



CENTRAL GOLDFIELDS SHIRE
DOC ID:
16 JUN 2022

Office Use Only

Application Number:	REFER TO:	Date Lodged:	/	/
VicSmart: <input checked="" type="checkbox"/> Yes	LIBRARY:	DB: <input type="checkbox"/> No		
VicSmart Class:				

Application for a Planning Permit

① Privacy Statement

Your application and the personal information on this form is collected by Central Goldfields Shire Council (the Shire) for the purposes of the planning process as set out in the Planning and Environment Act 1987 (PE Act).

If you do not provide your name and address, the Shire will not be able to consider your application.

Your application will be available at the Shire offices for any person to inspect and copies may be made available on request to any person for the relevant period set out in the PE Act.

You must not submit any personal information or copyright material of third parties without their informed consent. By submitting the material, you agree that the use of the material as detailed above does not breach any third party's right to privacy and copyright.


You can request access to your personal information by contacting the Shire Town Planning Department.

① Questions marked with a star (★) must be completed.

① If the space provided on the form is insufficient, attach a separate sheet.

Application Type

Is this a VicSmart application? ★

<input checked="" type="radio"/> No <input type="radio"/> Yes
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?

<input checked="" type="radio"/> No <input type="radio"/> Yes	If 'Yes', with whom?:
Date:	day / month / year

The Land

Civic address of the land ★

Unit No.:	St. No.: 28-30	St. Name: SUTTON ROAD
Suburb/Locality: MARYBOROUGH		Postcode: 3465

Formal land description ★

① Complete either A or B. This information can be found on the certificate of title. If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A	Lot No.:	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input type="radio"/> Plan of Subdivision	No.:
OR					
B	Crown Allotment No.:	21	Section No.:	48 D	
Parish/Township Name: MARYBOROUGH					

The Proposal

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

① 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.

- 6 LOT SUBDIVISION
- TWO ADDITIONAL DWELLINGS
- REMOVAL OF SHED IN A HERITAGE OVERLAY

Provide additional information about 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.

Estimated cost of development for which the permit is required ★

Cost \$ 500,000

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

If the application is for land within metropolitan Melbourne (as defined in section 3 of the Planning and Environment Act 1987) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions

Describe how the land is used and developed now ★

① For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

EXISTING DWELLINGS ON EACH OF PROPOSED
LOTS 1, 2, 3, 6
EXISTING SHED ACROSS LOTS 4 & 5

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

Title Information

Encumbrances on title ★

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', for example, restrictive covenants.

Applicant and Owner Details

Applicant ★

- ① The applicant is the person who wants the permit.
- ① Please provide at least one contact phone number and a full postal address.
- ① Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Name:		
Title: MR	First Name: MICHAEL	Surname: WILSON
Organisation (if applicable): NORTH CENTRAL LAND SURVEYING I/C		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:		
Suburb/Locality:		
Contact information for applicant OR contact person below		
Business phone:	Email: nclsurvey@bigpond.com	
Mobile phone:	Fax:	
Contact person's details* Same as applicant <input checked="" type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		
Unit No.:	St. No.:	St. Name:
Suburb/Locality:	State:	Postcode:

Owner ★

- ① The person or organisation who owns the land.
- ① Where the owner is different from the applicant, provide the details of that person or organisation.

Name: Same as applicant <input type="checkbox"/>		
Title:	First Name: MICHAEL	Surname: STEWART
Organisation (if applicable): HDS No 2 PTY LTD		
Postal Address: <small>If it is a P.O. Box, enter the details here:</small>		

Information Requirements

Is the required information provided? ★

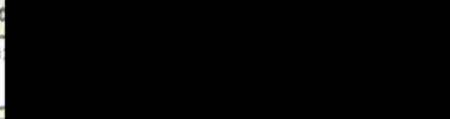
① Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

<input checked="" type="radio"/> Yes
<input type="radio"/> No

Declaration


This form must be signed by the applicant? ★

① 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 permit application.	
Signature 	Date: 2/6/2022 day / month / year

Checklist

Have you?

<input checked="" type="checkbox"/>	Filled in the form completely?
<input checked="" type="checkbox"/>	Paid or included the application fee?
 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.	
<input checked="" type="checkbox"/>	Provided all necessary supporting information and documents?
<input checked="" type="checkbox"/>	A full, current copy of title information for each individual parcel of land forming the subject site.
<input checked="" type="checkbox"/>	A plan of existing conditions.
<input checked="" type="checkbox"/>	Plans showing the layout and details of the proposal.
<input checked="" type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.
<input checked="" type="checkbox"/>	If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).
<input checked="" type="checkbox"/>	If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.
<input checked="" type="checkbox"/>	Completed the relevant council planning permit checklist?
<input checked="" type="checkbox"/>	Signed the declaration above?

Need help with this application?

- ① If you need help to complete this form, read More Information at the end of this form.
 - ① For help with a VicSmart application see Applicant's Guide to Lodging a VicSmart Application at www.planning.vic.gov.au
 - ① General information about the planning process is available at www.planning.vic.gov.au
 - ① Assistance can also be obtained from Council's planning department.
-

Lodgement

Lodge the completed and signed form, the fee payment and all documents with:

Central Goldfields Shire Council
PO Box 194, Maryborough VIC 3465
22 Nolan Street, Maryborough VIC 3465
Contact Information
Telephone: (03) 5461 0610
Fax: (03) 5461 0666
Email: mail@cgoldshire.vic.gov.au

Deliver application in person, by fax, by email or by post:

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address.

Payment

Payment can be made in person at the Shire offices by cheque, cash, or card.

If posting your application, payment can also be made by including a cheque with your application documentation.

For applications submitted by email or for those wishing to pay by card and unable to visit the Shire offices in person, card payment can be made over the telephone after your application has been lodged.

- ① If you are unsure of the correct application fee, please contact the Shire Town Planning Department.
-

Ref: 1935-2
Date: 2nd June 2022

Urban and Regional Planner
Central Goldfields Shire Council
P.O.Box 194
Maryborough
Vic 3465

CENTRAL GOLDFIELDS SHIRE	
DOC ID:	
16 JUN 2022	
REFER TO:	
LIBRARY:	DB:



Attn Mr Andrew Page

North Central Land Surveying Pty Ltd

Re Proposed Subdivision & 2 dwellings
PS 804699U
28-30 Sutton Road
Maryborough
[Redacted]

[Redacted]
Director:

[Redacted]
Michael.C.Wilson LS
ACN 121 755 477
ABN 63 567 643 054

Dear Andrew,

Please find enclosed the following documents for a joint application for a six lot subdivision of this site and two additional dwellings and removal of a shed;

1. Plan of Subdivision PS 804699U (2 copies)
2. Application for a Planning Permit
3. Clause 55 & 56 Response including titles and other information

This relates to a three lot subdivision previously approved (PS730616M) at 30 Sutton Road by the same owner to be now incorporated into a new six lot subdivision with a single shared driveway. Minor adjustments are to be made to lots 1-3 and it was deemed expedient to re-subdivide the whole site. Lots 1-3 and 6 contain existing occupied dwellings. An old shed across lots 4 & 5 of minor consequence is also to be removed and is included in the application (as there is a Heritage Overlay).

Please contact this office if you have any queries or require further information. I look forward to a Planning Permit in due course and will make payment upon receipt of a council invoice and an application for Certification later on.

Yours faithfully

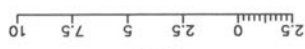
[Redacted Signature]

Michael.C.Wilson
Director - North Central Land Surveying Pty Ltd
Enc items 1-4

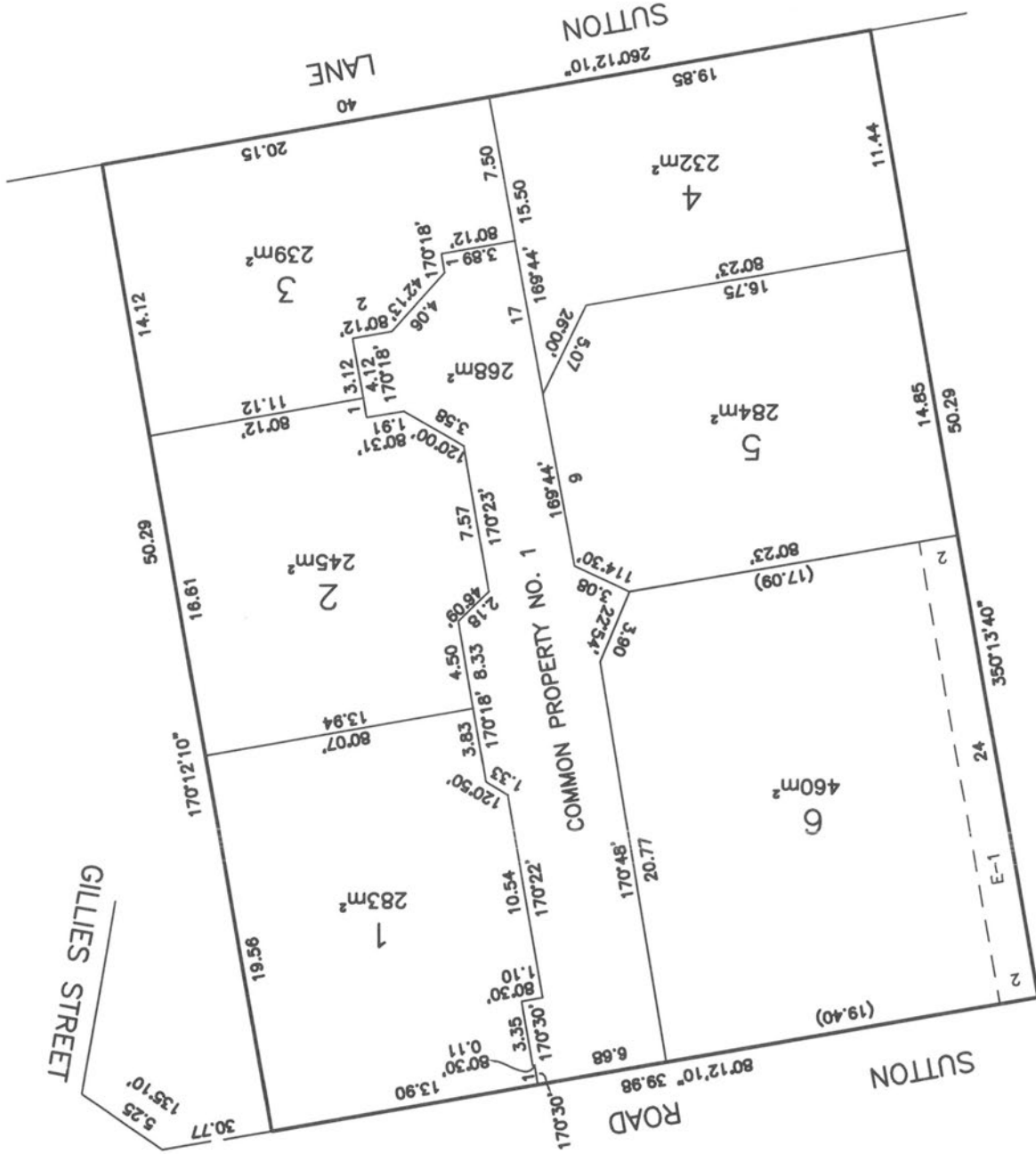
PLAN OF SUBDIVISION			STAGE NO. <hr/>	LRS use only EDITION	Plan Number PS 804699U															
Location of Land Parish: MARYBOROUGH Township: MARYBOROUGH Section: 48D Crown Allotment: 21 Title References: VOL 5998 FOL 576 VOL 12275 FOL 096 VOL 12275 FOL 097 VOL 12275 FOL 098 VOL 12275 FOL 099 Last Plan Refs: PS730616M (Lots 1-3 & Common Property No 1) TP403817P Postal Address: 28-30 SUTTON ROAD (at time of subdivision) MARYBOROUGH 3465 MGA Co-ordinates E 744350 ZONE: 54 (of approx centre of land in plan) N 5896149 GDA 94			Notations <u>Lots on this plan may be affected by one or more Owners Corporations.</u> For details of Owners Corporation(s) including purpose, responsibility and entitlement and liability, see Owners Corporation search report, Owners Corporation rules and Owners Corporation additional information. <u>Additional purpose of plan</u> Dissolution of Owners Corporation No 1 in PS 730616M and resubdivision of all land therein.																	
Vesting of Roads and or Reserves																				
Identifier	Council/Body/Person																			
—	—																			
Notations																				
Depth Limitation 15.24 metres below the surface Survey This plan is based on survey. (PS730616M) Staging: This is not a staged subdivision Planning Permit No: This survey has been connected to permanent marks No: 83, 275 In Proclaimed Survey Area No: 1			Easement Information Legend: A - Appurtenant Easement R - Encumbering Easement (Road) E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement Section 12(2) of the Subdivision Act 1988 applies to all land in this plan																	
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;">Subject Land</th> <th style="width: 25%;">Purpose</th> <th style="width: 10%;">Width (Metres)</th> <th style="width: 20%;">Origin</th> <th style="width: 30%;">Land Benefited/In Favour Of</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">E-1</td> <td style="text-align: center;">DRAINAGE</td> <td style="text-align: center;">2</td> <td style="text-align: center;">THIS PLAN</td> <td style="text-align: center;">LOT 5 IN THIS PLAN</td> </tr> <tr> <td style="text-align: center;">E-1</td> <td style="text-align: center;">SEWERAGE</td> <td style="text-align: center;">2</td> <td style="text-align: center;">THIS PLAN</td> <td style="text-align: center;">LOT 5 IN THIS PLAN</td> </tr> </tbody> </table>						Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	E-1	DRAINAGE	2	THIS PLAN	LOT 5 IN THIS PLAN	E-1	SEWERAGE	2	THIS PLAN	LOT 5 IN THIS PLAN
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NORTH CENTRAL LAND SURVEYING Ph: 5461 5233 Mob: 0448 884 042 Box 172 Maryborough 3465			SURVEYORS FILE REF:1935/2 VERSION 08 LICENSED SURVEYOR: MICHAEL CRAIG WILSON ORIGINAL SHEET SIZE: A3 Sheet 1 of 2 Sheets																	

ORIGINAL	SCALE	1:250
SHEET	SIZE	A3

LENGTHS ARE IN METRES



LICENSED SURVEYOR: MICHAEL CRAIG WILSON	REFERENCE NUMBER 1935/2	VERSION 08
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MGA94 ZONE 54



PS 804699U

OWNERS CORPORATION SCHEDULE

PS804699U

Owners Corporation No.

1

Plan No.

PS804699U

Land affected by Owners Corporation

Lots: 1, 2, 3, 4, 5

Common Property No.: 1

Limitations of Owners Corporation:

Unlimited

Notations

Totals		
	Entitlement	Liability
This schedule	160	160
Previous stages	0	0
Overall Total	160	160

Lot Entitlement and Lot Liability

Lot	Entitlement	Liability
1	35	35
2	30	30
3	35	35
4	30	30
5	30	30

NORTH
CENTRAL
LAND
SURVEYING

SURVEYORS FILE REFERENCE: 1935/2 VERSION 1

SHEET 1

ORIGINAL SHEET
SIZE: A3

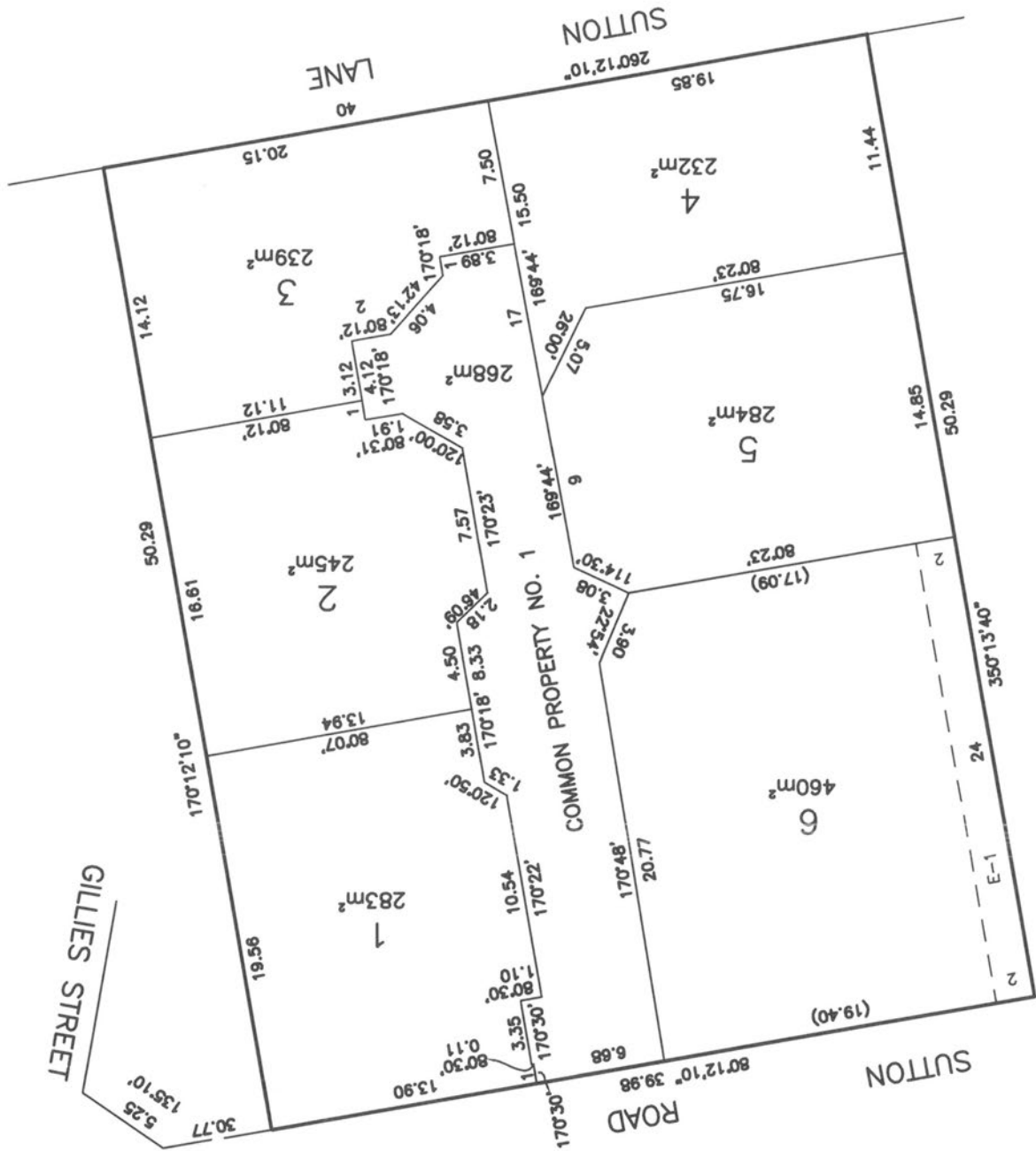
< MICHAEL CRAIG WILSON >

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Legend: A – Appurtenant Easement R – Encumbering Easement (Road) E – Encumbering Easement or Condition in Crown Grant in the Nature of an Easement					
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ORIGINAL		SHEET SIZE A3	LENGTHS ARE IN METRES	Sheet 2
SCALE 1:250				

LICENSED SURVEYOR: MICHAEL CRAIG WILSON		REFERENCE NUMBER 1935/2	VERSION 08
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SCALE	
2.5	0
2.5	7.5
5	10



PS 804699U

PS804699U

1

Lots: 1, 2, 3, 4, 5

Unlimited

160

1	35	35									
2	30	30									
3	35	35									
4	30	30									
5	30	30									

< MICHAEL CRAIG WILSON >

CENTRAL GOLDFIELDS SHIRE	
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**NORTH
CENTRAL
LAND
SURVEYING**

PROPERTY REPORT

RESPONSIBLE AUTHORITY Central Goldfields Shire Council

PLANNING SCHEME

Central Goldfields Planning Scheme

PROPOSAL

Proposed six lot subdivision, construction of two dwellings and shed demolition.
28-30 Sutton Road
Maryborough

APPLICANT

H.C & D.J Stewart
C/o North Central Land Surveying Pty Ltd
1935-2
June 2022

North Central Land Surveying Pty Ltd
Office: 91 Burke St, Maryborough
Postal: PO Box 172 Maryborough 3465
Phone: (03) 5461 5233
Fax: (03) 5461 5299

Mobile:
E-mail:
Director:
ACN:
ABN:


nclsurvey@bigpond.com
Michael.C.Wilson LS
121 755 477
63 567 643 054

1 PROPOSAL

- 1.1 The proposal being presented to Council is a six lot subdivision of 28-30 Sutton Road which relates to an earlier subdivision PS730616M at 30 Sutton Road completed by the same applicant about 16 months ago. The adjoining property at 28 Sutton Road has been brought into the development. With a shared common property and adjustments deemed appropriate to lots 1-3 in the previous subdivision it has now been deemed expedient to simply turn over the earlier subdivision and carry out a new six lot subdivision of the whole site with a single shared common property. Lots 1, 2, 3 and 6 contain dwellings and a shed to be removed sits across lots 4 & 5. In addition, planning approval to build new units on lots 4 & 5 is also sought. Lot sizes vary from 232m² to 460m². The average lot size is 290m². A net increase of two lots results.

APPENDIX 1

2 SITE AND CONTEXT DESCRIPTION

2.1 SITE

- The site is a rectangular parcel with a frontage of 40 metres to Sutton Road and 40 metres to Sutton Lane at the rear (which is largely immaterial to the application). The site is about 50.3 metres in depth.

APPENDIX 2

- The land falls towards the north west corner.
- The site is largely devoid of vegetation except for some inconsequential shrubs and trees around the house on proposed lot 6. There is a single small street tree in front of lot 6 in Sutton Road.

APPENDIX 3

- There is a single vehicle entry to lot 6 from Sutton Road and a separate single entrance to the whole complex from Sutton Road. This will be suitable to serve lots 1-5 instead of three as is current. No additional vehicle crossings should be required.

APPENDIX 3

- All services are available to the property. All lots can readily drain by natural fall into kerbing and drainage infrastructure in front of the site in Sutton Road or via common property.

- The nature strip is narrow and formed in front of the site in Sutton Road with kerbing, a footpath and single street tree.

APPENDIX 3

- No significant natural features, such as drainage lines, watercourses, habitat areas or corridors exist on the site. There are no notable features or site characteristics on the property.

- The property is located in the east side of Maryborough in a well-established residential area.

APPENDIX 5

- No odours or excessive noise levels were observed on site that would compromise the proposed subdivision. Nothing was observed that would indicate any soil contamination, salinity or fill.

2.2 SURROUNDING AREA

The subdivision pattern in the area is mostly parcels based on original Crown Allotments, with some later subdivision based on the established gazetted Township Road network.

APPENDIX 4

- Residential land use is the main land use in the area in all directions.
- There is scattered vegetation of minor significance in the immediate area of mainly exotic and deciduous species. Little if any native vegetation exists in the area.
- Sutton Road is a sealed bitumen road of some 11 metre pavement width between kerb and channel on each side. It is easily able to handle the small amount of additional traffic resulting from the subdivision.

APPENDIX 3

- The site is not subject to inundation.
- Refer photos

APPENDIX 6

3 DESIGN RESPONSE

3.1 COMMUNITY DESIGN. STANDARDS

- The proposal is infill development creating two additional lots on the site. Lot 6 will utilize a frontage to Sutton Road and lots 1-5 will front Common Property.
- There is no dominant neighbourhood character in the area with a mix of housing styles, sizes and building materials.
- The existing vehicle access points do not require modification.
- The subdivision provides two additional vacant lots that will provide a choice in residential opportunities. The smaller lot sizes will cater for people whose lifestyle or circumstances do not permit them the time or resources to look after a bigger parcel of land.
- Sutton Road is a regional highway (Pyrenees Highway) that will not be impacted greatly by the proposal with minimal additional traffic resulting and being over-engineered for the traffic presenting and will easily be able to handle the additional traffic from two new lots. No modifications for entry are required. Vehicles can leave the site in a forward direction.

- Lot 6 has site levels that will allow drainage to fall to the existing street drainage infrastructure, with a drainage easement provided for lot 5 to drain through lot 6 to Sutton Road or via Common Property. Drainage works will be required.
- As the site is only of a gradual slope, minimal soil disturbance will be necessary for the construction of any new dwellings.
- There are no environmental or other constraints on the site.
- Lot 6 will overlook the street and provide surveillance and security for pedestrians and cyclists in the area. Lots 4-5 have a good outlook into Common Property. Lots 3 & 4 have a rear outlook to Sutton Lane but this is likely to be fairly incidental.

3.2 MOVEMENT NETWORK

- The street network and road hierarchy are already in place. Many local destination points are accessible by walking or cycling. Other points further away will require use of a vehicle.

3.3 LOT SIZE AND ORIENTATION

- Lot 6 adequately contains the existing dwelling and the required garden and private open space. Lots 4 and 5 will adequately contain residences as designed. Plans are attached to the application. Appropriate set-backs, garden areas and private open space are allowed for.

APPENDIX 7

3.4 STREET DESIGN AND CONSTRUCTION

- No new roads will be constructed. The lots will utilize the existing street network.
- Emergency vehicles will be able to access the lots.
- No intersections are being designed or changed as a result of the development.

3.5 DRAINAGE SYSTEMS.

- Lot 6 has site levels that will allow drainage to fall to the existing street drainage infrastructure, with a drainage easement provided for lot 5 to drain through lot 6 to Sutton Road or via Common Property. Drainage works may be required.
- Any drainage matters including on-site retention that are identified by Council will form part of a permit condition, which will need to be addressed to Council's engineering standards.

3.6 UTILITIES PROVISIONS.

- All services are available to the site and any extension of these services will need to be to the satisfaction of the servicing authority and will form part of the Planning Permit as conditions.

- The development will make efficient use of the available services.
- Note that Common Property has been placed to accommodate a Powercor facility at the rear of lot 6 built to service the three units at 30 Sutton Road. This is a retrospective correction.
- Street lighting is located in Sutton Road near the front of the site.
- A fire hydrant is located within 120 metres coverage of the site in Sutton Road and via Sutton Lane as located in Gillies Street. Between these two there is full coverage of the whole property within 120 metres.

APPENDIX 3

4 ZONING AND OVERLAYS

The site is zoned General Residential Zone (GRZ1) with a heritage overlay.

APPENDIX 8

4.1 GENERAL RESIDENTIAL ZONE.

- All objectives of this zone are met as discussed elsewhere.

4.2 Heritage Overlay

- This is relevant in the necessary shed demolition. The demolition of the shed will be a council requirement of the subdivision, the shed having no intrinsic heritage value. I would argue that the case is made self-evidently for this building removal. Other than that the heritage objectives are met as buildings fronting Sutton Road are not affected in this proposal and no buildings on site have heritage values that will be compromised in this proposal. No new entrances are required so the site will not change to any significant degree when viewed from Sutton Road. Adjoining buildings are not affected by the proposal.

5 CONCLUSION

- The proposal creates two additional lots, which adequately provide for existing and future dwellings in line with the objectives of the zone and carry out minor boundary adjustments to lots 1 & 2 to improve the amenity of the common property which includes the full extent of the concrete driveway in this proposal.
- The development enables an infill nature of appropriate density, creating lots which provide an additional choice in residential opportunities in the area.
- Existing services are available to the site. The development can make more efficient use of these services and more efficient use of site access.
- I request that after due consideration, Council issue a permit for the six lot subdivision of this site as per the proposal.

Assessment Table - Two or More Dwellings on a Lot and Residential Buildings (Clause 55)

28-30 Sutton Road Maryborough

Neighbourhood Character & Infrastructure

Clause 55.02

Objective	Standard (Summarised)	Complies / Does Not Comply / Variation Required
B1 55.02-1 Neighbourhood Character To ensure that the design respects the existing neighbourhood character or contributes to a preferred neighbourhood character. To ensure that development responds to the features of the site and the surrounding area.	The design response must be appropriate to the neighbourhood and the site.	✓ Complies
	The proposed design must respect the existing or preferred neighbourhood character and respond to the features of the site.	✓ Complies
B2 55.02-2 Residential Policy To ensure that residential development is provided in accordance with any policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies. To support medium densities in areas where development can take advantage of public transport and community infrastructure and services.	An application must be accompanied by a written statement to the satisfaction of the responsible authority that describes how the development is consistent with any relevant policy for housing in the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.	✓ Complies.
B3 55.02-3 Dwelling Diversity To encourage a range of dwelling sizes and types in developments of ten or more dwellings.	Developments of ten or more dwellings should provide a range of dwelling sizes and types, including: <ul style="list-style-type: none"> ▪ Dwellings with a different number of bedrooms. ▪ At least one dwelling that contains a kitchen, bath or shower, and a toilet and wash basin at ground floor level. 	N/A
B4 55.02-4 Infrastructure To ensure development is provided with appropriate utility services and infrastructure. To ensure development does not unreasonably overload the capacity of utility services and infrastructure.	Development should be connected to reticulated services, including reticulated sewerage, drainage, electricity and gas, if available.	✓ Complies
	Development should not unreasonably exceed the capacity of utility services and infrastructure, including reticulated services and roads.	✓ Complies subject to Referral Authority response and conditions
	In areas where utility services or infrastructure have little or no spare capacity, developments should provide for the upgrading of or mitigation of the impact on services or infrastructure.	N/A – area is well serviced.
B5 55.02-5 Integration with the Street	Developments should provide adequate vehicle and pedestrian links that maintain or enhance local accessibility.	✓ Complies. Footpaths in place.

Objective	Standard (Summarised)	Complies / Does Not Comply / Variation Required
To integrate the layout of development with the street.	Development should be oriented to front existing and proposed streets.	✓ Complies. Development is oriented towards Sutton Road (existing dwelling on lot 6) and Common Property (lots 1-5). Common Property is enlarged from the previously approved subdivision at 30 Sutton Road.
	High fencing in front of dwellings should be avoided if practicable.	✓ Complies.
	Development next to existing public open space should be laid out to complement the open space.	N/A

Site Layout and Building Massing

Clause 55.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B6 55.03-1 Street Setback To ensure that the setbacks of buildings from a street respect the existing or preferred neighbourhood character and make efficient use of the site.	Walls of buildings should be set back from streets: <ul style="list-style-type: none"> the distance specified in Table B1. <i>Porches, pergolas and verandahs that are less than 3.6m high and eaves may encroach not more than 2.5m into the setbacks of this standard.</i>	✓ Design complies with this requirement. Existing dwelling on lot 6 fronts Sutton Road.
B7 55.03-2 Building Height To ensure that the height of buildings respects the existing or preferred neighbourhood character.	The maximum building height should not exceed 9 metres (unless the slope of the natural ground level at any cross section wider than 8 metres of the site of the building is 2.5 degrees or more, in which case the maximum building height should not exceed 10 metres).	✓ Design complies with this requirement as single storey dwellings on lots 4 & 5.
	Changes of building height between existing buildings and new buildings should be graduated.	✓ Complies. Existing house is detached from the proposed dwelling.
B8 55.03-3 Site Coverage To ensure that the site coverage respects the existing or preferred neighbourhood character and responds to the features of the site. Encourage retention of significant trees on site	The site area covered by buildings should not exceed 60%.	✓ Design can comply with this requirement.
B9 55.03-4 Permeability To reduce the impact of increased stormwater run-off on the drainage system. To facilitate on-site stormwater infiltration.	At least 20% of the site should not be covered by impervious surfaces.	✓ Design can comply with this requirement.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B10 55.03-5 Energy Efficiency To achieve and protect energy efficient dwellings and residential buildings. To ensure the orientation and layout of development reduce fossil fuel energy use and make appropriate use of daylight and solar energy.	Buildings should be: <ul style="list-style-type: none"> ▪ Oriented to make appropriate use of solar energy. ▪ Sited and designed to ensure that the energy efficiency of existing dwellings on adjoining lots is not unreasonably reduced. 	✓ Complies. Refer clause 56 report.
	Living areas and private open space should be located on the north side of the development, if practicable.	✗ Does not comply as the site is north facing with private open space tending to the south and west for lots 4-6. Exemption is sought.
	Developments should be designed so that solar access to north-facing windows is maximised.	✓ Design can comply with this requirement.
B11 55.03-6 Open Space To integrate the layout of development with any public and communal open space provided in or adjacent to the development.	If any public or communal open space is provided on site, it should: <ul style="list-style-type: none"> ▪ Be substantially fronted by dwellings, where appropriate. ▪ Provide outlook for as many dwellings as practicable. ▪ Be designed to protect any natural features on the site. ▪ Be accessible and usable. 	✓ Complies as relevant to this proposal.
B12 55.03-7 Safety To ensure the layout of development provides for the safety and security of residents and property.	Entrances to dwellings and residential buildings should not be obscured or isolated from the street and internal accessways.	✓ Design can comply with this requirement.
	Planting which creates unsafe spaces along streets and accessways should be avoided.	✓ Design can comply with this requirement.
	Developments should be designed to provide good lighting, visibility and surveillance of car parks and internal accessways.	✓ Design can comply with this requirement.
	Private spaces within developments should be protected from inappropriate use as public thoroughfares.	✓ Design complies with this requirement. No Common Property access to Sutton Lane at the rear of the site.
B13 55.03-8 Landscaping To encourage development that respects the landscape character of the neighbourhood. To encourage development that maintains and enhances habitat for plants and animals in locations of habitat importance. To provide appropriate landscaping. To encourage the retention of mature vegetation on the site.	The landscape layout and design should: <ul style="list-style-type: none"> ▪ Protect any predominant landscape features of the neighbourhood. ▪ Take into account the soil type and drainage patterns of the site. ▪ Allow for intended vegetation growth and structural protection of buildings. ▪ In locations of habitat importance, maintain existing habitat and provide for new habitat for plants and animals. ▪ Provide a safe, attractive and functional environment for residents. 	✓ Design can comply with this requirement.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	Development should provide for the retention or planting of trees, where these are part of the character of the neighbourhood.	✓ Complies. Only minor trees and shrubs on site to be unaffected.
	Development should provide for the replacement of any significant trees that have been removed in the 12 months prior to the application being made.	
	The landscape design should specify landscape themes, vegetation (location and species), paving and lighting.	✓ Will comply when prepared. Anticipate this being a permit condition.
B14 55.03-9 Access To ensure vehicle access to and from a development is safe, manageable and convenient. To ensure the number and design of vehicle crossovers respects the neighbourhood character.	Accessways should: <ul style="list-style-type: none"> ▪ Be designed to allow convenient, safe and efficient vehicle movements and connections within the development and to the street network. ▪ Be designed to ensure vehicles can exit a development in a forwards direction if the accessway serves five or more car spaces, three or more dwellings, or connects to a road in a Road Zone. ▪ Be at least 3 metres wide. ▪ Have an internal radius of at least 4 metres at changes of direction. ▪ Provide a passing area at the entrance that is at least 5 metres wide and 7 metres long if the accessway serves ten or more spaces and connects to a road in a Road Zone. 	✓ Complies in all cases.
	The width of accessways or car spaces should not exceed: <ul style="list-style-type: none"> ▪ 33% of the street frontage; or ▪ if the width of the street frontage is less than 20 metres, 40% of the street frontage. 	✓ Complies.
	No more than one single-width crossover should be provided for each dwelling fronting a street.	✓ Complies.
	The location of crossovers should maximise the retention of on-street car parking spaces.	✓ Complies.
	The number of access points to a road in a Road Zone should be minimised.	✓ Complies. Use is made of existing entry points.
	Developments must provide for access for service, emergency and delivery vehicles.	✓ Complies.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B15 55.03-10 Parking Location To provide convenient parking for resident and visitor vehicles. To avoid parking and traffic difficulties in the development and the neighbourhood. To protect residents from vehicular noise within developments.	Car parking facilities should: <ul style="list-style-type: none"> Be reasonably close and convenient to dwellings and residential buildings. Be secure. Be designed to allow safe and efficient movements within the development. Be well ventilated if enclosed. Large parking areas should be broken up with trees, buildings or different surface treatments. 	✓ Design can comply with this requirement.
	Shared accessways or car parks of other dwellings and residential buildings should be located at least 1.5 metres from the windows of habitable rooms. This setback may be reduced to 1 metre where there is a fence at least 1.5 metres high or where window sills are at least 1.4 metres above the accessway.	✓ Design can comply with this requirement.
B16 Parking Provision To ensure that car and bicycle parking for residents and visitors is appropriate to the needs of residents. To ensure that the design of parking and access areas is practical and attractive and that these areas can be easily maintained. See also: 52.06-5 table 1 Car spaces 52.06-8 Table 2 Car park dimensions	Car parking for residents should be provided as follows: <ul style="list-style-type: none"> One space for each one or two bedroom dwelling. Two spaces for each three or more bedroom dwelling, with one space under cover. Studies or studios that are separate rooms must be counted as bedrooms. 	✓ Design can comply with this requirement.
	Developments of five or more dwellings should provide visitor car parking of one space for every five dwellings. The spaces should be clearly marked as visitor parking.	N/A
	In developments of five or more dwellings, bicycle parking spaces should be provided.	N/A
	Minimum car park and accessway dimensions: <ul style="list-style-type: none"> Parallel – 2.3m x 6.7m with a accessway width of 3.6m 45 degrees – 2.6m x 4.9m with a accessway width of 3.5m 60 degrees – 2.6m x 4.9m with a accessway width of 4.9m 90 degrees – 2.6m x 4.9m with a accessway width of 6.4m 	✓ Design can comply with this requirement.
	A building may project into the space if it is at least 2.1 metres above the space.	N/A
	Car spaces in garages, carports or otherwise constrained by walls should:- <ul style="list-style-type: none"> Single garage 3.5m x 6m Double garage 5.5m x 6 	✓ Design can comply with this requirement.
	Car parking facilities should: <ul style="list-style-type: none"> Be designed for efficient use and management. Minimise hard surface areas. Be designed, surfaced and graded to reduce run-off and allow for stormwater to drain into the site. Be lit. 	✓ Design can comply with this requirement.

Amenity Impacts

Clause 55.04

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>B17 55.04-1 Side and Rear Setbacks To ensure that the height and setback of a building from a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>A new building WALL not on or within 200mm of a boundary should be set back from side or rear boundaries:</p> <ul style="list-style-type: none"> 1 metre, plus 0.3 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres. <p>Sunblinds, verandahs, porches, eaves, fascias, gutters, masonry chimneys, flues, pipes, domestic fuel or water tanks, and heating or cooling equipment or other services may encroach not more than 0.5 metres into the setbacks of this standard.</p> <p>Landings having an area of not more than 2 square metres and less than 1 metre high, stairways, ramps, pergolas, shade sails and carports may encroach into the setbacks of this standard.</p>	<p>✓ Design can comply with this requirement.</p>
<p>B18 55.04-2 Walls on Boundaries To ensure that the location, length and height of a wall on a boundary respects the existing or preferred neighbourhood character and limits the impact on the amenity of existing dwellings.</p>	<p>A new wall constructed on or within 200mm of a side or rear boundary of a lot or a carport constructed on or within 1 metre of a side or rear boundary of lot should not abut the boundary for a length of more than:</p> <ul style="list-style-type: none"> 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, <p>or</p> <ul style="list-style-type: none"> Where there are existing or simultaneously constructed walls or carports abutting the boundary on an abutting lot, the length of the existing or simultaneously constructed walls or carports, whichever is the greater. <p>A new wall or carport may fully abut a side or rear boundary where slope and retaining walls or fences would result in the effective height of the wall or carport being less than 2 metres on the abutting property boundary.</p> <p>A building on a boundary includes a building set back up to 200mm from a boundary.</p> <p>The height of a new wall constructed on or within 200mm of a side or rear boundary or a carport constructed on or within 1 metre of a side or rear boundary should not exceed an average of 3 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.</p>	<p>✓ Design complies with this requirement.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B19 55.04-3 Daylight to Existing Windows To allow adequate daylight into existing habitable room windows.	Buildings opposite an existing habitable room window should provide for a light court to the existing window that has a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky. The calculation of the area may include land on the abutting lot.	✓ Design can comply with this requirement.
	Walls or carports more than 3 metres in height opposite an existing habitable room window should be set back from the window at least 50 per cent of the height of the new wall if the wall is within a 55 degree arc from the centre of the existing window. The arc may be swung to within 35 degrees of the plane of the wall containing the existing window. Where the existing window is above ground floor level, the wall height is measured from the floor level of the room containing the window.	✓ Design can comply with this requirement.
B20 55.04-4 North Facing Windows To allow adequate solar access to existing north-facing habitable room windows.	If a north-facing habitable room window of an existing dwelling is within 3 metres of a boundary on an abutting lot, a building should be setback from the boundary 1 metre, plus 0.6 metres for every metre of height over 3.6 metres up to 6.9 metres, plus 1 metre for every metre of height over 6.9 metres, for a distance of 3 metres from the edge of each side of the window. A north-facing window is a window with an axis perpendicular to its surface oriented north 20 degrees west to north 30 degrees east.	✓ Design can comply with this requirement.
B21 55.04-5 Overshadowing Open Space To ensure buildings do not significantly overshadow existing secluded private open space.	Where sunlight to the secluded private open space of an existing dwelling is reduced, at least 75 per cent, or 40 square metres with minimum dimension of 3 metres, whichever is the lesser area, of the secluded private open space should receive a minimum of five hours of sunlight between 9 am and 3 pm on 22 September. If existing sunlight to the secluded private open space of an existing dwelling is less than the requirements of this standard, the amount of sunlight should not be further reduced.	✓ Design can comply with this requirement.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B22 55.04-6 Overlooking To limit views into existing secluded private open space and habitable room windows.	A habitable room window, balcony, terrace, deck or patio should be located and designed to avoid direct views into the <u>secluded private open space</u> or <u>habitable room window</u> of an existing dwelling (horizontal 9m rule and from a height of 1.7m above ffl). A habitable room window, balcony, terrace, deck or patio with a direct view should be either: <ul style="list-style-type: none"> ▪ Offset a minimum of 1.5 metres from the edge of one window to the edge of the other. ▪ Have sill heights of at least 1.7 metres above floor level. ▪ Have fixed, obscure glazing in any part of the window below 1.7 metre above floor level. ▪ Have permanently fixed external screens to at least 1.7 metres above floor level and be no more than 25 per cent transparent. 	✓ Design can comply with this requirement.
	Obscure glazing in any part of the window below 1.7 metres above floor level may be openable provided that there are no direct views as specified in this standard.	✓ Design can comply with this requirement.
	Screens used to obscure a view should be: <ul style="list-style-type: none"> ▪ Perforated panels or trellis with a maximum of 25 per cent openings or solid translucent panels. ▪ Permanent, fixed and durable. ▪ Designed and coloured to blend in with the development. This standard does not apply to a new habitable room window, balcony, terrace, deck or patio which faces a property boundary where there is a visual barrier at least 1.8 metres high and the floor level of the habitable room, balcony, terrace, deck or patio is less than 0.8 metres above ground level at the boundary.	✓ Design can comply with this requirement.
B23 55.04-7 Internal Views To limit views into the secluded private open space and habitable room windows of dwellings and residential buildings within a development.	Windows and balconies should be designed to prevent overlooking of more than 50 per cent of the secluded private open space of a lower-level dwelling or residential building directly below and within the same development.	N/A. Single storey proposal.
B24 55.04-8 Noise Impacts To contain noise sources in developments that may affect existing dwellings. To protect residents from external noise.	Noise sources, such as mechanical plant, should not be located near bedrooms of immediately adjacent existing dwellings.	✓ Complies
	Noise sensitive rooms and secluded private open spaces of new dwellings and residential buildings should take account of noise sources on immediately adjacent properties.	✓ Complies
	Dwellings and residential buildings close to busy roads, railway lines or industry should be designed to limit noise levels in habitable rooms.	✓ Complies.

On-Site Amenity and Facilities

Clause 55.05

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B25 55.05-1 Accessibility To encourage the consideration of the needs of people with limited mobility in the design of developments.	The dwelling entries of the ground floor of dwellings and residential buildings should be accessible or able to be easily made accessible to people with limited mobility.	✓ Complies. Site is level.
B26 55.05-2 Dwelling Entry To provide each dwelling or residential building with its own sense of identity.	Entries to dwellings and residential buildings should: <ul style="list-style-type: none"> Be visible and easily identifiable from streets and other public areas. Provide shelter, a sense of personal address and a transitional space around the entry. 	✓ Complies subject to permit condition as appropriate.
B27 55.05-3 Daylight to New Windows To allow adequate daylight into new habitable room windows.	A window in a habitable room should be located to face: <ul style="list-style-type: none"> An outdoor space clear to the sky or a light court with a minimum area of 3 square metres and minimum dimension of 1 metre clear to the sky, not including land on an abutting lot, or A verandah provided it is open for at least one third of its perimeter, or A carport provided it has two or more open sides and is open for at least one third of its perimeter. 	✓ Design can comply with this requirement.
B28 55.05-4 Private Open Space To provide adequate private open space for the reasonable recreation and service needs of residents.	A dwelling or residential building should have private open space consisting of: <ul style="list-style-type: none"> Total of 40 square metres, one part to consist of secluded private open space to side or rear with a minimum area of 25 square metres and a minimum width of 3m A balcony of 8 square metres, minimum width of 1.6 metres A roof-top area of 10 square metres, minimum width of 2 metres. All with convenient access from a living room.	✓ Design can comply with this requirement as to point 1. (Not relevant as to points 2 and 3).
B29 55.05-5 Solar Access to Open Space To allow solar access into the secluded private open space of new dwellings and residential buildings.	The private open space should be located on the north side of the dwelling or residential building, if appropriate.	✗ Does not comply as the site is north facing with private open space tending to the south and west for lots 4-6.
	The southern boundary of secluded private open space should be set back from any wall on the north of the space at least $(2+0.9h)$ metres, where 'h' is the height of the wall.	✓ Design can comply with this requirement.
B30 55.05-6 Storage To provide adequate storage facilities for each dwelling.	Each dwelling should have convenient access to at least 6 cubic metres of externally accessible, secure storage space.	✓ Design can comply with this requirement.

Detailed Design

Clause 55.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
B31 55.06-1 Design Detail To encourage design detail that respects the existing or preferred neighbourhood character.	The design of buildings, including: <ul style="list-style-type: none"> ▪ Facade articulation and detailing, ▪ Window and door proportions, ▪ Roof form, and ▪ Verandahs, eaves and parapets, ▪ Should respect the existing or preferred neighbourhood character. 	✓ Design can comply with this requirement.
	Garages and carports should be visually compatible with the development and the existing or preferred neighbourhood character.	✓ Design can comply with this requirement.
B32 55.06-2 Front Fences To encourage front fence design that respects the existing or preferred neighbourhood character.	The design of front fences should complement the design of the dwelling or residential building and any front fences on adjoining properties.	✓ Complies subject to permit condition as appropriate. Existing fence will be replaced.
	A front fence within 3 metres of a street should not exceed: <ul style="list-style-type: none"> ▪ 2m if abutting a Road Zone, Category 1. ▪ 1.5m in any other streets. 	✓ Design can comply with this requirement. No expected changes to fencing fronting Sutton Road.
B33 55.06-3 Common Property To ensure that communal open space, car parking, access areas and site facilities are practical, attractive and easily maintained. To avoid future management difficulties in areas of common ownership.	Developments should clearly delineate public, communal and private areas.	✓ Design can comply with this requirement.
	Common property, where provided, should be functional and capable of efficient management.	✓ Design complies with this requirement with widening of existing Common Property providing improved amenity to both sides operating under a single Owners Corporation.
B34 55.06-4 Site Services To ensure that site services can be installed and easily maintained. To ensure that site facilities are accessible, adequate and attractive.	The design and layout of dwellings and residential buildings should provide sufficient space (including easements where required) and facilities for services to be installed and maintained efficiently and economically.	✓ Design can comply with this requirement.
	Bin and recycling enclosures, mailboxes and other site facilities should be accessible, adequate in size, durable, waterproof and blend in with the development.	✓ Design can comply with this requirement.
	Mailboxes should be provided and located for convenient access as required by Australia Post.	✓ Design can comply with this requirement.

	<h2>Assessment Table – Residential subdivision – three to fifteen lots (Clause 56)</h2> <p>28-30 Sutton Road Maryborough</p>
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Class of Subdivision	Objectives & Standards to be Met
3-15 lots	Clauses all except; 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6

Subdivision site and context
description and design response

Clause 56.01

Liveable and Sustainable Communities

Clause 56.03

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C6 56.03-5 Neighbourhood character To design subdivisions that respond to neighbourhood character.	Subdivision should: <ul style="list-style-type: none"> 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. Respond to and integrate with the surrounding urban environment. Protect significant vegetation and site features. 	✓ Complies. Vegetation is minimal and not impacted by lot design. Proposal is not out of character with neighbourhood lot sizes reflecting the approved development at 30 Sutton Road and other nearby examples.

Lot Design

Clause 56.04

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>C7 56.04-1 Lot diversity and distribution objectives To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services. To provide higher housing densities within walking distance of activity centres. To achieve increased housing densities in designated growth areas. To provide a range of lot sizes to suit a variety of dwelling and household types.</p>	<p>A subdivision should implement any relevant housing strategy, plan or policy for the area set out in this scheme. Lot sizes and mix should achieve the average net residential density specified in any zone or overlay that applies to the land or in any relevant policy for the area set out in this scheme. A range and mix of lot sizes should be provided including lots suitable for the development of:</p> <ul style="list-style-type: none"> • Single dwellings. • Two dwellings or more. • Higher density housing. • Residential buildings and Retirement villages. 	<p>✓ Complies. Bus route nearby in Sutton Road and railway station within 800 metres.</p> <p>A mix of lot sizes is provided.</p> <p>✗ Does not comply as to point 3 and the activity centre. Site is about 500 metres from the nearest shopping centre. An exemption is sought as it complies in every practical sense.</p>
	<p>Unless the site is constrained by topography or other site conditions, lot distribution should provide for 95 per cent of dwellings to be located no more than 400 metre street walking distance from the nearest existing or proposed bus stop, 600 metres street walking distance from the nearest existing or proposed tram stop and 800 metres street walking distance from the nearest existing or proposed railway station.</p>	
	<p>Lots of 300 square metres or less in area, lots suitable for the development of two dwellings or more, lots suitable for higher density housing and lots suitable for Residential buildings and Retirement villages should be located in and within 400 metres street walking distance of an activity centre.</p>	
<p>C8 56.04-2 Lot area and building envelopes 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</p>	<p>An application to subdivide land that creates lots of less than 300 square metres should be accompanied by information that shows:</p> <ul style="list-style-type: none"> • That the lots are consistent or contain building envelope that is consistent with a development approved under this scheme, or • That a dwelling may be constructed on each lot in accordance with the requirements of this scheme. 	<p>Refer Clause 55 and building plans lodged as regards lots 4 & 5 which are both below 300m². A shed is to be removed that currently occupies part of this space.</p>
	<p>Lots of between 300 square metres and 500 square metres should:</p> <ul style="list-style-type: none"> • Contain a building envelope that is consistent with a development of the lot approved under this scheme, or • 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. 	<p>✓ Lot 6 is in this range and contains an existing dwelling.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	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.	Not applicable. Lots 4 & 5 are below 300m ² . Complies as to lot 6.
	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.	Not applicable.
	A building envelope may specify or incorporate any relevant siting and design requirement.	✓ Complies if required.
	Any requirement should meet the relevant standards of Clause 54, unless: <ul style="list-style-type: none"> • 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. 	✓ Complies if required.
	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: <ul style="list-style-type: none"> • 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. 	✓ Complies if required.
	Lot dimensions and building envelopes should protect: <ul style="list-style-type: none"> • 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. 	✓ Complies. Solar access and potential easements are protected. No significant vegetation or site features on lots 4-5 and Common Property. Vegetation which is minimal on lot 6 will not be affected.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C9 56.04-3 Solar orientation of lots To provide good solar orientation of lots and solar access for future dwellings.	Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.	✓ Complies.
	Lots have appropriate solar orientation when: <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. 	✓ Complies.
C10 56.04-4 Street orientation objective		✓ Complies
C11 56.04-5 Common area 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.	An application to subdivide land that creates common land must be accompanied by a plan and a report identifying: <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. 	✓ Complies. Common Property no 1 is the enlargement of Common Property no 1 in the previous subdivision at 30 Sutton Road for the use of access and servicing for lots 1, 2, 3, 4, & 5. Lot 6 has independent access and servicing and need not be a party to the Owners Corporation. This will make efficient use of the existing entry to Sutton Road which is well constructed from the previous subdivision. It will allow vehicles to leave the site in a forward direction. Standard Owners Corporation rules will apply with variations if necessary to respond to local conditions.

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>C12 56.05-1 Integrated urban landscape objectives To provide attractive and continuous landscaping in streets and public open spaces that contribute to the character and identity of new neighbourhoods and urban places or to existing or preferred neighbourhood character in existing urban areas. To incorporate natural and cultural features in the design of streets and public open space where appropriate. To protect and enhance native habitat and discourage the planting and spread of noxious weeds. To provide for integrated water management systems and contribute to drinking water conservation.</p>	<p>An application for subdivision that creates streets or public open space should be accompanied by a landscape design. The landscape design should:</p> <ul style="list-style-type: none"> • Implement any relevant streetscape, landscape, urban design or native vegetation precinct plan, strategy or policy for the area set out in this scheme. • Create attractive landscapes that visually emphasise streets and public open spaces. • Respond to the site and context description for the site and surrounding area. • Create low maintenance, durable landscapes that are capable of a long life. The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs. 	<p>N/A. No streets or public open space are created.</p>

Access and Mobility Management

Clause 56.06

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
<p>C15 56.06-2 Walking and cycling network objectives To contribute to community health and wellbeing by encouraging walking and cycling as part of the daily lives of residents, employees and visitors. To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists. To reduce car use, greenhouse gas emissions and air pollution.</p>	<p>The walking and cycling network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant regional and local walking and cycling strategy, plan or policy for the area set out in this scheme. • Link to any existing pedestrian and cycling networks. • Provide safe walkable distances to activity centres, community facilities, public transport stops and public open spaces. 	<p>✓ Complies. Beyond the scope of this proposal.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<ul style="list-style-type: none"> • Provide an interconnected and continuous network of safe, efficient and convenient footpaths, shared paths, cycle paths and cycle lanes based primarily on the network of arterial roads, neighbourhood streets and regional public open spaces. • Ensure safe street and road crossings including the provision of traffic controls where required. • Be accessible to people with disabilities. 	
<p>C17 56.06-4 Neighbourhood street network objective To provide for direct, safe and easy movement through and between neighbourhoods for pedestrians, cyclists, public transport and other motor vehicles using the neighbourhood street network.</p>	<p>The neighbourhood street network must:</p> <ul style="list-style-type: none"> • Take account of the existing mobility network of arterial roads, neighbourhood streets, cycle paths, shared paths, footpaths and public transport routes. • Provide clear physical distinctions between arterial roads and neighbourhood street types. • Comply with the Roads Corporation's arterial road access management policies. 	<p>✓ Complies. Beyond the scope of this proposal.</p>
	<p>The neighbourhood street network should be designed to:</p> <ul style="list-style-type: none"> • Implement any relevant transport strategy, plan or policy for the area set out in this scheme. • Include arterial roads at intervals of approximately 1.6 kilometres that have adequate reservation widths to accommodate long term movement demand. • Include connector streets approximately halfway between arterial roads and provide adequate reservation widths to accommodate long term movement demand. • Ensure connector streets align between neighbourhoods for direct and efficient movement of pedestrians, cyclists, public transport and other motor vehicles. 	<p>✓ Complies. Beyond the scope of this proposal.</p>
<p>C18 56.06-5 Walking and cycling network detail objectives To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well-constructed and accessible for people with disabilities. To design footpaths to accommodate wheelchairs, prams, scooters and other footpath bound vehicles.</p>	<p>Footpaths, shared paths, cycle paths and cycle lanes should be designed to:</p> <ul style="list-style-type: none"> • Be part of a comprehensive design of the road or street reservation. • Be continuous and connect. • Provide for public transport stops, street crossings for pedestrians and cyclists and kerb crossovers for access to lots. Accommodate projected user volumes and mix. • Meet the requirements of Table C1. 	<p>✓ Complies. Beyond the scope of this proposal.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	<ul style="list-style-type: none"> • Provide pavement edge, kerb, channel and crossover details that support safe travel for pedestrians, footpath bound vehicles and cyclists, perform required drainage functions and are structurally sound. • Provide appropriate signage. • Be constructed to allow access to lots without damage to the footpath or shared path surfaces. 	
<p>C20 56.06-7 Neighbourhood street network detail objective To design and construct street carriageways and verges so that the street geometry and traffic speeds provide an accessible and safe neighbourhood street system for all users.</p>	<p>The design of streets and roads should:</p> <ul style="list-style-type: none"> • Meet the requirements of Table C1. Where the widths of access lanes, access places, and access streets do not comply with the requirements of Table C1, the requirements of the relevant fire authority and roads authority must be met. • Provide street blocks that are generally between 120 metres and 240 metres in length and generally between 60 metres to 120 metres in width to facilitate pedestrian movement and control traffic speed. • Have verges of sufficient width to accommodate footpaths, shared paths, cycle paths, and integrated water management, street tree planting, lighting and utility needs. 	<p>N/A. No changes to the street network or infrastructure which is already adequate.</p>
	<ul style="list-style-type: none"> • A street detail plan should be prepared that shows, as appropriate: • The street hierarchy and typical cross-sections for all street types. • Location of carriageway pavement, parking, bus stops, kerbs, crossovers, footpaths, tactile surface indicators, cycle paths and speed control and traffic management devices. • Water sensitive urban design features. • Location and species of proposed street trees and other vegetation. • Location of existing vegetation to be retained and proposed treatment to ensure its health. <p>Any relevant details for the design and location of street furniture, lighting, seats, bus stops, telephone boxes and mailboxes.</p>	<p>N/A. No changes to the street network or infrastructure which is already adequate.</p>

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C21 56.06-8 Lot access To provide for safe vehicle access between roads and lots.	<p>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.</p> <p>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.</p> <p>The design and construction of a crossover should meet the requirements of the relevant road authority.</p>	<p>✓ Complies. Access is off an existing vehicle entry to common property and lots 1-5 and a separate entry to lot 6 already in place.</p> <p>Crossovers are in place to council standards.</p>

Integrated Water Management

Clause 56.07

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C22 56.07-1 Drinking water supply To reduce the use of drinking water. To provide an adequate, cost-effective supply of drinking water.	<p>The supply of drinking water must be:</p> <ul style="list-style-type: none"> Designed and constructed in accordance with the requirements and to the satisfaction of the relevant water authority. Provided to the boundary of all lots in the subdivision to the satisfaction of the relevant water authority. 	✓ Complies
C23 56.07-2 Reused and recycled water To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.	<p>Reused and recycled water supply systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority, Environment Protection Authority and Department of Human Services. Provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	N/A. Recycled water not available at this site.
C24 56.07-3 Waste water management 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.	<p>Waste water systems must be:</p> <ul style="list-style-type: none"> Designed, constructed and managed in accordance with the requirements and to the satisfaction of the relevant water authority and the Environment Protection Authority. Consistent with any relevant approved domestic waste water management plan. 	N/A. Reticulated sewer instead.
	<p>Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority.</p>	✓ Complies

Site Management

Clause 56.08

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C26 56.08-1 Site management To protect drainage infrastructure and receiving waters from sedimentation and contamination. To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works. To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.	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: <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. 	✓ Complies as governed by permit conditions.
	Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.	✓ Complies where practicable.

Utilities

Clause 56.09

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
C27 56.09-1 Shared trenching To maximise the opportunities for shared trenching. To minimise constraints on landscaping within street reserves.	Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.	✓ Complies where practicable.
C28 56.09-2 Electricity, telecommunications and gas To provide public utilities to each lot in a timely, efficient and cost effective manner. To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.	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.	✓ Complies
	Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.	✓ Complies
	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.	✓ Complies

Title & Objective	Standard	Complies / Does Not Comply / Variation Required
	Where available, the reticulated gas supply system must be designed in accordance with the requirements of the relevant gas supply agency and be provided to the boundary of all lots in the subdivision to the satisfaction of the relevant gas supply agency.	✓ Complies



Co-ordinates of Plot Corners

NW 744258,5896212

SW 744253,5896085

MGA Zone 54

Data Source: Vicmap Property

0 5 10 15 20 25 30 35 40 45 50m

Scale of Metres (1:800)

MGA Zone 54

Vicroads- 558 G7 (ed.8)

Created 09:37 AM on Jun 16, 2022

Co-ordinates of Plot Corners

NE 744470,5896204

SE 744465,5896076

MGA Zone 54

WARNING: No warranty is given as to the accuracy or completeness of this map. Dimensions are approximate. For property dimensions, undertake a Title search.

28-30 Sutton Road

Write a description for your map.

Legend

- 28 Sutton Rd
- LeShaye Hair and Beauty

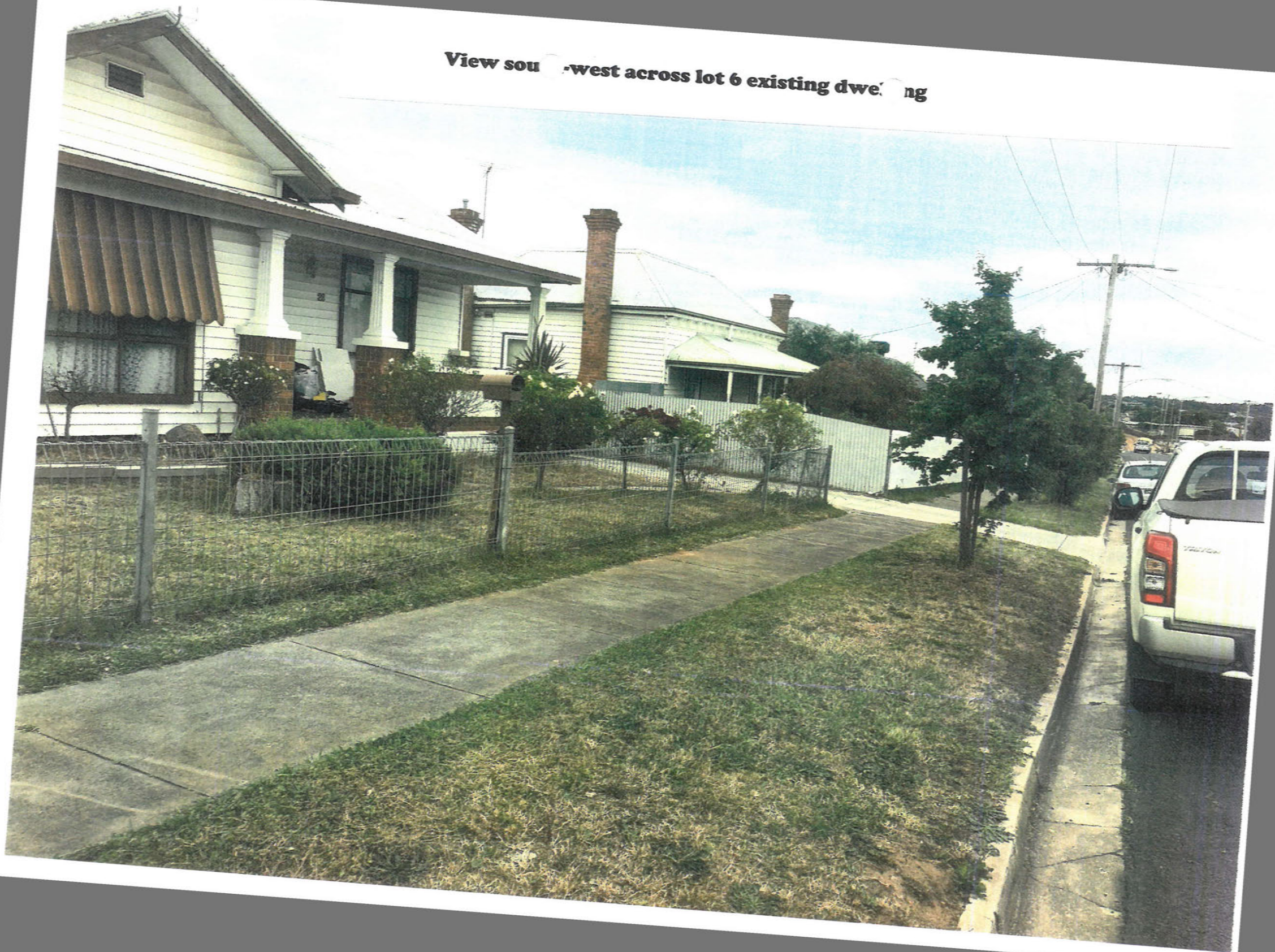


Google Earth

View south into site at entry off Sutton Road.



View south-west across lot 6 existing dwelling



View north along driveway to Sutton Road.



View west of shed to removed lots 4 & 5.



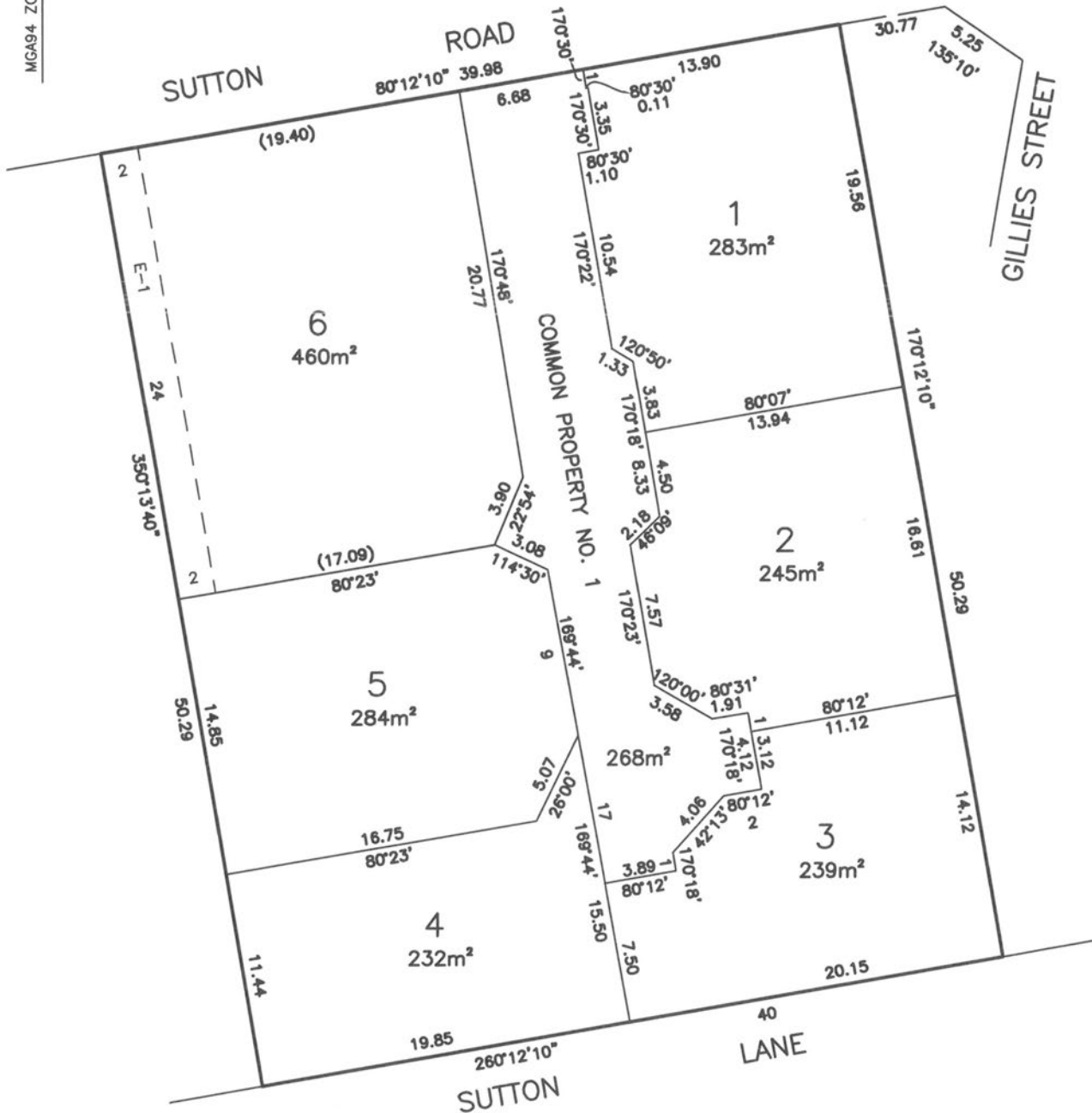
View south-west across lot 4.



PLAN OF SUBDIVISION			STAGE NO. <hr/>	LRS use only EDITION	Plan Number PS 804699U
Location of Land Parish: MARYBOROUGH Township: MARYBOROUGH Section: 48D Crown Allotment: 21 Title References: VOL 5998 FOL 576 VOL 12275 FOL 096 VOL 12275 FOL 097 VOL 12275 FOL 098 VOL 12275 FOL 099 Last Plan Refs: PS730616M (Lots 1-3 & Common Property No 1) TP403817P Postal Address: 28-30 SUTTON ROAD (at time of subdivision) MARYBOROUGH 3465 MGA Co-ordinates E 744350 ZONE: 54 (of approx centre of N 5896149 GDA 94 land in plan)					
Vesting of Roads and or Reserves			Notations		
Identifier	Council/Body/Person		<u>Lots on this plan may be affected by one or more Owners Corporations.</u> For details of Owners Corporation(s) including purpose, responsibility and entitlement and liability, see Owners Corporation search report, Owners Corporation rules and Owners Corporation additional information. <u>Additional purpose of plan</u> Dissolution of Owners Corporation No 1 in PS 730616M and resubdivision of all land therein.		
—	—				
Notations					
Depth Limitation 15.24 metres below the surface					
Survey This plan is based on survey. (PS730616M) Staging: This is not a staged subdivision Planning Permit No: This survey has been connected to permanent marks No: 83, 275 In Proclaimed Survey Area No: 1					
Easement Information					
Legend: A – Appurtenant Easement R – Encumbering Easement (Road) E – Encumbering Easement or Condition in Crown Grant in the Nature of an Easement					
Section 12(2) of the Subdivision Act 1988 applies to all land in this plan					
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
E-1	DRAINAGE	2	THIS PLAN	LOT 5 IN THIS PLAN	
E-1	SEWERAGE	2	THIS PLAN	LOT 5 IN THIS PLAN	
NORTH CENTRAL LAND SURVEYING Ph: 5461 5233 Mob: 0448 884 042 Box 172 Maryborough 3465			SURVEYORS FILE REF:1935/2 VERSION 08 LICENSED SURVEYOR: MICHAEL CRAIG WILSON ORIGINAL SHEET SIZE: A3 Sheet 1 of 2 Sheets		

PS 804699U

MG94 ZONE 54



ORIGINAL SCALE 1:250	SHEET SIZE A3	SCALE 2.5 0 2.5 5 7.5 10 LENGTHS ARE IN METRES	LICENSED SURVEYOR: MICHAEL CRAIG WILSON REFERENCE NUMBER 1935/2 VERSION 08 Sheet 2	
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OWNERS CORPORATION SCHEDULE

PS804699U

Owners Corporation No.

1

Plan No.

PS804699U

Land affected by Owners Corporation

Lots: 1, 2, 3, 4, 5

Common Property No.: 1

Limitations of Owners Corporation:

Unlimited

Notations

Totals		
	Entitlement	Liability
This schedule	160	160
Previous stages	0	0
Overall Total	160	160

Lot Entitlement and Lot Liability

Lot	Entitlement	Liability
1	35	35
2	30	30
3	35	35
4	30	30
5	30	30

NORTH
CENTRAL
LAND
SURVEYING

SURVEYORS FILE REFERENCE: 1935/2 VERSION 1

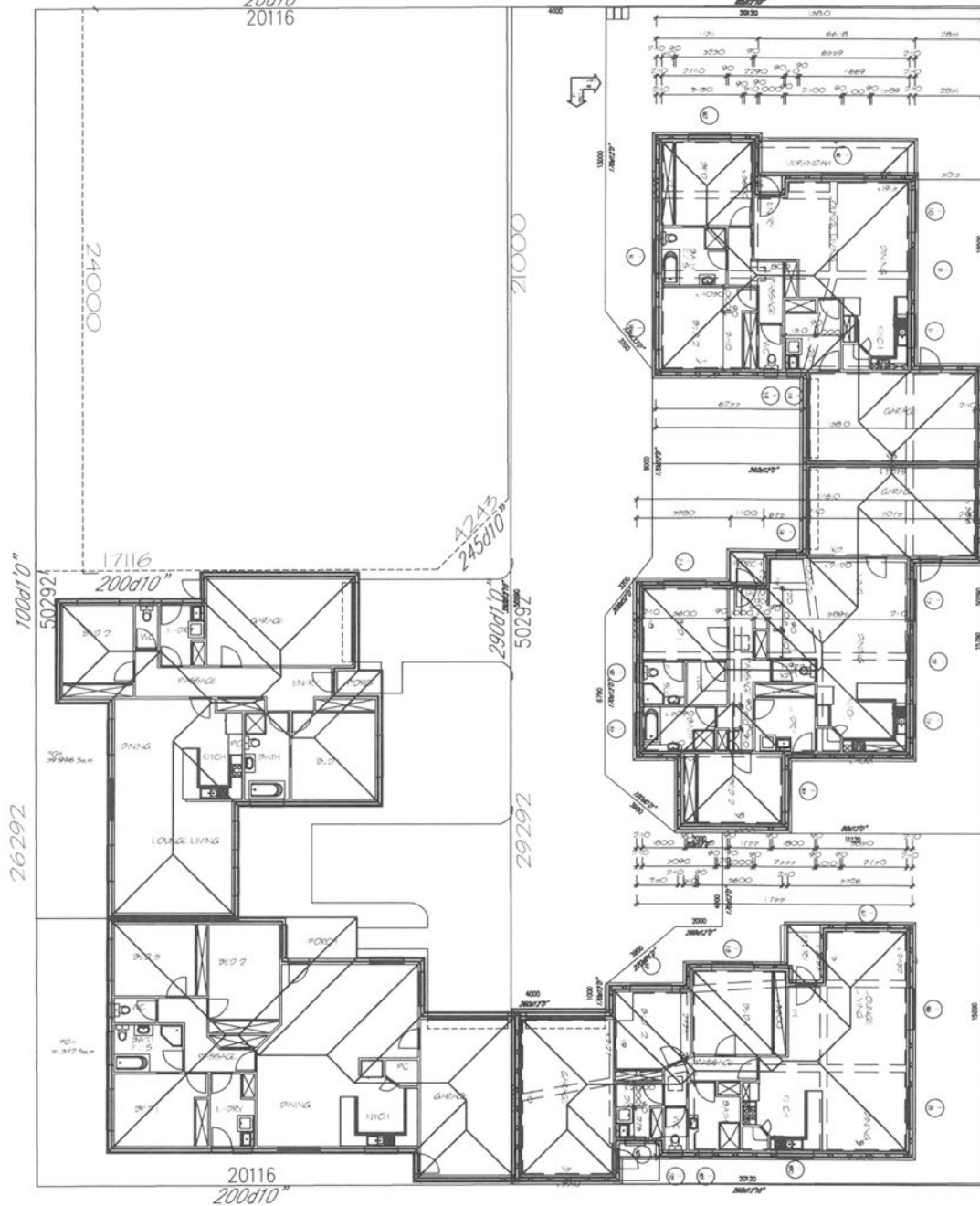
SHEET 1

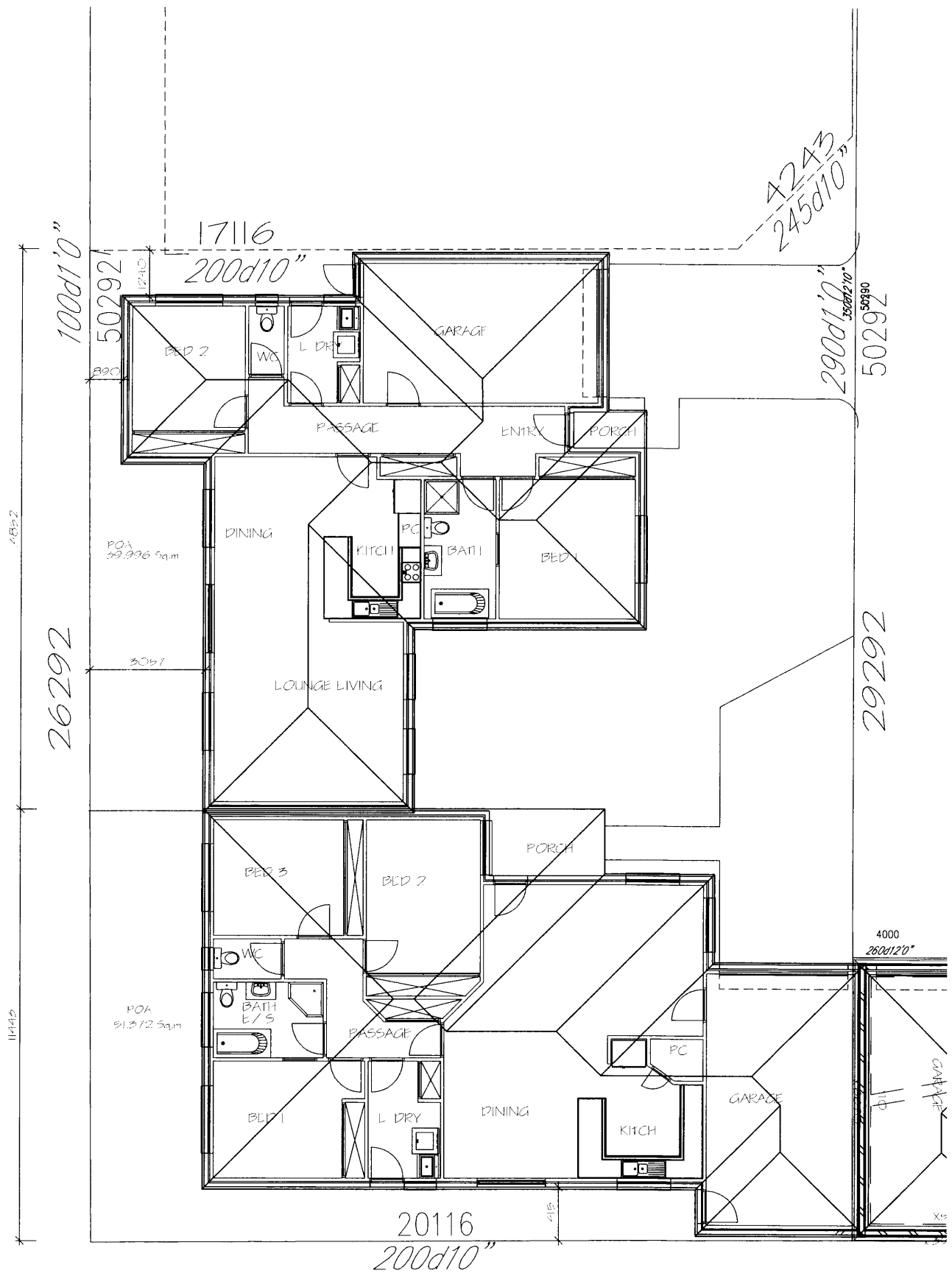
ORIGINAL SHEET
SIZE: A3

< MICHAEL CRAIG WILSON >

$$\frac{20d10''}{20116}$$

amph





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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 05998 FOLIO 576

Security no : 124098062442S
Produced 02/06/2022 04:54 PM

LAND DESCRIPTION

Lot 1 on Title Plan 403817P.
PARENT TITLE Volume 05984 Folio 628
Created by instrument 1594302 01/11/1935

REGISTERED PROPRIETOR

[REDACTED]

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

DIAGRAM LOCATION

SEE TP403817P 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: 28 SUTTON ROAD MARYBOROUGH VIC 3465

DOCUMENT END

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

TITLE PLAN		EDITION 1	TP 403817P						
Location of Land Parish: MARYBOROUGH Township: MARYBOROUGH Section: 48D Crown Allotment: 21 (PT) Crown Portion: Last Plan Reference: Derived From: VOL 5998 FOL 576 Depth Limitation: 50 FEET		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 13/04/2000 VERIFIED: AA							
<table><tr><th colspan="2">TABLE OF PARCEL IDENTIFIERS</th></tr><tr><td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td></tr><tr><td colspan="2">PARCEL 1 = CA 21 (PT)</td></tr></table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		PARCEL 1 = CA 21 (PT)	
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
PARCEL 1 = CA 21 (PT)									
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets							

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

Page 1 of 2

VOLUME 12275 FOLIO 096

Security no : 124098062459Y
Produced 02/06/2022 04:55 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 730616M.
PARENT TITLE Volume 06984 Folio 663
Created by instrument PS730616M 06/01/2021

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
HAYDEN CAMPBELL STEWART
DARLENE JOY STEWART both of 29 SIMSON STREET CARISBROOK VIC 3464
PS730616M 06/01/2021

ENCUMBRANCES, CAVEATS AND NOTICES

DIAGRAM LOCATION

SEE PS730616M 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: UNIT 1 30 SUTTON ROAD MARYBOROUGH VIC 3465

ADMINISTRATIVE NOTICES

NIL

OWNERS CORPORATIONS

The land in this folio is affected by

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

VOLUME 12275 FOLIO 097

Security no : 124098062475G
Produced 02/06/2022 04:56 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 730616M.
PARENT TITLE Volume 06984 Folio 663
created by instrument PS730616M 06/01/2021

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

AGREEMENT Section 173 Planning and Environment Act 1987
AS742056E 25/11/2019

DIAGRAM LOCATION

SEE PS730616M 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: UNIT 2 30 SUTTON ROAD MARYBOROUGH VIC 3465

ADMINISTRATIVE NOTICES

NIL

OWNERS CORPORATIONS

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OWNERS CORPORATION 1 PLAN NO. PS730616M

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

VOLUME 12275 FOLIO 098

Security no : 124098062497H
Produced 02/06/2022 04:56 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 730616M.
PARENT TITLE Volume 06984 Folio 663
created by instrument PS730616M 06/01/2021

REGISTERED PROPRIETOR

[REDACTED]

ENCUMBRANCES, CAVEATS AND NOTICES

[REDACTED]

AGREEMENT Section 173 Planning and Environment Act 1987
AS742056E 25/11/2019

DIAGRAM LOCATION

SEE PS730616M 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: UNIT 3 30 SUTTON ROAD MARYBOROUGH VIC 3465

ADMINISTRATIVE NOTICES

NIL

[REDACTED]

OWNERS CORPORATIONS

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OWNERS CORPORATION 1 PLAN NO. PS730616M

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

VOLUME 12275 FOLIO 099
No CofT exists

Security no : 124098062513Q
Produced 02/06/2022 04:57 PM

LAND DESCRIPTION

Common Property 1 on Plan of Subdivision 730616M.
PARENT TITLE Volume 06984 Folio 663
created by instrument PS730616M 06/01/2021

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances affecting Common Property that are derived from an encumbrance shown on titles to lots affected by the Owners Corporation.

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

DIAGRAM LOCATION

SEE PS730616M 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: SUTTON ROAD MARYBOROUGH VIC 3465

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS730616M

DOCUMENT END

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

Page 2 of 2

OWNERS CORPORATION 1 PLAN NO. PS730616M

DOCUMENT END



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

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Produced: 02/06/2022 04:55:52 PM

OWNERS CORPORATION 1
PLAN NO. PS730616M

The land in PS730616M is affected by 1 Owners Corporation(s)

Land Affected by Owners Corporation:

Common Property 1, Lots 1 - 3.

Limitations on Owners Corporation:

Unlimited

Postal Address for Services of Notices:

29 SIMSON STREET CARISBROOK VIC 3464

OC050744R 06/01/2021

Owners Corporation Manager:

NIL

Rules:

Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

Owners Corporation Rules:

NIL

Additional Owners Corporation Information:

OC050744R 06/01/2021

Notations:

NIL

Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 1	35	35
Lot 2	30	30
Lot 3	35	35
Total	100.00	100.00

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.



Department of Environment, Land, Water & Planning

Owners Corporation Search Report

Produced: 02/06/2022 04:55:52 PM

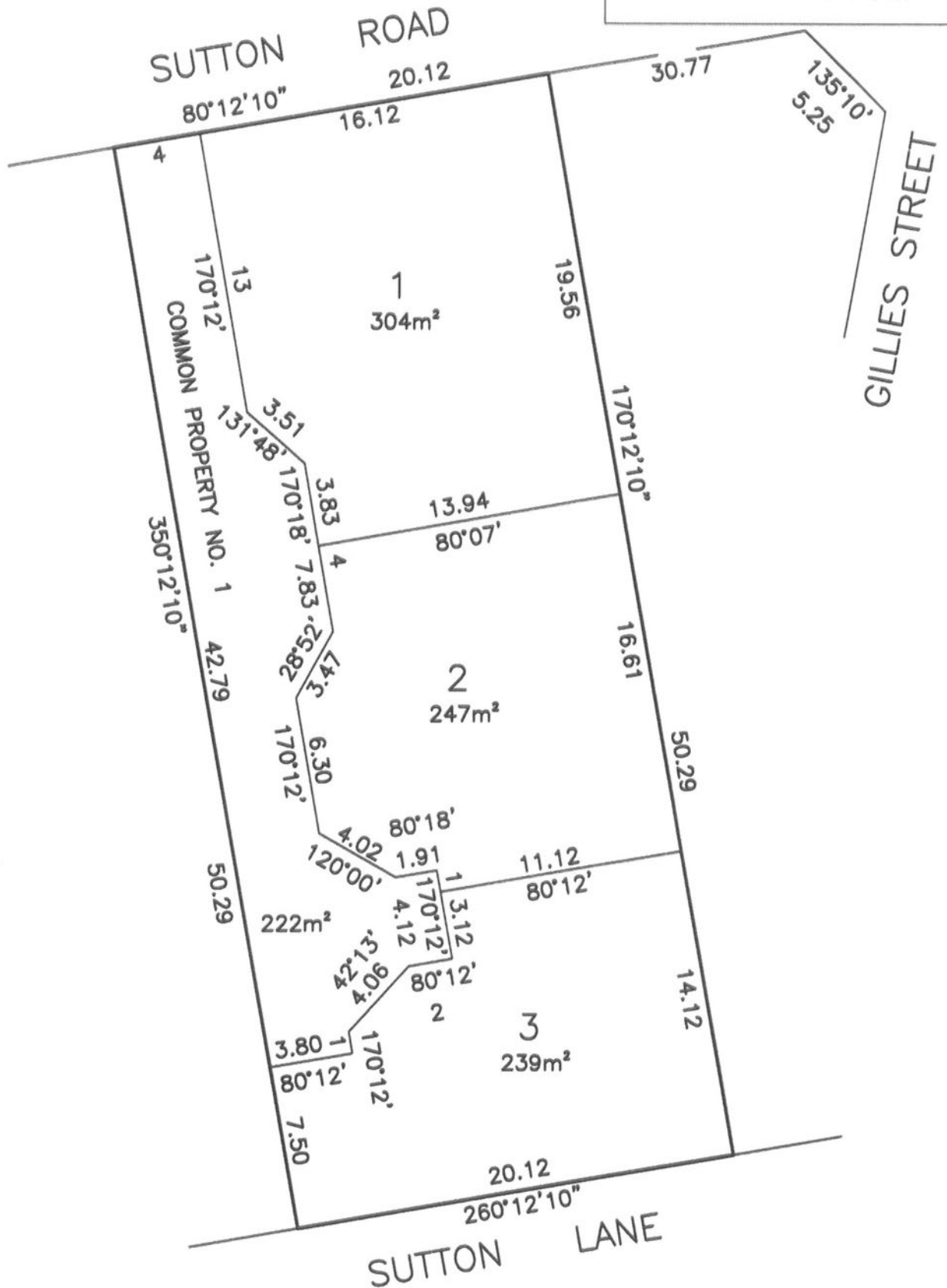
OWNERS CORPORATION 1
PLAN NO. PS730616M

Statement End.

PLAN OF SUBDIVISION			STAGE NO. <div style="border-bottom: 1px solid black; width: 50px; margin: 0 auto;"></div>	LRS use only EDITION 1	Plan Number PS 730616M
Location of Land Parish: MARYBOROUGH Township: MARYBOROUGH Section: 48D Crown Allotment: 21 (PART) Title Reference: VOL 6984 FOL 663 Last Plan Ref: TP 217387A Postal Address: 30 SUTTON ROAD (at time of subdivision) MARYBOROUGH 3465 MGA94 Co-ordinates E 744360 of approx centre of N 5896150 and in plan) ZONE: 54 GDA 94			Council Name: Central Goldfields Shire Council Council Reference Number: 56280.53 Planning Permit Reference: D028/15 SPEAR Reference Number: S075167P Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 08/01/2016 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Alexandra Jefferies for Central Goldfields Shire Council on 09/11/2020 Statement of Compliance issued: 10/12/2020		
Vesting of Roads and or Reserves			Notations		
Identifier	Council/Body/Person		<u>Lots on this plan may be affected by one or more Owners Corporations.</u> For details of Owners Corporation(s) including purpose, responsibility and entitlement and liability, see Owners Corporation search report, Owners Corporation rules and Owners Corporation additional information.		
—	—				
Notations					
Depth Limitation 15.24 metres below the surface					
Survey This plan is based on survey Staging: This is not a staged subdivision Planning Permit No: D028/15 This survey has been connected to permanent marks No: 83, 275 Proclaimed Survey Area No: 1					
Easement Information					
Legend: A – Appurtenant Easement R – Encumbering Easement (Road) E – Encumbering Easement or Condition in Crown Grant in the Nature of an Easement					
Section 12(2) of the Subdivision Act 1988 applies to all land in this plan					
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
—	—	—	—	—	
NORTH CENTRAL LAND SURVEYING Ph: 5461 5233 Mob: 0448 884 042 P.O. Box 172 Maryborough 3465		SURVEYORS FILE REF: 1935 VERSION 08 Digitally signed by: Michael Craig Wilson, Licensed Surveyor, Surveyor's Plan Version (08), 23/10/2020, SPEAR Ref: S075167P		ORIGINAL SHEET SIZE: A3 Sheet 1 of 2 Sheets PLAN REGISTERED TIME: 11.53 PM DATE: 6/01/2021 RHills Assistant Registrar of Titles	

PS 730616M

MGA94 ZONE 54



ORIGINAL SCALE 1:200	SHEET SIZE A3	SCALE 2 0 2 4 6 8 LENGTHS ARE IN METRES	LICENSED SURVEYOR: MICHAEL CRAIG WILSON
			REFERENCE NUMBER 1935
			VERSION 08
			Original sheet size: A3
			Sheet 2

NORTH CENTRAL LAND SURVEYING

Ph: 5461 5233 Mob: 0448 884 042
P.O. Box 172 Maryborough 3465



Digitally signed by: Michael Craig Wilson, Licensed
Surveyor,
Surveyor's Plan Version (08),
23/10/2020, SPEAR Ref: S075167P

Digitally signed by:
Central Goldfields Shire Council,
09/11/2020,
SPEAR Ref: S075167P



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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Status	Registered	Dealing Number	AS742056E
Date and Time Lodged	25/11/2019 02:40:09 PM		

Lodger Details

Lodger Code	16984L
Name	BECK LEGAL
Address	
Lodger Box	
Phone	
Email	
Reference	CCO:148719-271

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction	VICTORIA
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Estate and/or Interest

FEE SIMPLE

Land Title Reference

6984/663

Instrument and/or legislation

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

Applicant(s)

Name	CENTRAL GOLDFIELDS SHIRE COUNCIL
Address	
Street Number	12
To Street Number	22
Street Name	NOLAN
Street Type	STREET
Locality	MARYBOROUGH
State	VIC
Postcode	3465



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Additional Details

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 legislation and any Prescribed Requirement.

Executed on behalf of	CENTRAL GOLDFIELDS SHIRE COUNCIL
Signer Name	MEGAN MCDONALD
Signer Organisation	BOWCOLE PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	25 NOVEMBER 2019

File Notes:

NIL

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

Statement End.

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Agreement pursuant to section 173 of the Planning and Environment Act 1987 (Vic)

BETWEEN

CENTRAL GOLDFIELDS SHIRE COUNCIL

and

HAYDEN CAMPBELL STEWART and DARLENE JOY STEWART

THIS AGREEMENT is made the

25th

day of

November

2019

PARTIES:

CENTRAL GOLDFIELDS SHIRE COUNCIL of 12-22 Nolan Street, Maryborough in the State of Victoria

(Council)

AND

HAYDEN CAMPBELL STEWART and **DARLENE JOY STEWART** both of 29 Simpson Street, Carisbrook in the State of Victoria

(the Owner)

BACKGROUND:

- A. The Owner is the registered proprietor of the Land.
- B. Council is the Responsible Authority for the administration and enforcement of the Act for the Scheme.
- C. The Land is within the municipality of Council and affected by the Scheme.
- D. On 10 September 2015 Council issued the Planning Permit which permits a three lot subdivision and demolition of existing dwelling and outbuildings.
- E. Condition 4.1 of the Planning Permit provides:

"4.1 Access:

- 4.1.1. *Vehicular access to lots 1, 2 and 3 must be provided from Sutton Road.*
- 4.1.2. *Vehicular crossovers/driveways must be removed and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority.*
- 4.1.3. *Any disused crossovers/driveways must be removed and the kerb and channel and nature strip reinstated to the satisfaction of the Responsible Authority.*
- 4.1.4. *The applicant/owner must make further application for and have approved driveway crossing permit for crossover/driveway works. All works constructed or carried out must be in accordance with the approved plans/permit(s).*
- 4.1.5. *Once constructed the crossovers must be thereafter maintained by the landowner to the satisfaction of the Responsible Authority.*
- 4.1.6. *Internal roads on common property must be provided to a design and standard to allow appropriate access to each of the units 1, 2 and 3. Such roads should be fully constructed concrete pavement and at least 4 metres wide.*
- 4.1.7. *No vehicular access will be permitted from Sutton Lane.*

4.2. Drainage:

- 4.2.1. *All stormwater must be accommodated and treated within the subject land.*

4.2.2. The owner/applicant must design a drainage system to drain the lots to the legal point of discharge.

4.2.3. A legal point of stormwater discharge LPSD must be provided for the Lots 1, 2 and 3 to the Sutton Road kerb & channel.

4.3. Landscaping:

4.3.1. Upon completion of all off site works all nature strips must be levelled, topsoiled and seeded. Alternate landscaping methods may be undertaken, but must be approved, in writing, by the Responsible authority prior to any works being undertaken.

4.3.2. A street tree will be required to be replaced in the nature strip on the Sutton Road road reserve adjacent to the subject land. The proposed location and species must be approved by the Responsible Authority prior to planting. The tree must be planted prior to the issue of the statement of compliance and maintained by the permit holder / owner for a period comprising at least two summers."

F. If the Land is encumbered by a mortgage, the mortgage is identified in the Definitions and the Mortgagee's consent will be affixed to the Agreement.

G. The parties acknowledge that this Agreement provides for:

- (a) matters intended to satisfy Condition 4.1 of the Planning Permit;
- (b) matters intended to achieve and advance the objectives of planning in Victoria; and
- (c) matters intended to achieve and advance the objectives of planning in the Scheme and is made pursuant to Section 173 of the Act.

1. DEFINITIONS

In this Agreement:

Act means the *Planning and Environment Act 1987* (Vic).

Agreement means this Agreement, including the Schedule and Annexures and the background to this Agreement.

Business Day means Monday to Friday excluding public holidays in Victoria.

Endorsed Plans means the plan or plans endorsed with the Stamp of Council from time to time attached to the Planning Permit.

Land means all that piece of land being Lot 1 on Title Plan 217387A being the whole of the land described in Certificate of Title Volume 06984 Folio 663.

Lot means a portion of the Land as identified on the Plan of Subdivision.

Planning Permit means planning permit D028/15 a copy of which can be inspected from Council Offices upon appointment.

Plan of Subdivision means the proposed plan of subdivision of the Land a copy of which can be inspected from Council Offices upon appointment.

Scheme means the Central Goldfields Planning Scheme or any other planning scheme which applies to the Land from time to time.

2. INTERPRETATION

The parties agree and acknowledge that in this Agreement:

2.1 The singular includes the plural and the plural includes the singular.

2.2 A reference to a gender includes a reference to each other gender.

2.3 The reference to a person includes a reference to a firm, corporation, association or other entity and their 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 reference to a statute includes any statute amending, consolidating or replacing that statute and includes any subordinate instruments made under that statute.

2.6 The Background to this Agreement is and will be deemed to form part of this Agreement including any terms defined within the Background.

3. COMMENCEMENT

This Agreement came into force on the date it was made and set out above or and if no date is specified on the day in which the Agreement was registered on the relevant Certificate of Title to the Land.

4. TERMINATION OF AGREEMENT

This Agreement may be ended by mutual agreement between Council and the Owner either wholly or in part or as to any part of the Land. As soon as reasonably practicable after this Agreement has ended, Council must, at the request and at the cost of the Owner, apply to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the Register.

5. OWNER'S COVENANTS**5.1 Specific Obligations on the Owner****Access**

- 5.1.1 The Owner agrees that vehicular access to each Lot must be provided from Sutton Road.
- 5.1.2 The Owner agrees to obtain driveway crossing permits from Council prior to commencing any crossover/driveway works.
- 5.1.3 The Owner agrees to construct vehicular crossovers/driveways between each Lot and Sutton Road. The crossovers/driveways must be constructed of concrete from the kerb to the property boundary in accordance with the Infrastructure Design Manual Standard Drawing 240 as included as Annexure 1.
- 5.1.4 The Owner agrees to remove any disused crossovers/driveways and to reinstate the kerb and channel and nature strip to the satisfaction of Council.
- 5.1.5 The Owner agrees that all works associated with the construction and/or removal of crossovers/driveways will be carried out in accordance with the approved plans and/or permits.
- 5.1.6 The Owner agrees that once constructed the crossovers will be maintained by the Owner on a continuing basis to the satisfaction of Council.
- 5.1.7 The Owner agrees to provide internal roads on common property to allow access to each Lot to the satisfaction of Council.
- 5.1.8 The Owner agrees that internal roads will be constructed of concrete pavement and be at least 4 metres wide.
- 5.1.9 The Owner agrees that vehicular access will not be permitted from Sutton Lane.

Drainage

- 5.1.10 The Owner agrees that all stormwater will be accommodated and treated within the Land.
- 5.1.11 The Owner agrees that the drainage system will be designed and constructed on the Land to the satisfaction of Council and will allow for each Lot to drain to the legal point of discharge.

- 5.1.12 The Owner agrees that a legal point of stormwater discharge LPSD will be provided for each Lot to the Sutton Road kerb and channel.
- 5.1.13 The Owner agrees to maintain the drainage system installed on the Land and will not modify the system without prior written approval from Council.
- 5.1.14 The Owner will pay for all the costs associated with the construction and maintenance of the drainage system.

Landscaping

- 5.1.15 The Owner agrees that upon completion of all off site works, all nature strips will be levelled, topsoiled and seeded to the satisfaction of Council. Should alternate landscaping methods be undertaken, the Owner must obtain approval from Council in writing prior to commencing any works.
- 5.1.16 The Owner agrees to replace the street tree in the nature strip on the Sutton Road road reserve adjacent to the property and will obtain approval from Council of the proposed location and species prior to planting.
- 5.1.17 The Owner agrees that the replacement street tree planted in the Sutton Road road reserve will be maintained by the Owner to the satisfaction of Council for a period of two summers after planting.

5.2 Further Obligations on the Owner

5.2.1 Covenants run with the Land

The Owner's obligations in this Agreement are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner and their successors, assignees and transferees, the registered proprietor or proprietors for the time being of the Land and every part of the Land.

5.2.2 Successors in title

Until this Agreement is recorded on the folio of the Register which relates to the Land pursuant to Section 181 of the Act, the Owner must ensure that its successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner, being party to this Agreement, remain liable to perform all of the Owner's obligations contained in this Agreement.

5.2.3 Further assurance

The Owner agrees to do all that is necessary to enable Council to make an application to the Registrar of Titles to make a recording of this Agreement on the Certificate of Title to the Land in accordance with Section 181 of the Act, including the signing of any further agreement, acknowledgement or other document which relates to the Land.

5.2.4 Payment of Council's costs

The Owner agrees to pay on demand to Council Council's costs and expenses incurred and incidental to the preparation, execution and registration of this Agreement pursuant to Section 181 of the Act, together with all costs of enforcing this Agreement if deemed necessary by Council.

5.2.5 Mortgagee to be bound

The Owner agrees to obtain the consent of any Mortgagee to be bound by the covenants in this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

5.2.6 Indemnity

The Owner agrees to indemnify and keep Council, its officers, employees, agents, workmen and contractors indemnified from and against all costs, expenses, losses or damages which they or any of them may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgment or claim brought by any person arising from any non-compliance with this Agreement.

5.2.7 Non-compliance

If the Owner has not complied with this Agreement within 14 days after the date of service on the Owner by Council of a notice which specified the Owner's failure to comply with any provision of this Agreement, the Owner agrees:

5.2.7.1 to allow Council's officers, employees, contractors or agents to enter the Land and rectify the non-compliance;

5.2.7.2 to pay to Council on demand, Council's reasonable costs and expenses incurred as a result of the Owner's non-compliance; and

5.2.7.3 to pay interest at the rate of 2% above the rate prescribed under Section 2 of the *Penalty Interest Rates Act 1983* on all monies which are due and payable but remain owing under this Agreement until they are paid in full;

5.2.7.4 if requested to do so by Council, to promptly execute in favour of it a mortgage to secure the Owner's obligations under this Agreement;

And the Owner agrees;

5.2.7.5 to accept a certificate signed by the Chief Executive Officer of Council (or any nominee of the Chief Executive Officer) as prima facie proof of the costs incurred by Council in rectifying the Owner's non-compliance with this Agreement;

5.2.7.6 that any payments made for the purposes of this Agreement shall be appropriated first in payment of any interest and any unpaid costs of Council and then applied in repayment of the principal sum;

5.2.7.7 that all costs or other monies which are due and payable under this Agreement but which remain owing shall be a charge on the Land until they are paid in full; and

5.2.7.8 if the Owner executes a mortgage as required by clause 5.2.7.4 any breach of this Agreement is deemed to be a default under that mortgage.

5.3 Council access

The Owner agrees to allow Council and its officers, employees, contractors or agents or any of them to enter the Land (at any reasonable time) to assess compliance with this Agreement.

5.4 Owner's warranty

The Owner warrants and covenants that:

5.4.1 the Owner is the registered proprietor (or is entitled to become the registered proprietor) of the Land and is also the beneficial owner of the Land;

5.4.2 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Land which have not been disclosed by the usual searches of the folio of the Register for the Land or notified to Council;

5.4.3 no part of the Land is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in Section 42 of the *Transfer of Land Act 1958*; and

5.4.4 until this Agreement is recorded on the folio of the Register which relates to the Land, the Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of the Land without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

6. GENERAL

6.1 Council's powers not restricted

This Agreement does not fetter or restrict Council's power or discretion in respect of any of Council's decision making powers including but not limited to an ability to make decisions under the *Local Government Act 1989*, and the Act or to make or impose requirements or conditions in connection with any use or development of the Land or the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation relating to the Land or the issue of a statement of compliance in connection with any such plans.

6.2 Time of the essence

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

6.3 Governing law and jurisdiction

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts and tribunals of Victoria and waives any right to object to proceedings being brought in those courts or tribunals.

6.4 Enforcement and severability

6.4.1 This Agreement shall operate as a contract between the parties and be enforceable as such in a court of competent jurisdiction regardless of whether, for any reason, this Agreement were held to be unenforceable as an Agreement pursuant to Division 2 of Part 9 of the Act.

6.4.2 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 shall be severed and the other provisions of this Agreement shall remain operative.

7. NOTICES**7.1 Service of notice**

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:

- 7.1.1 by delivering it personally to that party;
- 7.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 7.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party or by hand delivery or prepaid post.

7.2 Time of service

A notice or other communication is deemed served

- 7.2.1 if delivered, on the next following business day;
- 7.2.2 if posted, on the expiration of two business days after the date of posting; or
- 7.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested re-transmission before the end of that business day.

IN WITNESS WHEREOF the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

SIGNED SEALED AND

DELIVERED for and on behalf of **CENTRAL GOLDFIELDS SHIRE COUNCIL** by James Helsby Maw being the delegated Officer pursuant to Instrument of Delegation made by Council on 24 October 2018 which it is certified has not been revoked or varied in the presence of:



Signature of Witness

ANDREW PAGE
Full name of Witness

SIGNED SEALED AND DELIVERED by the said **HAYDEN CAMPBELL STEWART** in the presence of:

) 
) Hayden Campbell Stewart



Signature of Witness

Reece Stewart
Full name of Witness

SIGNED SEALED AND DELIVERED by the said **DARLENE JOY STEWART** in the presence of:

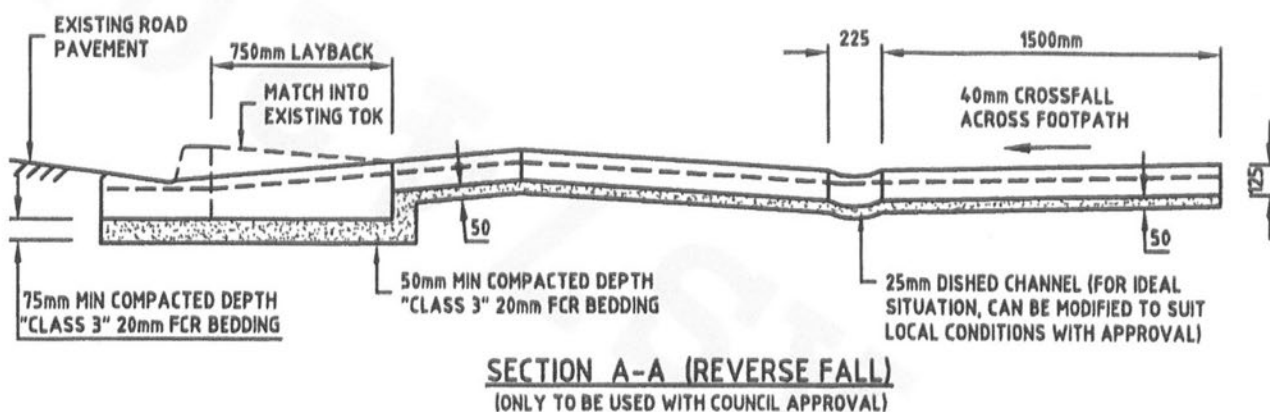
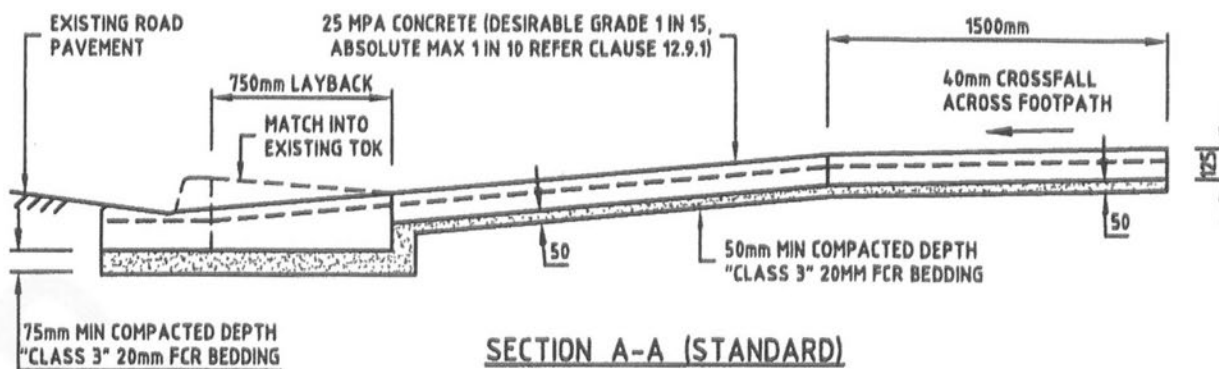
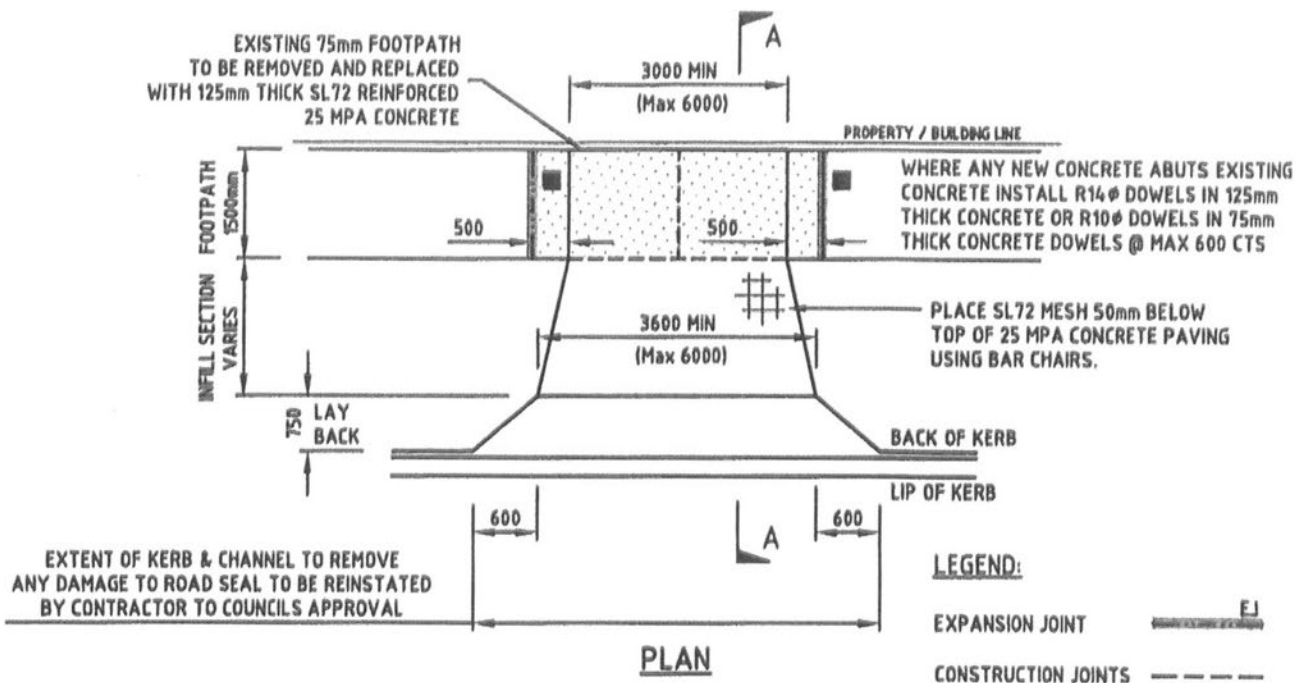
) 
) Darlene Joy Stewart



Signature of Witness

Reece Stewart
Full name of Witness

ANNEXURE 1 – INFRASTRUCTURE STANDARD DRAWING SD 240



NOTE:

FOR GRADES STEEPER THAN 1 IN 15 REFER CLAUSE 12.9.1.
LAYBACK & CROSSOVER, TO BE CONSTRUCTED IN PLAIN CONCRETE ONLY (NO COLOURED CONCRETE BEYOND PROPERTY BOUNDARY)
T.O.K. DENOTES TOP OF KERB

ALL MEASUREMENTS IN MILLIMETRES