

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	86-100A Crooke Street EAST BAIRNSDALE VIC 3875 Lot: 1 PS: 932948
The application is for a permit to:	Two Lot Subdivision
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.08-2 (GRZ1)	Subdivide land
The applicant for the permit is:	Development Solutions Victoria Pty Ltd
The application reference number is:	5.2026.299.1

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: Thursday, 3 September 2026 3:07 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: APPENDIX B Site Context & Proposed Subdivision Plan.pdf; APPENDIX A Plan of Subdivision.PDF; APPENDIX B Proposed Subdivision Plan.pdf; Letter to Council.pdf; 26057 Planning Submission.pdf; APPENDIX A Copy of Title.PDF; APPENDIX A Instrument BA145948Q.PDF; Planning_Permit_Application_2026-09-03T15-06-53_36789143_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

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

Street number: 86-100A

Street name: Crooke Street

Town: East Bairnsdale

Post code: 3875

Lot number: 1

Plan number: 932948J

Other Legal Description: VOL 12681 FOL 961

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 : Two Lot Subdivision

Estimated cost of development: 0

Has there been a pre-application meeting: No

Your reference number: 26057

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

Covenants agreements: [APPENDIX A Instrument BA145948Q.PDF](#)

Plans: [APPENDIX B Site Context & Proposed Subdivision Plan.pdf](#), [APPENDIX B Proposed Subdivision Plan.pdf](#)

Planning report: [26057 Planning Submission.pdf](#)

ExtraFile: 1

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

Invoice Payer: Development Solutions Victoria

Address for Invoice: 48 Bailey Street, Bairnsdale

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

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

Page 1 of 2

VOLUME 12681 FOLIO 961

Security no : 124138155502E
Produced 01/09/2026 04:07 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 932948J.
PARENT TITLE Volume 12022 Folio 698
Created by instrument PS932948J 07/07/2026

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS932948J 07/07/2026

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
BA145948Q 23/02/2026

DIAGRAM LOCATION

SEE PS932948J FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	PLAN OF SUBDIVISION	STATUS	DATE
PS932948J (B)		Registered	07/07/2026

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

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

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

Page 2 of 2

Street Address: 86-100A CROOKE STREET EAST BAIRNSDALE VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control 14943M WARDS BARRISTERS AND SOLICITORS PTY LTD
Effective from 07/07/2026

DOCUMENT END

Imaged Document Cover Sheet

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Document Type	Plan
Document Identification	PS932948J
Number of Pages (excluding this cover sheet)	4
Document Assembled	01/09/2026 16:07

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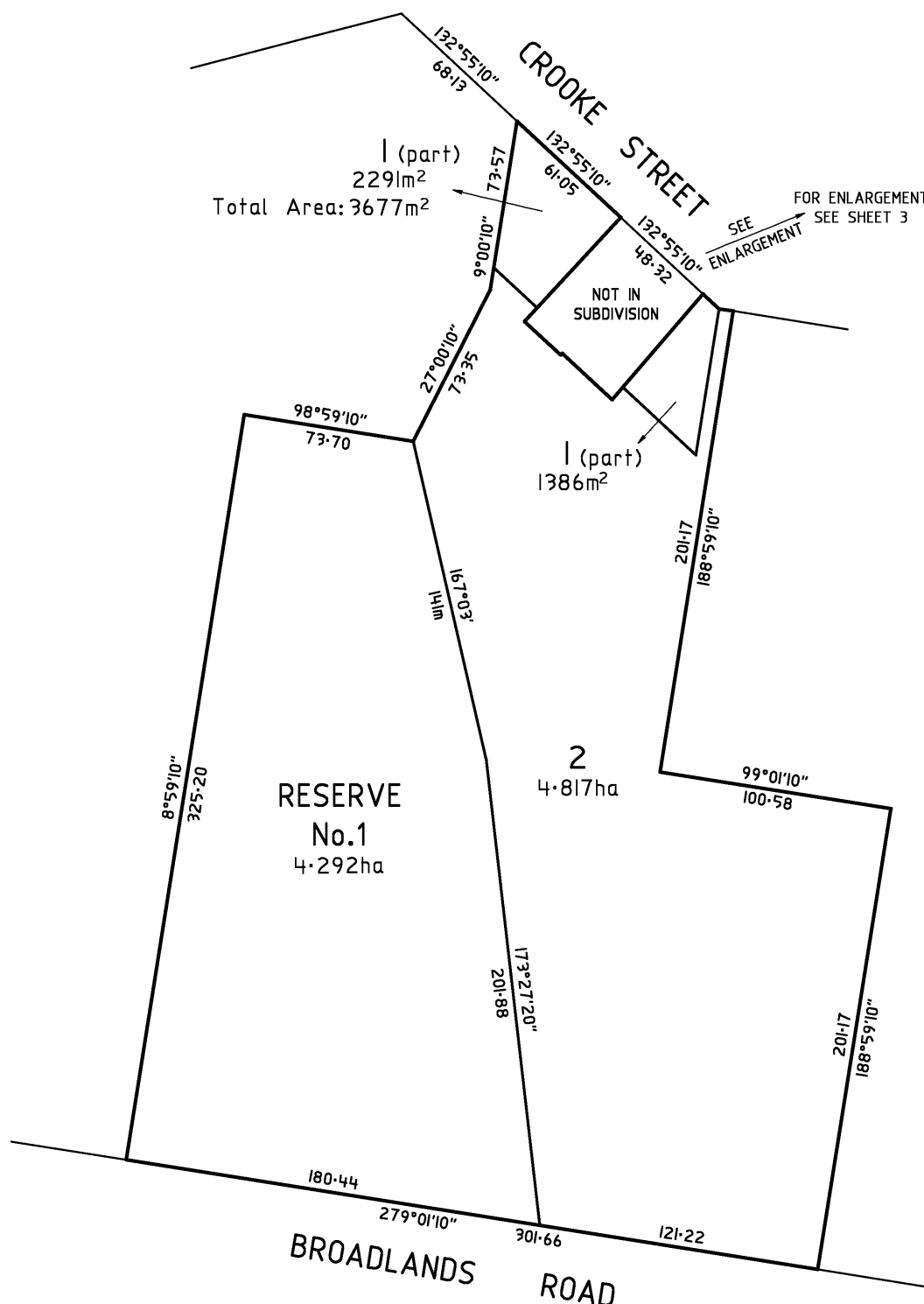
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PLAN OF SUBDIVISION				
LOCATION OF LAND				
PARISH: WY YUNG				
TOWNSHIP: LUCKNOW				
SECTION: -				
CROWN ALLOTMENT: -				
CROWN PORTION: CROWN PRE-EMPTIVE SECTION A (PART)				
TITLE REFERENCE: Vol 12022 Fol 698				
LAST PLAN REFERENCE: Lot 2 on PS808326Q				
POSTAL ADDRESS: 86 CROOKE STREET (at time of subdivision) EAST BAIRNSDALE, 3875				
MGA2020 Co-ordinates (of approx. centre of land in plan) E 557 440 ZONE 55 N 5812 560				
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON			
Reserve No.1	East Gippsland Shire			
NOTATIONS				
DEPTH LIMITATION: Does not apply.				
SURVEY: This plan is/is not based on survey.				
STAGING: This is/is not a staged subdivision. Planning Permit No. 5.2024.38.2				
This survey has been connected to permanent marks No(s). 64 & 65 & Broadlands 23				
In Proclaimed Survey Area No. 19				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
Nil.				
OnePlan LAND DEVELOPMENT GROUP LICENSED LAND SURVEYORS P:1300 853 157 M:0400 543 157 sks@oneplangroup.com.au www.oneplangroup.com.au GIPPSLAND - MELBOURNE			SURVEYORS FILE REF: 232413 PS-I	
Digitally signed by: Scott Charles Kimm, Licensed Surveyor, Surveyor's Plan Version (2), 19/03/2026, SPEAR Ref: S249398J			ORIGINAL SHEET SIZE: A3	
Land Services Victoria Plan Registered 02:05 PM 07/07/2026 Assistant Registrar of Titles			SHEET 1 OF 4 SHEETS	

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PS 932948J

MGA2020 ZONE 55



FOR ENLARGEMENT SEE SHEET 3

OnePlan
LAND DEVELOPMENT GROUP
LICENSED LAND SURVEYORS

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

SCALE
1:2000

20 0 20 40 60 80
LENGTHS ARE IN METRES

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Surveyor's Plan Version (2),
19/03/2026, SPEAR Ref: S249398J

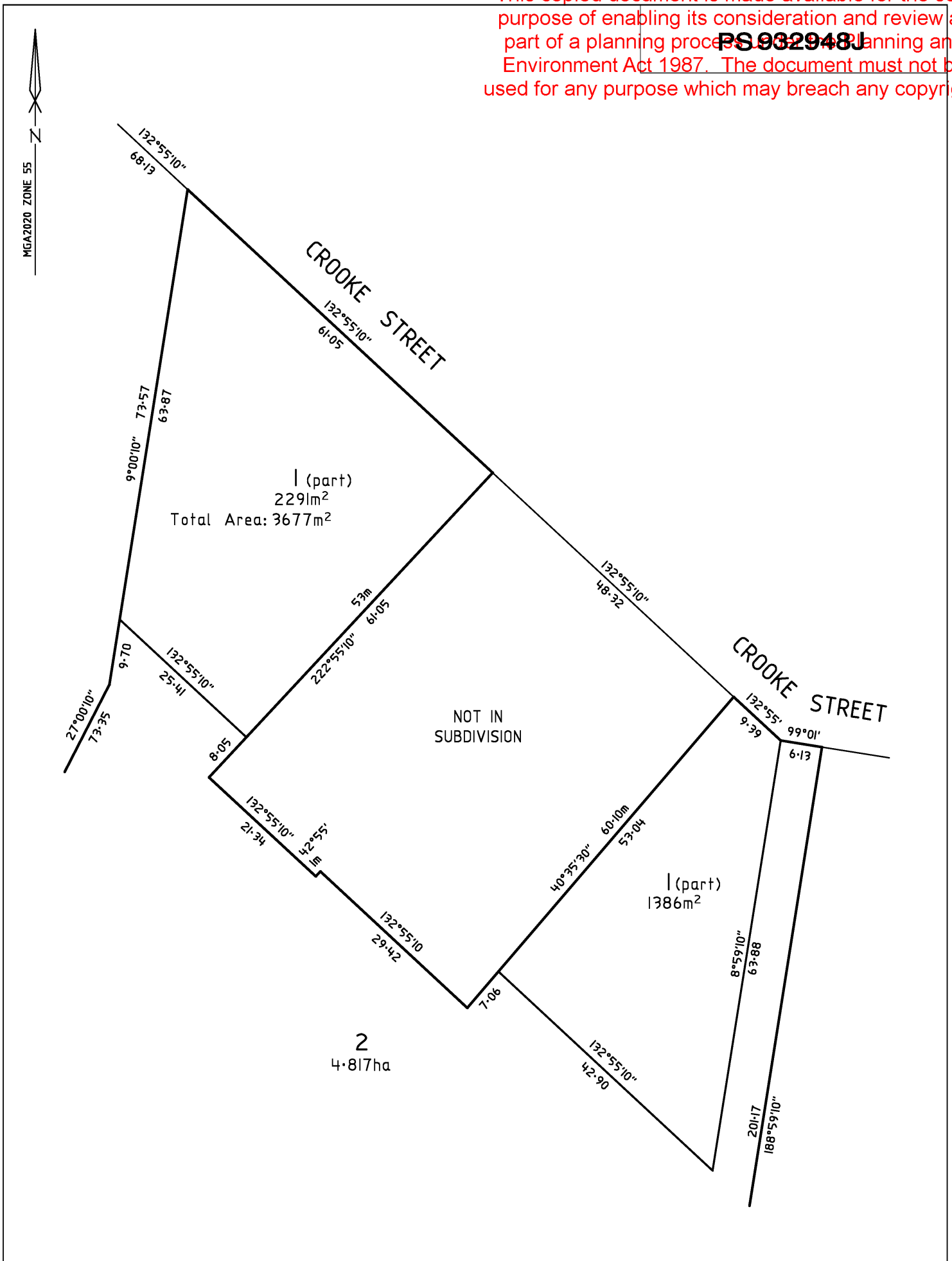
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SIZE: A3

SHEET 2

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PS 932948J



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SCALE
1:500

5 0 5 10 15 20
LENGTHS ARE IN METRES

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SHEET 3

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02/06/2026,
SPEAR Ref: S249398J

Printed 24/09/2026

PS 932948J

SUBDIVISION ACT 1988

CREATION OF RESTRICTION

Upon registration of this plan the following restriction is to be created.

Land to benefit: Lot 2 on this plan

Land to be burdened: Lot 1 on this plan

Description of Restriction:

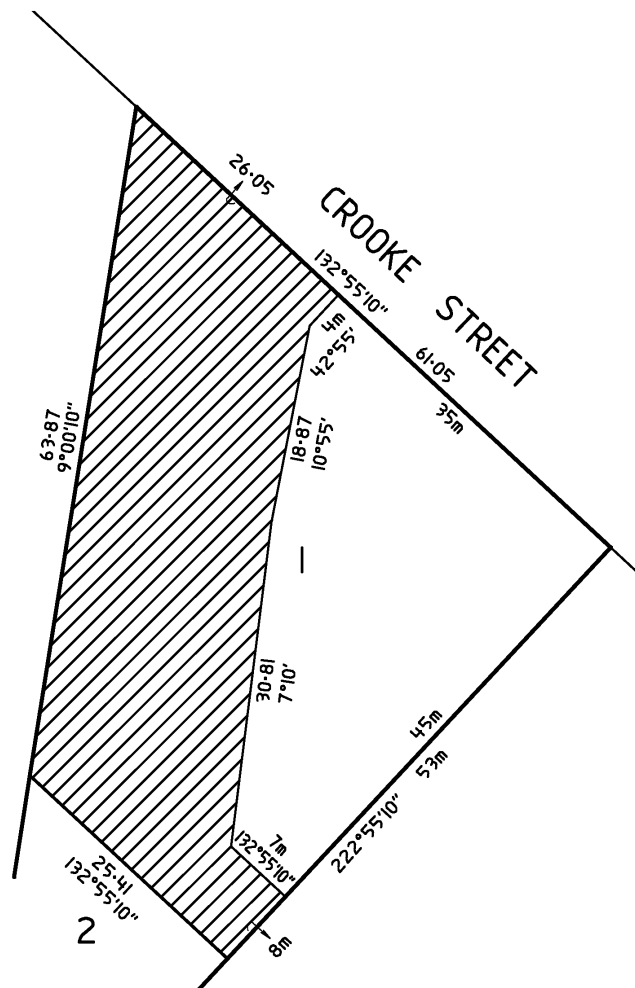
The registered proprietors of the burdened land covenant with the registered proprietors of the benefited land as set out in the restriction with the intent that the burden of the restriction runs with and binds the burdened land and the benefit of the restriction is annexed to and runs with the benefited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

Expiry Date: Not Applicable

The registered proprietor or proprietors for the time being of the burdened lots on this plan of subdivision shall not:

1. Have built, constructed or erected any habitable building with wastewater facilities inside the area shown hatched unless the written consent of the East Gippsland Region Water Corporation is obtained.
2. Have built, constructed or erected any habitable building with wastewater facilities with a finished floor level lower than RL 6.50 AHD outside of the area shown hatched for the part of Lot 1 shown below unless the written consent of the East Gippsland Region Water Corporation is obtained.

Reduced Levels (RL) are to the Australian Height Datum (AHD) vide Wy Yung PM 65 - RL 6.105 AHD recorded on 25/10/2023.



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SCALE
1:500

5 0 5 10 15 20
LENGTHS ARE IN METRES

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SHEET 4

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Department of Transport and Planning

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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.

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Status	Registered	Dealing Number	BA145948Q
Date and Time Lodged	23/02/2026 01:55:01 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

12022/698

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 Transport and 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	BEAU JESSE SUMMERS
Signer Organisation	STEFANIE DONNA SUMMERS
Signer Role	CONVEYANCING PRACTICE
Execution Date	23 FEBRUARY 2026

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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Planology
Town Planning Law

Agreement under section 173 of the Planning and Environment Act 1987

86 Crooke Street, East Bairnsdale

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Information Table

Date of Agreement: 16/2/2026

Parties

Name	East Gippsland Shire Council
Short form name	Council
Notice details	273 Main Street, Bairnsdale, Victoria
Name	Jan Maree Cornall
Short form name	Owner
Notice details	80 Bouchers Road, Clifton Creek, Victoria
Name	Gary Kevin Cornall
Short form name	Owner
Notice details	80 Bouchers Road, Clifton Creek, Victoria
Name	Kerry Louise Nelson
Short form name	Owner
Notice details	285 Broadlands Road, East Bairnsdale, Victoria
Name	Colin John Nelson
Short form name	Owner
Notice details	285 Broadlands Road, East Bairnsdale, Victoria
Name	Dennis John Tice
Short form name	Owner
Notice details	195 O'Dohertys Road, Calulu, Victoria
Name	Dianne Michelle Tice
Short form name	Owner
Notice details	195 O'Dohertys Road, Calulu, 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, creation of an easement and creation of a lot smaller than specified in the Planning Scheme. This Agreement is to give effect to condition 4 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.

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

Lot 2 means lot 2 on the Endorsed Plan.

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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. 5.2024.38, issued by Council on 3 January 2025, as amended from time to time.

Planning Scheme means the East Gippsland Planning Scheme.

Subject Land means the land situated at 86 Crooke Street, East Bairnsdale being the land contained in certificate of title volume 12022 folio 698 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 of Agreement

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, regardless of any rights conferred by the Planning Scheme, Lot 2 must not be subdivided to create an additional Lot.

6. Owner's further obligations

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

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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 of 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 will 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; or
- 10.1.4 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;
or
- 10.2.3 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.

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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.

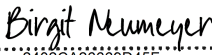
11. Commencement of Agreement

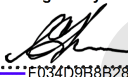
This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.

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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.

SIGNED BY EAST GIPPSLAND SHIRE COUNCIL by its authorised officer in the presence of

Signed by:

.....
Signature of witness
Birgit Neumeyer
.....
Print name of witness

Signed by:

.....
Signature of authorised officer
Name: Chris Stephenson
Authority: General Manager Place and Community

By witnessing this Agreement, the above witness confirms that either:

- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the *Electronic Transactions (Victoria) Act 2000* have been met.

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Signed Sealed and Delivered by Jan Maree
Cornall in the presence of:

) Jan M. Cornall
Jan Maree Cornall

Ka

Witness

Print Name: Kayla Stephenson

By witnessing this Agreement, the above witness confirms that either:

- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

Signed Sealed and Delivered by Gary Kevin
Cornall in the presence of:

) Gary Cornall
Gary Kevin Cornall

Ka

Witness

Print Name: Kayla Stephenson

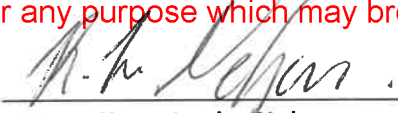
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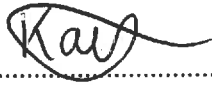
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Signed Sealed and Delivered by Kerry Louise Nelson in the presence of:

)
)


Kerry Louise Nelson



Witness

Print Name: Kayla Stephenson

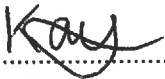
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- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

Signed Sealed and Delivered by Colin John Nelson in the presence of:

)
)


Colin John Nelson



Witness

Print Name: Kayla Stephenson

By witnessing this Agreement, the above witness confirms that either:

- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

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Signed Sealed and Delivered by Dennis John
Tice in the presence of:

)
)



Dennis John Tice



Witness

Print Name: **Kayla Stephenson**

By witnessing this Agreement, the above witness confirms that either:

- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

Signed Sealed and Delivered by Dianne Michelle
Tice in the presence of:

)
)



Dianne Michelle Tice



Witness

Print Name: **Kayla Stephenson**

By witnessing this Agreement, the above witness confirms that either:

- this Agreement was signed physically in their presence; or
- where this Agreement was witnessed via audio-visual link, the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000 have been met.

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APPLICATION FOR PLANNING PERMIT

TWO LOT SUBDIVISION

86-100A CROOKE STREET, EAST BAIRNSDALE

REF: 26057

CONTENTS

1	Introduction	4
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3	The Proposal	13
4	Zones and Overlays	14
5	Other Planning Provisions	15
6	Clause 56	17
7	Planning Assessment	20
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APPENDIX

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

DOCUMENT REVISION

- | | | | |
|---|--------------------|-----|------------|
| 1 | Initial Assessment | TW | 01/09/2026 |
| 2 | Draft Report | KAS | 02/09/2026 |
| 3 | Final Report | CMC | 02/09/2026 |

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1. INTRODUCTION

Development Solutions Victoria Pty Ltd act on behalf of the applicant for the planning permit application for a Two Lot Subdivision at 86-100A Crooke Street, East Bairnsdale.

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

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

Address	86-100A Crooke Street, East Bairnsdale
Site Description	Lot 1 on Plan of Subdivision 932948J
Title Particulars	Vol 12681 Fol 961
Site Area	3,677m ²
Proposal	Two Lot Subdivision
Planning Scheme	East Gippsland Planning Scheme
Zone	General Residential Zone – Schedule 1
Overlays	None applicable
Bushfire Prone Area	Is identified as a Bushfire Prone Area
Aboriginal Cultural Heritage	Not identified as an area of Cultural Heritage Sensitivity
Permit Triggers	Clause 32.08-3 General Residential Zone Subdivision
Notice	No exemption available
Referrals	None applicable
Work Authority Licence	Not applicable
Planning Scheme requirements	Municipal Planning Strategy – Clause 02 Settlement - Towns – Clause 02.03-1 Environmental and landscape values – Clause 02.03-2 Environmental risks and amenity – Clause 02.03-3 Settlement – Clause 11 Housing – Clause 16 General Residential Zone – Clause 32.08 Decision guidelines – Clause 56 Bushfire Planning – Clause 53.02 Decision guidelines – Clause 65.01 Decision guidelines – Clause 65.02

2. SITE CONTEXT

Site

The subject site is located at 86-100A Crooke Street, East Bairnsdale. A copy of the Title and Plan of Subdivision is contained in **Appendix A**. The title is affected by agreement BAI45948Q and covenant PS932948J.

BAI45948Q

The agreement relates to the other lot within the subdivision and does not apply to Lot 1. As the subject site is Lot 1, the requirements and restrictions contained within the agreement do not affect the proposed subdivision of the site.

PS932948J

The registered restriction burdens Lot 1 and benefits Lot 2. The restriction relates to the provision of wastewater facilities and habitable buildings within the hatched area identified on the plan.

In particular, the restriction requires written consent from the East Gippsland Region Water Corporation for any habitable building with wastewater facilities proposed within the hatched area. It also restricts habitable buildings with wastewater facilities within the identified part of Lot 1 where the finished floor level is below RL 6.50 AHD, unless written

consent is obtained from the East Gippsland Region Water Corporation.

The restriction will not affect the proposed subdivision of the land. Furthermore, sufficient unconstrained area remains within Lot 1 to allow for the future development of a dwelling, subject to the relevant planning and building requirements and compliance with the restriction.

The subject site comprises one allotment consisting of two separate parts, with one part measuring approximately 2,291m² and the other measuring approximately 1,386m², providing a total area of 3,677m². Both parts of the allotment are currently vacant and predominantly cleared.

The western part of the allotment slopes towards the west, while the eastern part is relatively flat. The site contains no significant vegetation and is currently used for the grazing of cattle.

Access to the subject site is provided via existing bitumen crossovers along the northern boundary from Crooke Street. The crossover providing access to the eastern part of the allotment is shared, while the crossover serving the western part is an individual crossover.

Crooke Street traverses the locality in a northwest to southeast direction and is a sealed bitumen road with grassed shoulders in this location. Crooke Street also contains a pedestrian footpath along the northern side of the road.

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



Figure 1 – Locality Plan – 86-100A Crooke Street, East Bairnsdale (source: mapshare.vic.gov.au)



Figure 2 – Locality Plan – 86-100A Crooke Street, East Bairnsdale (source: mapshare.vic.gov.au)

Surrounds

The land surrounding the site comprises a combination of residential development and farming land.

Adjoining the northern boundary of the subject site is Crooke Street and further residential development, adjoining the eastern and western boundaries is a combination of residential development and farming land and adjoining the southern boundary is vacant farming land.

The subject site is located in East Bairnsdale, approximately 2.9 kilometres southeast of the central business district of Bairnsdale.

Bairnsdale is located on the Mitchell River and is built around the Princes Highway. The Princes Highway through the main centre of Bairnsdale is a large boulevard featuring trees, garden areas, a rotunda and many other public amenities. The Princes Highway extends through to Lakes Entrance and beyond.

Bairnsdale is the main commercial centre for East Gippsland.

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



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Photograph 1 – Aerial Photograph of the subject site and surrounding land
– 86-100A Crooke Street, East Bairnsdale (source: Landchecker.com.au)
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Photograph 2 – Subject site at 86 Crooke Street, East Bairnsdale.



Photograph 4 – Proposed Lot 2 facing south.



Photograph 6 – Proposed Lot 2 facing southwest.



Photograph 3 – Existing access to proposed Lot 2.



Photograph 5 – Proposed Lot 2 facing northeast.



Photograph 7 – Proposed Lot 1 facing southwest.



Photograph 8 – Proposed Lot 1 facing northeast.



Photograph 10 – Proposed Lot 1 facing west.



Photograph 12 – Neighbouring property adjoining the western boundary of proposed Lot 2 at 100 Crooke Street, East Bairnsdale.



Photograph 9 – Proposed Lot 1 facing northwest.



Photograph 11 – Neighbouring property adjoining the eastern boundary of proposed Lot 2 at 102 Crooke Street, East Bairnsdale.



Photograph 13 – Neighbouring property adjoining the eastern boundary of proposed Lot 1 at 98 Crooke Street, East Bairnsdale.



Photograph 14 – Neighbouring properties opposite proposed Lot 2 at 93 and 91 Crooke Street, East Bairnsdale.



Photograph 16 – Neighbouring property adjoining proposed Lot 1 to the west at 76 Crooke Street, East Bairnsdale being a retarding basin.



Photograph 18 – Crooke Street facing west at proposed Lot 2 location.



Photograph 15 – Neighbouring properties opposite proposed Lot 1 at 83 and 85 Crooke Street, East Bairnsdale.



Photograph 17 – Crooke Street facing east at proposed Lot 2 location.



Photograph 19 – Crooke Street facing east at proposed Lot 1 location.



Photograph 20 – Crooke Street facing west at proposed Lot 1 location.

3. THE PROPOSAL

This application seeks approval for the subdivision of the land into two lots. A proposed plan of subdivision is provided in **Appendix B**.

Lot 1

The proposed Lot 1 will be irregular in shape and will be approximately 2,291m² in area. This lot comprises the western portion of the site and will be vacant residential land. Access to this allotment is existing via a bitumen crossover along the northeastern boundary directly from Crooke Street.

Lot 2

The proposed Lot 2 will be irregular in shape and will be approximately 1,386m². This lot will comprise the eastern portion of the site and will be vacant residential land. Access to this proposed allotment is existing directly from Crooke Street along the northern boundary via a shared bitumen crossover which will remain unchanged.

Services

As part of the previous subdivision on Planning Permit 5.2024.38.1, services have been connected to both proposed lots including reticulated water, sewerage, electricity,

telecommunications and drainage. All lots will have access to a suitable road network.

Excavation and earthworks works may be required for the provision of services.

The proposal does not require the removal of any vegetation.

It is requested that formal drainage plans be a requirement on any planning permit to be granted.

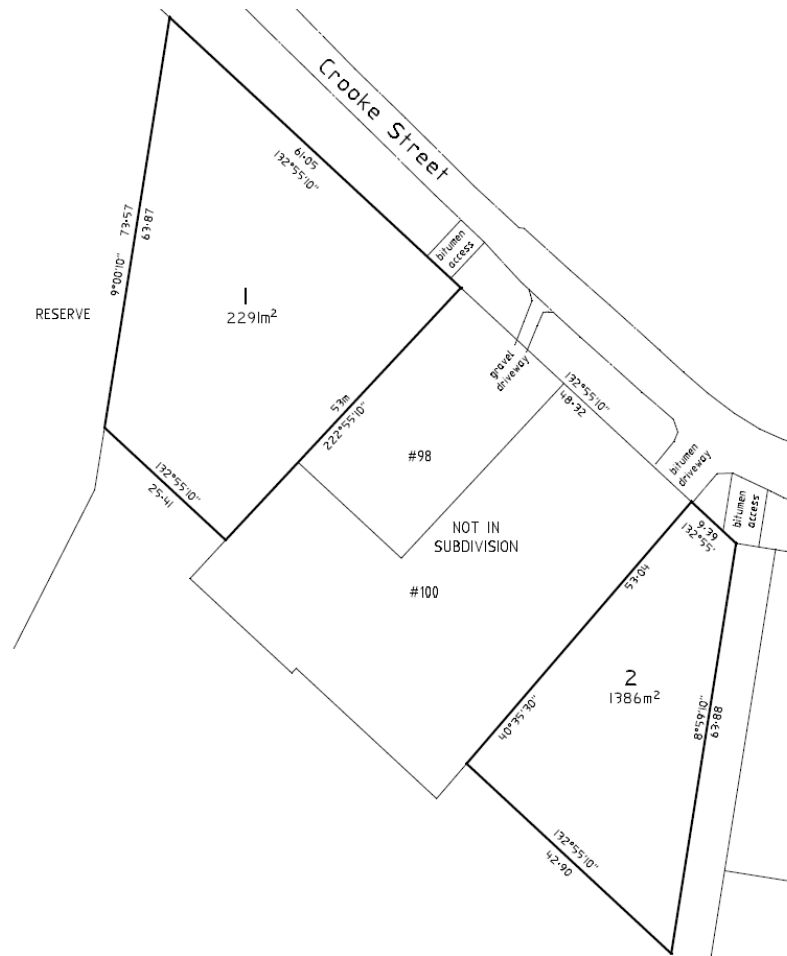


Figure 3 – Proposed Plan of Subdivision – One Plan Land Development Group

4. ZONES

General Residential Zone – Schedule 1

The purpose of the General Residential Zone is:

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

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

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

The applicable standards of Clause 56 are addressed in Section 6.

The relevant decision guidelines of Clause 32.08-14 of the General Residential Zone and

Clause 65 are addressed below in Section 7 of this submission.

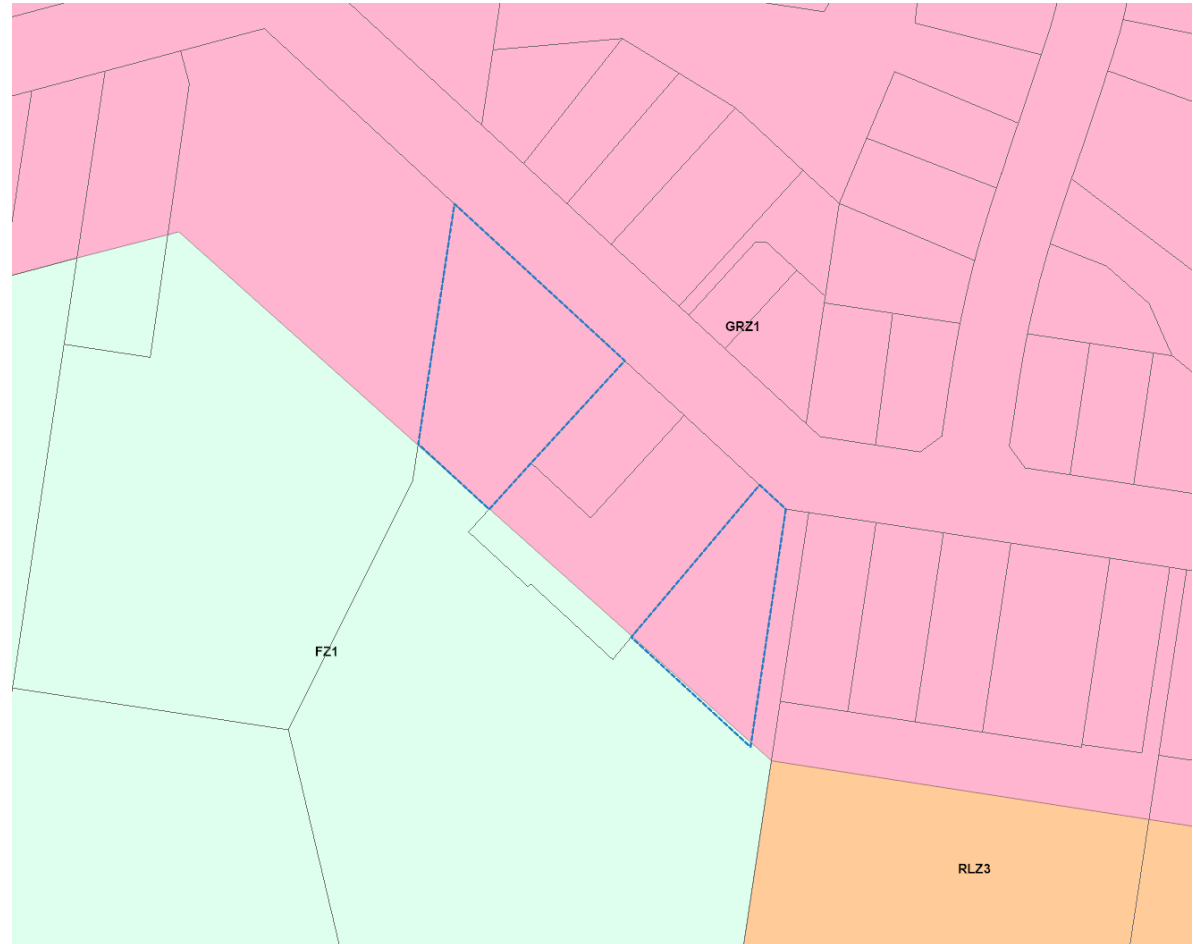


Figure 4 – Zoning Map – (source - mapshare.vic.gov.au)

5. OTHER PLANNING PROVISIONS

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 as such a Cultural Heritage Management Plan is not required.

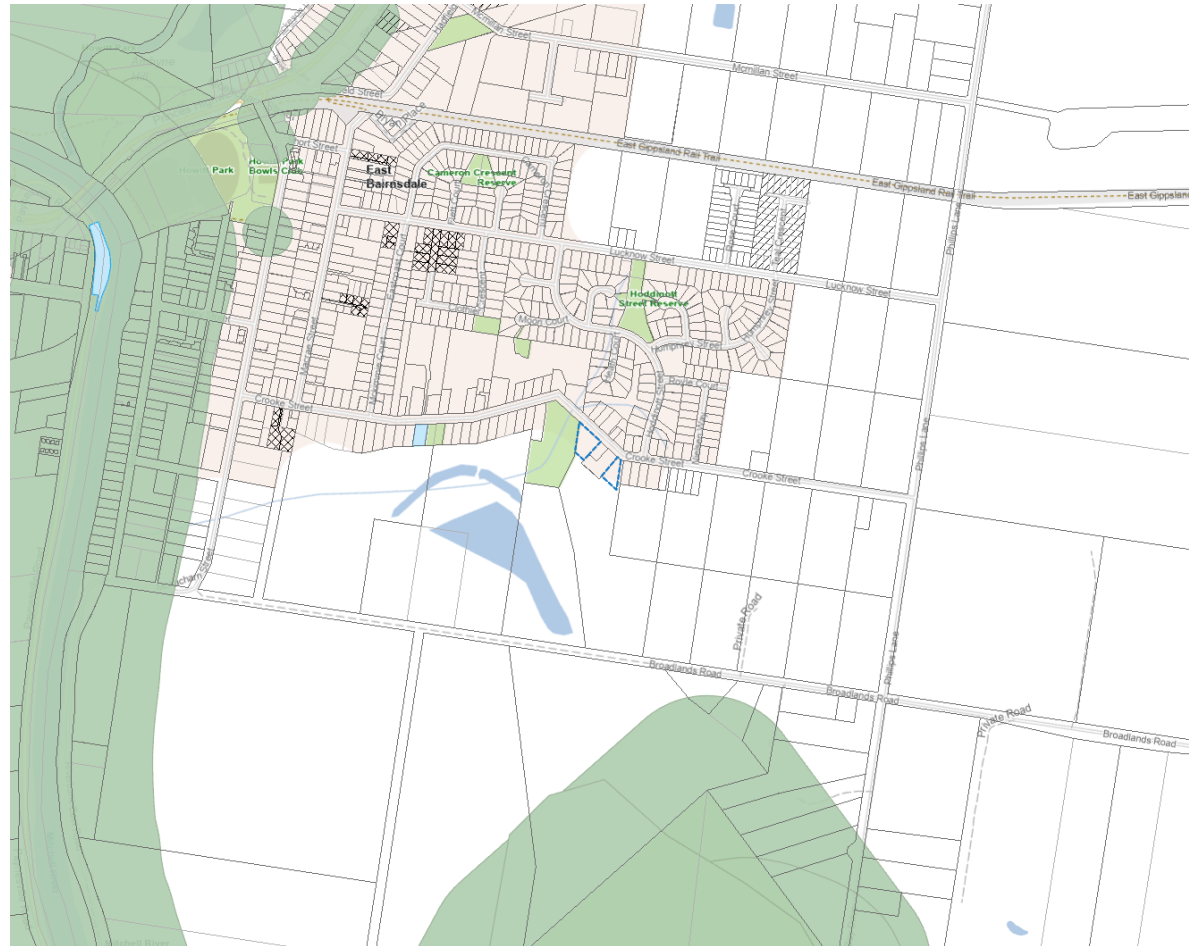


Figure 5 – Aboriginal Cultural Heritage Sensitivity Area Map - (source - mapshare.vic.gov.au)

Bushfire Planning

Under the provisions of Clause 53.02 Bushfire Planning the subject site is partly recognised as being within a designated Bushfire Prone Area.

The purpose of Bushfire Planning is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.*
- *To ensure that the location, design and construction of development appropriately responds to the bushfire hazard.*
- *To ensure development is only permitted where the risk to life, property and community infrastructure from bushfire can be reduced to an acceptable level.*
- *To specify location, design and construction measures for a single dwelling that reduces the bushfire risk to life and property to an acceptable level.*

An extract of the Bushfire Prone Area Map is provided in **Figure 6**.

Clause 53.02-1 provides the subject site is required to address Clause 53.02-6 as the subject site is not identified as being within the Bushfire Management Overlay. The relevant

decision guidelines are addressed in Section 7 of this submission.

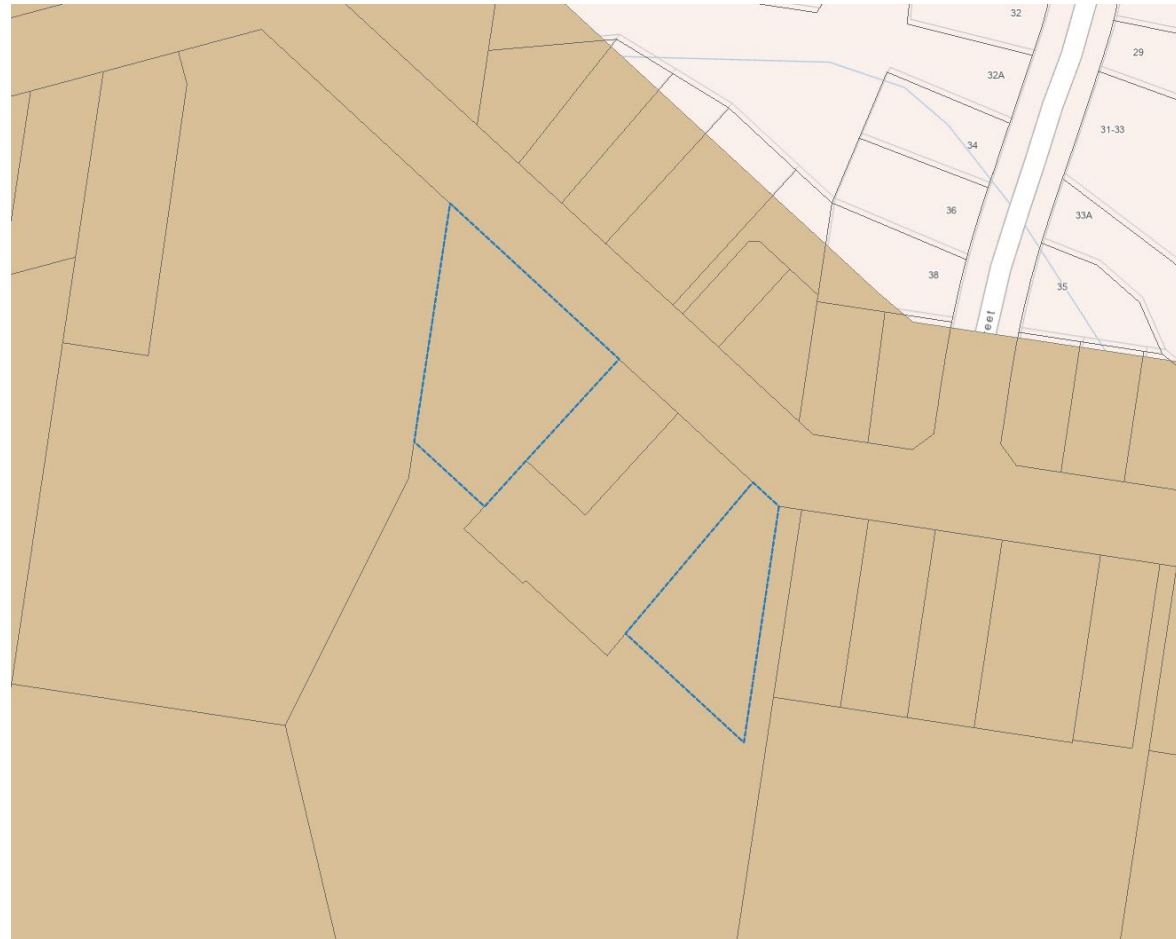


Figure 6 – Bushfire Prone Area Map – (source - mapshare.vic.gov.au)

6. CLAUSE 56 REQUIREMENTS

Clause 56 of the East Gippsland Planning Scheme provides an application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the requirements included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.

Class of subdivision	Objectives and standards to be met
2 lots	Clauses 56.03-5 (only if the land is in the Neighbourhood Character Overlay), 56.04-2, 56.04-5, 56.06-8 and 56.07-4.

The table below addresses the relevant objectives and standards as outlined in the table above.

Clause 56.04-2 Lot area and building envelopes objective:	To provide lots with areas and dimensions that enable the appropriate siting and construction of a dwelling, solar access, private open space, vehicle access and parking, water management, easements and the retention of significant vegetation and site features.
Response:	This application seeks approval for the creation of two allotments, each well in excess of 300m² lot area. Proposed Lot 1 will be 2,291m² and proposed Lot 2 will be 1,386m². Both lots will be vacant, with no dwelling on either allotment. The proposed lots are of a size and configuration considered more than adequate to accommodate future residential development while respecting the pattern of surrounding lots along Crooke Street. As this application is for subdivision only, no development plans have been submitted for a dwelling on either lot at this stage. The proposal meets the objectives and standards of this clause.

Clause 56.04-5 Common area objectives	To identify common areas and the purpose for which the area is commonly held. To ensure the provision of common area is appropriate and that necessary management arrangements are in place. To maintain direct public access throughout the neighbourhood street network.
Response:	The proposal does not include any common property area. This clause is not relevant to the proposal.
Clause 56.06-8 Lot access objective:	To provide for safe vehicles access between roads and lots.
Response:	Proposed Lot 1 will retain its own existing direct access to Crooke Street, independent of the adjoining allotment. Proposed Lot 2 will continue to be served by the existing shared driveway. No new crossovers or access works are proposed as part of the subdivision. Each lot will therefore retain a serviceable and established connection to Crooke Street. Given the existing pattern of shared and battle-axe style access arrangements in the immediate vicinity, the proposed access arrangements are considered safe, functional and consistent with the existing character of the surrounding area. The proposal meets the objectives and standards of this clause.
Clause 56.07-4 Stormwater management objectives	To minimise damage to properties and inconvenience to residents from stormwater. To ensure that the street operates adequately during major storm events and provides for public safety. To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater. To encourage stormwater management that maximises the retention and reuse of stormwater. To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.
Response:	Site runoff will be directed to a legal point of discharge to the satisfaction of the responsible authority. It is requested that a formal drainage and stormwater plan be a requirement on any planning permit to be granted. Given the existing drainage infrastructure in the immediate area, it is deemed likely that each lot can be adequately drained without impact to surrounding drainage network.

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Additional drainage requirements will be required to be addressed at building permit stage for any future residential dwelling on the land.

The proposal meets the objectives and standards of this clause.

7. PLANNING ASSESSMENT

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

- The proposal meets the objectives of the Municipal Planning Strategy at **Clause 02**, providing two vacant parcels of land suitable for future residential development that can respect the existing surrounding development and environmental characteristics of the area.
- The proposal will contribute to a high standard of environmental sustainability, urban design and amenity by designing the subdivision having regard to the constraints of the land and reducing potential environmental impacts, consistent with the relevant provisions of **Clauses 02.03** and **11**. The site contains some scattered planted vegetation along a fenceline, however no vegetation is required to be removed to facilitate the proposed subdivision.
- The proposed subdivision will result in two vacant allotments that can adequately accommodate future residential dwellings.
- The subject site is currently connected to available services and the proposed vacant lots will be connected to existing infrastructure, including reticulated water, sewerage,

electricity, telecommunications and the existing road network.

- The proposal supports the objectives of **Clause 16** by creating two vacant allotments capable of accommodating future residential development and contributing to housing supply within an area with a suitable level of services and infrastructure. **Clause 16.01-25** recognises the need to ensure that land supply is sufficient to meet demand. The proposal will create two additional vacant residential lots within an established residential area of Bairnsdale.
- The proposal is consistent with the decision guidelines of **Clause 32.08-12**, including consideration of the neighbourhood character and the suitability of the proposed subdivision pattern, within the General Residential Zone.
- The proposed subdivision creates two vacant allotments suitable for future residential development that can be developed in keeping with the established neighbourhood character. The subdivision pattern within the surrounding area is varied, with lot sizes being between 363m² and 4.8 hectares.
- Proposed Lot 1 has its own existing direct access to Crooke Street. Proposed Lot 2 will utilise the existing shared crossover. No new crossovers or access works are proposed as part of the subdivision.

The proposed subdivision has addressed the relevant standards set out in **Clause 56**, as detailed in Section 6.

- The subject land is identified as being within a Bushfire Prone Area. The proposal has therefore been considered having regard to the bushfire risk affecting the site and surrounding area and the decision guidelines of **Clause 53.02-6**. The proposal is limited to the creation of two residential allotments within an established residential area and will not result in a substantial increase in the intensity of development or the number of people exposed to bushfire risk.
- The proposed subdivision has been designed having regard to the existing site conditions, surrounding development, access arrangements and bushfire hazard. Both proposed lots will have access to the existing road network via Crooke Street, providing a practical connection for residents and emergency vehicles. It is acknowledged that the site immediately adjoins farming land to the south, which could be considered an increased risk if the land is not suitably managed. At this time the land is managed and the grass is kept to an appropriate level reducing the fire risk. The size of the proposed residential lots enables suitable setbacks to ensure an appropriate BAL rating can be achieved.

-The proposed subdivision does not require the removal of native vegetation and retains the existing vegetation on the site. The future development of both proposed vacant allotments can be appropriately sited having regard to the bushfire hazard and applicable bushfire protection requirements.

- The proposed subdivision will not create an isolated or inaccessible allotment and the existing access arrangements provide a practical connection to the established road network.

-The availability of existing reticulated services and infrastructure will support the future development of both proposed lots without requiring substantial additional infrastructure through areas of bushfire risk. Having regard to the limited scale of the proposal, its location within an established residential area, the existing road and service infrastructure, the absence of vegetation removal and the ability for future development to appropriately respond to the bushfire hazard, the proposal is considered to appropriately respond to the decision guidelines of **Clause 53.02-6**.

-The proposal has been considered against the decision guidelines of **Clause 65.01** and supports the orderly planning of the area while taking into consideration the potential effects on the environment, human health and the amenity of the area. An existing restriction on

Title requires a minimum finished floor level on the affected part of proposed Lot 1, reflecting the servicing requirements of the gravity-fed sewer connection to the site. This existing mechanism appropriately manages that servicing constraint for any future dwelling, and the proposed subdivision itself does not alter or compromise its effectiveness. The proposal does not require the removal of native vegetation and is not expected to have an unreasonable impact on the existing road network.

-The site is not identified as being susceptible to natural hazards other than its identification as a Bushfire Prone Area, which has been considered above. Appropriate erosion and sediment control measures will be implemented during the provision of services to the proposed lots. There are no aspects of the proposal that are likely to cause or contribute to land degradation, salinity or a reduction in water quality.

-The proposal has also been considered against the decision guidelines of **Clause 65.02** and is considered suitable in this location. The vacant lots being created are capable of accommodating future residential dwellings and will contribute to additional housing supply within the established residential area.

-The subject site is currently connected to available services and the proposed vacant lots

will be connected to these services. The additional lots are not expected to exceed the capacity of existing infrastructure and services in the locality.

-The proposed vacant allotments will support infill residential development within an established residential area with access to existing services, infrastructure and the road network. The proposal represents an efficient use of existing infrastructure and will contribute to housing supply and choice within the locality.

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8. CONCLUSION

This submission is in support of a planning permit application for a Two Lot Subdivision at 86-100A Crooke Street, East Bairnsdale.

The relevant provisions of the East Gippsland Planning Scheme have been addressed, and it has been ascertained that the proposal is appropriate in this location and will result in a positive planning outcome.

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

Development Solutions Victoria

Disclaimer:

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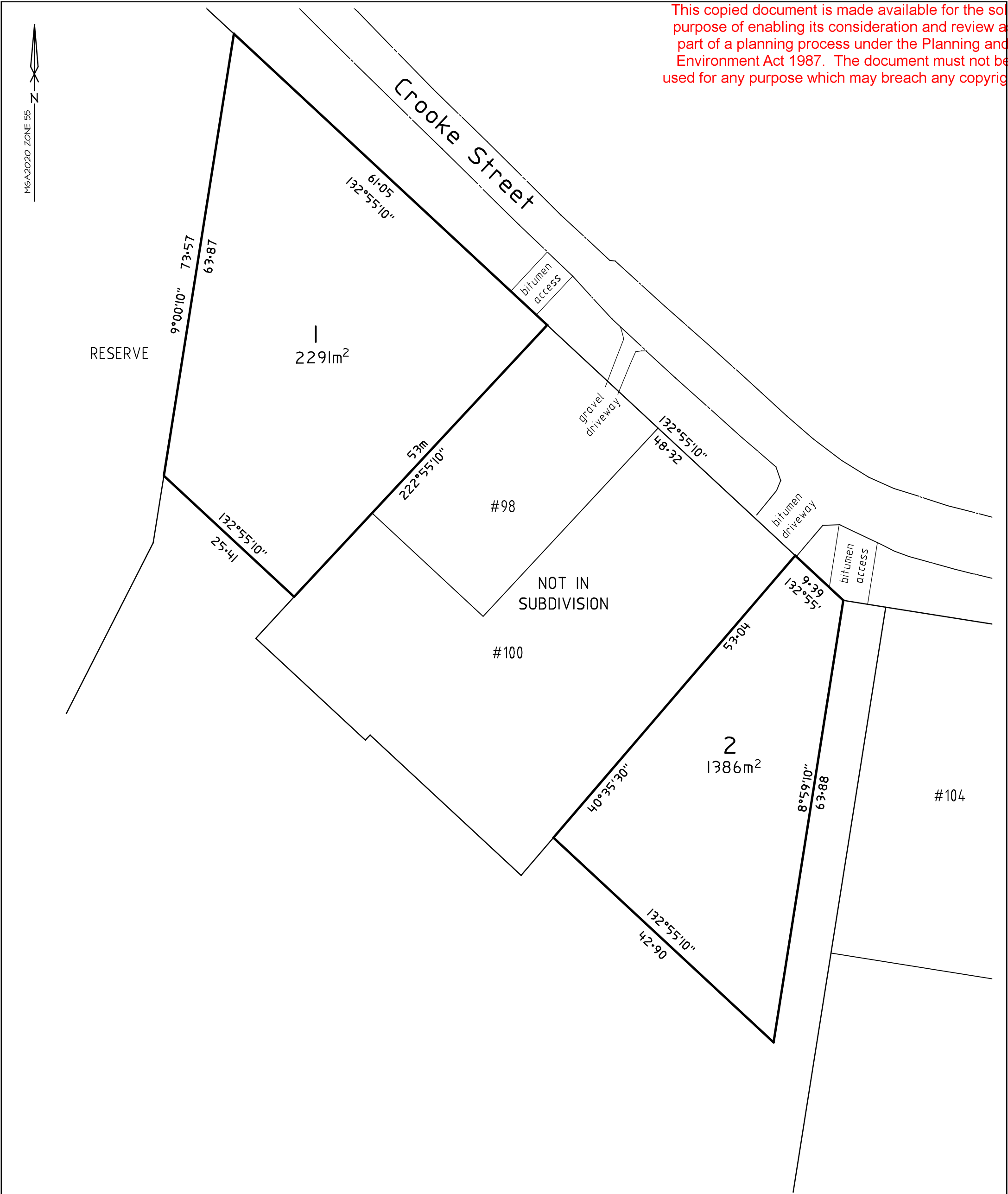
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Sheet 1 of 1

OnePlan LAND DEVELOPMENT GROUP LICENSED LAND SURVEYORS		P:1300 853 157 M:0400 543 157 sks@oneplangroup.com.au www.oneplangroup.com.au GIPPSLAND - MELBOURNE	5 0 5 10 15 20 Lengths are in metres		Site Context with Aerial Image & Proposed Subdivision Plan Parish of Wy Yung Township of Lucknow Crown Portion: Crown Pre-Emptive Section A (PT) Lot 1 on PS932948J Paracentroid (MGA2020) : E 557 510, N 5812 760	
Notations This is not a title survey. See Certificate of Title for Easement details. Total site area: 3677m²		DEVELOPMENT SOLUTIONS VICTORIA 86-100A Crooke Street, East Bairnsdale, 3875 East Gippsland Shire <table border="1"><tr><td>Plan No. 262953SCPR-2</td><td>Scale 1:500 - A3</td><td>Drawn 25/08/2026</td></tr></table>		Plan No. 262953SCPR-2		
Plan No. 262953SCPR-2	Scale 1:500 - A3	Drawn 25/08/2026				

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Notations This is not a title survey. See Certificate of Title for Easement details. Total site area: 3677m²		DEVELOPMENT SOLUTIONS VICTORIA 86-100A Crooke Street, East Bairnsdale, 3875 East Gippsland Shire Plan No. 262953PR-2 Scale 1:500 - A3 Drawn 25/08/2026		Proposed Subdivision Plan Parish of Wy Yung Township of Lucknow Crown Portion: Crown Pre-Emptive Section A (PT) Lot 1 on PS932948J Paracentroid (MGA2020) : E 557 510, N 5812 760			