

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	93-95 Main Road LINDENOW 3865 Lot: 1 LP: 113528
The application is for a permit to:	Two Lot Subdivision & Creation of Carriageway Easement
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2024.24.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

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 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.

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.

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

Page 1 of 1

VOLUME 09061 FOLIO 622

Security no : 124112275787E
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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 113528.
PARENT TITLE Volume 07044 Folio 790
Created by instrument LP113528 09/12/1974

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP113528 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: 93-95 MAIN ROAD LINDENOW VIC 3865

ADMINISTRATIVE NOTICES

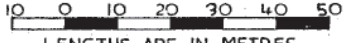
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DOCUMENT END

ADVERTISED

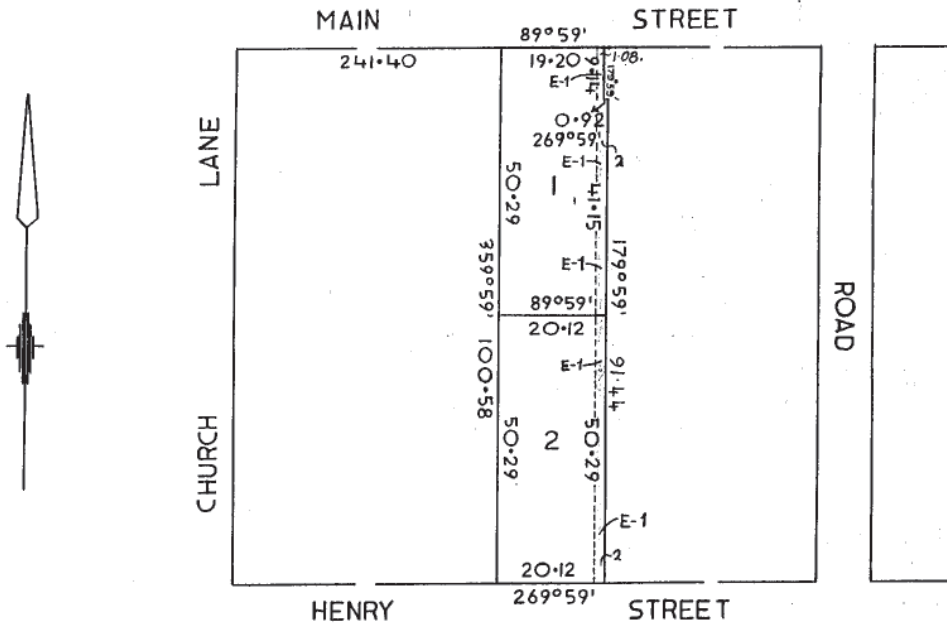
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113528

PLAN OF SUBDIVISION OF: PART OF SUBDIVISION B OF CROWN ALLOTMENT 27		APPROPRIATIONS DRAINAGE - BLUE
PARISH: COONGULMERANG		
COUNTY: TANJIL		
SCALE	 LENGTHS ARE IN METRES	

V. 7044 F. 790

COLOUR CONVERSION
FOR EASEMENTS
E-1 = BLUE



CONSENT OF COUNCIL <p>I, the Council of the County of Blandford, do hereby consent to the plan of subdivision and street alterations shown hereon, in witness whereof the Common Council of the Council, Councillors and Ratepayers was duly convened on this 7th day of Aug 1974.</p> <p><i>[Signature]</i> Mayor <i>[Signature]</i> Councillor <i>[Signature]</i> Councillor</p>	SURVEYORS CERTIFICATION <p>I certify that this plan has been made by me, and agrees with Title and is mathematically correct.</p> <p>Licensed Surveyor <i>[Signature]</i> 30/1/74</p>
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FOR APPROPRIATIONS, ETC,
SEE BACK HEREOF

113528

ADVERTISED

SUBDIVISIONAL
 CERTIFICATE OF TITLE V. 7044 F. 790

~~FOR TITLE REFERENCES TO LOTS~~
~~SEE PARCELS INDEX~~

LODGED BY Kiddle, Briggs & Willox

DEALING No. _____ DATE 11 / 9 / 74

DECLARED BY J. R. Crowther

ON 30 / 1 / 74

COUNCIL Shire of Bairnsdale

DATE OF CONSENT 7 / 8 / 74

PLAN MAY BE LODGED / /

PLAN APPROVED. DATE 4 / 10 / 74 TIME 3:00 ^{pm} _{p.m.}

THE LAND COLOURED Blue
 APPROPRIATED OR SET APART
 FOR EASEMENTS OF Drainage

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LP 113528
 BACK OF SHEET

PHOTOGRAPHED AT CENTRAL PLAN OFFICE

SIZE _____ DATE _____

COLOURED CMFoy CHECKED W Smith

POSTED CMFoy CHECKED W Smith

Printed 5/03/2024

Page 4 of 20

Planning Report

Two Lot Subdivision & Creation of Carriageway Easement

93-95 Main Road, Lindenow

Our reference – 20714

January 2024



FS 520900



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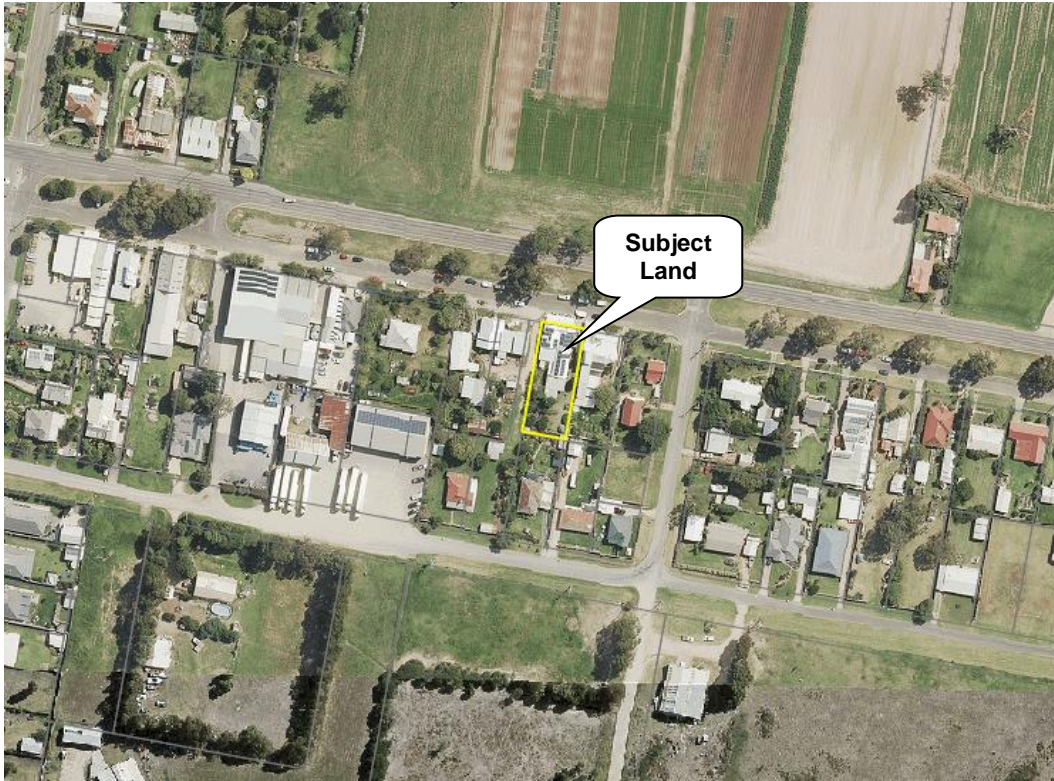
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	Application Form (via Planning Portal)	
	Proposed Subdivision Plan (Version 2)	
	Design Response Plan (Version 1)	
	Copy of Title (Lot 1 LP113528)	

Note: Applicable Planning Application fee is \$1,415.10

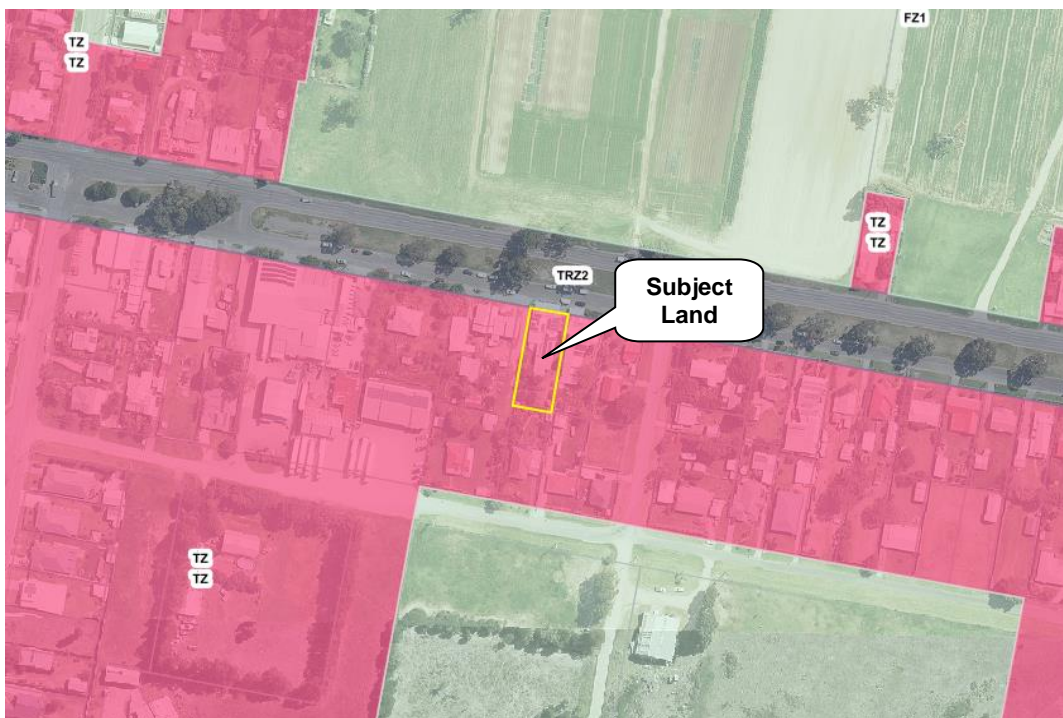
Class 17 – 89 fee units (subdivision)

1. Introduction

This Planning Report is prepared in support of proposed Two Lot Subdivision, and Creation of Carriageway Easement at 93-95 Main Road, Lindenow. The Report addresses the provisions of the Township Zone as contained within the *East Gippsland Planning Scheme*.



Aerial view of subject land and surrounding precinct – Source: LASSI SPEAR



Zone mapping and aerial of subject land and surrounding precinct – Source: LASSI SPEAR

2. Subject Land & Surrounding Context

The subject land is formally described as Lot 1 on LP113528 and is approximately 1,018m² in area, more commonly known as 93-95 Main Road, Lindenow.



Aerial of subject land – Source: EGW

The subject land is a slightly irregular shape approximately 20.0 metres in width by 52.0 metres in length however there is however a small step in the boundary at the northeastern corner of the site.

An existing building is established on the northern portion of the land which contains 'The Long Paddock' which is a local food and drink premises providing on-premises and take away dining opportunities.



Looking in a southerly direction towards the subject land

The site has frontage to Main Road to the north which is contained within a Transport Zone 2. Main Road comprises a good quality sealed road which caters for traffic passing through Lindenow together with a sealed service lane which accommodates vehicle movements to and from properties. A wide median strip with established trees separates the carriageway of Main Road from the service lane.



Looking in a westerly direction along the median strip in Main Road



Looking in a easterly direction along the median strip in Main Road

An existing vehicle crossing provides vehicle access to the subject land from the service lane however vehicle parking associated with the food and drink premises is provided via on street parking for both patrons and staff.

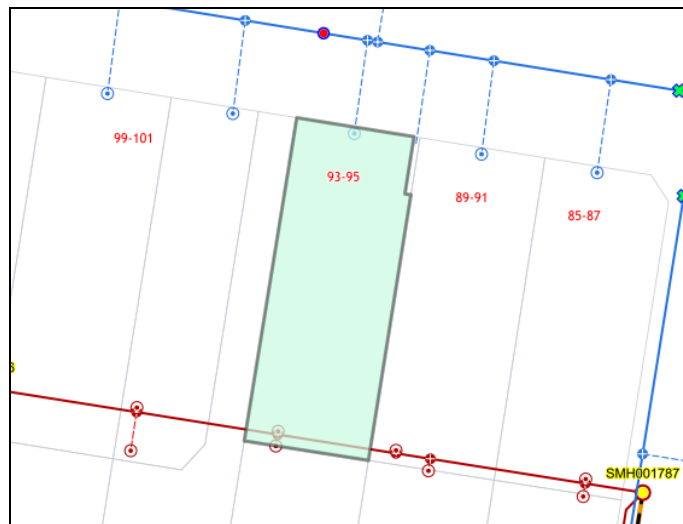


Existing vehicle crossing



Looking in a southerly direction across in rear of subject land

The subject land is serviced with reticulated water which is established within Main Road to the north and by gravity sewer mains which encumber the southern portion of the land. Power is also provisioned overhead on the southern side of Main Road.

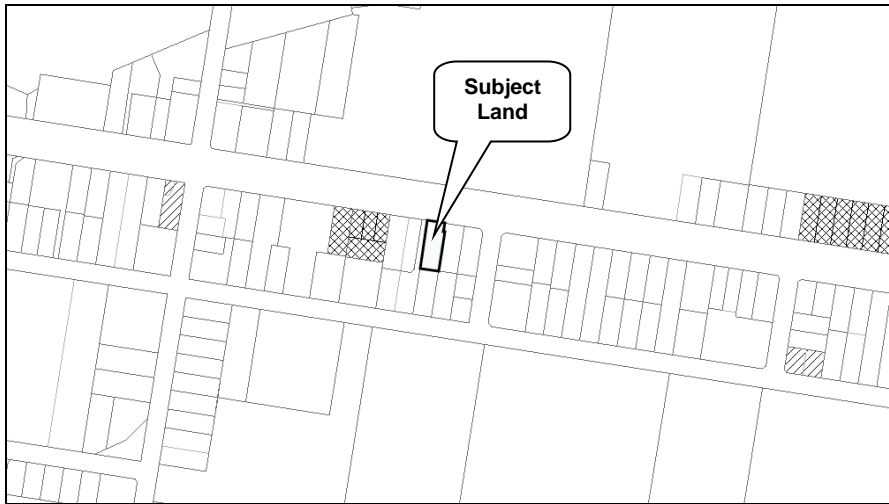


Water and sewer plan – Source: EGW

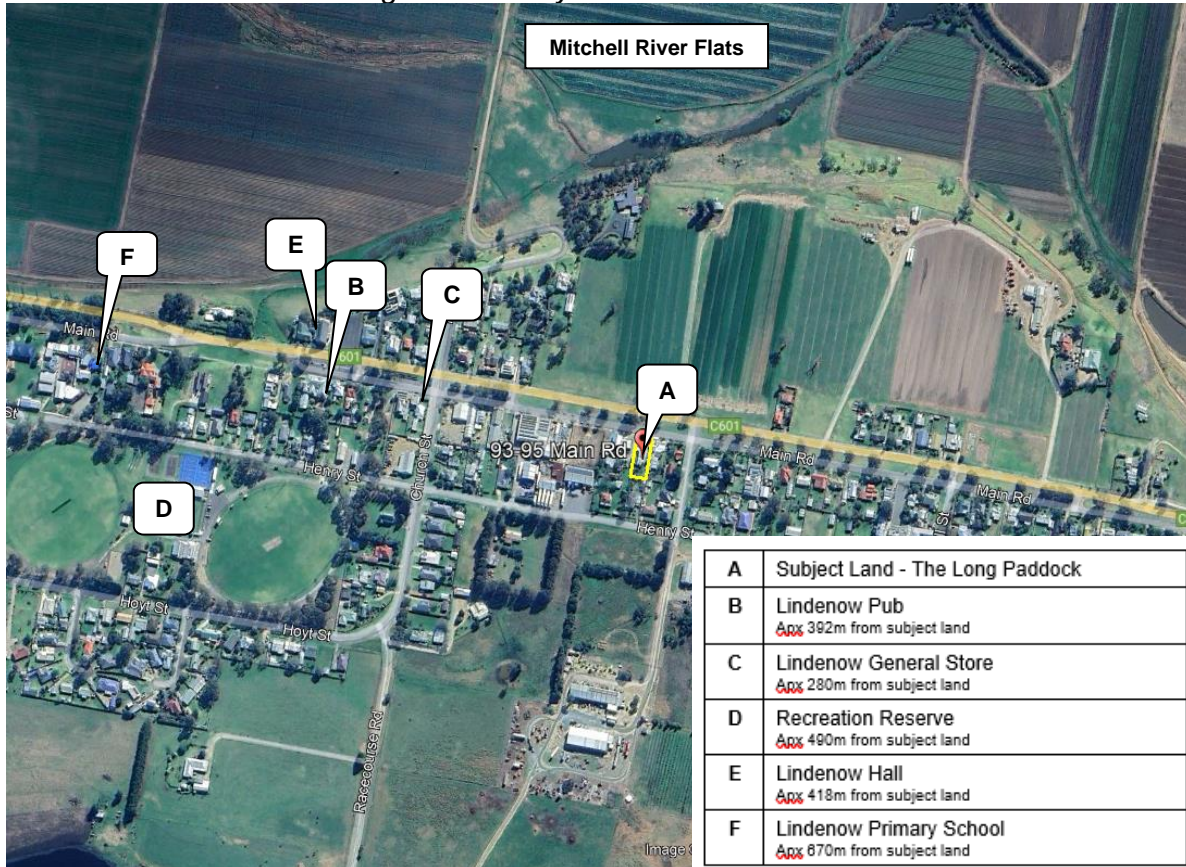
The subject land and surrounding properties to the east, west and south are also contained within the Township Zone. Properties to the north and further south of the site are within the Farming Zone – Schedule 1.

The site forms part of the main commercial centre of Lindenow which accommodates a mix in both commercial, industrial and residential uses. There is also some land on the northern side of the road which is being cropped.

The wider allotment pattern is varied to accommodate the mix in residential and non-residential uses established within the area. A smaller unit style subdivision is located nearby in Edwards Street whilst a large parcel of land contained within the Farming Zone is located on the northern side of Main Road.



Existing allotment layout – Source: VicPlan

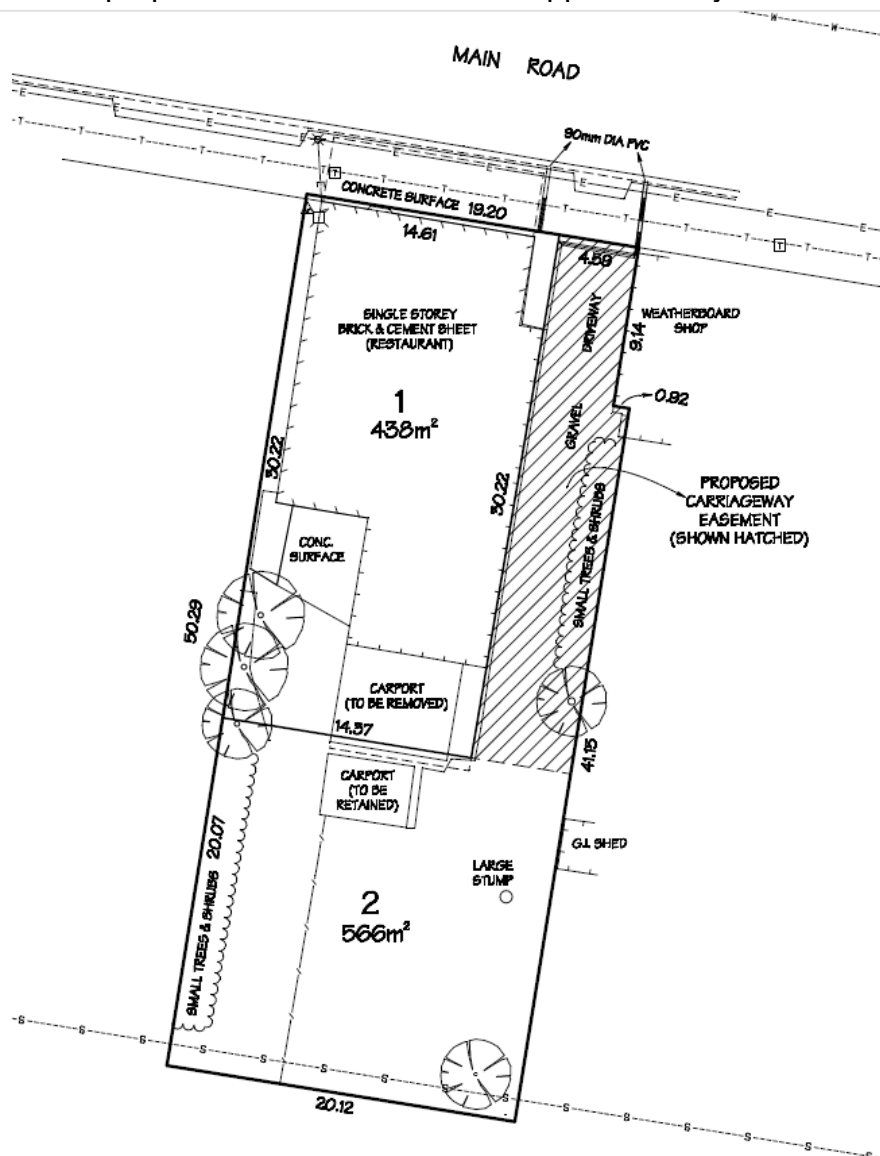


Site & Context Plan

3. The Application & Proposal

The Application seeks approval for a Two Lot Subdivision and Creation of Carriageway Easement to facilitate an allotment for the existing restaurant and a vacant allotment for future development.

Proposed Lot 1 will be approximately 438m² in area and will contain the existing restaurant whilst proposed vacant Lot 2 will be approximately 566m² in area.



Proposed Subdivision Layout

The Battle-axe subdivision design provides both allotments with direct frontage to Main Road and the nomination of a carriageway easement over Lot 2 ensures sufficient access to the side and rear of Lot 1 given the existing building extends across the frontage of Lot 1.

Vehicle parking arrangements associated with *The Long Paddock* (Lot 1) will remain unchanged with on-street parking continuing to cater for both patron and staff parking.

To ensure there is sufficient area within the rear allotment to cater for future residential development an existing carport structure currently attached to the restaurant building will be removed prior to the issue of Statement of Compliance. A separate freestanding carport will be retained in Lot 2.



Carport structure earmarked for removal

The proposed Two Lot Subdivision will avoid referral under the provisions of Clause 66.01 *Subdivision Referrals* and will therefore trigger the need for the standard Conditions at Clause 66.01-1 *Mandatory Conditions for Subdivision Permits*.

Planning approval is required pursuant to the following Clauses of the *East Gippsland Planning Scheme*:

Planning Scheme Clause No.	Description of what is Proposed
Clause 32.05-5 TZ	Subdivision
Clause 52.02	Creation of Carriageway Easement

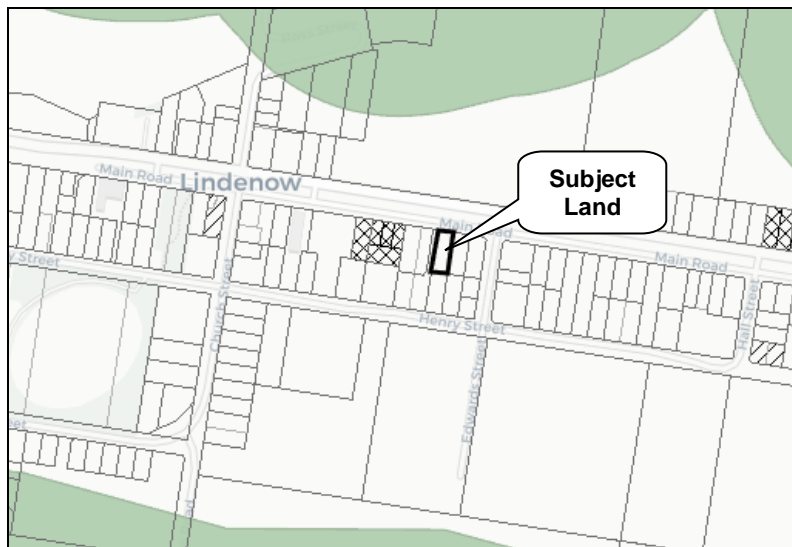
Whilst Main Road adjoining the site to the north is contained within Transport Zone 2, the proposed Two Lot Subdivision does not require consideration of Clause 52.29 *Land Adjacent to the Principal Road Network*.

Clause 52.29.-3 specifies that the permit is not required to subdivide land into two lots where no new access is required and in this instance vehicle access is already established to the proposed vacant allotment.

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006* for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity.*



Cultural Heritage Sensitivity Mapping – Source: VicPlan

The subject land is not identified as being within an area of cultural heritage sensitivity and the subdivision of the land into two lots is not identified as being a high impact activity (Reg 49). There is therefore no mandatory requirement to provide a CHMP in support of the proposal.

5. Planning Policy

The following comments respond to Municipal Planning Strategy and Planning Policy Framework as relevant to the proposal.

5.1 Municipal Planning Strategy

Clause 02.03-1 *Settlement and housing* identifies Lindenow as rural township located west of Bairnsdale with a population of around 300 and a district population of about 3000.

Clause 02.03-4 *Natural resource management* recognises that the Lindenow district covers some of the most productive agricultural land in East Gippsland and sustains a very diverse agricultural industry. Council's strategic directions for natural resource management are adhered to given the sites location within the established township area of Lindenow.

5.2 Planning Policy Framework

Clause 11.01-1S *Settlement* seeks to promote the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements. The proposed subdivision will result in the creation of a vacant allotment promoting opportunity for either population increase or future economic opportunities to be considered.

Clause 15.01-3S *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposal responds well as the subdivision provides both allotments with direct frontage to Main Road and considers existing buildings and infrastructure.

The opportunity proposal responds well to Clause 15.01-4L *Health and wellbeing* as it will provide infill development opportunities into an established township area which aids in supporting community health, wellbeing and safety.

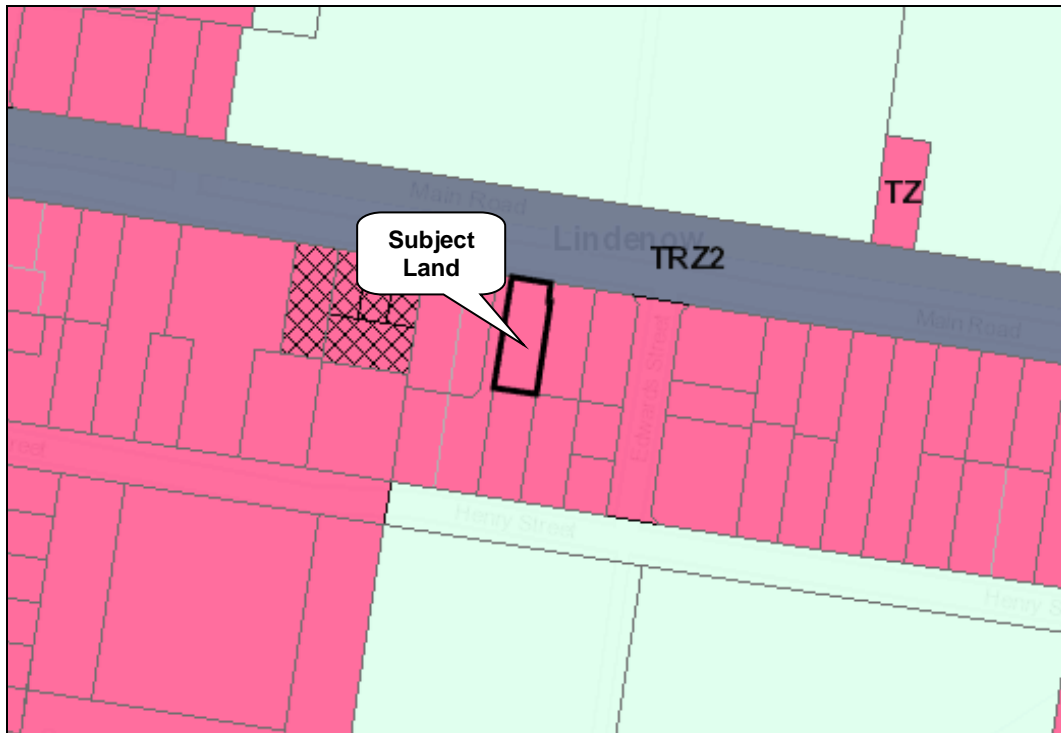
The objectives and strategies at Clause 15.01-5S *Neighbourhood character* are supported by the proposal by adopting a subdivision design that can be incorporated into the established allotment pattern.

As part of the subdivision both proposed allotments will be connected to existing services inclusive of power, sewer, water and telecommunications consistent with Clause 19 *Infrastructure*.

6. Planning Elements

6.1 Township Zone

The purpose of the Township Zone is to provide for residential development, commercial, industrial and other uses in small towns, encourage development that respects the neighbourhood character of the area, implement neighbourhood character policy and allow educations, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.



Zone mapping – Source: VicPlan

The proposed subdivision is considered to respond positively to the purpose of the zone as it will provide opportunity for future development to occur within the township of Lindenow which has good access to services and facilities.

Planning approval is triggered at Clause 32.05-5 for subdivision of the land in accordance with the Township Zone provisions.

The following table provides a response to the relevant objectives and standards to Clause 56 applicable to Two Lot Subdivision.

Objective	Design Response
56.03-5 Neighbourhood Character	Complies <p>The subject land is located within the existing township area which comprises a large number of established commercial and residential properties.</p> <p>The subdivision is able to be incorporated into the precinct easily as there is variation in the established allotment pattern.</p> <p>There are smaller unit style allotments nearby within Edwards Street whilst a large Farming Zone parcel is located on the northern side of Main Road.</p> <p>Whilst the majority of allotments within the precinct are provided with street frontage, there are battle-axe style developments provided within the wider area.</p> <p>There are no Neighbourhood Character Overlays applying and no neighbourhood character objectives specified under the Schedule to the Township Zone.</p>
56.04-2 Lot area and building envelopes	Complies <p>The proposed allotments have been designed with sufficient area and dimensions to accommodate the existing building (Lot 1) and future development (Lot 2).</p> <p>The vacant allotment (Lot 2) is an appropriate width and depth capable of supporting future development, including a dwelling, with 10m X15m rectangle as demonstrated by the accompanying Design Response Plan ensuring compliance with Standard C8.</p>
56.04-3 Solar orientation of lots	Complies <p>The proposed allotments both provide good solar access and orientation given their design and position. The requirements of standard C9 are therefore easily achieved.</p>
56.04-5 Common Areas	N/A <p>There are no areas of Common Property proposed.</p>
56.06-8 Lot access	Complies <p>The existing vehicle crossing will provide vehicle access into proposed Lot 2 whilst vehicle access associated with the existing building on Lot 1 will continue to be accommodated via the on-street parking.</p> <p>As part of the proposal a carriageway easement has been proposed over Lot 2 to ensure there is adequate access to the rear of Lot 1.</p>
56.07-1 Drinking water supply	Complies <p>Each of the proposed allotments will be connected to reticulated water supply as already established within Main Road.</p>

56.07-2 Reused and recycled water	Complies Will be dependent upon future lot purchasers and development of the land.
56.07-3 Wastewater management	Complies The site is already connected to reticulated sewer which dissects the southern portion of the property in an east west direction. As the proposal is a Two Lot Subdivision it will trigger the mandatory Condition prescribed at Clause 66.01-1 for the owner of the land to enter into agreements with the relevant authorities for the provision of services to each allotment.
56.07-4 Urban run-off management	Complies Stormwater drainage is included within the adjoining road reserve.
56.08-1 Site management	Complies Minimal works will be required on site as part of the subdivision. The site will be managed to the satisfaction of the Responsible Authority.
56.09-1 Shared trenching	Complies Existing infrastructure can service the additional lot with no extension required.
56.09-2 Electricity, telecommunications and gas	Complies Each of the proposed allotments will be connected to electricity and telecommunications as already established to the site.

7. Conclusion

The proposed Two Lot Subdivision and Creation of Carriageway Easement at 93-95 Main Road, Lindenow is considered to accord with all relevant provisions of the Township Zone of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

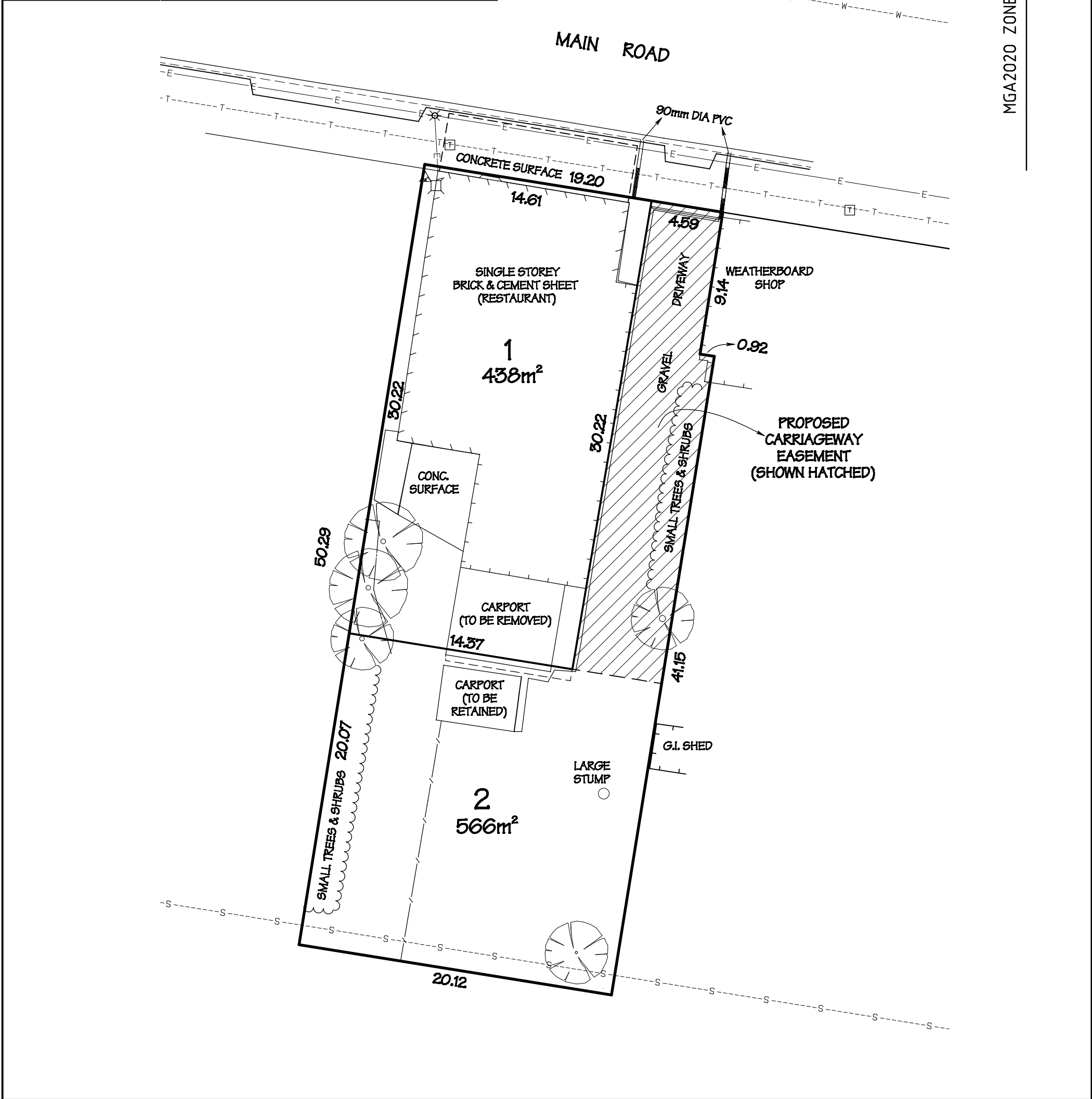
For these reasons we respectfully request that Council consider the merits of the Application favourably and resolve to issue a Planning Permit.

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PROPOSED SUBDIVISION

PARISH OF COONGULMERANG
CROWN ALLOTMENT 27B (PART)

LOT 1 - LPI13528



MGA2020 ZONE 55

T. BERTINO & A. EISENMENGER 93-95 MAIN ROAD, LINDENOW		NOTATIONS	
		AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5152 5011 E. contact@crowthersadler.com.au		SCALE (SHEET SIZE A3)	SURVEYORS REF.
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DESIGN RESPONSE PLAN

PARISH OF COONGULMERANG
CROWN ALLOTMENT 27B (PART)

LOT 1 - LP113528

MGA2020 ZONE 55



Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5162 5011 E. contact@crowthersadler.com.au

T. BERTINO & A. EISENMENGER
93-95 MAIN ROAD, LINDENOW

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 500

20714

VERSION 1 - DRAWN 13/02/2023