

Form 2

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	349B Lake Tyers Beach Road LAKE TYERS BEACH 3909 Lot: 2 PS: 738983
The application is for a permit to:	Buildings and Works for a Dwelling and Outbuilding
The applicant for the permit is:	Lake Tyers Beach Design
The application reference number is:	5.2024.309.1

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.

273 Main Street (PO Box 1618)
 Bairnsdale VIC 3875
 Website www.eastgippsland.vic.gov.au
 Email feedback@egipps.vic.gov.au
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Telephone: (03) 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 785

Planning Permit Application

Applicant Details:

Name: Ashley Carroll	
Business trading name: (if applicable) LTBDesign C/O T & B Stubbs	
Email address: ashley@ltbeachdesign.com	
Postal address: 27 Gully Road - LTBeach Vic	
Postcode 3 9 0 9	
Phone number: Home:	Work: Mobile: 0438 321 559

Owners Details: (if not the applicant)

Name: T & B Stubbs	
Business trading name: (if applicable)	
Email address:	
Postal address:	
Postcode 3 9 0 9	
Phone number: Home:	Work: Mobile:

Description of the Land:

Street number: 349 B	Street name: Lake Tyers Beach Road	
Town: Lake Tyers Beach - Vic	Postcode 3 9 0 9	
Legal Description:		
Lot Number: 2	<input type="checkbox"/> Lodged plan <input type="checkbox"/> Title plan <input checked="" type="checkbox"/> Plan of Subdivision	Number: 738983P
Crown Allotment Number:	Section Number:	
Parish/Township Name: Lake Tyers Beach		
Has there been a pre-application meeting: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Officers name: Robert Pringle	
Your reference number: 24012		

Privacy Statement

The East Gippsland Shire Council asks for details about you to collect rates, approve permits and licences, and run a range of community services. The information you give to us on this form is used only for the reasons set out in the form and is not given to anybody else. Sometimes we may supply details about you to someone else, but only if we are allowed by law, or to protect someone or property.

When submitting documents to Council you are confirming that you have authority to use those documents. In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, you permit documents submitted as part of this application, including your full contact information to be made available for public viewing on Council's website

When information is given out, Council will always try to make sure your privacy is protected in line with the *Privacy and Data Protection Act 2014*. You may get more information about Council's Privacy Policy by contacting our Information Privacy Officer on 03 5153 9500 or e-mail feedback@egipps.vic.gov.au

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 National Relay Service: 133 677
 ABN: 81 957 967 785

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?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Will the proposal result in a breach of a registered covenant restriction or agreement?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Description of proposal: Describe the use, development or other matter which needs a permit:	
Buildings & Works - Construction of a Single Dwelling and Associated Outbuilding (shed)	
(The DDO is triggered for Footprint. Note there is previous BMO approval for a Building footprint)	
_____ _____ _____ _____	
Existing conditions: Describe how the land is used and developed currently:	
Vacant Allotment	
_____ _____ _____ _____	
Estimated cost of development: Note: You may be required to verify this estimate	\$ 490,000

If you need more space or have more information, please attach with this form.

Please make sure that:

- Form is filled in fully and signed
- The correct fee is paid or payment enclosed
- Attached any supporting information or documents
 - **Required** - Title (must have been generated within the past 30 days)
 - Covenants or Section 173 agreements
 - Site plan/floor - plan/elevations
 - Planning report
 - Supporting information/reports (e.g. – Land Capability Assessment, Bushfire Management Statement, Geotechnical report/waiver)

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Telephone: (03) 5153 9500
 Fax: (03) 5153 9576
 National Relay Service: 133 677
 ABN: 81 957 967 765

This application has an associated cost to be determined by a town planner

Who is the invoice to be made out to? <u> T & B Stubbs </u>

Declaration:

I declare that I am the applicant and that all the information in this application is true and correct and the owner (if not myself) has been notified of the permit application.

I confirm that I have authority to use the relevant documents.

In the event that the giving of notice is required pursuant to Section 52 of the Planning and Environment Act 1987, I permit documents submitted as part of this application, including my full contact information, to be made available for public viewing on Council's website.

Applicant signature:	Ashley Carroll
Name:	Ashley Carroll - LTBDdesign
Date:	<u>10 / 09 / 2024</u>

Submitting your application:

Electronic	Fax to 03 5153 9576 Email to planning@egipps.vic.gov.au	
Mail	Post the signed, completed form together with any applicable fees or copies of any documentation to; PO Box 1618 BAIRNSDALE VIC 3875.	
In Person	Bring the completed form and supporting documents to any of the following locations;	
	Service Centre Opening Hours: 9.00am to 5:00pm. Monday to Friday.	Bairnsdale Corporate Centre: 273 Main Street. Bairnsdale Service Centre: 24 Service Street. Bairnsdale Business Centre: 34 Pyke Street. Lakes Entrance Service Centre: 18 Mechanics Street. Omeo Service Centre: 179 Day Avenue. Orbst Service Centre: 1 Ruskin Street. Paynesville Service Centre: 55 The Esplanade.
	Mallacoota Service Centre Opening Hours: Monday and Tuesday 10.00am to 2.00pm Wednesday, Thursday, Friday 2.00pm to 5.00pm	Mallacoota Service Centre: 70 Maurice Avenue

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

VOLUME 12207 FOLIO 377

Security no : 124118124311N
Produced 10/09/2024 10:25 AM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 738983P.
PARENT TITLE Volume 09334 Folio 821
Created by instrument PS738983P 01/05/2020

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
THOMAS ROBERT STUBBS
BRODIE LOUISE STUBBS
3909
AY240464K 25/07/2024

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
AM847705K 10/06/2016

DIAGRAM LOCATION

SEE PS738983P FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
AY240464K (E)	TRANSFER	Registered	25/07/2024
AY240465H (E)	MORTGAGE	Registered	25/07/2024

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

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

Street Address: 349 LAKE TYERS BEACH ROAD LAKE TYERS BEACH VIC 3909

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END



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EDITION 1 PS 738983P

<h1>PLAN OF SUBDIVISION</h1>	
<p>LOCATION OF LAND</p> <p>PARISH: COLQUHOUN</p> <p>TOWNSHIP: _____</p> <p>SECTION: _____</p> <p>CROWN ALLOTMENT: 153 (PART)</p> <p>CROWN PORTION: _____</p> <p>TITLE REFERENCE: VOL 9334 FOL 821</p> <p>LAST PLAN REFERENCE: LOT 5 - LPI29344</p> <p>POSTAL ADDRESS: 349 LAKE TYERS BEACH ROAD, (at time of subdivision) LAKE TYERS BEACH, 3909</p> <p>MGA CO-ORDINATES: E: 593 020 ZONE: 55 (of approx centre of land in plan) N: 5809 420 GDA 94</p>	<p>Council Name: East Gippsland Shire Council</p> <p>Council Reference Number: 65/2015/P Planning Permit Reference: 65/2015/P SPEAR Reference Number: S074739H</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Sarah Marie McLaughlin for East Gippsland Shire Council on 13/11/2015</p> <p>Statement of Compliance issued: 01/04/2020</p>

VESTING OF ROADS AND/OR RESERVES		NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		
NIL	NIL		
NOTATIONS			
DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE			
<p>SURVEY: This plan is based on survey.</p> <p>STAGING: This is not a staged subdivision. Planning Permit No. 65/2015/P</p> <p>This survey has been connected to permanent marks No(s). 46</p> <p>In Proclaimed Survey Area No.</p>			

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, E-4, E-5	DRAINAGE	2	LPI29344	LOTS IN LPI29344
E-2, E-4	POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY	SEE DIAG.	THIS PLAN	LOT 2 ON THIS PLAN
E-3, E-5	POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY	SEE DIAG.	THIS PLAN	LOT 1 ON THIS PLAN

<p>Crowthier & Sadler Pty. Ltd.</p> <p>LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5182 5011</p>	<p>SURVEYORS FILE REF: 15477</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 1 OF 2 SHEETS</p>
	<p>Digitally signed by: Paul Anthony Dwyer, Licensed Surveyor, Surveyor's Plan Version (1), 30/09/2015, SPEAR Ref: S074739H</p>		<p>PLAN REGISTERED TIME: 12.30PM DATE: 01/05/2020 GARY M. ROBINSON Assistant Registrar of Titles</p>



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

Section 181 Planning and Environment Act 1987

Lodged by:

Name: Hibbert & Hodges Lawyers
Phone: 03 5155 2377
Address: DX 90904 Lakes Entrance
Reference: GH:admin:15/13110
Customer Code: 12948M

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

Land: *(volume and folio)*

Volume 9334 Folio 821

Responsible Authority: *(full name and address including postcode)*

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

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the agreement is attached to this Application.

Date: 25/05/2016 .

Signature for Responsible Authority:

[Handwritten Signature]

Name of Officer:

Varon Hollow, Manager Statutory Services.
(full name)

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Date 29 / 04 / 2016

**Agreement under Section 173
of the Planning and Environment Act 1987**

**Subject Land: 349 Lake Tyers Beach Road, Lake Tyers Beach
Certificate of Title Volume 9334 Folio 821**

East Gippsland Shire Council

and

Frank Stanley Price and Wendy Doreen Price

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Agreement under Section 173 of the Planning and Environment Act 1987

DATE 29 / 04 / 2016

BETWEEN

EAST GIPPSLAND SHIRE COUNCIL
of Corporate Centre, 273 Main Street, Bairnsdale

(Council)

AND

Frank Stanley Price and Wendy Doreen Price
of 349 Lake Tyers Beach Road, Lake Tyers Beach

(Owner)

RECITALS

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. On 10 September 2015 Council issued Planning Permit No. 65/2015/P (Planning Permit) allowing the Subject Land to be subdivided into two lots and removal of native vegetation in accordance with the endorsed plans. Condition 16 of the Planning Permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the Planning Permit is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.
- D. Condition 16 of the Planning Permit provides that:

Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and environment Act 1987. The agreement must:

- State that is has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the East Gippsland Shire Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

- E. Condition 15 of the Planning permit requires a copy of the Bushfire Management Plan to be annexed to this Agreement.
- F. The subject land is not encumbered by Mortgage or other Registered Encumbrance.

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G. The Parties enter into this Agreement:

G.1 to give effect to the requirements of the Planning Permit; and

G.2 to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

H. The Parties acknowledge that this Agreement has been prepared for the purpose of an exemption from the need to obtain a planning permit under Clause 44.06-1 of the Planning Scheme.

THE PARTIES AGREE

1. DEFINITIONS

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

Act means the *Planning and Environment Act 1987*.

Agreement means this agreement and any agreement executed by the Parties expressed to be supplemental to this agreement.

Building has the same meaning as in the Act.

Bushfire Management Plan means the plan titled 'Bushfire Management Plan', dated 21 August 2015, prepared by Crowther and Sadler and approved by Council as attached at Annexure 1 of this Agreement, or such other plan approved by Council.

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

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the Endorsed Plan is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

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

Lot means a lot on the Endorsed Plan.

Lot 1 means the area identified as 'Lot 1' or '1' or the like on the Endorsed Plan.

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Subject Land or any part of it.

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Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Subject Land or any part of it and includes a Mortgagee-in-possession.

Party or Parties means the Owner and Council under this Agreement as appropriate.

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

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

- (a) \$102 if paid within 12 months from the date that this Agreement commences; or
- (b) \$102 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

Subject Land means the land situated at 349 Lake Tyers Beach Road, Lake Tyers Beach being the land referred to in Certificate of Title Volume 9334 Folio 821 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

Works has the same meaning as in the Act

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 a reference to each other gender.
- 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 If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.5 A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
- 2.6 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 2.7 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

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2.8 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land provided that if the Subject Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

3. SPECIFIC OBLIGATIONS OF THE OWNER

3.1 Compliance with Bushfire Management Plan

The Owner covenants and agrees that if a Dwelling is constructed on a Lot without a planning permit, the Owner of the relevant Lot must at all times implement and maintain the bushfire mitigation measures set out in the Bushfire Management Plan:

3.1.1 at the full cost of the Owner of the relevant Lot;

3.1.2 to the satisfaction of Council; and

3.1.3 on a continuing basis.

3.2 Lot 1 not subject to clause 44.06-1 exemption

The Owner covenants and agrees that the planning permit exemption set out in clause 44.06-1 of the Planning Scheme for

A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of Clause 44.06-3.

is not applicable to any proposed Building or Works on Lot 1.

4. FURTHER OBLIGATIONS OF THE OWNER

4.1 Notice and Registration

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

4.2 Further actions

The Owner further covenants and agrees that:

4.2.1 the Owner will do all things necessary to give effect to this Agreement;

4.2.2 the Owner will make application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with Section 181 of the Act and do all things necessary to this to be done including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

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4.3 Fees

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

4.4 Council's costs to be paid

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

- 4.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 4.4.2 preparing, drafting, finalising and recording any amendment to this Agreement;
- 4.4.3 determining whether any of the Owner's obligations have been undertaken to Council's satisfaction; and
- 4.4.4 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

4.5 Time for determining satisfaction

If Council makes a request for payment of:

- 4.5.1 a fee under clause 4.3; or
- 4.5.2 any costs or expenses under clause 4.4.3,

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

4.6 Interest for overdue money

4.4.1 The Owner must pay to Council interest in accordance with s 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.

4.4.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

5. AGREEMENT UNDER SECTION 173 OF THE ACT

Council and the Owner agree that 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 pursuant to Section 173 of the Act, and the obligations of the Owner under this Agreement are obligations to be performed by the Owner as conditions subject to which the Subject Land may be used and developed pursuant to the Planning Permit.

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6. OWNER'S WARRANTIES

Without limiting the operation or effect which this Agreement has, 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.

7. SUCCESSORS IN TITLE

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- 7.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 7.2 execute a deed agreeing to be bound by the terms of this Agreement.

8. GENERAL MATTERS

8.1 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:

- 8.1.1 by delivering it personally to that Party;
- 8.1.2 by sending it by prepaid post addressed to that Party at the address set out in this Agreement or subsequently notified to each Party from time to time; or
- 8.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending Party by hand delivery or prepaid post.

8.2 Service of Notice

A notice or other communication is deemed served:

- 8.2.1 if delivered, on the next following business day;
- 8.2.2 if posted, on the expiration of 7 business days after the date of posting; or
- 8.2.3 if sent by facsimile, on the next following business day unless the receiving Party has requested retransmission before the end of that business day.

8.3 No Waiver

Any time or other indulgence granted by Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by

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Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of Council in relation to the terms of this Agreement.

8.4 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.

8.5 No Fettering of Council's Powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

8.6 Governing law

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

9. COMMENCEMENT OF AGREEMENT

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

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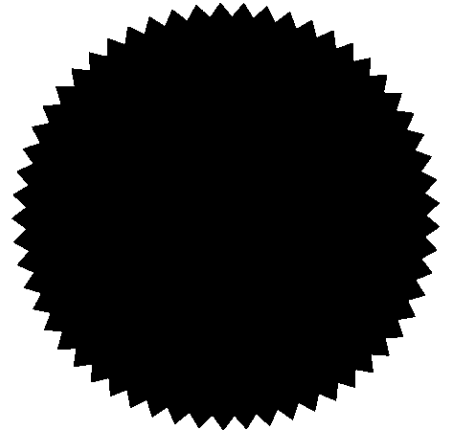
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SIGNED, SEALED AND DELIVERED as a Deed by the Parties on the date set out at the commencement of this Agreement.

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

Barry Coff



Colleen Smith

Witness

Colleen Smith

Print name

SIGNED SEALED AND DELIVERED by the said Frank Stanley Price in the presence of:

Frank Stanley Price

Frank Stanley Price

..... (witness)

SIGNED SEALED AND DELIVERED by the said Wendy Doreen Price in the presence of:

Wendy Doreen Price

Wendy Doreen Price

..... (witness)

ADVERTISED

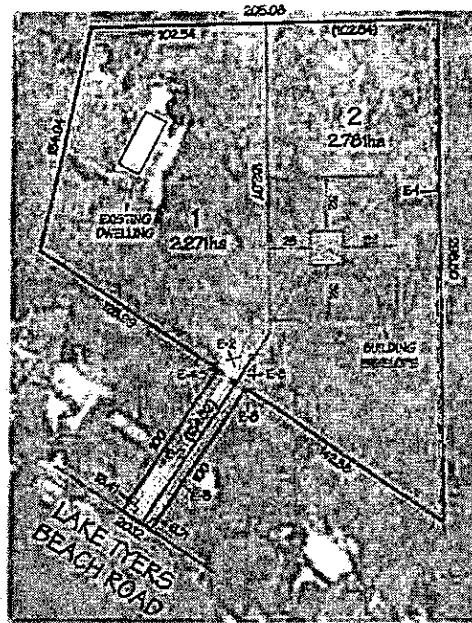
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Annexure 1 – Bushfire Management Plan

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- E-1 E-4 & E-5 - EXISTING DRAINAGE EASEMENT
- E-2 & E-4 - PROPOSED POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 2 ON THIS PLAN
- E-3 & E-5 - PROPOSED POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 1 ON THIS PLAN

MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE ON LOT 2 SHOWN

VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS:

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

VEHICLE ACCESS

VEHICLE ACCESS TO THE DWELLING ON LOT 2 MUST BE PROVIDED FOR FIRE FIGHTING PURPOSES WHICH MEETS THE FOLLOWING REQUIREMENTS:

- CURVES MUST HAVE A MINIMUM INNER RADIUS OF 10M.
- THE AVERAGE GRADE MUST BE NO MORE THAN 1 IN 7 (14.4 PER CENT) (5.1 DEGREES) WITH A MAXIMUM OF NO MORE THAN 1 IN 5 (20 PER CENT) (7.5 DEGREES) FOR NO MORE THAN 50M.
- HAVE A MINIMUM TRAFFICABLE WIDTH OF 3.5M OF ALL WEATHER CONSTRUCTION.
- BE CLEAR OF ENCROACHMENTS FOR AT LEAST 0.5M ON EACH SIDE AND 4M ABOVE THE ACCESSWAY.
- DPT'S MUST HAVE NO MORE THAN A 1 IN 6 (16.5 PER CENT) (7.1 DEGREE) ENTRY AND EXIT ANGLE.

WATER SUPPLY

BEFORE THE OCCUPANCY OF A DWELLING ON LOT 2, 10,000 LITRES OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE INSTALLED AND COMPLY WITH THE FOLLOWING REQUIREMENTS:

- BE STORED IN AN ABOVE GROUND WATER TANK CONSTRUCTED OF CONCRETE OR METAL.
- ALL FIRED ABOVE-GROUND WATER PIPES AND FITTINGS REQUIRED FOR FIRE FIGHTING PURPOSES MUST BE MADE OF CORROSION RESISTANT METAL.
- INCORPORATE A BALL OR GATE VALVE (BRITISH STANDARD PIPE (BSP) 65MM) AND COUPLING (64 MM GFA 3 THREAD PER INCH MALE FITTING).
- THE OUTLETS OF THE WATER TANK MUST BE WITHIN 4M OF THE ACCESSWAY AND BE UNOBSTRUCTED.
- BE READILY IDENTIFIABLE FROM THE BUILDING OR APPROPRIATE IDENTIFICATION SIGNAGE TO THE SATISFACTION OF CFA MUST BE PROVIDED.
- ANY PIPEWORK AND FITTINGS MUST BE A MINIMUM OF 65 MM (EXCLUDING THE GFA COUPLING).

CONSTRUCTION

THE CONSTRUCTION OF A DWELLING ON LOT 2 MUST BE DESIGNED & CONSTRUCTED TO A MINIMUM BUSHFIRE ATTACK LEVEL BAL-29 IN ACCORDANCE WITH AS 3959-2009

65/2015/P
10/9/2015 3.3.3

<p>FRANK & WENDY PRICE 349 LAKE TYERS BEACH ROAD, LAKE TYERS BEACH</p> <p>Crowther & Sadler Pty Ltd LICENSED SURVEYORS & TOWN PLANNERS 151 HADDON STREET, MAREE WA, 3275 TELEPHONE 08 935 8211 FAX 08 935 8250</p> <p>REF: NAME: PL: LOTS: 15020-15099, 15100-15199, 15200-15277 Plan: 11477 BWP V1.ppt</p>	<p>NOTATIONS</p>		<p>BUSHFIRE MANAGEMENT PLAN</p> <p>PART OF GOLDMOUTH CROWN ALLOTMENT 153 (PART)</p> <p>LOT 2 ON LP12344</p>
	<p>SCALE (SHEET SIZE A2)</p> <p>1 : 2000</p>	<p>SURVEYORS REF.</p> <p>15477</p> <p>ENG ON 11/09/2015 2:00:20</p>	

Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH.
Proposed Dwelling & Associated Outbuilding

Planning Application Proposal:

Buildings & Works - Proposed Single Dwelling & Associated Outbuilding (Shed)

Property Details: 349 B Lake Tyers Beach Road - LAKE TYERS BEACH (Lot 2 PS738983)

Planning Report -

Zone: LDRZ – Low Density Residential Zone. 32.03

32.03 'Low Density Residential Zone' LDRZ & Schedule to the 'Low Density Residential Zone'

32.03-1 Table Of Uses

Section 1 – Permit Not Required.

Dwelling – Must be the only dwelling on the lot
Must meet the requirements of Clause 32.03-2.

The proposal for a Single Dwelling on an allotment is a Section 1 use not requiring a permit.

The Proposal/Allotment satisfy the requirement's listed under –

32.03-2 'Use for one or two dwellings or a small second dwelling'

- A Waste Water Treatment System is to be installed in accordance with Authorities requirements. A Land capability assessment has been obtained and the site deemed suitable for effluent disposal. The field has been located on the site plan.
- Town Water supply is currently available to the allotment; part the development also would include large rain water storage tanks suitable for use with the Dwelling, as well as for dedicated Firefighting purposes.
- Electricity supply is available to the allotment. A power pit has been installed at the property boundary. Connections made would be in accordance with Authorities requirements.

32.03-3 Subdivision – Not Applicable

32.03-4 Buildings and works

The proposal is a Section 1 use – Not applicable.

Outbuilding Size – None Specified

Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH
Proposed Dwelling & Associated Outbuilding

Overlays: 'BMO – Applicable (A Building Envelope has been previously approved in a application for a2 lot subdivision. The dwelling has been sited within the envelope area)

'ESO 1-54' – Environmental Significance Overlay - Not Applicable
(no Vegetation Removal Required)

'EMO' – Erosion Management Overlay -

Cultural Heritage Sensitivity - Not Applicable
(An Exemption exists for a Single Dwelling)

'DDO' Schedule 11 – Design & Development Overlay – Refer to Response Below

In response to the Design Development Overlay (DDO11) for Proposed Buildings and Works, a Single Dwelling at the above mentioned address.

Schedule 11 to The Design And Development Overlay

1.0 Design Objectives –

It is believed that the proposed single Dwelling addresses criteria within the Design Objectives outlined.

The Proposed building has been designed to make effective use of Existing Building Envelope and northerly aspect available. The Dwelling has been positioned low to the natural surface at the Entry point extending out of the ground for an elevated floor level towards the rear with the living area and Outdoor space taking advantage of the Northerly aspect and views towards the vegetation.

A combination of Roof styles has been adopted for the Living Area & bedroom wing linked by a transparent Entry/Breezeway. The Design will give the appearance of smaller building portions combined to reduce overall scale and avoid building bulk. Expansive use of glass on the North elevation and a high raked ceiling will provide a modern open style living area with access to a Outdoor courtyard space.

The Dwelling positioned central to the large site surrounded by an existing tree canopy and vegetation located both within and on adjacent lots combined with an extended Battle-Axe driveway ensures the Proposed Dwelling will not impact the roadway or surrounding areas. Colours for the Dwelling would be dark tones and combine use of natural timber cladding & screens to further integrate with the site. (Note – Fire resistant materials are required)

The Dwelling has been sited with its living area and outdoor space positioned at the rear to gain access to northern natural light away from the Lake Tyers Beach roadway and pedestrian path.

Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH
Proposed Dwelling & Associated Outbuilding

A low-pitched roof has been designed for the Bedroom areas linked by a transparent entryway to further reduce the overall visual appearance and scale of the Dwelling.

The Dwelling will be sited central to the site and will be well below the Existing tree canopy in keeping with the height of neighbouring homes on adjacent allotments. The Single level design will again reduce visual bulk and create a consistent building height within the vegetated areas.

2.0 Permit Requirement –

Lake Tyers Beach –

- Permit is required to construct a building greater than 7.5m from Natural Surface.
- Permit required for Building works with a Footprint exceeding 300sqm.
- Permit required on a part of an allotment greater than 15% Gradient.

Building Height - Permit required to construct a building exceeding 7.5m within the Lake Tyers Area.

Not Applicable - The maximum Building height for the Proposed Dwelling is 7.0m from Natural Surface.

Total Building Footprint – Permit required for Building works with a Footprint exceeding 300sqm.

The Total building Footprint of the Dwelling including Decks, Outdoor area & Shed totals 481.6 sqm.

Slope Of Land – Permit required for Building works on a site Greater Than 15 per cent

The Allotment is relatively flat, and is less than the scheduled 15% gradient

3.0 Subdivision –

Not Applicable

4.0 Application requirements –

Refer to attached Floor Plans & Elevations for dimensions ect.

There is no vegetation required to be removed.

Colours and material selection are located on the drawings associated with the elevations.

Planting would include use of native shrubs and grasses.
(note defendable space requirements are applicable to the building Envelope)

The proposed Dwelling situated within a vegetated battle-axe style allotment would not be visible from the Lake Tyers Beach Roadway or surrounding areas. The site is screened from the roadway by an existing rise upon approach providing a secluded allotment.

Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH.
Proposed Dwelling & Associated Outbuilding



Photo Above - Photo from the extended cross over area looking North onto the Proposed building Site.



Photo Above - Photo viewed south of the Existing building Envelope looking North across the Proposed Building Site

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Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH.
Proposed Dwelling & Associated Outbuilding



Photo Above - Photo viewed from the front gate area looking North onto the proposed shed site adjacent the West side boundary.

Stubbs Residence

349 B Lake Tyers Beach Road – LAKE TYERS BEACH.
Proposed Dwelling & Associated Outbuilding

5.0 Decision Guidelines –

It is believed that the Design Objectives of the Overlay have been met, by the combination of mixed building form, use of glass and claddings, and the positioning of the Dwelling central to the site to avoid visual impact from the street and surrounding allotments.

Vegetation is not proposed to be affected by the construction of the proposed Dwelling, Shed or driveway.

Planting of Native vegetation & landscape works would form part of the proposal, once the footprint is established leaving remaining areas for planting & landscaping.

The Proposed Building Design & form provides a coastal style of Architecture sympathetic within the Bush surrounding. The combined Pitched roof with other flat roof areas and the use of contemporary Claddings, expansive Glazing will reflect a natural Coastal architecture. The use of darker colours and natural timber is suitable within in the vegetated site to aid reducing visual impact of the dwelling from adjacent allotments.

The low pitch bedroom roof area and Entry link combined with split level floors will provide staggered built form and reduce the effective height of the Dwelling.

Various Building elements provide staggered built form using Dark cladding and Natural timber to reduce the visual impact of the Residence providing the appearance of smaller building portions combined. Colours would be natural timber and dark elements to reduce building bulk when viewed from adjacent properties.

A Zincalume Roof sheeting colour is proposed suitable for the bush allotment, to disguise the building element within existing tress. The building is not visible from the coastline. The colour combined with use of natural timbers will nestle into the site.

The site location within a vegetated area will ensure glare/reflectivity are not of concern to the coastal area.

The gradual increase of building height upon approach, low rear outdoor area, and staggered wall lines will ensure the building sits well below the existing tree canopy when viewed from roadway or adjoining properties. The building Design has ensured visual bulk is minimised.

The Rear living space & outdoor area provides open Living/Outdoor space taking advantage of tree views.

The Proposed Shed space will ensure vehicular/boat storage is maintained and will be again nestled within existing vegetation and not likely be visible from the street.

Kind Regards,

Ashley Carroll

Lake Tyers Beach Design.

0 4 3 8 3 2 1 5 5 9

STREETER CIVIL ENGINEERING SERVICES Pty. Ltd.

Consulting Civil Engineer
(A.C.N. 072 946 760)

81 – 101 Brooks Road Bruthen
e-mail: streetercivil@bigpond.com

P O Box 126 Bruthen VIC 3885
Tel. 5157 5362

SITE CLASSIFICATION REPORT – PROPOSED RESIDENCE
349B LAKE TYERS BEACH ROAD, LAKE TYERS BEACH
JOB NUMBER- 246959 DATE: 15 JUNE 2024

GENERAL

This Soil Investigation consists of the drilling of 2 boreholes on the proposed site area using a hand auger. Disturbed soil samples collected have been subjected to visual examination and classification. The Borelogs, showing soil profiles are recorded on page SR2 as attached and forming part of this report. Bore locations are shown on site plan page SR3.

SITE DESCRIPTION

The property owners intend to construct a new residence on their property, which is located at 349B Lake Tyers Beach Road in the Lake Tyers Beach locality. The Low Density Residential Zoned (LDRZ) allotment is located on the north east side of Lake Tyers Beach Road about 150 metres east of the Cliff Road intersection. The land is irregular in shape and has an area of 2.781 hectares, with a 100 metre long driveway that leads to the open part of the lot. The subject lot is described as Lot 2 – PS738983, which has been created by a two lot subdivision in 2016.

The property is partly cleared native bushland that slopes generally to the north east towards a defined drainage line that extends through the adjacent lots to the north and continues to Fishermans Arm of the Lake Tyers estuary. Plans have been provided by the proponent, which detail the existence of a 400 m² building envelope, surrounded by a bushfire defendable space that has been mostly cleared of vegetation.

The nominated building envelope is located along a slight ridge within the middle third of the lot, about 70 metres back from the driveway and 25 metres setback from the east boundary. The proponent has advised that the building works will be confined to the building envelope in order to comply with a current planning permit. The driveway has been constructed and bituminous sealed to a farm gate that is situated at the wider part of the lot.

The building site is graded at just 2.5% along the slight ridge to the north east, but becomes steeper further to the north. The area has a fair cover of pasture grass and is sufficiently clear of some remnant native vegetation that surrounds the bushfire defendable space. The soils encountered consist of black/dark brown sandy loam topsoil and dark grey to grey fine silty sand up to 800 mm in depth, overlying light brown/tan sands at greater depth.

DRAINAGE

The proposed building site is adequately drained due to the topography and also underlying loamy soils. The site is well clear of farm dams, and with a setback of at least 200 metres from the defined drainage line to the north east. The average annual rainfall for the site is 800 mm.

The proposed works will just marginally alter the natural site drainage, since the earthworks to allow the residence to be built using a concrete slab on ground will be minimal. It is recommended that a soil berm and subsoil drainage pipes be installed along the south side of the residence to intercept surface runoff and seepage.

GEOLOGY

The Bairnsdale Geological Map SJ 55-7 describes the area as Tertiary Pliocene age deposits of sands, gravel, silts and clay. The soil samples taken accord with this description.

SITE CLASSIFICATION

Samples from bores show that the classification of the site to be **SLIGHTLY REACTIVE (S)** in accordance with AS 2870.1 -2011 "**RESIDENTIAL SLABS AND FOOTINGS**". **NOTE:** These classifications are based on limited bores and should conditions vary after site excavation, then the classification should be reassessed.

RECOMMENDATIONS**SLIGHTLY REACTIVE (M) SITES**

It is recommended that basic footing details be in accordance with Section 3 of AS 2870.1-2011 for soil Class S and that pad footings and concrete stumps be in accordance with AS 1684 – Residential Timber Framing Construction Manuals.

FOUNDING DEPTHS FOR FOOTINGS

STRIP FOOTINGS 600 mm
 EDGE BEAMS 250 mm
 PADS 600 mm

(it is recommended that pad footings be deepened to contact the firmer sand encountered at 600 mm depth below the existing natural surface.

BEARING CAPACITIES

Generally the natural soil under the foundations will have a minimum Bearing Capacity of 100 kPa at a depth of 600 mm below the natural surface.

WIND TERRAIN

Classification in accordance with AS 4055-2012

Region A, Table 2.2 p10 N2 = W33

Based on the following criteria


Terrain Category – Cl 2.3 (d) **TC2.5**

Topographic Class – Table 2.3 p13 **T1**

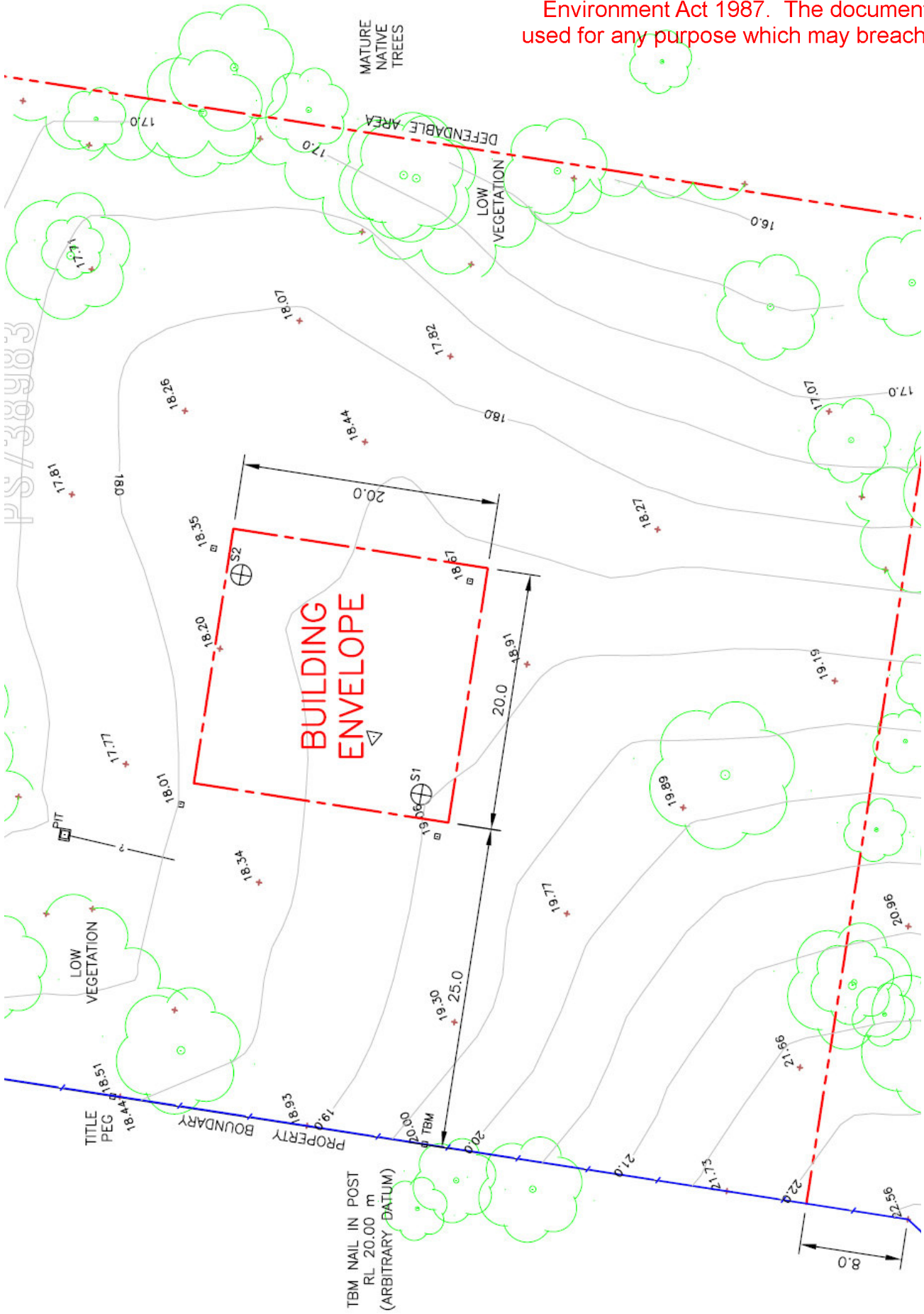
Shielding Class – Cl 2.5 (c) **PS**

STREETER CIVIL ENGINEERING SERVICES Pty Ltd			
<i>Consulting Civil Engineer</i>			
(A.C.N. 072 946 760)			
81-101 Brooks Road Bruthen Victoria. 3885		Correspondence : P.O.Box 126, Bruthen Vic 3885	
e-mail: streetercivil@bigpond.com		Tel : (03) 5157 5362	
Client:	Brodi and Tom Stubbs	Job No:	246959
Job:	new residence	Date:	15-Jun-24
349B Lake Tyers Beach Road		Design:	Neil Streater
Lake Tyers Beach		Checked:	Neil Streater

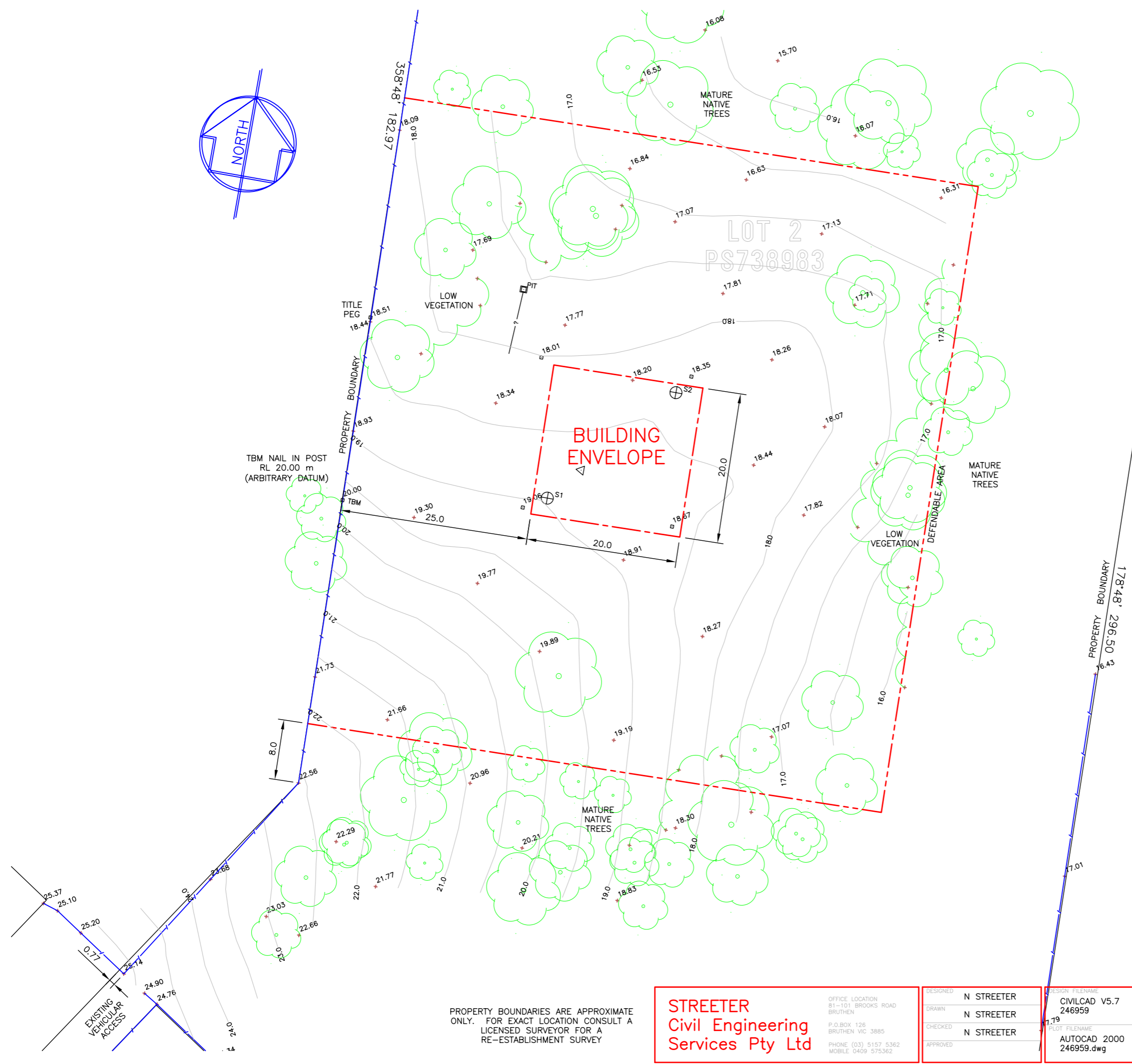
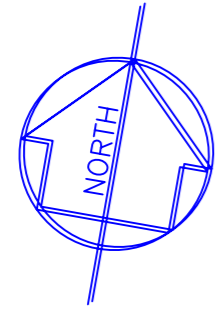
LOG OF HAND AUGER BORES

BORE No.	DEPTH		DESCRIPTION	REMARKS
S1	0		black/dark grey sandy loam topsoil; moist	
	200		dark grey fine silty sand; moist; loose and becoming firm with depth	
			800	
	1100			
	1400		end of bore	
	S2		0	
200		dark grey fine silty sand; moist; loose		
		400	light grey fine silty sand; damp; loose and becoming firm with depth	
700			tan well graded sand; firm; damp	
1200		end of bore		

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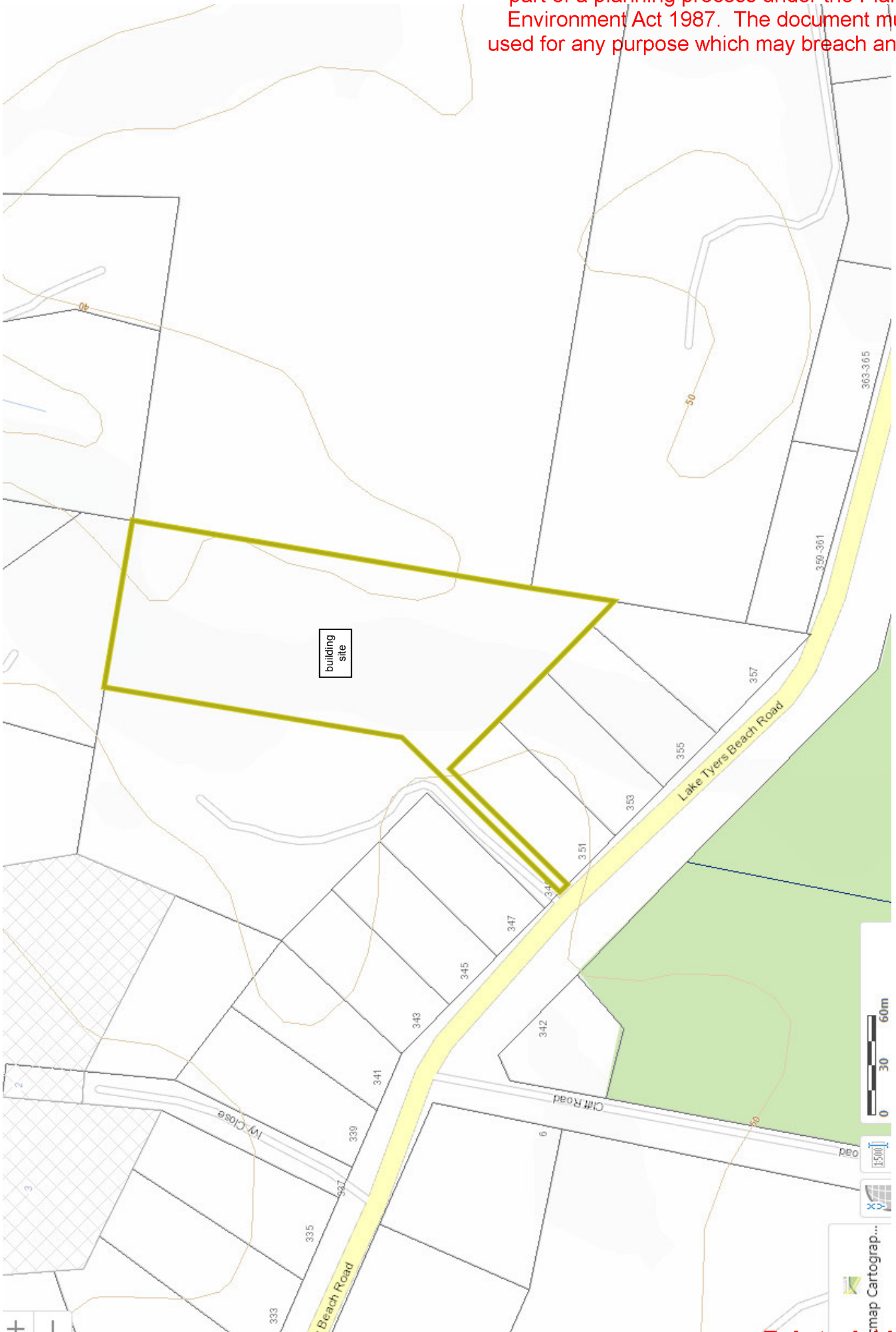
SITE PLAN

SCALE 1:500

PROPERTY BOUNDARIES ARE APPROXIMATE ONLY. FOR EXACT LOCATION CONSULT A LICENSED SURVEYOR FOR A RE-ESTABLISHMENT SURVEY

STREETER Civil Engineering Services Pty Ltd	OFFICE LOCATION 81-101 BROOKS ROAD BRUTHEN	DESIGNED N STREETER	DESIGN FILENAME CIVILCAD V5.7 246959	PROJECT SITE INVESTIGATION NO. 349B LAKE TYERS BEACH ROAD	DRAWING SCALES 1:500
	P.O. BOX 126 BRUTHEN VIC 3885	DRAWN N STREETER	1:19	CLIENT BRODI & TOM STUBBS RESIDENCE	DATE JUNE 2024
	PHONE (03) 5157 5362 MOBILE 0409 575362	CHECKED N STREETER	PLOT FILENAME AUTOCAD 2000 246959.dwg	REVISION 0	PRINTED 11/10/2024
		APPROVED		Page 33 of 61	

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LOCALITY PLAN

STREETER CIVIL ENGINEERING SERVICES ***Pty. Ltd.-***

Consulting Civil Engineer
(A.C.N. 072 946 760)

81 – 101 Brooks Road Bruthen
e-mail: streetercivil@bigpond.com

P O Box 126 Bruthen VIC 3885
Tel. 5157 5362

Important Notes

1. The previous conclusions are based on limited bores and should conditions on site vary from the bore descriptions variation in footing sizes and depths may be necessary. It is recommended any variations be reported to the engineer.
2. Clays expand and contract because of moisture changes and even relatively stable clays will move appreciably if subject to extreme moisture conditions on the site. The builder is to make the owner aware of the following:
 - Leaking plumbing or blocked drains should be repaired promptly. Garden watering, especially by sprinklers should be controlled to avoid saturation of foundations. Proper garden maintenance should produce year round uniform moisture conditions.
 - Trees and shrubs can cause substantial drying of the soil and associated shrinkage of the clay. This effect is most likely to result in damage when added to the drying from a drought or long dry spell. This problem can be avoided by plating trees at substantial distances from the house. For complete protection against damage, trees should be avoided on reactive clay sites.
3. Some minor cracking, whilst undesirable, will occur in a significant proportion of houses on reactive clays. It is impossible to design a footing system that will completely protect a house under all circumstances.
4. Various construction and architectural details can be adopted to reduce the effect of movement.
 - articulation of brickwork
 - Flexible plumbing connection
 - Surface drainage of allotments to avoid water ponding against or near footings.
 - Subsoil drainage (refer to site plan page SR-3 and specification sheet page SR-1)
5. Any excavations required parallel to the footings should be kept at a suitable distance from the footings to prevent undermining. Service trenches should be filled with natural site clay in order to prevent rapid movement of soil moisture into the backfill.
6. All foundations and site works should be inspected by a competent person to ensure that subsurface conditions and site preparation procedures are in accordance with those outlined in the report. If any doubt exists then this office should be contacted immediately for further advice. We take no responsibility for any consequences arising from footing excavations either shallower or deepened beyond our recommended founding depths without our prior approval.
7. The use of standard footings as presented in AS2870-2011 is only applicable to building works with a loading and a construction style similar that of a residential dwelling as described in section 3.1 of AS2870-2011.

Land Capability Assessment Report

**349 Lake Tyers Road
Lake Tyers**



Prepared for: Frank and Wendy Price

Prepared by: Andrew Wolstenholme, BSc
Land Capability Assessments Gippsland
Princes Highway
Johnsonville Vic 3902

Telephone: 03 5156 4997 / 0497 470 376

Email: lcagippsland@outlook.com

DATE: April 2015

1 Introduction

Land Capability Assessments Gippsland have been engaged to undertake a Land Capability Assessment (LCA) for a 2 lot subdivision at 349 Lake Tyers Road Lake Tyers. The field investigation and report have been undertaken and prepared by suitably qualified staff.

This report will include site and soil condition information and use this to advise a method of treatment for a suitable onsite waste water management system including specifications for a potential Land Application Area (LAA). The design and specifications will be in accordance with the Code of Practice – Onsite Wastewater Management EPA Publication number 891.3, Feb 2013 and AS/NZS 1547:2012 for onsite domestic wastewater management.

2 Description of the Development

2.1 Site and owner details

Site Address:	349 Lake Tyers Beach Rd, Lake Tyers (Figure 1)
Owner/Developer:	Frank and Wendy Price
Postal Address:	PO Box 805, Lakes Entrance
Contact:	Ph: 5156 5747
Council Area:	East Gippsland Shire Council
Current Allotment Size:	5.05 Hectares (Lot 5 on LPI29344)
Zoning:	Low Density Residential Zone
Planning Overlays Present:	Erosion Management Overlay Environmental Significance Overlay – Schedule 54 Vegetation Protection Overlay Bushfire Management Overlay Design and Development Overlay – Shedule 11
Aboriginal Sensitivity:	The site is located within an area of Aboriginal Sensitivity
Proposed Allotment Sizes:	2.27 Hectares (Lot 1 includes existing dwelling) 2.78 Hectares (Lot 2)

Table 1: Anticipated waste water load including a variety of development sizes

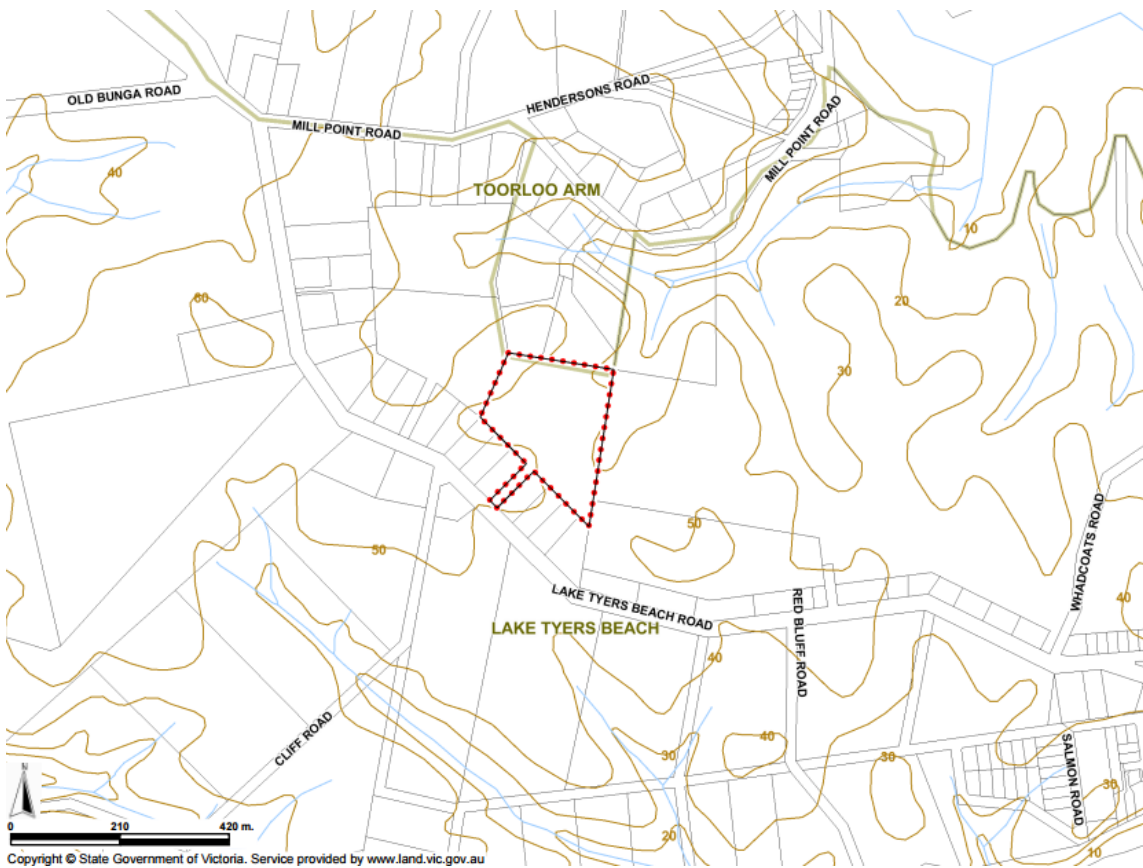
Development size (No. of bedrooms)	Potential occupancy (No. of bedrooms + 1)	Waste water load / person (using WELS waste water reduction fixtures) (EPA COP 891.3)	Anticipated waste water load
2	3	150 L	450 L
3	4	150 L	600 L
4	5	150 L	750 L

2.2 Description of the proposed subdivision

It is proposed that the existing site be subdivided into two lots, a 2.27 hectare lot (1) in the eastern half of the property that includes the existing dwelling and a 2.78 hectare lot (2) in the western part of the site. There is a driveway that services the existing dwelling with a cleared area approximately 30 meters wide and 120 meters long extending from the driveway into proposed lot (2). The proposed building envelope for the new lot is sited on this clear area. The majority of the proposed lot (2) is has an overstorey of eucalypt trees and an open understorey. It is proposed that 0.646ha of this vegetation is to be cleared . There is a small gully that divides the two proposed lots.

2.3 Locality

Figure 1: Locality Map for 349 Lake Tyers Beach Road



3 Site Assessment

Andrew Wolstenholme undertook site investigations on the 8th April 2015.

3.2 Risk Assessment of Site Characteristics

Table 1: Risk Assessment of Site Characteristics				
Characteristic	Level of Constraint			Details and Mitigation Measures
	Nil or Minor	Moderate	Major	
Planning Overlays present	No planning overlays for this site	Relevant planning overlays present but can be complied with for this site	Planning overlays present and highly constraining	A Vegetation Protection Overlay, an Environmental Significance Overlay – Schedule 54 and an Erosion Management Overlay exists on this site. It is proposed that the Land Application Area (LAA) be constructed within the existing cleared area or in the area proposed to be cleared. Secondary treatment with sub surface irrigation is recommended to reduce erosion risk.
Aspect (affects solar radiation received)	North / North-East / North-West	East / West / South-East / South-West	South	Aspect varies across the site.
Climate (difference between annual rainfall and pan evaporation)	Excess of evaporation over rainfall in the wettest months	Rainfall approximates evaporation in wettest months	Excess of rainfall over evaporation in the wettest months	See water balance in Appendix B
Erosion (or potential for erosion)	Nil or minor	Moderate	Severe	No evidence of soil erosion on site however erosion mitigation measures to be put in place due to proposed clearing of native vegetation.
Exposure to sun and wind	Full sun and/or high wind or minimal shading	Dappled light	Limited patches of light and little wind to heavily shaded all day	The land application area should be located away from shaded areas. No trees to be planted along the northern boundary of LAA.
Fill (imported)	No fill or minimal fill, or fill is good quality topsoil	Moderate coverage and fill is good quality	Extensive poor quality fill and variable quality fill	The soil on site has not been disturbed – no fill detected.

Characteristic	Level of Constraint			Details and Mitigation Measures
	Nil or Minor	Moderate	Major	
Flood frequency (ARI)	Less than 1 in 100 years	Between 100 and 20 years	More than 1 in 20 years	The land application area is sited well above areas that may become flooded
Groundwater bores	No bores onsite or on neighbouring properties	Setback distance from bore complies with requirements in EPA Code of Practice 891.3 (as amended)	Setback distance from bore does not comply with requirements in EPA Code of Practice 891.3 (as amended)	The nearest bore is approximately 150m away from the proposed building envelope. Possible seasonal high water table detected in a small gully to the north of the site.
Land area available for LAA	Exceeds LAA and duplicate LAA and buffer distance requirements	Meets LAA and duplicate LAA and buffer distance requirements	Insufficient area for LAA	See Appendix A for siting proposed Land Application Area and Irrigation Area
Landslip (or landslip potential)	Nil	Minor to moderate	High or Severe	There is no evidence of landslip on site
Rock outcrops (% of surface)	<10%	10-20%	>20%	There are no outcrops on site
Slope Form (affects water shedding ability)	Convex or divergent side-slopes	Straight side-slopes	Concave or convergent side-slopes	Divergent slopes assist in water shedding ability of the site. On the Northern side of proposed lot 2 a gully exists with a potential high water table.
Soil Drainage (qualitative)	No visible signs or likelihood of dampness, even in wet season	Some signs or likelihood of dampness	Wet soil, moisture-loving plants, standing water in pit; water ponding on surface	Small numbers of moisture loving plants noted in a small gully on the NW side of the proposed building envelope.
Slope gradient (%) for absorption trenches and beds	<6%	6-15%	>15%	It is possible that trenches be used on this site depending on the final building proposal.
Slope gradient (%) for subsurface irrigation	<10%	10-30%	>30%	Subsurface irrigation is recommended for this site.
Stormwater run-on	Negligible stormwater run-on	Some stormwater run-on but no inundation	High likelihood of inundation by stormwater run-on	A small gully to the north of the site receives stormwater runoff. The LAA will be situated away from this area.

Characteristic	Level of Constraint			Details and Mitigation Measures
	Nil or Minor	Moderate	Major	
Surface waters - setback distance	Setback distance easily complies with requirements in EPA Code of Practice 891.3 (as amended)	Setback distances comply with requirements in EPA code of practice 891.3	Setback distance does not comply with requirements in EPA Code of Practice 891.3 (as amended)	There is a small gully that is seasonally moist to the north of the site. No surface waters or streams exist within constraining buffer distances.
Vegetation coverage over the site	Plentiful vegetation with healthy growth and good potential for nutrient uptake	Limited variety of vegetation	Sparse vegetation or no vegetation	There is a good coverage grassy vegetation close to the proposed building envelope however the area to be cleared vegetation is likely to be limited.
Soil Drainage (Field Handbook definitions)	Rapidly drained. Water removed from soil rapidly in relation to supply, excess water flows downward rapidly. No horizon remains wet for more than a few hours.	Moderately well drained. Water removed somewhat slowly in relation to supply, some horizons may remain wet from several days to a week or more after addition	Imperfectly drained to poorly drained. Water removed slowly in relation to supply, seasonal ponding, or ponding all year. Horizons wet for periods of several months, some mottling to strong gleying	Soil profile consisting of well drained sands. No mottling recorded. No moisture in horizons recorded even after heavy rain.

3.3 Site Assessment Results

This site has satisfactory characteristics to be able to treat wastewater on site. The most constraining factors include a small gully that receives stormwater runoff. A ground water bore exists on a neighbouring property however this is 150 meters to the north of the proposed building envelope and hence outside buffer distances. There is also an erosion management overlay on this site which will need to be taken into consideration when siting the Land Application Area.

4 Soil Assessment

4.1 Published Soils Information

The soils in this region have been mapped and described in “the Soils and landforms of the Bairnsdale and Dargo regions”. The soils in this region have been mapped as Stockdale with Munro unit.

The soil found at the site most closely resembles those of the Munro unit. These soils are deep sands generally with very dark grey acidic sand surface soils overlying paler sands at about 50 cm. These sands may mantle mottled clay but if the sand is sufficiently deep, cemented sands known as ‘coffee rock’ occur in the deeper subsoil, generally around 70 to 90 cm.

4.2 Soil Profiles

Soil tests were conducted at two locations within close proximity to the building envelope, within the area proposed to be cleared of vegetation (see Appendix A for locations) consisting of two 1.5m deep hand dug bores. The soil profiles of Test Bores 1 and 2 are detailed below:

Table 2: Test Bore 1 Profile



Depth (m)	Horizon	Description	Bore 1 photo
0.1 0.2 0.3 0.4 0.5 0.6 0.7 0.8 0.9 1.0 1.1 1.2 1.3	A1	Topsoil: Loamy Sand - dark in colour (cat 1)	
1.4 1.5	B1	Clayey Sand – Lighter colour (cat 1)	

Table 3: Test Bore 2 Profile

Depth (m)	Horizon	Description and Texture	Bore 2 photo
0.1 0.2 0.3	A1	Topsoil: Sand: Loamy Sand dark color (cat 1)	
0.4 0.5	A2	Sand: Clayey Sand –bleached (cat 1)	
0.6 0.7 0.8 0.9 1.0 1.1 1.2 1.3 1.4 1.5	B1	Sand: Sand Clay – Grey and Brown mottles (cat 1)	

4.3 Soil Features and Analysis

Table 4: Bore 1 Soil features – results are collated below

Characteristic	Level of Constraint			Assessed Level of Constraint for Site
	Nil or Minor	Moderate	Major	
Electrical Conductivity (ECe) (dS/m) as a measure of soil salinity 1	<0.8	0.8 - 2	>2	ECe was measured at 0.000226 and 0.000335. This is well inside optimum conditions for plant growth.
Emerson Aggregate Class (consider in context of sodicity)	4, 5, 6, 8	7	1, 2, 3	No / weak agregation was found in the soil profiles sampled however given the low levels of dispersion is unlikely.
Mottling (see Munsell Soil Colour Chart)	Very well to well-drained soils generally have uniform brownish or reddish colour	Moderately well to imperfectly drained soils have grey and/or yellow brown mottles and the mottled areas occur higher in the profile the less well-drained the soil	Poorly drained soils have predominant grey colours with yellow brown or reddish brown mottles located along root channels, large pores and cracks	All soils sampled were uniform in colour with no mottling present indicating a very well drained soil.
Gleying 2 (see Munsell Soil Colour Chart)	Nil	Some evidence of greenish grey / black or bluish grey / black soil colours	Predominant greenish grey / black, bluish grey / black colours	No gleying was seen - another indication of a very wel drained soil.
pH (favoured range for plants)	5.5 - 8 is the optimum range for a wide range of plants; 4.5 - 5.5 suitable for many acid-loving plants		<4.5, >8	pH ranged from 5.5 to 6.75 which is in the range for good plant growth.
Rock Fragments (size & volume %)	0 – 10%	10 – 20 %	>20%	
Soil Depth to Rock or other impermeable layer (m)	>1.5 m	1.5 – 1 m	<1 m	No rock was encountered whilst augering.
Soil Structure (pedality)	Highly or Moderately structured	Weakly-structured	Structureless, Massive or hardpan	Add gypsum to improve soil structiure

Characteristic	Level of Constraint			Assessment
	Nil or Minor	Moderate	Major	
Soil Texture, Indicative Permeability	Cat. 2b, 3a, 3b, 4a	Cat. 4b, 4c, 5a	Cat. 1, 2a, 5b, 5c, 6	The soil textures measured were all category 1 soils and hence pose a risk of ground water contamination. However no perched water tables were discovered.
Watertable Depth (m) below the base of the LAA	>2 m	2 – 1.5 m	<1.5 m	

4.4 Soil Assessment Results

The soils at this site are well drained, with no mottling gleying or impenetrable layers detected. The most limiting characteristic are the category 1 soils because of potential groundwater pollution issues. The soil is weakly structured however this does not impede drainage.

5 Conclusions

Based on the site and soil characteristics of this location its capability to treat and contain waste water on site is moderate to good.

The most constraining soil characteristic is the category 1 sandy soils which present risks to groundwater. There is minor evidence of a seasonal or perched water table in a small gully to the north west of the proposed building envelope. This constraint can be mitigated with careful design.

The most constraining site characteristics include run on and dampness in the small gully on site, potential dappled light on the LAA and the presence of an erosion management overlay coupled with the removal of woody vegetation. However all of these constraints can be overcome with careful planning and design of a waste water management system.

6 Recommendations

The following section provides recommendations about waste water system siting, size and design, installation, management and maintenance. However:

- This report does not include an application for a septic tank permit. The septic tank permit will need to be applied for after development approval.
- A detailed design is beyond the scope of this study and should be submitted to council at the same time as the building application.

The following recommendations are based on this LCA, which was undertaken for the proposed subdivision at 349 Lake Tyers Beach Road, Lake Tyers Beach.

6.1 Design Recommendations

- Install a system that provides secondary treatment to waste water to meet EPA standards (20mg/L BOD and 30 mg / L SS) irrigated into an area greater than 2 meters above the seasonal water table.
- Wastewater is to be dispersed in the Land Application Area as shown in Appendix A using pressurised subsurface irrigation. The client can be allowed flexibility choosing the final position of the irrigation area given the position of a potential dwelling has not been finalised. The irrigation area should be kept clear of the gully on the north western side of proposed lot 2 to ensure that it is not affected by stormwater runoff.
- The irrigation area should be set back at least 3 meters downslope from a proposed dwelling (EPA COP 891.3) and should be set back approximately 10 meters from the canopy of surrounding trees to ensure that shading and root intrusion into the irrigation area is minimised. As demonstrated in appendix 1 there is still a large area available to locate the irrigation area.
- That the nominated land application area be 162 square meters as calculated using a water balance (see Appendix B) based on a waste water flow of 750 L / day and a design irrigation rate of 5mm / day as outlined in EPA Code of Practice table 4 & 9 (2013).
- That WELS rated water reduction fixtures and fittings are used in the proposed residence

6.2 Installation recommendations

- Ensure that all measures are taken to minimise soil erosion when installing wastewater system.
- The pump for the irrigation system should be appropriate for pumping effluent and be appropriate for the size of the system
- Drip irrigation should be pressure compensating and be designed to evenly distribute effluent. It should be designed to avoid clogging and root intrusion.
- Irrigation lines should have a maximum spacing of 600mm in sand
- Flush valves vacuum release valves and filters should all be utilised.

6.3 Management recommendations

- No buildings or impenetrable surfaces are to be constructed on the irrigation area of the Land Application Area see Appendix A (this includes reserve effluent disposal area)
- Ensure Heavy equipment and livestock do not enter the Land Application Area when the soil is saturated
- Trees and large shrubs are not planted on the north or western edge of irrigation area which would prevent sun and wind exposure
- The irrigation area is to be maintained as an area of perennial grasses or small shrubs

6.4 Maintenance Recommendations

- The installer of the septic tank and waste water treatment system ensures that the occupiers of the proposed residence understand the responsibilities and maintenance requirements of the system
- Ensure that maintenance is undertaken as scheduled
- Use biodegradable soaps, detergents that are low in phosphorous and salt sodium and chlorine
- Limit the use of chemicals such as strong detergents, bleaches and disinfectants
- Avoid disposing of paint or any other chemicals that may limit the biological functioning of the system
- Avoid disposing of nappies, sanitary napkins or other similar products into the system
- Harvest and remove grass in the irrigation area to ensure maximum uptake of nutrients and moisture

7 References

Environment Protection Authority (2013). Publication 891.3 *Code of Practice for Onsite Wastewater Management*.

Environmental Protection Authority (2003). Publication 746.1 *Land Capability Assessment For Onsite Domestic Wastewater Management*.

Municipal Association of Victoria, Department of Environment and Sustainability and EPA Victoria (2014) *Victorian Land Capability Assessment Framework*.

Standards Australia / Standards New Zealand (2012). AS/NZS 1547:2012 *On-site domestic-wastewater management*.

Department of Sustainability and Environment, Department of Primary Industries and East Gippsland Catchment Management Authority (2012). *Soils and Landforms of the Bairnsdale and Dargo Regions*

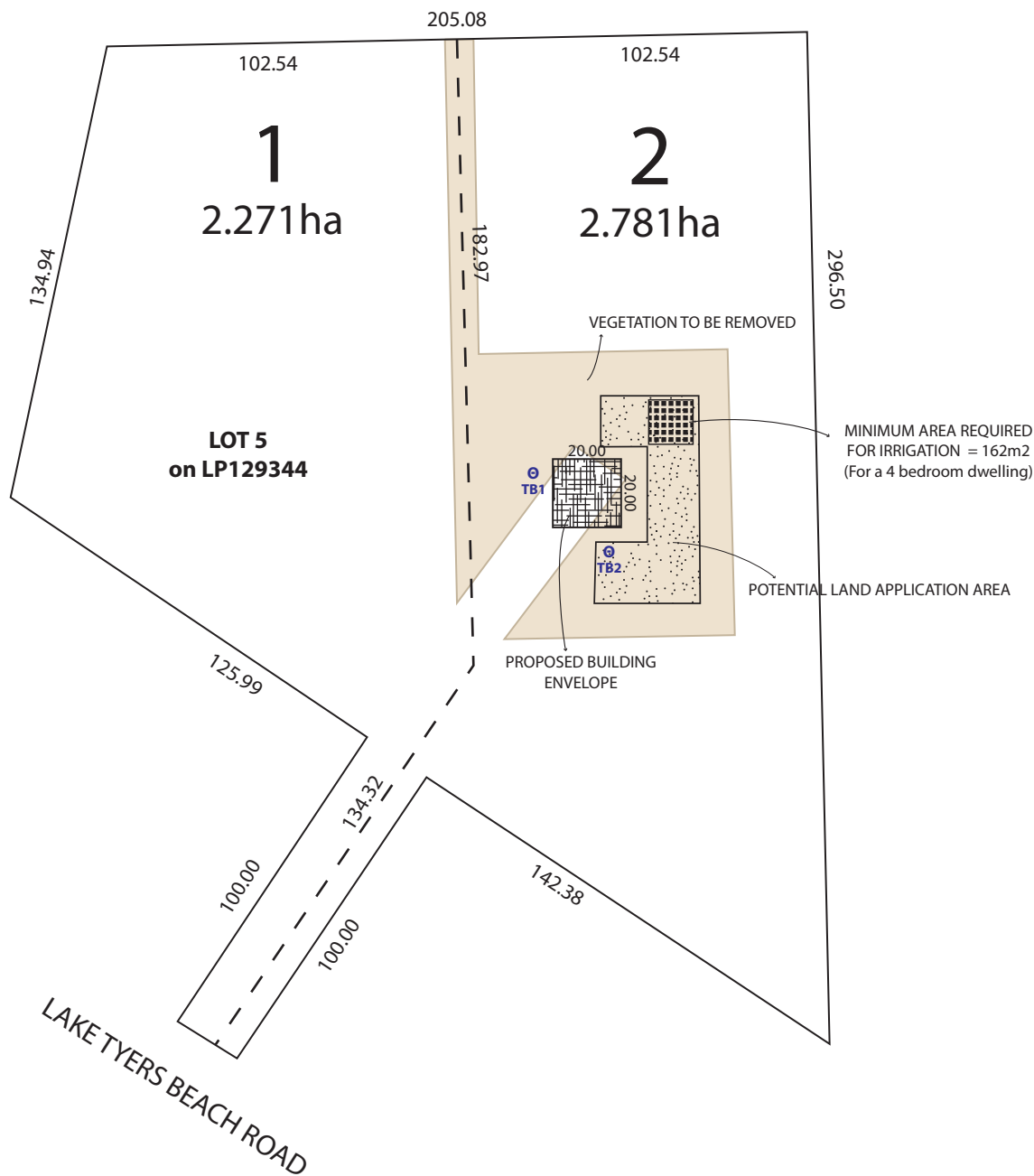
Australian Bureau of Meteorology (2014). *Climate Data Online – Weather Station Directory – Bairnsdale*

Department of Transport, Planning and Infrastructure (2014). *Planning Schemes Online*







Department of Environment and Primary Industries (2014). *Biodiversity Interactive Map 3.2*

P.E.V Charman and B.W Murphy (2000). *Soils their Properties and Management*, Oxford University Press

SITE FEATURES PLAN (Appendix A)



LEGEND

-  TEST BORE LOCATION
-  POTENTIAL LAND APPLICATION AREA
-  IRRIGATION AREA REQUIRED
-  PROPOSED BUILDING ENVELOPE
-  PROPOSED LOT BOUNDARY
-  VEGETATION TO BE REMOVED

PLEASE NOTE:

THE CLIENT IS ALLOWED FLEXIBILITY IN CHOOSING THE FINAL LOCATION AND CONFIGURATION OF THE IRRIGATION SYSTEM PROVIDED IT REMAINS WITHIN THE LAND APPLICATION AREA

SCALE:

1 : 2000

LC Assessments - GIPPSLAND
 Capability
 and

PRINCES HIGHWAY
 JOHNSONVILLE, VIC 3902
 T: 03 5156 4997
 M: 0497470376
 E: lcagippsland@outlook.com

CLIENT: FRANK & WENDY PRICE

SITE ADDRESS: 349 LAKE TYERS BEACH ROAD,
LAKE TYERS

Victorian Land Capability Assessment Framework

Irrigation area sizing using Water Balance & Storage Calculations

Site Address:	349 Lake Tyers Beach Road, Lake Tyers Beach		
Date:		Assessor:	Andrew Wolstenholme

INPUT DATA				
Design Wastewater Flow	Q	750	L/day	Based on maximum potential occupancy and derived from Table 4 in the EPA Code of Practice (2013)
Design Irrigation Rate	DIR	5.0	mm/day	
Nominated Land Application Area	L	162	m²	
Crop Factor	C	0.6-0.8	unitless	Estimates evapotranspiration as a fraction of pan evaporation; varies with season and crop type ²
Rainfall Runoff Factor	RF	0.8	unitless	Proportion of rainfall that remains onsite and infiltrates, allowing for any runoff
Median Monthly Rainfall Data				BoM Station and number Bairnsdale
Mean Monthly Pan Evaporation Data				BoM Station and number Bairnsdale

Parameter	Symbol	Formula	Units	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Days in month	D		days	31	28	31	30	31	30	31	31	30	31	30	31	365
Rainfall	R		mm/month	39.6	42.8	42.4	42	35.9	42.1	37.2	35.4	48.2	57.8	63	54.6	541
Evaporation	E		mm/month	176.7	140	120.9	84	55.8	39	46.5	68.2	93	120.9	141	158.1	1244
Crop Factor	C		unitless	0.8	0.8	0.7	0.7	0.6	0.6	0.6	0.6	0.7	0.8	0.8	0.8	

OUTPUTS																
Evapotranspiration	ET	ExC	mm/month	141.36	112	84.63	58.8	33.48	23.4	27.9	40.92	65.1	96.72	112.8	126.48	924
Percolation	B	DIRxD	mm/month	155	140	155	150	155	150	155	155	150	155	150	155	1825
Outputs		ET+B	mm/month	296.36	252	239.63	208.8	188.48	173.4	182.9	195.92	215.1	251.72	262.8	281.48	2749

INPUTS																
Retained Rainfall	RR	RxRF	mm/month	31.68	34.24	33.92	33.6	28.72	33.68	29.76	28.32	38.56	46.24	50.4	43.68	433
Applied Effluent	W	(QxD)/L	mm/month	143.5	129.6	143.5	138.9	143.5	138.9	143.5	143.5	138.9	143.5	138.9	143.5	1690
Inputs		RR+W	mm/month	175.2	163.9	177.4	172.5	172.2	172.6	173.3	171.8	177.4	189.8	189.3	187.2	2123

LAND AREA REQUIRED FOR ZERO STORAGE																
Maximum Effluent Application for Zero Storage	X	(ET+B)-RR	mm/month	264.68	217.76	205.71	175.2	159.76	139.72	153.14	167.6	176.54	205.48	212.4	237.8	
Effluent Produced	Y	Q*D	L/month	23250	21000	23250	22500	23250	22500	23250	23250	22500	23250	22500	23250	273750
Land Area Required for Zero Storage		Y/X	m ²	87.84	96.50	113.10	128.50	145.60	161.10	151.90	138.80	127.50	113.20	106.00	97.80	

STORAGE CALCULATION																
Storage for the month	S	(RR+W)-(ET+B)	mm/month	-121.2	-88.1	-62.2	-36.3	-16.2	-0.8	-9.6	-24.1	-37.7	-62.0	-73.5	-94.3	
Cumulative Storage	M		mm	0	0	0	0	0	0	0	0	0	0	0	0	

Your Reference: 15477
Contact: Bill Williams
Our Reference: 65/2015/P
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

12 November 2015

F S Price and W D Price
C/- Crowther & Sadler Ptd Ltd
PO Box 722
BAIRNSDALE VIC 3875

Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Information Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN: 81 957 967 765

Dear Sir or Madam,

Planning Permit Number: 65/2015/P
Proposal: Subdivision of land into 2 lots and removal of native vegetation.
Location: 349 Lake Tyers Beach Road LAKE TYERS BEACH
Lot 5 LP 129344

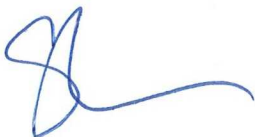
The above permit has been amended under the provisions of section 71 of the *Planning and Environment Act 1987*.

The correction involves the following:

- Condition 14

Your copy of the amended permit (and plans) is enclosed. This permit now replaces the original permit issued to you.

Yours sincerely



SARAH MCLAUGHLIN
Senior Statutory Planner



PLANNING PERMIT

Permit No: 65/2015/P AMENDED
 Planning Scheme: East Gippsland
 Responsible Authority: East Gippsland Shire

Form 44

ADDRESS OF THE LAND

349 Lake Tyers Beach Road LAKE TYERS BEACH
 Lot 5 LP 129344

BN: 47523 6

THE PERMIT ALLOWS

Subdivision of land into 2 lots and removal of native vegetation in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The subdivision as shown on the endorsed plan must not be altered without the prior written consent of the responsible authority.
2. The vegetation removal as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. Before the plan of subdivision is certified, amended plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - a) a carriageway easement or title splay across the corner of lot 1 to enable vehicle access to lot 2 from the shared crossover; or
 - b) the long narrow section of the lot (from the road frontage) be provided with carriageway easements in favour of each lot to permit a shared a driveway to the point where each lot widens.
4. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside on the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

Date Issued: 10 September 2015

Date Amended: 12 November 2015

Page 1 of 7



Signature for the
Responsible Authority

The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

5. This permit will expire if one of the following circumstances applies:
- The vegetation removal is not started within two years of the date of this permit.
 - The vegetation removal is not completed within four years of the date of this permit.
 - The plan of subdivision is not certified within two years.
 - A statement of compliance is not issued within five years of the date of the plan of subdivision being certified.

The responsible authority may extend the periods referred to for development if a request is made in writing before or within 6 months after the permit expiry date where the development has not started, or, within 12 months after the permit expiry date where the development has started lawfully before the permit expiry date.

The responsible authority may extend the period for certification if a request is made in writing before or within 6 months after the permit expiry date.

6. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the responsible authority. Methods include but are not limited to:
- a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
7. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the responsible authority.
8. Before the issue of a statement of compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the responsible authority.
9. Before the issue of a statement of compliance, all stormwater runoff from the roofed and paved areas of lot 1 must be discharged by an underground drainage system connected to an approved point of discharge to the satisfaction of the responsible authority.

Date Issued: 10 September 2015

Date Amended: 12 November 2015

Page 2 of 7



**Signature for the
Responsible Authority**

10. Before the issue of a statement of compliance the existing vehicular crossing must be upgraded to a shared sealed crossing to the satisfaction of the responsible authority.
11. Before the issue of a statement of compliance any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired / reinstated to the satisfaction of the responsible authority.
12. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
13. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
14. Native vegetation offsets

In order to offset the removal of 0.595 ha of native vegetation approved as part of this permit the applicant must provide a native vegetation offset that meets the following requirements and is in accordance with the Permitted clearing of native vegetation- Biodiversity assessment guidelines and the net gain scoring manual.

Offset requirement

The offset must:

- Contribute gain of 0.143 general biodiversity equivalence units;

Date Issued: 10 September 2015

Date Amended: 12 November 2015

Page 3 of 7



**Signature for the
Responsible Authority**

- Be located within the East Gippsland Shire Council municipal district or the East Gippsland Catchment Management Authority;
- Have a strategic biodiversity score of at least 0.164

Offset evidence

Before any native vegetation is removed evidence that an offset evidence that an offset has been secured must be provided to the satisfaction of the responsible authority. The offset must meet the offset requirements set out in this permit and with the requirements of Permitted clearing of native vegetation- Biodiversity assessment guidelines and the net gain scoring manual. Offset evidence can be either:

- A security agreement to a required standard for the offset site or sites including a 10 year offset management plan
- A credit extract from the Native Vegetation Credit Register

Monitoring

Every year for 10 years after the responsible authority has approved an offset management plan the applicant must provide notification to the responsible authority of the management actions undertaken towards the implementation of the offset management plan An offset site condition statement including photographs must be included in this notification.

Country Fire Authority Conditions

15. Bushfire Management Plan endorsed

The Bushfire Management Plan drawing no. 15477 Version 1, dated 21/08/2015 must be endorsed to form part of the permit, be included as an annexure to the section 173 agreement and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

Lot 2 Buildings and Works Conditions

a) Defendable space

Defendable space for a distance of 32m to the North, South & East aspect and for a distance of 24m to the West aspect around the proposed building envelope where vegetation (other flammable materials) will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3m of a window or glass feature of the building.

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Signature for the
Responsible Authority

- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5 sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

b) Construction standards

Any future buildings on the lot 2 will be designed and constructed to a Bushfire Attack Level of BAL – 29.

c) Water supply

Provide 10,000 litres of effective water supply for fire fighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for fire fighting purposes must be made of corrosive resistant metal.

The water supply must also –

- Incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the access way and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided.

Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

d) Access

Access for fire fighting purposes must meet the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.

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- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.
- Incorporate a turning area for fire fighting vehicles close to the building

Matters to be set out in Section 173 Agreement

In addition to the requirements of Clause 44.06-3 of the East Gippsland Shire Planning Scheme the section 173 Agreement prepared in accordance with that clause must also specify:

- Explicitly exclude Lot 1 from the following exemption under Clause 44.06-1 of the East Gippsland Shire Planning Scheme:
 - A building or works consistent with an agreement under section 173 of the Act prepared in accordance with a condition of permit issued under the requirements of clause 44.06-3.

16. Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:

- State that it has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-1 of the East Gippsland Shire Planning Scheme.
- Incorporate the plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
- State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.

The land owner must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

Department of Environment, Land, Water and Planning Conditions

17. To offset the permitted removal of 0.595 hectares of native vegetation with a strategic biodiversity score of 0.202, the permit holder must provide a native vegetation offset that complies with the requirements in *Permitted clearing of native vegetation – Biodiversity assessment guidelines* (DEPI 2013) and *Native vegetation gain scoring manual* (DEPI 2013).
18. The compliant offset must:
- a) contribute gain of 0.143 general biodiversity equivalence units;
 - b) be located within the East Gippsland Catchment Management Authority or East Gippsland Council areas; and
 - c) have a strategic biodiversity score of at least 0.162.

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**Signature for the
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19. Before a statement of compliance is issued under this permit, evidence that the required offset has been secured must be provided to the satisfaction of the responsible authority. Offset evidence must be:
- a security agreement for the required offset site/s that complies with the *Permitted clearing of native vegetation - Biodiversity assessment guidelines* (DEPI 2013), including a 10 year offset management plan that has been endorsed by the responsible authority; and/or
 - a credit register extract from the Native Vegetation Credit Register.

A copy of the offset evidence provided will then be endorsed by the responsible authority and form part of this permit.

20. Within 30 days of endorsement of the offset evidence by the responsible authority, a copy of the endorsed offset evidence must be provided to Regional Planning and Approvals at the Traralgon office of the Department of Environment, Land, Water and Planning.
21. Where offsets are not secured on the Native Vegetation Credit Register, annual monitoring and reporting is required. Details of annual monitoring and reporting must be included in the endorsed offset plan, and must comply with the requirements of *Permitted clearing of native vegetation - First party general offset kit* (DEPI 2014), or to the satisfaction of the Department of Environment, Land, Water and Planning. Annual offset reports must be provided to the responsible authority by the anniversary date of the execution of the offset security agreement, for a period of ten consecutive years. After the tenth year, the landowner must provide a report at the reasonable request of a statutory authority.

Notes

- All wastewater from the proposed development must be disposed of in accordance with the provisions of the Environment Protection Act 1970 and no building works are to commence until a 'Permit to Install a Septic Tank System' has been issued by Council.
- Prior to undertaking works within a Council road reserve a Non-utility – Minor Works Consent of Works within Road Reserve Application must be lodged with Council and a permit issued prior to works being undertaken.
- All wastewater from the proposed development must be disposed of in accordance with the provisions of the Environment Protection Act 1970 and no building works are to commence until a 'Permit to Install a Septic Tank System' has been issued by Council.

Amended 12/11/2015:

Amended to alter condition 14.

Date Issued: 10 September 2015

Date Amended: 12 November 2015

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**Signature for the
Responsible Authority**

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

From the date specified in the permit, or

If no date is specified, from:

- The date of the decision of the Tribunal, if the permit was issued at the direction of the Tribunal, or
- The day on which it is issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

A permit for the development of land expires if:

- The development or any stage of it does not start within the time specified in the permit, or
- the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision, or
- the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

A permit for the use of land expires if:

- The use does not start within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
- The use is discontinued for a period of two years.

A permit for the development and use of the land expires if:

- The development or any stage of it does not start within the time specified in the permit, or
- The development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
- The use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
- The use is discontinued for a period of two years.

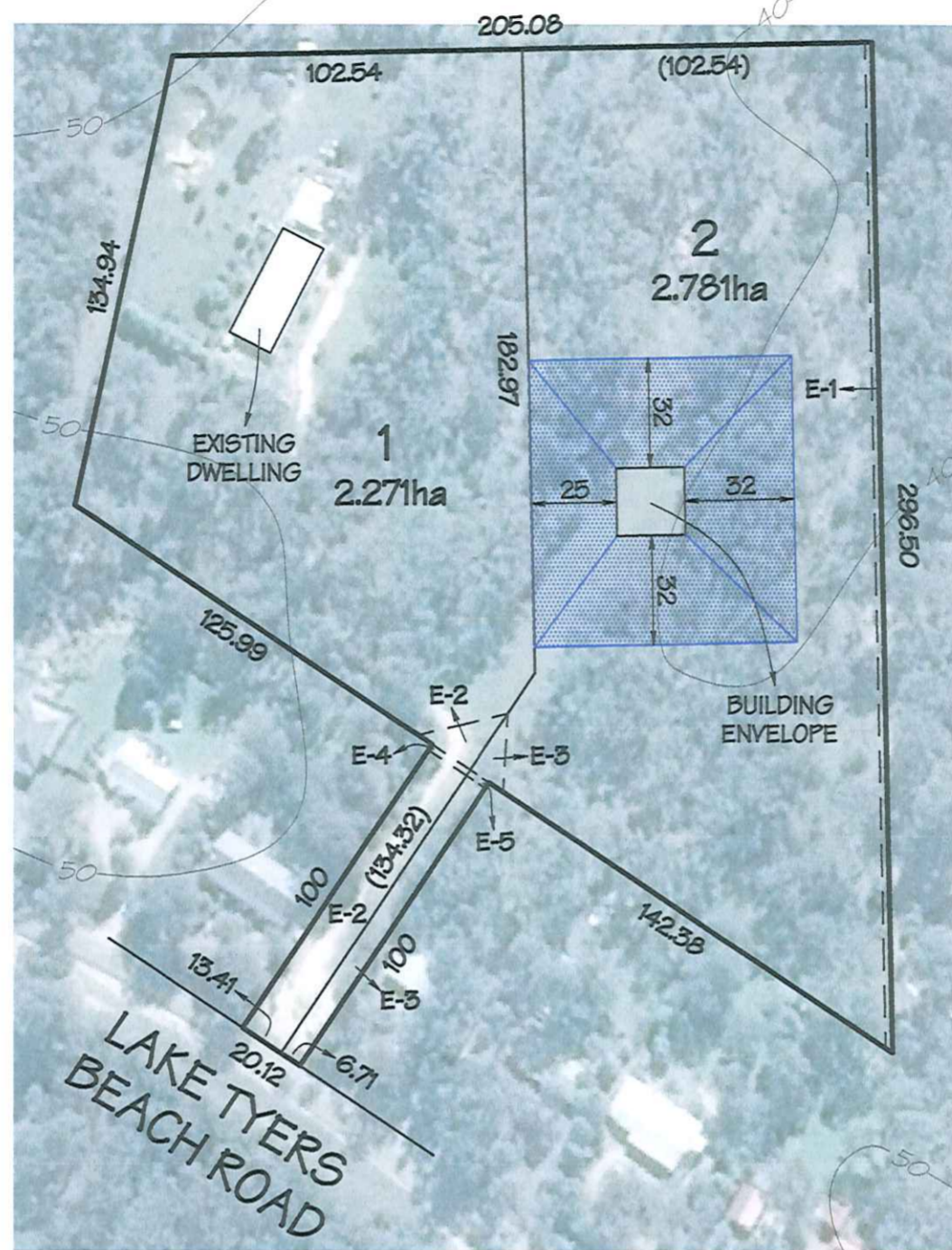
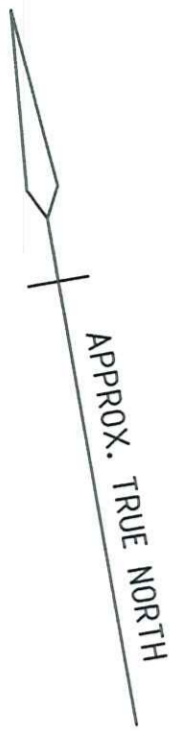
If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2), of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains, a different provision:

- The use or development of any stage is to be taken to have started when the plan is certified; and
- The permit expires if the plan is not certified within two years of the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

WHAT ABOUT APPEALS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to Grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form and lodged with the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee. An appeal must state the grounds on which it is based.
- An appeal must also be served on the responsible authority.
- Details about appeals, notice of appeal forms and the fees payable can be obtained from the Planning & Environment List at the Victorian Civil and Administrative Tribunal.



- E-1, E-4 & E-5 - EXISTING DRAINAGE EASEMENT
- E-2 & E-4 - PROPOSED POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 2 ON THIS PLAN
- E-3 & E-5 - PROPOSED POWER SUPPLY, WATER SUPPLY, TELECOMMUNICATIONS & CARRIAGEWAY EASEMENT IN FAVOUR OF LOT 1 ON THIS PLAN

MANAGEMENT OF VEGETATION WITHIN THE AREA OF DEFENDABLE SPACE ON LOT 2 SHOWN

VEGETATION (AND OTHER FLAMMABLE MATERIALS) WILL BE MODIFIED AND MANAGED IN ACCORDANCE WITH THE FOLLOWING REQUIREMENTS;

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

WATER SUPPLY

PRIOR TO THE OCCUPANCY OF A DWELLING ON LOT 2, 10,000 LITRES OF EFFECTIVE WATER SUPPLY FOR FIRE FIGHTING PURPOSES MUST BE INSTALLED AND COMPLY WITH THE FOLLOWING REQUIREMENTS;

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

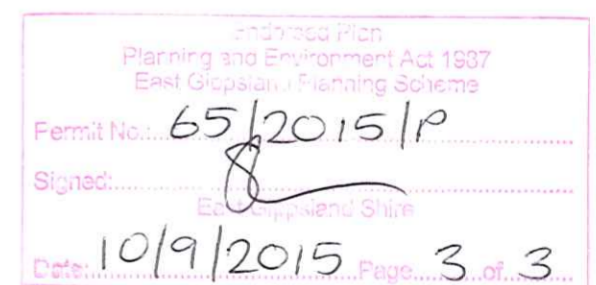
VEHICLE ACCESS

VEHICLE ACCESS TO THE DWELLING ON LOT 2 MUST BE PROVIDED FOR FIRE FIGHTING PURPOSES WHICH MEETS THE FOLLOWING REQUIREMENTS;

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

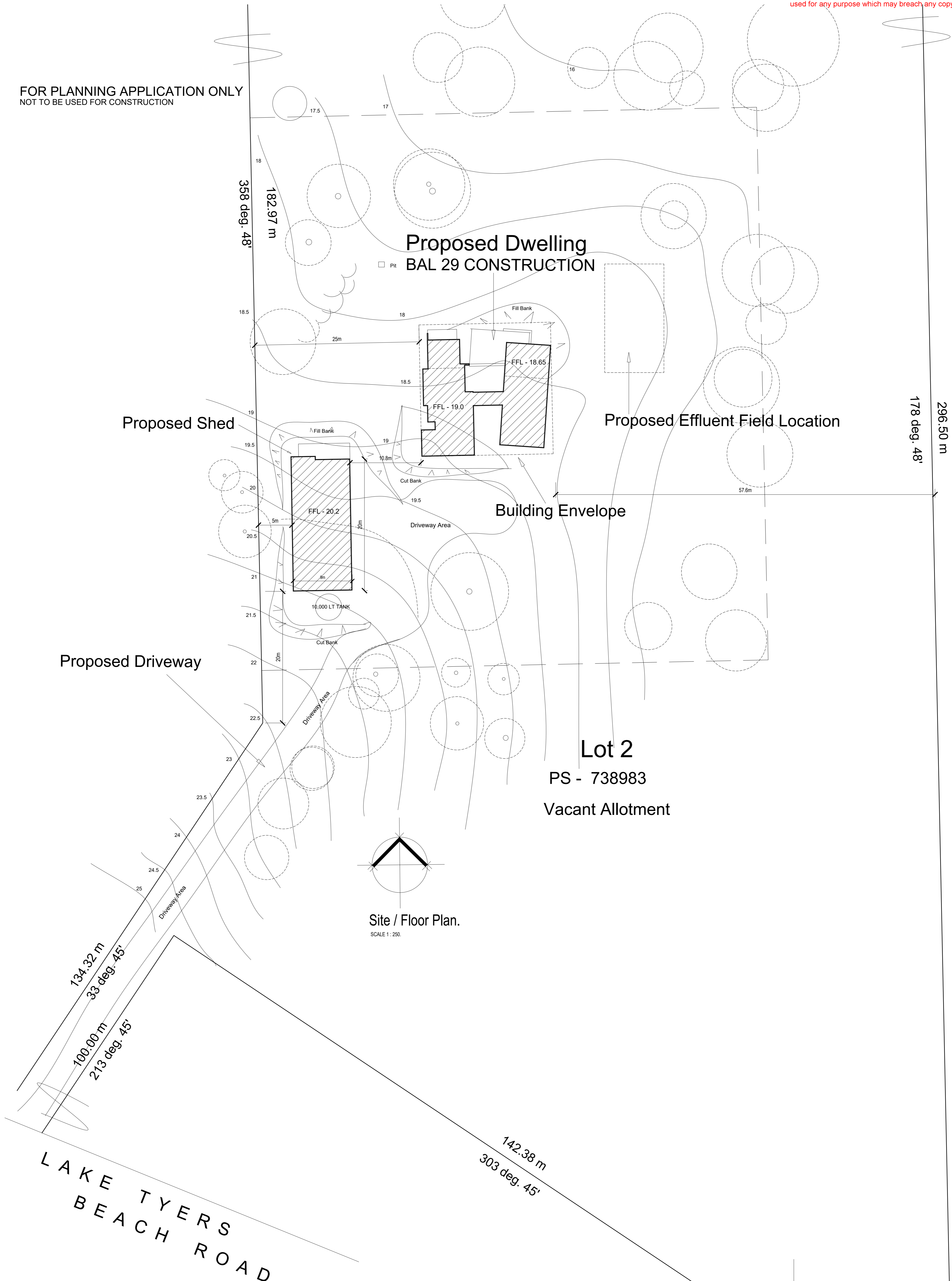
CONSTRUCTION

THE CONSTRUCTION OF A DWELLING ON LOT 2 MUST BE DESIGNED & CONSTRUCTED TO A MINIMUM BUSHFIRE ATTACK LEVEL BAL-29 IN ACCORDANCE WITH AS 3959-2009



<p>FRANK & WENDY PRICE 349 LAKE TYERS BEACH ROAD, LAKE TYERS BEACH</p>	NOTATIONS		<p>BUSHFIRE MANAGEMENT PLAN</p> <p>PARISH OF COLQUHOUN CROWN ALLOTMENT 153 (PART)</p> <p>LOT 11 ON LPI29344</p>
	SCALE (SHEET SIZE A2)	SURVEYORS REF.	
<p>Crowthier & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875 TELEPHONE (03) 5182 8011 FAX (03) 5182 8706</p>	1 : 2000	15477	
<p>FILENAME: N:\Jobs\15000-15999\15400-15499\15477 Price\15477 BMP V1.pro</p>	VERSION 1 - DRAWN 21/08/2015		

FOR PLANNING APPLICATION ONLY
NOT TO BE USED FOR CONSTRUCTION



Lot 2
PS - 738983
Vacant Allotment

Site / Floor Plan.
SCALE 1: 250.

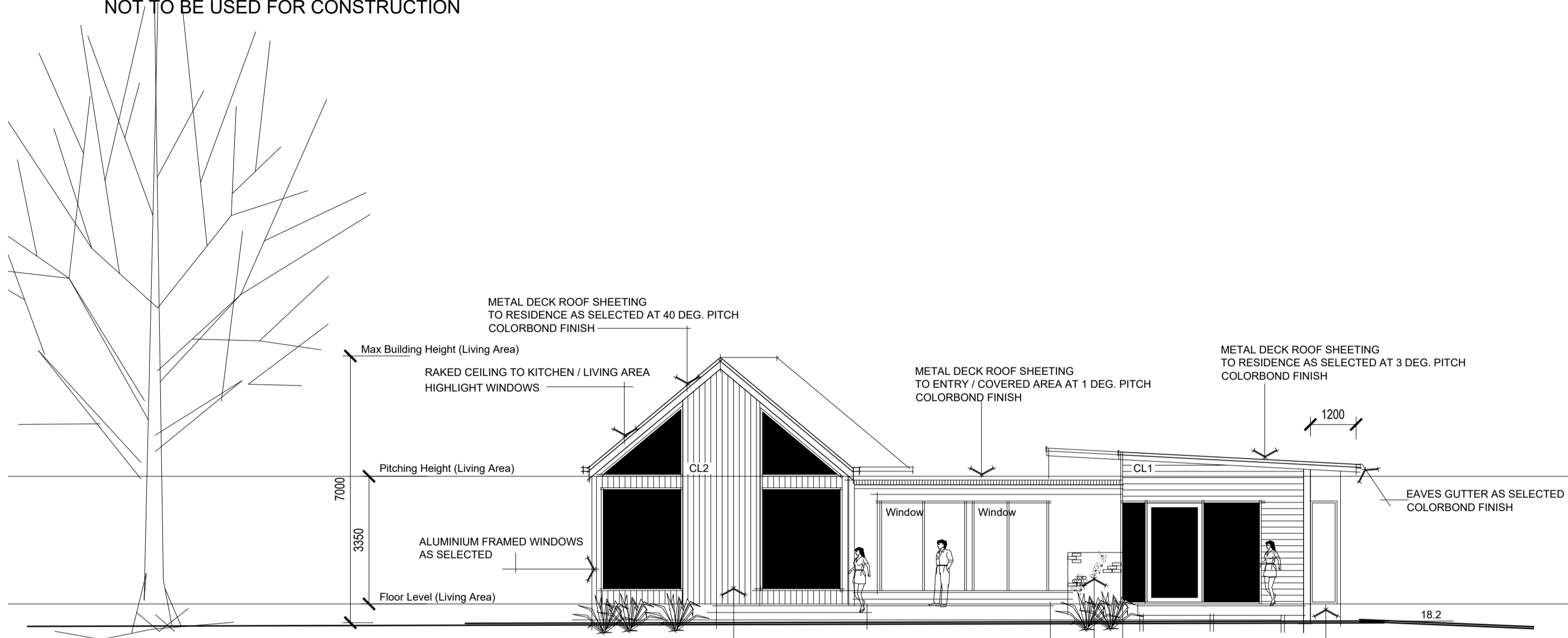
LAKE TYERS
BEACH ROAD.

Stubbs Residence - lake tyers beach road - LTB

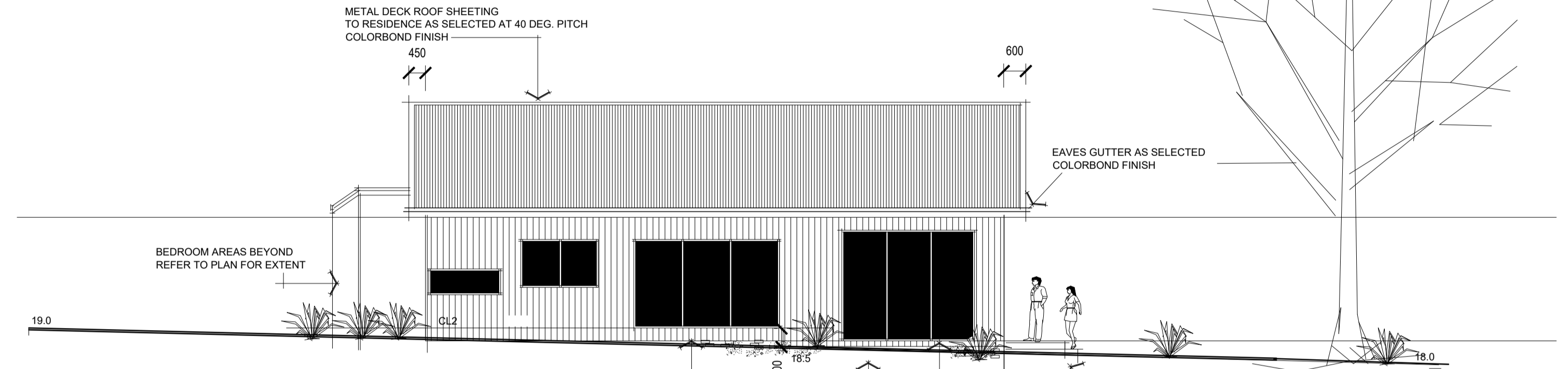
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 NOT TO BE USED FOR CONSTRUCTION

CLADDING TYPES

- CL1 DENOTES WEATHER BOARD CLADDING JAMES HARDIE 'LINEA' - PAINTED FINISH
- CL2 DENOTES COMPRESSED SHEET CLADDING JAMES HARDIE 'AXOM' - PAINTED FINISH
- CL3 DENOTES FEATURE HARDWOOD SHIP-LAP BOARDS NATURAL FINISH
- CL4 DENOTES METAL SHEET CLADDING AS SELECTED LYSAGHT 'CORRUGATED IRON' - ZINCALUME
- BW1 DENOTES FACE BRICKWORK AS SELECTED



North Elevation.
 SCALE 1: 100.

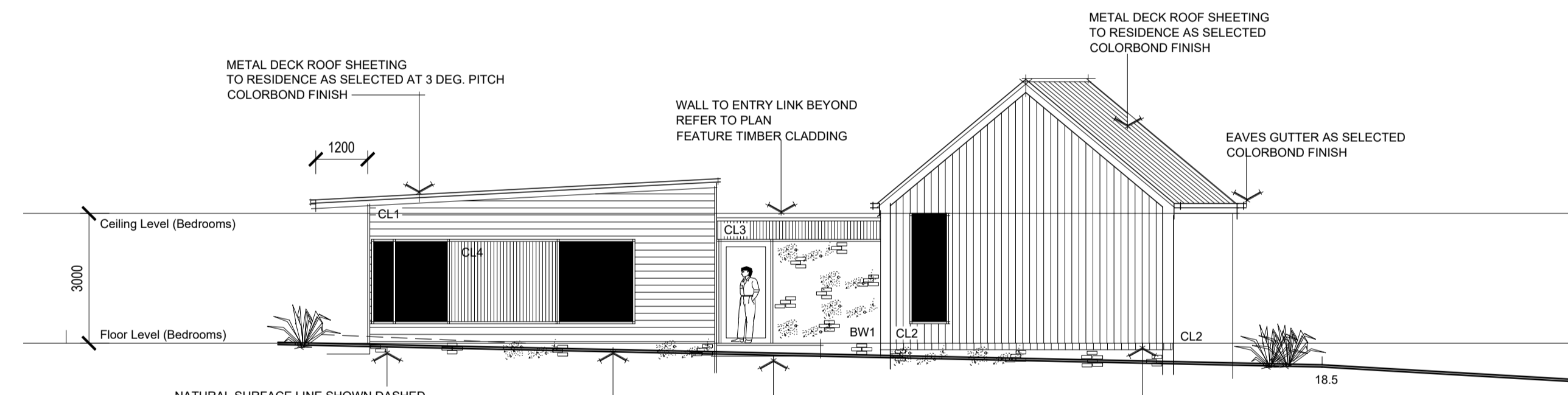


East Elevation.
 SCALE 1: 100.

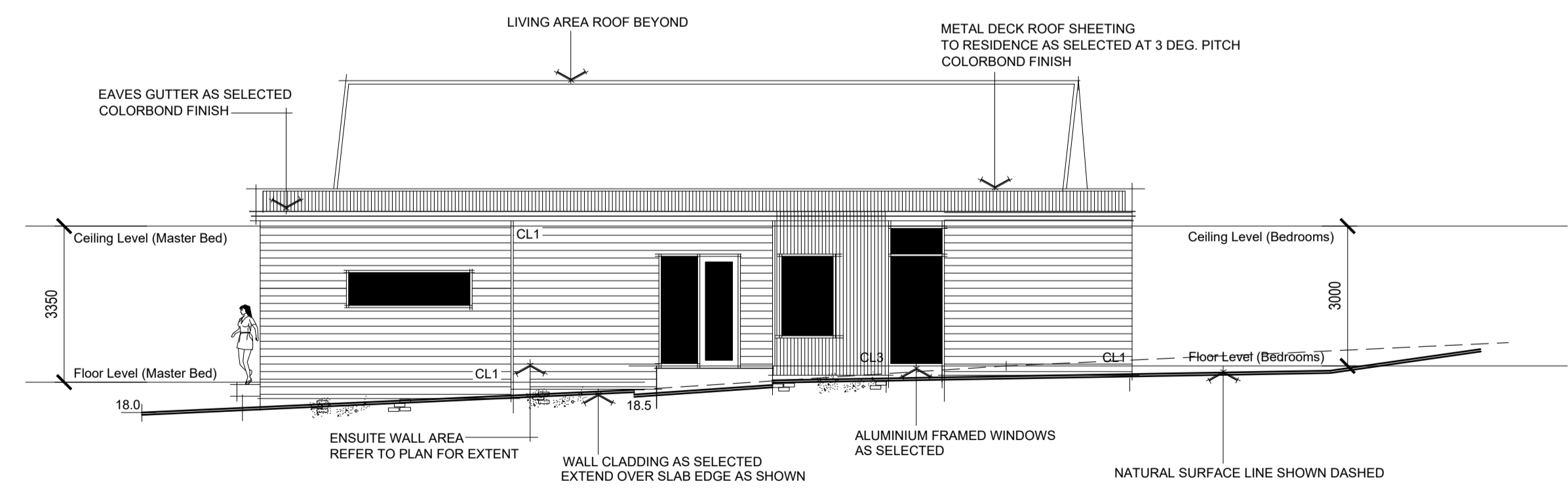


Site / Floor Plan.
 SCALE 1: 100.

- AREAS -
- Proposed Residence - 235.0 sqm
 - Proposed Outdoor/Covered Area - 58.0 sqm
 - Proposed Deck - 6.8 sqm
 - Proposed Shed - 181.8 sqm
 - Building Footprint - 481.6 Sqm



South Elevation.
 SCALE 1: 100.

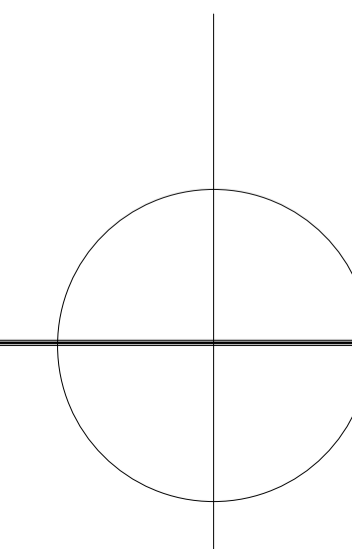


West Elevation.
 SCALE 1: 100.

Stubbs Residence - lake tyers beach road - LTB

L a k e T y e r s B e a c h

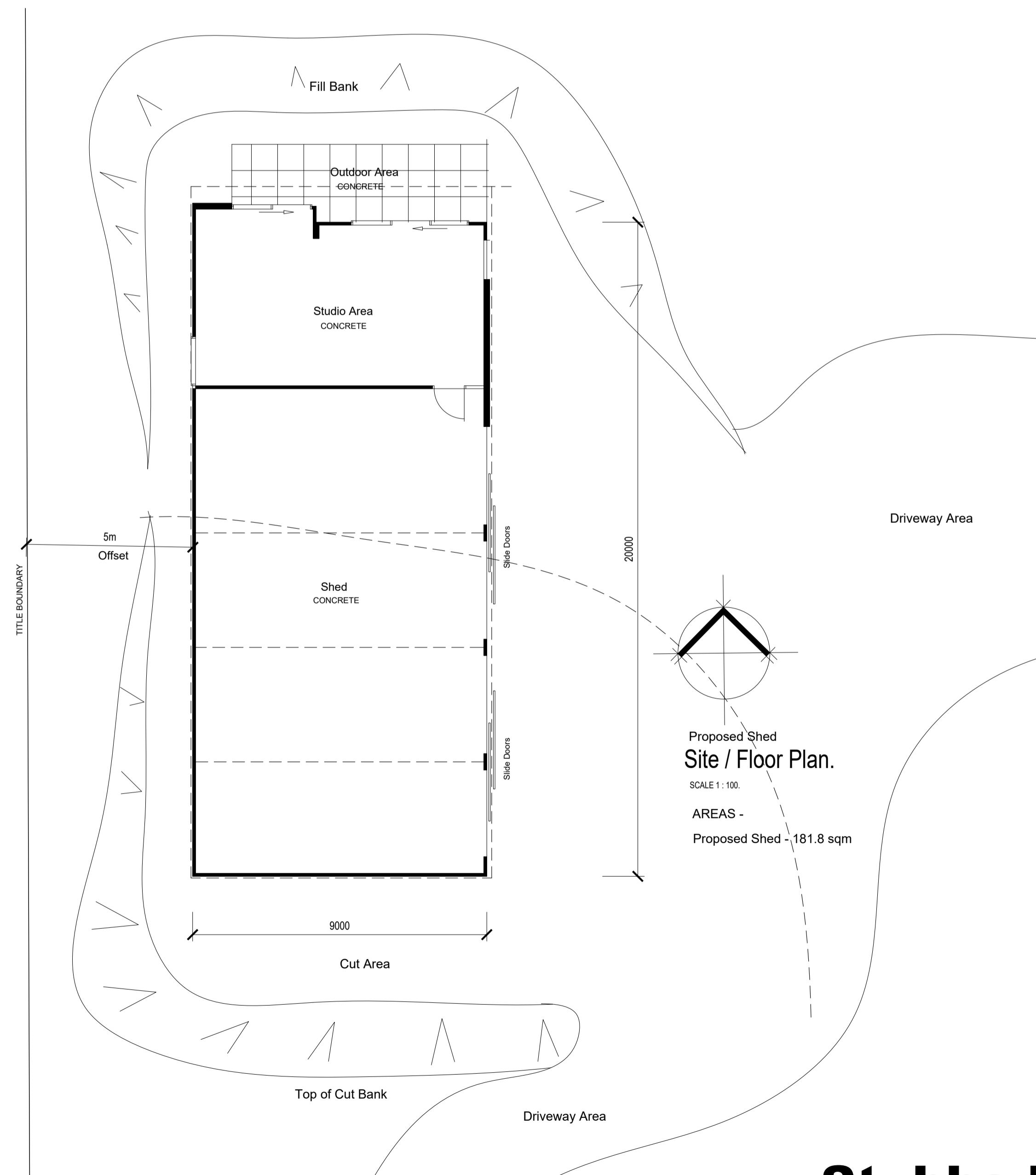
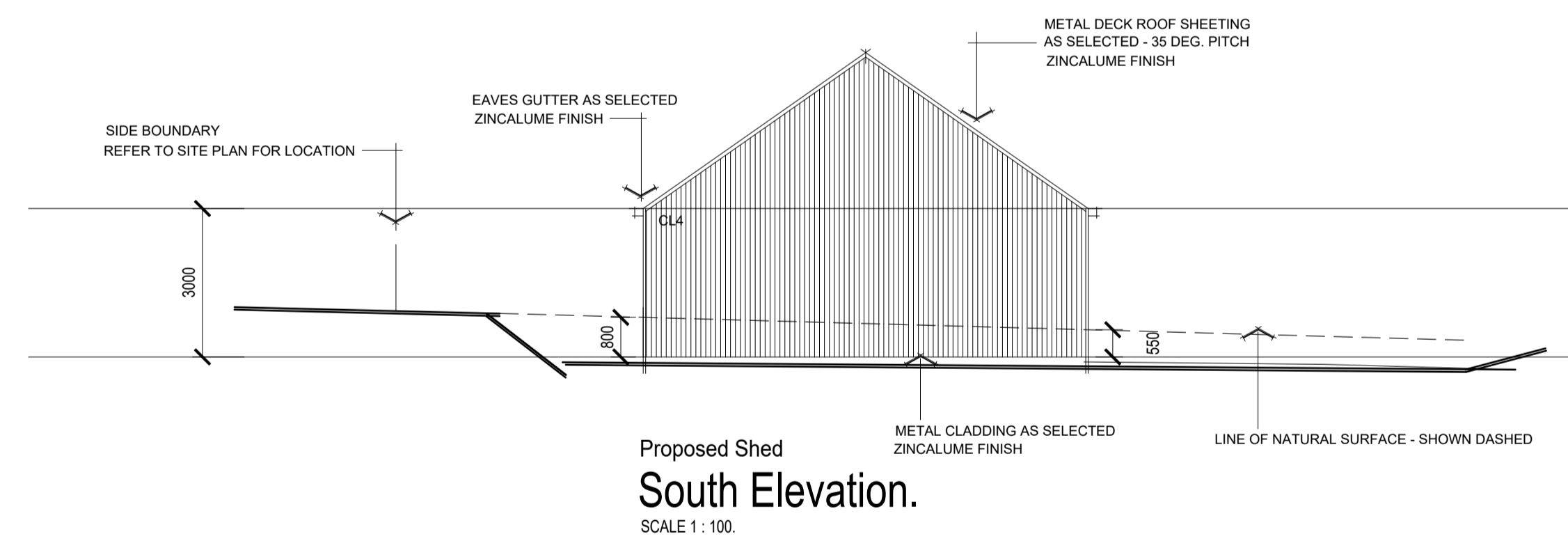
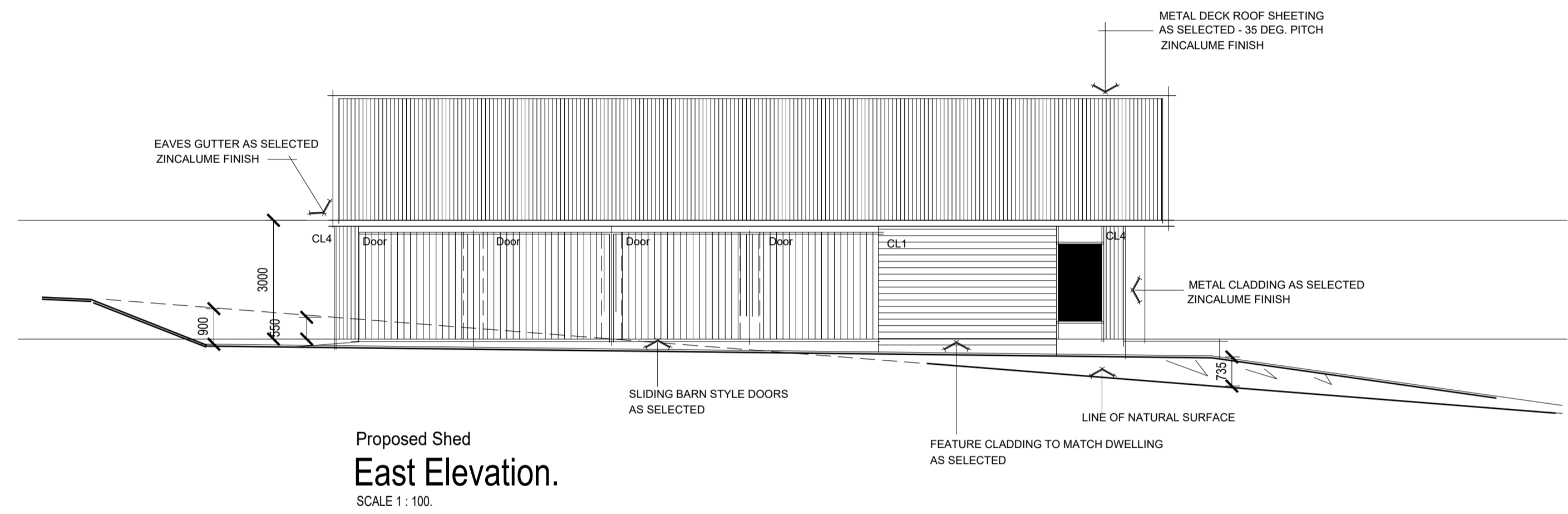
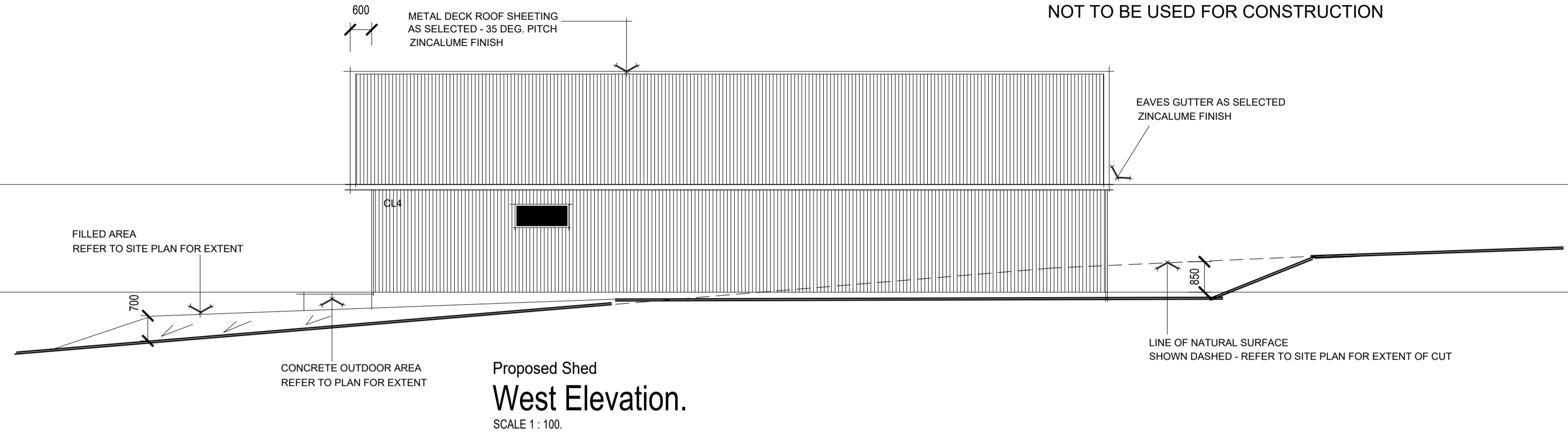
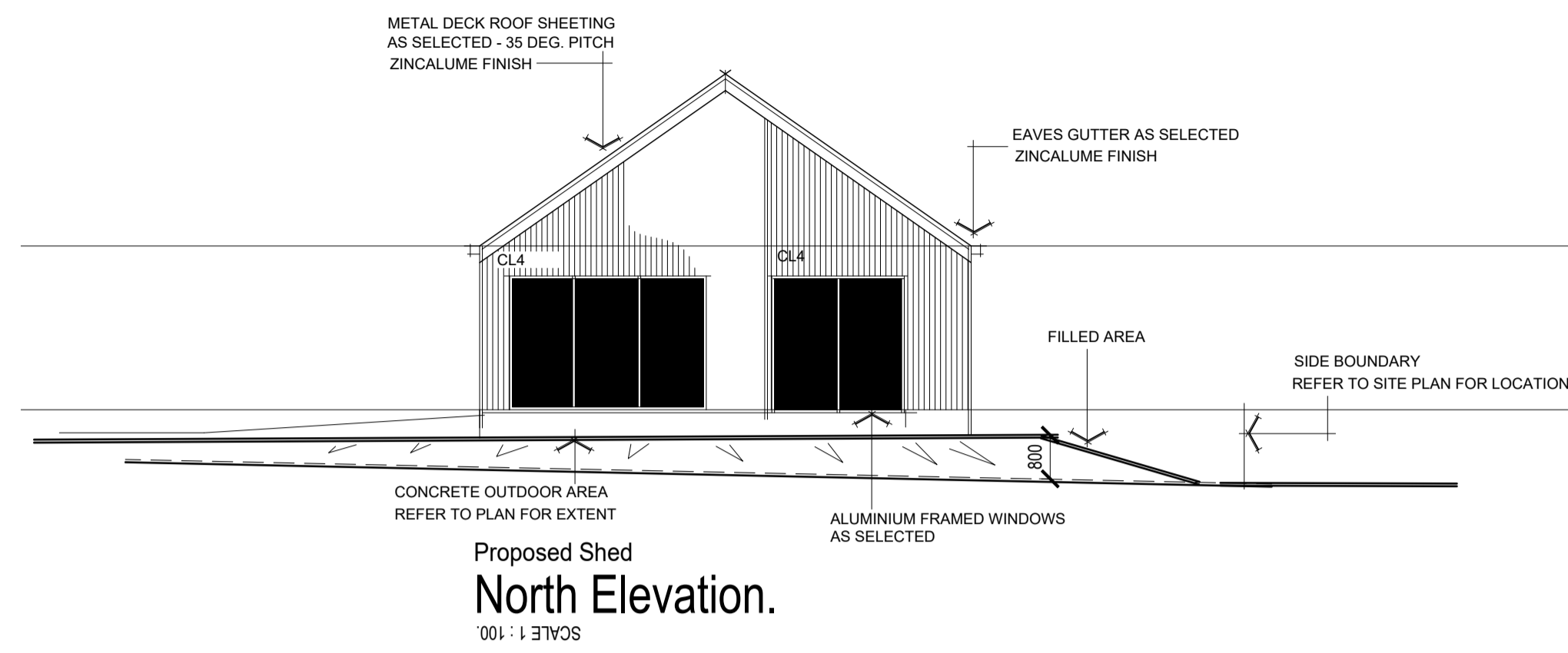
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tp 2.1

Job No: 24012

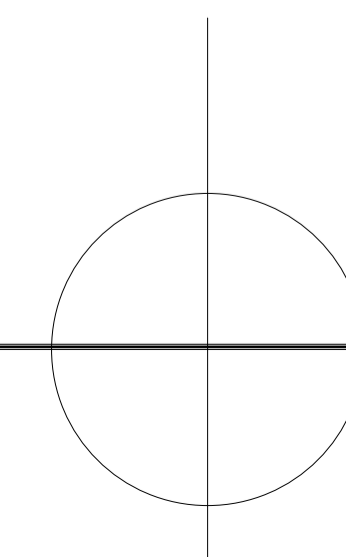
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Stubbs Residence - lake tyers beach road - LTB

L a k e T y e r s B e a c h

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tp 2. **2**

Job No: 24012