

## NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	403 Nungurner Road NUNGURNER VIC 3909 Lot: 3 PS: 336641
The application is for a permit to:	Development of Small Second Dwelling and removal of one tree
A permit is required under the following clauses of the planning scheme:	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
35.07-4 (FZ1)	Buildings and works for a small second dwelling and works within 100m of a declared watercourse
42.03-2 (SLO3)	Buildings and works for a small second dwelling and removal of one tree
The applicant for the permit is:	Mark Simnett Building Design
The application reference number is:	5.2026.29.1

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.

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

**April McDonald**

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**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Friday, 6 February 2026 5:37 PM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** 1345 TP-05 ELEVATIONS.pdf; 403 nungurner rd BAL Rating.pdf; 00795702700042026020604060001.pdf; 1345 TP-01 COVER SHEET.pdf; 1345 TP-03 SITE PLAN.pdf; 1345 TP-02 PLANNING NOTES.pdf; 00795702700132026020604060001.pdf; 00795702700012026020604060001.pdf; 1345 TP-04 GROUND FLOOR PLAN.pdf; Planning\_Permit\_Application\_2026-02-06T17-37-01\_30974270\_0.pdf

**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:** Mark Simnett

**Business trading name:** Mark Simnett Building Design

**Email address:** marksimnettbuildingdesign@gmail.com

**Postal address :** 325 Lake Tyers Beach Road

**Preferred phone number:** 0429042940

**Owner's name:**

**Owner's postal address:**

**Street number:** 403

**Street name:** Nungurner Road

**Town:** Nungurner

**Post code:** 3909

**Lot number:** 3

**Plan number:** 336641L

**Other Legal Description:** Vol. 10233 / Fol. 966

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

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

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**Existing conditions :** Existing Dwelling with surrounding shedding for horses.

**Description of proposal :** Proposed Small Second Dwelling On a Lot.

**Estimated cost of development:** \$150,000.00

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

**ExtraFile:** 1

**Invoice Payer:**

**Address for Invoice:**

**Invoice Email:**

**Primary Phone Invoice:**

**Declaration:** Yes

**Authority Check:** Yes

**Notice Contact Check:** Yes

**Notice check 2:** Yes

**Privacy Statement Acknowledge:** Yes

**Plans:** [1345 TP-05 ELEVATIONS.pdf](#), [1345 TP-01 COVER SHEET.pdf](#), [403 nungurner rd BAL Rating.pdf](#), [1345 TP-03 SITE PLAN.pdf](#), [1345 TP-02 PLANNING NOTES.pdf](#), [1345 TP-04 GROUND FLOOR PLAN.pdf](#)

**1. Supporting information/reports:** [403 nungurner rd BAL Rating.pdf](#)

**Covenants agreements:** [00795702700042026020604060001.pdf](#), [00795702700012026020604060001.pdf](#), [00795702700132026020604060001.pdf](#)

**Full copy of Title:** [00795702700042026020604060001.pdf](#), [00795702700132026020604060001.pdf](#), [00795702700012026020604060001.pdf](#)

**REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958** Page 1 of 3

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VOLUME 10233 FOLIO 966

Security no : 124131948143J  
Produced 06/02/2026 03:06 PM

**LAND DESCRIPTION**

Lot 3 on Plan of Subdivision 336641L.  
PARENT TITLES :  
Volume 06070 Folio 982      Volume 07798 Folio 121      Volume 09471 Folio 732  
Volume 10005 Folio 685  
Created by instrument PS336641L 01/06/1995

**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 Section 173 PLANNING AND ENVIRONMENT ACT 1987  
T706965M 31/05/1995

**DIAGRAM LOCATION**

SEE PS336641L 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: 403 NUNGURNER ROAD NUNGURNER VIC 3909

**ADMINISTRATIVE NOTICES**

NIL

eCT Control  
Effective from

DOCUMENT END



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Document Type	<b>Plan</b>
Document Identification	<b>PS336641L</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>06/02/2026 15:06</b>

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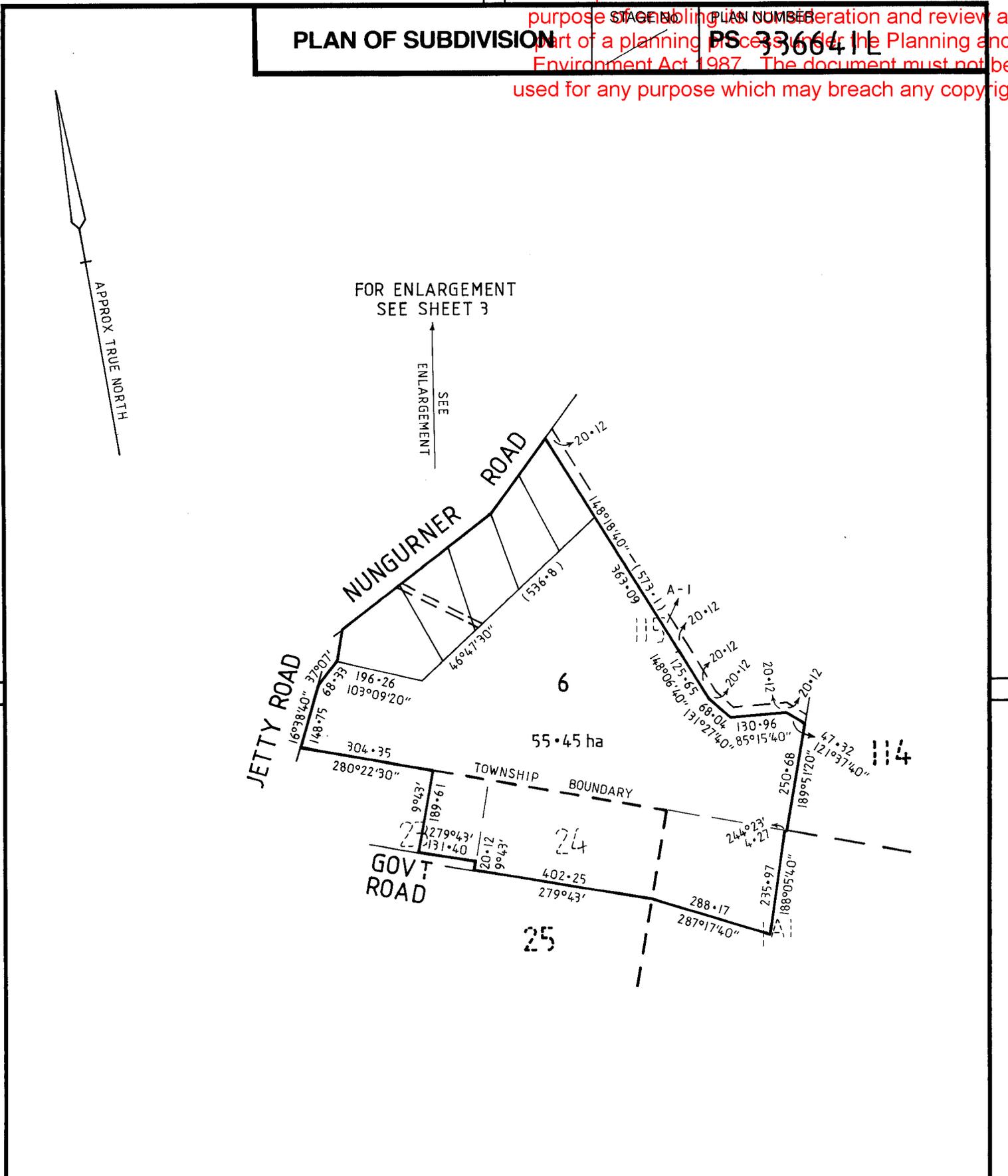
<b>PLAN OF SUBDIVISION</b>		STAGE No. /	PLANNING PERMIT No. <b>PS 336641 L</b>
<b>LOCATION OF LAND</b> PARISH: COLQUHOUN COLQUHOUN TOWNSHIP: NUNGURNER — SECTION: — C — CROWN ALLOTMENT: 24 & (PART) 23   1A1 (PART)   115 (PART) CROWN PORTION: — PARISH Sheet 2 (2412) LTO BASE RECORD: TOWNSHIP (5608) TITLE REFERENCES: VOL 6070 FOL 982, VOL 7798 FOL 121, VOL 9471 FOL 732 & VOL 10005 FOL 685 LAST PLAN REFERENCE/S: LP 80069 LOT 3 & PS 307144Q LOT 2 POSTAL ADDRESS: NUNGURNER ROAD, (At time of subdivision) NUNGURNER, AMG Co-ordinates E 578 600 ZONE: 55 (of approx centre of land N 5808 300 in plan)		<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> COUNCIL NAME: SHIRE OF TAMBO REF: 08 / 14 / 010 / 0344 1. This plan is certified under Section 6 of the Subdivision Act 1988. <del>2. This plan is certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under Section 6. / /</del> 3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988. OPEN SPACE (i) A space for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage .....</del> Council Delegate <del>Council Seal</del> Date 12 / 10 / 94 <del>Re-certified under Section 11(7) of the Subdivision Act 1988.</del> <del>Council Delegate</del> <del>Council Seal</del> <del>Date / /</del>	
<b>VESTING OF ROADS AND/OR RESERVES</b>			
IDENTIFIER	COUNCIL/BODY/PERSON		
NIL	NIL		
<b>NOTATIONS</b>			
STAGING This is/is not a staged subdivision. Planning permit No. 6203			
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE APPLIES TO CROWN ALLOTMENT 115 ONLY			
SURVEY THIS PLAN IS/IS NOT BASED ON SURVEY THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 186 & 165 IN PROCLAIMED SURVEY AREA No.			
<b>EASEMENT INFORMATION</b>			<b>LTO USE ONLY</b>
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)			STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT
Easement Reference	Purpose	Width (Metres)	Origin
E - 1	POWER LINE	11	SECTION 103B S.E.C. ACT 1958 & THIS PLAN
A - 1	WAY & DRAINAGE	20.12	INST. D 172287
			Land Benefited/In Favour Of
			S.E.C.V.
			LOT 3 LP80069
			RECEIVED <input checked="" type="checkbox"/>
			DATE: 1 / 6 / 95
			<b>LTO USE ONLY</b>
			PLAN REGISTERED
			TIME 2 : 50
			DATE 1 / 6 / 95
			<i>K Osborne</i> Assistant Registrar of Titles
			SHEET 1 OF 3 SHEETS
<b>CROWTHER &amp; SADLER PTY. LTD.</b> Licensed Surveyors and Town Planners 152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011		LICENSED SURVEYOR (PRINT) MICHAEL JOSEPH SADLER	DATE 12 / 10 / 94
		SIGNATURE .....	DATE 19 / 8 / 94
		REF 7595	VERSION
		COUNCIL DELEGATE SIGNATURE	ORIGINAL SHEET SIZE A3

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# PLAN OF SUBDIVISION

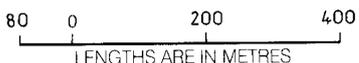
STAGNOLOG PLAN NUMBER

## PS 336641L



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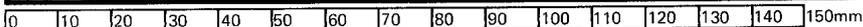
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BAIRNSDALE, 3875. Phone (051) 52 5011



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SIGNATURE	.....
DATE	19 / 8 / 94
REF	7595
VERSION	.....

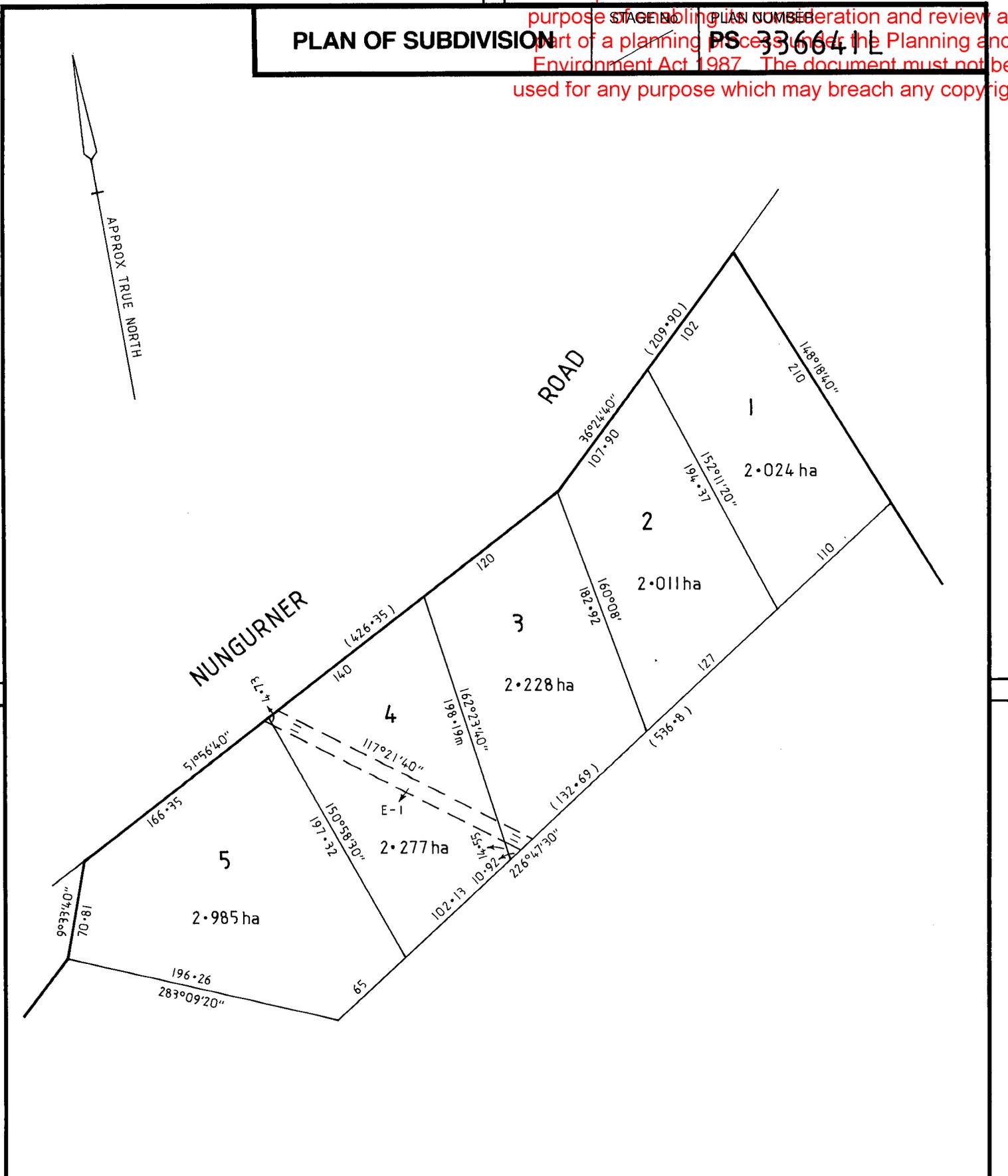
SHEET 2 OF 3 SHEETS	
DATE	12 / 10 / 94
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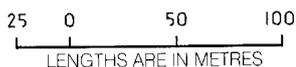
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# PLAN OF SUBDIVISION

STAGNO PLANNING PLAN NUMBER  
**PS 336641L**



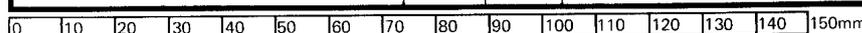
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 SCALE SHEET SIZE  
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LICENSED SURVEYOR (PRINT) MICHAEL JOSEPH SADLER  
 SIGNATURE ..... DATE 19 / 8 / 94  
 REF 7595 VERSION

SHEET 3 OF 3 SHEETS  
 DATE 12 / 10 / 94  
 COUNCIL DELEGATE SIGNATURE





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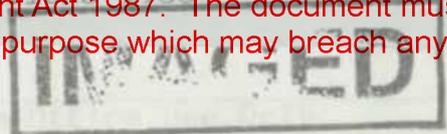
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PLANNING AND ENVIRONMENT REGULATION 1985

BY LETTER



\$63

Lodged by: ENGEL & PARTNERS PTY

Code: 0392C

310595 2116 173 \$63 T706965M

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 6070 Folio 982, Volume 7798 Folio 121, Volume 9471 Folio 732 and Volume 10005 Folio 685

now: 10233-964 to 969 (B.I.)

H 1/5/95

ADDRESS OF THE LAND

Nungurner Road, Nungurner

RESPONSIBLE AUTHORITY

East Gippsland Shire Council

PLANNING SCHEME

Tambo Planning Scheme

AGREEMENT DATE 26.4.95

AGREEMENT WITH JAMES BARRY HANSEN and BERYL ALBERTA HANSEN of Nungurner Road, Nungurner. 3909.

A copy of the Agreement is attached to this Application.

Signature of the Responsible Authority.....

Name of Officer.....

Date.....

*[Handwritten signature]*

G. P. Jones

18/5/94

*[Handwritten signature]*  
16/5/95

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THIS AGREEMENT is made the 26<sup>th</sup> day of April 1994  
BETWEEN EAST GIPPSLAND SHIRE COUNCIL ("the Council") of the first part  
and JAMES BARRY HANSEN and BERYL ALBERTA HANSEN both of Nungurner Road,  
Nungurner ("the Owners") of the second part.

WHEREAS

- A. The Owners are the registered proprietors of the land being Certificate of Title Volume 6070 Folio 982, Volume 7798 Folio 121, Volume 9471 Folio 732 & Volume 10005 Folio 685 and have made application to the Shire of Tambo as the former responsible authority under the Tambo Planning Scheme (the Scheme) for a permit for the subdivision of the said land into six lots.
- B. The Shire of Tambo granted Planning Permit No.6203 dated the 17th day of June 1994 (the permit) for the subdivision of land into six Lots as shown on Plan of Subdivision No.PS 336641L subject to certain conditions including a condition as follows:-

The owner of the land shall enter into an agreement with the Responsible Authority pursuant to Section 173 of the Planning and Environment Act 1987 whereby it is undertaken that no further subdivision of the subject land will occur as long as the current zoning of the land as a combination of Rural A and Rural B remains. If in the future the subject land is rezoned then the agreement is to be cancelled. The Agreement will bind the applicant as owner and shall run with the land so that all successors in title are also bound by the agreement. This agreement will be prepared at the applicant's cost and to the satisfaction of the Responsible Authority, shall be executed prior to the issue of any Statement of Compliance and shall be registered on the title in accordance with Section 181 of the Planning and Environment Act.

- C. The Council (as Successor to the Shire of Tambo) and the Owners have agreed that without restricting or limiting their respective

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powers to enter into this Agreement and, insofar as it can be so treated the Agreement shall be treated as being an agreement under Section 173(1) of the Planning and Environment Act 1987.

NOW THIS AGREEMENT WITNESSES as follows:-

1. In this Agreement unless inconsistent with the context or subject matter -

"Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the subject land: ("the subject land")

*Register of Titles*

*Subdivision includes:*

1.1 the dividing of land into two or more parts -

- a. by sale, conveyance, transfer or partition; or
- b. by procuring the issue of a Certificate of title under the Transfer of Land Act 1958 in respect to a part of the land;

1.2 the subdivision of land by sale, transfer or partition into two or more lots and common property, none of which consists in whole or in part of a stratum or strata;

1.3 the subdivision of land by sale, transfer or partition into two or more units or into two or more units and common property whether or not any unit is on the same level as any other unit;

2. The Owners with the intent that their covenant hereunder shall run with the land hereby covenant and agree that they (which term shall include the owner or owners of the subject land or any part thereof from time-to-time) will

2.1 comply with the conditions of the Permit;

2.2 not cause, allow or permit the land described in the First Schedule hereunto ("the subject land") to be further subdivided as long as the current zoning remains as Rural A and Rural B combined.

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Dated

1995

J B AND B A HANSEN

-and-

EAST GIPPSLAND SHIRE

=====

SECTION 173 AGREEMENT

=====

MESSRS ENGEL & PARTNERS PTY  
Solicitors  
109 Main Street  
BAIRNSDALE VIC 3875

Tel: (051) 52 6177  
Ref: Peter Engel  
W: \LEIGH\DOCUMENT\HANSEN.173

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**BUSH FIRE ASSESSMENT SHEET**

Development :- Bed Sit Project

Address :- 403 Nungurner Road, Nungurner

**FDI:** 100 / 50

**VEGETATION:**

- A  Forest 1 2 3 4
- B  Woodland 5 6 7 8 9
- C  Shrubland 10 11 12
- D  Scrub 13 14
- E  Mallee / Mulga 15
- F  Rainforest 16 17 18
- G  Grasslands 19 20 21 22 23 24 25 26 27 28
- H  Managed

**Exclusion Yes / No**

- A. Vegetation greater than 100m from site
- B. Single areas of vegetation less than 1.0 Ha
- C. Multiple vegetation less than 0.25 Ha not within 20 meters of the site
- D. Vegetation strips less than 20m wide not within 20 meters of the site
- E. Non-vegetated areas
- F. Low threat managed grassland

Direction	NORTH	EAST	SOUTH	WEST
Vegetation	G26	Managed	G26	G26
Slope degrees	7 degrees	Flat	2 degrees	7 degrees
Up or downslope	Down	Flat	Down	Down
Distance	35m	>100m	25m	35m
Exclusion	F	BEF	BF	F
B.A.L Each side	12.5	12.5	12.5	12.5

**Statement:**

**I have taken all reasonable steps to ensure that the information provided in this assessment is accurate and reflects the conditions on and around the site and allotment.**

**Bushfire Attack Level Assessed B.A.L – 12.5**

ASSESSOR: Colin Stanbury  
DATE: 04/02/2026



## DRAWING LIST:

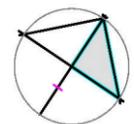
- 1345 TP-01 COVER SHEET
- 1345 TP-02 PLANNING NOTES
- 1345 TP-03 SITE PLAN
- 1345 TP-04 GROUND FLOOR PLAN
- 1345 TP-05 ELEVATIONS



PROJECT: 403 NUNGURNER ROAD NUNGURNER VICTORIA 3909



CDP-AD 57696 • ABN: 88746898434  
**MARK SIMNETT**  
BUILDING DESIGN  
E marksimnettbuildingdesign@gmail.com • M 0429 042 940 • W www.marksimnettbuildingdesign.com.au  
copyright ©



North

COVER SHEET  
Designed & Documented by: Mark Simnett

- BED SIT

SCALE: As Noted

PLOT DATE: 6/02/2026

ADDRESS:  
403 Nungurner Road, Nungurner

<b><u>BUILDING AREAS</u></b>	
TOTAL SITE AREA :	22,284.79 m <sup>2</sup>
<b><u>Building Area Break up:</u></b> <small>(Includes Building areas of each floor level, measured to the outside edge of all external walls, including decks).</small>	
<b><u>Proposed Building Area :</u></b>	
Proposed Secondary Dwelling :	60m <sup>2</sup>
Total <small>(Excludes Roof eave widths).</small>	60m <sup>2</sup>
<b><u>Existing Building Area :</u></b>	
Existing dwelling:	162.14m <sup>2</sup>
Existing Shed 1:	114.8m <sup>2</sup>
Existing Shed 2:	55m <sup>2</sup>
Existing Carport:	36m <sup>2</sup>
<b>Total Existing Building Area =</b>	<b>367.94m<sup>2</sup></b>

**COVENANTS:**  
 Title Ref No:  
  
**TBC**

**PLANNING APPLICATION TRIGGERS & ALLOWANCES:**

**1. Zoning Triggers / Exemptions (Farming Zone (FZ)):**

Planning required due to building offset being less than 100m as is required for a minimum setback from a dwelling not in the same ownership (metres).

**Zoning Triggers (FZ1):**

**Siting:** Proposed small second dwelling on lot is setback 34m from adjoining dwelling not in the same ownership. (north / east).

Design note: The small dwelling has been orientated toward the south, minimising any visual impact on the adjoining site. Key windows and living zones are all located south west of the impacted dwelling with a line of strip planting providing full screening from the neighbouring dwelling. This orientation ensures that the amenity of the adjoining dwelling is not impeded.

The Proposed second dwelling is offset approx 100m from street and is screened by existing structures. No street appeal / visual impact is incurred.

**Wastewater:**

Recently upgraded and approved effluent disposal grounds completed. (EGW can confirm compliance).

**2. Mandatory Requirements:**

**BPA:**

BAL Assessment Report & BAL Level is provided with this application. All materials and construction techniques will be in accordance with NCC / AS and BAL requirements.

**Livable Housing:**

Livable Housing standards will be / are adhered to in this design. (NCC Accessibility Standards).

**3. Overlay Triggers / Exemptions (Primary):**

NO OVERLAYS ARE TRIGGERED IN THIS PROPOSAL:

**Planning Exempt:**

**EMO (Erosion Management Overlay):**

Development of a Small Second Dwelling on a lot (allowable). Development will not cause landslip as, no cut will exceed 1m in depth.

**ESO (Environmental):**

Proposed works are outside designated ESO area (No vegetation Removed).

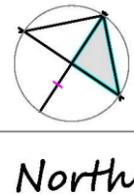
**SLO (Landscape):**

The proposed dwelling will adhere to all residential planning provisions and no vegetation is to be removed. No visual impacts will occur as the proposed works are not visible from the streetscape and are over 1.6km from the Gippsland Lakes.

<b><u>BUILDING CLASS, ZONE &amp; OVERLAYS:</u></b> <b>BUILDING CLASS 1A</b>	
FZ:	FARMING ZONE - (SCHEDULE 1) <b>TRIGGERED</b>
EMO:	EROSION MANAGEMENT OVERLAY.
ESO:	ENVIRONMENTAL SIGNIFICANCE OVERLAY - (SCHEDULE 1-63)
SLO:	SIGNIFICANT LANDSCAPE OVERLAY (SCHEDULE 3)
VPO:	VEGETATION PROTECTION OVERLAY (SCHEDULE 1)
BPA:	BUSHFIRE PRONE AREA

<b><u>FINISHES KEY:</u></b>	
COR :	COLORBOND - CUSTOM ORB SHEETING COLOUR: BLACK / CB MONUMENT.
VP :	AXON CLADDING 133mm SMOOTH (VERTICAL) COLOUR: BLACK / CB MONUMENT
TIMB:	TIMBER (OIL FINISH) BAL SAFE TIMBER (DURABILITY CLASS 1)

**BUSH FIRE ATTACK LEVEL:**  
  
**BAL 12.5 (REFER REPORT)**



PROJECT:

**- BED SIT**

ADDRESS:

**403 Nungurner Road, Nungurner**

**PLANNING NOTES**

Designed & Documented by: Mark Simnett

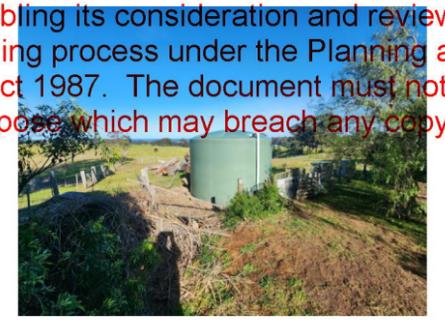
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PLOT DATE: 6/02/2026

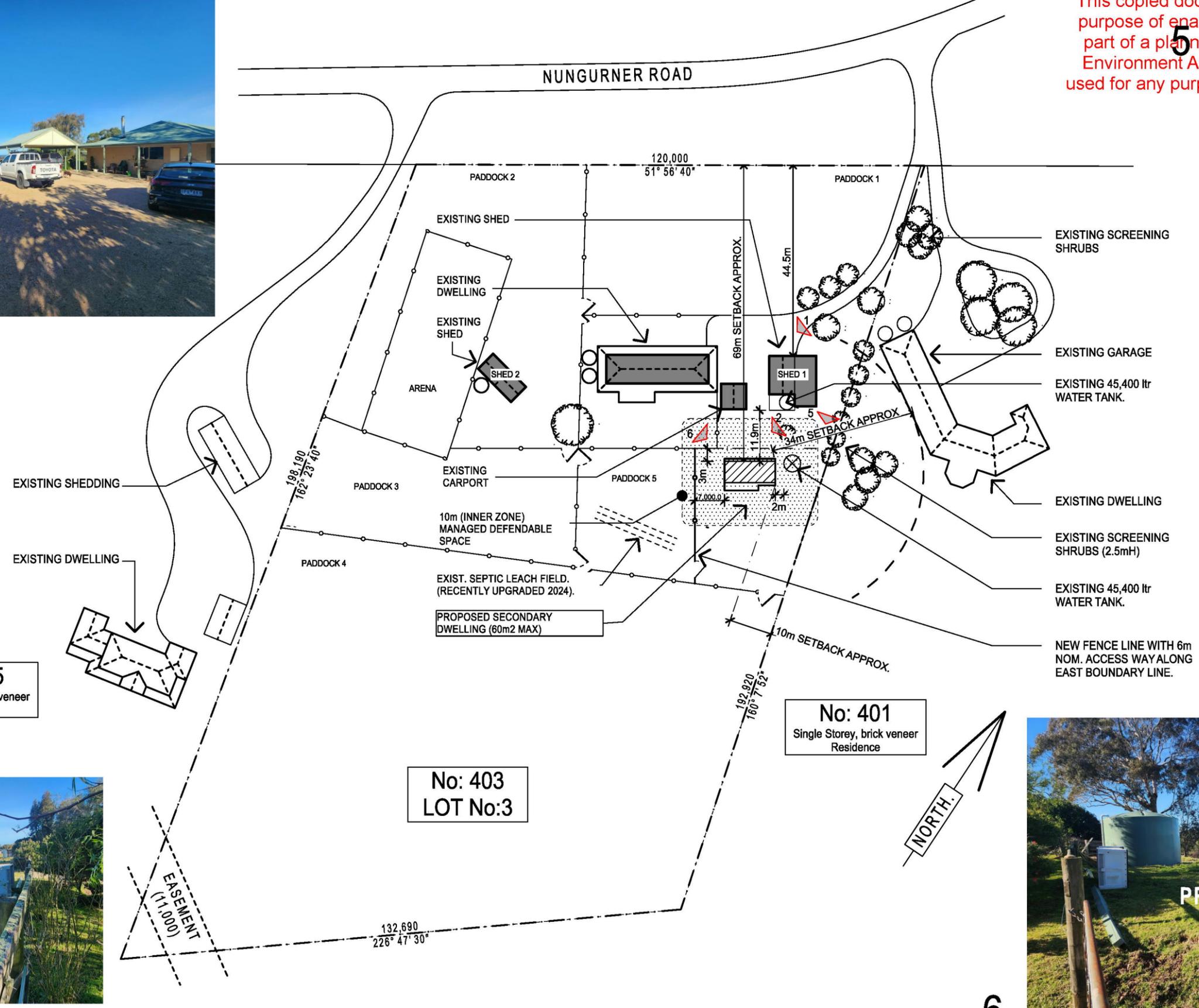
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1



2



No: 415  
Single Storey, brick veneer  
Residence

No: 401  
Single Storey, brick veneer  
Residence

No: 403  
LOT No:3



6

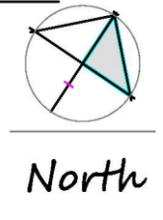
-1. TP Site 1:1000

CDP-AD 57696 • ABN: 88746898434

**MARK SIMNETT**  
BUILDING DESIGN

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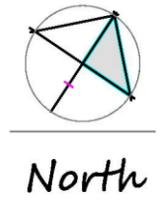
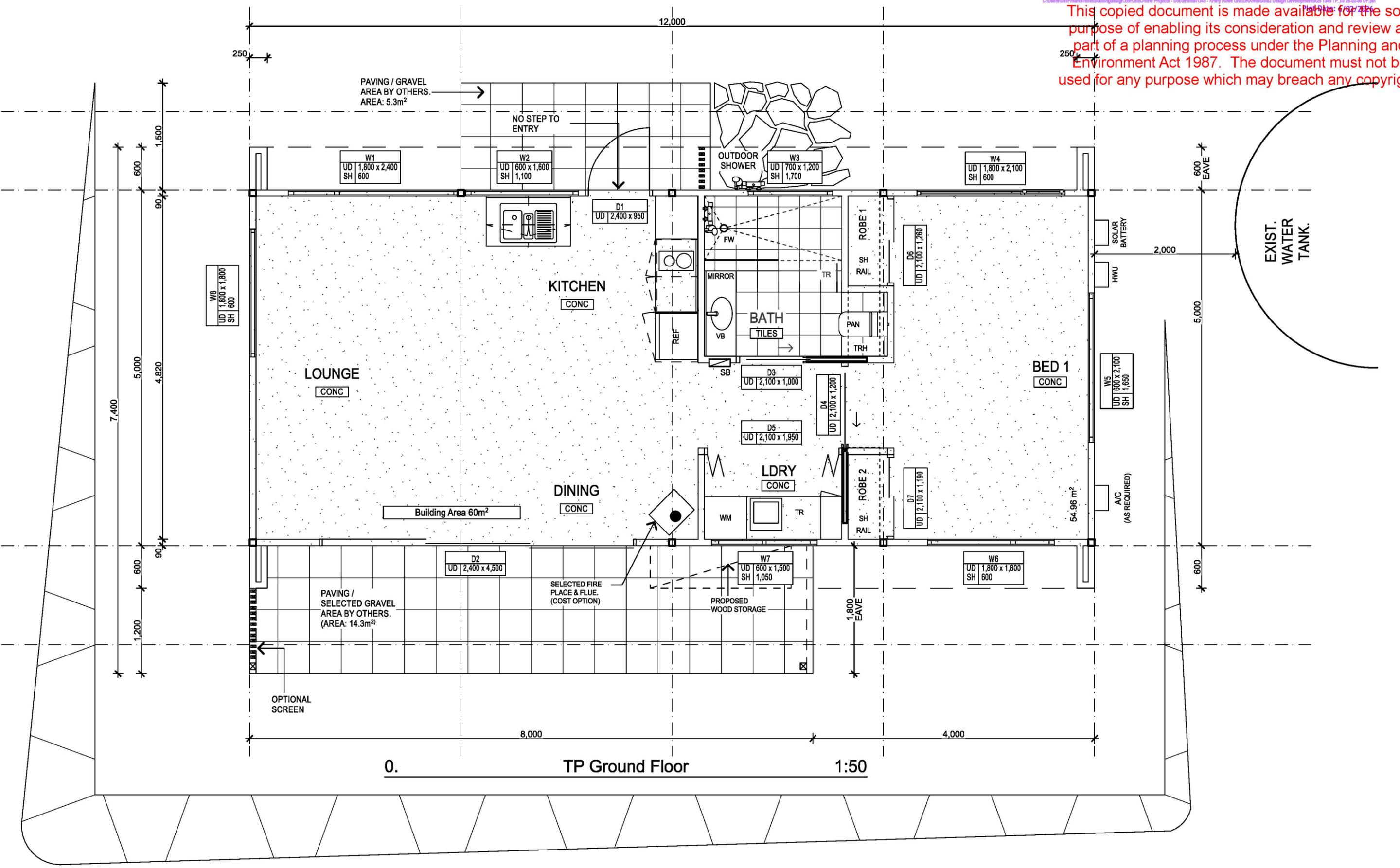
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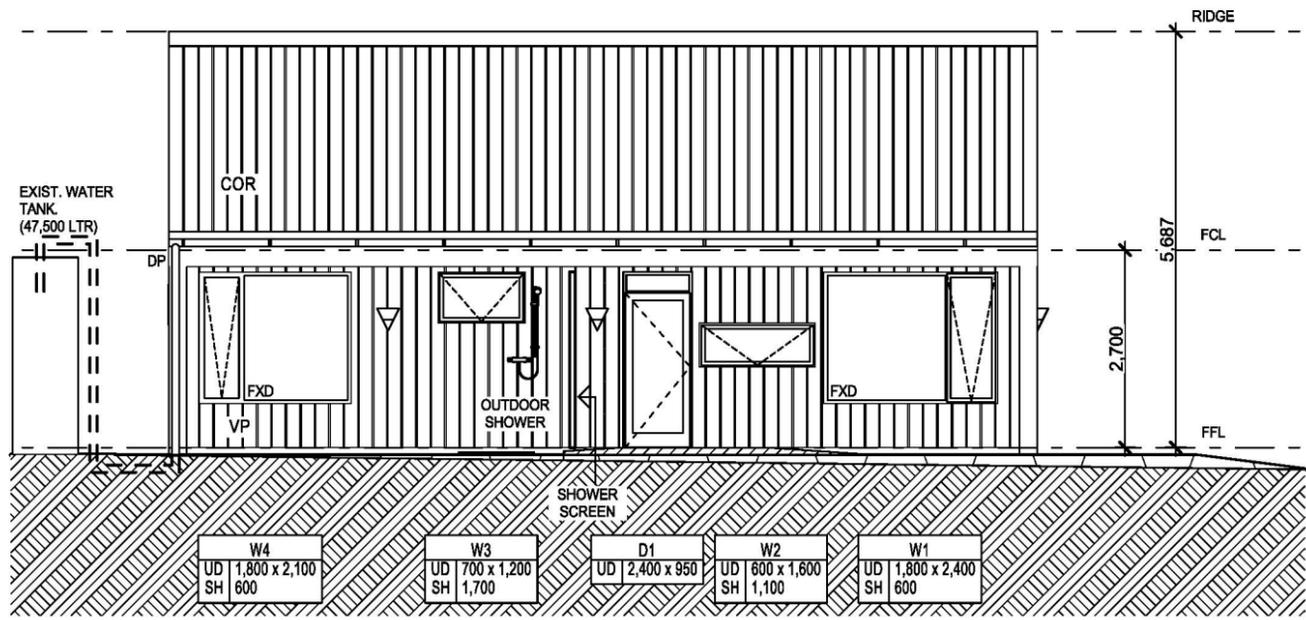


PROJECT: - BED SIT ADDRESS: 403 Nungurner Road, Nungurner

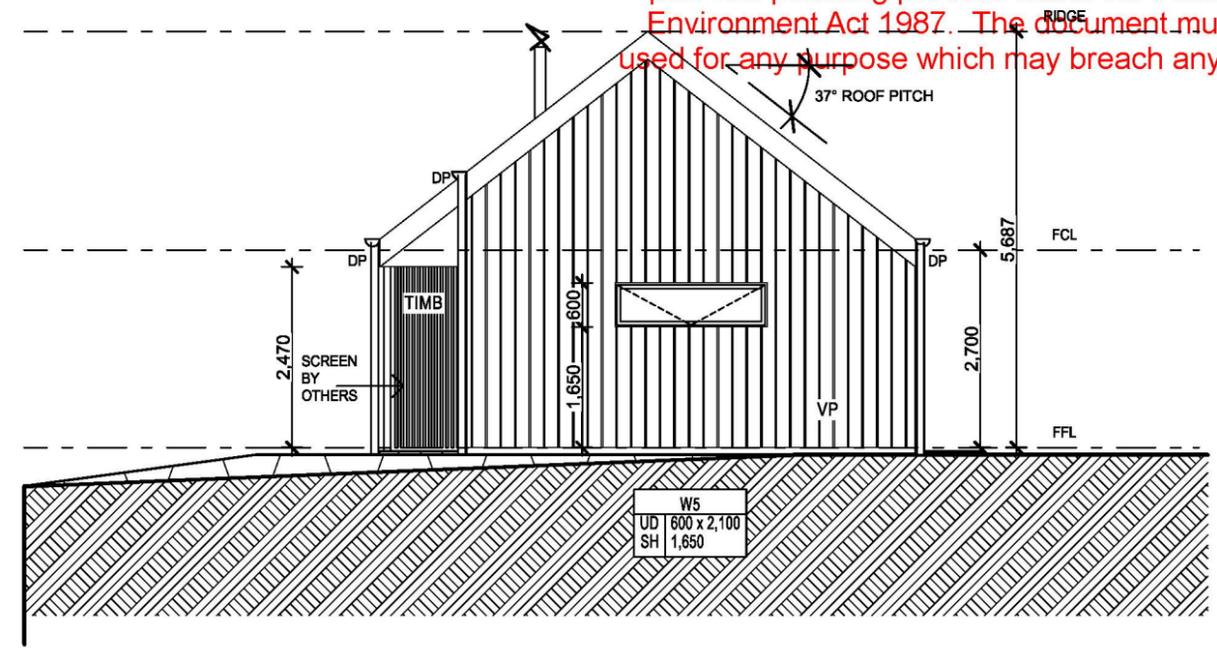
SITE PLAN  
Designed & Documented by: Mark Simnett

SCALE: As Noted PLOT DATE: 6/02/2026

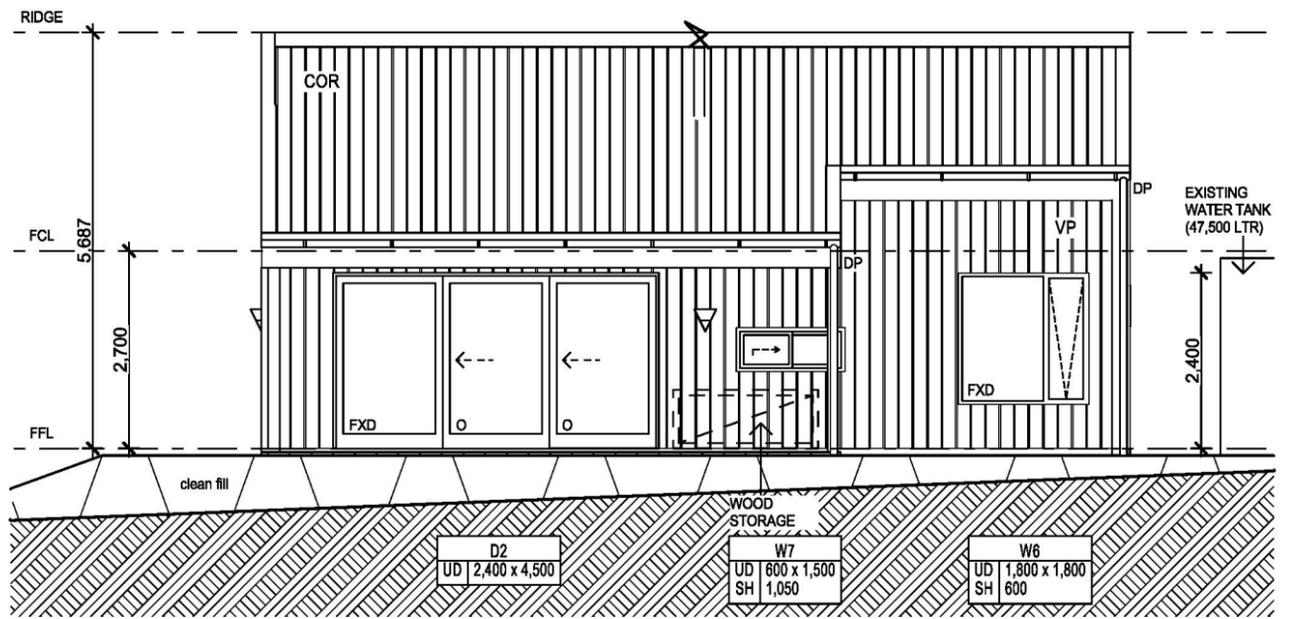




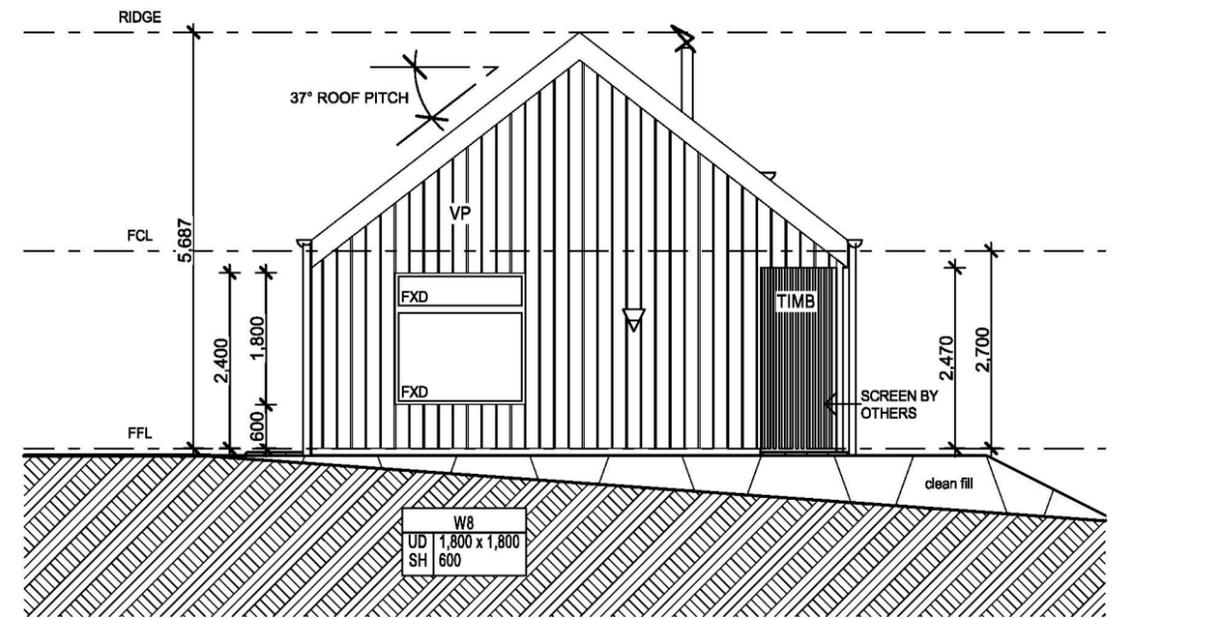
E1 NORTH 1:100



E2 EAST 1:100



E3 SOUTH 1:100



E4 WEST 1:100