

# 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.

|             |   |
|-------------|---|
| <b>Land</b> | BW Lot:.....Beaconsfield Wattle Estate (Stage 2)<br>Address:.....Wattle Crescent Beaconsfield<br>on unregistered plan of subdivision 80 |
|-------------|---|

|                           |  |                           |
|---------------------------|--|---------------------------|
| <b>Vendor's name</b>      | BR 190 KENILWORTH PTY LTD 613 380 537 trading as ATF BR 190<br>KENILWORTH Unit Trust | <b>Date</b><br>10/04/2022 |
| <b>Vendor's signature</b> | <i>Jose Fernandez</i> As Solicitor   |                           |

|                              |  |                    |
|------------------------------|--|--------------------|
| <b>Purchaser's name</b>      |  | <b>Date</b><br>/ / |
| <b>Purchaser's signature</b> |  |                    |

|                              |  |                    |
|------------------------------|--|--------------------|
| <b>Purchaser's name</b>      |  | <b>Date</b><br>/ / |
| <b>Purchaser's signature</b> |  |                    |

# 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.

(a) Attached is a copy of the latest version of the plan if the plan of subdivision has not yet been certified.

**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)*



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The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

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

VOLUME 11145 FOLIO 184

Security no : 124094302292M  
Produced 09/12/2021 11:26 AM

**LAND DESCRIPTION**

Lot 2 on Plan of Subdivision 542776L.  
PARENT TITLE Volume 10874 Folio 845  
Created by instrument PS542776L 01/07/2009

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
BR 190 KENILWORTH PTY LTD of 28 MOUNT PLEASANT DRIVE MOUNT WAVERLEY VIC 3149  
AQ558538D 15/12/2017

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AR307768E 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  
AD458572Y 22/02/2005

AGREEMENT Section 173 Planning and Environment Act 1987  
AD654821L 01/06/2005

AGREEMENT Section 173 Planning and Environment Act 1987  
AG555591C 11/06/2009

**DIAGRAM LOCATION**

SEE PS542776L 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: 198 KENILWORTH AVENUE BEACONSFIELD VIC 3807

DOCUMENT END



# Imaged Document Cover Sheet



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|   |                         |
|---|-------------------------|
| Document Type                                   | <b>Plan</b>             |
| Document Identification                         | <b>PS542776L</b>        |
| Number of Pages<br>(excluding this cover sheet) | <b>3</b>                |
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|  |                         |                |   |                             |  |
|--|-------------------------|----------------|---|-----------------------------|--|
| <b>PLAN OF SUBDIVISION</b>   |                         |                | LRS use only<br><b>EDITION 2</b>  | Stage No.<br>/              | <b>PS542776L</b><br>24/06/2009 \$854.60 PS<br>          |
| <b>LOCATION OF LAND</b><br><b>Parish:</b> Pakenham<br><b>Township:</b> ---<br><b>Section:</b> ---<br><b>Crown Allotment:</b> ---<br><b>Crown Portion:</b> 31 (pt)<br><b>LRS Base Record:</b> DCMB<br><b>Title Reference:</b> V. 10874 F. 845<br><b>Last Plan Reference:</b> Lot 1 PS 441966 T<br><b>Postal Address:</b> 198 Kenilworth Avenue<br><small>(at time of subdivision)</small> OFFICER 3809<br><br><b>MGA94 Co-ordinates</b> E 358 100<br><small>(of approx. centre of land in plan)</small> N 5 786 060<br>Zone: 55 |                         |                | <b>COUNCIL CERTIFICATION AND ENDORSEMENT</b><br><b>COUNCIL NAME:</b> CARDINIA <b>REF:</b> 507/100<br>1. <del>This plan is certified under section 6 of the Subdivision Act 1988.</del><br>2. This plan is certified under section 11(7) of the Subdivision Act 1988.<br>Date of original certification under section 6 <u>14/9/2007</u><br>3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del><br><br><b>OPEN SPACE</b><br>(i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has</del> /has not been made.<br>(ii) <del>The requirement has been satisfied.</del><br>(iii) <del>The requirement is to be satisfied in Stage.....</del><br>Council Delegate<br>Council Seal<br>Date _____ / _____ / _____<br><br>Re-certified under section 11(7) of the Subdivision Act 1988<br>Council Delegate <u>C Murphy</u><br>Council Seal<br>Date <u>5/5/2009</u> |                             |  |
| <b>Vesting of Roads or Reserves</b>  |                         |                |   |                             |  |
| Identifier   | Council / Body / Person |                |   |                             |  |
| Nil  | Nil                     |                |   |                             |  |
| <b>Notations</b>   |                         |                |   |                             |  |
| Depth Limitation: DOES NOT APPLY   |                         |                | Staging This is not a staged subdivision<br>Planning Permit No: T050799   |                             |  |
| <b>Survey</b>  |                         |                |   |                             |  |
| This plan is based on Survey<br>This survey has been connected to permanent marks no(s)<br>In Proclaimed Survey Area No.   |                         |                |   |                             |  |
| <b>Easement Information</b>  |                         |                |   |                             | <b>LRS use only</b>  |
| Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)  |                         |                |   |                             | Statement of Compliance/<br>Exemption Statement<br><br>Received <input checked="" type="checkbox"/><br><br>DATE 24 / 6 / 2009              |
| Section 12 (2) of the Subdivision Act 1988 applies to all Land as per PS 441966T   |                         |                |   |                             |  |
| Easement Reference   | Purpose                 | Width (Metres) | Origin  | Land Benefited/In Favour Of | LRS use only<br>PLAN REGISTERED<br>TIME 10.32am<br>DATE 1 / 7 / 2009<br>Kevin Bond<br>Assistant Registrar of Titles<br>Sheet 1 of 2 sheets |
|  |                         |                |   |                             |  |
| <b>NOBELIUS LAND SURVEYORS</b><br> P.O. BOX 461<br>PAKENHAM 3810<br>Ph 03 5941 4112<br>Fax 03 5941 7359<br>rob@nobelius.com.au  |                         |                | LICENSED SURVEYOR: R. P. NOBELIUS<br>SIGNATURE <u>R. Nobel</u> DATE <u>3/4/09</u><br>REF: 2676 VERSION C  |                             | <u>C Murphy</u><br>DATE <u>5/5/2009</u><br>COUNCIL DELEGATE SIGNATURE<br>Original sheet size A3  |

# PLAN OF SUBDIVISION

Stage No.

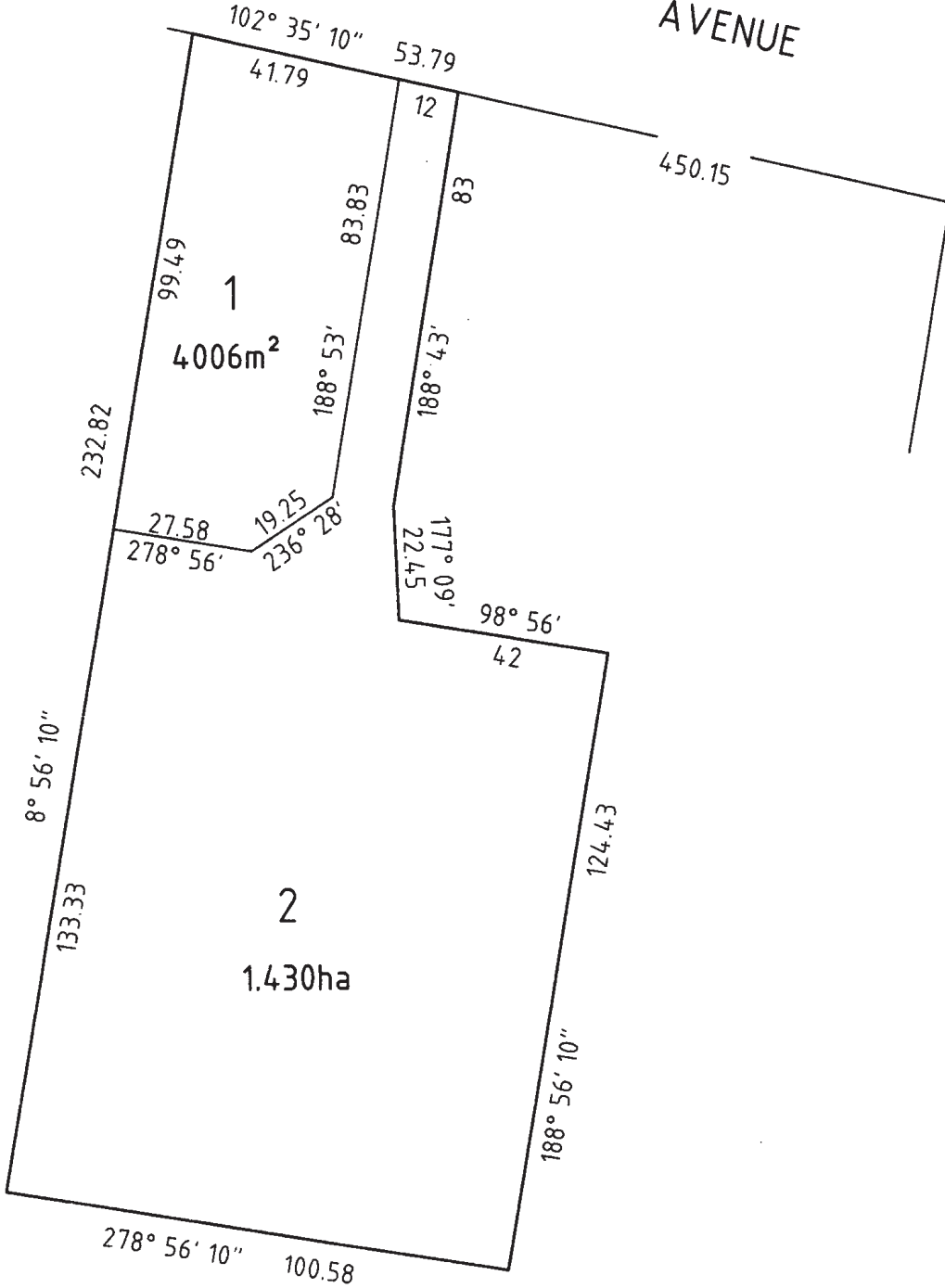
Plan Number

## PS 542776 L




### KENILWORTH AVENUE

### BRUNT ROAD



#### NOBELIUS LAND SURVEYORS

 P.O. BOX 461  
 PAKENHAM 3810  
 Ph 03 5941 4112  
 Fax 03 5941 7359  
 rob@nobelius.com.au

Sheet 2

ORIGINAL

SCALE

LICENSED SURVEYOR: R. P. NOBELIUS

SCALE  
1 : 1000

SHEET  
SIZE  
A3



LENGTHS ARE IN METRES

SIGNATURE *R. Nobelius* DATE 31 4 09

REF: 2676

VERSION C

*C. Murphy*  
 DATE 5/5/2009  
 COUNCIL DELEGATE SIGNATURE

1

2

3

4

5

6







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Planning and Environment Regulations 1998 No. 8

**AD458572Y**

22/02/2005 \$90 173



Section 181



APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name: • Cardinia Conveyancing  
Phone: •  
Address: •  
Ref: • Customer Code: • 11299E

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

Land (Insert Volume and Folio reference) (if part only, define the part)

Certificate of Title Volume 9702 Folio 550

Authority (name and address)

Cardinia Shire Council, Municipal Offices, Henty Way, Pakenham 3810

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987



DAD458572Y-1-0

A copy of the Agreement is attached to this Application

Signature for the Authority: Tracey Parker

Name of Officer: TRACEY PARKER

Date: 8/2/05

*lu*  
22 FEB 2005

This Agreement is made on the 8th day of February 2005  
~~2004~~

Between



**DAD458572Y-2-8**

Cardinia Shire Council of Henty Way, Pakenham, Victoria  
("the Council")

and

Lothar Georg Petrie & Lynette Joy Petrie  
Both of 198 Kenilworth Avenue Officer  
("the Owner/s")

#### Recitals

- A. The Owners are registered as owners of the land in Certificate of Title Volume 9702 Folio 550, being Part of Crown portion 31, Parish of Pakenham and known as 198 Kenilworth Avenue, Officer ("the Land").
- B. The Council is the Responsible Authority under the Planning and Environment Act 1987.
- C. Nobelius Land Surveyors on behalf of the Owners, made application to the Responsible Authority for a permit to subdivide the Land into two (2) lots.
- D. The Responsible Authority granted Planning Permit No. T000652 ("the Permit") on 11 October 2000 for the Land to be subdivided into two (2) lots subject to a condition.
- E. Condition 7b of the Permit provides that:

Prior to Statement of Compliance being issued, the permit holder must enter into an agreement under Section 173 of the Planning and Environment Act 1987 to contribute towards the future construction of Kenilworth Avenue. The permit holder must cover all costs relating to the preparation and registration of this agreement on title.

#### The Agreement

1. Agreement to be binding on owners and their successors
  - (1) The parties acknowledge and agree that this Agreement is made under Section 173 of the Planning and Environment Act 1987.
  - (2) The obligations imposed on the Owners are binding on the successors, purchasers, transferees, mortgagees and assigns of the Owners and on any

**AD458572Y**

22/02/2005 \$90 173



person obtaining possession of the Land or any part of the Land as if each of those persons had individually executed this Agreement.

- (3) The Owners must not sell, transfer, dispose of or part with possession of the Land or any part of it without first disclosing the existence and nature of this Agreement.

## 2. Covenants

The Owner covenant and agree with the Council that:

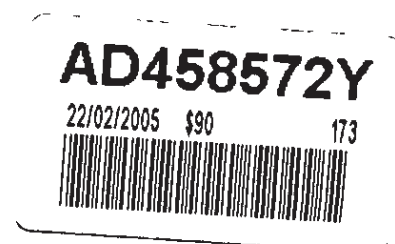
- (1) They will not object to any future street construction scheme for the upgrade of Kenilworth Avenue as prepared by the Responsible Authority
- (2) They will pay the cost for the upgrade of Kenilworth Avenue should the Responsible Authority prepare a street construction scheme.

## 3. Terms and registration of this Agreement

- (1) The terms of this Agreement come into force immediately on execution, and runs with the Land.
- (2) The Owner/s must use their best endeavours to have a memorandum of this Agreement registered on the title to the Land by the Registrar of Titles in accordance with Section 181 of the Planning and Environment Act 1987.

## 4. Cost

The Owner/s must bear the cost of and incidental to the making and the registration of this Agreement.



In witness whereof the parties have set their hands and seals the day and year set out above.

Signed, sealed and delivered )  
)  
)

L. J. Petrie  
Owner: Mr. Lothar Georg Petrie

In the presence of:

R. Robel  
Witness

Signed, sealed and delivered )  
)  
)

L. J. Petrie  
Owner: Mrs. Lynette Joy Petrie

In the presence of:

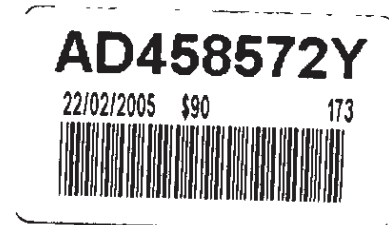
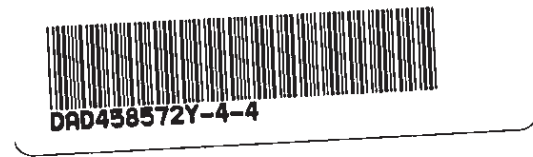
R. Robel  
Witness

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<sup>th</sup> October 2000.

Tracey Parker

In the presence of:

[Signature]  
Witness





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| Number of Pages<br>(excluding this cover sheet) | <b>4</b>                |
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AG555591C



Section 181

APPLICATION BY A RESPONSIBLE AUTHORITY FOR THE MAKING OF A  
RECORDING OF AN AGREEMENT

Planning and Environment Act 1987

Lodged at the Land Titles Office by:

Name: \* *IDEAL CONVEYANCING*  
Phone: \*  
Address: \*  
Ref: \* Customer Code: \* *13198A*

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

Land (Insert Volume and Folio reference) (if part only, define the part)

Certificate of Title Volume 10874 Folio 845

Authority (name and address)

Cardinia Shire Council, Municipal Offices, Henty Way, Pakenham 3810

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the Agreement is attached to this Application

Signature for the Authority: *Philip Walton*

Name of Officer: PHILIP WALTON  
GENERAL MANAGER PLANNING & DEVELOPMENT

Date: 15 MAY 2009



This Agreement is made on the **15<sup>th</sup>** day of **MAY** 2009

Between

Cardinia Shire Council of Henty Way, Pakenham, Victoria  
("the Council")

and

Lothar Georg Petrie & Lynette Joy Petrie  
Both of 198 Kenilworth Avenue Officer  
("the Owner/s")



Recitals

- A. The Owners are registered as owners of the land in Certificate of Title Volume 10874 Folio 845, being Lot 1 on PS 441966T and known as 198 Kenilworth Avenue, Officer ("the Land").
- B. The Council is the Responsible Authority under the Planning and Environment Act 1987.
- C. Nobelius Land Surveyors on behalf of the Owners, made application to the Responsible Authority for a permit to subdivide the Land into two (2) lots.
- D. The Responsible Authority granted an amended Planning Permit No. T050799 ("the Permit") on 1st May 2009 for the Land to be subdivided into two (2) lots subject to a condition.
- E. Condition 7 of the Permit provides that:

The permit holder must enter into a Section 173 Agreement with the responsible authority to:

- b) The owners of Lot 1 & 2 must contribute to property drainage, if required in the future;
- c) The area designated as future road reserve on the Cardinia Shire Council property plan reference 104081/KA (Draft Structure Plan – Kenilworth Avenue, Officer) dated July 2006 must not be built on and a minimal distance of 10.0 metres setback is require from all building and works to the future road reserve to the satisfaction of the responsible authority.

The form and content of the agreement must be to the satisfaction of the Responsible Authority, and all costs relating to the preparation and registration of the agreement on title must be met by the permit holder. Prior to the issue of a Statement of Compliance, the permit holder must provide a dealing number to Responsible Authority to demonstrate that the agreement has been lodged with the Land Titles Office.

**AG555591C**



## The Agreement

### 1. Agreement to be binding on owners and their successors

- (1) The parties acknowledge and agree that this Agreement is made under Section 173 of the Planning and Environment Act 1987.
- (2) The obligations imposed on the Owners are binding on the successors, purchasers, transferees, mortgagees and assigns of the Owners and on any person obtaining possession of the Land or any part of the Land as if each of those persons had individually executed this Agreement.
- (3) The Owners must not sell, transfer, dispose of or part with possession of the Land or any part of it without first disclosing the existence and nature of this Agreement.

### 2. Covenants

The Owner covenant and agree with the Council that:

- (1) The owners of Lot 1 & 2 must contribute to property drainage, if required in the future;
- (2) The area designated as future road reserve on the Cardinia Shire Council property plan reference 104081/KA (Draft Structure Plan – Kenilworth Avenue, Officer) dated July 2006 must not be built on and a minimal distance of 10.0 metres setback is require from all building and works to the future road reserve to the satisfaction of the responsible authority.

### 3. Terms and registration of this Agreement

- (1) The terms of this Agreement come into force immediately on execution, and runs with the Land.
- (2) The Owner/s must use their best endeavours to have a memorandum of this Agreement registered on the title to the Land by the Registrar of Titles in accordance with Section 181 of the Planning and Environment Act 1987.

### 4. Cost

The Owner/s must bear the cost of and incidental to the making and the registration of this Agreement.

In witness whereof the parties have set their hands and seals the day and year set out above.

Signed, sealed and delivered )

*L. J. Petrie*

Owner: Mr. Lothar Georg Petrie

In the presence of:

*EDMUND*

**AG555591C**



Witness

Signed, sealed and delivered )

*L. J. Petrie*

Owner: Mrs. Lynette Joy Petrie

In the presence of:

*EDMUND*

Witness

~~Signed by and on behalf, and with )  
the authority of the Cardinia Shire )  
Council by Jan Cussen, in the )  
exercise of power conferred by )  
an Instrument of Delegation )  
dated 19 June 2006. )~~

~~\_\_\_\_\_~~

In the presence of:

Witness

Signed by and on behalf, and with )  
the authority of the Cardinia Shire )  
Council by Philip Walton, in the )  
exercise of power conferred by )  
an Instrument of Delegation )  
dated ~~19 June 2006~~ **PN** )  
**16 October 2006** )

*PN*

In the presence of:

*Howa*

Witness



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| Document Type                                   | <b>Instrument</b>       |
| Document Identification                         | <b>AD654821L</b>        |
| Number of Pages<br>(excluding this cover sheet) | <b>12</b>               |
| Document Assembled                              | <b>09/12/2021 11:29</b> |

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*IKP/A*



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Lodged by  
Cardinia Conveyancing  
9769 8995  
P O Box 987, Berwick 3806  
Customer Code 11299E

Titles Office

**APPLICATION BY A  
RESPONSIBLE AUTHORITY**  
under Section 181 Planning and  
Environment Act 1987 for the  
**ENTRY OF A MEMORANDUM  
OF AGREEMENT** under Section  
173 of the Act.

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificates of Title to the land referred to.

LAND  
Volume 10874 Folios 845 and 846

ADDRESS OF THE LAND  
198 Kenilworth Avenue Officer 3809



RESPONSIBLE AUTHORITY  
Cardinia Shire Council of 7 Henty Way Pakenham 3810

PLANNING SCHEME  
Cardinia Planning Scheme

AGREEMENT DATE  
6 May 2005

AGREEMENT WITH  
Lothar George Petrie and Lynete Joy Petrie of 198 Kenilworth Avenue Officer 3809  
and South East Water Limited of 20 Corporate Drive, Moorabbin 3189

Signature for the Responsible Authority

*James Noy*  
Chief Executive  
Date *26 May 05*

*1/6/05*

AND **Lothar Georg Petrie & Lynette Joy Petrie** ("Owner")

**CARDINIA SHIRE COUNCIL** ("Council")

AND **SOUTH EAST WATER LIMITED**  
**ABN 89 066 902 547** ("South East Water")

---

**SECTION 173 AGREEMENT**

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THIS DEED is made on

6th May 2005

BETWEEN

Lothar Georg Petrie & Lynette Joy Petrie

("Owner")

AND

CARDINIA SHIRE COUNCIL of 7 Henty Way, Pakenham 3810

("Council")

AND

SOUTH EAST WATER LIMITED ABN 89 066 902 547 of 20 Corporate Drive, Moorabbin Victoria 3189 ("South East Water")

RECITALS

- A The Owner is the registered proprietor of the Subject Land.
- B The Council is the Responsible Authority pursuant to the Act for the Scheme.
- C South East Water is the holder of a water and sewerage licence pursuant to s.17 of the *Water Industry Act* 1994, which licence applies to the Subject Land.
- D The Permit was issued by the Council to allow the Owner to subdivide the Subject Land into 2 allotments, as shown on the proposed Plan of Subdivision, a copy of which is annexed to this Deed and marked ("the Plan of Subdivision").
- E The Permit provided at Condition 3 that the Owner of the Subject Land must enter into an agreement with South East Water for the provision of sewerage and fulfil all its requirements to its satisfaction.
- F The Council and the Owner have agreed that without limiting or restricting their respective powers to enter into this Deed and in so far as it can be so treated, this Deed is made pursuant to Section 173 of the Act.

THE PARTIES AGREE:

1. DEFINITIONS

In this Deed unless expressed or implied to the contrary:

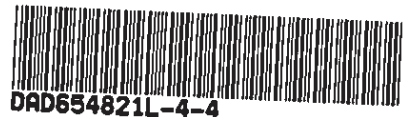
"Act" means the *Planning and Environment Act* 1987;

"approved" means approved by the Council;

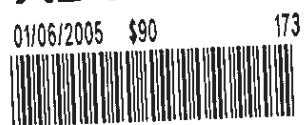
"Business Day" means Monday to Friday excluding public holidays in Victoria;

"Deed" means this Deed and any agreement or deed executed by the parties expressed to be supplemental to this Deed;

"development" includes subdivision;



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"**Owner**" means the person or persons from time to time registered or entitled to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the Subject Land or any part of it;

"**Permit**" means Planning permit No. T000652 issued by the Council on the 11/10/2000;

"**Planning Approval**" means and includes any planning permit issued in accordance with the Act;

"**Scheme**" means the Cardinia Planning Scheme;

"**Subject Land**" means the whole of the land described in Certificate of Title Volume 9702 Folio 550 being situated at 198 Kenilworth Avenue, Officer or any part of that land;

## 2. AGREEMENT UNDER SECTION 173 OF THE ACT

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Deed and in so far as it can be so treated, this Deed is made pursuant to Section 173 of the Act.

## 3. EFFECT OF AGREEMENT

3.1 This Deed is effective from the date of this Deed.



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3.2 The Owner's use and development of the Subject Land is subject to the conditions and obligations set out in this Deed which provide for the use or development of the Subject Land for the specified purposes and which are intended to achieve or advance the objectives of the Scheme.

3.3 The Owner's obligations will take effect as separate and several covenants which will be annexed to and run at law and equity with the Subject Land to bind the Owner and each successor, assign or transferee of the Owner including the registered proprietor, the mortgagee in possession and the beneficial owner for the time being of the Subject Land.

## 4. OWNERS WARRANTIES

Without limiting the operation or effect of this Deed, the Owner warrants that:

4.1 except for the parties to this Deed, any mortgagee who has consented to this Deed, and any other persons disclosed in writing to the Council before the signing of this Deed, no other person has any interest either legal or equitable in the Subject Land which may be affected by this Deed or by development or use of the Subject Land pursuant to the Scheme or the Permit or approved plan or any other Planning Approval under the Scheme;

4.2 the Owner has obtained all necessary authorities and consents to bind all other persons who have any interest either legal or equitable in the Subject Land.

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**5. SUCCESSORS IN TITLE**

Without limiting the operation or effect of this Deed, the Owner must ensure that, until this Deed is recorded on the folio of the register which relates to the Subject Land, the Owner's successors in title will:

- 5.1 give effect to, do all acts and sign all documents requiring those successors to give effect to this Deed; and
- 5.2 execute a deed agreeing to the bound by this Deed.

**6. COVENANTS OF OWNER**

**6.1 Owner's Covenants**



The Owner covenants that it will:

- (a) if reticulated sewer is not provided, and subsequent on-site treatment systems are unable to treat and retain all domestic sewerage within the Subject Land and prove inadequate to prevent any danger to public health or the environment in accordance with the *State Environment Protection Policy (Waters of Victoria)*, it will bear the cost of extending and connecting the reticulated sewer to the Subject Land;
- (b) at the written request of the Council, upon 60 days notice, provide proof to the satisfaction of the Council, that any treatment systems are being properly maintained and that all domestic sewerage is being adequately treated and retained within the Subject Land without danger to public health or the environment;
- (c) bear the costs of any testing reasonably required to prove or comply with the matters set out in clause 6.1(a) and (b).

**6.2 Notice**

The Owner covenants to bring this Deed to the attention of all prospective purchasers, mortgagees, transferees and assigns.

**6.3 Compliance**

The Owner covenants to:

- (a) comply with the requirements of all statutory authorities in relation to the development of the Subject Land;
- (b) comply with all statutes, regulations, local laws and planning controls in relation to the Subject Land; and
- (c) take all necessary steps to comply with the obligations of each clause in this Deed;

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#### 6.4 Registration

The Owner covenants to:



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- (a) consent to the Council making application to the Registrar of Titles to make a recording of this Deed in the Register on the folio of the Register which relates to the Subject Land in accordance with Section 181 of the Act; and
- (b) do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Deed of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

#### 6.5 Mortgagee to be Bound

The Owner covenants to obtain the consent of any mortgagee to be bound by the covenants in this Deed if the mortgagee becomes mortgagee in possession of the Subject Land.

#### 6.6 Council's Costs to be Paid

The Owner covenants to pay immediately on demand to the Council the Council's reasonable costs and expenses (including legal expenses) incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Deed which (until paid) are and remain a charge on the Subject Land.

#### 6.7 Indemnity

The Owner covenants to indemnify and keep indemnified the Council, its officers, employees, agents, workmen 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 this Deed or any non-compliance with this Deed.

### 7. GENERAL

#### 7.1 Further Assurance

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

#### 7.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Deed or any judgement or order obtained by the Council against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Deed.

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7.3 **Severability**

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

7.4 **No Fettering of Council's Powers**

This Deed does not fetter or restrict the power or discretion of the Council to make or impose requirements or conditions in connection with any use or development of the Subject Land or the granting of any Planning Approval, the approval or certification of any plans of subdivision or consolidation applicable to the Subject Land or the issue of a Statement of Compliance in connection with any such plans.

8. **ENDING OF AGREEMENT**



DAD654821L-8-7

8.1 This Deed ends:

8.1.1 when the Owner has complied with its obligations under this Deed; or

8.1.2 earlier by mutual agreement between the parties.

8.2 As soon as reasonably practicable after this Deed has ended, the Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under s.183(2) of the Act to cancel the recording of this Deed on the register.

9. **NOTICES**

9.1 **Service of Notice**

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

- (a) personally on the party; or
- (b) by sending it by pre-paid post, addressed to that party at the address for service specified in this document or subsequently notified to each party; or
- (c) by facsimile to the person's number for service specified in this document or subsequently notified to each party.

9.2 **Time of Service**

A notice or other communication is deemed served:

- (a) if served personally, upon service;

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- (b) if posted within Australia to an Australian address, two business days after posting and in any other case; seven business days after posting;
- (c) if served by facsimile, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile; or
- (d) if received after 6.00pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

**10. INTERPRETATION**

In this Deed, unless expressed or implied to the contrary:

- 10.1 undefined terms or words have the meanings given in the Act or the Scheme;
- 10.2 the singular includes the plural and the plural includes the singular;
- 10.3 a reference to a gender includes a reference to the other genders;
- 10.4 a reference to a person includes a reference to a firm, corporation or other corporate body;
- 10.5 if a party consists of more than one person this Deed binds them jointly and each of them severally;
- 10.6 a reference to a "planning scheme" or "the Scheme" includes any amendment, consolidation, or replacement of such scheme and any document incorporated by reference into such scheme;
- 10.7 a reference to a statute includes any statutes amending, consolidating or replacing those statutes and any regulations made under the statutes;
- 10.8 where, in this Deed, the Council may exercise any power, duty or function, that power may be exercised on behalf of the Council by an authorised or delegated officer;
- 10.9 all headings are for ease of reference only and do not affect the interpretation of this Deed;
- 10.10 the Recitals to this Deed form part of this Deed.



EXECUTED by the parties as a Deed

SIGNED SEALED AND DELIVERED  
by **Lothar Georg Petrie**  
In the presence of:

)  
)  
)

*L. G. Petrie*

Signature of Owner

*L. Nobelius*

Witness (Signature)

**Rob Nobelius**

Witness (Print Name)

SIGNED SEALED AND DELIVERED  
by **Lynette Joy Petrie**  
In the presence of:

*L. J. Petrie*

Signature of Owner

*L. Nobelius*

Witness (Signature)

**Rob Nobelius**

Witness (Print Name)



DAD654821L-10-2

Signed by and on behalf of the Cardinia Shire  
Council by James Noy, in the exercise of power  
conferred by an Instrument of Delegation dated  
16<sup>th</sup> October 2000.

In the presence of:

Signature of authorised person

*K. ...*

Signature of witness

*James Noy*

EXECUTED by **SOUTH EAST  
WATER LIMITED**  
ACN 066 902 547 by its duly  
Appointed Attorney in the presence of:

Attorney

Name: **MICHAEL QUINN**

Witness

*M. Mayer*

Name (print): **MICHELLE MAYER**

POSITION: **FINANCIAL CONTROLLER**

Date of Power of Attorney: ~~18 March 2002~~  
**5 JULY 2004**

**AD654821L**

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| <b>PLAN OF SUBDIVISION</b>   |                     | STAGE No.<br><hr/>   | LTO USE ONLY<br><b>EDITION</b>  | PLAN NUMBER<br><b>PS 441966 T</b>  |      |  |  |  |
|--|---------------------|--|---|--|------|--|--|--|
| <b>LOCATION OF LAND</b><br>PARISH: Pakanham<br>TOWNSHIP: —<br>SECTION: —<br>CROWN ALLOTMENT: —<br>CROWN PORTION: 31 (Part)<br><br>LTO BASE RECORD:<br>TITLE REFERENCES:<br>VOL FOL Vol. 9702 Fol. 550<br>LAST PLAN REFERENCE: LP 2963 Lot 32<br><br>POSTAL ADDRESS: 198 Kenilworth Avenue<br>AMG Co-ordinates OFFICER 3509<br>N 5785900 ZONE: 55<br>(of approx. centre of plan) E 398000 |                     | <b>COUNCIL CERTIFICATION AND ENDORSEMENT</b><br><b>CARDINIA SHIRE COUNCIL</b><br>COUNCIL NAME: REF: S02/067<br>1. This plan is certified under section 6 of the Subdivision Act 1988<br>2. This plan is certified under section 11(7) of the Subdivision Act 1988<br>Date of original certification under section 6 21/10/2002<br>3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.<br>OPEN SPACE<br>(i) A Open Space for public open space under section 18 of the Subdivision Act 1988 has/has not been made.<br>(ii) The requirement has been satisfied.<br>(iii) The requirement is to be satisfied in Stage .....<br><br>Council Delegate<br>Council Seal<br>Date / /<br><br>Re-certified under section 11(7) of the Subdivision Act 1988.<br>Council Delegate <i>AlbarDad</i><br>Council Seal<br>Date 27/11/2003 |   | LTO USE ONLY<br>STATEMENT OF COMPLIANCE/<br>EXEMPTION STATEMENT<br>RECEIVED <input type="checkbox"/> DATE: / /<br><br>LTO USE ONLY<br>PLAN REGISTERED<br>TIME<br>DATE / /<br>Assistant Registrar of Titles |      |  |  |  |
| <b>VESTING OF ROADS OR RESERVES</b><br><table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th style="width:50%;">IDENTIFIER</th> <th style="width:50%;">COUNCIL/BODY/PERSON</th> </tr> <tr> <td style="text-align: center;">Nil.</td> <td style="text-align: center;">Nil.</td> </tr> </table>   |                     | IDENTIFIER   | COUNCIL/BODY/PERSON   | Nil.   | Nil. | <b>NOTATIONS</b><br>DEPTH LIMITATION: Nil.<br>STAGING:<br>This is/is not a staged subdivision.<br>Planning Permit No. T000652<br>SURVEY:<br>This plan is/is not based on survey. |  |  |
| IDENTIFIER   | COUNCIL/BODY/PERSON |  |   |  |      |  |  |  |
| Nil.   | Nil.                |  |   |  |      |  |  |  |
| <b>EASEMENT INFORMATION</b>  |                     |  |   |  |      |  |  |  |
| LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)   |                     |  |   |  |      |  |  |  |
| Section 12 (2) of the Subdivision Act 1988 applies to all land herein.   |                     |  |   |  |      |  |  |  |
| Easement Reference   | Purpose             | Width (Metres)   | Origin  | Land Benefited/in Favour Of  |      |  |  |  |
|  |                     |  |   |  |      |  |  |  |
|  |                     |  |   |  |      |  |  |  |
| NOBELIUS LAND SURVEYOR'S PIL<br>P.O. Box 461<br>PAKENHAM 3810<br>PHONE 59414112<br>FAX 59414330  |                     | AD654821L<br>01/06/2005 \$90 173   |   |  |      |  |  |  |
| SCALE<br>LENGTHS ARE IN METRES   |                     | ORIGINAL<br>SCALE SHEET SIZE<br>1:2000 A3  | LICENSED SURVEYOR (PRINT) B. P. NOBELIUS<br>SIGNATURE <i>B. P. Nobelius</i> DATE 27/11/03<br>REF B 2676 VERSION B |  |      |  |  |  |
|  |                     | Sheet 1 of 2. Sheet<br><i>AlbarDad</i><br>DATE 27/11/2003<br>COUNCIL DELEGATE SIGNATURE  |   |  |      |  |  |  |



|                            |           |                   |
|----------------------------|-----------|-------------------|
| <b>PLAN OF SUBDIVISION</b> | STAGE No. | PLAN NUMBER       |
|                            |           | <b>PS441966 T</b> |

CREATION OF RESTRICTION

On registration of this Plan the following Restrictions are created:

LAND TO BENEFIT: Lot 1 on this Plan of Subdivision.

LAND TO BE BURDENED: Lot 2 on this Plan of Subdivision.

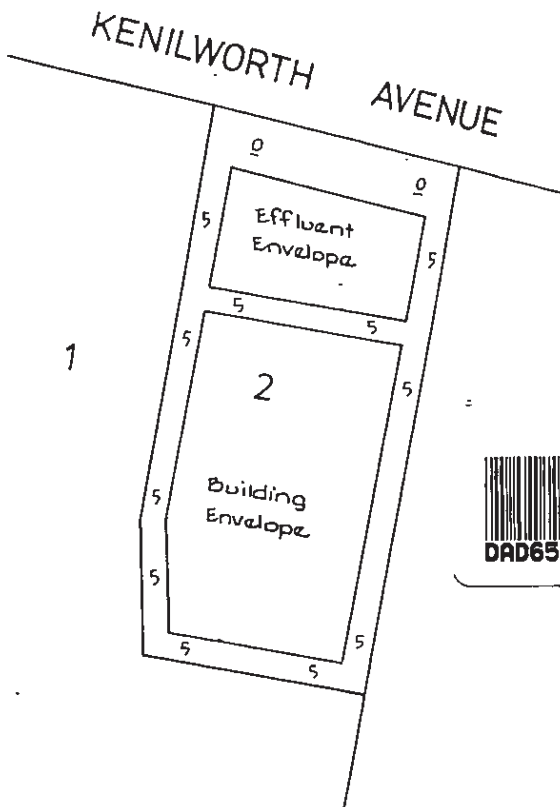
DESCRIPTION OF RESTRICTION

The Registered Proprietor or Proprietors for the time being of Lot 2 on this Plan shall not:

1. Construct any garage or dwelling outside the area denoted as Building Envelope.
2. Construct any building or carry out any filling or excavation works within the area denoted as Effluent Envelope except for works relating to the installation and maintenance of an site absorption lines.

VARIATION

Variation of these requirements will require written consent from the Responsible Authority.

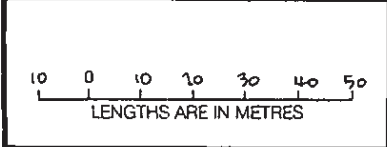


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NOBELIUS LAND SURVEYORS P/L  
 P.O. Box 461  
 PAKENHAM 3810  
 PHONE 59414112  
 FAX 59414330



ORIGINAL  
 SCALE SHEET SIZE  
 1:1000 A3

LICENSED SURVEYOR (PRINT) R. P. NOBELIUS  
 SIGNATURE R. Nobelius DATE 25/11/03  
 REF B2676 VERSION B

SHEET 2 OF 2 SHEETS  
Alvan Doid  
 DATE 27/11/2003  
 COUNCIL DELEGATE SIGNATURE



26 April 2021



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.:** T170521-1  
**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).<br>Amend condition (18).<br>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

**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:

- a) Restrictive Covenant PS503341U must be removed from L1 PS503341 204 Kenilworth Avenue, Beaconsfield.
- b) A cash payment must be made to Cardinia Shire Council of the amount specified as the over provision value in Section 173 Agreement AN107367Y.
- c) 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.
- d) 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:

- a) The approved lot layout.
- b) 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

**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.

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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

**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:

- a) Dwellings and garages do not dominate the streetscape.
- b) Dwelling design provides for passive surveillance and attractive streetscapes.
- c) Fencing visible from the public realm is minimised and, provides for passive surveillance and attractive streetscapes.
- d) Landscaping provides for passive surveillance and attractive streetscapes.
- e) 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:

- a) Interim management of the land until ultimate development as it relates to the approved staging plan.
- b) Details about the placement of fill and prevention of dumping of materials;
- c) Dust control measures;
- d) Weed and pest control measures;
- e) Mowing, slashing and fire risk management;
- f) Details about grazing and other agricultural activity;

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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

**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:**

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- 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

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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

**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:

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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

**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

**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

**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

**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:
- a) 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)
  - b) New plantings, including their layout to be provided in any road reserves and municipal reserves.
  - c) 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.
  - d) 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.
  - e) The removal of existing disused structures, foundations, pipelines or stockpiles and the eradication of weeds.
  - f) The implementation of any landscape principles and guidelines contained in the Officer Precinct Structure Plan.
  - g) 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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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:

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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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:

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,

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

**Signature for the Responsible Authority:**  
Page 13 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:

- 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.

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

**Signature for the Responsible Authority:**  
Page 14 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:

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.

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

**Signature for the Responsible Authority:**  
Page 15 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:

### 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.

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

**Signature for the Responsible Authority:**  
Page 16 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:

- 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.

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

**Signature for the Responsible Authority:**  
Page 17 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:

- 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

---

### 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

# PLAN OF SUBDIVISION

# PS 805058 F

## LOCATION OF LAND

**PARISH :** PAKENHAM  
**TOWNSHIP :** \_\_\_\_\_  
**SECTION :** \_\_\_\_\_  
**CROWN ALLOTMENT :** \_\_\_\_\_  
**CROWN PORTION :** 31 (Part)  
**TITLE REFERENCE :** C/T. Vol. 11145 Fol. 184  
**LAST PLAN REFERENCE :** LOT 2 ON PS 542776 L  
**POSTAL ADDRESS :** No.198 KENILWORTH AVENUE  
(At time of subdivision) BEACONSFIELD. 3809.

**MGA94 Co-ordinates :**  
(of approx. centre of land in plan) E 358 119 ZONE : 55  
 N 5786 013

Council Name: Cardinia Shire Council

Council Reference Number: S20-003  
 Planning Permit Reference: T170521-1  
 SPEAR Reference Number: S152722E

### Certification

This plan is certified under section 6 of the Subdivision Act 1988

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988 has been made and the requirement has not been satisfied at Certification

Digitally signed by: Sonia Higgins for Cardinia Shire Council on 03/08/2021

## VESTING OF ROADS AND/OR RESERVES

| IDENTIFIER | COUNCIL/BODY/PERSON    |
|------------|------------------------|
| ROAD R-1   | CARDINIA SHIRE COUNCIL |

### 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) 20 & 535 in Proclaimed Survey Area No. 71

STAGING: This is not a staged subdivision  
 Planning Permit No. T 170521

## NOTATIONS

LOT NUMBERS 1-6 AND LOT NUMBERS 21-80 HAVE BEEN OMITTED FROM THIS PLAN.

## 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

Surveyors Ref. 18885/C

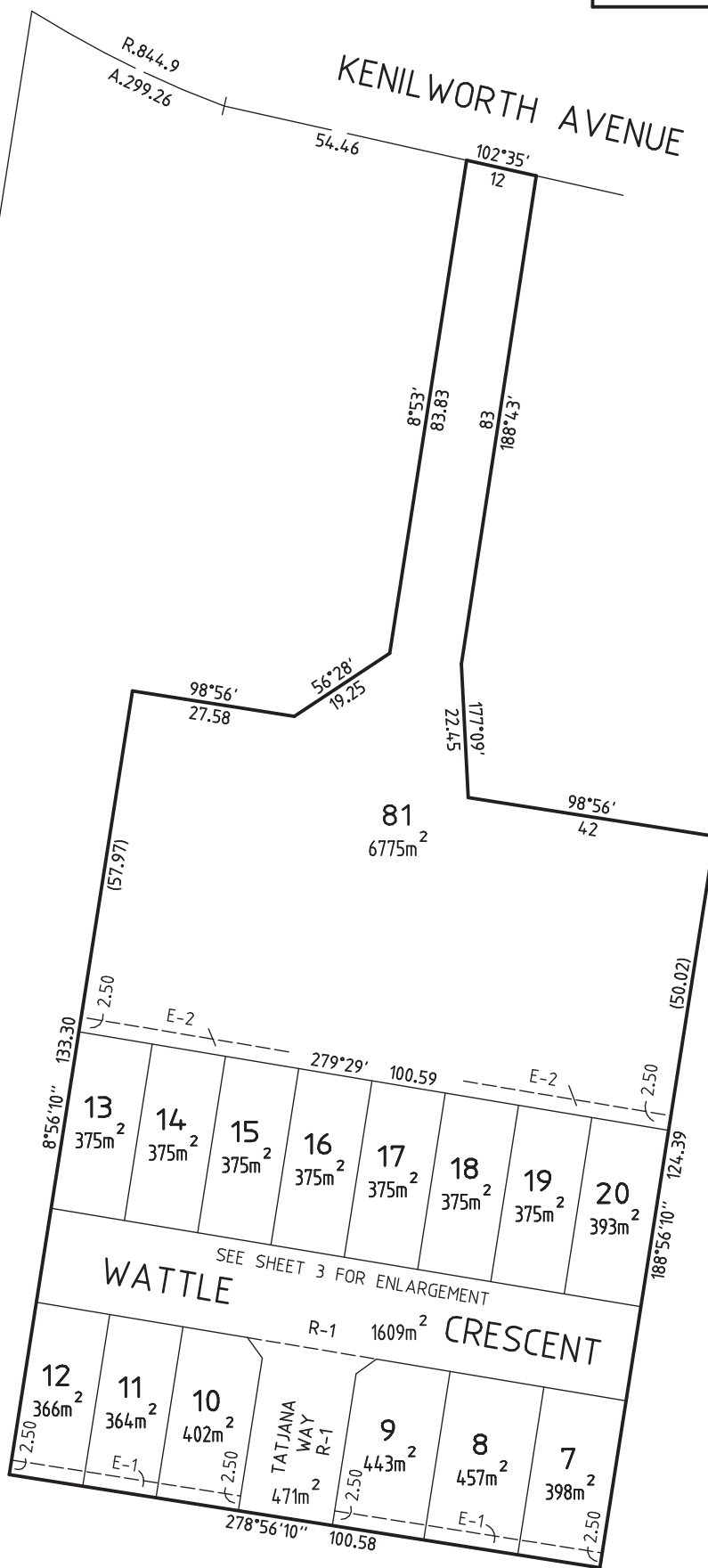
Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor,  
 Surveyor's Plan Version (5),  
 09/06/2021, SPEAR Ref: S152722E

Original Sheet  
 Size : A3

SHEET 1 OF 5

THOMAS STREET

KENILWORTH AVENUE



MGA-94  
ZONE 55

**RODNEY AUJARD & ASSOCIATES**  
Licensed Land Surveyors

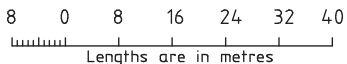
Level 1, 325 Camberwell Road, CAMBERWELL. 3124.

Ph. 9813 2222 Fax. 9813 2244

aujard@bigpond.net.au

Surveyors Ref. 18885/C

Scale  
**1:800**



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Surveyor's Plan Version (5),  
09/06/2021, SPEAR Ref: S152722E

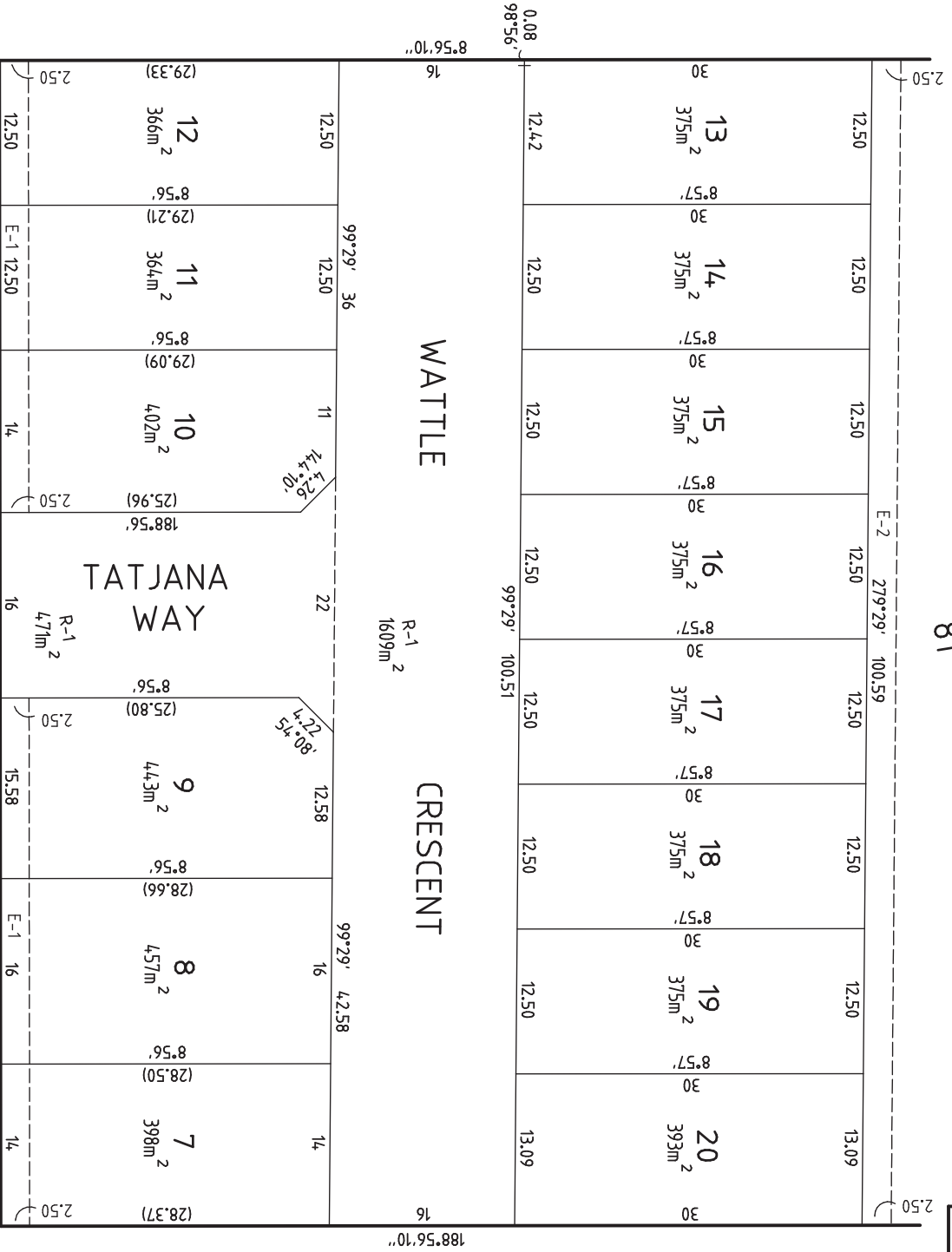
Original Sheet  
Size : A3

SHEET 2

Digitally signed by:  
Cardinia Shire Council,  
03/08/2021,  
SPEAR Ref: S152722E

PS 805058 F

81



**RODNEY AUJARD & ASSOCIATES**

*Licensed Land Surveyors*

Level 1, 325 Camberwell Road, CAMBERWELL, 3124.  
 Ph. 9813 2222 Fax. 9813 2244  
 81 Grant Street, ALEXANDRA, 3714, Ph. 5772 1530  
 aujard@bigpond.net.au

Surveyors Ref. 188857/C

Scale **1:400**

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 09/06/2021, SPEAR Ref: S152722E

Original Sheet Size : A3

SHEET 3



CREATION OF RESTRICTION

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

LAND TO BENEFIT : LOTS 7 to 20 ON THIS PLAN

LAND TO BE BURDENED : LOTS 7 to 20 ON THIS PLAN

DESCRIPTION OF RESTRICTION :

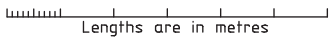
THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF LOTS 7 to 20 ON THIS PLAN SHALL NOT :

- (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.

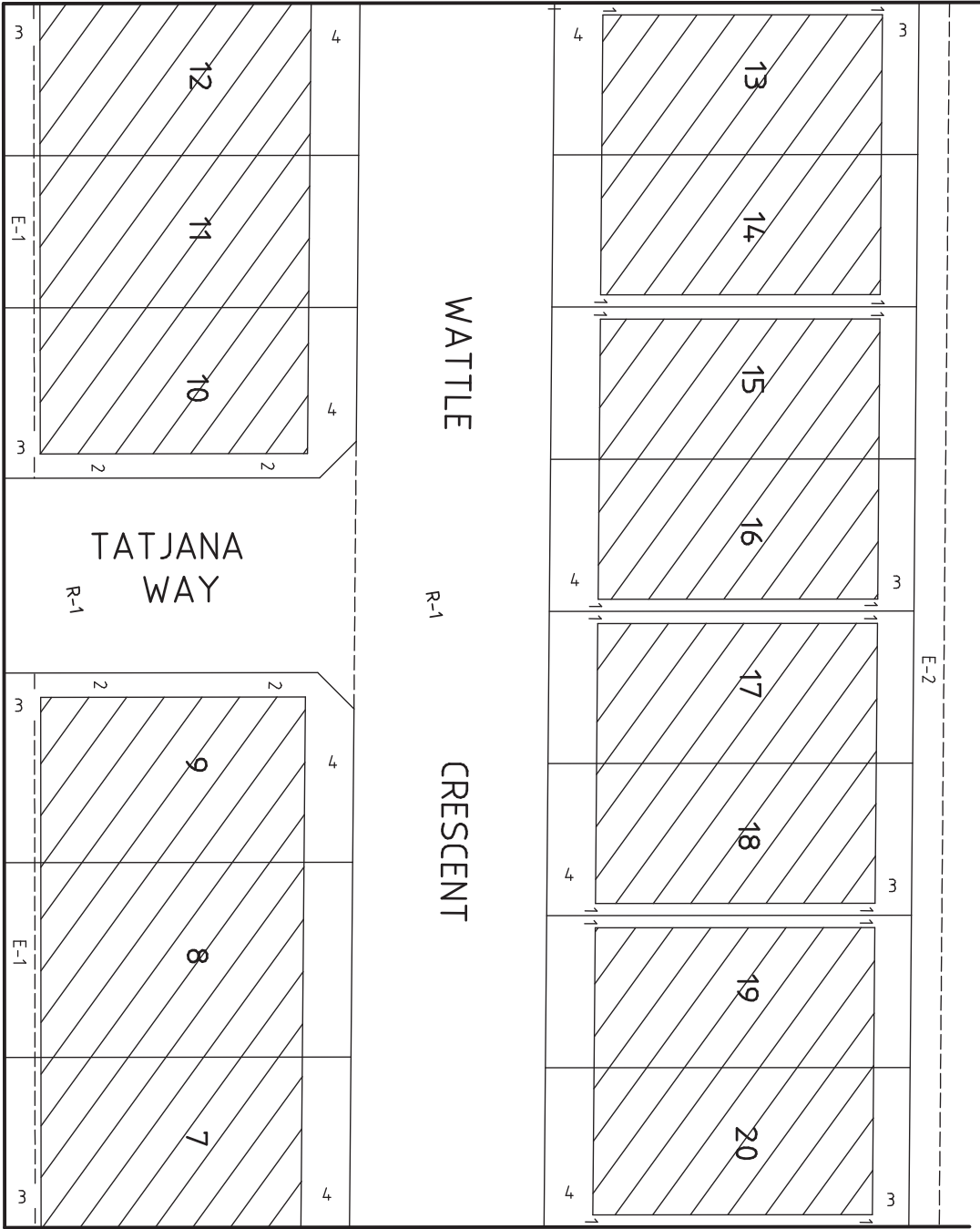
SCHEDULE

See Sheet 5

|   |  |   |   |         |
|---|--|---|---|---------|
| <b>RODNEY AUJARD &amp; ASSOCIATES</b><br><i>Licensed Land Surveyors</i><br>Level 1, 325 Camberwell Road, CAMBERWELL. 3124.<br>Ph. 9813 2222 Fax. 9813 2244<br>aujard@bigpond.net.au<br>Surveyors Ref. 18885/C | Scale  | <br>Lengths are in metres | Original Sheet<br>Size : A3   | SHEET 4 |
|   | Digitally signed by: Geoff Peter Sutherland, Licensed Surveyor,<br>Surveyor's Plan Version (5),<br>09/06/2021, SPEAR Ref: S152722E |   | Digitally signed by:<br>Cardinia Shire Council,<br>03/08/2021,<br>SPEAR Ref: S152722E |         |

81

PS 805058 F



BUILDING ENVELOPE

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

Level 1, 325 Camberwell Road, CAMBERWELL, 3124.  
 Ph. 9813 2222 Fax. 9813 2244  
 81 Grant Street, ALEXANDRA, 3714. Ph. 5772 1530  
 aujard@bigpond.net.au  
 Surveyors Ref. 188857/C

Scale **1:400**

4 0 4 8 12 16 20

Lengths are in metres

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 Surveyor's Plan Version (S),  
 09/06/2021, SPEAR Ref: S152722E

Original Sheet Size : A3

SHEET 5

Digitally signed by: Candina Shire Council,  
 03/08/2021,  
 SPEAR Ref: S152722E

# Property Clearance Certificate

## Taxation Administration Act 1997



INFOTRACK / MLJ LAW

|                        |             |
|------------------------|-------------|
| <b>Your Reference:</b> | 5120        |
| <b>Certificate No:</b> | 49818337    |
| <b>Issue Date:</b>     | 09 DEC 2021 |
| <b>Enquiries:</b>      | ESYSPROD    |

**Land Address:** 198 KENILWORTH AVENUE BEACONSFIELD VIC 3807

| Land Id  | Lot | Plan   | Volume | Folio | Tax Payable |
|----------|-----|--------|--------|-------|-------------|
| 37351840 | 2   | 542776 | 11145  | 184   | \$0.00      |

**Vendor:** BR 190 KENILWORTH PTY LTD  
**Purchaser:** FOR INFORMATION PURPOSES

| Current Land Tax             | Year | Taxable Value | Proportional Tax | Penalty/Interest | Total  |
|------------------------------|------|---------------|------------------|------------------|--------|
| BR 190 KENILWORTH UNIT TRUST | 2021 | \$2,265,000   | \$38,739.26      | \$0.00           | \$0.00 |

**Comments:** Land Tax of \$38,739.26 has been assessed for 2021, an amount of \$38,739.26 has been paid.

| Current Vacant Residential Land Tax | Year | Taxable Value | Proportional Tax | Penalty/Interest | Total |
|-------------------------------------|------|---------------|------------------|------------------|-------|
|-------------------------------------|------|---------------|------------------|------------------|-------|

**Comments:**

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

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

**Paul Broderick**  
Commissioner of State Revenue

CAPITAL IMP VALUE: \$2,265,000

SITE VALUE: \$2,265,000

**AMOUNT PAYABLE: \$0.00**

# Notes to Certificates Under Section 95AA of the *Taxation Administration Act 1997*

**Certificate No:** 49818337

---

## Power to issue Certificate

1. The Commissioner of State Revenue can issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

## Amount shown on Certificate

2. The Certificate shows any land tax (including Vacant Residential Land Tax, interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue. In addition, it may show:
  - Land tax that has been assessed but is not yet due,
  - Land tax for the current tax year that has not yet been assessed, and
  - Any other information that the Commissioner sees fit to include, such as the amount of land tax applicable to the land on a single holding basis and other debts with respect to the property payable to the Commissioner.

## Land tax is a first charge on land

3. Unpaid land tax (including Vacant Residential Land Tax, interest and penalty tax) is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any such unpaid land tax.

## Information for the purchaser

4. If a purchaser of the land described in the Certificate has applied for and obtained a Certificate, the amount recoverable from the purchaser cannot exceed the 'amount payable' shown. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

5. Despite the issue of a Certificate, the Commissioner may recover a land tax liability from a vendor, including any amount identified on this Certificate.

## General information

6. A Certificate showing no liability for the land does not mean that the land is exempt from land tax. It means that there is nothing to pay at the date of the Certificate.
7. An updated Certificate may be requested free of charge via our website, if:
  - The request is within 90 days of the original Certificate's issue date, and
  - There is no change to the parties involved in the transaction for which the Certificate was originally requested.

## For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$15,420.00

Taxable Value = \$2,265,000

Calculated as \$9,375 plus ( \$2,265,000 - \$1,800,000) multiplied by 1.300 cents.

---

## Property Clearance Certificate - Payment Options

**BPAY**




Billers Code: 5249  
Ref: 49818337

**Telephone & Internet Banking - BPAY®**

Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.

[www.bpay.com.au](http://www.bpay.com.au)

**CARD**



Ref: 49818337

**Visa or Mastercard**

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)

# PLANNING CERTIFICATE

Official certificate issued under Section 199 Planning & Environment Act 1987  
and the Planning and Environment Regulations 2005

## CERTIFICATE REFERENCE NUMBER

803054

## APPLICANT'S NAME & ADDRESS

MLJ LAW C/- INFOTRACK C/- LANDATA  
MELBOURNE

## VENDOR

BR 190 KENILWORTH PTY LTD

## PURCHASER

N/A, N/A

## REFERENCE

352548

This certificate is issued for:

LOT 2 PLAN PS542776 ALSO KNOWN AS 198 KENILWORTH AVENUE BEACONSFIELD  
CARDINIA SHIRE

The land is covered by the:

CARDINIA PLANNING SCHEME

The Minister for Planning is the responsible authority issuing the Certificate.

The land:

- is included in a URBAN GROWTH ZONE - SCHEDULE 3
- is within a DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 4

A detailed definition of the applicable Planning Scheme is available at :  
(<http://planningschemes.dpcd.vic.gov.au/schemes/cardinia>)

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian Heritage Register at:

<http://vhd.heritage.vic.gov.au/>

09 December 2021

**Hon. Richard Wynne MP**  
Minister for Planning

Additional site-specific controls may apply.  
The Planning Scheme Ordinance should be checked carefully.

The above information includes all amendments to planning scheme maps placed on public exhibition up to the date of issue of this certificate and which are still the subject of active consideration

Copies of Planning Schemes and Amendments can be inspected at the relevant municipal offices.

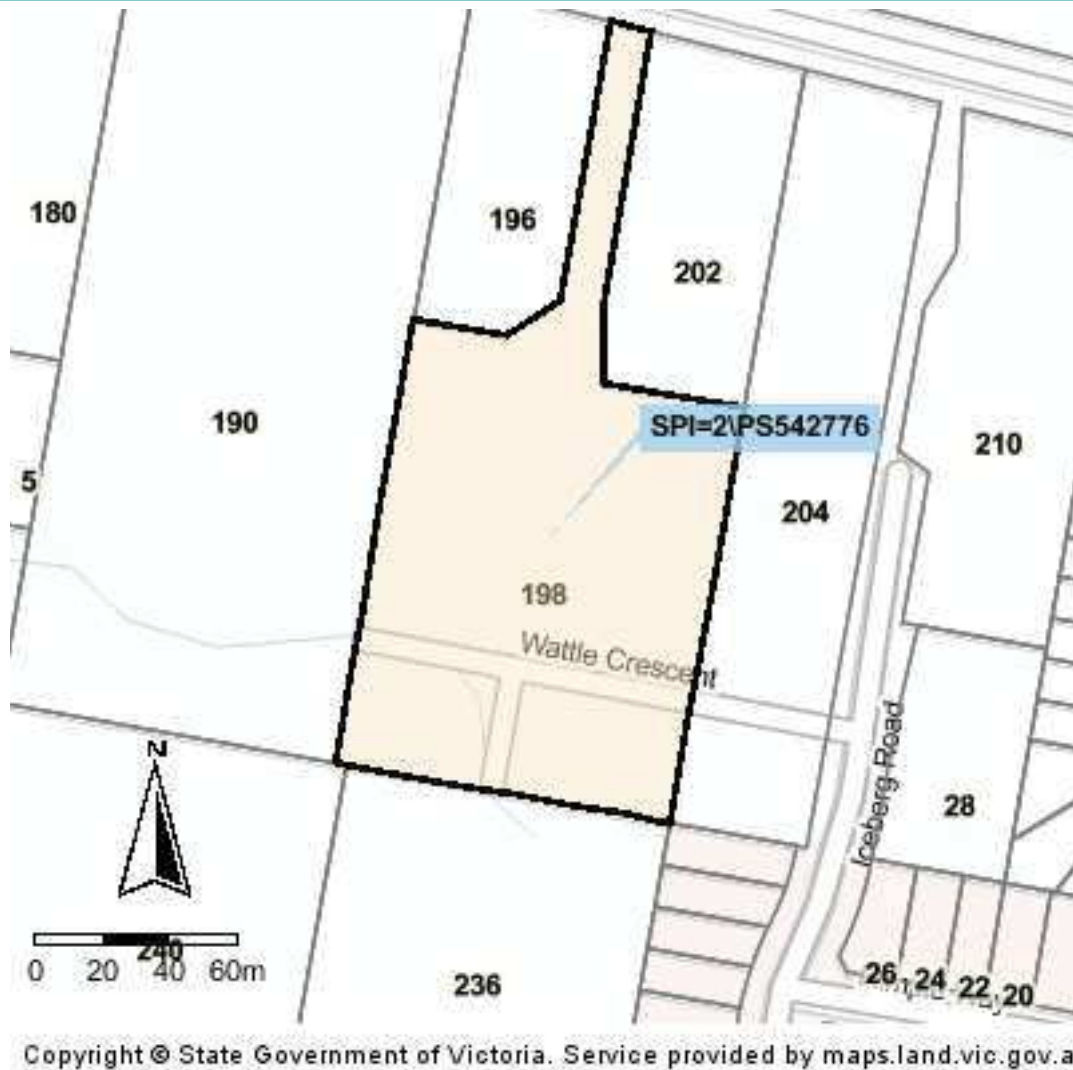
LANDATA®  
T: (03) 9102 0402  
E: [landata.enquiries@victorianlrs.com.au](mailto:landata.enquiries@victorianlrs.com.au)

The attached certificate is issued by the Minister for Planning of the State of Victoria and is protected by statute.

The document has been issued based on the property information you provided. You should check the map below - it highlights the property identified from your information.

If this property is different to the one expected, you can phone (03) 9102 0402 or email [landata.enquiries@victorianlrs.com.au](mailto:landata.enquiries@victorianlrs.com.au)

**Please note: The map is for reference purposes only and does not form part of the certificate.**



### Choose the authoritative Planning Certificate

#### *Why rely on anything less?*

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria.  
Order online before 4pm to receive your authoritative Planning Certificate the same day, in most cases within the hour.  
Next business day delivery, if further information is required from you.

### Privacy Statement

The information obtained from the applicant and used to produce this certificate was collected solely for the purpose of producing this certificate. The personal information on the certificate has been provided by the applicant and has not been verified by LANDATA®. The property information on the certificate has been verified by LANDATA®. The zoning information on the certificate is protected by statute. The information on the certificate will be retained by LANDATA® for auditing purposes and will not be released to any third party except as required by law.

# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 09 December 2021 11:32 AM

## PROPERTY DETAILS

Address: **198 KENILWORTH AVENUE BEACONSFIELD 3807**  
 Lot and Plan Number: **Lot 2 PS542776**  
 Standard Parcel Identifier (SPI): **2\PS542776**  
 Local Government Area (Council): **CARDINIA**  
 Council Property Number: **5000004935**  
 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**

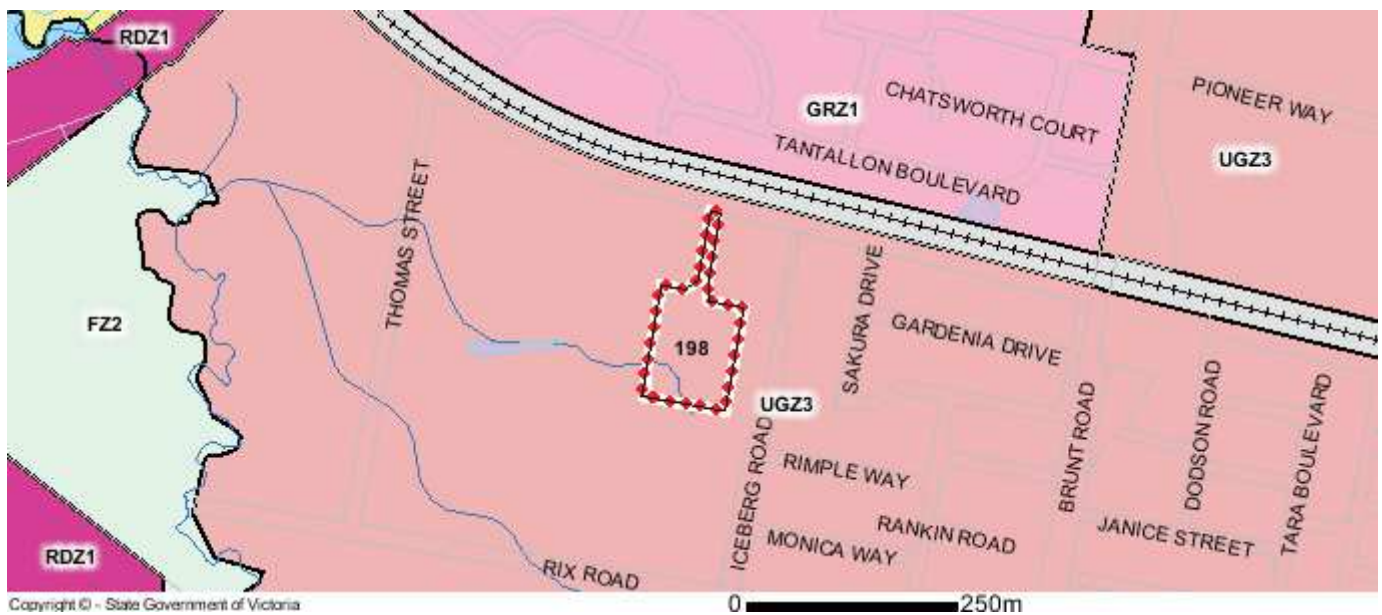
## STATE ELECTORATES

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








## Planning Zones

[URBAN GROWTH ZONE \(UGZ\)](#)

[URBAN GROWTH ZONE - SCHEDULE 3 \(UGZ3\)](#)



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

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

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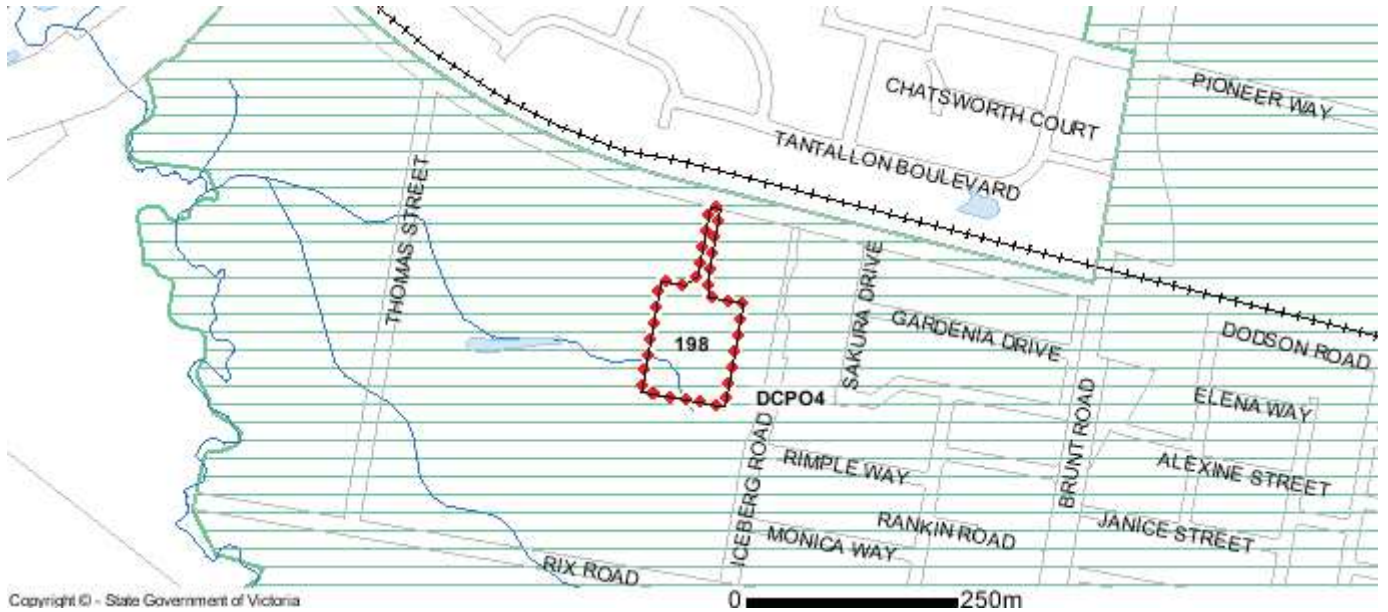
Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Land 1962 (Vic).

# PLANNING PROPERTY REPORT

## 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.



# PLANNING PROPERTY REPORT

## Planning Overlays

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

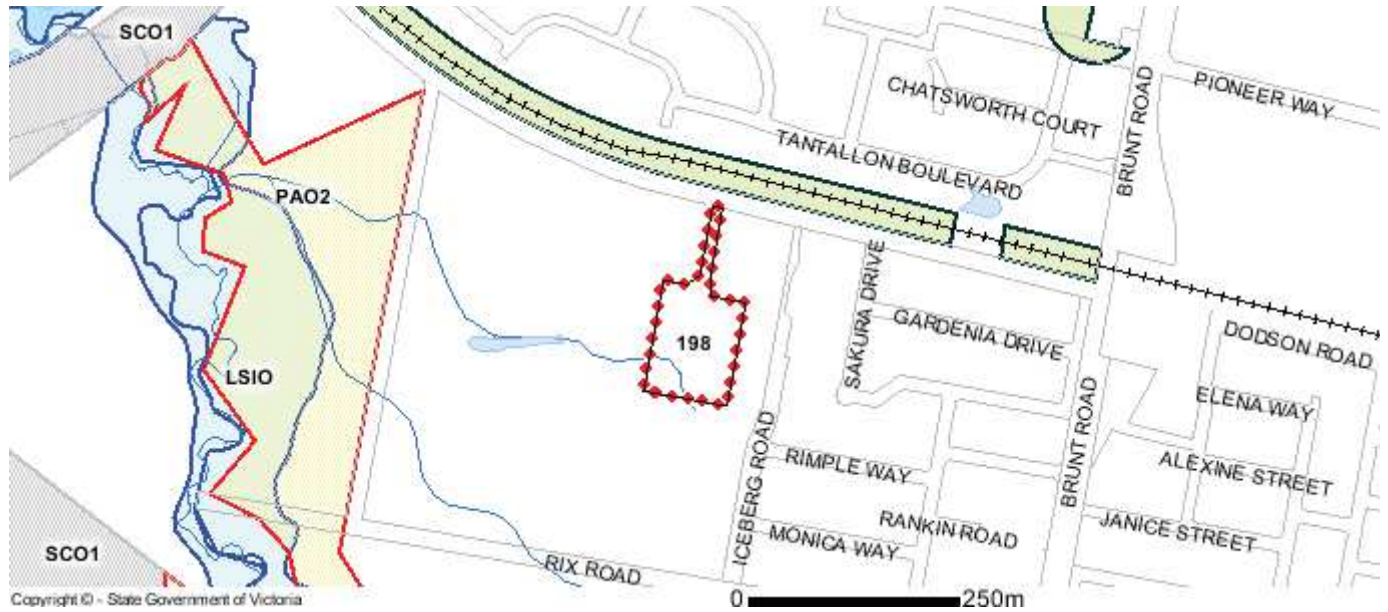
[ENVIRONMENTAL SIGNIFICANCE OVERLAY \(ESO\)](#)

[FLOODWAY OVERLAY \(FO\)](#)

[LAND SUBJECT TO INUNDATION OVERLAY \(LSIO\)](#)

[PUBLIC ACQUISITION OVERLAY \(PAO\)](#)

[SPECIFIC CONTROLS OVERLAY \(SCO\)](#)



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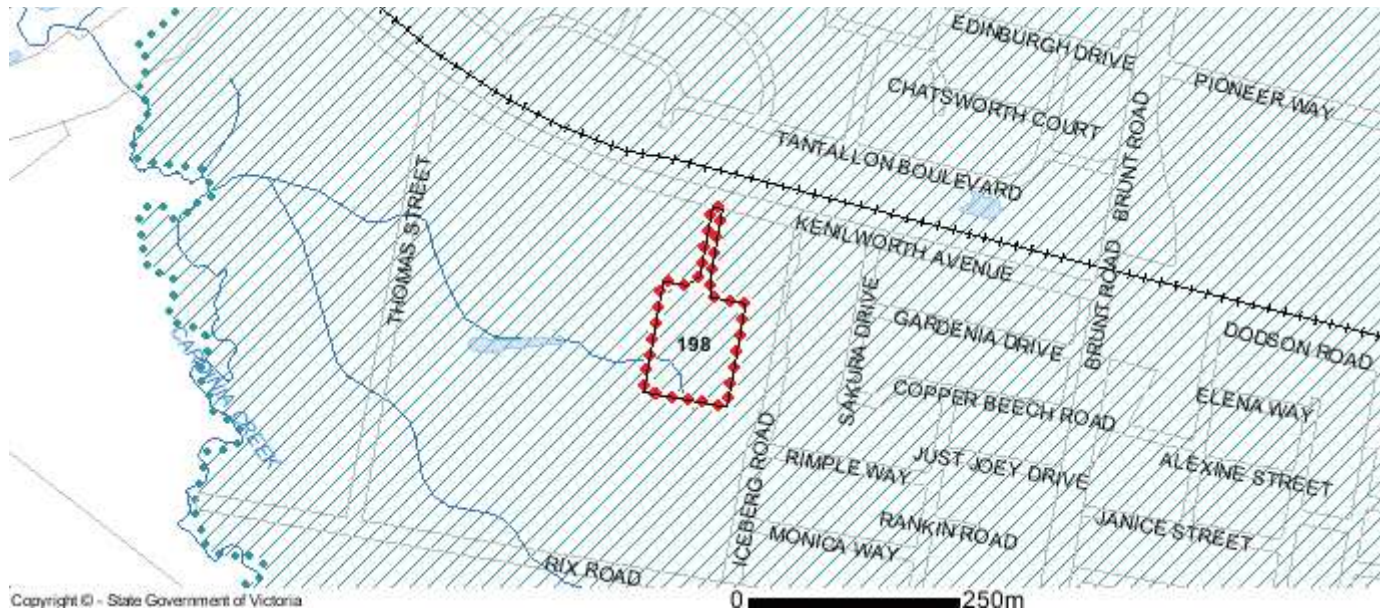
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# PLANNING PROPERTY REPORT

## 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>



Melbourne Strategic Assessment Area

## Further Planning Information

Planning scheme data last updated on 29 November 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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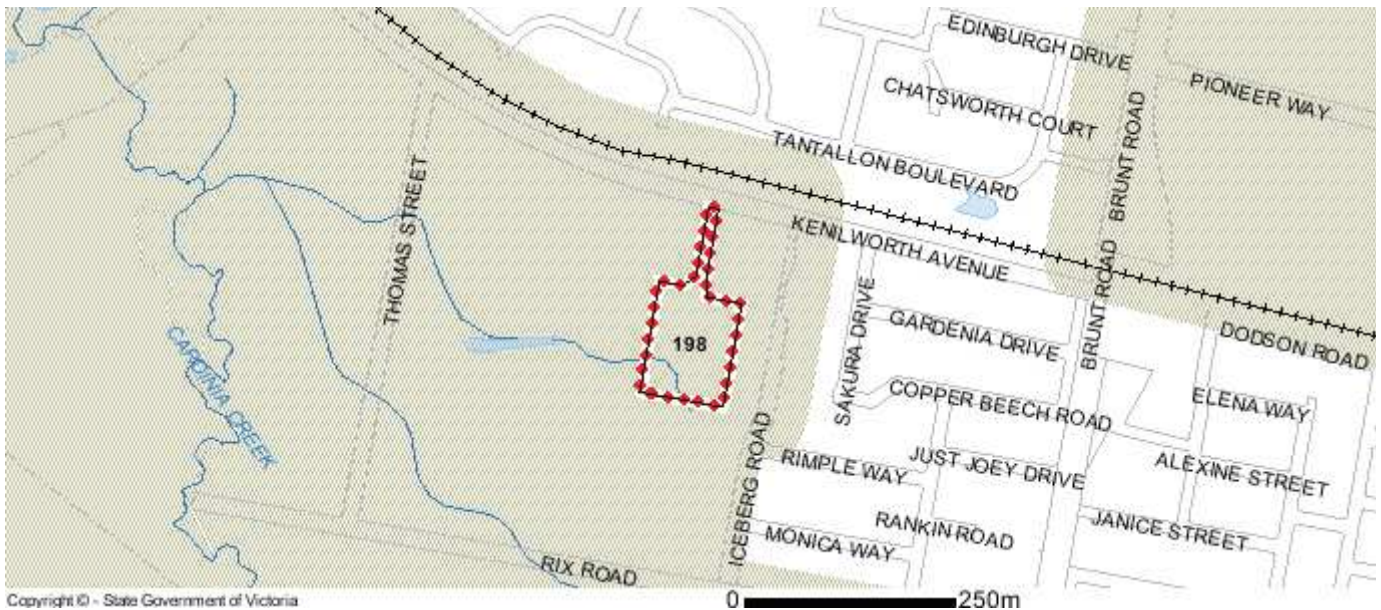
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# PLANNING PROPERTY REPORT

## 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 Area

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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# Fourth instalment notice

## Valuation, rates and charges for 2020/21



# Cardinia

BR 190 KENILWORTH PTY LTD  
ATF BR 190 KENILWORTH UNIT TRUST  
SUITE 4  
LEVEL 3 2 BRANDON PARK DR  
WHEELERS HILL VIC 3150

R3\_8269

### Rateable property details:

198 Kenilworth Ave  
Beaconsfield 3807  
L2 PS542776 V11145 F184 1.43 ha

Instalment 4

Amount due: \$1,821.24

Date due: 31/05/2021

Property number: 5000004935

Issue date: 04/05/2021

Amount due includes Victorian  
Government charges of \$58.82

The total amount due does not take into account payments received after 27th April 2021.

## Payment options

FlexiPay

Set up regular payments to suit your budget at [cardinia.vic.gov.au/flexipay](http://cardinia.vic.gov.au/flexipay)



Set up regular Centrepay deductions from your Centrelink payments at [servicesaustralia.gov.au/centrepay](http://servicesaustralia.gov.au/centrepay) CRN: 555 012 959V

BPAY

Billcode: 858944  
Ref: 50000049358



Pay in person at our Customer Service Centre  
20 Siding Avenue, Officer

BPAY @ this payment via internet or phone banking  
BPAY View @ - view and pay this bill via internet banking  
BPAY View registration number: 50000049358



Pay by cheque or money order (please attach this slip) and mail to  
PO BOX 7, Pakenham VIC 3810

Post Billpay

Billcode: 0860  
Ref: 5000 0049 3500 008

Call 131 816, go to [postbillpay.com.au](http://postbillpay.com.au) or visit an Australia Post store



To have your notices emailed  
Register at [cardinia.enotices.com.au](http://cardinia.enotices.com.au)  
Reference No: **86A888252Y**



\*860 500000493500008

Instalment 4

Property number: 5000004935

Property address:  
198 Kenilworth Ave

Date paid:

Receipt number:

For more information



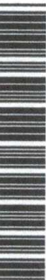
1300 787 624



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



ABN 32 210 906 807



**Payments (Visa/MasterCard) & account balances:**

southeastwater.com.au or call 1300 659 658

**Account enquiries:**

southeastwater.com.au/enquiries or call 131 851

Mon-Fri 8am to 6pm

**Faults and emergencies (24/7):**

live.southeastwater.com.au or call 132 812

**Interpreter service:**

For all languages 9209 0130

TTY users 133 677 (ask for 131 851)

BR 190 KENILWORTH PTY LTD AS T  
PO BOX 102  
CHADSTONE CENTRE VIC 3148

Account number: 30310766

Date due: 06 October 2021

|                  |                          |                |
|------------------|--------------------------|----------------|
| <b>Last bill</b> | <b>Payments received</b> | <b>Balance</b> |
| \$220.85         | – \$220.85cr =           | \$0.00         |

|                        |                  |
|------------------------|------------------|
| <b>Current charges</b> | <b>Total due</b> |
| + \$49.65              | \$49.65          |

## Your account breakdown

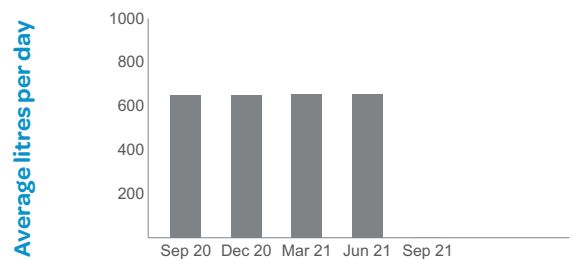
|                                     |  |
|-------------------------------------|--|
| Issue date                          | 17 September 2021                              |
| Property                            | 198 Kenilworth Avenue<br>BEACONSFIELD VIC 3807 |
| Property reference                  | 62A//19126/00040                               |
| Last bill                           | \$220.85                                       |
| Payment received                    | \$220.85cr                                     |
| Balance brought forward             | \$0.00   |
| Our charges (no GST)                | \$23.28  |
| Other authorities' charges (no GST) | \$26.39  |
| <b>Total due</b>                    | <b>\$49.65</b>                                 |

## Your snapshot

Average daily cost

26c

## Your water use

**Bill note:**

This bill's been estimated as we couldn't access your water meter.  
To ensure your bill is accurate simply send a photo of your water meter  
reading to support@sew.com.au

Previous bills

## Payment options

**DirectDebit**Set up payments at [mysoutheastwater.com.au](https://mysoutheastwater.com.au)**EFT (Electronic Funds Transfer)**

BSB: 033-874 Account number: 30310766  
Account name: South EastWater Corporation

**BPAY® (Up to \$20,000)**

Biller code: 24208 Ref: 1003 0310 7600 002

**Postbillpay**

BillpayCode: 0361 Ref: 1003 0310 7600 002  
Call 131 816 Visit: [postbillpay.com.au](https://postbillpay.com.au)  
Or visit an Australia Post store.

**Credit Card**

Pay by Visa or MasterCard at [southeastwater.com.au](https://southeastwater.com.au)  
or call 1300 659 658.

**Centrepay**

Arrange regular deductions from your Centrelink payments  
visit [humanservices.gov.au/centrepay](https://humanservices.gov.au/centrepay) CRN: 555 050 397J

Property ref: 62A//19126/00040  
198 KENILWORTH AVENUE  
BEACONSFIELD VIC 3807

PN62A



\*361100303107600002

**Total due:** \$49.65

**Account number:** 30310766

**Date paid:**

**Receipt number:**

+00000030310766&gt;

+009124+

&lt;0000000000&gt;

&lt;0000004965&gt;

+444+

## Our charges

### Meter reading details

Date read: 03/09/2021

| Meter Number | current read | previous read | consumption (kl) | Estimate or Actual read |
|--------------|--------------|---------------|------------------|-------------------------|
| SAFM064444   | 3160         | 3160          | 0                | E                       |

Approximate date for next meter reading is 03 December 2021.

### Service charges

For period 01/07/21 to 30/09/21

Water service charge **\$23.28****Total service charges \$23.28**

### Our charges

**\$23.28**

### Other authorities' charges

Waterways and Drainage charge 01/07/21 to 30/09/21 **\$26.39****Total other authorities \$26.39**

### Total current charges

**\$49.65**

## 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](https://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](https://melbournewater.com.au). The charge is for 01/07/21 to 30/09/21.

### 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](https://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](https://mysoutheastwater.com.au). Note: Commonwealth Seniors Health or Victorian Seniors cards are not eligible.

### Important note:

We're keeping our bills stable in 2021-22. Full details on prices and charges at [southeastwater.com.au/residentialprices](https://southeastwater.com.au/residentialprices)

If you need support  
with your bill,  
we're here to help.

Visit [southeastwater.online/heretohelp](https://southeastwater.online/heretohelp)



**South East Water Corporation**

ABN 89 066 902 547

101 Wells Street Frankston VIC 3199

PO Box 2268 Seaford VIC 3198 Australia



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  
CARDINIA SHIRE COUNCIL  
Date: 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

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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.

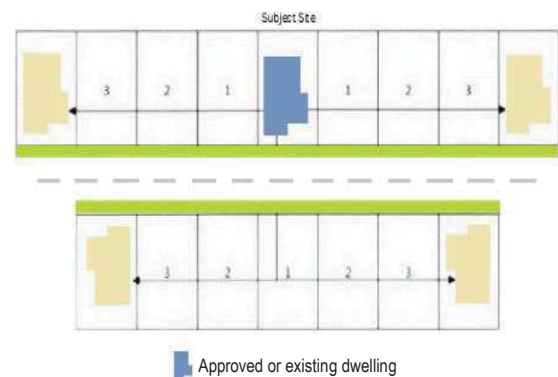
### 3.3 Frontages

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 Zinalume 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.