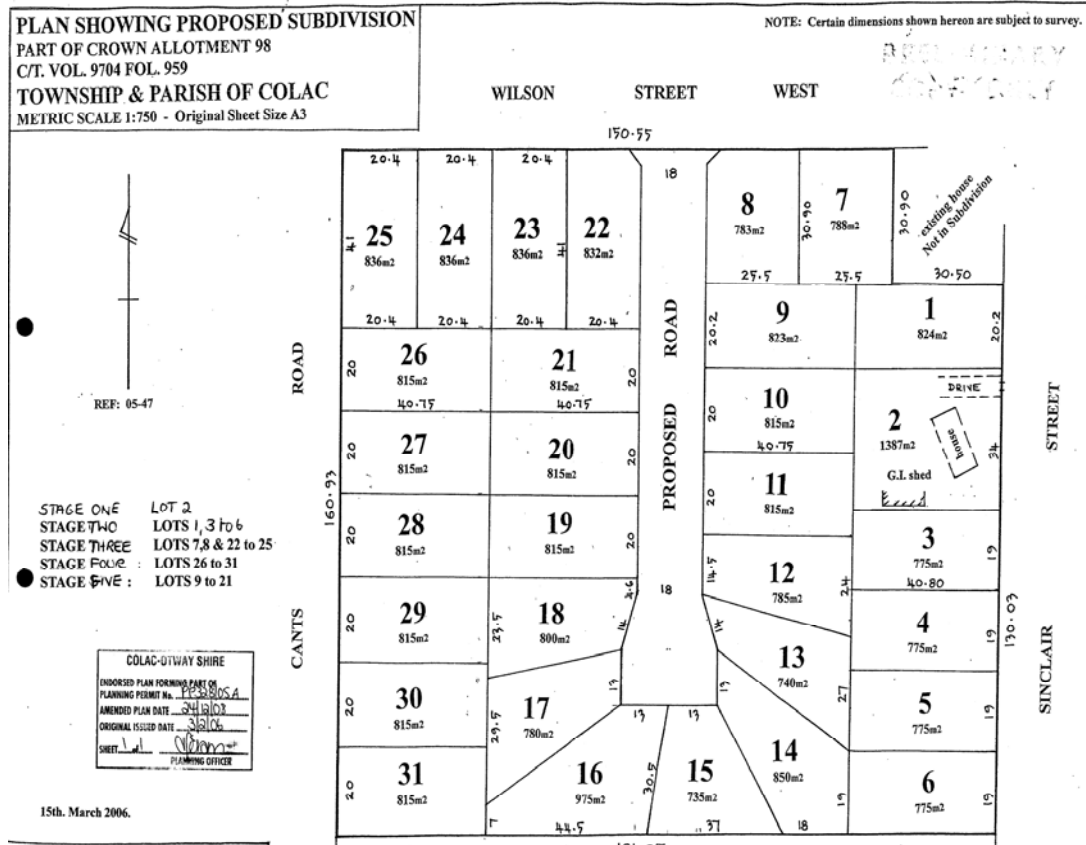
- Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions;
- Issuing a Notice of Decision to Grant a Permit subject to the recommended conditions with changes;
- Refusing to grant a permit on specified planning grounds.

The key issues for consideration when assessing this application relate to whether the provisions of Clause 56 (Residential Subdivision) of the Planning Scheme have been addressed and whether the proposed three lot subdivision is acceptable on the subject land.

It is recommended that Option a) is supported for the reasons outlined in the balance of this report.

5. RELEVANT BACKGROUND

It will be noted that the land is not subject to a Development Plan Overlay (DPO). At the time that the Planning Scheme was amended to apply the DPO to various areas of residential land in Colac (Amendment C55 gazetted in June 2009), there was a live planning permit for the staged subdivision of the subject land into 31 lots (PP328/2005-B). Stage 1 was implemented by excising off the dwelling (Lot 2) fronting Sinclair Street South; however the land was not further subdivided.



Background to this application

The application as originally submitted sought a planning permit for a five (5) lot subdivision. Notice of that original application (for five lots) was given to surrounding landowners and a sign was erected on site. Three objections were received to that proposal.

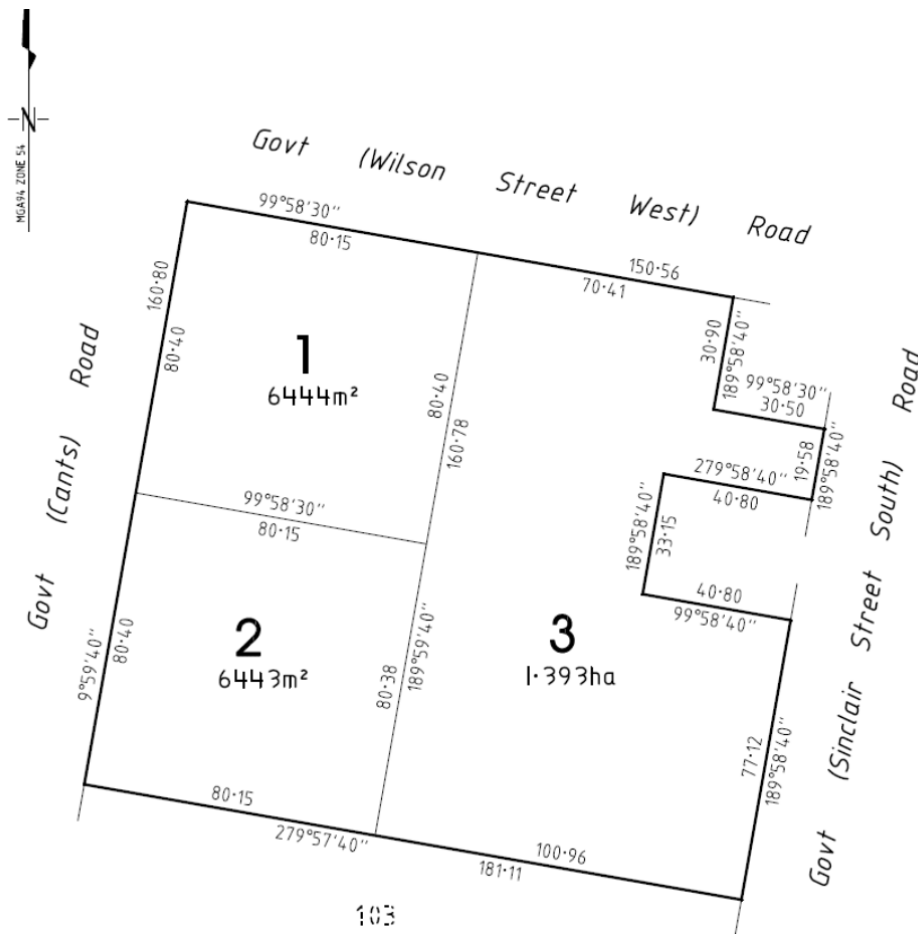
Following a consultation meeting attended by these objectors and the applicant facilitated by Council, a further two objections were received to the 5 lot application. The applicant consequently amended the application to a three lot subdivision.

Notice of the amended application was only given to people who had submitted objections, as the number of lots proposed was reduced. No objections were withdrawn.

The owner of the land intends to develop proposed Lots 1 and 2.

6. PROPOSAL

This application seeks a permit for the subdivision of Lot S2 on PS600535 into three (3) lots. Lot 1, which would have an area of 6444m², would have vehicle access from Wilson Street. Lot 2 would have an area of 6443m² and vehicle access from Cants Road. Lot 3 would be a larger lot of 1.393ha, with dual frontage to Sinclair Street South and Wilson Street. This lot would have the potential for infill residential development in the future.



7. SUBJECT LAND & SURROUNDINGS

The subject lot has an area of 2.682ha, with frontages to Wilson Street, Cants Road and Sinclair Street South. The site is located on the southern side of Wilson Street, eastern side of Cants Road and western side of Sinclair Street South. The land, which has a gentle slope to the southeast, is grassed with a row of Cyprus trees located in the centre of the lot. There is some dilapidated shedding in the northeast corner of the land. The lot is generally square in shape, with two house lots excised in the north east corner. These two excised lots are developed with dwellings. The land has been previously used for grazing purposes and as a horse exercise track.

Wilson Street and Sinclair Street South are sealed roads (with an approximately 6m wide pavement on Wilson Street and an approximately 9m wide pavement on Sinclair Street South); however no kerb and channel exists along these roads adjoining the subject site. Cants Road is an unsealed road with an approximately 4.5m wide gravel surface. The section of Cants Road between Wilson Street and Hearn Street is an unmade gravel road. This road is currently partially closed just beyond the existing vehicle crossover into 75 Cants Road.

There are footpaths abutting the Primary School in Sinclair Street South, along with formed drainage. Drainage within the road reserve immediately abutting the site, on all three roads is defined by an open swale drain.

The land to the west of the site is in the Farming Zone and developed with 2 dwellings and grazing land; to the south is residential zoned land, which is developed with one dwelling and vacant land; to the east is land in the Public Use Zone (Education) occupied by the Southwest Primary School; and to the north of the railway line is land in the Public Park and Recreation Zone containing the Western Oval.

8. PLANNING SCHEME PROVISIONS

State Planning Policy Framework

The State Planning Policy Framework (SPPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. The policies considered relevant to the application are identified below:

- Clause 11 – Settlement
- Clause 15 – Built Environment and Heritage
- Clause 16 – Housing
- Clause 18 – Transport
- Clause 19.03 – Development Infrastructure

Local Policy Planning Framework (LPPF), including the Municipal Strategic Statement (MSS)

The Local Planning Policy Framework (LPPF) sets a local and regional strategic policy context for the Shire. The policies considered relevant to the application are identified below:

- Clause 21.02 – Vision
- Clause 21.03-2 – Settlement - Colac

Other relevant provisions

Zone

General Residential Zone (GRZ1)

The subject site is located within the General Residential Zone. A key purpose of this zone is to encourage development that respects the neighbourhood character of the area, to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport, and to allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

A permit is required to subdivide land. An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. In this case, no lots of less than 400sqm are proposed and therefore the garden area requirements are satisfied. The requirements of Clause 56 (Residential Subdivision) relating to 3-15 lot subdivisions must be met.

Overlays

No overlays apply to the land.

Particular Provisions

Clause 52.01 – Public Open Space Contribution and Subdivision

A person who proposes to subdivide land must make a contribution to the council for public open space in an amount specified in the schedule to this clause (being a percentage of the land intended to be used for residential, industrial or commercial purposes, or a percentage of the site value of such land, or a combination of both). If no amount is specified, a contribution for public open space may still be required under section 18 of the Subdivision Act 1988. In this instance only 2 additional lots are proposed and therefore, under the provisions of the schedule to Clause 52.01, no contribution would be required. Council would be likely to require the contribution for open space to be made in the event Lot 3 is subdivided in the future.

Clause 56 – Residential Subdivision

The purpose of this clause is to create liveable and sustainable neighbourhoods and urban places with character and identity and appropriate infill development within established residential areas. The provisions of this clause apply to an application to subdivide land in the General Residential Zone. The subject land is considered suitable for subdivision, given its location, size and residential zoning. The proposal is considered to provide a range of opportunities for residential development to match the changing needs of the local community.

Relevant Planning Scheme amendments

There are no current planning scheme amendments relevant to the proposal.

9. OFFICER'S ASSESSMENT

Clause 21.03 (Settlement) seeks to encourage future residential development in existing residential zoned and serviced areas to avoid an oversupply of residential zoned land and to make the most

effective use of infrastructure services. It is considered that the proposed subdivision would provide a range of opportunities for residential development to match the changing needs of the local community. The proposed subdivision would provide an opportunity for increased residential development, which would be concentrated within a residential zone. The application has been considered against relevant State and local planning policies and is considered to be consistent with same. Clause 21.03-2 makes reference to the Colac Structure Plan, which articulates the preferred development future for this key centre of the municipality. The proposal is supported by the relevant principles for subdivision contained within the Structure Plan, which seeks to ensure that any new subdivision and development is concentrated close to the existing urban areas.

A permit is required for subdivision in the GRZ1. It is considered that the proposal satisfies the requirements of Clause 56, as discussed below. Whilst normally subdivision of undeveloped and unencumbered land in this zone would be expected to be at a higher density, as opportunities such as this are rare in Colac, in this case the owners have immediate plans to develop proposed Lots 1 and 2 which are considered to be acceptable for these lots. There are no current plans to develop proposed Lot 3, which would remain vacant.

The application included a concept plan showing that the lots could be further subdivided in the event that the current owner on sells the land. It is considered that the concept plan demonstrates an example of further potential subdivision; however there would also be opportunities for other layouts. The proposed lots fronting onto existing road networks would have frontages between 70 and 80m. Each lot is considered wide enough to be further subdivided individually or with the other lots (whether it is through roads or court bowls with a 16-20m road reserve width).

The application was referred to servicing authorities, none of which raised any objection to the proposal subject to permit conditions.

A public open space contribution was required for stage 3 of PP328/2005B; however, as noted earlier in this report, only stage 1 of that permit was implemented. The open space contribution required in connection with the subdivision of this land has therefore not been previously provided and it is necessary to consider whether a contribution should be required at this time. The schedule to Clause 52.01 specifies a requirement for a contribution to be made if a subdivision creates 3 to 5 additional lots and, as only 2 additional lots are proposed in this case, it has not been recommended that an open space contribution be sought. There would be opportunity in the future to require an open space contribution in the event that the land is further subdivided.

The requirements specified for a 3-15 lot subdivision in Clause 56 must be met. This application has been assessed against the requirements and it is considered that the Clause 56 requirements have been satisfied.

It is considered that the proposed subdivision would respect the existing neighbourhood character, including the pattern of subdivision within this part of Colac, and would not be detrimental to the neighbourhood character. It is acknowledged that the proposed lot sizes would be much larger than the typical subdivision proposals within the GRZ1, but is noted that these lot sizes are required for specific future developments on Lots 1 and 2, which are considered acceptable in the GRZ1. It is also noted that land to the south of the subject site is affected by inundation and this has resulted in larger lots in the immediate vicinity.

It is considered that the proposed lot design would lend itself to good solar orientation for future dwellings, in compliance with the relevant standard in Clause 56. All proposed lots would have a street frontage that would contribute to social interaction and personal safety.

No new roads are required as part of this application; however it is considered appropriate to require the connection of the footpath along Wilson Street between Cants Road and Sinclair Street South. Given that Sinclair Street South is developed with a footpath, kerb and channel on the eastern side and that this proposed subdivision would not result in any additional development fronting that road without planning approval, other than a single dwelling, it is not considered necessary to require footpath, kerb and channel at this point in time along the eastern boundary of the subject site.

It is noted that Cants Road, which is a gravel road, is not in good condition. However, it is not considered reasonable to require that Cants Road be constructed to a typical residential sealed pavement standard with footpath, kerb and channel at the expense of the applicant given only two lots would abut Cants Road and it is only proposed that one of these lots would obtain vehicle access from Cants Road. It is noted that the western side of Cants Road, opposite the subject site, is in the Farming Zone. Therefore this land cannot be subdivided and developed with dwellings in the immediate future without a rezoning of the land. If the current application proposed to create typical residential sized lots on the subject site, which is zoned GRZ1, with lots fronting onto Cants Road, it would have been considered appropriate to require an upgrade of Cants Road to a residential standard.

If the proposed subdivision is allowed, it is recommended that permit conditions require the provision of a footpath along Wilson Street, water and sewerage, fire hydrant, electricity and gas utility services, as required by the service authorities and Council's Infrastructure Department.

It is considered that the proposal accords with relevant objectives of State and local planning policy, which seek to ensure a sufficient supply of land is available for residential development, consolidation of existing urban areas and better use of existing infrastructure. The creation of additional residential lots would decrease the pressure on rural land to accommodate development. The approval of this application would increase the availability of a range of residential lot sizes in Colac within an existing residential area. The land owners have indicated that to meet their residential needs, lots larger than the average are required and this proposal provides this opportunity. The purpose of the zone seeks to encourage a diversity of housing types and housing growth, but also allows educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations. It is considered that the proposed subdivision accords with the purpose of the zone.

10. REFERRALS

Internal Referrals

The application was referred internally to Council's Infrastructure, Environment, Recreation & Open Space, and Building Units. No objections were raised as a result of these referrals, with the Infrastructure and Environment Units requesting that conditions be included on any permit issued.

External Referrals

The application was referred externally to the CFA, Barwon Water, Powercor and Downer Utilities. None of the referral authorities raised any objection, subject to permit conditions relating to the servicing of the proposed lots being imposed.

11. PUBLIC NOTIFICATION & RESPONSE

Public notice of the application as originally submitted (for a 5 lot subdivision) was carried out on 13 April 2018. Notice of the original application was given by means of letters to surrounding landowners and occupiers, and by the erection of a sign on site. Three objections were received to this proposal. A consultation meeting was held on 17 May 2018, which was attended by the applicant and the three objectors, and facilitated by Council. Subsequently the applicant amended the application to a three lot subdivision. Prior to the amended application being circulated, two additional objections were received. The amended application was therefore circulated to all objectors. No objections were withdrawn.

The five objections were made on the following grounds:

- **Intended use of the subdivision**

The intended use of the land was discussed in detail by the applicant at the consultation meeting. It is not relevant to the current subdivision proposal.

- **Underdevelopment of the land/not consistent with the GRZ1, and the objectives and standards of Clause 56.**
- **This land is capable of accommodating up to 28 housing lots, and given the location is in a designated growth area, the division into only 5 lots (now 3) restricts future housing development.**

The applicant has presented as part of the application a concept plan demonstrating how it would be possible for the land to be further subdivided in the event that the proposed 3 lot subdivision is approved. However, as noted in the report, it is currently intended that Lots 1 and 2 would be developed and not further subdivided. It is noted that the GRZ1 is intended to allow a variety of uses and that the future development proposals for Lots 1 and 2 would accord with the purpose of the zone.

Given the size of the subject site, it is acknowledged that it appears the land has the potential to be further subdivided into typical residential sized lots. However, it is noted that a planning permit was previously issued in 2006 for a 31 lot subdivision but, for reasons unknown, that subdivision was not implemented (apart from the excision of one existing dwelling). The land was sold with the opportunity for local developers to develop the land; however it may be that the proposed infrastructure requirements would make the intensified residential subdivision development of the land cost-prohibitive.

Compliance with the requirements of the GRZ1 and Clause 56 is discussed in the assessment section of this report.

- **No proposed upgrade of Cants Road**

This issue is discussed in the assessment section of this report.

- **High level of uncertainty in future land uses and lack of infrastructure (roads, drainage, sewer, etc.) in the area**

If a permit is issued for the proposed subdivision, the lots would be required to be serviced to a suitable residential standard as required by the statutory referral authorities.

- **Drainage concern**

Drainage for any development erected on Lots 1, 2 and 3 would be directed to a legal point of discharge as required by Council. The blocked drain in Cants Road is a Council maintenance matter and not related to the proposed subdivision.

- **Amendment C90 – Flood Amendment**

This site is not within the area affected by proposed Amendment C90 and is currently not within the Land Subject to Inundation Area. Council is aware of the condition of Cants Road and the drainage issues which is why the lower section of Cants Road adjacent to the objectors' property is currently closed to the public.

12. DECLARATION OF INTEREST

No officer declared an interest under the *Local Government Act 1989* in the preparation of this report.

Supplied by	Anthony Bright
Submitted Date	08/03/2018
Modified by	Anthony Bright (Rod Bright and Associates Pty Ltd)
Modified Date	23/05/2018

Application Details

Application Type	Planning Permit and Certification under the Subdivision Act Version 2
Applicant Reference Number	05-47/17
Application name or Estate name	DHHS
Responsible Authority Name	Colac Otway Shire
Responsible Authority Reference Number(s)	PP57/2018-1, S6/2018-1
SPEAR Reference Number	S118796B

The Land

Primary Parcel	250 WILSON STREET, COLAC VIC 3250 Lot S2/Plan PS600535 Volume 11136/Folio 787 SPI S2\PS600535 CPN 25172 Zone: 32.08 General Residential Zone
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The Proposal

Subdivision Act (1988) Dealing Type	Section 22 (Subdivision)
Plan Number	PS817146R
Number of lots	3
Proposal Description	3 Lot Subdivision
Estimated cost of the development for which a permit is required \$	0

Existing Conditions

Existing Conditions Description	Cleared Vacant Allotment with an existing tree plantation and some internal fencing.
Title Information - Does the proposal breach an encumbrance on Title?	The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact	Mr Anthony Bright Rod Bright and Associates Pty Ltd 26 Murray Street, Colac, VIC, 3250 Business Phone: 03 5231 4883 Email: rodbright@primus.com.au
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Applicant

Applicant	Department of Health and Human Services
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50 Lonsdale Street, Melbourne, VIC, 3000 Australia
Business Phone: (03)9096 0467 (Stephen Young -
Property Unit)
Email: Steve.Young@dhhs.vic.gov.au

Owner

Owner

(Owner details as per Applicant)

Declaration

I, Anthony Bright, declare that the owner (if not myself) has been notified about this application.

I, Anthony Bright, declare that all the information supplied is true.

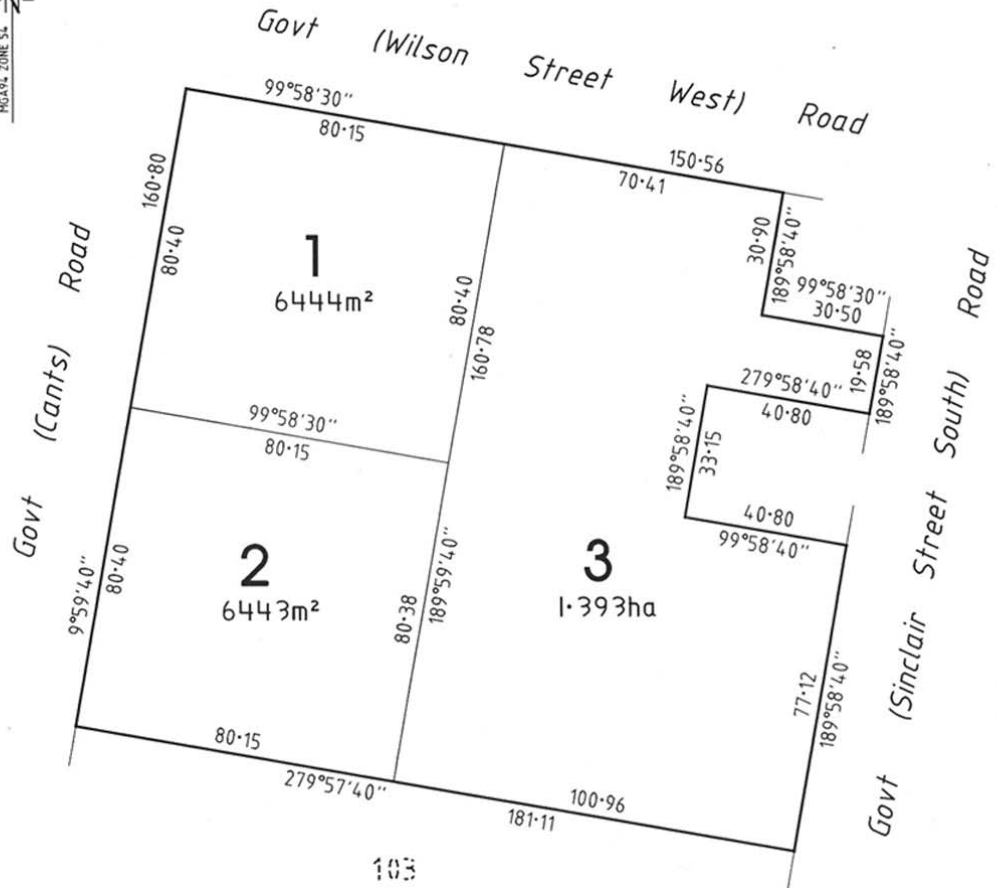
I, Anthony Bright, apply to have the attached plan of subdivision / consolidation certified under the Subdivision Act 1988 and to have advice of street numbers allocated.

**Authorised by
Organisation**

Anthony Bright
Rod Bright and Associates Pty Ltd

PLAN OF SUBDIVISION		EDITION 1	PS817146R	
LOCATION OF LAND				
PARISH: of Colac TOWNSHIP: of Colac SECTION: _____ CROWN ALLOTMENT: 98 (Part) CROWN PORTION: _____ TITLE REFERENCE: Vol. Fol. LAST PLAN REFERENCE: S2 on PS600535P POSTAL ADDRESS: 250 Wilson Street, (at time of subdivision) Colac 3250 MGA 94 CO-ORDINATES: E: 724 550 ZONE: 54 (of approx centre of land N: 5 752 920 in plan)				
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON			
Nil	Nil			
NOTATIONS			OTHER PURPOSE OF PLAN	
			To take lot S2 out of the staging process of PS600535P vide Section 37 (8) of the Subdivision Act 1988, and creating Lot B.	
DEPTH LIMITATION				
Does not apply.				
SURVEY:				
This plan is is not based on survey.				
STAGING:				
This is is not a staged subdivision. Planning Permit No.				
This survey has been connected to permanent marks No(s). 25 & 3 In Proclaimed Survey Area No. 24				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 5231 4883 ACN 007 206 975		SURVEYORS FILE REF: 05-47/17		ORIGINAL SHEET SIZE: A3
		ANTHONY EDWARD BRIGHT, VERSION 5		SHEET 1 OF 2 SHEETS

PS817146R



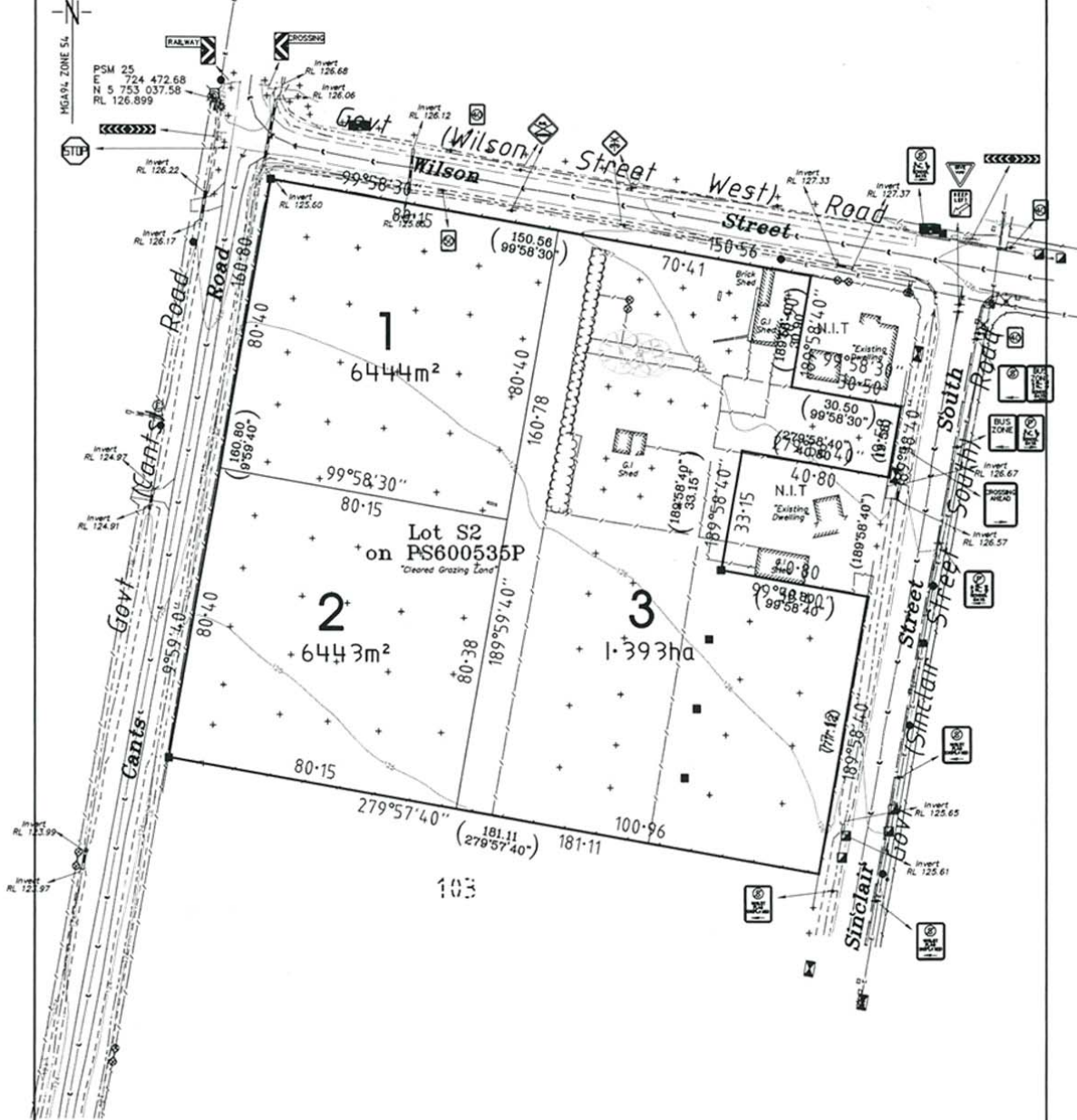
SURVEYORS FILE REF: 05-47/17

ROD BRIGHT & ASSOCIATES PTY LTD LICENSED SURVEYORS & TOWN PLANNERS 26 MURRAY STREET COLAC 3250 TEL 52314883 ACN 007 206 975	SCALE 1:1000	 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 2
	ANTHONY EDWARD BRIGHT, VERSION 5			

PS817146R

Existing Conditions Diagram

250 Wilson Street, Colac



SURVEYORS FILE REF: 05-47/17

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LICENSED SURVEYORS & TOWN PLANNERS
26 MURRAY STREET COLAC 3250
TEL 5231 4883 ACN 007 206 975

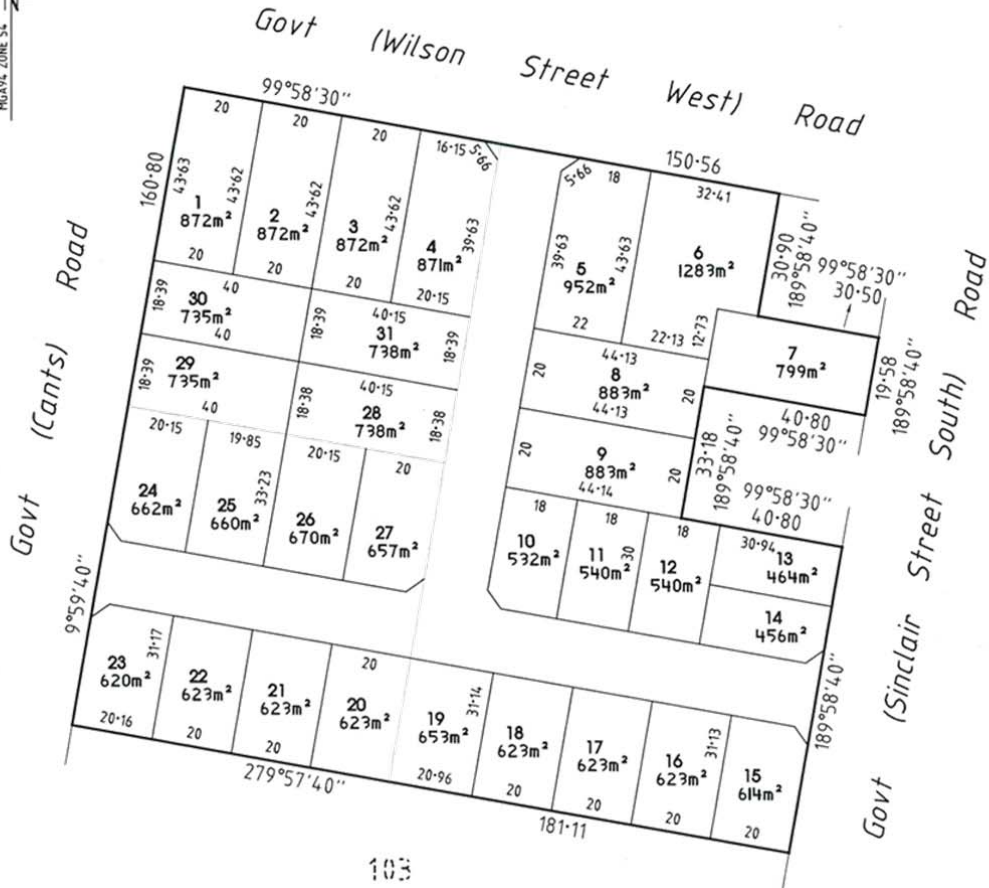
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LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 1

ANTHONY EDWARD BRIGHT, VERSION 5

**PLAN SHOWING POTENTIAL DEVELOPMENT
PART OF CROWN ALLOTMENT 98
TOWNSHIP & PARISH OF COLAC**



Note: Plan is indicative only.
_____ denotes title boundary as created in PS817146R

SURVEYORS FILE REF: 05-47/17

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10 0 10 20 30 40
LENGTHS ARE IN METRES

ANTHONY EDWARD BRIGHT, VERSION 5

ORIGINAL SHEET SIZE: A3
SHEET 1 OF 1