

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	705 Metung Road METUNG 3904, Lot: 3 PS: 802735
The application is for a permit to:	Three lot subdivision & creation of carriageway easement
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
32.03-3 (LDRZ)	Subdivide Land
35.03-3 (RLZ)	Subdivide Land
42.01-2 (ESO)+	Subdivide Land
43.02-3 (DDO)	Subdivide Land
52.02	Proceeding under Section 23 of the Subdivision Act 1988 to create an easement
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2025.105.1

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

You may also call 5153 9500 to arrange a time to look at the application and any documents that support the application at the office of the responsible authority, East Gippsland Shire. This can be done during office hours and is free of charge.

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

An objection must

- ♦ be made to the Responsible Authority in writing,
- ♦ include the reasons for the objection, and
- ♦ state how the objector would be affected.

The responsible authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.

The Responsible Authority will not decide on the application before:	Subject to the applicant giving notice
---	---

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

April McDonald

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Wednesday, 30 April 2025 3:44 PM
To: Planning Unit Administration
Subject: Amend a planning permit application
Attachments: Amend_a_Planning_Permit_Application_2025_2025-04-30T15-43-56_24759413_0.pdf; 21041 BHSA V2.pdf; 21041 Report V2.pdf; 21041 BMP (Lot 1) V2.pdf; 21041 BMP (Lot 2) V2.pdf; Planning Application 5.2025.105.1

Amend a Planning Permit Application

A request to "Amend a planning permit application" has been submitted via the East Gippsland Shire Council website, the details of this submission are shown below:

Applicant name: Crowther & Sadler Pty Ltd

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO box 722, Bairnsdale, 3875

Preferred phone number: 0351525011

Owner's name:

Street number: 705

Street name: Metung Road

Town: Metung

Post code: 3904

Lot number: 3

Plan number: PS802735E

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?: Yes

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

Description of proposal : Three lot subdivision

Under which section of the Act is the amendment to the application made?: s50 Amendment by applicant before notice

Revised estimated cost of development: 0

Existing conditions : Residential, single dwelling

Plans: [21041 BHSA V2.pdf](#)

Planning report: [21041 Report V2.pdf](#)

ExtraFile: 2

1. Supporting information/reports: [21041 BMP \(Lot 1\) V2.pdf](#)

2. Supporting information/reports: [21041 BMP \(Lot 2\) V2.pdf](#)

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 12011 FOLIO 896

Security no : 124122751364H
Produced 12/03/2025 12:38 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 802735E.
PARENT TITLES :
Volume 10238 Folio 341 Volume 11876 Folio 786
Created by instrument PS802735E 29/08/2018

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors

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.

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AL983190P 25/06/2015

AGREEMENT as to part Section 173 Planning and Environment Act 1987
AQ805832E 08/03/2018

DIAGRAM LOCATION

SEE PS802735E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

ADMINISTRATIVE NOTICES

NIL

eCT Control
Effective from

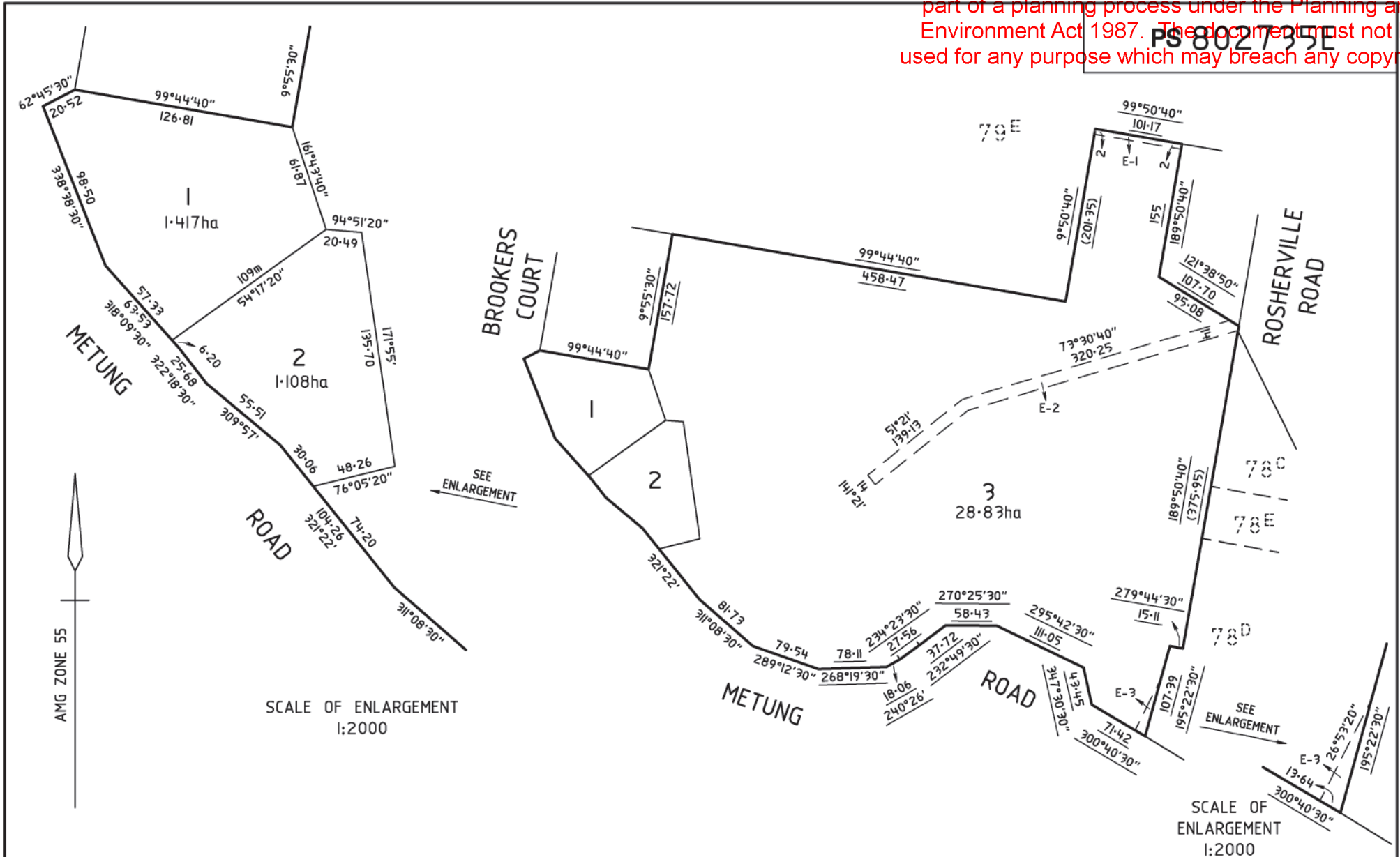
DOCUMENT END

Delivered from the LANDATA System by Dye & Durham Terrain Pty Ltd

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PLAN OF SUBDIVISION				EDITION 1 PS 802735E	
LOCATION OF LAND PARISH: BUMBERRAH TOWNSHIP: _____ SECTION: _____ CROWN ALLOTMENT: 79B, PARTS OF 79 & 79A & PART OF FORMER GOVT ROAD CROWN PORTION: _____ TITLE REFERENCE: VOL 10238 FOL 341 VOL FOL LAST PLAN REFERENCE: LOT 1 - PS343170K LOT 3 - PS727610T POSTAL ADDRESS: 705 METUNG ROAD, METUNG 3904 (at time of subdivision) MGA CO-ORDINATES: E: 575 100 ZONE: 55 (of approx centre of land in plan) N: 5807 670 GDA 94				Council Name: East Gippsland Shire Council Council Reference Number: PS802735E Planning Permit Reference: 399/2016/P SPEAR Reference Number: S095185H Certification This plan is certified under section 6 of the Subdivision Act 1988 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made Digitally signed by: Martin T Ireland for East Gippsland Shire Council on 29/03/2018	
VESTING OF ROADS AND/OR RESERVES				NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON			DIMENSIONS SHOWN UNDERLINED ARE NOT THE RESULT OF THIS SURVEY. THE AREA OF LOT 3 IS BY DEDUCTION FROM TITLE.	
NIL	NIL				
NOTATIONS					
DEPTH LIMITATION	15.24 METRES BELOW THE SURFACE APPLIES TO CA 79A, 1A & FORMER GOVT ROAD ONLY				
SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No. 399/2016/P This survey has been connected to permanent marks No(s). 53 In Proclaimed Survey Area No.					
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	DRAINAGE	2	PS625175D	LOT 1 ON PS625175D AND EAST GIPPSLAND SHIRE COUNCIL	
E-2	POWERLINE	14	PS628968Y - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD	
E-3	POWERLINE	SEE DIAG	THIS PLAN - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	AUSNET ELECTRICITY SERVICES PTY LTD	
Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5162 5011 E. contact@crowthersadler.com.au		SURVEYORS FILE REF: 15391 Digitally signed by: Paul Anthony Dwyer (Crowther & Sadler - Crowther & Sadler), Surveyor's Plan Version (2), 20/01/2017, SPEAR Ref: S095185H		ORIGINAL SHEET SIZE: A3 PLAN REGISTERED TIME: 4:25 pm DATE: 29 / 08 / 2018 IT Assistant Registrar of Titles	SHEET 1 OF 2 SHEETS

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Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 6162 6011 E. contact@crowthersadler.com.au

SURVEYORS REF
15391

SCALE
1:4000

40 0 40 80 120 160
LENGTHS ARE IN METRES

ORIGINAL SHEET
SIZE: A3

SHEET 2

Digitally signed by: Paul Anthony Dwyer (Crowther & Sadler)
- Crowther & Sadler,
Surveyor's Plan Version (2).
20/01/2017, SPEAR Ref: S095185H

Digitally signed by:
East Gippsland Shire Council,
29/03/2018,
SPEAR Ref: S095185H

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Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 **Planning and Environment Act 1987**



Lodged by:

Name: MADDOCKS
Phone: 03 9258 3555
Address: Collins Square, Tower Two, Level 25, 727 Collins Street Melbourne VIC 3008
Ref: KAL:A01C:7263239
Customer Code: 1167E

The Authority having made an agreement referred to in section 181(1) of the **Planning and Environment Act 1987** requires a recording to be made in the Register for the land.

Land: Volume 10238 Folio 341

Responsible Authority: East Gippsland Shire Council of 273 Main Street, Bairnsdale, Victoria

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*

A copy of the agreement is attached to this application

Signing

AUSTRALIAN LEGAL PRACTITIONER

Representing: Representing another

Signer Name:

Signer Organisation: MADDOCKS

Signer Role: Australian Legal Practitioner

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AQ805832E



Certifications

1. The Certifier has taken reasonable steps to verify the identity of the applicant.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of: East Gippsland Shire Council

Signer Name:

Signer Organisation: MADDOCKS

Signer Role: Australian Legal Practitioner

Signature:

Execution Date: 7 March 2018

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AQ805832E



Date 24/1/2018

**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: 705 Metung Road Metung

East Gippsland Shire Council
and

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Contents

1.	Definitions	1
2.	Interpretation	3
3.	Purposes of Agreement.....	3
4.	Reasons for Agreement.....	4
5.	Agreement required	4
6.	Owner's specific obligations.....	4
	Waterway Management Plan	4
7.	Owner's further obligations	4
7.1	Notice and registration	4
7.2	Further actions	4
7.3	Fees	5
7.4	Council's costs to be paid	5
7.5	Time for determining satisfaction	5
7.6	Interest for overdue money	5
8.	Agreement under section 173 of the Act	5
9.	Owner's warranties	5
10.	Successors in title.....	6
11.	General matters	6
11.1	Notices	6
11.2	No waiver	6
11.3	Severability.....	6
11.4	No fettering of Council's powers	6
11.5	Inspection of documents	6
11.6	Governing law	6
12.	Commencement of Agreement.....	7

AQ805832E

08/05/2018

09/10/17

Agreement under section 173 of the Planning and Environment Act 1987

Dated 24 / 1 / 2018

Parties

Name	East Gippsland Shire Council
Address	273 Main Street, Bairnsdale, Victoria
Short name	Council

Name	
Address	705 Metung Road, Metung, Victoria
Short name	Owner

Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in condition 13 of the Planning Permit.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. Definitions

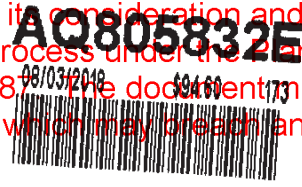
In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

CPI means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

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Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, feedback@egipps.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Indexation means an annual adjustment to the Consent Fee carried out in accordance with CPI.

Lot means a lot created by a subdivision of the Subject Land whether in accordance with the Planning Permit or otherwise.

Lot 1 means that part of the Subject Land that is identified and delineated on the Plan of Subdivision as 'Lot 1' or '1' or the like.

Lot 2 means that part of the Subject Land that is identified and delineated on the Plan of Subdivision as 'Lot 2' or '2' or the like.

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land or any part of it.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

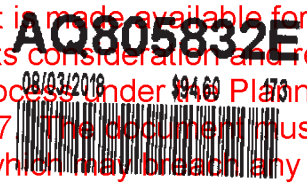
Planning Permit means planning permit no.399/2016/P as amended from time to time, issued on 9 February 2017, authorising the subdivision of the Subject Land in accordance with plans endorsed by Council.

Plan of Subdivision means the plan showing the subdivision of the Subject Land as approved from time to time by Council under the Planning Permit.

Planning Scheme means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

Satisfaction Fee means a fee payable by the Owner to Council for determining whether any one of the Owner's obligations has been undertaken to Council's satisfaction, or for deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

- (a) \$306.68 if paid within 12 months from the date that this Agreement commences; or



- (b) \$306.68 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

Subject Land means the land situated at 705 Metung Road Metung being the land referred to in certificate of title volume 10238 Folio 341 and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

Waterway Management Plan means the waterway management plan submitted to and endorsed from time to time by the East Gippsland Catchment Management Authority in accordance with condition 12 of the Planning Permit or such other plan approved by the East Gippsland Catchment Management Authority from time to time.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Permit and the Development Permit; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

AQ805832E



4. Reasons for Agreement

The Parties acknowledge and agree that Council entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Agreement required

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

6. Owner's specific obligations

Waterway Management Plan

The Owner covenants and agrees that:

- 6.1.1 the Waterway Management Plan applies to Lot 1 and Lot 2 created by the subdivision of the Subject Land; and
- 6.1.2 the Owner of Lot 1 and Lot 2 must, at all times, implement and comply with all provisions, requirements and recommendations of the Waterway Management Plan:
 - (a) at the full cost of the Owner; and
 - (b) to the satisfaction of Council and East Gippsland Catchment Management Authority.

7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

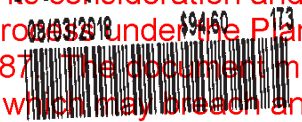
7.2 Further actions

The Owner:

- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 7.2.3 agrees to do all things necessary to enable Council to do so, including:

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- (a) sign any further agreement, acknowledgment or document; and
- (b) obtain all necessary consents to enable the recording to be made.

7.3 Fees

The Owner must pay any Satisfaction Fee to Council within 14 days after a written request for payment.

7.4 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.4.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 7.4.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.5 Time for determining satisfaction

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3 or
- 7.5.2 any costs or expenses under clause 7.4,

the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

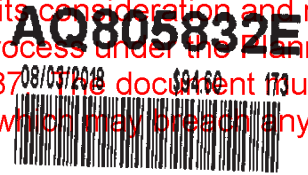
- 7.6.1 The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.



10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters

11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.1.1 personally on the other Party;
- 11.1.2 by leaving it at the other Party's Current Address;
- 11.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.1.4 by email to the other Party's Current Email.

11.2 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.4 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.5 Inspection of documents

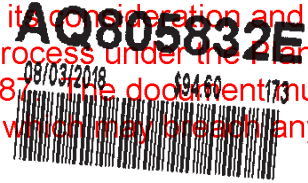
A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.6 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

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12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.

ADVERTISED

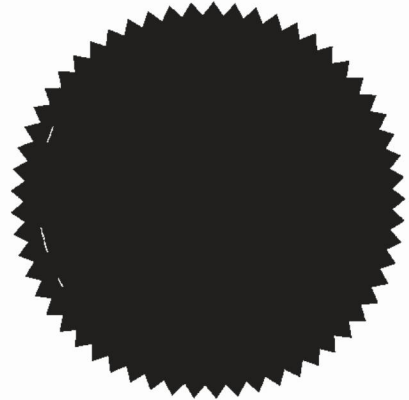
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Signing Page

Signed, sealed and delivered as a deed by the Parties.

Signed sealed and delivered by the Chief Executive Officer on behalf of the **East Gippsland Shire Council** pursuant to the power delegated to that person by an Instrument of Delegation in the presence of:



.....
Witness

.....
Print name

Signed Sealed and Delivered by)
in the presence of:) ...

.....
Witness

Signed Sealed and Delivered by)
in the presence of:) ...

.....
Witness

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Mortgagee's Consent

Westpac Banking Corporation as Mortgagee under Instrument of mortgage No. AN011642M consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.

Signed for and on behalf of
Westpac Banking Corporation
ABN 33 007 457 141 by its Attorney:
Tier Three Attorney

Angela Maria Daw

Name of Attorney

Before me:

Under Power of Attorney dated 17 January
2001 filed on Permanent Order Book
No 277 at page 016

Signature of Witness

Michael Smith

Full Name of Witness

4-16 Montgomery Street Kogarah NSW 2217
Address

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AL983190P

25/06/2015 \$116.50 173



PLANNING AND ENVIRONMENT REGULATIONS 1988

Form 9.1

LODGED BY: ENGEL & PARTNERS PTY
109 MAIN STREET
BAIRNSDALE
CODE: 0392C

TITLES OFFICE USE ONLY

**APPLICATION BY A RESPONSIBLE
AUTHORITY under Section 181 Planning
and Environment Act 1987 for ENTRY
OF A MEMORANDUM OF AGREEMENT
under Section 173 of the Act.**

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificate(s) of Title to the land referred to

LAND CERTIFICATE OF TITLE VOLUME 11191 FOLIO 054

ADDRESS OF THE LAND 705A Metung Road Metung

RESPONSIBLE AUTHORITY EAST GIPPSLAND SHIRE COUNCIL of 273 MAIN STREET
BAIRNSDALE 3875

PLANNING SCHEME EAST GIPPSLAND PLANNING SCHEME

AGREEMENT DATE

AGREEMENT WITH

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority.....

Name of Officer.....

Date.....

Sarah McLaughlin Senior Planner

16/06/2015

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AL983190P

25/05/2015 11:56 173



Date 15 / 06 / 2015

**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: Part of 705A Metung Road, Metung

East Gippsland Shire Council
and

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AL983190P



Contents

1.	Definitions	1
2.	Interpretation	2
3.	Purposes of Agreement.....	3
4.	Reasons for Agreement.....	3
5.	Agreement required	3
6.	Owner's specific obligations.....	4
6.1	Further subdivision.....	4
7.	Owner's further obligations	4
7.1	Notice and registration	4
7.2	Further actions	4
7.3	Council's costs to be paid	4
7.4	Interest for overdue money	5
8.	Agreement under section 173 of the Act	5
9.	Owner's warranties	5
10.	Successors in title.....	5
11.	General matters	5
11.1	Notices	5
11.2	No waiver	6
11.3	Severability.....	6
11.4	No fettering of Council's powers	6
11.5	Inspection of documents	6
11.6	Governing law	6
12.	Commencement of Agreement	6

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Agreement under section 173 of the Planning and Environment Act 1987

Dated 15 / 06 / 2015

Parties

Name	East Gippsland Shire Council
Address	273 Main Street, Bairnsdale, Victoria
Short name	Council

Name	
Address	705A Metung Road, Metung, Victoria
Short name	Owner

Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council issued the Planning Permit requiring the Owner to enter into this Agreement providing for the matters set out in condition 3 of the Planning Permit.

The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and

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- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, feedback@egipps.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Lot means a lot created by a subdivision of the Subject Land whether in accordance with the Planning Permit or otherwise.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Planning Permit means planning permit no.218/2014/P, as amended from time to time, issued on 22 December 2014, authorising the subdivision of the Subject Land in accordance with plans endorsed by Council.

Planning Scheme means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means part of the land situated at 705A Metung Road Metung being part of the land referred to in certificate of title volume 11191 folio 054 and more particularly being Lot 3 on the Endorsed Plan and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;

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- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Permit and the Development Permit; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council entered into this Agreement for the following reasons:

- 4.1 Council would not have issued the Planning Permit without the condition requiring this Agreement; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Planning Permit.

5. Agreement required

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

6. Owner's specific obligations

6.1 Further subdivision

Notwithstanding anything in the Planning Scheme, the Owner must not subdivide the Subject Land into more than 3 Lots.

7. Owner's further obligations

7.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

7.2 Further actions

The Owner:

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25/08/2015 doc11836



- 7.2.1 must do all things necessary to give effect to this Agreement;
- 7.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 7.2.3 agrees to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

7.3 Council's costs to be paid

The Owner must pay to Council within 14 days after a written request for payment, Council's costs and expenses (including legal expenses) relating to this Agreement, including:

- 7.3.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 7.3.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 7.3.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

7.4 Interest for overdue money

- 7.4.1 The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 7.4.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

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AL983190P



11. General matters

11.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

- 11.1.1 personally on the other Party;
- 11.1.2 by leaving it at the other Party's Current Address;
- 11.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or
- 11.1.4 by email to the other Party's Current Email.

11.2 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

11.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

11.4 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

11.5 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

11.6 Governing law

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

12. Commencement of Agreement

This Agreement commences on the date specified on page one or if no date is specified on page one, the date the Planning Permit was issued.

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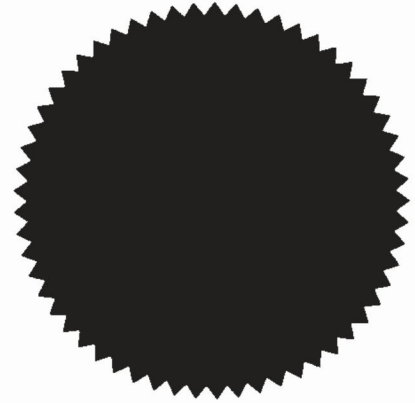
AL983190P



Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of the East Gippsland Shire Council was hereunto affixed on the 15th day of June 2015, in the presence of:



...		Chief Executive
...		Witness

Signed Sealed and Delivered by
..... in the presence of:

)
)

.....

Witness

Signed Sealed and Delivered by
..... in the presence of:

)

.....

Witness

Simon Anderson Consultants
CIVIL | STRUCTURAL | PROJECT ENGINEERS

P.O. Box 1700
111 Main St
Bairnsdale, Vic, 3875
ACN 073 392 266

P.O. Box 566
191-193 Raymond St
Sale, Vic, 3850
ACN 145 437 065

Job: Proposed Subdivision 705a Metung Rd Metung	Date: 19 Sept 2019
Client:	Designed: SJA
Checked:	Job No.: 396902
	Page No.: 1 of 7

GEOTECHNICAL RISK ASSESSMENT



**705a Metung Rd, Metung
(aerial view of subject site)**

INTRODUCTION

This report is designed to demonstrate the level of geotechnical risk involved in relation to the proposed 3 Lot subdivision at 705 Metung Rd, Metung, during and after construction of associated works.

SITE DESCRIPTION

This large allotment (28.82ha) is located on the North side of Metung Road and the West side of Rosherville Road. The majority of the property is zoned Rural Living and includes the existing Dwelling and associated Farm Sheds.

The subject site is situated on rolling low hill landform, with a duplex sedimentary landscape. The site has a number of well grassed Ephemeral Watercourses¹ which feed into the North end of Chinamen's Creek. The subject site has excellent pasture/grass coverage and a number of small agricultural dams are located throughout (refer aerial photo above).

The site displays moderate to steep grades throughout (approx. 10% to 29%) with lower grades along the base of the ephemeral watercourses.

¹ Refer photo 4 (Appendix B)
396902 GRA

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	Client: _____	Job No.: 396902
	Checked: _____	Page No.: 2 of 7

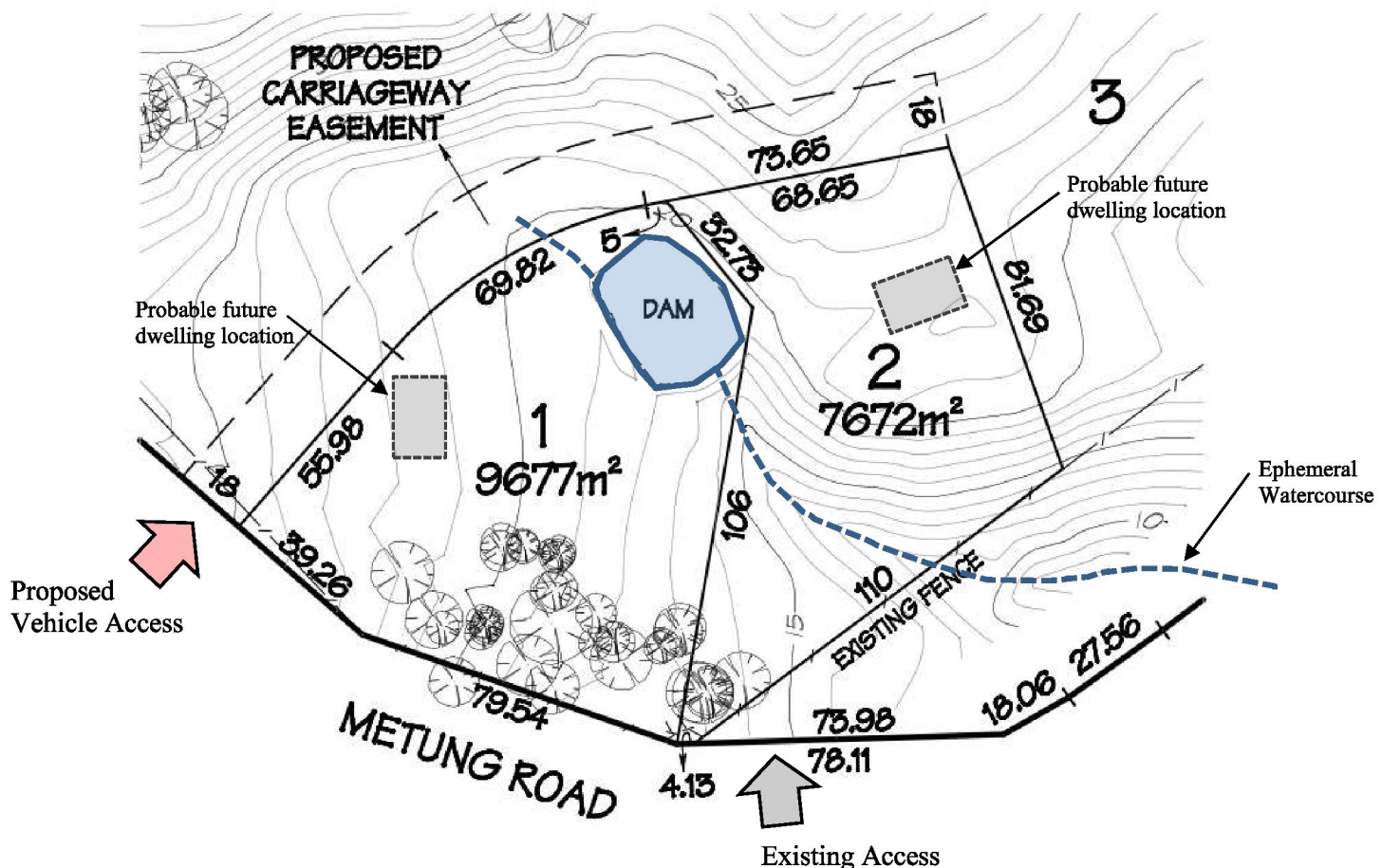
Currently the only vehicle access to the subject site is at the south end of the property off Metung Road. The ephemeral watercourse which passes through Both Proposed Lot 1 & 2 is shallow in grade, well grassed and show no signs of erosion.

The properties along Metung Road, Brookers Court and Rosherville Road are predominantly developed residential properties, with well-established gardens, manicured lawns² and no sign of soil erosion or landslip. Brookers Court is gravel road with gravel shoulders.

PROJECT DETAILS

A Three (3) Lot subdivision is proposed for the site. Proposed construction details will be as follows;

- Lot 1 – 9677m² (vacant land) –proposed future residential development.
- Lot 2 – 7672m² (vacant land) –proposed future residential development.
- Lot 3 – 27.09ha (existing dwelling, farm sheds and land zoned Rural Living).
- Stable vehicle access point to be provided off Metung Road to new proposed carriageway easement (for access to all lots).
- Existing drainage patterns to remain (during subdivision stage of development).
- Proposed future dwellings may require cut/fill batters and retaining walls, dependent on type of construction adopted and location of the building footprint.
- Future roof drainage to be directed underground to local authorities nominated legal point of discharge.



² Refer photo 3 (Appendix B)
396902 GRA

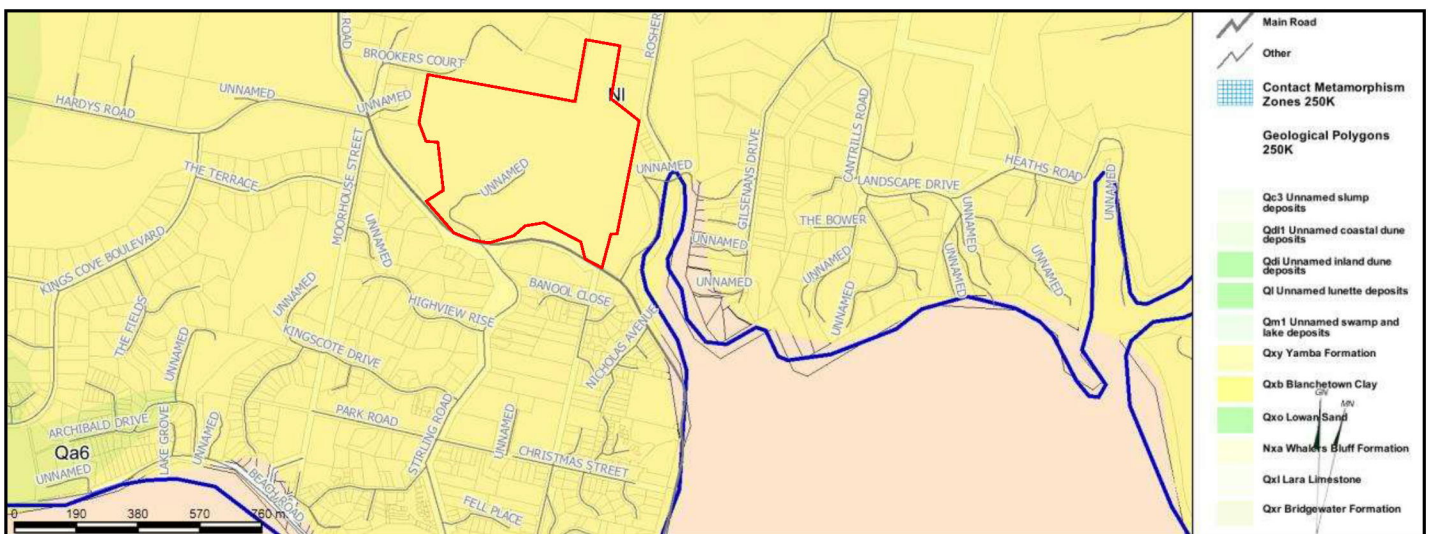
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	Checked:	Page No.: 3 of 7

METHODOLOGY

1.DESKTOP INVESTIGATION

A desktop investigation of the subject site was carried out using DSE and GeoVIC mapping of published soil survey information and noted watercourse locations.

Soils of the site have been mapped and described in Sustainable Soil Management “*A reference manual to the major agricultural soils of the Bairnsdale and Dargo regions*”, and are described as belonging to the Stockdale (Sd) map unit. This unit occurs on rolling low hills and is comprised of Tertiary sediments. The surface soils are mostly fine textured soils, with a sandy loam to fine sandy loam sharply separated from a medium clay subsoil occurring at around 30-40cm, although some subsoils are clayey sands and sandy clays. Most of the land has been cleared of native vegetation (formerly grassy woodland) and is now used for grazing.



Disclaimer: This map is a snapshot generated from Victorian Government data.

This material may be of assistance to you but the State of Victoria does not guarantee that the publication is without flaw of any kind

REF: VANDENBERG, A.H.M., 1997. BAIRNSDALE SJ 55-7 Edition 2, 1:250 000 Geological Map (Series 1:250,000 geological maps. Geological Survey of Victoria.)

Geological Unit	Geological Description	Mapping Unit
NI (<i>Tm-p</i>)	Tertiary deposits of consisting of Marine, non-marine: gravel, sand.	Stockdale (Sd)

Surface soil

A1	0 – 200mm	Dark greyish brown (10YR4/2); <i>sandy loam</i> ; weak medium (10 – 20 mm) polyhedral structure; firm moist; clear wavy change to:
A2	200 – 350mm	Pale brown (10YR6/3) conspicuously bleached (10YR/8/1d); <i>sandy loam or loamy sand</i> ; apedal, single grain; firm consistence dry; sharp change to:

Subsoil

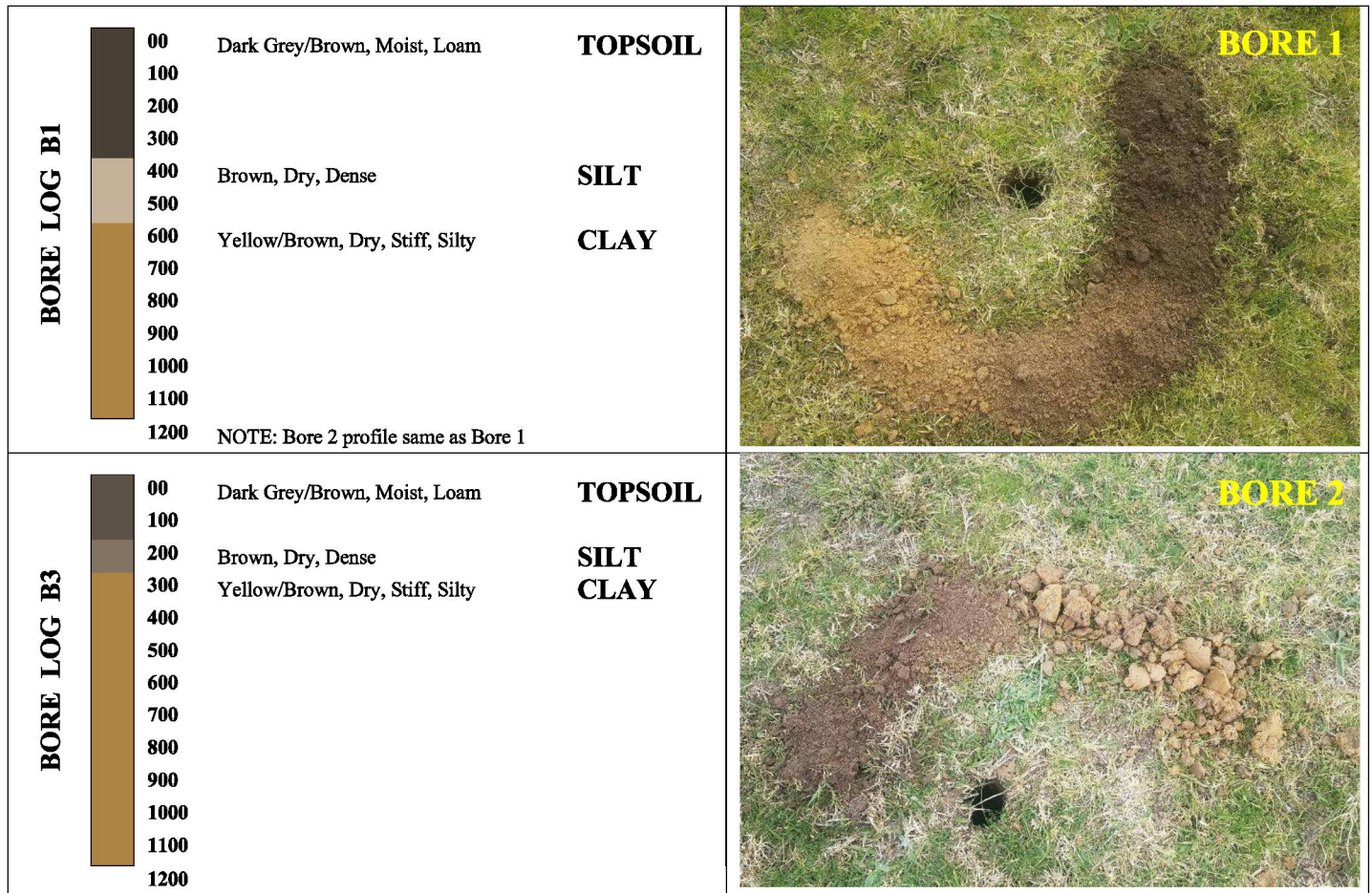
B1	350 – 800 mm	Yellowish brown (10YR5/6); <i>heavy clay</i> ; moderate coarse (20 – 50 mm) polyhedral structure; strong consistence moist; diffuse change to:
B2	800 – 1100 mm	Yellowish brown (10YR5/6) with greyish brown (10YR5/2) and increasing yellowish red (5YR5/6) mottles ; <i>heavy clay</i> ; moderate coarse (20 – 50 mm) lenticular structure; strong consistence moist.



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	Client:	Job No.: 396902
	Checked:	Page No.: 4 of 7

2. FIELD INVESTIGATION

A site visit was carried out with an inspection of the area of proposed subdivision and of nearby landforms, features and developments. Soil investigation bores were taken throughout the site (B1-B2) as shown on site plan page 6. The bore logs of these are shown below.



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SUMMARY OF RISK

LANDSLIDE	LOW
SHEET/RILL EROSION	LOW
TUNNEL EROSION	LOW

- Steep to moderate grades over the majority of the subject site, ranging from approximately 1 in 3.8 to 1 in 10.
- Excellent grass coverage throughout the majority of the site, preventing topsoils from being washed away (even in the heaviest torrential downpours).
- There is no evidence of soil erosion or landslip on the subject site or adjoining rural and residential properties and I would consider the geotechnical risks to be low.
- Well-established residential dwellings along Brookers Court, with similar landscape elements to proposed Lots 1 & 2, showing no signs of soil erosion or landslip. Dwellings have been strategically located at high points on low grades to minimise disturbance to the topsoils and retain the natural contours of the site.
- Due to the sloping nature of the site, any future dwellings should also be designed to minimise disturbance to the sites topsoils and retain the nature of the natural contours of the site.
- Natural soils of the site will have adequate strength and stability for residential slabs, footings and retaining walls.
- An Erosion Management Plan may need to be implemented during and after construction of proposed dwellings, if slab on ground design with cut/fill batters and retaining walls were adopted. For Example;
 - The form, bulk, scale and location of cut and fill is to be controlled to ensure that there are no adverse impacts on the Ephemeral Watercourses or neighbouring properties. (i.e. diversion banks and spoon drains)
 - Identify a suitable storage area for stockpiles, with appropriate erosion control measures (i.e. Diversion banks and Sediment fences)
 - Where vegetation (natural grass cover) needs to be removed, leave it in place as long as possible.
 - All erosion and sediment control measures to be inspected/ maintained daily by site manager.
 - Cut/Fill batters (1 in 3 max) to be stabilised with grass at end of construction works.
 - The conditions of retaining walls should be inspected annually to ensure there continued structural and drainage/erosion management adequacy. Any defective components should be removed and replaced immediately.
- Any future construction works associated with the development of new dwellings on Lots 1 & 2 would be protected by Building Code of Australia, Australian Standards, Building and Planning Permit requirements and normal construction practise.

Based on findings from both the Desktop and Site investigations the site is suitable for development as proposed and further intensive investigation would not be necessary to confirm the above findings.

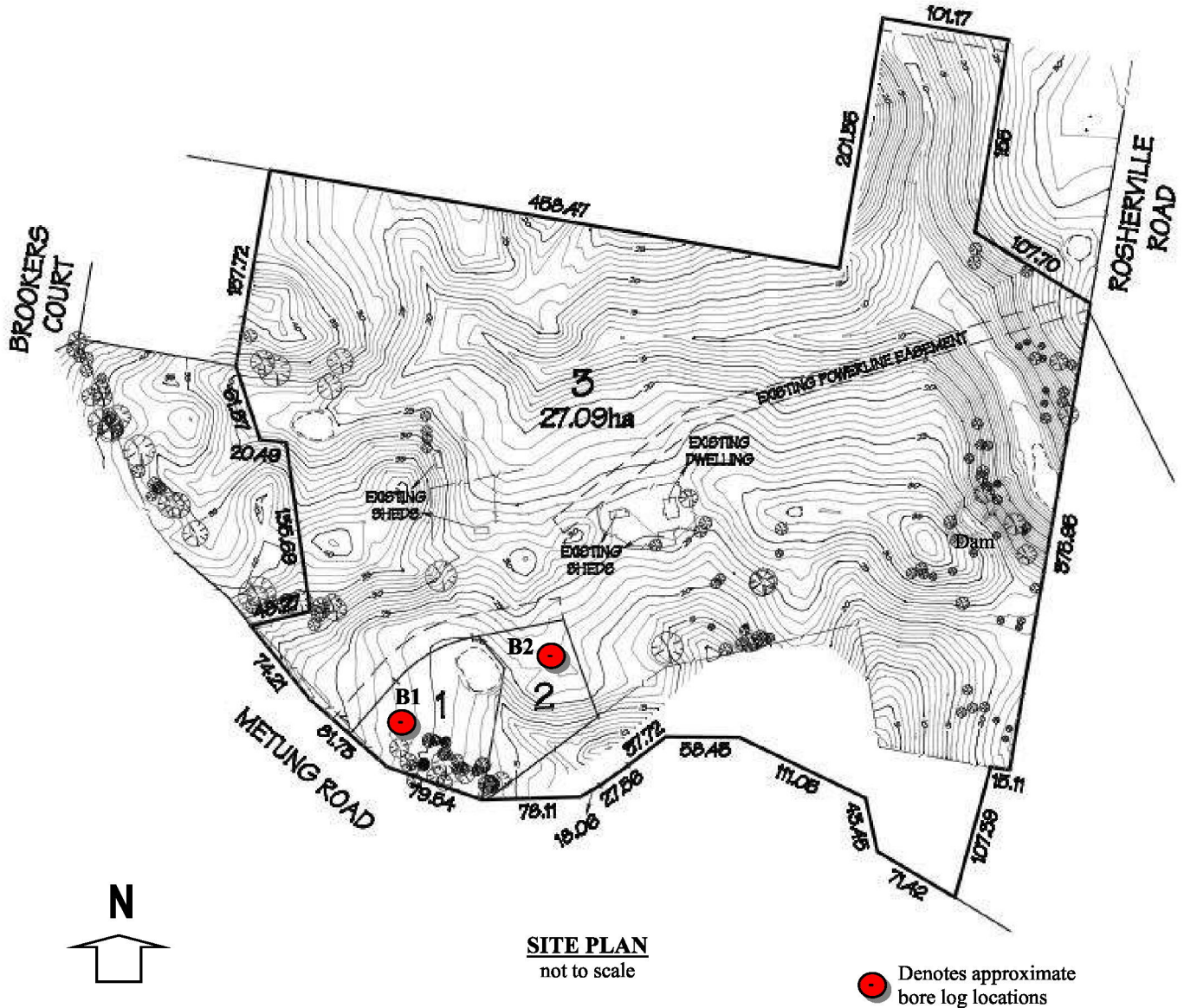
VERIFICATION

I, the author of this document, declare that I am suitably qualified and experienced to carry out this site assessment.


Simon Anderson BE (Civil)CPEng MIEAust No 930355
BCC Registration No EC-1711
Date 13 Sept 2019

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APPENDIX A



 Simon Anderson Consultants CIVIL STRUCTURAL PROJECT ENGINEERS P.O. Box 1700 111 Main St Bairnsdale, Vic, 3875 ACN 073 392 266 P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	Job: Proposed Subdivision 705 Metung Rd Metung	Date: 13 Sept 2019 Designed: SJA
	Client:	Job No.: 396902
	Checked:	Page No.: 7 of 7

APPENDIX B

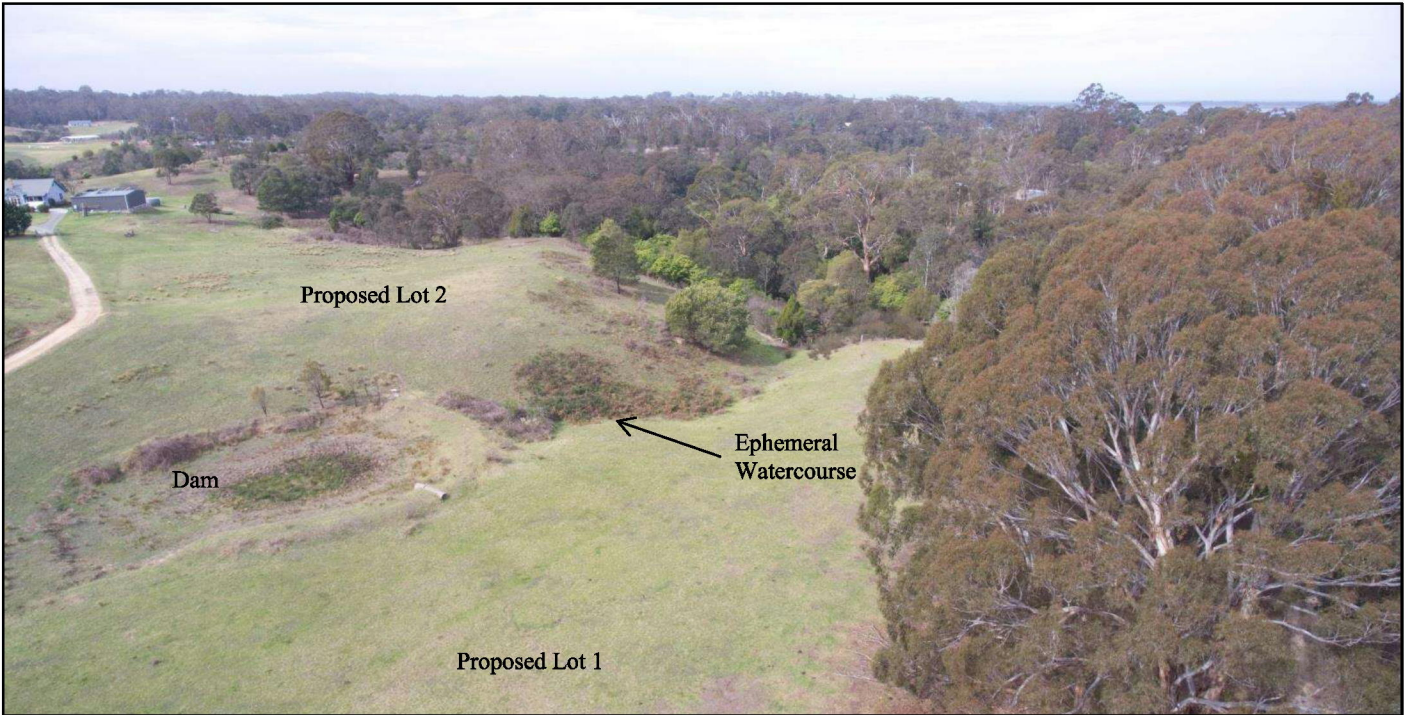


Photo 1: Well grassed landscape of Lots 1 & 2, the dam and ephemeral watercourse with Lot 2 beyond dam.

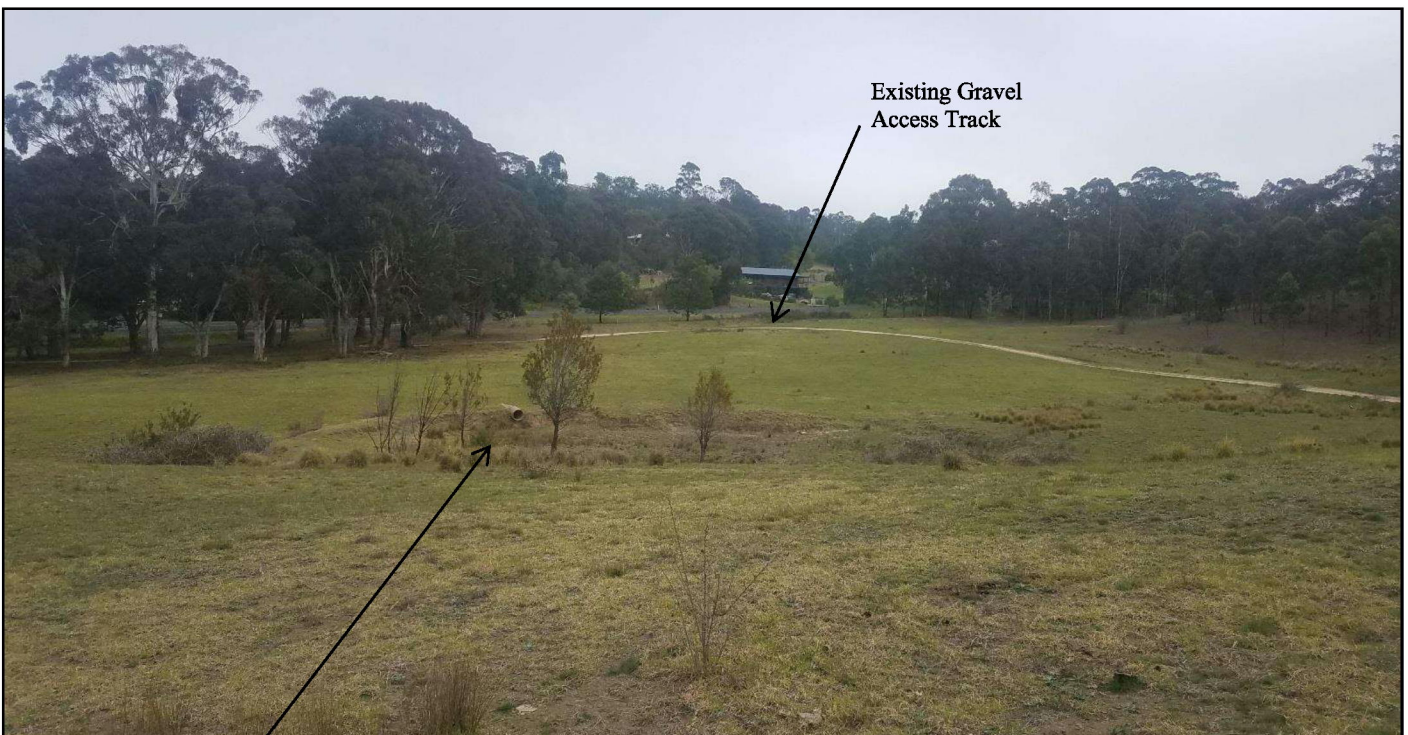


Photo 2: Existing Dam as viewed from proposed Lot 2

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	Client:	Job No.: 396902
Checked:	Page No.: 1 of 11	

LAND CAPABILITY ASSESSMENT ON-SITE DOMESTIC WASTEWATER



705 Metung Rd, Metung

1.0 INTRODUCTION

Simon Anderson Consultants were engaged to undertake a land capability assessment for the purpose of on-site domestic wastewater management of the Proposed Subdivision at 705 Metung Rd, Metung. The field investigation and report have been undertaken by suitable experienced staff.

The assessment was completed in accordance with the Environment Protection Authority's *Guideline for Onsite Wastewater Management (May 2024)*, guidelines for *Land Capability Assessment For On-Site Wastewater Management* (EPA Publication No. 746.1, March 2003), *On-Site Domestic Wastewater Management* (AS/NZS 1547:2012) and East Gippsland and Wellington Shires *Domestic Wastewater Management Plan*.

Information and results are presented in table form for clear data presentation and ease of identification of key points. **Detailed recommendations presented on page 7 of the report. LCA is to be read in conjunction with Site Features Plan 396902-LC1.**

Subject Land	705a Metung Rd, Metung
Client	
Postal Address	
Contact	
Map Reference	Vicroads 690 D3
Municipality	East Gippsland Shire Council
Proposed Development	Assume a 4 Bedroom Residence (Potential Occupancy = No. of Bedrooms + 1) ¹
Design Flow	150 L/person/day ² (for reticulated water supply with WELS ³ fixtures & fittings)
Anticipated Wastewater Load	750 L/day
Treatment System Required	Secondary treated effluent to minimum 20/30 standard (ie. AWTS ⁴ or sand filter)
Disposal System Required	Sub-surface irrigation – Area of 375m ²

¹ As identified in Victorian EPA Draft Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Section 3.4.1

² As identified in Victorian EPA Draft Code of Practice – Onsite Wastewater Management (publication 891.4, July 2016) Table 4

³ WELS – Water Efficiency Labelling Scheme.

⁴ AWTS – Aerated Wastewater Treatment System (EPA approved)

396902 LCA (Issue A)

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2.0 PURPOSE/SCOPE OF ASSESSMENT

Purpose and Scope of Assessment	Broad-scale assessment for subdivisional purposes (often requires further lot-specific assessment at later date)	☐
	Detailed investigation for lot-specific management requirements	☒

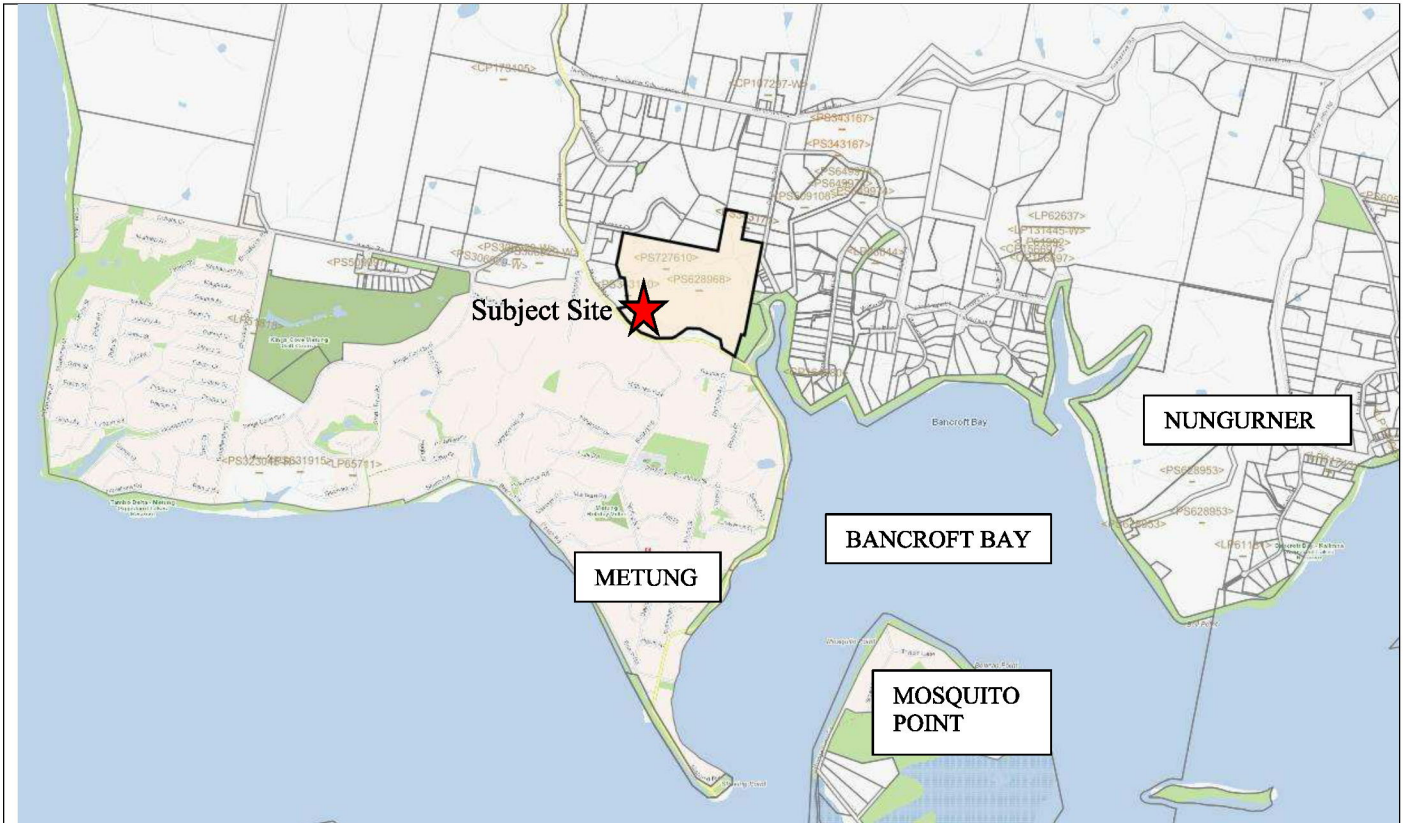


Figure 1: Locality Plan



Figure 2: Aerial view of subject site (approximate title boundaries shown)

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	Client:	Job No.: 396902
	Checked:	Page No.: 3 of 11

3.0 SITE KEY FEATURES

Criteria / Feature	Description	Implications for Wastewater Management
Allotment/s		
Title details	Lot 2, PS 727610	Council Property No: 94154
No. of Lots Proposed	3	
Lot size (EPA recommended minimum lot size = 1.0 ha)	Lot 1 – 9677 m ² (vacant land) Lot 2 – 1.108 ha (vacant land) Lot 3 – 26.752 ha (existing dwelling)	Vacant Lot 1 slightly less than the EPA recommended 1.0 ha. Will require well managed and designed disposal system (refer to criteria outlined in Recommendations)
Dwelling Usage	Likely to be permanent	
Adjoining Lot sizes	Small rural lots 1.0+ ha in size.	Overall volume of wastewater being disposed to land in the local district is low.
Current Land Use	Existing Dwelling and farm sheds	The existing effluent disposal field will be contained within the new lot boundaries with adequate setback distances. The system is reported to be working satisfactorily.
Infrastructure		
Zoning & Overlays	Low Density Residential Zone (LDRZ) Bushfire Management Overlay (BMO) Design & Develop Overlay–Sched 11 (DDO11) Erosion Management Overlay (EMO)	
Nearest Reticulated Sewer	Township of Metung	Not feasible to connect to reticulated sewer. The area is unlikely to be sewered in the short to medium term future.
Reticulated Water	Available on existing allotment	Increases the risk of excessive water usage by future dwellings.
Power	Available on existing allotment	Allows ready use of wastewater treatment plant
Land Features		
Geology	Na2 (Tp) – Tertiary Non-Marine (Alluvial) deposits consisting of Fluvial: gravel, sand, silt. (from 1:250,000 Geological Map Series BAIRNSDALE)	Observed Soils dominated by silty loams, overlying stiff heave clays at shaloo depths
Elevation	Approx 22m – 29m AHD	
Landscape Elements	The site is situated on the mid slope (waxing divergent) of a rolling low hill system, with a yellow duplex sedimentary landscape	Well contoured landscape providing excellent surface water shedding accelerates and spreads run-off.
Fill	Natural soil profiles were observed throughout the site. No fill was observed.	No filling is proposed in the effluent management area.
Aspect	Generally south east & south west	Slightly reduces sun exposure and efficiency of effluent disposal fields
River/Stream Catchment	An Ephemeral watercourse runs north/south through proposed lots 1 & 2	Necessary setbacks are achievable
Dams/Surface Water	A dam is situated in the North East corner of proposed Lot 1.	Necessary setbacks are achievable
Rock Outcrop	None	Reduces limitations and maximises efficiency of effluent disposal fields
Erosion	No evidence of sheet or rill erosion.	The erosion hazard is low.
Vegetation	EVC15: Lowland Forest EVC32: Warm Temperate Forrest	No vegetation clearing required for establishment of effluent disposal field or dwelling development
Climate	Temperate	Reduces variation in efficiency of effluent field
Solar Exposure	Moderate. Shading from the mature gums within the subject site may slightly reduce solar exposure.	Reduces efficiency of effluent disposal fields
Recommended Buffer Distances	All buffer distances recommended in Table 4-10 of <i>EPA Guideline for Onsite Wastewater Management, (May 2024)</i> are achievable and do not significantly limit siting of the LAA in this case	
Available Land Application Area (LAA)	Considering all site constraints and the buffers mentioned above, the site has ample land that is suitable and available for land application of treated effluent.	By using a system that provides secondary treatment and pressurized sub-surface irrigation, there will be ample protection for surface and groundwater

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	Client:	Designed: SJA
	Checked:	Job No.: 396902
	Page No.: 4 of 11	

4.0 SOIL ASSESSMENT & CONSTRAINTS

The sites soils have been assessed for their suitability for onsite wastewater management by a combination of soil survey and desktop review of published soil survey information as outlined below.

4.1 Published Soils Information

Soils of the site have been mapped and described in Sustainable Soil Management “*A reference manual to the major agricultural soils of the Bairnsdale and Dargo regions*” and are described as belonging to the Stockdale (Sd) map unit. This unit occurs on rolling low hills and is comprised of Tertiary sediments and sands. Most of the land is cleared and used for grazing. East of Swan Reach most of the land is covered by lowland forest.

The soils of the Stockdale map unit are texture contrast soils, with a variable depth of sand or sandy loam overlying a medium to heavy clay subsoil at about 30 to 50cm. Deep sands occur over about 30% of the area.

4.2 Soil Survey and Analysis

A Soil survey was carried out at the site to determine suitability for application of treated effluent. Subsoil investigations were conducted at two locations in the vicinity of the proposed buildings, as shown on the Site Features Plan, using a hand auger (B1-2). This was sufficient to adequately characterise the soils, as only minor variation would be expected throughout the area of interest.

Samples of all discrete soil layers for both test bores 1 & 2 were collected for subsequent laboratory analysis of pH⁵, electrical conductivity⁶ and Emerson Aggregate Class⁷.

⁵ The pH of 1:5 soil/water suspensions was measured using a Merck pH strip

⁶ EC (dS m⁻¹) was calculated by measuring the electrical conductivity of 1:5 soil water suspension.

⁷ Appendix C shows photographic results of Emerson Aggregate Test (Slaking/Dispersion)
396902 LCA (Issue A)

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	Client:		Designed: SJA
	Checked:		Job No.: 396902
			Page No.: 5 of 11

Soil Features: TEST BORE B1			
Soil Horizon	A1	A2	B1
Depth (mm)	0-400	400-600	600+
Boundary Type		Clear	Gradual
Field Texture Grade ⁸	SL	SCL	SC
Structure	Moderate	Weak	Weak
pH	6	6	6
EC (dS m ⁻¹)	0.00	0.01	0.01
Dominant Colour	10 YR 2/1 Black	10 YR 3/3 Dark Brown	10 YR 4/6 Dark Yellowish Brown
Mottles	None	None	None
Dispersion	8	5	5
Coarse Fragments (% Volume)	None	None	None
Soil Category⁹ (AS/NZ1547:2012)	2a	4b	4b
Design Irrigation Rate ¹⁰ (DIR mm/day)	5	3.5	3.5
Design Loading Rate ¹¹ (DLR mm/day)	NR	10	10

NA: Not Applicable

NR: Not Recommended

Depth (m)	Description	Horizon
0.0	TOPSOIL: Dry, Sandy, Loamy	A1
0.1		
0.2		
0.3		
0.4	SAND: , Dry, Dense, Silty, Clayey	A2
0.5		
0.6	CLAY: Dry, Stiff, Sandy	B1
0.7		
0.8		
0.9		
1.0		
1.2		
1.5+		



Soil Bore Log Profile

⁸ Refer Appendix D for description details(all soil samples have been sieved to minus 2mm and air-dried before being analyzed)

⁹ As identified in Victorian EPA Guideline for Onsite Wastewater Management (May 2024) Table 4- 9

¹⁰ For sub-surface irrigation (Refer Table M1 of AS/NZS 1547:2012)

¹¹ For absorption trenches/beds

396902 LCA (Issue A)

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	Client:		Designed: SJA
	Checked:		Job No.: 396902
			Page No.: 5 of 11

Soil Features: TEST BORE B2			
Soil Horizon	A1	A2	B1
Depth (mm)	0-200	200-300	300+
Boundary Type		Gradual	Gradual
Field Texture Grade ¹²	L	CL	HC
Structure	Moderate	Weak	Massive
pH	6	6	6
EC (dS m ⁻¹)	0.00	0.01	0.01
Dominant Colour	10 YR 3/1 Very Dark Grey	10 YR 3/2 Very Dark Grey Brown	10 YR 4/6 Dark Yellowish Brown
Mottles	None	None	Red Blotches
Dispersion	8	5	2 (Disperse 3)
Coarse Fragments (% Volume)	None	None	None
Soil Category¹³ (AS/NZ1547:2012)	3a	4a	6c
Design Irrigation Rate ¹⁴ (DIR mm/day)	4	3.5	2
Design Loading Rate ¹⁵ (DLR mm/day)	15	6	NR

NA: Not Applicable

NR: Not Recommended

Depth (m)	Description	Horizon	
0.0	TOPSOIL: Dry, Loamy	A1	
0.1			
0.2	SILT: Dry, Dense	A2	
0.3	CLAY: Dry, Stiff, Heavy	B1	
0.4			
0.5			
0.6			
0.7			
0.8			
0.9			
1.0			
1.2			
1.5+			

Soil Bore Log Profile

¹² Refer Appendix D for description details(all soil samples have been sieved to minus 2mm and air-dried before being analyzed)

¹³ As identified in Victorian EPA Guideline for Onsite Wastewater Management (May 2024) Table 4- 9

¹⁴ For sub-surface irrigation (Refer Table M1 of AS/NZS 1547:2012)

¹⁵ For absorption trenches/beds

396902 LCA (Issue A)

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	Client:		Job No.: 396902
	Checked:		Page No.: 6 of 11

5.0 LAND CAPABILITY ASSESSMENT MATRIX

Land features	Land capability class rating				
	Very good (1)	Good (2)	Fair (3)	Poor (4)	Very Poor (5)
General characteristics					
Site drainage	No visible signs of dampness	Moist soil, but no water in pit		Visible signs of dampness	Water ponding on surface
Runoff	None	Low	Moderate	High - diversionary structures req'd	Very High - diversion not practical
Flood/inundation potential (yearly return exceedence)	Never		< 1 in 100	< 1 in 30	> 1 in 20
Proximity to watercourses	> 60m				< 60m
Slope (%)	0 - 2	2 - 8	8 - 12	12 - 20	> 20
Landslip	None Evident		Low potential for failure	High potential for failure	Present or past failure
Seasonal water table depth (m) (incl. perched water tables)	>5	5 - 2.5	2.5 - 2.0	2.0 - 1.5	< 1.5
Rock Outcrop (% of land surface containing rocks > 200mm)	0	< 10%	10-20%	20-50%	>50%
Vegetation Type	Turf or pasture				Dense forest with little understorey
Average Rainfall (mm/yr)	< 450	450 - 650	650 - 750	750 - 1000	> 1000
Pan Evaporation (mm/yr)	> 1500	1250 - 1500	1000 - 1250	-	< 1000
Fill	No Fill		Fill present		
Soil profile characteristics*					
Structure	High	Moderate	Weak	Massive	Single Grained
Profile depth (of limiting Horizon B1)	> 2.0m	1.5m - 2.0m	1.5m - 1.0m	1.0m - 0.5m	< 0.5m
Soil permeability category ¹⁶	2 and 3	4		5	1 and 6
Presence of mottling	None		Some		Extensive
Coarse Fragments (% volume)	<10	10-20	20-40		>40
pH	6 - 8		4.5 - 6		<4.5, >8
Emerson Aggregate Test (dispersion/slaking)	4, 6, 8	5	7	2, 3	1
Salinity (dS/m) (Electrical Conductivity)	<0.3	0.3 - 0.8	0.8 - 2	2 - 4	>4
Overall Site Rating¹⁷			Poor		4

* relevant to the sites most restrictive soil layer(s)

¹⁶ Refer Table 5.1 (Determination of Soil Category) of AS/NZS 1547:2012

¹⁷ A description of each Land Capability Class Rating is provided in Appendix A. 396902 LCA (Issue A)

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	Client:	Job No.: 396902
	Checked:	Page No.: 7 of 11

6.0 CONCLUSION

This LCA has been prepared to accompany a development application to East Gippsland Shire Council for a Proposed Subdivision and associated necessary wastewater management system. As such, this report provides recommendations for treatment and land application systems that are appropriate to the land capability.

The site has a number of limitations that result in the development being unsuitable for Primary treatment only (i.e. traditional septic tank and subsoil absorption trenches):

- Limiting Horizon B1 (Heavy Clays) not suitable for trenches,
- Heavy Clays too close to the surface (300mm depth)
- Effluent at risk of transmission to nearby ephemeral watercourse

The following section provides an overview of a suitable system, with sizing and design considerations. Detailed design for the system is beyond the scope of this study, but should be undertaken at the time of building application and submitted to Council.

7.0 RECOMMENDATIONS

It is recommended based on this LCA, that if the development of a Proposed Subdivision on 705 Metung Rd, at the location indicated on the Site Features Plan 396902 - LC1:

- Install a system that provides secondary treatment with disinfection to meet EPA requirements for irrigation. Indicative target effluent quality is a minimum EPA standard 20mg/L BOD and 30mg/L SS. Several suitable options are available, including aerated wastewater treatment systems (AWTS) and single pass sand filters. Either of these options is capable of achieving the desired level of performance and final selection is the responsibility of the property owner, who will forward details to Council for approval.
- On-site disposal of domestic wastewater should occur within the proposed Land Application Area (refer Site Features Plan 396902 - LC1). The client is allowed flexibility in selecting the final location and configuration of the irrigation system, provided it remains within this envelope and in accordance with the relevant codes/standards.
- Calculation of Irrigation Area based on AS/NZ 1547 equation $A = Q/DIR$
 - Q – 750 L/day;
 - DIR – 2 mm/day;
 - **Irrigation Area – 375 m²**
- To determine if the irrigation area recommended above is adequate, a water balance¹⁸ modelling has been undertaken to achieve a maximum wet weather storage depth of less than 50mm. The calculations are summarized below, with full details in Appendix B.
 - Average daily effluent load – 750 L
 - Design irrigation rate (DIR) – 2 mm/day;
 - Crop factor – 0.6 to 0.85; and
 - Retained Rainfall – 75%.
 - Irrigation Area – 375m²
 - Max Wet Weather Storage Depth – 6 mm (therefore area shown in bold to be adopted)
- Alternative effluent disposal systems, such as trenches and/or above ground irrigation, are not to be utilised without prior consultation and approval from Simon Anderson Consultants.
- Minimum setbacks and buffer distances must be obtained when establishing effluent disposal envelopes, as per *EPA Guideline for Onsite Wastewater Management, (May 2024)*.
- The owner shall consult an irrigation expert familiar with wastewater irrigation equipment, to help design and install the irrigation system. The irrigation plan must ensure good, even application of effluent.

¹⁸ Water Balance undertaken in accordance with EPA Publication 168 (1991), Guidelines for Wastewater Irrigation. 396902 LCA (Issue A)

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	Client:	Job No.: 396902
	Checked:	Page No.: 8 of 11

8.0 MANAGEMENT PROGRAM

8.1 Installation Issues

To ensure the satisfactory installation and operation of the AWTS and sub-surface irrigation, the following measures are to be implemented:

- Construction of a shallow table or cut-off drain along the high sides of the effluent disposal area, extending to below the effluent disposal field;
- Overflow from any water storage tanks to be directed into a table drain, or equivalent, to discharge below the effluent disposal field in a manner to avoid scouring or washing away downstream of the discharge point;
- Stormwater flows from the roof must be discharged at a point well clear of the effluent disposal field and runoff from paved surfaces and driveways must be directed away from the disposal site.
- Installation of the sub-surface irrigation system to be undertaken when the soils are dry or moist, not when the ground is saturated;
- Sub-surface irrigation system to be designed to minimise root intrusion from trees;
- Sub-surface irrigation system to utilise pressure dosing to ensure effluent is applied uniformly throughout the effluent disposal area.

8.2 Ongoing Management & Maintenance Issues

To ensure the satisfactory ongoing performance of the proposed AWTS and sub-surface irrigation, the owners/occupiers will need to ensure that:

- No buildings or impermeable surfaces are constructed on or over the effluent disposal areas;
- Heavy equipment is kept away from effluent disposal areas whilst the soil is saturated;
- The effluent disposal field is maintained as a grassed area, or planted out with shrubs that tolerate wet conditions, have high evapo-transpiration capacity and can tolerate phosphorus levels typically found in treated effluent;
- Trees and/or thick shrubs **are not** to be planted out along the northern or western edges of the effluent disposal areas to prevent exposure to both wind and sun.

The installer of the AWTS and sub-surface irrigation is to ensure that the owners/occupants are aware of and fully understand their responsibilities in relation to operating the treatment system, maintenance requirements and what should be done in the event of any problems. The satisfactory ongoing performance and longevity of the AWTS and sub-surface irrigation can be enhanced by:

- Ensuring that maintenance requirements are undertaken regularly in accordance with the systems' requirements and that both they and future owners/occupiers are aware of the systems capabilities, limitations and ongoing requirements;
- Using biodegradable soaps, low phosphorous detergents and detergents that have low salt, sodium and chlorine levels;
- Limiting the use of germicides (such as strong detergents, disinfectants, toilet cleaners, whiteners and bleaches);
- Not flushing disposable nappies, sanitary napkins or other hygiene products into the systems;
- Not flushing chemicals, paint or similar substances into the systems.

NOTE: This report and associated plan(s) does not constitute a Septic Tank Permit. Such a permit should be obtained separately from the Environmental Health Department of East Gippsland Shire Council after development approval is obtained and prior to plumbing works commencing.

APPENDIX A

Capability Class	Degree of Limitation	General Description
Rating 1	None to Very Slight	The proposed subdivision is suitable for on-site disposal of septic tank discharge. The limitations or environmental hazard from long-term use are considered very slight. Standard performance measures for design, installation and management should prove satisfactory.
Rating 2	Slight	The site has been identified as generally suitable for on-site effluent disposal but there is a slight associated environmental hazard expected. One or more land limitations are present, which may not be compatible with 'straight forward' conventional on-site disposal. The wastewater management program will require careful planning, adherence to specifications and adequate supervision.
Rating 3	Moderate	The site has only a fair capability for on-site effluent disposal with a moderate associated environmental risk always present. Very careful site selection, preparation and specialized design will be required to address the identified land constraints. A management program should be delivered to the responsible authority with the development application and prior to earthworks commencing. It is recommended that, in order to achieve BPEM, wastewater-processing systems which can attain a higher level of treatment with basic monitoring should be considered as an alternative to standard conventional trench disposal.
Rating 4	High	Areas have a poor capability rating with a high associated environmental risk. Considerable difficulties are expected during siting and installation of the wastewater treatment system and during routine operation. A very high Engineering input and close supervision would be needed to minimize the environmental impact. Alternative wastewater processing systems capable of consistently producing a high quality secondary effluent (such as aerated wastewater treatment plants) together with a close monitoring program should be seriously investigated and adopted.
Rating 5	Severe	Areas have a very poor capability and there is severe associated environmental risk. The areas are not generally considered suitable for disposal of septic tank effluent by trench systems. The high levels of Engineering input and management needed at all stages are unlikely to adequately address the identified land constraints and achieve a sustainable outcome. Reticulated sewerage is usually the only acceptable option.



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Job: Proposed Subdivision
705 Metung Rd
Metung

Client:

Checked:

Date: 18 Dec 2024

Designed: SAA

Job No.: 396902

Page No.: 9 of 11

APPENDIX B

Bairnsdale 085279

Mean

Source: AS1547-1994 - Table G1

Evap.data

Bairnsdale 084100

average Pan evaporation

(Prepared by R.A. Patterson, Lanfax Labs. Armidale updated April 2006)

1			2	3	4	5	6	7	8	9
Month	Days	daily pan	Pan Eo	Et	Rainfall	Retained	LTAR*N	Disposal	Effluent	Size of
	per	Eo		+Cf*Eo	P	Rainfall		rate/month	applied	area
	month	(B.Met)				Re=(1-r)P	2	(Et-Re)+	per month	(8)/(7)
								LTAR*N	750	
		mm	mm	mm	mm	mm	mm	mm	L	m2
Jan	31	6.6	204.3	174	48.9	36.7	62	199.0	23250	117
Feb	28	6.1	170.0	144	50.8	38.1	56	162.4	21000	129
Mar	31	4.8	148.8	126	44.7	33.5	62	155.0	23250	150
Apr	30	3.7	109.8	66	55.8	41.9	60	84.0	22500	268
May	31	2.6	80.0	48	47.3	35.5	62	74.5	23250	312
Jun	30	2.4	70.8	42	59.7	44.8	60	57.7	22500	390
Jul	31	2.4	73.8	44	49.1	36.8	62	69.4	23250	335
Aug	31	3.0	93.0	56	36.3	27.2	62	90.6	23250	257
Sep	30	3.8	114.9	69	52.7	39.5	60	89.4	22500	252
Oct	31	4.7	144.8	123	60	45.0	62	140.1	23250	166
Nov	30	5.5	165.9	141	80.9	60.7	60	140.3	22500	160
Dec	31	6.3	195.9	167	59	44.3	62	184.3	23250	126
Totals			1571.9	1201	645.2	483.9				

TABLE G2 - Depth of stored effluent First trial - choose from col.9 table above

1	2	3	4	5	6	7	8	9	10	11
month	first trial	application	Disposal	(3)-(4)	Increase	Starting	increase	computed	reset if	equivalent
	area	rate	rate		depth of	depth	depth	depth	Et deficit	storage
	(m2)	(8)/(2)	per month		stored	effluent	effluent	effluent	<0	10 x area
		(mm)	(mm)	(mm)	(5)/porosity	month	+(6)	(mm)	(mm)	(L)
Dec								0.0	0	
Jan	375	62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0
Jun		60	58	2	6	0	6	6	6	645
Jul		62	69	-7	-19	6	-19	-13	0	0
Aug		62	91	-29	-71	0	-71	-71	0	0
Sep		60	89	-29	-74	0	-74	-74	0	0
Oct		62	140	-78	-195	0	-195	-195	0	0
Nov		60	140	-80	-201	0	-201	-201	0	0
Dec		62	184	-122	-306	0	-306	-306	0	0
Jan		62	199	-137	-342	0	-342	-342	0	0
Feb		56	162	-106	-266	0	-266	-266	0	0
Mar		62	155	-93	-232	0	-232	-232	0	0
Apr		60	84	-24	-60	0	-60	-60	0	0
May		62	75	-13	-31	0	-31	-31	0	0

From calculations in tables above for optimised drainfield area, using Appendix G AS1547-1994

Porosity in disposal area

40%

Variables Table

Runoff Coeff =

0.25

percentage runoff

Summer Crop Factor =

0.85

crop transpiration rate Oct-Mar

Winter Crop Factor

0.6

crop transpiration rate -Apr-Sep

Change as required

LTAR =

2

L/m2/day

FLOWs=

750

L/day

Estimated area of effluent drainfield =

375

square metres

Maximum depth of stored effluent =

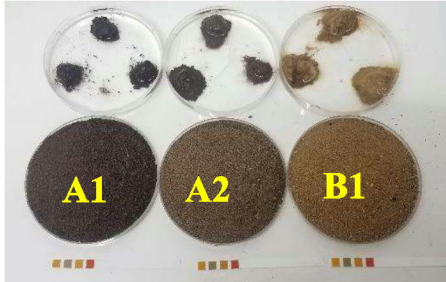
6

mm depth

Water Balance Model for 4 bedroom dwelling
(prepared by R.A. Patterson, Lanfax Labs. Armidale April 2007)

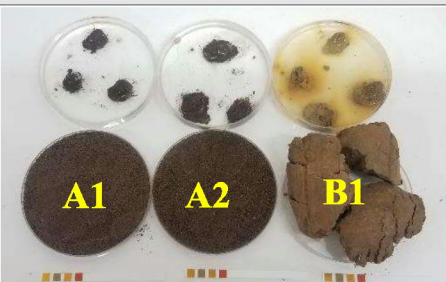
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	Client:	Job No.: 396902
	Checked:	Page No.: 10 of 11
	P.O. Box 566 191-193 Raymond St Sale, Vic, 3850 ACN 145 437 065	

APPENDIX C

RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B1
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	Moderate	Moderate	Moderate	Moderate	25	SL	
A2	Moderate	Slight	None	Very	25	SCL	
B1	Very	Very	Moderate	Extremely	60	SC	

Emerson's Aggregate Testing & pH Testing

NONE SLIGHT MODERATE VERY EXTREMELY

RECORD OF FIELD TEXTURE DETERMINATION							TEST BORE B2
Soil	Grittiness	Stickiness	Plasticity	Stain	Ribbon (mm)	Grade	
A1	None	Moderate	Moderate	Moderate	25	L	
A2	None	Very	Very	Moderate	40	CL	
B1	None	Extremely	Extremely	Extremely	75+	HC	

Emerson's Aggregate Testing & pH Testing

NONE SLIGHT MODERATE VERY EXTREMELY

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	Client:	Job No.: 396902
	Checked:	Page No.: 11 of 11

APPENDIX D

Soil Category	Field Texture Grade		Behaviour of moist blobs	Ribbon length (mm)	Approx clay content %
1	S	Sand	coherence nil to very slight, cannot be moulded; sand grains of medium size; single sand grains stick to fingers	nil	< 5%
2	LS	Loamy sand	slight coherence; sand grains of medium size; can be sheared between thumb and forefinger to give minimal ribbon of about 5mm	about 5	about 5%
	CS	Clayey sand	slight coherence; sand grains of medium size; sticky when wet; many sand grains stick to fingers; discolours fingers with clay stain	5 - 15	5% to 10%
	SL	Sandy loam	bolus coherent but very sandy to touch; will form ribbon; dominant sand grains of medium size and readily visible	15 - 25	10% to 20%
3	FSL	Fine sandy loam	as for sandy loams, except that individual sand grains are not visible, although they can be heard and felt	15 - 25	10% to 20%
	L	Loam	bolus coherent and rather spongy; smooth feel when manipulated but with no obvious sandiness or "silkeness"; may be somewhat greasy to touch if much organic material present	25	about 25%
	ZL	Silty loam	coherent bolus, very smooth to silky when manipulated, will form a very thin ribbon and dries out rapidly	25	10% to 25%
4	SCL	Sandy clay loam	strongly coherent bolus, sandy to touch; medium size sand grains visible in finer matrix	25 - 40	20% to 30%
	FSCL	Fine sandy clay loam	as for sandy clay loam, except that individual sand grains are not visible although they can be heard and felt.	40 - 50	20% to 30%
	CL	Clay loam	coherent plastic bolus, smooth to manipulate	40 - 50	30% to 35%
	ZCL	Silty clay loam	as for clay loams but not spongy; very smooth and silky; dries out rapidly	40 - 50	30% to 35%
	SC	Sandy clay	plastic bolus; fine to medium sand can be seen, felt or heard in clayey matrix	50 - 75	35% to 40%
5	SIC	Silty clay	plastic bolus; smooth and silky to manipulate; long but very fragmentary ribbon; dries out rapidly	50 - 75	30% to 40%
	LC	Light clay	plastic bolus; smooth to touch; slight resistance to shearing between thumb and forefinger	50 - 75	35% to 40%
	LMC	Light medium clay	plastic bolus; smooth to touch; slight to moderate resistance to ribboning shear	75	40% to 45%
6	MC	Medium clay	smooth plastic bolus; handles like plasticine and can be moulded into rods without fracture; has moderate resistance to ribboning shear	> 75	45% to 55%
	HC	Heavy clay	smooth plastic bolus; handles like stiff plasticine; can be moulded into rods without fracture; has firm resistance to ribboning shear	> 75	50% +

Soil Texture Grade Table (International System, soil sieved < 2mm) & Table E1 (Assessment of Soil Textures) pg 106 of AS/NZS 1547:2012

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- Standards Australia / Standards New Zealand (2012). AS/NZS 1547:2012 *On-Site Domestic Wastewater Management*.
- Victorian Resources Online; <http://vro.depi.vic.gov.au/dpi/vro/vrosite.nsf/pages/vrohome>
- Munsell Soil-Color Charts (2009 Year Revised / 2012 Production)

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NOTES:

DENOTES NATURAL SURFACE LEVEL 9.00

DENOTES FLOOR LEVEL FL 12.00 APP.

ALL LENGTHS ARE IN METRES

CONTOUR INTERVAL IS 1.00m

LEVELS ARE TO ARBITRARY DATUM

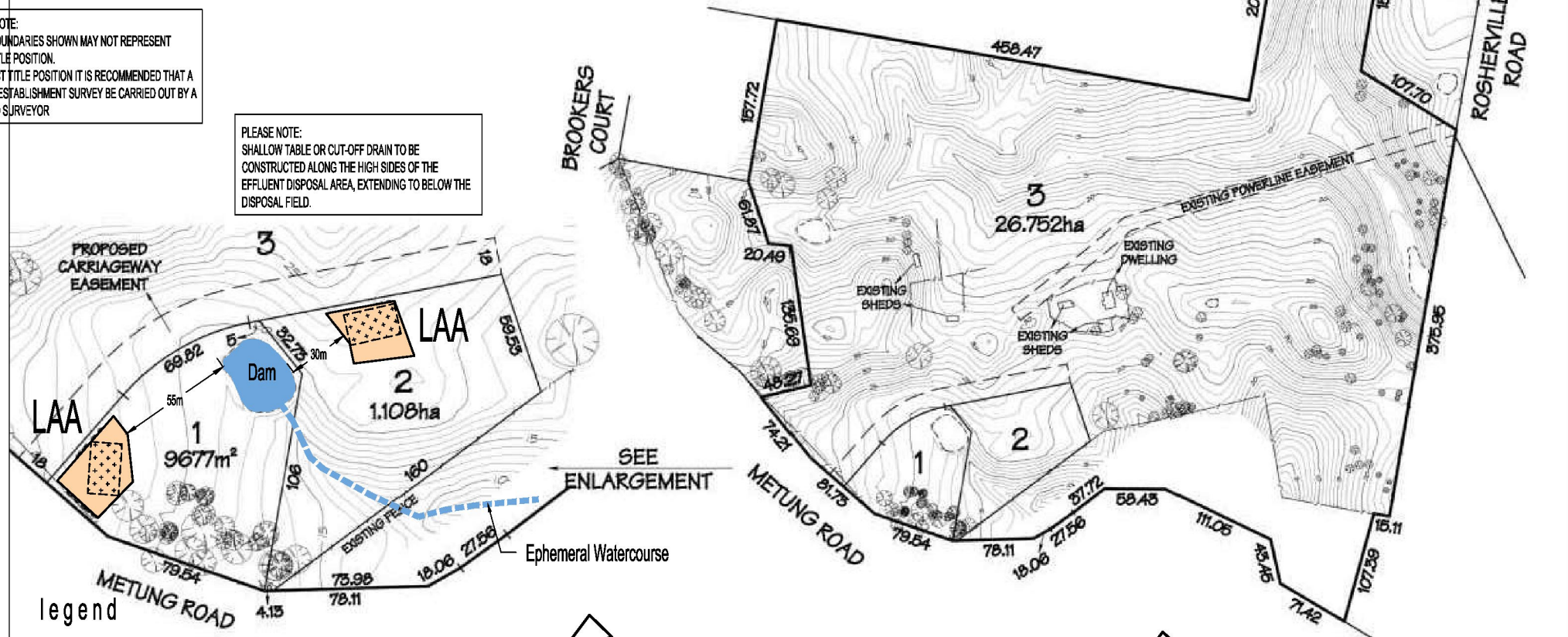
PLEASE NOTE:

TITLES BOUNDARIES SHOWN MAY NOT REPRESENT EXACT TITLE POSITION.
FOR EXACT TITLE POSITION IT IS RECOMMENDED THAT A TITLE RE ESTABLISHMENT SURVEY BE CARRIED OUT BY A LICENCED SURVEYOR



PLEASE NOTE:

SHALLOW TABLE OR CUT-OFF DRAIN TO BE CONSTRUCTED ALONG THE HIGH SIDES OF THE EFFLUENT DISPOSAL AREA, EXTENDING TO BELOW THE DISPOSAL FIELD.



SITE FEATURES PLAN

SCALE 1:2000

SITE PLAN

SCALE 1:4000

⊕ B1 TEST BORE LOCATION

SUITABLE LAND APPLICATION AREA (Lot 1 - 970m² available, Lot 2 - 800m² available)

IRRIGATION AREA - 375 m² required (for a 4 bedroom dwelling)

PLEASE NOTE:

THE CLIENT IS ALLOWED FLEXIBILITY IN SELECTING THE FINAL LOCATION AND CONFIGURATION OF THE IRRIGATION SYSTEM, PROVIDED IT REMAINS WITHIN THE LAND APPLICATION AREA (LAA)

ALL EXISTING SERVICES ARE TO BE LOCATED BY CONTRACTOR PRIOR TO COMMENCEMENT OF WORKS.

REV	DESCRIPTION	CHKD	DATE
A	REVISED TITLE BOUNDARIES - LOT 2	JDP	18 DEC 2024

Design: JDP	Project: SITE ANALYSIS
Drawn: JDP	705A METUNG RD, METUNG
Checked: SJA	Client:
Date: 13 SEPT 2019	

Job No: 396902
Drawing No: LC1
Revision No: A



Simon Anderson
Consultants
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Printed 2/05/2025

Planning Report version 2

Three Lot Subdivision and Creation of Carriageway Easement

705 Metung Road, Metung

Our reference – 21041

28 April 2025

Version #	Date	Revision Description
1	28 March 2025	
2	28 April 2025	Report amended to provide additional commentary in response to Clause 53.03 <i>Bushfire Planning</i> to reflect changes made to Bushfire Management Plans and Bushfire Hazard Site Assessment.



FS 520900



Contents

1.	Introduction	3
2.	Subject Land & Surrounding Context	4
3.	The Application & Proposal	11
4.	Cultural Heritage	17
5.	Planning Policy	18
5.1	Municipal Planning Strategy	18
5.2	Planning Policy Framework	18
6.	Planning Elements	21
6.1	Rural Living Zone	21
6.2	Low Density Residential Zone	23
6.3	Environmental Significance Overlay	24
6.4	Design & Development Overlay	27
6.5	Erosion Management Overlay	28
6.6	Land Subject to Inundation Overlay	30
6.7	Bushfire Management Overlay	31
7.	Particular Provisions	35
7.1	Bushfire Planning	35
7.2	Land Adjacent to the Principal Road Network	45
8.	General Provisions	46
8.1	Subdivision of Land in More than One Zone	46
9.	Conclusion	46
10.	Attachments	

Attachment	Superseded Version #	Replaced By Version #	Revision Description
Bushfire Hazard Site Assessment	V1 25/02/2025	V2 9/04/2025	Amended to show recently constructed access
Bushfire Management Plan – Lot 1	V1 26/02/2025	V2 9/04/2025	Altered design of building envelope and defensible space
Bushfire Management Plan – Lot 2	V1 25/02/2025	V2 9/04/2025	Altered design of building envelope and defensible space
Previously lodged Attachments – Remaining Current:			
Proposed Subdivision Plan (Version 1, dated 25/02/2025)			
Land Capability Assessment Report – Simon Anderson Consultants			
Geotechnical Risk Assessment – Simon Anderson Consultants			
Copy of Title (Lot 3 on PS802735E)			
Legal Agreement AL981390P			
Legal Agreement AQ805832E			
VCAT Decision <i>Carlin v East Gippsland SC</i> [2023] VCAT 1199			
VCAT Order <i>Carlin v East Gippsland SC</i> [2002] VCAT 1003			

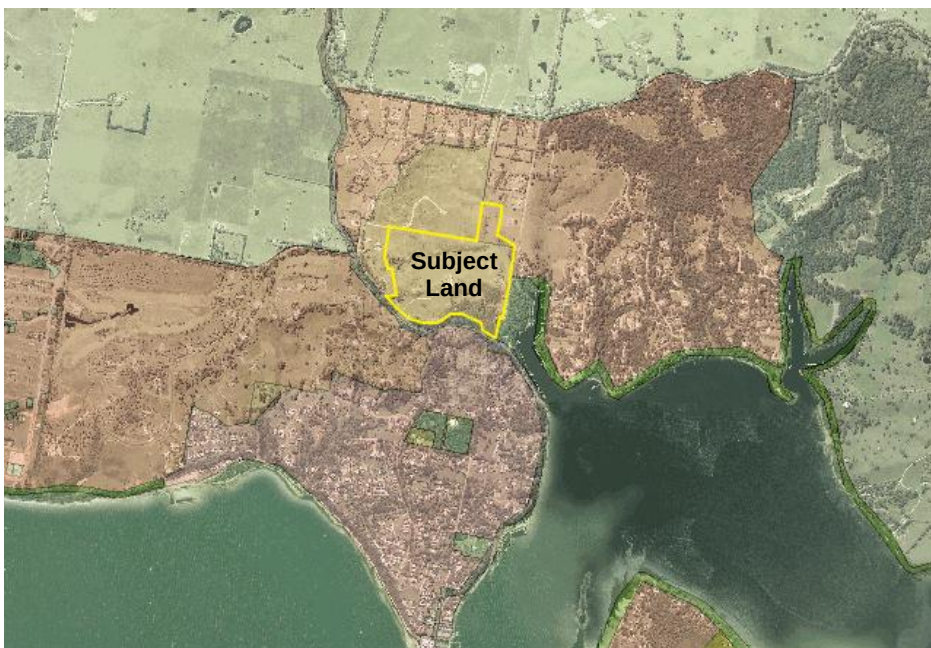
Notes: Applicable Planning Application fee of \$1,453.40 was paid by EFT 7/04/2025
 Pre-Application meeting held with Martin Richardson 20/01/2025
 Robert Pringle provided an email 3/02/2025 confirming he will assess this Application

1. Introduction

This Planning Report is prepared in support of a proposed Three Lot Subdivision and Creation of Carriageway Easement at 705A Metung Road, Metung. The Report addresses the provisions of the Rural Living Zone (Schedule 2), Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay (Schedule 11), Erosion Management Overlay, Environmental Significance Overlay (Schedule 1-63), Land Subject to Inundation Overlay, Significant Landscape Overlay (Schedule 3) and Vegetation Protection Overlay (Schedule 3) as contained within the *East Gippsland Planning Scheme*.



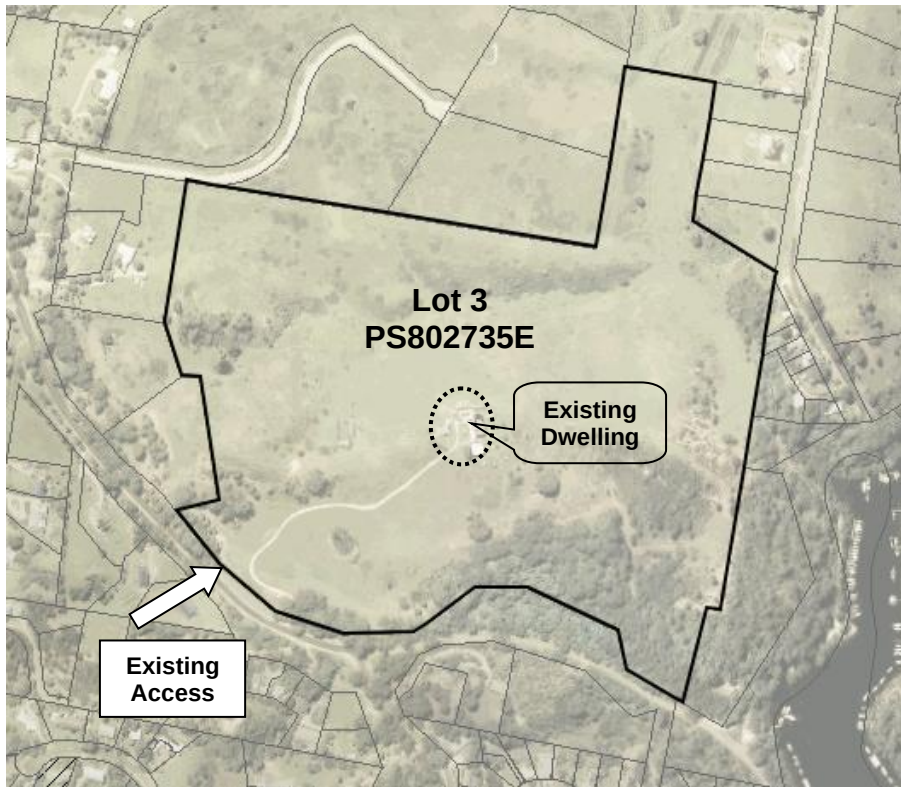
Aerial view of subject land and surrounding precinct (Source: VicPlan)



Zone mapping and aerial of subject land and surrounding precinct (Source: VicPlan)

2. Subject Land & Surrounding Context

The subject land is located on the fringe of the Metung township area and is formally described as Lot 3 on Plan of Subdivision 802735E. The property is approximately 28.83ha in area.



Aerial view of subject land and surrounding subdivision pattern (Source: VicPlan)

The site has frontage to Metung Road to the south which is a good quality sealed bitumen Transport Zone 2 road, which serves as the primary vehicle access to the township of Metung. Access to Metung Road is established in the south-west. The north-eastern tip of the property also has frontage to Rosherville Road.

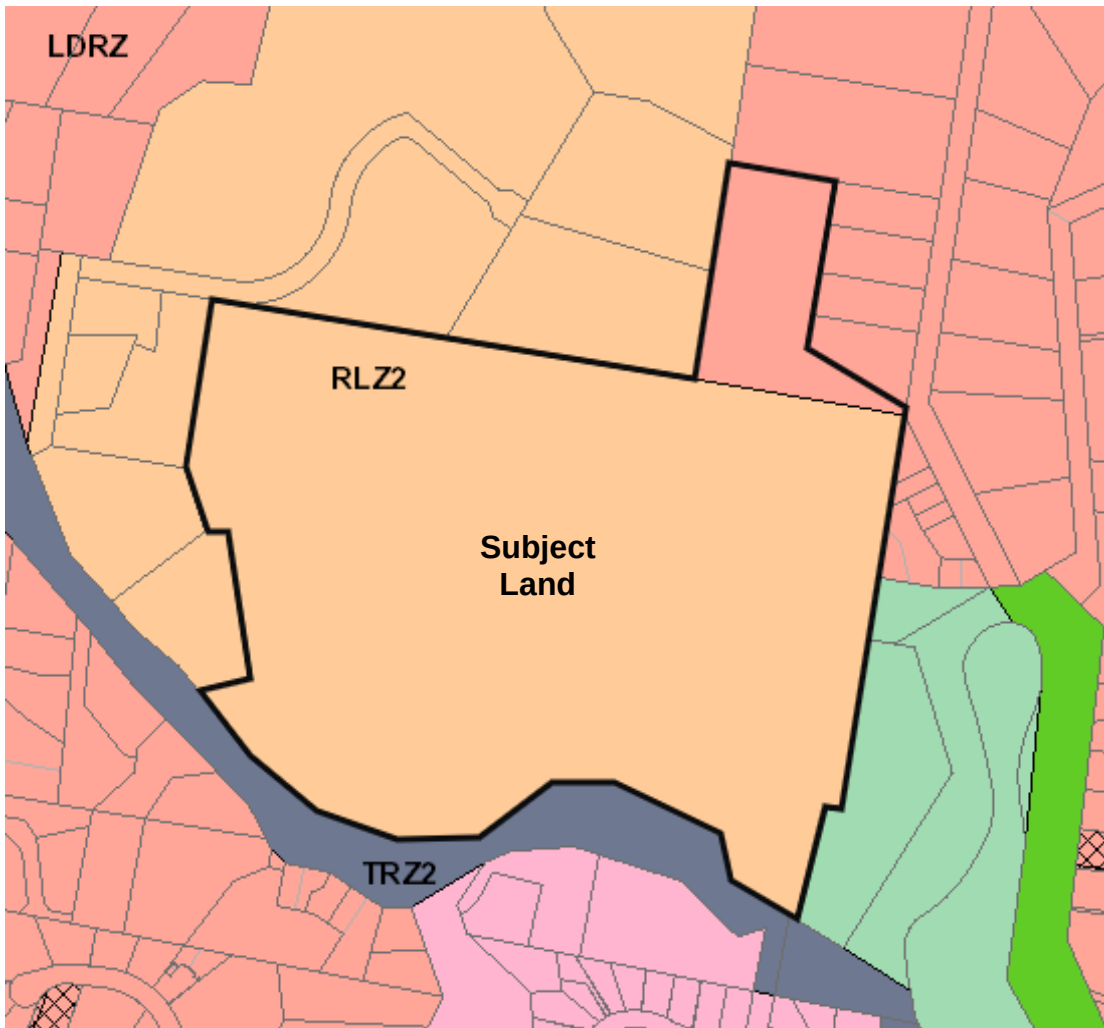
The property is developed with an existing dwelling and associated outbuildings, reliant upon onsite wastewater disposal. The southeastern portion of the site contains a wetland gully system which is well vegetated with rainforest species.



General view east towards existing dwelling and outbuildings

There are a series of dams and ephemeral waterways located across the property. The landform is undulating in nature and steep in sections due to the presence of gully systems.

Whilst the majority of the site is included within the Rural Living Zone – Schedule 2 ('RLZ2'), the northeastern portion of the property is contained within the Low Density Residential Zone ('LDRZ') of the *East Gippsland Planning Scheme*.



Zone Mapping (Source: VicPlan)

The whole of the subject land is affected by the Erosion Management Overlay and Vegetation Protection Overlay (Schedule 3), and partially included within the Bushfire Management Overlay, Design & Development Overlay (Schedule 11), Environmental Significance Overlay (Schedule 57), Land Subject to Inundation Overlay and Significant Landscape Overlay (Schedule 3) of the *East Gippsland Planning Scheme*.

Background

Planning Application 111/2020/P previously sought approval for a Three Lot Subdivision, Creation of Access to a Transport Zone 2, Creation of a Carriageway Easement and Use and Development of a Dwelling on the land.

A Notice of Decision to Grant a Planning Permit issued on 10 February 2022; with an Application for Review lodged by an objector with the *Victorian Civil & Administrative Tribunal* (VCAT).

As the prior Application referenced the filling of a dam, issues were raised within the hearing over authorisations for earthworks and removal of aquatic vegetation. These matters resulted in VCAT setting aside the Responsible Authority's decision, determining that no permit be granted (see *Carlin v East Gippsland SC* [2023] VCAT 1199).

Planning Permit 5.2024.61.1 subsequently issued on 4 June 2024 approving Works (Roadworks) for the creation of access to the subject land from Metung Road consistent with GD4010. This access has been constructed and facilitates vehicle access to the existing dwelling.



View towards subject land and existing access from Metung Road

The subject land is encumbered by two agreement under Section 173 of the *Planning & Environment Act 1987*:

- 1) Legal Agreement AL983190P recognises the further subdivision potential, acknowledging previous subdivision that has been lawfully undertaken; and
- 2) Legal Agreement AQ805832E relates to a Waterway Management Plan established through a previous subdivision, the obligations of which encumber adjoining allotments (Lots 1 & 2 on PS802735E).

Subdivision History

The East Gippsland Planning Scheme came into effect on 31 August 1999 at which time three separately transferable parcels of land existed within the Rural Living Zone, Schedule 2:

- Lot 1 on LP141707 (665 Metung Road, Metung)
- Lot 1 on PS343170K (part 705 Metung Road, Metung)
- Lot 2 on PS343171H (part 705 Metung Road, Metung)

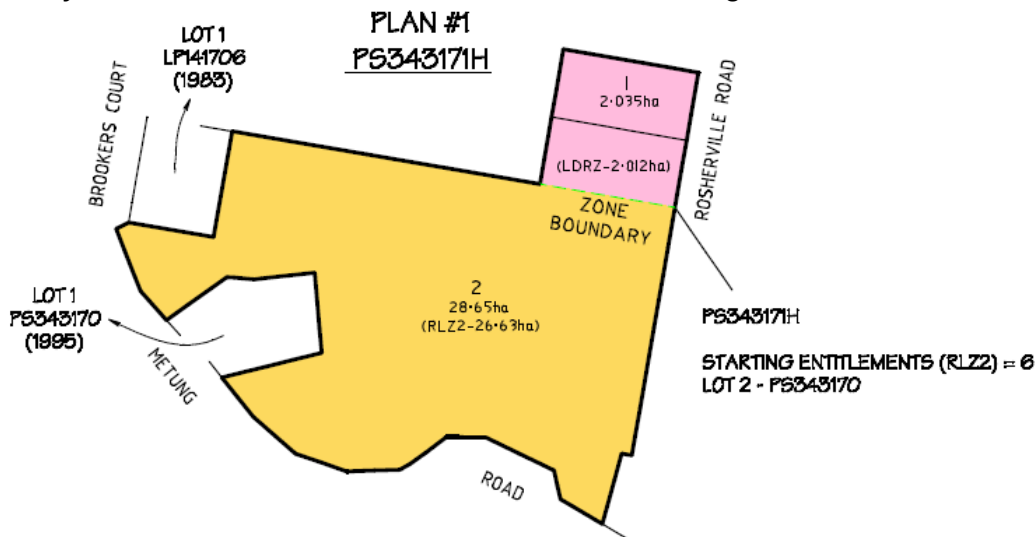
Lot 2 on PS343171H had a total area of 28.65ha, comprising 26.63ha within the RLZ2 and 4.047ha within the LDRZ. The portion of Lot 2 on PS343171H contained within the RLZ had the potential to be subdivided into 6 lots.

Lot 1 on LP141707 had an area of 2ha and Lot 1 on PS343170K had an area of 2.426ha. With Lot 3 on PS3543171K having the opportunity to yield 6 lots, it was possible for a total of 8 lots across the holding.

A number of subdivisions have been undertaken involving these three parcels since the commencement of the East Gippsland Planning Scheme. The subdivisions have created lots from land within the LDRZ and RLZ2.

Plan #1: PS343171H

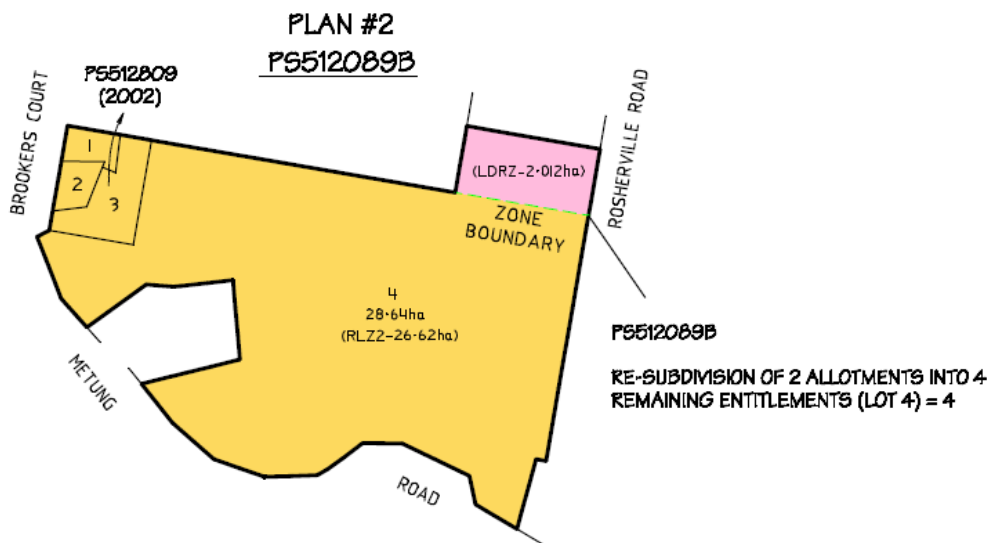
The first subdivision of the subject land under the East Gippsland Planning Scheme created two lots within the area under the controls of the LDRZ. The newly created lots were wholly contained within the LDRZ and as such did not utilise any lot entitlements available to the overall holding under the RLZ2.



Plan #2: PS512089B

The second subdivision involved Lot 1 on LP141707 and Lot 2 on PS343171H. The effect of this subdivision was that the starting number of entitlements was 7 in total, comprised of 6 entitlements from Lot 2 on PS343170H and 1 entitlement from the neighbouring property (Lot 1 on LP141706).

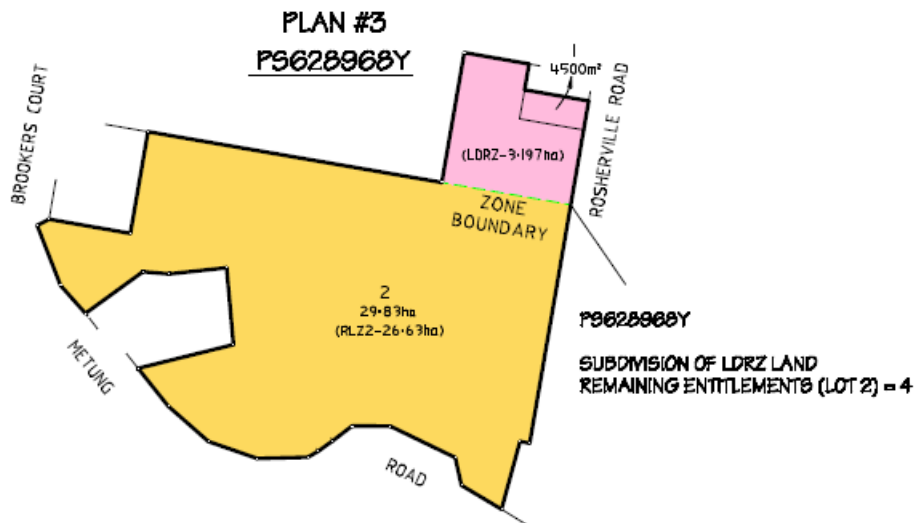
Upon completion of this subdivision, 3 of the 7 entitlements had been utilised, creating the three small lots (net increase of two additional smaller lots) fronting Brookers Court. 4 of the remaining entitlements were carried forward with the larger balance lot with frontage to Metung Road. Approval of this subdivision included a requirement to enter a Section 173 Agreement limiting the further subdivision of Lot 4 into a maximum of five lots (Agreement AB832305G). It is our understanding the limitation was only intended to apply to that portion of Lot 4 contained within the RLZ2, although the maximum number of lots that could be created within the RLZ2 was four lots.

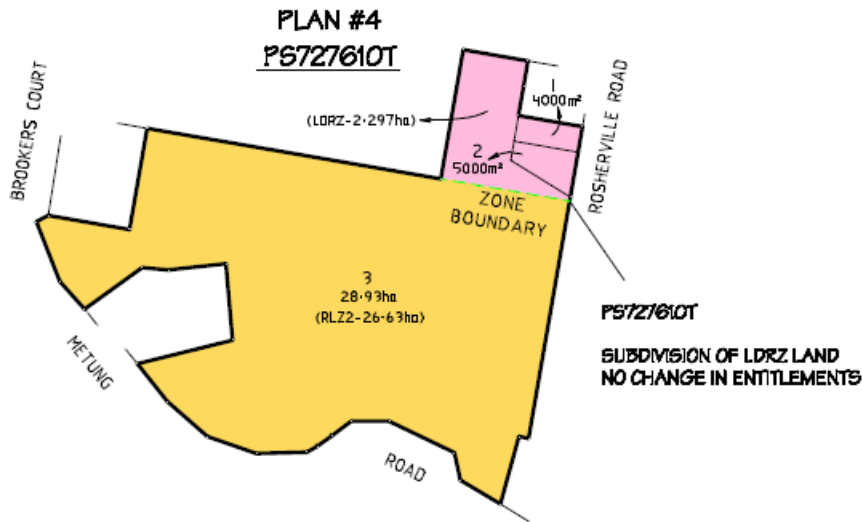


Plan #3: PS628968Y

Plan#4:PS727610T

The third and fourth plans of subdivision that affected the subject land each created lots solely within the area zoned LDRZ and as such did not rely on the entitlements available to the parcel under the RLZ2 provisions.



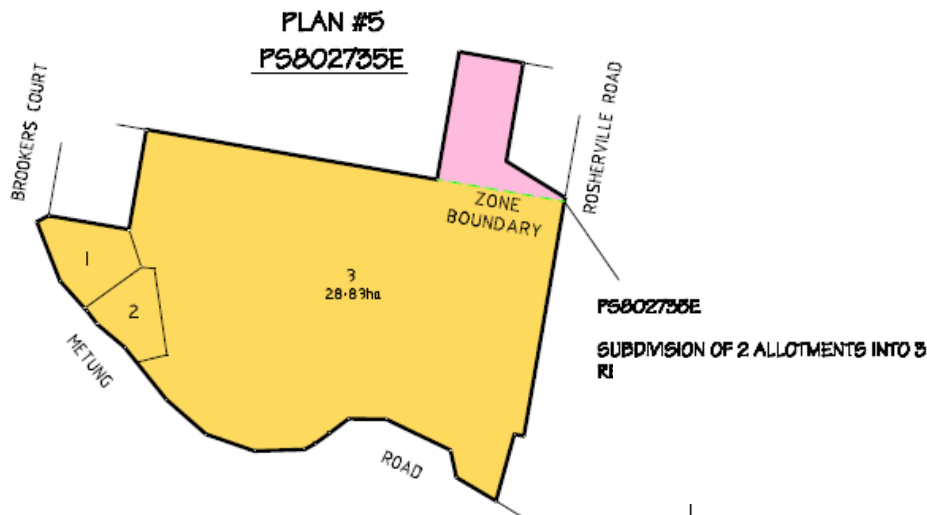


The approval of the fourth subdivision included a requirement to enter a Section 173 Agreement (AL983190P) limiting the further subdivision of Lot 3 into no more than three lots. We believe this was intended to reflect the balance number of lots remaining as prescribed by Agreement AB832305G, however no lots were in fact created from land within the RLZ2 as part of this subdivision. We believe this to be a miscalculation by the responsible authority at the time.

Plan #5:PS802735E

The fifth and most recent subdivision comprised Lot 1 on PS 343170K and Lot 3 on PS727610T. The effect of this subdivision was that the starting number of entitlements was 5 in total which was made up of 4 entitlements remaining from Lot 2 on PS343170H and 1 entitlement from the existing allotment (Lot 1 on PS343170K).

Only one additional lot was created after the completion of the subdivision approval than that which existed prior to the subdivision, thus a reduction of one entitlement from those available to the larger parcel is required to be carried forward. Upon completion of this subdivision, 2 of the entitlements had been utilised, leaving a balance of 3 lot entitlements.

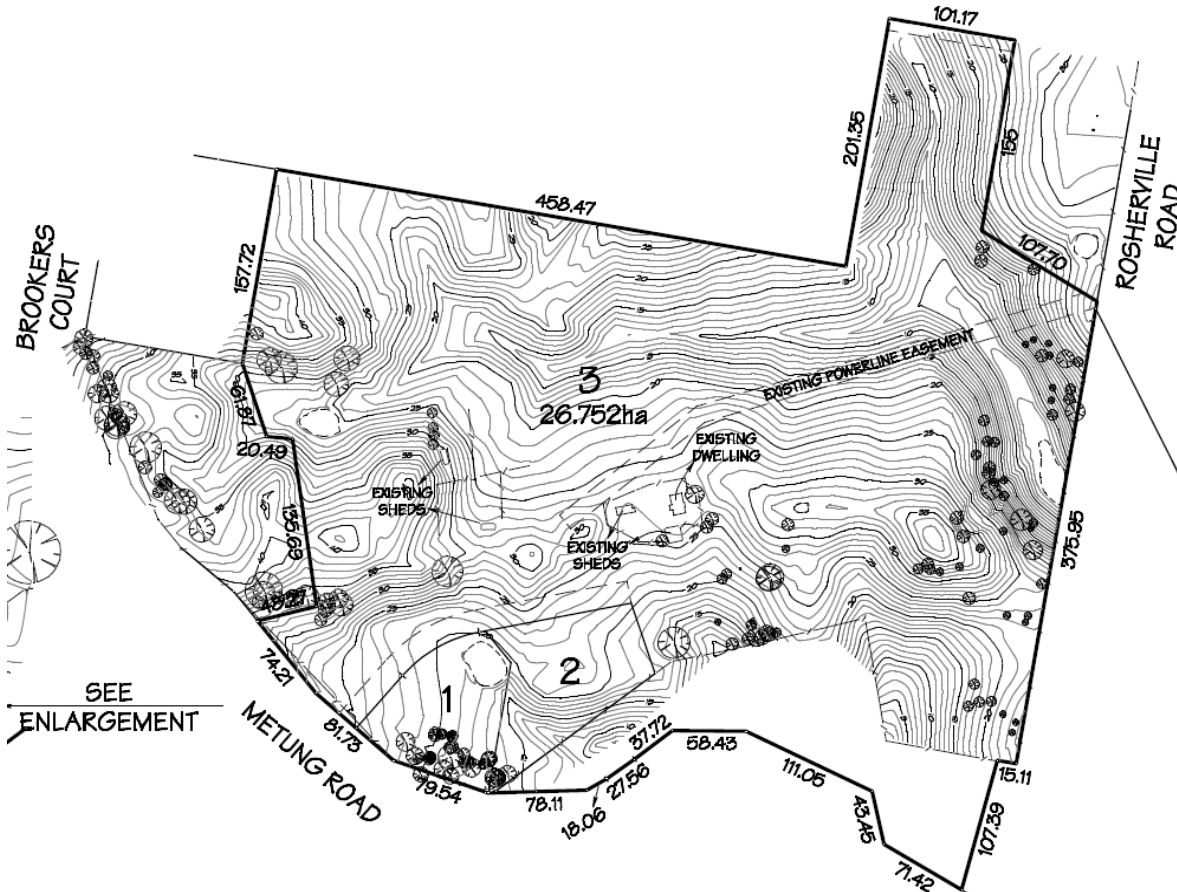


East Gippsland Shire Council

The subject land therefore retains three lot entitlements under the provisions of the Rural Living Zone. This was confirmed by VCAT via a Preliminary Hearing (see *Carlin v East Gippsland SC [2002] VCAT 1003*).

3. The Application & Proposal

The Application seeks approval for a Three Lot Subdivision to create Lots 1 and 2 for future residential purposes, and a balance allotment (Lot 3) which will contain the existing dwelling and associated outbuildings as shown on Proposed Subdivision Plan (Version 1).



Extract from Proposed Subdivision Layout (Version 1)

Proposed Lot 1 will be approximately 9677m² in area, Proposed Lot 2 will be approximately 1.108ha in area, and Proposed Lot 3 will be approximately 26.752ha in area.

A carriageway easement has been proposed over the existing driveway within Lot 3 to provide rights of access to proposed Lots 1 and 2. The use of a carriageway easement is considered an appropriate mechanism to enable the existing vehicle crossing to service each of the proposed allotments.

The creation of the new section of carriageway will also avoid the need to establish any new vehicle access from Metung Road, which is considered logical and appropriate given its arterial road status.

Careful consideration has been given to ensuring the proposed subdivision will not have any adverse impacts on existing native vegetation or environmental values of the site.

- The existing dam containing colonised aquatic sedges which represent EVC 653: Aquatic Herbland will be retained.
- The proposed Building Envelopes have been nominated in existing cleared areas of the site, ensuring future dwellings will not require the removal of native vegetation. There are also sufficient cleared areas within the allotments to accommodate future onsite wastewater disposal and access arrangements without compromising native vegetation.
- Defendable space for a distance of 16.0 metres surrounds the Building Envelope on Lot 1 ensuring the requirements of Table 6 to Clause 53.02-5 will be achieved without compromising the Blue Box trees on the southern portion of the allotment or native vegetation that has colonised the existing dam.

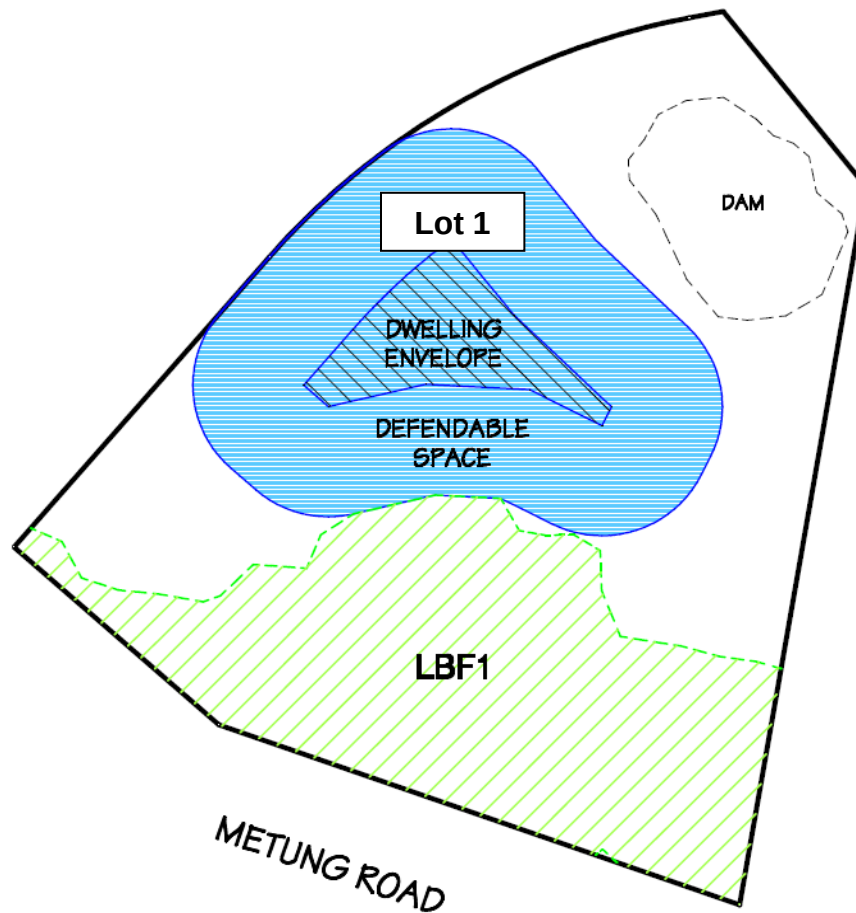


Diagram of existing vegetation and defendable space for Lot 1

- The Building Envelope and defendable space on Lot 2 has been designed consistent with Table 6 to Clause 53.02-5 without compromising the two small patches of Limestone Box Forest present on the southern portion of the allotment.

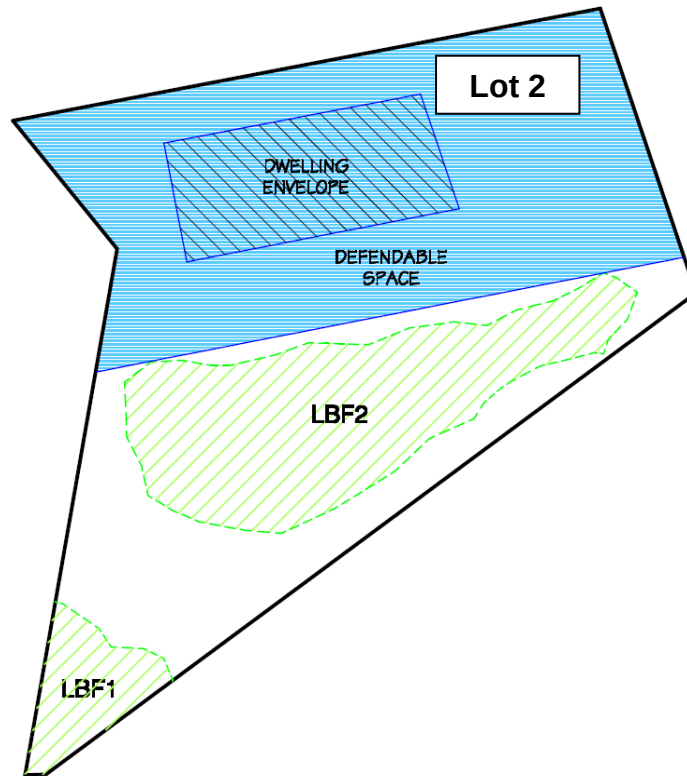


Diagram of existing vegetation and defendable space for Lot 2

The subject land is not currently located within the sewer district, and it is therefore expected that future development of the land will continue to be reliant upon onsite wastewater disposal.

A Land Capability Assessment Report prepared by *Simon Anderson Consultants* has been provided in support of the Application to demonstrate the ability of each Lot to accommodate onsite wastewater disposal consistent with EPA requirements.

As the subject land is affected by the provisions of the Bushfire Management Overlay, it is expected that the mandatory Condition prescribed by Clause 44.06-5 will be imposed on permit. The Condition will require the execution of a Section 173 Agreement which will exempt future owners from the need to obtain planning approval for dwellings under the Bushfire Management Overlay, provided future dwellings are located within the nominated Building Envelopes.

The Application is supported by a Bushfire Management Plan which includes Building Envelopes and prescribes bushfire mitigation measures which are expected to be referenced within the aforementioned Section 173 Agreement.

The existing Legal Agreements applying to the land do not restrict the ability to make the Application at hand. The proposal will not compromise any obligations included within these existing Legal Agreements.

It is expected that a Condition of Permit will require the ending of Legal Agreement AL983190P, calling for the execution of a new Agreement to prevent further subdivision of the land under the density provisions.

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

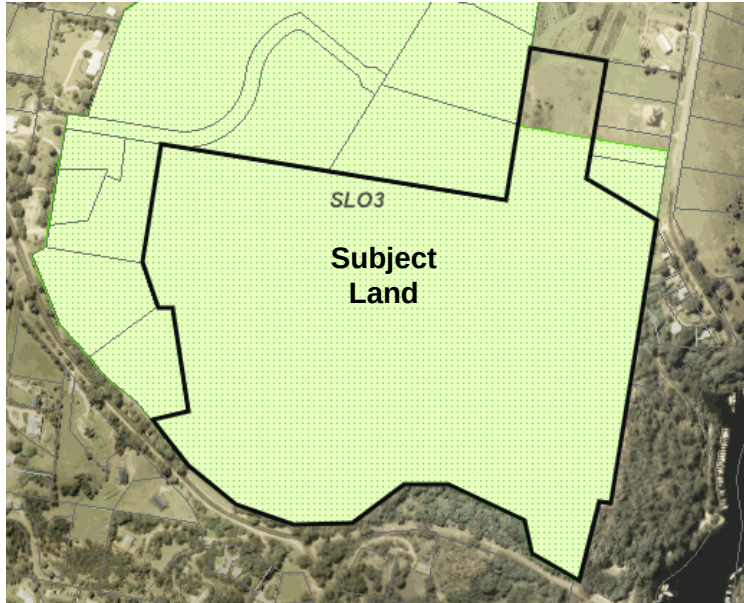
Planning Scheme Clause	Matter for which a Permit is required
32.03-3 (LDRZ)	Subdivide Land
35.03-3 (RLZ)	Subdivide Land
42.01-2 (ESO)+	Subdivide Land
43.02-3 (DDO)	Subdivide Land
44.01-5 (EMO)*	Subdivide Land
44.04-3 (LSIO)*	Subdivide Land
44.06-2 (BMO)*	Subdivide Land
52.02	Proceeding under Section 23 of the <i>Subdivision Act 1988</i> to create an easement
52.29-2*	Subdivide land adjacent to a road in a Transport Zone 2

Notice & Review Exemptions:

* Always exempt matters

+ Conditionally exempt matters

Although most of the property is affected by the provisions of the Significant Landscape Overlay – Schedule 3 “Metung & Lakes Entrance Hills”, the Overlay does not require consideration for subdivision.



Significant Landscape Overlay mapping (Source: VicPlan)

Similarly, whilst the subject land is affected by the Vegetation Protection Overlay – Schedule 3, as the proposal does not seek to remove vegetation, planning approval is not required under the Overlay.



Vegetation Protection Overlay mapping (Source: VicPlan)

The application is required to be referred pursuant to Section 55 of the *Planning & Environment Act 1987* to the following:

- East Gippsland Water (Determining Authority) as the subdivision will result in the creation of more than two lots.
- AusNet Services (Determining Authority) as the subdivision will result in the creation of more than two lots.
- East Gippsland Catchment Management Authority, as the relevant floodplain management authority (Recommending Authority) for an Application under the Land Subject to Inundation Overlay.
- Country Fire Authority (Recommending Authority) for an application to subdivide land within the Bushfire Management Overlay.
- Transport for Victoria (Determining Authority) to subdivide land adjacent to a road owned by the Head, Transport for Victoria.

The Application will also need to be referred to the *Department of Energy, Environment & Climate Action* for comment given it triggers consideration under the provisions of the Environmental Significance Overlay.

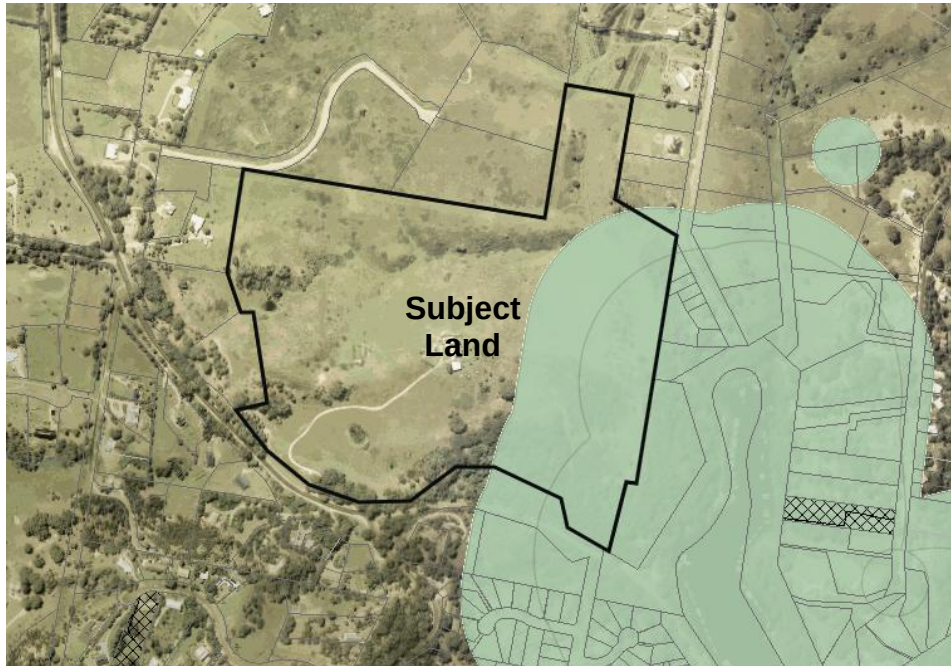
To consider the matter of onsite wastewater disposal, access and drainage we anticipate Council will undertake internal referrals to their Environmental Health and Engineering Departments.

It is also anticipated that the mandatory Conditions prescribed at Clause 66.01-1 *Mandatory Conditions for subdivision permits* pertaining to telecommunications will be imposed on Planning Permit.

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 (Source: VicPlan)

Whilst part of the site is mapped as being cultural heritage sensitive, there is no mandatory requirement to provide a CHMP as the proposed activity is not deemed to be a 'high impact' under the *Aboriginal Heritage Regulations 2018*.

Whilst the proposal seeks to create three allotments, it does not constitute a 'high impact' activity as proposed Lot 3 is greater than 8 hectares in area (Regulation 49).

5. Planning Policy

The following comments respond to State and Local Planning Policy as relevant to the proposal.

5.1 Municipal Planning Strategy

Clause 02.03-1 *Settlement & Housing* identifies Metung is a key destination for visitors to the Gippsland Lakes system and a significant boating hub with a strong residential community.

Clause 02.03-2 *Environmental & Landscape Values* acknowledges the unspoilt nature of large tracts of native vegetation within East Gippsland and its unique biodiversity qualities. The proposal adheres to associated strategic directions as the site vegetation will not be compromised by the proposal.

Clause 02.03-3 *Environmental Risks and Amenity* seeks to manage and mitigate environmental risks such as flood, erosion and bushfire, with associated strategies prioritising the planning and management of vulnerable areas, assessing impacts of climate induced sea level rise, minimise land degradation and tree decline and to use geotechnical risk assessments when evaluating proposals in erosion risk areas.

The application has been supported by documentation prepared by a suitably qualified and experienced Geotechnical Engineering in response to the site's inclusion within the Erosion Management Overlay.

The application is also supported by a Bushfire Management Plan which incorporates bushfire mitigation measures including vegetation management, access and water supply requirements and which nominates a minimum construction of BAL-29 for future residential development.

5.2 Planning Policy Framework

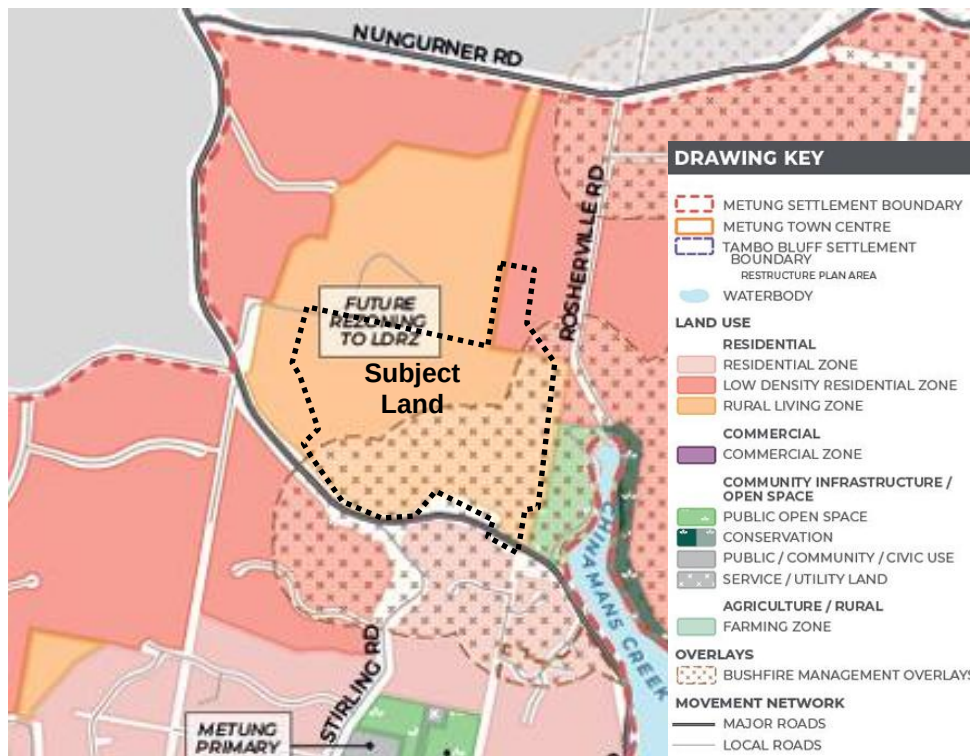
Clause 11-01-1S relating to *Settlement* seeks to promote sustainable growth and development and deliver choice and opportunity for all Victorians through a network of settlements. The proposal responds positively as the subject land, is capable of sustaining the proposed development and is located on the fringe of an established residential precinct with access to services.

The accompanying Plans and documents demonstrate how the land is capable of accommodating future development having regard for the site characteristics and constraints.

Clause 11.03-4L *Metung* applies to all land within the Metung Framework Plan, including the subject land. The proposal responds to associated strategies for the following reasons:

- The proposal has sought to retain the landscape setting by avoiding any adverse impacts to native vegetation. The accompanying Bushfire Management Plan identifies the existing vegetation to be retained.
- The subdivision has been designed to make use of existing access provisions from Metung Road which ensures the vegetated roadside corridor will remain untouched.
- Whilst future development Lots 1 & 2 will be adjacent to Metung Road, it will be generously setback from the property frontage and the retention of existing vegetation will aid in filtering views.

The Metung Framework Plan identifies the subject land as being within the Metung settlement boundary, and to be rezoned to Low Density Residential Zone in the future.

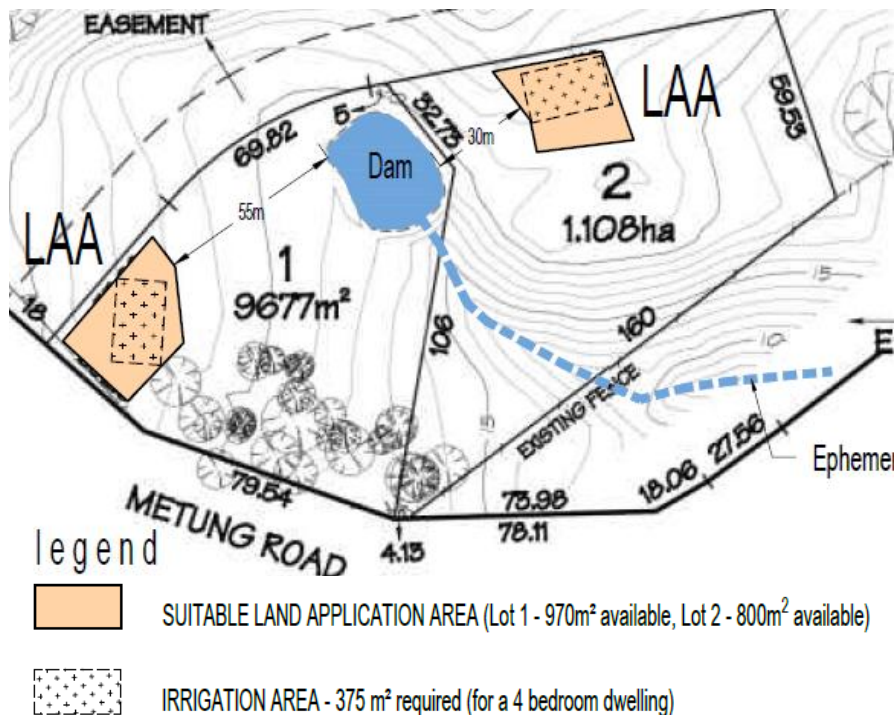


Metung Framework Plan (Source: EGPS)

Clause 12.03-16S *River and riparian corridors, waterways, lakes and billabongs* seek to protect and enhance waterway systems with supporting strategies seeking to protect and conserve environmental values of the landscape and Clause 12.03-1L *Waterways* seeks to protect the quality of the Gippsland Lakes.

The proposal responds appropriately to both Clauses with the subdivision having been designed to ensure the nearby waterways will not be adversely affected.

- To ensure that no waterways will be compromised by the development a Land Capability Assessment Report has been provided in support of the Application which confirms the ability to treat and retain wastewater on site in compliance with *EPA Victoria's Code of Practice Onsite Wastewater Management*.
- The subdivision design provides Building Envelopes that can achieve a minimum setback of 30.0 metres from the nearby ephemeral watercourse.



Extract from Land Capability Assessment Report (Simon Anderson Consultants)

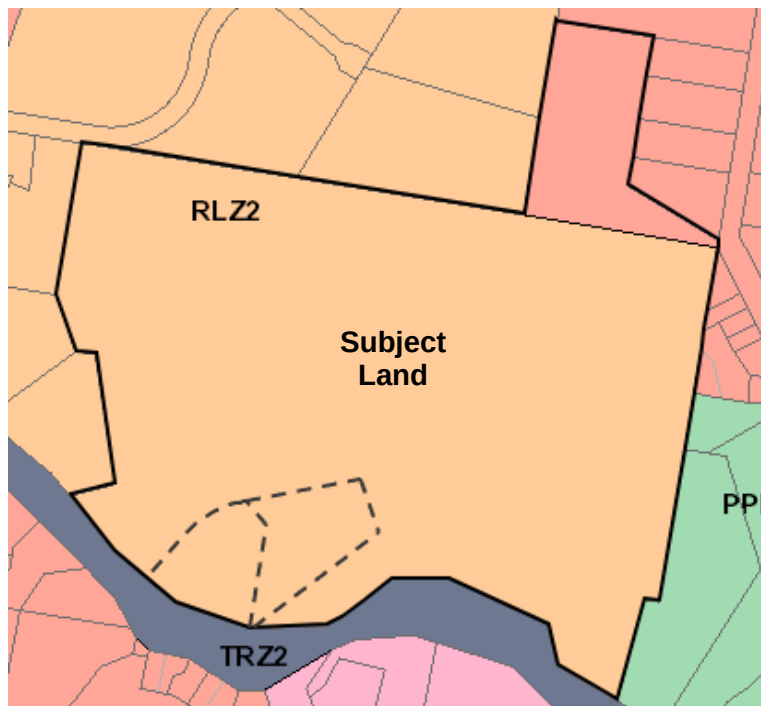
The proposal has considered Clause 13.02-1S *Bushfire Planning* as the whole of the subject land is contained within a Designated Bushfire Prone area and the Bushfire Management Overlay applies.

The proposal has prioritised human life by establishing appropriate separation distances from classifiable vegetation and prescribing a minimum of BAL 29 for future development on Lots 1 & 2.

Clause 15.01-3S relating to *Subdivision Design* seeks to ensure the design of subdivisions achieves attractive, safe, accessible, diverse and sustainable neighbourhoods. The proposed subdivision adheres to this objective as the accompanying Plans demonstrate that the proposed vacant allotments (Lots 1 & 2) can easily accommodate future residential development that respects the vegetated setting whilst achieving appropriate separation distances to aid in mitigating bushfire risk.

6. Planning Elements

The subject land is mapped as being affected by the provisions of two different zones. The northeastern portion of the property is mapped as being affected by the provisions of the Low Density Residential Zone and the bulk of the property is mapped as being affected by the provisions of the Rural Living Zone – Schedule 2.



Zone Mapping (Source: VicPlan)

6.1 Rural Living Zone

The proposed subdivision is considered to respond positively to the purpose of the RLZ as it will result in the creation of residential style development in an appropriate location.

The subject land is unique as it is predominately included in the RLZ but is also within close proximity to the established residential area of Metung and the associated services and facilities.

Planning approval is triggered at Clause 35.03-3 of the RLZ provisions to subdivide land. Whilst Schedule 2 to the RLZ stipulates a minimum subdivision area of 4ha, smaller lots may be created where the number of lots is no more than that which the land could be subdivided into in under a Schedule to the Zone.

Whilst the Application does not seek approval for the use of Lots 1 & 2 for the purposes of dwellings, the subdivision will result in an expectation that dwellings will be established into the future.

To further justify the proposed subdivision, the following comments have therefore been provided in response to Clause 35.03-2 *Use of Land for a Dwelling or Small Second Dwelling*.

Use of Land for a Dwelling or Small Second Dwelling Clause 35.03-2	
A lot used for a dwelling or small second dwelling must meet the following requirements:	
Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	Access to each lot will be facilitated from Metung Road, which is a good quality sealed bitumen road identified as Transport Zone 2.
Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.	In the absence of reticulated sewer, the Application is supported by a Land Capability Assessment Report by Simon Anderson Consultants which confirms the ability for wastewater to be accommodated on site. Whilst the site has a number of limitations that result in the site being unsuitable for primary treatment only, it has the ability to manage wastewater through secondary treatment with sub-surface irrigation area of 375m ² .
The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.	The site benefits from the presence of reticulated water supply which already services the property. It is anticipated that a Condition on Permit will require each of the allotments to be connected to the water supply prior to the issue of Statement of Compliance. The Bushfire Management Plan, which will be referenced within a mandatory Section 173 Legal Agreement, also ensures that any future dwelling will be provided with a static water supply of 10,000 litres for fire fighting purposes.
The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.	It is anticipated that a Condition on Permit will require each allotment to be connected to the existing power supply as already available to the land.

Decision Guidelines

The information contained herein demonstrates that the subject land can sustain the proposed subdivision. The design and layout of the proposal will result in residential development located on the flatter portion of the land which can accommodate onsite wastewater disposal. The balance of the land (Lot 3) will be approximately 26.752ha in area, being sufficient in size to facilitate the continuation of grazing activities for ongoing management.

The siting of proposed Lots 1 and 2 on the southern portion of the site is considered to be most practical as the landform is flatter and more suited to residential style development in that vicinity.

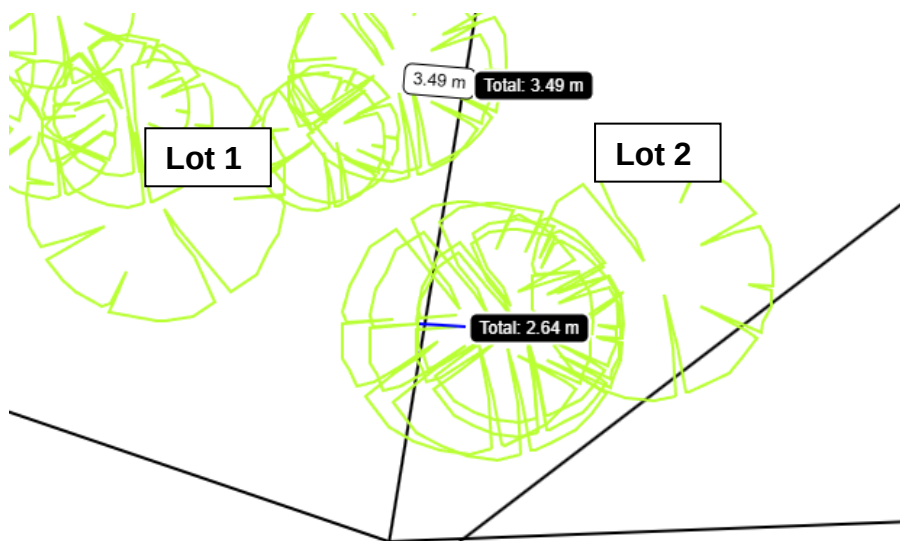
There is ample cleared area within proposed Lots 1 & 2 to establish future residential style development whilst ensuring retention of the site vegetation and providing adequate offset distances from mapped watercourses.

The more significant site vegetation and rainforest area has been deliberately retained within the larger balance allotment (Lot 3) to ensure that it is not compromised by the proposed subdivision.

The agricultural capacity of the land will not be adversely compromised by the proposal as the balance of the land (Lot 3) will continue to be utilised for grazing purposes.

The proposed subdivision will result in allotments each greater than 4000m² in area. There will therefore be no presumed vegetation losses incurred as a result of the proposal.

Whilst the common boundary between Lots 1 & 2 will be aligned through the existing Blue Box trees in part, it will not result in any consequential vegetation loss, having regard to the fence line exemption at Clause 52.17-7 as the trees will be more than 2.0 metres off the proposed boundary.



Tree and boundary diagram (Source: VicPlan)

6.2 Low Density Residential Zone

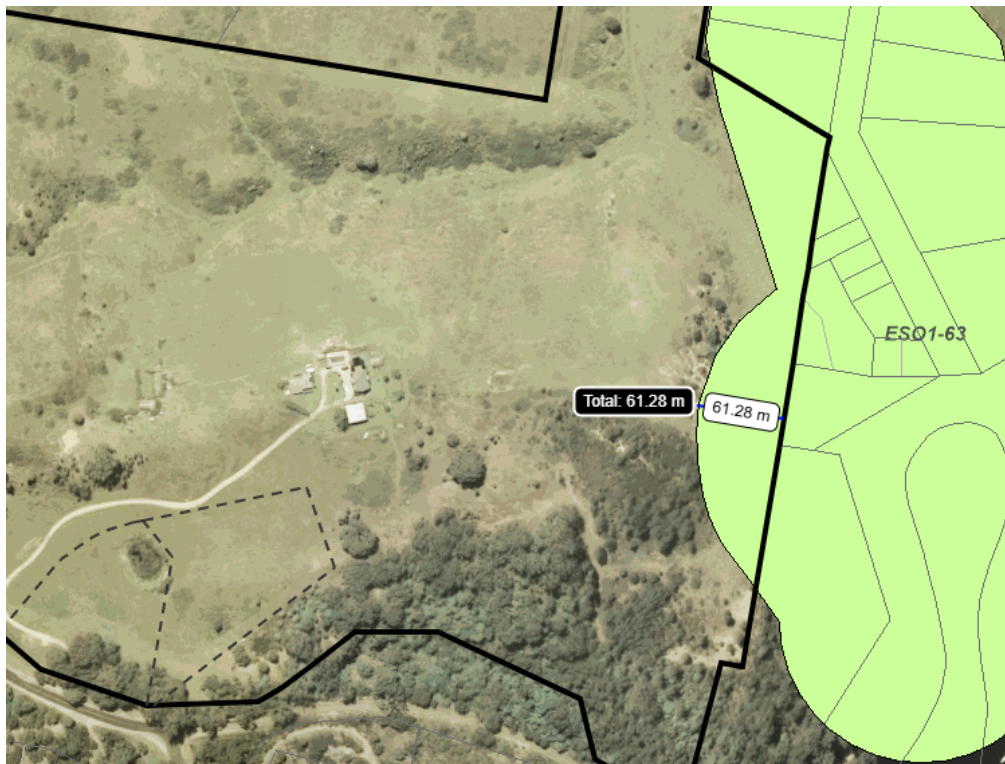
The proposed subdivision is considered to respond positively to the purpose of the Low Density Residential Zone, with the area contained within the zone remaining within the balance allotment (Lot 3).

A Permit is required to subdivide land at Clause 32.03-3 when being undertaken within the Low Density Residential Zone however it is acknowledged that the proposed boundaries will not dissect land contained within the zone.

6.3 Environmental Significance Overlay

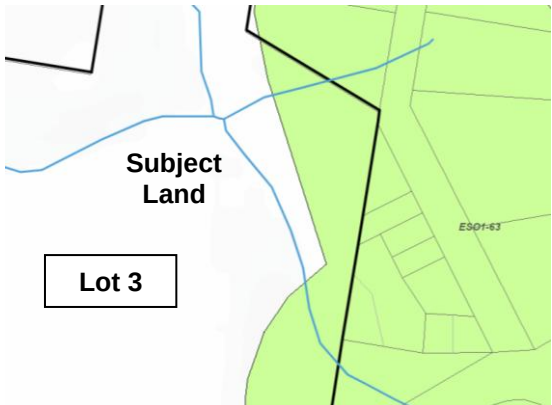
A permit is required for subdivision of land pursuant to Clause 42.01-2 of the Environmental Significance Overlay. The Statement of Environmental Significance for Schedule 1-63 “Rosherville Road Corridor” (ESO1-63) relates to Wildlife Corridor.

ESO1-63 applies to land within and adjoining Rosherville Road, and only extends minimally into the eastern portion of the subject land.



Environmental Significance Overlay mapping (Source: VicPlan)

Response to Application Requirements	
Requirement	Response
Details of the works proposed to be undertaken.	The proposal results in the need for limited works associated with servicing and fencing, all of which will be undertaken outside of the Environmental Significance Overlay – Schedule 1-3 “Rosherville Road Corridor” mapping.
Description of the purpose for which the removal of vegetation is to be undertaken.	The proposal does not seek approval for the removal of any vegetation, nor will it result in any adverse impacts to vegetation.

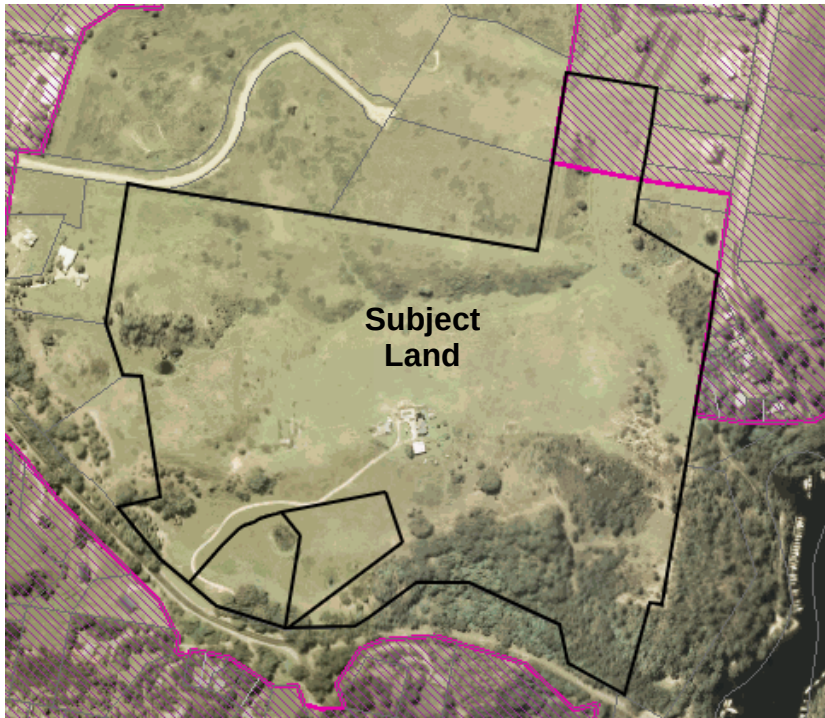
Response to Application Requirements	
Requirement	Response
Detailed scale map of the subject land including north and showing: - Property boundaries and dimensions - Site of buildings and works, and areas where removal of vegetation is to be undertaken, existing cleared areas, and areas to be retained as vegetation. - Type and condition of all vegetation present on the entire property, particularly that which is proposed to be removed or cleared. - All waterways, drainage lines and wetlands. - Adjacent roads and any unused easements. - Any native fauna known to be present on or near the subject land.	Accompanying the Application is a Proposed Subdivision Plan which includes details on property boundaries and dimensions, along with other significant site features. There are mapped waterways on the subject land contained within the Overlay mapping.  ESO and waterway mapping (Source: VicPlan)

Response to Decision Guidelines	
Decision Guideline	Response
Reduce or limit the extent of inappropriate clearing and harvesting of native vegetation.	The proposal does not seek approval for, nor will it result in, the removal of native vegetation.
Undertake revegetation with appropriate indigenous species to offset any loss of environmental values resulting from the works or development.	The proposal does not seek approval for vegetation removal, therefore does not require consideration of vegetation offsets.
Fence off areas of remnant native vegetation and revegetated areas so as to protect and limit further degradation to environmental values.	The more significant rainforest vegetation on the southeastern portion of the site is already fenced off from the balance of the land, albeit located outside of ESO mapping. The subdivision design ensures this area will not be compromised, with proposed boundaries adopting existing fencing.
Develop a land management plan or works program encompassing a range of management practices implemented over a period of time.	The landowners already undertake suitable land management practices such as pest plant and animal management on an as needed basis. The subdivision will not segment or impact the area encumbered by the ESO.

Response to Decision Guidelines	
Decision Guideline	Response
Any relevant land management practices listed within the table at Clause 5.0.	Land management practices encouraged by Schedule 1-63 "<i>Rosherville Road Corridor</i>" include fencing of vegetation remnants, fox control programs, appropriate fire regime, road maintenance strategy, encouragement of parallel plantings and revegetation of vegetation gaps along the corridor. The section of the subject land affected by the ESO will be retained wholly within the proposed balance lot (Lot 3). There is considered to be no need to specify any new land management practices as a result of the proposal, given the nature of the subdivision and the existing land management practices already established.

6.4 Design & Development Overlay

A permit is required for subdivision of land pursuant to Clause 43.02-3 of the Design & Development Overlay – Schedule 11 *Residential Development in Coastal Settlements* ('DDO11').



Design & Development Overlay mapping (Source: VicPlan)

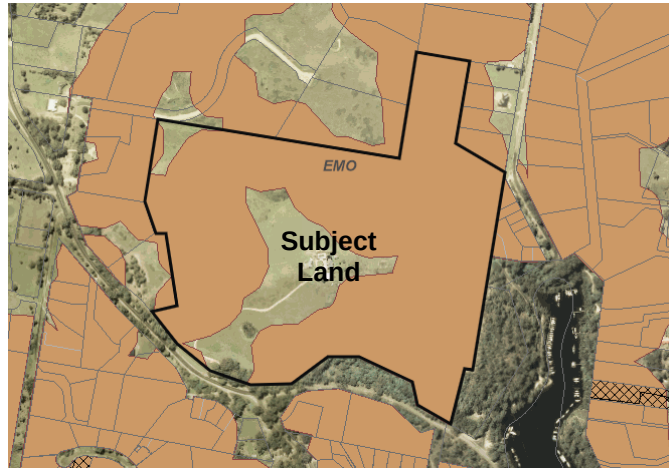
Pursuant to Clause 43.02-5 an application must be accompanied by any information specified in a Schedule to the Design & Development Overlay. The only requirements for subdivision specified by DDO11 relate to lot area requirements for land within Newlands Arm.

The DDO11 mapping only applies to the very northeastern section of balance Lot 3. As there is no development within that area, and Lot 3 is already developed with an existing dwelling, DDO11 is considered to have limited relevance to the proposal at hand.

The establishment of future dwellings within proposed Lots 1 & 2 will not require consideration of DDO11 as these lots are excluded from the Overlay.

6.5 Erosion Management Overlay

The majority of the subject land is affected by the Erosion Management Overlay which triggers planning approval at Clause 44.01-5 for subdivision.



Erosion Management Overlay mapping (Source: VicPlan)

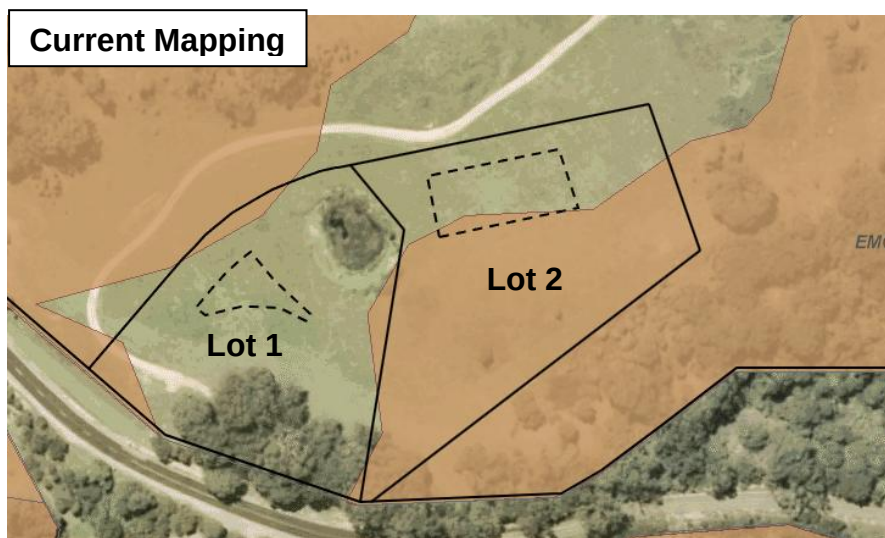
Application Requirements (Clause 44.01-6)

The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.	The landform across the site is steep in sections, with a number of gully lines and vegetated areas. The subdivision layout retains steeper land within the balance allotment (Lot 3) with Lots 1 & 2 comprising appropriate landform to accommodate future residential style development. The Proposed Subdivision Plan incorporates contour information detailing the landform across the property. The accompanying Land Capability Assessment Report identifies that there is no evidence of sheet or rill erosion, and that the erosion hazard is 'low'.
The extent of any proposed earthworks.	Earthworks associated with the proposed subdivision will be limited to establishment of servicing and boundary fencing. The existing dam will not be filled as part of the proposal. Allotments will make use of existing vehicle access from Metung Road. The subdivision design will provide vacant lots with suitable defendable space consistent with the Bushfire Management Overlay without adverse impacts on existing vegetation.
The means proposed to stabilise disturbed areas.	it is anticipated that the standard suite of Conditions will be placed on Permit regarding sediment control and stabilisation for any ground disturbance for service connections.
Any other application requirements specified in a schedule to this overlay.	The accompanying Proposed Subdivision Plan has been drawn to scale and includes dimensions, together with other significant detail such as contours, waterways and vegetation. A Geotechnical Risk Assessment prepared by <i>Simon Anderson Consultants</i> accompanies the Application and confirms that the site has a low risk rating for landslide, tunnel erosion and sheet/rill erosion.

Decision Guidelines

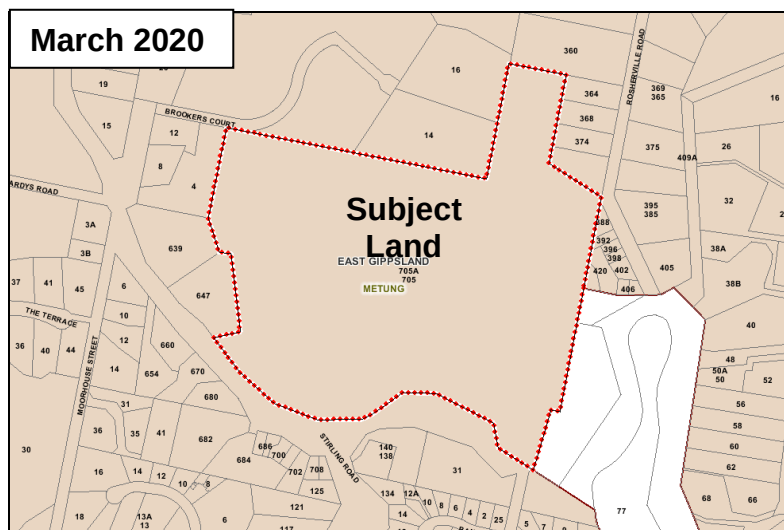
The majority of proposed Lot 1 is excluded from the Erosion Management Overlay mapping, including the nominated Building Envelope. Earthworks associated with the future development of a dwelling on Lot 1 will not require consideration of the Erosion Management Overlay provided it is sited within the nominated Building Envelope.

Whilst the Building Envelope on Lot 2 is partially affected by Erosion Management Overlay mapping, a permit for a single dwelling does not trigger planning approval unless associated earthworks are more than 1.0 metre in height or depth.



Erosion Management Overlay mapping (Source: VicPlan)

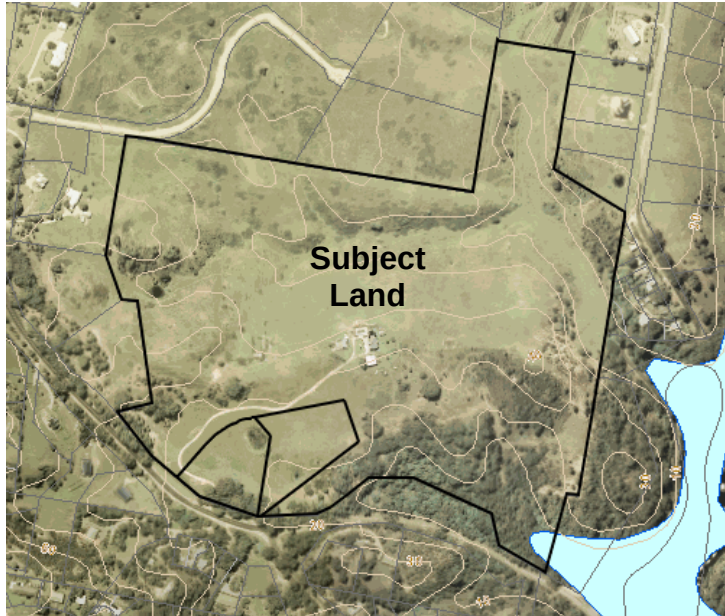
Historically the entire site was included within the Erosion Management Overlay, however the gazettal of Amendment C167egip on 1 August 2024 reduced the extent of mapping affecting the land.



Historic Erosion Management Overlay mapping (Source: Planning Maps Online)

6.6 Land Subject to Inundation Overlay

A permit is required for subdivision of land pursuant to Clause 44.04-3 of the Land Subject to Inundation Overlay ('LSIO') which affects the very south-eastern tip of the subject land.



Land Subject to Inundation Overlay mapping (Source: VicPlan)

Pursuant to Clause 44.04-4 an application must be accompanied by any information specified in a Schedule to this Overlay however there are none specified at Clause 4.0 of Schedule 1 to the LSIO.

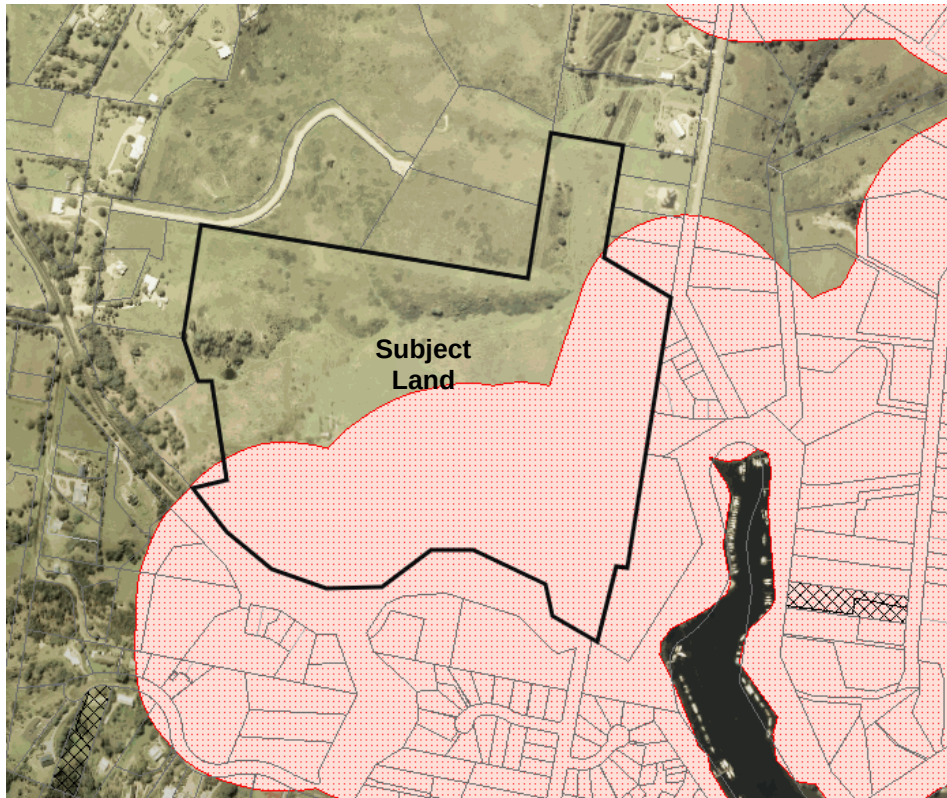
Only a very limited section of the subject land is affected by the provisions of the LSIO which is due to the landform and proximity to Bancroft Bay.

The LSIO encumbers a small section of proposed Lot 3, and does not have any detrimental impact on the proposal having regard for the following:

- The proposed vacant allotments (Lots 1 & 2) are located on the elevated section of the land and provide good opportunity to establish future residential development.
- The proposed access provisions provide safe egress and access without requiring any need to move through flood waters.
- There is no or access or development proposed within proximity to the lower lying section of the site encumbered by the LSIO.
- A dwelling already exists on the elevated section of proposed Lot 3.

6.7 Bushfire Management Overlay

The southern portion of the subject land is included within the Bushfire Management Overlay ('BMO') which requires planning approval at Clause 44.06-2 for subdivision of the land.



Bushfire Management Overlay mapping (Source: VicPlan)

The purpose of the BMO is to ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire, to identify areas where the bushfire hazard warrants bushfire protection measures to be implemented and to ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level.

The Application is considered to respond positively to the purpose of the BMO as the risk to life and property can be reduced to an acceptable level through implementation of mitigation measures prescribed in Clause 53.02.

Application Requirements Clause 44.06-3	
Bushfire Hazard Site Assessment	A Bushfire Hazard Site Assessment Plan has been prepared in support of the Application which provides detail of the site and immediate surrounds. The landform and vegetation classifications within the surrounding 150 metre assessment area has been considered in the calculations for separation distances and associated Bushfire Attack Level (BAL-29).
Bushfire Hazard Landscape Assessment	A Bushfire Hazard Landscape Assessment describing the bushfire hazard in the wider landscape (>150 metres from the site) has been provided. The subject land is located just north of the main township area of Metung being on the fringe of the developed residential area. Metung is generally quite well vegetated for a residential area however is somewhat well managed and maintained having regard for the coexistence with existing established dwellings and residential occupation. Properties further to north of the subject land are generally clear farming properties which are utilised for grazing activities. Whilst the land is undulating in landform it is not considered to be steep or mountainous. The risk of bushfire from the wider landscape is therefore not considered to be high risk or extreme.
Bushfire Management Statement	A Bushfire Management Statement is included within this Report which includes a detailed response to each of the Approved Measures at Clause 53.02-4 <i>Bushfire Protection Objectives</i> .

Mandatory Condition (Clause 44.06-5)

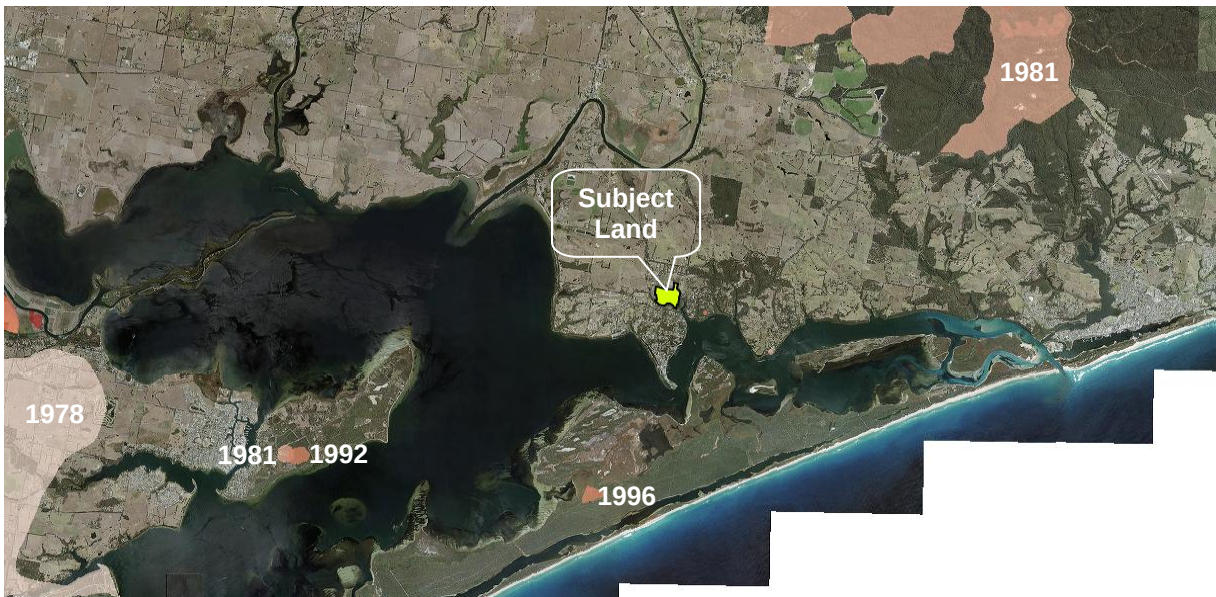
As the proposal seeks approval for subdivision a permit must include the mandatory Condition prescribed at Clause 44.06-5 of the Bushfire Management Overlay.

The mandatory requirement to execute a Section 173 Agreement in response to Clause 53.02-4.4 will exempt future dwellings on Proposed Lots 1 & 2 from requiring a planning permit under the provisions of the BMO.

The Application is supported by Bushfire Management Plans prepared in response to Clause 53.02-4.4 *Subdivision Objectives*. The Bushfire Management Plan is expected to be endorsed as part of Permit and prescribes a minimum construction standard of BAL-29, defensible space, water supply and access requirements.

If in the event future dwellings were proposed outside the Building Envelope nominated on the Bushfire Management Plans or sought to be constructed to a lower standard of construction than BAL-29, further planning approval would be required under the provisions of the BMO.

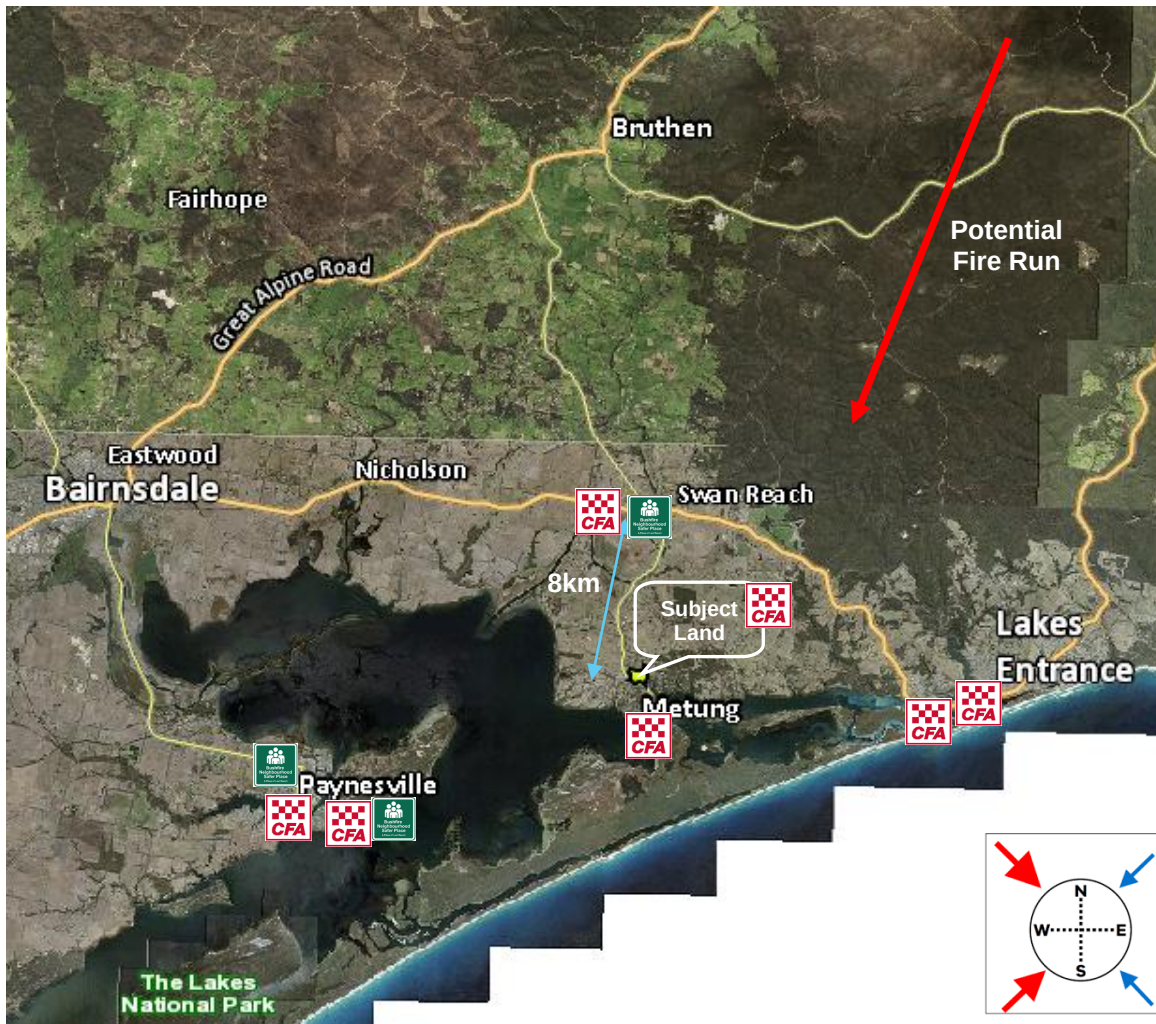
Bushfire Hazard Landscape Assessment



Wildfire History (Source: Forest Explorer)



Planned Burn History (Source: Forestry Explorer)



Broader landscape (Source: Forest Explorer)

Broader Landscape: Type 2	
	Nearest CFA's (within 15km) - Metung: 1 Wood Street, Metung - Kalimna West: 265 Nungurner Road, Nungurner - Johnsonville: 1749 Princes Highway, Johnsonville - Paynesville: 31 Tenth Avenue, Raymond Island - Lakes Entrance Coast Guard: 420 Esplanade, Lakes Entrance - Paynesville Coast Guard: 55 Esplanade, Paynesville - Lakes Entrance: 12 Bulmer Street, Lakes Entrance
	 Neighbourhood Safer Places - Swan Reach Oval: Duffy Street, Swan Reach - Raymond Island Community Hall: Corner Firth Parade & Sixth Avenue, Raymond Island - AJ Freeman Reserve Oval 1: Main Road between King Street & Ashley Street, Paynesville

7. Particular Provisions

7.1 Bushfire Planning

The following Bushfire Management Statement has been provided to demonstrate compliance with Clause 53.02 *Bushfire Planning*.

CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES

Objective

Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.

Development is sited to minimise the risk from bushfire.

Development is sited to provide safe access for vehicles, including emergency vehicles.

Building design minimises vulnerability to bushfire attack.

Approved Measures

AM 2.1

The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.

Response:

The subject land is located within the identified settlement area of Metung however is positioned on the fringe of the established residential area. Whilst the site itself is included within the RLZ and LDRZ, there are many residential properties located on the southern side of Metung Road within the General Residential Zone.

The township area of Metung to the south is characterised by undulating topography with the presence of established trees being a main feature which provides a unique and picturesque residential setting. The town also enjoys the presence of Lake King to the east, south and west.

Land further to the north of the subject land comprises a mixture of cleared farming land and rural residential style properties. This land is undulating in nature however is generally well cleared and not considered to pose a high bushfire risk.

The site is located only a short drive from the main village area of Metung via a good quality sealed road network which is capable of accommodating emergency vehicles. Egress to the site from the main township area is provided through established residential development. Metung Road also provides access to Swan Reach approximately 8km to the north.

The subject land is also undulating in nature and does contain some pockets of established vegetation. The most substantial site vegetation is located on the southeastern corner of the property which is predominately Warm Temperate Rainforest (EVC 32) established within an existing gully.

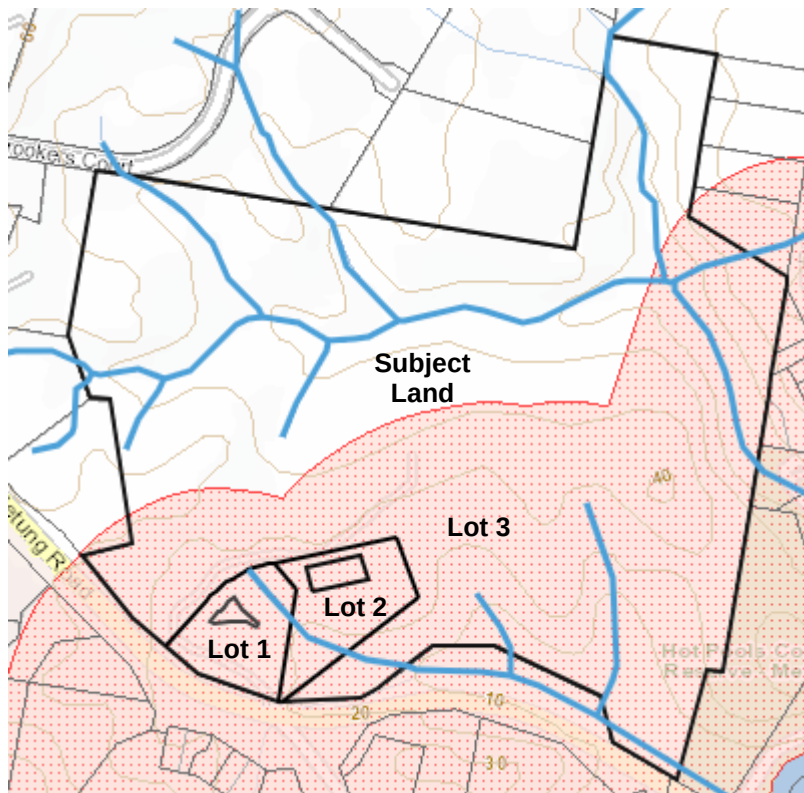
AM 2.2

A building is sited to ensure the site best achieves the following:

- The maximum separation distance between the building and the bushfire hazard.
- The building is in close proximity to a public road.
- Access can be provided to the building for emergency service vehicles.

Response:

Whilst the northern portion of the property is excluded from BMO mapping, the landform on that portion of the site is quite steep and forms part of the farm. It is simply not conducive to residential development and the siting of smaller Lots 1 & 2 for residential purposes have therefore been positioned to the south along Metung Road.



Waterway, contour (10m intervals) and BMO Mapping
(Source: VicPlan)

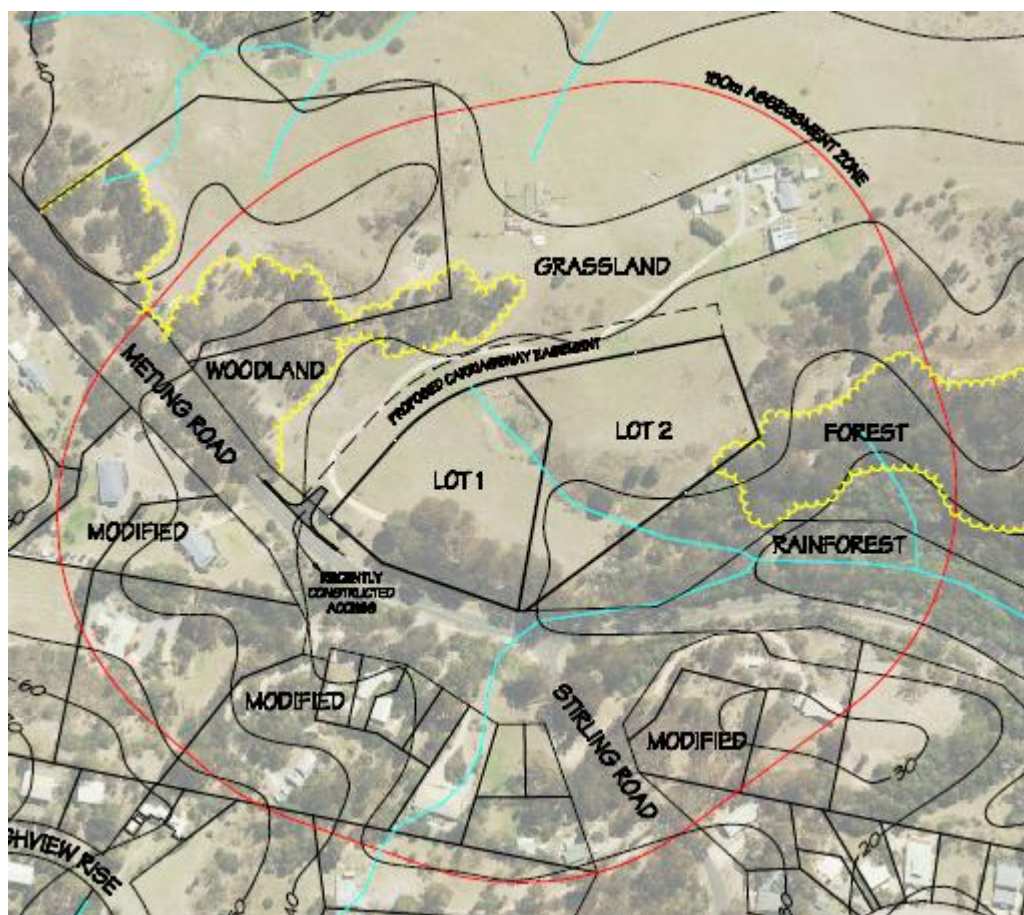
Whilst proposed vacant Lots 1 & 2 are affected by the provisions of the BMO, their siting is most appropriate having regard to the surrounding residential development and more limited surrounding bushfire risk.

The subdivision has been designed to retain the more undulating and vegetated components of the land within the balance allotment (Lot 3). The Building Envelopes on proposed Lots 1 & 2 have been positioned within close proximity to Metung Road on landform which is less steep and where vegetation is sparse.



View towards proposed Lots 1 & 2 from Metung Road

There is ample area within both vacant Lots 1 & 2 to accommodate Building Envelopes which are adequately setback from the bushfire threat, as demonstrated by the Bushfire Hazard Site Assessment Plan.



LOT 1 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	UPSLOPE	UPSLOPE
VEG TYPE	GRASSLAND	RAINFOREST	WOODLAND	WOODLAND
DEFENDABLE SPACE	9m	18m	16m	16m

LOT 2 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	DOWNSLOPE >10-15°	UPSLOPE
VEG TYPE	GRASSLAND	FOREST	RAINFOREST	WOODLAND
DEFENDABLE SPACE	9m	39m	23m	16m

Extract from Bushfire Hazard Site Assessment (Version 2)

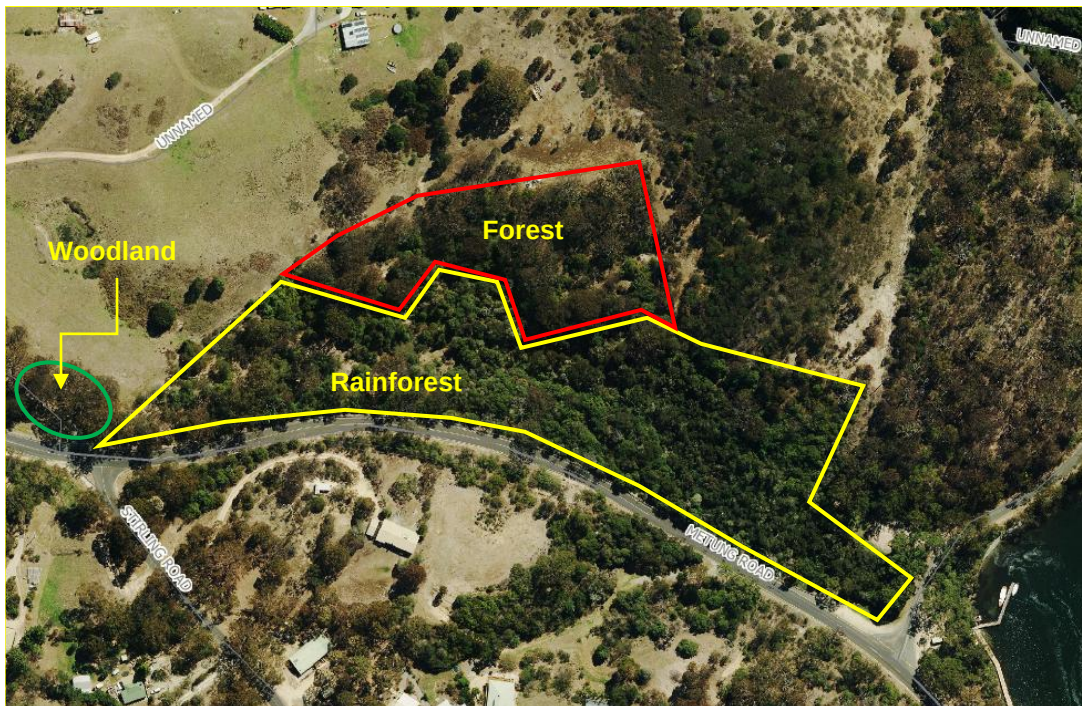
Within the 150 metre assessment area both the landform and the vegetation classifications vary:

- Whilst there is some vegetation present on the southern side of Metung Road it is classified as 'modified' having regard for the residential context and presence of established residential development.
- In the western portion of the assessment area there is a patch of vegetation which is classified as 'Woodland' being on an upslope from the proposed Building Envelopes. This vegetation comprises established trees however there is minimal understorey lifeforms present. Whilst classifiable this area of woodland vegetation is only minimal in extent and does not have connection to any substantial vegetated areas.



View of vegetation classified as 'Woodland'

- The northern portion of the assessment area within proximity to the existing dwelling (Lot 3) has historically been utilised for grazing purposes and is classified as 'grassland' on an upslope. Due to both the residential use and the grazing activity the grass is kept short and presents a lower bushfire hazard.
- Within the eastern portion of the assessment area there is a pocket of vegetation classified as 'forest' which is on a downslope 5-10° from the Building Envelope on Lot 2. This vegetation is situated on the northern side of the gully and is on more elevated land however is quite limited in extent and doesn't have connection to wider forested areas. It does however connect to vegetation with a 'Rainforest' classification to the south.
- The existing gully segmenting Lot 2 and land immediately adjoining the allotment to the south comprises vegetation on a downslope >10-15° which is classified as 'Rainforest'. This vegetation has a much higher moisture content and provides a significantly lower chance of flammability due to its species composition and presence within the gully system.
- The existing cluster of trees located on the southern portion of Lot 1 are classified as 'Woodland' on an upslope which has connection to the vegetation classified as 'Rainforest'.



Access to each of the allotments will be facilitated from Metung Road via the recently established vehicle crossing and nomination of carriageway easement over the driveway alignment within Lot 3. This access is logical as it negates the need to establish any new points of access along Metung Road whilst being able to serve each of the allotments adequately.

Metung Road is Transport Zone 2 and is an arterial road providing main entry and exit from the established residential area of Metung. It is a good quality road and provides direct access to the centre of Metung and nearby township of Swan Reach.

CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

Clause 53.02-4.3 Objective

A static water supply is provided to assist in protecting property.

Vehicle access is designed and constructed to enhance safety in the event of a bushfire

Approved Measures

AM 4.1

A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:

- A static water supply for fire fighting and property protection purposes specified in Table 4 to Clause 53.02-5.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.

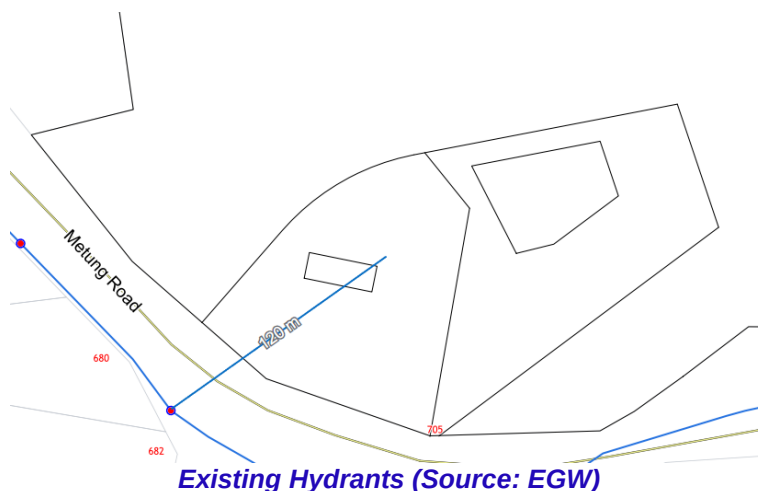
The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire fighting water supplies.

Response:

The proposed bushfire mitigation measures prescribed within the Bushfire Management Plans include provision of a static water supply for firefighting purposes in accordance with the requirements of Table 4 to Clause 53.02-5.

Whilst Lot 1 is between 500m² in area and 1,000m² in area and the Building Envelope is within a radial distance of 120 metres of an existing fire hydrant, the Bushfire Management Plan prescribes the need for a static water supply of 10,000 litres to be provided for fire fighting purposes prior to occupancy of dwellings on both vacant lots (Lots 1 & 2).

For the existing fire hydrant to provide sufficient coverage of a future dwelling within proposed Lot 1 the alignment of vehicle access needs to be considered. The hydrant therefore won't necessarily have the capacity to cover a future dwelling on the allotment in its entirety and a static water supply of 10,000 litres is therefore deemed necessary.



The Bushfire Management Plans include the standard access requirements for a driveway greater than 30 metres in length for Lot 1 and the standard access requirements for a driveway greater than 100 metres in length of Lot 2 consistent with Table 5 to Clause 53.02-5.

AM 4.2

A building used for accommodation (other than a dwelling or dependent person's unit), child care centre, education centre, hospital, leisure and recreation or place of assembly is provided with:

- A static water supply for fire fighting and property protection purposes of 10,000 litres per 1,500 square metres of floor space up to 40,000 litres.
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 53.02-5.
- An integrated approach to risk management that ensures the water supply and access arrangements will be effective based on the characteristics of the likely future occupants including their age, mobility and capacity to evacuate during a bushfire emergency.

The water supply may be in the same tank as other water supplies provided that a separate outlet is reserved for fire-fighting water supplies.

Response:

N/A The proposed development complies with the Approved Measure AM 3.1.

CLAUSE 53.02-4.4 SUBDIVISION OBJECTIVES**Clause 53.02-4.4 Objective**

To provide lots that are capable of being developed in accordance with the objectives of Clause 53.02.

To specify at the subdivision stage bushfire protection measures to develop a lot with a single dwelling on land zoned for residential or rural residential purposes.

Approved Measures**AM 5.1**

An application to subdivide land, other than where AM 5.2 applies, demonstrates that each proposed lot is capable of meeting:

- The defensible space in accordance with Column A, B or C of Table 2 to Clause 53.02-5.
- The approved measures in Clause 53.02-4.1 and Clause 53.02-4.3

Response:

N/A. AM 5.2 applies as the subject land is affected by the provisions of the LDRZ and RLZ.

AM 5.2

An application to subdivide land zoned for residential or rural residential purposes must be accompanied by a plan that shows:

- Each lot satisfies the approved measure in **AM2.1**
- A building envelope for a single dwelling on each lot that complies with **AM 2.2** and provides defendable space in accordance with:
 - Columns A or B of Table 2 to Clause 53.02-5 for a subdivision that creates 10 or more lots; or
 - Columns A, B or C of Table 2 to Clause 53.02-5 for a subdivision that creates less than 10 lots.

The bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5 must be noted on the building envelope.

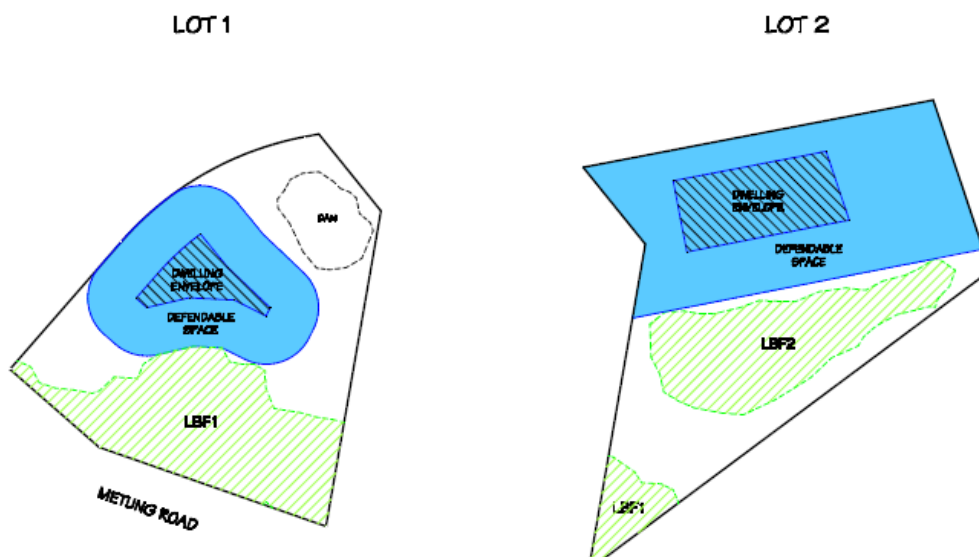
- Defendable space wholly contained within the boundaries of the proposed subdivision.
- Defendable space may be shared between lots within the subdivision. Defendable space for a lot may utilise communal areas, such as roads, where that land can meet the requirements for defendable space.
- Vegetation management requirements in accordance with Table 6 to implement and maintain the defendable space required under this approved measure.
- Water supply and vehicle access that complies with **AM 4.1**.

Response:

A Bushfire Hazard Landscape Assessment forms part of this Report which provides information on the wider landscape risk surrounding the subject land. Whilst the subject land is partially within the Bushfire Management Overlay, the wider landscape risk is not high. The site is located within the settlement boundaries and strategically is earmarked for future residential development.

The Building Envelopes for Lots 1 & 2 have been derived having regard for the site conditions whilst achieving separation distances consistent with Column C, Table 2 to Clause 53.02-5.

The conditions of the subject land and surrounds do not present a high bushfire threat however careful consideration has been given to designing Building Envelopes which are provided with adequate separation from classifiable vegetation. The Building Envelopes on both proposed allotments ensure all defendable space will be contained wholly within the lot boundaries.



Extent of existing native vegetation and defendable space for Lots 1 & 2

The Bushfire Management Plans include dimensions to highlight the extent of vegetation management required to achieve the separation distances prescribed by Column C, Table 2 to Clause 53.02-5.

The higher order classifiable vegetation within proximity to Lot 1 is 'Woodland' on an upslope and the Building Envelope has therefore been designed and sited to provide 16 metres defendable space in all directions to accommodate BAL-29 construction.

The Building Envelope on Lot 2 has been designed having regard to the varying slopes and vegetation classifications. The higher order classifiable vegetation of 'Forest' is provided to the east on a >5-10° downslope which has resulted in the Building Envelope being setback 39 metres from the eastern boundary.

To avoid impact on native vegetation the Building Envelope for Lot 2 has been restricted to the northern portion of the allotment enabling establishment of 23 metres separation distance from 'Rainforest' on a downslope >5-10° to the south.

The main bushfire threat is from the east and south due to the presence of the 'forest' and 'rainforest' vegetation however this vegetation is not connected to large expanses of classifiable vegetation due to the residential context of the area. The surrounding landscape is at best Landscape Type 2 and does not represent a high bushfire risk.

AM 5.3

An application to subdivide land to create 10 or more lots provides a perimeter road adjoining the hazardous vegetation to support fire fighting.

Response:

N/A

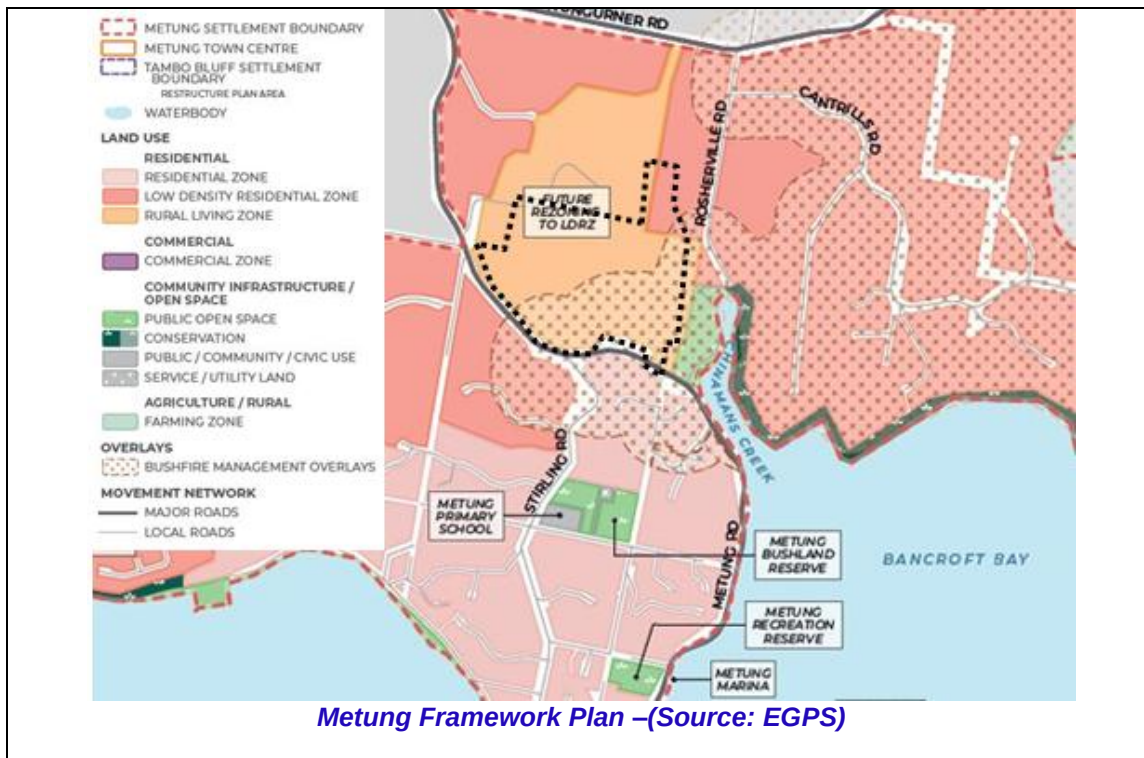
The proposal includes subdivision of the land into three allotments.

AM 5.4

A subdivision manages the bushfire risk to future development from existing or proposed landscaping, public open space and communal areas.

Response:

The subject land and surrounding areas have been identified by strategic documentation for future rezoning from RLZ to LDRZ. The subdivision therefore manages the bushfire risk appropriately having regard for intended future land use.



7.2 Land Adjacent to the Principal Road Network

The Application requires approval at Clause 52.29-2 of the Particular Provisions to subdivide land adjacent to Metung Road, a Transport Zone 2 road.

The proposed subdivision has been designed to utilise an existing point of access to Metung Road which was established in accordance with Planning Permit 5.2024.61.1 (issued 4 June 2024). The existing access was constructed consistent with GD4010 and is provided with good sight lines in both directions.



Looking east from Metung Road towards existing access



Sight lines to the north and south of existing point of access

The nomination of carriageway easement over the existing driveway within balance Lot 3 will provide rights of access to proposed Lots 1 & 2 allowing for vehicles to utilise the existing vehicle crossing.

There is no expectation that any new points of access will be established from Metung Road. Should a future landowner desire direct access from Metung Road it would incur the need for further planning approval to be sought under Clause 52.29-2 and an application would require referral to Head, Transport Victoria pursuant to Section 55 of the *Planning & Environment Act 1987*.

8. General Provisions

8.1 Subdivision of Land in More than One Zone

Clause 64.03 relating to subdivision of land in more than one zone states that if a provision of the Planning Scheme provides that a permit is required to subdivide and the land is in more than one zone, a permit may be granted even if one of the lots does not comply with the minimum lot size requirements of a zone.

As outlined herein, the proposed subdivision meets the requirements of both the RLZ and the LDRZ as applying to the land. The subdivision therefore meets the requirements of Clause 64.03.

9. Conclusion

The proposed Three Lot Subdivision & Creation of Carriageway Easement at 705A Metung Road, Metung is considered to accord with all relevant provisions of the Rural Living Zone – Schedule 2, Low Density Residential Zone, Bushfire Management Overlay, Design & Development Overlay – Schedule 11, Erosion Management Overlay, Environmental Significance Overlay – Schedule 1-63, Land Subject to Inundation Overlay, Significant Landscape Overlay – Schedule 3 and Vegetation Protection Overlay – Schedule 3 of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

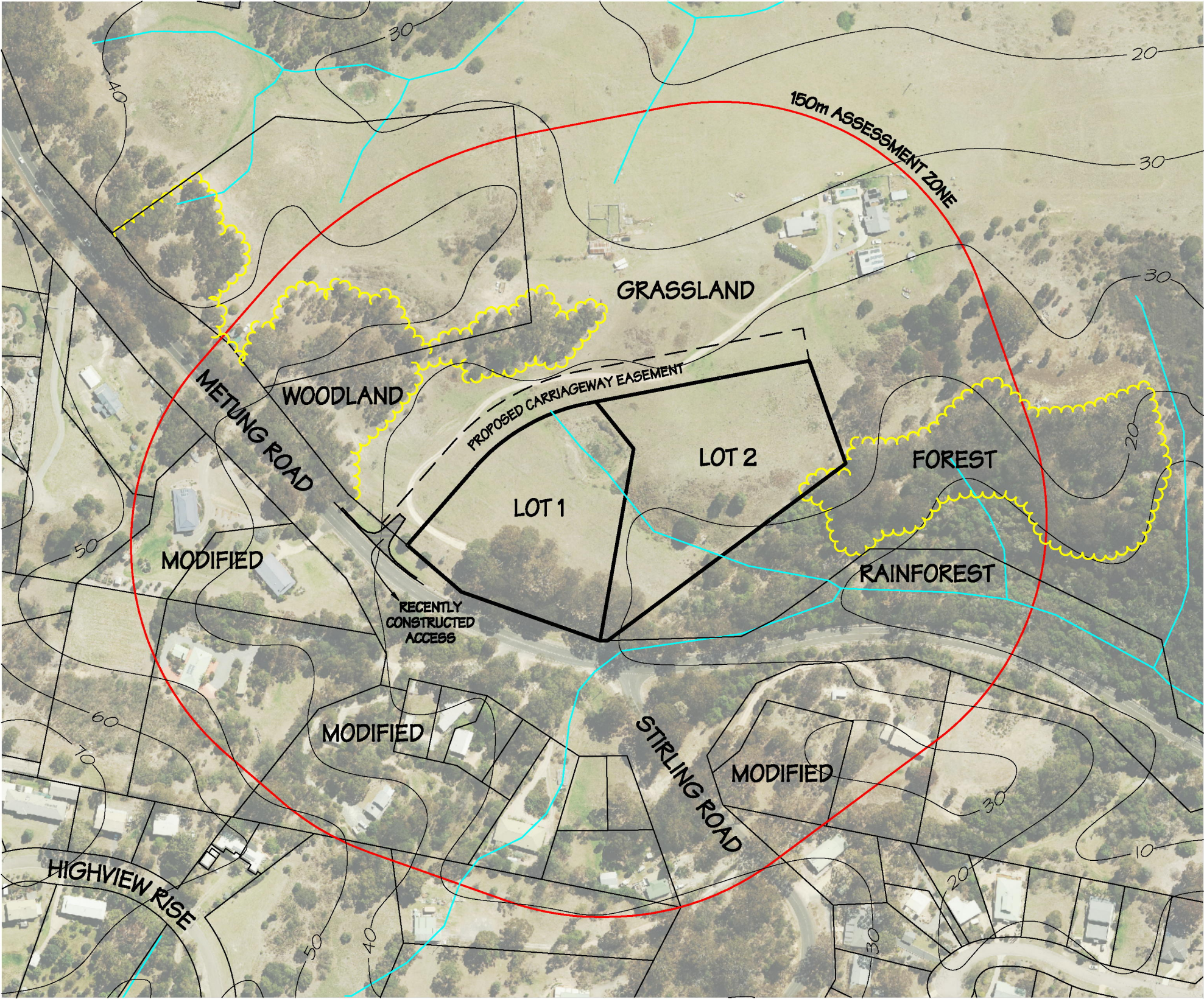
For these reasons we respectfully request that Council consider the merits of the Application favourably and resolve to issue a Planning Permit.

Crowther & Sadler Pty Ltd
April 2025

BUSHFIRE HAZARD
SITE ASSESSMENT

PARISH OF BUMBERRAH
CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A
& PART OF FORMER GOVT ROAD
PARISH OF BUMBERRAH
TOWNSHIP OF METUNG
SECTION M
CROWN ALLOTMENT 1A (PART)
LOT 3 - PS802735E

MGA94 ZONE 55



LOT 1 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	UPSLOPE	UPSLOPE
VEG TYPE	GRASSLAND	RAINFOREST	WOODLAND	WOODLAND
DEFENDABLE SPACE	9m	18m	16m	16m

LOT 2 BAL 29	NORTH	EAST	SOUTH	WEST
SLOPE	UPSLOPE	DOWNSLOPE >5-10°	DOWNSLOPE >10-15°	UPSLOPE
VEG TYPE	GRASSLAND	FOREST	RAINFOREST	WOODLAND
DEFENDABLE SPACE	9m	39m	23m	16m

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
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FILENAME: W:\Jobs\21000-21999\21000-21099\21041 Smith\21041 BHSA V2.pro

705A METUNG ROAD, METUNG

SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 2500

21041

VERSION 2 - DRAWN 09/04/2025

MANAGEMENT OF VEGETATION WITHIN its consideration and review as
THE AREA OF DEFENDABLE SPACE SHOWN under the Planning and
Environment Act 1987. The document must not be
used for any purpose which may breach any copyright.

DEFENDABLE SPACE TO THE PROPERTY BOUNDARY
MUST BE PROVIDED WHERE VEGETATION
(AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED
AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

- GRASS MUST BE SHORT CROPPED AND MAINTAINED DURING THE DECLARED FIRE DANGER PERIOD.
- ALL LEAVES AND VEGETATION DEBRIS MUST BE REMOVED AT REGULAR INTERVALS DURING THE DECLARED FIRE DANGER PERIOD.
- WITHIN 10m OF A BUILDING, FLAMMABLE OBJECTS MUST NOT BE LOCATED CLOSE TO THE VULNERABLE PARTS OF THE BUILDING.
- PLANTS GREATER THAN 10cm IN HEIGHT MUST NOT BE PLACED WITHIN 3m OF A WINDOW OR GLASS FEATURE OF THE BUILDING.
- SHRUBS MUST NOT BE LOCATED UNDER THE CANOPY OF TREES.
- INDIVIDUAL AND CLUMPS OF SHRUBS MUST NOT EXCEED 5m² IN AREA AND MUST BE SEPARATED BY AT LEAST 5m.
- TREES MUST NOT OVERHANG OR TOUCH ANY ELEMENTS OF THE BUILDING.
- THE CANOPY OF TREES MUST BE SEPARATED BY AT LEAST 5m.
- THERE MUST BE A CLEARANCE OF AT LEAST 2m BETWEEN THE LOWEST TREE BRANCHES AND GROUND LEVEL.
- IN ADDITION ALL AREAS NOT CONTAINING STRUCTURES WITHIN THE DWELLING ENVELOPE MUST BE MANAGED AS DEFENDABLE SPACE.

VEHICLE ACCESS

ACCESS FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS;

- ACCESS MUST HAVE A LOAD LIMIT OF AT LEAST 15 TONNES.
- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10m.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4%) (8.1°) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20%) (11.3°) FOR NO MORE THAN 50M.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5. OF ALL-WEATHER CONTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.

WATER SUPPLY

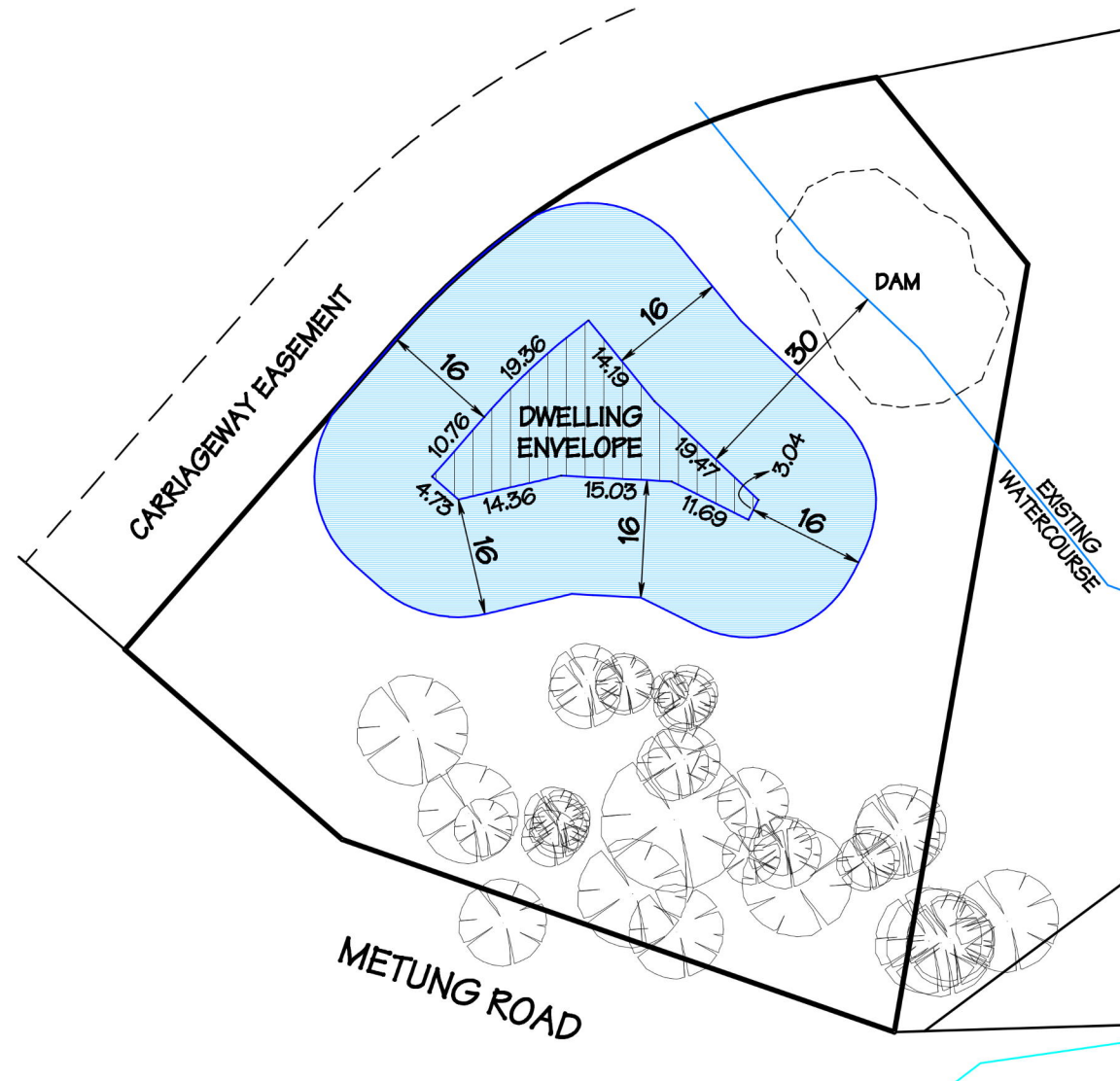
10,000LT OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE PROVIDED WHICH MEETS THE FOLLOWING REQUIREMENTS:

- IS STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIXED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIREFIGHTING PURPOSES MUST BE MADE OF CORROSIVE RESISTANT METAL.
- INCLUDE A SEPARATE OUTLET FOR OCCUPANT USE.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65mm) AND COUPLING (64mm CFA 3 THREAD PER INCH MALE FITTING).
- BE LOCATED WITHIN 60m OF THE OUTER EDGE OF THE APPROVED BUILDING.
- THE OUTLET/S OF THE WATER TANK MUST BE WITHIN 4m OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65mm (EXCLUDING THE CFA COUPLING).

CONSTRUCTION

THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).

MGA94 ZONE 55



BUSHFIRE MANAGEMENT PLAN

PARISH OF BUMBERRAH
CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A
& PART OF FORMER GOVT ROAD
PARISH OF BUMBERRAH
TOWNSHIP OF METUNG
SECTION M
CROWN ALLOTMENT 1A (PART)
LOT 3 - PS802735E

705A METUNG ROAD, METUNG

Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
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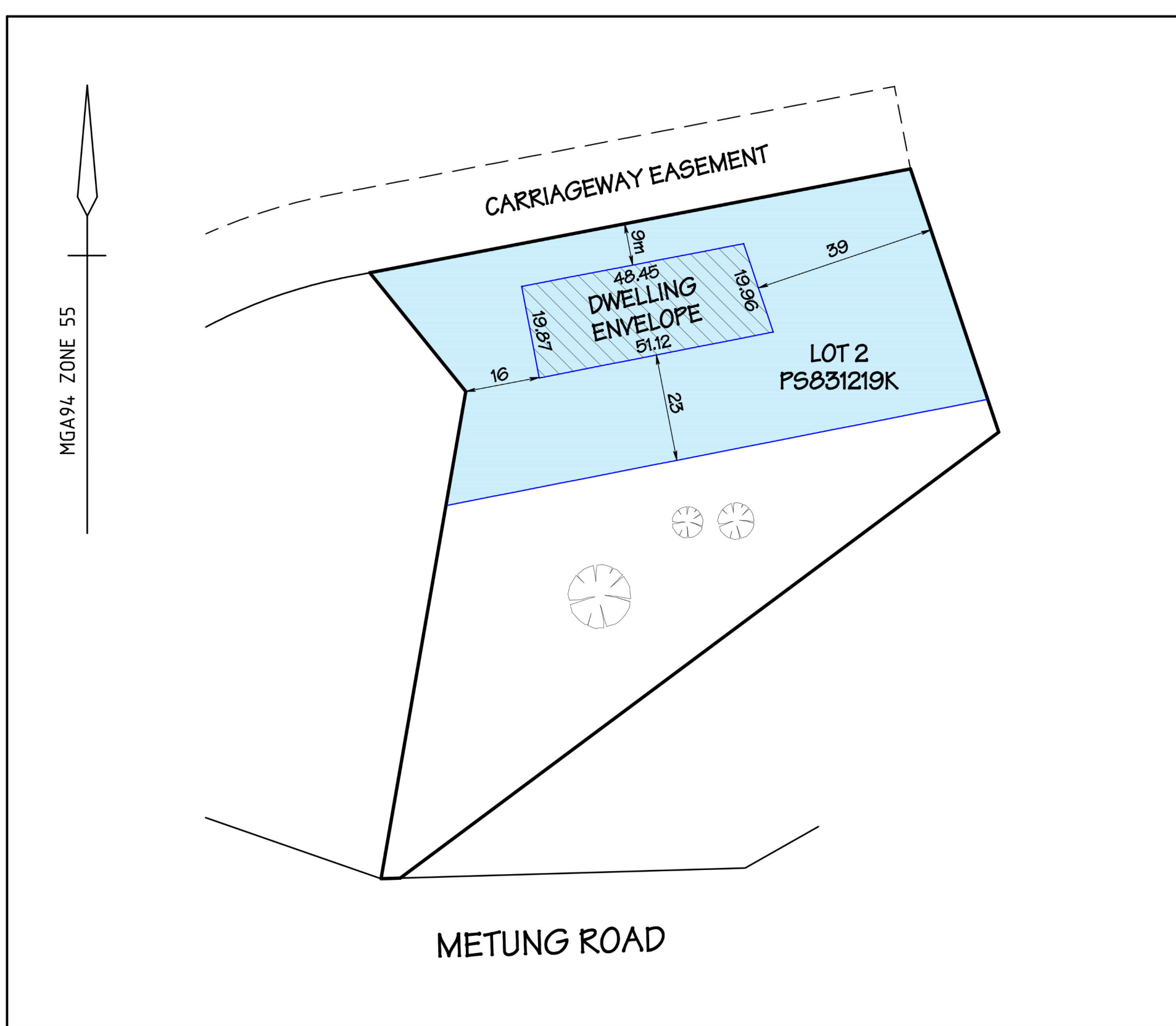
PLAN REF.

21041-BMP-L1

VERSION 2 - DRAWN 09/04/2025

SCALE (SHEET SIZE A3)

1 : 1000



MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE - SHOWN

DEFENDABLE SPACE TO THE PROPERTY BOUNDARY MUST BE PROVIDED WHERE VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

- GRASS MUST BE SHORT CROPPED AND MAINTAINED DURING THE DECLARED FIRE DANGER PERIOD.
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- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5. OF ALL-WEATHER CONTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DIPS MUST HAVE NO MORE THAN 1 IN 8 (12.5%) (7.1°) ENTRY AND EXIT ANGLE.
- INCORPORATE A TURNING AREA FOR THE FIRE FIGHTING VEHICLES CLOSE TO THE BUILDING BY ONE OF THE FOLLOWING:
 - A TURNING CIRCLE WITH A MINIMUM RADIUS OF 8m.
 - A DRIVEWAY ENCIRCLING THE DWELLING.
 - THE PROVISION OF OTHER VEHICLE TURNING HEADS - SUCH AS A T OT Y HEAD - WHICH MEETS THE SPECIFICATION OF AUSTRROADS DESIGN FOR AN 8.8m SERVICE VEHICLE.

WATER SUPPLY

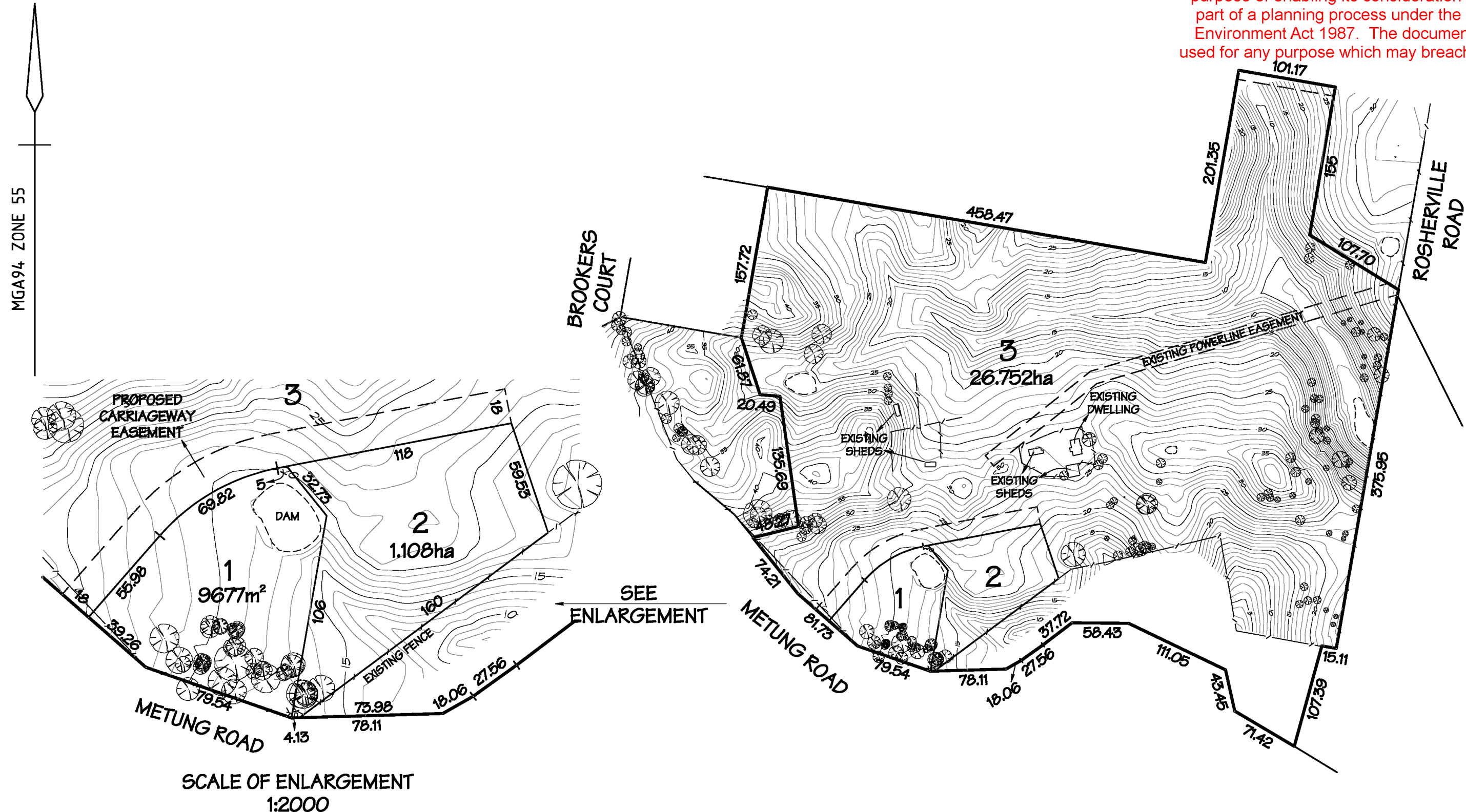
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705A METUNG ROAD, METUNG	
Crowtner & Sadler Pty.Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 P. (03) 5152 5011 E. contact@crowthersadler.com.au	BUSHFIRE MANAGEMENT PLAN PARISH OF BUMBERRAH CROWN ALLOTMENTS 79B & (PARTS) 79 & 79A & PART OF FORMER GOVT ROAD PARISH OF BUMBERRAH TOWNSHIP OF METUNG SECTION M CROWN ALLOTMENT 1A (PART) LOT 3 - PS802735E
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PLAN REF.
21041-BMP-L2
VERSION 2 - DRAWN 09/04/2025
SCALE (SHEET SIZE A3)
1 : 1000

CONSTRUCTION
THE BUILDING MUST COMPLY TO A MINIMUM BUSHFIRE ATTACK LEVEL OF 29 (BAL-29).



705A METUNG ROAD, METUNG	NOTATIONS		PROPOSED SUBDIVISION
	AREAS ARE APPROXIMATE ONLY DIMENSIONS ARE SUBJECT TO SURVEY		
	SCALE (SHEET SIZE A3)	SURVEYORS REF.	
	1 : 4000	21041 VERSION 1 - DRAWN 25/02/2025	
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