

NOTICE OF AN APPLICATION FOR A PLANNING PERMIT

The land affected by the application is located at:	7 Stanley St WARRNAMBOOL VIC 3280
The application is for a permit to:	Eight (8) lot subdivision with common property, removal of carriageway easement and removal of native vegetation.
The applicant for the permit is:	N F M Nominees Pty Ltd C/o Urbanomics
The application reference number is:	PP2015-0144
You may look at the application and any documents that support the application at the office of the responsible authority:	Town Planning Office Warrnambool Civic Centre 25 Liebig Street WARRNAMBOOL 3280
For further reference please contact:	Planning Support Telephone: 03 5559 4800 Email: planning@warrnambool.vic.gov.au

This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the Responsible Authority (Warrnambool City Council).

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.

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

Objections/Submissions are accepted by:

- post to Town Planning Office, Warrnambool City Council, PO Box 198 Warrnambool 3280
- in person at the Warrnambool Civic Centre, 25 Liebig Street, Warrnambool
- submitting an 'Objection to grant a Planning Permit' form available from www.warrnambool.vic.gov.au Click on *Property – Planning Permits - Objection to grant a Planning Permit form*
- email to planning@warrnambool.vic.gov.au

The Responsible Authority will not decide on the application before:

11 December 2015

Our Ref: PP2015-0144

27/11/2015

ADVERTISED



WARRNAMBOOL
CITY COUNCIL

To the Occupier
17 Stanley St
WARRNAMBOOL VIC 3280

Dear Sir/Madam,

Planning Application Number: PP2015-0144
Eight (8) lot subdivision with common property, removal of carriageway easement and removal of native vegetation.
7 Stanley St WARRNAMBOOL VIC 3280

Council has received a Planning Permit Application for the above property. In accordance with Section 52 of the Planning and Environment Act 1987, notice of the Application is required to be given to any person who may be affected by the granting of a permit.

Details of the Application are outlined in the enclosed 'Notice of an Application for Planning Permit'.

You may object to the application, or make other written submissions in respect of the proposal. All objections/submissions must be made in writing and must be lodged with Council.

Please note that submissions are public documents and may be viewed by others.

Council will not decide on the Application before the date specified on the enclosed 'Notice of an Application for Planning Permit'.

Any queries regarding this matter should be directed to Planning Support on 03 5559 4800.

Yours faithfully,

Marisha O'Flaherty
Town Planner
CITY DEVELOPMENT
Encl.

Application for Planning Permit

Planning Enquiries

Phone: 03 5559 4800

Web: <http://www.warrnambool.vic.gov.au>

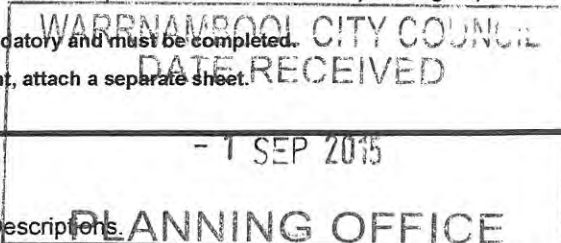
If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).

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

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

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

Clear Form



The Land

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

Street Address *

Unit No.:	St. No.: 7-11	St. Name: STANLEY STREET
Suburb/Locality: WARRNAMBOOL		Postcode: 3280

Formal Land Description *
Complete either A or B.

This information can be found on the certificate of title.

A Lot No.:	☐ Lodged Plan ☒ Title Plan ☐ Plan of Subdivision	No. LOT 1 TP 8514M
OR		
LOTS 1, 2 & 3 No 894997P		
LOTS 1 & 2 TP 893211P LOTS 1 & 2 TP 887120C		
B Crown Allotment No.:	Section No.:	
Parish/Township Name: WANGDOM		

If this application relates to more than one address, please click this button and enter relevant details.

Add Address

The Proposal

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

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

If you need help about the proposal, read:

[How to Complete the Application for Planning Permit Form](#)

Select the focus of this application and describe below:

SUBDIVISION

RE-SUBDIVISION OF LAND INTO 8 TITLES INCLUDING A COMMON PROPERTY ROAD, LANDSCAPING, ANCILLARY WORKS, REMOVAL OF EXISTING CARRIAGEWAY EASEMENT, REMOVAL OF NATIVE VEGETATION.

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

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

Cost \$

You may be required to verify this estimate.

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

EXISTING CONDITIONS

④ Describe how the land is used and developed now *

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

VACANT LAND COMPRISING 8 TITLES
CARRIAGEWAY EASEMENT

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

Title Information

⑤ Encumbrances on title *

If you need help about the title, read:

How to complete the Application for Planning Permit form

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

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

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

Applicant and Owner Details

⑥ Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Name:		
Title: MR	First Name: JAMES	Surname: TAIT
Organisation (if applicable): NFM NOMINEES		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality: WARRNAMBOOL		State: VIC Postcode: 3280

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

Contact person's details *			Same as applicant (if so, go to 'contact information') ☐
Name:			
Title: MR	First Name: BRENDAN	Surname: HOWARD	
Organisation (if applicable): URBANOMICS			
Postal Address:		If it is a P.O. Box, enter the details here:	
Unit No.:	St. No.: 40	St. Name: KEPLER	
Suburb/Locality: WARRNAMBOOL		State: VIC	Postcode: 3280

Please provide at least one contact phone number *

Contact information	
Business Phone:	Email: brendanhoward@mobile
Mobile Phone: 0417101704	Fax: 02@gmail.com

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED

- 1 SEP 2015

PLANNING OFFICE

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The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

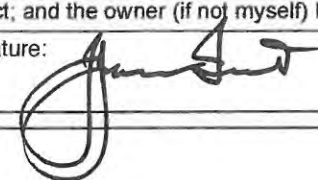
Name: ☐ Same as applicant		
Title:	First Name:	Surname:
Organisation (if applicable): NFM NOMINEES PTY. LTD.		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 121	St. Name: KEPLER
Suburb/Locality: WARRNAMBOOL		State: VIC
		Postcode: 3280
Owner's Signature (Optional): 		Date: 18/08/15 day / month / year

Declaration

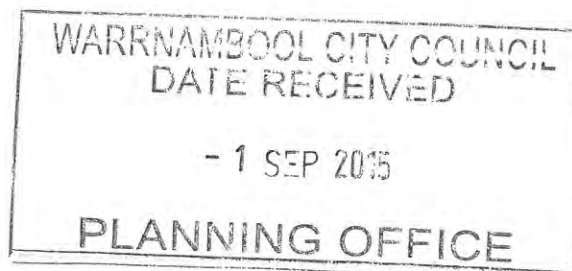
7 This form must be signed by the applicant *

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

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

Signature: 	Date: 18/08/2015 day / month / year
--	--

ADVERTISED



Need help with the Application?

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#)
General information about the planning process is available at www.dpcd.vic.gov.au/planning

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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

☐ No ☐ Yes

If 'yes', with whom?: L.S

Date:

day / month / year

Checklist

- 9 Have you:

☐ Filled in the form completely?

☐ Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

 Provided all necessary supporting information and documents?

☐ A full, current copy of title information for each individual parcel of land forming the subject site

☐ A plan of existing conditions.

☐ Plans showing the layout and details of the proposal

☐ Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

☐ If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

☐ Completed the relevant Council planning permit checklist?

☐ Signed the declaration (section 7)?

Lodgement

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

Warrnambool City Council
PO Box 198 Warrnambool VIC 3280
25 Liebig Street Warrnambool VIC 3280

Contact information:

Telephone: 61 03 5559 4800
Email: wbool_city@warrnambool.vic.gov.au
DX: Ausdoc 28005

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

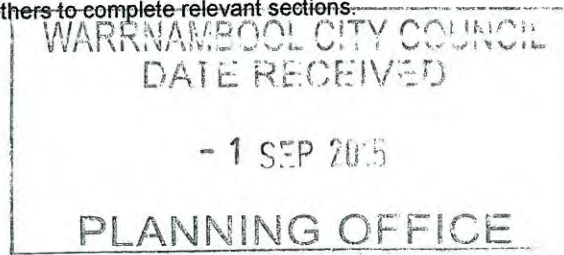
Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

ADVERTISED Print Form

Save Form:

Save Form To Your Computer

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.



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

VOLUME 03827 FOLIO 297

Security no : 124056341376B
Produced 05/08/2015 11:26 am

LAND DESCRIPTION

Lots 1,2 and 3 on Title Plan 894997P (formerly known as part of Crown Allotment 2 Section 1 Township of Warrnambool, part of Crown Allotment 3 Section 1 Township of Warrnambool, part of Crown Allotment 4 Section 1 Township of Warrnambool Parish of Wangoom).
PARENT TITLE Volume 01441 Folio 075
Created by instrument 0756137 05/08/1914

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

N.F.M. NOMINEES PTY LTD of 131 KEPLER STREET WARRNAMBOOL
J843452 04/03/1982

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE W690722A 29/03/2000
NATIONAL AUSTRALIA BANK LTD

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

DIAGRAM LOCATION

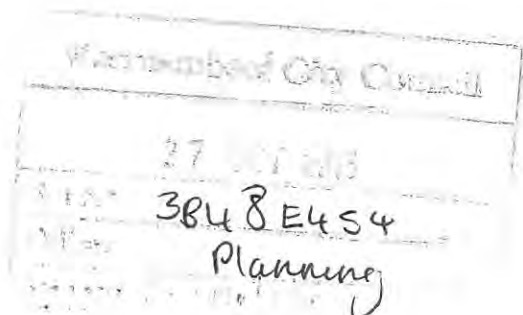
SEE TP894997P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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TITLE PLAN		EDITION 1	TP894997P										
LOCATION OF LAND Parish: WANGOOM Township: WARRNAMBOOL Section: 1 Crown Allotment: 2 (PT), 3 (PT) & 4 (PT) Crown Portion: - Last Plan Reference:- Derived From: VOL. 3827 FOL. 297 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN											
Description of Land/Easement Information TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE ROAD SHOWN MARKED A ON THE SAID MAP		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date: 14 - 10 - 2008 VERIFIED: A. DALLAS Assistant Registrar of Titles											
WARRNAMBOOL CITY COUNCIL DATE RECEIVED 27 OCT 2015 PLANNING OFFICE													
<table border="1"> <tr> <th colspan="2">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td colspan="2">LOT 1 = CROWN ALLOTMENT 2 (PT)</td> </tr> <tr> <td colspan="2">LOT 2 = CROWN ALLOTMENT 3 (PT)</td> </tr> <tr> <td colspan="2">LOT 3 = CROWN ALLOTMENT 4 (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		LOT 1 = CROWN ALLOTMENT 2 (PT)		LOT 2 = CROWN ALLOTMENT 3 (PT)		LOT 3 = CROWN ALLOTMENT 4 (PT)	
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LOT 2 = CROWN ALLOTMENT 3 (PT)													
LOT 3 = CROWN ALLOTMENT 4 (PT)													
LENGTHS ARE IN METRES Metres = 0.3048 x Feet Metres = 0.201168 x Links		Sheet 1 of 1 Sheets											

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

VOLUME 04853 FOLIO 495

Security no : 124056341316S

Produced 05/08/2015 11:24 am

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 887120C (formerly known as part of Crown Allotment 3
Section 1C Township of Warrnambool, part of Crown Allotment 4 Section 1C
Township of Warrnambool Parish of Wangoom).
PARENT TITLE Volume 01441 Folio 075
Created by instrument 1165258 14/05/1924

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

N. F. M. NOMINEES PTY LTD of 199 KOROIT STREET WARRNAMBOOL
M609948T 12/12/1986

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE W690722A 29/03/2000
NATIONAL AUSTRALIA BANK LTD

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

DIAGRAM LOCATION

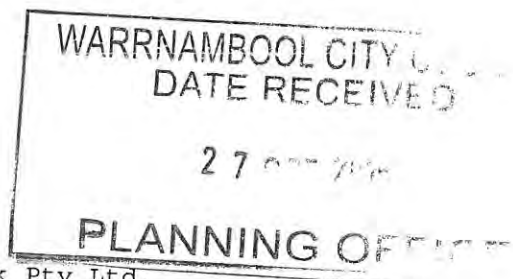
SEE TP887120C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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WARRNAMBOOL CITY COUNCIL
DATE RECEIVED
27 OCT 2015
PLANNING OFFICE

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

VOLUME 08390 FOLIO 848

Security no : 124056341363R

Produced 05/08/2015 11:26 am

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 893211P (formerly known as part of Crown Allotment 4 Section 1C Township of Warrnambool, part of Crown Allotment 5 Section 1C Township of Warrnambool Parish of Wangoom).
PARENT TITLE Volume 04853 Folio 495
Created by instrument B461146 13/07/1962

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

N.F.M. NOMINEES PTY LTD of 67 KEPLER STREET WARRNAMBOOL
G644221 27/05/1977

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE W690722A 29/03/2000
NATIONAL AUSTRALIA BANK LTD

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

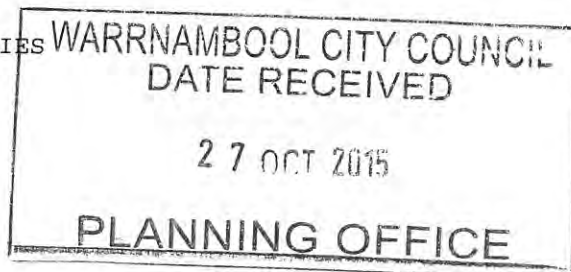
DIAGRAM LOCATION

SEE TP893211P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END



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TITLE PLAN		EDITION 1	TP 893211P						
LOCATION OF LAND Parish: WANGOOM Township: WARRNAMBOOL Section: 1C Crown Allotment: 4 (PT) & 5 (PT) Crown Portion: Last Plan Reference: Derived From: VOL.8390 FOL.848 Depth Limitation: NIL		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN							
Description of Land/Easement Information <u>APPURTENANCIES</u> TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE LAND MARKED A-1		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date: 26/4/07 VERIFIED: A. DALLAS Assistant Registrar of Titles							
WARRNAMBOOL CITY COUNCIL DATE RECEIVED 27 OCT 2008 PLANNING OFFICE									
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th colspan="2" style="text-align: center; font-weight: normal; font-size: 0.8em;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td colspan="2" style="font-size: 0.7em;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="width: 50%; font-size: 0.7em;">LOT 1 = CA 4 (PT) SEC 1C</td> <td style="width: 50%; font-size: 0.7em;">LOT 2 = CA 5 (PT) SEC 1C</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS		WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962		LOT 1 = CA 4 (PT) SEC 1C	LOT 2 = CA 5 (PT) SEC 1C
TABLE OF PARCEL IDENTIFIERS									
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962									
LOT 1 = CA 4 (PT) SEC 1C	LOT 2 = CA 5 (PT) SEC 1C								
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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

VOLUME 10371 FOLIO 909

Security no : 124056341090N

Produced 05/08/2015 11:19 am

LAND DESCRIPTION

Lot 1 on Title Plan 008514M.
Created by Application No. 088096M 25/02/1997

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
N F M NOMINEES PTY LTD of 121 KEPLER STREET WARRNAMBOOL
Application No. 088096M

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE Book 810 No.559
TAIT POWLING ARCHER PTY LTD
VARIATION OF MORTGAGE Book 831 No.865
VARIATION OF MORTGAGE Book 906 No.426

MORTGAGE W690722A 29/03/2000
NATIONAL AUSTRALIA BANK LTD

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

DIAGRAM LOCATION

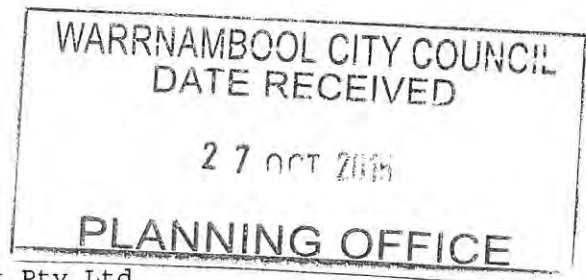
SEE TP008514M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

DOCUMENT END

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EDITION 1		TITLE PLAN		TP8514M	
Location of Land Parish : WANGOOM Township : WARRNAMBOOL Crown Jetty Allotment: 1 (part) Crown Portion: Section : 1C Base record : DCMB Last Plan Reference : Title Reference : Depth Limitation : NIIL					
Easement Information					THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES Checked by :  Assistant Registrar of Titles Date 5, 13, 18
E - Encumbering Easement R - Encumbering Easement (ROAD) A - Appurtenant Easement					
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefitted / In favour of	
NIL					
					
LENGTHS ARE IN METRES		SCALE	SHEET SIZE A3	Dealing No. Ap.88096M	
		DEALING CODE : 26E			
Sheet 1 of 1 Sheets					

URBANOMICS

Planning - urban design - projects

ADVERTISED

31 August 2015

Ms Kirsty Miller
Manager City Development
Warrnambool City Council
P. O. Box 198
Warrnambool
Victoria, 3280

Warrnambool City Council	
01 SEP 2015	388
REF#	30FAF78F
OFFICER	Pannings

Dear Kirsty,

**Re: Planning Application for the re-subdivision of 8 lots.
7 - 11 Stanley Street, Warrnambool**

I refer to the above and lodge for your consideration an application to re-subdivide 8 lots into 8 new lots, including a common property road, landscaping, ancillary works, the removal of an existing carriageway easement and removal of native vegetation.

This application replaces a previous application made for the site in 2011?? This current application includes a subdivision plan for 8 lots.

The site currently comprises 8 lots and a carriageway easement. This application rearranges these 8 lots to make them suitable for the future residential development of the lots. An existing narrow carriageway easement, that is only in favour of lots on this land is to be removed.

The 8 lots to be created range in size from 512 square metres to 692 square metres. This is considered to represent an excellent subdivision outcome for this land and the surrounding area.

Each lot to be created will have a building envelope. The purpose of the building envelope is to provide the maximum area on each lot that can be used for the construction of a dwelling and associated buildings. The envelopes ensure that any building constructed on a lot will have suitable setbacks from side, front and rear boundaries. Each dwelling will still require planning approval from the Warrnambool City Council but these building envelopes will provide certainty to purchasers and council ensuring that there is adequate protection from overshadowing, protection of views suitable setbacks from the wetlands and Merri River.

URBANOMICS

Planning - urban design - projects

Please find attached the following information:

- Planning report for the land outlining the proposal, the planning controls and the compliance with these controls.
- Clause 56 Assessment.
- Titles.
- Vegetation assessment.
- Land Management Plan.
- Approved Cultural Heritage Management Plan.

The proposed subdivision of the land was put on hold for some time until the GHCMA completed flood modelling works for this area, including the subject site. The location of the public open space ensures that virtually all of the land below the designated flood level is in public ownership.

The application is well considered and all necessary supporting documentation has been completed and lodged with this application.

Should you have any queries or require more information please do not hesitate to contact me.

Yours faithfully,

Brendan Howard

ADVERTISED

WARRNAMBOOL CITY COUNCIL
DATE RECEIVED

- 1 SEP 2015

PLANNING OFFICE

URBANOMICS, P. O. Box 5458 Warrnambool, 3280
ABN 39149342044 telephone: 0417101704
email: brendanhowardmobile@gmail.com

URBANOMICS

Planning - urban design - projects

5 November 2015

Marisha O'Flaherty
Planning Officer
City Development
Warrnambool City Council
P.O. Box 198
Warrnambool, 3280

Warrnambool City Council	
12 NOV 2015	388
Ref No	CC 229331
Officer	
Scanned	☒ Yes / ☐ No
Ch:	

Dear Marisha,

**Re: Planning Permit Application PP2105-0144
8 lot subdivision Stanley Street, Warrnambool**

I refer to the above, your letter dated 29 September 2015 and the recent meeting held with Mr James Tait, yourself, Lauren Schneider and myself regarding this application. I submit the following response to the matters raised in your letter.

Cultural Heritage Plan

I understand that Mr Tait has forwarded to you a copy of the approved Cultural Heritage Management Plan.

Titles

A copy of all of the titles were submitted to you at the meeting.

Vegetation to be removed

The vegetation that is proposed to be removed from the area shown as public open space is a mixture of native vegetation and weeds. The native vegetation is not considered to be of high value and is an introduced species into this area. The most appropriate way to deal with the weeds and introduced vegetation is to remove them from the land at the same time. A far more sensitive and suitable species can then be replanted in this coastal; saltmarsh transition zone.

Public Open Space

The area on the south-west section of the site identified as public open space, below the designated flood level will be shown as a reserve.

A public open space requirement is not required. Public Open space requirements are detailed in Clause 52.01 of the Subdivision Act which defaults to Section 18 of the Subdivision Act if the land is not listed in the schedule to 52.01, as is the case in this situation.

Section 18 requires POS if "the applicant who proposes to create any additional separately disposable parcel of land by a plan of subdivision". The number of existing parcels are not being increased (i.e. 8 existing lots - 8 new lots) therefore POS is not required. Note that common property is not separately disposable (refer Section 8A Sale of Land Act).

The land that is to be transferred to council for public use is over and above the requirement for public open space specified in the planning scheme and the Subdivision Act.

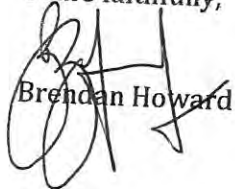
Future jetty or Boardwalk

All references on plans and in the report have been removed as per your request.

I trust the information provided is sufficient for the Council to exhibit the planning application.

Please do not hesitate to call me if you require any additional information.

Yours faithfully,


Brendan Howard

ADVERTISED

