

# NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	4 Counihan Street WY YUNG VIC 3875, 23 Tierney Street WY YUNG VIC 3875 Lot: 2 PS: 516528, Lot: 1 PS: 516528
The application is for a permit to:	Staged Three Lot Subdivision
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.08-3 (GRZ1)	Subdivide land.
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2025.254.1

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

**Kerry Stow**

---

**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Tuesday, 29 July 2025 4:25 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** APPENDIX A Copy of Title - 4 Counihan.PDF; APPENDIX A Copy of Title - 23 Tierney.PDF; APPENDIX A Plan of Subdivision - 23 Tierney.PDF; APPENDIX A Plan of Subdivision - 4 Counihan.PDF; APPENDIX B Proposed Subdivision Plan.pdf; APPENDIX B Site Context & Proposed Subdivision Plan.pdf; APPENDIX C Clause 56.pdf; 25061 Planning Submission.pdf; 25061 Letter to Council.pdf; Planning\_Permit\_Application\_2025-07-29T16-24-26\_26805613\_0.pdf

## Planning Permit Application

A "Planning Permit Application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

**Business trading name:** Development Solutions Victoria

**Email address:** admin@devsolvic.com.au

**Postal address :** 48 Bailey Street, Bairnsdale

**Preferred phone number:** 0351524858

**Owner's name:** Christian, Stephanie, Achille and Giuseppa Ferretti

**Owner's business trading name (if applicable):** C/- Development Solutions Victoria

**Owner's postal address:** 48 Bailey Street, Bairnsdale

**Street number:** 4 and 23

**Street name:** Counihan and Tierney

**Town:** Wy Yung

**Post code:** 3875

**Lot number:** 2 and 1

**Plan number:** 516528E

**Other Legal Description:** Vol 10780 Fol 281 and Vol 10780 and Fol 280

**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?:** No

**Will the proposal result in a breach of a registered covenant restriction or agreement?:** No

**Existing conditions :** 4 Counihan contains an existing dwelling, outbuilding and swimming pool, 23 Tierney contains an existing dwelling

**Description of proposal :** 3 Lot Subdivision in 2 Stages

**Estimated cost of development:** 0

**Has there been a pre-application meeting:** No

**Your reference number:** 25061

**Full copy of Title:** [APPENDIX A Copy of Title - 4 Counihan.PDF](#), [APPENDIX A Copy of Title - 23 Tierney.PDF](#), [APPENDIX A Plan of Subdivision - 23 Tierney.PDF](#), [APPENDIX A Plan of Subdivision - 4 Counihan.PDF](#)

**Plans:** [APPENDIX B Proposed Subdivision Plan.pdf](#), [APPENDIX B Site Context & Proposed Subdivision Plan.pdf](#)

**Planning report:** [APPENDIX C Clause 56.pdf](#), [25061 Planning Submission.pdf](#)

**ExtraFile:** 1

**1. Supporting information/reports:** [25061 Letter to Council.pdf](#)

**Declaration:** Yes

**Authority Check:** Yes

**Notice Contact Check:** Yes

**Notice check 2:** Yes

**Privacy Statement Acknowledge:** Yes



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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.

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

Page 1 of 1

VOLUME 10780 FOLIO 281

Security no : 124126224181G  
Produced 15/07/2025 02:22 PM

### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 516528E.

PARENT TITLES :

Volume 09661 Folio 056      Volume 10699 Folio 599

Created by instrument PS516528E 30/01/2004

### REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

ACHILLE FERRETTI

GIUSEPPA FERRETTI

PS516528E 30/01/2004

### 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 PS516528E 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: 4 COUNIHAN STREET WY YUNG VIC 3875

### ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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Page 4 of 40





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STAGE No.

LTO USE ONLY

PLAN NUMBER

# EDITION

PS 516528E

## COUNCIL CERTIFICATION AND ENDORSEMENT

1. This plan is certified under Section 6 of the Subdivision Act 1988.
2. ~~This plan is certified under Section 11(7) of the Subdivision Act 1988.~~  
~~Date of original certification under Section 6     /     /~~
3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

## OPEN SPACE

- (i) A requirement for public open space under Section 18 Subdivision Act 1988 ~~has / has not been made.~~
- (ii) ~~The requirement has been satisfied.~~
- (iii) ~~The requirement is to be satisfied in stage~~  
Council Delegate  
~~Council seat~~

Date 16/09/2003

~~Re-certified under Section III(7) of the Subdivision Act 1988~~

~~Council Delegate~~

~~Council seat~~

Date:      /      /     

### VESTING OF ROADS AND/OR RESERVES

IDENTIFIER

COUNCIL/BODY/PERSON

NIL

NIL

## NOTATIONS

**STAGING** This ~~is~~ / is not a staged subdivision  
Planning Permit No

DEPTH LIMITATION DOES NOT APPLY

SURVEY: THIS PLAN ~~IS~~ / IS NOT BASED ON SURVEY

THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)

## EASEMENT INFORMATION

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

LTO USE ONLY

STATEMENT OF COMPLIANCE  
/ EXEMPTION STATEMENT

RECEIVED



DATE 22 01 / 2004

LTO USE ONLY

PLAN REGISTERED

TIME 1:53 pm

DATE 30/1/04

*D. Thomas*  
Assistant Registrar of Titles

Printed 8/08/2025

**Page 6 of 40**

Crowthier & Sadler Pty. Ltd.

**LICENSED SURVEYORS & TOWN PLANNERS**  
152 MACLEOD STREET, BAINSDALE, VIC., 3875  
TELEPHONE (03) 5152 5011

LICENSED SURVEYOR

MICHAEL JOSEPH SADLER

SIGNATURE \_\_\_\_\_ DATE \_\_\_\_ / \_\_\_\_ / \_\_\_\_

REF 10492 VERSION 2

DATE 16/09/03

COUNCIL DELEGATE SIGNATURE

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# PLAN OF SUBDIVISION

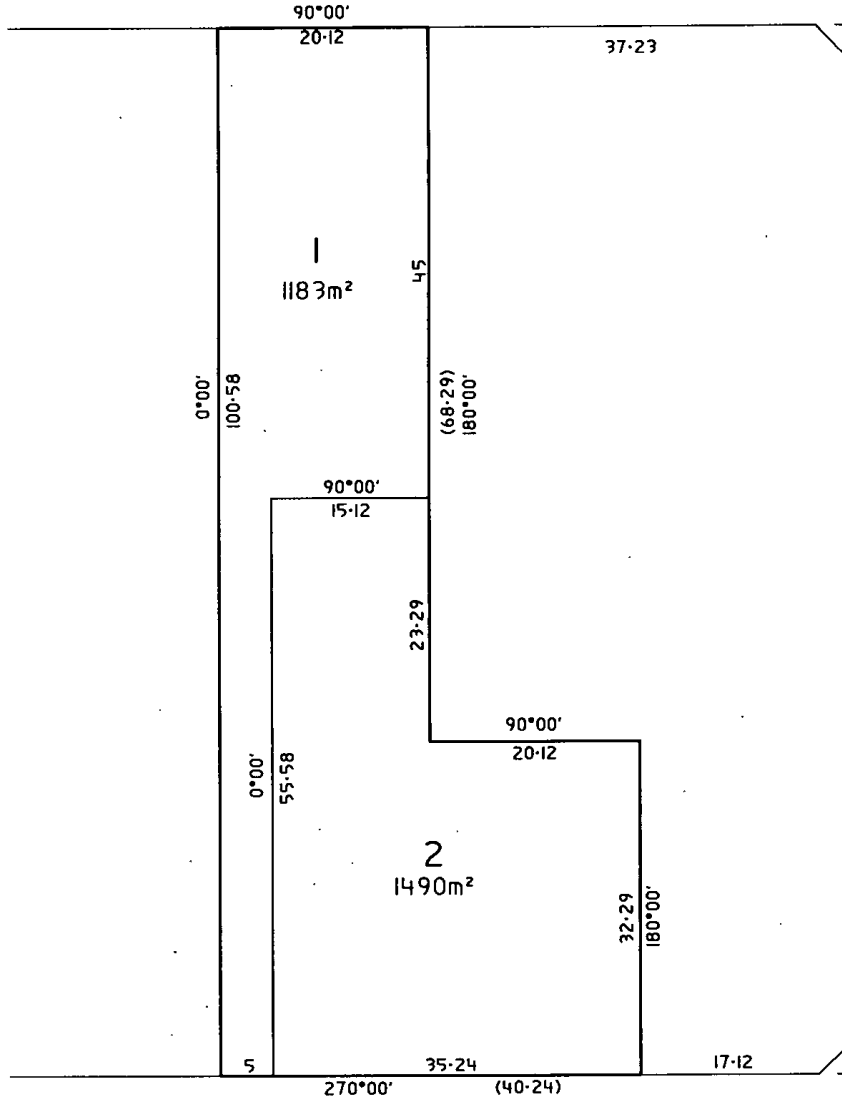
STAGE No.

PLAN NUMBER

PS 516528E

APPROX. TRUE NORTH

TIERNEY STREET



DWYER STREET

COUNIHAN STREET

**Crowther & Sadler Pty. Ltd.**

LICENSED SURVEYORS & TOWN PLANNERS  
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875

TELEPHONE (03) 5162 6011

ORIGINAL

SHEET  
SIZE  
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SCALE  
1:500

SCALE

5 0 5 10 15 20

LENGTHS ARE IN METRES

LICENSED SURVEYOR

MICHAEL JOSEPH SADLER

SIGNATURE

DATE

/ /

REF 10492

VERSION

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SHEET 7 OF 2 SHEETS

DATE / /

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Page 7 of 40

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

Page 1 of 1

VOLUME 10780 FOLIO 280

Security no : 124126223926J  
Produced 15/07/2025 02:17 PM

### LAND DESCRIPTION

Lot 1 on Plan of Subdivision 516528E.  
PARENT TITLES :  
Volume 09661 Folio 056      Volume 10699 Folio 599  
Created by instrument PS516528E 30/01/2004

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
CHRISTIAN DANTE FERRETTI  
STEPHANIE JANE FERRETTI  
AW411374C 22/12/2022

### ENCUMBRANCES, CAVEATS AND NOTICES

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### DIAGRAM LOCATION

SEE PS516528E 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: 23 TIERNEY STREET WY YUNG VIC 3875

### ADMINISTRATIVE NOTICES

NIL

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<b>PLAN OF SUBDIVISION</b>		STAGE No. <del>1</del> <b>EDITION</b>	LTO USE ONLY	PLAN NUMBER <b>PS 516528E</b>	
<b>LOCATION OF LAND</b>  PARISH: WY YUNG TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 29B (PART) CROWN PORTION: _____  TITLE REFERENCES: VOL 10057 FOL 768 VOL 9661 FOL 056  LAST PLAN REFERENCE: LOT 89 ON LP 3077 LOT 5 ON PS 201974B  POSTAL ADDRESS: COUNIHAN STREET (At time of subdivision) WY YUNG, 3875  AMG CO-ORDINATES: E 553 950 (Of approx. centre of land in plan) N 5815 130 <span style="float: right;">ZONE: 55</span>		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b>  COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 95/2003 / CRT  1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. <del>This plan is certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under Section 6 / /</del> 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.  <b>OPEN SPACE</b> (i) A requirement for public open space under Section 18 Subdivision Act 1988 <del>has / has not been made.</del> (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in stage-</del> Council Delegate <del>Council seal</del>  Date 16/09/2003 <del>Re-certified under Section 11(7) of the Subdivision Act 1988-</del> Council Delegate <del>Council seal</del>  Date / /			
VESTING OF ROADS AND/OR RESERVES		<b>NOTATIONS</b>			
IDENTIFIER	COUNCIL/BODY/PERSON				
NIL	NIL	STAGING This <del>is</del> / is not a staged subdivision Planning Permit No  DEPTH LIMITATION DOES NOT APPLY			
SURVEY: THIS PLAN <del>IS</del> / IS NOT BASED ON SURVEY  THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)					
<b>EASEMENT INFORMATION</b>				LTO USE ONLY  STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT   RECEIVED <input checked="" type="checkbox"/>  DATE 22/01/2004  <hr/> LTO USE ONLY PLAN REGISTERED TIME 1:53 pm DATE 30/1/04  Assistant Registrar of Titles <hr/> SHEET 1 OF 2 SHEETS  DATE 16/09/03 COUNCIL DELEGATE SIGNATURE  ORIGINAL SHEET SIZE A3	
LEGEND    A - Appurtenant Easement                    E - Encumbering Easement                    R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin		Land Benefited/In Favour Of
<b>Crowther &amp; Sadler Pty Ltd.</b> LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 6152 6011		LICENSED SURVEYOR                    MICHAEL JOSEPH SADLER  SIGNATURE                    DATE / /  REF 10492                    VERSION 2			

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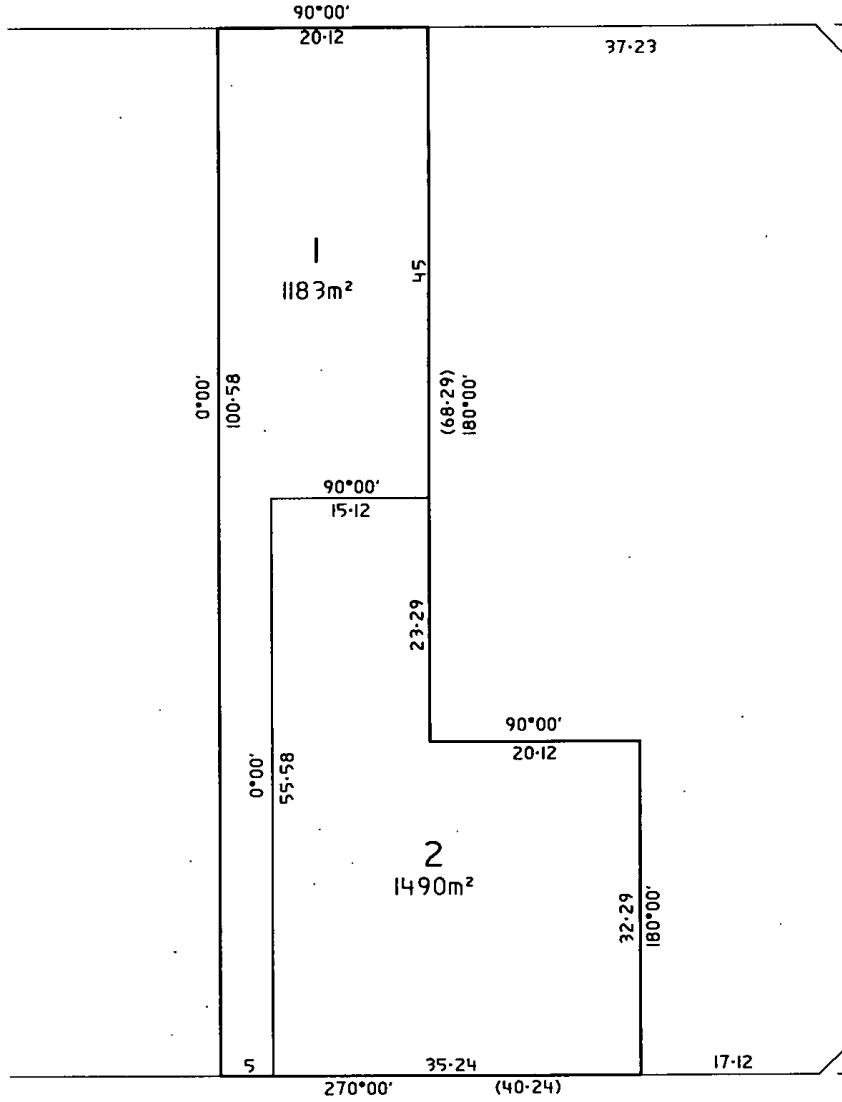
STAGE No.

PLAN NUMBER

PS 516528E

APPROX. TRUE NORTH

TIERNEY STREET



DWYER STREET

COUNIHAN STREET

**Crowther & Sadler Pty. Ltd.**

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182 MACLEOD STREET, BAIRNSDALE, VIC., 3875

TELEPHONE (03) 5162 6011

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SCALE

SHEET

SIZE

A3

SCALE

1:500

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LENGTHS ARE IN METRES

LICENSED SURVEYOR

MICHAEL JOSEPH SADLER

SIGNATURE

DATE

/ /

REF 10492

VERSION

2

SHEET 2 OF 2 SHEETS

DATE / /

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APPLICATION FOR PLANNING PERMIT

## THREE LOT SUBDIVISION

4 COUNIHAN STREET AND 23 TIERNEY STREET, WY YUNG

JOSEPHINE FERRETTI

REF: 25061

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## CONTENTS

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2	Site Context	5
3	The Proposal	12
4	Zones and Overlays	13
5	Planning Assessment	15
6	Conclusion	17

## APPENDIX

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

## DOCUMENT REVISION

1	Draft Report	DAC	24/07/2024
2	Final Report	CMC	29/07/2024







## 1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Josephine Ferretti, the owner of land and the applicant for the planning permit application for this three lot subdivision at 4 Counihan Street and 23 Tierney Street, Wy Yung.

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

A planning permit is required for the proposed subdivision under the provisions of the General Residential Zone.

The subject site has previously been approved for a three lot subdivision with planning permit number 5.2011.511.1 however has now expired.

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

Address	4 Counihan Street and 23 Tierney Street, Wy Yung
<b>Site Description</b>	Lots 1 and 2 on Plan of Subdivision 516528E
<b>Title Particulars</b>	Vol 10780 Fol 280 and Vol 10780 Fol 281
<b>Combined Site Area</b>	Lot 1 – 1,183m <sup>2</sup> and Lot 2 – 1,490m <sup>2</sup>
<b>Proposal</b>	Three Lot Subdivision
<b>Planning Scheme</b>	East Gippsland Planning Scheme
<b>Zone</b>	General Residential Zone – Schedule 1
<b>Overlays</b>	None applicable
<b>Aboriginal Cultural Heritage</b>	Not identified as an area of Cultural Heritage Sensitivity
<b>Permit Triggers</b>	Clause 32.08-3 General Residential Zone - Subdivision
<b>Notice</b>	No exemption available
<b>Referrals</b>	Clause 66.01, SP Ausnet and East Gippsland Water
<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 Housing – Clause 16 General Residential Zone – Clause 32.08 Decision Guidelines – Clause 56 Decision Guidelines – Clause 65.01 Decision Guidelines – Clause 65.02

## 2. SITE CONTEXT

### Site

The subject site is located at 4 Counihan Street and 23 Tierney Street, Wy Yung. A copy of the Title and Plan of Subdivision for each lot is contained in **Appendix A**. The titles are not affected by any restrictive covenants or agreements.

### 23 Tierney Street

This lot is battle axe in shape with a total area of 1,183m<sup>2</sup> and contains an existing dwelling.

This lot is gently undulating in nature and does not contain any vegetation.

Access is existing in the eastern portion of the northern boundary via a concrete crossover and driveway directly from Tierney Street and along the southern boundary directly from Counihan Street. Tierney and Counihan Street are both bitumen sealed no through roads traversing in an east to west direction.

### 4 Counihan Street

This lot is battle axe shape with a total area of approximately 1,490m<sup>2</sup> and contains an existing dwelling, outbuilding and swimming pool.

This lot is gently undulating and contains scattered vegetation throughout including within garden beds.

Access to this lot is existing via a bitumen crossover and paved driveway in the eastern portion of the southern boundary directly from Counihan Street.

The parcels of land will be referred to hereon as one and referred to as the subject site.

Details of the site are depicted in the photographs provided below. The subject site in relation to Wy Yung as well as the surrounding land is shown in the locality plans in **Figure 1** and **Figure 2**.



Figure 1 – Locality Plan – 4 Counihan Street & 23 Tierney Street, Wy Yung (source: mapshare.vic.gov.au)

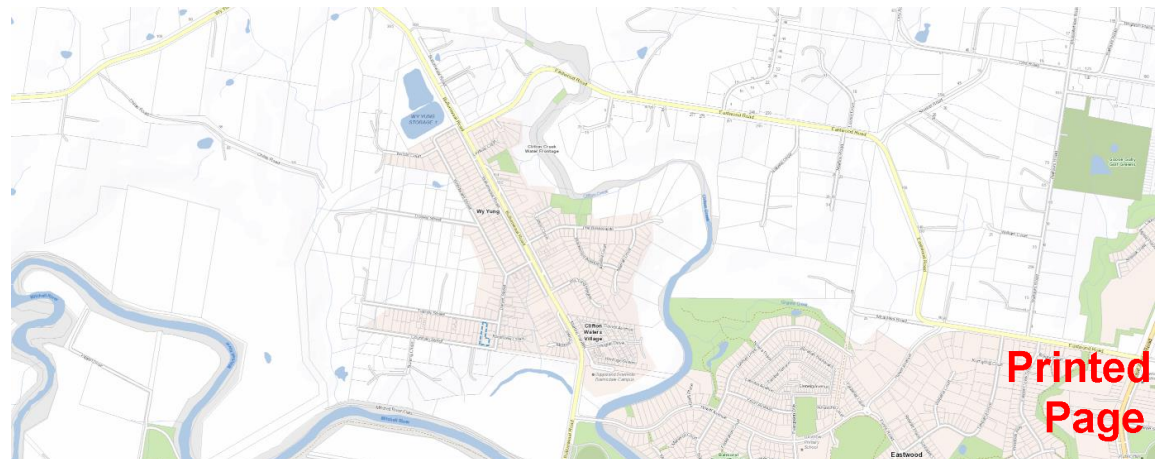


Figure 2 – Locality Plan – 4 Counihan Street & 23 Tierney Street, Wy Yung (source: mapshare.vic.gov.au)



## Surrounds

The land surrounding the site comprises predominantly developed residential land at various densities and styles of dwellings.

Adjoining the eastern and western boundaries is land containing existing residential development and associated facilities comprising predominantly single storey dwellings on larger residential allotments. Adjoining the northern boundary is Tierney Street and further residential development. Adjoining the southern boundary is Counihan Street and further residential development.

Wy Yung is considered a suburb of Bairnsdale located approximately 4.5 kilometres north of Bairnsdale central business district. Wy Yung has minimal community and commercial facilities and services however, a full suite of services is available in Bairnsdale.

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





Photograph 1 – Aerial Photograph of the subject site and surrounding land  
 – 4 Counihan Street & 23 Tierney Street, Wy Yung (source: dpi.vic.gov.au)  
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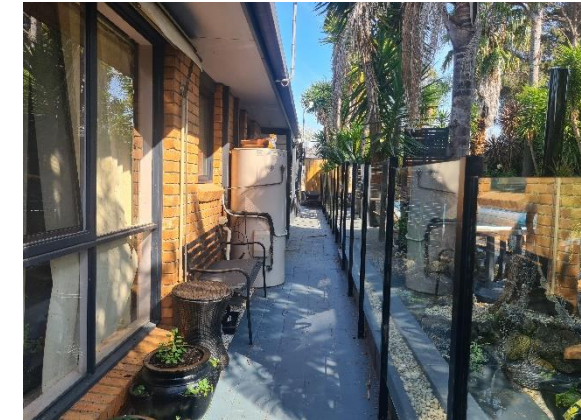




**Photograph 2** – Existing access at 4 Counihan Street, Wy Yung being access to proposed Lot 3.



**Photograph 4** – Existing access to proposed Lot 1 and the northern boundary at 23 Tierney Street, Wy Yung.



**Photograph 6** – Rear of existing dwelling at 4 Counihan Street, facing east.



**Photograph 3** – Existing access to the southern boundary of 23 Tierney Street, Wy Yung and access to proposed Lot 2.



**Photograph 5** – Existing dwelling on proposed Lot 3, facing northeast.



**Photograph 7** – Northern portion of proposed Lot 3 showing the pool and garden area, facing northeast.





**Photograph 8** – Southern portion of proposed Lot 2, facing south.



**Photograph 10** – Proposed Lot 2 and 3, facing east.



**Photograph 12** – Existing dwelling on proposed Lot 1, facing north.



**Photograph 9** – Northern portion of proposed Lot 2 and southern portion of proposed Lot 1, facing north.



**Photograph 11** – Proposed Lot 2, facing west.



**Photograph 13** – Southern portion of proposed Lot 1, facing south.





**Photograph 14** – Western boundary of proposed Lot 1, facing south.



**Photograph 16** – Property opposite proposed at 9 Counihan Street, Wy Yung



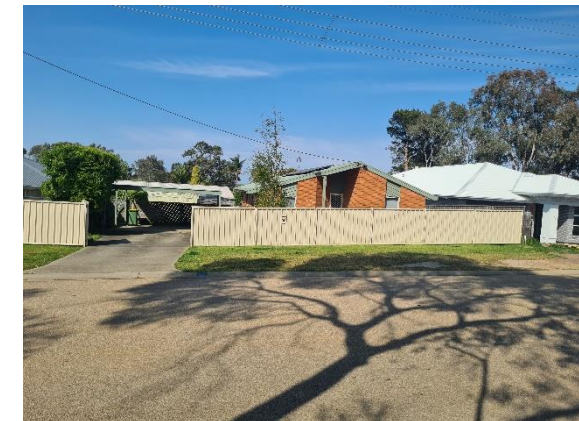
**Photograph 18** – Existing dwelling adjoining the southwestern boundary of the subject site at 8 Counihan Street, Wy Yung.



**Photograph 15** – Proposed Lot 1, facing west.



**Photograph 17** – Existing dwelling adjoining the southeastern boundary of the subject site 2 Counihan Street, Wy Yung.



**Photograph 19** – Existing dwelling adjoining the northeastern boundary of the subject site at 21 Tierney Street, Wy Yung.





**Photograph 20** – Existing dwelling opposite the subject site at 24 Tierney Street, Wy Yung.



**Photograph 22** – Counihan Street, facing west.



**Photograph 24** – Tierney Street, facing west.



**Photograph 21** – Existing dwelling adjoining the northwestern boundary of the subject site at 25 Tierney Street, Wy Yung.



**Photograph 23** – Counihan Street, facing east.



**Photograph 25** – Tierney Street, facing east.

### 3. THE PROPOSAL

This application seeks approval for the subdivision of land into three lots to be completed in two stages under the provisions of the General Residential Zone. The proposed subdivision seeks to reconfigure the existing two lots and create one additional lot. A proposed plan of subdivision is provided in **Appendix B**.

#### Lot 1

The proposed Lot 1 will be rectangular in shape and will be approximately 1,157m<sup>2</sup> in area. This lot comprises the northern portion of the site and contains an existing dwelling.

Access to this allotment is existing in the eastern portion of the northern boundary via a concrete crossover and driveway connecting directly to Tierney Street that will remain unchanged.

#### Lot 2

The proposed Lot 2 will be rectangular in shape and will be approximately 608m<sup>2</sup>. This lot will comprise the southwestern portion of the site and will be vacant land.

Access to this allotment will be provided via the existing concrete crossover and gravel driveway in the western portion of the

southern boundary connecting directly to Counihan Street.

#### Lot 3

The proposed Lot 3 will be battleaxe in shape and will be approximately 908m<sup>2</sup>. This lot will comprise the southeastern portion of the site and contains an existing dwelling, swimming pool and outbuilding.

Access to this allotment is existing in the eastern portion of the southern boundary via a concrete crossover and paved driveway connecting directly to Counihan Street that will remain unchanged.

#### Services

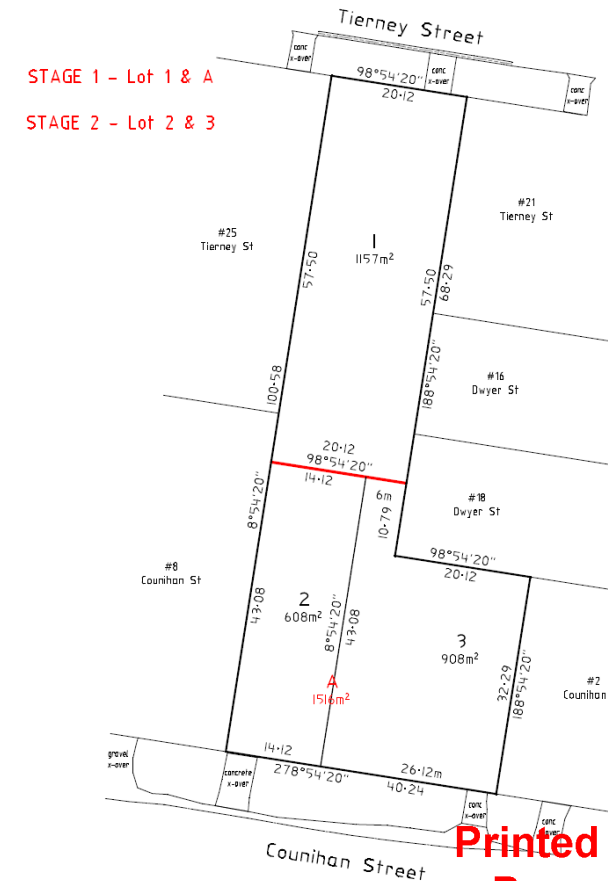
The subject site is connected to an appropriate level of services including reticulated water, sewerage, electricity, telecommunications, drainage and a good quality road network. The additional vacant lot being created is not expected to exceed the capacity of the existing services.

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 proposal does not require the removal of any vegetation or earthworks to facilitate the subdivision beyond provision of services.

#### Staging

The proposed subdivision will be completed in two stages. Stage 1 will include Lot 1 and A. Stage 2 will include Lots 2 and 3.



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Figure 3 – Proposed Plan of Subdivision – 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 is responsive to 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.

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)



## 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. This is not addressed further.

## 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 additional vacant allotment that can be developed in the future with a residential dwelling that can be respectful of the existing surrounding development and the environment.
- There are no environmental constraints associated with the site however, the proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing the 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 only scattered vegetation within garden beds. 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 three allotments across a staged subdivision with one being vacant land that can adequately accommodate a residential dwelling in the future.
- The subject site has access to all available services and the proposed vacant lot being created will be connected to all available services and infrastructure including reticulated water, sewerage, electricity, telecommunications and a good quality road network.
- The proposal meets the objectives of **Clause 16** by providing one additional vacant lot that can be developed with a dwelling in the future which in turn will support housing for the area. **Clause 16.01-25** recognises the need to ensure land supply is sufficient to meet demand. The proposed subdivision will contribute to additional land supply within the Wy Yung area. Wy Yung is considered to have adequate capacity to sustain future additional residential development within appropriately zoned areas. It is noted that Wy Yung comprises areas of General Residential Zoned land and Low Density Residential Zoned land.
- 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 originate from 2 separate parcels of land creating three allotments. It is proposed to stage the subdivision into two stages with stage one containing Lot 1 and A and stage 2 will contain Lots 2 and 3. Proposed Lot 1 and 3 will contain existing dwellings and associated facilities. Proposed Lot 2 will be vacant land, suitable for future residential development that can be in keeping with the neighbourhood character of the area.
- The proposed subdivision 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.
- Access to proposed Lot 1 is existing in the eastern portion of the northern boundary directly from Tierney Street. Access to the proposed Lot 2 is existing in the western portion of the southern boundary directly from Counihan Street and access to proposed Lot 3 is existing in the eastern portion of the southern boundary also directly from Counihan Street.
- 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. As previously discussed, the proposal does not require the removal of any native vegetation and there will be no negative impact on the existing road network.

- 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 vacant lot being created can adequately accommodate a residential dwelling in the future that will in turn support the community by providing for additional housing.
- The additional lot is not expected to exceed the capacity of the services in this location, however the proposal will be required to be referred to all service authorities for comment.
- The proposed vacant allotment 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 to assist in meeting state housing demand.

## 6. CONCLUSION

This submission is in support of a planning permit application for a three lot subdivision at 4 Counihan Street and 23 Tierney Street, Wy Yung.

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, and 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.
- The lot layout will be consistent with the surrounding lot configurations.
- The proposed subdivision will provide for one vacant allotment that can be developed with residential dwelling in the future.

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.

These details are outlined in the proposed development plans and within the submission.

The table below addresses the relevant requirements of Clause 56.

<b>Clause 56.03-5 Neighbourhood Character Objective:</b>	<b>To design subdivisions that respond to neighbourhood character.</b>
<b>Response:</b>	<p>There is no Neighbourhood Character Statement or specific character identified for this location. This area contains predominantly standard residential uses. The dwellings in the area include both single storey, elevated single storey and double storey dwellings. All development is on lots ranging in shapes and sizes generally with one single point of access to the road network. The lot configuration in the immediate area is diverse with varied road frontages ranging between approximately 15 – 40 metres.</p> <p>The proposed lot layout is responsive to the site and will provide for future residential development on the vacant lot being created 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. Proposed Lot 1 and 3 will contain the existing dwellings and associated facilities.</p> <p>All allotments will have suitable driveway access. Proposed Lot 1 will contain the existing concrete crossover along the northern boundary directly from Tierney Street, Proposed Lot 2 will contain the existing concrete crossover and gravel driveway along the southern boundary directly from Counihan Street and proposed Lot 3 will contain the existing concrete crossover and paved driveway directly from Counihan Street. No new access points are proposed. The existing access on proposed Lot 2 is currently the southern access point for 23 Tierney Street.</p> <p>The proposed lot layout will enable future residential development on the vacant lot being created that will be consistent with the existing lot layout in the area and existing residential development. There is some scattered vegetation and landscaped gardens throughout the site, no vegetation is required to be removed. 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.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<b>Clause 56.04-1 Lot diversity and distribution objectives:</b>	<p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>To provide a range of lot sizes to suit a variety of dwelling and household types.</p>
<b>Response:</b>	<p>The proposed subdivision will result in three allotments with one being vacant land that can be developed with a dwelling in the future.</p> <p>The future development of a residential dwelling will not result in housing densities that are inconsistent with existing development within the area. The density proposed is responsive to the site conditions and relative to the area. The proposed subdivision achieves suitable infill development within an identified growth area where there is a suitable range of services available.</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>	<p>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.</p>
<b>Response:</b>	<p>This application seeks approval for the creation of three allotments, all greater than 300m<sup>2</sup> in area to accommodate future residential dwellings. The proposed lots will be:</p> <p>Lot 1 will be 1,157m<sup>2</sup> in area;</p> <p>Lot 2 will be 608m<sup>2</sup> in area;</p> <p>Lot 3 will be 908m<sup>2</sup> in area.</p> <p>Proposed Lot 1 will contain the existing dwelling on 23 Tierney Street and proposed Lot 2 will contain the existing dwelling on 4 Counihan Street. Proposed Lot 2 will be vacant land suitable for future residential development. The proposed vacant lot being created can adequately accommodate a 10m x 15m rectangle with the ability for appropriate setbacks indicating suitability for future development.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access for existing development surrounding the site and any future development on the vacant lot. The size and configuration of the proposed lots is considered more than adequate to accommodate any future development with suitable garden area, private open space and vehicle access, 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>

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<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 three 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 on the vacant lot being created 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 56.04-4 Street orientation objective:</b>	<b>To provide a lot layout that contributes to community social interaction, personal safety and property security.</b>
<b>Response:</b>	<p>The proposed allotments will all have appropriate street frontages, similar to others in the locality, which is deemed likely to encourage future development that supports visibility and surveillance and will contribute to community social interaction, personal safety and property security.</p> <p>All proposed lots will have individual access and street frontage. Aside from the adjoining road networks, there is no public open space areas adjoining the site.</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.</p> <p><b>This clause is not relevant to the proposal.</b></p>

<b>Clause 56.05-1 Integrated urban landscape objectives:</b>	<p>To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>To provide for integrated water management systems and contribute to drinking water conservation.</p>
<b>Response:</b>	<p>The proposal does not seek to create any new streets, roads or public open space areas and no new footpaths are proposed.</p> <p><b>This clause is not relevant to the proposal.</b></p>
<b>Clause 56.06-2 Walking and cycling network objectives:</b>	<p>To contribute to community health and well being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>To reduce car use, greenhouse gas emissions and air pollution.</p>
<b>Response:</b>	<p>There are no existing footpaths in this location and no new footpaths or streets are proposed. The proposed vacant allotment being created will have individual access via the existing concrete crossover connecting directly to Counihan Street.</p> <p>Counihan Street includes suitably wide road reserves with grassed nature strips and adequate room for pedestrian and bicycle use. All 3 lots contain existing access points that are considered appropriate for continued use.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.06-5 Walking and cycling network detail objectives:</b>	<p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>
<b>Response:</b>	<p>The proposal does not include any new footpaths. Each of the proposed allotments will have an existing access point which will provide for suitable access for pedestrians, cyclists and vehicles to the existing road network.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

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<b>Clause 56.06-6 Public transport network detail objectives:</b>	<b>To provide for the safe, efficient operation of public transport and the comfort and convenience of public transport users. To provide public transport stops that are accessible to people with disabilities.</b>
<b>Response:</b>	There is public transport available approximately 650 metres northeast of the subject site being a bus stop, located on Bullumwaal Road in front of Jarrod's Bakery. This bus route provides access throughout Bairnsdale and departs two hourly.  <b>The proposal meets the objectives and standards of this clause.</b>
<b>Clause 56.06-7 Neighbourhood Street network detail objective:</b>	<b>To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</b>
<b>Response:</b>	No new streets are proposed.  <b>This clause is not relevant to the proposal.</b>
<b>Clause 56.06-8 Lot access objective:</b>	<b>To provide for safe vehicles access between roads and lots.</b>
<b>Response:</b>	Proposed Lot 1 will contain the existing concrete crossover along the northern boundary directly from Tierney Street, Proposed Lot 2 will contain the existing concrete crossover and gravel driveway along the southern boundary directly from Counihan Street and proposed Lot 3 will contain the existing concrete crossover and paved driveway directly from Counihan Street. No new access points are proposed. The existing access on proposed Lot 2 is currently the southern access point for 23 Tierney Street.  The existing access is considered to be suitable for provision of safe vehicle access between the lots and the existing road network.  <b>The proposal meets the objectives and standards of this clause.</b>

<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 vacant lot being created 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>
<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.</p> <p>Water supply to Lots 1 and 3 is existing. Water supply for the vacant lot being created will be via the existing reticulated water system to the satisfaction of the responsible authority. The application will be referred to East Gippsland Water for consideration.</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>Proposed Lots 1 and 3 are currently connected to the existing reticulated sewerage network. The proposed vacant lot being created will be connected to the existing reticulated sewerage network. The proposed additional vacant lot is not expected to exceed the capacity of the network.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.07-4 Stormwater management objectives</b>	<p><b>To minimise damage to properties and inconvenience to residents from stormwater.</b></p> <p><b>To ensure that the street operates adequately during major storm events and provides for public safety.</b></p> <p><b>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</b></p> <p><b>To encourage stormwater management that maximises the retention and reuse of stormwater.</b></p> <p><b>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</b></p>
<b>Response:</b>	Stormwater created from any future dwelling will be directed to the legal point of discharge to the satisfaction of the responsible authority.

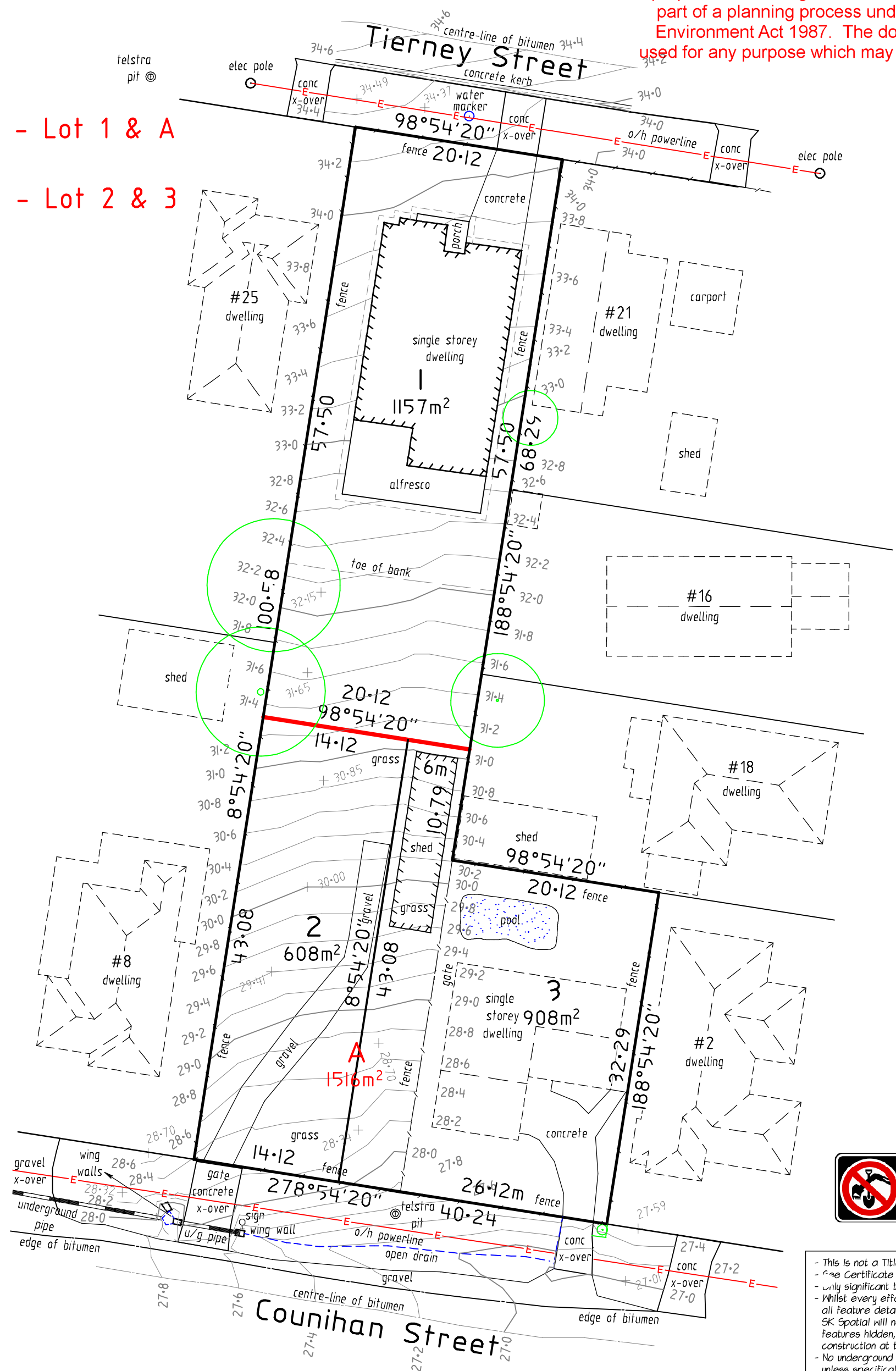


	<p>It is not anticipated that there will be any drainage issues as a result of the proposed subdivision or future development as such it is requested that formal drainage plans be a requirement on any planning permit granted.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.08-1 Site Management objectives</b>	<p><b>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</b></p> <p><b>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</b></p> <p><b>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</b></p>
<b>Response:</b>	<p>All preventative measures will be implemented during the construction phase of the proposed subdivision to ensure no erosion occurs.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>
<b>Clause 56.09-1 Shared Trenching objectives:</b>	<p><b>To maximise the opportunities for shared trenching.</b></p> <p><b>To minimise constraints on landscaping within the street reserves.</b></p>
<b>Response:</b>	<p>Given the proposal is seeking a three lot subdivision resulting in one vacant allotment, there is no ability for shared trenching for new services. 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>
<b>Clause 56.09-2 Electricity, telecommunications and gas objectives:</b>	<p><b>To provide public utilities to each lot in a timely, efficient and cost effective manner.</b></p> <p><b>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</b></p>
<b>Response:</b>	<p>All vacant lots will be connected to 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 capacity.</p> <p>Each of the service providers will be contacted prior to the certification of the plan of subdivision to determine requirements.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

<b>Clause 56.09-3 Fire hydrants objectives:</b>	<b>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</b>
<b>Response:</b>	<p>The nearest fire hydrant in Counihan Street is located directly opposite the subject site along the southern boundary and the nearest hydrant in Tierney Street is located along the northern boundary of the subject site.</p> <p><b>The proposal meets the objectives of this clause.</b></p>
<b>Clause 56.09-4 Pubic lighting objective:</b>	<p><b>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles.</b></p> <p><b>To provide pedestrians with a sense of personal safety at night.</b></p> <p><b>To contribute to reducing greenhouse gas emissions and to saving energy.</b></p>
<b>Response:</b>	<p>There is existing street lighting within Tierney Street and Counihan Street adjoining the subject site to the north and south that is considered to provide adequate lighting. In addition, lighting from any future dwelling will provide a sense of personal safety for pedestrians.</p> <p>No new street lighting is proposed or considered necessary in this instance.</p> <p><b>The proposal meets the objectives and standards of this clause.</b></p>

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STAGE 1 - Lot 1 & A  
STAGE 2 - Lot 2 & 3



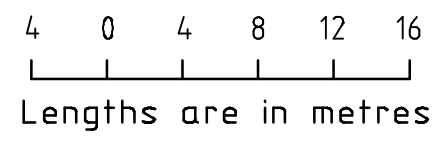
- This is not a Title survey.
- See Certificate of Title for Easement details.
- Only significant trees are shown on this plan.
- Whilst every effort has been made to locate all feature details within the surveyed area SK Spatial will not be held responsible for features hidden, obscured or under construction 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.
- Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.

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**OnePlan**  
LAND DEVELOPMENT GROUP  
SURVEYING CONSULTANTS

P:1300 853 157  
M:0400 543 157  
sks@oneplangroup.com.au  
www.oneplangroup.com.au  
GIPPSLAND - MELBOURNE



**Notations**  
Datum vide PS516528E  
Levels are to the Australian Height Datum (AHD)  
Contour interval: 0.2m  
  
Lot 1 on PS516528E: 1183m<sup>2</sup>  
Lot 2 on PS516528E: 1490m<sup>2</sup>  
Total site area: 2673m<sup>2</sup>

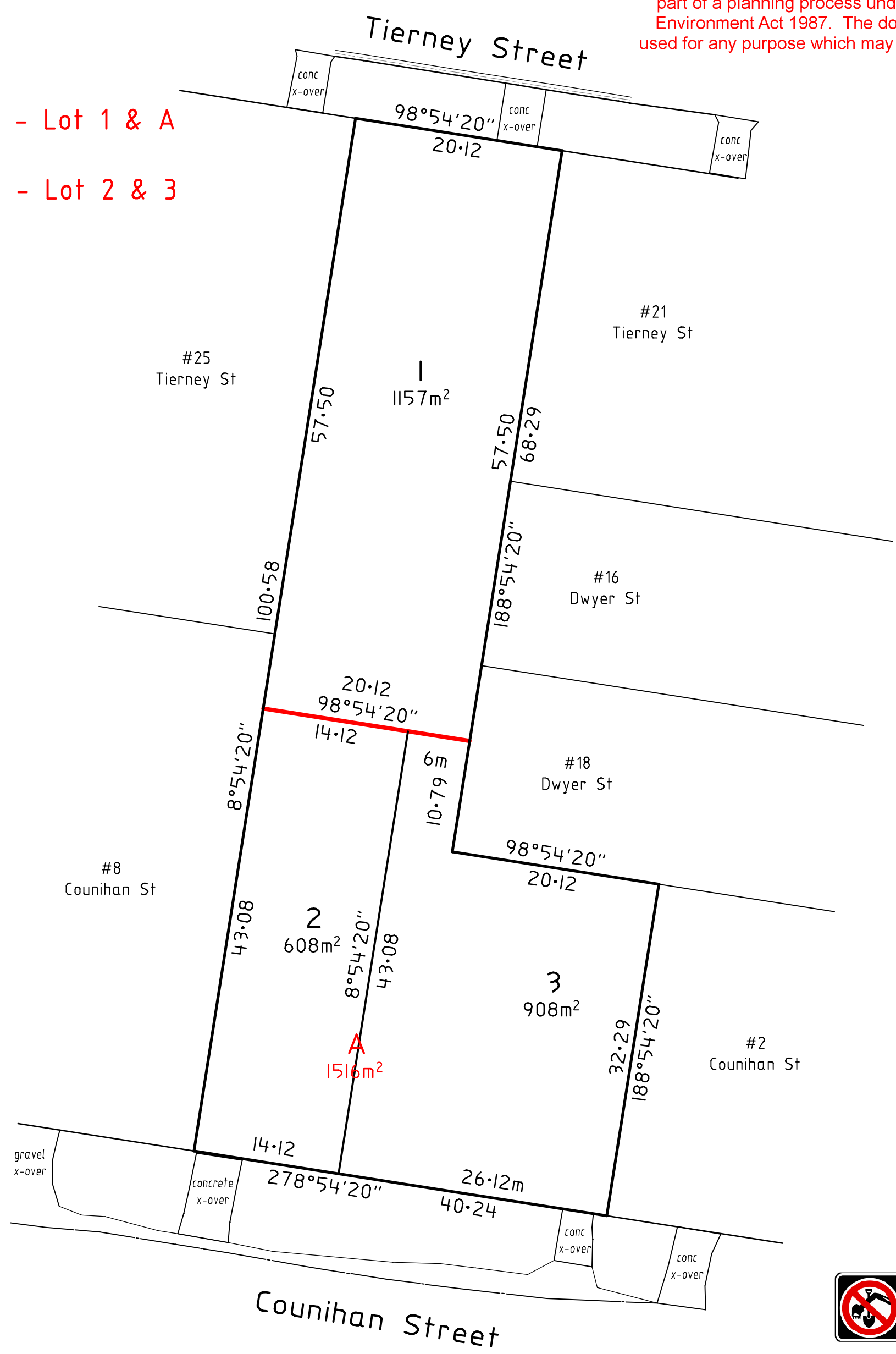
23 Tierney St & 4 Counihan St, Wy Yung, 3875  
East Gippsland Shire

Plan No.	Scale	Drawn
222016 SCPR-3	1:400 - A3	14/7/2025

**Site Context & Proposed Subdivision Plan**  
  
Parish of Wy Yung  
Crown Allotment: 29B (part)  
  
Lots 1 & 2 on PS516528E  
  
Paracentroid (MGA2020) : E 554 070, N 5815 310

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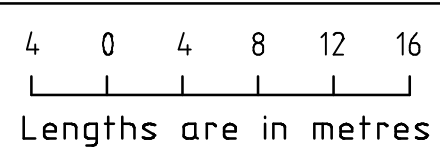
STAGE 1 - Lot 1 & A  
STAGE 2 - Lot 2 & 3



Sheet 1 of 1

**OnePlan**  
LAND DEVELOPMENT GROUP  
SURVEYING CONSULTANTS

P:1300 853 157  
M:0400 543 157  
sks@oneplangroup.com.au  
www.oneplangroup.com.au  
GIPPSLAND - MELBOURNE



**DEVELOPMENT SOLUTIONS**  
VICTORIA

23 Tierney St & 4 Counihan St, Wy Yung, 3875

East Gippsland Shire

Plan No.	Scale	Drawn
222016 PR-3	1:400 - A3	14/07/2025

Parish of Wy Yung  
Crown Allotment: 29B (part)

Lots 1 & 2 on PS516528E

Paracentroid (MGA2020) : E 554 070, N 5815 310

**Notations**  
Datum vide PS516528E

Lot 1 on PS516528E: 1183m²  
Lot 2 on PS516528E: 1490m²  
Total site area: 2673m²

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## Proposed Subdivision Plan