

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	24A Laughtons Road KALIMNA 3909 Lot: 2 PS: 614099
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:	5.2024.99.1

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 11150 FOLIO 967

Security no : 124113126416H
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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 614099E.
PARENT TITLE Volume 08616 Folio 119
Created by instrument PS614099E 06/08/2009

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
EMMA KATE CARSTAIRS
PHILLIP DANIEL DESALVO
AR318205Q 06/08/2018

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 PS614099E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AX369997L (S)	CREATION OF EASEMENT	Registered	01/12/2023

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

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


Street Address: 24A LAUGHTONS ROAD KALIMNA VIC 3909

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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PLAN OF SUBDIVISION				STAGE No. 1 <small>FOR USE ONLY</small>	EDITION 2	PSG14099E 05/08/2008 1659140		
Location of Land Parish: Colquhoun Township: — Section: — Crown Allotment: 84 (Part) Crown Portion: — Title References: Vol 8616 Fol 119 Last Plan Reference: LP22054 Lot 7 Postal Address: 24 Laughtons Road, (at time of subdivision) Kalinna, 3909 MGA 94 Co-ordinates: E 585 330 (of approx. centre of plan) N 5807 330 Zone: 55				Council Certification and Endorsement Council Name: East Gippsland Shire Council Ref: 84/2008/CAT 1. This plan is certified under Section 6 of the Subdivision Act 1988. 2. This plan is certified under Section 11(7) of the Subdivision Act 1988. Date of original certification under Section 6 / / 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. Open Space (i) A requirement for public open space under Section 18 Subdivision Act 1988 has / has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in stage Council Delegate <i>Richard Hockley</i> Council seat Date 5/6/2008 Re-certified under Section 11(7) of the Subdivision Act 1988 Council Delegate Council seat Date / /				
Vesting of Roads or Reserves				Notations				
Identifier	Council/Body/Person						Staging This is / is not a staged subdivision Planning Permit No 668/2007/P	
Nil.	Nil						Depth Limitation Does not apply	
Easement Information				LTO USE ONLY				
Legend A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT				
				RECEIVED <input checked="" type="checkbox"/>				
				DATE 5 / 8 / 09				
				LTO USE ONLY				
				PLAN REGISTERED				
				TIME 10.39 AM				
				DATE 6 / 8 / 09				
				D.R. Assistant Registrar of Titles				
				SHEET 1 OF 2 SHEETS				
 Email: skspatial@hotmail.com 30 Toonlook Parade, Paynesville, 3880 Ph: 03 5156 7916 Mob: 0400 543 157				LICENSED SURVEYOR SCOTT CHARLES KIMM		<i>Richard Hockley</i>		
				SIGNATURE <i>Scott Kimm</i> DATE 18/4/2008		DATE 5/6/2008		
				REF 07012 VERSION 1		COUNCIL DELEGATE SIGNATURE		

Planning Report

Two Lot Subdivision
24A Laughtons Road, Kalimna

Our reference – 20188

28 March 2024



FS 520900



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	Proposed Subdivision Plan (Version 2)	
	Site Context Plan (Version 1)	
	Design Response Plan (Version 2)	
	Geotechnical Risk Assessment Waiver (<i>Chris O'Brien & Company</i>)	
	Copy of Title (Lot 2 on PS614099E)	

Note: Applicable Planning Application fee is \$1,360.80

1. Introduction

This Planning Report is prepared in support of a proposed two lot subdivision at 24A Laughtons Road, Kalimna. The Report addresses the provisions of the General Residential Zone, Design and Development Overlay 13 and Erosion Management Overlay as contained within the East Gippsland Planning Scheme.

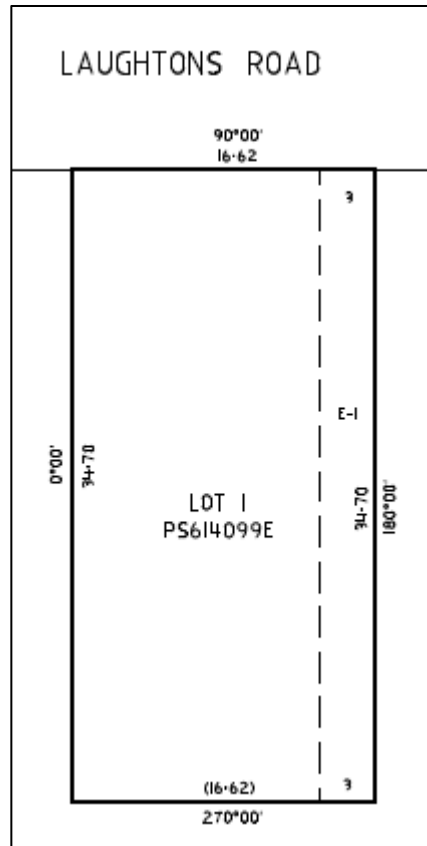


Aerial image of the subject land and surrounds (Source: VicPlan)

2. Subject Land & Surrounding Context

Formally known as Lot 2 on PS614099 or more commonly known as 24A Laughtons Road, Kalimna the subject land is a large parcel of land to the rear of 24 Laughtons Road.

The property is a sequestered allotment with a 3.5 metre frontage to Laughtons Road. The accessway to the rear developable part of the land runs along the eastern boundary for a length of 34.7 metres. A carriageway easement over 24 Laughtons Road, Lot 1 on PS614099 provides access via the existing driveway.



Extract of plan of carriageway easement

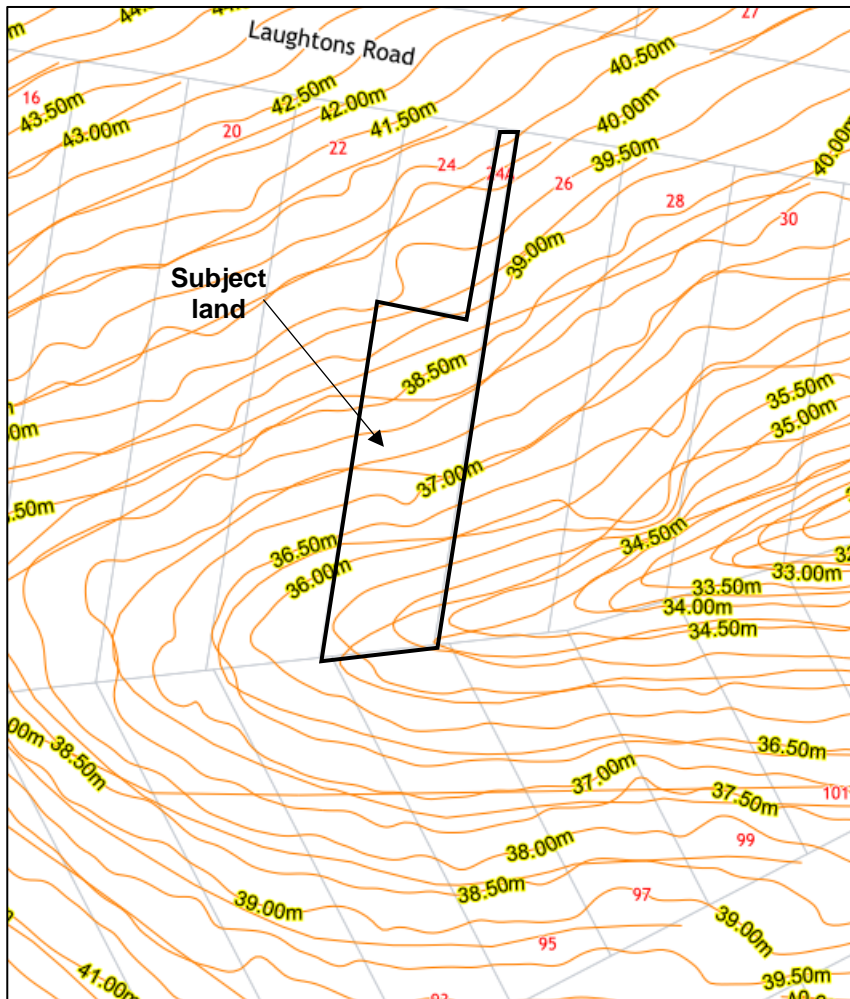
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	CARRIAGEWAY	3	THIS PLAN	LOT 2 ON PS614099E

Easement information to be read in conjunction with the plan of the carriageway easement.



Image of the existing access to the subject land looking south

The land has an area of 1381 square metres and falls to the southern boundary.



Contours of the subject land (Source: IntraMaps)

The dwelling on the property is sited close to the rear boundary of 24 Laughtons Road and is a large contemporary designed house.



Image of the rear of the existing dwelling on the subject land.

An overland drainage path runs along the rear (southern) boundary of the subject land. The drainage path runs through a defined swale containing rock beaching and extends across multiple properties. The overflow drainage path is contained within an existing drainage easement.



Image of the southern waterway on the subject land

The area has a mixed character with a range of lot sizes, shapes and consequential development.



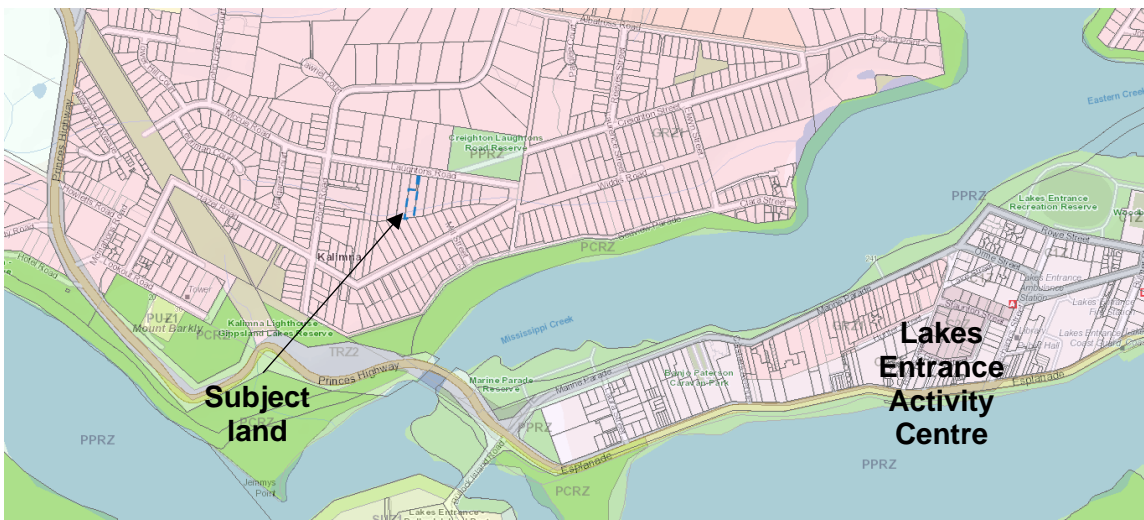
Image of the western neighbouring dwelling 22 Laughtons Road, Kalimna looking south.



Image of eastern neighbouring property 26 Laughtons Road, Kalimna looking south.



Image looking north from Laughtons Road and the subject land.

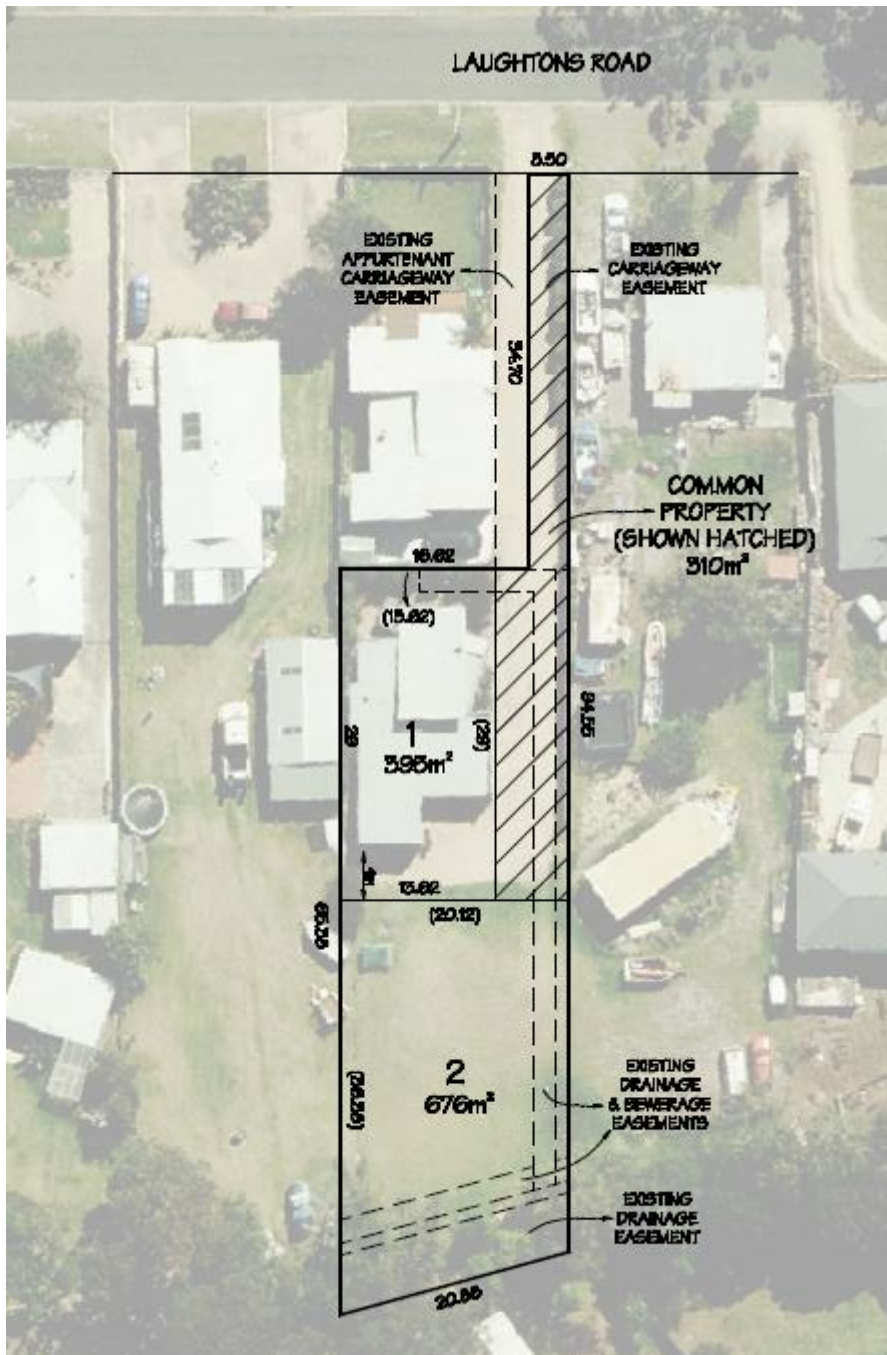


Locational and planning scheme zone mapping demonstrating the variety of lot sizes, shapes and orientation and the subject land's location to the Lakes Entrance Activity Centre (Source: VicPlan)

3. The Application & Proposal

It is proposed to subdivide the subject land into two lots. Proposed Lot 1 to contain the existing dwelling is to have an area of 395 square metres and Lot 2 is proposed to be vacant with an area of 676 square metres.

It is proposed to develop common property along the eastern boundary of the land to allow for shared access and servicing to the proposed lots. The existing carriageway on the subject land will continue to provide carriageway rights to 24 Laughtons Road and the subdivision will not impact these rights.



Proposed plan of subdivision

Forming part of the design response a building exclusion zone has been identified to maintain the overland drainage path. Should Council consider that such a restriction is required it can be implemented by permit conditions.

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

Planning Scheme Clause No.	Description of what is Proposed
32.08-3 General Residential Zone	Subdivision
43.02-3 Design and Development Overlay 11	Subdivision
44.01-5 Erosion Management Overlay	Subdivision

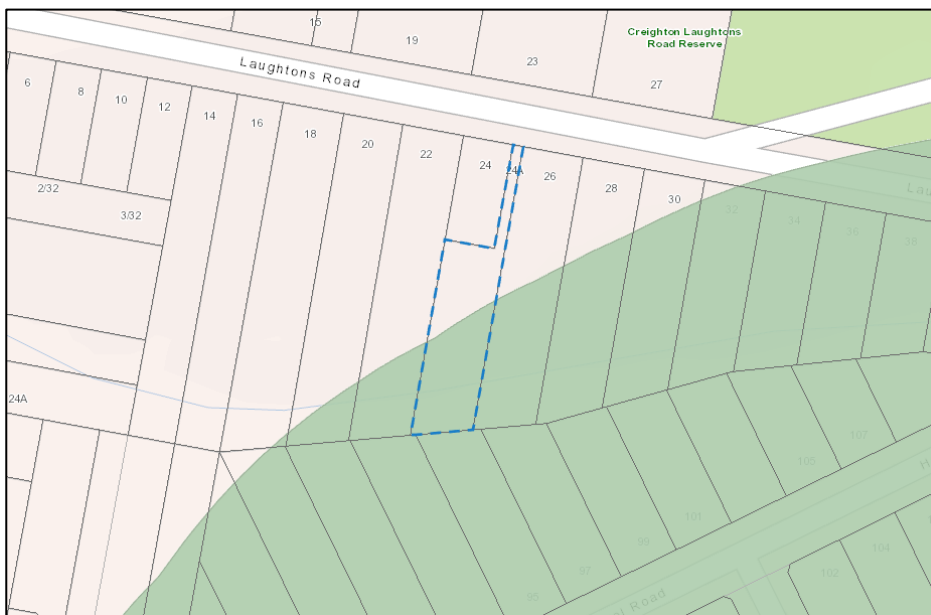
No referrals are required in accordance with Section 55 of the *Planning and Environment Act 1987*.

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*



Cultural Heritage Sensitivity Mapping with cultural heritage sensitive areas shown in green (Source: VicPlan)

The subject land is partly mapped as being cultural heritage sensitive however, a two lot subdivision is not classified as being 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

Clause 11.01-1S seeks to promote the sustainable growth and development delivering choice and opportunity for all Victorians through a network of settlements. This objective is supported by a number of strategies which the proposed subdivision achieves:

- The proposed subdivision is consistent with the Lakes Entrance Strategy Plan.
- Provides an improved land use and development outcome by promoting appropriate infill development.
- Limits urban sprawl through existing settlement growth and promotes urban renewal and infill development.

Settlement – Gippsland at Clause 11.01-1R identifies that Lakes Entrance is a town where growth is supported.

Growth Area Towns – Lakes Entrance at Clause 11.01-1L-02 provides support for the subdivision as the subject land is within the settlement boundary.

Consistent with Clause 11.03-4S Coastal Settlement the proposed development of the subject land will provide an opportunity for a broader range of housing types and assists to manage population growth within the existing settlement boundaries.

The subject land is well setback from the Gippsland Lakes foreshore and is located on elevated land. Future residential development is very unlikely to be subject to Coastal Inundation and Erosion at Clause 13.01-2S.

Clause 13.04-2S Erosion and Landslip seeks to protect areas prone to erosion, landslip or other land degradation processes. The proposal is supported by a geotechnical risk assessment waiver from *Chris O'Brien & Company*. The assessment concludes that the erosion risk on the land and associated with the subdivision is low.

Clause 15.01-3 Subdivision Design meets the objective and relevant strategies by:

- Assisting to create a compact neighbourhood within walking distances to activities.
- It will be a safe and functional and attractive subdivision.
- Provides a vacant lot to suit a variety of dwelling and household types.

Housing Supply at Clause 16.01-1S includes strategies that are achieved by the proposed subdivision utilising infill development, being positioned close to the activity centre and employment precincts of Lakes Entrance, reducing pressure on urban sprawl and providing a vacant lot that can be developed by diverse housing stock.

Clause 16.01-2S Housing Affordability is assisted by the proposed subdivision by providing a vacant lot that can be developed by different housing types to meet the needs of households as people moving through life cycle changes and allows for good housing design that can minimise negative environmental impacts and reduce costs for future residents.

5.2 Municipal Planning Strategy

The Municipal Planning Strategy at 02.01 advises that Lakes Entrance is one of the growth area towns.

At Clause 02.03-1 Settlement and Housing, Lakes Entrance is identified as a growth area town. The proposed subdivision is consistent with Council's strategic directions for growth area towns:

- The proposal encourages population growth and development on a fully serviced residential property.
- Provides a vacant lot within the residential area that can be readily developed by a range of housing types and styles.
- Enhances Lakes Entrance's role as the largest coastal town in the Gippsland area.

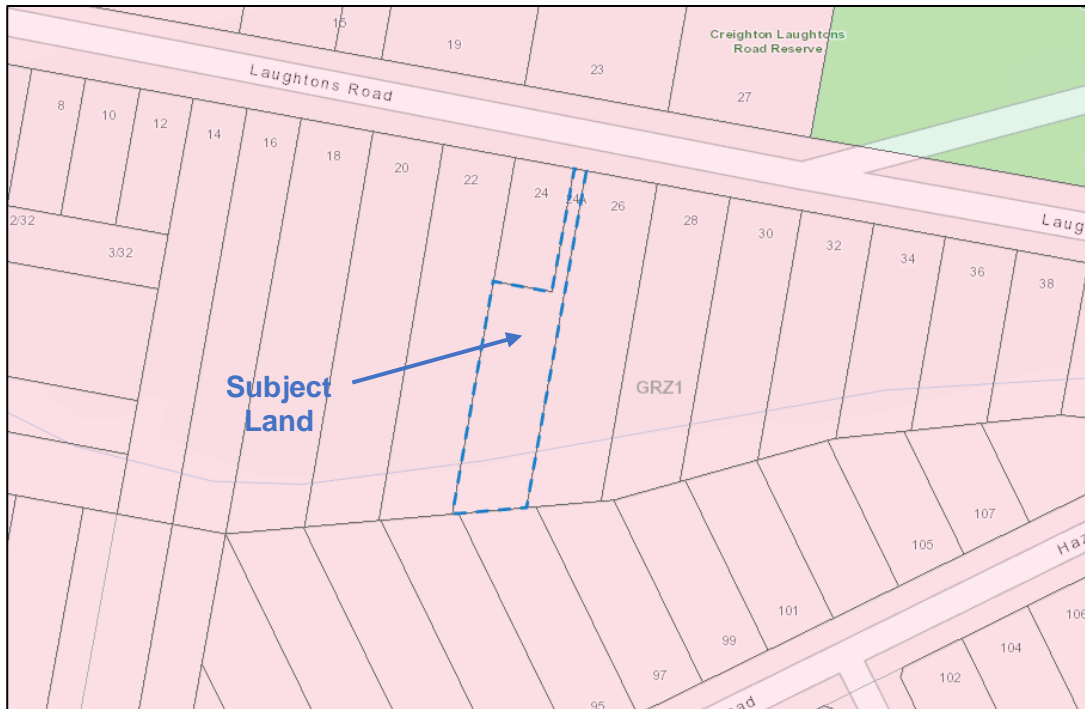
In this case the land is within a man modified environment with little landscape values noted in Clause 02.03-2. A building exclusion zone to south of the subject land could be implemented by permit conditions to maintain the integrity of the overland flow path associated with the drainage line.

Consistent with Clause 02.03-3 Environmental Risks and Amenity the application is supported by a Geotechnical Risk Assessment waiver prepared by *Chris O'Brien & Company*.

6. Planning Elements

6.1 General Residential Zone

The subject land is zoned General Residential Zone.



Planning scheme zone mapping (Source: VicPlan)

There are no neighbourhood character objectives contained within Schedule 1 to the GRZ. The minimum garden area requirements do not apply to the proposed subdivision given the proposed vacant lot will exceed 400m².

The proposed subdivision is considered to comply with the relevant provisions of Clause 56. The following table provides comment against the relevant standards and objectives of Clause 56 relevant to Two Lot Subdivision.

Objective	Comment
<p>56.03-5 Neighbourhood Character</p>	<p>Complies</p> <p>The character of this part of Kalimna is varied with different sized allotments and shapes. The consequential dwelling development that has resulted also varies significantly.</p> <p>Development within the area sees significant built form across the properties with housing and shedding. The provision of a vacant lot to the south of the land will not introduce a foreign built form outcome.</p> <p>The use of a singular entry/exit point assists to maintain the rhythm and character of the streetscape.</p>

<p>56.04-2 Lot area and building envelopes</p>	<p>Complies The vacant lot to be created is in excess of 500m² in area and can easily accommodate a 10x15 metre rectangle. The subdivision layout provides generous area for anticipated future development on the vacant lot to enjoy solar access, private open space and safe vehicle movements within allotment boundaries.</p>
<p>56.04-3 Solar orientation of lots</p>	<p>Complies The vacant lot to be created contains sufficient area to provide appropriate solar orientation for a future dwelling and private open space.</p>
<p>56.04-5 Common Areas</p>	<p>Complies The proposed common property to the east of the land is required to facilitate access and servicing. Both lots 1 and 2 will form the Owners Corporation.</p>
<p>56.06-8 Lot access</p>	<p>Complies Vehicle access for the subject land will take place from the existing driveway within common property. Both lots have sufficient area to provide for vehicles to exit the land in a forwards direction.</p>
<p>56.07-1 Drinking water supply</p>	<p>Complies Reticulated water is provided to the subject land and will be connected to the vacant allotment as part of the subdivision.</p>
<p>56.07-2 Reused and recycled water</p>	<p>N/A East Gippsland Water does not require recycled water connection.</p>
<p>56.07-3 Wastewater management</p>	<p>Complies Reticulated sewer is already established within the precinct. Proposed lot 2 will be connected to sewer as part of the subdivision consistent with Standard C24.</p>
<p>56.07-4 Urban run-off management</p>	<p>Complies Drainage will be dealt with to the satisfaction of the Responsible Authority. However, it is likely that both lots will need to tap into the drainage infrastructure to the rear of the land.</p>
<p>56.08-1 Site management</p>	<p>Complies The site will be managed to the satisfaction of the Responsible Authority.</p>
<p>56.09-1 Shared trenching</p>	<p>Complies Services will be provided in trenching as directed by the service authorities.</p>

56.09-2 Electricity, telecommunications and gas	Complies <p>The proposal will make good use of a full range of existing services as available within the precinct. The vacant allotment will be connected to reticulated power, water, sewer and telecommunications.</p>
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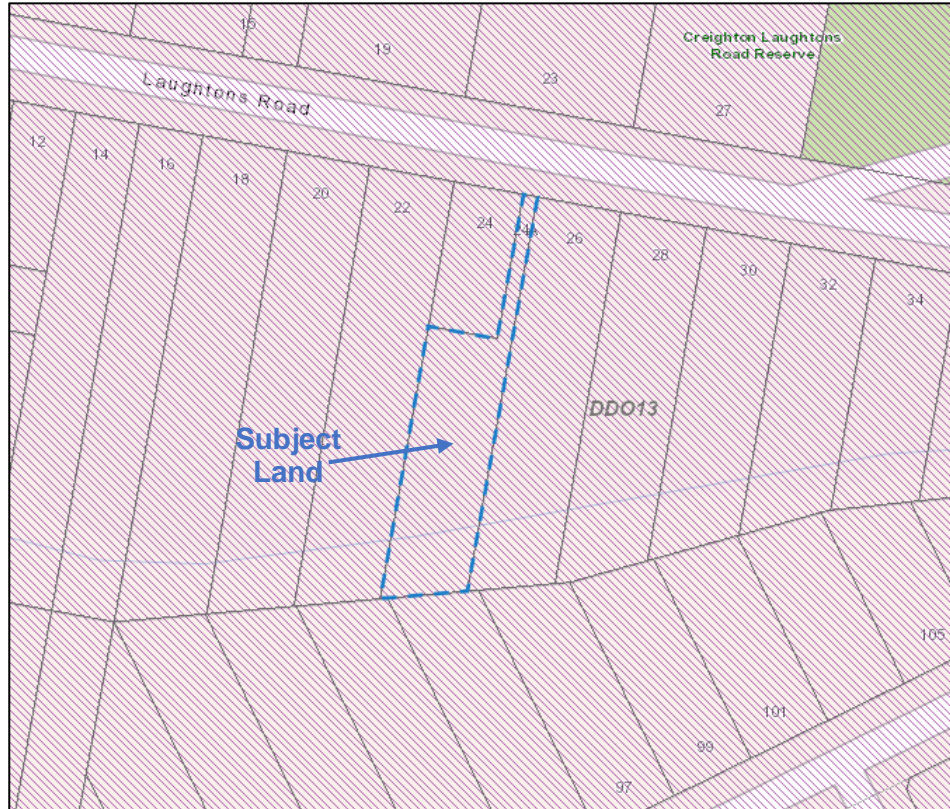
Decision Guidelines

It is considered that the proposed subdivision positively responds to the decision guidelines:

- As outlined in Section 5 of this report the subdivision positively addresses the Municipal Planning Strategy and the Planning Policy Framework.
- The proposal respects the neighbourhood character of the area and provides an opportunity for a diversity of housing types and housing growth in a well serviced and located area meeting the relevant purposes of the zone.
- The proposed lots will provide the opportunity for appropriate spacing of buildings.
- A high level of compliance with Clause 56 is achieved.
- The vacant allotment proposed at 676 square metres will easily allow the property to be developed with a dwelling and achieve the necessary garden area.

6.2 Design and Development Overlay 11

The property is entirely contained within the Design and Development Overlay 11



Planning scheme overlay mapping (Source: VicPlan)

The Schedule identifies that the subject land is located in Area 3 Kalimna.

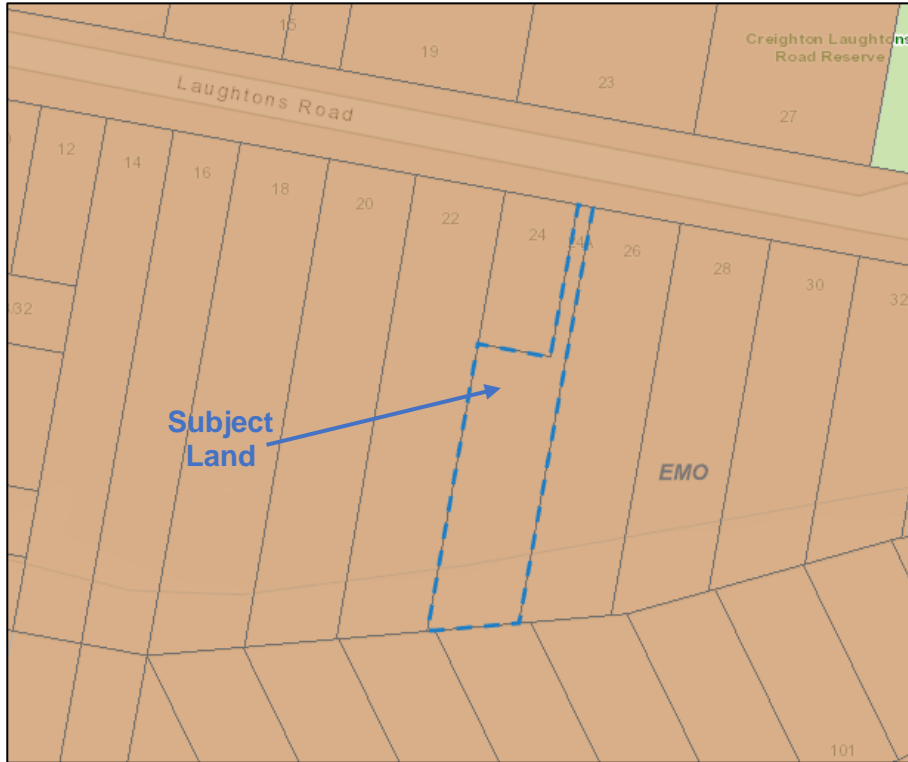
Decision Guidelines

It is forwarded that the proposed subdivision is consistent with the decision guidelines.

- The application documentation advises that the subdivision will not result in an erosion hazard.
- The allotments will not be impacted by coastal processes given the land is setback from the Lakes and is elevated.
- Proposed frontage width will not alter from that which currently exists.
- Both lots have the ability to include the planting of indigenous trees.

6.3 Erosion Management Overlay

The land is located within the Erosion Management Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The Schedule of the Overlay informs that a Geotechnical Risk Assessment must accompany an application. Unless a suitably qualified and experienced geotechnical practitioner demonstrates to the satisfaction of the responsible authority that a geotechnical risk assessment is not relevant to the assessment of an application.

A Geotechnical Risk Assessment waiver has been provided by *Chris O'Brien & Company* and advises that the erosion risk on the land and associated with the proposed subdivision is low.

7. Conclusion

The proposed two lot subdivision at 24A Laughtons Road, Kalimna is considered to accord with all relevant provisions of the General Residential Zone, Design and Development Overlay 13 and Erosion Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with Planning Policy and provides for infill development within an existing settlement.

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

CHRIS O'BRIEN & COMPANY PTY LTD
CONSULTING CIVIL & STRUCTURAL ENGINEERS

Reference No: B24079

Project No: 11222

20/03/2024

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

Attn: Richard Hoxley

Email: richard@crowthersadler.com.au

Dear Richard,

**RE: Proposed 2 Lot Subdivision for Carstairs-DeSalvo
24A Laughtons Road, Kalimna.**

Chris O'Brien & Company Pty Ltd have been engaged by Richard Hoxley 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 24A Laughtons Road, Kalimna 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 19th March 2024.

Inspection of the site confirmed no erosion problems currently exist on the site with the site having an excellent cover of grass. 24A exists to the south of 24 Laughtons Road with access via a carriageway easement with a dwelling already constructed on the site. The allotment is clear of any significant vegetation with existing vegetation only along the south boundary line. All services are currently available to the site with all coming from Laughtons Road except sewer & stormwater with sewer & drainage easements along the south boundary. A rockered swale drain conveys storm water to the east. Photos of our findings are attached to this report.

It is proposed to subdivide the southern end on 24A thus creating a 2 lot subdivision with the existing dwelling to form part of lot 1. For the creation of the subdivision a connection to all existing services will need to be provided. The existing driveway access from Laughtons road can be utilised as access for the new allotment.

Crowther & Sadler Pty Ltd

Proposed 2 Lot Subdivision at 24A Laughtons Road Kalimna

Project No. 11222

Page 2 of 8

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For service connections to be provided for each allotment some trenching and minor earthworks will be required. We recommend that during these works protection barriers such as silt fences are provided to stop silt runoff into all downslope assets including the existing swale drain. Provided this is done we expect no environmental risks from the work to be completed.

We therefore suggest that a full geotechnical risk assessment report is not required for this development. As long as normal precautions are taken such as providing protection barriers during any excavation and trenching works 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 view and existing carriage way access.



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Photos Below Show The General Layout of the New Allotment.



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Photos below show existing swale drain.



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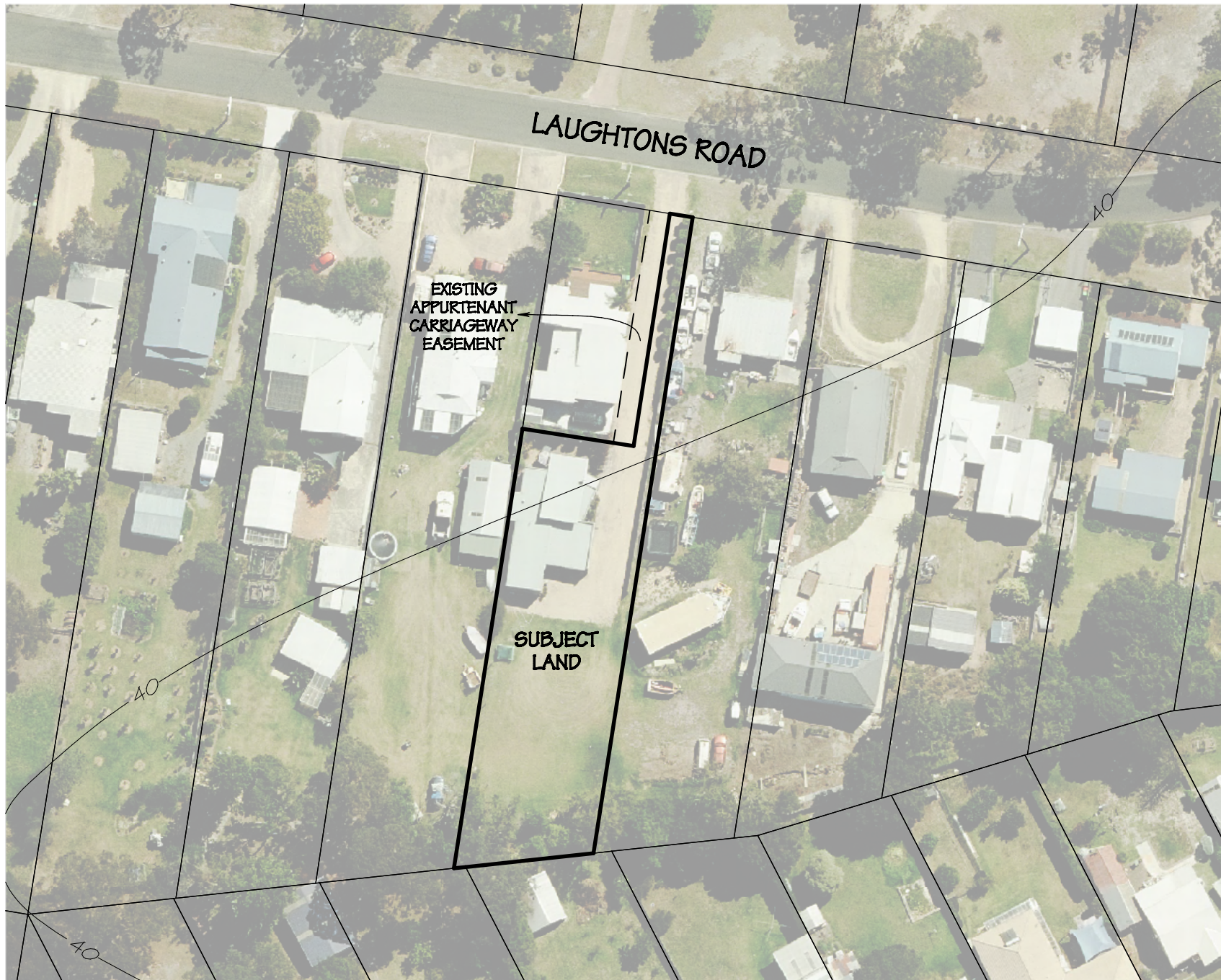
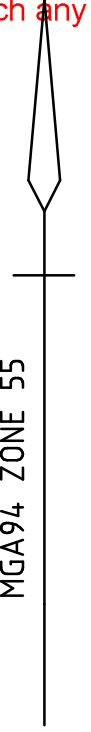


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SITE CONTEXT PLAN

PARISH OF COLQUHOUN
CROWN ALLOTMENT 84 (PART)

LOT 2 ON PS614099E



PHILL CARSTAIRS-DESALVO
24A LAUGHTONS 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\20100-20199\20188 Carstairs DeSalvo\20188 Site Context V1.pro

NOTATIONS

SCALE (SHEET SIZE A3)

1 : 300

SURVEYORS REF.

20188

VERSION 1 - DRAWN 30/06/2023

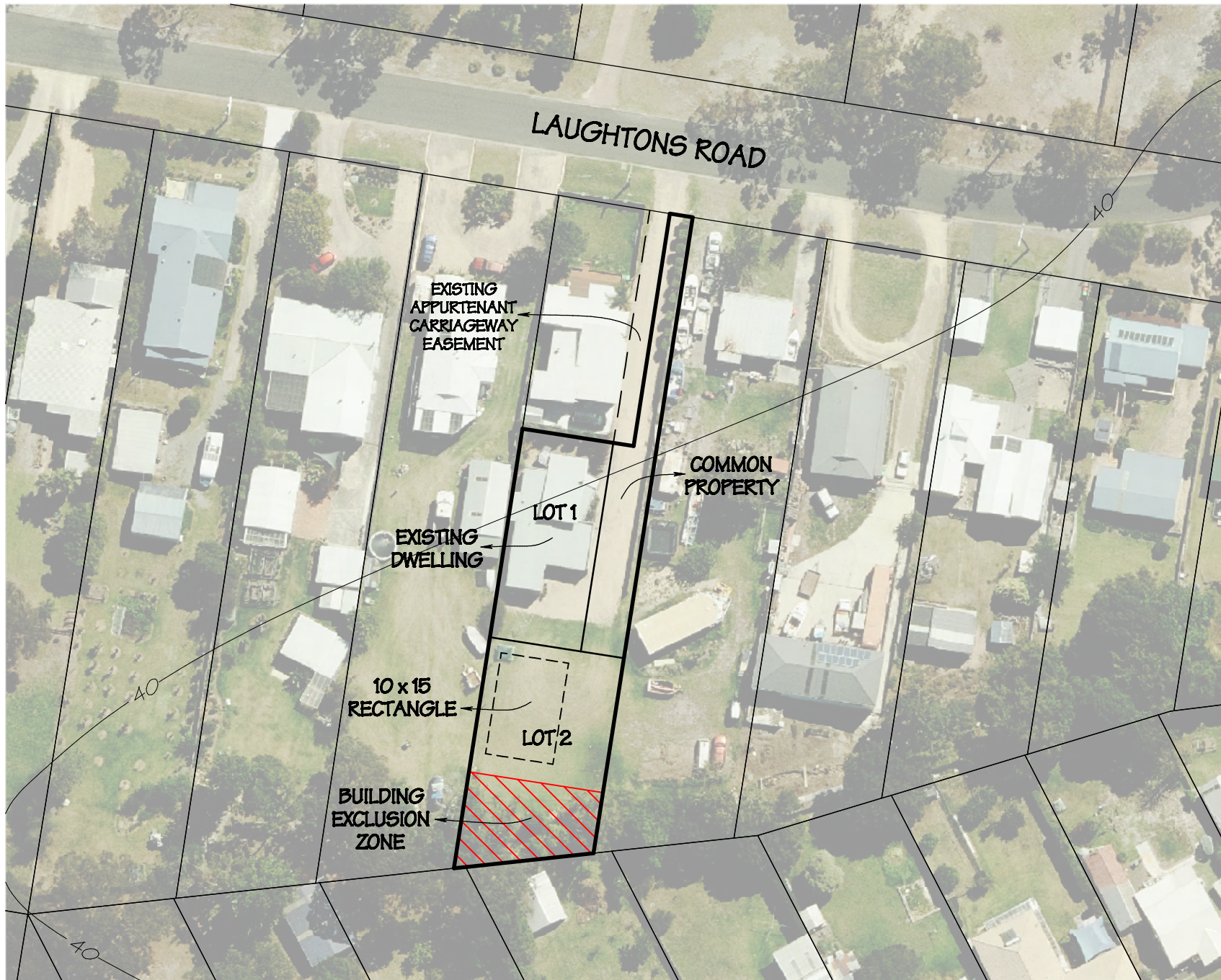
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DESIGN RESPONSE PLAN

PARISH OF COLQUHOUN
CROWN ALLOTMENT 84 (PART)

LOT 2 ON PS614099E

MGA94 ZONE 55



PHILL CARSTAIRS-DESALVO
24A LAUGHTONS 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\20100-20199\20188 Carstairs DeSalvo\20188 Design Response V2.pro

NOTATIONS

SCALE (SHEET SIZE A3)

1 : 300

SURVEYORS REF.

20188

VERSION 2 - DRAWN 04/07/2024

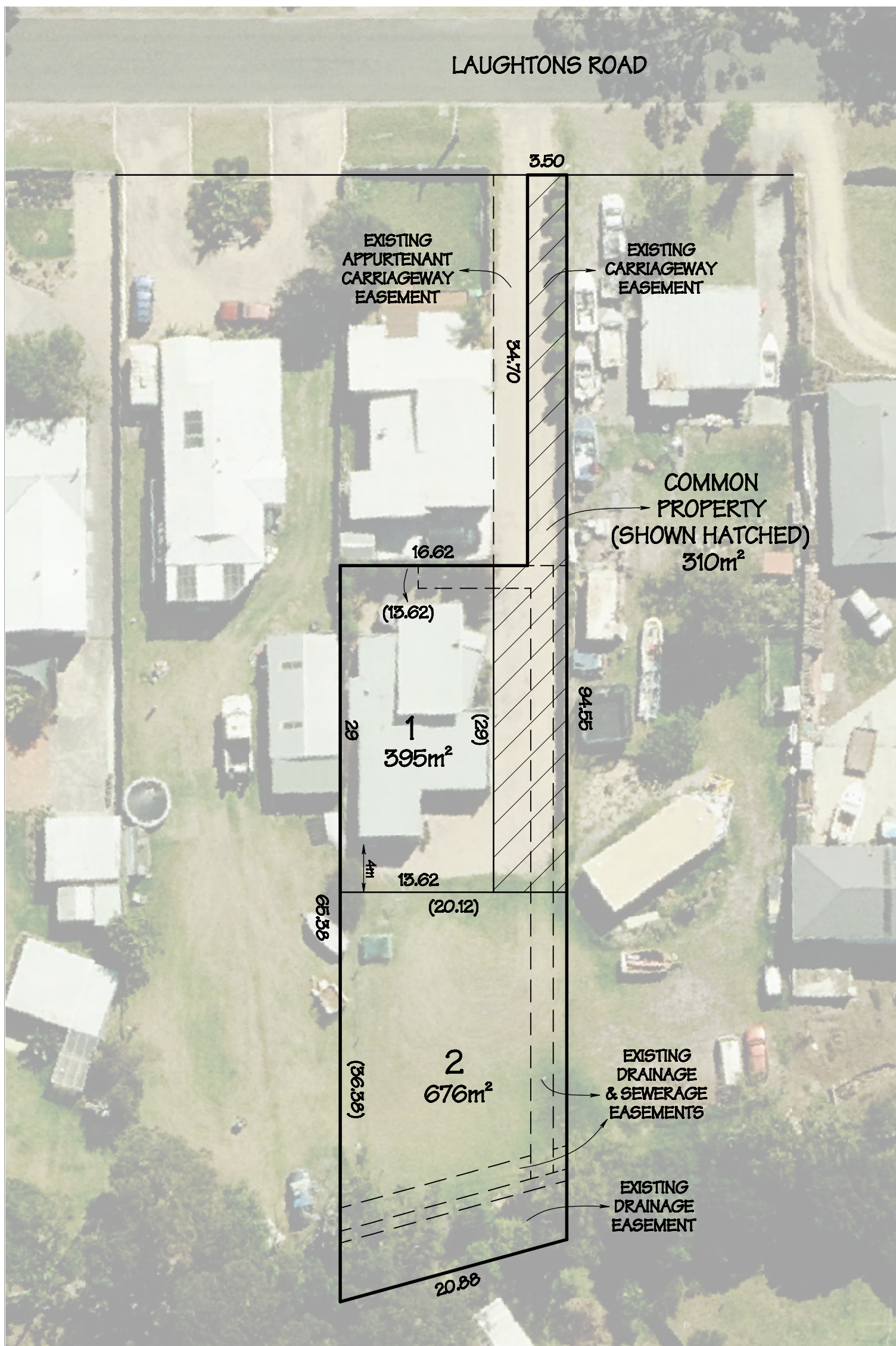
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PROPOSED SUBDIVISION

PARISH OF COLQUHOUN
CROWN ALLOTMENT 84 (PART)

LOT 2 ON PS614099E

APPROX. TRUE NORTH



Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

PHILL CARSTAIRS-DeSALVO
24A LAUGHTONS ROAD, KALIMNA

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 400

20188