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**NOTICE OF AN APPLICATION FOR PLANNING PERMIT**

<b>The land affected by the application is located at:</b>	<b>5 Lawriel Court KALIMNA 3909 Lot: 3 LP: 132933</b>
<b>The application is for a permit to:</b>	<b>Multi lot Subdivision and native vegetation removal</b>
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
32.08-3 General Residential Zone	Subdivision
43.02-3 Design and Development Overlay (Schedule 13)	Subdivision
52.17 Native Vegetation	Native vegetation removal
<b>The applicant for the permit is:</b>	<b>Crowther &amp; Sadler Pty Ltd</b>
<b>The application reference number is:</b>	<b>5.2024.257.1</b>

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.

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

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**Birgit Neumeyer**

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**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Wednesday, 31 July 2024 2:37 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** 20819 CoT Vol\_9416\_Fol\_175.pdf; 20819 Prop V1.pdf; 20819 Report.pdf; 20819 Design Response V1.pdf; 20819 GRA.pdf; 20819 NVRID ID 319\_20240711\_0EQ.pdf; 20819 Report of Available NV Credits ID 25274.pdf

**Planning Permit Application**

A Planning Permit Application<sup>1</sup> has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

**Name:** Crowther & Sadler Pty Ltd

**Business trading name:** Crowther & Sadler Pty Ltd

**Email address:** contact@crowthersadler.com.au

**Postal address :** PO Box 722 Bairnsdale

**Work phone number:** 03 5152 5011

**Owner's name:** Bruce Craig McKenzie

**Owner's email address:**

**Owner's postal address:**

**Owner's work number:**

**Street number:** 5

**Street name:** Lawriel Court

**Town:** Kalimna

**Post code:** 3909

**Lot number:** 3

**Plan number:** LP132933

**Plan type:** Lodged plan

**Has there been a pre-application meeting:** No

**ADVERTISED**

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Your reference number: 20819

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

Description of proposal - Describe the use, development or other matter which requires a permit: Seven Lot Subdivision and Removal of Native Vegetation

Existing conditions - Describe how the land is used and developed now: Existing Dwelling

Estimated cost of development. Note: You may be required to verify this estimate: 0

Title (must have been generated within the past 30 days: [20819 CoT Vol 9416 Fol 175.pdf](#))

Site plan/floor - plan/elevations: [20819 Prop V1.pdf](#)

Planning report: [20819 Report.pdf](#)

1. Supporting information/reports: [20819 Design Response V1.pdf](#)

2. Supporting information/reports: [20819 GRA.pdf](#)

3. Supporting information/reports: [20819 NVRR ID 319 20240711 0EQ.pdf](#)

4. Supporting information/reports: [20819 Report of Avilable NV Credits ID 25274.pdf](#)

5. Supporting information/reports: [20819 Site Context Plan.pdf](#)

Who is the invoice to be made out to?: Crowther & Sadler Pty Ltd

Declaration: Yes

Privacy Statement: Yes

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

VOLUME 09416 FOLIO 175

Security no : 124116835714M  
Produced 23/07/2024 10:25 AM

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**LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 132933.

PARENT TITLES :

Volume 04460 Folio 893      Volume 04860 Folio 814      Volume 08776 Folio 238

Created by instrument LP132933 08/04/1981

**REGISTERED PROPRIETOR**

Estate Fee Simple

Joint Proprietors

BRUCE CRAIG MCKENZIE

SUSAN EDITH MCKENZIE

P768900K 27/04/1990

**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 LP132933 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: 5 LAWRIEL COURT KALIMNA VIC 3909

DOCUMENT END

**WARNING: THE IMAGE OF THIS PLAN/DOCUMENT HAS BEEN DIGITALLY AMENDED. NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL PLAN/DOCUMENT.**

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**LP132933**  
**EDITION 2**  
APPROVED 2 / 7 / 80

PLAN OF SUBDIVISION OF  
CROWN ALLOTMENT 84<sup>C</sup> AND PART OF  
CROWN ALLOTMENT 90<sup>B</sup>

PARISH: COLQUHOUN  
COUNTY: TAMBO

25 12.5 0 10 20 30 40 50  
LENGTHS ARE IN METRES

APPROPRIATIONS  
WAY AND DRAINAGE -  
DRAINAGE -

BROWN  
BLUE

ENCUMBRANCES

THE LAND COLOURED GREEN HATCHED IS ENCUMBERED BY A DRAINAGE EASEMENT VIDE L.P. 73605 AND C/T VOL 8776 FOL 238

OTHER NOTATIONS

LOT NUMBERS 13 TO 24 HAVE BEEN OMITTED FROM THIS PLAN.

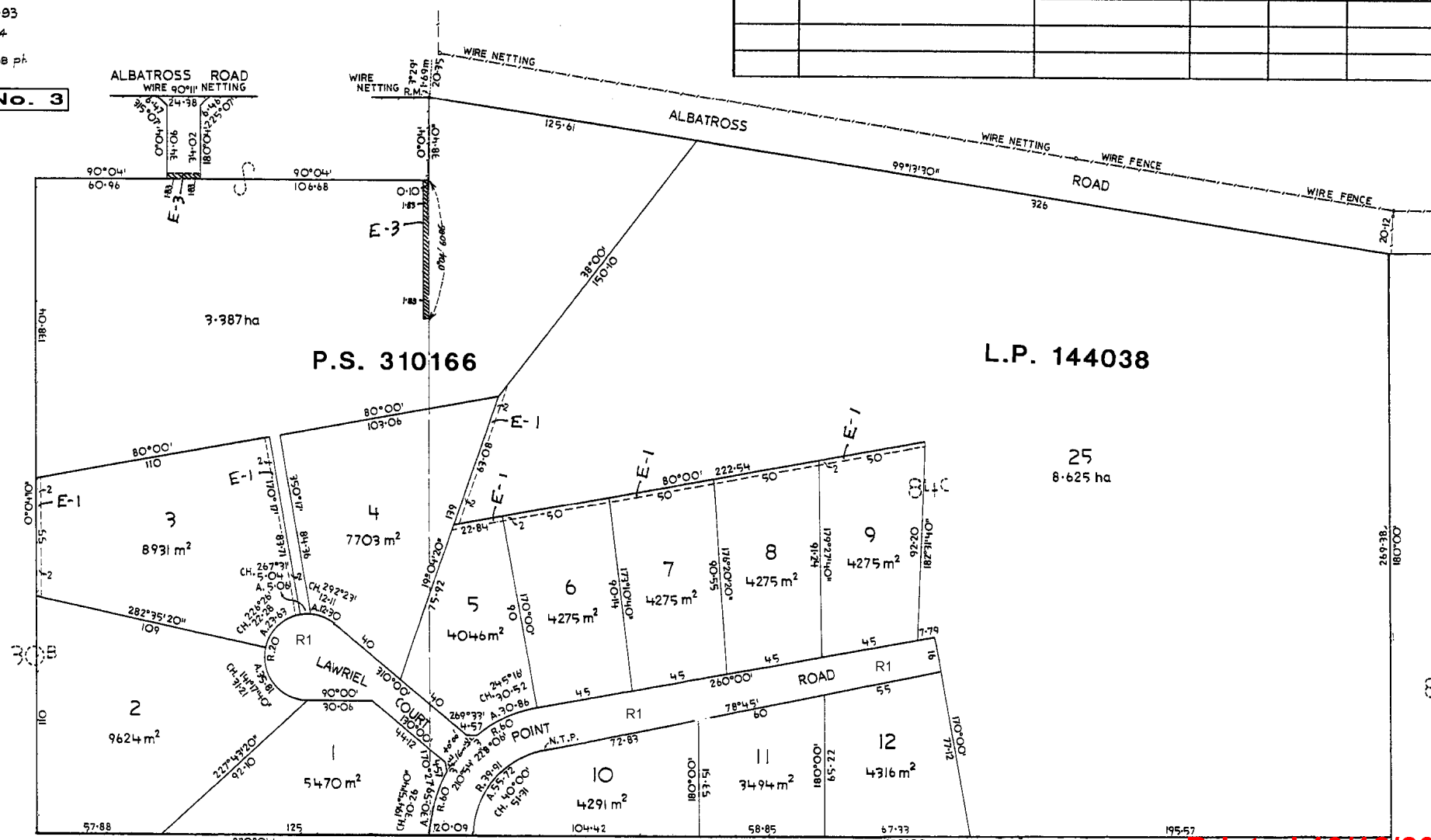
COLOUR CONVERSION  
E-1 = BLUE  
R1 = BROWN  
E-3 = GREEN HATCHED

DEPTH LIMITATION: 15.24m (CA 84C)

LIST OF MODIFICATIONS			APPROVAL DATE 2 / 7 / 80		
LAND	MODIFICATION	DEALING No.	DATE	A.R.T.	EDN. No.
	RESERVE EXCISED	LGD 4266			2

VOL 4460 FOL 893  
VOL 4860 FOL 814  
VOL 8776 FOL 238 pt

**CHART No. 3**



## Planning Report

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Seven Lot Subdivision and Removal of Native Vegetation  
5 Lawriel Court, Kalimna

Our reference – 20819

July 2024



FS 520900



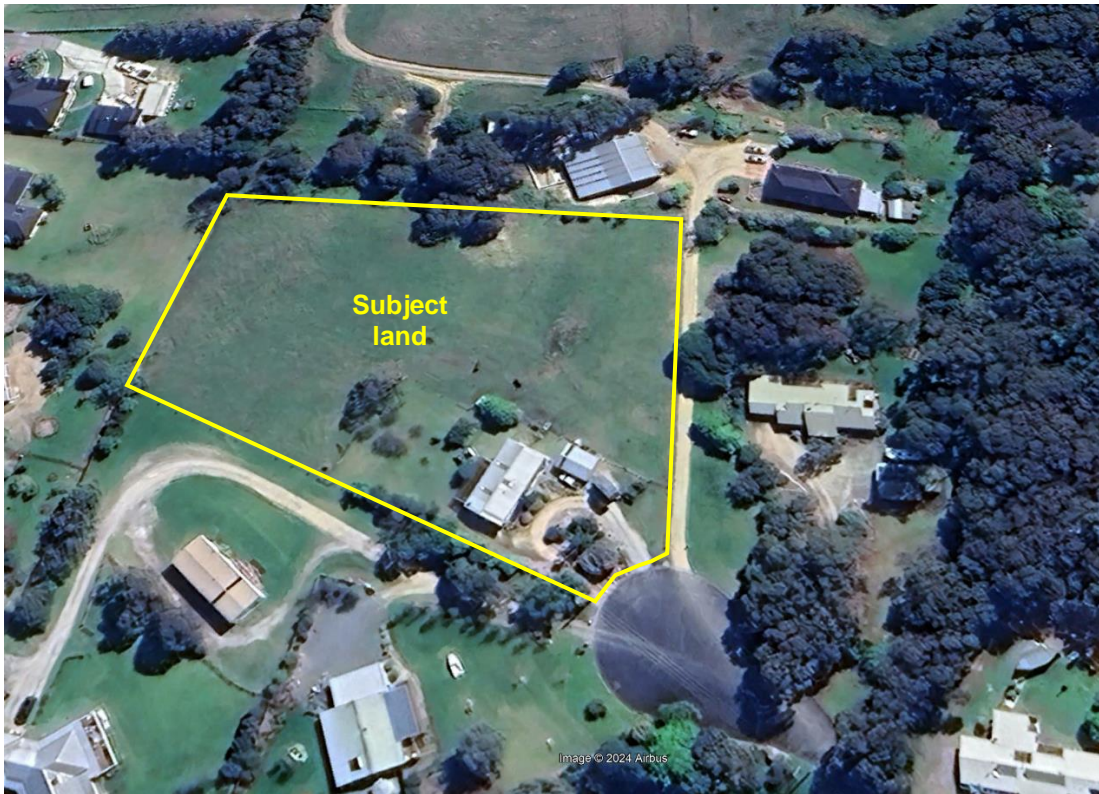
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	Application Form	
	Proposed Subdivision Plan (Version 1)	
	Site Context Plan (Version 1)	
	Design Response Plan (Version 1)	
	Native Vegetation Removal Report	
	Report of Available Native Vegetation Credits	
	Geotechnical Risk Assessment ( <i>Chris O'Brien &amp; Company Pty Ltd</i> )	
	Copy of Title (Lot 3 on PS132933)	

*Note: Applicable Planning Application fee is \$1,453.40*

## 1. Introduction

This Planning Report is prepared in support of a proposed seven lot subdivision and removal of native vegetation at 5 Lawriell Court, 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 immediate surrounds (Source: Google Earth)*



**2. Subject Land & Surrounding Context**

Formally known as Lot 3 on PS132933 or more commonly known as 5 Lawriel Court, Kalimna, the subject land is an irregular shaped allotment located to the north of Lawriel Court.

The subject land has an area of 8,930 square metres with a frontage to Lawriel Court of 23.63 metres, a depth of 83.71m along the eastern boundary and a rear width along the northern boundary of 110 metres. The property contains an established modest double storey dwelling and shed within a garden setting in the south-east of the allotment.



*View north side existing dwelling and surrounding garden*

The property benefits from access to Lawriel Court via two crossovers. Lawriel Court is a sealed urban road which provides access to seven properties.



*Image of the subject land viewed from Lawriel Court looking west*

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*View across the western side of the subject land*



*View north across the subject land*



*View north across the subject land*

The property is substantially clear of vegetation. Just three native trees are situated on the subject land located in the north-west corner of the garden at the rear of the dwelling. The third tree is adjacent to the northern boundary.

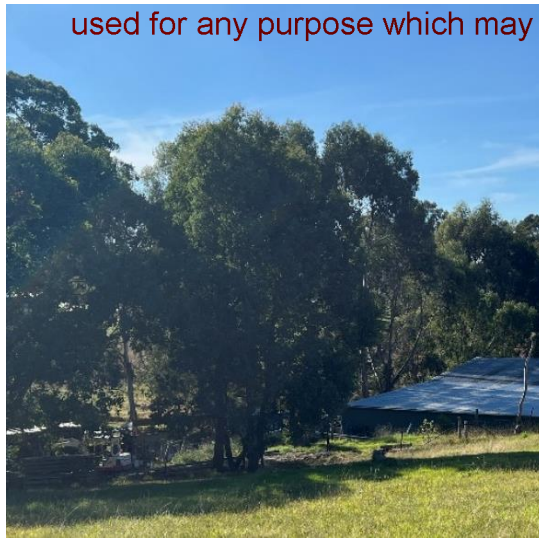


*Ornamental vegetation behind the existing dwelling*

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*Two native trees in the fenced rear yard*



*Native trees adjacent to north boundary*

The surrounding residential neighbourhood spans several decades resulting in a variety of lot sizes. The larger lot sizes are reminiscent of a time when reticulated sewerage was not available and properties relied on on-site wastewater disposal. As reticulated sewerage has become available the opportunity to create smaller lots has arisen although some properties remain challenging to service with reticulated sewer.

South of the subject land are two properties known as 3 and 3A Lawriel Court. Each property is developed by a dwelling and associated outbuilding. The lot sizes of each property are generous between approximately 3,100 square metres and 6,000 square metres given the past situation where reticulated sewerage was not available within the precinct requiring onsite treatment of wastewater.

Dwellings on both properties are well setback from the common boundary shared with the subject land. Both properties contain established trees and gardens surrounding the dwellings. Each property has separate vehicle access from Lawriel Court.



*Image of 3 Lawriel Court and the access to 3A Lawriel Court looking west*

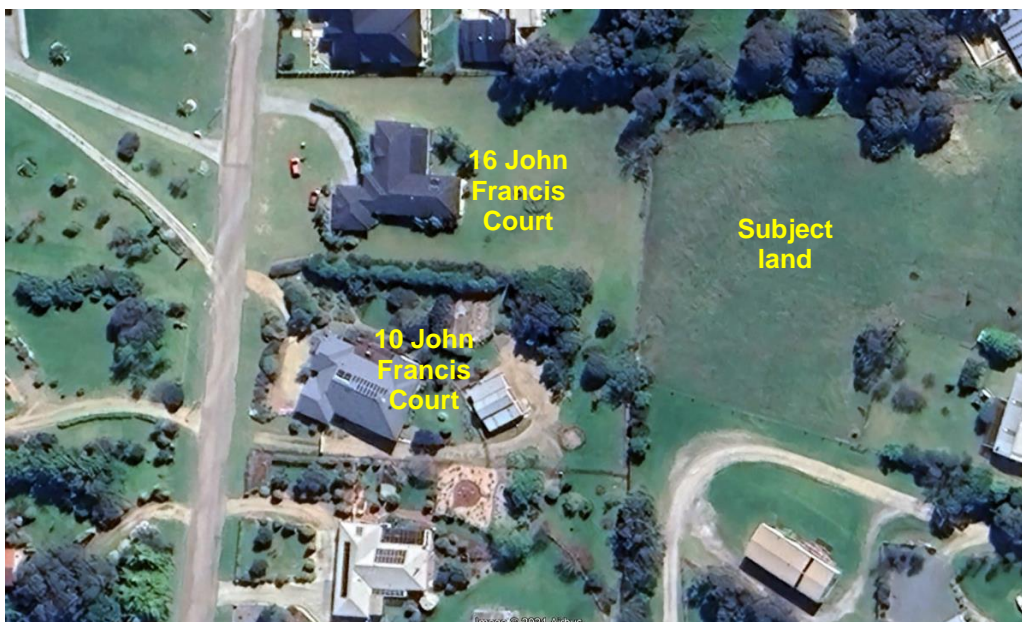
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Aerial image 3 & 3A (Source: Google Earth)

Two properties at 10 and 16 John Francis Crescent adjoin the western boundary of the subject land. The property at 16 John Francis Court is currently being subdivided into three lots. The two rear lots adjoining the west boundary of the subject land having a width of 26 and 20 metres and an area of 828m<sup>2</sup> (Lot 2) and 731m<sup>2</sup> (Lot 3).

Also, west of the subject land is 10 John Francis Court which is developed with a dwelling and outbuilding on approximately 3,450m<sup>2</sup>. The large dwelling on the property is located to the front of the property close to the John Francis Court and the outbuilding is located to the rear.



Aerial image 10 & 16 John Francis Court west side of subject land (Source: Google Earth)

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North of the subject land is 6 Lawriel Court with an area of approximately 2.4 hectares developed with a dwelling and large outbuilding within the southern part of the property and contains scattered native vegetation. Access to the property is obtained from Lawriel Court which runs along the eastern boundary of the subject land.



*Aerial image of the northern neighbouring property of the subject land being 6 Lawriel Court (Source: Google Earth)*

East of the subject land across from the northern neighbour's driveway is a larger property of approximately 7,600 square metres at 4 Lawriel Court which is developed with a dwelling and outbuilding within a heavily treed environment and obtains vehicle access from Lawriel Court.



*Aerial image of 4 Lawriel Court east of the subject land (Source: Google Earth)*

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### 3. The Application & Proposal

The application seeks approval for subdivision of the subject land into seven (7) lots.

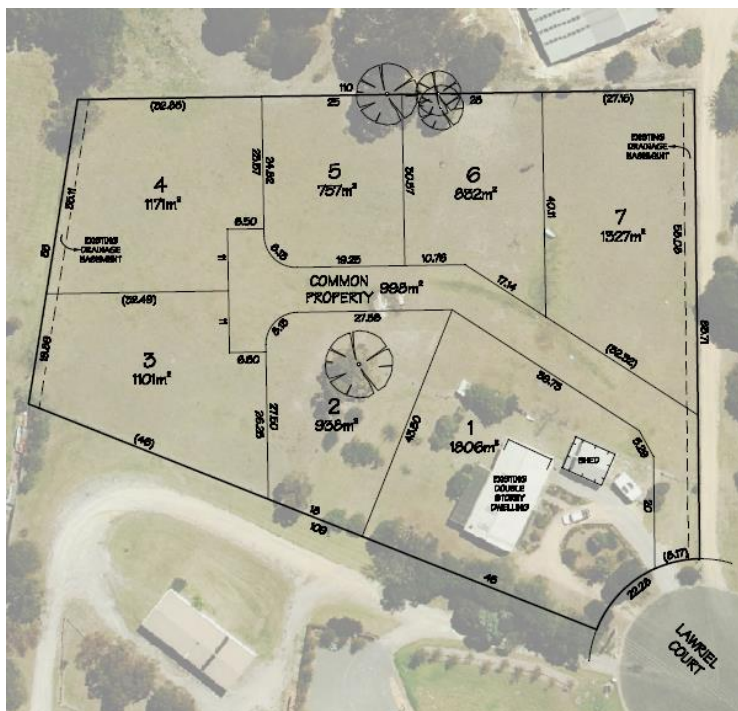
The proposed subdivision will provide for a real opportunity to allow for infill development within a well located and appropriately zoned land parcel, providing for much needed housing.

Proposed allotment sizes will vary as encouraged by the planning scheme:

- Lot 1 to contain the existing dwelling will have an area of 1806 sqm.
- Lot 2 will have an area of 938 sqm.
- Lot 3 will have an area of 1101 sqm.
- Lot 4 will have an area of 1171sqm.
- Lot 5 will have an area of 757 sqm.
- Lot 6 will have an area of 832 sqm.
- Lot 7 will have an area of 1327 sqm.

The subdivision layout is premised on shared access to be contained in Common Property which is aligned along the natural slope. The alignment of the driveway ensures each lot benefits from a generous northern aspect with easy access into each lot.

The Common Property proposed has an area of 998 square metres and will include a CFA compliant turning area at the termination of the access.



Proposed plan of subdivision

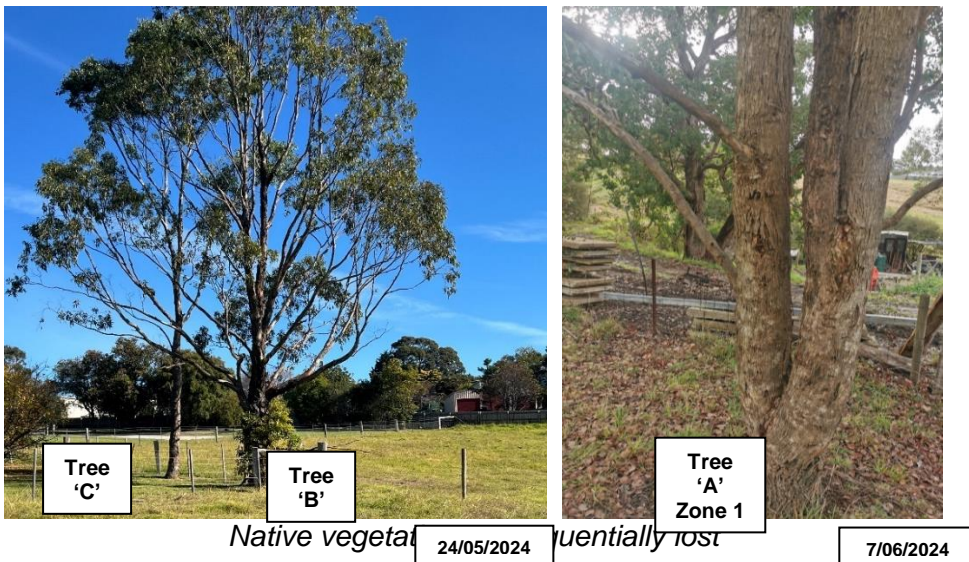
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Vegetation Removal

As the subject land is 8.93ha in area and the proposed allotments will each be less than 4000m<sup>2</sup> in area the proposal addresses the consequential loss of three small native trees from within the site.

Accompanying the Application is a Native Vegetation Removal Report ID: 319\_20240711\_0EQ which both shows the extent of native vegetation removal and is expected to be endorsed as part of Permit.

The native vegetation identified for removal includes two scattered trees from within proposed Lot 2 identified as Trees 'B' & 'C' on the Native Vegetation Removal Report and a small patch tree from within proposed Lot 6 identified as Tree 'A' within 'Zone 1' on the Native Vegetation Removal Report.



Vegetation offsets will accommodate the consequential native vegetation losses consistent with the provisions of Clause 52.17. Given the site does not possess relevant criteria offsets will be provided through third party arrangements.

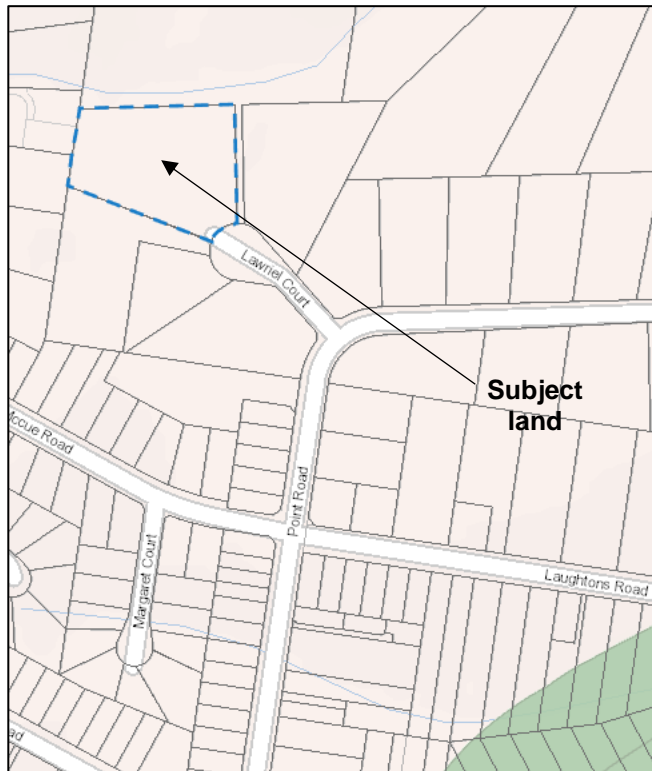
Planning approval is required pursuant to the following Clauses of the East Gippsland Planning Scheme:

Planning Scheme Clause No.	Description of what is Proposed
32.08-3 General Residential Zone	Subdivision
43.02-3 Design & Development Overlay	Subdivision
44.01-5 Erosion Management Overlay	Subdivision
52.17 Native Vegetation	Removal of native vegetation

**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*



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

Although a seven lot subdivision is a high impact activity, the subject land is not within an area of cultural heritage sensitivity as such a CHMP is not required for the proposed subdivision.

**5. Planning Policy**

**5.1 Planning Policy Framework**

The proposed subdivision will provide for the growth in population, is located within the Lakes Entrance settlement boundary, will assist to limit urban sprawl and provides for infill development as supported by Clause 11.01-1S Settlement.

Lakes Entrance has been nominated by Council as a growth area town within Clause 11.01-1L-02 – Lakes Entrance. The proposed subdivision supports the relevant policy strategy of providing for development within the settlement boundary.



The proposed subdivision will create lots less than 4000 square metres resulting in the need to address consequential loss of native vegetation. There is no ability to offset the consequential loss of the native trees within Lot 2 and Lot 6 given the intended residential use of the land. As such the consequential tree loss will be offset as part of the proposal in accordance with the Guidelines for the removal, destruction or lopping of native vegetation as sought within Clause 12.01-2S Native vegetation management.

Located distant from the Gippsland Lakes and on significantly elevated land the property will not be impacted by future sea level rise consistent with the objective and strategies contained within Clause 13.01-2S Coastal inundation and erosion.

Accompanying the application is a Geotechnical Risk Assessment waiver, which advises that the erosion risk associated with the land currently is low and with undertaking appropriate construction precautions to limit sediment runoff during construction the development will not cause an erosion hazard or risk to the environment as sought within Clauses 13.04-2S and 13.04-2L Erosion.

To ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods is the objective of Clause 15.01-3S Subdivision design.

The proposed subdivision will promote the strategies that underpins this objective:

- The proposed subdivision will provide a range of lot sizes to suit a variety of dwelling and household types.
- The lots are of sufficient size to allow the development of a dwelling with complementary landscaping.
- The proposed subdivision will provide for a functional, safe and attractive environment.
- Located a short driving distance from the Lakes Entrance Activity Centre, educational opportunities, recreation facilities and community facilities the subject land is well supported by services and facilities of Lakes Entrance.
- The proposed subdivision can incorporate integrated water management and allows lots to be developed with dwellings that can be designed to be energy efficient.

The character of the area is varied with a range of lot sizes, orientations and shapes, some of this character has been influenced by a lack of reticulated sewerage in the precinct, which is being rectified. The proposed subdivision will introduce smaller lots within the immediate precinct however, given servicing provision is being resolved the emerging character sees infill subdivision of smaller lots as the emerging character as envisaged and directed by the planning scheme (Clause 15.01-5S Neighbourhood character).

Subdividing the subject land will increase the proportion of housing in an established urban area reducing the pressure for urban sprawl and greenfield development as sought by Clause 16.01-1S Housing supply.

Lawriel Court is a sealed urban road and the proposed subdivision creating a maximum of 70 vehicle movements (as per the infrastructure manual standards) will not overburden the Court or surrounding street network consistent with Clause 18.02-4L-01 Road.



*Image of Lawriel Court looking south*

## 5.2 Municipal Planning Strategy

Lakes Entrance has been nominated as a growth area town by Council within Clause 02.03-1 Settlement and housing – Growth area towns. Subdivision of the land will achieve a number of Council's strategic directions within this clause including population growth and development on fully serviced residential land and the lots created provide the opportunity for a range of housing types and styles.

Environmental risks and amenity within Clause 02.03-3 have been seriously considered by the proposed development. The subject land is well setback from the Gippsland Lakes on an elevated site resulting in little risk resulting from future sea level rise. A geotechnical risk assessment has been prepared advising that the risk of erosion is low.

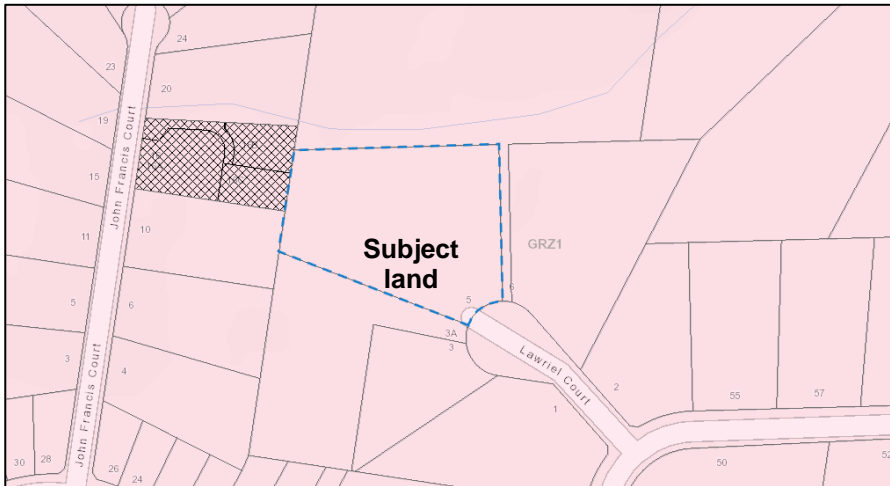
While the property is within a declared Bushfire Prone Area the site is well separated from a bushfire hazard. Future dwellings can be afforded adequate protection from bushfire through construction standards and will not rely on the removal of vegetation

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**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)

Subdividing the subject land meets the relevant purposes of the zone as it is supported by planning policy contained within the Planning Policy Framework and Municipal Planning Strategy, the emerging character of the area is being achieved and the lot areas and shapes allows a diversity of housing types to be developed.

A planning permit is required to subdivide land within the zone in accordance with Clause 32.08-3. An application to subdivide land must meet the objectives and should meet the standards of Clause 56 as specified in the table to Clause 32.08-3.

The below table provides comment against the relevant standards and objectives of Clause 56 relevant to a seven lot subdivision.

Objective	Design Response
<p><b>56.01-1</b> <b>Subdivision Site &amp; Context Description</b></p>	<p><b>Complies</b> See attached Site &amp; Context Plan, Design Response Plan and above comments on the subject land and surrounding precinct in Section 2 of this Report.</p>
<p><b>56.01-2</b> <b>Subdivision Design Response</b></p>	<p><b>Complies</b> The design response derives from the moderately sloping landform south to north. The sloping landform of the property necessitates a subdivision layout that provides an internal accessway that allows for appropriate grades for vehicles to access the lots.</p>

Objective	Design Response
<p><b>56.01-2</b>  <b>Subdivision Design Response</b>  <b>Cont.</b></p>	<p>Larger allotments have been proposed to respect the existing dwelling on the land and providing for dwelling sites to be setback from boundaries, allowing for a sense of space.</p> <p>Common Property has been nominated to ensure safe and convenient vehicle access to the proposed lots and for associated servicing and maintenance for all the lots.</p> <p>The alignment of the proposed boundaries is practical and has regard for housing development, vehicle movements and landscaping.</p>
<p><b>56.03-5</b>  <b>Neighbourhood Character Objective</b></p>	<p><b>Complies</b></p> <p>Although there is no defined neighbourhood character for the precinct, Council policy clearly seeks infill development within the existing urban area. The proposed subdivision has been designed to be respectful of surrounding development by nominating allotments for residential use which will each have access to Lawriel Court.</p> <p>The area is beginning to see the creation of smaller allotments as servicing challenges are being overcome, with allotments of similar size approved to the west of the subject land. The emerging character of the precinct will continue to see the creation of smaller lots as sought by planning policy.</p>
<p><b>56.04-1</b>  <b>Lot Diversity &amp; Distribution Objectives</b></p>	<p><b>Complies</b></p> <p>The proposed subdivision will result in infill residential development in an existing residential precinct in close proximity to the Lakes Entrance Activity Centre, recreational areas, educational and community facilities.</p> <p>A range of lot sizes have been achieved to suit a variety of dwelling and household types, while respecting the landform.</p>
<p><b>56.04-2</b>  <b>Lot Area &amp; Building Envelopes Objective</b></p>	<p><b>Complies</b></p> <p>The proposed lots are all greater than 500 square metres and are able to contain a rectangle measuring 10 metres by 15 metres.</p> <p>Lot dimensions and lot areas provide for future dwellings and private open space to achieve good solar access. Existing easements along the western and eastern boundaries are able to be respected.</p>
<p><b>56.04-3</b>  <b>Solar Orientation of Lots Objective</b></p>	<p><b>Complies</b></p> <p>The proposed allotments can easily achieve good solar access. Over 70 percent of lots have northern solar orientation and are not subject to unreasonable overshadowing by adjoining built form or vegetation.</p>

Objective	Design Response
<p><b>56.04-4</b> <b>Street Orientation Objective</b></p>	<p><b>Complies</b> The subdivision has been designed to provide each of the proposed allotments with access from Lawriell Court either directly or via a Common Property driveway. Proposed Lot 1 maintains the frontage to Lawriell Court with the entry to the existing dwelling designed to be directly visible from the street.</p>
<p><b>56.04-5</b> <b>Common Area Objectives</b></p>	<p><b>Complies</b> The accompanying Proposed Subdivision Plan nominates the area of proposed Common Property. The driveway contained within the Common Property has been designed to ensure sufficient access and servicing to each allotment. All lots will form the Owners Corporation.</p>
<p><b>56.05-1</b> <b>Integrated Urban Landscape Objectives</b></p>	<p><b>N/A</b> The application does not seek to provide any new lengths of road as each of the proposed Lots will obtain access via the proposed Common Property.  Therefore it is considered to be no requirement for the provision of street tree planting.</p>
<p><b>56.06-2</b> <b>Walking &amp; Cycling Network Objectives</b></p>	<p><b>N/A</b> There are no new roads proposed as part of the subdivision.</p>
<p><b>56.06-4</b> <b>Neighbourhood Street Network Objective</b></p>	<p><b>N/A</b> There are no new streets being established as part of the subdivision. Each of the proposed Lots will be accessed from Lawriell Court either directly or via the Common Property driveway.</p>
<p><b>56.06-5</b> <b>Walking &amp; Cycling Network Detail Objectives</b></p>	<p><b>N/A</b> The subdivision is able to make use of existing road reserves as already provided within the precinct.</p>
<p><b>56.06-7</b> <b>Neighbourhood Street Network Detail Objective</b></p>	<p><b>N/A</b> There are no new sections of road being created as part of the subdivision.</p>
<p><b>56.06-8</b> <b>Lot Access Objective</b></p>	<p><b>Complies</b> Access between Lawriell Court and the subject land will require an additional crossover to be established to facilitate access to the proposed lots.  Vehicle crossovers to be established will be constructed to the satisfaction of the Responsible Authority.</p>

Objective	Design Response
<p><b>56.07-1</b> <b>Drinking Water Supply Objectives</b></p>	<p><b>Complies</b> Reticulated drinking water must be available to each proposed lot. It is expected that a Condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated water to each lot as proposed.</p>
<p><b>56.07-2</b> <b>Reused &amp; recycled Water Objective</b></p>	<p><b>Complies</b> East Gippsland Water, the relevant local authority does not have any requirements for the installation of re-used and recycled water supply in this precinct.  Rainwater tanks will be utilised to detain stormwater from dwellings and can be re-used within dwellings.</p>
<p><b>56.07-3</b> <b>Wastewater Management Objective</b></p>	<p><b>Complies</b> It is expected that a Condition of permit will require the owner of the land to enter into an agreement with East Gippsland Water for the supply of reticulated sewerage to each proposed allotment.</p>
<p><b>56.07-4</b> <b>Stormwater Management Objectives</b></p>	<p><b>Complies</b> The subject land will be drained to the satisfaction of the Responsible Authority. The proposed common property can include a rain garden(s) and future dwellings can include rainwater tanks plumbed into the dwelling as the primary source for toilets and laundry.  It is expected that the raingardens within Common Property will need to be installed prior to a Statement of Compliance and a Section 173 Agreement will be required to ensure future dwellings install a rainwater tank.</p>
<p><b>56.08-1</b> <b>Site Management Objectives</b></p>	<p><b>Complies</b> The site will be managed to the satisfaction of the Responsible Authority.</p>
<p><b>56.09-1</b> <b>Shared Trenching Objectives</b></p>	<p><b>Complies</b> Shared trenching for reticulated services will be undertaken where possible in accordance with the standards of the relevant supply agency.</p>
<p><b>56.09-2</b> <b>Electricity &amp; telecommunications Objectives</b></p>	<p><b>Complies</b> Electricity and telecommunications are available to the site and will be connected to each lot.</p>
<p><b>56.09-3</b> <b>Fire Hydrants Objective</b></p>	<p><b>Complies</b> A fire hydrant is located in front of 4 Lawriel Court on the east side of the subject land.</p>
<p><b>56.09-4</b> <b>Public Lighting Objective</b></p>	<p><b>Complies</b> Street lighting is already provided within the precinct. As there are no new sections of road nominated there will be no need to provide any public lighting.</p>

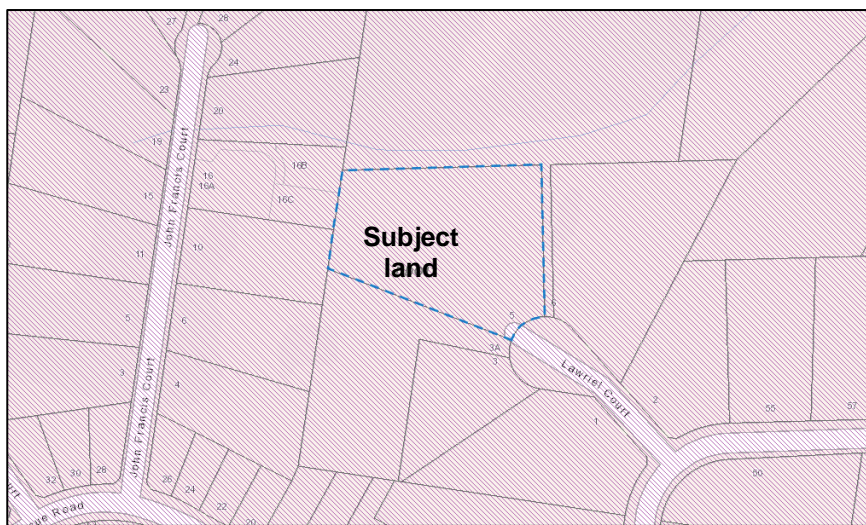
Decision Guidelines

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

- Strong policy support for the proposal is found within the State Planning Policy and Municipal Planning Strategy.
- The purposes of the zone are adhered to and promoted by the proposed subdivision.
- The pattern of the subdivision will provide for spacious allotments that will result in the appropriate spacing of buildings.
- A high level of compliance with the objectives and standards of Clause 56 are achieved.
- The further subdivision of this large, serviced and residential zoned property within the settlement boundary of Lakes Entrance serves to provide an orderly and proper planning outcome.

**6.2 Design and Development Overlay 13**

The subject land is contained 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 subject land is located within character area 3 – Kalimna.

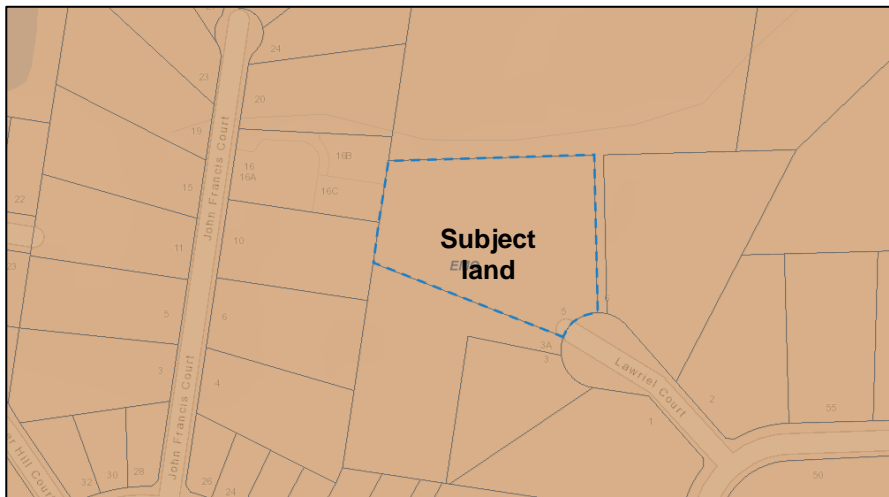
The proposed subdivision will achieve the design objectives and decision guidelines of the Overlay schedule:

- The development will have a minimal visual impact on the natural landscape given the property contains little native remanent vegetation.
- The layout of the proposal has been sensitively determined so as to minimise earthworks and provide allotments that are easily capable of future development.

- The subdivision provides allotments where future development can be undertaken so as to not be visually obtrusive and above the surrounding tree canopy.
- One native tree must be accounted for as consequentially lost however, given the location of the tree along the northern boundary of lot 6 the physical removal of the tree can be avoided.
- Views to the subject land from distant viewpoints are not prominent.
- The land is an island site with no linkages to other properties avoiding the need to contribute to pedestrian walkways.
- There are no drainage lines or wetland areas on the property that require protection or enhancement.
- Water sensitive urban design can be achieved through the use of water tanks connected to future dwellings for reuse and detention and raingardens for water quality improvements.
- The subject land is well setback from the Lakes and is located on an elevated property avoiding the risk to allotments being impacted by future sea level rise.
- Allotment sizes are generous and allow for the potential for future landscaping opportunities.

### 6.3 Erosion Management Overlay

The property is subject to an Erosion Management Overlay.



Planning scheme overlay mapping (Source: VicPlan)

The Schedule to the Overlay is Management of Geotechnical Hazard to ensure that development does not increase the risk of geotechnical hazard to life or property.

A geotechnical risk assessment has been carried out by a suitably qualified engineer.



The assessment advises that in accordance with "Guidelines for Landslide Susceptibility" Section 5: Landslide Zoning: the subject site would not be considered in a landslide hazard zone.

The assessment informs that the subject land has low to moderate grades over the entire site, that there is no evidence of any landslip or soil erosion on any of the surrounding properties, a construction management plan will need to be implemented for the entire construction time for roads and underground services and a storm water management plan for the whole site needs to be completed (and the control of sediment run-off and erosion control during construction is necessary with no stormwater to be allowed to leave the site prior to being treated).

#### 6.4 Native Vegetation

Planning approval is required at Clause 52.17-1 for the removal of native vegetation to accommodate consequential losses within the subject land invoked by the site area exemption provided at Clause 52.17-7.

##### Application Requirements

Information including plans and photos accompany the application in accordance with the application requirements specified within the *Guidelines for the Removal, Destruction or Lopping of Native Vegetation, December 2017* ('the Guidelines').

Accompanying the Application is a Native Vegetation Removal Report (NVRID: 319\_20240711\_0EQ) which confirms the assessment pathway (Basic Assessment Pathway), details of the vegetation to be removed (consequentially lost), mapping and offset requirements, along with other details required by Table 4 of the Guidelines.

The extent of vegetation removal being considered under the provisions of Clause 52.17 includes:

- The loss of X2 Scattered Trees (NVRID: B & C) internal to the site which will be consequentially lost as a result of the proposal;
- The loss of X1 small patch tree (NVRID: Zone 1).

The standalone nature of the two trees proposed to be removed internal to the site (NVRID: C & C) and the dominance of kikuyu grass underneath (<25% native coverage) classifies the trees as "scattered trees".

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*Scattered trees within Proposed Lot 2 consequentially lost  
Date of Photography 7/06/2024*



*Scattered trees 'C' & 'B' within proposed Lot 2 consequentially lost  
Date of Photography 7/06/2024*

A small tree within Lot 6 will also be consequentially lost as part of the proposal which forms part of a native vegetation patch given its canopy touches two nearby trees.

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*Patch tree within Lot 6 (Zone 1) consequentially lost  
Date of Photography 7/06/2024*

There are two other trees established on the northern boundary within proximity to proposed Lots 5 & 6 which form part of the patch however they do not require consideration against the native vegetation controls. These two trees are located on the northern side of existing fencing and are already considered lost by virtue of their existence on the boundary (fences exemption, Clause 52.17-7).



*Patch trees on the northern side of the existing fencing to be retained*

To compensate for the consequential loss of vegetation, a third party offset will be secured to ensure no net loss of biodiversity occurs in accordance with the requirements of Clause 52.17-5. Search results from the Native Vegetation Credit Register provided in support of the Application confirm the availability of the required offsets on the current market with all necessary attributes (Report ID: 25274).

In response to the application requirements specified at Table 4 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following response.

	Application Requirement	Response/Comment
1.	Vegetation to be removed	The accompanying Native Vegetation Removal Report includes adequate information to address this Application Requirement.  The extent of vegetation being considered under the provisions of Clause 52.17 includes x2 scattered trees and a patch of native vegetation 0.001ha in area.  A total offset amount of 0.008 general habitat units is required with a minimum strategic biodiversity value of 0.216 within the East Gippsland Catchment Management Authority or East Gippsland Shire Council areas.
2.	Topographic and land information	The landform within proximity to the proposed vegetation removal is on a gentle grade and is not steep land.  There are no drainage lines or water courses located within proximity to the vegetation proposed to be removed.
3.	Photographs	All photographs within this Report are recent having been taken on either 24/05/2024 or 7/06/2024. Dates have been provided on the photos of the native vegetation earmarked for removal.
4.	Past Removal	There are no records on Council's Online Register of any removal of native vegetation from the subject land within the last 5 years.
5.	Avoid and minimise statement	See later section of Report.
6.	Property Vegetation Plan	Not applicable.

Application Requirement		Response/Comment
7.	Defendable space statement	The vegetation is not being removed to create defendable space.
8.	Native Vegetation Precinct Plan	The Application is not being made under the provisions of Clause 52.16.
9.	Offset statement	<p>As a Permit is required to remove native vegetation, the biodiversity impacts from the removal must be offset in accordance with the Guidelines. It is anticipated that the standard Conditions will be imposed on Permit which specify the offset requirement and the timing to secure the offset.</p> <p>There is no ability to provide a first party offset in this instance given the subject land does not contain the necessary attributes and is intended for residential development. It is therefore necessary that vegetation offsets be achieved through third party arrangements.</p> <p>A search statement from the Native Vegetation Credit Register has been provided in support of the proposal which confirms suitable offsets are available to compensate for the proposed vegetation removal.</p>

In response to the decision guidelines specified at Table 6 of the *Guidelines for the removal, destruction or lopping of native vegetation* (DELWP, 2017) ('the Guidelines') we offer the following response.

	Decision Guidelines	Response/Comment
1.	Efforts to avoid and minimise vegetation removal to be commensurate with the biodiversity and other values.	<p>Efforts to avoid and minimise impacts to native vegetation are considered commensurate to the biodiversity values of the area as detailed in the below avoid and minimise statement.</p> <p>The extent of vegetation removal is quite limited and has not been identified as being of significance as it is mapped as being within Location 1 and follows a Basic Assessment Pathway.</p>

Application Requirement		Response/Comment
2.	Water courses, land degradation and groundwater.	The vegetation in question is considered to play a minimal role in protecting water quality and preventing land degradation given its location. The vegetation is well separated from existing water courses (>30m) and is not contained on steep land.
3.	Identified landscape values.	The vegetation in question is not identified as being within the Environmental Significance Overlay, Vegetation Protection Overlay or any Character Overlays.  It is not easily identifiable from Lawriell Court or wider street network and is not grand in stature.  The Native Vegetation Removal Report does not identify any special characteristics of the vegetation and its removal does not trigger any Species Specific offsets.
4.	Aboriginal Heritage Act 2006.	The vegetation earmarked for removal is not identified as being protected under the <i>Aboriginal Heritage Act 2006</i> .
5.	Defendable space.	The vegetation is not being removed for the purpose of defendable space.
6.	Property Management Plan.	There is no Property Management Plan applying to the subject land.
7.	Offsets	There is the ability to obtain and secure vegetation offsets which meet the offset requirements in accordance with the Guidelines. This has been demonstrated through the inclusion of a search statement from the Native Vegetation Credit Register.
8.	Clause 52.16	N/A  The Application is not being made under the provisions of Clause 52.16.
9.	Impacts on biodiversity	The vegetation being considered under Clause 52.17 includes consequential losses which will not have any significant impact on habitat for rare or threatened species.  The Native Vegetation Removal Report identifies the Application as a Basic Assessment Pathway.

### Avoid & Minimise Statement

The subject land is contained within the General Residential Zone which anticipates residential occupation of the land similarly to that established within the surrounding context. It is also affected by the provisions of the Design & Development Overlay – Schedule 13 and Erosion Management Overlay of the *East Gippsland Planning Scheme*.

The proposal is consistent with strategic documentation which encourages infill development in townships where lots can retain wastewater including the Lakes Entrance Framework Plan which identifies the area for residential purposes.

In delivering the expected strategic outcome and creating allotments less than 4,000m<sup>2</sup> in area, the three small native trees internal to the site will be consequentially lost.

The location of scattered Trees 'B' & 'C' on the property and the extent of their TPZ's leaves no ability to design a residential subdivision that otherwise enables their retention without severely compromising allotment yield. To enable the retention of the two scattered trees they would need to be retained in allotments which are greater than 0.4ha in area which would be inconsistent with residential development strategies for the area.

The small patch tree within Lot 6 is located within proximity to the northern boundary which leaves good opportunity to physically retain the tree whilst establishing residential development. This tree will however be offset as Lot 6 will be less than 0.4ha in area and we cannot presume to know how future owners will develop the land.

The removal of 0.008 General Habit Units with no large trees is on balance a good outcome having regard to the residential context of the area and inclusion of the land within the General Residential Zone.

## **7. Conclusion**

The proposed seven lot subdivision and removal of native vegetation at 5 Lawriel Court, 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 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.

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

Attn: Richard Hoxley

Email: richard@crowthersadler.com.au

Dear Richard,

**RE: Proposed 7 Lot Subdivision  
5 Lawriel Court, Kalimna.**

## INTRODUCTION

Chris O'Brien & Company Pty Ltd have been engaged by Richard Hoxley of Crowther & Sadler Pty Ltd to provide a Geotechnical risk assessment report for a proposed 7 lot subdivision at 5 Lawriel Court, 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.

Note that in accordance with 'Guidelines for Landslide Susceptibility' Section 5: Landslide Zoning: the subject site would not be considered in a landslide hazard zone.

The site was inspected by Andrew Powell on the 5<sup>th</sup> July 2024.

## SITE DESCRIPTION

The approximately 0.9 hectare site is at the western end of Lawriel Court in Kalimna. A dwelling and some shedding exist on the property with these to be included in lot 1 of the proposed subdivision. Lawriel Court is fully constructed with kerb and channel and most services are available from here. The allotment has some vegetation with most of the significant vegetation along the north and south boundaries. The allotment has an excellent cover of grass with no visual signs of any erosion occurring. The fall on the allotment is mostly from south to north with the land also falling to a low point occurring along the northern boundary with falls to a maximum of 1 in 6 observed on the site. Just to the north



of the property is a natural water course. The property has two accesses from Lawriell Court with Lawriell Court having a rollover type kerb and channel to tie into. A series of photos are attached to this report showing the features of the site.

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## PROJECT DETAILS

A 7 lot subdivision is proposed for the site with an access road to be created for access to lots 2 – 7 with access to be created from Lawriell Court. The existing southern access from Lawriell Court is to be used for access to lot 1. A connection to all existing services will also need to be provided. The construction work will be as follows.

- Tie into Lawriell Court with new access road.
- Clearing and grubbing including the removal of some minor vegetation.
- Stripping of topsoil and earthworks (cut/fill) along the proposed access road carriageway. Maximum cut/fill batter 1 in 2.
- Placement and compaction of road making materials.
- Excavation of trenches for the provision of all services to the subdivision the backfilling the trenches once services have been laid.
- Provision of site access for the duration of the works. Site access can be gained from Lawriell Court with the northern access crossover to be used.
- Provision of areas for site facilities, machinery and fuel storage, and topsoil stockpiling for the duration of the works.
- All cut/fill batters (no steeper than 1 in 2) and disturbed areas to be re-sod and sown with local grasses.

## SUMMARY OF RISK

LANDSLIDE	LOW
SHEET/RILL EROSION	LOW
TUNNEL EROSION	LOW

- Low to moderate grades over the entire site ranging from about 1 in 40 to 1 in 6.
- There is no evidence of any landslip or soil erosion on any of the surrounding properties.
- A construction management plan will need to be implemented for entire construction time for the roads and associated underground services. The plan will need to show measures to be undertaken to control erosion and storm water during the construction period. The following will have to be considered:
  - i. Location of any temporary construction works office and machinery storage area.
  - ii. Identification and location of areas suitable for the stockpile of topsoil with measures of erosion control to be shown (i.e. diversion banks and sediment fences)
  - iii. Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas.
  - iv. Drainage of all construction and stockpile areas for the duration of the works and details of stormwater treatment to be provided.
  - v. A stabilized vehicle access point to and from all storage areas on the site for the entire length of the construction
  - vi. The form, bulk, scale and location of cut and fill is to be controlled to ensure no adverse effects on the natural water course to the north. (i.e. diversion banks and spoon drains)

- vii. All erosion and sediment control measures will need to be inspected on a daily basis by the site manager with any maintenance required to be rectified immediately.
- Storm water management plan for the whole site must be completed with the following points to be considered. A stormwater retention system is to be provided limiting flows from the subdivision to predevelopment flows. Treatment of the stormwater prior to the legal point of discharge which complies with the objectives of "Best Practice Environmental Management Guidelines" (CSIRO 1999). The control of sediment run-off and erosion control during construction is essential and it must be clearly indicated how this is to be achieved with no stormwater to be allowed to leave the site prior to be treated.

The above recommendations will need to be provided and approved prior to the commencement of any construction works on site. All storm water pits, silt fences etc will need regular maintenance to ensure the systems work as intended, as any silt build up in pits etc could cause the system to fail.

## CONCLUSION

It is critical that all the above is adhered to with strict control of storm water flow to maintained at all times. Provided this is strictly adhered to we expect no environmental risks from this development.

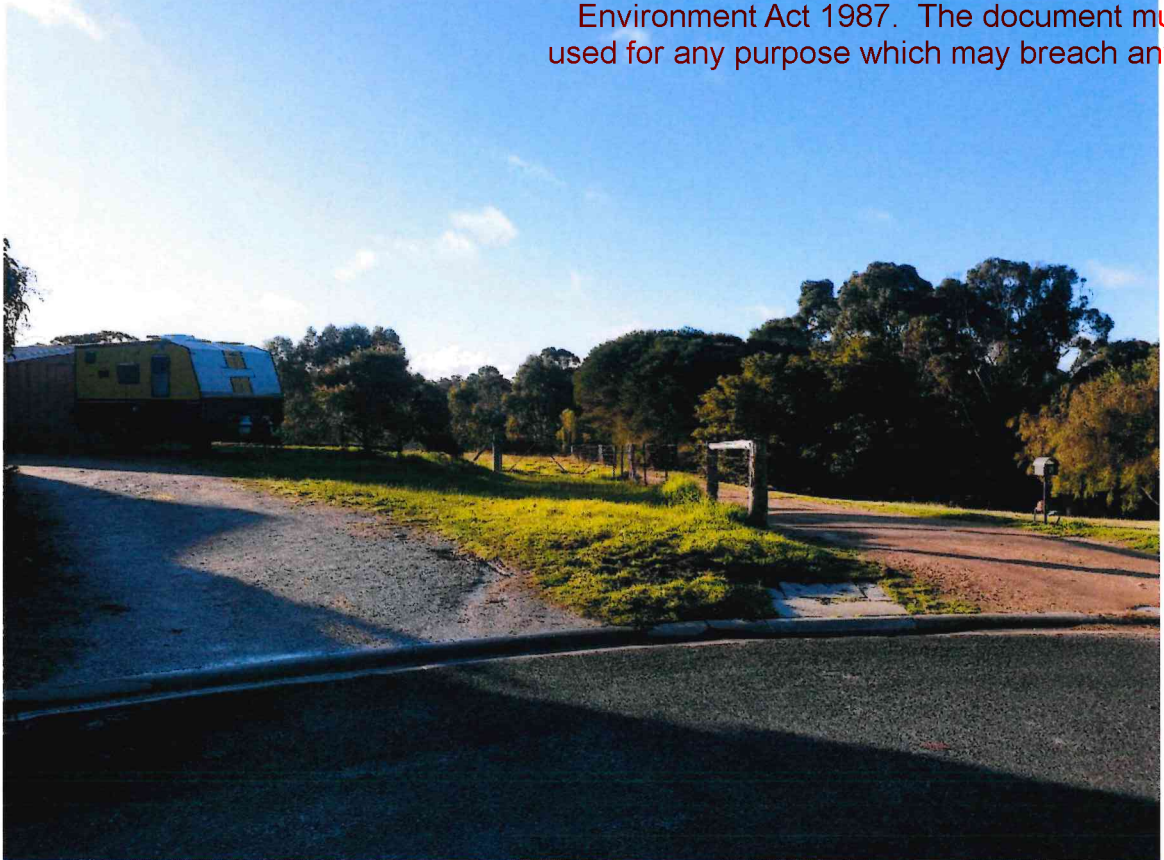
Should you need to clarify anything, please contact the Andrew Powell on 0402384596

Yours faithfully,

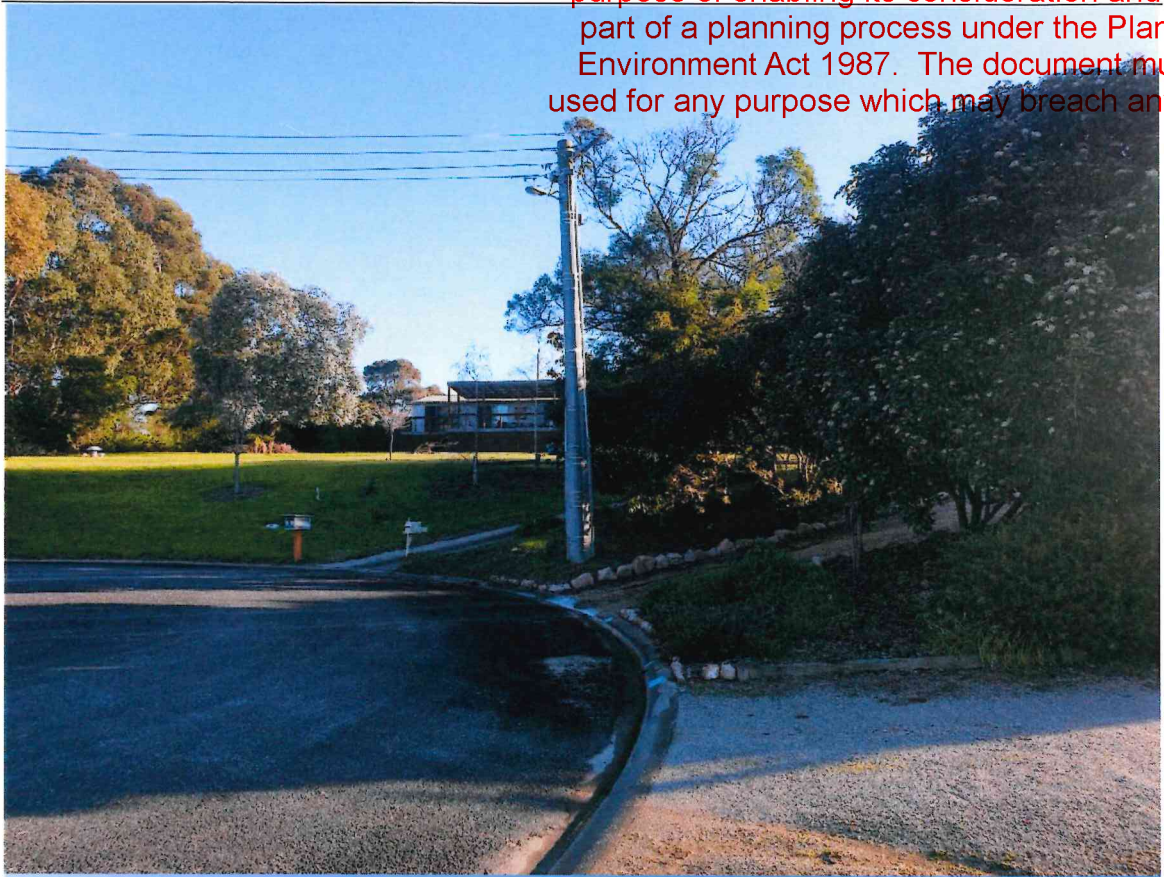
**Andrew Powell Assoc.Dip (Civil)**  
**for CHRIS O'BRIEN & COMPANY PTY LTD**

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Photos below show Lawriell Court, existing driveway access points

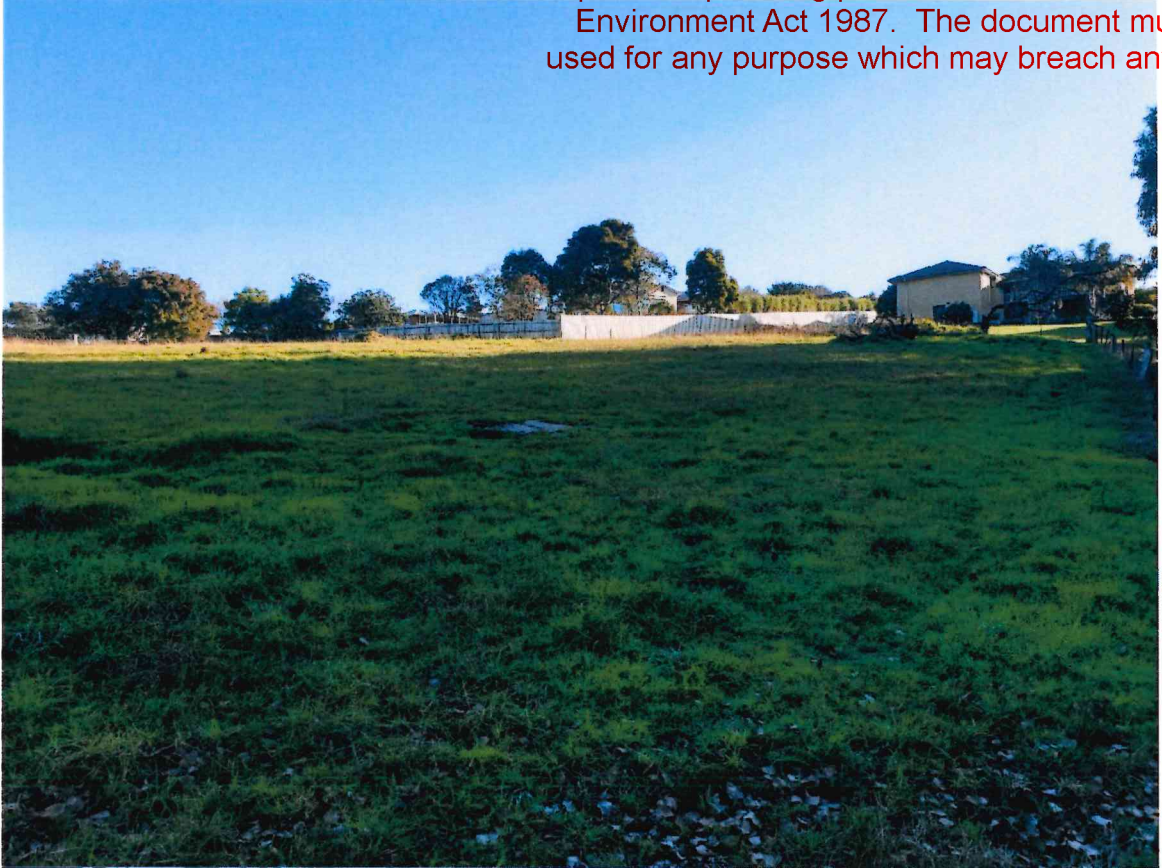


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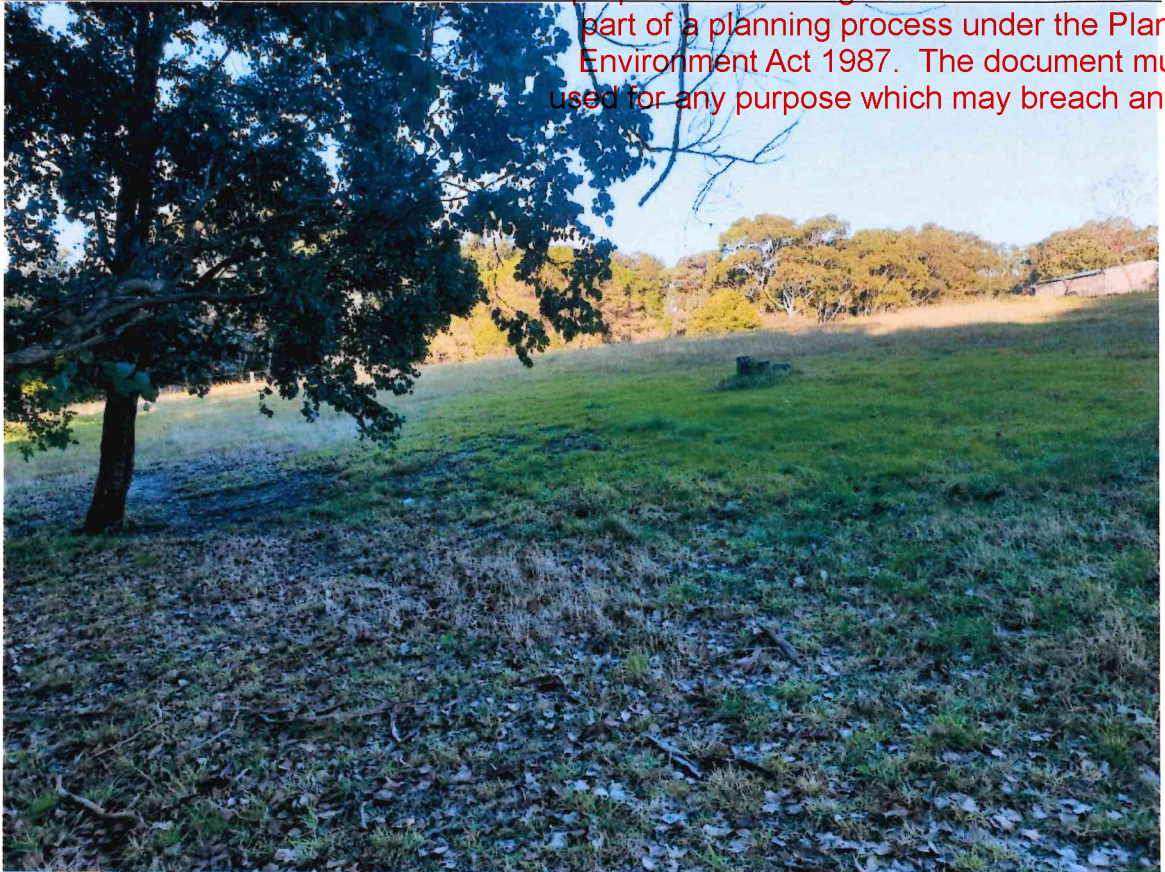


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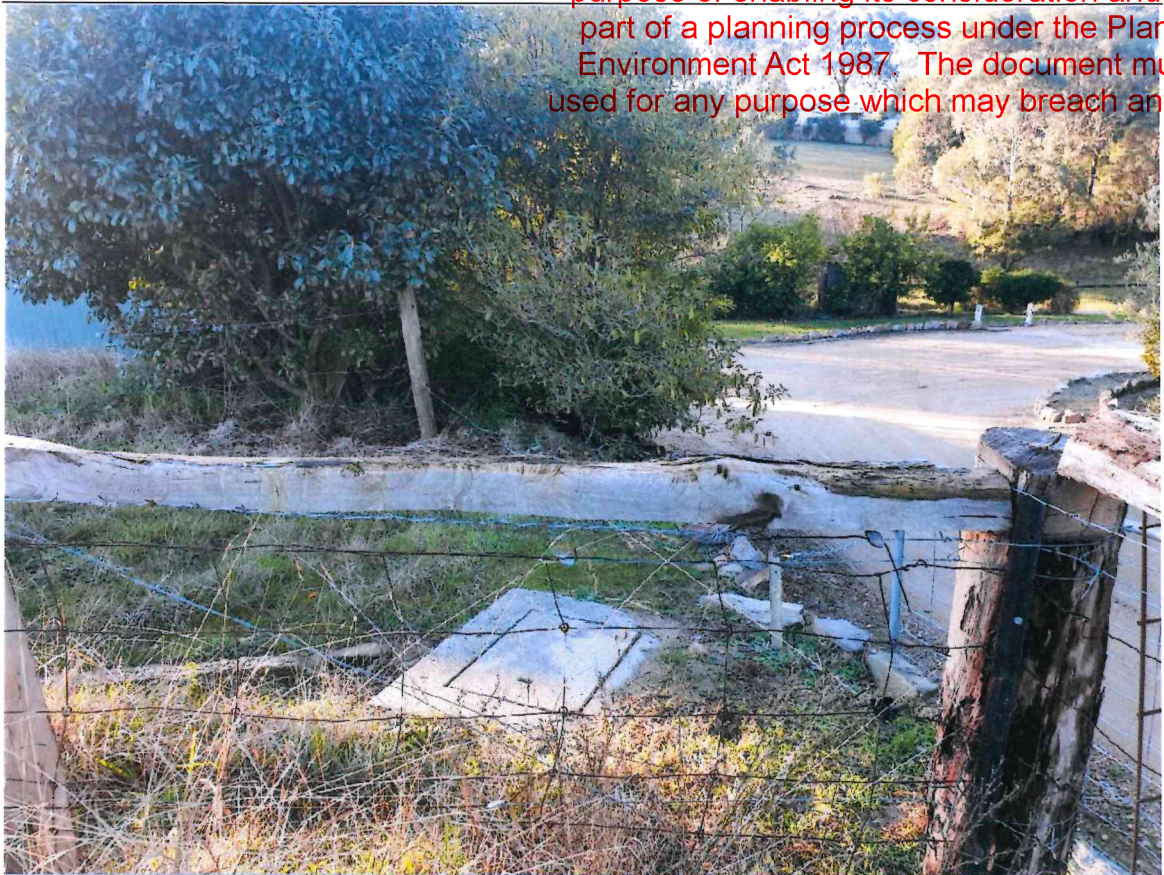
Photos below show the general layout of the allotment.



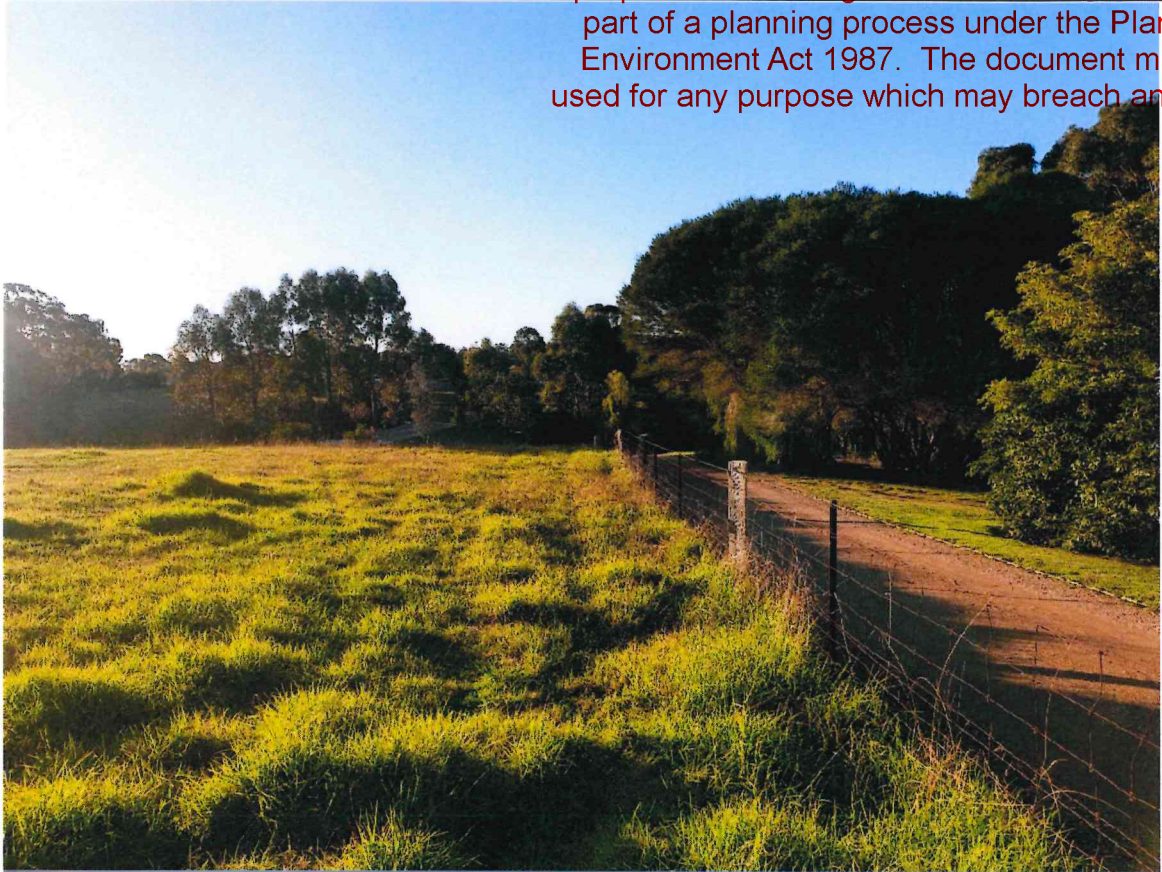
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# Report of available native vegetation credits

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This report lists native vegetation credits available to purchase through the Native Vegetation Credit Register.

This report is **not evidence** that an offset has been secured. An offset is only secured when the units have been purchased and allocated to a permit or other approval and an allocated credit extract is provided by the Native Vegetation Credit Register.

Date and time: 11/07/2024 11:51

Report ID: 25274

## What was searched for?

### General offset

General habitat units	Strategic biodiversity value	Large trees	Vicinity (Catchment Management Authority or Municipal district)	
0.008	0.216	0	CMA	East Gippsland
			or LGA	East Gippsland Shire

## Details of available native vegetation credits on 11 July 2024 11:51

### These sites meet your requirements for general offsets.

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
BBA-0115	2.914	0	West Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets
BBA-2323	6.019	86	East Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets, Ethos, VegLink
BBA-2843	15.103	903	East Gippsland	East Gippsland Shire	Yes	Yes	No	VegLink
TFN-C0698	0.087	16	West Gippsland	East Gippsland Shire	Yes	Yes	No	Bio Offsets, Ecocentric, Ethos, VegLink
TFN-C1621	1.387	1	East Gippsland	East Gippsland Shire	Yes	Yes	No	TFN
VC_CFL-3720_01	1.876	244	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR
VC_CFL-3724_01	0.031	105	East Gippsland	East Gippsland Shire	Yes	Yes	No	Contact NVOR
VC_CFL-3767_01	20.126	1592	East Gippsland	East Gippsland Shire	Yes	Yes	No	Ethos, VegLink
VC_CFL-3767_01	0.677	0	East Gippsland	East Gippsland Shire	Yes	Yes	Yes	VegLink

### These sites meet your requirements using alternative arrangements for general offsets.

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Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
----------------	-----	----	-----	-----	------------	--------	-------------	-----------

There are no sites listed in the Native Vegetation Credit Register that meet your offset requirements when applying the alternative arrangements as listed in section 11.2 of the Guidelines for the removal, destruction or logging of native vegetation.

**These potential sites are not yet available, land owners may finalise them once a buyer is confirmed.**

Credit Site ID	GHU	LT	CMA	LGA	Land owner	Trader	Fixed price	Broker(s)
----------------	-----	----	-----	-----	------------	--------	-------------	-----------

There are no potential sites listed in the Native Vegetation Credit Register that meet your offset requirements.

LT - Large Trees

CMA - Catchment Management Authority

LGA - Municipal District or Local Government Authority

## Next steps

### If applying for approval to remove native vegetation

Attach this report to an application to remove native vegetation as evidence that your offset requirement is currently available.

### If you have approval to remove native vegetation

Below are the contact details for all brokers. Contact the broker(s) listed for the credit site(s) that meet your offset requirements. These are shown in the above tables. If more than one broker or site is listed, you should get more than one quote before deciding which offset to secure.

## Broker contact details

Broker Abbreviation	Broker Name	Phone	Email	Website
Abezco	Abzeco Pty. Ltd.	(03) 9431 5444	offsets@abzeco.com.au	www.abzeco.com.au
Baw Baw SC	Baw Baw Shire Council	(03) 5624 2411	bawbaw@bawbawshire.vic.gov.au	www.bawbawshire.vic.gov.au
Bio Offsets	Biodiversity Offsets Victoria	0452 161 013	info@offsetsvictoria.com.au	www.offsetsvictoria.com.au
Contact NVOR	Native Vegetation Offset Register	136 186	nativevegetation.offsetregister@delwp.vic.gov.au	www.environment.vic.gov.au/native-vegetation
Ecocentric	Ecocentric Environmental Consulting	0410 564 139	ecocentric@me.com	Not available
Ethos	Ethos NRM Pty Ltd	(03) 5153 0037	offsets@ethosnrm.com.au	www.ethosnrm.com.au
Nillumbik SC	Nillumbik Shire Council	(03) 9433 3316	offsets@nillumbik.vic.gov.au	www.nillumbik.vic.gov.au
TFN	Trust for Nature	8631 5888	offsets@tfn.org.au	www.trustfornature.org.au
VegLink	Vegetation Link Pty Ltd	(03) 8578 4250 or 1300 834 546	offsets@vegetationlink.com.au	www.vegetationlink.com.au
Yarra Ranges SC	Yarra Ranges Shire Council	1300 368 333	biodiversityoffsets@yarraranges.vic.gov.au	www.yarraranges.vic.gov.au

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For more information contact the DEECA Customer Service Centre 136 186 or the Native Vegetation Credit Register at [nativevegetation.offsetregister@delwp.vic.gov.au](mailto:nativevegetation.offsetregister@delwp.vic.gov.au)

### Disclaimer

This publication may be of assistance to you but the State of Victoria and its employees do not guarantee that the publication is without flaw of any kind or is wholly appropriate for your particular purposes and therefore disclaims all liability for any error, loss or other consequence which may arise from you relying on any information in this publication.

Obtaining this publication does not guarantee that the credits shown will be available in the Native Vegetation Credit Register either now or at a later time when a purchase of native vegetation credits is planned.

Notwithstanding anything else contained in this publication, you must ensure that you comply with all relevant laws, legislation, awards or orders and that you obtain and comply with all permits, approvals and the like that affect, are applicable or are necessary to undertake any action to remove, lop or destroy or otherwise deal with any native vegetation or that apply to matters within the scope of Clauses 52.16 or 52.17 of the Victoria Planning Provisions and Victorian planning schemes

# Native Vegetation Removal Report

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NVRR ID: 319\_20240711\_OEQ

This report provides information to support an application to remove, destroy or lop native vegetation in accordance with the [Guidelines for the removal, destruction or lopping of native vegetation](#) (the Guidelines). This report **is not an assessment by DEECA** of the proposed native vegetation removal. Offset requirements have been calculated using modelled condition scores.

## Report details

**Date created:** 11/07/2024

**Local Government Area:** EAST GIPPSLAND SHIRE

**Registered Aboriginal Party:** Gunaikurnai

**Coordinates:** 147.96713, -37.87402

**Address:** 5 LAWRIEL COURT KALIMNA 3909

## Summary of native vegetation to be removed

Assessment pathway	Basic Assessment Pathway		
<b>Location category</b>	<b>Location 1</b> The native vegetation extent map indicates that this area is not typically characterised as supporting native vegetation. It does not meet the criteria to be classified as Location Category 2 or 3. The removal of less than 0.5 hectares of native vegetation in this area will not require a Species Offset.		
<b>Total extent including past and proposed removal (ha)</b> <i>Includes endangered EVCs (ha): 0</i>	<b>0.039</b>	<i>Extent of past removal (ha)</i>	0
		<i>Extent of proposed removal - Patches (ha)</i>	0.001
		<i>Extent of proposed removal - Scattered Trees (ha)</i>	0.038
<b>No. Large Trees proposed to be removed</b>	<b>0</b>	<i>No. Large Patch Trees</i>	0
		<i>No. Large Scattered Trees</i>	0
<b>No. Small Scattered Trees</b>	2		

## Offset requirements if approval is granted

Any approval granted will include a condition to secure an offset, before the removal of native vegetation, that meets the following requirements:

General Offset amount <sup>1</sup>	0.008 General Habitat Units
Minimum strategic biodiversity value score <sup>2</sup>	0.216
Large Trees	0
Vicinity	East Gippsland CMA or EAST GIPPSLAND SHIRE LGA

NB: values within tables in this document may not add to the totals shown above due to rounding

The availability of third-party offset credits can be checked using the Native Vegetation Credit Register (NVCR) Search Tool - <https://nvcr.delwp.vic.gov.au>

1. The General Offset amount required is the sum of all General Habitat Units in Appendix 1.

2. Minimum strategic biodiversity value score is 80 per cent of the weighted average score across habitat zones where a General Offset is required.

## Application requirements

Applications to remove, destroy or lop native vegetation must include all the below information. If an appropriate response has not been provided the application is not complete.

### Application Requirement 1 - Native vegetation removal information

If the native vegetation removal is mapped correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 1.

### Application Requirement 2 - Topographical and land information

This statement describes the topographical and land features in the vicinity of the proposed works, including the location and extent of any ridges, hilltops, wetlands and waterways, slopes of more than 20% gradient, low-lying areas, saline discharge areas or areas of erosion.

### Application Requirement 3 - Photographs of the native vegetation to be removed

Application Requirement 3 is not addressed in this Native Vegetation Removal Report. All applications must include recent, timestamped photos of each Patch, Large Patch Tree and Scattered Tree which has been mapped in this report.

### Application Requirement 4 - Past removal

If past removal has been considered correctly, the information presented in this Native Vegetation Removal Report addresses Application Requirement 4.

### Application Requirement 5 - Avoid and minimise statement

This statement describes what has been done to avoid and minimise impacts on native vegetation and associated biodiversity values.

### Application Requirement 6 - Property Vegetation Plan

This requirement only applies if an approved Property Vegetation Plan (PVP) applies to the property  
Does a PVP apply to the proposal?

### Application Requirement 7 - Defendable space statement

Where the removal of native vegetation is to create defendable space, this statement:

- Describes the bushfire threat; and

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- Describes how other bushfire risk mitigation measures were considered to reduce the amount of native vegetation proposed for removal (this can also be part of the avoid and minimise statement).

This statement is not required if, the proposed defensible space is within the Bushfire Management Overlay (BMO), and in accordance with the 'Exemption to create defensible space for a dwelling under Clause 44.06 of local planning schemes' in Clause 52.12-5.

### **Application Requirement 8 - Native Vegetation Precinct Plan**

This requirement is only applicable if you are removing native vegetation from within an area covered by a Native Vegetation Precinct Plan (NVPP), and the proposed removal is not identified as 'to be removed' within the NVPP.

Does an NVPP apply to the proposal?

### **Application Requirement 9 - Offset statement**

This statement demonstrates that an offset is available and describes how the required offset will be secured. The Applicant's Guide provides information relating to this requirement.

## Next steps

Applications to remove, destroy or lop native vegetation must address all the application requirements specified in the Guidelines. If you wish to remove the mapped native vegetation you are required to apply for approval from the responsible authority (e.g. local Council). This Native vegetation removal report must be submitted with your application and meets most of the application requirements. The following requirements need to be addressed, as applicable.

### **Application Requirement 3 - Photographs of the native vegetation to be removed**

Recent, dated photographs of the native vegetation to be removed **must be provided** with the application. All photographs must be clear, show whether the vegetation is a Patch of native vegetation, Patch Tree or Scattered Tree, and identify any Large Trees. If the area of native vegetation to be removed is large, provide photos that are indicative of the native vegetation.

Ensure photographs are attached to the application. If appropriate photographs have not been provided the application is not complete.

### **Application Requirement 6 - Property Vegetation Plan**

If a PVP is applicable, it must be provided with the application.

## Appendix 1: Description of native vegetation to be removed

General Habitat Units for each zone (Patch, Scattered Tree or Patch Tree) are calculated by the following equation in accordance with the Guidelines.

**General Habitat Units = extent without overlap x condition score x general landscape factor x 1.5, where the general landscape factor = 0.5 + (strategic biodiversity value score/2)**

The General Offset amount required is the sum of all General Habitat Units per zone.

### Native vegetation to be removed

Information provided by or on behalf of the applicant			Information calculated by NVR Map							
Zone	Type	DBH (cm)	EVC code (modelled)	Bioregional conservation status	Large Tree(s)	Condition score (modelled)	Polygon extent (ha)	Extent without overlap (ha)	SBV score	General Habitat Units
1	Patch	-	GipP0151	Vulnerable	-	0.330	0.001	0.001	0.270	0.000
B	Scattered Tree	68	GipP0151	Vulnerable	-	0.200	0.031	0.019	0.270	0.004
C	Scattered Tree	32	GipP0151	Vulnerable	-	0.200	0.031	0.019	0.270	0.004



## Appendix 2: Images of mapped native vegetation

### 1. Property in context



- Proposed Removal
- Property Boundaries



200 m

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## 2. Aerial photograph showing mapped native vegetation



□ Proposed Removal



35 m

### 3. Location Risk Map



□ Proposed Removal

□ Location 1

□ Location 2

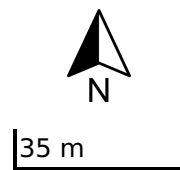
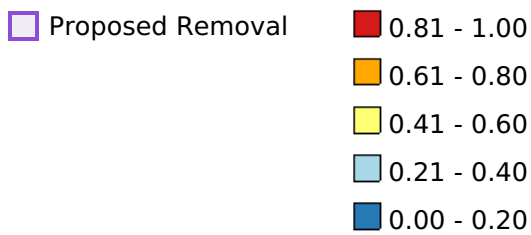
□ Location 3



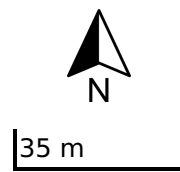
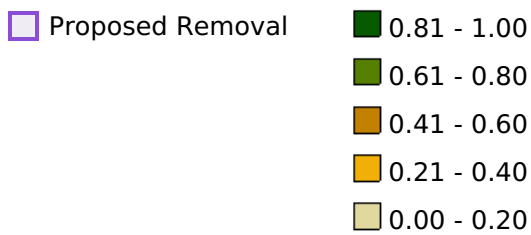
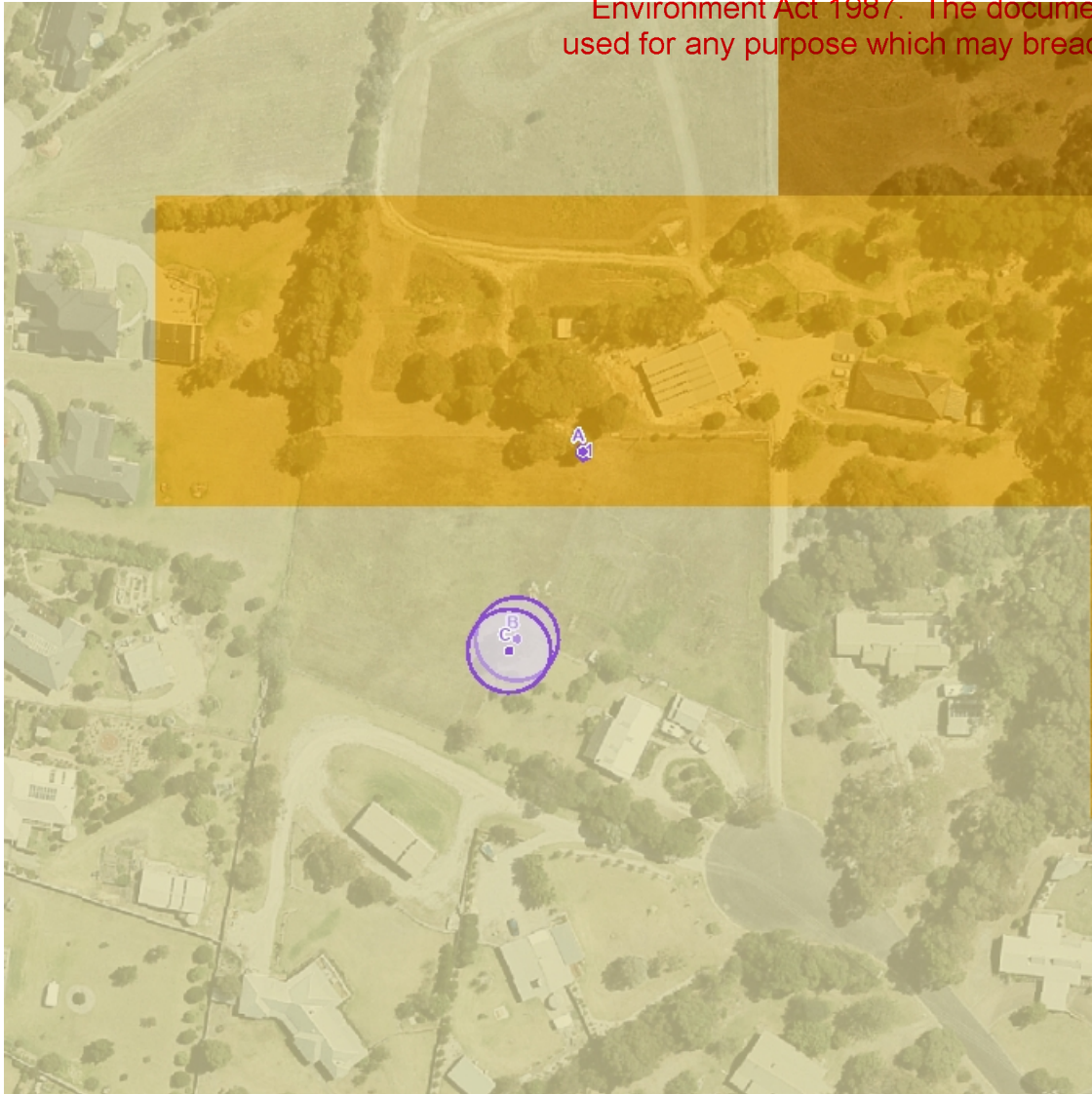
35 m

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#### 4. Strategic Biodiversity Value Score Map



### 5. Condition Score Map



## 6. Endangered EVCs

Not Applicable

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Our ref: 20819

31 October 2024

Statutory Planning Officer  
East Gippsland Shire Council  
Via Email: [planning@egipps.vic.gov.au](mailto:planning@egipps.vic.gov.au)

**Attention: Penny Cross**

Dear Penny,

**Re: Planning Application 5.2024.257.1  
Multi Lot Subdivision & Native Vegetation Removal  
5 Lawriel Court, Kalimna**

We refer to our ongoing discussions with Council relating to Council's request for additional information dated 15 August 2024 and provide the following information and documentation in response.

## 1. Common Property

We understand from discussions on 23 September 2024 that there is some reservation with respect to the length of the access being provided in the form of Common Property, with a request to provide other recent examples where Common Property has been accepted. We presume the reference to "recent examples" to be subdivisions approved under the East Gippsland Planning Scheme, and since the introduction of Clause 56.

We can point to multiple examples of subdivision which have contained a similar or greater number of lots than that proposed, and with the length of access being comparable or greater than the length of the proposed Common Property.

- Short Street (Bryan Place), East Bairnsdale – 120m, 10 lots
- 154 Bullumwaal Road, Wy Yung – 125m, 10 lots
- Nicole Court, Wy Yung – 170m, servicing 6 lots
- Regatta Place, Eagle Point – 160m, servicing 5 lots
- 157 Bay Road, Eagle Point – 130m, servicing 8 lots
- Driftwood Close, Paynesville – 61m, services 12 lots
- 2 Backwater Court, Paynesville – 175m, 5 lots
- 114 Grandview Road, Paynesville – 200m, 7 Lots



FS 520900



We believe these examples should provide Council with comfort that the use of Common Property to unlock residential yield is entirely appropriate, consistent with planning policy directives that seek to make the best use of appropriately zoned and serviced land.

## 2. Traffic

As previously advised in our correspondence of 10 September 2024, we formed the view, supported by advice from a qualified Traffic Consultant, that the increased traffic volumes to be generated by the proposal can be accommodated within the existing road network. Council subsequently sought this advice in writing from a qualified Traffic Consultant.

We now enclose written advice in the form of an email from Samuel Freeman of OneMileGrid which confirms his previous verbal advice. Samuel has advised that in his professional opinion, the need for a TIAR would impose an unnecessary financial obligation with no benefit derived for any party.

On that advice, we respectfully request Council exercise the discretion afforded by the IDM and waive the requirement for traffic advice.

## 3. Rubbish bin collection

As requested, the Design Response Plan has been amended to include a designated bin collection stand area for rubbish bins. Rubbish bins from Lot 1 can be placed immediately in front of the property, presuming each bin has a separation of 0.5m. An additional rubbish bin stand area is available in Lawriel Court, to the front of 4 Lawriel Court.

The nominated location offers sufficient clearance from existing driveways and the distance to be taken by residents of the proposed subdivision is not considered excessive. The maximum distance for a future resident to wheel their bin to the nominated collection area is 130m which is considered comparable to other multi-lot subdivisions in Bairnsdale, Eagle Point and Paynesville listed herein.

There are also numerous examples throughout these towns and established residential areas where residents are required to wheel their bins similar or longer distances. For example, all residents with an abuttal to Backwater Court Paynesville are required to wheel their bins to the intersection of Newlands Drive and Grandview Road for collection by Council's contractor.

While some may consider having to wheel their bin beyond the front of their property an inconvenience, there are many existing circumstances where it is accepted and simply a part of life.

We trust that the enclosed information and documentation will satisfy Council's request and enable the further processing and assessment of the matter at hand.



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As always, please do not hesitate to contact our office should you have any questions or queries in relation to this matter.

Yours faithfully,

RICHARD HOXLEY  
Principal Planner

*Encl: Design Response Plan (Version 3)  
Email Samuel Freeman, OMG 08/10/2024*

# DESIGN RESPONSE PLAN

PARISH OF COLQUHOUN  
CROWN ALLOTMENT 30B (PART)

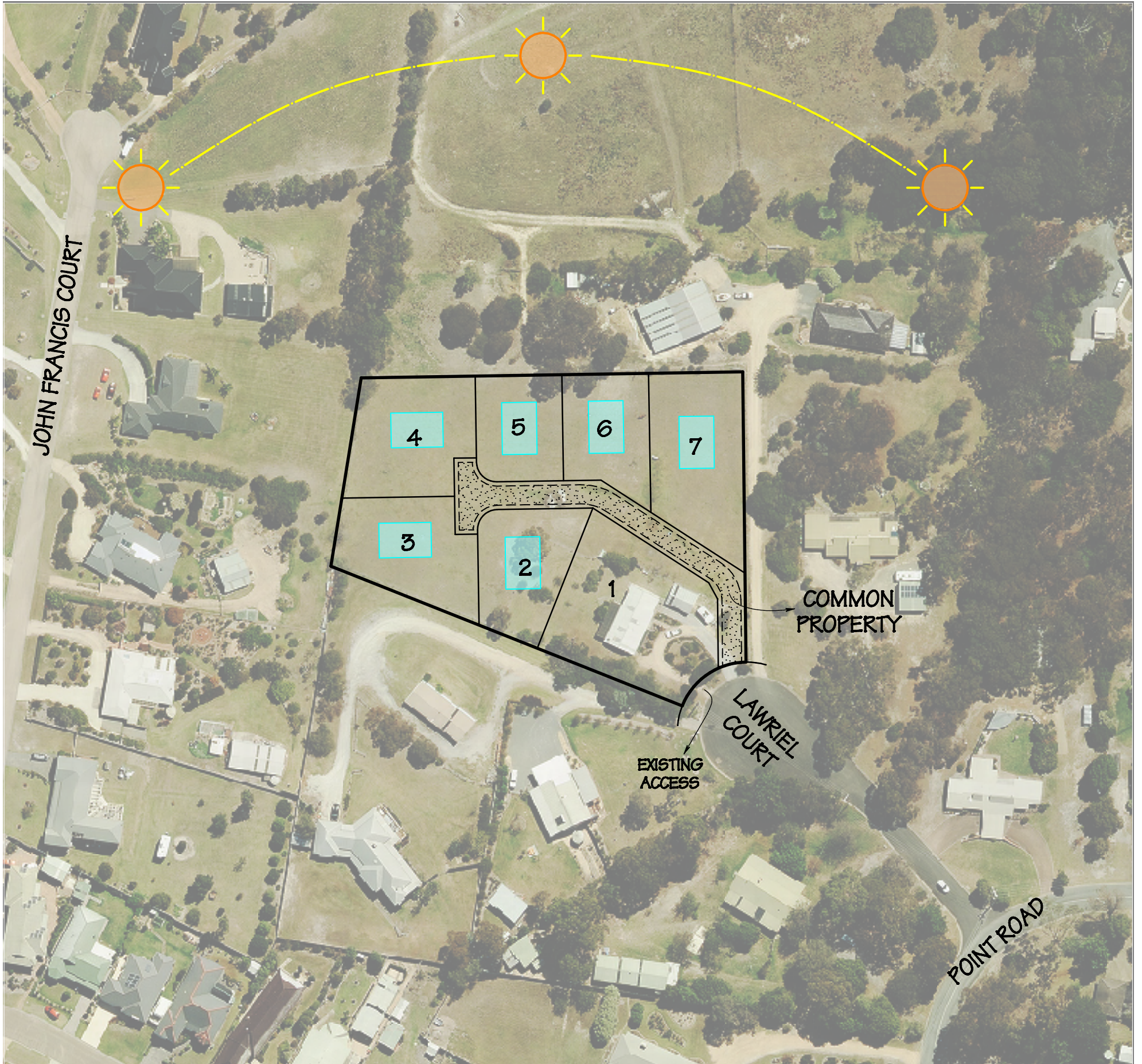
LOT 3 ON LPI32933

# SHEET 1 OF 2

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MGA2020 ZONE 155




**BRUCE MCKENZIE**  
5 LAWRIEL COURT, KALIMNA

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

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## NOTATIONS

 - DENOTES 10m x 15m RECTANGLE

SCALE (SHEET SIZE A3)

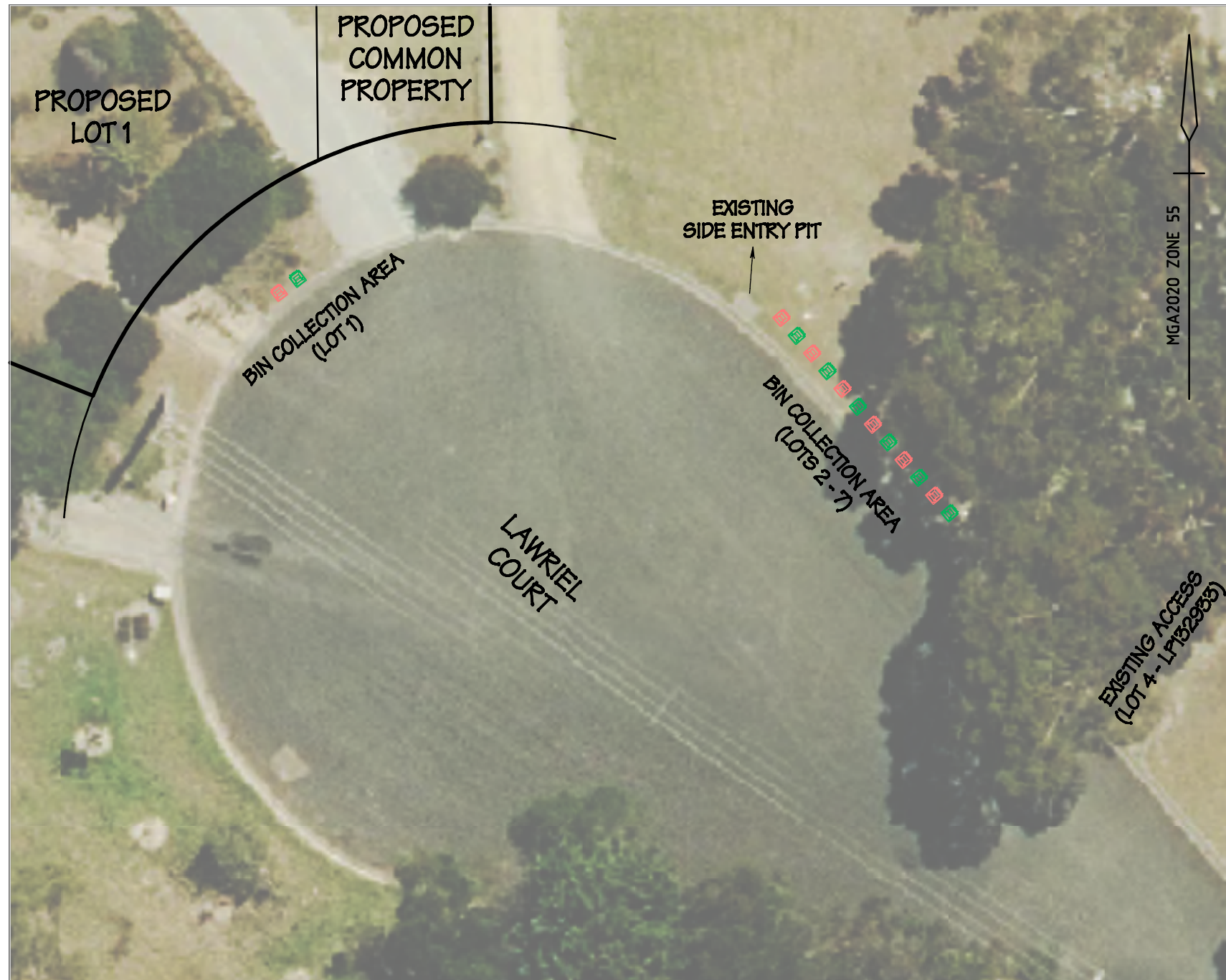
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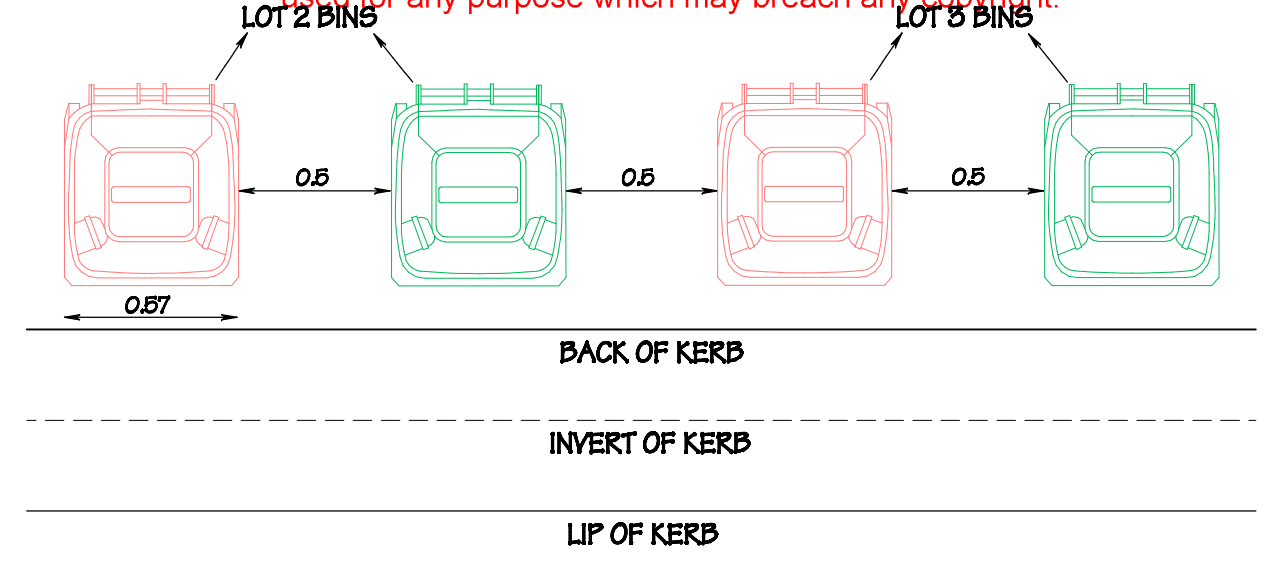
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SHEET 2 OF 2

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**DESIGN RESPONSE PLAN**

PARISH OF COLQUHOUN  
 CROWN ALLOTMENT 30B (PART)  
 LOT 3 ON LP132933

# PROPOSED SUBDIVISION

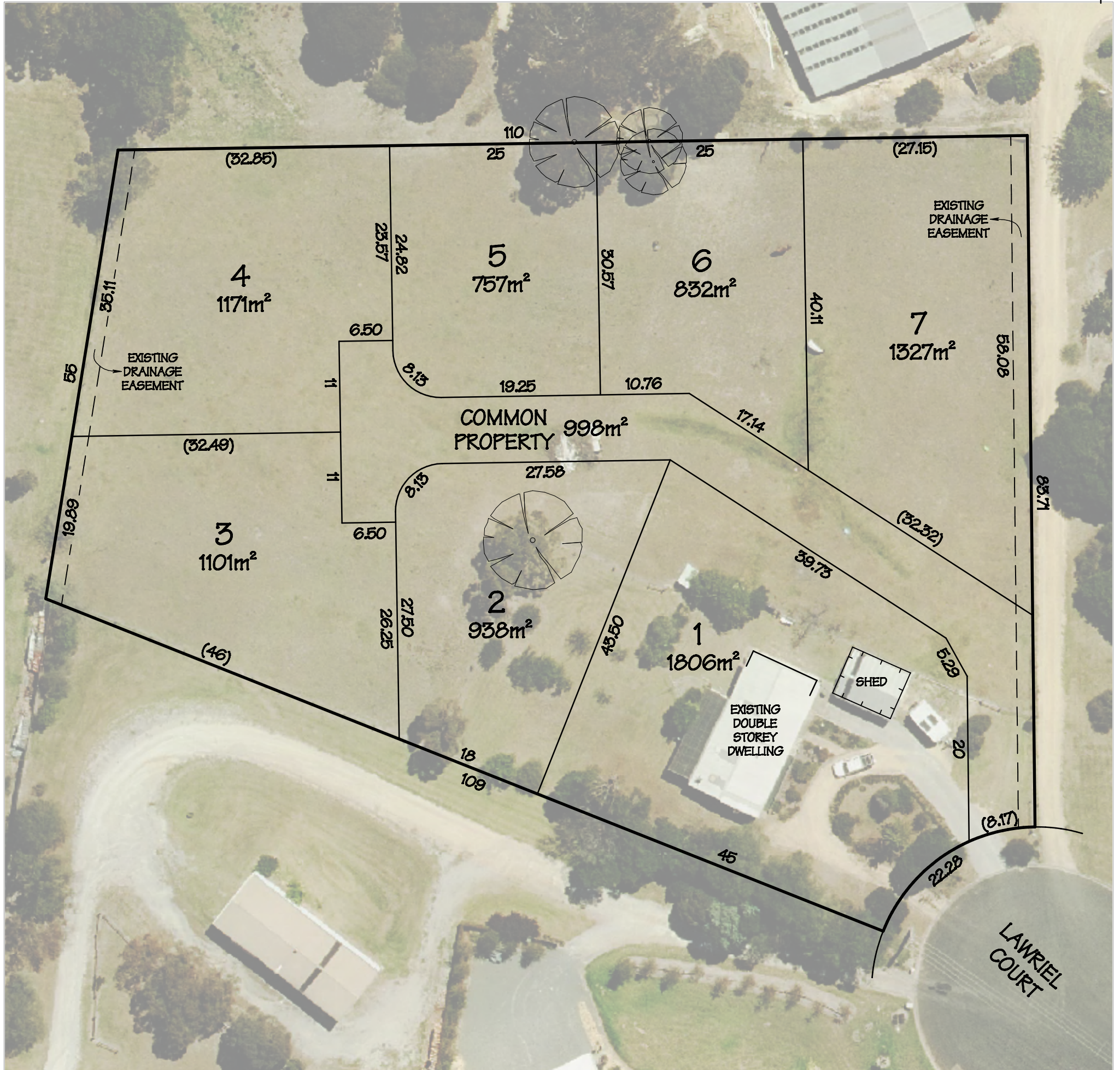
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CROWN ALLOTMENT 30B (PART)

LOT 3 ON LPI32933

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## NOTATIONS

AREAS ARE APPROXIMATE ONLY  
DIMENSIONS ARE SUBJECT TO SURVEY

SCALE (SHEET SIZE A3)

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A - SUBJECT LAND

B - LAKES ACTIVITY AREA

C - LAKES ENTRANCE SECONDARY COLLEGE

D - LAKES ENTRANCE PRIMARY SCHOOL

E - ACTIVE RECREATION AREA

F - INDUSTRIAL EMPLOYMENT NODE

G - FISHING EMPLOYMENT NODE

H - PEDESTRIAN PATH LINKING KALIMNA TO THE ACTIVITY CENTRE

BRUCE MCKENZIE  
5 LAWRIEL COURT, KALIMNA

NOTATIONS

SITE CONTEXT PLAN

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CROWN ALLOTMENT 30B (PART)

LOT 3 ON LP132933

SCALE (SHEET SIZE A3)

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# DESIGN RESPONSE PLAN

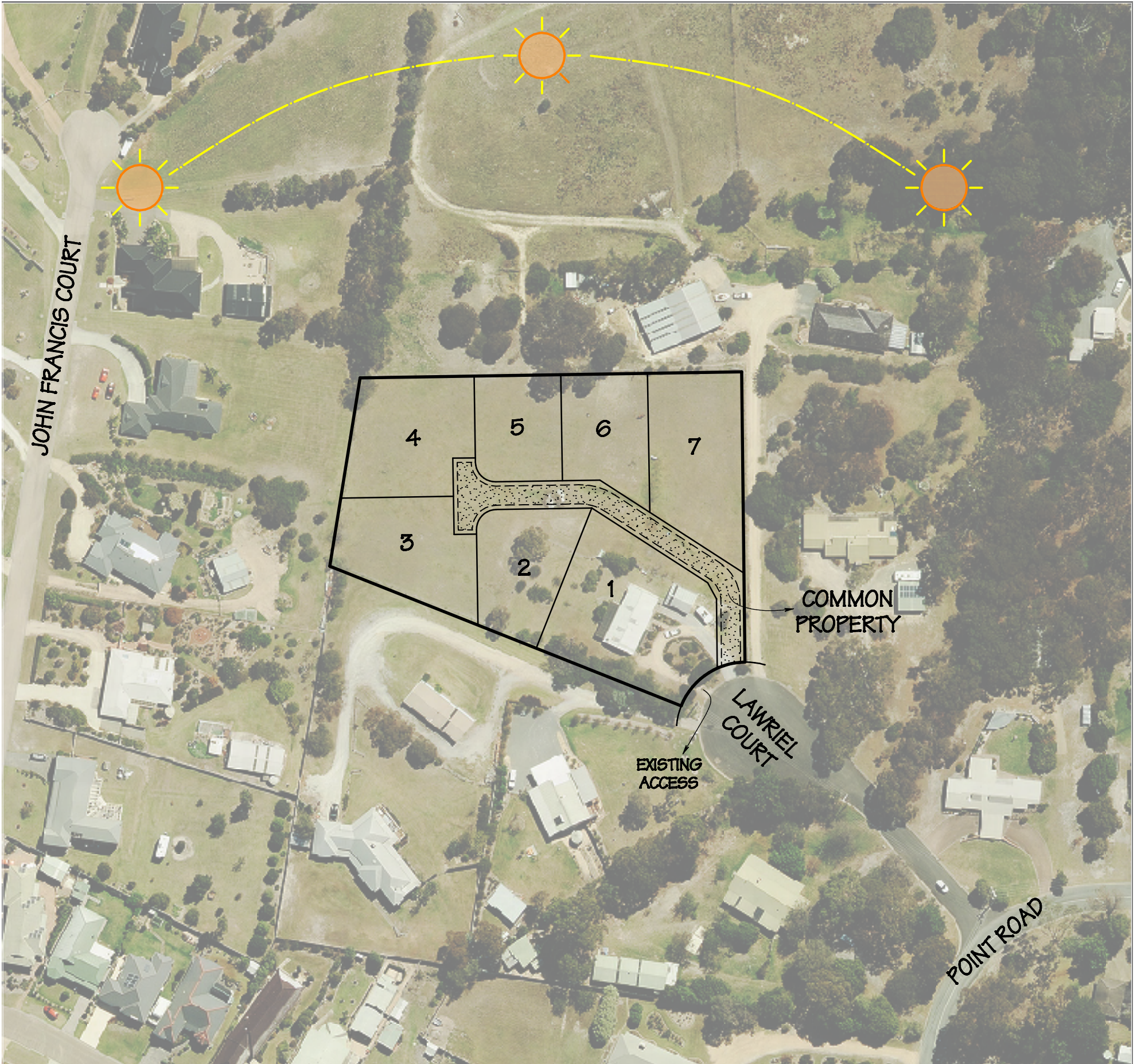
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