

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	2 Allan Drive MALLACOOTA 3892 CA: 9 Sec: 1
The application is for a permit to:	Buildings and Works for a Dwelling and Removal of Vegetation
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2023.417.1
You may look at the application and any documents that support the application on the website of the responsible authority.	COVID-19 Omnibus (Emergency Measures) Bill 2020 now modifies the requirement of Form 2 so that <i>Planning documents previously required to be physically available to view at local government offices are now only required to be available for online inspection.</i>

This can be done anytime by visiting the following website:

<https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

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 will not decide on the application before:	Subject to applicant giving notice
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If you object, the Responsible Authority will tell you its decision.

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.

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

VOLUME 08035 FOLIO 455

Security no : 124109838318B

Produced 17/10/2023 04:46 PM

LAND DESCRIPTION

Crown Allotment 9 Section 1 Township of Mallacoota Parish of Mallacoota.
PARENT TITLE Volume 05778 Folio 491
Created by instrument 2614014 15/12/1953

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE TP341021B 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: 2 ALLAN DRIVE MALLACOOTA VIC 3892

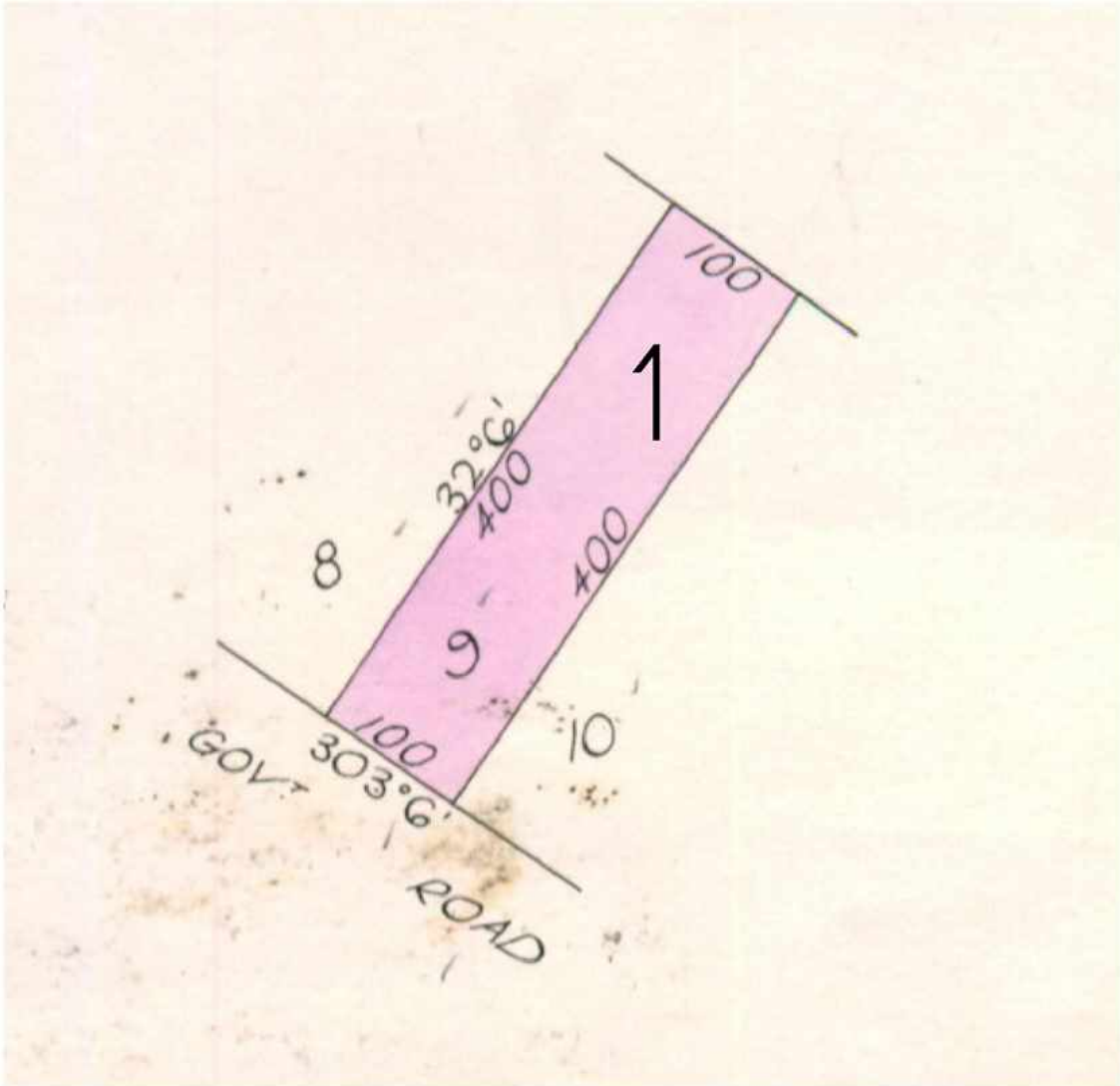
ADMINISTRATIVE NOTICES

NIL

eCT Control 22727X EAST GIPPSLAND CONVEYANCING
Effective from 18/10/2021

DOCUMENT END

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TITLE PLAN		EDITION 1	TP 341021B
Location of Land Parish: MALLACOOTA Township: MALLACOOTA Section: 1 Crown Allotment: 9 Crown Portion: Last Plan Reference: Derived From: VOL 8035 FOL 455 Depth Limitation: 50 FEET		Notations ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 03/03/2000 VERIFIED: EWA	
			
LENGTHS ARE IN LINKS		Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 sheets

Planning Report

Buildings and Works and Removal of Vegetation
2 Allan Drive, Mallacoota

Our reference – 20665

17 October 2023



FS 520900



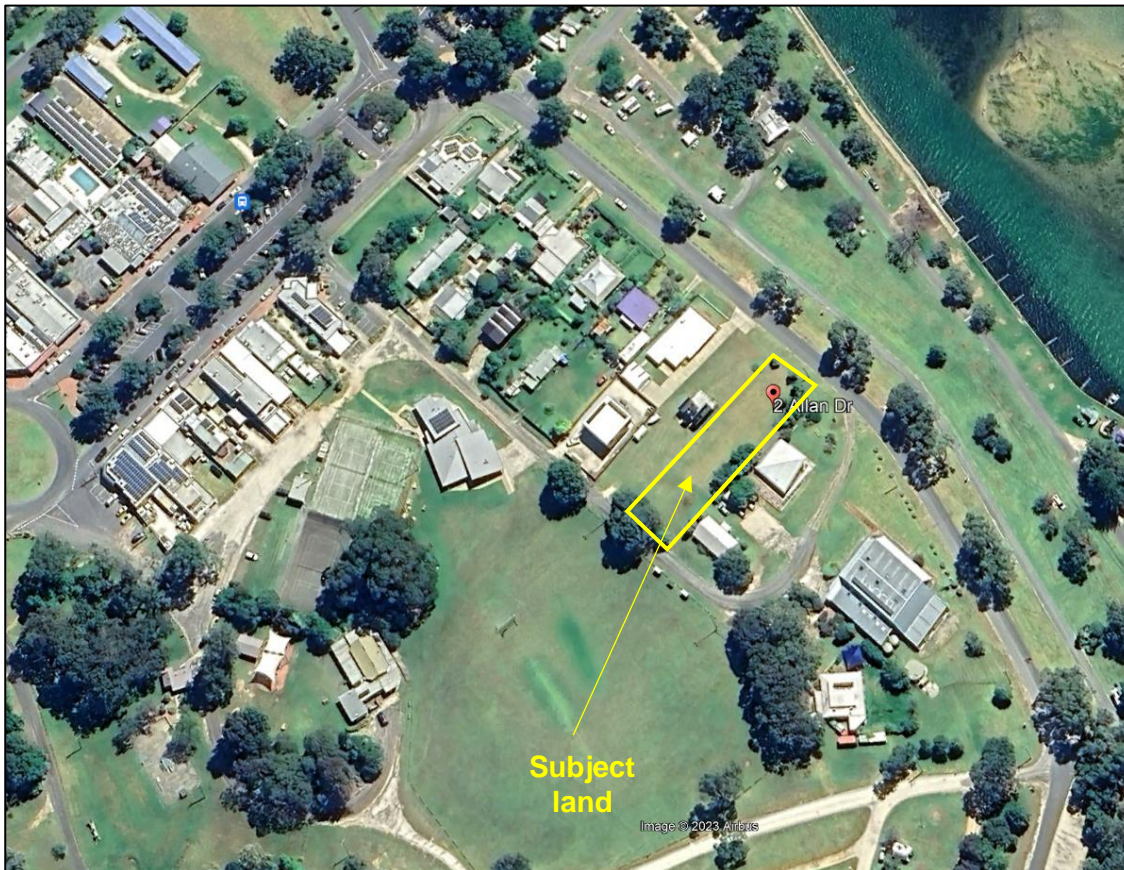
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	Proposed Site, Floor and Elevation Plans (<i>Tom Hardy Designs</i>)	
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	Bushfire Management Plan	
	Copy of Title	

Note: Applicable Planning Application fee is \$1,494.60 (Class 5)

1. Introduction

This Planning Report is prepared in support of proposed buildings and works and removal of vegetation at 2 Allan Drive, Mallacoota. The Report addresses the provisions of the General Residential Zone, Bushfire Management Overlay (Schedule 2), Vegetation Protection Overlay (Schedule 8) and Design and Development Overlay (Schedule 12) of the East Gippsland Planning Scheme.



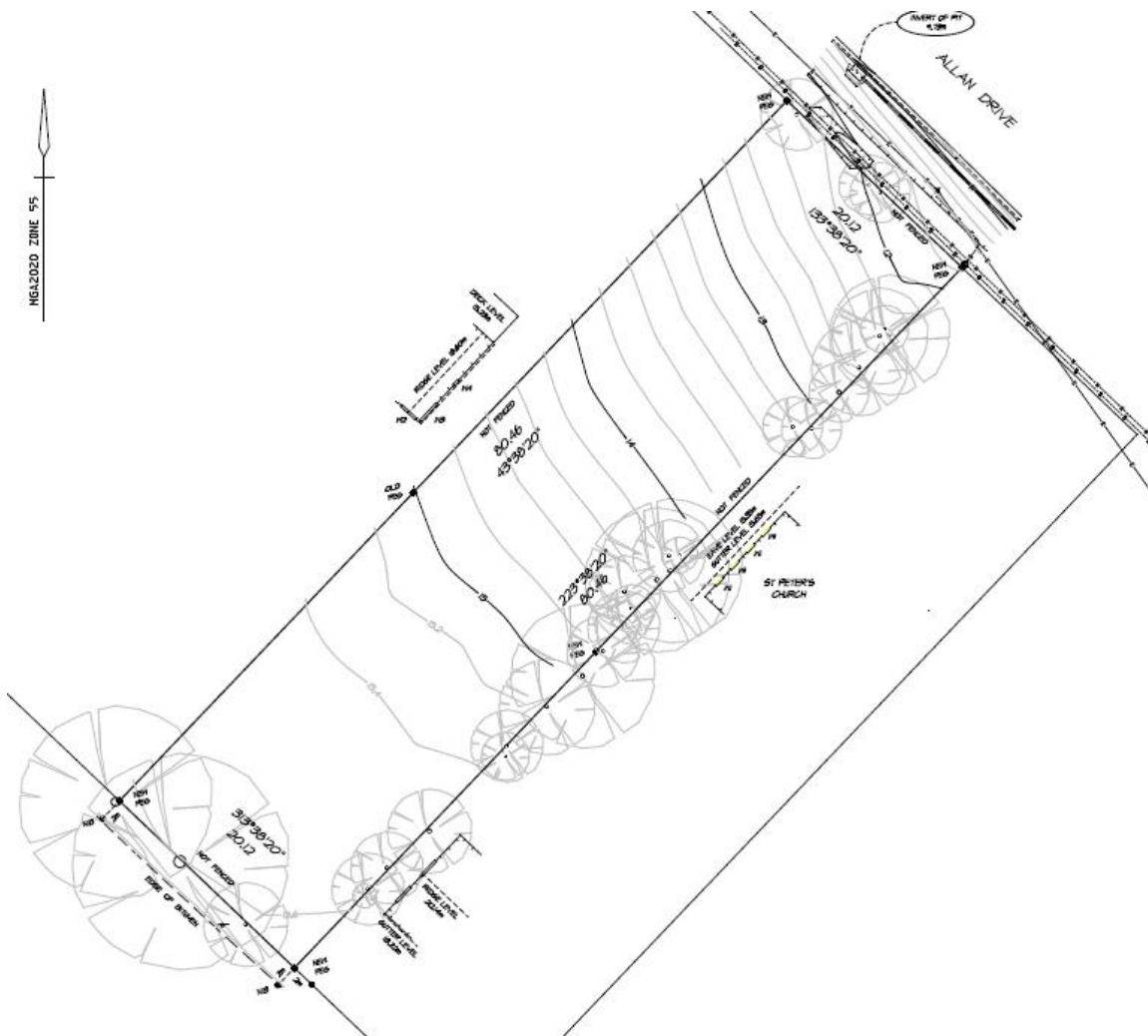
Aerial image of the subject land and surrounds (Source: Google Earth)

2. Subject Land & Surrounding Context

Formally known as Crown Allotment 9, Section 1, Township of Mallacoota or otherwise known as 2 Allan Drive, Mallacoota, the subject land is a vacant property included within the General Residential Zone.

The property is a deep land parcel of 80.46 metres and has a frontage to Allan Drive of 20.12 metres, equating to 1618 square metres in area. The subject land has a frontage to Allan Drive and also has a rear boundary to Greer Street and falls from the west towards the north-eastern boundary.

Planted vegetation runs along the perimeter of the Allan Street frontage, and the southern property boundary. Three trees straddle the rear (western) property boundary and the Greer Street road reserve directly abutting the subject land.



Plan of Re-establishment & Features identifying the vegetation location on the property and three trees that straddle the south-western boundary



Subject land looking south-west from Allan Drive



Subject land looking north-east from a central location on the property

Located within the central part of Mallacoota, the subject land is well located to many of the services and facilities of the township. The subject land is located within a short distance of the Mallacoota commercial area, recreation and community facilities.

Across Allan Drive to the north is the Mallacoota Foreshore Caravan Park and further Mallacoota Inlet.



Part of the Mallacoota Caravan Park to the north-east of the subject land, with Mallacoota Inlet further north

To the immediate east of the land is St Peters Church and associated opportunity shop at 1 Allan Drive, Mallacoota.



St Peters Church (1 Allan Drive, Mallacoota) adjoins the south-eastern boundary



St Peters opportunity shop (1 Allan Drive, Mallacoota), south of the subject land



Greer Street road reserve looking south-west from the middle of the subject land

North of the subject land is two land parcels being 15 Greer Street and 3 Allan Drive. Number 15 Greer Street is a vacant land parcel and 3 Allan Drive is developed with an elevated dwelling. To the south across Greer Street is the recreation reserve.



15 Greer Street looking north-west



3 Allan Drive looking west from the subject land.

Site Context Plan



A – Subject land

B – Mallocoota Activity Area

C – Mallocoota P-12 School

D – Active Recreation Reserve

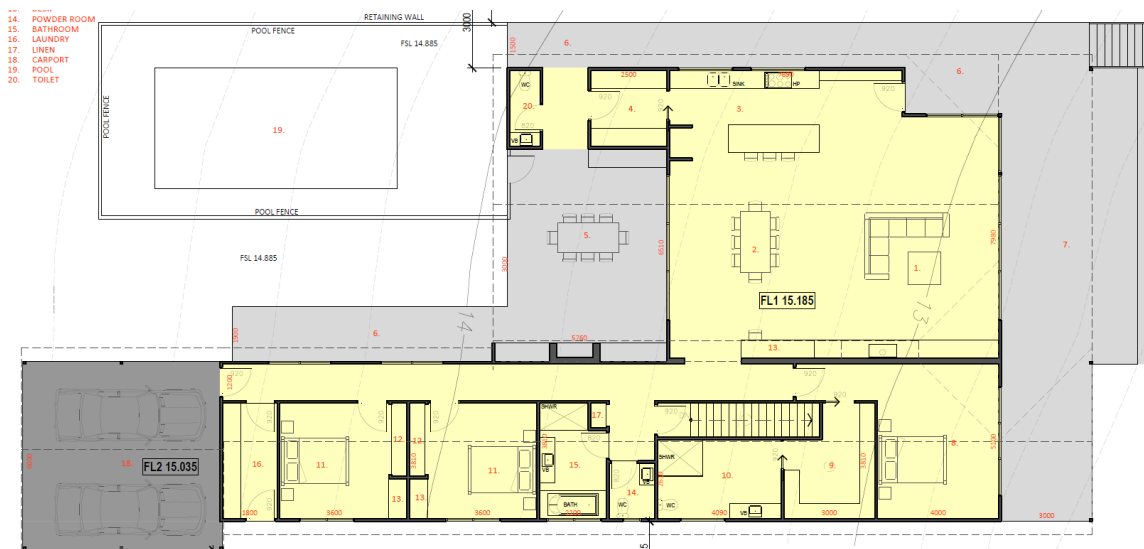
E – Mud Brick Community Building

F – Community Hall

3. The Application & Proposal

It is proposed to carry out buildings and works to construct a two-storey dwelling within the north-eastern part of the subject land, fronting Allan Drive. The south-western part of the land is proposed to be developed with an outbuildings for vehicle storage. Plans prepared by Tom Hardy Designs accompany the Application.

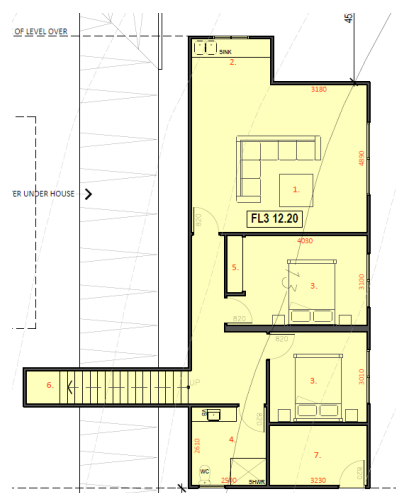
The proposed dwelling design is site responsive, working with the fall across the land so the frontage to Greer Street as a single storey structure. Entering at ground floor from Greer Street, the dwelling will have a large open place lounge/meals/kitchen area with extensive glazing maximising expansive views through the dwelling towards Mallacoota Inlet. Ground floor level will also include the master bedroom and ensuite, two further bedrooms, bathroom and laundry.



Extract from Ground Floor Plan (Source: Tom Hardy Designs)

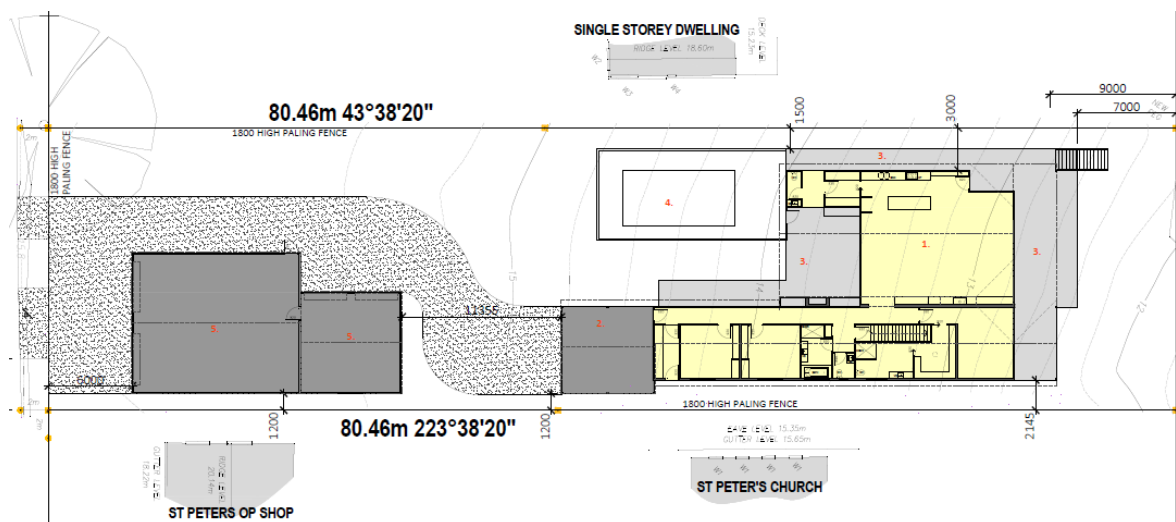
At lower floor level, a further two bedrooms are proposed, together with a sitting room, bathroom and externally accessible store room.

To take advantage of the views, balconies are proposed to the north and north-east of the dwelling, together with a large rear alfresco area. It is proposed to develop a pool to the rear of the dwelling and a double carport will service the dwelling.



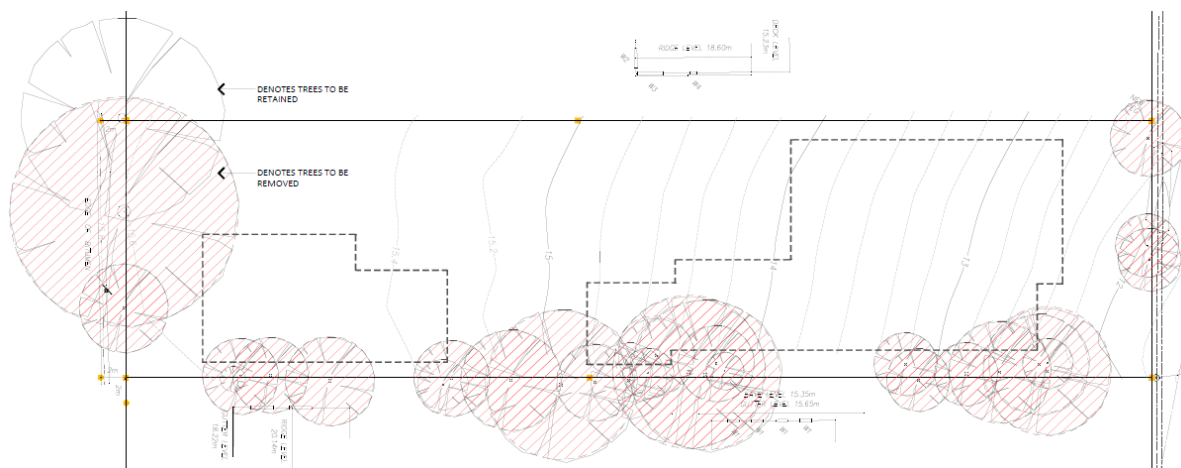
The proposed outbuilding is a substantial structure that will enable the safe and secure parking of vehicles and boats, accessed from rollerdoors in the western and northern elevations..

Two vehicle accessways are proposed from Greer Street, one to access the carport and one to access the outbuildings.



Extract from Site Plan (Source: Tom Hardy Designs)

It is proposed to remove the planted vegetation on the land for the purposes of bushfire mitigation, to assist with the provision of defendable space. It is also proposed to remove two trees within the Greer Street road reserve, that straddle the subject land boundary, to provide unfettered access to the land.



Proposed tree removal plan (Source: Tom Hardy Designs)

Planning approval is not required for the removal of vegetation on the subject land for the purposes of defendable space, having regard for it's planted nature, and the exemption provided at Clause 52.12-5.

Consideration of Clause 52.17 *Native Vegetation* is not required for the proposed tree removal given the subject land is less than 4,000m² in area, meaning all vegetation on the site is presumed to be lost. Similarly, the vegetation to be removed within the Road Reserve is within 1m of the boundary, and is therefore exempt from consideration under 52.17 due to the fencing exemption.

Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is Proposed
42.02-2 Vegetation Protection Overlay Schedule 8	Removal of vegetation within the Road Reserve
43.02-2 Design and Development Overlay	Buildings and works as the total building area exceeds 300 square metres
44.06-2 Bushfire Management Overlay Schedule 2	Buildings and works associated with accommodation

The use of the land for the purposes of a dwelling does not require planning approval in the General Residential Zone, nor does buildings and works require a planning permit on a lot exceeding 300 square meters. The garden area requirement at Clause 32.08-4 of the zone will be met.

Whilst the subject land is affected by the Bushfire Management Overlay, the Application is not required to be referred to the Country Fire Authority pursuant to Clause 9.0 of Schedule 2 to the Overlay. All specified bushfire protection measures are able to be met, meaning referral under s55 of the *Planning & Environment Act 1987* is not required. There are no other mandatory referrals under s55.

Pursuant to Clause 5.0 of Schedule 8 to the Vegetation Protection Overlay, the Application must be referred to DEECA for comment. We note this does not constitute notice under the provisions of either s52 or s55 of the *Planning & Environment Act 1987*.

4. Cultural Heritage

The proposal does not trigger any mandatory requirements to provide a Cultural Heritage Management Plan (CHMP) under the *Aboriginal Heritage Act 2006*.

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



*Extract from Cultural Heritage Sensitivity mapping,
with sensitive areas shown in green (Source: VicPlan)*

The subject land is mapped as an area of cultural heritage sensitivity. The construction of one dwelling on a lot is an exempt activity (Regulation 9) therefore, there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

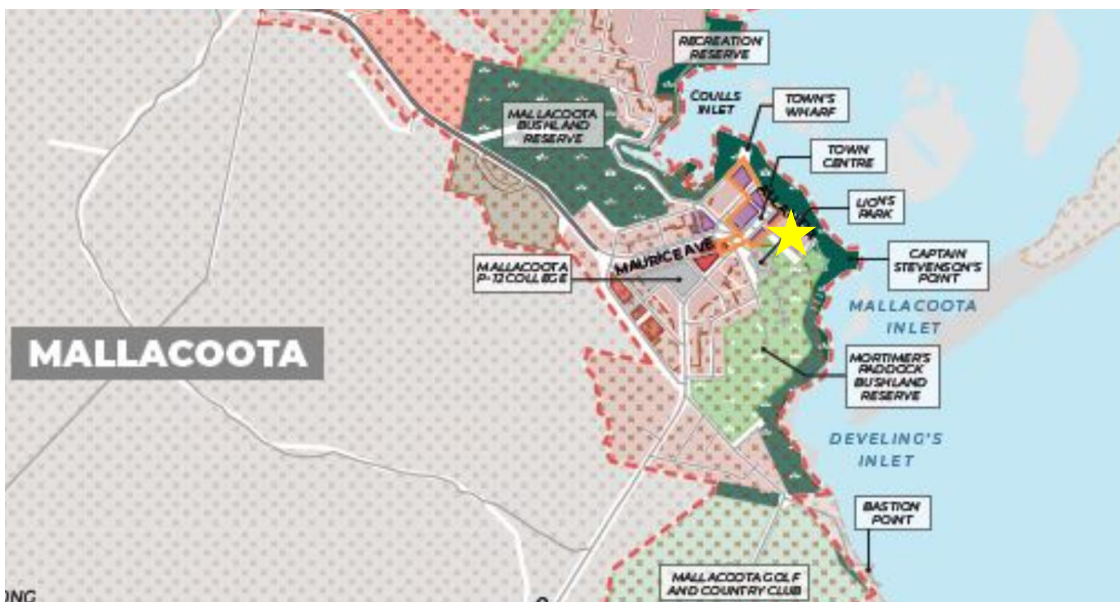
5.1 Planning Policy Framework

To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements is the objective of Clause 11.01-1S Settlement. The proposed development achieves many of the strategies that underpin this objective including:

- Promoting growth within the settlement boundary.
- Provide for population growth.
- Provision of a dwelling resilient to a potential bushfire event.
- Allows for active and healthy lifestyles located within walking distance of many of the services and facilities that Mallacoota offers.
- Limiting urban sprawl through the development of this well located, vacant and residentially zoned land parcel.

Clause 11.03-4L-01 Coastal settlements applies to all coastal settlements within East Gippsland. Mallacoota is a settlement node and the development of a dwelling on a vacant, residentially zoned property, in a well located area within the Mallacoota settlement boundary that can be connected to services achieves the underlying strategies.

The land is located in the Mallacoota Framework Plan and Clause 11.03-4L-10 is therefore relevant.



*Extract from Mallacoota Framework Plan, with subject land denoted by star
(Source: Clause 11.03-4L-10)*

Mallacoota Framework Plan – yellow star is the subject land location

There are two relevant strategies with respect to the proposal:

Design development that reflects the coastal character of Mallacoota

Encourage infill development of vacant sites along Maurice Avenue and Allan Drive

The design of the proposed dwelling reflects the coastal character of the township providing for lighter weight construction materials, areas for outdoor living, larger glazed areas and pitched roofing.

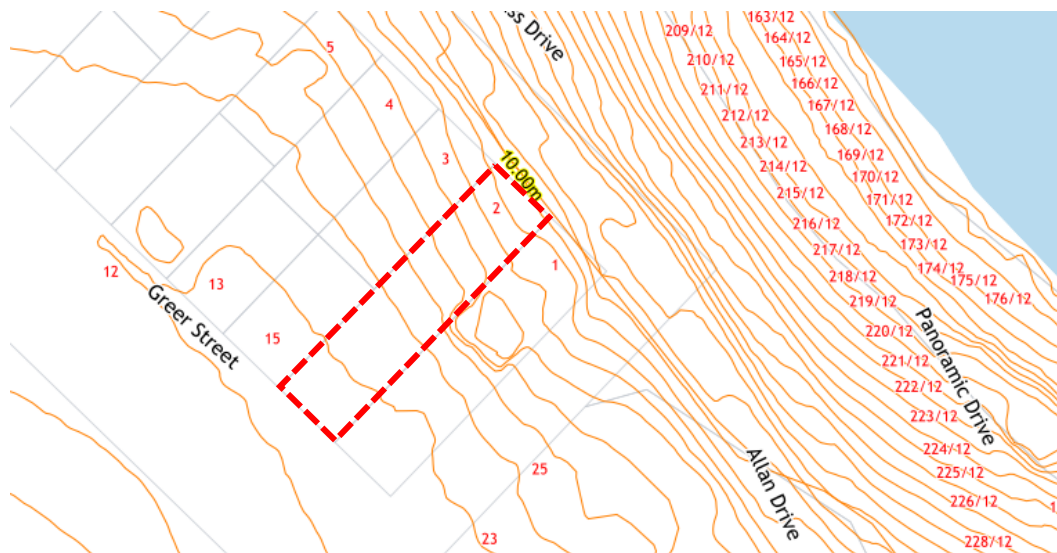


Extract from East Elevation, as viewed from Allan Drive (Source: Tom Hardy Designs)

The proposal will provide for infill development of a vacant site along Allan Drive.

Clause 12.02-1L Protection of coastal areas. Mallacoota is noted as an activity node and the development of a dwelling on this large, serviced, vacant, residentially zoned land parcel is unlikely to have detrimental impacts on the nearby marine and coastal land.

Coastal inundation and erosion at Clause 13.01-2S Coastal inundation and erosion seeks to plan for and manage coastal hazard risk and climate change impacts.



Contour map, with subject land outlined in red dashed line (Source: IntraMaps)

The subject land is on an elevated allotment above 10 metres AHD and the caravan park interface with the Mallacoota Inlet has been strengthened with the use of a constructed sea wall. It is therefore a lesser risk to the subject land being subject to coastal inundation and erosion impacts.

Located within the Bushfire Management Overlay, Clause 13.02-1S Bushfire planning is relevant. A detailed assessment of the application demonstrates that the proposed occupants and dwelling building will be provided with appropriate defensible space, water supply for fire fighting purposes, appropriate access to the dwelling for emergency service vehicles and the building will be constructed to a minimum of BAL-29 to provide a resilient structure, consistent with the expectations of Schedule 2 to the Bushfire Management Overlay.

Clause 15.01-2S Building design seeks to achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development. The proposal responds well to the relevant strategies that support the objective:

- The proposed dwelling has been orientated to the public reserve, with access and vehicle accommodation located towards Greer Street.
- Outdoor decking and living rooms have been proposed to face Allan Drive allowing for casual surveillance of the adjoining public reserve.
- Overshadowing of the public realm will not occur as part of the development.
- Good northern exposure has been provided to reduce reliance on artificial lighting and heating. The floor plan will provide for cross-ventilation, reducing reliance on artificial cooling during warmer weather.
- The proposed form, scale and appearance of the development is appropriate for the land area, height has been kept to a respectful scale and the appearance will be of a well designed building.

Local policy as well as Clause 16.01-1S Housing supply seeks to see infill of residential areas in particular vacant allotments in Allan Drive. The development of this serviced, vacant and appropriately zoned land parcel reduces pressure for expansion of the township.

5.2 Municipal Planning Strategy

The development of this well-located, vacant allotment within Mallacoota will reduce pressure on the expansion of the township consistent with the relevant direction in Clause 02.03-1 Settlement and housing. The East Gippsland Settlement Hierarchy Plan identifies Mallacoota as a coastal settlement where growth is promoted within the established settlement boundary.

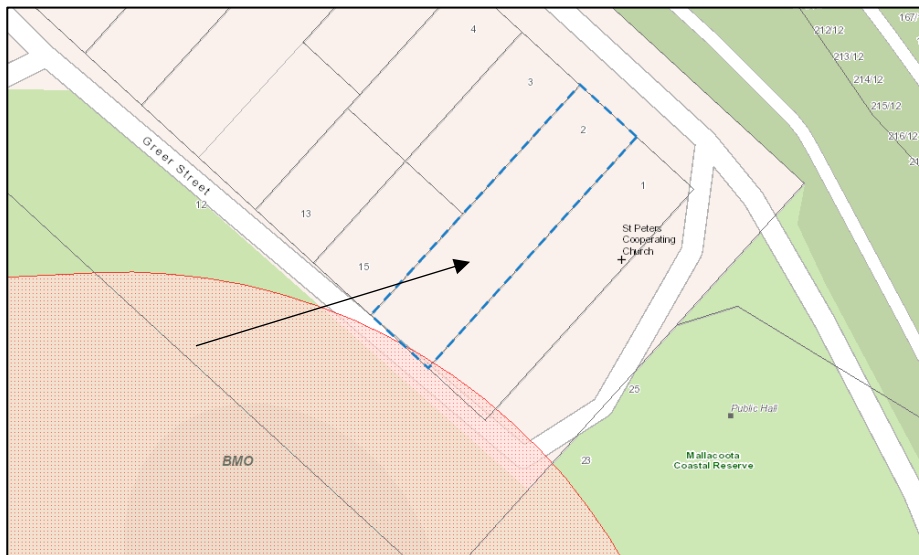
Mallacoota Inlet has environmental and scenic values as identified within Clause 02.03-2 Environmental and landscape values. The proposed development will maintain the scenic qualities of the town, through the development of a respectful building in terms of design and height.

Clause 02.03-3 Environmental risks and amenity, strategic directions are addressed by the application. The elevation of the land affords resilience to coastal inundation, coastal erosion risk is minimised by a sea wall developed along the caravan/Inlet boundary and the provision of defensible space and a more fire-resistant building will reduce risk to occupants and the structure in a fire event.

6. Planning Elements

6.1 Bushfire Management Overlay (Schedule 2)

A small portion of the subject land is included within the Bushfire Management Overlay (Schedule 2) pertaining to Cann River, Mallacoota, Metung, Raymond Island BAL-29 Areas.



Planning scheme overlay mapping (Source: VicPlan)

The proposal is supported by a Bushfire Management Plan that confirms compliance with the requirements of Clause 5.0 applicable to a single dwelling on a lot by way of the following:

- The proposed dwelling will be developed to BAL-29 construction standard;
- Defendable space will be provided to the property boundaries, with vegetation to be maintained in accordance with the requirements of Table 6 to Clause 53.02-5;
- A static water supply of 10,000 litres for fire fighting purposes will be provided in accordance with Table 4 to Clause 52.03-5; and
- Vehicle access for a driveway greater than 30 metres but less than 100 metres will be provided in accordance with Table 5 to Clause 53.02-5.

6.2 Vegetation Protection Overlay 8

The land and wider area are contained within the Vegetation Protection Overlay (Schedule 8) relating to the *Mallacoota Vegetation Protection Overlay*.

It is proposed to remove two trees that straddle the rear (south-west) boundary of the subject land and Greer Street road reserve.

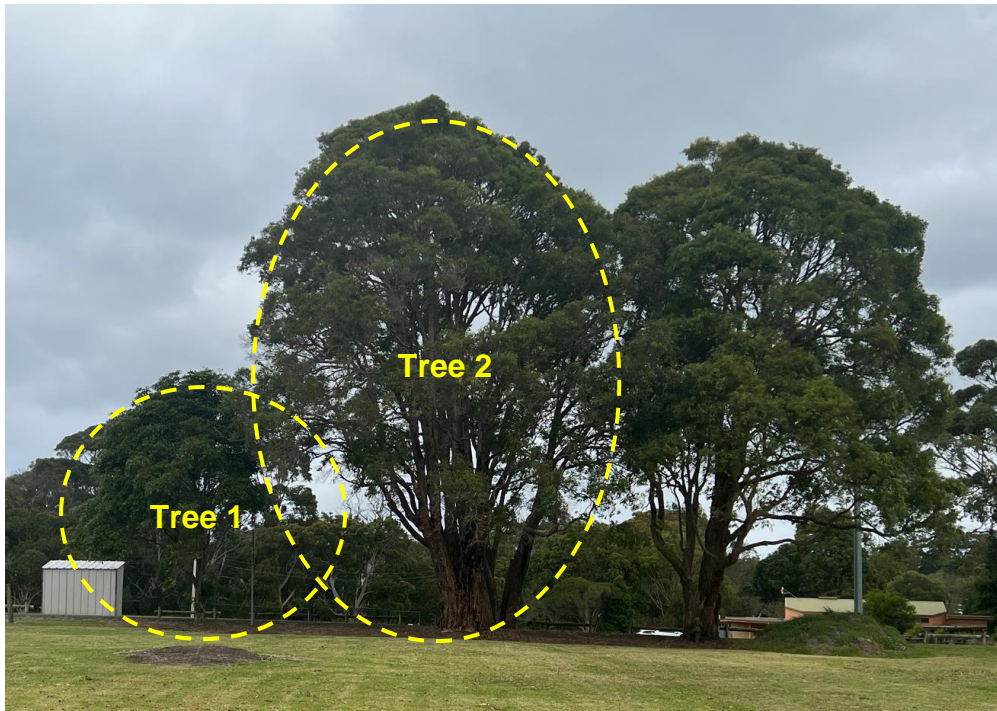
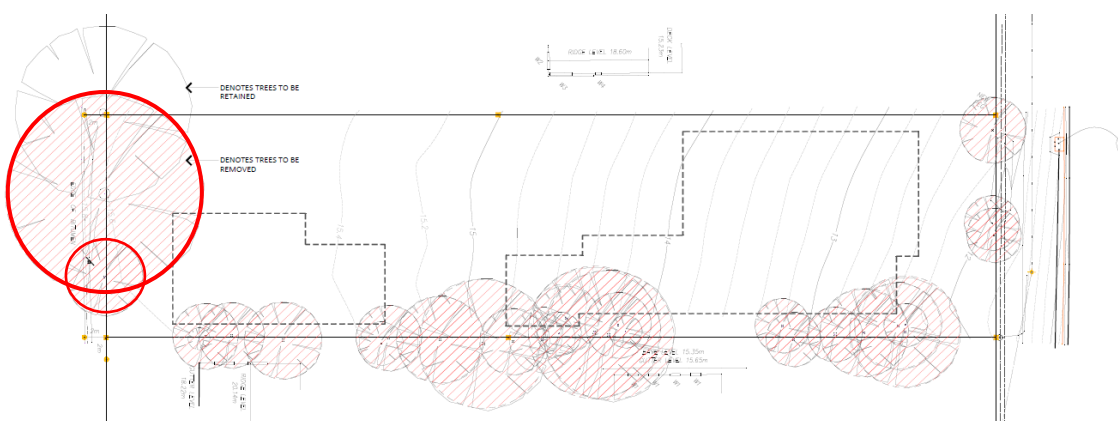
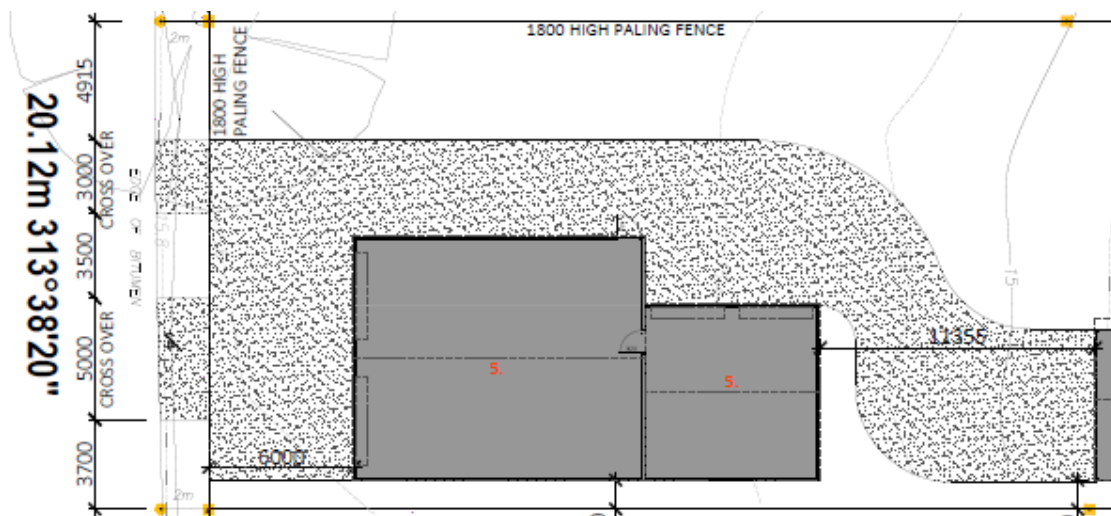


Image of the two trees proposed to be removed



*Proposed Vegetation Removal, with trees requiring approval under VPO outlined in red
(Source: Tom Hardy Designs)*

The purpose of the tree removal is to facilitate vehicle access to the subject land from Greer Street.



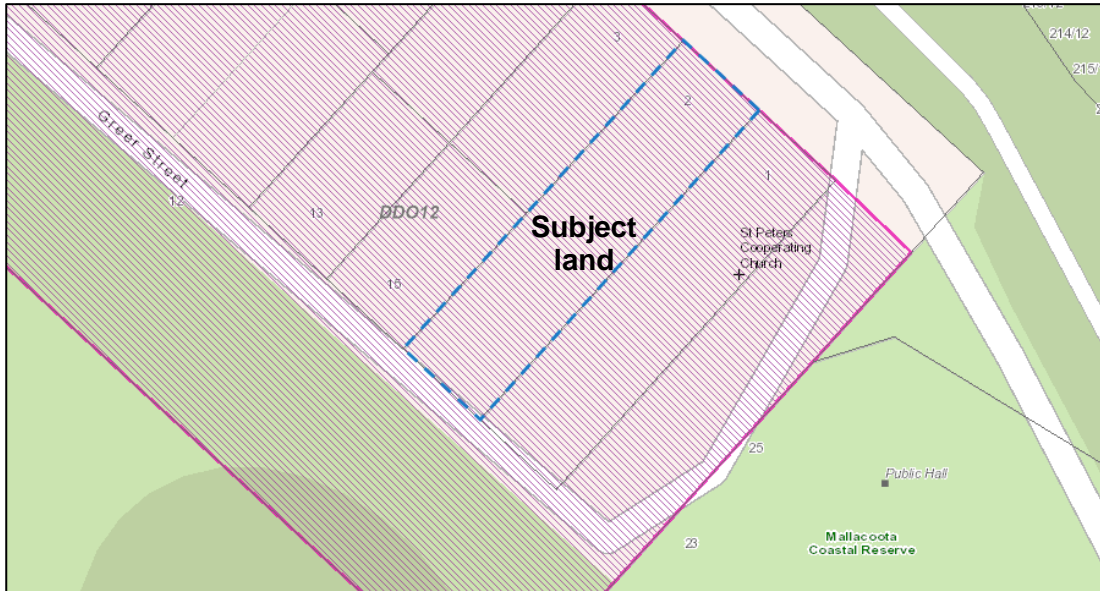
Extract of site plan showing the proposed access (Source Tom Hardy Designs)

The proposed vegetation removal is considered to respond appropriately to the vegetation objectives and decision guidelines as follows:

- The proposed trees to be removed are considered to have aesthetic landscape values, but are not of high conservation value as the trees do not form part of a wildlife corridor, and do not form part of a large vegetation community.
- NatureKit advises that Pre-1750 Ecological Vegetation would have been Lowland Forest (EVC 16) which has a conservation status of 'least concern'.
- It is considered that the existing trees do not contribute to high landscape and aesthetic values of the area. Tree 1 is of little aesthetic appeal as it is of poor structure and minimal height, and provides little canopy cover in the landscape. Tree 2 has aesthetic qualities, however is significantly bifurcated. The removal of Tree 2 within the landscape will be compensated by the northern adjacent street tree and intact canopy cover further west across the reserve.
- The tree removal reduces fire threat to the proposed dwelling and the precinct ensuring there is a separation within the canopy cover, as sought by Schedule 2 to the Bushfire Management Overlay.
- No waterways are located on the land, reducing the potential of sedimentation and degradation of water quality within the Mallacoota Inlet, resulting from vegetation removal works. Appropriate sediment controls can be implemented.

6.3 Design and Development Overlay 12

The land is subject to the Design and Development Overlay (Schedule 12) pertaining to *Residential Development in Coastal Settlements: Mallacoota*.



Planning scheme overlay mapping (Source: VicPlan)

The land is located within the character area of Town Centre Residential (area 9) character area. Schedule 12 includes design objectives for the character area, but there are no specific decision guidelines.

The proposed development forwards the objectives and decision guidelines of the schedule through the following :

- The proposed dwelling presents as a two storey dwelling, being 8.35 metres above natural ground level for the eastern part of the dwelling, and single storey within the western part of the dwelling. Visual bulk has been 'broken down' with the use of decking elements, pitched roofs, light weight materials and colours commonly found within the area.
- The natural landscape will continue to be the predominant theme of the area given the canopy trees within the caravan park and the backdrop of canopy vegetation behind the subject land.
- The design has been developed to work with the topography of the land minimising building height and reducing the need for large scale excavations.
- Views from the Mallacoota Inlet to the subject site will not be significantly impacted. Views of the township present as a modified environment dispersed amongst and surrounded by canopy vegetation.
- Car parking accommodation is provided to the rear (west) of the land, concealed from the significant views from the foreshore reserve and the Inlet.
- The height of the building is less than 9 metres from natural ground level at its highest point (8.35 metres).

- A six metre setback to the eastern balcony will be achieved from the Allan Drive road reserve. The northern setback to the dwelling wall will be 3 metres, and 2.145 metres to the southern dwelling wall, exceeding the preferred 2 metre setback.
- The proposed vegetation removal is appropriate given the 'in town' location and need to avoid car parking/garaging within the north-eastern part of the land towards Allan Drive.

7. Conclusion

The proposed buildings and works and removal of vegetation at 2 Allan Drive, Mallacoota is considered to accord with all relevant provisions of the General Residential Zone, Bushfire Management Overlay, Vegetation Protection Overlay and Design and Development Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy, will be sympathetic with the coastal character of Mallacoota and has been designed to complement the adjoining properties.

For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

Contact: Marc Taylor
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

Corporate Centre
273 Main Street (PO Box 1618)

Bairnsdale Victoria 3875

Telephone: (03) 5153 9500

National Relay Service: 133 677

Residents' Info Line: 1300 555 886

Facsimile: (03) 5153 9576

Email: feedback@egipps.vic.gov.au

ABN 81 957 967 765

5 October 2023

Mr Paul Preston
85-87 Betka Road
Mallacoota VIC 3875

c/o contact@crowthersadler.com.au

Dear Paul

Land Manager Consent Remove Vegetation Council Managed Land 2 Allan Drive Mallacoota

I refer to your application dated 3 October 2023 to undertake the following activities on East Gippsland Shire Council (EGSC) Managed Land:

- Remove 2 trees from Greer St Road Reserve at the rear of 2 Allan Drive Mallacoota

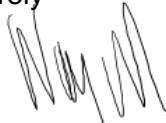
As an authorised Land Manager on behalf of EGSC, I provide consent for these works and activities in line with the following conditions:

- A Planning permit is issued, and all conditions met.
- Works are to be completed with minimal ground disturbance.
- All material from works is removed from the road reserve and the site is rehabilitated to Council's satisfaction;
- The retained tree has a Tree Protection Zone (TPZ) implemented prior to any works or machines being brought onsite.
- TPZ is mulched and maintained during construction.
- Have in place for the duration of any works on Council Reserves, Public Liability Insurance to the value of no less than \$20 million, indemnifying the East Gippsland Shire against any claim for damages or injury which may arise as a result of any accident or event which might occur as a result of the works or the failure to have in place appropriate safety measures or where the applicant has been negligent in performing those works;
- Determine the location of any existing underground infrastructure that may be affected by the proposed works, consult with any affected infrastructure managers, and take any necessary precautions to minimise the impact on that infrastructure; and

- Conduct appropriate assessments to show all proposed works meet the requirements of the Road Management Act 2004, the Road Safety Act 1986 and their associated Regulations and Codes of Practice. In particular, you will need to determine the need for appropriate traffic management plans. Safe alternative arrangements shall be provided for pedestrians and cyclists where necessary.

Please contact Open Space Planner, Marc Taylor on the above telephone number should you have any queries regarding this matter.

Yours sincerely



WAYNE RICHARDS
Manager Community Facilities and Open Space