

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	180 Wy Yung-Calulu Road WY YUNG VIC 3875, 210 Wy Yung-Calulu Road WY YUNG VIC 3875 Lot: 1 PS: 727581, Lot: 1 LP: 202926
The application is for a permit to:	Three Lot Subdivision
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
35.03-3 (RLZ)	Subdivide land
44.01-5 (EMO)	Subdivide land
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2026.248.1

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: Friday, 31 July 2026 11:00 AM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: 21597 BHSA V1.pdf; COT Vol09667 Fol687.pdf; 21597 Prop V1.pdf; COT Vol11604 Fol921.pdf; 21597 Encroachment Plan V1.pdf; GRA waiver request.pdf; 21597 report.pdf; Planning_Permit_Application_2026-07-31T10-59-28_36002086_0.pdf; attachment_errors.txt

Planning Permit Application

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

Applicant 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:

Owner's postal address:

Street number: 180 & 210

Street name: Wy Yung-Calulu Road

Town: Bairnsdale

Post code: 3875

Lot number: 1 / 1

Plan number: PS727581X / PS202926H

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

Existing conditions : Existing dwelling and vacant RLZ land used for grazing

Description of proposal : Three lot subdivision

Estimated cost of development: 0

Has there been a pre-application meeting: No

Your reference number: 21597

Full copy of Title: [COT Vol09667 Fol687.pdf](#)

Covenants agreements: [COT Vol11604 Fol921.pdf](#)

Plans: [21597 Prop V1.pdf](#)

Planning report: [21597 report.pdf](#)

ExtraFile: 4

1. Supporting information/reports: [21597 BHSA V1.pdf](#)

2. Supporting information/reports: [21597 Encroachment Plan V1.pdf](#)

4. Supporting information/reports: [GRA waiver request.pdf](#)

3. Supporting information/reports: [LCAR.pdf](#)

Invoice Payer: Crowther & Sadler Pty Ltd

Address for Invoice: PO Box 722, Bairnsdale 3875

Invoice Email: accounts@crowthersadler.com.au

Primary Phone Invoice: 0351525011

Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

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

Page 1 of 3

VOLUME 11604 FOLIO 921

Security no : 124136697197T
Produced 17/07/2026 08:46 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 727581X.

PARENT TITLES :

Volume 11068 Folio 509 to Volume 11068 Folio 511

Created by instrument PS727581X 14/10/2015

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
AL977572J 23/06/2015

DIAGRAM LOCATION

SEE PS727581X FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 180 WY YUNG-CALULU ROAD WY YUNG VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control
Effective from

DOCUMENT END

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PLAN OF SUBDIVISION

LY USE ONLY
EDITION 1

PS 727581X

LOCATION OF LAND

PARISH : WY YUNG
TOWNSHIP : _____
SECTION : _____
CROWN ALLOTMENT : 24^A, 24^C, 24^D & 24^G (PARTS)
CROWN PORTION : _____
TITLE REFERENCE : VOL 11068 FOL 509
VOL 11068 FOL 510
VOL 11068 FOL 511
LAST PLAN REFERENCE : LOTS 2, 3 & A - PS542298W

POSTAL ADDRESS : 140 WY YUNG-CALULU ROAD,
(At time of subdivision) WY YUNG, 3875

MGA94 Co-ordinates
(of approx centre of land **E** 552140 **ZONE: 55**
in plan) **N** 5816780 **GDA 94**

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL

NOTATIONS

DEPTH LIMITATION DOES NOT APPLY

Survey: This plan is/is not based on survey.
To be completed where applicable.
This survey has been connected to permanent marks no(s)
In Proclaimed Survey Area No.

STAGING This is/is not a staged subdivision.
Planning Permit No. 171/2014/P

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
NIL	NIL

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	TRANSMISSION OF ELECTRICITY	14.08	INST. F59152	S.E.C.V.
E-2	GAS PIPELINE	20	AB 374718F	DUKE EASTERN PIPELINE PTY LTD & C/T VOL 10747 FOL 067
E-2	GAS PIPELINE	20	AB 873156Q	D.E.I. EASTERN PIPELINE PTY LTD & C/T VOL 10747 FOL 067
E-3	GAS PIPELINE	20	AD 196465H	C/T VOL 10747 FOL 067
E-4	POWERLINE	16	PS534550K - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD

Crowther & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
TELEPHONE (03) 5182 5011

LICENSED SURVEYOR MICHAEL JOSEPH SADLER

DIGITALLY SIGNED BY LICENSED SURVEYOR: DATE / /

REF 16117

VERSION 2

SHEET 1 OF 2 SHEETS

ORIGINAL SHEET SIZE A3

PLAN REGISTERED

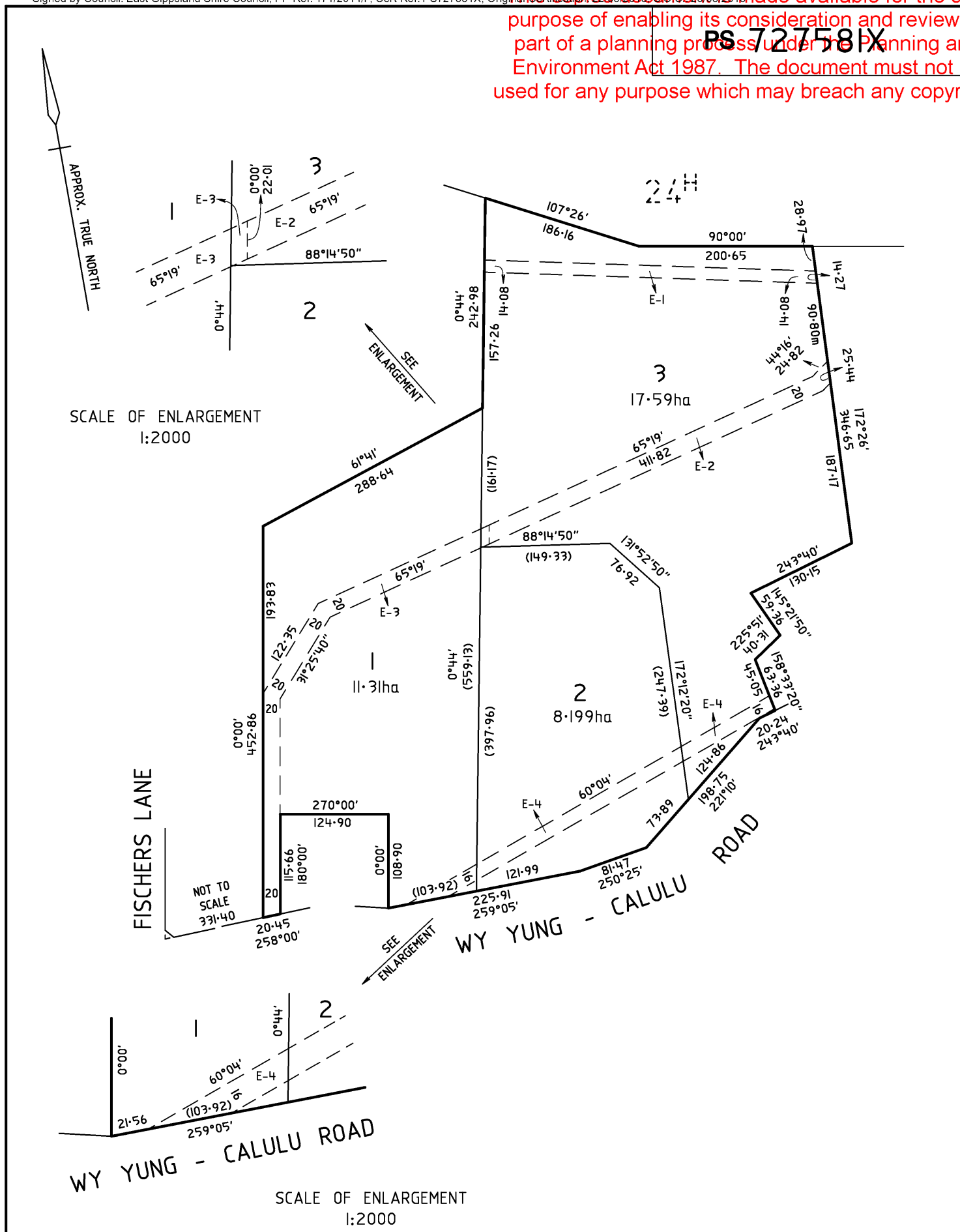
TIME: 3.49pm

DATE: 14 / 10 / 2015

HEATH RICHARDS
Assistant Registrar of Titles

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PS 727581X



Crowther & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5152 5011	SCALE 4004080120160 LENGTHS ARE IN METRES		ORIGINAL SCALE 1:4000	SHEET 2 OF 2 SHEETS
				ORIGINAL SHEET SIZE A3
	LICENSED SURVEYOR MICHAEL JOSEPH SADLER DIGITALLY SIGNED BY LICENSED SURVEYOR: REF 16117 VERSION 2 DATE / /			Printed 17/08/2024

Printed 17/08/2026

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Plan of Subdivision PS727581X
Certification of plan by Council (Form 2)

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S061357M
Plan Number: PS727581X
Responsible Authority Name: East Gippsland Shire Council
Responsible Authority Permit Ref. No.: 171/2014/P
Responsible Authority Certification Ref. No.: PS727581X
Surveyor's Plan Version: 2

Certification

This plan is certified under section 6 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 at Certification

Digitally signed by Council Delegate: Sarah McLaughlin
Organisation: East Gippsland Shire Council
Date: 22/05/2015

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Titles Office Use Only

Lodged by: Wards Barristers & Solicitors Pty Ltd
DX 82203 Bairnsdale
Code: 3556G

VICTORIA 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

Certificates of Title Volume 11068 Folios 509 and 511

ADDRESS OF THE LAND

140 Wy Yung-Calulu Road, Wy Yung, Vic 3875

RESPONSIBLE AUTHORITY

East Gippsland Shire Council of 273 Main Street, Bairnsdale, Vic 3875

PLANNING SCHEME

East Gippsland

AGREEMENT DATE

12/06/2015

AGREEMENT WITH

Ian James Neville and Lyn Mary Neville

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority

Name of Officer

Sarah McLaughlin, Senior Planner

Date

16/06/2015

Printed 17/08/2026

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Date 12/06/2015

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 259 Melbourne

**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: 140 Wy Yung-Calulu Road, Wy Yung, Vic 3875

**East Gippsland Shire Council
and**

**IAN JAMES NEVILLE and
LYN MARY NEVILLE**

Interstate offices
Canberra Sydney

Affiliated offices around the world through the
Advocacy Network www.advocacy.com

Printed 17/08/2026

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23/06/2016 \$116.50 173

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Agreement under section 173 of the Planning and Environment Act 1987

Dated 12 / 06 / 2015

AL977572J

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Parties

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

Name	Ian James Neville and Lyn Mary Neville
Address	130 Wy Yung-Calulu Road, Wy Yung, 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. As at the date of this Agreement, the Subject Land is encumbered by Mortgages 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.

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 has the same meaning as in the Planning Scheme.

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. 171/2014/P, as amended from time to time, issued on 24 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 the land situated at 140 Wy Yung-Calulu Road, Wy Yung in the State of Victoria being the land referred to in certificates of title volume 11068 folios 509 and 511 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;

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- 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
- 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 has 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

Notwithstanding anything in the Planning Scheme, the Owner must not subdivide the Subject Land in a way that creates an additional Lot.

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.

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23/06/2015

\$118.30

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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 agree 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:

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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.

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 Council executes this Agreement.

AL977572J

23/06/2015



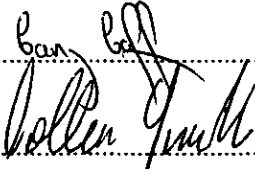
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Signing Page

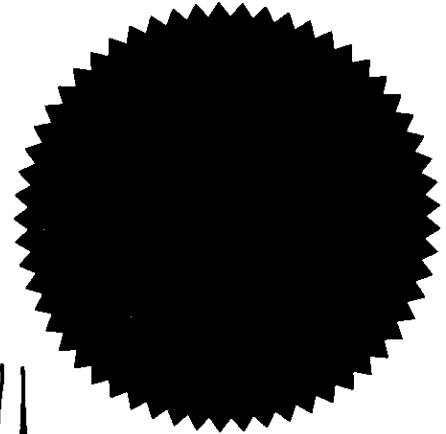
Signed, sealed and delivered as a deed by the Parties.

The Common Seal of the East Gippsland Shire Council was hereunto affixed on the 12th day of June, 2015 in the presence of:


.....
.....

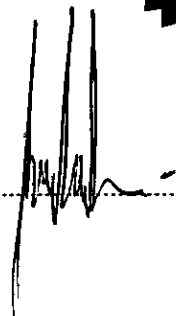
Chief Executive

Witness



Signed Sealed and Delivered by Ian James Neville in the presence of:


.....
Witness


.....

Signed Sealed and Delivered by Lyn Mary Neville in the presence of:

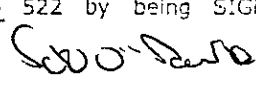

.....
Witness

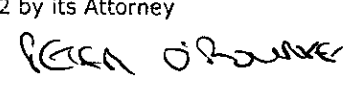

.....

Mortgagee's Consent

Australia and New Zealand Banking Group Limited as Mortgagee under Instrument of mortgage Nos. W260860R AC973764Y and AD593986N 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. 522 by being SIGNED 357 522 by its Attorney

by its Attorney



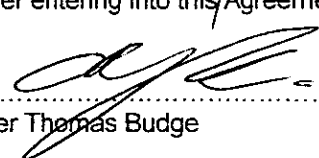


Under the Power of Attorney Dated 26/04/2005 a certified copy of which is filed in the permanent order Book Number 277 at Page 79 Item 6 in the presence of:

Who holds office as employee of the ANZ for the time being of Australia and New Zealand Banking Group Ltd in Victoria

Purchaser's Consent

Alister Thomas Budge and Pascale Budge as purchasers of part of the Subject Land consents to the Owner entering into this Agreement.


.....
Alister Thomas Budge


.....
Pascale Budge

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

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VOLUME 09668 FOLIO 657

Security no : 124136697210E
Produced 17/07/2026 08:46 AM

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 202926H.
PARENT TITLE Volume 06655 Folio 917

REGISTERED PROPRIETOR

Estate Fee Simple

ENCUMBRANCES, CAVEATS AND NOTICES

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE LP202926H FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 210 WY YUNG-CALULU ROAD WY YUNG VIC 3875

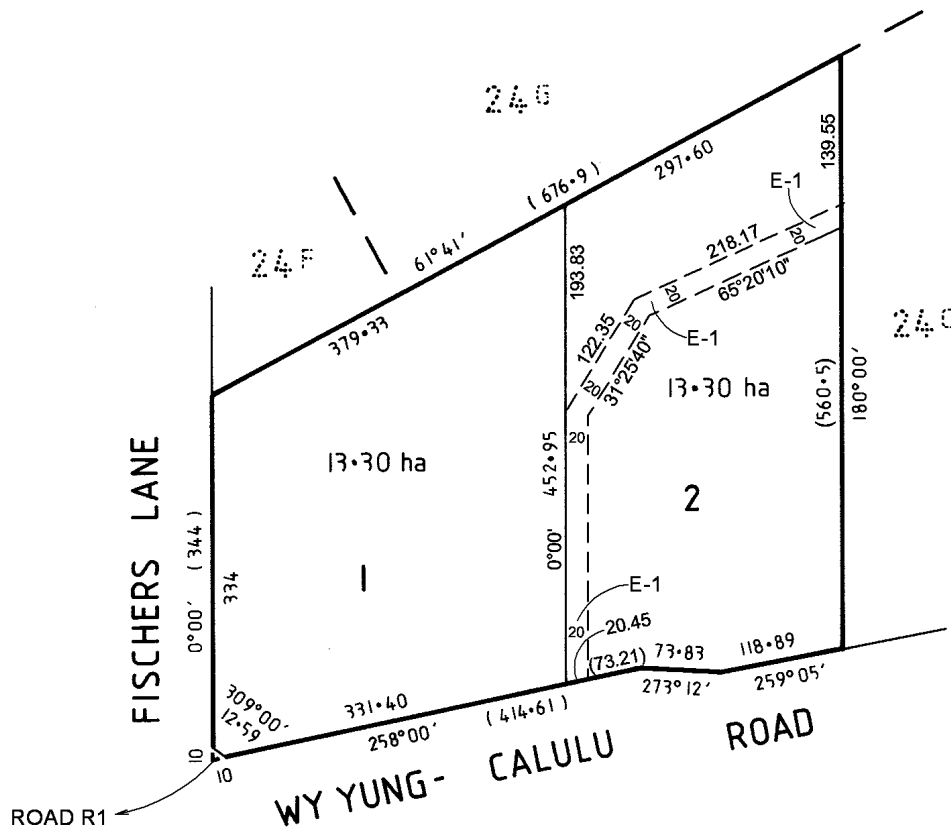
ADMINISTRATIVE NOTICES

NIL

eCT Control 22692Q EASTCOAST CONVEYANCING
Effective from 18/07/2024

DOCUMENT END

APPROX TRUE NORTH



6 ADVERTISED 8

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LP202926
EDITION 2 H A

Delivered by LANDATA AEC

NOTATIONS

LAND SUBJECT TO EASEMENT

E-1 = EASEMENT FOR GAS PIPELINE IN
FAVOUR OF C/T. VOL. 10474 FOL. 067
CREATED IN AD196465H

LAND APPROPRIATED OR SET APART

ROAD WITHIN THE THICK LINES FOR WAY & DRAINAGE

OTHER NOTATIONS

THIS PLAN ACCORDS WITH C/T VOL 6655 FOL 917
AND IS NOT BASED ON SURVEY

TO BE COMPLETED WHERE APPLICABLE
THIS SURVEY HAS BEEN CONNECTED TO PERMANENT
MARKS NOS:
IN PROCLAIMED SURVEY AREA NO.

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED
BY THICK LINES

TITLE REF: C/T VOL 6655 FOL 917
LAST PLAN REF: —

PLAN OF SUBDIVISION

COUNTY	DARGO
--------	-------

PARISH WY YUNG

CROWN ALLOTMENT 24 ☐

NUMBER OF SHEETS IN PLAN : 1
NUMBER OF THIS SHEET : 1

SCALE

LENGTHS ARE IN METRES

OFFICE USE ONLY

ORIGINAL

SCALE	SHEET
1:5000	SIZE
	A3

PLAN APPROVED

AT
ON

20 · MAR · 86

(ASSISTANT) REGISTRAR OF TITLES

S VICTORIA

LP 202926H

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MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

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

PLAN NUMBER

LP202926H

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT 2	E-1	CREATION OF EASEMENT	AD196465H			2	RM

Planning Report

Three Lot Subdivision
180 & 210 Wy Yung-Calulu Road, Wy Yung

Our reference – 21597

July 2026



FS 520900



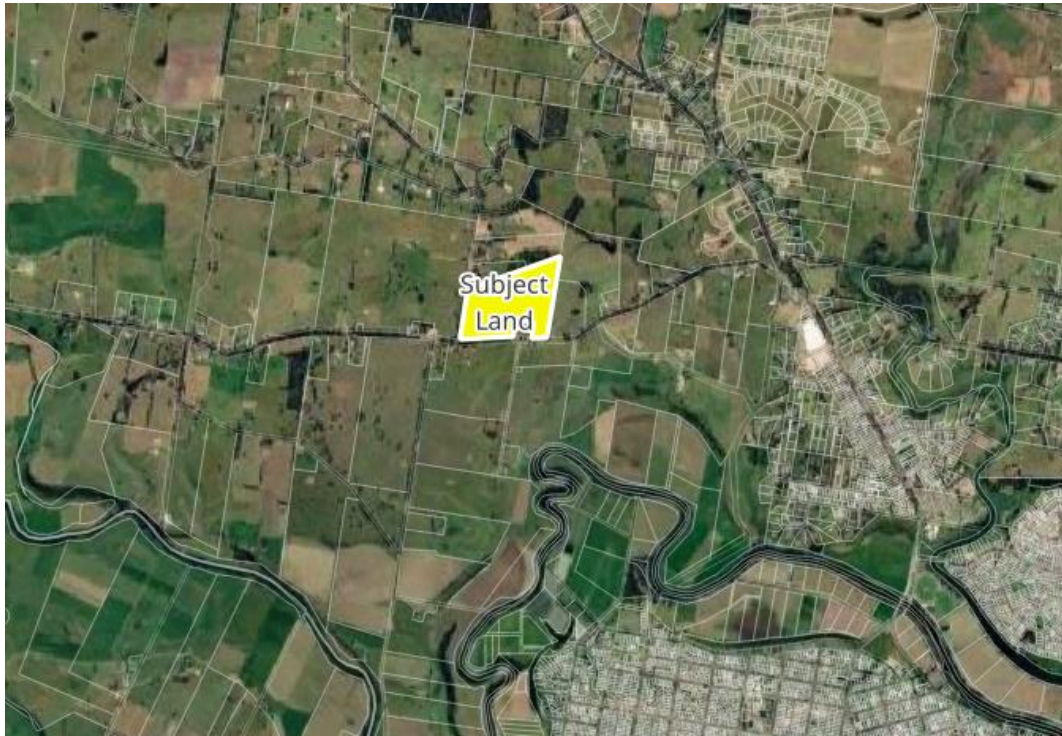
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	Land Capability Assessment Report – Chris O’Brien & Company Pty Ltd	
	GRA waiver request - Chris O’Brien & Company Pty Ltd	
	Copies of Title (Lot 1 on LP202926 & Lot 1 on PS727581)	

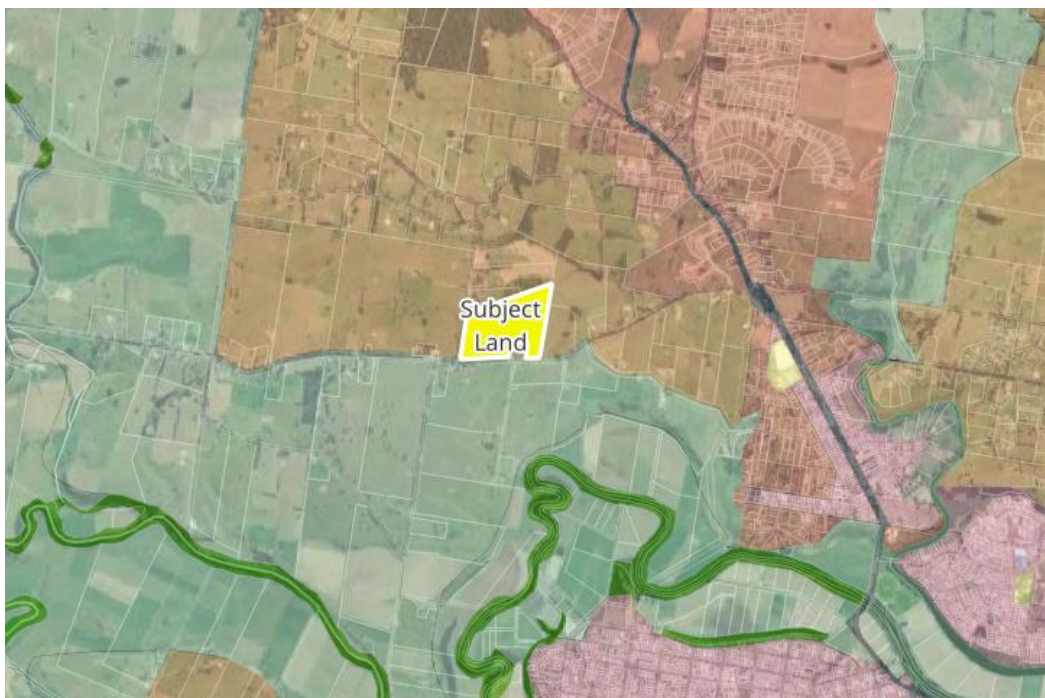
Note: Applicable Planning Application fee is \$1,537.03 (Class 20)

1. Introduction

This Planning Report is prepared in support of proposed Three Lot Subdivision at 180 & 210 Wy Yung-Calulu Road, Wy Yung. The Report addresses the provisions of the Rural Living Zone – Schedule 3 and Erosion Management Overlay as contained within the *East Gippsland Planning Scheme*.



Aerial of subject land and surrounds



Aerial and zone mapping of subject land and surrounds

2. Subject Land & Surrounding Context

The subject land is comprised of two separately transferable parcels of land which are commonly known as 180 Wy Yung-Calulu Road, Wy Yung and 210 Wy Yung-Calulu Road, Wy Yung.



Existing title structure

An existing dwelling resides on the eastern portion of the land (180 Wy Yung-Calulu Road) whilst the remainder of the land is predominately cleared pasture. There is an existing watercourse established adjacent to the northern boundary, with stock dams and a few scattered trees present on the land.



View southeast across subject land from Fischers Lane

There are currently two points of access established to 180 Wy Yung-Calulu Road. The more eastern point of access provides driveway access to the existing dwelling, whilst a secondary gateway is also provided further west. There is no formalised access currently established to land known as 210 Wy Yung-Calulu Road.



Access to existing dwelling from Wy Yung-Calulu Road



Looking north at secondary gateway to 180 Wy Yung-Calulu Road & access to neighbouring property at 190 Wy Yung-Calulu Road

The subject land has frontage to Wy Yung Calulu Road to the south and Fischers Lane to the west, both of which comprise bitumen pavement. Both sites of Wy Yung-Calulu Road are vegetated with a number of large trees, as is the western side of Fischers Lane.



Looking south along Fischers Lane, with subject land on left

The landform is more elevated on the southern portion of the property and slopes downward in a northerly direction towards the waterway in proximity to the northern boundary.

The eastern portion of the land is encumbered by a wide gas pipeline easement which is located partway along the western boundary of 180 Wy Yung-Calulu Road, then diverts in an easterly direction to the north of an existing dam. There is also a section of easement encumbering the southeastern portion of the property.

The northern portion of the site is partially encumbered by the Erosion Management Overlay which generally corresponds with the alignment of the waterway. The whole of the property and surrounding area is a designated bushfire prone area.

Land on the northern side of Wy Yung-Calulu Road, including the subject land, is contained within Rural Living Zone – Schedule 3 whilst land to the south of Wy Yung-Calulu Road is included within the Farming Zone – Schedule 2.

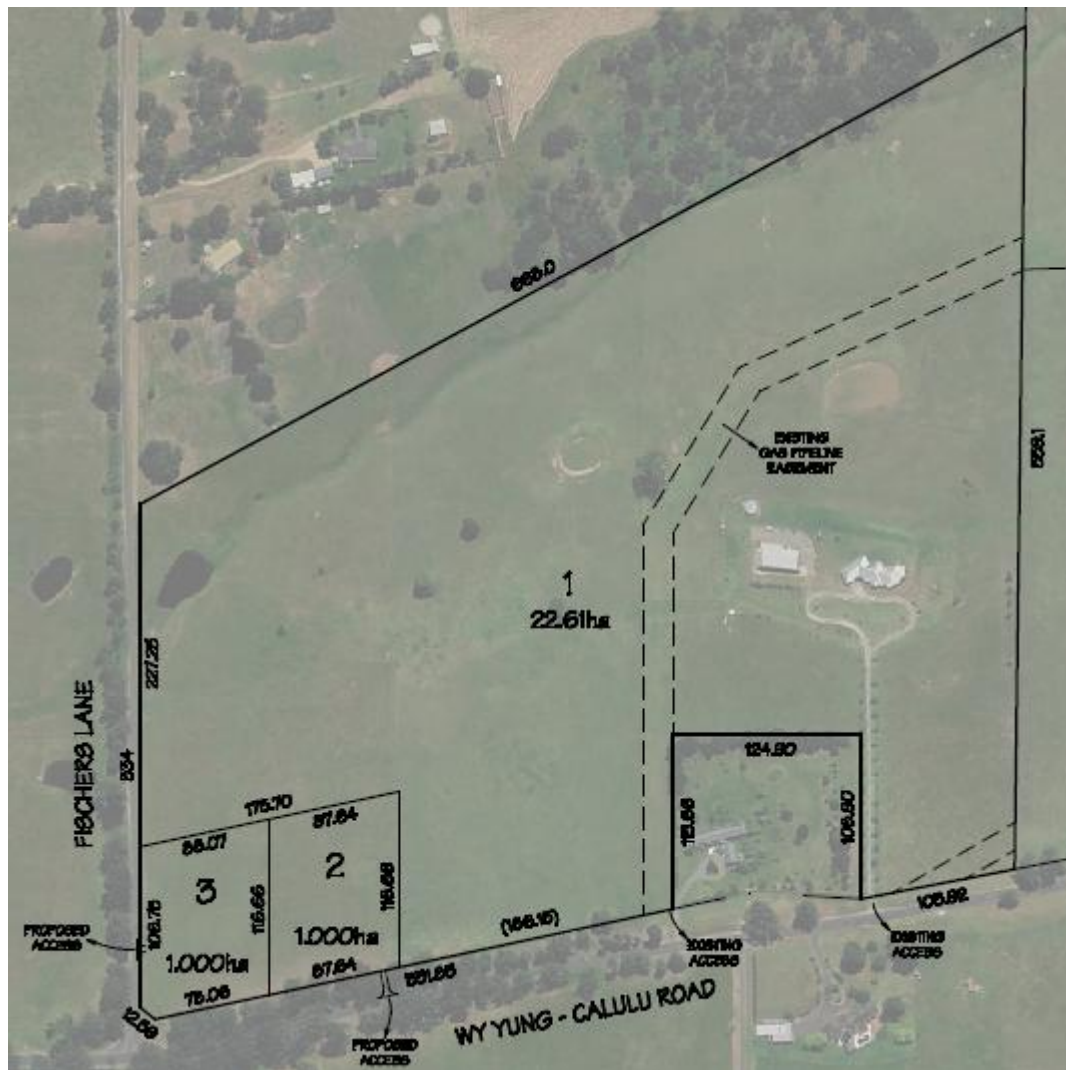
There is some variation in lot size within the precinct, which is somewhat reflective of the density provisions afforded by the Rural Living Zone – Schedule 3. The locality comprises numerous rural residential dwellings that benefit from a rural environment while remaining within convenient proximity of the main township area of Bairnsdale.



Current title structure and allotment size

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Proposed Subdivision Plan (Version 1)

The existing access from Wy Yung-Calulu Road will continue to service the existing dwelling on Lot 1, with new points of access to be constructed to service the proposed vacant lots.

Although the northern side of Wy Yung-Calulu Road adjoining the subject land is generally well vegetated with a number of large, mature trees, careful consideration has been given to locating the access to proposed Lot 2 within an existing gap in the roadside vegetation.

The location identified for the proposed access is considered logical, positioned within the clearest section of the road reserve whilst maintaining good sight lines in both directions along Wy Yung-Calulu Road. The understorey within this area is also heavily dominated by non-native species.



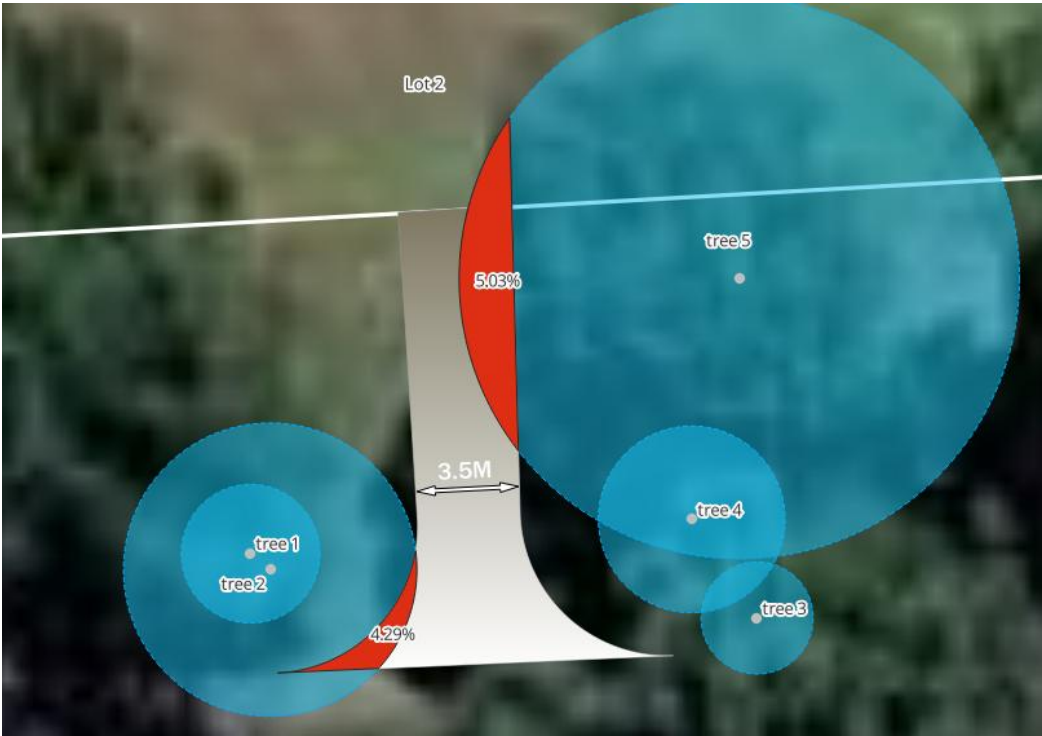
Looking north from Wy Yung-Calulu Road at proposed access to Lot 2



Non-native grasses in accessway to Lot 2

Access to Lot 2 from the existing road pavement to the property boundary will need to be established in accordance with SD255 *Typical Swale Drain Vehicle Crossing (Rural Entrance)* of Council's Infrastructure Design Manual.

An assessment of the trees located in proximity to the proposed access has informed the preparation of the accompanying Encroachment Plan, which shows the design of the proposed access together with the location of the existing trees and their Notional Root Zones (NRZ's). This plan clearly depicts the extent of encroachment associated with the proposal, confirming it to be within the acceptable allowance under AS 4970:2025 *Protection of trees on development sites*.



Extent of encroachment associated with access to proposed Lot 2
Red = Extent of encroachment
Blue = Notional Root Zones

Tree #	Circumference (cm) at breast height	NRZ (m)
1	75	2.36
2	157	5
3	60	1.91
4	100	3.18
5	>300	9.55



Existing gap in roadside vegetation to facilitate access to Lot 2



Existing gap in roadside vegetation to facilitate access to Lot 2

Access to Lot 3 is proposed from Fischers Lane to the west, to ensure adequate sight lines are established and to avoid impacts to any roadside native vegetation. There is no viable opportunity to establish access to Lot 3 from Wy Yung-Calulu Road without impacting either large trees or native perennial understorey.



Native vegetation within Wy Yung-Calulu Road fronting proposed Lot 3

The eastern side of Fischers Lane contains minimal native vegetation and is heavily dominated by non-native grasses and weeds. There is more than ample opportunity to establish access to Lot 3 from Fischers Lane whilst avoiding any impact to native vegetation.



General view south along Fischers Lane, with proposed Lot 1 to the left

In the absence of reticulated sewer, the Application is supported by a Land Capability Assessment Report prepared by *Chris O'Brien & Company Pty Ltd* which confirms the site's ability to accommodate onsite wastewater disposal.

A Bushfire Hazard Site Assessment Plan forms part of the application and demonstrates each allotment has sufficient area to accommodate a dwelling together with onsite wastewater disposal. It confirms future residential development can achieve setbacks from classifiable vegetation consistent with Clause 53.02, having regard to the bushfire prone status of the land.

The proposed subdivision will exhaust subdivision entitlements under the current provisions of the Rural Living Zone – Schedule 3. It is therefore anticipated that a Condition of Permit will require the execution of a Legal Agreement under the *Planning & Environment Act 1987* to prevent further subdivision of proposed Lot 1 which would result in the creation of an additional lot.

Having regard to the bushfire prone status of the land, Council may also be of mind to include the standard wording prescribed at Table 2 and Table 3 to 53.02-5 pertaining to water supply and vehicle access. The inclusion of these requirements within the Agreement will effectively negate any further requirement for a Bushfire Management Plan and ensure future landowners implement these bushfire mitigation measures.

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
Clause 35.03-3 (RLZ3)	Subdivision
Clause 44.01-5 (EMO)*	Subdivision

Notice & Review Exemptions

- Always exempt matters are marked with an asterisk (*).

Agreement AL977572J

Agreement AL977572J was created following the approval of Planning Permit 171/2014/P. Condition 3 on Planning Permit 171/2014/P required the owner to enter into a Section 173 Agreement to restrict Lot 3 on the Endorsed Plans from being further subdivided so as to create additional lots. Lot 3 on the Endorsed Plans is formally described as Lot 3 on PS727518X, which is not included in the subdivision proposed by this application. The obligations of the Agreement place no limitations on the subdivision of the subject land as proposed.

4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a CHMP is required for an activity if:

- (a) *all or part of the activity area for the activity is in an area of cultural heritage sensitivity; and*
- (b) *all or part of the activity is a high impact activity*



Extract from Cultural Heritage Sensitivity mapping

The subdivision of land into 3 or more lots is only a high impact activity if the area of at least three of the lots is less than 8ha (Reg 49). As proposed Lot 1 will be 22.61ha, the proposed subdivision is not considered to be a high impact activity.

Furthermore, the subject land is not identified as an area of cultural heritage sensitivity. As such a CHMP is not required for the proposed development.

5. Planning Policy

5.1 Municipal Planning Strategy

Clause 02.03-2 *Environmental and landscape values* includes strategic directions to protect and enhance East Gippsland's environmental, biodiversity and landscape values by ensuring land use and development responds appropriately to these features. The proposed subdivision has been designed to avoid impacts to native vegetation, with future development significantly setback from nearby waterways.

Clause 02.03-3 *Environmental risks and amenity* ensures development appropriately responds to environmental hazards such as bushfire, sea level rise, flooding and erosion or landslip. The site is excluded from the Bushfire Management Overlay however is designated bushfire prone and is partially contained within the Erosion Management Overlay.

Proposed vacant Lots 2 & 3 have been sited on the southern portion of the property which will ensure that future dwellings will be located outside of the Erosion Management Overlay. The subdivision has been designed to ensure there is good opportunity for future dwellings to achieve appropriate separation from the bushfire hazard, with the ability to manage and maintain defensible space within property boundaries.

Clause 02.03-4 *Natural resource management* seeks to protect productive rural land and support agricultural activities. The proposal is consistent with this objective as the subdivision has been designed to provide a large farming balance for the continuation of grazing.

5.2 Planning Policy Framework

Clause 11.01-1S *Settlement* promotes the sustainable growth and development of Victoria and delivery of choice and opportunity through a network of settlements, with supporting strategies planning for the delivery of 2.24 million homes across Victoria by 2051. The proposal responds positively to this objective through the creation of additional lots for future residential development within an established rural residential area in close proximity to Bairnsdale.

Clause 11.01-1R *Settlement – Regional Victoria* and Clause 11.01-1R *Settlement – Gippsland* support sustainable urban growth within Regional Service Centres, including Bairnsdale, where environmental risks can be appropriately managed. The site is located just outside the settlement boundary, however, will provide opportunity for additional residential development which responds appropriately to site constraints.

Clause 11.01-1L-02 *Bairnsdale* applies to land identified within the Bairnsdale Framework Plan. Whilst the subject land is located just outside the mapped policy area, the proposal is considered broadly consistent with the strategic direction of the policy as it supports additional rural residential development close to existing urban areas.

Clause 12.01-1S *Protection of Biodiversity* includes strategies to ensure impacts of land use and development on important biodiversity areas are avoided and minimised. The proposal responds positively with the subdivision design avoiding impacts to native vegetation, particularly within the road reserve. Careful consideration has been given to the design of access to ensure road safety whilst avoiding impacts to roadside vegetation.

Clause 12.01-1L *Protection of Biodiversity* aims to identify and protect biodiversity and significant habitat areas whilst managing impacts to flora and fauna values. The proposal responds appropriately through careful design which integrates with the environmental values of the site and adjoining roadside vegetation.

Clause 12.01-2S *Native Vegetation Management* ensures no net loss to biodiversity as a result of the removal, destruction or lopping of native vegetation. The supporting strategies relating to avoidance and minimisation have been implemented through use of an existing gap in roadside vegetation to facilitate access to Lot 2, and by nominating access to Lot 3 from Fischers Lane.

Consideration was given to providing access to Lot 3 from Wy Yung-Calulu Road, however the understorey in this location contained a higher percentage of native perennial understorey, and there was insufficient clearance between trees to facilitate adequate access without requiring assumed and/or direct vegetation loss.

Clause 12.03-1S *River and Riparian Corridors, Waterways, Lakes, Wetlands and Billabongs* protects and enhances waterway systems, requiring development to be sensitively designed having regard to environmental and hydrological values. A waterway dissects the northern portion of the property in an east --west direction, however the proposal has been carefully designed to ensure future development will be appropriately setback from the drainage corridor. The existing fragmentation of the waterway by the current north-south title boundary will be removed as a result of the proposal.

The accompanying Bushfire Hazard Site Assessment demonstrates the ability for future dwellings to be established on the proposed vacant lots, providing opportunity for onsite wastewater disposal provided with good separation from the watercourse.

Clause 13.02-1S *Bushfire Planning* applies as the subject land is within a designated bushfire prone area. The proposal has prioritised human life by ensuring appropriate separation distances can be achieved between future development and classifiable vegetation.

Clause 13.04-2L *Erosion* applies as part of the subject land is within the Erosion Management Overlay. The application is supported by written advice from *Chris O'Brien & Company* justifying a request for a waiver from a geotechnical assessment.

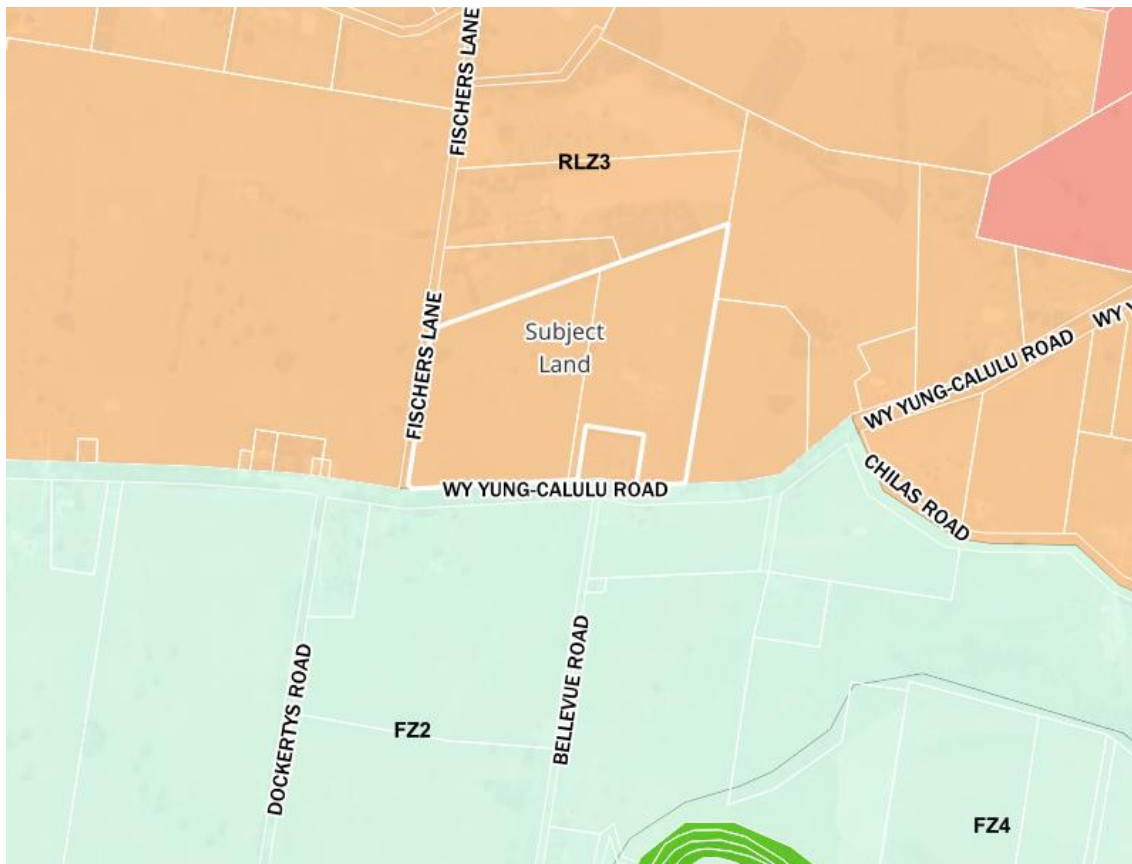
Clause 15.01-3S *Subdivision design* encourages subdivisions that achieve attractive, safe and sustainable neighbourhoods. The proposal responds positively through the creation of an additional allotment which can comfortably accommodate future rural residential development whilst avoiding impacts to significant features such as native roadside vegetation and waterways.

Clause 16.01-1S and Clause 16.01-1L *Housing Supply* promotes well located and integrated housing which responds to community needs. The proposal responds positively through the creation of additional rural residential allotments within proximity to Bairnsdale where access to infrastructure is available and environmental constraints, including bushfire risk and wastewater management, can be appropriately addressed.

6. Planning Elements

6.1 Rural Living Zone

The purpose of the Rural Living Zone seeks to provide for residential uses within a rural environment and for agricultural land uses which do not adversely affect the amenity of surrounding land uses while protecting and enhancing the natural environment. The subdivision will result in the creation of allotments for future residential purposes which enjoy the rural surrounds whilst remaining respectful of the nearby waterway and roadside vegetation.



Extract from Zone mapping

The proposed subdivision requires planning approval pursuant to Clause 35.03-3 of the Rural Living Zone. The minimum subdivision area specified under Schedule 3 to the Rural Living Zone is 8ha, however this Clause provides the ability to create smaller allotments on a density basis.

The number of allotments to be created needs to be no more than the number the land could be subdivided into in accordance with the Schedule to the zone. In this instance the subject land is 24.61ha in area, providing the ability to apply for up to 3 allotments.

Clause 35.03-5 Decision Guidelines	
Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:	
General issues	
The Municipal Planning Strategy and the Planning Policy Framework.	An earlier section of this report addresses relevant sections of the Municipal Planning Strategy and the Planning Policy Framework.
Any Regional Catchment Strategy and associated plan applying to the land.	The land is located within the East Gippsland Catchment Management Authority area, with the proposal considered to be generally consistent with the objectives of the East Gippsland Regional Catchment Strategy.
The capability of the land to accommodate the proposed use or development.	The accompanying Bushfire Hazard Site Assessment Plan demonstrates the capacity of the land to accommodate the proposed subdivision through the following: • Suitably sited conceptual Building Envelopes which can achieve onsite defensible space consistent with Table 1, Column C to Clause 53.02-5. • Vehicle access carefully nominated to avoid impacts on native vegetation. • Demonstrates the Land Application Area available consistent with the Land Capability Assessment Report. • The ability for future development to be significantly offset from the waterway.
Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.	The site is within an existing rural residential area where the majority of surrounding allotments contain existing dwellings. Whilst a rural area by definition, there is no intensive agricultural activity occurring, with grazing being the main form of land management. The wider precinct provides a mix in allotment size which is reflective of the zoning and ability to undertake density-based subdivision. Whilst land on the southern side of Wy Yung-Calulu Road is contained within the Farming Zone, there are numerous established residential properties on both sides of the road.
The potential for accommodation to be adversely affected by vehicular traffic, noise, blasting, dust and vibration from an existing or proposed extractive industry operation if it is located within 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.	There are no Work Authorities located within 500m of the subject land.

Agricultural issues	
The capacity of the site to sustain the agricultural use.	There is no agricultural land use change proposed. It is expected that Lot 1 will continue to accommodate grazing activity.
Any integrated land management plan prepared for the site	There is no integrated land management plan applicable to the site.
The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.	The proposed subdivision will exhaust entitlement opportunities for the land and will result in opportunity for residential development similar to that established within the surrounding precinct.
Environmental issues	
The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.	The subdivision has been designed to provide future dwelling sites on the more elevated portion of the land, ensuring good separation from waterways. This provides good opportunity to establish onsite wastewater disposal in proximity to future dwellings without compromising water quality. Whilst the northern portion of the site contains a waterway and is partially within the Erosion Management Overlay, the proposed subdivision has been designed to retain these areas entirely within balance Lot 1.
The impact of the use or development on the flora, fauna and landscape features of the locality.	Environmental values of the area have been prioritised, with particular consideration given to larger, more significant trees within the road reserve. Through assessment of Notional Root Zones and understorey components present within the adjoining road reserves, the proposal has been able to avoid the removal of native vegetation to establish adequate access to each of the proposed lots. Historic grazing activity which has occurred across the site has resulted in a high dominance of pastoral grasses, ensuring the ability to develop proposed Lots 2 & 3 without impacting any native vegetation.
The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.	The current title structure segments the waterway however the proposal will rectify this by retaining it within balance Lot 1. There will be no native vegetation impacted as a result of the proposal.
The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.	The accompanying Land Capability Assessment Report confirms the ability to treat and retain wastewater on site whilst having regard to the nearby waterway.

6.2 Erosion Management Overlay

A small section of the site along the northern boundary which generally corresponds with the existing waterway is affected by the Erosion Management Overlay. The site's inclusion within the Erosion Management Overlay triggers planning approval at Clause 44.01-5 for subdivision of the land.



Erosion Management Overlay Mapping (including 10m contour intervals)

Clause 44.01-6 Application Requirements	
An application must be accompanied by any information specified in a schedule to this overlay and information showing:	
The existing site conditions, including land gradient and the extent of any existing erosion, landslip or other land degradation.	Plans and documentation supporting the application detail the landform across the site. Correspondence prepared by <i>Chris O'Brien & Company Pty Ltd</i> confirms no evidence of soil erosion or landslip on the subject land or surrounding properties.
The extent of any proposed earthworks.	Earthworks will be limited to establishment of access, servicing and fencing, all of which are located outside of the area affected by the Erosion Management Overlay.
The means proposed to stabilise disturbed areas.	It is anticipated that the standard conditions pertaining to sediment control will be placed on permit.
Any other application requirements specified in a schedule to this overlay.	See below.

6.3 Bushfire Planning

Clause 53.02-6 *Bushfire prone area decision guidelines* apply to applications to subdivide land in a bushfire prone area which is not contained within the Bushfire Management Overlay, as is the case for the subject land.

Clause 53.02-1 Application		
This Clause applies to the following types of applications:		
Bushfire Prone - Subdivision <i>An application under any provision of this planning scheme to subdivide land in a Bushfire Prone area that is not in a Bushfire Management Overlay.</i>		Applicable
Type of application	Applicable provisions	
Bushfire Prone <i>An application to subdivide land, or to construct a building or construct or carry out works associated with the use of land for accommodation, education centre, hospital, indoor recreation facility, major sports and recreation facility or a place of assembly, in a bushfire prone area that is not in a Bushfire Management Overlay.</i>	Clause 53.02-6	Applicable

Before deciding on an application, the Responsible Authority must consider, as appropriate, the decision guidelines at Clause 53.02-6 *Bushfire prone area decision guidelines*. To aid this consideration we provide the following information.

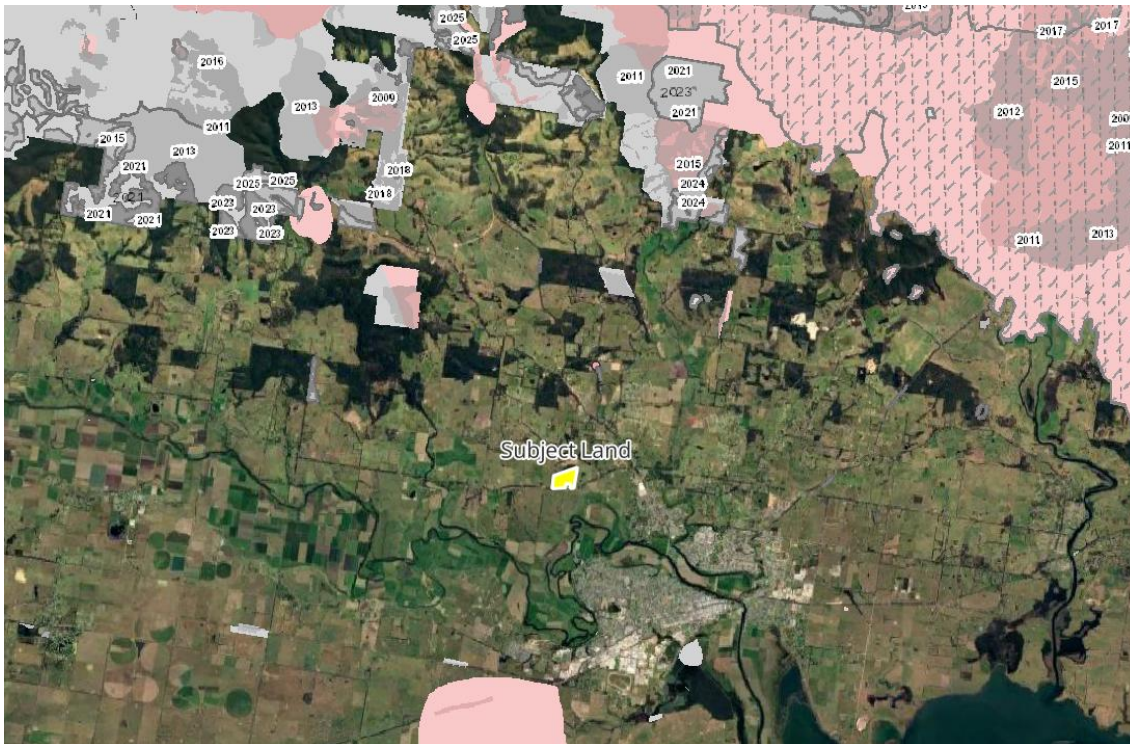
Whilst the subject land is within a designed Bushfire Prone area, it is not affected by the Bushfire Management Overlay which is applied to land where bushfire hazards have the potential to result in extreme bushfire behaviour and where a more detailed planning assessment is required. The absence of the Overlay is therefore a strong indicator that the site is not located within a high bushfire risk landscape.

The subject land is located within an existing rural residential precinct characterised by cleared rural land with access to an established road network providing connectivity to the nearby main township area of Bairnsdale.

The following diagram demonstrates the relatively low surrounding landscape risk, and that the risk arising from the broader landscape can be mitigated to an acceptable level.

Bushfire Hazard Landscape Assessment

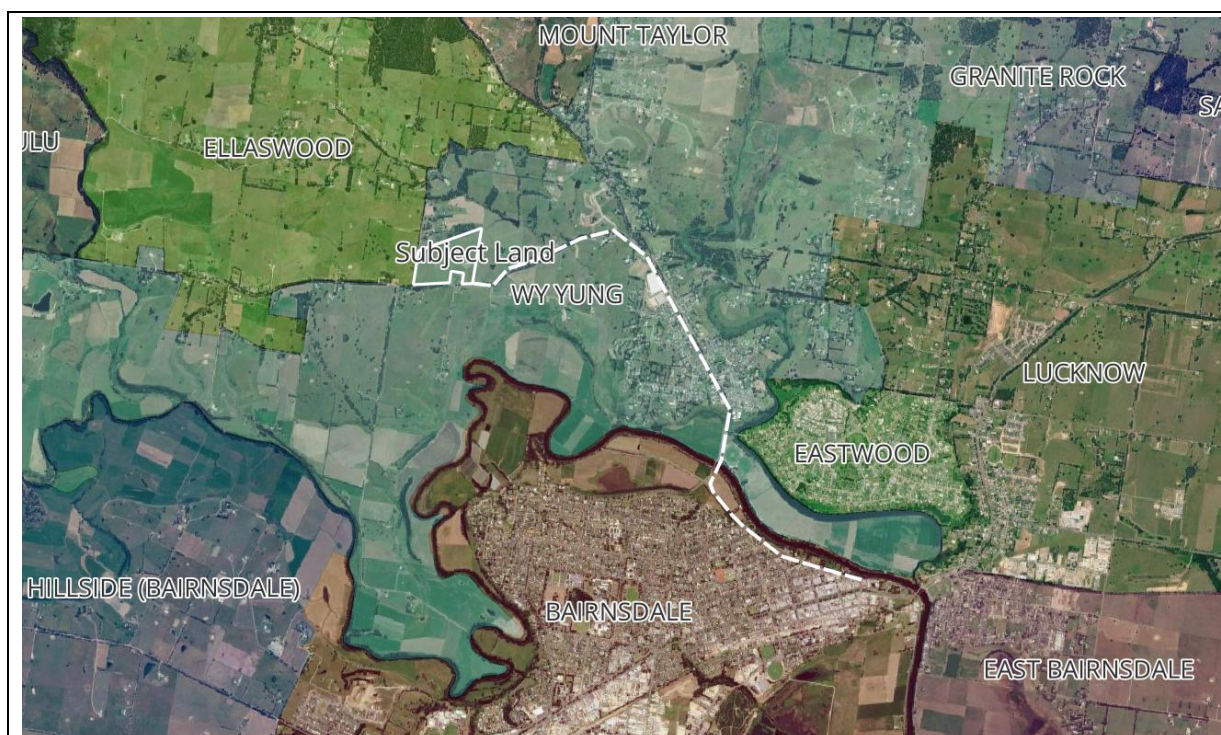
It is evident that the site is not located within an extreme or high bushfire risk landscape given its location within an existing rural residential area, access to a sealed and well-connected road network, proximity to the Bairnsdale township and separation from large contiguous areas of hazardous vegetation.



Bushfire & Planned Burn History Mapping

The design of the proposed subdivision provides opportunity to implement bushfire protection measures that address the identified bushfire risk and that can be practically implemented, including measures such as those set out in Clause 53.02-4.

Bushfire protection objectives	
Measure	Requirement
AM 2.1	The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.
Response: The surrounding landscape is representative of a Broader Landscape Type 2 to low Type 3. There is a risk of bushfire in the wider locality, with large tracts of forested vegetation on steep sloping land further to the north, and grasslands in closer proximity. However, the site is well separated from the higher risk threat due to the presence of rural residential development and grazing activities in the intervening area, and the township area of Bairnsdale is located nearby via a good quality road network.	



Access route to Bairnsdale CBD

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 close to a public road. • Access can be provided to the building for emergency service vehicles.
Response: The proposed allotments are generous in sizing, providing ample opportunity to site future residential development that maximises separation from the bushfire hazard. The main bushfire hazard is from the forested areas on steeper land further to the north, however, there is also the potential for grassland fires closer to the site. The accompanying plans demonstrate how future dwellings can be accommodated on the southern portion of the land within close proximity to Wy Yung-Calulu Road whilst also being provided with generous defendable space within the property boundaries. New access will be established as part of the subdivision to service proposed lots which will be IDM compliant and suitable to accommodate emergency vehicles.	

AM 4.1	A building used for a dwelling (including an extension or alteration to a dwelling), a small second dwelling, industry, office, retail premises or warehouse is provided with: • A static water supply for fire fighting and property protection purposes as specified at Table 2 to clause 53.02-5. • Vehicle access that is designed and constructed as specified in Table 3 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 firefighting water supplies.
Response: The application is for subdivision of land which will result in the opportunity for future residential development on Lots 2 & 3. Any future dwellings on these lots will need to be connected to a potable water supply to meet the current requirements of Clause 35.03-2 under the Rural Living Zone. To ensure that future dwellings on these Lots are also provided with static water supply of 10,000 litres for firefighting purposes consistent with Table 2 to Clause 53.02-5 and with vehicle access which meets Table 3 to Clause 53.02-5, there would be the opportunity to enter into a Legal Agreement pursuant to Section 173 of the <i>Planning & Environment Act 1987</i>. Without knowing the ultimate location and design of future dwellings, the use of standard wording pertaining to access and water supply would provide an appropriate mechanism to practically ensure these requirements are implemented at the relevant time.	
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 setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to clause 53.02-5 for the distances provided at Columns A, B or C. • AM 2.1, AM 2.2 and the approved measures at clause 53.02-4.3. The setback distance is capable of being managed as an area of defensible space in accordance with the defensible space vegetation management requirements specified at Table 4 and the area is capable of being maintained in accordance with these requirements.

Response:

The Decision Guidelines at Clause 53.02-6 pertaining to subdivision require consideration as to whether each lot can achieve the setback from the bushfire hazard in accordance with the vegetation type and slope set out in Table 1 to Clause 53.02-5 for the corresponding distance specified in Column C of that table.

The accompanying Bushfire Hazard Site Assessment demonstrates that this is more than ample area available within the proposed allotments to accommodate future residential development that can be appropriately sited having regard to the surrounding bushfire risk.

The Bushfire Hazard Site Assessment demonstrates how dwellings can be setback from boundaries consistent with Column C setback distances which would accommodate standard BAL-29 construction.

As future design, siting and construction standards of dwellings are currently unknown, and the surrounding landscape risk is not high it is illogical to lock in a Bushfire Management Plan at this point in time

7. Conclusion

The proposed Three Lot Subdivision at 180 & 210 Wy Yung-Calulu Road, Wy Yung is considered to accord with all relevant provisions of the Rural Living Zone – Schedule 3 and Erosion Management Overlay 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
July 2026

CHRIS O'BRIEN & COMPANY PTY LTD

CONSULTING CIVIL & STRUCTURAL ENGINEERS

Reference No: B26146

Project No: 60726

9/07/2026

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

Attn: Amie Ingwersen

Email:

Dear Amie,

**RE: GRA Waiver for Proposed 3 lot Subdivision
180 & 210 Wy Yung-Calulu Road, Wy Yung**

INTRODUCTION

Chris O'Brien & Company Pty Ltd have been engaged by Amie Ingwersen of Crowther & Sadler Pty Ltd on behalf of _____ to determine whether or not a full Geotechnical risk assessment report is required for a proposed 3 lot subdivision at 180 & 210 Wy Yung-Calulu Road, Wy Yung Vic 3875. An erosion management overlay exists over part of the property and an vegetation protection overlay exists in the nature strip for part of 210 Wy Yung-Calulu Road.

The purpose of this letter is to determine if the works to be carried out on this site will be a risk to the surrounding environment and is to be used in the planning application process only. This letter is not a soil classification report and shall not be used for this purpose.

Information contained in this letter is from a visual inspection of the site and based on information supplied to Chris O'Brien & Company Pty Ltd on the work to be completed on the site.

The site was inspected by Andrew Powell on the 8th July 2026.

INSPECTION

Inspection of the site revealed a large rural allotment currently used for cattle grazing with access to the property via existing access to 180 Wy Yung-Calulu Road. the land has a reasonable amount of fall with the land mostly falling towards the north towards existing dams and a natural water course which runs through the property. The property has frontage to the Wy Yung-Calulu Road to the south and Fischers lane to the west. The Wy Yung-Calulu Road, road reserve contains many significant trees while the frontage to Fischers Lane is clear of any significant vegetation there is a batter that will have to be addressed. The main property has an very good cover of grass and falls at up to 1 in 5 down to the existing natural water course. Visual inspection of the property revealed no naturally occurring erosion and none would be expected given the excellent grass cover and stable soil conditions. Photos taken during our site inspection are attached to this report.

RECOMMENDATIONS

It is proposed to subdivide 2 new allotments of the south west corner of 210 Wy Yung-Calulu Road with lot 2 gaining access from Wy Yung-Calulu Road and lot 3 gaining access from Fischers Lane. Works required for this proposal will be creating an access to both new allotments, providing a connection to all available services and management of stormwater created from the subdivision. For the proposal the following conditions need to be strictly adhered to.

1. For the creation of a crossover for each allotment some earthworks will be required especially in Fischers Lane along with the placement and compaction of all materials required to form the crossovers. Some vegetation removal may be required but this will be kept to a minimum. For these works the provision of protection barriers such as silt fences must be placed on the down slope side of the works with these protection barriers to remain in place until all works have been completed onsite.
2. A connection to all available services will need to be provided to each allotment with some trenching works required for this work. Sewer will be via an onsite wastewater management system. During any significant trenching works protection barriers are to be placed on the down slope side of these works and remain in place until all works are complete.
3. A stormwater management plan is to be completed for the proposed subdivision showing how all stormwater created from the proposed subdivision is conveyed to the approved legal point of discharge for each allotment. A site detention system is to be designed by a suitably qualified engineer to show how flows from the site are restricted to pre-development flows.
4. Rain water tank is to be provided onsite with the roof of the dwelling and any other structures to drain directly to this tank. This tank is then to be plumbed into the dwelling for use in toilets and laundry. This water tank will not form part of the detention system.
5. No excavated material is to be stockpiled onsite and must be directly loaded into trucks and taken offsite. Only topsoil which can be re-used can be stockpiled onsite.
6. Any stormwater outlets to the legal point of discharge are to be treated with rock beaching to stop any erosion occurring.

CONCLUSION

Provided the above are strictly adhered to we believe that a full geotechnical risk assessment will not be required. Site inspection showed no signs of any erosion naturally occurring. The above recommendations will minimise the risk of environmental issues with the development proposal.

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

Yours faithfully,

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

Photos below show the road reserves and suitable access point to lot 2.











Photos below show the general allotment profiles.





CHRIS O'BRIEN & COMPANY PTY LTD

CONSULTING CIVIL & STRUCTURAL ENGINEERS

Reference No: B26147

Project No: 60726

9/07/2026

Crowther & Sadler Pty Ltd
P.O. Box 722
BAIRNSDALE VIC 3825

Attn: Amie Ingwersen

Email:

Dear Amie,

**RE: PROPOSED 3 LOT SUBDIVISION
180 & 210 WY YUNG-CALULU ROAD, WY YUNG. VIC**

**WATER ENGINEER'S CERTIFICATION OF LAND CAPABILITY
ASSESSMENT AND ON SITE SOIL INVESTIGATION FOR
DOMESTIC EFFLUENT DISPOSAL SEPTIC TANK SYSTEM**

INTRODUCTION

Chris O'Brien & Company Pty Ltd have been engaged by Amie Ingwersen of Crowther & Sadler Pty Ltd on behalf of _____ to Complete an LCA at 180 & 210 Wy Yung-Calulu Road, Wy Yung Vic 3875. Our site investigation was completed at 1.30pm on the 8th July 2026 by Andrew John Powell, on behalf of Chris O'Brien & Company Pty Ltd. The land is zoned Rural Living Zone (RLZ) and part of the allotments are covered by the following overlays – Erosion Management Overlay (EMO) and Vegetation Protection Overlay (VPO). A dwelling already exists on 180 Wy Yung-Calulu Road, however it is intended to subdivide allotments from 210 Wy Yung-Calulu Road which is significantly upslope from the existing dwelling. The land is currently being used for cattle grazing.

The purpose of this particular land capability assessment (LCA) is to investigate an area for a "Land Application Area" (LAA) on each of the allotments to be created with Lot 1 already having a dwelling which will not impact the allotments being created. It is intended to site test the soil in both of the new allotments to determine consistency with soils found on site. Our report will recommend the most suitable treatment for the wastewater to be created from a dwelling and we will give sizes of the treatment area required for 2, 3 & 4 bedroom dwellings. A site plan appendix 1 is attached to this report which shows the location of the test pits and recommended areas for the proposed LAA,s.

SITE INSPECTION

It is proposed to subdivide 2 allotments from the south west corner of 210 Wy Yung-Calulu Road with lot 3 also to have frontage to Fischers Lane. The land has an excellent coverage of grass and walls mostly from south to north but also towards the west as well, with the land falling all the way down to the existing natural water course to the north of the proposed allotments. Setbacks to the natural water course are easily achievable. Land where the test pits were hand excavated had a maximum slope of about 10%. The area allocated for disposal field for each allotment will not cause any detriment to the environment nor stormwater run-off quality within the precinct where the allotment is located.

Two soil investigation pits were hand excavated down to depths so as to reveal the natural soil conditions with consistent soil conditions found in both test pits. Test Pit 1 has hand drilled down to

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a maximum depth of 1.35m. Test pit 1 revealed a damp grey & light grey sandy loam (SL) topsoil with coarse grass roots moderately dispersed, underlain damp grey fawn sandy loam (SL) at 200-400mm depth underlain slightly damp fawn brown sandy loam (SL) at 400-600mm depth underlain slightly damp fawn orange grey sandy clay loam (SCL) to 1350mm at completion of bore. Test pit 2 revealed a damp grey & light grey sandy loam (SL) topsoil with coarse grassroots moderately dispersed underlain damp grey fawn sandy loam (SL) at 150-350mm depth underlain slightly damp fawn orange grey sandy clay loam (SCL) to at least 600mm in depth at termination of test pit. The field texture grade of this particular soil was tested with the soil found to be strongly coherent, sandy to touch with medium size sand grains visible.

DISCUSSION

For this particular site, should soil percolation testing have been undertaken we would expect the percolation rate to exceed 15mm/hr and be less than 500mm/hr. in this case absorption is largely by absorption through the upper soil strata and evapo-transpiration.

PHOTOGRAPHY

Several colour photographs have been attached to the rear of this report to illustrate the subject allotment terrain and the location of the area of the "On-Site Domestic-Wastewater" disposal field proposed on each of the allotments. In addition, a test pit was hand excavated to 600mm depth on each of the proposed allotments with the pit in lot 3 then hand drilled to a maximum depth of 1350mm, to investigate and illustrate the various soil horizons. The test pits, together with the tailings of excavated material, were photographed and have been attached as well. By observation of the photographs and the favourable soil conditions treatment by standard septic tank in conjunction with standard absorption trenches is considered suitable for this proposal.

DAILY FLOW & SEPTIC TANK CAPACITY

- It is expected that a dwelling will be constructed on each of the allotments with for the purposes of this calculation the dwelling is to have four (4) bedrooms and as a consequence the estimated daily flow in accordance with EPA Victoria Publication May 2024: Guideline for Onsite Wastewater Management: Table 4-2 (dwelling installed with full water-reduction fixtures and fittings) and AS/NZS 1547:2012 Table H1

$$= (3 + 2 \times 1) 150$$

$$= 750 \text{ L/day (Reticulated Water Supply)}$$

- Minimum septic tank capacity (C) in accordance with AS/NZS 1547:2012 Table J1

$$= 3000 \text{ litres (Minimum Volume)}$$

STANDARD ABSORPTION TRENCH AND BED SYSTEM – DESIGN LENGTH SIZING IN ACCORDANCE WITH AS/NZS 1547:2012 AND EPA VICTORIA PUBLICATION MAY 2024.

Reference is made to the Australian Standard code AS/NZS 1547:2012 "On site Domestic-wastewater Management" Appendix L. Refer Table L1, whereby the soil examined on site may be classified as Category 4: Clay Loams (High/moderate structured), under trenches and beds the Design Irrigation Rate (DIR) for primary treated effluent is 10mm/day. Noteworthy is that the EPA "Guideline FOR Wastewater Management" – May 2024 Table 4-8: Soil Categories and Recommended Maximum Design Loading/Irrigation Rates (DLR/DIR) for "Land Application Systems" makes direct reference to Table L1 in AS/NZS 1547:2012 and therefore the exact same DIR is recommended by the EPA.

LENGTH REQUIRED FOR ABSORPTION TRENCH AND BED SYSTEM

Length of absorption trench and bed required is going to be dependent on the number of bedrooms to be adopted in the proposed dwelling. We make recommendations for 2, 3 & 4 bedrooms based on adopting a trench width of 1m as the preferred width for this proposal. The appropriate absorption

bed length is determined using formula from appendix 1 with the bed length = 2 (D_{DLR} × V) adopting a conservative DLR of 10mm/day the following trench lengths are required. For 2 bedrooms the daily load is 450L with **45m** of trench required, for 3 bedrooms the daily load is 600L with **60m** of trench required and for 4 bedrooms the daily load is 750L with **75m** of trench required. Refer to site plan appendix 1 for the recommended location of the trenches although provided setbacks to boundaries are adhered to significant area is available on both allotments.

RESERVE AREA NOT REQUIRED

The allocation of a reserve area is not thought to be necessary on this site. The design parameters used to determine the required size of the Land Application Area (LAA) have been suitably conservative. The soil is not sodic nor saline. Provided the LAA allocated is of sufficient size the system can be ripped up and replaced after some soil remedial treatment has been done.

PREPARATION OF THE SITE PRIOR TO COMMENCEMENT

The area upon which the wick trench and bed system is proposed for construction shall be protected from stormwater overland flow by establishing a shallow open earth vee-drain across the upstream sides of the LAA (effluent disposal field) curtailing around the ends – if required.

SUMMARY & CONDITIONS

Results found show that it is possible to create 2 new lots with treatment via a standard primary secondary septic tank in conjunction with standard absorption trench and bed system. The length of trench required will depend on the number of bedrooms proposed on each lot.

From the test results it can be seen that a two (2) bedroom dwelling requires a total length of 45m of trench, a three (3) bedroom dwelling requires a total length of 60m of trench and a four (4) bedroom dwelling requires a total length of 75m of trench. This is based on a 1m wide x 400mm minimum depth absorption trench with the trenches spaced 2m apart.

Siting of the proposed wastewater disposal field envelope shall be approximately as shown on our site plan. The following factors shall be considered when positioning the proposed wastewater disposal field.

- 1) Standard siting guidelines as per the requirements of the East Gippsland Shire Council (EGSC) guidelines.
- 2) At least 3.0m (subject to agreement between EGSC and COB & Co. prior to commencement) up-slope and 1.5m down-slope of any title boundary/road reserve or building for secondary treatment and at least 6.0m up-slope and 3m down-slope for primary treatment.

The following additional conditions shall be observed in addition to those set out by the local Council.

1. The system has been designed on a standard 1000mm wide x 400mm deep trench system. Trenches are to be installed at 3m maximum centres.
2. Gypsum is to be added to the bottom of trenches at a rate of 1kg/m²
3. The disposal field shall be sown with lawn grasses as soon as possible on completion of works. This will stabilize the soil and allow for the vegetation to take up the wastewater.
4. Only water from the septic tank is permitted to enter the disposal system. Stormwater run-off shall be prevented from entering the trench bed system area. We suggest an open earth vee-drain be constructed to 100mm depth along the high sides of this area or other approved method as approved by the Design Engineer.
5. Vehicles or heavy equipment shall not be permitted on the disposal field as damage to the disposal system may result.

6. Spikes, tent pegs, garden stakes etc. shall not be driven into the ground in the disposal field as damage to the disposal system may result.
7. An ongoing maintenance program shall be instigated to ensure that the disposal system is properly maintained and works effectively.

CONCLUSION

Following the Land Capability Assessment on this site it is our professional opinion that it is possible to create 2 new allotments of the existing one, with both the allotments created suitable for on-site wastewater disposal utilizing a primary treatment system which is highly unlikely to cause detriment to the environment.

Adequate maintenance and checking of the proposed system should be established as part of the Council Permit Application approvals process.

Yours faithfully,

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

LAND CAPABILITY ASSESSMENT AND SOIL PERCOLATION TESTING

Land Features	Land Capability Class Rating					Site 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 standing water in soil pit		Visible signs of dampness, such as moisture tolerant plants	Water ponding on surface	1
Runoff	None	Low	Moderate	High, need for diversionary structures	Very high, diversion not practical	2
Flood Levels	Never		<1 in 100	>1 in 100 and <1 in 20	<1 in 20	1
Proximity to watercourses	>60m				<60m	1
Slope%	0-2	2-8	8-12	12-20	>20	3
Landslip	No actual or potential failure		Low potential for failure	High potential for failure	Present or past failure	1
Groundwater (seasonal watertable depth(m))	>5	5-2.5	2.5-2.0	2.0-1.5	<1.5	1
Rock outcrop (% of land surface containing rocks >200mm)	0	<10%	10-20%	20-50%	>50%	1
Erosion potential	No erosion potential	Minor	Moderate	High	Severe erosion potential	1
Exposure	High sun and wind exposure		Moderate	Low sun and wind exposure		1
Landform	Hill crests, convex side slopes and plains		Concave sideslopes and footslopes		Floodplains and incised channels	1
Vegetation type	Turf or pasture				Dense forest with little undergrowth	1
Average Rainfall (mm/year)	<450	450-650	650-750	750-1000	>1000	3
Pan Evaporation (mm/yr)	<1500	1250-1500	1000-1250		<1000	2

Soil profile characteristics

Soil permeability category	2 and 3	4		5	1 and 6	2
Profile depth	>2m	1.5m-2m	1.5m-1m	1.0m-0.5m	<0.5m	3
Presence of mottling	None				Extensive	1

Coarse fragments (%)	<10	10-20	20-40	40-60	>60	2
pH	6-8		4.5-6		<4.5, >8	Not measured
Emerson aggregate	4, 6, 8	5	7	2, 3	1	1
Electrical conductivity (Ece)(Ds/m)	<0.3	0.3-0.8	0.8-2	2-4	>4	Not measured
Sodicity ESP%	<3		6-8	8-14	>14	3

INSTALLATION CONDITIONS

All installations shall comply with the AS/NZS 1547:2012 the, EPA Guidelines to wastewater management May 2024, the Victorian Water Supply and Sewerage Plumbing Regulations 1986 and AS 3500 National Plumbing and Drainage Code.

No septic tank or sand filter shall be installed closer than 1.5m to the foundations of any house, building or the boundary of the allotment.

Inlets and outlets of the septic tank must be baffled to avoid disturbing the contents of the septic tank.

Inspection openings of the septic tank shall be brought up to and permanently marked at surface level. Inspection openings shall be fitted with childproof airtight covers which are capable of being readily removed and replaced by one adult. Access opening covers shall not be cemented or otherwise fixed in position so as to be incapable of being readily removed for inspection purposes.

Food waste disposal units are not recommended for use with septic tank systems. **If used in household situation, a minimum extra allowance of 25% shall be made for additional sludge storage.**

Spa baths over 200 litre capacity are not to be connected to the primary septic tank but must be taken into account for effluent disposal calculations.

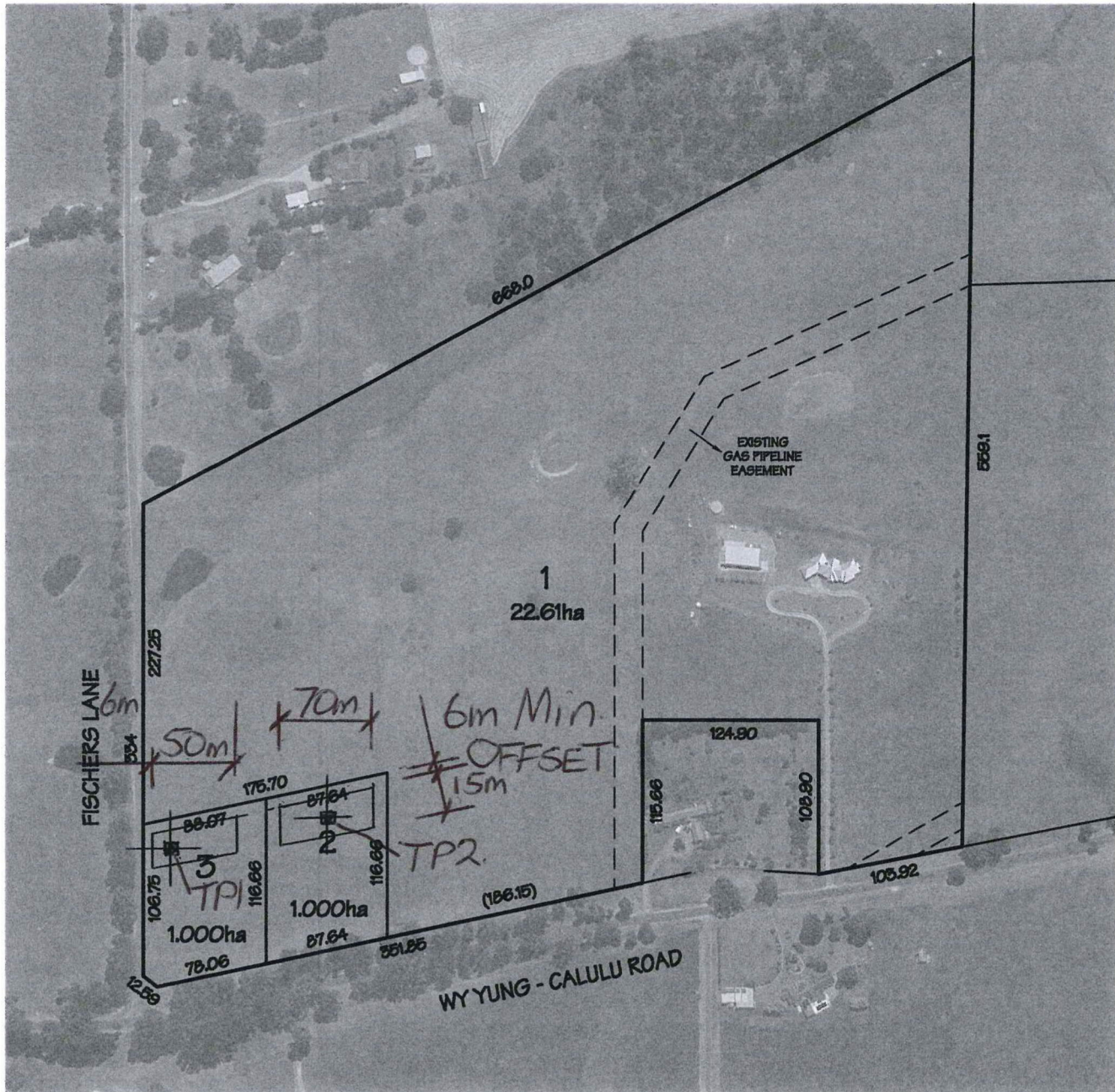
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CONCEPT PLAN

PARISH OF WY YUNG
CROWN ALLOTMENT 24D (PART)

LOT 1 - PS727581
LOT 1 - LP202926

APPROX. TRUE NORTH



180 & 210 WY YUNG-CALULU ROAD, WY YUNG

Crowther & Sadler Pty. Ltd.

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

NOTATIONS

AREAS ARE APPROXIMATE ONLY
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SCALE (SHEET SIZE A3)

SURVEYORS REF.

1 : 3000

Q26

VERSION 1 - DRAWN 28/05/2026

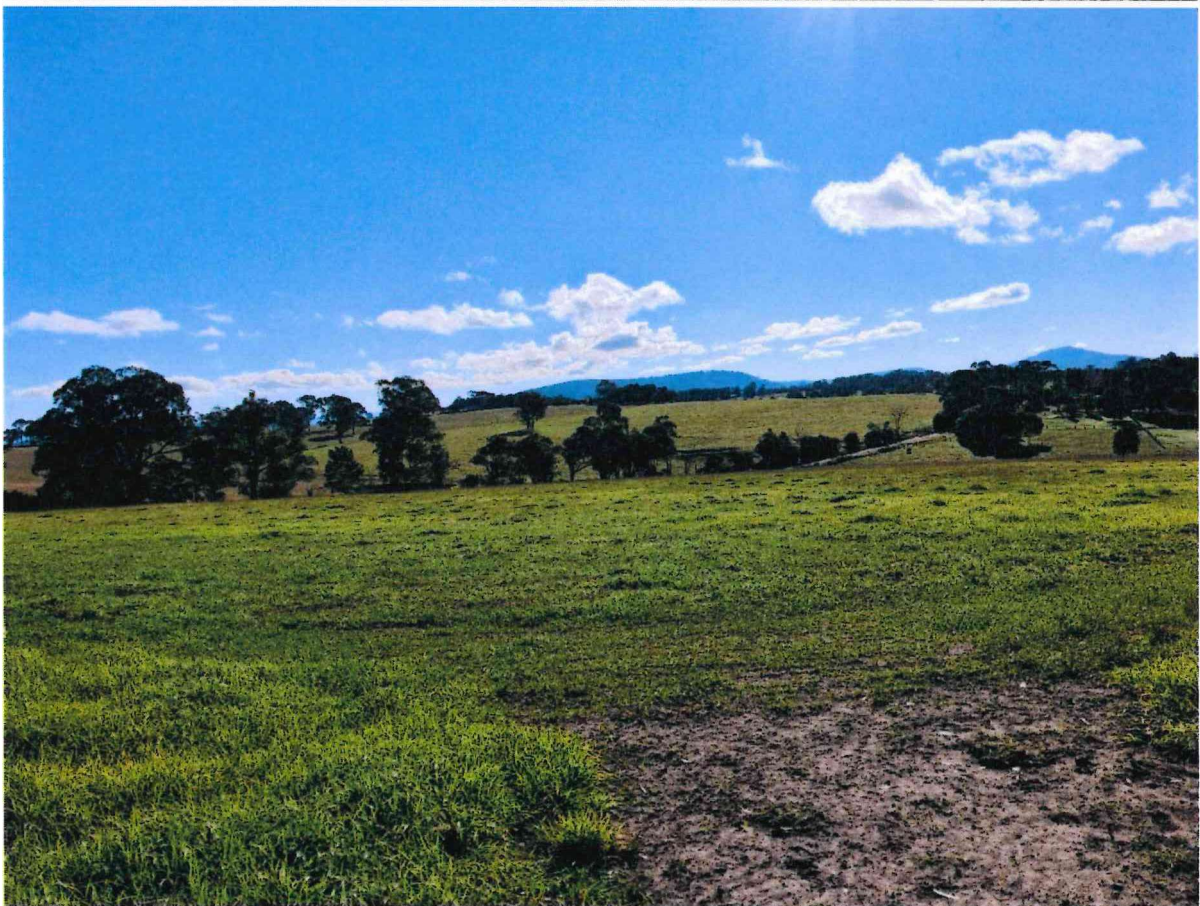
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CLIENT: Crowther & Sadler Pty Ltd
JOB: 180 & 210 Wy Yung-Calulu Road Wy Yung

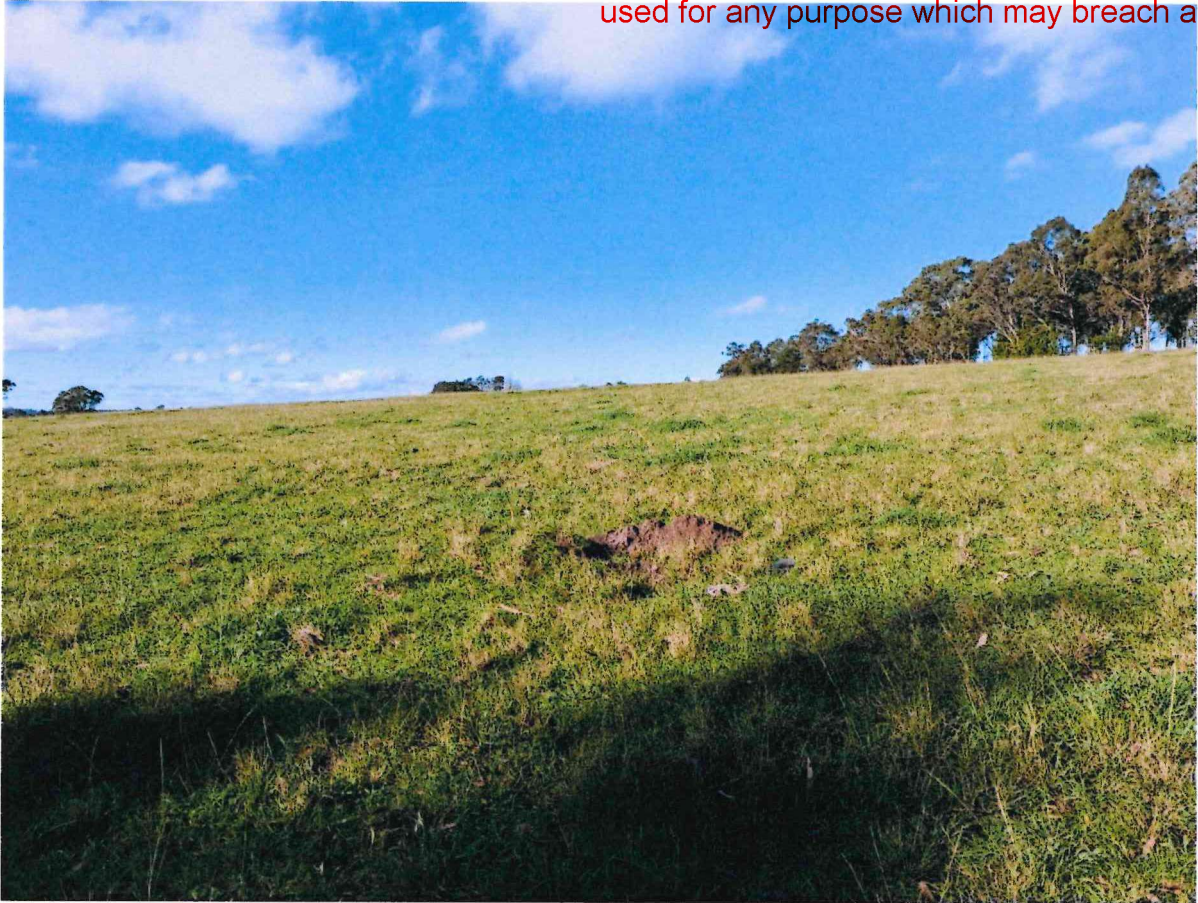
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JOB No: 60726

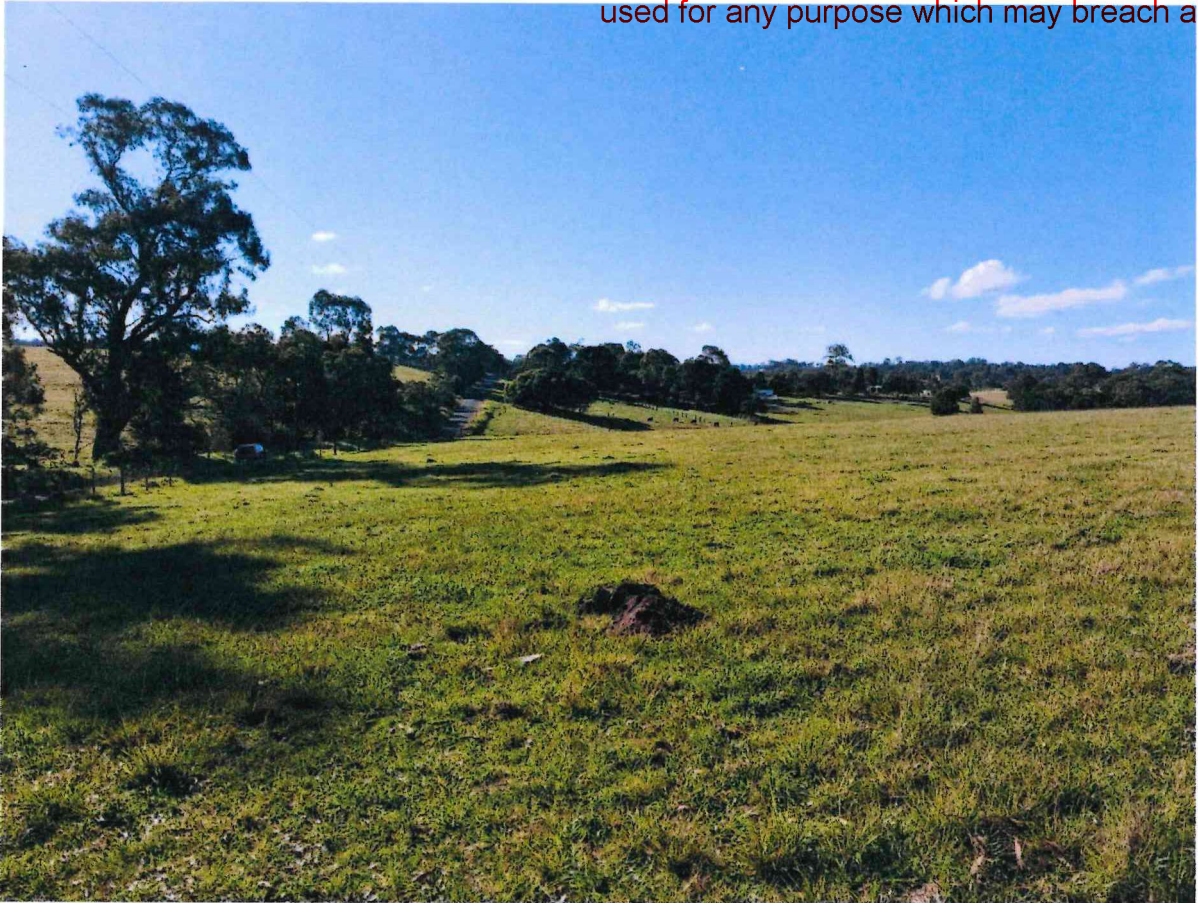
TEST BY: Andrew Powell

DATE: 8/07/2026





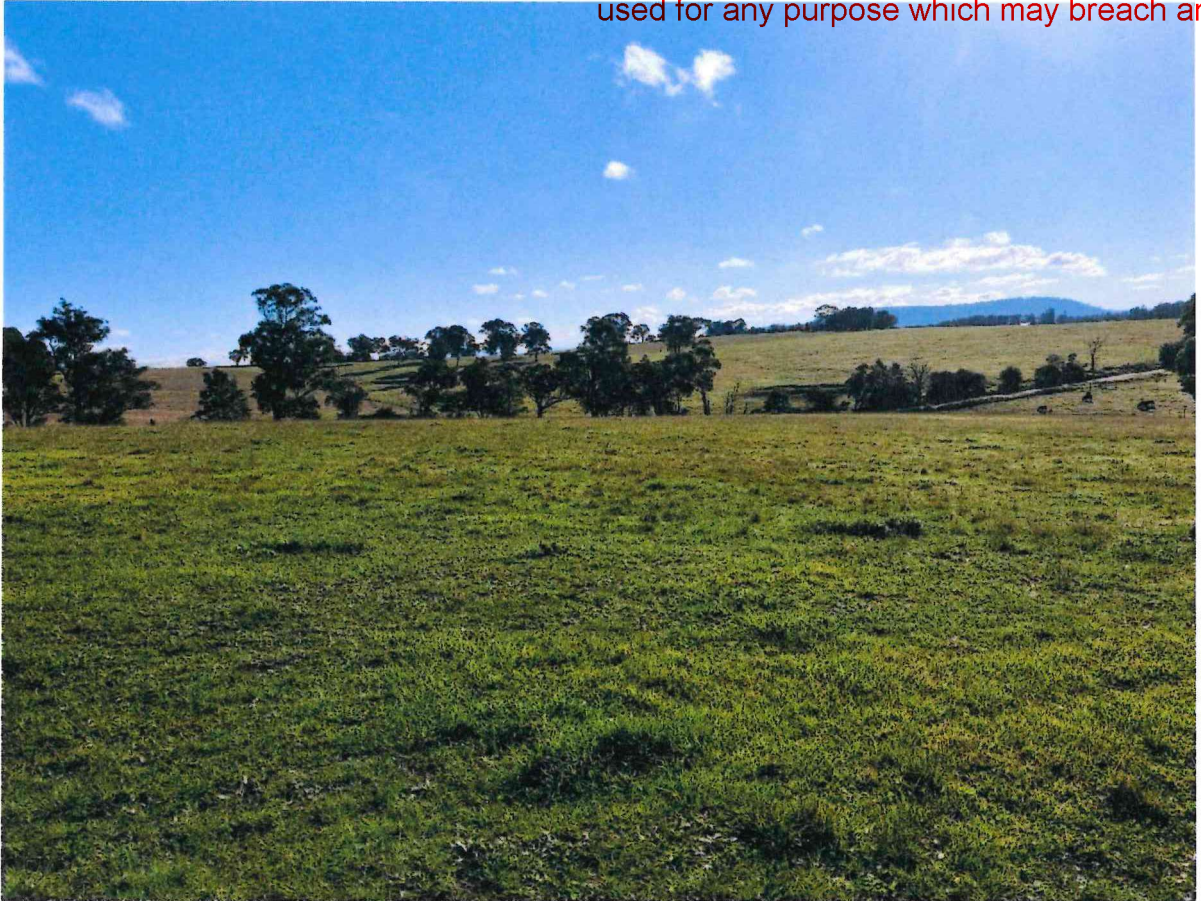


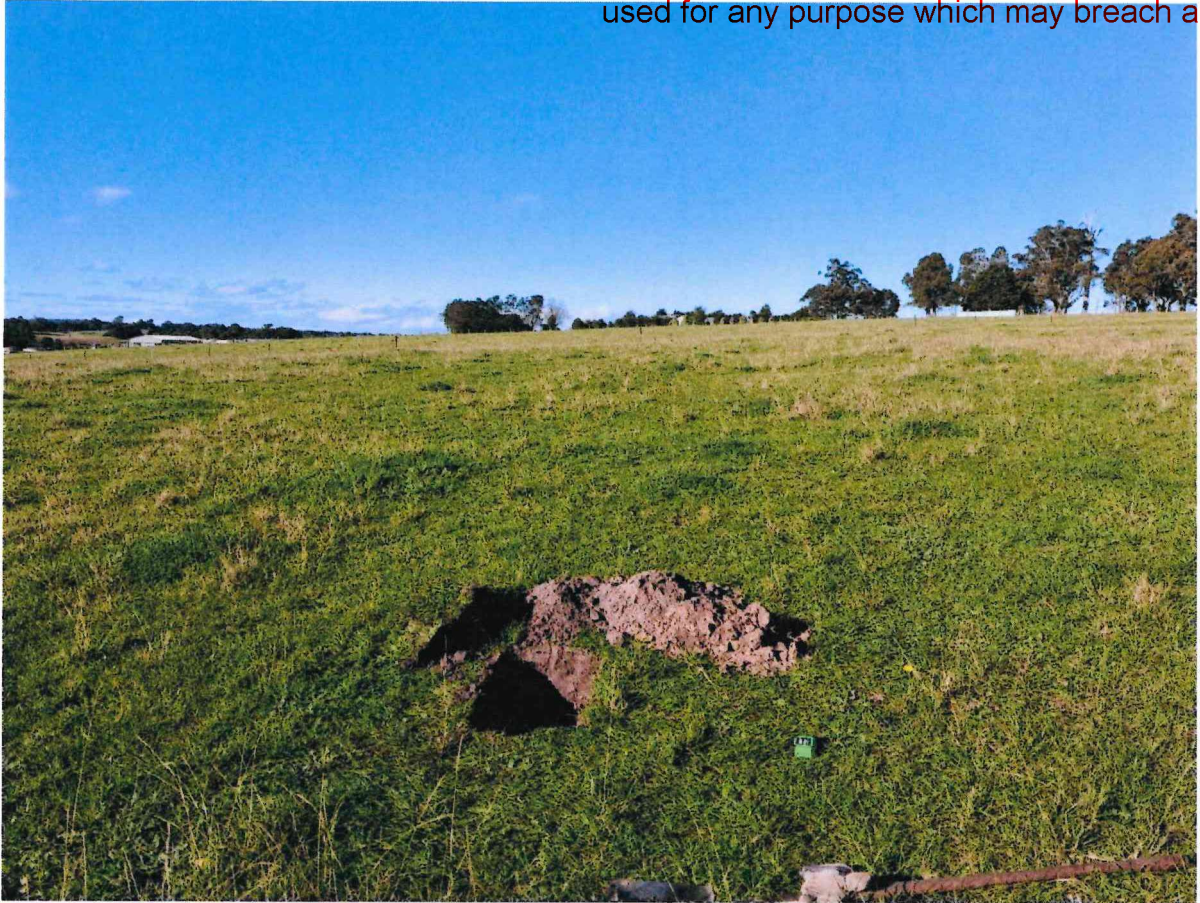


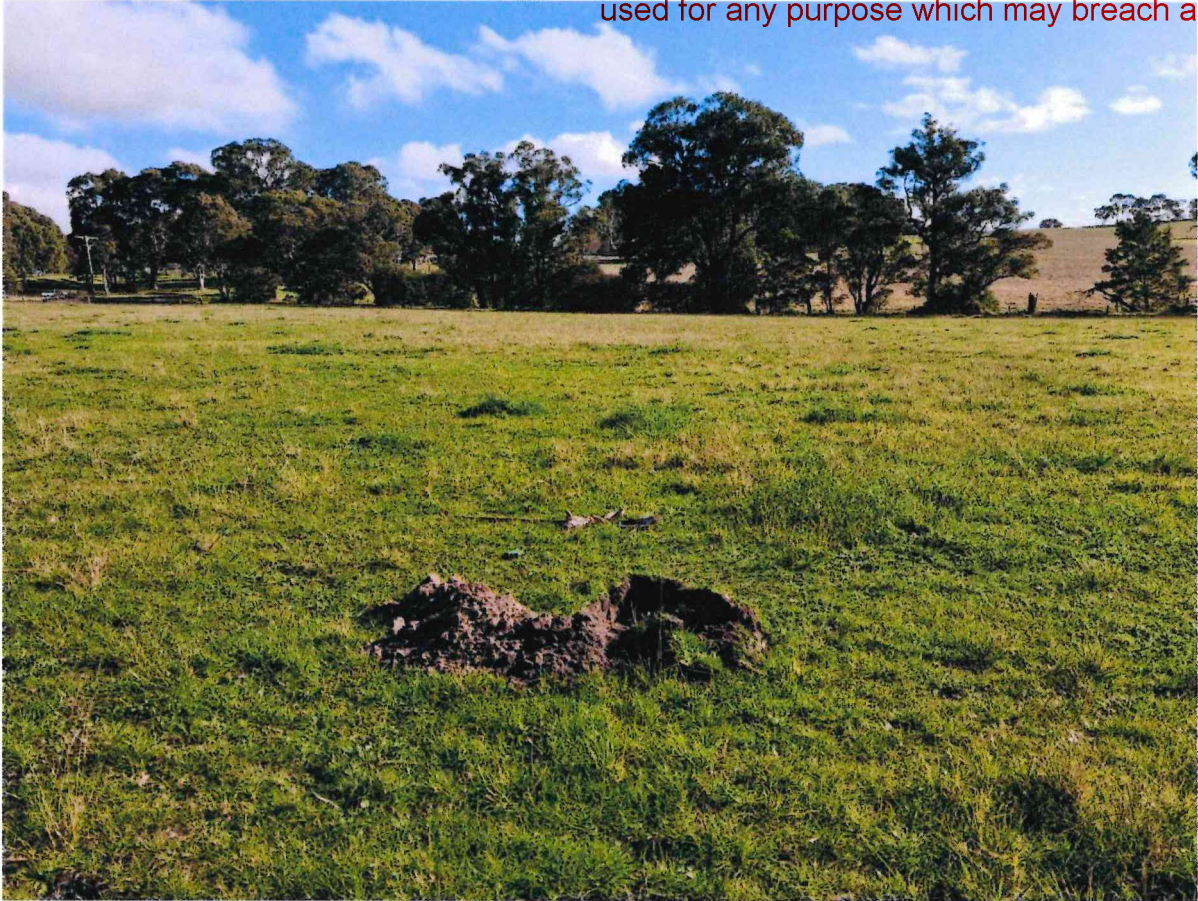








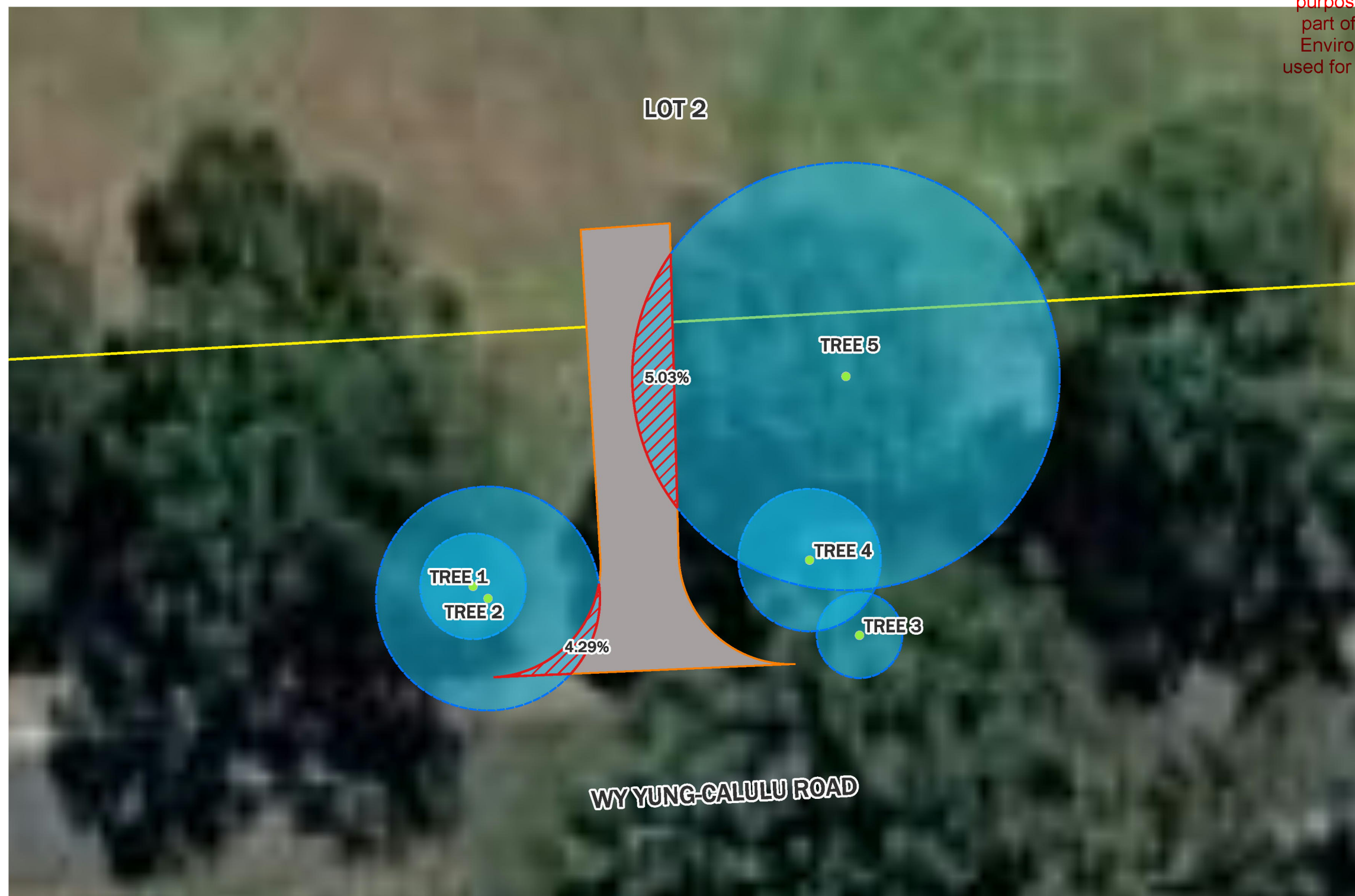








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- Subject Land
- Existing Tree
- Proposed Driveway
- Notional Root Zone
- NRZ Impaction
- Google Satellite

Tree #	Circumference (cm) At breast heigh	NRZ (m)
1	75	2.36
2	157	5
3	60	1.91
4	100	3.18
5	>300	9.55

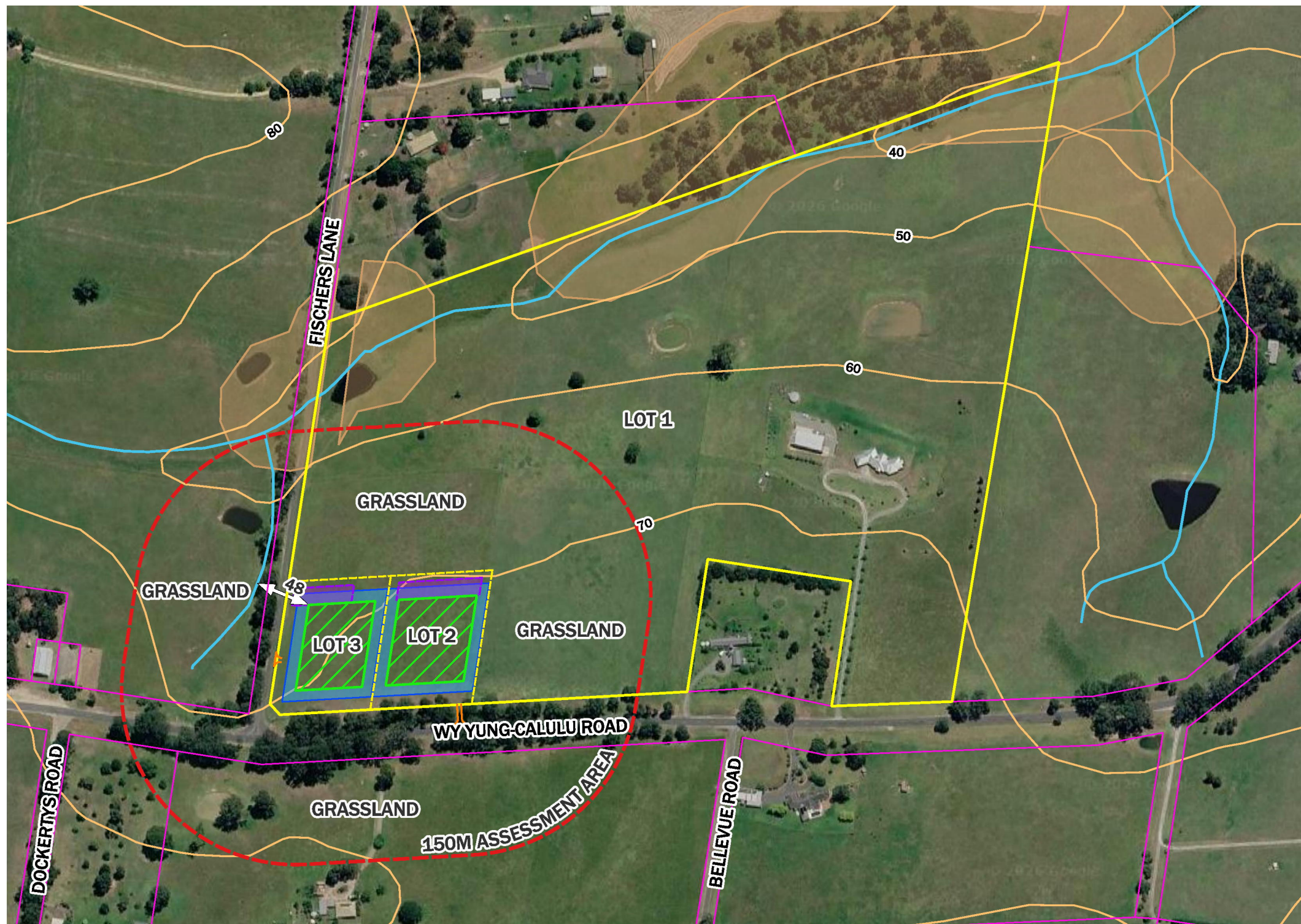
180 & 210 WY YUNG-CALULU ROAD, WY YUNG	NOTATIONS		ENCROACHMENT PLAN
			PARISH OF WY YUNG CROWN ALLOTMENT 24D (PART)
	SCALE (SHEET SIZE A3)	SURVEYORS REF.	LOT 1 - PS727581 LOT 1 - LP202926
	1:200	21597 VERSION 1 - DRAWN 16/07/2026	

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DEMONSTRATIONAL PURPOSES ONLY
NOT FOR ENDORSEMENT



- Existing Parcels_Vicmap
- Subject Land
- Proposed Boundary
- Proposed Access (SD 255)
- Building Envelope
- Conceptual LAA
- Defendable Space
- 150m Assessment Area
- EL_CONTOUR
- HY_WATERCOURSE

Zones & Overlays

Planning scheme overlay - Vicmap Planning (PLAN_OVERLAY)
EMO - Erosion Management
Google Satellite

180 & 210 WY YUNG-CALULU ROAD, WY YUNG

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	North	East	South	West
Slope	Downslope >0°-5°	Upslope	Upslope	Downslope >0°-5°
Veg Type	Grassland	Grassland	Grassland	Grassland
Separation Distances*	10m	9m	9m	10m

*SEPARATION DISTANCES DERIVED FROM TABLE 1, COLUMN C, Clause 53.02-5

SCALE (SHEET SIZE A3)

1:4,000

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VERSION 1 - DRAWN 16/07/2026

BUSHFIRE HAZARD SITE ASSESSMENT

PARISH OF WY YUNG
CROWN ALLOTMENT 24D (PART)

LOT 1 - PS727581
LOT 1 - LP202926

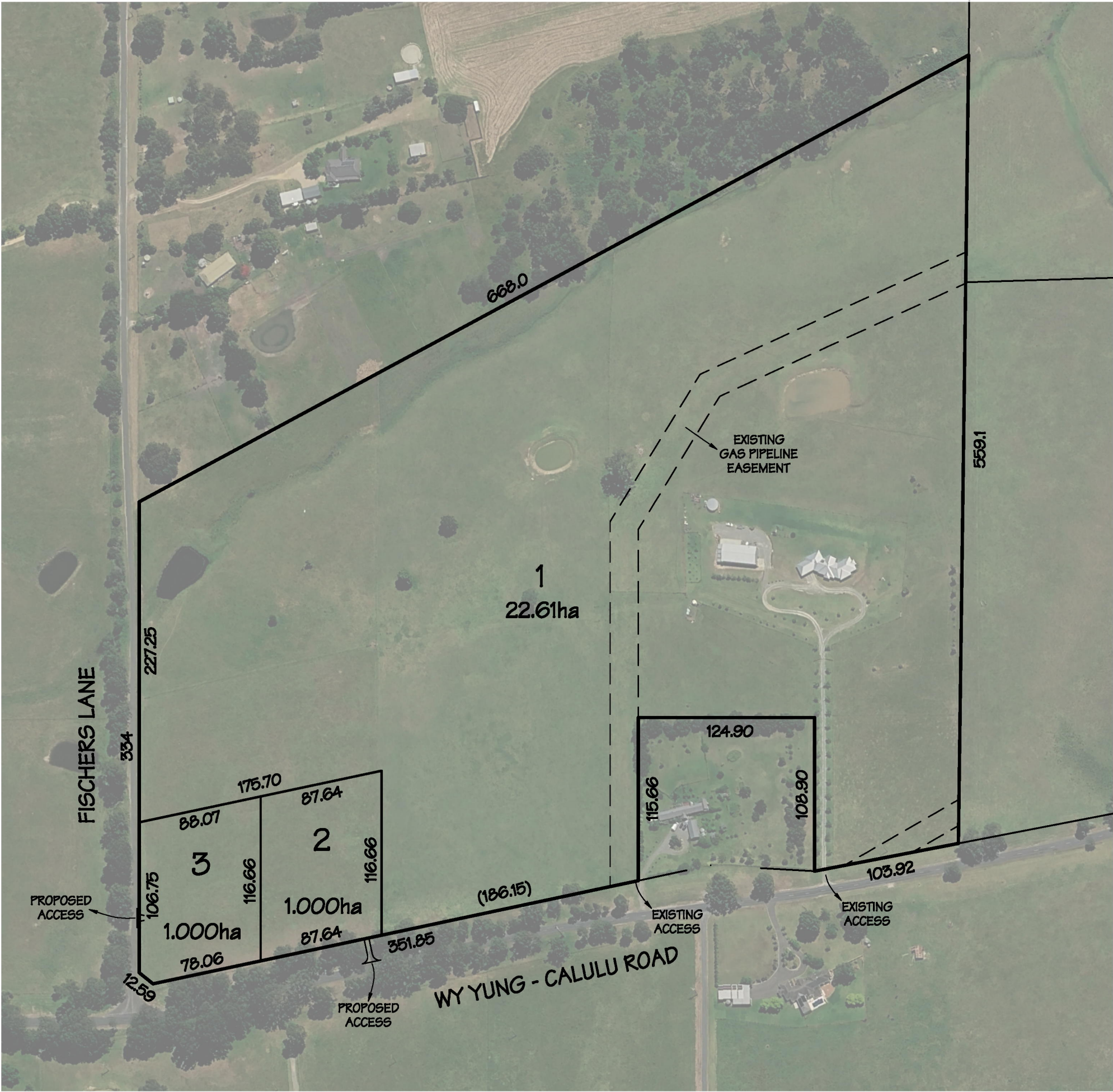
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APPROX. TRUE NORTH

PROPOSED SUBDIVISION

PARISH OF WY YUNG
CROWN ALLOTMENT 24D (PART)

LOT 1 - PS727581
LOT 1 - LP202926



180 & 210 WY YUNG-CALULU ROAD, WY YUNG

Crowther & Sadler Pty. Ltd.

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NOTATIONS

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SCALE (SHEET SIZE A3)

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