



This information sheet has been prepared to assist people with the Colac Otway Planning Scheme as it relates to residential subdivision within the Residential 1 Zone and Township Zone.

This information sheet should be read in conjunction with the **General Planning Application Checklist**, available to download from the Colac Otway Shire website or by contacting the Planning Team (details below).

### Colac Otway Planning Scheme

The planning scheme includes provisions relating to residential subdivision. Some of the key considerations for applications are identified below.

#### State Planning Policy Framework

The two key areas for residential policies within the State section of the planning scheme are:

- Built Environment and Heritage (Clause 15), refers to matters of residential design.
- Housing (Clause 16), which relates more to housing diversity and associated infrastructure.

#### Local Planning Policy Framework

The Settlement (Clause 21.03) section of the planning scheme includes shire wide objectives and strategies at Clause 21.03-1, with more specific objectives and strategies for the main townships. Policies for Cultural Heritage are included at Clauses 21.04-9 and 22.01.

#### Land without reticulated sewerage

If reticulated sewerage is not available to the site, the first step is to undertake a Land Capability Assessment to identify if the land is capable of treating and retaining all wastewater in accordance with the State Environment Protection Policy (Waters of Victoria) under the *Environment Protection Act 1970*.

#### Subdivision

An application to subdivide land within the Residential 1 Zone (Clause 32.01-2) and the Township Zone (Clause 32.05-4), other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56. The extent of provisions applicable depends on the number of lots proposed. The tables in Clauses 32.01.2 and 32.05.4 list the relevant clauses that must be taken into account.

#### Overlays

Some overlays include design and character provisions that will be key considerations in the design process if applicable to the subject site. They may include the Heritage Overlay, Neighbourhood Character Overlay and Design and Development Overlay.

#### What needs a planning permit?

All subdivision within the Residential 1 Zone and Township Zone requires planning permission with a few minor exceptions as detailed in Clause 62.04 of the Colac Otway Planning Scheme.

**Most overlays also include a permit trigger for subdivision that will need to be addressed if applicable to the subject site.**

#### Public open space contribution and subdivision

Subdivision of land generates the need for a contribution to Council for public open space, as set out in Clause 52.01 of the Colac Otway Planning Scheme.

The contribution may be in the form of a percentage of the land or a cash in lieu payment based on a percentage of the land value. The most appropriate form of contribution will be determined in the context of the site and locality.

The requirement should be discussed with the Planning Officer at your pre-application meeting.

#### Overlays

Some overlays include design and character provisions that will be key considerations in the design process if applicable to the subject site. They may include:

- ☆ Heritage Overlay
- ☆ Neighbourhood Character Overlay
- ☆ Design and Development Overlay

**IT IS ALWAYS BEST TO DISCUSS  
YOUR PROPOSAL WITH A PLANNING  
OFFICER BEFORE LODGING THE  
APPLICATION.  
PLEASE CONTACT THE PLANNING  
TEAM TO MAKE AN APPOINTMENT.**

#### CONTACT

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### What is a Neighbourhood and Site Description?

All applications for residential subdivision must include a neighbourhood and site description as detailed in Clause 56.01-1. A neighbourhood and site description must accurately describe the existing characteristics (features and constraints) of the neighbourhood and the site. It may use a plan, photographs and other techniques.

The neighbourhood and site description plan should include a minimum of two properties on either side of the subject site, those properties at the rear and those on the opposite side of the street. A greater extent of the neighbourhood may need to be shown depending on the scale of the proposal. This should be clarified with a Planning Officer at your pre-application meeting.

Site analysis is more than just collecting information about the site. It should identify issues that will influence the design of the subdivision in order to make a considered response to both site opportunities and constraints, to provide a good quality living environment, and respect, acknowledge and improve the character of the area.

The DTPLI Planning Practice Note (No. 16), *Making a Planning Application for One or More Dwellings in a Residential Zone* (Nov. 2013) provides guidance on how to prepare a Neighbourhood and Site Description. The table on pages 4 and 5, in particular, is a very useful tool. See below for details of how to access the DTPLI practice notes.

### What is Neighbourhood Character?

Neighbourhood character has been widely defined as the qualitative interplay of built form, vegetation and topographic characteristics, in both the private and public domains, that make one place different from another.

Respecting neighbourhood character does not mean preventing change, mimicry or pattern book design, or limiting the scope of design interpretation and innovation. Instead, it means designing the development in response to the features and characteristics identified in the neighbourhood.

The DPCD Planning Practice Note *Understanding Neighbourhood Character* (Dec 2001) provides detailed information about how to identify key neighbourhood character features.

### What is a Design Response?

A design response is required for all applications for residential subdivision (Clause 56.01-2). Your design response should explain how the subdivision will relate to the characteristics (features and constraints) of the site and the neighbourhood as identified in the Neighbourhood and Site Description.

### What do I need to submit with my application for residential subdivision?

In addition to all the information identified on the **General Planning Application Checklist**, you must provide:

- A Neighbourhood and Site Description as required by Clause 56.01-1.
- A Design Response as required by Clause 56.01-2. The design response is generally presented as a plan with notations and supported by a written submission. The design response must show the subdivision in the context of the neighbourhood.
- Land Capability Assessment (if no reticulated sewerage).

**Please note, additional information may be required depending on the nature of the application and any overlays that may apply to the site.**

### Referrals to Authorities/Agencies

The referral and notice requirements for subdivision applications are detailed at Clause 66.01 of the Colac Otway Planning Scheme. Additional referrals may be required where overlays apply to the land.

Consultation with other departments within Council is also required depending on the nature of the application.

Particularly for larger subdivisions, consultation with the relevant Authorities/Agencies is recommended before the planning application is prepared.

### Planning Practice Notes

Planning Practice Notes are available from the website - <http://www.dpcd.vic.gov.au/planning> (look under publications). Of particular relevance is the Practice Note PN40 - *Using the Residential Subdivision Provisions Clause 56—Residential subdivision (2006)*.

*Other Practice Notes also provide guidance on residential subdivision (eg. PN38, 39 & 40)*

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