

5 January 2023

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	105 Mathiesons Road EAGLE POINT Lot 1 & 2 PS 734369
The application is for a permit to:	Use of accommodation, function and events centre, car parking dispensation and liquor licence
The applicant for the permit is:	A L Brown and D L Visser
The application reference number is:	498/2022/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ be sent to the Responsible Authority in writing,
- ♦ include the reasons for the objection, and
- ♦ state how the objector would be affected.

The Responsible Authority will not decide on the application before:	Subject to applicant carrying out notice
--	--

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

Please note submissions received will be made available for inspection and may be made available to other parties in accordance with the Planning & Environment Act 1987. If you have concerns about this, please contact the East Gippsland Shire Council's Planning Office.

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

VOLUME 12256 FOLIO 536

Security no : 124101665678G
Produced 08/11/2022 03:16 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 734369F.
PARENT TITLE Volume 09545 Folio 148
Created by instrument PS734369F 19/10/2020

REGISTERED PROPRIETOR

Estate Fee Simple
TENANTS IN COMMON
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ANDREA LOIS BROWN of 105 MATHIESONS ROAD EAGLE POINT VIC 3878
As to 1 of a total of 2 equal undivided shares
Sole Proprietor
DAVID LEON VISSER of 105 MATHIESONS ROAD EAGLE POINT VIC 3878
PS734369F 19/10/2020

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 PS734369F 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: 105 MATHIESONS ROAD EAGLE POINT VIC 3878

ADMINISTRATIVE NOTICES

NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD
Effective from 19/10/2020

DOCUMENT END

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

VOLUME 12256 FOLIO 537

Security no : 124101665680E
Produced 08/11/2022 03:16 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 734369F.
PARENT TITLE Volume 09545 Folio 148
Created by instrument PS734369F 19/10/2020

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Estate Fee Simple
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As to 1 of a total of 2 equal undivided shares
Sole Proprietor
ANDREA LOIS BROWN of 105 MATHIESONS ROAD EAGLE POINT VIC 3878
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NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD
Effective from 19/10/2020

DOCUMENT END



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PLAN OF SUBDIVISION**LOCATION OF LAND**

PARISH : BAIRNSDALE
TOWNSHIP : _____
SECTION : A
CROWN ALLOTMENT : 8
CROWN PORTION : _____
TITLE REFERENCE : VOL 9545 FOL 148

LAST PLAN REFERENCE : TP268528V

POSTAL ADDRESS :
(At time of subdivision) 105 MATHIESONS ROAD,
 EAGLE POINT, 3878

MGA94 Co-ordinates
(of approx centre of land
in plan)

E	558 735	ZONE: 55
N	5806 150	GDA 94

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

LV USE ONLY

EDITION 1

PS 734369F

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY

Survey: This plan is/is not based on survey.
 To be completed where applicable.
 This survey has been connected to permanent marks no(s)
 In Proclaimed Survey Area No.

STAGING This is/is not a staged subdivision.
 Planning Permit No. 957/2013/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

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
 182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
 TELEPHONE (03) 5162 5011

LICENSED SURVEYOR MICHAEL JOSEPH SADLER

DIGITALLY SIGNED BY LICENSED SURVEYOR: DATE / /

REF 15607

VERSION 1

SHEET 1 OF 2 SHEETS

ORIGINAL SHEET SIZE A3

PLAN REGISTERED

TIME: 12:17pm

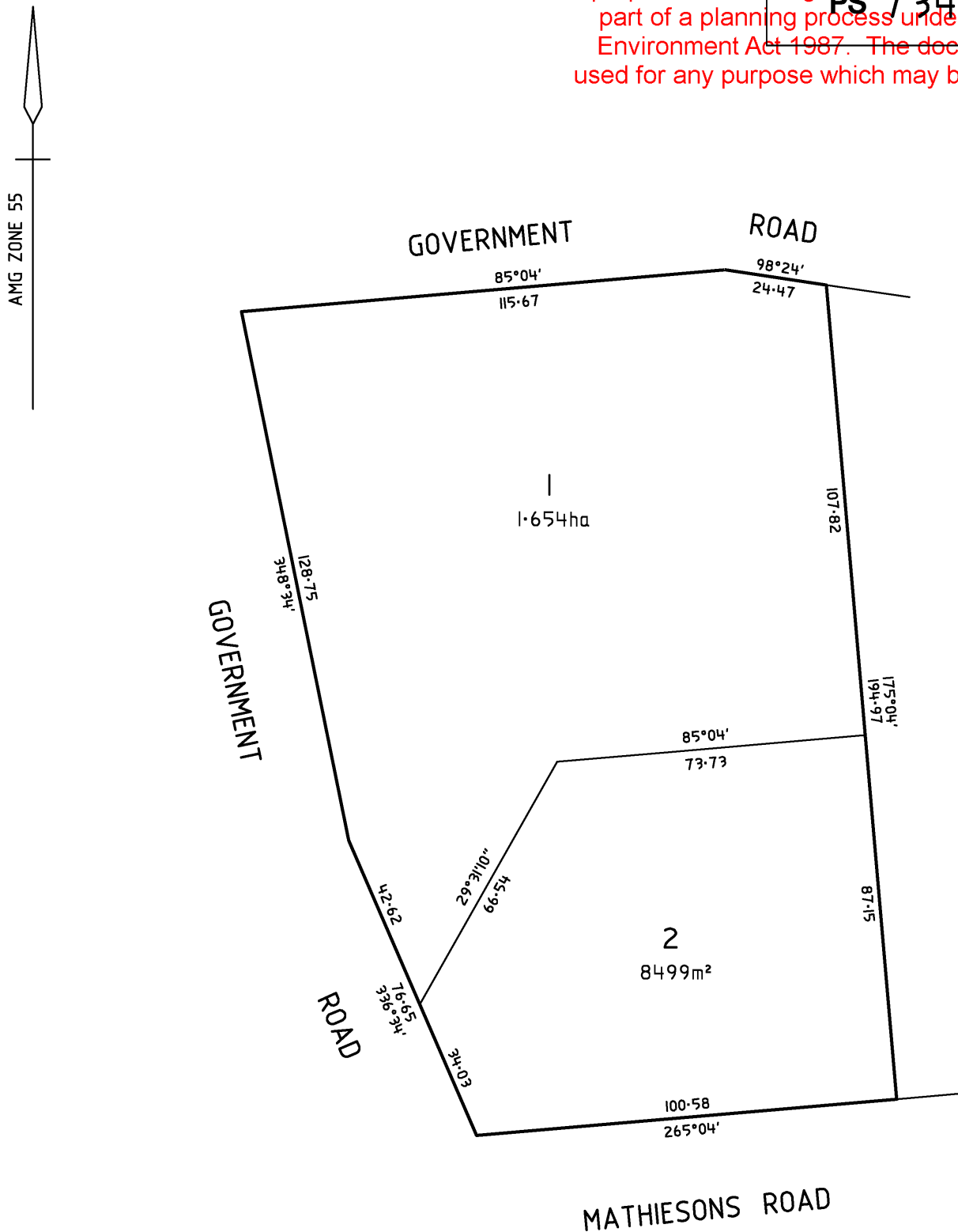
DATE: 19/12/2020

K. NGUYEN
 Assistant Registrar of Titles

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Signed by Council: East Gippsland Shire Council, PP Ref: 357/2013/P, Cert Ref: PS734369F, Original Certification: 30/10/2015, S.O.C.: 15/09/2020



Crowther & Sadler Pty. Ltd.
 LICENSED SURVEYORS & TOWN PLANNERS
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3876
 TELEPHONE (03) 5162 5011

SCALE
 10 0 10 20 30 40
 LENGTHS ARE IN METRES

ORIGINAL
 SCALE
 1:1000

SHEET 2 OF 2 SHEETS
 ORIGINAL SHEET SIZE A3

LICENSED SURVEYOR MICHAEL JOSEPH SADLER
 DIGITALLY SIGNED BY LICENSED SURVEYOR:
 REF 15607 VERSION 1 DATE / /

Printed 5/01/2023
 Page 6 of 61

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Plan of Subdivision PS734369F

Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S061259M

Plan Number: PS734369F

Responsible Authority Name: East Gippsland Shire Council

Responsible Authority Permit Ref. No.: 357/2013/P

Responsible Authority Certification Ref. No.: PS734369F

Surveyor's Plan Version: 1

Certification

This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988

has not been made at Certification

Digitally signed by Council Delegate: Sarah McLaughlin

Organisation: East Gippsland Shire Council

Date: 30/10/2015



APPLICATION FOR PLANNING PERMIT

USE OF ACCOMMODATION, FUNCTION AND
EVENTS CENTRE, CAR PARKING DISPENSATION
AND LIQUOR LICENCE

NOV
20
22

95 & 105 MATHIESONS ROAD, EAGLE POINT

ANDREA BROWN AND DAVID VISSER

REF: 22138

Printed 5/01/2023
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Version	Initials	Date	Comments
1.0	DAC	11/11/2022	Draft for Review
1.1	CMC	14/11/2022	Reviewed
1.2	DAC	17/11/2022	Final for Submission

Disclaimer:

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November 2022

APPLICATION FOR PLANNING PERMIT

95 & 105 MATHIESONS ROAD, EAGLE POINT

USE OF ACCOMMODATION, FUNCTION AND EVENTS CENTRE, CAR PARKING DISPENSATION AND LIQUOR LICENCE

1. EXECUTIVE SUMMARY

This planning submission is in support of a planning permit application for use of accommodation, function and events centre, car parking dispensation and liquor licence at 95 and 105 Mathiesons Road, Eagle Point currently operating as LaRiva.

The parcel at 95 Mathiesons Road is 1.654 hectares in area and the parcel at 105 Mathiesons Road is 8499m². The two parcels are zoned Low Density Residential Zone and are affected by the Design and Development Overlay – Schedule 11, Erosion Management Overlay and the Environmental Significance Overlay – Schedule 1-38 under the provisions of the East Gippsland Planning Scheme.

A planning permit is required under the provisions of the Low Density Residential Zone. The requirements of the zone are addressed throughout the submission and within the supporting documentation.

The proposed use of accommodation, function and events centre, car parking dispensation and liquor licence is appropriate in this location and will be appropriately managed to ensure the amenity of the area is not detrimentally affected.

The following components of the East Gippsland Planning Scheme are addressed in response to the application as required:

- Clause 11 – Settlement
- Clause 12 – Environmental Landscape
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment Heritage
- Clause 17 – Economic Development
- Clause 21.02 –Municipal Planning Strategy
- Clause 21.03 – Settlement
- Clause 21.07 – Built Environment and Heritage
- Clause 21.09 – Economic Development
- Clause 21.12 – Strategies for Sub-Regions, Towns and Localities
- Clause 32.03 – Low Density Residential Zone
- Clause 52.06 – Car parking
- Clause 52.17 – Licenced Premises
- Clause 65 – Decision Guidelines

The information provided within this submission addresses the requirements of the East Gippsland Planning Scheme as outlined above and concludes that the proposal will result in a positive contribution to the Eagle Point area.

2. INTRODUCTION:

We act on behalf of Andrea Brown and David Visser the owners and operators of LaRiva being land at 95 and 105 Mathiesons Road, Eagle Point being the subject of this planning application.

This planning submission and supporting documentation has been prepared in support of the planning permit application for the proposed use of accommodation, function and events centre, car parking dispensation and liquor licence.

This submission addresses relevant provisions of the East Gippsland Planning Scheme to assist Council planning officers in considering the merit of the proposed development.

3. SITE AND SURROUNDS

The subject site is located at 95 and 105 Mathiesons Road, Eagle Point.

95 Mathiesons Road, Eagle Point is formally identified as lot 1 on Plan of Subdivision 734369F contained in Certificate of Title Vol 12256 Fol 536. A copy of the title and relevant plan is contained in **Appendix A**. There are no covenants or agreements registered on the title.

105 Mathiesons Road, Eagle Point is formally identified as lot 2 on Plan of Subdivision 734369F contained in Certificate of Title Vol 12256 Fol 537. A copy of the title and relevant plan is contained in **Appendix A**. There are no covenants or agreements registered on the title. A copy of the titles and plan of subdivision is contained in **Appendix A**.

The site is located within an existing Low Density Residential area within the locality of Eagle Point as shown in the locality plans below in **Figure 1** and **Figure 2**. Eagle Point is a small village on the Gippsland Lakes, located between Paynesville and Bairnsdale. Eagle Point has a limited level of community and commercial services and facilities however, a full range of services and facilities are available in Paynesville which is approximately 6.5km east and Bairnsdale approximately 11km north west of the subject site.

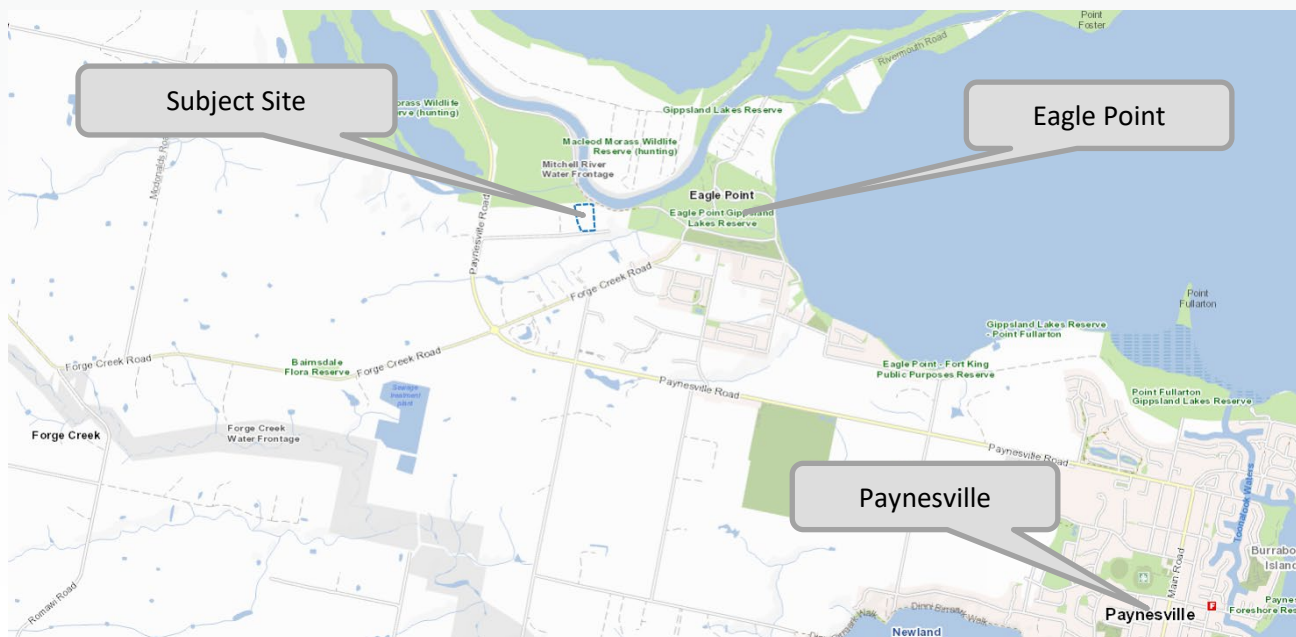


Figure 1 – Locality Plan – 95 and 105 Mathiesons Road, Eagle Point (source: mapshare.vic.gov.au)

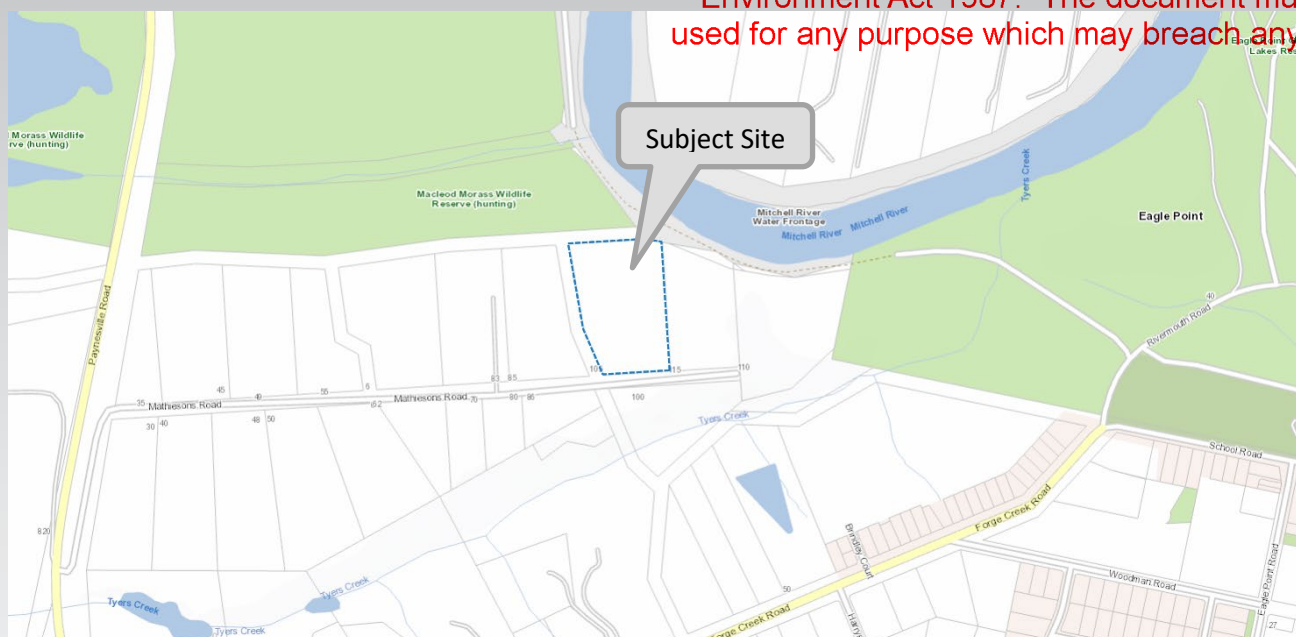


Figure 2 – Locality Plan 95 and 105 Mathiesons Road, Eagle Point (source: mapshare.vic.gov.au)

The subject site is located on the Mitchell River and comprises two lots. The larger allotment being the northern portion of the site is approximately 1.654 hectares in area, irregular in shape and contains an existing dwelling and associated facilities. The dwelling on this lot is very large and contains an infinity edge pool and manicured gardens. The dwelling is run as an accommodation facility identified as LaRiva.

The smaller allotment forms the southern portion of the site, is approximately 8499m² in area and is irregular shaped. This allotment has a 100.58 metre frontage to Mathiesons Road along the southern boundary and contains a dwelling being the managers residence and a gazebo. The allotments are delineated with post and wire fencing along the northern, eastern and western boundaries and the southern boundary is a combination of timber post and rail and post and wire fencing. The boundary between the two lots is not defined.

The land adjoining the subject site to the east and west contain exiting residential dwellings and associated facilities, adjoining the northern boundary is the Mitchell River and adjoining the southern boundary is Mathiesons Road with residential development beyond.

Access to both allotments is provided along the southern boundary with one in the western portion of the southern boundary via an unmade Government Road reserve that connects directly to Mathiesons Road and adjoins the western boundary of the subject site. This road reserve is leased by the owners of the subject site and is used and maintained with the property. The second access point is via a sealed bitumen crossover and driveway in the eastern portion of the southern boundary directly to Mathiesons Road. Mathiesons Road is a fully constructed bitumen sealed road traversing in an east west direction and connecting to Paynesville Road approximately 1.1 kilometres west of the subject site and ceases approximately 100 metres east of the subject site.

The area comprises a variety of dwelling sizes and styles and has access to a range of services and infrastructure including electricity, water, telecommunications and a suitable road network.

A visual description of the subject site and surrounding land is outlined in the photographs below.



Photograph 1 – Aerial Photograph of the subject site and surrounding land – 95 and 105 Mathiesons Road, Eagle Point. (source: dpi.vic.gov.au)



Photograph 2 – Aerial Photograph of the subject site – 95 and 105 Mathiesons Road, Eagle Point. (source: dpi.vic.gov.au)



Photograph 3 – Main access at 105 Mathiesons Road, Eagle Point.



Photograph 4 – Second access at 105 Mathiesons Road, Eagle Point.



Photograph 5 – Existing dwelling at 105 Mathiesons Road, Eagle Point facing north.



Photograph 6 – Driveway loop on the southern side of the existing dwelling.



Photograph 7 – Existing glass house and manicured gardens on subject site facing north west.



Photograph 8 – Existing dwelling facing north.



Photograph 9 – Garden area in the northern portion of the site facing east.



Photograph 10 – Dwelling (managers residence) in southern portion of subject site.



Photograph 11 –Government Road Reserve adjoining the western boundary facing north.



Photograph 12 – Allotment adjoining the eastern boundary at 115 Mathiesons Road, Eagle Point.



Photograph 13 – Existing dwelling opposite the subject site at 100 Mathiesons Road.



Photograph 14 – Existing dwelling opposite the subject site at 85 Mathiesons Road.



Photograph 15 – Opposite subject site to the south at 90 Mathiesons Road.



Photograph 16 – Mathiesons Road facing west.



Photograph 17 – Mathiesons Road facing east.

4. PROPOSAL:

This application seeks approval for the use of accommodation, function and events centre, car parking dispensation and a liquor license at 95 and 105 Mathiesons Road, Eagle Point.

The proposal will result in a new accommodation, function and events centre that will give customers a unique, attractive and luxurious option for accommodation and events. The owners of LaRiva collaborate with many other local businesses showcasing the East Gippsland Region.

A site plan is contained in **Appendix B**.

Accommodation

The application seeks approval for use of accommodation for up to 10 persons with 25 visitors. The accommodation component will be contained within the existing dwelling on Lot 1 being the northern portion of the site.

The Mediterranean style home has 5 bedrooms and provides a luxury retreat for group bookings.

Events and Functions

LaRiva is establishing as an event space that can be used for various events, meetings, celebrations such as birthdays and weddings, health and wellness retreats, community functions and others as outlined in the Business Management Plan contained in **Appendix C**.

The facility will host up to a maximum of 100 people.

Hours of operation

Given the nature of the proposed events the operation hours will be varied depending on the type of event or function being hosted.

The hours proposed for the liquor licence will be 9.00 am to 11.00 pm seven days per week.

Car Parking

The subject site contains a 6 car garage and carport that meets the requirements of the accommodation component of the proposal. For events, grass and driveway areas will be clearly marked with parking instructions however parking will be informal. The areas identified as suitable for parking are included on the proposed plan contained in **Appendix B** and include two areas that each can accommodate 20 spaces. One area is within Lot 1 in the western portion of the site. This is a large cleared grass area that would have access via the existing driveway. The second area is within the leased Government Road Reserve adjoining the western boundary.

It is proposed to provide transport as an option for many of the events. The owners have an 11 seater concierge van that will be actively used to transport guests as requested. The owners will promote both the concierge van and request larger transport buses to move people within East Gippsland to reduce the need for parking onsite in addition to providing a luxury and fully accommodating service.

Services

Both allotments are currently connected to all available services including (but not limited to) reticulated water, electricity, telecommunications and the existing road network. The subject site contains an existing septic tank which is capable of supporting the accommodation component of the business and the small to medium functions. For larger events, additional portable toilets will be commissioned.

Access

Access is existing for both allotments directly from Mathiesons Road as indicated on the site plan contained in **Appendix B** and will remain unchanged.

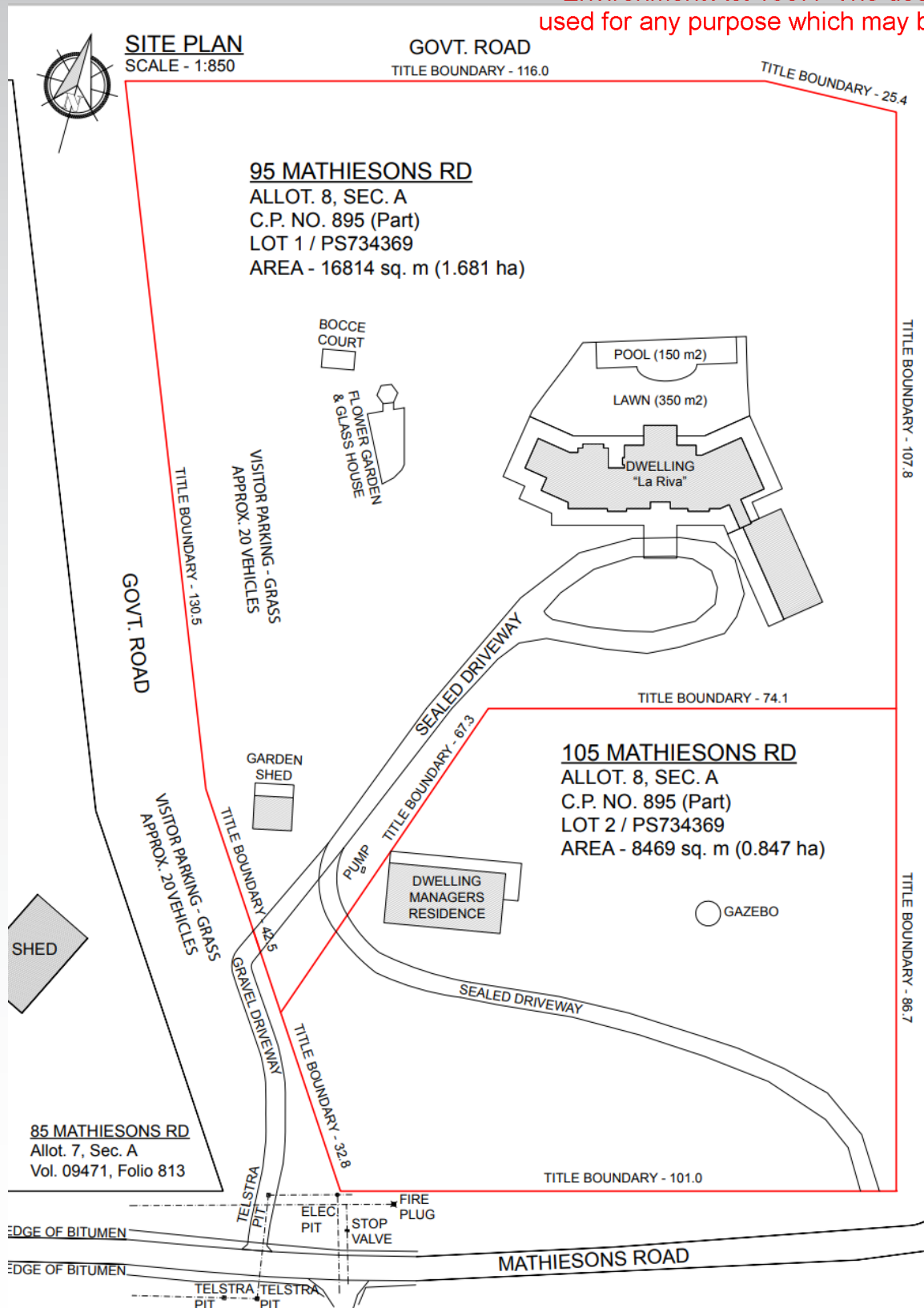
Liquor License

The application seeks approval for a liquor licence to enable provision of alcohol at some functions and events.

The proposed liquor licence hours will be from 9:00 am to 11:00 pm.

The maximum capacity for patrons under the liquor license will be 100.

A red line plan outlining the extent of the area to be licenced is provided in **Appendix D** (and below) which shows the entire site as it is considered likely that some events will be undertaken in the garden areas.



5. PLANNING PROVISIONS

5.1. PLANNING POLICY FRAMEWORK

Clause 11 – Settlement provides:

“Planning is to anticipate and respond to the needs of existing and future communities through provision of zoned and serviced land for housing, employment, recreation and open space, commercial and community facilities and infrastructure.

Planning is to recognise the need for, and as far as practicable contribute towards:

- *Health, wellbeing and safety.*
- *Diversity of choice.*
- *Adaptation in response to changing technology.*
- *Economic viability.*
- *A high standard of urban design and amenity.*
- *Energy efficiency.*
- *Prevention of pollution to land, water and air.*
- *Protection of environmentally sensitive areas and natural resources.*
- *Accessibility.*
- *Land use and transport integration.*

Planning is to prevent environmental, human health and amenity problems created by siting incompatible land uses close together.

Planning is to facilitate sustainable development that takes full advantage of existing settlement patterns and investment in transport, utility, social, community and commercial infrastructure and services.”

Clause 11.03-4S – Coastal settlement contains the following objective:

“To plan for sustainable coastal development.”

The following strategies are applicable:

“Plan and manage coastal population growth and increased visitation so that impacts do not cause unsustainable use of coastal resources.

Support a network of diverse coastal settlements that provide for a broad range of housing types, economic opportunities and services.

Identify a clear settlement boundary around coastal settlements to ensure that growth in coastal areas is planned and coastal values are protected. Where no settlement boundary is identified, the extent of a settlement is defined by the extent of existing urban zoned land and any land identified on a plan in the planning scheme for future urban settlement.

Minimise linear urban sprawl along the coastal edge and ribbon development in rural landscapes.

Protect areas between settlements for non-urban use.

Limit development in identified coastal hazard areas, on ridgelines, primary coastal dune systems, shorelines of estuaries, wetlands and low-lying coastal areas, or where coastal processes may be detrimentally impacted.

Encourage the restructure of old and inappropriate subdivisions to reduce development impacts on the environment.

Ensure a sustainable water supply, stormwater management and sewerage treatment for all development.

Minimise the quantity and enhance the quality of stormwater discharge from new development into the ocean, bays and estuaries.

Prevent the development of new residential canal estates."

Clause 12 – Environmental and Landscape values provides:

"Planning should help to protect the health of ecological systems and the biodiversity they support (including ecosystems, habitats, species and genetic diversity) and conserve areas with identified environmental and landscape values.

Planning must implement environmental principles for ecologically sustainable development that have been established by international and national agreements. Foremost amongst the national agreements is the Intergovernmental Agreement on the Environment, which sets out key principles for environmental policy in Australia. Other agreements include National Strategy for Ecologically Sustainable Development, National Greenhouse Strategy, the National Water Quality Management Strategy, the National Strategy for the Conservation of Australia's Biological Diversity, the National Forest Policy Statement and National Environment Protection Measures.

Planning should protect, restore and enhance sites and features of nature conservation, biodiversity, geological or landscape value."

Clause 13 – Environmental Risks and Amenity contain the following:

"Planning should strengthen the resilience and safety of communities by adopting a best practice environmental management and risk management approach.

Planning should identify, prevent and minimise the risk of harm to the environment, human health, and amenity through:

- *Land use and development compatibility.*
- *Effective controls to prevent or mitigate significant impacts.*

Planning should identify and manage the potential for the environment and environmental changes to impact on the economic, environmental or social wellbeing of society.

Planning should ensure development and risk mitigation does not detrimentally interfere with important natural processes.

Planning should prepare for and respond to the impacts of climate change."

Clause 13.05 – 1S Noise Management contains the following objective:

"To assist the management of noise effects on sensitive land uses."

The following strategies are identified:

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*

- Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.

Clause 13.07 – Amenity and Safety

Clause 13.07-1S – Land use compatibility contains the following objective:

“To safeguard community amenity while facilitating appropriate commercial, industrial or other uses with potential off-site effects.”

The following strategies are identified:

- Ensure compatibility of a use or development as appropriate to the land use functions and character of the area by:
 - Directing land uses to appropriate locations.
 - Using a range of building design, urban design, operational and land use separation measures.

Clause 13.07 – 3S Live Music contains the following objective:

“To encourage, create and protect opportunities for the enjoyment of live music.”

The following strategies are identified:

- Identify areas where live music venues are encouraged or where there are high concentrations of licensed premises or clusters of live music venues.
- Implement measures to ensure live music venues can co-exist with nearby residential and other noise sensitive land uses.

Clause 15 – Built Environment and Heritage provides:

“Planning is to recognise the role of urban design, building design, heritage and energy and resource efficiency in delivering liveable and sustainable cities, towns and neighbourhoods.

Planning should ensure all land use and development appropriately responds to its surrounding landscape and character, valued built form and cultural context.

Planning should protect places and sites with significant heritage, architectural, aesthetic, scientific and cultural value.

Planning must support the establishment and maintenance of communities by delivering functional, accessible, safe and diverse physical and social environments, through the appropriate location of use and development and through high quality buildings and urban design.

Planning should promote development that is environmentally sustainable and should minimise detrimental impacts on the built and natural environment.

Planning should promote excellence in the built environment and create places that:

- Are enjoyable, engaging and comfortable to be in.
- Accommodate people of all abilities, ages and cultures.
- Contribute positively to local character and sense of place.
- Reflect the particular characteristics and cultural identity of the community.

- Enhance the function, amenity and safety of the public realm.”

Clause 17 – Economic Development provides:

“Planning is to provide for a strong and innovative economy, where all sectors are critical to economic prosperity.

Planning is to contribute to the economic wellbeing of the state and foster economic growth by providing land, facilitating decision and resolving land use conflicts, so that each region may build on its strengths and achieve its economic potential.”

Clause 17.02-1S – Business contains the following objective:

“To encourage development that meets the community’s needs for retail, entertainment, office and other commercial services.”

The strategies identified are:

- Plan for an adequate supply of commercial land in appropriate locations.
- Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.
- Locate commercial facilities in existing or planned activity centres.
- Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.
- Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.
- Provide outlets of trade-related goods or services directly servicing or ancillary to the industry that has adequate on-site car parking.
- Local cinema based entertainment facilities within or on the periphery of existing or planned activity centres.
- Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.

Clause 17.04 - 1S – Facilitating Tourism contains the following objective

“To encourage tourism development to maximise the economic, social and cultural benefits of developing the state as a competitive domestic and international tourist destination.”

The strategies identified are:

- Encourage the development of a range of well-designed and sited tourist facilities, including integrated resorts, accommodation, host farm, bed and breakfast and retail opportunities.
- Seek to ensure that tourism facilities have access to suitable transport.
- Promote tourism facilities that preserve, are compatible with and build on the assets and qualities of surrounding activities and attractions.
- Create innovative tourism experiences.
- Encourage investment that meets demand and supports growth in tourism.

Clause 17.04-1R – Tourism Gippsland contains the following strategies:

- Facilitate tourism in strategic tourism investment areas shown on the Gippsland Regional Growth Plan.

- Facilitate tourism development in existing urban settlements to maximise access to infrastructure, services and labour and to minimise impacts on the environment and exposure to natural hazards.
- Support nature-based tourism proposals that complement and are compatible with the region's environment and landscape attractions or are close to identified strategic tourism investment areas.

5.2 MUNICIPAL PLANNING STRATEGY

Clause 21.01 Municipal Strategic Statement provides:

"This Municipal Strategic Statement aims to provide a vision and clear strategic directions for land use and development in East Gippsland Shire, in a way which helps achieve economic, social and environmental goals.

The Statement is to be read in conjunction with the local policies contained at Clause 22. The Strategy, which involved extensive community consultation, integrates social, economic and physical planning for all areas of East Gippsland.

This Municipal Strategic Statement gives effect to those elements of the Strategy that depend on management of land use and development.

In addition, East Gippsland Shire's Corporate Plan has been revised to incorporate processes for implementation of those actions identified in the Strategy as being the responsibility of Council."

Clause 21.02-2 provides the long-term vision for East Gippsland is:

"East Gippsland Shire Council will work with the community to ensure a sustainable future through livable and productive communities supported by a healthy environment.

This vision is supported with the four principles:

Livability

Strong and vibrant communities create healthy, productive and fulfilling places to live.

Sustainability

Pro-active leadership and strategic partnerships protect and enhance our quality environment.

Productivity

Investment and visitation develop a sustainable and prosperous economy.

Governance

Strong leadership and prudent management of democratic and legislative requirements deliver good governance outcomes."

Clause 21.03 – Settlement provides:

"Within any local government area there is a finely balanced interplay between people, business and environment. The Council will continue to invest wisely in urban infrastructure to create vibrant urban centres while maintaining our natural assets – balancing residential, business and tourist development with wildlife corridors and areas of rural or natural landscape. The impacts of climate-induced sea level rise, combined with more severe storm surges is likely to be significant for coastal communities in East Gippsland. We will further a broad range of developments but will carefully manage them to protect natural assets and threatened communities.

Clause 21.07-3 – Sustainable Development contains the following objective and strategies:

Objective 1 – To ensure that future development contributes to the achievement of livable, productive and sustainable communities in East Gippsland.

Strategy 1.1 – Ensure new development and land use applications consider potential positive and negative social impacts on the community.

Strategy 1.2 – Require proposal for new development, land use, infrastructure and changes in policy to consider social impact through the preparation of social impact comments and/or assessments as identified in the East Gippsland Shire Council Social Impact Assessment.

Clause 21.09 – Economic Development provides:

“The Council will continue to play an important role in developing the region’s economy. We will encourage businesses to invest in niche commercial markets and will encourage industry to locate (or relocate) to strategic locations close to major towns. We will encourage our traditional industries to remain competitive and to source new markets thereby expanding the number and range of jobs on offer. A major part of our work will be building on our claim to be a ‘clean, green and beautiful’ region by developing and promoting East Gippsland as a major tourist destination.”

Clause 21.09 – 1 Commercial contains the following objective and strategies:

Objective 1 – To ensure that future development contributes to and enhances East Gippsland’s identity, aesthetic quality, and economic diversity.

Strategy 1.1 – Encourage development of recreational and personal services, ‘lifestyle’ industries and other niche market opportunities targeting active retirees.

Strategy 1.2 – Facilitate development of administrative, cultural, recreational and community services within the Bairnsdale CBD.

Strategy 1.3 – Support development that incorporates upper level apartments and shop top housing throughout the Bairnsdale CBD.

Strategy 1.4 – Support applications for bulky and white goods retailers such as trade supplies and furniture stores to establish / re-establish in area 8 identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy.

Strategy 1.5 – Support the development of a specialized employment centre located within the north eastern growth area. Industry / manufacturing, bulky goods retailing, and supermarket, retail up to 1,000 square metres of retail floor space will be supported within the centre and will be located within close proximity to Patties Food along the northern and southern side of the Princes Highway identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy.

Strategy 1.6 – Support the development of a specialized community centre around the Bairnsdale Aquatic Recreation Centre activity area identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy. The centre will contain a mix of community, recreation, education and health related activities. Medium density housing and supermarket / retail up to 1,000 square metres of retail floor space will be supported within the centre.

Strategy 1.7 – Support the development of local centres within the growth areas of east and west Bairnsdale and the south-west industrial area of Bairnsdale identified in the Bairnsdale Growth Strategy, November (2009) and at Plan 2 Retail and Commercial Hierarchy. The local centres should facilitate convenience retailing / shop activities with a retail floor space of 300-500 square metres.

Strategy 1.8 – Support development of retail and commercial office activities along connecting streets between the Bairnsdale Railway Station and Bairnsdale CBD.

Strategy 1.9 – Require applications for commercial and retail development within new residential growth areas to undertake an economic impact assessment to confirm the appropriate size and type of facilities to be provided in each centre.

Strategy 1.10 – Avoid unsustainable or unjustified expansion of the local activity centre in Eastwood, based upon an economic impact assessment of the retail catchment.

Clause 21.09-3 – Tourism contains the following objective and strategies:

Objective 1 - To develop and promote East Gippsland as a major tourist destination.

Strategy 1.1 - Encourage development of new accommodation and camping facilities on appropriate sites adjacent to Errinundra and Snowy River National Parks.

Strategy 1.2 - Encourage nature based tourism.

Strategy 1.3 - Encourage the tourism potential of public land - including National Parks and reserves - in the region and facilitate appropriate access to a wide range of natural attractions for visitors.

Strategy 1.4 - Support the upgrade management of visitor impact on river frontages used extensively for recreation, particularly fishing and boating.

Strategy 1.5 - Encourage provision of tourism facilities, such as toilets, picnic facilities and barbecues, jetties and launching ramps, interpretive signage, and public art in appropriate locations.

Strategy 1.6 - Encourage development of a range of types and scales of tourist accommodation options in the region, including 'bed and breakfast', self-contained units or cottages, farm stay accommodation.

Strategy 1.7 - Encourage development of year-round attractions.

Strategy 1.8 - Encourage the tourist operators to design facilities and services to meet the needs of people with a disability.

Strategy 1.9 - Encourage tourist facilities to be designed in keeping with the quality of the landscape and environment and the character the particular locality.

Strategy 1.10 - Support new 'freestanding' tourist resorts or developments, at a variety of scales, on undeveloped land that is environmentally and aesthetically capable of supporting development and able to be serviced appropriately.

Strategy 1.11 - Avoid a major component of private residential (especially where this involves subdivision of land for detached dwellings) in tourist developments outside existing urban areas.

Strategy 1.12 - Support staged development of some sites currently or formerly proposed as resorts, for primarily residential use - where these adjoin existing urban areas, are capable of being serviced appropriately at an acceptable cost and form a logical extension of a town.

Clause 21.12 being the Municipal Strategic Statement provides the following vision for Eagle Point:

"Eagle Point will develop as a small, consolidated town distinct from Paynesville, serving as both a permanent resident settlement and a holiday recreation destination.

A community focal point will be developed in the vicinity of the school and linked to Eagle Point Reserve. The Reserve and foreshore areas will provide high quality recreation opportunities with pathways connecting to the Mitchell River and other recreation destinations.

The Camping Ground will be maintained as a high quality destination for visitors.

Streets will be well landscaped and signposted. Buildings will remain low in scale and will not be visually intrusive."

PROJECT PLANNING RESPONSE

The proposal seeks approval for the use of accommodation, function and events centre, car parking dispensation and a liquor licence that will result in a modern, attractive and luxurious option for customers seeking accommodation, functions or events within the Eagle Point area. The subject site is located to the north west of Paynesville. Paynesville comprises a variety of accommodation, functions and events businesses of various sizes and styles. There are limited accommodation, functions and events centres that are similar to the proposal within the East Gippsland Shire thus ensuring proposal is unique and seeking to respond to a tourism and market demand. The proposal is appropriate for the area and will operate to ensure the amenity of the area is not detrimentally affected. Having the owners and operators also residing onsite permanently ensures suitable management practices are in place to control noise and any potential impacts.

The subject site is located within a suitable distance to a range of facilities and services offered by the commercial centre of Paynesville with a larger range of facilities and services available further afield to Bairnsdale.

The proposed use of accommodation, function and event centre, car parking dispensation and liquor licence does not require the removal of any vegetation and no new buildings are proposed at this time. A business management plan has been created and is contained in **Appendix C** which provides details of the proposed business operation.

A red line plan is included as part of this proposal at **Appendix E** that sets out the area proposed to be included for the consumption of alcohol. The red line area proposed is extended to the property boundaries to accommodate outdoor events and functions.

Access is existing to the allotments directly from Mathiesons Road along the southern boundary as indicated on the site plan contained in **Appendix B** and will remain unchanged. There is a suitable amount of space available for car parking within the property however the application is seeking a dispensation to allow car parking areas to be informal.

The subject site is connected to a suitable level of services and infrastructure including electricity, water, telecommunications and good quality road network. The subject site has an existing septic tank system. Community and commercial services and facilities are located within a suitable distance to the subject site.

There are no physical or environmental constraints that make the site unsuitable for the proposed use of accommodation, function and events centre, car parking dispensation and liquor licence.

The proposal is considered to be consistent with the objectives of both the Planning Policy Framework and the Municipal Planning Strategy.

5.3 ZONE AND OVERLAYS:

The site is zoned Low Density Residential Zone – and is affected by the following overlays:

- Design and Development Overlay – Schedule 11 (DDO11)
- Erosion Management Overlay (EMO)
- Environmental Significance Overlay – Schedule 1-38 (ESO1-38)

The provisions of the Zones and Overlays are addressed below.

Low Density Residential Zone:

The purpose of the Low-Density Residential Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.*

An extract of the Low-Density Residential Zone Map is provided below in **Figure 3**:

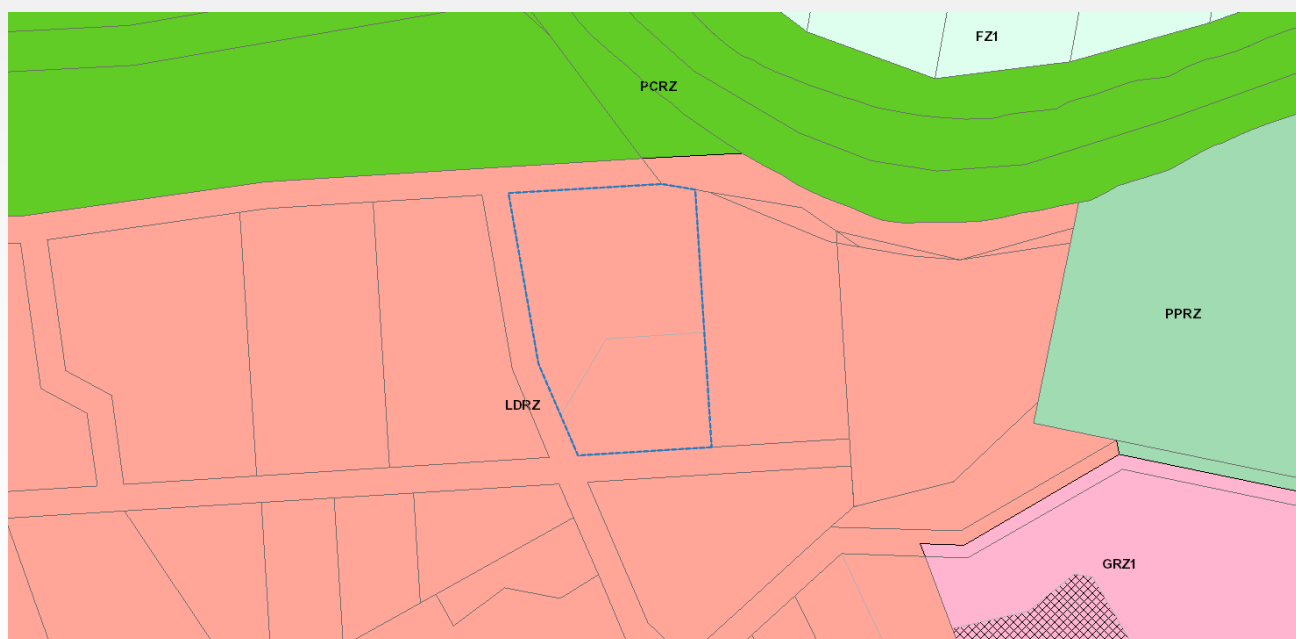


Figure 3 - Zoning Map (source – mapshare.vic.gov.au)

Clause 32.03-1 of the Low Density Residential Zone provides a permit is required for a section 2 use. The use of the land for accommodation and function centre is a section 2 use. As such a permit is required under the provisions of the Low Density Residential Zone.

The decision guidelines of Clause 32.03-6 are addressed in Section 6.1 of this submission.

Design and Development Overlay:

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 below in **Figure 4**:

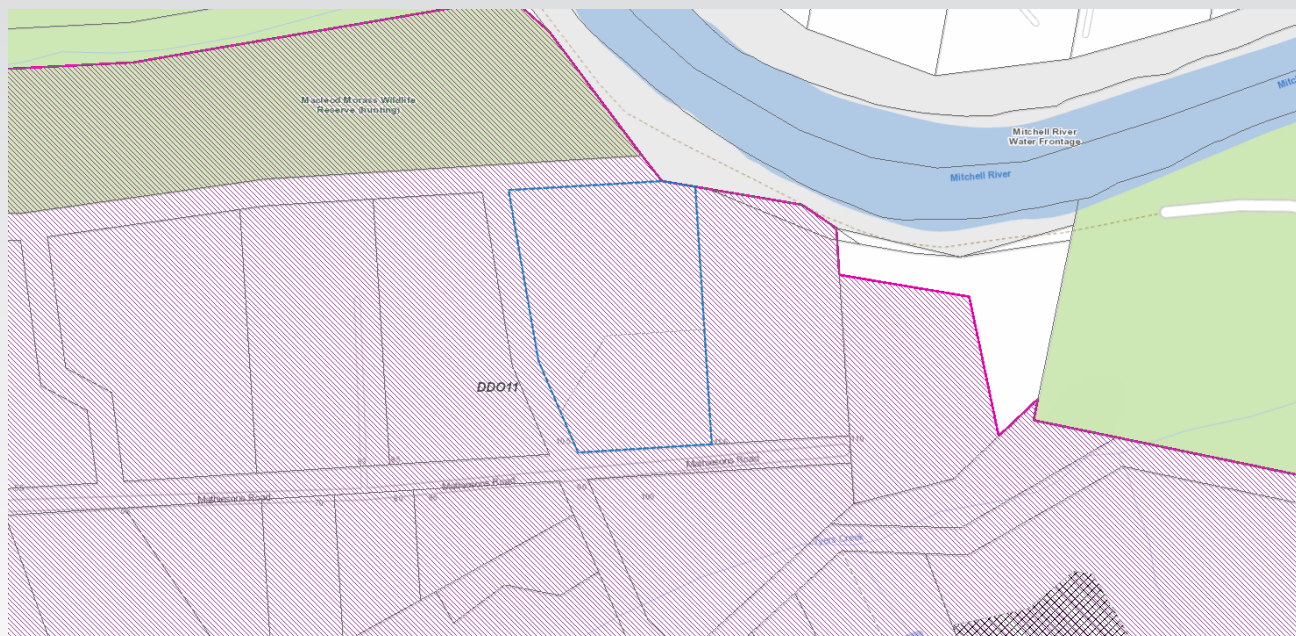


Figure 4: Design and Development Overlay Map (source – mapshare.vic.gov.au)

Clause 43.02 of the Design and Development Overlay and Schedule 11 do provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Design and Development Overlay, this is not addressed further.

Environmental Significance Overlay:

The purpose of the Environmental Significance Overlay is:

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To identify areas where the development of land may be affected by environmental constraints
- To ensure that development is compatible with identified environmental values.

An extract of the Environmental Significance Overlay map is provided below in **Figure 5**.



Figure 5: Environmental Significance Overlay Map (source - mapshare.vic.gov.au)

Clause 42.01 of the Environmental Significance Overlay does not provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Environmental Significance Overlay, this is not addressed further.

Erosion Management Overlay:

The purpose of the Erosion Management Overlay is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To protect areas prone to erosion, landslip or other land degradation processes, by minimising land disturbance and inappropriate development.*

An extract of the Erosion Management Overlay map is provided below in **Figure 6**.



Figure 6: Erosion Management Overlay Map (source – mapshare.vic.gov.au)

Clause 44.01 of the Erosion Management Overlay does not provide any relevant planning requirements for the use of the subject site. The proposal is not seeking to construct any new buildings at this time and as such a permit is not required under the provisions of the Erosion Management Overlay, this is not addressed further.

5.4 OTHER PLANNING CONSIDERATIONS

Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is recognised as being within an area of Aboriginal Cultural Heritage Sensitivity. The proposal being use only is an exempt activity as such a Cultural Heritage Management Plan is not required.

An extract of the Cultural Heritage Sensitivity map is provided below in **Figure 7**.



Clause 52.06 contains the following purpose:

- Clause 52.06-1 applies to:

- Clause 52.06-3 provides a permit is required to:

- Ref: 22138

- Provide some or all of the car parking spaces required under Clause 52.06-5 or in a schedule to the Parking Overlay on another site.
- Provide more than the maximum parking provision specified in a schedule to the Parking Overlay.

The use for accommodation/ group accommodation is not a specified use in the table of uses and as such Clause 52.06-6 applies.

Use for function centre falls within place of assembly as calculated below.

Table 1 provides the requirements for place of assembly are:

Use	Rate Column A	Rate Column B	Car parking measure Column C
Place of Assembly	0.3	0.3	To each patron permitted.

Clause 52.06-7 – Application requirements and decision guidelines for permit applications:

For applications to reduce the car parking requirement:

An application to reduce (including reduce to zero) the number of car parking spaces required under Clause 52.06-5 or in a Schedule to the Parking Overlay must be accompanied by a Car Parking Demand Assessment.

The Car Parking Demand Assessment must assess the car parking demand likely to be generated by the proposed:

- New use; or
- Increase in the floor area or site area of the existing use; or
- Increase to the existing use by the measure specified in Column C of Table 1 in Clause 52.06-5 for that use.

The Car Parking Demand Assessment must address the following matters, to the satisfaction of the responsible authority:

- The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.
- The variation of car parking demand likely to be generated by the proposed use over time.
- The short-stay and long-stay car parking demand likely to be generated by the proposed use.
- The availability of public transport in the locality of the land.
- The convenience of pedestrian and cyclist access to the land.
- The provision of bicycle parking and end of trips facilities for cyclists in the locality of the land.
- The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.
- Any empirical assessment or case study.

These elements are addressed below:

Before granting a permit to reduce the number of spaces, the responsible authority must consider the following as appropriate:

- The Car Parking Demand Assessment.
- Any relevant local planning policy or incorporated plan.
- The availability of alternative parking in the locality of the land, including:
 - Efficiencies gained from the consolidation of shared parking spaces.
 - Public car parks intended to serve the land.
 - On street parking in non-residential areas.
 - Streets in residential zones specifically managed for non-residential parking.
- On street parking in residential zones in the locality of the land that is intended to be for residential use.
- The practicality of providing car parking on the site, particularly for lots of less than 300 square metres.
- Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.
- The future growth and development of any nearby activity center.
- Any car parking deficiency associated with the existing use of the land.
- Any credit that should be allowed for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.
- Local traffic management in the locality of the land.
- The impact of fewer car parking spaces on local amenity, including pedestrian amenity and the amenity of nearby residential areas.
- The need to create safe, functional and attractive parking areas.
- Access to or provision of alternative transport modes to and from the land.
- The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.
- The character of the surrounding area and whether reducing the car parking provision would result in a quality / positive urban design outcome.
- Any other matter specified in a schedule to the Parking Overlay.
- Any other relevant consideration.

These elements are addressed below in the Car Parking Demand Assessment provided below.

The decision guidelines of Clause 52.06-7 are addressed below at Section 6.2.

Clause 52.27 – Licensed Premises

The purpose Clause 52.27 is:

- *To ensure that licensed premises are situated in appropriate locations.*
- *To ensure that the impact of the licensed premises on the amenity of the surrounding area is considered.*

These provisions apply to premises licensed, or to be licensed, under the *Liquor Control Reform Act 1998*.

A permit is required to use land to sell or consume liquor if a license is required under the *Liquor Control Reform Act 1998*.

This application is seeking approval for a general liquor licence for the consumption of liquor on the premises and does not fall within any of the exemptions available under this clause and therefore a permit is required.

As outlined in Section 4 of this submission and the supporting Business Management Plan, the proposed hours for consumption of liquor will be restricted to 9.00 am to 11.00 pm and patron capacity will be 100.

The decision guidelines of Clause 52.27 are addressed in Section 6.3 of this submission.

Social Impact Guidelines for Development Applications – East Gippsland Shire Council

The Social Impact Guidelines for Development Applications – East Gippsland Shire Council (The Guidelines) outlines the need to ensure that social considerations are an integral part of any proposed development application.

Section 4.2 of the guidelines identifies the triggers for a Social Impact Comment or a Social Impact Assessment, however Council can request a Social Impact Comment or a Social Impact Assessment if it determines it is necessary.

There is no trigger for a liquor license application to undertake either a Social Impact Comment or a Social Impact Assessment.

To summarise the points identified to be addressed by a Social Impact Comment, in relation to this proposal we offer:

- The proposal will not alter the population.
- The proposal will not benefit or disadvantage any particular population cohort or group in the community.
- The proposal will not detrimentally alter the existing employment in the area. Staff will undertake further training if required in order to comply with the requirements of the Victorian Commission for Gambling and Liquor Regulation.
- The proposal will not impact housing stock.
- It is not expected that the proposal will result in any detrimental impact on current social, recreation or community infrastructure.
- There is not likely to be any impact on the existing flow of traffic surrounding the site or any impact to pedestrians.

CAR PARKING DEMAND ASSESSMENT

The East Gippsland Planning Scheme provisions at Clause 52.06 outlines the number of car parking spaces that must be provided when a new use commences.

The proposed use of the land is for accommodation and an event and function centre. Accommodation is not a use specified in the table in Clause 52.06-5 and therefore a specific rate is not applicable and Clause 52.06-6 applies, which provides car parking spaces must be to the satisfaction of the responsible authority. The use of the land for a Place of Assembly, which in the definitions includes a function centre provides a rate of 0.3 spaces per patron permitted. The maximum number of patrons is 100 resulting in a requirement to provide 30 car parking spaces for the function centre.

This application seeks a car parking dispensation to enable parking on the current site conditions without creating a formal car parking area. The existing dwelling contains a 6 car garage and carport which meets the requirements of the proposed use for accommodation.

The proposed use includes suitable areas available for car parking however to retain the appearance of the property the owners are seeking to use informal parking areas. The owners will actively use and encourage the use of their concierge van to further limit the demand for onsite parking.

It is not expected that many events will be at maximum capacity and each event will require an assessment of the likely car parking demand. The owners will provide clear temporary signage and parking areas suitable for each event. For larger events, it is proposed to have parking attendants available to direct traffic to ensure no vehicles park along Mathieson Road or park where they will impact on any of the surrounding properties.

Allowing informal car parking in response to this proposal is not expected to have a negative impact on the amenity of the area. Access is existing and will remain unchanged directly from Mathiesons Road.

The application requirements to be addressed as required by 52.06 are addressed below and throughout this submission:

The likelihood of multi-purpose trips within the locality which are likely to be combined with a trip to the land in connection with the proposed use.

The proposal is unlikely to result in multi-purpose trips. The location of the proposal does not encourage multi-purpose trips particularly given the surrounding properties are predominately residential in nature.

The variation of car parking demand likely to be generated by the proposed use over time.

The car parking demand likely to be generated by the proposal will be varied depending on the type and scale of event or function. The parking will be able to be appropriately managed based on the maximum capacity of 100 people. Any future increase in patronage would need to further consider any car parking requirement and would require variation to the planning permit for the liquor licence component.

The short-stay and long-stay car parking demand likely to be generated by the proposed use.

The proposed use of accommodation would likely require short stay parking with the potential for long stay car parking also. The subject site contains an existing six car garage and carport that meets the needs of the accommodation component of the proposal. The event and function centre component would be considered

short stay and would only be for the duration of the event. The car parking is not likely to detrimentally impact the surrounding properties.

The availability of public transport in the locality of the land.

There is no public transport available in immediate proximity to the subject site. However, the owner intends to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use larger buses to transport guests to and from the subject site.

The convenience of pedestrian and cyclist access to the land.

The number of cyclists riding to their place of employment is ever increasing as is in general. There is ample area for provision of bicycle parking within the subject site if required. The road network to Mathiesons Road is suitable to accommodate an increase in cyclist and pedestrian traffic.

The provision of bicycle parking and end of trip facilities for cyclists in the locality of the land.

The existing dwellings on the site both contain shower facilities should it be deemed necessary to provide end of trip facilities for cyclists. As provided, there is adequate room both within the garage and carport area and surrounding access areas to accommodate the parking of bicycles.

The anticipated car ownership rates of likely or proposed visitors to or occupants (residents or employees) of the land.

As previously provided multi-purpose trips are unlikely in this location or associated with the proposed uses. It is expected that visitors to the site in many cases may travel as a group as is often the case with specific events. The owner intends to use a concierge van to transport guests to and from the site. There is sufficient informal space for parking available within the subject site and in the adjoining Government Road reserve that is leased, however, to retain the existing beauty of the property the owner is seeking to use an informal parking arrangement.

The layout and location of the garage and carport area is suitable and meets the requirements of the accommodation component of the proposal and will be suitable for some small events.

Any empirical assessment or case study.

The information provided within this submission is an empirical assessment based on the proposed uses.

6. PLANNING ASSESSMENT

6.1 DECISION GUIDELINES OF THE LOW DENSITY RESIDENTIAL ZONE

General

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

The Planning Policy Framework and the Municipal Planning Strategy are addressed throughout this report, particularly in Sections 5.1 and 5.2. The proposal is consistent with the objectives and strategies identified within the Municipal Planning Strategy and the Planning Policy Framework and provides for an appropriate use which has taken into consideration the potential impacts associated with the proposal. The proposed use for accommodation, function and events centre, car parking dispensation and a liquor licence can be appropriately managed to ensure there are no negative offsite impacts.

The proposal will result in a facility that will be unique and luxurious providing a new option for functions and events whilst also supporting tourism for the region.

The proposed use does not require the removal of native vegetation and no new buildings are proposed to be constructed at this time.

Access is existing directly from the southern boundary being Mathiesons Road that will remain unchanged.

Subdivision

The protection and enhancement of the natural environment and character of the area including the retention of vegetation and faunal habitat and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.

The proposal is not seeking to subdivide land, this is not considered relevant to the proposal and subsequently not addressed.

The availability and provision of utility services, including sewerage, water, drainage, electricity, gas and telecommunications.

The subject site is currently connected to a range of utility services including, water, drainage, electricity and telecommunications. The proposed use for accommodation, function and events centre and liquor licence is not expected to exceed the capacity of the existing services. The subject site contains an existing septic tank that is capable of supporting the accommodation component of the business and the small to medium functions. The dwelling has four toilets and a large septic tank system. For larger events, additional portable toilets will be commissioned.

In the absence of reticulated sewerage:

- **The capability and suitability of the lot to treat and retain all wastewater as determined by a Land Capability Assessment on the risks to human health and the environment of an on-**

site wastewater management system constructed, installed or altered on the lot in accordance with the requirements of the Environment Protection Regulations under the *Environment Protection Act 2017*.

- **The benefits of restricting the size of lots to generally no more than 2 hectares to enable lots to be efficiently maintained without the need for agricultural techniques and equipment.**

The subject site contains an existing septic tank system that is capable of supporting the accommodation component of the business and the small to medium functions. The dwelling has four toilets and a large septic tank system. For larger events, additional portable toilets will be commissioned.

The relevant standards of Clauses 56.07-1 to 56.07-4.

The proposal is not seeking to subdivide land and as such the relevant Clauses of 56.07-1 – 56.07-4 are not applicable in this instance. This is not addressed further.

6.2 DECISION GUIDELINES OF CLAUSE 52.06-7:

Before granting a permit to reduce the number of spaces, the responsible authority must consider, as appropriate:

The Car Parking Demand Assessment.

The Car Parking Demand Assessment outlines the likely demand for car parking based on the proposed use.

The proposed use for accommodation, function and events centre have various parking demands at different times depending on function and event bookings. The proposal is seeking a dispensation to allow parking to be informal to keep with the amenity of the area. There is an existing 6 car garage and carport that meets the needs for the accommodation component of the proposal.

The current surrounding uses and development do not require excessive amounts of car parking, beyond what is provided as surrounding land uses are predominantly residential in nature and have large garden areas.

Access to the subject site is existing from the southern boundary directly to Mathiesons Road and will remain unchanged. The adjoining Government Road Reserve is leased and can be used by the landowner for overflow parking if required.

The information provided within this assessment suggests that the proposed car parking and accessway is appropriate for the proposed use. The application is not seeking to reduce the amount of car parking required for the proposed use. The proposal is seeking to retain an informal parking area. It is expected that having an informal parking arrangement in this instance is appropriate given the varied demand for parking and the ability to control the patron numbers as appropriate to the event or function.

Any relevant local planning policy or incorporated plan.

There is no relevant local planning policy or incorporated plan applicable to this proposal.

The Municipal Planning Strategy and the Planning Policy Framework are addressed throughout this submission.

The proposed informal car parking areas are not expected to have a detrimental impact on the road network in the area. There will be no impact to any highways or major road networks.

The availability of alternative car parking in the locality of the land, including:

- **Efficiencies gained from the consolidation of shared car parking spaces**
- **Public car parks intended to serve the land.**
- **On street parking in non-residential zones.**
- **Streets in residential zones specifically managed for non-residential parking.**

The subject site is located within an existing low density residential area. The proposed parking areas will have sufficient space to accommodate the proposed use and complies with the number of car parking spaces however the proposal is seeking a dispensation to allow the parking arrangement to be informal. Formal on street parking is non-existent and constructing a car parking area to standard would be detrimental to the character of the site.

There are no residential streets in proximity to the site that are specifically managed for non-residential parking.

On street parking in residential zones in the locality of the land that is intended to be for residential use.

The subject site is within a Low Density Residential area and there is no formal on street parking in this location. The subject site has sufficient space for car parking to support the proposed use which will ensure Mathiesons Road is not impacted with overflow car parking.

The owner intends to use a concierge van to transport guests to and from the site as much as possible consequently reducing the demand for parking. Larger events will be encouraged to use large transport buses to transfer guests to and from the site. The owners will manage larger events and functions appropriately to ensure that surrounding properties are not affected by any car parking.

The practicality of providing car parking on the site, particularly of lots less than 300 square metres.

The subject site is not less than 300 square metres in area however providing formally constructed car parking is not a desirable outcome as it will significantly impact the character of the site.

Any adverse economic impact a shortfall of parking may have on the economic viability of any nearby activity centre.

There is no shortfall in parking expected as a result of the use and will not impact the economic viability of any nearby activity centre. The site is not within walking distance to any activity centre. The proposed informal car parking is not expected to have any negative impact, including economic, on any of the surrounding land.

The future growth and development of any nearby activity centre.

There is no activity centre within proximity to the subject site that will be affected by the proposed informal car parking area.

Any car parking deficiency associated with the land.

The subject site currently contains a dwelling and associated facilities including a 6 car garage and carport area therefore a car parking deficiency is not currently associated with the land.

Any credit that should allow for car parking spaces provided on common land or by a Special Charge Scheme or cash-in-lieu payment.

There is no credit applicable to the subject site.

Local traffic management in the locality of the land.

The subject site is located within an existing low density residential area. There are no traffic management measures in the immediate surrounds. The proposed informal car parking is not expected to impact the flow of traffic or generate the need for additional traffic management measures. For larger events, temporary signage to direct traffic to the site and the parking areas would be erected at the entrance to the site to ensure potential impact to surrounding properties is minimised.

The impact of fewer car parking spaces on the local amenity, including pedestrian amenity and the amenity of nearby residential areas.

This area is an existing residential area without footpaths or specific areas for pedestrians. The nature strips and road reserve are wide, which adequately accommodate shared cycling, walking and vehicle use. The proposal is not seeking to reduce the amount of car parking spaces required rather the proposal is seeking to create informal car parking areas which will not be detrimental to the local amenity of the area. The owners will manage any larger events to ensure that car parking does not become an issue and that there is no detrimental impact to the surrounding properties.

The need to create safe, functional and attractive parking areas.

There is adequate room to allow for vehicles to turn around to enable exiting the site in a forward motion. The proposed informal parking areas and access areas will be safe, functional and attractive. The proposal is not seeking a reduction in the number of car parking spaces to be provided however is seeking to create informal car parking areas that are considered appropriate in this location and will suitably support the proposed uses.

Access to or provision of alternative transport modes to and from the land.

The owners intend to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use large transport buses to move guests to and from the site to reduce the demand for car parking. There is no public transport in proximity to the subject site. There is suitable area to provide for bicycle parking if required. The existing garage and carport area meet the car parking needs of the accommodation component of the proposal.

The equity of reducing the car parking requirement having regard to any historic contributions by existing businesses.

There are no details of any historic contributions by surrounding or nearby development that we are able to consider as part of this proposal.

The character of the surrounding area and whether reducing the car parking provision would result in a quality/positive urban design outcome.

Seeking to waiver the requirement to provide formal carparking spaces is in order to retain the existing natural landscape of the area. Construction of large car parking areas will be detrimental to the character of the area. The car parking demand for each event will be assessed and managed individually, and the site has many areas where informal car parking can be provided. The objective of LaRiva is to be able to respond to differing needs and flexibility with car parking is considered imperative to this.

Any other matter specified in a schedule to the Parking Overlay.

There is no Parking Overlay or schedule relevant to this site.

Any other relevant consideration.

All relevant components identified within the East Gippsland Planning Scheme have been discussed in the Car Parking Demand Assessment in Section 5.4 of this submission in context with the existing and surrounding land uses and development. There are no other relevant considerations that need to be addressed in this submission.

6.3 DECISION GUIDELINES OF CLAUSE 52.27 – LICENCED PREMISES

Clause 52.27 provides before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

The Municipal Planning Strategy and the Planning Policy Framework.

The Municipal Planning Strategy and the Planning Policy Frameworks are addressed in Section 5 of this submission. There is minimal specific reference to liquor licences, however the licence is to support a new business venture which will include accommodation, function and events centre that will support the economy of the area.

This type of application requires consideration of the amenity of the area. The proposal is not expected to detrimentally affect the residential dwellings immediately surrounding the site. The proposal will provide an additional alternative option for consumers. The proposal is seeking a general liquor licence to enable liquor to be consumed on the site. There is likely to be an increase in the consumption of alcohol in the vicinity as a result of the issue of a liquor licence for this site as it will allow consumption of alcohol on the premises during functions and events. It is not expected to result in a significant amount of alcohol being consumed on the site, however it is an additional option that will be in a controlled environment. The proposed general licence would enable alcoholic beverages to be consumed on site. The hours of operation are not excessive, and it is not expected to result in any significant detriment to surrounding properties. The proposed hours of operation for standard celebrations, functions and events is 9 am to 11 pm.

The owners have a Business Management Plan in place that will provide clear direction to ensure that activities do not result in a negative impact on surrounding properties.

Overall, this proposal is consistent with the objectives of both the Municipal Planning Strategy and the Planning Policy Frameworks and would result in a positive planning outcome.

The impact of the sale or consumption of liquor permitted by the liquor licence on the amenity of the surrounding area.

The subject site is surrounded by land zoned Low Density Residential Zone. Allotments surrounding the subject site to the east and west contain residential dwellings. Adjoining the site to the north is the Mitchell River and adjoining the site to the south is Mathiesons Road with residential dwellings beyond. The surrounding residential uses are not considered likely to be detrimentally affected by the proposal.

The proposed consumption of liquor on this property is not expected to have a detrimental impact on the amenity of the surrounding area. Other licensed premises within the area of Paynesville, Bairnsdale and Lakes Entrance consist of pubs/hotels, clubs, cafes/restaurant and holiday parks. There is no evidence of any issues within the immediate area as a result of alcohol or licensed premises.

Overall, the sale of liquor permitted by this proposal is not expected to detrimentally affect the amenity of the area.

The impact of the hours of operation on the amenity of the surrounding area.

There are no defined hours for the actual use of the land for the accommodation and the events and function centre, however the proposed liquor licence hours to be 9 am to 11 pm. These hours are considered appropriate within a low density residential area. The operation will be required to comply with all relevant Acts and legislation in relation to noise and the consumption of alcohol.

The proposed hours of operation are not expected to detrimentally affect the amenity of the area, particularly given the existing surrounding vegetation, the distance to dwellings not in the same ownership and the ability for the owner to manage bookings accordingly.

The impact of the number of patrons on the amenity of the surrounding area.

The maximum number of guests for accommodation will be 10 plus 25 visitors. The maximum number of guests for functions and events will be 100. As provided above, the setbacks to residential dwellings are considered appropriate and unlikely to result in any detrimental impact. Consultation with neighbouring owners would occur for larger events. Larger events are not expected to be the most predominant activity.

The application seeks approval for a car parking dispensation that will create informal parking areas rather than large fully constructed car parking areas. The proposal is not seeking to reduce the number of car parking spaces required to support the proposed uses. The proposed dispensation has been considered within the car parking demand assessment and within Section 6.2 of this submission. The proposed dispensation is considered appropriate in this instance, particularly given the owner has a concierge van that can be used to transport guests to the site and will manage events and functions accordingly. Larger events will be encouraged to use larger transport buses two transfer guests to and from the site.

The cumulative impact of any existing licensed premises and the proposed licensed premises on the amenity of the surrounding area.

There is one liquor licence issued within the locality of Eagle Point. The existing liquor licence is a full club licence for the Bairnsdale Golf Club.

The proposal is unlikely to generate any negative social implications particularly given there is no other general liquor licences within the area of Eagle Point. A Social Impact Assessment and a Cumulative Impact Assessment are not deemed necessary given the small number of liquor licenses in the immediate vicinity.

6.4 DECISION GUIDELINES OF CLAUSE 65:

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

Any significant effects the environment, including the contamination of land, may have on the use or development.

The subject site is located within a low density residential area Eagle Point. There is no evidence of contamination to the subject site or surrounding land. The area is identified as being affected by the Design and Development Overlay, Erosion Management Overlay and the Environmental Significance Overlay.

The Municipal Planning Strategy and the Planning Policy Framework.

The Municipal Planning Strategy and the Planning Policy Framework have been addressed throughout this submission. The proposed use for accommodation, function and events centre, car parking dispensation and liquor licence has adequately responded to the natural landscape qualities of the area, address any potential environmental risks and create a unique, modern and luxurious accommodation, function and events centre. The proposed use will be appropriately managed to ensure the amenity of the area is not detrimentally affected.

The proposal is consistent with the overall objectives of the Municipal Planning Strategy and the Planning Policy Framework.

The purpose of the zone, overlay or other provision.

The land is zoned Low Density Residential Zone which seeks to implement the Municipal Planning Strategy and the Planning Policy Framework and to provide for low-density residential development on lots which, in the absence of reticulated sewerage, can treat and retain all wastewater.

The subject site has access to and is connected to a suitable level of services and infrastructure. The site is affected by the Design and Development Overlay, Erosion Management Overlay and the Environmental Significance Overlay. The requirements of these overlays have been addressed throughout this submission and it is concluded that the proposed use is appropriate in this location and any environmental risks reduced to an acceptable level.

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

This submission addresses all elements relevant to the proposal as identified in the East Gippsland Planning Scheme including the zone, overlays and Aboriginal Cultural Heritage provisions. These provisions are all

addressed above, and the proposed use is considered to adequately respond and address the requirements as relevant.

The orderly planning of the area.

This proposal seeks approval for the use of accommodation, function and event centre, carparking dispensation and a liquor licence within an area that is zoned Low Density Residential that will result in an accommodation, function and events centre. There is no other accommodation, function and events centres similar to the proposal within the Eagle Point area. This unique proposal will not be out of character for the area and granting approval of this application will support consistent and orderly planning of the area and will support business growth.

The effect on the environment, human health and amenity of the area.

There are not expected to be any negative impacts to either the environment or human health and amenity. The proposed use is not expected to be visually obtrusive, and the existing streetscape will not be detrimentally affected. The proposed use will be appropriately managed to support human health by providing a safe and suitable accommodation, function and events centre.

The proximity of the land to any public land.

As provided, the subject site adjoins a road reserve being Mathiesons Road along the southern boundary, an unconstructed government road reserve along the western boundary that is leased by the owners and the Mitchell River to the north. Access to the allotments is existing and will remain unchanged directly from Mathiesons Road along the southern boundary.

The proposed uses are not considered likely to result in an overall negative impact nor will restrict the use of the surrounding public land by the general public.

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

No earthworks are required to facilitate the proposed use and no vegetation removal is required.

Stormwater runoff is currently managed onsite and as such there are no factors as a result of the proposed use that are considered likely to cause or contribute to land degradation, salinity or reduce water quality.

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

The proposal is seeking approval for the use of accommodation, function and events centre, car parking dispensation and liquor licence. No new buildings are proposed at this time. All stormwater runoff from the site will continue to be directed to the legal point of discharge to the satisfaction of the responsible authority.

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

As provided above, no vegetation removal is required to facilitate the proposed use. Additional planting is not considered an appropriate response given the extensive planted gardens already existing on the subject site.

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

Additional planting and regeneration are not considered appropriate in this location given the existing extensive planted gardens.

The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.

The subject site is not within an area affected by potential flood or fire hazard. The proposal is not seeking to construct any buildings at this time and the proposed use is unlikely to contribute or cause any erosion hazards.

The adequacy of loading and unloading facilities and any associated amenity, traffic flow and road safety impacts.

The proposal seeks approval for the use of accommodation, function and events centre, car parking dispensation and liquor licence. The road network is of an appropriate standard to accommodate the proposed use of the subject site and is not expected to generate any road safety issues. Suitable practices will be in place to ensure for larger functions and events car parking and traffic is appropriately managed.

The impact the use or development will have on the current and future development and operation of the transport system.

The proposed use for accommodation, function and events centre will utilise the existing access driveways that will remain unchanged. The proposal is seeking a dispensation of car parking that will not reduce the amount of car parking spaces required, rather the proposed car parking areas will be informal. There is a 6 car garage and carport existing that meets the requirements of the accommodation component of the proposal.

The owner intends to use a concierge van to transport guests to and from the site which will reduce the demand for car parking. Larger events will be encouraged to use large transport buses to transfer guests to and from the site. The proposal is not expected to result in any detrimental impacts to the overall transport system.

7. CONCLUSION

This submission is in support of a planning permit application for use of accommodation, function and events centre, car parking dispensation and liquor licence at 95 and 105 Mathiesons Road, Eagle Point.

The relevant provisions of the East Gippsland Planning Scheme have been addressed within this submission. The proposed use is appropriate in this location and has adequately responded to any potential hazards identified.

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

Development Solutions Victoria



BUSINESS MANAGEMENT PLAN

NOV
20
22

105 MATHIESONS ROAD, EAGLE POINT

ANDREA BROWN & DAVID VISSER

REF: 22138

Printed 5/01/2023
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 Riva

HOUSE OF OPERATION

This type of business will operate 24/7 in a sense that the accommodation component will involve people staying overnight.

There may also be retreats and conference type events operating consecutively with the accommodation that would extend over several days.

The functions and celebratory type events where there are larger patron numbers would likely be more consistent with the liquor licence hours. It is likely that these events would stop serving alcohol at 11:00pm with an overall finish time of midnight.



LIQUOR LICENSE HOURS

Standard: 9:00am - 11:00pm

Events: 9:00am - 11:00pm

NUMBER OF VISITORS

Accommodation: 10 person accommodation with visitors up to 25

Function / Event: Up to 100 people



TYPES OF FUNCTIONS

Standard: Birthday & family celebrations

Events: Business (development, board meetings, incentive etc), Celebrations (Birthday, Weddings etc), Health & Wellness events, Cocktail functions, General Community Functions, Art Gallery events, Tourism events.



The objective is to provide a luxurious venue that can cater for almost any type of event or function.

CAR PARKING

Standard: 6 car garage and carport area adjoining the house.

Events: Grass & driveway areas - clearly marked with parking instructions. We have an 11 seater Concierge van that we actively use to transport guests as requested. We will promote both the Concierge Van and request larger transport buses to move people within East Gippsland to avoid multiple cars needing parking assistance onsite.

It is proposed to have parking attendants to direct vehicles to parking areas for larger events to ensure no vehicles park along Mathiesons Road or park in areas that will impact any of the surrounding property owners.



WASTE MANAGEMENT

Bin locations and bin collection times

Standard: Multiple bins (recyclable & general rubbish bins) inside the Homestead. General Rubbish & Recyclable bins outside. Cleared with weekly/bi-weekly council collections.

Events: Multiple bins (recyclable & general rubbish bins) inside the Homestead and outside as required. General Rubbish & Recyclable bins outside and cleared with weekly/bi-weekly council collections. If required, recyclable & general waste will be taken to the local tip for removal as needed to ensure no excess onsite. If required, commercial garbage collection arrangements will be made.

Waste disposal will all be undertaken during daylight hours to ensure minimal disturbance.

The existing septic tank is capable of supporting the accommodation component of the business and the small to medium functions. The dwelling has four toilets and a large septic tank system. For larger events, additional portable toilets will be commissioned.

NOISE MANAGEMENT FACTORS

Standard: Reduced noise requested and encouraged after 11:00pm

Events: Events to close by 12:00pm. No outside music after 11:00pm



LIGHTING CONSIDERATIONS

Standard: Homestead has internal lighting and external festoon and spot lights around the outside and pool area. Parts of the gardens have lights as well, both solar and powered.

Events: Homestead has internal lighting and external festoon and spot lights around the outside and pool area. Parts of the gardens have lights as well, both solar and powered.

Some additional lighting may be required for specific events. All lighting will be located to respect the surrounding properties.

SMOKING AREAS

Standard: Outside areas only - no smoking allowed in the house

Events: Designated outside area only - no smoking allowed in the house

LENGTH OF STAYS

Standard: Minimum of 2 nights stay

Events: 1 hour - Multi day stays/events



EXTERNAL SERVICES

Standard: Private chef, Catering, serving staff, cleaners

Events: Private chef, Catering, serving staff, cleaners, RSA's, equipment hire.

Wide-ranging



SITE PLAN

SCALE - 1:850

GOVT. ROAD

TITLE BOUNDARY - 116.0

TITLE BOUNDARY - 25.4

95 MATHIESONS RD

ALLOT. 8, SEC. A

C.P. NO. 895 (Part)

LOT 1 / PS734369

AREA - 16814 sq. m (1.681 ha)

BOCCE COURT

FLOWER GARDEN
& GLASS HOUSE

VISITOR PARKING - GRASS
APPROX. 20 VEHICLES

TITLE BOUNDARY - 130.5

GOVT. ROAD

POOL (150 m²)

LAWN (350 m²)

DWELLING
"La Riva"

SEALED DRIVEWAY

TITLE BOUNDARY - 74.1

105 MATHIESONS RD

ALLOT. 8, SEC. A

C.P. NO. 895 (Part)

LOT 2 / PS734369

AREA - 8469 sq. m (0.847 ha)

GARDEN SHED

VISITOR PARKING - GRASS
APPROX. 20 VEHICLES

TITLE BOUNDARY - 42.5

PUMP

DWELLING
MANAGERS
RESIDENCE

GAZEBO

SEALED DRIVEWAY

TITLE BOUNDARY - 32.8

TITLE BOUNDARY - 101.0

TITLE BOUNDARY - 107.8

TITLE BOUNDARY - 36.7

85 MATHIESONS RD

Allot. 7, Sec. A

Vol. 09471, Folio 813

SHED

TELSTRA
PIT

ELEC
PIT

STOP
VALVE

FIRE
PLUG

EDGE OF BITUMEN

EDGE OF BITUMEN

TELSTRA
PIT

MATHIESONS ROAD

95 MATHIESONS RD - FLOOR PLAN

ALLOT. 8, SEC. A

C.P. NO. 895 (Part)

LOT 1 / PS734369

AREA - 16814 sq. m (1.681 ha)

