

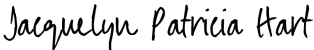
# Vendor Statement

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 | 39 MANORWOODS DRIVE, FRANKSTON VIC 3199 |
|------|-----------------------------------------|

|                    |                                                                                   |           |     |
|--------------------|-----------------------------------------------------------------------------------|-----------|-----|
| Vendor's name      | Jacquelyn Patricia Hart                                                           | Date      | / / |
| Vendor's signature |  | 04-Dec-20 |     |

|                       |                                                                                     |      |     |
|-----------------------|-------------------------------------------------------------------------------------|------|-----|
| 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 amounts are:

| Authority                  | Amount     | Interest (if any) |
|----------------------------|------------|-------------------|
| (1) Frankston City Council | \$1,703.40 |                   |
| (2) South East Water       | \$660.00   |                   |

### 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

Not Applicable

### 1.3 Terms Contract

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

Not Applicable

### 1.4 Sale Subject to Mortgage

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

Not Applicable

## 2. INSURANCE

### 2.1 Damage and Destruction

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

Not Applicable

### 2.2 Owner Builder

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

Not Applicable

## 3. LAND USE

### 3.1 Easements, Covenants or Other Similar Restrictions

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

☒ Is in the attached copies of title document/s

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

To the best of the Vendor's knowledge there is no existing failure to comply with the terms of any easements, covenants or other similar restriction.

### 3.2 Road Access

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

☐

### 3.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area within the meaning of 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:

- |                                   |                                          |
|-----------------------------------|------------------------------------------|
| (a) Name of planning scheme       | Frankston City Planning Scheme           |
| (b) Name of responsible authority | Frankston City Council                   |
| (c) Zoning of the land            | General Residential Zone (R1Z)           |
| (d) Name of planning overlay      | Environmental Significance Overlay (ESO) |

**4. NOTICES****4.1 Notice, Order, Declaration, Report or Recommendation**

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

Not Applicable

**4.2 Agricultural Chemicals**

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

|     |
|-----|
| NIL |
|-----|

**4.3 Compulsory Acquisition**

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

|     |
|-----|
| NIL |
|-----|

**5. BUILDING PERMITS**

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

Not Applicable

**6. OWNERS CORPORATION**

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

Not Applicable

**7. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")**

Words and expressions in this section 7 have the same meaning as in Part 9B of the *Planning and Environment Act* 1987.

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

**9. TITLE**

Attached are copies of the following documents:

**9.1 ☒ (a) Registered Title**

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

- 9.2 ☒ Evidence of the vendor's right or power to sell (where the vendor is not the registered proprietor or the owner in fee simple).

## 10. SUBDIVISION

### 10.1 Unregistered Subdivision

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

Not Applicable

### 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*.

- (a) ☐ Attached is a copy of the plan for the first stage if the land is in the second or subsequent stage.
- (b) The requirements in a statement of compliance relating to the stage in which the land is included that have Not been complied With are As follows:

NIL

- (c) The proposals relating to subsequent stages that are known to the vendor are as follows:

NIL

- (d) The contents of any permit under the Planning and Environment Act 1987 authorising the staged subdivision are:

NIL

### 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 2000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable

## 12. DUE DILIGENCE CHECKLIST

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

Is attached

## 13. ATTACHMENTS

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

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

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

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## 14. GST WITHHOLDING NOTICE

Pursuant to Section 14-255 Schedule 1 Taxation Administration Act 1953 (Cwlth)

[X] The purchaser is NOT required to withhold GST at settlement.

# Due diligence checklist

## What you need to know before buying a residential property

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

(04/10/2016)

## **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.

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

VOLUME 10517 FOLIO 610

Security no : 124086498086U  
Produced 10/11/2020 03:33 PM

LAND DESCRIPTION

-----  
Lot 34 on Plan of Subdivision 417611V.  
PARENT TITLE Volume 10464 Folio 696  
Created by instrument PS417611V Stage 2 17/05/2000

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Joint Proprietors  
DAMIEN GREGOR HART  
JACQUELYN PATRICIA HART both of 11 NABILIA AV. SEAFORD 3198  
X315062Q 14/02/2000

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE AD839351T 29/08/2005  
BANK OF WESTERN AUSTRALIA LTD

COVENANT X315062Q 14/02/2000

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987  
V939243L 12/03/1999

DIAGRAM LOCATION

-----  
SEE PS417611V 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: 39 MANORWOODS DRIVE FRANKSTON VIC 3199

ADMINISTRATIVE NOTICES

-----  
NIL

eCT Control 15940N CBA - COMMONWEALTH BANK OF AUSTRALIA  
Effective from 22/10/2016

DOCUMENT END

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## Application by surviving proprietor Section 50 Transfer of Land Act 1958

### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name: TURNER LEGAL & CONVEYANCING  
Phone: 03 9789 7655  
Address: 34 HEVERSHAM DRIVE, SEAFORD VIC 3198  
Reference: EK:20/2876  
Customer code:

The applicant applies to be registered as the proprietor of the estate and interest in the land held jointly with the deceased.

---

Land: (volume and folio, and if applicable mortgage, charge or lease no.)  
10517/610

---

Applicant: (full name and address, including postcode)  
JACQUELINE PATRICIA HART OF 39 MANORWODS DRIVE, FRANKSTON SOUTH VIC 3199

---

Deceased: (full name)  
DAMIEN GREGOR HART

---

Signing:

Executed on behalf of JACQUELINE PATRICIA HART  
Signer Name JACQUELINE PATRICIA HART

---

35271702A

50TLA

Page 1 of 2

**THE BACK OF THIS FORM MUST NOT BE USED**

Land Use Victoria contact details: [www.delwp.vic.gov.au/property](http://www.delwp.vic.gov.au/property)>Contact us

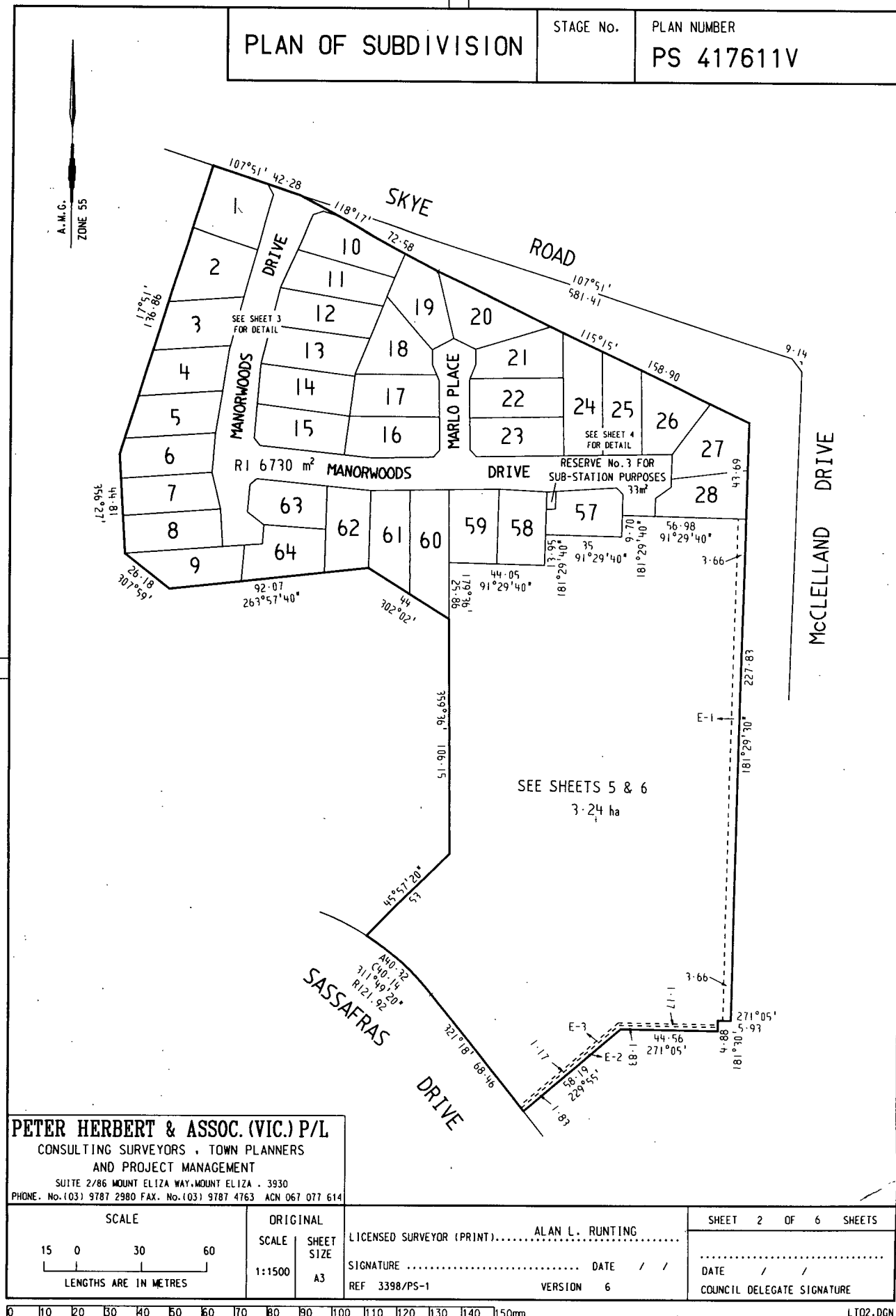
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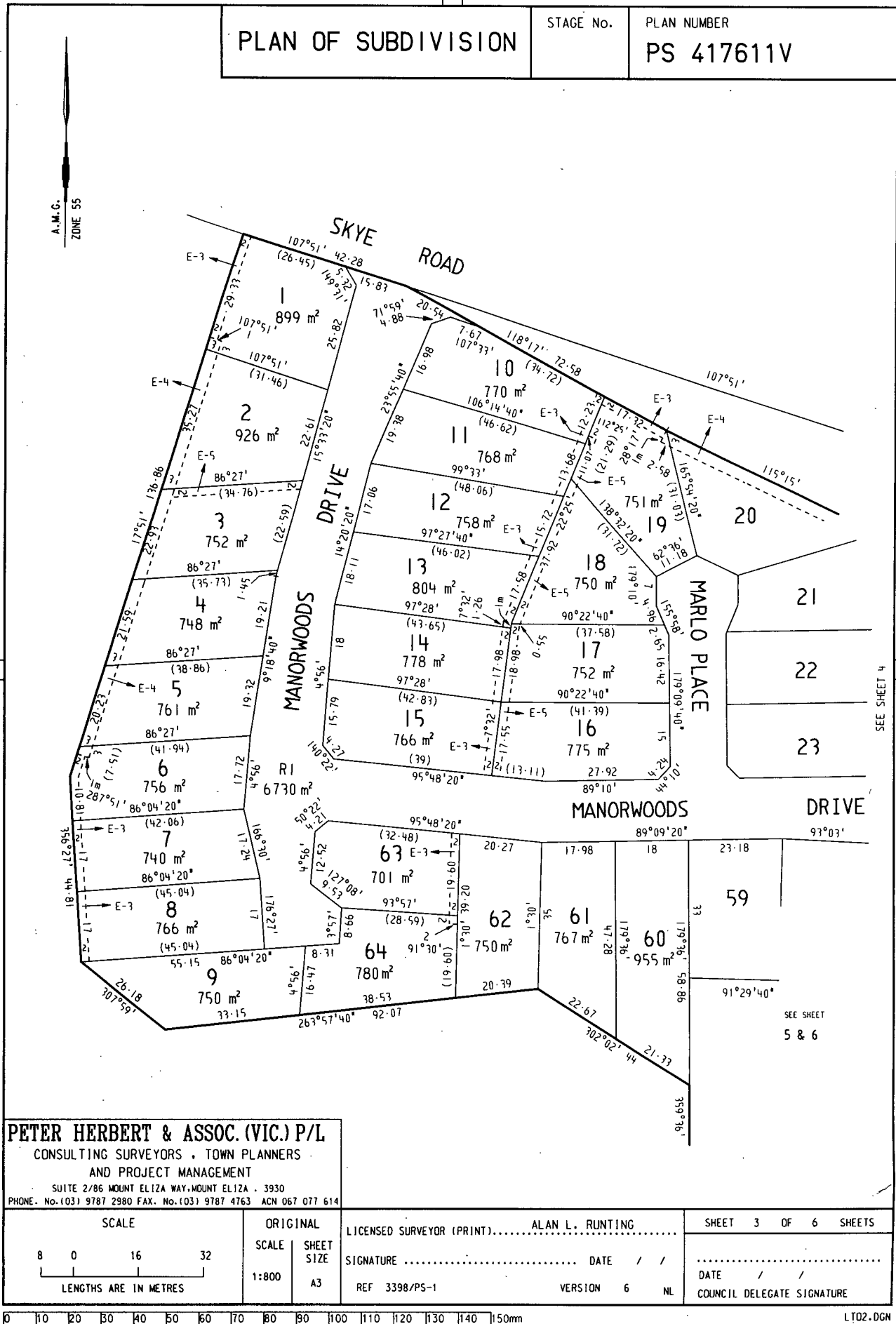
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------|
| PLAN OF SUBDIVISION                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                        | STAGE No.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | LTO USE ONLY<br><b>EDITION 2</b>                                                                                 | PLAN NUMBER<br><b>PS 417611V</b> |
| <b>LOCATION OF LAND</b><br><br>PARISH: FRANKSTON<br><br>TOWNSHIP: _____<br><br>SECTION: 6<br><br>CROWN ALLOTMENT: 4 (PART)<br><br>CROWN PORTION: _____<br><br>LTO BASE RECORD: DCMB<br>TITLE REFERENCES:<br>VOL 10022 FDL 274<br><br>LAST PLAN REFERENCE/S: Pt. Lot 2 LP 111830.<br><br>POSTAL ADDRESS: 3-17 SASSAFRAS DRIVE<br>(At time of subdivision) FRANKSTON 3199.<br><br>AMG Co-ordinates E 339.600 ZONE: 55<br>(of approx centre of land in plan) N 5.776.600 |                        | <b>COUNCIL CERTIFICATION AND ENDORSEMENT</b><br><br>COUNCIL NAME: FRANKSTON CITY REF: 5060<br><br><del>1. This plan is certified under Section 6 of the Subdivision Act 1988.</del><br>2. This plan is certified under Section 11(7) of the Subdivision Act 1988.<br>Date of original certification under Section 6. 17/11/98<br><del>3. This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</del><br>OPEN SPACE<br>(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made. Partly<br>(ii) The requirement has been satisfied.<br>(iii) The requirement is to be satisfied in Stage.....<br>Council Delegate<br><del>Council Seal</del><br>Date 17/5/1999<br><br>Re-certified under Section 11(7) of the Subdivision Act 1988.<br>Council Delegate<br>Council Seal<br>Date / / |                                                                                                                  |                                  |
| VESTING OF ROADS AND/OR RESERVES                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| IDENTIFIER                                                                                                                                                                                                                                                                                                                                                                                                                                                            | COUNCIL/BODY/PERSON    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| ROADS R1 & R2                                                                                                                                                                                                                                                                                                                                                                                                                                                         | FRANKSTON CITY COUNCIL |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| RESERVE No.3                                                                                                                                                                                                                                                                                                                                                                                                                                                          | UNITED ENERGY LTD      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| RESERVE No.1 & No.2                                                                                                                                                                                                                                                                                                                                                                                                                                                   | FRANKSTON CITY COUNCIL |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| NOTATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| STAGING: This is a staged subdivision.<br>Planning Permit No. 98061                                                                                                                                                                                                                                                                                                                                                                                                   |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| DEPTH LIMITATION: DOES NOT APPLY                                                                                                                                                                                                                                                                                                                                                                                                                                      |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES.                                                                                                                                                                                                                                                                                                                                                                                                  |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| SURVEY: THIS PLAN IS BASED ON SURVEY.<br>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 473, 653<br>IN PROCLAIMED SURVEY AREA No. 52                                                                                                                                                                                                                                                                                                                        |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| EASEMENT INFORMATION                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)                                                                                                                                                                                                                                                                                                                                                                                    |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| Easement Reference                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Purpose                | Width (Metres)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Origin                                                                                                           | Land Benefitted/In Favour Of     |
| E-1-E-7                                                                                                                                                                                                                                                                                                                                                                                                                                                               | DRAINAGE & SEWERAGE    | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | LP 88048                                                                                                         | LOTS ON LP 88048                 |
| E-1-E-7                                                                                                                                                                                                                                                                                                                                                                                                                                                               | SEWERAGE               | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | THIS PLAN                                                                                                        | SOUTH EAST WATER LIMITED         |
| E-2                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SEWERAGE               | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | LP 111830                                                                                                        | LOTS ON LP 111830                |
| E-2                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | SEWERAGE               | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | THIS PLAN                                                                                                        | SOUTH EAST WATER LIMITED         |
| E-3-E-4-E-8                                                                                                                                                                                                                                                                                                                                                                                                                                                           | SEWERAGE               | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | THIS PLAN                                                                                                        | SOUTH EAST WATER LIMITED         |
| E-4-E-5-E-8                                                                                                                                                                                                                                                                                                                                                                                                                                                           | DRAINAGE               | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | THIS PLAN                                                                                                        | FRANKSTON CITY COUNCIL           |
| E-6-E-7-E-8                                                                                                                                                                                                                                                                                                                                                                                                                                                           | ELECTRICITY SUPPLY     | SEE PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | THIS PLAN                                                                                                        | UNITED ENERGY LTD                |
| LTO USE ONLY                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| RECEIVED <input checked="" type="checkbox"/>                                                                                                                                                                                                                                                                                                                                                                                                                          |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| DATE 5/8/99                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| THIS IS AN L.T.O. COMPILED PLAN                                                                                                                                                                                                                                                                                                                                                                                                                                       |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| CHECKED 18/5/2000                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| G. Newman<br>Assistant Registrar of Titles                                                                                                                                                                                                                                                                                                                                                                                                                            |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| SHEET 1 OF 6 SHEETS                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                  |                                  |
| <b>PETER HERBERT &amp; ASSOC. (VIC.) P/L</b><br>CONSULTING SURVEYORS, TOWN PLANNERS<br>AND PROJECT MANAGEMENT<br>SUITE 2/86 MOUNT ELIZA WAY, MOUNT ELIZA. 3930<br>PHONE. No.(03) 9787 2980 FAX. No.(03) 9787 4763 ACN 067 077 614                                                                                                                                                                                                                                     |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | LICENSED SURVEYOR (PRINT)..... ALAN L. RUNTING<br><br>SIGNATURE ..... DATE 17/5/99<br>REF 3398/PS-1 VERSION 6 NL |                                  |
| DATE 17/5/99<br>COUNCIL DELEGATE SIGNATURE<br>ORIGINAL SHEET SIZE A3                                                                                                                                                                                                                                                                                                                                                                                                  |                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | DATE 17/5/99<br>COUNCIL DELEGATE SIGNATURE<br>ORIGINAL SHEET SIZE A3                                             |                                  |

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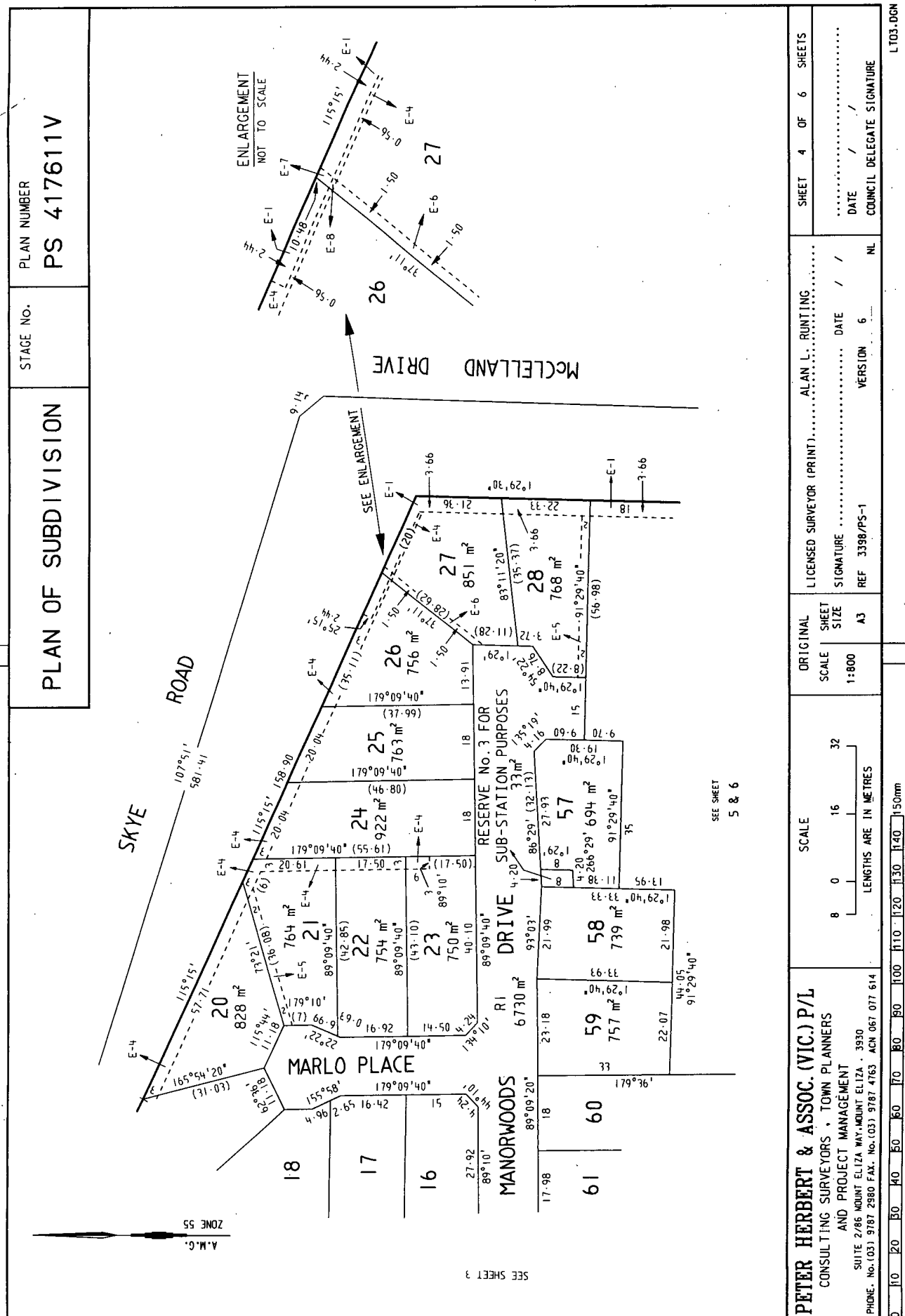
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|---------------------|--|-----------|-------------|
| PLAN OF SUBDIVISION |  | STAGE No. | PLAN NUMBER |
|                     |  |           | PS 417611V  |

SEE SHEET 6

RESERVE No.2  
FOR MUNICIPAL PURPOSES  
210m²

|                                                                                                                                                                                                                                     |  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |  |                                                                                                                                                                                                                                                                                                    |  |                                                                                                           |  |                                                               |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|--|
| <b>PETER HERBERT &amp; ASSOC. (VIC.) P/L</b><br>CONSULTING SURVEYORS, TOWN PLANNERS<br>AND PROJECT MANAGEMENT<br>SUITE 2/86 MOUNT ELIZA WAY, MOUNT ELIZA, 3930<br>PHONE, No. (03) 9787 2980 FAX, No. (03) 9787 4763 ACN 067 077 614 |  | SCALE<br><div style="display: flex; align-items: center;"> <div style="flex: 1; border-bottom: 1px solid black; position: relative; height: 10px;"> <span style="position: absolute; left: 0; bottom: -5px;">8</span> <span style="position: absolute; left: 50%; bottom: -5px;">0</span> <span style="position: absolute; left: 100%; bottom: -5px;">16</span> <span style="position: absolute; left: 150%; bottom: -5px;">32</span> </div> <div style="margin-left: 10px;">LENGTHS ARE IN METRES</div> </div> |  | ORIGINAL<br><div style="display: flex; align-items: center;"> <div style="flex: 1; border-bottom: 1px solid black; position: relative; height: 10px;"> <span style="position: absolute; left: 0; bottom: -5px;">1:800</span> </div> <div style="margin-left: 10px;">SHEET SIZE<br/>A3</div> </div> |  | LICENSED SURVEYOR (PRINT)..... ALAN L. RUNITING<br>SIGNATURE ..... DATE / /<br>REF 3398/PS-2 VERSION 9 NL |  | SHEET 5 OF 6 SHEETS<br>DATE / /<br>COUNCIL DELEGATE SIGNATURE |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|-----------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------|--|



**PLAN NUMBER**

# PS 417611V

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

MASTER PLAN (STAGE 1) REGISTERED DATE 26/8/1999 TIME 12:10pm

[illegible]

*in Agreement*

**V939243L**  
120399 1528 173

Form 13



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

*Planning and Environment Act 1987*

Lodged at the Land Titles Office by:



DV939243L-1-2

**Name:** Maddock Lonie & Chisholm  
**Phone:** 9288 0555  
**Address:** 140 William Street, Melbourne 3000 or DX 259 Melbourne  
**Ref:** TGM:TNH:ALW:595193 **Customer Code:** 1167E

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

Land: Certificate of Title Volume 10022 Folio 274

Authority: Frankston City Council of Civic Centre, Davey Street, Frankston

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

A copy of the agreement is attached to this application

Signature for the Authority:

*M. J. Stanger*

Name of officer:

*MARK STANGER*

Office held:

*A / CEO*

Date:

*4/3/99*

{//PL3}

8 APR 1999

V939243L

**FRANKSTON CITY COUNCIL**

Council

and

**PULITO PTY. LTD. (ACN 060 435 887)**

Owner

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**AGREEMENT UNDER SECTION 173 OF THE PLANNING  
AND ENVIRONMENT ACT 1987**

---

**Subject Land:**



**TAYLOR SPLATT & PARTNERS**

Solicitors

1st Floor, 454 Nepean Highway  
FRANKSTON VIC 3199

Tel: (03) 9783 7700  
Fax: (03) 9781 2765  
DX: 19904 Frankston

*PLANNING AND ENVIRONMENT ACT 1987***SECTION 173 AGREEMENT**

**THIS AGREEMENT** is made the 2<sup>nd</sup> day of March 1999

**BETWEEN:**

**FRANKSTON CITY COUNCIL** of Civic Centre, Davey Street, Frankston in the State of Victoria ("Council")

**AND**

**PULITO PTY. LTD.** (ACN 060 435 887) of 1 Arduina Street, Somerville in the said State ("the Owner")

**INTRODUCTION**

- A. Council is the Responsible Authority pursuant to the Act for the Planning Scheme.
- B. The Owner is the registered proprietor of the Site.
- C. As at the date of this Agreement, the Owner is also the developer of the Site and proposes to develop the Site as a residential subdivision.
- D. The Mortgagee has consented to the Owner entering into this Agreement with respect to the Site.
- E. The parties enter into this Agreement:-
  - (a) to give effect to the requirements of the Planning Scheme;
  - (b) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Site;
  - (c) to give effect to condition 2 of Planning Permit No. 98061 (Amended) issued by Council on the 17th July, 1998 ("the Planning Permit") a copy of which is attached and marked "A" allowing the Site to be subdivided for development and use as a residential subdivision.



DV939243L-3-7

**IT IS AGREED:****1. DEFINITIONS**

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

- 1.1 **"Act"** means the *Planning and Environment Act* 1987.
- 1.2 **"Building"** has the same meaning as in the Planning Scheme.
- 1.3 **"this Agreement"** means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement.
- 1.4 **"lot"** means a lot on the endorsed plan.
- 1.5 **"endorsed plan"** means the plan endorsed with the stamp of Council from time to time as the plan which forms part of the Planning Permit. A copy of the plan endorsed as at the date of this Agreement is attached to this Agreement and marked with the letter "B".
- 1.6 **"Owner"** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Site or any part of the Site (such as a lot) and includes a Mortgagee-in-possession.
- 1.7 **"Plan of Subdivision"** means a plan of subdivision of part or the whole of the Site.
- 1.8 **"Planning Scheme"** means the Frankston Planning Scheme and any other planning scheme which applies to the Site.
- 1.9 **"Site"** means the land situated at 3-17 Sassafras Drive, Frankston being the land referred to in Certificate of Title Volume 10022 Folio 274 and any reference to the Site in this Agreement includes any lot created by the subdivision of the Site or any part of it.
- 1.10 **"Stage"** means a stage of the subdivision of the Site.
- 1.11 **"Mortgagee"** means the person or persons registered or entitled from time to

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time to be registered by the Registrar of Titles as Mortgagee of the Site or any part of it.



## 2. COMMENCEMENT OF AGREEMENT

This Agreement commences from the date of this Agreement.

## 3. GENERAL COVENANTS OF THE OWNER

The Owner covenants and agrees that:

### 3.1 Notice and Registration

the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, chargees, mortgagees, transferees and assigns;

### 3.2 Further action

3.2.1 the Owner will do all things necessary to give effect to this Agreement;

3.2.2 the Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Site in accordance with Section 181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section; and

### 3.3 Council's Costs to be Paid

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

the Owner.



#### 4. **SPECIFIC OBLIGATIONS OF THE OWNER**

The Owner agrees:

- 4.1 Not to destroy, lop, fell, ringbark or uproot any trees on the site without the consent of Council.
- 4.2 To construct, build or erect or cause to be constructed, built or erected all rear facing walls of habitable buildings on Lots 27-40 (both inclusive) of brick, brick veneer or similar material; and
- 4.3 To ensure that all windows constructed in rear facing walls of habitable buildings on Lots 27-40 (both inclusive) are sound proofed to the satisfaction of Council.

#### 5. **ENDING OF AGREEMENT**

- 5.1 This Agreement ends when the Owner has complied with all of the obligations imposed on the Owner under this Agreement.
- 5.2 If this Agreement relates to more than 1 lot and the owner of that lot has complied with all of the obligations in relation to that lot, the owner of that lot may request Council to end this Agreement in relation to that lot.
- 5.3 As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register.

#### 6. **AGREEMENT UNDER SECTION 173 OF THE ACT**

Council and the Owner agree that without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is

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made pursuant to Section 173 of the Act.



## 7. OWNER'S WARRANTIES

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

## 8. SUCCESSORS IN TITLE

Without limiting the operation or effect which this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Site, successors in title shall be required to:

- 8.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 8.2 execute a deed agreeing to be bound by the terms of this Agreement.

## 9. GENERAL MATTERS

### 9.1 Notices

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

- 9.1.1 by delivering it personally to that party;
- 9.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 9.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the

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sending party by hand delivery or prepaid post.

**9.2 A notice or other communication is deemed served:**

9.2.1 if delivered, on the next following business day;

9.2.2 if posted, on the expiration of two business days after the date of posting; or

9.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

**9.3 No Waiver**

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

**9.4 Severability**

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

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

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Site or relating to any use or development o the Site.

**10. INTERPRETATION**



DV939243L-8-3



DV939243L-9-1

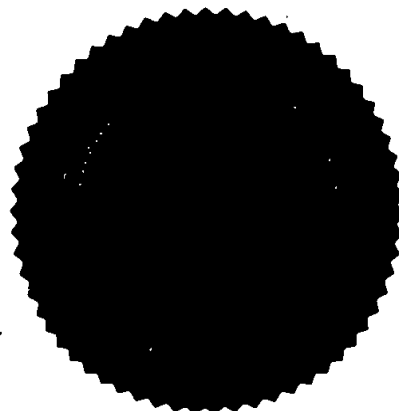
In this Agreement unless the context admits otherwise:

- 10.1 The singular includes the plural and vice versa.
- 10.2 A reference to a gender includes a reference to each other gender.
- 10.3 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
- 10.4 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 10.5 A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
- 10.6 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
- 10.7 The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Site PROVIDED THAT if the Site is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that owner's lot.

**THE COMMON SEAL of FRANKSTON  
CITY COUNCIL** was hereunto affixed in the  
presence of:

C R Parker Councillor

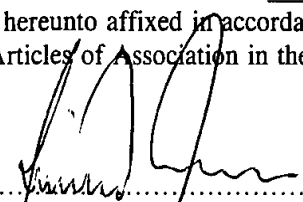
M. S. George Chief Executive Officer



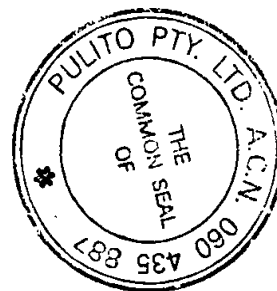
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**THE COMMON SEAL of PULITO PTY. LTD.**

was hereunto affixed in accordance with  
its Articles of Association in the presence of:

  
..... Director

  
..... Director/Secretary



DV939243L-10-9

PLANNING

Permit No. 98061(Amended)  
Property No. 22-5480-00500

PERMIT

Planning Scheme FRANKSTON

Responsible Authority FRANKSTON CITY COUNCIL

## ADDRESS OF THE LAND:

3-17 Sassafras Drive, Frankston



DV939243L-11-7

## THE PERMIT ALLOWS:

To develop in stages and use the land for a multi-lot residential subdivision (Erection of detached house on each lot) and associated Display Village in accordance with the endorsed plans.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

1. Before a Statement of Compliance is issued, amended plans to the satisfaction of the Responsible Authority must be submitted and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three (3) copies must be provided. The plans must be generally in accordance with supplementary plans submitted with the application identified as "Manorwoods Estate Hyder Drg. No. 8038SK01.DGN".
  - (a) House siting plans for lots 8, 28, 29, 30, 34, 35, 39, 54, 56, 57, and 62 to demonstrate ability of the site to accommodate a workable building envelope in accordance with the provisions of Vic Code 1.

If such lots cannot accommodate a workable building envelope in accordance with the siting provisions of Vic Code 1, their lot boundaries must be altered to ensure compliance.
  - (b) All bearings, distances, levels, street names, lot sizes, lot numbers, easements.
  - (c) Lots to be used for the display village and associated car parking to be nominated (not to be located next to existing housing).
  - (d) Car parking provided for the display village at a rate of 5 spaces for the first dwelling and a further 2 spaces for each contiguous dwelling. (The carpark shall include a suitable fully constructed crossover and be provided with landscaping to its perimeter to the satisfaction of the Responsible Authority).
  - (e) Positioning of a vehicle crossover to each lot to ensure it does not conflict with internal and external trees and that it provides for suitable driveway location.
  - (f) All internal roads to have appropriate speed reduction / parking treatments in accordance with Vic Code 1.
  - (g) All access places to have a minimum 4 metre road width.

Date Issued: 17 July, 1998

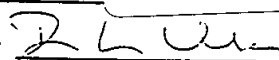
Signature for the  
Responsible Authority  
RICHARD UMBERS  
DEVELOPMENT MANAGER

PAGE 2 OF 7

- (h) The access at Skye Road to be widened to accommodate turning lanes etc. to an approved layout to the satisfaction of Council's Infrastructure Manager. This is to also include public lighting, drainage, signage, line marking and appropriate tree planting. The intersection to be as generally depicted in Hyder submission to Council on 5 March, 1998.
- (i) Footpath provided only on one side of the proposed internal roads in a location that minimises vegetation removal.
- (j) Sediment traps to be installed during the construction phase to prevent siltation of existing storm water drainage network.
- (k) VicRoads requirements specified in condition 7 of this permit.
2. Prior to a Statement of Compliance being issued by the Responsible Authority, the owner of the site (with the consent of the mortgagee) must enter into an agreement under Section 173 of the Planning and Environment Act 1987 (as amended) to provide for the following:
- (i) Retention of all existing trees as shown on the endorsed plans.
- (ii) That all rear facing walls of buildings built on Lots 27-40 which are adjacent to the freeway reserve be constructed of brick and all windows be sound proofed.
- (iii) All costs of preparing the Agreement and its lodgement at the Office of Titles to be borne by the operator of this permit.
- The Agreement must be registered on title in accordance with Section 181 of the Planning and Environment Act 1987 (as amended).
3. The subdivision as shown on the endorsed plans must not be altered without the prior written consent of the Responsible Authority.
4. Drainage - Prior to a statement of compliance being issued by the Responsible Authority, the subject site shall be drained and the 1 in 100 year flow paths/systems over the site must be resolved to the satisfaction of Council's Infrastructure Manager.
5. All electricity supply and cable telecommunications facilities and associated works must be provided underground to the satisfaction of the Responsible Authority.
6. Conditions required by Melbourne Water Corporation
- (a) The owner of the subject land is required to obtain and comply with an offer from Melbourne Water Waterways and Drainage prior to the consent to issue a Statement of Compliance being given.
- (b) The certified Plan of Subdivision must specify drainage easements / reserves in favour of Melbourne Water Corporation for all existing / or proposed Melbourne Water drains, waterways and overland flowpaths located within the land, pursuant to Section 12 (1) of the Subdivision Act.
- (c) Prior to certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the Subdivision Act 1988.
7. Conditions required by VicRoads



Date Issued: 17 July, 1998

Signature for the  
Responsible Authority  
RICHARD UMBERS  
DEVELOPMENT MANAGER

PAGE 3 OF 7

- (a) All vehicular access to the lots within the subdivision must be via the intersection of Manorwoods Drive and Skye Road. That is, direct vehicular access from the lots to the Mornington Peninsula Freeway reservation will not be permitted.
- (b) Detailed engineering plans of the Manorwoods Drive / Skye Road access conditions showing compliance with the requirements as detailed in the VicRoads letter dated 20 March, 1997, shall be submitted for approval to the Responsible Authority.
- (c) Prior to a statement of compliance being issued by the Responsible Authority, the owner must pay \$40,000.00 to VicRoads for purposes of defraying, in part, the cost of design and construction of appropriate noise attenuation measures associated with the future construction of the Frankston Freeway, in the vicinity of the land.

8 Conditions required by South East Water

- (a) The owner of the subject land must enter into an agreement with South East Water for the provision of water supply and fulfil all requirements to its satisfaction.
- (b) The owner of the subject land must enter into an agreement with South East Water for the provision of sewerage and fulfil all requirements to its satisfaction.
- (c) The certified plan of subdivision must show sewerage and water supply easements over all proposed South East Water Limited sewers and water mains located within the land, to be in favour of South East Water Limited pursuant to Section 12(1) of the Subdivision Act.

9. Conditions required by Telstra

- (a) Prior to a Statement of Compliance being issued by the Responsible Authority, the owner shall provide to the satisfaction of Telstra all works for provision of Telecommunication services to each lot created in the subdivision.
- (b) Where any extension or alterations to Telstra's network or plant are necessitated by the proposed subdivision, the cost of such works shall be met by the owner prior to the Statement of Compliance being issued.
- (c) The plan submitted for certification must show details of easements and / or RCM/RIM sites which may be required by Telstra.

10. Conditions required by Stratus Networks

- (a) Easements in favour of Stratus Networks must be created on the plan to the satisfaction of Stratus Networks.
- (b) The plan of subdivision submitted for certification must be referred to Stratus Networks in accordance with Section 8 of the Subdivision Act, 1988.

11. The Applicant shall enter into an Agreement with United Energy for the provision of a supply of electricity to each lot.



DV939243L-13-3

12. Prior to the issue of a Statement of Compliance under Section 21 Subdivision Act 1988 a development contribution of \$727.00 per lot multiplied by net additional \* lots, indexed annually to the Consumer Price Index All Groups Melbourne from time to published by the Australian Statistician, and with a base date of June 1993, must be paid to the Responsible Authority in satisfaction of all entitlements of the Responsible Authority to

Date Issued: 17 July, 1998

Signature for the  
Responsible Authority

A handwritten signature in dark ink, appearing to read 'R. Umbers', written over a horizontal line.

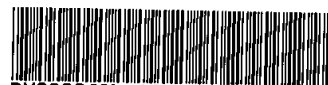
RICHARD UMBERS  
DEVELOPMENT MANAGER

PAGE 4 OF 7

development contributions in respect of the subdivision, for the future upgrading of capacity and quality of existing local Government infrastructure and the building of local government infrastructure to service new or emerging community needs. (CPI Adjusted Total:- 64 Lots x \$740 = \$ Total 47,360.00).

13. The applicant or owner must pay a cash contribution to council equivalent to five per cent of the site value of all land in the subdivision for Public Open Space. This payment must be made before a statement of compliance is issued and may be varied under Section 19 of the Subdivisions Act 1988.
14. The access path between Sassafras Drive and Manorwoods Drive to include as a minimum, a 1.5m wide concrete footpath. All weather access to South East Water pumping station to be provided to the satisfaction of South East Water and Council's Infrastructure Manager.
15. Before any works associated with the subdivision start, detailed construction plans must be prepared to the satisfaction of the Responsible Authority. All works constructed or carried out must be in accordance with those plans. The construction plans shall generally depict the scope of works identified in the endorsed plan.
16. Prior to the issue of a Statement of Compliance, for relevant stages, the operator of this permit shall construct a paling fence with a minimum height of 1.8 metres along the boundaries of the pedestrian walkway and boundary of the lots which abut the South East Water reservation to the satisfaction of the Responsible Authority.
17. Prior to the issue of a Statement of Compliance, roadworks, drainage and associated works must be provided and constructed at the expense of the Developer in accordance with plans and specifications approved by Council and must include details of:-

Access to Skye Road (in accordance with condition 1 (h) of the permit).  
 Amenity Control during Construction  
 Road Pavement Design/Makeup  
 Drainage System Design/Layout  
 Traffic Management/ Signage/Linemarking  
 Footpaths  
 Cycle/Pedestrian Paths/Signing  
 Kerb and Channel  
 Permanent Survey Marks/Numbered/Levelled  
 Service Conduit Plan  
 Metcon Marking/Signing  
 Street Signs  
 Payment for Street Trees  
 Fencing of Municipal Reserves  
 Vehicle Crossings  
 Filling of land/Placement/Material  
 Street Lighting



DV939243L-14-1

18. Council to arrange for local interest groups to access the site and remove/rescue identified plant specimens for the purposes of protecting the species. Such work to be carried out within 3 weeks of being advised that access is available in writing from the owner. Evidence of public liability and other relevant insurance to be provided to the owner prior to such activities being undertaken.

Date Issued: 17 July, 1998

Signature for the  
Responsible Authority
  
 RICHARD UMBERS  
 DEVELOPMENT MANAGER



DV939243L-15-0

PAGE 5 OF 7

19. Trees identified for retention to be inspected by Council and the owners representative to assess the condition, safety, maturity and appropriateness for retention. Appropriate actions including lopping, trimming and removal to be agreed to in writing prior to works proceeding. Trees to be removed to be clearly marked by a 150mm wide, white painted stripe.
  20. All healthy trees designated for retention on the endorsed plans must:
    - (a) Be adequately protected from damage during the construction process. Level of protection to be assessed based on proximity to works area and activities to be undertaken in the vicinity of the tree.
  21. During construction of the subdivision, the following matters must be provided for to the satisfaction of the Responsible Authority:
    - (a) A construction equipment compound/area is to be clearly identified on lots 19, 20 and 44. Sufficient parking area shall be allowed for all construction equipment and surplus materials to be safely parked within the compound clear of vegetation at the completion of works each day.
    - (b) To aid in the retention of trees alternative construction methods are to be used where possible. Such treatments are to be identified on the approved construction plans. Where variation from this treatment is required due to ground conditions etc. then the varied method shall be as agreed in writing with the Council's Infrastructure Manager.
    - (c) Areas of cut and fill to be identified on the construction plans. The disturbance to the natural ground within the "drip lines" is to be minimised. Such minimisation to be assisted by adopting variable grading to naturestrips and hard standing areas and the use of free form paving alignments for footpaths, vehicle crossings and minor court treatments.
    - (d) Areas not disturbed by the general works shall be maintained in their original form as much as possible save for minor works to clean up areas affected by the removal of soil and the dumping of rubbish by others.
  22. The operator under this permit and future owners shall ensure that, during the construction period and afterwards till the land is occupied, adequate precautions are taken to prevent emission of dust, whether from operation of construction equipment or from exposure of soil to winds. Adequate precautions may include the sowing of grasses, watering and slashing and general maintenance of the development.
- Conditions applicable to the Display Village
23. No external lighting of or on the display homes shall be used other than that which is normal to a private dwelling or for security and safety reasons to the satisfaction of the Responsible Authority (Town Planner).
  24. Unless otherwise authorised by Council in writing, hours of operation shall be restricted to between 9.00 a.m. and 5.00 p.m. daily and Public Holidays.
  25. No display home within the display village shall be used as a private dwelling while any other is being used as a display home without prior permission of the Council.

Date Issued: 17 July, 1998

Signature for the  
Responsible Authority

RICHARD UMBERS  
DEVELOPMENT MANAGER



26. Before the use *and/or development* starts, areas set aside for parked vehicles and access lanes as shown on the endorsed plans must be :-

- (a) Constructed to the satisfaction of the Responsible Authority.
- (b) Properly formed to such levels that they can be used in accordance with the plans.
- (c) Surfaced in crushed rock to the satisfaction of the Responsible Authority.
- (d) Drained and maintained to the satisfaction of the Responsible Authority.
- (e) Line-marked to indicate each car space and all access lanes to the satisfaction of the Responsible Authority.

Parking areas and access lanes must be kept available for these purposes at all times.

27. Before the use allowed by this permit starts, landscaping works as shown on the endorsed plans must be completed to the satisfaction of the Responsible Authority and then maintained to the satisfaction of the Responsible Authority.

28. Upon cessation of the use hereby permitted the car park shall be reinstated and the advisory sign removed to the satisfaction of the Responsible Authority (Infrastructure Manager).

29. Vehicles under the control of the operator of the use or the operator's staff must not be parked on the nearby roads.

30. A sign(s) to the satisfaction of the Responsible Authority must be provided directing drivers to the area set aside for car parking and must be located and maintained to the satisfaction of the Responsible Authority. The sign must not exceed 0.2 square metres.

31. No advertising signs and/or lights shall be erected, painted or displayed other than in conformity with the provisions of the Frankston Planning Scheme.

32. In relation to the Display Village, this permit will expire within three (3) years of the date of its commencement.

33. This permit will expire if one of the following circumstances applies :-

- (a) The subdivision is not started with *two* years of the date of this permit.
- (b) The subdivision is not completed within *four* years of the date of starting.

The Responsible Authority may extend the periods referred to if a request is made in writing before the permit expires or within three months afterwards.

NOTES: Any request for time extension or variation / amendment of this Permit or any condition shall be lodged with an administration fee of not less than \$50.00 per request.

Date Issued: 17 July, 1998

Signature for the  
Responsible Authority

  
RICHARD UMBERS  
DEVELOPMENT MANAGER

"34"

|                            |  |                       |                                |                                  |
|----------------------------|--|-----------------------|--------------------------------|----------------------------------|
| <b>PLAN OF SUBDIVISION</b> |  | STAGE No.<br><b>1</b> | LTD USE ONLY<br><b>EDITION</b> | PLAN NUMBER<br><b>PS 417611V</b> |
|----------------------------|--|-----------------------|--------------------------------|----------------------------------|

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p style="text-align: center;"><b>LOCATION OF LAND</b></p> <p>PARISH: FRANKSTON</p> <p>TOWNSHIP: _____</p> <p>SECTION: 6</p> <p>CROWN ALLOTMENT: 4 (PART)</p> <p>CROWN PORTION: _____</p> <p>LTD BASE RECORD: DCMB</p> <p>TITLE REFERENCES:<br/>VOL 9037 FOL 140</p> <p>LAST PLAN REFERENCE/S: BP 143</p> <p>POSTAL ADDRESS: 3-17 SASSAFRAS DRIVE<br/>(at time of subdivision) FRANKSTON 3199.</p> <p>AMG Co-ordinates<br/>(of approx centre of land in plan) E 339.600 N 5.776.600 ZONE: 55</p> | <p style="text-align: center;"><b>COUNCIL CERTIFICATION AND ENDORSEMENT</b></p> <p>COUNCIL NAME: FRANKSTON CITY REF: 5060</p> <ol style="list-style-type: none"> <li>This plan is certified under Section 6 of the Subdivision Act 1988.</li> <li>This plan is certified under Section 11(7) of the Subdivision Act 1988.<br/>Date of original certification under Section 6. / /</li> <li>This is a statement of compliance issued under Section 21 of the Subdivision Act 1988.</li> </ol> <p>OPEN SPACE</p> <p>(i) A requirement for public open space under Section 18 of the Subdivision Act 1988 has/has not been made.</p> <p>(ii) The requirement has been satisfied.</p> <p>(iii) The requirement is to be satisfied in Stage.....</p> <p>Council Delegate<br/>Council Seal<br/>Date / /</p> <p>Re-certified under Section 11(7) of the Subdivision Act 1988.</p> <p>Council Delegate<br/>Council Seal<br/>Date / /</p> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                                         |                        |
|-----------------------------------------|------------------------|
| <b>VESTING OF ROADS AND/OR RESERVES</b> |                        |
| IDENTIFIER                              | COUNCIL/BODY/PERSON    |
| ROADS R1                                | FRANKSTON CITY COUNCIL |
| RYE No.3                                | UNITED ENERGY LTD      |

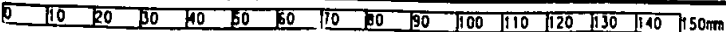
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|
| <p style="text-align: center;"><b>NOTATIONS</b></p> <p>STAGING: This is a staged subdivision.<br/>Planning Permit No. 98061</p> <p>DEPTH LIMITATION: DOES NOT APPLY</p> <p>THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES.</p> <p style="text-align: center;">Planning &amp; Environment Act 1987<br/>FRANKSTON<br/>PLANNING SCHEME<br/>Plan referred to in Permit to Use Land.<br/>Application No. 98061 (Amended)<br/><i>RLU</i></p> <p>SURVEY: THIS PLAN IS BASED ON SURVEY: _____</p> <p>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No.(s) 473, 653</p> <p>IN PROCLAIMED SURVEY AREA No. 52</p> | <p style="text-align: center;"><b>13 NOV 19</b></p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------|



DV939243L-17-6

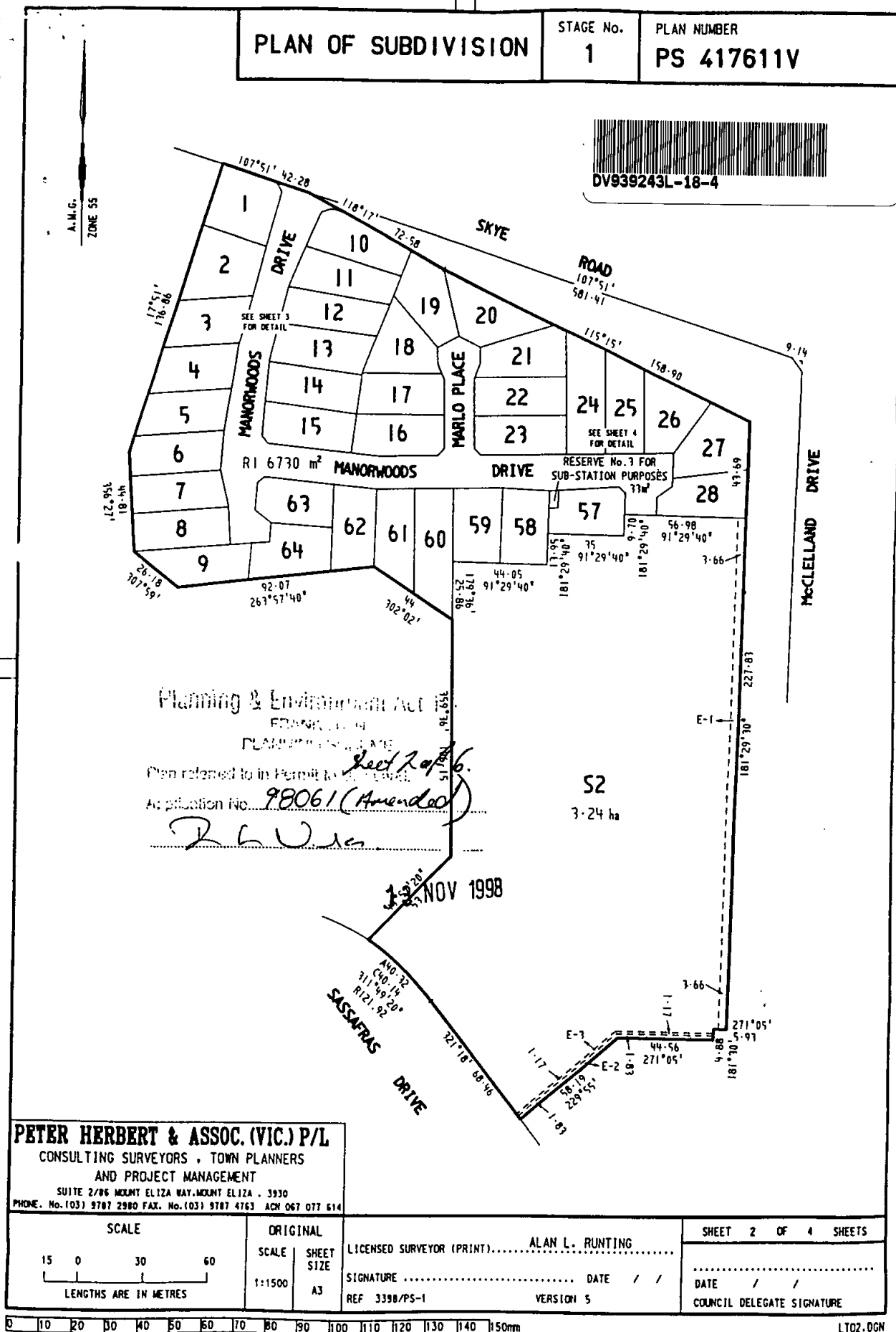
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|-------------------------------------------------------------------------------------------|---------------------|----------------|-----------|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EASEMENT INFORMATION</b>                                                               |                     |                |           |                              | <p style="text-align: center;"><b>LTD USE ONLY</b></p> <p>STATEMENT OF COMPLIANCE/<br/>EXEMPTION STATEMENT</p> <p>RECEIVED <input type="checkbox"/></p> <p>DATE / /</p> <p style="text-align: center;"><b>LTD USE ONLY</b></p> <p>PLAN REGISTERED</p> <p>TIME</p> <p>DATE / /</p> <p>Assistant Registrar of Titles</p> <p>SHEET 1 OF 4 SHEETS</p> |
| <p>LEGEND A-Appurtenant Easement E-Encumbering Easement R-Encumbering Easement (Road)</p> |                     |                |           |                              |                                                                                                                                                                                                                                                                                                                                                   |
| Easement Reference                                                                        | Purpose             | Width (Metres) | Origin    | Land Benefitted/In Favour Of |                                                                                                                                                                                                                                                                                                                                                   |
| E-1-E-7-E-8                                                                               | DRAINAGE & SEWERAGE | SEE PLAN       | LP 88048  | LOTS ON LP 88048             |                                                                                                                                                                                                                                                                                                                                                   |
| E-2                                                                                       | SEWERAGE            | SEE PLAN       | LP 111830 | LOTS ON LP 111830            |                                                                                                                                                                                                                                                                                                                                                   |
| E-3-E-4-E-9                                                                               | SEWERAGE            | SEE PLAN       | THIS PLAN | SOUTH EAST WATER LIMITED     |                                                                                                                                                                                                                                                                                                                                                   |
| E-4-E-5-E-9                                                                               | DRAINAGE            | SEE PLAN       | THIS PLAN | FRANKSTON CITY COUNCIL       |                                                                                                                                                                                                                                                                                                                                                   |
| E-6-E-8-E-9                                                                               | ELECTRICITY SUPPLY  | SEE PLAN       | THIS PLAN | UNITED ENERGY LTD            |                                                                                                                                                                                                                                                                                                                                                   |

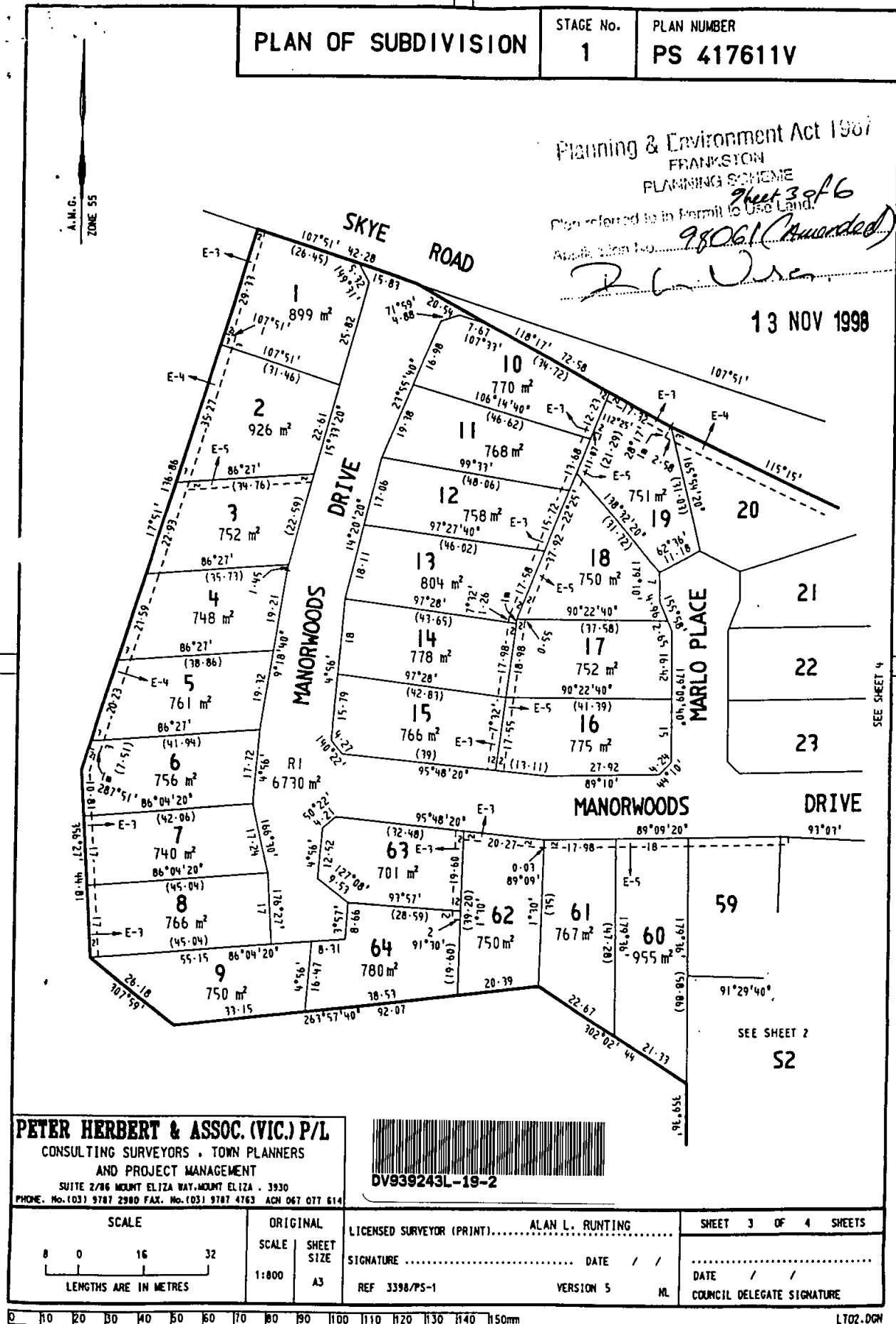
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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|
| <p><b>PETER HERBERT &amp; ASSOC. (VIC.) P/L</b></p> <p>CONSULTING SURVEYORS, TOWN PLANNERS<br/>AND PROJECT MANAGEMENT</p> <p>SUITE 2/86 MOUNT ELIZA WAY, MOUNT ELIZA, 3930</p> <p>PHONE. No. (03) 9787 2980 FAX. No. (03) 9787 4763 ACN 067 077 614</p> | <p>LICENSED SURVEYOR (PRINT)..... ALAN L. RUNITING</p> <p>SIGNATURE ..... DATE / /</p> <p>REF 3398/PS-1 VERSION 5 HL</p> | <p>DATE / /</p> <p>COUNCIL DELEGATE SIGNATURE</p> <p>ORIGINAL SHEET SIZE A3</p> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------|



0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150m

LT01.06





0 10 20 30 40 50 60 70 80 90 100 110 120 130 140 150mm

L702.DGN



FILE /  
CIVIL RIGHTS DIVISION

PAGE 7 OF 7

APPLICANT: Pulito P/L C/- Peter Herbert and Associates (Vic) P/L

THIS PERMIT WAS AMENDED PURSUANT TO SECTIONS 72 AND 73 OF THE PLANNING AND ENVIRONMENT ACT 1987 (AS AMENDED) BY ALTERING THE WORDING OF CONDITIONS 1,2,14,15,16,18,19,20,21 AND 22 TO CLARIFY THEIR MEANING.

THIS PERMIT WAS AMENDED ON 18 FEBRUARY, 1999 PURSUANT TO SECTION 91 (1) OF THE PLANNING AND ENVIRONMENT ACT 1987 (AS AMENDED) AT THE DIRECTION OF THE VICTORIAN CIVIL AND ADMINISTRATIVE TRIBUNAL BY SUBSTITUTING CONDITION 7(C) OF THE PERMIT



Date Issued: 17 July, 1998

Signature for the  
Responsible Authority

  
RICHARD UMBERS  
DEVELOPMENT MANAGER

Delivered by LANDATA®, timestamp 10/11/2020 15:52 Page 1 of 2

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**TRANSFER OF LAND**

Section 45 Transfer of Land Act 1958

Lodged by:

Name: CBA

Phone:

Address:

Ref: 341330809

Customer Code: 205

**X315062Q**

140201 1026 45 62



MADE AVAILABLE/CHANGE CONTROL

Land Titles Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

**Land:**

Volume 10517 Folio 610

**Estate and Interest:**

All Its Estate in Fee Simple



DX3150620-1-1

**Consideration:**

\$62,500.00

**Transferor:**

PULITO PTY LTD ACN 060 435 887

**Transferee:**

DAMIEN GREGOR HART AND JACQUELYN PATRICIA HART  
of 11 Nabila Avenue SEAFORD 3198 as joint proprietors

**Directing Party:**

NIL

**Creation and/or Reservation of easement and/or Covenant**

"AND the said Damien Gregor Hart and Jacquelyn Patricia Hart for themselves their heirs executors administrators and transferees the registered proprietor or proprietors for the time being of the land hereby transferred and of every part thereto DO HEREBY and as separate covenants COVENANT with the said PULITO PTY LTD (ACN 060 435 887) ("the Vendor") its successors assigns and transferees and other registered proprietor or proprietors for the time being of the land comprised in Plan of Subdivision No. PS417611V and every part or parts thereof (other than the land hereby transferred) that they will not:

1. Erect or cause to be erected on the land hereby transferred more than one detached dwelling;
2. Erect or cause to be erected on the land hereby transferred a dwelling, the living areas (which expression does not include garages, carports and other like areas) of which are of a floor area of less than 135 square metres;
3. Erect or cause to be erected on the land hereby transferred a dwelling having external walls of less than seventy-five per centum (75%) of brick, brick-veneer, stone or similar material (save for the provision of doors, windows, facias and gables);
4. Erect or cause to be erected on the land hereby transferred a dwelling having a roof of metal which has not been coloured by either painting or bonding;
5. Erect or cause to be erected any fence on the front boundary or within 4.5 metres of the same on the side boundaries unless with the written approval of the Vendor;
6. Erect or cause to be erected on the land hereby transferred any sign stating that the land is or may in the future be for sale unless and until either a dwelling has been fully constructed on the said land, or a period of twenty-four (24)

Approval No. 11310012 A ORDER TO REGISTER

Please register and issue title to

**T2**

Page 1 of 2



Customised Databases

Signed

Cust. Code

THE BACK OF THIS FORM MUST NOT BE USED

**STAMP DUTY USE ONLY**

Victorian Stamp Duty - AP184

~~PRIME/COUNTERPART/COLL~~

Consideration \$ 62,500

Duty Payable \$ 1300

Ref: 341330809

Date 10/11/2020

Initials WJS

MDN  
21/2/2001

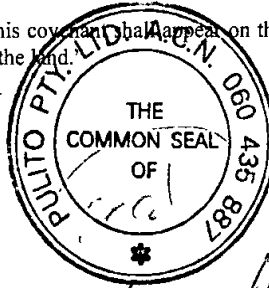
- months has elapsed from the date hereof PROVIDED THAT nothing contained herein shall otherwise prevent the covenantor from offering the land for sale or selling the land;
7. Place or cause to be placed on the land hereby transferred any relocated dwelling, mobile home or temporary building or any nature other than a builder's shed nor place or cause to be placed on the said land any caravan or similar vehicle until such time as a completed dwelling has been constructed on the said land;
  8. Allow the land between the street alignment and the building line to be used for the permanent or temporary storage, repair, maintenance, wrecking, construction, driving, use or movement of any motor vehicle, motor bike, caravan, trailer, boat, yacht or any other vehicle or vessel;
  9. Having commenced to build a dwelling on the land fail to complete such construction within one (1) year of the date of commencement and fail within six (6) months of the date of completion to appropriately landscape that part of the land which lies between the street alignment and the building line PROVIDED THAT nothing herein contained shall obligate the owner to construct a dwelling on the land at any time;
  10. Use or develop the land where such use or development detrimentally affects the amenity of the area through:
    - (a) the transport of materials, goods or commodities to or from the land;
    - (b) the appearance of any building works or materials;
    - (c) the emission of noise, artificial light, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit or oil;
    - (d) the presence of vermin;
  11. During any period of construction or works on the land either themselves or by their servants or agents or contractors allows such construction or works to take place without the provision of a suitable receptacle for the collection of site rubbish or allow such construction or works to take place whereby materials used therefore are not contained within the boundary of the land hereby transferred.

PROVIDED THAT the vendor in its absolute discretion has the power from time to time to waive or vary or release any of the above stipulations AND PROVIDED that nothing herein contained shall be deemed to imply the existence of a building scheme to prevent the Vendor from selling any part of the land benefited free from all or any of the said stipulations.

AND IT IS INTENDED that subject to the terms hereof this covenant shall appear on the Certificate of Title to issue for each any every Lot on the said Plan of Subdivision and run with the land.

Dated: 31/01/01

The COMMON SEAL of PULITO PTY LTD)  
ACN 060 435 887 was hereunto affixed in )  
accordance with its Articles of Association )  
in the presence of )



Director: *[Signature]* Director/Secretary: *[Signature]*

Full Name: WALTER MARIO TOROSI

Full Name: MARIO WALTER TOROSI

Usual address: 1, ARQUINA ST  
SOMERVILLE 3912

Usual address: 1, ARQUINA ST SOMERVILLE  
3912

Signed by the said Transferees  
in the presence of: )

*[Signature]*

*[Signature]*

*[Signature]* witness

Approval No. 11310012 A

**T2**

Page 2 of 2



Customised Databases

**X315062Q**  
140201 1026 45 62



DX315062Q-2-8

THE BACK OF THIS FORM MUST NOT BE USED

## Rate and Valuation Notice 2020-2021



Damien Gregor Hart and Jacqueline Patricia Hart  
39 Manorwoods Drive  
FRANKSTON VIC 3199



026  
1009129  
R1\_19129

Tax Invoice

ABN 49 454 768 065

Rates and charges for the period  
1 July 2020 to 30 June 2021

Notice date: 14/08/2020

Frankston City Council

PO Box 490

FRANKSTON VIC 3199

Phone: 1300 322 322

info@frankston.vic.gov.au

frankston.vic.gov.au

Assessment No./Reference No. 0136373 6

Ward: North-West

| Property details                                                              |                                   | Date of valuation                                          |            |
|-------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------|------------|
| 39 Manorwoods Drive, Frankston 3199<br>Lot 34 PS 417611                       |                                   | 1/01/2020                                                  |            |
| Australian Valuation Property Classification Code:<br>110 : Detached Dwelling |                                   | Site Value (SV):                                           | \$390,000  |
|                                                                               |                                   | *Capital Improved Value (CIV):                             | \$640,000  |
|                                                                               |                                   | Net Annual Value (NAV):                                    | \$32,000   |
|                                                                               |                                   | Valuation Effective Date:                                  | 1/07/2020  |
|                                                                               |                                   | *Capital Improved Value includes land and any improvements |            |
| Financial details                                                             |                                   | Declared on                                                |            |
|                                                                               |                                   | 1 June 2020                                                |            |
| General Rate                                                                  | 0.002326 cents in \$ on \$640,000 |                                                            | \$1,488.65 |
| Municipal Charge                                                              |                                   |                                                            | \$166.40   |
| Garbage Charge 120L @ \$399.00                                                | \$399.00 x 1                      |                                                            | \$399.00   |
| Green Waste @ \$150.20                                                        | \$150.20 x 1                      |                                                            | \$150.20   |
| Payments                                                                      |                                   |                                                            | -\$648.40  |

If you're experiencing payment difficulty, there may be additional ways we can assist. Please visit Council's website for payment options

**Victorian Government charges**

Fire Services Category - Residential \$113.00 + (0.000054 X \$640,000) \$147.55

Garbage Charges include the State Government Imposed Landfill Levy

For email notices:  
frankston.enotices.com.au  
Reference No: C31EAABA7Z

This notice does not include any adjustments/payments made after 07/08/2020  
Interest is charged at 10% per annum on all overdue payments —  
Interest rate is set by the Attorney-General of Victoria

| ARREARS (if any) | 1st INSTALLMENT | 2nd INSTALLMENT | 3rd INSTALLMENT | 4th INSTALLMENT | TOTAL DUE  |
|------------------|-----------------|-----------------|-----------------|-----------------|------------|
|                  | \$0.00          | \$529.40        | \$587.00        | \$587.00        | \$1,703.40 |
| Due immediately  | Due 30/09/2020  | Due 30/11/2020  | Due 28/02/2021  | Due 31/05/2021  |            |

|                                                                                     |            |          |            |          |            |          |
|-------------------------------------------------------------------------------------|------------|----------|------------|----------|------------|----------|
| By application only, nine monthly direct debit payments visit: frankston.vic.gov.au | 30/09/2020 | \$0.00   | 31/12/2020 | \$236.49 | 31/03/2021 | \$261.00 |
|                                                                                     | 31/10/2020 | \$0.00   | 31/01/2021 | \$261.00 | 30/04/2021 | \$261.00 |
|                                                                                     | 30/11/2020 | \$161.91 | 28/02/2021 | \$261.00 | 31/05/2021 | \$261.00 |

## How to pay



## Online

Using a Visa, Mastercard or debit card via Council's website.

Visit:  
frankston.vic.gov.au



## BPAY

Contact your participating financial institution to pay from your cheque, savings or credit card account. Visit: bpay.com.au

Billers Code: 1966  
Ref: 01363736



## Phone or Post Billpay

Using a Visa, Mastercard or debit card.

Phone: 1300 721 138  
Ref: 01363736  
or

By Post Billpay: 1318 16  
Billpay Code: 0760  
Ref: 01363736



## Centrepay

Deducted from your Centrelink payments.

Learn more:  
centrelink.gov.au

CRN: 555014543H  
Ref: 01363736



## Direct Debit

By application to council only, for more information please visit:  
frankston.vic.gov.au



## Mail

Attach cheque or money order to this portion of your notice and post to:

Frankston City Council  
PO Box 490  
Frankston 3199

Receipts not issued for mail payments



## In Person

By cash, cheque, money order, EFTPOS or Credit Card (Visa or Mastercard).

Present this notice with payment at any Council Customer Service Centre.

Find your nearest location:  
frankston.vic.gov.au



# INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

Turner Legal & Conveyancing C/-  
InfoTrack (Smokeball)  
E-mail: certificates@landata.vic.gov.au

Statement for property:  
LOT 34 39 MANORWOODS DRIVE  
FRANKSTON 3199  
34 PS 417611

| REFERENCE NO.    | YOUR REFERENCE             | DATE OF ISSUE    | CASE NUMBER |
|------------------|----------------------------|------------------|-------------|
| 51C//10084/00037 | LANDATA CER 42445824-028-1 | 10 NOVEMBER 2020 | 37530583    |

## 1. Statement of Fees Imposed

The property is classified as a serviced property with respect to charges which as listed below in the Statement of Fees.

### (a) By Other Authorities

|                                                          |                          |         |
|----------------------------------------------------------|--------------------------|---------|
| <b>Parks Victoria - Parks Service Charge</b>             | 01/07/2020 to 30/06/2021 | \$79.02 |
| <b>Melbourne Water Corporation Total Service Charges</b> | 01/10/2020 to 31/12/2020 | \$26.08 |

### (b) By South East Water

|                                 |                          |                 |
|---------------------------------|--------------------------|-----------------|
| <b>Water Service Charge</b>     | 01/10/2020 to 31/12/2020 | \$25.53         |
| <b>Sewerage Service Charge</b>  | 01/10/2020 to 31/12/2020 | \$93.02         |
| <b>Subtotal Service Charges</b> |                          | <u>\$223.65</u> |
| <b>Payments</b>                 |                          | \$223.65        |
| <b>TOTAL UNPAID BALANCE</b>     |                          | \$0.00          |

- The meter at the property was last read on 21/10/2020. Fees accrued since that date may be estimated by reference to the following historical information about the property:

**Water Usage Charge** \$1.75 per day

**Sewage Disposal Charge** \$0.45 per day

- Financial Updates (free service) are only available online please go to (type / copy the complete address shown below): <https://secureapp.southeastwater.com.au/PropertyConnect/#/order/info/update>

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

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

AUTHORISED OFFICER:

TERRY SCHUBACH  
GENERAL MANAGER  
CUSTOMER SERVICE DELIVERY

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



## INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

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

- The total annual service fees and volumetric fees for water usage and sewerage disposal for each class of property are set out at [www.southeastwater.com.au](http://www.southeastwater.com.au).
- Updates of rates and other charges will only be provided for up to six months from the date of this statement.
- If this property has recently been subdivided from a "parent" title, there may be service or other charges owing on the "parent" which will be charged to this property, once sold, that do not appear on this statement. You must contact us to see if there are any such charges as they may be charged to this property on sale and should therefore be adjusted with the owner of the parent title beforehand.
- If the property is sold, the vendor is liable to pay all fees incurred in relation to the property until the vendor gives South East Water a Notice of Disposition of Land required by the Water (Disposition of Land) Regulations 2010. Please include the Reference Number set out above in that Notice.
- Fees relating to the property may change from year-to-year in accordance with the Essential Service Commission's Price Determination for South East Water.
- Every fee referred to above is a charge against the property and will be recovered from a purchaser of the property if it is not paid by the vendor.
- Information about when and how outstanding fees may be paid, collected and recovered is set out in the Essential Services Commission's Customer Service Code, Urban Water Businesses.
- If this Statement only sets out rates and fees levied by Parks Victoria and Melbourne Water, the property may not be connected to South East Water's works. To find out whether the property is, or could be connected upon payment of the relevant charges, or whether it is separately metered, telephone 131 694.
- For a new connection to our water or sewer services, fees / charges will be levied.

## 2. Encumbrance Summary

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

To assist in identifying if the property is connected to South East Waters sewerage system, connected by a shared, combined or encroaching drain, it is recommended you request a copy of the Property Sewerage Plan. A copy of the Property Sewerage Plan may be obtained for a fee at [www.southeastwater.com.au](http://www.southeastwater.com.au). Part of the Property Sewerage Branch servicing the property may legally be the property owners responsibility to maintain not South East Waters. Refer to Section 11 of South East Waters Customer Charter to determine if this is the case. A copy of the Customer Charter can be found at [www.southeastwater.com.au](http://www.southeastwater.com.au). When working in proximity of drains, care must be taken to prevent infiltration of foreign material and or ground water into South East Waters sewerage system. Any costs associated with rectification works will be charged to the property owner.

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

AUTHORISED OFFICER:

A blue ink signature of Terry Schubach.

TERRY SCHUBACH  
GENERAL MANAGER  
CUSTOMER SERVICE DELIVERY

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



## INFORMATION STATEMENT

STATEMENT UNDER SECTION 158, WATER ACT 1989

### ENCUMBRANCE ENQUIRY EMAIL [infostatements@sew.com.au](mailto:infostatements@sew.com.au)

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

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

### Important Warnings

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

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

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

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

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

### 3. Disclaimer

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

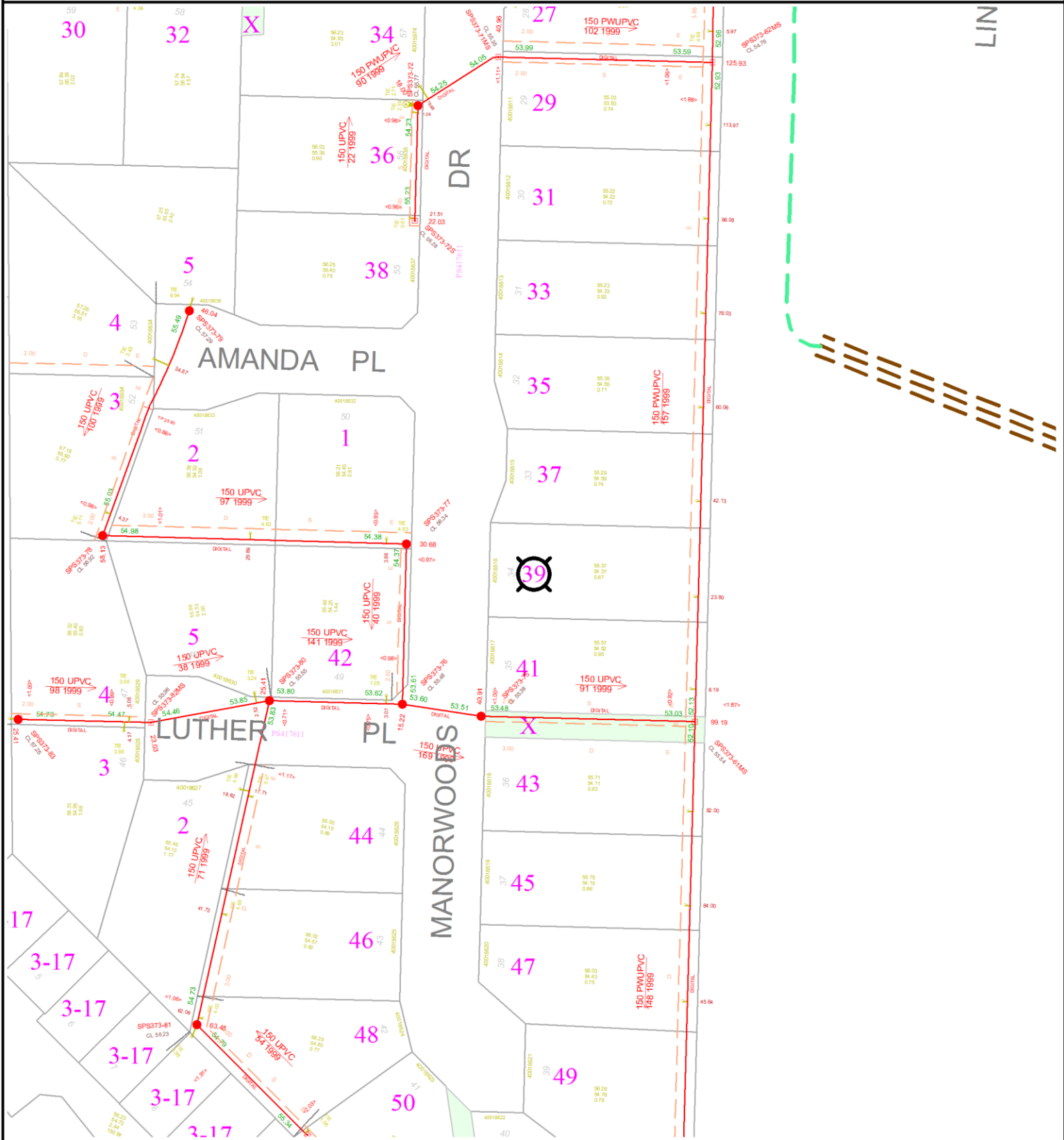
South East Water has prepared the information in this Statement with due care and diligence. It cannot and does not accept liability for any loss or damage arising from reliance on the information given, beyond the extent set out in section 155 of the Water Act 1989 and sections 18 and 29 of the Australian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

AUTHORISED OFFICER:

A blue ink signature of Terry Schubach, written in a cursive style.

TERRY SCHUBACH  
GENERAL MANAGER  
CUSTOMER SERVICE DELIVERY

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



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

|                                                                                    |                     |                                                                                     |                                   |                                                                                       |                      |
|------------------------------------------------------------------------------------|---------------------|-------------------------------------------------------------------------------------|-----------------------------------|---------------------------------------------------------------------------------------|----------------------|
|  | Title/Road Boundary |  | Subject Property                  |  | Maintenance Hole     |
|  | Proposed Title/Road |  | Sewer Main & Property Connections |  | Inspection Shaft     |
|  | Easement            |  | Direction of Flow                 |  | Offset from Boundary |

## Melbourne Water Assets

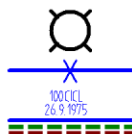
|                                                                                    |                  |                                                                                     |                   |                                                                                       |                        |
|------------------------------------------------------------------------------------|------------------|-------------------------------------------------------------------------------------|-------------------|---------------------------------------------------------------------------------------|------------------------|
|  | Sewer Main       |  | Underground Drain |  | Natural Waterway       |
|  | Maintenance Hole |  | Channel Drain     |  | Underground Drain M.H. |

Scale in Metres

[illegible]

### LEGEND

-  Title/Road Boundary  
 Proposed Title/Road  
 Easement



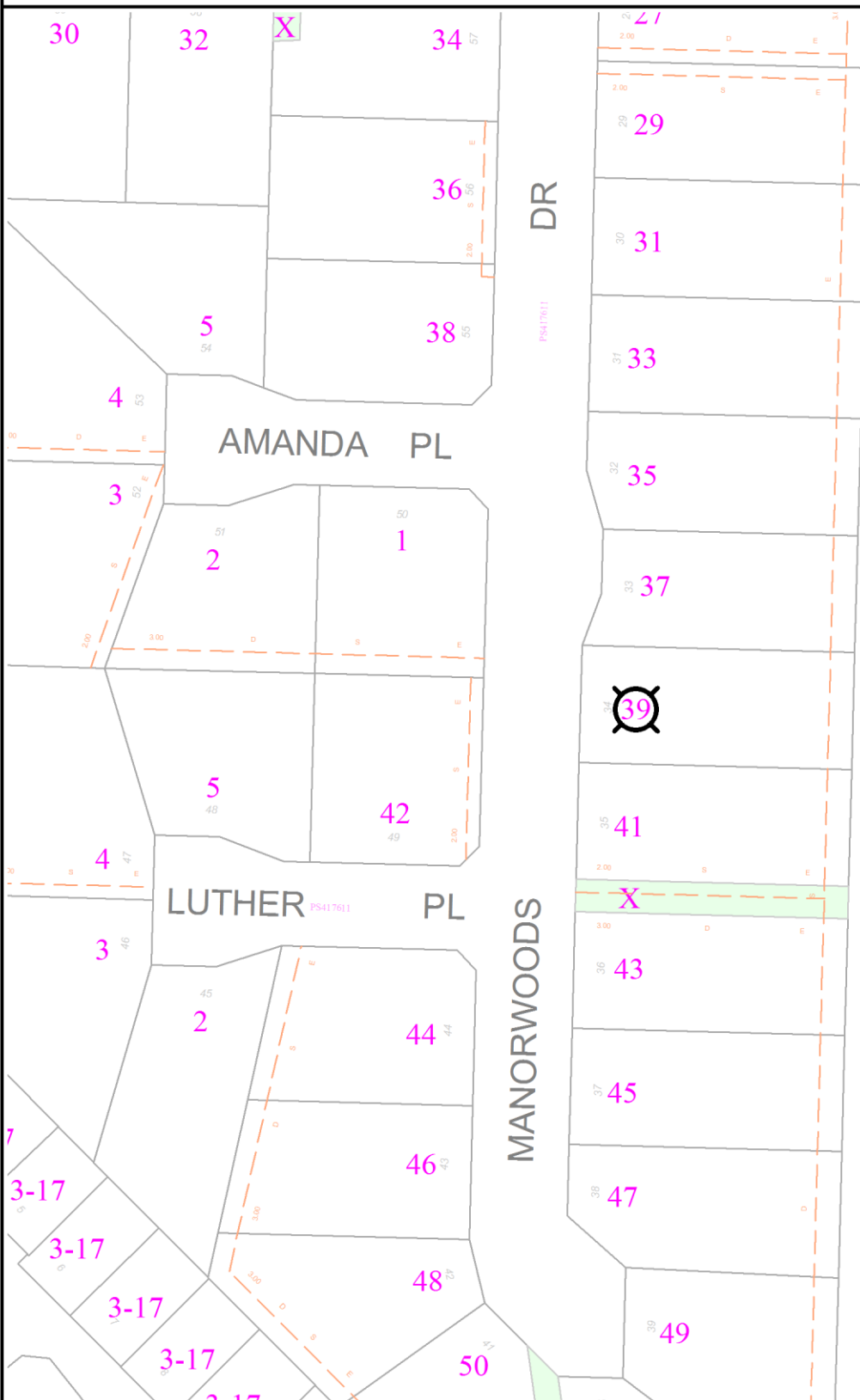
- Subject Property  
Water Main Valve  
Water Main & Services

- 
 Hydrant  

 Fireplug/Washout  
 ~ 1.0 Offset from Boundary



LIN



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

**LEGEND**
 Title/Road Boundary

 Proposed Title/Road

 Easement


100 CCL  
26.9.1975

Subject Property

Recycled Water Main Valve

Recycled Water Main &amp; Services



Hydrant



Fireplug/Washout



~ 1.0 Offset from Boundary



## Property Report from [www.land.vic.gov.au](http://www.land.vic.gov.au) on 18 November 2020 03:12 PM

**Address:** 39 MANORWOODS DRIVE FRANKSTON 3199

**Lot and Plan Number:** Lot 34 PS417611

**Standard Parcel Identifier (SPI):** 34\PS417611

**Local Government (Council):** FRANKSTON **Council Property Number:** 220332

**Directory Reference:** Melway 103 E2

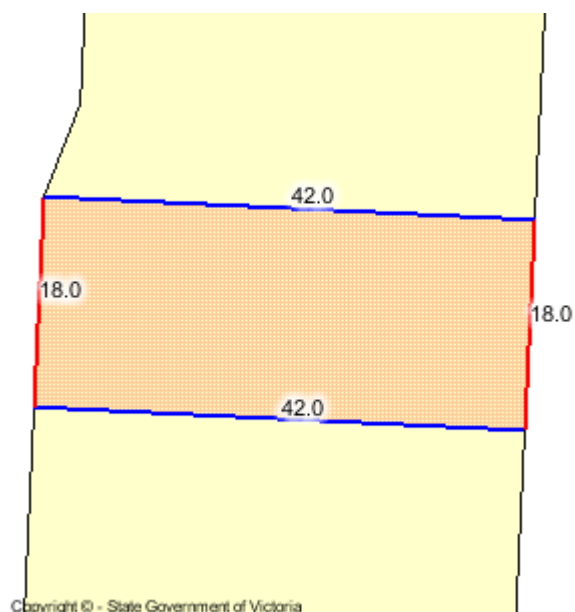
**This property is not in a designated bushfire prone area.**

**No special bushfire construction requirements apply. Planning provisions may apply.**

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

### Site Dimensions

All dimensions and areas are approximate. They may not agree with the values shown on a title or plan.



**Area:** 755 sq. m

**Perimeter:** 120 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

### State Electorates

**Legislative Council:** SOUTH-EASTERN METROPOLITAN

**Legislative Assembly:** FRANKSTON

### Utilities

**Rural Water Corporation:** Southern Rural Water

**Melbourne Water Retailer:** South East Water

**Melbourne Water:** inside drainage boundary

**Power Distributor:** UNITED ENERGY (Information about [choosing an electricity retailer](#))

Planning information continued on next page

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## Planning Zone Summary

**Planning Zone:** GENERAL RESIDENTIAL ZONE (R1Z)  
GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (R1Z)

**Planning Overlay:** ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)  
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)

### Areas of Aboriginal Cultural Heritage Sensitivity:

All or part of this property is an 'area of cultural heritage sensitivity'.

Planning scheme data last updated on 11 November 2020.

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

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

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

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](#)

The Planning Property Report includes separate maps of zones and overlays

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

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

For other information about planning in Victoria visit [www.planning.vic.gov.au](http://www.planning.vic.gov.au)

### Areas of Aboriginal Cultural Heritage Sensitivity

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>

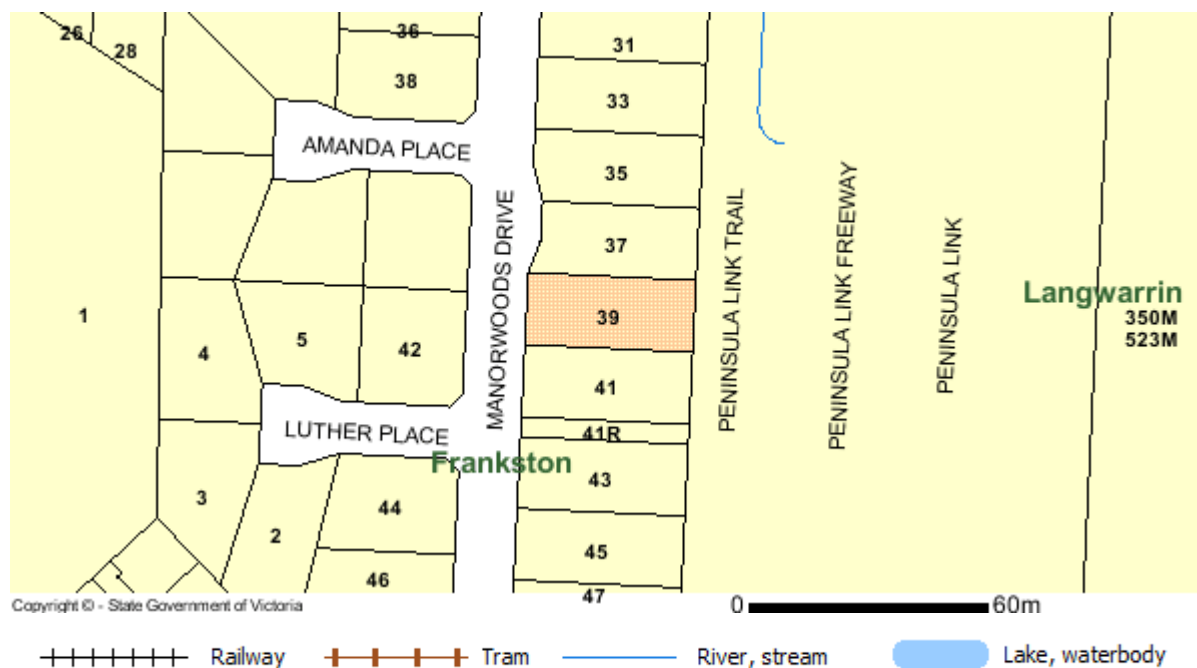
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## Area Map



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# PLANNING PROPERTY REPORT

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 18 November 2020 03:12 PM

## PROPERTY DETAILS

Address: **39 MANORWOODS DRIVE FRANKSTON 3199**  
 Lot and Plan Number: **Lot 34 PS417611**  
 Standard Parcel Identifier (SPI): **34\PS417611**  
 Local Government Area (Council): **FRANKSTON**  
 Council Property Number: **220332**  
 Planning Scheme: **Frankston**  
 Directory Reference: **Melway 103 E2**

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

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

## UTILITIES

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

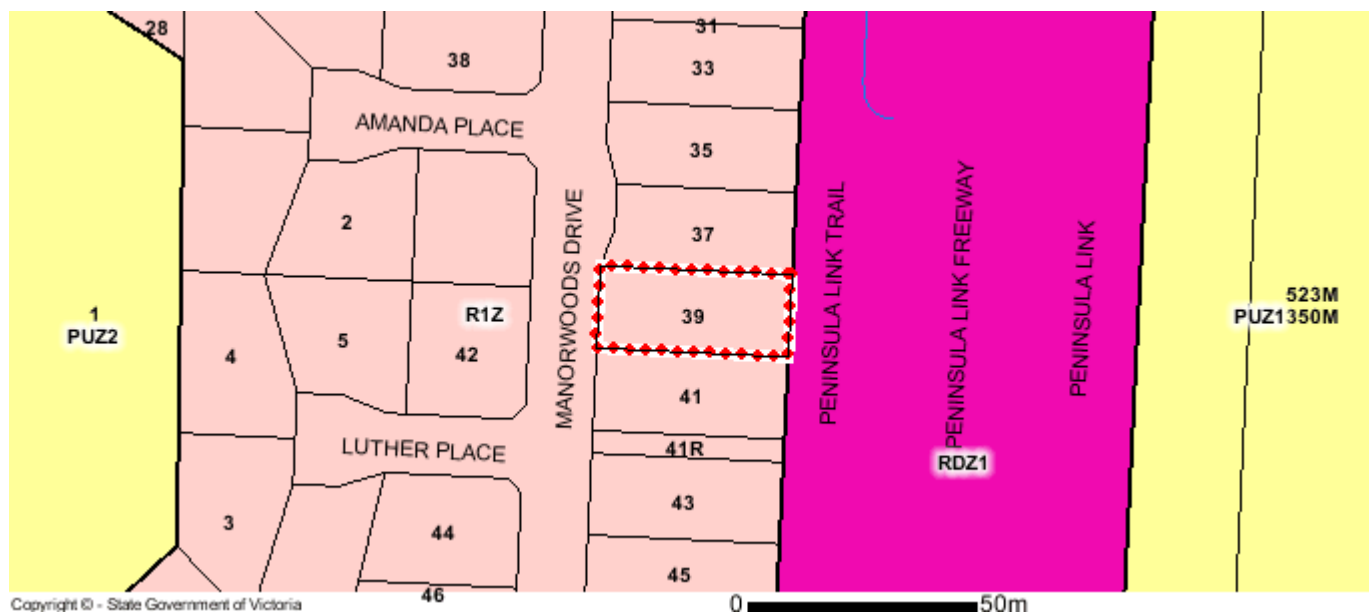
## STATE ELECTORATES

Legislative Council: **SOUTH-EASTERN METROPOLITAN**  
 Legislative Assembly: **FRANKSTON**

## Planning Zones

[GENERAL RESIDENTIAL ZONE \(R1Z\)](#)

[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(R1Z\)](#)



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PUZ1 - Public Use - Service & Utility

PUZ2 - Public Use - Education

R1Z - Residential 1

RDZ1 - Road - Category 1

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

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

PLANNING PROPERTY REPORT: 39 MANORWOODS DRIVE FRANKSTON 3199

Page 1 of 5

PLANNING PROPERTY REPORT

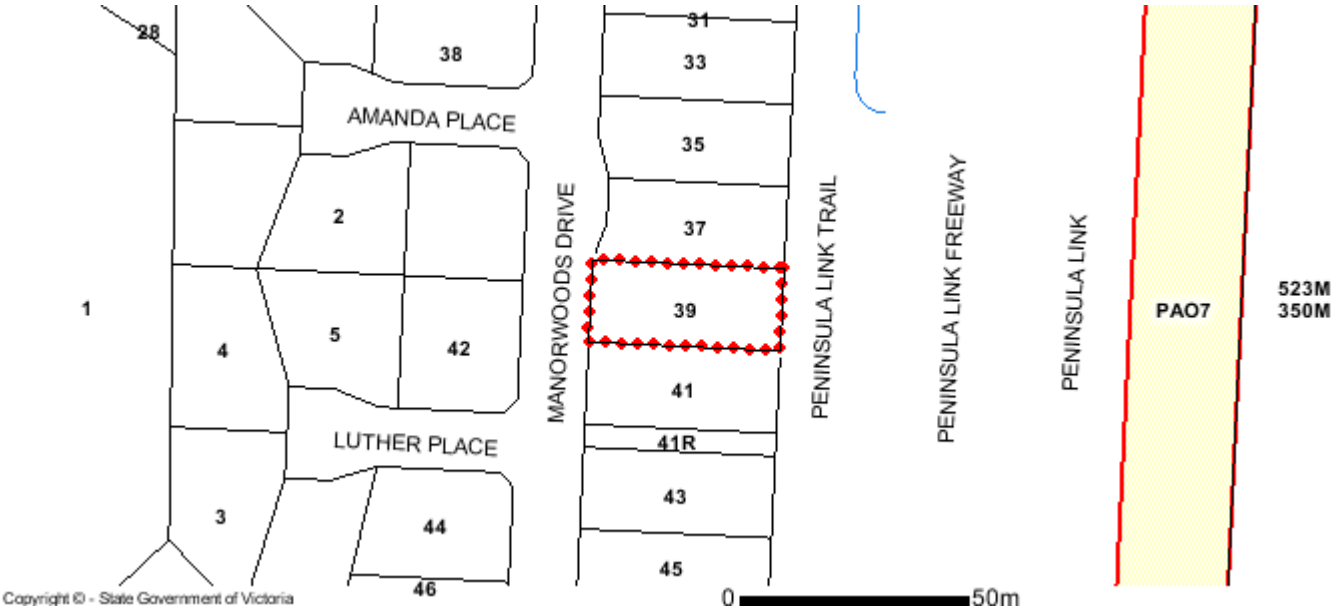
Planning Overlay

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)  
ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)



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

OTHER OVERLAYS  
Other overlays in the vicinity not directly affecting this land  
PUBLIC ACQUISITION OVERLAY (PAO)



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

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# PLANNING PROPERTY REPORT

## Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

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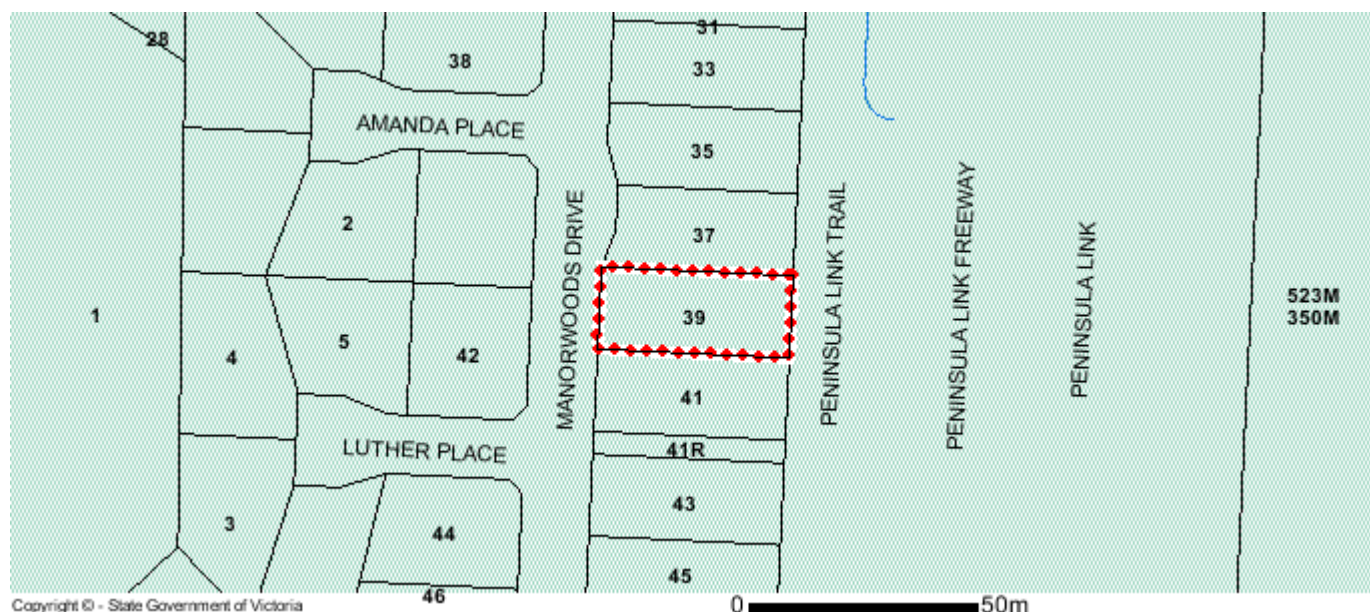
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aav.nrms.net.au/aavQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.vic.gov.au/aboriginalvictoria/heritage/planning-and-heritage-management-processes.html>



Aboriginal Heritage

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# PLANNING PROPERTY REPORT

## Further Planning Information

Planning scheme data last updated on 11 November 2020.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the *Planning and Environment Act 1987*. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

To view planning zones, overlay and heritage information in an interactive format visit <http://mapshare.maps.vic.gov.au/vicplan>

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

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# PLANNING PROPERTY REPORT

## Designated Bushfire Prone Area

**This property is not in a designated bushfire prone area.  
No special bushfire construction requirements apply. Planning provisions may apply.**



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

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

Designated bushfire prone areas maps can be viewed on VicPlan at <http://mapshare.maps.vic.gov.au/vicplan> or at the relevant local council.

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

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website [www.vba.vic.gov.au](http://www.vba.vic.gov.au)

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

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

DATED

2020

**JACQUELYN PATRICIA HART**

to

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**Section 32 Vendors Statement**

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**Property: 39 Manorwoods Drive, Frankston VIC**

**Turner Legal & Conveyancing**

34 Heversham Drive  
SEAFORD VIC 3198  
Tel: 03 9789 7655  
Email:- [info@lanqlaw.com.au](mailto:info@lanqlaw.com.au)  
Ref: EK:20/2876