

Due diligence checklist

What you need to know before buying a residential property

Before you buy a home, you should be aware of a range of issues that may affect that property and impose restrictions or obligations on you, if you buy it. This checklist aims to help you identify whether any of these issues will affect you. The questions are a starting point only and you may need to seek professional advice to answer some of them. You can find links to organisations and web pages that can help you learn more, by visiting the [Due diligence checklist page on the Consumer Affairs Victoria website](https://consumer.vic.gov.au/duediligencechecklist) (consumer.vic.gov.au/duediligencechecklist).

Urban living

Moving to the inner city?

High density areas are attractive for their entertainment and service areas, but these activities create increased traffic as well as noise and odours from businesses and people. Familiarising yourself with the character of the area will give you a balanced understanding of what to expect.

Is the property subject to an owners corporation?

If the property is part of a subdivision with common property such as driveways or grounds, it may be subject to an owners corporation. You may be required to pay fees and follow rules that restrict what you can do on your property, such as a ban on pet ownership.

Growth areas

Are you moving to a growth area?

You should investigate whether you will be required to pay a growth areas infrastructure contribution.

Flood and fire risk

Does this property experience flooding or bushfire?

Properties are sometimes subject to the risk of fire and flooding due to their location. You should properly investigate these risks and consider their implications for land management, buildings and insurance premiums.

Rural properties

Moving to the country?

If you are looking at property in a rural zone, consider:

Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.

Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.

Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

Is there any earth resource activity such as mining in the area?

You may wish to find out more about exploration, mining and quarrying activity on or near the property and consider the issue of petroleum, geothermal and greenhouse gas sequestration permits, leases and licences, extractive industry authorisations and mineral licences.

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

You should consider whether past activities, including the use of adjacent land, may have caused contamination at the site and whether this may prevent you from doing certain things to or on the land in the future.

Land boundaries

Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

Planning controls

Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

Safety

Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

Building permits

Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

Utilities and essential services

Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

Buyers' rights

Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

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

Page 1 of 1

VOLUME 09570 FOLIO 266

Security no : 124064323874Y
Produced 31/01/2017 03:37 pm

LAND DESCRIPTION

Lot 1 on Title Plan 096223B.
PARENT TITLE Volume 04633 Folio 573
Created by instrument L191741P 07/08/1984

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
BANRIAR INVESTMENTS PTY LTD of 28 MOUNT PLEASANT DRIVE MOUNT WAVERLEY VIC
3149
AL888609H 16/05/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AL888610Y 16/05/2015
NATIONAL AUSTRALIA BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987
AN270798E 14/11/2016

DIAGRAM LOCATION

SEE TP096223B FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	STATUS	DATE
AN270798E	Registered	14/11/2016

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

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

Street Address: 226 RIX ROAD BEACONSFIELD VIC 3807

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LIMITED
Effective from 23/10/2016

DOCUMENT END

Imaged Document Cover Sheet

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Document Type	plan
Document Identification	TP096223B
Number of Pages (excluding this cover sheet)	1
Document Assembled	31/01/2017 15:41

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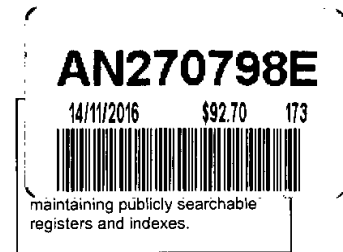
Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 **Planning and Environment Act 1987**

Form 21

Lodged by:

Name: MADDOCKS
Phone: 03 9258 3555
Address: Collins Square, Tower Two, Level 25, 727 Collins Street Melbourne VIC 3008
Ref: TGM:NGW:6828398
Customer Code: 1167E



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

Land: Volume 9570 Folio 266

Responsible Authority: Cardinia Shire Council of 20 Siding Avenue, Officer, Victoria

Section and Act under which agreement made: Section 173 of the *Planning and Environment Act 1987*

A copy of the agreement is attached to this application

Signature for the Authority:

.....*Luke Connell*.....

Name of officer:

.....LUKE CONNELL.....

Position Held:

.....COORDINATOR GROWTH AREA PLANNING.....

Date:

.....7/11/2016.....

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14/11/2016 \$92.70 173



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Date **4** / 11 / 2016

Agreement under Section 173 of the Planning and Environment Act 1987

Subject Land: 226 Rix Road, Beaconsfield

Cardinia Shire Council
and

Banriar Investments Pty Ltd
ACN 146 583 217

AN270798E

14/11/2016 \$92.70 173



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Contents

1.	Definitions.....	4
2.	Interpretation	7
3.	Purposes of Agreement.....	8
4.	Reasons for Agreement.....	8
5.	Agreement required	8
6.	Owner's specific obligations	9
7.	Agreed Land Value.....	11
8.	Parties' obligations	12
9.	Acknowledgement by the Parties.....	13
10.	Owner's further obligations	13
11.	Agreement under section 173 of the Act.....	14
12.	Owner's warranties	14
13.	Successors in title	14
14.	General matters	14
15.	GST	15
16.	GAIC	16
17.	Commencement of Agreement.....	16
18.	Ending of Agreement.....	16
	Schedule 1.....	17
	Schedule 2.....	18
	Schedule 3.....	19
	Schedule 4.....	20
	Schedule 5.....	21
	Schedule 6.....	1

AN270798E

14/11/2016 \$92.70 173



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Agreement under Section 173 of the Planning and Environment Act 1987

Dated 4 / 11 / 2016

Parties

Name	Cardinia Shire Council
Address	Municipal Offices, 20 Siding Avenue, Officer, Victoria
Short name	Council

Name	Banriar Investments Pty Ltd ACN 146 583 217
Address	28 Mount Pleasant Drive, Mount Waverley, Victoria
Short name	Owner

Background

- A. Council is the responsible authority for the Planning Scheme. Council is also the Collecting Agency and the Development Agency under the Development Contributions Plan.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. The Development Contributions Plan applies to the Subject Land and adjacent areas. It outlines the contributions expected from individual landholders within the area covered by the Development Contributions Plan to fund infrastructure and services required as a result of development of the area.
- D. The Owner has asked Council for permission to carry out certain works which are funded by the Development Contributions Plan.
- E. Council has agreed that the Owner will carry out the Infrastructure Projects in return for a credit against its development contribution liability under the Development Contributions Plan.
- F. Council and the Owner have also agreed that the Owner will undertake the Localised Infrastructure Projects in accordance with this Agreement.
- G. As at the date of this Agreement, the Subject Land is encumbered by mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

AN270798E

14/11/2016

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THE PARTIES AGREE

1. Definitions

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

Act means the *Planning and Environment Act 1987*.

Adjustment Index means the Australian Bureau of Statistics Price Index, Output of Construction Industry – Victoria publication series 6427.0 Table 17 or if the index ceases to exist, the nearest equivalent index.

Agreed Land Value means the value set out or specified in Schedule 6B which is deemed to include all transfer costs, costs of Plans of Subdivision, registration fees and the like or any other amount which has been specifically agreed to in writing by Council.

Agreed Project Value means the amount set out or referred to in Schedule 6A or any other amount which has been specifically agreed in writing by Council.

Agreement means this agreement.

Anticipated Cost of Construction means the anticipated price of the delivery of the Infrastructure Project. For an Infrastructure Project, the Anticipated Cost of Construction includes all project design and engineering fees.

Approved Plans means the designs of the Infrastructure Projects or Localised Infrastructure Projects as the case may be as approved by Council under clause 3.

Building has the same meaning as in the Act.

Certificate of Practical Completion means a certificate in writing prepared by Council stating that an Infrastructure Project or Localised Infrastructure Project as the case may be has been completed to the satisfaction of Council.

Certificate of Occupancy means an occupancy permit under the *Building Act 1993*.

Civil Works means construction works which are identified in engineering drawings approved by Council, including roads, bridges, culverts, paths and trails.

Collecting Agency has the meaning given to that term in the Development Contributions Plan.

Community Infrastructure Levy means a levy payable under the Development Contributions Plan for community infrastructure.

Consent Fee means a fee payable by the Owner to Council for deciding whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

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

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Conservation Management Plan means any approved conservation management plan or similar with respect to an area within which an Infrastructure Project or Localised Infrastructure Project is to be completed and includes the 'Officer Precinct Structure Plan: Conservation Management Plan (excluding Cardinia Creek)' prepared by Ecology Partners Pty Ltd dated 15 September 2011.

Construction Management Plan means any approved construction management plan or similar with respect to an area within which an Infrastructure Project or Localised Infrastructure Project is to be completed.

Construction Procedures means the procedures set out in Schedule 5.

Council Infrastructure means infrastructure delivered by Council within the municipality.

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

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, mail@cardinia.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Credit means a credit in the amount of the Agreed Project Value for the relevant Infrastructure Project against the amount of the Development Contributions Levy that the Owner is obliged to pay for the Subject Land under this Agreement and the Development Contributions Plan.

Defects Liability Period means the defects liability period specified in Schedule 4B.

Development Agency has the meaning given to that term in the Development Contributions Plan.

Development Contributions Levy has the same meaning as in the Development Contributions Plan. In this Agreement it means the levy payable per developable hectare at the rate specified in the Development Contributions Plan for the Subject Land. It does not include the Community Infrastructure Levy that is also payable under the Development Contributions Plan.

Development Contributions Plan means the Development Contributions Plan described in Schedule 2.

Endorsed Plans means the plans endorsed under the Planning Permit.

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Equalisation Payment means the amount specified in Schedule 6B as the equalisation payment.

GAIC means the Growth Areas Infrastructure Charge under the Act.

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

Infrastructure Project means a project to be delivered by the Owner under this Agreement as identified in the relevant column of the table to Schedule 6A and which may be further illustrated and defined in the Public Infrastructure Plan.

Land Project means the land transactions described in Schedule 6B in respect of the Project Land.

Landscape Works means landscape works which are identified on a landscape plan prepared by the Owner and approved by Council from time to time.

Localised Infrastructure means works, services or facilities necessitated by the subdivision or development of land including but not limited to provision of utility services such as water supply, stormwater drainage, sewerage, gas and electricity services, telecommunications infrastructure and local roads, bridges, culverts and other water crossings, any required associated traffic control measures and devices. For the purposes of this Agreement, Localised infrastructure does not include the infrastructure required for the Projects or other infrastructure that is in the nature of regional or state infrastructure.

Localised Infrastructure Project means a project to be delivered by the Owner under this Agreement as identified in the relevant column of the table to Schedule 6C and which may be further illustrated and defined in the Public Infrastructure Plan.

Maintenance Period means the maintenance period specified in Schedule 4A.

Mortgagee means the person registered on entitled from time to time to be registered as the mortgagee of the Subject Land.

Open Space Land means land for passive open space in respect of which equalisation is to apply under either the Development Contributions Plan or the Precinct Structure Plan applying to the Subject Land. It does not include Project Land.

Over Provision means the amount by which the Credit to which the Owner is entitled in accordance with this Agreement exceeds the Owner's liability to pay the Development Contributions Levy in respect of the Subject Land.

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

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or parties means the parties to this Agreement.

Plan Checking Fee means a fee payable to Council by the Owner for checking plans for an Infrastructure Project or Localised Infrastructure Project and which is payable at the rate of 0.75% of the Anticipated Cost of Construction.

AN270798E

14/11/2016 \$92.70 173



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Plan of Subdivision means a plan of subdivision which creates an additional lot which can be disposed of separately or which is intended to be used for a dwelling or which can be re-subdivided.

Planning Permit means the planning permit referred to in Schedule 3.

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

Precinct Structure Plan means the Precinct Structure Plan described in Schedule 2.

Project Land means any land referred to in Schedule 6B but does not include Open Space Land.

Public Infrastructure Plan means the plan labelled 'Public Infrastructure Plan' which is attached to this Agreement and marked as Annexure 1.

Residential Lot means a lot created as a result of the subdivision of the Subject Land which in the opinion of Council is of a size and dimension such that it is intended to be developed as a housing lot without further subdivision.

Satisfaction Fee means a fee payable by the Owner to Council for determining whether any one of the Owner's obligations has been undertaken to Council's satisfaction and which is payable at the rate of:

- if paid within 12 months of the date this Agreement commences, \$102; or
- if paid at any time after 12 months of the date this Agreement commences, \$102 plus Indexation.

Schedule means a schedule to this Agreement.

Stage followed by a reference to a stage number is a reference to a specified stage of the development of the Subject Land as identified in any staging plan forming part of plans endorsed under the Planning Permit for the Subject Land.

Statement of Compliance means a Statement of Compliance under the *Subdivision Act* 1988.

Subject Land means the land described in Schedule 1 and any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.

Supervision Fee means a fee payable to Council by the Owner for supervision of a Infrastructure Project or Localised Infrastructure Project as the case may be and which is payable at the rate of 2.5% of the Anticipated Cost of Construction.

Works has the same meaning as in the Act.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;

AN270798E



- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1.1 record the terms and conditions on which Council as the Collecting Agency under the Development Contributions Plan has granted its consent to the Owner to undertake the Infrastructure Projects and the Land Projects;
- 3.1.2 to record the terms on which the Owner must provide the Localised Infrastructure Projects; and
- 3.1.3 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

4. Reasons for Agreement

The Parties acknowledge and agree that Council entered into this Agreement for the following reasons:

- 4.1 the Owner has elected to enter into this Agreement in order to carry out the Infrastructure Projects and the Land Projects for a Credit instead of making a total cash payment as a Development Contributions Levy; and
- 4.2 the Owner will make cash payments to Council to meet the Owner's liability to pay the Development Contributions Levy for the Subject Land in accordance with the timeframes set out in this Agreement.

5. Agreement required

The Parties agree that this Agreement will continue to be required unless Council confirms in writing that it is no longer required.

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14/11/2016

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6. Owner's specific obligations

6.1 Payment of Development Contributions Levy

The Owner covenants and agrees that:

- 6.1.1 the Owner must pay the Development Contributions Levy prior to the issue of a Statement of Compliance in accordance with the Development Contributions Plan; and
- 6.1.2 the Owner's liability to pay the Development Contributions Levy is subject to the Owner's entitlement to a Credit under this Agreement.

6.2 Infrastructure Projects

The Owner covenants and agrees that:

- 6.2.1 the Owner will construct the Infrastructure Projects specified in Schedule 6A prior to the milestones identified in Schedule 6A for the Agreed Project Value; and
- 6.2.2 the Agreed Project Value will be paid as a Credit against the Owner's liability to pay the Development Contributions Levy in the manner described in and payable at the time set out in the Schedule 6A of this Agreement.

6.3 Localised Infrastructure Projects

The Owner covenants and agrees that:

- 6.3.1 the Owner will construct the Localised Infrastructure Projects specified in Schedule 6C prior to the milestones identified in Schedule 6C.

6.4 Project Land

The Owner must transfer or vest the Project Land specified in Schedule 6B for the Agreed Project Value:

- 6.4.1 prior to the milestones identified in Schedule 6B;
- 6.4.2 where the Agreed Land Value is payable as a Credit or payment, as the case may be, as described in and payable at the time set out in Schedule 6B.

6.5 Design and Construction of Infrastructure Projects and Localised Infrastructure Projects

The Owner covenants and agrees that:

- 6.5.1 the Owner will, at its initial cost, prepare detailed design and engineering plans and specifications of the Infrastructure Projects and Localised Infrastructure Projects (**Designs**) and submit the Designs to Council;
- 6.5.2 the Designs must:
 - (a) be to the satisfaction of Council;
 - (b) comply with any relevant standard set out in the Development Contributions Plan; and

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- (c) comply with any conditions or requirements set out in the Planning Permit or the Planning Scheme –

and the approval of the Designs by Council will be reflected by a set of plans and specifications which are endorsed by Council as Approved Plans or the like;

- 6.5.3 the Owner will obtain all necessary permits and approvals for the Infrastructure Projects and Localised Infrastructure Projects;
- 6.5.4 prior to any contract being awarded for the Infrastructure Projects, the Owner will:
 - (a) submit to Council for its approval a copy of the terms and conditions of any contract to be awarded generally in accordance with the Approved Plans;
 - (b) submit the proposed construction program to Council for approval;
- 6.5.5 in carrying out the works associated with an Infrastructure Project or Localised Infrastructure Project which is carried out on any land owned by Council, the Owner must provide for the protection of people and property in accordance with appropriate occupational health and safety plans and practices which have first been approved by the owner of any land upon which the works associated with the Infrastructure Project or Localised Infrastructure Project as the case may be are to be conducted;
- 6.5.6 the Owner will:
 - (a) construct the Infrastructure Projects and Localised Infrastructure Projects in accordance with the Approved Plans to the satisfaction of Council unless Council has approved in writing a variation from the Approved Plans;
 - (b) obtain any other approval required under any other applicable legislation or Regulation;
 - (c) take any mitigation measures required under any approved Conservation Management Plan or Construction Management Plan that applies to the Subject Land or any other land which contains an Infrastructure Project or Localised Infrastructure Project as the case may be identified in the Public Infrastructure Plan;
 - (d) comply with the Construction Procedures;
 - (e) pay to Council the Plan Checking Fee and Supervision Fee for the Infrastructure Projects and Localised Infrastructure Projects; and
- 6.5.7 each Infrastructure Project and Localised Infrastructure Project will be completed before the milestone described in the relevant schedule and if an Infrastructure Project or Localised Infrastructure Project is not completed before that milestone, Council may withhold any Statement of Compliance relating to the Stage comprising or subsequent to the relevant milestone unless alternative arrangements are made to the satisfaction of Council for the completion of the Infrastructure Project or Localised Infrastructure Project as the case may be.

6.6 Certificate of Practical Completion

The Owner covenants and agrees that:

- 6.6.1 the issue of a Certificate of Practical Completion by Council is subject to compliance with this Agreement and the Construction Procedures;

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14/11/2016 \$92.70 173



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- 6.6.2 following the issue of the Certificate of Practical Completion for an Infrastructure Project or Localised Infrastructure Project, the Owner:
- (a) must provide Council with a copy of any maintenance information, operational manual or other material which is reasonably required for the ongoing operation and maintenance of the Infrastructure Project or Localised Infrastructure Project;
 - (b) must provide a copy of any certificate, consent or approval required by any authority for the carrying out, use or occupation of the Infrastructure Project or Localised Infrastructure Project;
 - (c) is responsible for the maintenance of the Infrastructure Project or Localised Infrastructure Project in good order, condition and repair to the satisfaction of Council for the period specified in Schedule 4A from the date of the issue of the Certificate of Practical Completion; and
 - (d) is responsible for the repair of any defects during the Defects Liability Period specified in Schedule 4B from the date of the issue of the Certificate of Practical Completion.

6.7 Public Open Space Equalisation

The Parties agree that:

- 6.7.1 the Owner will at the election of Council either transfer to or vest in Council for municipal purposes any Open Space Land identified in Schedule 6B as shown on the Public Infrastructure Plan;
- 6.7.2 the Owner will pay to Council, or the Council will pay to the Owner, as the case may be, any required the Equalisation Payment specified for the Open Space Land in Schedule 6B;
- 6.7.3 the Equalisation Payment must be paid:
- (a) where the payment is due to the Owner, within 30 days of the transfer or vesting of the final parcel of Open Space Land described in Schedule 6B; and
 - (b) where the payment is due to Council, prior to the issue of a Statement of Compliance for the final stage of the development of the Subject Land, unless otherwise specified in Schedule 6B; and
- 6.7.4 upon complying with this clause 6.7, the Owner has fulfilled its obligations in relation to the Subject Land under the Planning Scheme in relation to Open Space Land.

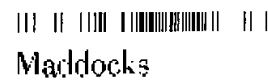
6.8 Public Infrastructure Plan

The Owner covenants and agrees that subject to this Agreement, the Owner will comply with and implement the Public Infrastructure Plan.

7. Agreed Land Value

- 7.1 The Parties agree that:

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- 7.1.1 the Agreed Land Value replaces the market value and any other method of calculating compensation payable to a person under the *Land Acquisition and Compensation Act* 1986 and the Act in respect of Project Land; and
- 7.1.2 upon payment being made in accordance with this Agreement whether as a monetary amount or by a Credit in respect of the Agreed Land Value or any other amount agreed to be paid under this Agreement in respect of any land, no other compensation is payable for the effect of severance or for solatium as those terms or concepts are understood in the context of the *Land Acquisition and Compensation Act* 1986 or for any other category of or form of loss or compensation in respect of the Project Land.

8. Parties' obligations

8.1 Credit

The Parties agree that:

- 8.1.1 upon the issue of a Certificate of Practical Completion in respect of an Infrastructure Project, the Owner will be entitled to the Credit for that Infrastructure Project as set out in Schedule 6A;
- 8.1.2 upon the provision of a Credit for an Infrastructure Project, Council's obligations to the Owner in respect of that Infrastructure Project are complete but the Owner's obligations for maintenance and repair of defects of the Infrastructure Project under this Agreement remain for the duration of the Maintenance Period or Defects Liability Period;
- 8.1.3 upon the transfer or vesting of Project Land in Council, the Owner will be entitled to a Credit in respect of the relevant Project Land in Schedule 6B in respect of the Agreed Land Value; and
- 8.1.4 after the expiry of the Maintenance Period referred to in Schedule 4A and the Defects Liability Period referred to in Schedule 4B, maintenance of the works and repair of any defects in respect of an Infrastructure Project, those projects become the responsibility of Council; and
- 8.1.5 where an amount is payable to the Owner in respect of an Infrastructure Project listed in Schedule 6A and that item is identified in the relevant schedule as having a Credit as the funding source, the amount payable to the Owner must be first made and taken as a Credit at the time set out in Schedule 6A.

8.2 Reimbursement for Over Provision

The Parties agree that:

- 8.2.1 Council will not reimburse the Owner for the Over Provision unless the Owner's liability to pay the Development Contributions Levy has been satisfied in respect of all Stages of the subdivision of the Subject Land, unless an alternative time is specified in Schedule 6A or Schedule 6B of this Agreement; and
- 8.2.2 upon Council making a payment for Over Provision to the Owner in accordance with clause 8.2.1, the Owner will no longer be entitled to any Credit existing prior to that payment.

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9. Acknowledgement by the Parties

The Parties acknowledge and agree that compliance with the obligations of this Agreement does not relieve the Owner of any obligation imposed by Council or a Tribunal to provide Localised Infrastructure which obligation may be imposed as a requirement in a planning permit for the subdivision or development of the Subject Land.

10. Owner's further obligations

10.1 Notice and registration

The Owner must bring this Agreement to the attention of all prospective occupiers, purchasers, lessees, licensees, mortgagees, chargees, transferees and assigns.

10.2 Further actions

The Owner:

- 10.2.1 must do all things necessary to give effect to this Agreement;
- 10.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the certificate of title of the Subject Land in accordance with section 181 of the Act; and
- 10.2.3 agrees to do all things necessary to enable Council to do so, including:
 - (a) sign any further agreement, acknowledgment or document; and
 - (b) obtain all necessary consents to enable the recording to be made.

10.3 Fees

Within 14 days of a written request for payment, the Owner must pay to Council any:

- 10.3.1 Plan Checking Fee;
- 10.3.2 Supervision Fee; and
- 10.3.3 Satisfaction Fee.

10.4 Council's costs to be paid

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

- 10.4.1 preparing, drafting, finalising, signing, recording and enforcing this Agreement;
- 10.4.2 preparing, drafting, finalising and recording any amendment to this Agreement; and
- 10.4.3 preparing, drafting, finalising and recording any document to give effect to the ending of this Agreement.

10.5 Time for giving consent

If Council makes a request for payment of:

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10.5.1 a fee under clause 10.3.3; or

10.5.2 any costs or expenses under clause 10.3.3,

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

10.6 Interest for overdue money

The Owner agrees:

10.6.1 the Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date; and

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

11. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

12. Owner's warranties

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

13. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

13.1 give effect to this Agreement; and

13.2 enter into a deed agreeing to be bound by the terms of this Agreement.

14. General matters

14.1 Notices

A notice or other communication required or permitted to be served by a Party on another Party must be in writing and may be served:

14.1.1 personally on the other Party;

14.1.2 by leaving it at the other Party's Current Address;

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14.1.3 by posting it by prepaid post addressed to the other Party at the other Party's Current Address; or

14.1.4 by email to the other Party's Current Email.

14.2 No waiver

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

14.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

14.4 No fettering of Council's powers

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

14.5 Inspection of documents

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

14.6 Governing law

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

15. GST

15.1 In this clause words that are defined in *A New Tax System (Goods and Services Tax) Act* 1999 have the same meaning as their definition in that Act.

15.2 Except as otherwise provided by this clause, all consideration payable under this Agreement in relation to any supply is exclusive of GST.

15.3 If GST is payable in respect of any supply made by a supplier under this Agreement, subject to clause 15.4 the recipient will pay to the supplier an amount equal to the GST payable on the supply at the same time and in the same manner as the consideration for the supply is to be provided under this Agreement.

15.4 The supplier must provide a tax invoice to the recipient before the supplier will be entitled to payment of the GST payable under clause 15.3.

AN270798E

14/11/2016 \$92.70 173



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16. GAIC

All land transferred to or vested in Council must have any liability for GAIC discharged prior to it being transferred to or vested in Council and to the extent it is not, the Owner shall remain liable to Council for any GAIC liability incurred by Council.

17. Commencement of Agreement

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

18. Ending of Agreement

- 18.1 This Agreement ends when the Owner has complied with all of its obligations (including all maintenance and defect obligations) under this Agreement.
- 18.2 Notwithstanding clause 18.1, the Owner may request in writing Council's consent to end the Agreement in respect of Residential Lots in any Stage upon the issue of a Statement of Compliance in respect of that Stage.
- 18.3 Council will not unreasonably withhold its consent to a written request made pursuant to clause 18.2 if it is satisfied that the obligations in this Agreement are secured to its satisfaction.
- 18.4 On the issue of a Statement of Compliance for a plan of subdivision for Residential Lots created over the Subject Land or earlier by agreement with Council, the Agreement ends in respect of that part of the Subject Land in the plan of subdivision in accordance with section 177(2) of the Act provided that at all times, the Agreement must remain registered on the balance of the Subject Land.
- 18.5 Once this Agreement ends as to part of the Subject Land in accordance with clause 18.1 Council will, within a reasonable time, following a request from the Owner and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register as to that part of the Subject Land.
- 18.6 On completion of all the Owner's obligations in accordance with this Agreement, Council must as soon as practicable following the ending of this Agreement and at the request and at the cost of the Owner, execute all documents necessary to make application to the Registrar of Titles under section 183 of the Act to cancel the recording of this Agreement on the register.

AN270798E

14/11/2016 \$92.70 173



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Schedule 1

Subject Land

Address: 226 Rix Road, Beaconsfield

Certificate of Title Details: Volume 9570 Folio 266

AN270798E

14/11/2016 \$92.70 173



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Schedule 2

Development Contributions Plan

The Development Contributions Plan is the **Officer Development Contributions Plan (September 2011)**, as amended from time to time, being an Incorporated Document in the Planning Scheme.

Precinct Structure Plan

The Precinct Structure Plan is the **Officer Precinct Structure Plan (September 2011)**, as amended from time to time, being an Incorporated Document in the Planning Scheme.

AN270798E

14/11/2016 \$92.70 173



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Schedule 3

Planning Permit

Permit Number T130764 issued on 29 January 2014 as amended from time to time including the plans endorsed under the planning permit.

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14/11/2016 \$92.70 173



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Schedule 4

Schedule 4A

Maintenance Period

- The Maintenance Period for Civil Works is 3 months.
- The Maintenance Period for Landscape Works is 24 months.

Schedule 4B

Defects Liability Period

- The Defects Liability Period for Civil Works is 12 months.
- The Defects Liability Period for Landscape Works is 24 months.

AN270798E

14/11/2016 \$92.70 173

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Schedule 5

Construction Procedures

Procedure for issue of Certificate of Practical Completion

1. Upon the completion of the Infrastructure Project or Localised Infrastructure Project the Owner must notify Council or any other relevant authority.
2. Within 14 days of receiving notice of the completion of an Infrastructure Project or Localised Infrastructure Project from the Owner, Council or any other relevant authority must inspect the Infrastructure Project or Localised Infrastructure Project and determine whether or not to issue the Certificate of Practical Completion.
3. If Council is not satisfied with the Infrastructure Project or Localised Infrastructure Project, Council may refuse to issue a Certificate of Practical Completion provided Council:
 - a. identifies in what manner or respect the Infrastructure Project or Localised Infrastructure Project is not satisfactorily completed; and
 - b. what must be done to satisfactorily complete the Infrastructure Project or Localised Infrastructure Project.
4. Council may, notwithstanding the detection of a minor non-compliance determine to issue a Certificate of Practical Completion if Council is satisfied that the proper completion of the outstanding matter can be secured by the payment of a financial amount to Council or the provision of some other security for the proper completion of that outstanding matter.

Access

5. Before accessing land owned by Council or a third party for the purpose of constructing any Infrastructure Project or Localised Infrastructure Project, or undertaking any maintenance or repair of defects in respect of any Infrastructure Project or Localised Infrastructure Project in accordance with this Agreement, the Owner must satisfy Council or if requested by a third party that person, that the Owner has:
 - a. consent of the owner of land to access such land; and
 - b. it has satisfied any condition of such consent.
6. The Owner is responsible for putting in place all proper occupational health and safety plans as may be required under any law of the State of Victoria.
7. Subject to the Owner satisfying any conditions of consent to access land owned by Council, Council will provide all reasonable access as may be required to its land in order to enable an Infrastructure Project or Localised Infrastructure Project to be completed, maintained or repaired in accordance with the Approved Plans.

Quality of work

8. Apart from any other requirement contained in the Agreement, all work must:
 - a. Accord with Council's Engineering Standard Drawings and Specifications unless otherwise approved;
 - b. use good quality materials, not involving asbestos and which are suitable for the purpose for which they are required;
 - c. be carried out in a good and workmanlike manner;
 - d. be fit and structurally sound, fit for purpose and suitable for its intended use;

AN270798E

14/11/2016 \$92.70 173



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- e. not encroach on land other than the land shown in any plans or specifications approved by Council;
- f. comprise best industry practice;
- g. unless otherwise authorised comply with any relevant current Australian Standard; and
- h. accord with a construction management plan to be prepared to the satisfaction of Council.

AN270798E

14/11/2016

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173

**Schedule 6****Schedule 6A – Infrastructure Projects**

Infrastructure Project Number	Infrastructure Project Description	Extent of Infrastructure Project	Milestone for the completion of the Infrastructure Project	Agreed Project Value	Funding Source	Timing for Payment/Credit
1	Construction of Rix Road extension upgrade to a Connector Street – Constrained Type 1 (Section 4a)	Portion of Officer DCP Item DL_RO_12, from eastern property boundary to Iceberg Road	Prior to the issue of a Statement of Compliance for Stage 5	If delivered by others, 0%. If delivered by the Owner, 14.96% of the DCP project value indexed to the financial year as at the date of practical completion	DCP	Upon the issue of a Certificate of Practical Completion for the Infrastructure Project
3	Construction of Rix Road extension (Iceberg Road) as a North-South Connector Street – Constrained Type 1 (Section 4a)	Portion of Officer DCP Item DL_RO_13, from the southern boundary of the Subject Land to the northern boundary of the Subject Land	For the extent of the Infrastructure Project included within Stage 5, prior to the issue of a Statement of Compliance for Stage 5. For the extent of the Infrastructure Project included within Stage 6, prior to the issue of a Statement of Compliance for Stage 6.	47% of the DCP project value indexed to the financial year, as at the date of practical completion	DCP	Upon the issue of a Certificate of Practical Completion for the Infrastructure Project

Schedule 6B – Project Land and Open Space Land

Project Number	Project Land Description	Title or plan reference	Area of the Project Land	Milestone for transfer or vesting of the Project Land	Agreed Land Value	Funding Source	Timing for Payment / Credit
2	Provision of land for new road (between Rix Road extension and Kenilworth Avenue) as a North-South Connector Street – Constrained Type 1 (Section 4a), being part of DCP item DL_RO_LA33	As per future plan of subdivision	Approximately 3,847 square metres	For land within Stage 5, prior to the issue of a Statement of Compliance for Stage 5. For land within Stage 6, prior to the issue of a Statement of Compliance for Stage 6.	\$314,876.95	DCP	Credit upon vesting of the land in Council.

Open Space Land	Open Space Land Description	Title or plan reference	Area of the Open Space Land	Equalisation Payment for Open Space Land	Funding Source	Timing for Payment / Credit
N/A	Public Open Space contribution as cash for all stages of development	N/A	Equivalent to 918 square metres	\$75,138.30 to Council	-	Prior to the issue of a Statement of Compliance for Stage 6

AN270798E

14/11/2016

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AN270798E

14/11/2016

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173



Schedule 6C – Localised Infrastructure Projects

Localised Infrastructure Project Number	Localised Infrastructure Project Description	Extent of Localised Infrastructure Project	Milestone for the completion of the Localised Infrastructure Project	Funding Source
4	Construction of Access Street Level 1 Rural Style Road (Rix Road)	From Iceberg Road to the western boundary of the Subject Land	Prior to the issue of a Statement of Compliance for Stage 5	Owner

AN270798E

14/11/2016

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173



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Signing Page

Signed, sealed and delivered as a deed by the Parties.

Signed by and on behalf, and with the
authority, of the **Cardinia Shire Council** by
(Name),
(Title),

in the exercise of a power conferred by an
Instrument of Delegation in the presence of:

) *Luke Connell*
) *LUKE CONNELL*
)
) *COORDINATOR GROWTH AREA PLANNING*

Witness

Executed by Banriar Investments
ACN 146 583 217 in accordance with s 127(1)
of the *Corporations Act 2001*.

Signature of Director

Print full name

Banriar Investments

Signature of Director/Company Secretary

Print full name

Banriar Investments

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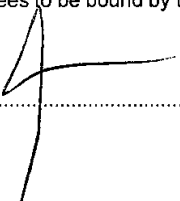
173



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Mortgagee's Consent

National Australia Bank Ltd as Mortgagee under instrument of mortgage no. AL888610Y consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes mortgagee-in-possession, agrees to be bound by the covenants and conditions of this Agreement.


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14/11/2016

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Attachment 1

Public Infrastructure Plan

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RAILWAY RESERVE

KENILWORTH AVE.

BRUNT ROAD

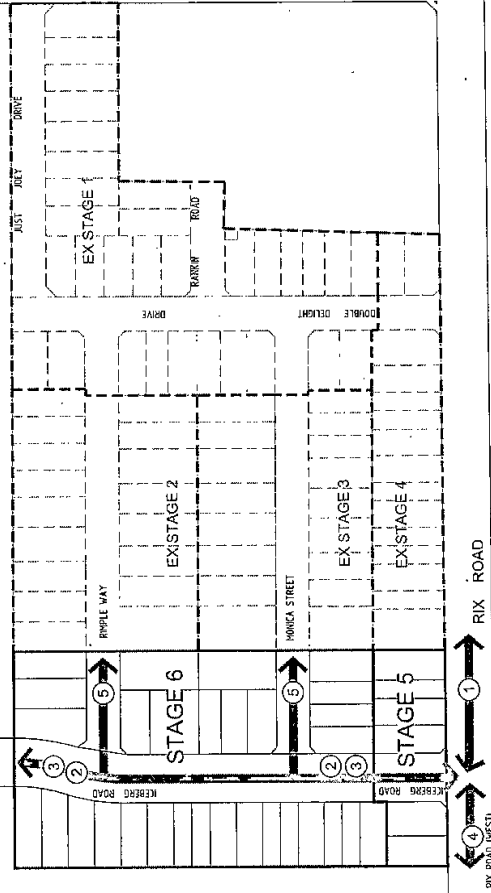
LEGEND
STAGE BOUNDARY
CONNECTOR STREET (4A)
CONNECTOR STREET (4A)
ACCESS STREET (LEVEL 1)
ACCESS STREET (LEVEL 1) RURAL STYLE ROAD

**APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINA PLANNING SCHEME**
Permit No.: T130764
Sheet: 1 of 1
Approved by: Emily Cook
CARDINA SHIRE COUNCIL
Date: Thursday, 28 April 2016

ITEM	DESCRIPTION	DEVELOPER WORKS (NON-DCP ITEMS)	WORKS IN DCP (DCP ITEMS)	DCP ITEM NUMBER	RESPONSIBILITY FOR CONSTRUCTION	EXPECTED FINANCIAL YEAR FOR DELIVERY **
1	CONSTRUCTION OF RIX ROAD EXTENSION UPGRADE (SECTION 4A)	NO	YES	DIRO-12	DEVELOPER	2016
2	PURCHASE OF LAND FOR NEW ROAD (BETWEEN RIX ROAD EXTENSION & KENILWORTH AVE) AS A NORTH-SOUTH CONNECTOR STREET (CONSTRAINED TYPE 1 SECTION 4A)	NO	YES	DIRO-LA33	DEVELOPER	2016
3	CONSTRUCTION OF RIX ROAD EXTENSION AS A NORTH-SOUTH CONNECTOR STREET (CONSTRAINED TYPE 1 SECTION 4A)	NO	YES	DIRO-13	DEVELOPER	2016
4	RURAL STYLE OF ACCESS STREET LEVEL 1	YES	NO	N/A	DEVELOPER	2016
5	CONSTRUCTION OF ACCESS STREET LEVEL 1	YES	NO	N/A	DEVELOPER	2016

NOTES

- * WHERE THE PIP IS FOR LAND IN THE OFFICE PSP AREA, THE EXTENT OF WORKS TO BE CARRIED OUT AND/OR % TO BE DETERMINED AS PART OF RELATED SECTION 173 AGREEMENT
- ** OR AS AGREED IN A RELATED SECTION 173 AGREEMENT REGISTERED ON-TITLE
- OSP/CARDINA PLANNING SCHEME REQUIRES A 5.5% CONTRIBUTION TOWARDS PUBLIC OPEN SPACE.
- OPEN SPACE EVALUATION IN ACCORDANCE WITH THE OSP2 TO BE ADDRESSED AS PART OF A SECTION 173 AGREEMENT REGISTERED ON-TITLE.
- OPTIC FIBRE CONDUITS TO BE INSTALLED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.



NOT TO BE USED FOR CONSTRUCTION

NO.	REVISION	DATE	BY	APPD
1	ISSUED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
2	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
3	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
4	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
5	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
6	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
7	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
8	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
9	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	
10	REVISED FOR CONSTRUCTION	14/11/2016	EMILY COOK	

NOTES:
STREETS INCLUDING CONNECTOR STREET TO BE CONSTRUCTED AT THE RELEVANT STAGES OF SUBDIVISION



Scale: 1:1000
Date: 14/11/2016
Drawing No.: 11656-SP001 Rev D

BANRIAR INVESTMENTS PTY LTD
BEACONSFIELD ROSE ESTATE
228 RIX ROAD BEACONSFIELD
PUBLIC INFRASTRUCTURE PLAN
Drawing No.: 11656-SP001 Rev D
Scale: 1:1000
Date: 14/11/2016
Drawing No.: 11656-SP001 Rev D

DALTON CONSULTING ENGINEERS
DALTON CONSULTING ENGINEERS
228 RIX ROAD BEACONSFIELD
VIC 3004
Phone: 03 9452 2211
Fax: 03 9452 2212
Email: info@daltoneng.com.au
www.daltoneng.com.au

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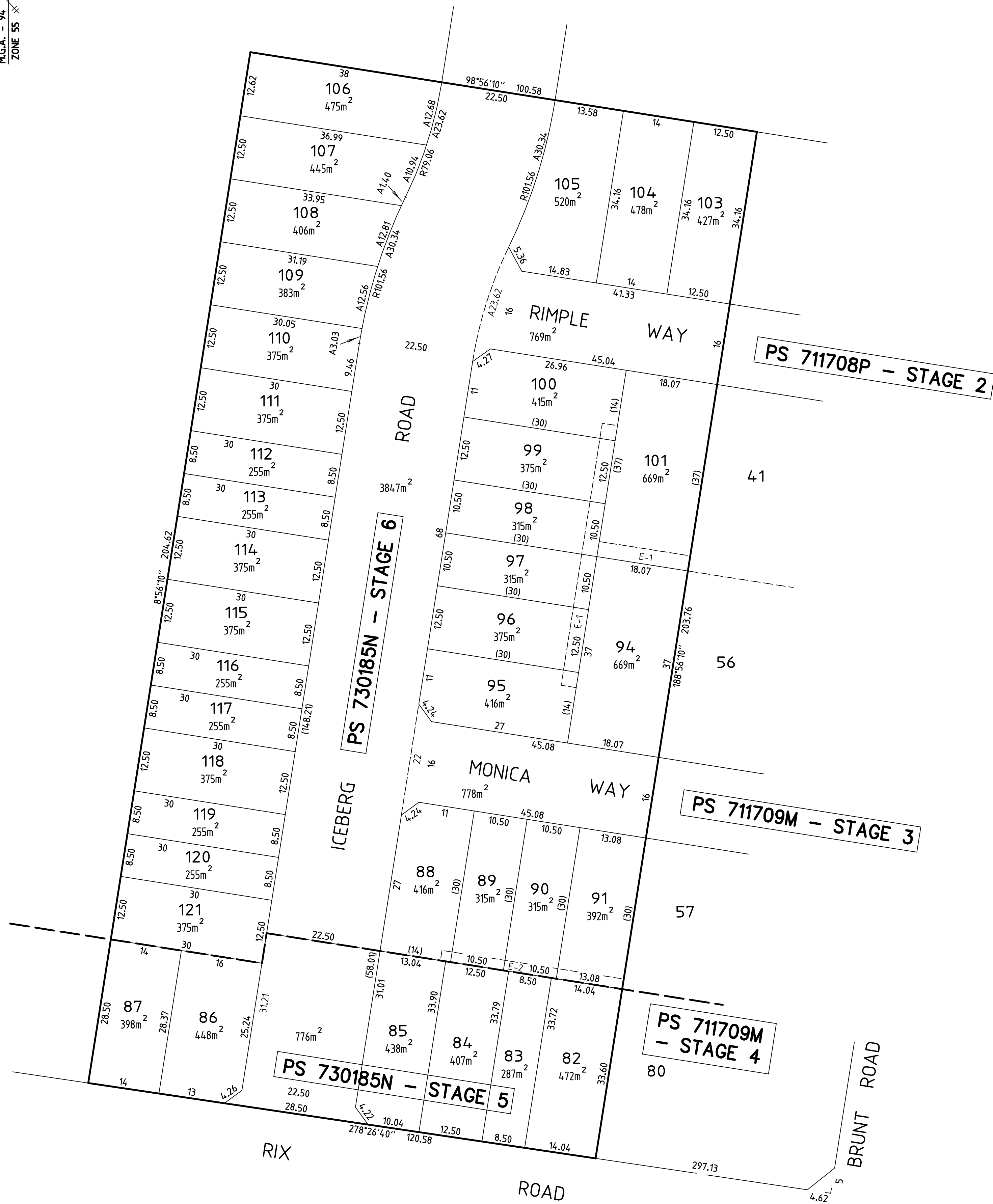
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8 NOV 2016

SURVEY REF : 18028
DATE : 15/10/2015

M.G.A. - 94
ZONE 55 X



LOT SIZE RANGE (m ²)	NUMBER OF LOTS
< 300	7 LOTS
300 – 350	4 LOTS
351 – 400	11 LOTS
401 – 450	9 LOTS
451 – 500	3 LOTS
500 +	3 LOTS
TOTAL	37 LOTS

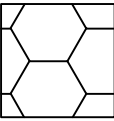
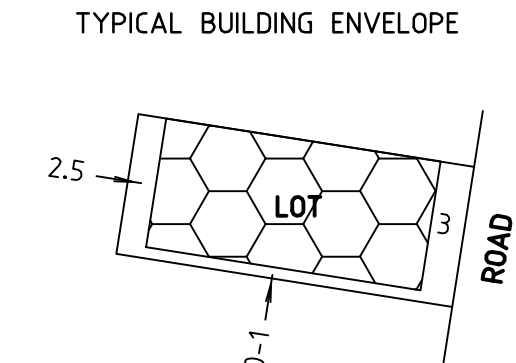
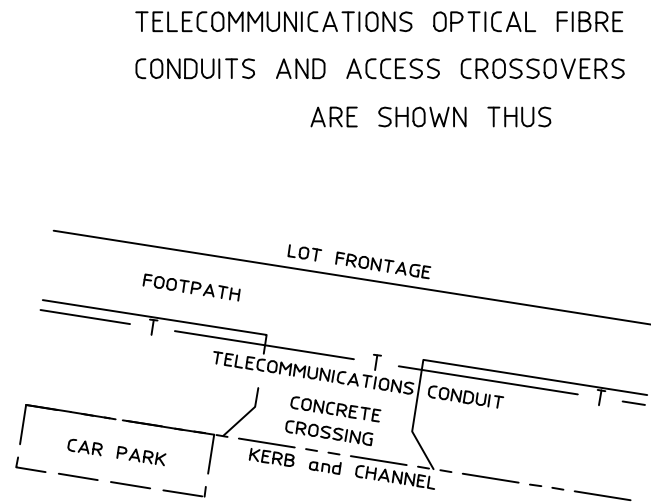
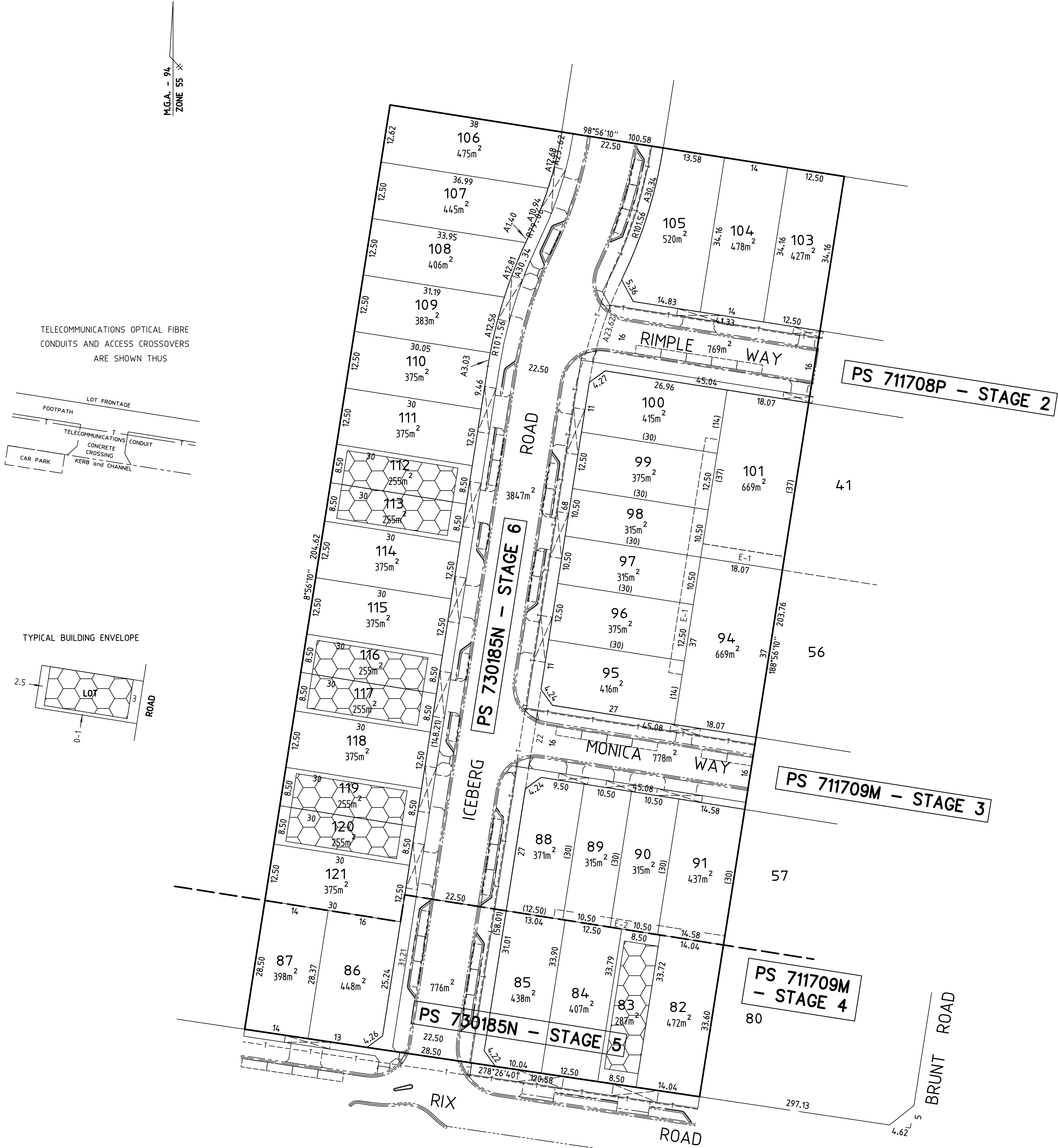
Total Area : 2.054ha	No. of Lots : 37
Lots per Hectare : 18.01	
Total Area Roads : 6170m ²	

EASEMENT	PURPOSE	WIDTH (metres)	ORIGIN	LAND BENEFITED / IN FAVOUR OF
E-1	DRAINAGE	3	THIS PLAN	CARDINIA SHIRE COUNCIL
	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER CORPORATION
E-2	SEWERAGE	2	THIS PLAN	SOUTH EAST WATER CORPORATION

PLAN FOR ENDORSEMENT (PS 730185N) BEING
STAGES 5 & 6 OF BEACONSFIELD ROSES ESTATE
AT No. 226 RIX ROAD, BEACONSFIELD
PART CROWN ALLOTMENT 31
PARISH OF PAKENHAM

SURVEY REF : 18028
DATE : 10/12/2015

SCALE 1:500 METRIC
ORIGINAL SHEET SIZE (A-1)



Building Envelope in accordance with Officer PSP - Small Lot Housing Code

LOT SIZE RANGE (m ²)	NUMBER OF LOTS
< 300	7 LOTS
300 - 350	4 LOTS
351 - 400	11 LOTS
401 - 450	9 LOTS
451 - 500	3 LOTS
500 +	3 LOTS
TOTAL	37 LOTS

Total Area : 2.054ha No. of Lots : 37
Lots per Hectare : 18.01
Total Area Roads : 6170m²

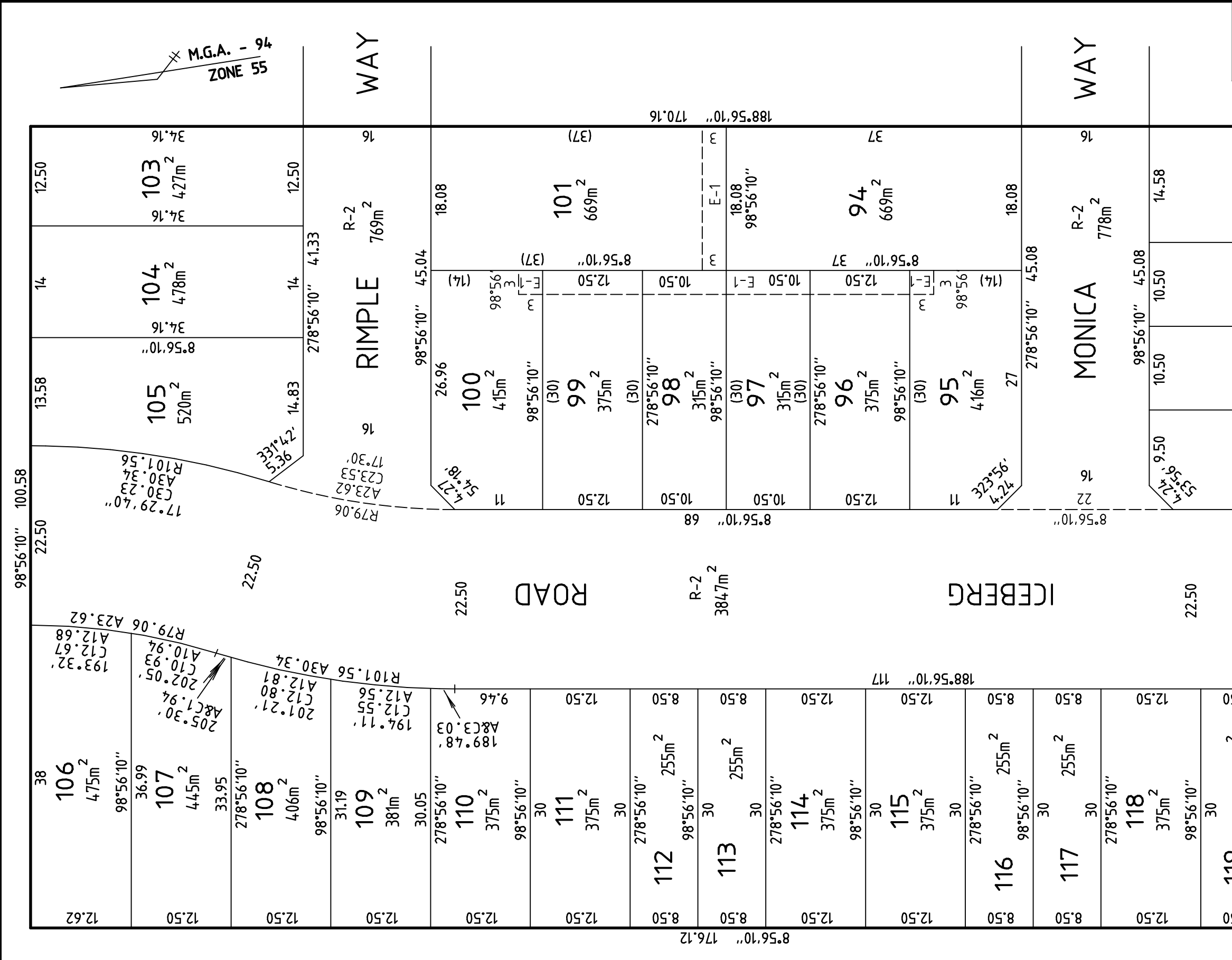
COMPUTER REF : 802887

RODNEY AUJARD & ASSOCIATES
LICENSED LAND SURVEYORS
Level 1, 325 Camberwell Road, Camberwell, 3124
ph: 9813 2222 fax: 9813 2244
EMAIL: aujard@bigpond.net.au

EASEMENT	PURPOSE	WIDTH (metres)	ORIGIN	LAND BENEFITED / IN FAVOUR OF
E-1	DRAINAGE	3	THIS PLAN	CARDINIA SHIRE COUNCIL
	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER CORPORATION
E-2	SEWERAGE	2	THIS PLAN	SOUTH EAST WATER CORPORATION

PLAN OF SUBDIVISION					PS 730185 N/S2		
<div>LOCATION OF LAND</div> <div>PARISH :PAKENHAM</div> <div>TOWNSHIP :_____</div> <div>SECTION :_____</div> <div>CROWN ALLOTMENT :_____</div> <div>CROWN PORTION :31 (Part)</div> <div>TITLE REFERENCE :C/T. Vol. Fol.</div> <div>LAST PLAN REFERENCE :LOT S2 ON PS 730185N</div> <div>POSTAL ADDRESS :No. 226 RIX ROAD, (At time of subdivision)BEACONSFIELD. 3807.</div> <div>MGA94 Co-ordinates :E 358 193 ZONE : 55 (of approx. centre of land in plan)N 5785 822</div>				<div>COUNCIL NAME :CARDINIA SHIRE COUNCIL</div>			
VESTING OF ROADS AND/OR RESERVES				NOTATIONS			
IDENTIFIER		COUNCIL/BODY/PERSON		<div>Lots 1 to 87, 92, 93 and 102 have been omitted from this plan.</div> <div>Other Purpose of Plan To create a Restriction. See Sheet 3.</div>			
ROADS R-2		CARDINIA SHIRE COUNCIL					
NOTATIONS							
DEPTH LIMITATION : Does not apply.							
<div>This is a SPEAR plan.</div> <div>Survey: This plan is based on survey.</div> <div>This survey has been connected to permanent marks no.(s)<div>536 & 538</div></div> <div>in Proclaimed Survey Area No. 71</div> <div>STAGING: This is a staged subdivision Planning Permit No. T130764-1</div>							
EASEMENT INFORMATION							
<div>LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)</div>							
Easements and rights implied by Section 12(2) of the Subdivision Act 1988 apply to the whole of the land on this plan.							
Easement Reference	Purpose	Width (metres)	Origin	Land Benefited/In Favour Of			
E-1	DRAINAGE	3	THIS PLAN	CARDINIA SHIRE COUNCIL			
	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER CORPORATION			
E-2	SEWERAGE	2	THIS PLAN	SOUTH EAST WATER CORPORATION			
<div>RODNEY AUJARD & ASSOCIATES</div> <div>Licensed Land Surveyors</div> <div>Level 1, 325 Camberwell Road, CAMBERWELL. 3124.</div> <div>Ph. 9813 2222 Fax. 9813 2244</div> <div>aujard@bigpond.net.au</div>		SURVEYORS FILE REF : 18028		ORIGINAL SHEET SIZE : A3	SHEET 1 OF 3		
		GEOFF. P. SUTHERLAND VERSION 4					

PS 730185 N/S2



RODNEY AUJARD & ASSOCIATES
Licensed Land Surveyors

Level 1, 325 Camberwell Road, CAMBERWELL. 3124.
Ph. 9813 2222 Fax. 9813 2244
aujard@bigpond.net.au

SURVEYORS FILE REF : 18028

Level 1, 325 Camberwell Road, CAMBERWELL. 3124.
Ph. 9813 2222 Fax. 9813 2244

aujard@bigpond.net.au

SURVEYORS FILE REF : 18028

SCALE 1:500

5 0 5 10 15 20 25

LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE : A3	SHEET 2

SHEET 2

GEOFF. P. SUTHERLAND VERSION 4

CREATION OF RESTRICTION

UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS TO BE CREATED


LAND TO BENEFIT : LOTS ON THIS PLAN

LAND TO BE BURDENED : LOTS ON THIS PLAN

DESCRIPTION OF RESTRICTION :

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF LOTS ON THIS PLAN SHALL NOT CONSTRUCT ANY BUILDINGS OR WORKS OTHER THAN IN ACCORDANCE WITH THE ENDORSED BUILDING DESIGN GUIDELINES ATTACHED TO PLANNING PERMIT T130764-1 OR AS AUTHORISED BY A FURTHER PERMIT.

THIS RESTRICTION WILL EXPIRE 2 YEARS AFTER THE ISSUE OF AN OCCUPANCY PERMIT FOR THE DWELLING ON THE RESPECTIVE LOT.

<div>RODNEY AUJARD & ASSOCIATES <i>Licensed Land Surveyors</i> Level 1, 325 Camberwell Road, CAMBERWELL. 3124. Ph. 9813 2222 Fax. 9813 2244 aujard@bigpond.net.au</div>	SCALE	<div> LENGTHS ARE IN METRES</div>	ORIGINAL SHEET SIZE : A3	SHEET 3
	GEOFF. P. SUTHERLAND VERSION 4			
SURVEYORS FILE REF : 18028				

19 January 2017

Markus Tschech
Hansen Partnership Pty Ltd
Level 8/136 Exhibition Street
Beaconsfield VIC 3000

mtschech@hansenpartnership.com.au

Dear Sir/Madam,

Application No.: T160824 - PC1
Property No.: 1733500400
Address: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807
Proposal: Plans to Comply

I refer to the above planning permit and your application to comply with permit conditions.

I wish to advise that the plans have been approved under **Condition 23 -BDG** of the Planning Permit.

Please find enclosed your copy of the approved endorsed plans. These plans now form part of the planning permit and should be attached to the permit and kept in a safe place for future reference.

If you have any further queries regarding this matter, please contact Council's Development Services department on **5943 4508** or mail@cardinia.vic.gov.au.

Yours faithfully,



Stephen Powell
Senior Growth Area Planning

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME

Permit No.: T160824 PC1
Sheet: 1 of 5
Approved by: Stephen Powell
CARDINIA SHIRE COUNCIL



beaconsfield roses estate – stages 5 & 6

building design guidelines

prepared by hansen partnership pty ltd on behalf of banriar investments pty ltd
may, 2016

contents

1	introduction	2
2	general requirements	2
3	building design guidelines	2
3.1	building siting and site cover	2
3.2	front setbacks	2
3.3	side and rear setback	2
3.4	frontages	2
3.5	garages	3
3.6	corner lots	3
3.7	narrow allotments (<12m in width)	3
3.8	fences	3
3.9	landscaping	4

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME

Permit No.: T160824 PC1
Sheet: 2 of 5
Approved by: Stephen Powell
CARDINIA SHIRE COUNCIL

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version	title	date	issuer	changes
d	beaconsfield roses estate stages 5 & 6, building design guidelines	19.05.16	MT	council comments

1 introduction

Stages 5 & 6 of the Beaconsfield Roses Estate will allow for a range of housing styles, responding to the natural features of the land, as well as the surrounding transport network.

The aim of these building design guidelines is to ensure that this development establishes itself as an attractive and welcoming community, exhibiting a high standard of design which consistently addresses its surrounding environs.

2 general requirements

Restrictions relating to building siting, site cover and setbacks cease to apply to a lot 2 years after the issue of a Certificate of Occupancy under the Building Act for a dwelling on a lot.

No variations to these guidelines are permitted without written consent from Cardinia Shire Council.

Where the design parameters provided in these guidelines do not deal with a siting matter regulated under Part 4 of the Building Regulations 2006 (e.g. Overlooking, Overshadowing, Solar access to existing north facing windows etc.), or where the adjoining property is not subject to the same agreement or is not shown on the same certified plan of subdivision, then, in addition to the design guidelines, the requirements of Part 4 of the Building Regulations 2006 (or any other legislation applicable at the time of development) apply.

The Building Design Guidelines do not apply to lots under 300 square metres. The Officer Precinct Structure Plan – Small Lot Housing Code applies to all lots less than 300 square metres within the Estate.

3 building design guidelines

3.1 building siting and site cover

Good building siting enhances the internal and external environment of a dwelling, and can reduce costs associated with both heating in winter and cooling in summer.

Dwellings should be sited and designed to provide adequate solar access to areas of private open space and habitable room windows, and minimise adverse amenity impacts upon neighbouring properties.

Providing meaningful areas of secluded private open space will aid in the liveability of homes, creating outdoor spaces that people will want to use year-round. It is for this reason that areas of private open space should be north-facing, where possible, to provide adequate access to sunlight.

Building site cover must not exceed 60 per cent to allow for adequate areas of private open space.

3.2 front setbacks

Dwellings must be set back at least 4 metres from the front property boundary to allow for attractive front yards and maintain a sense of 'openness'.

Porches, verandahs and open pergolas with a height of less than 3.6 metres, as well as eaves, fascia and gutter, sunblinds and shade sails, decks, (including steps and landings) that are less than 800mm in height, may encroach into the front setback area by no more than 2.5 metres.

3.3 side and rear setback

Dwellings must be set back at least 3 metres from the rear property boundary. Where a property has a north-facing side boundary and rooms within a dwelling are designed to have a northern orientation and north facing open space, the option exists to reduce the rear boundary setback to 1 metre, where a 3 metre setback is proposed along the northern boundary.

Buildings may be constructed to one side boundary (i.e. zero to 0.15 metre setback) for a length not exceeding 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, and must be set back at least 1 metre from one side boundary.

The height of a new wall constructed on or within 0.15 metres of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Porches, verandahs, open pergolas, eaves, fascia and gutter, privacy screens, masonry chimneys, sunblinds, shade sails, flues, pipes, decks, domestic fuel tanks, water tanks, heating and cooling equipment and other services may encroach into the aforementioned setback areas by no more than 0.5 metres (unless they interface with north facing windows).

3.4 frontages

Attractive building frontages improve the appearance of a neighbourhood, can make it a more pleasant place to live and can enhance property values.

Dwellings, associated structures and landscaping are to create an interesting and attractive street frontage. This is to be achieved through creating building entry points that are clearly identifiable from the street and including entrance treatments, such as front porticos or verandahs.

Verandahs, porticos and porches are to have a maximum height of less than 3.6m above natural ground level, and be a minimum 4m² in area with a depth of 1m.

Building services, pipes and water tanks (excluding solar panels) are to be located to the side or rear of dwellings and hidden from public view from the street.

Large expanses of featureless walls are to be avoided through the articulation of the front façade and incorporation of elements such as doors, windows, verandahs, decks and a varied materials palette.

Maintaining passive views of the street and footpath improves the safety and interactivity of this neighbourhood. A high level of passive surveillance of the street and footpath should be allowed for through the inclusion of windows facing the street.

Roller shutters are not permitted along front facades.

3.5 garages

Garages and carports must be set back equal or greater than the setback of the main building line of the dwelling. Garage design must be consistent with the remainder of the house and be of a similar palette of materials and colours. Roller doors and zincalume garages are not permitted.

In order to avoid garages and carports dominating the street frontage, garages must be set back a minimum 5.5 metres from the street.

Garage openings for single storey dwellings are to constitute no more than 40 per cent of the width of the frontage of a lot.

For double storey dwellings, garages must not exceed 25 per cent of the area of the front façade of the dwelling.

3.6 corner lots

Where a lot is located on a corner, buildings must be designed to address both frontages by incorporating a façade which wraps around the second frontage, providing an appropriate corner feature, for a minimum of 4m.

Facades to both streets are to incorporate visually interesting features such as awnings, verandahs and decks and must present a habitable room window, forward of the side boundary fence, to each frontage. If the dwelling is double storey a habitable room window must be provided at both levels.

Buildings must be set back at least 2 metres from the side street boundary.

Any side boundary fences facing the street must be set back at least 4 metres from the dwelling line,

Solid side boundary fences must not exceed 50 per cent of the lot length from the rear boundary. Remaining fencing must be at least 40 per cent transparent and no greater than 1.5 metres in height.

Where side boundary fences facing the street are greater than 1 metre in height, they must be set back a minimum 9 metres from the point of intersection, with railings facing into the property.

Garages must not be located on the corner section of the allotment facing 2 streets and must be located on or close to the side boundary that adjoins the neighbouring allotment.

For the purpose of these guidelines, the narrower of the two frontages is considered to be the primary street frontage and shall present as the architectural and frontage of the dwelling.

3.7 narrow allotments (<12m in width)

Dwellings on narrow allotments (less than 12 metres in width) are only permitted a single car garage to the street frontage; unless the dwelling is double storey, in which case the requirements at Section 3.5 of these Guidelines apply.

Two cars accommodated in a tandem arrangement may be permitted where it does not conflict with any other provisions of these guidelines.

3.8 fences

Fences must respond to the prevailing neighbourhood character and landscape design, with materials complementing those of the dwelling.

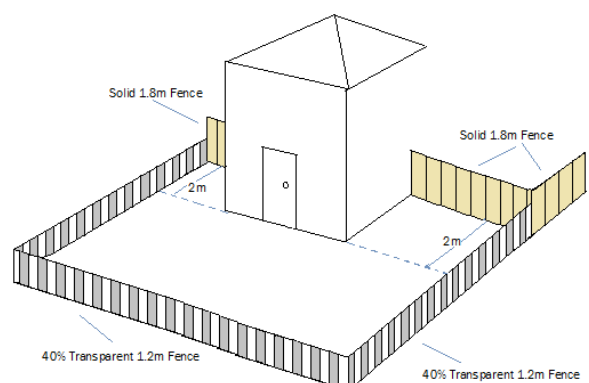
Front boundary fences must not exceed 1.2 metres in height and be a minimum 40 per cent transparent (where not located on a corner).

Side and rear fences are not to exceed 2 metres in height, and are to comprise timber paling with appropriate capping. Where fences are to be painted, they are to be of neutral tones.

Side boundary fences (where not located on a corner lot) must terminate a minimum of 2m behind the dwelling line to maintain an open streetscape.

Side fencing which returns from a front fence along a side boundary:

- Must not exceed 1.2m in height
- Must be at least 40% transparent.
- Must continue to a minimum of 2m behind the dwelling line.



3.9 landscaping

Each lot must provide attractive landscaping to all street frontages, in order to enhance the overall appearance of the neighbourhood and complement the design of the dwelling.

Landscape design should utilise a range of drought resistant species where possible, and must include at least 1 canopy tree within the front setback.

A minimum 20 per cent of the property must remain free of impervious surfaces.

All landscape elements within the front yard, including driveways and pathways must be completed within 3 months of obtaining a Certificate of Occupancy.

3.10 dwelling diversity

Two dwellings of the same façade design shall not be built within three dwellings of the subject property, including lots either side and opposite the subject property. Three dwellings of the same façade may not be built within the same street.

3.11 driveways

A minimum allowance of 300mm for garden planting is required between a driveway and a side boundary. This does not apply when a crossover is constructed as part of a double-crossover with an adjoining lot. Landscaping strips are not permitted between double crossovers.

Driveway widths must match the width of the crossovers but may taper thereafter to align with garage widths.

Only one crossover is permitted for each lot.

Gravel and uncoloured concrete driveways are not permitted.

Driveways must be fully constructed prior to a certificate of occupancy being obtained.

3.12 eaves to frontages

Where there are eaves to the frontage of a building, they must return a minimum of 3 metres around the side elevations.

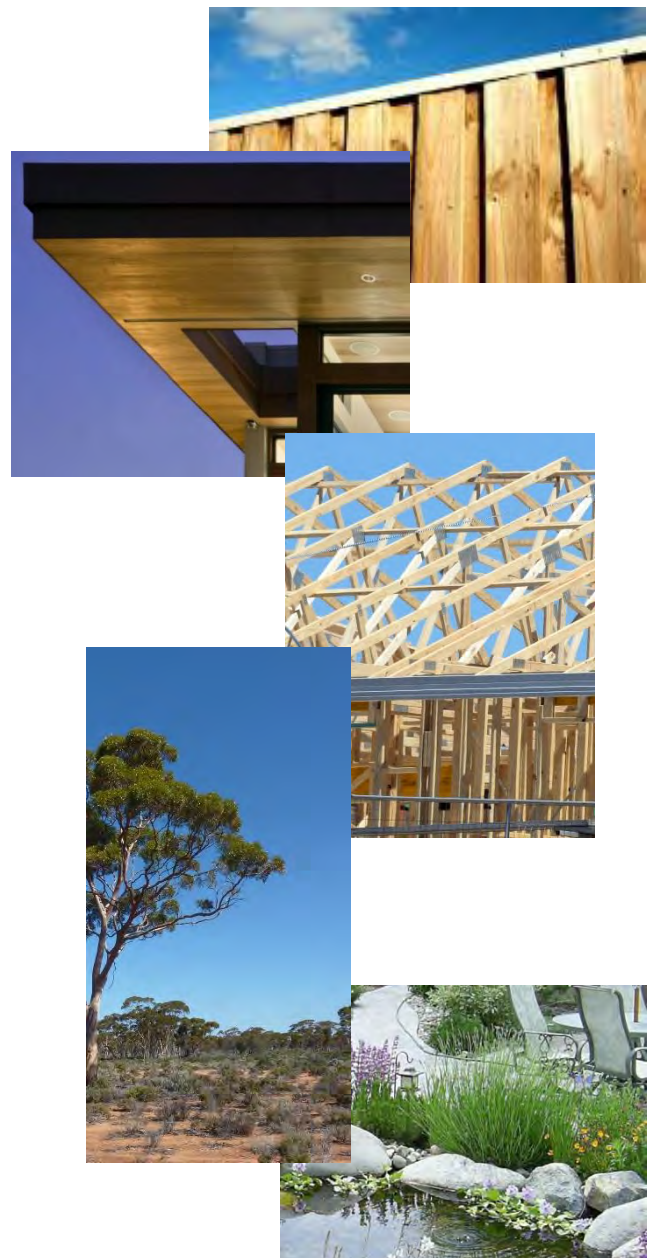
If the site is a corner allotment, the eaves must return the length of the second frontage.

3.13 roofs

Roofs must be constructed of low reflective materials. Cement sheeting and zincalume are not to be used in roof construction.

3.14 recycled water

All buildings must incorporate plumbing for recycled water supply for toilet flushing and garden watering use to allow for future connections should it become available.



beaconsfield roses estate

building design guidelines

prepared by **hansen partnership pty ltd**
on behalf of banriar investments pty ltd

july 2015



hansen

APPROVED AMENDED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME

Permit No.: T120317-4

Report: 1 (4 Pages)

Approved by: Stephen Powell
CARDINIA SHIRE COUNCIL

Date: Friday, 14 August 2015



contents

1	introduction	2
2	general requirements	2
3	building design guidelines	2
3.1	building siting and site cover	2
3.2	front setbacks	2
3.3	side and rear setback	2
3.4	frontages	2
3.5	garages	3
3.6	corner lots	3
3.7	narrow allotments (<12m in width)	3
3.8	fences	3
3.9	landscaping	3

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version	title	date	issuer	changes
g	beaconsfield roses estate, building design guidelines	03.07.15	MT	Boundary wall heights

1 introduction

The Beaconsfield Roses Estate will allow for a range of housing styles, responding to the natural features of the land, as well as the surrounding transport network.

The aim of these building design guidelines is to ensure that this development establishes itself as an attractive and welcoming community, exhibiting a high standard of design which consistently addresses its surrounding environs.

2 general requirements

Restrictions relating to building siting, site cover and setbacks cease to apply to a lot after the issue of a Certificate of Occupancy under the Building Act for a dwelling on a lot.

No variations to these guidelines are permitted without written consent from Cardinia Shire Council.

Where the design parameters provided in these guidelines do not deal with a siting matter regulated under Part 4 of the Building Regulations 2006 (e.g. Overlooking, Overshadowing, Solar access to existing north facing windows etc.), or where the adjoining property is not subject to the same agreement or is not shown on the same certified plan of subdivision, then, in addition to the design guidelines, the requirements of Part 4 of the Building Regulations 2006 (or any other legislation applicable at the time of development) apply.

3 building design guidelines

3.1 building siting and site cover

Good building siting enhances the internal and external environment of a dwelling, and can reduce costs associated with both heating in winter and cooling in summer.

Dwellings should be sited and designed to provide adequate solar access to areas of private open space and habitable room windows, and minimise adverse amenity impacts upon neighbouring properties.

Providing meaningful areas of secluded private open space will aid in the liveability of homes, creating outdoor spaces that people will want to use year-round. It is for this reason that areas of private open space should be north-facing, where possible, to provide adequate access to sunlight.

Building site cover must not exceed 60 per cent to allow for adequate areas of private open space.

3.2 front setbacks

Dwellings must be set back at least 4 metres from the front property boundary to allow for attractive front yards and maintain a sense of 'openness'.

Porches, verandahs and open pergolas with a height of less than 3.6 metres, as well as eaves, fascia and gutter, sunblinds and shade sails, decks, (including steps and landings) that are less than 800mm in height, may encroach into the front setback area by no more than 2.5 metres.

3.3 side and rear setback

Dwellings must be set back at least 3 metres from the rear property boundary. Where a property has a north-facing side boundary and rooms within a dwelling are designed to have a northern orientation and north facing open space, the option exists to reduce the rear boundary setback to 1 metre, where a 3 metre setback is proposed along the northern boundary.

Buildings may be constructed to one side boundary (i.e. zero to 0.15 metre setback) for a length not exceeding 10 metres plus 25 per cent of the remaining length of the boundary of an adjoining lot, and must be set back at least 1 metre from one side boundary.

The height of a new wall constructed on or within 0.15 metres of a side or rear boundary should not exceed an average of 3.2 metres with no part higher than 3.6 metres unless abutting a higher existing or simultaneously constructed wall.

Porches, verandahs, open pergolas, eaves, fascia and gutter, privacy screens, masonry chimneys, sunblinds, shade sails, flues, pipes, decks, domestic fuel tanks, water tanks, heating and cooling equipment and other services may encroach into the aforementioned setback areas by no more than 0.5 metres (unless they interface with north facing windows).

3.4 frontages

Attractive building frontages improve the appearance of a neighbourhood, can make it a more pleasant place to live and can enhance property values.

Dwellings, associated structures and landscaping are to create an interesting and attractive street frontage. This is to be achieved through creating building entry points that are clearly identifiable from the street and including entrance treatments, such as front porticos or verandahs. Verandahs, porticos and porches are to have a maximum height of less than 3.6m above natural ground level, and be a minimum 4m² in area with a depth of 1m.

Building services, pipes and water tanks are to be located to the side or rear of dwellings and hidden from public view from the street.

Large expanses of featureless walls are to be avoided through the articulation of the front façade and incorporation of elements such as doors, windows, verandahs, decks and a varied materials palette.

Maintaining passive views of the street and footpath improves the safety and interactivity of this neighbourhood. A high level of passive surveillance of the street and footpath should be allowed for through the inclusion of windows facing the street.

3.5 garages

Garages and carports must be set back equal or greater than the setback of the main building line of the dwelling. Garage design must be consistent with the remainder of the house and be of a similar palette of materials and colours.

In order to avoid garages and carports dominating the street frontage, they are to constitute no more than 50 per cent of the width of the frontage of a lot.

3.6 corner lots

Where a lot is located on a corner, buildings should be designed to address both frontages in a consistent manner to provide greater interaction with surrounding residences.

Facades to both streets are to incorporate visually interesting features, such as windows, awnings, verandahs or decks.

Buildings must be set back at least 2 metres from the side street boundary.

Side boundary fences facing the street greater than 1 metre in height must be set back a minimum 9 metres from the point of intersection, be no greater than 1.8 metres in height, with railings facing into the property and not visible from the street.

Garages must not be located on the corner section of the allotment facing 2 streets and must be located on or close to the side boundary that adjoins the neighbouring allotment.

For the purpose of these guidelines, the narrower of the two frontages is considered to be the primary street frontage and shall present as the architectural and frontage of the dwelling.

3.7 narrow allotments (<12m in width)

Dwellings on narrow allotments (less than 12 metres in width) are permitted a single car garage to the street frontage.

Two cars accommodated in a tandem arrangement may be permitted where it does not conflict with any other provisions of these guidelines.

3.8 fences

Fences must respond to the prevailing neighbourhood character and landscape design, with materials complementing those of the dwelling.

Front boundary fences must not exceed 1.2 metres in height and be a minimum 20 per cent transparent (where not located on a corner).

Side and rear fences are not to exceed 1.8 metres in height, and are to comprise colorbond or timber paling. Where fences are to be painted, they are to be of neutral tones.

Side boundary fences (where not located on a corner lot) must not extend towards the road frontage beyond the main building line to maintain an open streetscape.

Notwithstanding the above, Lots 1 to 6 and Lot 15 are to have a 2.2 metres high, two-sided colour, colorbond fence in either mist green or charcoal grey, along their rear property boundary.

3.9 landscaping.

Each lot must provide attractive landscaping to all street frontages, in order to enhance the overall appearance of the neighbourhood and complement the design of the dwelling.

Landscape design should utilise a range of drought resistant species where possible, and must include at least 1 canopy tree, with a minimum height of 4 metres (when mature) within the front setback.

A minimum 20 per cent of the property must remain free of impervious surfaces.

The driveway must be constructed of concrete, tiles or stone. Gravel driveways are not permitted.

All landscape elements within the front yard, including driveways and pathways must be completed within 3 months of obtaining a Certificate of Occupancy.



13 January 2017

Markus Tschech
Hansen Partnership Pty Ltd
Level 8/136 Exhibition Street
MELBOURNE VIC 3000

mtschech@hansenpartnership.com.au

Dear Sir/Madam,

Application No.: T160824
Property No.: 1733500400
Address: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807
Proposal: Subdivision of the land in stages in accordance with the approved plans.

I refer to the above planning permit application and wish to advise that a permit has been granted. Please find enclosed your copy of the permit and endorsed plans.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully and check as to whether there are any steps which you need to take prior to commencing the use or the development, including submission of additional plans.

Please be aware that it is your responsibility to ensure that all of the conditions on the permit are complied with and that the permit remains valid. Council does not advise you when the permit will expire.

Please note if the permit relates to a subdivision a change in street number allocation may occur.

This permit should be kept in a safe place for future reference.

If you have any further queries regarding this matter, please contact Council's Development Services department on **5943 4508** or mail@cardinia.vic.gov.au

Yours faithfully,



Stephen Powell
Senior Growth Area Planner

PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Conditions:

1. The subdivision must proceed in the order of stages as shown on the endorsed plan unless otherwise agreed in writing by the Responsible Authority.
2. The layout of the subdivision, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.
4. The Small Lot Housing Code forming part of the Officer Precinct Structure Plan (September 2011) applies to the subdivision of the land under this permit and the application of the Small Lot Housing Code must be shown on the approved plan/s, which are part of this planning permit.

Certification:

5. Existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the Plan of Subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
6. The Plan of Subdivision submitted for Certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act and Clause 66 of the Scheme.
7. Before stage 5 of the Plan of Subdivision is Certified the permit holder must:
 - a) Submit to Council for approval street and road names proposed for the subdivision.
 - b) Nominate the telecommunications fibre to the premises (FTTP) network provider to Councils Subdivision Department on Ph. 5945 4224.

To the satisfaction of the Responsible Authority.

8. Before the submission and approval of detailed design construction plans (engineering plans) and the Certification of the relevant plan of subdivision for each stage, a functional layout plan for the subdivision or stage of subdivision must be generally in accordance with the standards nominated in the Cardinia Shire Council 'Guidelines for the Development & Subdivision of Land', "Development Construction Specification" and the Water Sensitive Urban Design (WSUD) Guidelines, must be submitted to and approved by the Responsible Authority.

When approved, the functional layout plan will be endorsed and will then form part of the permit. Three copies of the functional layout plan must be drawn to a scale of 1:500 to acceptable drafting standards and an electronic copy (pdf) must be provided.

The functional layout plan must show:

- a) A fully dimensioned subdivision layout, including proposed street names, approximate lot areas, lot numbers and widths of street reservations.
- b) Topography and existing features, including contours for the subject land and any affected

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

adjacent land.

- c) Identification by survey of all trees (or group of trees) existing on the subject land, including dead trees and those that overhang the subject land from adjoining land.
- d) Details of tree protection zones (TPZs) for all trees to be retained on the subject land.
- e) All trees proposed for removal from the subject land clearly designated.
- f) Typical cross-sections for each street type, dimensioning individual elements, services offsets and any other spatial requirements identified in the Development Plan.
- g) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls.
- h) The proposed minor drainage network and any spatial features requiring access.
- i) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing.
- j) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination.
- k) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance.
- l) A table of offsets for all utility services and street trees.
- m) Preliminary location of reserves for electrical kiosks; and
- n) Traffic management plan showing sufficient notional (unmarked) on-street car parking spaces, at the rate of one space per lot, traffic control devices and large vehicle turning overlays.

Sites that are not adjacent to existing or approved infrastructure will be required to show the following information in addition to the above standard requirements:

- o) The relationship between the subject subdivision stage and surrounding land.
 - p) Proposed linkages to future streets, open space, regional path network and upstream drainage.
 - q) Works external to the subdivision, including both interim and ultimate access requirements.
 - r) Intersections with Category 1 roads showing interim and ultimate treatments.
 - s) Drainage and sewerage outfalls including any easements required over other property.
9. Before the Plan of Subdivision for stage 5 of development is Certified, a landscape master plan for the subdivision must be prepared by a person suitably qualified and experienced in landscape design, must be designed and approved by the Responsible Authority. When approved the plan will be endorsed and will then form part of the permit. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must show:
- a) New plantings including their layout are to be provided in any streetscape and road reserves.
 - b) A detailed plant schedule of all proposed tree, shrubs and ground covers, including botanical

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

names, common names, pot sizes, sizes at maturity and quantities of each plant. Indigenous plant species should be used where possible.

- c) The proposed location, materials, finishes and final set out of paths, areas of pavement, street and park furniture, play equipment and structures.
- d) Detailed planting and construction drawings including site contours and any proposed changes to existing levels including any structural elements such as retaining walls.
- e) The proposed road reserve widths including proposed areas within the road reserves set aside for the retention of existing vegetation.
- f) Additional supporting information, such as certified structural designs or building forms if required.
- g) The removal of all existing disused structures, foundations, pipelines or stockpiles and eradication of weeds.
- h) The layout of street tree and reserve plantings using semi mature trees including the proposed location of evergreen and deciduous tree species to the satisfaction of the Responsible Authority.
- i) The proposed location of paths and any other pavement areas.
- j) The style and location of fencing including tree, walkway and open space reserve fencing.

All species selected and landscaping must be to the satisfaction of the Responsible Authority. When approved the landscape plan will be endorsed and will then form part of the permit.

- 10. Before the Plan of Subdivision for stage 5 of the development is Certified under the *Subdivision Act 1988*, a Public Infrastructure Plan (PIP) must be submitted to and endorsed by the Responsible Authority. Once approved, the PIP must be implemented to the satisfaction of the Responsible Authority.
- 11. The Public Infrastructure Plan must show the proposed location, type, staging and timing of delivery of all infrastructure on the land which is identified in the Officer Precinct Structure Plan, September 2011 (PSP) Officer Development Contributions Plan (DCP) applying to the land, or which is otherwise reasonably required on or to the land or on any other land as a result of the subdivision of the land. Without limiting the extent of what must be shown on and in the PIP it must include the following:
 - a) The extent of any stormwater drainage works and road works proposed or required under this permit.
 - b) The land which is required to be set aside for infrastructure identified in the DCP or the PSP including land required for public open space and community facilities and any proposed reconciliation payment in respect of the land having regard to its value set out in the DCP.
 - c) An estimate of the extent of equalisation which is required in respect of public open space to be provided having regard to the PSP and the DCP.
 - d) Subject to the consent of the Collecting Agency, any infrastructure works set out in the DCP

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

which can be provided 'in lieu' of development contributions in accordance with the DCP.

- e) The effects of the provision of infrastructure on the land or any other land.
- f) Any other relevant matter related to the provision of infrastructure reasonably required by the Responsible Authority.
- g) The Public Infrastructure Plan may be amended with the consent of the Responsible Authority.

12. Before the Certification of the Plan of Subdivision for stage 5 or at such other time which is agreed between Council and the owner, if required by the Responsible Authority or the owner, the owner must enter into an agreement or agreements under Section 173 of the *Planning and Environment Act 1987* which provides for:

- a) The implementation of the Public Infrastructure Plan approved under this permit.
- b) The equalisation of open space having regard to the areas set aside in a Plan of Subdivision and the amount specified in the schedule to Clause 52.01; and
- c) The timing of any payments to be made to a person in respect of any infrastructure project having regard to the availability of funds in the DCP or the public open space account.

The owner of the land or permit holder must pay all reasonable costs of the preparation, execution and registration of the Section 173 Agreement. To the satisfaction of the Responsible Authority.

13. Before each stage of subdivision is certified or at such other time which is agreed between Council and the owner, where the Small Lot Housing Code applies to lots measuring less than 300sqm in accordance with the Officer Precinct Structure Plan (2011), the Small Lot Housing Code may be applied as a restriction on the Plan of Subdivision or through an agreement under Section 173 of the *Planning & Environment Act 1987* and must be registered on title to the land. The restriction or the agreement must provide for the following:

- a) The building envelope plan to apply to each relevant lot.
- b) All buildings being constructed in accordance with the building envelope on the relevant lot.
- c) The construction of a building outside the building envelope only with the written consent of the Responsible Authority; and
- d) The Small Lot Housing Code will cease to apply to any building on a lot less than 300sqm after the issue of a Certificate of Occupancy for the whole dwelling and any garage or carport on the land.

14. Where there are lots greater than 300sqm, the permit holder must instigate to the satisfaction of the Responsible Authority appropriate controls to ensure the implementation of the building design guidelines and fencing controls. This may be by the use of a Section 173 Agreement under the *Planning & Environment Act 1987*, Notice of Restriction on each Plan of Subdivision or Memorandum of Common Provisions.

15. Before the Plan of Subdivision for stage 5 of the development is Certified a detailed contamination

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

assessment of the land by a suitably qualified environmental professional must be submitted to and to the satisfaction of the Responsible Authority. The assessment must include

- a) Details of the nature of the previous and existing land use/activities on the land.
- b) An assessment of the potential level and nature of contamination on the land.
- c) Advice on whether the environmental condition of the land is suitable for the proposed uses and whether an environmental audit of all, or part, of the land is recommended having regard to the Potentially Contaminated Land General Practice Note June 2005, DSE, as amended from time to time.

16. If the environmental site assessment by Cardno Lane Piper Phase 1 Environmental Site Assessment report number Ref: 213194 dated July 2013 recommends an environmental audit of all or part of the land referred to in this permit then:

- a) Prior to the commencement of any use for a sensitive purposes; or
- b) Prior to any buildings or works; or
- c) Before the Certification of a Plan of Subdivision,

whichever is the earlier of or in respect of all or that part of the land as the case may be, the following must be provided to the Responsible Authority, either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970*, or
- A statement by an environmental auditor appointed under the *Environment Protection Act 1970*, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site).

17. If a Statement of Environmental Audit is provided rather than a Certificate of Environmental Audit and the Statement of Environmental Audit indicates that the environment conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the Responsible Authority under Section 173 of the *Planning and Environment Act 1987* before the issue of a Statement of Compliance or before the construction of any building on the relevant land, whichever is the earlier;

- a) Implementation of an on-going compliance with all conditions in the Statement of Environmental Audit; and
- b) The Responsible Authority's reasonable legal costs and expenses of drafting/reviewing and registering the agreement to be borne by the owner of the relevant land.

All works must be in accordance with the detailed contamination assessment, Statement of Environmental Audit and Certificate of Environmental Audit as applicable.

18. The recommendations of the report produced by Cardno Lane Piper Phase 1 Environmental Site Assessment report number Ref: 213194 dated July 2013 must be implemented to the satisfaction of the Responsible Authority.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

Statement of Compliance:

19. A Development Infrastructure Levy must be paid to the Collecting Agency being Cardinia Shire Council in accordance with the provisions of the approved Officer Precinct Structure Plan Development Contributions Plan (September 2011). If there is no approved Public Infrastructure Plan or if the approved Public Infrastructure Plan does not specify a time when payments must be made, then the Development Infrastructure Levy must be paid to the Collecting Agency within the times specified in the Development Contributions Plan or if no time is specified then after certification of the relevant Plan of Subdivision but not more than 21 days before a Statement of Compliance is issued in respect of that plan under the *Subdivision Act 1988*.
20. Before the issue of a Statement of Compliance for each stage of the subdivision under the *Subdivision Act 1988*, a cash payment equivalent to the value of the percentage of Net Developable Area of the land in lieu of the provision of the land for Public Open Space in accordance with the Schedule to Clause 52.01 of the Cardinia Planning Scheme and the Precinct Structure Plan applying to the land must be paid to the Responsible Authority.
21. Before the issue of a Statement of Compliance for each stage of subdivision the permit holder must:
 - a) Provide appropriate driveway access and drainage connection points must be provided to all lots.
 - b) All road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire Council "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".
 - c) Lighting of streets and pedestrian/cycle paths must be designed and provided for the relevant stage in accordance with Australian Standard 1158.1.
 - d) Any reserve or land set aside for public open space or any tree reserve or the like must be re-graded, top dressed and sown to grass, landscaped and otherwise embellished in accordance with the endorsed landscape plan.
 - e) Design and construct all internal road and drainage works necessary for the proper function of that stage, in accordance with the plans and specifications approved by Council.
 - f) Design and construct any required outfall drainage to the satisfaction of Melbourne Water and Cardinia Shire Council.
 - g) Submit detailed landscape plans to be approved by the Responsible Authority. The plans must be in accordance with the approved Landscape Masterplan.
 - h) Complete landscaping works or by agreement with the Responsible Authority bond landscaping works incomplete at the completion of civil works. Payment can be made in the form of a cash bond or bank guarantee to the value of 120% of the incomplete landscaping works. The bond will be released upon satisfactory completion of works.
 - i) Provide bonding to cover all landscaping works for a maintenance period. A twenty four (24)

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

month maintenance period will apply to all landscaping works, following which time and upon satisfactory completion and satisfactory maintenance the bond will be released.

- j) The landscaping works shown on the approved landscape plan/s for each stage of the subdivision must be carried out and completed.
- k) Provide a tree management plan, completed by an appropriately qualified arborist and submitted to the satisfaction of the Responsible Authority that shows:
 - i. Assessment and necessary remedial works for all retained trees.
 - ii. Direct management activities to improve the health of the trees over a two year period identification of requisite tree protection zones.
 - iii. All works directed under the tree management plan must be completed prior to Statement of Compliance.

To the satisfaction of the Responsible Authority

22. Before the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

- a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- b) A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

23. Before the issue of a Statement of Compliance for each stage of the subdivision, three (3) copies of building design guidelines and fencing controls must be submitted to and approved by Responsible Authority for each stage of the development. The building design guidelines and fencing controls must be implemented in the form of either a Notice of Restriction or through an agreement with the Responsible Authority under Section 173 of the *Planning & Environment Act 1987* on the certified Plan of Subdivision which is recorded on the Certificate of Title of the land. The owner of the land or permit holder must pay all reasonable costs of the preparation, execution and registration of the Section 173 Agreement.

The restriction of agreement for the building design guidelines and fencing controls guidelines must provide for but are not limited to the following:

- a) Building envelopes for each lot which generally accord with the standards of Clause 56.04-2. No building or part of a building may be constructed outside of a building envelope.
- b) The creation of restrictions on lots between 300sqm and 500sqm to control the construction of dwellings to locations defined by building envelopes to the satisfaction of the Responsible Authority. The building envelopes for single storey dwellings must provide for garage openings to occupy no more than 40% of the width of the lot frontage and require garages be no closer to the frontage of the lot than the dwelling or 5.5 metres whichever is the greater.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- c) Measures to produce an attractive streetscape including the siting and design of dwellings, garages and landscaping.
- d) Fencing requirements including the minimisation of fencing on street boundaries or corner lots. Fencing treatments which show:
 - i. Minimisation of fencing along street boundaries or corner lots;
 - ii. Boundary fencing for lots;
 - iii. No more than 50% of side fencing to be solid or wall and the balance of the fence to be visually transparent and a maximum height of 1.5m.
- e) Dwelling, fence and garage design of corner lots.
- f) Avoidance of long expanses of fencing onto public spaces and further detail of treatment of fencing for lots adjoining open spaces.
- g) Requirements that no dwelling or commercial building may be constructed on any lot unless the building incorporates plumbing for recycled water supply for toilet flushing and garden watering use if it is to become available.
- h) Details about the width of frontages and garages as a ratio to ensure that garages do not dominate the streetscape.
- i) No double garages on adjoining lots to abut each other.
- j) Garages located on the primary street frontage setback at equal or greater distance to that of the dwelling.
- k) The restriction or agreement relating to the building envelope is to cease to apply to any lot affected by the building envelope after the issue of a Certificate of Occupancy (or the like) under the Building Act for the whole of a dwelling on the lot to which the building envelope applies or at any other time which is specified in the restriction or agreement.

To the satisfaction of the Responsible Authority.

- 24. Before the Statement of Compliance is issued for the each stage of subdivision, all road and drainage infrastructure must be designed and constructed in accordance with plans and specifications approved by the Responsible Authority. The works must comply with the standards nominated in the Cardinia Shire "Guidelines for the Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".
- 25. Before the Statement of Compliance is issued for stage 5 of the subdivision, the intersection of the proposed internal access road and Rix Road must be designed and constructed in accordance with the plans and specifications approved by the Responsible Authority.
- 26. Before the Statement of Compliance is issued for the subdivision, outfall drainage for the subdivision must be designed and constructed to a satisfactory point of discharge in accordance with the plans and specifications approved by the Responsible Authority.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

27. Before the Statement of Compliance is issued for each stage of subdivision which contains lots identified in the approved Salinity Management Plan as requiring specific design and construction requirements for future residential development the permit holder must enter into an agreement under Section 173 of the *Planning & Environment Act 1987* with the Responsible Authority (Council) for these lots. The agreement must provide that the owner will ensure that any works carried out on the lots are in accordance with the approved Salinity Management Plan. The permit holder must pay the reasonable costs of the preparation, execution and registration of the Section 173 Agreement and make application to the Registrar of Titles to have the agreement registered on title.
28. Before a Statement of Compliance is issued under the *Subdivision Act 1988*, the landowner must enter into a legally binding agreement (or an alternative agreement approved by DSE) for the payment to implement the *Officer Precinct Structure Plan: Cardinia Creek Conservation Management Plan* (8 September 2011) in accordance with Section 2.3.1 Management Responsibilities and Funding and Appendix 8 to the satisfaction of the Department of Sustainability and Environment. The landowner must pay the reasonable costs of the preparation, execution and registration of the agreement.

Engineering:

29. At least 14 days before any works commence on the site, a site specific Construction Engineering Management Plan (CEMP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved the CEMP will be endorsed and will then form part of the permit. All works must be undertaken in accordance with the approved CEMP. The CEMP must address all environmental risks and include:
- a) Temporary stormwater management including sedimentation control.
 - b) Provision of pollution and contamination controls including noise and dust.
 - c) Location of stockpiles and stockpile management.
 - d) Location of site office and facilities.
 - e) Equipment, materials and goods management.
 - f) Tree protection zones, trees to be retained and trees to be removed.
30. All roads used for the purpose of haulage of imported or exported materials for construction must be:
- a) Approved in writing by the Responsible Authority for the submitted haulage strategy, at least seven days prior to the commencement of use.
 - b) Maintained in accordance with the Responsible Authority's maintenance intervention levels, or as requested by the Responsible Authority if the road deteriorates during the haulage period, and
 - c) Reinstated to the satisfaction of the Responsible Authority.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

31. No fill or excavated material for or from this development is to be carted/hailed into or from the site without first obtaining the further written consent from Council's Engineering Department at least seven (7) days prior to the cartage/haulage works commencing to the satisfaction of the Responsible Authority.
32. Before a certificate of practical completion is issued, "as constructed" digital road and drainage information in AutoCAD format with all Xrefs binded into the drawings and showing any amendments during construction, must be submitted for all civil works where Council is the Responsibility Authority.
33. Before a certificate of practical completion is issued, CCTV results for the full length of all stormwater drainage pipes where Council is the Responsibility Authority, must be submitted for assessment. The submitted information is to be to the satisfaction of the Responsible Authority.

General:

34. The owner of the land must enter into an agreement with:
 - a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
35. Prior to the commencement of any works an Construction Environmental Management Plan (CEMP) is to be prepared, where appropriate. The CEMP must specifically and address significant flora and fauna where the buildings or works are within:
 - a) 50 metres of any native vegetation to be retained in the Officer Precinct Native Vegetation Precinct Plan (Sept 2011); and/or
 - b) 100 metres of any waterbody (including creeks, drains, dams and wetlands) under the provisions of the Officer Precinct Structure Plan Conservation Management Plan (excluding Cardinia Creek) (15 September 2011).

The CEMP must address all requirements specified in the Officer Native Vegetation Precinct Plan (September 2011) and the relevant Conservation Management Plan and be to the satisfaction of the Responsible Authority.
36. The actions which identify the responsible agent as the "landowner" or "developer" in the Conservation Management Plan (CMP) must be implemented to the satisfaction of the Department of Sustainability and Environment.
37. Native Vegetation Precinct Plan Implementation - Any:
 - a) Works carried out in respect of any subdivision;

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- b) Construction of buildings and associated works; and
- c) Removal, lopping or destruction of native vegetation on the land as authorised by the Native Vegetation Precinct Plan (NVPP) applying to the land must be carried out in accordance with all of the requirements set out in the incorporated NVPP applying to the land to the satisfaction of the Responsible Authority.

Only the native vegetation which is identified for removal in the incorporated NVPP applying to the land may be removed, lopped or destroyed without a permit.

38. Before the removal, destruction or lopping of any native vegetation within any property (identified by the Property Number Map 1 of the Officer NVPP) the owner of the land from which the native vegetation is being removed must provide offsets consistent with the incorporated NVPP by either:

- a) Providing an allocated credit extract issued by the Department of Sustainability and Environment; or
- b) Preparing and submitting an Offset Plan to the satisfaction of the Department of Sustainability and Environment and have the Offset Plan approved by Responsible Authority.

39. Where an Offset Plan is approved:

- a) Before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of Department of Sustainability and Environment that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement; and

Offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of Very High Conservation Significance vegetation, whichever is earlier, and be implemented according to the schedule of works in the Officer Plan to the satisfaction of the Responsible Authority.

40. Before the commencement of works a detailed Salinity Management Plan prepared by a suitably qualified consultant must be submitted to and approved by the Responsible Authority. The plan must include the following:

- a) A detailed assessment of groundwater depths and salinity across the site.
- b) The potential impacts on the proposed development and any measures required to mitigate the impacts of groundwater and salinity conditions on the development.
- c) Details as to how any measures required to mitigate impacts will be implemented in relation to construction of the subdivision (including engineering construction plans) and the subsequent development.
- d) Proposed ground water monitoring to understand seasonal changes and the effects of control measures and inform future management.

To the satisfaction of the Responsible Authority.

41. The permit holder must implement all recommendations contained within the salinity management plan required by condition 40 (a) to (d) to the satisfaction of the Responsible Authority.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

42. The landscaping works shown on the approved landscape plan/s for the development must be carried out and completed to the satisfaction of the Responsible Authority.
43. The landscaping works shown on the approved landscape plan/s must be maintained for a minimum of twenty-four (24) months to the satisfaction of the Responsible Authority. During this time the Responsible Authority may direct maintenance activities be undertaken. The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.
44. Before the installation of trees to be planted within the streetscape an inspection of the plant stock must be undertaken by Council's Open Space Department. Any trees deemed unsuitable must not be planted within the streetscape.
45. The permit holder must notify Council's Open Space Department a minimum of seven (7) days prior to commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
46. All earthworks must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the Responsible Authority.
47. No polluted and/or sediment laden run-off is to be discharged directly or indirectly into drains or watercourses.
48. Pollution or litter traps must be provided on the land at appropriate points along the drainage system or drainage lines.
49. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
50. All powerlines are to be provided underground to the satisfaction of the Responsible Authority.
51. All optical fibre conduit and associated infrastructure must be protected from damage to satisfaction of the Responsible Authority.
52. The permit holder must within four (4) weeks of the registration of the plans at the Land Titles Office send to the Responsible Authority:
 - a) A Certificate of Title for all land vested in the Responsible Authority on the Plan of Subdivision.
 - b) A clear A-3 size photocopy of the Title Office approved Plan of Subdivision.

Melbourne Water:

53. Prior to the issue of a Statement of Compliance, the owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and stormwater from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
54. Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.

55. Pollution and sediment laden runoff shall not be discharged directly or indirectly into Melbourne Water's drains or watercourses. Prior to the issue of a Statement of Compliance for the subdivision, a Site Management Plan detailing pollution and sediment control measures must be submitted to Melbourne Water.
56. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water in accordance with Section 8 of the Subdivision Act 1988.
57. Prior to certification of the plan of subdivision under the Subdivision Act 1988 the permit holder must submit to Melbourne Water a stormwater management strategy including associated modelling. The strategy and modelling must be approved by Melbourne Water and Council and must demonstrate the following:
- a. The proposed alignment for any 1 in 5 year drainage infrastructure and any associated overland flow paths directions for the 1 in 100 year ARI flood event;
 - b. That the lot layout adequately accommodates the overland flows and the current layout and/or number of lots may need to change.
 - c. The details of the outfall/s for the development and calculate the appropriate flow volumes and flood levels for the 100-year ARI storm event within the property;
 - d. Stormwater runoff from the subdivision will achieve State Environment Protection
 - e. Policy (Waters of Victoria) objectives for environmental management of stormwater.
 - f. Stormwater Quality Treatment Assets are designed to comply with Melbourne Water's Constructed Wetlands Design Manual.
58. Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
59. Prior to the issue of a Statement of Compliance for the subdivision, engineering plans of the subdivision (in electronic format) must be submitted to Melbourne Water for our records. These plans must show road and drainage details and any overland flow paths for the 100 year ARI storm event.
60. All new lots are to be filled to a minimum of 300mm above the 1 in 100 year flood levels associated with any existing or proposed Melbourne Water pipeline and/or all new lots are to be filled to a minimum of 600mm above the 1 in 100 year flood level associated with any existing or proposed Melbourne Water wetland, retarding basin or waterway.
61. Prior to the issue of a Statement of Compliance for the subdivision, a certified survey plan prepared by or under the supervision of a licensed land surveyor, showing finished lot levels reduced to the Australian Height Datum, must be submitted to Melbourne Water for our records.
62. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
63. The subdivision is to make provision for overland flows from the upstream catchment utilising roads
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Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

and/or reserves.

64. Any road or access way intended to act as a stormwater overland flow path must be designed and constructed to comply with the floodway safety criteria outlined within Melbourne Water's Land Development Manual.
65. Easements or reserves shall be created over existing and proposed Melbourne Water assets on the Plan of Subdivision to the satisfaction of Melbourne Water.
66. The developer is to negotiate with any downstream landowners to obtain a free draining outfall through their property. Approval is to be forwarded to Melbourne Water for our records prior to construction commencing.
67. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).
68. Prior to the issue of a Statement of Compliance for the subdivision, a separate application direct to Melbourne Water must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses.

AusNet:

The applicant must –

69. Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
70. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
71. Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for rearrangement of the points of supply to any existing installations affected by any private electric power line which would cross a boundary created by the subdivision, or by such means as may be agreed by AUSNET ELECTRICITY SERVICES PTY LTD.
72. Provide easements satisfactory to AUSNET ELECTRICITY SERVICES PTY LTD for the purpose of "Power Line" in the favour of "AUSNET ELECTRICITY SERVICES PTY LTD" pursuant to Section 88 of the Electricity Industry Act 2000, where easements have not been otherwise provided, for all existing AUSNET ELECTRICITY SERVICES PTY LTD electric power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land.
73. Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
74. Adjust the position of any existing AUSNET ELECTRICITY SERVICES PTY LTD easement to accord with the position of the electricity line(s) as determined by survey.
75. Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
76. Provide survey plans for any electric substations required by AUSNET ELECTRICITY SERVICES PTY LTD and for associated power lines and cables and executes leases for a period of 30 years, at a

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

nominal rental with a right to extend the lease for a further 30 years. AUSNET ELECTRICITY SERVICES PTY LTD requires that such leases are to be noted on the title by way of a caveat or a notification under Section 88 (2) of the Transfer of Land Act prior to the registration of the plan of subdivision.

77. Provide to AUSNET ELECTRICITY SERVICES PTY LTD a copy of the plan of subdivision submitted for certification that shows any amendments that have been required.
78. Agree to provide alternative electricity supply to lot owners and/or each lot until such time as permanent supply is available to the development by AUSNET ELECTRICITY SERVICES PTY LTD. Individual generators must be provided at each supply point. The generator for temporary supply must be installed in such a manner as to comply with the Electricity Safety Act 1998.
79. Ensure that all necessary auditing is completed to the satisfaction of AUSNET ELECTRICITY SERVICES PTY LTD to allow the new network assets to be safely connected to the distribution network.

South East Water:

80. The owner of the subject land must enter into an agreement with South East Water for the provision of potable water supply and fulfil all requirements to its satisfaction.
81. The owner of the subject land must enter into an agreement with South East Water for the provision of recycled water supply and fulfil all requirements to its satisfaction
82. The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
83. All lots on the Plan of Subdivision are to be provided with separate connections to our potable water supply, recycled water supply and sewerage systems.
84. Prior to Certification, the Plan of Subdivision must be referred to South East Water in accordance with Section 8 of the *Subdivision Act 1988*.

APA:

85. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
86. The plan of subdivision submitted for certification must be referred to APT O&M Services Pty Ltd, in accordance with Section 8 of the *Subdivision Act 1988*.

Expiry of permit:

This permit will expire if:

- a) The subdivision is not commenced within **two (2) years** of the date of this permit; or
- b) The subdivision is not completed within **five (5) years** of the date of commencement.

Where the subdivision is to be developed in stages, the time specified for the commencement of the

Date Issued: 12 January 2017

Signature for the Responsible Authority:



PLANNING PERMIT

Form 4

Planning Scheme: Cardinia Planning Scheme
Responsible Authority: Cardinia Shire Council

PLANNING PERMIT NUMBER: T160824

ADDRESS OF THE LAND: L1 TP96223, 226 Rix Road, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land in stages, in accordance with the approved plans

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

first stage is two (2) years from the date of this permit. The time specified for the commencement of any subsequent stage is ten (10) years from the date of this permit and the time specified for completion of each stage is five (5) years from the date of its commencement.

The Responsible Authority may extend the periods referred to, if a request is made in writing in accordance with Section 69 of the *Planning & Environment Act 1987*.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the *Planning and Environment Act 1987* as the certification of a plan, and completion is regarded as the registration of the plan.)

Permit Notes:

South East Water:

1. The owner of the subject land is required to obtain a 'Notice of Agreement' from South East Water. All requirements must be fulfilled to its satisfaction prior to South East Water consenting to the issuing of a Statement of Compliance.

Agreement Options:

The South East Water agreement options are available:

2. Application to enter into a Development Deed Works - If South East Water reticulated sewer/water/recycled water (as applicable) is required to be extended to service lots within the development.
3. Application for Notice of Agreement Subdivision Non-Works - If South East Water reticulated sewer/water/recycled water (as applicable) is available for the development and the owner only requires Statement of Compliance to release the titles (i.e. subdivision prior to building)
4. Plumbing Industrial, Commercial, Units & Private Water application - If South East Water reticulated sewer/water/recycled water (as applicable) is available for the development and the owner wishes to commence construction of the buildings (i.e. building prior to subdivision)

To obtain a copy of the appropriate application form required please go to South East Water's website: www.southeastwater.com.au (Property Tab/Land Development)

Melbourne Water:

If further information is required in relation to Melbourne Water's permit conditions shown above, please contact Melbourne Water on 9679 7517, quoting Melbourne Water's reference **285259**.

Other notes:

- Vehicle Crossing Permit's for driveways to each lot must be obtained from Council's Engineering Department prior to the commencement of any works associated with the proposed vehicle crossing.

Date Issued: 12 January 2017

Signature for the Responsible Authority:



IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 of Part 4 of the *Planning and Environment Act 1987*.)

WHEN DOES A PERMIT BEGIN?

A PERMIT OPERATES:

- a) From the date specified in the permit, or
 - b) If no date is specified; from:
 - i. The date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
 - ii. The date on which it was issued, in any other case.
-

WHEN DOES A PERMIT EXPIRE?

A PERMIT FOR THE DEVELOPMENT OF LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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 (2) years of the issue of the permit, unless the permit contains a different provision, or
- c) 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 in case of a subdivision or consolidation within five (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:

- a) The use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the issue of within two years after the issue of the permit; or
- b) The use is discontinued for a period of two (2) years.

A PERMIT FOR THE DEVELOPMENT AND USE OF THE LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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.
- c) 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
- d) The use is discontinued for a period of two (2) 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:

- a) The use or development of any stage is to be taken to have started when the
- b) Plan is certified; and
- c) 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 apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

An application for review 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 application for review must be lodged within 60 days after the giving of that notice.

An application for review is lodged with the Victorian Civil and Administrative Tribunal.

An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

An application for review must state the grounds upon which it is based.

An application for review must also be served on the Responsible Authority.

Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal

Victoria Civil and Administrative Tribunal, Planning List
55 King Street, MELBOURNE VIC 3000
Ph (03) 9628 9777 Fax: (03) 9628 9789

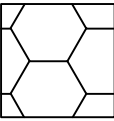
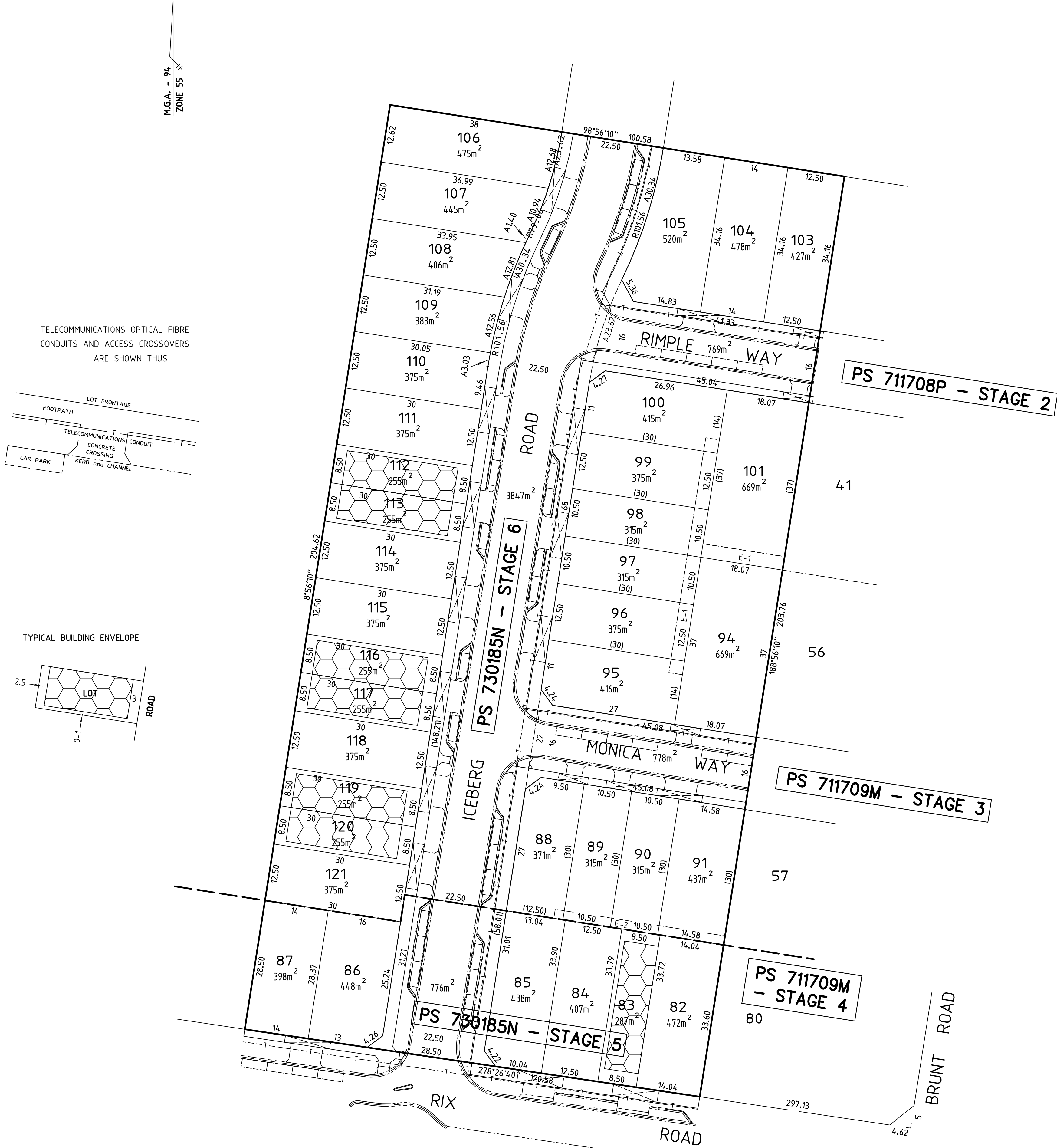
PLAN FOR ENDORSEMENT (PS 730185N) BEING
STAGES 5 & 6 OF BEACONSFIELD ROSES ESTATE
AT No. 226 RIX ROAD, BEACONSFIELD
PART CROWN ALLOTMENT 31
PARISH OF PAKENHAM

SCALE 1:500 METRIC
ORIGINAL SHEET SIZE (A-1)

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME

Permit No.: T160824
Sheet: 1 of 2
Approved by: Stephen Powell
CARDINIA SHIRE COUNCIL
Date: Thursday, 12 January 2017

SURVEY REF : 18028
DATE : 10/12/2015



Building Envelope in accordance with Officer PSP - Small Lot Housing Code

LOT SIZE RANGE (m ²)	NUMBER OF LOTS
< 300	7 LOTS
300 - 350	4 LOTS
351 - 400	11 LOTS
401 - 450	9 LOTS
451 - 500	3 LOTS
500 +	3 LOTS
TOTAL	37 LOTS

Total Area : 2.054ha No. of Lots : 37
Lots per Hectare : 18.01
Total Area Roads : 6170m²

COMPUTER REF : 802887

RODNEY AUJARD & ASSOCIATES
LICENSED LAND SURVEYORS
Level 1, 325 Camberwell Road, Camberwell, 3124
ph: 9813 2222 fax: 9813 2244
EMAIL: aujard@bigpond.net.au

EASEMENT	PURPOSE	WIDTH (metres)	ORIGIN	LAND BENEFITED / IN FAVOUR OF
E-1	DRAINAGE	3	THIS PLAN	CARDINIA SHIRE COUNCIL
	SEWERAGE	3	THIS PLAN	SOUTH EAST WATER CORPORATION
E-2	SEWERAGE	2	THIS PLAN	SOUTH EAST WATER CORPORATION

FEATURE SURVEY PLAN
FOR SITE ANALYSIS AND CONTEXT PURPOSES
FOR SUBDIVISION AT
No. 226 RIX ROAD
BEACONSFIELD
SCALE 1:500 METRIC
LEVELS ARE TO AUSTRALIAN HEIGHT DATUM
CONTOUR INTERVAL 0.20 METRES
MELWAYS REF : 214 C-4
COMPUTER REF : 802806
ORIGINAL SHEET SIZE (A-1)

APPROVED PLAN
PLANNING AND ENVIRONMENT ACT 1987
CARDINIA PLANNING SCHEME

Permit No.: T160824
Sheet: 2 of 2
Approved by: Stephen Powell
CARDINIA SHIRE COUNCIL
Date: Thursday, 12 January 2012

- S/W PIT
- SEPTIC MANHOLE
- ELECT. PIT
- ELECT. PILLAR
- ELEC. POLE
- STREET LAMP
- WATER VALVE
- WATER HYDRANT
- SEWER VENT / I.S.
- TELSTRA PIT
- TREE
- LEMON-SCENTED EUCALYPT
- STREET SIGN
- T.B.M.
- GAS METER
- WATER METER
- SHRUBS
- TOP OF BANK
- EDGE OF FORMATION
- HABITABLE ROOM WINDOW
- HEAD
- SILL

RODNEY AUJARD & ASSOCIATES
Licensed Land Surveyors

Level 1, 325 Camberwell Road, Camberwell, 3124.
ph: 9819 2222 fax: 9819 2244
aujard@rigand.net.au

COMPUTER REF : 180280WP DATE OF SURVEY : 27/07/2013
AMENDED : 18/12/2013



NOTATIONS:
Property boundaries are unfenced unless otherwise stated.
Only visible services have been located.
For underground services the relevant servicing authorities should be contacted.
Only habitable room windows have been located.
All trees are Eucalypts unless otherwise stated.
All trees are under 3 metres in height unless otherwise stated.
This survey is not a re-establishment survey of title

Land Tax Clearance Certificate

Land Tax Act 2005



GRILLO HIGGINS C/- INFOTRACK

Your Reference: LD:24151527-009-4.35584

Certificate No: 12478449

Issue Date: 31 JAN 2017

Enquiries: ESYSPROD

Land Address: 226 RIX ROAD BEACONSFIELD VIC 3807

Land Id	Lot	Plan	Volume	Folio	Taxable Value	Tax Payable
18391386	1	96223	9570	266	\$2,325,000	\$19,835.35

Vendor: BANRIAR INVESTMENTS PTY LTD

Purchaser: N/A N/A

Current Land Tax Details	Year	Proportional Tax	Penalty/Interest	Total
BANRIAR 226 UNIT TRUST	2017	\$19,835.35	\$0.00	\$19,835.35

Arrears of Tax	Year	Proportional Tax	Penalty/Interest	Total
----------------	------	------------------	------------------	-------

Comments: Land Tax will be payable but is not yet due - please see note 5 on reverse.

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully. To request an update for this certificate go to:

www.sro.vic.gov.au/certificates

Paul Broderick

Commissioner of State Revenue

TAXABLE VALUE: \$2,325,000

AMOUNT PAYABLE: \$19,835.35

Land Tax Clearance Certificate - Remittance Advice

Certificate No: 12478449

Land ID: 18391386

Amount Payable: \$19,835.35

State Revenue Office
GPO Box 4376
MELBOURNE VIC 3001

Please return this section with your payment. For further information refer overleaf.
Do not mark below this line.

<0001983535<0001983535>012478449000<012478449000>424<424>

Notes to certificates under Section 105 of the *Land Tax Act 2005*



Certificate No: 12478449

1. Under Section 96 of the Land Tax Act 2005 (the Act), land tax is a first charge on the land to which it relates and should the vendor default, payment will be obtained from the purchaser. The purchaser should take into account the possibility that the vendor may default where land tax has been assessed but not paid.
2. If land tax is due but not paid on a property, the Land Tax Clearance Certificate will certify the amount of land tax due and payable on that land. This amount will be binding on the Commissioner of State Revenue (the Commissioner) for purposes of section 96 of the Act whether or not it is paid to the State Revenue Office (SRO) on, or shortly after, settlement.
3. The amount of land tax on this certificate relates to the amount of land tax due and payable as at the date of the application only and not to any future liability or the tax status of the land.
4. A 'Nil' Land Tax Clearance certificate does not mean that the land on the certificate is exempt from land tax.
5. If land tax will be payable on a property but payment is not due at the time the application is processed, the certificate will certify the amount that should be retained by the purchaser at settlement and remitted to the SRO. The Commissioner will consider himself bound by this amount against the purchaser, only if the amount is remitted to the SRO within 28 days after settlement.
6. If the amount in 3. (above) is understated, the Commissioner has the right to seek recovery of the correct amount, or the balance, as the case may be, from
 - a. the vendor, or
 - b. the purchaser, if the vendor defaults and the certified amount has not been remitted to the SRO within 28 days after settlement.
7. If an amount is certified in respect of a proposed sale which is not completed, the Commissioner will not be bound by the same amount in respect of a later sale of the subject land - another certificate must be applied for in respect of that transaction.
8. If an amount certified is excessively high (for example, because a principal residence concession has not been deducted in calculating the amount) the Commissioner will issue an amended certificate, without an additional fee being charged on receipt of sufficient evidence to that effect from the vendor.
9. If no land tax is stated as being payable in respect of the property, the Commissioner will consider himself bound by that certification, in respect of the purchaser, if the land is subsequently found to be taxable and the vendor defaults.
10. If the vendor refuses to be bound by an amount stated by the Commissioner and does not agree to the amount being withheld and remitted at settlement, the purchaser cannot rely on such refusal as a defence to an action by the Commissioner to recover the outstanding amount from the purchaser under Sections 96 or 98 of the Act.
11. The information on a certificate cannot preclude the Commissioner from taking action against a vendor to recover outstanding land tax.

For Information Only

SINGLE OWNERSHIP CALCULATION BASED ON A TAXABLE VALUE OF \$2,325,000

Land Tax = \$16,200.00

Calculated as \$9,375 plus (\$2,325,000 - \$1,800,000) multiplied by 1.300 cents.

Further information

Internet	www.sro.vic.gov.au
Email	sro@sro.vic.gov.au (Attn: Land Tax)
Phone	13 21 61 (local call cost)
Fax	03 9628 6853
Mail	State Revenue Office GPO Box 4376 MELBOURNE VIC 3001

Payment options

Make cheque payable to **State Revenue Office, Victoria** marked 'Not Negotiable' and return with the remittance advice to:



Payment by mail:

- State Revenue Office
GPO Box 4376
MELBOURNE VIC 3001

**LAND INFORMATION CERTIFICATE
SECTION 229 LOCAL GOVERNMENT ACT 1989
LAND INFORMATION CERTIFICATE
REGULATIONS 1992**



Grillo Higgins c/Landata
DX 250639
Melbourne

CERTIFICATE NO: 45219
APPLICANT REFERENCE: 24151527 013 1
DATE: 2/02/2017

This certificate PROVIDES information regarding valuations, rates, charges, other moneys owing and any orders and notices made under the Local Government Act 1958, Local Government Act 1989 or under a local law or by law of the Council.

This certificate IS NOT REQUIRED to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from Council or the relevant Authority.
A fee may be charged for such information.

ASSESSMENT NO: 1733500400
PROPERTY LOCATION: 226 Rix Rd
Beaconsfield 3807
TITLE DETAILS: Lot 1 TP96223

VALUATIONS
SITE VALUE: 2325000
CAPITAL IMPROVED VALUE: 2325000
NET ANNUAL VALUE: 116250
LEVEL OF VALUE DATE: 01/01/16
OPERATIVE DATE: 01/07/16

PROPERTY RATES & CHARGES

Rates and charges for the financial year ending 30 June 2017

<u>RATES & CHARGES</u>	<u>LEVIED</u>	<u>BALANCE</u>
ARREARS BROUGHT FORWARD		\$0.00
RATES	\$13,923.31	\$13,923.31
INTEREST	\$19.16	\$19.16
MUNICIPAL CHARGE	\$0.00	\$0.00
FIRE SERVICES PROPERTY LEVY	\$402.60	\$402.60
GARBAGE	\$98.53	\$98.53
GREEN WASTE LEVY	\$0.00	\$0.00

SPECIAL RATES /SPECIAL CHARGES

SCHEME NAME	ESTIMATED AMOUNT	PRINCIPAL BALANCE	INTEREST BALANCE
		TOTAL SCHEME BALANCE	\$0.00

OPEN SPACE CONTRIBUTION

TOTAL OUTSTANDING **\$14,443.60**

Please note that a Community Infrastructure Levy for a dwelling must be paid to Council prior to the issue of a building permit.

**LAND INFORMATION CERTIFICATE
SECTION 229 LOCAL GOVERNMENT ACT 1989
LAND INFORMATION CERTIFICATE
REGULATIONS 1992**

226 Rix Rd
Beaconsfield
Lot 1 TP96223

NOTICES AND ORDERS

Other Notices or Orders on the land that have been served by Council under the Local Government Act 1958, Local Government Act 1989 or Local Law of the Council, which have a continuing application as at the date of this certificate if any

OPEN SPACE CONTRIBUTION

Any outstanding amount required to be paid for recreational purposes or any transfer of land required to Council for recreational purposes under Section 18 of the Subdivision of Land Act 1988 or the Local Government Act 1958:

FLOOD LEVEL

A flood level has not been designated under the Building Regulations 1994.
Advice on whether a flood level has been determined, which affects the property, should be sought from Melbourne Water.

POTENTIAL LIABILITIES

Notices and Orders issued as described above:

Other:

ADDITIONAL INFORMATION

In accordance with Section 175 of the Local Government Act a person who becomes the owner of rateable land must pay any rate or charge on the land which is due and payable at the time the person becomes the owner of the land.

I acknowledge having received the sum of \$25.40 being the fee for this certificate.

Delegated Officer:



**CONFIRMATION OF ANY VARIATION TO THIS CERTIFICATE WILL ONLY BE GIVEN FOR 90 DAYS AFTER ISSUE DATE.
PAYMENTS MADE BY CHEQUE ARE SUBJECT TO CLEARANCE FROM THE BANK.**

Planning Property Report

from www.dtpli.vic.gov.au/planning on 31 January 2017 03:41 PM

Address: 226 RIX ROAD BEACONSFIELD 3807

Lot and Plan Number: Lot 1 TP96223

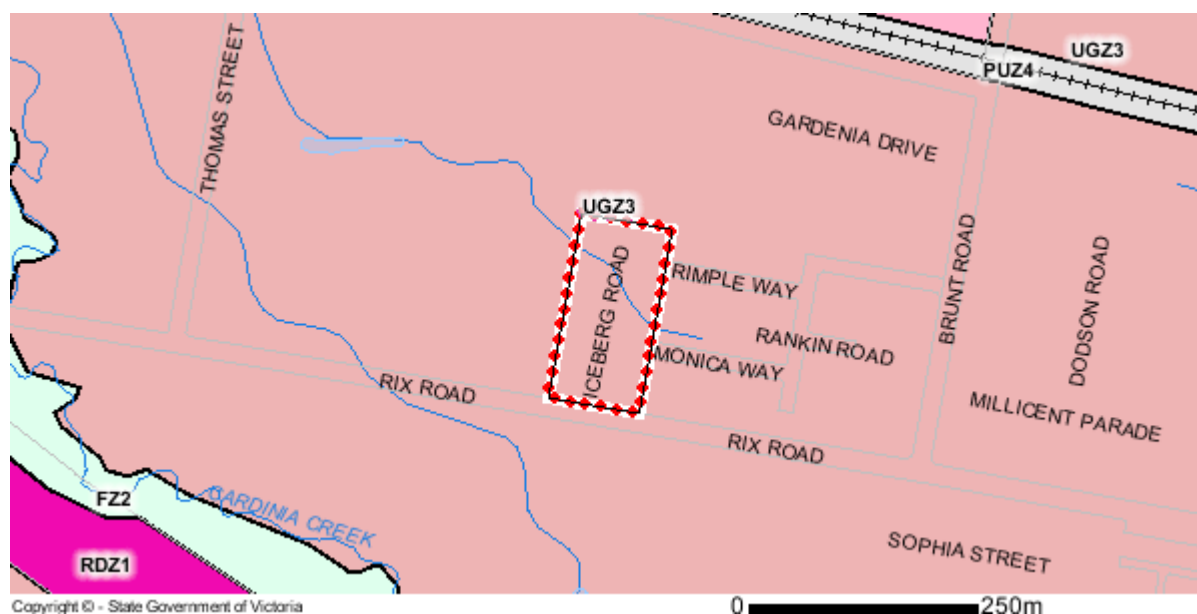
Local Government (Council): CARDINIA **Council Property Number:** 1733500400

Directory Reference: Melway 214 B5

Planning Zone

URBAN GROWTH ZONE - SCHEDULE 3 (UGZ3)

SCHEDULE TO THE URBAN GROWTH ZONE - SCHEDULE 3



Note: labels for zones may appear outside the actual zone - please compare the labels with the legend.

Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

+++++ Railway +--+ Tram — River, stream Lake, waterbody

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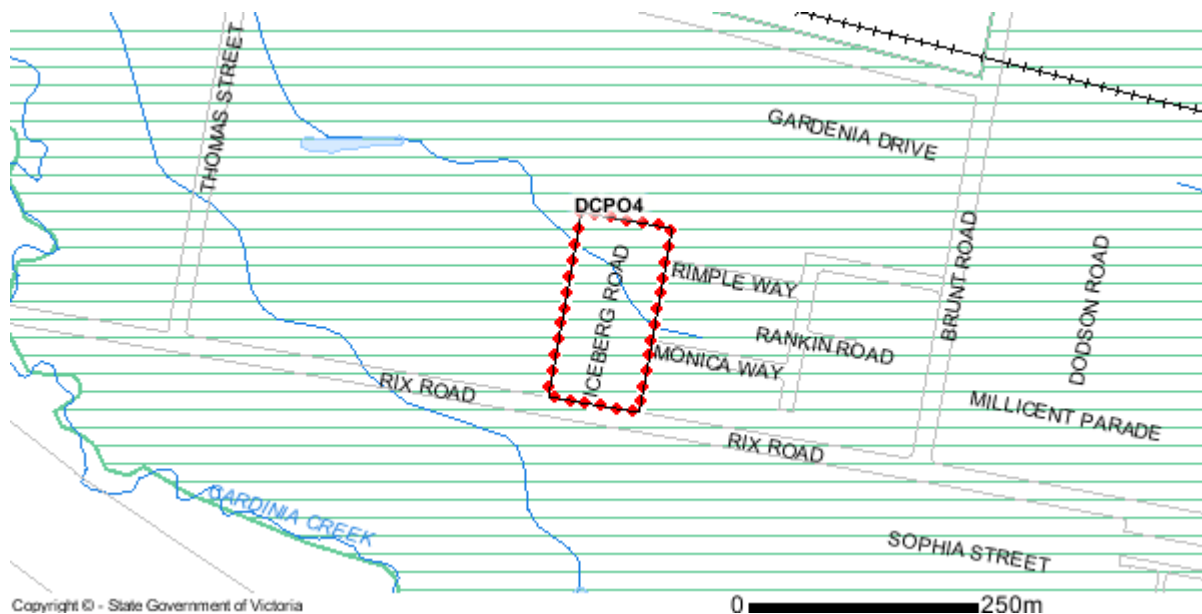
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Planning Overlay

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 4 (DCPO4)



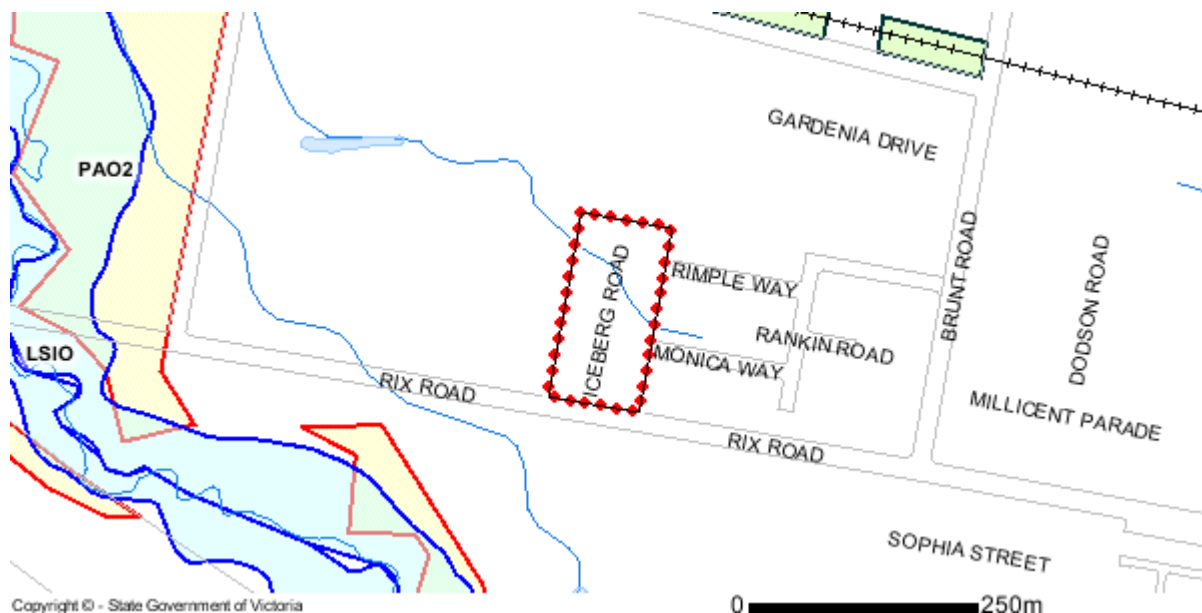
OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

PUBLIC ACQUISITION OVERLAY (PAO)



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Planning Overlays Legend

Overlays Legend

 AEO - Airport Environs	 LSIO - Land Subject to Inundation
 BMO - Bushfire Management (also WMO)	 MAEO1 - Melbourne Airport Environs 1
 CLPO - City Link Project	 MAEO2 - Melbourne Airport Environs 2
 DCPO - Development Contributions Plan	 NCO - Neighbourhood Character
 DDO - Design & Development	 PD - Parking
 DDOPT - Design & Development Part	 PAO - Public Acquisition
 DPO - Development Plan	 RO - Restructure
 EAO - Environmental Audit	 RCO - Road Closure
 EMO - Erosion Management	 SBO - Special Building
 ESO - Environmental Significance	 SLO - Significant Landscape
 FO - Floodway	 SMO - Salinity Management
 HO - Heritage	 SRD - State Resource
 IPO - Incorporated Plan	 VPD - Vegetation Protection
 Railway	 Tram
 River, stream	 Lake, waterbody

Note: due to overlaps some colours on the maps may not match those in the legend.

Further Planning Information

Planning scheme data last updated on 25 January 2017.

A **planning scheme** sets out policies and requirements for the use, development and protection of land.

This report provides information about the zone and overlay provisions that apply to the selected land.

Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987.

It does not include information about exhibited planning scheme amendments, or zonings that may affect the land.

To obtain a Planning Certificate go to [Titles and Property Certificates](#)

For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit [Planning Maps Online](#)

For other information about planning in Victoria visit www.delwp.vic.gov.au/planning

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INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

Grillo Higgins C/- InfoTrack
E-mail: certificates@landata.vic.gov.au

Statement for property:
LOT 24 226 RIX ROAD
BEACONSFIELD 3807

REFERENCE NO.	YOUR REFERENCE	DATE OF ISSUE	CASE NUMBER
62R//00017/00006	LANDATA CER 24151527-025-4	31 JAN 2017	27821101

1. Statement of Fees Imposed

(a) By Other Authorities

Melbourne Water Corporation Total Service Charges	01/01/2017 to 31/03/2017	\$24.20
--	--------------------------	---------

(b) By South East Water

Water Service Charge	01/01/2017 to 31/03/2017	\$30.20
Subtotal Service Charges		\$54.40
Usage Charges*	Billed until 9/12/2016	\$13.05
Arrears		\$132.50
TOTAL UNPAID BALANCE		\$199.95

- The meter at the property was last read on 09/12/2016. Fees accrued since that date may be estimated by reference to the following historical information about the property:

Water Usage Charge **\$0.30 per day**

- Financial Updates (free service) are only available online please go to (type / copy the complete address shown below):

<https://secureapp.southeastwater.com.au/PropertyConnect/#/order/info/update>

* Please Note: if usage charges appear above, the amount shown includes one or more of the following:

Water Usage, Recycled Water Usage, Sewage Disposal, Fire Service Usage and Trade Waste Volumetric Fees.

Interest may accrue on the South East Water charges listed in this statement if they are not paid by the due date as set out in the bill.

- The total annual service fees and volumetric fees for water usage and sewerage disposal for each class of property are set out at www.southeastwater.com.au.

AUTHORISED OFFICER:

HAMISH REID
GENERAL MANAGER
CUSTOMER GROUP

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198

INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

- Updates of rates and other charges will only be provided for up to six months from the date of this statement.
- If the property is sold, the vendor is liable to pay all fees incurred in relation to the property until the vendor gives South East Water a Notice of Disposition of Land required by the Water (Disposition of Land) Regulations 2010. Please include the Reference Number set out above in that Notice.
- Fees relating to the property may change from year-to-year in accordance with the Essential Service Commission's Price Determination for South East Water.
- Every fee referred to above is a charge against the property and will be recovered from a purchaser of the property if it is not paid by the vendor.
- Information about when and how outstanding fees may be paid, collected and recovered is set out in the Essential Services Commission's Customer Service Code, Urban Water Businesses.
- If this Statement only sets out rates and fees levied by Parks Victoria and Melbourne Water, the property may not be connected to South East Water's works. To find out whether the property is, or could be connected upon payment of the relevant charges, or whether it is separately metered, telephone 131 694.
- For a new connection to our water or sewer services, fees / charges will be levied.

2. Encumbrance Summary

Where available, the location of sewers is shown on the attached plan. Please ensure where manholes appear, that they remain accessible at all times "DO NOT COVER". Where driveways/paving is proposed to be constructed over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset, the owner will be responsible for all costs associated with any demolition and or re-instatement works, necessary to allow maintenance and or repair of the asset effected. Where changes to the surface levels requires maintenance shafts/holes to be altered, all works must be carried out by South East Water approved contractors only. For information call 131694. For all other works, prior consent is required from South East Water for any construction over easements for water supply/sewerage purposes, or within 1 metre of a South East Water asset.

The property is situated in an area described by Melbourne Water as having poor surface gradients and it is recommended that Council advice be sought regarding appropriate floor levels for buildings on the property.

Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

ENCUMBRANCE ENQUIRY EMAIL infostatements@sew.com.au

If no plan is attached to this Statement, South East Water is not aware of any works belonging to South East Water being present on the property.

If a plan is attached to this Statement, it indicates the nature of works belonging to South East Water, their approximate location, and the approximate location of any easement relating to those works.

Important Warnings

The map base for any attached plan is not created by South East Water which cannot and does not guarantee the accuracy, adequacy or completeness of any information in the plan, especially the exact location of any of South East Water's works, which may have changes since the attached plan was prepared. Their location should therefore be proven by hand before any works are commenced on the land.

AUTHORISED OFFICER:



HAMISH REID
GENERAL MANAGER
CUSTOMER GROUP

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198



INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

Unless South East Water's prior written approval is obtained, it is an offence to cause any structure to be built or any filling to be placed on a South East Water easement or within 1 metre laterally of any of its works or to permit any structure to be built above or below any such area.

Any work that requires any South East Water manhole or maintenance shaft to be altered may only be done by a contractor approved by South East Water at the property owner's cost.

If the owner builds or places filling in contravention of that requirement, the owner will be required to pay the cost of any demolition or re-instatement of work that South East Water considers necessary, in order to maintain, repair or replace its asset.

This Statement does not include any information about current or outstanding consent issued for plumbing works on at the property.

3. Disclaimer

This Statement does not contain all the information about the property that a prospective purchaser may wish to know. Accordingly, appropriate enquiries should be made of other sources and information.

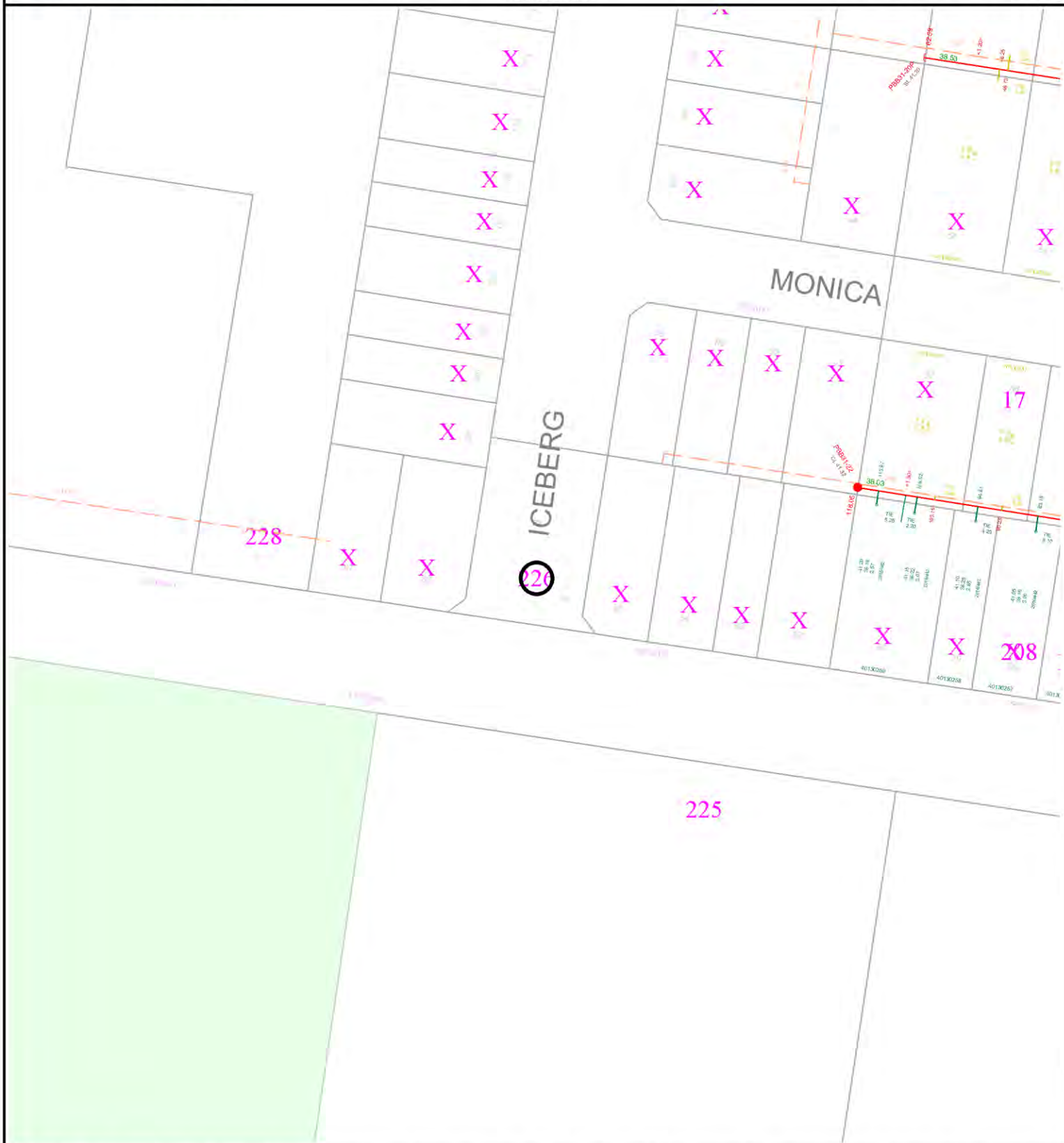
South East Water has prepared the information in this Statement with due care and diligence. It cannot and does not accept liability for any loss or damage arising from reliance on the information given, beyond the extent set out in section 155 of the Water Act 1989 and sections 18 and 29 of the Australian Consumer Law.

AUTHORISED OFFICER:

A handwritten signature in blue ink, appearing to read "Hamish Reid".

HAMISH REID
GENERAL MANAGER
CUSTOMER GROUP

South East Water
Information Statement Applications
PO Box 2268, Seaford, VIC 3198

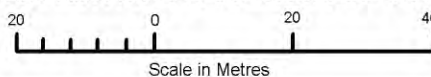


WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

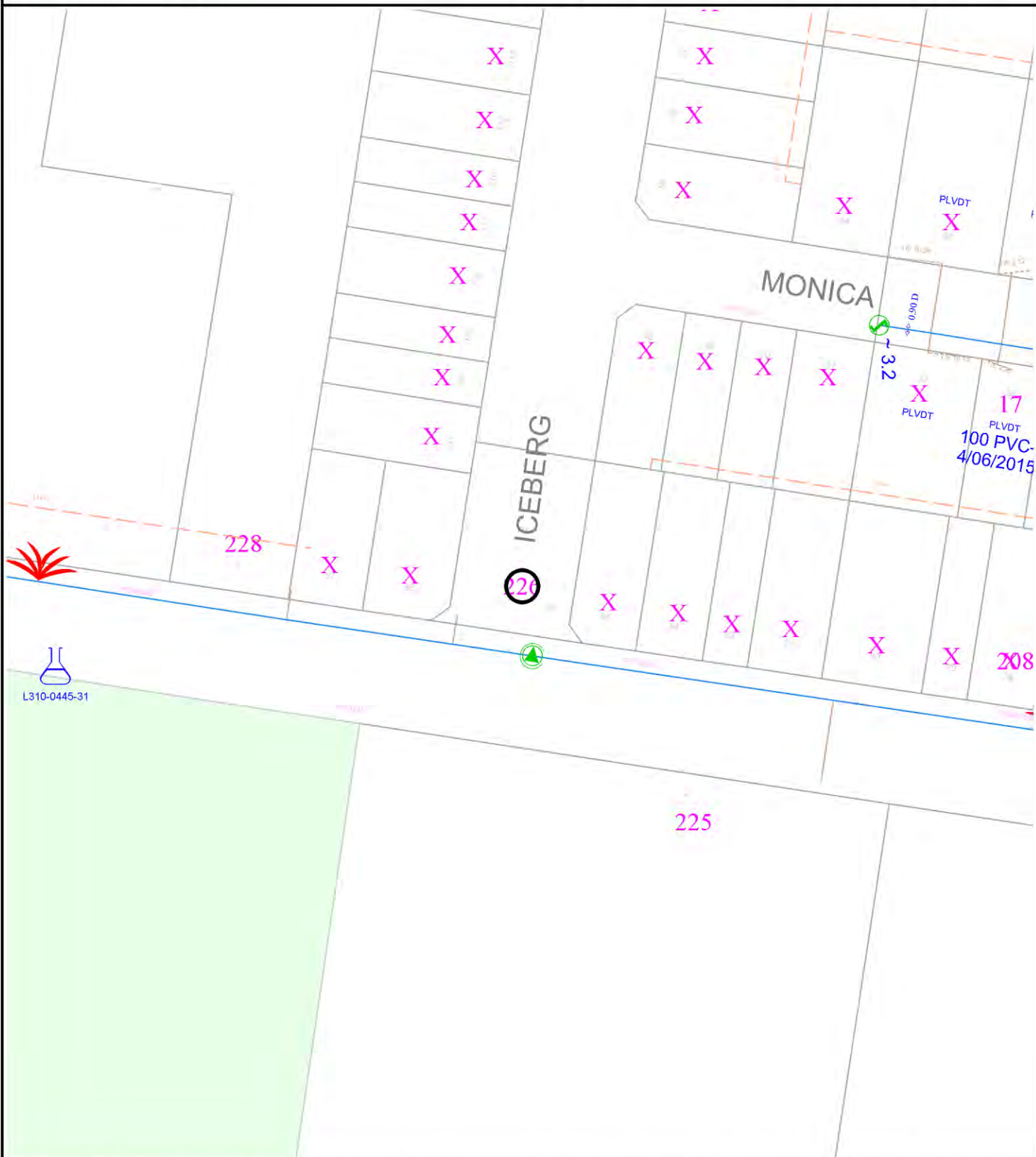
— Title/Road Boundary	Subject Property	Maintenance Hole
- - - - - Proposed Title/Road	Sewer Main	Inspection Shaft
- - - - - Easement	Direction of Flow	Offset from Boundary
Melbourne Water Assets		
Sewer Main	Underground Drain	Natural Waterway
Maintenance Hole	Channel Drain	Underground Drain M.H.

Property: Lot 24 226 RIX ROAD BEACONSFIELD 3807

Case Number: 27821101



Date: 31JANUARY2017








WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

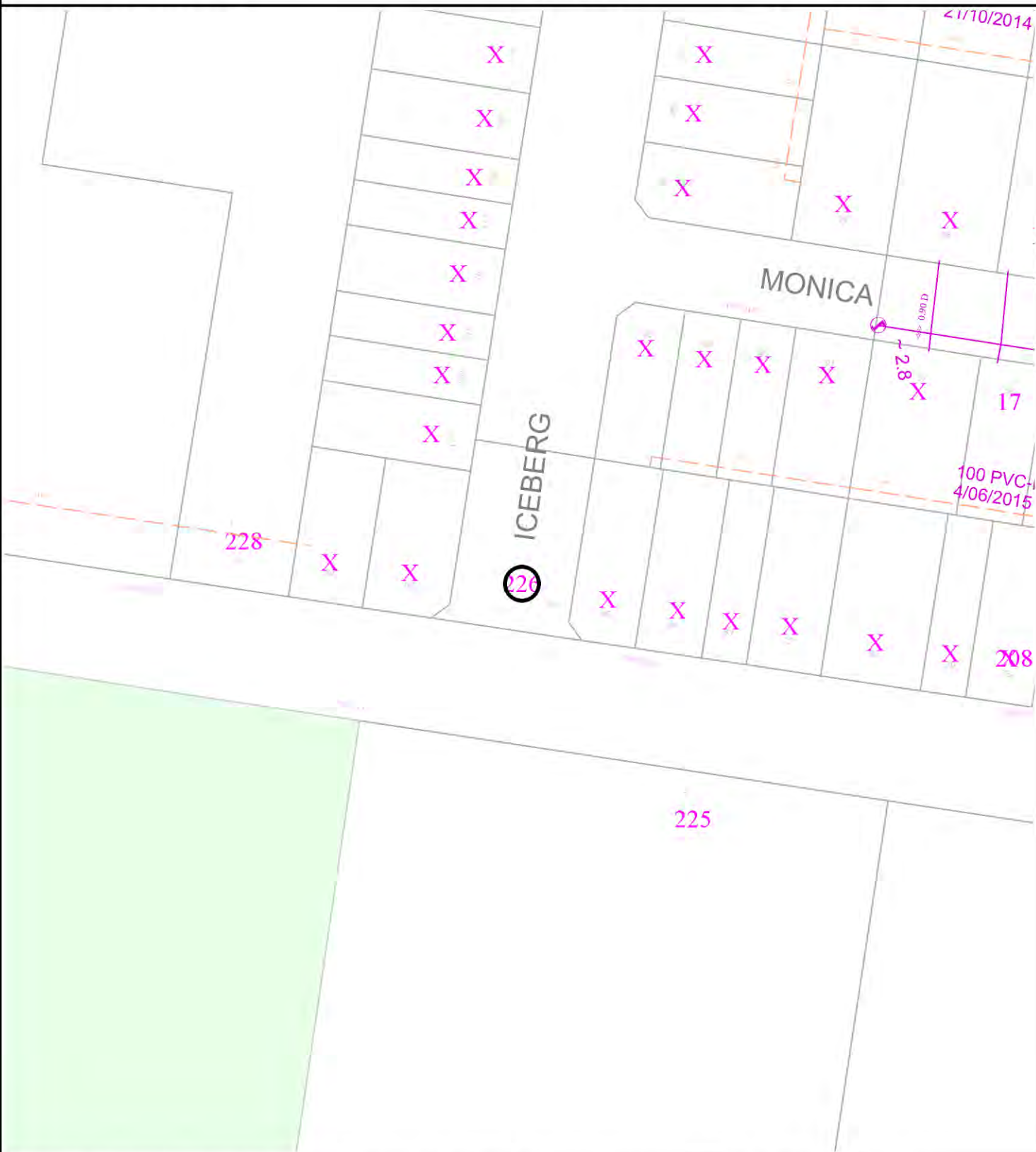
LEGEND

- Title/Road Boundary
 Proposed Title/Road
 Easement



- Subject Property
Water Main Valve
Water Main

-   Hydrant
  Fireplug/Washout
 ~ 1,0 Offset from Boundary



WARNING: This plan is issued solely for the purpose of assisting you in identifying South East Water's and Melbourne Water's specified assets through further investigation only. It is not to be used for any other purpose, including to identify any other assets, property boundaries or dimensions. Accordingly, the location of all assets should be proven by hand on site prior to the commencement of any work. (Refer to attached letter for further details). Assets labelled AC may contain asbestos and therefore works on these assets must be undertaken in accordance with OH&S Regulations. Abandoned and currently unused assets are shown in orange.

LEGEND

— Title/Road Boundary

- - - Proposed Title/Road

- - - Easement



100 C/C L
26.9.1975

Subject Property

Recycled Water Main Valve

Recycled Water Main



Hydrant



Fireplug/Washout



Offset from Boundary

1 February 2017

Property number: 1733500400
Our reference: INC178423
Your reference: 24151527-015-5



PROPERTY INFORMATION REQUEST 326 (2)

Land (property) located at: 226 Rix Road Beaconsfield
Proposed development:

BUILDING UNIT Is the building or land in an area:

- | | |
|--|-------|
| - That is liable to flooding (Reg. 802)? | NO* |
| - That is a likely to be subject to termite attack (Reg. 803)? | YES |
| - For which BAL level has been specified in a planning scheme? | NO ** |
| - That is subject to significant snowfalls (Reg. 805)? | NO |
| - Of designated land or works (Reg. 806)? | NO |

* NOTE: Flooding mapping is predominantly based on Melbourne Waters planning scheme mapping.

** NOTE: BAL='Bushfire Attack Level', Refer to 'Land Channel' website for information relating to regulation 810 (designated state bushfire prone areas) <http://services.land.vic.gov.au/maps/bushfire.jsp>

PLANNING UNIT

For planning information please complete the planning information request (located on the Cardinia Shire Council website under 'download a council form') and pay the associated fee.

COMMUNITY INFRASTRUCTURE LEVY

'Community infrastructure' levies are financial contributions made by landowners towards locally provided infrastructure that is required to meet the future needs of the community. Community Infrastructure Levy is applicable to new dwellings constructed in Pakenham, Officer and some areas of Beaconsfield.

Is the property subject to the Community Infrastructure Levy (payable by owner)? **YES**

Please note that a Community Infrastructure Levy (CIL) of **\$900 per dwelling** must be paid and a copy of the receipt forwarded to the 'relevant building surveyor' prior to the issue of a Building Permit.
Please ensure that payment is made after the formal release of the land.

Payment of the CIL can be made in any of the following ways:

- to your private building surveyor or builder
- in person at the Cardinia Shire Council Civic Centre
- phone (please have your credit card details ready): 1300 787 624
- mail (please make cheques payable to Cardinia Shire Council): PO Box 7, Pakenham, Victoria 3810.

Yours sincerely,

Ashley Boyce
Administration Officer
Development and Compliance Services

1 February 2017

Property number: 1733500400
Your reference: 24151527-015-5
Our reference: INC178423

PROPERTY INFORMATION REQUEST 326 (1) – FORM 10

Land (property) located at: 226 Rix Road Beaconsfield

In reply to your recent enquiry, I wish to advise that a search of our building records for the preceding ten (10) years reveals the following:-

Details of Building Permits or Certificate of Final Inspection:

Building Permit No.	Issue Date	Building Works	Final/OP Date
BS-U16734/20160318/0	21/10/2016	Demolition of dwelling & outbuilding	8/11/2016

Please note that Council is unaware of any current statement(s) issued under regulation 502 or 503 of the Building Regulation 2006.

Outstanding building related orders or Notices pertaining to the Building Act 1993:-

Type	Issue Date	Details
NIL		

The property: Is the building or land in an area:

- That is liable to flooding (Reg. 802)? NO*
- That is a likely to be subject to termite attack (Reg. 803)? YES
- For which BAL level has been specified in a planning scheme? NO**
- That is subject to significant snowfalls (Reg. 805)? NO
- Of designated land or works (Reg. 806)? NO

* NOTE: Flooding mapping is predominantly based on Melbourne Waters planning scheme mapping.

****NOTE:** BAL='Bushfire Attack Level', Refer to 'Land Channel' website for information relating to regulation 810(designated state bushfire prone areas)
<http://services.land.vic.gov.au/maps/bushfire.jsp>

Note:

This summary is an extract of Council's records only and does not guarantee as to the current status of the building. An inspection has not been specifically conducted as a result of your enquiry, therefore answers are provided from information already available to Council. This reply has therefore been prepared as accurately as possible at the time of writing, but Council accepts no liability for omission or errors contained in information supplied as routine procedure for circumstances subject to change. Where any doubt or concern is raised, professional advice should be sought.

Any existing swimming pool/spa with a depth of over 300mm is required to be provided with suitable barriers to restrict young children from gaining access.

Please contact Councils building department without delay should an appropriate pool barrier not be in place, or should smoke alarms not be installed within a residential property.

Yours sincerely,



Ashley Boyce
Administration Officer
Development and Compliance Services

Designated Bushfire Prone Areas

from www.dtpli.vic.gov.au/planning on 31 January 2017 03:41 PM

Address: 226 RIX ROAD BEACONSFIELD 3807

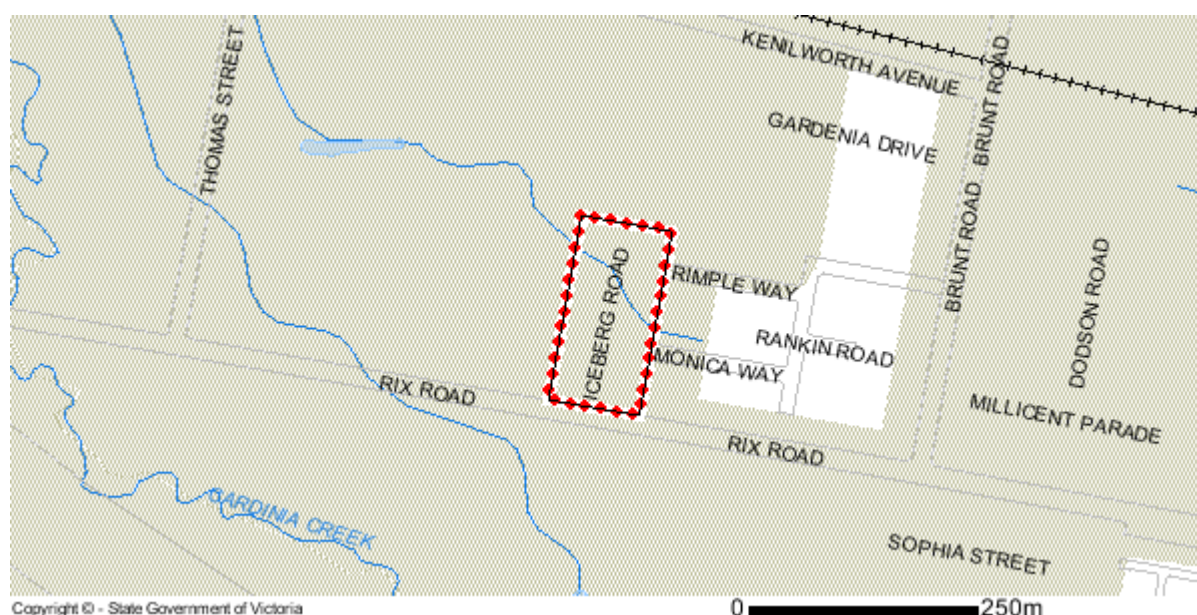
Lot and Plan Number: Lot 1 TP96223

Local Government (Council): CARDINIA **Council Property Number:** 1733500400

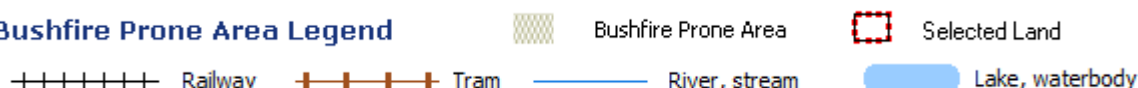
Directory Reference: Melway 214 B5

**This property is in a designated bushfire prone area.
Special bushfire construction requirements apply. Planning provisions may apply.**

Designated Bushfire Prone Area Map



Bushfire Prone Area Legend



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011, as amended by gazette notices on 25 October 2012, 8 August 2013, 30 December 2013, 3 June 2014, 22 October 2014, 29 August 2015, 21 April 2016 and 18 October 2016.

The Building Regulations 2006 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed via the Bushfire Prone Areas Map Service at <http://services.land.vic.gov.au/maps/bushfire.jsp> or at the relevant local council.

Note: prior to 8 September 2011, the whole of Victoria was designated as bushfire prone area for the purposes of the building control system.

Further information about the building control system and building in bushfire prone areas can be found in the Building Commission section of the Victorian Building Authority website www.vba.vic.gov.au

Copies of the Building Act and Building Regulations are available from www.legislation.vic.gov.au

For Planning Scheme Provisions in bushfire areas visit [Planning Schemes Online](#)

For Planning Scheme Provisions for this property return to the GetReports list and select the Planning Property Report.

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Read the full disclaimer at www.land.vic.gov.au/home/copyright-and-disclaimer

Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32(2)(dc) of the Sale of Land 1962 (Vic).

Extract of EPA Priority Site Register

Page 1 of 1



**** Delivered by the LANDATA® System, Department of Environment, Land, Water & Planning ****

PROPERTY INQUIRY DETAILS:

STREET ADDRESS: 226 RIX ROAD

SUBURB: BEACONSFIELD

MUNICIPALITY: SHIRE OF CARDINIA

MAP REFERENCES: Melways 40th Edition, Street Directory, Map 214 Reference B4
Melways 40th Edition, Street Directory, Map 214 Reference B5

DATE OF SEARCH: 31st January 2017

PRIORITY SITES REGISTER REPORT:

A search of the Priority Sites Register for the above map references, corresponding to the address given above, has indicated that this site is not listed on, and is not in the vicinity of a site listed on the Priority Sites Register at the above date.

IMPORTANT INFORMATION ABOUT THE PRIORITY SITES REGISTER:

You should be aware that the Priority Sites Register lists only those sites for which EPA has requirements for active management of land and groundwater contamination. Appropriate clean up and management of these sites is an EPA priority, and as such, EPA has issued either a:

Clean Up Notice pursuant to section 62A, or a
Pollution Abatement Notice pursuant to section 31A or 31B
of the Environment Protection Act 1970 on the occupier of the site to require active management of these sites.

The Priority Sites Register does not list all sites known to be contaminated in Victoria. A site should not be presumed to be free of contamination just because it does not appear on the Priority Sites Register.

Persons intending to enter into property transactions should be aware that many properties may have been contaminated by past land uses and EPA may not be aware of the presence of contamination. EPA has published information advising of potential contaminating land uses. Municipal planning authorities hold information about previous land uses, and it is advisable that such sources of information also be consulted.

For sites listed on the Priority Sites Register, a copy of the relevant Notice, detailing the reasons for issue of the Notice, and management requirements, is available on request from EPA for \$8 per Notice.

For more information relating to the Priority Sites Register, refer to EPA contaminated site information bulletin: Priority Sites Register & Contaminated Land Audit Site Listing (EPA Publication 735). For a copy of this publication, copies of relevant Notices, or for more information relating to sites listed on the Priority Sites Register, please contact EPA as given below:

EPA Information Centre
Herald & Weekly Times Tower
40 City Road, Southbank 3006
Tel: (03)9695 2700 Fax:(03)9695 2710

[Extract of Priority Sites Register] # 24151527 - 24151527153719
'355843'

Contact name: Janelle Emons
Email: GAIC@sro.vic.gov.au
Telephone: 132161
Facsimile: 03 9628 6853
Our reference: 18391386
Your Ref: 24151527-010-0

07 February 2017

Grillo Higgins
C/- Landata
GPO Box 527
MELBOURNE VIC 3001

Dear Sir/Madam,

Growth Areas Infrastructure Contribution (GAIC)

226 Rix Road, Beaconsfield (Volume 9570 Folio 266) - the Land

Thank you for your Application for a Growth Areas Infrastructure Contribution (GAIC) Certificate dated 31 January 2017 in respect of the land.

GAIC applies to certain land in excess of 0.41 hectares (1 acre) in the contribution area as defined by Section 201RC of the *Planning and Environment Act 1987* (PEA). Only certain lands in the designated growth area municipalities of Cardinia, Casey, Hume, Melton, Mitchell, Whittlesea and Wyndham may be subject to GAIC.

The Commissioner of State Revenue is satisfied that the land is not subject to GAIC as defined in the PEA at this time.

Applications for GAIC certificates may be made, at no charge, via the State Revenue Office (SRO) website at www.sro.vic.gov.au.

For further details regarding GAIC, please visit the SRO website or telephone 132161.

Yours sincerely



Janelle Emons
Senior Customer Service Officer
Land Revenue



**** Delivered by the LANDATA® System, Department of Environment, Land, Water & Planning ****

ROADS PROPERTY CERTIFICATE

The search results are as follows:

Grillo Higgins C/- InfoTrack
135 King St
SYDNEY 2000
AUSTRALIA

Client Reference: 355843

NO PROPOSALS. As at the 31st January 2017, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

226 RIX ROAD, BEACONSFIELD 3807
SHIRE OF CARDINIA

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 31st January 2017

Telephone enquiries regarding content of certificate: 13 11 71

[Vicroads Certificate] # 24151527 - 24151527153719 '355843'