

# NOTICE OF AN APPLICATION FOR PLANNING PERMIT

<b>The land affected by the application is located at:</b>	<b>689 Bindi Road BINDI VIC 3896 CA: 11 Sec: 1</b>
<b>The application is for a permit to:</b>	<b>Use and Development of a Dwelling (within 100m of a waterway)</b>
<b>A permit is required under the following clauses of the planning scheme:</b>	
<b>Planning Scheme Clause</b>	<b>Matter for which a permit is required</b>
Clause 35.07-1	Use of the land for a Dwelling
Clause 35.07-4	Construct a building and carry out works for a Section 2 use (Dwelling)
Clause 35.07-4	Construct a Building within Nominated Setbacks (within 100m of a waterway)
Clause 44.06-2 (BMO)	Construct a Building or Construct or Carry out Works
<b>The applicant for the permit is:</b>	<b>Crowther &amp; Sadler Pty Ltd</b>
<b>The application reference number is:</b>	<b>5.2025.241.1</b>

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

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

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

**An objection must**

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

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

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

**Kerry Stow**

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**From:** Snapforms Notifications <no-reply@snapforms.com.au>  
**Sent:** Monday, 21 July 2025 11:50 AM  
**To:** Planning Unit Administration  
**Subject:** Planning Permit application  
**Attachments:** COT Vol 11133 Fol 473.pdf; 21157 Site Plan V1.pdf; 21157 Report.pdf; 14686 Planning Permit 13.11.14.pdf; 21157 BHSA V1.pdf; 21157 BMP V1.pdf; Dweelling plans.pdf; Permit to Install a Septic Tank.pdf; Planning\_Permit\_Application\_2025-07-21T11-49-31\_26579741\_0.pdf

## Planning Permit Application

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

**Business trading name:** Crowther & Sadler Pty Ltd

**Email address:** contact@crowthersadler.com.au

**Postal address :** PO Box 722, Bairnsdale

**Preferred phone number:** 0351525011

**Owner's name:** Paul Anthony De Winkel & Deborah Michelle De Winkel

**Owner's postal address:**

**Street number:** 689

**Street name:** Bindi Road

**Town:** Blndi

**Post code:** 3896

**Lot number:** CA11 Section 1 Parish of Terlite-Munjie

**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 :** Vacant Land

**Description of proposal :** Use & Development of a Dwelling within 100m of a Waterway

**Estimated cost of development:** 380000

**Has there been a pre-application meeting:** Yes

**Your reference number:** 21157

**Full copy of Title:** [COT Vol 11133 Fol 473.pdf](#)

**Plans:** [21157 Site Plan V1.pdf](#)

**Planning report:** [21157 Report.pdf](#)

**ExtraFile:** 5

**1. Supporting information/reports:** [14686 Planning Permit 13.11.14.pdf](#)

**2. Supporting information/reports:** [21157 BHSA V1.pdf](#)

**4. Supporting information/reports:** [21157 BMP V1.pdf](#)

**3. Supporting information/reports:** [Dweelling plans.pdf](#)

**5. Supporting information/reports:** [Permit to Install a Septic Tank.pdf](#)

**Invoice Payer:** Crowther & Sadler Pty Ltd

**Declaration:** Yes

**Authority Check:** Yes

**Notice Contact Check:** Yes

**Notice check 2:** Yes

**Privacy Statement Acknowledge:** Yes

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

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VOLUME 11133 FOLIO 473

Security no : 124126378819W  
Produced 21/07/2025 11:37 AM

### LAND DESCRIPTION

Crown Allotment 11 Section 1 Parish of Terlite-Munjie.  
PARENT TITLE Volume 06714 Folio 606

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
PAUL ANTHONY DE WINKEL  
DEBORAH MICHELLE DE WINKEL  
AH308690X 22/06/2010

### ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

### DIAGRAM LOCATION

SEE TP309426F 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: 689 BINDI ROAD BINDI VIC 3896

DOCUMENT END



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TITLE PLAN		EDITION 1	TP 309426F
<b>Location of Land</b>  Parish: TERLITE-MUNJIE Township: Section: 1 Crown Allotment: 11, 11A Crown Portion:  Last Plan Reference: Derived From: VOL 6714 FOL 606 Depth Limitation: 50 FEET		Notations SUBJECT TO THE RESERVATIONS, EXCEPTIONS, CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 6714 FOL. 606 AND NOTED ON SHEET 2 OF THIS PLAN  WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE  ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Description of Land / Easement Information			THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT  COMPILED: 09/02/2000 VERIFIED: AA
COLOUR CODE Y = YELLOW			
LENGTHS ARE IN LINKS	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Printed 8/08/	

TITLE PLAN		TP 309426F	
<p align="center"><b>LAND DESCRIPTION INCLUDING RESERVATIONS EXCEPTIONS</b></p> <p align="center"><b>CONDITIONS AND POWERS SHOWN ON THE CROWN GRANT</b></p>			
<p>ALL THAT PIECE OF LAND in the said State containing  <u>forty-two acres more or less being Allotments eleven and eleven<sup>A</sup> of Section one in the Parish of Terlite-</u>  <u>Munjic County of Dargo</u></p>			
<p>delineated with the measurements and abutments thereof in the map drawn in the margin of these presents and therein colored yellow PROVIDED nevertheless that the grantee shall be entitled to sink wells for water and to the use and enjoyment of any wells or springs of water upon or within the boundaries of the said land for any and for all purposes as though she held the land without limitation as to depth EXCEPTING nevertheless unto Us Our heirs and successors all gold and silver and minerals as defined in the <i>Mines Act</i> 1928 in upon or under or within the boundaries of the land hereby granted AND reserving to Us Our heirs and successors free liberty and authority for Us Our heirs and successors and Our and their licensees agents and servants at any time or times hereafter to enter upon the said land and to search and mine therein for gold silver and minerals as aforesaid and to extract and remove therefrom any such gold silver and minerals and to search for and work dispose of and carry away the said gold silver and minerals lying in upon or under the land hereby granted and for the purposes aforesaid to sink shafts make drives erect machinery and to carry on any works and do any other things which may be necessary or usual in mining and with all other incidents that are necessary to be used for the getting of the said gold silver and minerals and the working of all mines seams lodes and deposits containing such gold silver and minerals in upon or under the land hereby granted AND ALSO reserving to Us Our heirs and successors—</p> <ul style="list-style-type: none"> <li>(i) all petroleum as defined in the <i>Mines (Petroleum) Act</i> 1935 on or below the surface of the said land and</li> <li>(ii) the right of access for the purpose of searching for and for the operations of obtaining such petroleum in any part or parts of the said land and</li> <li>(iii) rights of way for access and for pipe-lines and other purposes necessary for obtaining and conveying such petroleum in the event of such petroleum being obtained in any part or parts of the said land.</li> </ul>			
<p>PROVIDED ALWAYS that the said land is and shall be subject to be resumed for mining purposes under Section 168 of the <i>Land Act</i> 1928.</p> <p>AND PROVIDED also that the said land is and shall be subject to the right of any person being the holder of a miner's right or of a mining lease or mineral lease under the <i>Mines Act</i> 1928 or any corresponding previous enactment to enter therein and to mine for gold silver or minerals within the meaning of the said Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those to which such person would for the time being be entitled to mine for gold and silver in and upon Crown lands PROVIDED that compensation shall be paid to the said</p> <p>GRANTEE</p>			
<p>her executors administrators assigns or transferees by such person for surface damage to be done to such land by reason of mining thereon such compensation to be determined as provided for the time being by law and the payment thereof to be a condition precedent to such right of entry.</p>			
<p>LENGTHS ARE IN LINKS</p>	<p>Metres = 0.3048 x Feet</p> <p>Metres = 0.201168 x Links</p>		

## Planning Report

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### Use & Development of a Dwelling within 100m of a Waterway

689 Bindi Road, Bindi

Our reference – 21157

July 2025



FS 520900



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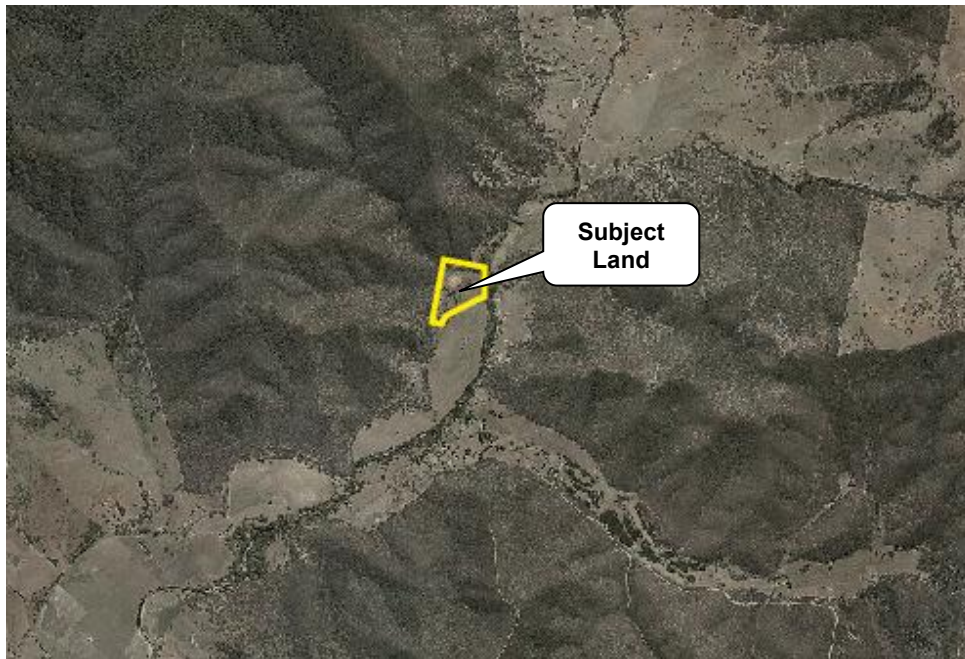
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	Application Form (via online planning portal)	
	Floor Plan & Elevations (Sheds n Homes)	
	Bushfire Management Plan (Version 1)	
	Bushfire Hazard Site Assessment (Version 1)	
	Copy of Title (CA 11, Sec 1 Parish Terlite-Munjie)	
	Permit to install a Septic Tank System (issued 18/02/2015)	
	Copy of Planning Permit 101/2014/P (issued 13 November 2024) - expired	

*Note: Applicable Planning Application fee is \$1,462.50*  
*Class 5 – Use & Development of a Dwelling >\$100,000 but <\$500,000*  
*Estimated Cost of Development \$380,000.00*



## 1. Introduction

This Planning Report is prepared in support of proposed Use & Development of a Dwelling at 689 Bindi Road, Bindi. The Report addresses the provisions of the Farming Zone, Bushfire Management Overlay, Erosion Management Overlay and Environmental Significance Overlay – Schedule 1-62 as contained within the *East Gippsland Planning Scheme*.



*Aerial view of subject land and surrounds – Source: VicPlan*



*Zone mapping and aerial of site and surrounds – Source: VicPlan*

## 2. Subject Land & Surrounding Context

The subject land is formally described as Crown Allotment 11, Parish of Terlite-Munjie being more commonly known as 689 Bindi Road, Bindi. It is an irregular shaped allotment approximately 13ha in area.



*View west across subject land from Bindi Road*

The subject land is substantially clear of native vegetation and is dominated by pastoral grasses due to its historic use for grazing purposes however scattered trees and shrubs exist along the northern boundary and through the centre and western portion of the land.

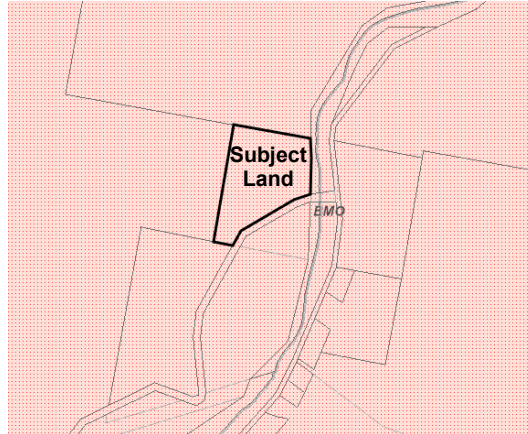
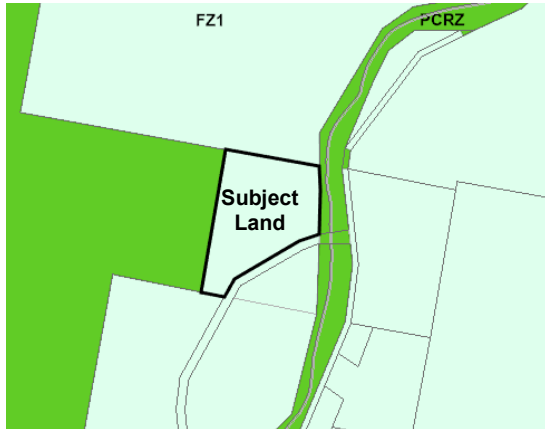
The land enjoys frontage to Bindi Road of approximately 395 metres to the south whilst the western boundary abuts the Bindi State Forest and the eastern boundary abuts the Tambo River. Bindi Road is a sealed road with gravel shoulders and serves as the primary access to and from the Bindi locality.



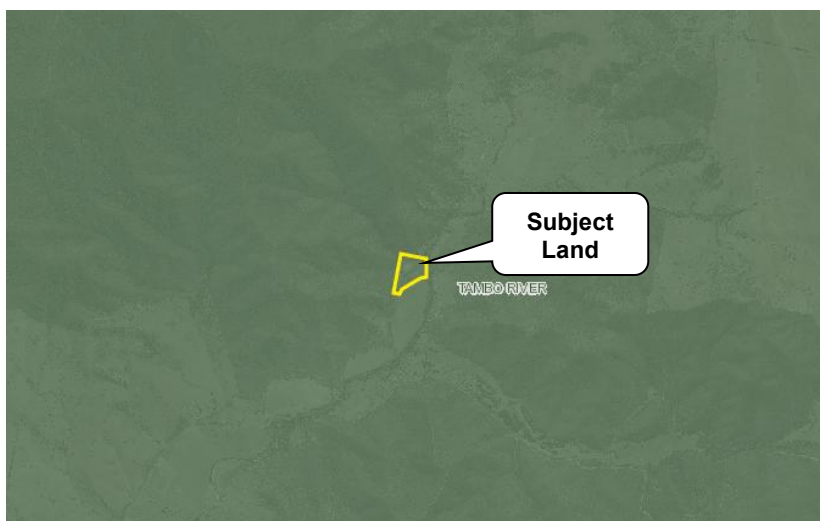
*Looking east at Bindi Road from in front of subject land*



The entire property is included within the Farming Zone – Schedule 1 and Bushfire Management Overlay whilst sections of the land are affected by the Erosion Management Overlay and Environmental Significance Overlay – Schedule 1-62 under the *East Gippsland Planning Scheme*. The land is also contained within a Declared Special Water Supply Catchment Area “*Tambo River*”.



Zone mapping and Bushfire Management Overlay Mapping  
Erosion Management Overlay and Environmental Significance Overlay Mapping  
Source: VicPlan



Declared Special Water Supply Catchment Area Mapping  
Source: VicPlan

Surrounding freehold properties are also contained within the Farming Zone however adjoining land immediately to the west and to the east is contained within the Public Conservation Resource Zone.

The site is located approximately 15.3km from the township of Swifts Creek which provides for basic goods and services and is located approximately 24.7km southeast of Omeo which is a service town providing for retail, administration and tourism.



Locality Plan – Source: VicPlan

The subject land is located within the Tambo River valley which contains a number of rural properties which are enclosed on the east and west sides by steep slopes. The area provides good opportunity for outdoor activities and to explore nature.



## History

Planning Permit 112/2009/P was issued 24/04/2009 allowing for the use and development of a dwelling. The permit was extended on 28/03/2011 however construction of the dwelling did not commence and with the introduction of the Bushfire Management Overlay Council determined the permit should not be extended instead requiring a new application to be made and address the provisions of the BMO.

Planning Permit 101/2014/P (issued 13/11/2014) allowing for the use and development of a dwelling and outbuildings on the land and Building Permit BSL 33560/20151272/0 subsequently issued on 25/03/2015. Whilst works were undertaken to commence the development both these approvals have since expired.



*Extract from Bushfire Management Statement  
Plan endorsed as part of Planning Permit  
101/2014/P*

Earthworks were undertaken to establish a level building pad in preparation of construction of the dwelling and a septic tank was installed in accordance with Permit to Install a Septic Tank System (issued 18/02/2015).







*Existing septic tank and X4 effluent drains*



*Looking south across existing building pad*



*Looking west across existing building pad*

Due to a series of unforeseeable issues including significant health and family matters, the dwelling construction was forced to halt despite our client's genuine intention to advance. Notwithstanding efforts made to commence the project Planning Permit 101/2014/P has unfortunately since expired.

The proposal at hand seeks to re-activate the approval for the use and development of a dwelling on the land. Whilst the previous approval included provision for outbuildings and swimming pool, the project has been scaled back to a dwelling only.

### 3. The Application & Proposal

The application seeks approval for the use and development of a single storey, four-bedroom dwelling as depicted on the accompanying Plan Set prepared by *Sheds n Homes*.



*Floor Plan – Source: Sheds n Homes*

The proposed dwelling will make use of the established building pad which has been sited within an existing clearing 273 metres from the eastern boundary and 212 metres from Bindi Road.

The siting is most practical as it corresponds generally with the position of the previously approved dwelling and makes use of established earthworks and infrastructure already in place such as the existing septic tank and effluent lines.

The exemption for vegetation removal to create defensible space for a dwelling prescribed at Clause 52.12-5 applies however the dwelling has been sited within an existing clearing which avoids and minimises impacts to native vegetation.

Whilst the dwelling will be constructed to BAL-29 the associated defensible space will extend 57 metres the entire way around the dwelling consistent with separation distances prescribed at Table 2, Column A to Clause 53.02-5.

It is anticipated that the mandatory Condition prescribed at Clause 44.06-5 relating to Buildings & Works will be imposed on the permit to ensure the bushfire mitigation measures prescribed on the Bushfire Management Plan are implemented on an ongoing basis.



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

Planning Scheme Clause No.	Description of what is Proposed
Clause 35.07-1 <sub>FZ</sub>	Use of the land for a Dwelling
Clause 35.07-4 <sub>FZ</sub>	Construct a building and carry out works for a Section 2 use (Dwelling)
Clause 35.07-4 <sub>FZ</sub>	Construct a Building within Nominated Setbacks (within 100m of a waterway)
Clause 44.06-2 (BMO)*	Construct a Building or Construct or Carry out Works

*Notice & Review Exemptions*

- Always exempt matters are marked with an asterisk (\*).
- Conditionally exempt matters are marked with a plus (+).

Pursuant to Clause 66.03 the Application will trigger referral to the Country Fire Authority (Recommending referral authority) for buildings and works associated with the establishment of a dwelling within the Bushfire Management Overlay.

Pursuant to Clause 44.067 Notice and Review of the Bushfire Management Overlay the proposal is exempt from public notification requirements under Section 52 of the *Planning & Environment Act 1987*.

Whilst the property is in part affected by the provisions of the Erosion Management Overlay, the proposed dwelling has been sited outside of the mapped area. There is also no trigger for approval under the provisions of the Erosion Management Overlay to construct a single dwelling on a lot where earthworks do not exceed 1.0 metre in height or depth.



*Erosion Management Overlay Mapping – Source: VicPlan*

Whilst the eastern portion of the subject land is mapped as being affected by the provisions of the Environmental Significance Overlay – Schedule 1-62 “*Tambo Crossing*” the proposed dwelling is located outside of the mapped area. The proposal therefore doesn’t trigger a permit under the provisions of the Overlay.



*Environmental Significance Overlay Mapping – Source: VicPlan*

#### 4. Cultural Heritage

Pursuant to Regulation 7 of the *Aboriginal Heritage Regulations 2018*, a Cultural Heritage Management Plan (CHMP) is required under the *Aboriginal Heritage Act 2006* for an activity if:

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



*Cultural heritage sensitivity mapping  
Source: VicPlan*

Whilst part of the property is within an area of cultural heritage sensitivity a single dwelling on a lot is not a high impact activity (Regulation 48) and therefore a CHMP is not required for the proposed development.

## 5. Planning Policy

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

### 5.1 Municipal Planning Strategy

Clause 02.01 Settlement outlines that East Gippsland can be divided into four economic and geographic areas, as shown on the Strategic Framework Plan at Clause 02.04.

The subject land is identified as being within the Highland sub region which includes high environmental values offsetting a range of tourism opportunities, good grazing lands, proximity to forests for timber and valuable mineral deposits.



Extract from Subregions Map – Source: EGPS

Clause 02.03-2 *Environmental & Landscape Values* identifies that Council's strategic vision is to restore and maintain biodiversity, protect areas of value, balance development with wildlife corridors and areas of rural or natural landscape and to protect sites of significance by encouraging sensitive development.

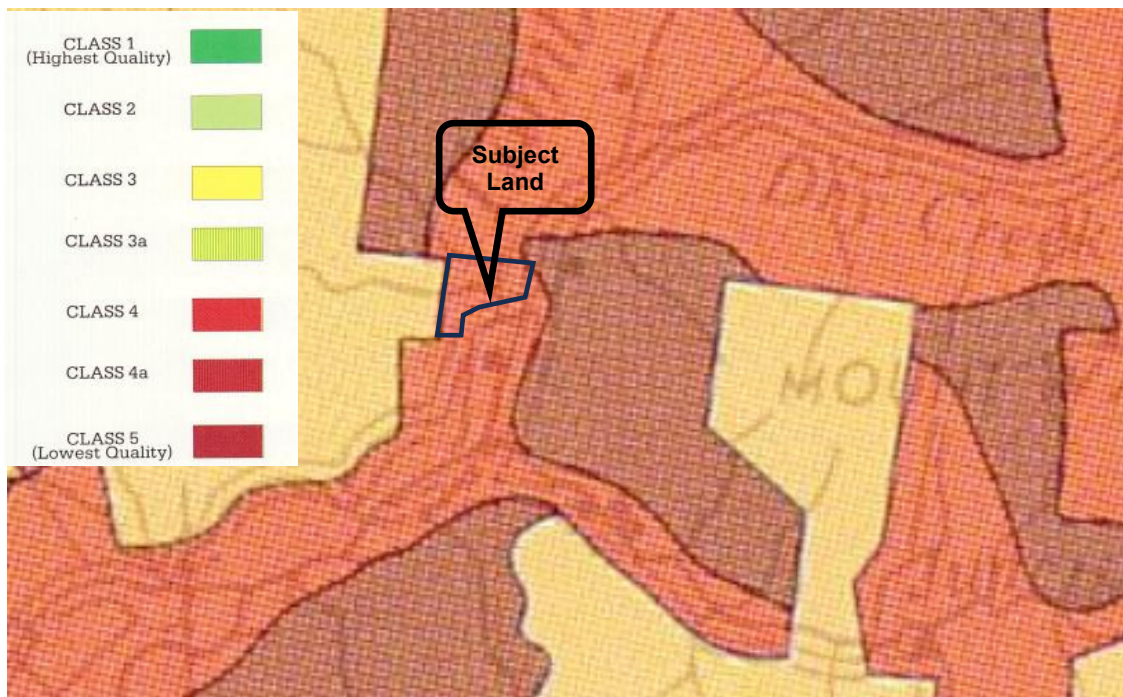
The proposal responds well as the proposed dwelling has been sited within an existing clearing and makes use of an established septic tank system which was lawfully installed following the granting of a Permit to Install a Septic Tank System.

Clause 02.03-3 *Environmental risks and amenity* outlines that Council plays an important role in managing and mitigating environmental risks associated with erosion, bushfire and salinity. The proposed dwelling has been sited in a portion of the property which is not encumbered by the Erosion Management Overlay and the Salinity Management Overlay does not apply to the site. The broader context does provide a significant bushfire threat and as a consequence the proposal nominates a minimum construction level of BAL-29 while enhancing defensible space to be consistent with Column A to Table 2 to Clause 53.02-5.



Clause 02.03-4 *Natural Resource Management* recognises the Region's natural resources and includes strategic directions which specifically seek to protect high quality and prime agricultural land from inappropriate development.

The subject land and surrounds are not identified as being high quality or prime agricultural land, with the subject land being identified as 'Class 4' according to the *Assessment of Agricultural Quality of Land in Gippsland* (Swan & Volum, 1984).



*Assessment of Agricultural Quality of Land in Gippsland – Source: Swan & Volum*

Class 4 land offers limited versatility for agriculture and typically provides for low productivity. Soils in this category offer low fertility, low water holding capacity and often have a shallow topsoil layer with moderate rock or stone content.

Whilst the land can sustain some grazing activity, as evident by the past land use, its productivity is relatively low and the introduction of a dwelling on the land will not have an impact on any high quality or prime agricultural land.

## 5.2 Planning Policy Framework

Clause 11.01-1L-04 *Smaller rural settlements* applies to the smaller rural settlements identified on the Strategic Framework Plan at Clause 02.04 however Bindi is not specifically recognised.

The objectives of Clause 12.01-1S *Protection of biodiversity* and Clause 12.01-2S *Native vegetation management* are adhered to as the proposed dwelling has been sited within an existing clearing and wont detrimentally impact existing native vegetation.

Whilst the Tambo River adjoins the subject land immediately to the north, the proposed dwelling has been generously setback and will make use of a modern septic tank system ensuing the objectives and strategies of Clause 12.03 *Water bodies and wetlands* are upheld.

Clause 12.05-2S *Landscapes* seeks to protect and enhance significant and open spaces that contribute to character, identity and sustainable environments. The proposal recognises the surrounding natural landscape by nominating the dwelling back from Bindi Road to provide for filtered views to ensure it is not dominate from the road or nearby properties.

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

The proposal has prioritised the protection of human life by nominating a minimum construction standard of BAL-29 whilst enhancing separation distances from classifiable vegetation to be consistent with Table 2 Column A to Clause 53.02-5.

Clause 14.01-1S *Protection of Agricultural Land* seeks to ensure the State's agricultural base is protected by preserving productive farmland. The site's limited size (13ha) and soil classification (Class 4) does not make it conducive to supporting intensive agricultural activity and the establishment of a dwelling will not remove any land unnecessarily from viable agricultural production.

The land is not identified as being high quality or prime agricultural land according to the *Assessment of Agricultural Quality of Land in Gippsland* (Swan & Volum, 1984) which is evident by the limited grazing activity the land has otherwise historically accommodated.

Council previously recognised the suitability of the land to support a dwelling by when granting the previously issued permit for the use and development of a dwelling on the land. Whilst the permit has now expired as the development was not completed within the specified time, it would otherwise exist today if our clients had not endured unforeseeable personal circumstances.



There are numerous cleared allotments contained within the Farming Zone less than 40ha within the Tambo River valley, many of which contain existing dwellings. The subject land is not isolated, and it is reasonable to expect the site will also grow a dwelling having regard for the surrounding context.

Clause 14.01-1S relating to *Protection of Agricultural Land* applies to all land within the Farming Zone (Schedules 1, 2, 3 & 4) and includes strategies which predominantly relate to subdivision however also reference the adoption of cluster housing arrangements. The property is not isolated as it is just a short drive from the township area of Swifts Creek and dwellings are clustered within the area.

Application of defensible space consistent with Table 2, Column A to Clause 53.02-5 has ensured the siting of the proposed dwelling has maximised separation from classifiable vegetation on adjoining Crown Land consistent with Clause 14.01-1L-03 *Rural dwellings*.

## 6. Planning Elements

### 6.1 Farming Zone

The Application triggers planning approval under the provisions of the Farming Zone – Schedule 1, for the following:

- Clause 35.07-1 for the use of a dwelling (Section 2 Use);
- Clause 35.07-4 for Buildings & Works associated with a Section 2 Use; &
- Clause 35.07-4 for Buildings & Works within nominated setbacks (100 metres of a waterway).

#### Use of a dwelling, small second dwelling or rural worker accommodation Clause 35.07-2

Requirement	Response
Access to the dwelling, small second dwelling or rural worker accommodation must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.	Access to the proposed dwelling will be established via the existing driveway from Bindi Road. Bindi Road is a sealed all-weather road capable of accommodating emergency vehicles.
Each dwelling, small dwelling or rural worker accommodation must be connected to reticulated sewerage, if available. If reticulated sewerage is not available all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the <i>Environment Protection Regulations</i> under the <i>Environment Protection Act 2017</i> for an on-site wastewater management system.	As the site is not located within an existing sewer district wastewater will be dealt with via the existing septic system.  The existing system was installed following the issue of a Permit to Install a Septic Tank System (issued 18 February 2015).
The dwelling, small dwelling or rural worker accommodation must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for fire fighting purposes.	As the site is not located within an existing water supply district water tanks will be used for the storage of water for both domestic use and for firefighting purposes.
The dwelling, small second dwelling or rural worker accommodation must be connected to a reticulated electricity supply or have an alternative energy source.	The proposed dwelling will be connected to the existing electricity supply as established overhead within the locality.

### Clause 35.07-4 Buildings & Works

Permit Triggers		Response
Buildings & Works associated with a Section 2 Use.		<b>Permit Trigger</b> The use of the land for the purposes of a dwelling is a Section 2 Use as the subject land is less than 40ha in area.
Earthworks which change the rate of flow or the discharge point of water across a property boundary	None specified	<b>N/A</b> Proposed earthworks are limited due to the established nature of the building pad and will not have an adverse impact on water or drainage.
Earthworks which increase the discharge of saline groundwater	None specified	<b>N/A</b> Proposed earthworks are limited due to the existing nature of the building pad and will not have an adverse impact on water or drainage.
A Building which is within any of the following setbacks:		
The setback from a Transport Zone 2 or land in a Public Acquisition Overlay.	100m	<b>N/A</b> Bindi Road is not identified as TZ2 and there is no Public Acquisition Overlay located nearby.
Any other road	20m	<b>N/A</b> The proposed dwelling has been generously setback from Bindi Road (>20m) and is setback more than 5m from all other boundaries.
Any other boundary	5m	
Minimum setback from a dwelling not in the same ownership (metres).	100m	<b>N/A</b> There are no dwellings in differing ownership within 100m of the proposed dwelling.
100 metres from a waterway, wetlands or designated flood plain.		<b>Permit Trigger</b> The proposed dwelling is within 100 metres of a mapped waterway which triggers approval pursuant to Clause 35.07-4.
Buildings & Works for accommodation within 1km of proposed or existing wind energy facility.		<b>N/A</b> There are no existing or proposed wind energy facilities within 1km of the subject land.
Buildings & Works for accommodation within 500m of a Work Authority.		<b>N/A</b> There are no known Work Authority approvals within 500m of the proposal.

Pursuant to Clause 35.07-4 of the Farming Zone planning approval is triggered for buildings and works within 100.0 metres of waterway as the proposed dwelling has been sited 58 metres from a mapped waterway.



*Extract from Site Plan (Version 1)*

This section of the mapped waterway is ephemeral and forms the upper reach of the waterway system and whilst it serves a drainage function it does not hold water on a permanent basis.

It is evident that the siting of the dwelling is appropriate having regard to the approvals granted by Council to establish the existing septic tank and associated effluent lines.

### Decision Guidelines

The following response is provided to the Decision Guidelines:

#### **General Issues**

- It is evident that the land can accommodate onsite wastewater disposal given the presence of the established septic system which was lawfully installed following the granting of a Pemrit to Install a Septic Tank System (issued 18 February 2015).
- Establishment of a dwelling on the land is most compatible with surrounding land uses as there are several established dwellings on small lots within proximity to the subject land along the Tambo River valley.
- There are no intensive agricultural uses occurring within the vicinity to the site and it is unlikely that they will occur into the future given the presence of nearby residential properties.
- The proposed dwelling will make use of existing infrastructure including the existing power supply which is provisioned overhead and adjoining sealed road network.

#### **Agricultural Issues**

- The proposed dwelling will not remove any land from agricultural production as the land simply does not perform any viable rural function and has limited capacity to do so. At best it can sustain some low scale grazing which is evident from the past land use.
- The land is only 13ha in area and the soil type is not conducive to any intensive agricultural activities. The land is recognised as 'Class 4' according to the *Assessment of Agricultural Quality of Land in Gippsland* (Swan & Volum, 1984) which is not high quality or prime agricultural land.
- The proposal will not result in any fragmentation of any productive farmland however will allow for occupation of a small rural holding that is otherwise unlikely to support commercial-scale agricultural due to its size and constraints.
- Council have previously acknowledged that the land is not high quality or prime agricultural land capable of viable production through the issue of the previous planning permits (now expired). It is reasonable to expect that if our clients hadn't been subjected to unforeseen and serious health and personal issues that the dwelling would otherwise have been established and exist on the land.
- Immediately adjoining freehold parcels of land are significantly more vegetated also having limited viability for agricultural production. It is therefore extremely unlikely that the subject land would be sought out for aggregation purposes.



### Accommodation Issues

- Agricultural activities adjoining the property are limited to small scale grazing which will not adversely impact the owners/occupants of the proposed dwelling.
- The proposed dwelling will not lead to a proliferation of dwellings in the area. There are already a number of established dwellings nearby which has not impaired agricultural activities.
- The proposed dwelling will facilitate ongoing land management and provide for low-impact rural lifestyle which is compatible with surrounding agricultural uses.
- The proposed dwelling has been setback into the site ensuring that it is well separated from existing dwellings on adjoining properties.

### Environmental Issues

- The dwelling has been sited within an existing clearing which also ensures there will be no substantial loss of native vegetation for the purposes of establishing defendable space.
- The proposed dwelling can make use of the existing septic tank system which has been lawfully installed with adequate approvals in place.
- The establishment of a dwelling on the land and permanent occupancy of the site provides opportunity for more proactive and intensive land management practices to be established.

### Design & Siting Issues

- The dwelling has been kept to single storey only and will incorporate external materials and colours which can be easily incorporated into the rural setting. The lower scale of the development and generous setbacks ensure it will not be visually intrusive when viewed from the adjoining road network or neighbouring properties.
- The proposed dwelling is modest in scale and has been setback from Bindi Road to ensure it is visually integrated into the landscape. Retained site trees will provide only filtered views of the dwelling from vantage points.

## 6.2 Bushfire Management Overlay

The subject land is contained within the Bushfire Management Overlay which triggers planning approval at Clause 44.06-2 for buildings and works associated with an accommodation use.

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

The proposed dwelling is considered to provide an appropriate response to the purpose of the Bushfire Management Overlay with the risk to life and property able to be reduced to an acceptable level through implementation of mitigation measures prescribed at Clause 53.02.

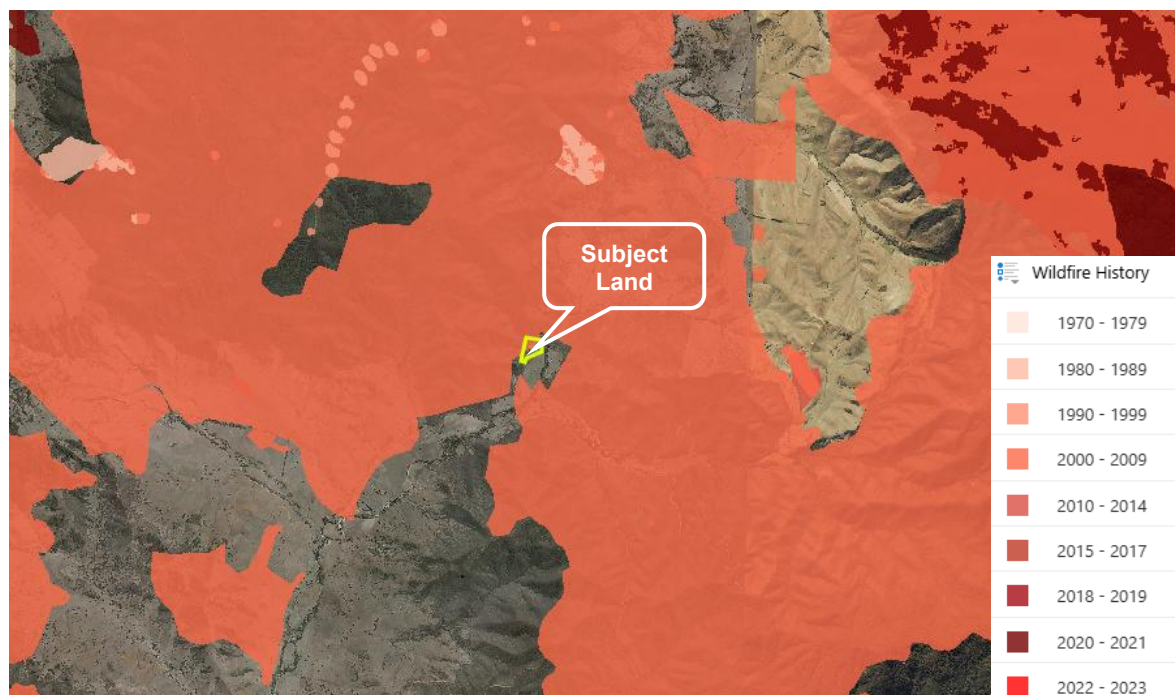
The subject land is contained within the rural locality of Bindi and the proposed dwelling will be constructed to BAL-29 whilst separation distances are otherwise consistent with Column A to Table 2 of Clause 53.02-5 providing resilience from the bushfire hazard.

Application Requirements Clause 44.06-3	
<b>Bushfire Hazard Site Assessment</b>	A Bushfire Hazard Site Assessment Plan has been prepared in support of the Application which provides detail of the site and immediate surrounds. The landform and vegetation classifications within the surrounding 150 metre assessment area has been considered in the calculations for separation distances and associated Bushfire Attack Level (BAL-29).
<b>Bushfire Hazard Landscape Assessment</b>	<p>A Bushfire Hazard Landscape Assessment describing the bushfire hazard in the wider landscape (&gt;150 metres from the site) has been provided in support of the application.</p> <p>The Bushfire Hazard Landscape Assessment determined the site has a Broader Landscape Type: Type 3.</p>
<b>Bushfire Management Statement</b>	A Bushfire Management Statement is included within this Report which includes a detailed response to each of the Approved Measures at Clause 53.02-4 <i>Bushfire Protection Objectives</i> .

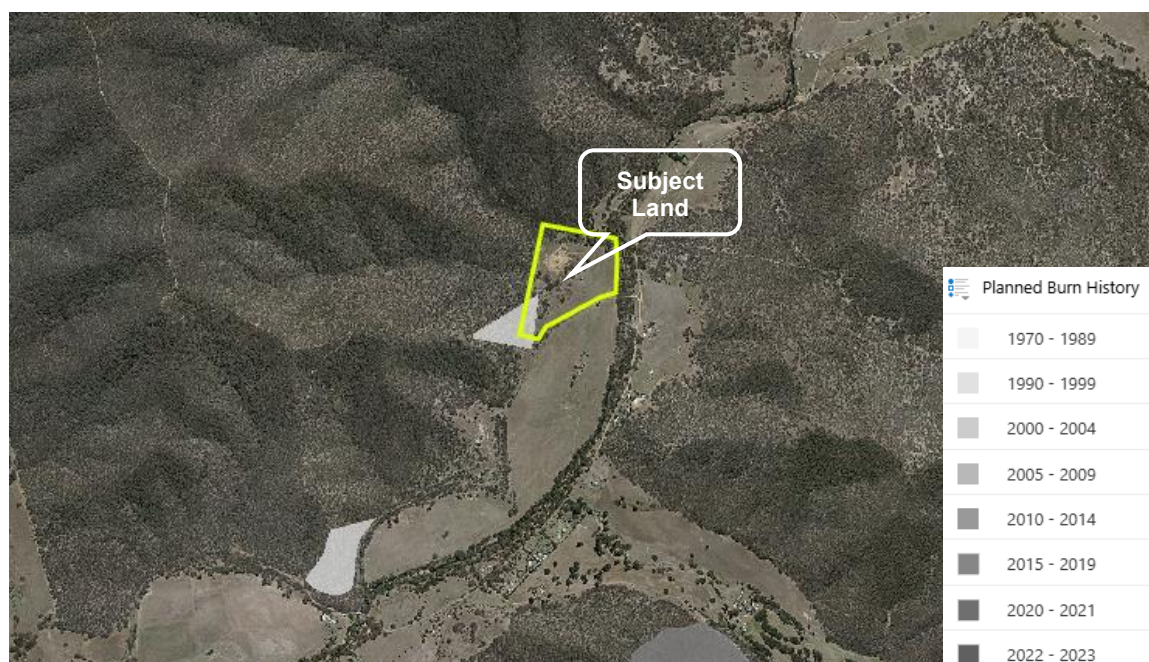
As the proposal seeks approval for Buildings and works a permit must include the mandatory Condition prescribed at Clause 44.06-5 of the Bushfire Management Overlay.

The Application is supported by a Bushfire Management Plan for endorsement which includes details of construction level (BAL-29), defensible space, water supply and access consistent with the requirements of Clause 53.02-5.

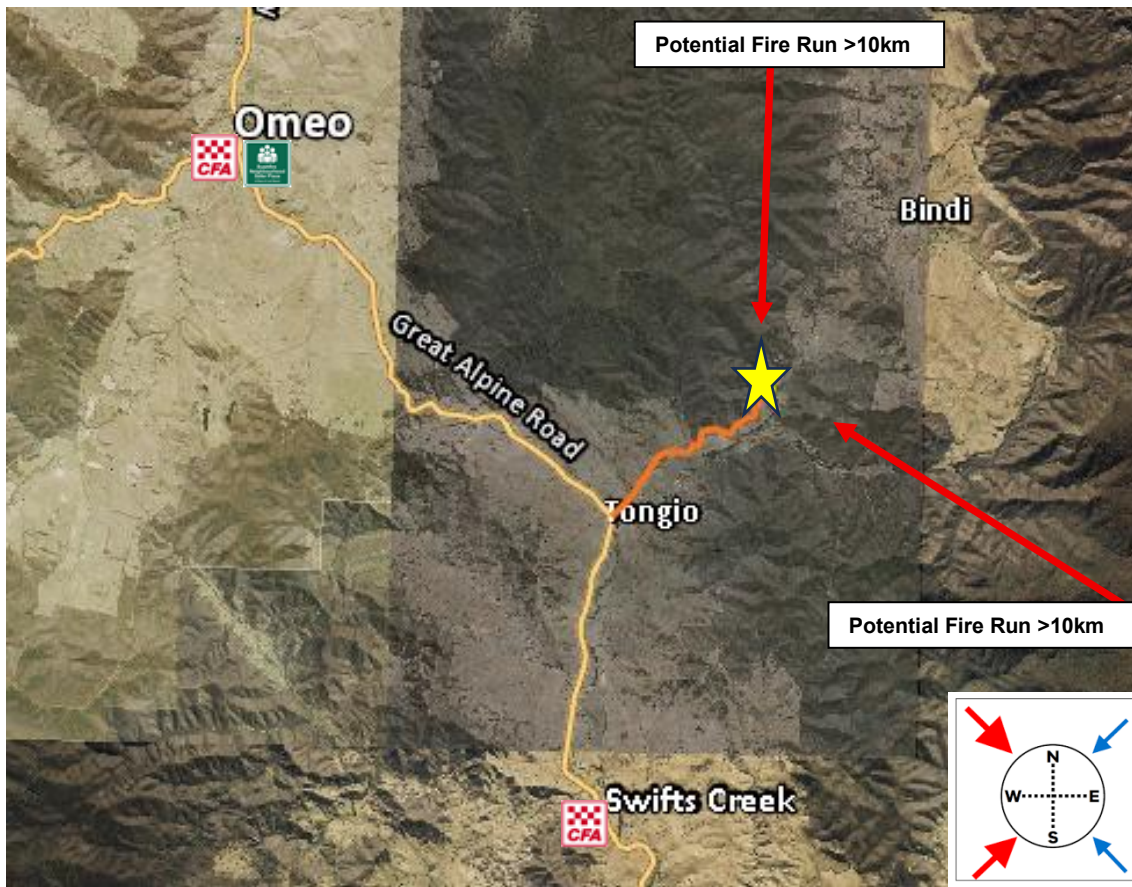
## Bushfire Hazard Landscape Assessment






Wildfire & Planned Burn History – Source: Forest Explorer







Broader Landscape Type: High 3	
	<b>Subject Land</b>
	<b>Nearest CFA's</b> Swifts Creek – 6870 Great Alpine Road, Swifts Creek Omeo – 110 Bilton Street, Omeo Ensay – 5061 Great Alpine Road, Ensay
	<b>Neighbourhood Safer Place</b> – Omeo Recreation Reserve Corner of Day Avenue & Park Street, Omeo

### 6.3 Bushfire Planning

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

Response to Objectives and Standards to Clause 53.02
CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES
<p><b>Objective</b></p> <p>Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.</p> <p>Development is sited to minimise the risk from bushfire.</p> <p>Development is sited to provide safe access for vehicles, including emergency vehicles.</p> <p>Building design minimises vulnerability to bushfire attack.</p> <p><b>Approved Measures</b></p> <p><b>AM 2.1</b></p> <p>The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.</p> <p><b>Response:</b></p> <p>The wider landscape provides a real bushfire risk with the threat being the possibility of long fire runs through large tracts of forested vegetation on steep sloping Crown Land.</p> <p>Bushfires have the potential to develop for many hours with an ability to develop very long fire runs with high convective energy. The position of the subject land within a valley however is likely to moderate fire intensity relative to more elevated slopes and ridgelines.</p> <p>The subject land is located within the small rural locality of Bindi (Tongio) being approximately 15.3km (14min) north of the Swifts Creek township and approximately 24.7km (20min) to the south of the larger township of Omeo.</p> <p>The property is located within the Tambo River valley and the Tambo River abuts the eastern boundary of the site. The subject land together with other freehold properties to the south, east and north east are substantially clear of vegetation containing only scattered vegetation. There are well established modest homes scattered throughout the valley along Bindi Road.</p> <p>Access to the subject land from the wider locality is facilitated from Great Alpine Road from the west via Bindi Road (apx 8km). Both roads contain good quality pavement which are suitable for accommodating emergency vehicles. The alignment of Bindi Road is established through clearer land which generally corresponds with the route of the Tambo River.</p> <p>The presence of the steep and vegetated land surrounding the locality presents a high bushfire risk and the area has consequently been identified as Landscape Type 3.</p>

**AM 2.2**

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

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

**Response:**

The proposed dwelling has been positioned to be generally consistent with the previously approved dwelling to enable use of the established building pad and septic system already installed on site. It is logical siting given the cleared nature of the area and the good separation from the surrounding bushfire threat presented by the nearby forested areas to the north and west.

The dwelling will be constructed to a minimum BAL-29 however has been setback sufficiently from boundaries to enable establishment of enhanced defendable space consistent with Table 2 Column A to Clause 53.02-5.

The dwelling will be afforded some shielding from the main bushfire threat from the west by the earthworks already undertaken for the establishment of the building pad.



*Looking in a westerly direction towards existing building pad and site cut*

Whilst the proposed dwelling is setback into the site, the property is only 13ha in area and the dwelling will be identifiable from Bindi Road to the south. Access from Bindi Road to the proposed dwelling does not need to traverse any heavily forested areas and is logical given it is already established.

The vegetation on the property has remained quite consistent over the past 10 years and is reasonable to expect that with permanent occupation it will continue to be managed and maintained to avoid any increase to fuel loads.





*Comparison between Google Earth aerial photography 15/09/2013 & 23/02/2023*

As part of the proposal the existing driveway access will be upgraded to meet the requirements of Table 5 to Clause 53.02-5 ensuring it is sufficient for emergency access.

#### AM 2.3

A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.

#### Response:

The design incorporates the use of non-combustible materials that are resilient to fire with the dwelling to be constructed to BAL-29 to enhance protection from bushfire. The dwelling will be constructed on a concrete slab with colourbond steel wall cladding and corrugated steel roof.

The proposed dwelling has been designed to reduce the accumulation of debris and entry of embers through use of a simple roof profile. The simple design avoids re-entrant corners.

The existing excavations for the building pad will also provide the proposed dwelling with some shielding from the vegetation on the upslope to the west.

## CLAUSE 53.02-4.2 DEFENDABLE SPACE & CONSTRUCTION OBJECTIVES

### Objective

Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings.

### Approved Measures

#### AM 3.1

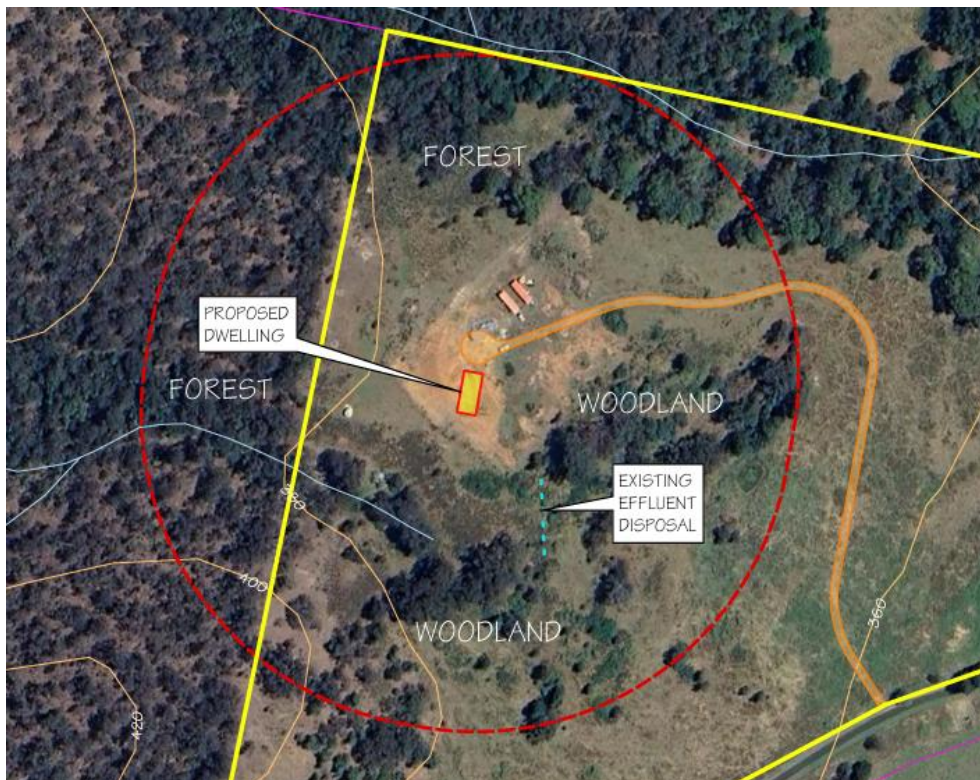
A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Table 2 Columns A, B or C and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land; or
- If there are significant siting constraints, Table 2 Column D and Table 6 to Clause 53.02-5.

The building is constructed to the bushfire attack level that corresponds to the defendable space provided in accordance with Table 2 to Clause 53.02-5.

### Response:

**Vegetation contained within the 150-metre assessment area surrounding the proposed dwelling includes a mixture of forest to the north and west and woodland to the east and south. Whilst the forested vegetation to the west is on an upslope, all other aspects are on a downslope >0-5°.**



*Extrct from Bushfire Hazard Site Assessment (Version 1)*



	North	East	South	West
Slope	Downslope >0°-5°	Downslope >0°-5°	Downslope >0°-5°	Upslope
Veg Type	Forest	Woodland	Woodland	Forest
Separation Distances	57m	41m	41m	57m



*Looking towards northwestern corner of the property from existing building pad*



*Looking west from existing building pad*



*Looking south from existing building pad*



*Looking east towards Bindi Road from north western portion of site*

The proposed dwelling has been provided with defendable space designed consistent with Table 2 Column A to Clause 53.02-5 albeit will be constructed to minimum BAL-29. Having regard to the surrounding 150 metre assessment and forested vegetation to the north on a downslope  $>0-5^\circ$ , defendable space has been extended 57 metres the entire way around the proposed dwelling to enhance resilience.

#### **AM 3.2**

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

- Provided with defendable space in accordance with Table 3 and Table 6 to Clause 53.02-5 wholly within the title boundaries of the land.
- Constructed to a bushfire attack level of BAL12.5.

#### **Response:**

**N/A The proposal meets the requirements of AM 3.1.**



### CLAUSE 53.02-4.3 WATER SUPPLY & ACCESS OBJECTIVES

#### Clause 53.02-4.3 Objective

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

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

#### Approved Measures

##### AM 4.1

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

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

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

#### Response:

The subject land is greater than 1,001m<sup>2</sup> in area and there are no hydrants available, the proposed dwelling will be provided with 10,000L water supply for firefighting purposes consistent with Table 4 to Clause 53.02-5.

Given the length of the driveway to the dwelling exceeds 200 meters in length a turning area has been nominated close to the dwelling to provide provision for fire fighting vehicles to turn. A 20.0 metre long and 6.0 metre wide passing bay has also been shown.

Whilst a passing bay has been included on the Bushfire Management Plan the clear nature of the land within proximity to the accessway provides multiple passing opportunities for vehicles.

The Bushfire Management Plan accompanying the Application prescribes the water supply and access requirements and is expected to be endorsed as part of a planning permit.

##### AM 4.2

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

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

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

#### Response:

N/A The proposal is for a single dwelling.



## 7. Conclusion

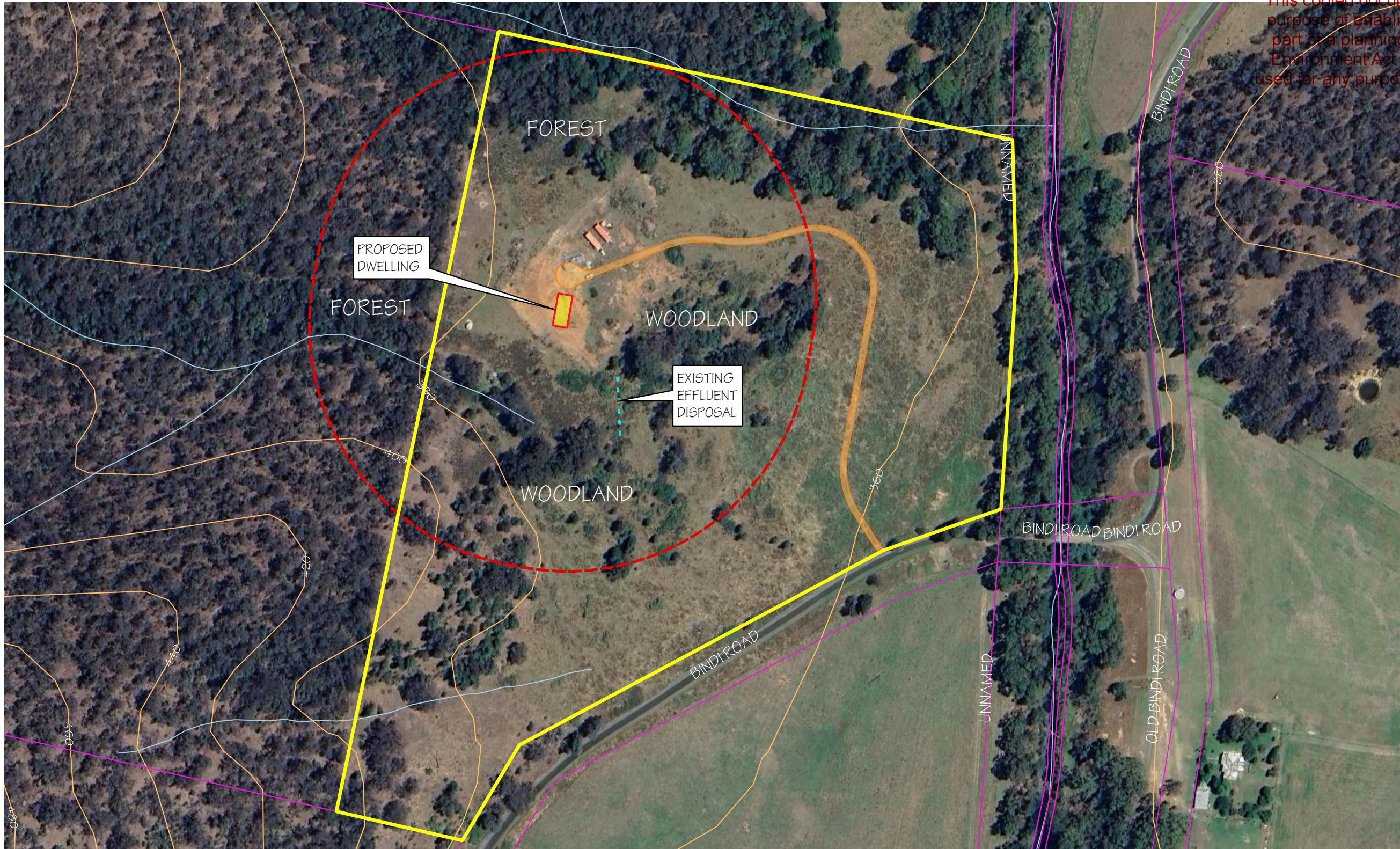
The proposed Use & Development of a Dwelling at 689 Bindi Road, Bindi is considered to accord with all relevant provisions of the Farming Zone, Bushfire Management Overlay, Erosion Management Overlay and Environmental Significance Overlay of the *East Gippsland Planning Scheme*. The proposal is consistent with Planning Policy Framework and Local Policy and has been designed to complement the adjoining properties.

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

Crowther & Sadler Pty Ltd  
July 2025



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Subject Land

150m Assessment Area

Proposed Dwelling

Proposed Driveway

Existing Effluent Disposal

PARCEL\_VIEW

EL\_CONTOUR

HY\_WATERCOURSE

Google Satellite

PAUL DeWINKLE

689 BINDI ROAD, BINDI

Crowther & Sadler

Pty, Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

152 MACLEOD STREET, BAIRNSDALE, VIC., 3875

P. (03) 5152 5011 E. [contact@crowthersadler.com.au](mailto:contact@crowthersadler.com.au)

	North	East	South	West
Slope	Downslope >0°-5°	Downslope >0°-5°	Downslope >0°-5°	Upslope
Veg Type	Forest	Woodland	Woodland	Forest
Separation Distances	57m	41m	41m	57m

\*SEPARATION DISTANCES DERIVED FROM TABLE 2, COLUMN A.

SCALE (SHEET SIZE A3)	SURVEYORS REF.
1:2500	21157 VERSION 1 - DRAWN 09/07/2025

BUSHFIRE HAZARD SITE ASSESSMENT

PARISH OF TERLITE-MUNJIE

SECTION 1

CROWN ALLOTMENT 11

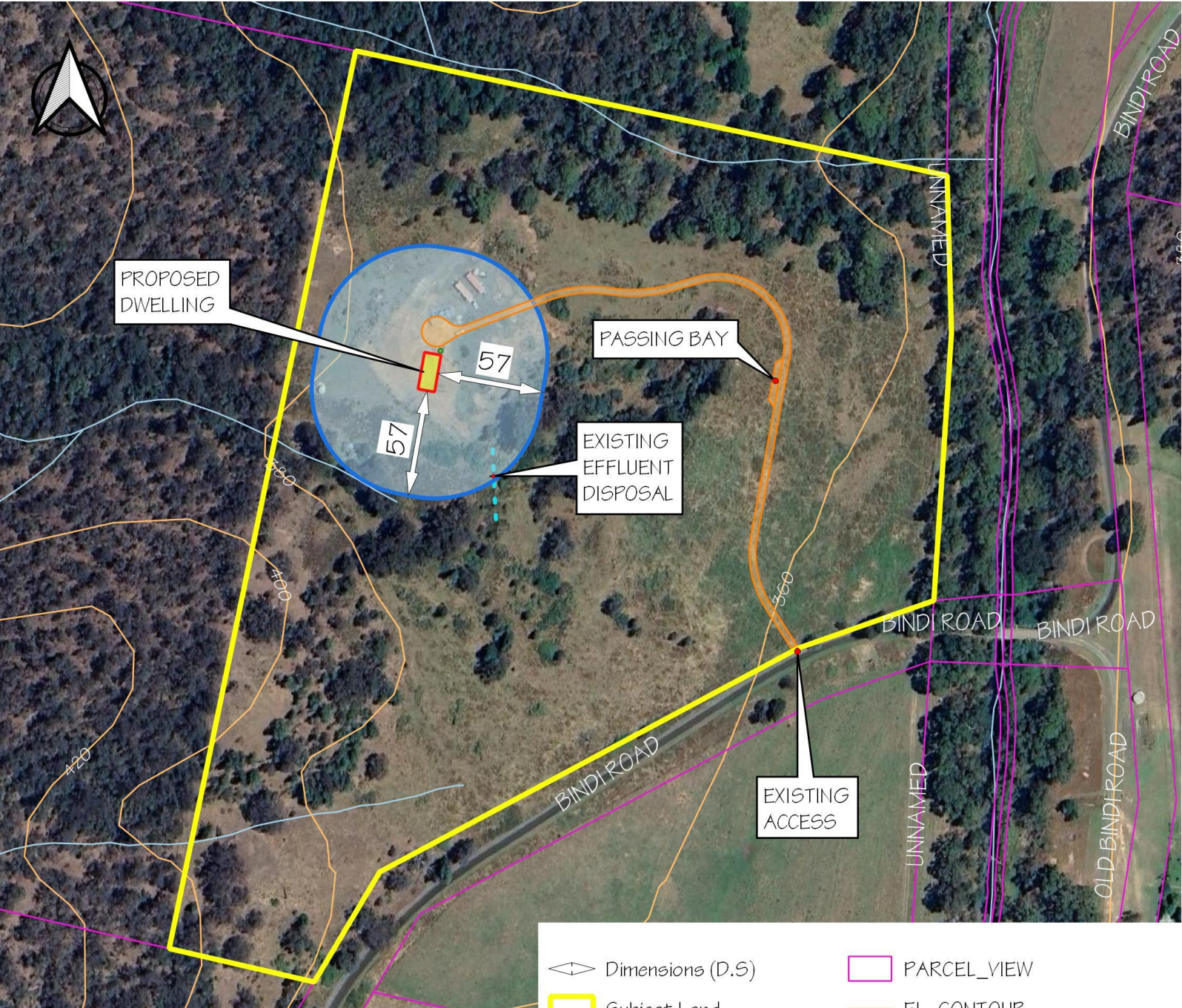
TP309426F

Printed 8/08/2025

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Bushfire Management Plan – 689 Bindi Road, Bindi



PLAN REF: 21157 BMP V1

**Crowther & Sadler** Pty, Ltd.  
LICENSED SURVEYORS & TOWN PLANNERS

- Dimensions (D.S)

Subject Land

Proposed Dwelling

Proposed Driveway

Passing Bay

Proposed Watertank

Defendable Space (57m)

Existing Effluent Disposal
- PARCEL\_VIEW

EL\_CONTOUR

HY\_WATERCOURSE

Google Satellite



Prepared By: Crowther & Sadler Pty Ltd

Version: 1

Date: 9/07/2025

Bushfire Protection Measures

Mandatory Condition

The bushfire protection measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.

a) Defendable Space

Defendable space is provided for a distance of 57 metres around the building or to the property boundary whichever is the lesser and managed in accordance with the following:

- 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.

b) Construction Standard

The building must comply to a minimum Bushfire Attack Level of BAL – 29

c) Water Supply

The following requirements apply:

- An effective capacity of 10,000 litres.
- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for firefighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Where a 10,000 litre water supply is required, the following fire authority fittings and access must be provided:

- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the accessway and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65 millimetre) and coupling (64 millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

d) Access

Access Required: No ☐

Yes ☒

The following design and construction requirements apply:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.

Length of access is greater 100 metres: Yes ☒ No ☐

Where length of access is greater than 100 metres the following design and construction requirements apply:

- A turning circle with a minimum radius of eight metres, or
- A driveway encircling the building, or
- The provision of other vehicle turning heads – such as a T or Y Head – which meet the specification of Austroad Design for an 8.8 metre Service Vehicle.

Length of driveway is greater than 200 metres: Yes ☒ No ☐

Where length of access is greater than 200 metres the following design and construction requirement applies:

- Passing bays are required at least every 200 metres that are a minimum 20 metres long and a minimum trafficable width of 6 metres.



Your Reference: 14686  
Contact: Ben Marchbank  
Our Reference: 101/2014/P  
Telephone No: (03) 5153 9500  
Email: feedback@egipps.vic.gov.au

13 November 2014

P A De Winkel and D M De Winkel  
C/- Crowther & Sadler Ptd Ltd  
PO Box 722  
BAIRNSDALE VIC 3875

Dear Sir or Madam,

**Planning Application Number: 101/2014/P**

**Proposal: Use and development of a dwelling and outbuildings**

**Location: 689 Bindi Road BINDI**

**CA 11 Sec 1**

We advise that your application for a Planning Permit has been approved and the permit is enclosed.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully, and check whether there are any actions you need to take prior to acting on the permit.

Included with the permit is advice of your appeal rights should you be dissatisfied with any of the permit conditions.

Please note that this permit is not a building permit. If the proposal involves the construction or alteration of a building you may need to obtain a separate building permit.

Yours sincerely



**SARAH MCLAUGHLIN**  
**Senior Statutory Planner**

**Corporate Centre**  
273 Main Street (PO Box 1618)  
Bairnsdale Victoria 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

# PLANNING PERMIT

Permit No: 101/2014/P  
Planning Scheme: East Gippsland  
Responsible Authority: East Gippsland Shire

## ADDRESS OF THE LAND

689 Bindi Road BINDI  
CA 11 Sec 1

BN: 93273 1

## THE PERMIT ALLOWS

Use and development of a dwelling and outbuildings in accordance with the endorsed plans.


## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. The use and development as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
2. Before the dwelling is occupied a standard sealed vehicular crossing must be constructed at right angles to the road to suit the proposed driveway to the satisfaction of the responsible authority.
3. Before the dwelling is occupied all stormwater runoff from the roofed and paved areas must be discharged to a drainage system connected to an approved point of discharge to the satisfaction of the responsible authority.
4. The bushfire mitigation measures forming part of this permit or shown on the endorsed plans, including those relating to construction standards, defendable space, water supply and access, must be maintained to the satisfaction of the responsible authority on a continuing basis. This condition continues to have force and effect after the development authorised by this permit has been completed.
5. This permit will expire if one of the following circumstances applies:
  - The development is not started within two years of the date of this permit.
  - The development is not completed within four years of the date of this permit.
  - The use has not commenced within four years of the date of this permit.

The responsible authority may extend the periods referred to 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.

Date Issued: 13 November 2014

Page 1 of 2

  
Signature for the  
Responsible Authority

6. The area(s) nominated for wastewater disposal in the land capability assessment are not to be used for any other purpose and the soil is to remain undisturbed. This document must not be used for any purpose which may breach any copyright.

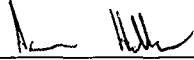
### **Notes**

1. 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.

---

Date Issued: 13 November 2014

Page 2 of 2

  
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.

Contact: Allan Watson  
Phone: 03 5153 9500  
Our Ref: AN 93273 1  
Application No: 7/2015/STS

20151272

Corporate Centre  
273 Main Street (PO Box 1618)  
Bairnsdale Victoria 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

18 February 2015

East Gippsland Building Surveyors  
PO Box 889  
BAIRNSDALE VIC 3875

FAX: 03 5152 2442

Dear Sir/Madam

**Permit to Install A Septic Tank System at 689 Bindi Road BINDI VIC 3896 (CA 11 Sec 1).**

Please be advised that the Shire has now issued a permit to install a septic tank system at the above address.

Details as follows:

Applicant: Paul Anthony De Winkel and Deborah Michelle De Winkel  
Owner: Paul Anthony De Winkel and Deborah Michelle De Winkel  
Issue date: 18 February 2015  
Expiry Date: 18 February 2017

**Note: The permit issued forms the report and consent required under Regulation 801 of the *Building (Interim) Regulations 2005*. This report and consent is given on the basis that no occupancy permit or final certificate is issued until the Shire has issued a final "Permit to use a septic tank system" for this property.**

If you have any enquiries please contact Allan Watson on Phone 03 5153 9500 (1300 555 886 for East Gippsland Residents).

Yours sincerely

*A. Watson*

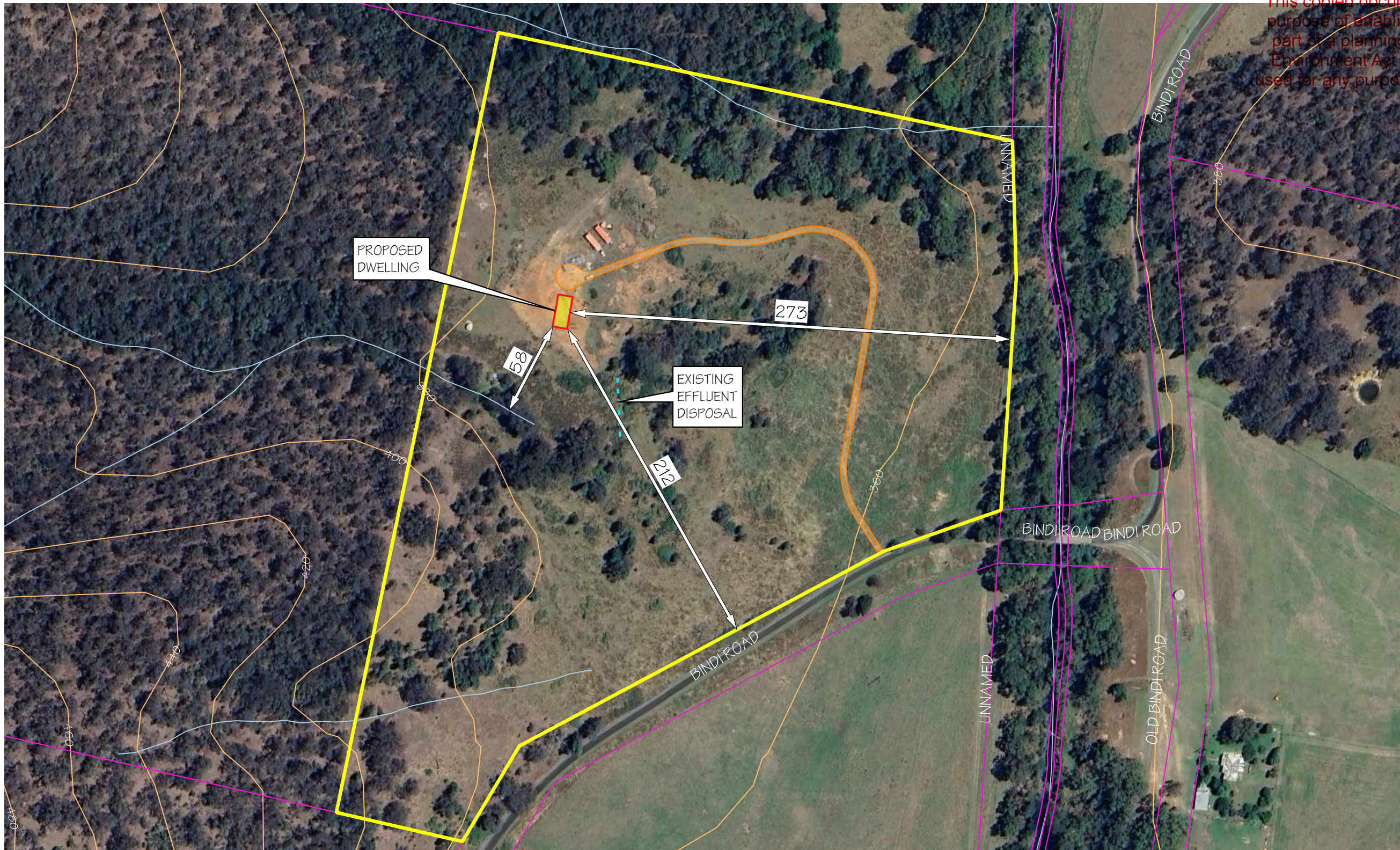
**ALLAN WATSON**

**Senior Environmental Health Officer**

PTIBS 01057106.doc







<--> Dimensions  
 Subject Land  
 Proposed Dwelling  
 Proposed Driveway  
 Existing Effluent Disposal  
 PARCEL\_VIEW  
 EL\_CONTOUR  
 HY\_WATERCOURSE  
 Google Satellite

PAUL DeWINKLE  
689 BINDI ROAD, BINDI

**Crowther & Sadler** Pty, Ltd.  
LICENSED SURVEYORS & TOWN PLANNERS

152 MACLEOD STREET, BAIRNSDALE, VIC., 3875  
P. (03) 5152 5011 E. [contact@crowthersadler.com.au](mailto:contact@crowthersadler.com.au)

SCALE (SHEET SIZE A3)		SURVEYORS REF.	
1:2500		21157	
		VERSION 1 - DRAWN 09/07/2025	

SITE PLAN	
PARISH OF TERLITE-MUNJIE SECTION 1 CROWN ALLOTMENT 11	
TP309426F	





