



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

AGENDA

Wednesday 9 October 2019

at 4:00 pm

COPACC

95 - 97 Gellibrand Street, Colac Victoria



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 9 October 2019

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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 Wednesday 9 October 2019 at 4:00 pm.

AGENDA

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

3 APOLOGIES AND LEAVES OF ABSENCE

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.

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

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

- **Planning Committee Meeting held on 12 June 2019.**

Recommendation

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 12 June 2019.

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.

Item: 8.1

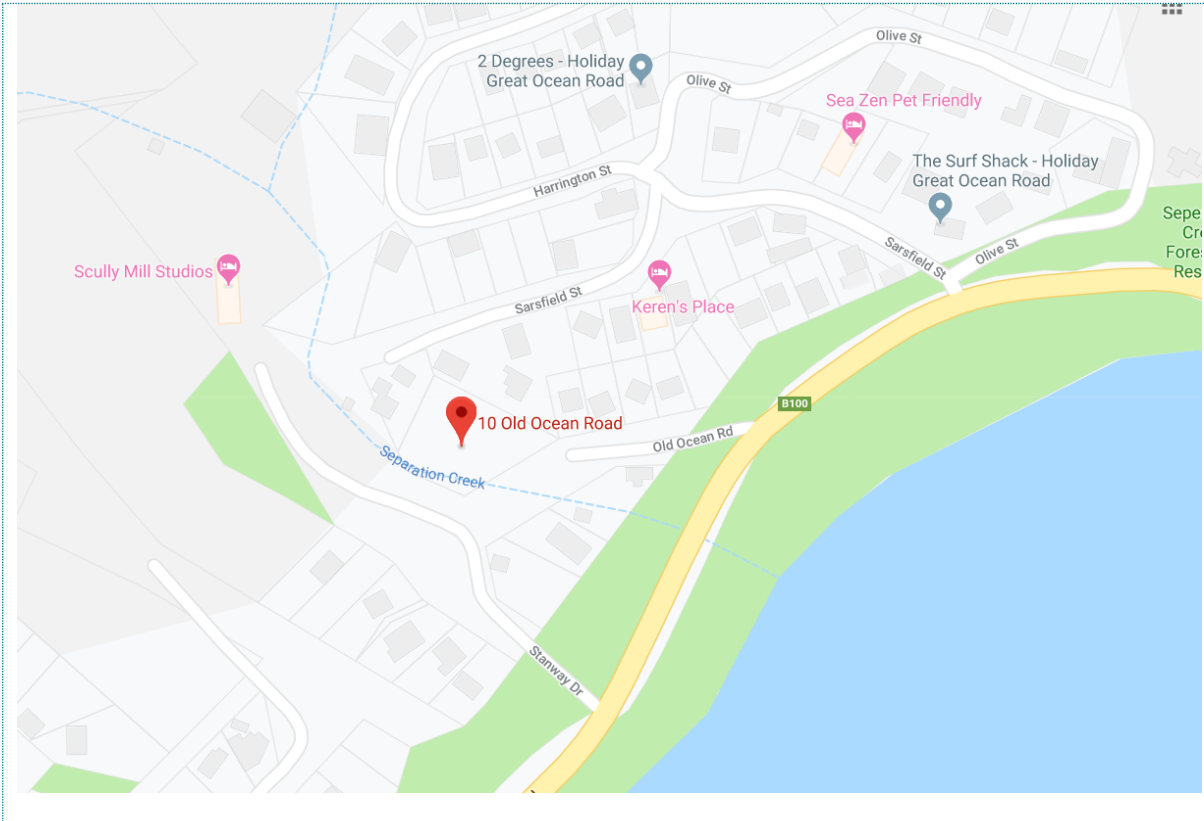
PP11/2018-1 - 10 Old Ocean Road Separation Creek

ADDRESS AND PROPERTY DETAILS	10 Old Ocean Road Separation Creek	APPLICATION NUMBER	PP11/2018-1
PROPOSAL	Two (2) Lot Subdivision, Construction of Two Dwellings and Associated Earthworks		
PERMIT TRIGGERS	TZ - Clause 32.05-5 - subdivision of land TZ - Clause 32.05-7 - construction of two or more dwellings on a lot RCZ - Clause 35.06-3 - subdivision of land SLO2 - Clause 42.03 - construction of two dwellings NCO1 - Clause 43.05 - construction of two dwellings DDO4 - Clause 43.02-3 - subdivision of land EMO1 - Clause 44.01-1 - building and works EMO1 - Clause 44.01-4 - subdivision of land LSIO – Clause 44.04-2 - subdivision of land BMO – Clause 44.06-2 - subdivision and construction of two dwellings		
TRIGGER FOR DETERMINATION BY COMMITTEE	Four or more objections		
ZONE	Part Township Zone Part Rural Conservation Zone	OVERLAYS	NCO1 - Neighbourhood Character Overlay, Schedule 1 DDO4 - Design and Development Overlay, Schedule 4 SLO2 - Significant Landscape Overlay, Schedule 2 EMO1 - Erosion Management Overlay, Schedule 1 BMO - Bushfire Management Overlay

COVENANTS	Nil		
CULTURAL HERITAGE	The site within the culturally sensitive mapped area; however the proposal is not defined as a high impact activity.		
OFFICER	Helen Evans	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Form [8.1.1 - 6 pages] 2. title [8.1.2 - 1 page] 3. title plan [8.1.3 - 2 pages] 4. Development plans [8.1.4 - 15 pages] 5. Response to Objections [8.1.5 - 4 pages] 		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That Council resolves to issue a Notice of Decision to Grant a Permit for the Subdivision of the Land into Two (2) Lots, Construction of Two Dwellings and Associated Earthworks at 10 Old Ocean Road, Separation Creek, known as Lot 1 on Title Plan 371123X Volume 6225 Folio 845, subject to the following conditions:

Amended Plans

- 1. Prior to the commencement of development or the certification of the plan of subdivision, whichever is the earlier, amended 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 will then form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application, but modified to:***
 - a) delete the 1.8m high fence;***
 - b) delete references/notations to wastewater distribution beds with secondary treatment plant;***
 - c) annotate the plan with a reference to the 'Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19), or as otherwise agreed in writing by the Responsible Authority', and identify the land application area shown in Appendix I of that Land Capability Assessment;***

- d) *alter the Driveway Plan (TP13) to show the driveway access with a minimum trafficable width of 3.5m and being constructed to a load limit of at least 15 tonnes;*
- e) *show storage facilities for each dwelling in accordance with Clause 55.05-6;*
- f) *show the location of any air-conditioning units for each dwelling in accordance with Clause 55.04-8;*
- g) *describe the lots on the Plan of Subdivision as 'Lot 1 (RCZ land)' and 'Lot 2 (TZ land)'; and*
- h) *provide details of the location and type of the permanent markers (e.g. bollards or similar) between proposed Lot 1 (RCZ land) and Lot 2 (TZ land).*

Endorsed plans

- 2. *The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.*
- 3. *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.*

Compliance with Geotechnical Assessment

- 4. *The approved development must be carried out on the site in accordance with the recommendations of the Geotechnical Assessment prepared by AGR GeoSciences Pty. Ltd. (Reference No. 18C260GTA, dated 23/5/18) or any Geotechnical Practitioner engaged to review the assessment submitted with the application.*

Wastewater

- 5. *A domestic wastewater management system must be constructed concurrently with each of the dwellings hereby permitted, so that all liquid waste is at all times contained within the curtilage of the lot on which the dwelling is located. The design and installation of any wastewater disposal system for any building on the land must comply with the septic tanks 'Code of Practice - Onsite Wastewater Management', July 2016 (EPA Publication No. 891.4, or as amended), to the satisfaction of the Responsible Authority.*
- 6. *All works and development associated with this permit must be carried out in strict conformity with the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19), or as otherwise agreed in writing by the Responsible Authority.*

Access

- 7. *Prior to the commencement of development or the issue of a statement of compliance under the Subdivision Act 1988, whichever is earlier, access must be constructed in accordance with the endorsed plans.*
- 8. *A retaining wall designed by a suitably qualified person, with an appropriate barrier/fence above to prevent vehicles leaving the driveway as shown on the endorsed plans, must be constructed along the eastern side of the driveway prior to the occupation of 'House 2'. The retaining wall and barrier/fence must be maintained to the construction standard following installation.*

Drainage

- 9. *Each lot on the endorsed plan must be drained to the satisfaction of the Responsible Authority.*

10. Prior to the commencement of development, drainage plans including relevant calculations prepared by a suitably qualified person, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. The plans must:

- a) Show all drainage works associated with the development including any drainage works required beyond the boundaries of the land.**
- b) Show the nominated Legal Point of Discharge.**
- c) Show the designed finished surface level of all driveways, car-parking areas, landscaping areas and existing surfaces.**
- d) Show the floor levels of all buildings.**
- e) Show the detailed cross-section of the outflow control device.**
- f) Provide the structural computations where underground storage tanks are used for stormwater detention.**
- g) Limit the Permissible Site Discharge (PSD) rate to the pre-developed discharge rate, during a critical 1 in 5 year ARI storm event (20% AEP) and detain the post developed discharge during a critical 1 in 10 year ARI storm event (10% AEP), to the satisfaction of the Responsible Authority.**
- h) Consider the impact of a 100 year ARI storm event (1% AEP) as part of the design, and ensure no neighbouring properties and buildings on the subject site would be adversely affected;**
- i) Demonstrate that the building foundations adjacent to the easement would not impact on Council's stormwater drainage infrastructure, including that:**
 - i. Any footings in or adjacent to the easement must have a minimum 600mm horizontal clearance from the stormwater pipe.**
 - ii. The base of any footings must be founded at least 300mm below a line drawn at 45° from the invert of the stormwater pipe.**
 - iii. Any stormwater drains must be confirmed on site.**

The drainage must be constructed in accordance with the approved plans.

Erosion and Sediment Control

11. Prior to the commencement of development or the commencement of works associated with the subdivision, whichever is the earlier, the following must be submitted to and approved by the Responsible Authority:

- a) details of methods to control sediment laden runoff and stormwater pollution (as described under 'Best Practice Environmental Management Guidelines for Urban Stormwater' or similar) from leaving the land during construction works.**
- b) details of the management of erosion, dust, litter, concrete and other construction wastes, and the prevention of chemical contamination.**
- c) details of measures for the protection of vegetation and natural features planned for retention.**

The approved methods must be implemented during construction works, to the satisfaction of the Responsible Authority.

Land Management Plan

12. Prior to the commencement of development, a Land Management Plan for Lot 1 (RCZ land) as shown on the plans endorsed under planning permit PP11/2018-1, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority. Any

plans must be to scale and with dimensions. When approved, the Land Management Plan will be endorsed and will then form part of the permit. The plan must include (but not be limited to):

- a) Site plan;*
- b) Site description;*
- c) List of the objectives for the property;*
- d) A description of native plant and animals on site and in the area;*
- e) A description of the site outside the native vegetation areas;*
- f) Bushfire Management in accordance with the defensible space requirements;*
- g) Identification of Land Management Issues;*
- h) Goal setting and specification of actions and implementation and monitoring of the identified actions.*

The management of Lot 1 (RCZ land) and the activities on the site must be conducted in accordance with the endorsed plan at all times to the satisfaction of the Responsible Authority.

- 13. An Annual Report against the requirements of the endorsed Land Management Plan must be prepared and submitted to the Responsible Authority for the first five (5) years following completion of either of the dwellings hereby permitted, and thereafter at the reasonable request of the Responsible Authority. Reports are to be submitted prior to the anniversary date of the endorsement of the Land Management Plan. The following must be included:*

- permit holder*
- planning permit number*
- reporting year (1-5)*
- date report is submitted*
- who completed the report*
- condition of site against each management commitment*
- actions taken during the year to achieve the management commitment*
- photographs which clearly depict management actions undertaken for the previous year.*

- 14. Vegetation removal and disposal must not cause damage to vegetation stands to be retained, to the satisfaction of the Responsible Authority. To prevent damage to remaining vegetation, there must be no temporary or permanent storage of any materials, vehicles or equipment within areas of native vegetation identified to be retained 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.*

Landscaping

- 15. Prior to the commencement of development, a landscape plan for Lot 2 (TZ land), 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 plan must be drawn to scale with dimensions. The plan must show:*

- a) a site plan clearly indicating all areas of landscape plantings proposed;*

- b) a planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, sizes at planting and at maturity, and quantities of each plant. Plants for screening the development must be advanced specimens to aid with screening.*

All species selected must be to the satisfaction of the Responsible Authority.

- 16. Prior to occupation of either of the dwellings hereby permitted, or by such later date as is approved by the Responsible Authority in writing, the landscaping works shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority. The landscaping must thereafter be maintained to the satisfaction of the Responsible Authority, including that any dead, diseased or damaged plants are to be replaced.*
- 17. The roots below ground level of the Mirror bush (Coprosma Repens) vegetation along the western boundary must be retained, together with the bush that extends into the neighbouring property.*

Section 173 Agreements

- 18. Prior to the commencement of development on proposed Lot 2 (TZ land), the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of the proposed Lot 2 (TZ land) or, in the event the land is not subdivided, on the Title of Lot 1 on Title Plan 371123X (Volume 6225 Folio 845), so as to run with the land, and must provide for the following:
 - a) The management of the septic system, including greywater recycling system, in accordance with the Land Capability Assessment prepared by AGR GeoSciences Pty Ltd (Ref. 18305LCAv2, dated 15/8/19) as part of planning permit PP11/2018, or as otherwise agreed to in writing by the Responsible Authority.**

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

- 19. Prior to the commencement of development or certification of the plan of subdivision, whichever is the earlier, the owner of the land must enter into an agreement under Section 173 of the Planning and Environment Act 1987 with the Responsible Authority. The agreement must be in a form to the satisfaction of the Responsible Authority, and the applicant must be responsible for the expense of the preparation and registration of the agreement, including the Responsible Authority's reasonable costs and expenses (including legal expenses) incidental to the preparation, registration and enforcement of the agreement. The agreement must contain covenants to be registered on the Title of Lot 1 on Title Plan 371123X (Volume 6225 Folio 845) so as to run with the land, and must provide for the following:
 - a) Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1, must be managed in accordance with the Land Management Plan endorsed as part of that planning permit, or in accordance with any amendment to that plan or**

any replacement Land Management Plan subsequently endorsed as part of a planning permit, to the satisfaction of the Responsible Authority; and

- b) Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1, must be managed and maintained:
 - i. by the owners/occupiers of the two dwellings on Lot 2 (TZ land), as shown on the plans endorsed under planning permit PP11/2018-1, unless Lot 2 (TZ land) is further subdivided in the future;*
 - ii. by the owners/occupiers of 'House 2', as shown on the plans endorsed under planning permit PP11/2018-1, in the event that Lot 2 (TZ land) is further subdivided in the future.**
- c) that no buildings are permitted on Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1; and*
- d) that permanent markers, such as bollards or a similar type of physical structure approved in writing by the Responsible Authority, are located and permanently maintained along the shared boundary between the Lots 1 and 2, in order to permanently identify on site the location of the zone boundary between the RCZ land the TZ land, as long as the land is in two zones; and*
- e) that Lot 1 (RCZ land), as shown on the plans endorsed under planning permit PP11/2018-1 will either:
 - i. remain in the same ownership as Lot 2 (TZ land) and will not be sold off separately, or*
 - ii. remain in the same ownership as 'House 2', which abuts Lot 1 (RCZ land), in the event Lot 2 (TZ land) is further subdivided in the future.**

The agreement will be registered on Title in accordance with Section 181 of the Planning and Environment Act 1987.

CFA conditions

20. Before Statement of Compliance is issued under the Subdivision Act 1988 or the commencement of development, whichever comes first, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement is to apply to Lot 1 – RCZ Lot and must ensure that the Lot is managed as defendable space to the following requirements:

- a) Grass must be short cropped and maintained during the declared fire danger period.*
- b) All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.*
- c) Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.*
- d) Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.*
- e) Shrubs must not be located under the canopy of trees.*

- f) Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.*
- g) Trees must not overhang or touch any elements of the building.*
- h) The canopy of trees must be separated by at least 5 metres.*
- i) There must be a clearance of at least 2 metres between the lowest tree branches and ground level.*

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

- 21. The Bushfire Management Plan Version 1, dated 11 April 2019 submitted to CFA with revised plans dated 16 May 2019 must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.*
- 22. 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.*

CCMA conditions

- 23. The finished floor level of the proposed dwelling 1 must be no lower than 5.4 to Australian Height Datum (AHD). (300 mm above the flood level).*
- 24. The finished floor level of the proposed garage for dwelling 1 must be no lower than 5.25 to Australian Height Datum (AHD). (150 mm above the flood level).*
- 25. The finished floor level of the proposed dwelling 2 must be no lower than 5.8 to Australian Height Datum (AHD). (300 mm above the flood level).*
- 26. The finished floor level of the proposed garage for dwelling 2 must be no lower than 5.65 to Australian Height Datum (AHD). (150 mm above the flood level).*
- 27. All buildings and works must be set back a minimum of 15 metres from the top of bank of the waterway (Separation Creek).*
- 28. All fencing within the 1% AEP flood extent needs to be an open style fence to allow flood flows to pass through.*
- 29. Prior to the issue of an Occupancy Permit, a certified survey plan, showing finished floor levels (as constructed) reduced to the Australian Height Datum, must be submitted to Corangamite Catchment Management Authority to demonstrate that the floor levels have been constructed in accordance with Corangamite Catchment Management Authority's requirements.*

Servicing Authorities

- 30. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.*

31. *All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.*
32. *The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.*

Telecommunications

33. *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.*
34. *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.*

Expiry

35. *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 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 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

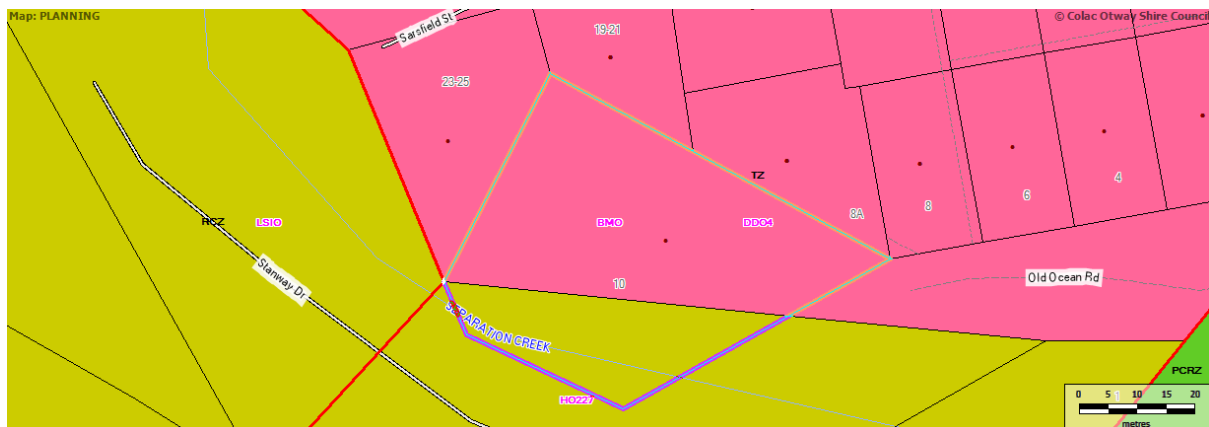
1. *This permit does not authorise the commencement of any building works. Prior to the commencement of development, it will be necessary to apply for and obtain a building permit for the proposed development.*

2. ***A separate application to install a domestic wastewater management system must be submitted to and approved by Council's Health Protection Unit prior to the commencement of works.***
3. ***A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.***
4. ***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.***
5. ***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 Council prior to the completion of works.***

3. PROPOSAL

Background

The application site is in two zones – the Township Zone (TZ) and the Rural Conservation Zone (RCZ), as shown below:



The original application, which was received on 12/1/2018, sought a permit for a two (2) lot subdivision to separate the RCZ land from the TZ land. The applicant was advised that it would be difficult to allow the proposed subdivision without fully understanding the future intentions for the land. A revised application was received by Council on 23/7/18, which amended the application to include the construction of two dwellings on proposed Lot 2 (TZ land). The application was subsequently amended on 19/10/18 to include a tennis court, with a further amendment made on 7 December 2018 to include illumination of the tennis court, a 3.6m high mesh fence and associated earthworks. Statutory referral and public notice of the application was given in late December 2018.

In addition to Council officers expressing concerns about the proposal, Council received 14 objections to the application. Concerns were also raised by the CCMA, CFA and DELWP. At the request of the applicant, the application was put on hold on 23/1/19, with a meeting subsequently held on 21/2/19 at which Council discussed issues of concern with the applicant.

Council received an amended application on 17/4/19, which deleted the tennis court from the application. The amended plans were circulated to the objectors and the referral authorities. A further

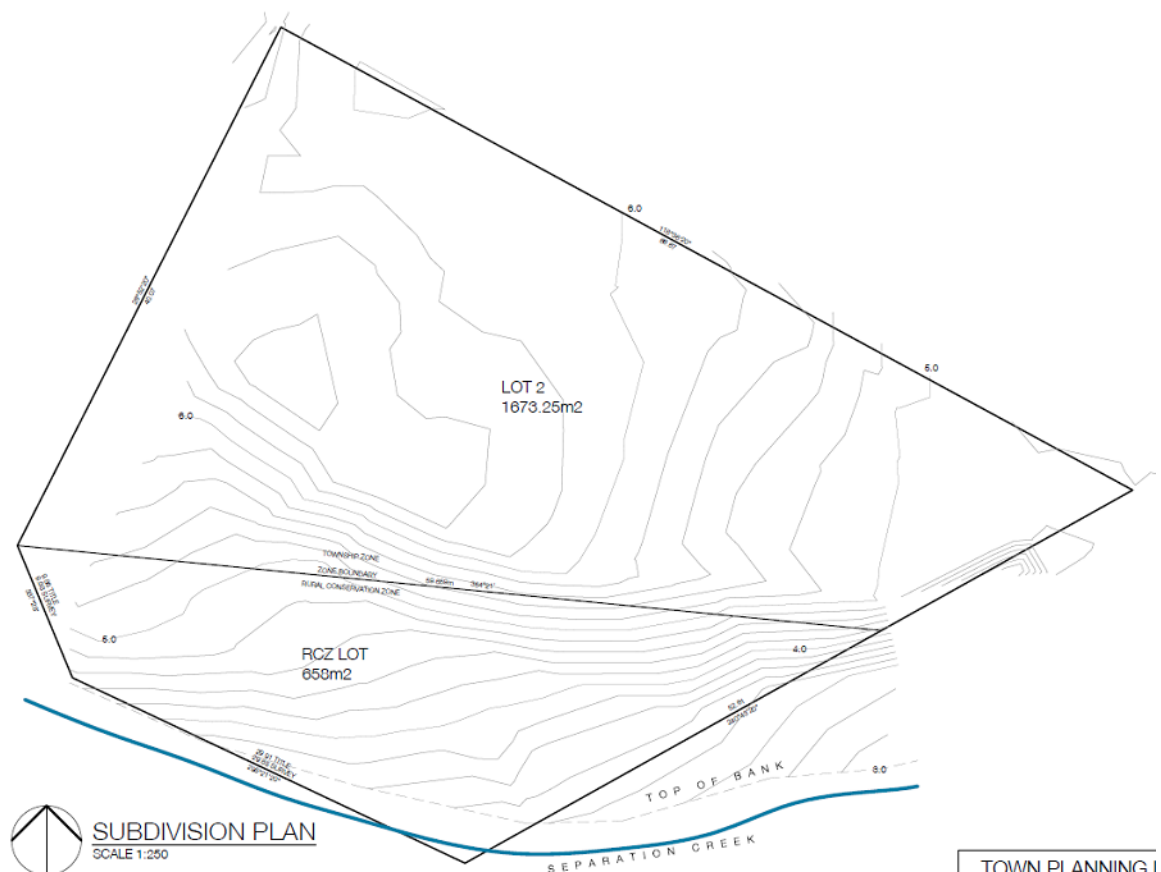
revised set of plans was received on 20/5/19. These were also circulated to the objectors and referral authorities.

The revised plans received on 20 May 2019 are the plans which this report considers.

Proposal

The application seeks a planning permit to subdivide the land into two (2) lots as follows:

- Lot 1 – approx. 658m², contained within the Rural Conservation Zone (RCZ).
- Lot 2 – approx. 1,673m², contained within the Township Zone (TZ).



The proposal also seeks to construct two dwellings on the TZ lot (proposed Lot 2). Each dwelling would be a double storey building. House 1 would have three bedrooms, whilst House 2 would have 4 bedrooms. Each house would be designed for vertical living, with the lounge and kitchen areas on the upper level.

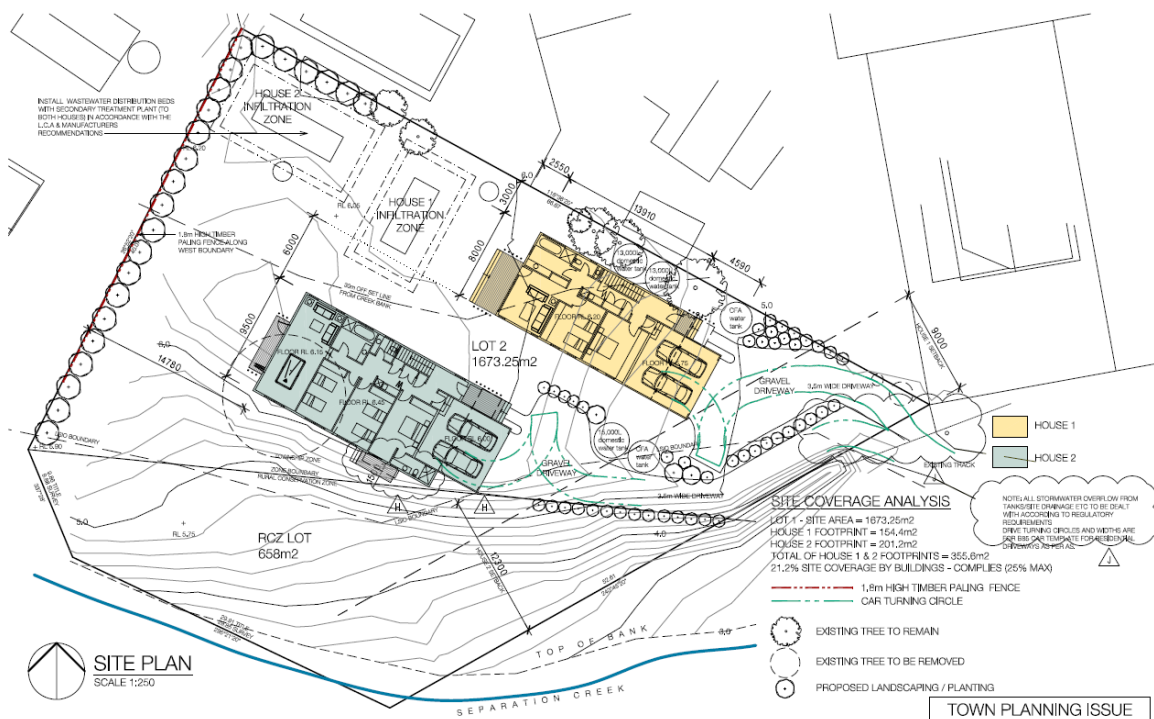
Site coverage for the TZ (1673sqm) lot would equate to 21.2%.

The material and finished of both houses would be:

- Ground floor walls of Colorbond 'Windspray' horizontal cladding.
- First floor walls of Colorbond 'Monument' vertical cladding.
- Garage doors – painted 'Windspray' plywood.
- Feature cladding/flashing of 'Monument' colour or cemintel barestone or similar.
- Roof – Colorbond 'Dune' – Ultra Klip-Lok.

Both dwellings would be orientated in an east-west direction and would have a number of decks/patios both on the ground and first floor. House 1 would have a 3m setback from the northern boundary of the lot and a 6m setback from House 2. House 2 would be built with varying setbacks to the proposed boundary between the TZ and RCZ lots (two corners of House 2 would abut the shared boundary), and the rear wall would be 14.78m from the west boundary and 17 from the northern boundary.

Separate gravel driveways from Old Ocean Road would provide access to each of the proposed dwellings. The applicant has indicated that access would be provided to proposed Lot 1 (RCZ lot) via proposed Lot 2, advising that the RCZ lot would be managed by the owners/occupiers of House 2. Earthworks are also proposed to provide suitable vehicle access to both dwellings. The cut and fill would vary between 0cm and 60cm. The fill area would be retained by a sleeper wall.



The wastewater management systems for both houses would be located to the rear of House 1, in the north-western corner of the property. The systems would be set back more than 30m from the creek bank and would be outside the LSIO area.

The applicant has indicated that, in the future, an application to further subdivide the TZ lot may be lodged to create separate titles for the two dwellings. The dwellings would be located to ensure that any future subdivision would meet the requirements of the Planning Scheme.

The most recent plans circulated show a 1.8m high timber paling fence along the north-western boundary of the lot. An amended plan condition requiring the deletion of this fence is included in the recommendation above, as it would be out of keeping with the character of the area. The deletion of the fence was agreed to by the applicant, following a Consultation Meeting facilitated by Council which was attended by objectors and the applicant.

RCZ Land

As noted above, the proposed subdivision would separate the TZ land from the RCZ land, creating a 658m² lot in the RCZ. The applicant has advised that the landowner would agree to a condition being imposed on any permit issued requiring the landowner to enter into an agreement under section 173 of the *Planning and Environment Act 1987* (the Act) to tie the RCZ lot to the residential zoned land should Council issue a planning permit. This would ensure appropriate ongoing maintenance of the RCZ land which, whilst it could not be built on, could be used for informal purposes associated with the dwellings.

4. SUBJECT LAND & SURROUNDINGS

The lot has an area of 2236m², with an irregular shape, and has frontage to Old Ocean Road and Separation Creek. The site is located at the end of Old Ocean Road, and has dwellings located on adjacent land along the western, eastern and northern boundaries.

The subject site is undeveloped and largely clear of vegetation, apart from perimeter trees and shrubs extending into portions of the site. The vegetation along the western boundary of the lot comprises Mirror bush (*Coprosma Repens*), which is a non-indigenous shrub and identified as an environmental weed.

The site is generally flat on the northwest section; however, it slopes away closer to Separation Creek which runs along the site's southern boundary. This creek feeds into the ocean a short distance from the site.

To the north of the site is a single-storey dwelling at 8a Old Ocean Road, located in the centre of the lot. A small shed and water tank are located adjacent to the subject site's northern boundary.

To the north/north-west of the site, 19-21 Sarsfield Street has recently been developed with a large double storey dwelling. There is limited landscaping on this site.

To the west of the site is 23-25 Sarsfield Street. There is a single-storey timber dwelling and several large ancillary structures on the property.

No. 3 Old Ocean Road is located to the south-east of the subject site, however is separated from the site by the creek. A significant amount of mature vegetation screens the double storey dwelling from the subject site.

In broader terms, the surrounding area to the north, west and east contains a mix of single and double storey residential dwellings of eclectic architectural styles reflective of the coastal location. The land to the south contains the alignment of Separation Creek, with the area beyond this containing further residential development.

5. PLANNING SCHEME PROVISIONS

Planning Policy Frameworks

The state-wide Planning Policy Framework (PPF) 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:

- 11.01 – Victoria
- 11.01-1s – Settlement
- 11.03-5R – The Great Ocean Road Region
- 12 – Environmental and Landscape Values
- 12.01 – Biodiversity
- 12.02-1S – Protection of Coastal Areas
- 12.05 – Significant Environments and Landscapes
- 13 – Environmental Risks and Amenity
- 13.02 – Bushfire
- 13.02-1s – Bushfire Planning
- 13.04-2s – Erosion and Landslip
- 15.01-5s – Neighbourhood Character

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:

- 21.02 - Vision
- 21.03 – Settlement
- 21.03-6 – Kennett River, Wye River and Separation Creek
- 21.04 – Environment
- 21.04-5 – Erosion
- 21.04-6 – Flooding

The Structure Plan for Kennett River, Wye River and Separation Creek is implemented through Clause 21.03-6, which articulates the preferred development future for these coastal townships. The subject site is in Separation Creek Precinct, the Preferred Character Statement for which is as follows:

"This precinct will consist of a mix of low, coastal style dwellings and newer coastal styles, in established gardens and amongst native canopy trees in the vegetated hillfaces. Dwellings will be of materials and colours that reflect the coastal setting, and be designed and sited so as to minimise intrusion into views from roads, public spaces and adjacent dwellings and impact on the topography. Establishment of native and coastal trees in public and private gardens will unite the precinct and provide visual links to the surrounding bushland and creek environs."

Other relevant provisions

Zones

Township Zone

A planning permit is required for subdivision under Clause 32.05-5. An application to subdivide land must meet the requirements of Clause 56 (Residential Subdivision). A planning permit is also required for the construction of two or more dwellings on a lot, with such applications having to be assessed against Clause 55 (Two or More Dwellings on a Lot and Residential Buildings).

Rural Conservation Zone

A planning permit is required for subdivision under Clause 35.06-3.

Overlays

A planning permit is required under Clause 42.03-2 (SLO2), Clause 43.05 (NCO1), Clause 44.01-1 (EMO1), and under Clause 44.06-2 (BMO) for buildings and works. A planning permit is also required under Clause 43.02-3 (DDO4), Clause 44.01-4 (EMO1), Clause 44.04-2 (LSIO) and Clause 44.06-2 (BMO) for the subdivision of the land (see discussion below).

Clause 55 – Two or more dwellings on a lot

The purpose of the clause is to achieve residential development that respects the existing neighbourhood character or which contributes to a preferred neighbourhood character; to encourage residential development that provides reasonable standards of amenity for existing and new residents; and to encourage residential development that is responsive to the site and the neighbourhood. An application *must* meet all of the objectives of this clause that apply to the application and *should* meet all of the standards of this clause that apply to the application (see discussion below).

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 Township Zone.

Clause 64.03 - Subdivision of Land in More than One Zone

If a provision of this scheme provides that a permit is required to subdivide land and the land is in more than one zone a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone. A permit may be granted to create one lot smaller than specified in the scheme if all of the following are met:

- *The lot to be subdivided is in more than one zone and cannot comply with the minimum lot area specified in the scheme.*
- *The proposed subdivision does not create lots where any lot extends into more than one zone. This does not apply to any lots created for the following purposes:*
 - *To comply with the requirements of the Urban Floodway Zone.*
 - *To provide access to a road.*
- *The remainder of the proposed lots must comply with the minimum lot area specified in the scheme.*

This is relevant as the RCZ land could otherwise not be separated from the land in the TZ.

Relevant Planning Scheme amendments

There are no Planning Scheme amendments relevant to the consideration of this application.

6. REFERRALS

Internal Referrals

The application was referred internally to Council's Health Protection, Infrastructure, Environment and Building Units, and the Land Capability Assessment (LCA) was also peer reviewed.

Health Protection Unit

The plans originally submitted showed a mound effluent field for each dwelling. Council's Health Protection Unit reviewed the proposal including the LCA and considered that, in the absence of available reserve Land Application Areas for two separate dwellings onsite, wastewater discharge to adjoining properties during periods of peak occupancy would be a real possibility. Therefore, the Health Protection Unit originally did not support the proposal on the grounds that the development would present an operational risk as per Section 3.10.2 of the EPA 'Code of Practice – Onsite Wastewater Management' (EPA Publication 891.4). Council officers sought a peer review, as this

matter was integral to whether the application could be allowed or not. The peer review confirmed Council officers' concerns.

After this advice was provided to the applicant, an addendum to the LCA was received on 15/8/19. The addendum provides for an alternate design and proposes the introduction of a greywater recycling system, which would be used to recycle advanced secondary treated greywater in house to all toilets and the washing machine cold tap as is allowable under the EPA Code of Practice (891.4, 2016). The EPA Code of Practice (891.4, 2016) states that 30% of all household water use is associated with toilet fixtures and that an additional 30% of all household water use is associated with laundry use.

Council's Health Protection Unit considers this an acceptable solution to treat wastewater onsite. It is considered appropriate to impose a permit condition requiring the landowner to enter a Section 173 Agreement regarding this matter, which would be registered on title to ensure that any future landowners are aware of this ongoing control over wastewater management.

Infrastructure Unit

The application was referred to Council's Infrastructure Department, which raised no objection subject to conditions relating to drainage and vehicle access.

Building Unit

Council's Building Department advised that a building permit is required.

Environment Unit

The application was referred to Council's Environment Department, which raised no objection. However, comments were made about the management of the RCZ lot as defensible space for the proposed dwellings. It was also advised that a landscaping plan should be submitted.

External Referrals

The application was referred to the CFA under section 55 of the Act. The CFA raised no objection subject to conditions being included on any planning permit that may be issued.

The application was also referred to the CCMA under section 55 of the Act. The CCMA originally advised that it could not support the application with the tennis court and associated fill, and the plans were subsequently altered. The amended application was re-referred to the CCMA, which advised that the estimated 1% flood level for the location ranges from 4.25 to 5.95 metres AHD, which was obtained from the Separation Creek Flood Study (2017). The CCMA confirmed that the amended plan would satisfy its requirements. It was noted that all fencing within the 1% AEP flood extent would need to be an open style fence to allow flood flows to pass through. The CCMA raised no objection subject to the conditions being included on any planning permit that may be issued.

DELWP was notified of the application under section 52 of the Act. DELWP raised no objection to the proposal on the basis that all defensible space would be contained on site and would not encroach onto adjoining Crown land and the government road reserve.

7. PUBLIC NOTIFICATION & RESPONSE

Public notice was given for this application to all adjoining land owners/occupiers. A total of fourteen (14) objections were received. Following a Consultation Meeting facilitated by Council, which was attended by objectors, the applicant and owners, and the subsequent amendment of the plans, seven

(7) objections were withdrawn. At the time of writing this report, seven objections remain to the application. Of those seven remaining objections, five objections are from representatives of the neighbouring property to the west. The grounds of objections are summarised as follows:

Objection

Size and extent of the proposed development.

Response

The application has been assessed against the provisions of the zones and overlays, including the NCO1, SLO2 and DDO4. It is considered that the proposal would be an acceptable outcome against these planning provisions (see detailed discussion below).

Objection

Vehicles to exit in forward motion.

Response

Plans now show that vehicles would have the ability to exit the site in a forward motion. Council's Infrastructure Department has raised no objection to the proposal.

Objection

Overlooking into 8A Old Ocean Road and 23 Sarsfield Street.

Response

It is considered that the proposal would be an acceptable outcome against the relevant planning provisions (see discussion below).

Objection

Noisy traffic.

Response

It is considered that the construction of 2 dwellings would not cause such an increase in traffic as to cause significant detriment, noting that the zoning of the land allows residential development and having regard to existing traffic levels in the area.

Objection

Zoning of the land and subdivision.

Response

It is considered that the proposal would be an acceptable outcome against the relevant planning provisions (see discussion below).

Objection

Does not comply with the intentions of the Neighbourhood Character Overlay; side setbacks would not comply; wall proposed on the boundary.

Response

It is considered that the proposal would be an acceptable outcome against the relevant planning provisions (see discussion below).

Objection

Lots next to gullies and creeks need to be larger.

Response

Whilst the application seeks to subdivide the RCZ land from the TZ land, the owner has agreed to enter into a Section 173 Agreement that would prevent the RCZ land from being sold separately to the TZ land and, in the event that the TZ land is subdivided into two lots in the future, the RCZ land would be tied to 'House 2'. This would effectively create a landholding of at least 1200m² (RCZ lot would be 658m² and a minimum of 600m² would be required for the TZ land due to DDO4, which equates to over 1200m²) being located adjacent to the creek.

Objection

Risk to flora and fauna; concern with a number of birds and animals needing rescue, treatment and rehabilitation; nocturnal birds and animals affected by excessive artificial light.

Response

This objection was raised when it was proposed to construct an illuminated tennis court and also construct a high/solid fence. The tennis court has been deleted from the proposal and the applicant has agreed to delete the solid fence, with amended plans required. Proposed permit conditions require the preparation and implementation of a Land Management Plan for the RCZ land.

Objection

3.6m high mesh fence imposing on natural landscape and lights illuminating the tennis court would detract from the ambience; associated earthworks with tennis court.

Response

The tennis court, including associated lights and high fencing, has been deleted from the plans.

Objection

LCA states that only one house is proposed.

Response

That LCA has been superseded. An addendum to the LCA was submitted to Council on 15/8/19. Given the proximity of the creek to the subject site, there is limited space where septic waste disposal can be located on the land. Council's Health Protection Unit has reviewed the addendum and considers the revised proposal for wastewater disposal acceptable (see referrals section of this report for discussion).

8. OFFICER'S ASSESSMENT

The key considerations in the assessment of this application are whether it is appropriate to allow two dwellings on the subject land and whether the proposed subdivision of the land is acceptable. It is noted that the majority of the land is suitably zoned for residential use and considered that site could accommodate one dwelling without any issues (subject to compliance with wastewater requirements). In this case, regard must be had to whether two dwellings would be acceptable on proposed Lot 2; whether the potential future subdivision of the proposed lot 2 could be allowed; the ability to treat and retain wastewater on site; the suitability of the access; and the potential impact on neighbouring properties and the character of the area.

RCZ and TZ – Subdivision

The proposed subdivision, which seeks to subdivide the land along the existing zone boundary, would comply with the permit requirements of Clause 64.03. If supported, this would also allow opportunity in the future to further subdivide the TZ land, and avoid a potential need for a Cultural Heritage Management Plan (CHMP). Currently, under the provisions of Clause 64.03, a permit cannot be granted for a subdivision that creates lots where any lot would extend into more than one zone. This application for two dwellings has been designed to allow future subdivision in accordance with the minimum lot size of 600m² required under the DDO4.

Whilst it is acknowledged that the TZ land is suitable in principle for development, the proposed subdivision would result in a small RCZ lot not associated with any other land.

The applicant submits that the RCZ land currently does not meet the purpose of the zone, which is to protect and enhance the natural environment. In order to support the subdivision of the land from a RCZ perspective, it is considered that a Land Management Plan should be implemented for that part of the subject site, which specifically provides for environmental and conservation practices. The applicant considers that such a plan would conserve and enhance the land, and has also advised that the land would be managed by the owners/occupiers of 'House 2'. The applicant has agreed to a Section 173 agreement that would prevent the RCZ land from being sold separately from proposed Lot 2 and, more particularly, 'House 2' should there be further subdivision of the land.

In terms of the Township Zone provisions, it is considered that the creation of the proposed TZ lot is acceptable. Given the size of the lot, it is acknowledged that the TZ lot would generally comply with the relevant sections of Clause 56 and would be capable of being developed as it would be larger than the adjoining township zoned lots. Vehicle access already exists to the TZ lot/land and there are no common areas proposed as part of this subdivision. Electricity would be available to the lot; however no reticulated water, sewer or gas would be available.

TZ – Development

A permit is required for the construction of two dwellings on a lot in the Township Zone. A development must be capable of treating and retaining wastewater onsite and must meet the requirements of Clause 55 (as discussed below).

EMO1 – Development and Subdivision

An application for a planning permit must include the information set in the schedule to this overlay and be accompanied by a Geotechnical Declaration and Verification Form (Form A), to the satisfaction of the Responsible Authority. The submitted Form A verifies that the Geotechnical Assessment prepared for the planning application for the site confirms the land can meet the acceptable risk criteria specified in the schedule to Clause 44.01 of the Colac Otway Planning Scheme taking into account the total development and site disturbance proposed.

BMO – Development and Subdivision

A permit is required to construct a building or construct or carry out works associated with 'accommodation' and for the subdivision of land. The application was referred to the CFA, which advised that it has no objection to the issue of a permit subject to permit conditions. The dwellings would be required to be constructed to a BAL-29 to all aspects and the land to be managed in accordance with the Bushfire Management Plan (BMP) dated 11/4/19. The CFA also advised that the mandatory condition for subdivision under Clause 44.06-5, requiring the preparation of a Section 173 Agreement, is required for the RCZ land only, given that it is proposed that Lot 2 would be developed with dwellings.

LSIO – Subdivision and works

A permit is required for subdivision and earthworks. The earthworks proposed include the construction of the driveway and low retaining walls. The application was referred to the CCMA as the relevant Floodplain Manager. The CCMA advised that it has no objection to the proposal, subject to conditions requiring the floor levels to be between 150-300mm above flood level and more than 15m from the top of bank of the waterway. The plans submitted show compliance with these conditions.

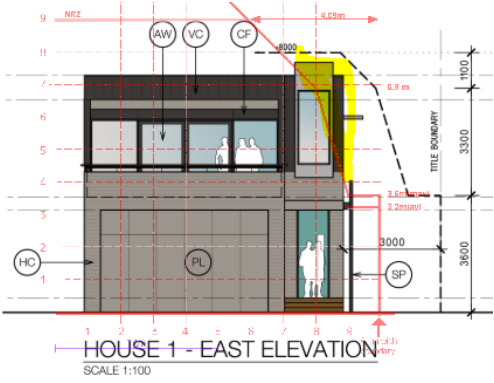
SLO2 – Development

A permit is required for the proposed buildings and works, under the provisions of the SLO2. No vegetation removal would be required for the dwelling or access construction. The proposed dwellings' colours and materials would be of muted tones and acceptable in the coastal environment. It is acknowledged that the dwellings would not be highly visible from the Great Ocean Road, due to the topography and the site's location. Any visibility of the dwellings from the Great Ocean Road would be in amongst other dwellings of similar style and colour, reflecting the 'township' area of Separation Creek.

NCO1 – Development

A permit is required for the proposed buildings and works. The proposal is considered to be generally consistent with the Neighbourhood Character Overlay. It is considered that the proposed dwellings would respect the preferred neighbourhood character as, although some of the NCO standards would not be satisfied, it is considered that the objectives would be met. An assessment against the provisions of Clause 55 as varied by NCO1, has been undertaken below.

Standard	Modified Requirement	Assessment
B6	STREET SETBACK Walls of buildings should be set back at least 7 metres from the front street. Side street setback as specified in the Tables to Standards A3 and B6 continue to apply.	Complies. The subject site is located on an irregular shaped lot. The proposed dwellings would be set back between 9m and 12.3m from Old Ocean Road. The proposal is compliant with the 7m front setback variation set by the NCO1.
B7	BUILDING HEIGHT The maximum building height should not exceed 8 metres or two storeys, whichever is the lesser. Buildings are to be stepped to follow the contours of the site. Changes of building height between existing buildings and new buildings should be graduated by recessing the upper levels from the ground level.	Complies. The maximum building height would not exceed 8m. Each dwelling would have a maximum height of approximately 7.7m.
B8	SITE COVERAGE The site area covered by buildings should not exceed the following amounts in the Precincts as shown on the Character Precinct Maps at Clause 21.04-13 (Skenes Creek), 21.04-14 (Kennett River) and 21.04-15 (Wye River and Separation Creek): <ul style="list-style-type: none">• Separation Creek – 25%	Complies. The proposed site coverage would not exceed 25%, being 21.5%.

Standard	Modified Requirement	Assessment
B17	<p>SIDE AND REAR SETBACKS</p> <p>A new building should be set back from both side boundaries a minimum of 3 metres.</p> <p>A new building should be setback a minimum of 5 metres from the rear boundary.</p> <p>A new building should be setback from the side or rear boundary a minimum of 3 or 5 metres as required above, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, balconies, porches, eaves, fascias, gutters, chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment associated with a dwelling, may encroach into the setbacks of this standard.</p>	<p>Variation required. The rear setbacks for both dwellings would comply with the 5 metre setback, with House 1 having a 27m setback and House 2 having a 14.78m setback.</p> <p><u>Side setback – House 1</u></p> <p>The proposed side setback to the north elevation to House 1 would be 3m; however, setbacks of 4.79m at the upper level are required to meet the standard given the height of this wall. The diagram below shows the area of non-compliance highlighted in yellow.</p>  <p>The variation, which would be for the upper level only, is considered reasonable in this instance. The 3m setback at the ground level would provide sufficient space for landscaping, and space between the dwelling and the lot boundary.</p> <p><u>Side setback – House 2</u></p> <p>The proposed side setback from the south elevation of House 2 to the Lot 2 boundary would range from 0m to 7.4m.</p> <p>Given that the adjoining lot to the south would be maintained by the owners of House 2 and should not be developed in the future (RCZ lot), the proposed reduced setback is acceptable as there would be sufficient space to provide for landscaping and space between dwellings.</p>
B18	<p>WALLS ON BOUNDARIES</p> <p>A new wall should not be constructed on a boundary.</p>	<p>Variation required. A small portion of House 2 (at two locations) is proposed to be constructed on the boundary with the RCZ lot. The NCO1 applying to the land varies</p>

Standard	Modified Requirement	Assessment
		Standard B18 to state that a new wall should not be constructed on a boundary. The proposed variation is considered acceptable as the length of the wall would not be greater than 10 metres, as described in Standard B18 and this land would also be managed by the owner of House 2.
B31	<p>DESIGN DETAIL The design of buildings, including:</p> <ul style="list-style-type: none"> • The number of storeys, • Verandahs, eaves and parapets, • Materials, colours and finishes, and • Building siting, including space around buildings <p>should respect the preferred neighbourhood character of the area. Garage and car port design should be visually unobtrusive and compatible with the development and the preferred neighbourhood character.</p>	Complies. It is considered that the proposed dwellings would be of a built form and style that would be consistent the character of the area. The dwellings would be constructed of a mix of external building materials, including brick, cladding, render and Colorbond, and the proposed colour scheme would comprise muted earthy tones. This is considered to be consistent with the neighbourhood character.
B32	<p>FRONT FENCE HEIGHT The design of front fences should complement the design of front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed a height of 1.2 metres and should be at least 50% transparent.</p>	N/A. None proposed.
B13	<p>LANDSCAPING The landscaping should enhance the indigenous and native vegetated character of the area. The siting of new buildings should provide for the retention of existing trees and vegetation and provide adequate space on site for the planting of new indigenous shrubs and trees. The area of the site that is covered by buildings and hard surfaces, including swimming pools and tennis courts, should not exceed the following amounts in the Precincts as shown on the Character Precinct Maps at Clause 21.04-13 (Skenes Creek), 21.04-14 (Kennett River) and 21.04-15 (Wye River and Separation Creek):</p> <ul style="list-style-type: none"> • Separation Creek Precinct 1 – 35% 	<p>Can Comply. The submitted plans demonstrate that some landscaping could be provided along the driveways and boundaries of the TZ land and also a few existing trees/shrubs could be retained along the northern boundary. Other than this, there would be limited opportunity for significant landscaping due both to the BMO requirements and the fact that the majority of the TZ land would be developed or required for effluent disposal.</p> <p>An appropriate permit condition has been recommended to ensure adequate landscaping to comply with this objective.</p>

Clause 55 Assessment

A development:

- *Must meet all of the objectives of this clause that apply to the application.*
- *Should meet all of the standards of this clause that apply to the application.*

A complete Clause 55 assessment has been undertaken and the assessment against the NCO1 variations is above. Other standards not listed above comply with Clause 55. The following comments are relevant to the application and issues raised in the objections.

55.02-1 - Neighbourhood Character - Standard B1

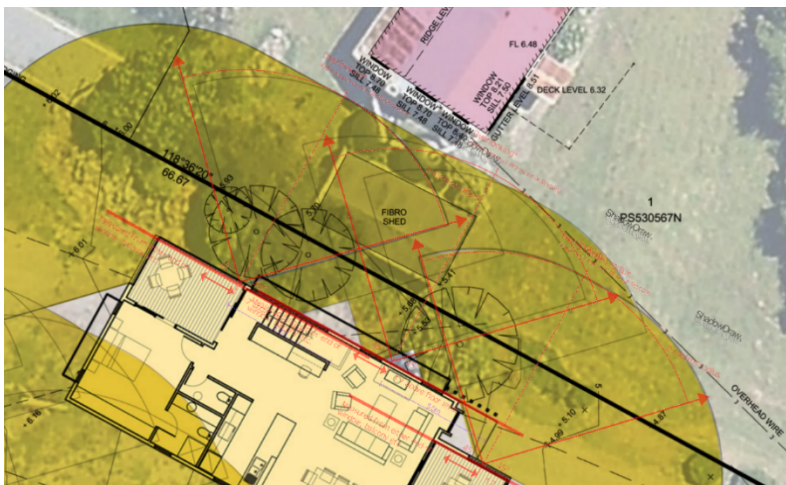
Complies – It is considered that the proposed dwellings would be acceptable in terms of the preferred neighbourhood character. The proposed development would be capable of being further subdivided in compliance with the DDO4 minimum lot size of 600m², with proposed Lot 2 having an area of 1673m². The dwellings would both be double storey dwellings with attached double garages, with colours and materials to provide design detail. Other dwellings within the precinct have sheer walls with the articulation being provided by decking areas, as is the case with this design. Consideration has been given to the lot areas in relation to the surrounding neighbourhood character. On balance, this is considered to be an acceptable density of development, consistent with surrounding properties.

55.02-4 - Infrastructure objectives – Standard B4

Complies - Both dwellings would be able to be connected to reticulated electricity. Neither reticulated gas nor reticulated sewer is available to the site. The site therefore needs to be capable of treating and retaining wastewater on the residential lot. Following revisions to the proposal, Council’s Health Protection Unit has advised that sufficient land would be available for the treatment of wastewater. Appropriate permit conditions have been included in the recommendation section of this report.

55.04-6 – Overlooking objective – Standard B22

The proposal would not result in any unreasonable overlooking into the secluded private open space or habitable room windows of existing adjoining dwellings. Overlooking from House 1 into 8A Old Ocean Road would occur, but not overlooking within 9m of the existing dwelling. The area highlighted in yellow below shows the extent of potential overlooking. This area, which contains a shed, water tanks and landscaping, is not considered to be secluded private open space. Objections were also received relating to overlooking into 23 Sarsfield Street. House 2 would be located 14.78m from the rear boundary and House 1 would be 27m from the rear boundary. No overlooking in breach of the relevant standard would occur onto 23 Sarsfield Street.



55.04-7 – Internal views objective – Standard B23

The proposed dwellings would be offset from each other, rather than being aligned on the site. There would also be a gap of 6m between House 1 and House 2.

The positioning of the dwellings on the lot would ensure any potential for overlooking was acceptable, with views from windows generally being at oblique angles. Whilst the rear of House 1 and the front of House 2 would be opposite to each other, that section of House 1 would contain no windows at first floor level and only two relatively narrow secondary 'TV Room' windows at ground floor level. The rear deck of House 1 would be partially screened by steel posts. In terms of potential overlooking between habitable room windows, the first-floor kitchen window in House 1 would be approximately 9m from the first floor living room windows in House 2, at an oblique angle.

The only ground floor window in House 2 opposite House 1 would serve the entry to the dwelling. Whilst this window would be opposite one of the narrow 'TV Room' windows in House 1, at a distance of 6m, it would be acceptable in terms of the standard as it would not serve a habitable room.

55.04-8 Noise impacts objectives – Standard B24

Complies – There would be no mechanical plant equipment located in close proximity to any sensitive rooms or areas of private open space. The amended plan required by condition 1 in the recommendation section of this report would require the location of any air-conditioning units to be shown.

55.05-6 – Storage objective – Standard B30

Can Comply – Each proposed dwelling would be provided with storage facilities of at least 6m³ in separate sheds to be located in the north-western section of the lot. These are not shown on the plans and therefore the recommendation includes an amended plan condition which would address this, as well as other issues.

9. OFFICER DIRECT OR INDIRECT INTEREST

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



Planning Enquiries
 Phone: (03) 5232 9400
 Web: www.colacotway.vic.gov.au

Clear Form

Office Use Only

Application No.: _____ Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

The Land **i**

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		Postcode:

Formal Land Description *

Complete either A or B.

⚠ This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A Lot No.: Lodged Plan Title Plan Plan of Subdivision No.:

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit? *

⚠ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Received
08/05/2019

i Estimated cost of any development for which the permit is required *

Cost \$ **⚠** You may be required to verify this estimate. Insert '0' if no development is proposed.

Existing Conditions

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Please provide at least one contact phone number *

Contact information for applicant OR contact person below

Business phone:	Email:
Mobile phone:	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details*

Same as applicant

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.


Same as applicant

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date:	
	day / month / year	

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08/05/2019

Declaration

This form must be signed by the applicant *

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date:

day / month / year

Need help with the Application?

General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No Yes

If 'Yes', with whom?:

Date:


day / month / year


Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

Completed the relevant council planning permit checklist?

Signed the declaration above?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Colac Otway Shire
PO Box 283
Colac VIC 3250
2-6 Rae Street
Colac VIC 3250

Contact information

Phone: (03) 5232 9400

Email: inq@colacotway.vic.gov.au

Deliver application in person, by post or by electronic lodgement.

Received
08/05/2019

i MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?

Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description – the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?

The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

▲ Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 61.05 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

▲ You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au Contact your local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.

Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

▲ Costs for different types of development can be obtained from various publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

▲ Contact the Council to determine the appropriate fee. Go to planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the Council which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents a Council from granting a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Received
08/05/2019

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between Council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist**What additional information should you provide to support the proposal?**

You should provide sufficient supporting material with the application to describe the proposal in enough detail for the Council to make a decision. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant Council planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner Council will be able to make a decision.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

Received
08/05/2019

EXAMPLES

Example 1

The Land i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: 4	St. No.: 26	St. Name: Planmore Avenue
Suburb/Locality: HAWTHORN		Postcode: 3122

Formal Land Description *
Complete either A or B.

A Lot No.: **2** Lodged Plan Title Plan Plan of Subdivision No. **LP93562**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

⚠ This information can be found on the certificate of title.
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

Example 2

i **For what use, development or other matter do you require a permit? ***

Construction of two, double-storey dwellings and construction of two new crossovers.

☑ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

☑ Provide a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title: Mr	First Name: Len	Surname: Browning
------------------	------------------------	--------------------------

Organisation (if applicable): **Responsible Developers P/L**

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: 4	St. No.: 12	St. Name: Ardour Lane
Suburb/Locality: Wycheproof		State: Vic Postcode: 3527

Contact information for applicant OR contact person below

Business phone: 9123 4567	Email: tcpl@bigpond.net.au
Mobile phone: 0412 345 678	Fax: 9123 4567

Contact person's details* Same as applicant

Name:

Title: Mr	First Name: Andrew	Surname: Hodge
------------------	---------------------------	-----------------------

Organisation (if applicable): **Town Planning Consultants**

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:	St. No.:	St. Name: PO Box 111
Suburb/Locality: Parkdale		State: Vic Postcode: 3194

Owner * Same as applicant

Name:

Title:	First Name:	Surname:
--------	-------------	----------

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State:
Postcode:		

Owner's Signature (Optional): Date:

day / month / year

Received
08/05/2019



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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

Page 1 of 1

VOLUME 06225 FOLIO 845

Security no : 124079223926Q
Produced 10/09/2019 09:45 AM

LAND DESCRIPTION

Lot 1 on Title Plan 371123X.
PARENT TITLE Volume 05177 Folio 399
Created by instrument 1698794 28/07/1938

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
MARGARET MARY BATT
ANTHONY KIDMAN BATT both of 58 ORLANDO STREET HAMPTON VIC 3188
AQ719990P 12/02/2018

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP371123X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 10 OLD OCEAN ROAD SEPARATION CREEK VIC 3234

DOCUMENT END



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Land Use Victoria.

Document Type	Plan
Document Identification	TP371123X
Number of Pages (excluding this cover sheet)	1
Document Assembled	10/09/2019 09:45

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The document is invalid if this cover sheet is removed or altered.

TITLE PLAN	EDITION 1	TP 371123X						
Location of Land Parish: KAANGLANG Township: Section: Crown Allotment: 29F(PT) Crown Portion: Last Plan Reference: Derived From: VOL 6225 FOL 845 Depth Limitation: 50 FEET		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN						
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 28/03/2000 VERIFIED: MP						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2" style="font-size: small;">PARCEL 1 = CA 29F (PT)</td> </tr> </table>			TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 29F (PT)	
TABLE OF PARCEL IDENTIFIERS								
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962								
PARCEL 1 = CA 29F (PT)								
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets						

PROPOSED DUAL DWELLING DEVELOPMENT

FOR: MR & MRS. A. BATT

TOWN PLANNING ISSUE

10 Old Ocean Road, Separation Creek

PROJECT 1802 : JUNE 2018

A3 DRAWING LIST

COVER SHEET/MATERIAL NOTES	TP.00
OVERALL SITE PLAN	TP.01
HOUSE 1 PROPOSED FLOOR PLANS	TP.02
HOUSE 1 ELEVATIONS	TP.03
HOUSE 2 GROUND FLOOR PLAN	TP.04
HOUSE 2 FIRST FLOOR PLAN	TP.05
HOUSE 2 ELEVATIONS	TP.06
SHADOW DIAGRAM - 9AM 23RD SEPTEMBER (EQUINOX)	TP.07
SHADOW DIAGRAM - 12PM 23RD SEPTEMBER (EQUINOX)	TP.08
SHADOW DIAGRAM - 3PM 23RD SEPTEMBER (EQUINOX)	TP.09
POSSIBLE FUTURE SUBDIVISION PLAN	TP.10
PROPOSED SUBDIVISION PLAN	TP.11
PROPOSED SITE WORKS PLAN	TP.12
DRIVEWAY PLAN	TP.13
DRIVEWAY SECTIONS	TP.14



FINISHES LEGEND

- (AW) ALUMINIUM WINDOWS - POWDERCOAT FINISH MONUMENT
- (CS) CEMENT SHEET CLADDING - CEMINTEL BARESTONE EXTERNAL OR SIMILAR
- (CF) COLORBOND FLASHING - COLOUR MONUMENT
- (HC) HORIZONTAL CLADDING - COLORBOND ULTRA CUSTOM ORB - COLOUR WINDSPRAY
- (KL) ROOF SHEETING - COLORBOND ULTRA KLIP-LOK - COLOUR DUNE
- (PL) PLYWOOD GARAE DOOR - PAINT COLOUR TO MATCH WINDSPRAY
- (VC) VERTICAL CLADDING - COLORBOND ULTRA STANDING SEAM - COLOUR MONUMENT
- (SP) STEEL POSTS - GALVANIZED STEEL POSTS WITH PAINT FINISH TO MATCH MONUMENT

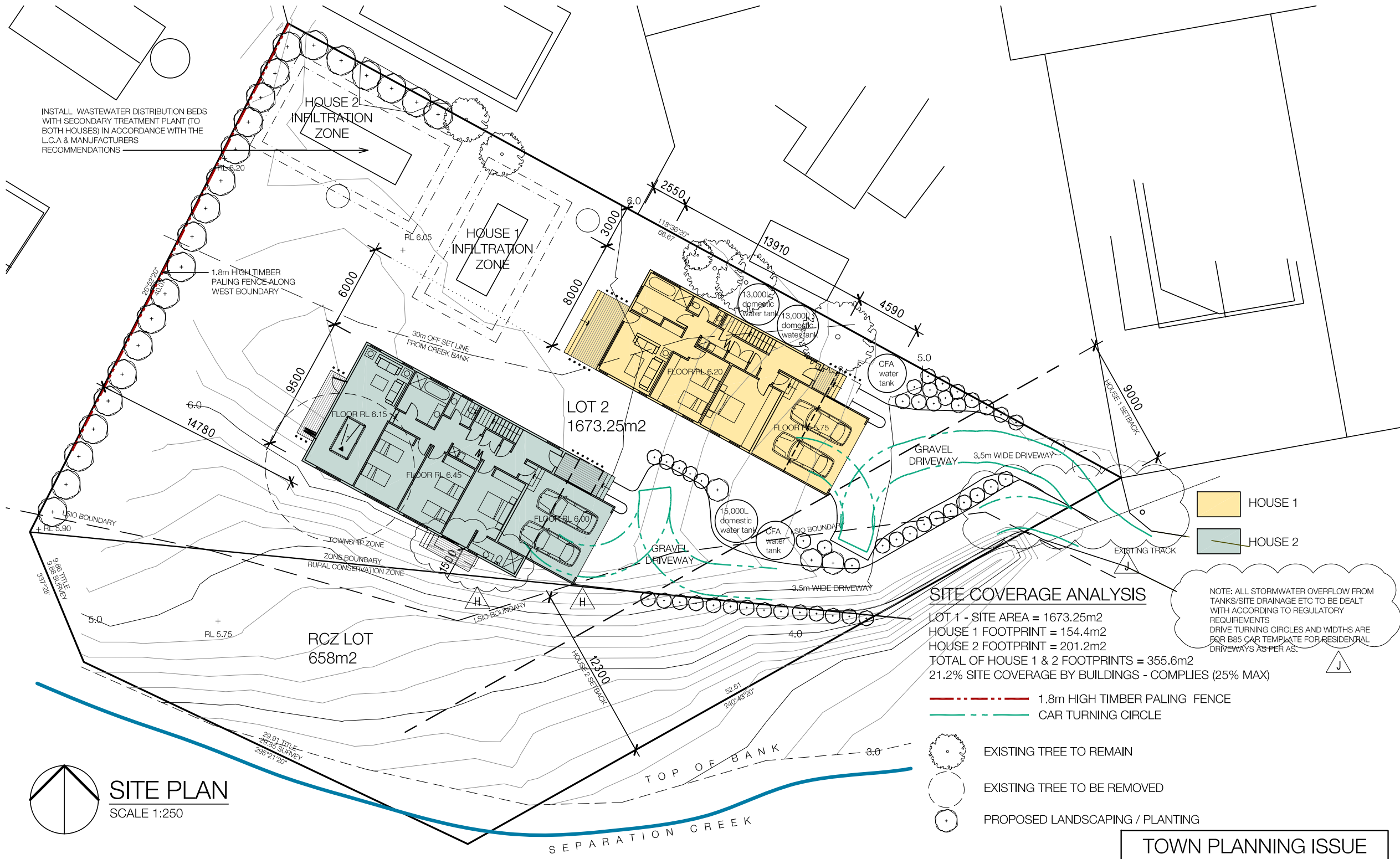
TOWN PLANNING ISSUE

APRIL 2019 - TP.00 C

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Darren Carnell Pty. Ltd. Architects
 ABN 64 083 095 523
 457 Swan Street Richmond
 Victoria 3121 Australia

Telephone 613 9425 9255
 Facsimile 613 9425 9355
 Email info@dc-a.com.au
 Internet dc-a.com.au



SITE PLAN
SCALE 1:250

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL IN WRITING BEFORE PROCEEDING WITH FABRICATION. OMISSIONS AND ERRORS ON THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT AND AFFECTED WORK SHALL NOT PROCEED UNTIL RECTIFIED BY THE ARCHITECT.

THIS DRAWING IS PROTECTED BY COPYRIGHT

REV	AMENDMENT	DATE
J	COUNCIL RFI	15/5/19
F	SECONDARY ACCESS DELETED	7/12/18
G	POST COUNCIL MEETING REVISIONS	27/02/19
H	CLIENT REQUESTED REVISIONS	16/04/19

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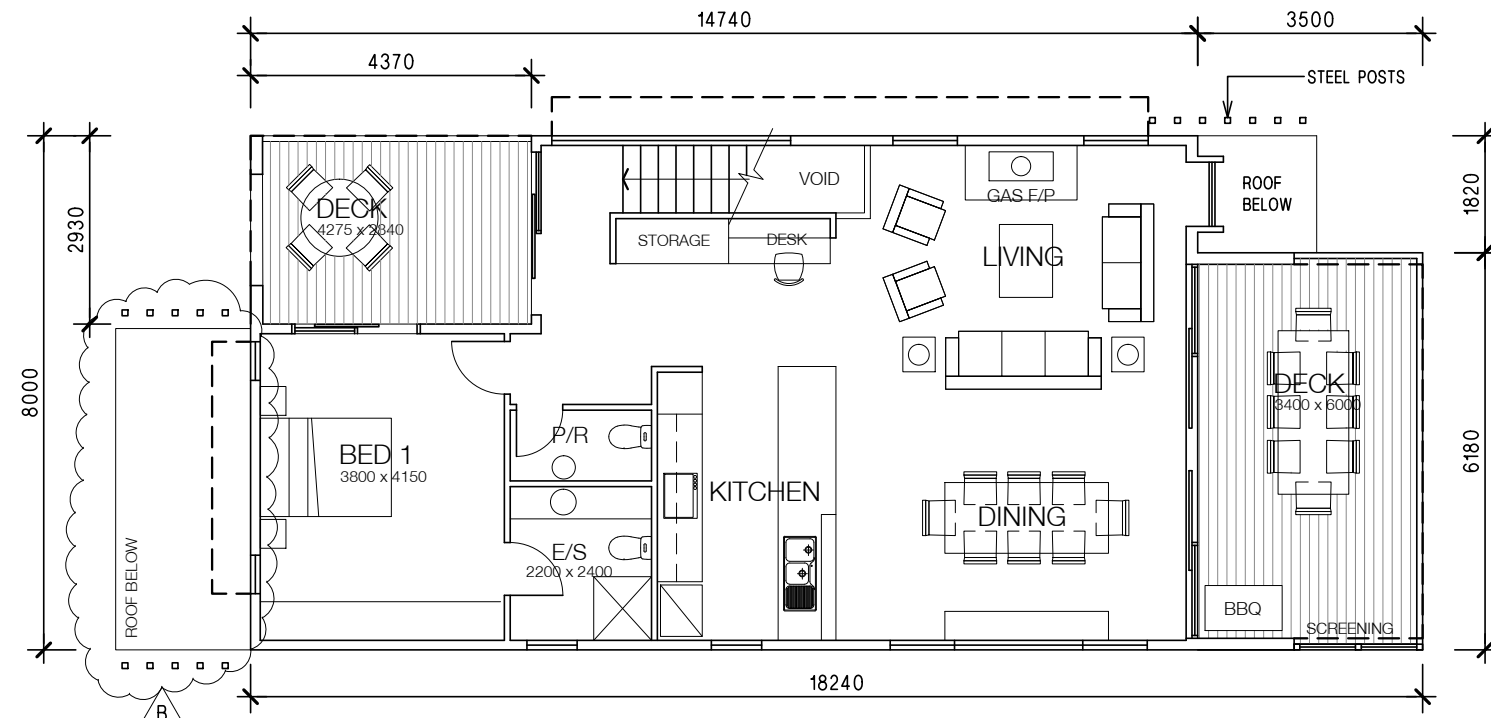
Darren Carnell Pty. Ltd. Architects
 ABN 64 083 095 523
 457 Swan Street Richmond
 Victoria 3121 Australia

Telephone 613 9425 9255
 Facsimile 613 9425 9355
 Email info@dc-a.com.au
 Internet dc-a.com.au

PROJECT
 PROPOSED 2 DWELLINGS
 10 OLD OCEAN ROAD,
 SEPARATION CREEK

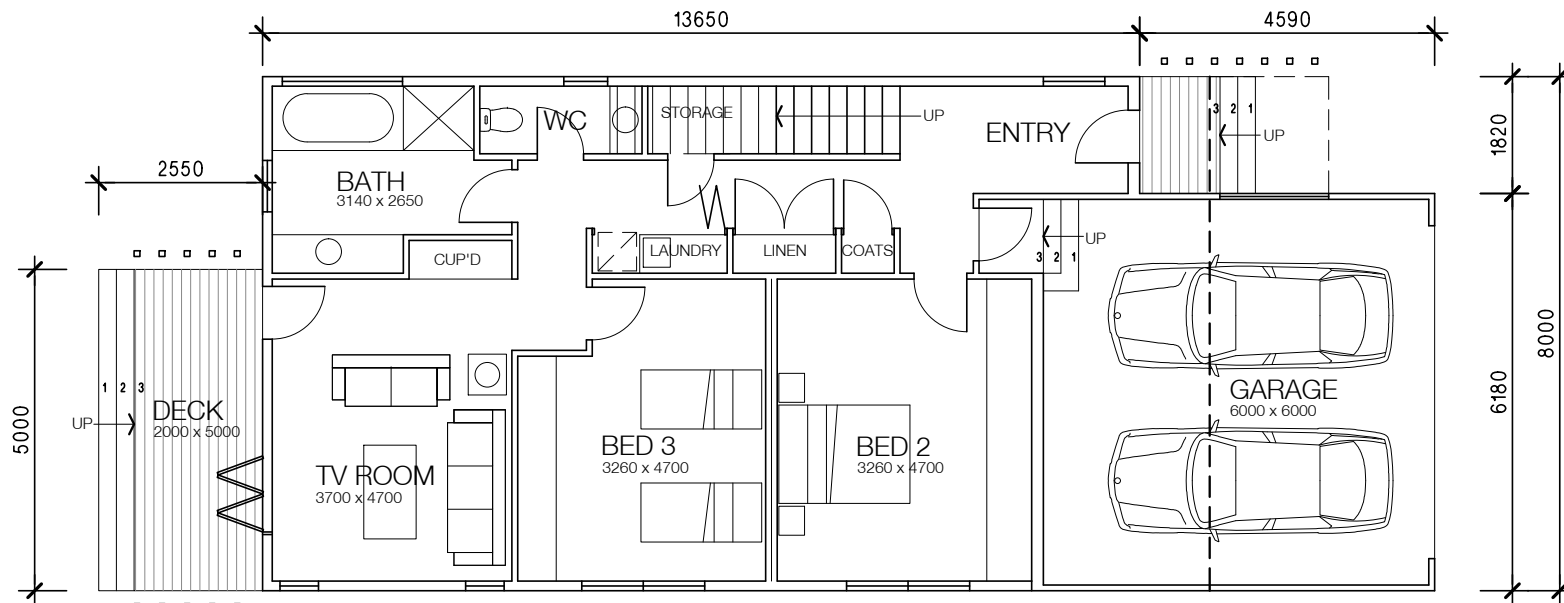
DRAWING TITLE
 PROPOSED SITE PLAN

DATE	APR '2019	SCALE	1:250
DRAWN	J.R.	PROJECT	1802
CHECKED	D.C.	REVISION	J
FILE	1802	DRG No.	TP.01



HOUSE 1 - FIRST FLOOR PLAN

SCALE 1:100



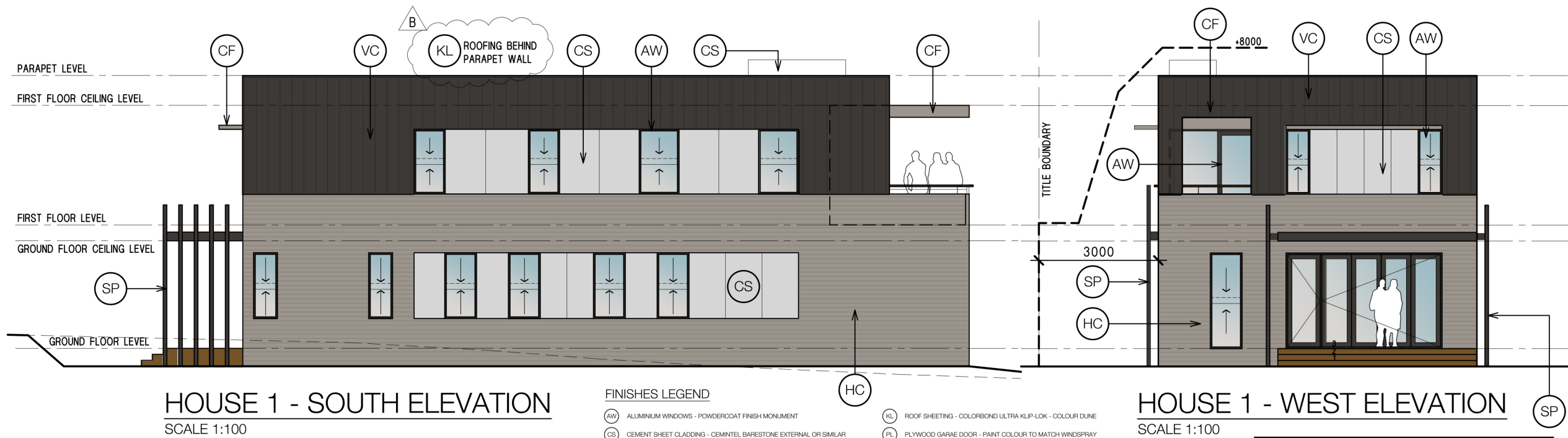
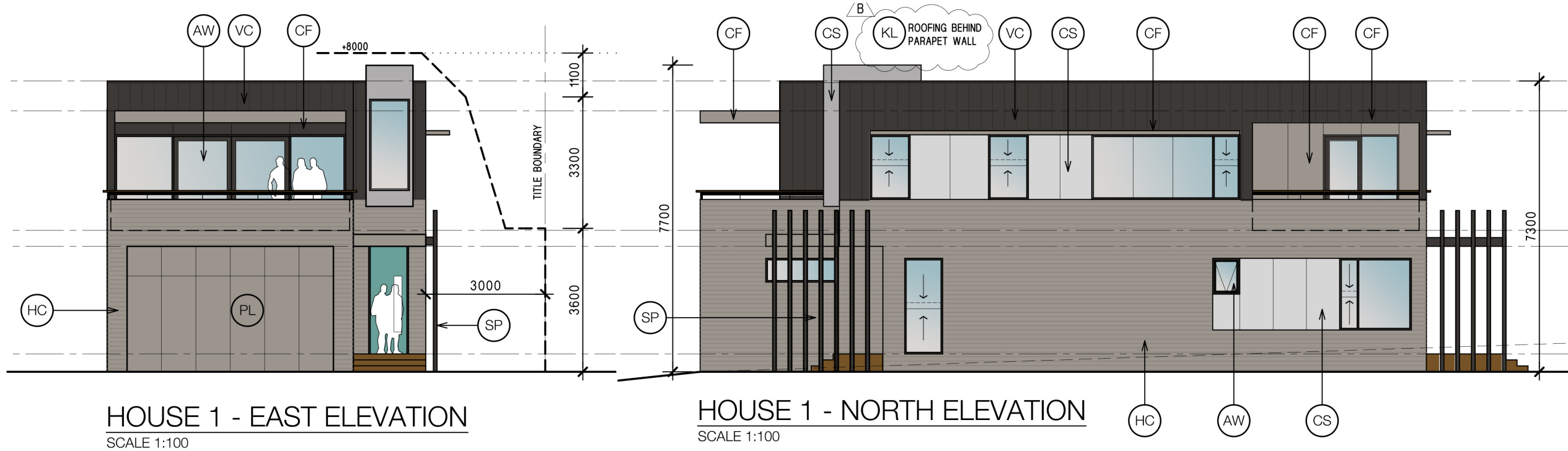
HOUSE 1 - GROUND FLOOR PLAN

SCALE 1:100

AREAS		
LIVING	203.87m ²	(21.9 SQ)
GARAGE	39.5m ²	(4.25 SQ)
DECKS	50.08m ²	(5.4 SQ)

TOWN PLANNING ISSUE

<p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL IN WRITING BEFORE PROCEEDING WITH FABRICATION. OMISSIONS AND ERRORS ON THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT AND AFFECTED WORK SHALL NOT PROCEED UNTIL RECTIFIED BY THE ARCHITECT.</p> <p>THIS DRAWING IS PROTECTED BY COPYRIGHT</p>	REV	AMENDMENT	DATE	<p>DARREN DARREN DARREN DARREN NELL CARNELL CARNELL CARNELL TS ARCHITECTS ARCHITECTS AR</p> <p>Darren Carnell Pty. Ltd. Architects ABN 64 083 095 523 457 Swan Street Richmond Victoria 3121 Australia</p> <p>Telephone 613 9425 9255 Facsimile 613 9425 9355 Email info@dc-a.com.au Internet dc-a.com.au</p>	PROJECT	DATE		SCALE
	B	CLIENT REQUESTED REVISIONS	16/04/19		PROPOSED 2 DWELLINGS	JUN '2018		1:100
					10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN J.R		PROJECT 1802
					DRAWING TITLE PROPOSED HOUSE 1 FLOOR PLANS	CHECKED D.C		REVISION B
				FILE 1802	DRG No. TP.02			

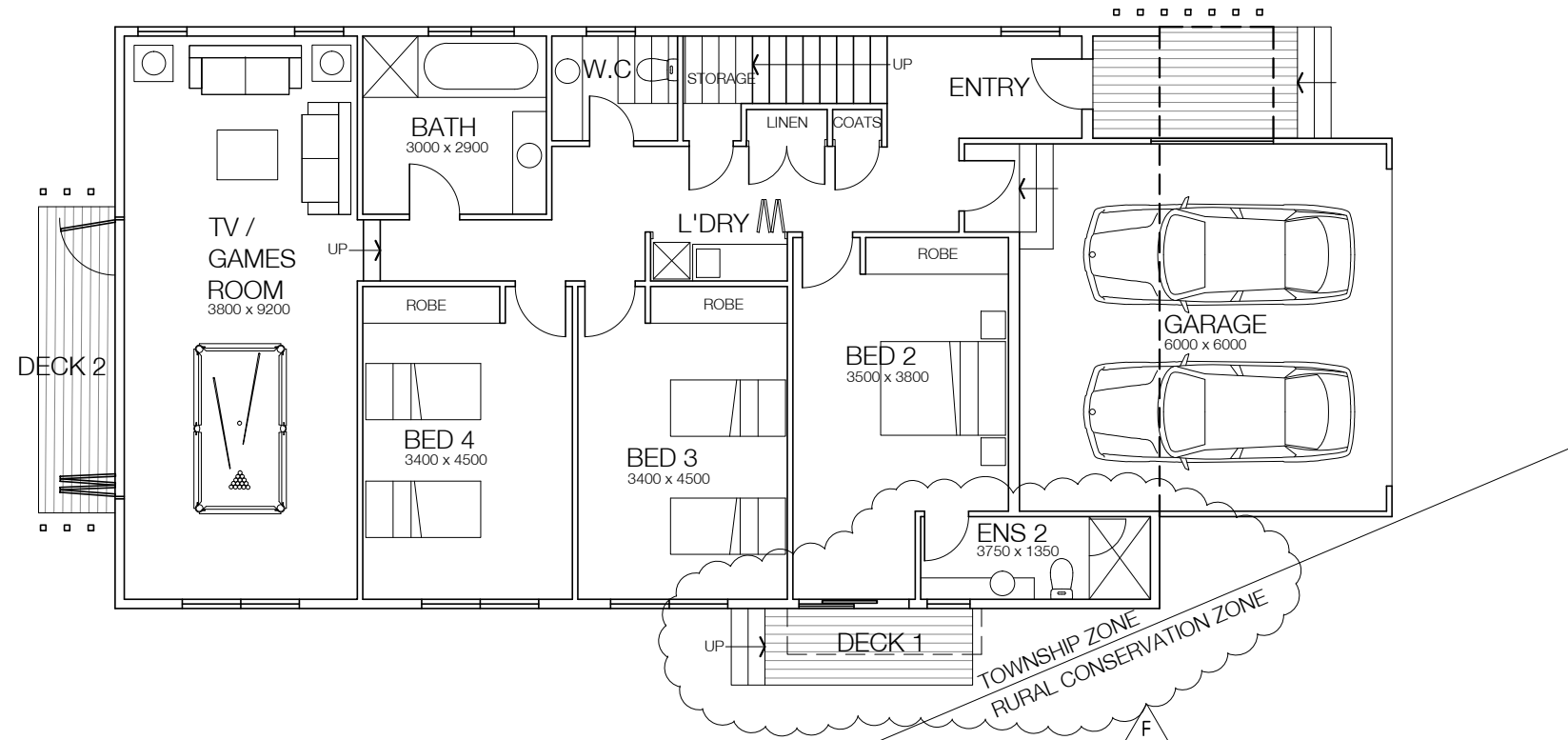


FINISHES LEGEND

- (AW) ALUMINIUM WINDOWS - POWDERCOAT FINISH MONUMENT
- (CS) CEMENT SHEET CLADDING - CEMINTEL BARESTONE EXTERNAL OR SIMILAR
- (CF) COLORBOND FLASHING - COLOUR MONUMENT
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	A	FINISHES LEGEND ADDED	18/9/18			DRAWN	J.R		PROJECT	1802
	B	ROOFING COLOUR BUBBLE ADDED	19/11/18			CHECKED	D.C		REVISION	B
						FILE	1802		DRG No.	TP.03



HOUSE 2 - GROUND FLOOR PLAN

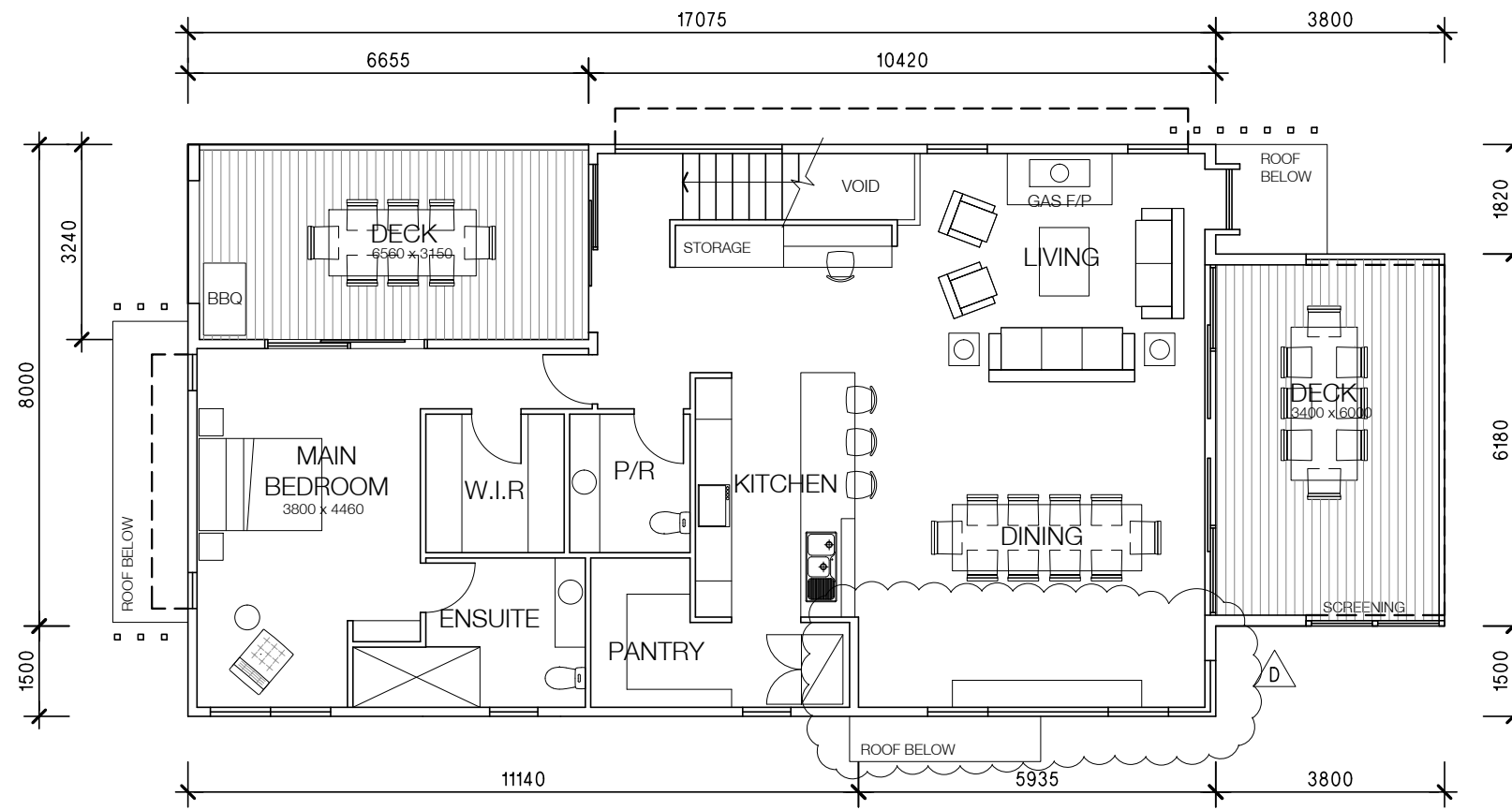
SCALE 1:100

AREAS

LIVING	285.2m2	(30.7 SQ)
GARAGE	39.2m2	(4.22 SQ)
DECKS	62m2	(6.7 SQ)

TOWN PLANNING ISSUE

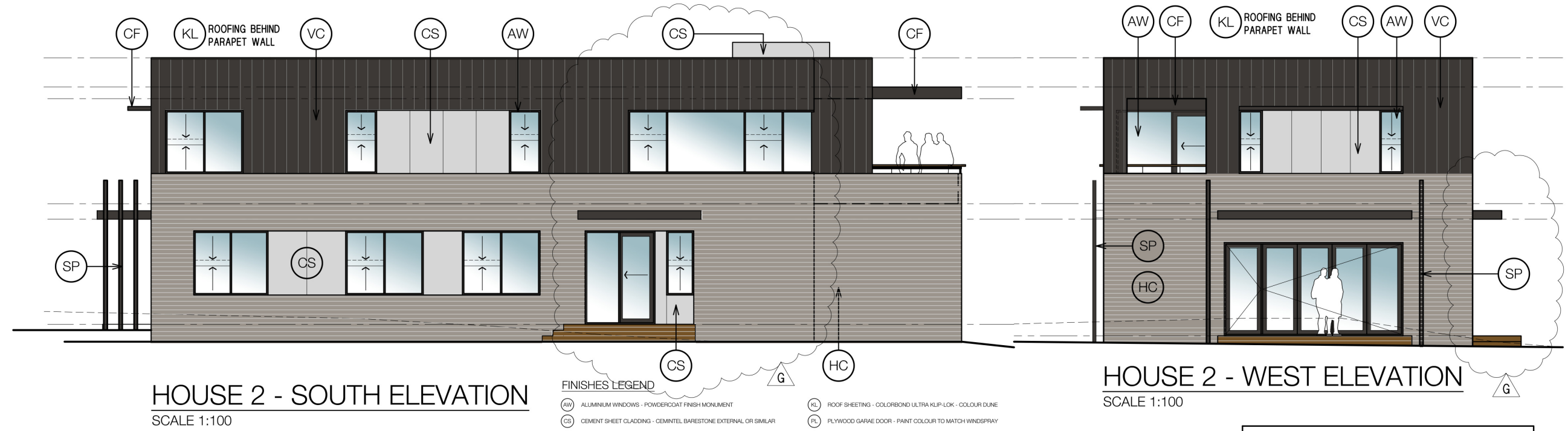
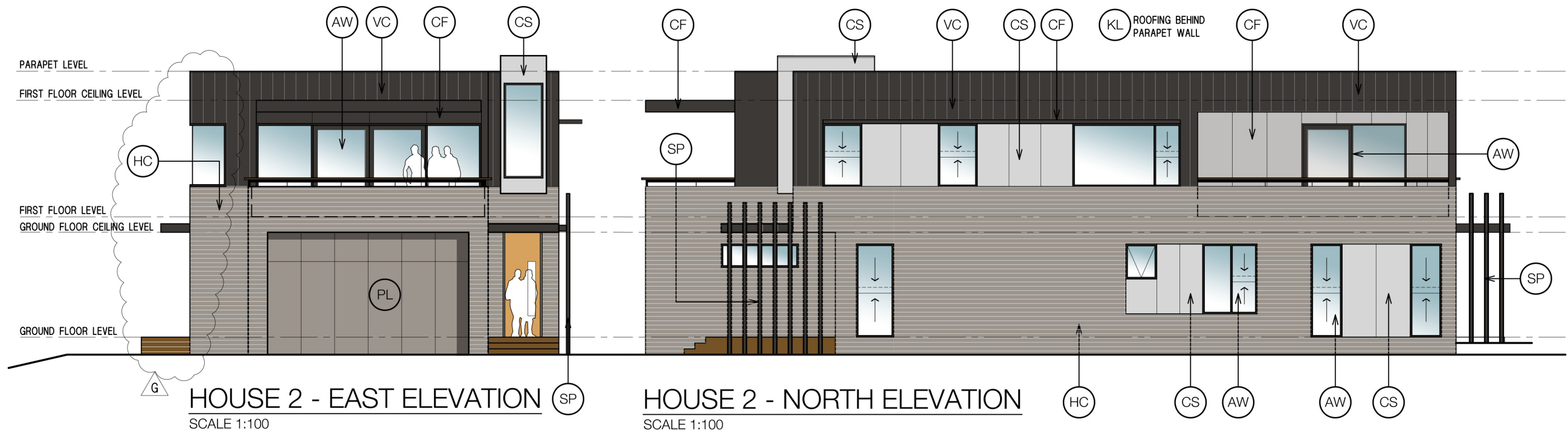
<p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL IN WRITING BEFORE PROCEEDING WITH FABRICATION. OMISSIONS AND ERRORS ON THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT AND AFFECTED WORK SHALL NOT PROCEED UNTIL RECTIFIED BY THE ARCHITECT.</p> <p>THIS DRAWING IS PROTECTED BY COPYRIGHT</p>	REV	AMENDMENT	DATE	<p>DARREN DARREN DARREN DARREN NELL CARNELL CARNELL CARNELL TS ARCHITECTS ARCHITECTS ARCHITECTS</p> <p>Darren Carnell Pty. Ltd. Architects ABN 64 083 095 523 457 Swan Street Richmond Victoria 3121 Australia</p> <p>Telephone 613 9425 9255 Facsimile 613 9425 9355 Email info@dc-a.com.au Internet dc-a.com.au</p>	PROJECT	DATE		SCALE
	C	PAVILION GEOMETRY REVISED	9/7/18		PROPOSED 2 DWELLINGS	JUN '2018		1:100
	D	T/V GAMES ROOM FLOOR LEVEL LOWERED	31/7/18		10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN J.R		PROJECT 1802
	E	POST COUNCIL MEETING REVISIONS	27/02/19		DRAWING TITLE	CHECKED D.C		REVISION F
	F	CLIENT REQUESTED REVISIONS	16/04/19		PROPOSED HOUSE 2 GROUND FLOOR PLAN	FILE 1802		DRG No. TP.04



HOUSE 2 - FIRST FLOOR PLAN
SCALE 1:100

TOWN PLANNING ISSUE

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	B	PAVILION GEOMETRY REVISED	2/7/18		PROPOSED 2 DWELLINGS	JUN '2018		1:100
	C	POST COUNCIL MEETING REVISIONS	27/02/19		10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN J.R		PROJECT 1802
	D	CLIENT REQUESTED REVISIONS	16/04/19		DRAWING TITLE PROPOSED HOUSE 2 FIRST FLOOR PLAN	CHECKED D.C		REVISION D
					FILE	1802	DRG No.	TP.05



FINISHES LEGEND

(AW) ALUMINUM WINDOWS - POWDERCOAT FINISH MONUMENT	(KL) ROOF SHEETING - COLORBOND ULTRA KLIP-LOK - COLOUR DUNE
(CS) CEMENT SHEET CLADDING - CEMINTEL BARESTONE EXTERNAL OR SIMILAR	(PL) PLYWOOD GARAGE DOOR - PAINT COLOUR TO MATCH WINDSPRAY
(CF) COLORBOND FLASHING - COLOUR MONUMENT	(VC) VERTICAL CLADDING - COLORBOND ULTRA STANDING SEAM - COLOUR MONUMENT
(HC) HORIZONTAL CLADDING - COLORBOND ULTRA CUSTOM ORB - COLOUR WINDSPRAY	(SP) STEEL POSTS - GALVANIZED STEEL POSTS WITH PAINT FINISH TO MATCH MONUMENT

TOWN PLANNING ISSUE

<p>CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR PREPARING ANY SHOP DRAWINGS. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS. SHOP DRAWINGS SHALL BE SUBMITTED TO THE ARCHITECT FOR APPROVAL IN WRITING BEFORE PROCEEDING WITH FABRICATION. OMISSIONS AND ERRORS ON THE DRAWINGS SHALL BE IMMEDIATELY REPORTED TO THE ARCHITECT AND AFFECTED WORK SHALL NOT PROCEED UNTIL RECTIFIED BY THE ARCHITECT.</p> <p>THIS DRAWING IS PROTECTED BY COPYRIGHT</p>	REV	AMENDMENT	DATE	<p>DARREN DARREN DARREN NELL CARNELL CARNELL CARNE TS ARCHITECTS ARCHITECTS AP</p> <p>Darren Carnell Pty. Ltd. Architects ABN 64 083 095 523 457 Swan Street Richmond Victoria 3121 Australia</p> <p>Telephone 613 9425 9255 Facsimile 613 9425 9355 Email info@dc-a.com.au Internet dc-a.com.au</p>	PROJECT	DATE		SCALE
	D	FINISHES LEGEND ADDED	18/9/18		PROPOSED 2 DWELLINGS	JUN '2018		1:100
	E	ROOFING FINISH BUBBLES ADDED	19/11/18		10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN J.R		PROJECT 1802
	F	POST COUNCIL MEETING REVISIONS	27/02/19		DRAWING TITLE PROPOSED HOUSE 1 ELEVATIONS	CHECKED D.C		REVISION G
	G	CLIENT REQUESTED REVISIONS	16/04/19		FILE 1802			DRG No. TP.06



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REV	AMENDMENT	DATE
A	WASTEWATER TREATMENT BEDS UPDATED	10/10/18
B	SECONDARY ACCESS DELETED	7/12/18

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PROJECT
PROPOSED 2 DWELLINGS
10 OLD OCEAN ROAD,
SEPARATION CREEK

DRAWING TITLE
PROPOSED SITE PLAN
SHADOW DIAGRAM - 9am (Equinox)

DATE	JUN '2018
DRAWN	J.R
CHECKED	D.C
FILE	1802

SCALE	1:250
PROJECT	1802
REVISION	B
DRG No.	TP.07



SITE PLAN
SCALE 1:250

SHADOW DIAGRAM
12pm - SEPTEMBER 23rd (EQUINOX)

TOWN PLANNING ISSUE

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	A	WASTEWATER TREATMENT BEDS UPDATED	10/10/18		PROPOSED 2 DWELLINGS	JUN '2018		PROJECT
	B	SECONDARY ACCESS DELETED	7/12/18		10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN J.R.		REVISION
					DRAWING TITLE PROPOSED SITE PLAN SHADOW DIAGRAM - 12pm (Equinox)	CHECKED D.C.		B
					FILE	1802		



SITE PLAN
SCALE 1:250

SHADOW DIAGRAM
3pm - SEPTEMBER 23rd (EQUINOX)

TOWN PLANNING ISSUE

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REV	AMENDMENT	DATE
A	WASTEWATER TREATMENT BEDS UPDATED	10/10/18
B	SECONDARY ACCESS DELETED	7/12/18

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PROJECT
PROPOSED 2 DWELLINGS
10 OLD OCEAN ROAD,
SEPARATION CREEK

DRAWING TITLE
PROPOSED SITE PLAN
SHADOW DIAGRAM - 3pm (Equinox)

DATE	JUN '2018
DRAWN	J.R
CHECKED	D.C
FILE	1802

SCALE	1:250
PROJECT	1802
REVISION	B
DRG No.	TP.09



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REV	AMENDMENT	DATE
A	WASTEWATER TREATMENT BEDS UPDATED	10/10/18
B	SECONDARY ACCESS DELETED	7/12/18

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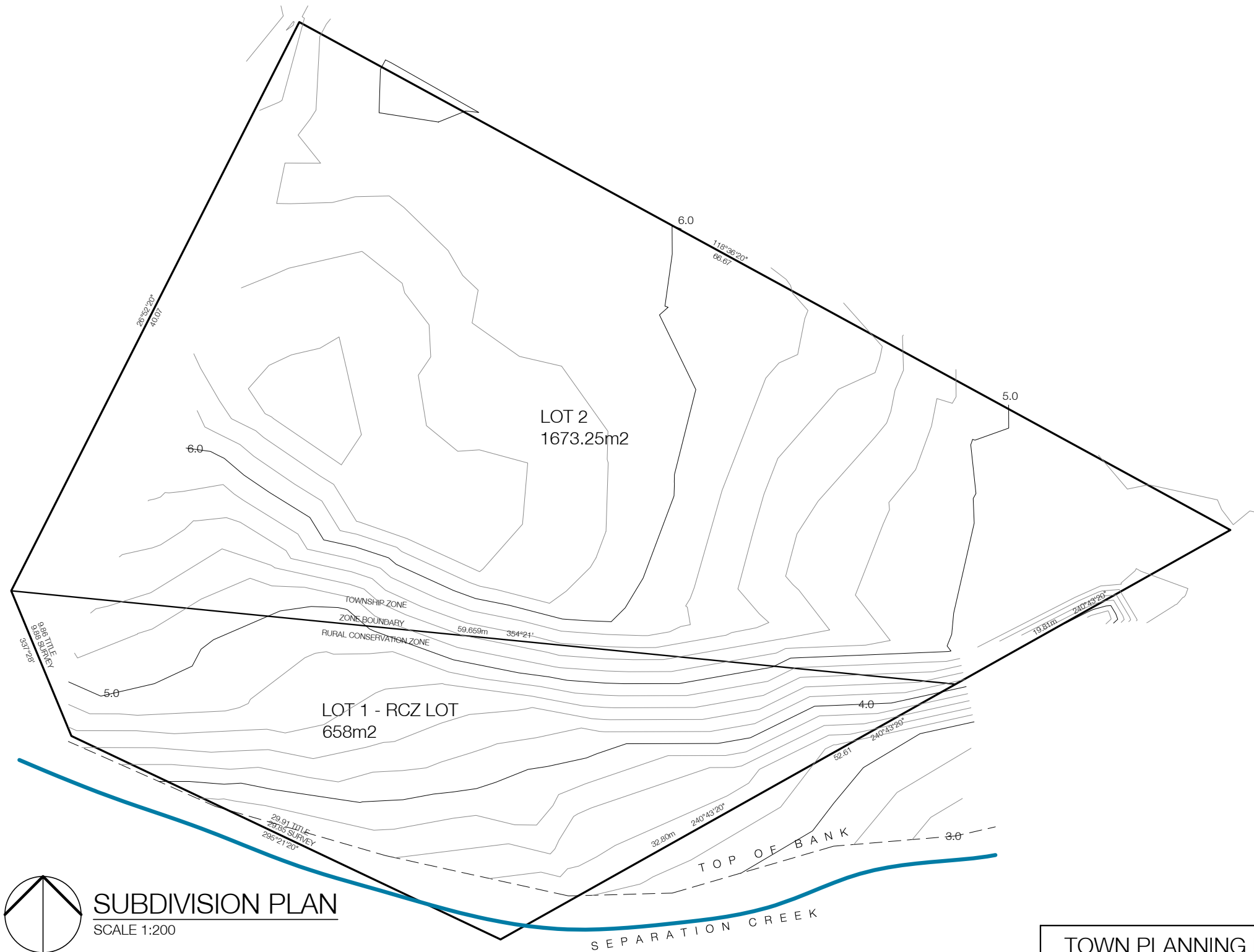
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PROJECT
 PROPOSED 2 DWELLINGS
 10 OLD OCEAN ROAD,
 SEPARATION CREEK

DRAWING TITLE
 PROPOSED SITE PLAN
 POSSIBLE FUTURE SUBDIVISION

TOWN PLANNING ISSUE

DATE	JUN '2018		SCALE	1:250
DRAWN	J.R		PROJECT	1802
CHECKED	D.C		REVISION	B
FILE	1802		DRG No.	TP.10



 **SUBDIVISION PLAN**
SCALE 1:200

TOWN PLANNING ISSUE

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REV	AMENDMENT	DATE
A	ADDITIONAL EAST BOUNDARY DIMENSIONS ADDED	19/11/18

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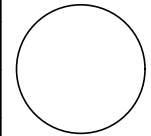
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Email info@dc-a.com.au
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PROJECT
PROPOSED 2 DWELLINGS
10 OLD OCEAN ROAD,
SEPARATION CREEK

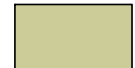

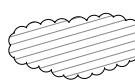
DRAWING TITLE
PROPOSED PLAN OF SUBDIVISION

DATE	SEPT '2018
DRAWN	J.R
CHECKED	D.C
FILE	1802



SCALE	1:250
PROJECT	1802
REVISION	A
DRG No.	TP.11

LEGEND

-  PROPOSED CUT
-  PROPOSED FILL
-  MIRROR BUSHES TO BE REMOVED

MIRROR BUSH SHRUBS ON ADJACENT PROPERTY TO REMAIN AS SCREENING



PROPOSED SITE WORKS PLAN
SCALE 1:200

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REV	AMENDMENT	DATE
A	CLIENT REQUESTED REVISIONS	16/4/19

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PROJECT
PROPOSED 2 DWELLINGS
10 OLD OCEAN ROAD,
SEPARATION CREEK

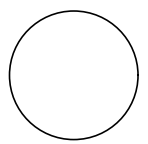
DRAWING TITLE
PROPOSED SITE WORKS PLAN

DATE
NOV '2018

DRAWN
J.R

CHECKED
D.C

FILE
1802



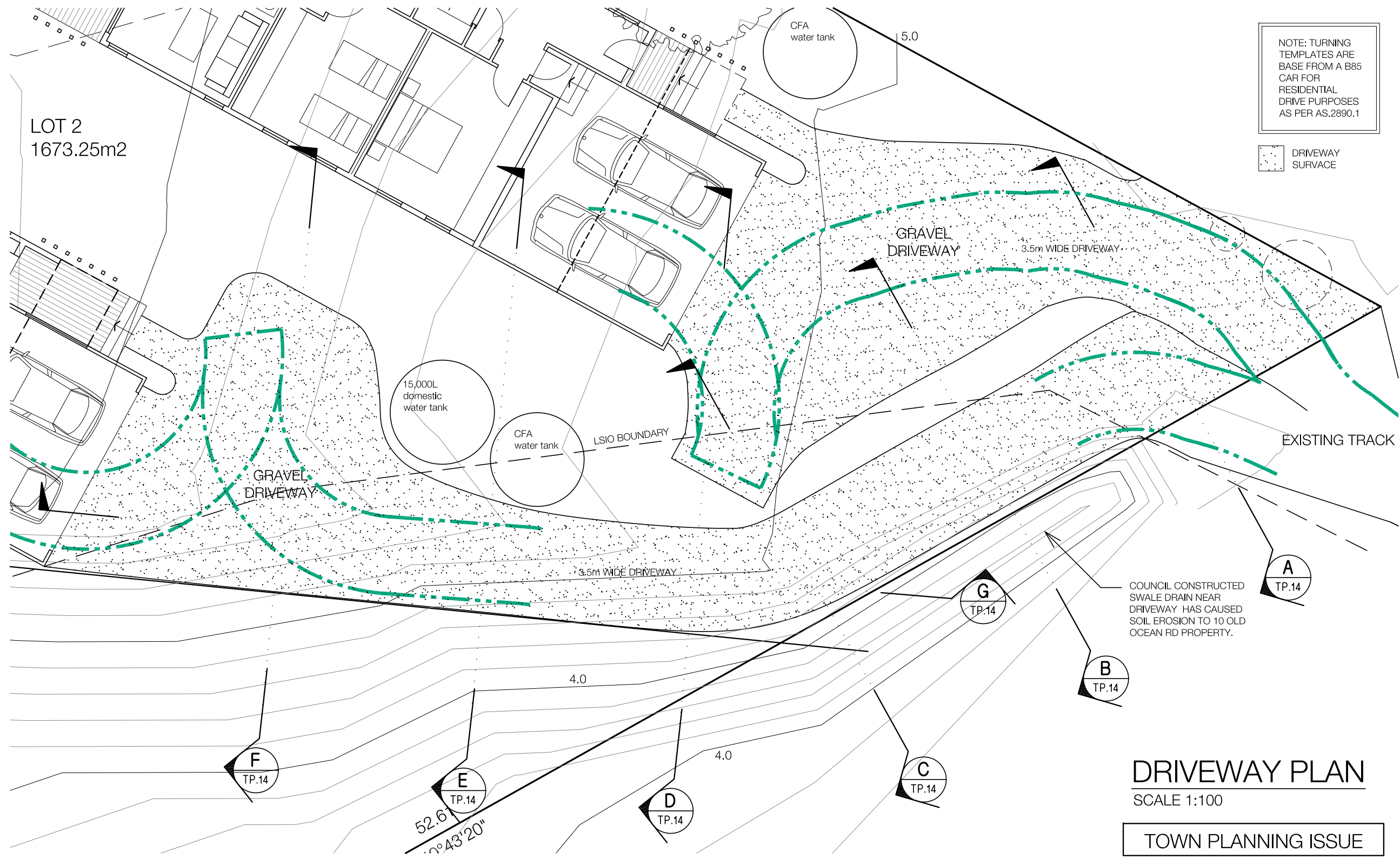
TOWN PLANNING ISSUE

SCALE
1:200

PROJECT
1802

REVISION
A

DRG No.
TP.12



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REV	AMENDMENT	DATE
A	TOWN PLANNING REVISIONS	15/5/19

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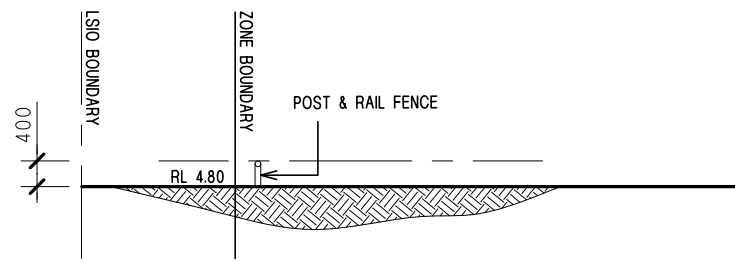
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PROJECT
PROPOSED 2 DWELLINGS
10 OLD OCEAN ROAD,
SEPARATION CREEK

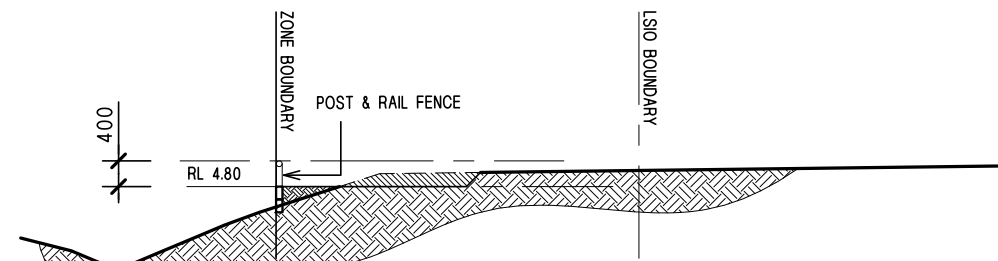
DRAWING TITLE
PROPOSED SITE WORKS PLAN

DATE	MAY '2018
DRAWN	SM
CHECKED	D.C
FILE	1802

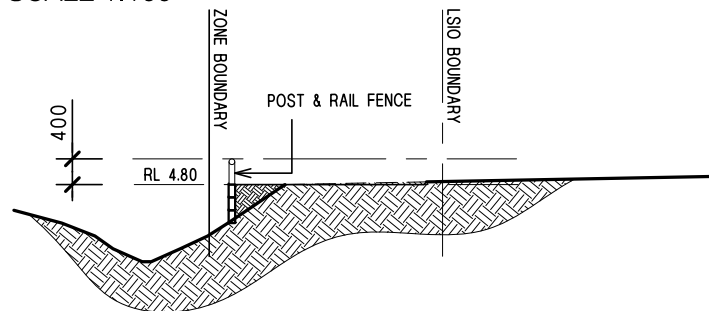
SCALE	1:100
PROJECT	1802
REVISION	A
DRG No.	TP.13



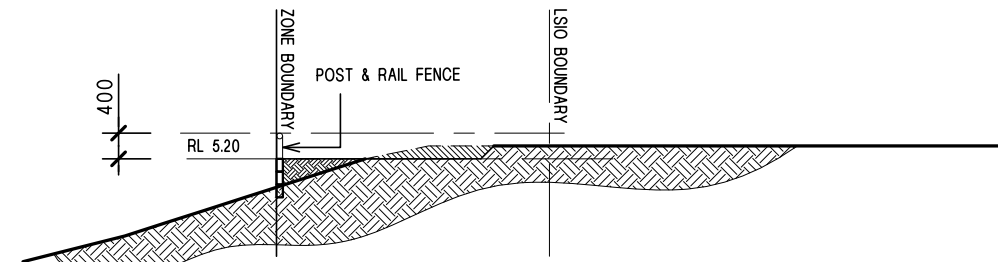
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SCALE 1:100



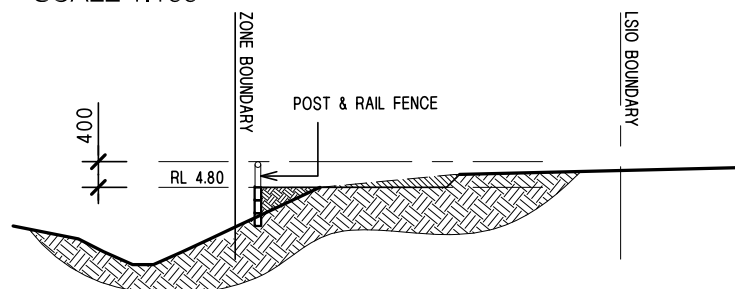
SECTION - D
SCALE 1:100



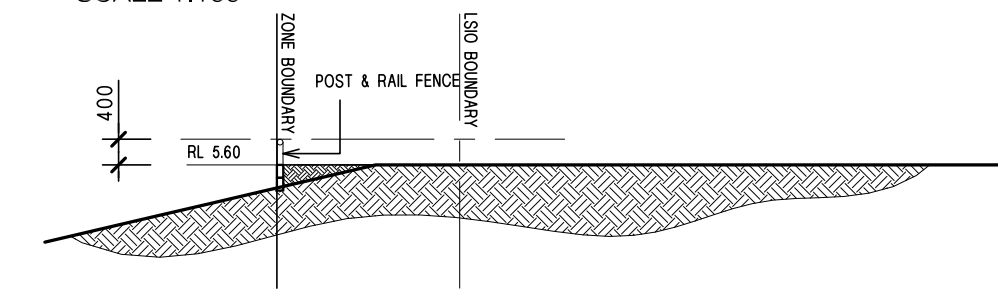
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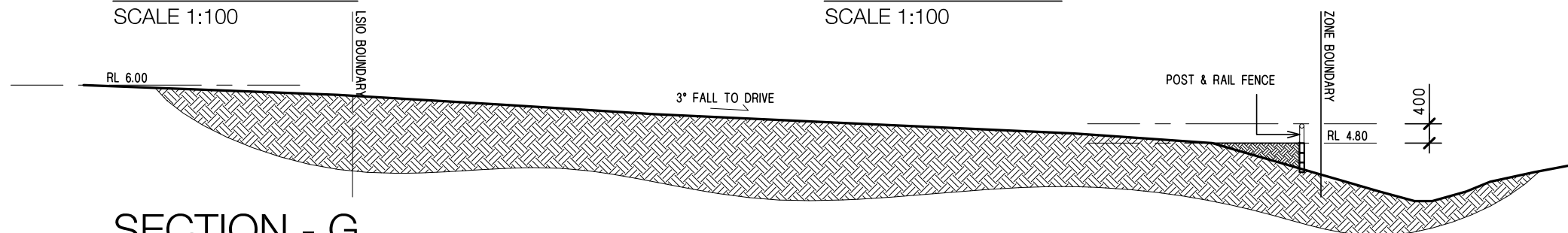
SECTION - E
SCALE 1:100



SECTION - C
SCALE 1:100



SECTION - F
SCALE 1:100



SECTION - G
SCALE 1:100

CUT & FILL LEGEND

- EXTENT OF NATURAL GROUND
- EXTENT OF FILL
- EXTENT OF CUT

TOWN PLANNING ISSUE

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	A	TOWN PLANNING REVISIONS	15/5/19		PROPOSED 2 DWELLINGS	MAY '2018		1:100
					10 OLD OCEAN ROAD, SEPARATION CREEK	DRAWN SM		PROJECT 1802
					DRAWING TITLE PROPOSED SITE WORKS PLAN	CHECKED D.C		REVISION A
				FILE 1802	DRG No. TP.14			



Our Reference 304867
Your Reference PP11/2018-1

15 April 2019

Helen Evans
Statutory Planner
Colac Otway Shire
PO Box 283
COLAC, VIC 3250

Dear Helen,

**Planning Permit PP11/2018-1 - 10 Old Ocean Road Separation Creek
Response to objections**

Spiire Australia Pty Ltd continues to act on behalf of the land owners of 10 Old Ocean Road Separation Creek, Tony & Marg Batt, in relation to the planning permit application PP11/2018-1. The application, which seeks the approval for two dwellings and associated works, was advertised in December 2018 – January 2019 and during the advertising period concerns with the proposal were raised. A summary of the concerns received are listed below.

1.1 Concerns raised

- ▶ Tennis court, associated fencing and lighting;
- ▶ Building siting and setbacks;
- ▶ Building height;
- ▶ Overlooking;
- ▶ Traffic generation;
- ▶ Environmental Impact Assessment;
- ▶ Access to the creek;
- ▶ Loss of views; and
- ▶ Impact on sewage and electrical infrastructure

In response to the concerns raised the landowners have submitted to Council amended plans. The proposed tennis court and associated features have been deleted from the proposal. In addition there have been further changes which include the following;

- ▶ 1.8 m high paling fence to the north western boundary;
- ▶ Landscaping along the north western and part of the north eastern boundary. The planting is proposed to be low canopy trees which would not exceed a height of two metres;
- ▶ Design changes to the dwellings to improve articulation. This includes the deletion of the proposed pavilion to house 2, addition of ensuite to house 2 and associated built form; and
- ▶ Provision of a CFA water tank for the sole purpose of fighting bushfires, as per the requirements of the bushfire management provisions.

Spiire Australia Pty Ltd ABN 55 050 029 635 T 03 9993 7888
Level 6, 414 La Trobe Street Melbourne VIC 3000 PO Box 16084 Melbourne VIC 8007

Received
08/05/2019



2. RESPONSE TO OBJECTIONS

In addition to the amended plans we provide the following response to the grounds of objection received.

2.1 Tennis court, associated fencing and lighting

In response to concerns raised with the Tennis Court and its associated fencing and lighting, the tennis court has been removed from the proposal. The area will remain as open space to serve as private outdoor recreation area for the development.

2.2 Building siting and setbacks

The two buildings are proposed to be built wholly within the Township Zone (TZ), which does not prohibit the construction of more than one dwelling on a lot. Acknowledging that the TZ lot contains an area of 1,673 sqm, the proposal seeks a development a siting and pattern which is consistent with the existing neighbourhood character.

In addition to the above, the proposed dwellings contain setbacks which are also consistent with the surrounding development pattern. Whilst acknowledging that there is a slight variation to the side setback of dwelling 2 towards the creek, it is considered that the variation respects and is consistent with the neighbourhood character of the immediate area. Moreover the variations would not unreasonably impact upon the amenity of any adjoining dwellings, noting that the variation is towards the proposed lot containing the Rural Conservation Zoned (RCZ) land.

As such the variation is considered reasonable and would not result in any unreasonable visual bulk and would be consistent with the built form characteristics of the immediate environs.

2.3 Building Height

Acknowledging that the proposed maximum building height is 7.7 m with the majority of the building including roof being a height of 7.3 m, the proposal is under the maximum permissible building height of 8 m.

With the exception of one dwelling, all other houses along the northern side of Old Ocean Road are double storey dwellings, and therefore the height of the proposed buildings is consistent with the built form of the surrounding dwellings. As such the height of the proposal is respectful of the immediate neighbourhood character.

2.4 Overlooking

No habitable room windows are located to the first floor of house 1 along the northern elevation. Whilst house 2 is setback almost 15 m from the nearest boundary. As such the proposal complies with the overlooking requirements of the Colac Otway Planning Scheme which requires habitable room windows are screened, to a height of 1.7 m, within 9 metres of any adjoining private open space or habitable room windows.

2.5 Traffic Generation

The proposal complies with the car parking requirements of the Colac Otway Planning Scheme. In addition there is adequate room for additional car parking of visitors on the land. Moreover as shown by the swept paths on the plans vehicles can exit in a forward direction.

Similar to the surrounding area, the use of the proposed buildings will be for residential purposes. The amount of cars expected to be visiting the site will be typical of other houses in the street used for residential purposes. Appropriate vehicle crossovers to access each property and parking within the

Received
08/05/2019

10 Old Ocean Road - Response to objections

2



site is provided, minimising the traffic impact on the surrounding area. Amended plans demonstrate a swept path for vehicles.

2.6 Environmental Impact

Acknowledging that the land is zoned for residential purposes, the application seeks the development of two dwellings wholly contained within the TZ land. No works are proposed within the Rural Conservation Zoned land. Moreover it is noted that the site is largely devoid of any vegetation.

In addition to the above, as part of the development it is intended by the land owner to improve the RCZ land through removal of noxious weeds and replanting of vegetation native to the area. Therefore this will result in the improvement of the natural environment.

For the above reasons it is submitted that the proposal will not result in any unreasonable environmental impacts.

2.7 Access to the Creek

The development occurs wholly within the property boundaries which is privately owned land. The land is not intended to provide public access to creek. The development does not encroach into any public space that may surround the site. Any public access to the waterway remains unchanged, and the general public can still access the creek via the designated public paths and access ways.

2.8 Loss of views

Some objectors have raised the potential for a loss of views to occur. As noted above, the height of the dwellings will be at most, 7.7m in height however the majority of the dwellings will be 7.3 m in height. The building will sit below the tree line given the surrounding mature vegetation. Views looking south-east towards the water from Harrington Street will be preserved given the slope of the land as Harrington Street properties sit above the subject site due to the slope of the land. As such the proposal will continue to provide reasonable sharing of views for adjoining dwellings.

2.9 Impact on sewage and electrical infrastructure

The Land Capability Assessment (LCA) identified the need for on-site wastewater treatment areas, given the lack of reticulated sewage to the site. It further states that the land area is sufficient to accommodate infiltration areas for both dwellings on site. This has been provided to the north-west corner of the site, as recommended by the LCA.

The prevalence of 'brown outs' due to electricity provision was also raised as an objection, however the connection of two additional dwellings would not put unreasonable pressure on existing recourses. In addition it is understood that Powercor, who are responsible for providing electricity to the area, are in the process of upgrading electrical infrastructure along the Great Ocean Road.

3. CONCLUSION

We trust that the amended plans and above responses satisfactorily addresses the concerns raised by the objectors and enables Council to complete its assessment of the proposal.

Should you have any questions or wish to discuss any of the above matters further please do not hesitate to contact me on (03) 9993 7055 or alternatively at nick.jay@spiire.com.au.

Received
08/05/2019



Yours sincerely

A handwritten signature in blue ink, consisting of a stylized, cursive "N" followed by a horizontal line.

Nick Jay
Associate - Planning

Enclosure N/A

Copy to: Tony & Marg Batt

10 Old Ocean Road - Response to objections
Received
08/05/2019

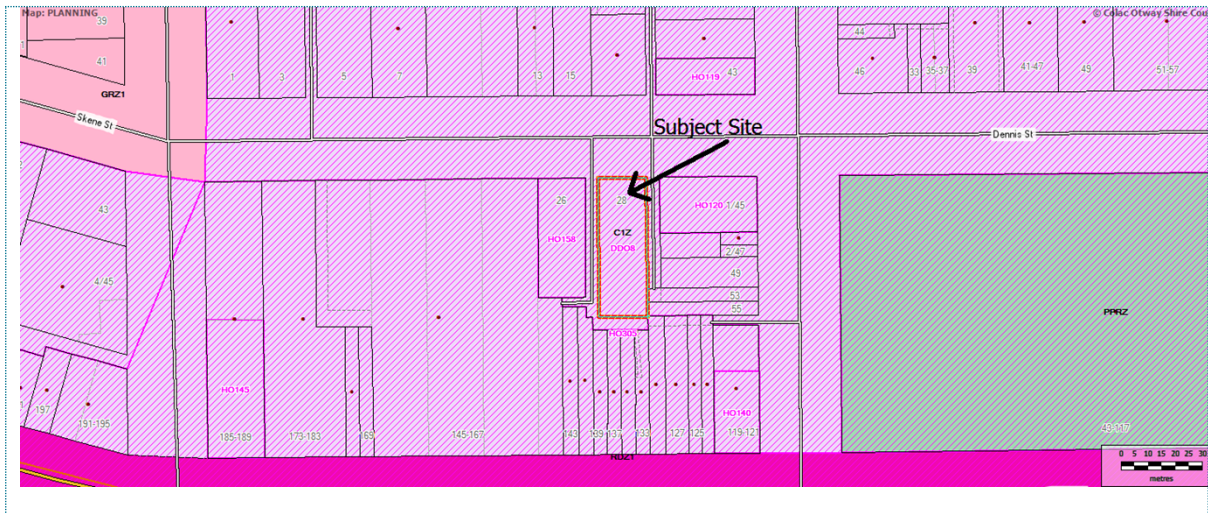
Item: 8.2

PP177/2019-1 - 28 Dennis Street COLAC

ADDRESS AND PROPERTY DETAILS	28 Dennis Street COLAC	APPLICATION NUMBER	PP177/2019-1
PROPOSAL	Waiver of Parking Requirement (21 Spaces) and Display of 1 Business Identification Sign		
PERMIT TRIGGERS	<p>Pursuant to Clause 52.06-3 (Car Parking) and Clause 2.0 of Schedule 1 to the Parking Overlay (PO1), a permit is required to reduce the number of car parking spaces required.</p> <p>Pursuant to Clause 52.05-13 (Signs), a permit is required for a business identification sign.</p>		
TRIGGER FOR DETERMINATION BY COMMITTEE	Reduction in car parking requirement by more than 10 spaces		
ZONE	Commercial 1 Zone (C1Z)	OVERLAYS	<p>Design and Development Overlay – Schedule 8 (DDO8)</p> <p>Parking Overlay – Schedule 1 (PO1)</p>
COVENANTS	None		
CULTURAL HERITAGE	N/A		
OFFICER	Julia Repusic	GENERAL MANAGER	Ian Seuren
DIVISION	Development & Community Services		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Attachment 1 - Application form [8.2.1 - 7 pages] 2. Attachment 2 - Plans [8.2.2 - 3 pages] 		

1. LOCATION PLAN / AERIAL PHOTO

LOCATION PLAN



AERIAL PHOTO



2. RECOMMENDATION

That Council resolves to Grant a Permit for the Reduction of the Number of Car Parking Spaces to Zero and Display of 1 Business Identification Sign at 28 Dennis Street, Colac (Lot: 1 TP: 606760 V/F: 2435/931 Parish of Colac), subject to the following conditions:

Endorsed Plans

- The location and details of the signage and any supporting structures, as shown on the endorsed plans, must not be altered without the written consent of the Responsible Authority.***

Signs

2. ***The signage must not be illuminated by external or internal light, or contain flashing lights, except with the prior written consent of the Responsible Authority.***
3. ***The sign must be constructed and maintained to the satisfaction of the Responsible Authority.***

Loading/Unloading

4. ***The loading and unloading of goods from service vehicles must only be carried out within the loading bay shown on the endorsed plan and must not obstruct any vehicles to the satisfaction of the Responsible Authority. If a vehicle trying to access/egress a neighbouring property is obstructed, the service vehicle must be moved immediately to enable access/egress.***

Expiry

5. ***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 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.

Note

This permit does not authorise the commencement of the use or any building works. Prior to the commencement of the use, it will be necessary to apply for and obtain a building permit.

3. PROPOSAL

It is proposed to sell furniture from the existing building on the subject land. This type of use requires a large space for the handling and display of goods, and is classed a 'restricted retail premises'. The use of the building for this purpose does not require a planning permit in the Commercial 1 Zone.

The current application seeks a permit for a full waiver of the car parking requirement for the proposed restricted retail use of the building, i.e. a reduction in the car parking requirement to zero, to use the specific wording of the planning scheme. A permit is also required for a business identification sign.

The car parking rate as stipulated in the Parking Overlay for this use is 3 parking spaces for each 100sqm of leasable floor area. Based on Council's records, the building has a floor area of approximately 770sqm. The required number of car parking spaces to meet the specified rate is therefore 21. As noted, a reduction in the number of car parking spaces required to zero is sought by the applicant.

The applicant has advised that between 1 to 3 staff members would be on site at any given point. The applicant anticipates that customers would be on multi-purpose trips within the Colac Commercial Centre, rather than the proposed business being the sole destination, and that there would be a maximum of 5 patrons present at any time.

All furniture would be delivered to customers and therefore there is no requirement for customers to load furniture from the premises. There is a small loading bay to the rear of the site which would be used by employees of the company for deliveries of furniture to customers.

One business identification sign is also proposed. The sign would be 2m x 1.2m and would be located above the entrance. The sign would have the following simple design:

BOX

furniture. art. home.

(Note: whilst originally submitted as a VicSmart application, a review of the planning history of the site found that a planning permit had not been obtained for the previous use of the land by Target. As the proposed reduction in parking therefore would exceed 10 spaces, as a parking credit could not be applied, the proposal is not a VicSmart application.)

4. SUBJECT LAND & SURROUNDINGS

The site is 915sqm, and located on the southern side of Dennis Street, between Corangamite Street and Gellibrand Street. The existing building is a glass fronted, single-storey rendered building, with rectangular window openings down both facades. The building covers most of the site, with a 4-5m setback from the Dennis Street frontage. The building is approximately 17m wide and 45m deep, with a floor area of approximately 770sqm. Whilst the applicant has advised that the 'leasable floor area' (on which the relevant car parking rate is based) is 632sqm, it appears that this figure may be based on the retail area only, excluding offices etc. within the building. The definition of leasable floor area in the planning scheme is:

"That part of the net floor area able to be leased. It does not include public or common tenancy areas, such as malls, verandahs, or public conveniences."

Given this definition, it is considered appropriate to base the reduction on a floor area of 770sqm.





The site currently does not provide any car parking spaces, nor does it realistically have the ability to, as can be seen from the photograph of the front façade above. Whilst there is limited space at the front of the building, on-street parking would be lost to access this area if it was considered feasible to use it for on-site parking.

The building was most recently used by Target for storage, which is a use that requires a permit in the Commercial 1 Zone. Whilst this use lasted for over a decade, it has been established from Council's records that the use of the building by Target did not benefit from a planning permit, or existing use rights, and a waiver of parking was never sought or granted for that use. As such, the site does not benefit from a parking credit for the previous storage use.

5. PLANNING SCHEME PROVISIONS

Planning Policy Frameworks

The Planning Policy Frameworks seek to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development planning policies and practices, which integrate relevant environmental, social and economic factors in the interests of net community benefit and sustainable development. The following policies are relevant to the consideration of this application:

- Clause 17.01-1S - Diversified Economy
- Clause 17.02-1S - Business
- Clause 18.02-4S - Car Parking
- Clause 21.02-2 - Land Use Vision

In general terms, the planning policies described above:

- Support proposals that contribute to the economic development of Colac.

- Seek to ensure the provision of an adequate supply of car parking that is appropriately designed and located.
- Seek to encourage development which meets the community's needs for retail, entertainment, office and other commercial services, and provide net community benefit in relation to accessibility, efficient infrastructure use and the aggregation and sustainability of commercial facilities.
- Seek to enhance Colac as the major regional centre in the Shire for residential, service and manufacturing industry, retail, office services, recreation and education facilities.

Zone

The subject site is located within the Commercial 1 Zone. This zone has the key purpose of creating vibrant mixed-use commercial centres for retail, office, business, entertainment and community uses. Under the provisions of this zone, neither the use of the land as a restricted retail premises nor the proposed sign trigger the requirement for a planning permit.

Overlays

The site is covered by the Design and Development Overlay, Schedule 8 (DDO8 – Colac CBD). The key purpose of this overlay is to identify areas which are affected by specific requirements relating to the design and built form of new development. DDO8 includes the following design objectives for all areas of the Colac CBD covered by this overlay:

- *encourage the development of buildings that maximise use of available space within the CBD, and create a vibrant and people-focussed centre.*
- *protect the heritage buildings of the CBD.* [Note: there are heritage overlays to the east, west and south of the subject site].
- *create an attractive, pedestrian-focussed and well-connected public realm in the CBD.*

Clause 4.0 of DDO8 states that signs on land affected by this schedule are in Category 3 (High Amenity Areas – Medium Limitation) of Clause 52.05 (Signs). It states that signage should also address the following built form requirements:

- *Avoid creating clutter in the development of new signage.*
- *Incorporate new signage into building design and avoid freestanding, roof top or above verandah signs.*

The site is also covered by the Parking Overlay, Schedule 1 (PO1 – Colac Commercial Centre). The key purpose of this overlay is to facilitate an appropriate provision of car parking spaces in the area. Pursuant to Clause 2.0 of Schedule 1, a permit is required to reduce the car parking requirements from the rates specified in the schedule. Schedule 1 specifies a rate of 3 spaces to each 100sqm of leasable floor area for a 'shop' (under which 'restricted retail premises' is nested).

The rate for the new use is therefore 21 car parking spaces. As no parking is proposed, a reduction in the parking requirement to zero is sought.

Other relevant provisions

Clause 52.06 - Car Parking

This clause has the purpose of ensuring the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality, is relevant to this application. This provision is relevant to this application as Clause 52.06

applies to 'a new use'. Clause 52.06-3 states that "a permit is required to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay".

Clause 52.05 – Signs

This clause has the purpose of ensuring that signs are compatible with the amenity and visual appearance of an area, including the existing or desired future character, and that they do not contribute to excessive visual clutter.

As noted above, the DDO8 provisions specify that the proposed signage is in Category 3 (High Amenity Areas - Medium Limitation), which seeks to ensure that signs in high-amenity areas are orderly, of good design and do not detract from the appearance of the building on which a sign is displayed or the surrounding area. Business identification signs in this category require a planning permit.

Clause 65.01 – Approval of an Application or Plan

Clause 65.01, which relates to decision guidelines, states that before deciding on an application or approval of a plan, the responsible authority must consider several matters including:

- *The orderly planning of the area.*
- *The effect on the amenity of the area.*
- *The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.*

The proposed loading/unloading arrangements are discussed later in this report.

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department, which did not object to the application subject to a condition regarding the loading bay facilities.

External Referrals

No external referrals were required.

7. PUBLIC NOTIFICATION & RESPONSE

Clause 52 of the *Planning and Environment Act 1987* requires notice to be given unless the Responsible Authority is satisfied that the grant of the permit would not cause material detriment to any person. Whilst this application was not exempt from public notice, the Responsible Authority was satisfied that the grant of a permit would not cause material detriment to any person, for the following reasons:

- Any use of this building, which is located in the Commercial 1 Zone and therefore appropriate in principle for commercial uses, would require a reduction in parking from the specified requirement or, if no requirement is listed, the lack of parking would have to be accepted by Council if the building is to be lawfully occupied.
- The required car parking for the previous use of the building for storage, which occurred for over a decade, was not provided and did not result in complaints.

- The nature of the proposed use is such that it should not generate significant parking demand in the area.
- Furniture on sale at the premises would be delivered to customers.
- The proposed sign is relatively small, simple in design and typical of other business identification signs within the Commercial 1 Zone.

8. OFFICER'S ASSESSMENT

Parking Reduction

In assessing an application for a reduction in the number of car parking spaces from the number required by the planning scheme (including a reduction to zero), the responsible authority must consider matters such as:

- *The objectives contained in the schedule to the Parking Overlay.*
- *Whether there is availability of alternative car parking in the locality.*
- *The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.*
- *Whether there is any car parking deficiency associated with the existing use of the land.*
- *Whether fewer car parking spaces will impact local amenity, including pedestrian amenity and the amenity of nearby residential areas.*
- *The convenience of pedestrian and cyclist access to the land.*
- *The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the use.*

It is considered that the use of the existing building as a restricted retail premises is an appropriate use for the site, being a 'permit not required' use in the Commercial 1 Zone. The key issue is whether the proposed use of the existing building should be allowed without the provision of the amount of car parking specified for the use in the Parking Overlay Schedule 1.

The leasable floor area of the building is approximately 770sqm in floor area and therefore 21 spaces should be provided to accord with the relevant parking provisions. In this case, it would not be possible to provide such parking, as the building takes up most of the site.

Parking is available in Dennis Street, with a mix of parallel and angled parking on both sides of the street. The on-street parking is limited to 2 hours. Twenty-five (25) spaces are available on-street within 50 metres of the building. In the event customers visit the subject site as part of a multi-purpose trip to Colac, it is noted that off-street parking is available in the area at Oddfellows, Target and the informal parking (used by business holders) at the rear of the businesses fronting onto Gellibrand Street and Murray Street.

The applicant has advised that, based on business projections, a maximum of five customers are likely to be present at any one time. Based on these numbers, it could reasonably be considered that the use of the existing building for the purpose proposed would not generate a demand greater than the availability of on-street car parking in the area. It is considered that it is likely that customers would not stay longer than an hour, or alternatively would utilise the parking area for the full two hours and visit other commercial businesses nearby.

It is considered that the proposed use of the existing building would help rejuvenate this currently under-utilised section of the commercial precinct. From an economic perspective, it is important to encourage the use of existing buildings, particularly in the central business area, and the proposed use would help revitalise this area.

The applicant has advised that loading and unloading furniture would be done at the rear of the site. Council's Infrastructure Department has not objected to this use at the rear of the site, subject to a permit condition that would ensure that the access to the adjacent properties to the south would not be obstructed.

It is important to note that, for this building to be used for any commercial purpose whether or not a planning permit is required for the use, a reduction in car parking will be required. No customer or staff car parking is available onsite and, given the availability of on-street parking in the area, it is considered reasonable for Council to issue a permit for a reduction in parking. As noted above, Target used this site without providing on-site car parking for a decade, albeit this was done without a permit. While that use was unlawful, it has demonstrated that reducing car parking requirements for the site need not necessarily cause parking stress in the area. The nature of the use proposed, as a furniture shop, is not one that has high levels of customers at peak periods of the day unlike, for example, food and drink premises. It is also noted that Colac's Commercial Centre Parking Plan identifies 'shop' uses as unlikely to generate single use trips, generally being part of multi-purpose trips.

It is considered that the proposal could reasonably be allowed in light of relevant state and local planning policies, as it would help to boost Colac's commercial precinct by allowing a new commercial use to enter the centre, utilising a vacant building in the centre and being unlikely to have a significant impact on-street parking availability, as discussed above.

Signage

It is considered that the proposed signage would be of a simple design, modest in scale, and would be acceptably integrated with the building design. The colours would be black and white, in simple font, which would integrate with the existing signage character of Dennis Street. The few business identification signs in the area are of a simple design integrated into buildings, which avoid visual clutter.

As the sign would be the only one on the site, and would not be illuminated, electronic or animated, it is considered that there would be no adverse impact to road safety.

9. OFFICER DIRECT OR INDIRECT INTEREST

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

Office Use Only

Application No.:

Date Lodged: / /

Application for a VicSmart Planning Permit

This application form is only for **VicSmart** applications (those listed in a zone, overlay, particular provision or the schedule to Clause 59.15). For all other planning permit applications, please request the correct form from Council.

If you need help to complete this form, read **MORE INFORMATION** at the end of this form.

⚠ Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

⚠ Questions marked with an asterisk (*) must be completed.

⚠ If the space provided on the form is insufficient, attach a separate sheet.

i Click for further information.

Application type

Specify the applicable VicSmart class (may be more than one)

Classes of VicSmart application are listed in zones, overlays, particular provisions and the schedule to Clause 59.15.

Select the VicSmart class(es)	Information requirements and decision guidelines can be found in
<input type="radio"/> Realign the common boundary between two lots	Clause 59.01
<input type="radio"/> Subdivision of buildings and car parking spaces	Clause 59.02
<input type="radio"/> Subdivide land into two lots (not in a rural zone)	Clause 59.02
<input type="radio"/> Front fence in a residential zone	Clause 59.03
<input type="radio"/> Buildings and works in a residential zone	Clause 59.04
<input type="radio"/> Buildings and works in commercial and industrial zones	Clause 59.04
<input type="radio"/> Buildings and works in special purpose zones	Clause 59.04
<input type="radio"/> Buildings and works in an overlay	Clause 59.05
<input type="radio"/> Remove, destroy or lop a tree	Clause 59.06
<input type="radio"/> Subdivision and buildings and works in a Heritage Overlay	Clause 59.07
<input type="radio"/> Subdivision and buildings and works in a Special Building Overlay	Clause 59.08
<input checked="" type="radio"/> Advertising sign	Clause 59.09
<input checked="" type="radio"/> Reducing the requirement for car parking	Clause 59.10
<input type="radio"/> Two lot subdivision in a rural zone	Clause 59.12
<input type="radio"/> Buildings and works in a rural zone	Clause 59.13
<input type="radio"/> Extend one dwelling on a lot in a residential zone	Clause 59.14

If the VicSmart class is listed in the schedule to Clause 59.15, specify it here.

Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

No Yes

If 'Yes', with whom?:

Date: day / month / year

The Land i


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 28	St. Name: Dennis Street
Suburb/Locality: Colac		Postcode: 3233

Formal Land Description *


Complete either A or B.

 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.: 1	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


i **For what use, development or other matter do you require a permit? ***

A car parking permit waiver is required as per Clause 52.06 of the planning scheme. A total 15 car parks is required based on the leasable floor area of 632sqm and business classification 'restricted retail'. Target Australia leased the property until March 2018 providing a 9 car park credit, reducing the waiver to 6. A signage permit is required. The sign proposed is sketched in the supplied photograph and will be less than 10sqm and not be a pole, sky, reflective, internally illuminated, floodlit, electronic or animated sign. The sign will be constructed of polycarbonate & RHS steel, screwed to building facade.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

i **Estimated cost of development for which the permit is required ***

Cost \$ 0

 You may be required to verify this estimate. Insert '0' if no development is proposed.

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

The premises sits on a 916sqm land parcel that includes a right of way both sides and at the rear, with no car parking. The building occupies the bulk of the land and is located in a commercial zone with considerable on street car parking in Dennis Street directly adjacent. Substantial non-residential on street car parking is also available adjacent to the nearby playground and central square. No more than 1-3 staff will be on site at any given time. See plan supplied.

Provide a plan of the existing conditions. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title: Ms	First Name: Tamara	Surname: Gorrie
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name: PO Box 29
Suburb/Locality: Apollo Bay	State: VIC	Postcode: 3233

Contact information for applicant OR contact person below	
Business phone: 0412055902	Email: tamara@browndogfurniture.co
Mobile phone: 0412055902	Fax: n/a

Contact person's details*		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Owner *		Same as applicant <input checked="" type="checkbox"/>
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:
Owner's Signature (Optional):	Date:	
	day / month / year	

Information requirements

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Have you completed the VicSmart information checklist(s)?

- Yes
 No

Declaration i

This form must be signed by the applicant *

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:



Date: 12/08/2019

day / month / year

Need help with the Application?


If you need help to complete this form, read More Information at the end of this form.

General information about the VicSmart planning process is in the Applicant's Guide to Lodging a VicSmart Application which is available at www.planning.vic.gov.au

Assistance can also be obtained from Council's planning department.

Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?  Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
- Provided all necessary supporting information and documents listed in Clause 59 and the schedule to Clause 59.16 for the appropriate VicSmart class of application?
- Completed and attached the relevant information checklist for the appropriate VicSmart application?
- Signed the declaration?

Lodgement

Lodge the completed and signed form, the fee and all documents with:

Deliver application in person, by post or by electronic lodgement.

i MORE INFORMATION

The Land

Planning permits relate to the use and development of the land. It is important that accurate, clear and concise details of the land are provided with the application.

How is land identified?

Land is commonly identified by a street address, but sometimes this alone does not provide an accurate identification of the relevant parcel of land relating to an application. Make sure you also provide the formal land description - the lot and plan number or the crown, section and parish/township details (as applicable) for the subject site. This information is shown on the title.

See **Example 1**.

The Proposal

Why is it important to describe the proposal correctly?

The application requires a description of what you want to do with the land. You must describe how the land will be used or developed as a result of the proposal. It is important that you understand the reasons why you need a permit in order to suitably describe the proposal. By providing an accurate description of the proposal, you will avoid unnecessary delays associated with amending the description at a later date.

▲ Planning schemes use specific definitions for different types of use and development. Contact the Council planning office at an early stage in preparing your application to ensure that you use the appropriate terminology and provide the required details.

How do planning schemes affect proposals?

A planning scheme sets out policies and requirements for the use, development and protection of land. There is a planning scheme for every municipality in Victoria. Development of land includes the construction of a building, carrying out works, subdividing land or buildings and displaying signs.

Proposals must comply with the planning scheme provisions in accordance with Clause 72.06 of the planning scheme. Provisions may relate to the State Planning Policy Framework, the Local Planning Policy Framework, zones, overlays, particular and general provisions. You can access the planning scheme by either contacting Council's planning department or by visiting the Planning Schemes Online section of the department's website <http://planning-schemes.delwp.vic.gov.au>

▲ You can obtain a planning certificate to establish planning scheme details about your property. A planning certificate identifies the zones and overlays that apply to the land, but it does not identify all of the provisions of the planning scheme that may be relevant to your application. Planning certificates for land in metropolitan areas and most rural areas can be obtained by visiting www.landata.vic.gov.au. Contact the local Council to obtain a planning certificate in Central Goldfields, Corangamite, Macedon Ranges and Greater Geelong. You can also use the free Planning Property Report to obtain the same information.

See **Example 2**.

Estimated cost of development

In most instances an application fee will be required. This fee must be paid when you lodge the application. The fee is set down by government regulations.

To help Council calculate the application fee, you must provide an accurate cost estimate of the proposed development. This cost does not include the costs of development that you could undertake without a permit or that are separate from the permit process. Development costs should be calculated at a normal industry rate for the type of construction you propose.

Council may ask you to justify your cost estimates. Costs are required solely to allow Council to calculate the permit application fee. Fees are exempt from GST.

▲ Costs for different types of development can be obtained from specialist publications such as Cordell Housing: Building Cost Guide or Rawlinsons: Australian Construction Handbook.

▲ Contact the Council to determine the appropriate fee. Go to www.planning.vic.gov.au to view a summary of fees in the Planning and Environment (Fees) Regulations.

Existing Conditions

How should land be described?

You need to describe, in general terms, the way the land is used now, including the activities, buildings, structures and works that exist (e.g. single dwelling, 24 dwellings in a three-storey building, medical centre with three practitioners and 8 car parking spaces, vacant building, vacant land, grazing land, bush block).

Please attach to your application a plan of the existing conditions of the land. Check with the local Council for the quantity, scale and level of detail required. It is also helpful to include photographs of the existing conditions.

See **Example 3**.

Title Information

What is an encumbrance?

An 'encumbrance' is a formal obligation on the land, with the most common type being a 'mortgage'. Other common examples of encumbrances include:

- **Restrictive Covenants:** A 'restrictive covenant' is a written agreement between owners of land restricting the use or development of the land for the benefit of others, (eg. a limit of one dwelling or limits on types of building materials to be used).
- **Section 173 Agreements:** A 'section 173 agreement' is a contract between an owner of the land and the responsible authority which sets out limitations on the use or development of the land.
- **Easements:** An 'easement' gives rights to other parties to use the land or provide for services or access on, under or above the surface of the land.
- **Building Envelopes:** A 'building envelope' defines the development boundaries for the land.

Aside from mortgages, the above encumbrances can potentially limit or even prevent certain types of proposals.

What documents should I check to find encumbrances?

Encumbrances are identified on the title (register search statement) under the header 'encumbrances, caveats and notices'. The actual details of an encumbrance are usually provided in a separate document (instrument) associated with the title. Sometimes encumbrances are also marked on the title diagram or plan, such as easements or building envelopes.

What about caveats and notices?

A 'caveat' is a record of a claim from a party to an interest in the land. Caveats are not normally relevant to planning applications as they typically relate to a purchaser, mortgagee or chargee claim, but can sometimes include claims to a covenant or easement on the land. These types of caveats may affect your proposal.

Other less common types of obligations may also be specified on title in the form of 'notices'. These may have an effect on your proposal, such as a notice that the building on the land is listed on the Heritage Register.

What happens if the proposal contravenes an encumbrance on title?

Encumbrances may affect or limit your proposal or prevent it from proceeding. Section 61(4) of the *Planning and Environment Act 1987* for example, prevents granting of a permit if it would result in a breach of a registered restrictive covenant. If the proposal contravenes any encumbrance, contact the Council for advice on how to proceed.

You may be able to modify your proposal to respond to the issue. If not, separate procedures exist to change or remove the various types of encumbrances from the title. The procedures are generally quite involved and if the encumbrance relates to more than the subject property, the process will include notice to the affected party.

▲ You should seek advice from an appropriately qualified person, such as a solicitor, if you need to interpret the effect of an encumbrance or if you seek to amend or remove an encumbrance.

Why is title information required?

Title information confirms the location and dimensions of the land specified in the planning application and any obligations affecting what can be done on or with the land.

As well as describing the land, a full copy of the title will include a diagram or plan of the land and will identify any encumbrances, caveats and notices.

What is a 'full' copy of the title?

The title information accompanying your application must include a 'register search statement' and the title diagram, which together make up the title.

In addition, any relevant associated title documents, known as 'instruments', must also be provided to make up a full copy of the title.

Check the title to see if any of the types of encumbrances, such as a restrictive covenant, section 173 agreement, easement or building envelope, are listed. If so, you must submit a copy of the document (instrument) describing that encumbrance. Mortgages do not need to be provided with planning applications.

▲ Some titles have not yet been converted by Land Registry into an electronic register search statement format. In these earlier types of titles, the diagram and encumbrances are often detailed on the actual title, rather than in separate plans or instruments.

Why is 'current' title information required?

It is important that you attach a current copy of the title for each individual parcel of land forming the subject site. 'Current' title information accurately provides all relevant and up-to-date information.

Some Councils require that title information must have been searched within a specified time frame. Contact the Council for advice on their requirements.

▲ Copies of title documents can be obtained from Land Registry: Level 10, 570 Bourke Street, Melbourne; 03 8636 2010; www.landata.vic.gov.au – go direct to "titles & property certificates".

Applicant and Owner Details

This section provides information about the permit applicant, the owner of the land and the person who should be contacted about any matters concerning the permit application.

The applicant is the person or organisation that wants the permit. The applicant can, but need not, be the contact person.

In order to avoid any confusion, the Council will communicate only with the person who is also responsible for providing further details. The contact may be a professional adviser (e.g. architect or planner) engaged to prepare or manage the application. To ensure prompt communications, contact details should be given.

Check with Council how they prefer to communicate with you about the application. If an email address is provided this may be the preferred method of communication between council and the applicant/contact.

The owner of the land is the person or organisation who owns the land at the time the application is made. Where a parcel of land has been sold and an application made prior to settlement, the owner's details should be identified as those of the vendor. The owner can, but need not, be the contact or the applicant.

See **Example 4**.

Declaration

The declaration should be signed by the person who takes responsibility for the accuracy of all the information that is provided. This declaration is a signed statement that the information included with the application is true and correct at the time of lodgement.

The declaration can be signed by the applicant or owner. If the owner is not the applicant, the owner must either sign the application form or must be notified of the application which is acknowledged in the declaration.

▲ Obtaining or attempting to obtain a permit by wilfully making or causing any false representation or declaration, either orally or in writing, is an offence under the *Planning and Environment Act 1987* and could result in a fine and/or cancellation of the permit.

Need help with the Application?

If you have attended a pre-application meeting with a Council planner, fill in the name of the planner and the date, so that the person can be consulted about the application once it has been lodged.

Checklist**What additional information should you provide to support the proposal?**

You should provide sufficient supporting material with the application to describe the proposal in enough detail for a decision to be made. It is important that copies of all plans and information submitted with the application are legible.

There may be specific application requirements set out in the planning scheme for the use or development you propose. The application should demonstrate how these have been addressed or met.

The checklist is to help ensure that you have:

- provided all the required information on the form
- included payment of the application fee
- attached all necessary supporting information and documents
- completed the relevant planning permit checklist
- signed the declaration on the last page of the application form

▲ The more complete the information you provide with your permit application, the sooner a decision will be made.

Lodgement

The application must be lodged with the Council responsible for the planning scheme in which the land affected by the application is located. In some cases the Minister for Planning or another body is the responsible authority instead of Council. Ask the Council if in doubt.

Check with Council how they prefer to have the application lodged. For example, they may have an online lodgement system, prefer email or want an electronic and hard copy. Check also how many copies of plans and the size of plans that may be required.

Contact details are listed in the lodgement section on the last page of the form.

▲ Approval from other authorities: In addition to obtaining a planning permit, approvals or exemptions may be required from other authorities or Council departments. Depending on the nature of your proposal, these may include food or health registrations, building permits or approvals from water and other service authorities.

EXAMPLES

Example 1

The Land i

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.: 4	St. No.: 26	St. Name: Planmore Avenue
Suburb/Locality: HAWTHORN		Postcode: 3122

Formal Land Description *
Complete either A or B.

A Lot No.: **2** Lodged Plan Title Plan Plan of Subdivision No. **LP93562**

OR

B Crown Allotment No.: Section No.:

Parish/Township Name:

⚠ This information can be found on the certificate of title.
If this application relates to more than one address, attach a separate sheet setting out any additional property details.

Example 2

i For what use, development or other matter do you require a permit? *

Construction of two, double-storey dwellings and construction of two new crossovers.

Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Example 3

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Single dwelling.

Provide a plan of the existing conditions. Photos are also helpful.

Example 4

Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Title: Mr	First Name: Len	Surname: Browning
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Organisation (if applicable): **Responsible Developers P/L**

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: 4	St. No.: 12	St. Name: Ardour Lane
Suburb/Locality: Wycheproof		State: Vic Postcode: 3527

Contact information for applicant OR contact person below

Business phone: 9123 4567	Email: tcpl@bigpond.net.au
Mobile phone: 0412 345 678	Fax: 9123 4567

Contact person's details* Same as applicant

Name:

Title: Mr	First Name: Andrew	Surname: Hodge
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Organisation (if applicable): **Town Planning Consultants**

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:	St. No.:	St. Name: PO Box 111
Suburb/Locality: Parkdale		State: Vic Postcode: 3194

Name: Same as applicant

Title:	First Name:	Surname:
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Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

Owner's Signature (Optional): Date:

day / month / year

BOX

furniture. art. home.



