

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	147 King Street PAYNESVILLE 3880, 11 Woodland Court PAYNESVILLE 3880 Lot: 134 PS: 907185, Lot: 9 LP: 216656
The application is for a permit to:	Two Lot Subdivision (Boundary Realignment)
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2024.327.1

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

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

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

An objection must

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

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

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

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

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

VOLUME 09912 FOLIO 166

Security no : 124117682463H
Produced 23/08/2024 03:24 PM

LAND DESCRIPTION

Lot 9 on Plan of Subdivision 216656H.
PARENT TITLE Volume 08647 Folio 538

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
GRANT ANDREW HISKINS
DEBORAH JANE HISKINS
P673445M 21/02/1990

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE LP216656H 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: 11 WOODLAND COURT PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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Document Type	Plan
Document Identification	LP216656H
Number of Pages (excluding this cover sheet)	1
Document Assembled	23/08/2024 15:24

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LP216656H EDITION 2

NOTATIONS
LAND SUBJECT TO EASEMENT
E-1 DRAINAGE VIDE LP 73948

LAND APPROPRIATED OR SET APART
ROAD WITHIN THE THICK LINES FOR WAY, DRAINAGE, SEWERAGE AND SUPPLY OF WATER, ELECTRICITY AND TELEPHONE

E-2 DRAINAGE AND SEWERAGE

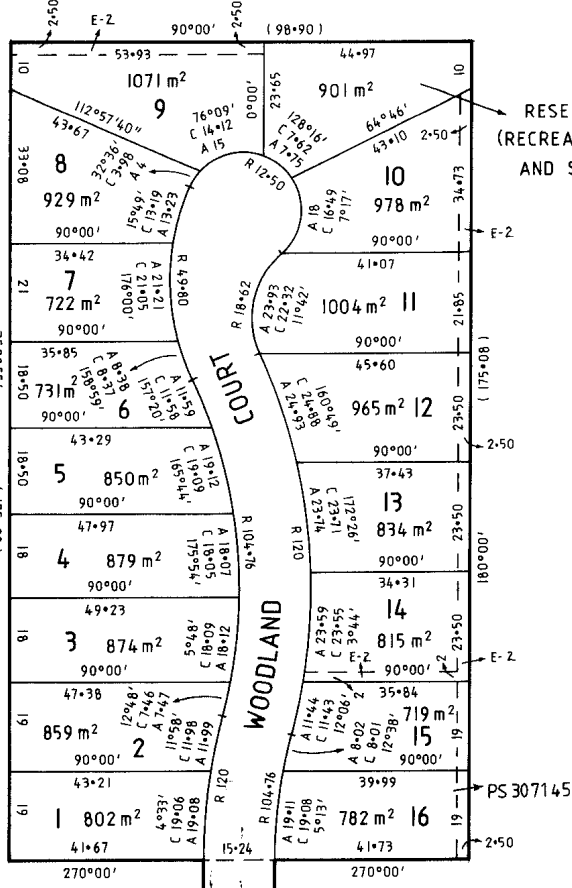
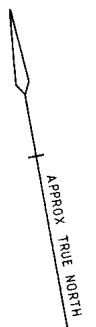
TO BE COMPLETED WHERE APPLICABLE
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS NOS:
IN PROCLAIMED SURVEY AREA NO.

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY THICK LINES
TITLE REF: No. 108-4-7, Fol. 57
LAST PLAN REF: LP 73948 LOT 11

PLAN OF SUBDIVISION
COUNTY TAN JIL
PARISH BAIRNSDALE
CROWN ALLOTMENT 14.1 B (PART)

NUMBER OF SHEETS IN PLAN 1
NUMBER OF THIS SHEET 1
SCALE
ORIGINAL SIZE 1:1000
SCALE OF THIS SHEET 1:1000
LENGTHS ARE IN METRES

OFFICE USE ONLY
LP 216656H
VICTORIA



RESERVE No.1
(RECREATION, DRAINAGE AND SEWERAGE)

OFFICE USE ONLY

CERTIFICATE OF MUNICIPAL CLERK
MUNICIPALITY SHIRE OF BAIRNSDALE COUNCIL REF. 1041/82

LIST OF MODIFICATIONS

LAND	MODIFICATION	DEALING NO.	A.R.T.	NEW EDN.
LOT 16	RESUBDIVISION	PS 307145		2

CERTIFICATION BY SURVEYOR

I, Michael Joseph Sadler of 66 McCulloch Street Bairnsdale 3875 certify that this plan has been prepared from a survey made under my immediate direction and supervision, in accordance with the Surveyors Act 1978 and completed on [Date] and that this plan is accurate and correctly represents the adopted boundaries and distribution of the survey in []
Licensed Surveyor, Surveyors Act 1978

AMENDMENTS
SURVEYORS REF. 5788-01
CROWTHER & SADLER PTY. LTD.
Licensed Surveyors and Town Planners
266 McCulloch Street, P.O. Box 722,
BAIRNSDALE, 3875. Phone: (061) 52 9011

ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED
• DELETE WORDS NOT APPLICABLE



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

VOLUME 12536 FOLIO 713

Security no : 124117682811E
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LAND DESCRIPTION

Lot 134 on Plan of Subdivision 907185E.
PARENT TITLE Volume 12431 Folio 876
Created by instrument PS907185E 18/03/2024

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
DEBORAH JANE HISKINS
GRANT ANDREW HISKINS
AX891847S 10/04/2024

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AX891847S 10/04/2024

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

DIAGRAM LOCATION

SEE PS907185E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 147 KING STREET PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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Page 5 of 56 Page 1 of 1



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Document Type	Plan
Document Identification	PS907185E
Number of Pages (excluding this cover sheet)	4
Document Assembled	23/08/2024 15:34

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<h1>PLAN OF SUBDIVISION</h1>	EDITION 1 PS 907185E
<p>LOCATION OF LAND</p> <p>PARISH: BAIRNSDALE</p> <p>TOWNSHIP: _____</p> <p>SECTION: _____</p> <p>CROWN ALLOTMENT: 141B (PART)</p> <p>CROWN PORTION: _____</p> <p>TITLE REFERENCE: VOL 1249I FOL 876</p> <p>LAST PLAN REFERENCE: LOT C - PS840689G</p> <p>POSTAL ADDRESS: 114 NEWLANDS DRIVE, (at time of subdivision) PAYNESVILLE, 3880</p> <p>MGA2020 CO-ORDINATES: E: 562 060 ZONE: 55 (of approx centre of land in plan) N: 5803 620 GDA 2020</p>	<p>Council Name: East Gippsland Shire Council Council Reference Number: PS907185E Planning Permit Reference: 583/2004/P/D SPEAR Reference Number: S186371B</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Robert Pringle for East Gippsland Shire Council on 09/01/2024</p> <p>Statement of Compliance issued: 28/02/2024</p>

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

EASEMENT INFORMATION

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

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

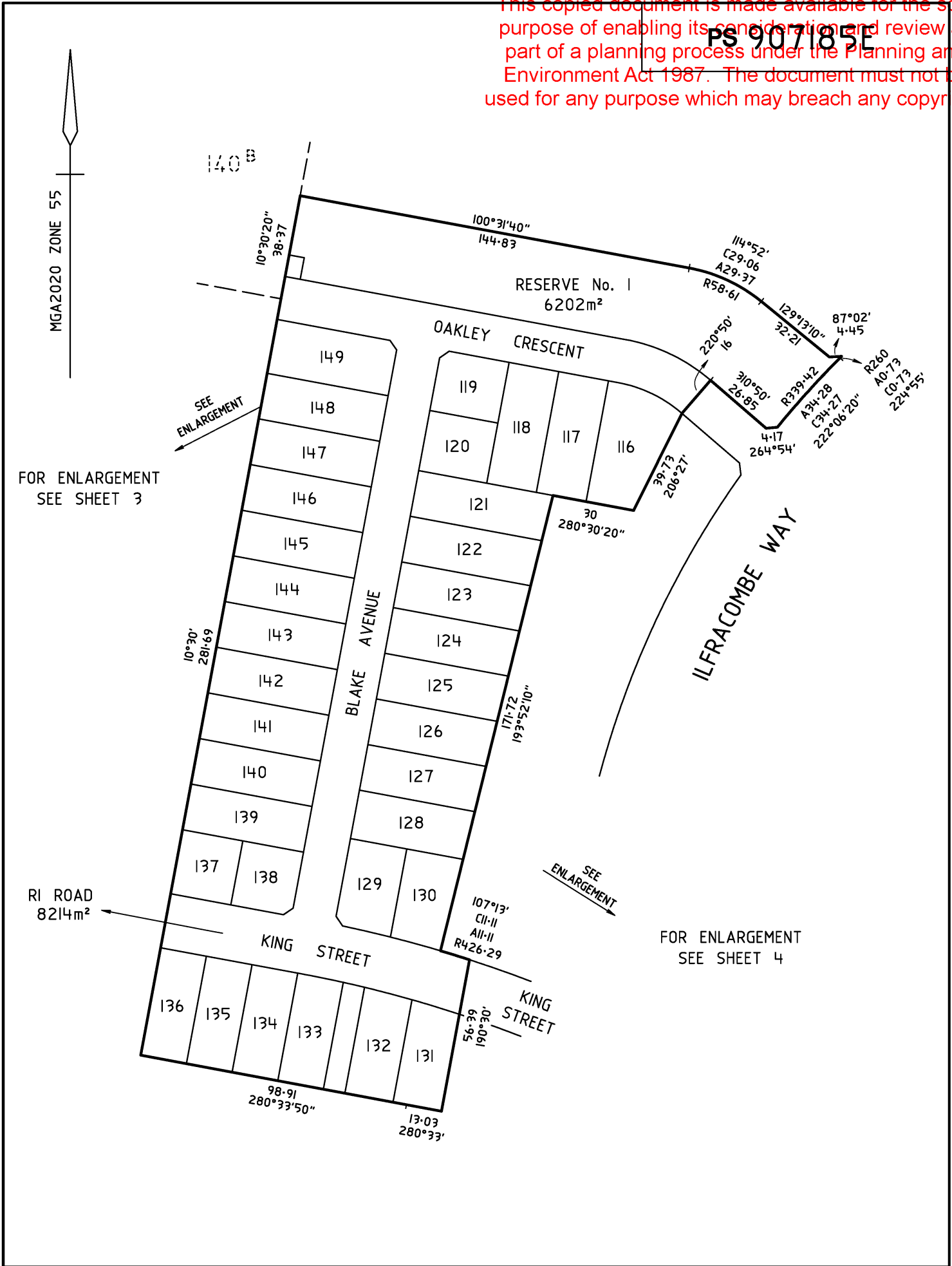
<p>Crowthier & Sadler Pty. Ltd.</p> <p>LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 6162 6011 E. contact@crowthiersadler.com.au</p>	<p>SURVEYORS FILE REF: 19724</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 4 SHEETS</p>
	<p>Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (4), 21/02/2023, SPEAR Ref: S186371B</p>		<p>PLAN REGISTERED TIME: 1:00 PM DATE: 18/03/24 G. POTTEVEEL Assistant Registrar of Titles</p>

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Page 7 of 56

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PS 90718 SE

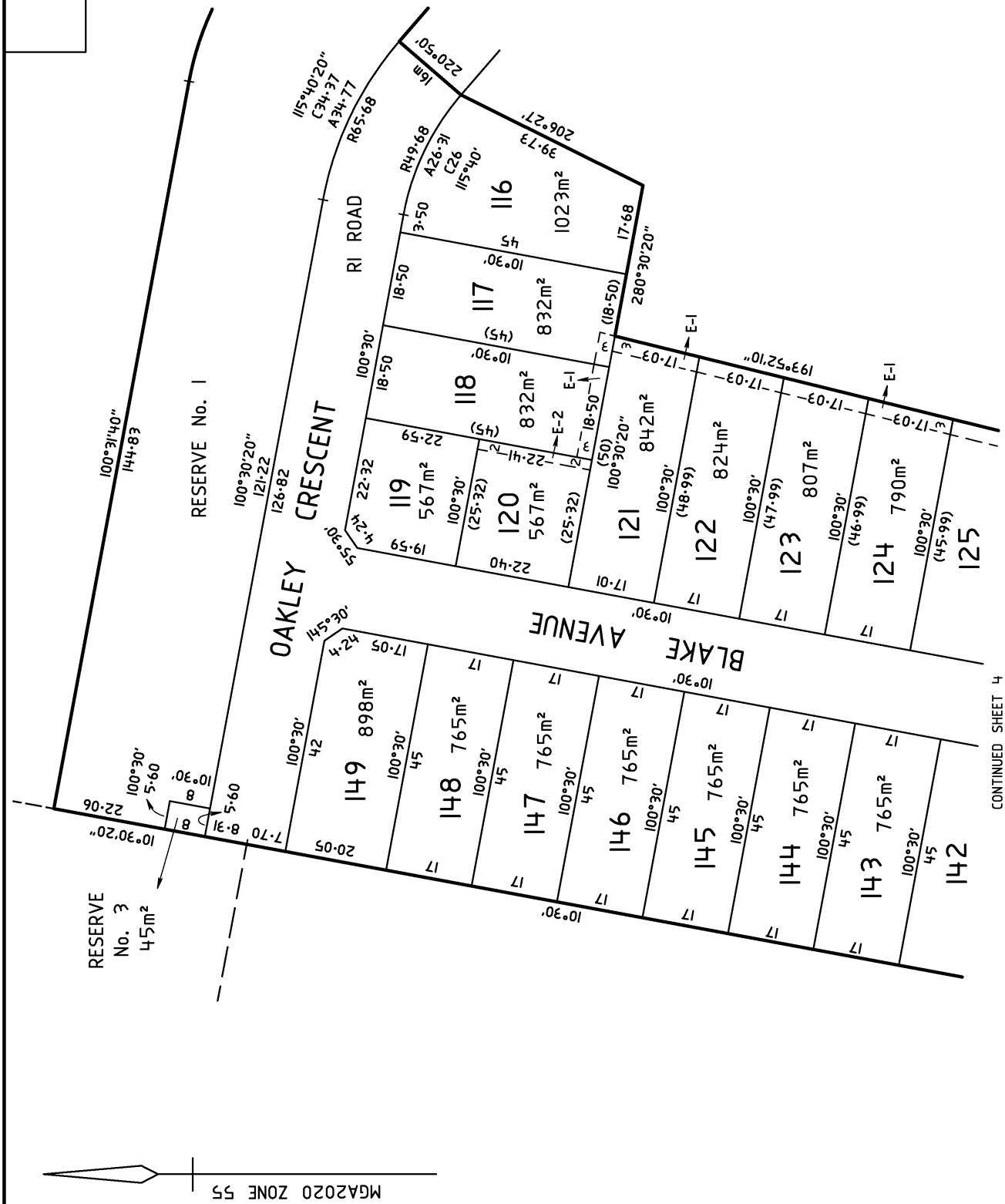


FOR ENLARGEMENT SEE SHEET 3

FOR ENLARGEMENT SEE SHEET 4

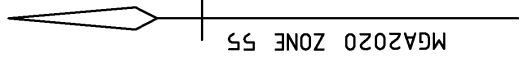
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PS 907185E



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

CONTINUED SHEET 4



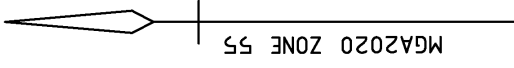
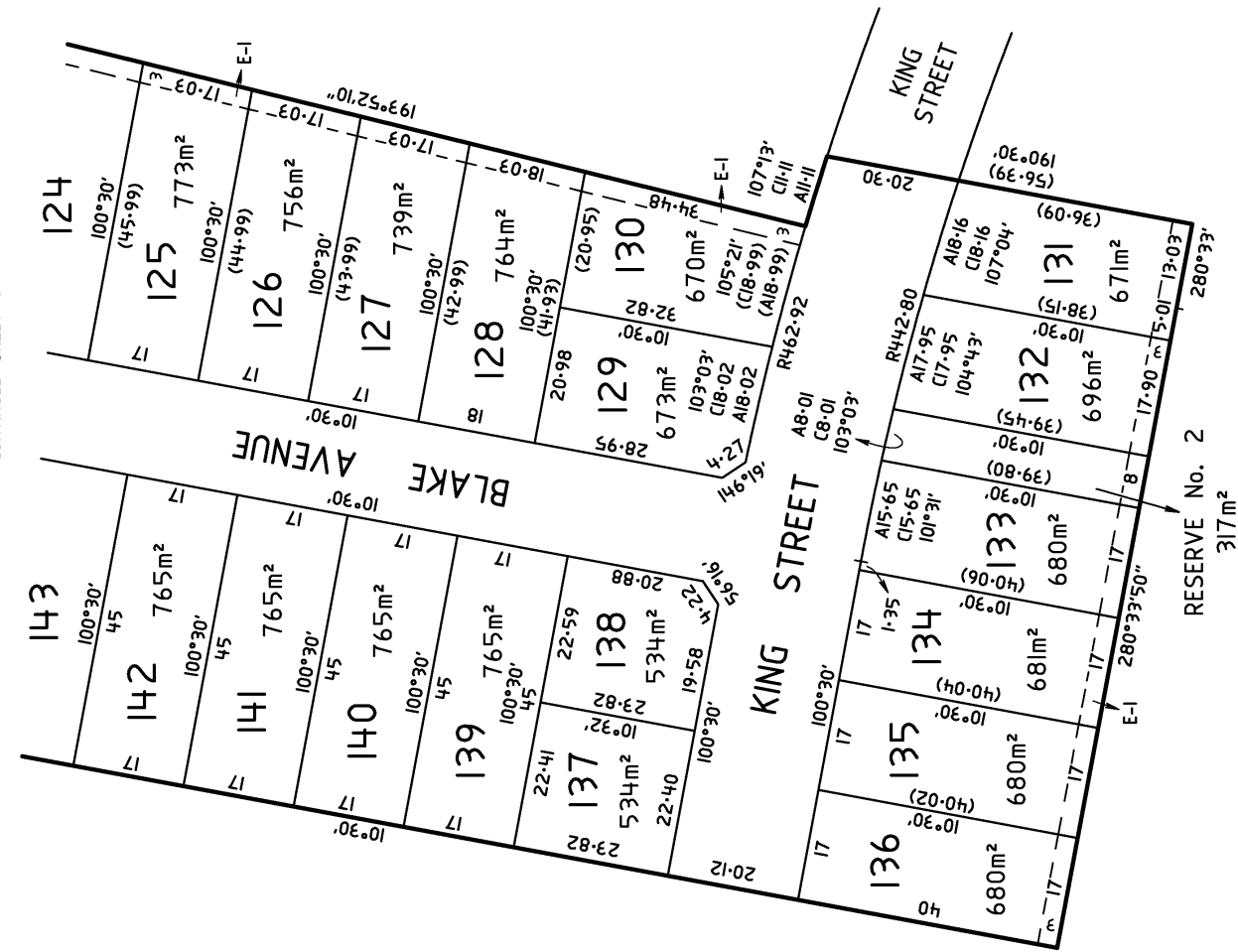
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PS 907185E

CONTINUED SHEET 3



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LENGTHS ARE IN METRES					
SURVEYORS REF 19724			SCALE 1:800	ORIGINAL SHEET SIZE: A3	

Digitally signed by: Michael J Sadler, Licensed Surveyor, Surveyor's Plan Version (4), 21/02/2023, SPEAR Ref: S186371B

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SEP
20
24

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APPLICATION FOR PLANNING PERMIT

TWO LOT SUBDIVISION (BOUNDARY REALIGNMENT)

11 WOODLAND COURT AND 147 KING STREET, PAYNESVILLE
GRANT AND DEBORAH HISKINS
REF: 24113

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APPENDIX

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

DOCUMENT REVISION

1	Draft Report	DAC	06/09/2024
2	Final Report	CMC	08/09/2024

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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of Grant and Deborah Hiskins, the owners and applicants for this planning permit application for a Two Lot Subdivision (Boundary Realignment) at 11 Woodland Court and 147 King Street, Paynesville.

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

The purpose of this subdivision is to provide a private open space area adjoining the existing dwelling on 11 Woodland Court to maintain privacy, yet still allow for future residential development.

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

Address	11 Woodland Court and 147 King Street Paynesville
Site Description	Lot 9 on Plan of Subdivision 216656H Lot 134 on Plan of Subdivision 907185E
Title Particulars	Vol 09912 Fol 166 Vol 12536 Fol 713
Site Area	1071m ² 681m ²
Proposal	Two Lot Subdivision (Boundary Realignment)
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	Design and Development Overlay – Schedule 14
Permit Triggers	Clause 32.08-3 General Residential Zone – Subdivision Clause 43.02-3 Design and Development Overlay – Subdivision
Notice	No exemption available
Referrals	No mandatory referrals
Work Authority Licence	Not applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement - Growth area towns – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Built environment and heritage – Clause 15 General Residential Zone – Clause 32.08 Design and Development Overlay – Clause 43.02 Decision guidelines – Clause 56 Decision guidelines – Clause 65.01 Decision guidelines – Clause 65.02



2. SITE CONTEXT

Site

The subject site is located at 11 Woodland Court and 147 King Street, Paynesville. A copy of the Titles and Plans of Subdivision are contained in **Appendix A**. The title at 147 King Street is affected by a Section 173 agreement and restrictive covenant registered as AX891847S.

AX891847S

The covenants predominantly provide restrictions on the size of buildings, materials and the use of the site.

Section 173 Agreement

This agreement provides:

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

- i. Generally in accordance with the configuration and layout of the subdivision authorised by the Planning Permit and the various conditions included in that permit; and*

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

The site at 11 Woodland Court, Paynesville is irregular in shape with a total area of approximately 1071m² and contains an existing dwelling and associated facilities. The site at 147 King Street, Paynesville is rectangular in shape with a total area of approximately 681m² and is currently vacant land.

The site at 11 Woodland Court, Paynesville is flat in nature and contains scattered vegetation throughout and landscaped gardens. The site at 147 King Street, Paynesville is flat in nature and does not contain vegetation.

Access to the site at 11 Woodland Court, Paynesville is existing via a gravel driveway directly from Woodland Court along the southern boundary. There is no formal access point to the site at 147 King Street, Paynesville.

Woodland Court and King Street are constructed bitumen sealed roads.

Details of the sites are depicted in the photographs provided below.

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



Figure 1– Locality Plan –11 Woodland Court and 147 King Street Paynesville (source: mapshare.vic.gov.au)

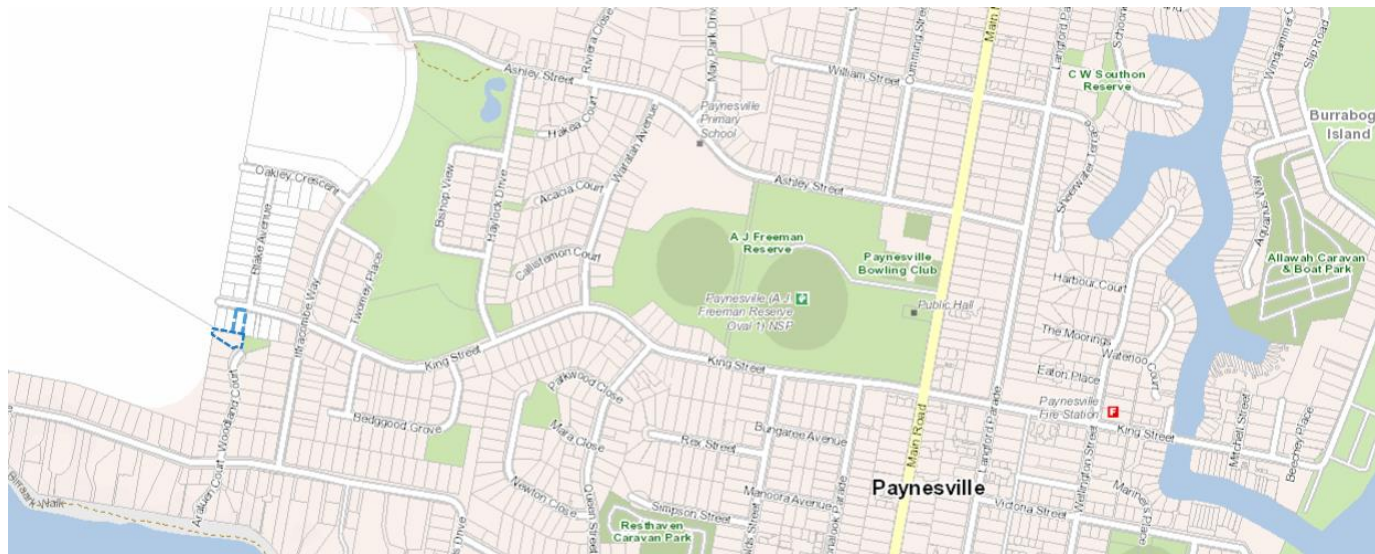


Figure 2 – Locality Plan –11 Woodland Court and 147 King Street Paynesville (source: mapshare.vic.gov.au)



Surrounds

The land surrounding the subject sites comprise predominantly residential land.

Adjoining the northern boundary at 11 Woodland Court is newly created vacant residential land. Adjoining the eastern boundary comprises of an existing dwelling. Adjoining the southern boundary is Woodland Court and further residential development. Adjoining the western boundary is vacant farming land.

Adjoining the northern boundary at 147 King Street is an intersection between King Street and Blake Avenue and vacant residential land. Adjoining the eastern and western boundaries contain vacant residential land. Adjoining the southern boundary is land containing an existing dwelling and associated facilities.

The site is located to the east of the township of Paynesville.

Paynesville is a tourism town located on the Gippsland Lakes southeast of Bairnsdale. Paynesville is a boating village with a significant focus on tourism and water sports. The township has a suitable level of community and commercial services and facilities to support the existing and future residential component.

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



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Photograph 1 – Aerial Photograph of the subject site and surrounding land – 11 Woodland Court and 147 King Street, Paynesville (source: dpi.vic.gov.au)
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Photograph 2 – Existing driveway entrance to the subject site at 11 Woodland Court, Paynesville.



Photograph 4 – Eastern side of proposed Lot 1 facing north.



Photograph 6 – Proposed Lot 2 facing south showing current boundary.



Photograph 3 – Southern side of 11 Woodland Court facing north showing existing dwelling.



Photograph 5 – Proposed Lot 1 facing west.



Photograph 7 – Proposed Lot 1 facing west showing existing outbuilding.



Photograph 8 – Proposed Lot 1 facing northwest showing location of proposed boundary realignment.



Photograph 10 – western side of proposed Lot 1 facing south showing existing outbuilding and garden beds.



Photograph 12 – Neighbouring property of Lot 1 at 10 Woodland Court, Paynesville.



Photograph 9 – Proposed Lot 1 facing north showing proposed location of boundary realignment and Lot 2.



Photograph 11 – Neighbour to the east of Lot 1 at 12 Woodland Court, Paynesville.



Photograph 13 – Woodland Court facing south.



Photograph 14 – Woodland Court facing north.



Photograph 16 – Neighbouring property to the west of proposed Lot 2 at 149 King Street, Paynesville.



Photograph 18 – King Street facing west.



Photograph 15 – Proposed Lot 2 at 147 King Street, Paynesville facing south.



Photograph 17 – Neighbouring property to the east of proposed Lot 2 at 145 King Street, Paynesville.



Photograph 19 – Proposed Lot 2 facing north.



Photograph 20 – Proposed Lot 2 facing north showing intersection between King Street and Blake Avenue.



Photograph 21 – King Street facing east.

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3. THE PROPOSAL

This application seeks approval for a Two Lot Subdivision (boundary realignment). A proposed plan of subdivision is contained in **Appendix B**.

Lot 1

The proposed Lot 1 will be rectangular in shape and will be approximately 544m² in area. This lot will comprise the northern portion of the site and will be vacant residential land. Access to this lot will be provided via the northern boundary directly from King Street.

Lot 2

The proposed Lot 2 will be irregular in shape and will be approximately 1208m² in area. This lot will comprise the southern portion of the site and will contain the existing dwelling and associated facilities. This lot will also contain the two existing drainage and sewerage easements as indicated on the proposed plan of subdivision. Access to this lot is existing along the southern boundary directly from Woodland Court and will remain unchanged.

Services

The subject site has access to an appropriate level of services including reticulated water,

sewerage, electricity, telecommunications, drainage and a good quality road network.

Each lot will be connected to all available services.

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

A copy of the proposed plan of subdivision is provided below and in **Appendix B**.



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 respects the neighbourhood character of the area.*
- *To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.*
- *To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.*

An extract of the General Residential Zone Map is provided in **Figure 4**.

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

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause

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

The relevant decision guidelines of Clause 32.08 of the General Residential Zone are addressed in Section 6 of this submission.

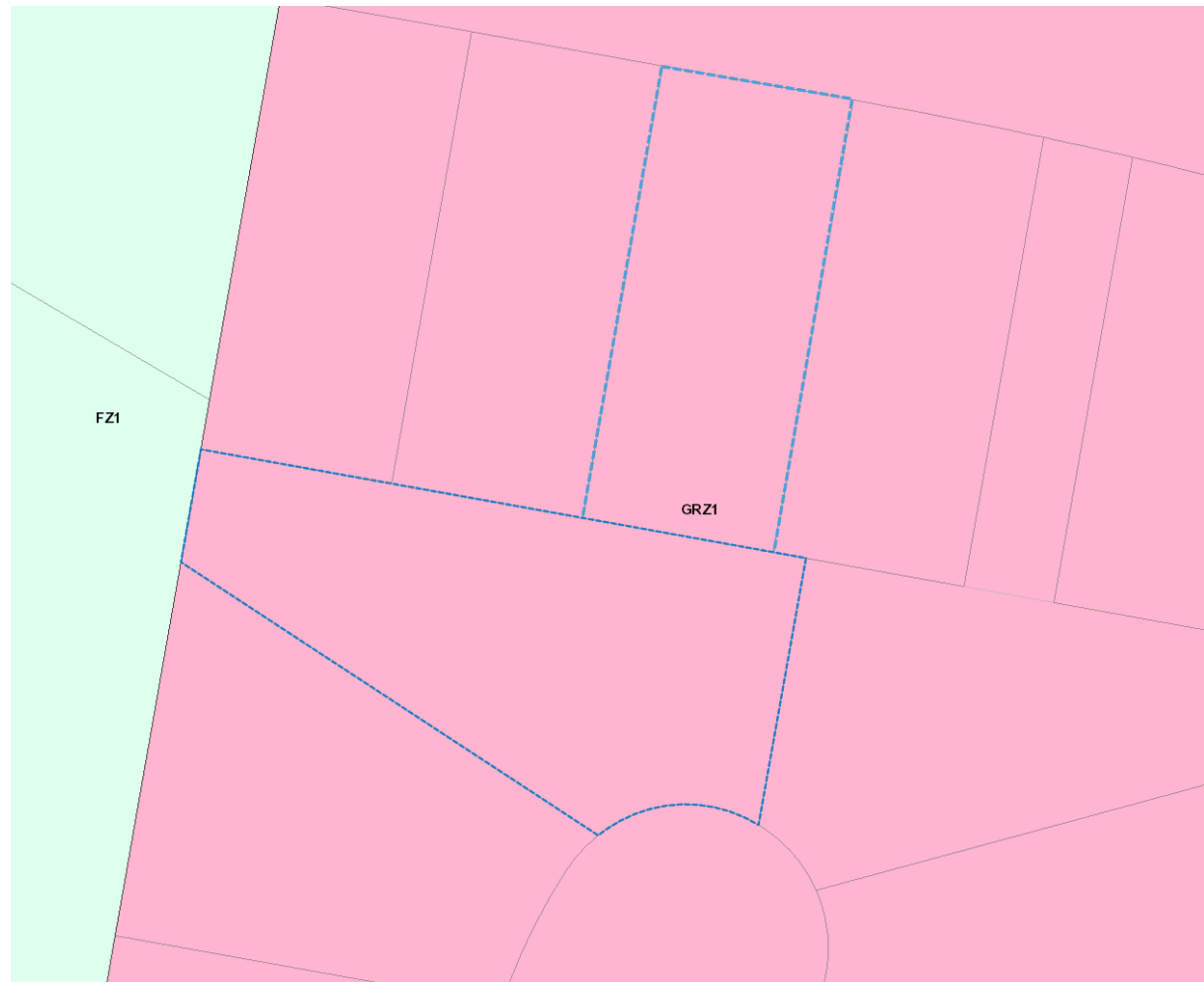


Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)

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Design and Development Overlay – Schedule 14

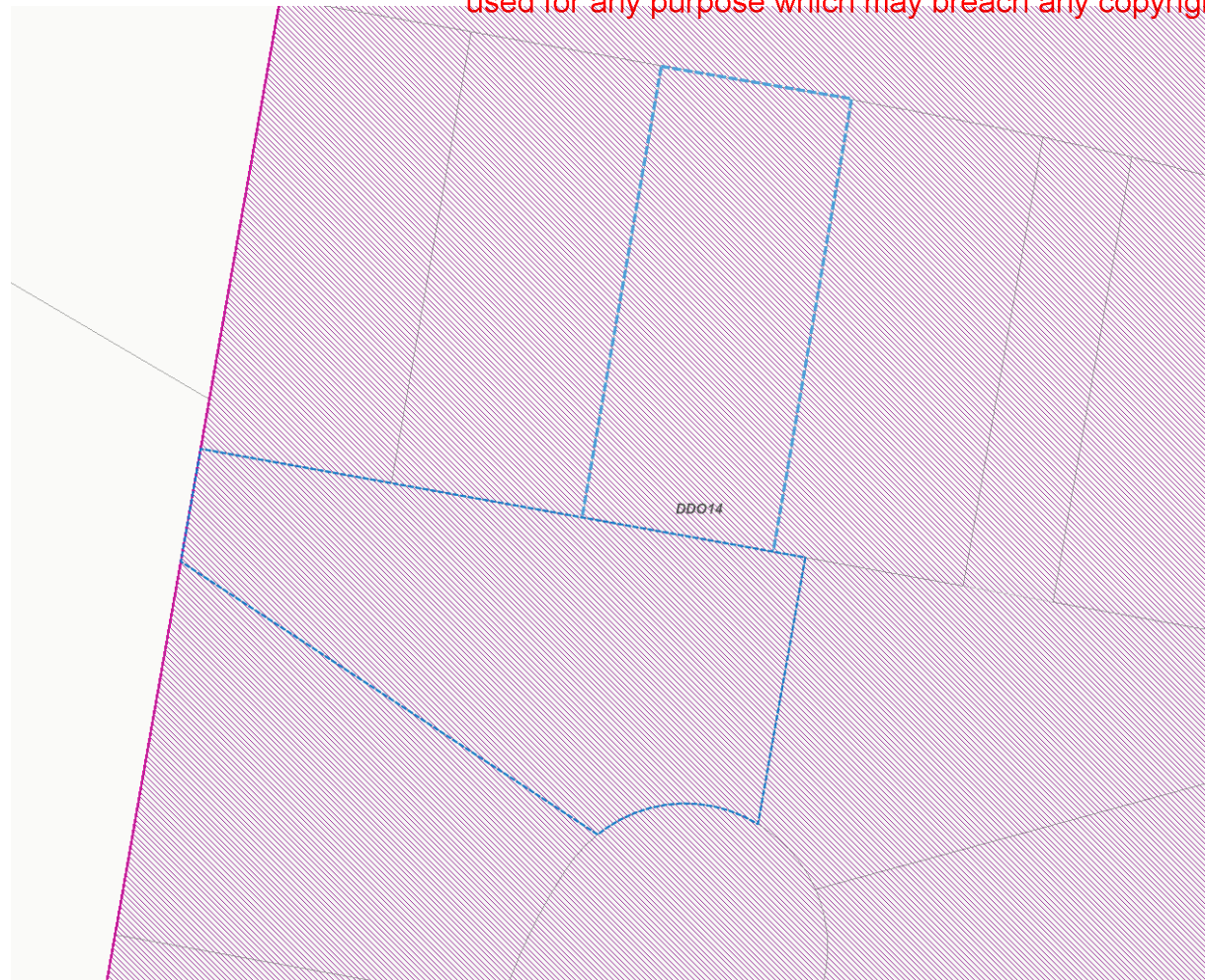
The purpose of the Design and Development Overlay is:

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

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

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

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



Design and Development Overlay – Schedule 14 continued:

The design objectives of the Schedule include:

All areas

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

Town Expansion (area 7)

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



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

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Aboriginal Cultural Heritage

Under the provisions of the *Aboriginal Heritage Act 2006* the subject site is not recognised as being within an area of Aboriginal Cultural Heritage Sensitivity and as such a Cultural Heritage Management Plan is not required for the proposed subdivision.

5. PLANNING ASSESSMENT

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

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02** and the Planning Policy Framework at **Clause 10** providing an appropriate subdivision that can be respectful of the existing and surrounding development and the environment.
- The proposal will contribute to a high standard of environmental sustainability, appropriate urban design and amenity by designing the lot layout to meet the existing 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**.
- **Clause 02.03-1** identifies Paynesville as a growth area town and encourages development on fully serviced residential land. The proposed subdivision will result in a boundary realignment to provide the existing dwelling on proposed Lot 2 an increased level of privacy. Both of the existing lots have access to all available services including reticulated water, sewerage, electricity, telecommunications and a good quality road network.
- The proposal meets the objectives of **Clause 16** by ensuring the vacant allotment being proposed Lot 1 is of a suitable size to accommodate a residential dwelling in the future which in turn will support housing for the area.
- 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 (boundary realignment) will result in the existing boundary being realigned to simply decrease the length of the lot at 147 King Street by 8 metres. Proposed Lot 1 is vacant land, and it anticipated a residential dwelling will be constructed on the lot in the future, this subdivision will ensure there is suitable separation between the existing dwelling and any future dwelling on the proposed lot 1. It is noted there are two existing easements for drainage and sewerage that will be located in proposed Lot 2 along the northern boundary.
- The proposed subdivision has addressed the relevant standards as set out in Clause 56 and is contained in **Appendix C**.
- The pattern of subdivision in the immediate area is varied with lots ranging in shapes and sizes.
- Access to proposed Lot 2 is existing along the southern boundary directly from Woodland Court and will remain unchanged. There is no formal access point to proposed Lot 1. Access will be provided via the northern boundary directly from King Street as indicated on the proposed subdivision plans.
- The proposed subdivision will create a balanced, comfortable and aesthetically pleasing living environment for both proposed lots.
- Proposed Lot 1 is affected by a restrictive covenant and a Section 173 Agreement, the proposed subdivision (boundary realignment) does not contravene any condition set out in the restrictive covenants and is not seeking to subdivide the land so as to create any additional lots.
- The proposal is consistent with the decision guidelines of the Design and Development Overlay at **Clause 43.02-6** which seeks to identify areas which are affected by specific requirements relating to the design and built form of new development.

- The proposed subdivision will result in an appropriate boundary realignment that will ensure proposed Lot 1 will be of a size that is suitable for a dwelling in the future whilst ensuring an appropriate amount of privacy for proposed Lot 2. Any future dwelling to be constructed would be subject to the requirements of the Design and Development Overlay including height controls and as such there is not expected to be any detrimental impact to the amenity of the area or neighbourhood character. The area does contain dwellings of various styles, heights and setbacks.
- The proposed subdivision will allow for future development that can be consistent with the existing lot layout and it is not anticipated that this alteration to the lot layout will result in any impact to any future neighbourhood character that is likely to evolve as the area is developed.
- No vegetation removal is required to facilitate the proposed subdivision.
- The proposed subdivision has been designed to be site responsive and allow for separation between the lots.
- **Schedule 14** refers to residential development in coastal settlements – Paynesville. The subject site is located in Town Expansion (area 7) which considers whether the proposed development supports the creation of a high-quality residential subdivision, whether the design of the buildings includes pitched roofs, and whether the proposal maintains existing trees. No vegetation removal is required to facilitate the proposed subdivision (boundary realignment). Any future dwelling on proposed Lot 1 would be subject to the requirements of the Design and Development Overlay.
- This submission has addressed the decision guidelines of **Clause 65.01** and the proposed subdivision supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area. The proposed subdivision does not require the removal of any native vegetation and there will be no negative impact on the existing road network.
- The site is not identified as being susceptible to bushfire, erosion or flooding hazards.
- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.
- This submission has addressed the decision guidelines of **Clause 65.02** and it is concluded the proposed subdivision (boundary realignment) is suitable in this location and the proposed Lot 1 being the vacant lot can adequately accommodate a residential dwelling in the future that will in turn support the community by providing for housing.
- Proposed Lot 2 is connected to all available services and proposed Lot 1 has access to all available services. The proposed subdivision will not increase the number of lots, rather it is proposed to realign the existing boundary between the lots.

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6. CONCLUSION

This submission is in support of a planning permit application for a Two Lot Subdivision (Boundary Realignment) at 11 Woodland Court and 147 King Street, Paynesville.

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

- The proposal is consistent with the objectives and strategies outlined in the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal is consistent with the objectives of the General Residential Zone and the Design and Development Overlay.
- The proposed subdivision will result in a boundary realignment that will increase privacy for the existing dwelling whilst retaining a suitable area for future residential development.

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

Development Solutions Victoria

Disclaimer:

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APPENDIX C

Clause 56 Assessment

CLAUSE 56 ASSESSMENT

Clause 56 – Residential Subdivision

Under the provisions of Clause 32.08-3 of the General Residential Zone, the following provisions of Clause 56 must be addressed as appropriate.

The purpose of Clause 56 is:

“To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create liveable and sustainable neighbourhoods and urban places with character and identity.

To achieve residential subdivision outcomes that appropriately respond to the site and its context for:

- *Metropolitan Melbourne growth areas.*
- *Infill sites within established residential areas.*
- *Regional cities and towns.*

To ensure residential subdivision design appropriately provides for:

- *Policy implementation.*
- *Liveable and sustainable communities.*
- *Residential lot design.*
- *Urban landscape.*
- *Access and mobility management.*
- *Integrated water management.*
- *Site management.*
- *Utilities.”*

Clause 56 provides the following requirements:

“An application to subdivide land:

- *Must be accompanied by a site and context description and a design response.*
- *Must meet all of the objectives included in the clauses specified in the zone.*
- *Should meet all of the standards included in the clauses specified in the zone.”*

The provisions of Clause 56 are addressed below.

Clause 56.01 requires an application to be accompanied by:

- A subdivision site and context description.
- A design response.

The table below addresses the relevant requirements of Clause 56.

Clause 56.03-5 Neighbourhood Character Objective:	To design subdivisions that respond to neighbourhood character.
Response:	<p>There is no Neighbourhood Character Statement or specific character identified for this location. This area is residential in nature containing a combination of single and double storey dwellings. All development is on lots ranging in shapes and sizes, there are similar style allotments within the area.</p> <p>The proposed lot layout is responsive to the site and will provide for future residential development on the vacant lot that can be consistent with the existing surrounding development. The area of the proposed lots ensures adequate provision for the subdivision to provide an appropriate level of services and facilities for future development.</p> <p>Both allotments will have suitable driveway access. Proposed Lot 2 will contain the existing access along the southern boundary directly from Woodland Court and proposed Lot 1 will have access via the northern boundary directly from King Street as indicated on the proposed development plans.</p> <p>There is no vegetation on the subject site that requires removal. There are no significant features in the area that would be detrimentally affected by the proposed subdivision (boundary realignment) and potential future residential development. The proposed subdivision will not negatively impact the existing streetscape or neighbourhood character.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.04-2 Lot area and building envelopes objective:</p>	<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>
<p>Response:</p>	<p>This application seeks approval for a Two Lot Subdivision, each greater than 300m² in area. The number of lots will not increase. The proposed Lot 1 will be 544m² in area and proposed Lot 2 will be 1208m² in area. Proposed Lot 2 will contain the existing dwelling and proposed Lot 1 will be vacant residential land.</p> <p>Access to the proposed lots will be provided as indicated on the proposed subdivision plans.</p> <p>The proposed lot dimensions and layout are considered to adequately accommodate solar access for the existing development on and surrounding the site and any future development on the vacant lot. There is an existing drainage and sewerage easement extending along the southern boundary of proposed Lot 1 and the northern boundary of proposed Lot 2. Both easements will be within the northern boundary of proposed Lot 2.</p> <p>The size and configuration of the proposed lots is considered more than adequate to accommodate any future development on proposed Lot 1 if desired whilst respecting surrounding lot configurations for future uses and development surrounding the site.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.04-3 Solar orientation of lots objective</p>	<p>To provide good solar orientation of lots and solar access for future dwellings.</p>
<p>Response:</p>	<p>The proposed subdivision creates two allotments of north south orientation with the long axis of the lot within the range north 20 degrees west to north 30 degrees east. Each of the lots will have appropriate solar access and any future development will not impact the solar access of surrounding properties.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.04-5 Common area objectives</p>	<p>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.</p>
<p>Response:</p>	<p>The proposal does not include any common property area.</p> <p>This clause is not relevant to the proposal.</p>

<p>Clause 56.06-8 Lot access objective:</p>	<p>To provide for safe vehicles access between roads and lots.</p>
<p>Response:</p>	<p>Access to the proposed Lot 2 is existing along the southern boundary directly from Woodland Court and access to proposed Lot 1 will be provided via the northern boundary directly from King Street which will provide for safe vehicle access between the roads and any future dwelling.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-1 Drinking water supply objectives</p>	<p>To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.</p>
<p>Response:</p>	<p>The proposed Lot 1 will be connected to the existing reticulated water supply which provides for drinking water supply. Proposed Lot 2 has an existing connection that is not required to be altered as a result of the proposed subdivision.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-2 Reused and recycled water objective</p>	<p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>
<p>Response:</p>	<p>A reuse and recycle water supply is not available to this site at this time. Water supply to both allotments will be via the existing reticulated water system.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.07-3 Waste water management objective</p>	<p>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.</p>
<p>Response:</p>	<p>Both allotments will be connected to the existing reticulated sewer network. The proposed vacant lot is not expected to exceed the capacity of the network. The number of lots will not be increasing.</p> <p>The proposal meets the objectives and standards of this clause.</p>

<p>Clause 56.07-4 Stormwater management objectives</p>	<p>To minimise damage to properties and inconvenience to residents from stormwater. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater. To encourage stormwater management that maximises the retention and reuse of stormwater. To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</p>
<p>Response:</p>	<p>Site runoff will be directed to the existing drainage easement which connects to street drainage network. The subject site is not liable to flooding and no flood mitigation works are considered necessary. The existing drainage network is considered to be of a suitable standard to accommodate the proposed subdivision and any future development.</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.08-1 Site Management objectives</p>	<p>To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>
<p>Response:</p>	<p>There is an existing drainage and sewerage easement along the northern boundary of proposed Lot 2 and along the southern boundary of proposed Lot 1, it is noted both of the easements will be located within the proposed Lot 2. No vegetation is required to be removed to facilitate the proposed subdivision (boundary realignment).</p> <p>The proposal meets the objectives and standards of this clause.</p>
<p>Clause 56.09-1 Shared Trenching objectives:</p>	<p>To maximise the opportunities for shared trenching. To minimise constraints on landscaping within the street reserves.</p>
<p>Response:</p>	<p>Given the proposal is seeking a two lot subdivision (boundary realignment) that will not increase the number of lots, no shared trenching will be required. All of the relevant service authorities will be contacted prior to certification of the plan to ensure all service requirements are met and shared trenching can occur where possible if required.</p> <p>The proposal meets the objectives and standards of this clause.</p>

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

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

Response:

Proposed Lot 2 is connected to all available services and proposed Lot 1 has access to all available services including reticulated water, sewer, telecommunications, drainage, electricity and a good quality road network. The proposed subdivision is not expected to affect the existing service arrangements nor exceed their capacity particularly given the number of lots is not increasing.

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

The proposal meets the objectives and standards of this clause.



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Status	Registered	Dealing Number	AX891847S
Date and Time Lodged	10/04/2024 02:16:11 PM		

Lodger Details

Lodger Code	22727X
Name	EAST GIPPSLAND CONVEYANCING
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

Jurisdiction	VICTORIA
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Land Title Reference

12536/713

Transferor(s)

Name	PAYNESVILLE PARK PTY LTD
ACN	608385146

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 210000.00

Transferee(s)

Tenancy (inc. share)	Joint Tenants
Given Name(s)	DEBORAH JANE
Family Name	HISKINS
Address	
Street Number	11
Street Name	WOODLAND



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Electronic Instrument Statement

Street Type	COURT
Locality	PAYNESVILLE
State	VIC
Postcode	3880

Given Name(s)	GRANT ANDREW
Family Name	HISKINS

Address	
Street Number	11
Street Name	WOODLAND
Street Type	COURT
Locality	PAYNESVILLE
State	VIC
Postcode	3880

Covenants

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

Burdened land	the Land
Benefited land	MCP: AA9793
Restrictive covenant	MCP: AA9793
Expiry Date	

Duty Transaction ID

5950055

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

Execution

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

Executed on behalf	PAYNESVILLE PARK PTY LTD
of	
Signer Name	ANDREW JOHN REYNOLDS
Signer Organisation	WARDS BARRISTERS AND SOLICITORS PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	05 APRIL 2024



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Executed on behalf of	DEBORAH JANE HISKINS GRANT ANDREW HISKINS
Signer Name	LESLEY JOY NICHOLS
Signer Organisation	EAST GIPPSLAND CONVEYANCING
Signer Role	LICENSED CONVEYANCER
Execution Date	10 APRIL 2024

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

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

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

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

Provisions to apply to the transfer:

Burdened land: THE LAND
The land being transferred.

Benefited land: Lots 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147 and 148 on Plan of Subdivision No. PS907185E

The benefited land does not include the land being transferred.
Set out the specific folios, range of folios or some or all the lots in the registered plan(s) or plan(s) to be lodged for registration that take the benefit of the covenants.

- Covenants: Definitions (if any):**
- Covenants:**
The Transferee shall not:
- (a) Erect, place, permit, licence or authorise on the said Lot any building except for a single dwelling house built only of new materials containing a floor area of not less than 160 square metres within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola or veranda;
 - (b) Erect, place, permit, licence or authorise on the said Lot any outbuildings built with other than the materials of the same type as the main dwelling house or colour bonded material;
 - (c) Erect or allow to be erected on the said Lot any relocated dwelling or outbuilding or any dwelling or outbuilding moved from other land;
 - (d) Occupy the Lot for residential purposes either temporarily or permanently until a Certificate of Occupancy is issued for the dwelling erected on the site except that temporary accommodation may be used for the duration of the construction period of the dwelling for no longer than twelve (12) months (subject to any

35392012A

V3

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

91ATLA

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

necessary council approvals or permits);

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

*Mandatory
Covenants to be listed here.*

Expiry:

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



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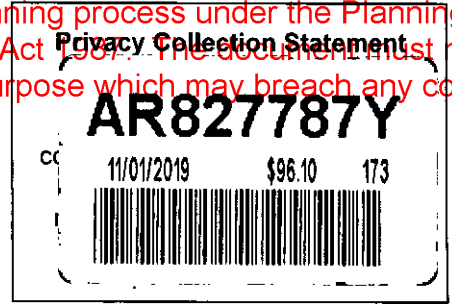
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Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987



Lodged by

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

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

Land:(volume and folio)

VOLUME 11867 FOLIO 225

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

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

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

181PEA

Page 1 of 2

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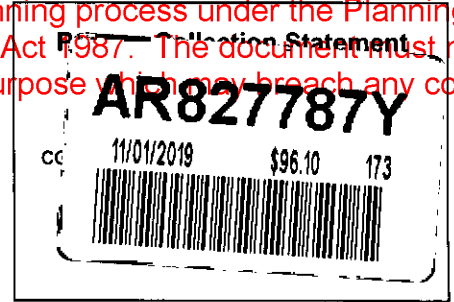
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Application by a responsible authority for the making of a recording of an agreement
Section 181 Planning and Environment Act 1987



Certifications

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

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

Signature 
 Execution Date 15.05.2018

35271702A

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

114 Newlands Drive, Paynesville

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Information table

Date of Agreement: 28/5/2018



Parties:

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

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

Background:

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

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Agreed terms



1. Defined terms and interpretation

1.1 Defined terms

In this Agreement:

Act means the *Planning and Environment Act 1987*.

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

Current Address for Service

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

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

Current Email Address for Service

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

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

Current Number for Service

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

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

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

Lot means a lot on the Endorsed Plan.

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

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

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

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

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

Planning Scheme means the East Gippsland Planning Scheme.

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

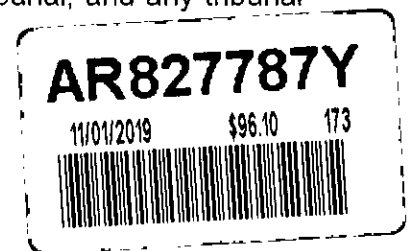
Subject Land means the land situated at 114 Newlands Drive, Paynesville being the land described as Lot 2 on PS802715L and contained in certificate of title volume 11867 folio 225 any reference to the Subject Land in this Agreement includes a reference to any lot created by the subdivision of the Subject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

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

1.2 Interpretation

In this Agreement unless the context admits otherwise:

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



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

2. Section 173 Agreement

2.1 Purpose

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

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

2.2 Reasons for agreement

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

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

3. Commencement

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



4. Owner's Specific Obligations

4.1 Compliance with other permits

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

4.2 Development must be to approval of Council

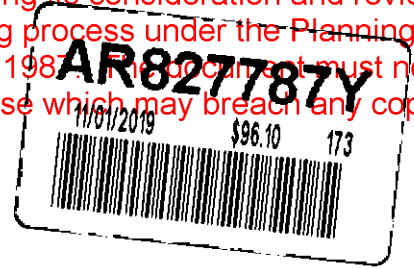
The Owner agrees that if the Planning Permit expires after this Agreement commences, the subdivision of the Subject Land must be to the satisfaction of Council.

4.3 Notice of ownership

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

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5. Further Obligations of the Owner

5.1 Notice and Registration

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

5.2 Further actions

The Owner further covenants and agrees that:

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

5.3 Council's Costs to be Paid

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

6. Owner's Warranties

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

7. Successors in Title

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

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

8. General

8.1 Notices

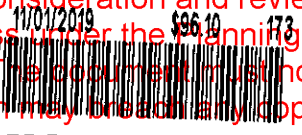
A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- (a) personally on the other Party;

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

8.2 Service of Notice

A notice or other communication is deemed served:

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

8.3 No Waiver

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

8.4 Severability

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

8.5 No fettering of Responsible Authority's powers

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

8.6 Governing law

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

8.7 Ending

This Agreement ends:

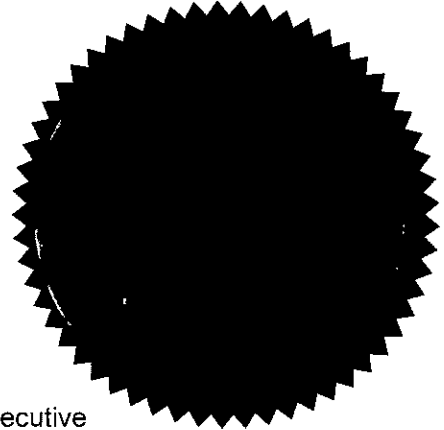
- (a) if the Parties agree in writing to end the Agreement; or
- (b) if the subdivision of the Subject Land occurs in stages, upon the issue of the Statement of Compliance for that stage.

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

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

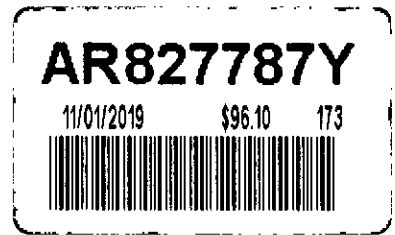


Gary Hoff
.....

Chief Executive

Petra J Benson
.....

Witness



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

Michael Sadler
.....

Director

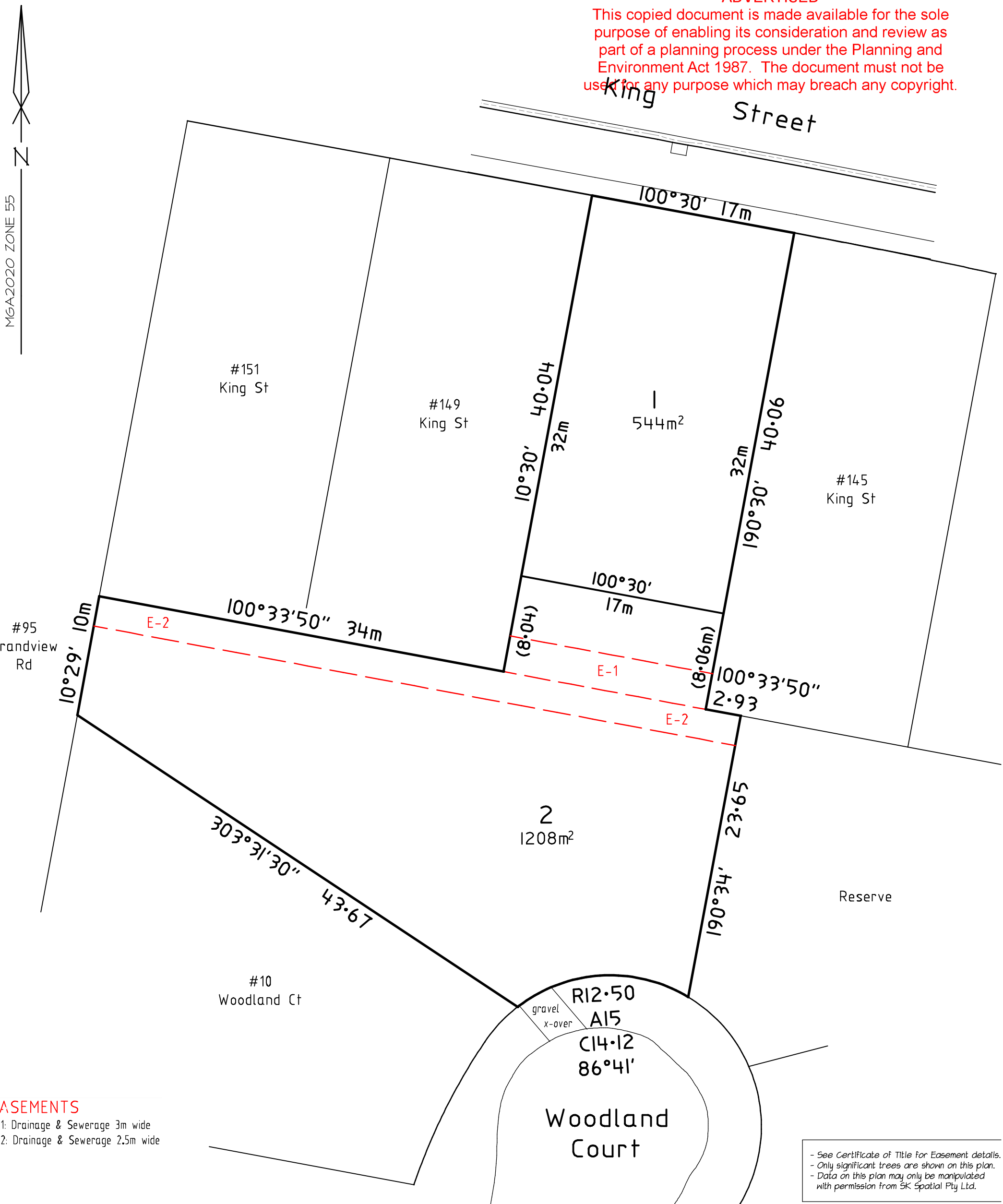
Print Name: MICHAEL SADLER .

Thomas Camp
.....

Secretary

Print Name: THOMAS CAMP

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EASEMENTS

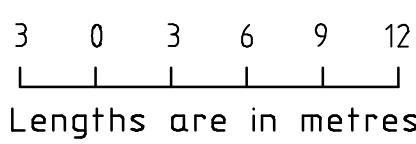
E-1: Drainage & Sewerage 3m wide
 E-2: Drainage & Sewerage 2.5m wide

- See Certificate of Title for Easement details.
 - Only significant trees are shown on this plan.
 - Data on this plan may only be manipulated with permission from SK Spatial Pty Ltd.

Sheet 1 of 1

OnePlan
 LAND DEVELOPMENT GROUP
 LICENSED LAND SURVEYORS

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



Proposed Subdivision Plan

Notations

Datum vide PS907185E
 Lot 9 on LP216656H: 1071m²
 Lot 134 on PS907185E: 681m²
 Total site area: 1752m²



11 Woodland Ct & 147 King St, Paynesville, 3880
 East Gippsland Shire

Plan No.	Scale	Drawn
242544 PR-1	1:300 - A3	29/07/2024

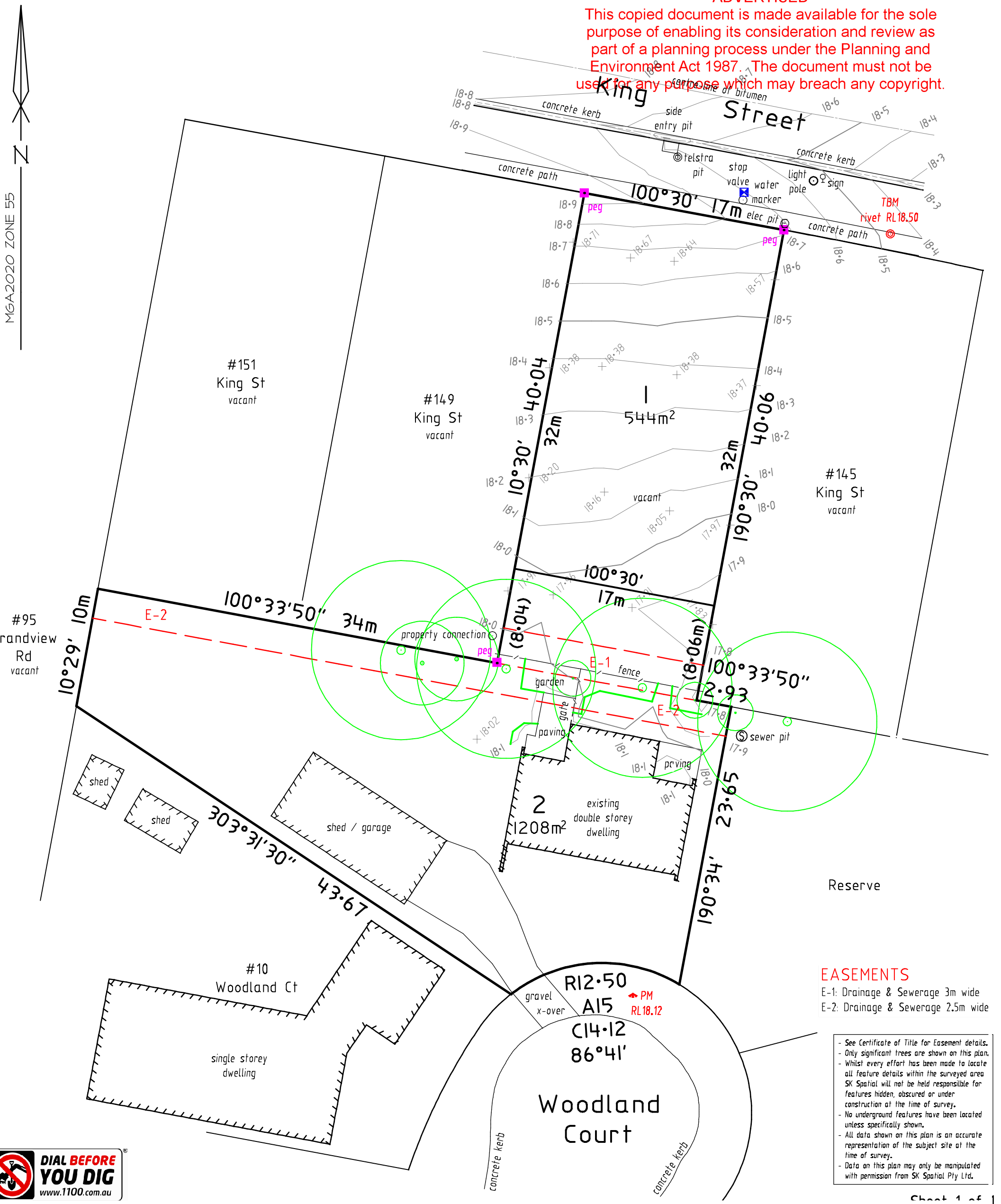
County of Tanjil
 Parish Bairnsdale
 Crown Allotment: 141B (part)

Lot 9 on LP216656H &
 Lot 134 on PS907185E
Printed 8/10/2024
Page 55 of 56

Paracentroid (MGA2020) : E 562 030, N 5803 470

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EASEMENTS

- E-1: Drainage & Sewerage 3m wide
- E-2: Drainage & Sewerage 2.5m wide

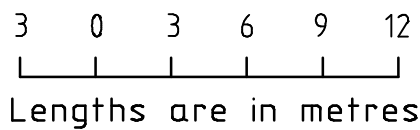
- See Certificate of Title for Easement details.
 - Only significant trees are shown on this plan.
 - Whilst every effort has been made to locate all feature details within the surveyed area SK Spatial will not be held responsible for features hidden, obscured or under construction at the time of survey.
 - 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.



Sheet 1 of 1

OnePlan
 LAND DEVELOPMENT GROUP
 LICENSED LAND SURVEYORS

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



Site Context & Proposed Subdivision Plan

Notations
 Date of Survey: 23/07/2024
 Datum vide PS907185E
 Levels are to the Australian Height Datum (AHD)
 Contour interval: 0.1m

Lot 9 on LP216656H: 1071m²
 Lot 134 on PS907185E: 681m²
 Total site area: 1752m²



11 Woodland Ct & 147 King St, Paynesville, 3880
 East Gippsland Shire

Plan No.	Scale	Drawn
242544 SCPR-1	1:300 - A3	29/07/2024

County of Tanjil
 Parish Bairnsdale
 Crown Allotment: 141B (part)

Lot 9 on LP216656H &
 Lot 134 on PS907185E

Printed 8/10/2024
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Paracentroid (MGA2020) : E 562 030, N 5803 470