

Town Planning Application

6 Eucalyptus Court,
Beaufort

Issued

24/06/2024



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1. INTRODUCTION

Beveridge Williams acts on behalf of the applicant, [REDACTED], in seeking a planning permit for a 2-lot subdivision in the General Residential Zone – Schedule 1 (GRZ1).

On behalf of our client, we have prepared an application for a planning permit and enclose the following documents for Council's consideration:

- Current survey plan showing existing conditions and site area.
- Current title for 6 Eucalyptus Court.
- Proposed Plan of Subdivision.
- The following written statement detailing the proposed subdivision and its response to the relevant policy.

We are confident that the following written statement contains the necessary information to inform Council's decision on this application and respectfully request that a permit be issued for a 2-lot subdivision at 6 Eucalyptus Court, Beaufort.

2. SITE AND SURROUNDS

2.1. Subject Site

The subject site at number 6 Eucalyptus Court is a vacant corner lot with an area of 730m². The site has been cleared of all trees – there are also no street trees adjacent to the site.



Figure 1: Subject Site Aerial
(Nearmap, 2024)

2.2. Title Particulars

The subject site is formally known as Lot 22 on Plan of Subdivision 820888A. The site contains a 3-metre drainage and sewerage easement which traverses the eastern boundary. The easement is in favour of Pyrenees Shire Council and the Central Highlands Region Water Corporation.

The site also contains a covenant, listed as AA7349, which prohibits the subdivision of all lots within the subdivision excluding lots 1, 13, 21, and 22.

The site also includes a Section 17(2) Agreement, listed as AM194034U, and a Section 173 Agreement, listed as AS008385F, which were applied upon subdivision of the parent title. The agreements relate to the requirement to provide water and sewerage services to any additional lots and do not affect the ability of the site to be further subdivided.

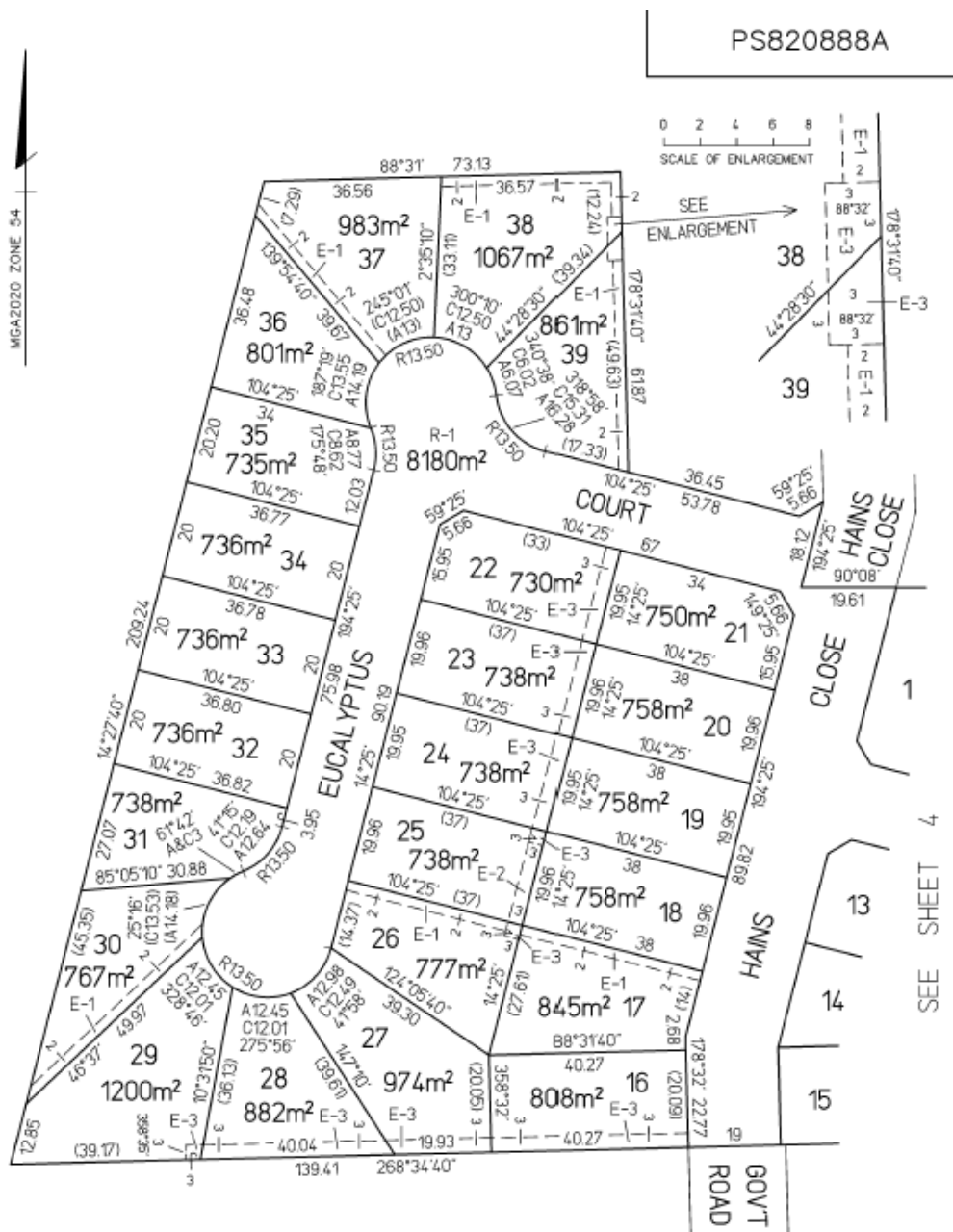


Figure 2: Extract of Certificate of Title

2.3. Site Surrounds

The subject site is located at the eastern edge of the township of Beaufort in a growing residential area and is predominately surrounded by conventional density residential dwellings. The site is approximately 1 kilometre to the west of the Beaufort CBD and approximately 500 metres from the Western Highway, which connects Beaufort to Ararat, Ballarat, and onwards to Melbourne. The Beaufort Railway Station is located approximately 1.15 kilometres away from the subject site.

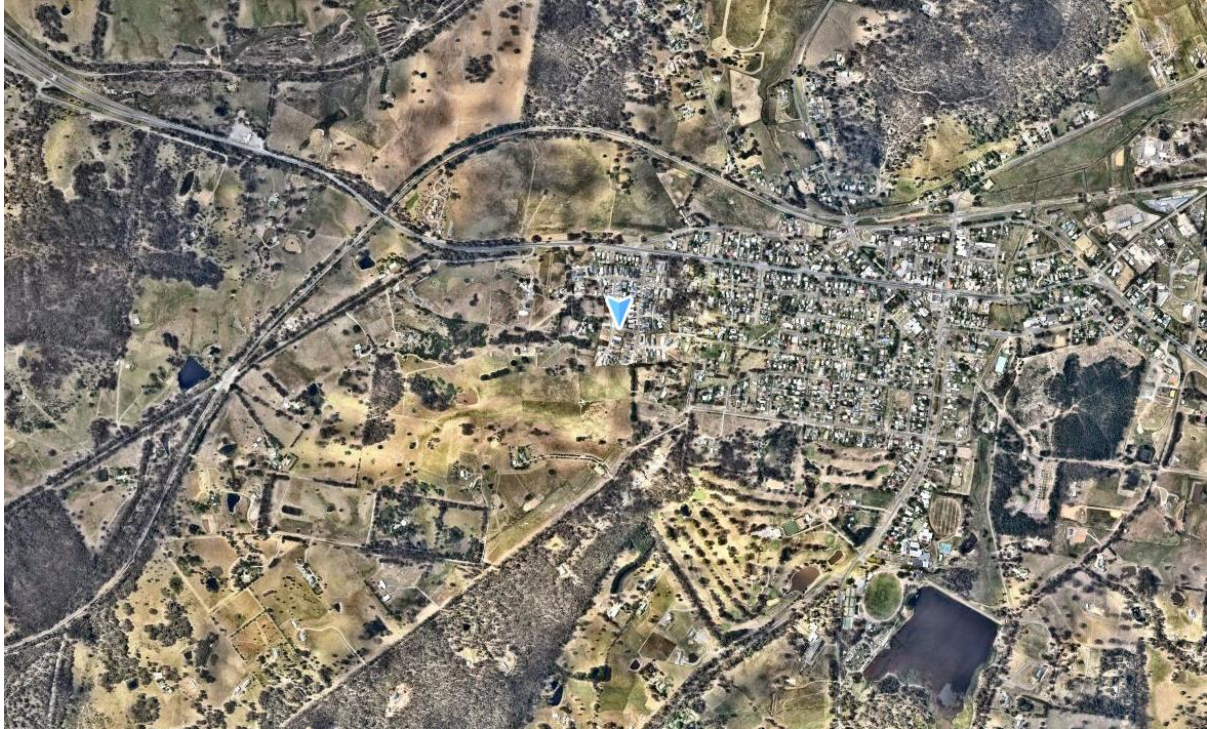


Figure 3: Site Surrounds Aerial
(Nearmap, 2024)

3. THE PROPOSAL

It is proposed to subdivide the subject site into two lots. Lot 1 will have a width of 15.95 metres and a depth of 19 metres, and a total area of 371m². Lot 2 will have a width of 18 metres and a depth of 19.95 metres, with a total area of 359m². Lot 2 will also include the existing 3-metre sewerage easement. The lots will have the capacity to accommodate all utilities and services necessary for a dwelling.

The proposal is similar to other subdivisions that have previously occurred in the area and will match the surrounding neighbourhood character, as outlined further in Section 4.2 of this report.



Figure 4: Proposed Plan of Subdivision

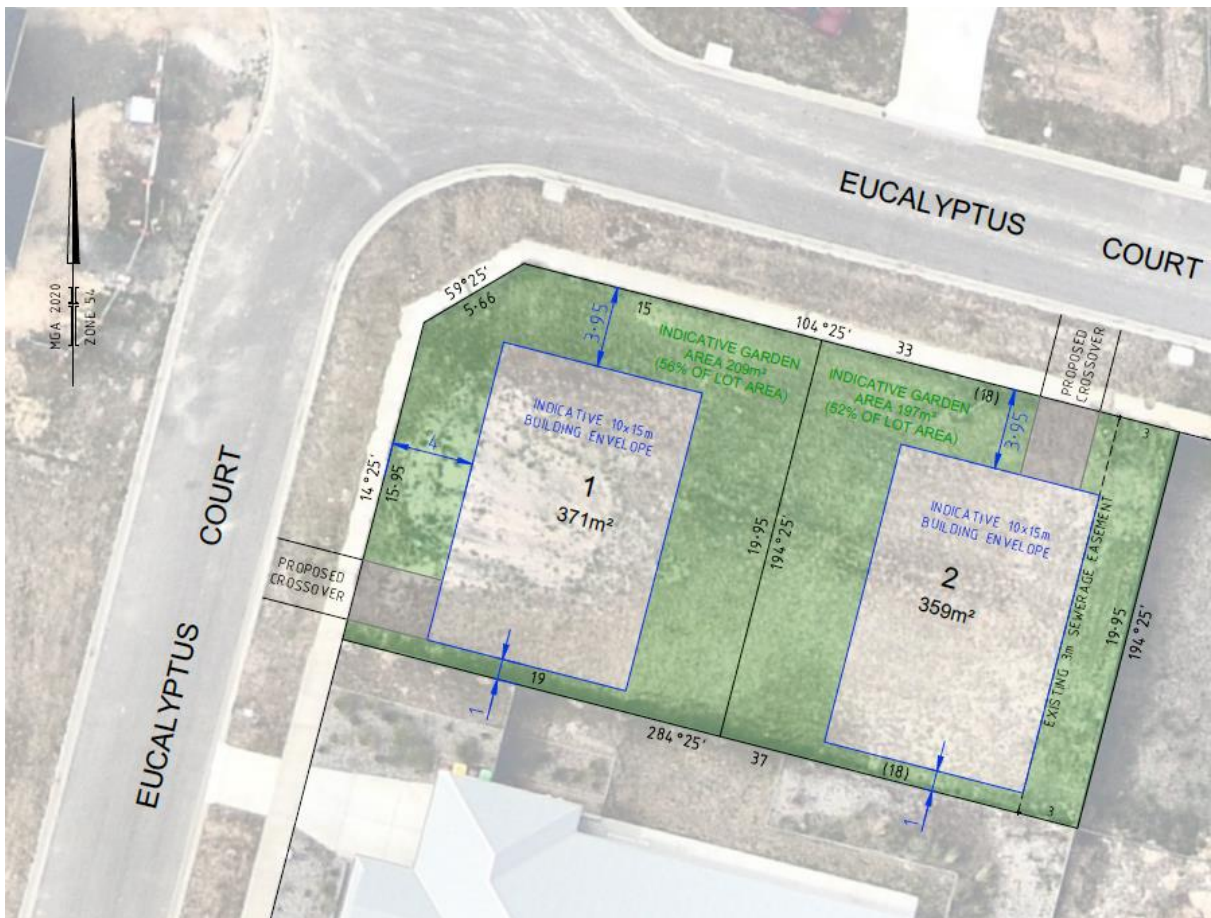


Figure 5: Garden Area Plan

4. PLANNING ASSESSMENT

4.1. State Government Strategic Planning

The Victorian State Government has released Victoria's Housing Statement 2024 – 2034. This seeks to tackle housing affordability which is currently at its lowest point in 30 years. This statement seeks to support the construction of additional homes across Victoria reaching 800,000 new homes by 2034 and 1.6 million by 2051 to support a forecast population of 10.3 million.

The Victorian Government has distributed the proposed 1.6 million new homes required by 2051 across each Local Government area. At June 2024, the Pyrenees Shire Council has been allocated 1,200 of the required new homes. The proposed subdivision of an existing lot to allow an additional dwelling will assist with the required provision of new housing in the municipality whilst not requiring the provision of new infrastructure.

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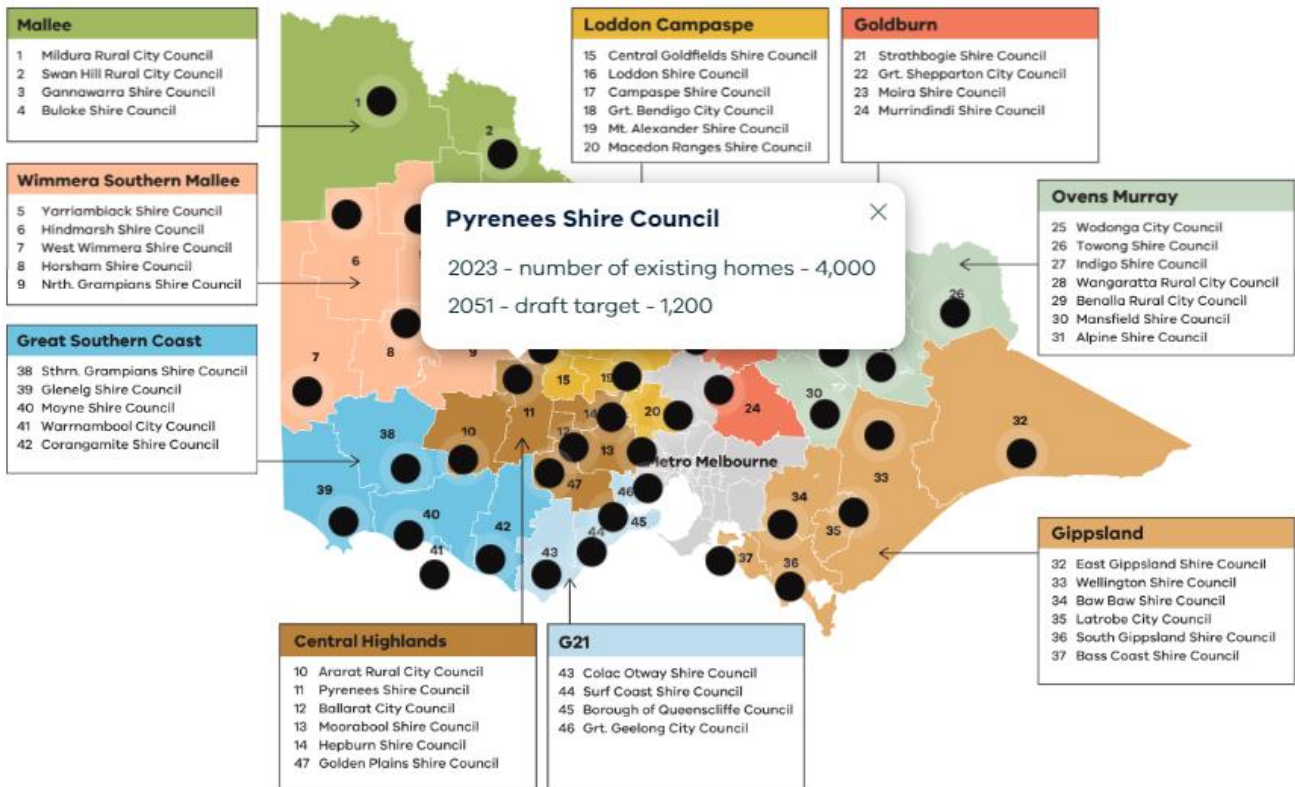


Figure 6: Draft New Housing Allocation (DTP, 2024)

4.2. Municipal Planning Strategy

Clause 02.03 of the Pyrenees Planning Scheme provides the strategic direction for the Shire, including Beaufort. Specifically, **Clause 02.03-1 Settlement** contains the overarching strategic directions to guide settlement within Pyrenees Shire. The following strategic directions are particularly relevant to the proposal:

- Direct development to areas within township boundaries.
- Develop consolidated townships and settlements to provide improved access to services and community facilities.

- Enhance Beaufort and Avoca as the municipality's major towns through the provision of a wide range of services and facilities, and a diversity of housing types and lifestyle opportunities.

Clause 02-03-1 also notes that Beaufort is the principal town for urban development within the Shire, with the expectation that the town will become more important now that the Western Freeway bypasses Ballarat. Urban development should ensure that it:

- Retains Beaufort's character and sense of place.
- Manages and mitigates the impacts of flooding and drainage problems in low-lying areas of the town.

The proposed subdivision is in keeping with the strategic directions identified in Clause 02.03-1. Infill development within the township boundaries will support the development of Beaufort as Pyrenees' principal town, while preserving important rural land. The proposed lots are of a size that balances the need for additional residential land supply with respect for the existing density and character of the area. Further, the site is not subject to any significant flood risk as it does not contain any flood or inundation overlays and is not listed by the Glenelg Hopkins CMA as being within the Riverine Flood Extent. It is therefore considered that the subject site is an appropriate location for the proposed subdivision.

4.3. Planning Policy Framework

Clause 13.02-1S Bushfire planning applies to the subject site as it is entirely designated as a Bushfire Prone Area (BPA). Clause 13.02-1S has the objective to *strengthen the resilience of settlements and communities to bushfire through risk-based planning that prioritises the protection of human life.*

The proposed development will not have any net increase in risk to residents. The proposed lots are of a sufficient size to accommodate the appropriate defendable space from bushfires and will be easily accessible by firefighting services. The nearest Bushfire Management Overlay to the subject site is approximately 300 metres to the south.

Clause 15.01-1S Neighbourhood character has the objective to *recognise, support and protect neighbourhood character, cultural identity, and sense of place.* The proposed subdivision respects the existing neighbourhood character of the area and reflects the subdivision pattern of the surrounding areas. A number of sites within proximity appear to have been subdivided in a similar manner to the subject site, with a 2-lot subdivision of a corner lot. This includes lots along Acacia Court, approximately 100 metres northeast of the site, and Orchid Court, approximately 170 metres north of the site.

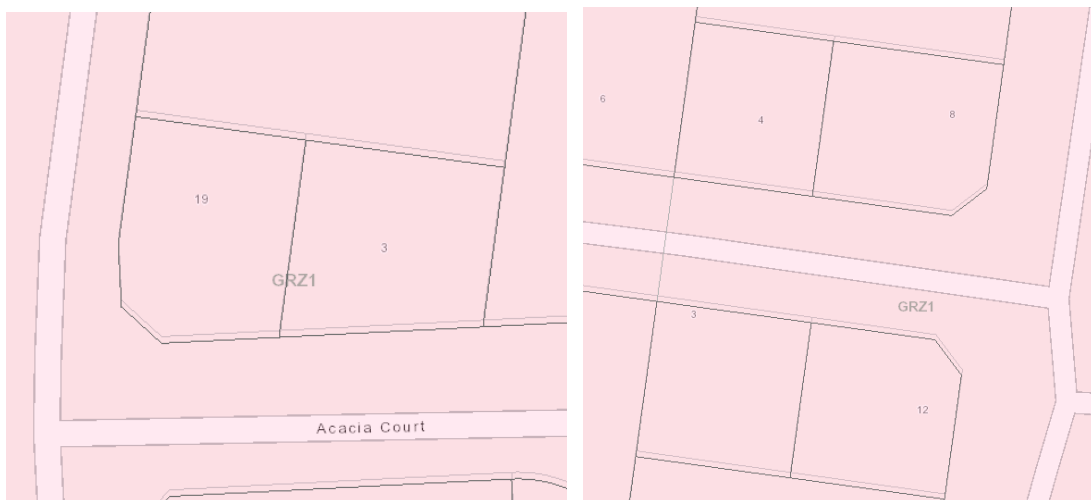


Figure 7: Surrounding Subdivision Pattern
(VicPlan, 2024)

The proposed lots are also of a sufficient size to ensure that detached, contemporary style dwellings that match the surrounding neighbourhood character can be accommodated, as shown on Figure 7.

Clause 16.01-1S Housing supply seeks to facilitate well-located, integrated and diverse housing that meets community needs. The proposed subdivision will provide for additional housing supply in a predominately established residential area, with lot sizes that offer greater diversity and contribute to consolidation of the urban area. The subject site is an ideal location for increased housing supply as it is not significantly constrained by environmental hazard and does not contain any significant ecological or cultural values to be retained.

4.4. Local Planning Policy Framework

Clause 16.01-1L Location of residential development in Pyrenees Shire seeks to direct development to the most appropriate areas. Strategies include directing residential development to areas with the potential to accommodate infill where water and sewerage services are provided and discouraging development north of the railway line. The subject site is an appropriate location as it is within the catchment area of Beaufort's water and sewerage supply and is south of the railway line.

4.5. General Residential Zone – Schedule 1 (GRZ1)

The subject site is entirely within the General Residential Zone – Schedule 1, which seeks to encourage development that respects the neighbourhood character of the area and to encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport. A permit is required to subdivide land within the GRZ1 – an assessment of the proposed subdivision against the relevant decision guidelines of the General Residential Zone is provided in Table 1 below.

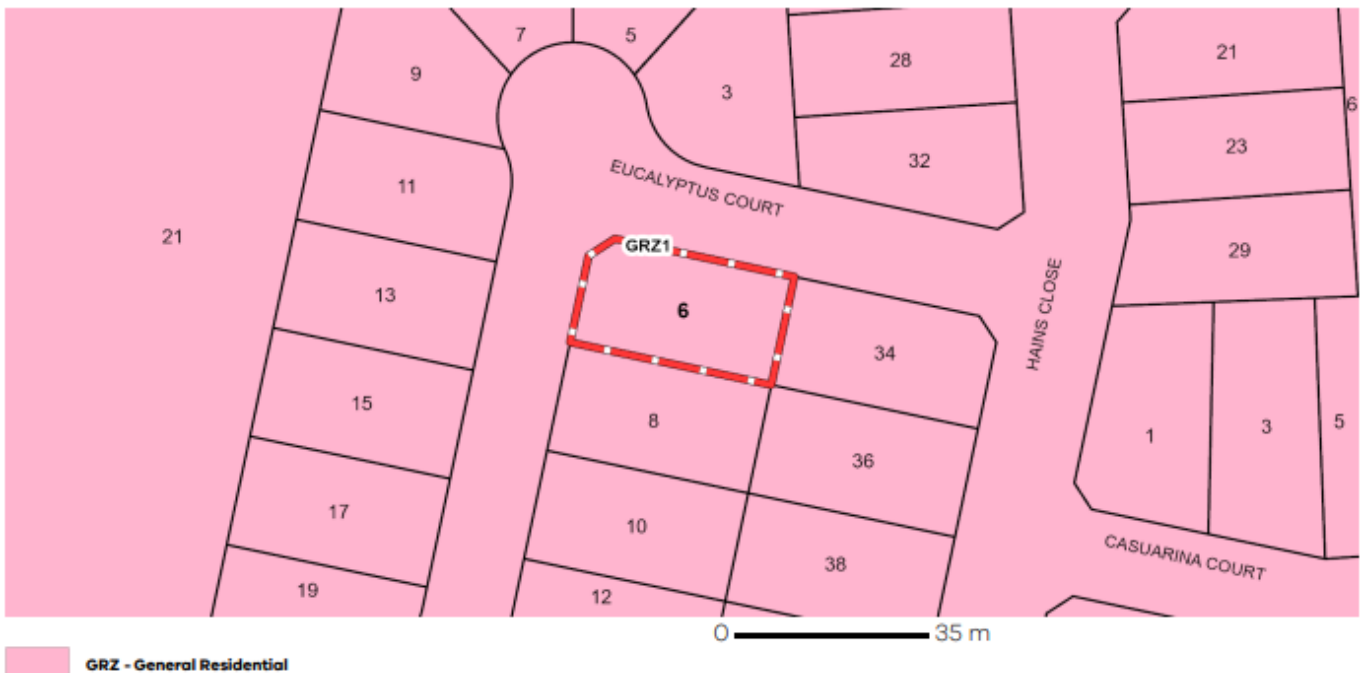


Figure 8: Subject Site Zoning Map (VicPlan, 2024)

Table 1: General Residential Zone Decision Guidelines

Decision Guideline	Development Response
The Municipal Planning Strategy and the Planning Policy Framework.	As outlined above, the proposed development meets the relevant policies of the PPF and the LPPF.
The purpose of this zone.	<p>The General Residential Zone has the purpose:</p> <ul style="list-style-type: none"> • 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. <p>The proposed subdivision reflects the neighbourhood character of the area, as outlined in Section 4.2.</p> <p>The site is within proximity to several key roads. Neil Street, an arterial road that connects to the Beaufort CBD, and the Western Freeway are both approximately 300 metres from the site. The nearest train station at Beaufort is approximately 1 kilometre from the site.</p>
The objectives set out in a schedule to this zone.	No objectives are set out in a schedule to this zone.
Any other decision guidelines specified in a schedule to this zone.	No decision guidelines are specified in a schedule to this zone.
The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.	<p>The adjoining property to the south of the subject site contains a small 2-panel rooftop solar energy system, as does the property to the east of the site. However, neither are anticipated to be impacted by overshadowing on their solar energy systems. The dwelling to the south is set back approximately 6.25 metres from the side boundary and the dwelling to the east is set back approximately 10.65 metres from the rear boundary, which minimises any potential overshadowing impacts.</p> <p>All other nearby dwellings with rooftop solar energy systems are sufficiently buffered by the roadway.</p>
The pattern of subdivision and its effect on the spacing of buildings.	<p>The pattern of subdivision reflects the surrounding area and allows for the even spacing of buildings. As mentioned earlier in the report, similar lots along Banksia Court, Orchid Court, and Acacia Court to the north of the site appear to have been subdivided in a similar manner.</p> <p>Surrounding dwellings are predominately single storey detached and featuring a mostly contemporary style. The lots proposed are of a sufficient size to accommodate similar detached dwellings. The proposed lots are able to accommodate the necessary private open space in addition to the building.</p>
For subdivision of land for residential development, the objectives and standards of Clause 56.	An assessment of the proposal against the objectives and standards of Clause 56 is provided in Appendix A.

5. OTHER LAND CONSIDERATIONS

The site is entirely within a designated Bushfire Prone Area. However, it is not considered that the subdivision of the site will contribute to any additional risk to human life as the site is highly accessible to emergency services vehicles and is within an established area without any significant vegetation within proximity.



Figure 9: Subject Site Bushfire Prone Area Map (VicPlan, 2024)

6. CONCLUSION

It is submitted that the proposed application complies with the policies and objectives of the Pyrenees Planning Scheme. The Planning Policy Framework (PPF) and the Local Planning Policy Framework (LPPF) support the proposed development, and the proposal responds positively to all relevant decision guidelines. It is submitted that the proposal is appropriate for the following reasons:

- The proposed subdivision is in keeping with the existing neighbourhood character and subdivision pattern of the area, and the proposed lots mirror similar lots within proximity.
- The site is generally flat and cleared of vegetation and does not include any other significant constraints that would impact its development.
- The population of Beaufort is anticipated to increase and additional residential land supply will be needed to meet demand.
- The proposed lot sizes can accommodate the appropriate building envelope and garden area requirements.

We trust that the information provided is sufficient to enable Council to commence its consideration of this application. Please contact the undersigned at patonp@bevwill.com.au if you have any queries.

Yours sincerely,
Philip Paton
Principal Town Planner
BEVERIDGE WILLIAMS

APPENDIX A: CLAUSE 56 ASSESSMENT

Clause 56 Assessment – 2-Lot Subdivision in General Residential Zone:

<p>Clause 56.03-5 Neighbourhood character objective:</p> <p><i>To design subdivisions that respond to neighbourhood character.</i></p>	
<p>Standard C6:</p> <p>Subdivision should:</p> <ul style="list-style-type: none"> • <i>Respect the existing neighbourhood character or achieve a preferred neighbourhood character consistent with any relevant neighbourhood character objective, policy or statement set out in this scheme.</i> • <i>Respond to and integrate with the surrounding urban environment.</i> • <i>Protect significant vegetation and site features.</i> 	<p>Objective and standard achieved.</p> <p>The proposed subdivision will result in two street facing lots of 371m² and 359m². This lot size is consistent with the General Residential Zone and with the existing neighbourhood character. We note that within a 200-metre radius of the subject site are several other residential lots of a similar size, as well as lots that appear to have been subdivided in a similar manner.</p> <p>Similarly sized lots within proximity to the site include:</p> <ul style="list-style-type: none"> • 4 Orchid Court (358.58m²) • 12 Hains Close (392.03m²) • 13 Orchid Court (342.50m²) • 3 Banksia Court (391.91m²) <p>The site is generally flat and does not include any significant vegetation.</p>
<p>Clause 56.04-2 Lot area and building envelopes objective:</p> <p><i>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.</i></p>	
<p>Standard C8:</p> <p><i>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</i></p> <ul style="list-style-type: none"> • <i>That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or</i> • <i>That a dwelling may be constructed on each lot in accordance with the requirements of this scheme.</i> <p><i>Lots of between 300 square metres and 500 square metres should:</i></p> <ul style="list-style-type: none"> • <i>Contain a building envelope that is consistent with a development of the lot approved under this scheme, or</i> 	<p>Objective and standard achieved.</p> <p>Both proposed lots are between 300m² and 500m².</p> <p>Both lots are capable of containing a building envelope of 10 metres by 15 metres without needing to be built to the boundary, as confirmed by the proposed Garden Area Plan included as part of this application.</p>

- If no development of the lot has been approved under this scheme, contain a building envelope and be able to contain a rectangle measuring 10 metres by 15 metres, or 9 metres by 15 metres if a boundary wall is nominated as part of the building envelope.

If lots of between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north unless there are significant physical constraints that make this difficult to achieve.

Lots greater than 500 square metres should be able to contain a rectangle measuring 10 metres by 15 metres, and may contain a building envelope.

A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:

- The objectives of the relevant standards are met, and
- The building envelope is shown as a restriction on a plan of subdivision registered under the Subdivision Act 1988, or is specified as a covenant in an agreement under Section 173 of the Act.

Where a lot with a building envelope adjoins a lot that is not on the same plan of subdivision or is not subject to the same agreement relating to the relevant building envelope:

- The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and
- The building envelope must not regulate siting matters covered by Standards A12 to A15 (inclusive) of Clause 54 in relation to the adjoining lot. This should be specified in the relevant plan of subdivision or agreement.

Lot dimensions and building envelopes should protect:

- Solar access for future dwellings and support the siting and design of dwellings that achieve the energy rating requirements of the Building Regulations.
- Existing or proposed easements on lots.
- Significant vegetation and site features.

<p>Clause 56.04-3 Solar orientation of lots objective:</p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	
<p>Standard C9:</p> <p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>Objective and standard achieved.</p> <p>In accordance with the standard, the long axis of both lots is at 14 degrees east of north. This will enable both lots to have good solar access, supporting energy efficiency.</p>
<p>Clause 54.04-5 Common area objectives:</p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	
<p>Standard C11:</p> <p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>Objective and standard not applicable.</p> <p>No common areas are proposed.</p>

<p>Clause 56.06-8 Lot access objective:</p> <p><i>To provide for safe vehicle access between roads and lots.</i></p>	
<p>Standard C21:</p> <p><i>Vehicle access to lots abutting arterial roads should be provided from service roads, side or rear access lanes, access places or access streets where appropriate and in accordance with the access management requirements of the relevant roads authority.</i></p> <p><i>Vehicle access to lots of 300 square metres or less in area and lots with a frontage of 7.5 metres or less should be provided via rear or side access lanes, places or streets.</i></p> <p><i>The design and construction of a crossover should meet the requirements of the relevant road authority.</i></p>	<p>Objective and standard achieved.</p> <p>Neither of the proposed lots abuts an arterial road, nor is either lot less than 300m².</p> <p>Crossovers will be designed and constructed to the satisfaction of the relevant authority.</p>
<p>Clause 56.07-1 Drinking water objectives:</p> <p><i>To reduce the use of drinking water.</i></p> <p><i>To provide an adequate, cost-effective supply of drinking water.</i></p>	
<p>Standard C22:</p> <p><i>The supply of drinking water must be:</i></p> <ul style="list-style-type: none"> <i>Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority.</i> <i>Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority.</i> 	<p>Objective and standard achieved.</p> <p>Drinking water supply will be provided to the satisfaction of the relevant authority.</p>
<p>Clause 56.07-2 Reused and recycled water objective:</p> <p><i>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</i></p>	
<p>Standard C23:</p>	<p>Objective and standard achieved.</p> <p>Reused and recycled water supply systems will be provided to the satisfaction of the relevant authority.</p>

<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> • <i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Health.</i> • <i>Provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i> 	
<p>Clause 56.07-3 Waste water management objective:</p> <p><i>To provide a waste water system that is adequate for the maintenance of public health and the management of effluent in an environmentally friendly manner.</i></p>	
<p>Standard C24:</p> <p>Waste water systems must be:</p> <ul style="list-style-type: none"> • <i>Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority.</i> • <i>Consistent with a domestic waste water management plan adopted by the relevant council.</i> <p><i>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</i></p>	<p>Objective and standard achieved.</p> <p>Reticulated waste water systems will be provided to the boundary of both lots to the satisfaction of the relevant authority.</p>
<p>Clause 56.07-4 Stormwater management objectives:</p> <p><i>To minimise damage to properties and inconvenience to residents from stormwater.</i></p> <p><i>To ensure that the street operates adequately during major storm events and provides for public safety.</i></p> <p><i>To minimise increases in stormwater and protect the environmental values and physical characteristics of receiving waters from degradation by stormwater.</i></p> <p><i>To encourage stormwater management that maximises the retention and reuse of stormwater.</i></p> <p><i>To encourage stormwater management that contributes to cooling, local habitat improvements and provision of attractive and enjoyable spaces.</i></p>	
<p>Standard C25:</p> <p>The stormwater management system must be:</p> <ul style="list-style-type: none"> • <i>Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority.</i> 	<p>Objective and Standard achieved.</p> <p>The proposed subdivision is minor and is not anticipated to have any significant impact on the stormwater management of the site.</p> <p>The stormwater system will be designed in accordance with the requirements of and to the satisfaction of the relevant authorities.</p>

- *Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of stormwater is proposed.*
- *Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater - Best Practice Environmental Management Guidelines (Victorian Stormwater Committee, 1999).*
- *Designed to ensure that flows downstream of the subdivision site are restricted to pre-development levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts.*
- *Designed to contribute to cooling, improving local habitat and providing attractive and enjoyable spaces.*

The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.

For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:

- *Stormwater flows should be contained within the drainage system to the requirements of the relevant authority.*
- *Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall.*

For storm events greater than 20% AEP and up to and including 1% AEP standard:

- *Provision must be made for the safe and effective passage of stormwater flows.*
- *All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority.*
- *Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $d_a V_{ave} < 0.35 \text{ m}^2/\text{s}$ (where, d_a = average depth in metres and V_{ave} = average velocity in metres per second).*

The design of the local drainage network should:

- *Ensure stormwater is retarded to a standard required by the responsible drainage authority.*

<ul style="list-style-type: none"> • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, stormwater should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage pit should discharge into an overland flow in a safe and predetermined manner. • Include water sensitive urban design features to manage stormwater in streets and public open space. Where such features are provided, an application must describe maintenance responsibilities, requirements and costs. <p>Any flood mitigation works must be designed and constructed in accordance with the requirements of the relevant floodplain management authority.</p>	
<p>Clause 56.08-1 Site management objectives:</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	
<p>Standard C26:</p> <p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Objective and standard not applicable.</p> <p>The site does not require any construction beyond installation of the necessary utilities. The site does not require any siteworks as it is generally flat and cleared of vegetation. No structures or impermeable surfaces are present on site that would require demolition.</p> <p>Should a more detailed site management plan be required it will be provided to the satisfaction of the relevant authority.</p>
<p>Clause 56.09-1 Shared trenching objectives:</p>	

<p><i>To maximise the opportunities for shared trenching.</i></p> <p><i>To minimise constraints on landscaping within street reserves.</i></p>	
<p>Standard C27:</p> <p><i>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</i></p>	<p>Objective and standard achieved.</p> <p>Reticulated services will be provided to the satisfaction of the relevant authority and will use shared trenching opportunities wherever possible.</p>
<p>Clause 56.09-2 Electricity and telecommunications objectives:</p> <p><i>To provide public utilities to each lot in a timely, efficient and cost effective manner.</i></p> <p><i>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</i></p>	
<p>Standard C28:</p> <p><i>The electricity supply system must be designed in accordance with the requirements of the relevant electricity supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant electricity authority.</i></p> <p><i>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</i></p> <p><i>The telecommunication system must be designed in accordance with the requirements of the relevant telecommunications servicing agency and should be consistent with any approved strategy, policy or plan for the provision of advanced telecommunications infrastructure, including fibre optic technology. The telecommunications system must be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant telecommunications servicing authority.</i></p>	<p>Objective and standard achieved.</p> <p>Each lot will be connected to public utilities, including electricity and telecommunications, directly upon the issue of any permit.</p> <p>The electricity and telecommunication systems will be designed in accordance with the requirements of the relevant agency.</p>

APPENDIX B: COPY OF TITLE

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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 12322 FOLIO 136

Security no : 124115692707L
Produced 11/06/2024 09:51 AM

LAND DESCRIPTION

Lot 22 on Plan of Subdivision 820888A.

PARENT TITLES :

Volume 11846 Folio 546 Volume 12172 Folio 160

Created by instrument PS820888A 02/08/2021

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS820888A 02/08/2021

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 17(2)(C) Subdivision Act 1988
AM194034U 21/09/2015

AGREEMENT Section 173 Planning and Environment Act 1987
AS008385F 15/03/2019

DIAGRAM LOCATION

SEE PS820888A 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: 6 EUCALYPTUS COURT BEAUFORT VIC 3373

ADMINISTRATIVE NOTICES

NIL

eCT Control 20906J DCM LAWYERS
Effective from 31/01/2024

DOCUMENT END

Delivered from the LANDATA System by Dye & Durham Terrain Pty Ltd

Our Reference: 2401291
Your Ref: PA24036

22 July 2024

Luke Michael
Planning Officer
Pyrenees Shire Council
Via email: pyrenees@pyrenees.vic.gov.au

ACN 006 197 235
ABN 38 006 197 235
Ballarat Office
Suite 3, 108 Eleanor Drive
PO Box 4189
Lucas VIC 3350
Tel: (03) 5327 2000

beveridgewilliams.com.au

Dear Luke,

RE: RESPONSE TO SECTION 54 REQUEST DATED 18TH JULY 2024 FOR PA24036

Beveridge Williams continues to act on behalf of the permit applicant, [REDACTED] and provides the following response to Council's Section 54 Request dated 18th July 202. Further information was requested by Council to assist in the assessment of the abovementioned planning application.

In addition to the below, I called Council's Planning Office and left a message for Ashley Smart. Please don't hesitate to call me if the information below is insufficient.

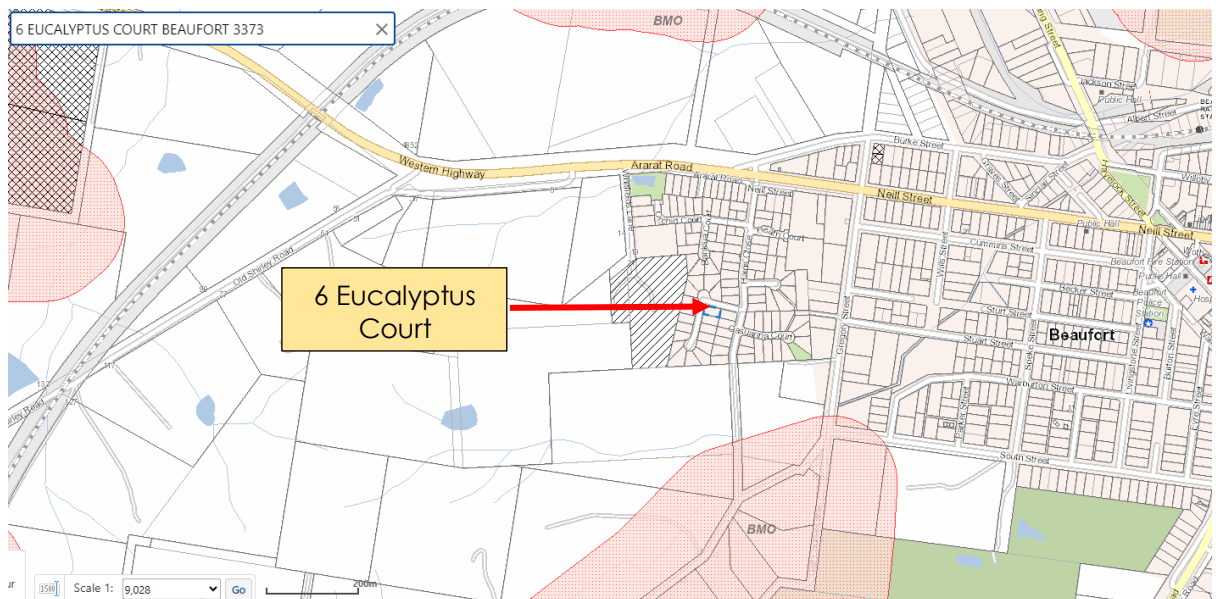
We provide the following responses to Council's Section 54 request.

1. Council Request

As the site is subject to the Bushfire Management Overlay, a Bushfire Management Statement is required to be provided.

Beveridge Willams Response

We are of the opinion the site is not subject to the Bushfire Management Overlay. Please refer to the VicPlan mapping extract below. We suggest a Bushfire Management Statement is not required.



2. Council Request

A written planning report should be prepared to accompany the application. This should include an assessment of the following at a minimum:

- The relevant provisions of Clause 56 (Residential Subdivisions)
- How the proposal satisfies Covenant AA7349.

Beveridge Willams Response

It appears that there was confusion in the use of Council's website for lodging the application and the planning application report and Clause 56 assessment was not uploaded. Please find this included with this letter.

In relation to Covenant AA7349, the planning report acknowledges that the prohibition of subdivision excludes the lot which is the subject of this application (Lot 22). As such, Covenant AA7349 has no implication to this subdivision proposal.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'P. Paton'.

Philip Paton

Principal Planner

Mobile: 0408 817 169

Email: patonp@bevwill.com.au


BEVERIDGE WILLIAMS


Office Use Only

VicSmart: **No**
Specify class of VicSmart application:
Application No: **REFPA20240069**
Date Lodged: **24/06/2024**

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).


 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any concerns, please contact Council's planning department.

 **Questions marked with an asterisk (*) are mandatory and must be completed.**

 **If the space provided on the form is insufficient, attach a separate sheet.**

Application type

Is this a VicSmart Application?*

No
If yes, please specify which VicSmart class or classes:
 If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application

Pre-application meeting

Has there been a pre-application meeting with a Council planning officer?

False
 day / month / year

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address*

Unit No:	St. No: 6	St. Name: EUCALYPTUS COURT
Suburb/Locality: BEAUFORT		Postcode: 3373

Formal Land Description*

Complete either A or B

 This information can be found on the certificate of title.


A Lodged Plan Title Plan Plan of Subdivision

OR

B


If this application relates to more than one address, please attach details.

The Proposal

 You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.


① For what use, development or other matter do you require a permit?*

2-lot subdivision

 Provide additional information on the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

① Estimated cost of development for which the permit is required*

Cost \$0.00

 You may be required to verify this estimate
Insert '0' if no development is proposed


Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions

Describe how the land is used and developed now*

Eg. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Vacant residential lot

 Provide a plan of the existing conditions. Photos are also helpful.


Title Information

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes. (if 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

 Provide a full, current copy of the title for each individual parcel of land forming the subject site. (The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments' eg restrictive covenants.)

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit

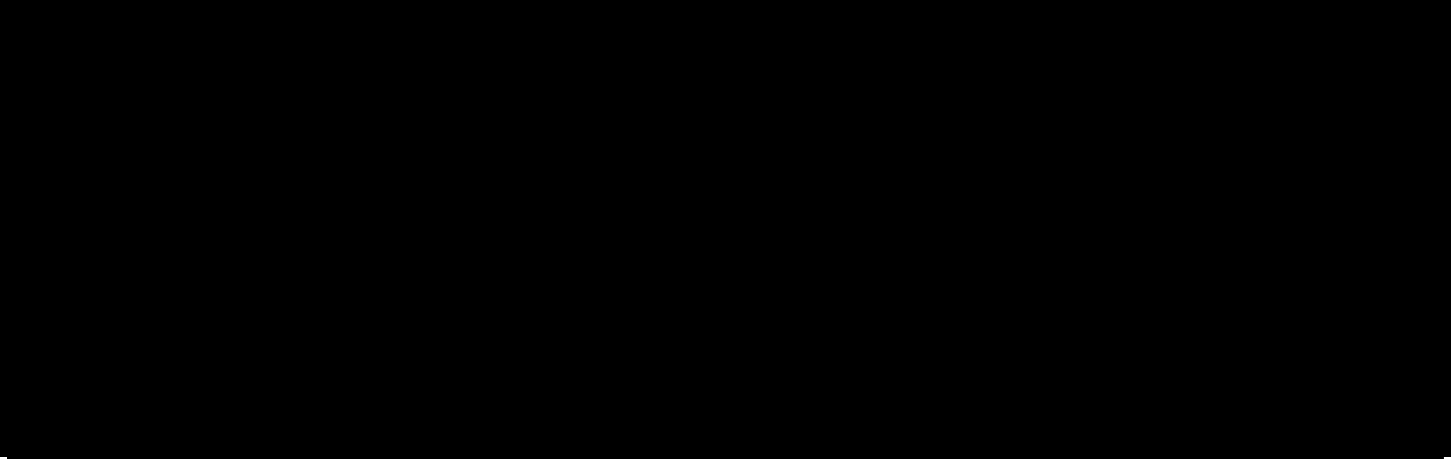
Name:		
Title: Mr	First Name: Salvatore	Surname: Costanzo
Organisation (if applicable): Sam and Aileen Costanzo SMSF Holdings Pty Ltd		
Postal Address		If it is a PO Box, enter the details here:
Unit No: Suite 3	St. No: 180	St. Name: Eleanor Drive
Suburb/Locality: Lucas	State: VIC	Postcode: 3350
Contact person's details*		Same as applicant (if so, go to 'contact information') <input type="checkbox"/>
Name:		
Title: Mr	First Name: Philip	Surname: Paton
Organisation (if applicable): Beveridge Williams		

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Postal Address		If it is a PO Box, enter the details here:	
Unit No.: Suite 3	St. No.: 180	St. Name: Eleanor Drive	
Suburb/Locality: Lucas		State: VIC	Postcode: 3350

Please provide at least one contact phone number *

Contact Information	
Business Phone: 53272000	Email: patonp@bevwill.com.au
Mobile Phone: 0408817169	Fax:



Information Requirements

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

Is the required information provided?

Yes
 No

Declaration ⓘ

This form must be signed by the applicant*

⚠ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

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



Signature:

Date: 24 June 2024

day / month / year

Checklist

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	

Lodgement

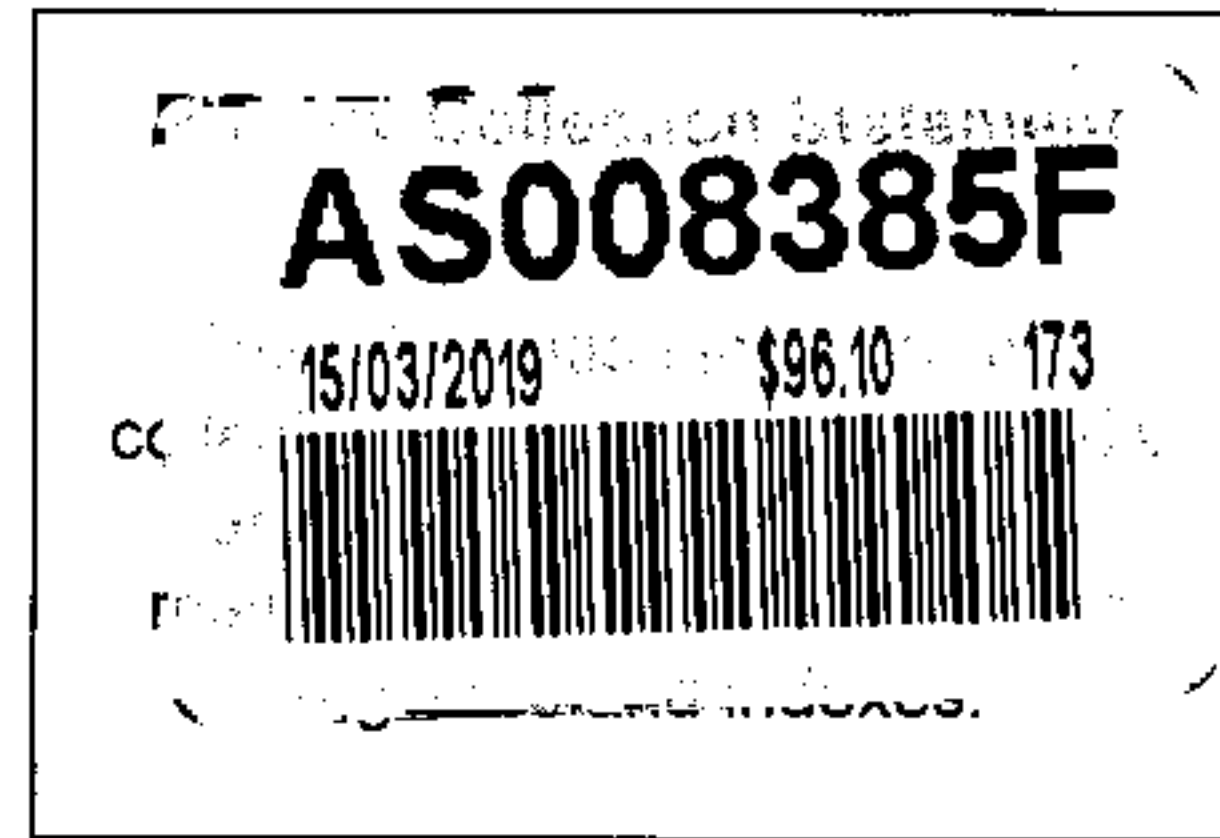
Lodge the completed and signed form and all documents with:

Pyrenees Shire Council
5 Lawrence Street BEAUFORT Vic 3373

Telephone: (03) 5349 1100

Contact information:
Telephone: (03) 5349 1100
Email: pyrenees@pyrenees.vic.gov.au

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



Lodged by

Name: NEVETT WILKINSON FRAWLEY
Phone: 03 5331 1244
Address: 41 LYDIARD STREET SOUTH BALLARAT VIC 3350
Reference: RT:CF:180292
Customer code: 1440N

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

Land:(volume and folio)

CERTIFICATES OF TITLE VOLUME 11660 FOLIO 507

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

CENTRAL HIGHLANDS REGION WATER CORPORATION, 7 LEARMONTH ROAD, WENDOUREE VICTORIA 3355

Section and act under which agreement is made:

SECTION 17(2) OF THE SUBDIVISION ACT 1988.
~~SECTION 178 OF THE PLANNING AND ENVIRONMENT ACT 1987~~

A copy of the agreement is attached to this application:

Signing:

35271702A

181PEA

Page 1 of 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

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



Certifications

1. The Certifier has retained the evidence supporting this Registry Instrument or Document.
2. 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 CENTRAL HIGHLANDS REGION WATER CORPORATION

Signer Name STEPHEN CARTER

Signer Organisation CENTRAL HIGHLANDS REGION WATER CORPORATION

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature


4/3/2019

Execution Date

35271702A

181PEA

Page 2 of 2

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Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AS008385F

15/03/2019 \$96.10 173



SECTION 17(2) AGREEMENT

RECITALS:

- A. The owner is the registered proprietor of the land at 21 Whitfields Lane, Beaufort, VIC 3373 being the land known as Crown Allotment 9K1, Parish of Eurambeen and Lot 1 on Plan of Subdivision 733446U and being the land described in Certificates of Title Volume 0676 Folio 156 and Volume 11660 Folio 507 (hereinafter referred to as “the Land”);
- B. The land is effected by the provisions of the Pyrenees Planning Scheme (“the Scheme”);
- C. Pursuant to the Planning Permit No PA2757/18 (“the Permit”) issued by the Pyrenees Shire Council (“the Council”), the Council has allowed the Owner to subdivide the land into three (3) Lots (“the subdivision”);
- D. The Authority is a referral authority with regard to the subdivision under the Subdivision Act 1988 (“the Act”) and is also a referral authority with regards to the reserve pursuant to the Planning and Environment Act 1987;
- E. Conditions 6 and 7 of the Permit requires the Owner to provide reticulated water and sewerage supply to each Lot created by the Subdivision prior to the issue of a statement of compliance;
- F. The Authority has agreed to defer the requirement for water and sewerage supply to each Lot created by the subdivision in accordance with the Operative Provisions below.

OPERATIVE PROVISIONS:

1. OPERATION

- 1.1 This Agreement is entered into pursuant to Section 17(2) of the Subdivision Act 1988.
- 1.2 This Agreement shall come into force on the execution by all parties.
- 1.3 The covenants of this Agreement shall run with the land.
- 1.4 In this Agreement “the Owner” unless the contrary intention appears shall be deemed to include the Owner’s, their successors, assigns and transferees and the obligations imposed on and assumed by the Owners shall be binding on the successors, transferees, purchasers, mortgagee, assignees of the Owners and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this Agreement and where the Owner is constituted by more than one person any obligation imposed by this Agreement on the Owner shall be imposed on those persons jointly and severally.

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15/03/2019 \$96.10 173



2. OWNERS CONSTRAINTS

Prior to any further development on Lots 2 and 3 created by the subdivision, the Owners shall be required to supply the said Lots with a reticulated water and sewerage supply as set out in writing by the Authority with regard to the provision of reticulated water and sewerage services.

3. REGISTRATION

The parties shall do all things necessary to enable the Authority to register this Agreement pursuant to Section 181 of the Planning & Environment Act.

4. COST OF AGREEMENT

The Owner forthwith on demand shall pay to the Authority the Authority's costs and expenses (as between the Solicitor and own client) of and incidental to this Agreement and of anything consequent on it or in furtherance of it.

5. RELEASE

On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under the Agreement, save to the extent that any right has arisen against such owner prior to such cessation.

6. ENDING OF AGREEMENT

In the future if this Agreement shall in the opinion of the Authority ever become null and void the Authority will make application to the Registrar of Titles under section 183(2) of the Planning & Environment Act to cancel the recording of this Agreement on the register PROVIDED THAT the Authority shall not be obliged to make such an application until it has been requested to do so by the Owner and the Owner has paid the Authority's costs in relation to the making of that application, including any legal fees incurred by the Authority and any fees payable to the Land Titles Office and any costs payable pursuant to Clause 2, 4 & 6 of this Agreement which remain unpaid at that time.

AS008385F

15/03/2019 \$96.10 173



SECTION 17(2) AGREEMENT

PARTIES:

1. **CENTRAL HIGHLANDS REGION WATER CORPORATION** of 7 Learmonth Road, Wendouree, Victoria 3355 (“the Authority”);
2. **PHILIP LEONARD GARNER** of 21 Whitfields Lane, Beaufort, Victoria 3373 (“the Owner”).

Executed as a Deed on the 10 day of JANUARY 2019

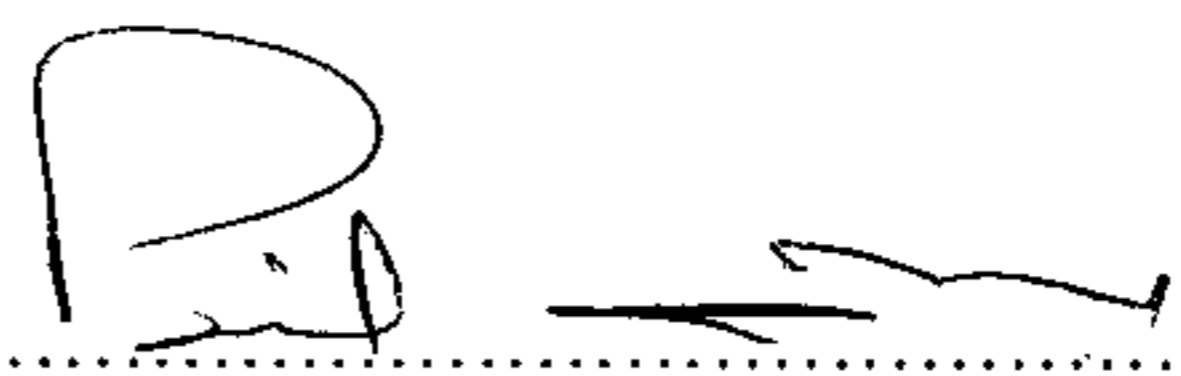
Signed by the said
PHILIP LEONARD GARNER
in the presence of:-

)
) 
)

V. Hancock

Witness

Signed by The Managing Director
Central Highlands Region Water
Corporation pursuant to Instrument
of Delegations dated 26 June 2018

) 
)
) Paul O'Donohue

AM194034U

21/09/2015 \$119.70 173



SECTION 181

**APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A
RECORDING OF AN AGREEMENT**

Planning and Environment Act 1987

Lodged by:

Name: Mulcahy & Co Legal
Phone: 03 5330 7200
Address: 300B Gillies Street, Wendouree VIC 3355
Ref: BM:ET:150244
Customer Code: 14156M

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

Land: Volume 7827 Folio 057
Volume 8657 Folio 053

Authority: Central Highlands Region Water Corporation of 7
Learmonth Road, Wendouree Vic 3355

Section and Act under which agreement made: Section 17(2) of the Subdivision Act 1988

A copy of the Agreement is attached to this Application.

Signature of the Authority:

A handwritten signature in black ink that reads "Marnie C. Ireland".

Name of Officer: Marnie Ireland

Date: 5/8/2015

CENTRAL HIGHLANDS REGION WATER CORPORATION

AND

PHILIP LEONARD GARNER

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21/09/2015 \$119.70 173



SECTION 17(2) AGREEMENT

Site: 21 Whitfields Lane, Beaufort

MULCAHY & CO. LEGAL

300B Gillies Street

Wendouree Vic 3355

PO Box 380W

Ballarat West Vic 3350

Ph: 03 5330 7200

Fax: 03 5330 7250

Reference: BM:ET:150244

AM194034U

21/09/2015 \$119.70 173



SECTION 17(2) AGREEMENT

RECITALS:

- A. The Owner is the registered proprietor of the land at 21 Whitfields Lane, Beaufort, VIC 3373 being the land known as Lot 1 on Title Plan 248335V and Lot 1 on Title Plan 372810W and being the land described in Certificates of Title Volume 7827 Folio 057 and Volume 8657 Folio 053 (hereinafter referred to as “the Land”);
- B. The land is affected by the provisions of the Pyrenees Planning Scheme (“the Scheme”);
- C. Pursuant to the Planning Permit No. PA2320/14 (“the Permit”) issued by the Pyrenees Shire Council (“the Council”), the Council has allowed the Owner to subdivide the land into two (2) Lots (“the subdivision”) and create a road reserve (“the reserve”);
- D. The Authority is a referral authority with regard to the subdivision under the Subdivision Act 1988 (“the Act”) and is also a referral Authority with regard to the reserve pursuant to the Planning and Environment Act 1987;
- E. Condition 2 of the Permit requires the Owner to provide reticulated water and sewerage supply to each Lot created by the subdivision prior to the issue of a statement of compliance;
- F. The Authority has agreed to defer the requirement for water and sewerage supply to each Lot created by the subdivision in accordance with the Operative Provisions below.

OPERATIVE PROVISIONS:

1. OPERATION

- 1.1. This agreement is entered into pursuant to Section 17(2) of the Subdivision Act 1988.
- 1.2. This agreement shall come into force on the execution by all parties.
- 1.3. The covenants of this agreement shall run with the land.
- 1.4. In this agreement “the Owner” unless the contrary intention appears shall be deemed to include the Owner’s, their successors, assigns and transferees and the obligations imposed on and assumed by the Owners shall be binding on the successors, transferees, purchasers, mortgagee, assignees of the Owners and any person obtaining possession of the whole or part of the land as if each of those successors separately executed this agreement and where the Owner is

constituted by more than one person any obligation imposed by this agreement on the Owner shall be imposed on those persons jointly and severally.

2. OWNERS CONSTRAINTS

Prior to any further development on Lots 1 and 2 created by the subdivision, the Owner shall be required to supply the said Lots with a reticulated water and sewerage supply as set out in writing by the Authority with regard to the provision of reticulated water and sewerage services.

3. REGISTRATION

The parties shall do all things necessary to enable the Authority to register this agreement pursuant to Section 181 of the Planning & Environment Act.

4. COST OF AGREEMENT

The Owner forthwith on demand shall pay to the Authority the Authority's costs and expenses (as between the solicitor and own client) of and incidental to this agreement and of anything consequent on it or in furtherance of it.

5. RELEASE

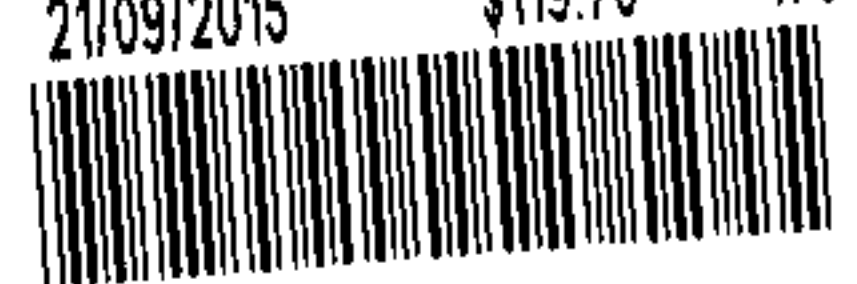
On a person ceasing to own any part of the land that person shall be released from the obligations of that person as an owner under the agreement, save to the extent that any right has arisen against such owner prior to such cessation.

6. ENDING OF AGREEMENT

In the future if this Agreement shall in the opinion of the Authority ever become null and void the Authority will make application to the Registrar of Titles under section 183(2) of the Planning & Environment Act to cancel the recording of this Agreement on the register PROVIDED THAT the Authority shall not be obliged to make such an application until it has been requested to do so by the Owner and the Owner has paid the Authority's costs in relation to the making of that application, including any legal fees incurred by Authority and any fees payable to the Land Titles Office and any costs payable pursuant to Clause 2, 4 & 6 of this Agreement which remain unpaid at that time.

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21/09/2015 \$119.70 173



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21/09/2015 \$119.70 173



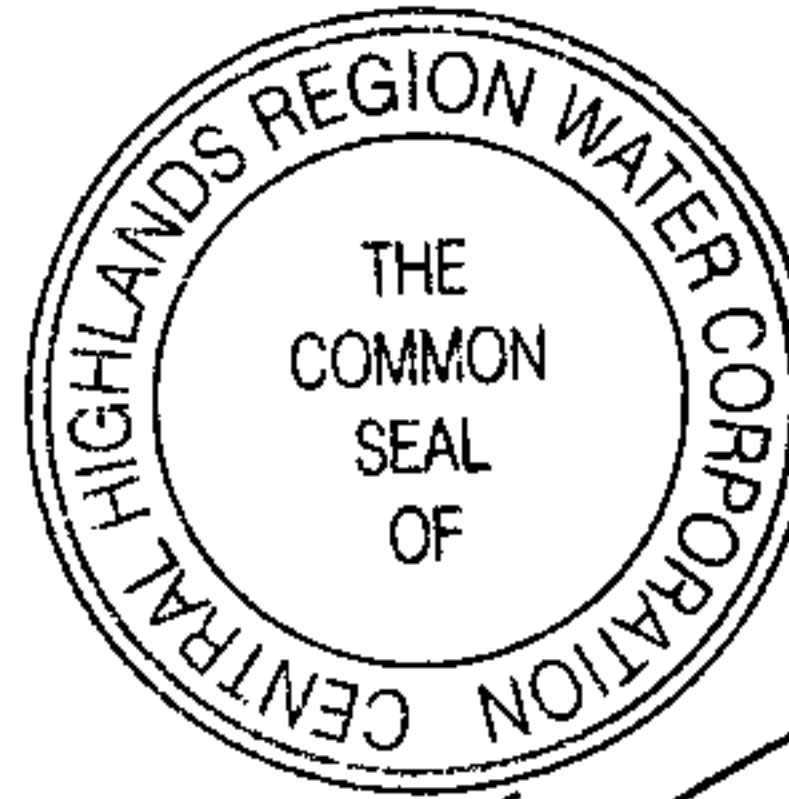
SECTION 17(2) AGREEMENT

Parties:

1. **CENTRAL HIGHLANDS REGION WATER CORPORATION** of 7 Learmonth Road, Wendouree, Victoria 3355 (“the Authority”);
2. **PHILIP LEONARD GARNER** of Whitfield Lane, Beaufort, Victoria 3373 (“the Owner”)

Executed as a Deed on the 5 day of August 2015

The Common Seal of CENTRAL HIGHLANDS REGION WATER CORPORATION was hereunto affixed on the 5 day of August 2015 in the presence of:



Chairman [Signature]
Managing Director [Signature]

Member [Signature]

SIGNED by PHILIP LEONARD GARNER in the presence of:

[Signature]
Philip Leonard Garner

[Signature]
Witness Signature

ROBERT LOGAN WILKINSON
Print name

AA7349

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

Privacy Collection Statement

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

Lodged by	
Name:	BJT LEGAL PTY LTD
Phone:	03 5333 8888
Address:	38 LYDIARD STREET SOUTH, BALLARAT VIC 3350
Reference:	201933 STB:LJ
Customer code:	0570E

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

Provisions:

And we the said (Purchasers) for ourselves, our respective heirs, executors, administrators and transferees the registered proprietor or proprietors for the time being of the land hereby transferred and of each and every part thereof do hereby covenant with PYRENEES SHIRE COUNCIL and others the registered proprietor or proprietors for the time being of the land comprised in Plan of Subdivision No. PS820888A each and every part thereof (other than the Land hereby transferred) as follows:

- (i) Not to construct or allow to be constructed on the land any building:
 - (a) other than one only single storey or two storey private dwelling house with the usual outbuildings with a minimum dwelling house size (excluding integrated garage) of 120 square meters but excluding lots 1, 13, 21 and 22.
 - (b) other than two only single storey or two storey private dwelling houses on lots 1, 13, 21 and 22 with a minimum dwelling size (excluding integrated garage) of 120 square meters.
 - (c) unless the exterior walls of the building are constructed of new materials being exposed brick, brick veneer or render, timber or manufactured timber look products or corrugated iron cladding provided that the corrugated iron cladding are used they shall not cover an area of more than 30% of the external walls of the dwelling.
 - (d) that the roof of any building will not be of materials other than roof tiles, colourbond roofing material or shingles.
 - (e) any outbuilding that does not match the style of the dwelling. Garden sheds shall not be constructed of any materials other than colourbond, timber, brick veneer or render.
- (ii) Not to further subdivide the land hereby transferred excluding lots 1, 13, 21 and 22.
- (iii) No constructed house or partly constructed house shall be moved onto the land or any part of it.

AND IT IS HEREBY AGREED as follows:

THAT the benefit of the foregoing covenant shall be attached to and run at law and in equity with the land comprised in Plan of Subdivision No. PS820888A other than the land hereby transferred and that the burden thereof shall be annexed to and run at law and in equity with the said lot hereby transferred and the same shall be noted and appear on every future Certificate of Title for the said lot and every part as an encumbrance affecting the same.

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 2

THE BACK OF THIS FORM MUST NOT BE USED

Land Use Victoria contact details: see www.delwp.vic.gov.au/property>Contact us

AA7349

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

91ATLA

Page 2 of 2

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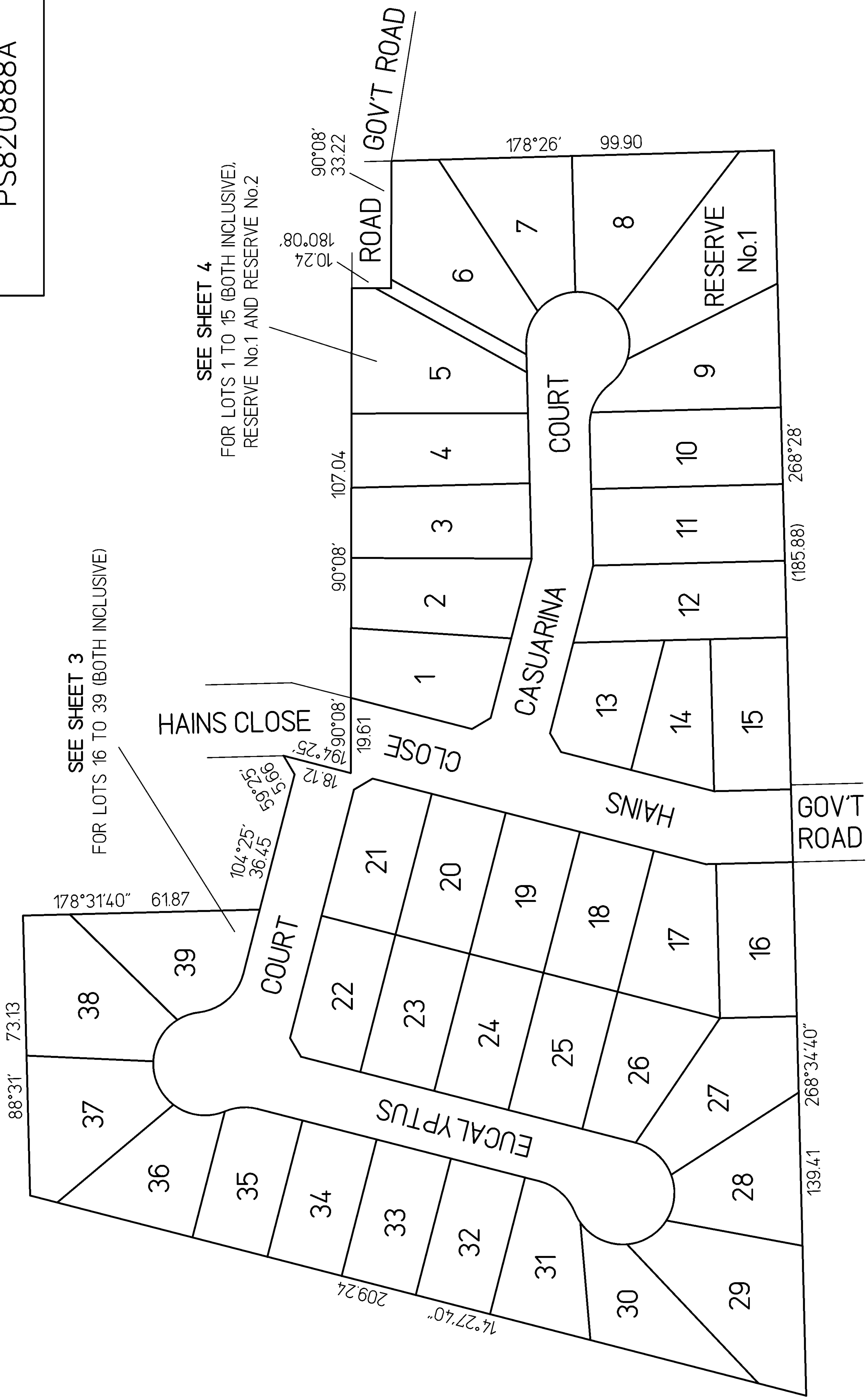






PLAN OF SUBDIVISION		EDITION 1	PS820888A	
LOCATION OF LAND PARISH: EURAMBEEN TOWNSHIP: — SECTION: — CROWN ALLOTMENT: 9 ^M (PART) CROWN PORTION: — TITLE REFERENCES: VOL.11846 FOL.546 & VOL.12172 FOL.160 LAST PLAN REFERENCES: PS740049Q, LOT B & PS820887C, LOT 3 POSTAL ADDRESS: HAINS CLOSE (at time of subdivision) BEAUFORT 3373 MGA CO-ORDINATES E 709 750 ZONE: 54 (of approx. centre of land in plan) N 5 854 600 GDA 2020		Council Name: Pyrenees Shire Council Council Reference Number: PS820888A Planning Permit Reference: PA2311/14 SPEAR Reference Number: S155713A Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 01/12/2020 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Claire Rebecca Pepin for Pyrenees Shire Council on 26/05/2021 Statement of Compliance issued: 07/07/2021		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON	REFER TO SHEET 5 FOR A DESCRIPTION OF RESTRICTION AFFECTING LOTS ON THIS PLAN. WARNING: The restrictive covenant(s)/restriction(s) in this plan may have been varied or removed. For current information, please refer to the relevant folio(s) of the Register, noting section 88(3) of the Transfer of Land Act 1958		
ROAD R-1	PYRENEES SHIRE COUNCIL			
RESERVE No.1	PYRENEES SHIRE COUNCIL			
RESERVE No.2	PYRENEES SHIRE COUNCIL			
NOTATIONS				
DEPTH LIMITATION 15.24m below the surface applies to all land in this plan.				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. PA2311/14 PYRENEES SHIRE COUNCIL This survey has been connected to permanent marks no(s) 64, 84 AND In Proclaimed Survey Area no. — EURAMBEEN PM 24				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1, E-3	DRAINAGE	SEE DIAG.	THIS PLAN	PYRENEES SHIRE COUNCIL
E-2, E-3	PIPELINES OR ANCILLARY PURPOSES	SEE DIAG.	THIS PLAN SEC.136 WATER ACT 1989	CENTRAL HIGHLANDS REGION WATER CORPORATION
STEELE SURVEYING PTY LTD Land Surveyors 12A Webster Street, Ballarat Central 3350 Phone (03) 5333 2699		SURVEYORS FILE REF : 2882A Digitally signed by: Richard John Steele, Licensed Surveyor, Surveyor's Plan Version (4), 13/05/2021, SPEAR Ref: S155713A		ORIGINAL SHEET SIZE : A3 SHEET 1 OF 5 SHEETS PLAN REGISTERED TIME: 2:33 pm DATE: 02 / 08 / 2021 IT Assistant Registrar of Titles

PS820888A



SEE SHEET 3
FOR LOTS 16 TO 39 (BOTH INCLUSIVE)

SEE SHEET 4
FOR LOTS 1 TO 15 (BOTH INCLUSIVE),
RESERVE No.1 AND RESERVE No.2

STEELE SURVEYING PTY LTD
Land Surveyors
12A Webster Street, Ballarat Central 3350
Phone (03) 5333 2699

SCALE
1:1000

10 0 10 20 30 40
LENGTHS ARE IN METRES

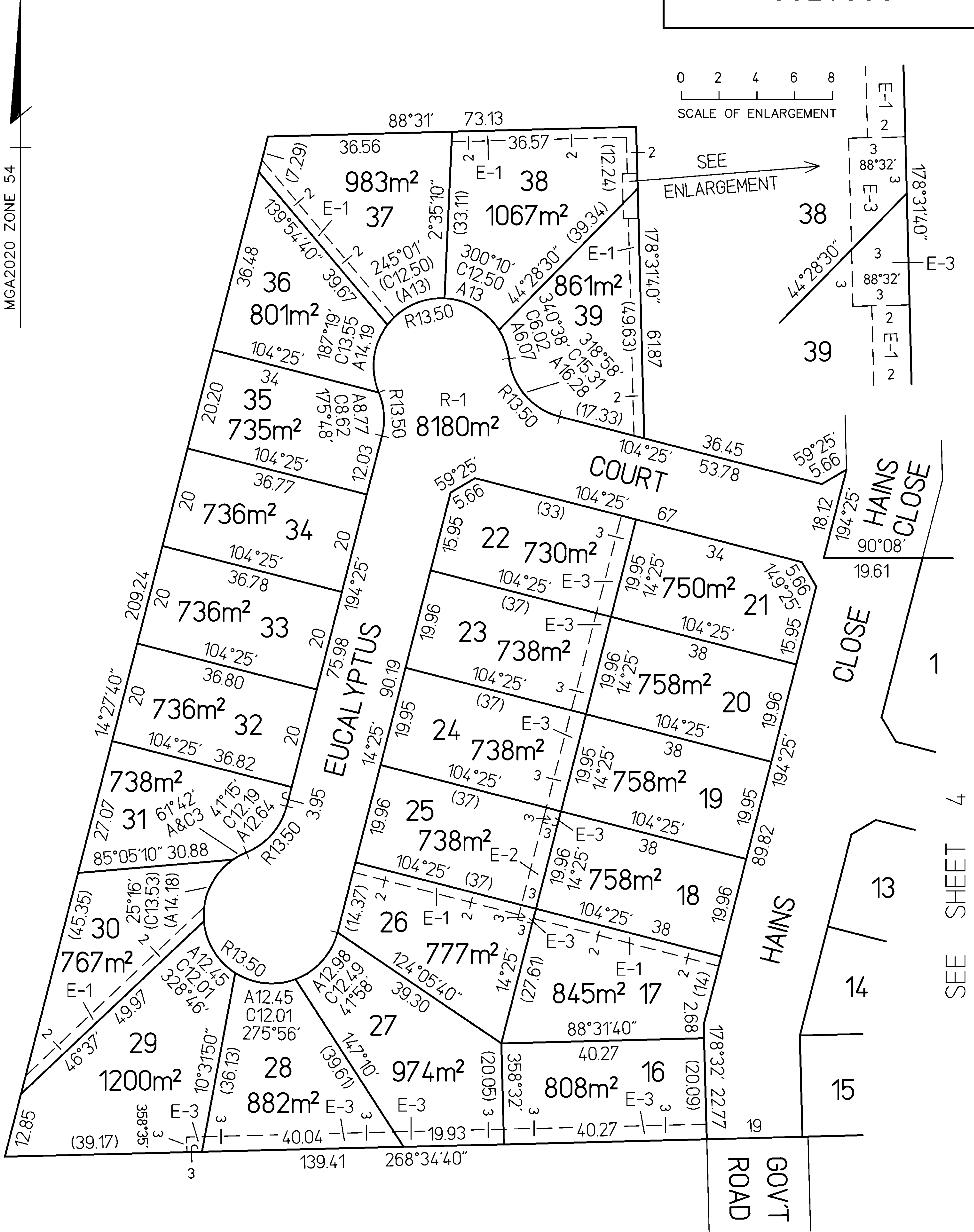
Digitally signed by: Richard John Steele, Licensed Surveyor,
Surveyor's Plan Version (4),
13/05/2021, SPEAR Ref: S155713A

ORIGINAL SHEET
SIZE : A3

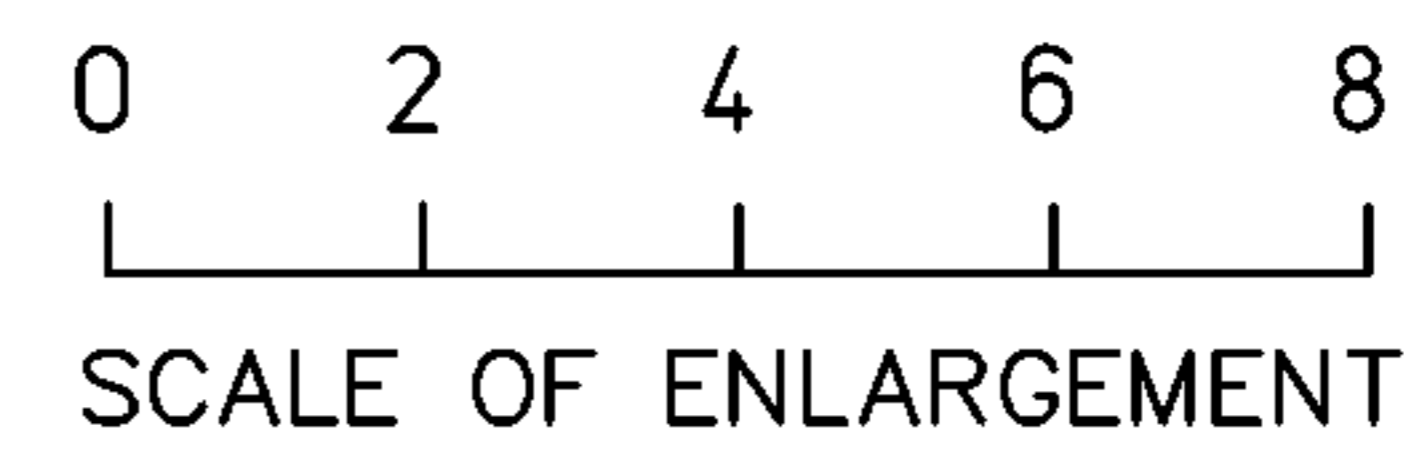
SHEET 2

Digitally signed by:
Pyrenees Shire Council,
26/05/2021,
SPEAR Ref: S155713A

PS820888A



MGA2020 ZONE 54



SEE ENLARGEMENT →

HAINS CLOSE

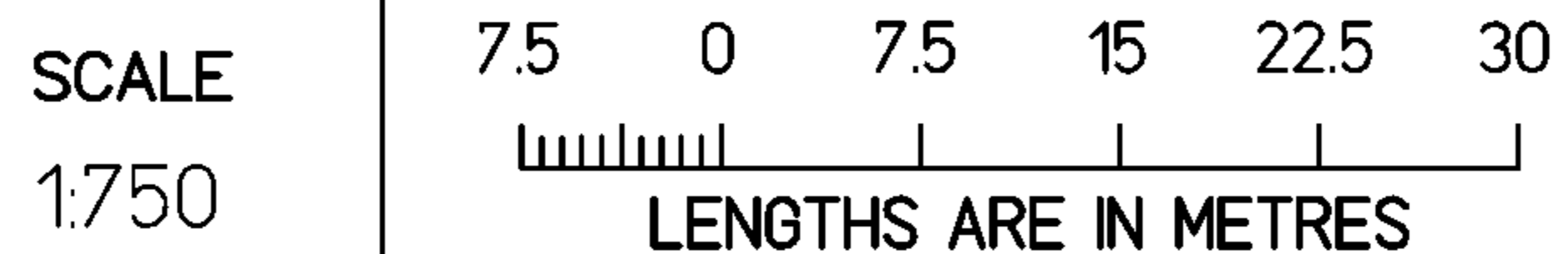
CLOSE

HAINS

GOV'T ROAD

SEE SHEET 4

STEELE SURVEYING PTY LTD
Land Surveyors
12A Webster Street, Ballarat Central 3350
Phone (03) 5333 2699



ORIGINAL SHEET SIZE: A3

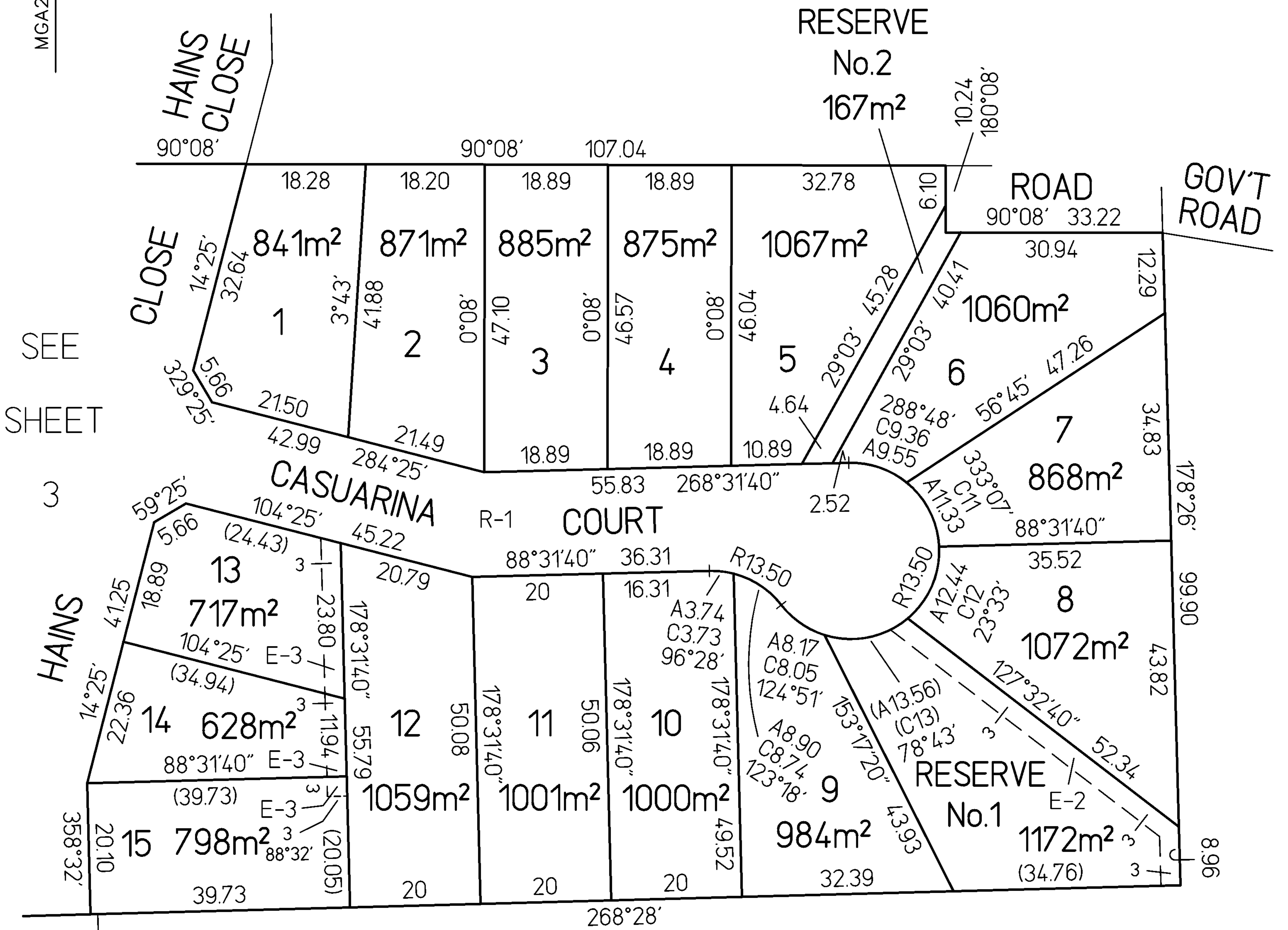
SHEET 3

Digitally signed by: Richard John Steele, Licensed Surveyor,
Surveyor's Plan Version (4),
13/05/2021, SPEAR Ref: S155713A

Digitally signed by:
Pyrenees Shire Council,
26/05/2021,
SPEAR Ref: S155713A

PS820888A

MGA2020 ZONE 54



SEE SHEET 3

HAINS

GOV'T ROAD

STEELE SURVEYING PTY LTD Land Surveyors 12A Webster Street, Ballarat Central 3350 Phone (03) 5333 2699	SCALE 1:750	7.5 0 7.5 15 22.5 30 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE : A3	SHEET 4
	Digitally signed by: Richard John Steele, Licensed Surveyor, Surveyor's Plan Version (4), 13/05/2021, SPEAR Ref: S155713A		Digitally signed by: Pyrenees Shire Council, 26/05/2021, SPEAR Ref: S155713A	

PS820888A


CREATION OF RESTRICTION No.1

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.

BURDENED LAND: ALL LOTS IN THIS PLAN.

BENEFITED LAND: ALL LOTS IN THIS PLAN.

RESTRICTION: THE BURDENED LAND CANNOT BE USED EXCEPT IN ACCORDANCE WITH THE PROVISIONS RECORDED IN MCP AA7349.

<p>STEELE SURVEYING PTY LTD Land Surveyors</p>	<p>SCALE</p>	 <p>LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE : A3</p>	<p>SHEET 5</p>
<p>12A Webster Street, Ballarat Central 3350 Phone (03) 5333 2699</p>	<p>Digitally signed by: Richard John Steele, Licensed Surveyor, Surveyor's Plan Version (4), 13/05/2021, SPEAR Ref: S155713A</p>		<p>Digitally signed by: Pyrenees Shire Council, 26/05/2021, SPEAR Ref: S155713A</p>	

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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

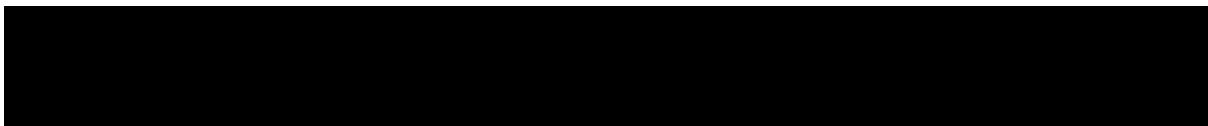
VOLUME 12322 FOLIO 136

Security no : 124115692707L
Produced 11/06/2024 09:51 AM

LAND DESCRIPTION

Lot 22 on Plan of Subdivision 820888A.
PARENT TITLES :
Volume 11846 Folio 546 Volume 12172 Folio 160
Created by instrument PS820888A 02/08/2021

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS820888A 02/08/2021

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 17(2)(C) Subdivision Act 1988
AM194034U 21/09/2015

AGREEMENT Section 173 Planning and Environment Act 1987
AS008385F 15/03/2019

DIAGRAM LOCATION

SEE PS820888A 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: 6 EUCALYPTUS COURT BEAUFORT VIC 3373

ADMINISTRATIVE NOTICES

NIL

eCT Control 20906J DCM LAWYERS
Effective from 31/01/2024

DOCUMENT END