

Form 2

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	13 Oakley Crescent PAYNESVILLE 3880 Lot: 149 PS: 907185
The application is for a permit to:	Two Lot Subdivision
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2024.335.1

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.

<b>The Responsible Authority will not decide on the application before:</b>	<b>Subject to the applicant giving notice</b>
---	---

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

# East Gippsland Shire Council

273 Main Street (PO Box 1618)  
Bairnsdale VIC 3875  
Website [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)  
Email [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
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Telephone: (03) 5153 9500  
Fax: (03) 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765

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## Planning Permit Application

### Applicant Details:

Name:							
Business trading name: (if applicable) DEVELOPMENT SOLUTIONS VICTORIA PTY LTD							
Email address: ADMIN@DEVSOLVIC.COM.AU							
Postal address: 48 BAILEY STREET BAIRNSDALE							
			Postcode	3	8	7	5
Phone number: Home:		Work: 03 5152 4858		Mobile:			

### Owners Details: (if not the applicant)

Name:							
Business trading name: (if applicable) PRIESTLEY DESIGN & BUILD PTY LTD							
Email address: ADMIN@DEVSOLVIC.COM.AU							
Postal address: 48 BAILEY STREET BAIRNSDALE							
			Postcode	3	8	7	5
Phone number: Home:		Work: 03 5152 4858		Mobile:			

### Description of the Land:

Street number: 13		Street name: OAKLEY CRESCENT							
Town: PAYNESVILLE					Postcode	3	8	8	0
Legal Description:									
Lot Number: 149		<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input checked="" type="checkbox"/> Plan of Subdivision			Number: 907185E				
Crown Allotment Number:					Section Number:				
Parish/Township Name:									
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Officers name:				
Your reference number: 24123									

#### Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

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When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may also find more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)

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Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Description of proposal:</b> Describe the use, development or other matter which needs a permit: TWO LOT SUBDIVISION <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
<b>Existing conditions:</b> Describe how the land is used and developed currently: VACANT LAND <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>		
Estimated cost of development: Note: You may be required to verify this estimate	\$ N/A	

If you need more space or have more information, please attach with this form.

Please make sure that:

- Form is filled in fully and signed
- The correct fee is paid or payment enclosed
- Attached any supporting information or documents
  - **Required** - Title (must have been generated within the past 30 days)
  - Covenants or Section 173 agreements
  - Site plan/floor - plan/elevations
  - Planning report
  - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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 Bairnsdale VIC 3875  
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**Declaration:**

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature:		
Name:	DEVELOPMENT SOLUTIONS VICTORIA PTY LTD	Date: <u>30</u> / <u>09</u> / <u>2024</u>

<b>Office Use Only:</b>					
Reference Number: AP/D/PP/_____	Method of Payment:	<input type="checkbox"/> Cash	<input type="checkbox"/> Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Eftpos
Amount Paid: \$_____	Receipt Number: _____	Receipt Date: _____/_____/_____			

**Submitting your application:**

<b>Electronic</b>	Fax to 03 5153 9576 Email to <a href="mailto:planning@egipps.vic.gov.au">planning@egipps.vic.gov.au</a>	
<b>Mail</b>	Post the signed, completed form together with any applicable fees or copies of any documentation to: PO Box 1618 BAIRNSDALE VIC 3875.	
<b>In Person</b>	Bring the completed form and supporting documents to any of the following locations;	
	Service Centre Opening Hours: 8:30am to 5:00pm. Monday to Friday.	Bairnsdale Corporate Centre: 273 Main Street. Bairnsdale Service Centre: 24 Service Street. Bairnsdale Business Centre: 34 Pyke Street. Lakes Entrance Service Centre: 18 Mechanics Street. Omeo Service Centre: 179 Day Avenue. Orbost Service Centre: 1 Ruskin Street. Paynesville Service Centre: 55 The Esplanade.
	Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm	Mallacoota Service Centre: 70 Maurice Avenue

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**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958** Page 1 of 1

VOLUME 12536 FOLIO 728

Security no : 124118055003X  
Produced 06/09/2024 04:31 PM

**LAND DESCRIPTION**

Lot 149 on Plan of Subdivision 907185E.  
PARENT TITLE Volume 12431 Folio 876  
Created by instrument PS907185E 18/03/2024

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
PRIESTLEY DESIGN & BUILD PTY LTD  
AY330639Y 22/08/2024

**ENCUMBRANCES, CAVEATS AND NOTICES**

COVENANT AY330639Y 22/08/2024

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

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

**DIAGRAM LOCATION**

SEE PS907185E FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER		STATUS	DATE
AX977701V (E)	NOMINATION OF ECT TO LC	Completed	08/05/2024
AX977923B (E)	DISCHARGE OF MORTGAGE	Registered	08/05/2024
AY091597R (E)	TRANSFER CONTROL OF ECT	Completed	12/06/2024
AY103090T (E)	MORTGAGE	Registered	17/06/2024
AY330638B (E)	DISCHARGE OF MORTGAGE	Registered	26/08/2024
AY330639Y (E)	TRANSFER	Registered	26/08/2024

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 13 OAKLEY CRESCENT PAYNESVILLE VIC 3880

**ADMINISTRATIVE NOTICES**

NIL

DOCUMENT END



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Document Identification	<b>PS907185E</b>
Number of Pages (excluding this cover sheet)	<b>4</b>
Document Assembled	<b>06/09/2024 16:31</b>

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<h1>PLAN OF SUBDIVISION</h1>	
<p><b>LOCATION OF LAND</b></p> <p><b>PARISH:</b> BAIRNSDALE</p> <p><b>TOWNSHIP:</b> _____</p> <p><b>SECTION:</b> _____</p> <p><b>CROWN ALLOTMENT:</b> 141B (PART)</p> <p><b>CROWN PORTION:</b> _____</p> <p><b>TITLE REFERENCE:</b> VOL 1249I FOL 876</p> <p><b>LAST PLAN REFERENCE:</b> LOT C - PS840689G</p> <p><b>POSTAL ADDRESS:</b> 114 NEWLANDS DRIVE, (at time of subdivision) PAYNESVILLE, 3880</p> <p><b>MGA2020 CO-ORDINATES:</b> E: 562 060      <b>ZONE:</b> 55 (of approx centre of land in plan)      N: 5803 620      <b>GDA 2020</b></p>	<p>Council Name: East Gippsland Shire Council</p> <p>Council Reference Number: PS907185E Planning Permit Reference: 583/2004/P/D SPEAR Reference Number: S186371B</p> <p><b>Certification</b></p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Robert Pringle for East Gippsland Shire Council on 09/01/2024</p> <p><b>Statement of Compliance</b> issued: 28/02/2024</p>

VESTING OF ROADS AND/OR RESERVES		NOTATIONS
IDENTIFIER	COUNCIL/BODY/PERSON	LOTS 1 TO 115 HAVE BEEN OMITTED FROM THIS PLAN
RI ROAD	EAST GIPPSLAND SHIRE COUNCIL	
RESERVE No. 1	EAST GIPPSLAND SHIRE COUNCIL	
RESERVE No. 2	EAST GIPPSLAND SHIRE COUNCIL	
RESERVE No. 3	AUSNET ELECTRICITY SERVICES PTY LTD	
NOTATIONS		
<b>DEPTH LIMITATION</b>	DOES NOT APPLY	
<p><b>SURVEY:</b> This plan is based on survey.</p> <p><b>STAGING:</b> This is not a staged subdivision. Planning Permit No. 583/2004/P/D</p> <p>This survey has been connected to permanent marks No(s). _____</p> <p>In Proclaimed Survey Area No. NIL</p>		

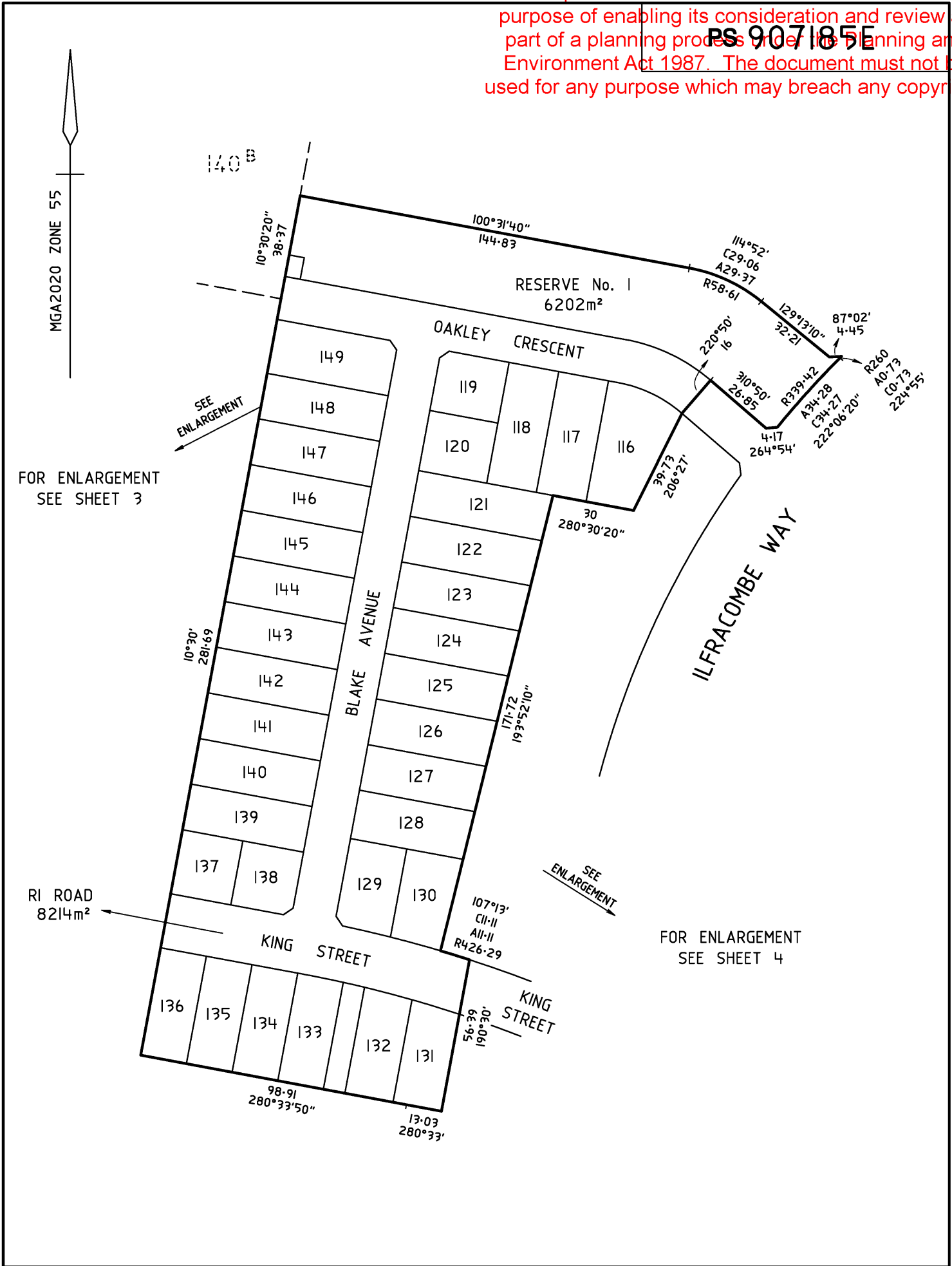
**EASEMENT INFORMATION**

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE & SEWERAGE	3	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION & EAST GIPPSLAND SHIRE COUNCIL
E-2	SEWERAGE	2	THIS PLAN	EAST GIPPSLAND REGION WATER CORPORATION

<p><b>Crowthier &amp; Sadler</b> Pty. Ltd.</p> <p>LICENSED SURVEYORS &amp; TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 6162 6011 E. contact@crowthiersadler.com.au</p>	<p>SURVEYORS FILE REF: 19724</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 4 SHEETS</p>
	<p>Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (4), 21/02/2023, SPEAR Ref: S186371B</p>		<p>PLAN REGISTERED TIME: 4:09pm DATE: 18/03/24 G. ROTTE, Assistant Registrar of Titles</p>

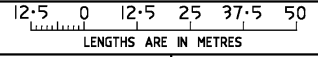
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SURVEYORS REF  
19724

SCALE  
1:1250



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SIZE: A3

SHEET 2

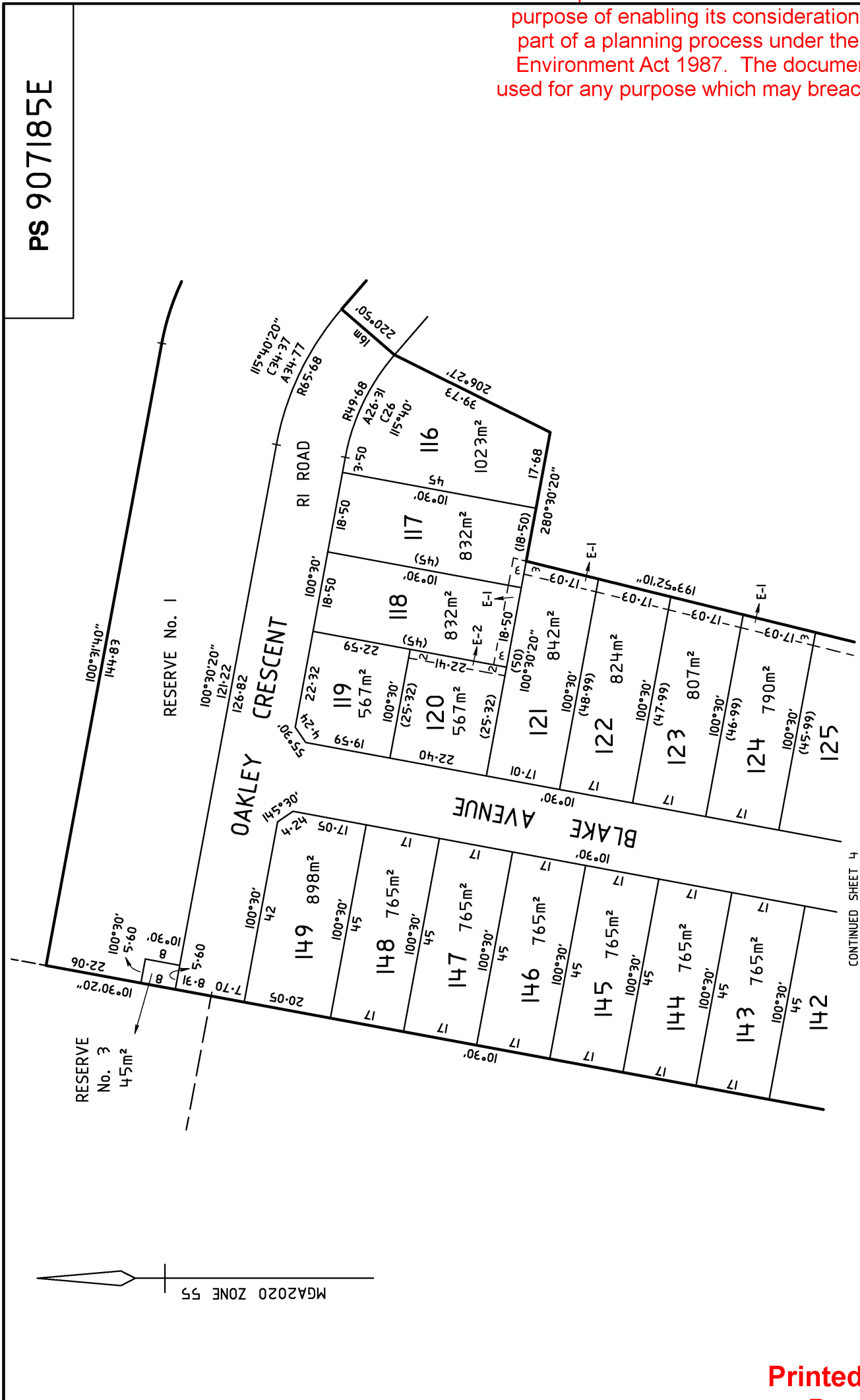
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 Surveyor's Plan Version (4),  
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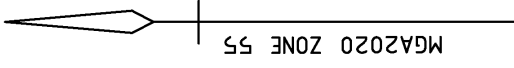
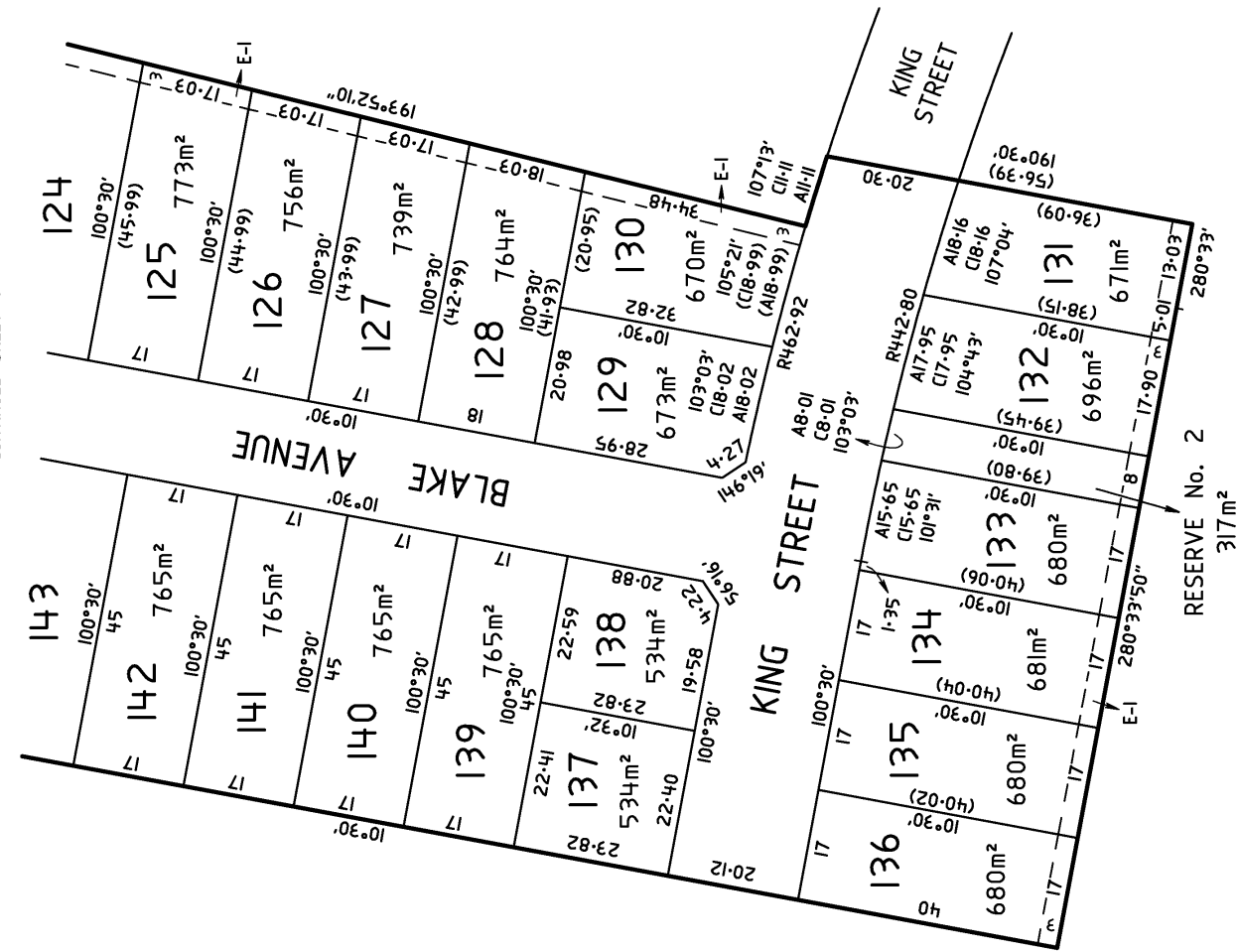
8	0	8	16	24	32
LENGTHS ARE IN METRES					
SURVEYORS REF 19724			SCALE 1:800	ORIGINAL SHEET SIZE: A3	SHEET 3
Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (4), 21/02/2023, SPEAR Ref: S186371B			Digitally signed by: East Gippsland Shire Council, 09/01/2024, SPEAR Ref: S186371B		

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CONTINUED SHEET 3



8	0	8	16	24	32	40
LENGTHS ARE IN METRES						
SURVEYORS REF	SCALE	RESERVE No. 2	19724	1:800	317m²	
ORIGINAL SHEET	SIZE: A3					
SURVEYORS REF						SHEET 4

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Number of Pages (excluding this cover sheet)	<b>2</b>
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Privacy Collection Statement

**Memorandum of common provisions  
Restrictive covenants in a transfer  
Section 91A Transfer of Land Act 1958**

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

Lodged by	
Name:	WARDS BARRISTERS & SOLICITORS PTY LTD
Phone:	03 5152 1677
Address:	PO BOX 1010, BAIRNSDALE, VICTORIA, 3875
Reference:	21826
Customer code:	14943M

This memorandum contains provisions which are intended for inclusion in transfers of land under the Transfer of Land Act 1958 to be subsequently lodged for registration.

**Operative words including words to bind the burdened land and words of annexation must not be included.**

**Provisions to apply to the transfer:**

**Burdened land:** THE LAND  
*The land being transferred.*

**Benefited land:** Lots 116 and 149 on Plan of Subdivision No. PS907185E  
The benefited land does not include the land being transferred.  
*Set out the specific folios, range of folios or some or all the lots in the registered plan(s) or plan(s) to be lodged for registration that take the benefit of the covenants.*

- Covenants:** **Definitions (if any):**
- Covenants:**  
The Transferee shall not:
- (a) Erect, place, permit, licence or authorise on the said Lot or any further subdivided Lot any building except for dwelling houses built only of new materials containing a floor area of not less than 130 square metres within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola or veranda;
  - (b) Erect, place, permit, licence or authorise on the said Lot any outbuildings built with other than the materials of the same type as the main dwelling house or colour bonded material;
  - (c) Erect or allow to be erected on the said Lot any relocated dwelling or outbuilding or any dwelling or outbuilding moved from other land;
  - (d) Occupy the Lot for residential purposes either temporarily or permanently until a Certificate of Occupancy is issued for the dwelling erected on the site except that temporary accommodation may be used for the duration of the construction period of the dwelling for no longer than twelve (12) months (subject to any necessary council approvals or permits);

35392012A

V3

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

91ATLA

Page 1 of 2

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

- (e) Permit the land hereby transferred or any part thereof to be used for the purpose of commercial breeding or boarding of or training kennels or cages for cats, dogs or birds, or the keeping of poultry, or for the grazing of horses, or for the parking, garaging or servicing of any motor vehicle in excess of five tonnes gross vehicle mass except for the purpose of loading or unloading of goods unless the vehicle is a construction vehicle engaged on construction works thereon or unless the vehicle is a boat, caravan or similar vehicle of any gross vehicle mass and is screened from view from the roadways and adjoining properties.

*Mandatory  
Covenants to be listed here.*

### Expiry:

*Optional.  
Specify the date the covenants are to expire or if the covenants are to expire on the happening of a particular event, specify the event. If the expiry only applies to particular covenants or specific lots/folios, this must be clearly specified.*



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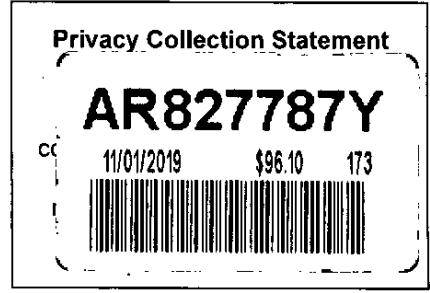
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**Application by a responsible authority for the making of a recording of an agreement  
Section 181 Planning and Environment Act 1987**



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

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

Land:(volume and folio)

VOLUME 11867 FOLIO 225

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

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

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

181PEA

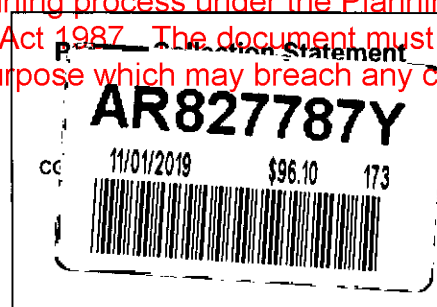
Page 1 of 2

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Land Use Victoria contact details: see [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

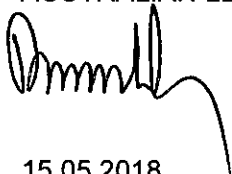
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**Application by a responsible authority for the making of a recording of an agreement**  
**Section 181 Planning and Environment Act 1987**



**Certifications**

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

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

35271702A

181PEA

Page 2 of 2

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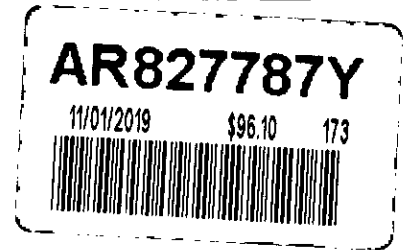
**Agreement under section 173 of  
the Planning and Environment Act  
1987**

114 Newlands Drive, Paynesville

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## Information table

Date of Agreement: 28/5/2018



### Parties:

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

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

### Background:

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



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## Agreed terms



### 1. Defined terms and interpretation

#### 1.1 Defined terms

In this Agreement:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

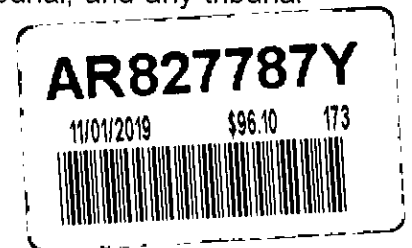
**Subject Land** means the land situated at 114 Newlands Drive, Paynesville being the land described as Lot 2 on PS802715L and contained in certificate of title volume 11867 folio 225 any reference to the Subject Land in this Agreement includes a reference to any lot created by the subdivision of the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

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

## 1.2 Interpretation

In this Agreement unless the context admits otherwise:

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



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

## 2. Section 173 Agreement

### 2.1 Purpose

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

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

### 2.2 Reasons for agreement

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

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

## 3. Commencement

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



## 4. Owner's Specific Obligations

### 4.1 Compliance with other permits

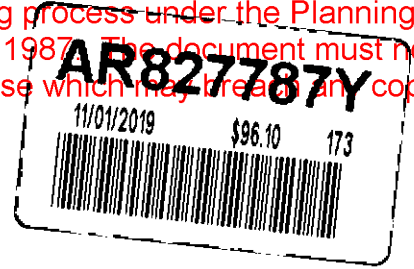
- (a) The Owner agrees that regardless of any rights conferred by the Planning Scheme, except with the prior written consent of Council, the Subject Land, or any part of it, must only be subdivided in a manner which depicts a lot layout and title boundaries which are:
  - (i) generally in accordance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

### 4.2 Development must be to approval of Council

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

### 4.3 Notice of ownership

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



## 5. Further Obligations of the Owner

### 5.1 Notice and Registration

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

### 5.2 Further actions

The Owner further covenants and agrees that:

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

### 5.3 Council's Costs to be Paid

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

## 6. Owner's Warranties

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

## 7. Successors in Title

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

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

## 8. General

### 8.1 Notices

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

- (a) personally on the other Party;

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AR827787Y



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

**8.2 Service of Notice**

A notice or other communication is deemed served:

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

**8.3 No Waiver**

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

**8.4 Severability**

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

**8.5 No fettering of Responsible Authority's powers**

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

**8.6 Governing law**

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

**8.7 Ending**

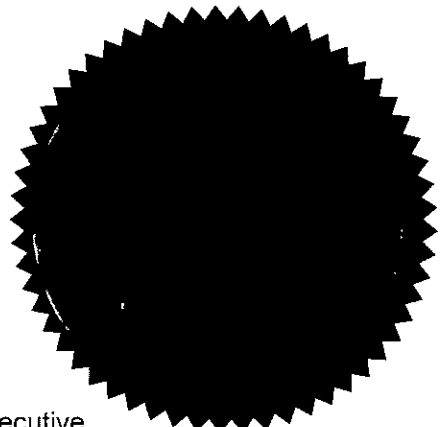
This Agreement ends:

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

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

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

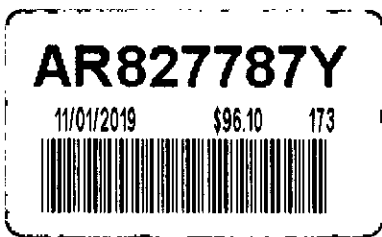


*Gary Hoff*  
.....

Chief Executive

*Petra J Benson*  
.....

Witness



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

*Michael Sadler*  
.....

Director

Print Name: MICHAEL SADLER .

*Thomas Camp*  
.....

Secretary

Print Name: THOMAS CAMP



# Department of Environment, Land, Water & Planning

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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 17/09/2024 11:46:06 AM

Status	Registered	Dealing Number	AY330639Y
Date and Time Lodged	22/08/2024 02:12:03 PM		

### Lodger Details

Lodger Code	18030P
Name	DUFFY & SIMON
Address	
Lodger Box	
Phone	
Email	
Reference	

## TRANSFER

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

12536/728

### Transferor(s)

Name	PAYNESVILLE PARK PTY LTD
ACN	608385146

### Estate and/or Interest being transferred

Fee Simple

### Consideration

\$AUD 220000.00

### Transferee(s)

<b>Tenancy (inc. share)</b>	Sole Proprietor
Name	PRIESTLEY DESIGN & BUILD PTY LTD
ACN	608295754
Address	
Street Number	5
Street Name	STEWART







# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

Street Type	STREET
Locality	MARLO
State	VIC
Postcode	3888

### Covenants

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

Burdened land	the Land
Benefited land	MCP: AA9794
Restrictive covenant	MCP: AA9794
Expiry Date	

### Duty Transaction ID

6063123

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

### Execution

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

Executed on behalf of	PRIESTLEY DESIGN & BUILD PTY LTD
Signer Name	EDWIN MAXWELL HUME
Signer Organisation	DUFFY & SIMON
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	22 AUGUST 2024

### Execution

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

Executed on behalf	PAYNESVILLE PARK PTY LTD
of	
Signer Name	ANDREW JOHN REYNOLDS
Signer Organisation	WARDS BARRISTERS AND SOLICITORS PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	21 AUGUST 2024

### File Notes:

NIL



# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

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

Statement End.

SEP  
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APPLICATION FOR PLANNING PERMIT

## TWO LOT SUBDIVISION

13 OAKLEY CRESCENT, PAYNESVILLE

LUKE PRIESTLEY

REF: 24123

**CONTENTS**

1	Introduction	4
2	Site Context	5
3	The Proposal	12
4	Zones and Overlays	13
5	Planning Assessment	17
6	Conclusion	19

**APPENDIX**

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

**DOCUMENT REVISION**

1	Draft Report	DAC	17/09/2024
2	Final Report	CMC	21/09/2024

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## 1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Luke Priestley, the owner and applicant for this planning permit application for a Two Lot Subdivision at 13 Oakley Crescent, Paynesville.

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 proposed two lot subdivision promotes efficient land use and supports future residential development. The additional allotment will increase land supply and support the provision of much-needed housing for the community. With the ongoing demand for housing in the East Gippsland region, it is essential to ensure that land supply aligns with this growing need.

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

<b>Address</b>	13 Oakley Crescent, Paynesville
<b>Site Description</b>	Lot 149 on Plan of Subdivision 907185E
<b>Title Particulars</b>	Vol 12536 Fol 728
<b>Site Area</b>	898m <sup>2</sup>
<b>Proposal</b>	Two Lot Subdivision
<b>Planning Scheme</b>	East Gippsland Planning Scheme
<b>Zone</b>	General Residential Zone – Schedule 1
<b>Overlays</b>	Design and Development Overlay – Schedule 14
<b>Aboriginal Cultural Heritage</b>	Identified as an area of Cultural Heritage Sensitivity
<b>Permit Triggers</b>	Clause 32.08-3 General Residential Zone Subdivision Clause 43.02-3 Design and Development Overlay Subdivision
<b>Notice</b>	No exemption available
<b>Referrals</b>	No mandatory referrals
<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 Design and Development Overlay – Clause 43.02 Decision guidelines – Clause 56 Decision guidelines – Clause 65.01 Decision guidelines – Clause 65.02

## 2. SITE CONTEXT

### Site

The subject site is located at 13 Oakley Crescent, Paynesville. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is affected by restrictive covenant registered as AY330639Y and a Section 173 Agreement registered as AR827787Y.

#### AY330639Y – Covenant

##### MCP- AA9794

The covenant predominantly provides restrictions on the size of buildings, materials and the use of the site.

#### AR827787Y – Section 173 Agreement

This agreement provides:

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

- i. Generally in accordance with the configuration and layout of the subdivision authorised by the Planning*

*Permit and the various conditions included in that permit; and*

- ii. Wholly in accordance with the plans from time to time endorsed pursuant to condition 3 of the Planning Permit, which shows the required staging of the subdivision authorised by that permit.*

The site is a rectangular shaped allotment with a total area of approximately 898m<sup>2</sup> and is currently vacant land.

The site is relatively level and does not contain any vegetation. Details of the site are depicted in the photographs provided below.

There is no formal access to the subject site. Oakley Crescent and Blake Avenue are both bitumen sealed roads. Blake Avenue traverses in a north to south direction adjoining the eastern boundary of the site and Oakley Crescent traverses in an east to west direction adjoining the northern boundary of the site.

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



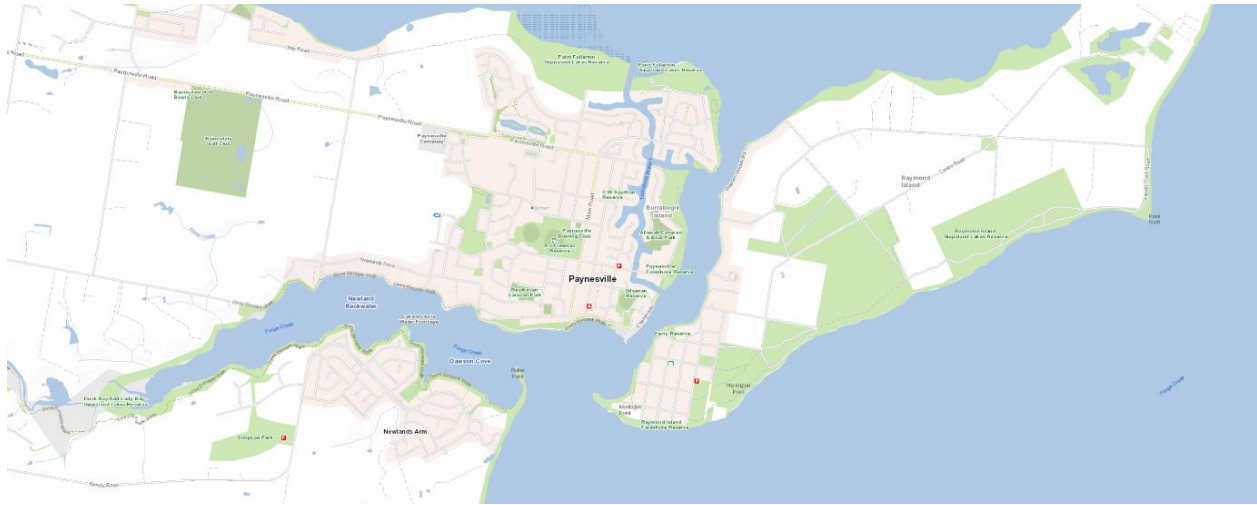


Figure 1 – Locality Plan – 13 Oakley Crescent, Paynesville (source: mapshare.vic.gov.au)

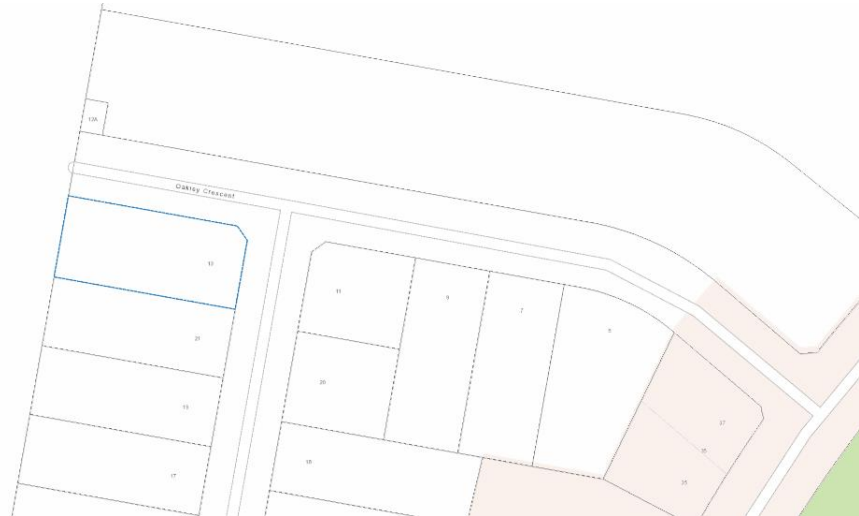


Figure 2 – Locality Plan – 13 Oakley Crescent, Paynesville (source: mapshare.vic.gov.au)

## Surrounds

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

Adjoining the northern boundary is Oakley Crescent and further vacant residential land. Adjoining the eastern boundary is Blake Avenue and further vacant residential land. Adjoining the southern boundary is vacant residential land and adjoining the western boundary is vacant farming land. The land to the west of the subject site forms part of the Paynesville Growth Area Structure Plan and it is anticipated that this land will be rezoned to Residential in the future.

The site is located to the west of the central business district of Paynesville.

Paynesville, a tourism town situated on the Gippsland Lakes southeast of Bairnsdale, is a boating village with a strong emphasis on tourism and water sports. The town offers a range of community and commercial services that adequately support both its current and future residential population.

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





Photograph 1 – Aerial Photograph of the subject site and surrounding land  
– 13 Oakley Crescent, Painesville (source: dpi.vic.gov.au)  
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13 Oakley Cres





**Photograph 2** – Subject site at 13 Oakley Crescent, Paynesville.



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



**Photograph 6** – Proposed Lot 1 facing south.



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



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



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





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



**Photograph 10** – Property adjoining the eastern boundary of proposed Lot 2 at 11 Oakley Crescent, Paynesville.



**Photograph 12** – Existing dwelling adjoining the southern boundary of both lots at 21 Blake Avenue, Paynesville.



**Photograph 9** – Oakley Crescent and opposing property adjoining the northern boundary of both lots at 2B Bishop View Paynesville.



**Photograph 11** – Property adjoining the western boundary of proposed Lot 1 at 5 Grandview Road, Paynesville.



**Photograph 13** – Oakley Crescent facing west.



**Photograph 14** – Oakley Crescent facing east.



**Photograph 16** – Blake Avenue facing south.



**Photograph 15** – Intersection between Oakley Crescent and Blake Avenue facing southeast.



**Photograph 17** – Blake Avenue facing north.



### 3. THE PROPOSAL

This application seeks approval for the subdivision of the land into two lots. A proposed plan of subdivision is provided in **Appendix B**.

#### Lot 1

The proposed Lot 1 will be almost square in shape and will be approximately 401m<sup>2</sup> in area. This lot comprises the western portion of the site and will be vacant residential land. Access to this lot will be provided along the northern boundary directly from Oakley Crescent via a shared concrete crossover.

#### Lot 2

The proposed Lot 2 will be almost rectangular in shape and will be approximately 497m<sup>2</sup> in area. This lot comprises the eastern portion of the site and will be vacant residential land. Access to this lot will be provided along the northern boundary directly from Oakley Crescent via a shared concrete crossover.

#### Services

The subject site has access to an appropriate level of services including reticulated water, sewerage, electricity, telecommunications, drainage and a good quality road network.

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

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

The proposed subdivision does not require the removal of any vegetation, and no earthworks will be required.

A copy of the proposed subdivision is provided to the right and in **Appendix B**.

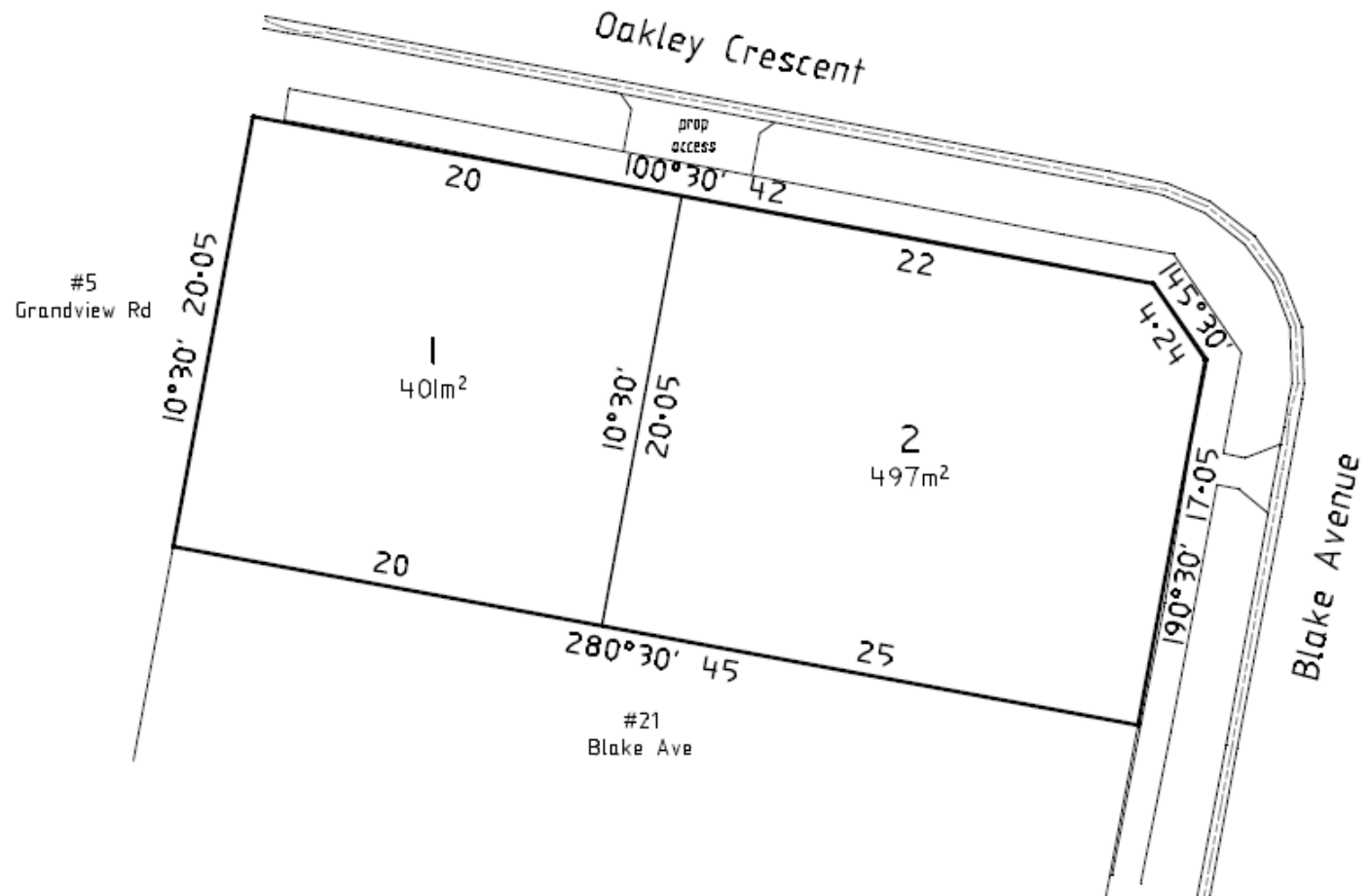


Figure 3 – Proposed Subdivision Plan – One Plan

#### 4. ZONES AND OVERLAYS

##### 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 4**.

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

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

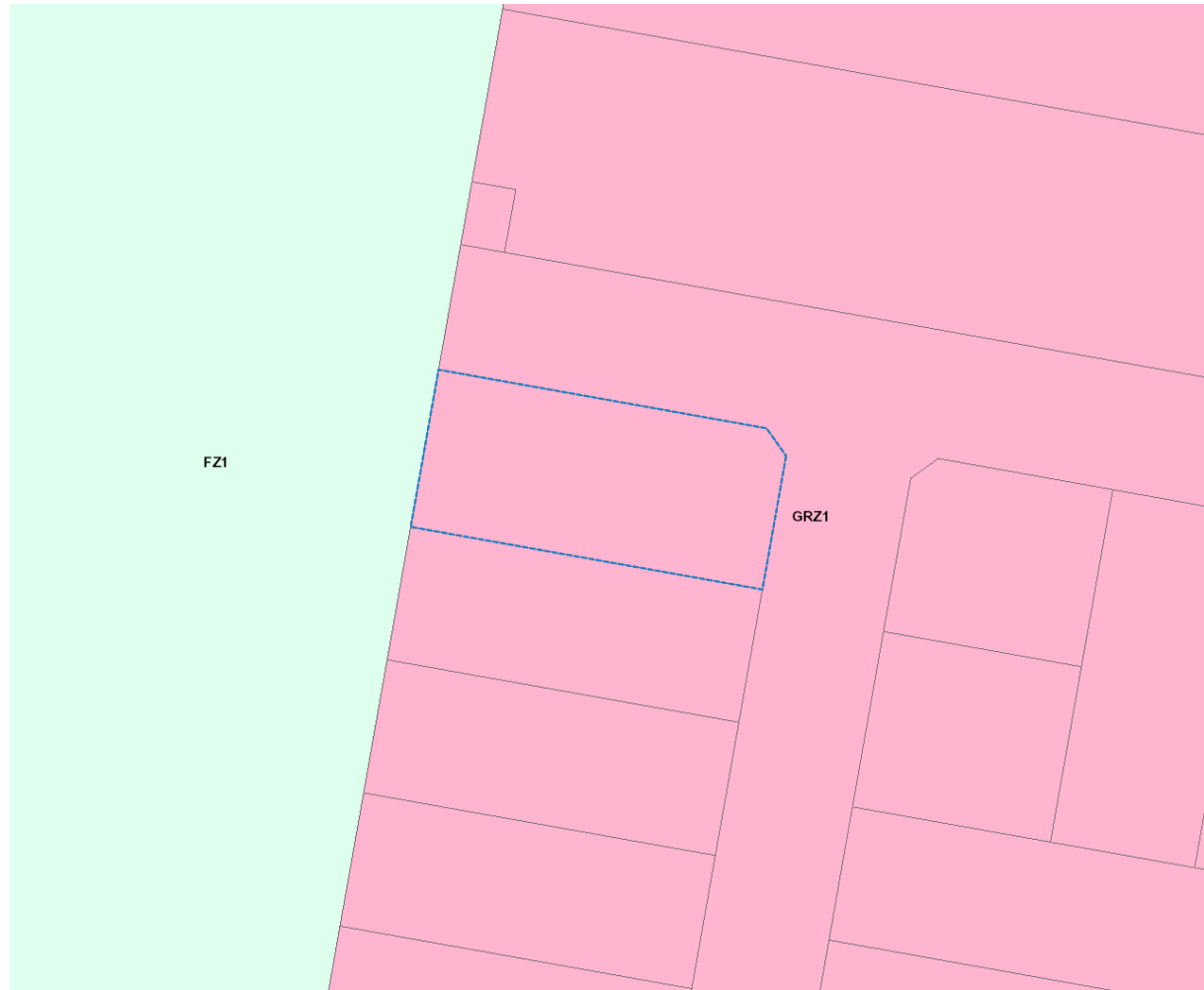


Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)



## Design and Development Overlay – Schedule 13

The purpose of the Design and Development Overlay is:

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

An extract of the Design and Development Overlay Map is provided in **Figure 5**.

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

The decision guidelines of Clause 43.02-6 and the schedule are addressed in Section 5 of this submission.

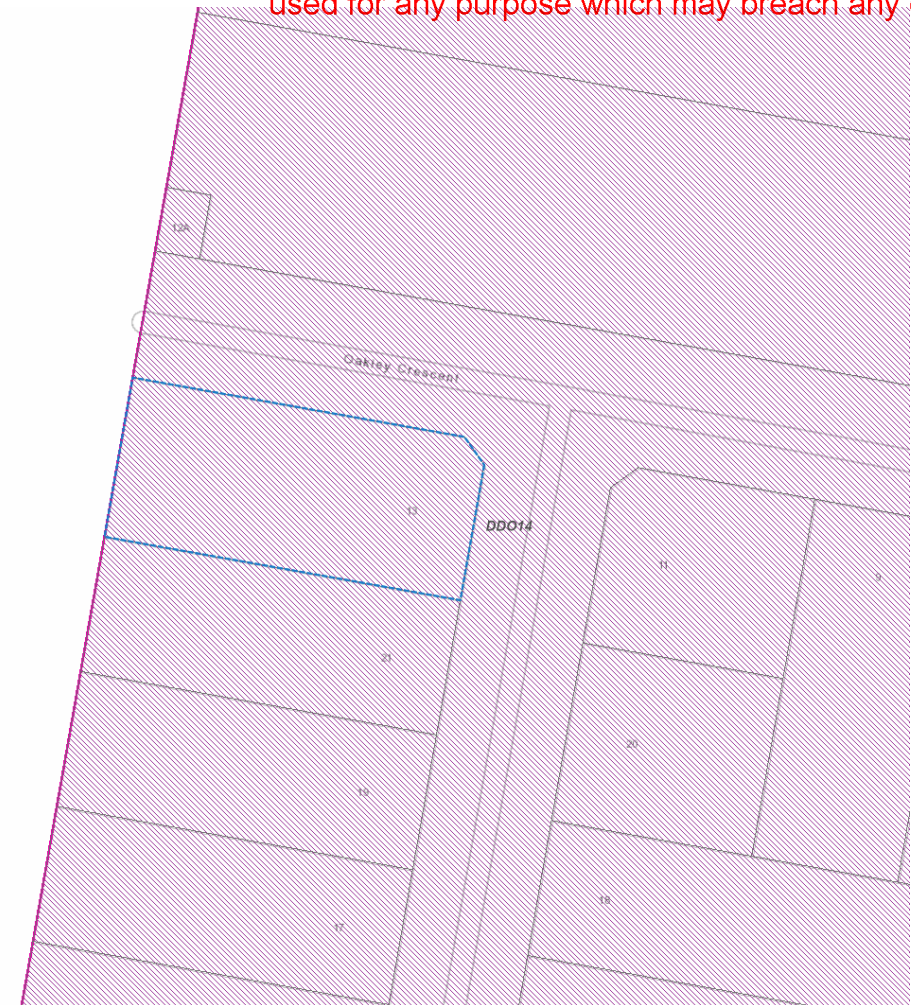


Figure 5 – Design and Development Overlay – (source - mapshare.vic.gov.au)

## Design and Development Overlay – Schedule 14 continued:

The design objectives of the Schedule include:

### All areas

- To protect and manage the township character of coastal settlements.
- To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.
- To ensure that new development is designed to minimise visual impacts on the natural landscape.
- To ensure that new development is visually and physically integrated with the site and surrounding landscape.
- To ensure that new development is sited and designed to be visually unobtrusive through and above the surrounding tree canopy when viewed from nearby streets, lakes, coastal areas, or other distant viewpoints.
- To protect the vegetated character of the landscape, particularly where it is a dominant visual and environmental feature.

### Town Expansion (area 7)

- Whether the proposed development assists in achieving a high quality residential subdivision.
- Whether any proposed buildings incorporate pitched roofs.
- Whether the proposal retains established trees.



Figure 6 – Map 1 Schedule to Clause 42.03 – (source – Paynesville Urban Design Framework)

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## 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 and as such a Cultural Heritage Management Plan is not required for the proposed subdivision.

## 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 an appropriate subdivision that can accommodate future residential development that can be respectful of surrounding development and the environment.
- The proposal promotes environmental sustainability, urban design, and amenity by carefully designing the lot layout to respect any constraints and minimising potential environmental impacts in line with the objectives of **Clause 02.03** and **Clause 11**.
- **Clause 02.03-1** identifies Paynesville as a growth area town and encourages development on fully serviced residential land. The proposed subdivision will result in a one additional allotment that can be developed with a residential dwelling in the future. The existing lot has access to all available services including reticulated water, sewerage, electricity, telecommunications and a good quality road network.
- The proposal meets the objectives of **Clause 16** by ensuring that the proposed allotments are appropriately sized to accommodate future residential dwellings, thereby contributing to the area's housing supply and supporting community growth.
- **Clause 16.01-2S** recognises the need to ensure land supply is sufficient to meet demand. The proposed subdivision will create one additional vacant lot within a newly subdivided area of Paynesville identified as area 7 – Town Expansion in the Paynesville Urban Design Framework.
- The proposal is 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 one additional vacant lot being created that can be developed with a residential dwelling in the future. The proposed subdivision will contribute to land supply for the community.
- The proposed subdivision has addressed the relevant standards as set out in Clause 56 and is contained in **Appendix C**.
- The pattern of subdivision in the immediate area is varied with lots ranging in shapes and sizes. Allotments to the east of the subject site are of a similar size and shape to the proposed allotments. The lots in this area range from 534m<sup>2</sup> to 1023m<sup>2</sup>.
- There is no formal access to the subject site however, access is proposed along the northern boundary for both allotments via shared concrete crossover directly from Oakley Crescent.
- The proposed subdivision will create lots that are considered to be balanced, comfortable and will provide for suitable development that facilitates appropriate living environments. The lot configuration is not inconsistent with the existing lot layout within the area.
- The subject site is affected by a restrictive covenant and a Section 173 Agreement, the proposed subdivision does not contravene any condition set out in the restrictive covenants or Section 173 Agreement. The proposal seeks to subdivide land into two lots that are generally in accordance with the configuration and layout of the original approved subdivision.
- The proposal is consistent with the decision guidelines of the Design and Development Overlay at **Clause 43.02-6** which seeks to identify areas which are affected by specific requirements relating to the design and built form of new development.



- The proposed subdivision will result in an appropriate subdivision that will ensure both allotments are of a size that is suitable for a residential dwelling in the future. Any future dwelling to be constructed would be subject to the requirements of the Design and Development Overlay including height controls and as such there is not expected to be any detrimental impact to the amenity of the area or neighbourhood character. The subject site is part of a new subdivision, however, the locality does contain dwellings of various styles, heights and setbacks at different stages of construction. There are no existing dwellings immediately surrounding the subject site.
- The proposed subdivision will allow for future development that can be consistent with the existing lot layout.
- No vegetation removal is required to facilitate the proposed subdivision.
- The proposed subdivision has been designed to be site responsive and allow for a density that is not inconsistent with existing allotments in the area.
- **Schedule 14** refers to residential development in coastal settlements – Paynesville. The subject site is located in Town Expansion (area 7) which considers whether the proposed development supports the creation of a high-quality residential subdivision, whether the design of the buildings includes pitched roofs, and whether the proposal maintains existing trees. No vegetation removal is required to facilitate the proposed subdivision. Any future dwelling on the proposed lots would be subject to the requirements of the Design and Development Overlay.
- 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 proposed subdivision does not require the removal of any native vegetation and there will be no negative impact on the existing road network.
- Access is proposed along the northern boundary for both allotments via a shared concrete crossover directly from Oakley Crescent.
- The site is not identified as being susceptible to bushfire, erosion or flooding hazards.
- 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 housing.
- The subject site has access to all available services, and each lot will connect to all available services and infrastructure.
- The proposed two lot subdivision promotes efficient land use while maintaining the character of the area. The proposed subdivision encourages responsible housing growth at a density that is not inconsistent with other areas within Paynesville.

## 6. CONCLUSION

This submission is in support of a planning permit application for a two lot subdivision at 13 Oakley Crescent, Paynesville.

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 consistent with the objectives of the General Residential Zone and the Design and Development Overlay.
- The proposed subdivision will provide for an additional allotment that can be developed with a residential dwelling in the future.
- 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 subdivision.

**Development Solutions Victoria**

### Disclaimer:

*This document has been prepared for planning permit application purposes only. The report has been made with careful consideration and with the best information available to Development Solutions Victoria Pty Ltd at the time.*

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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.

<p><b>Clause 56.03-5</b>  <b>Neighbourhood</b>  <b>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 is an emerging residential area that has been recently subdivided and as such there are limited completed dwellings surrounding. The broader area contains a combination of single and double storey dwellings. All development is on lots ranging in shapes and sizes, there are similar style allotments within the area, in particular immediately to the east of the subject site</p> <p>The proposed lot layout is responsive to the site and will provide for future residential development on the proposed lots 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.</p> <p>Both allotments will have suitable driveway access provided along the northern boundary directly from Oakley Crescent via a shared concrete crossover as indicated on the proposed plan of subdivision.</p> <p>There is no vegetation on the subject site that requires removal. There are no significant features in the area that would be detrimentally affected by the proposed subdivision and likely future residential development. The proposed subdivision will not negatively impact the existing streetscape or neighbourhood character.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<p><b>Clause 56.04-2 Lot area and building envelopes objective:</b></p>	<p><b>To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.</b></p>
<p><b>Response:</b></p>	<p>This application seeks approval for a two lot subdivision, with each lot greater than 300m<sup>2</sup> in area. The proposed Lot 1 will be 401m<sup>2</sup> in area and proposed Lot 2 will be 497m<sup>2</sup> in area. Both allotments will be vacant residential land.</p> <p>Access to the proposed lots will be provided as indicated on the proposed subdivision plans.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access for any future development on the proposed vacant lots and vacant lots surrounding the site.</p> <p>The size and configuration of the proposed lots is considered more than adequate to accommodate any future development on the proposed lots if desired whilst respecting surrounding lot configurations for future uses and development surrounding the site.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.04-3 Solar orientation of lots objective</b></p>	<p><b>To provide good solar orientation of lots and solar access for future dwellings.</b></p>
<p><b>Response:</b></p>	<p>The proposed subdivision creates two 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 can be designed to ensure it will not impact the solar access of surrounding properties.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.04-5 Common area objectives</b></p>	<p><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></p>
<p><b>Response:</b></p>	<p>The proposal does not include any common property area.</p> <p><b>This clause is not relevant to the proposal.</b></p>

<p><b>Clause 56.06-8 Lot access objective:</b></p>	<p><b>To provide for safe vehicles access between roads and lots.</b></p>
<p><b>Response:</b></p>	<p>Access to the proposed lots will be provided along the northern boundary, directly from Oakley Crescent via a shared concrete crossover which will provide for safe vehicle access between the roads and any future dwellings.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.07-1 Drinking water supply objectives</b></p>	<p><b>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</b></p>
<p><b>Response:</b></p>	<p>The proposed lots will be connected to the existing reticulated water supply which provides for drinking water supply.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.07-2 Reused and recycled water objective</b></p>	<p><b>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</b></p>
<p><b>Response:</b></p>	<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>
<p><b>Clause 56.07-3 Waste water management objective</b></p>	<p><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></p>
<p><b>Response:</b></p>	<p>Both allotments will be connected to the existing reticulated sewer network. The proposed additional vacant lot and anticipated one extra dwelling is not expected to exceed the capacity of the network.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<p><b>Clause 56.07-4 Stormwater management objectives</b></p>	<p><b>To minimise damage to properties and inconvenience to residents from stormwater.</b>  <b>To ensure that the street operates adequately during major storm events and provides for public safety.</b>  <b>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</b>  <b>To encourage stormwater management that maximises the retention and reuse of stormwater.</b>  <b>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</b></p>
<p><b>Response:</b></p>	<p>Site runoff will be directed to the street drainage network.                  The subject site is not liable to flooding and no flood mitigation works are considered necessary. The existing drainage network is considered to be of a suitable standard to accommodate the proposed subdivision and any future development.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.08-1 Site Management objectives</b></p>	<p><b>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</b>  <b>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</b>  <b>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</b></p>
<p><b>Response:</b></p>	<p>All preventative measures will be implemented during the construction phase of the proposed subdivision to ensure no erosion occurs. The subject site does not contain any vegetation.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<p><b>Clause 56.09-1 Shared Trenching objectives:</b></p>	<p><b>To maximise the opportunities for shared trenching.</b>  <b>To minimise constraints on landscaping within the street reserves.</b></p>
<p><b>Response:</b></p>	<p>Given the proposal is seeking a two lot subdivision with both lots being vacant land, shared trenching may be possible. All of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met and shared trenching can occur where possible.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

**Clause 56.09-2  
Electricity,  
telecommunications  
and gas objectives:**

**To provide public utilities to each lot in a timely, efficient and cost effective manner.  
To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.**

**Response:**

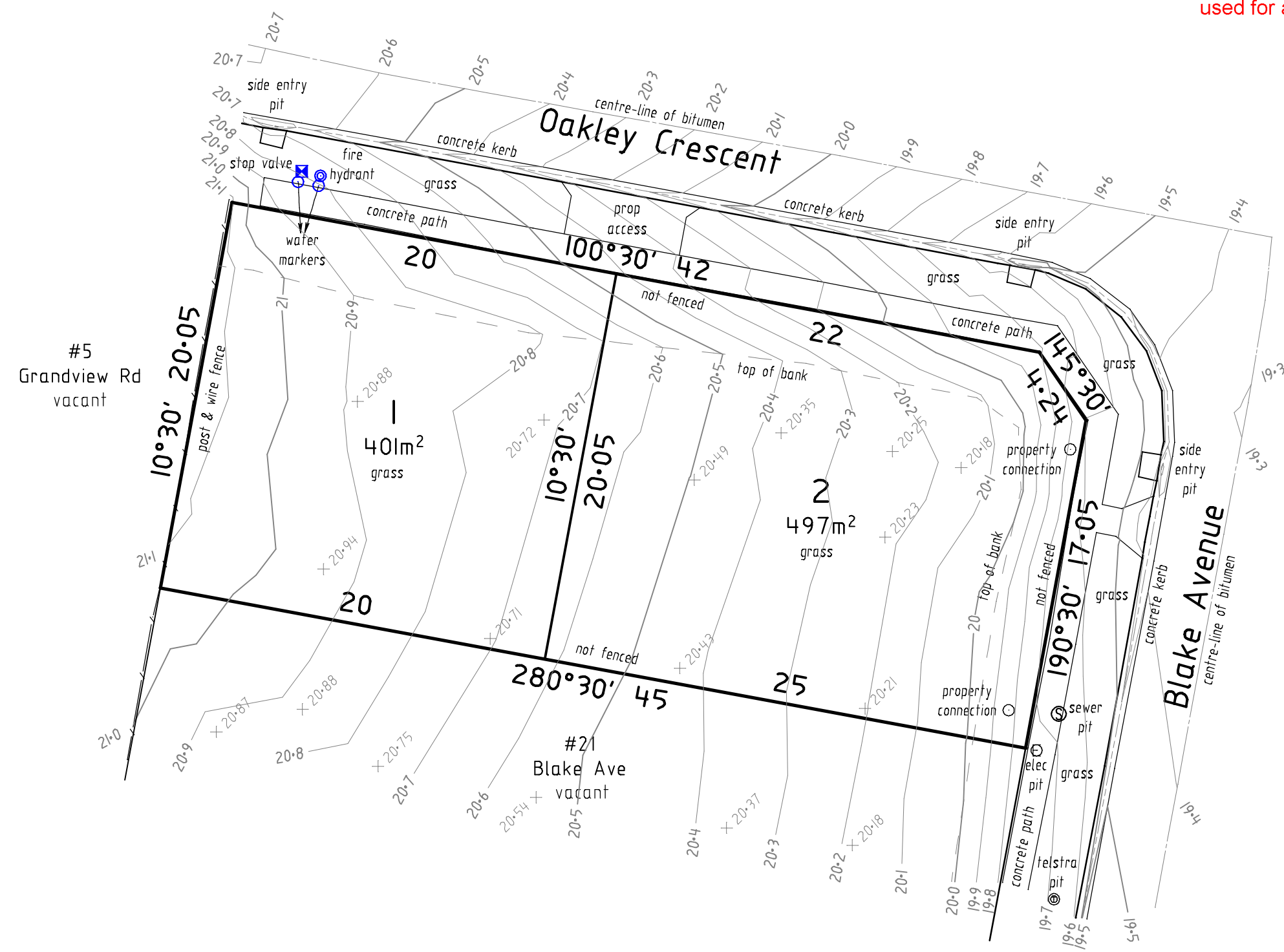
The subject site has access to all available services including reticulated water, sewerage, telecommunications, drainage, electricity and a good quality road network. The proposed subdivision is not expected to affect the existing service arrangements nor exceed their capacity.

Each of the service providers will be contacted prior to the certification of the plan of subdivision.

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

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MGA2020 ZONE 55



- See Certificate of Title for Easement details.
- Only significant trees are shown on this plan.
- Whilst every effort has been made to locate all feature details within the surveyed area SK Spatial will not be held responsible for features hidden, obscured or under construction at the time of survey.
- No underground features have been located unless specifically shown.
- All data shown on this plan is an accurate representation of the subject site at the time of survey.
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GIPPSLAND - MELBOURNE

Plan No.  
242565 SCLR-2

Scale  
1:250 - A3

2.5 0 2.5 5 7.5 10  
Lengths are in metres

**Notations**  
Re-establishment Datum vide PS907185E  
Levels are to AHD (Australian Height Datum)  
Contour interval: 0.1m  
Total site area: 898m<sup>2</sup>

**DEVELOPMENT SOLUTIONS**  
VICTORIA

13 Oakley Crescent, Paynesville, 3880  
East Gippsland Shire

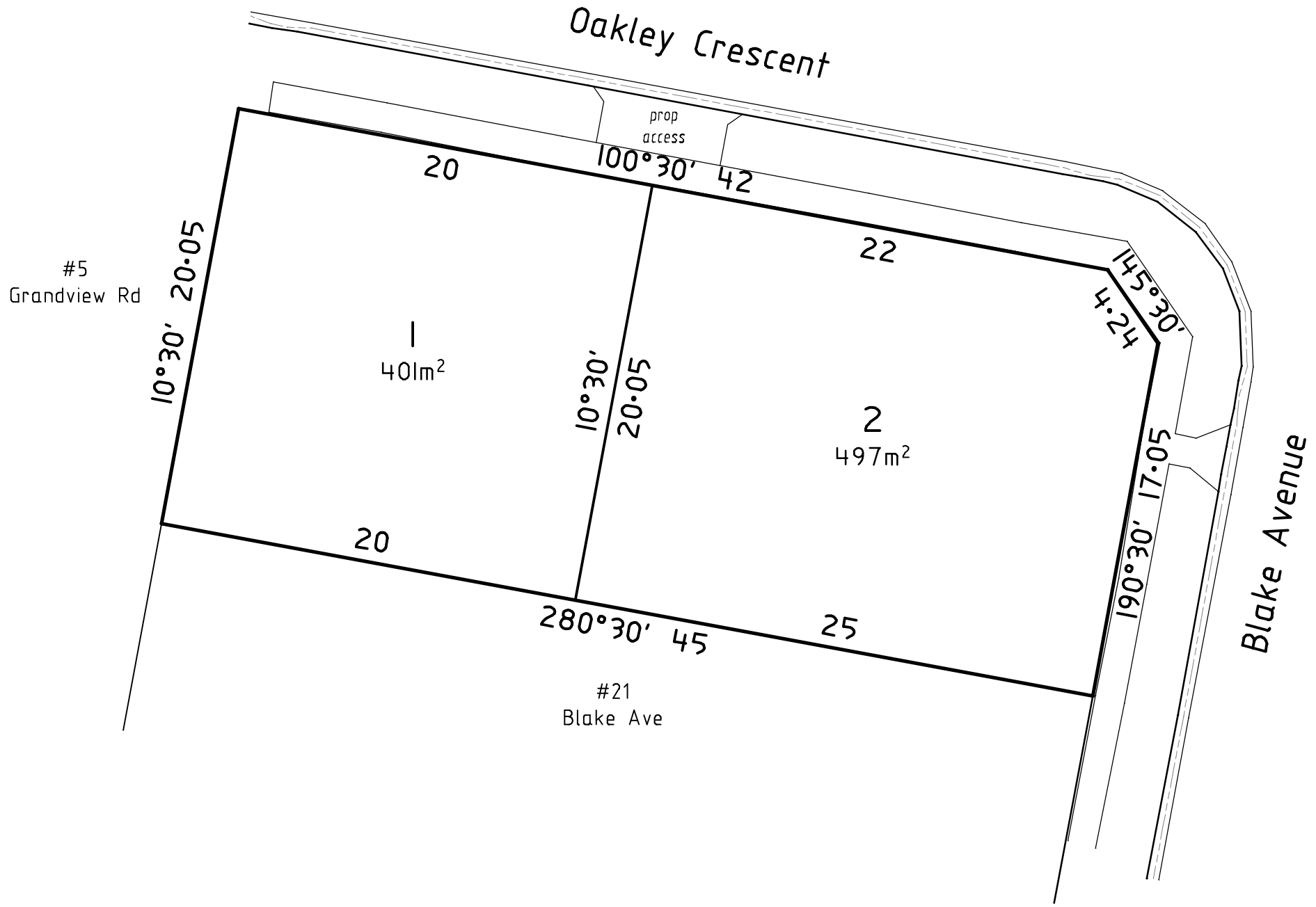
Drawn : 3/09/2024, Scott Charles Kimm L.S.

**Site Context & Proposed Subdivision Plan**

Parish of Bairnsdale  
Crown Allotment: 141B (part)  
Lot 149 on PS907185E  
Paracentroid (MGA2020) : E 562 060, N 5803 730

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Sheet 1 of 1.

Plan No.  
242565 PR-2

Scale  
1:250 - A3

2.5 0 2.5 5 7.5 10  
Lengths are in metres

**Notations**  
Re-establishment Datum vide PS907185E

Total site area: 898m<sup>2</sup>

**DEVELOPMENT SOLUTIONS**  
VICTORIA

13 Oakley Crescent, Paynesville, 3880

East Gippsland Shire

Drawn : 3/09/2024, Scott Charles Kimm L.S.

**Proposed Subdivision Plan**

Parish of Bairnsdale  
Crown Allotment: 141B (part)  
Lot 149 on PS907185E  
Paracentroid (MGA2020) : E 562 060, N 5803 730