

## Modification of building envelope request

In early February 2025 the below email was sent to Bruce Moore and Same Davis. The email outlines some key reasons for why we believe our building envelope should be able to be moved.

I received a call from Sam following the email saying that our request would not be denied at DA stage.

Same and Bruce are both aware of this situation and Sam asked me to include a modification request in the DA. If you have any question about any of this information please feel free to call, email or contact Sam Davies who has been my main point of contact in this modification request.

Kind regards, Billy.

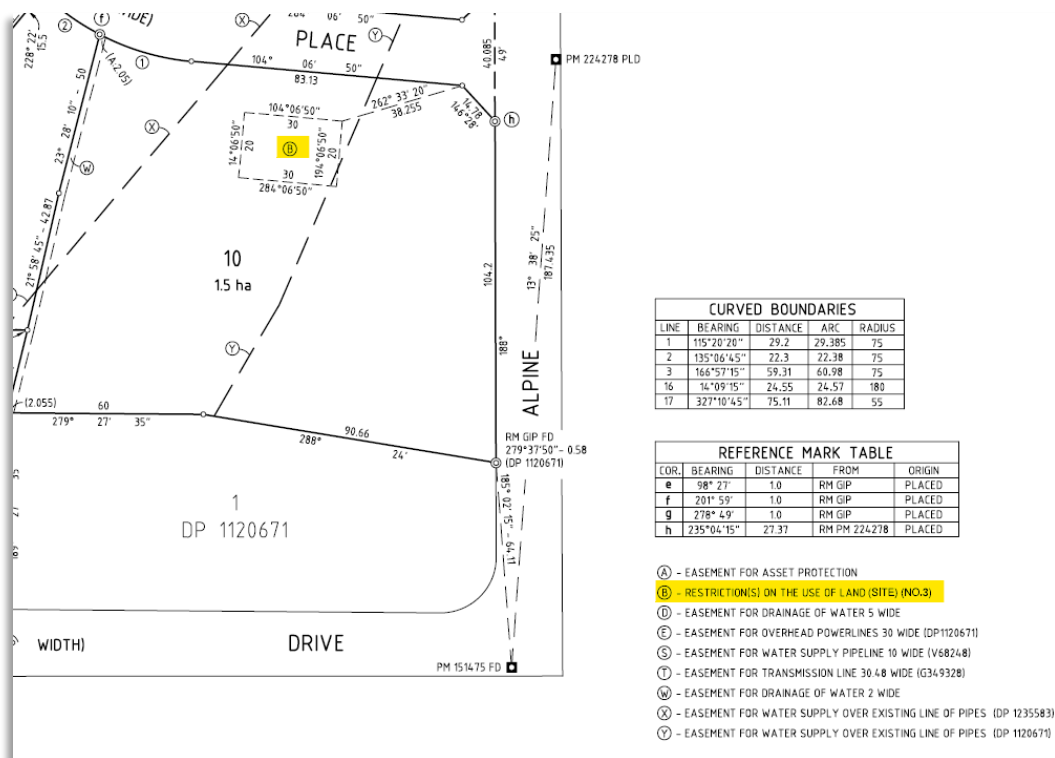
## Email

Good afternoon Bruce,

As you are aware, we are the new owners of 5 Chant Place, Tinonee, Lot 10 of the associated deposited plan 1301427 (attached and snippets below).

## Background

Reference is made to the restrictions on the title, specifically the easement nominated (B) on the deposited plan and identified as restriction on the use land item number 3 in the accompanying 88b instrument, snippet below:



When viewing item 3 of the 88b instrument, the terms of the restriction read:

**“2. Terms of restriction on the use of land numbered 3 in the plan.**

- 2.1 *The nominated building envelope designated as (R) on the plan. No clearing of native vegetation is permitted outside of the building envelopes without the prior written approval of Council...*”

**Questions and request for advice**

The restrictions and conditions on the property are causing a lot of confusion when they are read in conjunction. It is understood there are some mis-referenced easements, however we are really unsure as to how best address this in our future application. To aid us in preparing our Development Application with appropriate descriptions and attachments, we are requesting your expertise and advice regarding your interpretation of the DP/88b:

1. If we wish to propose the dwelling elsewhere on-site, further toward the Southern boundary:
  - a) Which restriction do we propose to vary? As indicated above, the only mention of a building envelope references a nominated area that does not exist. Additionally, the terms of the restriction continues on to say that we cannot remove any vegetation outside of the building envelope. As we are not proposing the removal of any vegetation anywhere on-site, are we technically complying with this restriction?

Regardless, if a variation to the 88b is required, MCC is the authority to release, vary, or modify – can you please confirm if this is still done as part of the DA process?

- b) Terms of restriction number 5 in the 88b instrument also talk about the required effluent disposal area. Can you please confirm if the “effluent disposal area” is the “irrigation area” on the referenced wastewater management plan or is it the “effluent management area (EMA)”? We understand a local government approval is required prior to installing any septic system, however your answer here would provide clarity around proposing a location for our dwelling to be clear of all easements and restrictions:

**4. Terms of restriction on the use of land numbered 5 in the plan.**

Effluent disposal areas are restricted to the areas designated in the Wastewater Management Plan Version No. 004 dated 11/12/15 Status Final R2, submitted by Whitehead and Associates Environmental Consultants. Erection of any building or structure upon the designated effluent disposal areas is prohibited.



Thanks in advance,

Billy Snow