

8 December 2021

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	404 Main Street BAIRNSDALE Lot 1 TP 326283, Lot 2 TP 326283
The application is for a permit to:	Two Lot Subdivision
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	561/2021/P
You may look at the application and any documents that support the application on the website of the responsible authority.	(Intentionally blank)

This can be done anytime by visiting the following website:

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

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

An objection must

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

The Responsible Authority will not decide on the application before:	Subject to applicant carrying out notice
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If you object, the Responsible Authority will tell you its decision.

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

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

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

VOLUME 08102 FOLIO 630

Security no : 124093676069P
Produced 11/11/2021 03:12 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 326283E.
PARENT TITLE Volume 03314 Folio 672
Created by instrument A090049 21/12/1955

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
SHANE MATHEW ANDERSON
SUSAN CAMERON FRY both of 402 MAIN STREET BAIRNSDALE VIC 3875
AU756718M 31/08/2021

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AU756719K 31/08/2021
AFSH NOMINEES PTY LTD

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 TP326283E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AU756717P (E)	DISCHARGE OF MORTGAGE	Registered	31/08/2021
AU756718M (E)	TRANSFER	Registered	31/08/2021
AU756719K (E)	MORTGAGE	Registered	31/08/2021

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

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

ADMINISTRATIVE NOTICES

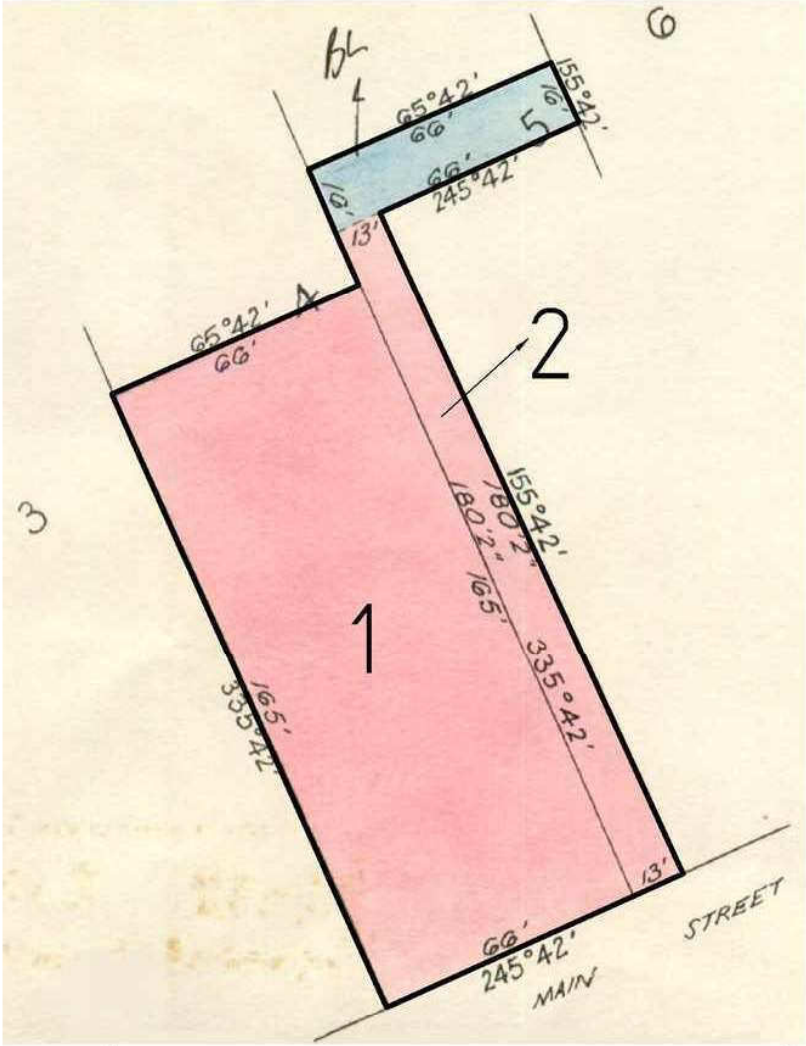
NIL

eCT Control 18440T MSA NATIONAL
Effective from 31/08/2021

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 226283E								
Location of Land Parish: BAIRNSDALE Township: BAIRNSDALE Section: 39 Crown Allotment: 4 (PT), 5 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 8102 FOL 630 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN									
Description of Land / Easement Information <div style="border: 1px solid black; padding: 5px; margin: 10px 0;">ENCUMBRANCES REFERRED TO As to the land coloured blue ---- <u>ANY EASEMENTS</u> affecting the same -</div> 		<div style="border: 1px solid black; padding: 5px; margin: 10px 0;">THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 21/02/2000 VERIFIED: AA</div>									
COLOUR CODE BL = BLUE		<table border="1"><thead><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr></thead><tbody><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CA 4 (PT)</td></tr><tr><td colspan="2">PARCEL 2 = CA 5 (PT)</td></tr></tbody></table>		TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 4 (PT)		PARCEL 2 = CA 5 (PT)	
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PARCEL 1 = CA 4 (PT)											
PARCEL 2 = CA 5 (PT)											
LENGTHS ARE IN FEET & INCHES	Metres = 0.3048 x Feet Metres = 0.201168 x Links										

Planning Report

Two Lot Subdivision
404 Main Street, Bairnsdale

Reference – 19687

November 2021



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Note: Applicable Planning Application fee is \$1,337.70

1. Introduction

This planning report is prepared in support of proposed two lot subdivision at 404 Main Street, Bairnsdale. The report addresses the provisions of the General Residential Zone and Clause 56 Residential Subdivision as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land and immediate surrounds (Source Google Earth)



Aerial image of the subject land and wider surrounds (Source Google Earth)

2. Subject Land & Surrounding Context

The subject land consists of two titles being Lots 1 & 2 on TP32683 however, the land is commonly known as 404 Main Street, Bairnsdale.

It has an area of 1264 square metres and enjoys road frontage being 20.8 metres to Main Street and a rear lane frontage of 3.8 metres.

The subject land is developed with an older single storey weatherboard dwelling with a significant outbuilding located to the rear of the property.



Image of the subject land

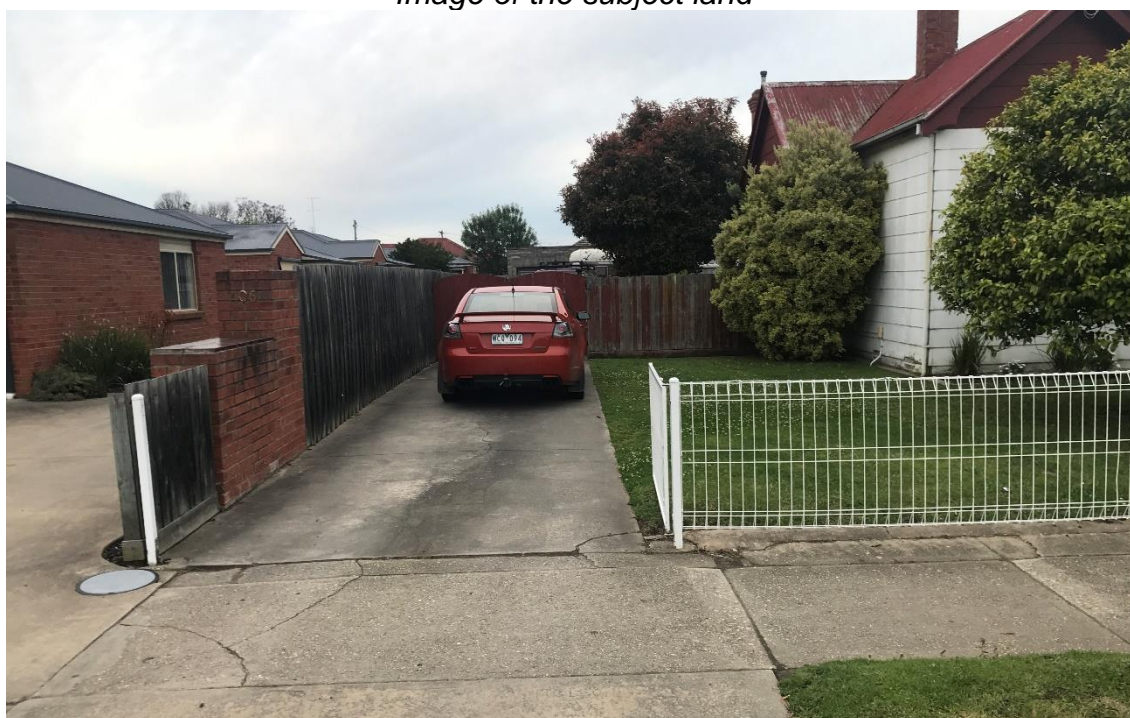


Image of the subject land

East of the subject site is a single storey weatherboard dwelling with an outbuilding to the rear of the land.



Image of the property to the east of the subject land

West is a four-unit medium density development with dwellings having a more recent style and design.

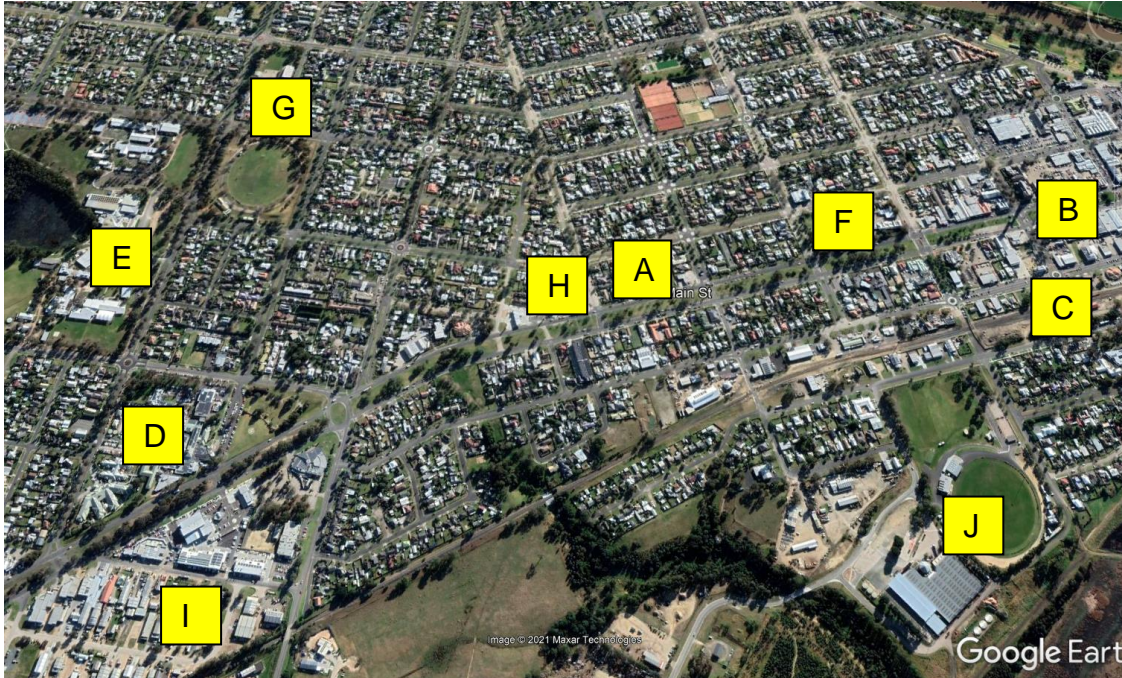


Image of the property to the west of the subject land

To the north is a single storey dwelling with significant outbuildings within the backyard and part of the subject land fronts a rear laneway. South of the subject land is Main Street.

The subject land is well located close to many of the services and facilities Bairnsdale has.

Site Context Plan



A – Subject Land

D – Bairnsdale Regional Health

B – Central Activity Area

E – Bairnsdale Secondary College

C – Train Station

F – Bairnsdale Primary School

G – Bairnsdale West Primary School

H – Local Activity Centre

I – Bairnsdale Industrial Precinct

J – Bairnsdale Football Ground

3. The Application & Proposal

It is proposed to subdivide the subject land into two lots. Proposed lot 1 will contain the existing dwelling and will be 594 square metres. Proposed lot 2 will be 434 square metres. The outbuilding on proposed lot 2 is currently being removed.

Common property of 201 square metres is proposed to service both lots. It is currently constructed of concrete and the proposed dimensions are consistent with the Clause 52.06-9 which is not strictly required in this instance however, it is a practical outcome given the access onto a Road Zone Category 1 road.



Proposed plan of subdivision

A planning permit is required to subdivide land within the General Residential Zone in accordance with Clause 32.08-3 of the East Gippsland Planning Scheme.

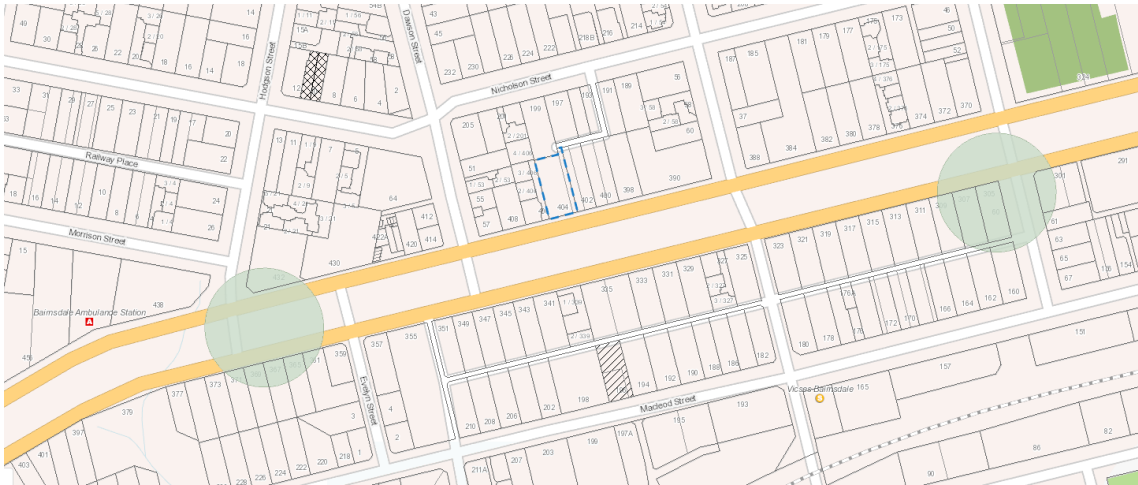
4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*

The subject land is not mapped as being cultural heritage sensitive. There is therefore no mandatory requirement to provide a CHMP in support of the Application.



Cultural Heritage Sensitivity Mapping (Source VicPlan)

5. Planning Policy

5.1 Planning Policy Framework

Clause 11.01-1S Settlement seeks to support the sustainable growth of Bairnsdale amongst other towns and ensure settlements are developed in accordance with the regional growth plan to promote and capitalise on opportunities for infill redevelopment.

The Victorian Settlement Framework identifies Bairnsdale as a regional centre where growth is promoted. Settlement Gippsland at Clause 11.01-1R identifies that Bairnsdale is a regional centre where growth is promoted.

The proposed subdivision is supported by this planning policy as it will provide for infill redevelopment within a well serviced part of the town, provides for population growth and assists to consolidate this central and in-town location of Bairnsdale.

This site is well established to allow for future redevelopment opportunities as it presents as an appropriately serviced and zoned parcel of land that is not subject to environmental risks, environmental values and landscape values as identified in Clauses under VPP 12 and VPP 13.

Subdivision Design at Clause 15.01-3S seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.

The proposed subdivision is supported by the relevant strategies to achieve this objective:

- It will create a compact neighbourhood close to recreation facilities, Bairnsdale Regional Health Services employment node, Bairnsdale Industrial precinct employment node, public transport and education facilities (see site context plan).
- Provides lot sizes to suit a variety of dwelling and household types.
- Car dependency can be reduced with the development of this site within easy walking distance of schools, Bairnsdale Central Activity Centre, the West End Local Activity Centre and recreational facilities.

The neighbourhood character of the area is mixed with a range of lot sizes (and resultant residential development). The proposed subdivision will sit comfortably within this context as sought by Clause 15.01-5S.

Clause 16.01-1S Housing Supply includes a number of strategies that the proposed subdivision will be able to achieve:

- Increased housing opportunities within the established urban area reducing the share of housing in greenfield and fringe areas.
- Housing opportunities close to the Bairnsdale Central Activity Centre, medical facilities, educational and recreational facilities.
- Consolidation within the urban area while respecting the neighbourhood character given the mixed character of this precinct.

5.2 Local Planning Policy

Clause 21.03 Settlement seeks to make best use of the community's investment in urban infrastructure and to provide support for community and commercial services.

The proposed subdivision will support this objective and is consistent with the relevant strategies to provide for infill development of serviced land, contributes to a range of lot sizes providing diversity and choice and is consistent with the Bairnsdale Revitalisation and Growth Strategy Plan which encourages incremental infill of the area.

Clause 21.08 Housing seeks to cater for the housing needs and preferences of all segments of the community. The proposed subdivision will assist to encourage the building and construction sector to provide a range of housing types and styles including higher density dwellings in town centres, to provide choice for consumers.

Strategies for Sub-Regions, Towns and Localities identifies that Bairnsdale is located within the Lakes & Coastal sub-region and it advises that Bairnsdale is the largest town in the sub-region providing major commercial, retail, educational and public sector services.

The subdivision will support the residential infill development within existing residential zones identified within the Bairnsdale Growth Strategy, November (2009) and at Plan 3 Revitalisation and Growth Strategy.

The subject land is located within 400 metres of the West End Retail/Commercial Centre. The proposed subdivision will assist achieving the Housing Diversity Plan contained in the Bairnsdale Growth Strategy, November (2009) that seeks medium density housing within 400 metres of existing retail/commercial centres.

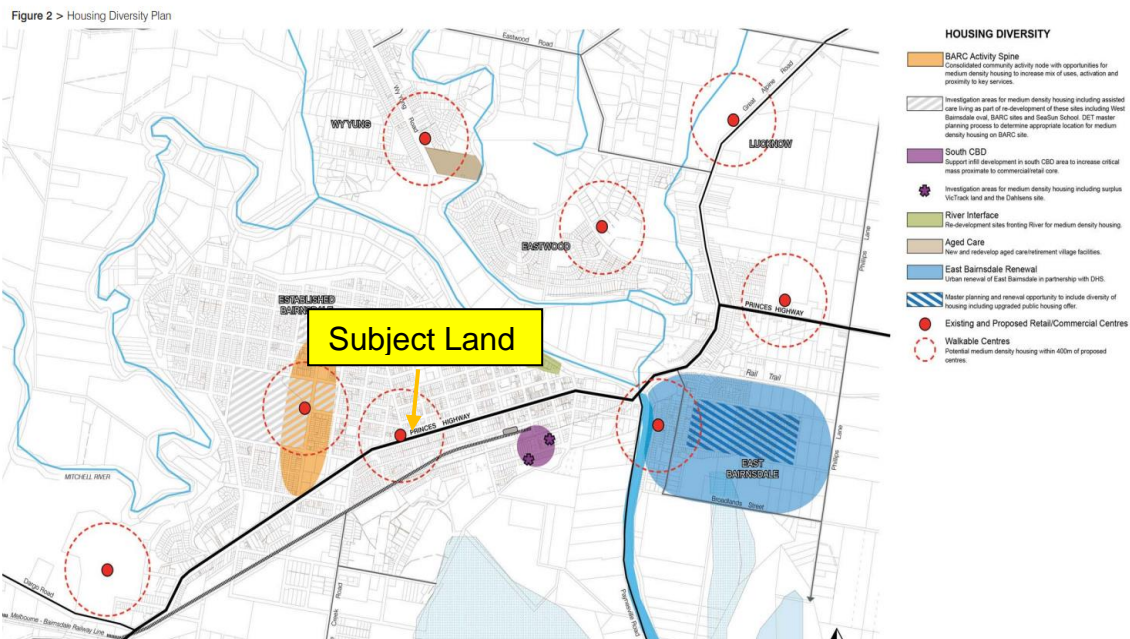
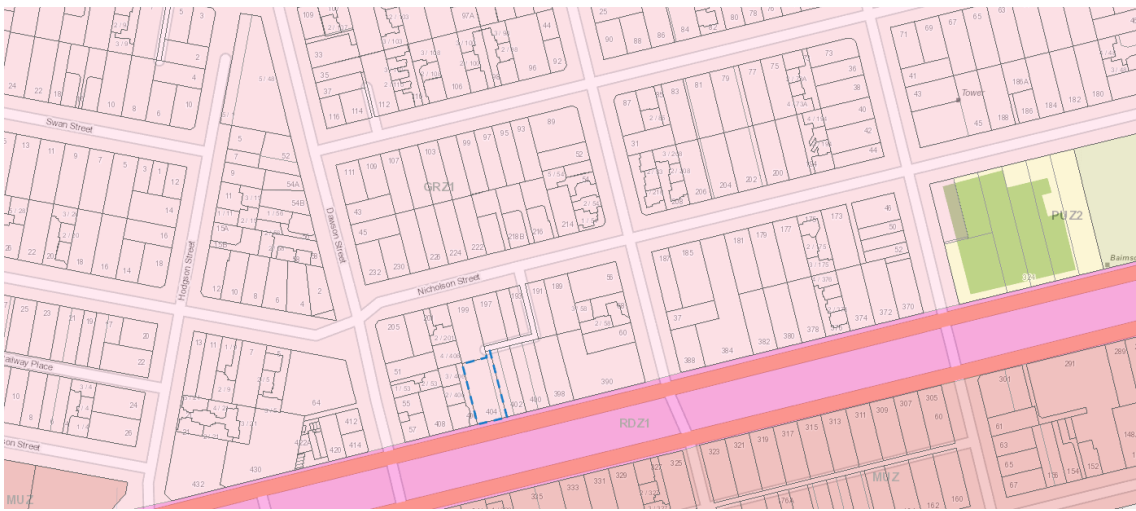


Figure 2 Housing Diversity Plan - Bairnsdale Growth Strategy, November (2009).

6. Planning Elements

6.1 General Residential Zone

The proposed two lot subdivision is considered to respond positively to the purpose of the General Residential Zone as it will provide opportunity for future infill development into an area which is serviced with a full range of reticulated services and zoned appropriately.



Zone mapping identifying the land zoned General Residential 1 Zone (Source VicPlan)

The proposed subdivision is considered to comply with the relevant provisions of Clause 56. The following table provides comment against the relevant standards and objectives of Clause 56 for a two lot subdivision.

Objective	Comment
56.03-5 Neighbourhood Character	<p>Complies</p> <p>The proposal is in keeping with the neighbourhood character.</p> <p>The neighbourhood character in this part of Bairnsdale is not consistent. The character of the area is evolving with the introduction of medium density development within this well serviced location consistent with current state and local planning policy and Bairnsdale Growth Strategy, November (2009).</p> <p>The proposed subdivision is a considered proposal to make the best use of the land for residential development.</p> <p>The character of the area will be maintained with significant setbacks from neighbouring dwellings given the vehicle access driveways, laneway and outbuildings in backyards providing relief from any future built form.</p>

56.04-2 Lot area and building envelopes	Complies <p>Proposed lot 2 has the ability to contain a 10m by 15m rectangle.</p> <p>It is noted that the western neighbour's common driveway and northern neighbour's significant outbuildings in the backyard will allow some future dwelling design to provide for boundary walls that will assist a new dwelling to be constructed on the vacant lot.</p> <p>The subdivision layout to create a vacant lot enables appropriate solar access to be obtained, private open space can be provided and safe vehicle movements have been facilitated by the proposed common property.</p> <p>Lot 1 to contain the existing dwelling provides for appropriate private open space and respects the orientation of the existing dwelling and open space to achieve appropriate solar access.</p>
56.04-3 Solar orientation of lots	Complies <p>The subject land allows the opportunity for the future dwelling and private open space to take advantage of the solar orientation. The existing dwelling and associated private open space capture good solar access.</p>
56.04-5 Common Areas	Complies <p>The proposed Common Area is to facilitate access to both lots and provides for turning areas so that vehicles can egress the property in a forward's direction. The proposed common boundary is already constructed in concrete and will be low maintenance.</p>
56.06-8 Lot access	Complies <p>The proposed common property provides safe, convenient, and practical access. It will facilitate turning areas allowing vehicles to exit the site in a forward's direction. Access from the rear laneway is not practical.</p>
56.07-1 Drinking water supply	Complies <p>Reticulated water is provided to the subject land and will be connected to both allotments as part of the subdivision.</p>
56.07-2 Reused and recycled water	N/A <p>At this time East Gippsland Water the Water Authority has no requirements to connect to reused and recycled water.</p>
56.07-3 Wastewater management	Complies <p>Reticulated sewer is already established within the precinct. Both proposed allotments will be connected to sewer as part of the subdivision consistent with Standard C24.</p>
56.07-4 Urban run-off management	Complies <p>Drainage will be dealt with to the satisfaction of the Responsible Authority.</p>

56.08-1 Site management	Complies The site will be managed to the satisfaction of the Responsible Authority.
56.09-1 Shared trenching	Complies Shared trenching for service connection will be achieved.
56.09-2 Electricity, telecommunications and gas	Complies The proposal will make good use of a full range of existing services as available within the precinct. Both proposed allotments will be connected to reticulated power, water, sewer, gas and telecommunications.

Decision Guidelines

It is considered that the proposed subdivision satisfactorily addresses the decision guidelines.

- The proposed two lot subdivision provides opportunity for infill residential opportunities into the precinct which is capable of sustaining further residential style development and is zoned appropriately.
- The subdivision will make good use of existing services and the site is already connected to a full range of reticulated services as available within the precinct.
- The site is appropriately located being within an existing well established residential precinct which is within a walkable distance of recreational, retail and educational facilities.
- There will be no adverse environmental issues arising from this subdivision.
- There are no new roads proposed as part of the subdivision.
- The proposed subdivision has been designed in a site-specific manner to respect the changing character of the area (as sought by State and local planning policy).

Garden Area

A requirement of the planning scheme requires at least 25 percent of a lot to be set aside as garden area for lots ranging between 400 – 500 square metres and 30 percent garden area for lots between 500 – 650 square metres.

The proposed subdivision demonstrates that the garden area for each lot can be achieved.


6.2 Clause 52.29 Land Adjacent to a Road Zone Category 1

A planning permit is required to subdivide land adjacent to a Road Zone, Category 1. However, pursuant to Clause 52.29-3 a permit is not required to subdivide land into two lots, provided no new access is required.

7. Conclusion

The proposed two lot subdivision at 404 Main Street, Bairnsdale is considered to accord with all relevant provisions of the General Residential Zone and Clause 56 Residential Subdivision of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.



MICHAEL SADLER
Managing Director

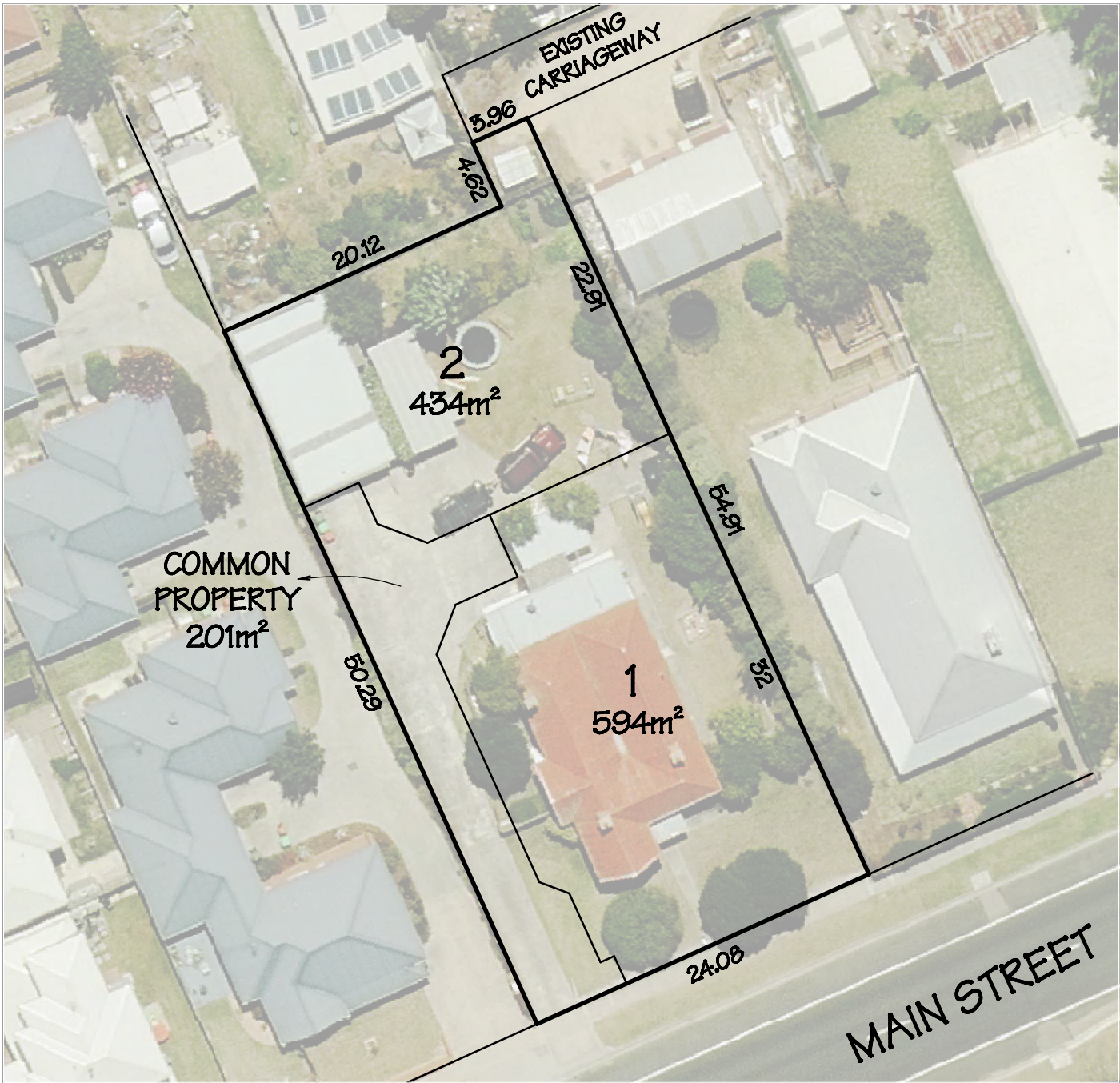
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APPROX. TRUE NORTH

PROPOSED SUBDIVISION

PARISH OF BAIRNSDALE
TOWNSHIP OF BAIRNSDALE
SECTION 39
CROWN ALLOTMENTS 4 & 5 (PARTS)

LOTS 1 & 2 ON TP326283E



SHANE ANDERSON
404 MAIN STREET, BAIRNSDALE

Crowther & Sadler Pty.Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
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P. (03) 5152 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\19000-19999\19600-19699\19687 Anderson\19687 Prop V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 400

SURVEYORS REF.

19687

VERSION 1 - DRAWN 28/04/2021