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

VOLUME 10667 FOLIO 376 Security no : 124076938380E
Produced 09/04/2019 10:14 AM

LAND DESCRIPTION

Lot 18 on Plan of Subdivision 447279G.
PARENT TITLE Volume 10124 Folio 847
Created by instrument PS447279G 07/08/2002

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
KIMBERLEY JANE LOUISE BROWN of 2 7 ALEXANDER AVENUE COWES VIC 3922
AM152747R 03/09/2015

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ906340P 10/04/2018
BENDIGO AND ADELAIDE BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987
AB431954C 22/07/2002

DIAGRAM LOCATION

SEE PS447279G 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: 2-6 CASUARINA COURT COWES VIC 3922

ADMINISTRATIVE NOTICES

NIL

eCT Control 18057S BENDIGO BANK
Effective from 10/04/2018

DOCUMENT END

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PLAN OF SUBDIVISION

STAGE NO. /

LTO use only
EDITION 1

Plan Number
PS 447279G

Location of Land

Parish: PHILLIP ISLAND

Township: -

Section: AT COWES

Crown Allotment: 1(PART)

Crown Portion: -

LTO Base Record: D.C.M.B. (RURAL)

Title Reference: VOL 10124 FOL 847

Last Plan Reference: PS 302526C, LOT C

Postal Address: (at time of subdivision) MANNA GUM DRIVE COWES 3922

AMG Co-ordinates (of approx. centre of land in plan) E 346700 N 5741150 ZONE: 55

Council Certification and Endorsement

Council Name: BASS COAST SHIRE COUNCIL Ref: 6001000119

1. This plan is certified under section 6 of the Subdivision Act 1988.
~~2. This plan is certified under section 11(7) of the Subdivision Act 1988.~~
~~Date of original certification under section 6 / /~~
~~3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.~~

OPEN SPACE

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

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

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

Council Delegate
~~Council Seal~~

Date 05 / 02 / 02

~~Re-certified under section 11(7) of the Subdivision Act 1988.~~
~~Council Delegate~~
~~Council Seal~~
~~Date / /~~

Vesting of Roads and / or Reserves

Identifier	Council/Body/Person
ROAD R1	BASS COAST SHIRE COUNCIL

Notations

Staging: This is not a staged subdivision
Planning Permit No. 991453

Depth Limitation: DOES NOT APPLY.

Survey: This plan is based on survey.

This survey has been connected to permanent marks no(s). -
in Proclaimed Survey Area No. -

Easement Information

Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement
A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	2	THIS PLAN	BASS COAST SHIRE COUNCIL
E-2	DRAINAGE & SEWERAGE	2	PS 302526C	WESTERNPORT WATER BOARD AND SHIRE OF PHILLIP ISLAND
E-3	SEWERAGE	SEE DIAG.	THIS PLAN	WESTERNPORT REGION WATER AUTHORITY
E-4	WATER SUPPLY	2·5	PS 302526C	WESTERNPORT WATER BOARD
	TREE PLANTING	2·5	PS 302526C	SHIRE OF PHILLIP ISLAND
	SEWERAGE	2·5	THIS PLAN	WESTERNPORT REGION WATER AUTHORITY
	DRAINAGE	2·5	THIS PLAN	BASS COAST SHIRE COUNCIL
E-5	TREE PLANTING	4·5	PS 302526C	SHIRE OF PHILLIP ISLAND
	DRAINAGE	4·5	THIS PLAN	BASS COAST SHIRE COUNCIL
E-6	TREE PLANTING	3	PS 302526C	SHIRE OF PHILLIP ISLAND
	DRAINAGE & SEWERAGE	3	PS 302526C	WESTERNPORT WATER BOARD
E-7	DRAINAGE	SEE DIAG.	THIS PLAN	BASS COAST SHIRE COUNCIL
	SEWERAGE	SEE DIAG.	THIS PLAN	WESTERNPORT REGION WATER AUTHORITY
E-8	WATER SUPPLY	2·5	PS 302526C	WESTERNPORT WATER BOARD
	TREE PLANTING	2·5	PS 302526C	SHIRE OF PHILLIP ISLAND
E-9	TREE PLANTING	SEE DIAG.	PS 302526C	SHIRE OF PHILLIP ISLAND

LTO use only

Statement of Compliance/ Exemption Statement

Received ☑

Date 29 / 07 /02

LTO use only

PLAN REGISTERED

Time 11·25 am

Date 7/ 8 /02

G.V.
Assistant Registrar of Titles

Sheet 1 of 4 Sheets

BEVERIDGE WILLIAMS & CO. PTY.LTD. ACN 006 197 235
SURVEYORS . ENGINEERS . PLANNERS
PO BOX 2205 CAULFIELD NORTH 3161 - 95284444
PO BOX 1465 BALLARAT MAIL CENTRE 3554 - 5331 3877
PO BOX 161 LEONGATHA 3953 - 56622630
PO BOX 129 WONTHAGGI 3995 - 56721505

LICENSED SURVEYOR PETER ALAN TOOLE

SIGNATURE ..... DATE 28/11/2001

REF. 9322 VERSION 1

DATE 05 / 02 / 02
COUNCIL DELEGATE SIGNATURE

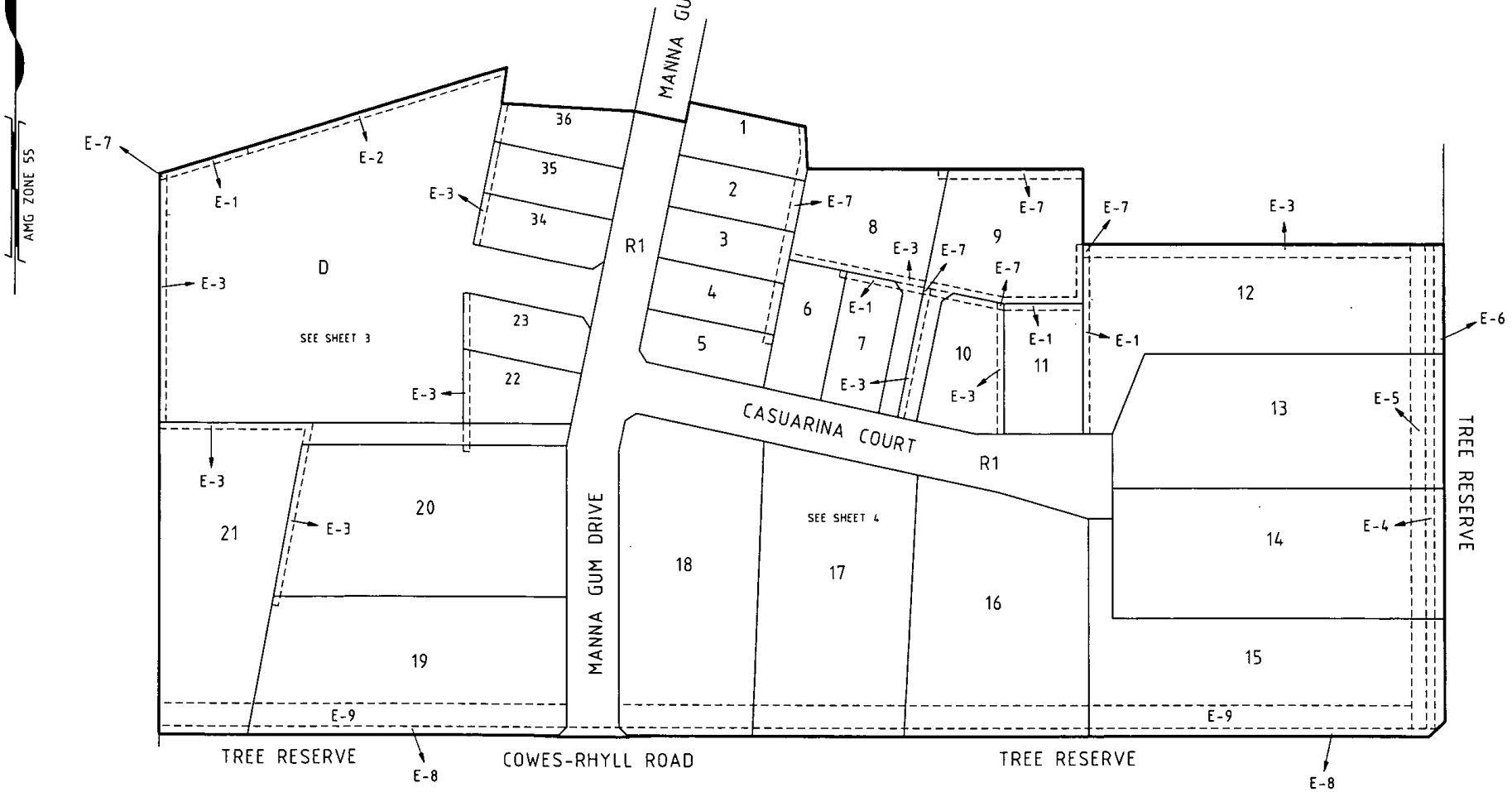
Original sheet size A3

REVERSE IMAGE INKJET

PLAN OF SUBDIVISION

STAGE NO. /

PLAN NUMBER PS 447279G



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SURVEYORS . ENGINEERS . PLANNERS
1075 HIGH STREET ARMADALE (03)98229799
48 LYDIARD ST SOUTH. BALLARAT (03)53313877
23 BAIR STREET LEONGATHA (03)56622630
33 MURRAY STREET WONTHAGGI (03)56721505

SCALE
12·5 0 12·5 25 32·5 50
LENGTHS ARE IN METRES

ORIGINAL
SCALE 1:1250
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) PETER ALAN TOOLE
SIGNATURE ..... DATE 28/11/2001
REF 9322 VERSION 1

SHEET 2 OF 4 SHEETS

DATE 5/2/02
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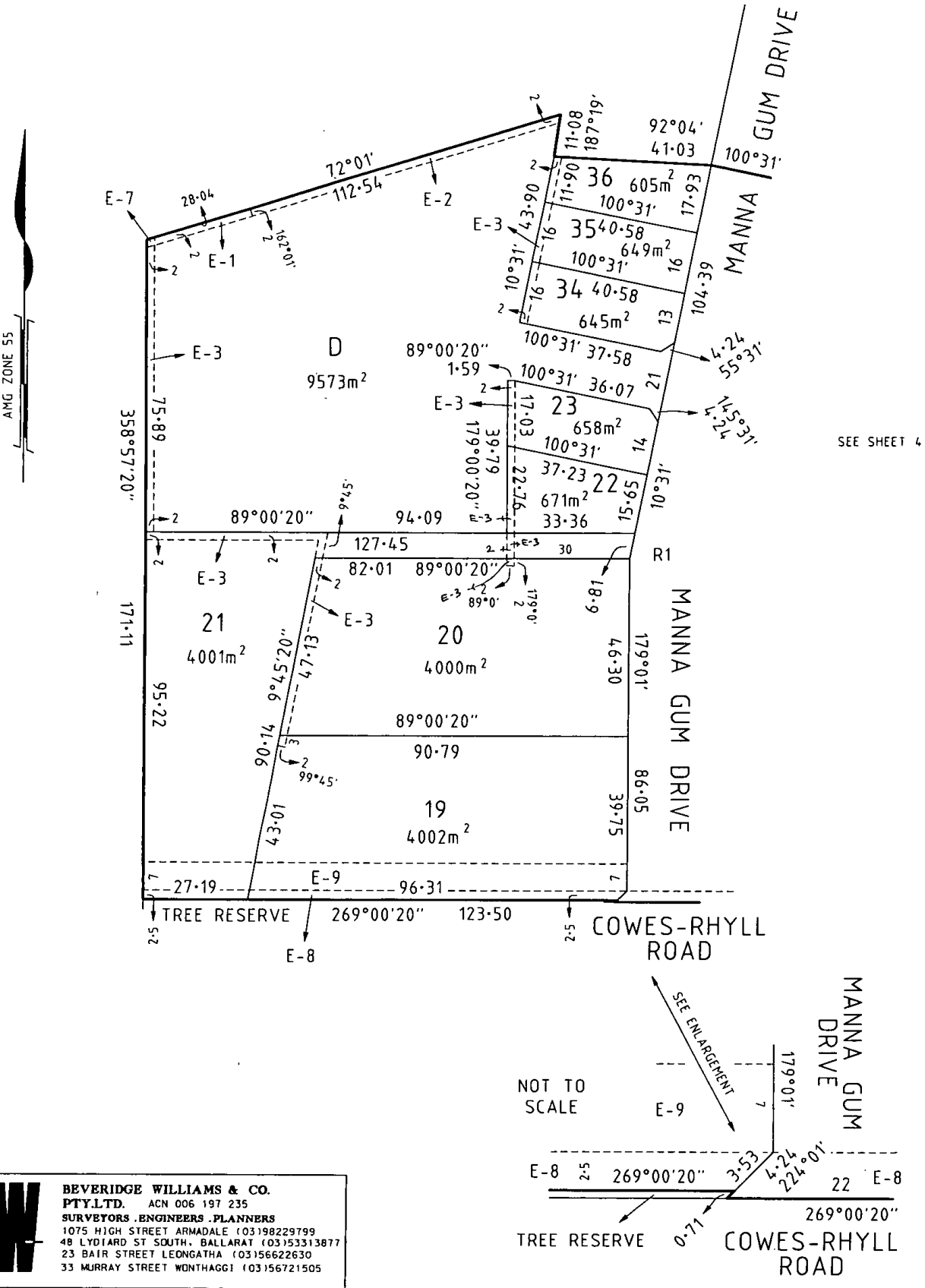
PLAN OF SUBDIVISION

Stage No. /

Plan Number PS 447279G



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SURVEYORS . ENGINEERS . PLANNERS
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23 BAIR STREET LEONGATHA (03)56622630
33 MURRAY STREET WONTHAGGI (03)56721505

10 0 10 20 30 40 50
LENGTHS ARE IN METRES

ORIGINAL
SCALE 1:1000
SHEET SIZE A3

LICENSED SURVEYOR (PRINT) PETER ALAN TOOLE
SIGNATURE ..... DATE 28/11/2001
REF. 9322 VERSION 1

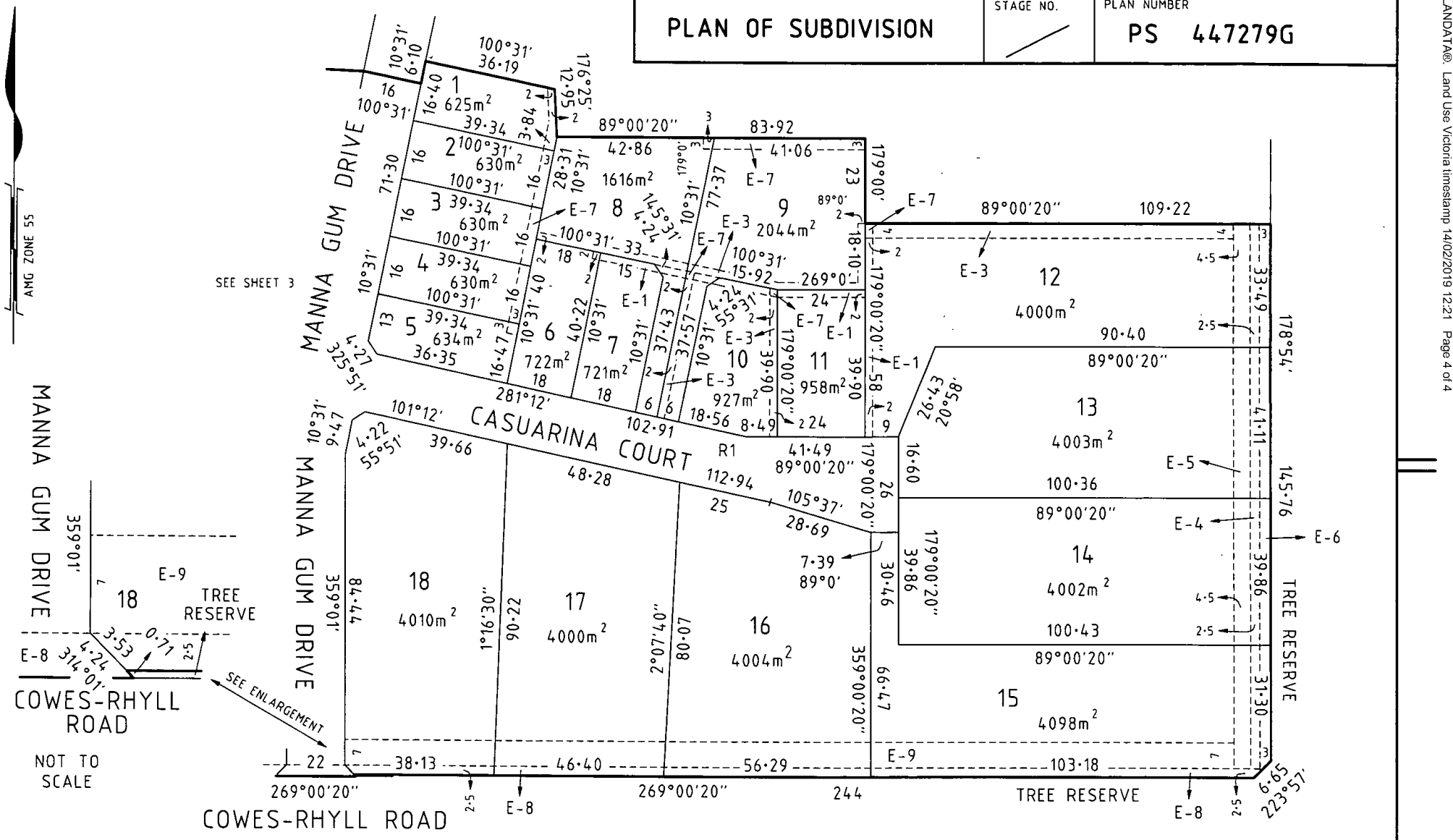
Sheet 3 of 4 Sheets
DATE 5/2/02
COUNCIL DELEGATE SIGNATURE
Original sheet size A3

REVERSE IMAGE INKJET

PLAN OF SUBDIVISION

STAGE NO. /

PLAN NUMBER PS 447279G



BEVERIDGE WILLIAMS & CO. PTY.LTD. ACN 006 197 235 SURVEYORS . ENGINEERS . PLANNERS 1075 HIGH STREET ARMADALE (03)98229799 48 LYDIARD ST SOUTH. BALLARAT (03)53313877 23 BAIR STREET LEONGATHA (03)56622630 33 MURRAY STREET WONTHAGGI (03)56721505	SCALE 10 0 10 20 30 40 LENGTHS ARE IN METRES	ORIGINAL SCALE 1:1000 SHEET SIZE A3	LICENSED SURVEYOR (PRINT) PETER ALAN TOOLE SIGNATURE ..... DATE 28/11/2001 REF 9322 VERSION 1	SHEET 4 OF 4 SHEETS DATE 5/2/02 COUNCIL DELEGATE SIGNATURE

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F

OFFICE OF TITLES W.C.H. VICTORIA

Form 13

AB431954C
22/07/2002 $59 173

Section 181

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

***Planning and Environment Act* 1987**

Lodged at the Land Titles Office by:

Name: Maddocks
Phone: 9288 0555
Address: 140 William Street, Melbourne 3000 or DX 259 Melbourne
Ref: TGM:PJD:LGC:891980 **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: Volume 10124 Folio 847 NOW = 10667-359 to 381 383 384 and 385 AND 10667-422 to 431 (Lots)

Authority: Bass Coast Shire Council of 76 McBride Avenue, Wonthaggi

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 DAB431954C-1-3

AMENDED WITH CONSENT OF AUTHORITY 6/9/02

Signature for the Authority: .....

Name of officer: ALLAN BAWDEN

Office held: CEO

Date: 15.7.2002

[891980/PJD/M0002564·1]

06 DEC 2002

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THIS AGREEMENT is made the 15th day of JULY , 2002

B E T W E E N: **BASS COAST SHIRE COUNCIL** of 76 McBride Avenue, Wonthaggi, Victoria (hereinafter called "the Responsible Authority")

AND: **ROCKHOUSE PTY LTD** ACN "056 200 419" of "c/- John Matthies & Co. Level 6, 416-420 Collins Street, Melbourne (hereinafter called "the Owner").

DAB431954C-2-1

WHEREAS:

(a) The Owner is the owner and registered or entitled to be registered by the Registrar of Titles as the proprietors of an estate in fee simple in the land situated at Cowes -Rhyll Roads, Cowes, Plan of Subdivision number PS302526C and being the land comprised in Certificate of Title Volume 10124 Folio 847 (hereinafter called "the subject land");

(b) The Responsible Authority is the responsible authority under the Bass Coast Planning Scheme (hereinafter called "the Planning Scheme");

(c) On 19 October, 2001, the Responsible Authority issued a planning permit number 991453 (the "planning permit") allowing the subject land to be subdivided into thirty six (36) lots in accordance with the plan endorsed under condition 1 of the planning permit. Condition 3 of the planning permit requires the Owner to enter into this Agreement to provide for the matters set out in that condition. A copy of the planning permit is attached to this agreement and marked 'A'.

(d) The Responsible Authority and the Owner has agreed that, without restricting or limiting their respective powers to enter into this agreement and insofar as it can be so treated, this agreement shall be treated as being an agreement entered into pursuant to Section 173 of the Planning & Environment Act 1987.

(e) As at the date of this Agreement, the subject land is encumbered by Mortgage No. S374176C in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement with respect to the subject land.

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(f) The parties enter into this Agreement:

(i) to give effect to the requirements of the Planning Permit; and

(ii) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the subject land.

(g) The Sole Director and solicitor of the Owner has undertaken to obtain from each of the holders of caveats identified as AB268980J, AB268995U, AB269012L, AB2269025B, AB269036V, AB269052X, AB269080S, AB269097Y, AB269103H, AB269118T, AB288005A, AB302250N, AB332144S, AB337264E, save and except those caveators where the contract of sale recited in the caveat has been terminated by the vendor, as well as the holder of any other validly based caveat lodged on title of the subject land at the date of lodgement of this Agreement, a written acknowledgement of the existence of this Agreement, prior to the settlement of such lot (**Undertaking**). A copy of the Undertaking is attached to this Agreement and marked "C"."

DAB431954C-3-0

NOW IT IS AGREED AS FOLLOWS:

1. In this agreement unless inconsistent with the context or subject matter:

(a) The Owner makes each of the covenants to be performed by it, on its own behalf and on behalf of the Owner or Owners from time to time hereafter of the subject land and every part thereof; and

(b) "Owners" means the owner for the time being of the subject land and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of an estate in fee simple in the subject land or any part thereof.

(c) "planning permit" means the planning permit referred to in recital (c).

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(d) "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 'B' .

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(e) "lot" means a lot on the endorsed plan.

(f) "Act" means the Planning and Environment Act 1987.

(g) "Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement.

(h) "Building" has the same meaning as in the Act and includes dwelling, swimming pools, tennis courts and out-buildings.

(i) "Building envelope" means each area delineated and identified on the endorsed plan as a building envelope or the like

(j) "Mortgagee" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the subject land or any part of it.

(k) "Party or Parties" means the Owner and the Responsible Authority under this Agreement as appropriate.

2. This agreement shall come into operation on the date it is signed.

3. The Owner agrees and acknowledges that:

3.1 the Owner must ensure that any boundary fencing on the subject land must be to the satisfaction of the Responsible Authority;

DAB431954C-4-8

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3.2 the Owner must ensure that any fencing on lots greater than 3000 square metres in area must be permeable to wildlife to the satisfaction of the Responsible Authority;

3.3 the Owner must not allow the power to be supplied to any lot other than in a form and location approved by the Responsible Authority;

3.4 the Owner must not build, construct or erect or cause to permit to be built, constructed or erected any Building or any part of a Building on any lot outside of a Building Envelope without the prior written consent of the Responsible Authority;

3.5 the Owner must ensure that there can be no means of direct access between the subject land and either Cowes-Rhyll Road or Blue Gum Alley;

3.6 the Owner must not build, construct or erect or cause or permit to be built or constructed more than one dwelling on each of lots 1 to 3 (inclusive) and 30 to 36 (inclusive); and

3.7 lots 1 to 3 (inclusive) and 30 to 36 (inclusive) must not be further subdivided.

4. 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 subject land provided that if the subject land 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.

5. The Owner shall pay the legal costs/expenses incurred by the Responsible Authority of and incidental to the preparation of this agreement and the registration hereof pursuant to Section 181 of the Planning and Environment Act 1987.

6. In this Agreement unless the context admits otherwise:

6.1 The singular includes the plural and vice versa and a reference to a gender includes a reference to each other gender.

DAB431954C-5-6

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6.2 A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.

6.3 If a party consists of more than one person this Agreement binds them jointly and each of them severally.

6.4 A term used in this Agreement has it ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.

6.5 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.

6.6 The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.

7. The owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

8. The Owner further covenants and agrees that:

(a) the Owner will do all things necessary to give effect to this Agreement;

(b) the Owner will consent to the Responsible Authority making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the subject land in accordance with Section 181 of the Act and do all things necessary to enable the Responsible Authority to do so including signing any further agreement, acknowledgement 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.

9. 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 in writing to this Agreement, no other person has any interest, either legal or equitable, in the subject land which may be affected by this Agreement.

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

(a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and

(b) execute a deed agreeing to be bound by the terms of this Agreement.

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22/07/2002 $59 173

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

12. 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.

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

IN WITNESS whereof the parties hereto have hereunto set their hands and seals the day and year first hereinbefore written.

THE COMMON SEAL of **BASS COAST SHIRE COUNCIL** was hereunto affixed in the presence of:)

..... Chief Executive Officer

BASS COAST SHIRE COUNCIL THE COMMON SEAL OF

THE COMMON SEAL of **ROCKHOUSE PTY LTD** (ACN 056 200 419) was hereunto affixed in accordance with its Articles of Association in the presence of:)

.....**Director**

.....Full Name (print)

.....Usual Address

.....

ROCKHOUSE PTY. LTD. A.C.N. 056 200 419 THE COMMON SEAL

South Eastern Secured Investments Ltd as Mortgagee of registered mortgage No.S374176C consents to the Owner entering into this Agreement and in the event that the Mortgagee becomes Mortgagee-in-possession, agrees to be bound by the covenants and conditions of the Agreement.

.....

South Eastern Secured Investments Ltd.

AB431954C

22/07/2002 $59 173

DAB431954C-7-2

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"A" "A"

Sch. 1

Planning and Environment Regulations 1998

S.R. No.

AB431954C
22/07/2002 $59 173

Form 4

BASS COAST SHIRE COUNCIL

PLANNING PERMIT

DAB431954C-8-1

PERMIT No. : **991453 (Rockhouse Pty Ltd)**
Page 1 of 7

PLANNING SCHEME : **BASS COAST PLANNING SCHEME**

RESPONSIBLE AUTHORITY : **BASS COAST SHIRE COUNCIL**

ADDRESS OF THE LAND

Lot C PS 302526 Cowes-Rhyll Road, Cowes

THE PERMIT ALLOWS

The subdivision of the land into thirty six lots in accordance with the endorsed plans.

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT

Bass Coast Shire Council

1. Before the plan of subdivision is certified, amended plans to the satisfaction of the Responsible Authority must be submitted to 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 copies must be provided. The plans must be generally in accordance with the plans submitted on 22 August 2001 but modified to show:

   (a) inclusion of access/driveway in the building envelope.

2. The building envelopes required by condition 1 must be created as a restriction on the Certificate of Title to issue for each lot.

3. The applicant/owner must enter into a Section 173 Agreement with the Responsible Authority which must include the following:

   (a) details of proposed boundary fencing to the satisfaction of the Responsible Authority. The fencing of the larger lots (in excess of 3000 square metres) must be permeable to wildlife;

Date Issued: 19 October 2001 Signature for the Responsible Authority

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Sch. 1

Planning and Environment Regulations 1998

S.R. No.

Form 4

DAB431954C-9-9

PERMIT No. **: 991453 (Rockhouse Pty Ltd)**

Page 2 of 7

PLANNING SCHEME **: BASS COAST PLANNING SCHEME**

RESPONSIBLE AUTHORITY **: BASS COAST SHIRE COUNCIL**

(b) the location and form of power supply to each lot must be approved by the Responsible Authority;

(c) all buildings must be located within the building envelopes;

(d) no access from allotments to Cowes-Rhyll Road or Blue Gum Alley;

(e) only one dwelling may be permitted on lots 1, 2, 3, 30, 31, 32, 33, 34, 35 and 36; and

(f) no further subdivision of allotments 1, 2, 3, 30, 31, 32, 33, 34, 35 and 36.

4. Before the plan of subdivision is certified, an Environmental Management Plan must be submitted to the Responsible Authority for approval. When approved, the Management Plan will be endorsed and will form part of the permit. The Environmental Management Plan must include:

- A qualified arborist's report assessing the health of each tree.
- A report by a qualified arborist on the required maintenance of each tree to improve the safety, structure and health of the tree reducing the risk of hazard development, branch failure, fungal infestation or premature tree death.

  All required maintenance pruning required by the above report must be done by a qualified arborist prior to the certification of the plan of subdivision in accordance with the Australian Standard 4373-1996 Pruning of Amenity Trees.
- A report by a qualified arborist recommending proposed methods to ensure that all existing trees and roots are protected during all works associated with the subdivision.
- A Landscaping Plan prepared by a suitably qualified person. The Landscape Plan must comprise of predominantly locally indigenous species sourced from local seed stock. The Landscape Plan must include the following detail:
  - A survey of all existing vegetation and natural features;
  - The area set aside for landscaping; and

AB431954C

22/07/2002 $59 173

Date Issued: 19 October 2001 Signature for the Responsible Authority

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Sch. 1

Planning and Environment Regulations 1998

S.R. No.

AB431954C

22/07/2002 $59 173

Form 4

PERMIT No. : **991453 (Rockhouse Pty Ltd)**

PLANNING SCHEME : **BASS COAST PLANNING SCHEME**

RESPONSIBLE AUTHORITY : **BASS COAST SHIRE COUNCIL**

- A schedule of all proposed trees, shrubs and ground cover, which will include the location and size at maturity of all plants, the botanical names of each plant.

Street tree species and planting location must be approved by the Responsible Authority prior to planting.

5. All landscaping and existing tree maintenance must be completed prior to the certification of the plan of subdivision. The plantings must be maintained to the satisfaction of the Responsible Authority including replacement planting of failed plants.

6. Existing vegetation must be protected during the subdivision works and must not be damaged or removed without the written consent of the Responsible Authority.

7. The layout of the subdivision as shown on the endorsed plan must not be altered or modified (whether or not in order to comply with any statute, statutory rule of Local Law, or for any other reason) without the prior written consent of the Responsible Authority.

8. 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.

9. Reticulated water, sewerage and underground electricity must be available to each lot shown on the endorsed plan.

10. Vehicle and pedestrian/bicycle links throughout the subject land must be constructed to the satisfaction of the Responsible Authority.

11. Drainage of the subject land must be to the satisfaction of the Responsible Authority including compliance with the Best Practice Environmental Management Guidelines for Urban Stormwater.

12. Roads, pedestrian/bicycle access links (including Cowes-Rhyll Road intersection) and drainage to service the subject land must be:

(a) constructed to the satisfaction of the Responsible Authority including landscaping (road reserves), street lighting, naturestrip grass and signage;

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Sch. 1

Planning and Environment Regulations 1998

S.R. No.

AB431954C
22/07/2002 $59 173

Form 4

PERMIT No. : 991453 (Rockhouse Pty Ltd)
Page 4 of 7

PLANNING SCHEME : BASS COAST PLANNING SCHEME

RESPONSIBLE AUTHORITY : BASS COAST SHIRE COUNCIL

(b) properly formed to such levels that they can be used in accordance with the plans;

(c) surfaced to the satisfaction of the Responsible Authority; and

(d) drained and maintained to the satisfaction of the Responsible Authority, including discharge to the existing underground drainage system and secondary treatment of collected surface flows.

13. Prior to the certification of the plan of subdivision for the subject land in compliance with the above conditions, the plans and specifications required must be submitted to and approved by the Responsible Authority.

14. Prior to the issue of a Statement of Compliance for the subdivision hereby approved, the construction of works required by the above conditions shall be completed to the satisfaction of the Responsible Authority.

15. The developer must provide sealed roads, water supply, electricity supply, drainage, sewerage, telephone services, landscaping and other services in the subdivision to the satisfaction of the Responsible Authority before the lots are used for permitted purposes.

16. Except where Council provides its written approval for a limited waiver of this condition, the permit will expire if the following circumstances apply:

(a) The subdivision is not started within 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.

Telstra

17. The applicant must enter into an agreement with Telstra or other licensed telecommunications carrier for the satisfactory provision of telephone cable reticulation (1) metre into each allotment created.

18. The plan of subdivision submitted for certification must be referred to Telstra or other licensed telecommunications carrier, whichever is appropriate, in accordance with Section 8 of the Subdivision Act 1988.

Date Issued: 19 October 2001 Signature for the Responsible Authority

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PERMIT No. : **991453 (Rockhouse Pty Ltd)**
Page 5 of 7

PLANNING SCHEME : **BASS COAST PLANNING SCHEME**

RESPONSIBLE AUTHORITY : **BASS COAST SHIRE COUNCIL**

19. Reserve/s for Telecommunications substation/s must be set aside on the plan of subdivision satisfactory to Telstra.

TXU Electricity Ltd

20. The Plan of Subdivision submitted for certification must be referred to TXU Electricity Ltd in accordance with Section 8 of the Subdivision Act 1988.

21. The applicant must -

- enter into an agreement with TXU Electricity Ltd for supply of electricity to each lot on the endorsed plan;
- enter into an agreement with TXU Electricity Ltd for the rearrangement of the existing electricity supply system;
- enter into an agreement with TXU Electricity Ltd for rearrangement of the points of supply to any existing installations affected by any private electric line which would cross a boundary created by the subdivision, or by such means as may be agreed by TXU Electricity Ltd;
- provide easements satisfactory to TXU Electricity Ltd for the purpose of "Power Line" in the favour of "Electricity Corporation" pursuant to Section 44 and Schedule 2 of the Electricity Industry Act 1993, where easements have not been otherwise provided, for all existing TXU Electricity Ltd electricity power lines and for any new power lines required to service the lots on the endorsed plan and/or abutting land;
- obtain for the use of TXU Electricity Ltd any other easement required to service the lots;
- adjust the position of any existing TXU Electricity Ltd easement to accord with the position of the electricity line(s) as determined by survey; and
- provide to TXU Electricity Ltd a copy of the Plan of Subdivision submitted for certification that shows any amendments that have been required.

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PLANNING SCHEME : BASS COAST PLANNING SCHEME

RESPONSIBLE AUTHORITY : BASS COAST SHIRE COUNCIL

Westernport Region Water Authority

22. Payment of a headworks and distribution contribution for water supply for the development, such amount being determined by the Authority at the time of payment.

23. Provision of a reticulated water supply and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Authority.

24. Payment of any outstanding contributions towards existing water schemes, such amount being determined by the Authority at the time of payment.

25. Payment of a headworks and trunk sewer contribution for sewerage services to the development, such amount being determined by the Authority at the time of payment.

26. Provision of reticulated sewerage and associated construction works to each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Westernport Region Water Authority.

27. Payment of any outstanding contributions towards existing sewerage schemes, such amount being determined by the Authority at the time of payment.

28. Provision of easements in favour of Westernport Region Water Authority over all existing and proposed sewer mains located within private property.

29. Preparation of a digitised plan of subdivision and ancillary requirements in accordance with the Authority's drafting standards and practices.

30. The operator under this permit must enter into an Agreement with Westernport Region Water Authority relating to the design and construction of any sewerage or water works required to service the proposed development.

The form of such Agreement shall be to the satisfaction of Westernport Region Water Authority. A copy of the format of the Agreement will be provided on request.

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Sch. 1

Planning and Environment Regulations 1998

S.R. No.

Form 4

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PLANNING SCHEME : **BASS COAST PLANNING SCHEME**

RESPONSIBLE AUTHORITY : **BASS COAST SHIRE COUNCIL**

31. A plan of subdivision lodged for certification is to be referred to Westernport Region Water Authority pursuant to Section 8(1) of the Subdivision Act 1988.

Country Fire Authority

32. There must be no obstructions within one metre of the edge of the formed width of roads at any time, and there must be four metres height clearance above all roads.

33. Roads and parking to comply with the Victorian Code for Residential Development sections E4, E6 and E8.

34. Three copies of water reticulation drawings be provided to the CFA for approval.

35. There must be a hydrant within 120 metres from the outer edge of the building envelope.

36. Fire hydrants must be clearly identified in accordance with the Fire Service Guideline - Identification of Street Hydrants for Firefighting Purposes.

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ning and Environment Regulations 1988 Form 4.4

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BEVERIDGE WILLIAMS & ...
ACN 006 197 235 ABN 44...
SURVEYORS .ENGINEERS .PLAN...
ENVIRONMENTAL CONSULTAN...
PO BOX 2205 CAULFIELD JUNCT...
PO BOX1465 BALLARAT MAIL CE...
PO BOX 161 LEONGATHA 3953 56...
PO BOX 129 WONTHAGGI 3995 56...
PO BOX 1916 TRARALGON 3844 5...

LAN OF PROPOSED SUBDIVISION
PARISH OF PHILLIP ISLAND
AT COWES
CROWN ALLOTMENT 1 (PART)

"B"

ENDORSED PLAN
Planning & Environment Act ...

SCALE 10 0 10 20 30 40 1:1000
LENGTHS ARE IN METRES
(SHEET SIZE A3)

NOTES :-

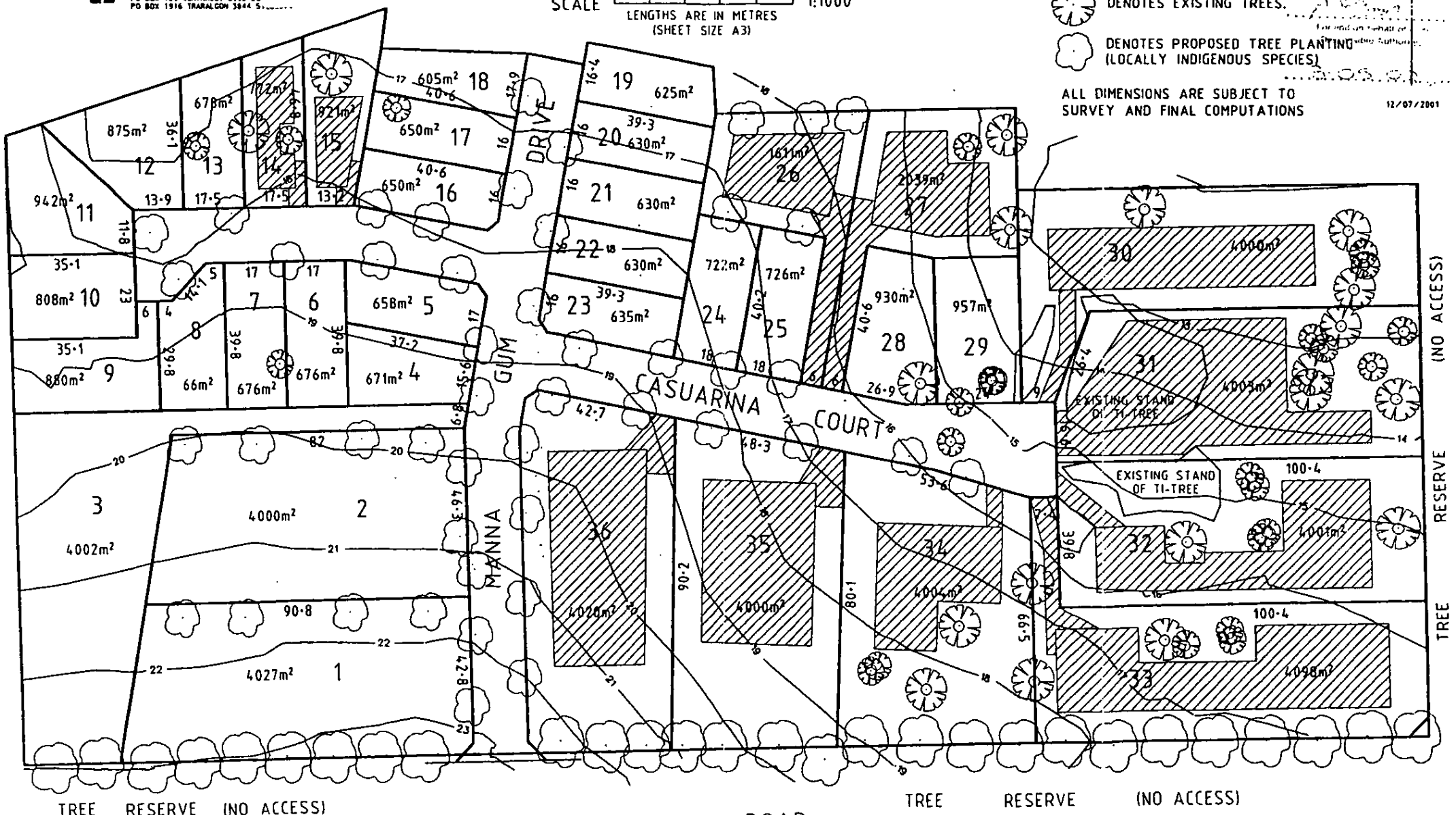
DENOTES BUILDING ENVELOPE

DENOTES EXISTING TREES.

DENOTES PROPOSED TREE PLANTING (LOCALLY INDIGENOUS SPECIES)

ALL DIMENSIONS ARE SUBJECT TO SURVEY AND FINAL COMPUTATIONS

12/07/2001



PLAN 'A'
REF. NO. 9322

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'C'

John Matthies & Co.

BARRISTERS & SOLICITORS

JOHN G. MATTHIES
GEOFFREY B. DONOVAN

Associates
DUNCAN C. PELHAM-WEBB
MARK S. RICHARDS

PO BOX 546, COLLINS ST WEST VIC 8007
416 COLLINS STREET, MELBOURNE 3000
TELEPHONE: (03) 9600 1200
AUSDOC: 313
FAX: (03) 9600 0771
ABN 75 966 198 866

"C"

UNDERTAKING

"(g) The Sole Director and solicitor of the Owner has undertaken to obtain from each of the holders of caveats identified as AB268980J, AB268995U, AB269012L, AB2269025B, AB269036V, AB269052X, AB269080S, AB269097Y, AB269103H, AB269118T, AB288005A, AB302250N, AB332144S, AB337264E, save and except those caveators where the contract of sale recited in the caveat has been terminated by the vendor, as well as the holder of any other validly based caveat lodged on title of the subject land at the date of lodgement of this Agreement, a written acknowledgement of the existence of this Agreement, prior to the settlement of such lot (**Undertaking**). A copy of the Undertaking is attached to this Agreement and marked "C"."

.....

John Glyn Matthies - Sole Director
Rockhouse Pty. Ltd.

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