

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	41 Eagle Bay Terrace PAYNESVILLE VIC 3880 Lot: 66 PS: 524610
The application is for a permit to:	Development of a Dwelling
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
43.02-2 (DDO14)	A building with a height of more than 7.5 metres above natural ground level
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2025.388.1

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.

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Tuesday, 25 November 2025 1:30 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: 25119 Letter to Council.pdf; APPENDIX A Covenant AT858443R.PDF; 25119 Planning Submission .pdf; APPENDIX A Instrument AA6866.PDF; APPENDIX A Copy of Title.PDF; APPENDIX A Plan of Subdivision.PDF; APPENDIX B Development Plans.pdf; Planning_Permit_Application_2025-11-25T13-29-34_29123323_0.pdf

Planning Permit Application

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

Business trading name: Development Solutions Victoria Pty Ltd

Email address: admin@devsolvic.com.au

Postal address : 48 Bailey Street, Bairnsdale Vic 3875

Preferred phone number: 0351524858

Owner's name:

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

Owner's postal address: 48 Bailey Street, Bairnsdale Vic 3875

Street number: 41

Street name: Eagle Bay Terrace

Town: Paynesville

Post code: 3880

Lot number: 66

Plan number: 524610A

Other Legal Description: Vol 10850 Fol 024

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?: Yes

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

Existing conditions : Vacant Land

Description of proposal : Development of a Dwelling

Estimated cost of development: \$900,000

Has there been a pre-application meeting: No

Your reference number: 25119

ExtraFile: 1

Invoice Payer: Development Solutions Victoria Pty Ltd

Address for Invoice: 48 Bailey Street, Bairnsdale Vic 3875

Invoice Email: admin@devsolvic.com.au

Primary Phone Invoice: 0351524858

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

1. Supporting information/reports: [25119 Letter to Council.pdf](#)

Full copy of Title: [APPENDIX A Covenant AT858443R.PDF](#), [APPENDIX A Instrument AA6866.PDF](#), [APPENDIX A Copy of Title.PDF](#), [APPENDIX A Plan of Subdivision.PDF](#)

Planning report: [25119 Planning Submission .pdf](#)

Plans: [APPENDIX B Development Plans.pdf](#)

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

Page 1 of 3

VOLUME 10850 FOLIO 024

Security no : 124130013749L

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LAND DESCRIPTION

Lot 66 on Plan of Subdivision 524610A.
PARENT TITLE Volume 10022 Folio 855
Created by instrument PS524610A 31/12/2004

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT AT858443R 11/12/2020
Expiry Date 31/12/2024

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

DIAGRAM LOCATION

SEE PS524610A 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: 41 EAGLE BAY TERRACE PAYNESVILLE VIC 3880

ADMINISTRATIVE NOTICES

NIL

eCT Control 22727X EAST GIPPSLAND CONVEYANCING
Effective from 30/11/2023

DOCUMENT END

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Document Type	Plan
Document Identification	PS524610A
Number of Pages (excluding this cover sheet)	8
Document Assembled	18/11/2025 15:28

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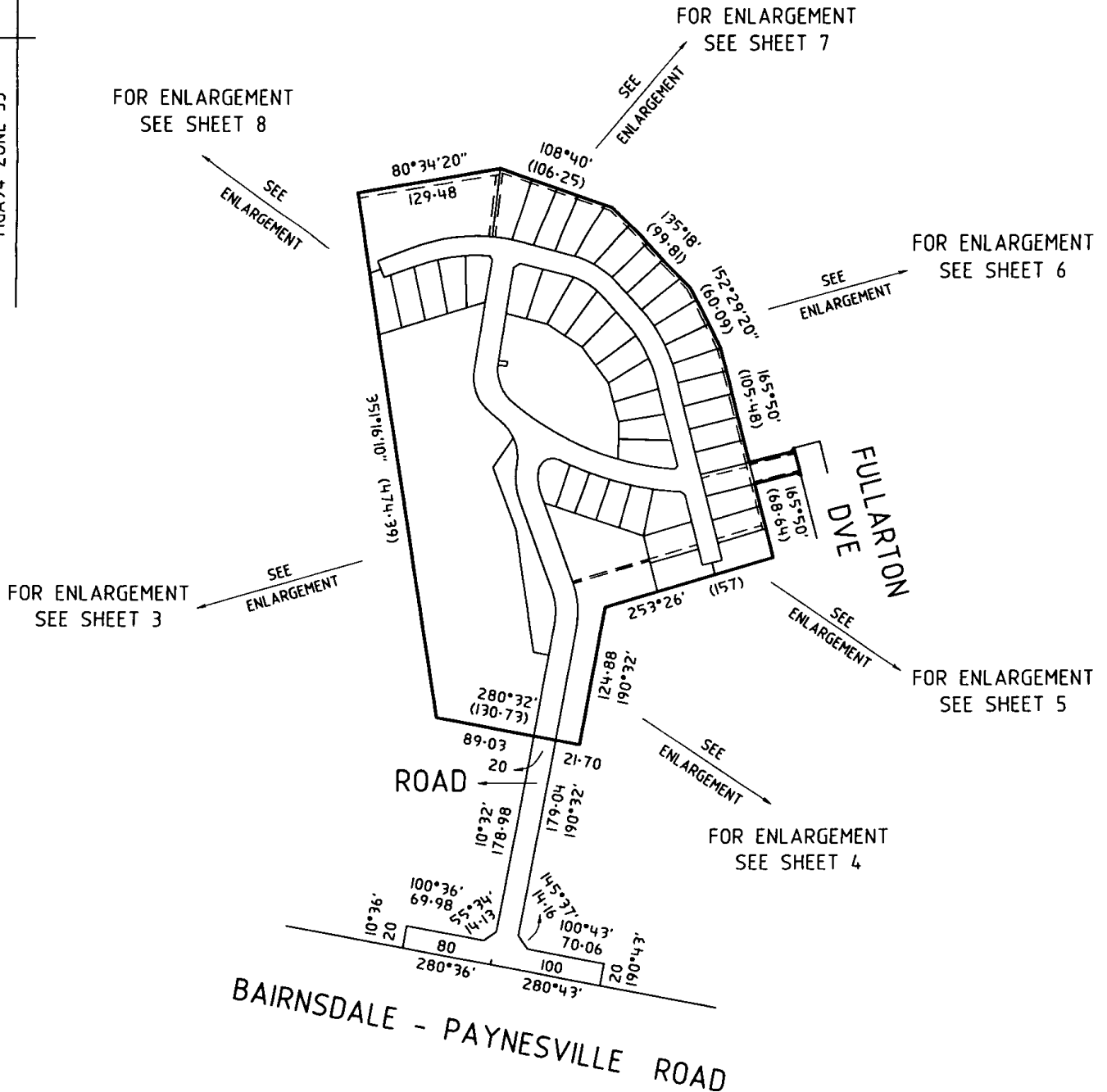
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PLAN OF SUBDIVISION				STAGE No. LTO USE ONLY PLAN NUMBER EDITION 1 PS 524610A																			
LOCATION OF LAND PARISH: BAIRNSDALE TOWNSHIP: — SECTION: — CROWN ALLOTMENT: 144 & 145 (PARTS) CROWN PORTION: — TITLE REFERENCES: VOL 10022 FOL 855 LAST PLAN REFERENCE: LOT 1 ON PS307152R POSTAL ADDRESS: 1335 PAYNESVILLE ROAD, (At time of subdivision) EAGLE POINT, 3880 AMG CO-ORDINATES: E 562 420 (Of approx. centre of land in plan) N 5804 690 ZONE: 55				<p>COUNCIL CERTIFICATION AND ENDORSEMENT</p> <p>COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 35 2004 CRT</p> <ol style="list-style-type: none"> This plan is certified under Section 6 of the Subdivision Act 1988. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 / / This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. <p>OPEN SPACE</p> <p>(i) A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in stage Council Delegate Council seal Date 28 / 10 / 04 Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate Council seal Date / /</p>																			
VESTING OF ROADS AND/OR RESERVES																							
IDENTIFIER	COUNCIL / BODY / PERSON																						
RI RESERVE No. 1 RESERVE No. 2	EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL TXU ELECTRICITY LTD																						
NOTATIONS																							
STAGING This is / is not a staged subdivision Planning Permit No JT/484/2003/P																							
DEPTH LIMITATION DOES NOT APPLY AND 68 LOTS 1 TO 27 & 57 TO 62 HAVE BEEN OMITTED FROM THIS PLAN																							
<p>SURVEY: THIS PLAN IS / IS NOT BASED ON SURVEY</p> <p>THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s) 358 & 454</p>																							
EASEMENT INFORMATION																							
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)																							
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Easement Reference</th> <th style="width: 20%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 15%;">Origin</th> <th style="width: 45%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td>E-1</td> <td>SEWERAGE</td> <td>SEE DIAG.</td> <td>THIS PLAN</td> <td>EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN</td> </tr> <tr> <td>E-2</td> <td>DRAINAGE & SEWERAGE</td> <td>SEE DIAG</td> <td>THIS PLAN</td> <td>EAST GIPPSLAND SHIRE COUNCIL, EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN</td> </tr> <tr> <td>E-3</td> <td>DRAINAGE</td> <td>SEE DIAG.</td> <td>THIS PLAN</td> <td>EAST GIPPSLAND SHIRE COUNCIL & LAND IN THIS PLAN</td> </tr> </tbody> </table>				Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	E-1	SEWERAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN	E-2	DRAINAGE & SEWERAGE	SEE DIAG	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL, EAST GIPPSLAND REGION WATER AUTHORITY & LAND IN THIS PLAN	E-3	DRAINAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL & LAND IN THIS PLAN
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E-3	DRAINAGE	SEE DIAG.	THIS PLAN	EAST GIPPSLAND SHIRE COUNCIL & LAND IN THIS PLAN																			
<div style="display: flex; justify-content: space-between;"> <div> <p>RECEIVED <input checked="" type="checkbox"/></p> <p>DATE 22 / 12 / 04</p> </div> <div style="text-align: right;"> <p>LTO USE ONLY</p> <p>PLAN REGISTERED</p> <p>TIME 10:41 AM</p> <p>DATE 31 / 12 / 04</p> <p><i>[Signature]</i> Assistant Registrar of Titles</p> </div> </div>																							
SHEET 1 OF 8 SHEETS																							
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3876 TELEPHONE (03) 6162 6011		<p>LICENSED SURVEYOR PAUL ANTHONY DWYER</p> <p>SIGNATURE DATE 7 / 6 / 04</p> <p>REF 10530 VERSION 3</p>																					
		<p>DATE 28 / 10 / 04</p> <p>COUNCIL DELEGATE SIGNATURE</p>																					

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PLAN OF SUBDIVISION

STAGE No. **PS 524610A**
PLAN NUMBER



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162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
TELEPHONE (03) 5162 6011

ORIGINAL	SCALE
SHEET SIZE A3	1:4000
	LENGTHS ARE IN METRES

LICENSED SURVEYOR
SIGNATURE DATE 7/6/04
REF 10530 VERSION 3

SHEET 2 OF 8 SHEETS

DATE 28/10/04
CONTRACTOR SIGNATURE

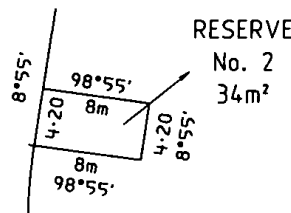
PLAN OF SUBDIVISION

STAGE No.

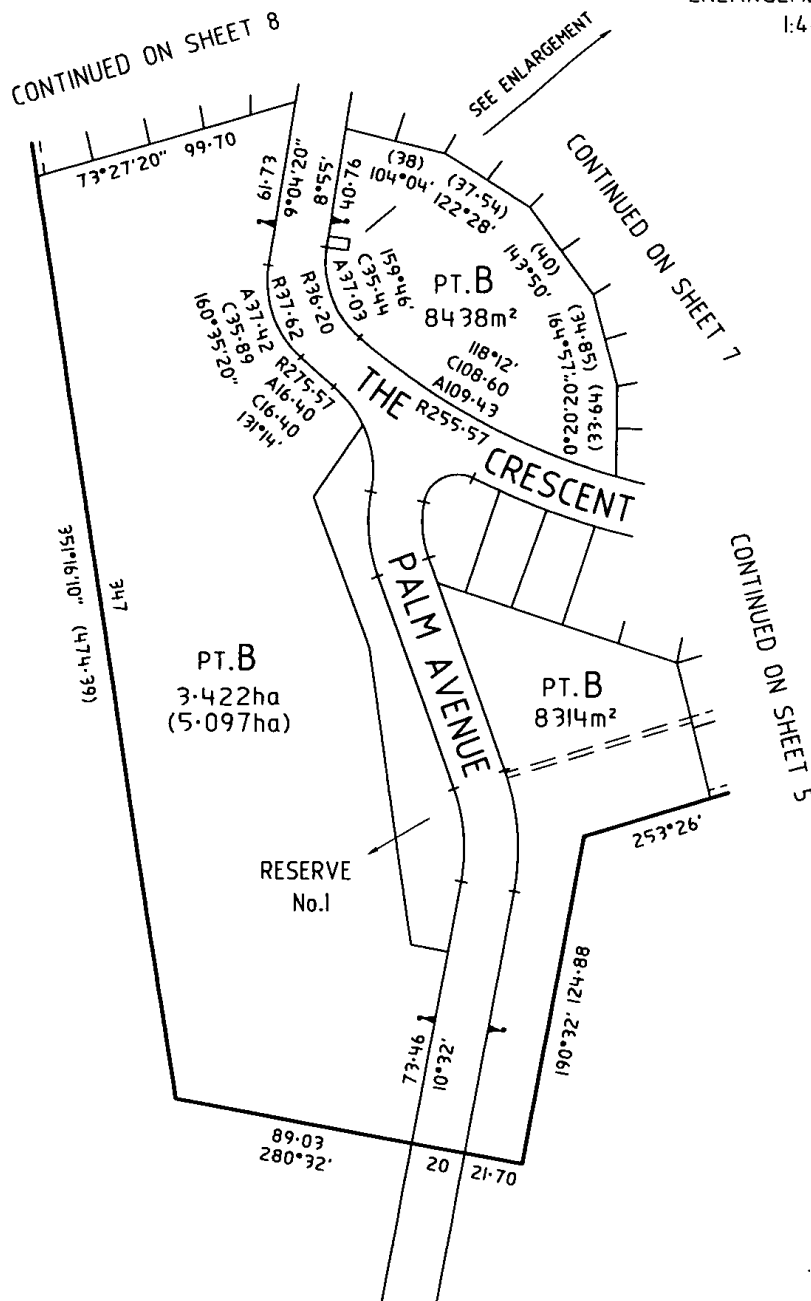
PLAN NUMBER

PS 524610A

MGA94 ZONE 55



ENLARGEMENT SCALE
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SHEET 3 OF 8 SHEETS

ORIGINAL

SCALE

LICENSED SURVEYOR

PAUL ANTHONY DWYER

SIGNATURE

DATE 7/6/04

REF 10530

VERSION

DATE 28/10/04

COUNCIL DELEGATE SIGNATURE

SHEET

SCALE

20 0 20 40 60 80

A3

:2000

LENGTHS ARE IN METRES

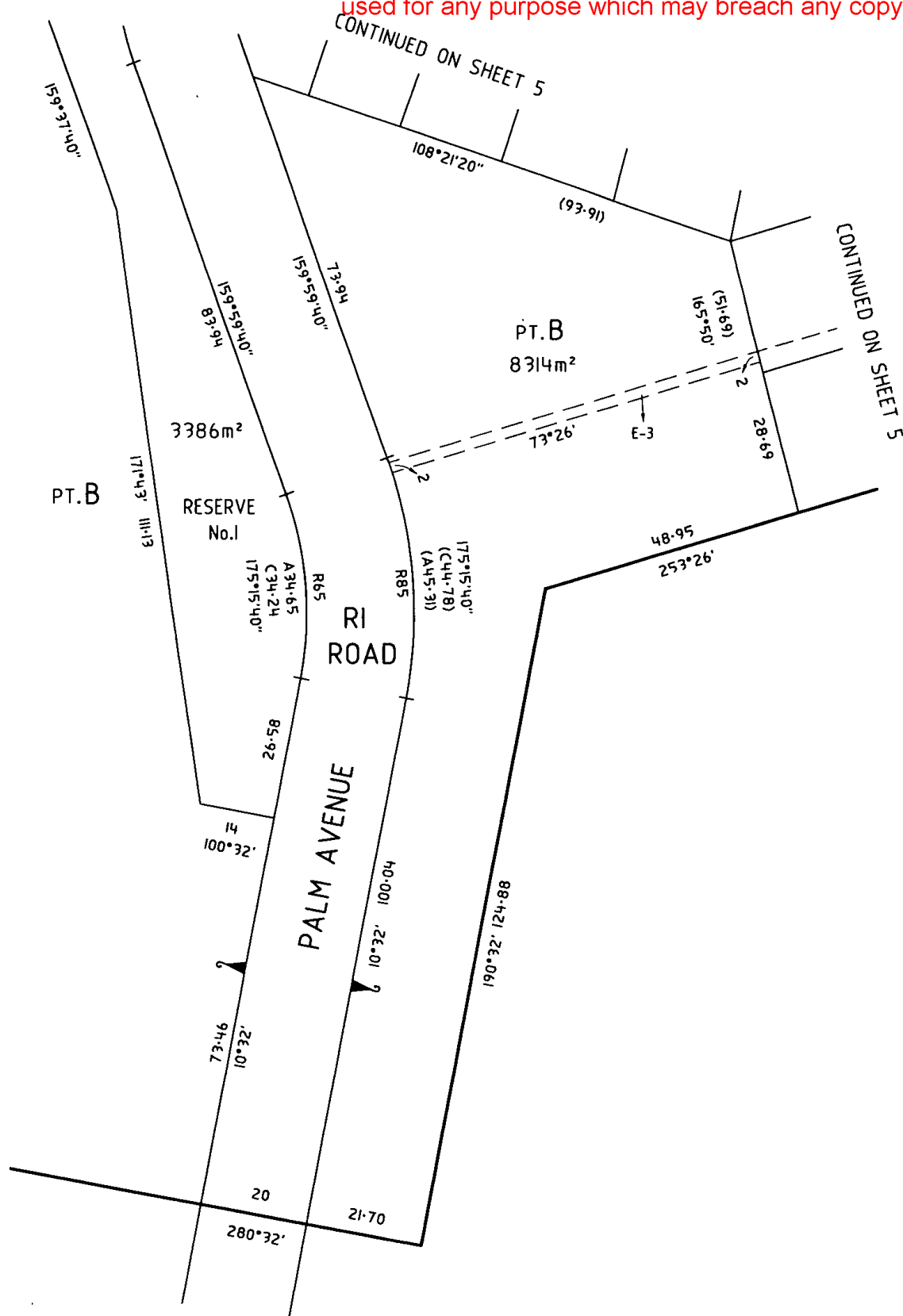
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PS 524610A



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ORIGINAL

SCALE

SHEET 1

SCALE

8 0 8 16 24 32

A.

1-800

LENGTHS ARE IN METRES

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PAUL ANTHONY DWYER

SIGNATURE

DATE 7/6/04

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VERSION

SHEET 4 OF 8 SHEETS

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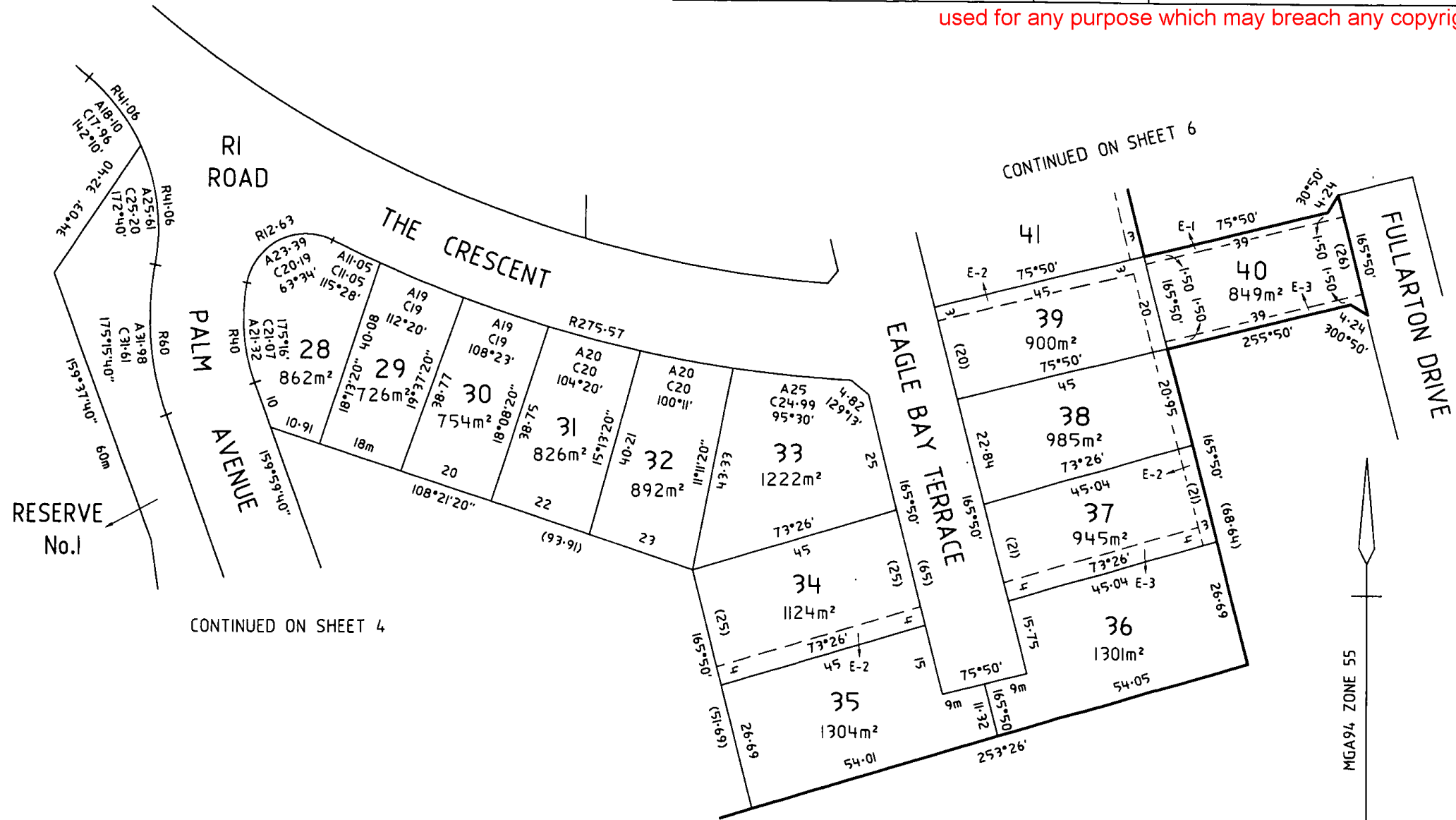
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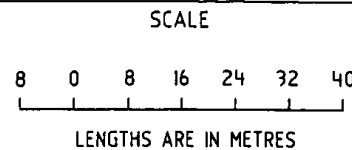
PLAN OF SUBDIVISION

PS 524610A

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LICENSED SURVEYOR
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PAUL ANTHONY DWYER
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 VERSION 3

SHEET 5 OF 8 SHEETS
 DATE 28/10/04
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PLAN OF SUBDIVISION

STAGE No.

PLAN NUMBER

PS 524610A

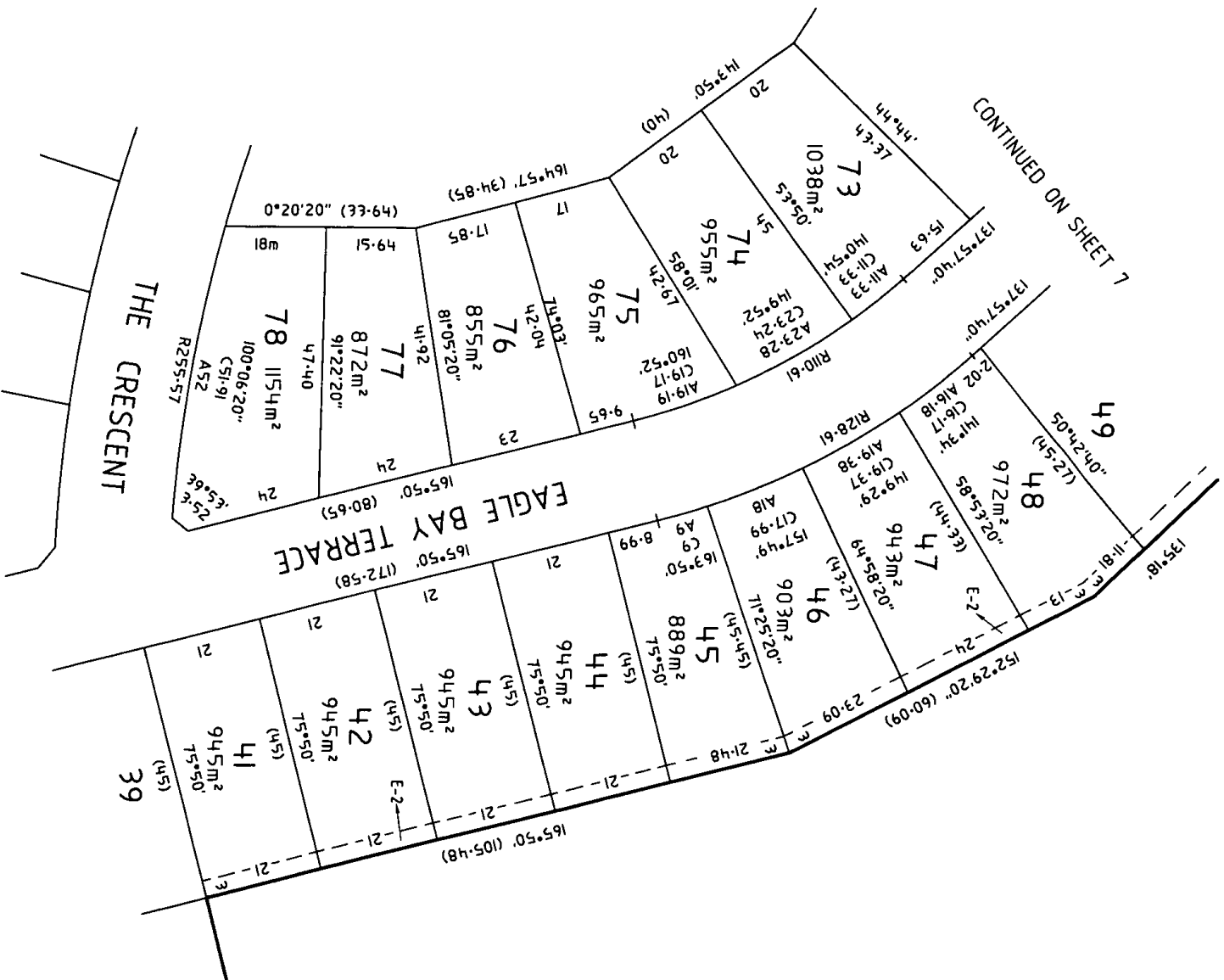
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MGA94 ZONE 55



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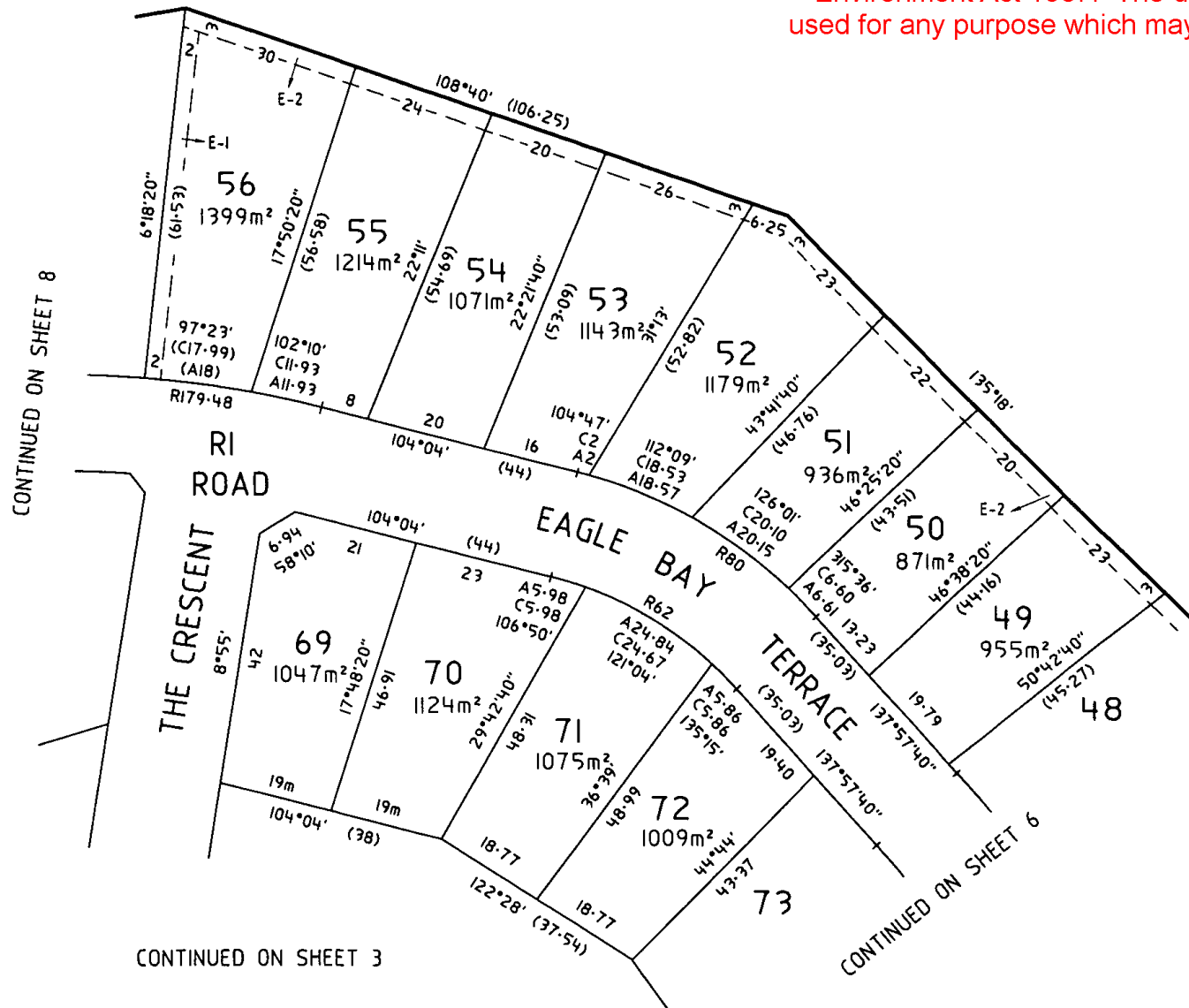
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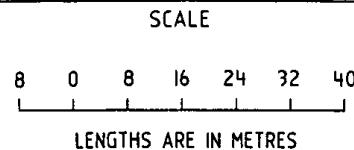
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 SCALE SHEET
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LICENSED SURVEYOR

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VERSION 3

SHEET 7 OF 8 SHEETS

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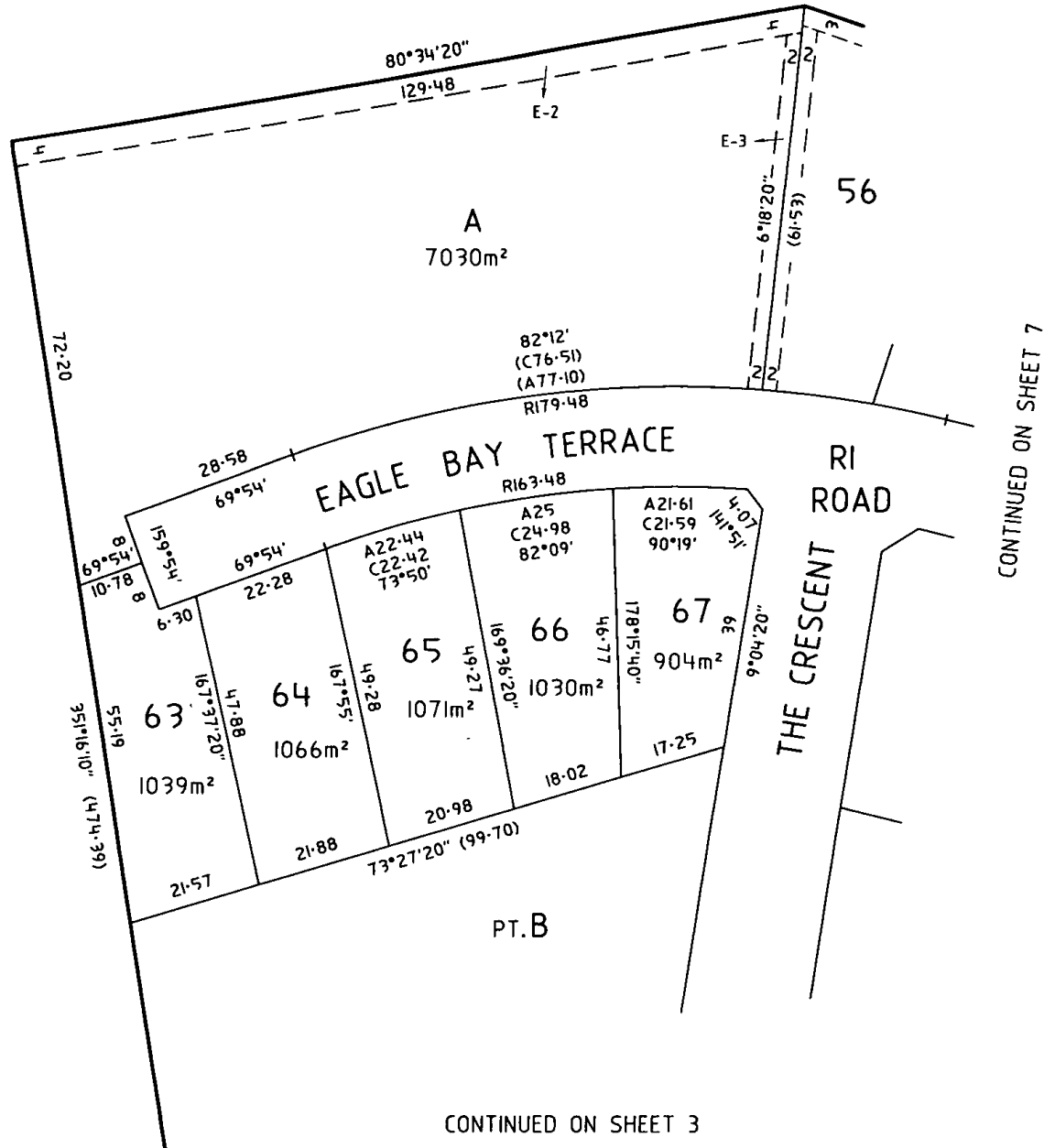
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STAGE No. 1 PLAN NUMBER

PS 524610A

MGA94 ZONE 55



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SHEET 8 OF 8 SHEETS

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 SCALE 8 0 8 16 24 32
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 SIGNATURE DATE 7/6/04
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DATE 28/10/04
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Status	Registered	Dealing Number	AT858443R
Date and Time Lodged	11/12/2020 02:46:03 PM		

Lodger Details

Lodger Code	22692Q
Name	EASTCOAST CONVEYANCING
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

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

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Land Title Reference

10850/024

Transferor(s)

Name	EAGLE BAY VILLAGE PTY LTD
ACN	054610918

Estate and/or Interest being transferred

Fee Simple

Consideration

\$AUD 180000.00

Transferee(s)

Tenancy (inc. share)	Joint Tenants
----------------------	---------------

Given Name(s)

Family Name

Address

Street Number	13
Street Name	SUNSET
Street Type	BOULEVARD



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Electronic Instrument Statement

Locality EAGLE POINT
State VIC
Postcode 3878

Given Name(s)

Family Name

Address

Street Number 13
Street Name SUNSET
Street Type BOULEVARD
Locality EAGLE POINT
State VIC
Postcode 3878

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: AA6866
Restrictive covenant MCP: AA6866
Expiry Date

Duty Transaction ID

4973096

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

Execution

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

Executed on behalf of

Signer Name ALECIA JANE BASSETT
Signer Organisation EASTCOAST CONVEYANCING
Signer Role LICENSED CONVEYANCER
Execution Date 11 DECEMBER 2020



Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

Execution

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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	EAGLE BAY VILLAGE PTY LTD
Signer Name	JAMES ANDREW ROUGHLEY
Signer Organisation	ENGEL AND PARTNERS
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	11 DECEMBER 2020

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

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Lodged by	Engel & Partners
Name:	James Roughley
Phone:	51526177
Address:	109 Main Street Bairnsdale 3875
Reference:	312122
Customer code:	392C

This memorandum contains provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

Provisions:

Creation and/or Reservation and/or Covenant:

1. The Transfer with the intent that the benefit of this Covenant shall be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No 524610A (other than the land hereby transferred) and each and every part thereof and the burden on this Covenant shall be annexed to and run at law and in equity with the land hereby transferred and each and every part thereof and that the same shall be noted and appear on every Certificate of Title for the said lot and every part thereof as an encumbrance effecting the same DOES HEREBY COVENANT with the transferor and other registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision(other than the land hereby transferred) that the transferee will not prior to 31st December 2024

(a) (i) Except in the case of Lots A & B erect, place, permit, licence or authorise any buildings other than dwellings together with the usual outbuildings containing a floor area of less than 170m2 within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola, porch, veranda or other outbuilding.

(ii) erect, place, permit or licence or authorise on the said land any building which is built other than of new material save second hand bricks.

(iii) erect, place licence or authorise on the said land any building which is constructed of materials other than bricks of nominal dimensions unless such materials are finished with permanent render or texture coating.

(iv) erect, place, permit, licence or authorise on the said land any building with walls finished of heavily blended, mottle or rock face brick work (it being agreed that use of blended brick work shall be limited to not more than 2 closely matched colours.

(v) erect, place, permit, licence or authorise on the said land any building constructed Hardiplank or cement sheet on any external wall or roof (such materials being acceptable only for cave lining, gable-ends and in-fills).

(vi) erect, place, permit, licence or authorise on the said land any building having a roof other than slate, clay tile, cement tile or colorbonded materials.

35271702A

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 and plans.

91ATLA

Page 1 of 3

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Memorandum of common provisions

Section 91A Transfer of Land Act 1958

- (vii) erect, place, permit, licence or authorise on the said land any outbuilding with a floor area greater than 10m² unless the same is constructed with materials of the same type and in the same style as the dwelling.
- (viii) erect, place, permit, licence or authorise on the said land any single story dwelling or outbuilding of a size greater than 10m² which has a roof pitch of less than 22 degrees.
- (ix) erect, place, permit, licence or authorise on the said land any single storey dwelling with internal ceiling heights of less than 2700mm (excluding bathroom and laundry areas).
- (x) erect, place, permit, licence or authorise on any building, any gutters and down pipes that are not colour coated or painted with at least 2 coats of first quality paint.
- (xi) on Lots 36, 37 and 38 erect, place, permit, licence or authorise any building with a viewing point (being a window, doorway, balcony or other similar viewing point) less than 9 metres away from the rear boundary of the said Lot.
- (b) erect, place, permit, licence or authorise on the said land any fence on the side boundaries or boundaries facing roadways unless same is constructed of brick, concrete, timber picket, paling or aluminium pickets or any combination thereof (except in the case of a fence constructed of new bricks) such fence shall be painted with at least 2 coats of first quality paint or finished with a permanent render or texture coating.
- (c) erect, place, permit, licence or authorise on the said land any retaining wall constructed of treated pine timber, which is visible to the public from a roadway.
- (d) construct any driveway, parking and paved areas on the land of materials other than clay, brick, masonry pavers, stone sheeted bitumen, hot mix or concrete.
- (e) plant or permit to be planted any Lots 41 -56 inclusive between any dwelling constructed on such Lot or Lots and adjoining roadway more than one tree or scrub which will grow to a height greater than 7 metres.
- (f) Extract or remove or permit the extraction or removal of any soil, gravel or earth or other materials from the said land except for the purpose of excavating for the foundations of a building or of a swimming pool or tennis court or for gardening, landscaping or driveway within the said land.
- (g) Use or permit the use of said land for any offensive or noxious purpose
- (h) Permit the land or any part thereof to be used for the purpose of commercial breeding or boarding of or training kennel for cats or dogs or for the purpose of keeping poultry or pigeons thereof.
- (i)) Permit the land to be used for parking, garaging or servicing of any motor vehicle in the excess of 5 tonnes gross vehicle mass (GMV) except for the purpose of loading or unloading goods unless the vehicle is a vehicle engaged in construction works on the said land.
- (j) Permit the land or any part thereof to be used for parking, garaging or servicing of any boat (on a trailer or hard stand), caravan, campervan or similar vehicle unless such vehicle is screened from the public view from the roadways.
- (k) Permit or authorise any part of the land to be used for the purposes of storage of garbage, housing of gas, fuel or water tanks, drying of clothes or similar uses unless such areas are screened from the public view from adjoining roadways.

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Memorandum of common provisions

Section 91A Transfer of Land Act 1958

(I) Permit the occupancy of any dwelling or other building on the land unless an occupancy permit has been issued for the dwelling on the land.



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APPLICATION FOR PLANNING PERMIT

DEVELOPMENT OF A DWELLING

41 EAGLE BAY TERRACE, PAYNESVILLE

REF: 25119



CONTENTS

1	Introduction	4
2	Site Context	5
3	The Proposal	10
4	Zones and Overlays	12
5	Planning Assessment	16
6	Conclusion	18

APPENDIX

- A Copy of Title and Plan of Subdivision
- B Proposed Development Plans

DOCUMENT REVISION

1	Draft Report	DAC	20/11/2025
2	Final Report	CMC	24/11/2025



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41 EAGLE BAY TERRACE, PAYNESVILLE

1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of the designer and the applicant for this planning permit application for the development of a dwelling at 41 Eagle Bay Terrace, Paynesville.

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

Planning approval is required for the proposed development of a dwelling under the provisions of the Design and Development Overlay as the total building height exceeds 7.5 metres.

The proposal will result in a new high quality residential dwelling within an existing residential area of Paynesville.

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

Address	41 Eagle Bay Terrace, Paynesville
Site Description	Lot 66 on Plan of Subdivision 524610A
Title Particulars	Vol 10850 Fol 024
Site Area	1,030m ²
Proposal	Development of a Dwelling
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	Design and Development Overlay – Schedule 14
Aboriginal Cultural Heritage	Not identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 43.02-2 Design and Development Overlay - Buildings and Works
Notice	No exemptions available
Referrals	No referrals required
Work Authority Licence	Not applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement – Growth area town – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Built environment and heritage – Clause 02.03-5 Planning Policy Framework – Clause 10 Settlement – Clause 11 Environmental and landscape values – Clause 12 Environmental risks and amenity – Clause 13 Built environment and heritage – Clause 15 Housing – Clause 16 Design and Development Overlay - Clause 43.02 Decision guidelines – Clause 65

Surrounds

The land in this locality is predominantly residential land with farming and public land in the broader landscape.

Adjoining the northern boundary is Eagle Bay Terrace and further existing residential development. Adjoining the eastern boundary is vacant residential land. Adjoining the western and southern boundaries is land containing existing residential development and associated facilities.

The site is located approximately 3.2 kilometres northwest of the central business district of Paynesville.

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

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 – 41
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Eagle Bay Terrace, Paynesville (source: <https://maps.land.vic.gov.au/lassi/>)
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Photograph 2 – Subject site at 41 Eagle Bay Terrace, Paynesville.



Photograph 4 – Subject site facing north.



Photograph 6 – Subject site facing west.



Photograph 3 – Subject site facing south.



Photograph 5 – Subject site facing east.



Photograph 7 – Neighbouring Property opposite the subject site at 44 Eagle Bay Terrace, Paynesville.



Photograph 8 – Neighbouring property along the eastern boundary at 39 Eagle Bay Terrace, Paynesville.



Photograph 10 – Eagle Bay Terrace facing east.



Photograph 9 – Neighbouring property adjoining the western boundary at 43 Eagle Bay Terrace, Paynesville.



Photograph 11 – Eagle Bay Terrace facing west.

3. THE PROPOSAL

This application seeks approval for the development of a dwelling under the provisions of the Design and Development Overlay. The proposed development plans are contained in **Appendix B**.

The proposal includes a double storey dwelling that will be centrally located with a setback of 9 metres to the northern boundary being Eagle Bay Terrace, 2.4 metres to the eastern boundary and 5.71 metres to the western boundary.

The building footprint of the proposed dwelling is approximately 224.6m² including the garage, alfresco area and balcony. The proposed dwelling will have an overall height of approximately 8 metres.

The finished colours and materials of the proposed dwelling will include a combination of face brickwork, selected stone cladding, fibro cement cladding with a render finish in the Colorbond colour monument, Linea weather boards with a paint finish in the Colorbond colour Surfsmist and Axon cladding with a paint finish in Colorbond Windspray. The roofing, fascia and gutters will be finished with the Colorbond colour Shale Grey.

A visual description of the proposed colours is provided in **Figure 3** and in **Appendix B**.

Vehicle access to the site is proposed along the northern boundary, directly from Eagle Bay Terrace via a new concrete crossover and driveway as indicated on the proposed development plans.

Drainage from the proposed dwelling will be directed to the legal point of discharge to the satisfaction of the responsible authority.

The subject site has access to an appropriate level of services and infrastructure including, reticulated water, sewerage, electricity, drainage, telecommunications and a good quality road network. The proposed dwelling will connect to all available services.

Earthworks will be required to create a level building surface however will not exceed 1 metre in depth.

No vegetation removal is required for this proposal.

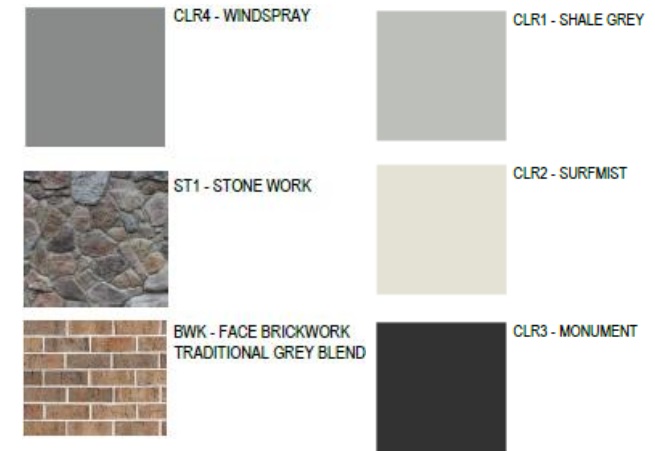


Figure 3 – External Colour and Material Schedule – TDH Design Pty Ltd



Figure 4 – North Elevation – TDH Design Pty Ltd

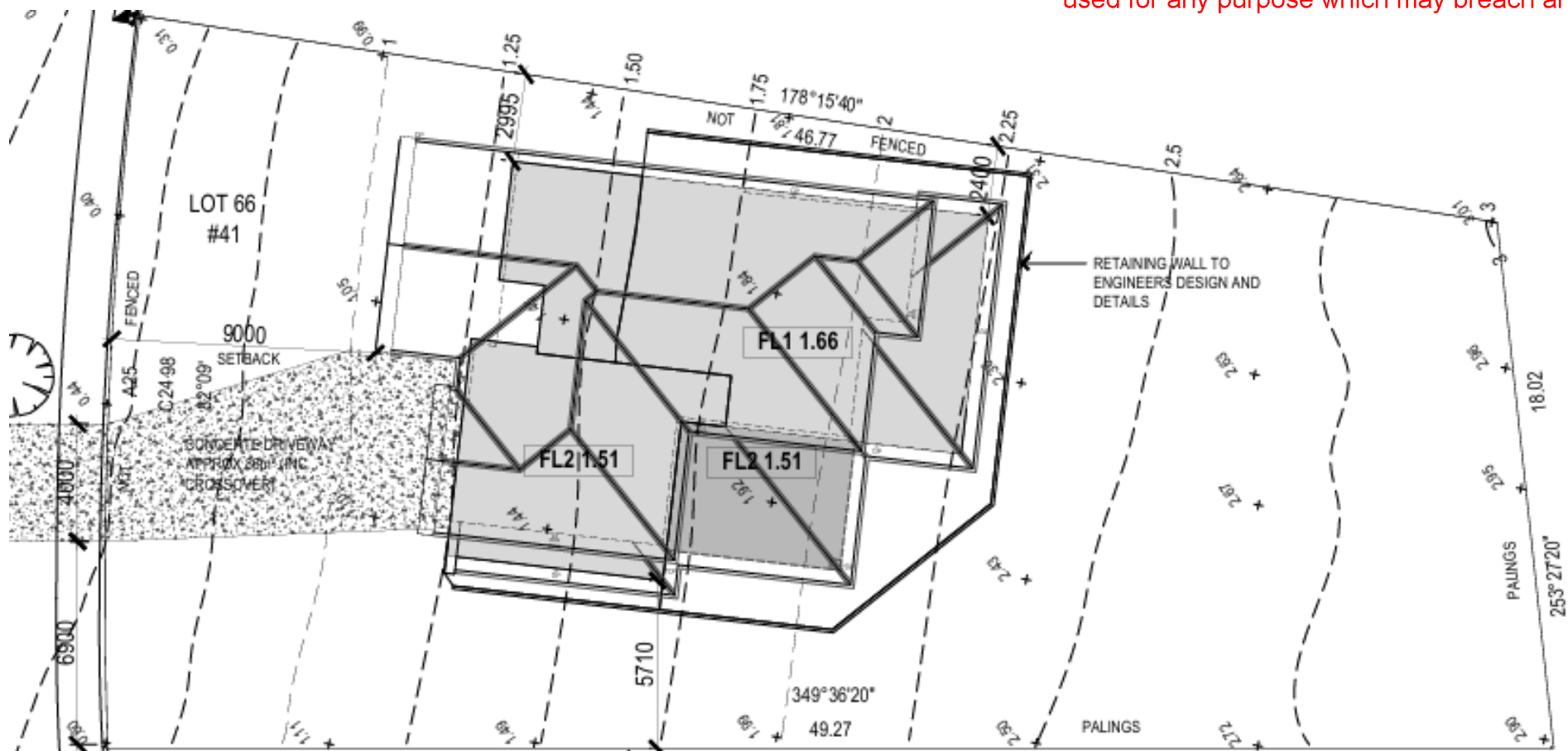


Figure 5 – Site Plan – TDH Design Pty Ltd

4. ZONES AND OVERLAY

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 6**.

Clause 32.08-5 of the General Residential Zone provides a permit is not required to construct or extend one dwelling on a lot as the lot is greater than 300m².

The garden area requirement for the proposal is 35%, this application can meet the garden area requirement.

As such a permit is not required for the development of a dwelling under the provisions of the General Residential Zone. This is not addressed further.

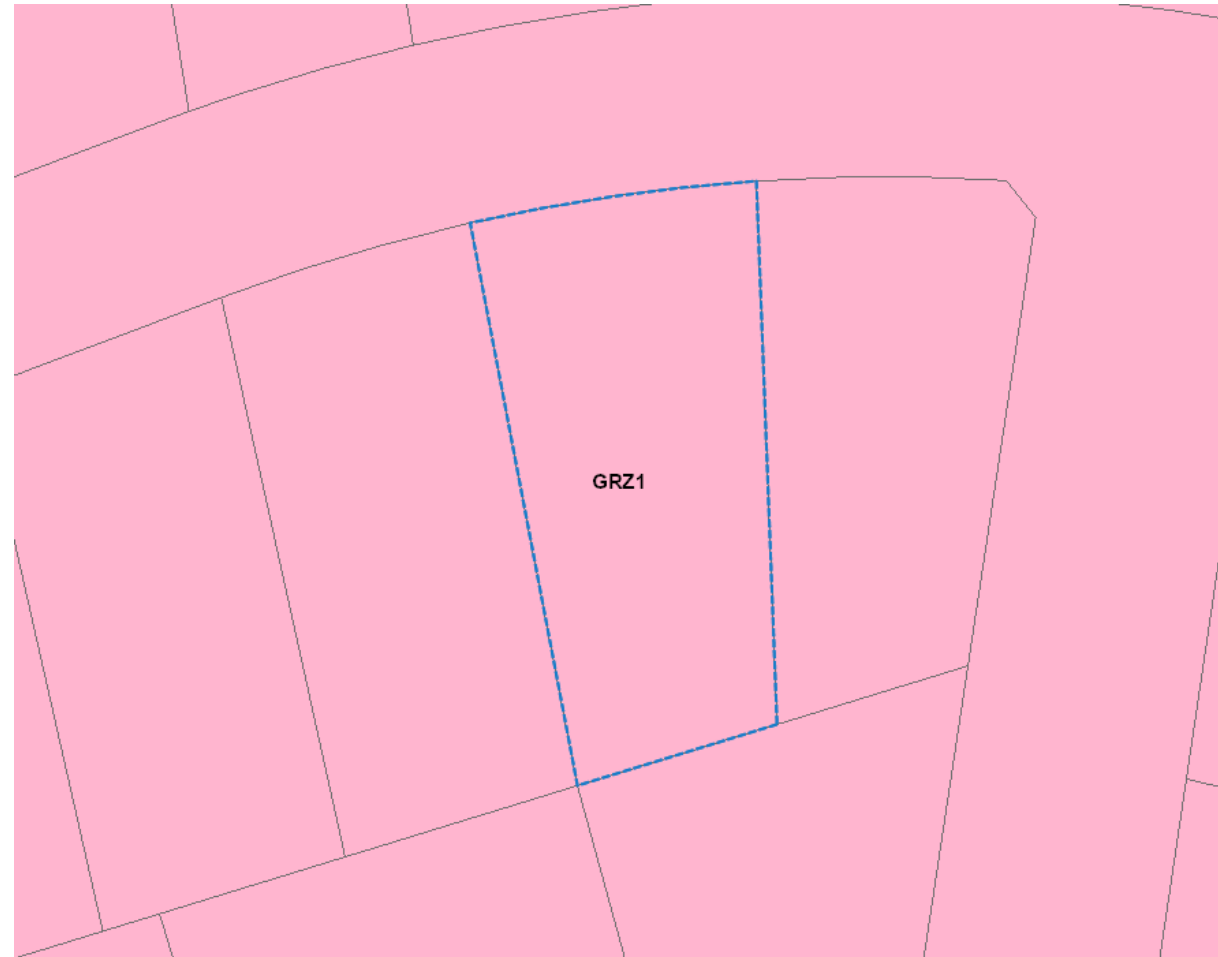


Figure 6 – General Residential Zone – (source - mapshare.vic.gov.au)

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 7**.

Clause 43.02-2 – Buildings and works provides a permit is required to construct a building or construct or carry out works. The schedule provides a permit is required for a building exceeding 7.5 metres in height.

The total building height will exceed 7.5 metres and as such planning approval is required for the proposed development of a dwelling. The relevant decision guidelines and schedule are addressed in Section 5 of this submission.

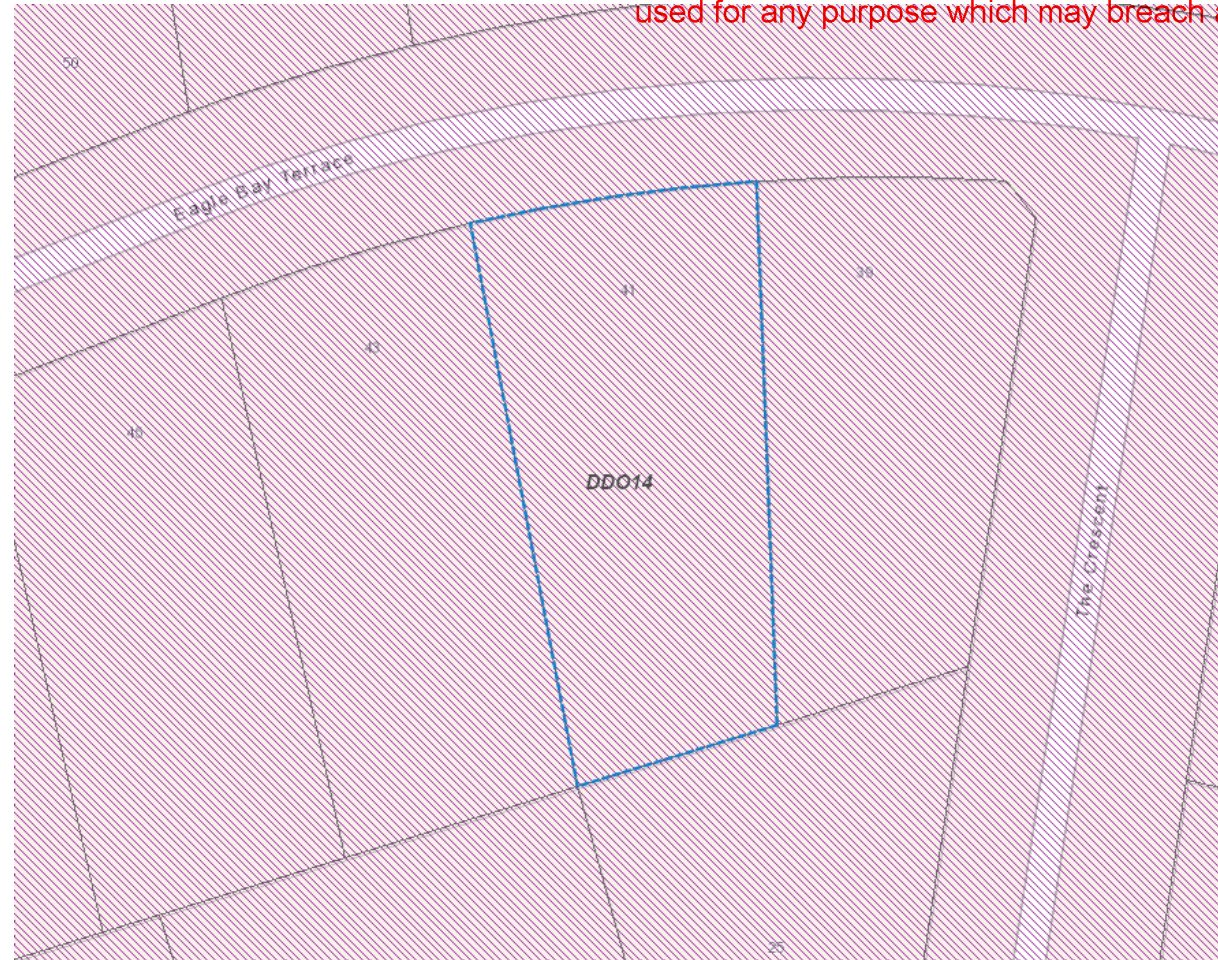


Figure 7 – Design and Development Overlay – (source - mapshare.vic.gov.au)

Design and Development Overlay – Schedule 14 continued:

The design objectives of the Schedule include:

All areas

- To protect and manage the township character of coastal settlements.
- To ensure that the height and visual bulk of new development is compatible with the coastal neighbourhood setting.
- To ensure that new development is designed to minimise visual impacts on the natural landscape.
- To ensure that new development is visually and physically integrated with the site and surrounding landscape.
- To ensure that new development is sited and designed to be visually unobtrusive through and above the 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.

The location of the subject site is outside the character areas indicated on map 1.



Figure 8 – Map 1 Schedule to Clause 42.03 – (source – Paynesville Urban Design Framework)

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 does not require the preparation of a Cultural Heritage Management Plan. This is not addressed further.

5. PLANNING ASSESSMENT

This proposal has been assessed against the objectives and standards of applicable clauses of the East Gippsland Planning Scheme and it is considered that the proposed development 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 for an appropriate residential dwelling that can be respectful of the existing surrounding development and the environment.
- There are no specific environmental constraints associated with the site however, the proposal has been designed to ensure a high standard of environmental sustainability, urban design and amenity 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. Paynesville is located approximately 16 kilometres south of Bairnsdale and has grown rapidly in recent times, as a 'dormitory' town and a retirement area. It is a service centre supporting the local community as well as the neighbouring settlements of Eagle Point and Raymond Island.
- The proposed dwelling will connect to all available services and infrastructure including reticulated water, sewerage, electricity, drainage, telecommunications and a good quality road network.
- Drainage from the proposed dwelling will be directed to the legal point of discharge to the satisfaction of the responsible authority.
- The proposal meets the objectives of **Clause 16** by providing an additional dwelling within an existing residential area that will in turn support additional housing.
- 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 dwelling will result in an appropriate development that will be used for residential purposes. Planning approval is required as a proposed building will exceed 7.5 metres high. The proposed dwelling will be located centrally along the eastern boundary as indicated on the proposed development plans. The proposed dwelling will have appropriate setbacks from the boundaries.
- The proposed development is unlikely to be a prominent feature from the water being Eagle Point Bay particularly given the existing surrounding development within the area.
- The proposed finished materials and colours of the dwelling have been selected to ensure the development is not visually obtrusive and will be well integrated with the surrounding development and environment. A colour schedule with a visual description is provided in Section 3 of this submission and within the development plans. Land surrounding the subject site contains dwellings of various heights, styles and setbacks. The proposed colours are low reflective and muted in toning.
- The proposal is not dissimilar to many others in the locality and represents an appropriate residential development respectful of the significant landscape surrounding.
- **Schedule 14** refers to residential development in coastal settlements - Paynesville which requires consideration of the impact of the development in the landscape.
- The roof form of the proposed development will be similar to others in the locality and will be a suitable distance from the

surrounding waterway being Eagle Point Bay.

- The scale of the development is considered appropriate for the location and is consistent with surrounding development.
- The residential development immediately to the south of the subject site does not have views to the water and predominantly faces away from the subject site (facing south). Other development beyond, that is double storey that may obtain views over or past the site to the water, are considered likely to still obtain some views past the proposed dwelling, as such it is considered unlikely that the height of the proposed dwelling will unreasonably detrimentally impact the surrounding development.
- There is a covenant registered on title as AT858443R relating to Memorandum of Common Provisions AA6866 which expired on 31/12/2024 and as such is not addressed at this time.
- No vegetation is required to be removed.
- This submission has addressed the decision guidelines of **Clause 65** and the proposal supports orderly planning of the area whilst taking into consideration the potential effect on the environment, human health and the amenity of the area.
- Access to the proposed dwelling will be provided along the northern boundary,

directly from Eagle Bay Terrace via a new concrete crossover and driveway as indicated on the proposed development plans, there will be no negative impact on the existing road network. The increased traffic as a result of the proposal is unlikely to generate any negative impact on the existing road network.

- There are no factors of this proposal that are likely to cause or contribute to land degradation, salinity or reduce water quality.

6. CONCLUSION

This submission is in support of a planning permit application for the development of a dwelling at 41 Eagle Bay Terrace, Paynesville

The relevant provisions of the East Gippsland Planning Scheme have been addressed, and it has been ascertained that the proposed development 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 Design and Development Overlay.
- The design of the dwelling is complementary to the existing surrounding development and is consistent with the character of the area.

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

Development Solutions Victoria

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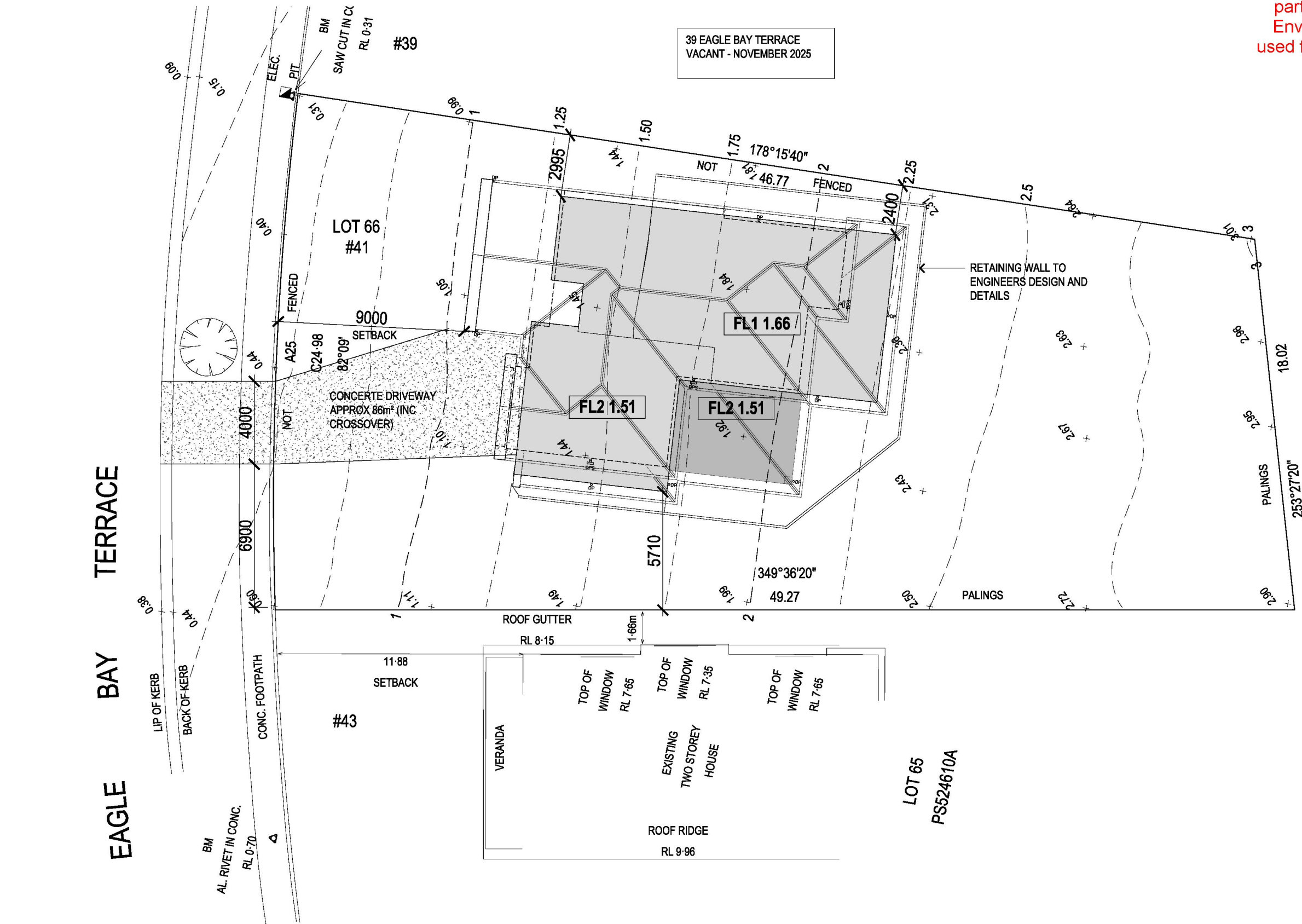
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BUILDING AREA SCHEDULE

NAME	AREA
GROUND FLOOR	115.0 m²
GARAGE	66.6 m²
DECK	24.9 m²
FIRST FLOOR	141.4 m²
BALCONY	28.1 m²
TOTAL:	366.0 m²

LAND AREA SCHEDULE

NAME	AREA
SITE	1030m²
BUILDINGS	224.0m² (SITE COVERAGE)
GARDEN AREA	599m²



SP SITE PLAN
SCALE 1:800

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PLANNING	A	ISSUED FOR PLANNING APPLICATION	17.11.25



PROJECT:
PROPOSED DOUBLE STOREY DWELLING
PROJECT ADDRESS:
**41 EAGLE BAY TERRACE
PAYNESVILLE**

CLIENT:
,

JOB NUMBER:
0481_25

DRAWING TITLE:
SITE PLAN

SCALE: AS SHOWN
SHEET: A3
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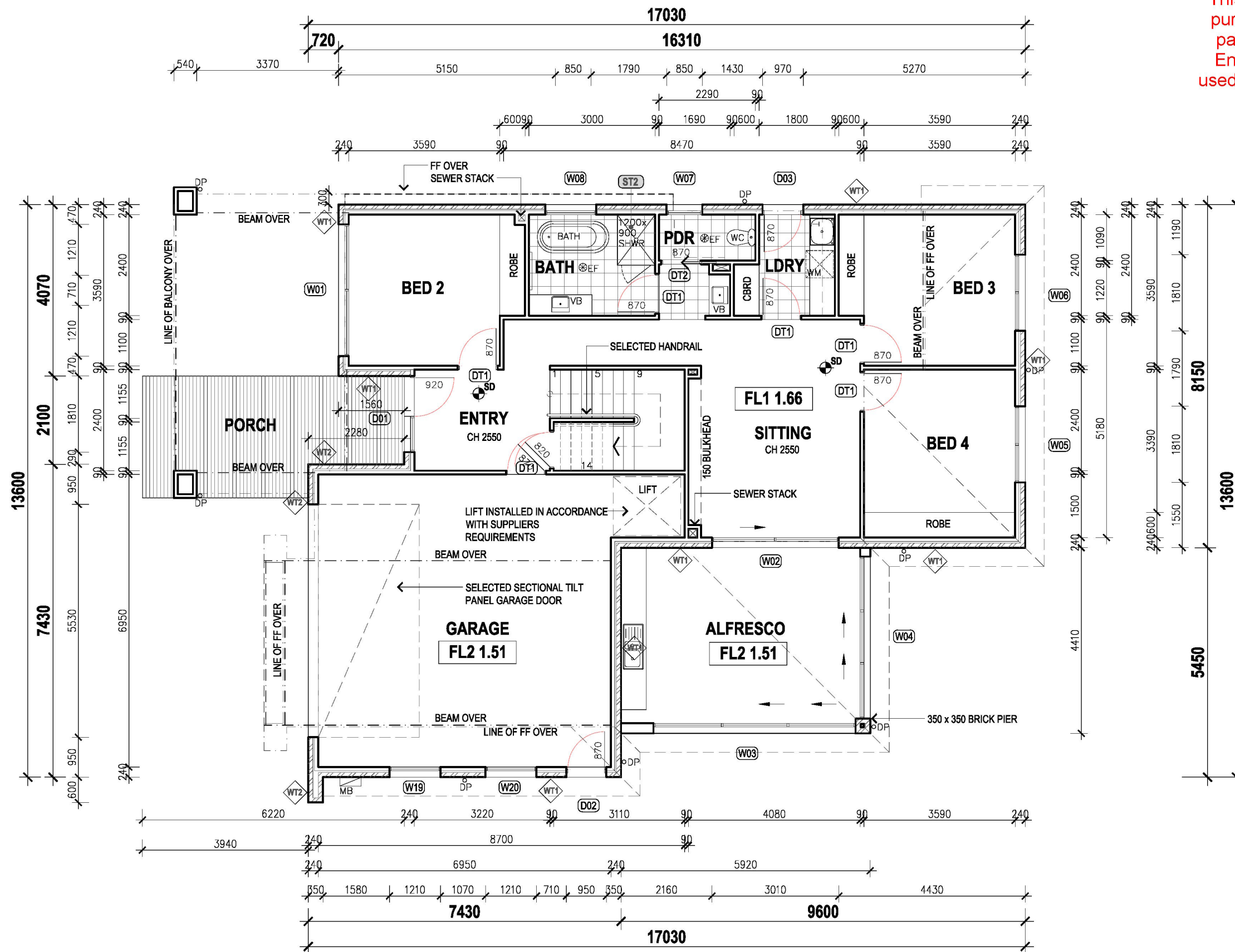
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GROUND FLOOR PLAN

SCALE 1:100

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GROUND FLOOR PLAN

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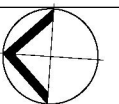
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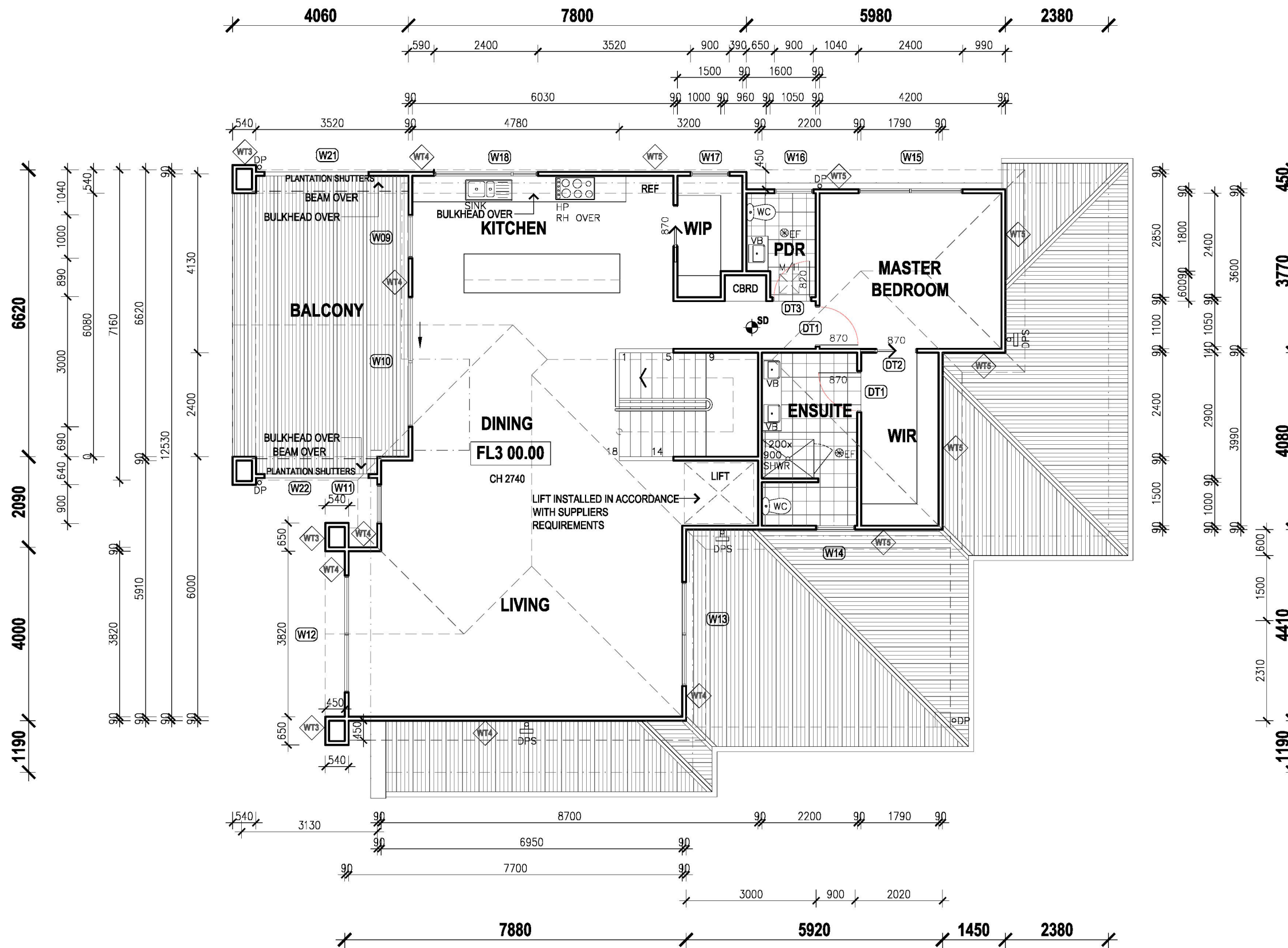
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FIRST FLOOR PLAN

SCALE 1:100

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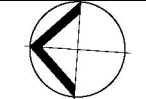
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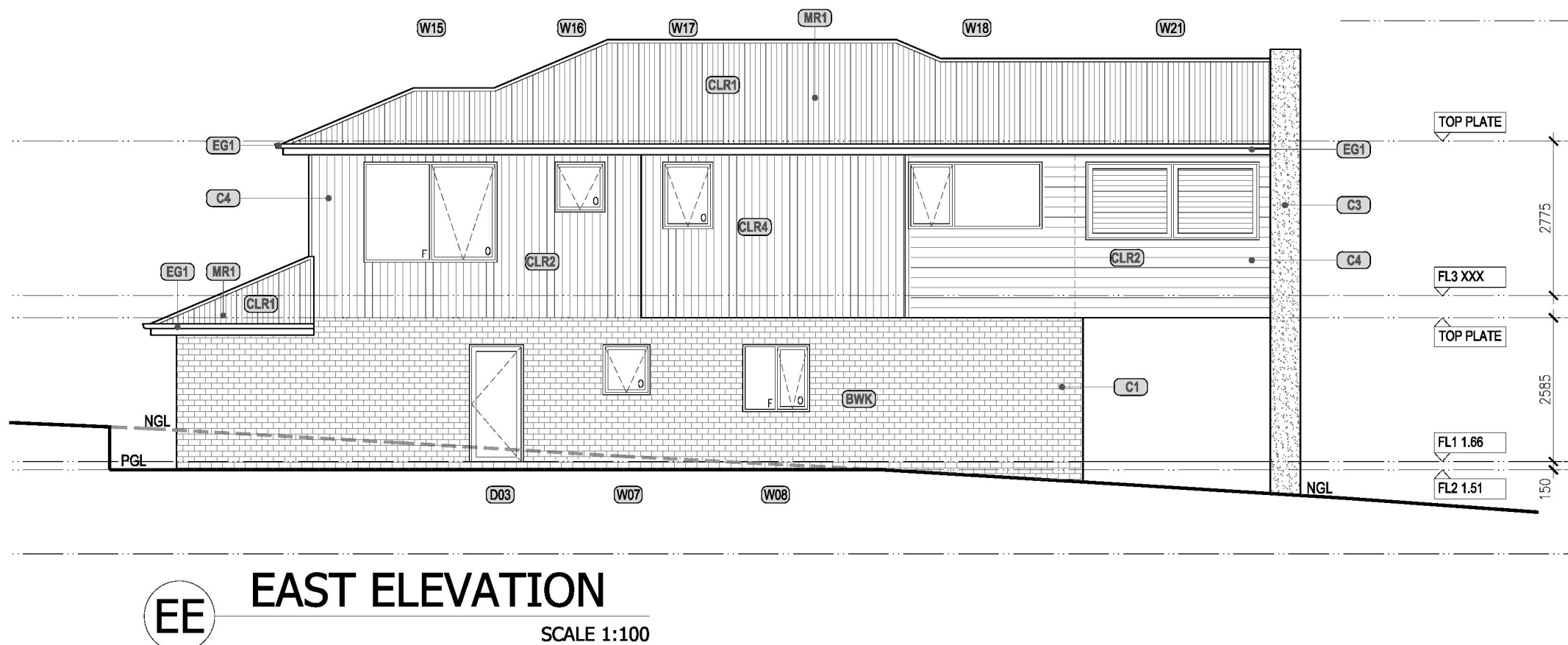
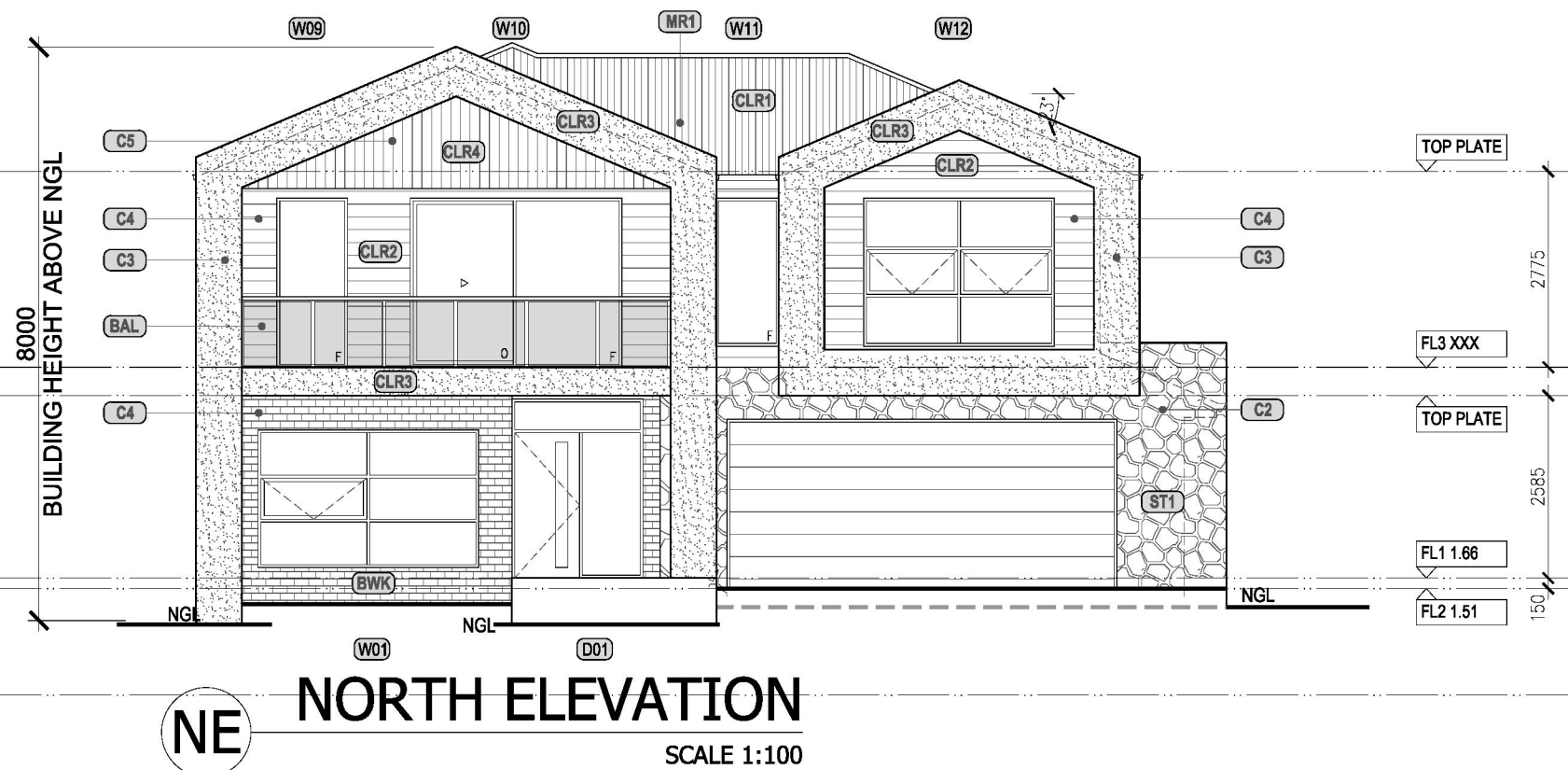


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C2	SELECTED APPLIED STONE CLADDING TO BRICK VENEER WALL
C3	NO SHEET CLADDING WITH RENDER FINISH
C4	180 LINEA WEATHER BOARDS - PAINT FINISH
C5	133 AXON CLADDING - PAINT FINISH
MR1	SELECTED CORRUGATED COLORBOND ROOF SHEETING
MF1	SELECTED METAL FASCIA AND FLASHING
EG1	SELECTED COLORBOND EAVE GUTTER ON METAL FASCIA
BAL	SELECTED GLASS BALUSTRADE

	CLR1 - SHALE GREY
	CLR2 - SURFMIST
	CLR3 - MONUMENT
	CLR4 - WINDSPRAY
	ST1 - STONE WORK
	BWK - FACE BRICKWORK TRADITIONAL GREY BLEND



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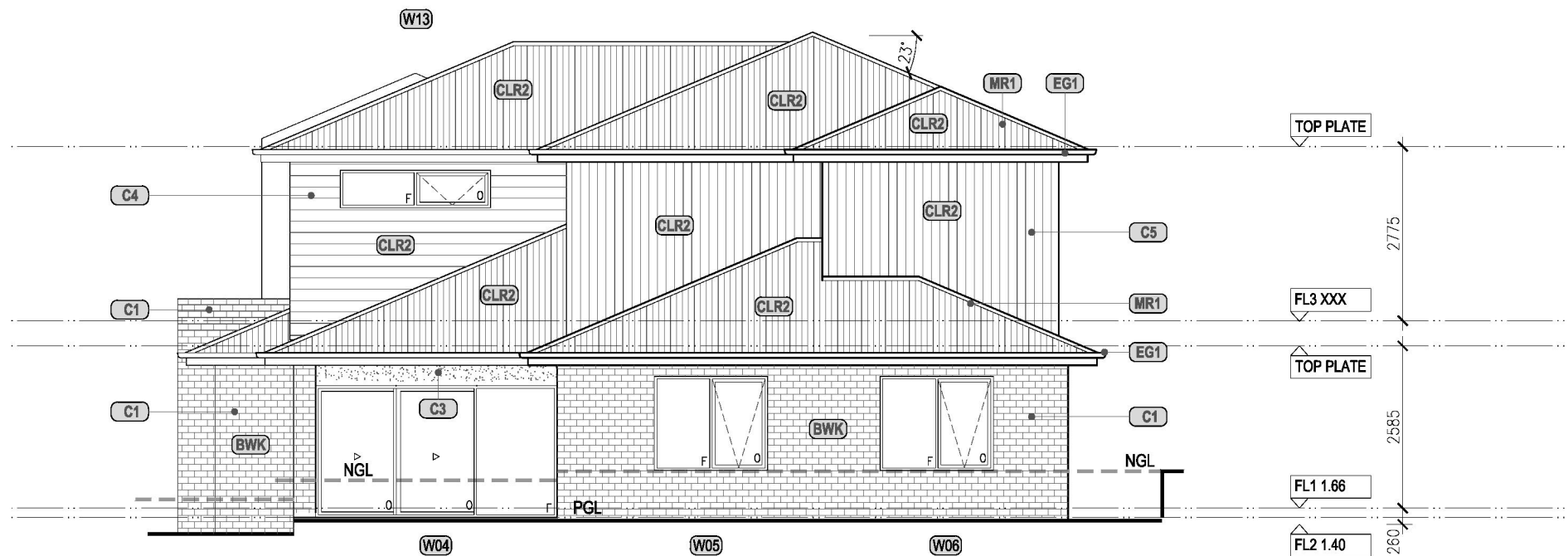
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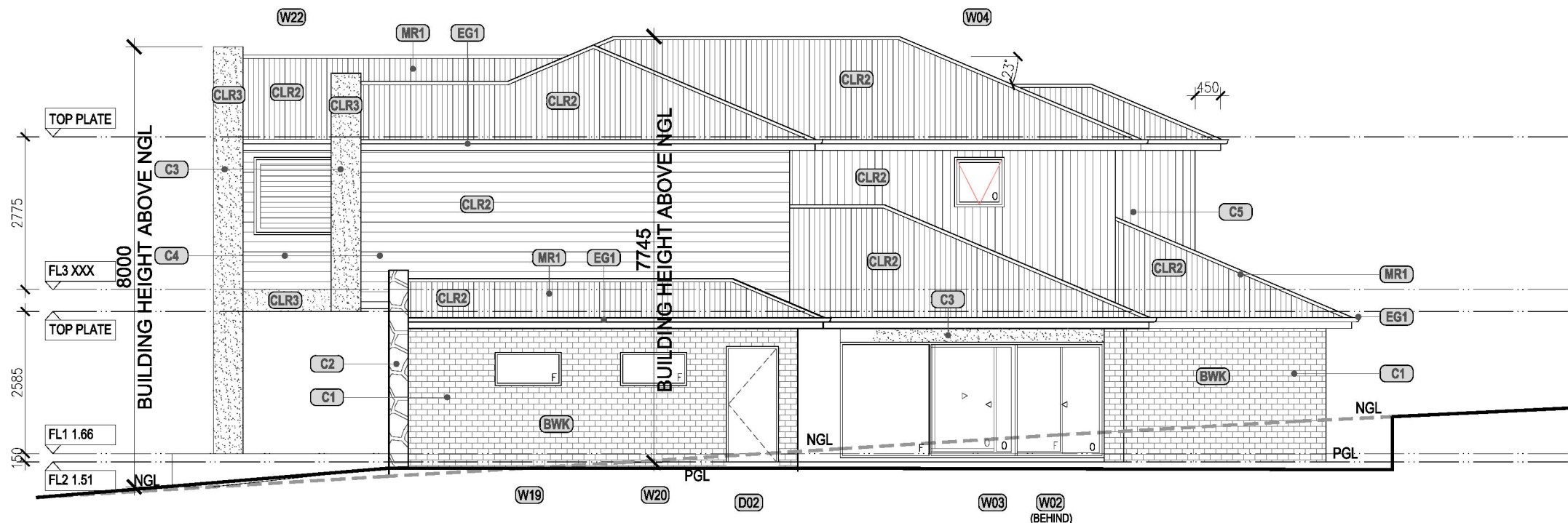
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BAL	SELECTED GLASS BALUSTRADE



SE SOUTH ELEVATION
SCALE 1:100



WE WEST ELEVATION
SCALE 1:100

CLR1 - SHALE GREY

CLR2 - SURFMIST

CLR3 - MONUMENT

CLR4 - WINDSPRAY

ST1 - STONE WORK

BWK - FACE BRICKWORK
TRADITIONAL GREY BLEND

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BUILDING AREA SCHEDULE

NAME	AREA
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VERANDAH	24.9 m²
FIRST FLOOR	141.4 m²
BALCONY	28.1 m²
TOTAL:	366.0 m²

LAND AREA SCHEDULE

NAME	AREA
SITE	1030m²
BUILDINGS	224.0m² (SITE COVERAGE)
GARDEN AREA	599m²

CANOPY TREE REQUIREMENT:

SITE AREA:	1030m²
20% OF SITE AREA:	206m²

CANOPY TREE SCHEDULE:

TYPE	CANOPY DIAMETER	CANOPY AREA
1	8.0 METERS	50.3 m²
2	6.0 METERS	28.2 m²

PROPOSED CANOPY TREES

TYPE	NUMBER PROVIDED	TOTAL CANOPY AREA
1	3	150.90m²
2	2	56.40 m²
TOTAL TREE CANOPY		207.30 m²



CANOPY TREE 1
ACER RUBRUM - RED MAPLE
POT SIZE 40cm - approx 1.8-2.0h
MATURE SIZE 13m h x 9m w



CANOPY TREE 2
CUPANIOPSIS- TUCKEROO TREE
POT SIZE 40cm - approx 2.8h
MATURE SIZE 5-8m h X 5-7m w

BAY TERRACE

SP LANDSCAPE PLAN
SCALE 1:800

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0481_25

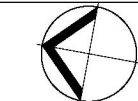
DRAWING TITLE:
LANDSCAPE PLAN

SCALE: AS SHOWN
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