

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	165 Albatross Road KALIMNA 3909 Lot: 1 LP: 133696
The application is for a permit to:	Two lot subdivision
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2023.424.1
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
--	------------------------------------

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

Page 1 of 1

VOLUME 09395 FOLIO 212

Security no : 124109231499N
Produced 20/09/2023 03:57 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 133696.
PARENT TITLE Volume 09104 Folio 566
Created by instrument LP133696 16/10/1980

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

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 or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP133696 FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX014303H (E)	CONV PCT & NOM ECT TO LC	Completed	05/07/2023
AX014321F (E)	TRANSMISSION APPLICATION	Registered	05/07/2023
AX180503S (E)	TRANSFER	Registered	23/08/2023

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

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

Street Address: 165 ALBATROSS ROAD KALIMNA VIC 3909

ADMINISTRATIVE NOTICES

NIL

eCT Control 21826B FARRAR GESINI DUNN
Effective from 23/08/2023

DOCUMENT END

5 0 25 75 125
LENGTHS ARE IN METRES



Printed 13/11/2023
Page 3 of 31



Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

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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.

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Status	Registered	Dealing Number	AX180503S
Date and Time Lodged	23/08/2023 12:16:06 PM		

Lodger Details

Lodger Code	21826B
Name	FARRAR GESINI DUNN
Address	
Lodger Box	
Phone	
Email	
Reference	

TRANSFER

Jurisdiction	VICTORIA
--------------	----------

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.

Land Title Reference

9395/212

Transferor(s)

Given Name(s)	FIONA CAROLE
Family Name	EMMETT

Estate and/or Interest being transferred

Fee Simple

Consideration

Non-Monetary

Transferee(s)

Tenancy (inc. share)	Sole Proprietor
Given Name(s)	SUSAN GAYE
Family Name	EMMETT
Address	
Street Number	114
Street Name	WILLSMERE



Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

Street Type	ROAD
Locality	KEW
State	VIC
Postcode	3101

Duty Transaction ID
5781270

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
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 law and any Prescribed Requirement.

Executed on behalf of	SUSAN GAYE EMMETT
Signer Name	TIFFANY MONOROM
Signer Organisation	FARRAR GESINI DUNN
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	23 AUGUST 2023

Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
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.
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Executed on behalf of	FIONA CAROLE EMMETT
Signer Name	TIFFANY MONOROM
Signer Organisation	FARRAR GESINI DUNN
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	23 AUGUST 2023

File Notes:
NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

Planning Report

Two Lot Subdivision
165 Albatross Road, Kalimna

Our reference – 20639

20 October 2023



FS 520900



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	Application Form	
	Design Response Plan (Version 1)	
	Proposed Subdivision Plan (Version 1)	
	Geotechnical Risk Assessment Waiver (<i>Chris O'Brien & Company</i>)	
	Copy of Title (Lot 1 on PS133696)	

Note: Applicable Planning Application fee is \$1,415.10

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision at 165 Albatross Road, Kalimna. The Report addresses the provisions of the Low Density Residential Zone, Environmental Significance Overlay 1-53, Design and Development Overlay 13, Erosion Management Overlay and Land Subject to Inundation Overlay as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land and immediate surrounds (Source: IntraMaps)

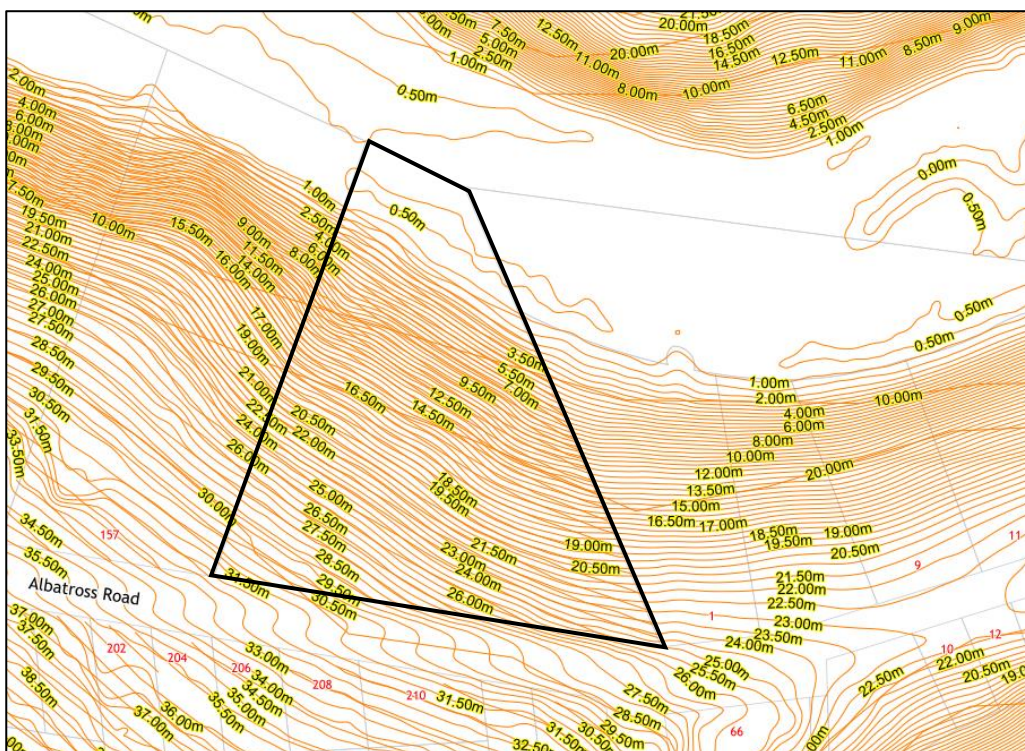
2. Subject Land & Surrounding Context

Formally known as Lot 1 on PS133696 or more commonly known as 165 Albatross Road, Kalimna. The suburb of Kalimna forms part of the greater Lakes Entrance township, the subject land is irregular in shape, is developed with a dwelling in the south-western part of the land and contains scattered native vegetation.



Image of the existing dwelling on the subject land

The subject land has an area of approximately 1.21 hectares and falls from south to north and has a crossfall from west to east.



Subject land contours (Source: IntraMaps)



Image of the subject land looking north

Access to the land is obtained from Albatross Road which is a sealed urban road.



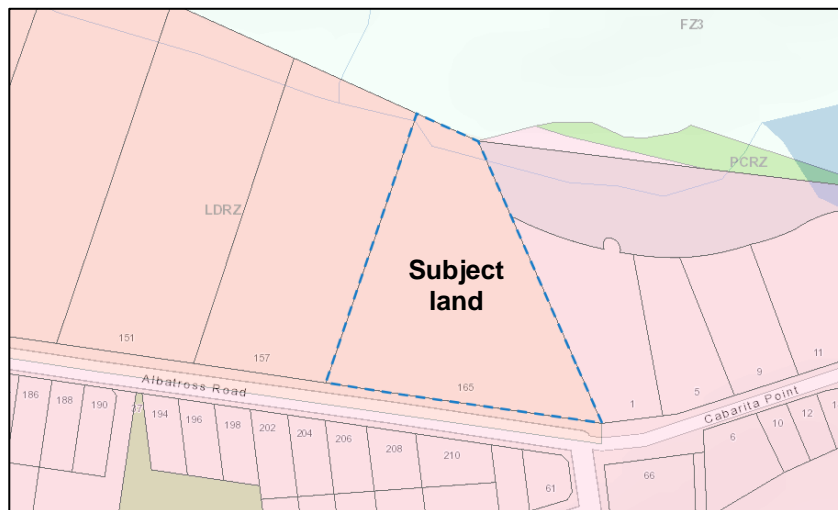
Image of Albatross Road looking west

The northern part of the subject land is a tributary which leads to North Arm and in accordance with the *Doctrine of Accretion* this area of the land will be surrendered to the State.

The doctrine in a general sense, results when accretions of land by water takes place and it ceases to become the landowner's property. In this case the former land that has been the subject of accretion by water will be surrendered to the State.

East of the subject land is a larger vacant General Residential Zoned allotment, south of the property across from Albatross Road is a string of General Residential lots all developed with dwellings.

West of the property is a Low Density Residential Zoned larger allotment developed with a significant dwelling and two associated outbuildings.



Planning scheme zone mapping (Source: VicPlan)



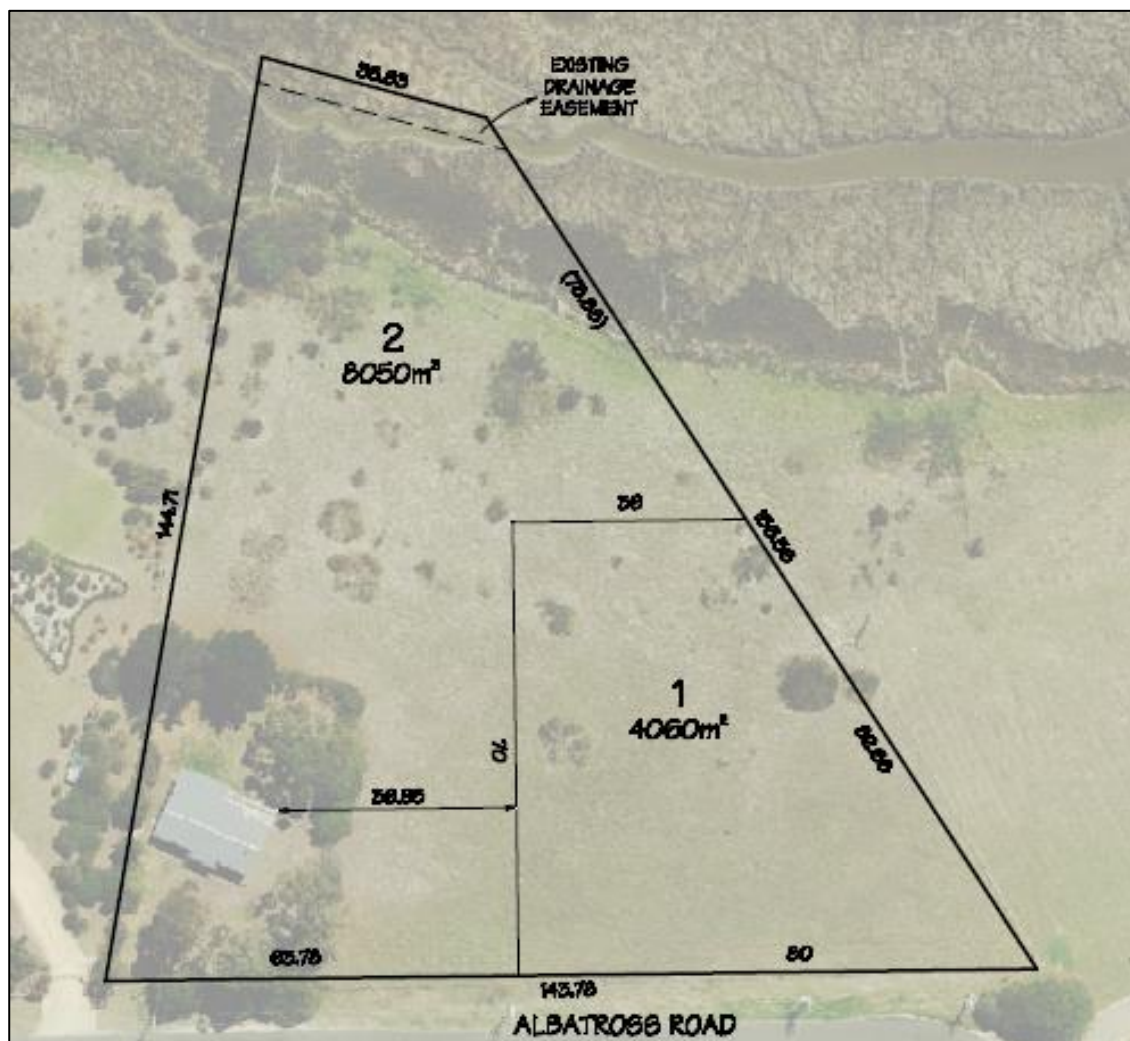
Locational plan demonstrating the subject land in relationship to the Lakes Entrance Activity Centre (Source: VicPlan)

It is proposed to subdivide the subject land into two lots.

Proposed lot 1 will be vacant and have an area of 4060 square metres and is to be located within the south-eastern part of the land. Lot 2 will be an area of 8050 square metres and contains the existing dwelling.

The creation of two lots exceeding 0.4 hectares in area does not presume the loss of native vegetation. Removal of native vegetation can be avoided during future development of lot 1. The proposed subdivision boundaries avoids native vegetation impacts.

Lot areas to be created by the subdivision will allow the existing septic tank associated with the dwelling to function and the vacant lot will be connected to reticulated sewerage.



Proposed plan of subdivision

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

Planning Scheme Clause No.	Description of what is Proposed
32.03-3 Low Density Residential Zone	Subdivision
42.01-2 Environmental Significance Overlay	Subdivision
43.02-3 Design and Development Overlay	Subdivision
44.01-5 Erosion Management Overlay	Subdivision
44.04-3 Land Subject to Inundation Overlay	Subdivision

Required referrals:

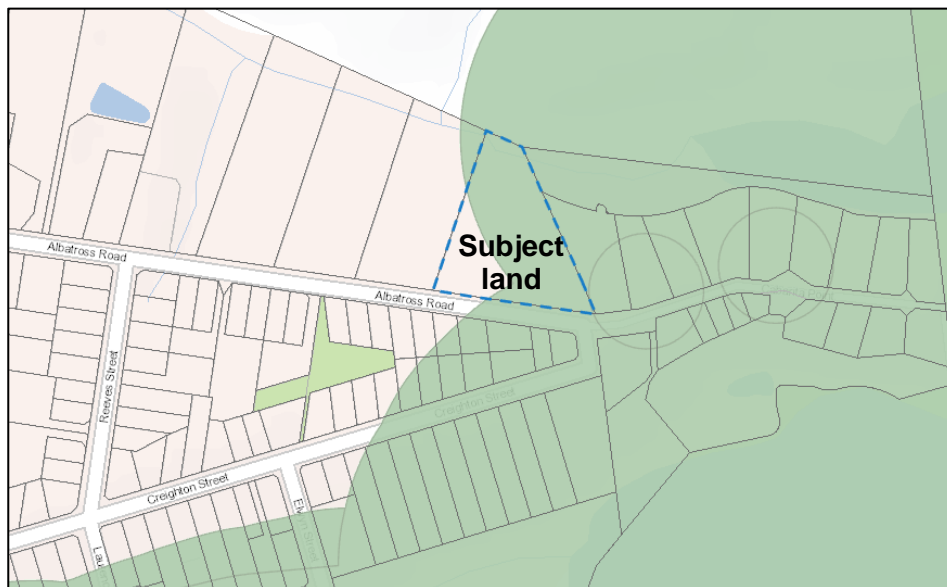
Clause	Kind of application	Referral authority	Type of referral authority
Clause 44.04-8 Sec.55 of the Act	Application within the LSIO	East Gippsland Catchment Management Authority	Recommending referral authority
ESO Sub-clause 4 of the schedule	Development	Department of Energy, Environment and Climate Action	Comment

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 partly mapped as an area of cultural heritage sensitivity. However, a two lot subdivision is not considered a high impact activity. Therefore, there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

5.1 Planning Policy Framework

Planning policy support for the proposed subdivision is contained within Clause 11.01-1S Settlement, which seeks to facilitate the sustainable growth and development in Victoria and deliver choice and opportunity for all Victorians through a network of settlements.

The proposed subdivision will provide for growth in population, assists to limit urban sprawl, provides growth within an existing settlement and allows for infill development.

Clause 11.01-1R Settlement – Gippsland identifies Lakes Entrance as a town where growth will be supported. The creation of a vacant lot that will be connected to services within the settlement boundary of Lakes Entrance assists to provide for growth.

Lakes Entrance has been identified by Council as a Growth area town at Clause 11.01-1L-02. The proposed subdivision is to be undertaken on a property inside the Lakes Entrance settlement boundary and vegetation removal has been avoided with careful boundary location.

Strategies within Clause 11.03-4S Coastal settlement are achieved by the subdivision. Additional coastal population growth can be provided within the Lakes Entrance settlement boundary and lower lying parts of the land will not form part of the vacant lot to be created.

The northern tributary will be surrendered to the State and riparian vegetation is not proposed to be removed ensuring water quality is maintained consistent with Clauses 12.03-1S and 12.03-1L Waterways.

The vacant allotment has the ability to be developed for a dwelling on elevated parts of the land avoiding areas that may be impacted by future sea level rise consistent with Clause 13.01-2S Coastal inundation and erosion.

Partly located within the Land Subject to Inundation Overlay to the north of the property Clause 13.03-1S Floodplain management is relevant. The proposed subdivision will not increase the risk to life and property as the land within the overlay will be surrendered to the State.

The subject land is located within an Erosion Management Overlay and as such Clauses 13.04-2S and 13.04-2L are relevant to the application. A geotechnical risk assessment waiver advises that there is no erosion risk associated with the land currently and the subdivision will not create an erosion risk.

Clause 15.01-3S Subdivision design supports the proposal as it will assist to create a compact neighbourhood, provides a lot size suitable for a variety of dwelling and household types, protects native flora and provides for a safe environment for future lot occupants.

The character of the neighbourhood on the northern side of Albatross Road is larger allotments consistent with the underlying zoning. The subject land is extensive in area and the development of two large lots will be sympathetic with the existing neighbourhood character in accordance with Clause 15.01-5S Neighbourhood character.

Providing for an infill subdivision of a large, zoned and serviced allotment will increase the proportion of housing in an established urban area and reduces the share of new dwellings in greenfield areas as per Clause 16.01-1S Housing supply.

In accordance with Clause 19 Infrastructure the vacant allotment will be connected to reticulated sewerage, water, power and telecommunications.

5.2 Municipal Planning Strategy

Council has developed strategic directions within the Municipal Planning Strategy to guide land use and development.

Lakes Entrance is identified as a growth area town within Clause 02.03-1 Settlement and housing. Relevant strategic directions support the proposed subdivision by encouraging population growth and development on fully serviced residential land and creating a large vacant allotment that can be developed by a range of housing types and styles.

Coastal settlements strategic direction for Lakes Entrance is to provide for minor expansion of existing areas. The proposed subdivision will provide for appropriate infill development reducing the pressure for further expansion of the Lakes Entrance township.

The northern tributary will be surrendered to the State and riparian vegetation is not proposed to be removed ensuring water quality is maintained as sought by Clause 02.03-2 Environmental and landscape values.

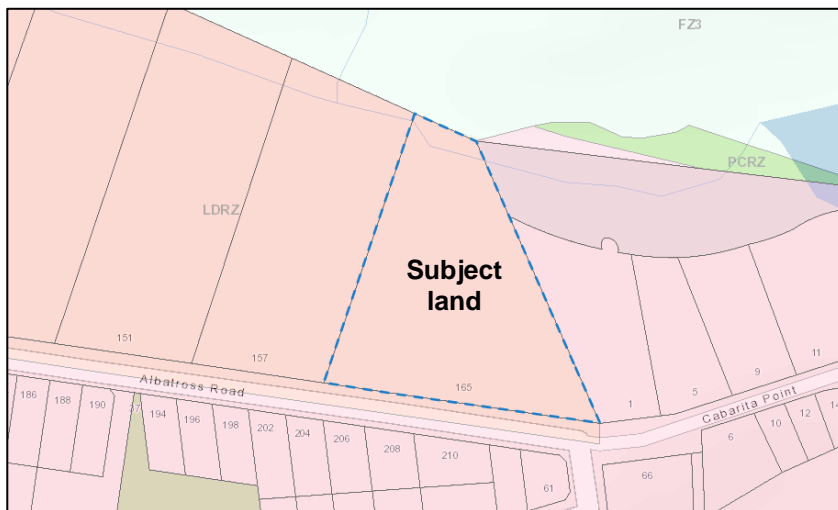
Located on a significantly elevated parcel of land the southern part of the subject land is unlikely to be impacted detrimentally by climate-induced sea level rise. A geotechnical risk assessment waiver accompanies the application and advises that the risk of erosion on the land and associated with the subdivision is low consistent with Clause 02.03-3 Environmental risks and amenity.

It is proposed to connect the vacant lot to reticulated sewerage consistent with Council's strategic direction at Clause 02.03-7 Transport and infrastructure, by supporting provision of reticulated sewerage in un-serviced areas.

6. Planning Elements

6.1 Low Density Residential Zone

The subject land is zoned Low Density Residential Zone in accordance with the East Gippsland Planning Scheme.



Planning scheme zone mapping (Source: VicPlan)

In accordance with Clause 32.03-3 the vacant lot will exceed 0.4 hectares and but will still be connected to reticulated sewerage given the benefits to the environment.

Pursuant to Clause 32.03-5 the application is accompanied by a design response that identifies a possible building envelope/location and existing vegetation.

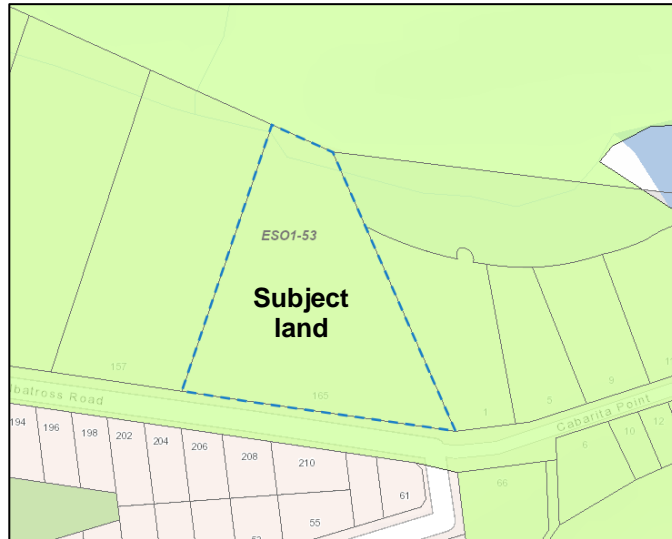
Decision Guidelines

The proposed subdivision responds well to the decision guidelines of the zone:

- Strong support for the subdivision is found within the State Planning Policy Framework and Municipal Planning Strategy.
- The natural environment and character of the area will be maintained. The proposed subdivision of this large land parcel will allow for two lots of significant size to be created consistent with the Low Density Residential precinct. The lots to be created will maintain the natural environment allowing for development of the vacant lot without the need to remove native vegetation.
- Utility services including reticulated sewerage, water, electricity and telecommunications are able to be connected to the proposed vacant allotment.
- Stormwater discharge for the vacant allotment given the size of the land parcel can be undertaken within the allotment via methods such as a rubble pit.

6.2 Environmental Significance Overlay 1 - 53

The whole of the subject land is contained within the Environmental Significance Overlay 1-53



Planning scheme overlay mapping (Source: VicPlan)

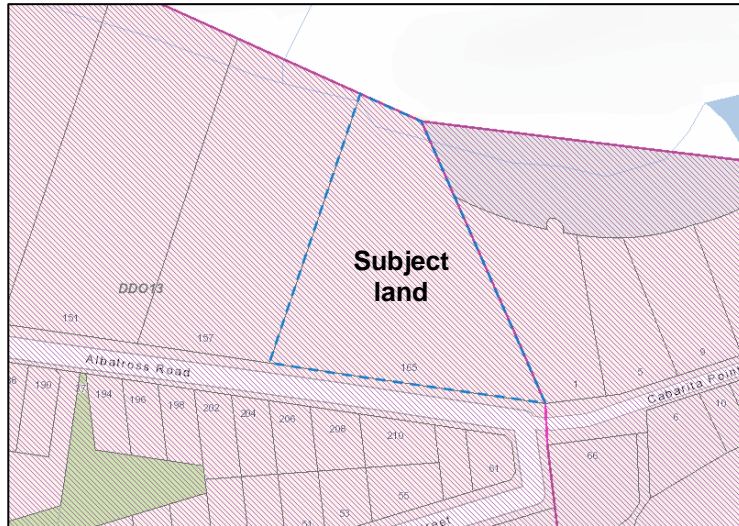
Schedule 1 of the Overlay is East Gippsland Sites of Biological Significance.

ESO 1-53 relates to Colquhoun and Kalimna and the statement of environmental significance mentions White-bellied Sea-eagle, Masked Owl, Limestone Pomaderris, Spicy Everlasting, Star Cucumber, Viscid Dasiy-bush, Yellow Milk Vine, Limestone Blue Wattle, Warm Temperate Rainforest and Limestone Box Forest.

The management practices sought from landowners will either not be required or will be fostered by the subdivision. It is highly unlikely that stock will be accommodated on the land, weed control will be undertaken by residential occupants, introduced predators can be managed and White-bellied Sea-eagle nests will not be impacted as no native vegetation removal is required to take place.

6.3 Design and Development Overlay 13

The land is included within the Design and Development Overlay 13.



Planning scheme overlay mapping (Source: VicPlan)

Schedule 13 to the Overlay is Residential Development in Coastal Settlements: Lakes Entrance.

The land is located in character area 3 (Kalimna).

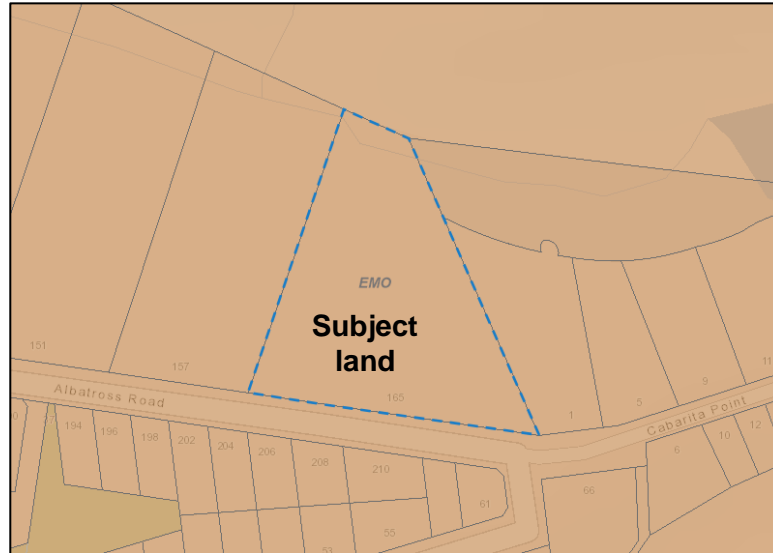
Design Objectives and Decision Guidelines

The proposed subdivision positively responds to the objectives and decision Guidelines of the Overlay:

- Strong planning policy support for the subdivision of the property is contained within relevant local planning clauses in the Planning Policy Framework and Municipal Planning Strategy.
- Township character within the northern precinct of Albatross Road is larger allotments consistent with the Low Density Residential zoning. The proposed subdivision will create an allotment that exceeds 4,000 square metres, ensuring the lot will be sympathetic with the character of the precinct.
- At 4060 square metres the new lot to be created will allow for future residential development to be designed that ensures the height and visual bulk of new development is compatible with the coastal neighbourhood setting.
- The subdivision has been designed to avoid native vegetation removal and a new future residential dwelling on this large vacant lot provides for siting options that can avoid vegetation removal.
- Environmentally sensitive areas will be surrendered to the State.
- The allotment width is consistent with the site locality.

6.4 Erosion Management Overlay

The whole of the subject land is located within the Erosion Management Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The schedule to the Overlay is Management of Geotechnical Hazard.

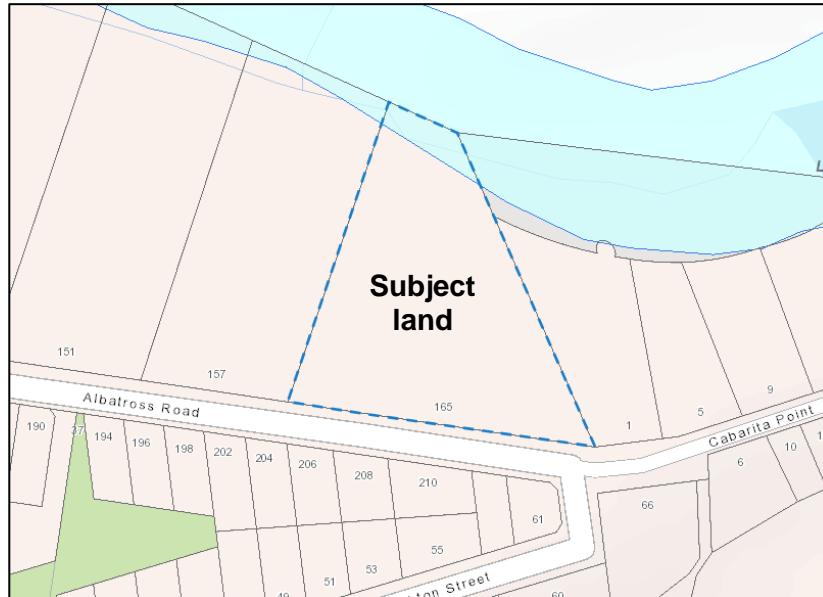
Sub-clause 4.0 Application requirements, requires a geotechnical risk assessment or waiver to accompany an application to subdivide the land.

The application is accompanied by a geotechnical risk assessment waiver advice letter. It concludes that provided protection barriers such as silt fencing are erected downslope of the driveway works, then no environmental risks should arise from the proposed subdivision.

The advice provided informs that vacant lot 1 is suitable for the development of a dwelling, provided possible sediment runoff during site works are managed appropriately and stormwater outlets protected by rock beaching.

6.5 Land Subject to Inundation Overlay

Part of the northern area of the property is included within the Land Subject to Inundation Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The relevant purposes and decision guidelines of the Overlay will be achieved by the proposal.

The lot proposed to be created will not be located within the area subject to risk mapping, free passage and temporary storage of floodwaters will remain unchanged, there is no additional risk to life, water quality can be maintained by on site management of stormwater and the area mapped within the Overlay will be surrendered to the State allowing for marine and coastal wellbeing of the waterway to be protected.

7. Conclusion

The proposed two lot subdivision at 165 Albatross Road, Kalimna is considered to accord with all relevant provisions of the Low Density Residential Zone, Environmental Significance Overlay 1-53, Design and Development Overlay 13, Erosion Management Overlay and Land Subject to Inundation Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy 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.

Reference No: B23347

Project No: 70923

13/09/2023

Crowther & Sadler Pty Ltd
P.O. Box 722
BAIRNSDALE Vic 3875

Attn: Aaron Hollow

Email: aaron@crowthersadler.com.au

Dear Aaron,

**RE: Proposed 2 Lot Subdivision
165 Albatross Road, Lakes Entrance.**

Chris O'Brien & Company Pty Ltd have been engaged by Aaron Hollow of Crowther & Sadler Pty Ltd to determine whether or not a full Geotechnical risk assessment report is required for a 2 lot subdivision at 165 Albatross Road, Lakes Entrance Vic 3909. An erosion management overlay exists over the property.

The purpose of this letter is to determine if the works to be carried out on this site will be a risk to the surrounding environment and is to be used in the planning application process only. This letter is not a soil classification report and shall not be used for this purpose.

Information contained in this letter is from a visual inspection of the site and based on information supplied to Chris O'Brien & Company Pty Ltd on the work to be completed on the site.

The site was inspected by Andrew Powell on the 13th September 2023.

Inspection of the allotment confirmed no erosion problems currently exist on the site. The allotment has excellent grass cover and had falls generally from north to south with falls of up to 1 in 4 observed. The allotment currently drains to the north towards natural water courses which lead into the North Arm. A dwelling currently exists at the western end of the property with access from Albatross Road. All services are currently available to the allotment. Photographs of the site and Albatross Road are attached to this report.

For the creation of the 2 lot subdivision additional service connections will need to be provided as well as a driveway constructed for access to the new allotment. With all services available only shallow trenching and excavation works are expected to be needed. For the construction of the driveway some minor earthworks and placement and compaction of materials will be required. During any works protection barriers such as silt fencing are to be provided on the downslope side of these works to protect all downslope assets. Provided this is done then no environmental risks are expected from this work.

Crowther & Sadler Pty Ltd

Proposed 2 Lot Subdivision at 165 Albatross Road, Lakes Entrance

Project No. 70923

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It is anticipated that a dwelling will be constructed on the allotment to be created. During any earthworks required or pavement works to be completed protection barriers must be placed to protect the northern boundary with these protection barriers to remain in place until all works have been completed and any batters formed either structurally supported or stabilised. Any stormwater created will need to be managed with flows limited to pre-development flows and all stormwater outlets are to be treated with rock beaching. Provided all this is done we anticipate no environmental risks from the construction of a dwelling.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as all conditions as listed in this report are strictly adhered to, we anticipate no environmental risks with the work to be undertaken.

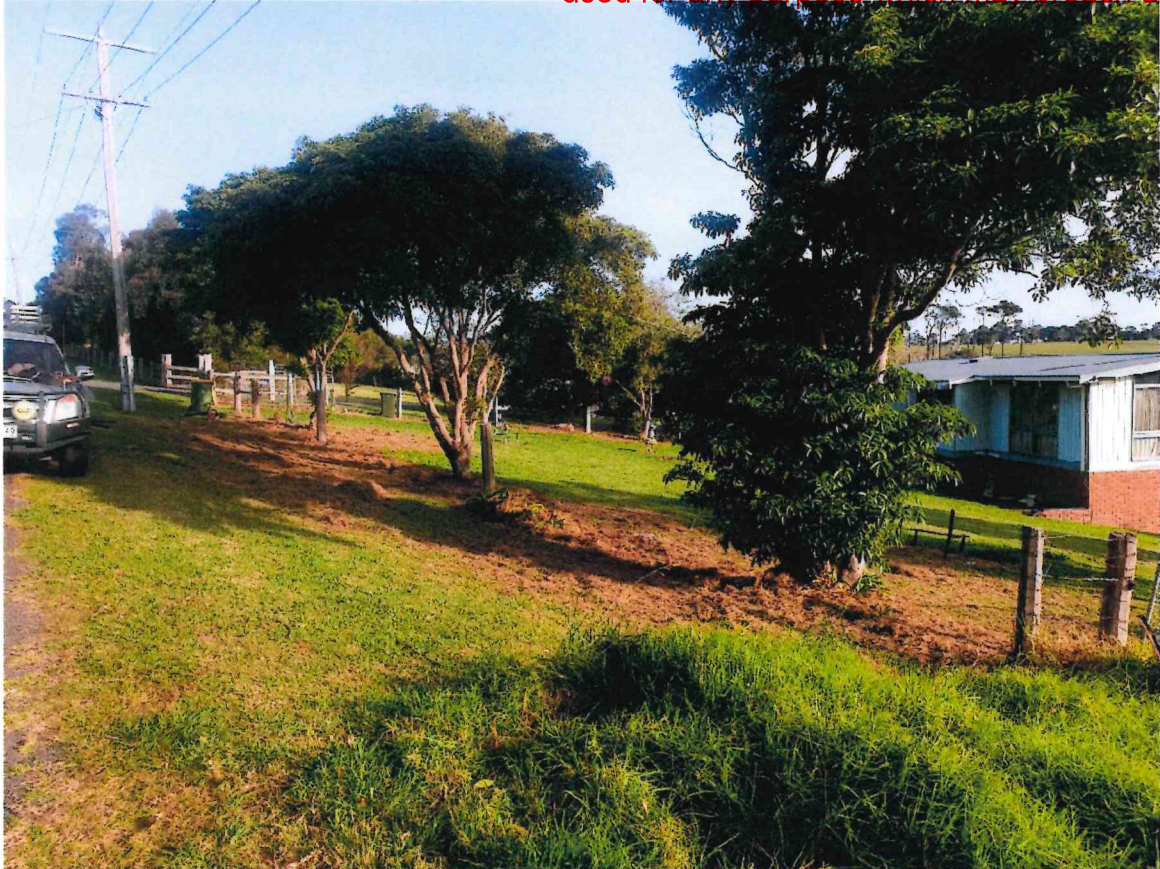
Should you need to clarify anything, please contact the Andrew Powell on 0402384596

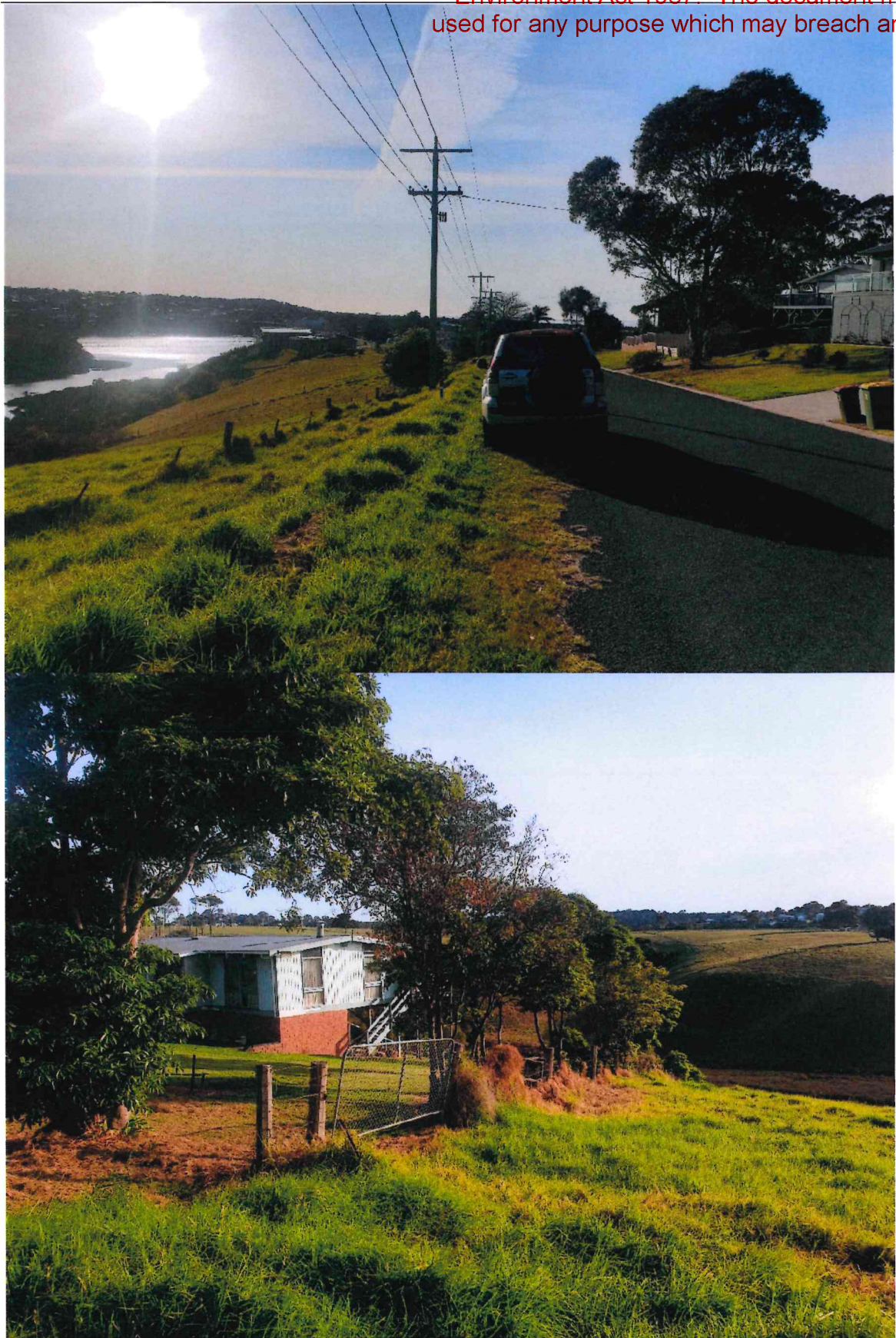
Yours faithfully,



Andrew Powell Assoc.Dip (Civil)
for CHRIS O'BRIEN & COMPANY PTY LTD

Photos Below Show the Street Views.

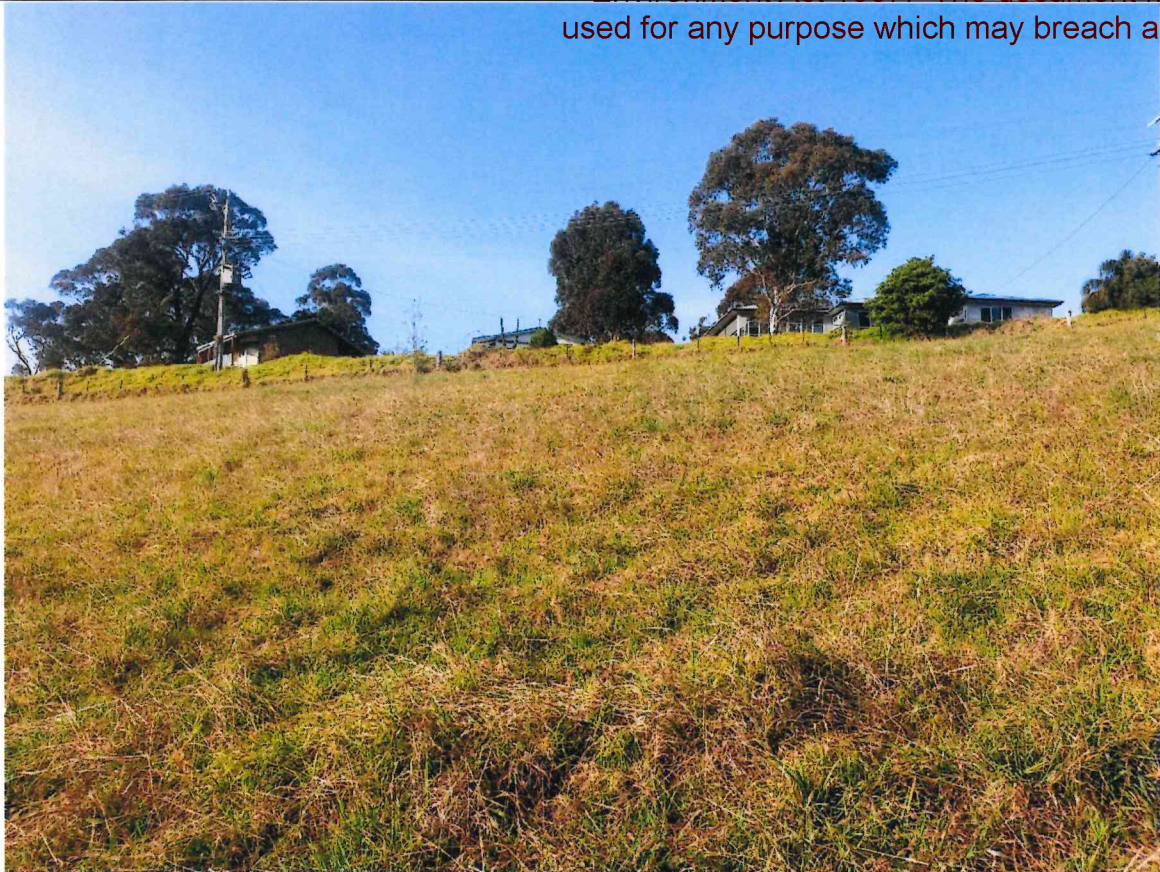


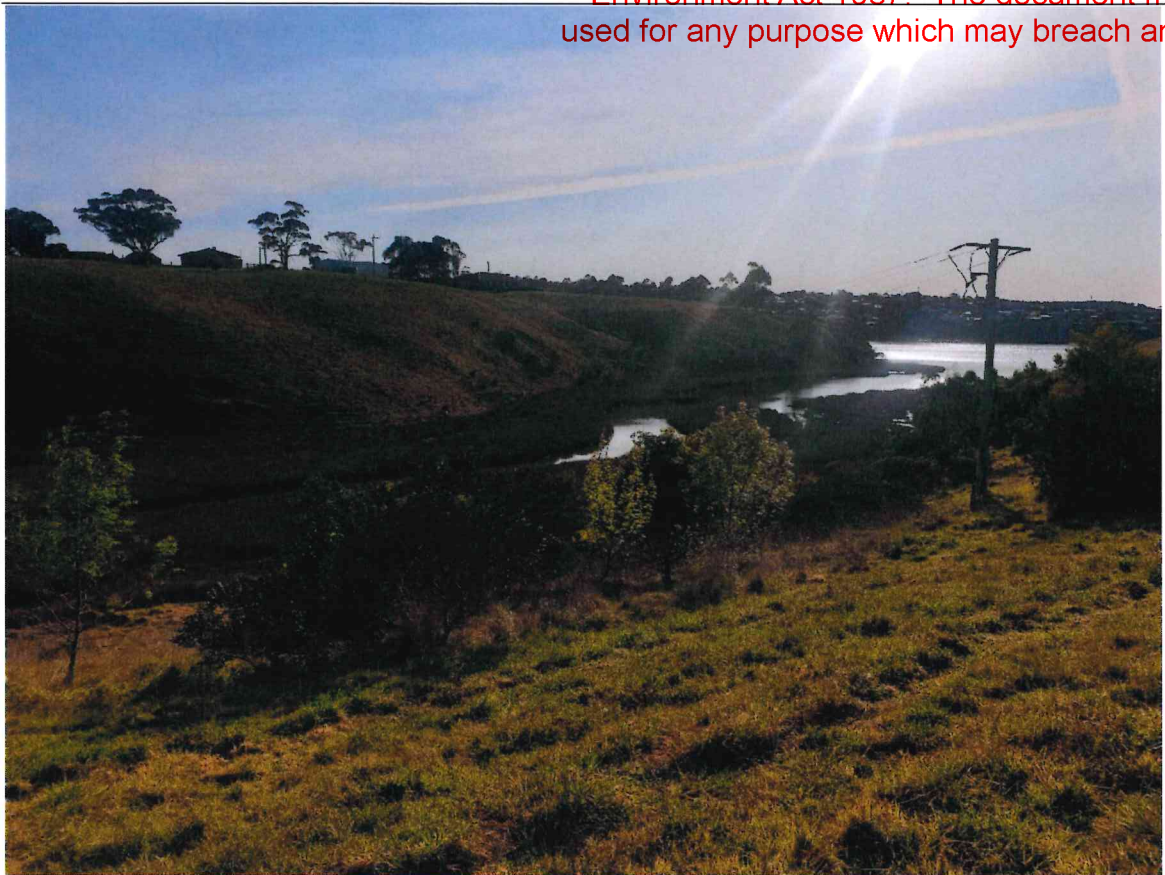


Photos Below Show General Site Layout of the Proposed Allotment









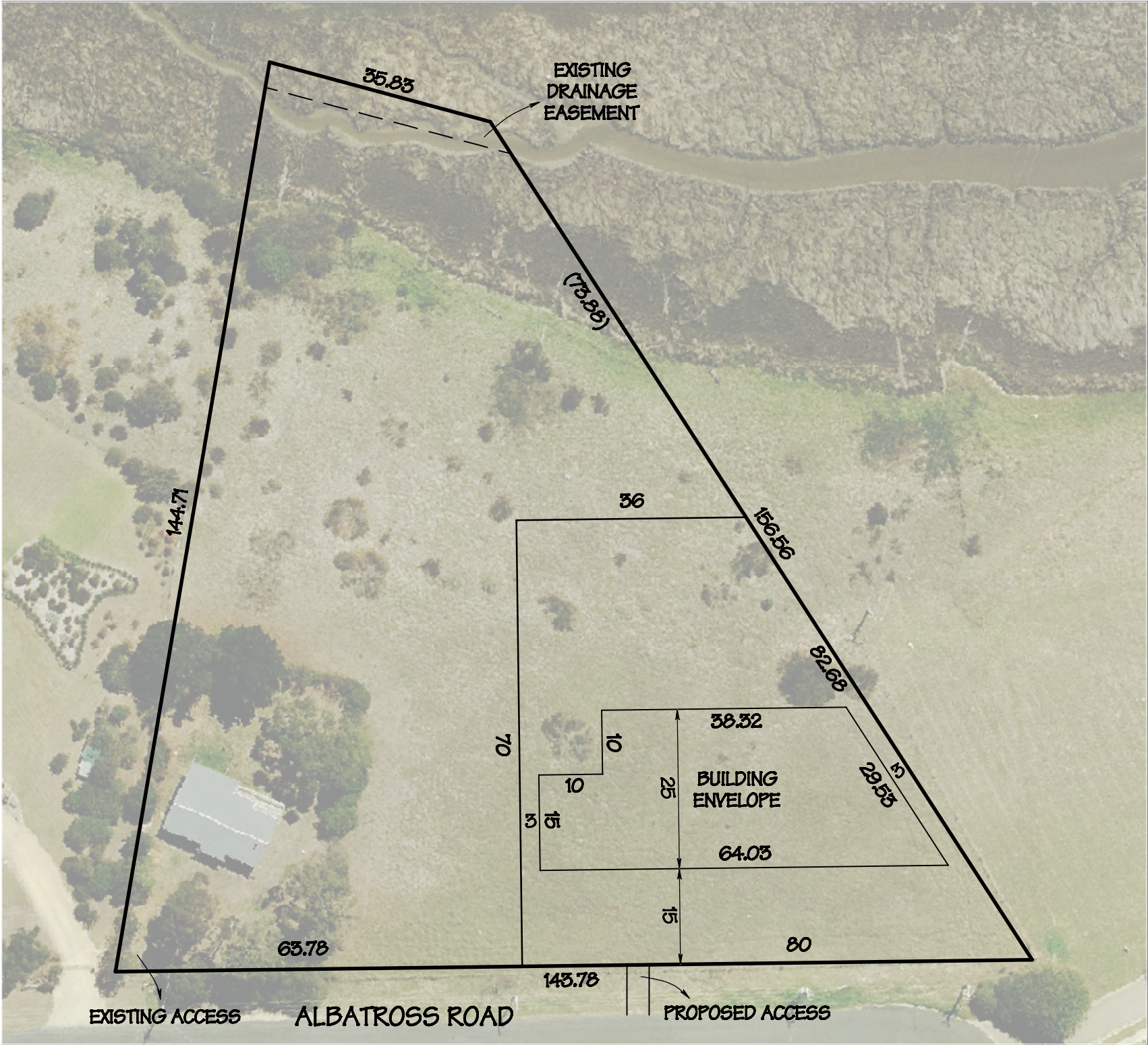
DESIGN RESPONSE

PARISH OF COLQUHOUN
CROWN ALLOTMENT 85 (PART)

LOT 1 ON LPI33696

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APPROX. TRUE NORTH



SUE EMMETT

165 ALBATROSS ROAD, KALIMNA

Crowther & Sadler Pty.Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5162 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\20000-20999\20600- 20699\20639 Emmett\20639 Design Response V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 800

SURVEYORS REF.

20639

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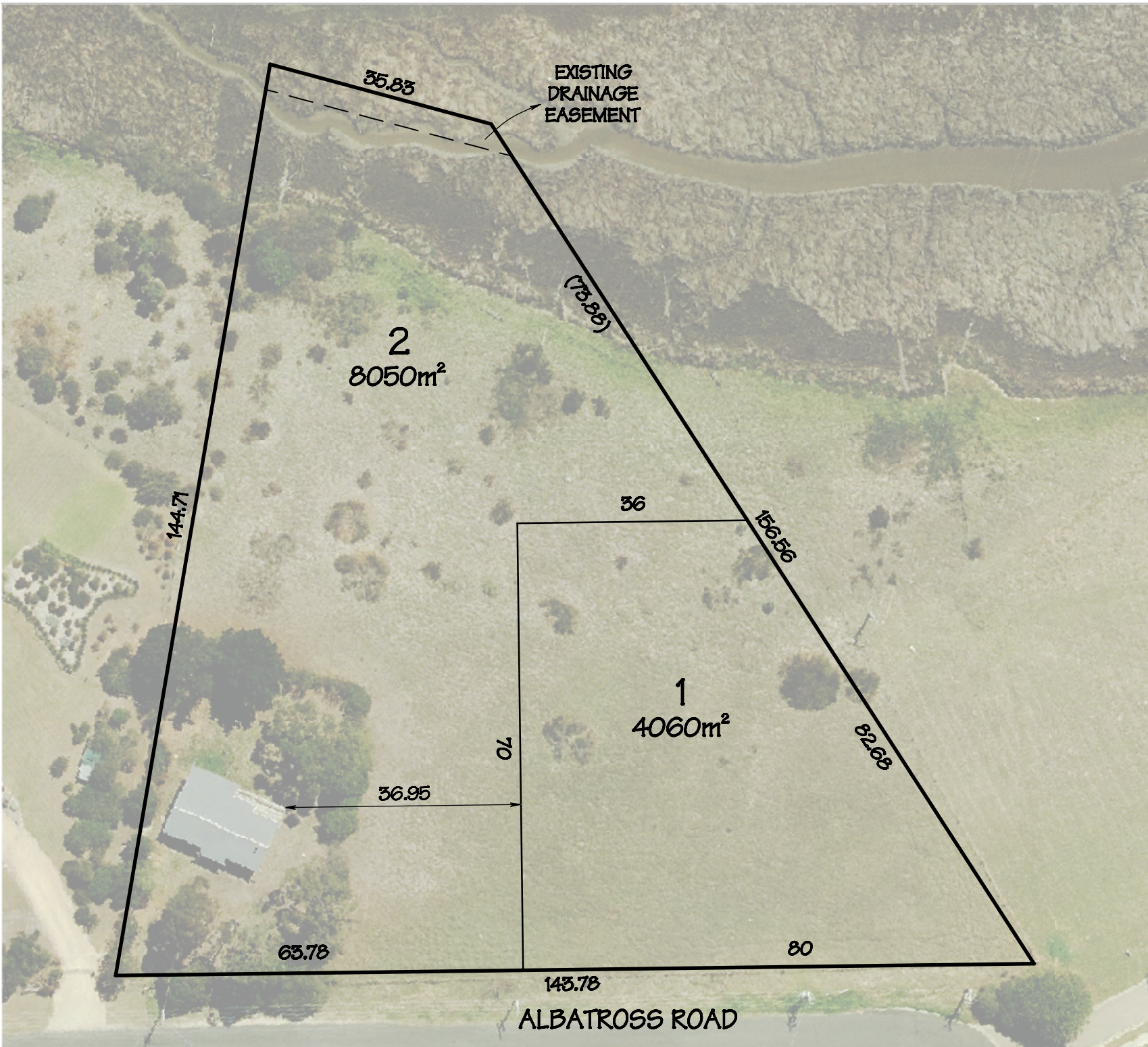
PROPOSED SUBDIVISION

PARISH OF COLQUHOUN
CROWN ALLOTMENT 85 (PART)

LOT 1 ON LPI33696

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APPROX. TRUE NORTH



SUE EMMETT

165 ALBATROSS ROAD, KALIMNA

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5162 5011 E. contact@crowthersadler.com.au

FILENAME: Y:\20000-20999\20600- 20699\20639 Emmett\20639 Prop V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 800

SURVEYORS REF.

20639

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