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NOTICE OF AN APPLICATION FOR PLANNING PERMIT The document must not be used for any purpose which may breach any copyright.

The land affected by the application is located at:	48 Crawford Court SARSFIELD VIC 3875 Lot: 8 LP: 221444	
The application is for a permit to:	Variation of Restrictive Covenant R353968N to vary Clause (a)	
A permit is required under the	ne following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required	
52.02	Proceeding under Section 23 of the Subdivision Act 1988 to vary a restriction.	
The applicant for the permit is:	Crowther & Sadler Pty Ltd	
The application reference number is:	5.2025.202.1	

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.

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April McDonald

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From: Snapforms Notifications <no-reply@snapforms.com.au>

Sent:Thursday, 19 June 2025 4:20 PMTo:Planning Unit AdministrationSubject:Planning Permit application

Attachments: Planning_Permit_Application_2025-06-19T16-19-37_25988291_0.pdf; Title_merged

(95).pdf; 3BR - Architectural Drawing.pdf; SITE PLAN (48 CRAWFORD CT).pdf;

21188-07 Report.pdf

Planning Permit Application

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

Applicant name: Crowther & Sadler Pty Ltd

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@egipps.vic.gov.au

Postal address: PO Box 722, Bairnsdale Vic 3875

Preferred phone number: 51 52 5011

Street number: 48

Street name: Crawford Court

Town: Sarsfield

Post code: 3875

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

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

Existing conditions: Used and developed by a dwelling

Description of proposal: Variation to a restrictive covenant

Estimated cost of development: 0

Has there been a pre-application meeting: No

Full copy of Title: Title_merged (95).pdf

Covenants agreements: Title_merged (95).pdf

Plans: 3BR - Architectural Drawing.pdf, SITE PLAN (48 CRAWFORD CT).pdf

Planning report: 21188-07 Report.pdf
Invoice Payer: |
Address for Invoice:
Invoice Email: .
Primary Phone Invoice:
Declaration: Yes
Authority Check: Yes
Notice Contact Check: Yes

Privacy Statement Acknowledge: Yes

Notice check 2: Yes

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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection of the victoria and emerging.

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REGISTER SEARCH STATEMENT (Title Seased)for இவற்ற இரும் which may breach அவற்ற setwhich may breach அவற்ற setwhich may breach வரையாக Land Act 1958

VOLUME 09999 FOLIO 805

Security no : 124098869346X Produced 08/07/2022 04:28 PM

LAND DESCRIPTION

Lot 8 on Plan of Subdivision 221444U. PARENT TITLE Volume 09989 Folio 807 Created by instrument LP221444U 29/01/1991

REGISTERED PROPRIETOR

Estate Fee Simple Sole Proprietor

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT (as to whole or part of the land) in instrument R353968N

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

DIAGRAM LOCATION

SEE LP221444U FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 48 CRAWFORD COURT SARSFIELD VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control Effective from

DOCUMENT END



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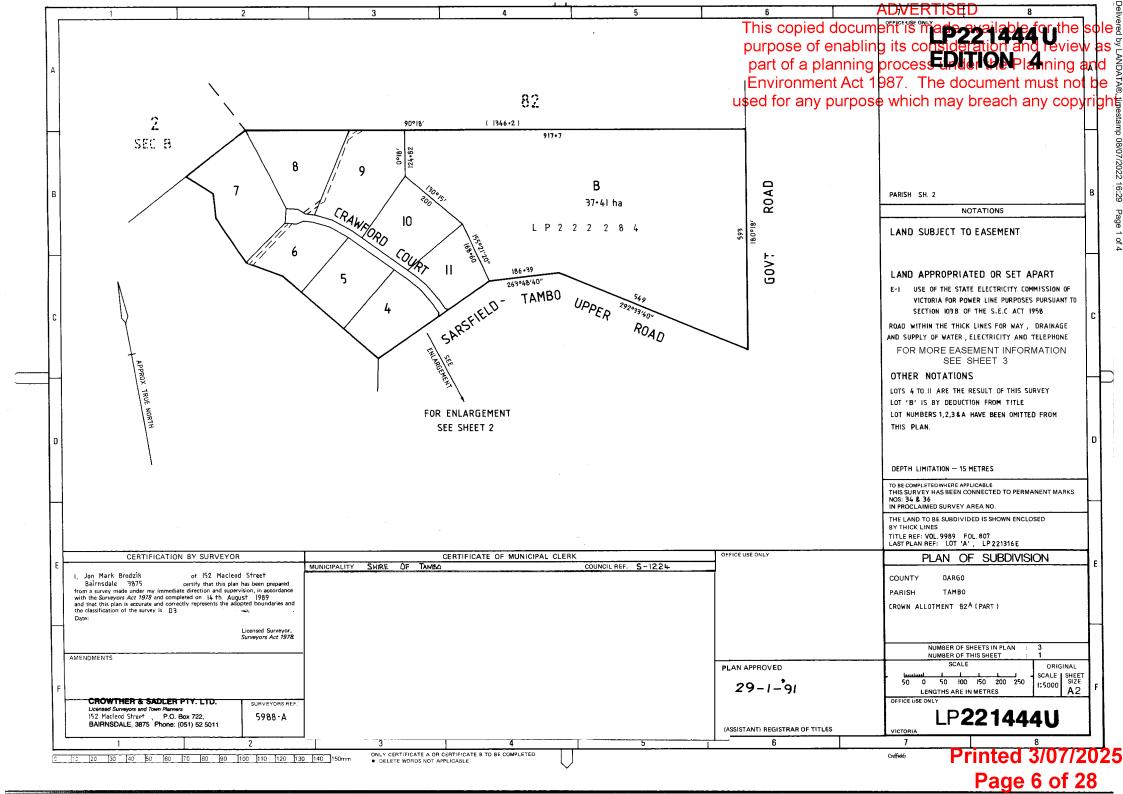
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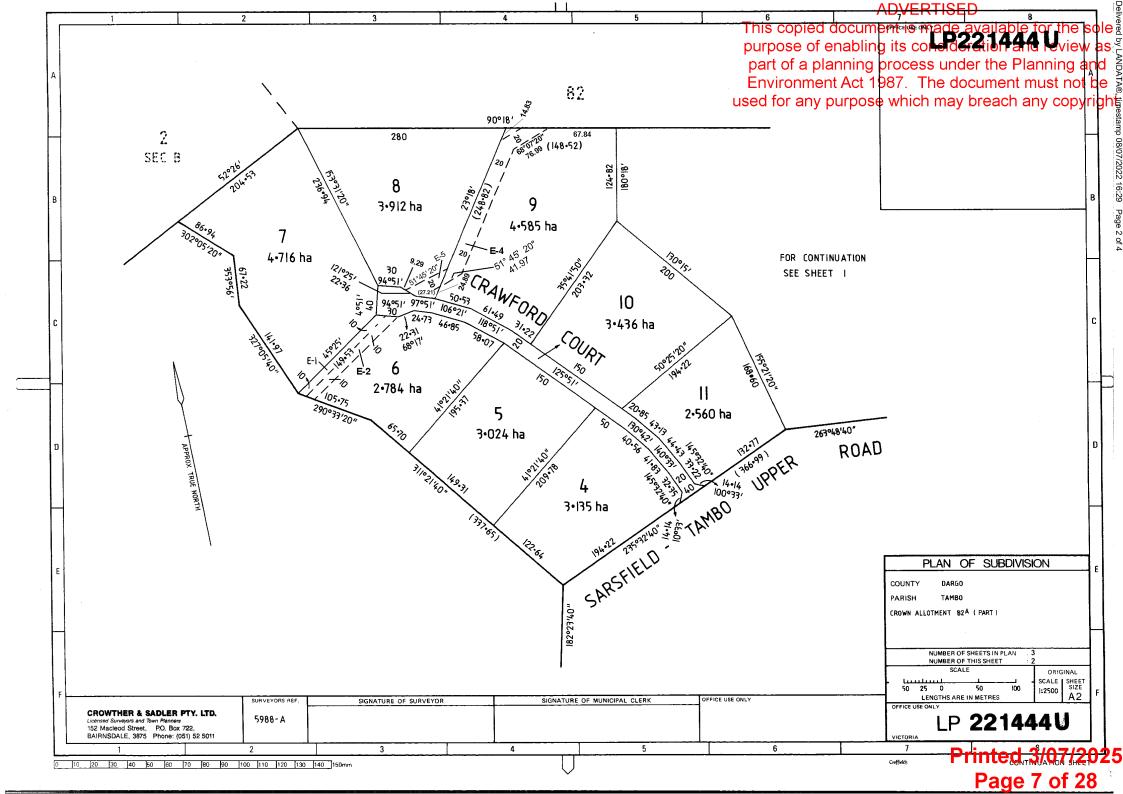
Document Type	Plan
Document Identification	LP221444U
Number of Pages	4
(excluding this cover sheet)	
Document Assembled	08/07/2022 16:29

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PLAN OF SUBDIVISION Nart of preparation process under the Planning and Denvironment Act 1987. The document must not be used for any purpose which may breach any copyright.

EASEMENT INFORMATION

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE WHOLE OF THIS PLAN.

SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO THE WHOLE OF THIS PLAN.						
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of		
E-1	POWERLINE	10.00	THIS PLAN Sec. 103B of the S.E.C. Act 1958	LOTS ON LP221444U		
E-1 & E-2	GAS PIPELINE	SEE PLAN	AB374687P	DUKE EASTERN GAS PIPELINE PTY LTD DEI EASTERN GAS PIPELINE PTY LTD (Vol. 10474 Fol. 067)		
E-4	GAS PIPELINE	SEE PLAN	AB457880K	DUKE EASTERN GAS PIPELINE PTY LTD DEI EASTERN GAS PIPELINE PTY LTD (Vol. 10474 Fol. 067) DUKE EASTERN GAS PIPELINE PTY LTD		
E-5	GAS PIPELINE	SEE PLAN	AB560006G	DEI EASTERN GAS PIPELINE PTY LTD (Vol. 10474 Fol. 067)		

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LP 221444U

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AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
Lot B		SUBDIVISION	LP222284			2	
Lot 9	E-4	CREATION OF EASEMENT	AB457880K			3	B.P.G.
Lot 6	E-1 & E-2	CREATION OF EASEMENT	AB374687P			3	B.P.G.
LOT 8	E-5	CREATION OF EASEMENT	AB560006G			4	C. G.
						Dei	nted 3/07/2



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Document Type	Instrument
Document Identification	R353968N
Number of Pages	3
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Document Assembled	08/07/2022 16:29

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R353968N

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Le Souef, Preston & Associates

Code .. 31081-

VICTORIA

TRANSFER OF LAND

Subject to the encumbrances affecting the land including any created by dealings lodged for registration prior to the lodging of this instrument the transferor for the consideration expressed at the request and by the direction of the directing party (if any) transfers to the transferee the estate and the interest specified in the land described together with any easement hereby created and subject to any easement hereby reserved or restrictive covenant herein contained or covenant created pursuant to statute and included herein. (Notes 1-4)

Land

(Note 5)

Volume 9999 Folio 805

0107 0117 VICTORIA H192041 541 1400208 0207623 H/D6-81 P4253445 044 \$1:049.00

Consideration

\$52,000.00



Transferor

(Note 7)

CASVOR PTY. LTD.

Transferee

(Note 8)

KEITH IAN BRIEN and MARION ANNE BRIEN both of 58 Bentons Road, Mount Martha as Joint Proprietors.

Estate and Interest

(Note 9)

In fee simple.

Directing Party

(Note 10)

Not applicable.

Creation (or Reservation) of Fasencht and war

(Notes 11-12)

Covenant

The Transferees with the intent that the benefit of this covenant shall be attached to and run at law and in equity with the whole of the land comprised in Plan of Subdivision No. LP221444U (other than the land hereby transferred) and each and every part thereof until the first day of January Two Thousand and Seventy and that



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the burden of this Covenant shall be ann used for any purpase which may breach any copyright in equity with the land hereby transferred and each and every part thereof and the same shall be noted and appear on every Certificate of Title for the said Lot and every part thereof as an encumbrance affecting the same.

DOES HEREBY for himself his respective heirs, executors, administrators and transferees COVENANT with Casvor Pty. Ltd. its successors and transferees and other registered proprietor or proprietors for the time being of the land comprised in said Plan of Subdivision (other than the land hereby transferred) that the transferces will not:

- (a) Erect, place, permit, licence or authorise on the said land any building being a dwelling house unless built only of new materials containing a floor area of not less than 112 square meters within the outer walls calculated by excluding the area of any carport, garage, terrace, pergola or verandah.
- (b) Erect or cause or suffer to be erecteed any building other than a building constructed in material of muted tonings inorder to blend with the rural character of the surrounding land to the satisfaction and requirements of the responsible authority.
- (c) Erect or cause to suffer to be erected any building within a minimum of thirty meters from any road frontage except with the consent of the responsible authority.
- (d) Use or permit the use of the said land or any building thereon for the purpose of commercial breeding, boarding or training of cats or dogs or for the purpose of keeping poultry for commercial purposes.
- (e) Use or permit to be used the said Lot or any part thereof for the purpose of carrying on any noxious or offensive trade or mining operations or excavations for the recovery of ore or minerals.
- (f) Use or permit to be used the said Lot or part thereof for the purpose of keeping or maintenance of pigs.
- (g) Use or permit or suffer to be used any main building for other than residential purposes.

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Date /Rel Capiel, 1991

Execution and Attestation

(Note 14)

(Note 13)

The COMMON SEAL of CASVOR PTY. LTD.)

was hereunto affixed in accordance)

with its Memorandum & Articles of)

Association in the presence of :

Director

Secretary

SIGNED by the Transferees)

in the presence of :

Cauca function

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Crowther & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

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Our ref: 21188-07 6 June 2025

Martin Richardson Manager Planning East Gippsland Shire Council

Via email: planning@egipps.vic.gov.au

Dear Martin,

Re: Planning Application – Variation of a Restrictive Covenant as it applies to 48 Crawford Court, Sarsfield.

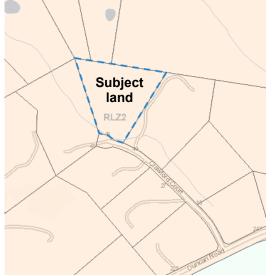
Lot 8 on PS221444U

On behalf of the owner of the subject land we are submitting an application to vary a restrictive covenant as it applies to Lot 8 on PS221444U or more commonly known as 48 Crawford Court, Sarsfield.

Proposal

The subject land is developed with a temporary dwelling resulting from the 2019/20 bushfire event. It is now proposed to have the temporary dwelling become a permanent dwelling.

The subject land is contained within the Rural Living Zone (Schedule 2) with no planning scheme overlays applying to the property. In accordance with the Rural Living Zone provisions a planning permit is not required for the use of a dwelling given the property exceeds one hectare in area as prescribed by Schedule 2 of the Rural living Zone. The existing location of the building complies with the required setbacks from property boundaries, waterways and dwellings on neighbouring properties and therefore does not require planning approval for buildings and works.



Planning scheme zone mapping (Source: VicPlan)



Restrictive covenant R353968N is registered title to the subject land. To enable the temporary dwelling to become a permanent dwelling it is necessary to vary the restrictive covenant.

A planning permit to vary the restrictive covenant is required in accordance with the following clause:

Planning Scheme Clause	Matter for which a Permit is required
52.02 Easements, Restrictions and Reserves	To proceed under Section 23 of the Subdivision Act 1988 to vary a restriction

Variation to Covenant R353968N

Covenant R353968N includes all land comprised in Plan of Subdivision LP221444U and remains effective until 1 January 2070.

The Application also seeks to vary the requirements of Clause (a) under restrictive covenant R353968N.

Pursuant to Clause (a) the owner must not:

"Erect, place, permit, licence or authorise on the said land any building being a dwelling house unless built only of new materials containing a floor area of not less than 112 square metres within the outer walls calculated by excluding the area of any carport, garage terrace, pergola or verandah."

Currently Clause (a) of the covenant prevents construction of any dwelling with a floor area of not less than 112m² within the outer walls calculated by excluding the area of the carport, garage, terrace, pergola or verandah. The Application therefore seeks to vary the covenant to accommodate the proposed dwelling with a floor area less than 112m².

It is proposed Clause (a) be varied by deleting reference to the minimum floor area. Clause (a) is to state:

"Erect, place, permit, licence or authorise on the said land any building being a dwelling house unless built only of new materials."

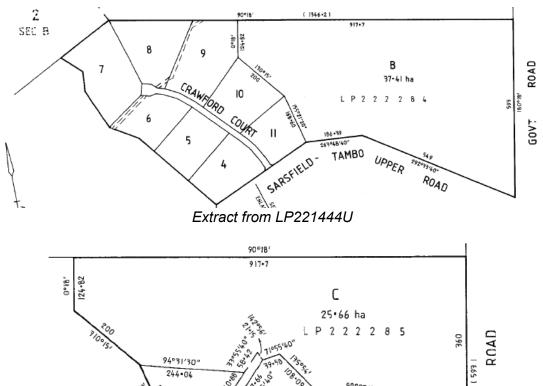
When the building was established on the subject lant it was constructed from new materials, thereby complying with the other requirements of Clause (a).

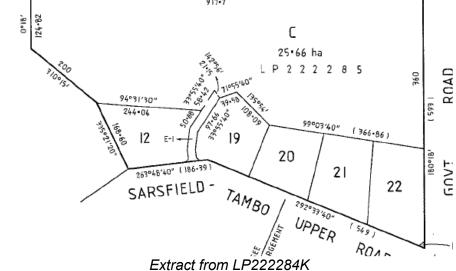
Planning and Environment Act 1987 - Section 60 (5)(a)

Section 60 (5) (a) of the *Planning and Environment Act 1987* states that:

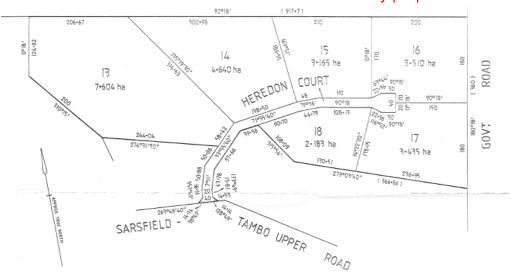
- (5) The responsible authority must not grant a permit which allows the removal or variation of a restriction referred to in subsection (4) unless it is satisfied that-
 - (a) The owner of any land benefited by the restriction (other than the owner who, before or after the making of the application for the permit but not more than three months before its making, has consented in writing to the grant of a permit) will be unlikely to suffer any detriment of any kind (including any perceived detriment) as a consequence of the removal or variation of the restriction;

The beneficiaries to the covenant are all the Lots in plan of subdivision LP221444U. Lot B on LP221444U was further subdivided into 6 lots under plan of subdivision LP222284K. Lot C on LP222284k was further subdivided into 6 lots under plan of subdivision LP222285H.





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Extract from LP222285H

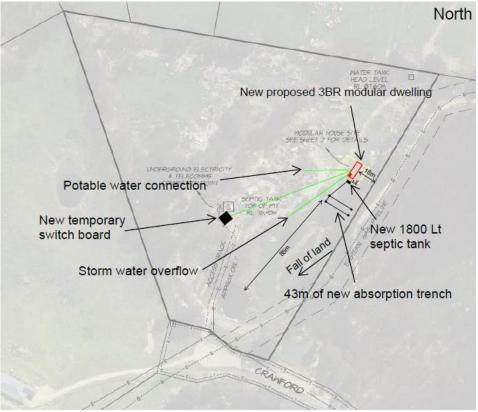
A total of 18 properties are beneficiaries to covenant R33253968N. The benefiting properties are listed in the below table:

Lot & Plan of Subdivision	Street Address
Lot 4 on LP221444U	225 Duncan Road, Sarsfield
Lot 5 on LP221444U	27 Crawford Court, Sarsfield
Lot 6 on LP221444U	35 Crawford Court, Sarsfield
Lot 7 on LP221444U	49 Crawford Court, Sarsfield
Lot 9 on LP221444U	40 Crawford Court, Sarsfield
Lot 10 on LP221444U	16 Crawford Court, Sarsfield
Lot 11 on LP221444U	247 Duncan Road, Sarsfield
Lot 12 on LP222284K	9 Heredon Court, Sarsfield
Lot 19 on LP222284K	22 Heredon Court, Sarsfield
Lot 20 on LP222284K	291 Duncan Road, Sarsfield
Lot 21 on LP222284K	305 Duncan Road, Sarsfield
Lot 22 on LP222284K	315 Duncan Road, Sarsfield
Lot 13 on LP222285K	13 Heredon Court, Sarsfield
Lot 14 on LP222285K	21 Heredon Court, Sarsfield
Lot 15 on LP222285K	21 Heredon Court, Sarsfield
Lot 16 on LP222285K	51 Heredon Court, Sarsfield
Lot 17 on LP222285K	52 Heredon Court, Sarsfield
Lot 18 on LP222285K	30 Heredon Court, Sarsfield

Resulting Land Use and Development

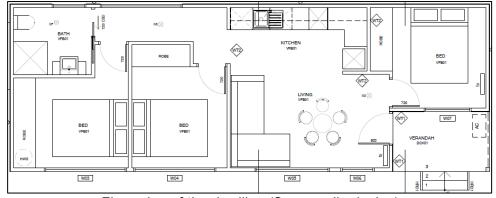
Varying the covenant will facilitate the temporary dwelling on the subject land to be a permanent dwelling.

The location of the dwelling will not alter as a result of the covenant variation, as is demonstrated by the site plan accompanying the application:



Site Plan (Source: Modular Spaces)

The existing scale and form of the building will remain as a result of the application. The internal dwelling layout will not alter remaining as a three bedroom dwelling as is demonstrated by the attached plan set submitted with the application.



Floor plan of the dwelling (Source: dig design)

Planning Elements

Clause 52.02 Easements, Restrictions and Reserves

In accordance with Clause 52.02 Easements, Restrictions and Reserves a permit is required before a person proceeds under Section 23 of the *Subdivision Act* 1988 to vary a restriction.

The Subdivision Act 1988 defines a restriction as follows:

Restriction means a restrictive covenant or a restriction which can be registered, or recorded in the Register under the Transfer of Land Act 1958.

Before deciding on an application, the responsible authority (Council) must consider the interests of affected people, resulting in the need for the application to be given public notice to all owners of land within Plan of Subdivision LP221444U, displaying a notice on the site and placing a notice in the local newspaper.

Clause 65 Decision Guidelines

The proposal to vary the restrictive covenant is consistent with the decision guidelines of the planning scheme and commentary is offered:

- There are no mapped environmental risks associated with the property that would suggest detrimental implications to a dwelling being developed on the subject land as facilitated by the application.
- The purposes of the zone will be met with the development of a dwelling on the subject land. Using the land for residential purposes within a rural environment will be the outcome achieved by the variation of the covenant.
- Requirements of the zone at Clause 35.03-2 for the use of a dwelling are complied with:
 - Access to the dwelling is provided via an all-weather road (Crawford Court) with dimensions adequate to accommodate emergency vehicles.
 - Wastewater from the dwelling is treated and retained within the lot in accordance with EPA requirements.
 - o A potable water supply is connected to the building.
 - Reticulated electricity supply is provided to the building.
- Varying the covenant to allow for a permanent dwelling on the land will provide a residence within a rural residential precinct which represents orderly planning.
- Allowing the variation of the covenant will not result in detrimental environmental outcomes, as the temporary dwelling has been sited within a cleared part of the land.

21188-07 Report

- The proposed dwelling will utilise the wastewater system installed on the land when the temporary dwelling was developed on the site. Approval of a variation to the covenant to allow for a permanent dwelling will not have a negative effect on human health or water quality.
- Stormwater from the temporary dwelling is discharged onsite and will continue to occur by providing a variation to the covenant.

It is considered the proposed variation of the covenant that will result in a permanent dwelling on the subject land will not result in detriment to owners of land benefited by the restriction:

- The location of the permanent dwelling will not alter from the current location of the temporary dwelling. The dwelling location is advantageous, being well setback from Crawford Road and is screened from the public realm and neighbouring dwellings by vegetation.
- The dwelling siting on the subject land is well setback from neighbouring dwellings and is of a lower height which does not dominate the landscape and maintains the amenity enjoyed by the covenant beneficiaries.
- No unreasonable overlooking or overshadowing will occur given the context of the area and the reduction of the covenant stipulated floor area.
- Colours and finishes of the dwelling are of natural and muted tones and with a smaller floor area reduces the visual appearance of the building.
- A dwelling with a floor area less than 112 square metres does not result in an inappropriate built form or a lesser architectural outcome.

Conclusion

The proposed variation to a covenant as it applies to 48 Crawford Court, Sarsfield is considered to accord with Clause 52.02 Easements, Restrictions and Reserves of the East Gippsland Planning Scheme and represents an appropriate planning outcome.

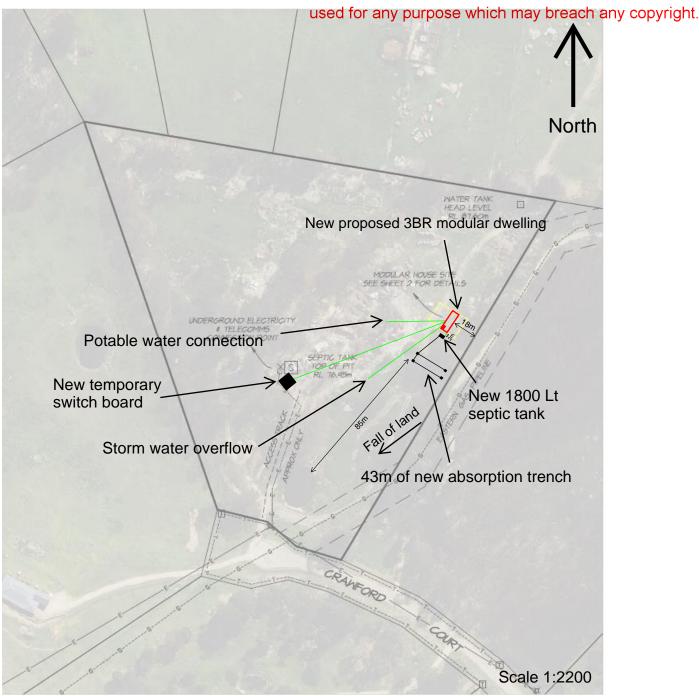
For these reasons we respectfully request that Council consider the merits of the application favourably and resolve to issue a Planning Permit.

Regards,

RICHARD HOXLEY
Director, Principal Planner

Encl. Application Form
Copy of Title
Site Plan (Modular Spaces)
Dwelling Plan Set (dig design)

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SITE PLAN

ADDRESS:

48 CRAWFORD COURT

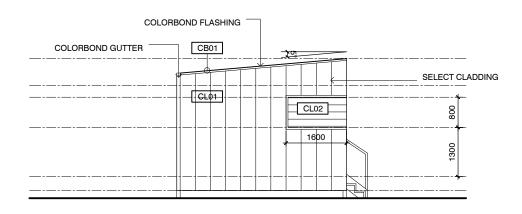
Modular Spaces

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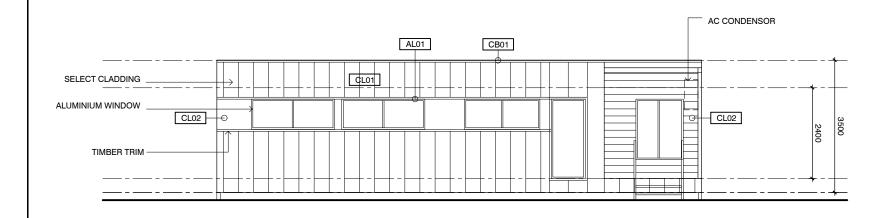
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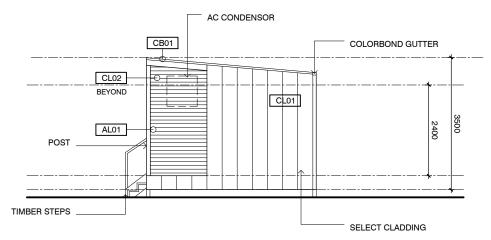
DULUX

DULUX NIGHT SKY' C25

BLACK POWDERCOATED 'NIGHT SKY' 90E9190Z

BLACK POWDERCOATED 'NIGHT SKY' 90E9190Z

PALE EUCALYPT





	03	ELEVATION
,	<u> </u>	SCALE 1:100

1. ALL LEVELS AND DIMENSIONS MUST BE CHECKED AND VERIFIED BEFORE COMMENCEMENT OF WORK.

2. ALL WORKS MUST BE EXECUTED IN A WORKMAN LIKE MANNER AND ALL MATERIALS MUST CONFORM TO THE LATEST APPLICABLE AUSTRALIAN STANDARD CODES.

MATERIALS & COLOURS SCHEDULE

DURACOM "BGC FIBRE CEMENT COMPRESSED

DURACOM "BGC FIBRE CEMENT COMPRESSED

DURACOM "BGC FIBRE CEMENT COMPRESSED CLADDING" RECESSED JOINT - HORIZONTAL

ALUMINIUM FRAMED WINDOWS + DOORS

COLORBOND ROOF SHEETING,

ALUMINIUM BATTEN SCREEN

GUTTERS + DOWNPIPES

CLADDING" RECESSED JOINT - HORIZONTAL

CLADDING" RECESSED JOINT - VERTICAL

CODE MATERIAL

CL01

CL02

CL03

CB01

AL01

AL02

3. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALE. DO NOT SCALE FROM DRAWING.

4. WINDOW SIZES ARE NOMINAL ONLY.
5. THIS DRAWING(S) IS TO BE READ IN CONJUNCTION WITH THE PROJECT
SPECIFICATIONS, RELEVANT REPORTS, ENGINEERS COMPUTATIONS AND
OR PLANS AND SOIL TEST REPORT WHERE INDICATED.
6. ALL MANUFACTURED / ORDERED ITEMS TO HAVE SIZES CHECKED ON
SITE BEFORE ORDERING

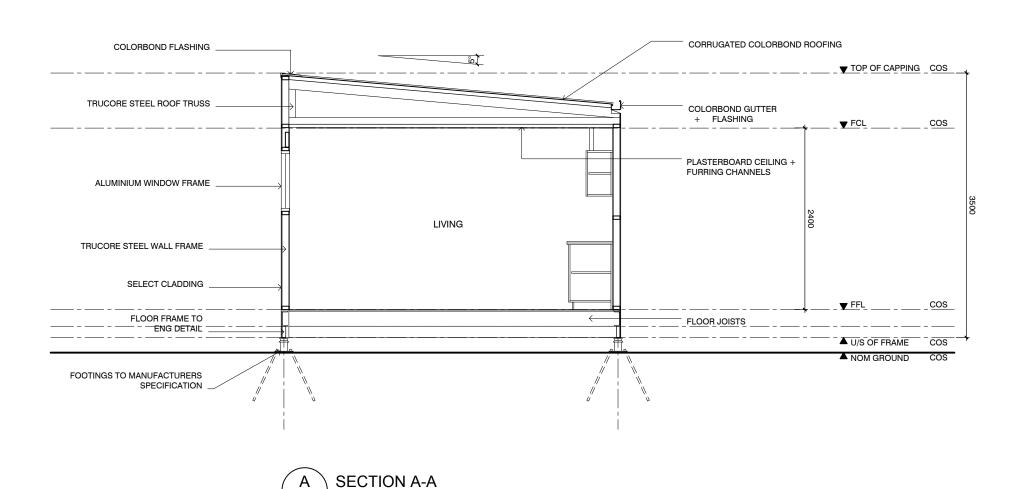
				CONSULTANTS
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-	С	17.07.20	REVISED DESIGN	-
1	В	30.06.20	CLIENT ISSUE	-
,	Д	23.06.20	CONSULTANT ISSUE	-
	۷О.	DATE.	DETAILS.	-
			AMENDMENTS.	

PROJECT TITLE.
MODULAR SPACES BRV - 3 BEDROOM
-

RAWING TITLE.										
LEVATION										
ROJECT NO. CALE. ATE.	20 011 1:100 @A3 size JUNE 2020									

JULIE-ANNE SMITH LINDSAY DOUGLAS ARCHITECT REG 5933 0.27 | 401 DOCKLANDS DRIVE DOCKLANDS VICTORIA 3008 F. 03 9077 2662

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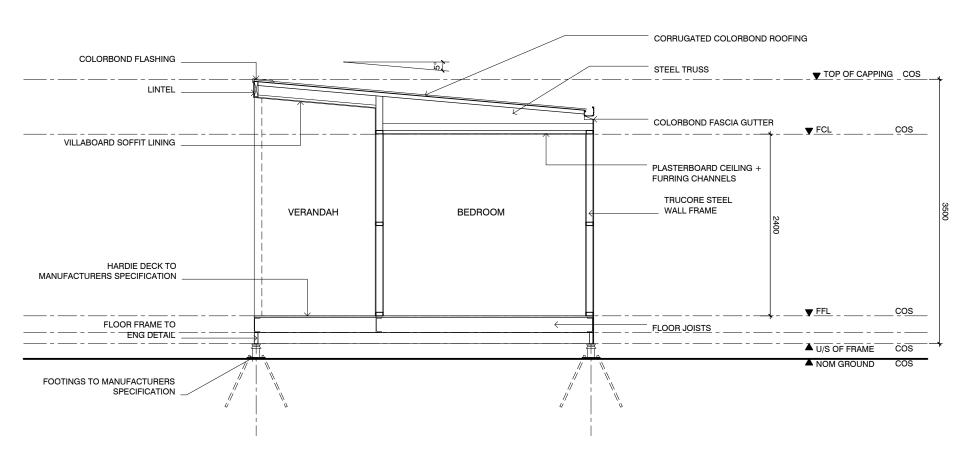


SCALE 1:50

AMENDMENTS.

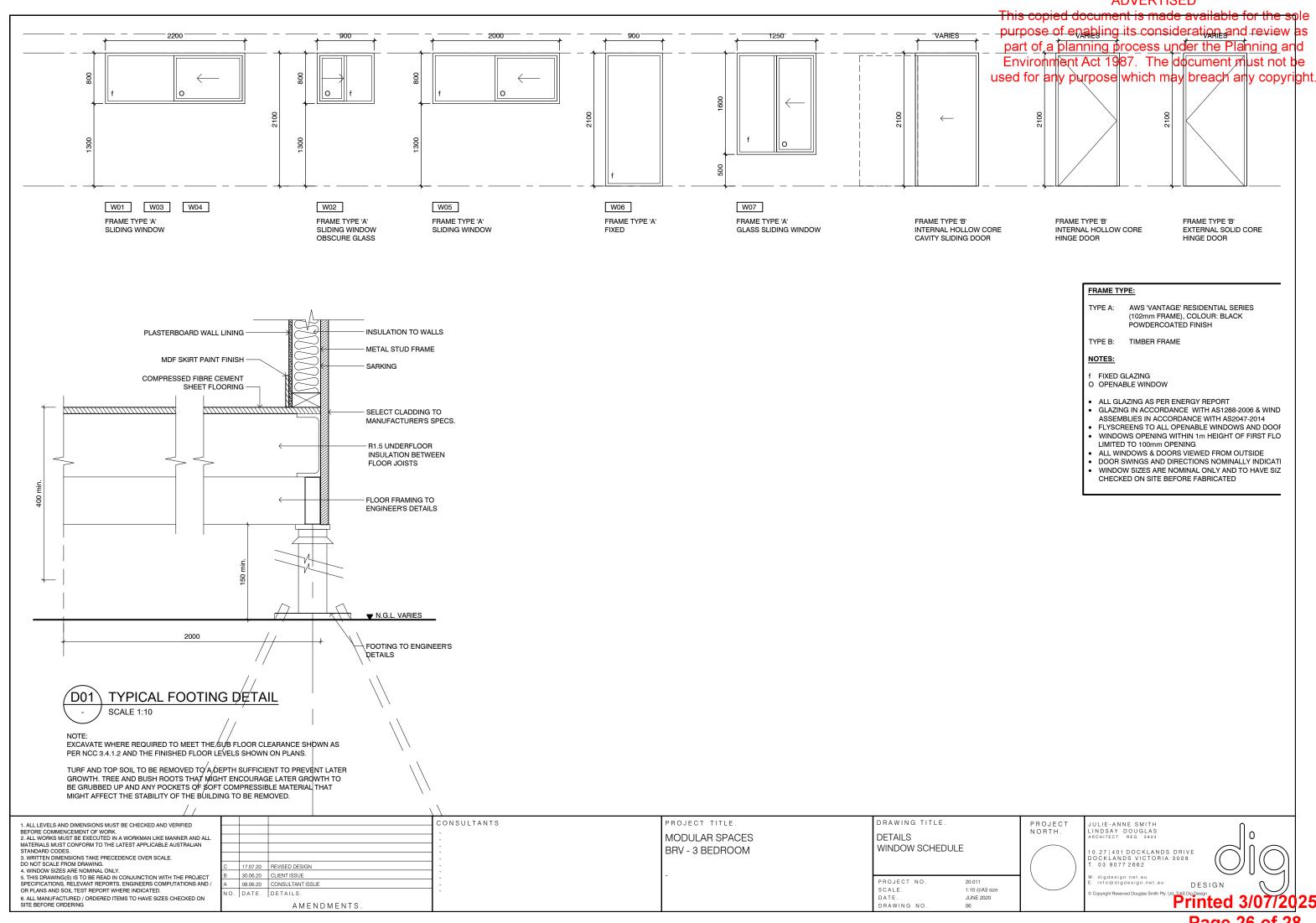
1. ALL LEVELS AND DIMENSIONS MUST BE CHECKED AND VERIFIED BEFORE COMMENCEMENT OF WORK.
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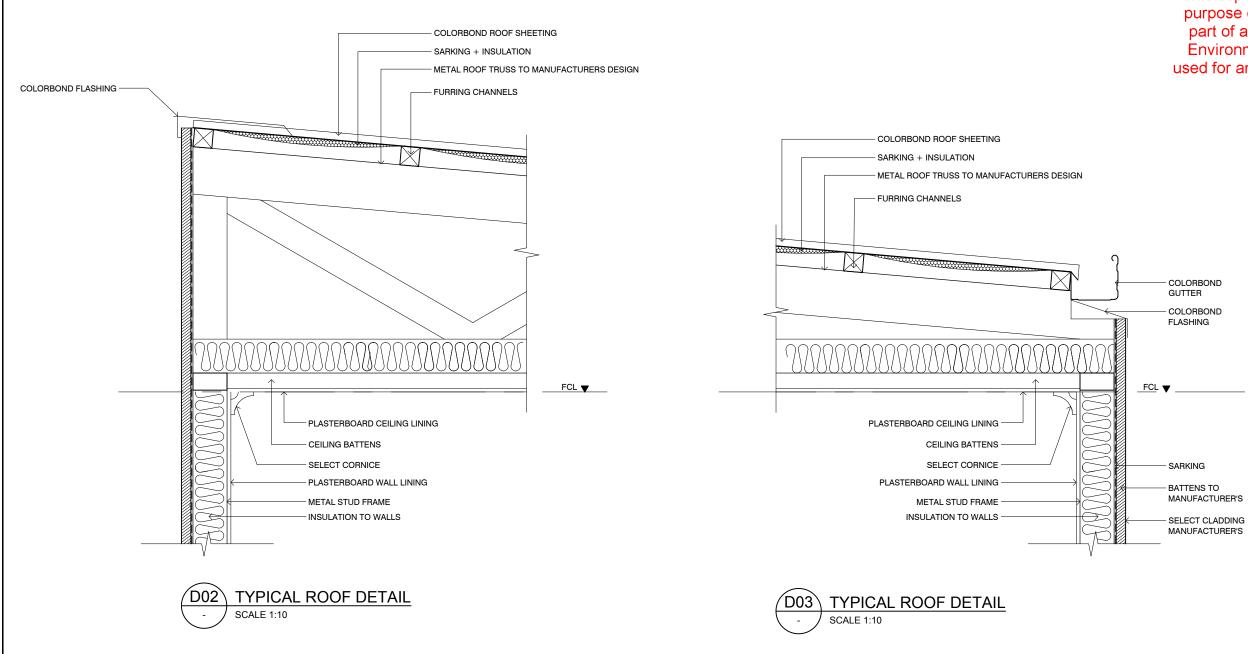




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ELECTRICAL LEGEND:

DOUBLE GPO

SJ DOUBLE GPO - UNDER / INSIDE JOINERY

♠ EXTERNAL DOUBLE GPO

× LIGHT SWITCH

L^D TELEPHONE POINT

AC

AIR CONDITIONING UNIT, MITSUBISHI MULTI HEAD REVERSE CYCLE SPLIT SYSTEMS LOCATION TO BE CONFIRM WITH SELECTED CONTRACTOR

EXHAUST FAN TO BE DUCTED EXTERNALLY

HARDWIRED, BATTERY OPERATED &
INTERCONNECTED SMOKE DETECTOR
TO AS3786-2014 & BCA PART 3.7.2

LIGHTING LEGEND:

DOWNLIGHT

D2 EXTERNAL DOWNLIGHT

FLOOD LIGHT

NOTE:

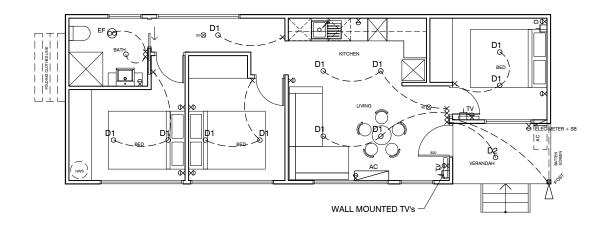
PROVIDE POWER TO ALL KITCHEN APPLIANCES

TV POINT / FOXTEL CABLE POINT WITH POWER POINT TO BE MOUNTED AT 1200mm AFFL

POWER POINT TO BE MOUNTED GENERALLY AT

LIGHT SWITCH TO BE MOUNTED AT 1200mm AFFL

ALL WIRING INSTALLATION IN ACCORDANCE WITH AS/NZS 3000:2007





ROOF SCHEDULE:



'CUSTOM ORB' COLORBOND STEEL SHEET ROOF AT ROOF PITCH INDICATED TO MANUFACTURERS SPECIFICATION



COLORBOND FASCIA GUTTER, CONCEALLED FIXING TO MANUFACTURERS SPECIFICATION WITH 100 x 50 COLORBOND DOWNPIPE

