

Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	22 Princes Highway CANN RIVER 3890 PtL: 1 TP: 332690
The application is for a permit to:	Use and Development of land for a bed and breakfast
The applicant for the permit is:	Beveridge Williams & Co Pty Ltd
The application reference number is:	5.2023.309.1
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
--	------------------------------------

**If you object, the Responsible Authority will tell you its decision.**

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

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

Page 1 of 2

VOLUME 08524 FOLIO 363

Security no : 124108190833W  
Produced 08/08/2023 01:45 PM

### LAND DESCRIPTION

Lot 1 on Title Plan 332690F.  
PARENT TITLE Volume 04051 Folio 179  
Created by instrument B989230 23/07/1964

### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

### ENCUMBRANCES, CAVEATS AND NOTICES

CAVEAT AT489935Y 05/08/2020

Caveator

LESUVO PTY LTD ACN: 001796818

Grounds of Claim

CHARGE CONTAINED IN AN AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

07/07/2020

Estate or Interest

INTEREST AS CHARGE

Prohibition

ABSOLUTELY

Lodged by

GALLUZZO LAWYERS

Notices to

VINCE GALLUZZO of SUITE 8 LEVEL 3 26 CASTLEREAGH STREET LIVERPOOL NSW 2170

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

### DIAGRAM LOCATION

SEE TP332690F 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)

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### ADMINISTRATIVE NOTICES

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

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NIL

DOCUMENT END

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	<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP 332690F</b>			
<b>Location of Land</b>  Parish: NOORINBEE Township: CANN RIVER Section: 8 Crown Allotment: 3 (PT) Crown Portion:  Last Plan Reference: Derived From: VOL 8524 FOL 363 Depth Limitation: 50 FEET		ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN				
<b>Description of Land / Easement Information</b>			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT  COMPILED: 24/02/2000 VERIFIED: AA			
						
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="padding: 5px;">                     WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962                 </td> </tr> <tr> <td style="padding: 5px;">                     PARCEL 1 = CA 3 (PT)                 </td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	PARCEL 1 = CA 3 (PT)
TABLE OF PARCEL IDENTIFIERS						
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962						
PARCEL 1 = CA 3 (PT)						
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet Metres = 0.201168 x Links				
			Sheet 1 of 1 sheets			

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# Department of Environment, Land, Water & Planning

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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 08/08/2023 01:46:17 PM

Status	Registered	Dealing Number	AT489935Y
Date and Time Lodged	05/08/2020 05:04:05 PM		

### Lodger Details

Lodger Code	23855H
Name	GALLUZZO LAWYERS
Address	
Lodger Box	
Phone	
Email	
Reference	201110 Lesuvo - Sofi

## CAVEAT

Jurisdiction	VICTORIA
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### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

### Land Title Reference

7274/716  
8524/363

### Caveator

Name	LESUVO PTY LIMITED
ACN	001796818

### Grounds of claim

Charge contained in an agreement with the following Parties and Date.

#### Parties

The Registered Proprietor(s)

#### Date

07/07/2020

### Estate or Interest claimed

Interest as Chargee

### Prohibition

Absolutely

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# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

### Name and Address for Service of Notice

Vince Galluzzo

#### Address

Floor Type	LEVEL
Floor Number	3
Unit Type	SUITE
Unit Number	8
Street Number	26
Street Name	CASTLEREAGH
Street Type	STREET
Locality	LIVERPOOL
State	NSW
Postcode	2170

The caveator claims the estate or interest specified in the land described on the grounds set out. This caveat forbids the registration of any instrument affecting the estate or interest to the extent specified.

### Execution

1. 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.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.

Executed on behalf of	LESUVO PTY LIMITED
Signer Name	VINCENT GALLUZZO
Signer Organisation	GALLUZZO LAWYERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	05 AUGUST 2020

### 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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Our Reference: 2301454

21 August 2023

Robert Pringle  
Statutory Planning Co-ordinator  
East Gippsland Shire Council  
PO Box 1618  
BAIRNSDALE VIC 3875

**Sale**  
45 Macalister Street  
PO Box 47  
Sale Vic 3850  
ph: 03 5144 3877  
beveridgewilliams.com.au

Dear Robert,

**RE: APPLICATION FOR A PLANNING PERMIT  
USE & DEVELOPMENT OF LAND FOR A BED & BREAKFAST (CONVERSION OF AN EXISTING DWELLING)  
22 PRINCES HIGHWAY, CANN RIVER  
LOT 1 ON LODGED PLAN NO. 332690F (VOLUME: 08524, FOLIO: 363)**

I refer to the above matter and advise that Beveridge Williams & Co. Pty. Ltd. acts on behalf of Sophia (Aust) Pty. Ltd., which is the registered owner of the above property.

Sophia Pty. Ltd. operates a bakery on the subject site. There is a caretaker's house at the rear of the land that has floor area of 255m<sup>2</sup>. It is no longer required for that purpose. So, Sophia Pty. Ltd. wish to renovate this building to allow its use as a bed and breakfast accommodation. The Bed & Breakfast will provide short-stay accommodation for up to 14 people across 7 bedrooms, with an eighth bedroom providing accommodation for the resident operator. Two of the additional bedrooms, which will have floor area of 42m<sup>2</sup>, will be created by converting an existing 37m<sup>2</sup> double garage at the southeast side of the building. The remaining two additional bedrooms, which will have floor area of 41.6m<sup>2</sup>, will be created by converting an existing 32m<sup>2</sup> carport on the west side of the building, noting that the accessible bathrooms to bedrooms 7 & 8 extend 1.5 metres beyond the existing footprint of the building. A new 2m x 17.41m verandah will be constructed along the eastern façade. This can be seen in the images at **Figures 1** (existing dwelling floor layout), **2** (proposed carparking layout with an aerial photo) & **3** (proposed floor layout without a photo).



**Figure 1: Existing floor layout**

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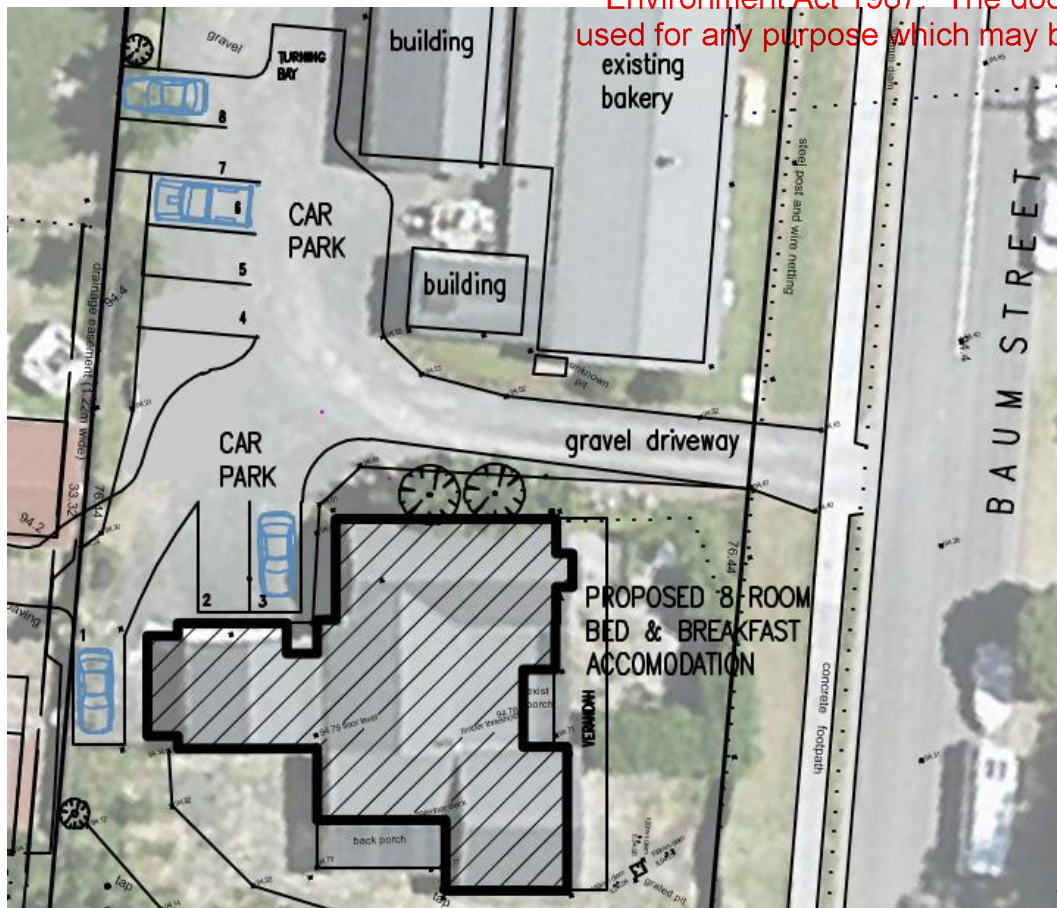


Figure 2: Proposed site and carparking layout over an aerial photo

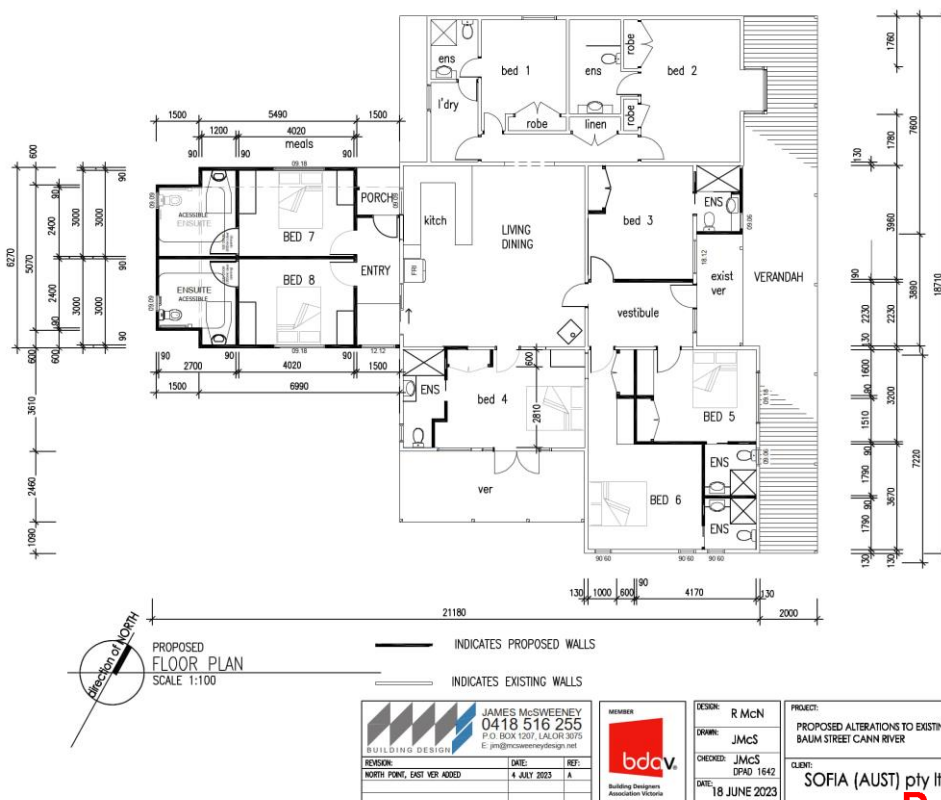


Figure 3: Proposed bed & breakfast floor layout



To achieve this outcome, Sophia (Aust) Pty. Ltd. has instructed Beveridge Williams & Co. Pty. Ltd. to seek a planning permit that will allow the use and development of the existing dwelling on the land for a Bed & Breakfast in the manner shown at **Figure 2**.

A review of the East Gippsland Planning Scheme reveals that the following Clauses are relevant to this proposal:

- **Clause 13.02-1S** (Bushfire Planning);
- **Clause 17.04-1S** (Facilitating Tourism);
- **Clause 17.04-1S** (Tourism - Gippsland);
- **Clause 17.04-1L** (Tourism - Shire);
- **Clause 32.05** (Township Zone), noting that **Clause 32.05-2** triggers the need for a planning permit for a bed and breakfast accommodation that can accommodate more than 10 people away from their normal place of residence. The proposed bed and breakfast will be able to accommodate 14 people away from their normal place of residence. Hence, a permit is required to use the land for group accommodation under the provisions of the Zone. **Clause 32.05-10** triggers the need for a planning permit for building and works associated with a Section 2 use;
- **Clause 44.06** (Bushfire Management Overlay), noting that **Clause 44.06-2** does not trigger the need for a permit if alterations being carried out to a building being used for a dwelling do not exceed 50% of the floorspace. The existing dwelling has floor area of 255m<sup>2</sup>, of which 118.42m<sup>2</sup> is being altered. This equates to 46% of the existing dwelling floor area. Hence, as the proposed alterations to the building do not exceed 50% of the floorspace, a planning permit is not required under the Bushfire Management Overlay;
- **Clause 52.06** (Carparking), noting that **Clause 52.06-5** does not set a parking ratio for a bed and breakfast. So, the provision has to be to Council's satisfaction. As shown at **Figure 2**, the proposed bed & breakfast will enjoy access to 8 parking spaces situated on its north and west sides. This provision is sufficient to meet the 7 spaces required under the Zone, i.e. 1 space per 2 people able to be accommodated away from their normal place of residence. Hence, it will be sufficient to accommodate the anticipated carparking demand;
- **Clause 62.02-2** (Building and works not requiring a planning permit unless specifically required by the planning scheme), noting that the proposed alterations to the building will extend 1.5 metres outside of the western side of the existing building envelope and 2 metres of the existing envelope on the eastern side. So, they are not exempted from the need for a permit under this Clause; and,
- **Clause 65** (Decision Guidelines).

The following documents have been uploaded into SPEAR along with this letter in support of the proposal:

- A Title search statement and title plan for the subject site;
- A Planning Property report for the subject site, which demonstrates the applicable zoning and overlay controls;
- A Site Context Analysis that discusses the nature of land use and development across the subject site, its immediate surrounds and the applicable planning policies;
- A Planning Assessment that discusses the proposal in light of the provisions of the applicable clauses listed above;
- A proposed plan of subdivision for endorsement under any permit granted.

Payment of Council's application fee will be made shortly after lodgement.

If you require any further information prior to making a decision on this application, please do not hesitate to call me on 03 5144 3877.

Yours Sincerely,



**Chris Curnow**  
Principal Planner  
BEVERIDGE WILLIAMS



# SUBJECT LAND

Address:	22 Princes Highway, Cann River
Lot details:	Lot 1 on Title Plan No. 332690F
Title Particulars:	Volume: 08524; Folio: 363
Title Restrictions:	None
Area:	2,540m² ha formed in a rectangular shape
Topography:	Flat
Strategy Plan:	Cann River is recognised as a “Rural Settlement”
Zoning:	Township
Overlays:	Bushfire Management (Schedule 2)
Improvements:	A bakery/café is located in the northern portion of the property. This building abuts the northern boundary frontage to Princes Highway. It is set back around 2 metres from the west boundary frontage to Baum Street. A second building on the west side of the main bakery is set back 2 metres from the north boundary. The western end of the highway frontage is taken up with a crossover that leads to a concrete apron that is used for bakery carparking. A blue-metal driveway extends further into the site, providing a delivery area and access to more informal carparks. A single-storey, 4-bedroom, 255m² caretaker's house with metal clad walls and gabled roof occupies the centre of the land. This single-storey building has a double garage on its south side and an attached carport on its west side, as can be seen in the floorplan opposite. A fence runs along the eastern boundary from the south side of the crossover, while the northern portion of the boundary is fenced with a cyclone treatment. Access to the land is gained via a concrete crossover that connects to a driveway that runs past the north side of the caretaker's house.

## ADJOINING PROPERTIES:

The subject site abuts:

- Princes Highway road reserve along its entire 33.2 metre long northern boundary. This road reserve has a width of 40 metres where it abuts the subject site. It contains a two-way, bitumen-sealed road pavement with angled on-street parking spaces and kerb and channel drainage and concrete footpaths down both sides. The road is divided by a landscaped median strip. It is the main vehicular thoroughfare through the Gippsland region;
- Baum Street along its entire 76.4 metre long eastern boundary. This road reserve has a width of 20 metres where it abuts the subject site. It contains a two-way, un-marked bitumen-sealed roadway with concrete kerb and channel drainage down both sides. Parallel on-street parking bays line the east side and a concrete footpath runs along the west side. Both verges are grassed. It intersects with the Princes Highway at the northeast corner with the subject site;
- 17 Baum Street along its entire 33.2 metre long south boundary. This property has area of approximately 800m² formed in a rectangular shape. It accommodates a single dwelling that is set back approximately 6 metres from the east boundary frontage to Baum Street and 5 metres from the common boundary with the subject site. The dwelling is single storey with weatherboard walls and a metal roof. Access to this property is gained via a crossover that connects to a driveway running along the northern side of the dwelling. The property has some landscaping trees growing along the eastern perimeter, but is otherwise covered in lawn;
- 16A Princes Highway along its 76.4 metre long west boundary for a distance of approximately 18 metres at the southern end. This property has area of approximately 1,400m² formed in a rectangular shape. It is vacant of improvements, landlocked and covered in lawn; and,
- 18 Princes Highway along the balance of its western boundary. This property has area of approximately 1,700m² formed across two parcels in an L-shape. It accommodates the Cann Valley Motel, which is comprised across two single-storey, brown-bricked, L-shaped buildings. These buildings have extensions that abut the common boundary with the subject site. Access to the motel carpark is gained via a crossover to the Princes Hwy at the west end of the frontage. The carpark lines the western perimeter of the site. There is a walkway between the subject site and the motel, as can be seen opposite.



STREETSCAPE VIEW OF THE BAKERY ON THE SUBJECT SITE FROM BAUM STREET



VIEW OF THE SOUTHERN PORTION OF THE SUBJECT SITE AND CROSSOVER FROM BAUM STREET



VIEW OF THE CARETAKER'S HOUSE ON THE SUBJECT SITE LOOKING SOUTH



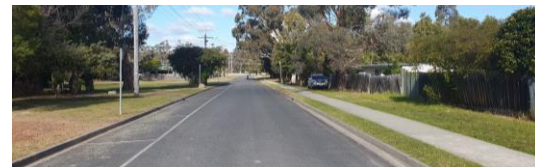
VIEW LOOKING NORTH OVER THE BAKERY CARPARK



VIEW LOOKING EAST ALONG PRINCES HIGHWAY



VIEW LOOKING SOUTH ALONG BAUM STREET



STREETSCAPE VIEW OF 17 BAUM STREET



VIEW OF THE WALKWAY BETWEEN THE SUBJECT SITE AND THE MOTEL AT 18 PRINCES HWY



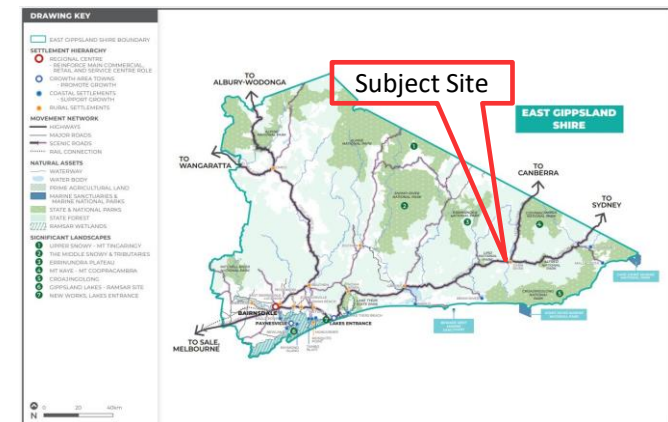
ADVERTISED  
AERIAL PHOTOGRAPH OF THE SUBJECT SITE, WHICH IS OUTLINED YELLOW WITH THE TITLE PLAN OVERLAIN  
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DIMENSIONED FLOORPLAN OF THE CARETAKER'S DWELLING



STRATEGIC FRAMEWORK PLAN



ZONING MAP



OVERLAY MAPS



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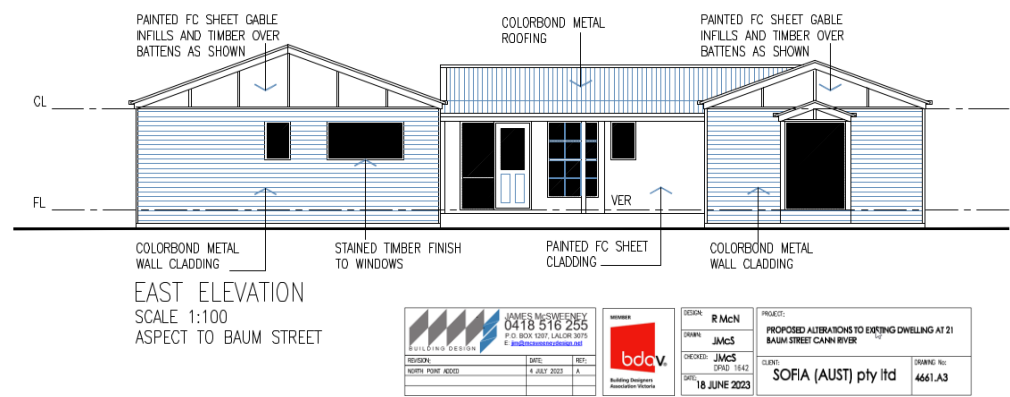


DESIGN RESPONSE:

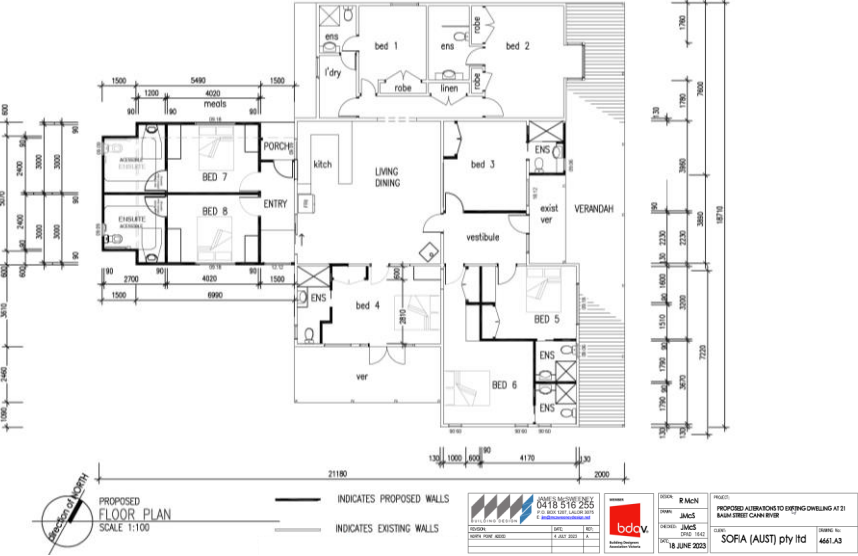
Sophia Pty. Ltd. operates a bakery on the subject site. There is a caretaker's house at the rear of the land that has floor area of 255m<sup>2</sup>. It is no longer required for that purpose. So, Sophia Pty. Ltd. wish to renovate this building to allow its use as a bed and breakfast accommodation. The facility will provide short-stay accommodation for up to 14 people across 7 bedrooms, with an eighth bedroom providing accommodation for the resident operator. Two of the additional bedrooms, which will have combined floor area of 42m<sup>2</sup>, will be created by converting an existing 37m<sup>2</sup> double garage at the southeast side of the building. The remaining two additional bedrooms, which will have floor area of 41.6m<sup>2</sup>, will be created by converting an existing 32m<sup>2</sup> carport on the west side of the building. It is noted that the accessible bathrooms to bedrooms 7 & 8 extend 1.5 metres beyond the existing footprint of the building, while a new, 18.71 metre long front verandah extends 2 metres beyond the existing front wall.

The alterations to the dwelling will predominantly occur under the roofline. This will mitigate impacts upon adjoining owners and neighbourhood character. Eight off-street parking spaces will be provided across existing blue-metal and gravel sealed areas around the building. The carparking/loading area associated with the existing bakery will remain available for that purpose and a second crossover will be constructed on Baum Street to provide access to two of the carparks.

PROPOSED EASTERN (BAUM STREET) ELEVATION

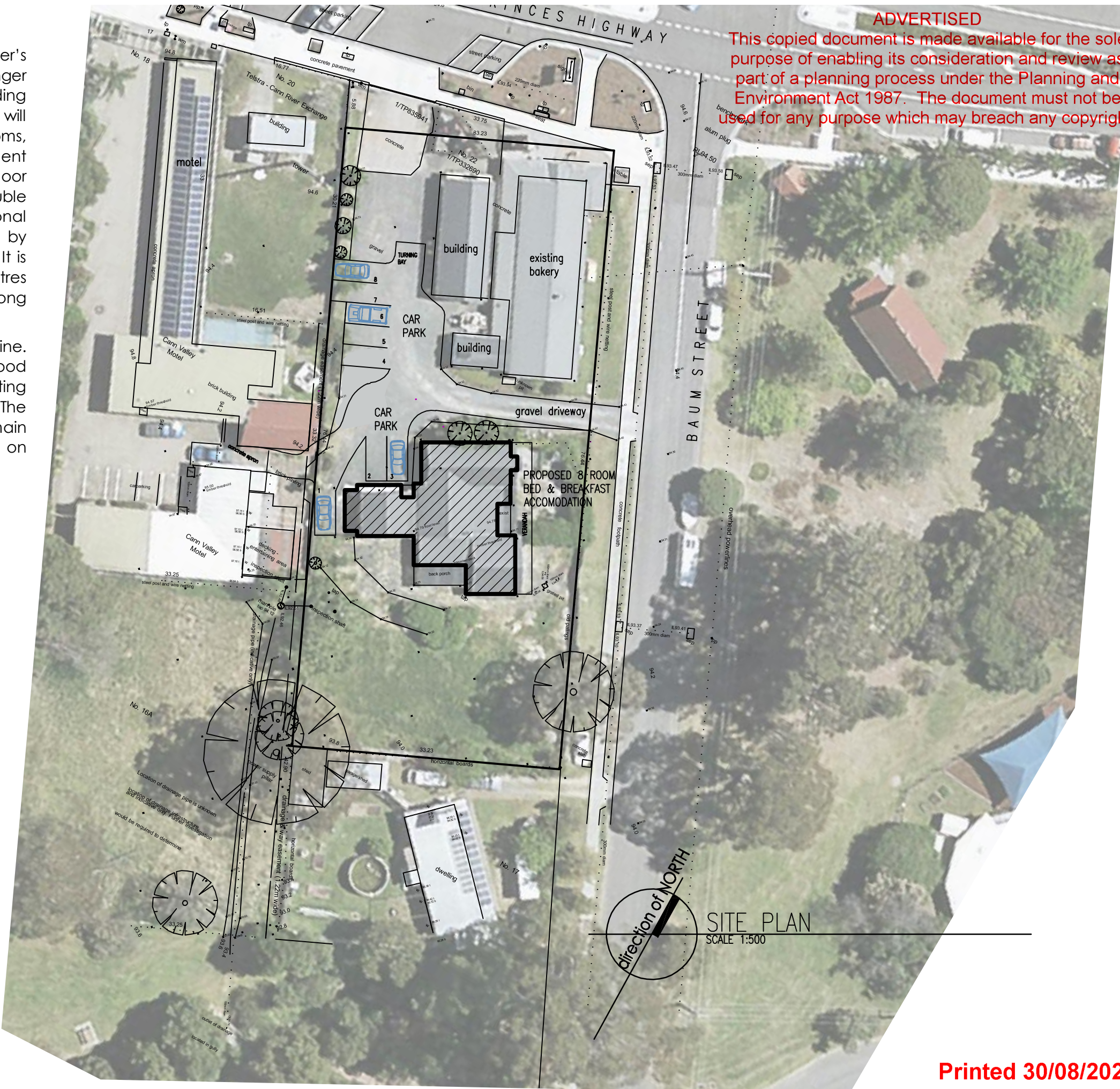


PROPOSED BED & BREAKFAST FLOORPLAN



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Planning Policy Framework & Municipal Strategic Statement:

The proposed alteration of the existing caretaker's house to a bed & breakfast accommodation will increase the tourist accommodation offering within Cann River. It will also provide diversity relative to the motel at 18 Princes Highway and the Hotel further to the west. The use can be provided in an existing dwelling that sits within Cann River's Central Activity District. This means that guests will enjoy easy access to convenience shopping, multiple eateries and public transport, i.e. the V/Line bus service that has stops within the Princes Highway. It also limits the extent of environmental impact and avoids the need to extend existing reticulated services.

As such the proposal accords with the policy objectives of:

- **Clause 13.02-1S**, as the additional accommodation will occur within an established settlement with access to fire refuge services that will serve to protect guests in the event of an emergency;
- **Clause 17.04-1**, as it will:
  - Improve Cann River's capacity to accommodate groups of guests seeking a Bed & Breakfast experience;
  - Enjoy access to excellent public and private transport options;
  - Capitalise upon the variety of dining options, playground and surrounding tourism options available in Cann River;
  - Facilitate tourist accommodation in an existing settlement so as to maximise access to infrastructure and labour; and,
  - Providing a tourist-focused bed and breakfast accommodation close to food and retail uses on the Princes Highway within one of the Shire's 'rural settlements', i.e. Cann River.

The purpose of the zone and overlays:

The proposed use and development has been designed to comply with the purpose of **Clause 32.05** by providing a short-stay residential accommodation use to complement an existing commercial use, i.e. the bakery, within an existing building. This will ensure that the character of the neighbourhood is not impacted.

The proposed use will be supported by a 8 carparking spaces arranged around its north and west sides – see opposite. This provision meets the requirement set out under the Township Zone, i.e. 1 space per every 2 people able to be accommodated away from their normal place of residence. Hence, it will avoid carparking generation outside of the property, as required under the objectives of **Clause 52.06**.

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

The proposed use and development has been designed to comply with the decision guidelines set out at **Clause 32.05-13** by:

- Utilising an existing dwelling so as to protect the character of the town and avoid impacting upon solar access to existing buildings;
- Providing the use on a serviced lot within township boundaries;
- Providing ample carparking on site to avoid the creation of off-site impacts;
- Ensuring that an ample buffer is retained between the proposed B&B use and the adjoining dwelling to the south so as to avoid impacts upon their amenity or the amenity of guests of the B&B; and,

- Utilising the existing crossover to Baum Street for access to 8 of the carparking spaces.

Orderly Planning:

The proposed use and development has been designed to avoid impacts upon adjoining owners through noise, shadowing and carparking generation. It proposes a more intensive residential accommodation use on a serviced commercial property adjacent to the Princes Highway and within Cann River's Central Activity District. Council has consistently granted planning permits in similar circumstances. Hence, approval of the proposal will represent a consistent, or orderly approach to planning.

The effect on the amenity of the area:

The proposed use and development will occur within an existing building that has an ample setback to the nearest private residence, i.e. the dwelling at 17 Baum Street. So, there will be no encroachment of the use closer to the existing dwelling at that address. Hence, no external landowners will suffer an increased impact upon their amenity.

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

The proposed use and development does not necessitate any significant drainage works given the carparking areas are already gravelled and only a very small amount of new roof-space will be required at the western end. So, it won't lead to land degradation or water quality impacts.

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

The proposed use and development will remain connected to Council's existing reticulated drainage system. So, it will not impact stormwater quality.

The extent and character of native vegetation and the likelihood of its destruction:

The proposed use and development will not impact any native vegetation.

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

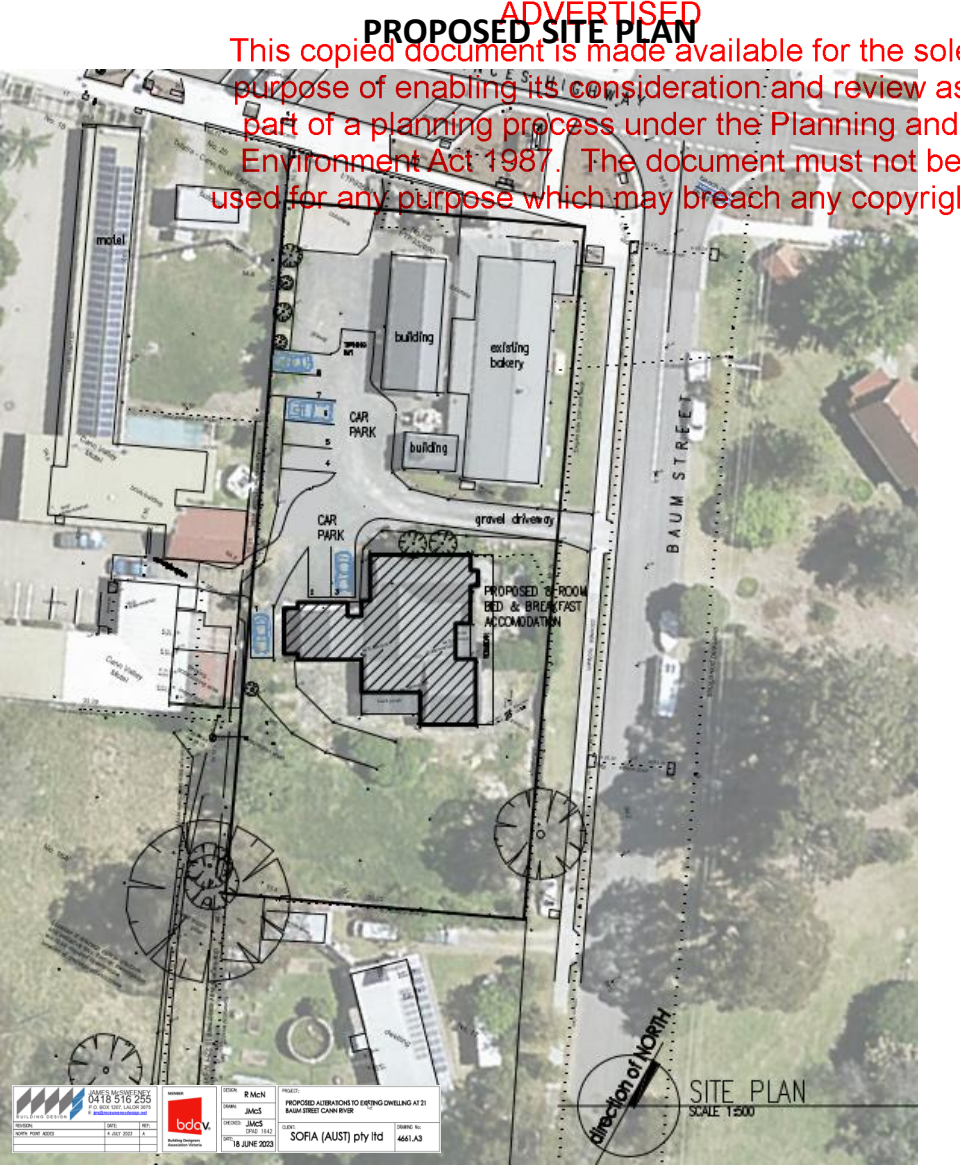
As above.

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:

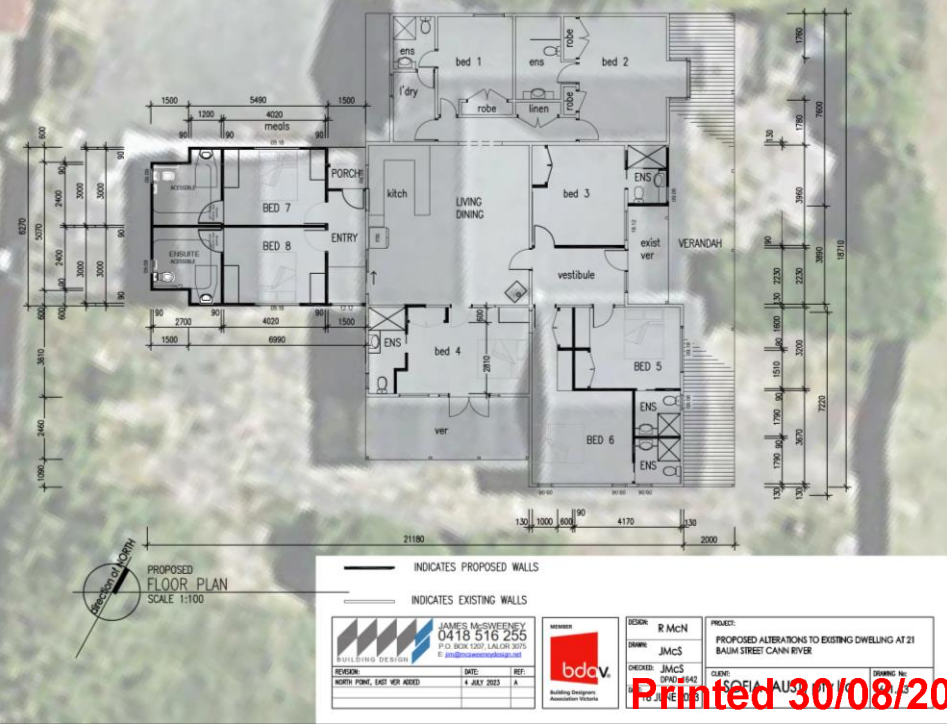
The subject site is not recognised as being susceptible to flood or erosion risk. Fire risk will not be exacerbated, as discussed previously.

Loading and unloading facilities and any associated amenity, traffic flow and road safety impacts:

The proposed use will be supported by an existing carparking/loading area that provides room for 6 cars to park along with an existing driveway area that will provide room for 2 additional spaces. This will ensure appropriate traffic behaviour.



PROPOSED BED & BREAKFAST FLOORPLAN OVER AN AERIAL PHOTO

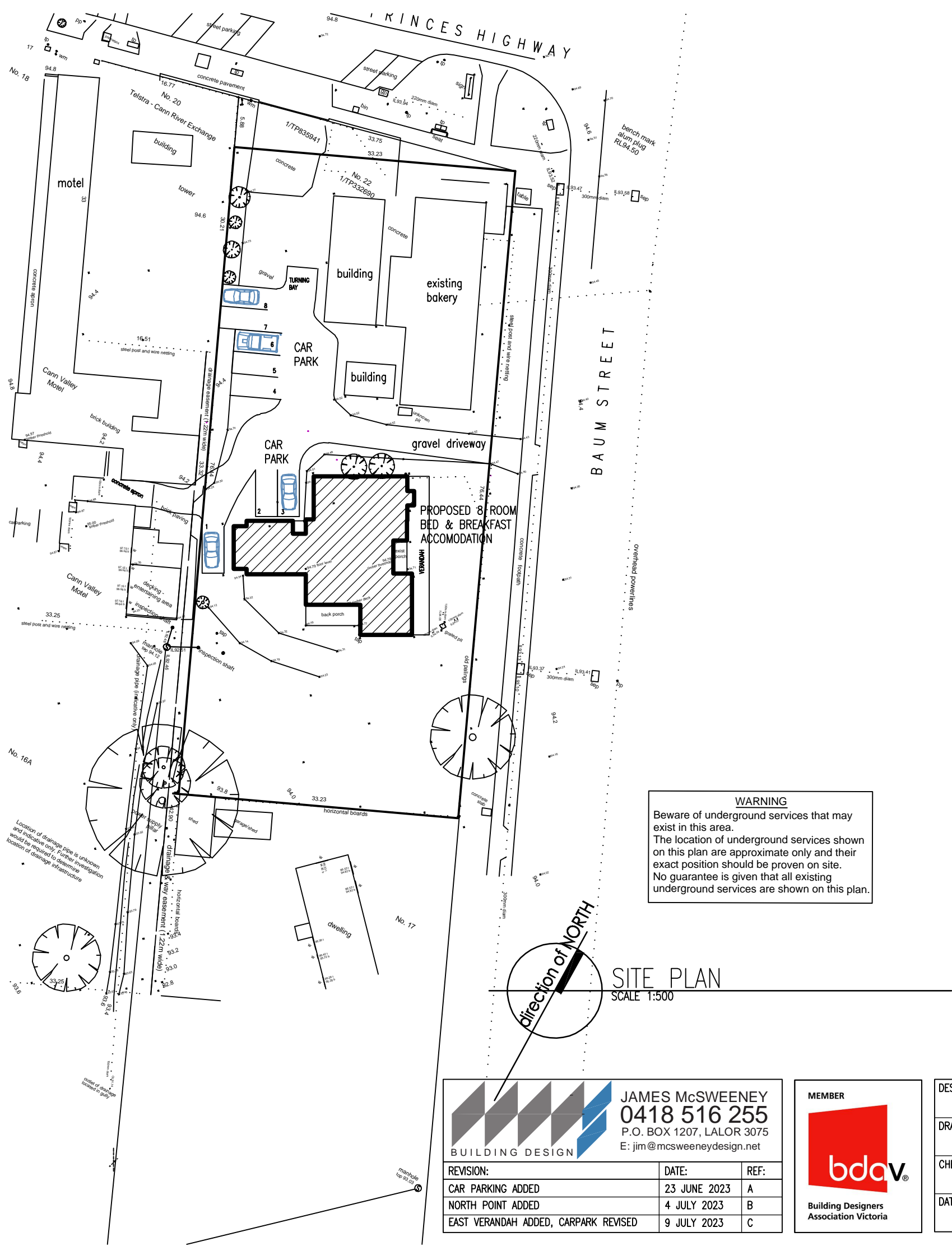


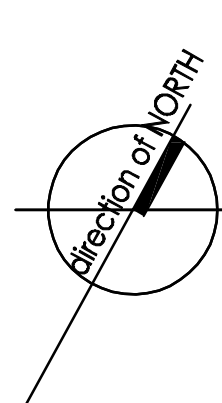
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PROPOSED  
FLOOR PLAN  
SCALE 1:100

INDICATES PROPOSED WALLS

INDICATES EXISTING WALLS

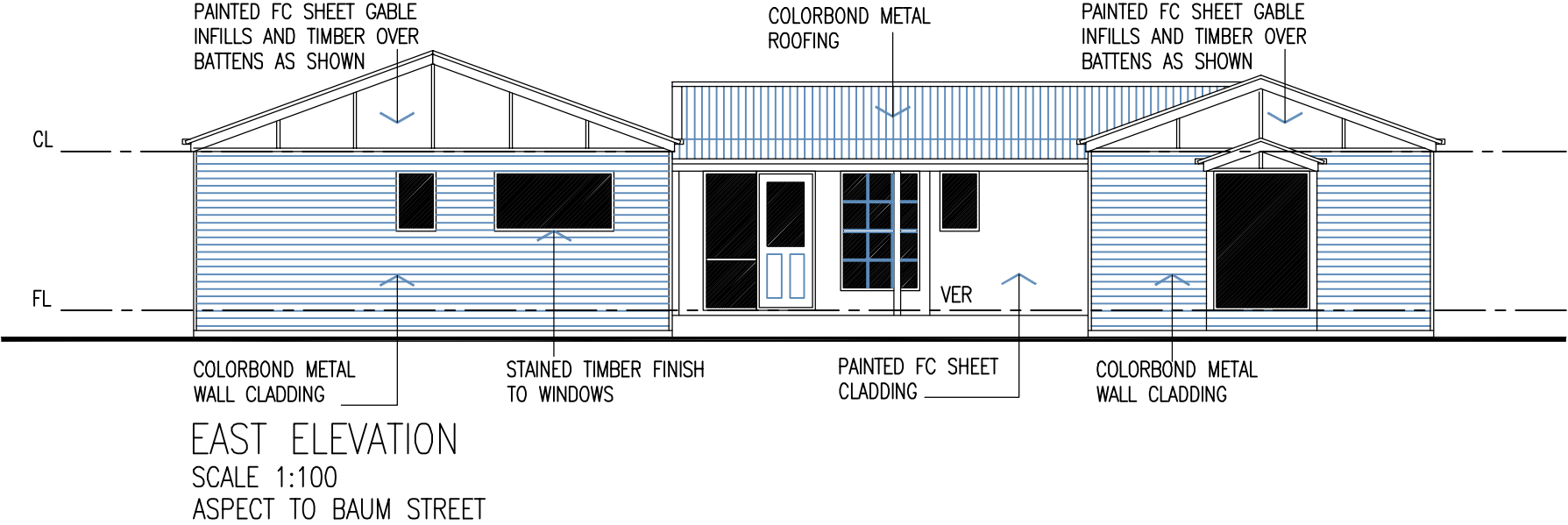
 <div> <p><b>JAMES McSWEENEY</b>  <b>0418 516 255</b>  P.O. BOX 1207, LALOR 3075  E: jim@mcsweeneydesign.net</p> </div>		
REVISION:	DATE:	REF:
NORTH POINT, EAST VER ADDED	4 JULY 2023	A




DESIGN:	R McN
DRAWN:	JMcS
CHECKED:	JMcS DPAD 1642
DATE:	18 JUNE 2023

PROJECT:		<div style="text-align: right;"> <b>Printed 30/08/2024</b>  <b>Page 15 of 15</b> </div>
PROPOSED ALTERATIONS TO EXISTING DWELLING AT 27 BAUM STREET CANN RIVER		
CLIENT:	DRAWING No:	
SOFIA (AUST) pty ltd		4661.A3

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MEMBER



**bdaV**  
Building Designers  
Association Victoria

DESIGN:	<b>R McN</b>
DRAWN:	<b>JMcS</b>
CHECKED:	<b>JMcS</b> DPAD 1642
DATE:	<b>18 JUNE 2023</b>

PROJECT: <b>PROPOSED ALTERATIONS TO EXISTING DWELLING AT BAUM STREET CANN RIVER</b>	
CLIENT: <b>SOFIA (AUST) pty ltd</b>	DRAWING No: <b>4661.A4</b>