

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	17 Whithers Street LAKES ENTRANCE 3909 Lot: 1 TP: 538029
The application is for a permit to:	Two Lot Subdivision and Creation of a Restriction
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2024.305.1

You may look at the application and any documents that support the application free of charge at: <https://www.eastgippsland.vic.gov.au/building-and-development/advertised-planning-permit-applications>

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. 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.

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.

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

REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958 Page 1 of 3

VOLUME 07478 FOLIO 139

Security no : 124117672436G
Produced 23/08/2024 12:04 PM

LAND DESCRIPTION

Lots 1 and 2 on Title Plan 538029M.
PARENT TITLE Volume 07284 Folio 621
Created by instrument 2334824 01/09/1950

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
MARK DOMENICO FAZIOLI
GIULIETTA JANIECE FAZIOLI
AX288734V 25/09/2023

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 set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP538029M 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)

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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TITLE PLAN	EDITION 1 TP-538029M
Location of Land Parish: COLQUHOUN Township: LAKES ENTRANCE Section: Crown Allotment: 64 (PT) Crown Portion: Last Plan Reference: LP 4494 Derived From: VOL 7478 FOL 139 Depth Limitation: NIL	
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: 20/06/2000
 VERIFIED: P.C.

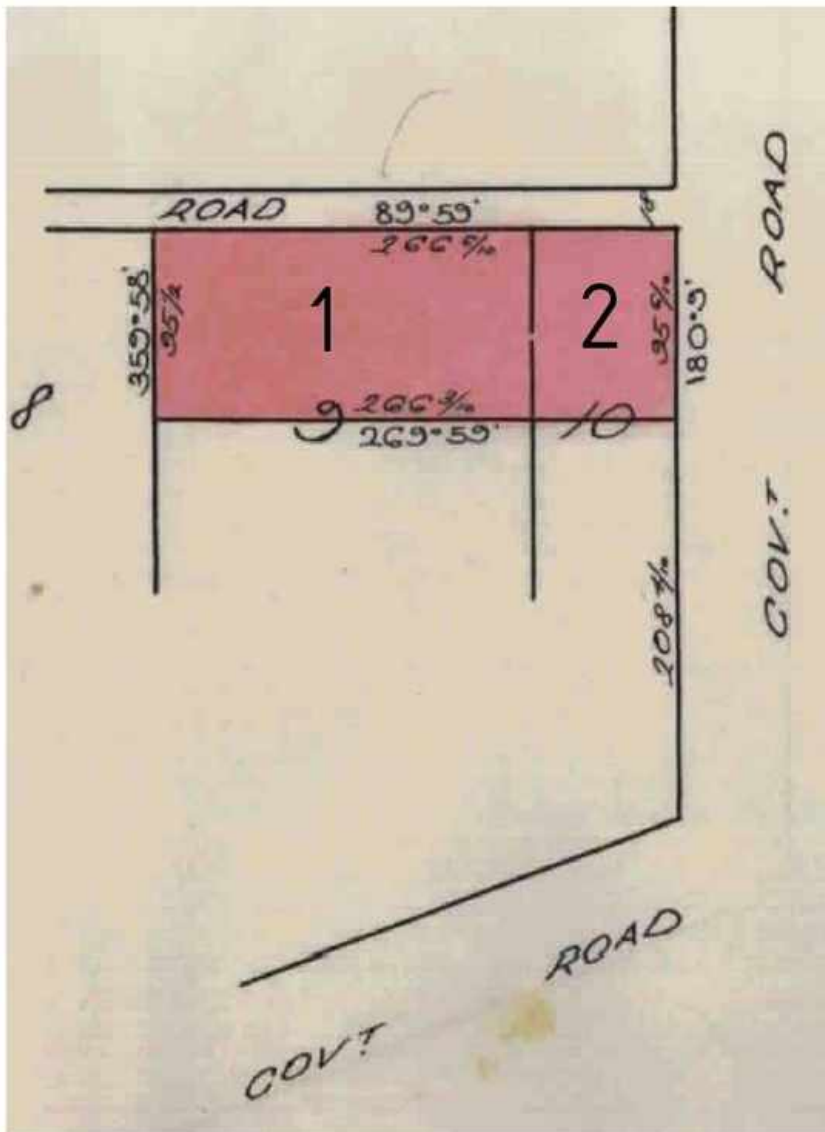


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = LOT 9 (PT) ON LP 4494
PARCEL 2 = LOT 10 (PT) ON LP 4494

Planning Report

Two Lot Subdivision and Creation of a Restriction
17 Whikers Street, Lakes Entrance

Our reference – 20939

4 September 2024



FS 520900



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	Design Response Plan (Version 1)	
	Copy of Title (Lots 1 and 2 on TP538029)	

Note: Applicable Planning Application fee is \$2,180.10 – 100% class 18 & 50% class 21

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision and creation of a restriction at 17 Whifers Street, Lakes Entrance. The Report addresses the provisions of the General Residential Zone 1 and Design and Development Overlay 13 as contained within the East Gippsland Planning Scheme.



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

2. Subject Land & Surrounding Context

Formally known as Lots 1 and 2 on TP538029 or more commonly known as 17 Whitters Street, Lakes Entrance, the subject land is regular in shape, has a flat landform and is located on the corner of Whitters Street and an unnamed northern road.

The subject land is developed with a single storey detached dwelling and the property is provided with access from Whitters Road and the unnamed road.



Image of the subject land and the unnamed northern road



Rear access to the subject site from the unnamed road

It would appear that the unnamed road also provides access to 35 and 39 Roadknight Street.

Whiters Road between Roadknight Street to the south and Coates Road to the north is a split carriageway road.

North of the subject land over the unnamed road are two properties each developed with a single storey detached dwelling. To the south of the subject property are three landholdings each developed with a single storey detached dwelling.

West of the subject land is a property developed with a single storey detached dwelling and outbuildings, and east across Whiters Street is holiday accommodation.

Located within 650 metres of the Lakes Entrance Activity Area the subject property is well positioned being close to entertainment, retail and commercial facilities. The subject land is well located being close to recreational and educational facilities.

Site Context Plan



A – Subject land

B - L.E Activity Area

C - Medical Centre

D – L.E Primary School

E – L.E Secondary College

F – L.E Rec Reserve

3. The Application & Proposal

It is proposed to subdivide the subject land into two lots. Proposed lot 1 is to contain the existing single storey detached dwelling and outbuilding within a 644 square metre allotment. Proposed lot 2 will be a vacant property of 387 square metres.

The possible building area as depicted on the design response provides for a double garage to the east of the lot, a minimum southern setback of 3 metres, a western setback of 1.2 metres and a northern setback of 4 metres. The possible building area provides confidence that proposed lot 2 can be developed with a dwelling that could achieve a garden area in excess of 25% of the allotment.

Being a corner property, the land is well placed to accommodate a subdivision with proposed lot 1 obtaining vehicle access from Whiter's Street and proposed lot 2 can be provided access from the unnamed northern road.

It is also proposed to introduce a restriction over lot 2 that will restrict buildings and structures within the north-eastern corner of the proposed lot to ensure vehicle access to the lot is able to be developed and accessibility to the allotment to be maintained into the future without encroachment of additional buildings and structures.



Proposed Subdivision Plan

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

Planning Scheme Clause No.	Description of what is proposed
Clause 32.08-3 General Residential Zone	Subdivision
Clause 43.02-3 Design and Development Overlay 13	Subdivision
Clause 52.02 Easements, Restrictions and Reserves	Create a restriction

The application does not require referral pursuant to Section 55 of the *Planning and 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 dark green (Source: VicPlan)

The subject land is located within an area of cultural heritage sensitivity however, a two lot subdivision is not considered a high impact activity. As such, there is no mandatory requirement to provide a CHMP in support of the application.

5. Planning Policy

5.1 Planning Policy Framework

Solid planning policy support for the proposed subdivision is found at Clause 11.01-1S Settlement as it will provide for a growth in population, assists the density of Lakes Entrance that supports healthy, active and sustainable transport and reduces urban sprawl.

Clause 11.01-1L-02 Growth area towns – Lakes Entrance seeks to promote growth within the settlement boundary. The subject land is well placed to accommodate an additional dwelling being located closely to many of the services and facilities the town has to offer.

Being within an area that is serviced by utility infrastructure the new lot will need to be connected to reticulated sewerage, water, electricity and telecommunications as sought within Clause 11.03-4L-01 Coastal settlements.

The subject land is setback approximately 300 metres from the Lake edge and is an elevated site of approximately 2.5 metres AHD. The future dwelling located within proposed lot 2 can be developed with a raised finished floor level allowing the new lot to mitigate against the future impacts of climate change in accordance with Clause 13.01-2S Coastal inundation and erosion.

The subject land is located outside of the Land Subject to Inundation Overlay mapping, and egress in a time of flooding can occur northwards consistent with Clause 13.03-1S Floodplain management.

Clause 15.01-3S Subdivision design seeks subdivisions to achieve attractive, safe, accessible, diverse and sustainable neighbourhoods. The subject site is well positioned to undertake a subdivision being within walking distance to the Lakes Entrance Activity Area and is able to be connected to reticulated services. The subdivision provides for a vacant lot of a size that will suit a variety of dwelling and household types in accordance with Clause 15.01-3S Subdivision design.

The neighbourhood character of the area is varied with no predominant lot sizes or shapes. Located on the corner of Whifers Street and an unnamed road the proposed subdivision will create a vacant lot where a future dwelling can positively address the unnamed road and allows for an easily developable land parcel sought within Clause 15.01-5S Neighbourhood character.

Creating a vacant allotment for future development increases the proportion of housing within an existing established urban area and reduces the share of new dwellings in greenfield areas consistent with Clause 16.01-1S Housing supply.

5.2 Municipal Planning Strategy

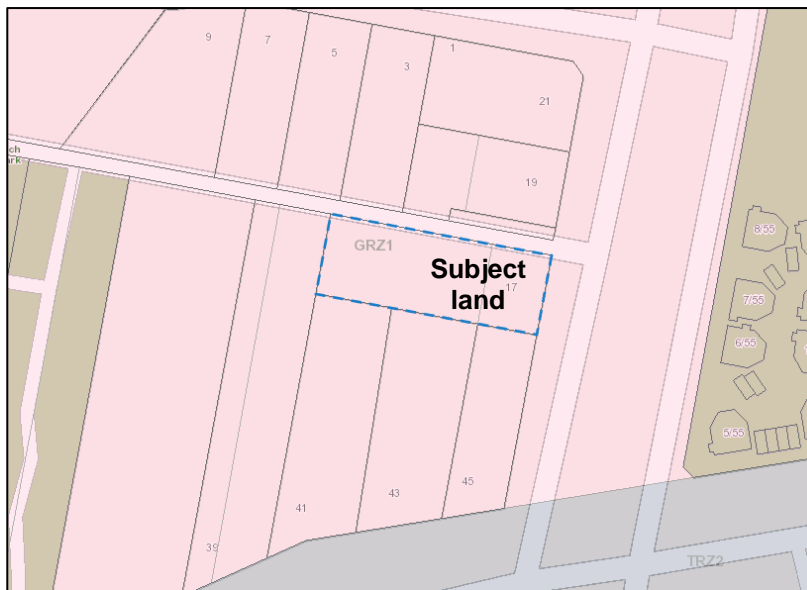
Relevant Council strategic directions within Clause 02.03-1 Settlement and housing are promoted by the proposed subdivision. The proposed development will provide for population growth and development on fully serviced residential land within a growth town and provides a vacant lot that can be developed with a range of housing types and styles.

Potential impacts from climate-induced sea level rise have been considered. The land is well setback from the Gippsland Lakes and is around 2.5 metres AHD in elevation. The creation of a vacant allotment will allow for a future dwelling to be constructed to mitigate sea level rise in accordance with Clause 02.03-3 Environmental risks and amenity.

6. Planning Elements

6.1 General Residential Zone

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



Planning scheme zone mapping (Source: VicPlan)

Relevant purposes of the General Residential Zone are met by the proposed subdivision as solid planning policy support is found within the Municipal Planning Strategy and Planning Policy Framework. The creation of a vacant lot to be developed for housing will positively add to the neighbourhood character and allows for a diversity of housing types and growth in a location offering good access to services.

Clause 32.08-3 Subdivision requires a permit to subdivide land and a vacant lot less than 400 square metres must have at least 25% of the lot as garden area.

The proposed subdivision is considered to comply with the relevant provisions of Clause 56. The following table provides comment against the standards and objectives of Clause 56 relevant to a two lot subdivision.

Objective	Comment
<p>56.03-5</p> <p>Neighbourhood Character</p>	<p>Complies</p> <p>The area has a varied neighbourhood character which sees little predominant lot sizes, shapes and orientation.</p> <p>The proposed subdivision will sit comfortably within the context of the area. The subdivision has been designed to take advantage of the corner allotment and will allow for a dwelling to be developed on the vacant lot that will positively address the unnamed road.</p>
<p>56.04-2</p> <p>Lot area and building envelopes</p>	<p>Complies</p> <p>Proposed lot 1 incorporating the existing dwelling will respect the orientation of the dwelling and provides ample private open space and car parking.</p> <p>Proposed 2 can easily accommodate a 10x15 metre rectangle and the logical development of lot 2 will see a dwelling facing the unnamed road providing a positive sense of address.</p> <p>The subdivision layout provides area for anticipated future development on the vacant lot to enjoy solar access, provision of private open space and safe vehicle movements within allotment boundaries.</p>
<p>56.04-3</p> <p>Solar orientation of lots</p>	<p>Complies</p> <p>Proposed Lot 1 will maintain solar access to the private open space.</p> <p>Lot 2 contains sufficient area to provide appropriate solar orientation for the establishment of a future dwelling.</p>
<p>56.04-5</p> <p>Common Areas</p>	<p>N/A</p> <p>There are no areas of Common Property proposed.</p>
<p>56.06-8</p> <p>Lot access</p>	<p>Complies</p> <p>Access to lot 1 will maintain the existing access to the dwelling.</p> <p>Access to proposed lot 2 will be provided from the unnamed northern road. It is considered appropriate to create a restriction to ensure the lot access location is known to a future landowner and is maintained free of structures.</p> <p>The use of individual points of access will be safe, convenient and practical.</p>
<p>56.07-1</p> <p>Drinking water supply</p>	<p>Complies</p> <p>Reticulated water is provided to the subject land and will be connected to both allotments as part of the subdivision.</p>
<p>56.07-2</p> <p>Reused and recycled water</p>	<p>Complies</p> <p>East Gippsland Water does not provide connections to reused and recycled water.</p>

56.07-3 Wastewater management	Complies Reticulated sewer is established within the precinct. The vacant lots will be connected to sewer as part of the subdivision consistent with Standard C24.
56.07-4 Urban run-off management	Complies Drainage will be provided to the satisfaction of the Responsible Authority. Drainage in the precinct is provided via Whifers Street.
56.08-1 Site management	Complies The site will be managed to the satisfaction of the Responsible Authority.
56.09-1 Shared trenching	Complies All utility service connections will be undertaken in accordance with service provider requirements
56.09-2 Electricity and telecommunications	Complies The proposal will make good use of a full range of existing services as available within the precinct. The vacant proposed allotments will be connected to reticulated power, water, sewer and telecommunications.

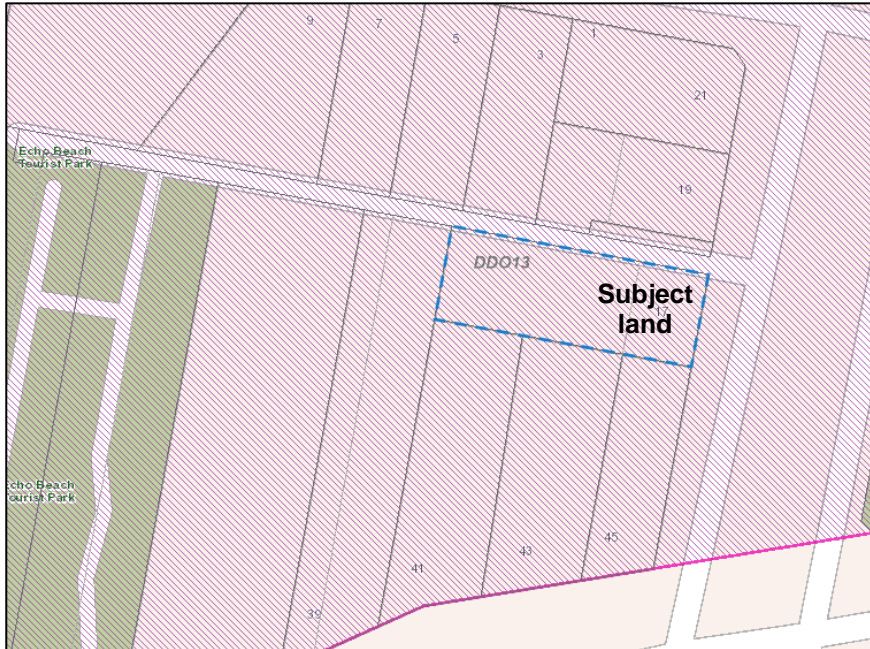
Decision Guidelines

The following dot points provide some comment against the key elements of the project in response to the Decision Guidelines.

- Support for the subdivision is provided in planning policy within the Municipal Planning Strategy and Planning Policy Framework.
- The proposed two lot subdivision provides opportunity for infill residential opportunities into the precinct which is capable of sustaining further residential style development and is zoned appropriately.
- The subdivision will make good use of existing services and the site is already connected to a full range of reticulated services.
- The site is well located being within an existing well established residential precinct which is close to the educational facilities, an active recreational node and the Lakes Entrance Activity Centre.
- Both lots will be provided with direct frontage and access from the adjoining road network and future development of the vacant lot will appropriately front the unnamed road.
- There will be no adverse environmental issues arising from this subdivision.
- Appropriate garden area is provided within each proposed allotment.
- There are no areas of Common Property proposed and no Owners Corporation will be required as a result of the proposal.

6.2 Design and Development Overlay 13

The subject land is contained within the Design and Development Overlay 13.



Planning scheme zone mapping (Source: VicPlan)

Schedule 13 to the Overlay is Residential Developments in Coastal Settlements: Lakes Entrance. The schedule has specified certain character areas within Lakes Entrance and the subject land is located within character area 7 – Inner residential.

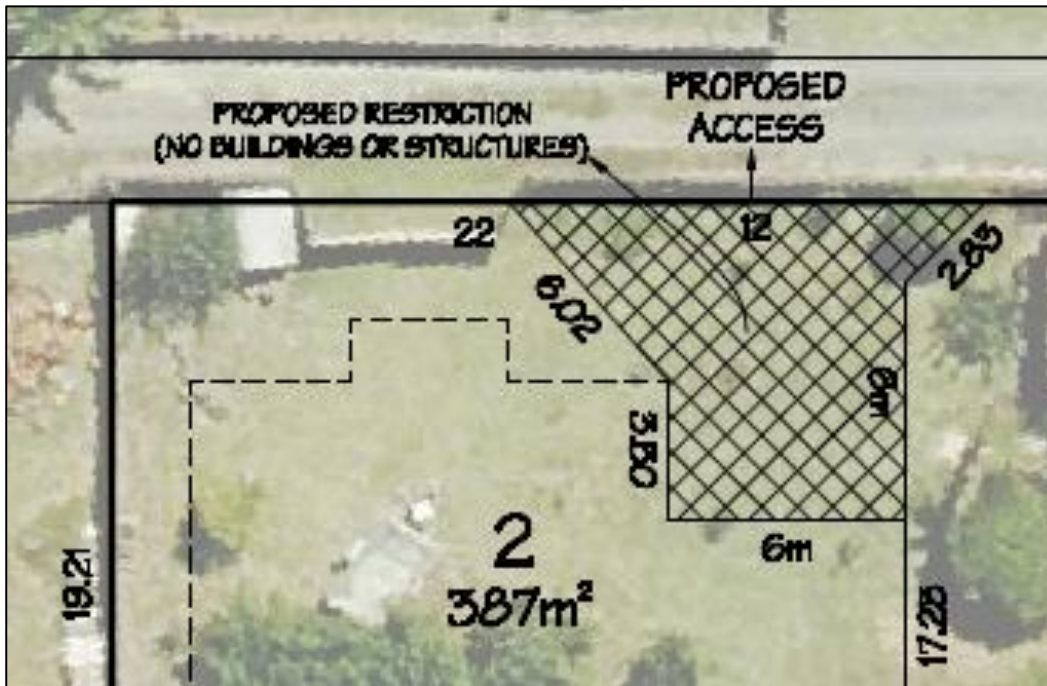
It is considered that the proposed subdivision meets the objectives and decision guidelines of the Overlay schedule:

- The location of the subject site is within a modified environment and the future development of the lot will not detrimentally affect the natural landscape.
- The proposed subdivision is unlikely to result in a future dwelling that will be visually obtrusive, as the vacant lot is surrounded by built form.
- No remnant native vegetation is required to be removed to facilitate the proposal.
- No environmentally sensitive areas such as foreshores or wetlands will be detrimentally impacted by the subdivision.
- The existing lot frontage width will remain as exists.
- The older character of the area will not detract from the older character of the area.

6.3 Easements, Restrictions and Reserves

The proposed subdivision seeks to introduce a restriction on proposed lot 2.

The purpose of the restriction is to advise the future landowner of proposed lot 2 the need to access the lot from the eastern side of lot 2 and maintain the access area clear of buildings and structures ensuring access is always available.



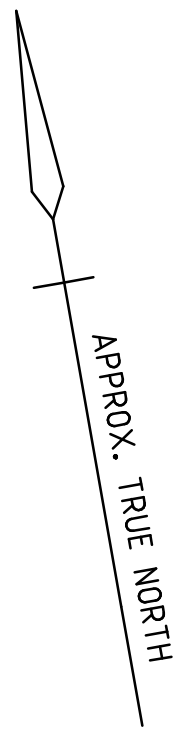
Proposed restriction sought to be introduced on proposed lot 2

The proposed restriction is considered to allow for the interests of the lot 1 landowner to ensure vehicle parking is provided onsite.

7. Conclusion

The proposed two lot subdivision and creation of a restriction at 17 Whifers Street, Lakes Entrance is considered to accord with all relevant provisions of the General Residential Zone 1 and Design and Development Overlay 13 of the East Gippsland Planning Scheme. The proposal is consistent with the 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.



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 17 WHITERS STREET, LAKES ENTRANCE

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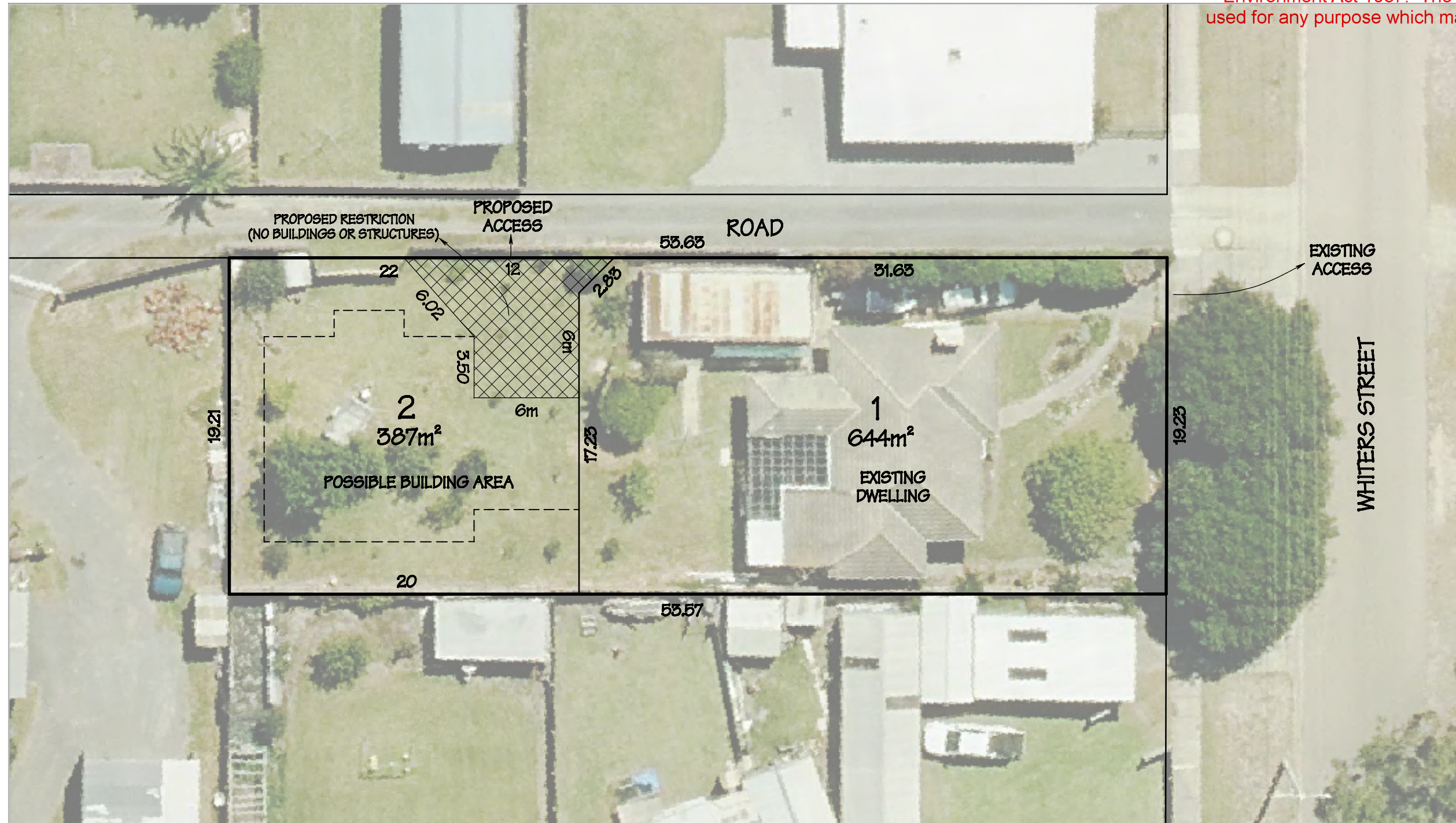
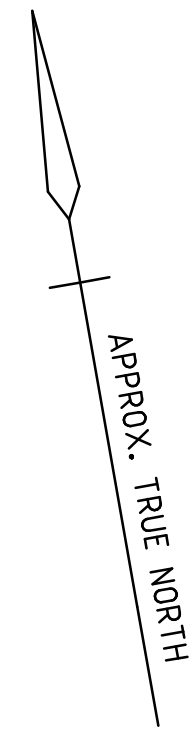
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NOTATIONS	
AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY	
SCALE (SHEET SIZE A3)	SURVEYORS REF.
1 : 250	20939
VERSION 1 - DRAWN 30/08/2024	

PROPOSED SUBDIVISION

PARISH OF COLQUHOUN
 TOWNSHIP OF LAKES ENTRANCE
 CROWN ALLOTMENT 64 (PART)

C/T VOL 7478 FOL 139
 LOTS 1 & 2 ON TP538029M



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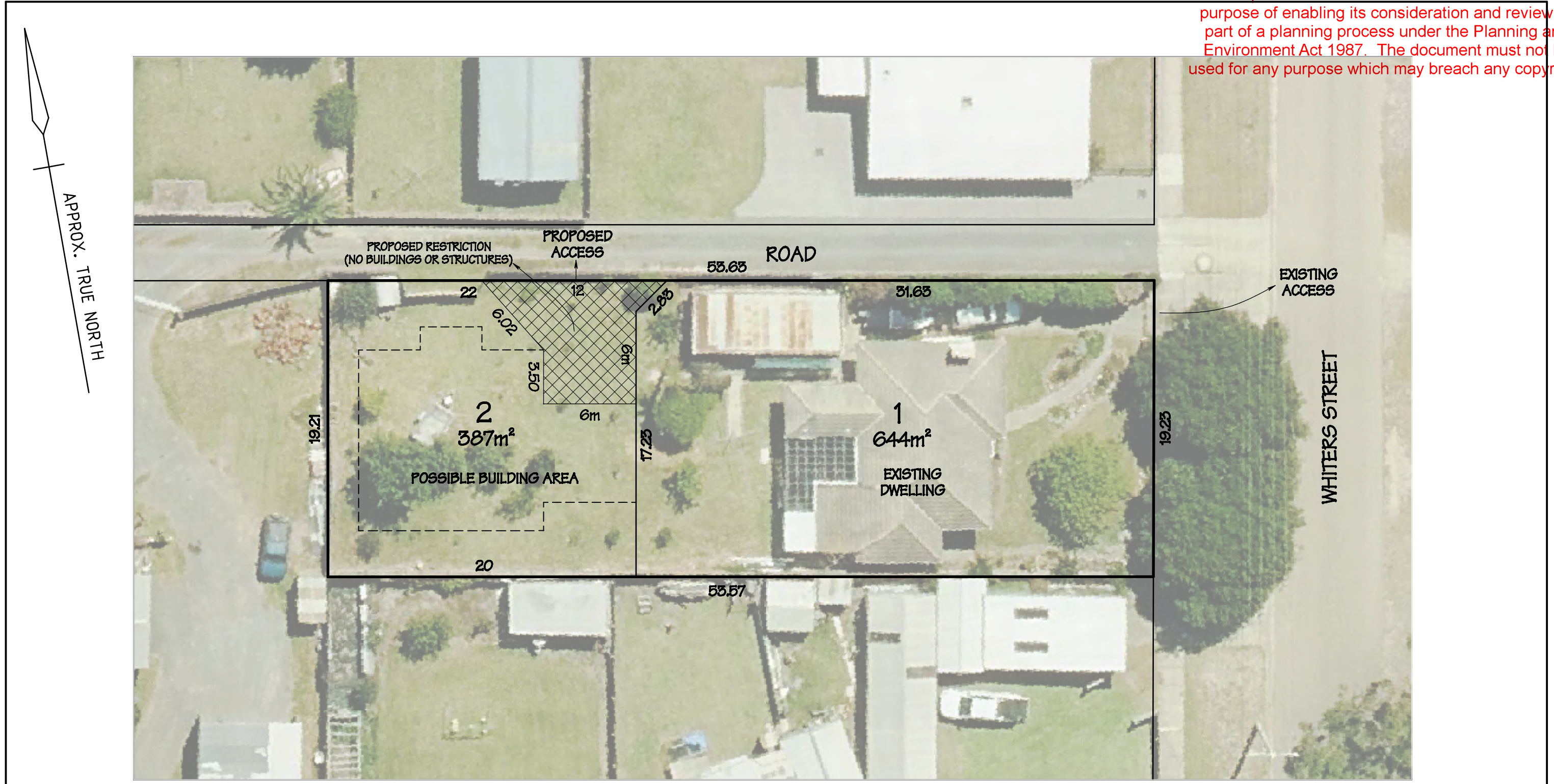
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DESIGN RESPONSE PLAN

PARISH OF COLQUHOUN
TOWNSHIP OF LAKES ENTRANCE
CROWN ALLOTMENT 64 (PART)

C/T VOL 7478 FOL 139
LOTS 1 & 2 ON TP538029M



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