

## Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	35 Ilfracombe Way PAYNESVILLE 3880 Lot: 115 PS: 840683
The application is for a permit to:	Two lot subdivision and buildings and works for two dwellings
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2023.307.1
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.



APPLICATION FOR PLANNING PERMIT

# TWO LOT SUBDIVISION AND DEVELOPMENT OF TWO DWELLINGS

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35 ILFRACOMBE WAY, PAYNESVILLE

TOM CAMP

REF: 23006

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APPENDIX A	Copy of Title
APPENDIX B	Development Plans

Version	Initials	Date	Comments
1.0	DAC	06/02/2023	Draft for Review
1.1	CMC	07/02/2023	Reviewed
1.2	DAC	08/02/2023	Final for Submission

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August 2023

## **APPLICATION FOR PLANNING PERMIT**

### **35 ILFRACOMBE WAY, PAYNESVILLE**

### **TWO LOT SUBDIVISION AND DEVELOPMENT OF TWO DWELLINGS**

#### **1. EXECUTIVE SUMMARY**

This planning submission is in support of a planning permit application for the proposed two lot subdivision and development of two dwellings at 35 Ilfracombe Way, Paynesville.

The subject site is 1,020m<sup>2</sup> in area and is zoned General Residential Zone – Schedule 1. The property is affected by the Design and Development Overlay – Schedule 14.

A planning permit is required for the subdivision of land and the development of two dwellings under the provisions of the General Residential Zone and the Design and Development Overlay. The requirements of the zone and overlay are addressed throughout the submission and within the supporting documentation.

The proposed subdivision and development of two additional dwellings is appropriate in this location. The proposal is unlikely to detrimentally impact the amenity of the area and surrounding land uses.

This submission addresses the following components of the East Gippsland Planning Scheme in response to the application as required:

- Clause 01 – Purposes of this Planning Scheme
- Clause 02 – Municipal Planning Strategy
- Clause 11 – Settlement
- Clause 12 – Environmental and Landscape Values
- Clause 13 – Environmental Risks
- Clause 15 – Built Environment Heritage
- Clause 16 – Housing
- Clause 32.08 – General Residential Zone
- Clause 43.02 – Design and Development Overlay
- Clause 55 – Residential Assessment
- Clause 56 – Residential Subdivision
- Clause 65.01 – Decision Guidelines
- Clause 65.02 – Decision Guidelines

The information provided within this submission addresses the requirements of the East Gippsland Planning Scheme and will result in a positive contribution to in this area of Paynesville.



## 2. INTRODUCTION:

We act on behalf of Tom Camp the applicant and developer of land at 35 Ilfracombe Way, Paynesville being the subject of this planning application.

This planning submission has been prepared in support of an application for planning permit for a two lot subdivision and the development of two dwellings.

This submission addresses relevant provisions of the East Gippsland Planning Scheme to assist Council planning officers in considering the merit of the proposed development.

## 3. SITE AND SURROUNDS

The subject site is located at 35 Ilfracombe Way, Paynesville formally identified as Lot 115 on Plan of Subdivision 840683G contained in Certificate of Title Vol 12431 Folio 875. A copy of the title and relevant plan of subdivision is contained in **Appendix A**. There is a restrictive covenant registered on title listed as AW317711L and a Section 173 Agreement registered on title as AR827787Y.

### Covenant AW317711L - MCP AA7006

*“that the Transferee will not:*

- a. Erect, place, permit, licence or authorise on the said Lot or any further subdivided Lot any building except for dwelling houses built only of new materials containing a floor area of not less than 130 square metres within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola or veranda;*
- b. Erect, place, permit, licence or authorise on the said Lot any outbuildings built with other than the materials of the same type as the main dwelling house or colour bonded material;*
- c. Erect or allowed to be erected on the said Lot any relocated dwelling or outbuilding or any dwelling or outbuilding moved from other land;*
- d. Occupy the Lot for residential purposes either temporarily or permanently until a Certificate of Occupancy is issued for the dwelling erected on the site except that temporary accommodation may be used for the duration of the construction period of the dwelling for no longer than twelve (12) months (subject to any necessary Council approvals or permits);*
- e. Permit the land hereby transferred or any part thereof to be used for the purpose of commercial breeding or boarding of all training kennels or cages for cats, dogs or birds, or the keeping of poultry, or for the grazing of horses, or for the parking, garaging or servicing of any motor vehicle in excess of five tonnes gross vehicle mass except for the purpose of loading or unloading of goods unless the vehicle is a construction vehicle engaged on construction works thereon or unless the vehicle is a boat, caravan or similar vehicle of any gross vehicle mass and is screened from view from the roadways and adjoining properties.*

### Section 173 Agreement AR827787Y

*“(a) The owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council, the Subject Land, or any part of it, must only be subdivided in a manner which depicts a lot layout and title boundaries which are:*

- (i) generally in accordance with the configuration and layout of the subdivision authorised by the Planning Permit and the various conditions included in the permit; and*

from time to time endorsed pursuant to condition 3 of

from time to time endorsed pursuant to condition 3 of



from time to time endorsed pursuant to condition 3 of

from time to time endorsed pursuant to condition 3 of



from time to time endorsed pursuant to condition 3 of

The subject site is located approximately 2.1 kilometres north west of the central business district of Paynesville within a newly subdivided area. Adjoining the northern boundary is Oakley Crescent, the eastern boundary is Ilfracombe Way and adjoining the boundary to the south and west is vacant residential land.

The subject site is currently vacant residential land. The site is approximately 1,020m<sup>2</sup> in area, is almost rectangular in shape and is relatively flat in nature. Access to the site is existing directly from Ilfracombe Way along the eastern boundary.

Ilfracombe Way is a fully constructed bitumen sealed street with rollover kerb and channel traversing in a north to south direction. Ilfracombe Way connects to King Street approximately 197 metres south of the subject site. Oakley Crescent is a bitumen sealed street with rollover kerb and channel and traverses in an east to west direction.

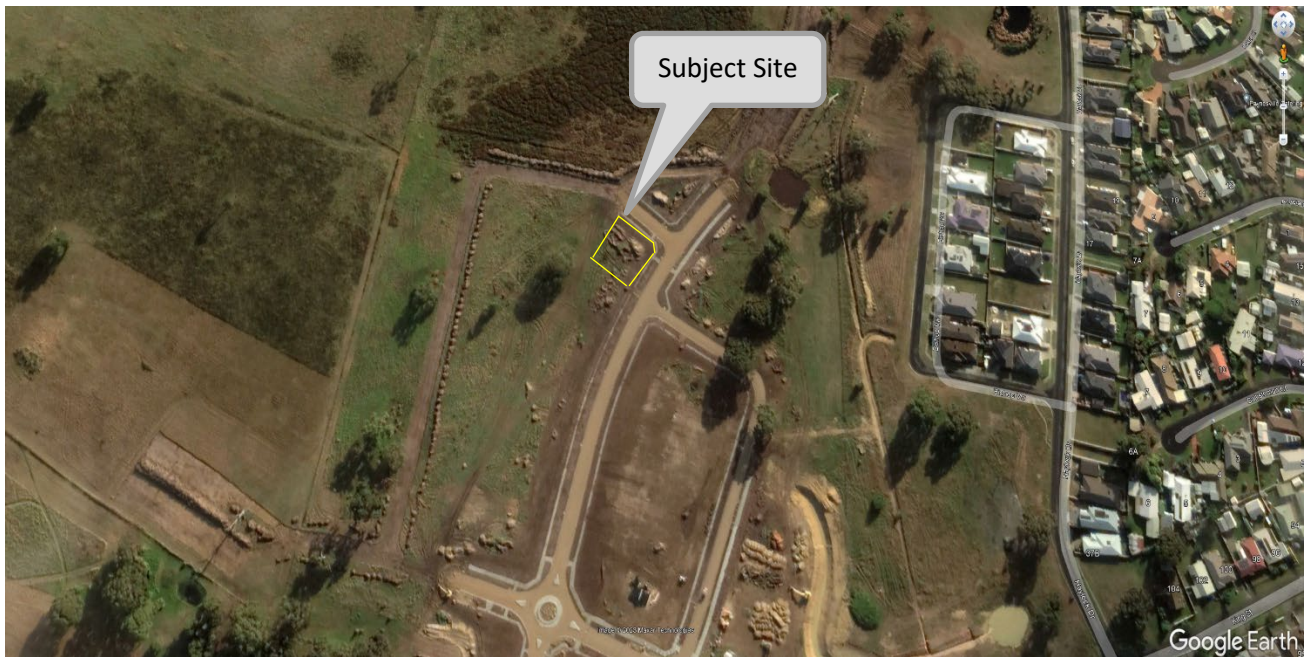
The site and surrounding area have access to a range of services and infrastructure including electricity, reticulated water and sewerage, telecommunications and a good quality road network.

A visual description of the subject site and surrounding land is outlined in the photographs below.



**Photograph 1** – Aerial Photograph of the subject site and surrounding land – 35 Ilfracombe Way, Paynesville (source: <https://earth.google.com>)





**Photograph 2** – Aerial Photograph of the subject site and surrounding land – 35 Ilfracombe Way, Paynesville (source: <https://earth.google.com>)



**Photograph 3** – Subject site at 35 Ilfracombe Way, Paynesville.





**Photograph 4** – Subject site facing north.



**Photograph 5** – Subject site facing east.





**Photograph 6** – Subject site facing northwest.



**Photograph 7** – Land directly opposite the subject site at 14 Twomey Place, Paynesville.





**Photograph 8** – Land directly opposite the subject site at 12 Oakley Crescent.



**Photograph 9** – Ilfracombe Way facing northeast.





**Photograph 10** – Ilfracombe Way facing southwest.



**Photograph 11** – Oakley Crescent facing northwest.





**Photograph 12** – Oakley Crescent facing southeast.

#### 4. PROPOSAL:

This application seeks approval for the subdivision of land into two lots and the development of two dwellings. The proposed subdivision and development plans are contained in **Appendix B**.

##### Lot 1

The proposed Lot 1 will be a parallelogram shaped allotment and will be approximately 524m<sup>2</sup> in area. This lot will have a 27.82 metre frontage to Oakley Crescent along the northern boundary and a 15.05 metre frontage to Ilfracombe Way along the eastern boundary.

Access to the proposed Lot 1 will be via a newly constructed crossover and driveway along the northern boundary directly from Oakley Crescent.

The proposed dwelling will be a single storey dwelling and will be located centrally on the proposed Lot 1. The proposed dwelling will be setback approximately 4 metres to the northern boundary being Oakley Crescent, 5.1 metres to the eastern boundary being Ilfracombe Way, 1.8 metres to the southern boundary and 1 metre to the western boundary.

The dwelling will be constructed of face brickwork and Colorbond metal roof sheeting in the colour Woodland Grey. Proposed colours have been selected and are indicated on the proposed development plans at page TP04.

The total area of the proposed dwelling is 182.32m<sup>2</sup> with the areas calculated as follows:

- Residence 134.26m<sup>2</sup>;
- Garage 37.50m<sup>2</sup>;
- Porch 3.06m<sup>2</sup>; and
- Alfresco 7.50m<sup>2</sup>

##### Lot 2

The proposed Lot 2 will be an irregular shaped allotment and will be approximately 497m<sup>2</sup> in area. This lot will have a 15.99 metre frontage to Ilfracombe Way along the eastern boundary.

Access to the proposed lot is existing directly from the eastern boundary being Ilfracombe Way.

The proposed dwelling will be a single storey dwelling and will be located centrally on the proposed Lot 2. The proposed dwelling will be setback approximately 4.5 metres to the northern boundary, 4 metres to the eastern boundary, 1 metre to the southern boundary and 2.9 metres to the western boundary.

The proposed dwelling will be constructed with face brickwork and Colourbond metal roof sheeting in the colour Woodland Grey. Proposed colours have been selected and are indicated on the proposed development plans at page TP04.

The total area of the proposed dwelling is 184.74m<sup>2</sup> with the areas calculated as follows:

- Residence 132.60m<sup>2</sup>;
- Garage 37.23m<sup>2</sup>;
- Porch 2.99m<sup>2</sup>; and
- Alfresco 11.92m<sup>2</sup>

## Services

The subject site has access to existing services including electricity, telecommunications, reticulated water, sewerage and the existing road network. The addition of two dwellings in this location is not expected to exceed the capacity of the services.

All stormwater runoff will be directed to the legal point of discharge to the satisfaction of the responsible authority.

## Access

The subject site contains an existing concrete crossover along the eastern boundary directly to Ilfracombe Way. Access to the proposed Lot 1 is proposed from the northern boundary directly to Oakley Crescent. A works on a road reserve permit will be required and subsequently applied for prior to construction.

## Public Open Space Contribution

A public open space contribution was made as part of the original subdivision, as such no contribution is required in this instance.

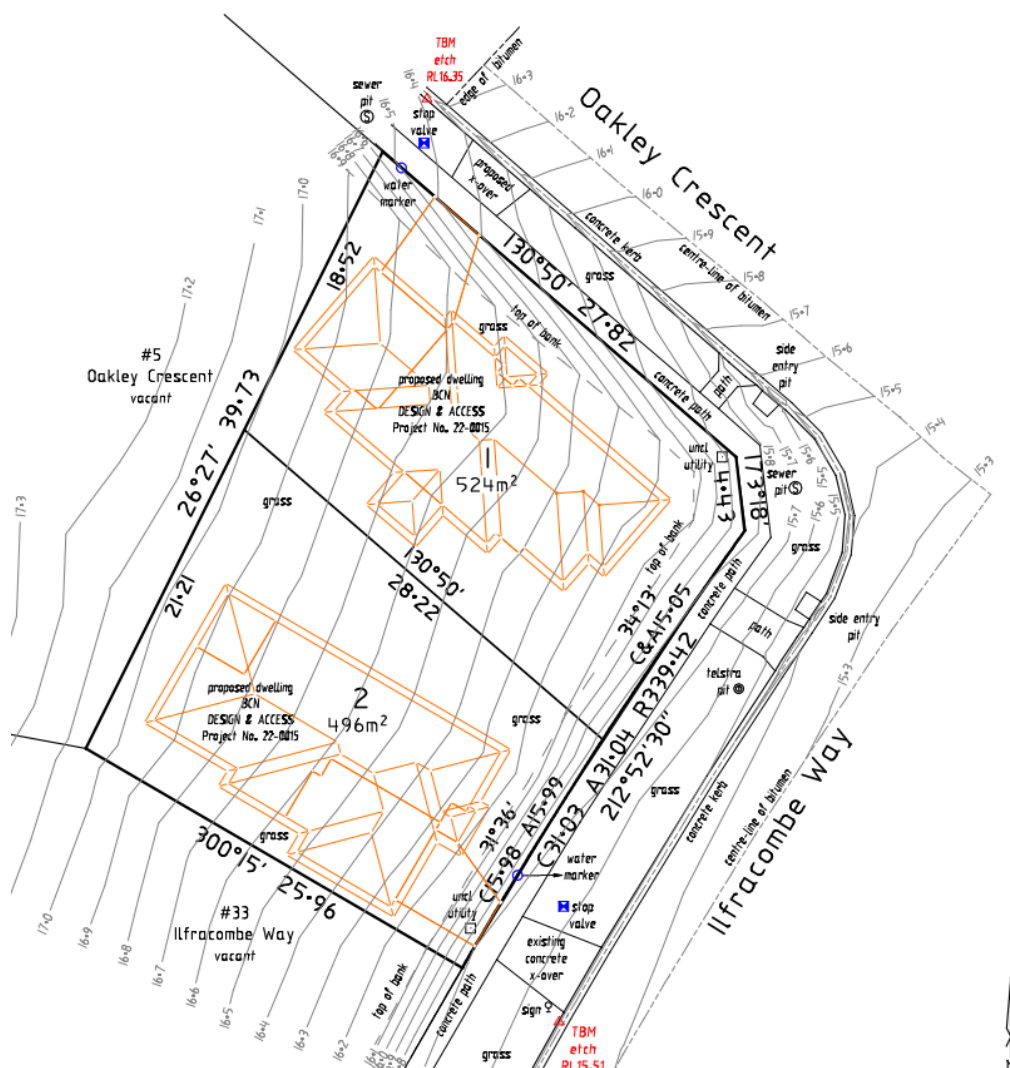


Figure 3 – Proposed plan of subdivision and dwellings – Oneplan

## 5. PLANNING PROVISIONS

### 5.1 EAST GIPPSLAND PLANNING SCHEME

Clause 01 – Purposes of this Planning Scheme provide:

- To provide a clear and consistent framework within which decisions about the use and development of land can be made.
- To express State, regional, local and community expectations for areas and land uses.
- To provide for the implementation of State, regional and local policies affecting land use and development.
- To support responses to climate change.

### 5.2 MUNICIPAL PLANNING STRATEGY

Clause 02.01 – **Context** provides an overview of the East Gippsland Shire Council acknowledging the 21,051 square kilometres that it covers incorporating the entire far eastern corner of the state of Victoria.

*“East Gippsland is growing at an annual rate of about one percent and development will be guided by policies to ensure that this growth reflects local character and meets the needs of future generations.”*

Settlement identifies that East Gippsland can be divided into four economic and geographic areas, as shown on the Strategic Framework Plan below being the Lakes and Coastal sub region, the Highland sub region, the Valleys and Forests sub region and the Agricultural Hinterland sub region.

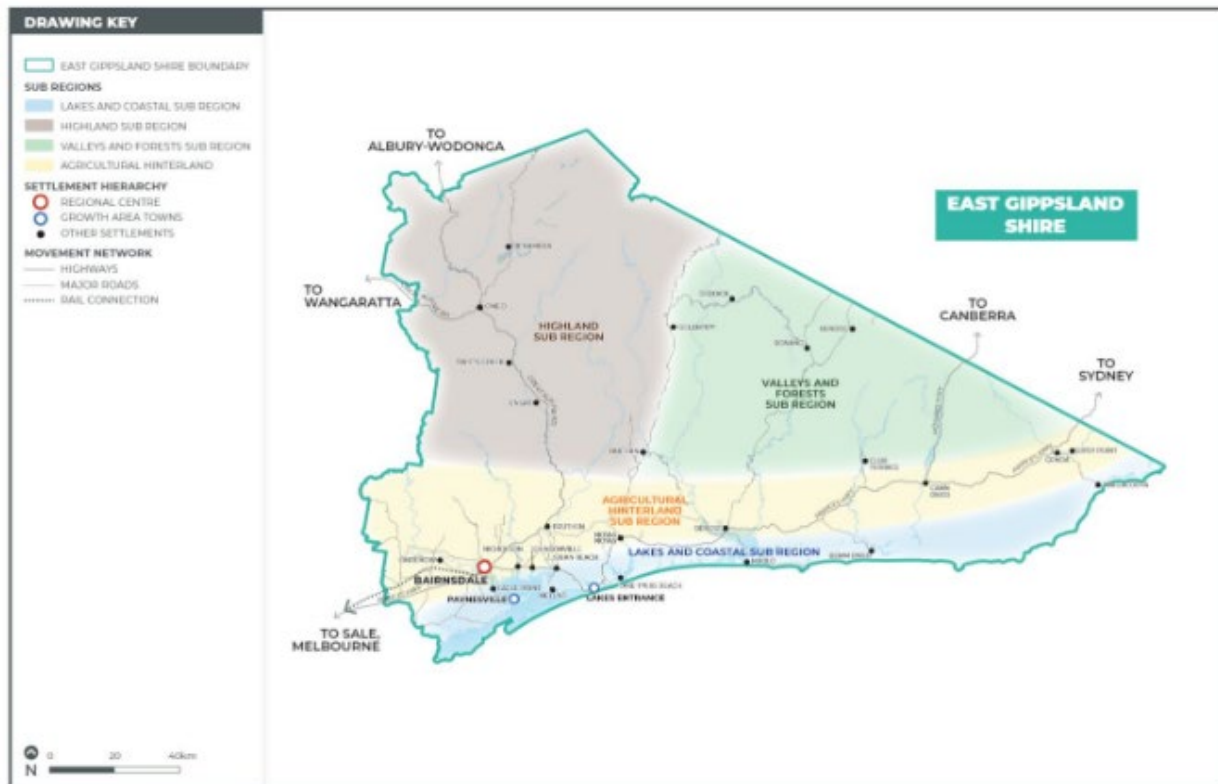


Figure 4 – Strategic Framework Plan (source: East Gippsland Planning Scheme)

Paynesville is located within the Lakes and Coastal sub region.

East Gippsland has a strong sense of community and an enviable lifestyle supported by the remarkable diversity and the beauty of its natural environment. There is a strong need to ensure development does not compromise the existing character of our residential areas and provides for an increased density in appropriate locations with a suitable level of services.

Clause 02.02 – **Vision** notes the Council Plan (2017-2021) identifies the following vision:

*“East Gippsland is the most liveable region in Australia.*

*A place of natural beauty, enviable lifestyles, and opportunities.”*

This vision is supported with principles that are relevant to land use planning including:

- Liveability
- Sustainability
- Productivity

Clause 02.03-1 **Settlement and housing** identifies the Growth area towns being the Bairnsdale, Paynesville and Lakes Entrance.

Council’s strategic directions for **coastal settlements** are:

- *Providing significant expansion of existing areas in Paynesville, Lake Tyers Beach and Eagle Point.*
- *Providing minor expansion of existing areas in Lakes Entrance, Mallacoota, Marlo and Nungurner.*
- *Expanding settlement within existing areas of Metung, Tambo Bluff, Raymond Island, Newlands Arm, Gipsy Point and Bemm River.*

Clause 02.03-2 – provides Council’s strategic directions for **Environmental and landscape values** are:

- *Restoring and maintain the biodiversity of our rivers, waterways, lakes and wetlands.*
- *Protecting areas of environmental, landscape, heritage or scenic value, particularly coastal/lakes areas; the Nicholson River, the Tambo River, Princes Highway; ridgelines and roadside vegetation.*
- *Balancing residential, business and tourist development with wildlife corridors and areas of rural or natural landscape.*
- *Protecting sites of significance by encouraging sensitive development, sympathetic to the character of the area and its aesthetic values.*

Clause 02.03-3 – provides Council’s strategic directions for **Environmental risk** are:

- *Prioritising the planning and management responses and adaptation strategies to vulnerable areas, such as protect, redesign, rebuild, elevate, relocate and retreat.*
- *Assessing the impacts of climate-induced sea level rise, combined with more severe storm surges.*
- *Minimising land degradation and tree decline in some rural areas.*
- *Using geotechnical risk assessments in evaluating proposals for use and development in erosion risk areas.*

Clause 02.03-5 – provides Council’s strategic directions for **Built environment and heritage** are:

- *Protecting natural and cultural heritage.*
- *Maintaining the human scale, village feel and character of Paynesville particularly in the town centre.*
- *Upgrading the townscapes of Lakes Entrance and Paynesville.*



### 5.3 PLANNING POLICY FRAMEWORK

Clause 11 – **Settlement** provides:

*“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.*

*Planning is to recognise the need for, and as far as practicable contribute towards:*

- *Health wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Climate change adaptation and mitigation.*
- *Prevention of land, water, air and noise pollution.*
- *Protecting, conserving and improving biodiversity, waterways and other natural resources.*
- *Accessibility.*
- *Land use and transport integration.*
- *Waste minimisation and resource recovery.*

*Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.*

*Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.”*

Clause 11.01-1R – **Settlement - Gippsland** provides:

- *Support urban growth in Latrobe City as Gippsland’s regional city, at Bairnsdale, Leongatha, Sale, Warragul/Drouin and Wonthaggi as regional centres, and in sub-regional networks of towns.*
- *Support new urban growth fronts in regional centres where natural hazards and environmental risks can be avoided or managed.*
- *Support the continuing role of towns and small settlements in providing services to their districts, recognising their relationships and dependencies with larger towns.*
- *Create vibrant and prosperous town centres that are clearly defined and provide commercial and service activities that respond to changing population and market conditions.*
- *Provide regional social infrastructure in the regional city and regional centres.*
- *Plan for increased seasonal demand on services and infrastructure in towns with high holiday home ownership.”*

Clause 11.01-L-01 – **East Gippsland Settlements** identifies the following strategies:

- *Encourage infill or incremental development of existing towns in preference to dispersed development.*
- *Encourage the consolidation of existing township areas through the development and subdivision of exiting lots.*
- *Allow limited infill development within existing residential zones.*

- *Protect areas for future urban growth, particularly avoiding the fragmentation of rural residential land on the urban fringe.*
- *Design new subdivision within or adjacent to unsewered towns to have lot sizes appropriate for on-site treatment and disposal of wastewater.*
- *Support residential infill development within existing residential zones.*
- *Protect areas for future urban growth, particularly avoiding the fragmentation of rural residential land on the urban fringe.*
- *Support medium density development for tourist and residential uses in residential zones.*
- *Preserve intervening areas of rural or natural landscapes to protect the separation between settlements.*
- *Provide any new lot created in the Township Zone or Low Density Residential Zone with urban infrastructure.*
- *Encourage development of township centres through consolidation of retail and commercial areas.*
- *Encourage retail and commercial uses requiring larger sites to locate adjacent to the central commercial areas, rather than in free-standing sites on the outskirts of towns.*

Clause 11.01-1L-03 – **Coastal Settlements** identifies Paynesville in the Paynesville Framework Plan and identifies the following strategies:

- *Provide a variety of housing types and styles that add to the special character of Paynesville.*
- *Provide linkages between residential, commercial, recreation, town centre activity areas, the foreshore, the waterfront and the hinterland.*
- *Develop tourism opportunities and event spaces that facilitate an all year-round destination.*
- *Encourage the maritime industry (including marinas and workshop facilities) and service industry in the Industrial 3 Zone at Slip Road.*
- *Discourage industry that is not reliant on access to water in the Industrial 3 Zone on Slip Road.*
- *Expand the town westwards generally between Waratah Avenue and Grandview Road.*
- *Contain urban development within the area to the east of Grandview Road.*
- *Promote higher densities in the redevelopment of existing areas.*
- *Provide a distinct separation of Eagle Point and Paynesville incorporating extensive open space areas.*
- *Provide expansive green edges to abut entry roads to maintain the sense of country atmosphere to the arrival experience.*
- *Encourage development of a variety of tourist accommodation options within Paynesville, particularly in the town centre or close to the canals.*
- *Encourage the use of the site adjoining the coast north-west of Paynesville, to be developed for resort development or for urban/residential use.*
- *Plan any resort development as an integrated development that does not include land uses that would be prejudicial to the primacy of the Paynesville activity centre.*



**Figure 5 – Paynesville Framework Plan** (source: East Gippsland Planning Scheme)

Clause 12 – **Environmental and Landscape values** provides:

*“Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.*

*Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia’s Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.*

*Planning should protect sites and features of nature conservation, biodiversity, geological or landscape value.”*

Clause 13 – **Environmental Risks and Amenity** provides:

*“Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.*

*Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:*

- Land use and development compatibility.
- Effective controls to prevent or mitigate significant impacts.



*Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.*

*Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.*

*Planning should prepare for and respond to the impacts of climate change.”*

Clause 13.07-1S – **Land Use compatibility** contains the following objective:

*“To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.”*

Strategies identified include:

- *Ensure that use or development of land is compatible with adjoining and nearby land uses.*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect existing commercial, industrial and other uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.”*

Clause 15 – **Built Environment and Heritage** provides:

*“Planning should ensure all new land use and development appropriately responds to its landscape, valued built form and cultural context, and protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.*

*Creating quality built environments supports the social, cultural, economic and environmental wellbeing of our communities, cities and towns.*

*Land use and development planning must support the development and maintenance of communities with adequate and safe physical and social environments for their residents, through the appropriate location of uses and development and quality of urban design.”*

*Planning should achieve high quality urban design and architecture that:*

- *Contributes positively to local urban character and sense of place.*
- *Reflects the particular characteristics, aspirations and cultural identity of the community.*
- *Enhances livability, diversity, amenity and safety of the public realm.*
- *Promotes attractiveness of towns and cities within broader strategic contexts.*
- *Minimises detrimental impact on neighbouring properties.*

Clause 15.02 – **Sustainable development**

Clause 15.02-1S – **Energy and resource efficiency** contains the objective:

*“To encourage land use and development that is consistent with the efficient use of energy and the minimisations of greenhouse gas emission.”*

The strategies identified are:

- *Ensure that buildings and subdivision design improves efficiency in energy use.*
- *Promote consolidation of urban development and integration of land use and transport.*

- Improve efficiency in energy use through greater use of renewable energy.

Clause 16 – **Housing** provides:

“Planning should provide for housing diversity and ensure the efficient provision of supporting infrastructure.

Planning should ensure the long term sustainability of new housing, including access to services, walkability to activity centres, public transport, schools and open space.

Planning for housing should include the provision of land for affordable housing.”

## PROJECT PLANNING RESPONSE

This application seeks approval for the development of two dwellings and a two lot subdivision at 35 Ilfracombe Way, Paynesville. The subject site is located approximately 1.9 kilometres north east of the central business district of Paynesville and approximately 18 kilometres south east of the city of Bairnsdale.

The property is approximately 1020m<sup>2</sup> in area and is zoned General Residential. The subject site is affected by the Design and Development Overlay – Schedule 14. The site is not liable to flooding, erosion or bushfire hazards. A permit is required for the development of two dwellings and the subdivision of land into two lots under the provisions of the General Residential Zone and the Design and Development Overlay. The proposed development has taken into consideration the objectives and requirements of the zone and overlay as addressed throughout this submission.

The subject site has access to an adequate level of services and infrastructure to support the two lot subdivision and development of two dwellings, including telecommunications, reticulated water, sewer, electricity and a suitable road network. Community and commercial services and facilities are located a short distance from the site in either Paynesville or further to Bairnsdale.

Details of the proposed dwellings are clearly outlined in the proposed plans contained in **Appendix B**. The proposed dwellings are able to meet the requirements of rescode as outlined in this submission and shown on the proposed plans, providing for suitable residential development to assist in meeting the housing needs of all sectors of the community.

Access to the site is existing directly from Ilfracombe Way along the eastern boundary via a concrete crossover. The existing access will form the access for proposed Lot 2. Access to proposed Lot 1 will be from the northern boundary being Oakley Crescent as indicated on the proposed development plans. A works on a Road Reserve permit will be required and subsequently applied for prior to construction.

It is concluded that the proposed two lot subdivision and the development of two dwellings is appropriate in this location and will not have a detrimental impact on the residential character of the area, particularly given the land immediately adjoining the subject site is residential land. The proposed density of the development is appropriate in this location.

There are no physical or environmental constraints that make this site unsuitable for the proposed development. The proposal is considered to be consistent with the objectives of both the Planning Policy Frameworks and the Municipal Planning Strategy.

## 5.4 ZONE AND OVERLAYS:

The site is zoned General Residential and is affected by the Design and Development Overlay – Schedule 14 (DDO14) under the provisions of the East Gippsland Planning Scheme.

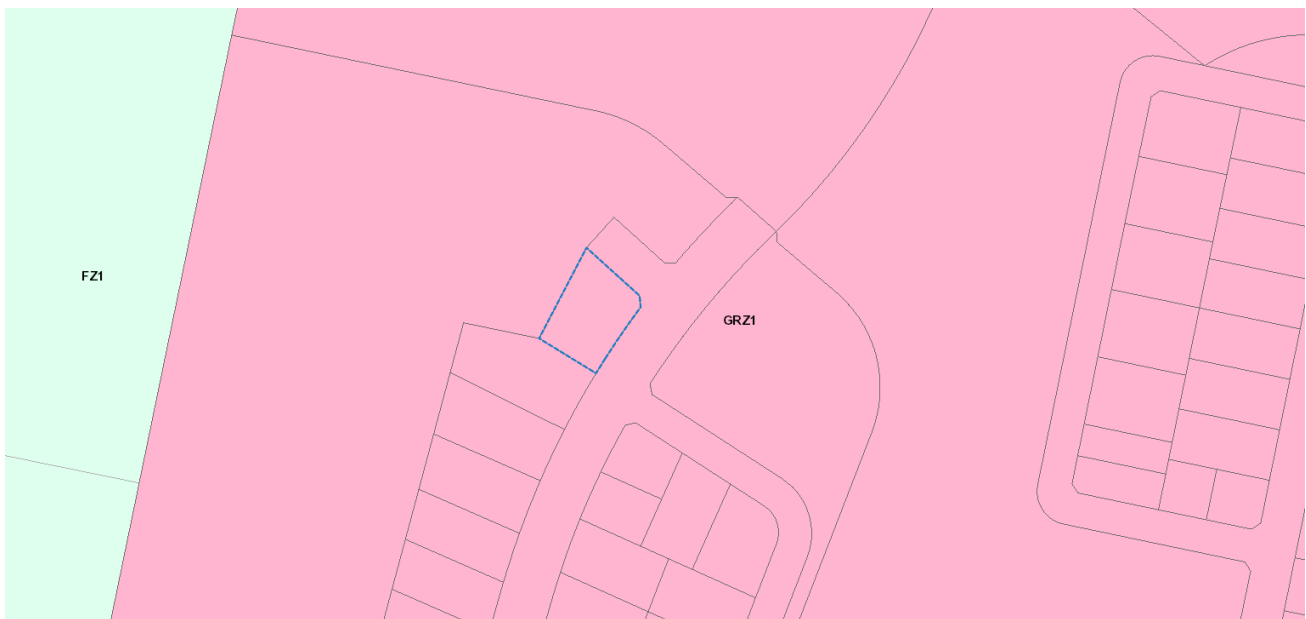
The provisions of the General Residential Zone are addressed below.

### General Residential Zone:

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.*

An extract of the General Residential Zone Map is provided below in **Figure 6**:



**Figure 6 - Zoning Map** (source- mapshare.vic.gov.au)

Clause 32.08-3 of the General Residential Zone provides a permit is required to subdivide.

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 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of Subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5, 56.04-2, 56.04-5, 56.06-8 to 56.09-2

The requirements outlined in the table above are addressed in Section 5.7 of this submission.

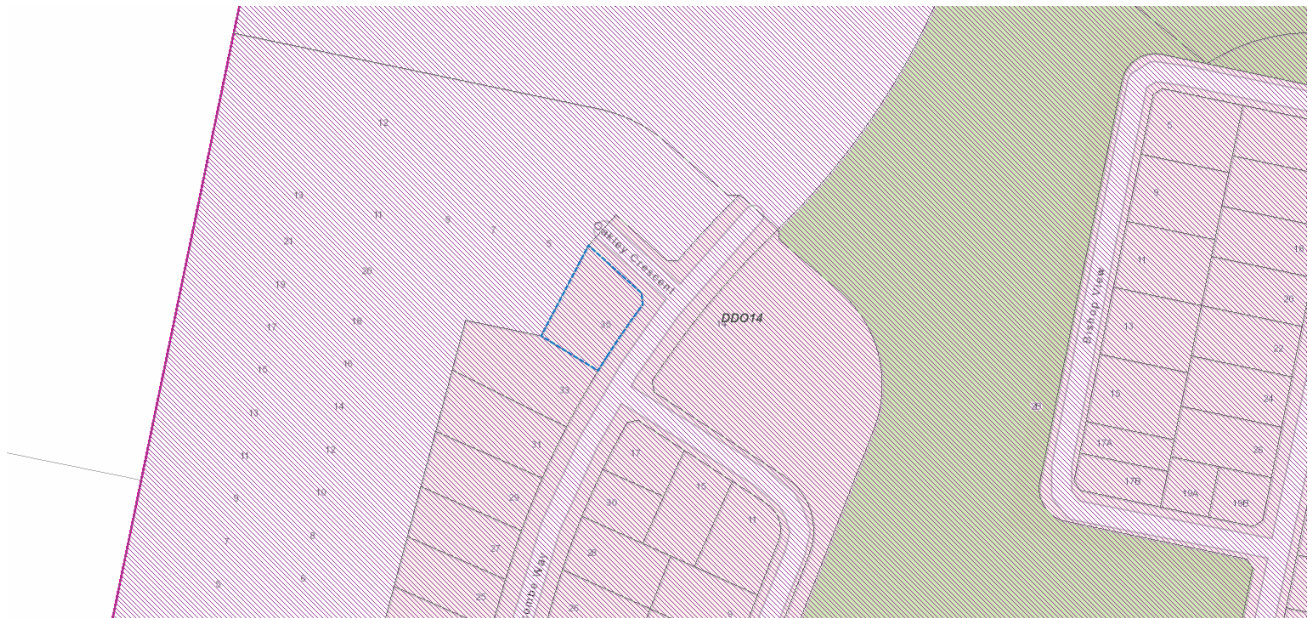
The decision guidelines outlined in Clause 32.08-13 are addressed in Section 6.1 of this submission.

### Design and Development Overlay:

The purpose of the Design and Development Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas which are affected by specific requirements relating to the design and built form of new development.

An extract of the Design and Development Overlay Map is provided below in **Figure 7**:



**Figure 7: Design and Development Overlay Map** (source – [mapshare.vic.gov.au](http://mapshare.vic.gov.au))

Clause 43.02-2 – provides a permit is required to construct a building or construct or carry out works. Schedule 14 provides a permit is not required other than for a building with a height of more than 7.5 metres above natural ground level measured within the building footprint.

Clause 43.02-3 – Subdivision provides a permit is required to subdivide land.

The proposed dwellings will be under 7.5 metres in height. A permit is required to subdivide land, as such the decision guidelines of the Design and Development Overlay are addressed in Section 6.2.

## 5.5 OTHER PLANNING CONSIDERATIONS

### Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is not recognised as being within an area of Aboriginal Cultural Heritage Sensitivity, as such a Cultural Heritage Management Plan is not required.

## 5.6 CLAUSE 55 ASSESMENT

### Clause 55 – Residential Assessment

Under the provisions of Clause 32.08-6 of the General Residential Zone, a development must meet the requirements of Clause 55.

The purpose of Clause 55 is:

*“To implement the Municipal Planning Strategy and the Planning Policy Framework.*

*To achieve residential development that respects the existing neighbourhood character, or which contributes to a preferred neighbourhood character.*

*To encourage residential development that provides reasonable standards of amenity for existing and new residents.*

*To encourage residential development that is responsive to the site and the neighbourhood.”*

Clause 55 provides the following requirements:

*A development:*

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

*For all of the provisions of Clause 55 other than Clause 55.07 (Apartment developments):*

- *If a zone or a schedule to a zone specifies a requirement of a standard different from a requirement set out in this clause, the requirement in the zone or a schedule to the zone applies.*
- *If the land is included in a Neighbourhood Character Overlay and a schedule to the overlay specifies a requirement of a standard different from a requirement set out in this clause or a requirement in the zone or a schedule to the zone, the requirement in the schedule to the overlay applies.*
- *If the land is included in an overlay, other than a Neighbourhood Character Overlay, and a schedule to the overlay specifies a requirement different from a requirement of a standard set out in this clause or a requirement of a standard set out in the zone or a schedule to the zone, the requirement in the overlay applies.*

*The requirements of a standard set out in Clause 55.07 (Apartment developments) apply to the exclusion of any different requirement specified in a zone, a schedule to a zone, or a schedule to an overlay.*

Clause 55.01-1 is addressed in Section 2 of this submission as well as in the Proposed Subdivision and Development Plans provided in **Appendix B**.



The table below addresses the relevant requirements of Clause 55.

<b>Clause 55.01-1:</b>	<b>Neighbourhood and site description.</b>
	<p>An application must be accompanied by:</p> <ul style="list-style-type: none"> <li>- A neighbourhood and site description.</li> <li>- A design response.</li> </ul>
<b>Response:</b>	<p>The subject site is located within a new stage of the Paynesville Park development. There are no other dwellings currently in this location as such there is no existing neighbourhood character.</p> <p>The proposed design of the development is considered to be an appropriate setback and to be of a height and scale that would be appropriate. The subject site has an existing concrete crossover directly from Ilfracombe Way along the eastern boundary as indicated on the proposed plans. The proposed Lot 2 will contain the existing access and proposed Lot 1 will have access provided directly from the northern boundary being Oakley Crescent.</p> <p>There is adequate area surrounding the proposed dwellings to accommodate the garden area requirements. Landscaping plans are provided which will ensure the development creates an attractive streetscape.</p> <p>The proposed dwellings, setbacks and landscaping will not be dissimilar to the residential developments in previous stages of the estate.</p> <p>The specifics of the subject site and surrounding area are addressed in Section 3 of this submission including photographs, as well as the proposed development plans contained in <b>Appendix B</b>. The neighbourhood and site description, along with a design response, is contained in the development plans provided in <b>Appendix B</b>. This proposal is not inconsistent with other developments throughout Paynesville and Bairnsdale.</p> <p>Overall, the proposed development of two additional dwellings will result in a positive contribution to the neighbourhood character of this locality.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.02- 1 Neighbourhood Character objective:</b>	<p><b>To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character.</b></p> <p><b>To ensure that development responds to the features of the site and the surrounding area.</b></p>
<b>Standard B1</b>	<p>The design response must be appropriate to the neighbourhood and the site.</p> <p>The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.</p>
<b>Response:</b>	<p>The proposal has designed the dwellings to be quality and attractive dwellings that are appropriately setback from the street with suitable landscaping and access. The</p>

	<p>development will contribute to a preferred neighbourhood character comprising a modern, single storey dwelling.</p> <p>The proposed design of the dwellings and subdivision is not inconsistent with development in surrounding estates and appropriately respond to the existing characteristics of the site.</p> <p>The proposal provides for a positive neighbourhood character.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.02-2 Residential policy objective:</b>	<p><b>To ensure that residential development is provided in accordance with any policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</b></p> <p><b>To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.</b></p>
<b>Standard B2</b>	<p>An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the Municipal Planning Strategy and the Planning Policy Framework.</p>
<b>Response:</b>	<p>There is currently emphasis on providing for affordable housing and housing to meet the needs of the community. Additionally, infill residential development in appropriate locations is encouraged. The level of services and infrastructure available is appropriate to accommodate the proposed development. A full assessment against the Municipal Planning Strategy and the Planning Policy Framework is provided in Section 5 of this submission.</p> <p>In summary, the development is considered to be supportive of the overall objectives of the policies and is considered appropriate in this location, particularly by supporting an increase in residential development within an appropriate location where there is access to a suitable level of services and infrastructure. The density of the proposed dwellings is suitable in this location.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.02- 3 Dwelling diversity objective:</b>	<p><b>To encourage a range of dwelling sizes and types in developments of ten or more dwellings.</b></p>
<b>Standard B3</b>	<p>Developments of ten or more dwellings should provide a range of dwellings sizes and types, including:</p> <ul style="list-style-type: none"> <li>- Dwellings with a different number of bedrooms.</li> <li>- At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level.</li> </ul>
<b>Response:</b>	<p>This application is seeking approval for the construction of two dwellings only. There are not ten or more dwellings in the proposal and therefore this Clause is not applicable.</p> <p><b>This clause is not relevant to this proposal.</b></p>

<p><b>Clause 55.02-4 Infrastructure objectives:</b></p>	<p><b>To ensure development is provided with appropriate utility services and infrastructure.</b> <b>To ensure development does not unreasonably overload the capacity of utility services and infrastructure</b></p>
<p><b>Standard B4</b></p>	<p>Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.</p> <p>Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.</p> <p>In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.</p>
<p><b>Response:</b></p>	<p>The proposed development is located within an area with access to a range of services and infrastructure. The road network is capable of accommodating the additional traffic that may be generated by the increased number of dwellings than anticipated by the original subdivision. The electricity, sewerage and water capacity are all considered to be of a standard that can adequately support the proposed development without detrimentally impacting the existing development in the area.</p> <p>There are no known deficiencies with these existing services that would require this development to upgrade existing infrastructure, however it is expected that the proposed application will be referred to the service authorities for comment at certification stage.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 55.02-5 Integration with the street objectives:</b></p>	<p><b>To integrate the layout of the development with the street.</b></p>
<p><b>Standard B5</b></p>	<p>Developments should provide adequate vehicle and pedestrian links that maintain or enhance accessibility.</p> <p>Development should be oriented to front existing and proposed streets.</p> <p>High fencing in front of dwellings should be avoided if practicable.</p> <p>Development next to existing public open space should be laid out to complement the open space.</p>
<p><b>Response:</b></p>	<p>The proposed development will result in one dwelling fronting Ilfracombe Way and one dwelling fronting Oakley Crescent ensuring a well integrated design layout with the streetscape. Both allotments will have vehicle and pedestrian access to Ilfracombe Way and Oakley Crescent via individual driveways as indicated on the proposed development plans. Ilfracombe Way and Oakley Crescent have concrete footpaths within this area ensuring safe pedestrian access. The proposed dwellings have a garage and will include a porch as an identified entrance to the dwellings.</p>



	<p>The subject site adjoins a public road reserve along the northern boundary being Oakley Crescent and eastern boundary being Ilfracombe Way. The proposed development will be appropriately setback from the boundaries in which case should public infrastructure be provided or upgraded in the future will not be affected by the proposal.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 1 Street setback objective:</b>	<b>To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.</b>
<b>Standard B6</b>	<p>Walls of buildings should be setback from streets:</p> <p>At least the distance specified in a schedule to the zone, or If no distance is specified in a schedule to the zone, the distance specified in Table B1.</p> <p>Porches, pergolas and verandahs that are less than 3.6 metres high and eaves may encroach not more than 2.5 metres into the setbacks of this standard.</p>
<b>Response:</b>	<p>Table B1 provides that the proposed development needs to be setback at the same distance as any building on the adjoining allotment facing the front street or 9 metres, whichever is lesser. There are no buildings immediately surrounding the site as the area is newly subdivided. The dwellings within the surrounding area are of various setbacks. The proposed dwellings will have a suitable setback from the street frontage.</p> <p>The proposed setbacks are considered appropriate in this location and will result in consistency with the surrounding pattern of development.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 2 Building height objective:</b>	<b>To ensure that the height of buildings respects the existing or preferred neighbourhood character.</b>
<b>Standard B7</b>	<p>The maximum building height should not exceed the maximum height specified in the zone, schedule to the zone or an overlay that applies to the land.</p> <p>If no maximum height is specified in the zone, schedule to the zone or an overlay, the maximum building height should not exceed 9 metres, unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres.</p> <p>Changes of building height between existing buildings and new buildings should be graduated.</p>
<b>Response:</b>	<p>The height of dwellings in the adjoining residential estates and throughout Paynesville is varied with a combination of double storey and single storey with the majority being single story. The area is a newly subdivided area and as such there are no existing dwellings.</p>

	<p>The General Residential Zone imposes a height limit of 11 metres or three storeys.</p> <p>The proposed dwellings will have a gutter height of 2.7 metres which is similar other dwellings within the surrounding residential estates.</p> <p>The proposed development will not be visually obtrusive or impede in any views from surrounding areas. The dwelling height does not exceed the maximum 11 metre height as specified in the General Residential Zone or the 7.5 metre height control in the Design and Development Overlay. The proposed height is considered suitable and appropriate in this location.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03-3 Site coverage objective:</b>	<b>To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site.</b>
<b>Standard B8</b>	<p>The site area covered by buildings should not exceed:</p> <p>The maximum site coverage specified in a schedule to the zone, or If no maximum site coverage is specified in a schedule to the zone, 60 per cent.</p>
<b>Response:</b>	<p>The subject site is approximately 1020m<sup>2</sup> in area.</p> <p>The total site coverage is 367.06m<sup>2</sup> being 35%. This does not exceed the maximum 60%.</p> <p>It is noted that there is no maximum coverage specified in the schedule to the General Residential Zone, therefore the default is 60%.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 4 Permeability objective:</b>	<b>To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.</b>
<b>Standard B9</b>	<p>The site area covered by the pervious surfaces should be at least:</p> <p>The minimum area specified in a schedule to the zone, or If no minimum area is specified in a schedule to the zone, 20 percent of the site.</p>
<b>Response:</b>	<p>The total pervious surfaces area is 414.65m<sup>2</sup> being 40%.</p> <p>This exceeds the minimum 20%.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 5 Energy efficiency objectives:</b>	<b>To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduces fossil fuel energy use and make appropriate use of daylight and solar energy.</b>
<b>Standard B10</b>	Buildings should be:

	<p>Oriented to make appropriate use of solar energy.</p> <p>Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced.</p> <p>Sited and designed to ensure that the performance of existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Neighbourhood Residential Zone or Township Zone are not unreasonably reduced. The existing rooftop solar energy system must exist at the date the application is lodged.</p> <p>Living areas and private open space should be located on the north side of the development, if practicable.</p> <p>Developments should be designed so that solar access to north-facing windows is maximised.</p>
<b>Response:</b>	<p>The proposed dwellings have been designed to ensure suitable energy efficiency is achieved. The proposed dwellings have suitable solar access.</p> <p>The setbacks from the proposed dwellings will be suitable to ensure that any future development on the surrounding lots can be designed to obtain suitable solar access. There are no existing dwellings in the immediate area that will be negatively impacted.</p> <p>Each of the proposed dwellings will obtain suitable natural light from the north.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 6 Open space objectives:</b>	<b>To integrate the layout of development with any public and communal open space provided in or adjacent to the development.</b>
<b>Standard B11</b>	<p>If any public or communal open space is provided on site, it should:</p> <p>Be substantially fronted by dwellings, where appropriate.</p> <p>Provide outlook for as many dwellings as practicable.</p> <p>Be designed to protect any natural features on the site.</p> <p>Be accessible and useable.</p>
<b>Response:</b>	<p>This proposal is seeking approval for the construction of two dwellings and a two lot subdivision. Access will be provided for Lot 2 via the existing crossover and driveway directly from Ilfracombe Way along the eastern boundary and access to proposed Lot 1 will be provided directly from Oakley Street along the northern boundary via a newly constructed crossover and driveway.</p> <p>There are no natural features on the site that need to be protected.</p> <p>The design of the dwellings will ensure unrestricted access to public areas such as the adjoining road reserves.</p> <p>Each of the proposed lots will have suitable vehicle and pedestrian access.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 7 Safety objective:</b>	<b>To ensure the layout of development provides for the safety and security of residents and property.</b>

<b>Standard B12</b>	<p>Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.</p> <p>Planting which creates unsafe spaces along streets and access ways should be avoided.</p> <p>Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.</p> <p>Private spaces within developments should be protected from inappropriate use as public thoroughfares.</p>
<b>Response:</b>	<p>Both of the dwellings will have a clear entrance and will not be obscured or isolated from the street or internal access way.</p> <p>Landscaping plans are provided which clearly indicate that the landscaping will ensure no unsafe spaces or obscure entrances are created.</p> <p>The dwellings will have suitable surveillance of access driveways and parking areas. The private spaces are unlikely to be inappropriately used as public thoroughfares.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 8 Landscaping objectives:</b>	<p><b>To encourage development that respects the landscape character of the neighbourhood.</b></p> <p><b>To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance.</b></p> <p><b>To provide appropriate landscaping.</b></p> <p><b>To encourage the retention of mature vegetation on the site.</b></p>
<b>Standard B13</b>	<p>The landscape layout and design should:</p> <p>Protect any predominant landscape features of the neighbourhood.</p> <p>Take into account the soil type and drainage patterns of the site.</p> <p>Allow for intended vegetation growth and structural protection of buildings.</p> <p>In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals.</p> <p>Provide a safe, attractive and functional environment for residents.</p> <p>Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.</p> <p>Development should provide for the replacement of any significant trees that have been removed in the last 12 months prior to the application being made.</p> <p>The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.</p> <p>Development should meet any additional landscape requirements specified in a schedule to the zone.</p> <p>Whether a tree was removed to gain a development advantage.</p>
<b>Response:</b>	<p>The subject site is vacant land. There is no existing vegetation on the subject site that requires removal to facilitate the development of two dwellings or the subdivision of land into two lots.</p>

	<p>The landscape of the area includes predominantly grassed reserves and nature strips with scattered vegetation throughout. As there are no existing dwellings in this new area there is no existing landscaping character.</p> <p>The landscaping plans provided will ensure a safe, practical and functional environment for residents.</p> <p>The development proposes to grass areas surrounding the dwellings. The plans provided also shows the lawn areas, paving and driveways.</p> <p>The proposed landscaping is considered to be an appropriate response for the proposed development in this location.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 9: Access objective:</b>	<b>To ensure the number and design of vehicle crossovers respects the neighbourhood character.</b>
<b>Standard B14</b>	<p>The width of accessways or car spaces should not exceed: 33 per cent of the street frontage, or If the width of the street frontage is less than 20 metres, 40 per cent of the street frontage.</p> <p>No more than one single-width crossover should be provided for each dwelling fronting a street.</p> <p>The location of crossovers should maximise the retention of on-street car parking spaces.</p> <p>The number of access points to a road in a Transport Zone 2 or a Transport Zone 3 should be minimised.</p> <p>Developments must provide for access for service, emergency and delivery vehicles.</p>
<b>Response:</b>	<p>Access is existing for proposed Lot 2 via a concrete crossover along the eastern boundary that connects directly to Ilfracombe Way. Access for Lot 1 is proposed via a newly constructed crossover directly from Oakley Crescent along the northern boundary.</p> <p>The site does not adjoin a Transport Zone 2 or 3.</p> <p>The existing and proposed access driveways are considered suitable to accommodate emergency service vehicles if required.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.03- 10 Parking objective:</b>	<b>To provide convenient parking for resident and visitor vehicles. To protect residents from vehicular noise within developments.</b>
<b>Standard B15</b>	<p>Car parking facilities should: Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be well ventilated if enclosed.</p> <p>Shared accessway or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms.</p>

	This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.
<b>Response:</b>	<p>The proposed dwellings will have a double car garage and secure off street parking within the boundaries of the lot.</p> <p>There is adequate area for on street parking for overflow parking if required.</p> <p>The proposed driveways will be located a suitable distance from any bedroom or habitable room within the proposed dwellings on the site.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 1 Side and rear setback objective:</b>	<b>To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</b>
<b>Standard B17</b>	<p>A new building not on or within 200 mm of a boundary should be set back from side or rear boundaries:</p> <p>At least the distance specified in a schedule to the zone, or</p> <p>If no distance is specified in a schedule to the zone, 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres.</p> <p>Sunblinds, verandahs, porches, eaves, fascia's, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard. Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>
<b>Response:</b>	<p>The schedule to the General Residential Zone does not specify any side or rear setbacks.</p> <p>Both of the proposed dwellings will be suitably setback from the adjoining boundaries.</p> <p>The proposed dwellings are compliant with the required setbacks, and this is clearly shown on the plans provided.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 2 Walls on boundaries objective:</b>	<b>To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</b>
<b>Standard B18</b>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of a lot should not abut the boundary:</p> <p>For a length of more than the distance specified in a schedule to the zone; or</p> <p>If no distance is specified in a schedule to the zone, for a length of more than:</p>

	<p>10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, or</p> <p>Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports.</p> <p>Whichever is greater.</p> <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building setback up to 200mm from a boundary. The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>
<b>Response:</b>	<p>The proposal does not include any walls on boundaries. The proposed set backs are considered suitable for both of the proposed dwellings.</p> <p><b>This clause is not relevant to the proposal.</b></p>
<b>Clause 55.04-3 Daylight to existing windows objectives:</b>	<b>To allow adequate daylight into existing habitable room windows.</b>
<b>Standard B19</b>	<p>Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.</p> <p>Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window.</p> <p>Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.</p>
<b>Response:</b>	<p>The setbacks and location of the proposed dwellings particularly in relation to habitable room windows allows for adequate light court as required.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 4 North facing window objectives:</b>	<b>To allow adequate solar access to existing north-facing habitable room windows.</b>
<b>Standard B20</b>	<p>If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres, plus 1 metre for</p>



	<p>every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window.</p> <p>A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.</p>
<b>Response:</b>	<p>There are no north-facing habitable room windows of existing dwellings immediately adjoining the subject site that will be detrimentally impacted by the proposed dwellings.</p> <p>The proposed dwellings on the subject site will have suitable solar access and there are no existing dwellings immediately surrounding the site that will be affected by the proposal.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 5 Overshadowing open space objective:</b>	<b>To ensure buildings do not significantly overshadow existing secluded private open space.</b>
<b>Standard B21</b>	<p>Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with a minimum dimension of 3 metres, whichever is lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September.</p> <p>If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.</p>
<b>Response:</b>	<p>The adjoining allotments are all vacant residential land as the subdivision is a newly subdivided area. The proposed development plans include an overshadowing plan at TP05 that indicate potential shadowing at various times of the year and ensure there will be no overshadowing in order to be detrimental.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 6 Overlooking objective:</b>	<b>To limit views into existing secluded private open space and habitable room windows</b>
<b>Standard B22</b>	<p>A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the secluded private open space of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio. Views should be measured within a 45 degree angle from the plan of the window or perimeter of the balcony, terrace, deck or patio, and from a height of 1.7 metres above floor level.</p> <p>A habitable room window, balcony, terrace, deck or patio with a direct view into a habitable room window of an existing dwelling within a horizontal distance of 9 metres (measured at ground level) of the window, balcony, terrace, deck or patio should be either: Offset a minimum of 1.5 metres from the edge of one window to the edge of the other.</p>



	<p>Have sill heights of at least 1.7 metres above floor level.</p> <p>Have fixed, obscure glazing in any part of the window below 1.7 metres above floor level.</p> <p>Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent.</p> <p>Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.</p> <p>Screens used to obscure a view should be:</p> <p>Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels.</p> <p>Permanent, fixed and durable.</p> <p>Designed and coloured to blend in with the development.</p> <p>This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.</p>
<b>Response:</b>	<p>The proposed dwellings have been designed to ensure overlooking into existing secluded private open space and habitable windows will not occur.</p> <p>The proposed dwellings will be separated by screen fences. The screens will be located between the dwellings and the boundary as indicated on the proposed development plans ensuring suitable provisions for secluded private open space to each of the dwellings.</p> <p>No frosting or obscuring of windows is considered necessary.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 7 Internal views objective:</b>	<b>To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.</b>
<b>Standard B23</b>	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.
<b>Response:</b>	<p>The design of the proposed dwellings will not encourage any overlooking.</p> <p>Habitable room windows and the secluded private open spaces will be separated by a screen fence as indicated on the development plans to provide secluded private open space.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.04- 8 Noise impacts objective:</b>	<b>To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.</b>
<b>Standard B24</b>	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.

	<p>Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.</p> <p>Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.</p>
<b>Response:</b>	<p>The proposed dwellings do not include any mechanical plant.</p> <p>The dwellings are not in proximity to any busy roads, railway lines or industry.</p> <p>There are no obvious noise sources from the adjoining properties that are likely to detrimentally affect the proposed dwellings.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05-1 Accessibility objectives:</b>	<b>To encourage the consideration of the needs of people with limited mobility in the design of developments.</b>
<b>Standard B25</b>	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to easily make accessible to people with limited mobility.
<b>Response:</b>	<p>The proposal is seeking the development of two single story dwellings and the subdivision of land into two lots. The dwellings could be modified to accommodate people with limited mobility if required.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05- 2 Dwelling entry objectives:</b>	<b>To provide each dwelling or residential building with its own sense of identity.</b>
<b>Standard B26</b>	<p>Entries to dwellings and residential buildings should:</p> <p>Be visible and easily identifiable from streets and other public areas.</p> <p>Provide shelter, a sense of personal address and a transitional space around the entry.</p>
<b>Response:</b>	<p>Each of the proposed dwellings will have a path to an individual porch, creating their own clear and identifiable entry that will be visible from the street or the driveways.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05- 3 Daylight to new window objective:</b>	<b>To allow adequate daylight into new habitable room windows.</b>
<b>Standard B27</b>	<p>A window in a habitable room should be located to face:</p> <p>An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or</p> <p>A verandah provided it is open for at least one third of its perimeter, or</p>

	A carport provided it has two or more open sides and is open for at least one third of its perimeter.
<b>Response:</b>	<p>The proposed dwellings have been designed to ensure each has suitable day light to all habitable room windows. Each of the minimum areas are complied with.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05- 4 Private open space objectives:</b>	<b>To provide adequate private open space for the reasonable recreation and service needs of residents.</b>
<b>Standard B28</b>	<p>A dwelling or residential building should have private open space of an area and dimensions specified in a schedule to the zone.</p> <p>If no area or dimensions are specified in a schedule to the zone, a dwelling or residential building should have private open space consistent of:</p> <p>An area of 40 square metres, with one part of the private open space to consist of secluded private open space at the side or rear of the dwelling or residential building with a minimum area of 25 square metres, a minimum dimension of 3 metres and convenient access from a living room, or</p> <p>A balcony of 8 square metres with a minimum width of 1.6 metres and convenient access from a living room.</p> <p>A roof-top area of 10 square metres with a minimum width of 2 metres and convenient access from a living room.</p>
<b>Response:</b>	<p>The proposed dwellings will each have appropriate private open space areas.</p> <p>Lot 1 will have approximately 154.45m<sup>2</sup> private open space. Lot 2 will have approximately 169.29m<sup>2</sup> private open space.</p> <p>The private open space areas all have a greater dimension than 3 metres and will be easily accessible from the living areas.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05- 5: Solar access to open space objective:</b>	<b>To allow solar access into the secluded private open space of new dwellings and residential buildings.</b>
<b>Standard B29</b>	<p>The private open space should be located on the north side of the dwelling or residential building, if appropriate.</p> <p>The southern boundary of secluded private open space should be setback from any wall on the north of the space at least (2+0.9h) metres, where 'h' is the height of the wall.</p>
<b>Response:</b>	The open space available to the proposed dwellings meets the requirements and will be adequately fenced as indicated on the development plans.

	<p>Both of the dwellings private open space areas will have adequate solar access and will be located on the north side of the dwelling where practicable.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.05- 6 Storage objective:</b>	<b>To provide adequate storage facilities for each dwelling.</b>
<b>Standard B30</b>	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.
<b>Response:</b>	<p>The proposed dwellings will have suitable storage within a proposed storage shed as indicated on the proposed development plans which will allow for the minimum 6 cubic metres of externally accessible, secure storage space.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.06-1 Detailed design objective:</b>	<b>To encourage design detail that respects the existing or preferred neighbourhood character.</b>
<b>Standard B31</b>	<p>The design of buildings, including:          Façade articulation and detailing.          Window and door proportions,          Roof form, and          Verandahs, eaves and parapets,          Should respect the existing or preferred neighbourhood character.</p> <p>Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.</p>
<b>Response:</b>	<p>There is no evidence of any existing or preferred neighbourhood character in this area given it is a newly created neighbourhood. The existing dwellings within the surrounding residential areas are all setback at various distances and are constructed of various materials. It is noted the area has recently been subdivided and as such there are no existing dwellings immediately surrounding the subject site.</p> <p>There is no distinct style or character established. The proposed dwellings will be suitably setback and will be constructed of materials that are not inconsistent with some other dwellings in the area.</p> <p>The proposed garden area requirement can be achieved and will provide for a visually pleasing development within a new residential area of Paynesville. Window and door proportions are considered adequate and appropriate.</p> <p>There are no elements of the proposed development that are considered to create an undesirable character for the locality.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<b>Clause 55.06- 2 Front fence objective:</b>	<b>To encourage front fence design that respects the existing or preferred neighbourhood character.</b>
<b>Standard B32</b>	<p>The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.</p> <p>A front fence within 3 metres of a street should not exceed: The maximum height specified in a schedule to the zone, or If no maximum height is specified in a schedule to the zone, the maximum height specified in Table B3.</p>
<b>Response:</b>	<p>Table B3 provides that the maximum front fence height applicable to this development is 1.5 metres.</p> <p>There is no existing or proposed front fence.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 55.06- 3 Common property objectives:</b>	<b>To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.</b>
<b>Standard B33</b>	<p>Developments should clearly delineate public, communal and private areas. Common property, where provided, should be functional and capable of efficient management.</p>
<b>Response:</b>	<p>The proposed development does not include common property.</p> <p><b>This clause is not relevant to the proposal.</b></p>
<b>Clause 55.06-4 Site services objectives:</b>	<b>To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.</b>
<b>Standard B34</b>	<p>The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.</p> <p>Bin and recycling enclosures, mailboxes and other facilities should be adequate in size, durable, waterproof and blend in with the development.</p> <p>Bin and recycling enclosures should be located for convenient access by residents.</p> <p>Mailboxes should be provided and located for convenient access as required by Australia Post.</p>
<b>Response:</b>	<p>It is expected that the proposed dwellings will have sufficient space to adequately install all services and facilities.</p> <p>Bins are shown on the proposed plans and located in a screened area of the proposed lots. This is considered to be a suitable area for storage of bins and is not visible or intrusive when viewed from the street.</p>

A mailbox will be located in accordance with Australia Post requirements. The proposed mailboxes are indicated on the proposed development plans and are located in proximity to the front boundary.

The proposed development has adequate ability to accommodate a suitable level of services for the proposed dwellings.

**The proposal meets the objectives and standards of this clause.**



## 5.7 CLAUSE 56 ASSESSMENT

### Clause 56 – Residential Subdivision

Under the provisions of Clause 32.08-3 of the General Residential Zone, the following provisions of Clause 56 must be addressed as appropriate.

The purpose of Clause 56 is:

*“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.”*

Clause 56 provides the following requirements:

*“An application to subdivide land:*

- *Must be accompanied by a site and context description and a design response.*
- *Must meet all of the objectives included in the clauses specified in the zone.*
- *Should meet all of the standards included in the clauses specified in the zone.”*

The provisions of Clause 56 are addressed below.

Clause 56.01 requires an application to be accompanied by:

- A subdivision site and context description.
- A design response.

Clause 56.01-1 is addressed in Section 2 of this submission as well as in the Proposed Subdivision Plans provided in **Appendix B**.

The table below addresses the relevant requirements of Clause 56.

<p><b>Clause 56.03-5 Neighbourhood Character Objective:</b></p>	<p><b>To design subdivisions that respond to neighbourhood character.</b></p>
<p><b>Standard C6</b></p>	<p>Subdivision should.</p> <ul style="list-style-type: none"> <li>- Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</li> <li>- Respond to and integrate with the surrounding urban environment.</li> <li>- Protect significant vegetation and site features.</li> </ul>
<p><b>Response:</b></p>	<p>There is no Neighbourhood Character Statement or specific character identified. This area is predominantly residential and is a newly subdivided area with commercial and community development a relatively short distance from the site. All development is on lots ranging in shapes and sizes.</p> <p>The proposed subdivision lot layout is responsive to the site and to the proposed dwellings creating a suitable outcome.</p> <p>The area of the proposed lots ensures adequate provision for an appropriate level of services and facilities for each of the allotments with consideration for a proposed dwelling on each.</p> <p>Both allotments will have suitable driveway access. The proposed Lot 2 will contain the existing access directly from Ilfracombe Way and proposed Lot 1 will have a newly constructed access directly from Oakley Crescent as indicated on the development plans and will allow for integration with the surrounding urban environment.</p> <p>There is no vegetation on the subject site that requires removal. There are no significant features in the area that would be detrimentally affected by the proposed subdivision.</p> <p>The proposed lots will not be inconsistent with the existing lot configuration immediately surrounding the site.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.04-2 Lot area and building envelopes objective:</b></p>	<p><b>To provide lots with areas 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.</b></p>
<p><b>Standard C8</b></p>	<p>An application to subdivide land that create lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> <li>- That the lots are consistent with or contain a building envelope that is consistent with development approved under this scheme; or</li> <li>- That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</li> <li>- Lots of between 300 square metres and 500 square metres should:</li> </ul>

	<ul style="list-style-type: none"> <li>- Contain a building envelope that is consistent with a development of the lot approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.</li> <li>- If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.</li> <li>- Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.</li> <li>- A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless;</li> <li>- The objectives of the relevant standards are met, and</li> <li>- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.</li> <li>- Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:</li> <li>- The building envelope must meet A10 and A11 of Clause 54 in relation to the adjoining lot, and:</li> <li>- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.</li> <li>- Lot dimensions and building envelopes should protect:</li> <li>- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of Building Regulations.</li> <li>- Existing or proposed easements on lots.</li> <li>- Significant vegetation and site features.</li> </ul>
<p><b>Response:</b></p>	<p>This application seeks approval for the creation of two allotments and the development of two dwellings. The plans provided clearly outline that the proposed lots can adequately accommodate dwellings that are compliant with the Rescode requirements.</p> <p>The proposed Lot 1 will be 524 m<sup>2</sup> in area and will contain the proposed Dwelling 1.</p> <p>The proposed Lot 2 will be 496 m<sup>2</sup> in area and will contain the proposed Dwelling 2.</p> <p>Access to the proposed Lot 2 will be via the existing crossover along the eastern boundary directly to Ilfracombe Way and access to Lot 1 is proposed along the northern boundary directly to Oakley Crescent via a new crossover and driveway.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access.</p> <p>The proposed development meets the 25% garden requirement as set by the General Residential Zone.</p>

	<p>All lots will be connected to services including water, sewer, telecommunications and electricity and a good road network.</p> <p>There is no vegetation on the site to be protected and it is noted that the subdivision and development will not require the removal of any vegetation.</p> <p>The size and configuration of the proposed lots are considered more than adequate to accommodate the proposed development whilst respecting surrounding lot configurations for future uses and development.</p> <p>A full assessment against the requirements of Clause 55 is provided above.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.04-3 Solar orientation of lots objective</b>	<b>To provide good solar orientation of lots and solar access for future dwellings.</b>
<b>Standard C9</b>	<p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> <li>- The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south.</li> <li>- Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north.</li> </ul> <p>Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street.</p>
<b>Response:</b>	<p>The proposed subdivision creates two allotments with proposed dwellings that will each have appropriate solar access and will not impact the solar access of surrounding properties.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.04-5 Common area objectives</b>	<b>To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.</b>
<b>Standard C11</b>	<p>An application to subdivide land that creates common land must be accompanied by a plan and report identifying:</p> <ul style="list-style-type: none"> <li>- The common area to be owned by the body corporate, including any streets and open space.</li> <li>- The reasons why the area should be commonly held.</li> <li>- Lots participating in the body corporate.</li> <li>- The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held.</li> </ul>
<b>Response:</b>	<p>This application does not include common property.</p> <p><b>This clause is not relevant to the proposal.</b></p>

<b>Clause 56.06-8 Lot access objective:</b>		<b>To provide for safe vehicles access between roads and lots.</b>
<b>Standard C21</b>	<ul style="list-style-type: none"> <li>- Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</li> <li>- Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</li> <li>- The design and construction of a crossover should meet the requirements of the relevant authority.</li> </ul>	
<b>Response:</b>	<p>This application seeks approval for a two lot subdivision and the development of two dwellings.</p> <p>Access is existing for proposed Lot 2 along the eastern boundary directly from Ilfracombe Way. Access for proposed Lot 1 will be provided along the northern boundary directly from Oakley Crescent. The proposed access is considered suitable to support the proposed dwellings and will provide for safe vehicle access between the roads and the dwellings.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>	
<b>Clause 56.07-1 Drinking water supply objectives</b>		<b>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</b>
<b>Standard C22</b>	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> <li>- Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</li> <li>- Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</li> </ul>	
<b>Response:</b>	<p>The proposed lots will be connected to the existing reticulated water supply which provides for drinking water supply. The existing reticulated water system is considered to be suitable to supply both dwellings with drinking water.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>	
<b>Clause 56.07-2 Reused and recycled water objective</b>		<b>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</b>
<b>Standard C22</b>	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health and Human Services.</li> <li>- Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>	
<b>Response:</b>	<p>A reuse and recycle water supply is not available to this site at this time. Water supply will be via the existing reticulated water system.</p>	

	<b>The proposal meets the objectives and standards of this clause.</b>
<b>Clause 56.07-3 Waste water management objective</b>	<b>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</b>
<b>Standard C24</b>	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> <li>- Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</li> <li>- Consistent with a domestic waste water management plan adopted by the relevant council.</li> <li>- Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</li> </ul>
<b>Response:</b>	<p>Both allotments will be connected to the existing reticulated sewer network. The proposed additional lot is not expected to exceed the capacity of the network.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.07-4 Stormwater management objectives</b>	<p><b>To minimise damage to properties and inconvenience to residents from stormwater.</b></p> <p><b>To ensure that the street operates adequately during major storm events and provides for public safety.</b></p> <p><b>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</b></p> <p><b>To encourage stormwater management that maximises the retention and reuse of stormwater.</b></p> <p><b>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</b></p>
<b>Standard C25</b>	<p>The stormwater management system must be:</p> <ul style="list-style-type: none"> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</li> <li>- Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.</li> <li>- Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater <ul style="list-style-type: none"> <li>- Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).</li> </ul> </li> <li>- Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.</li> <li>- Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.</li> <li>- The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</li> <li>- For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</li> </ul>



	<ul style="list-style-type: none"> <li>- Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.</li> <li>- Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.</li> <li>- For storm events greater than 20% AEP and up to and including 1% AEP standard: <ul style="list-style-type: none"> <li>- Provision must be made for the safe and effective passage of stormwater flows.</li> <li>- All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.</li> <li>- Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria <math>d_a V_{ave} &lt; 0.35 \text{ m}^2/\text{s}</math> (where, <math>d_a</math> = average depth in metres and <math>V_{ave}</math> = average velocity in metres per second).</li> </ul> </li> <li>- The design of the local drainage network should:</li> <li>- Ensure stormwater is retarded to a standard required by the responsible drainage authority.</li> <li>- Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority.</li> <li>- Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge.</li> <li>- Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up.</li> <li>- Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner.</li> <li>- Include water sensitive urban design features to manage stormwater in streets and public open space.</li> <li>- Where such features are provided, an application must describe maintenance responsibilities, requirements and costs.</li> <li>- Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</li> </ul>
<b>Response:</b>	<p>Site runoff will be directed to the street drainage network.</p> <p>The subject site is not liable to flooding and no flood mitigation works are considered necessary.</p> <p>The existing drainage network is considered to be of a suitable standard to accommodate the proposed development.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.08-1 Site Management objectives</b>	<p><b>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</b></p> <p><b>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</b></p> <p><b>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</b></p>
<b>Standard C26</b>	A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:

	<ul style="list-style-type: none"> <li>- Erosion and sediment. Dust. Run-off. Litter, concrete and other construction wastes.</li> <li>- Chemical contamination.</li> <li>- Vegetation and natural features planned for retention.</li> </ul> <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>
<b>Response:</b>	<p>All preventative measures will be implemented during the construction phase of the proposed subdivision and development of the proposed dwellings. There is no vegetation on the site to be protected.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.09-1 Shared Trenching objectives:</b>	<p><b>To maximise the opportunities for shared trenching.</b></p> <p><b>To minimise constraints on landscaping within the street reserves.</b></p>
<b>Standard C27</b>	<ul style="list-style-type: none"> <li>- Reticulated services for water, gas electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</li> </ul>
<b>Response:</b>	<p>The proposed lots will be connected to services including reticulated water, sewer, telecommunications and electricity.</p> <p>Given the proposal is seeking a two lot subdivision and the development of two dwellings there is ability for shared trenching.</p> <p>Each of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met.</p> <p>The provision of services is not expected to impact any landscaping within the street reserve.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.09-2 Electricity, telecommunications and gas objectives:</b>	<p><b>To provide public utilities to each lot in a timely, efficient and cost effective manner.</b></p> <p><b>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</b></p>
<b>Standard C28</b>	<ul style="list-style-type: none"> <li>- The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</li> <li>- Arrangements that support the generation or use or neighbourhood level are encouraged.</li> <li>- The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fiber optic technology. The telecommunications system must be provided to the</li> </ul>

	<p>boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</p> <ul style="list-style-type: none"> <li>- Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.</li> </ul>
<b>Response:</b>	<p>Both lots will be connected to services including reticulated water, sewer, telecommunications, electricity and a good quality road network.</p> <p>It is expected that the proposed subdivision will not affect the existing service arrangements nor exceed their capacity.</p> <p>Each of the service providers will be contacted prior to the certification of the plan of subdivision.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

## 6. PLANNING ASSESSMENT

### 6.1 DECISION GUIDELINES OF THE GENERAL RESIDENTIAL ZONE

Clause 32.08-13 of the East Gippsland Planning Scheme provides, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

#### General

##### **The Municipal Planning Strategy and the Planning Policy Framework.**

The Municipal Planning Strategy and the Planning Policy Framework are addressed throughout this report, in particular in Sections 5.1 and 5.2. The proposal is considered to be consistent with the objectives and strategies identified within these provisions and in particular provides for an appropriate residential subdivision and development which has taken into consideration the surrounding land uses and development as well as the services and infrastructure available. The land is not identified as being liable to flooding, bushfire or erosion. The proposed subdivision and development is not considered likely to generate any erosion hazards. All preventative measures will be implemented during provision of infrastructure.

The proposal provides for appropriate residential development and subdivision that supports the residential role of Paynesville.

The proposal is consistent with the purpose and objectives outlined for the General Residential Zone and is considered to provide for residential development that is appropriate for the location.

The proposal will not result in any negative offsite impacts or detrimentally affect the amenity of the area.

For the reasons outlined above, the proposal is considered to be consistent with the objectives of the Municipal Planning Strategy and the Planning Policy Framework.

##### **The purpose of this zone.**

The subject site is zoned General Residential. The purpose of this zone is to provide for residential development that respects the neighbourhood character and to encourage a diversity of housing types and housing growth particularly in areas with access to a suitable level of services.

The subject site is located within a newly subdivided residential area of Paynesville that comprises vacant land created for various styles and densities of dwellings. The proposed lot layout is not considered inconsistent with the existing lot configuration and character of the area. The location of the subject site has access to public transport and is a suitable distance to the facilities offered by Paynesville and further afield to Bairnsdale.

The proposal is consistent with the purpose and objectives of the General Residential Zone.

##### **The objectives set out in a schedule to this zone.**

There are no additional objectives set out in a schedule to the zone relevant to this application.

##### **Any other decision guidelines specified in a schedule to this zone.**

There are no additional decision guidelines specified in the 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.**

This application is seeking approval for a two lot subdivision and the development of two dwellings. There is sufficient space surrounding the proposed dwellings to ensure no overshadowing will occur, additionally shadow diagrams are contained within the proposed development plans. The proposal is unlikely to impact any surrounding land uses and development, including any rooftop solar energy facilities.

It is concluded the proposed development can occur without overshadowing.

## **Subdivision**

### **The pattern of subdivision and its effect on spacing of buildings.**

The proposed pattern of subdivision has been designed to respond to the current site conditions and to ensure adequate provision for the proposed development. The site context plan provided shows the distance to the boundaries is appropriate for the proposal. It is noted that the subject site is currently surrounded by vacant land.

The pattern of subdivision creates a practical and orderly lot layout that is site responsive.

### **For subdivision of land for residential development, the objectives and standards of Clause 56.**

The relevant provisions of Clause 56, as identified as applicable under the provisions of the General Residential Zone for a two lot subdivision are addressed in Section 5.6 of this submission. It is concluded that the proposed subdivision meets the relevant standards and objectives of Clause 56.

## **Dwellings and residential buildings.**

### **For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.**

This application is seeking approval for the subdivision of land and the development of two dwellings therefore the provisions of Clause 54 are not applicable and consequently are not addressed.

### **For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.**

The provisions of Clause 55 are applicable for the development of two dwellings and are addressed in Section 5.5 of this submission. It is concluded the proposal can meet the requirements of Clause 55.

### **For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decision guidelines of Clause 58.**

This application is not seeking approval of an apartment building and therefore this is not relevant to this application.

### **Non-residential use and development.**

#### **Whether the use or development is compatible with residential use.**

This application is for a two lot subdivision and the development of two dwellings that will support future residential use. Any alternative use would likely require separate planning approval. This style of subdivision and development does not encourage non residential uses in this location.

#### **Whether the use generally serves local community needs.**

This application is for a subdivision and the development of two dwellings which will result in common residential use. The proposed dwellings will support additional housing and in turn serves local community needs.

#### **The scale and intensity of the use and development.**

The application is seeking approval for a two lot subdivision and the development of two dwellings. The proposed dwellings will be used for residential purposes. The scale and intensity is appropriate in this location and is not inconsistent with residential development in nearby residential estates. The land immediately surrounding the site is vacant land, however the proposed subdivision and lot layout is not considered to contravene the purpose of the original subdivision.

#### **The design, height, setback and appearance of the proposed buildings and works.**

The height of the proposed dwellings is appropriate for the area, particularly given the lack of surrounding development. The development further afield contains variations in height, design and setbacks. The proposal will not result in a development that is visually obtrusive or excessive in height or bulk. The proposed size and lot layout is considered appropriate to allow for the development of dwellings. The proposed development is of a design and size that will facilitate an appropriate development that will support a quality residential standard for this area of Paynesville.

#### **The proposed landscaping.**

Proposed landscaping plans are provided to complement the proposed dwellings and to ensure the development provides a visually pleasing outcome.

#### **The provision of car and bicycle parking and associated accessways.**

Each of the proposed lots will have access to the adjoining constructed road network. Access to proposed Lot 2 will be provided via the existing crossover along the eastern boundary directly from Ilfracombe Way and access to proposed Lot 1 will be provided along the northern boundary directly from Oakley Crescent. The proposed access will provide suitable access for pedestrians, cyclists and vehicles to each of the proposed dwellings. It is considered each lot is of an adequate size to provide onsite parking for both vehicles and bicycles.

#### **Any proposed loading and refuse collection facilities.**

The proposed lots will have access to the municipal garbage collection services. Areas for the storage of waste bins is provided and appropriately screened from the street network.



**The safety, efficiency and amenity effects of traffic to be generated by the proposal.**

This application is for a two lot subdivision and the development of two dwellings. The creation of one additional allotment in this location is not expected to generate excessive traffic beyond the capacity of the road network adjoining the site. Ilfracombe Way and Oakley Crescent contain suitably wide road reserves that can accommodate traffic, both vehicular and pedestrian. This proposed subdivision and development of two dwellings is not expected to impact the safety, efficiency or amenity as a result of potential traffic generated.

## 6.2 DECISION GUIDELINES OF THE DESIGN AND DEVELOPMENT OVERLAY

Clause 43.02-6 of the East Gippsland Planning Scheme provides, before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider:

### **The Municipal Planning Strategy and the Planning Policy Framework.**

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, in particular in Sections 5.1 and 5.2. The proposal is considered to be consistent with the objectives and strategies identified within the State and Local provisions and in particular provides for an appropriate residential subdivision and development which has taken into consideration the existing subdivision pattern as well as any potential environmental risks and hazards.

The proposal is consistent with the General Residential Zone objectives and will not be out of character for the area.

The proposal will not result in any negative offsite impacts. The proposed subdivision and development of two dwellings can meet the objectives of the Design and Development Overlay and in particular provide for residential development that can be undertaken in accordance with the design objectives for the locality.

For the reasons outlined above, the proposal is considered to be consistent with the objectives of the Planning Policy Framework and the Municipal Planning Strategy.

### **The design objectives of the relevant schedule to this overlay.**

Schedule 14 to the Design and Development Overlay applies to the Development in Coastal Settlements - Paynesville. The design objectives are outlined in Section 5.4 of this submission and in summary seek to ensure that any new development respects the existing township character of the area as well as existing surrounding land uses and development, conserving and enhancing views and protecting the landscape qualities of the area.

The proposed subdivision and development of two dwellings will result in suitable lot configuration with an appropriate density for the area. The proposal is unlikely to impact the existing character of the area or be visually obtrusive. The subject site is not visible from the waterways surrounding Paynesville or any other significant vistas or viewpoints. The proposed subdivision and development of two dwellings are not out of character for the area and is not expected to be visually obtrusive.

The proposed subdivision creates an additional lot that will comply with the requirements of the Design and Development Overlay. The proposed lots are suitable for residential development in particular the height of

the proposed dwellings will be under the height limit as set by Schedule 14 to the Design and Development Overlay.

**The provisions of any relevant policies and urban design guidelines.**

The Paynesville Urban Design Framework, Meinhardt 2007, provides basic policy and urban design guidelines. The relevant components of these guidelines have been transferred to the Design and Development Overlay and are outlined in Section 6.2 of this submission. This proposed subdivision and development of two dwellings is respectful of the existing neighbourhood character provided in Paynesville and will not be out of character or detrimental to the township feel of the area.

**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.**

The subject site is currently surrounded by vacant land. The proposed dwellings have been designed to ensure they are not of a scale or intensity that is out of character for the overall Paynesville area, given there is no existing development in this area. The proposal is considered to complement the newly subdivided area. The proposal will support a quality character in the future.

**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.**

There are no heritage places identified in proximity to the site that would be impacted by the proposal.

**Whether any proposed landscaping or removal of vegetation will be in keeping with the character and appearance of adjacent buildings, the streetscape of the area.**

This application does not require the removal of vegetation to facilitate the proposed subdivision or the development of two dwellings. The proposed landscaping plans provide suitable residential landscaping that will encourage other developments to ensure developments are well presented with quality landscaping.

**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.**

The proposed lot layout ensures that each lot has adequate area to support car parking, access and egress. The layout of the car parking and access is considered suitable and will not result in unattractive areas. These areas will be supported by suitable landscaping and fencing.

**Whether subdivision will result in development which is not in keeping with the character and appearance of adjacent buildings, the streetscape or the area.**

The subject site is currently surrounded by vacant land. The proposed subdivision and development of two dwellings is not expected to result in development that would be detrimental to the future character of the area. The proposal includes suitable landscaping and the dwellings are considered to be of a design that will provide for a quality streetscape. Access to proposed Lot 2 will be via the existing crossover directly from Ilfracombe Way along the eastern boundary and access to Lot 1 is proposed directly from Oakley Crescent along the northern boundary.

No vegetation removal is required to facilitate the proposed subdivision for the development of two dwellings.

**Any other matters specified in a schedule to this overlay.**

Before deciding on an application, the responsible authority must consider, where appropriate, the following decision guidelines that apply to the areas shown on Map 1 forming part of this clause.

**All areas**

**The design objectives of this schedule.**

The design objectives of the schedule seek to protect and manage the township character of coastal settlements and to ensure that development is designed to be compatible. This schedule outlines a number of design objectives which include ensuring that new development is designed to minimise visual impacts on the natural landscape and to ensure that new development is visually and physically integrated with the site and surrounding landscape.

The proposed subdivision and development seek to create allotments and dwellings that will be appropriately screened from any waterway. The proposed dwellings are unlikely to be visible from any of the waterways surrounding Paynesville. The proposed dwellings will be the commencement of the character of the area and will create a visually appealing streetscape.

The proposal has adequately considered the design objectives for the area.

**The vision statements, objectives and strategies at Clause 21.06-2, Strategies for Sub-regions, Towns and Localities (Lakes & Coastal).**

The vision statements, objectives and strategies for Paynesville have been addressed in Section 5.2 and 5.3 of this submission. The proposal is considered to be supportive of the residential objectives for Paynesville and in this area particularly by providing for residential development that provides for high quality living with access to a suitable range of services and facilities.

**Any relevant siting and design guidelines prepared by the Victorian Coastal Council or the Gippsland Coastal Board.**

There are no additional guidelines that are considered to be specifically relevant to the site, other than the Urban Design Framework as previously addressed.

**Any design guidelines established for the site through covenants, Section 173 Agreements or similar statutory mechanisms.**

The subject site is affected by a restrictive covenant and a Section 173 Agreement. The covenant is registered as AW317711L with reference to MCP AA7006 and the Section 173 Agreement is registered as AR827787Y. The proposal does not contravene any condition set out in the memorandum of common provisions or in the agreement.

**The extent of any vegetation to be cleared and the impact of that clearance on the landscape setting of the locality.**

No vegetation removal is required for the proposed subdivision and development of two dwellings. Additional planting of vegetation beyond standard residential landscaping is not an appropriate response given size of the allotments.

**The need for and purpose of proposed vegetation removal.**

As provided above, no vegetation removal is required.

**Whether the buildings and works are sited and designed to avoid impacts from retained vegetation.**

There is no vegetation immediately surrounding the site that will be affected by the proposed dwellings.

**Whether the proposal is well integrated with the landscape through the planting of new and replacement indigenous or native trees and understory.**

Given the size of the subject site, surrounding land uses and development additional planting and landscaping beyond standard residential scale is not considered appropriate.

**Whether the form, design and details of the building are compatible with the landscape setting, and the character of nearby or adjacent buildings.**

The proposed subdivision and dwellings have been designed to be compatible with the landscape settings and character of the area. The proposal is unlikely to impact surrounding development particularly given this is a new residential area and the land is surrounded by vacant allotments not yet developed.

**Whether the building materials and color are low-reflective and reduce contrast with the landscape and distant visibility.**

The proposed building materials will include a dark roof and face brickwork which is a common colour scheme for modern dwellings at this time. The colours selected are low reflective and will integrate with the surrounding development to ensure a visually pleasing result.

**The effect of the bulk, siting and design of any proposed building on the general appearance of the area, particularly when viewed from adjacent waterways, beaches, tourist routes or viewpoints.**

The proposed dwellings will not be within an area that is visible from any viewpoints or waterways surrounding Paynesville. The height of the proposed dwellings will be below the height restriction required by the Design and Development Overlay - Schedule 14. The proposed dwellings are unlikely to be visually obtrusive especially when viewed from the existing streetscape.

**Whether the roof form of the building sits generally below the prevailing tree canopy.**

The proposed dwellings will be single storey and will have a gutter height of 2.7 metres high which is consistent with the other dwellings in the outer area and will be below the prevailing tree canopy.



**Whether opportunities exist to avoid a building being visually obtrusive by the use of alternative building designs, including split level and staggered building forms that follow the natural slope of the land and reduce the need for site excavation and filling.**

The proposal does not require any excavations or earthworks beyond a site scrape. The proposed dwellings have been designed to be site responsive and provide appropriate residential development. The proposed dwellings will not be visually obtrusive, are considered appropriate for the location.

**Whether, in locations adjacent to the coast or the coastal reserve, the building demonstrates a high standard of 'light weight' contemporary design (i.e. avoiding predominantly heavy masonry construction, utilising a mix of visually lighter building materials, and using elements such as timber decks and balconies etc.), and is well screened from the water and beach areas.**

The location of the proposal is within a newly created residential area and not adjacent to the coast or coastal reserves. The proposed dwellings will not be visible from the waterways surrounding Paynesville. The proposed cladding is face brickwork and Colorbond metal sheeting which is considered appropriate for this location.

**The impact of any new development on adjoining public land.**

The subject site adjoins a public road along the northern and eastern boundary. Access is existing and will form the access for proposed Lot 2. A new access is proposed for Lot 1 directly from the northern boundary being Oakley Crescent. The proposed subdivision and development is not expected to have any impact on the existing road reserves. The use of the road for two additional dwellings will not exceed the capacity of the road network.

**In relation to a proposed subdivision:**

**The effect of any proposed subdivision or development on the environmental and landscape values of the site and of the local area, including the effect on streamlines, foreshores, wetlands, areas of remnant vegetation or areas prone to erosion.**

The proposed subdivision is not within an area identified as being susceptible to erosion, however it is expected standard engineering practices would be implemented during any works as a minimum to ensure no erosion occurs.

All stormwater runoff from the proposed development will be managed in accordance with the requirements of the East Gippsland Shire Council.

**The need to contribute, where practicable, to the development of pedestrian walkways, to link residential areas and to provide access to community focal points, public land and activity areas such as commercial or community precincts, recreation areas or foreshore areas.**

There are existing concrete pedestrian footpaths within the road reserves adjoining the subject site to the north and east being Oakley Crescent and Ilfracombe Way. The proposed subdivision is unable to contribute to connectivity between the existing residential areas and community precincts, recreation or foreshore areas beyond.

**Whether the proposed subdivision layout provides for the protection of existing natural vegetation, drainage lines, wetland areas and sites of cultural or heritage significance.**

The subject site is not located within an area identified as cultural or heritage significance and there are no existing natural vegetation drainage lines or wetland areas in proximity to the site that would be affected by the proposed subdivision and development.

**Whether the potential for wildlife corridors through the area has been retained or created by limiting fencing and maintaining indigenous and native vegetation.**

As provided, the proposed subdivision does not require the removal of vegetation. There are no wildlife corridors in proximity to the site that would be affected by the proposed subdivision and development.

**The provision for water sensitive urban design.**

The proposed development has been designed with suitable pervious surface areas as required by Clause 55. Each lot and subsequent dwelling will include appropriate areas of garden and lawn. The development has adequately incorporated water sensitive urban design provisions.

**Provision in the design for the impact of coastal processes (the impacts from wind, waves, floods, storms, tides, erosion) on foreshore areas.**

The subject site is not located within a foreshore area and is not expected to be impacted by any coastal processes.

**Whether the allotment frontage width is consistent with the typical width of existing allotments in the locality.**

The proposed subdivision will result in two allotments and the development of two dwellings. Given the subdivision is relatively new there is a range of widths however the site being a corner allotment ensures that each of the proposed lots have suitable road frontage. The proposed frontage width is considered appropriate in this location.

**Whether the proposed subdivision layout relates sympathetically to the topography of the site and the surrounding land uses.**

The subject site is relatively flat and is surrounded by vacant land comprising new residential allotments similar to the subject site. The subdivision and proposed development is site responsive and can achieve an additional allotment that is respective of the surrounding area and lot layout. The proposed lots are suitable for the proposed development. The proposed design of the two dwellings is appropriate in this location and will not detrimentally impact the amenity of the area.

## **Area 7 Town Expansion (area 7)**

**Whether the proposed development assists in achieving a high quality residential subdivision.**

The proposed subdivision and development of two dwellings in this location will assist in achieving a high quality residential outcome as both of the dwellings are compliant with planning controls and restrictive

covenants as registered on title. The proposal will result in one additional allotment and two dwellings within an expanding residential area of Paynesville.

**Whether any proposed buildings incorporate pitched roofs.**

Details of the proposed roof pitches of the dwellings are included within the development plans contained in **Appendix B**. It is concluded the proposal is appropriate for the area.

**Whether the proposal retains established trees.**

There are no existing established trees on the subject site. No vegetation removal is required to facilitate the proposed subdivision and development.

### 6.3 DECISION GUIDELINES OF CLAUSE 65.01:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

**Any significant effects the environment, including the contamination of land, may have on the use or development.**

The subject site is a residential allotment located within a residential area of Paynesville. There is no evidence of contamination on the subject site or surrounding land. The area is identified as being affected by the Design and Development Overlay. The overlay has been considered and addressed throughout this submission and it is concluded the subdivision and proposed development of two dwellings is appropriate in this location. The proposed development is not expected to be affected by the environment.

**The Municipal Planning Strategy and the Planning Policy Framework.**

The Municipal Planning Strategy and the Planning Policy Framework have been addressed throughout this submission. The proposed subdivision and development of two dwellings have been designed to adequately respond to the existing site conditions and address any potential environmental risks to respect the natural landscape qualities of the area.

The proposed subdivision and dwellings will not detrimentally affect the amenity of the area and will not impact the surrounding properties ability to be developed for residential purposes in the future.

The proposal is consistent with the overall objectives of the Municipal Planning Strategy and the Planning Policy Framework.

**The purpose of the zone, overlay or other provision.**

The land is zoned General Residential which seeks to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types in locations offering good access to services and transport. The proposed lot layout adequately responds to the existing site conditions and the natural qualities of the site. The application for a two lot subdivision and the development of two dwellings can be made under the provisions of the General Residential Zone and will provide for an

appropriate outcome in this instance. The proposed two lot subdivision and proposed development has adequately addressed the relevant zone and overlay requirements.

The subject site has access to a suitable level of services and infrastructure. The site is affected by the Design and Development Overlay. The requirements of the overlay has been addressed throughout this submission and it is concluded that the proposed subdivision and development of two dwellings is appropriate in this location and any environmental risks reduced to an acceptable level.

**Any matter required to be considered in the zone, overlay or other provision.**

This submission addresses all elements relevant to the proposal as identified in the East Gippsland Planning Scheme including the zone, overlays, Aboriginal Cultural Heritage and particular provisions. These provisions are all addressed above, and the proposed subdivision and development of two dwellings is considered to adequately respond and address the requirements as relevant.

**The orderly planning of the area.**

This application seeks approval for a two lot subdivision and the development of two dwellings within an expanding residential area that is zoned General Residential. The intent of the proposed subdivision is to provide for appropriate residential development. This subdivision is consistent with other similar style subdivisions throughout the East Gippsland Shire. Granting approval of this application will support consistent and orderly planning of the area.

**The effect on the environment, human health and amenity of the area.**

The proposal will not result in a detrimental effect to the amenity of the area. The proposed subdivision and development of two dwellings is not expected to be visually obtrusive and will not be detrimental to human health or the amenity of the area.

**The proximity of the land to any public land.**

Apart from the adjoining road reserves, the subject site is not in proximity to any other public land. The proposed subdivision and development will not detrimentally affect the road network.

**Factors likely to cause or contribute to land degradation, salinity or reduce water quality.**

The subject site is relatively flat. No vegetation removal or earthworks are required to facilitate the proposed subdivision and development beyond a site scrape. The subdivision and dwellings are not considered likely to cause or contribute to any land degradation, salinity or reduce water quality.

**Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.**

All stormwater runoff from the proposed dwellings will be directed to the legal point of discharge to the satisfaction of the responsible authority.

**The extent and character of native vegetation and the likelihood of its destruction.**

The subject site does not contain any vegetation and as such no vegetation removal is required to facilitate the proposed subdivision and development of two dwellings.



**Whether native vegetation is to be or can be protected, planted or allowed to regenerate.**

Additional planting and regeneration is not considered appropriate in this location given the size of the proposed lots.

**The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.**

The site is not within an area affected by potential flood, erosion and bushfire hazard. However, all preventative measures will be implemented, and all works will be undertaken in accordance with standard engineering practices to the satisfaction of the responsible authority.

**The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.**

The proposal seeks approval for a two lot subdivision and the development of two dwellings. The road network is of an appropriate standard to support the proposed two dwellings. The subdivision and the additional two dwellings are not expected to generate any road safety issues.

**The impact the use or development will have on the current and future development and operation of the transport system.**

The proposed subdivision will create two allotments within an expanding residential area. Access to proposed Lot 2 is existing directly from Ilfracombe Way along the eastern boundary and access to Lot 1 is proposed directly from Oakley Crescent along the northern boundary.

The proposed development is not expected to generate excessive amounts of traffic beyond the capacity of the adjoining road network. There are not expected to be any detrimental impacts to the overall transport system as a result of this proposal.

## **6.4 DECISION GUIDELINES OF CLAUSE 65.02:**

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

**The suitability of the land for subdivision.**

This application is seeking approval for a two lot subdivision and the development of two dwellings. The subdivision and proposed development will provide for appropriate residential development that supports high quality residential development for the new residential area of Paynesville. The proposal creates a suitable subdivision and development that is similar to other developments in the surrounding area. The proposed lots will each contain a single storey dwelling. The subdivision has been designed to respond to the existing site conditions and to ensure the environmental qualities of the site and surrounding areas are protected. There are no environmental or physical constraints that make the site unsuitable for the proposed subdivision.

Each of the proposed lots will be individually connected to all available services.

**The existing use and possible future development of the land and nearby land.**

The proposed subdivision creates two allotments. The proposed Lot 1 will be approximately 524m<sup>2</sup> in area and Lot 2 will be approximately 496m<sup>2</sup> in area. The subject site is currently vacant land however will provide for the development of two dwellings as outlined in this application.

**The availability of subdivided land in the locality, and the need for the creation of further lots.**

The proposal is seeking to subdivide land into two lots and develop a dwelling on each lot.

The style of the allotments ensures the proposed subdivision and development will have limited impact on the amenity of the area. Whilst the area is newly subdivided and vastly undeveloped, this proposal is seeking to provide two dwellings that is considered appropriate residential development in proximity to a range of services and facilities.

**The effect of development on the use or development of other land which has a common means of drainage.**

The proposed subdivision and dwellings will not have any impact on any other land, particularly in relation to drainage.

There are no common means of drainage applicable to this site. The proposed subdivision and dwellings will be drained to the satisfaction of the responsible authority.

**The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.**

The proposed subdivision and dwellings have been designed to respond to the physical characteristics of the land. No vegetation removal is required.

**The density of the proposed development.**

The density of the subdivision and proposed dwellings is consistent with the objective of the zone and is appropriate for the locality. The proposed subdivision and development meets the requirements of Clause 55 and Clause 56 and therefore the density is considered appropriate.

**The area and dimensions of each lot in the subdivision.**

The area and dimensions of each lot is provided in the proposed plan of subdivision and the description in Section 4 of this submission. The area and dimensions are appropriate for this location and appropriately respond to the existing site conditions whilst providing for future residential development that provides an adequate level of privacy.

**The layout of roads having regard to their function and relationship to existing roads.**

The subject site adjoins Oakley Crescent along the northern boundary for a total distance of approximately 27.82 metres and Ilfracombe Way along the eastern boundary for a total distance of 31.04 metres. The proposal will require one additional access point along Oakley Crescent as indicated on the proposed development plans. The subdivision does not propose any new roads. The existing road network will provide for suitable vehicle and pedestrian access to support each of the proposed dwellings.

**The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.**

Each of the proposed allotments will have suitable driveway access which will also provide for pedestrian access. There are footpaths and formal pedestrian walkways in this location however will not be impacted by the proposed subdivision and development of two dwellings.

**The provision and location of reserves for public open space and other community facilities.**

This subdivision is for two lots only and therefore there are no new public reserves, open spaces or community facilities are proposed. Paynesville or further to Bairnsdale offers a range of reserves, public open space and community facilities only a short distance from the subject site.

**The staging of the subdivision.**

This application is for a two lot subdivision and the development of two dwellings only and therefore there will be no staging.

**The design and siting of buildings having regard to the safety and the risk of spread of fire.**

The proposed dwellings have been designed with consideration for the safety and risk of fire spread. The proposed dwellings will meet all relevant building regulations.

**The provision of off-street parking.**

The proposed allotments are each large enough to allow for parking on the site. No additional provision for off-street parking is considered necessary in response to the proposed subdivision and development.

**The provision and location of common property.**

The proposed subdivision does not include any common property.

**The functions of any body corporate.**

As previously provided the proposal does not include any common property area and subsequently no body corporate.

**The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.**

The subject site has access to services including reticulated water, sewer electricity, telecommunications and a good quality road network. The addition of two dwellings is unlikely to exceed the capacity of the services.

**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.**

The subject site has access to the existing sewer network. The addition of two dwellings in this location is unlikely to exceed the capacity of the services.

**Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.**

Given this application is seeking only a two lot subdivision and the development of two dwellings no open space areas are proposed. The proposed lot layout has been designed in order to respect the existing lot configuration of the area and provide an appropriate development within an expanding residential area of Paynesville. The subject site does not contain any vegetation.

**The impact the development will have on the current and future development and operation of the transport system.**

This proposed subdivision and development is not expected to have any detrimental impact on the transport system. The transport system in this location is suitable and no new major infrastructure or changes are proposed at this time.

## **7. CONCLUSION**

This submission is in support of a planning permit application for a two lot subdivision and the development of two dwellings at 35 Ilfracombe Way, Paynesville.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and the proposed subdivision and development is appropriate in this location.

It is requested that a planning permit be granted for this development.

**Development Solutions Victoria**

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

Page 1 of 3

VOLUME 12431 FOLIO 875

Security no : 124108228564K  
Produced 09/08/2023 03:28 PM

### LAND DESCRIPTION

Lot 115 on Plan of Subdivision 840683G.  
PARENT TITLE Volume 12314 Folio 333  
Created by instrument PS840683G 20/10/2022

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors

### ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AW317711L 29/11/2022  
Expiry Date 31/12/2040

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.

AGREEMENT Section 173 Planning and Environment Act 1987  
AR827787Y 11/01/2019

### DIAGRAM LOCATION

SEE PS840683G 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: 35 ILFRACOMBE WAY PAYNESVILLE VIC 3880

### ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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# PLAN OF SUBDIVISION

EDITION 1

PS 840683G

## LOCATION OF LAND

**PARISH:** BAIRNSDALE  
**TOWNSHIP:** \_\_\_\_\_  
**SECTION:** \_\_\_\_\_  
**CROWN ALLOTMENT:** 141, 141<sup>A</sup> & 141<sup>B</sup> (PARTS)  
**CROWN PORTION:** \_\_\_\_\_  
**TITLE REFERENCE:** VOL FOL  
**LAST PLAN REFERENCE:** LOT B - PS840653R  
**POSTAL ADDRESS:** 114 NEWLANDS DRIVE,  
 (at time of subdivision) PAYNESVILLE, 3880  
**MGA2020 CO-ORDINATES:** E: 562 170 **ZONE:** 55  
 (of approx centre of land N: 5803 530 **GDA 2020**  
 in plan)

Council Name: East Gippsland Shire Council  
 Council Reference Number: PS840683G  
 Planning Permit Reference: 583/204/P/D  
 SPEAR Reference Number: S166957J

### Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988  
 Date of original certification under section 6 of the Subdivision Act 1988: 29/07/2022

### Statement of Compliance

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made

Digitally signed by: Robert Pringle for East Gippsland Shire Council on 21/09/2022

## VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
RI ROAD RESERVE No.1	EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL

## NOTATIONS

DIMENSIONS SHOWN FOR LOT C ARE NOT THE RESULT OF THIS SURVEY.  
 THE AREA OF LOT C IS BY DEDUCTION FROM TITLE.

LOTS 1 TO 71 & 89 TO 92 HAVE BEEN OMITTED FROM THIS PLAN

## NOTATIONS

**DEPTH LIMITATION** DOES NOT APPLY

### SURVEY:

This plan is based on survey.

### STAGING:

This is not a staged subdivision.  
 Planning Permit No. 583/2004/P/D

This survey has been connected to permanent marks No(s). \_\_\_\_\_

In Proclaimed Survey Area No. NIL

## EASEMENT INFORMATION

**LEGEND:** A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	WAY, DRAINAGE & SEWERAGE	SEE DIAG.	LP214696F	LAND IN LP214696F
E-2 & E-3	DRAINAGE	SEE DIAG.	PS802715L	EAST GIPPSLAND SHIRE COUNCIL
E-3	SEWERAGE	3	PS802715L	EAST GIPPSLAND REGION WATER CORPORATION
E-4	SEWERAGE	2	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION
E-5	DRAINAGE & SEWERAGE	3	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION & EAST GIPPSLAND SHIRE COUNCIL
E-6	DRAINAGE	2	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL

**Crowther & Sadler Pty. Ltd.**

LICENSED SURVEYORS & TOWN PLANNERS  
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
 P. (03) 6162 6011 E. contact@crowthersadler.com.au

SURVEYORS FILE REF: 19210

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 Surveyor's Plan Version (4),  
 21/09/2022, SPEAR Ref: S166957J

ORIGINAL SHEET  
 SIZE: A3

SHEET 1 OF 4 SHEETS

PLAN REGISTERED

TIME: 9.13 Am DATE: 20/09/2023

M.H Assistant Registrar of Titles

Printed 13/09/2023

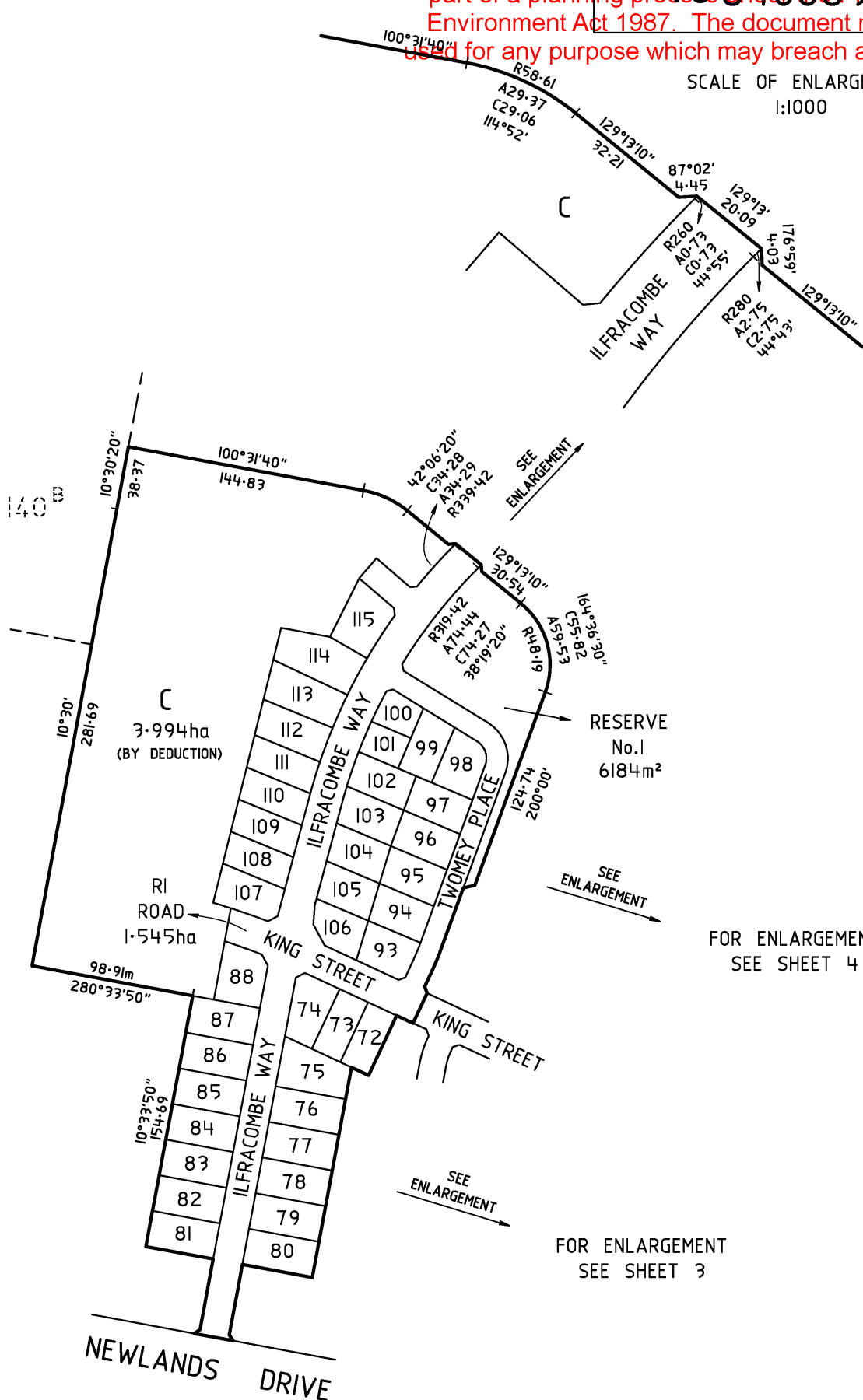
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PS 840683G

SCALE OF ENLARGEMENT  
1:1000

MGA2020 ZONE 55



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SURVEYORS REF  
19210

SCALE  
1:2500

25 0 25 50 75 100  
LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE: A3

SHEET 2

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21/09/2022, SPEAR Ref: S166957J

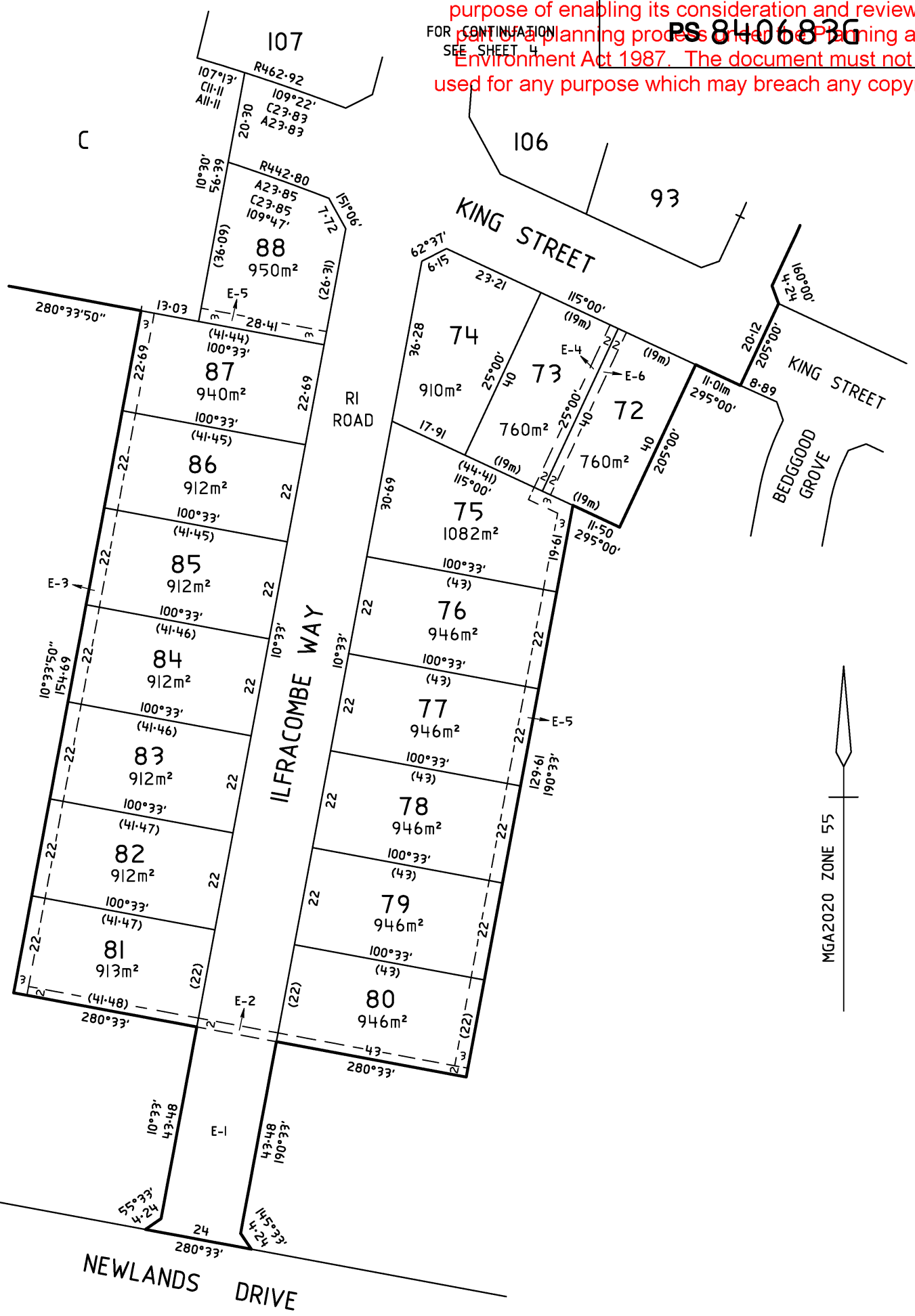
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SURVEYORS REF  
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SCALE  
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LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE: A3

SHEET 3

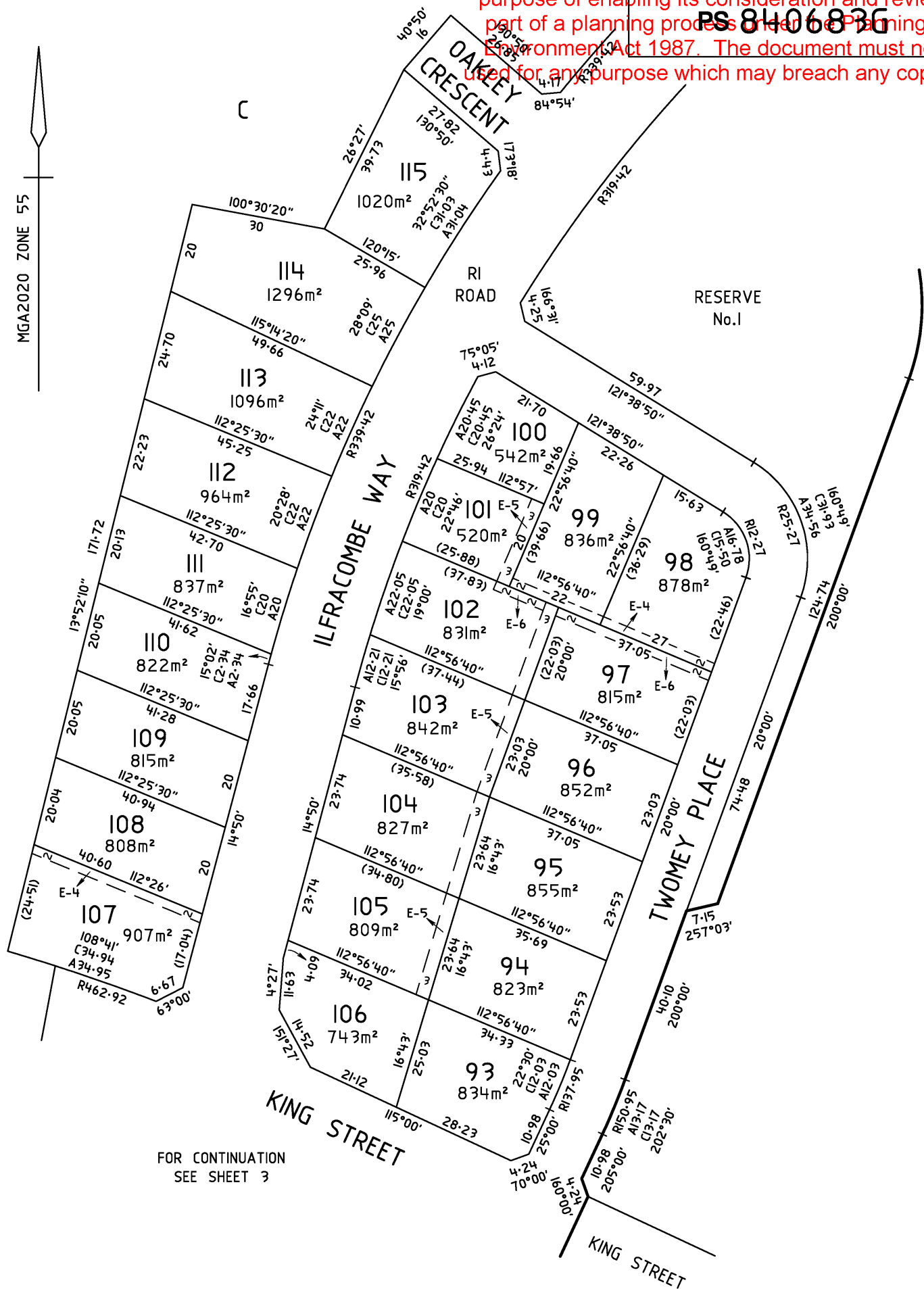
Digitally signed by: Michael J Sadler, Licensed Surveyor,  
 Surveyor's Plan Version (4),  
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PS 840683G



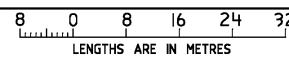
FOR CONTINUATION  
SEE SHEET 3

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152 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
P. (03) 5152 5011 E. [contact@crowthersadler.com.au](mailto:contact@crowthersadler.com.au)

SURVEYORS REF	19210
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SCALE  
1:800



ORIGINAL SHEET  
SIZE: A3

SHEET 4

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## Electronic Instrument Statement

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 03/02/2023 04:24:53 PM

Status	Registered	Dealing Number	AW317711L
Date and Time Lodged	29/11/2022 03:36:03 PM		

### Lodger Details

Lodger Code	15940N
Name	COMMONWEALTH BANK OF AUSTRALIA
Address	
Lodger Box	
Phone	
Email	
Reference	

## TRANSFER

Jurisdiction	VICTORIA
--------------	----------

### Privacy Collection Statement

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### Land Title Reference

12431/875

### Transferor(s)

Name	PAYNESVILLE PARK PTY LTD
ACN	608385146

### Estate and/or Interest being transferred

Fee Simple

### Consideration

\$AUD 180000.00

### Transferee(s)

<b>Tenancy (inc. share)</b>	Joint Tenants
Given Name(s)	MATHEW MICHAEL
Family Name	GEE
Address	
Street Number	145
Street Name	MADDENS



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## Electronic Instrument Statement

Street Type	LANE
Locality	MARCUS HILL
State	VIC
Postcode	3222

Given Name(s)	NARELLE HELEN
Family Name	JOSEPH
Address	
Street Number	145
Street Name	MADDENS
Street Type	LANE
Locality	MARCUS HILL
State	VIC
Postcode	3222

### Covenants

The registered proprietors of the burdened land covenant with the registered proprietors of the benefited land as set out in the restrictive covenant with the intent that the burden of the restrictive covenant runs with and binds the burdened land and the benefit of the restrictive covenant is annexed to and runs with the benefited land.

Burdened land	the Land
Benefited land	MCP: AA7006
Restrictive covenant	MCP: AA7006
Expiry Date	

### Duty Transaction ID

5589118

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of	PAYNESVILLE PARK PTY LTD
Signer Name	ANDREW JOHN REYNOLDS
Signer Organisation	WARDS BARRISTERS AND SOLICITORS PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	29 NOVEMBER 2022



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## Electronic Instrument Statement

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of	MATHEW MICHAEL GEE NARELLE HELEN JOSEPH
Signer Name	JANELLE KIM LANGTON
Signer Organisation	NELSON PROPERTY TRANSFER SERVICES
Signer Role	CONVEYANCING PRACTICE
Execution Date	29 NOVEMBER 2022

### File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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Document Type	<b>Instrument</b>
Document Identification	<b>AA7006</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>04/02/2023 12:26</b>

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## Memorandum of common provisions Section 91A Transfer of Land Act 1958

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Lodged by	
Name:	WARDS BARRISTERS & SOLICITORS PTY LTD
Phone:	03 5152 1677
Address:	PO BOX 1010 BAIRNSDALE VIC 3875
Reference:	AJR:SK:20562
Customer code:	14943M

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions:

The Transferee with the intent that the benefit of this covenant shall until 31 December 2040, be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No. PS840683G (other than the land hereby transferred) and that the burden thereof shall be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and that the same shall be noted and appear on every Certificate of Title for the said Lot and every part thereof as an encumbrance affecting the same HEREBY COVENANTS with the Transferor and other the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision (other than the land hereby transferred) that the Transferee will not:

- erect, place, permit, licence or authorise on the said Lot or any further subdivided Lot any building except for dwelling houses built only of new materials containing a floor area of not less than 130 square metres within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola or veranda;
- erect, place, permit, licence or authorise on the said Lot any outbuildings built with other than the materials of the same type as the main dwelling house or colour bonded material;
- erect or allow to be erected on the said Lot any relocated dwelling or outbuilding or any dwelling or outbuilding moved from other land;
- occupy the Lot for residential purposes either temporarily or permanently until a Certificate of Occupancy is issued for the dwelling erected on the site except that temporary accommodation may be used for the duration of the construction period of the dwelling for no longer than twelve (12) months (subject to any necessary council approvals or permits);
- permit the land hereby transferred or any part thereof to be used for the purpose of commercial breeding or boarding of or training kennels or cages for cats, dogs or birds, or the keeping of poultry, or for the grazing of horses, or for the parking, garaging or servicing of any motor vehicle in excess of five tonnes gross vehicle mass except for the purpose of loading or unloading of goods unless the vehicle is a construction vehicle engaged on construction works thereon or unless the vehicle is a boat, caravan or similar vehicle of any gross vehicle mass and is screened from view from the roadways and adjoining properties.

35271702A

V3

- The provisions are to be numbered consecutively from number 1.
- Further pages may be added but each page should be consecutively numbered.
- To be used for the inclusion of provisions in instruments and plans.

91ATLA

Page 1 of 1

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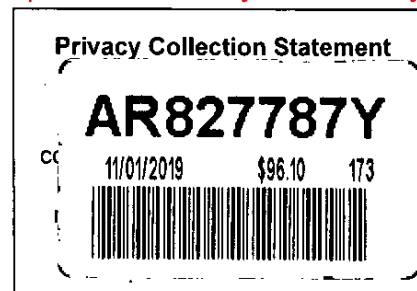
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Document Identification	<b>AR827787Y</b>
Number of Pages (excluding this cover sheet)	<b>10</b>
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**Application by a responsible authority for the making of a recording of an agreement**  
**Section 181 Planning and Environment Act 1987**



**Lodged by**

Name: PLANOLOGY  
Phone: 0430453372  
Address: PO BOX 394, IVANHOE VIC 3079  
Reference: MN3242  
Customer code: 21179J

The responsible authority having made an agreement referred to in section 181(1) of the Planning and Environment Act 1987 requires a recording to be made in the Register.

Land:(volume and folio)

VOLUME 11867 FOLIO 225

Responsible authority:(full name and address, including postcode)

EAST GIPPSLAND SHIRE COUNCIL, 273 MAIN STREET, BAIRNSDALE VIC 3875

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

181PEA

Page 1 of 2

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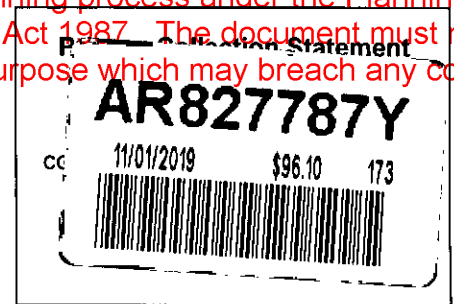
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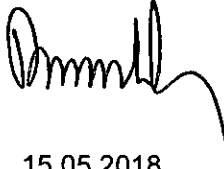
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**Application by a responsible authority for the making of a recording of an agreement**  
**Section 181 Planning and Environment Act 1987**



**Certifications**

- 1.The Certifier has taken reasonable steps to verify the identity of the applicant.
- 2.The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
- 3.The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4.The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of EAST GIPPSLAND SHIRE COUNCIL  
Signer Name DARREN WONG  
Signer Organisation PLANOLOGY PTY LTD  
Signer Role AUSTRALIAN LEGAL PRACTITIONER  
Signature   
Execution Date 15.05.2018

35271702A

181PEA

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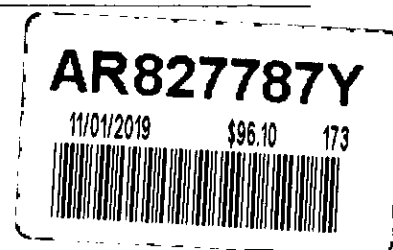


## **Agreement under section 173 of the Planning and Environment Act 1987**

114 Newlands Drive, Paynesville

## Information table

**Date of Agreement:** 28/5/2018



### Parties:

Name	East Gippsland Shire Council
Short form name	<b>Council</b>
Notice details	273 Main Street, Bairnsdale, Vic, 3875

Name	Paynesville Park Pty Ltd
Short form name	<b>Owner</b>
Notice details	Suite 1, 29 Access Way, Carrum Downs 3201

### Background:

- A Council is the responsible authority for the administration and enforcement of the Planning Scheme under the Act.
- B The Subject Land is subject to the Planning Scheme.
- C The Owner is the registered proprietor of the Subject Land.
- D On 6 July 2007, Council and the previous owners of the Subject Land entered into an agreement under section 173 of the Act requiring compliance with Planning Permit (**First Agreement**).
- E Council and the Owner now agree that greater flexibility is required regarding the ending of the First Agreement. In order to achieve that outcome, the parties have agreed to enter into this Agreement.
- F The Owner intends to ask Council to end the First Agreement, with respect to the Subject Land, under section 178A of the Act.
- G The Owner intends to become the registered proprietor of the Subject Land.
- H The Parties enter into this Agreement to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.



## Agreed terms



### 1. Defined terms and interpretation

#### 1.1 Defined terms

In this Agreement:

**Act** means the *Planning and Environment Act 1987*.

**Agreement** means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.

#### **Current Address for Service**

for Council means the address shown on page 1 of this Agreement, or any other address listed on Council's website; and

for the Owner means the address shown on page 1 of this Agreement or any other address provided by the Owner to Council for any purpose or purposes relating to the Subject Land.

#### **Current Email Address for Service**

for Council means [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au), or any other principal office email address listed on Council's website; and

for the Owner means any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement or any other email address provided by the Owner to Council for any purpose or purposes relating to the Subject Land.

#### **Current Number for Service**

for Council means 03 5153 9576, or any other facsimile number listed on Council's website; and

for the Owner means any facsimile number provided by the Owner to Council for the express purpose of facsimile communication regarding this Agreement.

**Endorsed Plan** means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Endorsed Plan is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**Lot** means a lot on the Endorsed Plan.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

**Notice** means any notice, demand, consent, approval or communication under this agreement

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**Owner** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

**Party or Parties** means the Owner and the Council.

**Planning Permit** means planning permit no. 583/2004/P/D granted by Council as amended from time to time. A copy of the Planning Permit is available for inspection at Council offices during normal business hours upon giving Council reasonable notice.

**Planning Scheme** means the East Gippsland Planning Scheme.

**Statement of Compliance** means statement of compliance issued under section 21 of the *Subdivision Act 1988*.

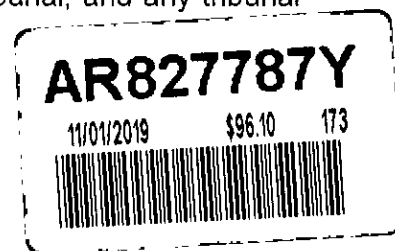
**Subject Land** means the land situated at 114 Newlands Drive, Paynesville being the land described as Lot 2 on PS802715L and contained in certificate of title volume 11867 folio 225 any reference to the Subject Land in this Agreement includes a reference to any lot created by the subdivision of the Subject Land or any part of it.

**Tribunal** means the Victorian Civil and Administrative Tribunal, and any tribunal or other person or body which supersedes it.

## 1.2 Interpretation

In this Agreement unless the context admits otherwise:

- (a) The singular includes the plural and vice versa.
- (b) A reference to a gender includes a reference to each other gender.
- (c) A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- (d) If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- (e) A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the same meaning as defined in the Act.
- (f) A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- (g) The introductory clauses to this Agreement form part of this Agreement.
- (h) The Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land.



- (i) Any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

## **2. Section 173 Agreement**

### **2.1 Purpose**

The Parties acknowledge and agree that the purposes of this Agreement are to:

- (a) give effect to the terms of the Planning Permit; and
- (b) achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

### **2.2 Reasons for agreement**

The Parties acknowledge and agree that this Agreement has been entered into for the following reasons:

- (a) Council would not have approved the Planning Permit to facilitate a residential subdivision of the Subject Land without the Owner entering into this Agreement; and
- (b) the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

## **3. Commencement**

This Agreement comes into force on the date of this Agreement.

## **4. Owner's Specific Obligations**

### **4.1 Compliance with other permits**

- (a) The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council, the Subject Land, or any part of it, must only be subdivided in a manner which depicts a lot layout and title boundaries which are:
  - (i) generally in accordance with the configuration and layout of the subdivision authorised by the Planning Permit and the various conditions included in that permit; and
  - (ii) wholly in accordance with the plans from time to time endorsed pursuant to condition 3 of the Planning Permit, which shows the required staging of the subdivision authorised by that permit.

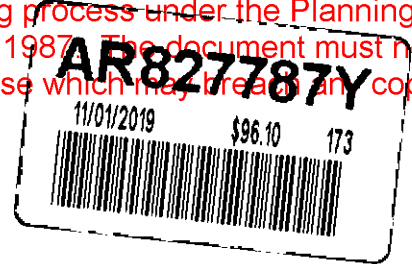
### **4.2 Development must be to approval of Council**

The Owner agrees that if the Planning Permit expires after this Agreement commences, the subdivision of the Subject Land must be to the satisfaction of Council.

### **4.3 Notice of ownership**

The Owner agrees that immediately upon becoming the registered proprietor of the Subject Land, it must advise Council in writing of this event.





## **5. Further Obligations of the Owner**

### **5.1 Notice and Registration**

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, charges, transferees and assigns.

### **5.2 Further actions**

The Owner further covenants and agrees that:

- (a) the Owner will do all things necessary to give effect to this Agreement;
- (b) the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

### **5.3 Council's Costs to be Paid**

The Owner further covenants and agrees that the Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of an incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.

## **6. Owner's Warranties**

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

## **7. Successors in Title**

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

## **8. General**

### **8.1 Notices**

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- (a) personally on the other Party;

AR827787Y



- (b) by leaving it at the Party's Current Address for Service;
- (c) by posting it by prepaid post addressed to that Party at the Party's Current Address for Service;
- (d) by facsimile to the Party's Current Number for Service; or
- (e) by email to the Party's Current Email Address for Service.

## 8.2 Service of Notice

A notice or other communication is deemed served:

- (a) if delivered, on the next following business day;
- (b) if posted, on the expiration of 7 business days after the date of posting;
- (c) if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day; or
- (d) if sent by email, the day on which it is sent.

## 8.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

## 8.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

## 8.5 No fettering of Responsible Authority's powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

## 8.6 Governing law

This Agreement is governed by and will be construed in accordance with the laws of the State of Victoria.

## 8.7 Ending

This Agreement ends:

- (a) if the Parties agree in writing to end the Agreement; or
- (b) if the subdivision of the Subject Land occurs in stages, upon the issue of the Statement of Compliance for that stage.

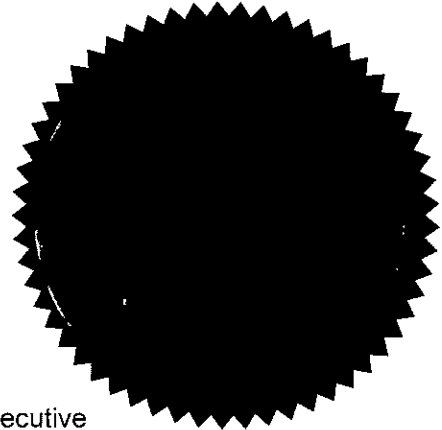


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**SIGNED, SEALED AND DELIVERED** as an agreement under Division 2 of Part 9 of the Act and as a Deed between the Parties.

The Common Seal of the East Gippsland Shire Council was hereunto affixed on the . . . . . day of . . . . . , in the presence of:



  
.....

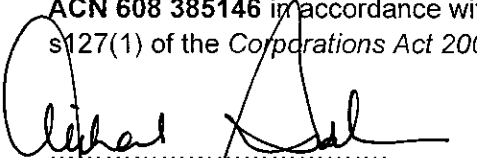
Chief Executive

  
.....

Witness




Executed by Paynesville Park Pty Ltd  
ACN 608 385146 in accordance with  
s127(1) of the Corporations Act 2001:

  
.....

Director

Print Name: MICHAEL SADLER .

  
.....

Secretary

Print Name: THOMAS CAMP

Page No.	Title	REV
TP00	Drawing List   Site Location	A
TP01	Site Context	A
TP02	Design Response Plan	A
TP03	Site Analysis Plan	A
TP04	Floor Plans & Elevations	A
TP05	Overshadowing Plans	A

PROPOSED UNIT DEVELOPMENT  
35 ILFRACOMBE WAY,  
PAYNESVILLE, VIC 3880



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Location Plan/Satellite Imagery



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Refer to consultant documentation when directed  
- NCC Consultant - #N  
- Civil Engineer - #Civil Engineer  
- Hydraulic Engineer - #Hydraulic Engineer  
- Landscape Designer - #Landscape Consultant  
- Mechanical Engineer - #Mechanical Engineer  
- Planning Consultant - #Planning Engineer  
- Services - #Services Consultant  
- Structural Engineer - #Structural Engineer  
- Surveyor - #Surveyor

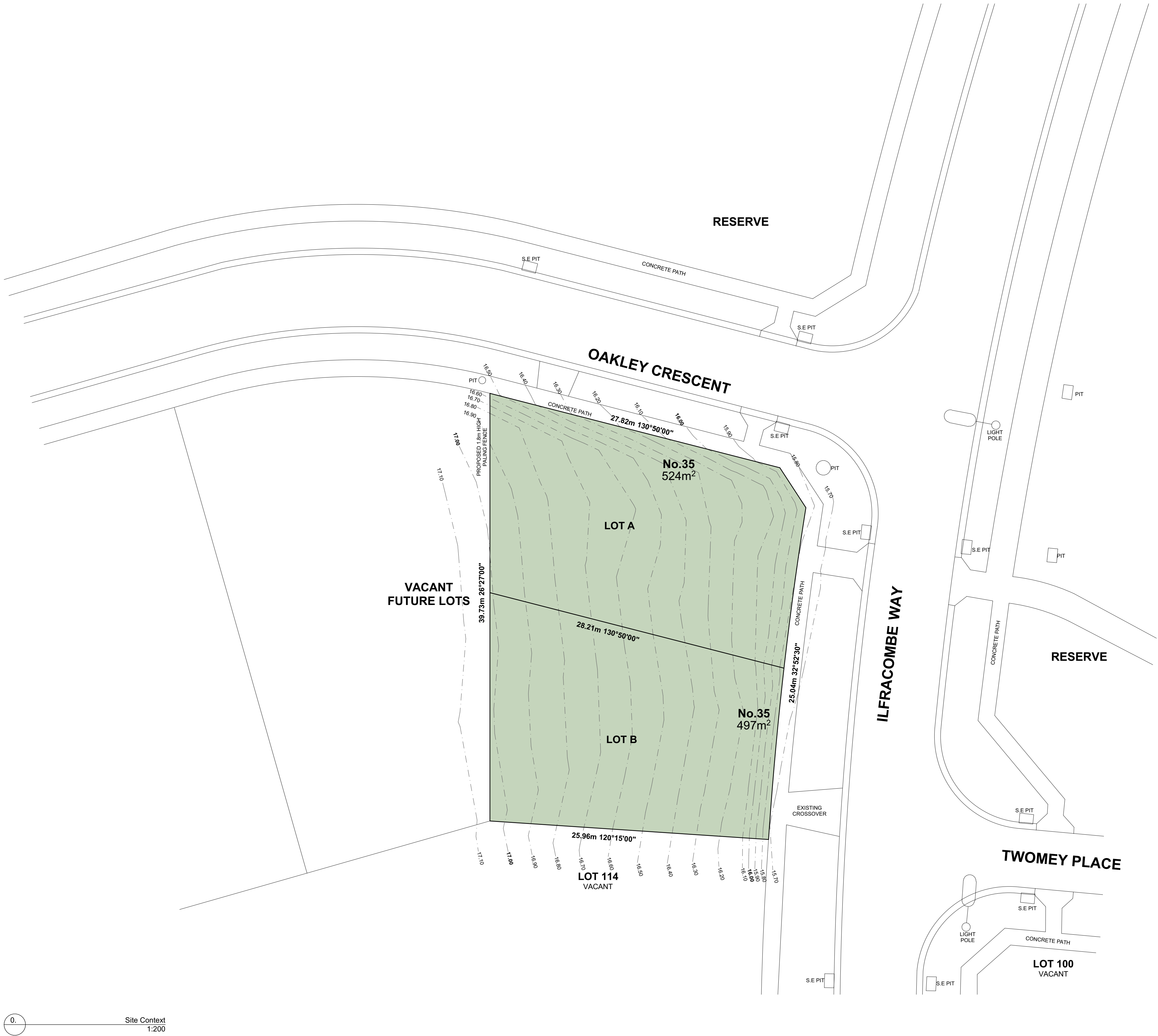


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LANG LANG 3984  
DP-AD 45730  
admin@bcndesignandaccess.com.au  
PH: 0412 599 272

Drawn   Checked	BN   BN
Plot Date:	1/02/2023
Project NO:	22-0015
Project Status	TOWN PLANNING
Client	JOSEPH G
Site:	35 ILFRACOMBE WAY, PAYNESVILLE

DRAWING TITLE :	35 Ilfracombe Way, Paynesville <b>Drawing List   Site Location</b>	REVISION NO. <b>A</b>
PROJECT NAME :	<b>UNIT DEVELOPMENT</b>	DRAWING NO. <b>TP00</b>

Printed 15/02/2023  
Page 89 of 97



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Refer to consultant documentation when directed  
- NCC Consultant - **BN**  
- Civil Engineer - **BCN** Engineer  
- Hydraulic Engineer - **Hydraulic Engineer**  
- Landscape Designer - **Landscape Consultant**  
- Mechanical Engineer - **Mechanical Engineer**  
- Planning Consultant - **Planning Engineer**  
- Services - **Services Consultant**  
- Structural Engineer - **Structural Engineer**  
- Surveyor - **Surveyor**

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Drawn | Checked BN |  
Plot Date: 1/02/2023  
Project NO: 22-0015  
Project Status: TOWN PLANNING  
Client: JOSEPH G  
Site: 35 ILFRACOMBE WAY, PAYNESVILLE



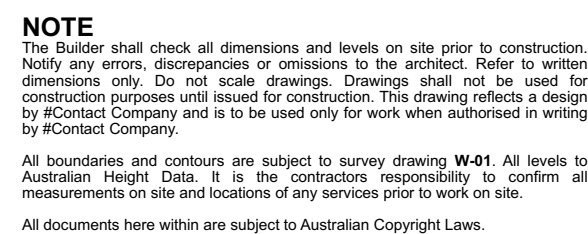
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35 Ilfracombe Way, Paynesville  
**Site Context**

PROJECT NAME :  
**UNIT DEVELOPMENT**

REVISION NO.  
**A**  
DRAWING NO.  
**1101**

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Page 90 of 97






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- Mechanical Engineer - **#Mechanical Engineer**
- Planning Consultant - **#Planning Consultant**
- Services - **#Services Consultant**
- Structural Engineer - **#Structural Engineer**
- Surveyor - **#Surveyor**



Drawn   Checked Plot Date: Project NO. Project Status	BN   1/02/2023 22-0015 TOWN PLANNING	
Client	JOSEPH G	
Site:	35 ILFRACOMBE WAY, PAYNESVILLE	

DRAWING TITLE : 35 Ilfracombe Way, Paynesville  
**Design Response Plan**

---

PROJECT NAME : **UNIT DEVELOPMENT**

REVISION NO.  
**A**  
DRAWING NO.  
10-100-100

Site Cover	
Unit 1	182.32
Unit 2	184.74
	367.06 m <sup>2</sup>
Site Area	1020 m <sup>2</sup>
	35 %
Hard Cover	
Driveway	47.59
	414.65 m <sup>2</sup>
	40 %
Permiability	60 %
Garden area	606.78 m <sup>2</sup>
	59 %





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- Mechanical Engineer - iContact  
- Planning Consultant - iContact  
- Services - iContact  
- Structural Engineer - iContact  
- Surveyor - iContact

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PH: 0412 599 272

Drawn | Checked | BN |  
Plot Date: 1/02/2023  
Project NO: 22-0015  
Project Status: TOWN PLANNING  
Client: JOSEPH G  
Site: 35 ILFRACOMBE WAY, PAYNESVILLE

**DRAWING TITLE :**  
35 Ilfracombe Way, Paynesville  
**Site Analysis Plan**  
**PROJECT NAME :**  
**UNIT DEVELOPMENT**

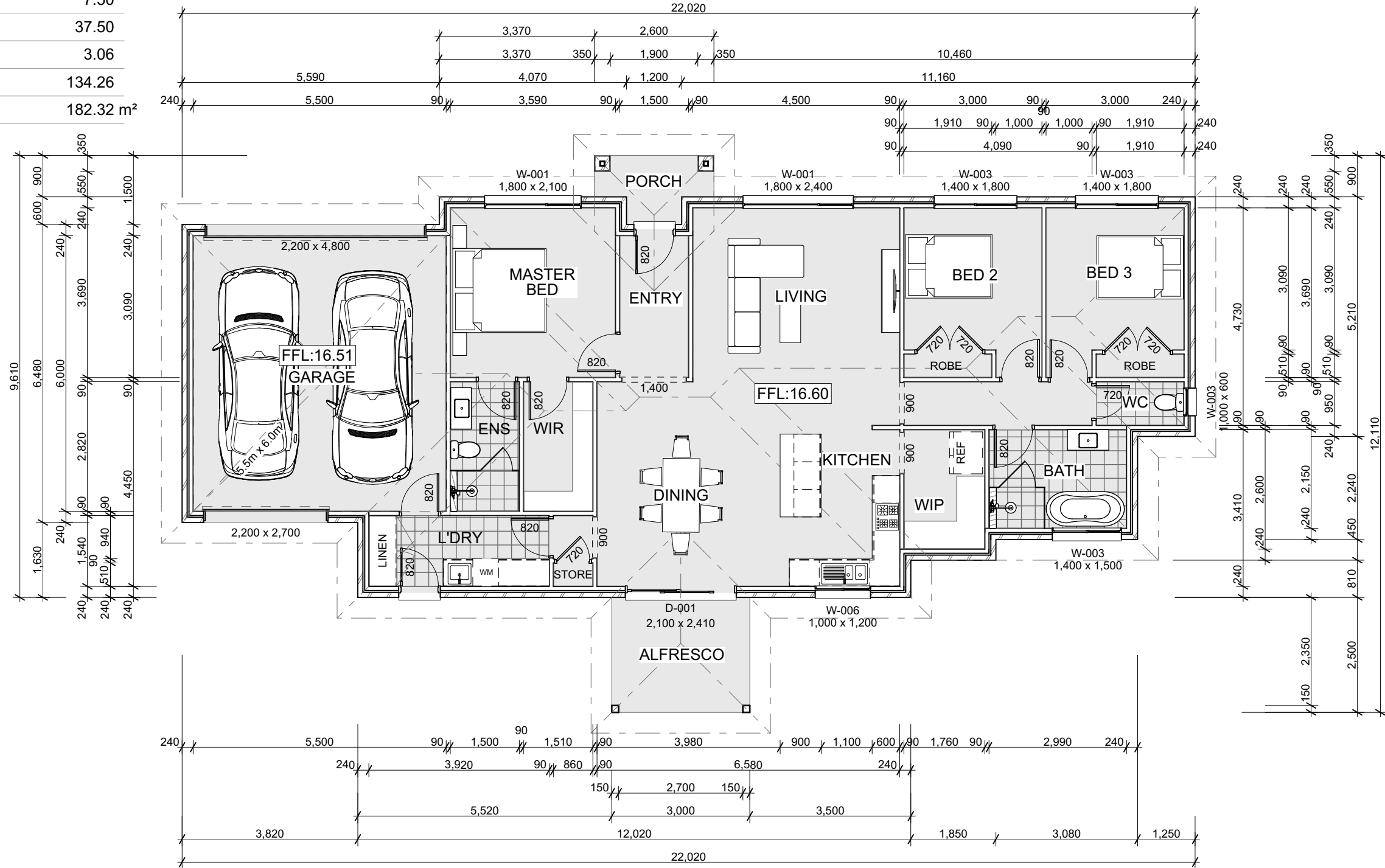
Site Cover	
Unit 1	182.32
Unit 2	184.74
	367.06 m <sup>2</sup>
Site Area	1020 m <sup>2</sup>
	35 %
Hard Cover	
Driveway	47.59
	414.65 m <sup>2</sup>
	40 %
Permiability	60 %
Garden area	606.78 m <sup>2</sup>
	59 %

REVISION NO.  
**A**  
DRAWING NO.  
**1103**



AREA LOT A

Alfresco	7.50
Garage	37.50
Porch	3.06
Residence	134.26
	182.32 m <sup>2</sup>



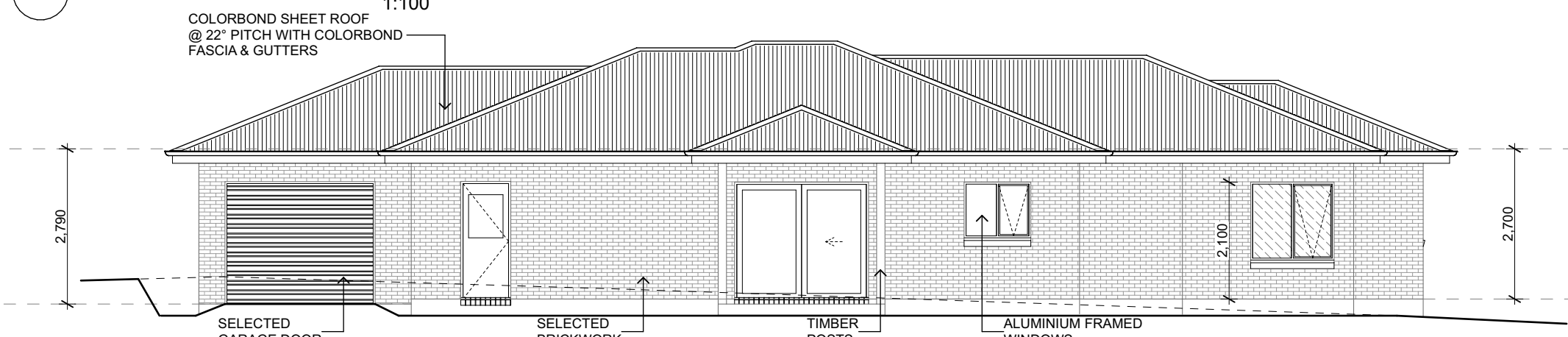
8 FLOOR PLAN - LOT A  
1:100

COLOUR SCHEDULE - LOT A

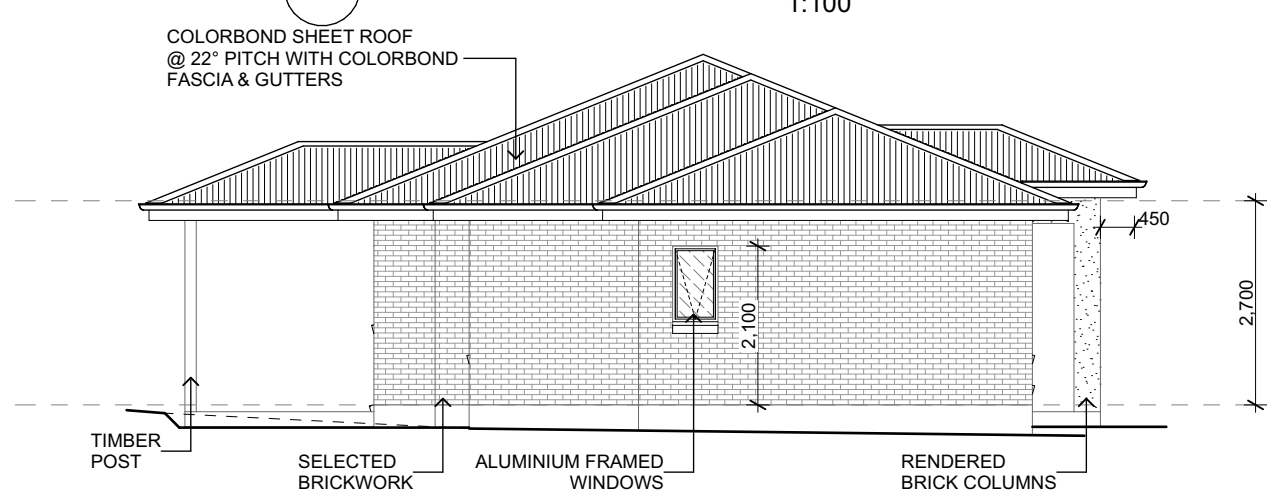
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- FASCIA & GUTTER - COLORBOND "WOODLAND GREY"
- BRICKS - PGH "GLENFERN"
- RENDER 1 - DULUX "LINSEED"
- GARAGE DOOR - COLORBOND "WOODLAND GEY"
- WINDOWS - COLORBOND "WOODLAND GREY"



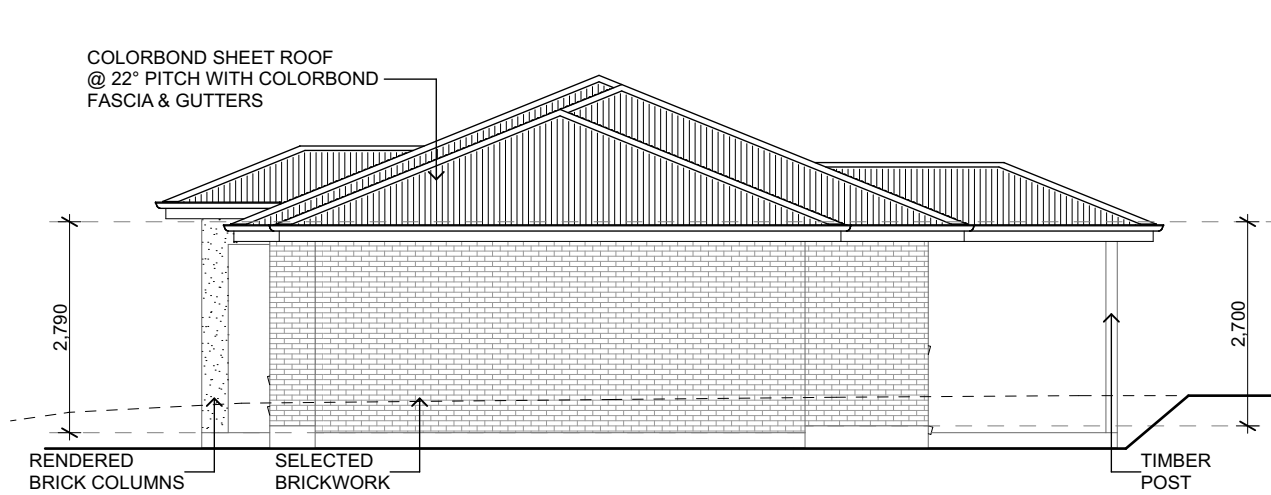
North Elevation  
1:100



South Elevation  
1:100



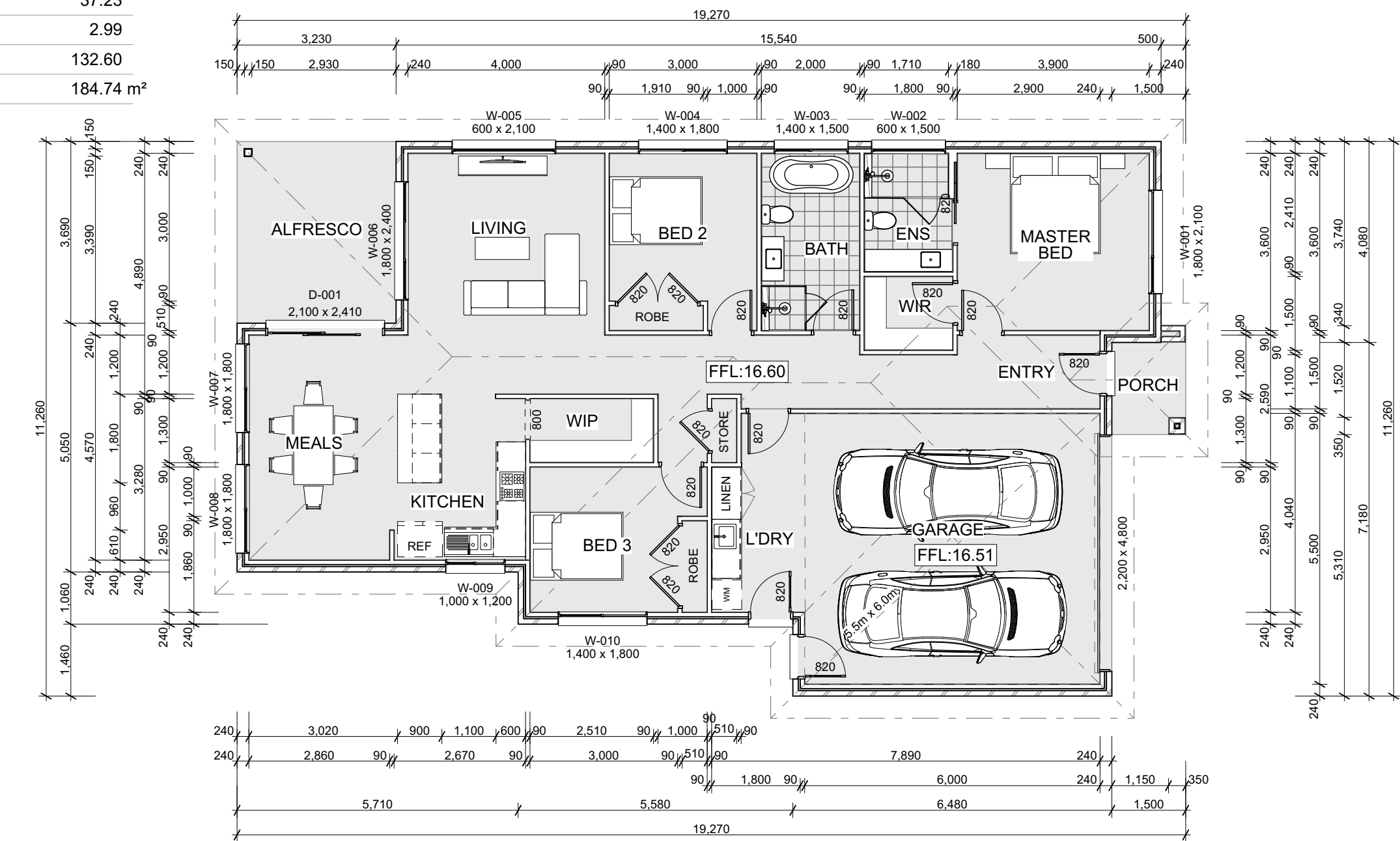
East Elevation  
1:100



West Elevation  
1:100

AREA LOT B

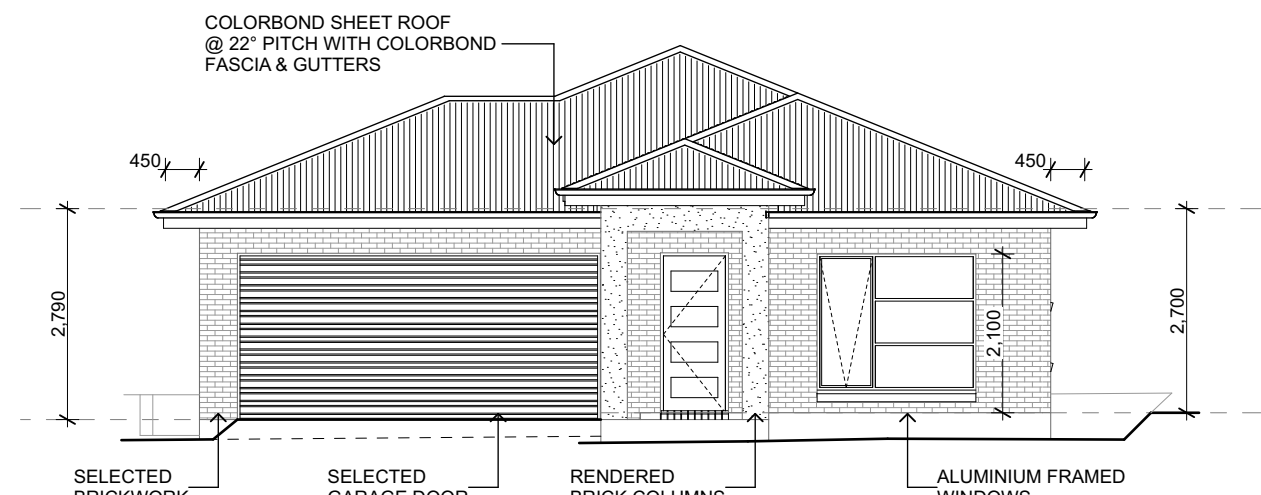
Alfresco	11.92
Garage	37.23
Porch	2.99
Residence	132.60
	184.74 m <sup>2</sup>



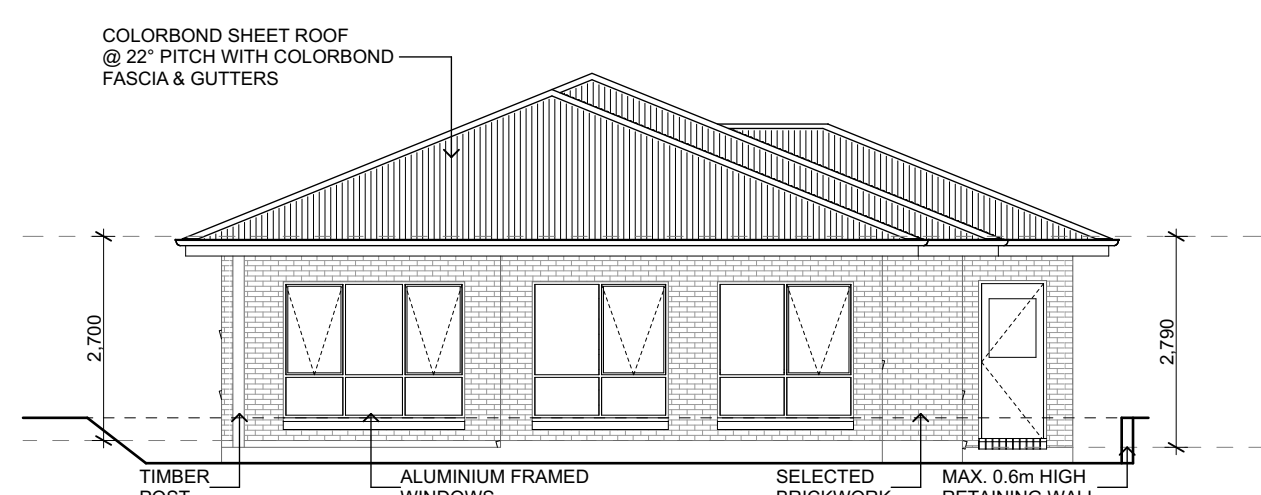
9 FLOOR PLAN - LOT B  
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COLOUR SCHEDULE - LOT B

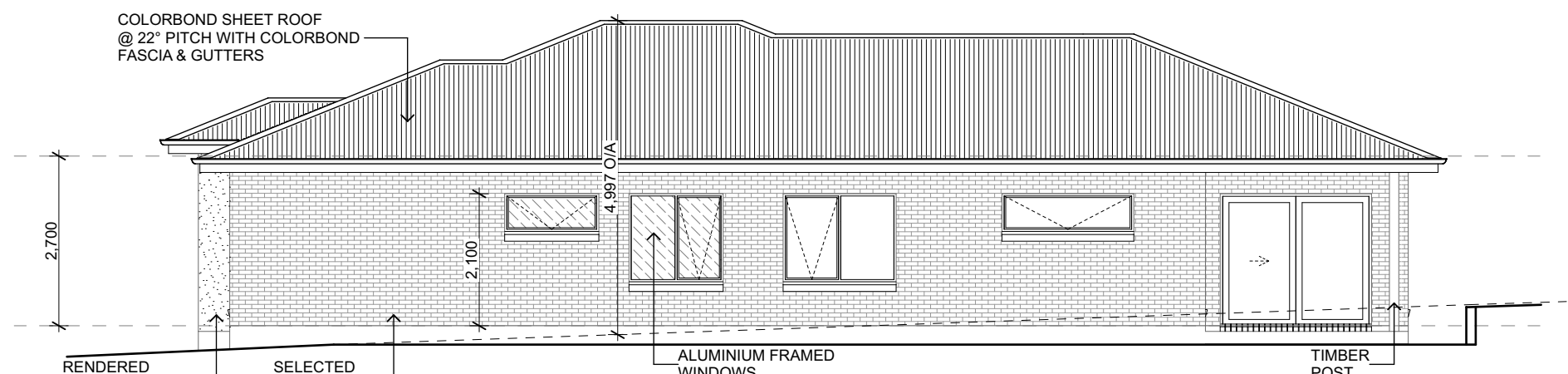
- ROOF - COLORBOND "WOODLAND GREY"
- FASCIA & GUTTER - COLORBOND "WOODLAND GREY"
- BRICKS - PGH "GLENFERN"
- RENDER 1 - DULUX "LINSEED"
- GARAGE DOOR - COLORBOND "WOODLAND GEY"
- WINDOWS - COLORBOND "WOODLAND GREY"



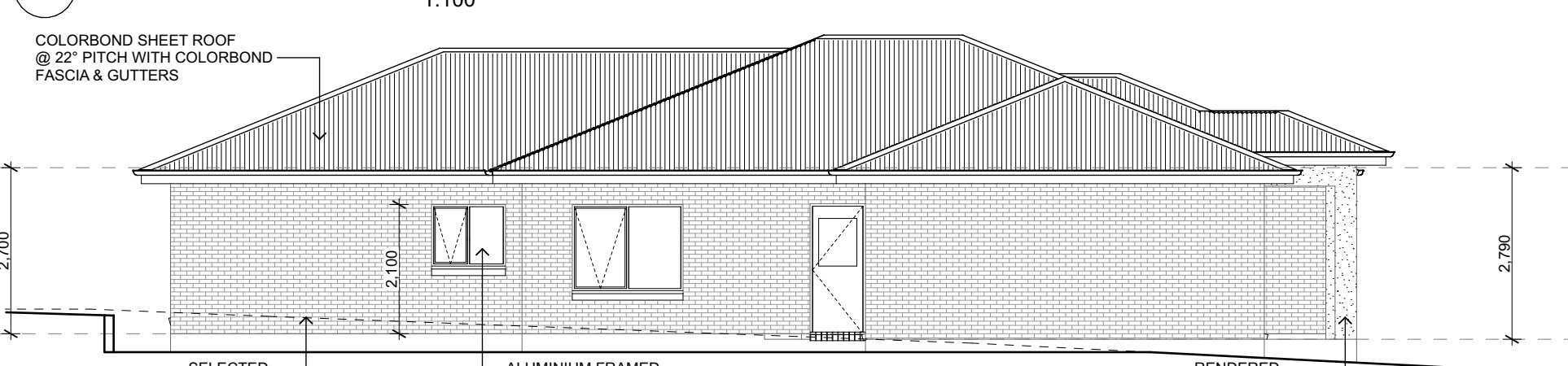
North East Elevation  
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South West Elevation  
1:100



North West Elevation  
1:100



South East Elevation  
1:100

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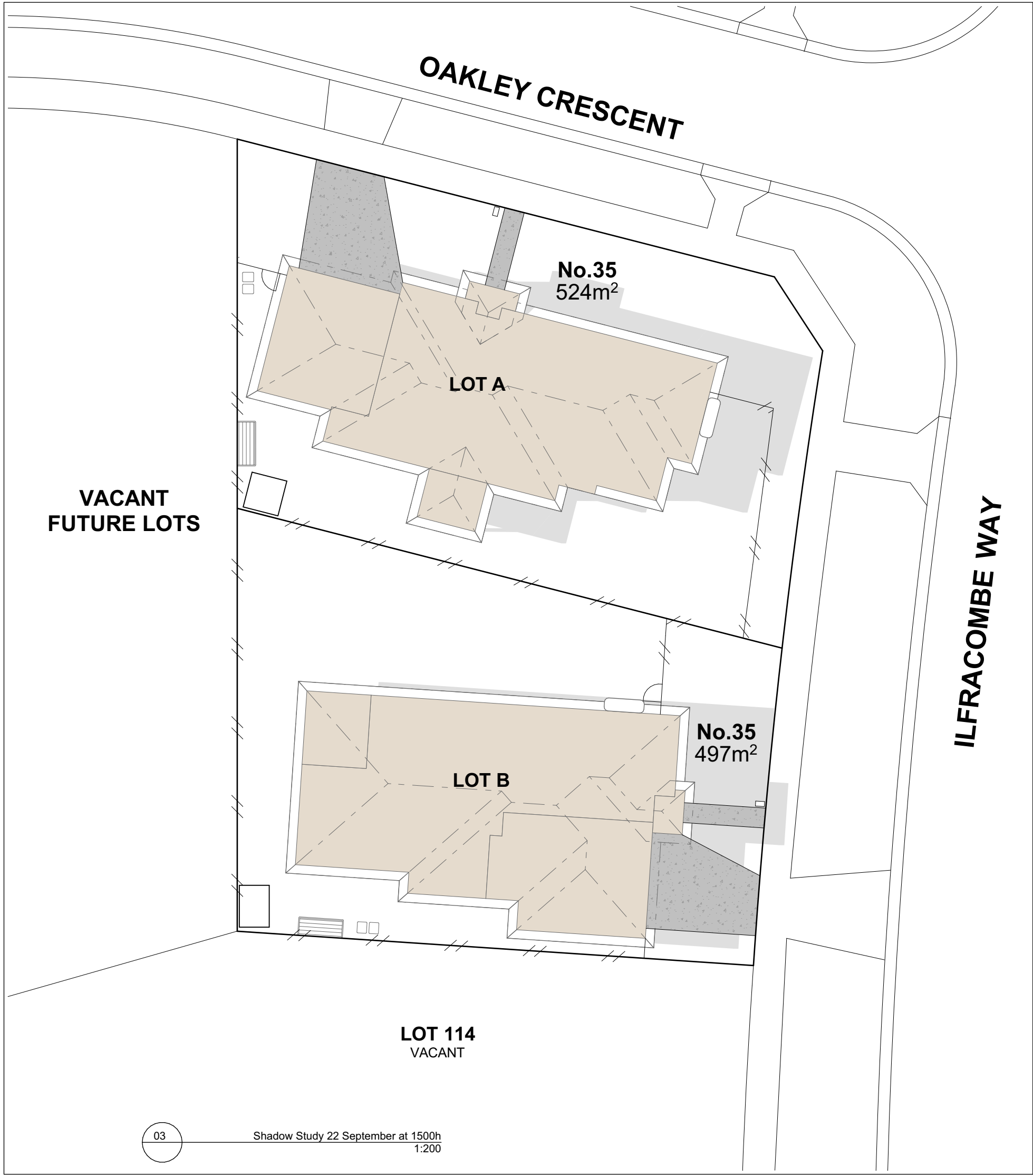
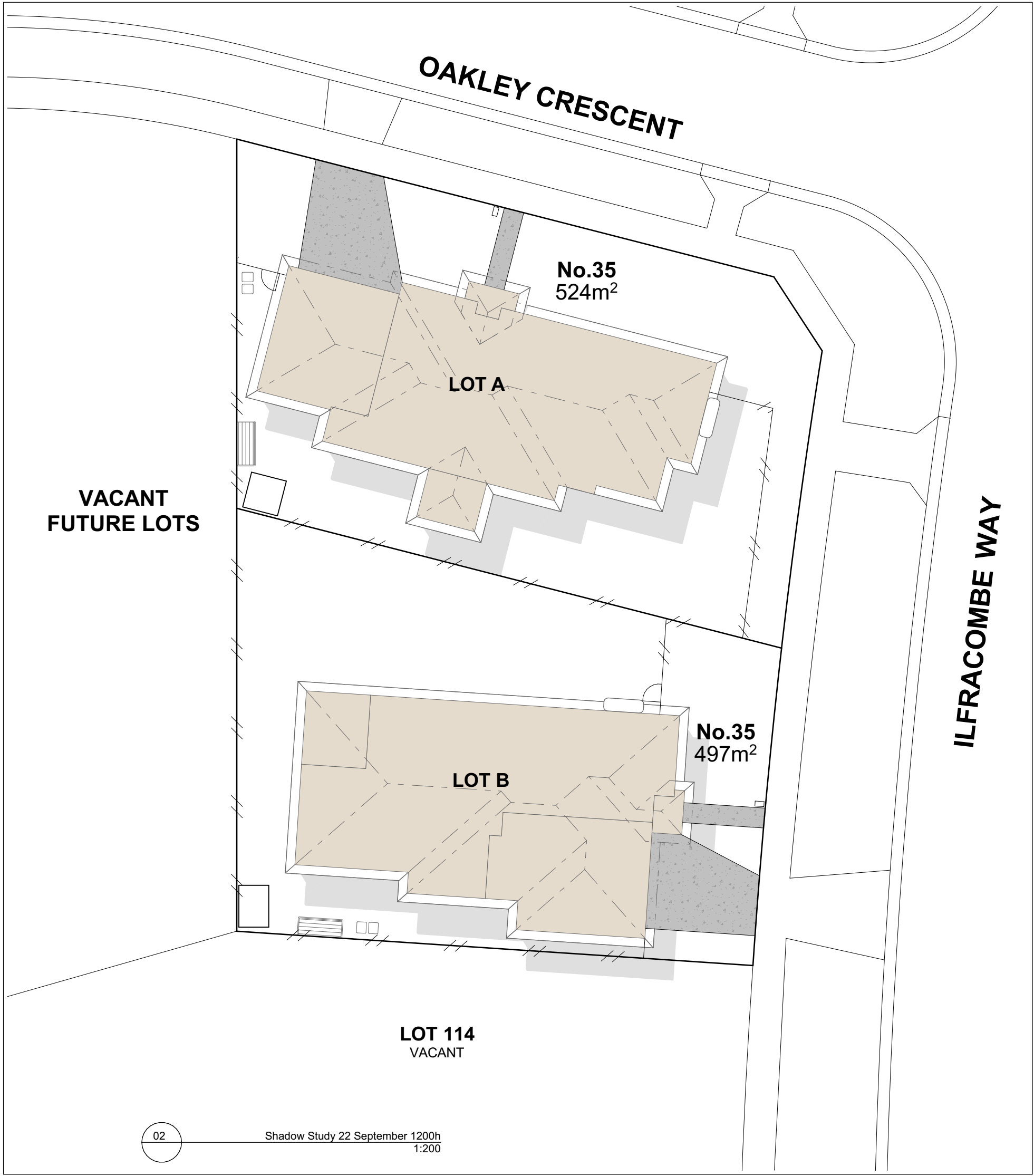
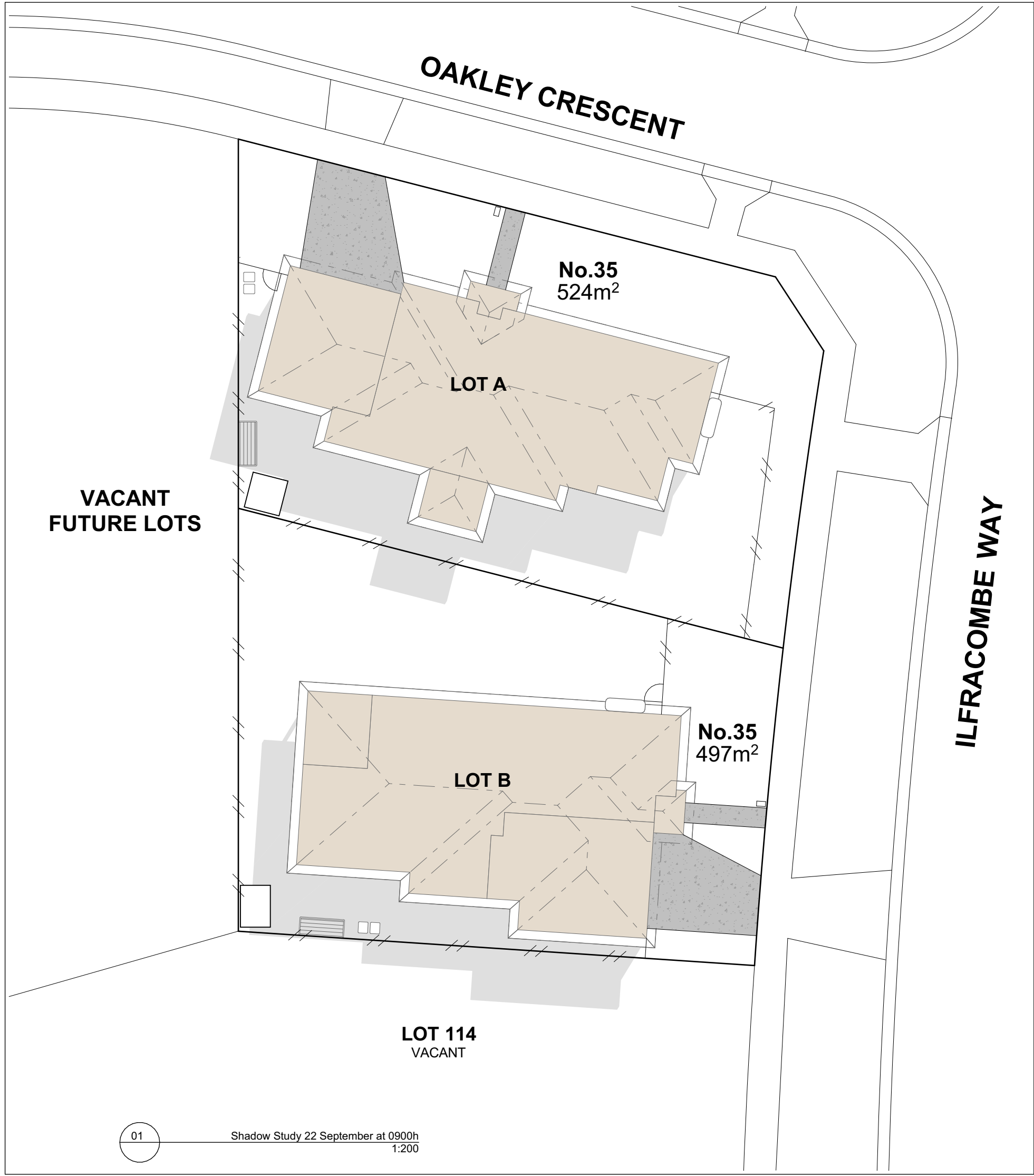
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Plot Date: 1/02/2023  
Project NO: 22-0015  
Project Status: TOWN PLANNING  
Client: JOSEPH G  
Site: 35 ILFRACOMBE WAY, PAYNESVILLE

DRAWING TITLE :  
35 Ilfracombe Way, Paynesville  
Floor Plans & Elevations  
PROJECT NAME :  
UNIT DEVELOPMENT

REVISION NO.  
A  
DRAWING NO.

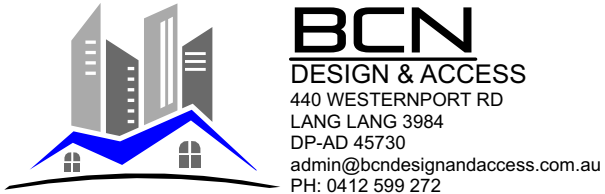
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Page 93 of 97





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Plot Date: 1/02/2023  
Project NO: 22-0015  
Project Status: TOWN PLANNING  
Client: JOSEPH G  
Site: 35 ILFRACOMBE WAY, PAYNESVILLE



**DRAWING TITLE :**  
35 Ilfracombe Way, Paynesville  
**Overshadowing Plans**  
**PROJECT NAME :**  
**UNIT DEVELOPMENT**

REVISION NO.  
**A**  
DRAWING NO.



Legend

- Tree planting
- Shrub planting
- Groundcovers and grasses
- Coloured concrete pavement
- Lawn
- Pre-cast or stone steppers
- Pre-cast or stone pavers
- Mulched garden bed
- Crushed gravel path

Note - Proposed trees are shown at 75% mature canopy size and proposed shrubs are shown at 80% mature spread.

Plant Schedule

CODE	BOTANIC NAME	COMMON NAME	SIZE (MATURITY) H X W	RECOMMEND POT SIZE	QUANTITY
TREES					
C'KPS'	<i>Callistemon 'Kings Park Special'</i>	Bottlebrush	4-5 x 3-4	250mm	4
Cc'S'	<i>Corymbia citriodora 'Scentuosus'</i>	Dwarf Lemon Scented Gum	7 x 4	250mm	3
Em'LS'	<i>Eucalyptus mannifera 'Little Spotty'</i>	Brittle Gum	8 x 6	250mm	2
SHRUBS					
Ac'L'	<i>Acacia cognata 'Umelight'</i>	Dwarf Bower Wattle	1 x 1	150mm	34
Ca	<i>Correa alba</i>	White Correa	1.5 x 1.5	150mm	35
Cr'DB'	<i>Correa reflexa 'Dusky Bells'</i>	Native Fuschia	1.0 x 1.0	150mm	32
G'M'	<i>Grevillea whiteana 'Moonlight'</i>	Moonlight Grevillea	3-4 x 2-3	150mm	7
Lb	<i>Leucophyta brownii</i>	Cushion Bush	1.0 x 1.0	150mm	37
Sa'E'	<i>Syzygium australe 'Elite'</i>	Lilly Pilly	4 x 2	200mm	31
GRASSES					
Dt	<i>Dianella tasmanica</i>	Tasman Flax-lily	1 x 1	150mm	18
LI'T'	<i>Lomandra longifolia 'Tanika'</i>	Tanika Spiny-headed Mat-rush	0.5 x 0.5	150mm	16
GROUNDCOVERS					
Ch	<i>Chryscephalum apiculatum</i>	Everlasting Buttons	Prostrate	150mm	26
G'RR'	<i>Grevillea 'Royal Rambler'</i>	Prostrate Grevillea	Prostrate	150mm	15



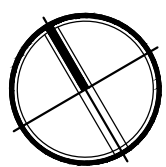
Landscape Architecture and Urban Design  
PO Box 7071 Beaumaris VIC 3193  
0438 845 008  
0438 048 740  
www.davidsondesignstudio.com.au  
office@davidsondesignstudio.com.au

REVISION	DATE	DESCRIPTION	BY
-	-	-	-

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DRAWN: JD  
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PAPER SIZE: A1

REFERENCE: 230204  
DATE: 03.03.2023  
REVISION: -  
SHEET: 1 of 1



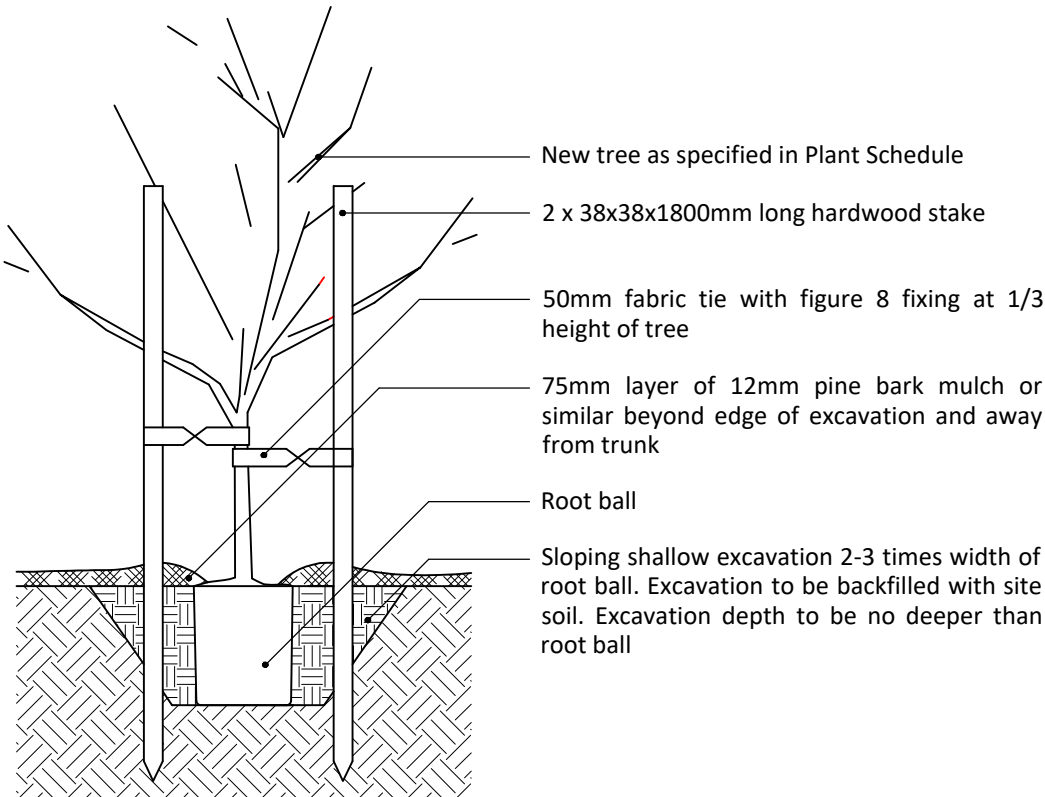
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Scale 1:100 @ A1

CLIENT: Joseph G  
ADDRESS: 35 Ilfracombe Way, Paynesville  
MUNICIPALITY: East Gippsland Shire

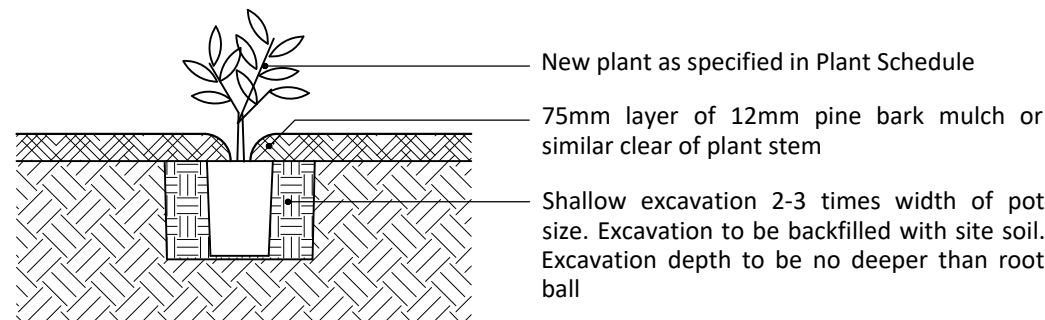
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Preparation, Planting and Establishment Notes

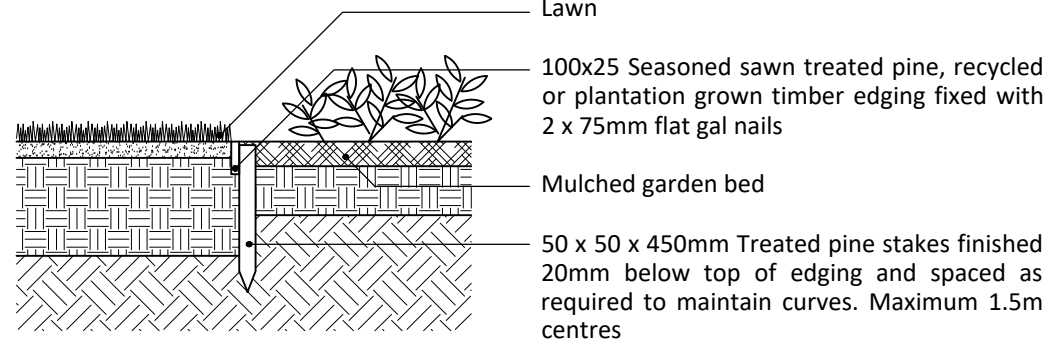
- All underground services to be verified by Contractors prior to work.
- All setout and levels must be checked and approved on site by the superintendent prior to construction.
- Any discrepancies must be reported immediately to the superintendent or landscape architect.
- Figured dimensions have preference over scaled dimensions. Drawings are to be read in conjunction with applicable project specifications and engineering documents.
- All construction to be in accordance with all relevant Australian Standards, including all revisions, council requirements and industry standards for methods and quality of construction.
- Weeds are to be removed from site prior to construction. Herbicide to be used sparingly. If required, use a non-residual glyphosate herbicide in any registered formulae, at the recommended maximum rate.
- Site to be graded towards garden beds, lawn or gravel areas. Adjust grading accordingly to accommodate localised collection of ground water.
- Soil pH is to be tested and should be slightly acidic to neutral (pH - 5.5 to 7.0). If outside of this range contact local nursery to obtain advice on improving the pH level and individual plant tolerance of specific site pH level.
- Clay soils should be checked for responsiveness to gypsum which can allow plant roots to penetrate the soil. If required, add gypsum according to manufacturer's specifications.
- Cultivation of existing soil to be minimal. Improve existing soil with organic material such as well rotted manures, soil improvers or compost prepared to AS.4454-2003. Top dress existing soil with organic material and cover with mulch. If importing of topsoil is required, then soil must comply with AS.4419-2003.
- Confirm plant quantities in Planting Schedule. Any discrepancies between Planting Schedule and plan are to be reported to the Landscape Architect before proceeding. Plants are to have well developed root system and be free of pest and disease.
- Unless otherwise indicated, 12mm uncoloured Pine Bark mulch (or approved equivalent) is to be applied to all garden beds at a depth of 75mm.
- Fertilise plants according to individual species requirements. Apply Seasol upon initial planting to target roots and promote healthy, balanced growth. Apply liquid Phostogen every three months.
- Timber products to be treated pine, recycled or plantation grown. Jarrah, Red Gum or Native (White) Cypress Pine (*Callitris columellaris*) should not be used unless proven to be a recycled product.
- Each planted tree is to be staked for 1 to 2 years, as per planting detail, with 38x38x1800 hard wood stakes. Fasten with 50mm fabric ties.
- All shrubs are to be evenly spaced and located as per drawings.
- Unless otherwise indicated, install timber or black metal edging, as per detail, to all garden bed, lawn and gravel path borders.
- Install a drip watering system to all garden beds and connect to rainwater tank or mains connection. Contractor or plumber to confirm location of connection and layout of irrigation system on site.
- Re-grade proposed lawn areas to provide smooth contours. Rake to remove soil clods and rubble.
- Seeded lawn to be non-invasive grass species such as: Queensland Blue-Grass (*Dicenteum sericeum*), Red-leg Grass (*Bothriochloa macra*) or Weeping Grass (*Microlaena stipoides*)
- Instant turf is to be obtained from a specialist grower of cultivated turf. Provide turf of even thickness, free from weeds and other foreign matter. Install as per growers specifications.
- Follow-up maintenance should be undertaken every 4-6 weeks for 2 years following establishment. Dead or diseased plants should be replaced. Monitor for weed species and remove as required. Eradicate any pest animals or insects. Water plants according to individual species' moisture needs, seasonal conditions and as advised by Local Water Authority. Monitor and prune plants and trees to as required, according to AS 4373 (Pruning of Amenity Trees). Replenish mulch annually in Spring.



A TYPICAL TREE PLANTING DETAIL not to scale



B TYPICAL SHRUB PLANTING DETAIL not to scale

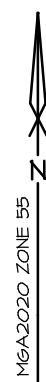


C TYPICAL EDGING DETAIL not to scale

Landscape Plan

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Paracentroid (MGA2020) : E 562 190, N 5803 390

Total site area: 1020m<sup>2</sup>



