

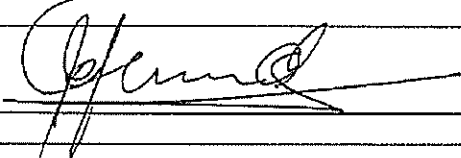
# Vendor Statement

The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act* 1962.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

Land	Lot .....Add: ..... Beaconsfield 3807 on unregistered plan of subdivision 805057 H. 204 Kenilworth Avenue, Beaconsfield 3807	
Vendor's name	BR 190 KENILWORTH PTY LTD ACN 613 380 537	Date 30 / 11 / 2021
Vendor's signature	 As solicitor	
Purchaser's name		Date / /
Purchaser's signature		
Purchaser's name		Date / /
Purchaser's signature		

# 1. FINANCIAL MATTERS

## 1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

(a) Their total does not exceed:

\$5,500.00

## 1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

	To	
Other particulars (including dates and times of payments):		

## 1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable.

## 1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable.

# 2. INSURANCE

## 2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable.

## 2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the *Building Act* 1993 applies to the residence.

Not Applicable.

# 3. LAND USE

## 3.1 Easements, Covenants or Other Similar Restrictions

(a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

Is in the attached copies of title documents.

(b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

To the best of the vendors knowledge there is no existing failure to comply with the terms of any easement, covenant or other similar restriction.

## 3.2 Road Access

There is NO access to the property by road if the square box is marked with an 'X'

## 3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area under section 192A of the *Building Act* 1993 if the square box is marked with an 'X'

3.4 Planning Scheme

Attached is a certificate with the required specified information.

4. NOTICES

4.1 Notice, Order, Declaration, Report or Recommendation

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

Not Applicable.

4.2 Agricultural Chemicals

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Nil.

4.3 Compulsory Acquisition

The particulars of any notices of intention to acquire that have been served under section 6 of the Land Acquisition and Compensation Act 1986 are as follows:

Nil.

5. BUILDING PERMITS

Particulars of any building permit issued under the Building Act 1993 in the preceding 7 years (required only where there is a residence on the land):

Not Applicable.

6. OWNERS CORPORATION

This section 6 only applies if the land is affected by an owners corporation within the meaning of the Owners Corporations Act 2006.

Not Applicable.

7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

Not applicable.

8. SERVICES

The services which are marked with an 'X' in the accompanying square box are NOT connected to the land:

Electricity supply <input checked="" type="checkbox"/>	Gas supply <input checked="" type="checkbox"/>	Water supply <input checked="" type="checkbox"/>	Sewerage <input checked="" type="checkbox"/>	Telephone services <input checked="" type="checkbox"/>
--	--	--	--	--

9. TITLE

Attached are copies of the following documents:

9.1 (a) Registered Title

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

10. SUBDIVISION

10.1 Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

Attached is proposed Plan of subdivision

**10.2 Staged Subdivision**

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

Not Applicable.

**10.3 Further Plan of Subdivision**

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable.

**11. DISCLOSURE OF ENERGY INFORMATION**

*(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)*

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date);

Not Applicable.

**12. DUE DILIGENCE CHECKLIST**

*(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)*

- Vacant Residential Land or Land with a Residence
- Attach Due Diligence Checklist (this will be attached if ticked)

**13. ATTACHMENTS**

*(Any certificates, documents and other attachments may be annexed to this section 13)*

*(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)*

*(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)*



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

VOLUME 10739 FOLIO 702

Security no : 124093411483H  
Produced 29/10/2021 11:55 AM

**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 503341U.  
PARENT TITLE Volume 09856 Folio 977  
Created by instrument PS503341U 23/07/2003

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
BR 190 KENILWORTH PTY LTD of 28 MOUNT PLEASANT DRIVE MOUNT WAVERLEY VIC 3149  
AR307822B 01/08/2018

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AR307823Y 01/08/2018  
PERPETUAL CORPORATE TRUST 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  
AC241788S 05/08/2003

**DIAGRAM LOCATION**

SEE PS503341U FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 204 KENILWORTH AVENUE BEACONSFIELD VIC 3807

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 19205Y MAKINSON D'APICE LAWYERS  
Effective from 12/04/2021

DOCUMENT END



# Imaged Document Cover Sheet

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Document Identification	<b>PS503341U</b>
Number of Pages (excluding this cover sheet)	<b>3</b>
Document Assembled	<b>29/10/2021 11:58</b>

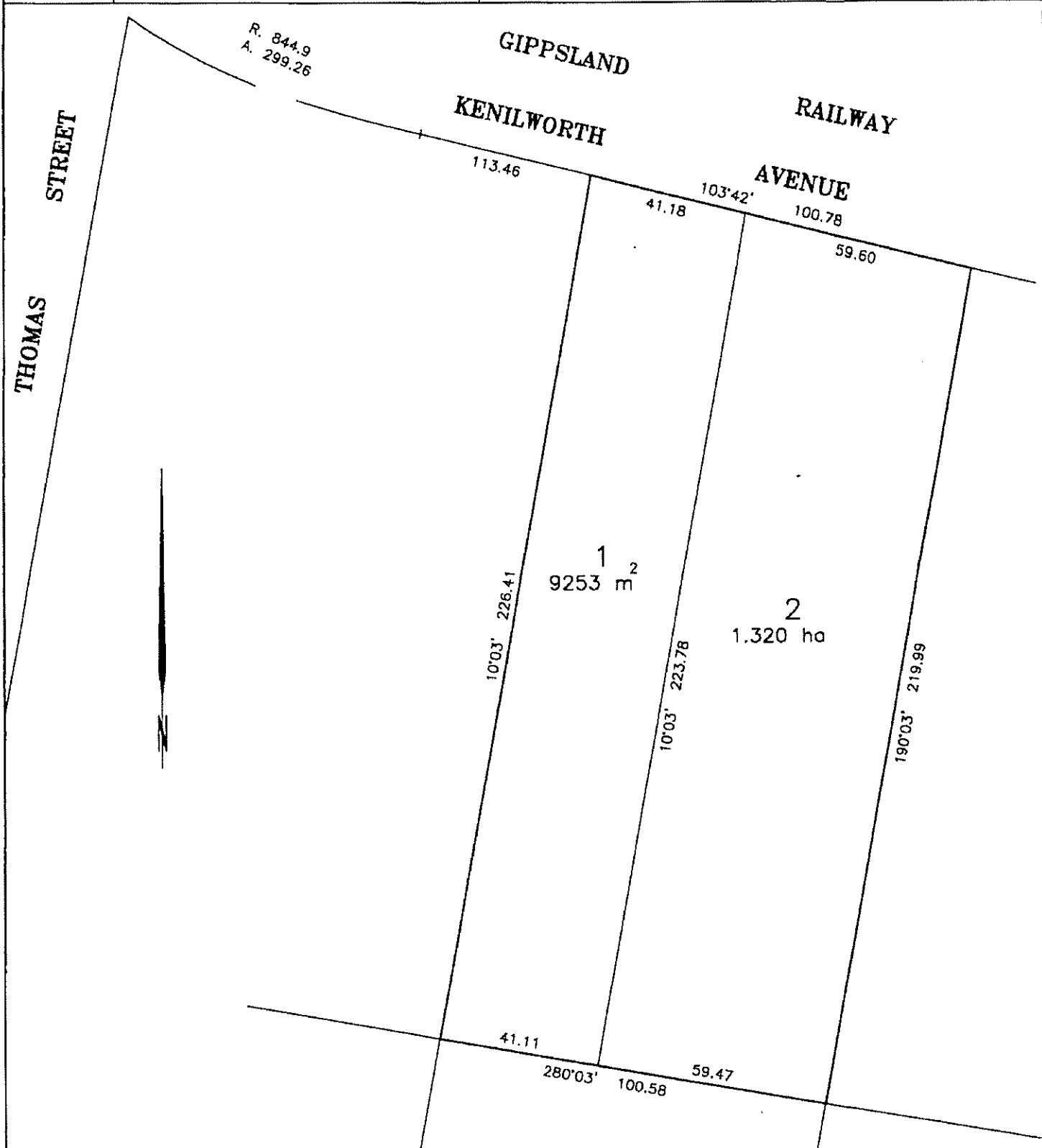
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<b>PLAN OF SUBDIVISION</b>				Stage No. <hr/>	LR use only <b>EDITION 2</b>	Plan Number <b>PS 503341U</b>
<b>LOCATION OF LAND</b> PARISH: PAKENHAM TOWNSHIP: SECTION: CROWN ALLOTMENT: CROWN PORTION: 31(PART) LTO BASE RECORD: TITLE REFERENCE: C/T.VOL.9856 FOL.977 LAST PLAN REFERENCE: LOT 31 L.P.2963 POSTAL ADDRESS: (at time of subdivision) 210 KENILWORTH AVENUE OFFICER 3809  AMG CO-ORDINATES: E 358120 ZONE 55 (of paracentroid of land in plan) N 5785920				<b>COUNCIL CERTIFICATION AND ENDORSEMENT</b> Council Name: CARDINIA SHIRE Ref: T010764 502/089 1. This plan is certified under section 6 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 / /</del> 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988. <b>OPEN SPACE</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 has / has not been made. <del>(ii) The requirement has been satisfied.</del> <del>(iii) The requirement is to be satisfied in Stage</del>  Council delegate <del>Council seal</del> Date 22/5/2003  <del>Re-certified under section 11(7) of the Subdivision Act 1988.</del> Council delegate <del>Council seal</del> Date / /		
<b>NOTATIONS</b>						
Depth Limitation: Does not apply.				Staging: This is not a staged subdivision. Planning permit No. T010764		
Survey: THIS PLAN IS NOT BASED ON SURVEY.  To be completed where applicable. This survey has been connected to permanent marks no(s). In Proclaimed Survey Area no.						
<b>EASEMENT INFORMATION</b>						LR use only
						Statement of Compliance/ Exemption Statement
A-Appurtenant Easement    E-Encumbering Easement    R-Encumbering Easement(Road)						Received <input checked="" type="checkbox"/>
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited / In Favour Of		Date 11/7/103
						LR use only PLAN REGISTERED TIME 14:57 DATE 23/7/103 <i>[Signature]</i> Assistant Registrar of Titles
<b>BACKHOLER, McMILLAN &amp; ASSOCIATES</b> P.O. BOX 498 EMERALD 3782 PH.59685379						Sheet 1 of 2 Sheets
LICENSED SURVEYOR KIM LAURENCE BACKHOLER SIGNATURE _____ DATE 30/1/103  REF 98408      VERSION 2				DATE 22/5/103 COUNCIL DELEGATE SIGNATURE _____		
						Original sheet size A3

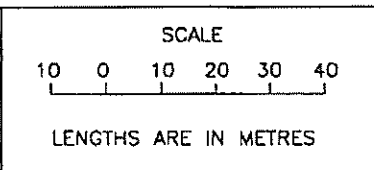
<b>PLAN OF SUBDIVISION</b>	Stage No. _____	Plan Number <b>PS 503341U</b>
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**BACKHOLER, McMILLAN & ASSOCIATES**  
 P.O. BOX 498 EMERALD 3782  
 PH. 59685379

Sheet 2

ORIGINAL
SCALE
1:1000
SHEET SIZE
A3



LICENSED SURVEYOR	KIM LAURENCE BACKHOLER
DATE	30/1/03
REF	98408
VERSION	2

DATE 22/5/2003

COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

Original sheet size A3







# Imaged Document Cover Sheet

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Document Type	<b>Instrument</b>
Document Identification	<b>AC241788S</b>
Number of Pages (excluding this cover sheet)	<b>12</b>
Document Assembled	<b>29/10/2021 11:58</b>

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AC241788S



**Application by Responsible Authority,  
Relevant Authority, Referral Authority  
or Council for the making of a recording  
of an agreement**

**Section 181(1) Planning and Environment Act 1987**

Lodged by:

Name: *Oakley Thompson & Co*  
Phone: *(03) 9614 3771*  
Address: *Level 17, 500 Collins Street, Melbourne 3000*  
Ref: *JMV:GR:20020424*  
Customer Code: *1897 P*

The authority or council having made an agreement requires a recording to be made in the Register for the land.

Land: Volume <sup>10739</sup>~~9856~~ Folios ~~977~~ *702 = 703*

Authority or Council: *Cardinia Shire Council*

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.

Date: *5/8/2003*

Signed:

*Y Tracy Parker*  
signed by official of authority or council

*TRACEY PARKER*  
print name

*MANAGER DEVELOPMENT SERVICES*  
position held



**AC241788S**

05/08/2003 \$59

173



# **Deed of Agreement**

## **Section 173 Agreement**

*Responsible Authority*

*Cardinia Shire Council*

and

**South East Water Limited**

**ABN 89 066 902 547**

and

*Land Owner*

*Kevin Vincent Finn & Joan Anne Finn*

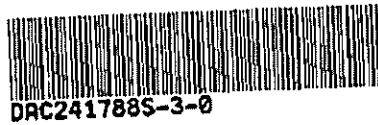


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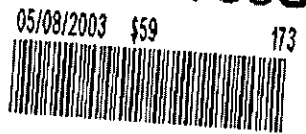
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*[Handwritten signature]*

AC241788S



DEED OF AGREEMENT  
Section 173 Agreement

DATE 1 July 2003

PARTIES

Cardinia Shire Council of Municipal Offices Henty Way, Pakenham (the "Responsible Authority");

South East Water Limited ABN 89 066 902 547 of 20 Corporate Drive, Moorabbin, Victoria, 3189 ("South East Water"); and

Kevin Vincent Finn and Joan Anne Finn of 210 Kenilworth Avenue, Officer (the "Owner").

RECITALS

- A. The Owner is the registered proprietor of an estate in fee simple of the land known as Lot 1 on Plan of Subdivision 503341U and being part of the land described in Certificate of Title Volume 9856 Folio 977 (the "Land").
- B. The Cardinia Shire Council is the Responsible Authority, under the *Planning and Environment Act 1987* (the "Act"), for the purposes of the Cardinia Planning Scheme (the "Scheme"). The Land is affected by the provisions of the Scheme.
- C. South East Water is the holder of a water and sewerage licence pursuant to section 17 of the *Water Industry Act 1994* (Vic). The Land is included in South East Water's licensed area.
- D. The Responsible Authority issued a planning permit (permit no. T010764) to subdivide the Land into 2 allotments in accordance with plan of Subdivision no. 503341U (the "Permit"). Pursuant to Condition 2 of the Permit, the Owner is required to enter into an agreement with South East Water for the provision of sewerage services to the Land and fulfil all requirements (in relation to the provision of sewerage infrastructure) to South East Water's satisfaction.
- E. At the date of this Agreement, the Land is encumbered by Mortgage No W439546T and X615515Y in favour of the Permanent Trustee Company and Joseph Krause and Toni Krause (the "Mortgagee"). The Mortgagee has consented to the Owner entering into this Agreement with respect to the Land.
- F. The Responsible Authority, South East Water and the Owner have agreed to enter into this agreement pursuant to section 173 of the Act.

OPERATIVE PROVISIONS

1. DEFINITIONS AND INTERPRETATION

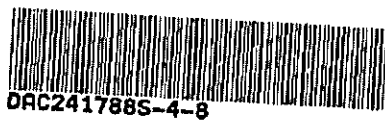
Definitions

"Act" means the *Planning and Environment Act 1987*.

"Agreement" means this Deed of Agreement.

"Chief General Manager" means the Chief General Manager within the meaning of the *Health Act 1958* (Vic).

"EPA" means the Environment Protection Authority.



"Land" has the meaning ascribed to it in Recital A.

"Laws" means Commonwealth, Victorian or local government legislation, regulations, by-laws and other sub-ordinate legislation, codes and policies (including the State Environment Protection Policy (Waters of Victoria)), judicial , administrative or regulatory decrees, judgments or orders from time to time including as amended or modified or re-enacted from time to time.

"Sewage" means sewage as defined in the Water Act 1989 (Vic).

"South East Water" means South East Water Limited ABN 89 066 902 547 of 20 Corporate Drive, Moorabbin, Victoria and includes any delegate of South East Water or any subsequent holder of a water and sewerage licence pursuant to section 17 of the Water Industry Act that applies to the Land.

"Transferee" means a person or company who takes transfer of or enters into a Contract of Sale to purchase the Land.

"Water Industry Act" means the Water Industry Act 1994 (Vic).

**General Interpretation**

In this Agreement, unless the context otherwise requires:

- (a) a reference to any legislation or any legislative provision includes any statutory modification or re-enactment of, or legislative provisions substituted for, and any subordinate legislation issued under, that legislation or legislative provisions;
- (b) the singular includes the plural and vice versa;
- (c) a reference to an individual or person includes a corporation, partnership, joint venture, association, authority, trust, state or government, or vice versa;
- (d) a reference to any gender includes all genders;
- (e) a reference to a recital, clause, schedule, annexure or exhibit is to a recital, clause, schedule, annexure or exhibit of or to this Agreement;
- (f) a recital, schedule, annexure or a description of the parties forms part of this Agreement;
- (g) a reference to any Agreement or document is to that Agreement or document (and, where applicable, any of its provisions) as amended, innovated, supplemented, or replaced from time to time;
- (h) a reference to any party to this Agreement or any other document or arrangement includes that party's executors, administrators, substitutes, successors and permitted assigns; and
- (i) where an expression is defined, another part of the speech or grammatical form of that expression has a corresponding meaning.

**Headings**

In this Agreement, headings are for convenience of reference only and do not affect interpretation:

**2. CONFIRMATION OF RECITALS**

Each of the parties to this Agreement confirms the recitals that relate to that party.



DAC241788S-3-6



DAC241788S-6-4

**3. EFFECT OF THE AGREEMENT AND REGISTRATION**

**3.1 Agreement Under Section 173 of the Act**

The parties agree that without limiting or restricting the respective powers to enter into this Agreement and, in so far as it can be so treated, this Agreement is made pursuant to section 173 of the Act.

**3.2 Covenants to Run with the Land**

The parties agree and declare that the obligations imposed on the Owner under this Agreement are intended to take effect as covenants which shall be annexed to and run at law and equity with the whole or any part of the Land and bind the Owner, its successors, transferees and permitted assigns, the registered proprietor or proprietors for the time being of the Land.

**3.3 Registration Memorandum**

- (a) An application, pursuant to section 181 of the Act shall be made by the Responsible Authority to the Registrar of Titles for the entry of a memorandum of this Agreement upon the Certificate of Title to the Land.
- (b) The Owner shall do all things necessary to enable the application made by the Responsible Authority to be entered on the Certificate of Title to the Land, including signing any further agreement, acknowledgment or document.

**4. COVENANTS**

**4.1 Owner's Covenants**

If a reticulated sewerage system is not provided to the Land, the Owner covenants and agrees with the Council and South East Water as follows:

- (a) It will at the written request of the Council, the Chief General Manager or the EPA, upon 60 days notice, provide proof at the cost of the Owner, and to the satisfaction of the Council, Chief General Manager or the EPA making the request, that:
  - (i) all sewage is being and will continue to be treated and retained within the Land without danger to public health, safety and the environment; and
  - (ii) any treatment systems meet and will continue to meet the relevant requirements of all Laws relating to such systems;
- (b) For the purpose of providing proof under clause 4.1(a), and without limiting any other form of proof that may be required, it will conduct such tests reasonably required by the Council, the Chief General Manager or the EPA at the cost of the Owner;
- (c) It will at the written request of the Council, and at the Owner's cost:
  - (i) repair, replace or upgrade its treatment system; and
  - (ii) take any other steps required by the Council to ensure that:
    - (A) all sewage is being and will continue to be adequately treated and retained within the Land without danger to public health, safety or the environment; and
    - (B) any treatment system it uses meets and will continue to meet the requirements of Laws relating to such systems and the treatment of sewage from time to time;



(d) Without limiting any powers of the Council under clause 4.1(c), if the Council is not satisfied that:

- (i) all sewage is being or will continue to be adequately treated and retained within the Land without danger to public health, safety or the environment; or
- (ii) any treatment system used by the Owner meets and will continue to meet the requirements of all Laws relating to such systems and the treatment of sewage from time to time,

subject to clause 4.1(e), the Owner will at the written request of the Council, enter into an agreement with South East Water for the provision of reticulated sewerage services to the Land and fulfil all requirements of South East Water;

(e) If South East Water provides, agrees to provide, or is legally required to provide reticulated sewerage services to the Land, whether pursuant to any agreement, or backlog or other program or scheme or otherwise, the Owner will pay the cost of extending and connecting the reticulated sewer and associated works to the Land, including pay the cost of any works, and pay the area contribution charge and other charges applicable from time to time.

**4.2 Council's and Owner's Agreements and Acknowledgments**

The Council and the Owner acknowledge and agree that:

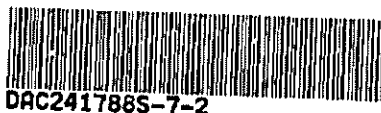
- (a) South East Water shall not be required to enter into an agreement with the Owner for the provision of reticulated sewerage services to the Land except to the extent it is required to do so under the Water Industry Act; and
- (b) nothing in this Agreement shall limit the powers of South East Water under the Water Industry Act, including Section 65(1) of that act.

**4.3 South East Water's Agreement**

Any payments required by South East Water under Sections 27 and 29 of the Water Industry Act shall be assessed by South East Water in accordance with those respective provisions of that act.

**5. OWNER'S INDEMNITY AND RELEASE**

The Owner covenants to indemnify and keep indemnified the Responsible Authority and South East Water, their officers, employees, agents, workman and contractors from and against all costs, expenses, losses or damages which they or any of them may sustain, incur or suffer or be or become liable for or in respect of any suit, action, proceeding, judgement or claim brought by any person arising from or referable to the provision of sewerage services to the Land, this Agreement or any non-compliance with this Agreement.



**6. OWNER'S WARRANTIES**

- (a) Without limiting the operation or effect of this Agreement, 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 Land which may be affected by this Agreement.
- (b) The Owner covenants to obtain the consent by any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes a mortgagee in possession of the Land.
- (c) Without limiting the operation or effect of this Agreement, the Owner must ensure that until a Memorandum of this Agreement is registered on the Certificate of Title to this Land, the Owner will ensure that its Transferees:
  - (i) give effect to, do all acts and sign all documents to give effect to this Agreement; and
  - (ii) execute a deed agreeing to be bound by this Agreement.

**7. OWNER'S OR TRANSFEREE'S DEFAULT**

If the Owner or a Transferee fails to comply with the provisions of this Agreement or any requirement made under the provisions of this Agreement, the Responsible Authority or South East Water may serve a notice on the Owner or a Transferee (as the case may be) specifying the works, matters and things in respect of which the Owner or Transferee is in default. If the alleged default continues for 30 days after the service of such notice, the Responsible Authority or South East Water may by its officers, employees, agents and contractors enter the Land and ensure that the works, matters and things are carried out. The costs incurred by the Responsible Authority or South East Water in undertaking the works as a result of the Owner or Transferee's default will be payable by the Owner or the Transferee.

**8. COSTS**

The Owner will pay South East Water's and the Responsible Authority's reasonable costs and expenses in relation to the negotiation, preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until payable remain a debt due to the Responsible Authority and/or South East Water (as the case may be).

**9. NO FETTERING OF THE RESPONSIBLE AUTHORITY'S POWERS**

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Responsible Authority to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision application to the Land or relating to any use or development of the Land.

**10. NOTICES**

Any notice under this Agreement may be served by delivering, either personally or by registered mail, to the Parties.

**11. SEVERABILITY**

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, paragraph or clause of this Agreement is unenforceable, legal or void then it must be severed and the other provisions of this Agreement remain operational.



**12. FURTHER ASSURANCE**

Each party must promptly execute and deliver all documents and take all other actions necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

**13. NO WAIVER**

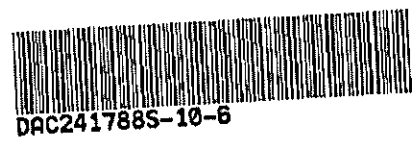
Any time or time indulgence granted by the Responsible Authority or South East Water to the Owner or any variation of the terms and conditions of this Agreement will not in any way amount to a waiver of any of the rights and remedies of the Responsible Entity or South East Water in relation to the terms of this Agreement.



DAC241788S-9-9

A handwritten signature in black ink, appearing to be a stylized name.

EXECUTED AS A DEED



THE COMMON SEAL of [Responsible Authority] was hereunto affixed by the authority of the Responsible Authority in the presence of:

Signed by and on behalf and with the authority of the Cardinia Shire Council by Tracey Parker, in the exercise of power conferred by an Instrument of Delegation dated 16 October 2000.

Tracey Parker  
Councillor  
In the presence of:  
James New  
Name of Councillor WITNESS

EXECUTED by SOUTH EAST WATER LIMITED, by its duly appointed Attorney in the presence of:

M. Mayer  
Witness  
MICHELLE MAYER  
Name (print)

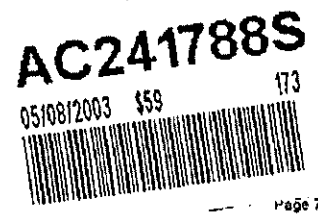
[Signature]  
Attorney  
TOM MOLLENKOPF  
Name (print)

Date of Power of Attorney: ~~16 December 1998~~  
18 MARCH 2002

THE COMMON SEAL of [insert Owner's name if a company] was affixed in accordance with its Constitution in the presence of:

[Signature]  
Signature of director  
[Signature]  
Name of director

[Signature]  
Signature of director/secretary  
[Signature]  
Name of director/secretary



SIGNED SEALED AND DELIVERED by [insert Owner's name if an individual] in the presence of:



Witness [Signature]

Owner [Signature]

Name (print) Yvonne Jounsaill

Mortgagee's Consent

PERMANENT TRUSTEE COMPANY as Mortgagee of registered mortgage No. W439546T 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.

JOSEPH KRAUSE as Mortgagee of registered mortgage No. X615515Y 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.

TONI KRAUSE as Mortgagee of registered mortgage No. X615515Y 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.

12177.

PERMANENT TRUSTEE COMPANY LIMITED ACN 009 630 993  
 by its Attorneys who state that they have no notice of revocation of the  
 Power of Attorney dated 2nd June 1993, a certified copy of which is  
 filed in Permanent Order Book No. 277 at page 6, item 4, whereby they  
 execute this deed document or instrument.

Group A Attorney: ANGEL [Signature] Name: ANGELOVSKA  
 Group B Attorney: [Signature] Name: KYLEE NOON  
 SENIOR TRUST ADMINISTRATOR  
 CLIENT SERVICE

[Signature]

ASHLEIGH SCHIPP  
DOCUMENT OFFICER  
CLIENT SERVICE

35 CLARENCE STREET, SYDNEY, 2000

AC241788S  
 05/08/2003 \$59 173  
 [Barcode]

[Signature]

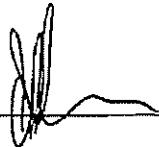
MORTGAGEE'S CONSENT



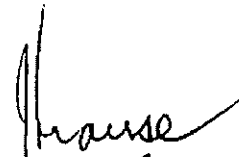

Permanent Trustee Company as Mortgagee of registered Mortgage No W439546T consents to the Owner entering into this Agreement and agrees to be bound by the terms and conditions of this Agreement as if the Bank were the Owner of the Land.

SIGNED SEALD AND DELIVERED by

Joseph & Toni Krause in the presence of:

  
\_\_\_\_\_

Witness

  
  
\_\_\_\_\_

Mortgagee's

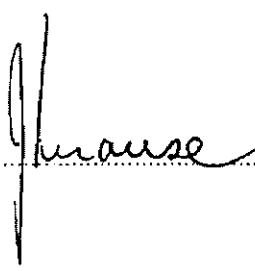
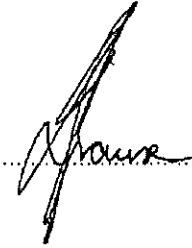
SHARON STEVENS

Name (print)

Mortgagee's Consent

JOSEPH KRAUSE as Mortgagee of registered mortgage No. X615515Y 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.

TONI KRAUSE as Mortgagee of registered mortgage No. X615515Y 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.

  
.....  


AC241788S

05/08/2003 \$59 173



**LAND INFORMATION CERTIFICATE  
SECTION 121 LOCAL GOVERNMENT ACT 2020  
LOCAL GOVERNMENT (LAND INFORMATION)  
REGULATIONS 2021**



Landata Counter Services  
DX 250639  
Melbourne

**CERTIFICATE NO:** 67403  
**APPLICANT REFERENCE:** 56410120-018-4  
**DATE:** 3/11/2021

This certificate PROVIDES information regarding valuations, rates, charges, other moneys owing and any orders and notices made under the Local Government Act 2020, the Local Government Act 1989, the Local Government Act 1958 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.

<b>ASSESSMENT NO:</b> 1446451890	<b>VALUATIONS</b>
<b>PROPERTY LOCATION:</b> 204 Kenilworth Ave Beaconsfield 3807	<b>SITE VALUE:</b> 1825000
<b>TITLE DETAILS:</b> L1 PS503341 V10739 F702	<b>CAPITAL IMPROVED VALUE:</b> 1825000
	<b>NET ANNUAL VALUE:</b> 91250
	<b>LEVEL OF VALUE DATE:</b> 01/01/21
	<b>OPERATIVE DATE:</b> 01/07/21

**PROPERTY RATES & CHARGES**

Rates and charges for the financial year ending 30 June 2022

<b><u>RATES &amp; CHARGES</u></b>	<b>LEVIED</b>	<b>BALANCE</b>
ARREARS BROUGHT FORWARD		\$0.00
RATES	\$9,784.23	\$9,784.23
INTEREST		\$0.00
MUNICIPAL CHARGE	\$0.00	\$0.00
FIRE SERVICES PROPERTY LEVY	\$221.68	\$221.68
GARBAGE	\$77.44	\$77.44
GREEN WASTE LEVY	\$0.00	\$0.00

**SPECIAL RATES /SPECIAL CHARGES**

<b>SCHEME NAME</b>	<b>ESTIMATED AMOUNT</b>	<b>PRINCIPAL BALANCE</b>	<b>INTEREST BALANCE</b>
		\$0.00	\$0.00
		<b>TOTAL SCHEME BALANCE</b>	<b>\$0.00</b>

**OPEN SPACE CONTRIBUTION**

**TOTAL OUTSTANDING** **\$10,083.35**



<b>Billor code</b>	858944
<b>Reference</b>	14464518902

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 121 LOCAL GOVERNMENT ACT 2020  
LOCAL GOVERNMENT (LAND INFORMATION)  
REGULATIONS 2021**

204 Kenilworth Ave  
Beaconsfield  
L1 PS503341 V10739 F702

---

**NOTICES AND ORDERS**

Other Notices or Orders on the land that have been served by Council under the Local Government Act 2020, the Local Government Act 1989, the Local Government Act 1958 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 \$27.40 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.**



26 April 2021



Banriar Investments P/L  
C/- Hansen Partnership P/L  
Level 4, 136 Exhibition Street  
MELBOURNE VIC 3000

[cgentle@hansenpartnership.com.au](mailto:cgentle@hansenpartnership.com.au)

Dear Cameron,

**Application No.:** T170521-1  
**Property No.:** 1446451700  
**Address:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807  
**Proposal:** Subdivision of the land, associated works and removal of a restrictive covenant.

I wish to advise that your application to amend the planning permit has been approved.

Please find enclosed your copy of the amended permit. This permit now supersedes the previously issued permit.

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.

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 03 5943 4379 or [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au).

Yours faithfully,

Emily Cook  
Principal Growth Area Planner

# AMENDED PERMIT

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

**PLANNING PERMIT NUMBER:** T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

**THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:**

<b>Date amended:</b>	<b>Pursuant to Section 72-76B of the <i>Planning and Environment Act 1987</i> the permit has been amended to:</b>
<b>23 April 2021</b>	Delete condition 9(d).  Amend condition (18).  Include condition 20(c) and 20(d).

1. The subdivision of land must be generally in accordance with the plans endorsed under this permit and subject to the conditions set out in this permit.
2. The layout of the subdivision and access as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.
3. The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the Responsible Authority.
4. Once the subdivision of each stage starts, it must be continued and completed to the satisfaction of the Responsible Authority.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authorities in accordance with Section 8 of that Act and Clause 66 of the Cardinia Planning Scheme.
6. All existing and proposed easements and sites for existing or required utility services, roads, public open space and other infrastructure 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.
7. 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/s 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 industry specifications or any standards set by the Australian Communications and Media Authority, unless the owner of the land can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
 Page 1 of 20



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

8. Within four (4) weeks of the registration of the plans at the Land Titles Office, a Certificate of Title for all land vested in the Responsible Authority on the plan of subdivision must be sent to the Responsible Authority.

### Certification

9. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988:
- Restrictive Covenant PS503341U must be removed from L1 PS503341 204 Kenilworth Avenue, Beaconsfield.
  - A cash payment must be made to Cardinia Shire Council of the amount specified as the over provision value in Section 173 Agreement AN107367Y.
  - The land required for Iceberg Road, as shown in the Officer Precinct Structure Plan and Section 173 Agreement AN107367Y, contained within L3 PS531543 208 Kenilworth Avenue, Beaconsfield must be vested in the Responsible Authority at no expense to Cardinia Shire Council.
  - Deleted.
10. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, the permit holder must nominate the telecommunications fibre to the premises (FTTP) network provider to Council's Subdivision Department (Phone: 5945 4315).
11. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, an amended Public Infrastructure Plan (PIP) to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. Once approved, the PIP must be implemented to the satisfaction of the Responsible Authority.

The PIP must be in accordance with the plans submitted with Wattle Estate, 190, 198, 204, 208, 210 Kenilworth Avenue, Beaconsfield, Public Infrastructure Plan, August 2018 but modified to 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 and Development Contributions Plan, 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 to the satisfaction of the Responsible Authority:

- The approved lot layout.
- The staging sequence

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
Page 2 of 20



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- 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 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 item considered relevant by the Responsible Authority unless otherwise agreed in writing by the Responsible Authority.

The PIP may be amended with the written consent of the Responsible Authority.

12. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a landscape masterplan for the entire estate to the satisfaction of the Responsible Authority must be submitted to 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 one (1) copy must be provided in an approved electronic format. The plan must show and include:

- a) How the proposed development is responsive to the Cardinia Shire Council Developer Landscape Guidelines, including the Landscape Masterplan checklist (as amended from time to time) [https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)
- b) Key themes, landscape principles and character that will define the subdivision.
- c) Locations of substations.
- d) Entrance treatments.
- e) Locations of any protected trees or patches of protected native vegetation to be retained. Existing trees along Kenilworth Ave should be retained where possible.
- f) The tree protection zone for each protected tree must be clearly shown on the site plan. Existing trees along Kenilworth Ave should be retained where possible.
- g) Location of any waterway or waterbody on or adjoining the land.
- h) The principles and graphical concepts of the proposed treatment of the open space and drainage reserves; and
- i) How any landscape requirements or guidelines within the Officer Precinct Structure Plan are proposed to be implemented.

**Date Issued:** 13 September 2018

**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**

Page 3 of 20



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

(Please note: The landscaping works shown on the endorsed landscape master plan/s are to be used to inform the final construction drawings and landscape specifications developed for construction and approved by open space. The landscaping works shown on the approved landscape plan/s must be carried out and completed to the satisfaction of the Responsible Authority).

13. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, amended building design guidelines and fencing controls for all lots within the entire estate to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The guidelines must address the housing planning and design guidelines of the Officer Precinct Structure Plan and include measures to ensure:
- Dwellings and garages do not dominate the streetscape.
  - Dwelling design provides for passive surveillance and attractive streetscapes.
  - Fencing visible from the public realm is minimised and, provides for passive surveillance and attractive streetscapes.
  - Landscaping provides for passive surveillance and attractive streetscapes.
  - Only one (1) single dwelling is permitted each lot and lots may not be further subdivided.

To the satisfaction of the Responsible Authority

14. Before the plan of subdivision for the first stage is certified under the Subdivision Act 1988, a Land Management Plan to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. The Land Management Plan must clearly show:
- Interim management of the land until ultimate development as it relates to the approved staging plan.
  - Details about the placement of fill and prevention of dumping of materials;
  - Dust control measures;
  - Weed and pest control measures;
  - Mowing, slashing and fire risk management;
  - Details about grazing and other agricultural activity;

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
Page 4 of 20



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

ADDRESS OF THE LAND: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- g) Access management (ie. limiting access to the land from existing public roads until their construction to an urban standard) and construction access.
15. All land must be managed in accordance with the Land Management Plan approved by the Responsible Authority.
16. Before the plan of subdivision for Stage 4 is certified under the Subdivision Act 1988, the land for north-south road reserve contained within from L2 PS5427776 198 Kenilworth Avenue, Beaconsfield must be shown as vested in the Responsible Authority.
17. Before the plan of subdivision for the each stage is certified under the Subdivision Act 1988, or at such other time which is agreed between Council and the owner, where the Officer Small Lot Housing Code applies to lots measuring less than 300sqm in accordance with the Officer Precinct Structure Plan (2011), the Officer Small Lot Housing Code must be applied as a restriction on the plan of subdivision or through an agreement under section 173 of the Planning and Environment Act 1987 and must be registered on the title to the land. The restriction or the agreement must provide for the following:
- a) Except with the written consent from the Responsible Authority, all buildings to be constructed in accordance with the building envelope on the relevant lot as defined by the Officer Small Lot Housing Code.
18. Before the plan of subdivision for each stage is certified under the Subdivision Act 1988 excluding Stage 1, 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 including the reasonable costs of the Responsible Authority.

The restriction or agreement must provide (as appropriate):

- a) Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling outside of the prescribed building envelope. In addition to standard building envelopes, for lots exceeding 999sqm building envelopes must include:
- i. Minimum side setbacks of 2m and,
- ii. Minimum rear setbacks of 5m.
- b) Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling

Date Issued: 13 September 2018

Date Amended: 23 April 2021

Signature for the Responsible Authority:

Page 5 of 20



Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

(and/or associated works), other than in accordance with the approved design guidelines as approved by Cardinia Shire Council.

- c) Only one (1) single dwelling is permitted each lot and lots may not be further subdivided.
- d) Include an appropriate sunset clause being 15 years after the plan of subdivision is registered and expressed as a date (ie. 31 December 2035).

## Statement of Compliance

19. Before the issue of a Statement of Compliance for Stage 1 of the subdivision under the Subdivision Act 1988, or any other time agreed to in writing by the Responsible Authority, 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, if applicable, having regard to the areas set aside in a plan of subdivision and the amount specified in the schedule to Clause 52.01.
- c) The timing of any payments to be made to the owner in respect of any infrastructure project having regard to the availability of funds in the DCP or the public open space account.

The owner must pay for all reasonable costs (including legal costs) associated with preparing, reviewing, executing and registering the agreement on the certificate of title to the land (including those incurred by the Responsible Authority).

20. Before the issue of a Statement of Compliance for Stage 1 of the subdivision under the Subdivision Act 1988:

- a) Section 173 Agreement AC241788S made under the Planning and Environment Act 1987, must be removed from L1 PS503341 204 Kenilworth Avenue, Beaconsfield.
- b) Iceberg Road must be constructed from the southern property boundary of L1 PS503341 204 Kenilworth Avenue, Beaconsfield to the northern extent of the approved Stage 1 boundary, in accordance approved detailed design (engineering plans) and the Officer Development Contribution Plan to the satisfaction of the Responsible Authority.
- c) The permit holder must complete following in accordance with Section 173 Agreement AN107367Y in relation to L3 PS531543 208 Kenilworth Avenue, Beaconsfield and the ultimate alignment of Iceberg Road to the satisfaction of the Responsible Authority at no expense to Cardinia Shire Council:

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
**Page 6 of 20**



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

**THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:**

---

- i. Replace fences with post and wire fences;
- ii. Relocate the driveway to a location agreed to by the Owner and replacing the driveway with gravel;
- iii. Relocate the mailbox if necessary.
- d) 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 for Stage 1. The owner of the land or permit holder must pay all reasonable costs of the preparation, execution and registration of the section 173 Agreement including the reasonable costs of the Responsible Authority.

The restriction or agreement must provide (as appropriate):

- i. Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling outside of the prescribed building envelope.
  - ii. Except with the written consent from the Responsible Authority, the registered proprietor of proprietors of any burdened lot must not, build or allow to be built on the land any dwelling (and/or associated works), other than in accordance with the approved design guidelines as approved by Cardinia Shire Council.
  - iii. Only one (1) single dwelling is permitted each lot and lots may not be further subdivided.
  - iv. Include an appropriate sunset clause being 15 years after the plan of subdivision is registered and expressed as a date (ie. 31 December 2035).
21. Before the issue of a Statement of Compliance for Stage 2 of the subdivision under the Subdivision Act 1988:
- a) Section 173 Agreements AD458572Y, AD654821 and AG555591C made under the Planning and Environment Act 1987, must be removed from L2 PS5427776 198 Kenilworth Avenue, Beaconsfield.
  - b) All existing structures (including but not limited to dwellings, outbuildings and septic systems) must be removed from L2 PS5427776 198 Kenilworth Avenue, Beaconsfield. All existing septic tank and septic tank systems (including fittings and fixtures) must be removed, the tank contents must be pumped out and the existing waste water treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority.

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Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.



# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

22. Before the issue of a Statement of Compliance for Stage 3 of the subdivision under the Subdivision Act 1988:
- a) All existing structures (including but not limited to dwellings, outbuildings and septic systems) must be removed from Lot 33 LP2963 190 Kenilworth Avenue, Beaconsfield. All existing septic tank and septic tank systems (including fittings and fixtures) must be removed, the tank contents must be pumped out and the existing waste water treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority.
  - b) Kenilworth Avenue must be constructed from the western boundary of Lot 33 LP2963 190 Kenilworth Avenue, Beaconsfield to Brunt Road in accordance approved detailed design (engineering plans) and the Officer Development Contribution Plan to the satisfaction of the Responsible Authority.
  - c) A certificate from a geotechnical engineer must be submitted to the Responsible Authority certifying that the filling of any dam on the land has been undertaken in accordance with acceptable engineering standards, to the satisfaction of the Responsible Authority.
23. Before the issue of a Statement of Compliance for Stage 5 of the subdivision under the Subdivision Act 1988:
- a) All existing structures must be removed within the approved Stage 5 boundary.
  - b) Either:
    - i. All existing structures (including but not limited to dwellings, outbuildings and septic systems) must be removed from L1 PS503341 204 Kenilworth Avenue, Beaconsfield. All existing septic tank and septic tank systems (including fittings and fixtures) must be removed, the tank contents must be pumped out and the existing waste water treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority, or,
    - ii. The existing dwelling at L1 PS503341 204 Kenilworth Avenue, Beaconsfield must be connected to reticulated sewerage in accordance with the requirements of the relevant servicing authority and the existing septic tank and septic tank systems (including fittings and fixtures) must be removed. The tank contents must be pumped out and the existing waste water treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority.
  - c) The land for north-south road reserve contained within from L2 PS5427776 198 Kenilworth Avenue, Beaconsfield must be vested in the Responsible Authority.

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

ADDRESS OF THE LAND: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- d) Iceberg Road must be constructed within the approved Stage 5 boundary in accordance approved detailed design (engineering plans) to the satisfaction of the Responsible Authority.
24. Before the issue of a Statement of Compliance for Stage 6 of the subdivision under the Subdivision Act 1988,
- a) All existing structures (including but not limited to dwellings, outbuildings and septic systems) must be removed from L1 PS503341 204 Kenilworth Avenue, Beaconsfield. All existing septic tank and septic tank systems (including fittings and fixtures) must be removed, the tank contents must be pumped out and the existing waste water treatment system must be decommissioned by a plumber to the satisfaction of the Responsible Authority.
- b) Iceberg Road must be constructed within the approved Stage 6 boundary and connected to Kenilworth Avenue in accordance approved detailed design (engineering plans) to the satisfaction of the Responsible Authority.
25. Before the issue of a Statement of Compliance each stage of 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.
- c) A suitably qualified professional that the requirements of Clause 56.09-3 (Fire Hydrants Objectives Standard C29) of the Cardinia Planning Scheme have been provided on the land.
26. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, or at a time otherwise specified in a Section 173 agreement registered on the certificate of title to the land, a public open space contribution must be made to Cardinia Shire Council as a cash payment in respect of that stage. The cash payment is to be equivalent to the value of the percentage of Net Developable Area of the land in that stage as set out in the Schedule to Clause 52.01 of the Cardinia Planning Scheme.
27. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, 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

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

ADDRESS OF THE LAND: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Development & Subdivision of Land", "Development Construction Specification" and the "Water Sensitive Urban Design (WSUD) Guidelines".

28. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, all services, including drainage and/or sewerage, servicing any existing dwelling or building on the lot(s), must be relocated (if required) to the satisfaction of the Responsible Authority, to ensure that they do not cross the boundaries between the proposed lots.
29. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, a detailed landscape works plan must be submitted to and approved by the Responsible Authority. The detailed landscape works plan must be prepared by a person suitably qualified or experienced in landscape design to the satisfaction of the Responsible Authority. When approved, the plan will be endorsed and will then form part of the permit. The landscape works plan must be drawn to scale with dimensions and one (1) copy must be provided in an approved electronic format (PDF and CAD). The detailed landscape works plan must be consistent with the endorsed landscape master plan and must show and include to the satisfaction of the Responsible Authority:
- How the proposed design responds to the requirements of the Cardinia Shire Council developer landscape guidelines, including checklist 2 (as amended from time to time). [https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)
  - New plantings, including their layout to be provided in any road reserves and municipal reserves.
  - A detailed planting schedule of all proposed trees, shrubs and groundcovers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant. The plant schedule must be consistent with adjoining sites where roads are continued through.
  - The proposed road reservation widths and the treatment of interfaces with surrounding road reserves, including areas within the road reserves set aside for the retention of existing vegetation.
  - The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
  - The implementation of any landscape principles and guidelines contained in the Officer Precinct Structure Plan.
  - The public open space area to be provided within the development, including the embellishment works within the public open space.

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# AMENDED PERMIT

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

**PLANNING PERMIT NUMBER:** T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

30. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, the landscape works shown on the approved detailed landscape plan for that stage must be carried out and completed to the satisfaction of the Responsible Authority 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. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. Please note: At practical completion the outstanding landscape works bond will be released and only a landscape maintenance bond will be retained.

(Please contact Council's Landscape Development Department in relation to the of the cash bond or bank guarantee amount. Practical completion must be achieved for the landscape works within 24 months of a statement of compliance being issued unless agreed by the Responsible Authority. If practical completion is not achieved within this timeframe, the landscape bond will be forfeited and the Responsible Authority will undertake the works).

31. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, bonding must be provided to the Responsible Authority to cover all landscaping works for a twenty four (24) month maintenance period. Payment can be made in the form of a cash bond or bank guarantee. Refer to the Cardinia Shire Council developer landscape guidelines, (as amended from time to time) for bond calculation details. A Certificate of Final Completion will be issued by the Responsible Authority and the bond released, less any moneys retained for imperfect works, following the satisfactory completion and satisfactory maintenance of the landscaping for a minimum of 24 months. Final completion will not be granted between 1 November and 31 March.

(Please contact Council's Open Space Department in relation to the costs of the cash bond or bank guarantee) [https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)

Practical completion for landscape works will not be granted until 'as constructed' plans are provided in AutoCAD as well as digital landscape information in accordance with the current version of A-SPEC. All graphical information is to be provided in the datum of GDA94 and projection of MGA Zone 55. Refer to A-SPEC website [www.a-specstandards.com.au/o-spec](http://www.a-specstandards.com.au/o-spec) for minimum Council requirements. The submitted information is to be to the satisfaction of the Responsible Authority.

32. Before the issue of a Statement of Compliance each stage of the subdivision under the Subdivision Act 1988, lighting of streets and pedestrian/cycle paths must be designed and provided in accordance with Australian Standard 1158.1 to the satisfaction of the Responsible Authority.
33. A Development Infrastructure Levy must be paid to the Collecting Agency, being Cardinia Shire Council, in accordance with the approved Officer Development Contributions Plan. The

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# AMENDED PERMIT

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Development Infrastructure Levy must be paid to the Collecting Agency within the time specified in the Officer Development Contributions Plan. If no time is specified in the Officer Development Contributions Plan, the Development Infrastructure Levy must be paid to the Collecting Agency, being Cardinia Shire Council after certification of the relevant plan of subdivision, but not more than 21 days prior to the issue of a statement of compliance.

Unless otherwise agreed, a Schedule of Development Contributions must be submitted with each stage of the plan of subdivision. This Schedule of Development Contributions must show the amount of development contributions likely to be payable for each subsequent stage and the value of the development contributions in respect of prior stages to the satisfaction of the Collecting Agency.

### General

34. At least 14 days before any works start, a site specific Construction Environmental 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.
35. 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, 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, to the satisfaction of the Responsible Authority, must be submitted to and approved by the Responsible Authority.

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

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 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, vehicle crossing, bus stops and traffic controls including suitable access prevention measures for Iceberg Road and the vehicle crossing for lot 71 of Plan L dated 30/7/2017 to be on the southern boundary to the satisfaction of the Responsible Authority,
- h) Location and alignment of kerbs, indented parking spaces, footpaths, shared paths, bus stops and traffic controls,
- i) The proposed minor drainage network and any spatial features requiring access,
- j) The major drainage system, including any watercourse, lake, wetland, sediment pond rain gardens, bio-infiltration system and/or piped elements showing preliminary sizing,
- k) Overland flow paths (100 year ARI) to indicate how excess runoff will safely be conveyed to its destination,
- l) Drainage outfall system (both interim and ultimate), indicating legal point of discharge and any access requirements for the construction and maintenance,
- m) A table of offsets for all utility services and street trees,

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- n) Preliminary location of reserves for electrical kiosks and
- o) 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:

- p) The relationship between the subject subdivision stage and surrounding land,
  - q) Proposed linkages to future streets, open space, regional path network and upstream drainage,
  - r) Works external to the subdivision, including both interim and ultimate access requirements,
  - s) Intersections with Category 1 roads showing interim and ultimate treatments,
  - t) Drainage and sewerage outfalls including any easements required over other property.
36. All waste water from any existing septic system must be treated and contained on site within the approved staging boundary in accordance with the EPA Septic Tank Code of Practice and to the satisfaction of the Responsible Authority.
37. Until the existing dwelling is removed or the connected to reticulated sewerage, the existing septic system for L1 PS503341 204 Kenilworth, Avenue Beaconsfield must be treated and contained on site within the approved Stage 5 boundary in accordance with the EPA Septic Tank Code of Practice and to the satisfaction of the Responsible Authority.
38. The recommendations as set out in the Preliminary Site Investigation & Hydrological Assessment, Cardno, 190, 198, 204 and Parts 208 & 210 Kenilworth Avenue, Beaconsfield, V171205Report02.1, July 2018, including but not limited to the removal of all existing septic tank and septic tank systems, must be implemented to the satisfaction of the Responsible Authority.
39. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
40. Lots within the subdivision must be provided with reticulated water and sewerage, gas, underground power and telecommunications connections to the satisfaction of the Responsible Authority.

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

ADDRESS OF THE LAND: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

41. The applicant must provide reflective street number markers on the kerb in front of each lot to the satisfaction of the Responsible Authority.
42. 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.
43. Before the installation of trees to be planted within the streetscape, an inspection of the plant stock must be undertaken by Council's Landscape Development Department. Any trees deemed unsuitable must not be planted within the streetscape.
44. The permit holder must notify Council's Landscape Development Department a minimum of seven (7) days before commencing street tree planting and landscaping so that surveillance of the works can be undertaken.
45. The landscaping shown on the endorsed landscape plan must be maintained to the satisfaction of the Responsible Authority for a minimum of 24 months from the date of practical completion of the landscaping. All maintenance activities are to be undertaken until a Certificate of Final Completion is issued by the Responsible Authority. During this period:
  - a) Any dead, diseased or damaged plants or landscaped areas must be repaired or replaced except for within the final 12 months of the maintenance period whereby trees must not be replaced. In accordance with the Cardinia Shire Council developer landscape guidelines ([https://www.cardinia.vic.gov.au/landscaping\\_guidelines](https://www.cardinia.vic.gov.au/landscaping_guidelines)) (as amended from time to time) funds will be retained from the landscape maintenance bond for the works to be undertaken by Council following issuing of final completion; and
  - b) The Responsible Authority may direct maintenance activities to be undertaken.

The direction to undertake maintenance activities must be completed within 14 days of the written notification being received from the Responsible Authority.

### APA Group

46. Easements in favor of "Australian Gas Networks (VIC) Pty Ltd" must be created on the plan to the satisfaction of APT.
47. 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.

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# AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T170521 - 1

ADDRESS OF THE LAND: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

THIS PERMIT ALLOWS: Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

### AusNet Services

48. The Plan of Subdivision submitted for certification must be referred to AUSNET ELECTRICITY SERVICES PTY LTD in accordance with Section 8 of the Subdivision Act 1988.
49. The applicant must –
  - a) Enter in an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for supply of electricity to each lot on the endorsed plan.
  - b) Enter into an agreement with AUSNET ELECTRICITY SERVICES PTY LTD for the rearrangement of the existing electricity supply system.
  - c) 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.
  - d) 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.
  - e) Obtain for the use of AUSNET ELECTRICITY SERVICES PTY LTD any other easement required to service the lots.
  - f) 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.
  - g) Set aside on the plan of subdivision Reserves for the use of AUSNET ELECTRICITY SERVICES PTY LTD for electric substations.
  - h) 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 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.
  - i) 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.

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# AMENDED PERMIT

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

**PLANNING PERMIT NUMBER:** T170521 - 1

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**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- j) 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.
- k) 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.

### Melbourne Water

- 50. 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 provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 51. 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.
- 52. Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
- 53. 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 Policy (Waters of Victoria) objectives for environmental management of stormwater.

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# AMENDED PERMIT

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*Responsible Authority:* Cardinia Shire Council

PLANNING PERMIT NUMBER: T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant., generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

---

- e) Stormwater Quality Treatment Assets are designed to comply with Melbourne Water's Constructed Wetlands Design Manual.
54. Stormwater runoff from the subdivision must achieve State Environment Protection Policy (Waters of Victoria) objectives for environmental management of stormwater as set out in the 'Urban Stormwater Best Practice Environmental Management Guidelines (CSIRO) 1999'.
55. 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.
56. Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.
57. The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
58. 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.
59. 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.
60. Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

### South East Water

61. 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.
62. 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.
63. 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.
64. 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.

---

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
**Page 18 of 20**



Note: Under Part 4, Division 1A of the *Planning and Environment Act 1987*, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

# AMENDED PERMIT

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

**PLANNING PERMIT NUMBER:** T170521 - 1

**ADDRESS OF THE LAND:** Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2 PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, Beaconsfield VIC 3807

**THIS PERMIT ALLOWS:** Subdivision of the land, associated works and removal of a restrictive covenant, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

65. Prior to certification, the Plan of Subdivision must be referred to South East Water, in accordance with Section 8 of the Subdivision Act 1988.
66. The certified Plan of Subdivision will need to show sewerage supply easements over all existing and/or proposed South East Water sewer mains located within the land, to be in favour of South East Water Corporation pursuant to Section 12(1) of the Subdivision Act.

### Expiry:

67. This permit will expire if:
- The plan of subdivision for the first stage is not certified within **two (2) years** of the date of this permit; or
  - The plan of subdivision for the last stage of the subdivision is not certified within **10 years** of the date of this permit; or
  - The registration of the last stage of the subdivision is not completed within **five (5) years** from the date of certification of that plan of subdivision.

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

### Notes:

The permit holder must obtain "build over easement" consent from the beneficiary of any relevant easement.

### South East Water Notes

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.

**Please note the timeframes detailed in the 'Expiry of Permit' relate to the Date Issued, not the Date Amended.**

**Date Issued:** 13 September 2018  
**Date Amended:** 23 April 2021

**Signature for the Responsible Authority:**  
 Page 19 of 20



Note: Under Part 4, Division 1A of the Planning and Environment Act 1987, a permit may be amended. Please check with the Responsible Authority that this permit is the current permit and can be acted upon.

## IMPORTANT INFORMATION ABOUT THIS NOTICE

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### 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 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

15 September 2020

Banriar Investments P/L C/- Hansen Partnership P/L  
Level 4, 136 Exhibition Street  
MELBOURNE VIC 3000

cgentle@hansenpartnership.com.au

Dear Cameron,

Application No.: T170521 PC1 - (Con. 13 BDG)  
Property No.: 1446451700  
Address: Lot 33 Block B PS002963, L2 PS5427776L, L1 PS503341, L3 PS531543, L2  
PS531543, 190, 198, 204, 208 & 210 Kenilworth Avenue, 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 13 of the 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 03-5943-4379 or [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

Yours faithfully,



Emily Cook  
Principal Growth Area Planner



APPROVED PLAN	
PLANNING AND ENVIRONMENT ACT 1987	
CARDINIA PLANNING SCHEME	
Permit No.	T170521
Report	1 of 1 (5 Pages)
Approved by	Emily Cook
Date	CARDINIA SHIRE COUNCIL Monday, 14 September 2020

# Wattle Estate

## Kenilworth Avenue, Beaconsfield

### Building Design Guidelines

Prepared by Hansen Partnership on behalf of Banriar Investments  
April, 2018

*Updated August 2018*  
*Updated August 2020*

# Contents

1	Introduction .....	1
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3	Building Design Guidelines .....	1
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3.2	Front Setbacks .....	1
3.3	Frontages .....	1
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3.5	Corner Lots .....	2
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3.7	Landscaping .....	3
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Revision	Title	Date	Issue	Changes
1	Wattle Estate Building Design Guidelines	August 2018	CG	<i>In response to Council mark-up 30/5/18</i>
2	Wattle Estate Building Design Guidelines	August 2020	CG	<i>Sections 3.8 and 3.9 added in response to Condition 13 of Permit No. T170521.</i>



# 1 Introduction

The subdivision of land at No. 190, 198 and 204 Kenilworth Avenue, Beaconsfield 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

These guidelines do not apply after 31 December, 2040.

No variations to these guidelines are permitted without the prior written consent of 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 5 of the Building Regulations 2018 (or any other legislation applicable at the time of development) apply.

Please note that the Officer Precinct Structure Plan - Small Lot Housing Code applies to all lots less than 300 square metres in area. The provisions of the Small Lot Housing Code override those of these Building Design Guidelines where there is a conflict.

## 3 Building Design Guidelines

### 3.1 Building Siting and Site Coverage

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

### 3.2 Front Setbacks

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.

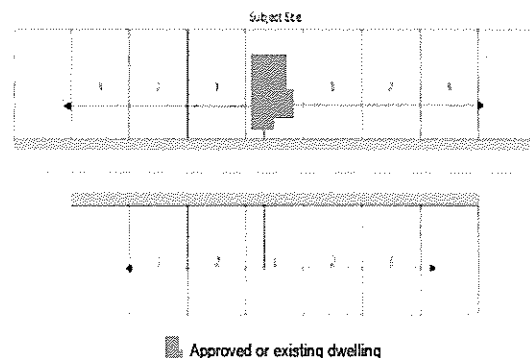
### 3.3 Frontages

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 4m<sup>2</sup> in area with a depth of 1m.

Two dwellings of the same front façade design must not be built within three (3) dwelling lots of the subject property, including lots either side and opposite the subject lot.



**Figure 1 - Illustration showing location of lots which must not have the same front facade design as an approved or existing dwelling**

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.

Roofing materials must be of low-reflectivity.

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 on doors and windows visible from the public realm.

Timber lintels over windows/garage doors are not permitted (unless they are in keeping with the architectural character of the home).

Eaves are required for all dwelling frontages visible from the public realm. When eaves are used as part of a front façade they must return a minimum of 3m around side elevations. When eaves are used as part of a front façade of a dwelling constructed on a corner lot, they must return the length of the second frontage.

### 3.4 Garages

Garages and carports must be set back a minimum of 0.5m metres behind the dwelling line and a minimum of 5m from front boundaries. Garage design must be consistent with the remainder of the house and be of a similar palette of materials and colours.

The use of roller doors is prohibited when visible from the public realm. Raw Zincalume and hand painted garage doors are not permitted.

In order to avoid garages and carports dominating the street frontage, garage openings must not exceed the extent shown in Figure 2.

#### Lots over 12.5m in width

Single	Garage openings must not exceed 40% of the dwelling frontage
Double	Garage openings must not exceed 25% of the area of the front facade of any dwelling

#### Lots under 12.5m in width

Single	Lots with frontages less than 12.5m in width are restricted to single garages
Double	Garage openings must not exceed 25% of the area of the front facade of any dwelling

Figure 2 - Maximum extent of garage openings

### 3.5 Corner Lots

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

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

Dwellings on corner lots must incorporate:

- A façade which wraps around the second frontage, providing an appropriate corner feature for a minimum of 4m; and
- At least one habitable room window, forward of the side boundary fence, presented to each frontage. If the dwelling is double storey at least one habitable room window must be provided at each level.

Dwellings constructed on corner lots must be unfenced for a minimum of 4m from the front dwelling line.

Solid fencing on corner lots may not exceed 50% of the lot length from the rear boundary. Remaining fencing may not exceed 1m in height and must be a minimum of 40% transparent.

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.

### 3.6 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 1.2m in height, must be a minimum 40 per cent transparent (where not located on a corner) and, must continue in this way to a minimum of 2m behind the dwelling line.

For a fence within 9 metres of a point of intersection of street alignments and exceeding 1 metre in height, the report and consent of the municipal building surveyor must be obtained.

Side and rear fences are not to exceed 1.95 metres in height and are to be comprised of timber palings 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.

### 3.7 Landscaping

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

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. Drought tolerant native planting is strongly encouraged

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

Only one crossover is permitted per lot. The driveway must be constructed of concrete, tiles or stone. Gravel driveways are not permitted. Driveway widths must match the width of the crossovers but may taper thereafter to align with garage widths.

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.

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

### 3.8 Number of Dwellings

No more than one (1) dwelling is permitted on each lot.

### 3.9 Further Subdivision

Lots must not be further subdivided.

**PLAN OF SUBDIVISION**

**PS 805057 H**

**LOCATION OF LAND**

**PARISH :** PAKENHAM  
**TOWNSHIP :** \_\_\_\_\_  
**SECTION :** \_\_\_\_\_  
**CROWN ALLOTMENT :** \_\_\_\_\_  
**CROWN PORTION :** 31 (Part)  
**TITLE REFERENCE :** C/T. Vol.10739 Fol.702  
**LAST PLAN REFERENCE :** LOT 1 ON PS 503341 U  
**POSTAL ADDRESS :** No. 204 KENILWORTH AVENUE,  
 (At time of subdivision) BEACONSFIELD. 3809.

**MGA94 Co-ordinates :**  
 (of approx. centre of land in plan) E 358 195 ZONE : 55  
 N 5786 028

Council Name: Cardinia Shire Council  
 SPEAR Reference Number: S152724V

**VESTING OF ROADS AND/OR RESERVES**

**NOTATIONS**

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD'S R-1	CARDINIA SHIRE COUNCIL

LOT NUMBERS 7-79 HAVE BEEN OMITTED FORM THIS PLAN.

**NOTATIONS**

DEPTH LIMITATION : Does not apply.

OTHER PURPOSE OF PLAN  
 To create a Restriction. (See Sheets 4 & 5)

Survey: This plan is based on survey.  
 This survey has been connected to permanent marks no.(s)  
 in Proclaimed Survey Area No. 71  
 STAGING: This is not a staged subdivision  
 Planning Permit No. T 170521

**EASEMENT INFORMATION**

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

Easement Reference	Purpose	Width (metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	2.50	THIS PLAN	CARDINIA SHIRE COUNCIL
E-2	SEWERAGE	2.50	THIS PLAN	SOUTH EAST WATER CORPORATION

**RODNEY AUJARD & ASSOCIATES**  
*Licensed Land Surveyors*

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

aujard@bigpond.net.au

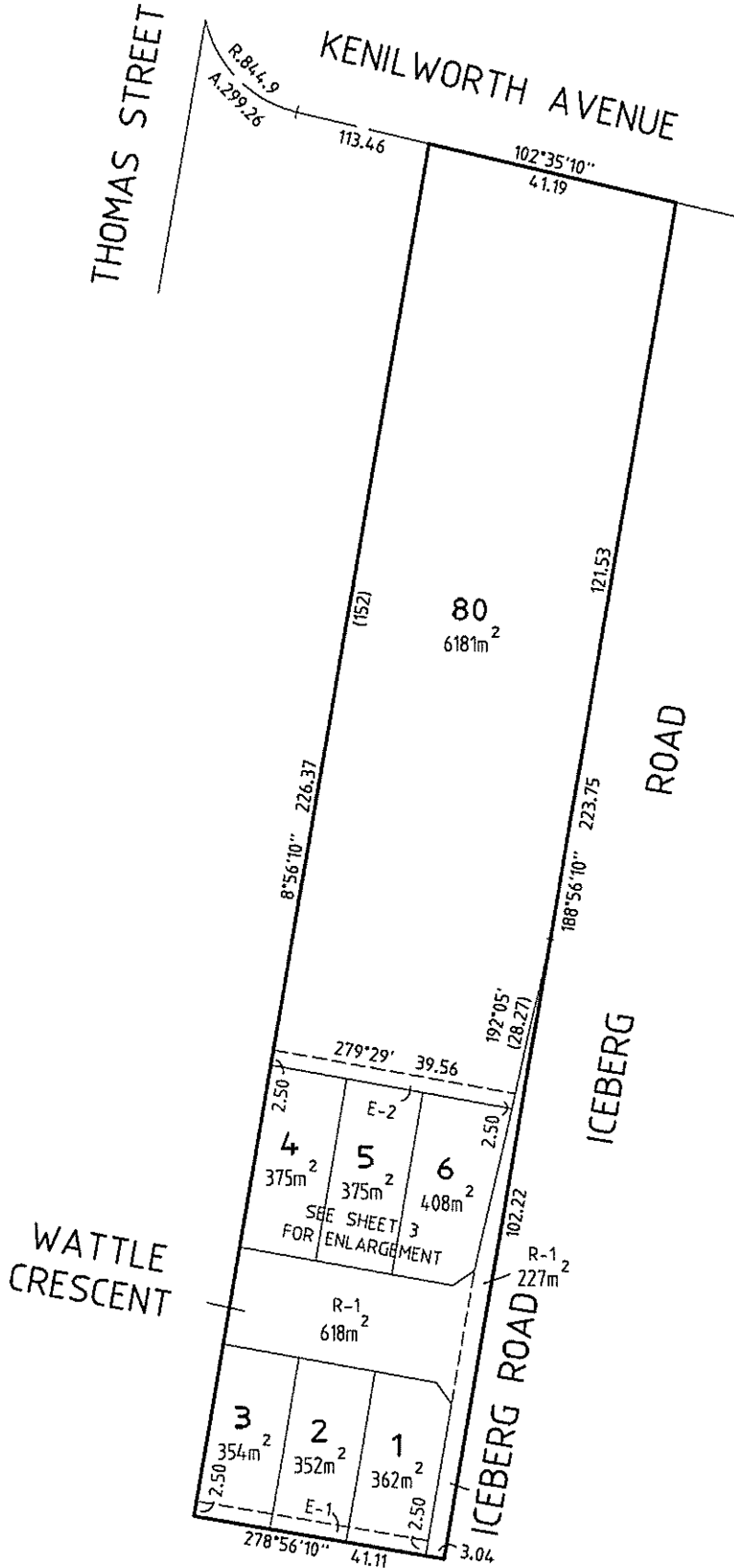
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Original Sheet  
 Size : A3

SHEET 1 OF 5

Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor,  
 Surveyor's Plan Version (5),  
 18/10/2021, SPEAR Ref: S152724V

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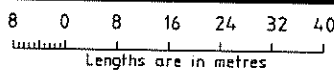
M.G.A. - 94  
 ZONE 55

**RODNEY AUJARD & ASSOCIATES**  
 Licensed Land Surveyors

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

Surveyors Ref. 18885/B

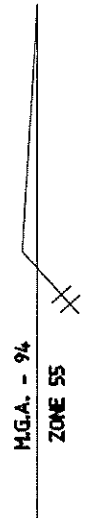
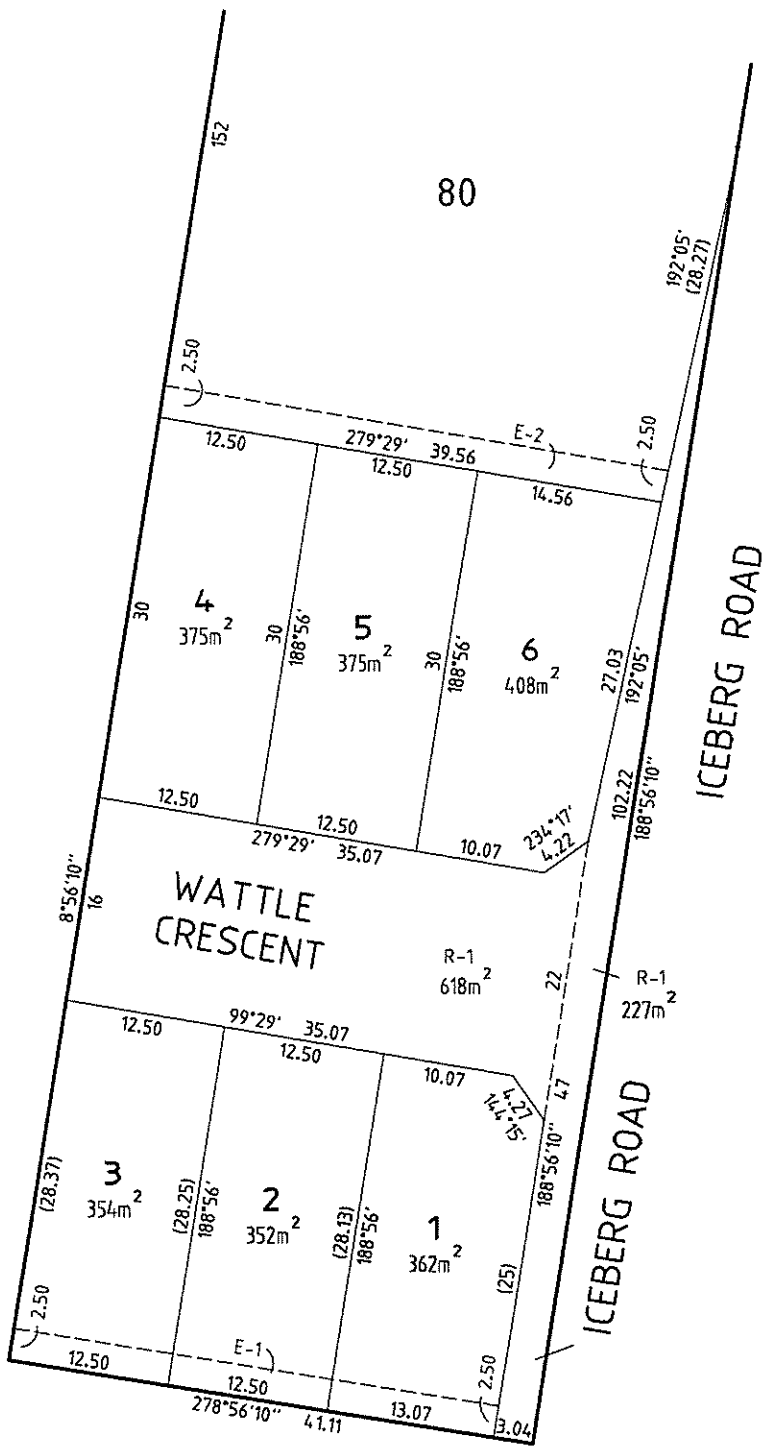
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SHEET 2

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**RODNEY AUJARD & ASSOCIATES**  
 Licensed Land Surveyors  
 Level 1, 325 Camberwell Road, CAMBERWELL, 3124.  
 Ph. 9813 2222 Fax. 9813 2244  
 aujard@bigpond.net.au  
 Surveyors Ref. 18885/B

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 Lengths are in metres  
 Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor,  
 Surveyor's Plan Version (5),  
 18/10/2021, SPEAR Ref: S152724V

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 SHEET 3

CREATION OF RESTRICTION

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

LAND TO BENEFIT . LOTS 1 to 6 ON THIS PLAN

LAND TO BE BURDENED . LOTS 1 to 6 ON THIS PLAN

DESCRIPTION OF RESTRICTION :

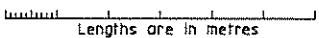
THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF LOTS 1 to 6 ON THIS PLAN SHALL NOT :

- (i) BUILD OR ALLOW TO BE BUILT ON THE LAND, ANY DWELLING OUTSIDE THE BUILDING ENVELOPE AS SHOWN IN THE SCHEDULE BELOW.
- (ii) BUILD OR ALLOW TO BE BUILT ANY DWELLING OTHER THAN IN ACCORDANCE WITH THE ENDORSED BUILDING DESIGN GUIDELINES ATTACHED TO PLANNING PERMIT No. T 170521, ISSUED BY CARDINIA SHIRE COUNCIL, OR AS AUTHORISED BY A FURTHER PERMIT.

THIS RESTRICTION WILL EXPIRE 15 YEARS AFTER THE PLAN OF SUBDIVISION IS REGISTERED BEING 31 DECEMBER 2036.

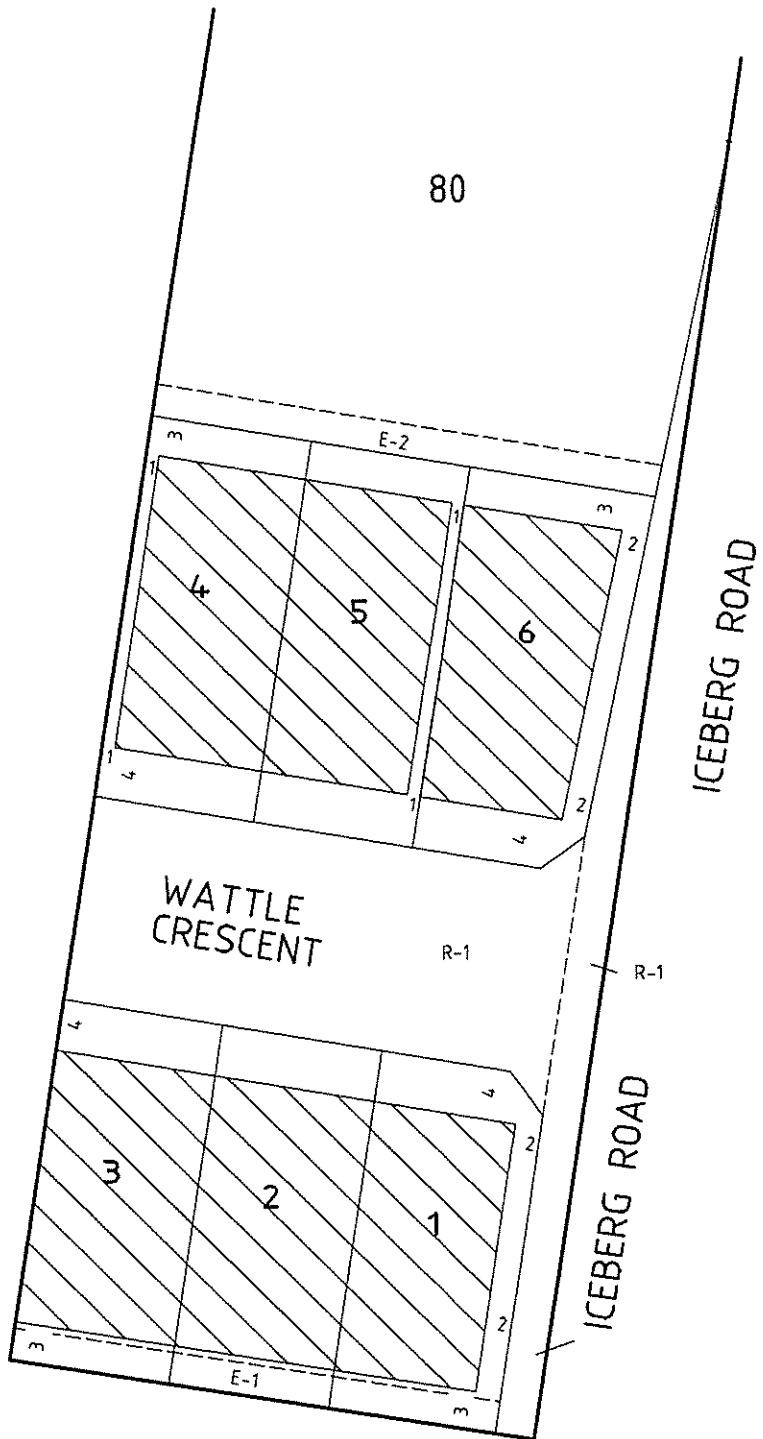
SCHEDULE

See Sheet 5

<p><b>RODNEY AUJARD &amp; ASSOCIATES</b>  <i>Licensed Land Surveyors</i>                  Level 1, 325 Camberwell Road, CAMBERWELL, 3124,                  Ph. 9813 2222 Fax. 9813 2244                  aujard@bigpond.net.au</p>	<p>Scale</p>  <p>Lengths are in metres</p> <p>Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor,                  Surveyor's Plan Version (5),                  18/10/2021, SPEAR Ref: S152724V</p>	<p>Original Sheet Size : A3</p>	<p>SHEET 4</p>
<p>Surveyors Ref. 18885/B</p>			

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M.G.A. - 94  
ZONE 55



▨ BUILDING ENVELOPE

**RODNEY AUJARD & ASSOCIATES**  
*Licensed Land Surveyors*  
 Level 1, 325 Camberwell Road, CAMBERWELL. 3124.  
 Ph. 9813 2222 Fax. 9813 2244  
 aujard@bigpond.net.au  
 Surveyors Ref. 18885/B

Scale 1:400  
 4 0 4 8 12 16 20  
 Lengths are in metres  
 Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor, Surveyor's Plan Version (5), 18/10/2021, SPEAR Ref: S152724V

Original Sheet Size : A3  
 SHEET 5



Other authorities' charges (no GST)

\$26.08

## Our charges

### Meter reading details

Date read: 12/03/2021

Meter Number	current read	previous read	consumption (kl)	Estimate or Actual read
SAFM009108	267	267	0	E

Approximate date for next meter reading is 11 June 2021.

### Service charges

For period 01/01/21 to 31/03/21

Water service charge \$25.53

Total service charges \$25.53

Our charges \$25.53

### Other authorities' charges

Waterways and Drainage charge 01/01/21 to 31/03/21 \$26.08

Total other authorities \$26.08

Total current charges \$51.60

## Our charges explained

Our charges cover the costs involved with delivering clean, safe water and safely removing and treating sewage for 1.87 million Melburnians. For more details about our charges, see

[southeastwater.com.au/residentialprices](http://southeastwater.com.au/residentialprices)

### Other authorities' charges

#### Waterways and drainage charge

We collect this charge on behalf of Melbourne Water to help protect our rivers and creeks and improve drainage and flood management. For details, see [melbournewater.com.au](http://melbournewater.com.au). The charge is for 01/01/21 to 31/03/21.

### Additional information

#### Payment assistance

We have a range of payment solutions to help manage your bill. From payment plans to government assistance or more time to pay, find a solution to suit you at [southeastwater.com.au/paymentsupport](http://southeastwater.com.au/paymentsupport)

#### Are you eligible for a bill discount?

If you hold a Centrelink Pensioner Concession or Health Care card or a Department of Veterans' Affairs Pensioner concession or Gold card (except those marked dependant) you could be eligible for a bill discount. Register your card at [mysoutheastwater.com.au](http://mysoutheastwater.com.au). Note: Commonwealth Seniors Health or Victorian Seniors cards are not eligible.

## Never miss a bill

Switch to eBilling today at  
[southeastwater.com.au/paperless](http://southeastwater.com.au/paperless)



South East Water Corporation  
ABN 89 066 902 547  
101 Wells Street Frankston VIC 3199  
PO Box 2268 Seaford VIC 3198 Australia

# 2021 Land Tax Assessment Notice



7044722023001000001  
BR 190 KENILWORTH PTY LTD  
LEVEL 3  
2 BRANDON PARK ROAD  
WHEELERS HILL VIC 3150

CUSTOMER NUMBER QUOTE IF YOU CONTACT US	101432024	
ASSESSMENT NUMBER THIS CHANGES EVERY YEAR	41245970	
ISSUE DATE	5 FEB 2021	
TOTAL PAYABLE	\$134,775.00	
INTEREST IS CHARGED ON LATE PAYMENTS		
<b>TWO WAYS TO PAY</b>		
<b>1 IN FULL</b>		
PAY BY	18 JUN 2021	
<b>2 INSTALMENTS</b>		
<b>MUST BE SET UP BY 5 MAR 2021</b>		
Instalments are ONLY payable via the online system, AutoPay.		
AutoPay allows you to set up automated payments using your credit card or transaction account.		
Choose from the following options:		
FOUR INSTALMENTS (EQUAL AMOUNTS)	MONTHLY INSTALMENTS	FORTNIGHTLY INSTALMENTS
<a href="http://sro.vic.gov.au/autopay">sro.vic.gov.au/autopay</a>		

THIS NOTICE IS ISSUED TO YOU IN YOUR CAPACITY AS TRUSTEE FOR:  
BR 190 KENILWORTH UNIT TRUST

## Manage your land tax online

- View and pay assessments
- Apply for exemptions
- Update property ownership

[sro.vic.gov.au/mylandtaxregister](http://sro.vic.gov.au/mylandtaxregister)

Paul Broderick  
Commissioner of State Revenue

### PAY IN FULL BY DUE DATE USING ONE OF THESE PAYMENT METHODS

**BPAY®**

Biller Code: 5249  
REF: 41245970

Telephone and internet banking  
Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.  
[bpay.com.au](http://bpay.com.au)

**CARD**

Customer No: 101432024  
REF: 41245970

Visa or Mastercard only  
Pay via our website or phone 13 21 61.  
A card payment fee applies.  
[sro.vic.gov.au/paylandtax](http://sro.vic.gov.au/paylandtax)

**AUSTRALIA POST**

**Post Billpay** \$134,775.00

Pay in-store  
Take this notice to any Australia Post.  
State Revenue Office (VIC) payment

\*382 400 0041245970 4

2020-SRO-124-LTX-AUTOPAY

# Summary of assessment

Assessment number: 41245970

Period of assessment: 1 January 2021 to 31 December 2021

Land tax applies to land you owned on 31 December 2020.

## 2021 calculation

Total taxable value	\$7,880,000.00
Tax calculation	\$134,775.00
<b>2021 tax payable</b>	<b>\$134,775.00</b>

For land tax rates, visit [sro.vic.gov.au/landtaxrate](http://sro.vic.gov.au/landtaxrate).

## Land tax trust calculation

	Taxable Value	Total Tax
Surcharge rate	\$7,880,000	\$134,775.00
Ordinary rate	\$0	\$0.00
PPR beneficiary (single holding)	\$0	\$0.00
<b>Total</b>	<b>\$7,880,000</b>	<b>\$134,775.00</b>

A surcharge rate on the general land tax applies for the aggregate Victorian land holdings of the trust from \$25,000 through to less than \$3 million.

For information about trusts, go to [sro.vic.gov.au/landtaxtrusts](http://sro.vic.gov.au/landtaxtrusts).

### ABOUT LAND TAX

Land tax is calculated using site valuations provided by the Valuer-General Victoria and councils.

Our website has information on:

- exemptions
- valuations
- payments
- land tax rates

[sro.vic.gov.au/landtax](http://sro.vic.gov.au/landtax)

### AMENDING DETAILS

You can update your details online.

Personal:

- address
- contact details

Property:

- claim or remove an exemption
- add or remove land you own

[sro.vic.gov.au/mylandtax](http://sro.vic.gov.au/mylandtax)

### YOUR RIGHT TO OBJECT

If you disagree with the valuation of your property, you can lodge an objection online.

[sro.vic.gov.au/valueobjection](http://sro.vic.gov.au/valueobjection)

If you disagree with another aspect of your assessment, you can lodge a written objection within 60 days of receiving your assessment. An objection is a formal avenue of dispute resolution requiring you to explain fully and in detail the grounds of your objection.

[sro.vic.gov.au/assessment](http://sro.vic.gov.au/assessment)

### OUTSTANDING LAND TAX

The land tax on this assessment does not include land tax owing from prior years.

### INTERPRETING SERVICE

For languages other than English, contact the free Translating and Interpreting Service on 13 14 50.

HOW TO CONTACT US AT THE STATE REVENUE OFFICE

[sro.vic.gov.au/landtax](http://sro.vic.gov.au/landtax) | Phone 13 21 61 DURING BUSINESS HOURS (AEST)



# Statement of lands for period 1 January 2021 to 31 December 2021

Assessment number: 41245970

Lands owned as at midnight 31 December 2020 — Where a property was sold after 31 December, the vendor (seller) is still liable for the land tax. Any adjustment (pro-rata) of the assessed amount is a private arrangement between the buyer and seller.

Item	Address/Municipality	Land ID/References	Single holding tax <sup>t</sup>	Proportional tax <sup>tt</sup>	Taxable value
1	190 KENILWORTH AVE, BEACONSFIELD, 3807 CARDINIA	019723112 33 L2963	\$43,537.50	\$65,420.61 TS	\$3,825,000
2	204 KENILWORTH AVE, OFFICER, 3809 CARDINIA	030656493 1 S503341	\$9,295.00	\$30,615.13 TS	\$1,790,000
3	198 KENILWORTH AVE, BEACONSFIELD, 3807 CARDINIA	037351840 2 S542776	\$15,420.00	\$38,739.26 TS	\$2,265,000
<b>Total taxable value</b>					<b>\$7,880,000</b>

## Penalties for failing to notify of errors and omissions

You must ensure that the information contained in your land tax assessment is correct to avoid penalties. If any land you own is omitted from this assessment or is incorrectly specified as exempt, you must notify us within 60 days of the issue of this assessment. If you have not already, you must also notify us if you hold land as trustee for a trust or if you are an absentee owner. Penalties may apply if you do not make a required notification. You can request an amendment to your assessment or notify us of changes by visiting [sro.vic.gov.au/assessment](http://sro.vic.gov.au/assessment).

## Explanation of codes (for details, go to [sro.vic.gov.au/codes](http://sro.vic.gov.au/codes))

<sup>t</sup>SINGLE HOLDING TAX <sup>tt</sup>PROPORTIONAL TAX

TS

This is the amount of tax you would pay on the one property. This is the tax applicable to the specific land as a proportion of the total land tax liability of your assessment. Trust Surcharge



## New Street Address Allocations Information

Advice of street address and lot location of each lot on the plan.

**Plan No:** PS805057H  
**Certified:** 03/08/2021  
**No. of Lots:** 7  
**Council Name:** Cardinia Shire Council  
**Council Ref No:** T170521-1, S20-002, Wattle Stage 1  
**SPEAR Ref No:** S152724V  
**Property:** 204 KENILWORTH AVENUE, BEACONSFIELD VIC 3807

Lot Number	House Number	Road Name	Road Type	Locality
1	44	Wattle	CRESCENT	BEACONSFIELD
2	42	Wattle	CRESCENT	BEACONSFIELD
3	40	Wattle	CRESCENT	BEACONSFIELD
4	45	Wattle	CRESCENT	BEACONSFIELD
5	47	Wattle	CRESCENT	BEACONSFIELD
6	49	Wattle	CRESCENT	BEACONSFIELD

The above plan was unregistered at the time that these addresses were supplied by Council under Regulation 11 of the *Subdivision (Procedures) Regulations 2011*. You may wish to check the final addressing data for lots on this plan in Vicmap once it is registered. To view the plan on Vicmap, visit: <http://www.land.vic.gov.au/>, navigate to the Interactive Map and enter the plan number.

Date: 05/05/2021



# Beaconsfield Wattle Estate





# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 30 October 2021 12:20 PM

## PROPERTY DETAILS

Address: **204 KENILWORTH AVENUE BEACONSFIELD 3807**  
Lot and Plan Number: **Lot 1 PS503341**  
Standard Parcel Identifier (SPI): **1\PS503341**  
Local Government Area (Council): **CARDINIA**  
Council Property Number: **1446451890**  
Planning Scheme: **Cardinia**  
Directory Reference: **Melway 214 B4**

[www.cardinia.vic.gov.au](http://www.cardinia.vic.gov.au)

[planning-schemes.delwp.vic.gov.au/schemes/cardinia](http://planning-schemes.delwp.vic.gov.au/schemes/cardinia)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
Melbourne Water Retailer: **South East Water**  
Melbourne Water: **inside drainage boundary**  
Power Distributor: **AUSNET**

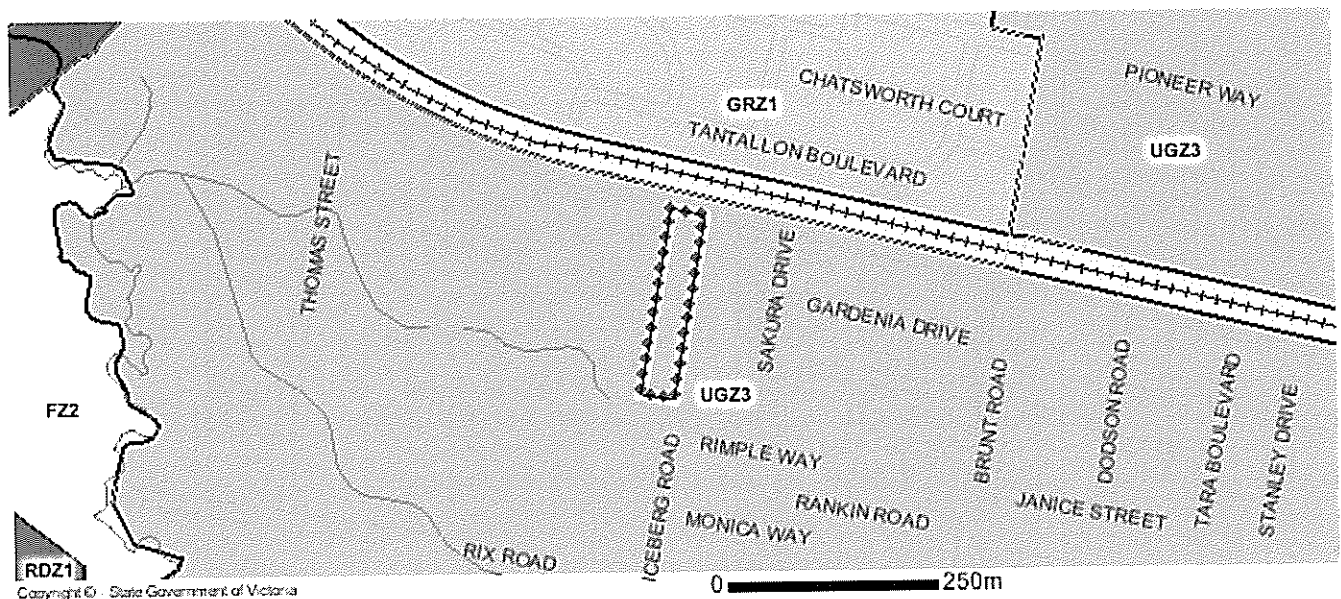
## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**  
Legislative Assembly: **GEMBROOK**

## Planning Zones

### URBAN GROWTH ZONE (UGZ)

### URBAN GROWTH ZONE - SCHEDULE 3 (UGZ3)



- |                               |                           |                                       |
|-------------------------------|---------------------------|---------------------------------------|
| FZ - Farming                  | GRZ - General Residential | PUZ1 - Public Use - Service & Utility |
| PUZ4 - Public Use - Transport | RDZ1 - Road - Category 1  | UGZ - Urban Growth                    |

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

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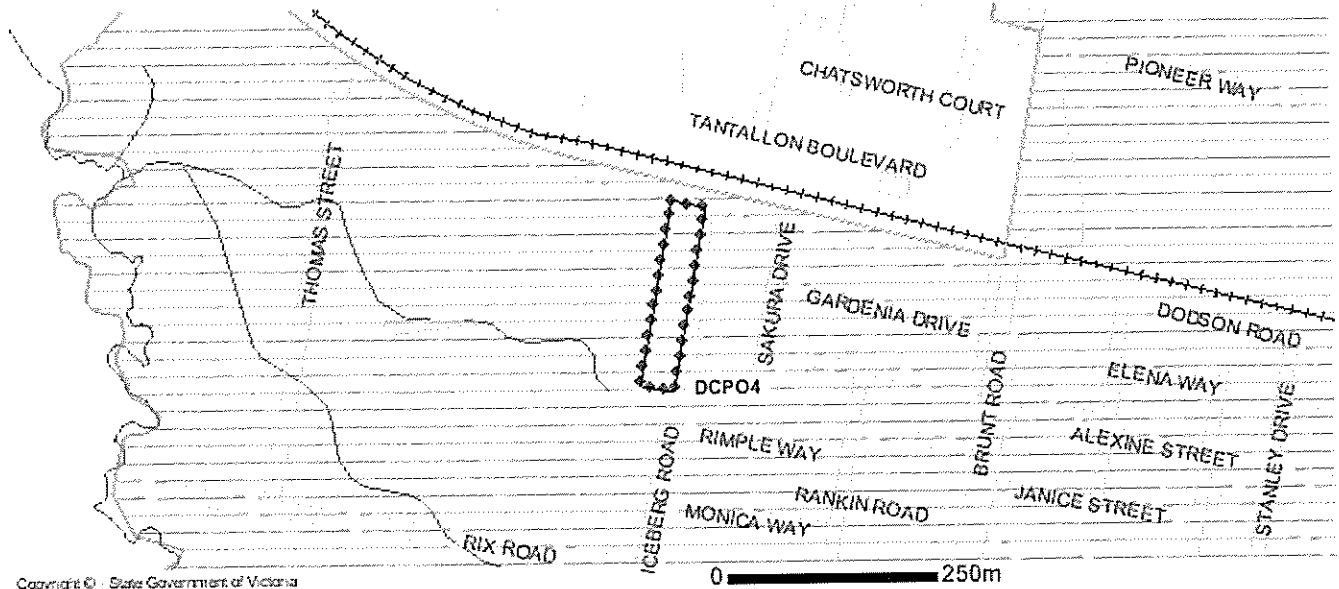
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## Planning Overlay

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 4 (DCPO4)



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DCPO - Development Contributions Plan

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend.

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## Planning Overlays

### OTHER OVERLAYS

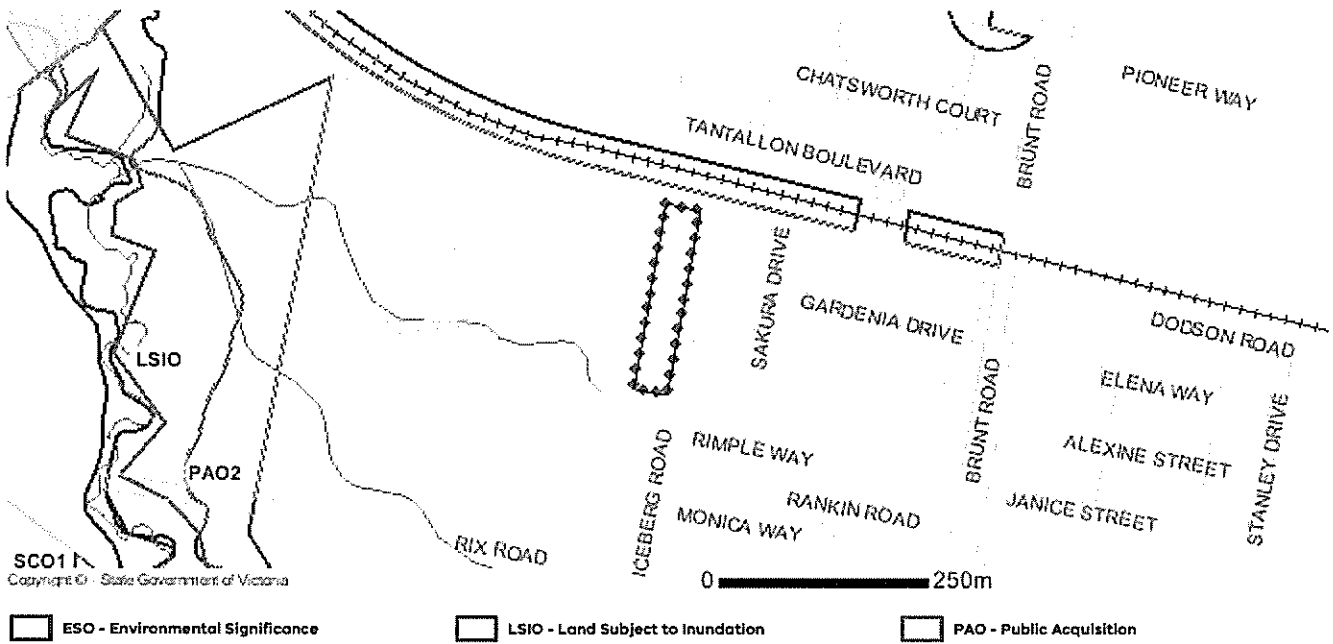
Other overlays in the vicinity not directly affecting this land

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

PUBLIC ACQUISITION OVERLAY (PAO)

SPECIFIC CONTROLS OVERLAY (SCO)



- ESO - Environmental Significance
- LSIO - Land Subject to Inundation
- PAO - Public Acquisition
- SCO - Specific Controls

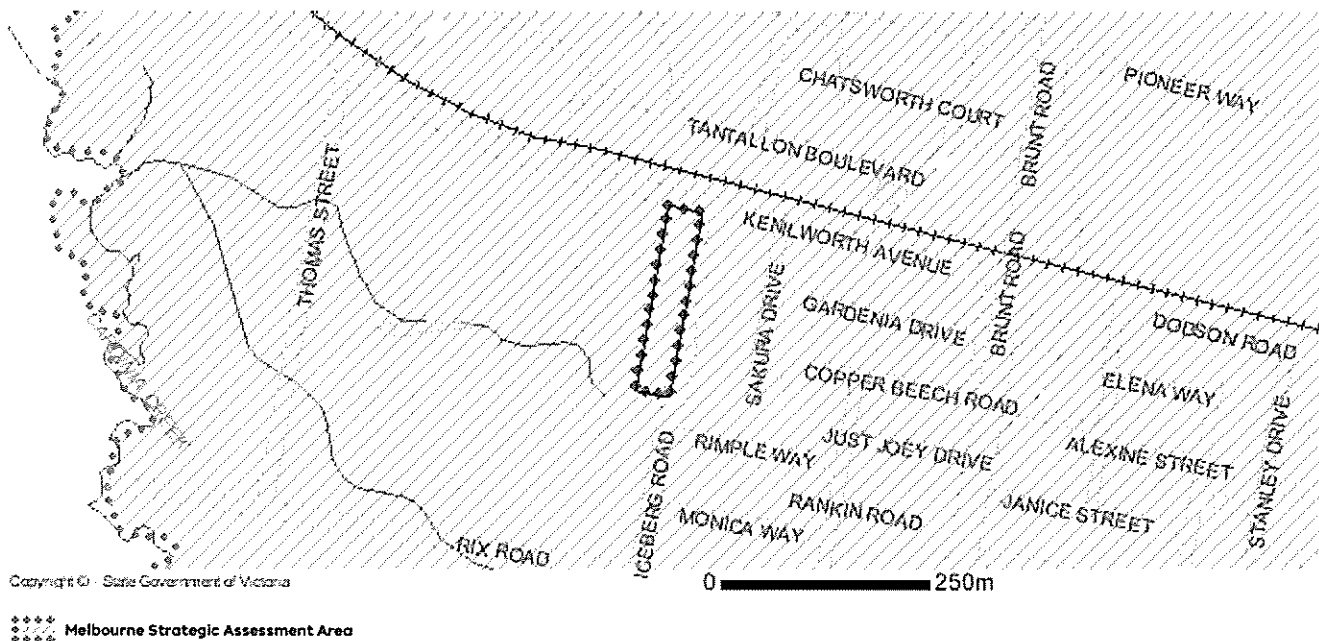
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## Melbourne Strategic Assessment

The property may be located within the Melbourne Strategic Assessment program area. Actions associated with urban development are subject to requirements of the Commonwealth Environment Protection and Biodiversity Conservation Act 1999. Follow the link for more details: <https://nvim.delwp.vic.gov.au/BCS>



## Further Planning Information

Planning scheme data last updated on 28 October 2021.

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 and local policy, particular, general and operational 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 <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and 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 at Landata - <https://www.landata.vic.gov.au>

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 <http://mapshare.maps.vic.gov.au/vicplan>

For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

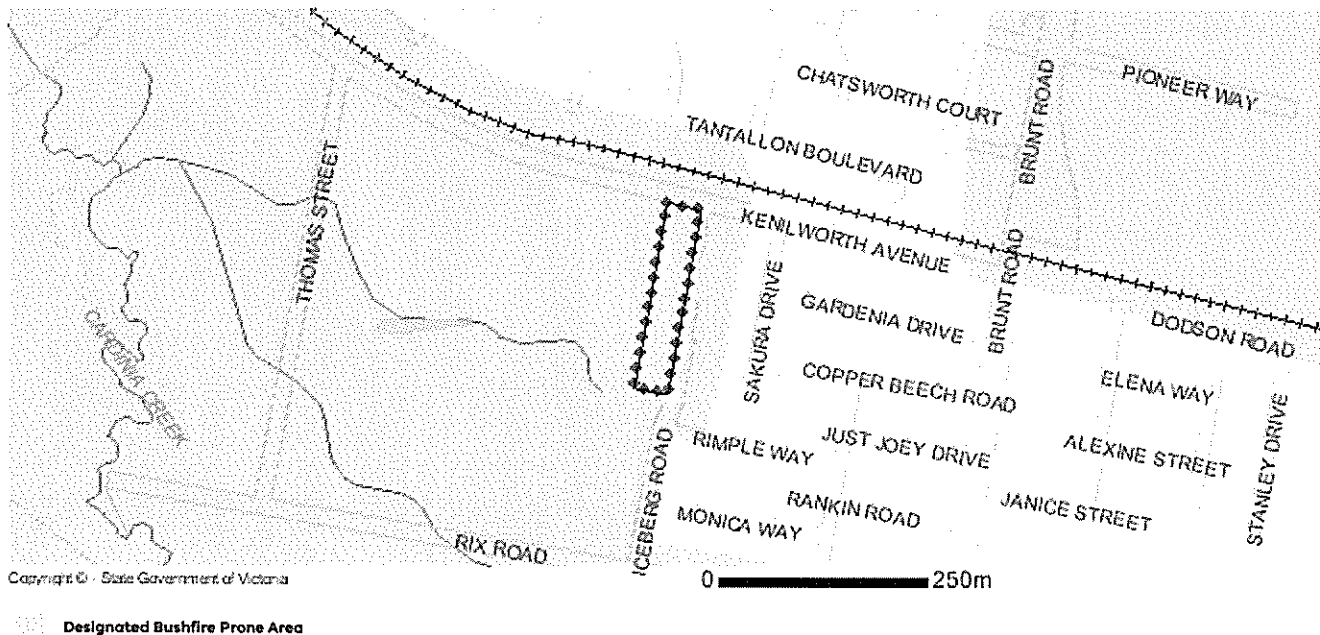
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## Designated Bushfire Prone Area

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



Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011 and amended from time to time.

The Building Regulations 2018 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 on VicPlan at <http://mapshare.maps.vic.gov.au/vicplan> 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 on the Victorian Building Authority website [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

Copies of the Building Act and Building Regulations are available from [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au)

For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>

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