

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	114 Capes Road LAKES ENTRANCE VIC 3909, 112 Capes Road LAKES ENTRANCE VIC 3909 Lot: RES1 LP: 83250, Lot: 1 LP: 83250
The application is for a permit to:	Two Lot Subdivision (Boundary Realignment) and Partial Removal of Reservation Status
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.08-3 (GRZ1)	Subdivide land.
36.02-2 (PPRZ)	Subdivide land.
44.01-5 (EMO)	Subdivide land.
52.02	Proceeding under Section 24A of the Subdivision Act 1988 to partially remove Reservation status,
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2025.176.1

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
---	---

If you object, the Responsible Authority will tell you its decision.

April McDonald

From: Planning Unit Administration
Sent: Tuesday, 19 August 2025 10:24 AM
To: ~~Planning Unit Administration~~
Subject: FW: 02/06 ALLO - 114 (&112) Capes Road LAKES ENTRANCE
Attachments: Planning_Permit_Application_2025_2025-06-02T15-48-20_25519782_0.pdf; 21206 CoT Vol_7989_Fol_134.pdf; 21206 CoT Vol_8767_Fol_474.pdf; 21206 Land Manager Consent 114 Capes Road May 2025 .pdf; 21206 Prop V1.pdf; 21206 Report.pdf

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Monday, 2 June 2025 3:49 PM
To: Planning Unit Administration <Planning@egipps.vic.gov.au>
Subject: Planning Permit application

Planning Permit Application

A "Planning Permit Application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722, Bairnsdale

Preferred phone number: 0351525011

Owner's name:

Owner's postal address:

Street number: 114

Street name: Capes Road

Town: Lakes Entrance

Post code: 3909

Lot number: 1

Plan number: PS083250

Is there any encumbrance on the Title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?: No

Will the proposal result in a breach of a registered covenant restriction or agreement?: No

Existing conditions : Existing Dwelling

Description of proposal : Subdivision (Boundary Realignment) and Partial Removal of Reservation Status

Estimated cost of development: 0

Has there been a pre-application meeting: Yes

Your reference number: 21206

Full copy of Title: [21206 CoT Vol_7989_Fol_134.pdf](#), [21206 CoT Vol_8767_Fol_474.pdf](#)

Covenants agreements: [21206 Land Manager Consent 114 Capes Road May 2025 .pdf](#)

Plans: [21206 Prop V1.pdf](#)

Planning report: [21206 Report.pdf](#)

Invoice Payer: Crowther & Sadler Pty Ltd

Address for Invoice: PO Box 722, Bairnsdale

Invoice Email: contact@crowthersadler.com.au

Primary Phone Invoice: 0351525011

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

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

Page 1 of 3

VOLUME 07989 FOLIO 134

Security no : 124124825556C
Produced 28/05/2025 08:35 AM

LAND DESCRIPTION

Reserve 1 on Plan of Subdivision 083250 and Road R1 on Plan of Subdivision 083250.

PARENT TITLE Volume 07534 Folio 130

Created by instrument 2572945 16/12/1953

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 LP083250 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: 114 CAPES ROAD LAKES ENTRANCE VIC 3909

ADMINISTRATIVE NOTICES

NIL

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Effective from

DOCUMENT END

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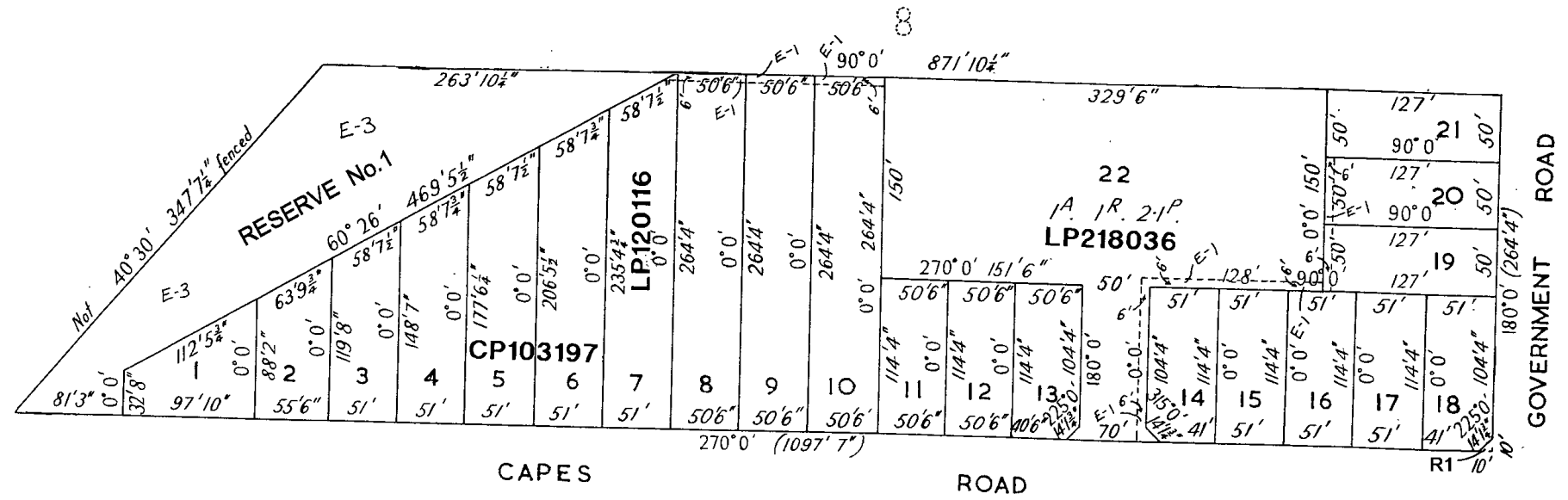
LP83250
EDITION 1
APPROVED 2/1/2019

PLAN OF SUBDIVISION OF:	APPROPRIATIONS	ENCUMBRANCES & OTHER NOTATIONS
CROWN ALLOTMENT 9, SECTION A	DRAINAGE AND SEWERAGE - BLUE	THE LAND COLOURED GREEN IS A RECREATION RESERVE.
TOWNSHIP OF LAKES ENTRANCE	AND GREEN	
PARISH: COLQUHOUN	WAY AND DRAINAGE - BROWN	
COUNTY: TAMBO		

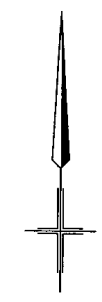
V.7989 F.134

Measurements are in Feet & Inches
Conversion Factor
FEET X 0.3048 = METRES

DEPTH LIMITATION: 50 FEET
COLOUR CONVERSION
E-1 = BLUE
R1 = BROWN
E-3 = GREEN



THE RESERVE COLOURED GREEN.....
ON LODGED PLAN NO. 83250..... IS VESTED
IN THE COUNCIL OF THE SHIRE OF TAMBO.....
PURSUANT TO SECTION 569BA OF THE LOCAL
GOVERNMENT ACT 1958
GOVERNMENT GAZETTE DATED... 31/3/78.....
CORRES.....





Department of Environment, Land, Water & Planning

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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.

Produced: 28/05/2025 08:35:50 AM

Dealing Number: AN496182L

Rectification Date: 25/01/2017

Rectification Category: Propr: Proprietorship

Status: Registered

RECTIFICATION

Raised By: EAST GIPPSLAND SHIRE COUNCIL
273 MAIN STREET
BAIRNSDALE VIC 3875

Folio Affected	CofT Supplied	Controlling Party
10036/954	Yes	EAST GIPPSLAND SHIRE COUNCIL
10059/053	Yes	EAST GIPPSLAND SHIRE COUNCIL
10085/653	Yes	EAST GIPPSLAND SHIRE COUNCIL
11157/212	Yes	EAST GIPPSLAND SHIRE COUNCIL
11157/214	Yes	EAST GIPPSLAND SHIRE COUNCIL
11407/997	Yes	EAST GIPPSLAND SHIRE COUNCIL
11422/078	Yes	EAST GIPPSLAND SHIRE COUNCIL
11443/554	Yes	EAST GIPPSLAND SHIRE COUNCIL
11470/430	Yes	EAST GIPPSLAND SHIRE COUNCIL
11508/253	Yes	EAST GIPPSLAND SHIRE COUNCIL
7989/134	Yes	EAST GIPPSLAND SHIRE COUNCIL
8388/804	Yes	EAST GIPPSLAND SHIRE COUNCIL
8388/805	Yes	EAST GIPPSLAND SHIRE COUNCIL
8388/807	Yes	EAST GIPPSLAND SHIRE COUNCIL
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8388/809	Yes	EAST GIPPSLAND SHIRE COUNCIL
8388/810	Yes	EAST GIPPSLAND SHIRE COUNCIL
8388/811	Yes	EAST GIPPSLAND SHIRE COUNCIL
8402/983	Yes	EAST GIPPSLAND SHIRE COUNCIL
8552/459	Yes	EAST GIPPSLAND SHIRE COUNCIL
8554/201	Yes	EAST GIPPSLAND SHIRE COUNCIL
8651/201	Yes	EAST GIPPSLAND SHIRE COUNCIL
8863/778	Yes	EAST GIPPSLAND SHIRE COUNCIL
8980/757	Yes	EAST GIPPSLAND SHIRE COUNCIL
9431/368	Yes	EAST GIPPSLAND SHIRE COUNCIL



Department of Environment, Land, Water & Planning

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Electronic Instrument Statement

9580/489	Yes	EAST GIPPSLAND SHIRE COUNCIL
9592/333	Yes	EAST GIPPSLAND SHIRE COUNCIL
9612/146	Yes	EAST GIPPSLAND SHIRE COUNCIL
9687/618	Yes	EAST GIPPSLAND SHIRE COUNCIL
9793/714	Yes	EAST GIPPSLAND SHIRE COUNCIL
9844/320	Yes	EAST GIPPSLAND SHIRE COUNCIL
9918/687	Yes	EAST GIPPSLAND SHIRE COUNCIL
9923/464	Yes	EAST GIPPSLAND SHIRE COUNCIL
9971/784	Yes	EAST GIPPSLAND SHIRE COUNCIL
9985/156	Yes	EAST GIPPSLAND SHIRE COUNCIL

Details of Rectification

COUNCIL ELECTRONIC TITLE CONVERSION PROJECT

Statement End.

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

Page 1 of 3

VOLUME 08767 FOLIO 474

Security no : 124124770235H
Produced 26/05/2025 01:48 PM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 083250.
PARENT TITLE Volume 07989 Folio 134
Created by instrument LP083250 25/03/1969

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

ENCUMBRANCES, CAVEATS AND NOTICES

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ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 112 CAPES ROAD LAKES ENTRANCE VIC 3909

ADMINISTRATIVE NOTICES

NIL

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LP83250
EDITION 1
APPROVED 2/1/2019

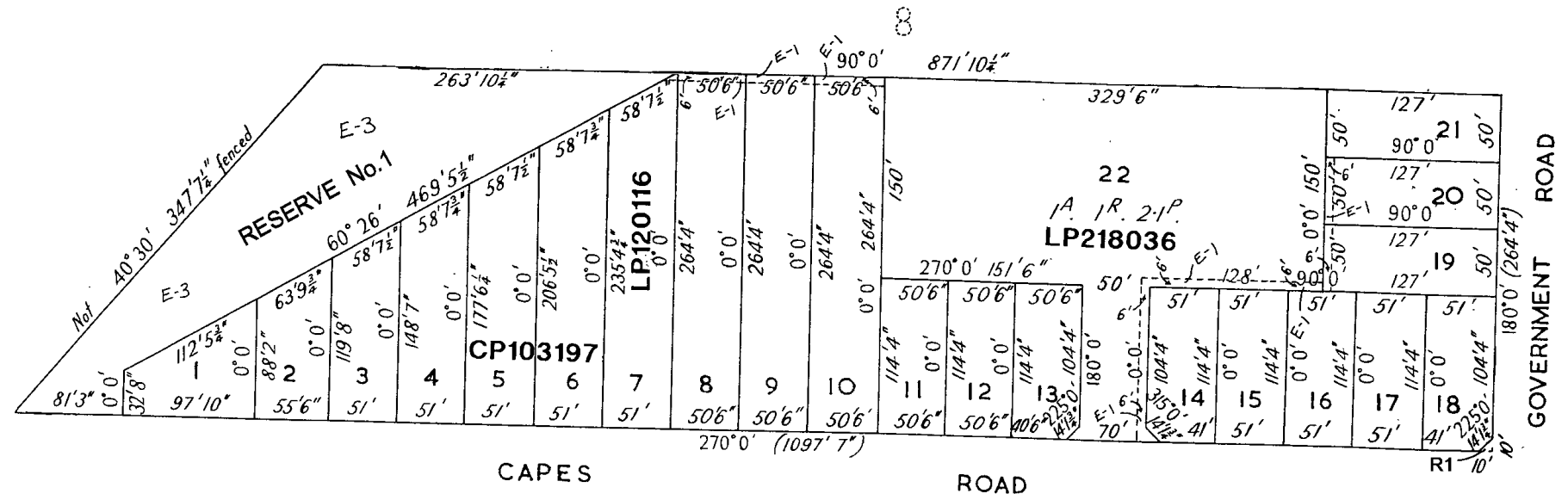
PLAN OF SUBDIVISION OF:	APPROPRIATIONS		ENCUMBRANCES & OTHER NOTATIONS
<u>CROWN ALLOTMENT 9, SECTION A</u>	DRAINAGE AND SEWERAGE -	BLUE	THE LAND COLOURED GREEN IS A RECREATION RESERVE.
<u>TOWNSHIP OF LAKES ENTRANCE</u>	AND	GREEN	
<u>PARISH: COLQUHOUN</u>	WAY AND DRAINAGE -	BROWN	
<u>COUNTY: TAMBO</u>			

DEPTH LIMITATION: 50 FEET

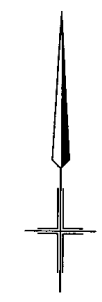
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GOVERNMENT ACT 1958
GOVERNMENT GAZETTE DATED... 31/3/78.....
CORRES.....



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

Facsimile: (03) 5153 9576

Email: feedback@egipps.vic.gov.au

ABN 81 957 967 765

1 June 2025

Mr Richard Hoxley
PO Box 722
BAIRNSDALE VIC 3880

Dear Richard

Application Consent to Lodge Planning Permit 114 Capes Road Lakes Entrance

As Council's land manager, I give in principle consent to the lodgement of a planning permit application for the above property.

Yours sincerely

PAUL ROONEY
Manager Infrastructure and Open Space

CHRIS O'BRIEN & COMPANY PTY LTD

CONSULTING CIVIL & STRUCTURAL ENGINEERS

Reference No: B25210

Project No: 220525

12/06/2025

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

Attn: Aaron Hollow

Email:

Dear Aaron,

**RE: Proposed 2 Lot Subdivision
114 Capes 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 proposed 2 lot subdivision at 114 Capes 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 11th June 2025.

114 Capes Road, lakes Entrance is located along the North Arm and access is gained from Capes Road with the land currently being a public reserve. The land is relatively steep and full of natural vegetation all the way down to the North Arm bank. 112 Capes Road has boundaries to the north and west with 114 Capes Road with some assets that encroach into the land known as 114 Capes Road. the purpose of the subdivision is to subdivide a small parcel of land from 114 Capes Road to allow the existing assets to be placed on private property. The land proposed to be subdivided is currently fenced and contains part of the swimming pool and deck belonging to 112 Capes Road. Photos of our findings are attached to this report.

For the creation of the proposed subdivision the only additional work required would be updating the existing paling fence and replacing with a steel panel fence to match the rest of the fence. The pool area is fully constructed with no additional work required. During any fencing works care must be taken as to not damage any existing vegetation and to ensure

All correspondence to:
P.O. Box 18
Traralgon Vic. 3844

13A Church Street
Traralgon Vic. 3844

Telephone (03) 5174 9911
Facsimile (03) 5174 0011

Printed 19/08/2025

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Crowther & Sadler Pty Ltd

Proposed 2 Lot Subdivision at 114 Capes Road, Lakes Entrance

Project No. 220525

Page 2 of 8

sediment controls are put in place during the works. Provided this is done we expect no environmental risks from this work.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as normal precautions are taken as we have listed above, we anticipate no environmental risks on this site with the work to be undertaken.

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

Yours faithfully,

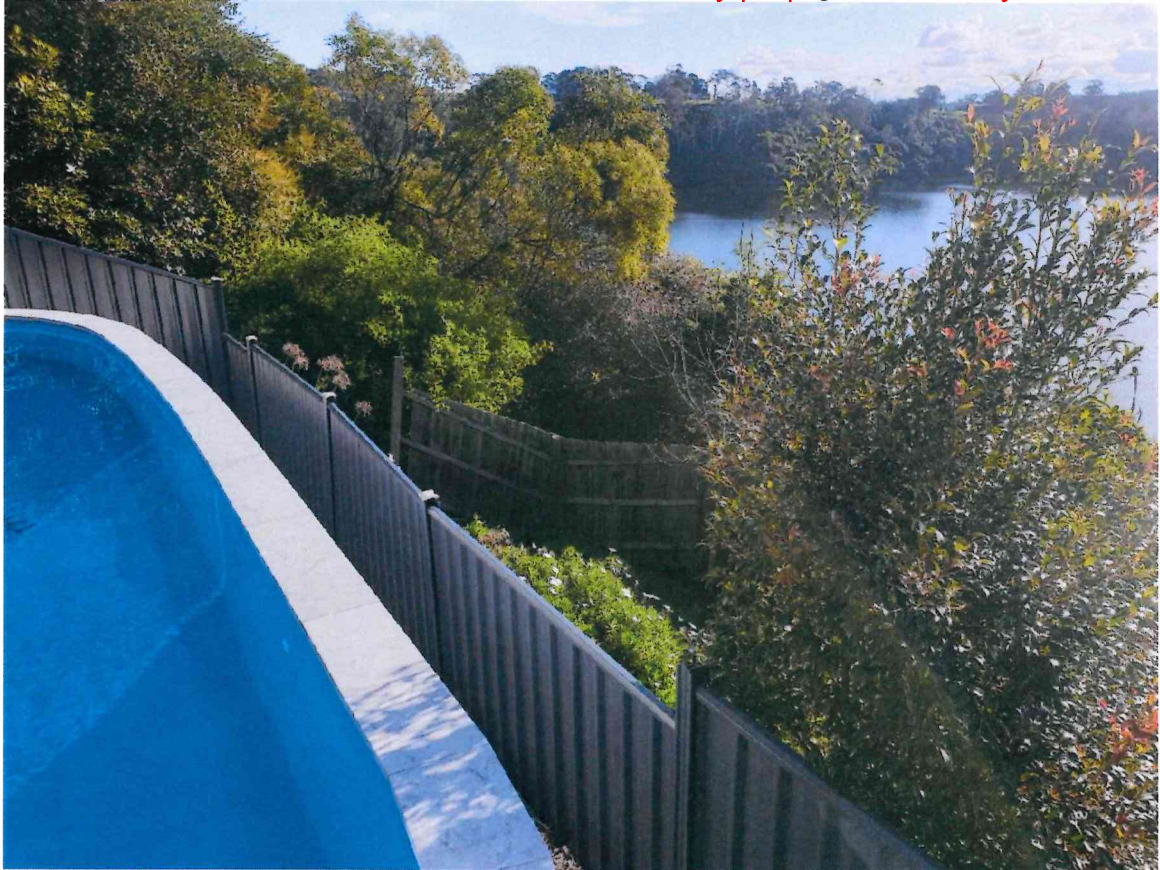
Andrew Powell Assoc.Dip (Civil)
for CHRIS O'BRIEN & COMPANY PTY LTD

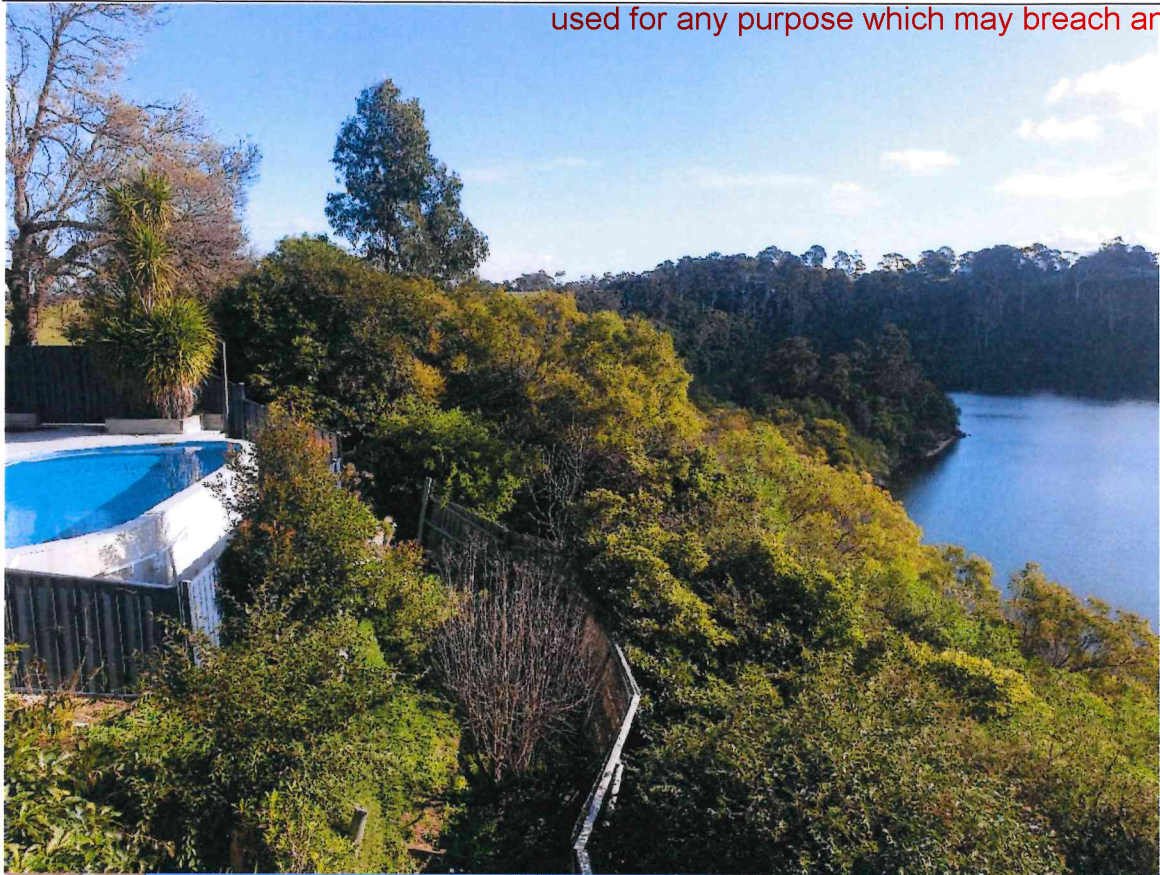
Photos below show existing steel fence on western boundary

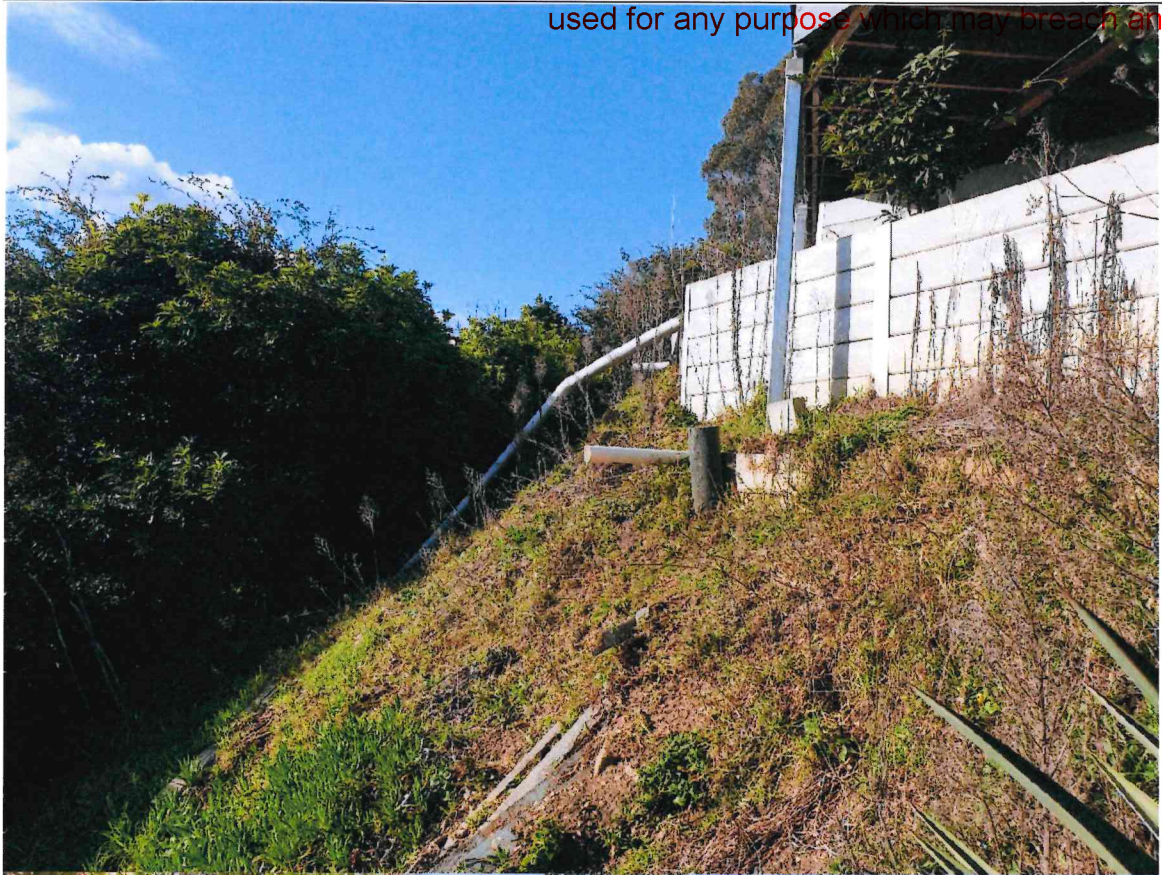


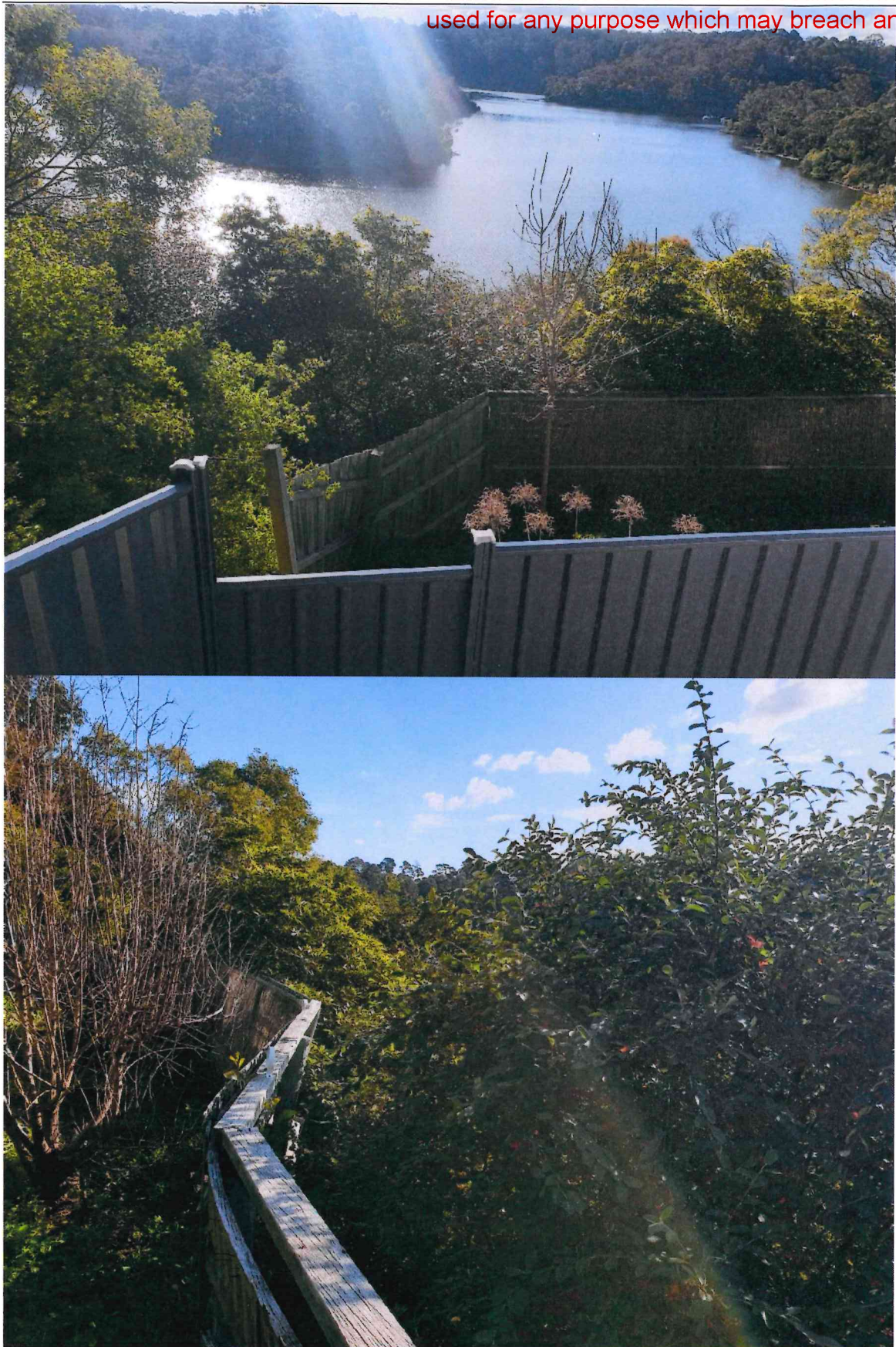


Photos below show north side of allotment with pool and fencing









Planning Report

Subdivision (Boundary Realignment) and partial removal of Reservation status

112 & 114 Capes Road, Lakes Entrance

Our reference – 21206

30 May 2025



FS 520900



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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Consent from Public Land Manager	
	Copy of Title (Reserve 1 on LP83250 and Lot 1 on LP83250)	

Note: Applicable Planning Application fee is \$2,180.10

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision (boundary realignment) and removal of a reservation from land at 112 & 114 Capes Road, Lakes Entrance. The Report addresses the provisions of the Public Park and Recreation Zone and Erosion Management Overlay as contained within the East Gippsland Planning Scheme.

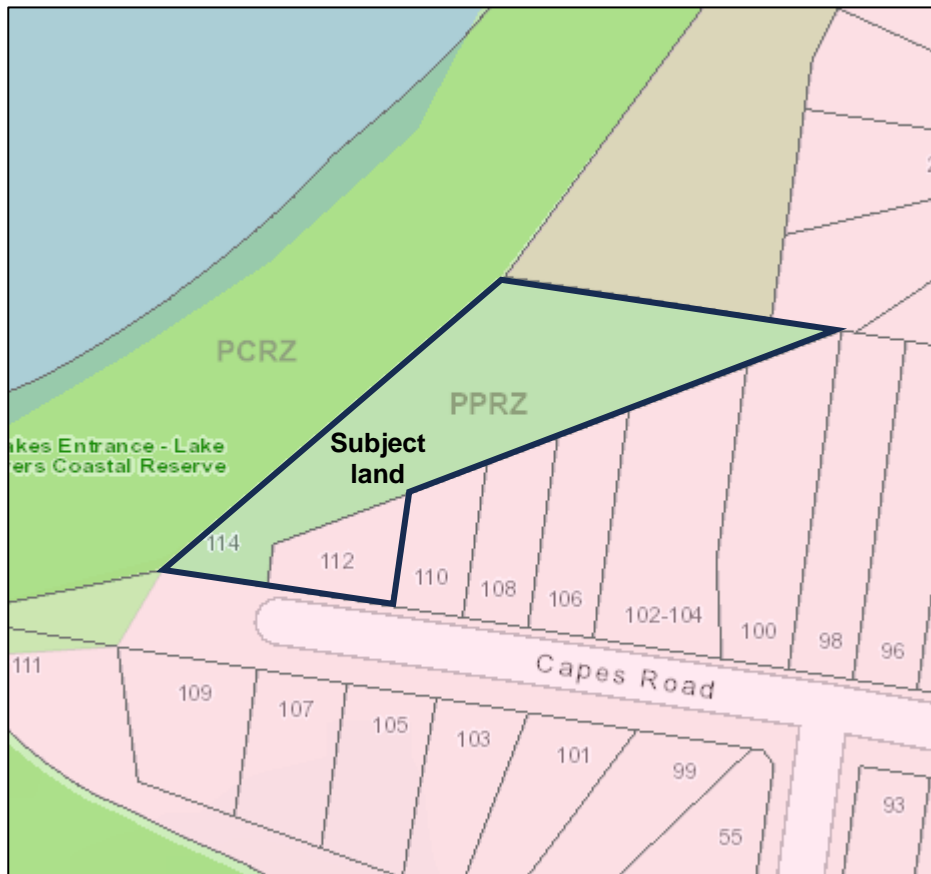


Aerial view of the subject land and immediate surrounds (Source: VicPlan)

2. Subject Land & Surrounding Context

The subject land is comprised of two land parcels held in separate ownership. The eastern most property at 112 Capes Road, Lakes Entrance (Lot 1 on PS083250) is developed by a double storey detached dwelling. This property represents the westernmost residential allotment on the northern side of Capes Road, and is included within the General Residential Zone.

The western land parcel is a Municipal Reserve formally known as Reserve 1 on LP83250, with a street address of 114 Capes Road, Lakes Entrance. This property is included within the Public Park and Recreation Zone. The Reserve is an irregular shaped land parcel that falls to the west towards North Arm, adjoined to the west by the Lakes Entrance – Lake Tyers Coastal Reserve.



Planning scheme zone mapping identifying zones and subject land (Source: VicPlan)

Council has become aware of private development unlawfully encroaching into the Council Reserve. A field survey undertaken on behalf of Council on 16 May 2024 confirmed that part of a swimming pool, timber decking and fencing associated with the existing dwelling is constructed on the Council Reserve.

The following photographs reflect the site conditions observed as part of the field survey.



Existing timber fencing showing the limit of the unlawful occupation



Looking west from existing deck which extends into the Council Reserve

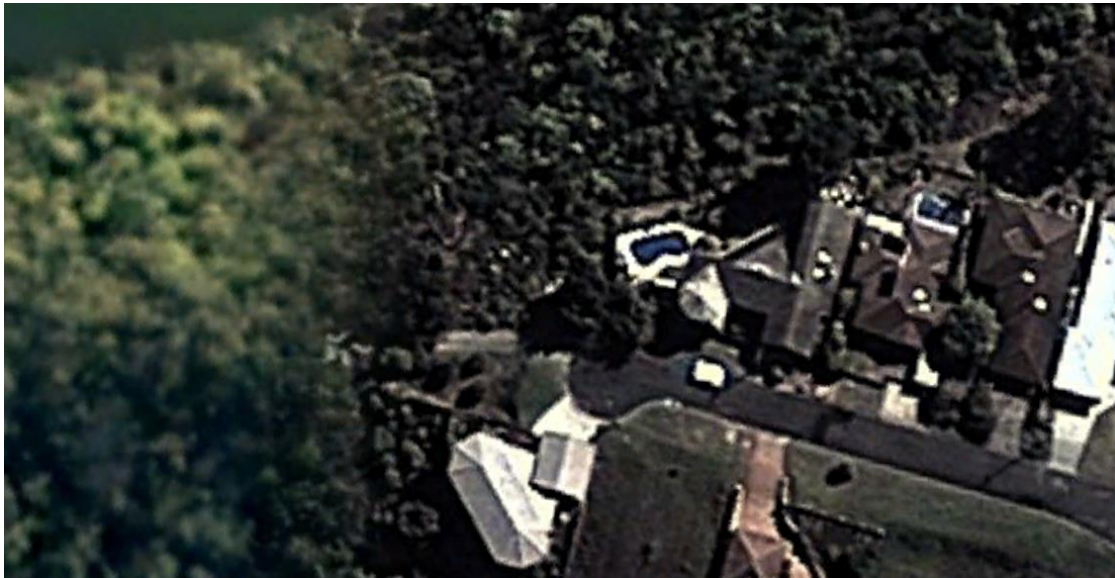


Looking north-west from existing deck which extends into the Council Reserve



Looking north along extent of swimming pool which extends into the Council Reserve

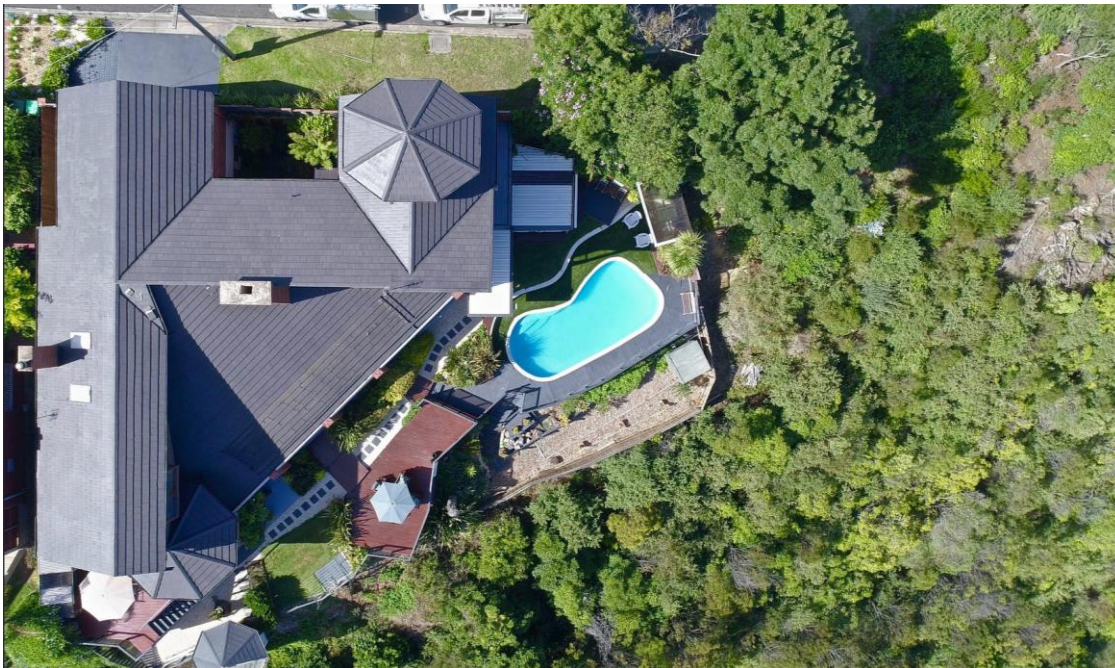
Based on historic aerial photographs, it would appear the encroachment has been in place for quite some time, with the swimming pool and associated decking around the pool visible in the following image from March 2013.



Google Earth image (4 March 2013)

The current owners purchased the land in 2017, with settlement occurring on 19 July 2017. The following photographs remain available online associated with the real estate listing which resulted in our Client's purchase of the land demonstrate that encroachment into the Council Reserve preceded the sale of the land on 30 April 2017 (<https://www.realestate.com.au/sold/property-house-vic-lakes+entrance-124440462>) .





To the north of the subject land is 23 Tarra Drive, Lakes Entrance, is a Council reserve that falls to the west and is heavily vegetated. To the west the site is the Lakes Entrance Coastal Reserve being Crown Land.

East of the subject land are five residential properties all developed with dwellings and to the south of the property is the Capes Road Reserve.

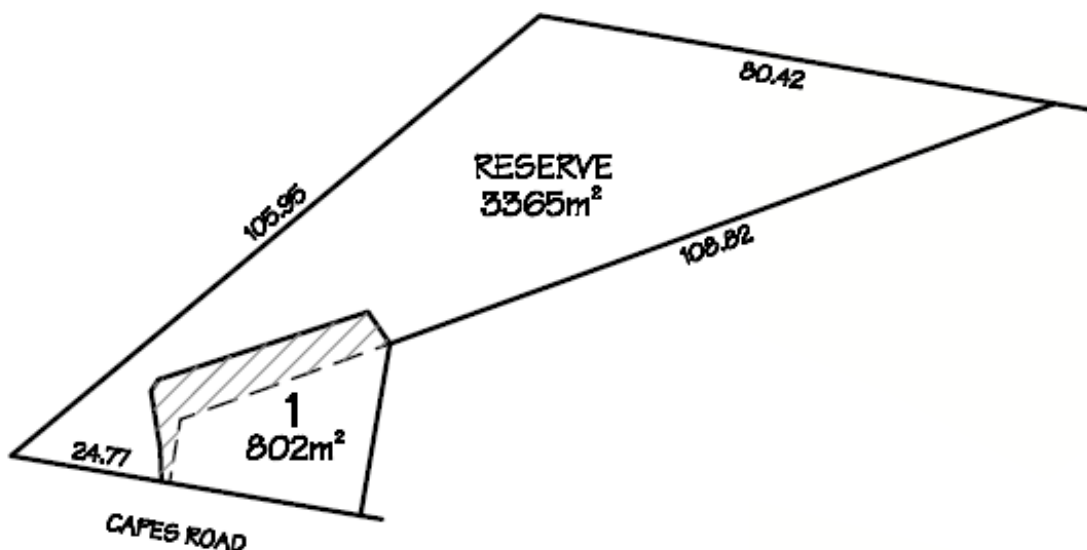
3. The Application & Proposal

The subject Application seeks to rectify the unlawful occupation of part of the Council Reserve, by realigning the common boundary between the residential lot and the municipal reserve to formally retain those elements of private development within 112 Capes Road.

Council have advised the owners of 112 Capes Road of the unlawful occupation, and requested they pursue the necessary approvals to resolve the issue.

The proposed boundary realignment is simply described as a subdivision, as opposed to a two lot subdivision, given the Reserve does not constitute a lot. Permission is also sought to remove the reservation status from that part of the land that will be transferred, to be consolidated with the existing residential lot.

Proposed Lot 1, with an area of approximately 802m² will encompass the existing dwelling, together with the timber deck, pool area and fencing that has been constructed within the Council reserve. The area proposed to be transferred is 253m², resulting in a smaller Reserve of approximately 3,365m².



Extract from Proposed Subdivision Plan, with area to be transferred shown hatched



Extract of the proposed subdivision plan

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

Planning Scheme Clause	Matter for which a Permit is required
36.02-2 PPRZ	Subdivide land
32.08-3 GRZ	Subdivide land
44.01-5 EMO	Subdivide land
52.02	Proceeding under Section 24A of the <i>Subdivision Act 1988</i> to partially remove Reservation status

Pursuant to Clause 36.02-3 of the Public Park and Recreation Zone the application is accompanied by the written consent of the public land manager providing conditional consent for the application to be made.

There are no referrals required pursuant to Section 55 of the *Planning & Environment Act 1987*.

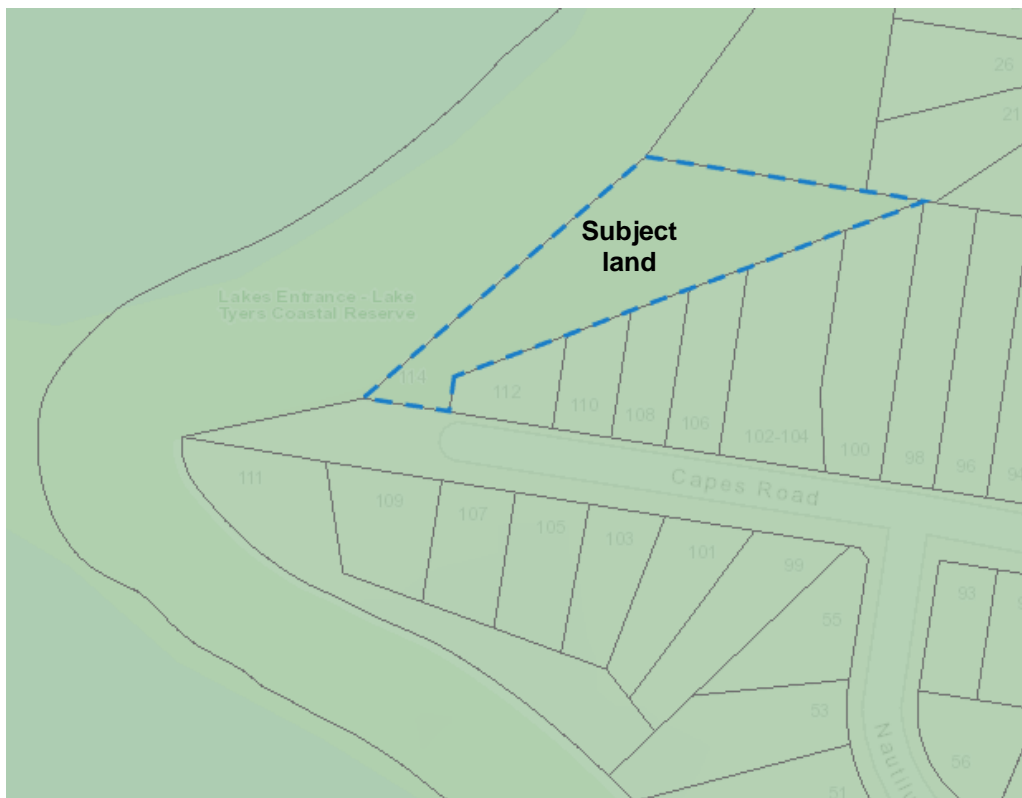
Under the provisions of Clause 67.01 relating to *Exemptions from Section 96(1) and 96(2) of the Act*, the proposal benefits from the exemption from the need for the Planning Application to be determined by the Minister for Planning.

Clause 67.02-2 *Notice requirements* call for notice of the application to be given owners and occupiers of adjoining land in accordance with Section 52(1)(c) of the Act. This is considered to override the exemption afforded by Clause 32.08-13 of the General Residential Zone for the subdivision of land where each lot contains an existing dwelling.

4. Cultural Heritage

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, showing culturally sensitivity areas in dark green (Source: VicPlan)

The subject land is 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

Clause 11.01-1L-02 Growth area towns – Lakes Entrance is addressed by the proposed subdivision as the subject land is located within the settlement boundary of Lakes Entrance and will not result in the removal of native vegetation.

Consistent with Clause 12.01-2S Native vegetation management, the proposed subdivision will adopt existing fencing within the Reserve avoiding the need to remove native vegetation.

Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs, the proposal will not detrimentally impact the nearby Gippsland Lakes as no native vegetation will require removal, no buildings or works are required to take place reducing potential sedimentation concerns and no drainage lines are interrupted.

The subject land is elevated and separated from the Gippsland Lakes by densely vegetated land reducing the potential impacts from sea level rise as sought by Clause 13.01-2S Coastal inundation and erosion.

The proposed subdivision will adopt existing fencing avoiding the need to remove vegetation and to carry out works consistent with Clauses 13.04-2S and 13.04-2L Erosion.

Clause 15.01-3S Subdivision design is respected by the proposal. The subdivision will rectify occupation of a Council Reserve and avoids native vegetation removal.

5.2 Municipal Planning Strategy

Utilising the existing fencing will avoid native vegetation removal and potential sediment runoff into the Gippsland Lakes. Further wildlife corridors within the Reserve will be maintained as sought within Clause 02.03-3 Environmental and landscape values.

Clause 02.03-3 Environmental risks and amenity advises that one environmental risk is erosion. The land is partly located within an Erosion Management Overlay and the application is supported by a geotechnical risk assessment waiver which advises that there is little erosion risk to the environment as a result of the subdivision. In accordance with Council's first two strategic directions in Clause 02.03-3 the subject land is elevated and separated from the Lakes by densely vegetated land reducing the risk from coastal inundation and erosion.

6. Planning Elements

6.1 Public Park and Recreation Zone

The subject land is partly contained within the Public Park and Recreation Zone. As required by Clause 36.02-3 Application requirements, the application is accompanied by the conditional written consent of the public land manager to the application being made

The purposes of the zone and decision guidelines for this application have limited relevance to the case at hand, given the proposed subdivision is seeking to regularise the existing occupation of the Reserve.

The subdivision proposes to minimise the land to be removed from the Council Reserve to the minimum extent, which is unlawfully occupied as determined by field survey, ensuring that the majority of the Reserve remains in public ownership.

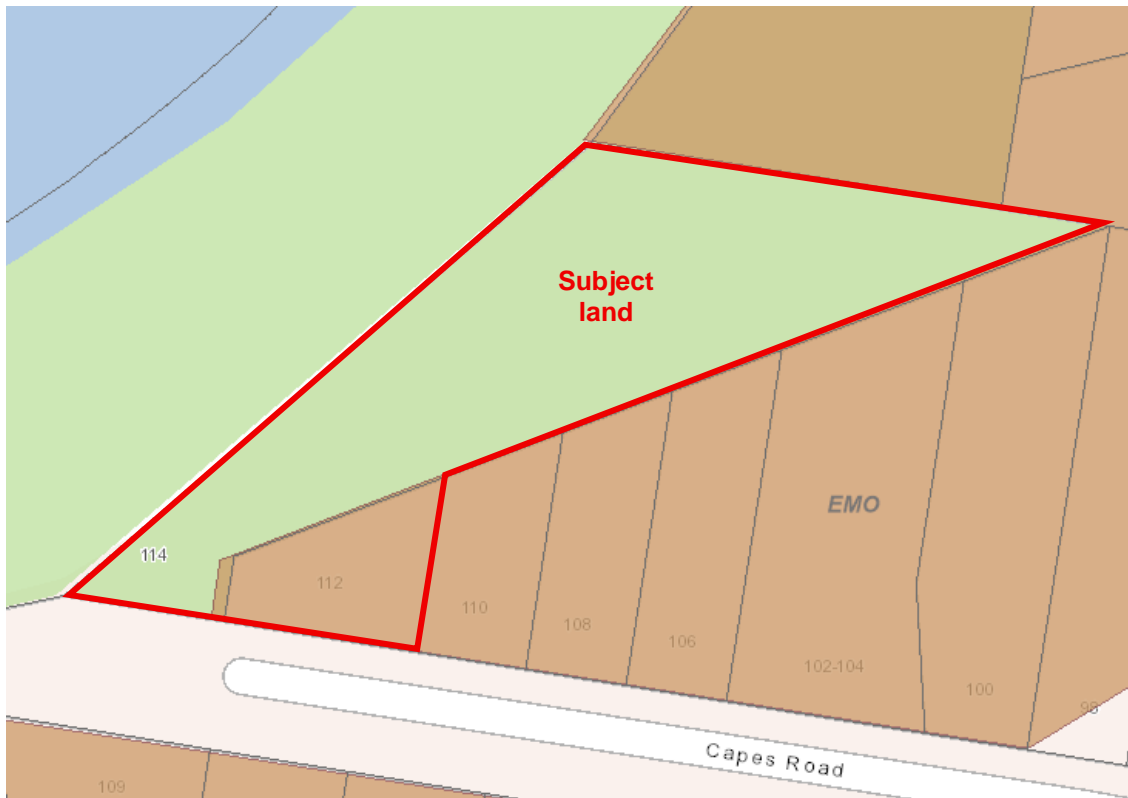
6.2 General Residential Zone

The subject land is partly within the General Residential Zone ('GRZ. The proposed subdivision will regularise an unconventional situation where a Council Reserve has been partly occupied by building elements associated with a dwelling.

Whilst Clause 32.08-3 requires all subdivisions to meet the requirements of Clause 56, in this instance there is considered to be of little relevance given that part of the subject land within the GRZ will not be subdivided. The portion of the site within the GRZ remains unfragmented, with existing conditions to remain unchanged. Existing servicing arrangements will be retained, the neighbourhood character of the area will be maintained given the retrospective approval, no common areas are proposed and access arrangements will not change.

6.3 Erosion Management Overlay

The portion of the subject land included within the GRZ, together with a strip of land to the west of the existing common boundary is affected by the Erosion Management Overlay, as depicted in the following image.



Planning scheme overlay mapping (Source: VicPlan)

Given the subdivision arises from an unusual situation and seeks to regularise the illegal occupation of a Council Reserve, the proposed subdivision represents a lower erosion risk as no buildings and works will be required to facilitate the boundary realignment.

A suitably qualified practitioner has been engaged to prepare a geotechnical risk assessment, which is expected to be completed within the coming days. Given that Council is seeking the occupation of the Council Reserve to be resolved as a matter of urgency, we would request that Council proceeds to public notification of the application prior to the geotechnical risk assessment being submitted. The exercise of such discretion is considered appropriate given issues relating to erosion are exempt from public notice and third party review pursuant to Clause 44.01-7 of the Erosion Management Overlay

6.4 Easements, Restrictions and Reserves

The proposed removal of reservation status from that portion of the existing Reserve to transferred is sought pursuant to Section 24A (2):

the Council may certify a plan removing a reservation or restriction prepared under subsection (1) if the applicant satisfies it that the land in the plan need no longer be used for the purpose for which it is currently reserved or used.

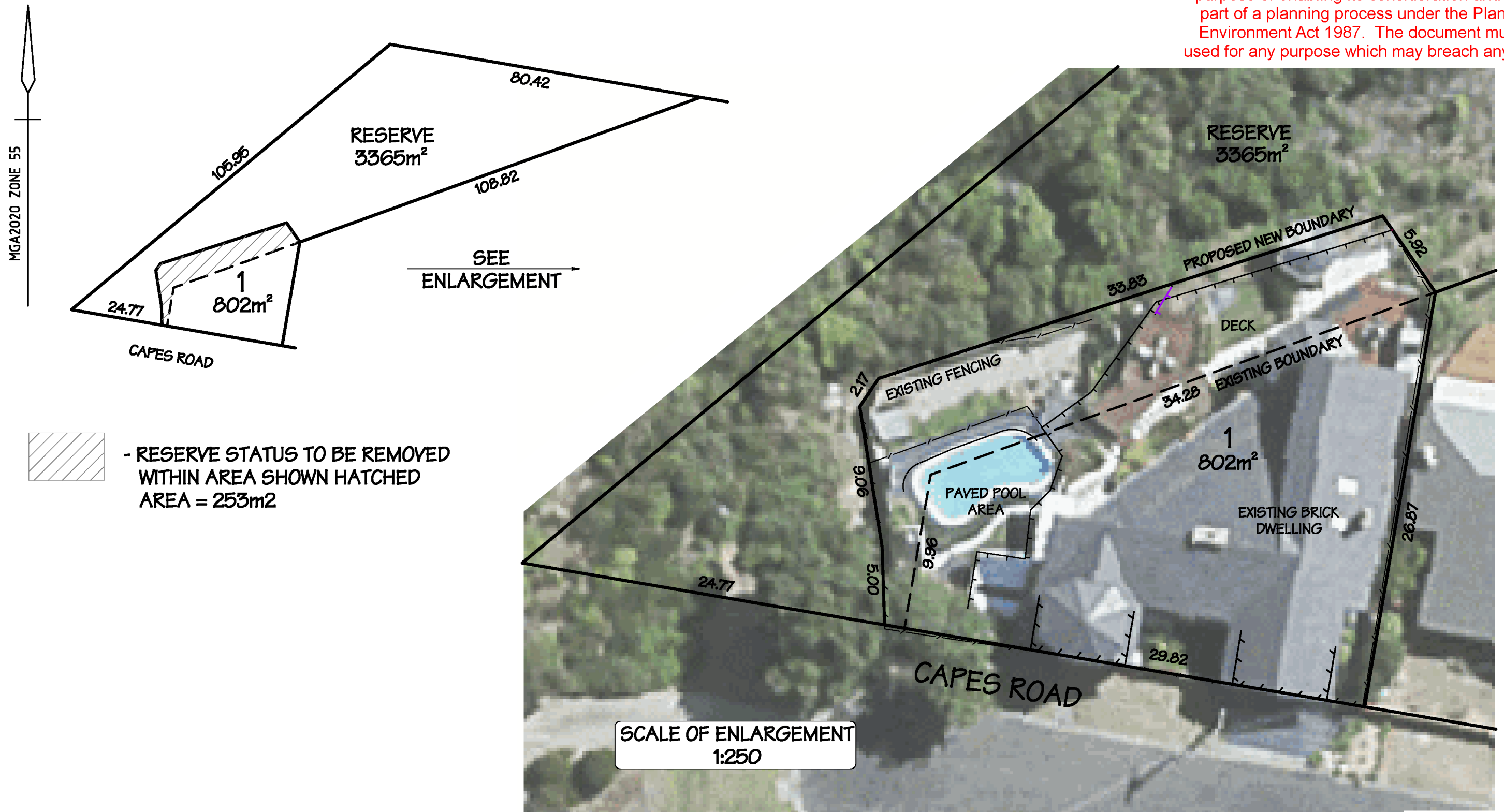
The planning application seeks to legalise the private occupation of land within a Council reserve. The land has been developed with a deck, swimming pool and fencing for more than twelve years, preventing it from being used for the purpose for which it was reserved.

It is expected that Council will seek compensation for the sale of the area of land proposed to be transferred. The status of the land is able to be changed by direction of Planning Permit on the same dealing as the registration of the Plan of Subdivision, should both the Planning Application and Application for Certification be approved by Council.

7. Conclusion

The proposed subdivision (boundary realignment) and partial removal of reservation status from land at 112 & 114 Capes Road, Lakes Entrance is considered to accord with all relevant provisions of the Public Park and Recreation Zone and Erosion Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy Framework and Municipal Planning Strategy and will ultimately legalise private occupation of a part of a Council Reserve.

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



114 CAPIES ROAD, LAKES ENTRANCE

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

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FILENAME: Y:\21000-21999\21200-21299\21206 Hams\21206 Prop V1.pro

NOTATIONS

AREAS ARE APPROXIMATE ONLY
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

1 : 1000

SURVEYORS REF.

21206

VERSION 1 - DRAWN 23/5/2025

PROPOSED SUBDIVISION

PARISH OF COLQUHOUN
TOWNSHIP OF LAKES ENTRANCE
SECTION A
CROWN ALLOTMENT 9 (PART)

LOT 1 & RESERVE 1 - LP83250