

Our Reference: 5747

30 November 2020

Victorian Planning Authority
Re: Wonthaggi North East PSP
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MELBOURNE VIC 3000

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ABN 38 006 197 235

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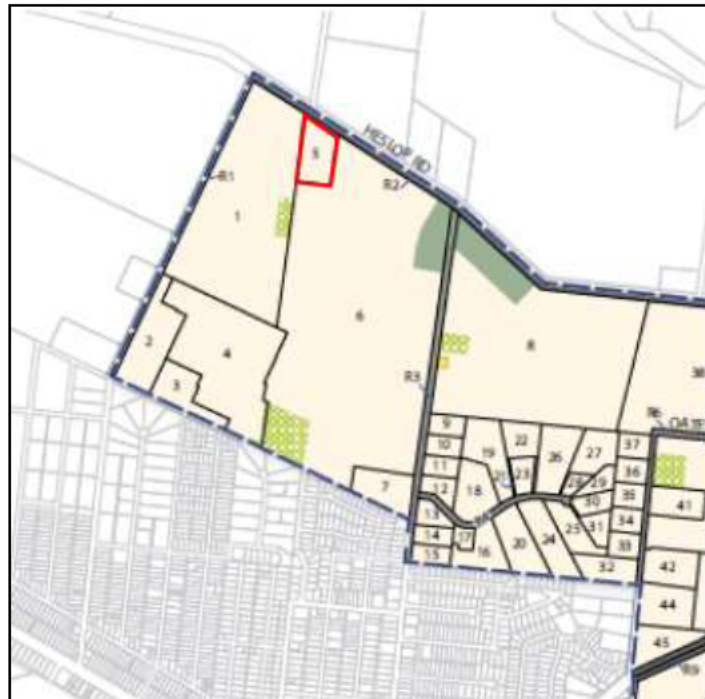
beveridgewilliams.com.au

Dear John Petrakos,

**RE: SUBMISSION TO THE DRAFT WONTHAGGI NORTH-EAST PRECINCT STRUCTURE PLAN
[REDACTED] NORTH WONTHAGGI**

Beveridge Williams acts on behalf of BEW Family Investments Pty Ltd in relation to the above matter.

Our client is the owner of approximately 2 hectares of land formally known as Lot 2 PS302494N. This property is identified as parcel identification [REDACTED] in the Draft Wonthaggi North East PSP and Draft Wonthaggi North East DCP.



Following a review of the Draft Wonthaggi North East PSP, the Draft Wonthaggi North East DCP and the proposed planning controls as they apply to [REDACTED] our client strongly objects to Bass Coast Planning Scheme Amendment C152basc. The objection is based on the following:

- Property [REDACTED] is currently zoned General Residential Zone Schedule 1 and is affected by the Development Plan Overlay Schedule 21. Development Plan Overlay Schedule 21 relates to the Wonthaggi North-East Growth Area.

The current DPO21 requires the landowner to enter into a Section 173 Agreement for the provision of infrastructure and community services. The subject land was included

in discussions relating to development infrastructure as part of the Summerfields Estate and (Property ID No.s 2, 3 and 4) and the Northern Views Estate (Property ID No. 6). Accordingly, the Certificate of Title includes an existing and still current Section 173 Agreement (Instrument No. AJ534369V).

The Section 173 Agreement identifies infrastructure items and maximum amounts payable for development infrastructure. Specifically, the Section 173 Agreement notes under Section 2.1.2.2 'The maximum Contribution payable by BEW to Council is \$108,429.00' plus indexation.

The draft DCP identifies a development contribution for Property ID No. 5 of \$333,298 which is significantly greater than what has been negotiated and agreed between parties.

It is submitted that Draft DCP is onerous and breaches Clause 2.3 of the Section 173 Agreement which states:

'The Parties agree that should an Owner have paid to the Council the total amount of its contribution as set out in clauses 2.1.2.1-2.1.2.3 of this Agreement (as indexed) prior to the issue of the Statement of Compliance for the final stage of subdivision for that Owner's part of the Subject Land, the parties agree that no further Contribution will be due to be paid by the Owner under this Agreement with respect to the development of its part of the Subject Land'.

It is also submitted that Draft DCP breaches Clause 5.4 of the Section 173 Agreement which, with respect to Council, states that:

'It will not propose, exhibit or adopt any future amendment to the Planning Scheme which applied to the Subject Land and concerns development or open space contributions that is inconsistent with this Agreement'.

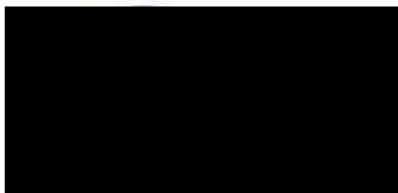
Our client requests that the Wonthaggi North East Development Contributions Plan be removed from [REDACTED] in its entirety.

In addition to the above, we request that an access onto Heslops Road be included in the PSP to allow for the development of their land. Without access to Heslops Road, the site will be effectively landlocked and the ability to develop the site will be at the behest of the neighbouring developers.

We thank you for the opportunity to register our submission to Amendment C152basc. Should the matters identified above remain unresolved and a planning panel is convened, we reserve the right to present our position to the independent panel.

Should you have any queries, please do not hesitate to contact me via email [REDACTED].

Yours sincerely,



enc: Endorsed Development Plan under DPO21.



ENDORSED DEVELOPMENT PLAN
Planning and Environment Act 1987.
Besa Coast Planning Scheme Clause 43.04

Schedule: *21 - Summer Pools*

This Development Plan was approved by Council at the meeting of

21 September 2014

For and on behalf of the responsible Authority

Date: *15/2/12*

