

Vendor Statement

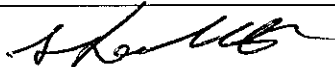
The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.


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

The vendor may sign by electronic signature.

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

Land	Lot 5, 1 Neville Street, Cockatoo Vic 3781
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Vendor's name	Stephen Robert Cotter	Date / /
Vendor's signature		

Vendor's name	Francine Elspeth Cotter	Date / /
Vendor's signature		

Purchaser's name		Date / /
Purchaser's signature		

Purchaser's name		Date / /
Purchaser's signature		

1. FINANCIAL MATTERS

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

(a) Their total does not exceed:

\$5,000.00

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): -

And the Vendor notes the requirement in condition 23 of permit T190739-1 to register a section 173 agreement over the land.

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

The required specified information is as follows:

Name of planning scheme	Cardinia Planning Scheme
Name of responsible authority	Cardinia Shire Council
Zoning of the land	Neighbourhood Residential Zone (NRZ), Neighbourhood Residential Zone - Schedule 1 (NRZ1)
Name of planning overlay	Bushfire Management Overlay (BMO), Bushfire Management Overlay – Schedule 2 (BMO2), Design and Development Overlay (DDO), Design and Development Overlay – Schedule 2 (DDO2), Significant Landscape Overlay (SLO) Significant Landscape Overlay – Schedule 1 (SLO1), Vegetation Protection Overlay (VPO), Vegetation Protection Overlay – Schedule 2 (VPO2)

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:

None of the best of the Vendors knowledge

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:

None of the best of the Vendors knowledge

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"/>
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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 1000m²; (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)

- Certificate of Title Volume 09092 Folio 858
- Plan of Subdivision TP906719K
- Proposed Plan of Subdivision PS842309W
- Amended Planning Permit T190739-1
- Bushfire Management Plan
- Draft Section 173 Agreement
- Detailed Property Report

- Planning Property Report
- Due Diligence Checklist

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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 09092 FOLIO 858

Security no : 124095834160N
Produced 01/03/2022 12:46 PM

LAND DESCRIPTION

Lot 1 on Title Plan 906719K.
PARENT TITLE Volume 05892 Folio 201
Created by instrument F738496 18/06/1975

REGISTERED PROPRIETOR

Estate Fee Simple
Joint Proprietors
STEPHEN ROBERT COTTER
FRANCINE ELSPETH COTTER both of 3 NEVILLE STREET COCKATOO VIC 3781
AH284020Y 08/06/2010

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN402605P 21/12/2016
NATIONAL AUSTRALIA BANK LTD

CAVEAT AU362950D 20/05/2021

Caveator
NOBELIUS LAND SURVEYORS PTY LTD ACN: 006181344
Grounds of Claim
AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.
Parties
THE REGISTERED PROPRIETOR(S)
Date
22/04/2021
Estate or Interest
INTEREST AS CHARGEE
Prohibition
UNLESS I/WE CONSENT IN WRITING
Lodged by
PATHFINDER LAW
Notices to
PATHFINDER LAW - ROB CELADA of 3A VICTORIA STREET WARRAGUL VIC 3820

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.

DIAGRAM LOCATION

SEE TP906719K 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: 1 NEVILLE STREET COCKATOO VIC 3781

ADMINISTRATIVE NOTICES

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD
Effective from 21/12/2016

DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

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TITLE PLAN		EDITION 2	TP 906719K			
LOCATION OF LAND Parish: GEMBROOK Township: - Section: - Crown Allotment: B (PT) Crown Portion: - Last Plan Reference:- Derived From: VOL. 9092 FOL. 858 Depth Limitation: NIL		Notations APPURTENANCIES TOGETHER WITH A RIGHT OF CARRIAGEWAY OVER THE ROADS COLOURED BROWN ON PLAN OF SUBDIVISION Nos. 7472, 7650 & 12432 WATERWAY NOTATION: LAND IN THIS PLAN MAY ABUT CROWN LAND THAT MAY BE SUBJECT TO A CROWN LICENCE TO USE ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN				
EASEMENT INFORMATION		THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES COMPILED: Date 17/3/2008 VERIFIED: A DALLAS Assistant Registrar of Titles				
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-2	DRAINAGE	1.83	LP12432 / LAND IN LP12432			
E-2 & E-3	WATER SUPPLY AND SEWERAGE	4	AG889571N / YARRA VALLEY WATER LTD			
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="text-align: center;">TABLE OF PARCEL IDENTIFIERS</th> </tr> <tr> <td style="font-size: small;">WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962</td> </tr> <tr> <td style="font-size: small;">LOT 1 - CA B (PT)</td> </tr> </table>				TABLE OF PARCEL IDENTIFIERS	WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962	LOT 1 - CA B (PT)
TABLE OF PARCEL IDENTIFIERS						
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962						
LOT 1 - CA B (PT)						
LENGTHS ARE IN METRES	Metres = 0.3048 x Feet Metres = 0.201168 x Links	Sheet 1 of 1 Sheets				

PS 842309 W

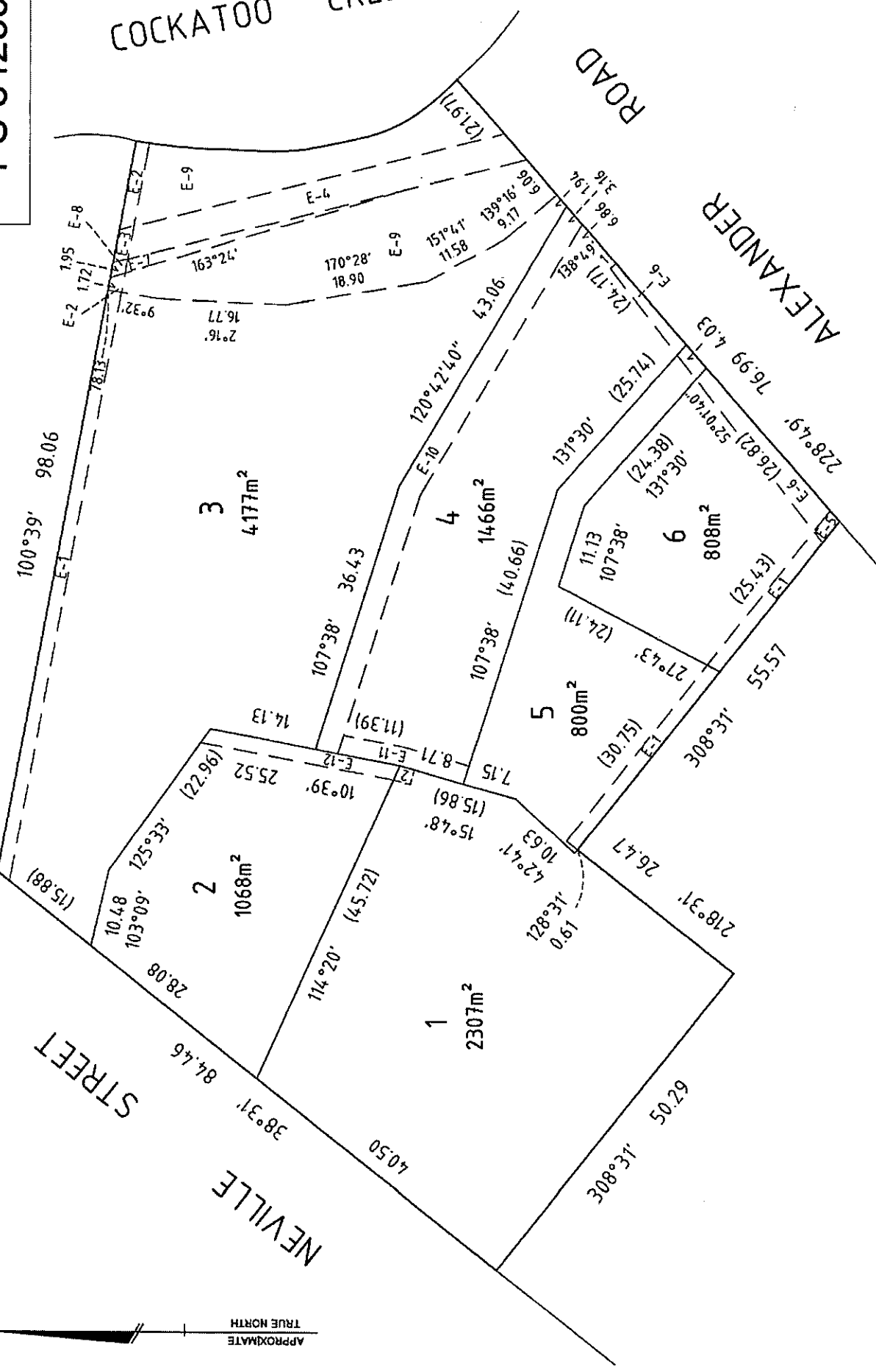
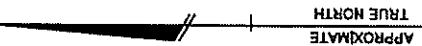
COCKATOO CREEK

ROAD

ALEXANDER

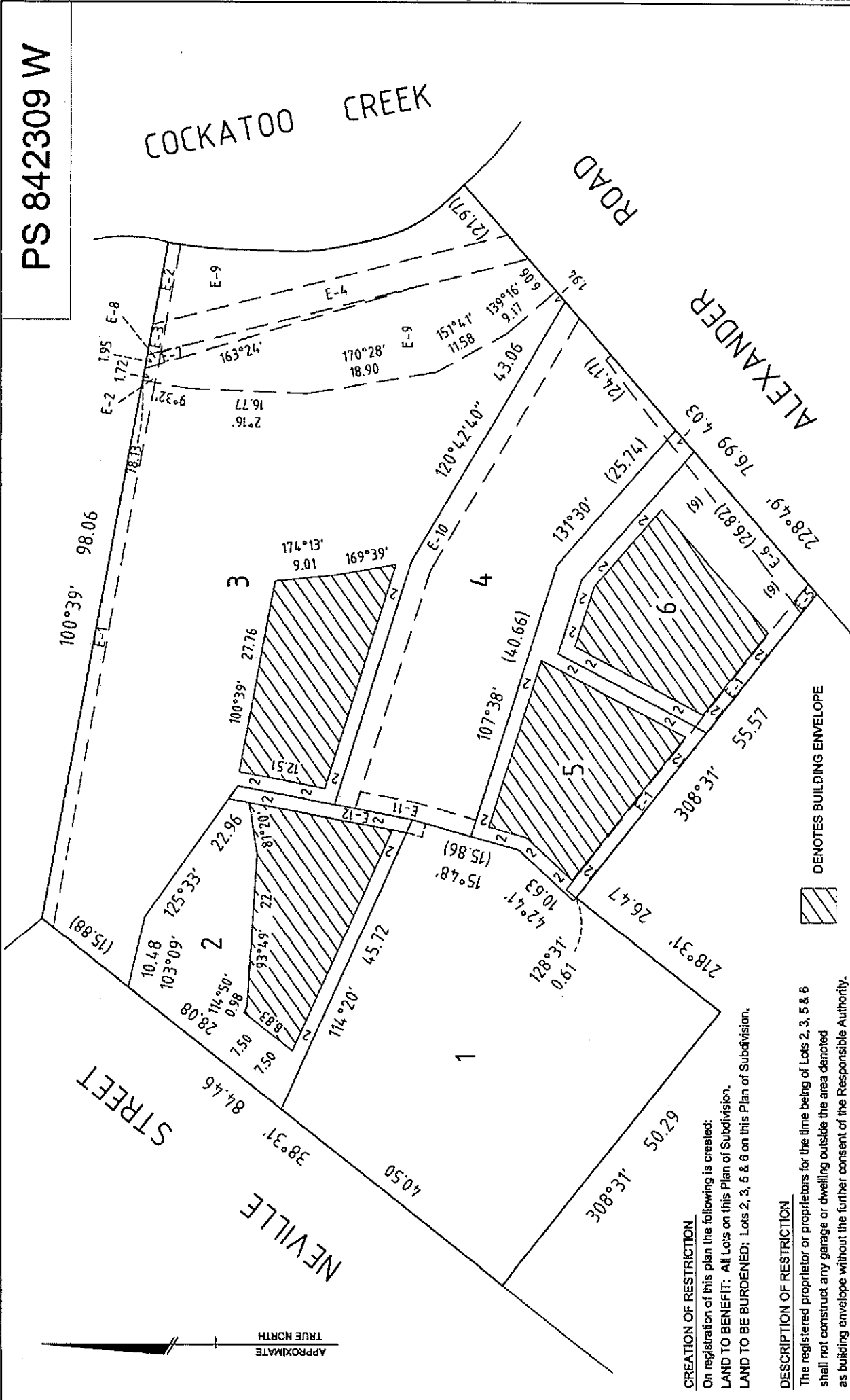
STREET

NEVILLE



<p>NOBELIUS LAND SURVEYORS P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobellus.com.au</p>	<p>SCALE 1:500</p> <p>0 5 10 15 20 LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p> <p>Digitally signed by: Timothy Deane Walker, Licensed Surveyor, Surveyor's Plan Version (J), 09/12/2021, SPEAR Ref: S175698C</p>	<p>SHEET 2</p> <p>Digitally signed by: Carolina Shire Council, 24/12/2021, SPEAR Ref: S175698C</p>
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PS 842309 W



 DENOTES BUILDING ENVELOPE

CREATION OF RESTRICTION
 On registration of this plan the following is created:
LAND TO BENEFIT: All Lots on this Plan of Subdivision.
LAND TO BE BURDENED: Lots 2, 3, 5 & 6 on this Plan of Subdivision.

DESCRIPTION OF RESTRICTION
 The registered proprietor or proprietors for the time being of Lots 2, 3, 5 & 6 shall not construct any garage or dwelling outside the area denoted as building envelope without the further consent of the Responsible Authority.

SCALE 1:500	ORIGINAL SHEET SIZE: A3	SHEET 3
Digitally signed by: Timothy Deane Walker, Licensed Surveyor, Surveyor's Plan Version (U), 09/12/2021, SPEAR Ref: S175698C	Digitally signed by: Cardinia Shire Council, 24/12/2021, SPEAR Ref: S175698C	NOBELIUS LAND SURVEYORS P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au

AMENDED PERMIT

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

PLANNING PERMIT NUMBER: T190739 - 1

ADDRESS OF THE LAND: L1 TP906719 & L1 TP581492, 1 & 3 Neville Street, Cockatoo VIC 3781
THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Date amended:	Pursuant to Section 72-76B of the <i>Planning and Environment Act 1987</i> the permit has been amended to:
30 November, 2021	Updated permit preamble Vary conditions 1, 1.c., 12, 13, 14, 15, 18, 19, 23, 24, 25, 27 and 29. Delete conditions 1b, 2, 11, 17 and 28. Add condition 31. Conditions renumbered accordingly. Endorsed revised Bushfire Management Plan.

Plans required:

1. Before the plan of subdivision is certified under the *Subdivision Act 1988*, amended plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will form part of the permit. The plans must be drawn to scale with dimensions. The plans must be generally in accordance with the plans submitted with the application prepared by Nobelius Land Surveyors, Version 11 but modified to show:
 - a. A Plan of Subdivision prepared by a suitably qualified land surveyor showing all bearings, distances, levels, street names, lot numbers, lot sizes, reserves, and easements.
 - b. Deleted.
 - c. The plan titled 'Existing tree audit', dated 13/10/2021 updated to show trees 5, 6 and 7 notated to be retained within the Existing Tree Schedule.
 - d. Relevant building envelopes in accordance with the approved Bushfire Management Plan with a restriction to state unless with the prior written consent of Cardinia Shire Council, no building may be constructed outside the prescribed building envelope.
2. Deleted.

Tree Protection Fencing:

3. Before vehicle access works start, a fence must be erected around any tree shown for retention within 15 metres of the accessway/ crossover works for each Lot. This fence will protect the trees by demarcating the tree protection zone and must be erected at a radius of $12 \times$ the diameter at a height of 1.3 metres to a maximum of 15 metres but no less than 2 metres from the base of the trunk of the trees, excepting the approved area of encroachment for construction as shown on

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
 Page 1 of 9

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

AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T190739 - 1

ADDRESS OF THE LAND: L1 TP906719 & L1 TP581492, 1 & 3 Neville Street, Cockatoo VIC 3781
THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

endorsed plans to the satisfaction of the Responsible Authority. The protection fence must be constructed of chain mesh or similar to the satisfaction of the Responsible Authority. The protection fence must remain in place until all works are completed to the satisfaction of the Responsible Authority. Except with the written consent of the Responsible Authority, within the tree protection zone, the following are prohibited:

- a. vehicular access.
- b. trenching or soil excavation.
- c. storage or dumping of any soils, materials, equipment, vehicles, machinery or waste products.
- d. entry and exit pits for underground services.
- e. any other actions or activities that may result in adverse impacts to retained native vegetation.

General:

4. Any obligations outlined in Cultural Heritage Management Plan (CHMP) 16806 prepared by Benchmark Heritage Management dated 9 December 2019 and approved by Aboriginal Victoria must be carried out as necessary.
5. The layout of the subdivision, as shown on the approved plans, must not be altered or modified without the consent in writing of the Responsible Authority.
6. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
7. The owner of the subject land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.
8. The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authority in accordance with Section 8 of that Act.
9. Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.
10. The owner of the land must enter into an agreement with:

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
Page 2 of 9

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: T190739 - 1

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THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- a. a telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
- b. a suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.

11. Deleted.

Prior to Statement of Compliance:

12. Before the issue of a Statement of Compliance for the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:
 - a. A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
 - b. A suitably qualified person that fibre ready telecommunications 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.

Engineering:

13. Prior to the issue of a Statement of Compliance the following works must be completed in accordance with plans and specifications submitted to and approved by the Responsible Authority:
 - a. The vegetation removal/translocation to enable vehicle access to each lot as shown on the endorsed plans, must be carried out to the satisfaction of the Responsible Authority.
 - b. Appropriate driveway access and drainage connection points must be provided to all lots in accordance with the approved plans required by Condition 15, to the satisfaction of the Responsible Authority.
 - c. The removal of any structures on each of the vacant lots (Lots 2, 3, 5 and 6).
 - d. The removal of any structures crossing a boundary between each of the lots.
 - e. Construction of vehicle crossings to service all proposed lots.

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
 Page 3 of 9

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

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

PLANNING PERMIT NUMBER: T190739 - 1

ADDRESS OF THE LAND: L1 TP906719 & L1 TP581492, 1 & 3 Neville Street, Cockatoo VIC 3781
THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

14. Prior to the issue of Statement of Compliance, 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.
15. Prior to the issue of Statement of Compliance, an amended site drainage plan must be submitted to and approved by the Responsible Authority. The plans must be generally in accordance with the plans submitted with the application prepared by DPM Consulting Group, Drawings 3102/01/R01, R02 and R04 (Revision P1) and Drawing 3102/01/R03 (Revision P5), but modified to show:
 - a. All proposed Legal Points of Discharge and proposed site layout including building envelopes, contours and existing conditions.
 - b. Lot boundaries, crossovers and vehicle access generally in accordance with plans endorsed under Condition 1.
 - c. Remove references to staging.
16. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.

Environment:

17. Deleted.

Waste Management Plan (WMP):

18. Prior to the Statement of Compliance being issued for the subdivision, a waste management plan to be prepared by a suitable qualified professional must be submitted for the approval of the Responsible Authority, demonstrating how waste collection will be undertaken from each lot. Garbage and recyclables storage and collection must be undertaken in accordance with the approved plan/documentation and must be undertaken to the satisfaction of the Responsible Authority.

Public Open Space Contribution Condition:

19. Prior to the issue of a Statement of Compliance, a payment equivalent to eight (8) percent of the value of the land as determined by the Responsible Authority must be made to the Responsible Authority being payment of cash-in-lieu of the Public Open Space requirement.

AusNet:

20. 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*.

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
Page 4 of 9

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.

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

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THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

21. The applicant must enter into an agreement with AusNet Electricity Services Pty Ltd for the extension, upgrading or rearrangement of the electricity supply to lots on the plan of subdivision. A payment to cover the cost of such work will be required.
22. The applicant must provide electricity easements internal and external to the subdivision in favour of AusNet Electricity Services Pty Ltd to service the lots on the plan of subdivision and/or abutting lands as required by AusNet Electricity Services Pty Ltd. The provision of reserves for electricity substations may also be required.

CFA:

Section 173 Agreement:

23. Before the statement of compliance is issued under the *Subdivision Act 1988* the owner must enter into an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987*. The agreement must:
 - State that it has been prepared for the purpose of:
 - i. An exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme for Lot 2, 3, 5 and 6.
 - ii. To give effect to conditions of this permit that require bushfire mitigation measures to be implemented on Lot 1 and 4.
 - Incorporate the bushfire management plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.
 - State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.
24. The Bushfire Management Plan prepared by *Euca Planning* (version 6 & dated 8/9/2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to the conditions of this permit.

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for 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.

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THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Melbourne Water:

25. Prior to certification, the plan of subdivision must include a 20 metres wide 'drainage and waterway management' easement in favour of Melbourne Water Corporation along proposed Lot 3 measured from top of bank.
26. There is a Cockatoo creek tributary running across the Eastern corner of the property adjacent to Alexander road where driveways have been proposed. Prior to Statement of Compliance being issued, a separate application must be made to Melbourne Water's Asset Services Team for approval of any existing, new or modified waterway crossings.
27. Prior to the commencement of works a separate application, direct to Melbourne Water, must be made for any new or modified storm water connection to Melbourne Water's drains or watercourses. Prior to accepting an application, evidence must be provided demonstrating that Council considers that it is not feasible to connect to the local drainage system.
28. Deleted.
29. Any works or development (including vegetation removal) within 20m either side of the waterway measured from top of bank requires separate approval from Melbourne Water.
30. Apart from the proposed building envelope and fill on Lot 3 (Contour Plan 3102/01/05, Sheet 5 of 10 prepared by DPM Consulting Group, dated 14-07-21), no buildings or fill should be located within the 1% AEP flood extent to avoid obstructing flows. No additional filling is permitted within this floodplain without prior written consent from Melbourne Water.
31. At least 21 days prior to commencement of works, a Site Environmental Management Plan (SEMP) detailing pollution and sediment control measures, must be submitted to Melbourne Water.

Yarra Valley Water:

32. Water: The owner of the subject land must enter into an agreement with Yarra Valley Water for the provision of water services.
33. Sewerage: The owner of the land must enter into an agreement with Yarra Valley Water for the provision of sewerage services.

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
Page 6 of 9

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

AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T190739 - 1

ADDRESS OF THE LAND: L1 TP906719 & L1 TP581492, 1 & 3 Neville Street, Cockatoo VIC 3781
THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

Expiry:

34. This permit will expire if:

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

In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the Responsible Authority for an extension of the periods referred to in this condition.

Notes:

- A 'Vehicle Crossing Permit' must be obtained from Council prior to the commencement of any works associated with the proposed vehicle crossing.
- Vegetation shown for removal on the endorsed plans that is identified as a species listed in the Table to the Vegetation Protection Overlay (Schedule 2) or which benefits from the Bushfire Protection: Exemptions of Clause 52.12 in the plan titled Existing Tree Audit prepared by Jardine Johnstone is exempt from this permit and does not require Planning approval to be removed.

AusNet Notes:

- It is recommended that, at an early date the applicant commences negotiations with AusNet Services for a supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement of Compliance with the conditions to be issued).
- Arrangements for the supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric power lines required to supply the lots and for any tree clearing.
- Prospective purchasers of lots on this plan should contact this office to determine the availability of a supply of electricity. Financial contributions may be required.
- For all enquiries please email subdivisions@ausnetservices.com.au

CFA Notes:

- CFA consents under Section 9 of the *Subdivision Act 1988* to the Certification of the Plan of Subdivision. CFA does not want the Plan of Subdivision for this planning permit application referred under Section 8 of the *Subdivision Act 1988*.

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
Page 7 of 9

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

AMENDED PERMIT

Form 4

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

PLANNING PERMIT NUMBER: T190739 - 1

ADDRESS OF THE LAND: L1 TP906719 & L1 TP581492, 1 & 3 Neville Street, Cockatoo VIC 3781
THIS PERMIT ALLOWS: Subdivision of the land into six (6) lots, generally in accordance with the approved plans

THE FOLLOWING CONDITIONS WILL APPLY TO THE PERMIT:

- The conditions above are required to be implemented to the satisfaction of the Responsible Authority and not CFA. Therefore, CFA also consents to the issuing of Statement of Compliance under the Subdivision Act 1988. (Replacing current CFA note regarding Statement of Compliance).

Yarra Valley Water Notes:

- Please send the Plan of Subdivision to Yarra Valley Water prior to certification.
- If you have any questions or would like to request our consent to issue 'Statement of Compliance' please email us via easyACCESS@yvw.com.au including the property address in the subject field.
- Yarra Valley Water asset information can be freely obtained for all licensed surveyors by registering for access to our GIS; visit <http://easyaccessknowledgehub.com/register-for-gis/> for more details.

Melbourne Water Notes:

- If an application for stormwater connection has not been made to Melbourne Water, evidence must be provided that a stormwater connection has been accepted by Council. This evidence should consist of a legal point of discharge letter and/or an approved drainage plan showing the connection.
- Please note that the existing building on Lot 4 does not have safe access, and subsequent works will not achieve safe access for this property.

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

Date Issued: 5 November 2020
Date Amended: 30 November 2021

Signature for the Responsible Authority:
Page 8 of 9

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

Bushfire Management Plan Page 1 of 2

1 Neville Street, Cockatoo 3781

Version 6, 8/9/2021 Euca Planning Pty Ltd

Firefighting water supply – Applies to Lot 5 and Lot 6 only

At the time of building, each lot must provide a minimum of 5,000 litres effective water supply for firefighting purposes

Each water supply must meet the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Firefighting water supply – Applies to Lot 1, Lot 2, Lot 3 and Lot 4

At the time of building, 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- The water supply must also incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Bushfire Construction Level – Applies to all lots

All construction works need to comply with a minimum BAL of BAL29 from AS 3959.

Defendable space – Applies to all lots

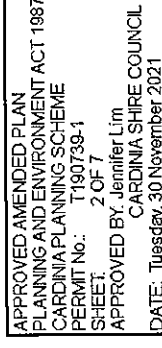
Each lot must provide defendable space for the entire lot surrounding the dwelling modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 cm in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Access

Provide access for firefighting purposes which meets the following requirements:

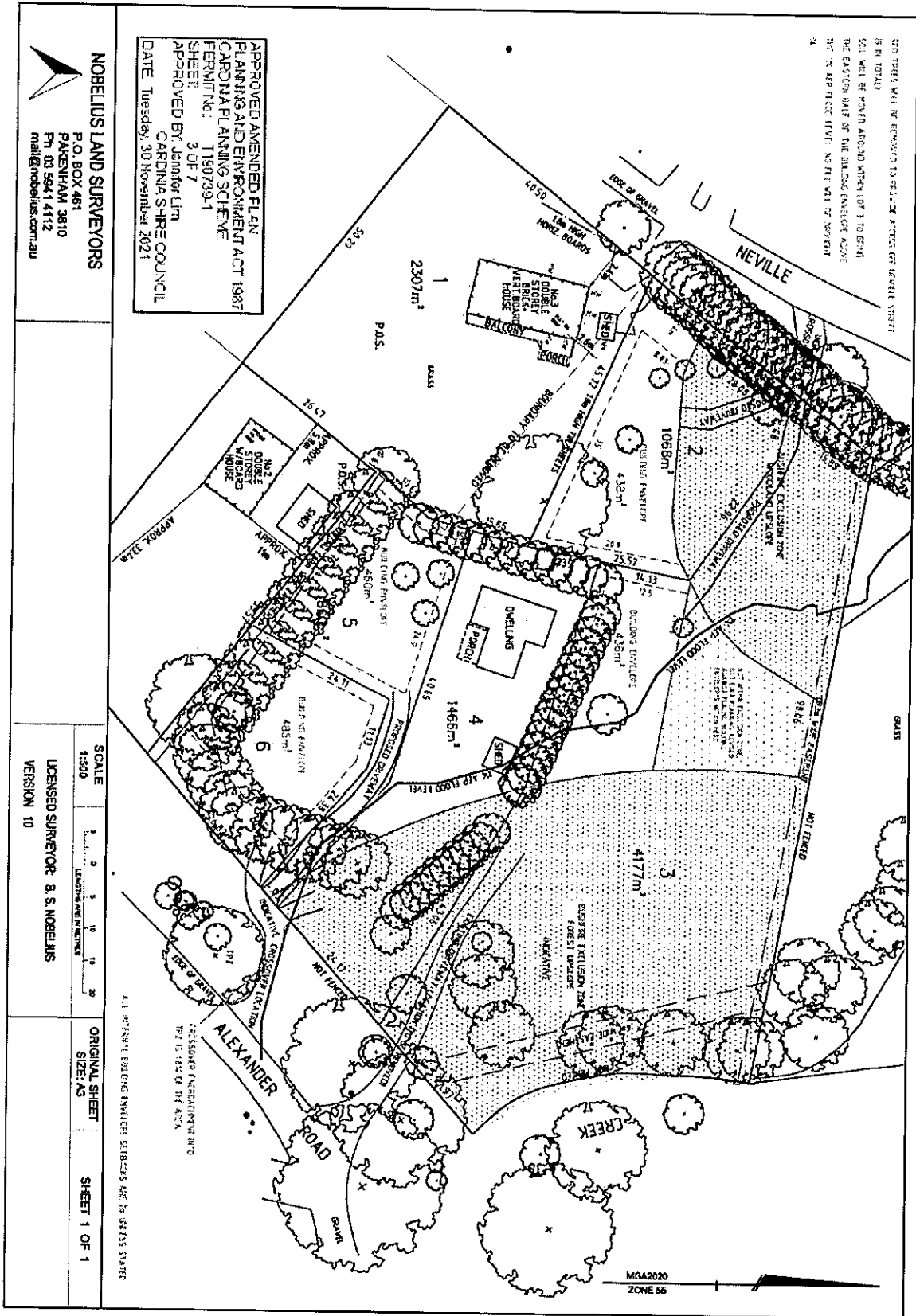
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all- weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.



Bushfire Management Plan Page 2 of 2

1 Neville Street, Cockatoo 3781

Version 6, 8/9/2021 Euca Planning Pty Ltd



PLAN OF SUBDIVISION

EDITION 1

PS 842309 W

LOCATION OF LAND

PARISH: Gembrook
TOWNSHIP: —
SECTION: —
CROWN ALLOTMENT: B (Part)
CROWN PORTION: —
TITLE REFERENCE: Vol. 9092 Fol. 858 & Vol. 9092 Fol. 857
LAST PLAN REFERENCE: Lot 1 on TP 906719 K &
 Lot 1 on TP 581492 S
POSTAL ADDRESS: 1 & 3 Neville Street, COCKATOO 3781
 (at time of subdivision)

MGA CO-ORDINATES: E: 367 500 ZONE: 55
 (of approx centre of land N: 5 799 570 GDA 2020
 in plan)

Council Name: Cardinia Shire Council

APPROVED/AMENDED PLAN PLANNING AND ENVIRONMENT ACT 1987 CARDINIA PLANNING SCHEME PERMIT No. T190739-1 SHEET 1 4 OF 7 APPROVED BY: Jonathan Lim CARDINIA SHIRE COUNCIL DATE: Tuesday, 30 November 2021
--

VESTING OF ROADS AND/OR RESERVES

NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON
Nil	Nil

Other Purpose of Plan

Creation of Restriction : See Sheet 3

Waterway Notation : Land in this Plan may abut Crown Land that may be subject to a Crown License to use

NOTATIONS

DEPTH LIMITATION: DOES NOT APPLY

SURVEY:

This plan is based on survey.

STAGING:

This is not a staged subdivision.
 Planning Permit No. T190739

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

In Proclaimed Survey Area No. —

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, E-2, E-3 E-5 & E-8	Drainage	1.83	LP 12432	All Lots on LP 12432
E-3 & E-4	Water Supply & Sewerage	4	AG868571N	Yarra Valley Water
E-5, E-6, E-7 & E-8	Sewerage	See Plan	This Plan	Yarra Valley Water
E-2, E-3, E-4 E-7, E-8 & E-9	Drainage	See Plan	This Plan	Melbourne Water
E-10	Drainage	3	This Plan	Cardinia Shire Council
E-10	Sewerage	3	This Plan	Yarra Valley Water
E-11	Sewerage	2.5	This Plan	Yarra Valley Water
E-12	Drainage	2	This Plan	Cardinia Shire Council

NOBELIUS LAND SURVEYORS



P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 mail@nobellus.com.au

SURVEYORS FILE REF: 16999

ORIGINAL SHEET
 SIZE: A3

SHEET 1 OF 3

LICENSED SURVEYOR: TIM D. WALKER
 VERSION H

PS 842309 W

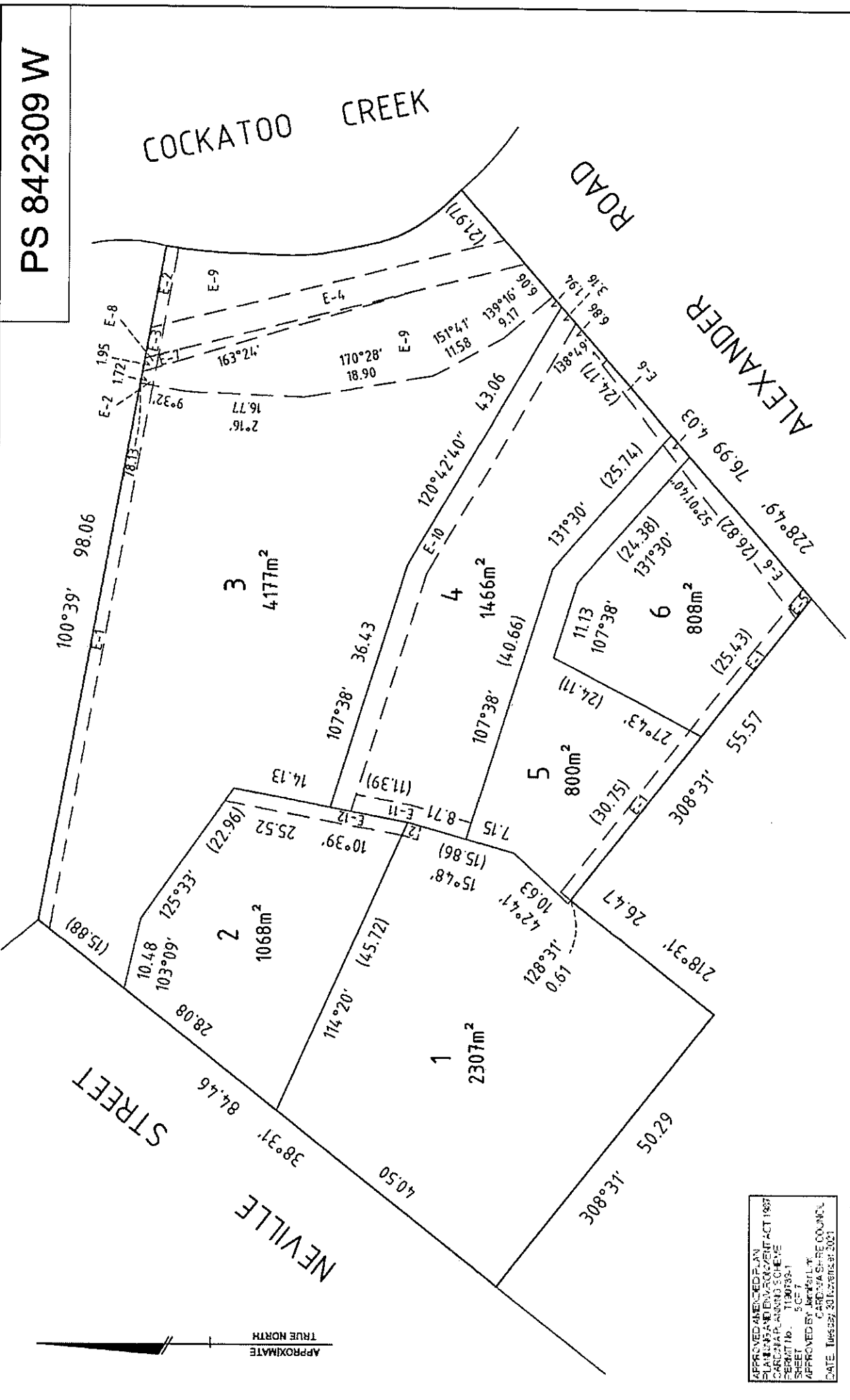
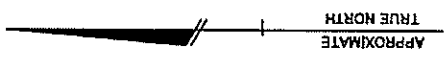
COCKATOO CREEK

ROAD

ALEXANDER

STREET

NEVILLE



APPROVED AMENDED PLAN
 PLANNING AND ENVIRONMENT ACT 1987
 CAROLINA PARKING SCHEME
 PERMIT No. T100733-1
 SHEET No. 5 OF 7
 APPROVED BY: JAMES WALKER
 CAROLINA SHIRE COUNCIL
 DATE: 10/05/2011

<p>NOBELIUS LAND SURVEYORS P.O. BOX 461 PAKENHAM 3810 Ph 03 5941 4112 mail@nobelius.com.au</p>		<p>SCALE 1:500</p>	<p>LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>SHEET 2</p>
<p>LICENSED SURVEYOR: TIM D. WALKER VERSION H</p>					

PS 842309 W

COCKATOO CREEK

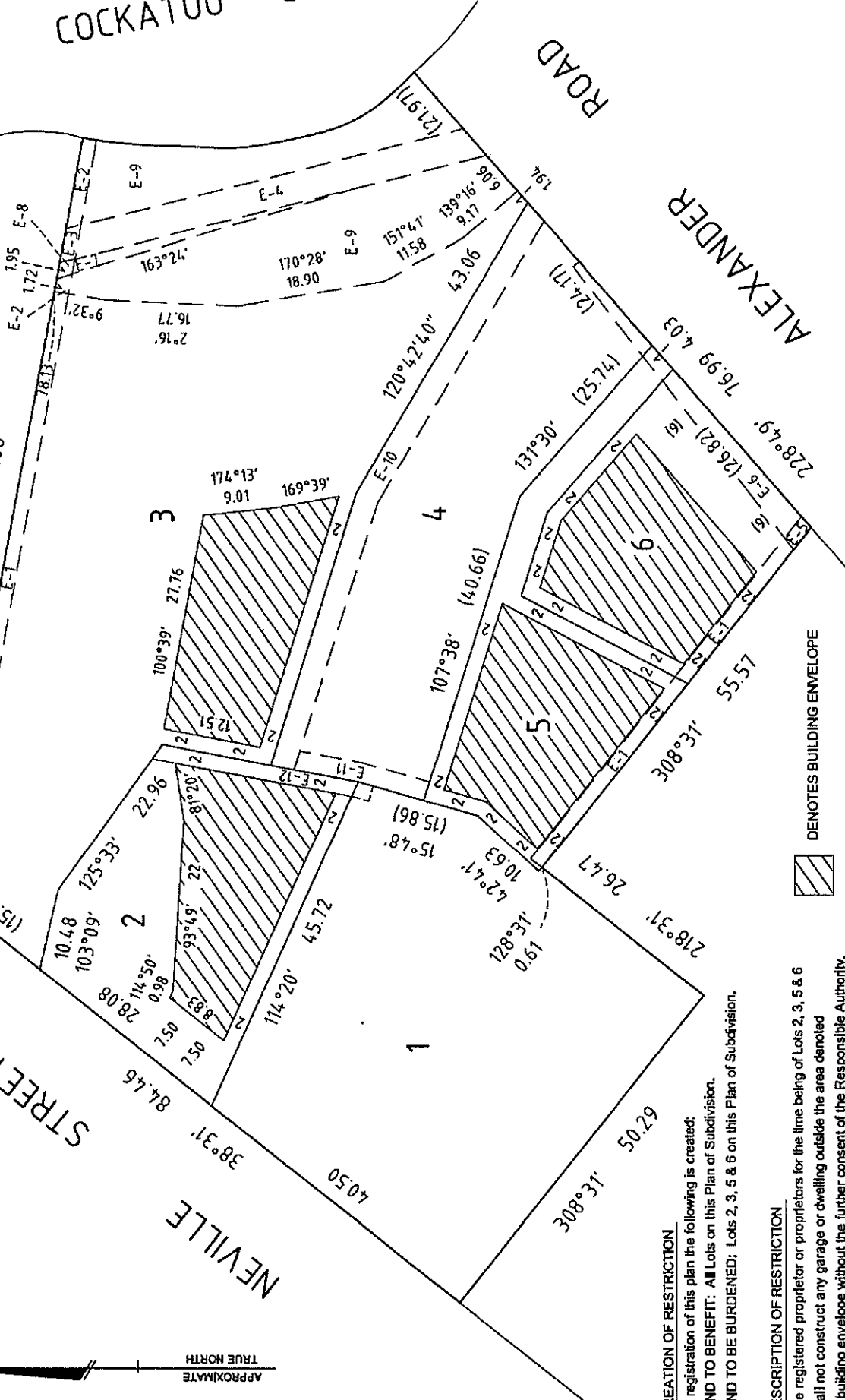
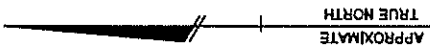
ROAD


ALEXANDER

100°39' 98.06

STREET

NEVILLE



 DENOTES BUILDING ENVELOPE

CREATION OF RESTRICTION
 On registration of this plan the following is created:
LAND TO BENEFIT: All Lots on this Plan of Subdivision.
LAND TO BE BURDENED: Lots 2, 3, 5 & 6 on this Plan of Subdivision.

DESCRIPTION OF RESTRICTION
 The registered proprietor or proprietors for the time being of Lots 2, 3, 5 & 6 shall not construct any garage or dwelling outside the area denoted as building envelope without the further consent of the Responsible Authority.

APPROVED ARCHITECTURAL PLAN
 PLANNING AND ENVIRONMENT ACT 1957
 CAROLINA PLANNING SCHEME
 PERMIT NO. T190739 1
 SHEET 6 OF 7
 APPROVED BY JENNIFER LIM
 CAROLINA SHIRE COUNCIL
 DATE: TUESDAY 30 NOVEMBER 2021

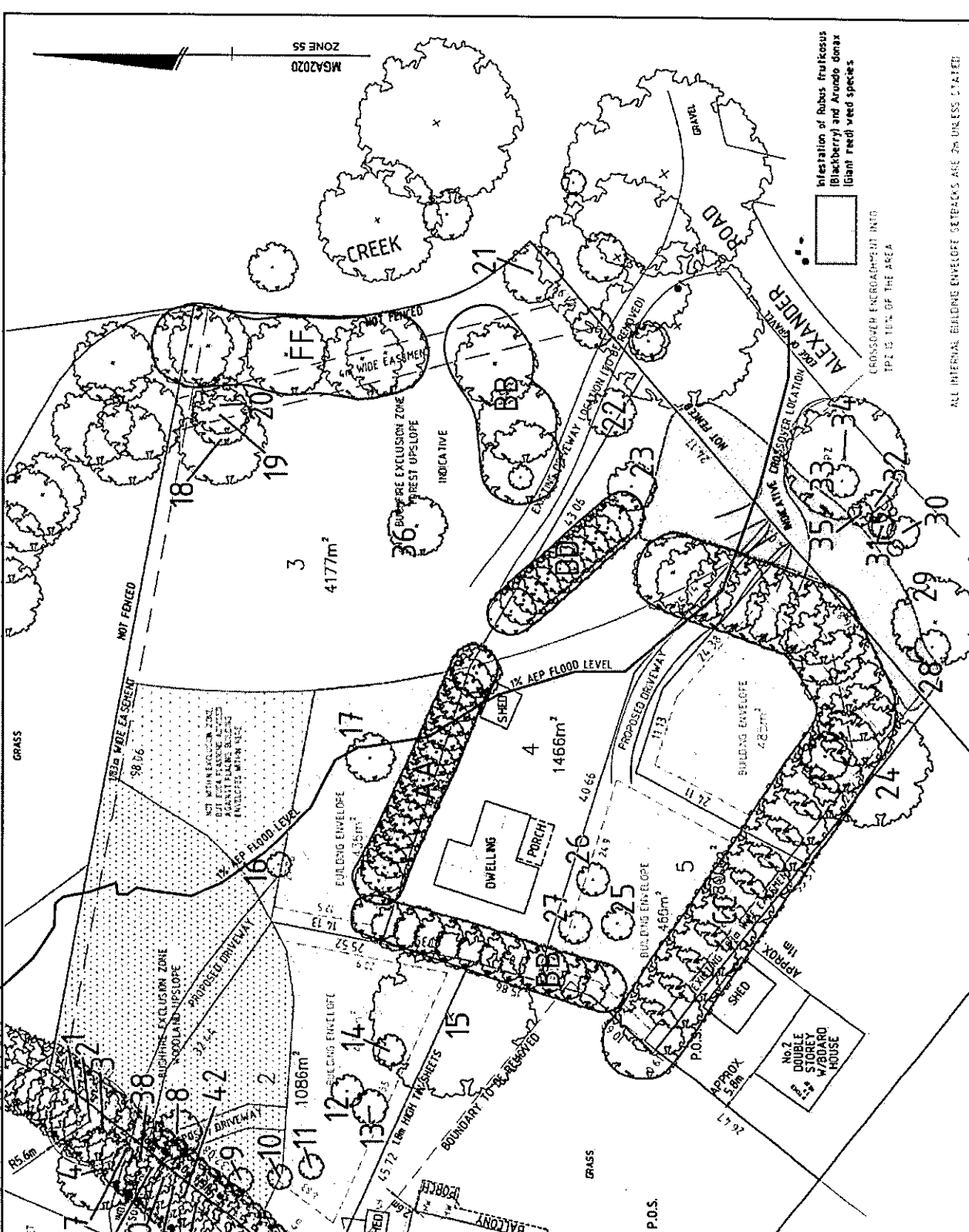
NOBELIUS LAND SURVEYORS
 P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 mail@nobelius.com.au



SCALE 1:500
 ORIGINAL SHEET SIZE: A3
 SHEET 3

LICENSED SURVEYOR: TIM D. WALKER
 VERSION H

LENGTHS ARE IN METRES
 0 5 10 15 20



RED TREES WILL BE REMOVED TO PROVIDE ACCESS OFF NEVILLE STREET (9 IN TOTAL)
 50% WILL BE MOVED AROUND WITHIN LOT 3 TO BRING THE EASTERN HALF OF THE BUILDING ENVELOPE ABOVE THE 1% AEP FLOOD LEVEL. NO FILL WILL BE BROUGHT IN.

APPROVED AMENDED PLAN
 PLANNING AND ENVIRONMENT ACT 1997
 CARPENTARIA PLANNING SCHEME
 PERMIT NO. 1180734-1
 SHEET 7 OF 7
 APPROVED BY: JENNIFER LITTI
 CARPENTARIA SHIRE COUNCIL
 DATE: THURSDAY, 30 SEPTEMBER 2021

No.	Species	Tree ID	Health	Retention	Comments
1	Cycas	1	Low	Remove	Remove
2	Cycas	2	Low	Remove	Remove
3	Cycas	3	Low	Remove	Remove
4	Cycas	4	Low	Remove	Remove
5	Cycas	5	Low	Remove	Remove
6	Cycas	6	Low	Remove	Remove
7	Cycas	7	Low	Remove	Remove
8	Cycas	8	Low	Remove	Remove
9	Cycas	9	Low	Remove	Remove
10	Cycas	10	Low	Remove	Remove
11	Cycas	11	Low	Remove	Remove
12	Cycas	12	Low	Remove	Remove
13	Cycas	13	Low	Remove	Remove
14	Cycas	14	Low	Remove	Remove
15	Cycas	15	Low	Remove	Remove
16	Cycas	16	Low	Remove	Remove
17	Cycas	17	Low	Remove	Remove
18	Cycas	18	Low	Remove	Remove
19	Cycas	19	Low	Remove	Remove
20	Cycas	20	Low	Remove	Remove
21	Cycas	21	Low	Remove	Remove
22	Cycas	22	Low	Remove	Remove
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33	Cycas	33	Low	Remove	Remove
34	Cycas	34	Low	Remove	Remove
35	Cycas	35	Low	Remove	Remove
36	Cycas	36	Low	Remove	Remove
37	Cycas	37	Low	Remove	Remove
38	Cycas	38	Low	Remove	Remove
39	Cycas	39	Low	Remove	Remove
40	Cycas	40	Low	Remove	Remove
41	Cycas	41	Low	Remove	Remove
42	Cycas	42	Low	Remove	Remove

SCALE 1:500
 ORIGINAL SHEET SIZE: A3
 SHEET 1 OF 1

EDMONTON ARE IN METRES

LICENSED SURVEYOR: B. S. NOBELIUS
 VERSION 10

EXISTING TREE AUDIT
 1-3 NEVILLE STREET,
 COCKATOO, 15/10/21

Jardine Johnstone
 PO BOX 30
 CARPENTARIA VIC 3925
 E: car@jardinejohnstone.com.au
 T: 08 8532 1111
 W: www.jardinejohnstone.com.au

NOBELIUS LAND SURVEYORS
 P.O. BOX 461
 PAKENHAM 3810
 Ph 03 5941 4112
 mail@nobelius.com.au

ALL INTERNAL BUILDING ENVELOPE OUTLINES ARE UNLESS STATED
 CROSSOVER ENCROACHMENT INTO
 10% IS 10% OF THE AREA

Installation of Rubus fruticosus (Blackberry) and Arundo donax (Bamboo) weed species



Russell Kennedy
Lawyers

CARDINIA SHIRE COUNCIL

and

**STEPHEN ROBERT COTTER and FRANCINE
ELSPETH COTTER**

and

**MELONIE KATE MAHNEY and SCOTT
ANTHONY MAHNEY**

**AGREEMENT MADE PURSUANT TO
SECTION 173 OF THE PLANNING AND
ENVIRONMENT ACT 1987**

Land: 1 & 3 Neville Street, Cockatoo Victoria
3781

Russell Kennedy Pty Ltd ACN 126 792 470 ABN 14 940 129 185
Level 12, 469 La Trobe Street, Melbourne VIC 3000 PO Box 5146, Melbourne VIC 3001 DX 494 Melbourne
T +61 3 9609 1555 F +61 3 9609 1600 info@rk.com.au russellkennedy.com.au

Liability limited by a scheme approved under Professional Standards Legislation.

Ref CYW 302786-00077

An international member of

AillyLaw

© Russell Kennedy Pty Ltd

THIS AGREEMENT IS DATED

2022

PARTIES

- 1 **CARDINIA SHIRE COUNCIL**
of 20 Siding Avenue, Officer, Victoria 3809
(Council)
- 2 **STEPHEN ROBERT COTTER and FRANCINE ELSPETH COTTER**
of 3 Neville Street Cockatoo Victoria 3781
AND
MELONIE KATE MAHNEY and SCOTT ANTHONY MAHNEY
of 3 Neville Street Cockatoo Victoria 3781
(Owner)

RECITALS

- A The Council is the responsible authority under the Act for the Scheme.
- B The Owner is registered or is entitled to be registered as proprietor of the Land.
- C Conditions 23 and 24 of the Permit provide as follows:
 - “23. *Before the statement of compliance is issued under the Subdivision Act 1988 the owner must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987. The agreement must:*
 - *State that it has been prepared for the purpose of:*
 - (i) *An exemption from a planning permit under Clause 44.06-2 of the Cardinia Planning Scheme for Lot 2, 3, 5 and 6.*
 - (ii) *To give effect to conditions of this permit that require bushfire mitigation measures to be implemented on Lot 1 and 4.*
 - *Incorporate the bushfire management plan prepared in accordance with Clause 52.47-2.4 of this planning scheme and approved under this permit.*
 - *State that if a dwelling is constructed on the land without a planning permit that the bushfire mitigation measures set out in the plan incorporated into the agreement must be implemented and maintained to the satisfaction of the responsible authority on a continuing basis.*
 24. *The Bushfire Management Plan prepared by Euca Planning (version 6 & dated 8/9/2021) must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority. When endorsed the plan must be included as an annexure to the section 173 agreement prepared to give effect to the conditions of this permit.”*
- D Part of the Land is encumbered by mortgage number AU895948Q in which FIRST MORTGAGE COMPANY HOME LOANS PTY LTD is named as mortgagee. The Mortgagee has consented to the Owner entering into this Agreement.

- E Part of the Land is encumbered by mortgage number AN402605P in which NATIONAL AUSTRALIA BANK LTD is named as mortgagee. The Mortgagee has consented to the Owner entering into this Agreement.
- F This Agreement has been entered into in order to:
- (i) comply with conditions 23 and 24 of the Permit;
 - (ii) provide an exemption from a planning permit under Clause 44.06-2 of the Scheme for Lots 2, 3, 5 and 6;
 - (iii) give effect to conditions of the Permit that require bushfire mitigation measures to be implemented on Lot 1 and 4;
 - (iv) prohibit, restrict or regulate the use or development of the Land; and
 - (v) achieve and advance the objectives of planning in Victoria or the objectives of the Scheme in relation to the Land.
- G This Agreement is made under Division 2 of Part 9 of the Act.

OPERATIVE PROVISIONS

1 DEFINITIONS

In this Agreement:

- (a) **Act** means the *Planning and Environment Act 1987*.
- (b) **Agreement** means this Agreement, including the recitals and any annexures to this Agreement.
- (c) **Bushfire Management Plan** means the plan prepared by Euca Planning Pty Ltd and Nobelius Land Surveyors, as approved by Council on 30 November 2021 which forms part of the Endorsed Plan, a copy of which is attached as Annexure 1 to this Agreement.
- (d) **Business Day** means Monday to Friday excluding public holidays in Victoria.
- (e) **Dwelling** has the same meaning as in the Scheme.
- (f) **Endorsed Plan** means the plan or plans endorsed from time to time with the stamp of Council as the plan which forms part of the Permit.
- (g) **Land** means the land known as 1 & 3 Neville Street, Cockatoo Victoria 3781 being the whole of the land more particularly described in certificates of title
 - (i) volume 09092 folio 857; and
 - (ii) volume 09092 folio 858.
- (h) **Lot** means a lot as shown on the Bushfire Management Plan.
- (i) **Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as mortgagee of the Land or any part of it.

- (j) **Owner** means the person or persons who are registered or are entitled to be registered as proprietor of an estate in the Land or any part thereof, and includes a mortgagee in possession.
- (k) **Permit** means planning permit T190739 - 1 issued in respect of the Land by Council on 5 November 2020 allowing for a "Subdivision of the land into six (6) lots, generally in accordance with the approved plans."
- (l) **Scheme** means the Cardinia Planning Scheme or any other planning scheme which applies to the Land from time to time.

2 COMMENCEMENT

This Agreement comes into force on the date it was made as set out above.

3 ENDING OR AMENDING AGREEMENT

3.1 Ending or amending

This Agreement ends or may be amended in accordance with the Act.

3.2 Cancellation or alteration of recording

As soon as reasonably practicable after this Agreement has ended or has been amended, the Council must, at the request and at the cost of the Owner, apply to the Registrar of Titles under the Act to cancel or alter the recording of this Agreement on the folio of the Register to the Land.

4 OWNER'S COVENANTS

4.1 Owner's covenants regarding the Land

The Owner covenants and agrees that

- 4.1.1 this Agreement has been prepared for the purpose of an exemption from a planning permit under Clause 44.06-2 of the Scheme for Lot 2, 3, 5 and 6.
- 4.1.2 they shall give effect to conditions of the Permit that require bushfire mitigation measures to be implemented on Lot 1 and 4.
- 4.1.3 if a Dwelling is constructed on the Land without a planning permit that the bushfire mitigation measures set out in the Bushfire Management Plan must be implemented and maintained to the ongoing satisfaction of Council.

4.2 Bushfire Management Plan

The Owner covenants and agrees that the Bushfire Management Plan must not be altered except with the prior written approval of the Country Fire Authority and Council.

4.3 Successors in title

Until this Agreement is recorded on the folio of the Register which relates to the Land pursuant to section 181 of the Act, the Owner must ensure that the Owner's successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner, being a party to this Agreement, remains liable to perform all of the Owner's obligations contained in this Agreement.

4.4 Further assurance

The Owner must do all things necessary (including signing any further agreement, acknowledgment or document) to enable the Council to record this Agreement on the folio of the Register which relates to the Land.

4.5 Payment of Council's costs

The Owner agrees to pay on demand to the Council the Council's costs and expenses (including any legal fees incurred on a solicitor-client basis) of and incidental to the preparation, execution, recording, removal, amendment and enforcement of this Agreement.

4.6 Mortgagee to be bound

The Owner covenants to 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.

4.7 Indemnity

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

4.8 Non-compliance

If the Owner has not complied with this Agreement within 14 days after the date of service on the Owner by the Council of a notice which specifies the Owner's failure to comply with any provision of this Agreement, the Owner covenants:

- 4.8.1 to allow the Council its officers, employees, agents, workmen and contractors to enter the Land and rectify the non-compliance;
- 4.8.2 to pay to the Council on demand, the Council's reasonable costs and expenses (**Costs**) incurred as a result of the Owner's non-compliance;
- 4.8.3 to pay interest at the rate of 2% above the rate prescribed under section 2 of the *Penalty Interest Rates Act 1983* on all moneys which are due and payable but remain owing under this Agreement until they are paid in full;
- 4.8.4 if requested to do so by the Council, to promptly execute in favour of the Council a mortgage to secure the Owner's obligations under this Agreement,

and the Owner agrees:

- 4.8.5 to accept a certificate signed by the Chief Executive Officer of the Council (or any nominee of the Chief Executive Officer) as prima facie proof of the Costs incurred by the Council in rectifying the Owner's non-compliance with this Agreement;
- 4.8.6 that any payments made for the purposes of this Agreement shall be appropriated first in payment of any interest and any unpaid Costs of the Council and then applied in repayment of the principal sum;
- 4.8.7 that all Costs or other monies which are due and payable under this Agreement but which remain owing shall be a charge on the Land until they are paid in full; and

4.8.8 if the Owner executes a mortgage as required by clause 4.8.4, any breach of this Agreement is deemed to be a default under that mortgage.

4.9 **Standard of works**

The Owner covenants to comply with the requirements of this Agreement and to complete all works required by this Agreement as expeditiously as possible at its cost and to the satisfaction of the Council.

4.10 **Council access**

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

4.11 **Covenants run with the Land**

The Owner's obligations in this Agreement are intended to take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner and its successors, assignees and transferees, the registered proprietor or proprietors for the time being of the Land and every part of the Land.

4.12 **Owner's warranty**

The Owner warrants and covenants that:

- 4.12.1 the Owner is the registered proprietor (or is entitled to become the registered proprietor) of the Land and is also the beneficial owner of the Land;
- 4.12.2 the execution of this Agreement by the Owner complies with the Registrar's Requirements for Paper Conveyancing Transactions made under section 106A of the *Transfer of Land Act 1958*;
- 4.12.3 there are no mortgages, liens, charges or other encumbrances or leases or any rights inherent in any person other than the Owner affecting the Land which have not been disclosed by the usual searches of the folio of the Register for the Land or notified to the Council;
- 4.12.4 no part of the Land is subject to any rights obtained by adverse possession or subject to any easements or rights described or referred to in section 42 of the *Transfer of Land Act 1958*; and
- 4.12.5 until this Agreement is recorded on the folio of the Register which relates to the Land, the Owner will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part of the Land without first disclosing to any intended purchaser, transferee, assignee or mortgagee the existence and nature of this Agreement.

5 **GENERAL**

5.1 **No fettering of Council's powers**

This Agreement does not fetter or restrict the Council's power or discretion in respect of any of the Council's decision making powers including but not limited to an ability to make decisions under the *Local Government Act 1989*, and the Act or to make or impose requirements or conditions in connection with any use or development of the Land or the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation

relating to the Land or the issue of a Statement of Compliance in connection with any such plans.

5.2 Time of the essence

Time is of the essence as regards all dates, periods of time and times specified in this Agreement.

5.3 Governing law and jurisdiction

This Agreement is governed by and is to be construed in accordance with the laws of Victoria. Each party irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts and tribunals of Victoria and waives any right to object to proceedings being brought in those courts or tribunals.

5.4 Enforcement and severability

5.4.1 This Agreement shall operate as a contract between the parties and be enforceable as such in a Court of competent jurisdiction regardless of whether, for any reason, this Agreement were held to be unenforceable as an agreement pursuant to Division 2 of Part 9 of the Act.

5.4.2 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.

6 NOTICES

6.1 Service of notice

A notice or other communication required or permitted, under this Agreement, to be served on a person must be in writing and may be served:

- 6.1.1 personally on the person;
- 6.1.2 by leaving it at the person's address set out in this Agreement;
- 6.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 6.1.4 by email to the person's current email address notified to the other party; or
- 6.1.5 by facsimile to the person's current number notified to the other party.

6.2 Time of service

A notice or other communication is deemed served:

- 6.2.1 if served personally or left at the person's address, upon service;
- 6.2.2 if posted within Australia to an Australian address by express post, two Business Days; by standard post, six Business Days after posting;
- 6.2.3 if sent by email, subject to the clause 6.2.5, at the time of receipt as specified in section 13A of the *Electronic Transactions (Victoria) Act 2000*;

- 6.2.4 if served by facsimile, subject to the clause 6.2.5, 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; and
- 6.2.5 if received after 5.00pm in the place of receipt or on a day which is not a Business Day, at 9.00am on the next Business Day.

6.3 **Proof of receipt of notice by email**

In proving that a notice given by email has been received by the recipient, it is sufficient to produce an acknowledgement or receipt that the email has reached the recipient's email address.

7 **INTERPRETATION**

In this Agreement, unless the contrary intention appears:

- 7.1 the singular includes the plural and vice versa;
- 7.2 a reference to a document or instrument, including this Agreement, includes a reference to that document or instrument as novated, altered or replaced from time to time;
- 7.3 a reference to an individual or person includes a partnership, body corporate, government authority or agency and vice versa;
- 7.4 a reference to a party includes that party's executors, administrators, successors, substitutes and permitted assigns;
- 7.5 words importing one gender include other genders;
- 7.6 other grammatical forms of defined words or expressions have corresponding meanings;
- 7.7 a covenant, undertaking, representation, warranty, indemnity or agreement made or given by:
- 7.7.1 two or more parties; or
- 7.7.2 a party comprised of two or more persons,
- is made or given and binds those parties or persons jointly and severally;
- 7.8 a reference to a statute, code or other law includes regulations and other instruments made under it and includes consolidations, amendments, re-enactments or replacements of any of them;
- 7.9 a recital, schedule, annexure or description of the parties forms part of this Agreement;
- 7.10 if an act must be done on a specified day that is not a Business Day, the act must be done instead on the next Business Day;
- 7.11 if an act required to be done under this Agreement on a specified day is done after 5.00pm on that day in the time zone in which the act is performed, it is taken to be done on the following day;
- 7.12 a reference to an authority, institution, association or body (original entity) that has ceased to exist or been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity;

7.13 headings and the provision of a table of contents are for convenience only and do not affect the interpretation of this Agreement.

EXECUTED pursuant to Division 2 of Part 9 of the Act.

**SIGNED BY AND ON BEHALF OF, AND)
WITH THE AUTHORITY OF CARDINIA)
SHIRE COUNCIL by**

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

.....

Witness

SIGNED SEALED AND DELIVERED)
by **STEPHEN ROBERT COTTER** in the)
presence of:

Witness signature

Witness name

SIGNED SEALED AND DELIVERED)
by **FRANCINE ELSPETH COTTER** in the)
presence of: _____

Witness signature

Witness name

SIGNED SEALED AND DELIVERED)
by **MELONIE KATE MAHNEY** in the)
presence of:

Witness signature

Witness name

SIGNED SEALED AND DELIVERED
by **SCOTT ANTHONY MAHNEY** in the
presence of:

)
)

Witness signature

Witness name

MORTGAGEE'S CONSENT

FIRST MORTGAGE COMPANY HOME LOANS PTY LTD as Mortgagee under Mortgage No. AU895948Q which encumbers the Land consents to the Owner entering into this Agreement and agrees to be bound by the terms of and conditions of this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

DATED:

Executed for and on behalf of
FIRST MORTGAGE COMPANY HOME LOANS PTY LTD

MORTGAGEE'S CONSENT

NATIONAL AUSTRALIA BANK LTD as Mortgagee under Mortgage No. AN402605P which encumbers the Land consents to the Owner entering into this Agreement and agrees to be bound by the terms of and conditions of this Agreement if the Mortgagee becomes mortgagee in possession of the Land.

DATED:

Executed for and on behalf of
NATIONAL AUSTRALIA BANK LTD

ANNEXURE 1

(Copy of Bushfire Management Plan)

Bushfire Management Plan Page 1 of 2 1 Neville Street, Cockatoo 3781

Version 6.8/9/2021, Euxis Planning Pty Ltd

Firefighting water supply – Applies to Lot 5 and Lot 6 only

At the time of building, each lot must provide a minimum of 5,000 litres effective water supply for firefighting purposes

Each water supply must meet the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Include a separate outlet for occupant use.

Firefighting water supply – Applies to Lot 1, Lot 2, Lot 3 and Lot 4

At the time of building, 10,000 litres of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- The water supply must also incorporate a ball or gate valve (British Standard Pipe (BSP) 65mm) and coupling (64 mm CFA 3 thread per inch male fitting).
- The outlet/s of the water tank must be within 4m of the accessway and be unobstructed.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of CFA must be provided. Any pipework and fittings must be a minimum of 65 mm (excluding the CFA coupling).

Bushfire Construction Level – Applies to all lots

All construction works need to comply with a minimum BAL of BAL29 from AS 3959.

Defendable space – Applies to all lots

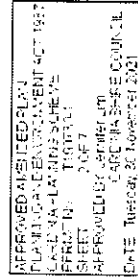
Each lot must provide defendable space for the entire lot surrounding the dwelling modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 cm in height must not be placed within 3m of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5sq. metres in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

Access

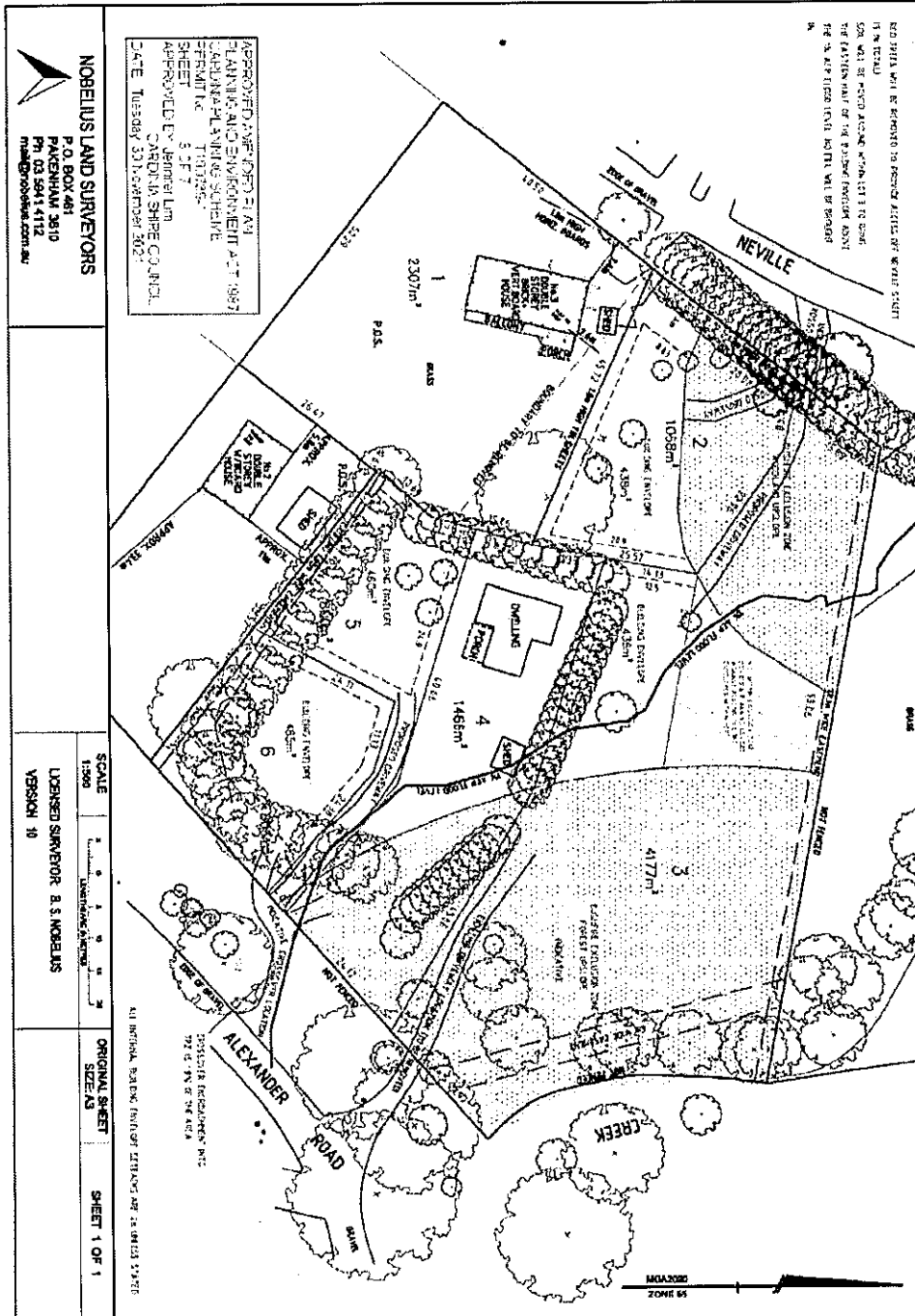
Provide access for firefighting purposes which meets the following requirements:

- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 per cent) (8.1 degrees) with a maximum of no more than 1 in 5 (20 per cent) (11.3 degrees) for no more than 50m.
- Have a minimum trafficable width of 3.5m of all-weather construction.
- Be clear of encroachments for at least 0.5m on each side and 4m above the access way.
- Dips must have no more than a 1 in 8 (12.5 per cent) (7.1 degrees) entry and exit angle.



Bushfire Management Plan Page 2 of 2

1 Neville Street, Cockatoo 3781
Version 6, 8/9/2021 Euca Planning Pty Ltd



PLANNING PROPERTY REPORT

From www.planning.vic.gov.au at 03 May 2022 10:56 AM

PROPERTY DETAILS

Address: **1 NEVILLE STREET COCKATOO 3781**
 Lot and Plan Number: **Lot 1 TP906719**
 Standard Pa ce dent fee (SP): **1\TP906719**
 Local Government Area (Council): **CARDINIA**
 Council Property Number: **5000005666**
 Planning Scheme: **Cardinia**
 Dictionary Reference: **Melway 311 G7**

www.cardinia.vic.gov.au

[Planning Scheme Cardinia](#)

UTILITIES

Rural Water Corporation: **Southern Rural Water**
 Melbourne Water Retention: **Yarra Valley Water**
 Melbourne Water: **Inside drainage boundary**
 Power Distribution: **AUSNET**

STATE ELECTORATES

Electorate Council: **EASTERN VICTORIA**
 Electorate Assembly: **GEMBROOK**

OTHER

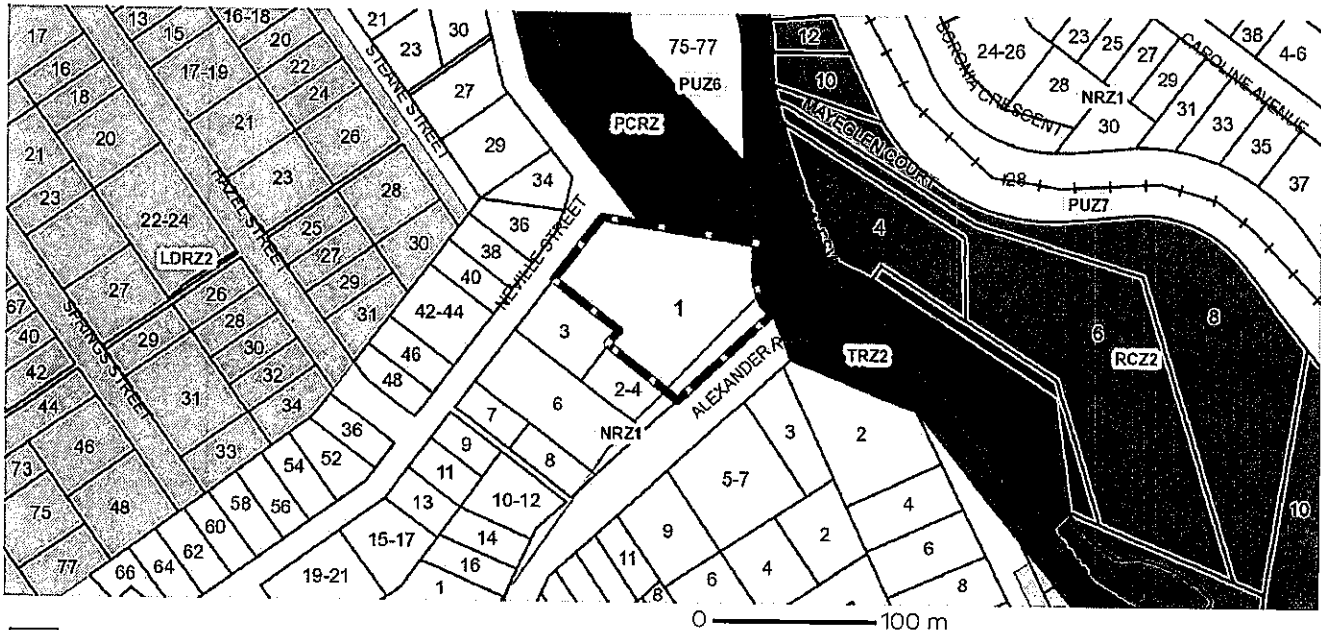
Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural
Heritage Aboriginal Corporation**

[View online on nVcPan](#)

Planning Zones

NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)

NEIGHBOURHOOD RESIDENTIAL ZONE - SCHOOL (NRZ1)



GWAZ - Green Wedge A	LDRZ - Low Density Residential	NRZ - Neighbourhood Residential
PCRZ - Public Conservation and Resource	PUZ6 - Public Use-Local Government	PUZ7 - Public Use-Other Public Use
RCZ - Rural Conservation	TRZ2 - Principal Road Network	Railway line
Water course		

Notes: The zones shown on this map are for information only. Please refer to the relevant planning scheme for more information.

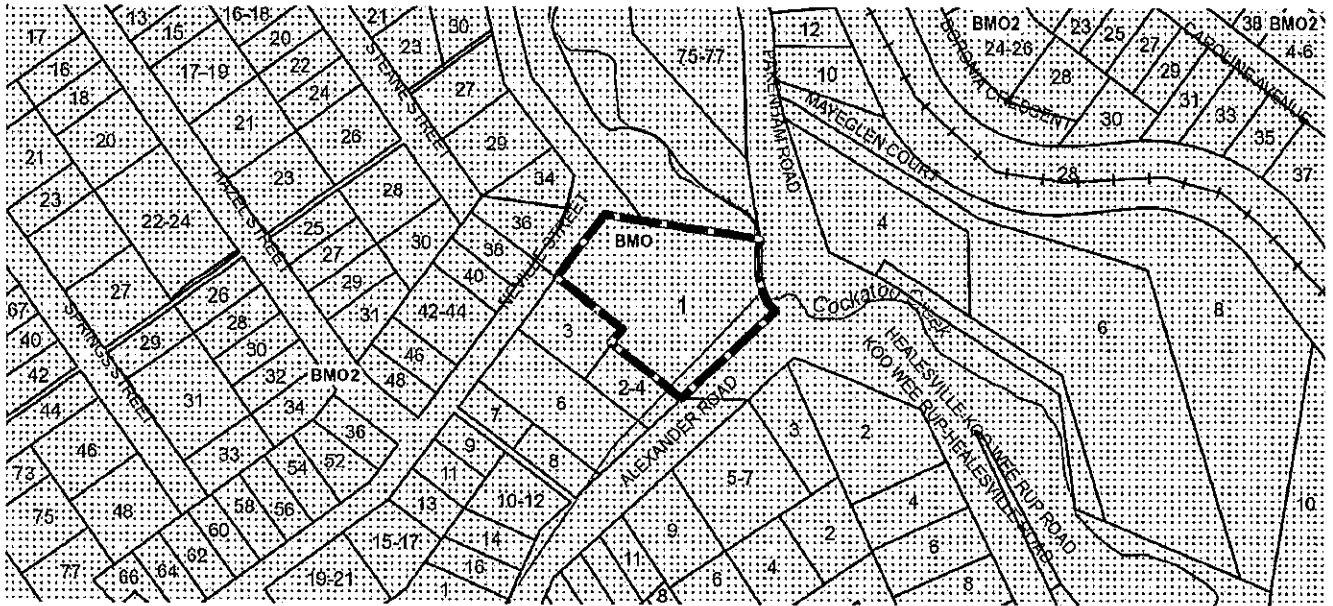
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Notwithstanding this disclaimer, a vendor may rely on the information in this report for the purpose of a statement that land is in a bushfire prone area as required by section 32C (b) of the Sale of Goods Act 1954 (Vic).

Planning Overlays

BUS FIRE MANAGEMENT OVER AY (BMO)

BUS FIRE MANAGEMENT OVER AY SC EDU E2 (BMO2)

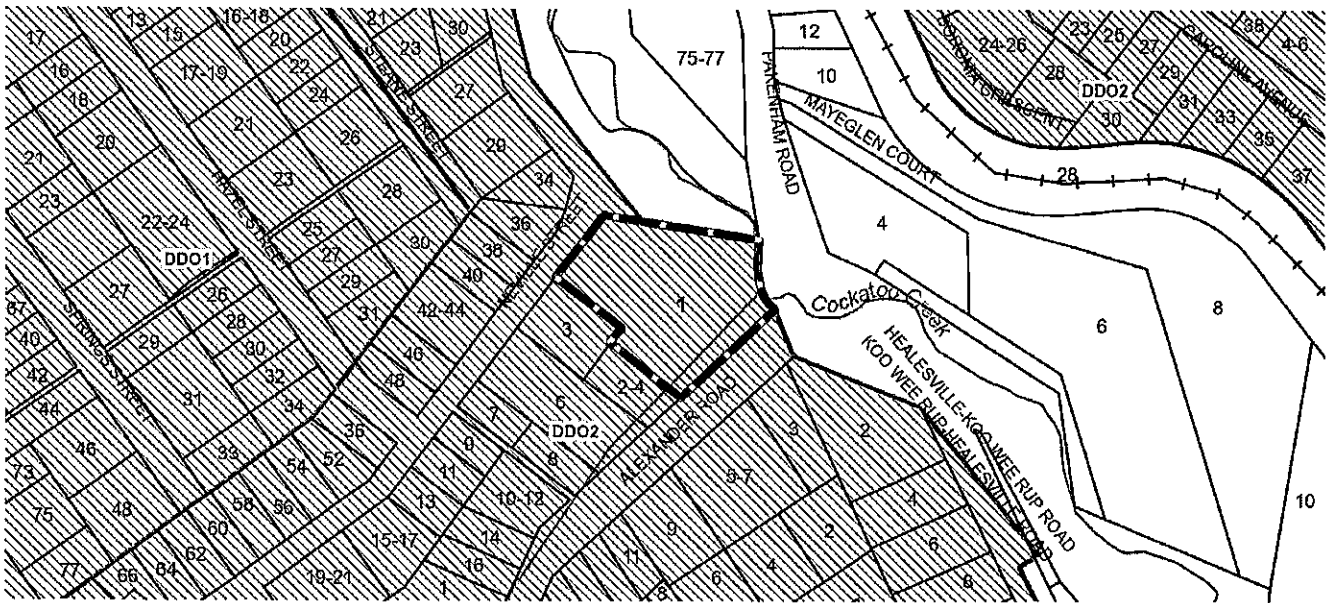


BMO - Bushfire Management **Railway line** **Water course**

No e: d e o o v e a p s, s o e o v e a y s a y o b e v s b e, a d s o e c o o s a y o a c o s e e e g e d

DESIGN AND DEVELOPMENT OVER AY (DDO)

DESIGN AND DEVELOPMENT OVER AY SC EDU E2 (DDO2)



DDO - Design and Development **Railway line** **Water course**

No e: d e o o v e a p s, s o e o v e a y s a y o b e v s b e, a d s o e c o o s a y o a c o s e e e g e d

Planning Overlays

SIGNIFICANT LANDSCAPE OVERLAY (SLO)

SIGNIFICANT LANDSCAPE OVERLAY (SC EDU E1 (SLO1))

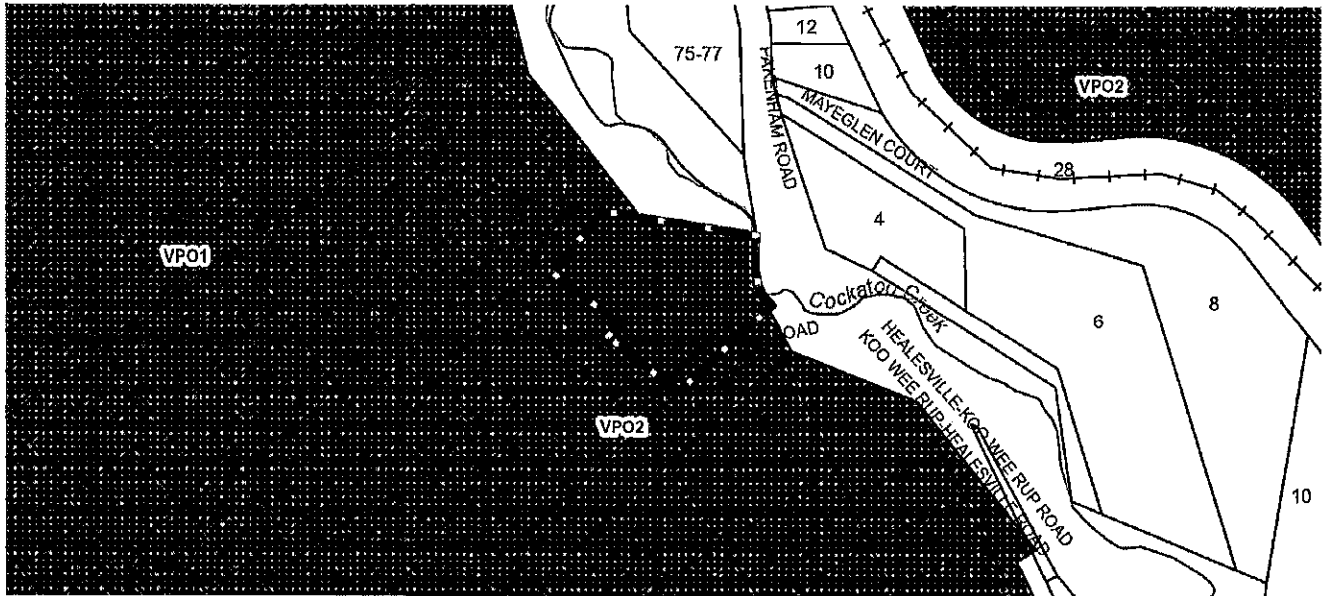


SLO - Significant Landscape Railway line Water course

No e: d e o o v e a p s, s o e o v e a y s a y o b e v s b e, a d s o e c o o s a y o a c o s e e e g e d

VEGETATION PROTECTION OVERLAY (VPO)

VEGETATION PROTECTION OVERLAY (SC EDU E2 (VPO2))



VPO - Vegetation Protection Railway line Water course

No e: d e o o v e a p s, s o e o v e a y s a y o b e v s b e, a d s o e c o o s a y o a c o s e e e g e d

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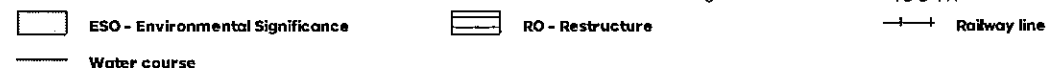
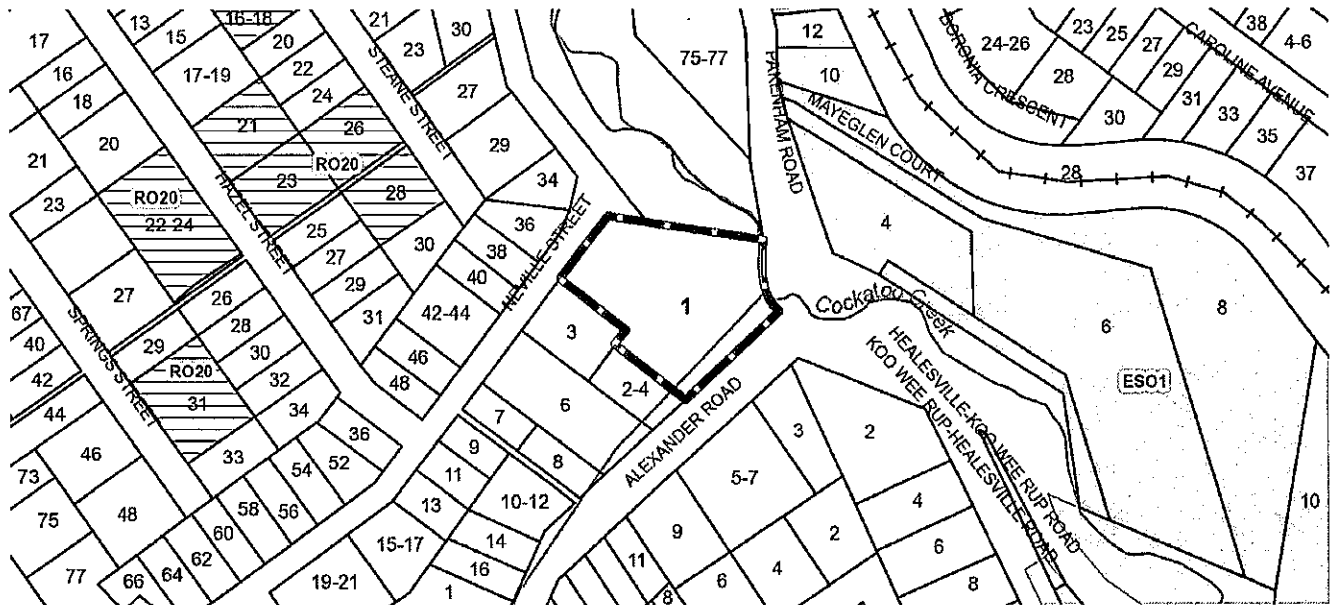
Planning Overlays

OTHER OVERLAYS

Other overlays include the following:

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

RESTRUCTURE OVERLAY (RO)



No other overlays apply to the subject property.

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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 Goods Act 1954 (Vic).

Areas of Aboriginal Cultural Heritage Sensitivity

A map of the property is attached to this report to show the areas of sensitivity.

The areas of sensitivity are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal Cultural Heritage places and other types of heritage areas designated as more or less sensitive Aboriginal Cultural Heritage areas.

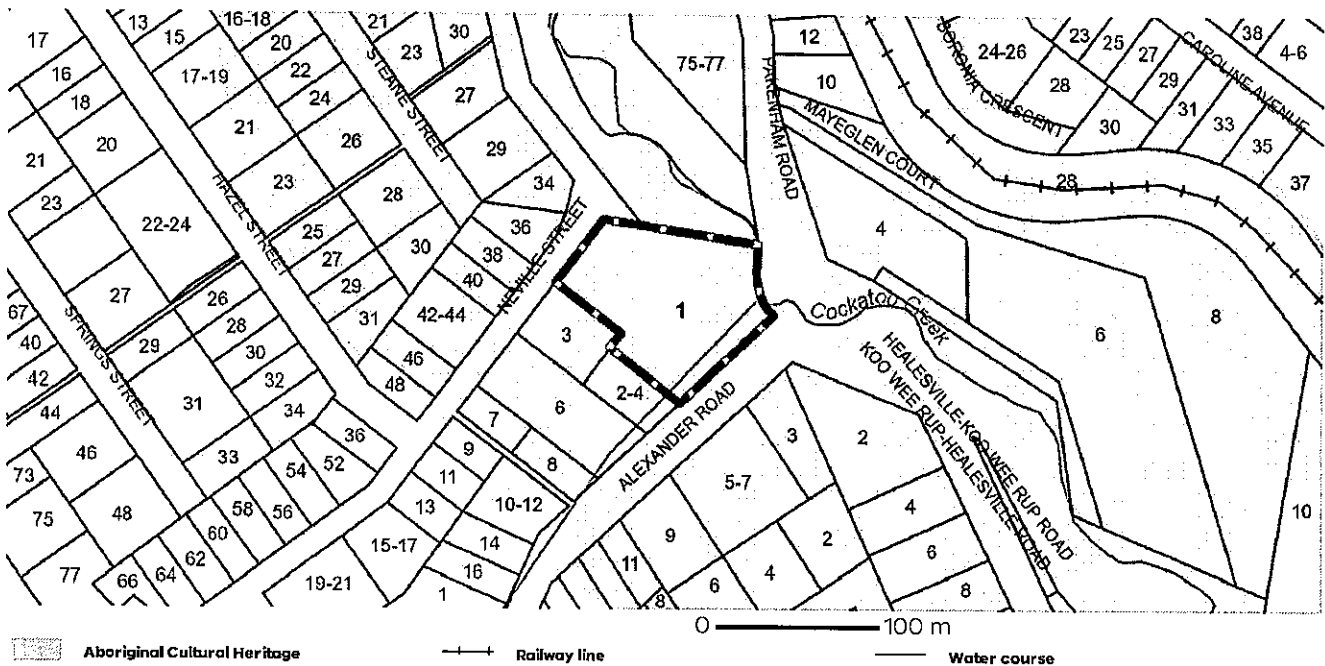
Under the Aboriginal Heritage Regulations 2018, the areas of sensitivity are those areas which require special management arrangements to be put in place to protect the areas of sensitivity.

As a result, any proposed development (for example, a subdivision or other development), or any other management plan, may be affected. One of the ways in which a development, or other management plan, may be affected is by the need to obtain approval for the development or other management plan.

Under the Aboriginal Heritage Act 2006, where a development, or other management plan, is approved, planning permits, licences and work licences cannot be issued unless the development, or other management plan, has been approved by the relevant authority.

For more information about the Aboriginal Cultural Heritage Management Plans, see the following link: <http://www.davm.nsw.gov.au/davm/Questions.aspx>

More information, including links to the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found on the following link: <http://www.aboqnavco.vic.gov.au/abqna/heritage/faq>



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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 92C (b) of the Sale of Goods Act 1954 (Vic).

Further Planning Information

Planning scheme data last updated on 27 April 2022

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 and information about the State and local policy, particularly general and operational provisions of the local planning scheme that may affect the use of this land and 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 [andata https://www.andata.vic.gov.au](https://www.andata.vic.gov.au)

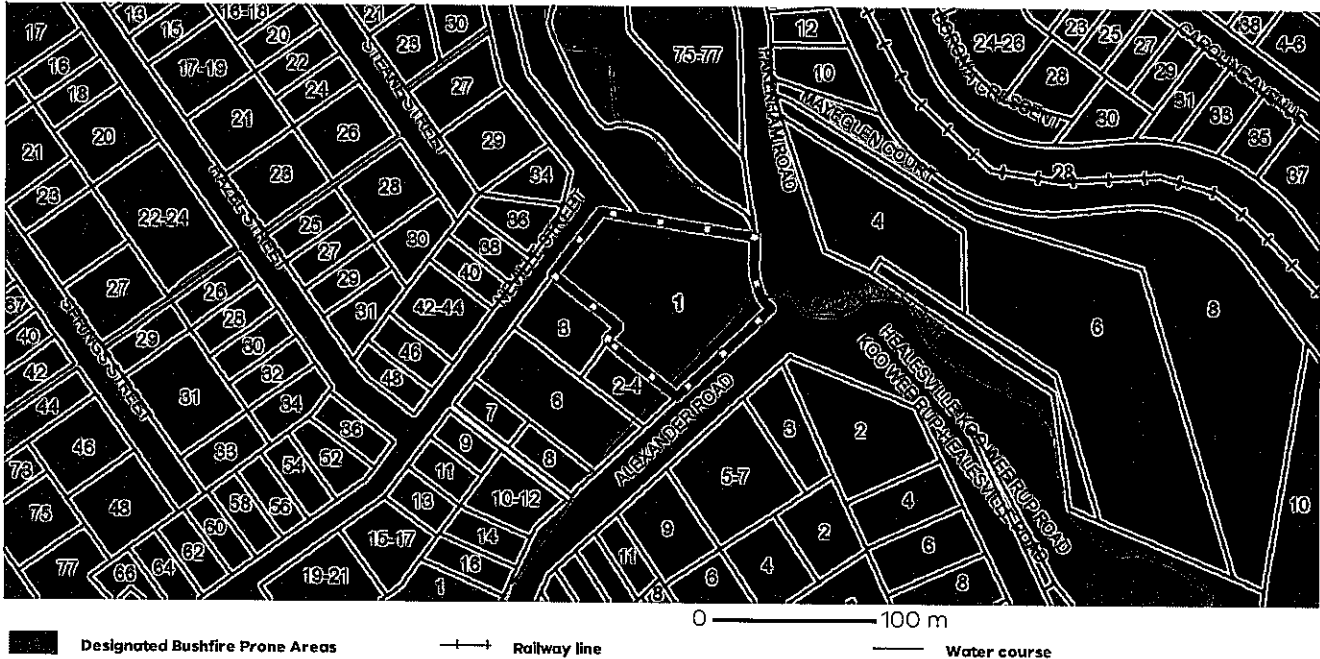
For details of surrounding properties, use this service to get the Reports for properties of interest

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshame.vic.gov.au/vcp/plan>

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

Designated Bushfire Prone Areas

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



Designated bushfire prone areas as determined by the Minister of Planning and Infrastructure on 8 September 2011 and amended on the same day.

The Building Regulations 2018 through application of the Building Code of Australia, apply bushfire protection standards to buildings works in designated bushfire prone areas.

Designated bushfire prone areas maps can be viewed on VcP and a <https://mapshare.maps.vic.gov.au/vcpan> or at the relevant council.

Not effective from 8 September 2011, the whole of Victoria was designated as bushfire prone area of the proposed 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 <https://www.vba.vic.gov.au>.

Copies of the Building Act and Building Regulations available from <http://www.eq.s.a.gov.au>.

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

Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. The relevant range of regulations that may apply including need to obtain a planning permit under Clause 5217 of the local planning scheme. For more information see [Native Vegetation \(Clause 5217\) with local variations in Native Vegetation \(Clause 5217\) Schedule](#).

To help identify native vegetation on this property and the application of Clause 5217 please visit the Native Vegetation Information Management System <https://nv.mde.wa.vic.gov.au/> and [Native Vegetation \(environment.vic.gov.au\)](https://www.environment.vic.gov.au/) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](https://www.naturekit.environment.vic.gov.au/).

PROPERTY REPORT



Environment,
Land, Water
and Planning

From www.planning.vic.gov.au at 03 May 2022 10:56 AM

PROPERTY DETAILS

Address: **1 NEVILLE STREET COCKATOO 3781**
Lot and Plan Number: **Lot 1 TP906719**
Standard Pa ce dent fee (SP): **1\TP906719**
Local Government Area (Council): **CARDINA**
Council Property Number: **5000005666**
District Reference: **Melway 311 G7**

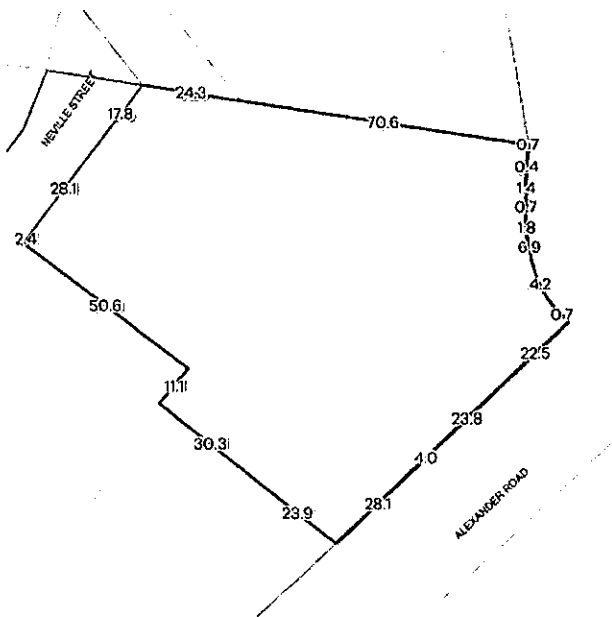
www.cardina.vic.gov.au

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

Further information about the building construction and building bushfire protection measures can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>

SITE DIMENSIONS

Actual dimensions and areas are approximate. They may not agree with those shown on a site plan.



Area: 8775 sq m
Perimeter: 385 m
Forthsporey
— Site boundaries
— Road boundaries

Dimensions of individual parcels equalled separately, but dimensions of individual units are given above.

57 overapplying dimensions are also being displayed.

Calculating the area from the dimensions shown may give a different value to the area shown above.

For more accurate dimensions, get a copy of the Site and Plan Certificate.

UTILITIES

Rural Water Corporation: **Southern Rural Water**
Municipal Water Retention: **Yarra Valley Water**
Municipal Water: **Inside drainage boundary**
Power Distribution: **AUSNET**

STATE ELECTORATES

Electoral District: **EASTERN VICTORIA**
Electoral Assembly: **GEMBROOK**

PROPERTY REPORT



PLANNING INFORMATION

Planning Zone: NEIGHBOURHOOD RESIDENTIAL ZONE (NRZ)
NEIGHBOURHOOD RESIDENTIAL ZONE SC EDUCATION 1 (NRZ1)

Planning Overlay: BUSINESS MANAGEMENT OVERLAY (BMO)
BUSINESS MANAGEMENT OVERLAY SC EDUCATION 2 (BMO2)
DESIGN AND DEVELOPMENT OVERLAY (DDO)
DESIGN AND DEVELOPMENT OVERLAY SC EDUCATION 2 (DDO2)
SIGNIFICANT LANDSCAPE OVERLAY (SLO)
SIGNIFICANT LANDSCAPE OVERLAY SC EDUCATION 1 (SLO1)
VEGETATION PROTECTION OVERLAY (VPO)
VEGETATION PROTECTION OVERLAY SC EDUCATION 2 (VPO2)

Areas of Aboriginal Cultural Heritage Sensitivity:

Aboriginal history and cultural heritage sensitivity

Planning scheme data last updated on 27 April 2022

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 and information about the State and local policy, practical, general and operational provisions of the local planning scheme that may affect the use of this land and 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.vic.gov.au](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 <https://mapshare.maps.vic.gov.au/vcp/lan>

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

Areas of Aboriginal Cultural Heritage Sensitivity

Aboriginal history and cultural heritage sensitivity

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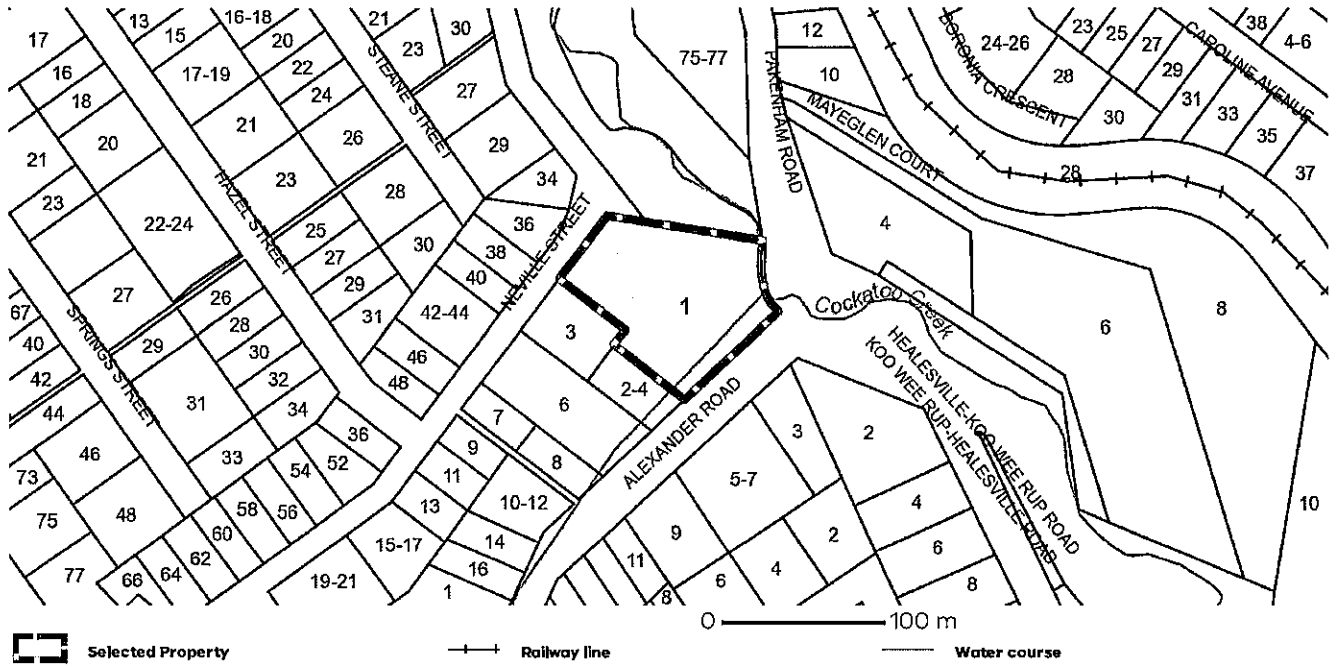
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PROPERTY REPORT

Area Map



Due Diligence Checklist

Consumer Affairs Victoria

What you need to know before buying a residential property

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

Can you build new dwellings?

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

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

Land boundaries

Do you know the exact boundary of the property?

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

Planning controls

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

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

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

Are there any proposed or granted planning permits?

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

Safety

Is the building safe to live in?

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

Building permits

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

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

Are any recent building or renovation works covered by insurance?

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

Utilities and essential services

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

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

Buyers' rights

Do you know your rights when buying a property?

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