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**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

<b>The land affected by the application is located at:</b>	<b>4 Walkers Lane TOORLOO ARM 3909 Lot: 1 PS: 914427</b>
<b>The application is for a permit to:</b>	<b>Use and Development of a Dwelling and Outbuilding</b>
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
35.03-1 (RLZ)	Use of the land for a dwelling
43.02-2 (DDO)	Construct a building or construct or carry out works
<b>The applicant for the permit is:</b>	<b>Lake Tyers Beach Design</b>
<b>The application reference number is:</b>	<b>5.2024.401.1</b>

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

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

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

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

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

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

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

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

## Planning Permit Application

### Applicant Details:

Applicant name: Ashley Carroll	
Business trading name: (if applicable) Lake Tyers Beach Design	
Email address:	
Postal address:	
Postcode 3 9 0 9	
Phone number: Home:	Work: Mobile:

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

Name: M. Ashworth	
Business trading name: (if applicable)	
Email address:	
Postal address:	
Postcode 3 9 0 9	
Phone number: Home:	Work: Mobile:

### Description of the Land:

Street number: 4	Street name: Walkers Lane	
Town: Toorloo Arm	Postcode 3 9 0 9	
Legal Description:		
Lot Number: 1	<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input checked="" type="checkbox"/> Plan of Subdivision	Number: 914427R
Crown Allotment Number:		Section Number:
Parish/Township Name: Toorloo Arm		
Has there been a pre-application meeting: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Officers name:
Your reference number: 24022		

#### Privacy Statement

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

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

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

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Telephone: (03) 5153 9500  
 Fax: (03) 5153 9576  
 National Relay Service: 133 677  
 ABN: 81 957 967 765

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Description of proposal:</b> Describe the use, development or other matter which needs a permit: <hr/> Buildings and Works - Construction of a Single Dwelling and Associated Shed (Allotment size less than Scheduled - 15 hectare minimum ) <hr/> <hr/> <hr/>	
<b>Existing conditions:</b> Describe how the land is used and developed currently: Vacant Allotment <hr/> <hr/> <hr/> <hr/>	
Estimated cost of development: Note: You may be required to verify this estimate	\$ 580,000

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

Please make sure that:

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

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Fax: 03 5153 9576  
National Relay Service: 133 677  
ABN: 81 957 967 765

This application has an associated cost to be determined by a town planner

Who is the invoice to be made out to? J. Hooper Electrical - John Hooper

Declaration:

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

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

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

Applicant signature:  
Name: Ashley Carroll - LTBDdesign Date: 28 / 11 / 2024

Submitting your application:

Electronic	Fax to 03 5153 9576 Email to <a href="mailto:planning@egipps.vic.gov.au">planning@egipps.vic.gov.au</a>
Mail	Post the signed, completed form together with any applicable fees or copies of any documentation to; PO Box 1618 BAIRNSDALE VIC 3875.
In Person	Bring the completed form and supporting documents to any of the following locations;  Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday.  Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm

Bairnsdale Corporate Centre: 273 Main Street.  
Bairnsdale Service Centre: 24 Service Street.  
Bairnsdale Business Centre: 34 Pyke Street.  
Lakes Entrance Service Centre: 18 Mechanics Street.  
Omeo Service Centre: 179 Day Avenue.  
Orbost Service Centre: 1 Ruskin Street.  
Paynesville Service Centre: 55 The Esplanade.

Mallacoota Service Centre: 70 Maurice Avenue

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

VOLUME 12571 FOLIO 868

Security no : 124120219537T  
Produced 28/11/2024 11:25 AM

**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 914427R.  
PARENT TITLE Volume 10148 Folio 594  
Created by instrument PS914427R 12/09/2024

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
MIKAELA LEE ASHWORTH  
AY631037B 25/11/2024

**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.

AGREEMENT Section 173 Planning and Environment Act 1987  
AX457971Q 16/11/2023

**DIAGRAM LOCATION**

SEE PS914427R FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER		STATUS	DATE
PS914427R (B)	PLAN OF SUBDIVISION	Registered	12/09/2024
AY608312M (E)	TRANSFER CONTROL TO REG	Completed	18/11/2024
AY628112H (E)	TRANSFER CONTROL FROM REG	Completed	25/11/2024
AY628352L (E)	NOMINATION OF ECT TO LC	Completed	25/11/2024
AY631037B (E)	TRANSFER	Registered	25/11/2024

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

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

Street Address: 4 WALKERS LANE TOORLOO ARM VIC 3909

**ADMINISTRATIVE NOTICES**

NIL



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Document Type	<b>Plan</b>
Document Identification	<b>PS914427R</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>28/11/2024 11:25</b>

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# PLAN OF SUBDIVISION

**EDITION 1 PS 914427R**  
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Council Name: East Gippsland Shire Council  
 Council Reference Number: PS914427R  
 Planning Permit Reference: 547/2021/P  
 SPEAR Reference Number: S211022T

**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 or 18A of the Subdivision Act 1988 has not been made  
 Digitally signed by: Robert Pringle for East Gippsland Shire Council on 19/05/2023  
**Statement of Compliance** issued: 21/05/2024

## LOCATION OF LAND

**PARISH:** COLQUHOUN  
**TOWNSHIP:** \_\_\_\_\_  
**SECTION:** \_\_\_\_\_  
**CROWN ALLOTMENT:** 146 (PART)  
**CROWN PORTION:** \_\_\_\_\_  
**TITLE REFERENCE:** VOL 10148 FOL 594  
**LAST PLAN REFERENCE:** LOT 5 - LP220390W  
**POSTAL ADDRESS:** 2 WALKERS LANE,  
 (at time of subdivision) TOORLOO ARM, 3909  
**MGA2020 CO-ORDINATES:** E: 590 580 ZONE: 55  
 (of approx centre of land in plan) N: 5811 360

## VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

## NOTATIONS

DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY. THE AREA OF LOT 2 IS BY DEDUCTION FROM TITLE.

## NOTATIONS

**DEPTH LIMITATION** 15.24 METRES BELOW THE SURFACE

**SURVEY:**  
 This plan is based on survey.  
**STAGING:**  
 This is not a staged subdivision.  
 Planning Permit No. 547/2021/P  
 This survey has been connected to permanent marks No(s). I21  
 In Proclaimed Survey Area No. NIL

## 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	POWERLINE	11	LP220389F	STATE ELECTRICITY COMMISSION OF VICTORIA
E-2	POWERLINE	SEE DIAG.	THIS PLAN - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	AUSNET ELECTRICITY SERVICES PTY LTD

**Crowthier & Sadler** Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS  
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
 P. (03) 6162 6011 E. contact@crowthiersadler.com.au

SURVEYORS FILE REF: 19746

Digitally signed by: Michael J Sadler, Licensed Surveyor,  
 Surveyor's Plan Version (2),  
 19/04/2023, SPEAR Ref: S211022T

ORIGINAL SHEET  
 SIZE: A3

SHEET 1 OF 3 SHEETS

Land Use Victoria Plan Registered  
 01:02 PM  
 12/09/2024  
 Assistant Registrar of Titles

Printed 17/12/2024  
 Page 7 of 33

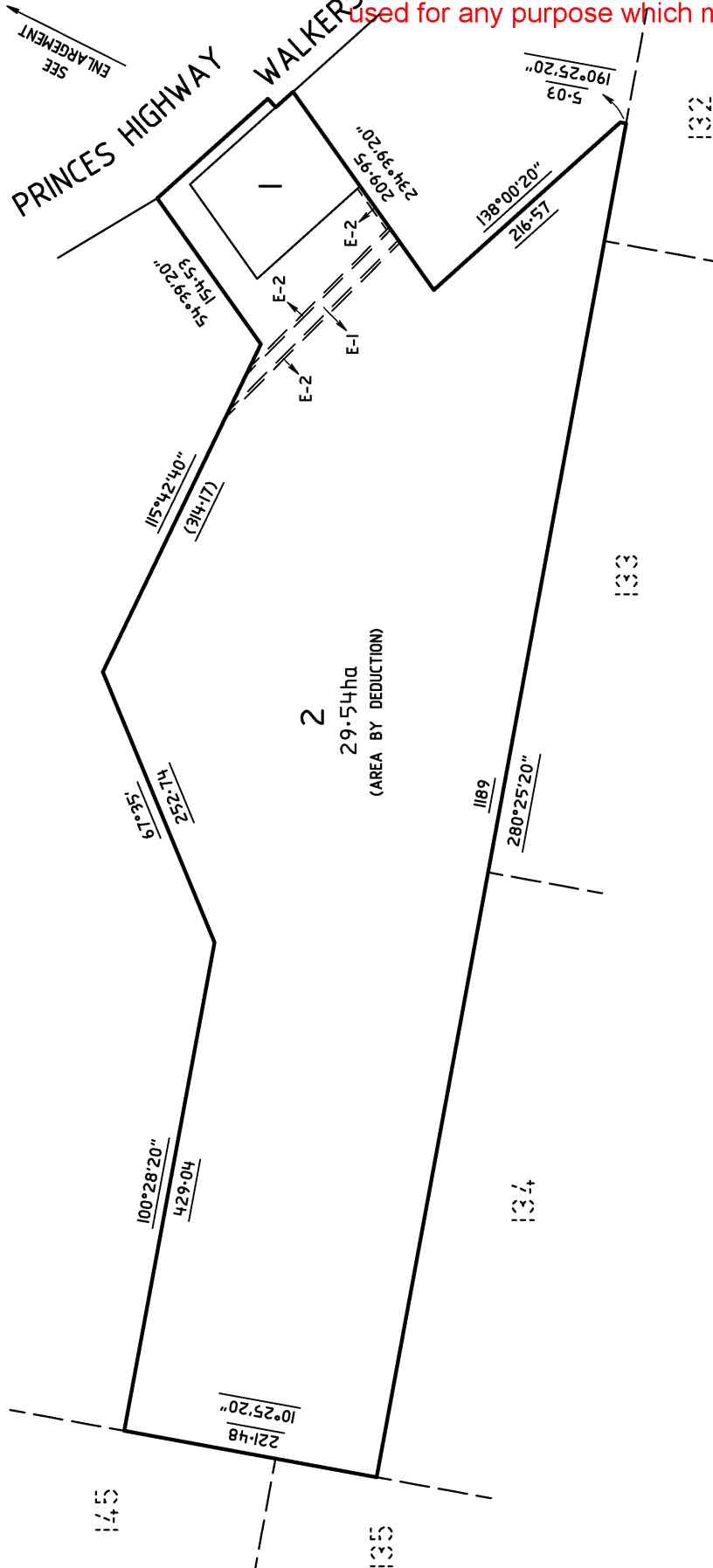
PS 914427R

FOR ENLARGEMENT  
SEE SHEET 3



PRINCES HIGHWAY

WALKERS LANE



MGA2020 ZONE 55

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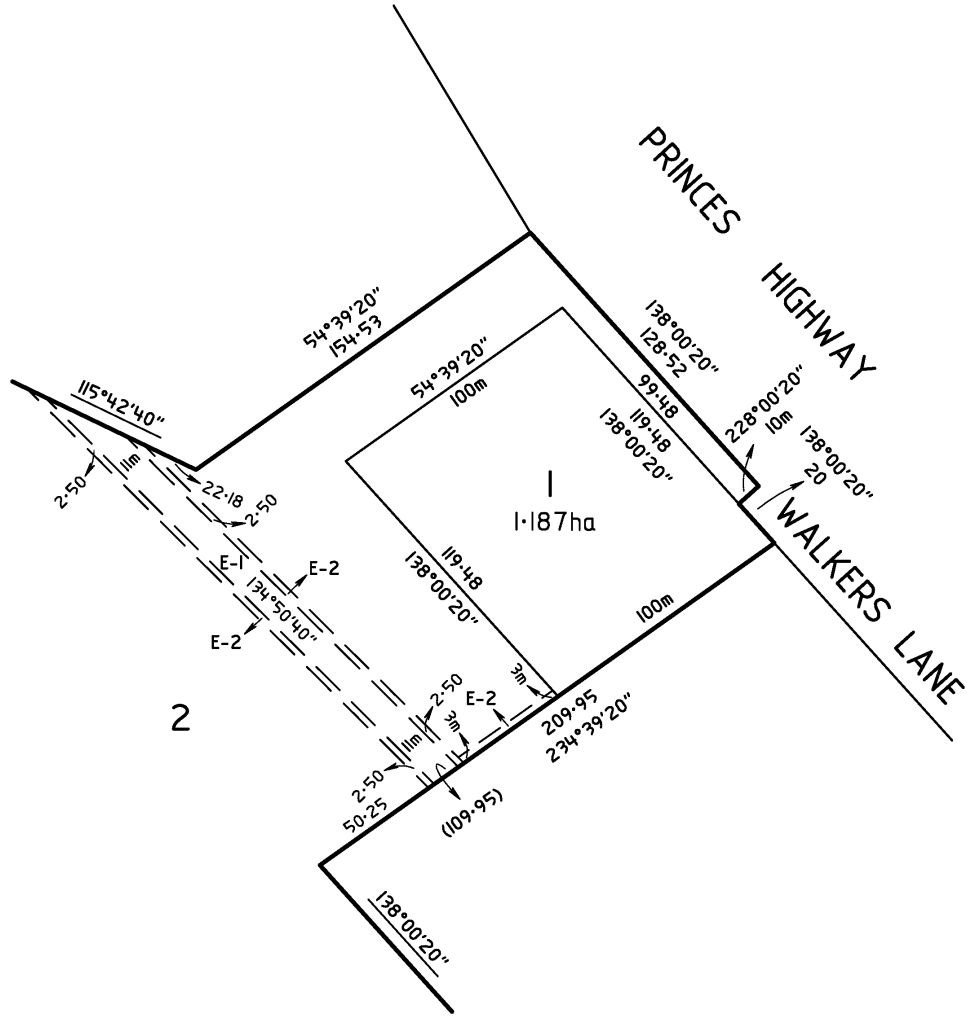
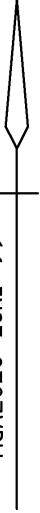


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PS 914427R

MGA2020 ZONE 55



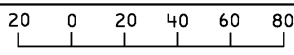
2

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SURVEYORS REF  
19746

SCALE  
1:2000



ORIGINAL SHEET  
SIZE: A3

SHEET 3

Digitally signed by: Michael J Sadler, Licensed Surveyor,  
 Surveyor's Plan Version (2),  
 19/04/2023, SPEAR Ref: S211022T

Digitally signed by:  
 East Gippsland Shire Council,  
 19/05/2023,  
 SPEAR Ref: S211022T

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 28/11/2024 11:25:46 AM

Status	Registered	Dealing Number	AX457971Q
Date and Time Lodged	16/11/2023 04:35:04 PM		

### Lodger Details

Lodger Code	20126M
Name	STEFANIE DONNA SUMMERS
Address	
Lodger Box	
Phone	
Email	
Reference	Section 173 Agreemen

## APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
--------------	----------

### Privacy Collection Statement

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

### Estate and/or Interest

FEE SIMPLE

### Land Title Reference

10148/594

### Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173  
Planning & Environment Act - section 173

### Applicant(s)

Name	EAST GIPPSLAND SHIRE COUNCIL
Address	
Street Number	273
Street Name	MAIN
Street Type	STREET
Locality	BAIRNSDALE
State	VIC
Postcode	3875

### Additional Details



# Department of Environment, Land, Water & Planning

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## Electronic Instrument Statement

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

### Execution

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

Executed on behalf of	EAST GIPPSLAND SHIRE COUNCIL
Signer Name	STEFANIE SUMMERS
Signer Organisation	STEFANIE DONNA SUMMERS
Signer Role	CONVEYANCING PRACTICE
Execution Date	16 NOVEMBER 2023

### File Notes:

NIL

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

Statement End.



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

2 Walkers Lane, Toorloo Arm

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---

## Information Table

### Date of Agreement:

14 November 2023

---

### Parties

Name	East Gippsland Shire Council
Short form name	<b>Council</b>
Notice details	273 Main Street, Bairnsdale, Victoria
Name	Jennifer Margaret Bowen
Short form name	<b>Owner</b>
Notice details	79 Bunga Creek Road, Lakes Entrance, Victoria

---

## Background

- A. Council is the responsible authority pursuant to the Act for the Planning Scheme.
- B. The Subject Land is subject to the Planning Scheme.
- C. The Owner is the registered proprietor of the Subject Land.
- D. Council has granted the Planning Permit authorising the two lot subdivision of the Subject Land. This Agreement is to give effect to condition 5 of the Planning Permit.
- E. 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.

---

## Agreed Terms

### 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 2 of this Agreement, or any other address listed on Council's website; and

for the Owner means the address shown on page 2 of this Agreement or any other address provided by the Owner to Council for any purpose 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 relating to the Subject Land.

**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** has the same meaning as in the *Subdivision Act 1988*.

**Lot 1** means lot 1 on the Endorsed Plan.

**Lot 2** means lot 2 on the Endorsed Plan.

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

**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 the Subject Land and includes any Mortgagee-in-possession.

**Party or parties** means the Owner and Council but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

**Planning Permit** means planning permit no. 547/2021/P, issued by Council on 2 March 2022, 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.

**Planning Scheme Amendment** means an amendment to the planning controls applying to the whole of the Subject Land under the Planning Scheme that enables the creation of a Lot with an area of less than 15 hectares.



**Subject Land** means the land situated at 2 Walkers Lane, Toorlooloo Arm being the land contained in certificate of title volume 10148 folio 594 and 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.

## 2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and vice versa.
- 2.2 A reference to a gender includes a reference to each other gender.
- 2.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 2.4 If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 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 meaning as defined in the Act.
- 2.6 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.
- 2.7 The introductory clauses to this Agreement form part of this Agreement.
- 2.8 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.
- 2.9 Any reference to a clause, page, condition, attachment or term is a reference to a clause, page, conditions, attachment or term of this Agreement.

## 3. Section 173 Agreement

### 3.1 Purposes

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

- 3.1.1 give effect to the terms of the Planning Permit; and
- 3.1.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

### **3.2 Reasons for agreement**

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

- 3.2.1 Council would not have approved the Planning Permit without the condition requiring this Agreement; and
- 3.2.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

## **4. Agreement required**

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

## **5. Owner's Specific Obligations**

### **5.1 No further subdivision**

The Owner agrees that:

- 5.1.1 Lot 1 and Lot 2 must not be subdivided to create an additional Lot; and
- 5.1.2 clause 5.1.1 does not apply if the Planning Scheme Amendment occurs.

## **6. Further Obligations of the Owner**

### **6.1 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, chargees, transferees and assigns.

### **6.2 Further actions**

The Owner:

- 6.2.1 must do all things necessary to give effect to this Agreement;
- 6.2.2 consents to Council applying to the Registrar of Titles to record the Agreement on the Certificate of Title to the Subject Land in accordance with section 181 of the Act; and
- 6.2.3 agrees to do all things necessary to enable Council to do so, including:
  - (a) signing any further agreement, acknowledgement or document; and
  - (b) obtaining all necessary consents to enable the recording to be made.

### **6.3 Council's Costs to be Paid**

The Owner must pay to Council, within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 6.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 6.3.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 6.3.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

### **6.4 Interest for overdue money**

- 6.4.1 The Owner must pay to Council interest in accordance with section 120 of the *Local Government Act 2020* on any amount due under this Agreement that is not paid by the due date.
- 6.4.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

## **7. Agreement under section 173 of the Act**

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

## **8. 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.

## **9. 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:

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

## **10. General**

### **10.1 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:

- 10.1.1 personally on the other Party;
- 10.1.2 by leaving it at the Party's Current Address for Service;
- 10.1.3 by posting it by prepaid post addressed to that Party at the Party's Current Address for Service;
- 10.1.4 by facsimile to the Party's Current Number for Service; or
- 10.1.5 by email to the Party's Current Email Address for Service.

### **10.2 Service of Notice**

A notice or other communication is deemed served:

- 10.2.1 if delivered, on the next following business day;
- 10.2.2 if posted, on the expiration of 7 business days after the date of posting;
- 10.2.3 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
- 10.2.4 if sent by email, the day on which it is sent.

### **10.3 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.

### **10.4 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.

### **10.5 No fettering of Council'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.

**10.6 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council's offices during normal business hours upon giving Council reasonable notice.

**10.7 Governing law**

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

**10.8 Electronic execution**

Each party consents to the signing of this Agreement by electronic means. The parties agree to be legally bound by this Agreement signed in this way.

**11. Commencement of Agreement**

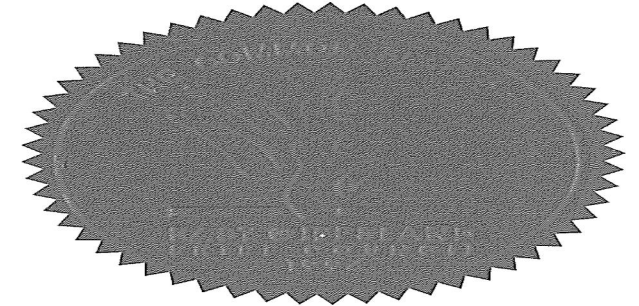
This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.

779754X

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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 *14<sup>th</sup>* day of *November, 2023* in the presence of:



.....

.....

Chief Executive

.....

.....

Witness

**Signed Sealed and Delivered** by Jennifer Margaret Bowen in the presence of:

)  
)

.....  
Witness

*Paul Clifford Webber*

## Ashworth Residence

4 Walkers Lane – TOORLOO ARM  
Proposed Residence.

### Planning Report -

#### Property Details:

**Address:** 4 Walkers lane – TOORLOO ARM (Lot 1 PS 014427)

**Zone:** RLZ4 – Rural living Zone – Schedule 4

**Overlays:** 'DDO7' – Design Development Overlay (Within Mapped Area)  
'VPO1' – Vegetation Protection Overlay

Designated Bushfire Prone Area  
(An assessment will be conducted as part Building Approval))

### 35.03 Rural Living Zone

**35.03 -1 Table Of Uses** – The Proposed Dwelling is a *Section 2 Use* – Permit Required.

#### **Section 2 – Permit Required**

The Development requires planning within the Rural Living Zone relating to offset distance from a boundary for the Shed. The proposed Single Dwelling is a Section 2 Use 'Dwelling' (does not meet the requirements within the schedule to the zone – Less than 15 hectares).

There is no outbuilding / Shed size specified within the Schedule to the Zone.

#### **35.03 – 2 Use of land for a Dwelling or a small second dwelling**

***Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.***

A gravel driveway will provide access suitable for Emergency vehicles to access the proposed building site. Widths and large turning point would be available near to the Dwelling.

Note an Existing Crossover exists to the site approved as part the previous subdivision.

***Each Dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all waste water from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations for an on site wastewater system.***

An application would be made to install an appropriate waste water system, lodged soon after the Town Planning Application. A local Engineer has already conducted a Land Capability Assessment of the site, and has provided a report indicating the sites ability to contain the required system. ( A Location has been indicated on the Site Plan.)

**The Dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.**

The Proposed Residence & Shed structure would be connected water storage tanks & a pump system suitable to address the above requirements.

**The Dwelling or second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.**

Electricity is available to the site. An existing electricity pit is located on the site plan attached.

### **35.03 – 3 Subdivision**

Not applicable

### **35.03 – 4 Buildings and Works**

A permit is required for a Section 2 use 'Permit Required'  
(For a dwelling within a setback distance from side boundary and a lot size less than 15 hectares)

### **35.03 – 5 Decision Guidelines**

#### **General Issues -**

The Proposal for a Single Dwelling and Associated Shed is a suitable use for the smaller size allotment recently approved for subdivision. There is no Vegetation required to be removed for the proposal, the site is mostly free of vegetation. Adjacent properties contain Dwellings of similar scale land size, or larger parcels for use with farm activities.

It is believed that the proposal to site a Single Dwelling on the smaller size allotment located away from the highway and sited with other smaller surrounding allotments currently with Single Dwellings will not further adversely affect farming activities for the surrounding Rural Zone area.

A colony of Dwellings already exists along the Princes highway and Walkers lane adjacent he property.

It is believed that the continuation of productive agricultural activities on the larger allotment surrounding the site will occur, not effected by construction of the dwelling.

It is unlikely that the Dwelling will have any effect on Farming areas along highway corridor leading towards Nowa Nowa. The Toorloo Arm area is growing with smaller allotment sizes allowing people to live in the area with close access to the Lakes Entrance township.

#### **Agricultural Issues -**

The proposal will not significantly impact the use within the site or nearby allotments from further agricultural activities. The allotment created will not allow for large scale Agricultural activities now suitable for a Dwelling. Hobby farm activities will continue with the construction of a Dwelling.



The proposal for a Single Dwelling located near to the Highway with a large setback from Forest type vegetation will not further affect nearby Farming/Agricultural activities. The allotment is positioned central to adjoining allotments with dwellings a large distance away from the Colquhoun State forest.

**Environmental Issues -**

The construction of a Dwelling would provide minimal impact to the environmental issues outlined. The proposed building site is free from vegetation, and as part the development planting of native Trees & shrubs would be undertaken to enhance the allotment surrounding the proposed Dwelling. Existing boundaries and the Proposed driveway will have planting carried out to encourage flora & fauna and promote the biodiversity outlined.

Noise and dust issues would not be increased with the proposed use.

The Proposed Residence has been sited to eliminate the need for excessive cut or fill. It's construction would be part raised timber floor system to avoid excessive cut. Areas surrounding the building site would encourage the growth of native grasses & vegetation to eliminate erosion issues.

The use of a waste water treatment system and rainwater storage will also ensure there is minimal impact to the site.

**Design and Siting Issues:**

The proposed Dwelling has been positioned high on the site, in an existing cleared area away from the highway corridor. An extended driveway is required from an existing cross over/access point from the Walkers lane along the front fence line to provide to access the site. The proposed Shed has been positioned adjacent the North Western side boundary at natural ground level to aid to reduce visual height & bulk, and reduce visibility from the roadway.

The Residence proposed has been kept to a single level to reduce the scale of the building, and with and sited away from the highway area.

**35.03 – 6 Signs**

Not Applicable

**Town Planning Overlays -**

**DDO7 – Design and development Overlay**

A *Design and Development Overlay* relating the adjacent highway corridor exists across the site which has been appropriately addressed by providing an increased front setback distance to achieve the required 40m offset specified within the schedule to the zone for buildings.

Refer attached drawings  
24022 tp1.1 – tp1.2 – Site Plan, Floor Plan & Elevations.  
( Shed Drawings are attached )

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## Ashworth Residence

4 Walkers Lane – TOORLOO ARM  
Proposed Residence.  
Photo's.



**Photo Above** - Photo viewed across Walkers lane onto the Existing Crossover location for the allotment.

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**Photo Above** - Photo viewed from Centre of Walkers Lane looking North West along the adjacent laneway .



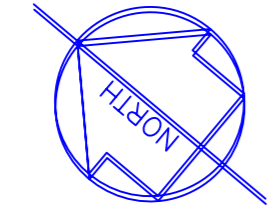
**Photo Above** - Photo viewed from the adjacent laneway looking West across the Proposed building Site. The proposed Dwelling & Shed locations are indicated.

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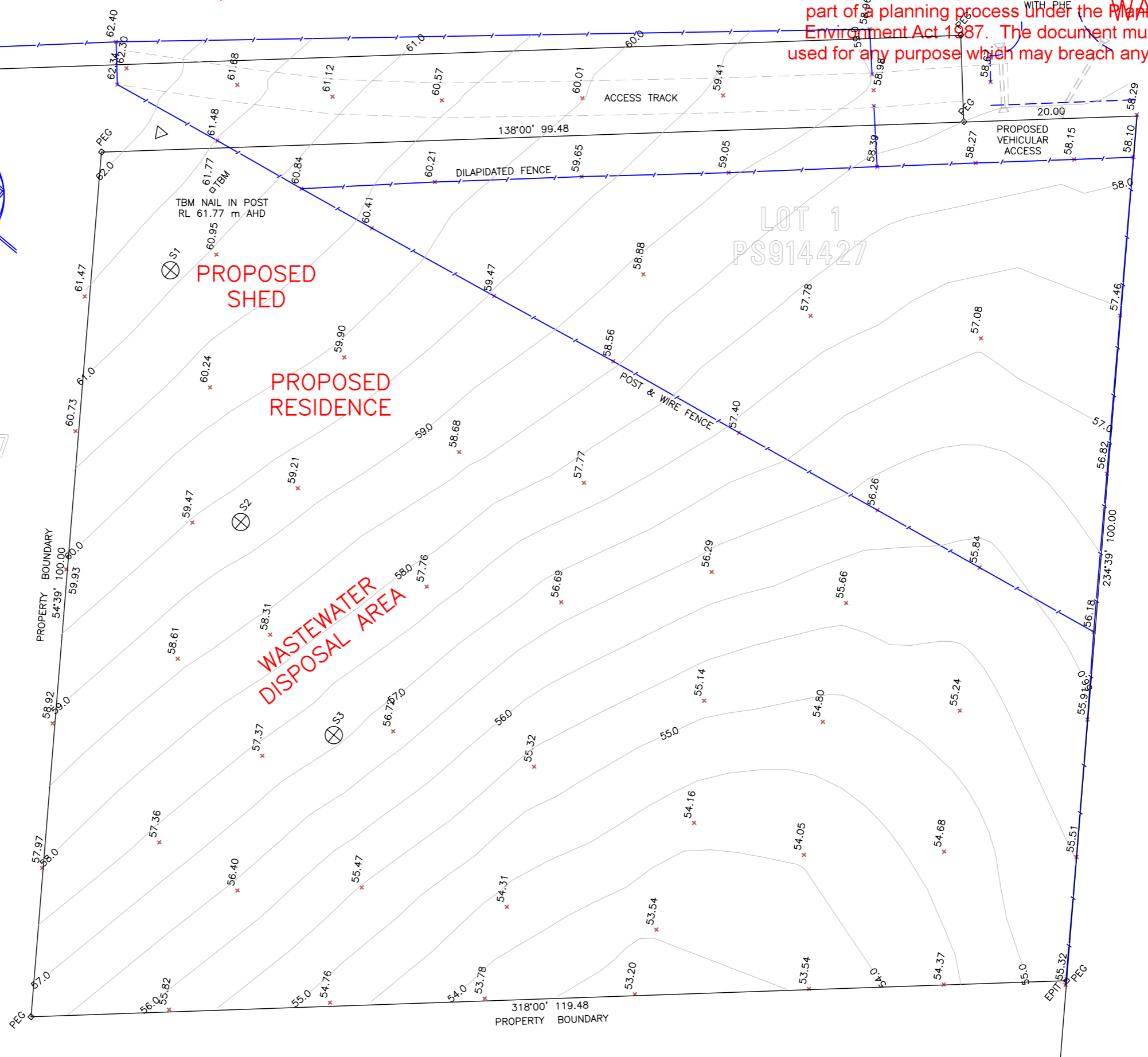
PRINCES HIGHWAY

WALKERS LANE



LOT 2  
PS914427

LOT 1  
PS914427



EXISTING  
RESIDENCE  
(70 m AWAY)

# SITE PLAN

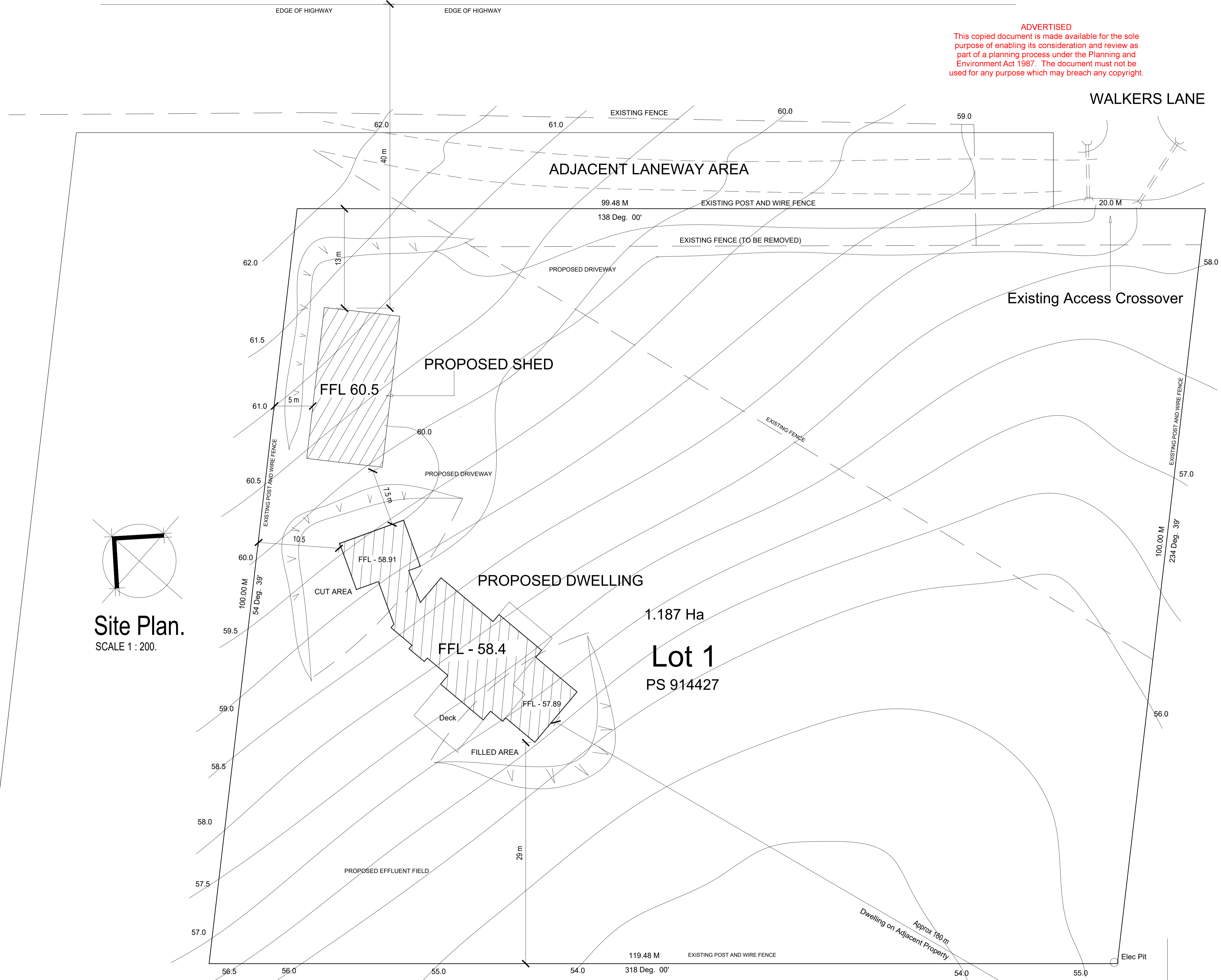
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PROPERTY BOUNDARIES ARE APPROXIMATE ONLY. FOR EXACT LOCATION CONSULT A LICENSED SURVEYOR FOR A RE-ESTABLISHMENT SURVEY

<b>STREETER</b> Civil Engineering Services Pty Ltd	OFFICE LOCATION 81-101 BROOKS ROAD BRUTHEN	DESIGNED N STREETER	DESIGN FILENAME CIVILCAD V5.7 246989	PROJECT SITE INVESTIGATION NO. 2 WALKERS LANE - TOORLOO ARM	DRAWING SCALES 1:500
	P.O. BOX 126 BRUTHEN VIC 3885	DRAWN N STREETER	PLOT FILENAME AUTOCAD 2000 246989.dwg	CLIENT JOHN HOOPER RESIDENCE	DATE 17/12/2024
	PHONE (03) 5157 5362 MOBILE 0409 575362	CHECKED N STREETER			REVISION 0
		APPROVED			DRAWING NO. 336989

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Site Plan.  
SCALE 1 : 200.

# Hooper Residence Princes Highway - Toorloo Arm

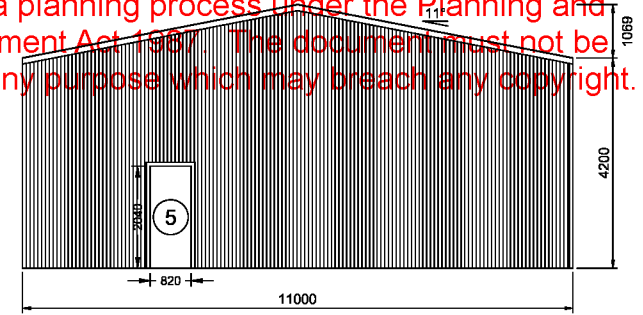
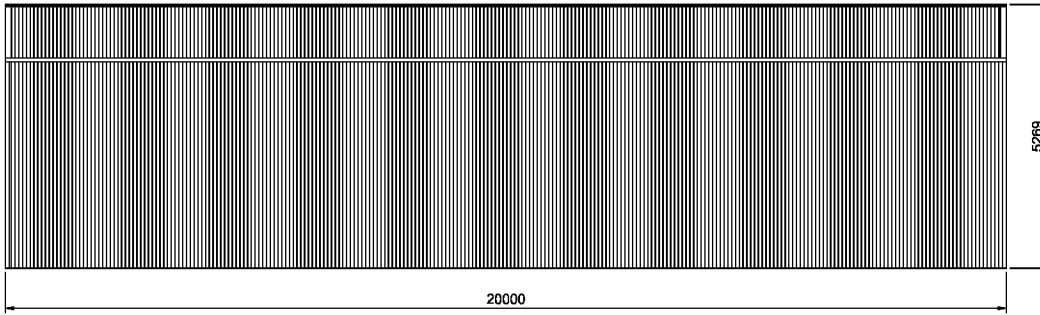
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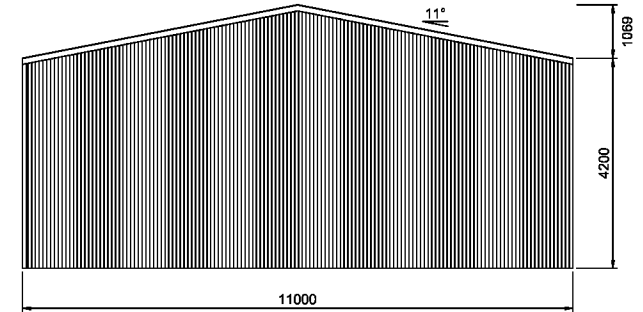
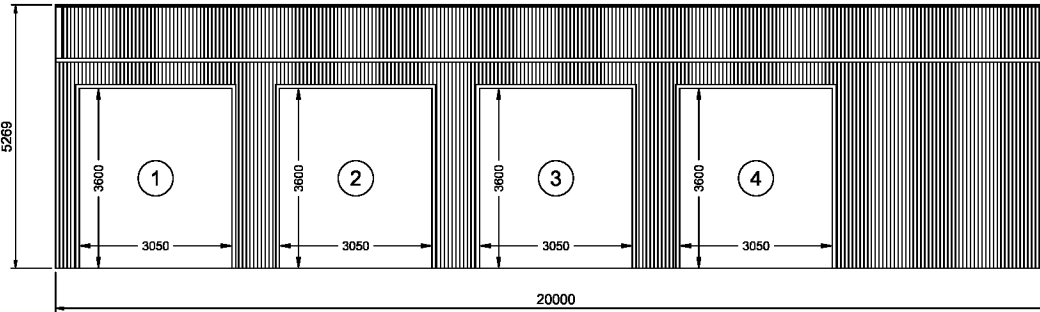
2 LEFT ELEVATION

SCALE: 1:100

3 REAR ELEVATION

SCALE: 1:100

FRAME #6



1 RIGHT ELEVATION

SCALE: 1:100

4 FRONT ELEVATION

SCALE: 1:100

FRAME #1



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Smeaton Grange, NSW, 2567  
Phone: 02 4648 7777  
Fax: 02 4648 7700  
Email: sales@bestsheds.com.au



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Signature:

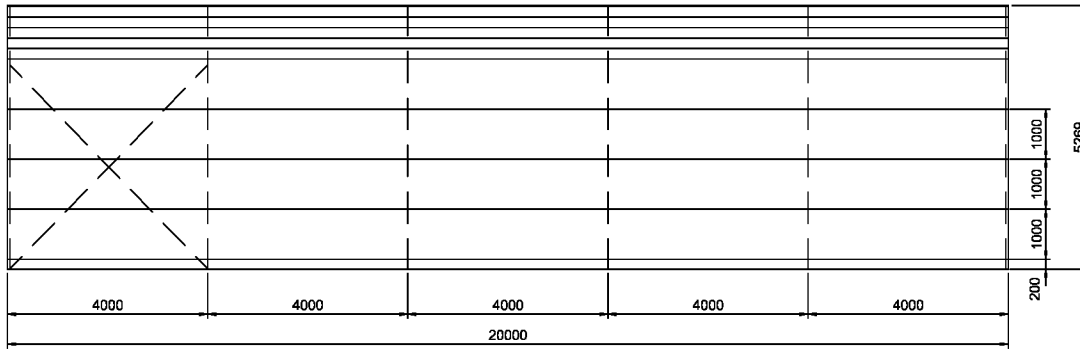
Date: 18.11.2024

Customer Name: J Hooper Electrical Pty Ltd  
Site Address: 2 Walkers Lane  
Toorloo Arm,  
VIC, 3909

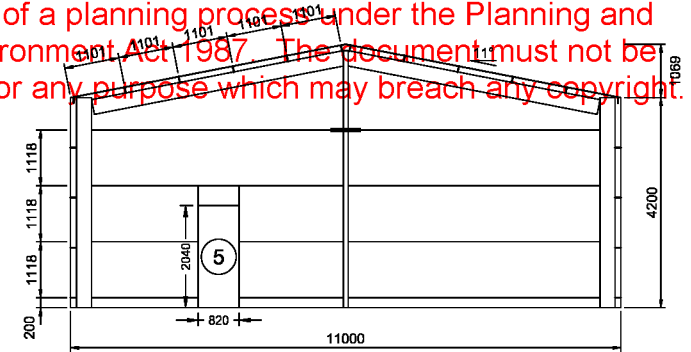
DATE 18-11-2024  
JOB NO. 5227042796  
SHEET 2 of 8

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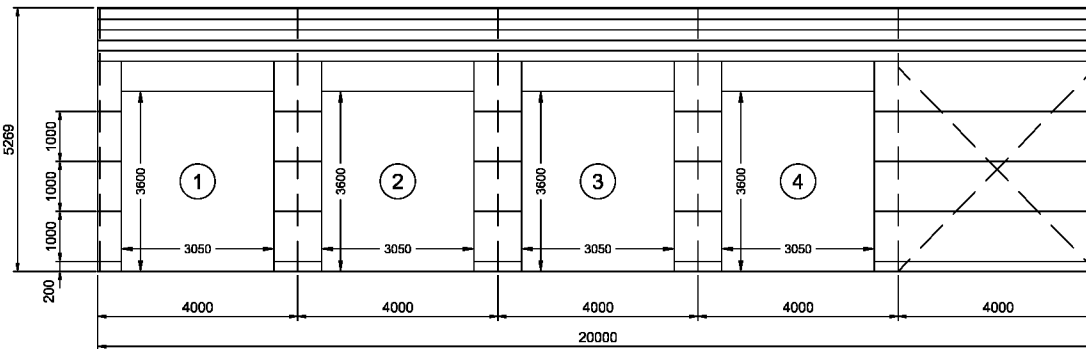
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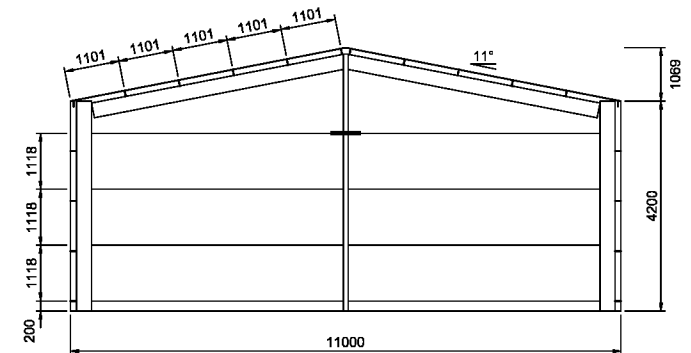
2 LEFT ELEVATION  
3 SCALE: 1:100



3 REAR ELEVATION  
3 SCALE: 1:100 FRAME #6



1 RIGHT ELEVATION  
3 SCALE: 1:100



4 FRONT ELEVATION  
3 SCALE: 1:100 FRAME #1

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DESIGN & CONSTRUCTION

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CAMILLO PINEDA MORENO  
[Stamp: CAMILO PINEDA MORENO RPEng RPEQ 15582 TBP PE003978 (VIC)]

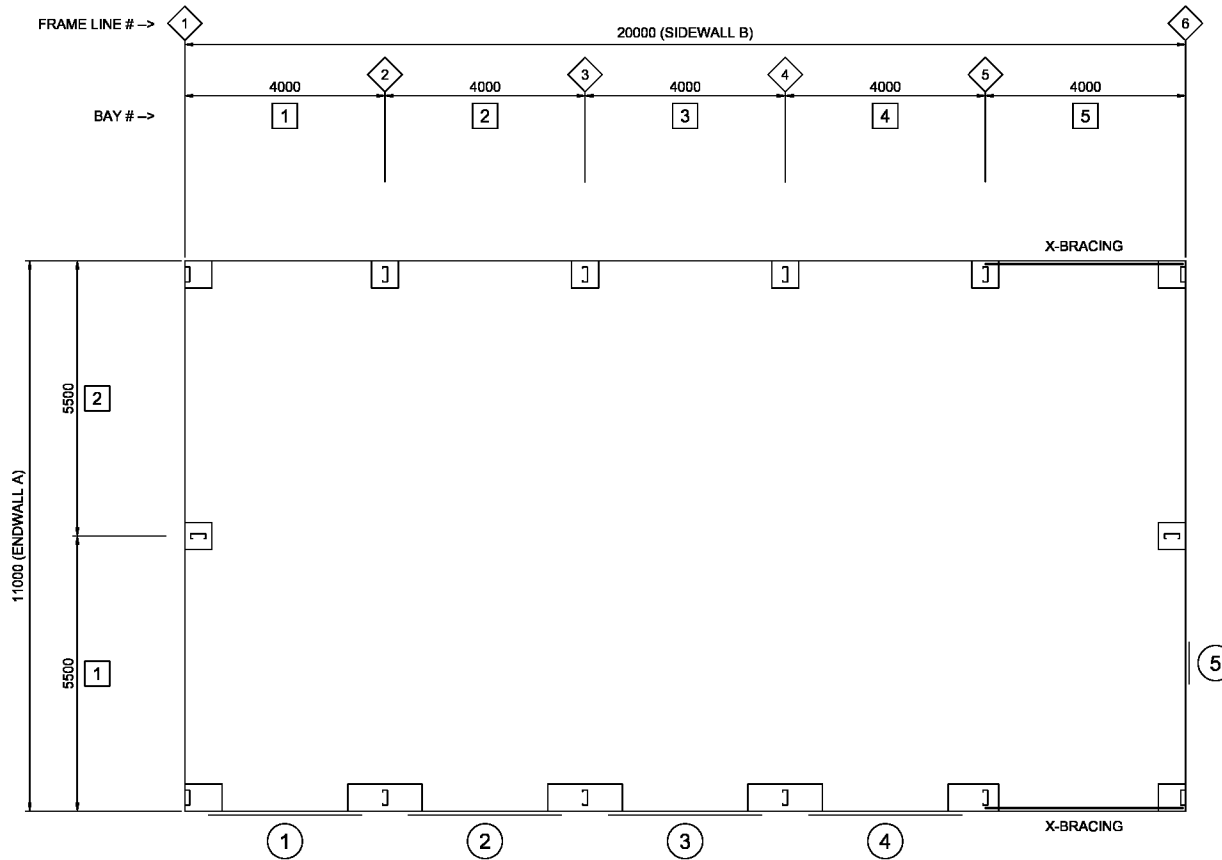
Signature: \_\_\_\_\_

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1 FLOOR PLAN  
4 SCALE: 1:100



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**CAMILO PINEDA MORENO**  
RPEQ 15582 TRP PE603978 (VIC)  
Signature: <

Customer Name: J Hooper Electrical Pty Ltd  
Site Address: 2 Walkers Lane  
Toorloo Arm,  
VIC, 3909

DATE 18-11-2024  
JOB NO. 5227042796  
SHEET 4 of 8

Date: 18.11.2024



