

NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:	43 Lower Tonghi Road TONGHI CREEK VIC 3890 Lot: 1 TP: 813276, Lot: 2 TP: 813276, Lot: R1 LP: 142478, Lot: 1 TP: 340884, CA: 9B, CA: 9A, Lot: 2 PS: 313608, CA: 2B, CA: 9D, Lot: 2 PS: 142478
The application is for a permit to:	Use and Development of a Dwelling
A permit is required under the following clauses of the planning scheme:	
Planning Scheme Clause	Matter for which a permit is required
35.07-1 (FZ)	Use of the land for a Dwelling.
35.07-4 (FZ)	Construct or carry out a building or works for use of a Dwelling.
44.06-2 (BMO)	Construct a building or construct or carry out works.
The applicant for the permit is:	Crowther & Sadler Pty Ltd
The application reference number is:	5.2025.415.1

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
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If you object, the Responsible Authority will tell you its decision.

Kerry Stow

From: Snapforms Notifications <no-reply@snapforms.com.au>
Sent: Monday, 22 December 2025 2:42 PM
To: Planning Unit Administration
Subject: Planning Permit application
Attachments: 21311 BMP V1.pdf; LCA.pdf; 21311 Report.pdf; 21311 CoT Vol_11623_Fol_162.pdf; 21311 BHSA V1.pdf; 0495_25 - 43 LOWER TONGHI ROAD - DESIGN - RevB.pdf; Planning_Permit_Application_2025-12-22T14-41-27_29812900_0.pdf

Planning Permit Application

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

Applicant name: Crowther & Sadler Pty Ltd

Business trading name: Crowther & Sadler Pty Ltd

Email address: contact@crowthersadler.com.au

Postal address : PO Box 722, Bairnsdale 3875

Preferred phone number: 51 52 5011

Street number: 43

Street name: Lower Tonghi Road

Town: Tonghi Creek

Post code: 3890

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 grazing land

Description of proposal : Use and development of a dwelling

Estimated cost of development: \$700,000

Has there been a pre-application meeting: No

ExtraFile: 3

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Declaration: Yes

Authority Check: Yes

Notice Contact Check: Yes

Notice check 2: Yes

Privacy Statement Acknowledge: Yes

2. Supporting information/reports: [21311 BMP V1.pdf](#)

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

Planning report: [21311 Report.pdf](#)

Full copy of Title: [21311 CoT Vol_11623_FoL_162.pdf](#)

1. Supporting information/reports: [21311 BHSA V1.pdf](#)

Plans: [0495_25 - 43 LOWER TONGHI ROAD - DESIGN - RevB.pdf](#)

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

VOLUME 11623 FOLIO 162

Security no : 124130757102T
Produced 15/12/2025 12:25 PM**LAND DESCRIPTION**

Lot 2 on Plan of Subdivision 313608N.
PARENT TITLE Volume 10111 Folio 630
Created by instrument AM405894V 14/12/2015

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
P J NIXON PTY LTD
AM715802A 20/04/2016

ENCUMBRANCES, CAVEATS AND NOTICES

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

DIAGRAM LOCATION

SEE PS313608N 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)

ADMINISTRATIVE NOTICES

NIL

DOCUMENT END

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PLAN OF SUBDIVISION

STAGE No.

LTO USE ONLY

PLAN NUMBER

EDITION 1

PS 913608 N

LOCATION OF LAND

PARISH: TONGHI

TOWNSHIP: —

SECTION: —

CROWN ALLOTMENT: 2C & PART OF FORMER GOVT. ROAD

CROWN PORTION: —

LTO BASE RECORD: PARISH 1 (3605)
TITLE REFERENCES: VOL 8504 FOL 624

LAST PLAN REFERENCE/S:

POSTAL ADDRESS: TONGHI ROAD,
(At time of subdivision) TONGHI CREEK 3890AMG Co-ordinates
(of approx centre of land
in plan) E 681 850
N 5839 850 ZONE: 55

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: SHIRE OF ORBOST

REF: 53-0PS-LS -

C5-207

1. This plan is certified under Section 6 of the Subdivision Act 1988.

2. This plan is certified under Section 11(7) of the Subdivision Act 1988.

Date of original certification under Section 6. / /

3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

OPEN SPACE

(i) A requirement for public open space under Section 18 of the Subdivision Act 1988
has/not been made.

(ii) The requirement has been satisfied.

(iii) The requirement is to be satisfied in Stage

Council Delegate

Council Seal

Date 25 / 10 / '91

Re-certified under Section 11(7) of the Subdivision Act 1988.

Council Delegate

Council Seal

Date / /

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER COUNCIL/BODY/PERSON

NOTATIONS

STAGING This is not a staged subdivision.
Planning permit No. 0PS - LS - C5 - 207

DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE

LOT 2 IS BY DEDUCTION FROM TITLE

SURVEY. THIS PLAN IS NOT BASED ON SURVEY

THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s)
IN PROCLAIMED SURVEY AREA No.

EASEMENT INFORMATION

LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

LTO USE ONLY

STATEMENT OF COMPLIANCE/
EXEMPTION STATEMENT

RECEIVED



DATE: 31 / 3 / 93

LTO USE ONLY

PLAN REGISTERED

TIME

DATE 27/ 4 / 93



Assistant Registrar of Titles

SHEET 1 OF 2 SHEETS

CROWTHER & SADLER PTY. LTD.
Licensed Surveyors and Town Planners
152 Macleod Street, P.O. Box 722,
BAIRNSDALE, 3875. Phone (051) 52 5011

LICENCED SURVEYOR (PRINT) JON MARK BRODZIK

SIGNATURE

DATE / /

REF 6879

VERSION

DATE / /

COUNCIL DELEGATE SIGNATURE

ORIGINAL SHEET SIZE A3

Printed 28/01/2026

Crown PSD

Page 5 of 52

ADVERTISED

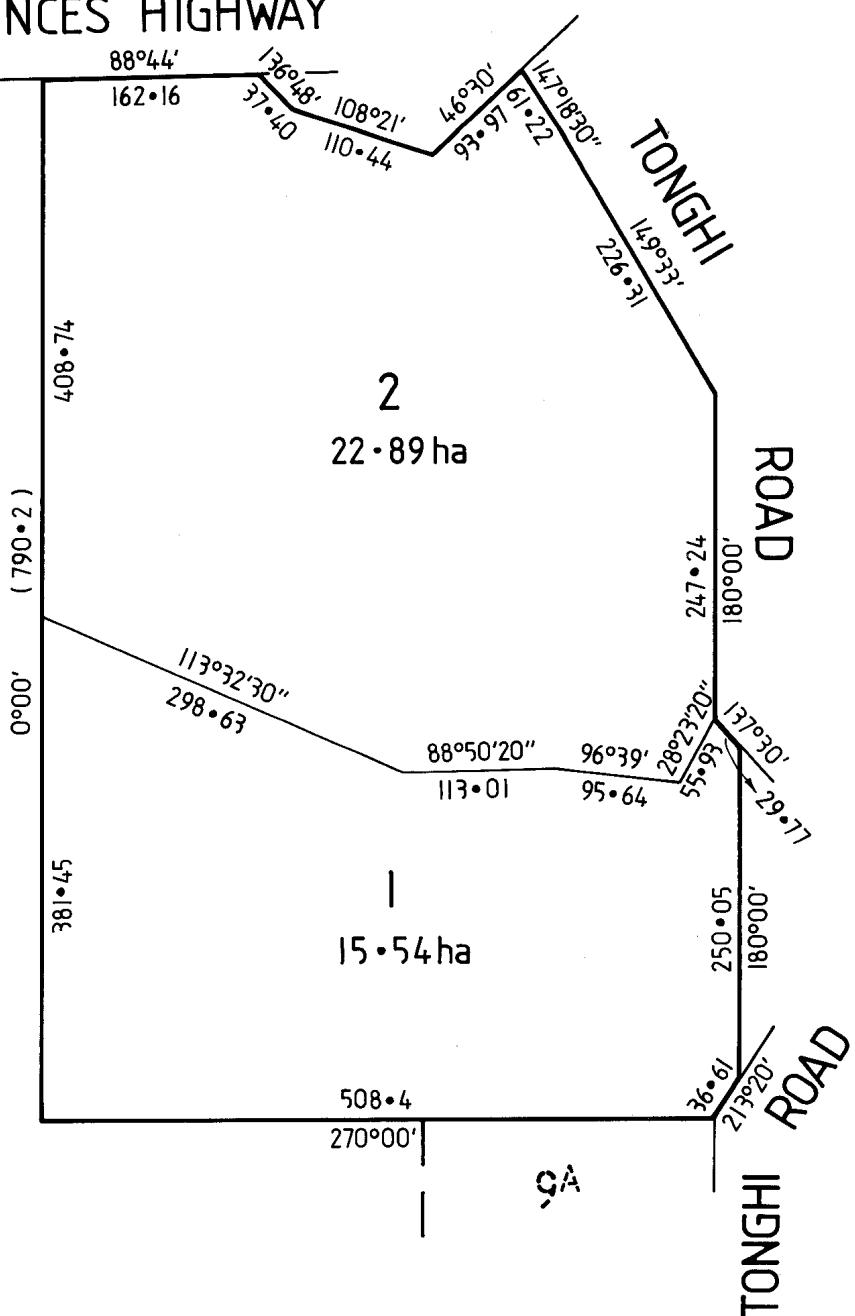
PLAN OF SUBDIVISION

STAGE NO. PLAN NUMBER
part of a planning process under the Planning and
Environment Act 1987. The document must not be
used for any purpose which may breach any copyright.

PS 313608 N

PRINCES HIGHWAY

APPROX TRUE NORTH



CROWTHER & SADLER PTY. LTD.

Licensed Surveyors and Town Planners

152 Macleod Street, P.O. Box 722, BAIRNSDALE, 3875. Phone (051) 52 5011

ORIGINAL
SCALE 1:4000
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) JON MARK BRODZIK
SIGNATURE DATE / /
REF 6879 VERSION

SHEET 2 OF 2 SHEETS

DATE / /
COUNCIL DELEGATE SIGNATURE

Printed 28/11/2026

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Planning Report

Use and Development of a Dwelling 43 Lower Tonghi Road, Tonghi Creek

Our reference – 21311

22 December 2025



FS 520900



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Application Form	
Proposed Site, Floor and Elevation Plans (<i>Tom Hardy Designs</i>)	
Bushfire Hazard Site Assessment (Version 1)	
Bushfire Management Plan (Version 1)	
Land Capability Assessment (<i>Chris O'Brien & Company</i>)	
Copy of Title (Lot 2 on PS313608)	

Note: Applicable Planning Application fee is \$1,580.10 (Regulation 9, Class 5)

1. Introduction

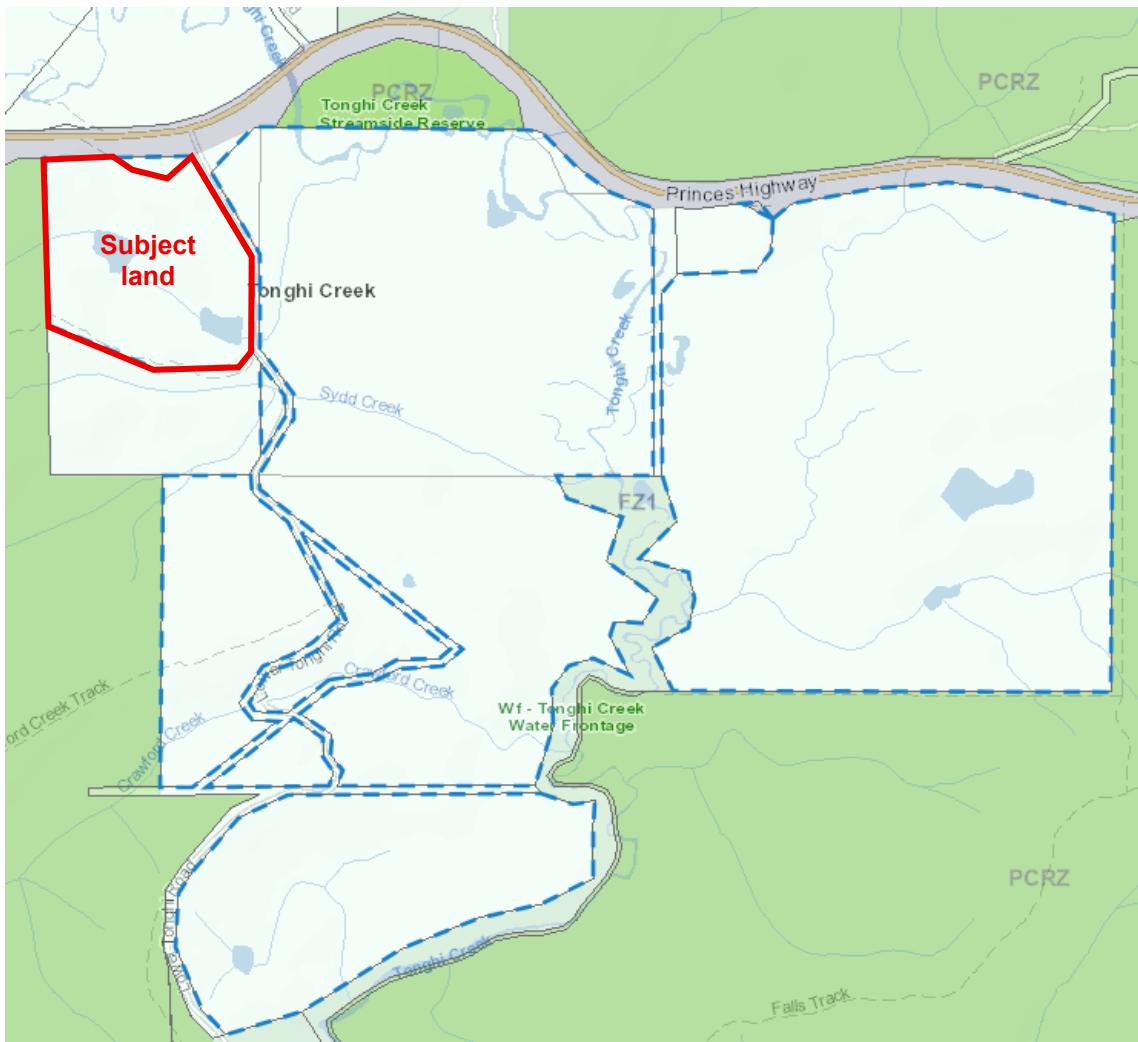
This Planning Report is prepared in support of the proposed use and development of a dwelling at 43 Lower Tonghi Road, Tonghi Creek. The Report addresses the provisions of the Farming Zone and Bushfire Management Overlay as contained within the East Gippsland Planning Scheme.



Aerial image of the subject land and surrounds (Source: Google Earth)

2. Subject Land & Surrounding Context

Formerly known as Lot 2 on Plan of Subdivision 313608, or more commonly known as 43 Lower Tonghi Road, Tonghi Creek, the subject land has an area of 22.89 hectares. The subject land forms part of a large rural landholding in excess of 300 hectares, with access provided via Lower Tonghi Road.



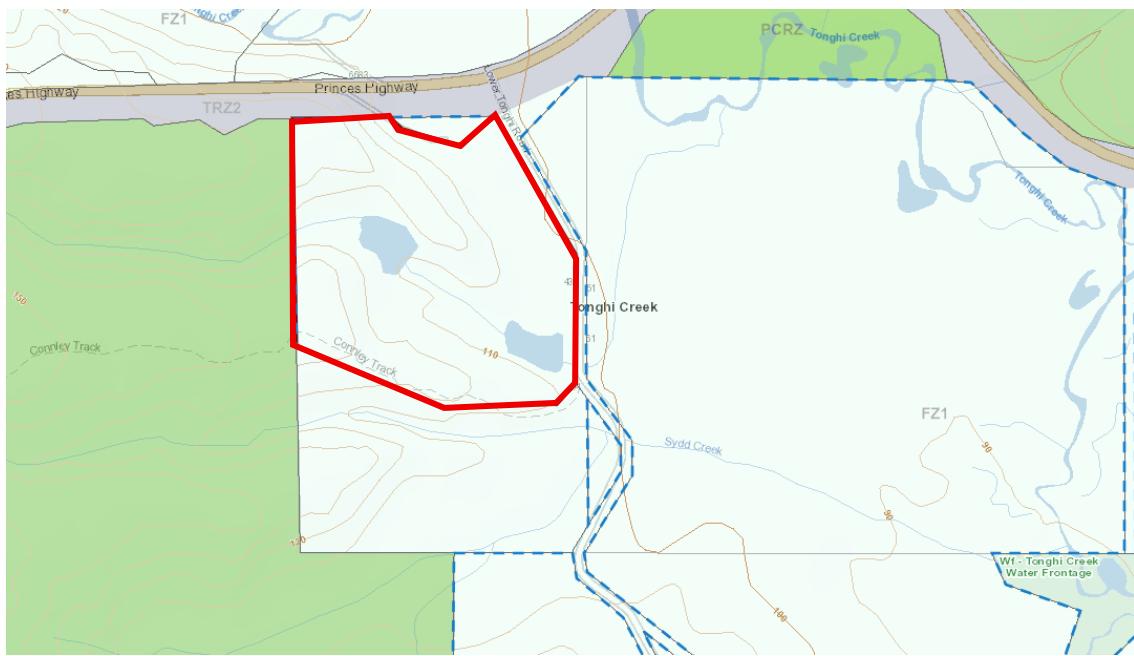
Planning scheme zone mapping showing the broader landholding containing the subject land (Source: VicPlan)

The subject land and the larger farm are used for the purposes of a cattle enterprise. The site is an elevated land parcel within the broader farm which is partly located within a floodplain.

Land to the east of Lower Tonghi Road is much lower in elevation than the subject land, with the landform sloping upwards in a westerly direction towards vegetated Crown Land. The variation in levels from the subject land to the lower lying land to the east is upwards of 25-60 metres.



Looking south-east down Lower Tonghi Road



Extract from contour mapping showing variation in levels (Source: LASSI SPEAR)



Looking east from Lower Tonghi Road, sloping uphill towards vegetation



Looking south-east from Lower Tonghi Road

The subject land is developed with an agricultural shed, contains two large stock dams and native vegetation within the north-western part of the property.



Existing shed looking north-west from Lower Tonghi Road



Existing shed looking south-west from Lower Tonghi Road

Lower Tonghi Road leads off the Princes Highway and provides access to the property. Lower Tonghi Road is a constructed gravel road in good condition. The intersection with Princes Highway provides good sight lines in each direction.



Princes Highway eastbound from Lower Tonghi Road



Princes Highway westbound from Lower Tonghi Road

The property has an existing accessway and driveway that leads to the agricultural shed on the land from Lower Tongio Road.

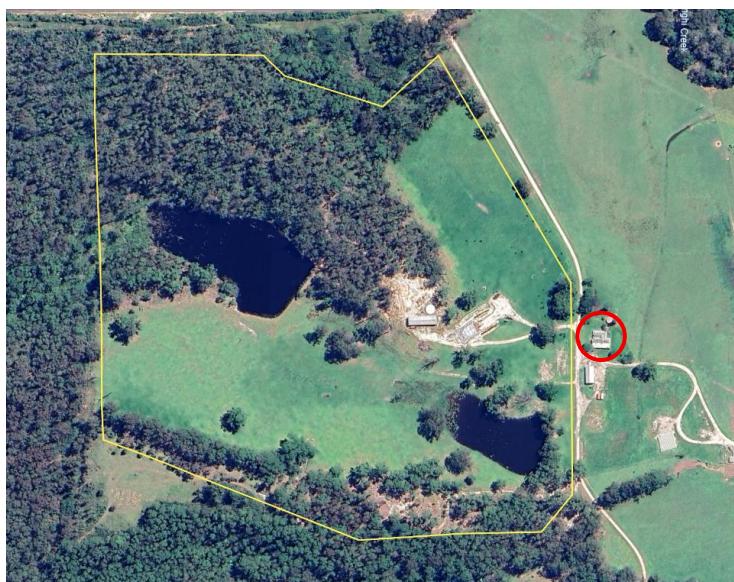


Looking north along Lower Tonghi Road showing existing access

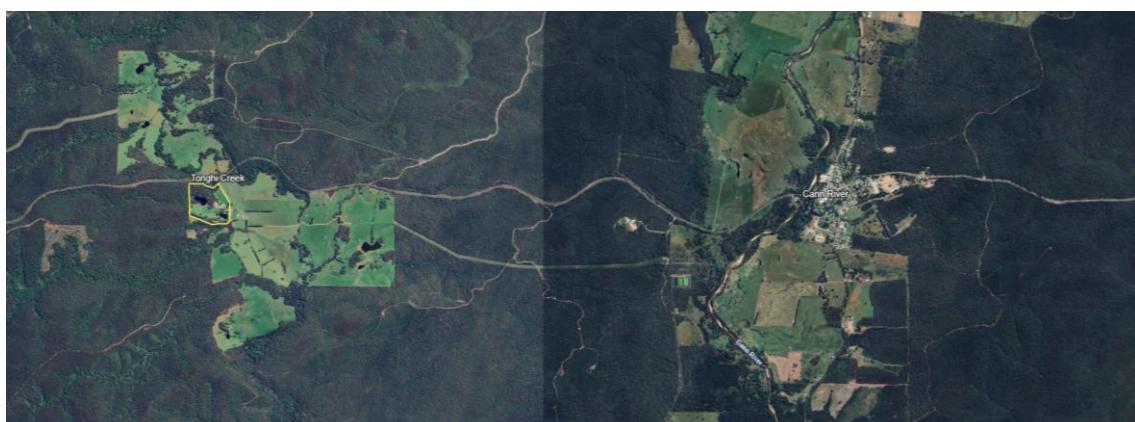
The agricultural holding was previously developed with a dwelling, located near the existing shed on the parcel formally described as Lot 1 on TP813276.

The aged dwelling was removed in recent times as it was no longer structurally sound.

*Former dwelling in red
(Source: Google Earth, circa 2024)*



The subject land is located approximately 8km west of Cann River, which provides community members with retail facilities and community services.



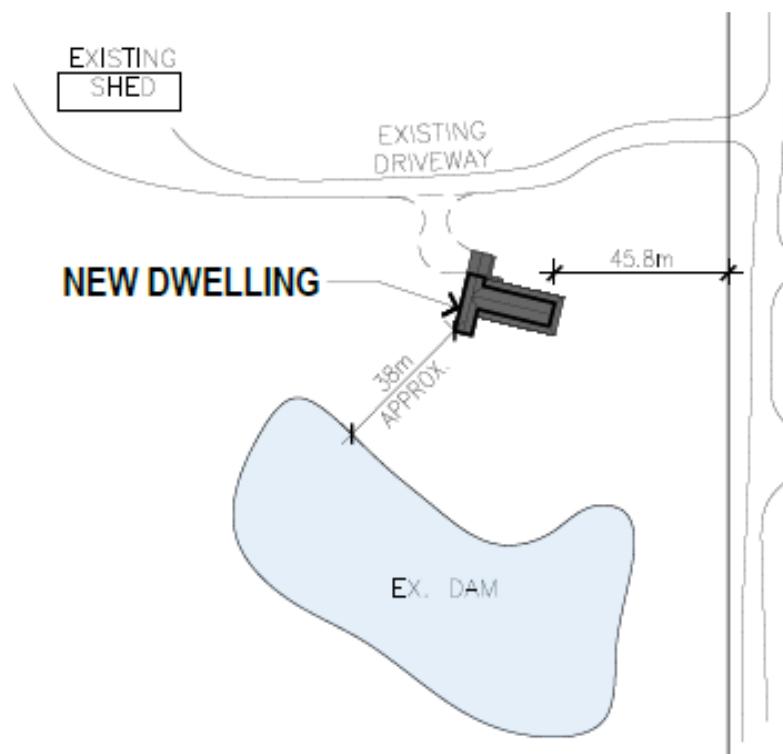
Aerial photo showing proximity to Cann River (Source Google Earth)

3. The Application & Proposal

The subject Application proposes the use and development of a dwelling, providing accommodation for the farm manager and family which was lost upon the demolition of the former dwelling.

It is proposed to utilise the existing driveway which provides access to the existing shed and driveway to provide vehicle access to the proposed dwelling.

The proposed dwelling is to be setback 45.8 metres from the eastern boundary of the site and 38 metres north of the smaller stock dam on the land.



Extract from Site Plan (Source: Tom Hardy Designs)

The proposed dwelling siting has been influenced by a number of matters relating to the subject land. The proposed location is at a more appropriate elevation than that vast majority of the property, avoiding risk of inundation during a flood event.



Looking south-west across proposed dwelling location from existing driveway

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Other parcels within the holding exceed 40ha, making the use of a dwelling at those locations 'as of right', however none provided appropriate siting having regard for the flooding risk.



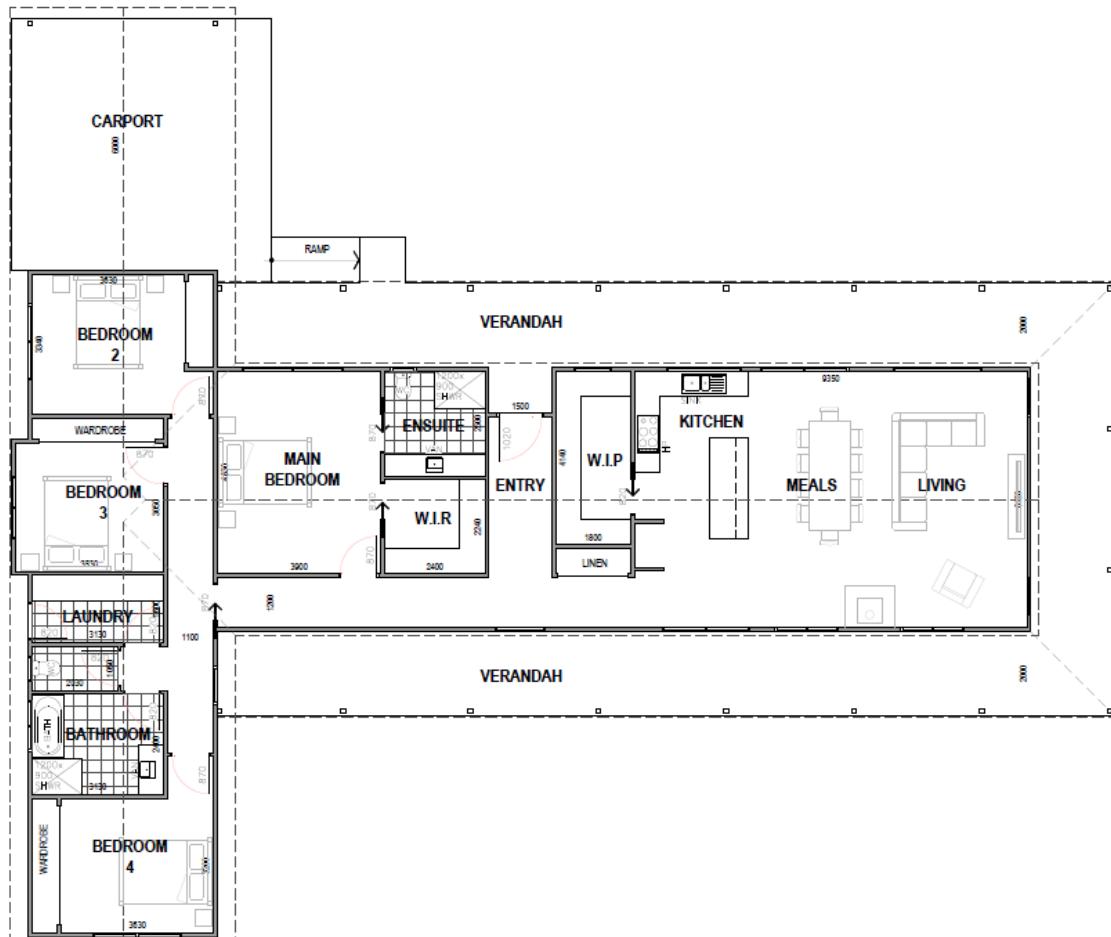
Looking east from building site towards shed east of Lower Tonghi Road

In addition to consideration of the flooding risk, the proposed dwelling location provides the greatest separation from the bushfire hazard to the east, ensuring efficient egress from the land in a bushfire event. Siting the dwelling 38 metres north of an existing stock dam provides access to water for firefighting, in addition to the mandatory provision of a static water supply for dedicated firefighting use.



Looking south from proposed dwelling location towards large stock dam

The proposed dwelling design incorporates two 'wings', one on a north-south axis and the other on an east-west axis. The dwelling will consist of four bedrooms with the master bedroom incorporating an ensuite and walk in robe, open plan kitchen/meals/living area, bathroom and laundry. A verandah is proposed to wrap around the east-west wing of the dwelling, and a carport to the north of the building will provide covered parking for two vehicles, accessible from the west.



Proposed floor plan of the dwelling (Source: Tom Hardy Designs)

The dwelling is proposed to be single storey with a maximum height of 4.5 metres to the apex of the roof. The dwelling will be constructed from fibre cement weatherboards and will incorporate corrugated Colorbond roofing.

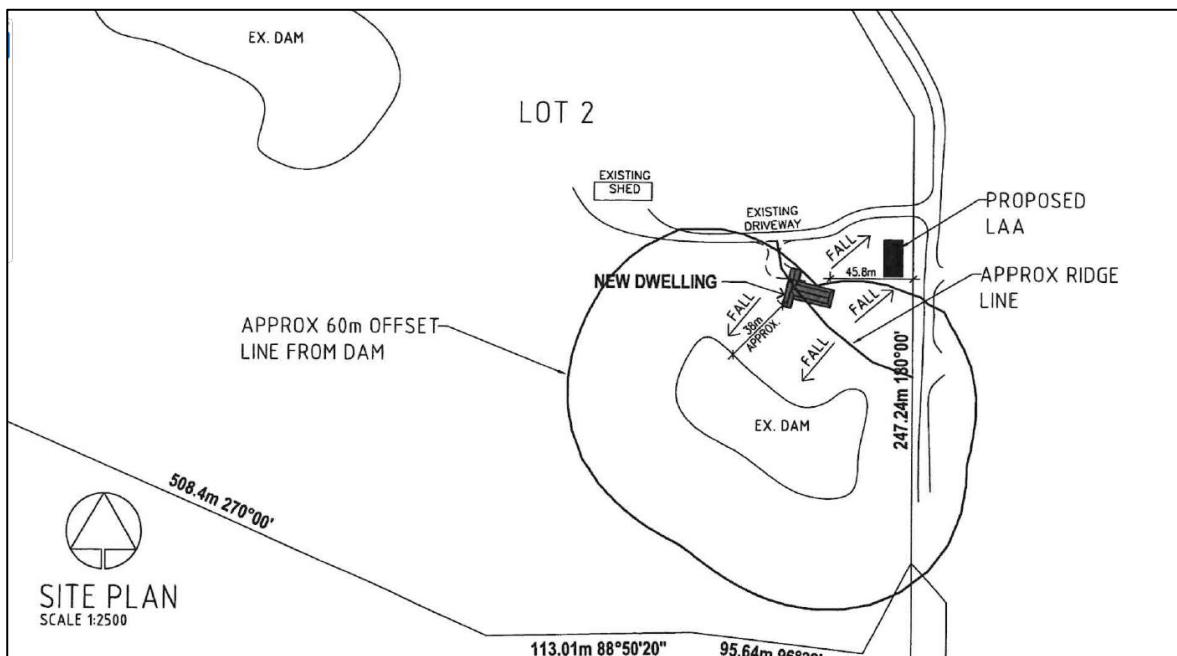


Proposed northern elevation (Source: Tom Hardy Designs)



Proposed western elevation (Source: Tom Hardy Designs)

The Application is supported by a Land Capability Assessment confirming the suitability of the proposed dwelling site for the onsite treatment of wastewater. The proposed land application area will be located 45.8 metres east of the dwelling, achieving a 60 metre setback from the existing stock dam.



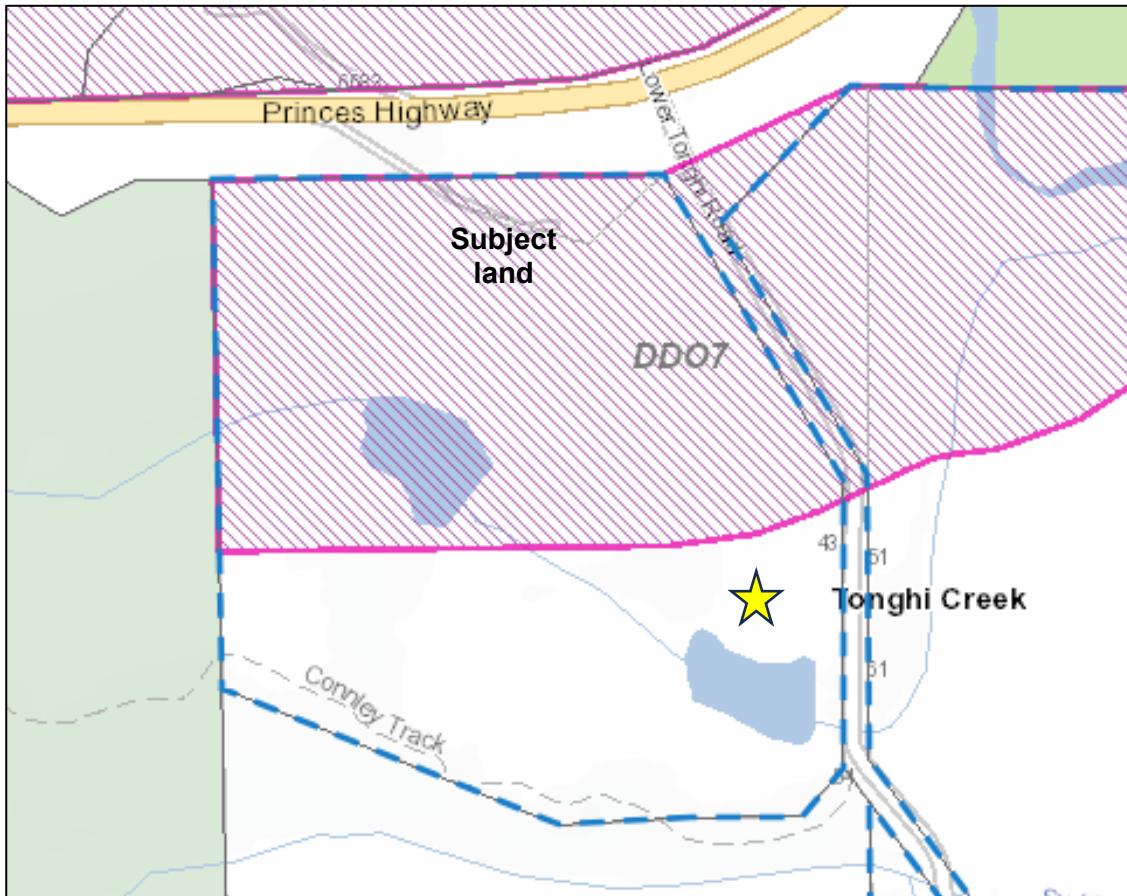
Extract from LCA (Source: Chris O'Brien & Company)

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

Planning Scheme Clause	Matter for which a Permit is required
35.07-1 Farming Zone	Use of a dwelling
35.07-4 Farming Zone	Buildings and works associated with a section 2 use and building within 100 metres of a waterway
44.06-2 Bushfire Management Overlay	Buildings and works associated with an accommodation use

The application is required to be referred pursuant to section 55 of the *Planning and Environment Act 1987* to the relevant fire authority.

The subject land is partly contained within the Design and Development Overlay 7; however the proposed dwelling is well setback to the south of the site, outside the area affected by the Overlay.

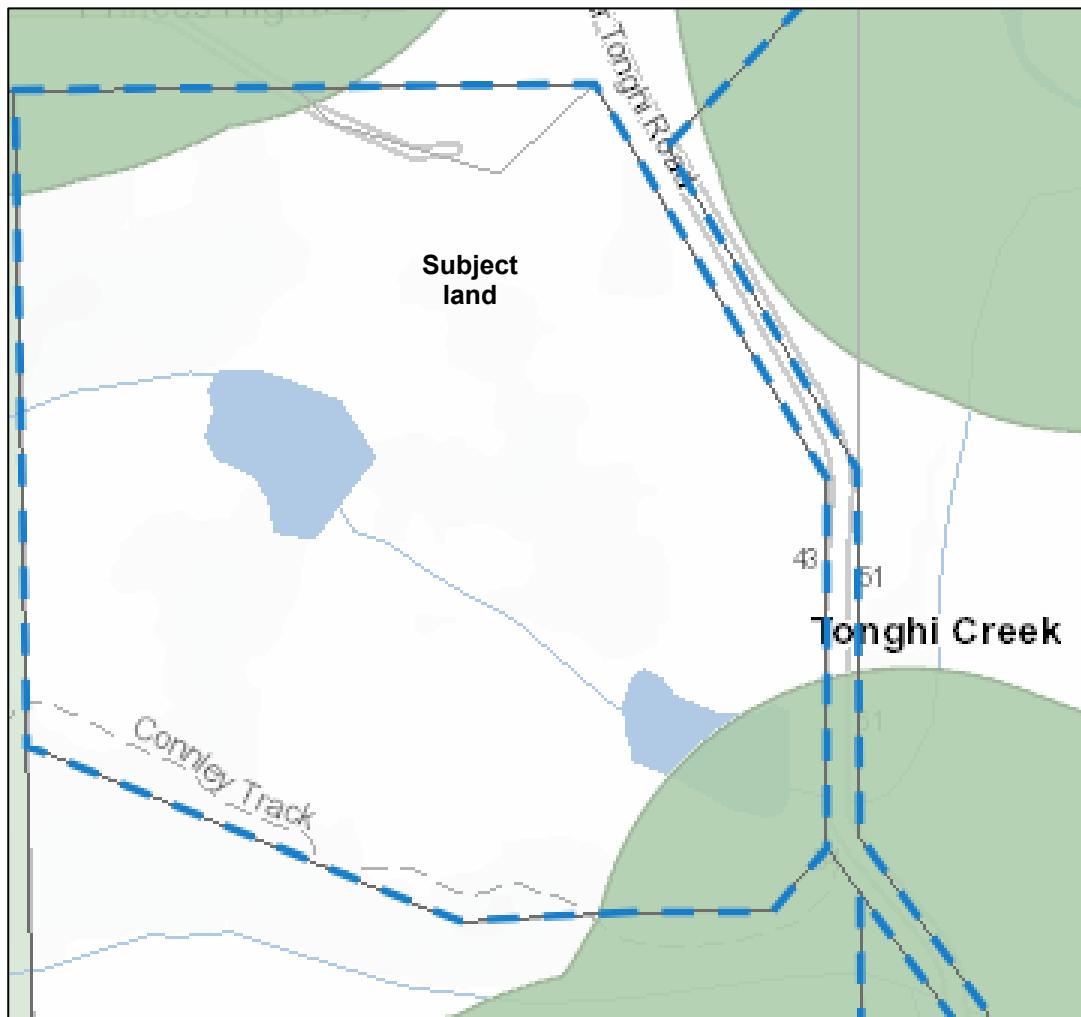


Extract from DDO mapping, with star representing the approximate dwelling location
(Source: VicPlan)

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.*



The subject land is partly contained within an area of cultural heritage sensitivity however the use and development of a single dwelling on a lot is an exempt activity. As such, a CHMP is not required for the proposed development.

5. Planning Policy

5.1 Planning Policy Framework

The proposed dwelling will be located within 100 metres of a waterway. The application is supported with a Land Capability Assessment that advises the land is able to accommodate onsite wastewater disposal without having detrimental environmental impacts. A wastewater disposal system can be installed on the land which will minimise nutrient runoff into local waterways as sought within Clause 12.03-1S River and riparian corridors, waterways, lakes, wetlands and billabongs.

Being within a Bushfire Management Overlay, Clause 13.02 is relevant to the application. The proposal mitigates the risk to human life and property through provision of defendable space, dwelling construction with robust materials, installation of water for firefighting purposes and access to the dwelling suitable for emergency vehicles.

Clause 14.01-1S Protection of agricultural land seeks to protect the state's agricultural base by preserving productive farmland. The subject land forms part of a large agricultural livestock enterprise undertaken on the 300 hectare farm. The property forms one part of a broader agricultural enterprise containing other large landholdings.

It is considered that the strategies underpinning the objective are addressed by the proposal:

- Development of a dwelling on the land will allow the landowner (or manager) to reside on the property allowing for easier management of the farm.
- No land use changes will occur as a result of the proposed dwelling; the property will continue to be farmed for livestock production.
- No land use conflicts will arise as the dwelling will be used with the broader farm to the east of the site and is well setback from northern and southern properties.
- A Land Capability Assessment confirms the land is capable of managing wastewater.
- The dwelling location has been deliberately chosen to address environmental risks and siting the development within the lesser agriculturally productive part of the landholding.

The proposed dwelling responds positively to Clause 15.01-6S Design for rural areas. The dwelling design has a respectful height being single storey, incorporates built form elements common in rural dwellings including verandah provision, proportional windows, pitched roofing and will be constructed from materials commonly used in rural areas of East Gippsland.

5.2 Municipal Planning Strategy

A Land Capability Assessment accompanies the application and demonstrates that the land is capable of accommodating onsite wastewater avoiding nutrient impacts to local waterways. Siting of the dwelling within a clearer area of the subject land avoids the need to remove native vegetation consistent with Clause 02.03-2 Environmental and landscape values.

Clause 02.03-3 Environmental risks advises that East Gippsland is subject to bushfires. The property is located within a Bushfire Management Overlay, and the proposed dwelling has been sited and designed to mitigate the potential impacts from a bushfire event.

Strategic directions within Clause 02.03-4 Natural resource management are achieved by the proposal:

- The subject land is not located within a water catchment for domestic supply. Demonstration through the Land Capability Assessment that the land can accommodate onsite wastewater treatment with no impacts to water quality accompanies the application.
- The proposed dwelling has been sited in the less agricultural productive part of the property (the eastern part of the landholding is highly productive).
- Development of a dwelling on the property will allow for the land to be more efficiently farmed and may lead to a lift in productivity.
- The subject land is viewed by the landowner as an integral part of the property and the broader agricultural enterprise.
- The land is not within an area of farmland of strategic significance, and the dwelling will result in a very minor reduction of farmland, effectively offset by the removal of the former dwelling.

Clause 02.03-6 Economic development advises that one of the major industries in East Gippsland is agriculture. Developing a dwelling on a property of 300 hectares used for a genuine agricultural enterprise will enhance the ability for the farm business to operate effectively and efficiently.

6. Planning Elements

6.1 Farming Zone 1

Response to Application Requirements

The proposed dwelling will accord with Clause 35.07-2. The proposed dwelling will be provided access via an all-weather road that has dimensions adequate to accommodate emergency vehicles. Wastewater from the dwelling will be treated and retained within the lot, as demonstrated by the Land Capability Assessment. An alternative potable water supply will be utilised, with an alternative energy source provided, avoiding demand for reticulated power.

Response to Decision Guidelines (as per Clause 35.07-5)

Pursuant to clause 35.07-5 the proposed dwelling responds positively to the decision guidelines of the Zone through the following:

- The proposed dwelling siting responds directly to constraints associated with the broader land holding. The eastern part of the property is within an active floodplain resulting in the majority of the holding being unsuitable for dwelling development.
- Being subject to fire risk the dwelling location provides for separation from the fire risk and allows for easier evacuation in an event.
- The loss of productive farmland is very minor associated with the replacement dwelling location.
- The subject land is viewed as an important part of the greater farm and will not lead to fragmentation of agricultural land.
- Well setback from neighbouring properties the dwelling is highly unlikely to be detrimentally impacted by nearby agricultural uses.
- There are few agricultural enterprises within the immediate vicinity of the land, given the presence of Crown land. Located approximately 400 metres south of the northern agricultural property the dwelling development will not adversely affect the operation and expansion of neighbouring agricultural uses.
- No concentration or proliferation of dwellings in the area will result from the proposal, as there are limited private properties within the precinct.

Response to Decision Guidelines (Clause 35.07-6)

A review of the decision guidelines has been undertaken, and the following comments are offered:

- No native vegetation is required to be removed to facilitate the development ensuring consistency with the East Gippsland Regional Catchment Strategy.
- A Land Capability Assessment accompanies the application demonstrating that the lot is capable of wastewater disposal.

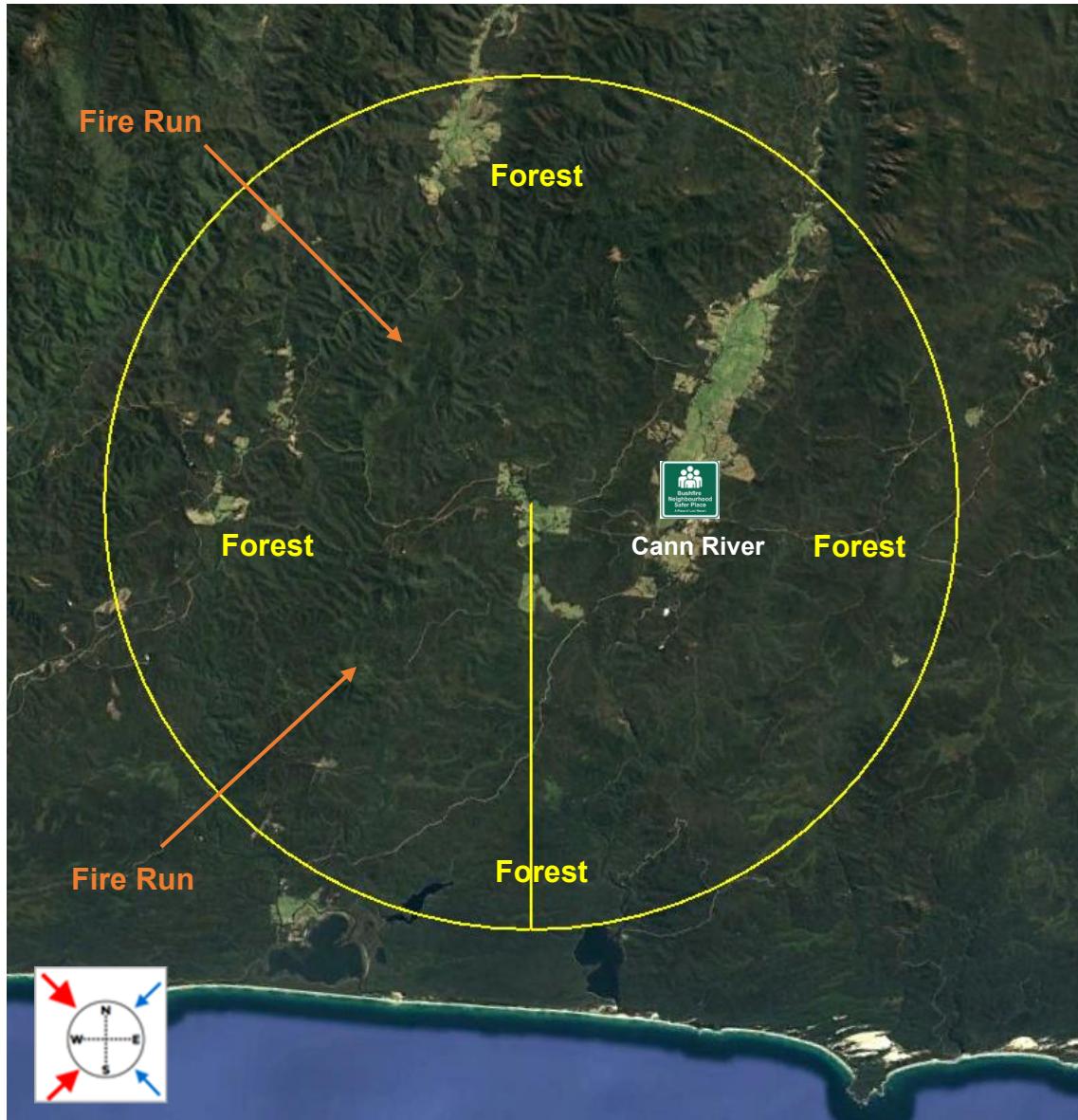
- The subject land forms part of a large rural holding which is used for cattle production. The proposed dwelling will provide the landowners (or manager) with the opportunity to reside and work on the property allowing for efficiency gains associated with the management of the agricultural business.
- The closest adjoining land use to the south is a rural living property. The dwelling will be well setback from the southern neighbour ensuring the neighbour's amenity is maintained.
- Water quality within the area will be maintained with nutrient runoff from wastewater systems being able to be minimised.
- Designed to incorporate common rural dwelling elements within East Gippsland being single storey height, pitched roofing, proportional window sizes and a verandah allows the dwelling to sit comfortably within the rural landscape.

6.2 Bushfire Management Overlay

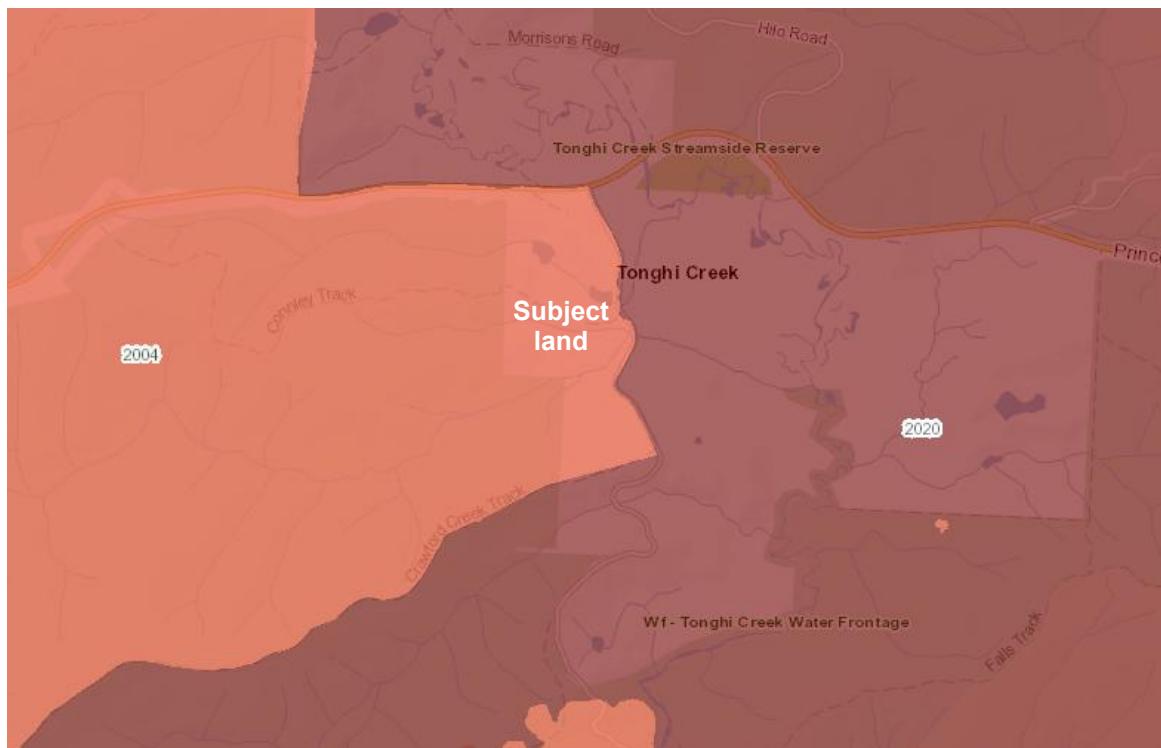
The subject land, together with the surrounding precinct is affected by the Bushfire Management Overlay.

In accordance with Clause 44.06-3 the application is accompanied by a Bushfire Hazard Landscape Assessment, a Bushfire Hazard Site Assessment and bushfire management statement.

Bushfire Hazard Landscape Assessment



*Bushfire Hazard Landscape Assessment at 20 kilometres
(Source: Google Earth)*



Bushfire history of the subject land (Source: Mapshare)

The Bushfire Hazard Landscape Assessment identifies that the subject land is located within an area of undulating terrain, has recent fire history and is surrounded by native vegetation separated from the subject land by grassland to the east and south. The subject land is considered to be within a Broader Landscape Type 4 as a bushfire could approach the subject land from a number of directions with limited evacuation options available.

Bushfire Management Statement

Response to Objectives and Standards to Clause 53.02 is provided below.

CLAUSE 53.02-4.1 LANDSCAPE, SITING & DESIGN OBJECTIVES	
Objective	
Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.	
Development is sited to minimise the risk from bushfire.	
Development is sited to provide safe access for vehicles, including emergency vehicles.	
Building design minimises vulnerability to bushfire attack.	
Approved Measures	
AM 2.1	
The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level.	

Response:

There is a predominant risk of fire provided from the north-west and south-west having regard to the prevailing winds. There is the ability for fire runs through the Crown Land and grass fires in the intervening landscape to the north-west. A bushfire running from the south-west would run through Crown land and freehold land containing Forest vegetation.

The site is located within a Broader Landscape Type 4 with the possibility for fire to approach from more than one direction. Within the immediate surrounds to the north, east and west is managed grazing land, however to the south is unmanaged freehold land.

The egress route is to the east (approximately 8 km) to Cann River via the Princes Highway which offers a safer place to shelter.

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 in an existing cleared area of the property which provides bushfire protection and is surrounded by grassland in the immediate vicinity. The proposed dwelling can not be located further to the east of the greater land holding due to the land being within an active floodplain.

It has been considered important in response to the bushfire threat to maximise the separation distance between the bushfire hazard and the building through the provision of defendable space consistent with Table 2 Column A of Clause 53.02-5.

Proposed access from Lower Tonghi Road will service the proposed dwelling via a driveway with a length of 65 metres. Lower Tonghi Road is a good quality gravel road which can easily accommodate emergency vehicles. Occupants will have the ability to egress the subject land within a vegetated managed area.

The driveway access will meet the requirements of Table 5 to Clause 53.02-5 which will ensure emergency vehicles can gain access to the proposed dwelling.

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 proposed dwelling is constructed on a concrete slab, walls will be fibre cement cladding, and the roof will be steel cladding. The selected external materials are all resilient to high levels of radiant heat and embers. The design prevents re-entrant areas and reduces the potential for leaf litter build up on the roof and verandah.

Given the risk posed by the broader landscape and potential for ember attack the dwelling will be constructed to BAL 29

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 surrounding the dwelling is Forest to the north on a downslope >0 – 5 degrees, south is Forest on an upslope, east is grassland on a downslope >0 – 5 degrees and west is grassland on an upslope.

Separation from the bushfire hazard can be maximised to the distance prescribed by Column A in Table 2 to Clause 53.02-5. Defendable space will be contained within the property boundaries and will be provided to 57m along the north, west and southern aspects given the presence of Forest vegetation to the north and south. Defendable space to the east will provide 45.8m to the property boundary well exceeding 22m and allows the landowner to more easily understand and implement defendable space requirements for this aspect.

The construction standard for the dwelling has been nominated at BAL 29 given the broader landscape risk. The occupants may be reliant on the dwelling to shelter in place in the event of a bushfire which reinforces a BAL 29 construction. The nominated external building materials will meet the requirements for BAL 29 construction.

AM 3.2

A building used for accommodation (other than a dwelling or dependent person's unit), a childcare 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:

Table 4 to Clause 53.02-5 prescribes a static water supply of 10,000 litres to be provided on site for firefighting purposes together with the appropriate fittings and access for CFA vehicles.

The Bushfire Management Plan also prescribes the necessary access requirements for the driveway consistent with Table 5 to Clause 53.02-5 given it is greater than 30 metres in length.

It is considered that the proposed dwelling will successfully mitigate the risk to occupants and is an appropriate response to the Bushfire Management Overlay.

7. Conclusion

The proposed use and development of a dwelling at 43 Lower Tonghi Road, Tonghi Creek is considered to accord with all relevant provisions of the Farming Zone and Bushfire Management Overlay of the East Gippsland Planning Scheme. The proposal is consistent with the Planning Policy Framework and Municipal Planning Strategy and will allow for the agricultural enterprise to operate more efficiently.

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

Reference No: B25407

Project No: 61225

9/12/2025

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

Attn: Richard Hoxley

Email: richard@crowthersadler.com.au

Dear Richard

**RE: PROPOSED 4 BEDROOM DWELLING
43 LOWER TONGHI ROAD, TONGHI CREEK. VIC**

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

Further to our detailed inspection, at 8:45am on 9th December, 2025, of the above site this is to certify that Andrew John Powell, on behalf of Chris O'Brien & Company Pty Ltd, has prepared this report to document our Land Capability Assessment (LCA) and soil percolation test data together with recommendations for a specific location within the above allotment for on-site containment of domestic effluent disposal.

The purpose of this particular land capability assessment (LCA) is to investigate an area for a "Land Application Area" (LAA) on the allotment for on-site wastewater disposal taking into account all limitations. The most significant limitation is the existing dam located approx. 38m south of the proposed dwelling and also the eastern title boundary. Refer to our site plan dwg No. 61225 sheet 1 of 1. attached hereunder which shows how all limitations can be overcome and allow for primary treatment of effluent to be used on this allotment.

An area, measuring approx. 20m in the (North-South direction) x 10m (East-West direction) and set about 6m to the west of the eastern boundary and about 30m to the north east of the proposed dwelling has been allocated. The minimum setback of 60m from the proposed dam is also achievable. The test site has an average slope of about 1% maximum in the north south direction and about 3% in the east west direction. The buffer zones are clear of any ephemeral waters. The area allocated for disposal field will not cause any detriment to the environment nor stormwater run-off quality within the precinct where the allotment is located.

A soil investigation pit was hand excavated. The soil consists of a damp dark brown silty loam (ZL) topsoil containing some coarse grass roots moderately dispersed, underlain by a damp grey brown silty loam (ZL) at 100 – 350mm depth underlain damp fawn brown fine loam (L) at 350 – 600mm at termination of the test pit. The field texture grade for this particular soil was identified, with the bolus being coherent and rather spongy and rather greasy to touch.

DISCUSSION

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

All correspondence to:

P.O. Box 18
Traralgon Vic. 3844

13^A Church Street
Traralgon Vic. 3844

Telephone (03) 5174 9911
Facsimile (03) 5174 0011

PHOTOGRAPHY

Several colour photographs have been attached to the rear of this report to illustrate the subject allotment terrain and the location of the area of the "On-Site Domestic-Wastewater" disposal field. In addition, a test pit was hand excavated to 600mm depth, to investigate and illustrate the various soil horizons. The test pit, together with the tailings of excavated material, were photographed and have been attached as well. It is obvious, by observation of the photographs, the soil type and the relatively flat terrain available for disposal, that standard absorption trenches can be used on this site.

DAILY FLOW & SEPTIC TANK CAPACITY

- It is proposed to construct a new dwelling on the allotment with the new dwelling to have four (4) bedrooms and as a consequence the estimated daily flow in accordance with EPA Victoria Publication May 2024: Guideline for Onsite Wastewater Management: Table 4-2 (dwelling installed with full water-reduction fixtures and fittings) and AS/NZS 1547:2012 Table H1

$$\begin{aligned} &= (2 + 3 \times 1) \times 150 \\ &= 750 \text{ L/day (Tank Water Supply)} \end{aligned}$$

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

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

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

Reference is made to the Australian Standard code AS/NZS 1547:2012 "On site Domestic-wastewater Management" Appendix L. Refer table L1, whereby the soil examined on site may be classified as a Soil Category 3b:Loams (weakly Structured or massive), the Design Irrigation Rate (DIR) for primary treated effluent is approx. 1mm/day. Noteworthy is that the EPA Victoria publication May 2024; Guideline for Onsite Wastewater Management: Table 4-8: Soil Categories and Recommended Maximum Design Loading/Irrigation Rates (DLR/DIR) for "Land Application Systems" makes direct reference to Table L1 in AS/NZS 1547:2012 and therefore the exact same DIR is recommended by the EPA.

LENGTH REQUIRED FOR STANDARD ABSORPTION TRENCH SYSTEM

The appropriate absorption bed length for a trench system has been determined using formula from Appendix L, with the bed length $L = Q / (DLR \times W)$. A conservative DIR of 1.0 L/m²/day being adopted for this site. Based on a Q of 750L/day of wastewater generated by a four (4) bedroom dwelling supplied by Tank Water Supply. Adopting a trench width of 1000mm, the total length of trench bed required is **75m**. this can be provided in 4 equal lengths. A final layout of the treatment system is to be completed when a septic tank permit is applied for.

RESERVE AREA NOT REQUIRED

The allocation of a reserve area is not thought to be necessary on this site, however significant area is available should the installed trench bed system fail. The design parameters used to determine the required size of the Land Application Area (LAA) have been suitably conservative. The soil is not sodic nor saline.

PREPARATION OF THE SITE PRIOR TO COMMENCEMENT

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

SUMMARY & CONDITIONS

It is our professional opinion the site is suitable for absorption trenches with the total length of 1000mm wide trench to be at least **75m** which will be environmentally adequate and consistent with the above recommendations.

Based on the land capability assessment results, it is our opinion that the soil type and profile on this site are suitable for disposal of wastewater on site, using primary treatment only. 1000mm wide x 400mm depth trenches are to be used. Trenches should be at least 2m apart.

From the test results it can be seen that a four (4) bedroom dwelling requires a disposal bed length of about **75m** (minimum) for a standard absorption trench bed system.

Siting of the proposed wastewater disposal field envelope shall be within the area tested. Refer to attached site plan. The following factors shall be considered when positioning the proposed wastewater disposal field.

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

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

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

CONCLUSION

Following the Land Capability Assessment on this site it is our professional opinion that the wastewater created from any proposed dwelling can be treated onsite utilizing a standard absorption trench bed system which is highly unlikely to cause detriment to the environment.

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

Yours faithfully,



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

LAND CAPABILITY ASSESSMENT AND SOIL PERCOLATION TESTING

Land Features Land Capability Class Rating Site Rating

Land Features	Very Good(1)	Good(2)	Fair(3)	Poor(4)	Very Poor(5)	
---------------	--------------	---------	---------	---------	--------------	--

General Characteristics

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

Soil profile characteristics

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

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

INSTALLATION CONDITIONS

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

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

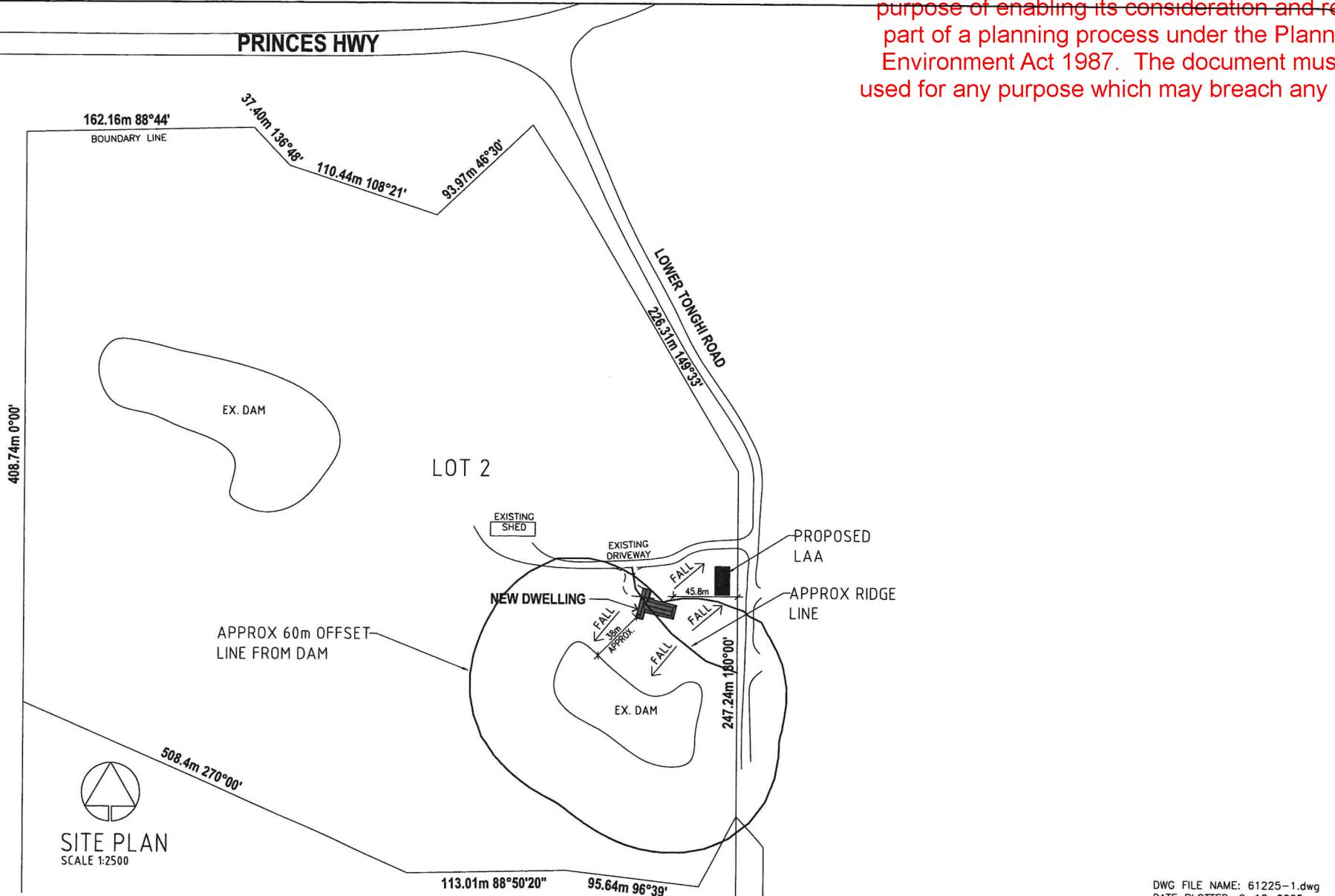
Inlets and outlets of the septic tank must be baffled to avoid disturbing the contents of the septic tank.

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

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

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

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CROWTHER & SADLER PTY LTD

CHRIS O'BRIEN & COMPANY PTY LTD
CONSULTING CIVIL & STRUCTURAL ENGINEERS

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13A Church Street
Traralgon Vic. 3844

Telephone 03 5174 9911
Facsimile 03 5174 0011

DRAWN	SITE PLAN
AJP	
DESIGNED	
AJP	
CHECKED	
LDM	
SIGNED	

PROPOSED RESIDENCE (4-BR)
LAND CAPABILITY ASSESSMENT FOR
ON-SITE WASTEWATER DISPOSAL
43 LOWER TONGHI ROAD, TONGHI CREEK

DATE	DEC 2025
SCALE	AS SHOWN
SHEET No.	
1 OF 1	
PROJECT No.	61225

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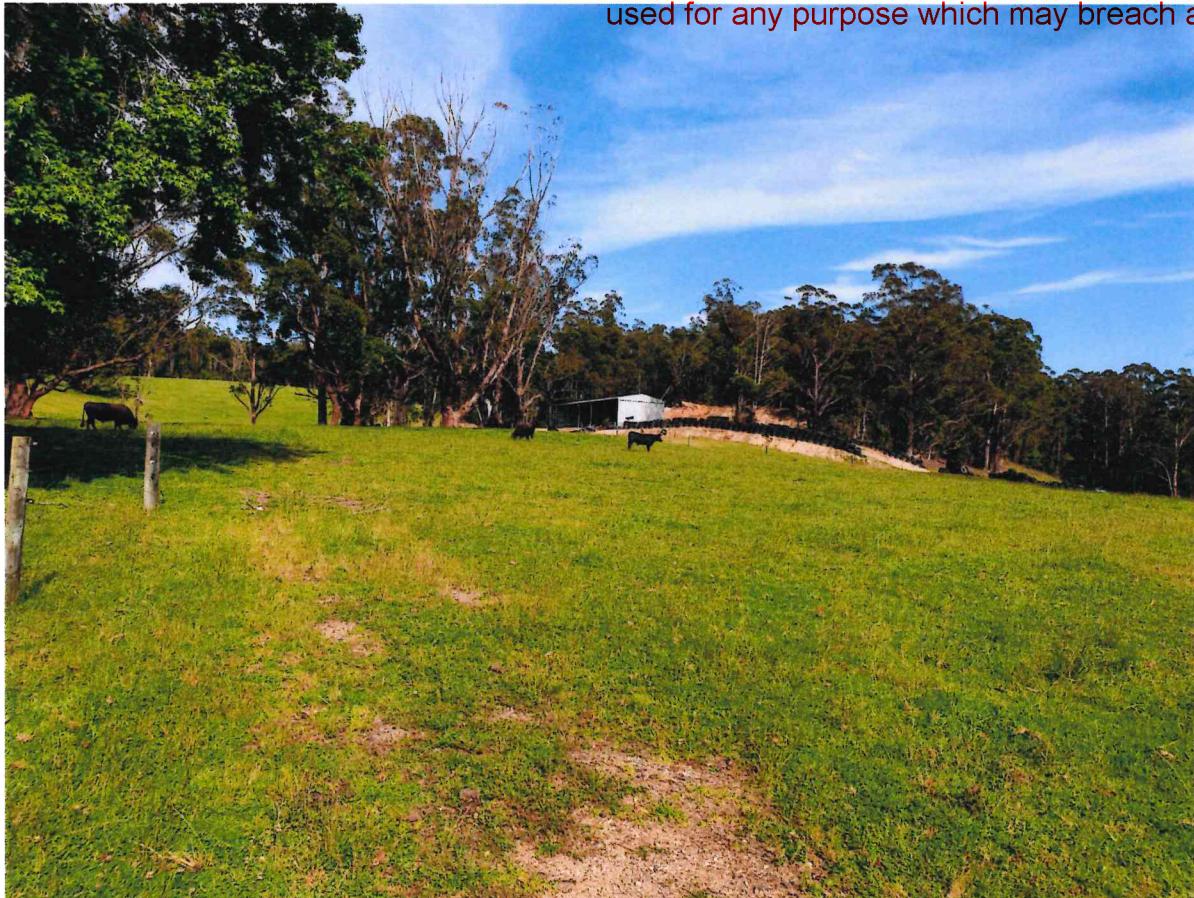
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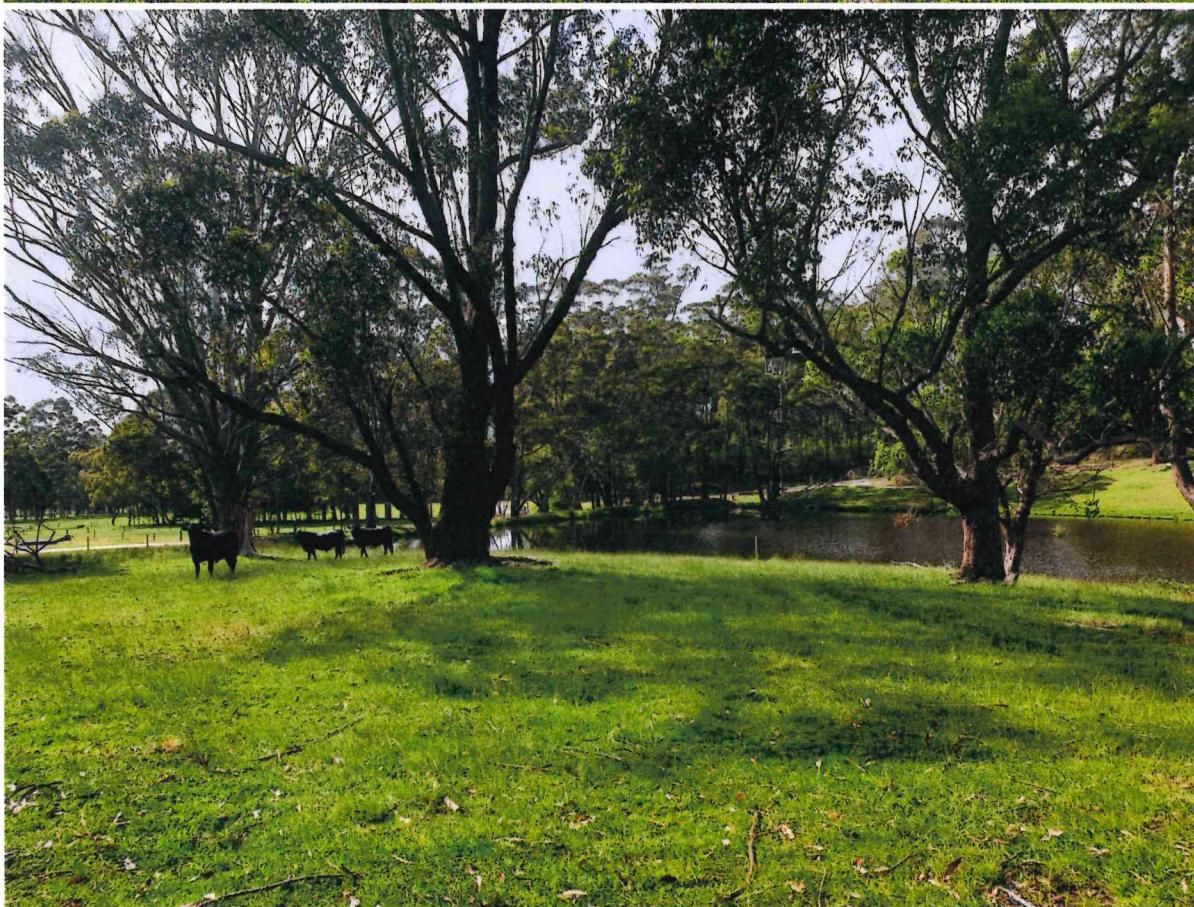
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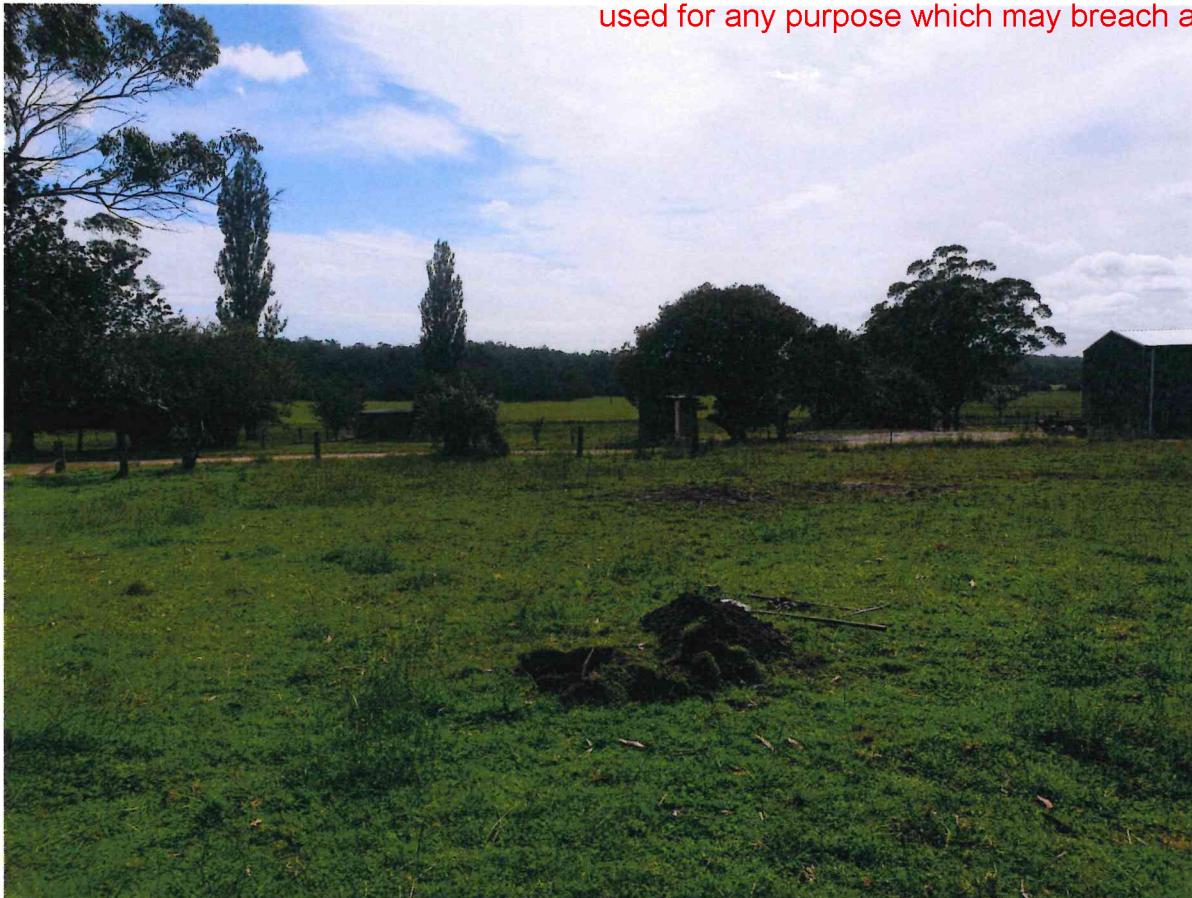
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Bushfire Management Plan – 43 LOWER TONGHI ROAD, TONGHI CREEK



PLAN REF: 21311 BMP V1

Crowther & Sadler Pty Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

Prepared By: Crowther & Sadler Pty Ltd

 Subject Land
 PARCEL_VIEW
 EL_CONTOUR
 Proposed Dwelling
 Driveway
 Watertank
 Defendable Space

0 10 20 m

Version: 1

Date: 10/12/2025

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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 corrosion 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 than 100 metres: Yes No

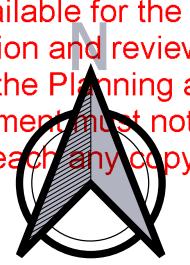
Where length of access is greater than 100 metres the following design and construction requirements apply:

- 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.



CHRIS & HELEN NIXON
43 LOWER TONGHI ROAD, TONGHI CREEK

Crowther & Sader Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS

152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersader.com.au

	North	East	South	West
Slope	Downslope >0°- 5°	Downslope >0°- 5°	Upslope	Upslope
Veg Type	Forest	Grassland	Forest	Grassland
Separation Distances	57m	22m	48m	19m

*SEPARATION DISTANCES DERIVED FROM TABLE 2, COLUMN A

SCALE (SHEET SIZE A3)

1:2,000

SURVEYORS REF.

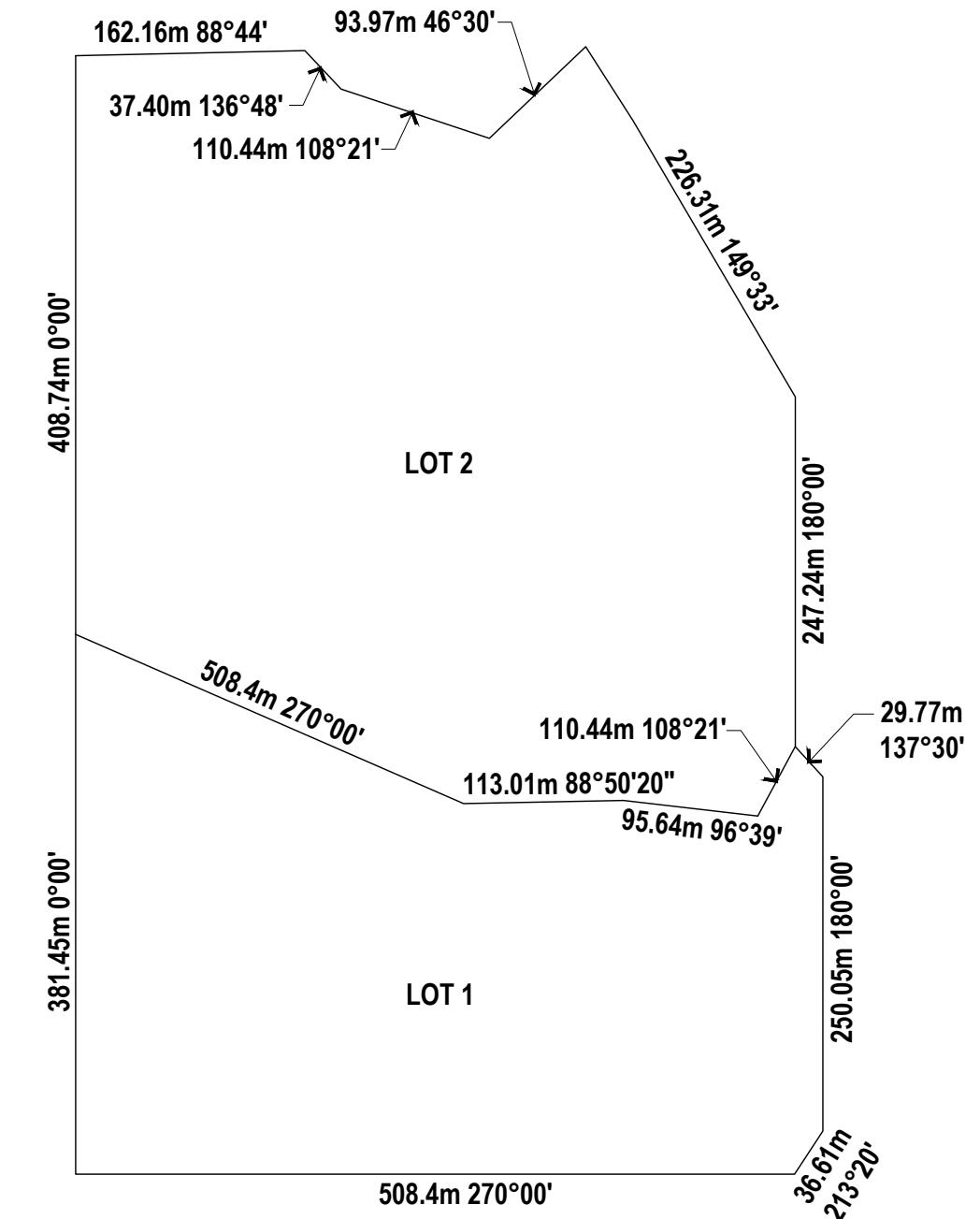
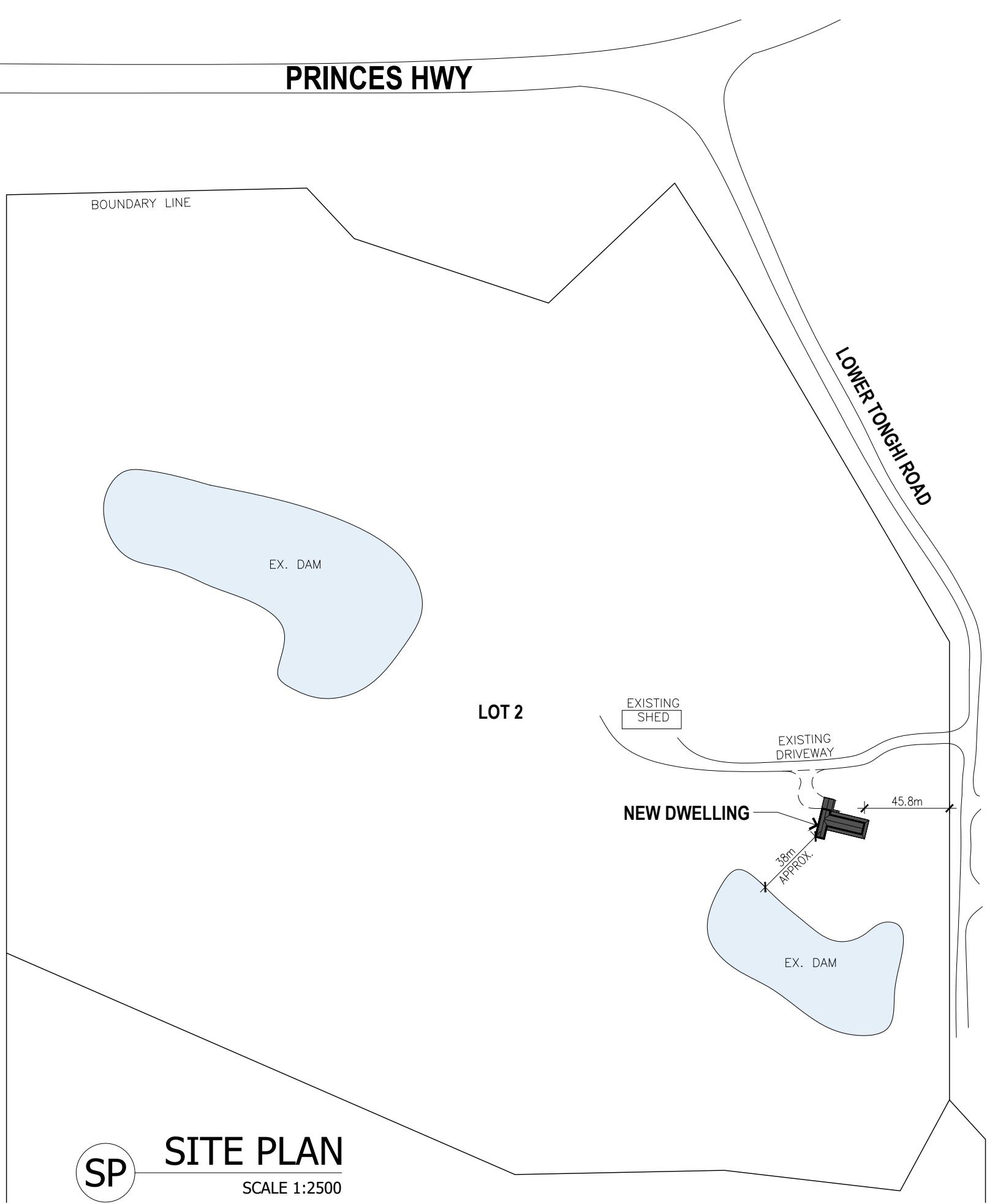
21311

VERSION 1 - DRAWN 09/12/2025

BUSHFIRE HAZARD SITE ASSESSMENT

PARISH OF TONGHI
CROWN ALLOTMENT 2C (PART)

LOT 2 ON PS313608



ISSUE: A	REVISION: B	AMENDMENT: DESIGN DRAWINGS ISSUED FOR REVIEW	DATE: 24.09.25
			05.11.25

PROJECT: **PROPOSED DWELLING**
PROJECT ADDRESS: 43 LOWER TONGHI ROAD, TONGHI CREEK 3890

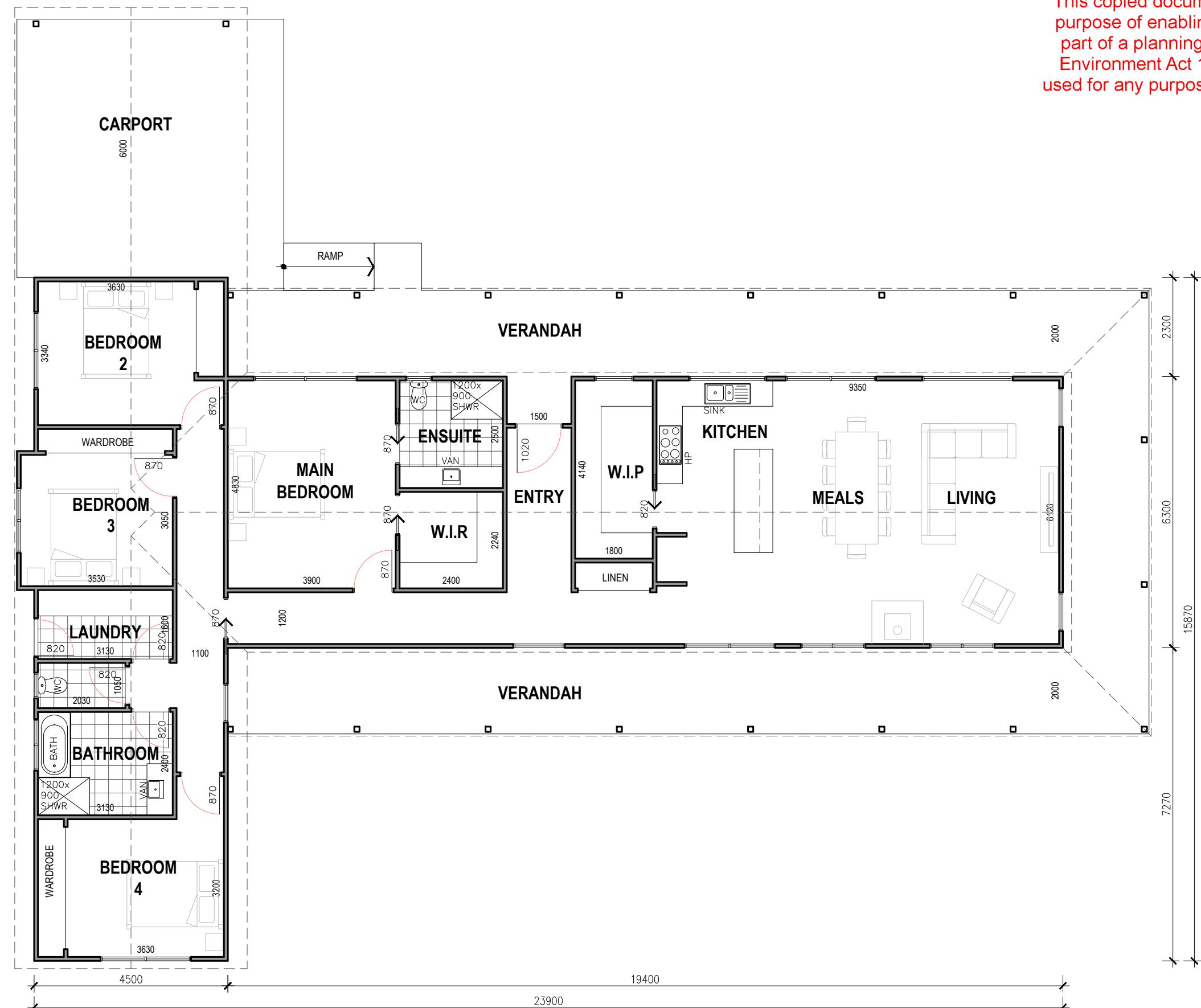
CLIENT: **CHRIS AND HELEN NIXON**
JOB NUMBER: 0495_25

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SCALE: AS SHOWN
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ISSUE: **R**
REVISION: **B**
Printed 28/01/2026





GROUND FLOOR PLAN

SCALE 1:100

ISSUE: A	REVISION: B	AMENDMENT: DESIGN DRAWINGS ISSUED FOR REVIEW	DATE: 24.09.25
			05.11.25

PROJECT:
PROPOSED DWELLING

PROJECT ADDRESS:
**43 LOWER TONGHI ROAD,
TONGHI CREEK 3890**

CLIENT:
CHRIS AND HELEN NIXON

JOB NUMBER:
0495_25

DRAWING TITLE:
GROUND FLOOR PLAN

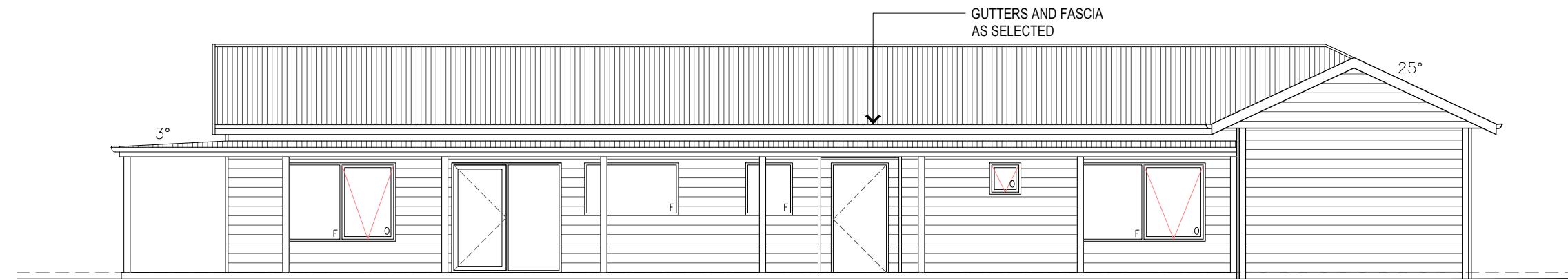
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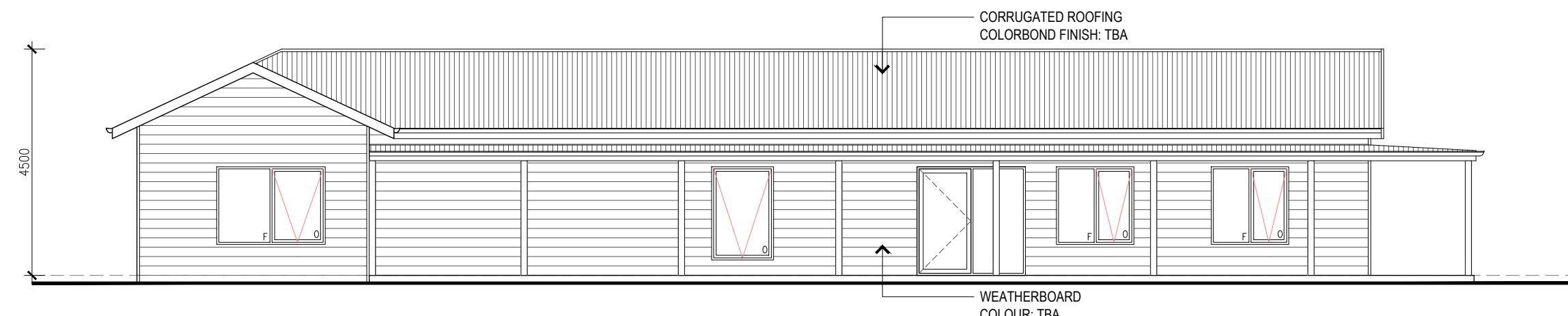
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DD02

ISSUE: **REVIEW** REVISION: **B**
Printed 28/01/2026





NORTH ELEVATION
SCALE 1:100



SOUTH ELEVATION
SCALE 1:100

ISSUE: A	REVISION: B	AMENDMENT: DESIGN DRAWINGS ISSUED FOR REVIEW	DATE: 24.09.25
REVIEW			05.11.25

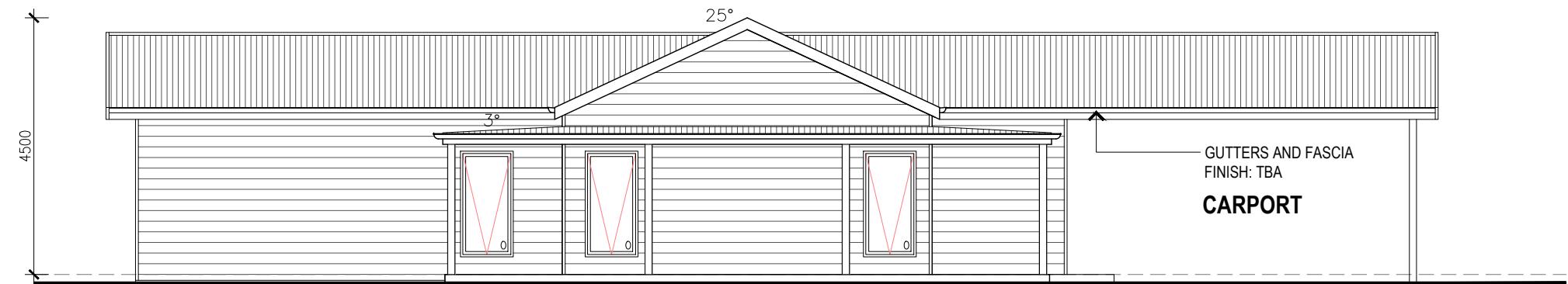
PROJECT:
PROPOSED DWELLING
PROJECT ADDRESS:
**43 LOWER TONGHI ROAD,
TONGHI CREEK 3890**

CLIENT:
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DD03
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REVISION:
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Page 51 of 52



EE EAST ELEVATION
SCALE 1:100



WE WEST ELEVATION
SCALE 1:100

ISSUE: A	REVISION: B	AMENDMENT: DESIGN DRAWINGS ISSUED FOR REVIEW	DATE: 24.09.25
REVIEW			05.11.25

PROJECT:
PROPOSED DWELLING
PROJECT ADDRESS:
**43 LOWER TONGHI ROAD,
TONGHI CREEK 3890**

CLIENT:
CHRIS AND HELEN NIXON
JOB NUMBER:
0495_25

DRAWING TITLE:
ELEVATIONS

SCALE: AS SHOWN
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