

Ref: 20053 – S&D Property, Nyora

15 December 2022

Att: Robyn Begg  
Statutory Planning  
South Gippsland Shire Council

e [robyn.begg@southgippsland.vic.gov.au](mailto:robyn.begg@southgippsland.vic.gov.au)  
[council@southgippsland.vic.gov.au](mailto:council@southgippsland.vic.gov.au)

Dear Ms Begg

RE: **Application to Amend 2020/438**  
**29-31 Davis Street, Nyora**

Planning Central continues to act on behalf of S & D Property who own the above property and who seek a planning permit for the use and development of a supermarket, shops, associated works and modified access to land adjacent to a road zone.

#### Background

This application to amend follows a meeting in June 2022 at which time Council raised concerns about the access arrangement / reliance on the laneway and requested that further consideration be given to modifying the site layout to enable a one-way circulation of the vehicles (including 19m trucks) around the building.

Presented at:

- [Appendix A](#) is an appropriately completed Amended Application Form.
- [Appendix B](#) are Updated Certificates of Title.

To confirm and arrange payment of any Council Fees, please contact the undersigned directly.

We are pleased to advise that, as sought by Council, plans have been amended and the views of the DoT sought in relation to the alternative access arrangements.

#### Supporting Documents

Presented at:

- [Appendix C](#) are the Updated Development Plans for Council approval.
- [Appendix D](#) is a Traffic Engineering Memo prepared Taylor Miller Engineers who have worked closely with the Project Architects and have provided engineering input into access and egress arrangements in a manner consistent with relevant engineering / planning standards and comments from DoT representative (Mr Stuart Fenech).
- [Appendix E](#) is correspondence with DoT (dated 28 October 2022) together with plans reviewed at that time.



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#### Amended Development Plans

The amended development plans now accommodates, amongst other things:

1. 90 degree car parking along the south boundary.
2. A 7.4m wide "entry" accessway from Davis Street south of the proposed building.  
This access will enable trucks to access the loading bay and for cars to access additional car parking at the rear.
3. Trucks and car egress via the existing laneway to the north to Davis Street.
4. Swept paths for 19m long trucks with modifications to the car park as the rear to suit.

In response to Council's preference for this alternative access arrangement the following *consequential changes* to the development proposal, include but not limited to:

1. Move the loading bays off the south boundary to accommodate the new access / parking adjacent.  
It is submitted that this is an improvement.
2. Convert the northern laneway from "two-way" to "one-way".  
It is submitted that this is an improvement.
3. Reduce the overall footprint of the building from 2,621sqm (49.9%) to 2,172sqm (41.4%).  
It is submitted that this is an improvement.
4. Reduce the floor area of the building as follows:
 

Supermarket	1,365sqm	to	1,234sqm
Back of House	285sqm	to	163sqm
Liquor Shop	107sqm	to	71sqm
Shops (6)	590sqm	to	481sqm

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Café	99sqm to 87sqm
Entrance	175sqm to 136sqm
First Floor	788sqm to 827sqm

It is submitted that overall, these movements represent an improvement.

- Increase in the on-site car parking from 87 spaces to 90 spaces.

This is considered an improvement and particularly given the overall reduction in the building area.

- Remove the alfresco area and 90 degree car parking adjacent to the laneway.

A review of the Elevations Plan indicate that the overall building height, general configuration, materials and colours effectively remain unchanged ... except to accommodate the above amendments.

In summary, the amended development plans improve the access and egress to / from the site, reduces the building area and increases the number of on-site car parking spaces ... whilst accommodating the addressing the requirements of both South Gippsland Shire Council and DoT – as presented within.

In making this application to amend, it is submitted that:

- There has been no significant changes in planning controls as they apply to the subject land since the original application was submitted to Council.

Under the South Gippsland Planning Scheme, the land continues to be:

- zoned Commercial 1.
- affected by the Design and Development Overlay (Schedule 12 – Nora Town Centre).
- adjacent a Road Zone.

- The original planning report and assessment continues to be relevant and there is limited merit in updating / submitting the entire planning report as part of this amendment ... unless advised otherwise by Council.

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3. The proposal continues to be consistent with:
- State Planning Policy / Planning Policy Framework.
  - Municipal Strategic Statement / Municipal Planning Strategy.
  - Commercial 1 Zone.
  - Development Overlay (Schedule 12 – Nyora Town Centre).
  - Nyora Development Strategy – which is a Reference Document in the Scheme.
4. The proposal will assist in “kick starting” the economic growth of the town and many of the initiatives identified in Council’s Strategy, at a time when:
- Growth within existing and planned towns boundaries is being strongly encouraged and to take away pressure from the outward expansion to the surrounding agricultural areas.
  - Economic investment is being strongly encouraged by all levels of government particularly for “turn-key” and “shovel ready” projects that are consistent with planning strategy, policy and scheme provisions.
5. The proposal utilizes and is responsive to nearby infrastructure services and integrates with neighbouring properties and can readily address service authority requirements.

Based on the above, we commend this amended application to South Gippsland Shire Council and trust that it is favourably received and considered in an efficient manner.

Should you wish to discuss any aspect, do not hesitate to contact me directly on 0407 511 616 or [glenn@planningcentral.com.au](mailto:glenn@planningcentral.com.au).

Yours faithfully,

**Glenn Kell - Director**  
**Planning Central Pty Ltd**

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**Appendix A**  
Amended Application Form

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## Application to Amend a Planning Application

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.

This form cannot be used to amend a permit issued at the direction of the Victorian Civil and Administrative Tribunal.

### APPLICANT'S DETAILS

#### 1. The Land

Please provide the address of the land and complete the street address and one of the Formal Land Descriptions.

Unit number:  Street Number:  Street Name:   
 Suburb/Locality:  Post Code:

Formal land description (Please complete either A or B)  
 This information can be found on the Certificate of Title.

#### Option A

Lot No:  Type of Plan (please select one) Plan Number:   
 Lodged Plan  
 Title Plan  
 Plan of Subdivision

#### Option B

Crown Allotment Number:  Section Number:  Parish/Township Name:

#### 2. Planning Permit Details

Please provide the number of the planning permit that you wish have amended.

Planning Permit Number:

1/

**3. The Amended Proposal**

You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application. Please indicate the type of changes proposed to the permit and list the details of the proposed changes.

This application seeks to amend:

- What the permit allows
- Current conditions of the permit
- Plans endorsed under the permit
- Other documents endorsed under the permit

Please provide details:

PLANS SUBMITTED AS PART OF THE APPLICATION AS DETAILED IN COVER LETTER & PLANNING ASSESSMENT (PLANNING CENTRAL 15/12/2022)

Provide plans clearly identifying all proposed changes to the endorsed plans, together with; any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.

**4. Development Cost**

Please provide an estimate of the cost of the development. If the permit allows development, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit. Insert 'NA' if no development is proposed by the permit (eg. Change of use, subdivision, removal of covenant). You may be required to verify this estimate.

Cost of proposed amended development	Cost of the permitted development
<input type="text" value="\$ 4.2M"/>	<input type="text" value="\$ 4.2M"/>
Cost difference	
<input type="text" value="0"/>	

**5. Existing Conditions**

Please provide a description of how the land is used and developed now (e.g. vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats)

Have the conditions of the land changed since the time of the original permit application?

- Yes
- No

If yes, please provide details of the existing conditions.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

2/

**6. Title Information**

Does the proposal breach, in any way, an encumbrance on title such as 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

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.)

**7. Applicant Details**

Title:  First name:  Surname:

Organisation (if applicable)

**Postal Address**

Unit Number:  Street Number:

Street Name: (If it is a PO Box, enter the details here)

Suburb/Locality:  State:  Post code:

Contact Information  
 Where the preferred contact person for the application is different from the applicant, provide the details of that person. If same as applicant, go to 'Contact Details'

Title:  First name:  Surname:

Organisation (if applicable)

**Postal Address**

Unit Number:  Street Number:

Street Name: (If it is a PO Box, enter the details here)

Suburb/Locality:  State:  Post code:

3/

**Contact Details**  
Business Phone:  Mobile Phone:   
Email Address:  Fax Number:

**Owner Details**  
Where the owner is different from the applicant, provide details of that person or organisation.  
Title:  First name:  Surname:   
Organisation (if applicable):

**Postal Address**  
Unit Number:  Street Number:   
Street Name: (if it is a PO Box, enter the details here)   
Suburb/Locality:  State:  Post code:

**Contact Details**  
Business Phone:  Mobile Phone:   
Email Address:  Fax Number:

**Declaration**  
This form must be signed by the applicant.  
I declare that I am the applicant, that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amendment proposal at Question 3 of this form; and that the owner (if not myself) has been notified of the permit application.  
Signature of Applicant:  Date:   
Remember it's against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

**Assistance with your application**  
If you need help to complete this form, please visit the [Department of Transport, Planning and Local Infrastructure website](#) to view further information about how to apply for Planning Permits.  
You can also 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.  
Has there been a pre application meeting with a Council planning officer?  
 Yes  No

4/

If yes, with whom? ROBYN DEE & Date: 11 DEC 2022  
LYNN GARDNER

**Checklist**

Please ensure you have included the following items with your application.

- A fully completed and signed copy of this form.
- The application fee (if not already paid). Contact Council to determine the appropriate fee. - REFER TO COVER LETTER
- All necessary supporting information and documents.
- The completed relevant council planning permit checklist.

**Lodgement**

You can lodge the completed and signed form, the fee payment and all documents in the following ways:

**By Post:**  
Planning Department  
South Gippsland Shire Council  
Private Bag 4  
LEONGATHA VIC 3820

**In Person:**  
Customer Service Centre  
8 Smith Street Leongatha

**Contact information:**  
Telephone: 5862 9200

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**Appendix B**  
Updated Certificates of Title

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

**REGISTER SEARCH STATEMENT (Title Search) Transfer of** Page 1 of 1  
**Land Act 1958**

VOLUME 06491 FOLIO 061 Security no : 124102724565S  
Produced 15/12/2022 05:17 PM

**LAND DESCRIPTION**

Crown Allotment 26 Section 6 Township of Nyora Parish of Lang Lang East.  
 PARENT TITLE Volume 02396 Folio 175  
 Created by instrument 1817754 02/06/1941

**REGISTERED PROPRIETOR**

Estate Fee Simple  
 Joint Proprietors  
 STEVE BOUTROS of 70 NEWMANS ROAD TEMPLESTOWE VIC 3106  
 DANIEL GEORGE HADJILANTONAKIS of 30A CASEY CRESCENT VIEWBANK VIC 3084  
 AQ998272X 08/05/2018

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AV439084P 18/03/2022  
 JUDO BANK PTY LTD

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP394401R FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 29 DAVIS STREET NYORA VIC 3987

**ADMINISTRATIVE NOTICES**

AV439161X NOMINATION TO PAPER INST. 18/03/2022  
 eCT Nominated to FC 381608S/ SPEAR: S189583H TO Daniel George  
 Hadjilantonakis, Steve Boutros

eCT Control 16667Y GADENS LAWYERS  
 Effective from 18/03/2022

DOCUMENT END





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**REGISTER SEARCH STATEMENT (Title Search) Transfer of** Page 1 of 1  
**Land Act 1958**

VOLUME 05511 FOLIO 167 Security no : 124102724662M  
Produced 15/12/2022 05:21 PM

**LAND DESCRIPTION**

Crown Allotment 25 Section 6 Township of Nyora Parish of Lang Lang East.  
 PARENT TITLE Volume 02404 Folio 757  
 Created by instrument 3013605R 26/03/1929

**REGISTERED PROPRIETOR**

Estate Fee Simple  
 Joint Proprietors  
 STEVE BOUTROS of 70 NEWMANS ROAD TEMPLESTOWE VIC 3106  
 DANIEL GEORGE HADJILANTONAKIS of 30A CASEY CRESCENT VEIWBANK VIC 3084  
 AT998111K 29/01/2021

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AV439084P 18/03/2022  
 JUDO BANK PTY LTD

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

**DIAGRAM LOCATION**

SEE TP757909G FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 31 DAVIS STREET NYORA VIC 3987

**ADMINISTRATIVE NOTICES**

AV439161X NOMINATION TO PAPER INST. 18/03/2022  
 eCT Nominated to FC 381608S; SPEAR: S189583H TO Daniel George  
 Hadjilantonakis, Steve Boutros

eCT Control 16667Y GADENS LAWYERS  
 Effective from 18/03/2022

DOCUMENT END



**Appendix C**  
Updated Development Plans

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LANDSCAPE NOTES

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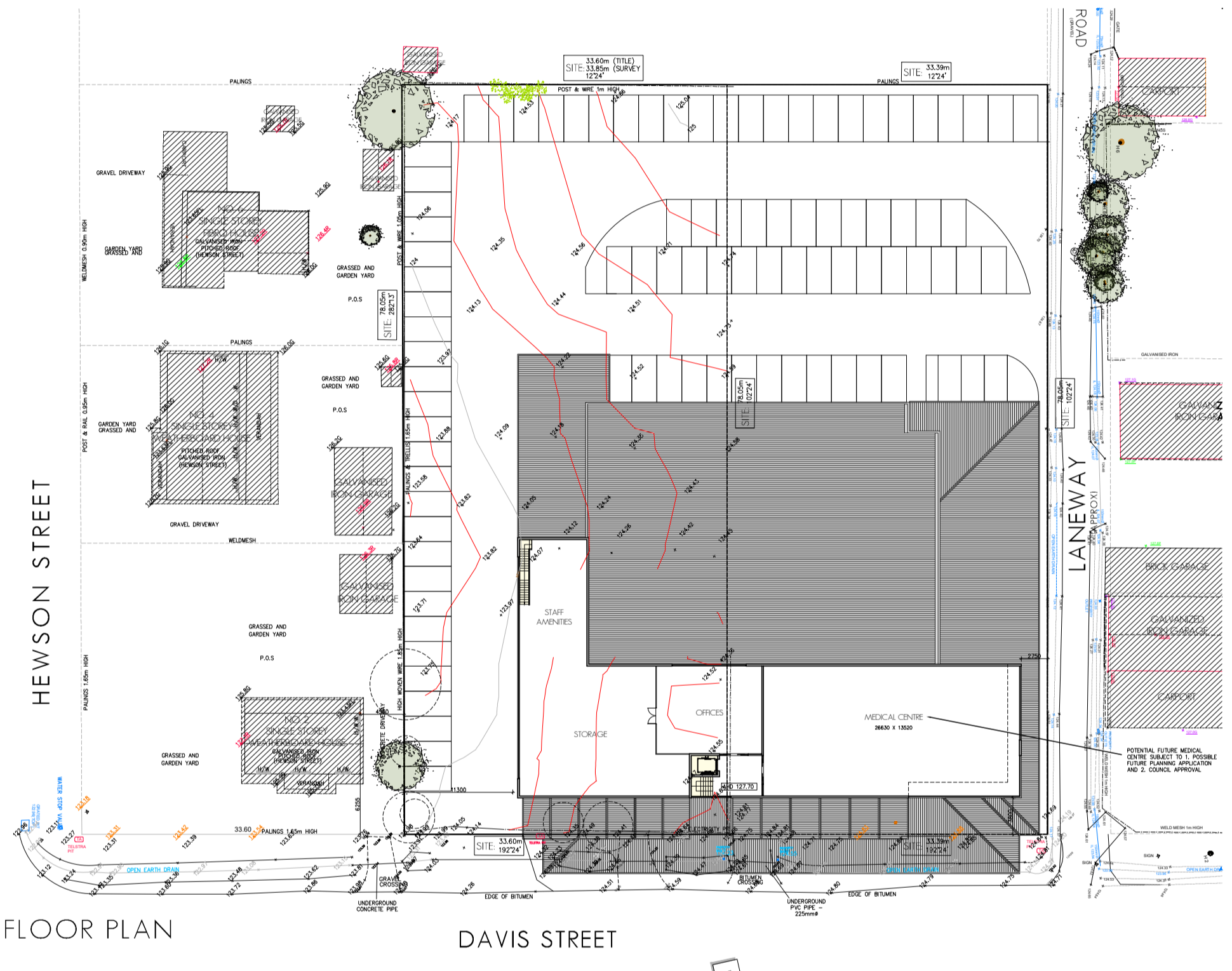
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CONCEPTUAL PLANT SCHEDULE

ALL TO BE RE-CONFIRMED AT LATER DATE BY LANDSCAPE ARCHITECT

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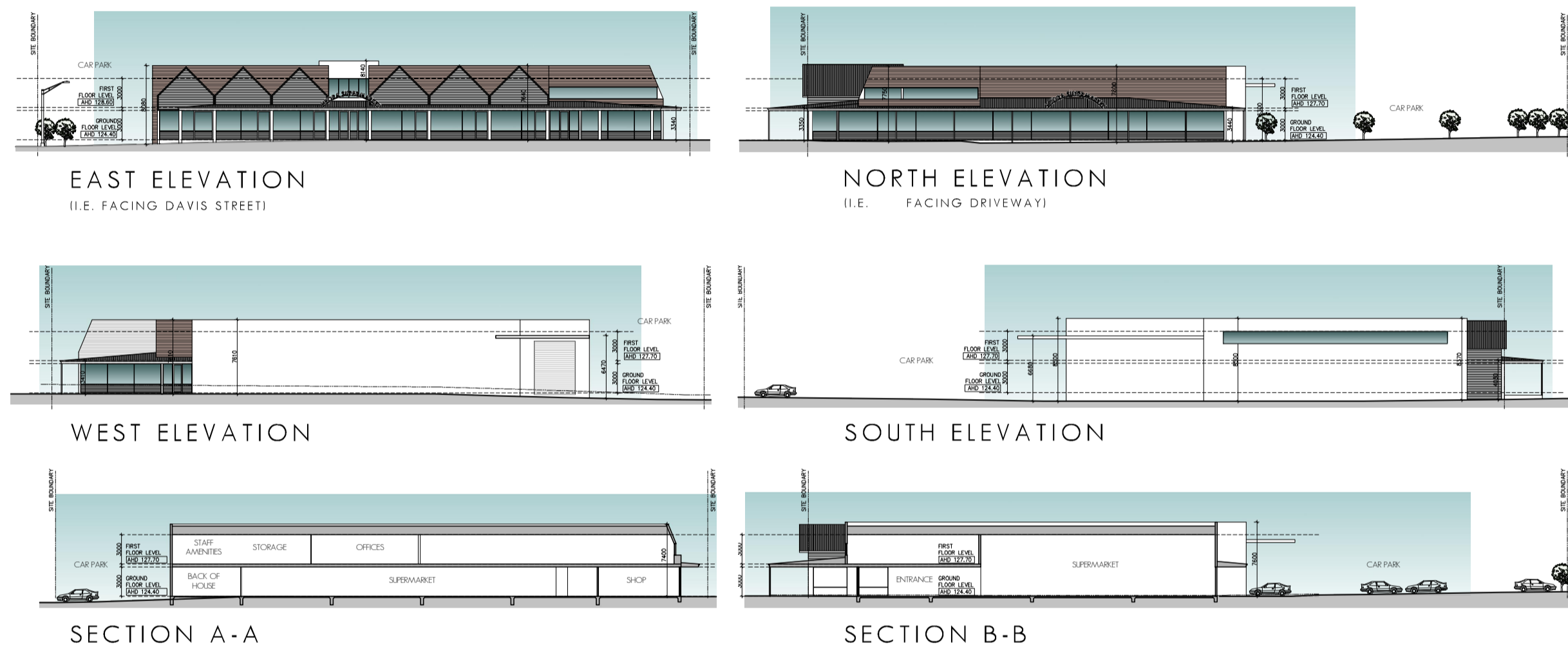


FIRST FLOOR PLAN

LEVEL 1 / 1/3 UPPER HEIDELBERG ROAD  
 (MANHOLE 3079)  
**PETRIDIS**  
 PH: 031 9 499 8826  
 EMAIL: office@petridisarchitect.com.au

29-31 DAVIS STREET, NYORA  
 DRAWING TITLE  
 FIRST FLOOR PLAN  
 TPA 02 - 2 OF 7  
 JOB No: 20-01  
 DATE: 07 DECEMBER 2022  
 SCALE: 1:200  
 DRAWN BY: A.K./M.A.  
 TP AMENDMENT  
 ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM





EAST ELEVATION  
(I.E. FACING DAVIS STREET)

NORTH ELEVATION  
(I.E. FACING DRIVEWAY)

WEST ELEVATION

SOUTH ELEVATION

SECTION A-A

SECTION B-B

MATERIALS AND FINISHES SCHEDULE

ROOF:	(01) FLAT ROOF, SHEET STEEL, SELECT COLOUR/PAINT, "HALF SHEET" OR SIMILAR	
WALLS:	(02) BRICK, BURNED CLAY, BOND BRICK, "SMOOTH" OR SIMILAR	
	(03) EXTERIOR CLADDING, CLADDING PANEL, "SANDSTONE" TYPE	
	(04) SELECT PLASTER FINISH, "FINE FINISH" OR SIMILAR	
WINDOWS:	(05) ALUMINIUM, SLIP FRAME, "SLIP FRAME" OR SIMILAR	
DOORWAYS:	(06) SELECT SHEET STEEL, COLOUR/PAINT, "HALF SHEET" OR SIMILAR	
GUTTER:	(07) COLOUR/PAINT FINISH, "HALF SHEET" OR SIMILAR	
CEILING:	(08) GIBBS "GIBBS" PANEL, "GIBBS" OR SIMILAR	
SKYLIGHT:	(09) ALUMINIUM, SLIP FRAME, "SLIP FRAME" OR SIMILAR	
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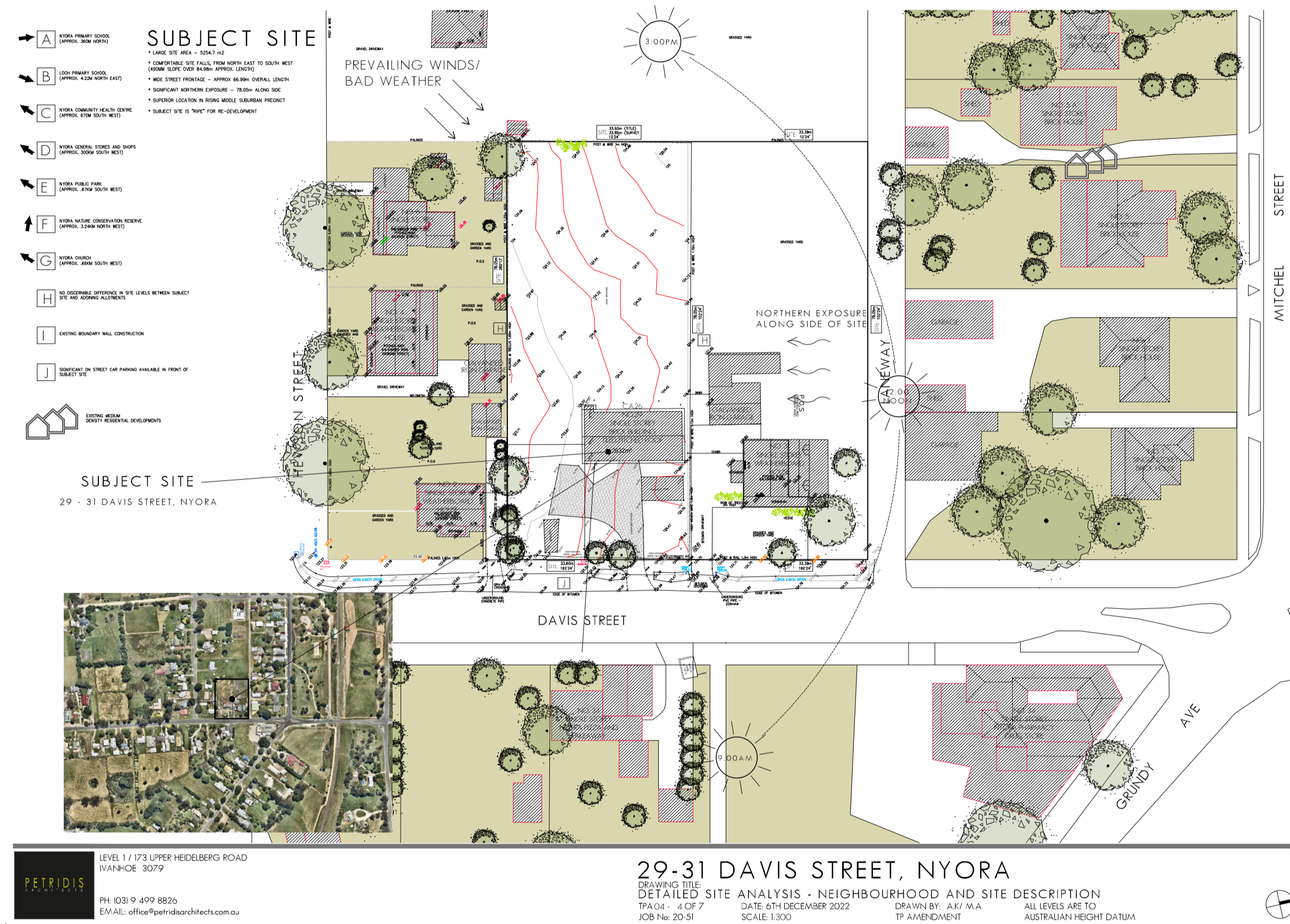


LEVEL 1 / 1/3 UPPER HEIDELBERG ROAD  
 (MANHOLE 3079)  
**PETRIDIS**  
 PH: 03 9 499 8826  
 EMAIL: info@petridisarchitect.com.au

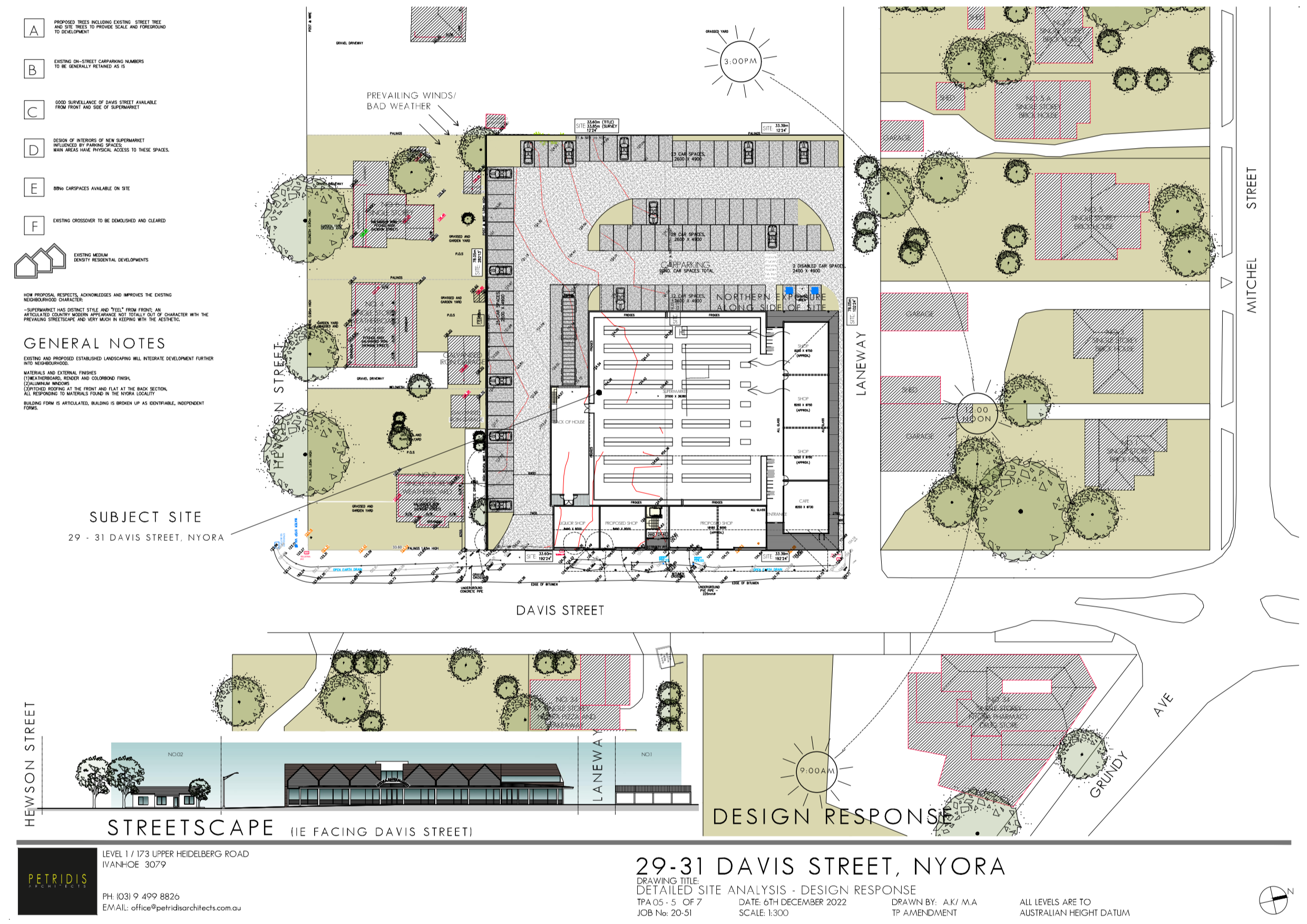
**29-31 DAVIS STREET, NYORA**  
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 ELEVATIONS, COLOUR AND FINISHES SCHEDULE  
 TPA 03 - 3 OF 7  
 JOB No: 20-21  
 DATE: 6TH DECEMBER 2022  
 SCALE: 1:200  
 DRAWN BY: A.K./M.A.  
 TP AMENDMENT  
 ALL LEVELS ARE TO  
 AUSTRALIAN HEIGHT DATUM

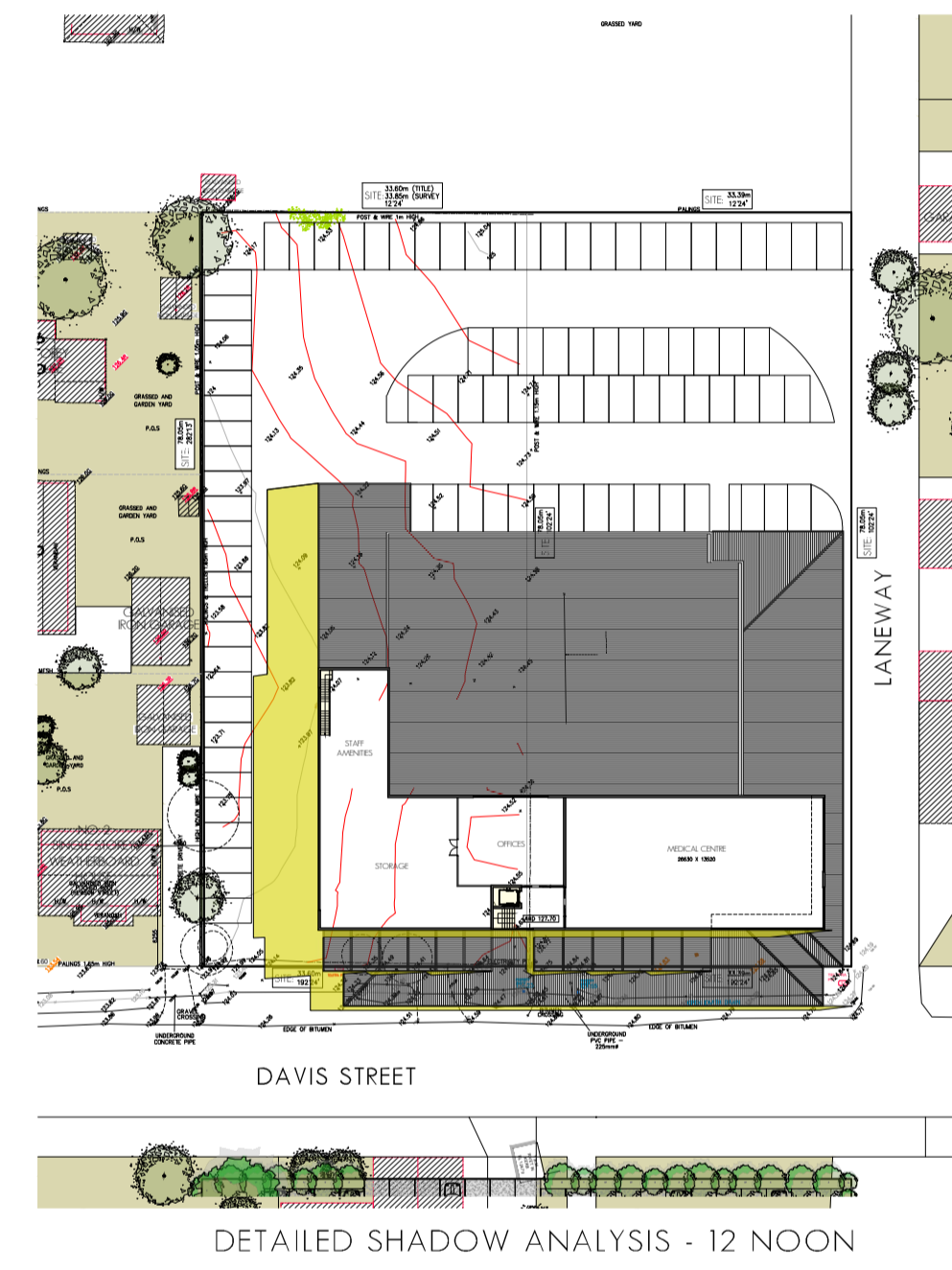
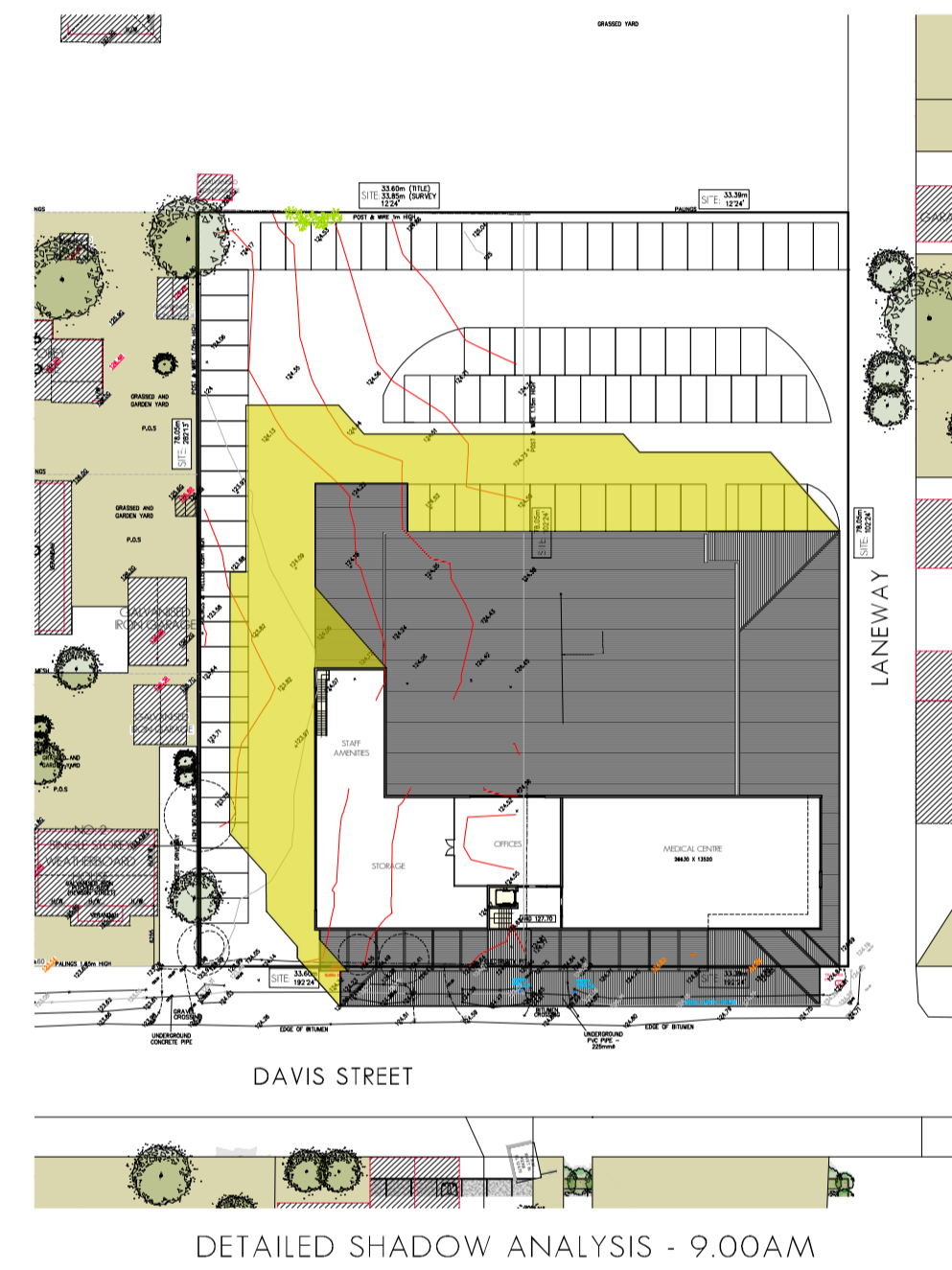










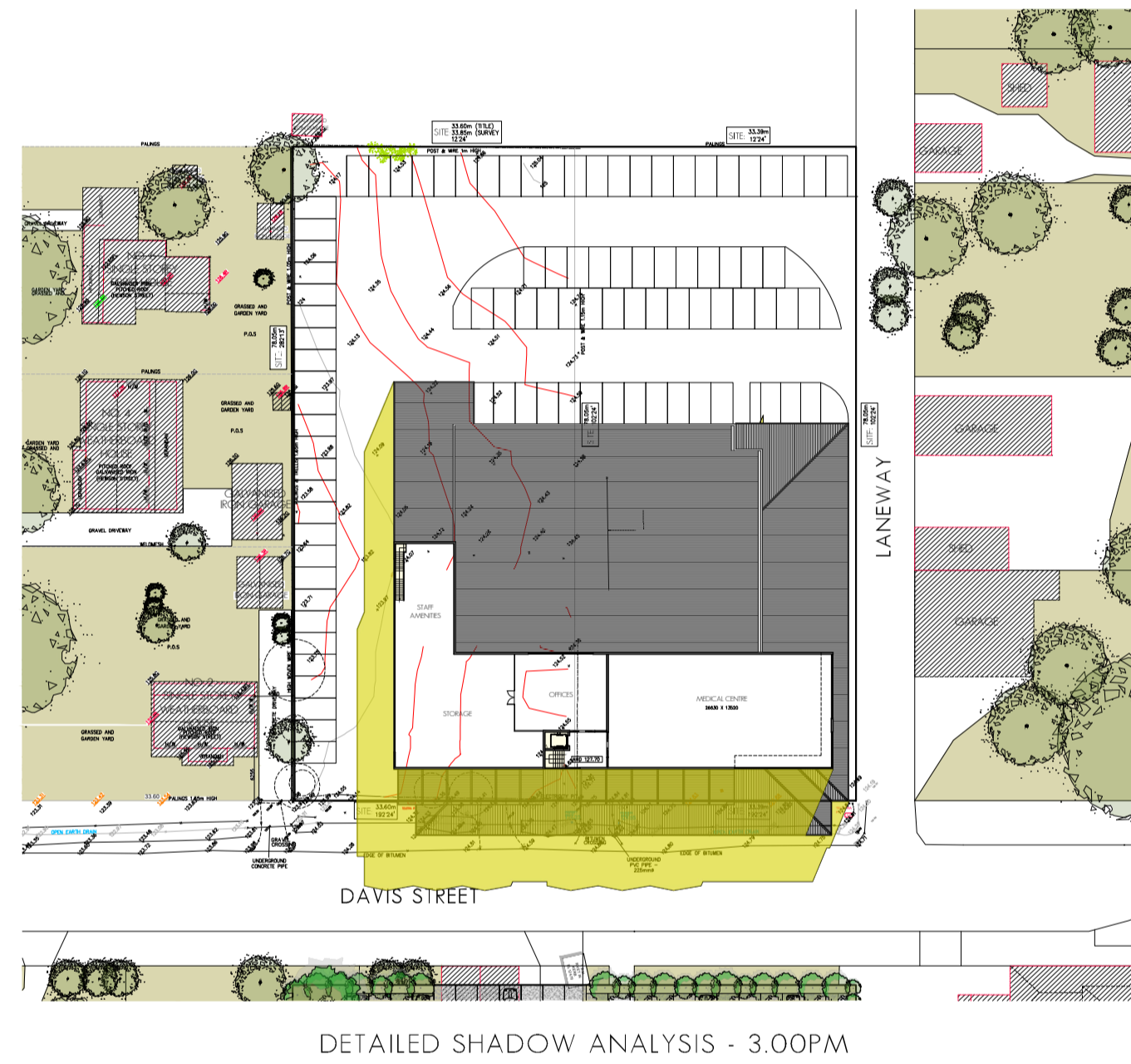


LEVEL 1 / 173 UPPER HEIDELBERG ROAD  
 (MAN-ICE 3079)  
**PETRIDIS**  
 Ph: 031 9 499 8826  
 Email: office@petridisarchitect.com.au

**29-31 DAVIS STREET, NYORA**  
 DRAWING TITLE: DETAILED SHADOW ANALYSIS - 9.00AM AND 12 NOON, SEPTEMBER 22ND  
 TPA 06 - 0 OF 7 DATE: 07 DECEMBER 2022 DRAWN BY: AKJ/MAA ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM  
 JOB No: 20-21 SCALE: 1:300 TP: AMENDMENT








 LEVEL 1 / 173 UPPER HEIDELBERG ROAD  
 MANKICE 3079  
 PH: 031 9 499 8826  
 EMAIL: office@petridisarchitect.com.au

**29-31 DAVIS STREET, NYORA**  
 DRAWING TITLE  
 DETAILED SHADOW ANALYSIS - 3:00PM, SEPTEMBER 22ND  
 TRA 07 - 7 OF 7 DATE: 6TH DECEMBER 2022 DRAWN BY: AKI/WJA ALL LEVELS ARE TO AUSTRALIAN HEIGHT DATUM  
 JOB No: 20-21 SCALE: 1:300 TP AMENDMENT





**Appendix D**  
Traffic Engineering Memo

[www.planningcentral.com.au](http://www.planningcentral.com.au)



Taylor Miller Pty Ltd  
6/82 Smith St  
Warragul 3820  
(03) 5622 0606  
info@taylor-miller.com.au  
ABN 96 153 508 199  
taylor-miller.com.au

6<sup>th</sup> December 2022

project no. 21040  
doc ref. 221206 Memo -  
Traffic Access

South Gippsland Shire Council  
9 Smith Street  
Leongatha, VIC, 3953

**Memo – Traffic Access for the proposed development at 29-31 Davis Street, Nyora**

Taylor Miller Pty Ltd has been engaged by the applicant for a supermarket and shop development at 29-31 Davis street, Nyora.

In response to access concerns raised by Council we have:

- Reviewed alternative arrangements
- Liaised with Vicroads / The Department of Transport
- Worked with the architect and client to inform updated development plans

A copy of the updated plans showing four (4) access arrangements are attached for review.

These arrangements comprise the following scenarios:

- A) 19m Truck entering carpark via Davis Street (North)
- B) 19m Truck exiting carpark into Laneway
- C) 19m Truck entering carpark from Davis Street (South)
- D) 19m Truck exiting Laneway into Davis Street

We understand that Vicroads / The Department of Transport are supportive of this arrangement.

It is also understood that the proposed development and corresponding turning movements that show alternative access arrangements now satisfies councils concerns regarding the use of the northern laneway for access and egress for vehicles and delivery trucks.

Yours faithfully,

**Andrew Cantwell**  
Civil Design Project Engineer  
RPEng (Civil)  
Taylor Miller Pty Ltd  
Mob: 0422 457 583  
Email: andrew@taylor-miller.com.au



Engineering Design | Development Coordination | Construction Management

Page 1



19m TRUCK ENTERING CARPARK VIA DAVIS STREET (NORTH)

JOB	29-31 DAVIS STREET, NYORA	DESIGNED	A. CANTWELL
LOCALITY	SOUTH GIPPSLAND SHIRE COUNCIL	DATE	06/12/2022
STATUS	MASTER PLANNING	REVISION	B
PLAN	TURNING MOVEMENTS 1	SHEET	1 OF 4







