



Colac Otway
SHIRE

PLANNING COMMITTEE MEETING

AGENDA

Wednesday 12 October 2022

at 4:00 PM

COPACC

95 - 97 Gellibrand Street, Colac



COLAC OTWAY SHIRE COUNCIL PLANNING COMMITTEE MEETING

Wednesday 12 October 2022

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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 12 October 2022 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.

RECORDING AND PUBLICATION OF MEETINGS

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

By participating in open Planning meetings, individuals consent to the use and disclosure of the information they share at the meeting (including any personal and/or sensitive information).

As soon as practicable following each open Council and Planning Committee meeting, the live stream recording will be accessible on Council's website. Recordings are also taken to facilitate the preparation of the minutes of open Council and Planning Committee meetings and to ensure their accuracy. Recordings will be retained by Council for a period of four years.

As stated in the Governance Rules, other than an official Council recording, no video or audio recording of proceedings of Council Meetings will be permitted without specific approval by resolution of the relevant Planning Meeting.

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

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 14 September 2022.**

RECOMMENDATION

That the Planning Committee confirm the minutes of the Planning Committee Meeting held on 14 September 2022.

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

PP131/2021-1 - 7 Cartwright Street Apollo Bay - Two Lot Subdivision

ADDRESS AND PROPERTY DETAILS	7 Cartwright Street APOLLO BAY Lot 5 LP: 81435 V/F: 8732/769	APPLICATION NUMBER	P131/2021-1
PROPOSAL	Two (2) Lot Subdivision of Land		
PERMIT TRIGGERS	Clause 32.08 (GRZ1) – A permit is required to subdivide land Clause 43.02 (DDO) – A permit is required to subdivide land		
TRIGGER FOR DETERMINATION BY COMMITTEE	More than three (3) objections – 4 received		
ZONE	General Residential 1 Zone (GRZ1)	OVERLAYS	Design and Development Overlay, Schedule 6 (DDO6) – Apollo Bay Medium Density Residential Area
COVENANTS	None.		
CULTURAL HERITAGE	The site is not in an area of cultural heritage sensitivity.		
OFFICER	Vikram Kumar	GENERAL MANAGER	Anne Howard
DIVISION	Planning and Strategic Focus		
ATTACHMENTS	<ol style="list-style-type: none"> 1. Application Documents [8.1.1 - 10 pages] 2. Applicant's Response to Objections - Redacted [8.1.2 - 2 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, subject to the following conditions:

Endorsed Plans

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

Easements

- 2. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, all easements deemed necessary to protect existing or future drainage lines within the subject site, and any easements required between the subject site and the nominated legal point of discharge must be created to the satisfaction of the Responsible Authority.***

Garden Area

- 3. Prior to the certification of the plan of subdivision under the Subdivision Act 1988, the owner of the land must either:***
 - a) 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 2 so as to run with the land, and must provide for the following:***
 - Lot 2 on the plan of subdivision endorsed under planning permit PP131/2021-1 must have a garden area with the minimum garden area requirement of 25% as set out in Clause 32.08-3 of the Colac Otway Planning Scheme (or the minimum garden area specified in the planning scheme as amended from time to time).***

The agreement will be registered on the title of Lot 2 in accordance with Section 181 of the Planning and Environment Act 1987.

or

- b) A restriction must be included on the plan of subdivision to ensure that Lot 2 will contain at least 25 percent as garden area.***

Access

- 4. Prior to the issue of a statement of compliance under the Subdivision Act 1988, access to the Common Property must be constructed in accordance with the endorsed plans.***
- 5. Prior to the issue of a statement of compliance under the Subdivision Act 1988, the Common Property driveway and the section of driveway from the Common Property to the existing dwelling must be constructed to an all-weather standard with a minimum width of 3m and drained, to the satisfaction of the Responsible Authority.***

Drainage

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

Stormwater Management

7. ***Prior to commencement of any works associated with the subdivision, a Stormwater Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. All plans must be drawn to scale with dimensions.***

The Stormwater Management Plan must address the objectives and standards of Clause 56.07-4 (Stormwater Management Objectives) of the Colac Otway Planning Scheme, including water sensitive urban design and integrated water management.

The design must provide for a maximum site discharge rate equal to the pre-development 5 year storm (20% AEP) and detain the post development 10 year storm (10% AEP). The design shall include provision of a tank on Lot 2 (the vacant lot) with an orifice outlet.

Servicing Authorities

8. ***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 (where it is proposed to be connected) services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.***
9. ***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.***
10. ***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

11. ***The owner of the land must enter into an agreement with:***
 - a) ***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***
 - b) ***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.***
12. ***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) ***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***

- b) 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

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

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

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

Notes

- 1. Prior to preparing drainage plans, a legal point of discharge (LPOD) must be obtained in. A copy of the LPOD, which incurs a fee in accordance with the Building Regulations, must be submitted with the engineering plans.**
- 2. A works within road reserve permit is required prior to any works being undertaken on Council managed road reserves within the Colac Otway Shire.**
- 3. 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 the Council prior to the completion of works.**

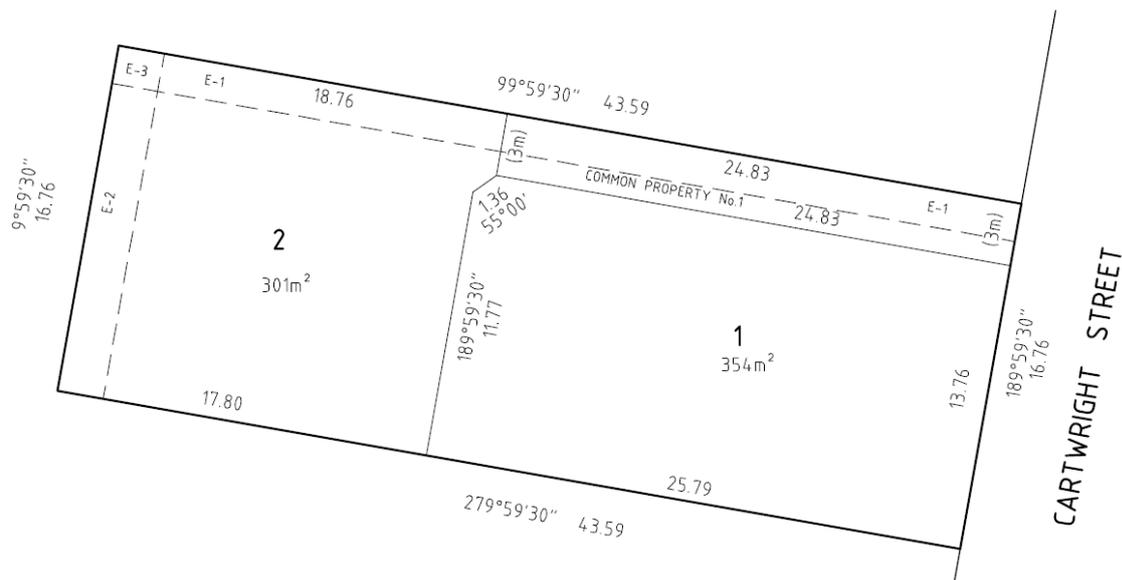
3. PROPOSAL

The application seeks a planning permit for the subdivision of the land into two lots.

Lot 1, which would have an area of 354sqm, would contain the existing dwelling and would be located to the front of the site. This lot has an existing access that leads to parking spaces (undercover and on the driveway). Following a number of discussions with the Infrastructure Department, that access would be retained.

Lot 2, which would be 301sqm in area, would be vacant and located to the rear of the site.

Both lots would also have access via the proposed common property, which would be 3m wide and 24.83m in length. The applicant has advised that *“the common area in this proposal is for the purpose of access to lot 2 and access to the rear of lot 1 and the steps/stairs on lot 1”*.



Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-3	DRAINAGE & SEWERAGE	1.83	LP81435	LOTS ON LP81435 BARWON REGION WATER CORPORATION
E-2, E-3	PIPELINES OR ANCILLARY PURPOSES	2.20	THIS PLAN UNDER SEC 136 WATER ACT 1989	

Note: Barwon Water has advised that it does not have any assets in the existing drainage and sewerage easement along the northern boundary of the site, and that it has no issue with the proposed common property running along this boundary.

4. SUBJECT LAND & SURROUNDINGS

The subject site is located on the western side of Cartwright Street and currently contains a single dwelling. There is some landscaping around the sides and rear of the site.

Surrounding sites are also generally used for residential purposes, as shown in the aerial image earlier in this report.

5. PLANNING SCHEME PROVISIONS

Planning Policy Framework

The Planning Policy Framework (PPF) seeks to ensure that the objectives of planning in Victoria are fostered through appropriate land use and development policies. A key policy considered relevant to the application is 11.01-1S and 11.01-1L (Settlement). This policy seeks, to facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. Some of the strategies relevant to the proposal under Clause 11.01-1L (Settlement), are:

- *Provide fully serviced residential land to meet the needs of the population.*
- *Encourage residential development in existing zoned and serviced areas to make effective use of existing infrastructure.*
- *Encourage development of smaller townships that contributes to their economic development, acknowledges and responds to environmental constraints and protects the broader landscapes within which these towns are located.*

Another policy of relevance is Clause 11.03-4S (Coastal Settlement), which seeks to plan for sustainable coastal development.

Clause 11.06-6L (Apollo Bay and Marengo), which seeks to enhance Apollo Bay and Marengo as distinct coastal settlements with their own local character, is also of note.

Clause 15.01-3S (Subdivision Design), seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods and Clause 15.01-5S (Neighbourhood Character), seeks to recognise, support and protect neighbourhood character, cultural identity, and sense of place.

Zone

The subject site is in the General Residential Zone (GRZ1). The key purposes of this zone are:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To encourage development that respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

A planning permit is required to subdivide land.

Overlays

The subject site is covered by Design and Development Overlay, Schedule 6 (DDO6) - Apollo Bay: Medium Density Residential Area. The design objectives of schedule 6 to this overlay are:

- *To protect the existing low scale coastal character and identity of Apollo Bay.*
- *To achieve a graduated density of residential development between the town centre and the lower density residential areas.*
- *To ensure that development density is consistent with the coastal town character.*
- *To ensure that permeable space is available between dwellings to sustain vegetation.*

- *To ensure that new development maintains space between buildings so that views to the surrounding landscape are retained.*

A planning permit is required to subdivide the land. There is no minimum lot size required under the schedule to this overlay. It should also be noted that a permit is not required to construct or extend a dwelling under the provisions of DDO6 if:

- *It is the only dwelling on the lot.*
- *It is less than 8 metres in height.*
- *The lot is in excess of 300 square metres.*

As such, a planning permit would not be required to construct a dwelling on the proposed vacant lot which would have an area of 301sqm, provided the dwelling was less than 8m in height. Matters such as setbacks to boundaries, overlooking and overshadowing would be considered as part of the building permit process.

Other Relevant Provisions

Clause 56 (Residential Subdivision)

The key purpose of this provision is to:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To create liveable and sustainable neighbourhoods and urban places with character and identity.*
- *To achieve residential subdivision outcomes that appropriately respond to the site and its context for:*
 - *Metropolitan Melbourne growth areas.*
 - *Infill sites within established residential areas.*
 - *Regional cities and towns*
- *To ensure residential subdivision design appropriately provides for:*
 - *Policy implementation.*
 - *Liveable and sustainable communities.*
 - *Residential lot design.*
 - *Urban landscape.*
 - *Access and mobility management.*
 - *Integrated water management.*
 - *Site management.*
 - *Utilities.*

The proposal is assessed against the relevant provisions of Clause 56 later in this report.

Relevant Planning Scheme Amendments

Not applicable.

6. REFERRALS

Internal Referrals

The application was referred to Council's Infrastructure Department, which raised no objection subject to planning permit conditions that have been included in the recommendation above.

External Referrals

Clause 66.01 (Subdivision Referrals) applies. This clause does not require referral to servicing authorities provided the conditions at clause 66.01-1 are included on any permit issued.

As noted above, because of the easements on title the application was discussed with Barwon Water, which confirmed that there are no issues arising from those easements.

7. PUBLIC NOTIFICATION & RESPONSE

Public notice was given for this application in the form of a site notice and letters to adjoining landowners/occupiers.

Four (4) objections were received, raising the following concerns:

- Neighbourhood character:

Objection - The character and quality of the neighbourhood will be affected negatively. As noted in the planning application, there is already a significant amount of subdivision into smaller lots in the area. More small lots will change the emphasis further away from single detached dwellings.

Applicant response - The development proposed meets all the provisions of the VPP's [Victoria Planning Provisions] and is consistent with the existing neighbourhood character. The quality of the neighbourhood will not be affected. Our application is for subdivision only and not to build. It is not appropriate to raise an objection to a "multi-storey shoe box" when no building is being contemplated. There is no evidence that further development would create a slum.

Comment

There is no minimum lot size specified under the GRZ1 or DDO6. It is not considered that the proposal would be out of character with the area, and noted that there are other examples of battle axe subdivisions in the area, with similar or smaller lot sizes, as shown following:



The properties identified above are 42 Noel Street, 46 Noel Street, 49 Noel Street, 47 Nelson Street, 45 Nelson Street and 43 Nelson Street. There are also other examples in the wider area.

As such, it is considered that the proposal would be consistent with the existing neighbourhood character.

- Native flora and fauna, including tree removal:

Objection - The back garden of 7 Cartwright Street has several mature native trees and shrubs, providing habitat and feed for many and a diverse range of native birds. Regularly a koala visits the garden as well. This then will all be demolished and also further change the character of the neighbourhood negatively.

Applicant response - It has not been proposed to demolish all the trees. None of the trees are significant. Any trees that may need to make way for a future dwelling could easily be replaced and a 25% garden area for lot 2 can be achieved.

Comment

The application does not propose the removal of trees. However, if tree removal had been proposed, a planning permit would not be required under the provisions of GRZ1, DDO6 or Clause 52.17 (Native Vegetation).

- Liveability and views:

Objection - After subdivision and the establishment of a multistorey dwelling on Lot 2, the views of the ocean and/or hills will be severely blocked for the current dwellings on several of

nearby properties, including our property. This reduces the liveability and value of these properties.

Applicant response - Any future dwelling on lot 2 would be subject to the building and design codes that apply and would be required to meet the good design guides and objectives in force. That may be the subject of a future permit and it is not considered appropriate to assume what this may be. We can however state that the proposed lot can cater for many different dwelling, living, outdoor and garden spaces.

Comment

As noted above, a planning permit would not be required for the construction of a single dwelling with a maximum height less than 8m, as the proposed vacant lot size would be more than 300sqm. However, a building permit would be required, and any future dwelling would be subject to compliance with relevant building regulations.

- Lack of clarity about easements:

Objection - We noted major unclarities about the change in easement(s) and how this may affect the drainage of adjacent properties. The plan of the 'Neighbourhood Site Description' shows 3 easements, E1, E2 and E3. The 'Plan of Subdivision' shows only one easement, E1, which is on a different location than E1 on 'Neighbourhood Site Description'.

Applicant response - Matters relating to the easements have been resolved to council's satisfaction. It is noted that no drainage infrastructure currently exists within the easements and the proposal is to construct and improve drainage from the subject lot and cater for drainage of 38 Noel Street.

Comment

The easements on title are for drainage and sewerage. The application was referred to Council's Infrastructure Department and also discussed with Barwon Water, neither of which raised any concerns about the proposal. Barwon Water also advised that it does not have any assets in the existing drainage and sewerage easement along the northern boundary and that it has no issues with common property running along this boundary. In addition, Barwon Water advised that it provided servicing requirements and costing advice to the developer in May 2022.

As part of the process of certifying the plan of subdivision, easements on title would have to be provided as required by the servicing authorities and Council's Infrastructure Department.

As such, it is not considered that there are any issues relating to easements that affect consideration of this application.

8. OFFICER'S ASSESSMENT

The key issue for consideration with this application is whether the proposed two lot subdivision complies with purpose and relevant decision guidelines of the GRZ1, including the relevant objectives and standards of Clause 56, and with the design objectives and decision guidelines of DDO6. Below is an assessment against those planning scheme provisions.

General Residential Zone (GRZ1) and Clause 56 (Residential Subdivision)

The proposal is considered to be consistent with the purpose of the GRZ1 i.e., to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

Clause 32.08-3 (Subdivision) of the GRZ1 states that applications for two lot subdivisions must meet relevant objectives and should meet the associated standards of Clause 56 relating to neighbourhood character, lot area, solar orientation, common areas, access, integrated water management and site management.

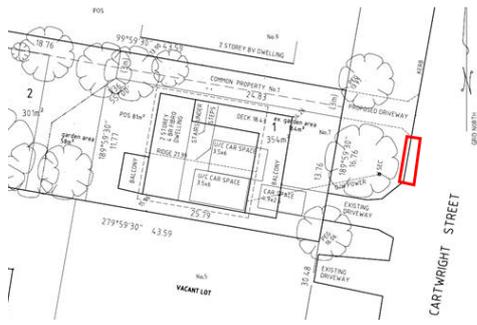
Whilst the proposed lot sizes would be smaller than some in the immediate surrounds, it is considered that the proposed subdivision would respect the neighbourhood character and also make efficient use of residentially zoned land, which is a current important strategic objective for Council. As noted above, whilst the proposed lots would be smaller than some in the vicinity, there are numerous examples of subdivisions in the area where lot sizes similar in size, or smaller, than those proposed have been created.

In this case, it is considered that the proposed subdivision would maximise the use of existing residential land, with the creation of lot sizes acceptable in terms of the surrounding pattern and character of the area. The proposed subdivision would create efficiencies by its use of infrastructure and services that are already available to the immediate area. It is considered the proposal would create additional residential opportunities within Apollo Bay, in an existing residential area.

Each of the proposed lots would have an area in excess of that triggering the requirement for permit for the construction of a dwelling in the GRZ1 (i.e., being over 300sqm). The lots would be connected to mains sewer and, as such, the ability for each lot to contain and treat wastewater is not required.

It is considered that each of the proposed lots would be of a suitable size to allow for the siting of a dwelling with associated infrastructure. Each of the proposed lots would have an area and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features. Lot 1 would contain the existing dwelling.

It is noted that the dwelling on Lot 1 currently has access to on-site parking spaces via an existing crossover and driveway. Common property is also proposed, with the applicant explaining that *“the common area in this proposal is for the purpose of access to lot 2 and access to the rear of lot 1 and the steps/stairs on lot 1”*. Initially, Council’s Infrastructure Department raised concerns about having two crossovers serving the site and requested that a condition be imposed on any permit issued requiring the existing crossover to be reinstated to kerb and channel and nature strip. The main reason for the concern about crossovers being raised by the Infrastructure Department was due to the limited width of the frontage of the subject property (less than 20m), with the provision of two vehicle crossings in the manner proposed removing the ability to park a car safely in front of the property (refer to the area highlighted in red below). However, following further review, it was not considered reasonable to remove access to the parking spaces serving the existing dwelling (see Google Streetview image following).



Whilst the provision of two crossovers in such close proximity on the site frontage is not ideal, or in keeping with the general character of the area, in this case it is considered it could reasonably be allowed given the design of the existing dwelling (which otherwise would be left without appropriate access to the existing off-street parking).

It is also noted that an application to subdivide land in the GRZ1 that creates a vacant lot capable of development for a dwelling or residential building must ensure that each lot created contains the minimum garden area set out in Clause 32.08 (GRZ1).

Whilst this application does not propose the construction of a dwelling, it is noted that a lot of the size of Lot 1 (354sqm), which would contain the existing dwelling, should have 25% garden area. Proposed Lot 1 would comply with this requirement. The vacant Lot 2 (301sqm) should also have 25% garden area as it would be less than 400sqm (Clause 32.08-3). A planning permit condition has been included in the recommendation earlier in this report to ensure this would happen, either through a restriction on title, or the execution and registration of an agreement under section 173 of the *Planning and Environment Act 1987*.

Design and Development Overlay, Schedule 6 (DDO6)

As mentioned earlier in the report, there is no minimum lot size required under schedule 6 to the DDO. It is not considered that the proposed subdivision would result in future development out of keeping with the character and appearance of adjacent buildings, the streetscape or the area. There are similar subdivisions with 'battle axe' layouts nearby as shown earlier in this report at 42 Noel Street, 46 Noel Street, 49 Noel Street, 47 Nelson Street 45 Nelson Street and 43 Nelson Street. A battle axe layout was also allowed late last year at 33 Nelson Street, with the permit allowing the subdivision of the land into 3 lots of less than 300sqm (297sqm x 2 and one of 298sqm) under planning permit PP159/2021-1.

It is considered that the subject land is capable of being subdivided into two lots, having regard to land form, slope and drainage. The DDO6 identifies the preferred medium density area for the Apollo Bay Township, within which no minimum lot size is specified. The proposal would create allotments with areas of 354sqm and 301sqm, which is considered to be in keeping with the intent of DDO6. The proposed battle axe configuration would ensure that the streetscape would remain consistent with the surrounding area.

As such, the proposal is considered to be acceptable in terms of the requirement of the DDO6.

9. OFFICER DIRECT OR INDIRECT INTEREST

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



Application for Planning Permit and Certification

Supplied by Rodney Martin
Submitted Date 01/06/2021

Application Details

Application Type Planning Permit and Certification under the Subdivision Act
Version 1
Applicant Reference Number 20086
Application name or Estate name Anderson
Responsible Authority Name Colac Otway Shire
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S174638E

The Land

Primary Parcel 7 CARTWRIGHT STREET, APOLLO BAY VIC
3233
Lot 5/Plan LP81435
SPI 5\LP81435
CPN 18146
Zone: 32.08 General Residential Zone
Overlay: 43.02 Design and Development

The Proposal

Subdivision Act (1988) Dealing Type Section 22 (Subdivision)
Plan Number PS845810A
Number of lots 2
Proposal Description 2 lot subdivision in accordance with the plans submitted
Estimated cost of the development for which a permit is required \$ 20000

Existing Conditions

Existing Conditions Description existing 2 storey dwelling on lot 1, lot 2 vacant
Title Information - Does the proposal breach an encumbrance on Title? Encumbrances on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope do not apply.

Applicant Contact

Applicant Contact Mr Rodnev Martin

Applicant
Applicant

(Applicant details as per Applicant Contact)

Owner
Owner

Shane & Natalie Anderson

Declaration

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

I, Rodney Martin, declare that all the information supplied is true.

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

Authorised by
Organisation

Rodney Martin
Rodney Martin and Associates

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

VOLUME 08732 FOLIO 769

Security no : 124090066185C
Produced 21/05/2021 03:24 PM

LAND DESCRIPTION

Lot 5 on Plan of Subdivision 081435.

PARENT TITLES :

Volume 01243 Folio 487 to Volume 01243 Folio 488

Volume 03476 Folio 105

Created by instrument LP081435 29/07/1968

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

NATALIE KIM ANDERSON

SHANE ANDREW ANDERSON both of

AU099683Q 02/03/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU099684N 02/03/2021

MACQUARIE BANK LTD

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP081435 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AU028122K (E)	CONV PCT & NOM ECT TO LC	Completed	09/02/2021
AU099683Q (E)	TRANSFER	Registered	02/03/2021
AU099684N (E)	MORTGAGE	Registered	02/03/2021

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

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

Street Address: 7 CARTWRIGHT STREET APOLLO BAY VIC 3233

ADMINISTRATIVE NOTICES

NIL

eCT Control 18440T MSA NATIONAL

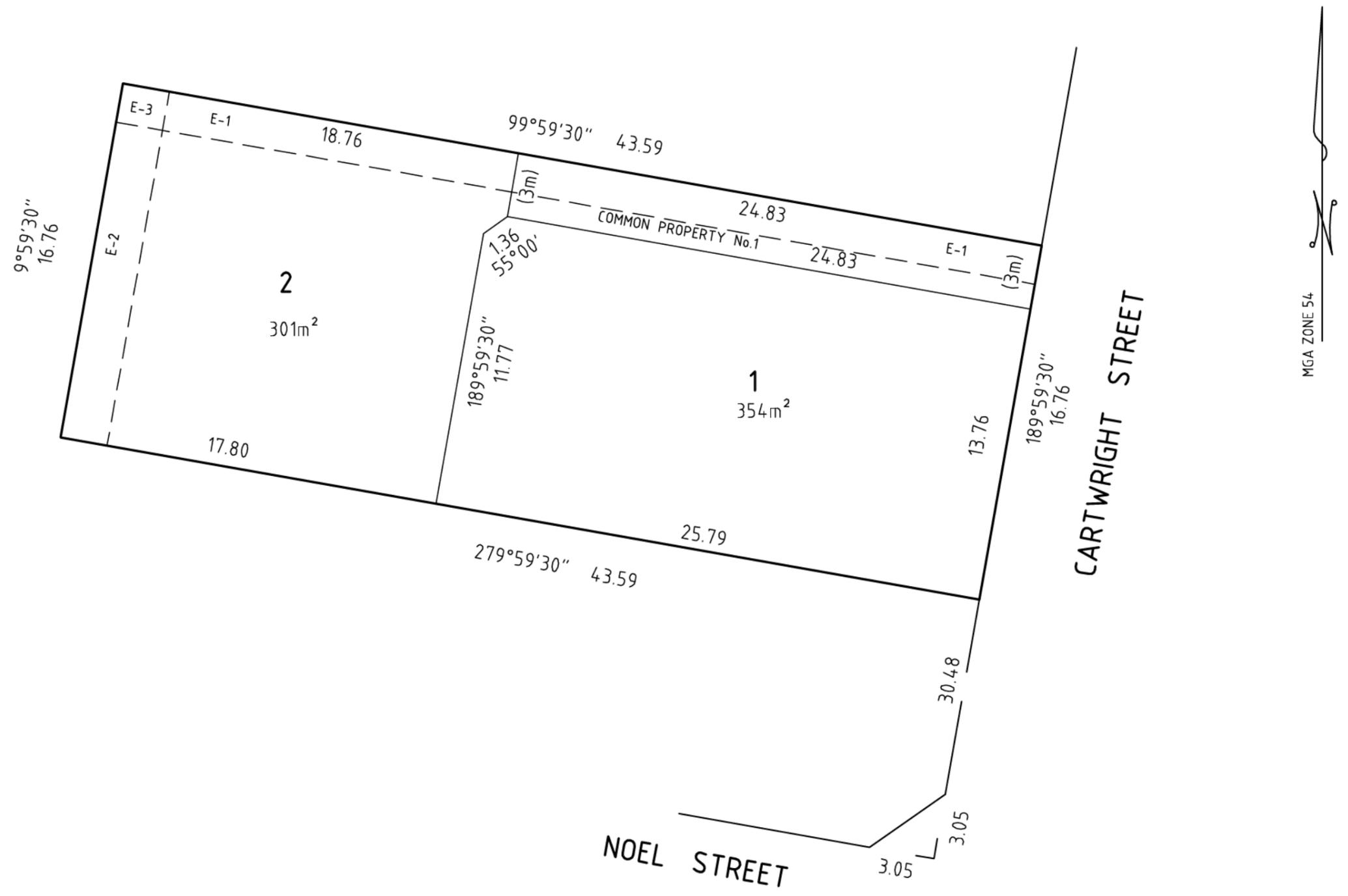
Effective from 02/03/2021

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PLAN OF SUBDIVISION		EDITION 1	PS 845810A	
LOCATION OF LAND PARISH: KRAMBRUK TOWNSHIP: APOLLO BAY SECTION: 6 CROWN ALLOTMENT: 1 & 3 (PARTS) CROWN PORTION: - TITLE REFERENCE: LAST PLAN REFERENCE: 5/LP81435 POSTAL ADDRESS: 7 CARTWRIGHT STREET (at time of subdivision) APOLLO BAY 3233 MGA2020 CO-ORDINATES: E: 731 884 ZONE: 54 (of approx centre of land N: 5706 480 GDA 2020 in plan)		Council Name: Colac Otway Shire SPEAR Reference Number: S174638E		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		Lots on this plan may be affected by one or more owners corporations. For details of any owners corporations including purpose, responsibility, entitlement and liability see owners corporation search report, owners corporation additional information and, if applicable, owners corporation rules.	
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION NIL				
SURVEY: This plan is based on survey.				
STAGING: This is not a staged subdivision. Planning Permit No. -				
This survey has been connected to permanent marks No(s). 26, 27				
In Proclaimed Survey Area No. 78				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Implied easements under section 12(2) of the Subdivision Act 1988 apply to all land in this plan.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-3 E-2, E-3	DRAINAGE & SEWERAGE PIPELINES OR ANCILLARY PURPOSES	1.83 2.20	LP81435 THIS PLAN UNDER SEC 136 WATER ACT 1989	LOTS ON LP81435 BARWON REGION WATER CORPORATION
Rodney Martin & Associates Pty.Ltd.  GEELONG WEST A.C.N. 053 461 073 236 Latrobe Terrace, Geelong West 3218. Ph.(03)52 293788, RMSURVEYING.COM		SURVEYORS FILE REF: 20086 RODNEY IAN MARTIN, VERSION 1		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 2

Plan Number
PS 845810A



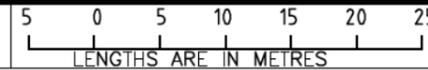
Rodney Martin & Associates Pty.Ltd.



GEELONG WEST
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A.C.N. 053 461 073

SCALE
1:500

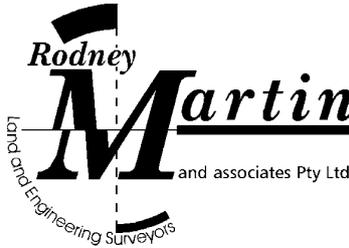


ORIGINAL SHEET
SIZE: A3

Sheet 2

RODNEY IAN MARTIN VER 2

OWNERS CORPORATION SCHEDULE							PS845810A																			
Owners Corporation No. 1							Plan No. PS845810A																			
Land affected by Owners Corporation: LOTS 1, 2 AND COMMON PROPERTY No.1																										
Common Property No.: 1																										
Limitations of Owners Corporation: Unlimited																										
Notations THE PURPOSE OF THIS OWNERS CORPORATION IS TO MANAGE THE COMMON PROPERTY AND LAND AFFECTED BY O.C. No.1																										
										<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="3">Totals</th> </tr> <tr> <th></th> <th>Entitlement</th> <th>Liability</th> </tr> <tr> <td>This schedule</td> <td style="text-align: center;">100</td> <td style="text-align: center;">100</td> </tr> <tr> <td>Balance of existing OC</td> <td style="text-align: center;">0</td> <td style="text-align: center;">0</td> </tr> <tr> <td>Overall Total</td> <td style="text-align: center;">100</td> <td style="text-align: center;">100</td> </tr> </table>		Totals				Entitlement	Liability	This schedule	100	100	Balance of existing OC	0	0	Overall Total	100	100
Totals																										
	Entitlement	Liability																								
This schedule	100	100																								
Balance of existing OC	0	0																								
Overall Total	100	100																								
Lot Entitlement and Lot Liability																										
Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability	Lot	Entitlement	Liability															
1	50	50	2	50	50																					
Rodney Martin and Associates 236 Latrobe Terrace Geelong West VIC 3218						SURVEYORS FILE REFERENCE: 20086					SHEET 1 ORIGINAL SHEET SIZE: A3															
						Surveyor: Rodney Martin (Rodney Martin and Associates) Surveyor's Version: 2																				



LICENSED SURVEYORS

ACN 053 461 073

Directors :

M.M.Martin

R.I.Martin Dip.App.Sc. (surveying), L.S., M.I.S.

DESIGN RESPONSE (CLAUSE 56) FOR PROPOSED 2-LOT SUBDIVISION AT 7 CARTWRIGHT STREET APOLLO BAY 3233

56.03-5 NEIGHBOURHOOD CHARACTER OBJECTIVE

The existing neighbourhood character predominantly consists of suburban allotments which contain single detached dwellings. Within this context there is a significant amount of further subdivision into smaller allotments for medium density housing. On this basis, the proposed 2 lot subdivision is consistent with the current neighbourhood character, and is able to integrate with the surrounding urban environment.

There is no significant vegetation or cultural features on the site or those adjoining however most of the non-indigenous trees on lot 2 may need to be removed to allow access and building, including a large gum on lot 2.

A garden area of 25% of lot 2 can be achieved. The existing garden area on lot 1 is approximately 50% of the lot area.

56.04-2 LOT AREA AND BUILDING ENVELOPES

Lot 1 has an area of 354m², and lot 2 has an area of 301m², thus a requirement for a building envelope overlay on lot 2. Covered off-street parking for 2 vehicles is contained within the indicative building envelope. The building envelope allows adequate solar access.

The existing 4 bedroom dwelling on lot 1 includes undercover parking for 2 vehicles and a visitors space.

There are easements for drainage and sewerage over the lots and some significant vegetation or site features.

56.04-3 SOLAR ORIENTATION OF LOTS

Both lots have solar orientation over 70 percent.

56.04-5 COMMON AREA

The common area in this proposal is for the purpose of access to lot 2 and access to the rear of lot 1 and the steps/stairs on lot 1.

56.06-8 LOT ACCESS

There is an existing vehicle crossing to lot 1 from Cartwright Street. Cartwright Street is a connector street, level 1, with allowable parking on both sides. A connector street, level 1, is able to accommodate a proposed new vehicle crossing.

56.07-1 DRINKING WATER SUPPLY OBJECTIVES

Drinking water will be supplied via the infrastructure of the relevant water authority, and provided to the lot boundary.

56.07-2 REUSED AND RECYCLED WATER OBJECTIVE

Reused and recycled water supply systems will be designed, constructed and managed in accordance with the requirements with the relevant authorities. The systems will be provided to the allotment boundary.

56.07-3 WASTE WATER MANAGEMENT OBJECTIVE

Where required, waste-water systems will be designed, constructed and managed in accordance with the requirements of the relevant water authority and the Environment Protection Authority. The systems will be provided to the allotment boundary.

56.07-4 URBAN RUN-OFF MANAGEMENT OBJECTIVES

Urban storm-water run-off will be designed and managed in accordance with the requirements of the relevant drainage authority.

56.08-1 SITE MANAGEMENT OBJECTIVES

Drainage infrastructure will be protected as much as possible from sedimentation and contamination. The site and surrounding area will be protected as much as possible from environmental degradation and nuisance prior to and during construction of subdivision works that may be deemed necessary.

56.09-1 SHARED TRENCHING OBJECTIVES

Opportunities for shared trenching will be sought, and where possible, reticulated services for water, gas, electricity and telecommunications will be provided within the shared trenching.

56.09-2 SERVICES

The provision of essential public utilities to lot 2 will be implemented.



LICENSED SURVEYORS

ACN 053 461 073
Directors :
M.M.Martin
R.I.Martin Dip.App.Sc. (surveying), L.S., M.I.S.

Statutory Planner
Colac Otway Shire
P.O.Box 283
COLAC VIC 3250

Thursday, 19 May 2022

Dear

RE 2 lot subdivision at 7 Cartwright Street Apollo Bay 3233 spear ref S174638E

I would like to make the following points in response to the only objection you have received, which was from the Versteegs, 38 Noel Street:

1. The development proposed meets all the provisions of the VPP's and is consistent with the existing neighbourhood character. The quality of the neighbourhood will not be affected. Our application is for subdivision only and not to build. It is not appropriate to raise an objection to a "multi-storey shoe box" when no building is being contemplated. There is no evidence that further development would create a slum.
2. It has not been proposed to demolish all the trees. None of the trees are significant. Any trees that may need to make way for a future dwelling could easily be replaced and a 25% garden area for lot 2 can be achieved. I am sure any birds or Koalas would get by in the meantime.
3. Any future dwelling on lot 2 would be subject to the building and design codes that apply and would be required to meet the good design guides and objectives in force. That may be the subject of a future permit and it is not considered appropriate to assume what this may be. We can however state that the proposed lot can cater for many different dwelling, living, outdoor and garden spaces
4. Matters relating to the easements have been resolved to councils satisfaction. It is noted that no drainage infrastructure currently exists within the easements and the proposal is to construct and improve drainage from the subject lot and cater for drainage of 38 Noel Street.

Yours sincerely,
Rodney Martin & Associates.

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236 Latrobe Terrace, Geelong West, Victoria, 3218. Ph : 5229 3788

Hi

Any future dwelling on lot 2 would be subject to the building and design codes that apply and would be required to meet the good design guides and objectives in force. That may be the subject of a future permit and it is not considered appropriate to assume what this may be. We can however state that the proposed lot can cater for many different dwelling, living, outdoor and garden spaces.

I don't see the need for a consultation meeting.

Regards

Rod Martin



