

## Form 2

**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

<b>The land affected by the application is located at:</b>	<b>86 Crooke Street EAST BAIRNSDALE 3875 Lot: 2 PS: 808326</b>
<b>The application is for a permit to:</b>	<b>Four Lot Subdivision and Creation of a Carriage Way Easement</b>
<b>The applicant for the permit is:</b>	<b>Development Solutions Victoria Pty Ltd</b>
<b>The application reference number is:</b>	<b>5.2024.38.1</b>

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.

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



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

Page 1 of 3

VOLUME 12022 FOLIO 698

Security no : 124112498561J  
Produced 08/02/2024 01:39 PM

### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 808326Q.  
PARENT TITLE Volume 09075 Folio 986  
Created by instrument PS808326Q 11/10/2018

### REGISTERED PROPRIETOR

Estate Fee Simple

### ENCUMBRANCES, CAVEATS AND NOTICES

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

### DIAGRAM LOCATION

SEE PS808326Q 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: 86 CROOKE STREET EAST BAIRNSDALE VIC 3875

DOCUMENT END



# Imaged Document Cover Sheet

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Document Identification	<b>PS808326Q</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>08/02/2024 13:39</b>

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PLAN OF SUBDIVISION				
UNDER SECTION 35 OF THE SUBDIVISION ACT 1988				
<b>LOCATION OF LAND</b>				
<b>PARISH:</b>		WY YUNG		
<b>TOWNSHIP:</b>		LUCKNOW		
<b>SECTION:</b>		_____		
<b>CROWN ALLOTMENT:</b>		_____		
<b>CROWN PORTION:</b>		CROWN PRE-EMPTIVE SECTION A (PART)		
<b>TITLE REFERENCE:</b>		VOL 9075 FOL 986		
<b>LAST PLAN REFERENCE:</b>		LOT 1 - TPI99179C		
<b>POSTAL ADDRESS: (at time of subdivision)</b>		76 CROOKE STREET, EAST BAIRNSDALE, 3875		
<b>MGA CO-ORDINATES: (of approx centre of land in plan)</b>		<b>E:</b> 557 430 <b>ZONE:</b> 55 <b>N:</b> 5812 650 <b>GDA 94</b>		
<b>VESTING OF ROADS AND/OR RESERVES</b>				
<b>IDENTIFIER</b>		<b>COUNCIL/BODY/PERSON</b>		
RESERVE No. 1		EAST GIPPSLAND SHIRE COUNCIL		
<b>NOTATIONS</b>				
<b>DEPTH LIMITATION</b> DOES NOT APPLY				
<b>SURVEY:</b> This plan is based on survey.				
<b>STAGING:</b> This is not a staged subdivision. Planning Permit No.				
This survey has been connected to permanent marks No(s). 64 & 65 & (BROADLANDS) 23				
In Proclaimed Survey Area No.				
<b>NOTATIONS</b>				
LAND IN THIS PLAN IS TO BE ACQUIRED BY AGREEMENT				
<b>EASEMENT INFORMATION</b>				
<b>LEGEND:</b> A - Appurtenant Easement      E - Encumbering Easement      R - Encumbering Easement (Road)				
<b>Easement Reference</b>	<b>Purpose</b>	<b>Width (Metres)</b>	<b>Origin</b>	<b>Land Benefited/In Favour Of</b>
<b>Crowther &amp; Sadler Pty. Ltd.</b> LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 6162 6011 E. <a href="mailto:contact@crowthersadler.com.au">contact@crowthersadler.com.au</a>		<b>SURVEYORS FILE REF:</b> 17268		<b>ORIGINAL SHEET SIZE:</b> A3 <b>SHEET 1 OF 4 SHEETS</b>
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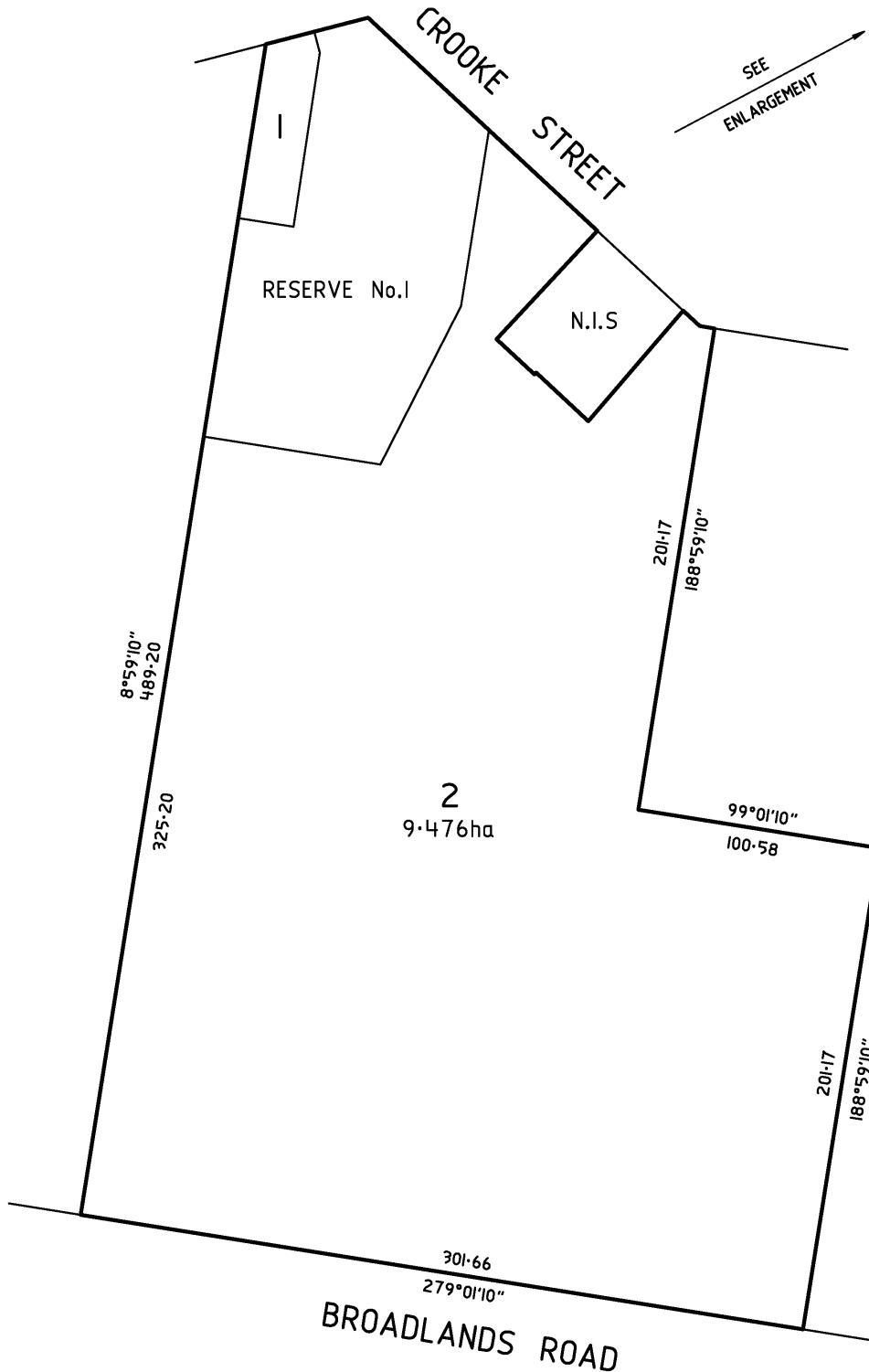
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PS 808326Q

MGA94 ZONE 55

FOR ENLARGEMENT  
SEE SHEET 3

SEE  
ENLARGEMENT



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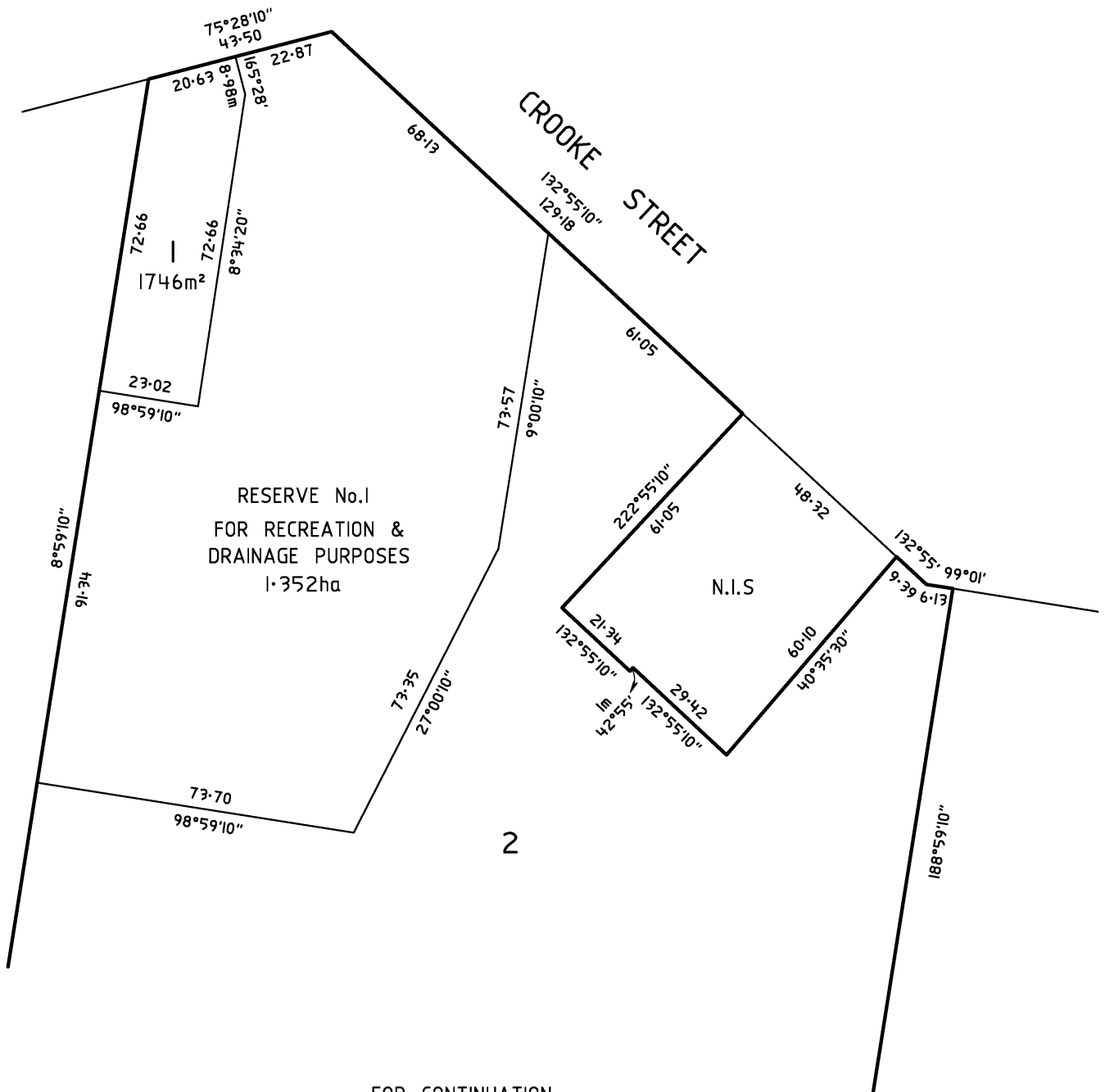
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PS 808326Q

## VESTING DATES & TRANSFER REGISTRATION DATES OF ACQUIRED LAND

Land Affected	Land acquired by compulsory process			Land acquired by agreement	LR reference	Assistant Registrar of Titles  Signature	
	Vesting date	Gov't Gaz.		Date of recording of vesting date			
		Page	Year				
RESERVE No.I	_____	_____	_____	_____	11/10/2018	PS808326Q	RD

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APPLICATION FOR PLANNING PERMIT

# FOUR LOT SUBDIVISION AND CREATION OF A CARRIAGEWAY EASEMENT

86 CROOKE STREET, EAST BAIRNSDALE

COLIN NELSON

REF: 23142

Printed 5/03/2024

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## APPENDIX

A	Copy of Title and Plan of Subdivision
B	Proposed Plan of Subdivision
C	Clause 56 Assessment

## DOCUMENT REVISION

1	Draft Report	DAC	13/01/2024
2	Final Report	CMC	20/01/2024

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## 1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Colin Nelson, the applicant for the planning permit application for a four lot subdivision and creation of a carriageway easement at 86 Crooke Street, East Bairnsdale.

This submission and supporting documentation provide details of the subject site, relevant planning controls and policies and provides an assessment against the provisions of the East Gippsland Planning Scheme.

The owners are seeking to subdivide land into four lots while adopting the existing zoning boundaries.

The proposal is consistent with the objectives of the East Gippsland Planning Scheme, is an appropriate subdivision in this location and will result in an appropriate planning outcome.

<b>Address</b>	<b>86 Crooke Street, East Bairnsdale</b>
<b>Site Description</b>	Lot 2 on Plan of Subdivision 808326Q
<b>Title Particulars</b>	Vol 12022 Fol 698
<b>Site Area</b>	9.476 hectares
<b>Proposal</b>	Four Lot Subdivision and the Creation of a Carriageway Easement
<b>Planning Scheme</b>	East Gippsland Planning Scheme
<b>Zone</b>	Rural Living Zone – Schedule 3 Farming Zone – Schedule 1 General Residential Zone – Schedule 1
<b>Overlays</b>	Land Subject to Inundation Overlay
<b>Aboriginal Cultural Heritage</b>	Not identified as an area of Cultural Heritage Sensitivity
<b>Permit Triggers</b>	Clause 35.03-3 Rural Living Zone Subdivision Clause 35.07-3 Farming Zone Subdivision Clause 32.08-3 General Residential Zone Subdivision Clause 44.04-3 Land Subject to Inundation Overlay Subdivision Clause 52.02 Easements, Restrictions and Reserves
<b>Notice</b>	Exempt from notice and review at Clause 44.04-6
<b>Referrals</b>	EGCMA and SP Ausnet
<b>Work Authority Licence</b>	Not applicable
<b>Planning Scheme requirements</b>	Municipal Planning Strategy – Clause 02 Settlement - Growth area towns – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Built environment and heritage – Clause 15 General Residential Zone – Clause 32.08 Rural Living Zone – 35.03 Farming Zone – 35.07 Land Subject to Inundation Overlay – 44.04 Easements, Restrictions and Reserves – Clause 52.02 Residential Subdivision – Clause 56 Decision guidelines – Clause 65.01 Decision guidelines – Clause 65.02

## 2. SITE CONTEXT

### Site

The subject site is located at 86 Crooke Street, East Bairnsdale. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is not affected by any restrictive covenants or agreements.

The site is an irregular shaped allotment with a total area of approximately 9.476 hectares and contains an existing shed and cattle yards.

The site is gently undulating in nature and contains scattered vegetation throughout and a swamp in the southwestern portion of the site. The subject site is currently vacant land used for the grazing of cattle.

Access to the subject site is existing in the southern portion of the northern boundary directly from Crooke Street and in the eastern portion of the southern boundary directly from Broadlands Road. Crooke Street is sealed bitumen road with grassed shoulders, traversing in a northwest to southeast direction in this location. Crooke Street contains a pedestrian footpath on the northern side of the road. Broadlands Road is a sealed bitumen road with grassed shoulders, traversing in an east to west direction.

The subject site in relation to East Bairnsdale as well as the surrounding land, is shown in the locality plans in **Figure 1** and **Figure 2**.

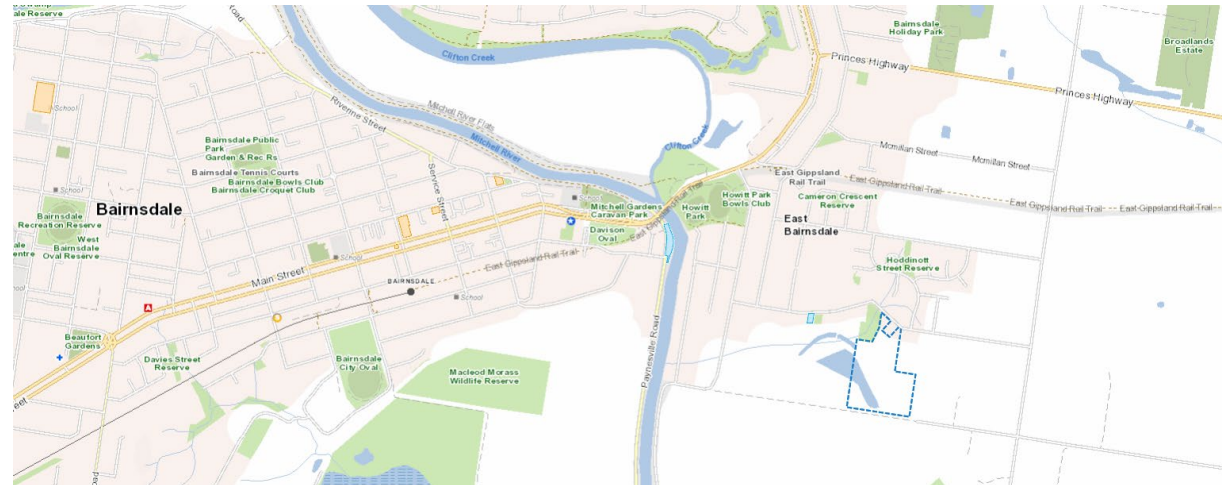


Figure 1 – Locality Plan – 86 Crooke Street, East Bairnsdale (source: mapshare.vic.gov.au)

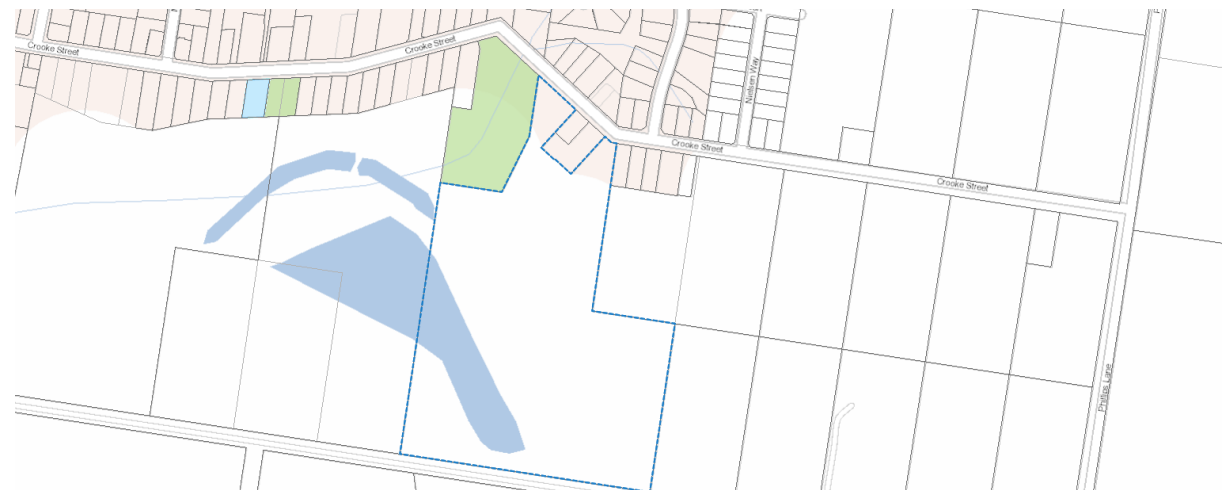


Figure 2 – Locality Plan – 86 Crooke Street, East Bairnsdale (source: mapshare.vic.gov.au)

## Surrounds

The land surrounding the site comprises a combination of residential development and farming land.

Adjoining the northern boundary of the subject site is Crooke Street and further residential development, adjoining the eastern and western boundaries is a combination of residential development and farming land and adjoining the southern boundary is vacant farming land.

The subject site is located in East Bairnsdale, approximately 6.7 kilometres southeast of the central business district of Bairnsdale.

Bairnsdale is located on the Mitchell River and is built around the Princes Highway. The Princes Highway through the main centre of Bairnsdale is a large boulevard featuring trees, garden areas, a rotunda and many other public amenities. The Princes Highway extends through to Lakes Entrance and beyond.

Bairnsdale is the main commercial centre for East Gippsland.

The subject site in relation to Bairnsdale is shown in the aerial photograph below.



Photograph 1 – Aerial Photograph of the subject site and surrounding land  
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**Photograph 2** – Subject site at 86 Crooke Street East Bairnsdale and existing access to proposed Lot 2.



**Photograph 4** – Proposed Lot 2 facing south.



**Photograph 6** – Existing shed on proposed Lot 2 facing southeast.



**Photograph 3** – Proposed Lot 2 facing southwest.



**Photograph 5** – Proposed Lot 2 facing northeast.



**Photograph 7** – Proposed Lot 1 facing northeast.



**Photograph 8** – Proposed Lot 1 facing southwest.



**Photograph 10** – Proposed Lot 3 facing north.



**Photograph 12** – Proposed Lot 3 facing west along the eastern boundary between proposed Lots 3 and 4.



**Photograph 9** – Proposed Lot 3 facing west.



**Photograph 11** – Proposed Lot 3 facing northwest along the southern boundary.



**Photograph 13** – Proposed Lot 3 facing south.



**Photograph 14** – Proposed Lot 4 facing north.



**Photograph 16** – Proposed Lot 4 facing southwest.



**Photograph 18** – Neighbouring property adjoining the property between proposed Lots 1 and 2 at 100 Crooke Street, East Bairnsdale.



**Photograph 15** – Proposed Lot 4 facing south.



**Photograph 17** – Neighbouring property adjoining the subject site along the eastern boundary at 104 Crooke Street, East Bairnsdale.



**Photograph 19** – Neighbouring property adjoining the property between proposed Lots 1 and 2 at 98 Crooke Street, East Bairnsdale.



**Photograph 20** – Property directly opposite the subject site at 89 Crooke Street, East Bairnsdale.



**Photograph 22** – Crooke Street facing east.



**Photograph 21** – Property directly opposite the subject site at 91 Crooke Street, East Bairnsdale.



**Photograph 23** – Crooke Street facing west.

### 3. THE PROPOSAL

This application seeks approval for the subdivision of the land into four lots and the creation of a carriageway easement. A proposed plan of subdivision is provided in **Appendix B**.

#### Lot 1

The proposed Lot 1 will be irregular in shape and will be approximately 2474m<sup>2</sup> in area. This lot comprises the northwestern portion of the site and will be vacant residential land. Access to this allotment is proposed in the eastern portion of the northern boundary and will be provided directly from Crooke Street.

#### Lot 2

The proposed Lot 2 will be irregular in shape and will be approximately 1798m<sup>2</sup>. This lot will comprise the eastern portion of the site and will be vacant residential land. Access to this proposed allotment is existing directly from Crooke Street along the northern boundary and will remain unchanged. This lot will contain the proposed carriageway easement along the eastern boundary to facilitate additional access to the proposed Lots 3 and 4.

#### Lot 3

The proposed Lot 3 will be irregular in shape and will be approximately 7.026 ha in area. This lot comprises the larger portion of the site being the western portion and will be vacant land.

This parcel is the farming zoned parcel which includes the lower land. Access to this allotment is proposed in the eastern portion of the southern boundary directly from Broadlands Road. This lot will also contain the proposed carriageway easement along the eastern boundary. This lot will have access to the carriageway easement that will provide for flood free access to both Lots 3 and 4. The carriageway easement will provide direct access to Crooke Street.

#### Lot 4

The proposed Lot 4 will be rectangular in shape and will be approximately 2.023 ha in area. This lot will comprise the eastern portion of the site being the Rural Living Zone area. Access to this allotment is existing in the eastern portion of the southern boundary directly from Broadlands Road. This lot will also have access provided via the proposed carriageway easement that will provide for flood free access. The carriageway easement will provide direct access to Crooke Street.

The proposal includes the creation of a carriageway easement that will be used to provide access to proposed Lot 3 and 4 in the event of a flood.

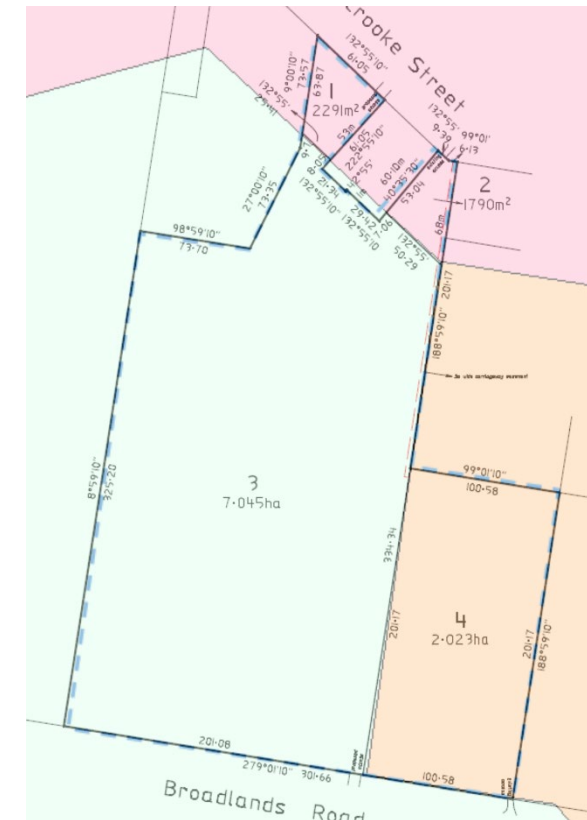


Figure 3 – Proposed Subdivision Plan over Zone Map

## Services

Each of the proposed lots will be connected to the services available. The proposal will be referred to each service authority to determine availability of services. It is anticipated that the residential zoned lots will be connected to reticulated water, sewerage, electricity, telecommunications and drainage. All lots will have access to a suitable road network.

Excavation and earthworks works may be required for the provision of services and the creation of access to proposed allotments.

The proposal does not require the removal of any vegetation.

It is requested that formal drainage plans be a requirement on any planning permit to be granted.

The existing shed on the proposed Lot 3 will be removed.

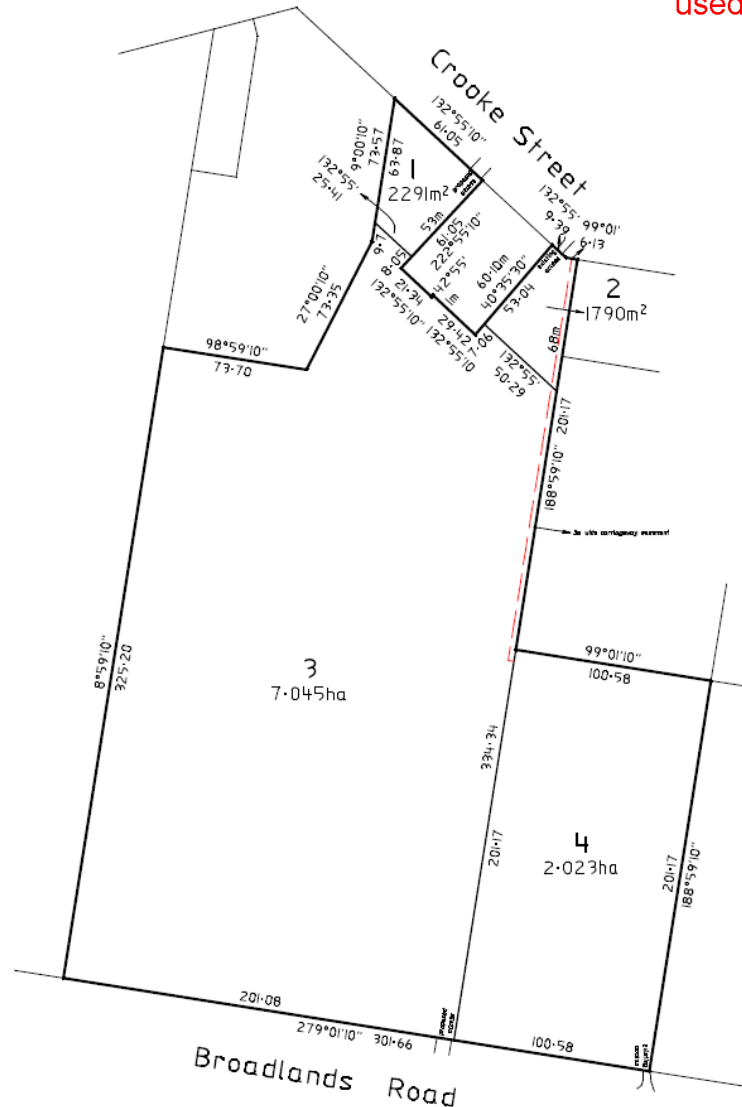


Figure 4 – Proposed Subdivision Plan – One Plan

#### 4. ZONES AND OVERLAYS

##### Rural Living Zone – Schedule 3

The purpose of the Rural Living Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for residential use in a rural environment.
- To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.
- To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.

An extract of the Rural Living Zone Map is provided in **Figure 5**.

Clause 35.03-3 provides a permit is required to subdivide land. Each lot must be at least the area specified for the land in a schedule to this zone. If no area is specified, each lot must be at least 2 hectares. The schedule provides the minimum subdivision area is 8 hectares.

Given the subject site has multiple zones, the proposed subdivision has adopted the zoning boundaries where practical. An application can be made to create a lot less than the zone minimum under the provision of Clause 64.03 – Subdivision of Land in more than one zone.

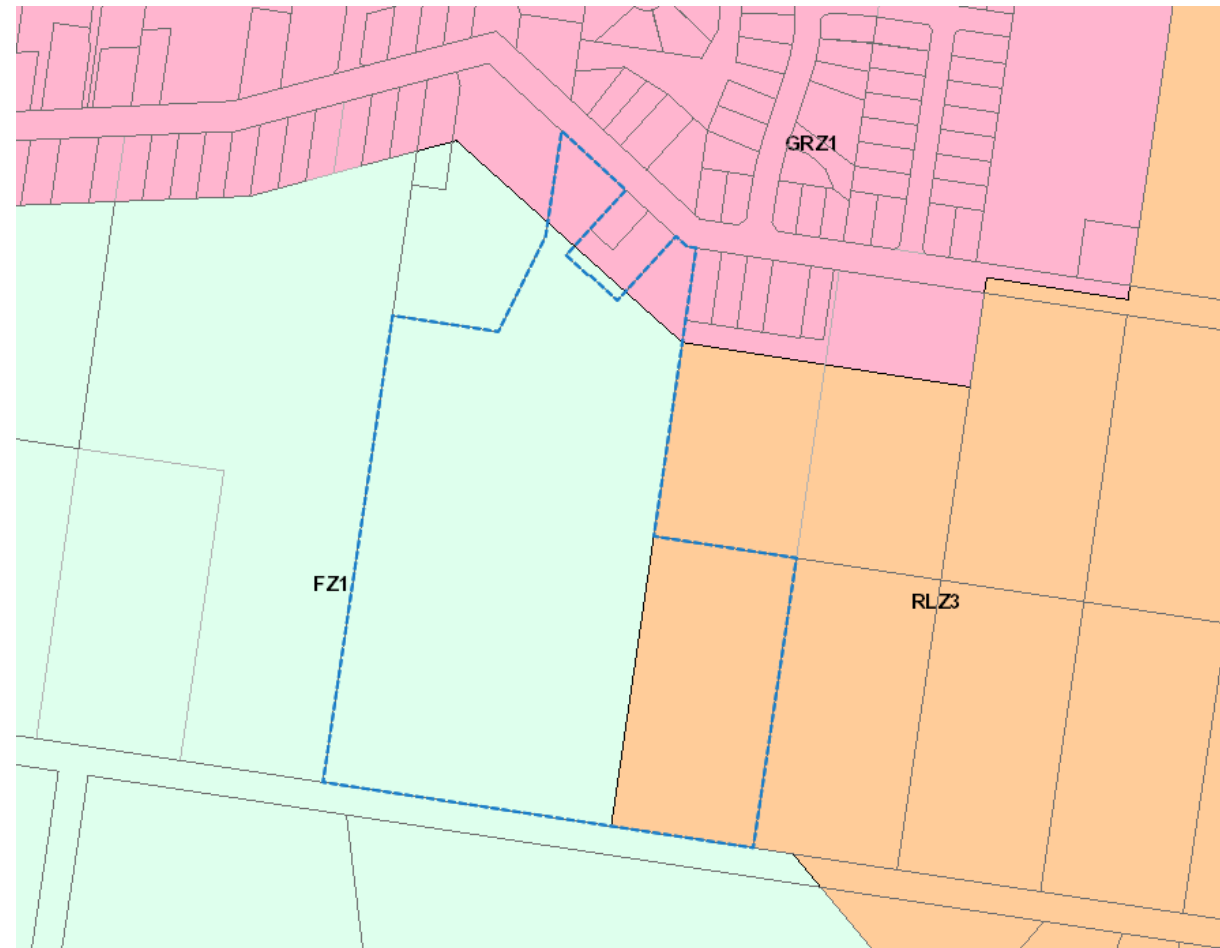


Figure 5 – Zoning Map – (source - mapshare.vic.gov.au)

## Farming Zone – Schedule 1

The purpose of the Farming Zone is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.
- To provide for the use and development of land for the specific purposes identified in a schedule to this zone.

An extract of the Farming Zone Map is provided to the right in **Figure 6**.

Clause 35.07-3 of the Farming Zone provides a permit is required to subdivide land and as such

the relevant decision guidelines are addressed Section 5.

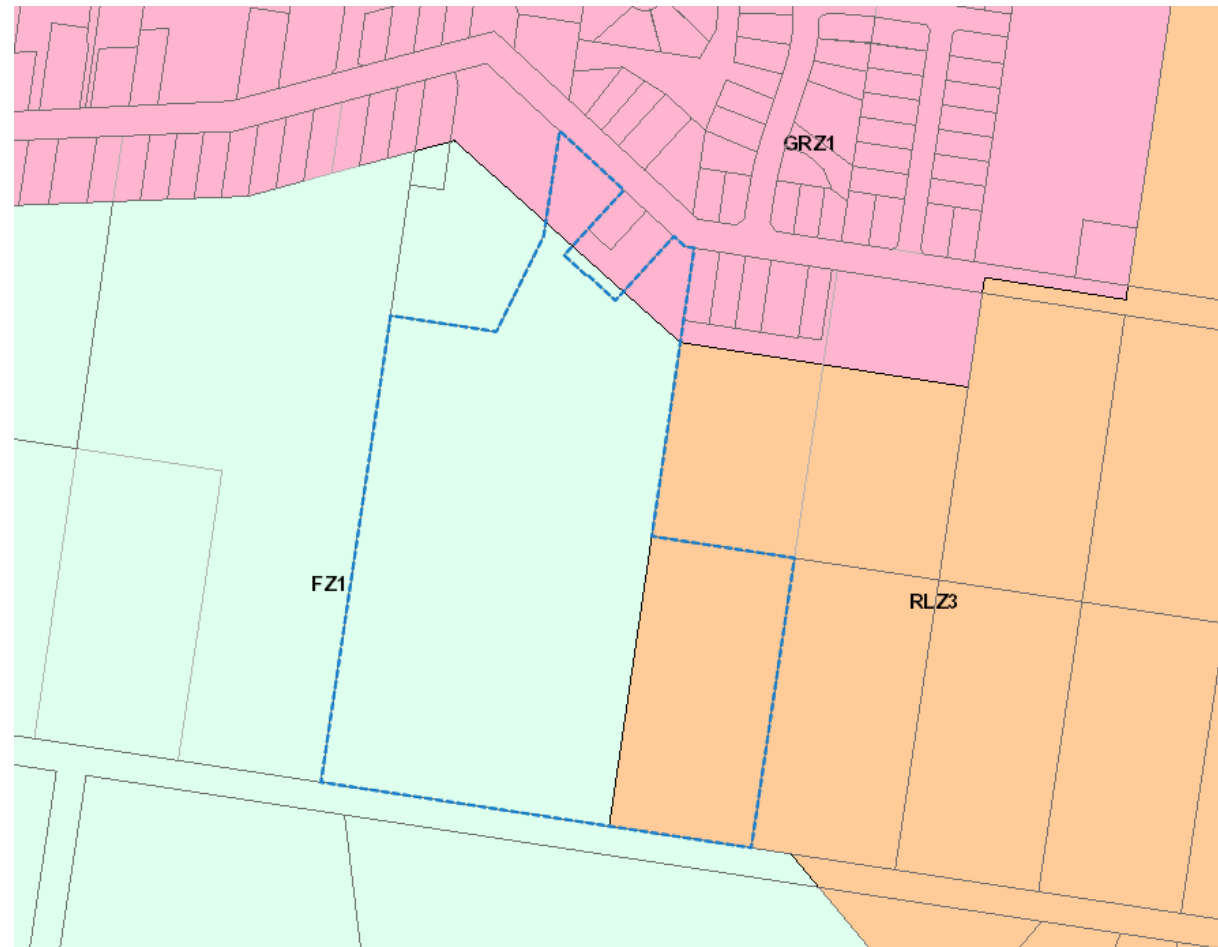


Figure 6 – Zoning Map – (source - mapshare.vic.gov.au)

## General Residential Zone – Schedule 1

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 in **Figure 7**.

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. The relevant standards of Clause 56 are addressed in **Appendix C**.

The decision guidelines of Clause 32.08 of the General Residential Zone are addressed in Section 5 of this submission.

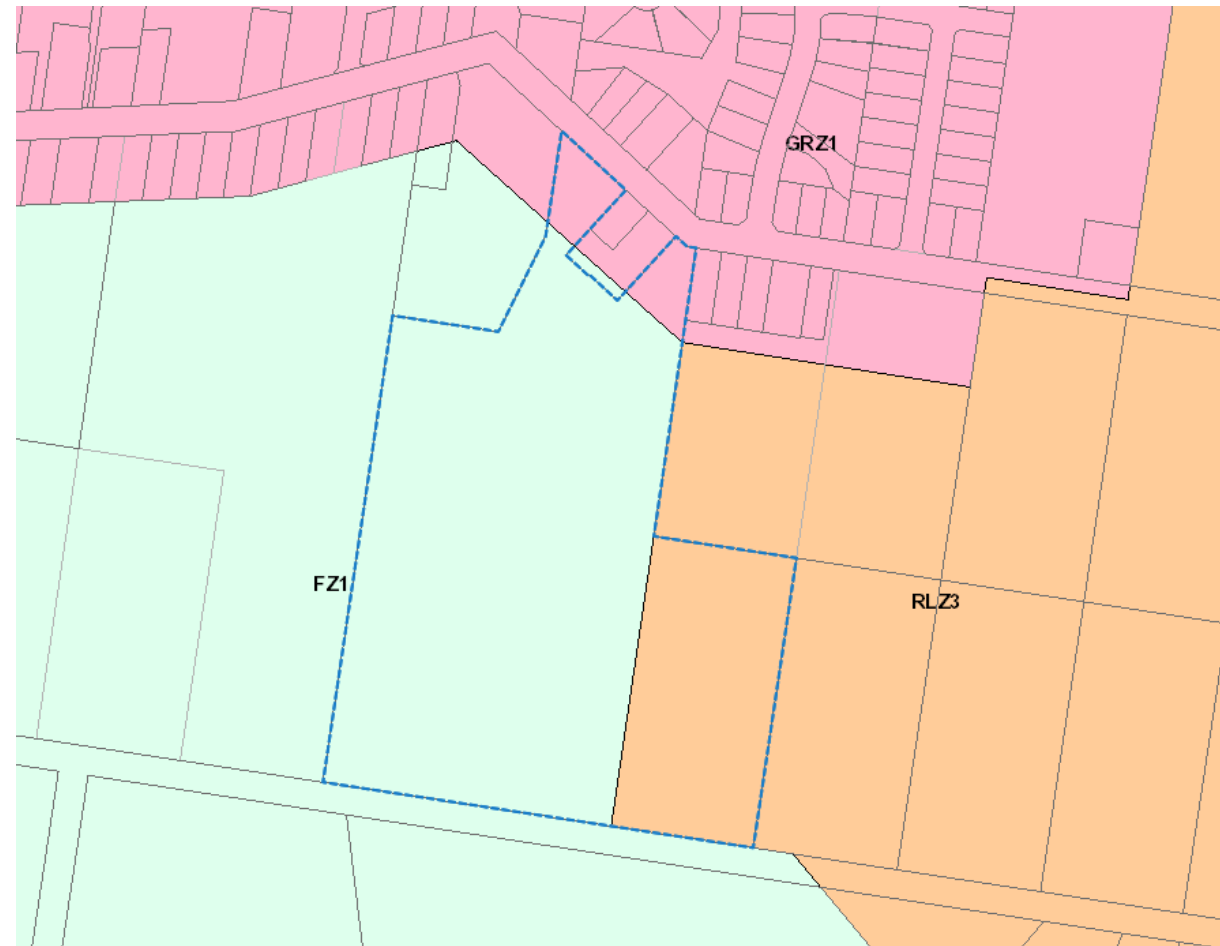


Figure 7 – Zoning Map – (source - mapshare.vic.gov.au)

Clause 44.04-3 provides a permit is required to subdivide land. As such the relevant decision guidelines at clause 44.04-8 are address in Section 5

## Land Subject to Inundation Overlay

The purpose of the Land Subject to Inundation Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify flood prone land in a riverine or coastal area affected by the 1 in 100 (1 per cent Annual Exceedance Probability) year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of floodwaters, minimises flood damage, responds to the flood hazard and local drainage conditions and will not cause any significant rise in flood level or flow velocity.
- To minimise the potential flood risk to life, health and safety associated with development.
- To reflect a declaration under Division 4 of Part 10 of the Water Act, 1989.
- To protect water quality and waterways as natural resources by managing urban stormwater, protecting water supply catchment areas, and managing saline discharges to minimise the risks to the environmental quality of water and groundwater.

- To ensure that development maintains or improves river, marine, coastal and wetland health, waterway protection and floodplain health.

An extract of the Land Subject to Inundation Overlay Map is provided below in **Figure 8**:

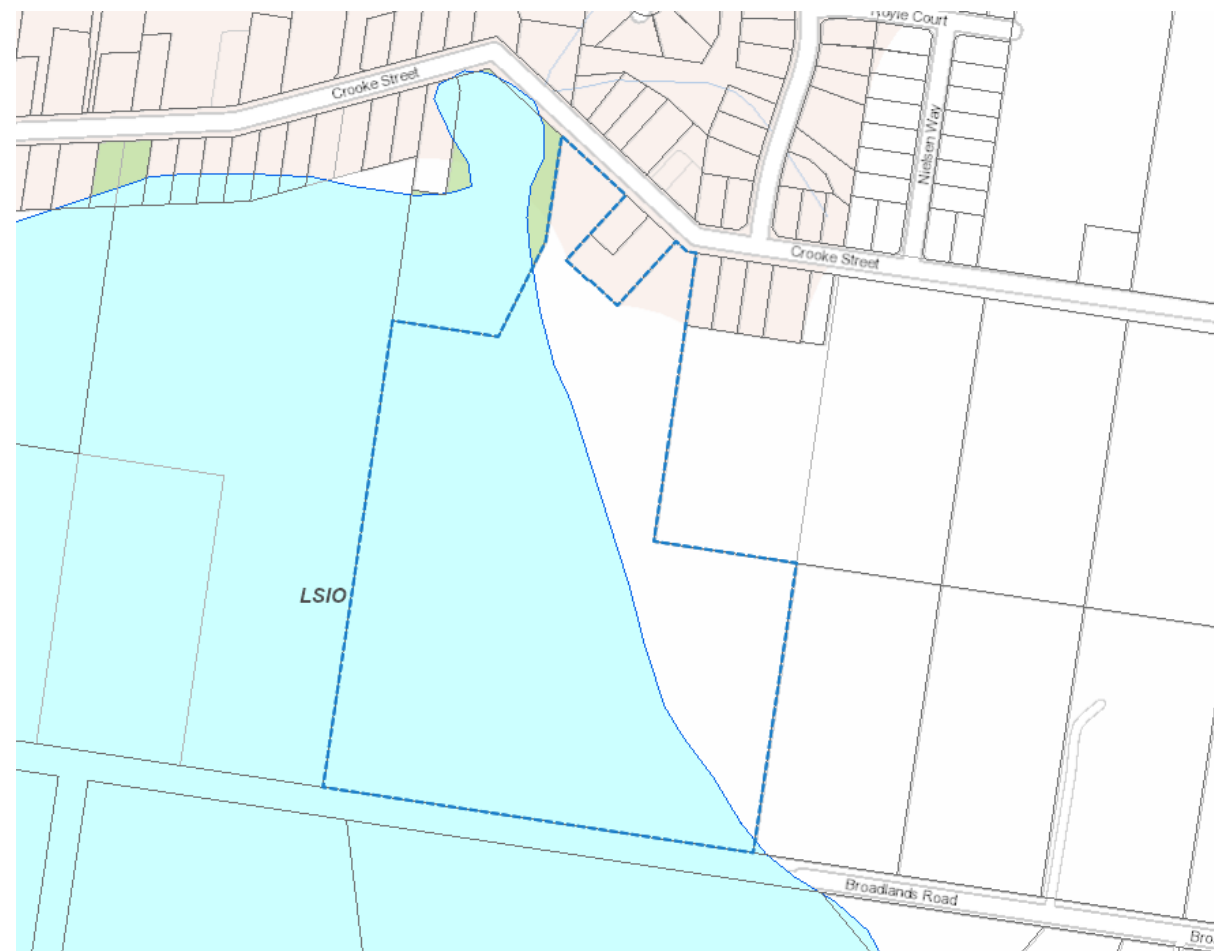


Figure 8 – Land Subject to Inundation Overlay – (source - mapshare.vic.gov.au)

## 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. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposed subdivision is appropriate for the following reasons:

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing for an appropriate subdivision that will adopt the existing zoning boundaries for the proposed allotments. The proposed vacant allotments are of a suitable size to accommodate future residential development that can be respectful of the existing surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing a lot layout to meet the constraints of the land reducing any potential negative environmental implications as sought to achieve by the relevant clauses including **Clause 02.03** and **Clause 11**. The site does contain scattered vegetation however no vegetation is required to be removed to facilitate the proposed subdivision.
- **Clause 02.03-1** identifies Bairnsdale as a growth area town and encourages

development on fully serviced residential land. The proposed subdivision will result in four vacant allotments that can adequately accommodate a residential dwelling in the future. The subject site has access to all available services. The proposed vacant lots being created will be connected to all available services and infrastructure including reticulated water, sewerage electricity, telecommunications and a good quality road network if deemed appropriate by the individual service authorities.

- The risks associated with inundation have been considered and the proposed subdivision is deemed to have appropriately reduced the risks to an acceptable level as sought to be achieved by **Clause 02.03-3** and **Clause 13** in particular by providing an additional access driveway via the proposed carriageway easement along the eastern boundary of proposed Lots 2 and 3 which will be located in a flood free area and adjoin directly to Crooke Street.
- The economic importance of agricultural production is recognised in **Clause 14**, which also seeks to ensure agricultural land is managed sustainably. The proposed subdivision will adopt the existing zoning boundaries. The subject site is not of a size that could sustain intensive agricultural practises particularly given the swampland

located in the southwest portion of the site being mostly located in the areas zoned farming.

- **Clauses 02.03-3, 13.03-1S and 44.04** requires consideration of floodplains and inundation hazards and implications as a result of any proposed subdivision. Preliminary advice has not been sought from East Gippsland Catchment Management Authority.
- Access to proposed Lots 1 and 2 will be provided directly from Crooke Street and proposed Lots 3 and 4 will have access provided via Broadlands Road. The proposal includes the creation of a carriageway easement that will extend from Crooke Street along the eastern boundary of proposed Lots 2 and 3. The carriageway easement will provide flood free access for proposed Lots 3 and 4.
- The proposal has addressed the decision guidelines of the Farming Zone at **Clause 35.07-6** which seeks to protect and enhance agricultural land.
- The subject site results in 4 allotments with one being zoned farming zone. The subject site is not of a size that is considered to be suitable for intensive agricultural practices.
- The proposed subdivision has adopted the existing zoning boundaries and does not seek to construct any buildings at this time.

The proposed Lot 3 will comprise the farming zoned portion of the site. There is existing swampland located in the southwest portion of the site which will be contained within proposed Lot 3 being the farming zoned lot.

- The proposal does not permanently remove any productive agricultural land. All allotments will have appropriate access provided. Proposed Lot 3 will have access provided along the southern boundary, directly from Broadlands Road, additional flood free access will be provided along the eastern boundary via a carriageway easement that connects directly to Crooke Street.
- The proposal is generally consistent with the decision guidelines of the General Residential Zone at **Clause 32.08-12** which seeks to encourage development that respects the neighbourhood character.
- The proposed subdivision will result in two allotments within the General Residential Zone that can be developed in the future with a residential dwelling that can be keeping with the neighbourhood character of the area. The proposed allotments will all be vacant land.
- The proposed subdivision relative to the residential zoned land has addressed the

relevant standards as set out in Clause 56 and is contained in **Appendix C**.

- The pattern of subdivision for the area is varied with lots ranging in shapes and sizes.
- The proposal is consistent with the requirements of **Clause 52.02** and is seeking to create a carriageway easement under section 24A of the *Subdivision Act 1988*. The easement will impact proposed Lot 2 and 3. The proposed carriageway easement will provide emergency access to proposed Lots 3 and 4 in the event of a flood.
- The proposal is generally consistent with the decision guidelines of the Rural Living Zone at **Clause 35.03** which seeks to provide for residential use in a rural environment.
- The proposed subdivision will result in one allotment zoned Rural Living Zone being proposed Lot 4. This allotment has adopted the existing zone boundaries. No vegetation removal will be required to facilitate the proposed subdivision. Access will be provided via individual access points to be constructed to an appropriate standard as determined by the responsible authority and relative to the zone and likely use of the land. Proposed Lot 4 will contain the existing access directly from Broadlands Road and will have an additional access provided via the proposed carriageway

easement that will provide for flood free access in the event of a flood.

- This submission has addressed the decision guidelines of **Clause 65.01** and the proposed subdivision supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposal does not require the removal of any native vegetation and there will be no negative impact on the existing road network.
- The site is not identified as being susceptible to bushfire or erosion hazards however is partially susceptible to flooding hazards.
- Standard erosion prevention measures will be adopted during the provision of services and construction of access.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.
- This submission has addressed the decision guidelines of **Clause 65.02** and it is concluded the proposed subdivision is suitable in this location and the proposed lots can adequately accommodate a residential dwelling in the future that will in turn support the community by providing for additional housing.

- The subject site is currently connected to all available services and the proposed Lots will be connected to all available services. The additional lots are not expected to exceed the capacity of the services in this location.
- The proposed vacant allotments will support infill residential development with access to a suitable range of services and infrastructure. Infill residential development is strongly encouraged to support diversity of housing types and increase supply.

## 6. CONCLUSION

This submission is in support of a planning permit application for a four lot subdivision and creation of a carriageway easement at 86 Crooke Street, East Bairnsdale.

The relevant provisions of the East Gippsland Planning Scheme have been addressed and it has been ascertained that the proposed subdivision is appropriate in this location. It is requested that the proposal be supported for the following reasons:

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is generally consistent with the objectives of the Rural Living Zone, Farming Zone and General Residential Zone.
- The proposed subdivision will provide for an appropriate lot layout.
- The design of the subdivision is site responsive and consistent with the surrounding lot layout.

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

**Development Solutions Victoria**

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## APPENDIX C

### Clause 56 Assessment

## 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.

The table below addresses the relevant requirements of Clause 56 as relevant to the two lots contained within the General Residential Zone being Lots 1 and 2.

<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>Response:</b></p>	<p>There is no Neighbourhood Character Statement or specific character identified for this location. This area contains a mixture of zones including residential, rural living and farming zone. The dwellings in the area are of various heights, styles and setbacks with predominantly singular points of access. The lot configuration in this location is varied. The proposed lots will have a similar street frontage to others in the immediate area.</p> <p>The proposed lot layout is responsive to the site and will adopt the existing zone boundaries across the site. The proposed allotments will provide for future residential development that can be consistent with the existing surrounding development. The area of the proposed lots ensures adequate provision for the subdivision to provide an appropriate level of services and facilities for future development that can be consistent with the objectives of each of the respective zones.</p> <p>Access to the proposed lots will be provided via individual access points. Proposed Lot 1 will have access provided along the northern boundary directly from Crooke Street, proposed Lot 2 will contain the existing access along the northern boundary directly from Crooke Street, proposed Lot 3 will have access provided along the southern boundary directly from Broadlands Road and proposed Lot 4 will contain the existing access directly from Broadlands Road. The proposal is seeking the creation of a carriageway easement that will provide flood free access to proposed Lots 3 and 4 in the event of a flood. It is anticipated that the crossovers will require upgrading as a condition on any planning permit to be granted.</p> <p>The subject site does contain scattered vegetation however, no vegetation is required to be removed to facilitate the proposed subdivision. There are no significant features in the area that would be detrimentally affected by the proposed subdivision and potential future residential development. The proposed subdivision will not negatively impact the existing streetscape or neighbourhood character of the area.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<b>Clause 56.04-2 Lot area and building envelopes objective:</b>	<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>
<b>Response:</b>	<p>This application seeks approval for the creation of four allotments with two being within the General Residential Zone, each greater than 300m<sup>2</sup> in area. The proposed Lot 1 will be 2474m<sup>2</sup> in area and proposed Lot 2 will be 1798m<sup>2</sup> in area. The proposed lots will be vacant land however proposed Lot 2 will contain the proposed carriageway easement along the eastern boundary.</p> <p>Lot 1 will have access provided along the northern boundary directly to Crooke Street and proposed Lot 2 will contain the existing access along the northern boundary directly to Crooke Street.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access for the existing development surrounding the site and any future development on the vacant lots. The size and configuration of the proposed lots is considered more than adequate to accommodate any future development if desired whilst respecting surrounding land uses and development.</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>Response:</b>	<p>The proposed subdivision creates two residential allotments of north south orientation with the long axis of the lot within the range north 20 degrees west to north 30 degrees east. Each of the lots will have appropriate solar access and any future development 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>Response:</b>	<p>The proposal does not include any common property area.</p> <p><b>This clause is not relevant to the proposal.</b></p>

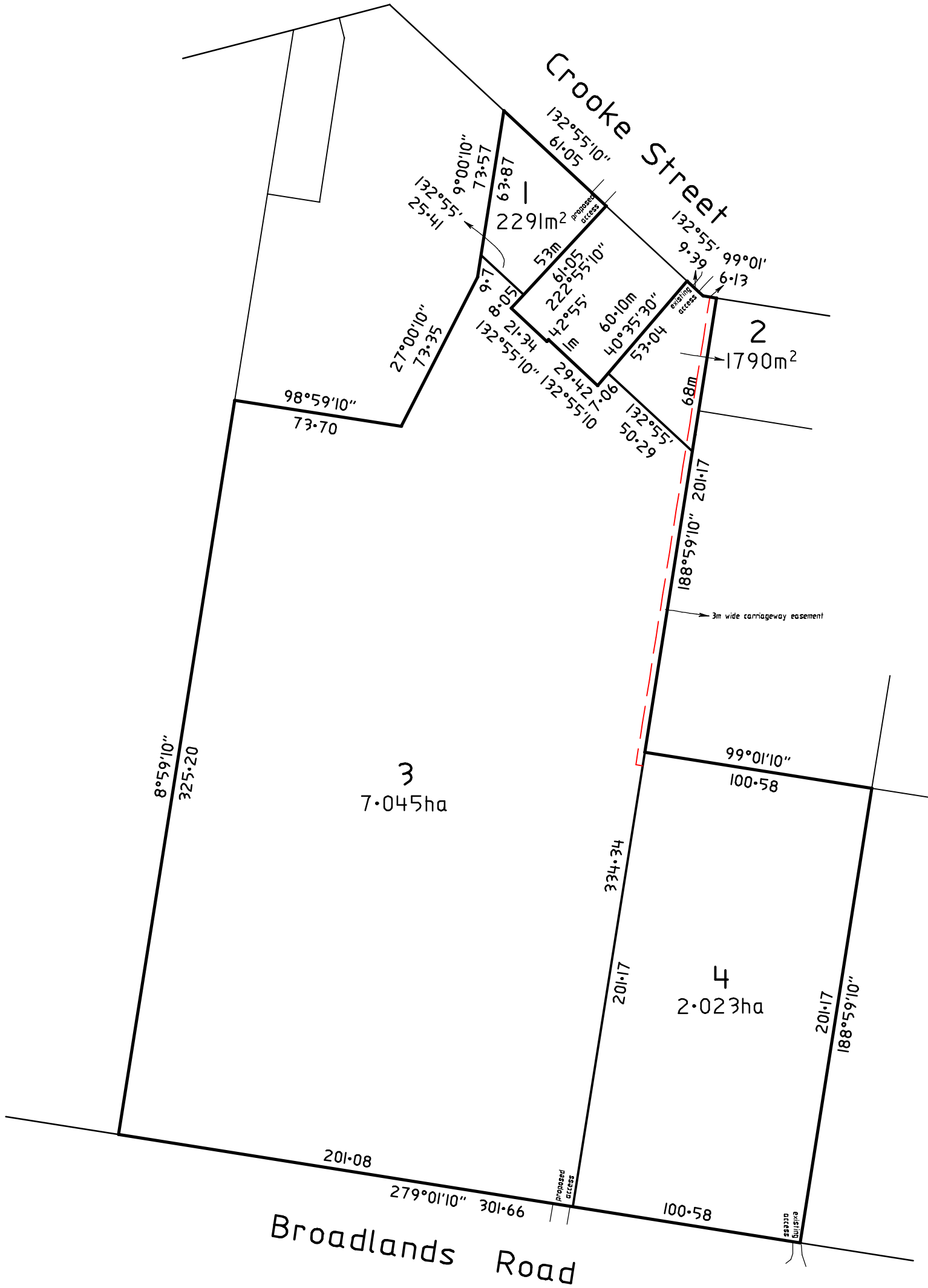
<b>Clause 56.06-8 Lot access objective:</b>	<b>To provide for safe vehicles access between roads and lots.</b>
<b>Response:</b>	<p>Access to the proposed lots will be individually provided. Proposed Lot 1 will have access provided along the northern boundary directly from Crooke Street and proposed Lot 2 will contain the existing access along the northern boundary directly from Crooke Street. It is expected that proposed Lot 2 may require upgraded access to ensure safe access to and from the site. The sites are large enough to facilitate vehicles exiting the site in a forward motion.</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>Response:</b>	<p>The proposed lots will be connected to the existing reticulated water supply which provides for drinking water supply. It is common for new dwellings to have water tanks, which is anticipated for any new dwelling on the proposed vacant allotments.</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>Response:</b>	<p>A reuse and recycle water supply is not available to this site at this time. Water supply to both allotments will be via the existing reticulated water system.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<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>Response:</b>	<p>The proposed residential lots will be connected to the existing reticulated sewerage network. The proposed additional vacant lots are 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>To minimise damage to properties and inconvenience to residents from stormwater.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</p> <p>To encourage stormwater management that maximises the retention and reuse of stormwater.</p> <p>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>
<b>Response:</b>	<p>Site runoff will be directed to legal point of discharge to the satisfaction of the responsible authority.</p> <p>The southern portion of the subject site is liable to flooding however it is not expected that any future development will occur in that area and all stormwater runoff will be managed so as to not impact the surrounding land uses and development.</p> <p>The existing street drainage network is considered to be of a suitable standard to accommodate the proposed subdivision and any future development on the vacant residential lots being created.</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>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>
<b>Response:</b>	<p>All preventative measures will be implemented during the construction phase of the proposed subdivision to ensure no erosion occurs. The subject site does contain scattered vegetation however, no vegetation is required to be removed to facilitate the proposed subdivision.</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>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within the street reserves.</p>
<b>Response:</b>	<p>The proposal is seeking approval for a 4 lot subdivision. Given the proposed lots will be vacant land there is ability for shared trenching for the provision of services to the proposed lots. Each of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<p><b>Clause 56.09-2</b> <b>Electricity, telecommunications and gas objectives:</b></p>	<p><b>To provide public utilities to each lot in a timely, efficient and cost effective manner.</b> <b>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</b></p>
<p><b>Response:</b></p>	<p>The subject site has access to services including reticulated water, sewerage, telecommunications, drainage, electricity and a good quality road network. The proposed vacant residential lots being created will be connected to all available services. The proposed subdivision is not expected to 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>

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MGA2020 ZONE 55



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20 0 20 40 60 80  
Lengths are in metres

**Notations**  
Date of Survey: 02/11/2023

This is not a title survey.

See Certificate of Title for Easement details.

Total site area: 9.476ha



86 Crooke Street, East Bairnsdale, 3875

East Gippsland Shire

Plan No.  
232413PR-3

Scale  
1:2000 - A3

Drawn  
5/2/2024

## Proposed Subdivision Plan

Parish of Wy Yung  
Township of Lucknow  
Crown Portion: Crown Pre-Emptive Section A (PT)

Lot 2 on PS808326Q

**Printed 5/03/2024**  
**Page 37 of 38**

Paracentroid (MGA2020) : E 557 440, N 5812 560

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Lengths are in metres

Site Context Plan  
with Aerial Image

Parish of Wy Yung  
Township of Lucknow  
Crown Portion: Crown Pre-Emptive Section A (PT)  
Lot 2 on PS808326Q  
Paracentroid (MGA2020) : E 557 440, N 5812 560

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Notations

Date of Survey: 02/11/2023

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