

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:
24 Olivers Road, Benalla
Lot 1 , PS425358, Parish of Benalla

The application is for a permit to:
Subdivide land into 9 lots

The applicant for the permit is:
Olivia Baker
North East Survey Design

The application reference number is:
P0133/23
DA4646

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

An objection must:

- * be made to the responsible authority in writing;
- * include the reasons for the objection; and
- * state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:

2 January 2024

If you object, the Responsible Authority will tell you its decision.

CONCEPT DEVELOPMENT PLAN



Note: All dimensions and areas shown on this plan are approximate and subject to Council approval and survey

14/11/23	For Approval	4
12/10/23	For Approval	3
22/09/23	For Approval	2
06/09/23	For Approval	1
DATE	DESCRIPTION	REVISION

NORTH EAST
SURVEY DESIGN
At: Dennis Levy
Benalla

CONCEPT DEVELOPMENT PLAN
24 Olivers Road
Benalla
Project No: M8045 Version: 4
Drawn by: MB Checked/Signed By: MB

Scale: 1:500 @ A3 / 1:250 @ A1

FOR APPROVAL

Print Date: 15/11/2023
Drawing Name: Sheet 1
File Name: M8045 Concept 4.dgn



Town Planning Report

Proposed 9 Lot Subdivision General Residential Zone (GRZ1)

24 Olivers Rd, Benalla
(Lot 1, PS425358)



Aerial photo of subject land

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1.0 THE PROPOSAL

This report is prepared in support of a planning permit application seeking approval for a 9 lot subdivision of land in the Rural City of Benalla. The proposal will subdivide a large lot to create 8 new vacant lots for future dwellings, with the existing dwelling to be contained on its own lot.

There are no planning overlays affecting the land.

This report addresses how the proposal meets the purpose of the General Residential Zone, including the objectives and standards of Clause 56 - Subdivision of the Benalla Planning Scheme (the Scheme) and other relevant provisions.

The proposal is to subdivide a large residential lot. The proposal will create 8 new lots for the development of future dwellings. The proposed lots will range in size from 489m² to 1268m² in area (refer to Table 1 below). One lot will contain the existing dwelling and will gain access from Olivers Rd.

Table 1: New lot details

Lot #	Area	Access
1	816m ²	Roynic Parade
2	814m ²	Roynic Parade
3	812m ²	Roynic Parade
4	810m ²	Roynic Parade
5	808m ²	Roynic Parade
6	806m ²	Roynic Parade
7	505m ²	Roynic Parade
8	489m ²	Roynic Parade
9	1268m ²	Olivers Rd

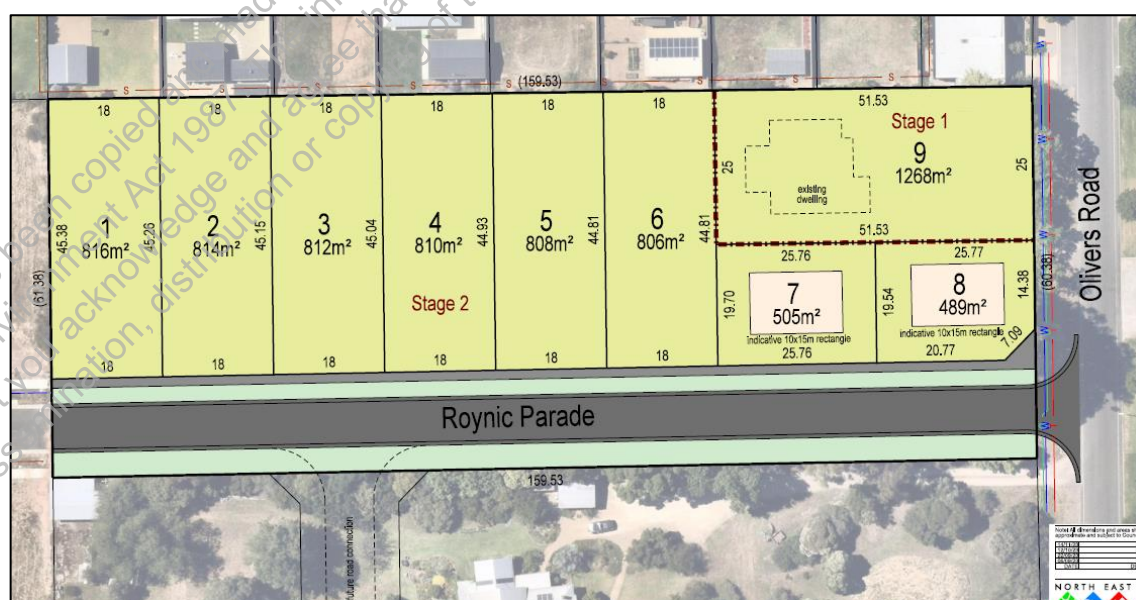


Fig. 1 – The proposed subdivision

The subdivision will involve the extension of Roynic Parade to the east to provide access to eight of the ten lots. This road extension is also where reticulated services will be located to service the lots. The subdivision will drain to the existing drainage basin to the northeast. Sewer runs along the northern boundary of the land. The existing sewer line will need redirecting where it connects to the existing dwelling. It is likely the new sewer line will cross at the front of the dwelling in proposed lot 9 to allow a new connection to the existing dwelling and connection to proposed lots 7 & 8.

The lots will provide for the future construction of new dwellings. All construction works will be undertaken with care so as to minimise disruption to existing residents surrounding the site.

2.0 SUBJECT SITE & LOCALITY MAP

The subject land is located at 24 Olivers Road, Benalla and is Lot 1 on Plan of Subdivision PS425358. It is a large lot containing an existing dwelling and associated sheds. There are established gardens that contain a number of mature trees across the site. No trees have been identified as remnant native vegetation.

The total lot area is approximately 9,712m². and is relatively flat.

To the north of the site is land established with residential development and to the south is land zoned general residential, however larger lots with typically one dwelling and associated shedding.

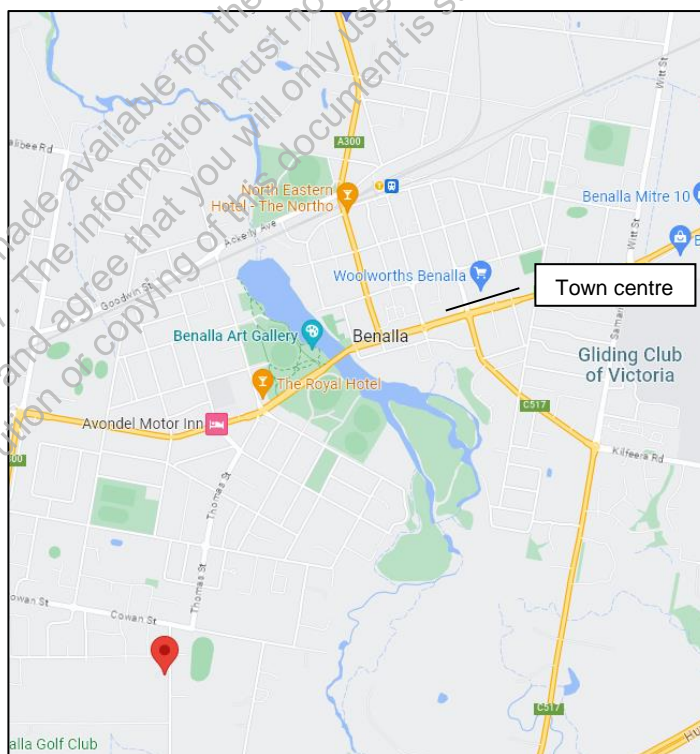


Fig. 2 – Locality Plan showing the subject land

A copy of the title is attached in **Appendix 1** and shows the land in the ownership of Dennis Levy of 7 Royal Avenue Benalla.

The subdivision site is approximately 2.5km from the town centre. The site is 1.3km to the Benalla P-12 College and 2km to Benalla Recreation Reserve.

The land is subject to a section 173 W255063A which has now been amended to AW772332C through section 183 of the act, this amendment relates to some alterations/rewording and the development plan updated to version 6 that covers the land at 24 Olivers Rd, the plan indicates the subject site to be subdivided into 9 lots. The proposal complies with this development plan (with some minor adjustments). See extract of development plan below in figure 3.



Fig. 3 – Extract of subject site in amended development plan.

3.0 **CULTURAL HERITAGE**

The subject site is not located within an area of identified cultural heritage sensitivity. The preparation of a Cultural Heritage Management Plan (CHMP) is therefore not required.

Refer to the attached checklist at **Appendix 3**.

4.0 **PLANNING CONSIDERATIONS**

The application should be considered against the following provisions of the planning scheme:

- PPF – Clause 11.01-1R Settlement - Hume
- PPF – Clause 15.01-3S Subdivision Design
- PPF – Clause 16.01.1S Housing Supply
- General Residential Zone – Clause 32.08
- Clause 56 Residential Subdivision
- Clause 65 Decision Guidelines

4.1 Planning Policy Framework

Clause 11.01-1R Settlement – Hume

The Benalla Planning Scheme has the following strategies for development of towns which are relevant to the proposed subdivision;

- *Facilitate growth and development specifically in the regional cities of Shepparton, Wangaratta, Wodonga and Benalla.*

The proposed subdivision is consistent with the strategic direction in that it contributes to development and growth of Benalla by providing 9 lots for residential development.

The proposed subdivision increases the diversity of housing options in Benalla by creating lots which are considered to be in demand by growing families. The proposal makes good use of residential land for infill medium density development.

Clause 15.01-3S Subdivision Design

The PPF has as objective for Subdivision Design:

- *To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods.*

Strategies to support this clause include:

- *Creating compact neighbourhoods that have walkable distances between activities.*
- *Creating urban places with a strong sense of place that are functional, safe and attractive.*

The proposed subdivision will create 9 lots, each over 489m² in size. There is continued demand for lots of this size in Benalla. The site has direct frontage to Olivers road and good road network and pedestrian access to the CBD and local facilities and schools.

Clause 16.01.1S – Housing Supply

The PPF has as its objective for Housing Supply:

- *To facilitate well-located, integrated and diverse housing that meets community needs.*

Relevant strategies for this objective include:

- *Encourage higher density housing development on sites that are well located in relation to jobs, services and public transport.*
- *Facilitate diverse housing that offers choice and meets changing household needs by widening housing diversity through a mix of housing types.*

The proposed subdivision will provide for the creation of 8 vacant residential lots for the future construction of new dwellings on the edge of the urban area of Benalla. The site is located close to schools and public open space.

The proposed subdivision creates lots to meet demand for vacant land for new housing. It is considered that the proposal meets the objectives of the Planning Policy Framework.

4.2 Zoning

Clause 32.08 General Residential Zone (GRZ1)

The subject site is located within the General Residential Zone (refer to Figure 3 below). Clause 32.08-3 of the Benalla Planning Scheme provides that a planning permit is required for subdivision.

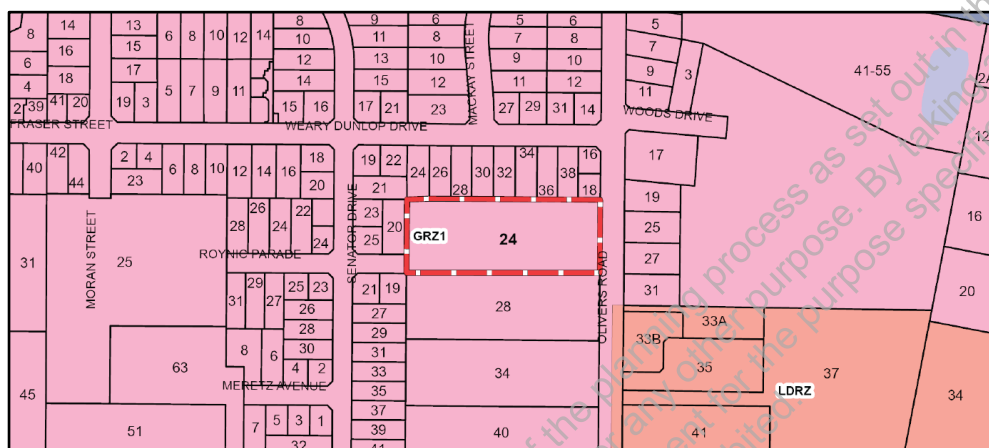


Fig. 4 – Zoning map showing the subject land in the GRZ1 (red outline)

The purpose of the zone includes:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

This proposal is considered to encourage development that will respect the character of the surrounding area. It will also provide greater diversity of available vacant lots in Benalla by creating lots over 400m² to meet a market demand.

4.3 Particular Provisions

Clause 56 Residential Subdivision

The relevant purposes of this provision include:

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To create liveable and sustainable neighbourhoods and urban places with character and identity.

To achieve residential subdivision outcomes that appropriately respond to the site and its context

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and must meet all of the objectives and standards included in the following clauses for a 9 lot subdivision.

- All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.

Refer to **Appendix 4** for Clause 56 Assessment

Refer to **Appendix 5** for Subdivision Site and Context Description and Design Response.

4.4 General Provisions

Clause 65 Decision Guidelines

Clause 65.02

- *The suitability of the land for subdivision*

The site is highly responsive to the proposed subdivision because it will create 9 new vacant lots to accommodate dwellings within close proximity to the Benalla city centre, health facilities and schools. One lot will contain the existing dwelling, access to this lot will be from Olivers Rd.

- *The existing use and possible future development of the land and nearby land*

The land is a large lot within an established residential area. There is potential for development on nearby land given the subject sites location and surrounding land use.

- *The availability of subdivided land in the locality and the need for the creation of further lots*

The land to the east of the site has recently been subdivided, this is a continuation of land that has been subdivided to the north of the site.

- *The effect of the development on the use or development of other land which has a common means of drainage*

Stormwater from each of the lots will be collected, detained and discharged to the legal point of discharge for the site in accordance with authority requirements.

- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation*

The proposed lots have been designed to suit the extension of Roynic Parade. Most of the lots will face south to the neighbouring property and vegetation.

There are many exotic trees on the land which most will be removed.

- *The density of the proposed development*

The density of the proposed subdivision is consistent with surrounding residential development.

- *The area and dimensions of each lot in the subdivision*

Each of the proposed lots will be rectangular in shape and over 489m² in size.

- *The layout of roads having regard to their function and relationship to existing roads*

The extension of Roynic Parade will be part of this subdivision. This extension will connect to Olivers Rd and provide access to 8 lots within the subdivision.

- *The movement of pedestrians and vehicles throughout the subdivision*

All lots will access the existing road and proposed road and footpath network.

- *The provision of and location of reserves for public open space and other community facilities*

The subdivision site is close to the Benalla Golf Club. No new public open space is proposed to be provided as part of this development.

- *The staging of the subdivision*

The subdivision is only 9 lots and is to be undertaken in two stages.

- *The design and siting of buildings having regard to safety and the risk of spread of fire*

The proposed new lots have an average size of approximately 792m² and will provide enough area for future dwellings to be well spaced.

- *The provision of off-street parking*

There will be sufficient space on each lot to accommodate off-street parking. Each future dwelling is likely to have a double garage.

The functions of any body corporate

No common property is proposed.

- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas*

All services are available and will be connected to each of the lots in accordance with authority requirements. Gas will not be provided.

- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*

This will not be necessary given that the lots will all be connected to reticulated sewer.



- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas*

There is no remnant native vegetation on site.

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5.0 **CONCLUSION**

The subdivision will create 8 new vacant lots and 1 lot for the existing dwelling on land at 24 Olivers Road Benalla. The subdivision of this existing large lot will provide for the construction of new dwellings. The subdivision is consistent with the zoning providing additional residential lots within walking distance of facilities including, parks, golf club and schools. It is considered that the proposed subdivision meets the requirements of the Planning Policy Framework and the General Residential Zone.

The Benalla Planning Scheme allows for the subdivision of land within the General Residential Zone, and in particular, areas of residential land that have established sealed road access and existing services and infrastructure such as this land.

This report leads to the following conclusions:

- The proposal meets the requirements of the Benalla Planning Scheme for a 9 lot subdivision in the General Residential Zone.
- The proposed subdivision will provide a range of lots for the construction of new dwellings.
- The proposal is in line with the development plan prepared for the land.

It is therefore requested that a permit is issued, granting approval for a 9-lot subdivision of land at 24 Olivers Road Benalla as outlined in this report.

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APPENDIX 1 – Copy of Title

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APPENDIX 2 – Proposed Subdivision Plan

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APPENDIX 3 – CHMP Checklist

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APPENDIX 4 – Clause 56 Assessment

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Assessment Table

Residential subdivision of land (Clause 56) - 9 Lot Subdivision

Refer to Clause 56 of the Benalla Planning Scheme for objectives, decision guidelines and a full description of standards. This document is intended to review each standard and compare that standard to the performance of the proposed design.

Title & Objective	Standard	Comments
Subdivision site and context description The site and context description may use a site plan, photographs or other techniques and must accurately describe the site and its surrounds.	In relation to the site: <ul style="list-style-type: none"> Site shape, size, dimensions and orientation, levels and contours Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops. The siting and use of existing buildings and structures. Street frontage features such as poles, street trees and kerb crossovers. Access points Location of drainage and other utilities. Easements. Any identified natural or cultural features of the site. Significant views to and from the site. Noise and odour sources or other external influences. Soil conditions, including any land affected by contamination, erosion, salinity, acid-sulphate soils or fill. Any other notable features or characteristics of the site. Adjacent uses. Any other factor affecting the capacity to develop the site 	A subdivision site and context description is attached at Appendix 5
	An application for a subdivision of 3 - 15 lots must address: <ul style="list-style-type: none"> All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6. 	9 lots are proposed to be created in this subdivision. An assessment addressing the required clauses is provided.
Subdivision design response	The design response must explain how the proposed design: <ul style="list-style-type: none"> Derives from and responds to the site and context description. Responds to any site and context features for the area identified in a local planning policy or a Neighbourhood Character Overlay. Responds to any relevant objective, policy, strategy or plan set out for the area in this scheme. Meets the relevant objectives of Clause 56. The design response must include a dimensioned plan to scale showing the layout of the subdivision in context with the surrounding area. If in the opinion of the Responsible Authority this requirement is not relevant to the assessment of an application, it may waive or reduce the requirement.	

Title & Objective	Standard	Comments
<p>Clause 56.03-5</p> <p>Standard C6</p> <p>Neighbourhood character objective</p> <p>To design subdivisions that respond to neighbourhood character.</p>	<p>Subdivision should:</p> <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. 	<p>The proposal is considered to be in keeping with the neighbourhood character and will utilise underdeveloped land zoned for general residential purposes.</p>
<p>Clause 56.04-1</p> <p>Standard C7</p> <p>Lot diversity and distribution</p> <p>To achieve housing densities that support compact and walkable neighbourhoods and the efficient provision of public transport services.</p> <p>To provide higher housing densities within walking distance of activity centres.</p> <p>To achieve increased housing densities in designated growth areas.</p> <p>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>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>The lot sizes proposed are in keeping with surrounding residential development to the north. The average lot size will be approximately 792m² and will provide for medium to large dwellings with on-site parking.</p> <p>The site is located close to schools and open space facilities and is considered to be in a suitable area for progressive residential development.</p>

Title & Objective	Standard	Comments
<p>Clause 56.04-2</p> <p>Standard C8</p> <p>Lot area and building envelopes</p> <p>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>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>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.</p> <p>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.</p> <p>A building envelope may specify or incorporate any relevant siting and design requirement. Any requirement should meet the relevant standards of Clause 54, unless:</p> <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 <i>Subdivision Act 1988</i>, or is specified as a covenant in an agreement under Section 173 of the Act <p>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:</p> <p>The building envelope must meet Standards A10 and A11 of Clause 54 in relation to the adjoining lot, and</p> <p>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.</p> <p>Lot dimensions and building envelopes should protect:</p> <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. 	<p>All lots proposed are over 400m² and are of sufficient dimensions to easily accommodate a 10 x 15m building rectangle with sufficient site area remaining for private open space and parking on each lot.</p>

Title & Objective	Standard	Comments
<p>Clause 56.04-3</p> <p>Standard C9</p> <p>Solar orientation of lots</p> <p>To provide good solar orientation of lots and solar access for future dwellings.</p>	<p>Unless the site is constrained by topography or other site conditions, at least 70 percent of lots should have appropriate solar orientation.</p> <p>Lots have appropriate solar orientation when:-</p> <ul style="list-style-type: none"> • The long axis of lots are within the range north 20 degrees west to north 30 degrees east, or east 20 degrees north to east 30 degrees south. • Lots between 300 square metres and 500 square metres are proposed to contain dwellings that are built to the boundary, the long axis of the lots should be within 30 degrees east and 20 degrees west of north. • Dimensions of lots are adequate to protect solar access to the lot, taking into account likely dwelling size and the relationship of each lot to the street. 	<p>All lots achieve the required orientation to meet this standard.</p>
<p>Clause 56.04-4</p> <p>Standard C10</p> <p>Street orientation objective</p> <p>To provide a lot layout that contributes to community social interaction, personal safety and property security.</p>	<p>Subdivision should increase visibility and surveillance by:</p> <ul style="list-style-type: none"> • Ensuring lots front all roads and streets and avoid the side or rear of lots being oriented to connector streets and arterial roads. • Providing lots of 300 square metres or less in area and lots for 2 or more dwellings around activity centres and public open space. • Ensuring streets and houses look onto public open space and avoiding sides and rears of lots along public open space boundaries. • Providing roads and streets along public open space boundaries. 	<p>All lots but two will front onto the proposed extension of Roynic Parade and provide passive surveillance.</p> <p>There are no proposed lots less than 400m² in size.</p>
<p>Clause 56.04-5</p> <p>Standard C11</p> <p>Common area</p> <p>To identify common areas and the purpose for which the area is commonly held.</p> <p>To ensure the provision of common area is appropriate and that necessary management arrangements are in place.</p> <p>To maintain direct public access throughout the neighbourhood street network.</p>	<p>An application to subdivide land that creates common land must be accompanied by a plan and a report identifying:</p> <ul style="list-style-type: none"> • The common area to be owned by the body corporate, including any streets and open space. • The reasons why the area should be commonly held. • Lots participating in the body corporate. • The proposed management arrangements including maintenance standards for streets and open spaces to be commonly held. 	<p>No Common Property is proposed.</p>

Title & Objective	Standard	Comments
<p>Clause 56.05-1</p> <p>Integrated urban landscape</p> <p>Standard C12</p> <p>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.</p> <p>To incorporate natural and cultural features in the design of streets and public open space where appropriate.</p> <p>To protect and enhance native habitat and discourage the planting and spread of noxious weeds.</p> <p>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. • Maintain significant vegetation where possible within an urban context. • Take account of the physical features of the land including landform, soil and climate. • Protect and enhance any significant natural and cultural features. • Protect and link areas of significant local habitat where appropriate. • Support integrated water management systems with appropriate landscape design techniques for managing urban run-off including wetlands and other water sensitive urban design features in streets and public open space. • Promote the use of drought tolerant and low maintenance plants and avoid species that are likely to spread into the surrounding environment. • Ensure landscaping supports surveillance and provides shade in streets, parks and public open space. • Develop appropriate landscapes for the intended use of public open space including areas for passive and active recreation, the exercising of pets, playgrounds and shaded areas. • Provide for walking and cycling networks that link with community facilities. • Provide appropriate pathways, signage, fencing, public lighting and street furniture. • Create low maintenance, durable landscapes that are capable of a long life. <p>The landscape design must include a maintenance plan that sets out maintenance responsibilities, requirements and costs.</p>	<p>The extension of Roynic Parade will have street trees planted as part of the subdivision in accordance with Council requirements.</p>

Title & Objective	Standard	Comments
<p>Clause 56.06-2</p> <p>Standard 15</p> <p>Walking and cycling network</p> <p>To contribute to community health and well-being by encouraging walking and cycling as part of the daily lives of residents, employees and visitors.</p> <p>To provide safe and direct movement through and between neighbourhoods by pedestrians and cyclists.</p> <p>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. • 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. • Provide direct cycling routes for regional journeys to major activity centres, community facilities, public transport and other regional activities and for regional recreational cycling. • Ensure safe street and road crossings including the provision of traffic controls where required. • Provide an appropriate level of priority for pedestrians and cyclists. • Have natural surveillance along streets and from abutting dwellings and be designed for personal safety and security particularly at night. • Be accessible to people with disabilities. 	<p>The footpath will be extended along Roynic Parade and onto Olivers Road which will connect to the existing footpath to the north of the site.</p>

Title & Objective	Standard	Comments
<p>Clause 56.06-4</p> <p>Standard C17</p> <p>Neighbourhood street network</p> <p>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. • Provide an appropriate speed environment and movement priority for the safe and easy movement of pedestrians and cyclists and for accessing public transport. • Provide safe and efficient access to activity centres for commercial and freight vehicles. • Provide safe and efficient access to all lots for service and emergency vehicles. • Provide safe movement for all vehicles. • Incorporate any necessary traffic control measures and traffic management infrastructure. The neighbourhood street network should be designed to: • 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. • Provide an interconnected and continuous network of streets within and between neighbourhoods for use by pedestrians, cyclists, public transport and other vehicles. • Provide an appropriate level of local traffic dispersal. • Indicate the appropriate street type. • Provide a speed environment that is appropriate to the street type. • Provide a street environment that appropriately manages movement demand (volume, type and mix of pedestrians, cyclists, public transport and other motor vehicles). • Encourage appropriate and safe pedestrian, cyclist and driver behaviour. • Provide safe sharing of access lanes and access places by pedestrians, cyclists and vehicles. • Minimise the provision of culs-de-sac. • Provide for service and emergency vehicles to safely turn at the end of a dead-end street. • Facilitate solar orientation of lots. • Facilitate the provision of the walking and cycling network, integrated water management systems, utilities and planting of trees etc. 	<p>Extension of Roynic Parade is proposed as part of this subdivision.</p>

Title & Objective	Standard	Comments
<p>Clause 56.06-5</p> <p>Standard C18</p> <p>Walking and cycling network detail</p> <p>To design and construct footpaths, shared path and cycle path networks that are safe, comfortable, well constructed and accessible for people with disabilities.</p> <p>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. • 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. • Be constructed with a durable, non-skid surface. • Be of a quality and durability to ensure: <ul style="list-style-type: none"> - Safe passage for pedestrians, cyclists, footpath bound vehicles and vehicles. - Discharge of urban run-off. - Preservation of all-weather access. - Maintenance of a reasonable, comfortable riding quality. - A minimum 20 year life span. • Be accessible to people with disabilities and include tactile ground surface indicators, audible signals and kerb ramps required for the movement of people with disabilities. 	<p>An extension of the footpath along Roynic Parade will be constructed as part of this subdivision, this will also link up to the path on Olivers Rd north of the site.</p>

Title & Objective	Standard	Comments
<p>Clause 56.06-7</p> <p>Standard C20</p> <p>Neighbourhood street network detail</p> <p>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, integrated water management, street tree planting, lighting and utility needs. • Have street geometry appropriate to the street type and function, the physical land characteristics and achieve a safe environment for all users. • Provide a low-speed environment while allowing all road users to proceed without unreasonable inconvenience or delay. • Provide a safe environment for all street users applying speed control measures where appropriate. • Ensure intersection layouts clearly indicate the travel path and priority of movement for pedestrians, cyclists and vehicles. • Provide a minimum 5 metre by 5 metre corner splay at junctions with arterial roads and a minimum 3 metre by 3 metre corner splay at other junctions unless site conditions justify a variation to achieve safe sight lines across corners. • Ensure streets are of sufficient strength to: <ul style="list-style-type: none"> - Enable the carriage of vehicles. - Avoid damage by construction vehicles and equipment. • Ensure street pavements are of sufficient quality and durability for the: <ul style="list-style-type: none"> - Safe passage of pedestrians, cyclists and vehicles. - Discharge of urban run-off. - Preservation of all-weather access and maintenance of a reasonable, comfortable riding quality. • Ensure carriageways of planned arterial roads are designed to the requirements of the relevant road authority. • Ensure carriageways of neighbourhood streets are designed for a minimum 20 year life span. • Provide pavement edges, kerbs, channel and crossover details designed to: <ul style="list-style-type: none"> - Perform the required integrated water management functions. - Delineate the edge of the carriageway for all street users. - Provide efficient and comfortable access to abutting lots at appropriate locations. - Contribute to streetscape design. • Provide for the safe and efficient collection of waste and recycling materials from lots. • Be accessible to people with disabilities. • Meet the requirements of Table C1. 	<p>Extension of Roynic Parade is proposed as part of this subdivision.</p>



Title & Objective	Standard	Comments
<p>Clause 56.06-8</p> <p>Standard C21</p> <p>Lot access</p> <p>To provide for safe vehicle access between roads and lots.</p>	<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>Each lot will have frontage to Olivers Road or Roynic Parade, which will provide access to the lots.</p>
<p>Clause 56.07-1</p> <p>Standard C22</p> <p>Drinking water supply objectives</p> <p>To reduce the use of drinking water.</p> <p>To provide an adequate, cost-effective supply of drinking water.</p>	<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. 	<p>Water will be supplied to each of the lots to the satisfaction of the local water authority.</p>
<p>Clause 56.07-2</p> <p>Standard C23</p> <p>Reused and recycled water objective</p> <p>To provide for the substitution of drinking water for non-drinking purposes with reused and recycled water.</p>	<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. 	<p>Each of the proposed lots will be of sufficient size to accommodate a rainwater tank for the collection of rainwater for use for non-drinking purposes.</p>
<p>Clause 56.07-3</p> <p>Standard C24</p> <p>Waste water management objective</p> <p>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>	<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. • Reticulated waste water systems must be provided to the boundary of all lots in the subdivision where required by the relevant water authority. 	<p>Reticulated sewer will be supplied to each of the lots to the satisfaction of the local authority.</p>

Title & Objective	Standard	Comments
<p>Clause 56.07-4</p> <p>Standard C25</p> <p>Urban run-off management objectives</p> <p>To minimise damage to properties and inconvenience to residents from urban run-off.</p> <p>To ensure that the street operates adequately during major storm events and provides for public safety.</p> <p>To minimise increases in stormwater run-off and protect the environmental values and physical characteristics of receiving waters from degradation by urban run-off.</p>	<p>The urban stormwater management system must be:</p> <ul style="list-style-type: none"> • Designed and managed in accordance with the requirements and to the satisfaction of the relevant drainage authority. • Designed and managed in accordance with the requirements and to the satisfaction of the water authority where reuse of urban run-off is proposed. • Designed to meet the current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (Victorian Stormwater Committee 1999) as amended. • Designed to ensure that flows downstream of the subdivision site are restricted to predevelopment levels unless increased flows are approved by the relevant drainage authority and there are no detrimental downstream impacts. <p>The stormwater management system should be integrated with the overall development plan including the street and public open space networks and landscape design.</p> <p>For all storm events up to and including the 20% Average Exceedence Probability (AEP) standard:</p> <ul style="list-style-type: none"> • Stormwater flows should be contained within the drainage system to the requirements • Ponding on roads should not occur for longer than 1 hour after the cessation of rainfall. <p>For storm events greater than 20% AEP and up to and including 1% AEP standard:</p> <ul style="list-style-type: none"> • Provision must be made for the safe and effective passage of stormwater flows. • All new lots should be free from inundation or to a lesser standard of flood protection where agreed by the relevant floodplain management authority. • Ensure that streets, footpaths and cycle paths that are subject to flooding meet the safety criteria $da Vave < 0.35 \text{ m}^2/\text{s}$ (where, da = average depth in metres and $Vave$ = average velocity in metres per second). <p>The design of the local drainage network should:</p> <ul style="list-style-type: none"> • Ensure run-off is retarded to a standard required by the responsible drainage authority. • Ensure every lot is provided with drainage to a standard acceptable to the relevant drainage authority. Wherever possible, run-off should be directed to the front of the lot and discharged into the street drainage system or legal point of discharge. • Ensure that inlet and outlet structures take into account the effects of obstructions and debris build up. Any surcharge drainage 	<p>Drainage will be managed in accordance with the requirements of the relevant authority. The proposed development will utilise the existing drainage basin to the north east of the site.</p>

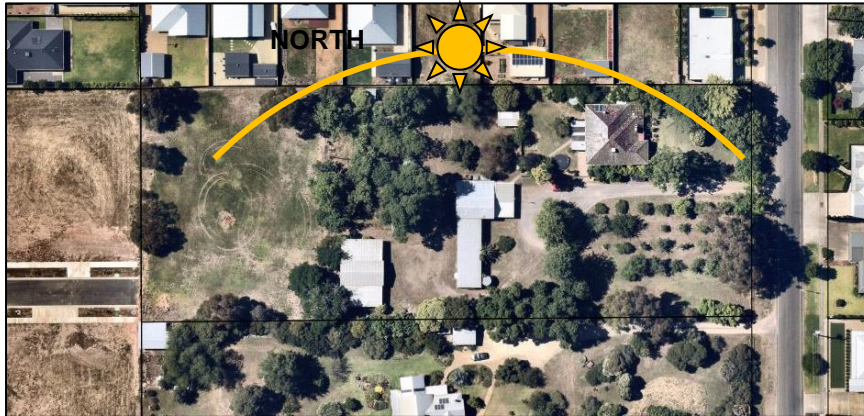
Title & Objective	Standard	Comments
<p>Clause 56.08-1</p> <p>Standard C26</p> <p>Site management objectives</p> <p>To protect drainage infrastructure and receiving waters from sedimentation and contamination.</p> <p>To protect the site and surrounding area from environmental degradation or nuisance prior to and during construction of subdivision works.</p> <p>To encourage the re-use of materials from the site and recycled materials in the construction of subdivisions where practicable.</p>	<p>A subdivision application must describe how the site will be managed prior to and during the construction period and may set out requirements for managing:</p> <ul style="list-style-type: none"> • Erosion and sediment. • Dust. • Run-off. • Litter, concrete and other construction wastes. • Chemical contamination. • Vegetation and natural features planned for retention. <p>Recycled material should be used for the construction of streets, shared paths and other infrastructure where practicable.</p>	<p>Best practice measures will be undertaken to ensure that construction does not degrade the environment and minimises impacts to adjoining properties and the surrounding area.</p>
<p>Clause 56.09-1</p> <p>Standard C27</p> <p>Shared trenching objectives</p> <p>To maximise the opportunities for shared trenching.</p> <p>To minimise constraints on landscaping within street reserves.</p>	<p>Reticulated services for water, gas, electricity and telecommunications should be provided in shared trenching to minimise construction costs and land allocation for underground services.</p>	<p>All new services will utilise shared trenching where possible.</p>
<p>Clause 56.09-2</p> <p>Standard C28</p> <p>Electricity, telecommunications and gas</p> <p>To provide public utilities to each lot in a timely, efficient and cost effective manner.</p> <p>To reduce greenhouse gas emissions by supporting generation and use of electricity from renewable sources.</p>	<p>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.</p> <p>Arrangements that support the generation or use of renewable energy at a lot or neighbourhood level are encouraged.</p> <p>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.</p> <p>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.</p>	<p>All electrical energy is to be provided according to the standards and specifications of the relevant supply authority.</p> <p>Similarly, water services are to be provided according to the standards and specifications of the relevant supply authority.</p> <p>Reticulated gas will not be supplied to the lots.</p> <p>Telecommunications are to be provided according to the standards and specifications of the relevant supply authority.</p>

Title & Objective	Standard	Comments
<p>Clause 56.09-3</p> <p>Standard C29</p> <p>Fire hydrants</p> <p>To provide fire hydrants and fire plugs in positions that enable fire fighters to access water safely, effectively and efficiently.</p>	<p>Fire hydrants should be provided:</p> <ul style="list-style-type: none"> - A maximum distance of 120 metres from the rear of each lot. - No more than 200 metres apart. <p>Hydrants and fire plugs must be compatible with the relevant fire service equipment. Where the provision of fire hydrants and fire plugs does not comply with the requirements of standard C29, fire hydrants must be provided to the satisfaction of the relevant fire authority.</p>	<p>Fire hydrants will be provided in accordance with C29 and authority standards.</p>
<p>Clause 56.09-4</p> <p>Standard C30</p> <p>Public lighting</p> <p>To provide public lighting to ensure the safety of pedestrians, cyclists and vehicles. To provide pedestrians with a sense of personal safety at night.</p> <p>To contribute to reducing greenhouse gas emissions and to saving energy.</p>	<p>Public lighting should be provided to streets, footpaths, public telephones, public transport stops and to major pedestrian and cycle paths including public open spaces that are likely to be well used at night to assist in providing safe passage for pedestrians, cyclists and vehicles.</p> <p>Public lighting should be designed in accordance with the relevant Australian Standards.</p> <p>Public lighting should be consistent with any strategy, policy or plan for the use of renewable energy and energy efficient fittings.</p>	<p>No public areas are proposed. Lighting along Roynic Parade will be provided. Area lighting which provides light spill into adjacent dwellings will not be provided.</p>

APPENDIX 5 – Subdivision Site and Context Description & Design Response

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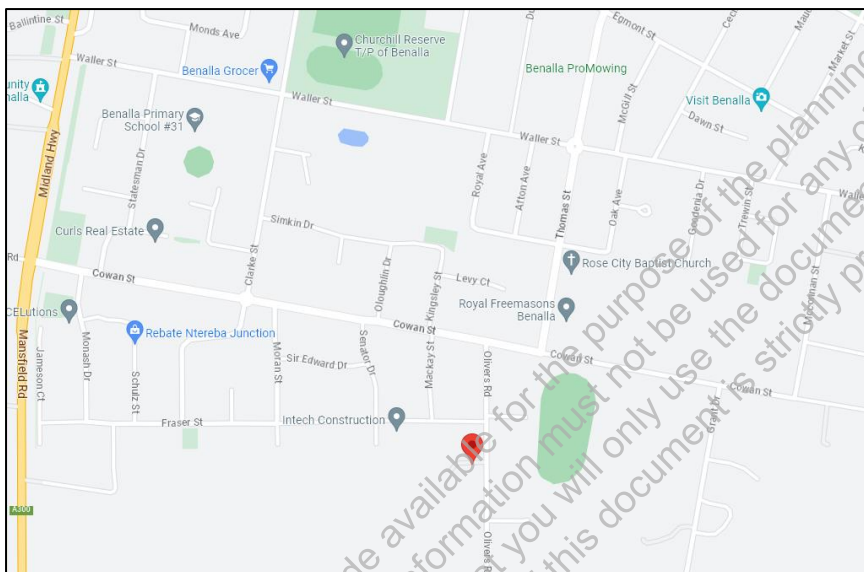




Site, surrounding lot orientation, and neighbouring development

Description of surrounding land and development:

- There are a range lot sizes in the area.
- To the north of the site, is established residential development on medium to large lots.
- The site is within a well-established residential area of Benalla, which is starting to see infill development and higher density lots, making good use of land zoned general residential on the edge of Benalla.



Location of subject site

Notes

Distance to community facilities:

- 1.2km to shops
- 1.1km to public reserve
- 1.8km to show grounds
- 1.4km to P-12 Benalla
- 1.9km to botanical gardens

Design Response:

- The proposed subdivision will provide for residential development in an area designated for expansion of medium density development with good access to all facilities and services of the town including schools, health services and parks and recreation areas.
- The subdivision will provide medium to large residential lots that are similar in size to surrounding lots and is not seen as an overdevelopment of the site.
- The development will increase the number of traffic movements on local roads however this is considered reasonable in the context of development

Descriptor	Comments
<ul style="list-style-type: none"> Site shape, size, dimensions and orientation, levels and contours 	The size and shape of the existing and proposed lots is indicated on the submitted Concept Development Plan.
<ul style="list-style-type: none"> Natural features including trees and other significant vegetation, drainage lines, water courses, wetlands, ridgelines and hill tops. 	The land is mainly flat. There are a number of planted trees located on the site. Most vegetation will be removed as part of the subdivision.
<ul style="list-style-type: none"> The siting and use of existing buildings and structures. 	The subject site is a large lot containing an existing dwelling and associated shedding, surrounded by established gardens.
<ul style="list-style-type: none"> Access points 	The site is accessed via a crossover from Olivers Rd to the east.
<ul style="list-style-type: none"> Location of drainage and other utilities. 	There is swale drainage along Olivers Rd. There is kerb and channel drainage in Roynic Parade.
<ul style="list-style-type: none"> Easements. 	There are no easements affecting the land.
<ul style="list-style-type: none"> Any identified natural or cultural features of the site. 	The site does not contain any of these features.
<ul style="list-style-type: none"> Street frontage features such as poles, street trees and kerb crossovers. 	There are no street trees in front of the subject site. There is a crossover and driveway to the east of the site.
<ul style="list-style-type: none"> Significant views to and from the site. 	None to note.
<ul style="list-style-type: none"> Noise and odour sources or other external influences. 	Some distant noise may be experienced from the Hume Fwy from time to time.
<ul style="list-style-type: none"> Soil conditions, including any land affected by contamination, erosion, salinity, acid-sulphate soils or fill. 	The subject site is flat and the land is not known to be contaminated.
<ul style="list-style-type: none"> Any other notable features or characteristics of the site. 	The site is directly adjacent residential development to the north.
<ul style="list-style-type: none"> Adjacent uses. 	Predominantly residential and rural living land uses.
<ul style="list-style-type: none"> Any other factor affecting the capacity to develop the site 	None.

Process List

Project Name: M8045

Project Location: 24 Olivers Rd Benalla

Date: 29-Aug-2023

	QUESTION	ANSWER
Question 1	Is the proposed activity , or all the proposed activities, exempt?	No
Question 2	Are you undertaking a High Impact Activity as listed in the Aboriginal Heritage Regulations?	Yes
Question 3	Does your activity include significant ground disturbance?	Yes
Question 4	Does your activity area include areas of a registered cultural heritage place (regardless of significant ground disturbance) or cultural heritage sensitivity that have not previously been subject to significant ground disturbance?	No
Answer:	<p><u>ON THE BASIS OF THE ANSWERS YOU HAVE ENTERED</u></p> <p>YOU ARE NOT REQUIRED BY THE REGULATIONS TO PREPARE A CULTURAL HERITAGE MANAGEMENT PLAN FOR THIS PROJECT</p>	
	<p>This process list is for information purposes only; the result must not be relied upon by a statutory authority in deciding whether a cultural heritage management plan is required for a proposed activity.</p>	



Application for Planning Permit for a Subdivision

Supplied by Olivia Baker
Submitted Date 05/10/2023

Application Details

Application Type Planning Permit for a Subdivision
Version 1
Applicant Reference Number M8045
Application name or Estate name 10 Lot Sub - 24 Olivers Rd Benalla
Responsible Authority Name Benalla Rural City Council
Responsible Authority Reference Number(s) (Not Supplied)
SPEAR Reference Number S220078E
Application Status Submitted
Planning Permit Issue Date NA
Planning Permit Expiry Date NA

The Land

Primary Parcel 24 OLIVERS ROAD, BENALLA VIC 3672
Lot 1/Plan PS425358
SP1 1\PS425358
CPN A3352
Zone: 32.08 General Residential

The Proposal

Plan Number (Not Supplied)
Number of lots 10
Proposal Description 10 Lot Subdivision of General Residential Zoned Land - Refer to Town Planning Report
Estimated cost of the development for which a permit is required \$ 0

Existing Conditions

Existing Conditions Description Existing dwelling, associated shedding and vegetation.
Title Information - Does the proposal breach an encumbrance on Title? The proposal does not breach an encumbrance on title, such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope.

Applicant Contact

Applicant Contact Ms Olivia Baker
North East Survey Design Pty Ltd
516 High Street, Echuca, VIC, 3564
Business Phone: 0427152353
Email: olivia@nesd.com.au

Applicant

Applicant (Applicant details as per Applicant Contact)

Owner

Owner

Mr Dennis Levy
7 Royal Avenue, Benalla, VIC,

Declaration

I, Olivia Baker, declare that the owner (if not myself) has been notified about this application.

I, Olivia Baker, declare that all the information supplied is true.

Authorised by
Organisation

Olivia Baker
North East Survey Design Pty Ltd

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

Page 1 of 1

VOLUME 10469 FOLIO 461

Security no : 124109376697P
Produced 27/09/2023 11:40 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 425358K.
PARENT TITLE Volume 09923 Folio 250
Created by instrument PS425358K 23/09/1999

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
DENNIS JAMES LEVY PTY LTD of 7 ROYAL AVENUE BENALLA VIC 3672
AX297187X 27/09/2023

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
W255063A 30/08/1999
AMENDMENT OF AGREEMENT AW772332C 28/04/2023

DIAGRAM LOCATION

SEE PS425358K FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

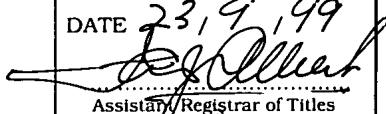
NUMBER	STATUS	DATE
AX297187X (E) TRANSFER	Registered	27/09/2023

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

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

Street Address: 24 OLIVERS ROAD BENALLA VIC 3672

DOCUMENT END

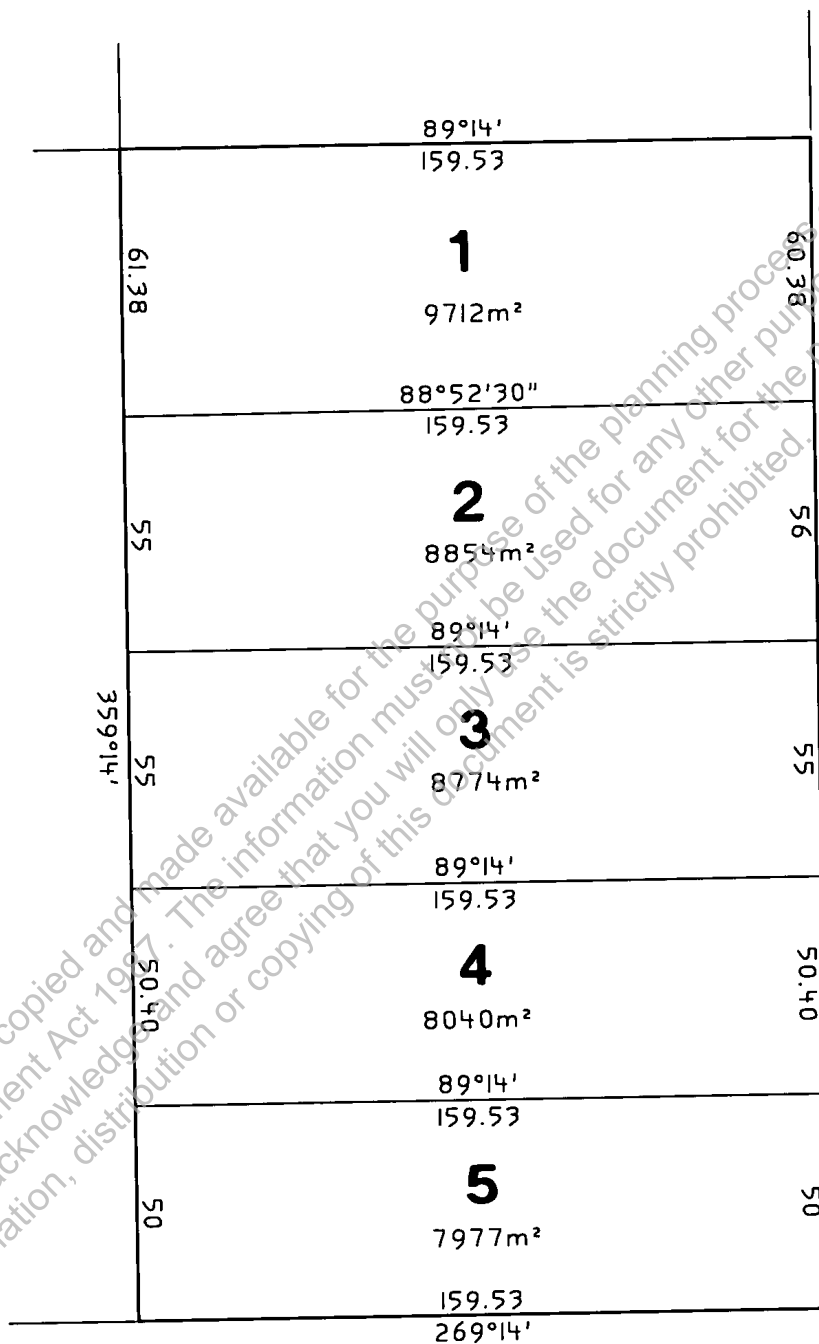
PLAN OF SUBDIVISION				STAGE NO.	LTO use only EDITION 1	Plan Number PS 425358K
Location of Land Parish: BENALLA Township: — Section: A Crown Allotment: 1 AND 2 (PART) Crown Portion: — LTO Base Record: PARISH PLAN Title Reference: Vol. 9923 Fol. 250 Last Plan Reference: LP 8818 (Lot 12) Postal Address: 4 Olivers Road (at time of subdivision) Benalla 3672 AMG Co-ordinates E 407 800 Zone: 55 (of approx. centre of land in plan) N 5952 400				Council Certification and Endorsement Council Name: Shire of Delatite Ref: S 2174 1. This plan is certified under section 6 of the Subdivision Act 1988. 2. This plan is certified under section 11(7) of the Subdivision Act 1988. Date of original certification under section 6 / / 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. OPEN SPACE (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has/has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage..... Council delegate Council seal Date 5 / 3 / 99 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
Vesting of Roads or Reserves				Notations		
Identifier		Council/Body/Person		Staging This is/is not a staged subdivision Planning Permit No. P97 / 0340		
—		—		Depth Limitation does not apply		
Survey This plan is/is not based on survey This survey has been connected to permanent marks no(s) 22, 100, 194 In Proclaimed Survey Area No. 62						
Easement Information				LTO use only		
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance A - Appurtenant Easement R - Encumbering Easement (Road)				Statement of Compliance/ Exemption Statement		
				Received <input checked="" type="checkbox"/> Date 30 / 8 / 99		
Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		LTO use only PLAN REGISTERED TIME 3:00 pm DATE 23 / 9 / 99  Assistant Registrar of Titles
						Sheet 1 of 2 Sheets
			LICENSED SURVEYOR (PRINT) Alan E. Monger SIGNATURE..... DATE 11 / 2 / 1999 REF 1153 VERSION 15		DATE 5 / 3 / 99 COUNCIL DELEGATE SIGNATURE Original sheet size A3	

PLAN OF SUBDIVISION

Stage No.

Plan Number

PS 4 2 5 3 5 8 K



OLIVERS

ROAD

HAIRS

LANE

Sheet 2 of 2 sheets

ORIGINAL

SCALE

LICENSED SURVEYOR (PRINT) Alan E. Monger

SIGNATURE DATE 11 / 2 / 1999

REF 1153

VERSION 15

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

SCALE
1:1250

SHEET
SIZE
A3

12.5 0 25 50
LENGTHS ARE IN METRES

W255063A
300899 1131 173



**Application by
DELATITE SHIRE COUNCIL
FOR THE MAKING OF A RECORDING
OF AN AGREEMENT**

Lodged by:

Name:

Phone:

Address:

Ref:

*The conveyancing
specialists.*

Customer Code:

3621x

The council having made an agreement requires a recording to be made in the Register for the land.

Land:

Volume 9923 Folio 250

Council:

Shire of Delatite

Section or Act under which agreement made: Section 173 of Planning & Environment Act 1987

A copy of the agreement is attached to this application.

Date:

2. 8. 99

Signed:

Chief Executive Officer

[Signature]

*10/09
J*

DATED this 16th day of June 1999

BETWEEN:

DELATITE SHIRE COUNCIL

- and -

Lionel William GANDER
and Marilyn Gwenneth GANDER

**AGREEMENT UNDER SECTION 173 OF
PLANNING & ENVIRONMENT ACT 1987**

**Subject land: LotTwelve PS No. 8818
Olivers Road, Benalla**

DELATITE SHIRE COUNCIL
Delatite Civic Centre
Fawckner Drive
BENALLA 3672

Tel: (03)5760 2600

Ref: P97/0340



DW255063A-2-1

W255063A

300899 1131 173



W255063A

300899 1131 173

THIS AGREEMENT is made 16th day of June 1999

BETWEEN:

DELATITE SHIRE COUNCIL



of Delatite Civic Centre, Fawckner Drive, Benalla, Victoria, ("the Council")

- and -

Lionel William Gander and Merilyn Gwenneth Gander, of 4 Beyeridge
Street Warrandyte, Victoria
("the Owner")

INTRODUCTION:

- A. The Owner is registered or is entitled to be registered as the Proprietor of the whole of the land being Lot Twelve on Plan of Subdivision No. 8818, described in Certificate of Title Volume 9923 Folio 250 being situated on the north west corner of Olivers Road and Hairs Lane, Benalla ("subject land").
- B. The Council is the Responsible Authority for the administration and enforcement of the Delatite Planning Scheme ("the Scheme") under the Planning and Environment Act 1987 ("the Act").
- C. On 17th June 1998 the Council issued Planning Permit No. P97/0340 a copy of which is attached to this Agreement and marked "A" ("the Permit").
- D. The Permit permits the subdivision of the subject land into five (5) lots subject to a number of conditions including condition No. 4 which reads as follows:-

The owner must enter into an agreement pursuant to Section 173 of the Planning and Environment Act to provide the following:

- (i) Require future development on the allotments to accord with the approved outline development plan for the land;
- (ii) Prevent the siting of buildings on the land in locations that would conflict with the outline development plan;
- (iii) Owners of the allotments will be required to make a 100% contribution (or a lesser amount if agreed by Council) to any road construction scheme to Olivers Road or Hairs Lane (lot 5)
- E. The Council and the Owner have agreed to enter into an Agreement pursuant to Section 173 of the Act to provide for the matters contained within Conditions No. 4 of the Permit.
- F. The Council and the Owner have agreed that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

IT IS AGREED:



DW255063A-4-5

1. Definitions:

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "Owner" means the person or persons from time to time being registered or entitled to be registered as the proprietor of an estate in fee simple of the subject land or any part of the subject land.
- 1.2 "Permit" means Planning Permit No. P97/0340 a copy of which is attached to this Agreement and marked "A".
- 1.3 "Lot" means a lot on the Plan of Subdivision subdividing the subject land in accordance with the Permit.

2. Interpretation:

- 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 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 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 shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

3. Covenants of the Owner:

The Owner with the intent that the burden of its covenants under this Agreement shall run with the subject land pursuant to Section 182 of the Act, covenants and agrees that it will:

- 3.1 Ensure the future development of the subject land accords with the approved outline development plan for the land a copy of which is attached to this Agreement and marked "B". ("the outline development plan")
- 3.2 Prevent the siting of buildings on the subject land in locations that would conflict with the outline development plan by not permitting the construction of buildings across any future allotment boundary or a future road reservation shown on the outline development plan.

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- 3.3 Make a 100% contribution (or a lesser amount if agreed to by Council) to any road construction scheme for Olivers Road.
- 3.4 Make a 100% contribution (or lesser amount if agreed to by Council) to any road construction scheme for Hairs Lane (applicable to the owner(s) of lot 5 on the plan of subdivision certified pursuant to the permit).
- 3.5 Do all things necessary to enable a memorandum of this Agreement to be entered on the title to the subject land in accordance with Section 181 of the Act including signing any further agreement, acknowledgement or document to enable the said memorandum to be registered under that section,
- 3.6 Bring the provisions of this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns;
- 3.7 Forthwith pay to the Council on demand the Council's costs and expenses (including legal expenses) of and incidental to,
- 3.7.1 This Agreement and any amendment of this Agreement and anything done in connection with this Agreement and including anything done in anticipation of this Agreement and the enforcement of any obligations imposed on the Owner,
- 3.7.2 The preparation of an application pursuant to Section 181 of the Act enabling the registration of this Agreement at the Land Titles Office and any duties or fees payable in connection with either this Agreement, the registration of this Agreement at the Land Titles Office or in connection with any default of the Owner.
- 3.8 Do all things necessary including the signing of any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that it carries its covenants, agreements, and obligations under this Agreement and to enable the Council to enforce the performance by the Owner of such covenants and undertakings.

4. General:

- 4.1 Each of the parties to this Agreement shall respectively sign and execute all further documents and deeds and do all acts and things as the other party shall reasonably require for completely effecting this Agreement.
- 4.2 Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or judgement or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.
- 4.3 If any provision of this Agreement is not valid it will not affect the validity of the other provisions of this Agreement but shall be read down or severed so as to leave the other provisions of this Agreement in effect.



5. Default of the Owner:

In the event of the Owner defaulting or failing to perform any of its obligations under Sub-Clauses 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, and 3.8 of this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs shall be capable of being recovered by the Council in any court competent jurisdiction as a civil debt recoverable summarily.

6. Council's Powers:

- 6.1 Should the Owner fail or neglect to comply with Sub-Clauses 3.1, 3.2, 3.3, 3.4, 3.5, 3.6, 3.7, or 3.8 of this Agreement the Council (or Council's Delegate) may cause to be served on the Owner a notice in writing ("the notice") specifying the works, matters or things in respect of which the Owner is in default and should such default continue for a period of fourteen days after the service of the notice or such longer period as may be specified in the notice, the Council may by its officers, servants, agents, workmen and contractors enter upon the subject land and cause the works to be carried out and for such purpose the Council may employ a contractor or contractors and professional advisers.
- 6.2 A notice served on the Owner pursuant to Sub-Clause 6.1 of this Agreement may set out the cost as estimated by the Council (or Council's Delegate) of carrying out the works to remedy the default as aforesaid and if the Owner does not comply with the notice within a period of fourteen days or such longer period as may be specified in the notice, the Council may cause to be served on the Owner a demand in writing for payment of the amount of the costs estimated as aforesaid and the amount of those costs shall be paid forthwith by the Owner to the Council.
- 6.3 As soon as may be practicable after completion of such works the Council's Delegate shall certify the actual cost of the works to the Council and the difference between the actual cost and the estimated cost paid to the Council pursuant to this Sub-Clause 6.2 shall be paid by the Owner to the Council or by the Council to the Owner as the case may require.
- 6.4 If a notice served on the Owner pursuant to Sub-Clause 6.1 of this Agreement does not require the Owner to pay such costs as provided above the actual cost of any works carried out by or on behalf of the Council pursuant to Sub-Clause 6.1 of this Agreement shall be paid on demand by the Owner to the Council.
- 6.5 For the purposes of Sub-Clauses 6.3 and 6.4 of this Agreement the certificate of Council's Delegate as to the amount of the actual cost incurred by the Council shall be final, binding and conclusive as between the parties to this Agreement.

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6.6 Any moneys which are due to the Council under this Agreement and remain unpaid for a period of more than thirty (30) days after demand in writing for the same has been made by the Council, shall bear interest at the rate provided for under Section 386 of the Local Government Act 1958 and upon and after the repeal of that section in accordance with Section 172 of the Local Government Act 1989 from the date of the demand until paid.

6.7 Upon and for the duration of any default by the Owner under this Agreement the Owner hereby irrevocably licences the Council, its officers, servants, agents, workmen and contractors to enter upon the subject land for the purpose of giving effect to this Agreement.

7. Indemnity:

The Owner covenants and agrees that it will indemnify and keep indemnified the Council, its officers, servants, agents, workmen and contractors from and against all costs, expenses, losses or damages whatsoever which the Council, its officers, servants, agents, workmen and contractors may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person whatsoever arising from or referable to the carrying out of works referred to in Clause 6 of this Agreement.

8. Charge:

The Owner acknowledges and agrees that:

8.1 Interest shall be payable on moneys which may be due but unpaid under this Agreement and shall be calculated at the rate provided for under Section 386 of the Local Government Act 1958 and upon and after the repeal of that section in accordance with Section 172 of the Local Government Act 1989.

8.2 All principal and interest and other moneys which have become or become due under this Agreement shall, with interest thereon, be and until paid remain a charge upon the land;

8.3 The Council may register at the Land Titles Office the charge on the Owner's land and to enable this to be done the Owner will make the Certificate of Title to the land available at the Land Titles Office and sign such further documents as may be necessary to enable the charge to be registered;

8.4 In the event of the Owner selling or disposing of the land, that prior to final settlement of such sale or transfer the full amount of the cost of construction together with any interest thereon shall become forthwith due and payable to the Council.

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9. Release:

Notwithstanding anything hereinbefore contained the parties hereto mutually agree and declare that the covenants hereincontained ("the covenants") to the extent that they bind the said L W Gander & M G Gander personally as the owner(s) for the time being of the land shall cease to bind him/her as and from the date upon which the said owner shall cease to be the owner of the land and he/she shall thereafter be released absolutely from the covenants without prejudice to any right of action or remedy of the Council in respect of any antecedent breach of or default in the performance or observance of the covenants by the said L W Gander & M G Gander to the date upon which he/ she shall cease to be the owner of the land **PROVIDED ALWAYS** that nothing herein contained shall release or be deemed to release the owner for the time being of the obligation to comply with and be bound by the covenants.

10. Ending of Agreement:

This Agreement shall cease to have any force or effect over any lot if the Council issues a planning permit which provides for this Agreement to cease.

This document has been copied and made available for the purpose of the planning process and for the purpose of the Planning and Environment Act 1987. The information must not be used for any other purpose. By using this document you acknowledge and agree that you will only use the document for the purpose for which it was prepared and that any dissemination, distribution or copying of this document is strictly prohibited.

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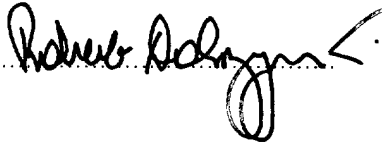


DW255063A-8-4

EXECUTED by the parties on the date set out at the commencement of this Agreement.

SIGNED by
DELATITE SHIRE COUNCIL

Chief Executive Officer:



SIGNED by the said
Lionel William Gander and
Merilyn Gwenneth Gander
in the presence of:



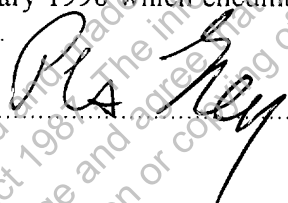
Witness:



If there is a mortgage or caveat, complete the following:-

Commonwealth Bank of Australia as Mortgagee under Instrument of Mortgage No. V287354J dated 26 February 1998 which encumbers the subject land consents to the Owner entering into this Agreement.

..... Authorising Officer



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DW255063A-9-1

'A'

Form 4.4

PLANNING PERMIT

Permit No: **P97/0340 (AMENDED)**

Development Approval Number: **DA926**

Planning Scheme: **Delatite Planning Scheme**

Responsible Authority: **The Council of the
Shire of Delatite**

ADDRESS OF THE LAND:

LOT 12, PS 8818, OLIVERS ROAD, BENALLA

THE PERMIT ALLOWS:

5 LOT SUBDIVISION

W255063A

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W255063A-10-0

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 1) The subdivision as shown on the endorsed plan must not be altered without the prior written permission of the Responsible Authority.
- 2) This permit will expire if one of the following circumstances applies:
 - (i) the plan of subdivision is not certified within two years of the date of this permit;
 - (ii) the subdivision is not completed within five years of the date of certification of the plan of subdivision.

The Responsible Authority may extend the period under (i) if a request is made in writing before the permit expires or within three months afterwards.
- 3)
 - (i) Provide a crossover to each lot with culverts of a minimum diameter of 300mm and regrade the table drains for both the Hairs Lane and Olivers Road frontages to the site to the satisfaction of the Responsible Authority.
 - (ii) Undertake works as directed to ensure the regraded table drains have a satisfactory point of discharge.
- 4) The owner must enter into an agreement pursuant to Section 173 of the Planning and Environment Act to provide for the following:
 - (i) Require future developments on the allotments to accord with the approved outline development plan for the land;
 - (ii) Prevent the siting of buildings on the land in locations that would conflict with the outline development plan.
 - (iii) Owners of the allotments will be required to make a 100% contribution (or a lesser amount if agreed to by Council) to any road construction scheme to Olivers Road or Hairs Lane (lot 5).

Date Issued: 9 June, 1999

Signature for the
Responsible Authority:

PLANNING PERMIT

Permit No: P97/0340 (AMENDED)

Development Approval Number: DA926

Planning Scheme: **Delatite Planning Scheme**

Responsible Authority: **The Council of the
Shire of Delatite**

ADDRESS OF THE LAND:

LOT 12, PS 8818, OLIVERS ROAD, BENALLA

THE PERMIT ALLOWS:

5 LOT SUBDIVISION

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W255063A-11-8

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- (iii) All costs associated with the preparation and registration of the agreement are to be borne by the owner of the site.

Telstra

- 5) That the plan of subdivision submitted for certification be referred to Telstra or other licensed telecommunications carrier, whichever is appropriate, in accordance with Section 8 of the Subdivision Act 1988.

Eastern Energy

- 6) The plan of subdivision submitted for certification under the Subdivision Act 1988 shall be referred to ESV in accordance with Section 8 of that Act.
- 7) The applicant shall:
- * Enter into an agreement with EE for the supply of electricity to each lot and for the extension, augmentation or re-arrangement of any existing electricity supply system, as required by EE. (A payment to cover the cost of such work will be required).
 - * Re-arrange to the satisfaction of EE any existing private electric lines supplying installations within the subdivision. Such lines shall be constructed with underground cables.
 - * Provide easements satisfactory to EE, where easements have not been otherwise provided, for all existing EE electric lines on the land and for any new power lines required, save for lines located, or to be located, on public roads set out on the plan. These easements shall be for the purpose of "Power Line" in favour of Electricity Services Victoria.
 - * Obtain for the use of EE any other easement required to service the lots.
 - * Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.

Date Issued: 9 June, 1999

Signature for the
Responsible Authority:

PLANNING PERMIT

Permit No: P97/0340 (AMENDED)

Development Approval Number: DA926

Planning Scheme: Delatite Planning Scheme

Responsible Authority: The Council of the
Shire of Delatite

ADDRESS OF THE LAND:

LOT 12, PS 8818, OLIVERS ROAD, BENALLA

THE PERMIT ALLOWS:

5 LOT SUBDIVISION

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THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- * Obtain the approval of EE or National Electricity, as the case may be, to lot boundaries within any area affected by an easement for an electric line and for the construction of works in such an area.
- * Provide to EE a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.
- * Adjust the position of any existing easement(s) for power lines to accord with the position of the line(s) as determined by survey.
- * Obtain the approval of EE or National Electricity, as the case may be, to lot boundaries within any area affected by an easement for an electric line and for the construction of works in such an area.
- * Provide to EE a copy of the version of the plan of subdivision submitted for certification, which shows any amendments which have been required.

North East Region Water Authority

- 8) Payment to the North East Region Water Authority of a contribution of money towards the water supply system supplying the area.
- 9) That the owner/applicant enter into an agreement with the North East Region Water Authority for the supply of water to serve all lots of the subdivision, at the applicant's cost, and in accordance with the Authority's specifications and requirements.
- 10) Ensure that any private water services do not traverse property boundaries and are supplied independently from an approved point of supply.

Date Issued: 9 June, 1999

Signature for the
Responsible Authority:

PLANNING PERMIT

Permit No: P97/0340 (AMENDED)

Development Approval Number: DA926

Planning Scheme: Delatite Planning Scheme

Responsible Authority: The Council of the
Shire of Delatite

ADDRESS OF THE LAND:

LOT 12, PS 8818, OLIVERS ROAD, BENALLA

THE PERMIT ALLOWS:

5 LOT SUBDIVISION

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 11) The plan of subdivision submitted for certification must be referred to the Authority in accordance with Section 8 of the Subdivision Act 1988.

Please note:

Pursuant to Section 73 of the Planning and Environment Act 1997 this permit was amended by correcting the address of the land.

Date Issued: 9 June, 1999

Signature for the
Responsible Authority:

Planning and Environment Regulations Form 4.4



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AW772332C

**Notification by responsible authority of amendment of
an agreement**

Section 183 Planning and Environment Act 1987

Privacy Collection Statement

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

Lodged by

Name: HDC LEGAL

Phone: 03 5762 1844

Address: 2 BRIDGE STREET BENALLA 3672

Reference: MJS:250480-1

Customer code: 19629R

The responsible authority notifies that the agreement has been amended and requires that the recording in the Register be altered accordingly.

Land: (volume and folio)

VOLUME 10469 FOLIO 461

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

BENALLA RURAL CITY COUNCIL OF 1 BRIDGE STREET BENALLA 3672

Agreement no.:

W255063A

The agreement has been amended in accordance with the terms of the Deed of Amendment to an agreement, or a provision in a Statement of Compliance relative to a Plan of Subdivision, or pursuant to an Order of the Victorian Civil and Administrative Tribunal, a copy of which is attached.

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183APEA

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THE BACK OF THIS FORM MUST NOT BE USED

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

V2

AW772332C

**Notification by responsible authority of amendment of
an agreement**

Section 183 Planning and Environment Act 1987

Privacy Collection Statement

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

Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
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.

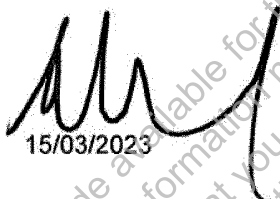
Executed on behalf of BENALLA RURAL CITY COUNCIL

Signer Name MATTHEW JAMES SUSSMILCH

Signer Organisation HDC LEGAL

Signer Role AUSTRALIAN LEGAL PRACTITIONER

Signature



Execution Date 15/03/2023

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V2

AW772332C

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF
AMENDMENT OF AGREEMENT UNDER SECTION 183 OF
THE PLANNING AND ENVIRONMENT ACT 1987 (VIC)**

BETWEEN

BENALLA RURAL CITY COUNCIL
("the Council")

AND

MERILYN GWENNETH HICKSON
("the Owner")

**HDC Legal
Lawyers
2 Bridge Street
BENALLA VIC 3672
Ph: (03) 5762 1844
admin@hdclegal.com.au
Ref: MJS:250480-1**

AW772332C

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF
AMENDMENT OF AGREEMENT UNDER SECTION 183 THE PLANNING
AND ENVIRONMENT ACT 1987 (VIC)**

THIS AMENDMENT is made on the 21ST day of December 2022

BETWEEN

BENALLA RURAL CITY COUNCIL of 1 Bridge Street, Benalla in the State of Victoria ("the Council") of the first part

AND

MERILYN GWENNETH HICKSON of Unit 10/113 Surrey Road, Blackburn North in the State of Victoria ("the Owner") of the second part

RECITALS

- A. The Owner is the registered proprietor of the land known as Lot 1 on Plan of Subdivision 425358K being the land more particularly described and contained within Certificate of Title Volume 10469 Folio 461 ('the land'), the parent Title of which was Certificate of Title Volume 9923 Folio 250 ('the parent title').
- B. The Council is the responsible authority for the administration and enforcement of the Benalla Planning Scheme in relation to the land.
- C. On 17 June 1998 the Council issued Planning Permit number P97/0340 in relation to the subdivision of the parent title, into 5 new lots, beings Lots 1-5 on PS42538K ('the permit to subdivide').
- D. It was a condition of the permit to subdivide that the then owners of the parent title, enter into and cause to have registered against the 5 titles created on the registration of PS42538K, a Section 173 agreement which Section 173 agreement was subsequently registered and bears registration number W255063A ('the original section 173 agreement').
- E. On 25 May 2022 the Council agreed to vary the original section 173 agreement as follows:
- Approving the amended outline development plan, dated 5 April 2022, Version 6 (a copy of which is annexed and is marked "A"; and

AW772332C

- Rewording Sections 3.3 and 3.4 of the original section 173 agreement, as follows:

3.3 *Unless otherwise approved by the Responsible Authority, should further subdivision of the lots occur in accordance with the approved Outline Development Plan, the owners of Lots 1-4 must contribute 100% of the cost of the road widening of Olivers Road, kerb and channel and footpaths to that section abutting their land.*

3.4 *Unless otherwise approved by the Responsible Authority, should further subdivision of the lots occur in accordance with the approved Outline Development Plan, the owners of Lots 5 must contribute 100% of the cost of the road widening of Olivers Road and Hairs Lane, kerb and channel and footpaths to that section abutting their land.*

- D. IT is a condition of the permit that the Owner enters into this agreement with the Council.

OPERATIVE PROVISIONS


1. The recitals to this Deed are true and correct.
2. The provisions of the original section 173 agreement are now by this Deed, varied as follows:
 - A. Existing clauses 3.3 and 3.4 are deleted and in substitution thereof the following new clauses shall appear:
 - 3.3 *Unless otherwise approved by the Responsible Authority, should further subdivision of the lots occur in accordance with the approved Outline Development Plan, the owners of Lots 1-4 must contribute 100% of the cost of the road widening of Olivers Road, kerb and channel and footpaths to that section abutting their land.*
 - 3.4 *Unless otherwise approved by the Responsible Authority, should further subdivision of the lots occur in accordance with the approved Outline Development Plan, the owners of Lot 5 must contribute 100% of the cost of the road widening of Olivers Road and Hairs Lane, kerb and channel and footpaths to that section abutting their land.*
 - B. The annexed Outline Development Plan, dated 5 April 2022, Version 6 is approved by Council.

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3. The parties acknowledge and agree that save and except for the variations set out in clause 2 A and B of this Deed, all other terms and conditions contained in the original 173 agreement shall remain unaltered and in full force and effect.
4. This Deed is made under Section 173 of the Planning and Environment Act 1987 (Vic) and the Owner acknowledges that:
- (a) the obligations imposed on the Owner under this Deed are to take effect as covenants which are annexed to and run at law and in equity with the land and each and every part or parts of the land;
 - (b) this Deed binds the Owners' successors in title, assigns, legal or personal representatives and transferees, the registered proprietor or proprietors for the time being of the land in each and every part or parts of the land; and
 - (c) the Owner must, should Council so request, execute all documents and do all further things required by the Council in order to ensure that the Registrar of Titles enters and records a Memorandum of this Deed under Section 181 of the Planning and Environment Act 1987 (Vic) on the Certificate or Certificates of Title for the land as soon as possible after the date of this Deed.
5. The provision of or a right created under this Deed may not be:
- (a) waived except in writing signed by the party granting the waiver; or
 - (b) varied except in writing signed by the parties.
6. The rights powers and remedies provided in this Deed are cumulative with and not exclusive of the rights, powers and remedies provided by law independently of this Deed including, without limitation, the Council's rights and powers as responsible authority.

Executed as a Deed by the parties on the day and the date first hereinbefore appearing

SIGNED by **BENALLA RURAL CITY COUNCIL** by its duly authorised delegate)

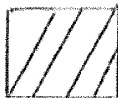
) 
Council Delegate
)

NILESH SINGH
Full Name (Block Letters)

JOEL INGHAM 
Witness Address (Block Letters)

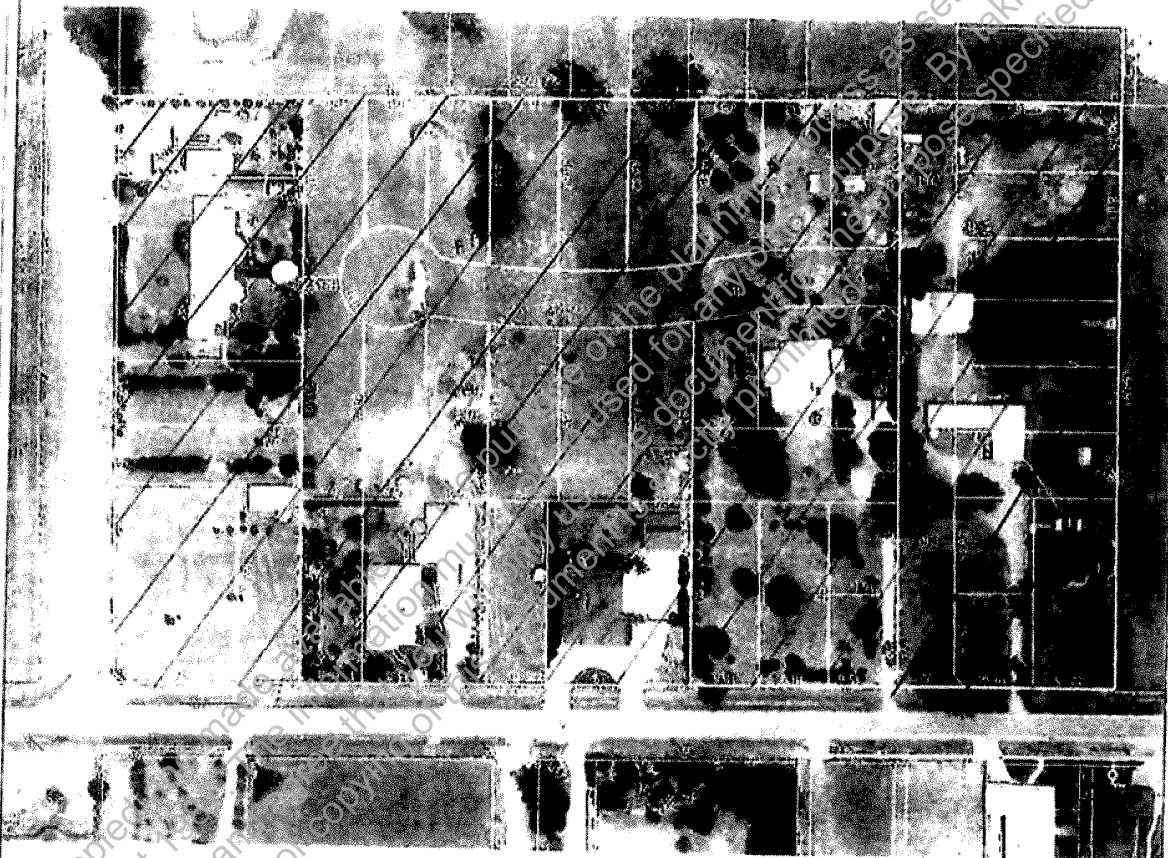
AW772332C

"A"



denotes
affected land

PROPOSED
S8511
6
REVISED OUTLINE DEVELOPMENT PLAN
CLARETS ROAD - WARRIS LANE BRISBANE



1:1000
DATE: 28/09/2023
BY: [signature]
CHECKED BY: [signature]
APPROVED BY: [signature]

NOTES:
1. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.
2. THE PROPOSED DEVELOPMENT IS A RESIDENTIAL DEVELOPMENT.
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PROPOSED
CLARETS ROAD
WARRIS LANE
BRISBANE

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PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 05 October 2023 02:46 PM

PROPERTY DETAILS

Address: **24 OLIVERS ROAD BENALLA 3672**

Lot and Plan Number: **Lot 1 PS425358**

Standard Parcel Identifier (SPI): **1\PS425358**

Local Government Area (Council): **BENALLA**

Council Property Number: **A3352**

Planning Scheme: **Benalla**

Directory Reference: **Vicroads 663 N9**

www.benalla.vic.gov.au

[Planning Scheme - Benalla](#)

UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**

Urban Water Corporation: **North East Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **AUSNET**

STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**

Legislative Assembly: **EUROA**

OTHER

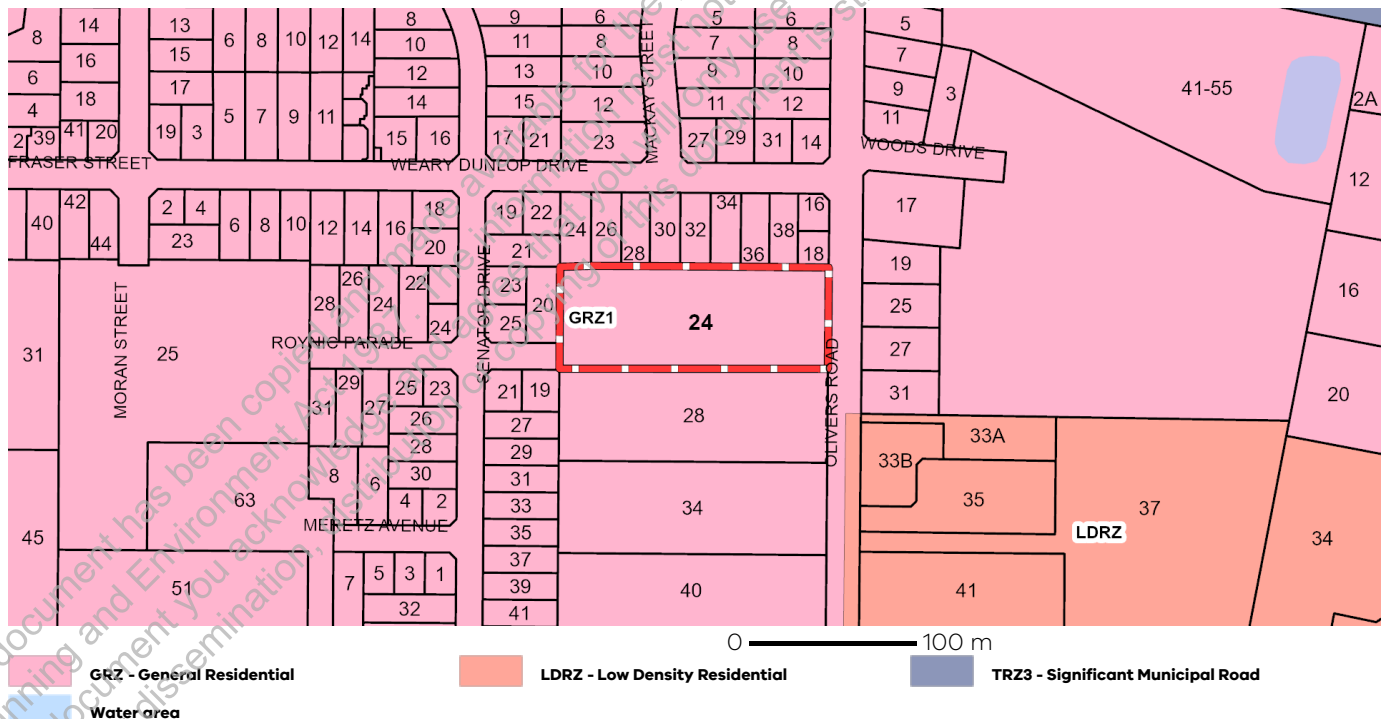
Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[GENERAL RESIDENTIAL ZONE \(GRZ\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Planning Overlays

No planning overlay found

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Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

PLANNING PROPERTY REPORT: 24 OLIVERS ROAD BENALLA 3672

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Further Planning Information

Planning scheme data last updated on 27 September 2023.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council

or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

For details of surrounding properties, use this service to get the Reports for properties of interest.

To view planning zones, overlay and heritage information in an interactive format visit

<https://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

Designated Bushfire Prone Areas

This property is not in a designated bushfire prone area.
No special bushfire construction requirements apply. Planning provisions may apply.

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA.

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>.

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](https://www.environment.vic.gov.au) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](https://www.environment.vic.gov.au)