

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	74 Hadfield Street LUCKNOW 3875 Lot: RES1 LP: 119941
The application is for a permit to:	Remove reservation status from land
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2023.286.1
You may look at the application and any documents that support the application on the website of the responsible authority.	COVID-19 Omnibus (Emergency Measures) Bill 2020 now modifies the requirement of Form 2 so that <i>Planning documents previously required to be physically available to view at local government offices are now only required to be available for online inspection.</i>

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ be made to the Responsible Authority in writing,
- ♦ include the reasons for the objection, and
- ♦ state how the objector would be affected.

The Responsible Authority will not decide on the application before:	Subject to applicant giving notice
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If you object, the Responsible Authority will tell you its decision.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

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

Page 1 of 1

VOLUME 09239 FOLIO 432

Security no : 124107786812A
Produced 21/07/2023 11:41 AM

LAND DESCRIPTION

Reserve 1 on Plan of Subdivision 119941.

PARENT TITLES :

Volume 02557 Folio 232

Volume 09026 Folio 196 to Volume 09026 Folio 197

Created by instrument G604996 29/04/1977

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

EAST GIPPSLAND SHIRE COUNCIL of 273 MAIN STREET BAIRNSDALE VIC 3875
AL932581L 03/06/2015

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP119941 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: 74 HADFIELD STREET LUCKNOW VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control 09861T EAST GIPPSLAND SHIRE COUNCIL
Effective from 04/06/2015

DOCUMENT END

LP119941

EDITION 1

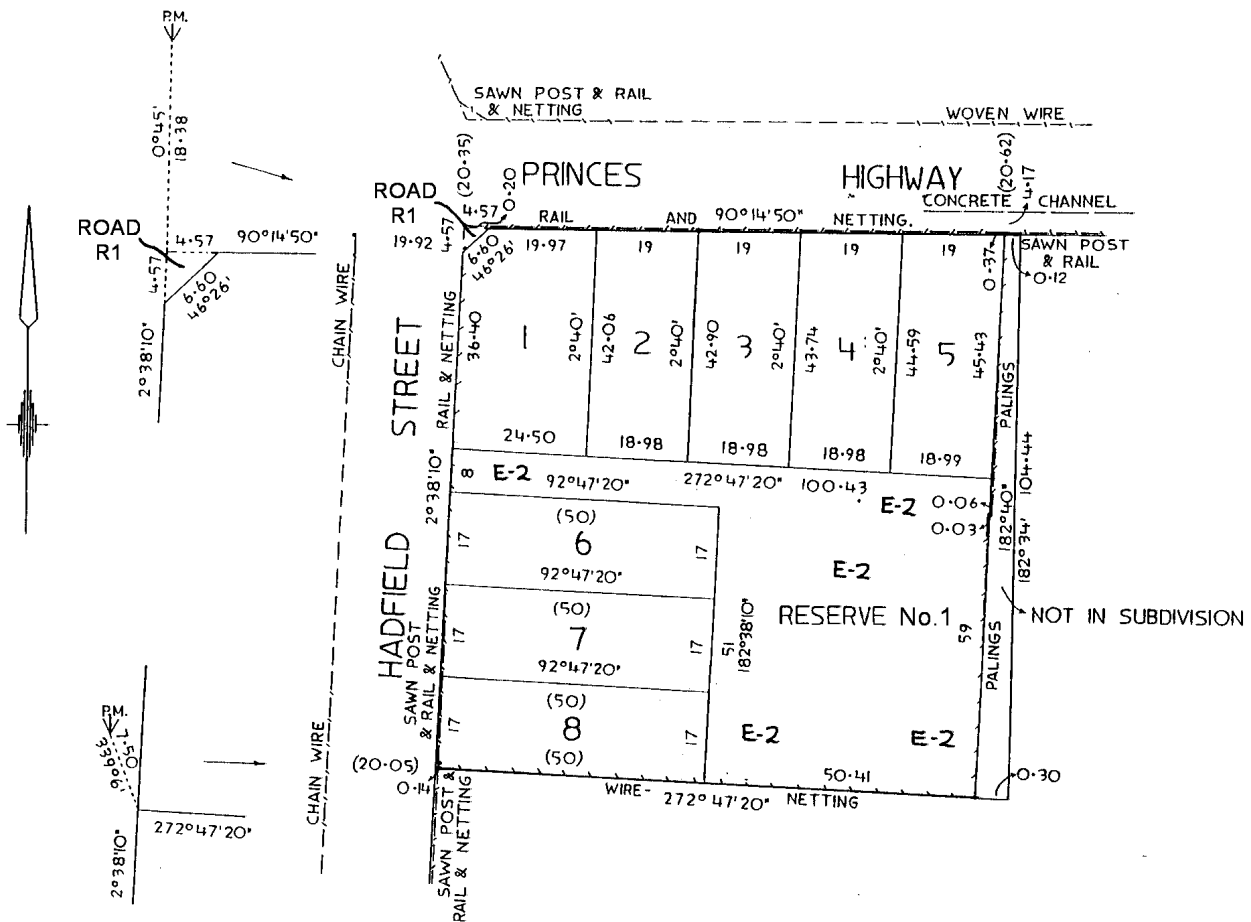
APPROVED 22/ 12/ 76

Nº 2347

PLAN OF SUBDIVISION OF: PART OF CROWN PRE-EMPTIVE SECTION A TOWNSHIP OF LUCKNOW PARISH: WY YUNG COUNTY: DARGO LENGTHS ARE IN METRES	APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
	WAY AND DRAINAGE - BROWN	THE LAND COLOURED GREEN IS A RESERVE FOR RECREATION PURPOSES. THE LAND "NOT IN SUBDIVISION" IS DRAWN NOT TO SCALE.

VOL. 2557 FOL. 232
9026 196 & 197
8257 792

COLOUR CONVERSION
R1 = BROWN
E-2 = GREEN



AL932581L

03/06/2015 \$0 59



Privacy C
The inform
collected under statutory authority and is
used for the purpose of maintaining
publicly searchable registers and indexes
in the Victorian Land Registry.

APPLICATION BY SUCCESSOR CORPORATION

Section 59A Transfer of Land Act 1958

Lodged by: EAST GIPPSLAND SHIRE COUNCIL

Name:

Phone:

Address: 273 MAIN STREET BAIRNSDALE 3875

Customer Code: 9861T

The applicant, being the successor in law to the registered proprietor, applies to be registered as proprietor of the estate and interest of the former body corporate in the land described.

Land: *(title, mortgage, charge or lease)*

SEE ATTACHED SCHEDULE

Applicant: *(full name and address including postcode)*

EAST GIPPSLAND SHIRE COUNCIL of 273 Main Street Bairnsdale Vic 3875.

Grounds of Application:

SUCCESSOR IN LAW TO THE REGISTERED PROPRIETOR

Registered Proprietor: *(full name(s) of former body corporate)*

SEE CERTIFICATE ATTACHED

Dated: 22 OCTOBER 2014

Signature of Applicant

Kate Nelson

or

Signature of Australian Legal Practitioner
under the *Legal Profession Act 2004*
for applicant

59A

THE BACK OF THIS FORM MUST NOT BE USED

AL932581L

03/06/2015

\$0 59



**CERTIFICATE PURSUANT TO
SECTION 59A (2) OF THE TRANSFER OF LAND ACT 1958**

I, KATE NELSON certify that:

1. I am the ACTING CHIEF EXECUTIVE OFFICER OF THE
EAST GIPPSLAND SHIRE COUNCIL (THE SUCCESSOR BODY)
2. The successor body is the successor at law to the body or bodies listed below
("the former body").
3. The property, rights or liabilities of the former body have been vested by operation of
law in, or become the property, rights and liabilities of, the successor body.

Dated : 22 OCTOBER 2014

Signed: Kate Nelson

Name(s) of former body or bodies:

BAIRNSDALE CITY COUNCIL
MAYOR COUNCILLORS AND BURGESSES OF THE TOWN OF BAIRNSDALE
MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF BAIRNSDALE
MAYOR COUNCILLORS AND CITIZENS OF THE TOWN OF BAIRNSDALE
OMEO SHIRE COUNCIL
ORBOST SHIRE COUNCIL
PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ORBOST
PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF TAMBO
PRESIDENT COUNCILLORS RATEPAYERS OF THE SHIRE OF TAMBO
TAMBO SHIRE COUNCIL
THE MAYOR BURGESSES AND RATEPAYERS OF THE TOWN OF BAIRNSDALE
THE MAYOR COUNCILLORS & BURGESSES OF THE TOWN OF BAIRNSDALE
THE MAYOR COUNCILLORS AND BURGESSES OF THE TOWN OF BAIRNSDALE
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF BAIRNSDALE
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF OMEO
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ORBOST
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ROSEDALE
THE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF TAMBO
TOWN OF BAIRNSDALE
THE SHIRE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF
BAIRNSDALE
THE PRESIDENT COUNCILLORS AND THE RATEPAYERS OF THE SHIRE OF
BAIRNSDALE
THE SHIRE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ORBOST
SHIRE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF ORBOST
THE SHIRE PRESIDENT COUNCILLORS AND RATEPAYERS OF THE SHIRE OF OMEO

AL932581L

03/08/2015

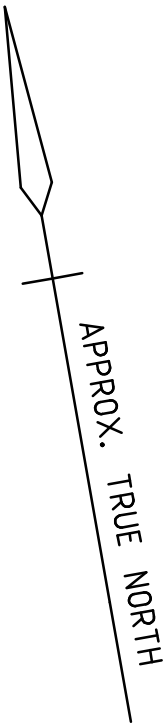
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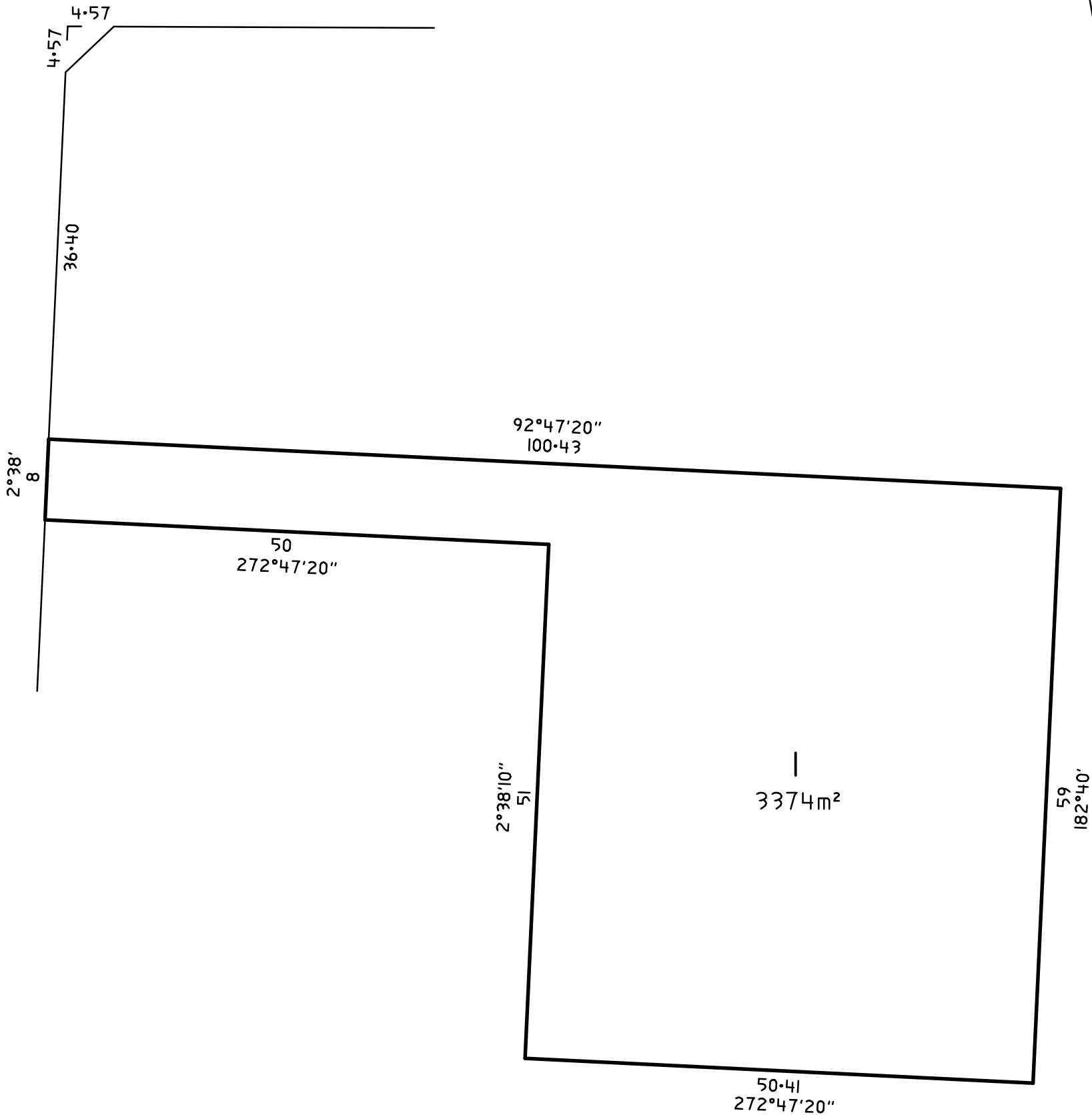
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8882/574	9061/708	9214/295	9310/237	9409/627
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8895/457	9080/499	9214/310	9323/429	9409/629
8901/940	9080/500	9214/311	9325/190	9409/941
8909/556	9083/927	9214/312	9325/947	9412/025
8909/904	9083/930	9214/313	9329/339	9412/744
8919/004	9091/541	9217/708	9329/416	9418/980
8919/697	9091/542	9217/959	9332/630	9424/994
8924/578	9112/573	9221/201	9334/834	9427/403
8924/579	9114/521	9225/698	9335/567	9439/177
8924/818	9114/993	9231/192	9338/660	9444/525
8933/490	9117/140	9235/825	9347/160	9444/526
8939/005	9117/866	9239/432	9352/299	9444/527
8939/938	9121/170	9260/197	9352/541	9447/182
8948/852	9121/851	9260/644	9371/561	9449/429
8958/362	9121/952	9260/650	9374/264	9458/197
8962/350	9132/454	9260/673	9374/299	9460/386
8967/567	9132/577	9264/701	9377/673	9460/486
8968/692	9138/520	9271/925	9379/476	9461/075
8972/524	9142/051	9278/217	9379/692	9465/401
8979/848	9148/801	9278/800	9381/111	9468/029
8982/961	9153/638	9278/952	9389/686	9482/514
8989/631	9157/297	9286/136	9394/395	9482/888
9010/317	9161/174	9286/471	9394/408	9491/095
9019/629	9166/817	9293/412	9394/529	9491/732
9019/630	9181/682	9297/091	9406/185	9495/663
9035/330	9189/500	9300/020	9406/187	9497/312
9035/371	9190/406	9307/379	9406/508	9503/119
9039/417	9201/717	9307/999	9409/625	9503/120

<div>PLAN OF SUBDIVISION</div> <div>UNDER SECTION 24A OF THE SUBDIVISION ACT 1988</div>				<div>EDITION 1</div>		<div>PS 918820S</div>	
<div>LOCATION OF LAND</div> <div><div>PARISH:</div><div>WY-YUNG</div></div> <div><div>TOWNSHIP:</div><div>LUCKNOW</div></div> <div><div>SECTION:</div><div>A</div></div> <div><div>CROWN ALLOTMENT:</div><div>CROWN PRE-EMPTIVE RIGHT (PART)</div></div> <div><div>CROWN PORTION:</div><div></div></div> <div><div>TITLE REFERENCE:</div><div>VOL 9239 FOL 432</div></div> <div><div>LAST PLAN REFERENCE:</div><div>RESERVE 1 ON LPII994I</div></div> <div><div>POSTAL ADDRESS: (at time of subdivision)</div><div>74 HADFIELD STREET, LUCKNOW</div></div> <div><div>MGA2020 CO-ORDINATES: (of approx centre of land in plan)</div><div><div>E: 557 360</div><div>ZONE: 55</div><div>N: 5813 980</div></div></div>				<div>COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL</div>			
<div>VESTING OF ROADS AND/OR RESERVES</div>				<div>NOTATIONS</div>			
<div>IDENTIFIER</div>		<div>COUNCIL/BODY/PERSON</div>		<div><div>PURPOSE OF PLAN:</div><div>REMOVAL BY THE EAST GIPPSLAND SHIRE OF THE RESERVATION FROM THAT PART OF THE RESERVE ON LPII994I SHOWN HEREON</div><div>GROUND FOR REMOVAL:</div><div>BY DIRECTION IN PLANNING PERMIT .../..../.</div></div>			
<div>NIL</div>		<div>NIL</div>					
<div>NOTATIONS</div>							
<div>DEPTH LIMITATION DOES NOT APPLY 15.24 METRES BELOW THE SURFACE</div>							
<div><div>SURVEY:</div><div>This plan is not based on survey.</div><div>SURVEY:</div><div>This is not a staged subdivision.</div><div>Planning Permit No.</div><div>This survey has been connected to permanent marks No(s). </div><div>In Proclaimed Survey Area No. NIL</div></div>							
<div>EASEMENT INFORMATION</div>							
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>							
<div>Easement Reference</div>	<div>Purpose</div>	<div>Width (Metres)</div>	<div>Origin</div>	<div>Land Benefited/In Favour Of</div>			
<div>Crowther & Sadler Pty.Ltd.</div> <div>LICENSED SURVEYORS & TOWN PLANNERS</div> <div>152 MACLEOD STREET, BAIRNSDALE, VIC., 3875</div> <div>P. (03) 5152 5011 E. contact@crowthersadler.com.au</div>		<div>SURVEYORS FILE REF: 20575</div> <div>PAUL ANTHONY DWYER, VERSION 1</div>		<div>ORIGINAL SHEET SIZE: A3</div>	<div>SHEET 1 OF 2 SHEETS</div>		



PRINCES HIGHWAY

HADFIELD STREET



Our ref: 20575

28 July 2023

Mr. Robert Pringle
Statutory Planning Coordinator
East Gippsland Shire Council
Via email: planning@egipps.vic.gov.au

Dear Robert,

**Re: Planning Application Removal of a Reservation
74 Hadfield Street, Lucknow
Reserve 1 on PS 119941**

Please find enclosed a Planning Application which seeks approval for the removal of Reserve status of land at 74 Hadfield Street, Lucknow under Clause 52.02 of the *East Gippsland Planning Scheme*.

Subject Land and Surrounds

Formally known as Reserve 1 on Plan of Subdivision 119941, the subject land is owned by East Gippsland Shire Council and known as Hadfield Reserve.



Aerial image of the subject land (Source: IntraMaps)



FS 520900



**MEMBER
FIRM**

The property is a sequestered allotment with access obtained from Hadfield Street and is developed with a shed.

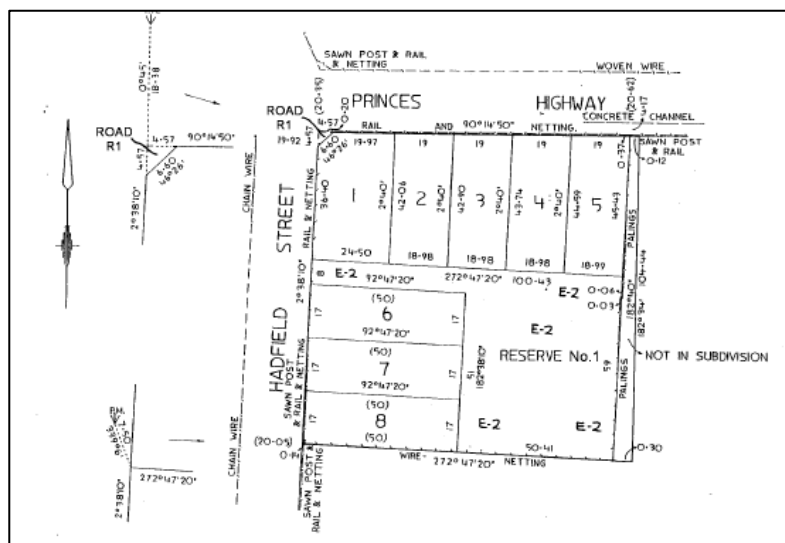


View entrance to subject land from Hadfield Street



View across subject land

The subject land is contained within an established residential precinct with surrounding properties to the north, east, west and south containing single storey detached dwellings with associated outbuildings.



Extract from LP119941 that created the Reserve

Proposal

East Gippsland Shire Council has determined that the land is surplus to Council's needs as an area for recreational purposes.

To facilitate the future use of the property Council has determined that the reservation status is no longer required.

Planning Policy Framework

Clause 11.01-1L-02 Growth Area Towns Strategies – East Bairnsdale seeks to facilitate the East Bairnsdale – Lucknow precinct for urban growth.

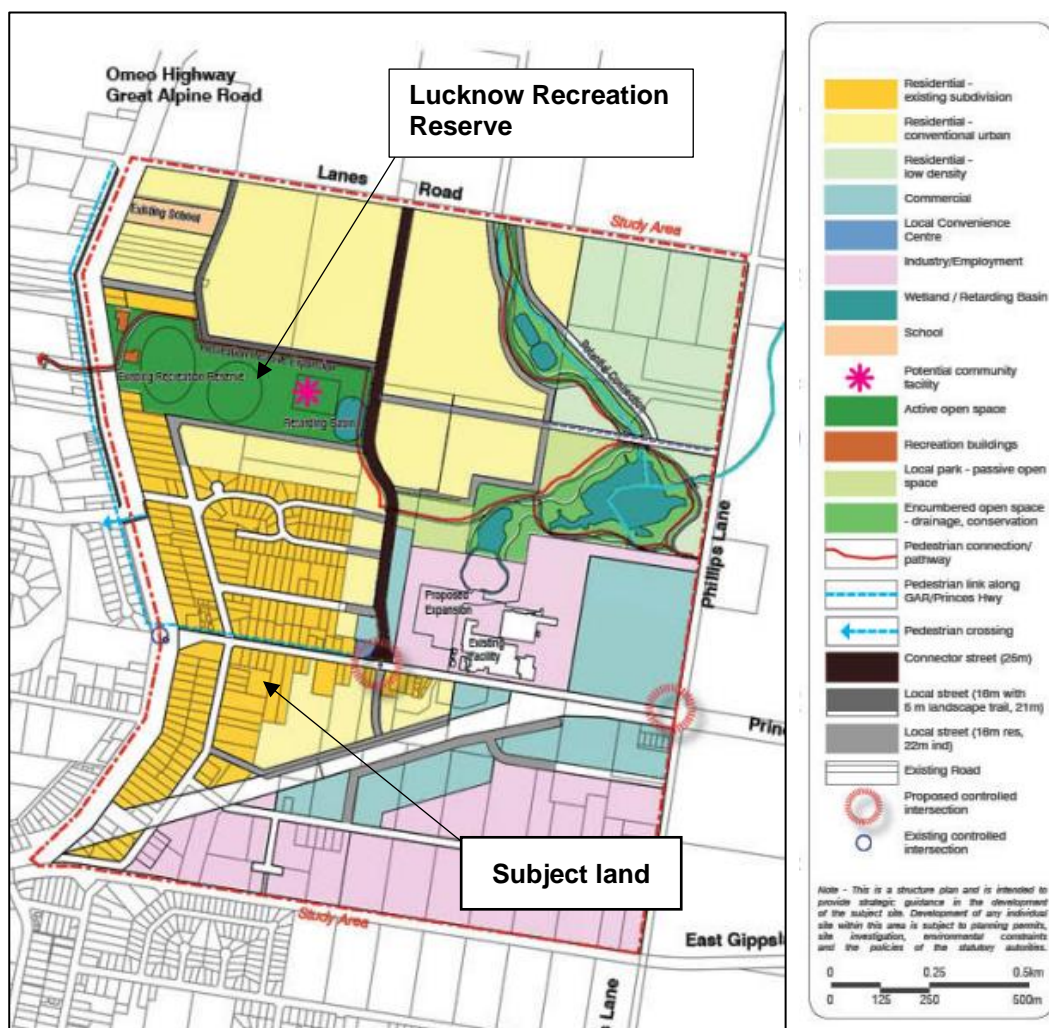


East Bairnsdale – Lucknow Precinct Plan

Being a broader strategic plan for the area, it promotes residential development within the area of the reserve and does not seek to create a regional or local recreational area south of the Princes Highway. The East Bairnsdale - Lucknow recreational area is the Lucknow Recreation Reserve.

Council adopted in 2009 the Bairnsdale Growth Strategy which recognises within the chapter “Improving Recreation and Leisure Facilities” a key objective of encouraging consolidation and co-location of sporting facilities.

In November 2013 the Council adopted the East Bairnsdale/Lucknow Precinct Structure Plan.



East Bairnsdale/Lucknow Precinct Structure Plan (Source: EGSC)

Clause 19.02-6S Open Space seeks to create an integrated network of open space.

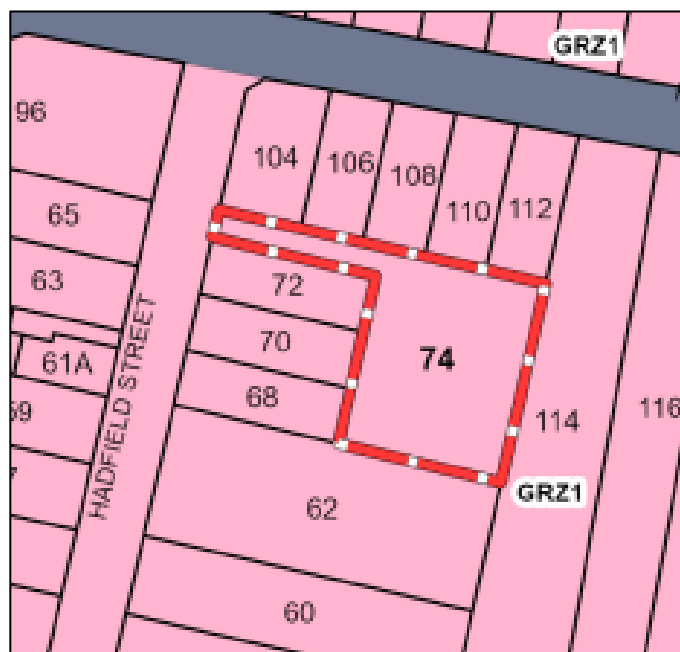
Planning Elements

General Residential Zone

The land is contained within the General Residential Zone under the East Gippsland Planning Scheme.

The purpose of the General Residential Zone is:

- *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.*



Planning scheme zone mapping (Source: VicPlan)

Removing the reserve status from the land will facilitate opportunities for the use and development of the land consistent with the provisions of the General Residential Zone and which are currently restricted by the reservation.

Clause 52.02 Easements, Restrictions and Reserves

Pursuant to Clause 52.02 a planning permit is required before a person proceeds under Section 24A of the *Subdivision Act 1988*.

Section 24A of the *Subdivision Act 1988* states:

24A Reserves and other similar land

- (1) If required or authorised to do so by the planning scheme or a permit, a person or body listed in column 1 of the Table may lodge at the Titles Office for registration a certified plan to do any of the things listed in relation to that person or body in column 2 of the Table in relation to the whole or any part of land referred to in that part of the column.

TABLE	
<i>Column 1</i> <i>Person or body</i>	<i>Column 2</i> <i>Action</i>
A Council	Vest in itself land shown or set aside as a reserve on a registered but not certified plan.
A Council	Vest in itself land on a registered but not certified plan that is not shown or set aside as a lot, common property, road or reserve.
The person or body in whom or in which the land is vested	Remove a reservation from land shown or set aside as a reserve on a registered but not certified plan or shown on a plan prepared under this section.
The person or body in whom or in which the land is vested	Remove a reservation from land set aside as a reserve on a certified and registered plan.
The person or body in whom or in which the land is vested	Remove any restriction on the use of land vested under section 18 of the Cluster Titles Act 1974 .

The decision guidelines require the responsible authority to consider the interests of affected people.

We note that the application will be subject to Clause 67.02, Notice Requirements and Exemption.

Given that the Application has been lodged on behalf of the *East Gippsland Shire Council* a fee has not been provided. We suggest that you liaise directly with the Council's Property Administration Coordinator, *Lou Wigg* should Planning fees be a concern.

It is respectfully requested that Council consider the application favourably and resolve to issue a Planning Permit.

As always, please do not hesitate to contact our office should we be able to assist further in relation to this matter.

Regards,

A handwritten signature in black ink, appearing to read 'Rich Hoxley', written over a horizontal line.

RICHARD HOXLEY
Principal Planner

*Encl. Application Form
Copy of Title
Proposed Plan of Subdivision*