

PP22/2020-1

5 Diana Street APOLLO BAY

Lot: 1 TP: 692387 V/F: 6204/659

Two (2) Lot Subdivision

A H & L J Jeavons Land Surveyors - SWSG

Officer - Julia Repusic

EXHIBITION FILE

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Supplied by Anthony Jeavons
Submitted Date 01/02/2020

Application Details

Application Type Planning Permit and Certification under the Subdivision Act
Version 1
Applicant Reference Number 1291
Application name or Estate name Armstrong
Responsible Authority Name Colac Otway Shire
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S152143S

The Land

Primary Parcel 5 DIANA STREET, APOLLO BAY VIC 3233
Lot 1/Plan TP692387
SPI 1\TP692387
CPN 18164
Zone: 32.08 General Residential Zone
Overlay: 43.02 Design and Development

The Proposal

Subdivision Act (1988) Dealing Type Section 22 (Subdivision)
Plan Number PS838305E
Number of lots 2
Proposal Description Two lot subdivision of the land contained in certificate of title Vol 6204 Fol659
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description The proposed lot 1 contains a residential dwelling and the proposed lot 2 is vacant.
Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact Mr Anthony Jeavons
A H and L J Jeavons
14 Ocean Boulevard, Jan Juc, VIC, 3228 and 14 Ocean Boulevard, Jan Juc, VIC, 3228
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Applicant

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Applicant

(Applicant details as per Applicant Contact)

Owner

Owner

Mr Mathew Armstrong
5 Diana Street, Apollo Bay, VIC, 3253 Australia
Mobile Phone: 0418370276
Email: armstrong.matt.n@gmail.com

Declaration

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

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

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

Authorised by Organisation

Anthony Jeavons
A H and L J Jeavons

Application for a Two (2) Lot Subdivision



5 Diana Street, Apollo Bay
described as Lot 1 on TP692387U

Permit Applicant:

Matt Armstrong

Prepared by:

Coastal Planning

Date: December 2019

Our Ref.: SF618

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Schedules

- A. Planning Application Form**
- B. Copy of Title**
- C. Copy of proposed Plan of Subdivision prepared by AH & LJ Jeavons**
- D. Copy of Feature Level and Survey and ResCode Layout Plan by AH & LJ Jeavons**

1 Introduction

This planning report has been prepared for Matt Armstrong, the permit applicant and owners of the subject land.

The purpose of this planning report is to provide a town planning assessment under the provisions of the Colac Otway Planning Scheme in respect of the proposal under the controls of the day.

The following information provides an overview of the site, proposal, and the planning framework applicable to the development.

Table 1.1 APPLICATION DETAILS

Subject Site	5 Diana Street, Apollo Bay
Site Area	990 m ²
Title Description	Crown Allotment 2. Section 11 Township of Apollo Bay
Parish	Krambruk
Encumbrances	Nil
Applicant	Matt Armstrong
Owner	5 Diana Street, Apollo Bay
Zoning	General Residential Zone 1
Approval Sought	Subdivision of land into two (2) lots
Planning Scheme	Colac Otway Planning Scheme
Overlays	Design and Development Overlay Schedule 6 (DDO6)

2 Characteristics of the Site and Surrounding Area

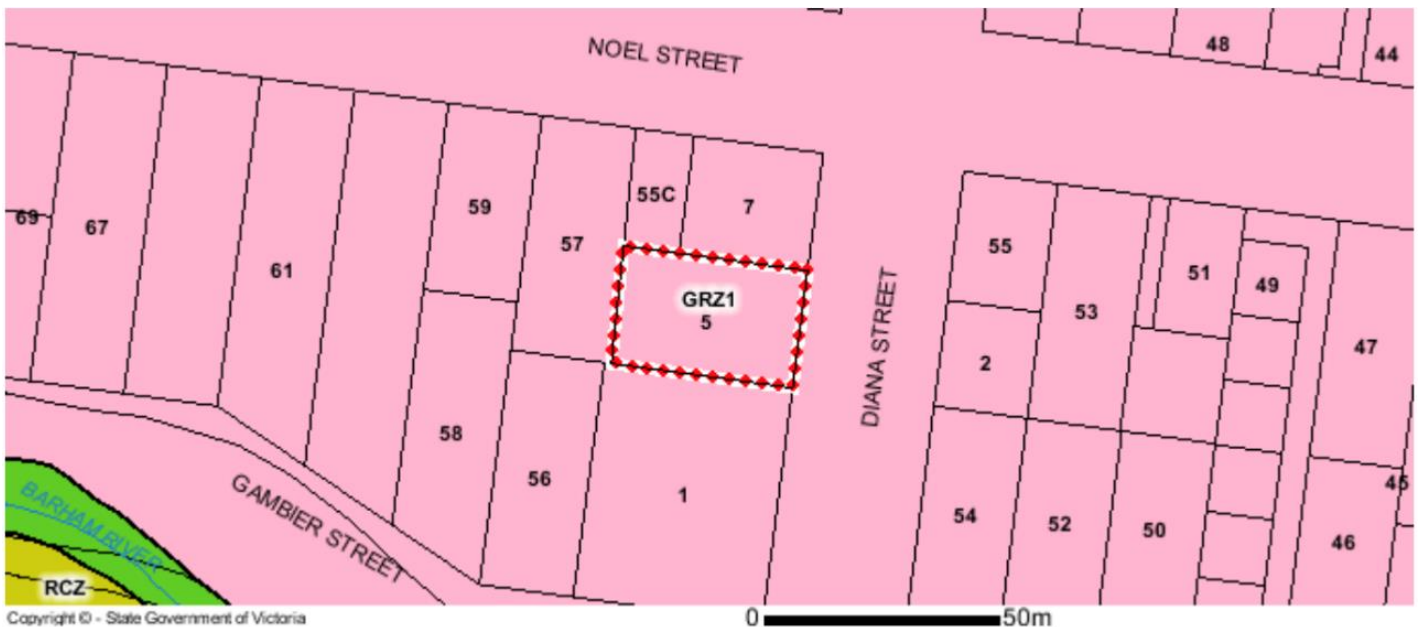
2.1 Description of the Site

2.1.1 Location

The site is located within an existing residential area at Apollo Bay. The site is located within 500m of the Apollo Bay town centre and commercial area and is amongst a coastal urban setting.

A locality plan is provided within **Figure 1** of this report identifying the sites within the surrounding area of Apollo Bay.

Image 1 – Location Map



Source: Department of Planning and Community Development 2019

2.1.2 Land Use Designation & History

The site is contained within the General Residential Zone (GRZ1) under the provisions of the Colac Otway Planning Scheme. The site does not include any substantial history aside for the use and development of the existing single storey dwelling located at the site frontage.

2.1.3 Vegetation

The site includes native vegetation and no native vegetation is required to be removed as part of this application.

2.1.4 Flooding

The site is not located within a flood prone area and the site will not be adversely affected by sea level rises due to its topography and proximity to coastal areas.

2.1.5 Soil Characteristics

There are no known adverse soil characteristics identified on the subject land.

2.2 Site Analysis

- The site has direct road frontage to Diana Street which is a sealed road with no curbing, grass naturestrips and open storm water drains.
- The site is a large residential lot approximately 990 square metres in size including an approximate 25.1m road frontage and a depth of 39m with a slight slope downward to the south west.
- The site includes one (1) existing single storey residential dwelling which is located towards the site frontage and a number of associated sheds and outbuildings located to the rear.
- The site is well maintained and very neatly presented within the landscape setting and surrounding character. The gardens are vegetated by both native and introduced species.
- The area being a medium density area (DDO6) has a mixed existing plan of subdivision with small unit subdivisions and two lot subdivisions breaking up the original large lots.
- To the north of the site is a subdivided site of two (2) residential lots, one a single storey dwelling, the other a double storey dwelling. To the west of the site is the rear yard of 57 Noel Street, a double storey dwelling. To the south of the site is an existing single storey dwelling. To the east of the site, across Diana Street, are lots containing single storey dwellings and large vacant lot on the corner of Gambier Street and Diana Street.

Image 2 – Location Map



Aerial Photograph of Subject Site: Source Google Earth 28 January 2019

3 Proposal

3.1 Existing Site

The existing layout includes a large residential allotment with an area of 990m². The existing dwelling is a classic beach style dwelling built sometime in the 1970's. This dwelling is proposed to be retained on site and will form the dwelling for the proposed Lot one (1).

Existing sheds and a grapefruit tree located to the rear of the existing site are proposed to be removed, a glass house located in the north west of the site is proposed to be relocated.

There are no encumbrances that affect this site.

3.2 Proposed Subdivision Layout

The subdivision layout has been designed by the land surveyor Tony Jeavons. The proposed lot configuration includes the following:

Proposed Configuration:

- **Lot 1: 462m²**
- **Lot 2: 528m²**

*See attached Plan of Subdivision for details prepared by Tony Jeavons of South West Land Surveyors.

4 Subdivision Assessment

4.1 Compliance with Victorian Planning Policy

The proposed subdivision is supported from the following Victorian Planning Policies (VPP's) in summary.

Clause 11.03-4S Coastal Settlement

Objective

To plan for sustainable coastal development.

Strategies

Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Encourage urban renewal and redevelopment opportunities in existing settlements to reduce the demand for urban sprawl.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected.

Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Direct new residential and other urban development and infrastructure to locations within defined settlement boundaries of existing settlements that are capable of accommodating growth.

Support the sustainable management of growth around coastal, estuary and marine assets to protect environmental values, and to achieve regional economic and community benefits.

Avoid linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use. Avoid development on ridgelines, primary coastal dune systems and low lying coastal areas.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries

Clause 12.02-2 Appropriate development of coastal Areas

Objective

To ensure development conserves, protects and seeks to enhance coastal biodiversity and ecological values.

Clause 12.02-6 The Great Ocean Road region

Objective

To manage the sustainable development of the Great Ocean Road region.

Strategies

Protect public land and parks and identified significant landscapes.

Ensure development responds to the identified landscape character of the area.

Manage the impact of development on catchments and coastal areas.

Manage the impact of development on the environmental and cultural values of the area.

Manage the growth of towns by:

♣ Respecting the character of coastal towns and promoting best practice design for new development.

♣ Directing urban growth to strategically identified areas.

Improve the management of access and transport by:

♣ Managing the Great Ocean Road for tourism and regional access.

♣ Enhancing the safety and travelling experience of the Great Ocean Road.

- ♣ Improving the safety and operational performance of the inland routes from the Princes Highway to the Great Ocean Road.
- ♣ Providing travel choices to and within the region.

Encourage sustainable tourism and resource use by:

- ♣ Developing a network of tourism opportunities throughout the region.
- ♣ Supporting tourism activities that provide environmental, economic and social benefits.
- ♣ Supporting the land use and transport needs of key regional industries including tourism.
- ♣ Using natural resources with care

Clause 13.02-1S Bushfire Planning

Applies to land within a designate bushfire prone area.
A portion of the site is designated a bushfire prone area.

Image 3



Objective

To strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.

Strategies

Protection of human life; Bushfire hazard identification and assessment; Settlement planning; Areas of biodiversity conservation value; Use and development control in a Bushfire Prone Area.

Clause 15.01-3S Subdivision design

Objective

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

Strategies

In the development of new residential areas and in the redevelopment of existing areas, subdivision should be designed to create liveable and sustainable communities by:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Developing activity centres in appropriate locations with a mix of uses and services and access to public transport.*
- *Creating neighbourhood centres that include services to meet day to day needs.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*
- *Providing a range of lot sizes to suit a variety of dwelling and household types to meet the needs and aspirations of different groups of people.*
- *Creating landscaped streets and a network of open spaces to meet a variety of needs with links to regional parks where possible.*
- *Protecting and enhancing native habitat.*
- *Facilitating an urban structure where neighbourhoods are clustered to support larger activity centres served by high quality public transport.*
- *Reduce car dependency by allowing for:*
 - *Convenient and safe public transport.*
 - *Safe and attractive spaces and networks for walking and cycling.*
 - *Subdivision layouts that allow easy movement within and between neighbourhoods.*
 - *A convenient and safe road network.*
- *Being accessible to people with disabilities.*
- *Creating an urban structure and providing utilities and services that enable energy efficiency, resource conservation, integrated water management and minimisation of waste and air pollution.*

Clause 21.03-3 Apollo Bay and Marengo

Overview

A Structure Plan for Apollo Bay (including Marengo and Skenes Creek) was adopted by Council (April 2007) and articulates the preferred development future for this key coastal centre. Key issues to emerge from the Structure Plan were that:

- *Apollo Bay, Marengo and Skenes Creek are to remain as distinct coastal settlements with development to be contained within coastal settlement boundaries.*
- *Each settlement has a separate identity and local character;*
- *A key role of Apollo Bay is to provide a diversity of housing opportunities consistent with its identity and local character;*

- The natural beauty of the area, with its unspoilt beaches set against a dramatic backdrop of rolling hills, providing the overarching character which unites the settlements, to be reflected in new development;
- The seaside fishing village character of Apollo Bay, focused around a robust working harbour, is highly valued and this character should be preserved and strengthened by new development;
- Change in Apollo Bay, Marengo and Skenes Creek should take place with a demonstrated commitment to healthy lifestyles and ecological sustainability, and be responsive to the natural environment;
- The settlements should continue to provide for high quality living, offering improved community facilities and services, as well as economic development opportunities, for a self sustaining lifestyle.
- Water supply is a potential constraint to the future growth of Apollo Bay which can only proceed subject to the demonstrated availability of an adequate water supply.
- *A settlement boundary and urban design review was completed in 2012. This reviewed a number of urban investigation areas. The settlement boundary now allows for sufficient urban development to cater for growth to 2030.*

Objectives

- *To develop Apollo Bay as an attractive residential community which provides a high quality environment as a significant tourist centre.*
- *To retain Apollo Bay, Marengo and Skenes Creek as distinct coastal settlements with their own local character.*
- *To ensure that the natural beauty of the area is reflected in new development.*
- *To preserve the seaside village character of Apollo Bay.*
- *To ensure that change demonstrates a commitment to sustainability and is responsive to the natural environment.*

RESPONSE: The application for subdivision of the subject site provides infill and urban consolidation opportunities within an area that is directed for medium density development under the Apollo Bay, Marengo and Skenes Creek Framework Plan. The area has been designated for medium density development, in a coastal setting, to meet the needs of a growing population while ensuring that the surrounding sensitive ecological landscapes and land for farming are retained. The location of the site within the medium density area allows for housing diversity and a more sustainable lifestyle with development in a location easily accessible to the town centre and commercial precinct of Apollo Bay.

The two (2) lots do not overdevelopment the site, rather, provide for medium density and maintaining a sense of space over the site which will impact positively upon the streetscape.

The subdivision design meets all the relevant policy direction listed above, and ought to be considered favourably.

4.2 Compliance with Zoning

4.2.1 Zoning

The purpose of the **General Residential Zone Schedule 1** (GRZ1) is to:

Purpose

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.

GRZ1 Clause 32.08-3 Subdivision

Permit requirement

A permit is required to subdivide land.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56. Subdivision of two (2) lots must meet the objectives and should meet the standards of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

***See ResCode assessment at 4.4 of this report.**

32.08-13 Decision guidelines

General

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The purpose of this zone.*
- *The objectives set out in a schedule to this zone.*
- *Any other decision guidelines specified in a schedule to this zone.*
- *The impact of overshadowing on existing rooftop solar energy facilities on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.*

Subdivision

- *The pattern of subdivision and its effect on the spacing of buildings.*
- *For subdivision of land for residential development, the objectives and standards of Clause 56.*

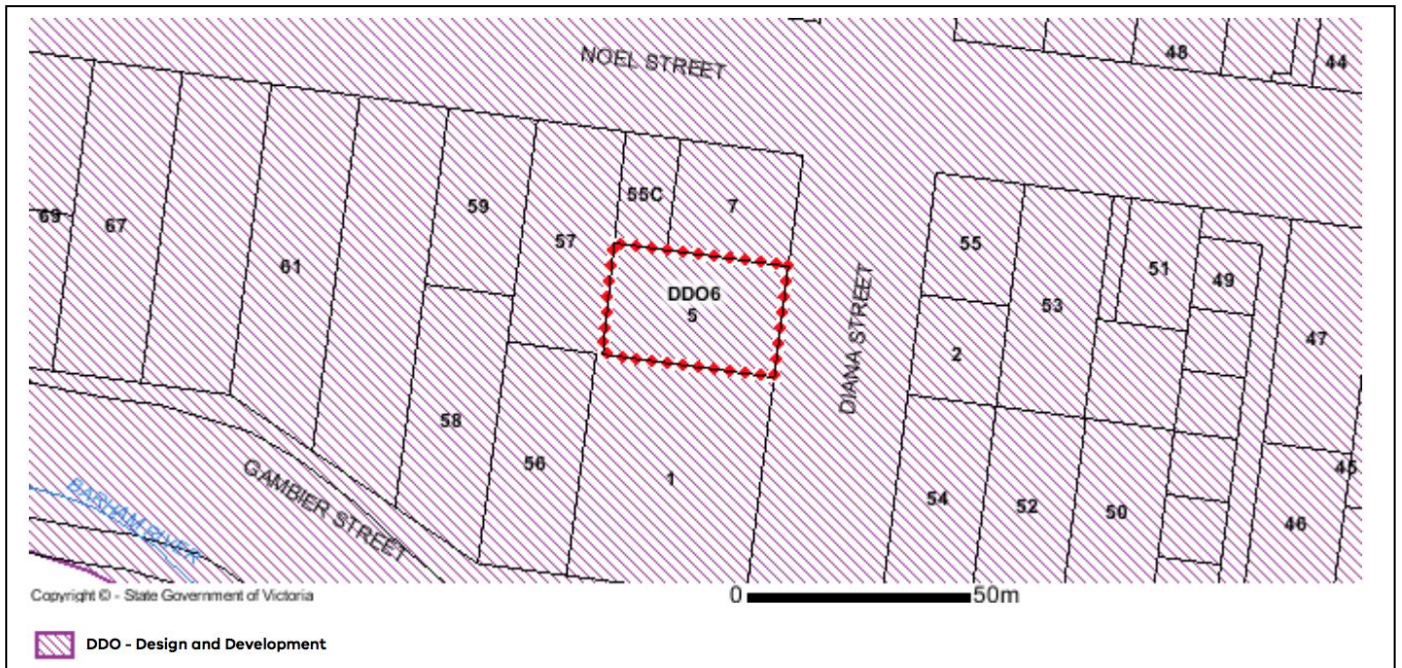
***See ResCode assessment at 4.4 of this report.**

4.3 Compliance with Overlays

The subject site is located within Design and Development Overlay Schedule 6 (DDO6).

4.3.1 Design and Development Overlay – Schedule 6

Image 4



Clause 43.02-3 Subdivision

Permit requirement

A permit is required to subdivide land.

This does not apply if a schedule to this overlay specifically states that a permit is not required.

Subdivision must occur in accordance with any lot size or other requirement specified in a schedule to this overlay.

A permit may be granted to subdivide land which is not in accordance with any lot size or other requirement in a schedule to this overlay, unless the schedule specifies otherwise.

Clause 43.02-6 Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

- *The Municipal Planning Strategy and the Planning Policy Framework.*
- *The design objectives of the relevant schedule to this overlay.*
- *The provisions of any relevant policies and urban design guidelines.*
- *Whether the bulk, location and appearance of any proposed buildings and works will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.*

- Whether the design, form, layout, proportion and scale of any proposed buildings and works is compatible with the period, style, form, proportion, and scale of any identified heritage places surrounding the site.
- Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape or the area.
- The layout and appearance of areas set aside for car parking, access and egress, loading and unloading and the location of any proposed off street car parking
- Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area. Any other matters specified in a schedule to this overlay.

APOLLO BAY – MEDIUM DENSITY RESIDENTIAL AREA

1.0 Design objectives

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.

3.0 Application requirements

An application must include a report that demonstrates how the proposal meets the objectives and provisions of the schedule.

4.0 Decision guidelines

Before deciding on an application, the responsible authority must consider, in addition to the decision guidelines in Clauses 65 and 43.02-05, the following:

- *The appropriateness of any subdivision, building or works having regard to land capability, including landform, slope, drainage and the presence of remnant vegetation.*

RESPONSE: The land is a rectangular shaped generally flat site located within an area designated for medium density development. There are no encumbrances on the site and land is connected to all relevant services.

- *The extent to which the proposed subdivision or development meets the objectives and design responses for the precinct within which it is located as specified in the Apollo Bay and Marengo Neighbourhood Character Study 2003.*

RESPONSE: The proposed subdivision provides for a reasonable response to infill development opportunities. Image 5 highlights the subdivision pattern

in the immediate blocks surrounding the site where two (2), three (3) and four (4) lot subdivisions are seen. DDO6 provides for no minimum lot size and the proposed subdivision provides for lots sizes consistent with the emerging character in this area.

Image 5 showing other subdivisions in the area



52.06 Car Parking

Purpose

To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.

To ensure 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.

To support sustainable transport alternatives to the motor car.

To promote the efficient use of car parking spaces through the consolidation of car parking facilities.

To ensure that car parking does not adversely affect the amenity of the locality.

To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

RESPONSE: Both of the lots provide for the required two car spaces within their boundaries. The dimensions of all parking spaces meet the requirements outlined in planning Practice Note 22: *Using the Car Parking Provisions*.

Where two car spaces are to be provided with a single dwelling on a lot:

- the first space should be at least 6 metres long and 3.5 metres wide and covered or capable of being covered
- the second space should be at least 4.9 metres long and 2.6 metres wide.

Complies, see Rescode layout plan of subdivision prepared by South West Survey Group dated 13 December 2019.

4.4 Compliance with Rescode 54 (existing dwelling lot 1)

PLANNING SCHEME REQUIREMENTS	RESPONSE
<i>Cl.54.01-1 Neighbourhood Character & Site Description</i>	<p>The neighbourhood character guidelines are set out in settlement policy at Clause 21.03-3 and Schedule 6 to the Design and Development Overlay.</p> <p>The proposed subdivision contributes to the creation of a medium density neighbourhood while largely retaining the existing look of the streetscape through the retention of the existing dwelling. The proposal sits comfortably with the emerging subdivision pattern of Apollo Bay.</p> <p>The proposed building envelope for lot 2 maintains space between buildings to allow for the continuation of views in the coastal landscape and for the planting of vegetation.</p> <p>This clause 54 assessment relates to the existing dwelling on the front lot.</p>
<i>Cl.54.01-2 Design Response</i>	As existing, see site photos. Front street façade not to change.
<i>Cl.54.02-1 Neighbourhood Character Objective</i>	As above.
<i>Cl.54.02-2 Integration with the Street Objective</i>	As existing, see site photos. No change to street façade.
<i>Cl.54.03-1 Street setback</i>	As existing, no change.
<i>Cl.54.03-2 Building Height</i>	As existing, single storey.
<i>Cl.54.03-3 Site coverage Max is 70% under RGZ2</i>	245m ²
<i>Cl.54.03-4 Permeability</i>	215m ²
<i>Cl.54.03-5 Energy Efficiency</i>	As existing.
<i>Cl.54.03-6 Significant Trees</i>	Not Applicable.
<i>Cl. 54.03-7 Parking</i>	Via proposed gravel crossover along north boundary of site. Proposed at 3m wide and will include x2 car spaces including: 6.5m x 3.5m

	4.9m x 2.6m secondary
<i>Cl.54.04-1 Side and rear setbacks</i>	South side 2.41m from existing weatherboard dwelling and 5m to rear of new boundary.
<i>Cl.54.04-2 Walls on boundaries</i>	Not Applicable.
<i>Cl.54.04-3 Daylight to existing windows</i>	As existing, no changes to this feature.
<i>Cl.54.04-4 North facing windows</i>	New north facing windows are proposed into the new dining room area. This will significantly improve natural light opportunities into the dwelling.
<i>Cl.54.04-5 Overshadowing</i>	N/A single storey and no overlooking opportunities provided.
<i>Cl.54.04-6 Overlooking</i>	N/A single storey and no overlooking opportunities provided.
<i>Cl.54.05-1 Daylight to new windows</i>	N/A as no new windows proposed.
<i>Cl.54.05-2 Private Open Space</i>	156m ² to rear of dwelling and garden area of 215m ² to front of dwelling.
<i>Cl.54.05-3 Solar access to open space</i>	As existing.
<i>Cl.54.06-1 Design detail</i>	As existing.

4.5 Compliance with Rescode 56 (lot 2)

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56. Subdivision of 2 lots must meet the objectives and should meet the standards of Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

CLAUSE 56 STANDARD	RESPONSE
<i>56.03-5 - Neighbourhood character objective - Standard C6</i>	<p>The neighbourhood character guidelines are set out in settlement policy at Clause 21.03-3 and Schedule 6 to the Design and Development Overlay.</p> <p>The proposed subdivision contributes to the creation of a medium density neighbourhood while largely retaining the existing look of the streetscape through the retention of the existing dwelling. The proposal sits comfortably with the emerging subdivision pattern of Apollo Bay.</p> <p>The proposed building envelope for lot 2 maintains space between buildings to allow for the continuation of views in the coastal landscape and for the planting of vegetation.</p>
<i>56.04-2 - Lot area and building envelopes objective - Standard C8</i>	<p>The creation of two (2) lots will create a lot containing the existing dwelling (lot 1) and single vacant lot (lot 2).</p> <p>Lot 1 is a development approved under the Colac Otway Planning Scheme. The changes to the garden area and access will meet the requirements of new developments. Both lots 1</p>

	<p>and 2 meet site coverage, private open space, secluded private open space and garden area requirements for lot siting.</p> <p>Lot 2 is provided with a proposed building envelope of 10 metres by 15 metres. The setbacks provided by the building envelope will meet the standards of A10 (side and rear setbacks) and A11 (walls on boundaries).</p> <p>Siting of the proposed building envelope and private open space support solar access for existing and proposed dwellings.</p>
<i>56.04-3 - Solar orientation of lots objective – Standard C9</i>	<p>The dimensions of the proposed lots have been influenced by the existing lot size and orientation. The proposed building envelope in lot 2 somewhat mirrors the form of the dwelling in lot 1, though is situated further south on the site as far as practical, to allow for access and setbacks. The proposed building envelope provides opportunity to construct living zones orientated to the north taking advantage of the private open space orientated to the north.</p>
<i>56.04-5 - Common area objectives – Standard C11</i>	<p>There are no common areas proposed for the subdivision into two lots.</p>
<i>56.06-8 – Lot access objective – Standard C21</i>	<p>Lot 2 has a frontage of less than 7.5 metres and will utilise the existing crossover. The cross over will be splayed in order to protect the existing street tree.</p> <p>A new crossover is proposed to provide access to the existing dwelling to be located in lot 1. It will create an additional 3m wide gravel crossover from the bitumen. Crossovers will not dominate the interface of the property with the street.</p> <p>The design and construction of the crossover will be completed to the satisfaction of the relevant road authority.</p> <p>A total of 6m of the 20.08m of crossovers is proposed which comes in at 30% so meets the crossover provisions.</p>
<i>56.07-1 - Drinking water supply objectives - Standard C22</i>	<p>The site is connected to the existing town water supply, which is of a suitable standard for drinking. No alteration to the existing connections is proposed as part of this subdivision aside from any additional underground connections points as required part of this subdivision application.</p>
<i>56.07-2 - Reused and recycled water objective - Standard C23</i>	<p>No secondary reticulated water (recycled) supply is available to this site, and this clause is not considered relevant to this subdivision application as the subject site is located within an existing water infrastructure network. Water tanks can be provided subject to relevant building applications.</p>

56.07-3 - Waste water management objective - Standard C24	The allotment is connected to the reticulated sewerage system and stormwater run-off is directed to the existing conventional drainage system.
56.07-4 - Urban run-off management objectives - Standard C25	No alteration to the existing drainage network is proposed, however if considered necessary any works will be completed to the satisfaction of the responsible authority.
56.08-1 - Site management objectives - Standard C26	There is limited construction proposed as part of the subdivision. Not considered necessary.
56.09-1 - Shared trenching objectives - Standard C27	Water, electricity and telecommunications are connected to the site, new connections will be constructed in accordance with the relevant agency requirements.
56.09-2 - Electricity, telecommunications and gas objectives - Standard 28	Public utilities are existing the area. Electricity and telecommunications systems will be designed in accordance with the relevant agencies

Clause 65.02 Approval of an application to subdivide land

Before deciding on an application to subdivide land, the responsible authority must also consider, as appropriate:

- *The suitability of the land for subdivision.*
- *The existing use and possible future development of the land and nearby land.*
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
- *The effect of development on the use or development of other land which has a common means of drainage.*
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
- *The density of the proposed development.*
- *The area and dimensions of each lot in the subdivision.*
- *The layout of roads having regard to their function and relationship to existing roads.*
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
- *The provision and location of reserves for public open space and other community facilities.*
- *The staging of the subdivision.*

- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
- *The provision of off-street parking.*
- *The provision and location of common property.*
- *The functions of any body corporate.*
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*

RESPONSE:

The proposed subdivision is in line with the strategic direction outlined in Schedule 6 of the Design and Development Overlay. The addition of one lot will not exceed the capacity of services in the area. The subdivision provides infill development and consolidation to avoid urban sprawl within a medium density area.

4.6 Aboriginal Heritage

The site is located in a designated area of cultural heritage sensitivity. Under the Aboriginal Heritage Regulation 2018, section 11, the subdivision of two lots is an exempt activity if:

(a) all of the land is not within 200 metres of the coastal waters of Victoria, any sea within the limits of Victoria or the Murray River; and

(b) the total area of land to be subdivided is less than 0.11 hectares.

The site is not impacted by the regulations and is not applicable.

5 Conclusion & Recommendation

This planning report has been prepared for the permit applicant Matt Armstrong of 5 Diana Street, Apollo Bay.

The application includes the subdivision of two (2) lots at 5 Diana Street, Apollo Bay.

The planning report includes an assessment of the proposal against the relevant provisions of the planning scheme including the VPP, zoning controls, overlay requirements of the Colac Otway Planning Scheme.

In summary, the proposal is considered to have addressed the relevant Planning Scheme considerations.

We therefore recommend favourable consideration of the proposal on the basis of the assessment provided within this report.

6 Site Photographs



Photo 1 –Subject site from Diana Street.



Photo 2 – Existing streetscape opposite subject site.



Photo 3 – Existing streetscape opposite subject site.



Photo 4 – Existing dwelling to the left of the site (south side).

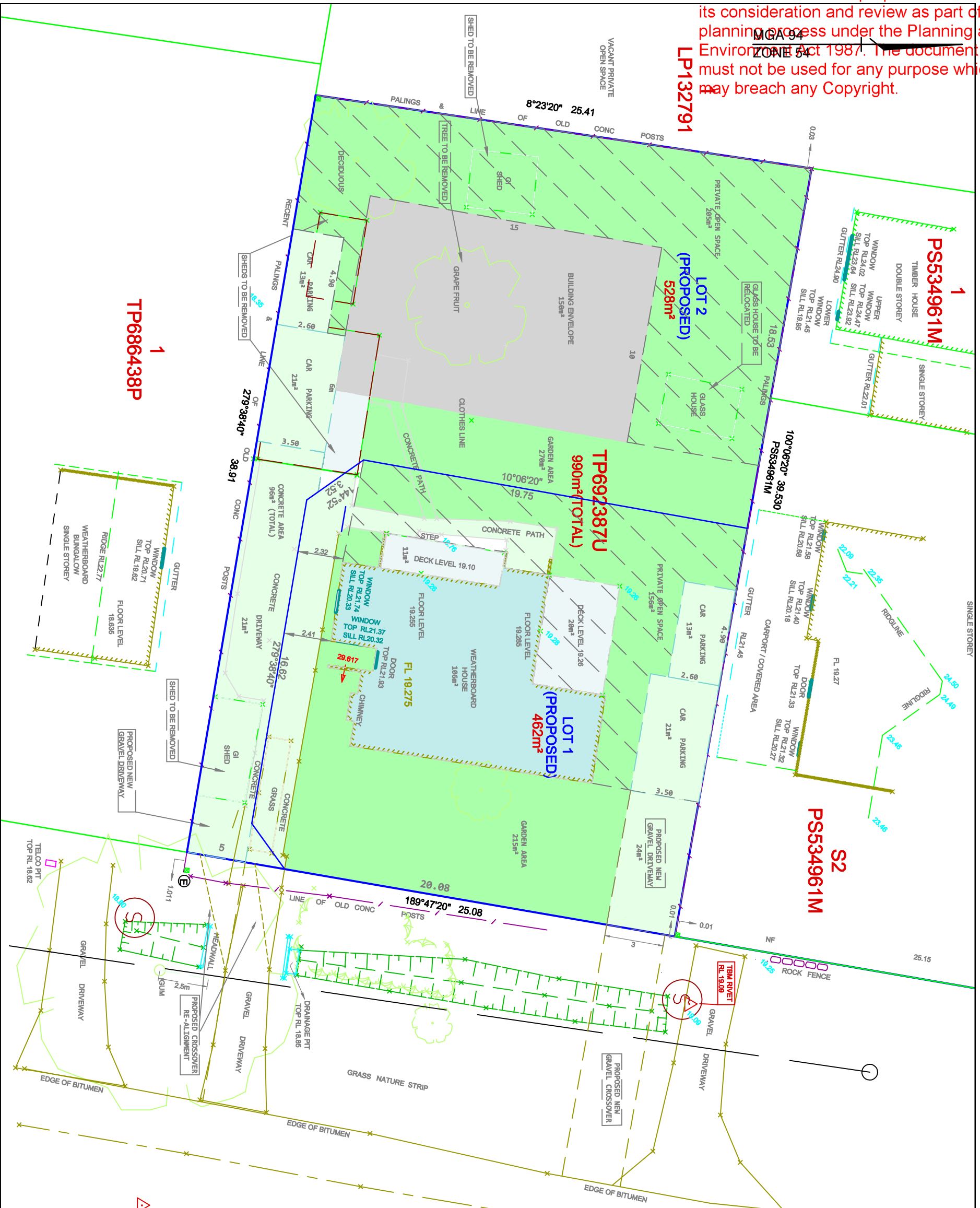


Photo 5 – Diana Street facing south.



Photo 6 – Existing house opposite site.

MGA 94
 ZONE 54
 LP132791



PS534961M
 1
 TIMBER HOUSE
 DOUBLE STOREY
 SINGLE STOREY

S2
PS534961M

TP692387U
 990m²(TOTAL)

TP686438P
 1

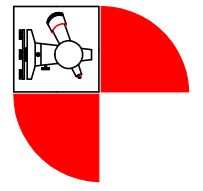
**RESCODE LAYOUT
 PLAN OF SUBDIVISION
 5 DIANA STREET, APOLLO BAY**

LOT RESCODE SITE COVERAGES

ITEM COVERAGE	LOT	SITE COVERAGE	
		EXISTING/ PROPOSED	REQUIRED
HOUSE	1	106m²	< 60% SITE = 278m²
VERANDAH / DECK	1	31m²	
CARPARK, D/WAY & F/PATH	1	108m²	
TOTAL HARD SURFACE	1	245m²	40m²
PRIVATE OPEN SPACE & SECLUDED POS	1	156m²	25m²
PERMEABLE / GARDEN	1	215m²	< 30% SITE = 139m²
BUILDING ENVELOPE	2	150m²	< 60% SITE = 316m²
CARPARK, D/WAY & F/PATH	2	56m²	
TOTAL HARD SURFACE	2	206m²	40m²
PRIVATE OPEN SPACE & SECLUDED POS	2	205m²	25m²
PERMEABLE / GARDEN	2	270m²	< 30% SITE = 138m²

SCALE
 1:200

LENGTHS ARE IN METRES



**AH & LJ JEAVONS
 LAND SURVEYORS**
 South West Survey Group
 m: 0430 401 954 t: 5261 2971
 14 Ocean Boulevard, Jan Juc, VIC 3228
 tonyjeavons@swsg.com.au www.swsg.com.au

ANTHONY H JEAVONS
 SURVEYORS REF. 1291V03
 DATE: 13/12/2019

ORIGINAL SHEET
 SIZE: A3

SHEET 1

- EXISTING BUILDING / BUILDING ENVELOPE
- CARPARKING SPACE, DRIVEWAY & FOOTPATH
- GARDEN AREA
- PRIVATE OPEN SPACE



a.h. & l.j. jeavons
LAND SURVEYORS
SOUTH WEST SURVEY GROUP

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14 Ocean Boulevard Jan Juc VIC 3228

Mobile 04 3040 1954

Phone 5261 2971

e-mail tonyjeavons@swsg.com.au

ABN 18116675335

Our Ref. 1291
SPEAR Ref. S152143S
13 January 2020

Blaithin Butler
Statutory Planning Co-ordinator
Planning Department
Colac Otway Shire
P.O. Box 283
Colac VIC 3250

Dear Blaithin,

**Re: Planning Permit Application
Two Lot Plan of Subdivision
Plan of Subdivision PS838305E**
Address: 5 Diana Street, Apollo Bay
Clients: M. Armstrong

The following documents are submitted in support of this application:

- An application for a planning permit
- Planning report addressing the requirements of the Colac Otway Shire Planning Scheme
- Plan of Subdivision **PS838305E** version 04 for endorsement
- Plan of Feature & Level Survey of the site
- A plan addressing the Rescode requirements for the site
- Copy of the relevant certificate of title and Title Plan

The application is for issue of a planning permit for a two-lot subdivision under section 22 of the Subdivision Act 1988 of the land contained in certificate of title Vol 6204 Fol 659.

The proposed lot 1 contains a dwelling and the proposed lot 2 is vacant.

The planning permit application fee (\$ 1,318.10) in this matter will be paid directly to the Shire by my client.

Please present this planning permit application to the necessary authorities for assessment and to the Colac Otway Shire Council for a planning permit determination.

If you have any queries in this matter, please do not hesitate to contact me in my office on 52 612 971 or on my mobile phone on 0430 401 954

Yours sincerely

A.H. Jeavons

A.H. Jeavons L.S., M.I.S.

SOUTH WEST SURVEY GROUP

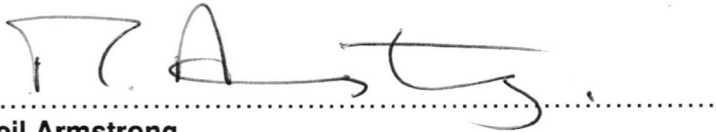
Form 1

Plan of Subdivision No. PS838305E

Owners Consent (section 5(5) of the **Subdivision Act 1988**)

I consent to the applicant submitting this plan to the Council for certification.

Signed

A handwritten signature in black ink, appearing to read 'M. Neil Armstrong', is written over a horizontal dotted line.

Matthew Neil Armstrong

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

VOLUME 06204 FOLIO 659

Security no : 124081080970P
Produced 12/01/2020 04:23 PM

LAND DESCRIPTION

Lot 1 on Title Plan 692387U.
PARENT TITLE Volume 05262 Folio 339
Created by instrument 1690889 08/06/1938

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
MATTHEW NEIL ARMSTRONG of 5 DIANA STREET APOLLO BAY VIC 3233
AN819996U 11/05/2017

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 TP692387U 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: 5 DIANA STREET APOLLO BAY VIC 3233

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 692387U
------------	--	-----------	------------

Location of Land

Parish: KRAMBRUK
 Township: APOLLO BAY
 Section: 11
 Crown Allotment: 2 (PT)
 Crown Portion:

Last Plan Reference:
 Derived From: VOL 6204 FOL 659
 Depth Limitation: NIL

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: 16/11/2000
 VERIFIED: MP

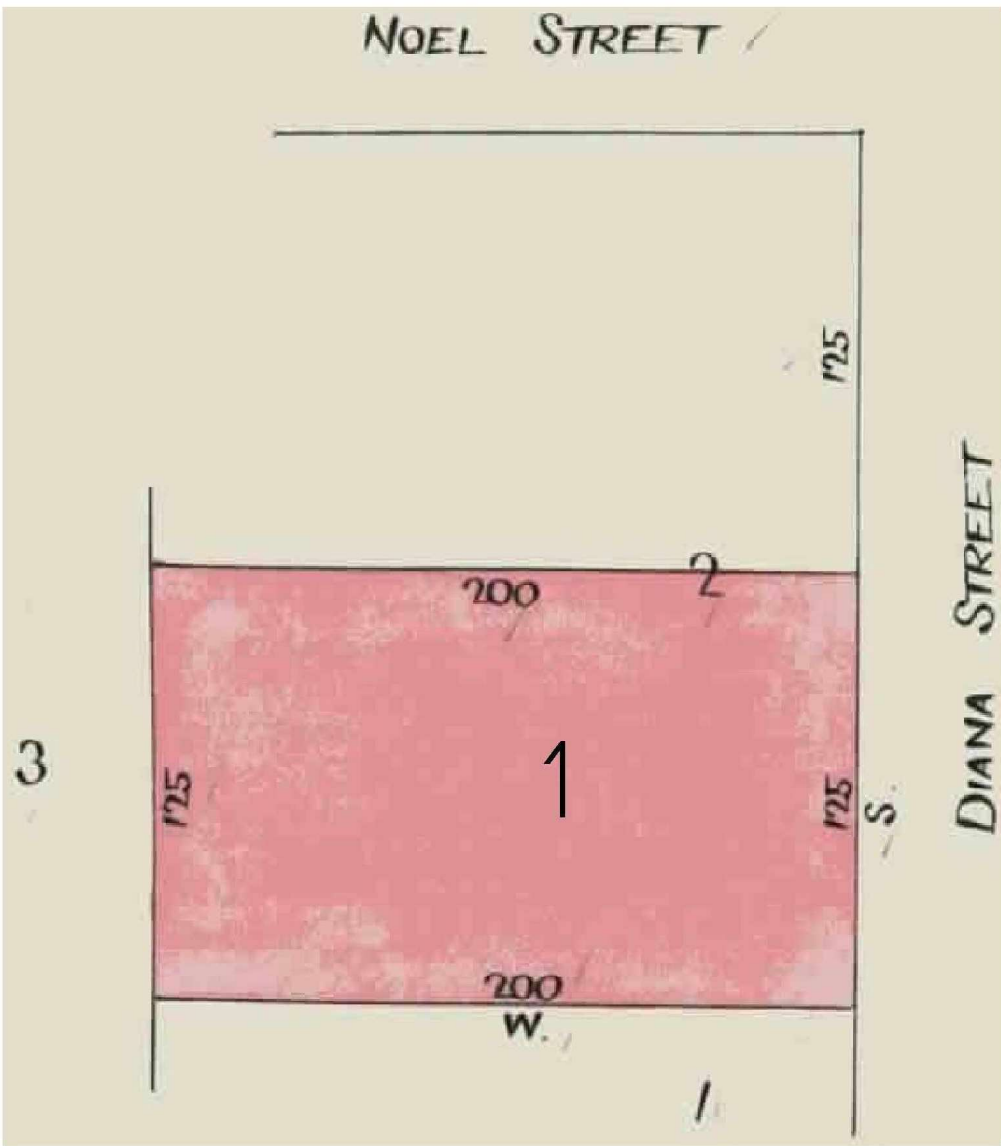


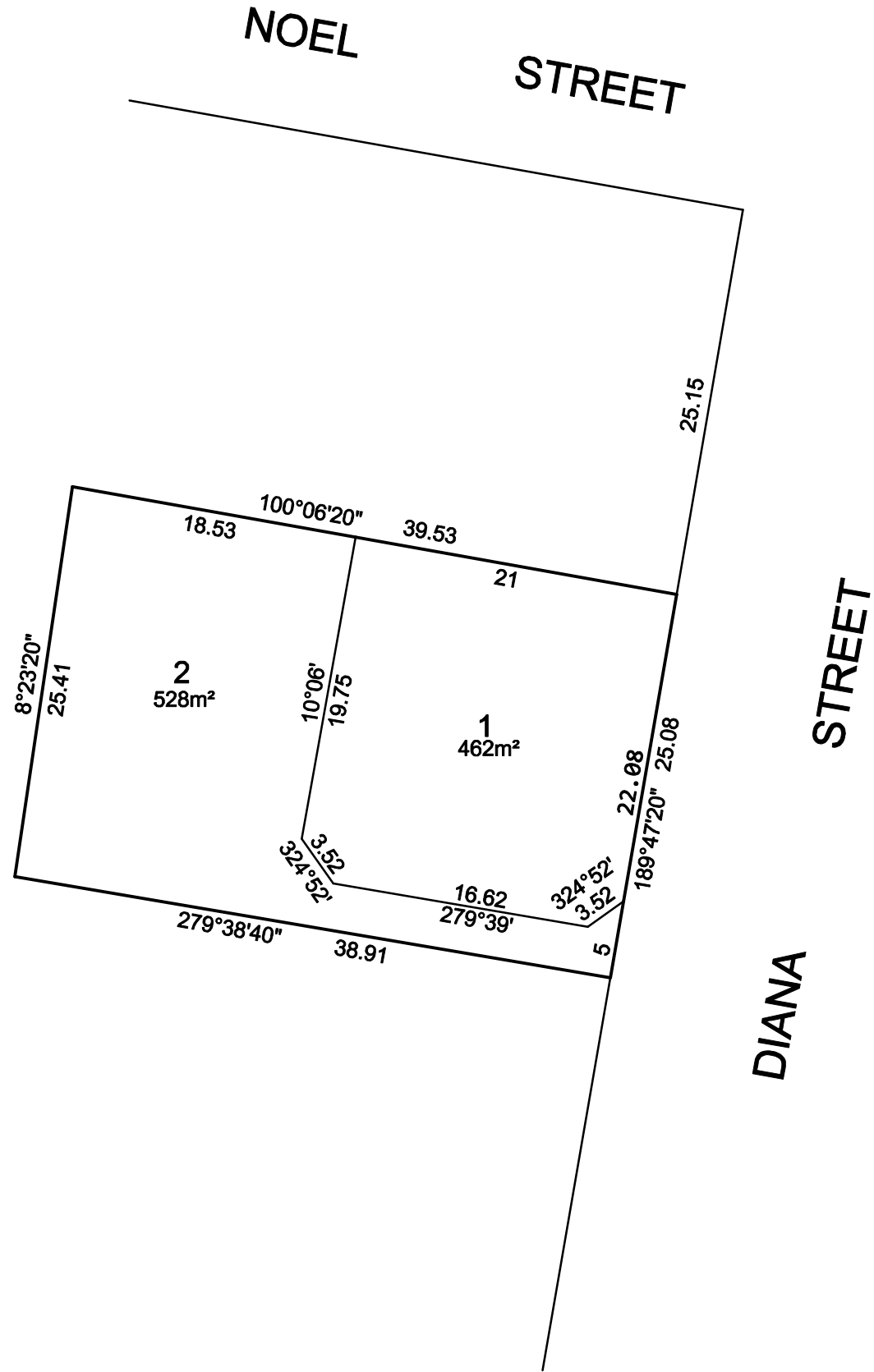
TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 2 (PT)

PS 838305E

<h1>PLAN OF SUBDIVISION</h1>			EDITION 1	
<p>LOCATION OF LAND</p> <p>PARISH: KRAMBRUK TOWNSHIP: APOLLO BAY SECTION: 11 CROWN ALLOTMENT: 2 (PART) CROWN PORTION: TITLE REFERENCE: VOL 6204 FOL 659</p> <p>LAST PLAN REFERENCE: LOT 1 ON TP692387U POSTAL ADDRESS: 5 DIANA STREET, APOLLO BAY (at time of subdivision) VIC. 3233</p> <p>MGA CO-ORDINATES: E: 731 615 ZONE: 54 (of approx centre of land N: 5 706 405 GDA 94 in plan)</p>			<p style="text-align: center;">NOTATIONS</p> <p>WARNING: THIS PLAN IS NOT CERTIFIED BY COUNCIL OR REGISTERED BY THE REGISTRAR OF TITLES THIS PLAN HAS BEEN PREPARED IN SUPPORT OF A PLANNING PERMIT APPLICATION TO COUNCIL. THIS PLAN IS BASED ON SURVEY AND DIMENSIONS ARE APPROXIMATE ALTERATIONS TO THIS PLAN WILL BE REQUIRED PRIOR TO CERTIFICATION BY COUNCIL AND REGISTRATION BY THE REGISTRAR OF TITLES SOUTHWEST SURVEY GROUP ACCEPTS NO RESPONSIBILITY FOR ANY LOSS OR DAMAGE SUFFERED BY ANY PERSON OR CORPORATION WHO USES THIS PLAN FOR ANY PURPOSE. THE ORIGIN OF THIS PLAN REMAINS THE PROPERTY OF SOUTH WEST SURVEY GROUP AND ANY COPIES OF THIS PLAN MADE PRIOR TO CERTIFICATION OR REGISTRATION MUST NOT BE PRODUCED WITHOUT THE INCLUSION OF THIS WARNING WHICH IS AN INTEGRAL PART OF THIS PLAN PRIOR TO CERTIFICATION.</p>	
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		<p style="text-align: center;">NOTATIONS</p> <p>DEPTH LIMITATION: DOES NOT APPLY</p> <p>SURVEY: This plan is is not based on survey.</p> <p>STAGING: This is is not a staged subdivision. Planning Permit No.</p> <p>This survey has been connected to permanent marks No(s).</p> <p>In Proclaimed Survey Area No.</p>	
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
 <p>AH & LJ JEAVONS LAND SURVEYORS South West Survey Group m: 0430 401 954 t: 5261 2971 14 Ocean Boulevard, Jan Juc, VIC 3228 tonyjeavons@swsg.com.au www.swsg.com.au</p>		<p>SURVEYORS FILE REF: 1291PS</p> <p>ANTHONY H JEAVONS VERSION NO. 04</p>		<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 1 OF 2</p>

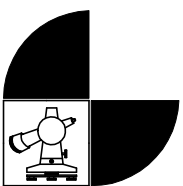
PS 838305E

MGA 94
ZONE 54



WARNING:
THIS PLAN IS NOT CERTIFIED BY COUNCIL OR REGISTERED BY THE REGISTRAR OF TITLES

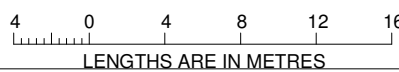
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SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET 2

Planning Property Report

from www.planning.vic.gov.au on 16 January 2020 08:55 PM

Address: 5 DIANA STREET APOLLO BAY 3233

Lot and Plan Number: Lot 1 TP692387

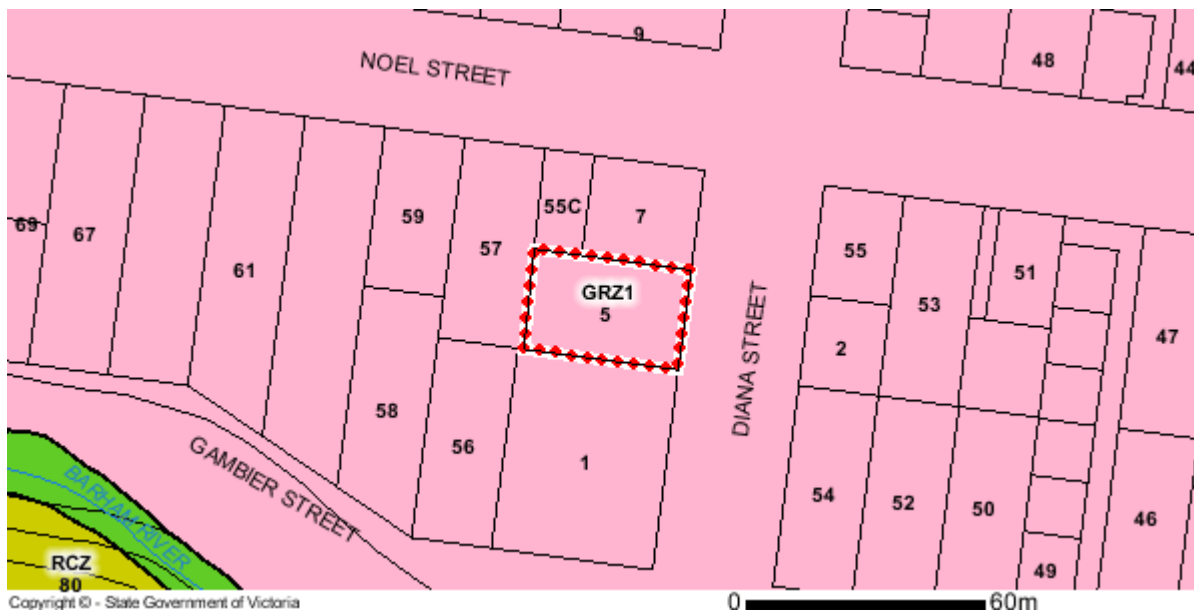
Local Government (Council): COLAC OTWAY **Council Property Number:** 18164

Directory Reference: VicRoads 519 N5

Planning Zone

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

Railway
 Tram
 River, stream
 Lake, waterbody

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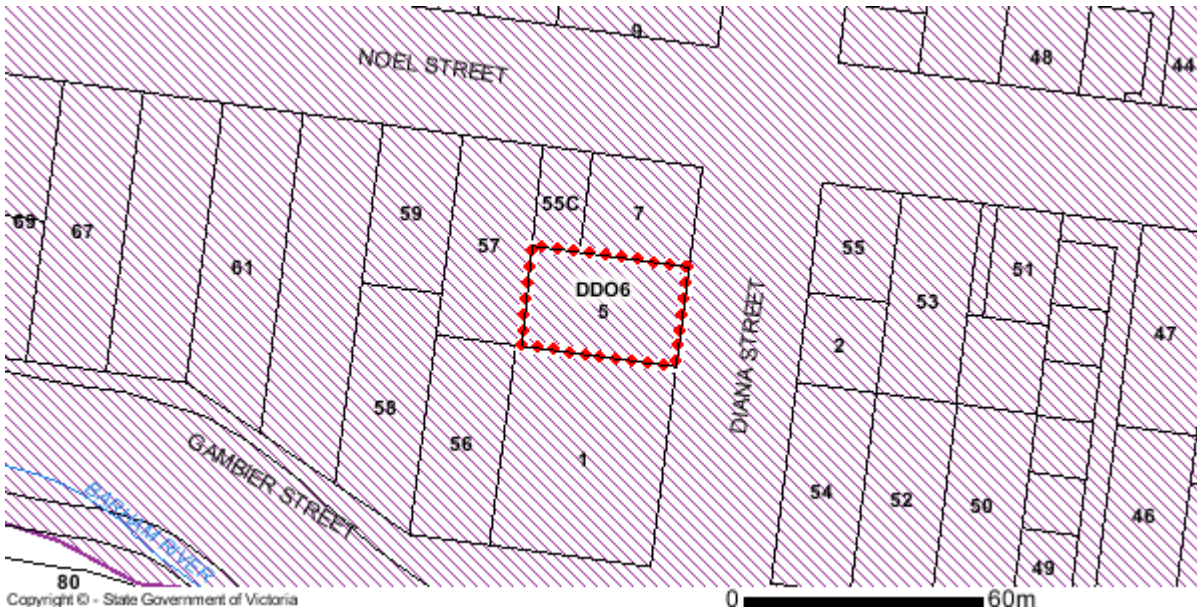
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Planning Overlay

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 6 \(DDO6\)](#)



OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

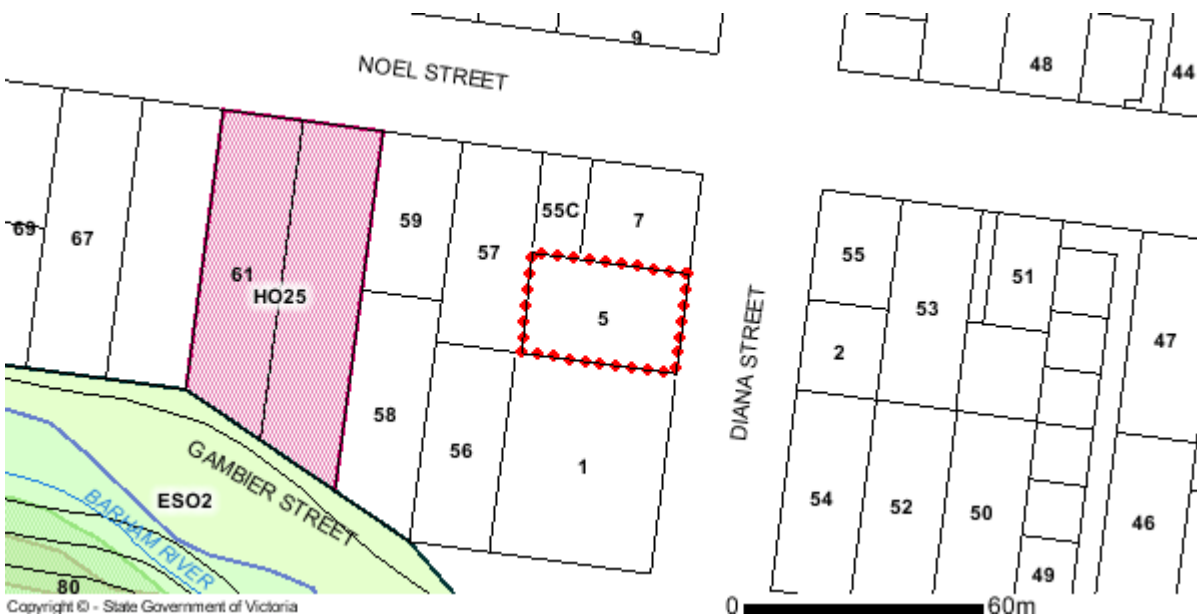
[EROSION MANAGEMENT OVERLAY \(EMO\)](#)

[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[HERITAGE OVERLAY \(HO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[SIGNIFICANT LANDSCAPE OVERLAY \(SLO\)](#)



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Planning Overlays Legend

Overlays Legend

 AEO - Airport Environs	 IPO - Incorporated Plan
 BMO - Bushfire Management	 LSIO - Land Subject to Inundation
 CLPO - City Link Project	 MAEO1 - Melbourne Airport Environs 1
 DCPO - Development Contributions Plan	 MAEO2 - Melbourne Airport Environs 2
 DDO - Design & Development	 NCO - Neighbourhood Character
 DDOPT - Design & Development Part	 PO - Parking
 DPO - Development Plan	 PAO - Public Acquisition
 EAO - Environmental Audit	 RO - Restructure
 EMO - Erosion Management	 RCO - Road Closure
 ESO - Environmental Significance	 SBO - Special Building
 FO - Floodway	 SLO - Significant Landscape
 HO - Heritage	 SMO - Salinity Management
 ICPO - Infrastructure Contributions Plan	 SRO - State Resource
 Railway	 VPO - Vegetation Protection
 Tram	 River, stream
 Lake, waterbody	

Note: due to overlaps some colours on the maps may not match those in the legend.

Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

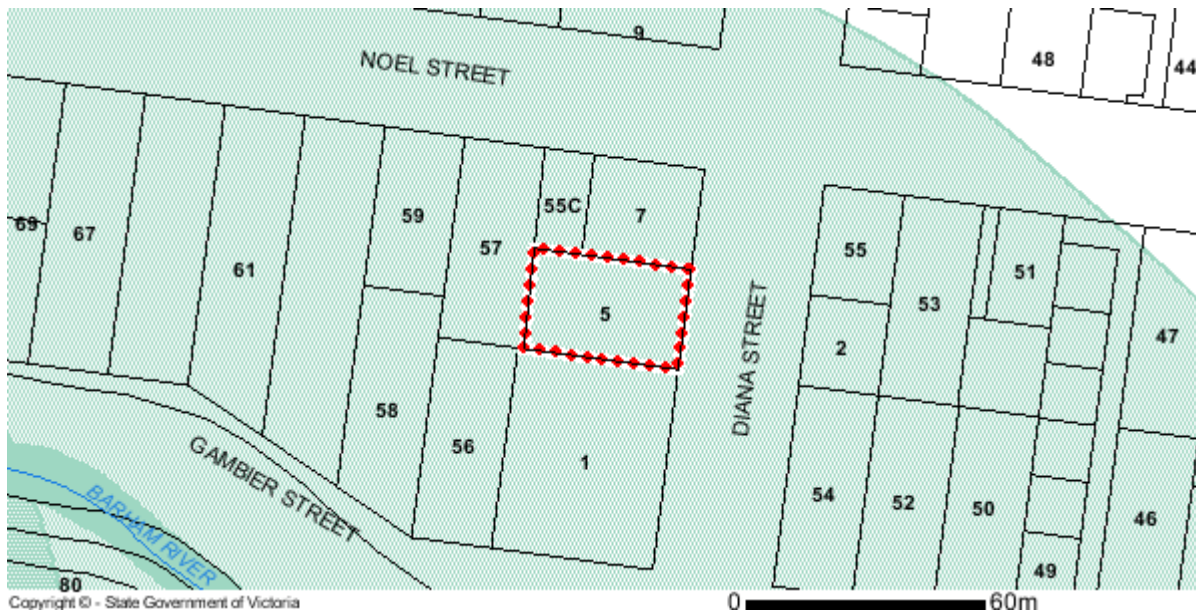
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>



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Further Planning Information

Planning scheme data last updated on 15 January 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.planning.vic.gov.au

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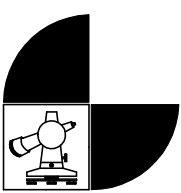
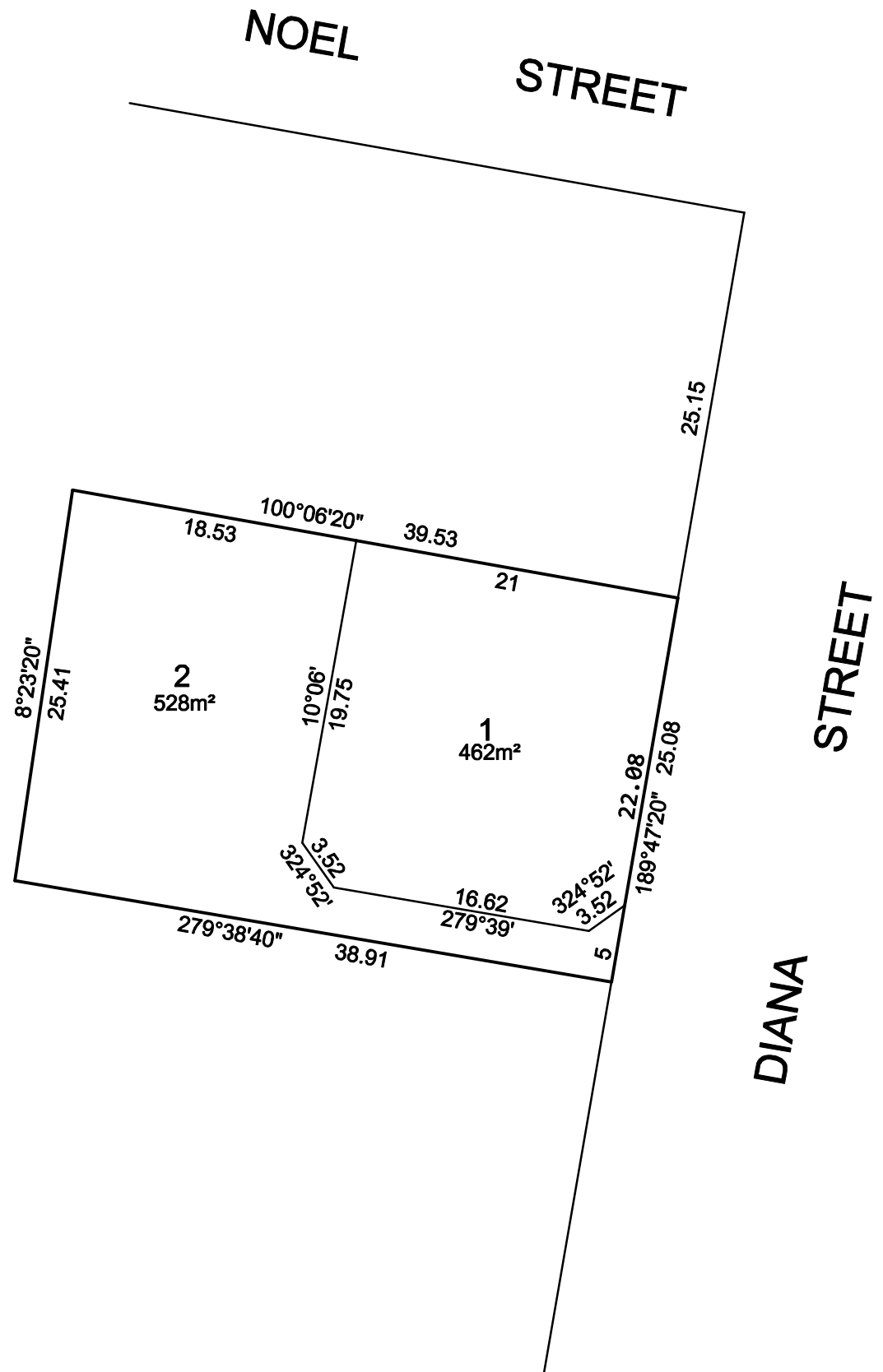
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PS 838305E

<h1>PLAN OF SUBDIVISION</h1>		<h2>EDITION 1</h2>		
<p>LOCATION OF LAND</p> <p>PARISH: KRAMBRUK TOWNSHIP: APOLLO BAY SECTION: 11 CROWN ALLOTMENT: 2 (PART) CROWN PORTION: TITLE REFERENCE: VOL 6204 FOL 659</p> <p>LAST PLAN REFERENCE: LOT 1 ON TP692387U POSTAL ADDRESS: 5 DIANA STREET, APOLLO BAY (at time of subdivision) VIC. 3233</p> <p>MGA CO-ORDINATES: E: 731 615 ZONE: 54 (of approx centre of land N: 5 706 405 GDA 94 in plan)</p>		<p>Council Name: Colac Otway Shire SPEAR Reference Number: S152143S</p>		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
NOTATIONS				
DEPTH LIMITATION: DOES NOT APPLY				
<p>SURVEY: This plan is is not based on survey.</p> <p>STAGING: This is is not a staged subdivision. Planning Permit No.</p> <p>This survey has been connected to permanent marks No(s).</p> <p>In Proclaimed Survey Area No.</p>				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
 <p>AH & LJ JEAVONS LAND SURVEYORS South West Survey Group m: 0430 401 954 t: 5261 2971 14 Ocean Boulevard, Jan Juc, VIC 3228 tonyjeavons@swsg.com.au www.swsg.com.au</p>		<p>SURVEYORS FILE REF: 1291PS</p> <p>Digitally signed by: Anthony Harold Jeavons, Licensed Surveyor, Surveyor's Plan Version (05), 01/02/2020, SPEAR Ref: S152143S</p>		<p>ORIGINAL SHEET SIZE: A3</p> <p>SHEET 1 OF 2</p>

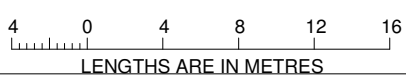
PS 838305E

MGA 94
ZONE 54



**AH & LJ JEAVONS
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SCALE
1:400



ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by: Anthony Harold Jeavons, Licensed Surveyor,
Surveyor's Plan Version (05),
01/02/2020, SPEAR Ref: S152143S