

SECTION 32

STATEMENT

PURSUANT TO DIVISION 2 OF PART II
SECTION 32 OF THE SALE OF LAND ACT 1962 (VIC)

Vendor:	Woody Group Pty Ltd ACN 006 445 745
Property:	Lot "Salvatore Drive" Subdivision WY YUNG Victoria

VENDORS REPRESENTATIVE

Eastcoast Conveyancing
PO Box 695
Bairnsdale Vic 3875
DX 82212 Bairnsdale Vic
Phone: 03 5152 1171
Fax: 03 5152 6033
Email: info@eastcoastconvey.com.au
Ref: 20-9092

SECTION 32 STATEMENT
LOT "SALVATORE DRIVE" SUBDIVISION WY YUNG VIC 3875

32A FINANCIAL MATTERS

Information concerning any rates, taxes, charges or other similar outgoings AND any interest payable on any part of them :
are as follows:

Provider	Amount (& interest if any)	Period
East Gippsland Shire Council		Per annum
East Gippsland Water		Per annum

Any further amounts (including any proposed Owners Corporation Levy) for which the Purchaser may become liable as a consequence of the purchase of the property are as follows:-
None to the vendors knowledge

Not separately rated however their total is not expected to exceed \$1,500.00

At settlement the rates will be adjusted between the parties, so that they each bear the proportion of rates applicable to their respective periods of occupancy in the property.

32A(b)The particulars of any Charge (whether registered or not) over the land imposed by or under an Act to secure an amount due under that Act, including the amount owing under the charge are as follows:-
Not Applicable

32B INSURANCE

- (a) Where the Contract does not provide for the land to remain at the risk of the Vendor, particulars of any policy of insurance maintained by the Vendor in respect of damage to or destruction of the land are as follows: - Not Applicable
- (b) Where there is a residence on the land which was constructed within the preceding six years, and section 137B of the *Building Act 1993* applies, particulars of the required insurance are as follows:-
Not Applicable

32C LAND USE

(a) **RESTRICTIONS**

Information concerning any easement, covenant or similar restriction affecting the land (whether registered or unregistered) is as follows:-

- Easements affecting the land are as set out in the attached copies of title.
- Covenants affecting the land are as set out in the attached copies of title.
- Other restrictions affecting the land are as attached.
- Particulars of any existing failure to comply with the terms of such easement, covenant and/or restriction are as follows:-

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant or similar restriction affecting the land. The Purchaser should note that there may be sewers, drains, water pipes, underground and/or overhead electricity cables, underground and/or overhead telephone cables and underground gas pipes laid outside any registered easements and which

SECTION 32 STATEMENT
LOT "SALVATORE DRIVE" SUBDIVISION WY YUNG VIC 3875

are not registered or required to be registered against the Certificate of Title.

(b) BUSHFIRE

This land is in a designated bushfire-prone area within the meaning of the regulations made under the *Building Act 1993*.

(c) ROAD ACCESS

There is access to the Property by Road.

(d) PLANNING

Planning Scheme: East Gippsland Planning Scheme
Responsible Authority: East Gippsland Shire Council
Zoning: Low Density Residential Zone
Planning Overlay/s: Refer to attached Planning Property Report

32D NOTICES

- (a) 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 of which the Vendor might reasonably be expected to have knowledge are:-

Refer to attached copy of Planning Permit Number 390/2016/P
East Gippsland Shire letter of confirmation of extension to Planning Permit

however the Vendor has no means of knowing all decisions of the Government and other authorities unless such decisions have been communicated to the Vendor

- (b) The Vendor is not aware of any 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.
- (c) Particulars of any Notice of intention to acquire served under Section 6 of the *Land Acquisition and Compensation Act, 1986* are: Not Applicable

32E BUILDING PERMITS

Particulars of any Building Permit issued under the *Building Act 1993* during the past seven years (where there is a residence on the land):-

No such Building Permit has been granted to the Vendors knowledge.

32F OWNERS CORPORATION

The Land is NOT affected by an Owners Corporation within the meaning of the *Owners Corporation Act 2006*.

32G GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (GAIC)

- (1) The land, in accordance with a work-in-kind agreement (within the meaning of Part 9B of the *Planning and Environment Act 1987* is NOT –
- land that is to be transferred under the agreement.
 - land on which works are to be carried out under the agreement (other than Crown land).
 - land in respect of which a GAIC is imposed

32H DISCLOSURE OF NON-CONNECTED SERVICES

The following services denoted with an "x" are **not** connected to the land

Electricity	X	Gas	X	Water	X	Sewerage	X	Telephone	X
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Connected services are provided by an authority and operating on the day of sale. The Purchaser should be aware that the Vendor may terminate their account with the service provider before settlement, and the purchaser will have to have the service reconnected at the purchasers expense.

32I TITLE

Attached are the following document/s concerning Title:

- (a) In the case of land under the *Transfer of Land Act 1958* a copy of the Register Search Statement/s and the document/s, or part of the document/s, referred to as the diagram location in the Register Search Statement/s that identifies the land and its location.
- (b) In any other case, a copy of -
 - (i) the last conveyance in the Chain of Title to the land; or
 - (ii) any other document which gives evidence of the Vendors title to the land.
- (c) Where the Vendor is not the registered proprietor or the owner of the estate in fee simple, copies of the documents bearing evidence of the Vendor's right or power to sell the land.
- (d) In the case of land that is subject to a subdivision -
 - (i) a copy of the Plan of Subdivision which has been certified by the relevant municipal council (if the Plan of Subdivision has not been registered), or
 - (ii) a copy of the latest version of the plan (if the Plan of Subdivision has not been certified).
- (e) In the case of land that is part of a staged subdivision within the meaning of Section 37 of the *Subdivision Act 1988* -
 - (i) if the land is in the second or a subsequent stage, a copy of the plan for the first stage; and
 - (ii) details of any requirements in a Statement of Compliance relating to the stage in which the land is included that have not been complied with; and
 - (iii) details of any proposals relating to subsequent stages that are known to the Vendor; and
 - (iv) a statement of the contents of any permit under the *Planning and Environment Act 1987* authorising the staged subdivision.
- (f) In the case of land that is subject to a subdivision and in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed -
 - (i) if the later plan has not been registered, a copy of the plan which has been certified by the relevant municipal council; or
 - (ii) if the later plan has not yet been certified, a copy of the latest version of the plan.

SECTION 32 STATEMENT

LOT "SALVATORE DRIVE" SUBDIVISION WY YUNG VIC 3875

DATE OF THIS STATEMENT

/ /20

Name of the Vendor

Woody Group Pty Ltd by its' Directors Barry Edgar Wood and Gaye Cherie Greening

Signature/s of the Vendor

The Purchaser acknowledges being given a duplicate of this statement signed by the Vendor before the Purchaser signed any contract.

DATE OF THIS ACKNOWLEDGMENT

/ /20

Name of the Purchaser

Signature/s of the Purchaser

x

IMPORTANT NOTICE - ADDITIONAL DISCLOSURE REQUIREMENTS

Undischarged mortgages – S32A(a)

Where the land is to be sold subject to a mortgage (registered or unregistered) which is not to be discharged before the purchaser becomes entitled to possession or receipt of rents and profits, then the vendor must provide an additional statement including the particulars specified in Schedule 1 of the *Sale of Land Act 1962*.

Terms contracts – S32A(d)

Where the land is to be sold pursuant to a terms contract which obliges the purchaser to make two or more payments to the vendor after execution of the contract and before the vendor is entitled to a conveyance or transfer, then the vendor must provide an additional statement containing the information specified in Schedule 2 of the *Sale of Land Act 1962*.

PLAN OF SUBDIVISION

EDITION 1

PS 835759D

LOCATION OF LAND

PARISH: WY-YUNG
TOWNSHIP: _____
SECTION: _____
CROWN ALLOTMENT: 60 A (PART)
CROWN PORTION: _____
TITLE REFERENCE: VOL 11266 FOL 159

LAST PLAN REFERENCE: LOT 1 - PS640177N

POSTAL ADDRESS: 21 SALVATORE DRIVE,
 (at time of subdivision) WY YUNG, 3875

MGA2020 CO-ORDINATES: E: 553 650 **ZONE:** 55
 (of approx centre of land N: 5818 600
 in plan)

Council Name: East Gippsland Shire Council
 Council Reference Number: PS835759D
 Planning Permit Reference: 390/2016/P/A
 SPEAR Reference Number: S147285C

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 not been made

Digitally signed by: Martin T Ireland for East Gippsland Shire Council on 07/11/2019

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
RI ROAD	EAST GIPPSLAND SHIRE COUNCIL
RESERVE No. 1	EAST GIPPSLAND SHIRE COUNCIL
RESERVE No. 2	EAST GIPPSLAND SHIRE COUNCIL

NOTATIONS

NOTATIONS

DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE

SURVEY:

This plan is based on survey.

STAGING:

This is not a staged subdivision.
 Planning Permit No. 390/2016/P

This survey has been connected to permanent marks No(s). 147 & 148

In Proclaimed Survey Area No. NIL

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of

Crowthers & Sadler Pty. Ltd.

LICENSED SURVEYORS & TOWN PLANNERS
 152 MACLEOD STREET, BAIRNSDALE, VIC., 3875
 P. (03) 6162 6011 E. contact@crowthersadler.com.au

SURVEYORS FILE REF: 18535

ORIGINAL SHEET
 SIZE: A3

SHEET 1 OF 3 SHEETS

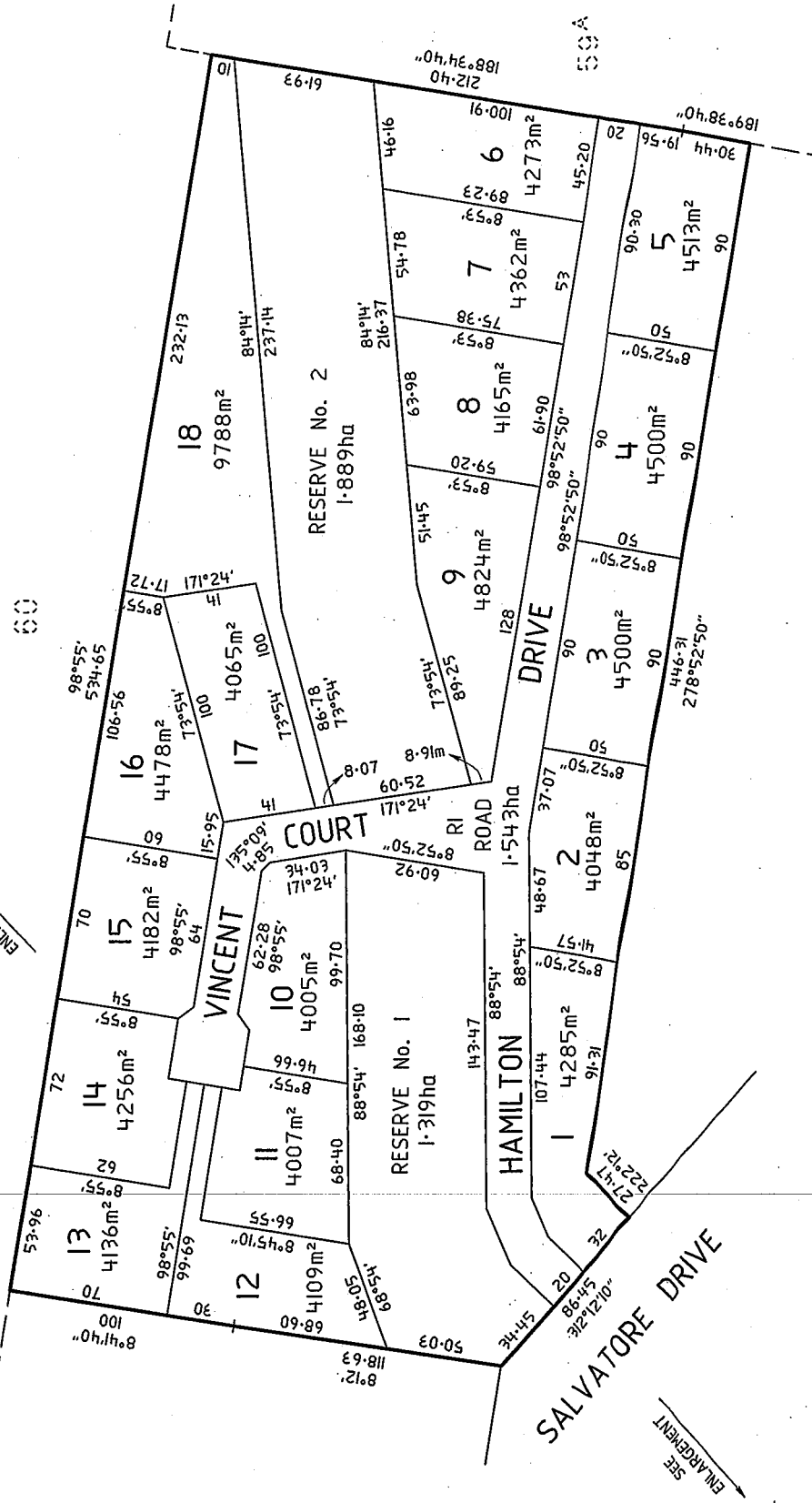
Digitally signed by: Michael J Sadler, Licensed Surveyor,
 Surveyor's Plan Version (1),
 23/09/2019, SPEAR Ref: S147285C

PS 835759D

FOR ENLARGEMENT
SEE SHEET 3

SEE ENLARGEMENT

MGA2020 ZONE 55



FOR ENLARGEMENT
SEE SHEET 3

Crowthier & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
182 MACLEOD STREET, BAIRNSDALE, VIC., 3875
P. (03) 5152 5011 E. contact@crowthersadler.com.au

SURVEYORS REF
18535

SCALE
1:2000

LENGTHS ARE IN METRES

20 0 20 40 60 80

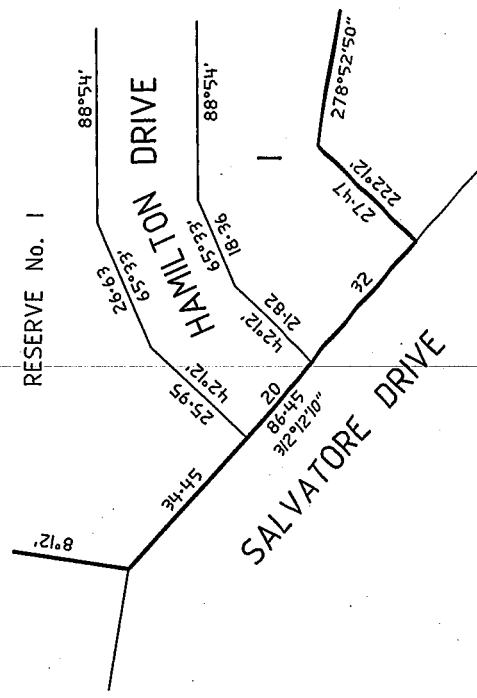
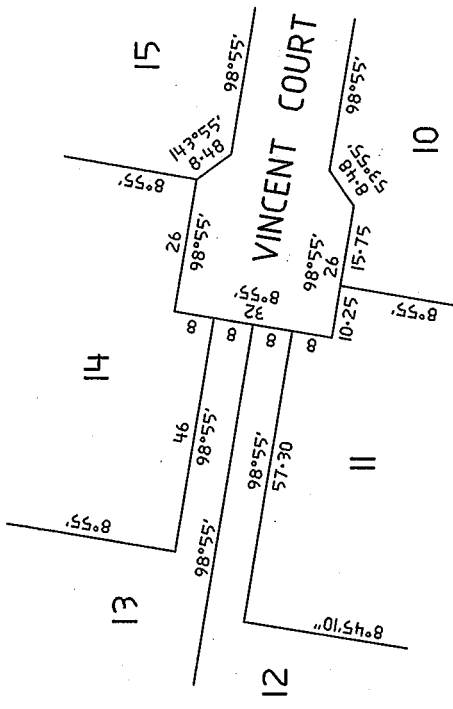
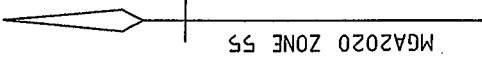
Digitally signed by:
Michael J Sadler, Licensed Surveyor,
Surveyor's Plan Version (1),
23/09/2019, SPEAR Ref: S147285C

SHEET 2

ORIGINAL SHEET
SIZE: A3

SPEAR Ref: S147285C

PS 835759D



Crowther & Sadler Pty. Ltd.
 LICENSED SURVEYORS & TOWN PLANNERS
 182 MACLEOD STREET, BAIRNSDALE, VIC., 3675
 P. (03) 5162 5011 E. contact@crowthersadler.com.au

SURVEYORS REF
 18535

SCALE
 1:1000

LENGTHS ARE IN METRES

0 10 20 30 40

Digitally signed by:
 Surveyor's Plan Version (1),
 23/09/2019, SPEAR Ref: S147285C

ORIGINAL SHEET
 SIZE: A3

SHEET 3

Digitally signed by:
 East Gippsland Shire Council,
 07/11/2019,
 SPEAR Ref: S147285C



New Street Address Allocations Information

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

Plan No: PS835759D
Certified: Pending
No. of Lots: 18
Council Name: East Gippsland Shire Council
Council Ref No: 390/2016/P/A, PS835759D
SPEAR Ref No: S147285C
Property: 21 SALVATORE DRIVE, WY YUNG VIC 3875

Lot Number	House Number	Road Name	Road Type	Locality
1	4	HAMILTON	DRIVE	WY YUNG
2	6	HAMILTON	DRIVE	WY YUNG
3	8	HAMILTON	DRIVE	WY YUNG
4	10	HAMILTON	DRIVE	WY YUNG
5	12	HAMILTON	DRIVE	WY YUNG
6	13	HAMILTON	DRIVE	WY YUNG
7	11	HAMILTON	DRIVE	WY YUNG
8	9	HAMILTON	DRIVE	WY YUNG
9	7	HAMILTON	DRIVE	WY YUNG
10	9	VINCENT	COURT	WY YUNG
11	11	VINCENT	COURT	WY YUNG
12	13	VINCENT	COURT	WY YUNG

13	14	VINCENT	COURT	WY YUNG
14	12	VINCENT	COURT	WY YUNG
15	10	VINCENT	COURT	WY YUNG
16	8	VINCENT	COURT	WY YUNG
17	6	VINCENT	COURT	WY YUNG
18	4	VINCENT	COURT	WY YUNG
RES1	21	SALVATORE	DRIVE	WY YUNG
RES2	2	VINCENT	COURT	WY YUNG

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

Date: 09/10/2019

The transferees for themselves, their heirs, executors, administrators and transferees and other registered proprietors for the time being of the land hereby transferred and every part thereof HEREBY COVENANT with the transferor, its successors, assigns and transferees and other registered proprietor or proprietors for the time being all of the land comprised in Plan of Subdivision No. PS835759D other than the land hereby transferred that on the land hereby transferred they will not:-

1. erect, place, permit, licence or authorise on the land any buildings other than one dwelling (together with usual outbuildings) with such dwelling to contain a floor area of not less than 160m² within the outer walls thereof calculated by excluding the area of any carport, garage, terrace, pergola, porch or verandah;
2. erect, place, permit, licence or authorise on the land any building which is built other than of new materials save for the second hand bricks;
3. erect, place, permit, licence or authorise on the land any dwelling constructed of Hardiplank, cement sheet or like materials except for the purpose of eave lining and infills;
4. construct a dwelling that has external walls of less than 70% brick, stone, masonry or glass;
5. erect, place, permit, licence or authorise on the land any building having a roof other than of slate, clay tile, cement tile or Colourbond material;
6. erect, place, permit, licence or authorise on the land any outbuilding which is built of unpainted or exposed metal or of Hardiplank or cement sheet or like material unless the same is finished with a permanent render or texture coating;
7. extract or remove or permit the extraction or removal of any soil, gravel or earth or other materials from the said land except for the purpose of excavating for the foundations of a building or of a swimming pool or tennis court or for gardening, landscaping or driveway within the said land;
8. use or permit the use of the said land for any offensive or noxious purpose;
9. permit the land or any part thereof to be used for the purpose of commercial breeding or boarding of or training kennels for cats or dogs or for the purpose of keeping commercial poultry or pigeons thereon;
10. further subdivide the land in any way so as to create an additional lot;
11. this Covenant shall expire on the 31st December 2030.

AND THAT the benefit of the foregoing covenant shall be attached to and run at law and in equity with the land comprised in the said Plan of Subdivision No. 835759D other than the lot hereby transferred and the burden thereof shall be annexed to and run at law and in equity with the land hereby transferred and the same shall be noted and appear on every future Certificate of Title for the said land every part thereof as an encumbrance affecting the same.

Your Reference: 1500821
Contact: Martin Ireland
Our Reference: 390/2016/P
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

19 March 2019

B Wood
C/- Beveridge Williams & Co Pty Ltd
PO Box 1799
BAIRNSDALE VIC 3875

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
National Relay Service: 133 677
Residents' Info Line: 1300 555 886
Facsimile: (03) 5153 9576
Email: feedback@egipps.vic.gov.au
ABN 81 957 967 765

Dear Sir or Madam,

Planning Application Number: 390/2016/P
Proposal: Subdivision of land into 18 lots
Location: 90 Clifton West Road WY YUNG
Lot 1 PS 640177

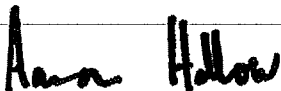
Your request for an extension of the above Planning Permit has been considered under delegation from the Council and a decision has been made to extend the permit for a further two (2) year period in order to ensure that the development can be fully completed.

The permit will now expire if:

- The plan of subdivision is not certified by 28 March 2021, or;
- The plan of subdivision for stage 2 is not certified within 2 years of stage 1 attaining statement of compliance, or;
- Any stage does not receive statement of compliance within 5 years of being certified.

Please contact me if you want to discuss this matter further.

Yours sincerely,



AARON HOLLOW
Manager Statutory Services

Your Reference: 1500821
Contact: Ben Marchbank
Our Reference: 390/2016/P
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

26 July 2018

J M Ferretti
C/- Beveridge Williams & Co Pty Ltd
PO Box 1799
BAIRNSDALE VIC 3875

Corporate Centre
273 Main Street (PO Box 1618)
Bairnsdale Victoria 3875
Telephone: (03) 5153 9500
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ABN 81 957 967 765

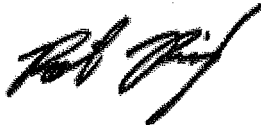
Dear Sir or Madam,

Planning Application Number: 390/2016/P
Proposal: Subdivision of land into 18 lots
Location: 90 Clifton West Road WY YUNG
Lot 1 PS 640177

The staging plan submitted in accordance with condition 1 of the above permit has been approved and endorsed as part of the permit.

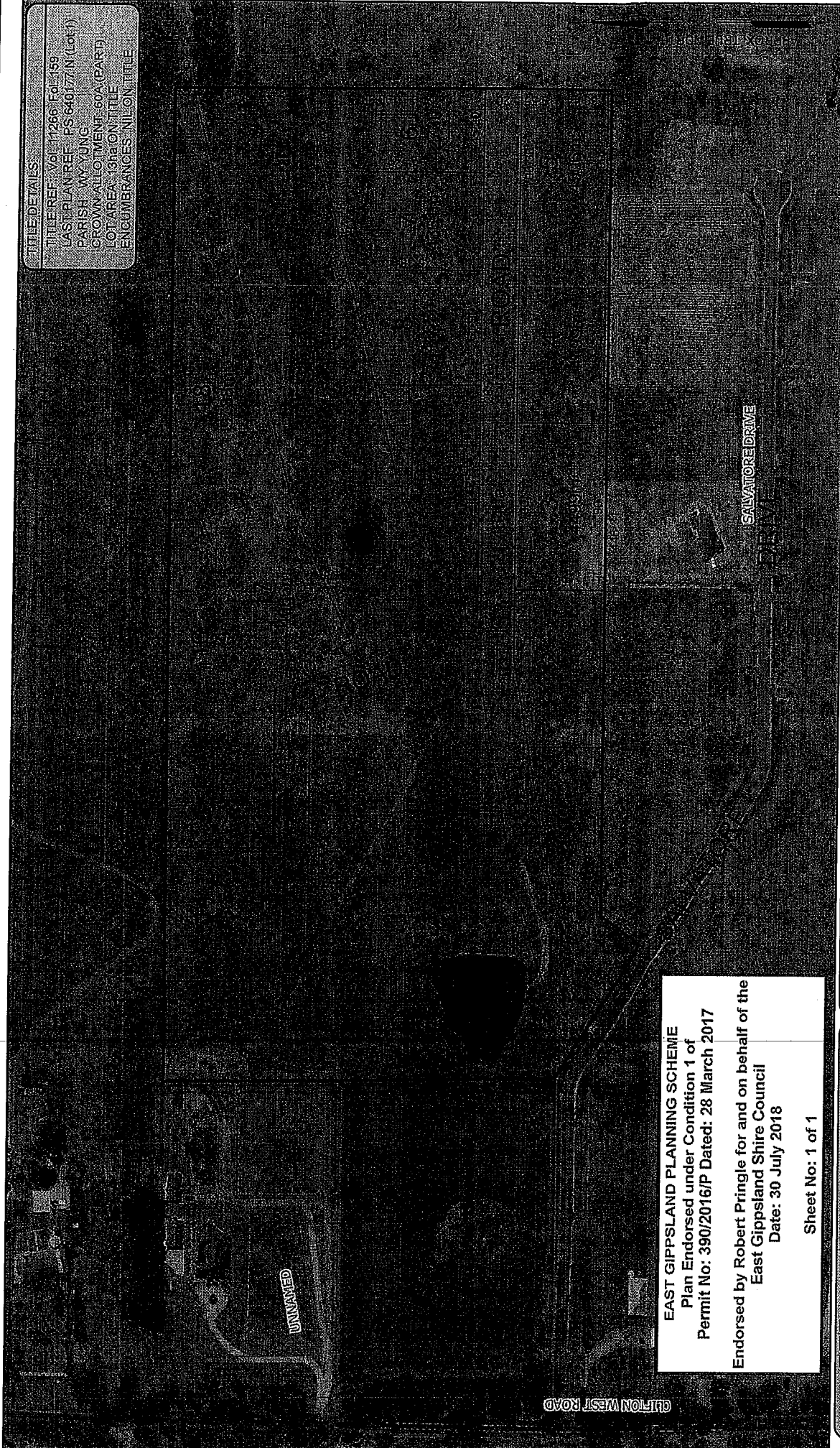
Your copy of the endorsed plan to be attached to the original permit is enclosed.

Yours sincerely



ROBERT PRINGLE
Acting Senior Land Use Planner

FILE DETAILS
 TITLE REF: V61 11266 (Vol 159)
 LAST PLAN REF: PS 640 877 N (Lot 1)
 PARISH: WY YUNG
 CROWN ALLOTMENT: 60A (PART)
 LOT AREA: 13ha ON TITLE
 ENCUMBRANCES: NIL ON TITLE



EAST GIPPSLAND PLANNING SCHEME
 Plan Endorsed under Condition 1 of
 Permit No: 390/2016/P Dated: 28 March 2017
 Endorsed by Robert Pringle for and on behalf of the
 East Gippsland Shire Council
 Date: 30 July 2018
 Sheet No: 1 of 1

BW Beveridge Williams
 development & environment consultants
 Bairnsdale ph: 05 5152 4708
 www.beveridgewilliams.com.au
 CAD REFERENCE: 1500821 - PPOS(V3).dwg

SURVEYORS REF: 1500821
 VERSION: 3
 SURVEYOR: J.K.
 DRAWN: J.K.
 ORIGINAL SHEET SIZE: A3
 CHECKED: C.C.
 DATE: 03/10/16
 SCALE 1:2000
 LENGTHS ARE IN METRES
 0 20 40 60 80

NOTATIONS:
 TITLE BOUNDARIES SHOWN ARE ALL SUBJECT TO SURVEY.
 RESERVE IS 3.268ha OVERALL IN SIZE, MADE UP OF TWO PARTS.
 LOTS 1 TO 9 & RESERVE TO BE CONSTRUCTED IN STAGE ONE.
 LOTS 10 TO 18 TO BE CONSTRUCTED IN STAGE TWO.
 AERIAL IMAGE SOURCED FROM THE DEPARTMENT OF STATE
 DEVELOPMENT, BUSINESS AND INNOVATION.

PROPOSED PLAN OF SUBDIVISION
 90 CLIFTON WEST ROAD
 WY YUNG, VIC, 3875
 SHEET 1 OF 1

Your Reference: 1500821
Contact: Ben Marchbank
Our Reference: 390/2016/P
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

Corporate Centre
273 Main Street (PO Box 1618)
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ABN: 81 957 967 765

28 March 2017

J M Ferretti
C/- Beveridge Williams & Co Pty Ltd
PO Box 1799
BAIRNSDALE VIC 3875

Dear Sir or Madam,

Planning Application Number: 390/2016/P
Proposal: Subdivision of land into 18 lots
Location: 90 Clifton West Road WY YUNG
Lot 1 PS 640177

We previously wrote to you enclosing a Notice of Decision to Grant a Permit in regard to the above mentioned planning permit application. The Notice allowed objectors to the application a period of 21 days to lodge an appeal with the Victorian Civil and Administrative Tribunal (VCAT).

The Tribunal has notified the Shire that no appeals have been lodged.

A copy of planning permit number 390/2016/P is enclosed.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully, and check whether there are any actions you need to take prior to acting on the permit.

Please note that this permit is not a building permit, and if the proposal involves the construction or alteration of a building, you may need to obtain a separate building permit.

Yours sincerely



MARTIN IRELAND
Senior Statutory Planner

PLANNING PERMIT

Permit No: 390/2016/P
 Planning Scheme: East Gippsland
 Responsible Authority: East Gippsland Shire

ADDRESS OF THE LAND

90 Clifton West Road WY YUNG
 Lot 1 PS 640177

BN: 95803 3

THE PERMIT ALLOWS

Subdivision of land into 18 lots in accordance with the endorsed plans.


THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before any works associated with the subdivision starts, amended plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must be generally in accordance with the plans submitted with the application but modified to show:
 - Staging plan that includes the reserve in stage 1.
2. The subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.
3. This permit will expire if one of the following circumstances applies:
 - The plan of subdivision for stage 1 is not certified within two years.
 - The plan of subdivision for stage 2 is not certified within two years of the issue of Statement of Compliance for stage 1.
 - A Statement of Compliance is not issued within five years of the date of the plan of subdivision being certified for each stage.

The responsible authority may extend the period for certification if a request is made in writing before or within 6 months after the permit expiry date. If a request is made outside of the above time, the responsible authority cannot consider the request and the holder of this permit cannot apply to Victorian Civil and Administrative Tribunal (VCAT) for a review of this matter.

Date Issued: 28 March 2017

Page 1 of 8


 Signature for the
 Responsible Authority


4. Before the issue of a Statement of Compliance, the owner of the land must enter into an agreement with the responsible authority in accordance with Section 173 of the Planning & Environment Act 1987, which will provide that:
- a) Wastewater must be treated to a secondary standard and disposed on each allotment via sub surface irrigation in accordance with the land capability assessment prepared by Strata Geoscience and Environmental, September 2016.
 - b) All works associated with the subdivision must be undertaken in accordance with the Erosion Slope Risk Assessment prepared by Strata Geoscience and Environmental, October 2016.
 - c) Any dwelling on each lot must include a rainwater tank having a minimum storage capacity of 5000 litres; and
 - d) The rain water tank must collect run off from the roof of the dwelling; and
 - e) The rain water tank must be used as the primary water source for flushing of toilets and also include an external tap for garden irrigation.

This agreement must be prepared by the owner. The cost of the preparation, review and recording on the title of the agreement in accordance with Section 181 of the Planning and Environment Act 1987 to the satisfaction of the responsible authority must be borne by the owner of the land.

5. Before the commencement of any works associated with the subdivision starts, a public open space reserve landscaping plan 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 three copies must be provided to show:
- Provision of a walking path loop within the reserve able to accommodate maintenance vehicles including a bridge culvert crossing.
 - The inclusion of appropriately positioned seating.
 - Details of any fencing proposed to protect habitat areas.
 - Removal of the dams.
 - Retain all existing canopy trees.
 - A schedule of all proposed vegetation (trees, shrubs and ground covers) which includes botanical names, common names, pot size, mature size and total quantities of each plant.
 - No planting within 10 meters of residential lot boundaries.

Date Issued: 28 March 2017

Page 2 of 8


Signature for the
Responsible Authority

All landscaping, structures and supporting infrastructure must be undertaken and completed to the satisfaction of the responsible authority prior to the issue of a Statement of Compliance for stage 1 of the subdivision or as agreed with the responsible authority. The permit holder is required to maintain all vegetation with watering necessary until the issue of a Statement of Compliance for stage 1. Any vegetation that dies or becomes diseased during this period must be replaced by the permit holder to the satisfaction of the responsible authority.


6. Before the issue of Statement of Compliance for Stage 1 the dams on the subject land must be removed and appropriate rehabilitation works be undertaken to the satisfaction of the responsible authority.
7. Before any works associated with the subdivision start, a construction management plan 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 include:
 - Location of any temporary construction works office and machinery storage area;
 - The construction works accessway;
 - Vehicle and machinery exclusion zones;
 - Location and management requirements of stockpiled soil;
 - Measures and techniques to protect drainage lines and watercourses from sediment runoff from disturbed or under construction areas;
 - Measures and methods to be employed to protect sites of conservation importance, native vegetation and areas of archaeological significance;
 - Measures and techniques to manage dust control;
 - The location of a machinery and vehicle wash down area and requirements for the ongoing use of the of the machinery and vehicle wash down area by contractors;
 - Location and management of litter storage areas, construction waste areas and chemical storage areas; and
 - Methods of ensuring all contractors are informed of the requirements of the construction management plan and persons responsible for ensuring the construction management plan is adhered to.

All construction works and requirements of the construction management plan must be undertaken and completed in accordance with the endorsed construction management plan to the satisfaction of the responsible authority.

8. Before any road works associated with the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:
 - a) Fully sealed pavement for the internal roads of minimum width of 6.2 metres with formed shoulders no less than 1.5m wide on each side with swale drains.

Date Issued: 28 March 2017

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Signature for the
Responsible Authority

- b) Fully sealed pavement with a turning area with a minimum radius of 10 metres.
- c) Verge areas with a width sufficient for the construction of drainage infrastructure and any required utilities.
- d) Street subdivision lighting.
- e) Statutory signage and traffic control devices and line marking as required.

The documentation for the road works must include provision for maintenance and repair of damage to any existing road and drainage infrastructure.

The works must be subject to a twelve month defects liability period.

All earthworks associated with the construction of new roads must be stabilised to protect against erosion and failure.

All works and requirements must be undertaken and completed to the satisfaction of the responsible authority.

9. Before any drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and be approved by the responsible authority. When approved, the plans will then form part of the permit. The design and documentation for the drainage works must be prepared in line with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
- a) Drainage infrastructure, including swale drains and culverts, piping/drains and pits (where required).
 - b) Any modification to the terrain, such as filling and excavation.
 - c) Easements and legal points of discharge.
 - d) Methods of on-site detention, including the provision of sediment traps, wetlands, detention basins and gross pollutant traps.

The works must be subject to a twelve month defects liability period.


All earthworks associated with the construction of the drainage must be stabilised to protect against erosion and failure, and must not encroach onto other properties.

All drainage works and requirements must be undertaken and completed to the satisfaction of the responsible authority.

10. Before the issue of a Statement of Compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the responsible authority.

Date Issued: 28 March 2017

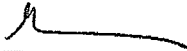
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Signature for the
Responsible Authority

11. During construction and maintenance activities, adequate steps must be taken to stop soil erosion and the movement of sediment off site and into drainage lines, watercourses and onto adjoining land to the satisfaction of the responsible authority. Methods include but are not limited to:
 - a) Control of on-site drainage by intercepting and redirecting run-off in a controlled manner to stabilised vegetated areas on site.
 - b) Installation of sediment control structures such as sediment basins, sediment fences and sediment traps when construction commences and maintaining them until the site is stabilised.
 - c) Re-vegetating all disturbed areas as quickly as possible or within 14 days after construction works are completed.
12. Cut batters must be no steeper than 1 in 1.5 and fill batters no steeper than 1 in 2 unless retained by structural means. When completed, all batters must have a layer of topsoil, 50mm minimum thickness, spread over them and sown with a suitable grass and clover mixture, or mulched and planted with ground cover plants to the satisfaction of the responsible authority.
13. All earthworks associated with the development must be stabilised in accordance with standard engineering design and practices against erosion and failure. All earthworks or retaining structures must not encroach across neighbouring property boundaries to the satisfaction of the responsible authority.
14. Before the issue of a Statement of Compliance any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired / reinstated to the satisfaction of the responsible authority.
15. No vegetation is to be removed, lopped or cleared without the written approval of the responsible authority.
16. The owner of the land must enter into an agreement with:
 - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
 - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
17. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:
 - A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in

Date Issued: 28 March 2017

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Signature for the
Responsible Authority

accordance with the provider's requirements and relevant legislation at the time; and

- 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.

18. Before the issue of Statement of Compliance for stage 1 the Waterway Management Plan and Stormwater Management Plan required by East Gippsland Catchment Management Authority must be implemented to the satisfaction of the responsible authority.

Catchment Management Authority

19. Prior to the commencement of any works related to the subdivision a Waterway Management Plan must be developed to the satisfaction of the East Gippsland Catchment Management Authority. This plan should be developed by a suitably qualified and experienced professional. The Waterway Management Plan must provide for a significant improvement in the ecological health of the waterway, and must include:
- a. Details of the existing environmental values;
 - b. Details of any initial stabilisation and vegetation works;
 - c. A landscape plan for revegetation of the waterway, drainage corridor and all water quality works, including a species list and proposed density of the plantings. The vegetation must be representative of the Ecological Vegetation Class for the site; and
 - d. A maintenance plan detailing the sequencing and periods of short, medium and long term actions and the parties responsible for each action.
20. Prior to the commencement of any works related to the subdivision a Stormwater Management Plan must be developed, to the satisfaction of the East Gippsland Catchment Management Authority. The Stormwater Management Plan must demonstrate that all stormwater discharge from the subdivision will meet the 'Urban Stormwater Best Practice Environmental Management Guidelines' (CSIRO, 1999)

East Gippsland Water Conditions

21. Water reticulation infrastructure must be extended to service each lot, to East Gippsland Water's requirements, at the cost of the applicant. Each lot is to be able to be separately metered as appropriate to the satisfaction of East Gippsland Water.
22. Arrangements for the design, construction, commissioning and acceptance of all gifted assets required by East Gippsland Water to extend water reticulation infrastructure to service each lot require prior written approval by East Gippsland Water. Development Planning Charges* are payable by the applicant where applicable.

Date Issued: 28 March 2017

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Signature for the
Responsible Authority

23. Provide easements on the plan of subdivision over newly created or existing infrastructure, as required by East Gippsland Water, OR pursuant to Section 12(2) of the Subdivision Act 1988, an Owners Corporation is to be created and applicable to all land of this subdivision, such that appropriate easements are in place for internal plumbing.
24. Payment of a New Customer Contribution (water) for each additional serviced lot at the tariff applicable at time of payment#.

Notes

1. *Development Planning Charges apply where East Gippsland Water are involved in the developer's works (actual charge is based on the final cost of the works). Development Planning Charges can be found on our website at <http://www.egwater.vic.gov.au/customer-info/your-bill/tariffs-charges-and-pricing-principles>.
#As a guide, the New Customer Contribution tariff for 2016/17 would result in the following charge:
As the parent property is already rated, the newly created lots will incur New Customer Contributions of 17 x NCC (water) = 17 x \$641.44 = \$10,904.48 in total.
1. Any additional infrastructure required to adequately service the development would need to be provided by the developer at the developer's cost. The type and extent of additional infrastructure, if needed, is subject to detailed engineering design and approval by East Gippsland Water.

Catchment Management Authority Note


2. All works within 30 metres of a designated waterway require a Works on Waterways permit from the East Gippsland Catchment Management Authority, issued under the *Water Act 1989*. This includes (but is not limited to) construction of any recreational paths and crossings, construction of any vehicle access over a designated waterway, and installation of any water or sewer main within 30 metres of a designated waterway. A Works on Waterways permit application must be accompanied by a satisfactory Waterway Management Plan, and detailed construction drawings of the proposed works.

AusNet Services Notes

3.
 - This development would require the Installation of a pole type substation, low voltage underground cables and joints would be installed to service houses in the estate.
 - AusNet has existing 22kV rated overhead power line South-West of the development (please see attachment as this is highlighted in Blue).
 - If the average lot size is greater than 2000 square metres or non-residential, then the development would be classed as low density/commercial and the developer would pay the total cost of works for HV and LV cables less SP AusNet's contribution based on expected revenue from assets installed.

Date Issued: 28 March 2017

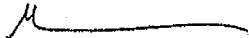
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Signature for the
Responsible Authority

- AusNet policy for alteration to existing assets requires the customer to contribute the full cost of the augmentation works.
- AusNet construction lead time for underground works is 100 days (3 months) after negotiations are complete (easements obtained, contracts signed and supply contribution paid).
- AusNet construction lead time for overhead works is 150 days (5 months) after negotiations are complete (easements obtained, contracts signed and supply contribution paid)

Date Issued: 28 March 2017

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Signature for the
Responsible Authority

IMPORTANT INFORMATION ABOUT THIS NOTICE

WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

WHEN DOES A PERMIT BEGIN?

A permit operates:

From the date specified in the permit, or

If no date is specified, from:

- The date of the decision of the Tribunal, if the permit was issued at the direction of the Tribunal, or
- The day on which it is issued, in any other case.

WHEN DOES A PERMIT EXPIRE?

A permit for the development of land expires if:

- The development or any stage of it does not start within the time specified in the permit, or
- 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 years of the issue of the permit, unless the permit contains a different provision, or
- the development or any stage 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 the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

A permit for the use of land expires if:

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

A permit for the development and use of the land expires if:

- The development or any stage of it does not start within the time specified in the permit, or
- 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
- 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
- The use is discontinued for a period of two 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:

- The use or development of any stage is to be taken to have started when the plan is certified; and
- 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 appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal 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 appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form and lodged with the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee. An appeal must state the grounds on which it is based.
- An appeal must also be served on the responsible authority.
- Details about appeals, notice of appeal forms and the fees payable can be obtained from the Planning & Environment List at the Victorian Civil and Administrative Tribunal.

TITLE DETAILS:
 TITLE REF: Vol. 11266, Fol. 159.
 LAST PLAN REF: PS640177/N (Lot 1)
 PARISH: WY YUNG
 CROWN ALLOTMENT: 60A (PART)
 LOT AREA: 13ha ON TITLE
 ENCUMBRANCES: NIL ON TITLE



PROPOSED PLAN OF SUBDIVISION
 90 CLIFTON WEST ROAD
 WY YUNG, VIC, 3875

SHEET 1 OF 1

NOTATIONS:
 TITLE BOUNDARIES SHOWN ARE ALL SUBJECT TO SURVEY.
 RESERVE IS 3.266ha OVERALL IN SIZE, MADE UP OF TWO PARTS.
 LOTS 1 TO 9 & RESERVE TO BE CONSTRUCTED IN STAGE ONE.
 LOTS 10 TO 18 TO BE CONSTRUCTED IN STAGE TWO.
 AERIAL IMAGE SOURCED FROM THE DEPARTMENT OF STATE DEVELOPMENT, BUSINESS AND INNOVATION.

SURVEYORS REF. 1500821
 VERSION 3
SURVEYOR: J.K.
DRAWN: J.K.
CHECKED: C.C.
DATE: 03/10/16



EAST GIPPSLAND PLANNING SCHEME
 Plan Endorsed under Condition 1 of
 Permit No: 390/2016/P Dated: 28 March 2017
 Endorsed by Robert Pringle for and on behalf of the
 East Gippsland Shire Council
 Date: 30 July 2018
 Sheet No: 1 of 1

BW Beveridge Williams
 development & environment consultants
 Bairnsdale ph: 03 5152 4708
www.beveridgewilliams.com.au
 CAD REFERENCE: 1500821 - PPOs(V3).dwg

Register Search Statement - Volume 11266 Folio 159

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

VOLUME 11266 FOLIO 159

Security no : 124071055726T
Produced 29/03/2018 06:23 am

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 640177N.
PARENT TITLE Volume 10901 Folio 520
Created by instrument PS640177N 20/04/2011

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor

WOODY GROUP PTY LTD of 345 GREAT ALPINE ROAD LUCKNOW VIC 3875
AN807321W 08/05/2017

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN807322U 08/05/2017
NATIONAL AUSTRALIA BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987
AD848960Q 01/09/2005

DIAGRAM LOCATION

SEE PS640177N 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: 21 SALVATORE DRIVE WY YUNG VIC 3875

ADMINISTRATIVE NOTICES

NIL

eCT Control 00009E NATIONAL AUSTRALIA BANK (59)
Effective from 08/05/2017

DOCUMENT END

Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
Delivered at 29/03/2018, for Order Number 50192055. Your reference: 18-6313.

PLAN OF SUBDIVISION	STAGE No.	LR USE ONLY EDITION 2	Plan Number PS640177N
----------------------------	-----------	---------------------------------	---------------------------------

LOCATION OF LAND

PARISH: WY YUNG
 TOWNSHIP: _____
 SECTION: _____
 CROWN ALLOTMENT: 60^A (PART)
 CROWN PORTION: _____

TITLE REFERENCES: VOL 10901 FOL 520

LAST PLAN REFERENCE: LOT 5 - PS532622W

POSTAL ADDRESS: 100 CLIFTON WEST ROAD,
 (At time of subdivision) WY YUNG, 3875

MGA 94 CO-ORDINATES: E 553 570
 (Of approx. centre of land in plan) N 5818 500 ZONE: 55

COUNCIL CERTIFICATION AND ENDORSEMENT

COUNCIL NAME: EAST GIPPSLAND SHIRE COUNCIL REF: 117/2010/CRT

- This plan is certified under Section 6 of the Subdivision Act 1988.
- ~~This plan is certified under Section 11(7) of the Subdivision Act 1988.
 Date of original certification under Section 6 / /~~
- This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.

OPEN SPACE

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

~~(ii) The requirement has been satisfied.~~

~~(iii) The requirement is to be satisfied in stage.~~

Council Delegate *[Signature]*
 Council seat *[Signature]*

Date 03/12/2010

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

~~Council Delegate~~
~~Council seat~~
~~Date / /~~

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
R1	EAST GIPPSLAND SHIRE COUNCIL
RESERVE No.1	EAST GIPPSLAND SHIRE COUNCIL

NOTATIONS

STAGING This is ~~is not~~ a staged subdivision
 Planning Permit No 52/2006/P/A

DEPTH LIMITATION 15.24 METRES BELOW THE SURFACE

SURVEY: THIS PLAN IS / ~~IS NOT~~ BASED ON SURVEY
 THIS SURVEY IS CONNECTED TO PERMANENT MARK No(s)

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
--------------------	---------	----------------	--------	-----------------------------

FOR EASEMENT INFORMATION SEE SHEET 2

LR USE ONLY
 STATEMENT OF COMPLIANCE / EXEMPTION STATEMENT

RECEIVED
 DATE 11 / 4 / 2011

THIS IS A LAND VICTORIA COMPILED PLAN
 FOR DETAILS SEE MODIFICATION TABLE HEREIN

Sheet 1 of 4 Sheets

Crowther & Sadler Pty. Ltd.
 LICENSED SURVEYORS & TOWN PLANNERS
 162 MACLEOD STREET, BAIRNSDALE, VIC., 3875
 TELEPHONE (03) 6162 6011

LICENSED SURVEYOR PAUL ANTHONY DWYER
 SIGNATURE *[Signature]* DATE 3 / 11 / 2010
 REF 13768 VERSION 4

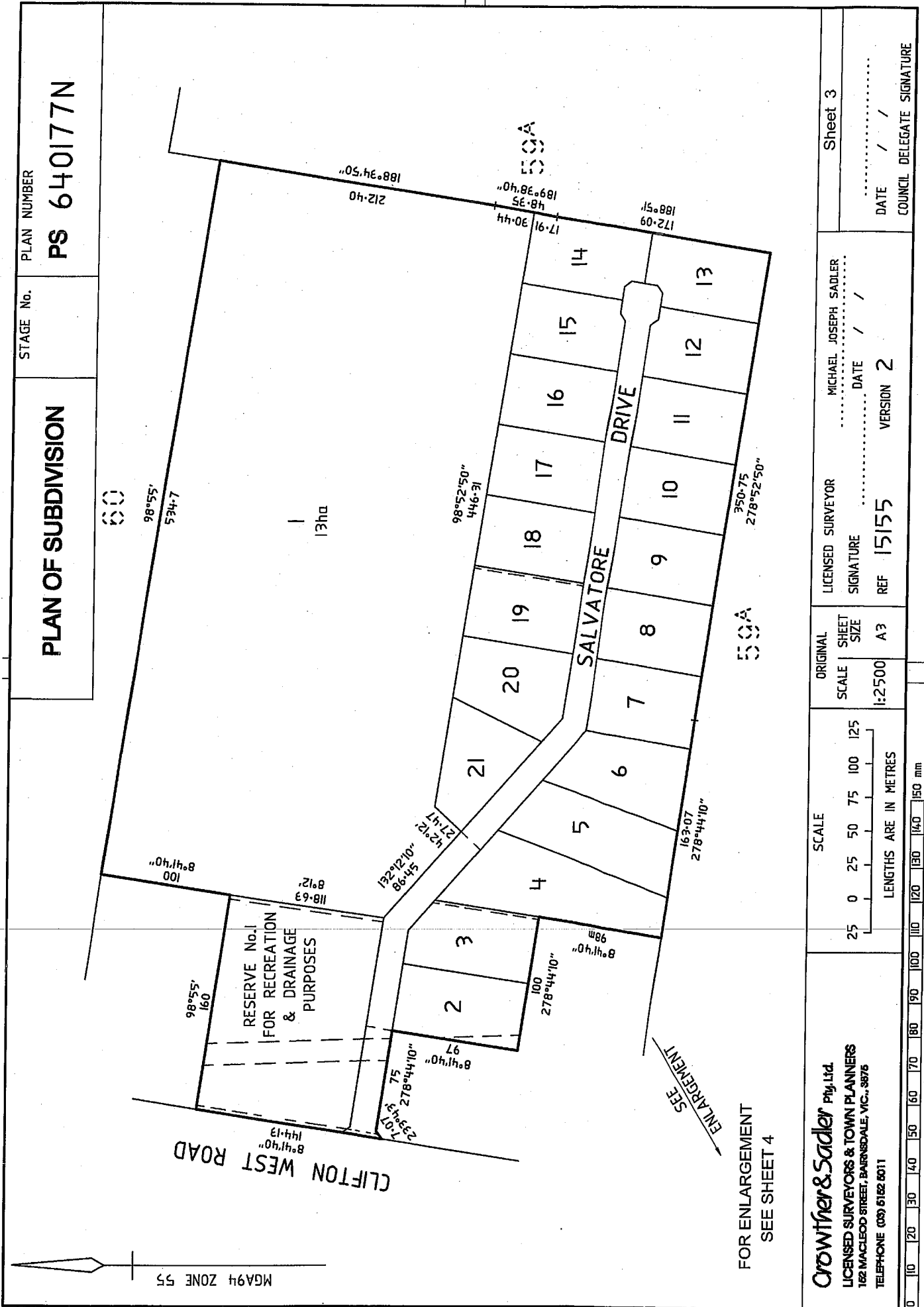
[Signature]
 DATE 03/12/2010
 COUNCIL DELEGATE SIGNATURE
 ORIGINAL SHEET SIZE A3

PLAN OF SUBDIVISION No: PS640177N

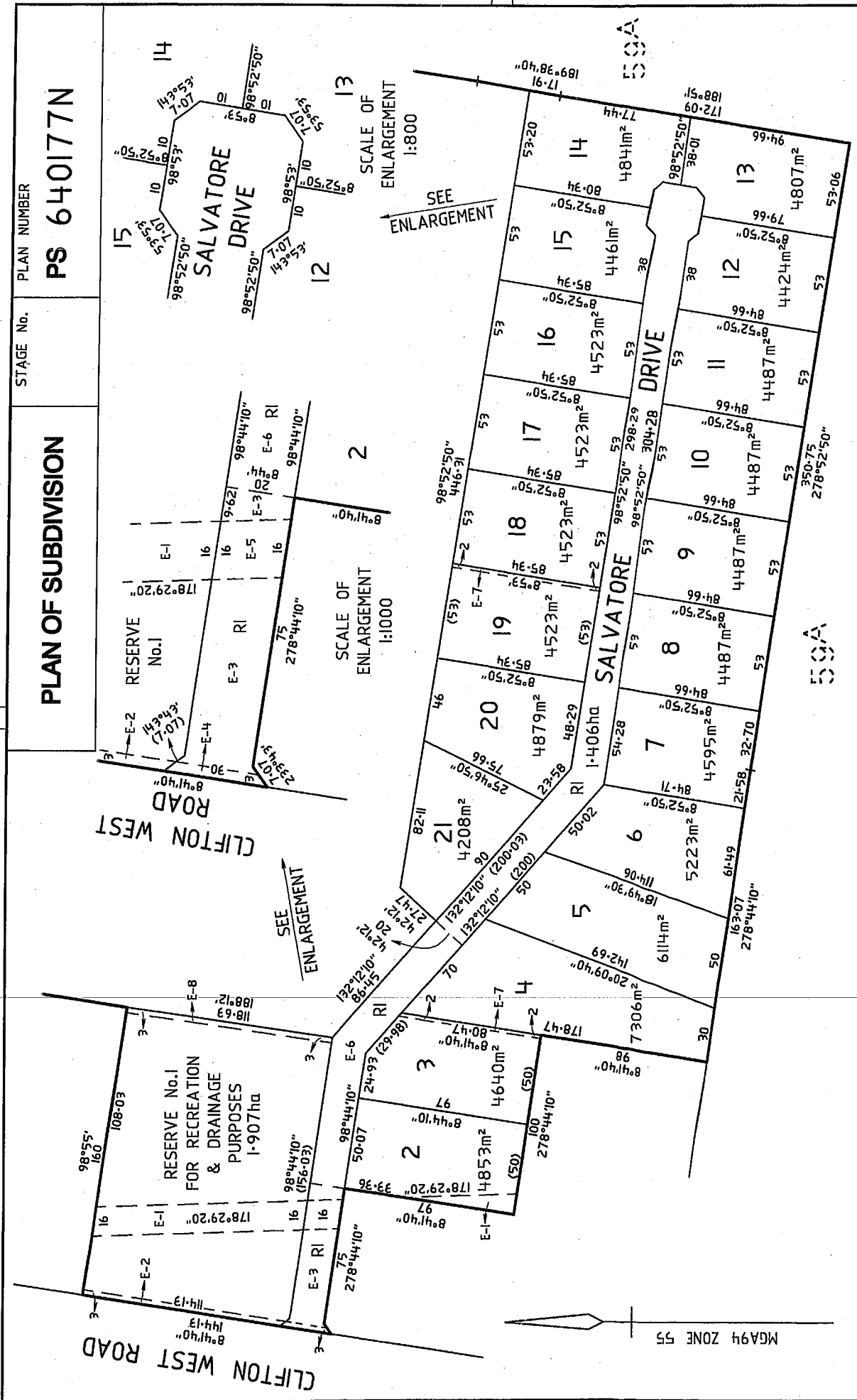
EASEMENT INFORMATION

Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted / In Favour Of
E-1, E-5	POWERLINE	16	PS532622W- SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD
E-2, E-4	WATER SUPPLY	3	PS532622W	EAST GIPPSLAND WATER AUTHORITY
E-3, E-4, E-5	CARRIAGEWAY	SEE DIAG.	PS532622W	LOT 3 ON PS532622W
E-3, E-4, E-5, E-6	CARRIAGEWAY	SEE DIAG.	THIS PLAN	LOT 1 ON THIS PLAN
E-7	DRAINAGE	2	THIS PLAN	LOTS ON THIS PLAN & EAST GIPPSLAND SHIRE COUNCIL
E-8	POWERLINE	3	THIS PLAN- SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	SPI ELECTRICITY PTY LTD



PLAN OF SUBDIVISION PS 640177N		STAGE No. _____	PLAN NUMBER PS 640177N
ORIGINAL SCALE 1:2500		LICENSED SURVEYOR MICHAEL JOSEPH SADLER	
SHEET SIZE A3		SIGNATURE _____	
SCALE 25 0 25 50 75 100 125		DATE / / _____	
LENGTHS ARE IN METRES 0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150 mm		REF 15155 VERSION 2	
FOR ENLARGEMENT SEE SHEET 4		SHEET 3	
Crowthorn & Sadler Pty. Ltd. LICENSED SURVEYORS & TOWN PLANNERS 162 MACLEOD STREET, BAIRNSDALE, VIC., 3876 TELEPHONE (03) 6162 8011		COUNCIL DELEGATE SIGNATURE _____ DATE / / _____	



PLAN OF SUBDIVISION

STAGE No. **PS 640177N**
PLAN NUMBER

LICENSED SURVEYOR
SIGNATURE
DATE / /

LICENSED SURVEYOR
SIGNATURE
DATE / /

ORIGINAL SHEET SIZE
SCALE 1:2000 A3

SCALE
LENGTHS ARE IN METRES
20 0 20 40 60 80 100

Sheet 4
DATE / /
COUNCIL DELEGATE SIGNATURE

Crowtner & Sadler Pty. Ltd.
LICENSED SURVEYORS & TOWN PLANNERS
162 MACLEOD STREET, BARRISDALE, VIC., 3875
TELEPHONE (03) 5162 5011

REF 15155
VERSION 2

MICHAEL JOSEPH SADLER
DATE / /

VERSION 2
DATE / /

MGA94 ZONE 55

AD848960Q

Titles Office Use Only



01/09/2005 \$92.30 173



Lodged by: **WARDS, Barristers & Solicitors**
DX 82203 Bairnsdale
Code: 3556G

VICTORIA APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181
Planning and Environment Act 1987 for **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 Certificate(s) of Title to the land referred to.

LAND

Certificate of Title Volume 7241 Folio 006



DAD8489600-1-6

ADDRESS OF THE LAND

80 Clifton West Road, Wy Yung 3875

RESPONSIBLE AUTHORITY

East Gippsland Shire Council, 273 Main Street, Bairnsdale 3875

PLANNING SCHEME

East Gippsland Planning Scheme

AGREEMENT DATE

26 / 8 / 2005

AGREEMENT WITH

Pauline Lanteri and Torrens Ltd

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority

Name of Officer

NICK KEARNS, MANAGER DEVELOPMENT

Date

26/08/2005

*ABL
1/9/05*

EAST GIPPSLAND SHIRE COUNCIL

the Council

- and -

PAULINE LANTERI

the Owner

- and -

TORRENS LTD

the Mortgagee

SECTION 173 AGREEMENT



DRD848950Q-2-4

WARDS

Barristers & Solicitors
10 Service Street
BAIRNSDALE 3875

Tel: 5152 1677
Ref: BKE/HMLANTERISECT173

AD848960Q

01/09/2005 \$92.30 173



This Agreement is made on the 26th day of August 2005

BETWEEN EAST GIPPSLAND SHIRE COUNCIL
of 273 Main Street, Bairnsdale in the State of Victoria
("the Council")

AND PAULINE LANTERI
of 3 McKean Street, Bairnsdale in the State of Victoria
("the Owner")

AND TORRENS LTD - A.C.N. 089 873 601
Of Level 4, 379 Collins Street, Melbourne in the State of Victoria
("the Mortgagee")

Recitals

- A. The Owner is the registered proprietor of Crown Allotment 60A Parish of Wy Yung and being the land contained in Certificate of Title Volume 7241 Folio 006 ("the Land").
- B. The Council is the Responsible Authority pursuant to the Act for the Scheme.
- C. The Owner has obtained a Planning Permit from the Council to carry out a development of the land.
- D. As a condition of the Planning Permit, the Owner must enter into an agreement pursuant to Section 173 of the Act to be registered on the title which addresses the issues stated in the Planning Permit.

Operative provisions



1. Definitions

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the *Planning and Environment Act 1987*;
- 1.2 "the Agreement" or "this Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement;
- 1.3 "approved" means approved by Council;

AD848960Q



- 3 -

- 1.4 **“complete”** in respect of any works or any part of any works means the completion of those works or the specified part of those works in accordance with plans and specifications approved by the Council to the satisfaction of the Council;
- 1.5 **“development”** includes subdivision;
- 1.6 **“the land”** means the land known as Crown Allotment 60A Parish of Wy Yung which is more particularly described as Certificate of Title Volume 7241 Folio 006;
- 1.7 **“Lot”** or **“Lots”** means the lots on the Land on the Endorsed Plans;
- 1.8 **“Owner”** means the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of it;
- 1.9 **“Planning Permit”** means Planning Permit No. 396/2004/P issued by the Council on 23rd December 2004;
- 1.10 **“the Scheme”** means the East Gippsland Planning Scheme.

2. Interpretation



All provisions of this Agreement are to be interpreted in the following manner unless otherwise indicated by the context:

- 2.1 Undefined terms or words shall have the meanings given in the Act or the Scheme.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A reference to a gender includes a reference to each other gender.
- 2.4 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 2.5 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.6 A reference to a “planning scheme” or “the Scheme” shall include amendment, consolidation or replacement of such scheme and any document incorporated by reference into such scheme.

AD848960Q

01/09/2005 \$92.30 173



- 2.7 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.
- 2.8 Where in this agreement 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.
- 2.9 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 2.10 The introductory clauses of this Agreement are and will be deemed to form part of this Agreement.

3. 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 Agreement and insofar as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

4. Effect of Agreement



- 4.1 This Agreement shall be deemed to come into force and effect from the date of this Agreement.
- 4.2 The obligations of the Owner under this Agreement, being obligations to be performed by the Owner as conditions subject to which the Land may be used or developed for specified purposes and being intended to achieve or advance the objectives of the Scheme, will take effect as separate and several covenants which shall be annexed to and run at law and in equity with the Land to bind the Owner and each successor, assign or transferee of the Owner.





5. Covenants of Owner

5.1 The Owner covenants and agrees that:

- (a) The owner of Lot 5 agrees to accept the stormwater runoff from Lots 1 to 4 until such time as drainage infrastructure is installed in a Subdivision of Lot 5.
- (b) Any drainage system must be designed in accordance with standard engineering practice for the collection and control of all stormwater runoff, resulting from a storm having an ARI of 1 in 20 years, and concentrated by buildings, pavements, and/or siteworks to avoid damage to any other neighbouring property. The outlet or discharge point must be constructed with an appropriate device to prevent erosion and scouring. Detailed drainage design must be submitted to and approved by Council prior to the commencement of that stage of construction.
- (c) The existing dwelling will be removed as well as any associated infrastructure (including the septic tank and other improvements) from the proposed Lot 2 within two (2) years of the issue of Statement of Compliance to the satisfaction of the Responsible Authority.
- (d) All future dwellings will be developed within the building envelopes as endorsed as part of Planning Permit 396/2004/P. A copy of the endorsed Plan showing Building Envelopes is attached as Annexure A.

5.2 The Owner further covenants and agrees that:

- (a) This agreement may be ended wholly or in part or as to any part of the land by the Council with the approval of the Minister for Planning or by agreement between the Council and all persons who are bound by any covenant in this agreement;
- (b) **Notice**
This Agreement will be brought to the attention of all prospective purchasers, mortgagees, transferees and assigns.
- (c) **Compliance**
The Owner will carry out and comply with the requirements of all statutory authorities and comply with all statutes, regulations, local laws and planning controls in relation to the Land.
- (d) The Owner will take all necessary steps to comply with the obligations of each and every clause in this Agreement.

AD848960Q

01/09/2005 \$92.30 173



(e) **Registration**

The Owner will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the folio of the Register which relates to the Land in accordance with Section 181 of the Act and 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 Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

(f) **Mortgagee to be Bound**

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

(g) **Council's Costs to be Paid**

The Owner will pay the Council's reasonable costs and expenses (including legal expenses) incidental to enforcement of this Agreement.

(h) **Indemnity**

The Owner will indemnify and keep indemnified the Council, its officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer to be or become liable for or in respect of any suit action proceeding judgment or claim brought by any person whatsoever arising from or referable to this Agreement or any non-compliance with this Agreement.

(i) **Non-Compliance**

If the Owner has not complied with this Agreement within 14 days after service of a notice by the Council specifying such non-compliance, the Owner covenants to allow the Council its officers, employees, contractors or agents to enter the Land and rectify such non-compliance.

Council Access

5.3 The Owner covenants to allow the Council and/or its officers, employees, contractors or agents (at any reasonable time) to enter the Land to assess compliance with this Agreement.



6. Mortgagee's Consent

The Mortgagee consents to the Owner entering into this Agreement.

7. Notices



DAD848960Q-8-3

7.1 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 to 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.

7.2 Time of Service

A notice or other communication is deemed served:

- (a) if served personally, upon service;
- (b) if posted within Australia to an Australian address, two business days after posting and in any other case, seven business days after posting; or
- (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;
- (d) if received after 6.00 pm in the place of receipt or on a day which is not a business day, at 9.00 am on the next business day.

AD848960Q





DAD848960Q-9-1

AD848960Q

01/09/2005 \$92.30 173



8. GENERAL

8.1 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 Agreement.

8.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment 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 Agreement.

8.3 Severability

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

8.4 Costs

The Owner will immediately pay to the Council, the Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution and registration of this Agreement which are and until paid remain a debt due to the Council by the Owner.

THE COMMON SEAL OF EAST GIPPSLAND SHIRE COUNCIL)
was affixed on behalf of Council by authority of the Chief Executive)
Officer on the 25th day of August, 2005 in exercise of the)
power delegated under Administration Procedures (use of Common)
Seal) Local Law in the presence of:

[Signature]
CHIEF EXECUTIVE OFFICER
Sandra Heath
WITNESS



- 9 -

SIGNED SEALED AND DELIVERED)
by PAULINE LANTERI)
in the presence of:)

PL
x P. Lanteri
.....
.....

Witness *J. Bonetti*
.....

THE COMMON SEAL of TORRENS LTD - A.C.N. 089 873 601)
was hereunto affixed by authority of the Directors in the presence of:)

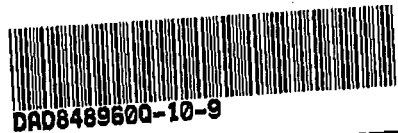


M. Hastings
..... Director

Name: ~~PETER GEORGE ANDERSON~~
Address: ~~11 Mountainview Court, Maffra~~

Malcolm John Hastings
379 Collins Street, Melbourne
A natural person who is a current
practitioner within the meaning
of the Legal Practice Act 1996.

[Signature]
..... Secretary
Name: CHRISTOPHER STANLEY JOHNSON
Address: 1088 Malvern Road, Armadale



ANNEXURE

"A"

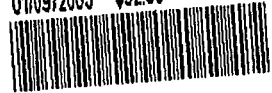


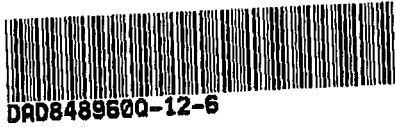
DAD8489600-11-2

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173





DRD848960Q-12-6

GOVERNMENT ROAD

ROAD

GOVERNMENT

PROPOSED SUBDIVISION

Approved under Endorsed 14th
 Planning and Environment Act 1957
 East Gippsland Planning Scheme
 Part 4.10: 2016/2017
 Name: Wendy
 East Gippsland DLE
 Date: 15/03/2015 Page: 1

PARISH OF WY YUNG
 CROWN ALLOTMENT 606
 VOL. 7241 FOL 006

DRAWING No. 10651-Y3

NOTATIONS

DIMENSIONS ARE SUBJECT TO SURVEY
 AREAS ARE APPROXIMATE ONLY

— EXISTING OVERHEAD POWERLINE
 - - - PROPOSED EASEMENT FOR POWERLINE
 [Pattern] PROPOSED BUILDING ENVELOPE
 (20 METRES FROM ROAD, 5 METRES FROM OTHER)

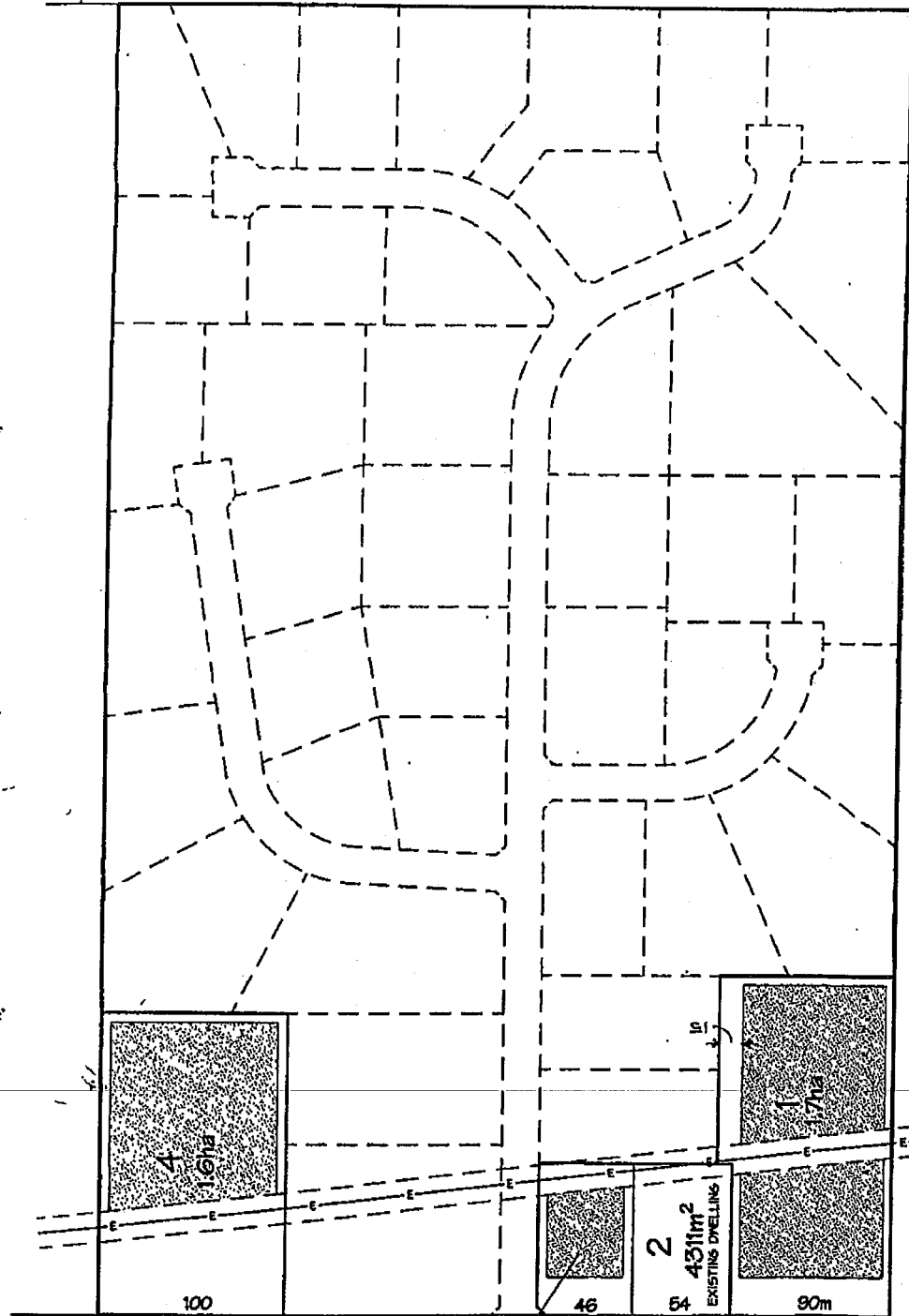
MRS. P. LANTERI

80 CLIFTON WEST ROAD, WY YUNG

SCALE
 1:2500
 SURVEYORS REF.
 10651

Crowther & Sadler Pty, Ltd.
 LICENSED SURVEYORS & TOWN PLANNERS
 152 MACLEOD STREET, BARNESDALE, VIC. 3476
 TELEPHONE (03) 5162 6011 FAX (03) 5162 6705

T:\10651\prop\03.dwg



CLIFTON

WEST ROAD

AD848960Q

01/09/2005 \$92.30 173



Planning Property Report

from www.planning.vic.gov.au on 29 March 2018 06:25 AM

Address: 21 SALVATORE DRIVE WY YUNG 3875

Lot and Plan Number: Lot 1 PS640177

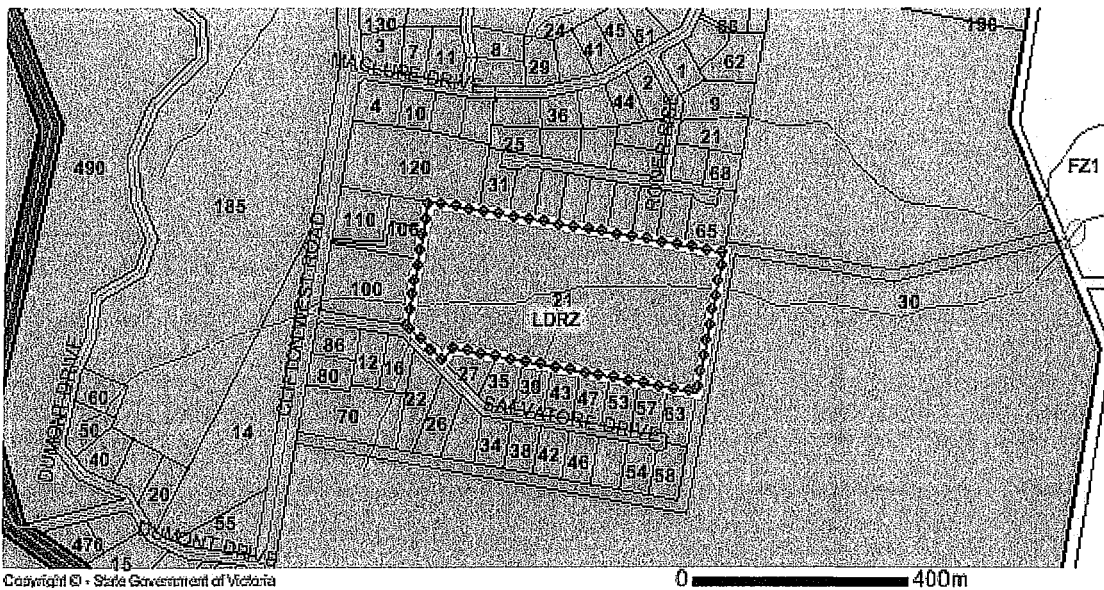
Local Government (Council): EAST GIPPSLAND Council Property Number: 95803

Directory Reference: VicRoads 84 B6

Planning Zone

LOW DENSITY RESIDENTIAL ZONE (LDRZ)

SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE (LDRZ)



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0 400m

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

Zones Legend

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

+++++ Railway -|-|-|-|-| Tram ——— River, stream

Lake, waterbody

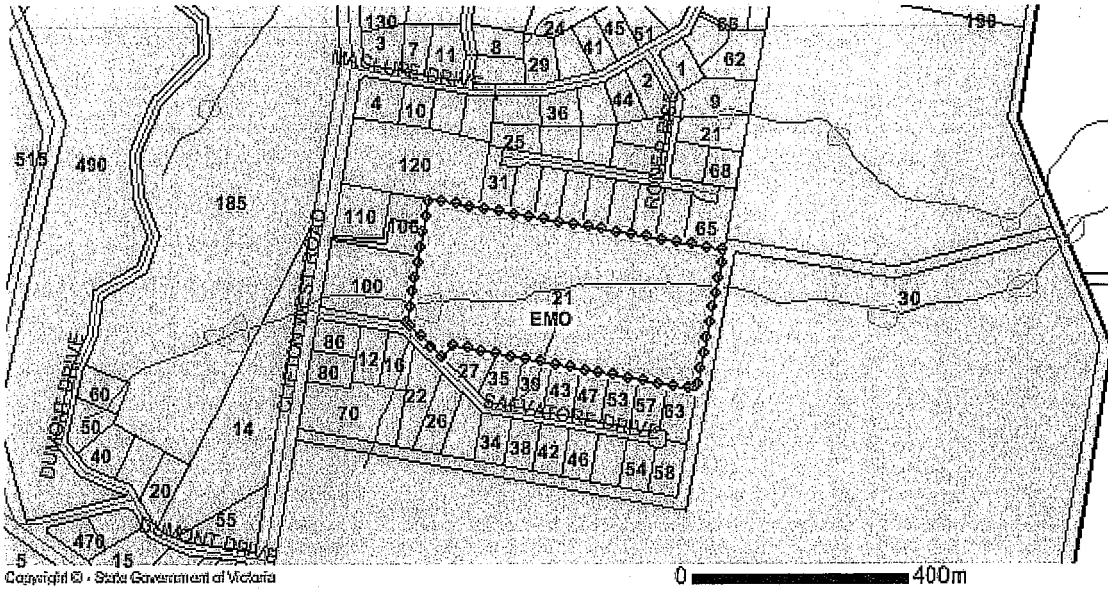
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Planning Overlay

EROSION MANAGEMENT OVERLAY (EMO)

EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)

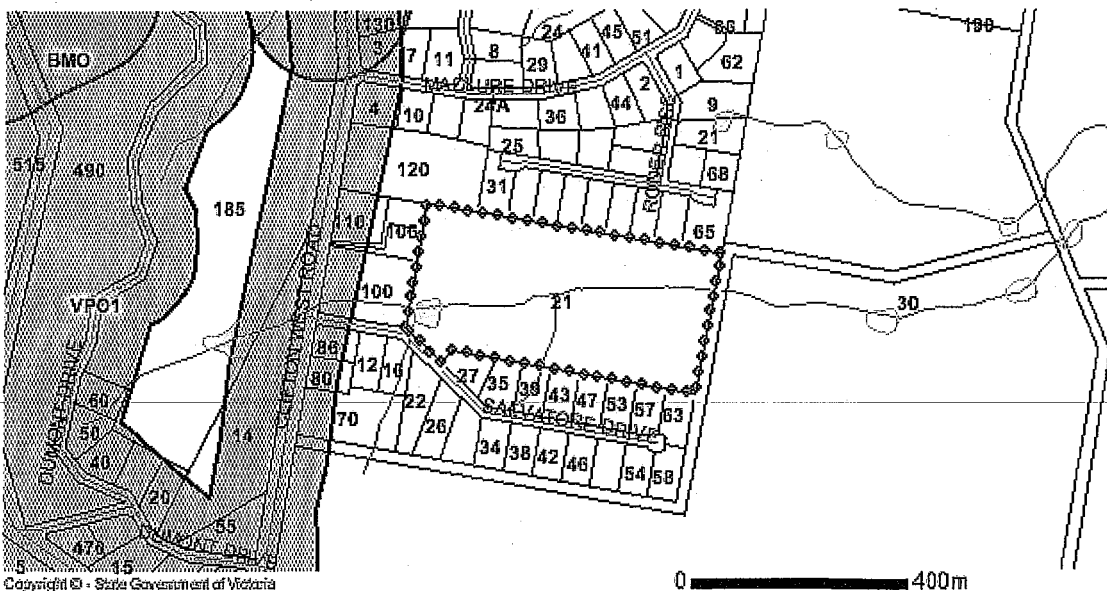


OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

BUSHFIRE MANAGEMENT OVERLAY (BMO)

VEGETATION PROTECTION OVERLAY (VPO)




























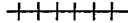

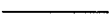



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Planning Overlays Legend

Overlays Legend

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

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

Further Planning Information

Planning scheme data last updated on 28 March 2018.

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

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

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

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

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

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

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

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

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

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Designated Bushfire Prone Areas

from www.planning.vic.gov.au on 29 March 2018 06:25 AM

Address: 21 SALVATORE DRIVE WY YUNG 3875

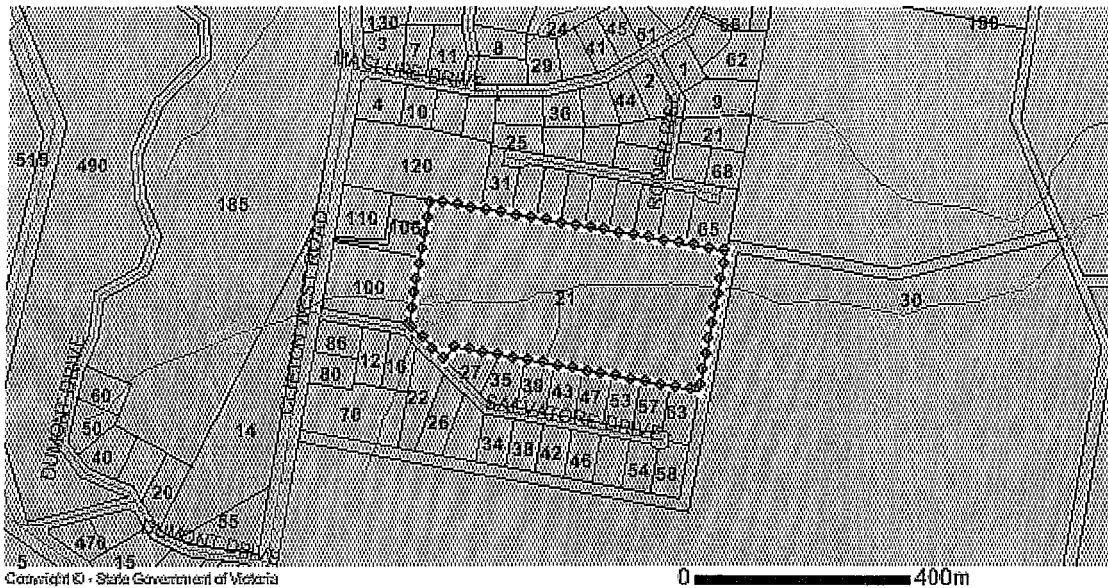
Lot and Plan Number: Lot 1 PS640177

Local Government (Council): EAST GIPPSLAND Council Property Number: 95803



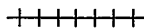

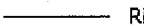

Directory Reference: VicRoads 84 B6

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

Designated Bushfire Prone Area Map



Bushfire Prone Area Legend

-  Bushfire Prone Area
-  Selected Land
-  Railway
-  Tram
-  River, stream
-  Lake, waterbody

Designated bushfire prone areas as determined by the Minister for Planning are in effect from 8 September 2011, as amended by gazette notices on 25 October 2012, 8 August 2013, 30 December 2013, 3 June 2014, 22 October 2014, 29 August 2015, 21 April 2016, 18 October 2016, 2 June 2017 and 6 November 2017.

The Building Interim Regulations 2017 through application of the Building Code of Australia, apply bushfire protection standards for building works in designated bushfire prone areas.

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

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

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

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

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

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

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

Due Diligence Checklist



What you need to know before buying a residential property

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?
- Can you build new dwellings?
- Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

Land boundaries

Do you know the exact boundary of the property?

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

Planning controls

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

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

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

Are there any proposed or granted planning permits?

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

Safety

Is the building safe to live in?

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

Building permits

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

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

Are any recent building or renovation works covered by insurance?

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

Utilities and essential services

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

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

Buyers' rights

Do you know your rights when buying a property?

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