

**Annexure E – Disclosure Statement**

**VENDOR'S STATEMENT  
under  
Section 32  
of the Sale of Land Act 1962**

**Stage 26**

**Bloomdale  
Diggers Rest**

**PS803025H**

# 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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## VENDOR'S STATEMENT UNDER SECTION 32 OF THE SALE OF LAND ACT 1962

### 1 DEFINITIONS

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Words defined or having a meaning described in the Contract have the same meaning in this statement unless the contrary intention appears.

The following words have these meanings in this statement unless the contrary intention appears:

**Act** means the Sale of Land Act 1962 and includes any regulations and other instruments under it and consolidations, amendments, re-enactments or replacements of it occurring at any time before or after the date of this statement.

**Contract** means a contract of sale for the Property between the Vendor and the Purchaser.

**Plan** means plan of subdivision **PS803025H (unregistered)**.

**Planning Instrument** includes a planning scheme.

**Property** means the Lot on the Plan described in the Contract, Bloomdale Estate, Diggers Rest VIC 3427.

**Settlement** means the event upon which the Purchaser becomes entitled to possession or to receipt of the rents and profits of the Property.

**Vendor** means Avid Property Group Nominees Pty Ltd (ACN 088 212 631)

### 2 FINANCIAL MATTERS

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**32A**

- (a) The Property is not subject to a mortgage (as defined in the Act) which will not be discharged or otherwise removed at Settlement.
- (b) Other than amounts secured by statutory charges referred to in paragraph (c), the Vendor has no knowledge of any registered or unregistered charge over the Property imposed by or under an act to secure an amount due under that act.
- (c) In respect of outgoings:
  - (i) Information concerning any rates, taxes, charges or other similar outgoings affecting the Property is attached.
  - (ii) The total unimproved value of all property owned by the Purchaser will dictate the amount of land tax which may be applicable to the Property.
  - (iii) The Vendor is unaware of any other amounts for which the Purchaser may become liable in consequence of the purchase of the Property.
- (d) The Contract is not a terms contract as defined under the Act.

**3 INSURANCE****32B**

As the Property is vacant land:

- (a) The Vendor does not maintain insurance in respect of damage to or destruction of the Property; and
- (b) There is no insurance under the *Building Act 1993*.

**4 LAND USE****32C**

- (a) Details of any easements, covenants or similar restrictions (other than those (if any) implied or otherwise arising under any law) are described in sections 10 or 11 or documents described in sections 10 or 11 are attached.
- (b) Access to the Property by road is shown on the Plan.
- (c) Details of the planning scheme which affects the Property are attached. The Responsible Authority is Melton City Council. Any planning permits issued in respect of the Property are also attached.
- (d) Pursuant to the Planning Environment Act 1987 and set out in the Diggers Rest Development Contributions Plan (copy of which may be obtained from Melton Council) community infrastructure contributions are to be paid by the home buyer at the time of building approval.
- (e) The Property ~~is~~ ~~not~~ within a designated bushfire area within the meaning of the regulations made under the *Building Act 1993* as described in the documents in section 11 of the Act.

**5 NOTICES****32D**

Other than notices in respect of which adjustments will be made at Settlement as provided under the Contract) or as contained in this statement (including any document attached to this statement or referred to in a document attached to this statement), to the Vendor's knowledge there are no:

- (a) notices, orders, declarations, reports or recommendations of a public authority or government department or approved proposal directly and currently affecting the Property; or
- (b) notices, property management plans, reports or orders in respect of the Property issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the Property for agricultural purposes; or
- (c) notices of intention to acquire served under section 6 of the *Land Acquisition and Compensation Act 1986*.

**6 BUILDING PERMITS****32E**

As the Property is vacant land, there are no building permits issued under the *Building Act 1993* in relation to a building on the Property.

**7 OWNERS CORPORATION****32F**

An Owners Corporation ~~does~~ ~~not~~ affect the Property.

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**8 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION (“GAIC”) 32G**


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- (a) The parent title to the Plan is affected by the [Works in Kind Agreement s173]. The agreement will be removed from the title to the Property prior to the settlement date.
- (b) The parent title to the Plan is affected by the GAIC recording notice No **AH462111E**. The notice will be removed from the title to the Property prior to the settlement date.
- (c) The Vendor is required to provide the following notice to purchasers:

“You may be liable to pay a growth areas infrastructure contribution when you purchase this Property. The instrument of transfer cannot be lodged for registration with the Registrar of Titles until the contribution is paid in full or an exemption from, or reduction of, the whole or part of the liability to pay the contribution is granted and any remainder of the contribution is paid or there has been a deferral of the whole or part of the liability to pay the contribution or an approval has been given for staged payment of the contribution. The transfer may also be exempted from a growth areas infrastructure contribution in certain situations. It is in your interest to obtain advice as to any potential liability before you commit yourself to buy.”

A GAIC certificate is attached. The Vendor will pay any GAIC which is payable in respect of the Property prior to the settlement date.

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**9 SERVICES 32H**


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As the Property is vacant land, the services of electricity supply, gas supply, water supply, sewerage and telephone services are not connected to the Property. However, as part of the construction works for the Plan:

- (a) connecting points for the services of electricity, water, sewerage and drainage are provided to the Property; and
- (b) conduits for the provision of the services of gas and telecommunications are provided within road reservations,

in accordance with any requirements of the relevant authorities.

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**10 TITLE 32I**


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Attached are copies of the following documents:

- (a) Search Statement of Folio of the Register Volume 11855 Folio 593 (parent title);
- (b) Registered Plan of Subdivision PS749014M (parent plan);
- (c) Unregistered Plan of Subdivision PS803025H – Stage 26;
- (d) Memorandum of Common Provisions AA3349 – Stage 26;
- (e) Unregistered Draft Plans of Subdivision for previous and subsequent stages PS749041J (Stage 23), PS749043E (Stage 24), PS749048T (Stage 25), PS803026F (Stage 27) and PS803028B (Stage 28);
- (f) Memoranda of Common Provision for previous and subsequent stages being Stage 23, Stage 24, Stage 25, Stage 27 and Stage 28;
- (g) Notice AH462111E (any liability is the Vendor’s liability);

- (h) Agreement AN984413X Section 173 Agreement.

## **11 OTHER DOCUMENTS AND INFORMATION**

Copies of the following documents are attached:

- (a) Engineering Plan;
- (b) Design Guidelines;
- (c) ~~Small Lot Housing Code Plan~~ – NOT APPLICABLE
- (d) Planning permit(s);
- (e) Concept Plan;
- (f) Subdivision Masterplan;
- (g) Planning Certificate  
(applicable to the parent title);
- (h) Melton City Council Land Information Certificate  
(applicable to the parent title);
- (i) Western Water Information Statement  
(applicable to the parent title);
- (j) City West Water Information Statement & Certificate  
(applicable to the parent title);
- (k) Vic Roads Certificate  
(applicable to the parent title);
- (l) Land Tax Assessment Notice  
(applicable to the parent title);
- (m) Growth Areas Infrastructure Contribution Certificate  
(applicable to the parent title);
- (n) Victorian Department of Environment, Land, Water and Planning  
Bushfire Prone Area Report;
- (o) Section 1.7 from the Diggers Rest Development Contributions Plan  
Sheet (Distinction between Community and Development  
Infrastructure – fee paid per dwelling);
- (p) Sections 1-11 from Preliminary Site Contamination Assessment (9  
August 2016).

**DATE OF THIS STATEMENT**

**20**

**Signed for and on behalf of Avid Property Group Nominees Pty Ltd**

.....  
**Nicole Bannerman**  
**(Company Secretary)**

.....  
**Cameron Holt**  
**(Director)**



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

**DATE OF THIS ACKNOWLEDGEMENT**

**20**

.....  
**Signature(s)** of the Purchaser

# VIC Lands

## TITLE SEARCH ON 11855 / 593

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

VOLUME 11855 FOLIO 593

Security no : 124067370320U

Produced 02/08/2017 11:11 am

LAND DESCRIPTION

Lot W9 on Plan of Subdivision 749014M.  
PARENT TITLE Volume 11833 Folio 402  
Created by instrument PS749014M 20/02/2017

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

AVID PROPERTY GROUP NOMINEES PTY LTD of LEVEL 35 259 GEORGE STREET SYDNEY  
NSW 2000  
PS749014M 20/02/2017

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN150060H 04/10/2016  
ANZ FIDUCIARY SERVICES PTY 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.

NOTICE Section 201UB Planning and Environment Act 1987  
AH462111E 30/08/2010

AGREEMENT Section 173 Planning and Environment Act 1987  
AN984413X 28/06/2017

DIAGRAM LOCATION

SEE PS749014M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

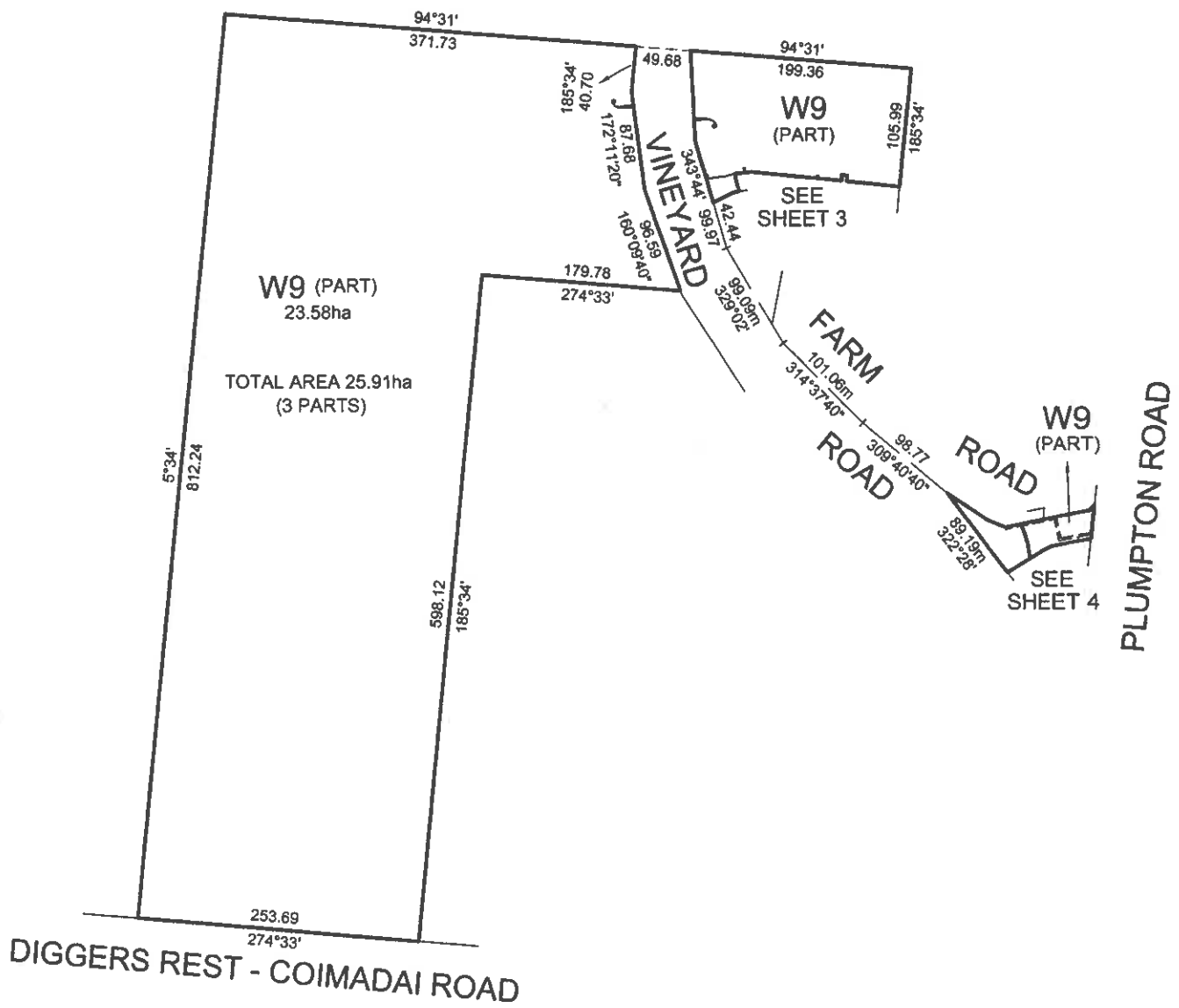
NUMBER		STATUS	DATE
AN984413X	AGREEMENT	Registered	28/06/2017
AN984699A	REMOVAL OF AGREEMENT	Registered	28/06/2017

DOCUMENT END

<b>PLAN OF SUBDIVISION</b>		<b>EDITION 1</b>	<b>PS749014M</b>	
<b>LOCATION OF LAND</b>  PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: <b>13</b> CROWN ALLOTMENT: <b>B (PART)</b> CROWN PORTION: ..... TITLE REFERENCE: <b>Vol.11833 Fol. 402</b>  LAST PLAN REFERENCE: <b>W8 on PS733910V</b>  POSTAL ADDRESS: <b>62 - 144 Diggers Rest - Coimadai Road</b> (at time of subdivision) <b>DIGGERS REST 3427</b>  MGA CO-ORDINATES: E: <b>297 500</b> ZONE: <b>55</b> (of approx centre of land in plan) N: <b>5833 600</b> GDA <b>94</b>		Council Name: <b>Melton City Council</b>  Council Reference Number: <b>SUB4619</b> Planning Permit Reference: <b>PA2013/4257</b> SPEAR Reference Number: <b>S084527C</b>  Certification  This plan is certified under section 6 of the Subdivision Act 1988  Public Open Space  A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification  Digitally signed by: <b>Geraldine Addicott</b> for Melton City Council on 28/09/2016		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON	OTHER PURPOSE OF PLAN To Remove that part of easement marked E-5 on PS733910V in so far as it lies within new Road R1 on this plan, upon registration of this plan.  GROUNDS FOR REMOVAL: By agreement between all interested parties.		
ROAD <b>R1</b>	<b>Melton City Council</b>			
<b>NOTATIONS</b>				
DEPTH LIMITATION: <b>Does Not Apply</b>				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No. <b>PA2013/4257</b>				
<b>BLOOMDALE ESTATE</b> Area of Release: <b>462m<sup>2</sup></b> No. of Lots: <b>1 Superlot</b>				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorss.com.au		SURVEYORS FILE REF: Ref. <b>01112-B5</b> Ver. <b>2</b>		ORIGINAL SHEET SIZE: <b>A3</b> SHEET <b>1 OF 4</b>
		Digitally signed by: <b>Richard David Illingworth</b> (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (2), 07/07/2016		PLAN REGISTERED TIME: <b>6:52</b> DATE: <b>20/02/2017</b> <b>C. GROSSO</b> Assistant Registrar of Titles

PS749014M

MG94 ZONE 55



**TAYLORS**

Urban Development | Built Environments | Infrastructure  
 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168  
 Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE  
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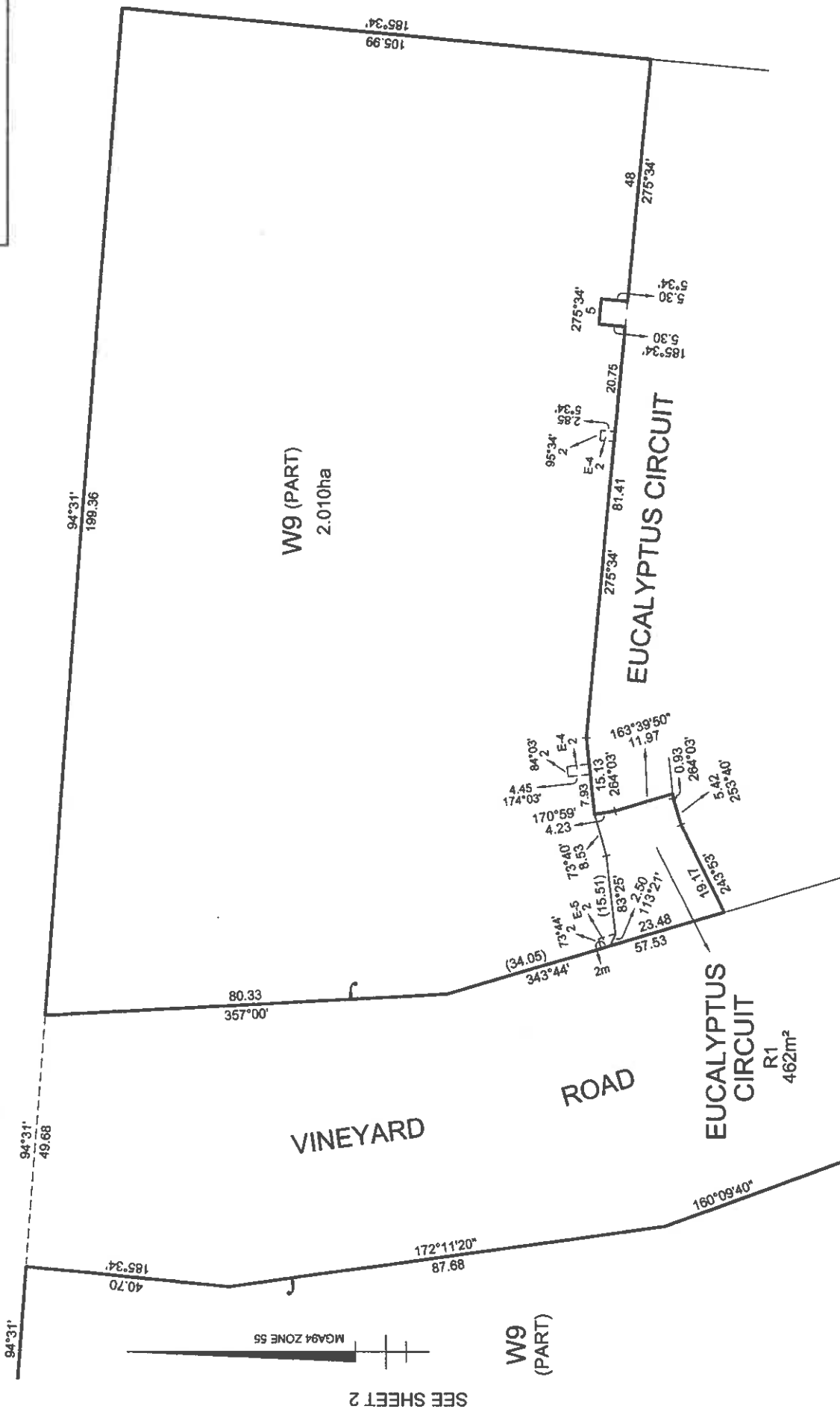
Ref. 01112-B5  
 Ver. 2

SHEET 2

Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd),  
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 07/07/2016

Digitally signed by:  
 Melton City Council,  
 28/09/2016,  
 SPEAR Ref: S084527C

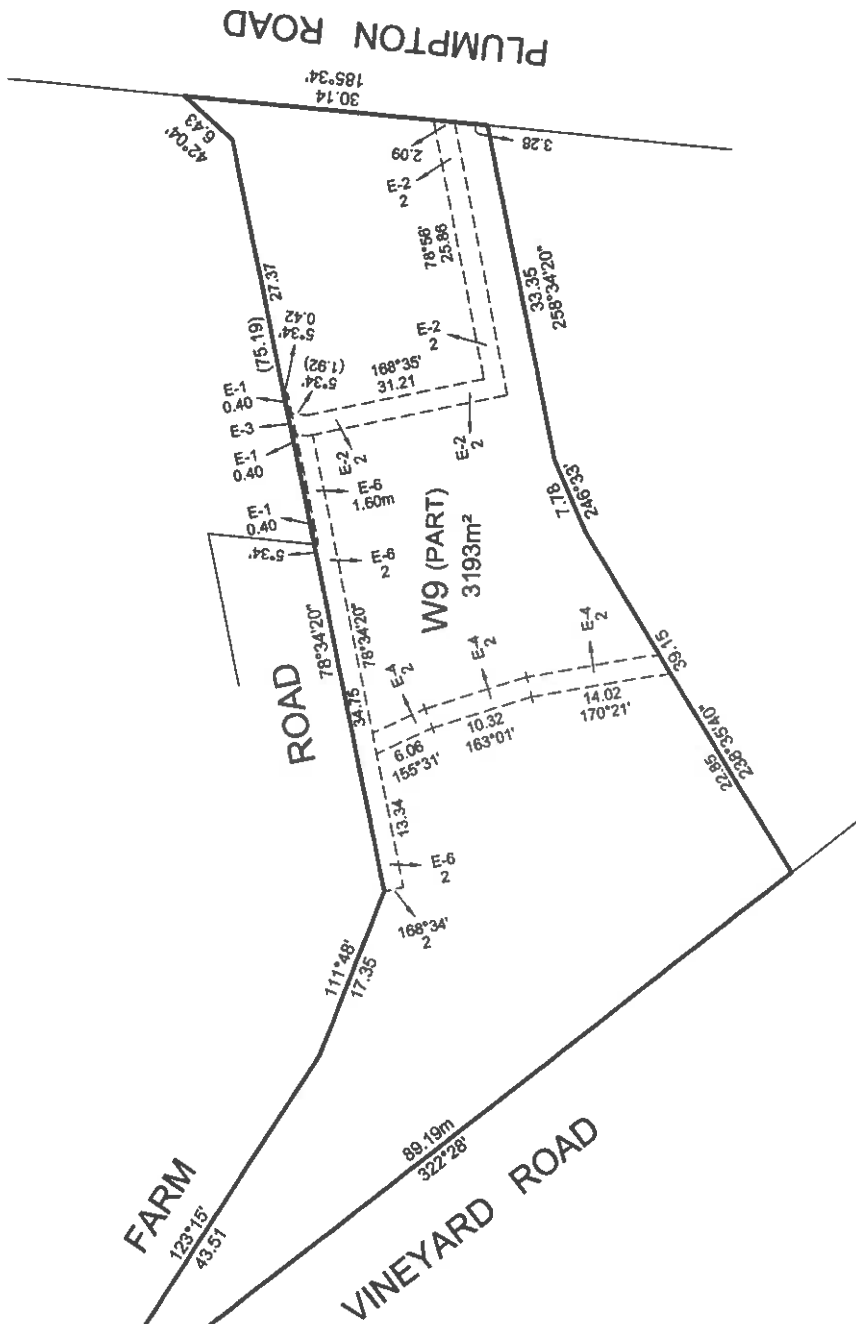
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ORIGINAL SHEET SIZE: A3	Ref. 01112-B5 Ver. 2	SHEET 3
Digitally signed by: Melton City Council, 28/09/2016. SPEAR Ref: S084527C		SCALE 1:750
Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (2), 07/07/2016		<p><b>TAYLORS</b></p> <p>Urban Development   Built Environments   Infrastructure                  8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168                  Tel: 61 3 9501 2800   Web: taylors.com.au</p>

PS749014M

SEE SHEET 2



MGA94 ZONE 55

ORIGINAL SHEET SIZE: A3	Ref: 01112-B5 Ver: 2	SHEET 4
Scale 1:500	5 10 15 20 LENGTHS ARE IN METRES	<p>Digitally signed by: Richard David Ilingworth (Taylors Development Strategists Pty Ltd). Surveyor's Plan Version (2). 07/07/2016</p> <p>Digitally signed by: Melton City Council, 28/09/2016. SPEAR Ref: S084527C</p>

**TAYLORS**  
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 8 / 270 Fernside Gully Road, Notting Hill, Victoria, 3168  
 Tel: 61 3 9501 2800 | Web: taylorsds.com.au

<b>PLAN OF SUBDIVISION</b>		EDITION 1	<b>PS803025H</b>		
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: <b>13</b> CROWN ALLOTMENT: <b>B (PART)</b> CROWN PORTION: ..... TITLE REFERENCE: Vol.      Fol.  LAST PLAN REFERENCE: Lot C on PS749048T  POSTAL ADDRESS:      120 Diggers Rest - Coimadai Road (at time of subdivision)      DIGGERS REST 3427  MGA 94 CO-ORDINATES: E      297 120      ZONE: 55 (of approx centre of land      N:      5833 360 in plan)		Council Name: Melton City Council  Council Reference Number: SUB4825 Planning Permit Reference: PA2016/5231/1 SPEAR Reference Number: S103563A  Certification  This plan is certified under section 6 of the Subdivision Act 1988  Public Open Space  A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made  Digitally signed by: Geraldine Addicott for Melton City Council on 17/07/2017			
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>			
IDENTIFIER	COUNCIL/BODY/PERSON	Lots 2601 to 2636 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restriction A on sheet 7 of this plan for details.			
ROAD R1	Melton City Council				
<b>NOTATIONS</b>					
DEPTH LIMITATION: Does Not Apply					
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No.					
BLOOMDALE - Release No. 26 Area of Release: 1.817ha No. of Lots: 36 Lots and Balance Lot D					
<b>EASEMENT INFORMATION</b>					
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of	
SEE SHEET 2 FOR EASEMENTS					
<b>TAYLORS</b>		SURVEYORS FILE REF: Ref. 01112-S26 Ver. 2		ORIGINAL SHEET SIZE: A3	SHEET 1 OF 7
Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorssds.com.au		Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (2), 21/06/2017, SPEAR Ref: S103563A			

PS803025H

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
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E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	See Diagram	PS749041J	Melton City Council
	Sewerage			Western Region Water Corporation
E-8	Drainage	2m	PS749041J	Melton City Council
E-9	Sewerage	2m	This Plan	Western Region Water Corporation
E-10	Drainage	See Diagram	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation



Urban Development | Built Environments | Infrastructure  
 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168  
 Tel: 61 3 9501 2800 | Web: [taylorsds.com.au](http://taylorsds.com.au)

Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd),  
 Surveyor's Plan Version (2),  
 21/06/2017, SPEAR Ref: S103563A

ORIGINAL SHEET  
 SIZE: A3

Ref. 01112-S26  
 Ver. 2

SHEET 2

Digitally signed by:  
 Melton City Council,  
 17/07/2017,  
 SPEAR Ref: S103563A



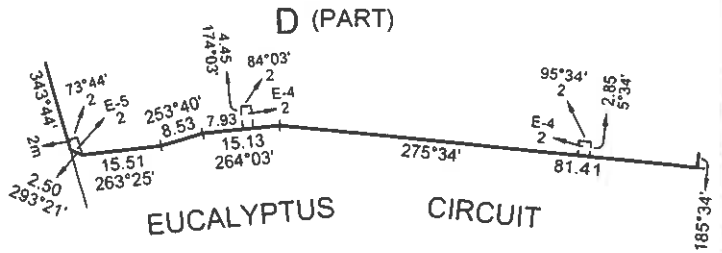
PS803025H

ENLARGEMENT 1

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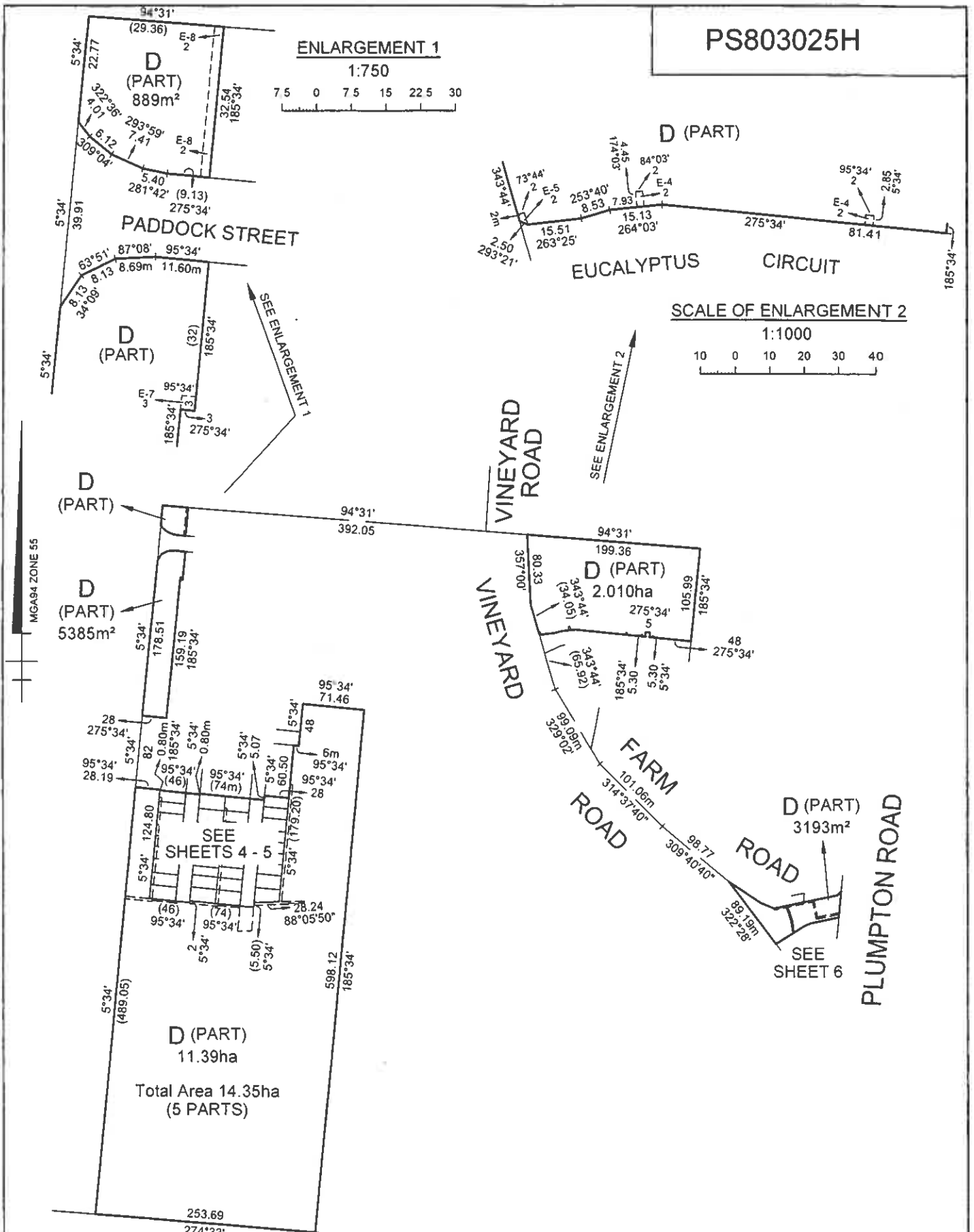
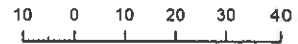


D (PART)



SCALE OF ENLARGEMENT 2

1:1000



DIGGERS REST - COIMADAI ROAD

TAYLORS

Urban Development | Built Environments | Infrastructure  
8 / 270 Ferntree Gully Road, Nolting Hill, Victoria, 3168  
Tel: 61 3 9501 2800 | Web: taylorssds.com.au

SCALE 1:4000



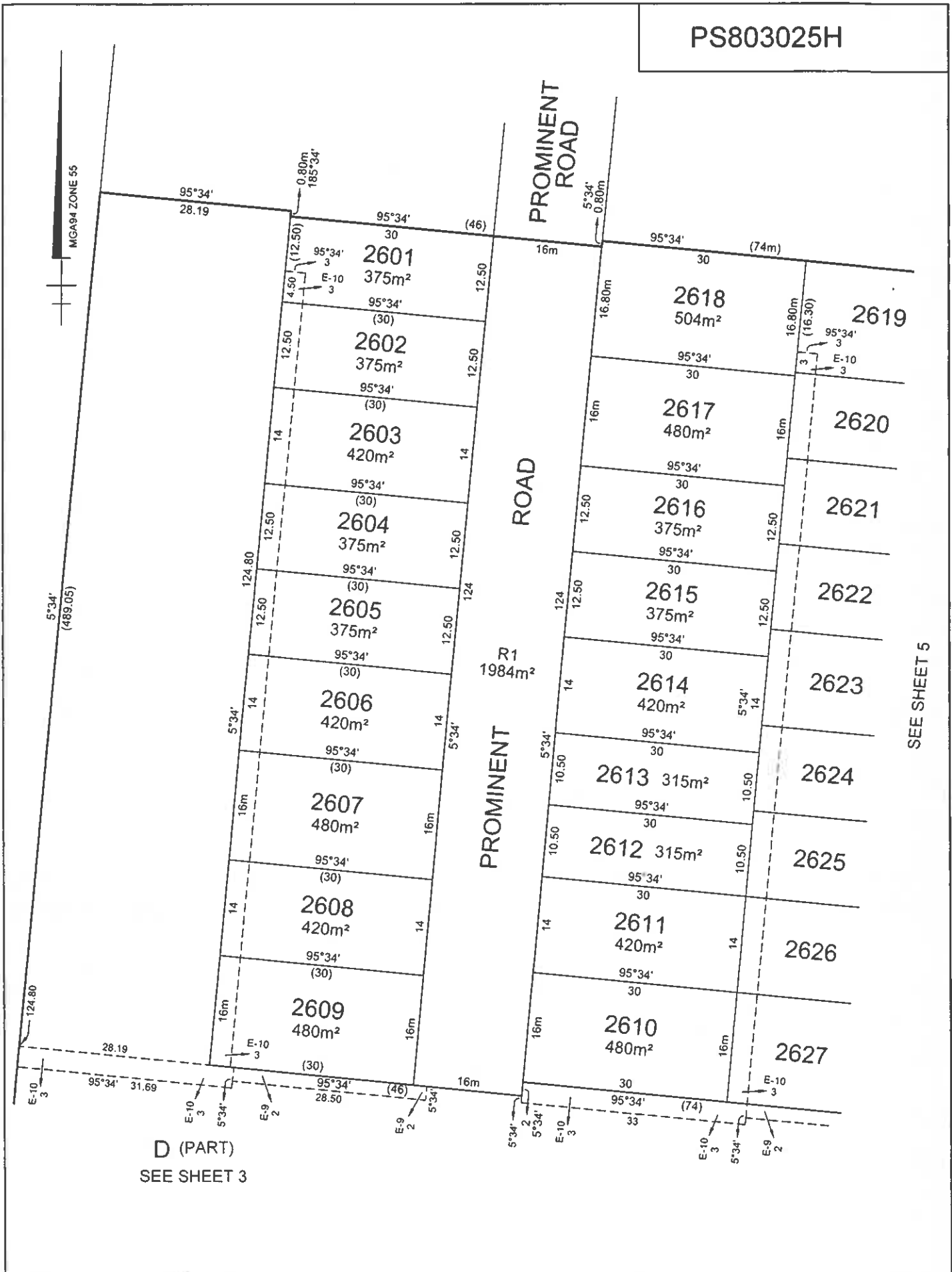
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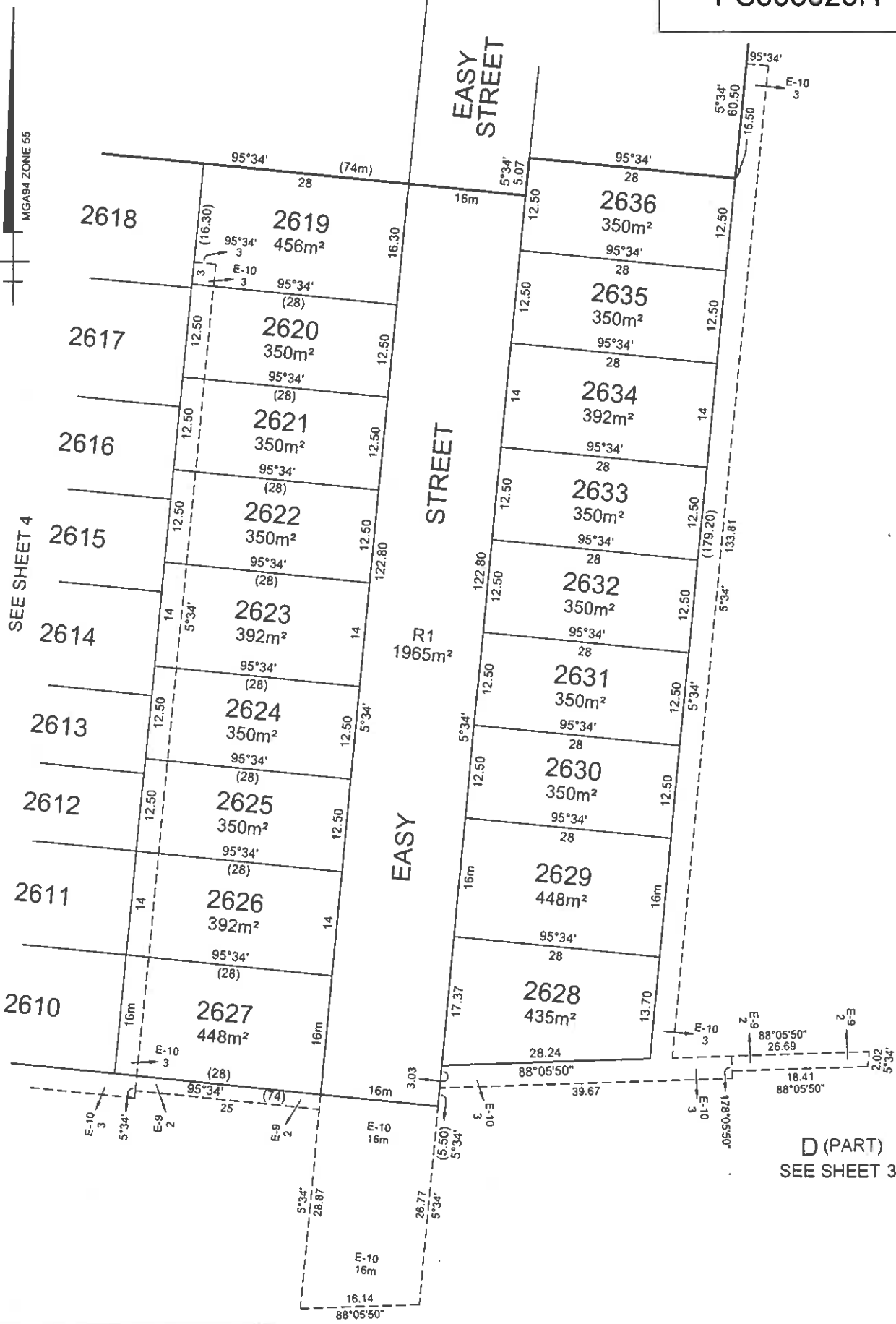
SHEET 3

Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (2), 21/06/2017, SPEAR Ref: S103563A

Digitally signed by: Melton City Council, 17/07/2017, SPEAR Ref: S103563A

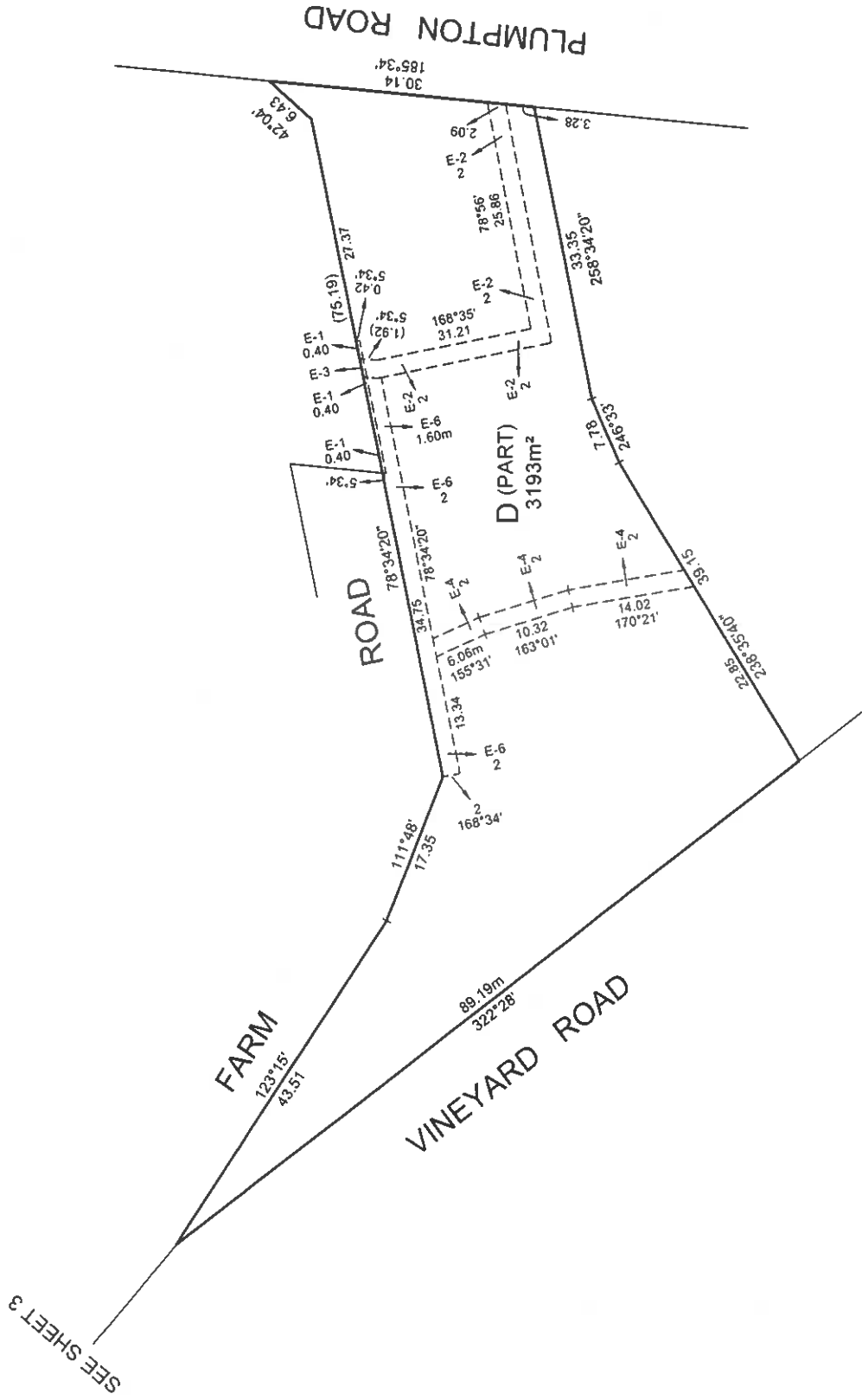


MG84 ZONE 55



D (PART)  
SEE SHEET 3

PS803025H



MGA94 ZONE 55

SEE SHEET 3

PLUMPTON ROAD

SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S26 Ver. 2	SHEET # 6
Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (2), 21/05/2017. SPEAR Ref: S103563A		Digitally signed by: Melton City Council, 17/07/2017. SPEAR Ref: S103563A		

**TAYLORS**  
 Urban Development | Built Environments | Infrastructure  
 8 / 270 Ferntree Gully Road, Nolling Hill, Victoria, 3168  
 Tel: 61 3 9501 2800 | Web: [taylors.com.au](http://taylors.com.au)

**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 1

LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

1. MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
2. MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND
3. MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2601	2602
2602	2601, 2603
2603	2602, 2604
2604	2603, 2605
2605	2604, 2606
2606	2605, 2607
2607	2606, 2608
2608	2607, 2609
2609	2608
2610	2611, 2627
2611	2610, 2612, 2626
2612	2611, 2613, 2625
2613	2612, 2614, 2624, 2625
2614	2613, 2615, 2623, 2624
2615	2614, 2616, 2622, 2623
2616	2615, 2617, 2621, 2622
2617	2616, 2618, 2620, 2621
2618	2617, 2619, 2620

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2619	2618, 2620
2620	2617, 2618, 2619, 2621
2621	2616, 2617, 2620, 2622
2622	2615, 2616, 2621, 2623
2623	2614, 2615, 2622, 2624
2624	2613, 2614, 2623, 2625
2625	2612, 2613, 2624, 2626
2626	2611, 2625, 2627
2627	2610, 2626
2628	2629
2629	2628, 2630
2630	2629, 2631
2631	2630, 2632
2632	2631, 2633
2633	2632, 2634
2634	2633, 2635
2635	2634, 2636
2636	2635

# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

**AA3349**

07/07/2017 \$94.60 MCP



Lodged by

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/S/26  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

#### 1 Bloomdale, Diggers Rest

These Design Guidelines apply to residential lots 2601 to 2636 within Stage 26 on Plan of Subdivision PS803025H approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

#### 2 Developer Approval

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

The BBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The BBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the BBDAC.

[approval number]

**MCP**

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

Page 1 of 9

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

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010  
26259497v1

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The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor.

**3 Medium and High Density Lots**

The requirement contained in the design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

**4 Planning Permit**

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m<sup>2</sup> where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title;
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

**5 Covenants**

In the event that requirements under the Design Guidelines (endorsed under the planning permit) contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

**6 Statutory Obligations**

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Code, Rescode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

**7 Dwellings**

Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

**8 Identical Façade Assessment**

In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing developments.

**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

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Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

**10 Corner Lot Characteristics**

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

**11 Porches and Entries**

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

**12 Dwelling Size**

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

**13 Building Heights**

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged

**14 Roofs**

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

**15 Garages**

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.



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Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

**16 Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation

**17 Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

**18 Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage

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may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

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For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

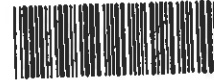
Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.

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Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

**27 Solar Heating Panels**

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

**28 Rainwater Tanks**

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.

**29 Recycled Water**

Recycled water will be in use at Bloomdale for toilet flushing and garden usage. All residents are required to connect their dwellings to this service to reduce the consumption of potable water. For more information, please refer to Western Water's website ([www.westernwater.com.au](http://www.westernwater.com.au)).

**30 Energy Ratings**

It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

**31 NBN Co.**

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

**32 Sheds**

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

**33 Pergolas, Patios & Decking**

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The BBDAC will assess structures/applications on their merits.

Please note that later date stand-alone submissions will incur an additional assessment fee.

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**34 Ancillary Items**

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

**35 Maintenance of the Lot**

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;

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**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.

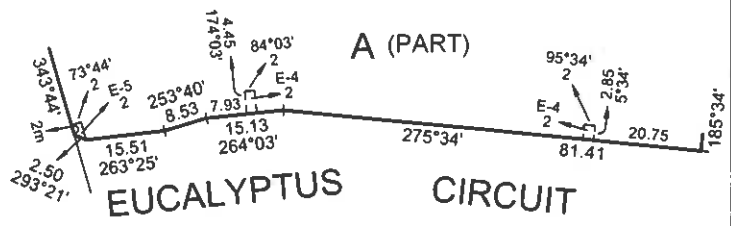
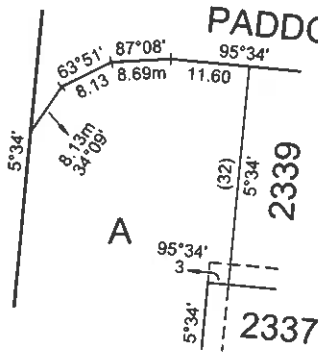
<b>PLAN OF SUBDIVISION</b>			EDITION 1	<b>PS749041J</b>
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: 13 CROWN ALLOTMENT: B (PART) CROWN PORTION: ..... TITLE REFERENCE: Vol.      Fol.  LAST PLAN REFERENCE: W9 on PS749014M  POSTAL ADDRESS: 120 Diggers Rest - Coimadai Road (at time of subdivision) DIGGERS REST 3427  MGA 94 CO-ORDINATES: E: 297 140      ZONE 55 (of approx centre of land in plan) N: 5833 660			COUNCIL NAME: MELTON CITY COUNCIL	
<b>VESTING OF ROADS AND/OR RESERVES</b>			<b>NOTATIONS</b>	
IDENTIFIER	COUNCIL/BODY/PERSON		Lots 2301 to 2341 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restriction A, B & C on sheets 6 & 7 of this plan for details.	
ROAD R1 Reserve No. 1	Melton City Council Jemena Electricity Networks Ltd			
<b>NOTATIONS</b>				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision Planning Permit No.				
BLOOMDALE - Release No. 23 Area of Release: 2.374ha No. of Lots: 41 Lots and Balance Lot A				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	2m	This Plan	Melton City Council
E-8	Sewerage	2m	This Plan	Western Region Water Corporation
E-9	Drainage	See Diagram	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation
TAYLORS Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorssds.com.au		SURVEYORS FILE REF: Ref. 01112-S23 Ver. 7		ORIGINAL SHEET SIZE A3 SHEET 1 OF 7
		Licensed Surveyor: RICHARD ILLINGWORTH / Version No 7		

PS749041J

PADDOCK STREET

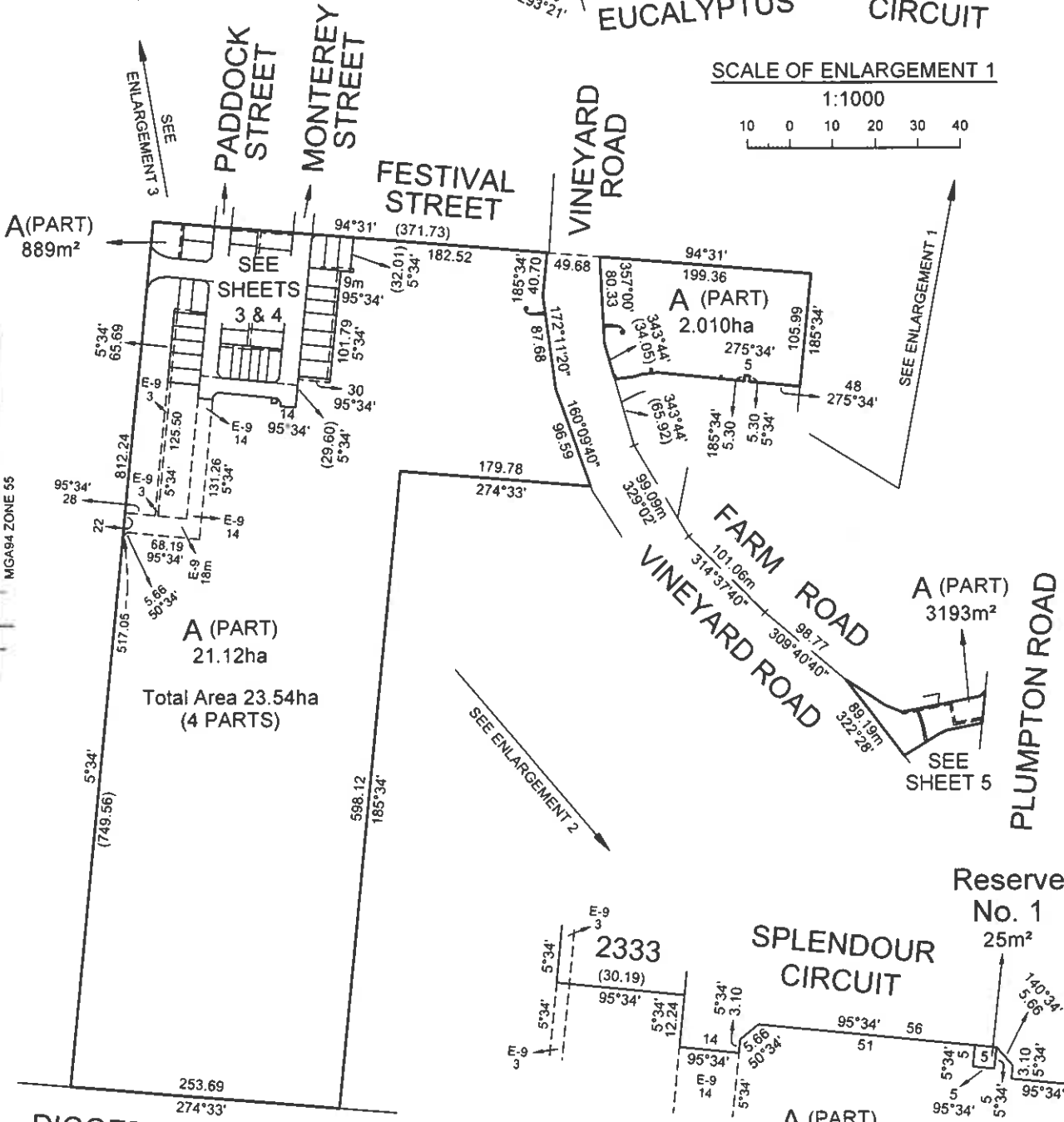
SCALE OF ENLARGEMENT 3

1:750



SCALE OF ENLARGEMENT 1

1:1000



SCALE OF ENLARGEMENT 2

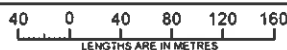
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SCALE 1:4000



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ORIGINAL SHEET SIZE: A3

Ref. 01112-S23 Ver. 7

SHEET 2



PS749041J

FESTIVAL STREET  
R1 8m<sup>2</sup>  
(371.73)

FESTIVAL STREET

MONTEREY STREET

STREET

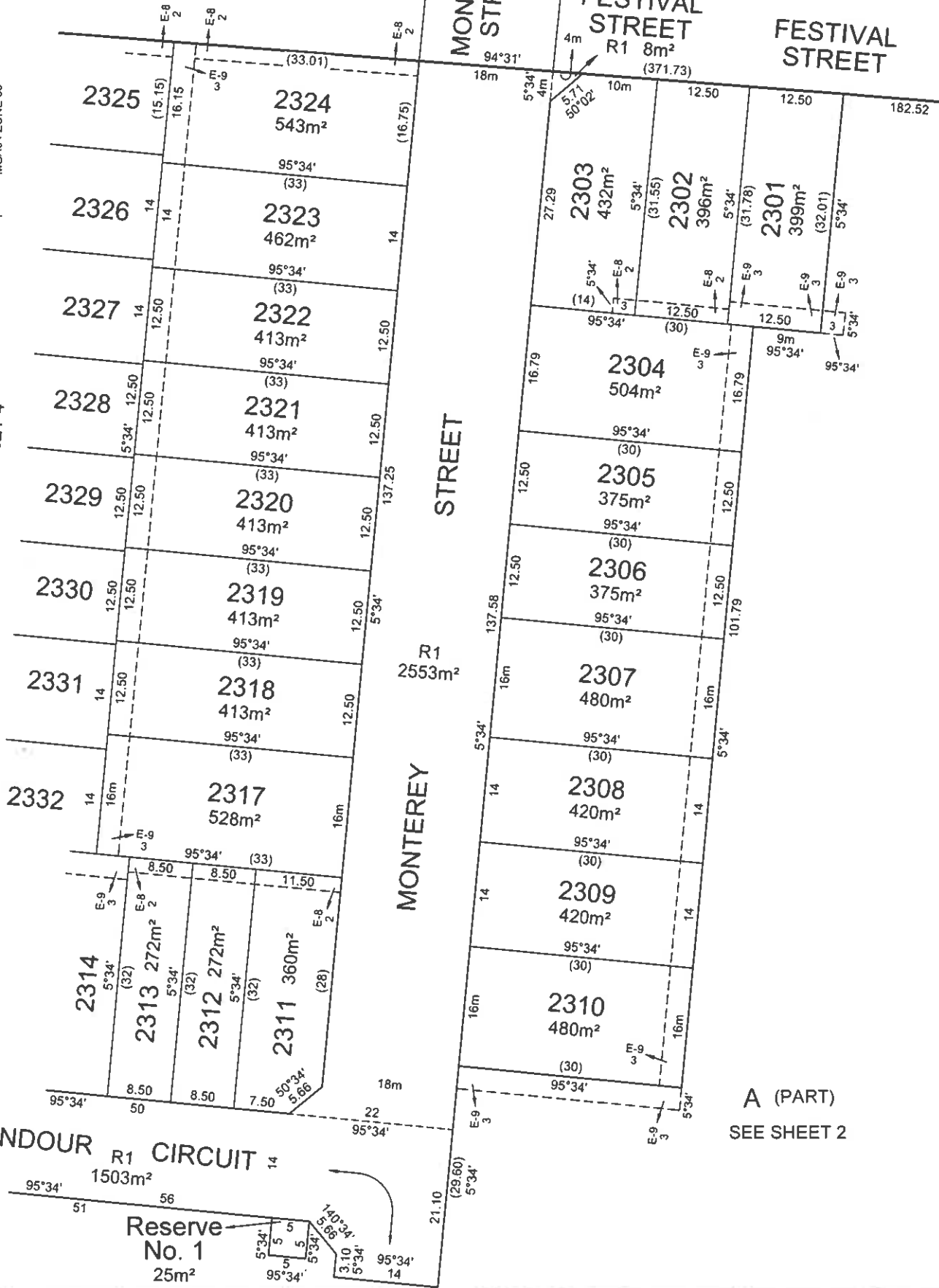
MONTEREY STREET

R1  
2553m<sup>2</sup>

A (PART)  
SEE SHEET 2

MG94 ZONE 55

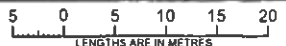
SEE SHEET 4



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SCALE 1:500



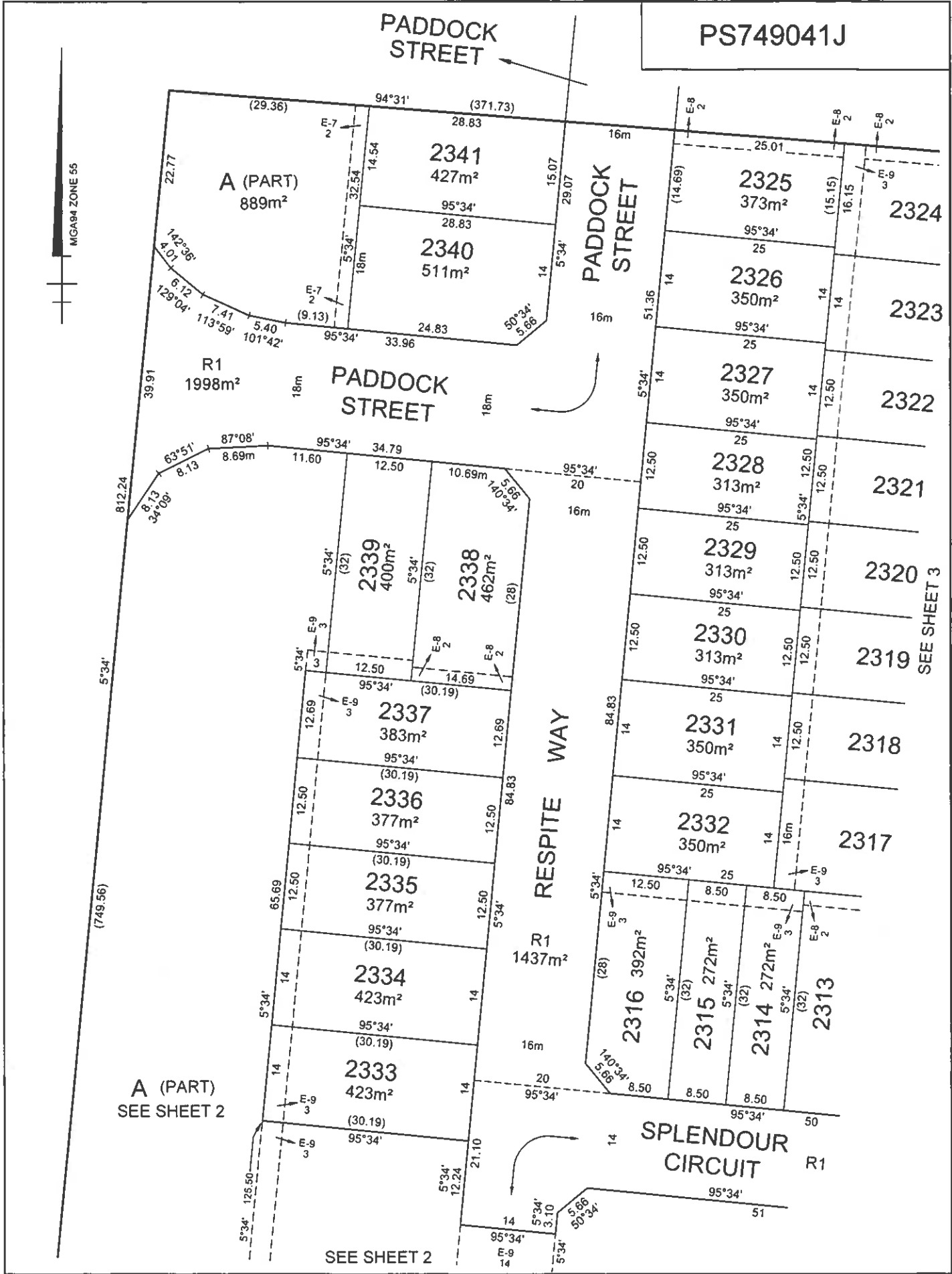
Licensed Surveyor:

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ORIGINAL SHEET  
SIZE A3

Ref. 01112-S23  
Ver. 7

SHEET 3



PS749041J

MGA94 ZONE 55

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SCALE 1:500



LENGTHS ARE IN METRES

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ORIGINAL SHEET  
 SIZE: A3

Ref. 01112-S23  
 Ver. 7

SHEET 4

PS749041J

SEE SHEET 2

MGA94 ZONE 55

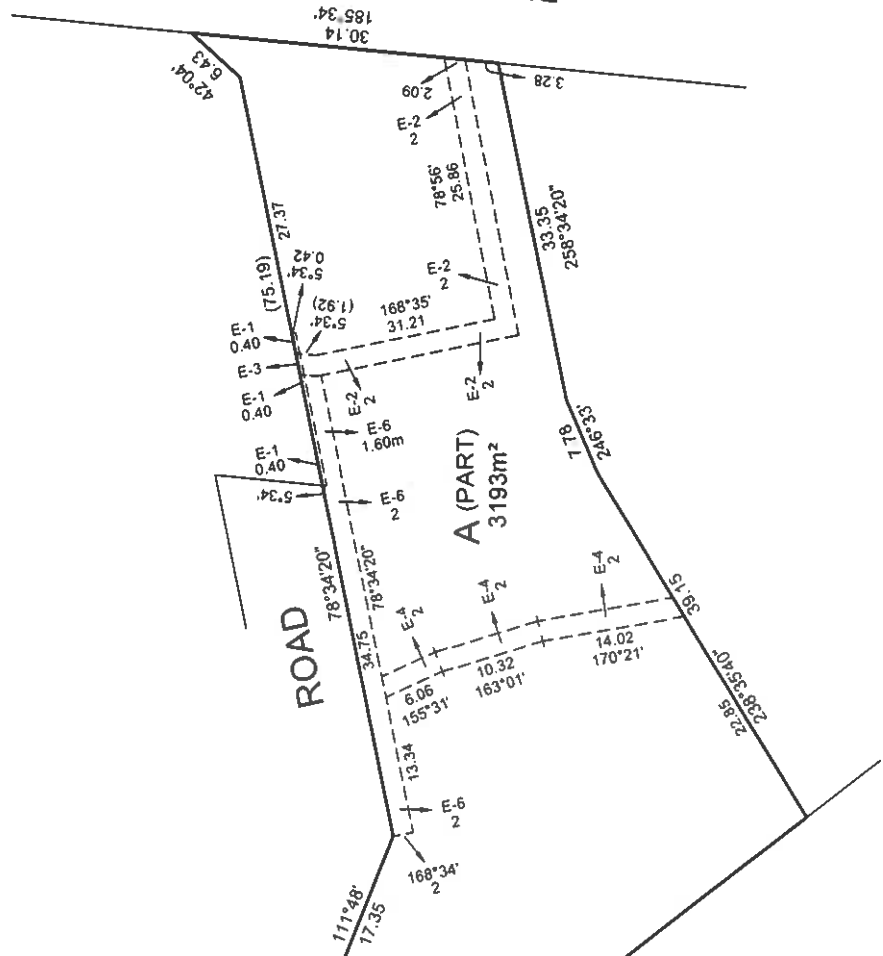
FARM  
123°15'  
43.51

PLUMPTON ROAD

ROAD

VINEYARD ROAD

A (PART)  
3193m<sup>2</sup>



SHEET 5

Ref. 01112-S23  
Ver. 7

ORIGINAL SHEET  
SIZE A3

SCALE  
1:500

5 0 5 10 15 20  
LENGTHS ARE IN METRES

Licensed Surveyor:

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Tel: 61 3 9507 2800 | Web: [taylorsds.com.au](http://taylorsds.com.au)

**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 1

LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

1. MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY, THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
2. MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND
3. MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2301	2302, 2304
2302	2301, 2303, 2304
2303	2302, 2304
2304	2301, 2302, 2303, 2305
2305	2304, 2306
2306	2305, 2307
2307	2306, 2308
2308	2307, 2309
2309	2308, 2310
2310	2309
2311	2312, 2317
2312	2311, 2313, 2317
2313	2312, 2314, 2317
2314	2313, 2315, 2317, 2332
2315	2314, 2316, 2332

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2316	2315, 2332
2317	2311, 2312, 2313, 2314, 2318, 2331, 2332
2318	2317, 2319, 2330, 2331
2319	2318, 2320, 2329, 2330
2320	2319, 2321, 2328, 2329
2321	2320, 2322, 2327, 2328
2322	2321, 2323, 2327
2323	2322, 2324, 2326, 2327
2324	2323, 2325, 2326
2325	2324, 2326
2326	2323, 2324, 2325, 2327
2327	2321, 2322, 2323, 2326, 2328
2328	2320, 2321, 2327, 2329
2329	2319, 2320, 2328, 2330
2330	2318, 2319, 2329, 2331

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2331	2317, 2318, 2330, 2332
2332	2314, 2315, 2316, 2317, 2331
2333	2334
2334	2333, 2335
2335	2334, 2336
2336	2335, 2337
2337	2336, 2338, 2339
2338	2337, 2339
2339	2337, 2338
2340	2341
2341	2340

## CREATION OF RESTRICTION B

PS749041J

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 2

LAND TO BENEFIT: See Table 2

### DESCRIPTION OF RESTRICTION

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE SMALL LOT HOUSING CODE INCORPORATED INTO THE MELTON PLANNING SCHEME UNLESS A PLANNING PERMIT IS GRANTED BY THE RESPONSIBLE AUTHORITY FOR A BUILDING THAT DOES NOT CONFORM WITH THE SMALL LOT HOUSING CODE.

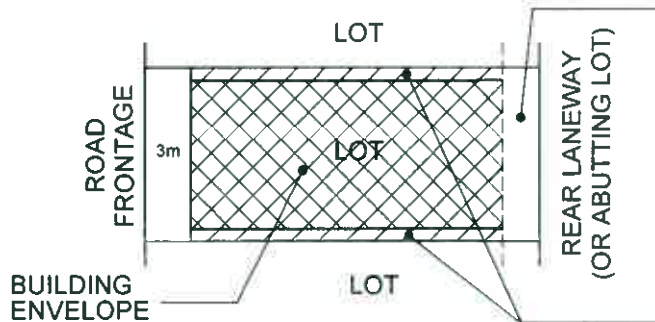
THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.

Table 2

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2312	2311, 2313, 2317
2313	2312, 2314, 2317
2314	2313, 2315, 2317, 2332
2315	2314, 2316, 2332

## SMALL LOT HOUSING CODE BUILDING ENVELOPES

### TYPE A - SMALL LOTS



IF AN EASEMENT EXISTS, THE EASEMENT IS NOT TO BE BUILT UPON, EXCEPT WITH APPROVAL FROM THE RELEVANT AUTHORITY. IF NO EASEMENT EXIST, REAR SETBACKS MUST BE IN ACCORDANCE WITH THE SMALL LOT HOUSING CODE.

A WALL OF A DWELLING (INCLUDING GARAGE) MAY BE CONSTRUCTED ON OR WITHIN 200mm OF A SIDE BOUNDARY, OTHERWISE A MINIMUM 1 METRE SIDE SETBACK WILL APPLY.

## CREATION OF RESTRICTION C

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: Lots 2312 - 2315 (both inclusive)

LAND TO BENEFIT: Relevant abutting lots

### DESCRIPTION OF RESTRICTION

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

- MUST NOT BUILD OR PERMIT TO BE BUILT A BUILDING THAT IS NOT FREE STANDING WITHIN THE TITLE BOUNDARIES OF THE LOT ON WHICH IT IS BUILT.
- MUST NOT BUILD OR PERMIT TO BE BUILT A BUILDING THAT RELIES ON THE WALLS OF ADJACENT BUILDINGS FOR SUPPORT.

THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.

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SCALE



Licensed Surveyor:

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ORIGINAL SHEET  
SIZE A3

Ref. 01112-S23  
Ver. 7

SHEET 7

<b>PLAN OF SUBDIVISION</b>		EDITION 1	<b>PS749043E</b>	
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: 13 CROWN ALLOTMENT: B (PART) CROWN PORTION: ..... TITLE REFERENCE: Vol.      Fol.  LAST PLAN REFERENCE: Lot A on PS749041J  POSTAL ADDRESS: 120 Diggers Rest - Coimadai Road (at time of subdivision)      DIGGERS REST 3427  MGA 94 CO-ORDINATES: E: 297 320      ZONE: 55 (of approx centre of land      N: 5833 660 in plan)		COUNCIL NAME: MELTON CITY COUNCIL		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON	Lots 2401 to 2444 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restriction A on sheet 8 of this plan for details.		
ROAD R1 Reserve No. 1	Melton City Council Jemena Electricity Networks Ltd			
<b>NOTATIONS</b>				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No.				
BLOOMDALE - Release No. 24 Area of Release: 2.670ha No. of Lots: 44 Lots and Balance Lot B				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
SEE SHEET 2 FOR EASEMENT INFORMATION				
Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorstds.com.au		SURVEYORS FILE REF: Ref. 01112-S24 Ver. 3		ORIGINAL SHEET SIZE: A3
		Licensed Surveyor: RICHARD ILLINGWORTH / Version No 3		SHEET 1 OF 8

PS749043E

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	See Diagram	PS749041J	Melton City Council
	Sewerage			Western Region Water Corporation
E-8	Sewerage	2m	This Plan	Western Region Water Corporation
E-9	Drainage	See Diagram	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation
E-10	Drainage	2m	This Plan	Melton City Council
E-11	Drainage	2m	PS749041J	Melton City Council



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ORIGINAL SHEET  
 SIZE A3

Ref. 01112-S24  
 Ver. 3

SHEET 2

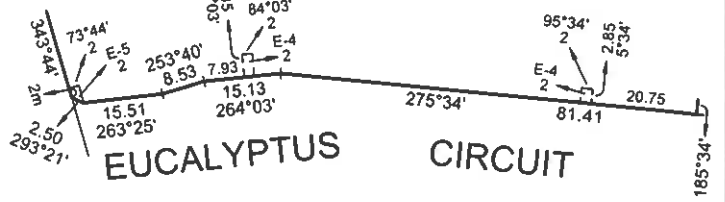
PS749043E

ENLARGEMENT 2

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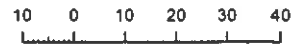


B (PART)



SCALE OF ENLARGEMENT 1

1:1000



FESTIVAL STREET

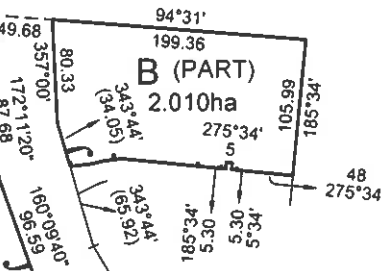
VINEYARD ROAD

SEE ENLARGEMENT 2

B (PART)

SEE SHEETS 4 & 5

B (PART)



MGA94 ZONE 55

B (PART) 18.45ha  
Total Area 20.87ha (4 PARTS)

SEE SHEET 6

FARM VINEYARD ROAD

B (PART) 3193m<sup>2</sup>

SEE SHEET 7

PLUMPTON ROAD

SCALE OF ENLARGEMENT 2

1:1000



SEE ENLARGEMENT 3

RESPIRE WAY

SPLENDOUR CIRCUIT

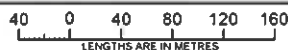
MONTEREY STREET

DIGGERS REST - COIMADAI ROAD

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SCALE 1:4000



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ORIGINAL SHEET SIZE A3

Ref. 01112-S24 Ver. 3

SHEET 3



PS749043E

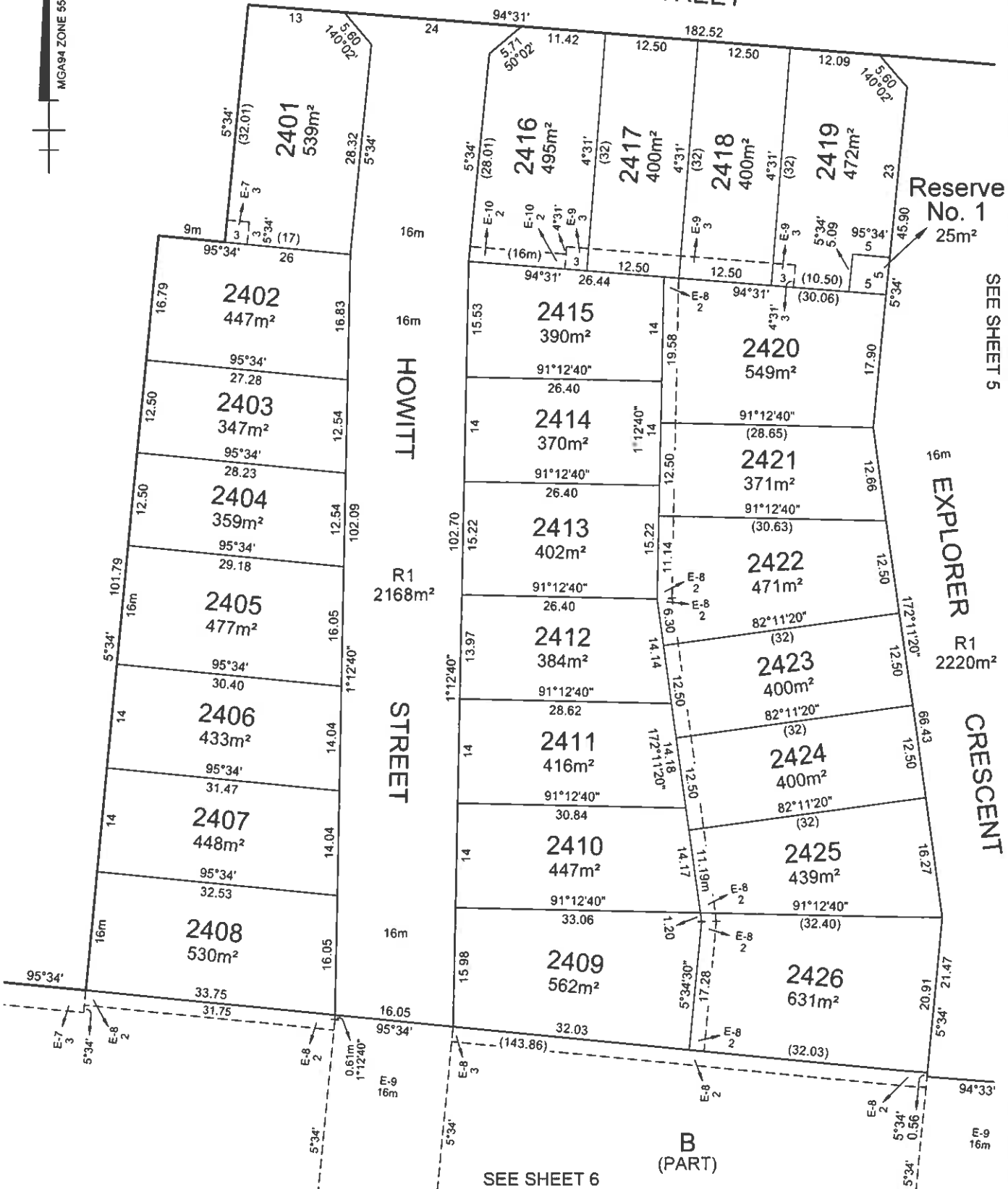
MGA94 ZONE 55

FESTIVAL STREET

Reserve No. 1  
25m<sup>2</sup>

SEE SHEET 5

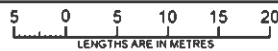
EXPLORER  
R1  
2220m<sup>2</sup>  
CRESCENT



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SCALE  
1:500



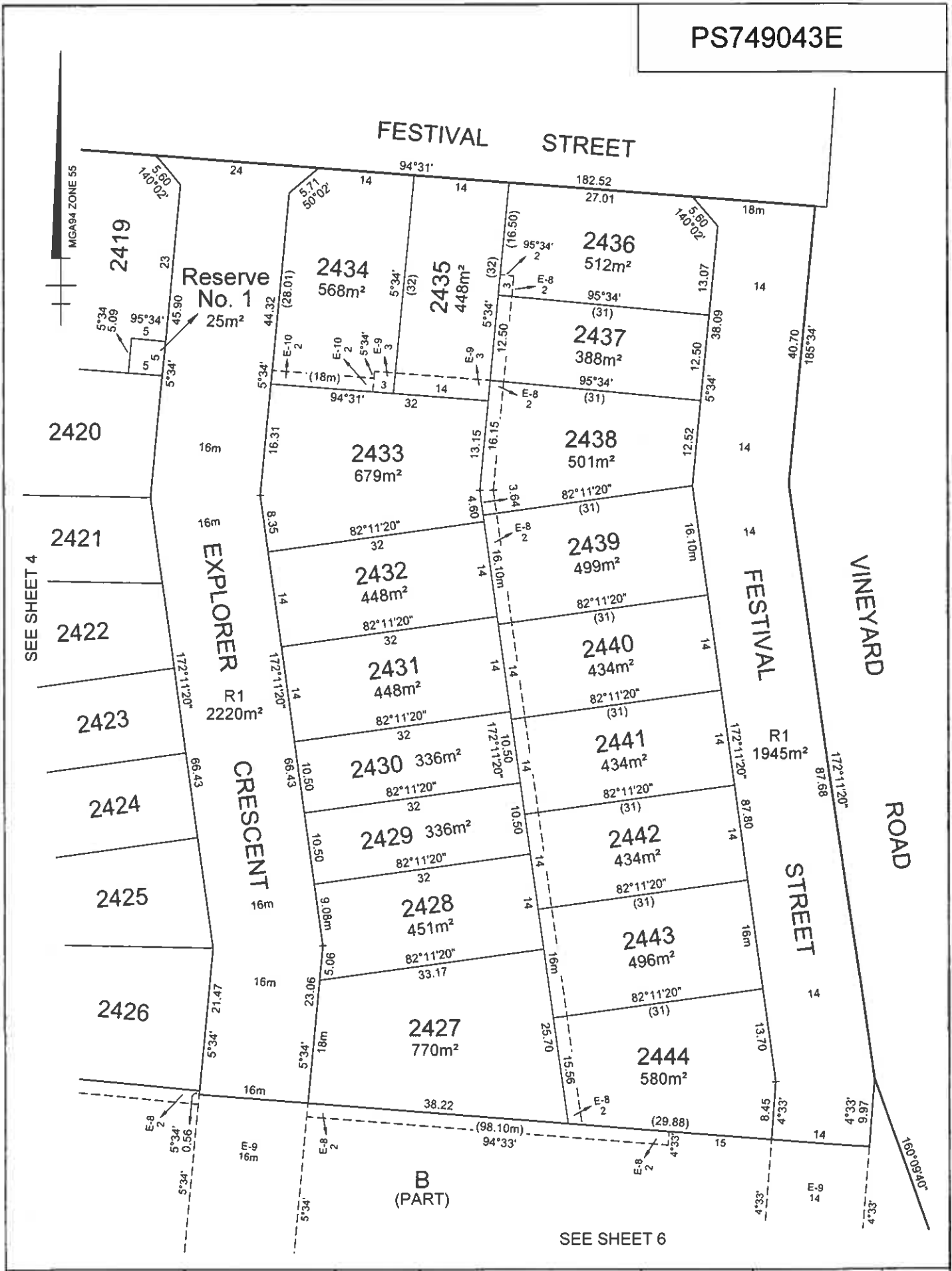
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ORIGINAL SHEET  
SIZE: A3

Ref. 01112-S24  
Ver. 3

SHEET 4



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SCALE 1:500



ORIGINAL SHEET SIZE: A3

Ref 01112-S24 Ver 3

SHEET 5

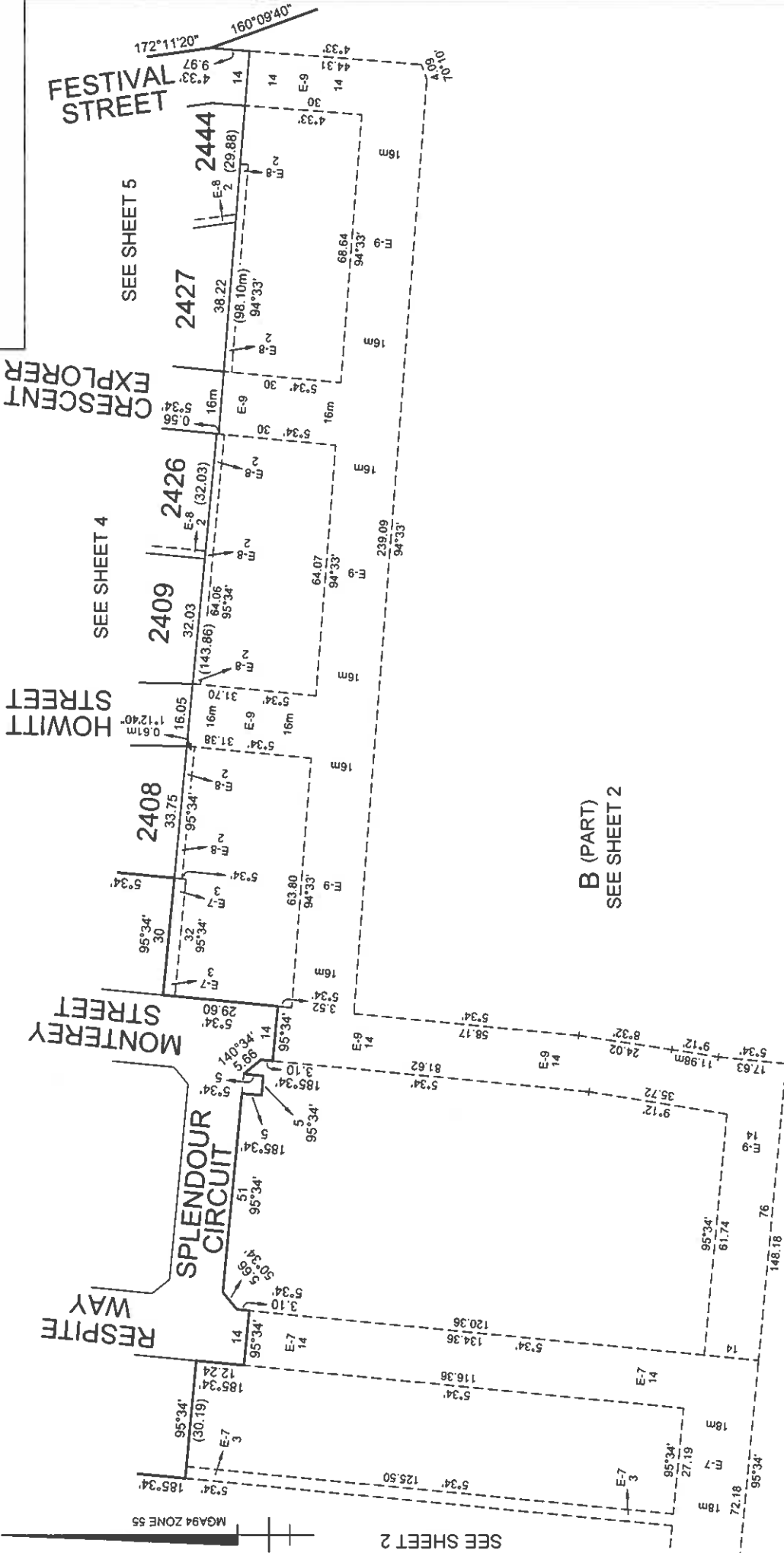
Licensed Surveyor:  
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SEE SHEET 6

B (PART)

SEE SHEET 4

PS749043E



SCALE 1:1000	10 0 10 20 30 40 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S24 Ver. 3	SHEET 6
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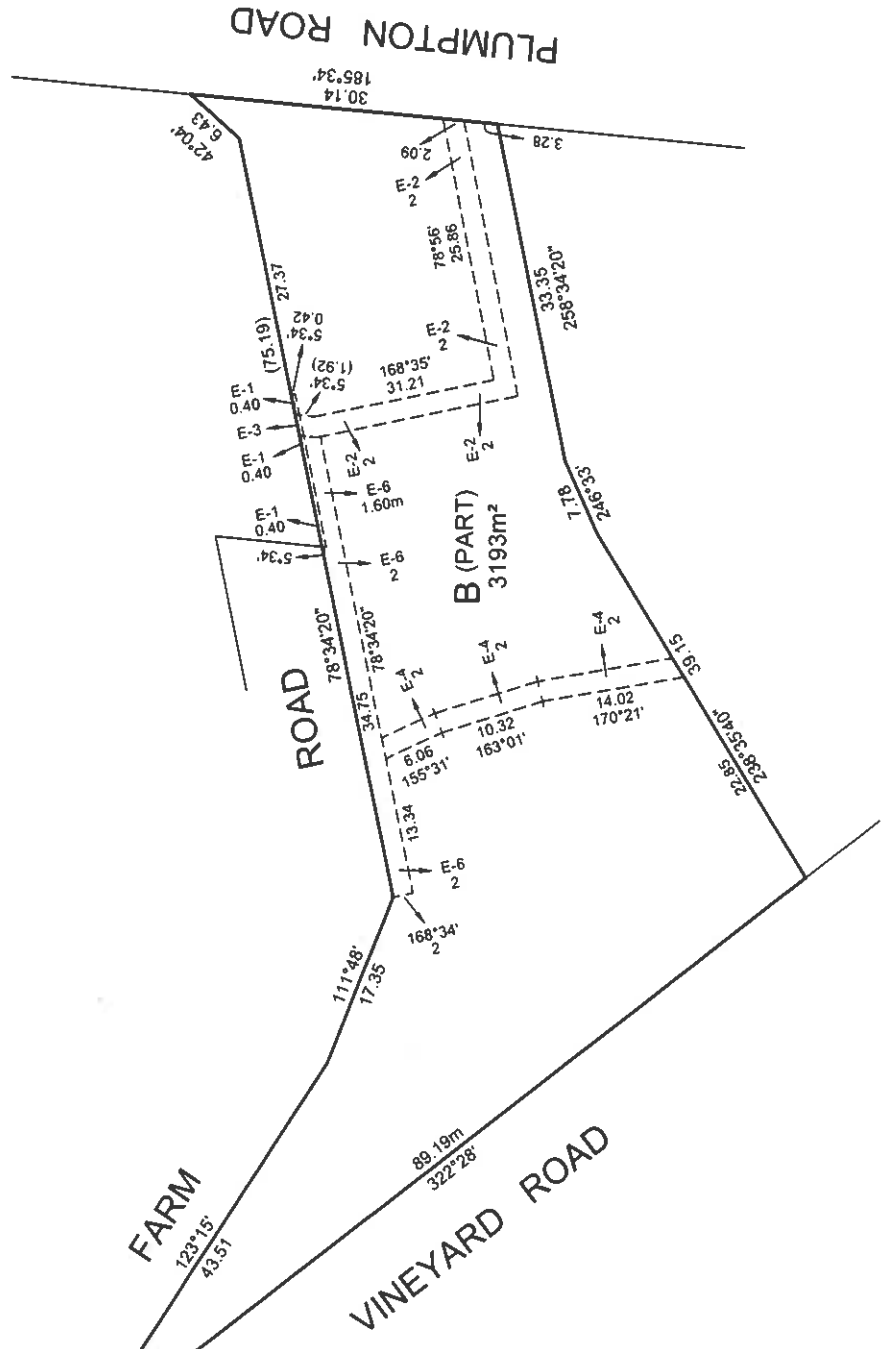
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PS749043E

SEE SHEET 3

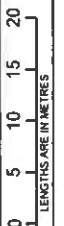
MG94 ZONE 55



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SCALE  
1:500



ORIGINAL SHEET  
SIZE: A3

Ref. 01112-S24  
Ver. 3

SHEET 7

**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 1

LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

1. MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
2. MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND
3. MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2401	2402
2402	2401, 2403
2403	2402, 2404
2404	2403, 2405
2405	2404, 2406
2406	2405, 2407
2407	2406, 2408
2408	2407
2409	2410, 2426
2410	2409, 2411, 2424, 2425
2411	2410, 2412, 2423, 2424
2412	2411, 2413, 2422, 2423
2413	2412, 2414, 2421, 2422
2414	2413, 2415, 2420, 2421
2415	2414, 2416, 2417, 2420
2416	2415, 2417
2417	2415, 2416, 2418, 2420
2418	2417, 2419, 2420
2419	2418, 2420
2420	2414, 2415, 2417, 2418, 2419, 2421
2421	2413, 2414, 2420, 2422
2422	2412, 2413, 2421, 2423

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2423	2411, 2412, 2422, 2424
2424	2410, 2411, 2423, 2425
2425	2410, 2424, 2426
2426	2409, 2425
2427	2428, 2443, 2444
2428	2427, 2429, 2442, 2443
2429	2428, 2430, 2441, 2442
2430	2429, 2431, 2440, 2441
2431	2430, 2432, 2439, 2440
2432	2431, 2433, 2439
2433	2432, 2434, 2435, 2438, 2439
2434	2433, 2435
2435	2433, 2434, 2436, 2437, 2438
2436	2435, 2437
2437	2435, 2436, 2438
2438	2433, 2435, 2437, 2439
2439	2431, 2432, 2433, 2438, 2440
2440	2430, 2431, 2439, 2441
2441	2429, 2430, 2440, 2442
2442	2428, 2429, 2441, 2443
2443	2427, 2428, 2442, 2444
2444	2427, 2443

<b>PLAN OF SUBDIVISION</b>			EDITION 1	<b>PS749048T</b>
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: 13 CROWN ALLOTMENT: B (PART) CROWN PORTION: ..... TITLE REFERENCE: Vol. Fol.  LAST PLAN REFERENCE: Lot B on PS749043E  POSTAL ADDRESS: 120 Diggers Rest - Coimadai Road (at time of subdivision) DIGGERS REST 3427  MGA 94 CO-ORDINATES: E: 297 250 ZONE: 55 (of approx centre of land in plan) N: 5833 510			COUNCIL NAME: MELTON CITY COUNCIL	
<b>VESTING OF ROADS AND/OR RESERVES</b>			<b>NOTATIONS</b>	
IDENTIFIER	COUNCIL/BODY/PERSON		Lots 2501 to 2558 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restrictions A, B & C on sheets 10 & 11 of this plan for details.  OTHER PURPOSE OF PLAN Removal of the Sewerage and Drainage easements E-7 and E-9 on PS749043E in so far as they lie within new roads R1 on this plan, upon registration of this plan.  GROUNDS FOR REMOVAL: By agreement between all interested parties	
ROAD R1 Reserve No. 1 & 2	Melton City Council Melton City Council			
<b>NOTATIONS</b>				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No. PA2016/5231				
BLOOMDALE - Release No. 25 Area of Release: 4.702ha No. of Lots: 58 Lots and Balance Lot C				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
SEE SHEET 2 FOR EASEMENT DETAILS				
Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorstds.com.au		SURVEYORS FILE REF: Ref. 01112-S25 Ver. 3		ORIGINAL SHEET SIZE: A3
		Licensed Surveyor: RICHARD ILLINGWORTH / Version No 3		SHEET 1 OF 11

PS749048T

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	See Diagram	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	3m	PS749041J	Melton City Council
	Sewerage			Western Region Water Corporation
E-8	Sewerage	2m	PS749043E	Western Region Water Corporation
E-9	Drainage	2m	PS749041J	Melton City Council
E-10	Sewerage	2m	This Plan	Western Region Water Corporation
E-11	Drainage	3m	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation



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ORIGINAL SHEET  
 SIZE A3

Ref. 01112-S25  
 Ver. 3

SHEET 2

PS749048T

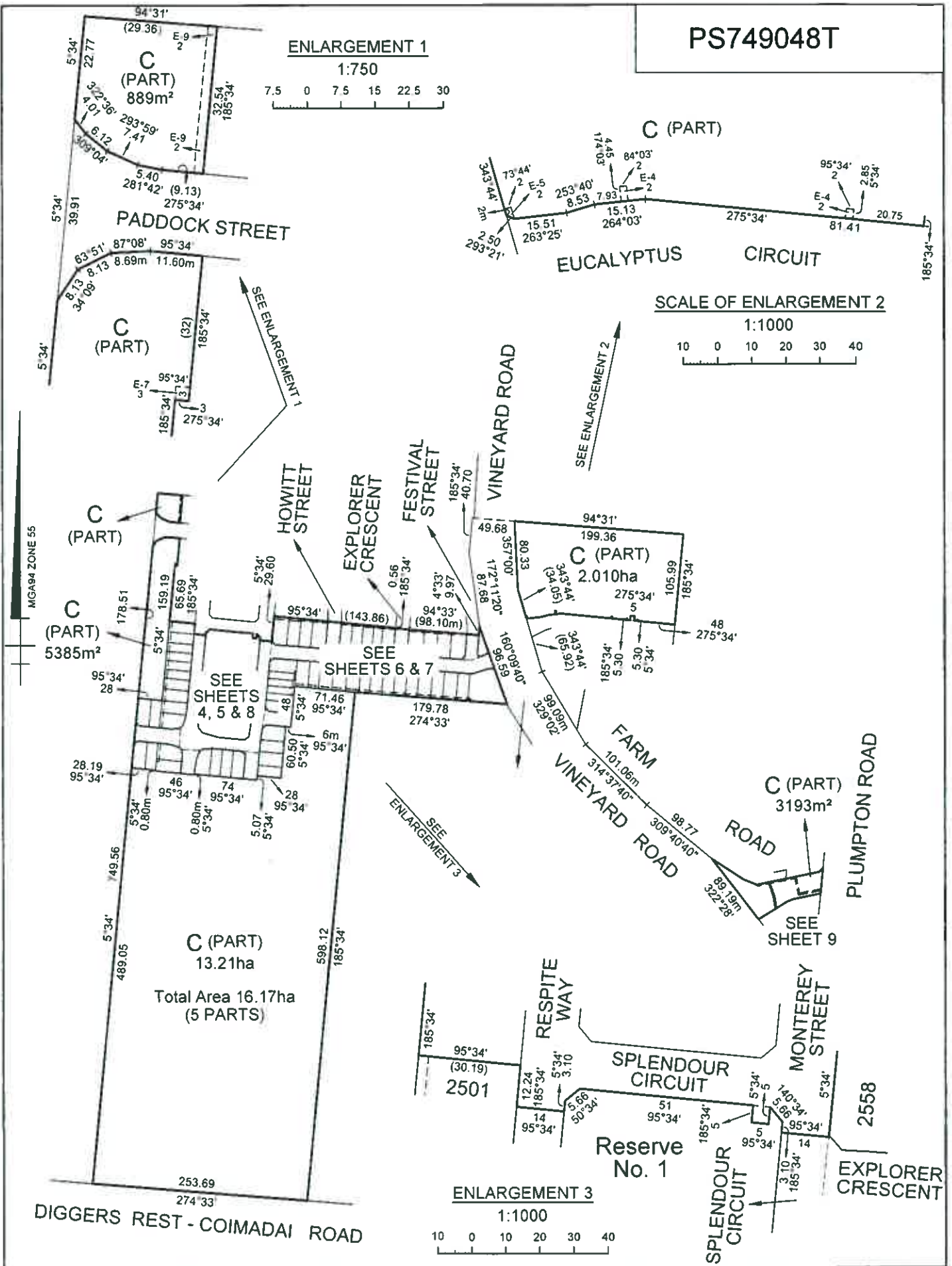
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1:750



SCALE OF ENLARGEMENT 2

1:1000



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SCALE  
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ORIGINAL SHEET  
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Ref 01112-S25  
 Ver 3

SHEET 3



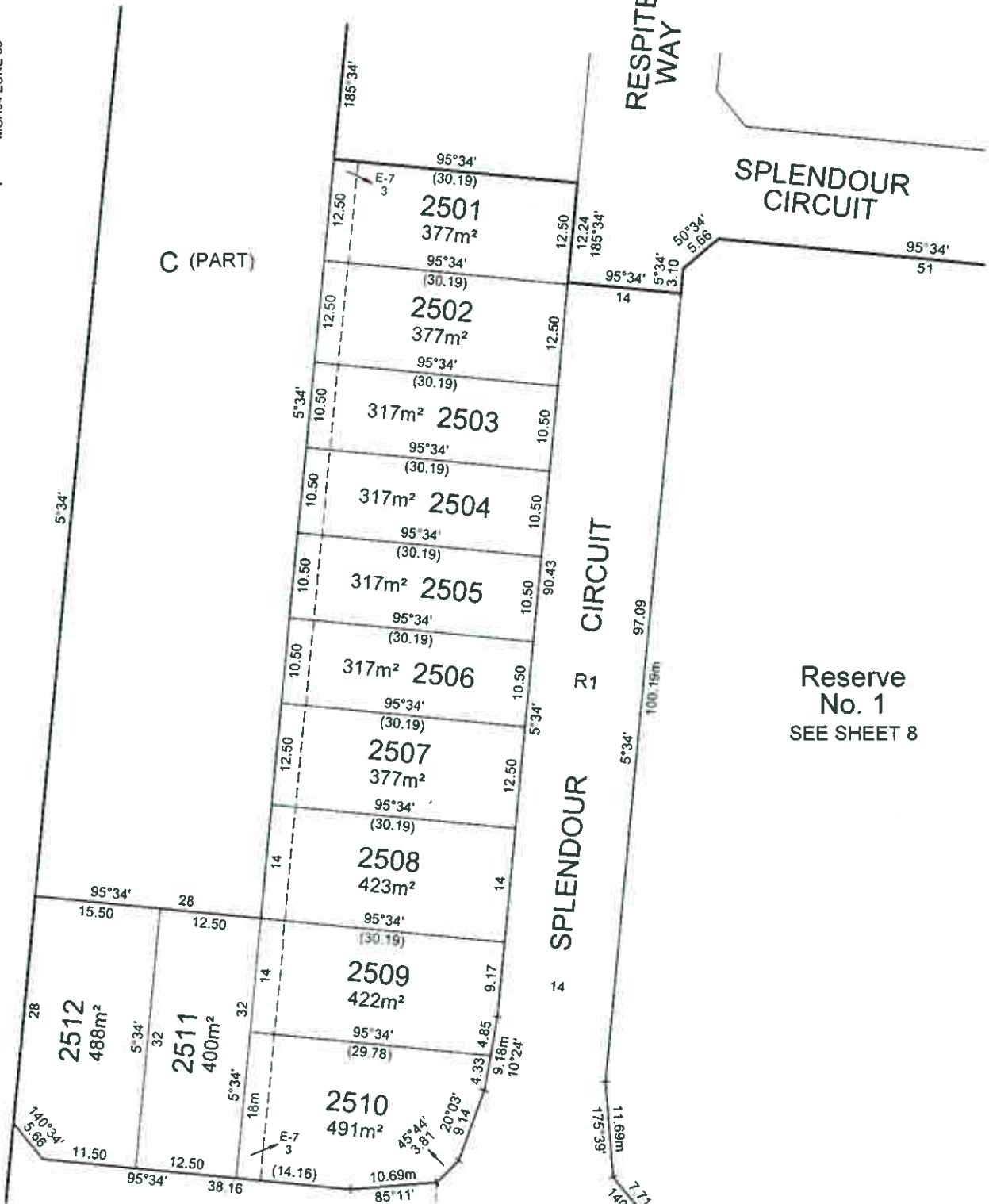
MGA94 ZONE 55

SEE SHEET 3

C (PART)

RESPITE WAY

SPLENDOUR CIRCUIT



Reserve  
No. 1  
SEE SHEET 8

TERRITORY WAY

SEE SHEET 5

SPLENDOUR CIRCUIT

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SCALE  
1:500



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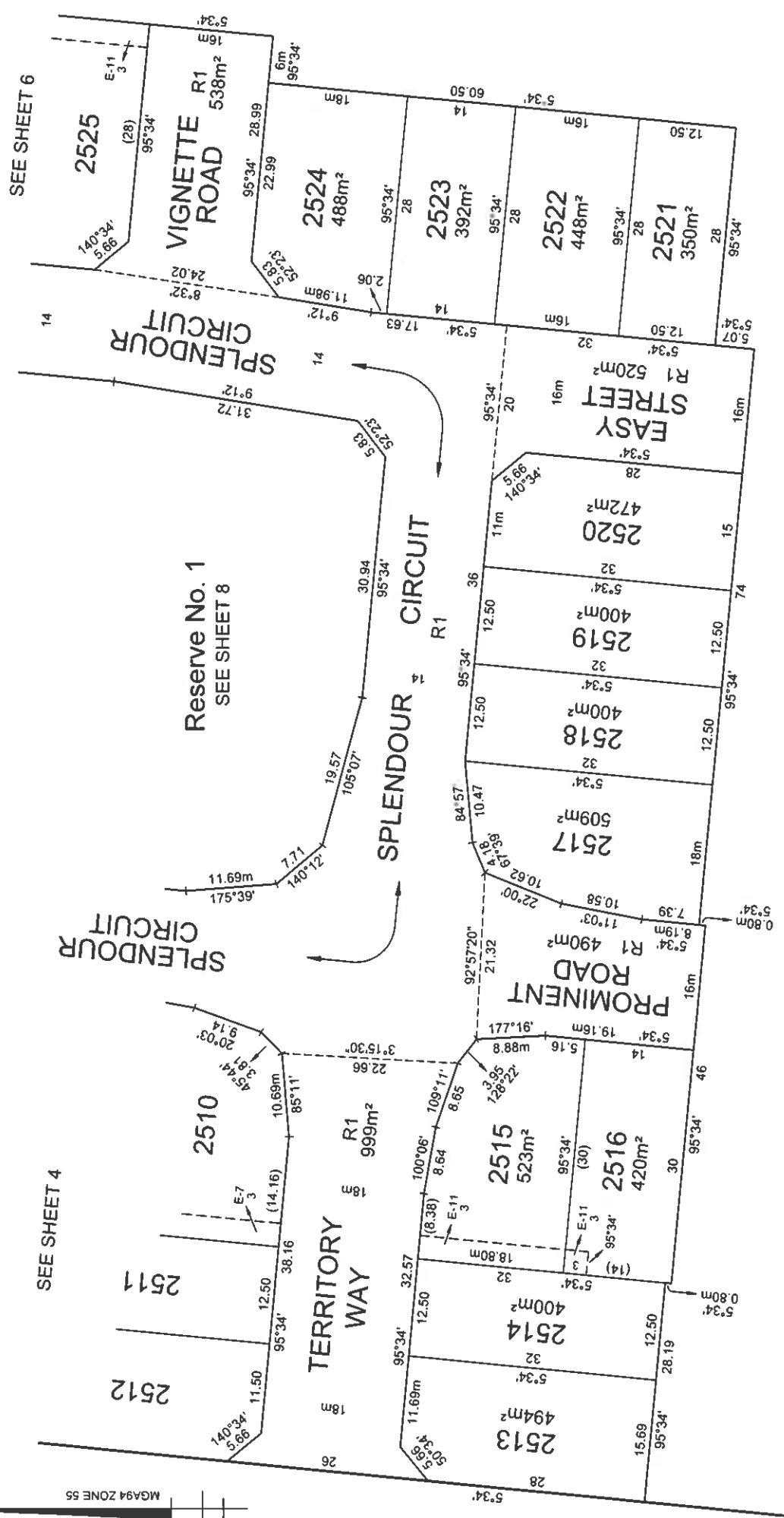
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ORIGINAL SHEET  
SIZE A3

Ref. 01112-S25  
Ver. 3

SHEET 4

PS749048T



SEE SHEET 6

SPLENDOUR  
CIRCUIT

Reserve No. 1  
SEE SHEET 8

SPLENDOUR  
CIRCUIT

PROMINENT  
ROAD

EASY  
STREET

TERRITORY  
WAY

C (PART)  
SEE SHEET 3

SEE SHEET 4

MGA94 ZONE 55

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 Lengths are in metres

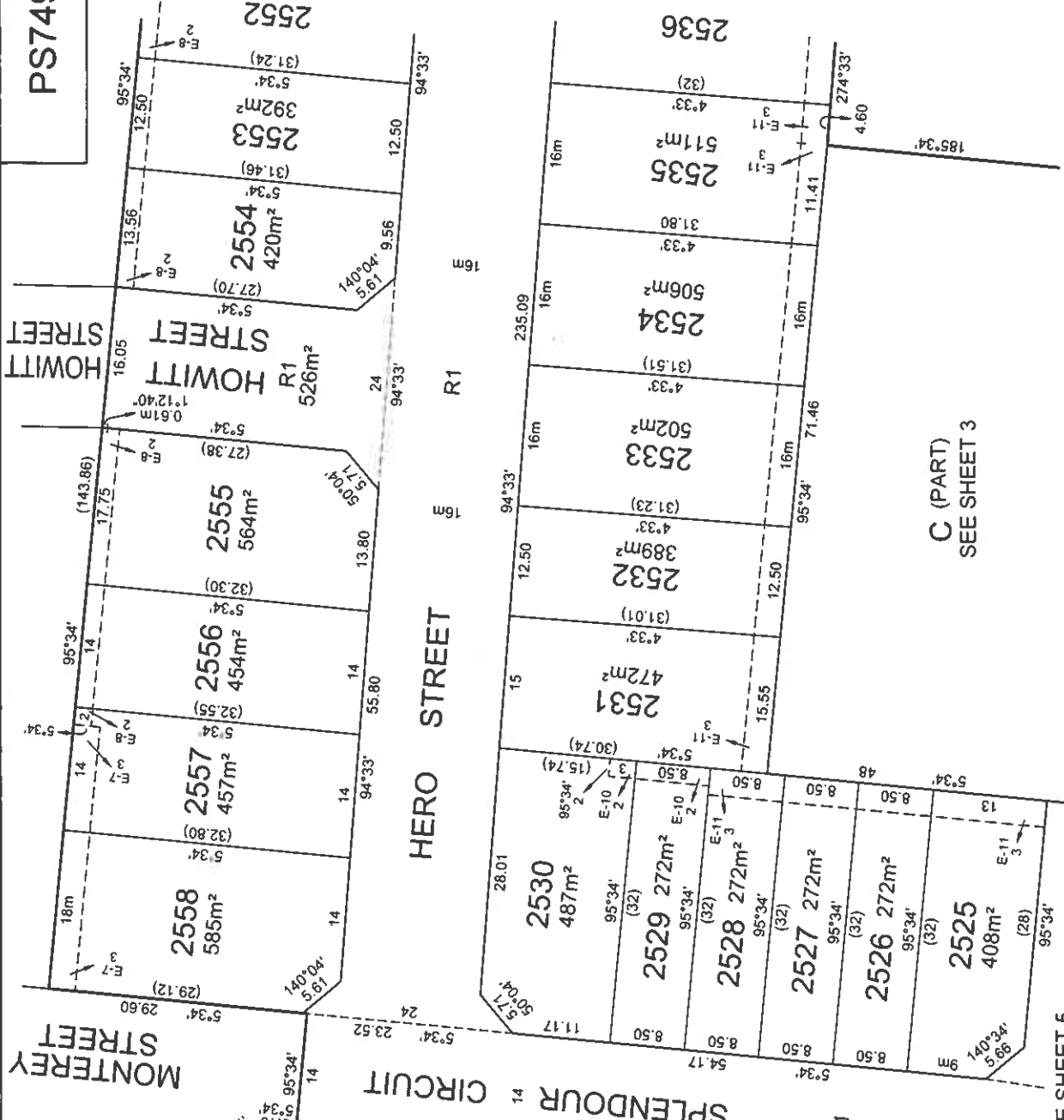
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 Ref: 01112-S25 Ver. 3

SHEET 5

PS749048T

SEE SHEET 7



C (PART)  
SEE SHEET 3

SEE SHEET 5

Reserve  
No. 1  
SEE SHEET 8

SPLENDOUR  
CIRCUIT

MONTEREY  
STREET

HOWITT  
STREET

HERO STREET

MGA94 ZONE 55

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Scale 1:500  
 Lengths are in metres

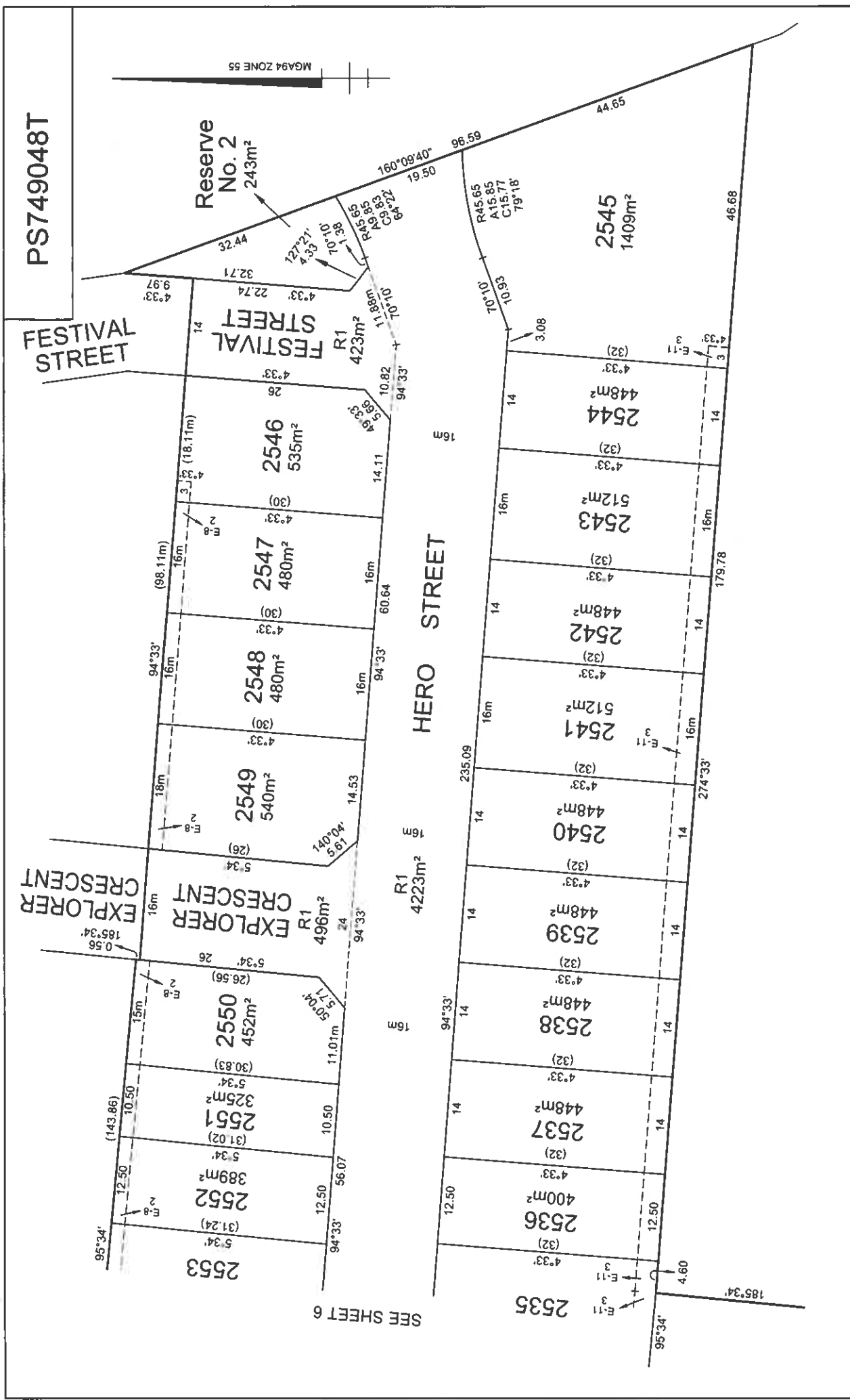
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Ref. 01112-S25  
 Ver. 3

SHEET 6

Licensed Surveyor:  
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Scale 1:500  
 Lengths are in metres

Scale: 5 0 5 10 15 20  
 Original Sheet Size: A3  
 Ref: 01112-S25 Ver. 3  
 SHEET 7

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PS749048T

### SPLENDOUR CIRCUIT

2558

2501

2502

2503

2504

2505

2506

2507

2508

2509

2510

2515

### CIRCUIT

### SPLENDOUR

### SPLENDOUR

Reserve No. 1  
7778m<sup>2</sup>

### SPLENDOUR CIRCUIT

2530

2529

2528

2527

2526

2525

2524

2523

2522

SEE SHEET 6

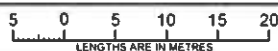
SEE SHEET 4

SEE SHEET 5

# TAYLORS

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SCALE  
1:500



ORIGINAL SHEET  
SIZE A3

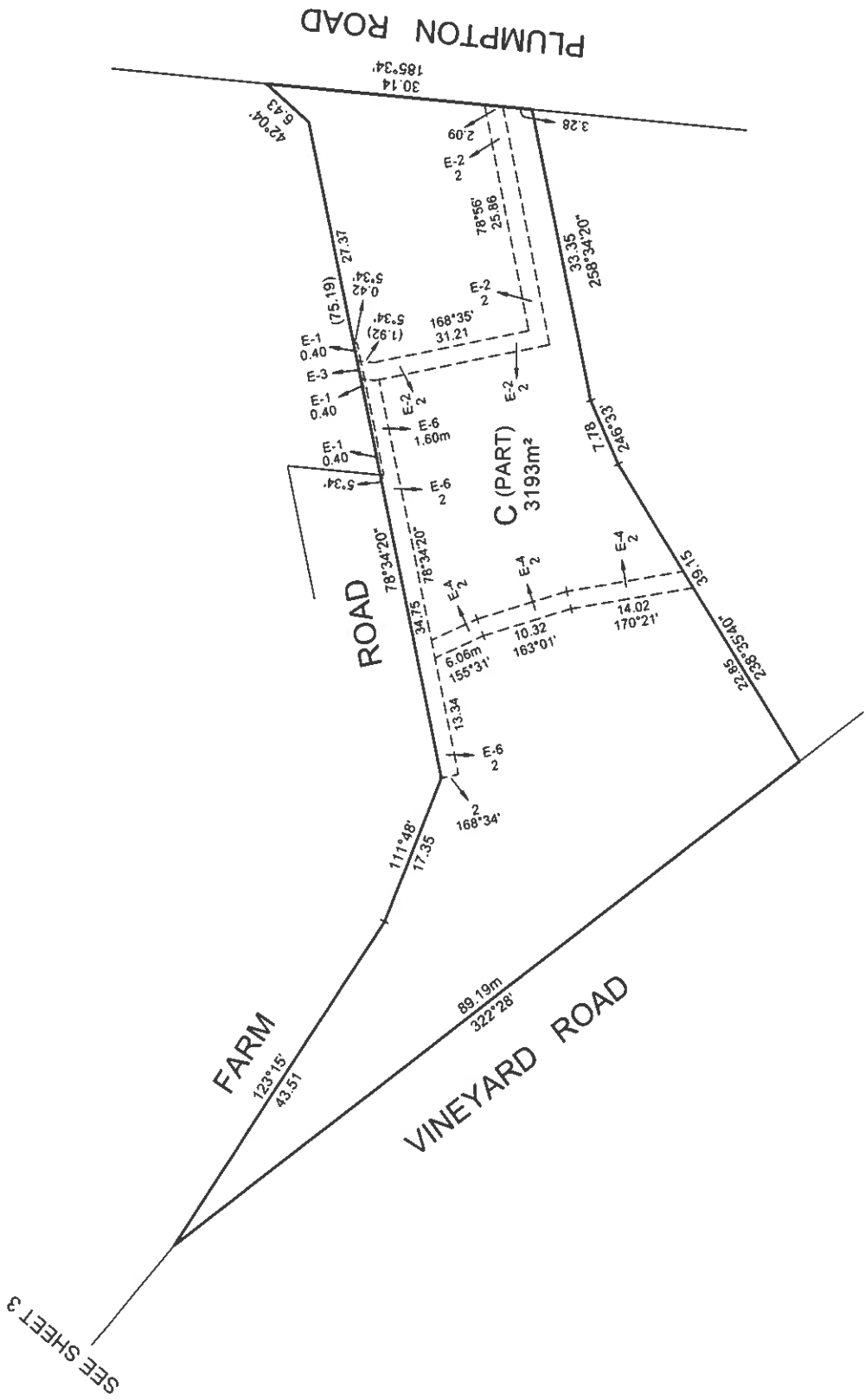
Ref. 01112-S25  
Ver. 3

SHEET 8

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PS749048T



SEE SHEET 3

MGA94 ZONE 55

TAYLORS Urban Development   Built Environments   Infrastructure 8 / 270 Fernree Gully Road, Nalfing Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorsds.com.au			Richard Illingworth / Version No 3 Licensed Surveyor.			SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S25 Ver. 3	SHEET 9
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**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 1  
 LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

- MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
- MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY; AND
- MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

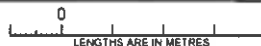
BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2501	2502
2502	2501, 2503
2503	2502, 2504
2504	2503, 2505
2505	2504, 2506
2506	2505, 2507
2507	2506, 2508
2508	2507, 2509
2509	2508, 2510, 2511
2510	2509, 2511
2511	2509, 2510, 2512
2512	2511
2513	2514
2514	2513, 2515, 2516
2515	2514, 2516
2516	2514, 2515
2517	2518
2518	2517, 2519
2519	2518, 2520

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2520	2519
2521	2522
2522	2521, 2523
2523	2522, 2524
2524	2523
2525	2526
2526	2525, 2527
2527	2526, 2528
2528	2527, 2529, 2531
2529	2528, 2530, 2531
2530	2529, 2531
2531	2528, 2529, 2530, 2532
2532	2531, 2533
2533	2532, 2534
2534	2533, 2535
2535	2534, 2536
2536	2535, 2537
2537	2536, 2538
2538	2537, 2539
2539	2538, 2540

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2540	2539, 2541
2541	2540, 2542
2542	2541, 2543
2543	2542, 2544
2544	2543, 2545
2545	2544
2546	2547
2547	2546, 2548
2548	2547, 2549
2549	2548
2550	2551
2551	2550, 2552
2552	2551, 2553
2553	2552, 2554
2554	2553
2555	2556
2556	2555, 2557
2557	2556, 2558
2558	2557



**CREATION OF RESTRICTION B**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 2  
 LAND TO BENEFIT: See Table 2

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE SMALL LOT HOUSING CODE INCORPORATED INTO THE MELTON PLANNING SCHEME UNLESS A PLANNING PERMIT IS GRANTED BY THE RESPONSIBLE AUTHORITY FOR A BUILDING THAT DOES NOT CONFORM WITH THE SMALL LOT HOUSING CODE.

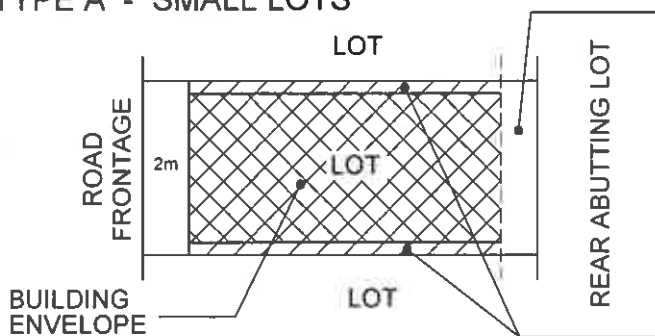
THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.

Table 2

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2526	2525, 2527
2527	2526, 2528
2528	2527, 2529, 2530
2529	2528, 2530, 2531

**SMALL LOT HOUSING CODE BUILDING ENVELOPES**

**TYPE A - SMALL LOTS**



IF AN EASEMENT EXISTS, THE EASEMENT IS NOT TO BE BUILT UPON, EXCEPT WITH APPROVAL FROM THE RELEVANT AUTHORITY. IF NO EASEMENT EXIST, REAR SETBACKS MUST BE IN ACCORDANCE WITH THE SMALL LOT HOUSING CODE.

A WALL OF A DWELLING (INCLUDING GARAGE) MAY BE CONSTRUCTED ON OR WITHIN 200mm OF A SIDE BOUNDARY, OTHERWISE A MINIMUM 1 METRE SIDE SETBACK WILL APPLY.

**CREATION OF RESTRICTION C**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: Lots 2526 - 2529 (both inclusive)  
 LAND TO BENEFIT: The relevant abutting lot

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

- MUST NOT BUILD OR PERMIT TO BE BUILT A BUILDING THAT IS NOT FREE STANDING WITHIN THE TITLE BOUNDARIES OF THE LOT ON WHICH IT IS BUILT.
- MUST NOT BUILD OR PERMIT TO BE BUILT A BUILDING THAT RELIES ON THE WALLS OF ADJACENT BUILDINGS FOR SUPPORT.

THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.



<b>PLAN OF SUBDIVISION</b>			EDITION 1	<b>PS803026F</b>
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: 13 CROWN ALLOTMENT: B (PART) CROWN PORTION: ..... TITLE REFERENCE: Vol.      Fol.  LAST PLAN REFERENCE: Lot D on PS803025H  POSTAL ADDRESS: 120 Diggers Rest - Coimadai Road (at time of subdivision) <b>DIGGERS REST 3427</b>  MGA 94 CO-ORDINATES: E: 297 130      ZONE: 55 (of approx centre of land      N      5833 220 in plan)			Council Name: Melton City Council SPEAR Reference Number: S103690H	
<b>VESTING OF ROADS AND/OR RESERVES</b>			<b>NOTATIONS</b>	
IDENTIFIER	COUNCIL/BODY/PERSON		Lots 2701 to 2744 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restriction A on sheet 8 of this plan for details.  <b>OTHER PURPOSE OF PLAN</b> Removal of the Sewerage easement E-9 and the Drainage & Sewerage easement E-10 on PS803025H in so far as where they lie within new Roads R1 on this plan, upon registration of this plan. <b>GROUND FOR REMOVAL:</b> By agreement between all interested parties.	
ROAD R1 Reserve No. 1	Melton City Council			
Reserve No. 2	Melton City Council Jemena Electricity Networks (Vic) Ltd			
<b>NOTATIONS</b>				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No.				
<b>BLOOMDALE - Release No. 27</b> Area of Release: 3.656ha No. of Lots: 44 Lots and Balance Lot F				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement    E - Encumbering Easement    R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
SEE SHEET 2 FOR EASEMENTS				
Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorstds.com.au		SURVEYORS FILE REF: Ref. 01112-S27 Ver. 1		ORIGINAL SHEET SIZE: A3
		Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1		SHEET 1 OF 8

PS803026F

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	See Diagram	PS749041J	Melton City Council
	Sewerage			Western Region Water Corporation
E-8	Drainage	2m	PS749041J	Melton City Council
E-9	Sewerage	2m	PS803025H	Western Region Water Corporation
E-10	Drainage	See Diagram	PS803025H	Melton City Council
	Sewerage			Western Region Water Corporation
E-11	Sewerage	2m	This Plan	Western Region Water Corporation
E-12	Drainage	3m	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation
E-13	Supply of Electricity (Through underground cables)	See Diagram	This Plan	Jemena Electricity Networks (Vic) Ltd
	Supply of Gas			Ausnet Gas Services Pty Ltd
	Supply of Water (Through underground pipes)			Western Region Water Corporation
	Transmission of Telecommunication Signals by Underground Cables			Land in This Plan



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ORIGINAL SHEET  
SIZE A3

Ref. 01112-S27  
Ver. 1

SHEET 2

PS803026F

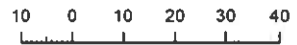
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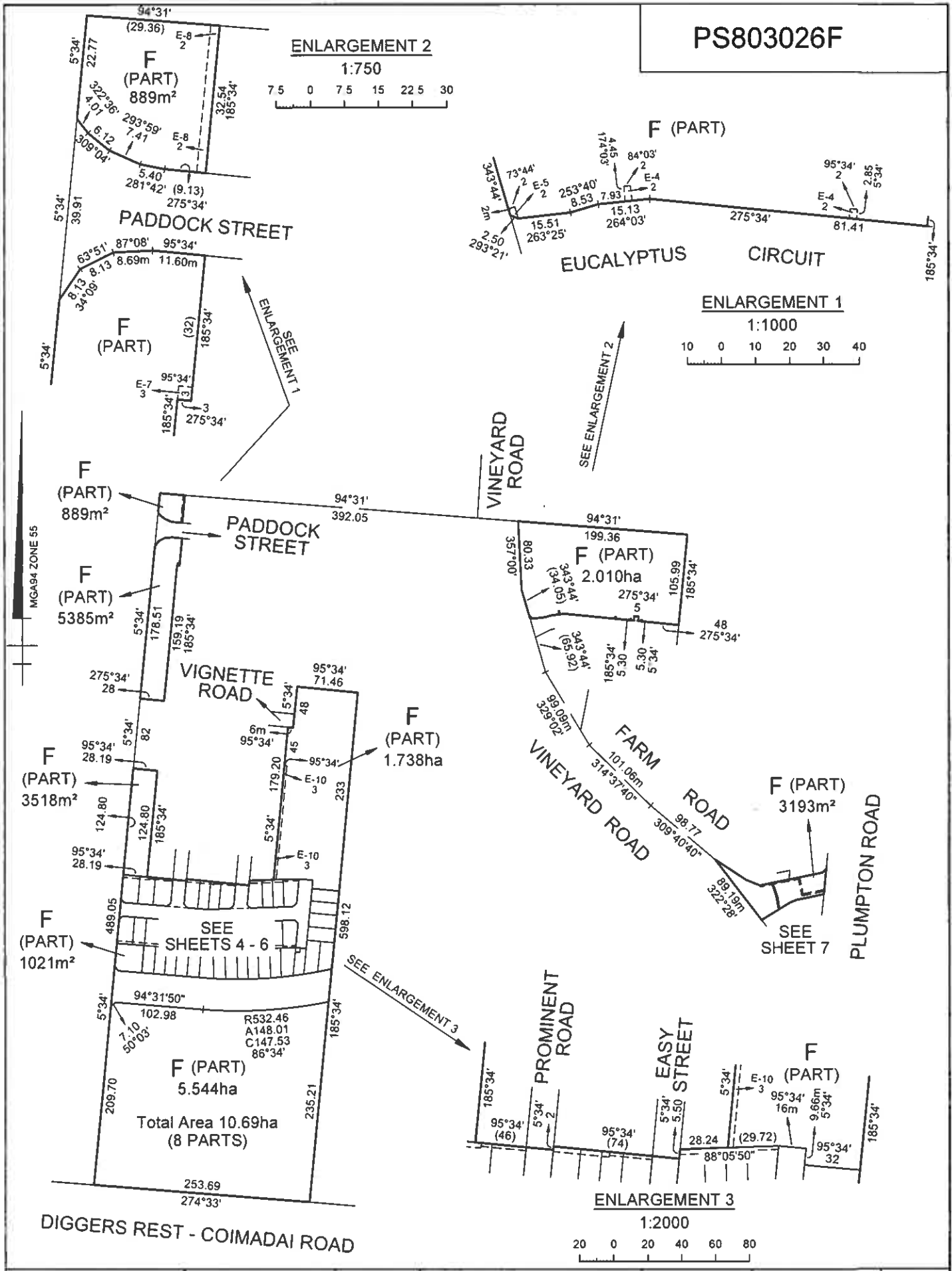
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SEE ENLARGEMENT 2

SEE ENLARGEMENT 3



ENLARGEMENT 3

1:2000



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SCALE 1:4000



LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE A3

Ref. 01112-S27 Ver. 1

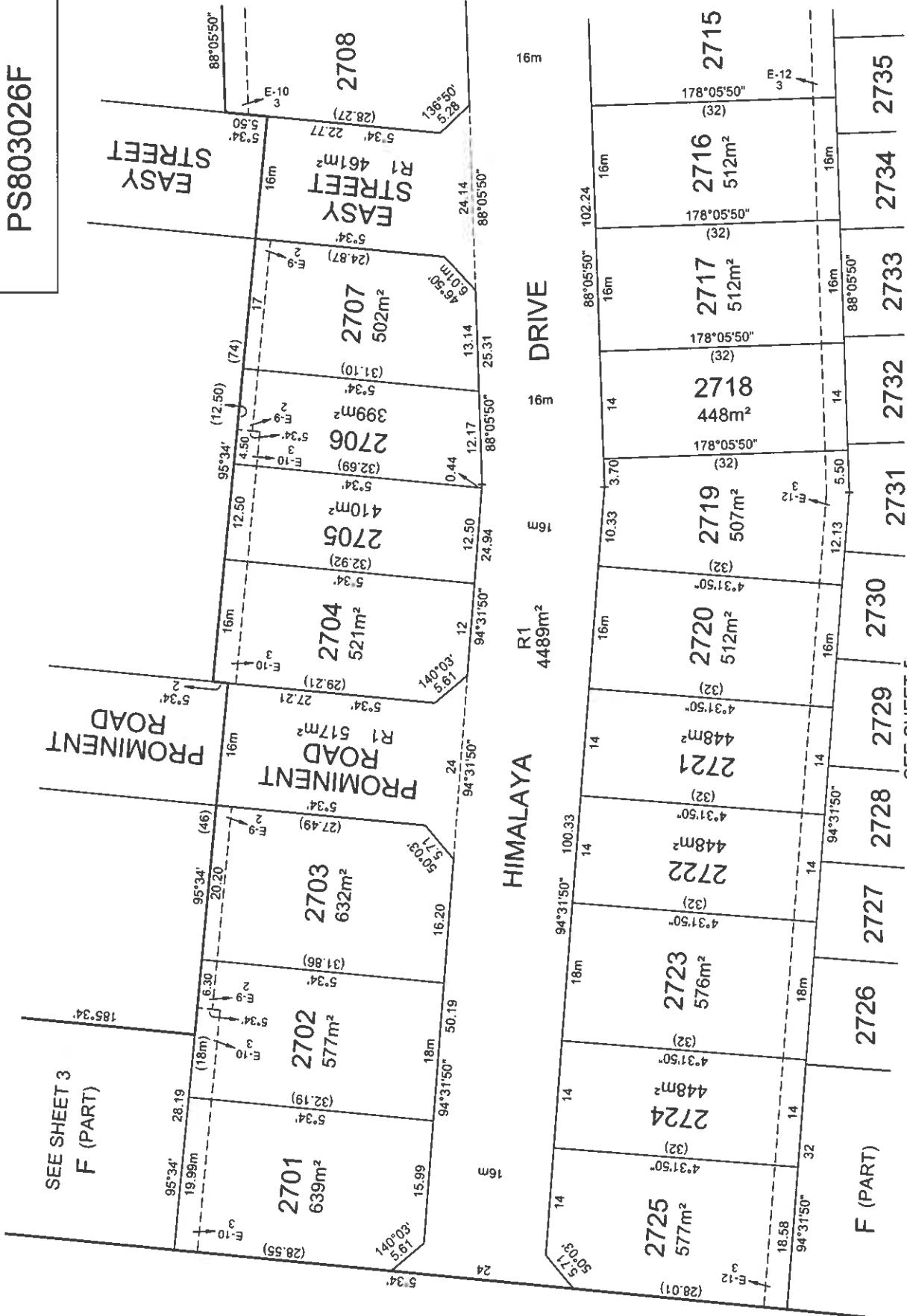
SHEET 3

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PS803026F

SEE SHEET 6



SEE SHEET 3  
F (PART)

SEE SHEET 5

MG94 ZONE 55

SCALE 1:500

LENGTHS ARE IN METRES

5 0 5 10 15 20

ORIGINAL SHEET SIZE: A3 Ver. 1

Ref. 01112-S27 SHEET 4

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**TAYLORS**

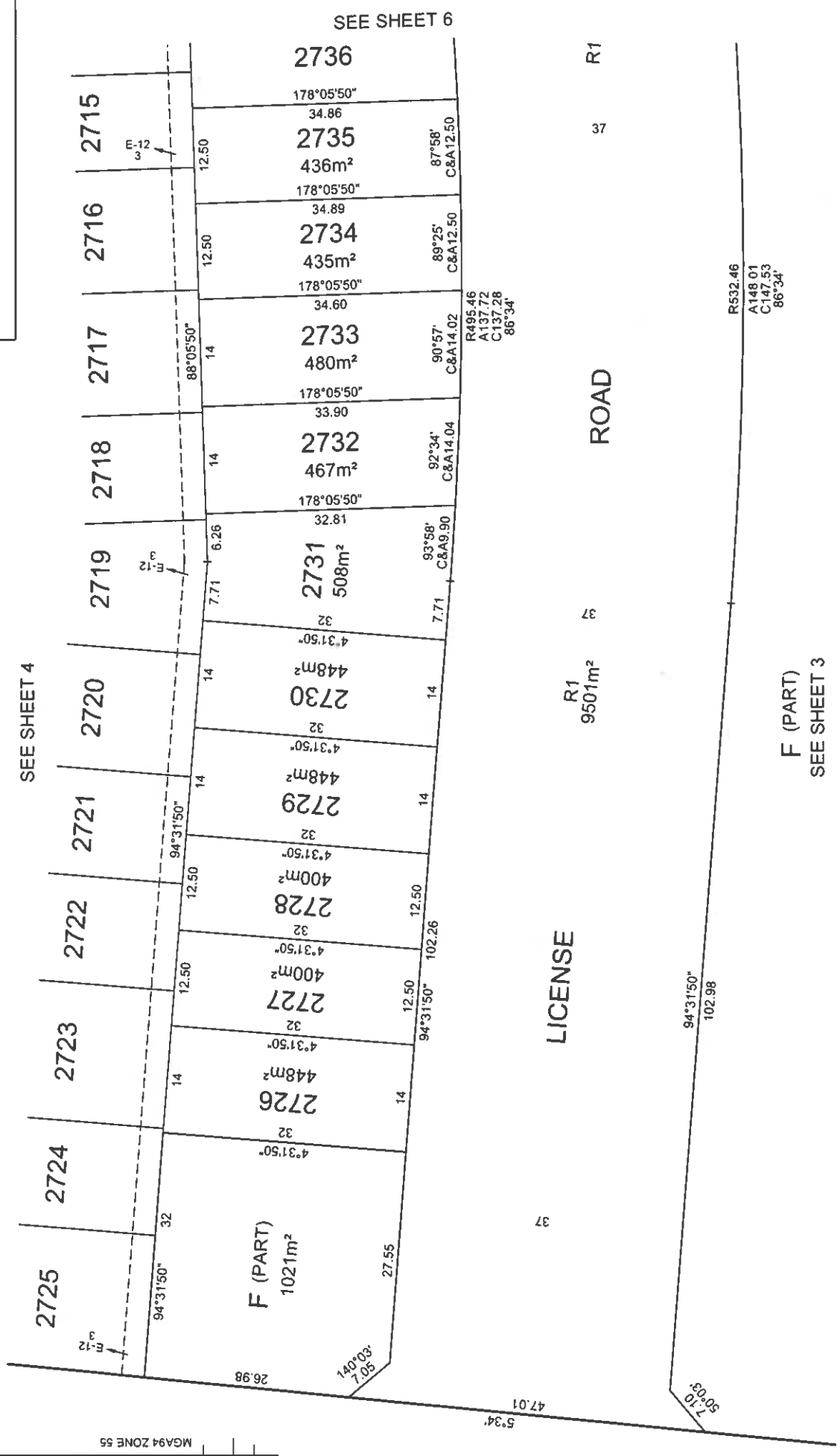
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Tel: 61 3 9501 2800 | Web: taylors.com.au

PS803026F

SEE SHEET 4



SCALE	1:500
ORIGINAL SHEET	SIZE: A3
Ref. 01112-S27	Ver. 1
SHEET 5	

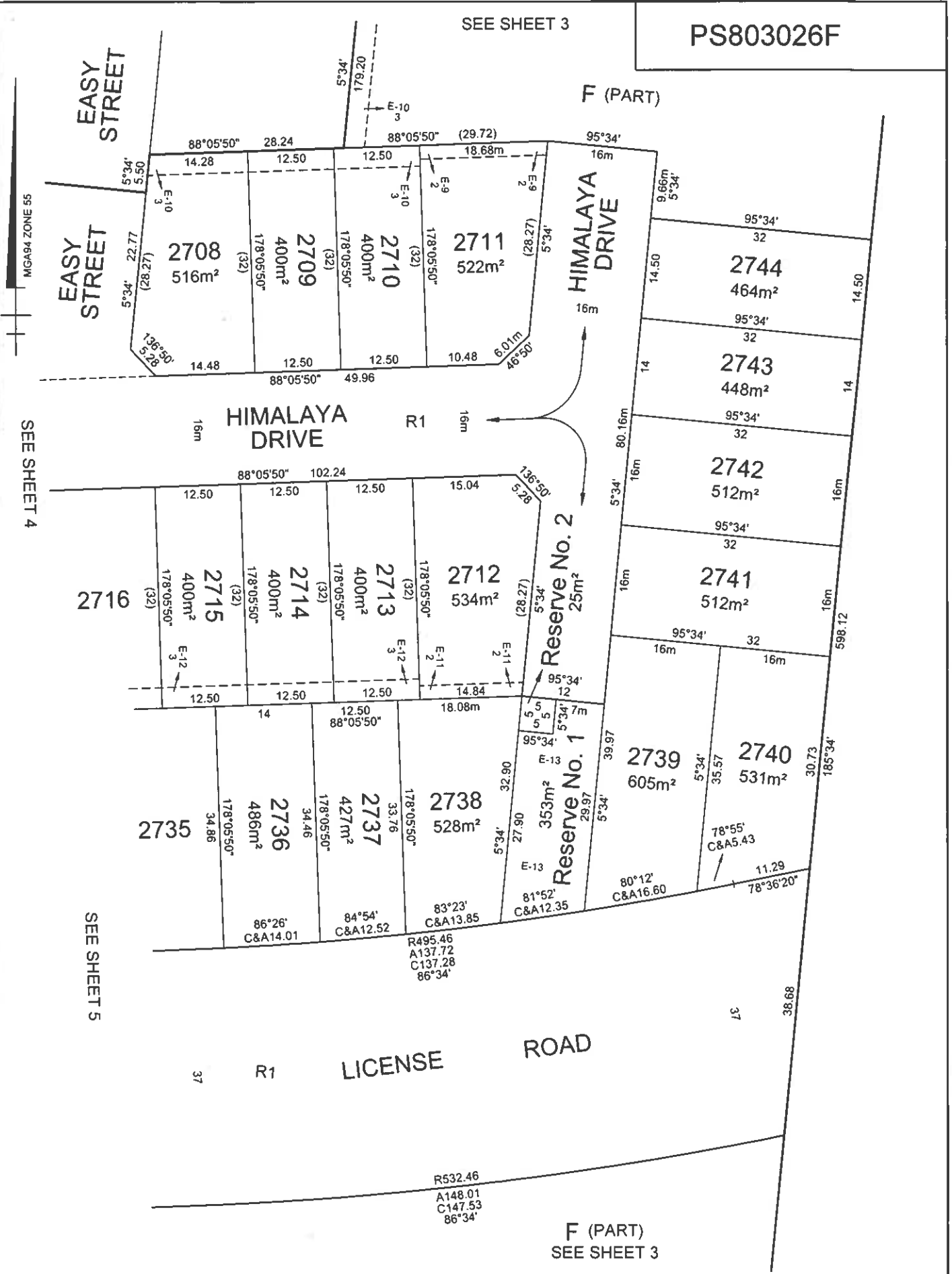
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PS803026F

SEE SHEET 3

F (PART)



MGA84 ZONE 55

SEE SHEET 4

SEE SHEET 5

R495.46  
A137.72  
C137.28  
86°34'

R532.46  
A148.01  
C147.53  
86°34'

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SCALE  
1:500



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SIZE: A3

Ref. 01112-S27  
Ver 1

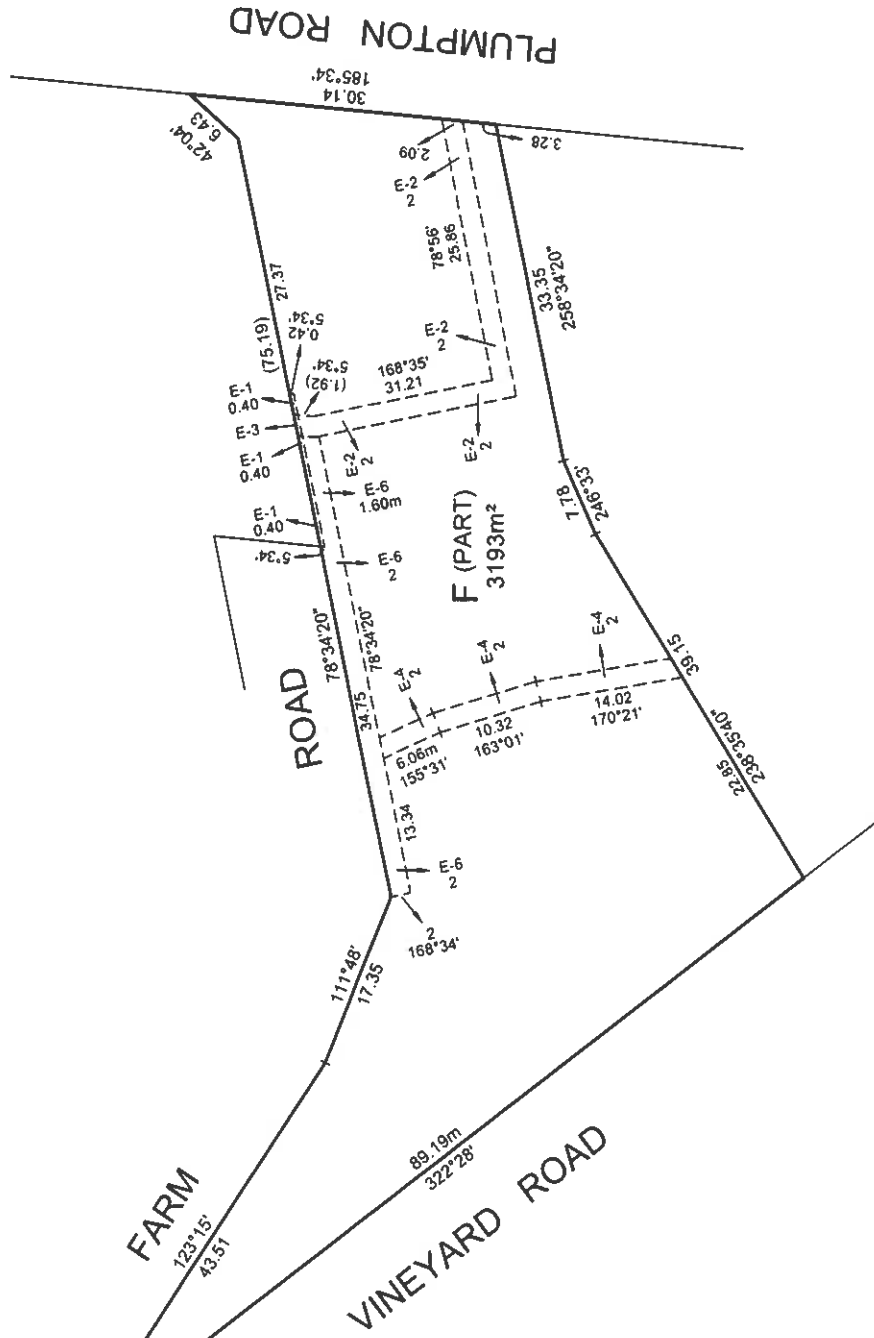
SHEET 6

F (PART)  
SEE SHEET 3

PS803026F

SEE SHEET 3

MGA94 ZONE 55



<p><b>TAYLORS</b>          Urban Development   Built Environments   Infrastructure          8 / 270 Fernree Gully Road, Notting Hill, Victoria, 3168          Tel: 61 3 9507 2800   Web: <a href="http://taylorstds.com.au">taylorstds.com.au</a></p>	<p>Scale 1:500</p> <p>5 0 5 10 15 20 LENGTHS ARE IN METRES</p>	<p>ORIGINAL SHEET SIZE: A3</p>	<p>Ref. 01112-S27 Ver. 1</p>	<p>SHEET 7</p>
	<p>Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1</p>			

**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created

LAND TO BE BURDENED: See Table 1  
 LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

- MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
- MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY, AND
- MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2701	2702
2702	2701, 2703
2703	2702
2704	2705
2705	2704, 2706
2706	2705, 2707
2707	2706
2708	2709
2709	2708, 2710
2710	2709, 2711
2711	2710
2712	2713, 2738
2713	2712, 2714, 2737, 2738
2714	2713, 2715, 2736, 2737
2715	2714, 2716, 2735, 2736
2716	2715, 2717, 2734, 2735
2717	2716, 2718, 2732, 2733, 2734
2718	2717, 2719, 2731, 2732
2719	2718, 2720, 2730, 2731
2720	2719, 2721, 2729, 2730
2721	2720, 2722, 2728, 2729
2722	2721, 2723, 2727, 2728

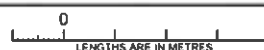
Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2723	2722, 2724, 2726, 2727
2724	2723, 2725, 2726
2725	2724
2726	2723, 2724, 2727
2727	2722, 2723, 2726, 2728
2728	2721, 2722, 2727, 2729
2729	2720, 2721, 2728, 2730
2730	2719, 2720, 2729, 2731
2731	2718, 2719, 2730, 2732
2732	2717, 2718, 2731, 2733
2733	2717, 2732, 2734
2734	2716, 2717, 2733, 2735
2735	2715, 2716, 2734, 2736
2736	2714, 2715, 2735, 2737
2737	2713, 2714, 2736, 2738
2738	2712, 2713, 2737
2739	2740, 2741
2740	2739, 2741
2741	2739, 2740, 2742
2742	2741, 2743
2743	2742, 2744
2744	2743



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SCALE



ORIGINAL SHEET  
 SIZE A3

Ref. 01112-S27  
 Ver 1

SHEET 8

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1



<b>PLAN OF SUBDIVISION</b>			EDITION 1	<b>PS803028B</b>
<b>LOCATION OF LAND</b> PARISH: <b>HOLDEN</b> TOWNSHIP: ..... SECTION: 13 CROWN ALLOTMENT: B (PART) CROWN PORTION: ..... TITLE REFERENCE: Vol. Fol.  LAST PLAN REFERENCE: Lot F on PS803026F  POSTAL ADDRESS: 120 Diggers Rest - Coimadai Road (at time of subdivision) DIGGERS REST 3427  MGA 94 CO-ORDINATES: E. 297 230 ZONE 55 (of approx centre of land in plan) N: 5833 380			Council Name: Melton City Council SPEAR Reference Number: S103699S	
<b>VESTING OF ROADS AND/OR RESERVES</b>			<b>NOTATIONS</b>	
IDENTIFIER	COUNCIL/BODY/PERSON		Lots 2801 to 2829 (both inclusive) may be affected by one or more restrictions. Refer to Creation of Restriction A on sheet 7 of this plan for details.	
ROAD R1	Melton City Council			
<b>NOTATIONS</b>				
DEPTH LIMITATION: Does Not Apply				
SURVEY: This plan is based on survey.  STAGING: This is not a staged subdivision. Planning Permit No.				
BLOOMDALE - Release No. 28 Area of Release: 1.738ha No. of Lots: 29 Lots and Balance Lot G				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
SEE SHEET 2 FOR EASEMENTS				
 Urban Development   Built Environments   Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800   Web: taylorstds.com.au		SURVEYORS FILE REF: Ref. 01112-S28 Ver. 1		ORIGINAL SHEET SIZE: A3
		Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1		SHEET 1 OF 7

PS803028B

EASEMENT INFORMATION

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	2m	PS727138R	Melton City Council
E-5	Sewerage	2m	PS727138R	Western Region Water Corporation
E-6	Drainage	2m	PS727138R	Melton City Council
	Sewerage			Western Region Water Corporation
E-7	Drainage	See Diagram	PS749041J	Melton City Council
	Sewerage			Western Region Water Corporation
E-8	Drainage	2m	PS749041J	Melton City Council
E-9	Drainage	3m	PS803025H	Melton City Council
	Sewerage			Western Region Water Corporation
E-10	Drainage	3m	This Plan	Melton City Council
	Sewerage			Western Region Water Corporation



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Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

ORIGINAL SHEET  
 SIZE: A3

Ref. 01112-S28  
 Ver. 1

SHEET 2

**ENLARGEMENT 1**

1:750



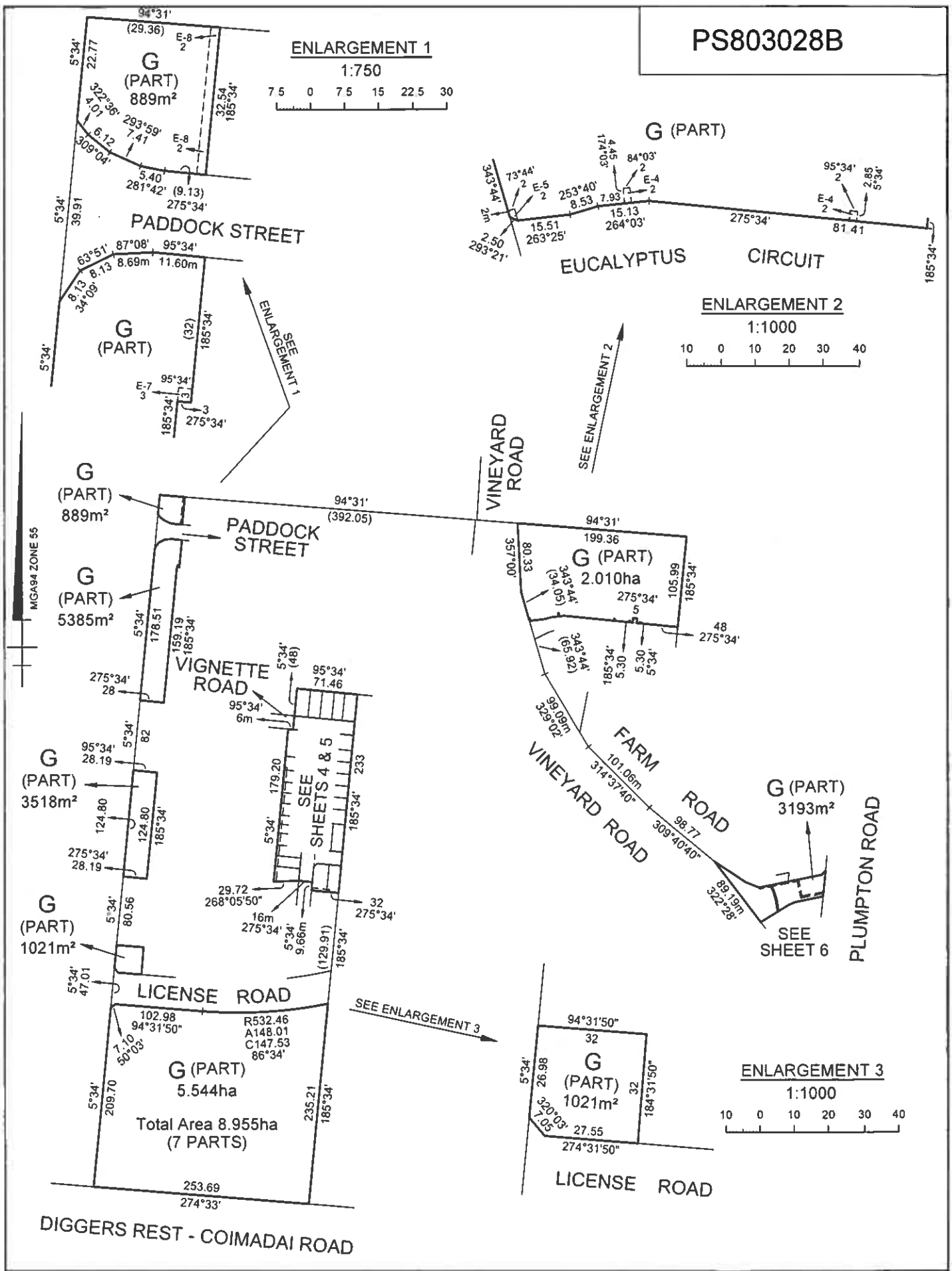
**ENLARGEMENT 2**

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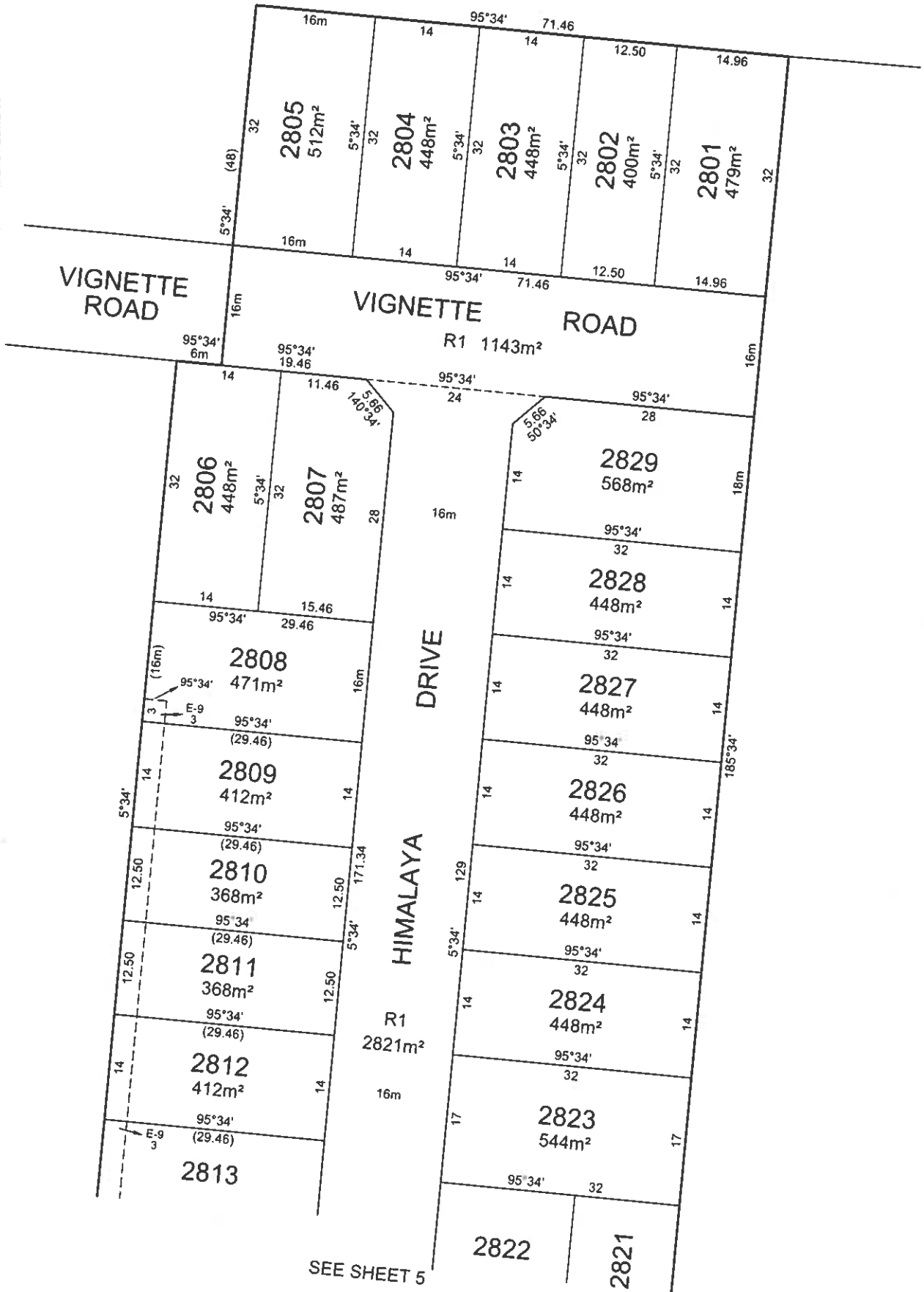


**ENLARGEMENT 3**

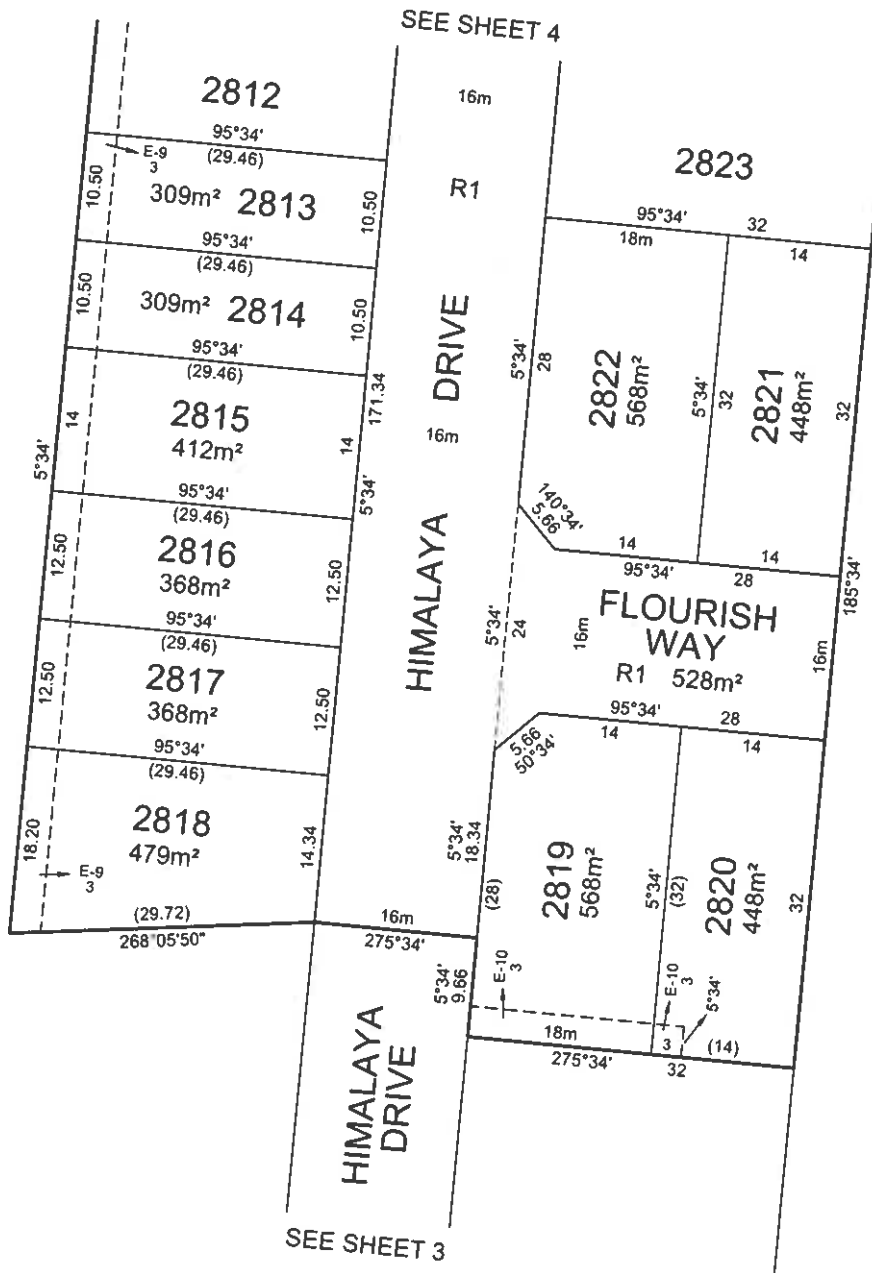
1:1000



MG494 ZONE 55



MG94 ZONE 55



PS803028B

SEE SHEET 3

MGA94 ZONE 55

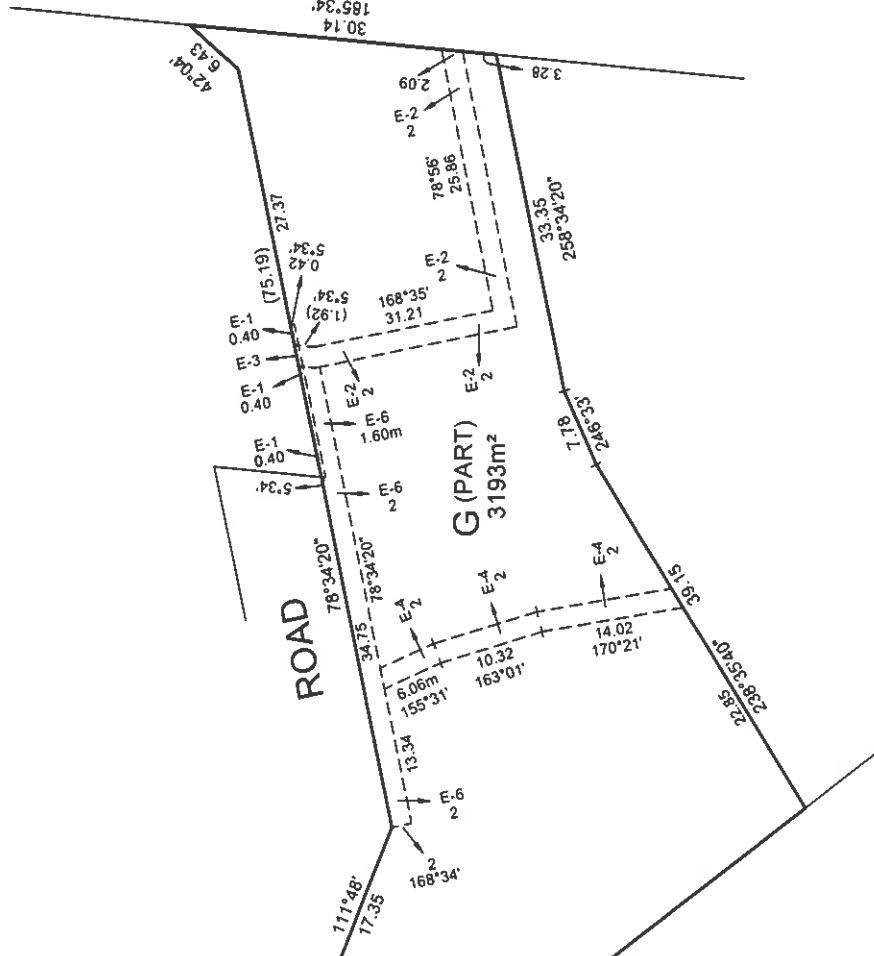
FARM  
123°16'  
43.51

VINEYARD ROAD  
89.19m  
322°28'

PLUMPTON ROAD  
30.14  
185°34'

ROAD  
78°34'20"

G (PART)  
3193m<sup>2</sup>



**TAYLORS**  
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 Tel: 61 3 9501 2800 | Web: taylors.com.au

Richard Illingworth / Version No 1  
 Licensed Surveyor:

SCALE  
1:500  
LENGTHS ARE IN METRES

ORIGINAL SHEET  
SIZE A3

Ref. 01112-S28  
Ver. 1

SHEET 6

**CREATION OF RESTRICTION A**

Upon registration of this plan the following restriction is created.

LAND TO BE BURDENED: See Table 1

LAND TO BENEFIT: See Table 1

**DESCRIPTION OF RESTRICTION**

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THIS PLAN:

1. MUST NOT BUILD OR PERMIT TO BE BUILT OR REMAIN ON THE LOT OR ANY PART OF IT ANY BUILDING OTHER THAN A BUILDING WHICH HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE APPROVED MEMORANDUM OF COMMON PROVISIONS (MCP) REGISTERED IN DEALING No. WITHOUT THE PRIOR WRITTEN CONSENT OF THE RESPONSIBLE AUTHORITY. THE PROVISIONS OF THE SAID MCP ARE INCORPORATED INTO THIS RESTRICTION;
2. MUST NOT MAKE AN APPLICATION TO AMEND A BUILDING ENVELOPE UNLESS SUCH AN AMENDMENT AND ANY CRITERIA OR MATTERS WHICH MUST BE CONSIDERED BY THE RESPONSIBLE AUTHORITY IN DECIDING ON SUCH AN AMENDMENT ARE TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY; AND
3. MUST NOT ERECT ANY BUILDING ON A LOT UNLESS THE PLANS FOR SUCH A BUILDING ARE ENDORSED BY THE BLOOMDALE BUILDING AND DESIGN APPROVAL COMMITTEE (BBDAC) PRIOR TO THE ISSUE OF A BUILDING PERMIT.

THIS RESTRICTION WILL EXPIRE TEN YEARS AFTER THE DATE OF THE REGISTRATION OF THIS PLAN.

Table 1

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2801	2802
2802	2801, 2803
2803	2802, 2804
2804	2803, 2805
2805	2804
2806	2807, 2808
2807	2806, 2808
2808	2806, 2807, 2809
2809	2808, 2810
2810	2809, 2811
2811	2810, 2812
2812	2811, 2813
2813	2812, 2814
2814	2813, 2815
2815	2814, 2816

Table 1 (Continued)

BURDENED LOT No.	BENEFITING LOTS ON THIS PLAN
2816	2815, 2817
2817	2816, 2818
2818	2817
2819	2820
2820	2819
2821	2822, 2823
2822	2821, 2823
2823	2821, 2822, 2824
2824	2823, 2825
2825	2824, 2826
2826	2825, 2827
2827	2826, 2828
2828	2827, 2829
2829	2828

**AA3346**

07/07/2017

\$94.60

MCP



# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

Lodged by

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/23  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

**1 Bloomdale, Diggers Rest**

These Design Guidelines apply to residential lots 2301 to 2341 within Stage 23 on Plan of Subdivision PS749041J approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

**2 Developer Approval**

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

The BBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The BBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the BBDAC.

[approval number]

**MCP**

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.



**AA3346**

07/07/2017 \$94.60 MCP



The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor.

**3 Medium and High Density Lots**

The requirement contained in the design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

**4 Planning Permit**

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m<sup>2</sup> where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title;
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

**5 Covenants**

In the event that requirements under the Design Guidelines (endorsed under the planning permit) contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

**6 Statutory Obligations**

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Code, Rescode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

**7 Dwellings**

Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

**8 Identical Façade Assessment**

In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing developments.

**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

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Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

**10 Corner Lot Characteristics**

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

**11 Porches and Entries**

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

**12 Dwelling Size**

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

**13 Building Heights**

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged

**14 Roofs**

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

**15 Garages**

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

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Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

**16 Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation

**17 Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

**18 Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage

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may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

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For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling.

Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

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Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

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Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.

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It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

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The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

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The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

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Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

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**34 Ancillary Items**

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

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Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;

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**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.



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# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

Lodged by

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/24  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

**1 Bloomdale, Diggers Rest**

These Design Guidelines apply to residential lots 2401 to 2444 within Stage 24 on Plan of Subdivision PS749043E approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

**2 Developer Approval**

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

The BBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The BBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the BBDAC.

[approval number]

**MCP**

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

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The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor.

**3 Medium and High Density Lots**

The requirement contained in the design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

**4 Planning Permit**

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m<sup>2</sup> where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title;
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

**5 Covenants**

In the event that requirements under the Design Guidelines (endorsed under the planning permit) contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

**6 Statutory Obligations**

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Code, Rescode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

**7 Dwellings**

Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

**8 Identical Façade Assessment**

In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing developments.

**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

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Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

**10 Corner Lot Characteristics**

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

**11 Porches and Entries**

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

**12 Dwelling Size**

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

**13 Building Heights**

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged

**14 Roofs**

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

**15 Garages**

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

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Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

**16 Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation

**17 Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

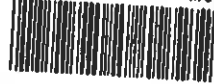
**18 Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage

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may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

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For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling.

Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.

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The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

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Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

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After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;



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**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.

# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

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Lodged by

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/25  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

#### 1 Bloomdale, Diggers Rest

These Design Guidelines apply to residential lots 2501 to 2558 within Stage 25 on Plan of Subdivision PS749048T approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

#### 2 Developer Approval

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

The BBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The BBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the BBDAC.

[approval number]

**MCP**

1. The provisions are to be numbered consecutively from number 1.
2. Further pages may be added but each page should be consecutively numbered.
3. To be used for the inclusion of provisions in instruments and plans.

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The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor.

**3 Medium and High Density Lots**

The requirement contained in the design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

**4 Planning Permit**

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m<sup>2</sup> where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title;
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

**5 Covenants**

In the event that requirements under the Design Guidelines (endorsed under the planning permit) contradict covenants defined within the Plan of Subdivision or this MCP, the Plan of Subdivision or this MCP will prevail.

**6 Statutory Obligations**

It is the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Code, Rescode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

**7 Dwellings**

Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

**8 Identical Façade Assessment**

In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing developments.

**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

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Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

#### 10 Corner Lot Characteristics

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

#### 11 Porches and Entries

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

#### 12 Dwelling Size

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

#### 13 Building Heights

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged.

#### 14 Roofs

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

#### 15 Garages

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

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Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

**16 Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation

**17 Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

**18 Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage

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may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

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For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.

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Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

**27 Solar Heating Panels**

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

**28 Rainwater Tanks**

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.

**29 Recycled Water**

Recycled water will be in use at Bloomdale for toilet flushing and garden usage. All residents are required to connect their dwellings to this service to reduce the consumption of potable water. For more information, please refer to Western Water's website ([www.westernwater.com.au](http://www.westernwater.com.au)).

**30 Energy Ratings**

It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

**31 NBN Co.**

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

**32 Sheds**

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

**33 Pergolas, Patios & Decking**

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The BBDAC will assess structures/applications on their merits.

Please note that later date stand-alone submissions will incur an additional assessment fee.



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**34 Ancillary Items**

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

**35 Maintenance of the Lot**

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;

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**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.

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# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958

**Lodged by**

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/27  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

**1 Bloomdale, Diggers Rest**

These Design Guidelines apply to residential lots 2701 to 2744 within Stage 27 on Plan of Subdivision PS803026F approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

**2 Developer Approval**

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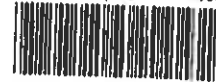
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**MCP**

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The requirement contained in the design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of a medium or high density lot, the plans must be assessed and approved by the BBDAC.

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- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

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Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

**8 Identical Façade Assessment**

In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

This provision does not apply to integrated housing developments.

**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

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Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

**10 Corner Lot Characteristics**

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

**11 Porches and Entries**

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

**12 Dwelling Size**

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

**13 Building Heights**

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged

**14 Roofs**

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

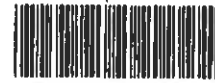
**15 Garages**

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

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Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

**16 Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation

**17 Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

**18 Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage

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may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

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For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.



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Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

**27 Solar Heating Panels**

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

**28 Rainwater Tanks**

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.

**29 Recycled Water**

Recycled water will be in use at Bloomdale for toilet flushing and garden usage. All residents are required to connect their dwellings to this service to reduce the consumption of potable water. For more information, please refer to Western Water's website ([www.westernwater.com.au](http://www.westernwater.com.au)).

**30 Energy Ratings**

It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

**31 NBN Co.**

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

**32 Sheds**

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

**33 Pergolas, Patios & Decking**

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The BBDAC will assess structures/applications on their merits.

Please note that later date stand-alone submissions will incur an additional assessment fee.

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**34 Ancillary Items**

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

**35 Maintenance of the Lot**

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;

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07/07/2017 \$94.60 MCP



**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.

# Memorandum of Common Provisions

## Section 91A Transfer of Land Act 1958



Lodged by

Name: Taylors Development Strategists Pty Ltd  
Phone: (03) 9501 2800  
Address: Suite 8, 270 Ferntree Gully Road, Notting Hill VIC 3168  
Reference: 01112/28  
Customer Code: 11200D

This memorandum contains 9 pages of provisions which are intended for inclusion in instruments and plans to be subsequently lodged for registration.

### Provisions

#### 1 Bloomdale, Diggers Rest

These Design Guidelines apply to residential lots 2801 to 2829 within Stage 28 on Plan of Subdivision PS803028B approved under Melton Planning Permit No. PA2016/5231.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

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Page 1 of 9

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

Land Victoria, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010  
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On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons' unit on lots greater than 600m<sup>2</sup>;
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No further subdivision is permitted without the written approval of the BBDAC.

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In order to uphold the integrity of all new homes, 2 dwellings of the same front facade shall not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

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**9 Architectural Characteristics**

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.



Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

#### 10 **Corner Lot Characteristics**

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.

#### 11 **Porches and Entries**

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

#### 12 **Dwelling Size**

The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

#### 13 **Building Heights**

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged.

#### 14 **Roofs**

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

#### 15 **Garages**

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.



Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to clauses 16-19 for garage setback requirements.

#### 16 **Small Lot Setbacks**

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all mandatory setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation.

#### 17 **Standard Lot Setbacks**

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension.

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

#### 18 **Standard Corner Lot Setbacks**

Where applicable, standard corner lots must comply with the setback requirements listed in Item 17, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage



may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of lot but are not permitted adjacent to boundaries abutting public open space.

**19 Building Envelopes**

If building envelope is shown on a Plan of Subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

**20 Materials**

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.

**21 Colour Schemes**

A harmonious colour palette consisting of natural, subdued hues which are complimentary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

**22 Driveways**

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

**23 Boundary Fencing**

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

**23.1 Front Fencing**

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (i.e. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m in height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.





For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

### **23.2 Side and Rear Fencing**

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/- 50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/- 50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

### **23.3 Side Street Fencing**

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/- 50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## **24 Front Landscaping**

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## **25 Letterboxes**

Letterboxes should be designed to match and complement the dwelling design. Single post supported letterboxes are discouraged.

## **26 Liveability Considerations**

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.



Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

**27 Solar Heating Panels**

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

**28 Rainwater Tanks**

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.

**29 Recycled Water**

Recycled water will be in use at Bloomdale for toilet flushing and garden usage. All residents are required to connect their dwellings to this service to reduce the consumption of potable water. For more information, please refer to Western Water's website ([www.westernwater.com.au](http://www.westernwater.com.au)).

**30 Energy Ratings**

It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

**31 NBN Co.**

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's. For more information, please refer to NBN Co website ([www.nbnco.com.au](http://www.nbnco.com.au)).

**32 Sheds**

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

**33 Pergolas, Patios & Decking**

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The BBDAC will assess structures/applications on their merits.

Please note that later date stand-alone submissions will incur an additional assessment fee.



**34 Ancillary Items**

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

**35 Maintenance of the Lot**

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

**36 Commercial Vehicles**

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

**37 Signs**

No signs, including 'For Sale' signs may be erected by the Purchaser other than a 'Home for Sale' sign which may be erected after completion of construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

**38 Definitions**

**Articulation** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes AVID PROPERTY GROUP NOMINEES PTY LTD as the developer/owner of Bloomdale Residential Estate.

**Building** has the same meaning as in the Building Act;

**Building Act** means the act of the Victorian Parliament known as the Building Act 1993;

**Building Envelope** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**Building Envelope Plan** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**Building Permit** means a building permit in terms of the Building Act;

**Corner Lot** means a lot with a corner where each boundary connects to a street or public open space;

**Design Guidelines** Design Guidelines mean the building design guidelines endorsed under Permit No. PA2016/5231 which may be amended from time to time;



**Dwelling** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling;

**Frontage** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces;

**Front Garden** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**Height** has the same meaning as in the Regulations;

**Lot** has the same meaning as in the Building Act;

**On the Boundary** means on the boundary or a setback of up to 200 millimetres from the lot/property boundary;

**Private Open Space** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**Regular Lots** are lots where the front boundary dimension is the same as the rear boundary dimension;

**Regulations** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**Scheme** means the City of Melton Planning Scheme;

**Secluded Private Open Space** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**Secondary Street** means the street that runs along the side boundary of a property when located on a corner;

**Setback** means the minimum distance from any allotment boundary to a building;

**Side Boundary** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**Site Coverage** means the proportion of a site covered by buildings;

**Small Lots** are lots with an area less than 300m<sup>2</sup>;

**Standard Lots** are lots with an area greater than 300m<sup>2</sup>;

**Storey** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**Street**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement;

**Window** has the same meaning as in the Regulations.

# G1 Application to Record Notification

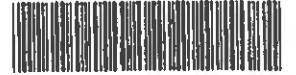
Section 20 IUB Planning and Environment Act 1987

Use to notify the Registrar of Land subject to GAIC

Privacy Collection Statement: The information from this form is collected by the Registrar of Titles and is used for the purpose of maintaining publicly searchable registers and indexes.

## AH462111E

30/08/2010 \$0 201UB



### Read this before you start

- 1 Fill page 1 online
- 2 Print form single sided
- 3 Sign with a blue or black pen

### Purpose

The Growth Areas Authority applies to the Registrar of Titles to record a notification on the folio(s) of the Register described at item 1 that a growth areas infrastructure contribution may be payable.

### 1. What land is subject to GAIC?

Land Title 1

Volume Folio

Land Title 2

Volume Folio

Other Land Titles

see attached list

### 2. Signature/s

Growth Areas Authority

Signature

Peter Scamer

Name of Signatory

### 3. Date (dd/mm/yyyy)

30/08/2010

### 4. Does the lodging party have a customer code?

No Go to question 5

Yes  What is the customer code? Reference

14273H

0/10/7728

### 5. Lodging party details

Lodging party

Given Name(s)

Family Name/  
Company Name

Growth Areas Authority

Phone

Address

No.

Street

Suburb

Postcode

### You may lodge this form in two ways:

#### 1. In person

Level 9, 570 Bourke Street  
Melbourne 3000

#### 2. By mail

P.O. Box 500  
East Melbourne 3002

**AH46211E**

30/08/2010 \$0 2010B



Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol
139/601	4594/635	8162/673	8541/356	8739/787	8842/134	8900/292
267/330	4658/415	8204/400	8541/357	8739/788	8842/135	8900/293
267/340	4787/225	8210/486	8547/501	8739/789	8842/136	8900/294
451/167	4953/483	8215/864	8547/977	8739/792	8842/137	8900/295
489/649	4964/677	8218/032	8547/978	8739/793	8850/019	8900/296
638/571	5350/889	8231/931	8547/980	8739/794	8857/981	8900/297
647/382	5507/303	8269/013	8547/981	8739/795	8865/396	8900/298
824/704	5600/900	8294/813	8569/350	8739/796	8869/771	8900/299
1031/051	5804/612	8309/576	8576/382	8739/797	8869/772	8900/300
1178/419	5910/840	8310/126	8576/384	8742/589	8869/773	8900/301
1226/165	5990/959	8310/127	8581/146	8742/590	8874/217	8900/302
1233/491	6015/996	8321/655	8592/852	8742/591	8877/852	8900/303
1251/127	6020/949	8349/370	8592/853	8742/592	8877/853	8900/304
1264/604	6043/546	8368/998	8592/876	8742/593	8888/081	8900/305
1505/901	6122/329	8378/211	8592/884	8742/594	8889/985	8900/306
1978/595	6135/000	8378/214	8592/885	8742/595	8894/157	8900/307
2041/108	6160/901	8378/215	8600/690	8742/596	8894/158	8900/308
2090/953	6168/483	8378/216	8603/842	8747/084	8894/694	8900/309
2220/934	6195/943	8378/217	8610/993	8747/085	8894/695	8900/310
2534/731	6229/723	8378/218	8611/461	8747/086	8894/696	8900/311
2534/732	6244/608	8378/219	8622/411	8752/088	8894/697	8900/312
2759/636	6298/444	8378/220	8622/412	8755/679	8894/698	8900/313
2770/963	6330/985	8378/221	8622/988	8755/751	8894/701	8900/314
2862/217	6437/282	8378/222	8622/989	8755/752	8894/702	8900/315
2946/200	6565/988	8378/223	8622/990	8755/777	8894/703	8900/316
3099/656	6581/174	8378/226	8624/292	8755/778	8898/105	8900/317
3099/675	6647/398	8379/883	8624/293	8758/355	8900/259	8900/318
3132/225	6765/868	8379/885	8624/296	8766/992	8900/261	8903/211
3188/558	6765/869	8383/697	8624/297	8772/323	8900/262	8907/122
3352/400	6765/870	8389/202	8634/128	8790/501	8900/263	8907/619
3481/102	6911/045	8403/987	8646/467	8806/545	8900/264	8908/714
3487/224	6993/407	8411/050	8677/020	8807/338	8900/265	8908/715
3509/629	7186/016	8412/208	8678/242	8807/339	8900/266	8908/716
3619/739	7194/648	8421/635	8683/243	8807/340	8900/267	8909/407
3674/635	7275/803	8427/825	8683/252	8812/559	8900/268	8909/685
3702/397	7277/277	8435/031	8692/737	8816/670	8900/269	8919/214
3724/752	7505/065	8435/502	8693/511	8816/671	8900/270	8919/215
3879/632	7532/137	8457/262	8693/513	8816/672	8900/271	8922/593
3915/946	7649/107	8459/277	8693/514	8819/811	8900/272	8923/838
3919/701	7656/039	8475/919	8696/244	8819/812	8900/273	8923/839
3920/919	7659/121	8480/663	8698/895	8819/813	8900/274	8923/840
3948/518	7662/117	8486/685	8708/229	8819/814	8900/276	8923/841
3953/529	7785/042	8492/903	8708/464	8819/815	8900/277	8924/425
4012/379	8041/132	8492/904	8708/779	8820/924	8900/279	8930/457
4019/684	8041/399	8492/906	8709/198	8836/829	8900/280	8938/771
4019/685	8041/400	8502/405	8715/897	8836/830	8900/282	8942/740
4024/650	8066/282	8502/406	8732/244	8836/831	8900/283	8942/741
4129/609	8092/571	8510/185	8733/402	8838/412	8900/284	8950/971
4242/224	8096/369	8510/303	8733/403	8842/127	8900/285	8953/965
4252/349	8106/720	8510/304	8738/528	8842/128	8900/286	8954/141
4377/374	8106/721	8521/038	8739/591	8842/129	8900/287	8954/142
4382/319	8129/406	8532/426	8739/592	8842/130	8900/288	8954/143
4392/391	8141/370	8536/860	8739/593	8842/131	8900/289	8954/144
4477/215	8149/589	8536/861	8739/594	8842/132	8900/290	8954/145
4557/371	8162/010	8536/862	8739/786	8842/133	8900/291	8954/146

**AH462111E**

30/08/2010 \$0 201UB



Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol
8954/147	9005/336	9109/390	9225/930	9375/943	9443/122	9501/212
8954/148	9007/431	9109/391	9227/202	9375/947	9443/123	9501/252
8954/149	9010/204	9109/392	9227/203	9375/948	9443/124	9501/253
8954/151	9019/365	9109/393	9227/630	9375/951	9443/125	9501/255
8954/152	9022/268	9109/394	9227/631	9381/442	9443/126	9503/048
8954/153	9026/900	9109/395	9227/632	9389/077	9443/127	9504/968
8954/154	9042/583	9109/396	9231/277	9391/274	9443/128	9508/441
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8954/171	9070/711	9114/377	9304/799	9426/843	9443/895	9551/105
8954/172	9070/712	9116/690	9304/800	9427/544	9449/203	9551/528
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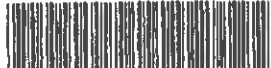
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10422/004	10629/942	10756/924	10870/980	11084/832	11208/177
10438/885	10632/525	10756/925	10871/183	11084/833	11208/231
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10526/720	10655/732	10791/977	10946/869	11126/028	

**Application by a responsible authority for the making of a recording of an agreement**

**Section 181 Planning and Environment Act 1987**

<b>Privacy Collection Statement</b>		
<b>AN984413X</b>		
CC	28/06/2017	\$92.70 173
		

Lodged by

Name: MADDOCKS LAWYERS

Phone: 03 9258 3320

Address: COLLINS SQUARE, LEVEL 25, 727 COLLINS STREET MELB

Reference: NJS:LMC:6001431.014

Customer code: 1167E

The responsible 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.

Land:(volume and folio)

*Volume 11884 Folio 913*

VOLUME 11833 FOLIO 383, ~~VOLUME 11855 FOLIO 662~~ AND VOLUME 11855 FOLIO 593

Responsible authority:(full name and address, including postcode)

MELTON CITY COUNCIL, 232 HIGH STREET MELTON VIC 3337

Section and act under which agreement is made:

SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT (VIC) 1987

A copy of the agreement is attached to this application:

YES

Signing:

35271702A

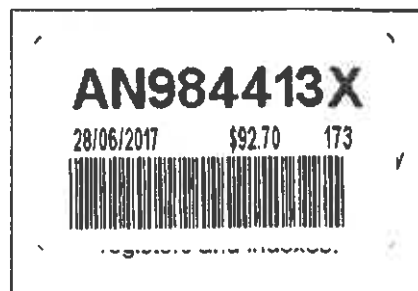
181PEA

Page 1 of 2

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

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

**Application by a responsible authority for the  
making of a recording of an agreement  
Section 181 Planning and Environment Act 1987**



Executed on behalf of

Signer Name *ROBERT BAGGIO*

Signature

Execution Date *15 JUNE 2017*

Full Name of Witness *MORIS EDWARDS*

Witness Signature

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35271702A

181PEA

Page 2 of 2

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PA2017/5553

**AN984413X**

28/06/2017 \$92.70 173



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DX 259 Melbourne

# Agreement under section 173 and Section 177 of the Planning and Environment Act 1987

**Land: 146 Diggers Rest-Coimadai Road, Diggers Rest**

**Melton City Council**  
and

**Avid Property Group Nominees Pty Ltd**  
ACN 088 212 631

**AN984413X**

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## Agreement under section 173 of the Planning and Environment Act 1987

Dated

**AN984413X**

28/06/2017 \$92.70 173



### Parties

Name	<b>Melton City Council</b>
Address	232 High Street, Melton, Victoria
Short name	<b>Council</b>

Name	<b>Investa Nominees (2) Pty Ltd ACN 128 351 011</b>
Address	Level 6, 126 Phillip Street, Sydney NSW 2000
Short name	<b>Former Owner</b>

Name	<b>Avid Property Group Nominees Pty Ltd ACN 088 212 631</b>
Address	Level 35, 259 George Street, Sydney NSW 2000
Short name	<b>Owner</b>

### Background

- A. The Council is the responsible authority under the Planning Scheme.
- B. The Owner is the registered proprietor of the Subject Land.
- C. The Council issued the Planning Permit in respect of and affecting Land, which includes condition 8 requiring the Previous Owner to enter into the Previous Agreement.
- D. The Previous Agreement was intended to secure the provision of development contributions for the development of the Land and record the agreement of the parties to implement the Public Infrastructure Plan ("PIP") under the Planning Permit in the course of developing the Land under the Planning Permit and Further Planning Permit(s).
- E. The Previous Agreement was entered into between the Council and the Previous Owner pursuant to section 173 of the Act, in order to:
  - E.1 Identify the obligations of the Owner to pay the Development Infrastructure Levy, or, in lieu of payment, undertake works for an Infrastructure Project or transfer land to Council, in accordance with the Public Infrastructure Plan approved by Council with respect to the Land; and
  - E.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Land.



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- F. The Previous Owner transferred its interest and the Owner is now the registered proprietor of the Land.
- G. The Land is subject to registered mortgages No. AN150060H registered on 04 October 2016 and AM391599T registered on 08 December 2015 in favour of ANZ Fiduciary Services Pty Ltd (ACN100 709 493), which Mortgagee, as evidenced by its consent on the attestation pages, consents to this Agreement and, in the event that it becomes a mortgagee in possession, to be bound by this Agreement.
- H. The Parties now wish to terminate the Previous Agreement and enter into this Agreement to amend clause 3.3 of the Previous Agreement.

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**1. The Parties agree**

**1.1 Definitions**

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

**Act** means the Planning and Environment Act 1987.

**Agreement** means this agreement, including any schedules or annexures and any agreement executed by the parties expressed to be supplemental to this Agreement. Where the Agreement refers to a document or Schedule that may be amended from time to time in writing, the most recent version of that document as approved by Council will be the relevant version for interpretation of this Agreement.

**Approved Plans** means the plans for each Infrastructure Project approved by Council under clause 3.5 of this Agreement.

**Contamination** means the presence in, on or under land (or surface water on or ground water under land) of any hazardous or toxic substance at a concentration above the concentration at which the substance is naturally present in, on or under land in the same locality.

**Council** means Melton City Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme.

**DCP** means the Diggers Rest Development Contributions Plan dated March 2012, prepared by Growth Areas Authority as may be amended from time to time.

**DCP Value** means the amount for an Infrastructure Project as set out in the Works Schedule under the heading DCP Value (being the figures derived from the DCP), as indexed in accordance with this Agreement.

**Development Infrastructure Levy** means the amount required under the DCP to be paid towards the works, services and facilities in the Diggers Rest PSP Area as calculated in accordance with the DCP.

**Developed Lot** means a lot in respect of which there is no Development Infrastructure Levy payable or the Development Infrastructure Levy has been satisfied.

**Further Planning Permit** means any permit granted for the balance of the Land.

**Infrastructure Project** means an infrastructure project included in the Works Schedule and in the DCP.

**Land** means the land contained in certificates of title volume 11833 folio 383, volume 11855 folio 082 and volume 11855 folio 593.

**Maintenance Period** has the meaning given in clause 7.2.

**Mortgagee** means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

**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 Subject Land or any part of it and includes a Mortgagee-in-possession.



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**party or parties** means the Owners and Council under this Agreement as appropriate.

**PIP** means the Public Infrastructure Plan as approved by Council consistent with condition 6 of the Planning Permit and in accordance with the DCP and as amended by Council from time to time noting that the parties agree that the PIP is intended to be the Public Infrastructure Plan for all Further Planning Permits.

**Planning Permit** means planning permit No PA2012/3787 issued by the Council under the Planning Scheme and which relates to the Land.

**Planning Scheme** means the Melton Planning Scheme and any other planning scheme which applies to the Land.

**Practical Completion** means a statement in writing prepared by the Council stating that the Works for an Infrastructure Project have been completed to the satisfaction of the Council.

**Precinct Structure Plan** means the plan prepared by Growth Areas Authority entitled the Diggers Rest Precinct Structure Plan dated March 2012.

**Previous Agreement** means the Agreement under section 173 of the Act between the Owner and Council dated 5 September 2016 and contained in Registered Instrument AL448715Q.

**Provision Trigger** means, the completion of a stage of the development under the Planning Permit or any Further Planning Permit as set out in the column entitled 'Provision Trigger' for each Infrastructure Project in the Works Schedule, or as otherwise agreed between the Owner and the Council in respect of development to be permitted under a Further Planning Permit.

**Serviced** means delivered with electricity, water, gas sewerage and any other service normal to the delivery of land to the relevant lot.

**Statement of Compliance** means a statement of compliance issued under the Subdivision Act 1988.

**Termination Date** means:

- (a) the latter of:
  - (i) The date upon which the Council reasonably determines and notifies the Owner in writing that the Owner has complied with all of its obligations under this Agreement; and
  - (ii) The date upon which the Council notifies the Owner in writing that the Council no longer requires the Owner to perform its obligations under this Agreement; and
- (b) In respect of a Developed Lot, on the date of registration of the plan of subdivision creating that lot.

**Works** means the works required to construct an Infrastructure Project being those works as set out in the Works Schedule under the heading Description of Works which relate to the Land and in respect of which the Owner must submit detailed plans to Council's satisfaction in accordance with the Agreement.

**Works Schedule** means the Schedule of Works attached at Annexure A to this Agreement and as amended from time to time in accordance with this Agreement and which is available for inspection upon reasonable notice at the offices of the Council.

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## 1.2 Interpretation

In the interpretation of this Agreement (including its recitals and any schedules) except to the extent that the context otherwise requires:

- 1.2.1 Words (including defined expressions) denoting the singular will be deemed to include the plural and vice versa.
- 1.2.2 Words (including defined expressions) denoting any gender will be deemed to include all other genders.
- 1.2.3 Words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and vice versa.
- 1.2.4 References to a statute or statutory provision will be deemed to include any statutory provision which amends, extends, consolidates or replaces the same or which has been amended, extended, consolidated or replaced by the same and any by laws, local laws, licences, statutory instruments, rules and regulations, orders, notices and directions, consents or permission made under it and any condition attaching to it.
- 1.2.5 Headings are included for convenience only and will not affect the interpretation of this Agreement or any schedule.
- 1.2.6 References to clauses, recitals and schedules are to clauses of, and recitals and schedules to, this Agreement.
- 1.2.7 References to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be.
- 1.2.8 Subject to the other provisions of this Agreement, reference to the Land in this Agreement will include a reference to any lot created by the subdivision of the Land or any part of it.
- 1.2.9 Reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time.
- 1.2.10 Where a word or phrase is given a definite meaning in this Agreement a part of speech or other grammatical form for that word or phrase has a corresponding meaning.

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## 2. Owners' covenants

- 2.1 The Owner acknowledges and agrees that, subject to clause 3:
  - 2.1.1 Prior to the issue of a Statement of Compliance for any stage of subdivision or any buildings and works that would otherwise trigger payment of the Development Infrastructure Levy of the Land it will pay to Council the Development Infrastructure Levy required for that stage unless otherwise agreed in writing by the Council.
  - 2.1.2 Prior to the issue of a Statement of Compliance for any stage of subdivision of the Land which would trigger a Provision Trigger, unless otherwise agreed with the Council it will deliver the triggered Infrastructure Project to the satisfaction of Council in accordance with this Agreement.

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- 2.1.3 In the event that the Owner seeks to amend the PIP for the Planning Permit or any Further Planning Permit it agrees to seek to amend the PIP for all planning permits issued affecting the Land.
- 2.1.4 All land transferred or vested in Council under this Agreement or any other authority following the completion of an Infrastructure Project must be:
- (a) free of all encumbrances (other than those approved by Council or any other relevant authority or government agency for the provision of services) and graded except as agreed by Council;
  - (b) Serviced (except for roads) to the satisfaction of Council; and
  - (c) free from surface rock, rubbish and Contamination to the satisfaction of Council except as agreed by Council.
- 2.1.5 Unless otherwise agreed in writing by the Council, all land transferred or vested in Council or any other authority must be accompanied by a certificate from the State Revenue Office certifying that GAIC has been paid in respect of that land and all GAIC liabilities in respect of the land must have been discharged.
- 2.1.6 Where liability of the Owner to pay GAIC is not triggered prior to transfer or vesting of any land to Council or another authority, or the Owner seeks to defer GAIC payment in accordance with the Act, the Council may agree in writing (subject to any conditions it sees fit) to accept the relevant land without discharge of GAIC liability in which case the Owner:
- (a) indemnifies the Council in respect of the GAIC liability;
  - (b) must provide the Council with a bank guarantee from a banking institution approved by Council to the value of the GAIC liability prior to the issuing of a Statement of Compliance for the relevant plan of subdivision and/or the transfer of the land;
  - (c) agrees that the Council may call upon the bank guarantee at its discretion to discharge any GAIC payment that becomes due and payable by Council in the event that the Owner does not pay such liability within 30 days of a written request of the Council;
  - (d) must provide replacement bank guarantee(s) from a banking institution approved by Council by no later than 30 June each year to account for any increase in the GAIC rate specified under the Act.
  - (e) And in any case must pay the GAIC amount to Council:
    - (i) within 5 years transfer or vesting of the land in Council (whether triggered by a Council activity at that time or not); or
    - (ii) or within 30 days of a written request by Council if a Council activity on the relevant land triggers a GAIC payment;
- at which time the Council must return the bank guarantee to the Owner and shall assume all obligations in relation to the payment of the GAIC amount.
- 2.1.7 In respect of land vested in Council:

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- (a) the values in this Agreement are intended to replace the market value and any other method of calculating compensation payable to a person under the Land Acquisition and Compensation Act 1986 and the Act in respect of land;
- (b) upon payment being made in accordance with this Agreement whether as a monetary amount or by a credit in respect of the value in the Works Schedule, unless or any other amount is agreed to be paid under this Agreement in respect of any land, no other compensation is payable for the effect of severance or for solatium as those terms or concepts are understood in the context of the Land Acquisition and Compensation Act 1986 or for any other category of or form of loss or compensation in respect of the land; and
- (c) unless expressly provided to the contrary, where one party is required to transfer or vest land to or in the other party, the party transferring or vesting the land to or in the other party is responsible for the payment of all reasonable costs and disbursements associated with that transfer or vesting as the case may be.

2.1.8 The Development Infrastructure Levy amount in clause 2.1.1 of this Agreement must be adjusted in accordance with the DCP.

2.2 The parties agree that should the Owner have paid to the Council the Development Infrastructure Levy for the entire area of the Land prior to the issue of the Statement of Compliance for any stage of subdivision for the Land or any buildings and works that would otherwise trigger payment of the Development Infrastructure Levy, no further Development Infrastructure Levy will be due to be paid by the Owner under this Agreement with respect to the development of the Land.

2.3 Any amount due under this Agreement but unpaid or not offset by a credit under clause 3 by the due date incurs interest at the rate prescribed under section 172 of the Local Government Act 1989 and any payment made shall be first directed to payment of interest and then the principal amount owing.

2.4 Notwithstanding anything contained in this Agreement, no interest will begin to accrue unless the person obliged to make a payment has been specifically notified in writing by the other party of the event which gives rise to the obligation to make the payment.

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**3. Works in lieu of development contributions**

**Credit**

3.1 The parties acknowledge and agree that:

3.1.1 the Owner must in accordance with the PIP, construct or cause to be constructed Works or transfer or vest land in Council or any other authority as part of an Infrastructure Project (works-in-kind) and will receive a credit for the cost of that Infrastructure Project against the obligation to pay the Development Infrastructure Levy. Credits for works-in-kind will accrue on Practical Completion for the relevant Works unless otherwise agreed by Council in writing.

3.1.2 the credit to which the Owner shall be entitled to in respect of works-in-kind as referred to in clause 3.1.1 of this Agreement shall be the DCP Value where the whole of the project is provided or a percentage amount of the DCP Value equivalent to the percentage of the project completed, indexed in accordance with section 3.1.6 of the DCP unless expressly agreed in writing between the Council and the Owner. Such indexation will commence on the dates indicated in the note

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in the Works Schedule and the DCP Values will be revised on the anniversary of those dates;

- 3.1.3 the Owner must carry out the Works at its own cost and is responsible for all design and construction risks in relation to the Works; and
- 3.1.4 the Council has no responsibility for any costs incurred by the Owner in carrying out the Works other than variations to those Works undertaken at the written request of the Council where such variation is made subsequent to the issue of an approval to clause 3.6 of this Agreement.
- 3.1.5 Where the Owner has accrued works-in-kind credit which is in excess of the Development Infrastructure Levy liability under the DCP, the credit will be carried forward to offset future Development Infrastructure Levy liability. The credit balance will be indexed annually in accordance with Australian Bureau of Statistics 6401.0 Consumer Price Index CPI (All Groups) Melbourne to adjust for the effects of inflation. The first indexation will be applied on a prorata basis from the date Statement of Compliance was issued in respect of the development of the Land where a credit balance accrues to the end of that financial year (30 June). From that point on, the credit balance as exists at financial year end (30 June) will be indexed on that date until the Owner's credit has been fully exhausted, or only where the development of the Land is complete, the Credit has been paid out to the Owner if there is no further Development Infrastructure Levy liability to be offset.
- 3.1.6 The arrangements contemplated in clause 3.1 of this Agreement will not be a bar to the earlier issuance by Council of one or more Statements of Compliance for plans of subdivision provided such plans of subdivision do not trigger a Provision Trigger and any Development Infrastructure Levy liability is paid or offset by a works-in-kind credit.
- 3.1.7 In the event that the value of a Infrastructure Project changes in the DCP through the review process at Clause 3.1.7 of the DCP, the Owner may, in its absolute discretion, elect to pay the Development Infrastructure Levy in rather than undertaking Works and must submit an amended PIP for endorsement accordingly.

**Payment of Credit**

- 3.2 When an entitlement for a credit arises under clause 3.1 of this Agreement, an amount equal to the DCP Value (indexed in accordance with clause 3.1.2) is to be provided to the Owner as a credit against liability to pay a Development Infrastructure Levy, or if the value of all credits provided to the Owner exceeds the Owner's liability to pay a Development Infrastructure Levy for the full development of the Land, then, subject to clause 3.8, as a cash payment upon issue of a Statement of Compliance in respect of the final stage or Practical Completion of the final Infrastructure Project (whichever is the latter),
- 3.3 No payment of any Credit will occur before the full development of the Land unless otherwise agreed by Council.
- 3.4 Where a monetary payment is to be paid to the Owner under clause 3.2 of this Agreement it will be paid within 90 days of the event that triggers payment (other than due to any variations to the Works undertaken at the written request of Council).

**Approved Plans**

- 3.5 The Owner must prepare plans for each Infrastructure Project to the satisfaction of Council and submit such plans to Council for approval.

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- 3.6 Upon the approval by the Council of the Approved Plans there will be no further variations to the Approved Plans without the prior written agreement of the Council in its capacity as responsible authority.
- 3.7 The Works undertaken by the Owner for an Infrastructure Project must:
  - 3.7.1 be constructed in accordance with the Approved Plans;
  - 3.7.2 accord with any conditions on the Approved Plans;
  - 3.7.3 be constructed to the satisfaction of Council;
  - 3.7.4 be in accordance with the specifications, requirements and any necessary approvals of all relevant authorities;
  - 3.7.5 be maintained free of defects for a period of 3 months from the date of that the works vest in Council pursuant to clause 7.1. or the date of Practical complete where the land is already vested in Council;
  - 3.7.6 comply with any State or Federal law.

**Credit Rollover**

- 3.8 In the event that the Owner may be provided with a cash payment by Council in accordance with clause 3.2 of this Agreement, the Council may at the request of the Owner, using its absolute discretion, apply such credit as a paid Developer Infrastructure Levy to any other parcel of land (which is additional to the Land which are contemplated by this Agreement) within the DCP which is owned by the Owner.
- 3.9 If any credit is to be applied to other land parcel/s in accordance with clause 3.8 of this Agreement, the parties agree to use best endeavours to either amend this Agreement in accordance with the Act, or enter into a new agreement containing the same terms as this Agreement, such that it applies to the new title of land and such that it reflects the Infrastructure Projects that remain to be completed by the Owner. Council agrees that it will thereafter register such agreement on that new title of land.

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**4. Further Covenants of the Owners**

- 4.1 The Owner warrants and covenants with the Council that:
  - 4.1.1 Save as shown in the certificate of title to the Land , there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the 85 Davis Road Land, or any part thereof and not disclosed by the usual searches.
  - 4.1.2 No part of the Land is subject to any right obtained by adverse possession.
  - 4.1.3 Other than as disclosed (or in respect of a future Developed Lot) it has not entered into any contract of sale or lease in respect of the Land or any part thereof which option, contract or lease is still subsisting.
  - 4.1.4 Until this Agreement is recorded on the folio of the register which relates to the Land it will not after the date of this Agreement sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without first providing to their successors a copy of this Agreement.



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- 6.5 The Council will maintain a record of any credit accrued pursuant to clause 3.1 in relation to the Land, and update that record from time to time as necessitated by the application of the credit against the obligation to pay a Development Infrastructure Levy or the delivery of further DCP items by the Owner or the transfer of credit in accordance with clause 18.3. The Council will provide a quarterly report on request by the Owner of any credit to which the Owner is entitled to.

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**7. Transfer of ownership of works**

- 7.1 The ownership of the land containing the Works and the Works will transfer to the Council upon registration of the plan of subdivision relating to the Provision Trigger.
- 7.2 All Works undertaken by the Owner will be subject to a bank guarantee or other form of security to the satisfaction of Council to the value of 5% of the cost of the Works for a period of 3 months from ("Maintenance Period"):
- 7.2.1 the date of Practical Completion; or
- 7.2.2 in the case of Works that are situated on private land, the transfer of title in respect of that land to Council or any other relevant authority or government agency.
- 7.3 In the event that the Works are not maintained to Council's satisfaction for the Maintenance Period, the Council may, in the event of the Owner not complying with a written direction from the Council to undertake the necessary maintenance and in its discretion, use the bank guarantee provided under clause 7.2 of this Agreement, or any other form of security as is provided as the case may be to correct any defects in the Works undertaken. The bank guarantee or other form of security will be returned to the Owner after the expiry of the maintenance period less any monies utilised to correct any defects in the Works.

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**8. Public open space**

- 8.1 Subject to clause 8.2, the Owner must provide to Council public open space or cash in lieu of public open space:
- 8.1.1 as required under clause 52.01 of the Planning Scheme, the PSP and the DCP;
- 8.1.2 at the direction of and to the satisfaction of the Council.
- 8.2 The Council acknowledges and agrees that where the public open space provision on the Land is in excess of percentage open space requirements for subdivision of land under the Planning Scheme, the Owner is entitled to cash reimbursement from Council to equalise the value of the excess contribution of the public open space as determined in accordance with R26 within the PSP and section 3.1.4 of the DCP (as amended from time to time).
- 8.3 Council will pay to the Owner any cash reimbursement under clause 8.2 within 120 days of the end of the development of the Land.
- 8.4 Nothing in this Clause 8 derogates from the requirement of the Owner to undertake landscaping throughout the Land in accordance with the requirement of the Planning Permit or any Further Planning Permit.



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**9. Registration of Agreement**

The parties agree and the Owner acknowledges that the Council will forthwith after the execution of the Agreement register the Agreement on the titles of the Land pursuant to the provisions of Section 181 of the Act.

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**10. Not used**

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**11. Amendment**

This Agreement may be amended only in accordance with the requirements of the Act.

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**12. Waiver**

No waiver by any party of any default in the strict and literal performance of or compliance with any provision condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

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**13. No fettering of Council's powers**

**13.1** The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the 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 Land or relating to any use or development of the Land.

**13.2** For clarity, nothing in this Agreement which provides for the provision of contributions to the Infrastructure Projects shall fetter the Council's ability to require the Owners to

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**14. Notice**

**14.1** All notices and other communications provided for or permitted by this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the addresses of the parties as specified in this Agreement or to such other address or person as any party may specify by notice in writing to the other party or parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:

14.1.1 not later than two business days after being deposited in the mail with postage prepaid;

14.1.2 when delivered by hand;

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- 14.1.3 if sent by email upon production of a delivery confirmation report received by the sender which records the time the email was delivered unless the sender received a delivery failure notification; or
- 14.1.4 if sent by facsimile transmission upon completion of that transmission and production of a transmission report stating that the facsimile was sent to the addressee's facsimile number.

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**15. Costs on Default**

If the Owner defaults in the performance of any obligations under this Agreement it will pay to the Council its reasonable costs of action taken to achieve compliance with this Agreement.

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**16. Jurisdiction**

This Agreement will be governed by and construed in accordance with the law of the State of Victoria and each of the parties hereby submits to the jurisdiction of the Courts of the State of Victoria and the Victorian Civil and Administrative Tribunal.

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**17. Invalidity of any Clause**

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement will be invalid and not enforceable in accordance with its terms, all other provisions which are self-sustaining and capable of separate enforcement without regard to the invalid provisions will be and continue to be valid and enforceable in accordance with those terms.

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**18. Agreement Binding on Successors of Owner**

18.1 Subject to clause 22, this Agreement will extend to and bind the Owners' successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them shall also be binding on their successors transferees purchasers mortgagees and assigns as if each of them had separately executed this Agreement.

18.2 Nothing in this Agreement prevents the Council from endorsing a public infrastructure plan and entering into arrangements with another person which apply to the Infrastructure Projects listed in the Schedule provided that reasonable prior notice is , provided to the Owner and opportunity given to make any consequential amendments to the PIP given.

18.3 Council acknowledges that the credit accrued to the Owner under this Agreement may be transferred by the Owner:

18.3.1 In the event that the Owner were to transfer part of the Land to another person it may also in writing transfer an amount of credit to that person not exceeding the future Development Infrastructure Levy obligations for the transferred land.

18.3.2 In the event that the Owner were to transfer all of the Land to another person (or such part of the land that remains undeveloped) then any credit at the time of that transfer will pass to the transferee.

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18.3.3 The obligation upon Council to pay a credit under Clause 3.2, 3.3, 3.4 remains in place such that no credit payment will be made to any person until completion of full development of the Land, unless otherwise agreed with Council in writing.

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**19. Not used**

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**20. Joint obligations**

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

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**21. Gst**

- 21.1 In this clause, 'GST Act' means the A New Tax System (Goods and Services Tax) Act 1999 (Cth).
- 21.2 Expressions used in this clause and in the GST Act have the same meanings as when used in the GST Act.
- 21.3 Amounts payable and consideration provided under or in respect of this Agreement are GST exclusive.
- 21.4 The recipient of a taxable supply made under or in respect of this Agreement must pay to the supplier, at the time the consideration for the supply is due, the GST payable in respect of the supply. This obligation extends to supply consisting of a party's entry into this document.
- 21.5 A party is not obliged, under clause 21.3, to pay the GST on a taxable supply to it until given a valid tax invoice for the supply.

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**22. Withholding Tax**

- 22.1 If Subdivision 14 –D of Schedule 1 of the Taxation Administration Act 1953 (Cth) (**Tax Act**) applies to the transfer or vesting of any land pursuant to the terms of this Agreement, and the Owner does not provide a Clearance Certificate to the Council, the Owner indemnifies the Council against any penalties, fines, legal costs, claims, losses or damages which the Council may incur due to the Owner's non-compliance with the Tax Act.
- 22.2 If the Owner gives to the Council a clearance certificate issued by the Commissioner of Taxation under subsection 14-220 of Schedule 1 of the Tax Act (**Clearance Certificate**), the Council must not withhold any money payable by the Council to the Owner, or any Credits attributable to the Owner pursuant to this Agreement, for the purpose of Subdivision 14-D of Schedule 1 of the Tax Act

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**23. The parties agree**

- 23.1 The Council and the Owner shall do all things necessary (including signing any further agreement, acknowledgment or document) to give full effect to the terms of this Agreement and to enable the Council to register this Agreement on the titles to the 85 Davis Road Land in accordance with the Act.
- 23.2 The Agreement shall commence on the date that it bears.
- 23.3 This Agreement shall end or cease to apply to a Developed Lot (as the case may be) on the Termination Date.
- 23.4 Upon the issue of a Statement of Compliance for a stage of development of the Land, the Council will, at the request and cost of the Owner, issue the Owner (or as the Owner may direct) with a signed application to the Land Registry under section 183(1) of the Act to remove the recording of this Agreement in the Register on the folio or folios of the register which relates to each of the individual lots (not including lots which Council considers, acting reasonably, are intended to further subdivided in any subsequent stage of development) within that stage of subdivision so as to enable the sale of the individual lots within that stage to proceed unencumbered by this Agreement.

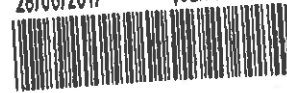
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**24. Limitation of liability**

- 24.1 The Owner enters into this Agreement solely in its capacity as trustee of the following trusts (each a "Trust") and in no other capacity:
- 24.1.1 Diggers Rest Trust A;
- 24.1.2 Diggers Rest Trust B; and
- 24.1.3 Diggers Rest Trust C.
- 24.2 A liability arising under or in connection with this Agreement can be enforced against the Owner only to the extent to which it can be satisfied out of the property of the Trust out of which the Owner is actually indemnified for the liability.
- 24.3 The limitation of the Owner's liability contained in this clause 23 applies notwithstanding any other provisions of this Agreement and extends to all liabilities and obligations of the Owner in connection with this Agreement.
- 24.4 Council may not sue the Owner in any capacity other than as trustee of the Trust, including seeking the appointment to the Owner of a receiver (except in relation to the property of the Trust), a liquidator, administrator or any other similar person.
- 24.5 The provisions of this clause 23 will not apply to any liability or obligation of the Owner to the extent there is a reduction in the extent of its indemnification out of the assets of the Trust as a result of the operation of the law or the application of any provision of the Trust's constitution or to the extent the liability arises out of the Owner's own fraud, gross negligence or breach of trust or breach of duty.

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**25. Termination of Previous Agreement**

- 25.1 The Parties agree that the Previous Agreement will end pursuant to section 177(2) of the Act at the time that the Registrar of Titles makes a recording of this Agreement in the Register, pursuant to section 181(3) of the Act.
- 25.2 After the ending of the Previous Agreement, Council will, at the request and expense of the Owner, inform the Registrar of Titles in the prescribed manner of the ending of the Previous Agreement pursuant to section 183(1) of the Act.

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# Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of the Melton City Council )  
was hereunto affixed in the presence of: )



*[Handwritten Signature]*  
.....  
.....

Councillor  
  
Chief Executive Officer

Executed by **Investa Nominees (2) Pty Ltd ACN 128 351 011** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth) by authority of its directors: )  
)  
)

.....  
Signature of director

.....  
Signature of director/company secretary\*  
\*delete whichever is not applicable

.....  
Name of director (block letters)

.....  
Name of director/company secretary\*  
(block letters)  
\*delete whichever is not applicable

Executed by **Avid Property Group Nominees Pty Ltd ACN 088 212 631** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth) by authority of its directors: )  
)  
)

*[Handwritten Signature]*  
.....  
Signature of director

*[Handwritten Signature]*  
.....  
Signature of director/company secretary\*  
\*delete whichever is not applicable

**Cameron Holt**  
.....  
Name of director (block letters)

**Nicole Bannerman** (17-05-2017)  
.....  
Name of director/company secretary\*  
(block letters)  
\*delete whichever is not applicable

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**MORTGAGEE'S CONSENT - ANZ Fiduciary Services Pty Ltd**

ANZ FIDUCIARY SERVICES PTY LTD (ACN 100 709 493) as mortgagee under mortgage No. AM391599T and mortgage No. AN150060H acknowledges and agrees to be bound by the terms of this Agreement as it affects the land the subject of the mortgage.

DATED:

SIGNED for and on behalf of ANZ  
Fiduciary Services Pty Limited by  
**KIT LIEW**

who certifies that she/he is a  
**MANAGER**  
Agency Services, of Australia and  
New Zealand Banking Group Limited  
pursuant to Power of Attorney  
Registered

dated **30/11/15** in the presence of:

.....  
Witness: **Alison Carlin**

.....  
Attorney

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**ANNEXURE A**

Schedule has been updated to reflect current DCP rates as at the date of this Agreement.

Infrastructure Project Number under DCP	Category (e.g. roads, open space etc)	Infrastructure Project Summary	Infrastructure Project Description	Description of Works	Provided as Works-in-kind	DCP Value	Percentage of DCP Value to be provided	Provision Trigger
CI01	Community Facilities	Local Town Centre	Multi-purpose Community Centre (Local Town Centre). Purchase of land (0.8 hectares) and construction of all components of a level 2 multi-purpose community centre, including kindergarten, Maternal & Child Health and meeting spaces	Provision of land (0.8 hectares)	Yes	\$1,000,000	100%	No earlier than 30 June 2016 and no later than 30 June 2017, or at such other time as agreed in writing by the Responsible Authority.
0500	Active Recreation	Diggers Rest Community Hub	Indoor Active Recreation (Diggers Rest Community Hub). Purchase of 1.00 hectares for indoor recreation facility	Provision of land (1.00 hectares) for the Indoor Recreation Centre	Yes	\$1,250,000	100%	No earlier than 30 June 2017, and no later than 30 June 2018, or at such other time as agreed in writing by the Responsible Authority.



**AN984413X**

26/06/2017 \$92.70 173



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Infrastructure Project Number under DCP	Category (e.g. roads, open space etc)	Infrastructure Project Summary	Infrastructure Project Description	Description of Works	Provided as Works-in-kind	DCP Value	Percentage of DCP Value to be provided	Provision Trigger
OSO3	Active Recreation	Diggers Rest Recreation Reserve	Diggers Rest Recreation Reserve (Diggers Rest Community Hub). Purchase of 1.00 hectares of additional land for Diggers Rest Community Hub (adjoining the existing Diggers Rest Recreation Reserve.)	Provision of land (1.00 hectares) for Diggers Rest Community Hub	Yes	\$1,250,000	100%	No earlier than 30 June 2017, and no later than 30 June 2018, or at such other later time as agreed in writing by the Responsible Authority.
RD02	Roads	Pedestrian operated Signals	Vineyard Road: Pedestrian Operated Signals (POS) Construction of pedestrian operated signals to be located on Vineyard Road (between Houdini Drive and Licence Road)	Vineyard Road: Pedestrian Operated Signals (POS) Construction of pedestrian operated signals to be located on Vineyard Road (between Houdini Drive and Licence Road)	Yes	\$323,039.30	100%	The issue of Statement of Compliance in which creates a Developed Lot within properties 7 or 8 as identified in the DCP.
RD03	Roads	Diggers Rest Township Road Upgrade	Diggers Rest Township: Road Upgrade Works.	Upgrade to Plumpton Road between Houdini	Yes	\$3,707,485.38	41%	The issue of Statement of Compliance for the last stage of development in

**AN984413X**

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Infrastructure Project Number under DCP	Category (e.g. roads, open space etc)	Infrastructure Project Summary	Infrastructure Project Description	Description of Works	Provided as Works-in-kind	DCP Value	Percentage of DCP Value to be provided	Provision Trigger
			Construction of road upgrade works within existing Diggers rest township	Drive and Licence Road		Pimpton Road Component \$1,525,914.32		property 4, as identified in the DCP, or no later than 31 December 2014, or at such later time as agreed in writing by the Responsible Authority.
ITD2	Roads and Intersection	Interim Vineyard Road and Houdini Drive Signalised Intersection	Vineyard Road and Houdini Drive: Intersection. Construction of 4-way intersection (interim layout). Purchase of 0.17 hectares of additional required land (ultimate land take)	Vineyard Road and Houdini Drive: Intersection. Construction of 4-way intersection (Interim layout) delivering full 340 metre extent of interim Houdini through the NAC. Purchase of 0.17 hectares of additional land required (ultimate land take)	Yes	\$7,594,726.90  Interim intersection with 340 lineal metres of Houdini Drive \$3,011,480.76  Provision of Land 0.17 hectares \$66,000	40%	Prior to the occupancy of a building in the town centre, as defined in the concept plan – figure 2 of the PSP.
IT02	Roads and Intersection	Interim Houdini and Vineyard Signalised Intersection	Vineyard Road and Houdini Drive: Intersection. Construction of 4-way intersection (interim layout). Purchase of 0.17 hectares of additional	Vineyard Road and Houdini Drive: Intersection. Construction of 4-way intersection (Interim ultimate) as identified in the DCP.	Yes	\$7,594,726.90  Balance of DC project value Interim Intersection \$4,517,236.14	60%	When both of the following have occurred: 1. The issue of Statement of Compliance for the 425 <sup>th</sup> Developed Lot within the 85 Davis Road Land and 2. The occupancy of a building within the town centre.

**AN984413X**

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Infrastructure Project Number under DCP	Category (e.g. roads, open space etc)	Infrastructure Project Summary	Infrastructure Project Description	Description of Works	Provided as Works-In-kind	DCP Value	Percentage of DCP Value to be provided	Provision Trigger
			required land (ultimate land take)					Or, at the issue of Statement of Compliance for the stage that contains the 800 <sup>m</sup> Developed Lot in the PSP area, whichever occurs first.
IT03	Roads and Intersection	Vineyard Road and Licence Road Intersection	Vineyard Road and Licence Road: Intersection. Construction of roundabout (Interim layout). Purchase of 0.45 hectares of additional required land (ultimate land take)	Vineyard Road and Licence Road: Intersection. Construction of roundabout (Interim layout).	Yes	\$4,911,040.35  Intersection Construction \$4,736,040.35  Land take relates to others	96%	The issue of Statement of Compliance for the stage that contains the 1000 <sup>m</sup> Developed Lot within the PSP area;  Or, the construction of either leg of the east-west extension to Licence Road where it intersects with Vineyard Road, whichever occurs first.
IT05	Roads and Intersection	Diggers Rest-Coimadai Road and North South Connector Intersection	Diggers Rest-Coimadai Road and North South Connector: Intersection. Construction of intersection (interim layout). Purchase of 0.20 hectares of additional	Diggers Rest-Coimadai Road and North South Connector: Intersection. Construction of intersection (interim layout). Purchase of 0.20 hectares of additional	Yes	\$3,035,180.29	100%	The issue of Statement of Compliance for the first stage in property 6 or the employment land component of property 7 as identified in the DCP.

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Infrastructure Project Number under DCP	Category (e.g. roads, open space etc)	Infrastructure Project Summary	Infrastructure Project Description	Description of Works	Provided as Works-in-kind	DCP Value	Percentage of DCP Value to be provided	Provision Trigger
			required land (ultimate land take).	required land (ultimate land take).				
IT06	Roads and Intersection	Davis Road and North Bound On Ramp Intersection	Davis Road and North Bound On Ramp: Intersection. Construction of roundabout (ultimate layout). Purchase of 0.32 hectares of additional required land (ultimate landtake).	Davis Road and North Bound On Ramp: Purchase of 0.14 ha of additional required land (ultimate land take)	Yes	\$2,230,408.75  Land purchase 0.14 hectares \$47,687.50	2%	The issue of Statement of Compliance for the stage of development in property 3 that abuts the roundabout or at such other time as agreed in writing by the Responsible Authority.

Note (as referred to in clause 3.1.2): DCP Value includes Construction Costs indexed to 1 January 2014 & Land valued to 1 July 2013

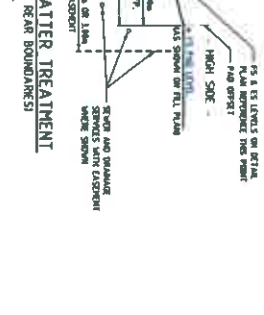
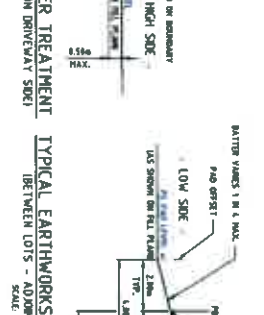
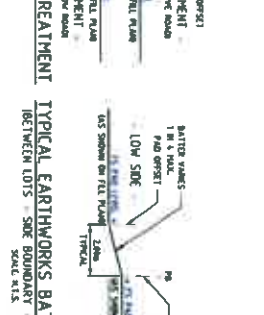
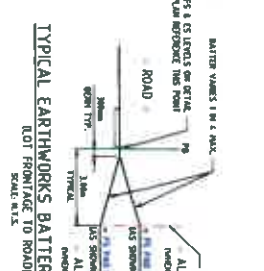
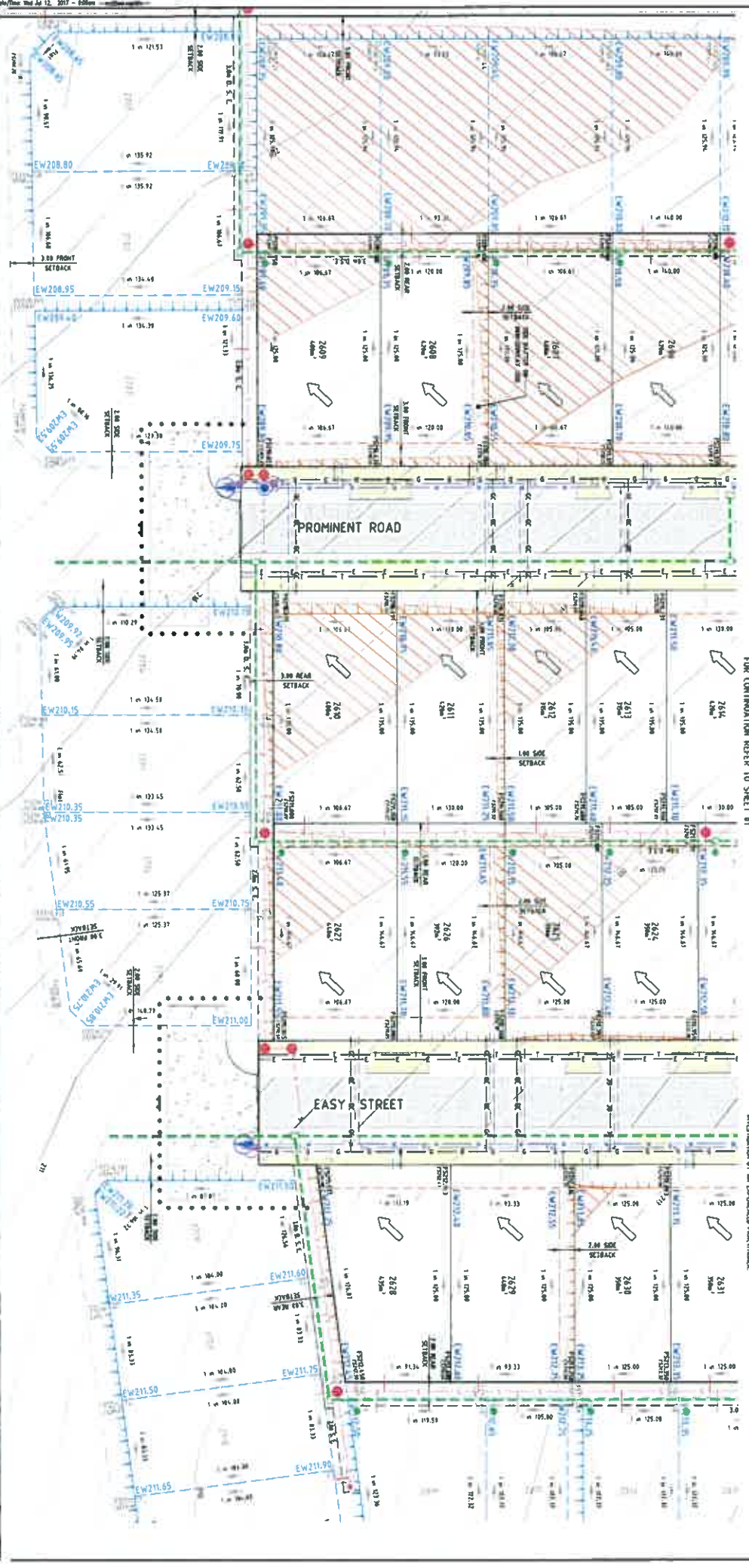


NOT TO BE USED FOR  
CONSTRUCTION

PRELIMINARY SHEET

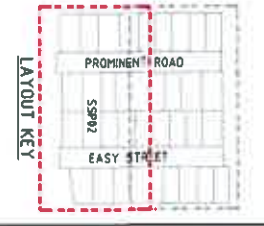
NO.	DATE	BY	CHKD	APPD	DESCRIPTION
1					Issue for Review
2	12/15/21	AW		AW	Issue for Review
3	01/10/22	AW		AW	Issue for Review
4	02/02/22	AW		AW	Issue for Review
5					Issue for Review

Author: AW  
Check: AW  
Appr: AW



**FILL PLAN NOTES**

THIS PLAN SHOWS DETAILS OF WORKS NECESSARY TO COMPLETE THE BATTER TREATMENT OF THE SITES TO BE CONSIDERED FOR REDEVELOPMENT TO THE FILL OF SUBMISSION. THESE FILL PLANS ARE NOT TO BE USED FOR CONSTRUCTION OF THE BATTER TREATMENT OF THE SITES. THIS PLAN DOES NOT SHOW ANY OTHER FILL WHICH MAY BE REQUIRED TO BE PLACED ON THE SITES TO COMPLETE THE BATTER TREATMENT OF THE SITES. THE FILL PLAN HAS BEEN PREPARED FOR THE PURPOSE OF CONSTRUCTING THE SUBMISSION. FILLING OPERATIONS SHALL BE IN ACCORDANCE WITH THE BATTER TREATMENT REGULATIONS. THIS PLAN IS NOT A RECORD OF THE FILLING OPERATIONS. THE FILLING OPERATIONS SHALL BE IN ACCORDANCE WITH THE BATTER TREATMENT REGULATIONS. THE FILL PLAN IS NOT A RECORD OF THE FILLING OPERATIONS. THE FILLING OPERATIONS SHALL BE IN ACCORDANCE WITH THE BATTER TREATMENT REGULATIONS.



**LEGEND**

—	EXISTING WATER MAIN
—	EXISTING WATER MAIN - PROPOSED FOR CONSTRUCTION
—	EXISTING WATER MAIN - PROPOSED FOR CONSTRUCTION
—	EXISTING TELEPHONE CABLE
—	EXISTING TELEPHONE CABLE - PROPOSED FOR CONSTRUCTION
—	EXISTING TELEPHONE CABLE - PROPOSED FOR CONSTRUCTION
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—	EXISTING TELEPHONE CABLE - PROPOSED FOR CONSTRUCTION
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**AVID**  
PROPERTY GROUP

**BLOOMDALE ESTATE**  
STAGE 28  
120 DOGGERS REST - COMAADI ROAD DOGGERS REST, 3422  
SALES SERVICES PLAN  
SHEET 02 OF 02

Drawing No. 12563.26SSP02 Rev A  
Sheet No. 02

**DALTON CONSULTING ENGINEERS**

12563.26SSP02 Rev A  
SHEET 02 OF 02

Scale @ 1:100  
Scale @ 1:500  
Scale @ 1:250  
Scale @ 1:500  
Scale @ 1:500

# Bloomdale

Diggers Rest

**Design Guidelines**

**June 2017**

**Stages 23 - 28**

<b>MELTON PLANNING SCHEME</b>	
This is the authorized document referred to in	
Planning Permit No. _____	
Pages <u>1 to 26</u>	Condition <u>2</u>
	<u>2016/17</u>
Signature of Responsible Authority	Date

# Bloomdale

Diggers Rest

## ILLUSTRATIVE MASTER PLAN





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# Bloomdale

Diggers Rest

ILLUSTRATIVE MASTER PLAN



## LEGEND

- Stages 23 - 28
- Stage Boundary
- Land lots
- Lots with reduced front setback

## NOTES:

- The dimensions shown on the illustrative master plan are indicative only. Detailed lot dimensions are shown on Plan of Subdivision.
- The depiction of landscaping, footpaths street tree planting, embellishment of parks and the like are indicative only and do not necessarily reflect final design that requires the inputs and approvals by various authorities.

## 01

Bloomdale, Diggers Rest is a vast new residential development designed to create an exceptional living environment for all residents. Residents will be provided with a host of desirable and functional services, with a focus on quality of lifestyle.

The Bloomdale master plan has been developed as a specific response to its natural environment, with the intent of nurturing a cohesive neighbourhood and promoting the needs of its community. Ranging in lot size, the Bloomdale master plan is delivering in excess of 1600 dwellings in a community based environment.

In addition to the natural attributes offered at Bloomdale, master planning will also cater for an architecturally designed activity centre. Proposed to be centrally positioned, this facility will form the hub for many community based activities and reflect the progressive architectural principles of design which will be encouraged and reflected throughout the entire community.

### 1.1 Design Guidelines

These Design Guidelines apply to all residential lots approved under Melton Planning Permit No. PA2016/5231 that are within stages 23 - 28, and do not apply to any integrated development sites created under that permit requiring a separate planning permit.

The Design Guidelines document has been prepared to assist Owners, Designers and Builders by guiding the design of the built environment within Bloomdale. These Design Guidelines present a series of measures designed to protect the design integrity of Bloomdale and ensure a high standard of innovative, contemporary and environmentally compatible design that will support the value of the investment in your home.

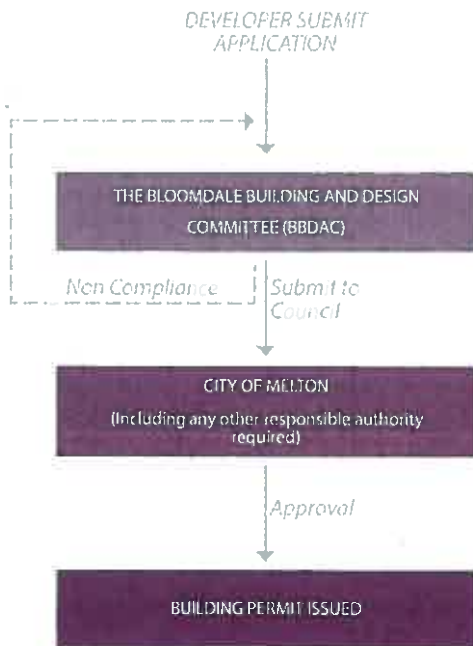
The Design Guidelines will also support the creation of the character of the neighbourhood, and to achieve an appropriate level of quality for housing and streetscape development at Bloomdale.

These Design Guidelines may be amended on occasions at the developer's discretion, subject to Melton City Council approval, to reflect changes in design trends or to coincide with the release of later stages.

All care has been taken to ensure that the Design Guidelines comply with current building legislation. However, the Owner is responsible for ensuring compliance with all statutory requirements.

Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.

## DEVELOPERS APPROVAL



### 1.2 Developer's Approval

The siting and design of homes at Bloomdale is to be approved by The Bloomdale Building and Design Approval Committee (BBDAC). Approval by the BBDAC is required before applying for a building permit for the construction of a new dwelling. Approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

The BBDAC also reserves the right to approve applications based on architectural merit.

It is the applicant's responsibility to ensure that plans meet the relevant planning and building requirements, in addition to these design guidelines.

The BBDAC Approval application form and checklist is included as Appendix 1 to this document.

Only a fully scaled set of application documents will be considered. No concept designs will be accepted.

The BBDAC will assess all designs and if they are compliant with the Design Guidelines, provide a letter of approval along with an endorsed copy of the plans and external colour schedule. Applications that substantially comply with the Design Guidelines may be given a letter of approval with conditions requiring the rectification of minor deviations. These deviations may also be noted on the plans. The BBDAC may also offer suggestions intended to improve designs.

If the design submission does not comply with the Design Guidelines, the BBDAC will advise the applicant of the reasons of non-compliance and suggest amendments. Applicants will then be required to re-submit amended plans in order to gain approval.

The final decision of all aspects of the Design Guidelines will be at the discretion of the BBDAC.

The BBDAC will endeavour to process applications as quickly as possible, generally within 7 business days of receipt. Once approval is obtained an application for a building permit may be lodged with the City of Melton or an accredited building surveyor.

### 1.3 Medium and High Density Lots

The requirements contained in these design guidelines do not cover integrated development sites that require a separate planning permit from Council. Prior to a planning application being lodged with Council for the development of an integrated site, the plans must be assessed and approved by the BBDAC.

### 1.4 Planning Permit

A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m<sup>2</sup> where:

- the lot is identified as a lot where the provisions of the Small Lot Housing Code apply, via a restriction on title.
- the dwelling is constructed or extended in compliance with the building envelope.

Lots with an area of 300m<sup>2</sup> or less without an approved building envelope are required to obtain a planning permit from Melton City Council prior to obtaining a Building Permit. These lots must also comply with the relevant requirements of these design guidelines and obtain approval from the BBDAC before applying for a Planning Permit. For information on how to apply for a Planning Permit, please refer to the Council's website ([www.melton.vic.gov.au](http://www.melton.vic.gov.au)) or contact the Council's Planning Department on 9747 7200.

### 1.5 Covenants

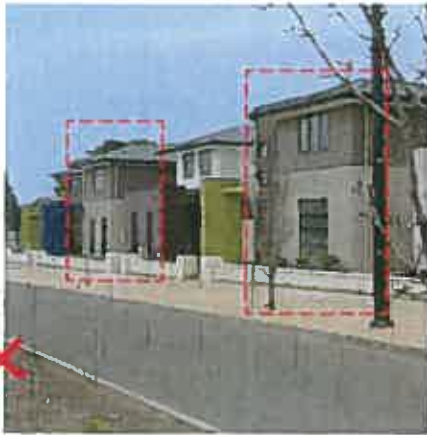
These Design Guidelines are registered on the property Title as a Memorandum of Common Provisions (MCP) referred to by a restrictive covenant.

In the event that requirements under the Design Guidelines contradict covenants defined within the Plan of Subdivision or the MCP, the Plan of Subdivision or the MCP will prevail.

### 1.6 Statutory Obligations

Together with the Design Guidelines and Covenants, it will be the purchaser's responsibility to ensure all submitted documents comply with the Victorian Building Code, Rescode and all other planning and authority requirements, along with current Victorian energy rating standards prior to construction.

## 02



Example of non compliance facades, identical facades to close together

### 2.1 Dwellings

Only one dwelling is permitted per property for lots under 600m<sup>2</sup>.

On a lot greater than 600m<sup>2</sup>, an additional dwelling is subject to approval from the BBDAC and City of Melton and may be considered for:

- (a) A dependant persons unit on lots greater than 600m<sup>2</sup>;
- (b) Corner lots and
- (c) Lots identified as integrated housing sites.

No further subdivision is permitted without the written approval of the BBDAC.

### 2.2 Identical Façade Assessment

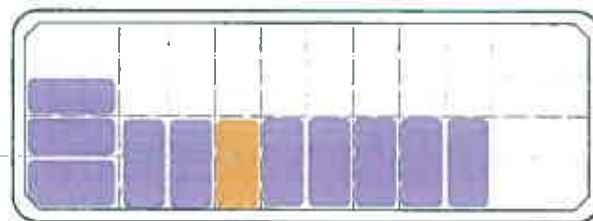
In order to uphold the integrity of all new homes, 2 dwellings with identical façades must not be built within 5 contiguous lot spaces of the original lot. Provision includes lots either side, opposite and encompassing other street frontages where applicable.

On lots less than 300m<sup>2</sup>, 2 dwellings with identical façades must not be built within 2 contiguous lot spaces of the original lot. Under this clause, a mirrored (symmetrical) façade is not considered to be an identical façade.

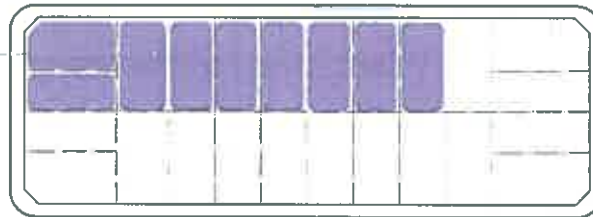
This provision does not apply to integrated housing developments.

#### IDENTICAL FAÇADES DIAGRAM

Orange Façade Approved



Approval will not be permitted in purple if building a lot identical to orange façade



Example of compliant architectural characteristics, contemporary design with architectural features.

### 2.3 Architectural Characteristics

Designs incorporating a variety of modern architectural styles are encouraged. Unique dwelling designs displaying innovation and originality will be assessed favourably if they are shown to be in keeping with the contemporary design intent of Bloomdale.

Architectural features such as verandahs, porticos, feature windows, façade detailing, roof features and articulated building forms are required. Building materials such as masonry, render, natural stone and timber cladding should be used and paint work should be complementary in colour selection.

Contemporary roof and awning themes coupled with articulation of single and double storey volumes are also preferred design initiatives.

## 2.4 Corner Lot Characteristics

Dwellings constructed on corner blocks and on lots that abut public open space areas such as a park or reserve must address both street frontages through the use of wrap around verandahs, feature windows, detailing, etc. Well-articulated architectural treatments should be provided where built form is visible beyond the side fence line, and at upper levels.

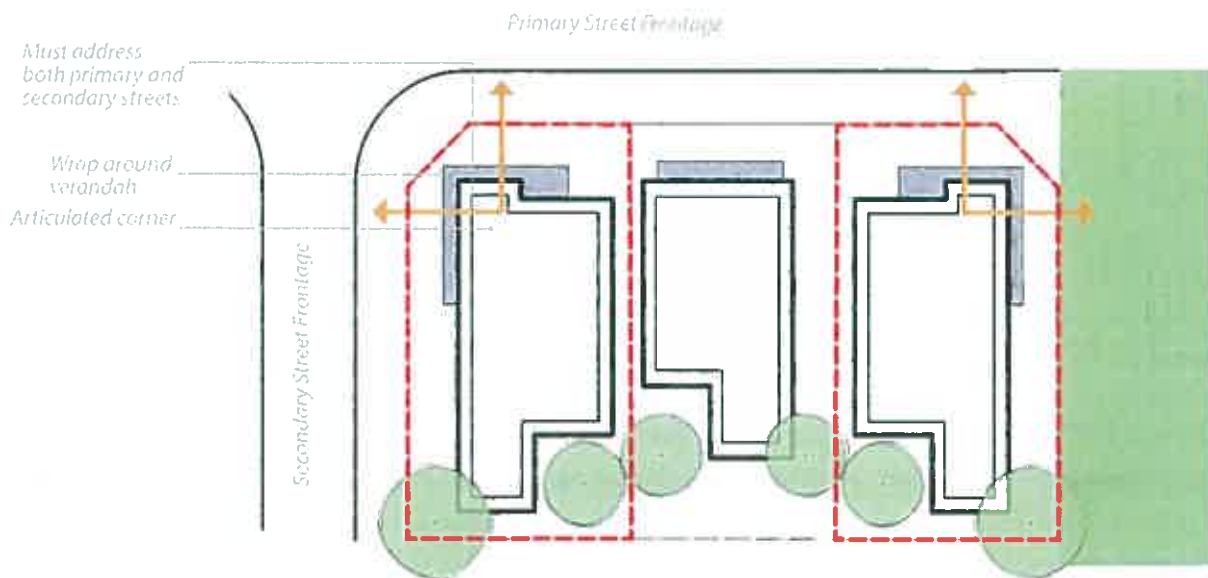
Overall facade articulation and material variation is strongly encouraged. It will be at the discretion of the BBDAC to determine acceptable corner treatment for each corner lot submission.

Entries and/or garages facing the secondary street frontage may be considered by the BBDAC where they are located adjoining open space and linear pedestrian open space links.



Example of compliant treatment, articulation of corner and verandah wrapping the corner

### CORNER LOT CHARACTERISTICS DIAGRAM



Example of non compliant treatment, no articulation or addressing open space.



Example of compliant treatment, articulation of corner and verandah wrapping the corner.



Example of compliant treatment, articulation of corner and verandah wrapping the corner.



Example of compliant treatment for facade; entry made a feature.



Example of compliant treatment for facade; entry made a feature.



Example of non-compliant treatment for porches and entries, no features.

## 2.5 Porches & Entries

An entry feature complementary to the dwelling design must be incorporated to create a sense of entry. This can be a porch, portico, balcony or verandah and can be a central feature of the façade or located towards the end. Appropriate location of the entry will increase the character of the dwelling and contribute to a varied streetscape.

## 2.6 Dwelling Size

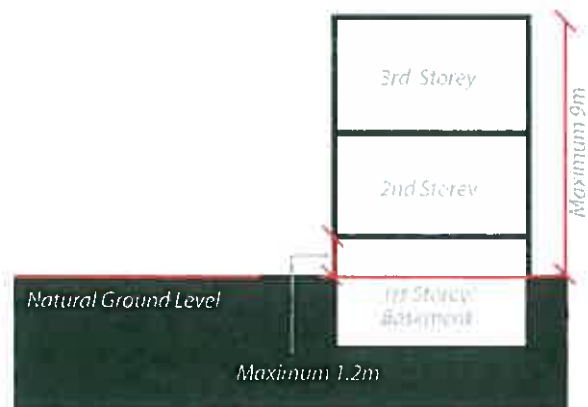
The siting and proportion of the dwelling on the lot should be a well thought out response to the site.

## 2.7 Building Heights

Maximum building heights should generally accord with Rescode requirements.

Triple storey dwellings and/or basements should adhere to the relevant height requirements. Basements may have a maximum projection of 1.2m above natural ground level.

A ceiling height of 2590mm is encouraged for all single storey dwellings and the ground floor of double storey dwellings. A minimum ceiling height of 2440mm is permitted, subject to approval by the BBDAC but is not encouraged.







Example of compliant treatment for garage, integrated into, and complements built form character.



Example of potential compliant treatment for single garage



Example of non compliant treatment for garage, set forward from the main built form.

## 2.8 Roofs

Applicants are encouraged to explore varying roof forms which could include combinations of pitched and flat roofs as well as curved elements. The minimum roof pitch must be 22 degrees while skillion and accent sections may have a minimum pitch of 16 degrees.

Eaves with a minimum overhang of 450mm must be incorporated into dwelling facades where they:

- face any street,
- face a reserve, and
- (for double storey dwellings), all faces of the dwelling.

On single storey dwellings eaves must wrap around a minimum of 2000mm along the side of the dwelling from any street frontage (except where built to the boundary).

Permitted roof materials include masonry, slate, terracotta tiles or Colorbond®. Other non-reflective materials may be considered for review by the BBDAC.

## 2.9 Garages

A lockup garage for 2 vehicles must be provided on all properties with frontages greater than 12.5m. Open carports to the front of the dwelling will not be permitted. Single garages will be considered for lots with a street frontage of 12.5m or less. Triple garages will be strongly discouraged.

The architectural character of the garage must be harmonious to the main body of the dwelling.

Garages must have a slim line, sectional, tilt or panel lift door to all street frontages. Roller doors will only be permitted at the rear of the garage, as an opening to the backyard and where they are not within public view.

Where located at the front of a dwelling, garage doors or openings must occupy less than 50% of the width of the lot's street frontage. Garage doors may not exceed 6.0m in width.

On 2 storey dwellings with garages that exceed 40% of the lot frontage, balconies or windows above the garage are required.

For lots with frontages less than 8.5m that are not rear-loaded, refer to the Small Lot Housing Code incorporated into the Melton Planning Scheme.

Refer to the Section 03 Streetscape and Siting section for garage setback requirements.

## 03

### 3.1 Small Lot Setbacks

Small Lots are lots with an area less than 300m<sup>2</sup>.

Unless otherwise approved by the BBDAC, front loaded dwellings must be setback from the front property boundary by a minimum of 3.0m and a maximum of 4.0m. Please refer to the Building Envelope plans for all minimum setbacks.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 5.0m from the front boundary, whichever is greater.

Setbacks from the secondary street frontage of a corner lot must comply with Rescode and/or any other governing authority requirements. Garages may be permitted facing the secondary street frontage; however, the secondary façade must demonstrate articulation.

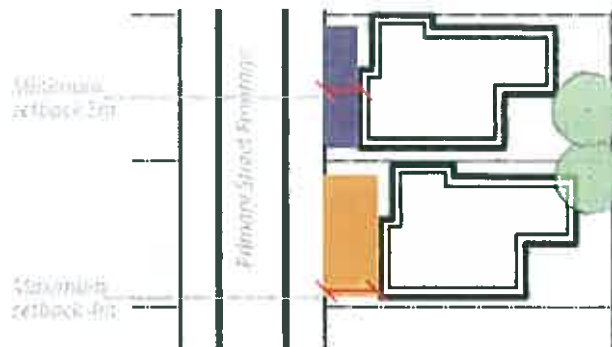


Example of non compliant treatment, no setbacks.



Example of compliant treatment for small lot setbacks, overlooking open space.

#### SMALL LOT SETBACK PLAN



## 3.2 Standard Lot Setbacks

Dwellings must be setback from the front boundary by a minimum of 4.0m and a maximum of 6.0m.

Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

Unless rear loaded, garages must be located behind the front wall of the main dwelling (not including the porch, portico or verandah) or a minimum of 4.9m from the front boundary, whichever is greater.

Garages may be built on side boundaries in accordance with Rescode and/or any other governing authority requirements.

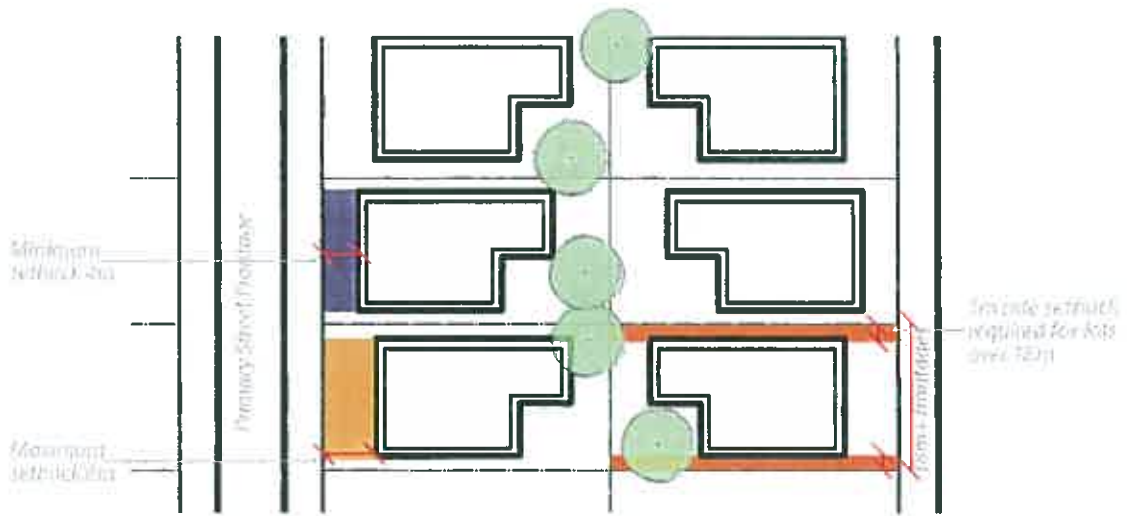
Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension

Double storey dwellings must be setback from side boundaries in accordance with Rescode and/or any other governing authority requirements.

Rear setbacks are to be in accordance with Rescode and/or any other governing authority requirements.

These requirements may be varied with the written approval of the BBDAC and City of Melton.

### STANDARD LOT SETBACK PLAN





Example of compliant standard lot corner treatment

### 3.3 Standard Corner Lot Setbacks

Where applicable, standard corner lots must comply with the setback requirements listed in section 3.2, as well as the following.

Setbacks from the secondary street frontage must comply with Rescode and/or any other governing authority requirements.

Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage may have to be setback from the rear boundary to accommodate the easement. Garages must be located adjacent to the side boundary of the lot but are not permitted adjacent to boundaries abutting public open space.

### 3.4 Building Envelopes

If a building envelope is shown on a plan of subdivision or within a Memorandum of Common Provisions it must be adhered to.

It is the responsibility of the applicant to investigate the existence of any building envelopes prior to design and submission to the BBDAC.

#### BUILDING ENVELOPE DIAGRAM



## 04

### 4.1 Materials

External walls must be constructed from a minimum of 75% face brick, brick or masonry veneer or other approved texture coated material. At least 25% of the facade of the home must be finished in a contrasting/feature element in a different texture, material or colour.

The utilisation of materials such as natural stone, exposed timber or other feature cladding materials will be considered and encouraged as key design articulation elements. Use of quality materials and finishes is encouraged to give a timeless appeal.

Homes in kit or modular form and the use of second hand materials will be subject to approval by the BBDAC and City of Melton. New building materials based on recycled content is permitted.

Unless otherwise approved by the BBDAC, unpainted and/or untreated metalwork and reflective glazing will not be permitted. Infill fibre sheet panels are not permitted above window and door openings where visible from the street.

Fibre-cement sheeting may be permitted if finished as either a textured, painted or rendered surface except as above.



*Example of compliant material treatment, complementary materials and colours.*



*Example of compliant material treatment, complementary treatment and colours.*



*Example of non compliant materials, treatment, no differentiating materials.*

### 4.2 Colour Schemes

A harmonious colour palette consisting of natural, subdued hues which are complementary to the surrounding environment and colour tones which reflect the theme of the dwelling will be encouraged. Limited use of strong or bold colours may be adopted to reinforce the contemporary nature of the dwelling design.



*Example of non compliant colour schemes.*

In order to avoid further information being requested in regards to colour schedules, the applicant must ensure that all relevant information is provided when applying for design approval.

## 05



Example of compliant driveway, aggregate driveway with planting on boundary.



Example of non compliant driveway, plain concrete not permitted.



Example of compliant front fencing, greater than 50% transparent and less than 1.2m in height.



Example of compliant front fencing, greater than 50% transparent and less than 1.2m in height.



Example of compliant front fencing, greater than 50% transparent and less than 1.2m in height.

### 5.1 Driveways

There must be only one driveway per lot, located to align with the crossover. Garages should be sited on the lot in response to the location of existing crossovers with driveways tapered to match crossover width. There must be at least 300mm of screen planting between the driveway and the adjacent side boundary.

Driveways must be fully constructed prior to the issue of the Occupancy Permit.

All driveways, porches and any other concreted areas within the front yard must be constructed of masonry pavers, exposed aggregate, coloured concrete, fixed granular surfaces or stamped or stenciled masonry surface. The colour selection must complement the building design and external colour scheme.

No plain concrete will be permitted unless it is out of public view.

### 5.2 Boundary Fencing

Fencing type will be consistent throughout Bloomdale. Fencing is a common link binding the streetscape and highlighting the individuality of each dwelling.

All fencing must be shown on plans submitted to the BBDAC for approval.

#### 5.2.1 Front Fencing

Front fencing is permitted subject to approval. Proposed front fences must not exceed 1.2m in height and must be largely transparent (ie. 50% or more) in construction. The proposed front fences must return along the side boundary, and extend to meet the side fence. Low masonry walls not exceeding 0.9m height which complement the façade of the building will be permitted. Where a front fence is to be constructed on a corner lot, it must return and extend to meet the side fence.

For the Display Village, the builder can incorporate a temporary front boundary fencing. The temporary fence can be pool type flat topped black powder coated fence with a maximum height of 1.2m. Any such temporary front fence will be permitted within the confines of the Display Village only.

#### 5.2.2 Side and Rear Fencing

All side and rear boundary fencing must be constructed from timber palings, to a height of 1900mm (+/-50mm). Side boundary fencing must terminate and return to the dwelling at least 1.0m behind the front building line. This part of the fence that returns to the house is known as a wing fence. Wing fencing must also be constructed from timber palings, unless approved by the BBDAC. Wing fencing must be 1900mm (+/-50mm) in height. It is encouraged to include a gate within the wing fencing; however, direct access to the rear yard may be possible either via a gate or directly from your garage. Where timber paling fencing is used, timber capping is encouraged.

#### 5.2.3 Side Street Fencing

On a corner lot with a side boundary that forms the rear boundary of an adjoining lot, the side fence on that boundary can continue to the front boundary. On corner lots, fencing to the secondary street frontage should be setback a minimum of 4.0m from the primary street frontage.

For fencing to boundaries abutting a reserve and on corner lots, the side fencing along the secondary street must be constructed from timber palings to a height of 1900mm (+/-50mm). The fencing must have exposed posts on both sides of the palings and palings must be on the external side fronting the street.

## 5.3 Front Landscaping

To promote an attractive neighbourhood, residents are encouraged to install quality landscaping.

The form and texture of the plantings should complement and enhance the architecture of the dwelling. Planting of canopy trees in appropriate locations is encouraged. Landscape designs should be prepared with an objective for low water usage.

Gardens are encouraged to be environmentally sensitive by utilizing appropriate drought tolerant native plants, organic or mineral mulches and drip irrigation systems. Native plants that are common to Victoria and the Region are also encouraged.

Landscaping of your front garden must be completed within 6 months of issue of the Occupancy Permit. Hard paved or impervious surfaces must be limited to driveways and pedestrian pathways only.

The minimum front landscaping works will include:

- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

## 5.4 Letterboxes

Letterboxes should be designed to match and compliment the dwelling design. Single post supported letterboxes are discouraged.



*Example of compliant garden planting, good use of texture and colour.*



*Example of compliant garden planting, good use of texture and colour.*



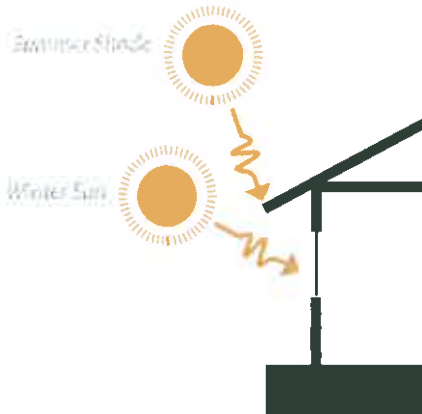
*Example of compliant letterbox.*



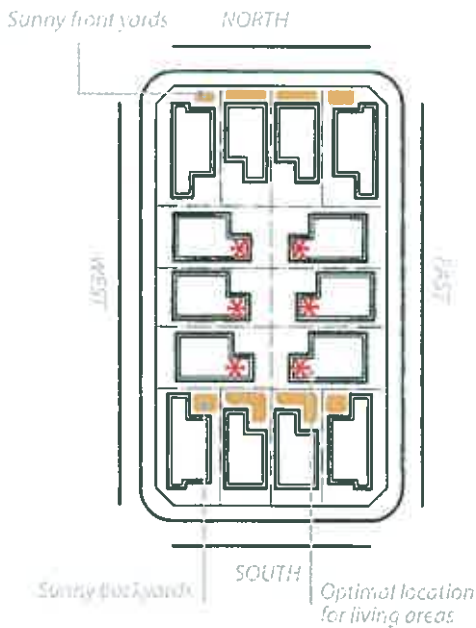
*Example of compliant letterbox.*

## 06

### ENERGY EFFICIENCY TECHNIQUES



### ORIENTATION



### 6.1 Liveability Considerations

Applicants are encouraged to submit designs that are environmentally responsible.

The orientation of your lot will determine the best siting of the house on the lot. A building's orientation plays a large part in achieving the optimum solar access for your home during winter.

Lots on the north side of a street will have sunny backyards – good for private outdoor living.

Lots on the south side of a street will have sunny front yards – good for show piece gardens.

Lots facing east-west will have sunny side yards – these houses should be sited to leave the largest possible outdoor living space along the northern boundary.

Dwellings can become more liveable by taking into account the orientation of rooms and windows, shading of windows and walls, ceiling heights, sustainable building materials, cross flow ventilation, covered open spaces, insulation and water efficient fixtures. Eave design can act as excellent shading devices during warmer months. Implementing these features can also result into substantial financial savings for the home owner.

Double storey homes must respect the privacy of neighbouring dwellings, including potential overshadowing issues that may arise as a result of siting choices. It is the responsibility of applicants with double storey proposals to ensure their design has demonstrated these factors and to receive approval from the relevant authority and/or Building Surveyor prior to construction.

### 6.2 Solar Heating Panels

Solar heating panels must be located on roof planes preferably not visible from public areas.

The panels should follow the roof pitch.

Where visible from public areas, solar panels will be assessed on their merits with regard to scale, form and colour.

### 6.3 Rainwater Tanks

Rainwater storage is encouraged. The rainwater tank and all accessories must not be located in front of the dwelling or be visible from the street and public spaces. The rainwater tank and all accessories must be coloured to match the dwelling.

To help calculate the size of water storage that you may require please contact the Department of Sustainability and Environment for appropriate storage requirements in relation to the collection area provided.



## 6.4 Recycled Water

Recycled water will be in use at Bloomdale for toilet flushing and garden usage. All residents are required to connect their dwellings to this service to reduce the consumption of potable water.

For more information, please visit [www.westernwater.com.au](http://www.westernwater.com.au), or visit the link below to find out about recycled water in the home, and download the 'recycled water in the home information kit'.

<http://www.westernwater.com.au/wsservices/Recycledwater/Pages/Recycledwaterinthehome.aspx>

## 6.5 Energy Ratings

It is the applicants' responsibility when building a home to comply with Victoria's energy rating requirements. Dwelling designs should be assessed by a licensed energy rating company, and they in turn will make recommendations regarding insulation and other resource saving measures. Dwellings must achieve the minimum standard as currently legislated.

## 6.6 NBN Co

The development qualifies for future NBN roll out. All premises must be aware of and conform with the NBN Co Preparation and Installation Guide for SDU's and MDU's.

<http://www.nbnco.com.au/assets/documents/preparation-and-installation-guide-for-sdus-and-mdus.pdf>

## 07

### 7.1 Sheds

The colours and materials selected for sheds should be consistent with and complementary to, the materials used for the dwelling. Colorbond® and similar products are acceptable materials.

Sheds must be screened from any street and/or public view by locating to the rear or side of the dwelling. An appropriately located carport out of public view should be considered to store boats, trailers or any similar vehicles.

Sheds must not cover an area greater than 15m<sup>2</sup> and must not exceed a maximum height of 2.5m.

### 7.2 Pergolas, Patios & Decking

Any proposed additional buildings or ancillary structures including decking, pergolas, patios, carports, swimming pools, BBQ areas or similar, must be submitted to the BBDAC for approval. This can be done at the time of submitting the dwelling design or done at a later date as a standalone submission.

The BBDAC will assess these structures/applications on their merits.

Please note that later date stand-alone submissions will incur an additional assessment fee.

### 7.3 Ancillary Items

All external plumbing must be out of public view, with the exception of gutters and downpipes.

Downpipes must not be located on the front façade of the dwelling.

External TV antennae and other aerials must be unobtrusive and located towards the rear of the dwelling.

Satellite dishes will only be approved if out of public view. Clothes lines must not be visible from public areas.

Externally mounted spa equipment attached to side boundary walls of any dwelling must be positioned out of public view, be painted in a colour matching the adjoining wall surface and fitted with noise baffles.

Evaporative cooling units are to be located out of public view where possible and must be of low profile, located below the ridgeline and coloured to match the roof.

Metal security shutters are not permitted.

## 08

The land is outside the Melbourne Airport Environs Overlay – Schedule 2 under the Melton Planning Scheme. This may change.

The land within this subdivision is in proximity to Melbourne Airport. The land may be affected by aircraft noise.

- The effect of aircraft noise (and the boundaries of the Melbourne Airport Environs Overlay – Schedule 2 control under the Melton Planning Scheme) can vary over time with changes to Melbourne Airport's operations, traffic volumes and types of aircraft using Melbourne Airport.
- The most up-to-date information concerning aircraft noise can be obtained from Melbourne Airport and its website, which can be accessed at: <http://www.melbourneairport.com.au/>
- Australian Standard AS2021:2015 Acoustics Aircraft Noise Intrusion, Building Siting and Construction, provides guidance in the measures that can be taken in the construction of dwellings to mitigate the effect of aircraft noise and may be considered in the design of any dwelling. Application of the Australian Standard is not mandatory for this land, but this may change.
- In the event of any amendment to the Melbourne Airport Environs Overlay – Schedule 2 under the Melton Planning Scheme which creates an inconsistency between that provision and these Housing and Design Guidelines that relate to aircraft noise, the provisions of the Melbourne Airport Environs Overlay – Schedule 2 control prevail.

## 09

### 9.1 Maintenance of the Lot

Prior to the occupation of a dwelling, the lot must be maintained by keeping the grass cut, and the lot free from rubbish. Builders' waste materials and rubbish during construction must be removed on a regular basis and must not be allowed to accumulate. Should lots not be maintained to an acceptable level, the Developer reserves the right to carry out clean up works as necessary. Any such costs incurred by the Developer will be passed on to the lot owner.

After occupation of the dwelling, front yards must be maintained to an acceptable level. Rubbish and recycle bins must be stored out of public view. It will be at the discretion of the BBDAC to determine if allotments are being maintained to an acceptable level.

### 9.2 Commercial Vehicles

Trucks or commercial vehicles (exceeding 1 tonne), recreational vehicles and caravans shall be screened from public view when parked or stored.

### 9.3 Signs

No signs, including 'For Sale' signs, may be erected by the Purchaser other than a 'Home for Sale' sign that may be erected after completion of the construction of a dwelling.

Builders' signs may be permitted (600mm x 600mm maximum) where they are required on allotments during construction. Only one advertising sign per dwelling is permitted at any one time and these signs must be removed once the property is sold.

# 010

**ARTICULATION** means both horizontal and vertical projection forward and back from the primary building face.

**BBDAC** means The Bloomdale Building and Design Approval Committee that includes **AVID PROPERTY GROUP NOMINEES PTY LTD ATF DIGGERS REST TRUST B** as the developer/owner of Bloomdale Residential Estate.

**BUILDING** has the same meaning as in the Building Act;

**BUILDING ACT** means the act of the Victorian Parliament known as the Building Act 1993;

**BUILDING ENVELOPE** means an area within each lot (defined by the particular lot setbacks) where development of a dwelling, shed and garage is allowed subject to the particular provisions of this document, and the Scheme;

**BUILDING ENVELOPE PLAN** means the plan which shows the approved building envelopes, setbacks and other related matters for the lots within the Plan of Subdivision;

**BUILDING PERMIT** means a building permit in terms of the Building Act;

**CORNER LOT** means a lot with a corner where each boundary connects to a street or public open space;

**DESIGN GUIDELINES** Design Guidelines mean the building design guidelines approved under Permit No. PA2016/5231 which may be amended from time to time.

**DWELLING** means a building used as a self-contained residence which must include:

- a kitchen sink;
- food preparation facilities;
- a bath or shower; and
- a closet pan and wash basin.

It includes out-buildings and works normal to a dwelling.

**FRONTAGE** means the road alignment at the front of a lot. If a lot abuts two or more roads, the one to which the building, or proposed building, faces.

**FRONT GARDEN** includes any area between the building line and the front boundary of a lot and side street boundary or boundary abutting public open space of a corner lot that is visible from a street;

**HEIGHT** has the same meaning as in the Regulations;

**INTEGRATED SITE** is a site which is a development area that ensures pedestrian connectivity and uniform built form character, and requires development consent from Melton City Council;

**LOT** has the same meaning as in the Building Act;

**ON THE BOUNDARY** means on the boundary or a setback of up to 150 millimetres from the lot/property boundary;

**PRIVATE OPEN SPACE** means an unroofed area of land; or a deck, terrace, patio, balcony, pergola, verandah, gazebo or swimming pool;

**REGULAR LOTS** are lots where the front boundary dimension is the same as the rear boundary dimension;

**REGULATIONS** means the Building Regulations 2006 or any subsequent regulations made pursuant to the Building Act which relate to the siting of a building;

**SCHEME** means the City of Melton Planning Scheme;

**SECLUDED PRIVATE OPEN SPACE** means that part of private open space primarily intended for outdoor living activities which enjoys a reasonable amount of privacy;

**SECONDARY STREET** means the street that runs along the side boundary of a property when located on a corner;

**SETBACK** means the minimum distance from any allotment boundary to a building;

**SIDE BOUNDARY** means a boundary of a lot that runs between and connects the street frontage of the lot to the rear boundary of the lot;

**SITE COVERAGE** means the proportion of a site covered by buildings;

**SMALL LOTS** are lots with an area less than 300m<sup>2</sup>;

**STANDARD LOTS** are lots with an area greater than 300m<sup>2</sup>;

**STOREY** means that part of a building between floor levels. If there is no floor above, it is the part between the floor level and ceiling. It may include an attic, basement, built over car parking area, and mezzanine;

**STREET**, for the purposes of determining setbacks, "street" means any road other than a footway or carriageway easement; and,

**WINDOW** has the same meaning as in the Regulations.

# 011

## 11.1 Building and Design Approval Application Form

Bloomdale Building and Design Approval Application Form

### Land Owners Details

Name	
Current Address	
Phone	
Email	

### Property Number

Lot Number	
Street Address	

### Builder | Designer | Architect

Company Name	
Contact	
Address	
Phone	
Email	

### Building Design Details

Builder	
Building Model if Applicable	
Floor Area	

### Submission Requirements.

2 x copies of each of the following plans are required:

- Site Plan  
Showing proposed structures, setbacks from all boundaries, eaves overhang, fencing locations, outbuildings, driveway and path areas. Minimum Scale 1:200.
- Floor Plan/s  
Including Roof Plan Minimum Scale 1:100.
- Elevations  
All elevations of the structure(s) including building and roof heights, roof forms and roof pitch. Minimum Scale 1:100.
- Landscape Plan  
Including driveway location and material, planting locations, lawn areas and planting schedule. Minimum Scale 1:200.
- Schedule of Materials and Colours  
In the form attached.

Approval of the Building proposal as detailed in this submission is requested. I/we acknowledge that an incomplete application cannot be considered and that approval by the BBDAC is not a building approval nor does it imply compliance with the building code, Building Regulations or City of Melton Planning Scheme.

\_\_\_\_\_  
Builder/Designer/ Owner

\_\_\_\_\_  
Date

## DISCLAIMER:

1. The receipt of documents, including building plans, colour and materials specifications, any assessment of compliance by Avid Property Group or the Covenant Administrator, their review, assessment or comment on the those documents or any other documents prepared by or on behalf of or provided by the Owner, does not result in the assumption of any obligation or liability by Investa or the Covenant Administrator and does not affect the Owner's obligations or absolve the Owner from its obligations and its responsibility to comply with these Design Guidelines. Owners, Designers and Builders should review these Design Guidelines in conjunction with the land sales contract.
2. Avid Property Group may from time to time, in its absolute discretion, vary, relax or waive any of the requirements under these Design Guidelines. In the event that Investa allows a variation, relaxation or waiver of the application of the Design Guidelines, this will not set a precedent nor imply that any such action will apply again



Melton City Council  
Civic Centre  
232 High Street  
MELTON VIC 3337

PO Box 21  
MELTON VIC 3337

Phone 9747 7200  
Fax 9743 9970

## PLANNING PERMIT

Permit No:  
Planning Scheme:  
Responsible Authority:

PA2016/5231  
Melton Planning Scheme  
Melton City Council

### ADDRESS OF THE LAND:

LOT: W5 PS: 719779V, 120 Diggers Rest-Coimadai Road DIGGERS REST

### THE PERMIT ALLOWS:

Residential subdivision and creation of reserves in accordance with the endorsed plans

### THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

#### Plans

- 1 The layout of the subdivision as shown on the endorsed plans must not be altered without the written consent of the responsible authority.

#### Housing and Design Guidelines

- 2 Prior to the Certification of the Plan of Subdivision for the first stage, Housing and Design Guidelines must be prepared to the satisfaction of the responsible authority in accordance with the Diggers Rest Precinct Structure Plan. In addition to any other matter required to be included by the responsible authority, the Housing and Design Guidelines must:

- (a) Include a separate section, part or chapter, clearly entitled "Aircraft Noise";
- (b) Under the heading "Aircraft Noise", state the following:

The land is outside the Melbourne Airport Environs Overlay – Schedule 2 under the Melton Planning Scheme. This may change.

The land within this subdivision is in proximity to Melbourne Airport. The land may be affected by aircraft noise.

- (c) Explain the following:

Page 1 of 25

Date Issued: 6 June 2017

Signature of the  
Responsible Authority:





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**Planning Permit PA2016/5231 Continued**

The effect of aircraft noise (and the boundaries of the Melbourne Airport Environs Overlay – Schedule 2 control under the Melton Planning Scheme) can vary over time with changes to Melbourne Airport's operations, traffic volumes and types of aircraft using Melbourne Airport.

(d) Advise the following:

The most up-to-date information concerning aircraft noise can be obtained from Melbourne Airport and its website, which can be accessed at:

<http://www.melbourneairport.com.au/>.

(e) State the following:

Australian Standard AS2021:2015 Acoustics Aircraft Noise Intrusion, Building Siting and Construction, provides guidance in the measures that can be taken in the construction of dwellings to mitigate the effect of aircraft noise and may be considered in the design of any dwelling. Application of the Australian Standard is not mandatory for this land, but this may change.

(f) In the event of any amendment to the Melbourne Airport Environs Overlay – Schedule 2 under the Melton Planning Scheme which creates an inconsistency between that provision and these Housing and Design Guidelines that relate to aircraft noise, the provisions of the Melbourne Airport Environs Overlay – Schedule 2 control prevail.

- 3 The Housing and Design Guidelines endorsed as part of this permit must be applied as a restriction on the plan of subdivision or be applied through an agreement with the responsible authority under Section 173 of the *Planning and Environment Act 1987* that is registered on the title to the land. If a Section 173 Agreement is used, a dealing number must be provided to the responsible authority prior to the issue of Statement of Compliance for each stage.
- 4 The Housing and Design Guidelines endorsed as part of this permit must not be amended without the written consent of the responsible authority.

A handwritten signature in black ink, appearing to be "A. E. ...", written over a horizontal line.



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**Planning Permit PA2016/5231 Continued**

**Small Lot Housing Code**

- 5 Prior to the Certification of the Plan of Subdivision under the *Subdivision Act 1988* for the relevant stage containing lots of less than 300 square metres, a plan must be submitted for approval to the satisfaction of the responsible authority. The plan must identify the lots that will include a restriction on title allowing the use of the provisions of the Small Lot Housing Code incorporated pursuant to Clause 81 of the Melton Planning Scheme.
- 6 The Plan of Subdivision submitted for certification must identify whether type A or type B of the Small Lot Housing Code applies to each lot to the satisfaction of the responsible authority.

**Public Infrastructure Plan**

- 7 The Public Infrastructure Plan endorsed under this permit must be complied with at all times, unless amended with the written consent of the responsible authority.

**Engineering**

***Vineyard Road***

- 8 Detailed construction plans for the stage containing the left in/ left out intersection to Vineyard Road must include the construction of the left in/left out intersection to Vineyard Road to the satisfaction of the responsible authority.

***S11 – Functional Layout Plan***

- 9 Prior to the plan of subdivision being certified, a functional layout plan for the subdivision or stage of the subdivision must be submitted to and approved by the responsible authority. The plan must incorporate the following:
  - (a) A traffic management strategy and traffic engineering report identifying street classification, design traffic volumes, intersection treatments and any associated SIDRA electronic files, and traffic management devices to be incorporated into the development.

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**Planning Permit PA2016/5231 Continued**

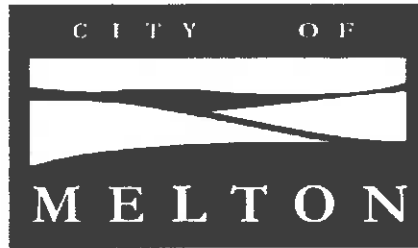
- (b) A drainage management strategy detailing catchments both internal and external to the development, 1% AEP flow paths and flow volumes for the entire development. This strategy must include on-site stormwater quality improvement, and any stormwater and rainwater harvesting measures.
- (c) A Services Infrastructure report identifying how the development will be serviced by all utility services including but not limited to water reticulation (potable and recycled), electrical, sewer, gas, telecommunications and gas.
- (d) A mobility plan detailing pedestrian access, bike & hike paths, public transport routes within the development and all interconnections to adjacent existing and future developments.
- (e) Identification by survey of all trees or groups of trees existing on the site, including dead trees and those that overhang the site from adjoining land
- (f) Details of tree protection zones (TPZs) for all trees to be retained.
- (g) All proposed works, and services (except pedestrian paths) must be clear of all TPZs.
- (h) Identification of all trees to be removed from the site.

***S14 – Construction Plans***

- 10 Road works and drainage works must be provided, in accordance with construction plans and specifications as approved by the responsible authority, prior to the issue of Statement of Compliance. Before any roads / drainage works associated with the subdivision start, detailed construction plans to the satisfaction of the responsible authority must be submitted to and approved by the responsible authority.

The construction plans will not be approved until the functional layout plan(s) has been approved by the responsible authority and landscape plans submitted, the plan of subdivision has been certified and the locations of other authorities' services have been provided to the satisfaction of the responsible authority.

A handwritten signature in black ink, appearing to be "A. E.", is written over a horizontal line.



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**Planning Permit PA2016/5231 Continued**

The construction plans must be drawn to scale with dimensions and one copy must be provided in the initial submission and subsequent resubmissions. For the final submission, a set of A1 sized plans, two A3 sized plans and a CD/DVD set of plans in pdf and AutoCAD format shall be provided.

The construction plans must include:

- (a) All necessary computations and supporting documentation, including a Form 13 for any structure, traffic data, road safety audit and geotechnical investigation report.
- (b) All details of works consistent with the approved functional layout plan, submitted landscape plan and certified plan of subdivision.
- (c) Design for full construction of streets and underground drainage, including measures to control / capture pollutants and silt.
- (d) Provision for all services and conduits (underground), including alignments and offsets, on a separate services layout plan.
- (e) All road reserve and pavement widths to be in accordance with the current Clause 56 of the Melton Planning Scheme, relevant Precinct Structure Plan or to the satisfaction of the responsible authority.
- (f) All intersection treatments to comply with all turning movements of Council's waste collection vehicles. Turning templates will need to be submitted for verification.
- (g) Where an intersection, bend or junction is part of a designated bus route or one proposed in the Precinct Structure Plan, the design shall allow for the movement of a Design Ultra Low Floor Bus (12.5m) [Austroads Design Vehicles and Turning Path Templates, 1995 (AP34-95/HB 72-1995)].
- (h) Verge widths around all bends, intersections and in court heads to be a minimum of that provided at the mid-block.

A handwritten signature in black ink, appearing to be "J. E. ...", is written over a horizontal line.



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**Planning Permit PA2016/5231 Continued**

- (i) Priority treatments shall be provided at intersections of Access Streets, Access Places and Access Lanes unless specified by the responsible authority. The priority treatment at intersections shall comprise of an open invert channel across the entrance to the minor street and a low profile splitter island, line-markings and raised reflective pavement markers (RRPMs) on the minor street.
- (j) Low profile splitter islands, line-markings and raised reflective pavement markers (RRPM's) on all 90-degree bends on through roads.
- (k) Vehicle crossings shall be provided to each lot in accordance with Council's Residential Standards.
- (l) Provision of concrete footpaths in all streets and reserves. All footpaths shall be a minimum 1.5 metres in width and be in accordance with Council Standards.
- (m) Shared hike and bike paths as required within streets and reserves. All shared paths and hike and bike paths to be a minimum 2.5m in width and be in accordance with Council Standards.
- (n) Car parking layout for each extended driveway. Turning templates are to be provided to verify vehicular parking and access can be achieved.
- (o) Provision of a temporary turning area with sufficient size in locations where the road terminates at stage boundaries to allow waste collection vehicles to complete a three-point turn.
- (p) Provision of pits and conduits associated with the National Broadband Network.
- (q) Provision of public lighting and underground electricity supply to all streets, footpaths, bus stops and to major pedestrian and bicycle links likely to be well used at night.
- (r) The public lighting shall be designed in accordance with the current AS 1158 and Council's current Public Lighting policy. The lighting category shall be sought from Council.

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**Planning Permit PA2016/5231 Continued**

- (s) Access to all public properties, pathways and road crossings shall comply with the Disability Discrimination Act 1992 (Cth).
- (t) Provision of street name plates to the Council standard design.
- (u) The location and provision of vehicle exclusion mechanisms abutting reserves.
- (v) Details of the proposed treatment and provision for lot boundary fencing adjoining all reserves other than road reserves.
- (w) Appropriate mechanisms for protecting environmental and heritage assets during the construction phase of the subdivision.
- (x) Provision for the utilisation of any surplus topsoil from this stage.
- (y) Permanent survey marks.
- (z) Survey details of the canopy trunk location and size of trees to be retained and associated tree protection zones.
- (aa) Details in relation to all filling on the site that must be compacted to specifications approved by the Responsible Authority.
- (bb) The relocation underground of all existing aerial services, on the services layout plan.
- (cc) The location of any earthworks (cut or fill) or service provision in a location outside the designated tree protection zone which does not adversely impact on the health and integrity of any trees to be retained.

**Drainage**

- (dd) The drainage system of the proposed development shall be designed to ensure that flows downstream of the site are restricted to pre-development levels unless increased flows are approved by the responsible authority
- (ee) Underground drainage shall be provided and any other drainage works necessary for the transmission of drainage as required to the outfall.

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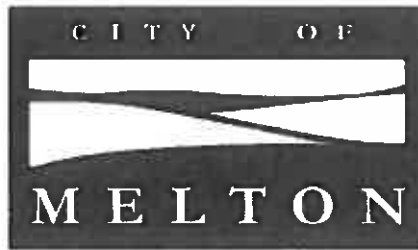
**Planning Permit PA2016/5231 Continued**

- (ff) All drainage works shall be designed to meet the following current best practice performance objectives for stormwater quality as contained in the Urban Stormwater – Best Practice Environmental Management Guidelines (1999):
  - 80% retention of the typical annual load of total suspended solids
  - 45% retention of the typical annual load of total phosphorus; and
  - 45% retention of the typical annual load of total nitrogen.
- (gg) Provision of underground drains of sufficient capacity to serve all lots being created to a legal point of discharge and the provision of an inlet on each such lot.
- (hh) All lots within the proposed development abutting or adjoining a watercourse or water body shall have a minimum 600mm freeboard above the 1 in 100 year flood levels of the water course or water body.
- (ii) Roads and allotments are to be designed such that the allotments are protected with a minimum 150mm freeboard against the 1 in 100 year flood levels.
- (jj) Melbourne Water approval shall be required for the connection of drainage discharge from this development into the current outfall.

**S22 – As Construction Plans (Construction plans)**

- 11 Prior to the issuance of the Statement of Compliance or at a time specified by the responsible authority the following must be submitted to the satisfaction of the responsible authority:
  - (a) A complete set of 'as constructed plans' of site works, in hard copy and digital file format AutoCAD. The digital files must have a naming convention to enable identification of Council assets listed.
  - (b) Asset information in digital format to include data as per "D-Spec" and "R-Spec".

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**Planning Permit PA2016/5231 Continued**

**Construction**

12 Prior to the commencement of onsite works, a Construction Environmental Management Plan (CEMP) must be prepared and approved by the responsible authority. When approved, the plan will be endorsed and will form part of this permit. The CEMP must include, but not limited to the following:

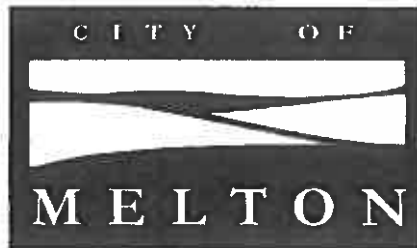
- (a) Proposed working hours;
- (b) Haulage routes to the site;
- (c) Methods of dust suppression;
- (d) Sediment control and gross pollutant management;
- (e) procedures to ensure that no significant adverse environmental impacts occur as a result of the development;
- (f) Earthworks (Consistent with Construction Techniques for Sediment Pollution Control (EPA, 1991);
- (g) Showing where stockpiling, machinery wash down, lay down, storage and personnel rest areas occur;
- (h) Vehicle exclusion areas; and
- (i) Weed management measures to be undertaken during and post construction.

In addition, the construction environmental management plan must ensure:

- All machinery brought on site to be weed and pathogen free
- All machinery wash down, lay down and personnel rest areas to be clearly fenced and located in disturbed areas
- Contractors working on the site to be inducted into an environmental management program for construction work
- Best practice erosion and sediment control techniques to be used to protect any native flora and fauna.

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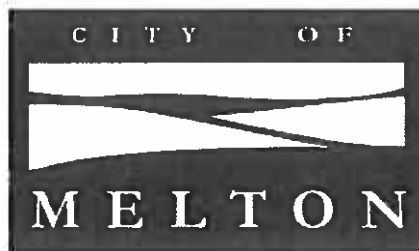
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**Planning Permit PA2016/5231 Continued**

**Landscaping**

- 13 Prior to the Certification of the Plan of Subdivision under the *Subdivision Act 1988* for the first stage of the subdivision, an amended landscape master plan for the development must be endorsed by the responsible authority. The plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with the landscape master plan dated 25 October 2012 but amended as follows:
- (a) Only shows the subdivision layout which is subject to this permit.
- 14 Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* for each stage of the subdivision, a detailed landscape plan prepared by a person suitable qualified or experienced in landscape design must be submitted to and approved by the responsible authority. The landscape plan must be drawn to scale with dimensions and three copies must be provided. The plan must be consistent with any endorsed landscape master plan and must show:
- (a) Location and identification of all proposed plants.
  - (b) A planting schedule of all proposed trees, shrubs and ground covers, including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.
  - (c) Details and location of any of structures and furniture items.
  - (d) Details of surface finishes of pathways.
  - (e) Details of paths to be DDA compliant and to Council standards and standard drawings.
  - (f) Details of boundary fencing to be provided
  - (g) Entrance treatments.
  - (h) The implementation of any landscape principles and guidelines contained in the Precinct Structure Plan.

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**Planning Permit PA2016/5231 Continued**

- All species selected must be to the satisfaction of the responsible authority.
- 15 Prior to the issue of a Statement of Compliance, any fencing abutting a Council Reserve must be constructed to an urban standard and at no cost to and to the satisfaction of the responsible authority.
  - 16 Prior to the issue of a Statement of Compliance for each stage of subdivision, the landscaping works shown on the approved landscape plan for the stage must be carried out and completed to the satisfaction of the responsible authority, or bonded (if agreed to in writing by the responsible authority). If the responsible authority agrees to bonding of outstanding works, a time by which the works must be completed will be specified by the responsible authority.
  - 17 Prior to the approval of the detailed landscape plans, a Certification of Compliance (Design) must be provided to the responsible authority by a suitably qualified practitioner for all structural works to verify that they have been designed in accordance with relevant Australian Standards.
  - 18 Prior to practical completion, a Certification of Compliance (Construction) must be provided to the responsible authority by a suitably qualified practitioner for all structural works to verify that have been completed in accordance with relevant Australian Standards.
  - 19 Prior to practical completion, or at such other time specified by the responsible authority, the following must be submitted to the satisfaction of the responsible authority:
    - (a) A complete set of 'as constructed plans' of landscape works in hardcopy (2 x A3 size), softcopy (.pdf) and AutoCAD (.dwg) format. The digital files must have naming conventions to enable identification of Council assets listed.
    - (b) Asset information in digital format to include data as per "0-Spec".
  - 20 The landscaping shown on the approved Landscape Plan must be maintained to the satisfaction of the responsible authority for a period of two (2) years from the practical completion of the landscaping. During this period, any dead, diseased or damaged

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**Planning Permit PA2016/5231 Continued**

plants or landscaped areas are to be pruned or replaced during the period of maintenance and must not be deferred until the completion of the maintenance period.

**Development Infrastructure**

- 21 Prior to the Certification of the Plan of Subdivision for each stage of the subdivision, a Schedule of Development Contributions must be submitted to and approved by the responsible authority. The Schedule of Development Contributions must show the amount of development contributions payable for that stage and any works in kind, and the amount paid in respect of prior stages to the satisfaction of the responsible authority.
- 22 At least 21 days prior to the issue of a Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision, a revised Schedule of Development Contributions must be submitted and approved by the responsible authority to reflect any changes to the levy rates.
- 23 A development infrastructure levy must be paid to the responsible authority in accordance with the provisions of the approved Development Contributions Plan for the land within the following specified time, namely after Certification of the relevant plan of subdivision but not more than 21 days prior to the issue of Statement of Compliance in respect of that plan.

**Public Open Space Contribution**

- 24 Prior to the issue of Statement of Compliance under the Subdivision Act 1988 for each stage of the subdivision, a public open space contribution as specified in Clause 52.01 of the Melton Planning Scheme must be made to the responsible authority in a manner which is consistent with the Diggers Rest Precinct Structure Plan.

**Environment**

- 25 Before the removal, destruction or lopping of any native vegetation within any property (identified in NVPP Map 2) the owner of the land from which the native vegetation is being removed must provide offsets by either:

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**Planning Permit PA2016/5231 Continued**

- (a) Providing an allocated credit extract issued by the Department of Environment, Land, Water and Planning (DELWP); or
  - (b) Preparing and submitting an Offset Plan to the satisfaction of DELWP for the approval of the Responsible Authority. The Offset Plan must be approved prior to removal, destruction or lopping of any native vegetation.
- 26 Where an Offset Plan is required:
- (a) Before the removal, destruction or lopping of any native vegetation, the owner of the land from which the native vegetation is being removed must provide on-title security for the Offset Site to the satisfaction of DELWP that provides for the implementation of the Offset Plan and pay the reasonable costs of the preparation, execution and registration of any on-title agreement.
  - (b) Offsets must be initiated within 12 months of approval of the Offset Plan or before the removal of High and Very High Conservation Significance vegetation and be implemented according to the schedule of works in the Offset Plan to the satisfaction of the responsible authority.
  - (c) An Offset Plan must show offsets in relation to all native vegetation within the property which this NVPP allows to be removed. An Offset Plan must be prepared in accordance with the DELWP Offset Plan Template available from DELWP.
- 27 Before the removal, destruction or lopping of any native vegetation to be removed (in accordance with the Diggers Rest NVPP) must be clearly marked on site to the satisfaction of the responsible authority whilst works are being undertaken within the vicinity.
- 28 Before felling of any trees with nest or hollows, the tree must be examined for fauna by a suitably qualified zoologist. If native fauna species are found, they must be salvaged and relocated where possible, to the nearest suitable habitat, in consultation with DELWP.

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**Planning Permit PA2016/5231 Continued**

- 29 Any construction stockpiles and machinery must be placed away from drainage lines to the satisfaction of the responsible authority.
- 30 Prior to the commencement of any works in a stage of subdivision of land, an Eastern Grey Kangaroo Management Plan must be submitted for approval to the Department of Environment and Primary Industries. The plan must include:
- (a) Strategies (e.g. staging) to avoid land locking Eastern Grey Kangaroos, or where this is not practicable, management solutions and action to respond to their containment in an area with no reasonable likelihood of their continued safe existence.
  - (b) The subdivision and associated works must implement the Eastern Grey Kangaroo Management Plan in the timeframes set out in the plan by:
    - i Proceeding in the order of stages as shown on the plan; and
    - ii Implementing the management solutions and actions of the Plan;all to the satisfaction of the Department of Environment, Land, Water and Planning (DELWP) and the responsible authority.
- 31 The Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Strategic Approach (DSE 2011) and Salvage and Translocation of Striped Legless Lizard in the Urban Growth Areas of Melbourne: Operational Plan (DSE 2011) must be implemented to the satisfaction of DELWP before during and after the carrying out of any buildings or works or native vegetation removal and all specifications and requirements of the approved plan must be complied with.
- 32 Prior to the commencement of any buildings and works or the removal of any vegetation, offsets for Golden Sun Moth habitat on the land must be provided to the satisfaction of DELWP.
- 33 Prior to the commencement of any buildings and works or the removal of any vegetation, offsets for Striped Legless Lizard habitat on the land must be provided to the satisfaction of DELWP.

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**Planning Permit PA2016/5231 Continued**

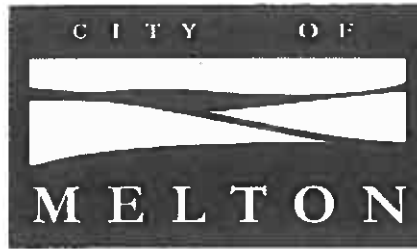
- 34 Prior to the removal of any native vegetation a contributory fee for Spiny Rice Flower must be provided to the satisfaction of the DELWP.
- 35 Offsets must be provided in accordance with Victoria's Native Vegetation Management, A Framework for Action, (DNRE, 2002).
- 36 An Offset Plan must show offsets in relation to all native vegetation within the property which this NVPP allows to be removed. An Offset Plan must be prepared in accordance with the DELWP Offset Plan Template available from DELWP.
- 37 An offset site must be secured through an appropriate mechanism to the satisfaction of DELWP. Where an offset is secured via an agreement, the agreement must be registered on the title of the land and provide for a native vegetation offset in accordance with the endorsed offset plan.
- 38 The offset requirements for native vegetation which can be removed, destroyed or lopped as described in the Diggers Rest NVPP Table 1 are set out in NVPP Table 2.

**Environmental Site Assessment**

- 39 Prior to the commencement of any on site works associated with the subdivision other than bore holes and excavation associated with an environmental site assessment, an environmental site assessment of the land by a suitably qualified environmental professional must be undertaken which provides information including:
- (a) Details of the nature of the previous and existing land/use activities on the land;
  - (b) An assessment of the potential level and nature of contamination on the land;
  - (c) Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all, or part, of the land is recommended having regards to the Potentially Contaminated Land General Practice Note June 2005, DSE.

If the environmental site assessment recommends an environmental audit of all or part of the land be undertaken, then prior to the commencement of any use of all or that part of the land as the case may be for a sensitive purpose, the following must

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**Planning Permit PA2016/5231 Continued**

be provided to the responsible authority in respect of that part of the land which is recommended for the environmental audit:

(d) Either:

- A certificate of environmental audit issued for the relevant land in accordance with Part 1XD of the *Environmental Protection Act 1970*; or
- A statement by an environmental auditor appointed under the *Environmental Protection Act 1970*, in accordance with Part 1XD of that Act that the environmental conditions of the relevant land are suitable for a sensitive use (with or without conditions on the use of the site) must be provided to the responsible authority before any building on the relevant land is occupied.

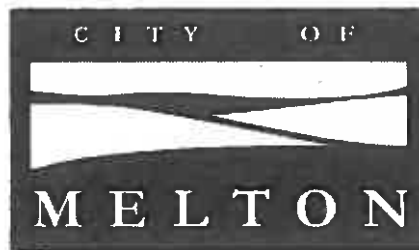
(e) If a statement by the environmental auditor is provided rather than a certificate of environmental audit and the statement indicates that the environmental conditions of the relevant land are suitable for a sensitive use subject to conditions, the owner of the land must enter into an agreement with the responsible authority under Section 173 of the Planning and Environment Act 1987 before any building on the relevant land is occupied for:

- Ongoing compliance with all conditions in the Statement by the Environmental Auditor;
- The responsible authority's legal costs and expenses of drafting/reviewing and registering the agreement are to be borne by the owner of the relevant land.

**General**

- 40 The subdivision of the land must proceed in the order of stages shown on the endorsed plans except with the prior written consent of the responsible authority.
- 41 Reticulated water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services and fibre optic cable conduits must be provided to each lot shown on the endorsed plan.

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**Planning Permit PA2016/5231 Continued**

- 42 The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities and underground electricity, gas and telecommunication services to each lot shown on the endorsed plan in accordance with the authorities requirements and relevant legislation at that time.
- 43 The plan of subdivision submitted for certification under the *Subdivision Act 1988* must be referred to the relevant authorities in accordance with Section 8 of that Act.
- 44 All existing and proposed easements and sites for existing and required utility services and roads on the land must be set aside in favour of the relevant authority for which the easement or site is to be created and the plan of subdivision submitted for certification under the *Subdivision Act 1988*.
- 45 Within (4) weeks of the registration of the plan of subdivision at the Land Titles Office the following must be sent to the responsible authority:
- (a) A Certificate of Title for all land vested in the responsible authority on the plan of subdivision.
- 46 Utility service substations, kiosk sites and the like must not be located on any land identified as public open space or land to be used for any municipal purpose unless otherwise agreed by the responsible authority.
- 47 Prior to the issue of Statement of Compliance under the *Subdivision Act 1988*, unless otherwise agreed in writing by the Responsible Authority, compaction test results and a report must be provided and approved by the responsible authority. All filling on the site must be carried out, supervised, completed and recorded in accordance with AS 3798 – 1996 (Guidelines on earthworks for commercial and residential developments) to specifications to the satisfaction of the responsible authority. The geotechnical authority responsible for supervision and testing under this condition must be independently engaged by the applicant and not be engaged by the contractor carrying out the works to the satisfaction of the responsible authority.
- 48 Access to each lot created must be provided by a sealed and fully constructed road to the satisfaction of the responsible authority.

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Date Issued: 6 June 2017

Signature of the  
Responsible Authority:

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**Planning Permit PA2016/5231 Continued**

- 49 Streets must be named to the satisfaction of the Responsible Authority prior to the Certification of the relevant Plan of Subdivision.
- 50 Land required for public open space such as a local or district park set out in the Diggers Rest Precinct Structure Plan or the Diggers Rest Development Contributions Plan must be transferred to or vested in Council at no cost to Council unless funded by the Diggers Rest Development Contributions Plan.
- 51 Land required for road widening including right of way flaring for the ultimate design of any intersection with an existing or proposed arterial road must be referred to or vested in Council or VicRoads at no cost to the acquiring agency unless funded by the Diggers Rest Development Contributions Plan.
- 52 Land required for a community facility, road or public open space must be shown on a Plan of Certification as a reserve in favour of Melton City Council or another relevant agency.

**Telecommunications**

- 53 The owner of the land must enter into an agreement with:
- (a) A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - (b) A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network (NBN) will not be provided by optical fibre.
- 54 Before the issue of a Statement of Compliance for any stage of the subdivision under the *Subdivision Act 1988*, the owner of the land must provide written confirmation from:

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**Planning Permit PA2016/5231 Continued**

- (a) A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
- (b) A suitably qualified person that fibre ready telecommunications facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.

**Downer**

- 55 The plan of subdivision submitted for certification must be referred to AusNet Services (Gas) in accordance with Section 8 of the *Subdivision Act 1988*.

**Melbourne Water**

- 56 Prior to the issue of a Statement of Compliance, the Owner shall enter into and comply with an agreement with Melbourne Water Corporation for the acceptance of surface and storm water from the subject land directly or indirectly into Melbourne Water's drainage systems and waterways, the provision of drainage works and other matters in accordance with the statutory powers of Melbourne Water Corporation.
- 57 No polluted and / or sediment laden runoff is to be discharged directly or indirectly into Melbourne Water's drains or watercourses.
- 58 Prior to Certification, the Plan of Subdivision must be referred to Melbourne Water, in accordance with Section 8 of the *Subdivision Act 1988*.
- 59 Prior to Certification of any plan of subdivision associated with this permit, Melbourne Water requires a report outlining the development trigger to construct the retarding basin in the south west corner of Bloomdale Estates Area C.
- 60 Alignment of roads and reserves with any adjoining estates must ensure continuity and provide uninterrupted conveyance of overland flows.

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**Planning Permit PA2016/5231 Continued**

- 61 The subdivision is to make provision for overland flows from the upstream catchment utilising roads and/or reserves.
- 62 Any temporary outfall is to be arranged to the satisfaction of Melbourne Water, Council and the affected downstream property owner(s).

**Jemena**

- 63 The plan of subdivision submitted for certification under the *Subdivision Act 1988* shall be referred to Jemena Electricity Networks (Vic) Ltd in accordance with Section 8 of that Act.
- 64 The applicant shall:
- (a) Enter into an agreement for the extension, upgrading or re-arrangement of the electricity supply to lots on the plan of subdivision as required by Jemena Electricity Networks (Vic) Ltd. (A payment to cover the cost of such work will be required and easements internal and external to the subdivision and provision of sites for substations may also be required).
  - (b) Where buildings or other installations exist on the land to be subdivided and are connected to the electricity supply, they shall be brought into compliance with the Supply and Installation Rules issued by the Local Government Electricity Supply Association (Vic) and Distribution Authorities to the extent determined by Jemena Electricity Networks (Vic) Ltd.

**CFA**

**Hydrants**

- 65 Prior to the issue of a Statement of Compliance under the *Subdivision Act 1988* the following requirements must be met to the satisfaction of the CFA:
- Above or below ground operable hydrants must be provided. The maximum distance between these hydrants and the rear of all building envelopes (or in the absence of building envelopes, the rear of the lots) must be 120 metres and the

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**Planning Permit PA2016/5231 Continued**

hydrants must be no more than 200 metres apart. These distances must be measured around lot boundaries.

- The hydrants must be identified with marker posts and road reflectors as applicable to the satisfaction of the Country Fire Authority.

Note –CFA's requirements for identification of hydrants are specified in 'Identification of Street Hydrants for Firefighting Purposes' available under publications on the CFA web site ([www.cfa.vic.gov.au](http://www.cfa.vic.gov.au))

**VicRoads**

- 66 Prior to the commencement of the use, the left in/left out access along Vineyard Road is to be constructed to the satisfaction of VicRoads, and at no cost to VicRoads.

**Public Transport Victoria**

- 67 Unless otherwise agreed in writing with Public Transport Victoria, prior to the certification of a plan of subdivision for stages 5 and 5s (or the equivalent), containing any portion of road nominated a 'Connector Street – Potential Bus Route or 'Arterial Road – Potential Bus Route', to be constructed as part of this development, construction engineering plans must be submitted to Public Transport Victoria. The plans must depict the road cross section to be constructed and the location and design of bus stops (if required). The plan must be to the satisfaction of Public Transport Victoria and the responsible authority.
- 68 Unless otherwise agreed in writing with Public Transport Victoria, prior to the issue of a Statement of Compliance for stages 5 and 5s (or the equivalent), the portion of road nominated a potential bus route, must be constructed in accordance with the relevant cross-sections identified in the 'Diggers Rest Precinct Structure Plan' in order to accommodate public transport access for buses, to the satisfaction of the Public Transport Victoria.
- 69 Unless otherwise agreed in writing with Public Transport Victoria, prior to the issue of a Statement of Compliance stages 5 and 5s (or the equivalent) which contain roads

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**Planning Permit PA2016/5231 Continued**

nominated as potential bus routes, concrete hard stand pads (or indented bays, where relevant) for passengers must be constructed:

- (a) In appropriate locations along roads nominated as potential bus routes;
- (b) compliant with the Disability Discrimination Act – Disability Standards for Accessible Public Transport 2002;
- (c) with direct and safe pedestrian access to a shared/pedestrian path;
- (d) at the full cost of the permit holder and;
- (e) to the satisfaction of Public Transport Victoria.
- (f) Any roundabouts constructed on roads designated a future public transport route within the subdivision, must be designed to accommodate ultra-low floor buses, to the satisfaction of the Public Transport Victoria.

70 Intersections, slow points, splitter islands and any other local area traffic management treatments must be designed and constructed in accordance with the Public Transport Guidelines for Land Use and Development. The use of speed humps, raised platforms, one-way road narrowing and 'weave points' must not be constructed on any portion of a road identified as a potential bus route.

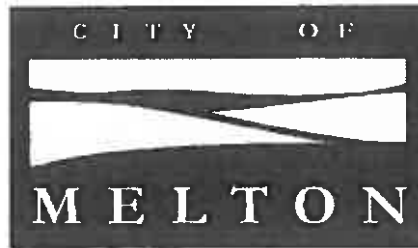
71 Pursuant to Section 8 (a) of the *Subdivision Act 1988* only Plans of Subdivision which contain a portion of bus route identified within the *Diggers Rest Precinct Structure Plan dated March 2012* must be referred to Public Transport Victoria.

**Western Water**

72 Payment of new customer contributions for each lot created by the development, such amount being determined by Western Water at the time of payment.

73 Provision of reticulated potable and recycled water mains and associated construction works to front each allotment within the development, at the developer's expense, in accordance with standards of construction adopted by and to the satisfaction of Western Water.

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**Planning Permit PA2016/5231 Continued**

- 74 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 Western Water.
- 75 Provision of easements in favour of Western Water over all existing and proposed sewer mains located within private property. The easement shall be 3.0 metres wide for combined sewer and drainage easements and 2.0 metres wide for a dedicated sewerage easement.
- 76 Pursuant to Section 36 of the *Subdivision Act*, Western Water considers that for the economical and efficient subdivision and servicing of the land covered by the Application for Permit it requires the owner of the land to acquire an easement over other land in the vicinity, namely, any land not owned by the Developer through which a sewerage extension servicing the development is to be located. The easements created shall be in favour of Western Water.
- 77 Demonstrate the appropriate implementation of alternate water supply sources to comply with the Diggers Rest Precinct Structure Plan guideline for the reduction in potable water consumption to the satisfaction of Western Water.
- 78 Comply with Western Water's Class A Recycled Water Developer Guidelines for the supply and use of recycled water within the development to the satisfaction of Western Water.
- 79 Prepare an appropriate Integrated Water Management Plan for the development in accordance with the Diggers Rest Precinct Structure Plan to the satisfaction of Western Water.
- 80 The developer must demonstrate the appropriate management of any health and environmental risks associated with the supply and use of recycled water to the satisfaction of Western Water.
- 81 Evidence must be provided in a form satisfactory to Western Water that will ensure all future lot owners are made aware that each dwelling must have recycled water plumbed to a front and rear outdoor tap as well as to all toilets.

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Date Issued: 6 June 2017

Signature of the  
Responsible Authority:

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**Planning Permit PA2016/5231 Continued**

- 82 Preparation of a digitised plan of subdivision and ancillary requirements in accordance with Western Water's drafting standards and practices.
- 83 The operator under this permit shall be obliged to enter into an Agreement with Western Water relating to the design and construction of any sewerage, potable water or recycled water works required. The form of such Agreement shall be to the satisfaction of Western Water. The owner/applicant shall make a written request to Western Water for the terms and conditions of the agreement.
- 84 All contractors engaged on construction of Subdivision Infrastructure obtain a Water Carters Permit from Western Water and comply with that permit at all times. The permit will include a requirement for the Water Carter Permit holder to:
- (a) Own a metered hydrant approved by Western Water;
  - (b) Meter and pay for all water taken;
  - (c) Display a Western Water Permit Number Sticker on the tanker;
  - (d) Only take water from nominated hydrants or standpipes;
  - (e) Only use water for the purpose approved in the Water Carters Permit;
  - (f) Avoid wastage of water on site; and
  - (g) Comply with any water restrictions imposed by Western Water at the time water is used.

For the purpose of this condition, Subdivision Infrastructure includes new and alterations to existing: roads, drains, water mains, sewer mains, power supply, telephone, gas and any other service infrastructure required by this permit and dust suppression during construction of the same.

Notwithstanding the above, a Water Carters Permit is not required if the permit holder and contractors engaged by the permit holder can demonstrate to the satisfaction of Western Water that water is not required from Western Water's town water supply systems to construct Subdivision Infrastructure as defined above.

A handwritten signature in black ink, appearing to be a stylized name, is written over a horizontal line.



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**Planning Permit PA2016/5231 Continued**

**Expiry**

85 This permit will expire if:

- (a) The plan of subdivision for the first stage is not certified within two years of the date of the permit; or
- (b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit; or
- (c) The registration of the plan of subdivision for each stage is not completed within five years from the date of certification of that stage.

The Responsible Authority may extend the time if a request is made in writing before the permit expires or within six months afterwards.

A handwritten signature in black ink, appearing to be "A. J. ...", written over a horizontal line.



## IMPORTANT INFORMATION ABOUT THIS PERMIT

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: this is not a permit granted under Division 5 or 6 of Part 4 of the **Planning and Environment Act 1987**.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The Responsible Authority may amend this permit under Division 1A of Part 4 of the **Planning and Environment Act 1987**.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

- from the date specified in the permit, or
- if no date is specified, from –
  - (i) the date of the decision of the Victorian Civil & Administrative Tribunal, if the permit was issued at the direction of the Tribunal; or
  - (ii) the date on which it was issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if –
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development requires the certification of a plan of subdivision or consolidation under the **Subdivision Act 1988** and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision; or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the **Subdivision Act 1988**.
2. A permit for the use of land expires if –
  - the use does not start within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use is discontinued for a period of two years.
3. A permit for the development and use of land expires if –
  - the development or any stage of it does not start within the time specified in the permit; or
  - the development or any stage of it is not completed within the time specified in the permit, or if no time is specified, within two years after the issue of the permit; or
  - the use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - the use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in section 6A(2) of the **Planning and Environment Act 1987**, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains a different provision –
  - the use or development of any stage is to be taken to have started when the plan is certified; and
  - the permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.
- An application for review must be lodged within 60 days after the permit was issued, unless a notice of decision to grant a permit has been issued previously, in which case the application for review must be lodged within 60 days after the giving of that notice.
- An application for review is lodged with the Victorian Civil and Administrative Tribunal.
- An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.
- An application for review must state the grounds upon which it is based.
- An application for review must also be served on the Responsible Authority.
- Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal.

DIGGERS REST SPORTING RESERVE

FUTURE RESIDENTIAL DEVELOPMENT

RESIDENTIAL DEVELOPMENT UNDER CONSTRUCTION

VINEYARD ROAD

LEFT IN LEFT OUT

DEVELOPMENT ANALYSIS: Stages 23-28		Units
Stages 23 - 28	23.58 ha	
<b>Balance Superlots outside subdivision Area</b> 9.83 ha		
0.00 ha		0%
0.54 ha		2%
0.20 ha		1%
0.13 ha		1%
5.54 ha		23%
<b>Employment Land</b> 0.00 ha		
0.00 ha		0%
0.00 ha		0%
<b>Open Space</b> 16.95 ha		
0.78 ha	3%	
0.78 ha		3%
<b>Tree Reserve Area</b> 16.17 ha		
0.00 ha	0%	0%
5.00 ha	30%	21%
<b>Public Reserve</b> 0.00 ha		
0.00 ha	0%	0%
<b>Net Residential Area</b> 11.02 ha		
19.70 ha	83%	48%
<b>Net Density</b> 0.30 units/ha		
<b>Net Yield Break-down</b>		
12.5 x 25	2 lots	7%
14 x 25	0 lots	0%
15.5 x 25	2 lots	7%
12.5 x 28	16 lots	7%
14 x 28	11 lots	4%
16 x 28	7 lots	3%
18 x 28	5 lots	1%
16.5 x 30	7 lots	3%
12.5 x 30	23 lots	10%
14 x 30	20 lots	9%
16 x 30	18 lots	7%
18 x 30	2 lots	1%
8.5 x 32	0 lots	0%
10.5 x 32	4 lots	2%
12.5 x 32	31 lots	13%
14 x 32	43 lots	19%
16 x 32	23 lots	10%
18 x 32	10 lots	4%
20 x 32	4 lots	2%
<b>Total</b>	<b>282 lots</b>	
Net Lot Size	649 m <sup>2</sup>	
Net Density (NDA)	16 #/ha	

- LEGEND**
- Subject Site
  - Superlots not part of this application
  - Stage Boundary
  - Employment
  - Road Widening
  - Public Open Space
  - Tree Reserve/Pedestrian Links
  - Contours (1m intervals)
  - Melbourne Airport Environs Overlay
  - Connector Street - Boulevard + Landscape Trail (37m)
  - Connector Street - Landscape Trail -31m Raised Paving
  - Lots larger than 600m<sup>2</sup>: Potential for future subdivision to Design Guidelines compliance
  - Electricity kiosk

FORSEMENT  
 Planning & Environment  
 14/20/2017  
 2/11/2017  
 2/11/2017

Preliminary Subdivision Concept Plan  
 Stages 23-28, Bloomdale



**DRAFT**

Scale: 1:1250 A1  
 1:2500 A3  
 0 25 50 75m

please note:  
 This plan is based on preliminary information only and may be subject to change as a result of formal Council/Authority advice, detailed site investigations and confirmation by survey

ref: 341021U  
 date: 7 June 2017  
 rev.: N  
 drawn: DS  
 checked: CD

planning & urban design  
 melbourne - tel 9889 0800  
 © smec australie pty ltd  
 abn 47 065 475 149  
 trading as smec urban



Scale 1:1000	<b>SCALE</b> 0 10 20 30 40 50 Lengths are in meters	<b>R. ILLINGWORTH</b> Licensed Surveyor																																			
Sheet 1 of 1	<table border="1"> <tr> <td>1</td> <td>PRELIMINARY PLAN, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>2</td> <td>REVISION A, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>3</td> <td>REVISION B, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>4</td> <td>REVISION C, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>5</td> <td>REVISION D, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>6</td> <td>REVISION E, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> <tr> <td>7</td> <td>REVISION F, 2015/15</td> <td>ILLINGWORTH, R.</td> <td>2015/15</td> <td>2015/15</td> </tr> </table>	1	PRELIMINARY PLAN, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	2	REVISION A, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	3	REVISION B, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	4	REVISION C, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	5	REVISION D, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	6	REVISION E, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	7	REVISION F, 2015/15	ILLINGWORTH, R.	2015/15	2015/15	
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Ref: 01112/5																																					
Revision F																																					

**COMPUTED SUBDIVISION MASTER PLAN**  
**BLOOMDALE ESTATE - PARCEL B WEST**  
**DIGGERS REST 3427**

Proposed: AVID PROPERTY GROUP      MUNICIPALITY: MELTON CITY COUNCIL

**TAYLORS**

Urban Development | Built Environments | Infrastructure  
 9 / 270 Fenwick Gully Road, Nadding Hill, Victoria, 3168  
 Tel: 61 2 9501 2800 | Web: taylorsoz.com.au

# PLANNING CERTIFICATE

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

## CERTIFICATE REFERENCE NUMBER

459382

## APPLICANT'S NAME & ADDRESS

WAKEHAM INVESTMENTS T/AS LAW OFFICE SERVICES C/-  
INFOTRACK C/- LANDATA  
MELBOURNE

## VENDOR

AVID PROPERTY GROUP

## PURCHASER

N/A, N/A

## REFERENCE

357847

This certificate is issued for:

LOT W9 PLAN PS749014 ALSO KNOWN AS 120 DIGGERS REST-COIMADAI ROAD DIGGERS REST  
MELTON CITY

The land is covered by the:

MELTON PLANNING SCHEME

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

The land:

- is included in a URBAN GROWNTH ZONE-SCHEDULE 5
- is within a MELBOURNE AIRPORT ENVIRONS OVERLAY - SCHEDULE 2
- and a DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY - SCHEDULE 5
- and abuts a ROAD ZONE CATEGORY 1
- and is INCLUDED IN AN INVESTIGATION AREA AND MAY BE SUBJECT TO A  
GROWTH AREAS INFRASTRUCTURE CONTRIBUTION - FOR MORE  
INFORMATION GO TO Melbourne @ 5 million AT THE DPCD WEBSITE  
(<http://www.dpcd.vic.gov.au/melbourneat5million>)
- and MAY BE SUBJECT TO A GROWTH AREAS INFRASTRUCTURE  
CONTRIBUTION - FOR MORE INFORMATION GO TO Melbourne @ 5  
million AT THE DPCD WEBSITE  
(<http://www.dpcd.vic.gov.au/melbourneat5million>)

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

Historic buildings and land protected under the Heritage Act 1995 are recorded in the Victorian  
Heritage Register at:  
(<http://vhd.heritage.vic.gov.au/>)

Additional site-specific controls may apply.  
The Planning Scheme Ordinance should be  
checked carefully.  
The above information includes all  
amendments to planning scheme maps  
placed on public exhibition up to the date  
of issue of this certificate and which are  
still the subject of active consideration

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

LANDATA®  
570 Bourke Street  
Melbourne VIC 3000  
Tel: (03) 8636 2456

02 August 2017

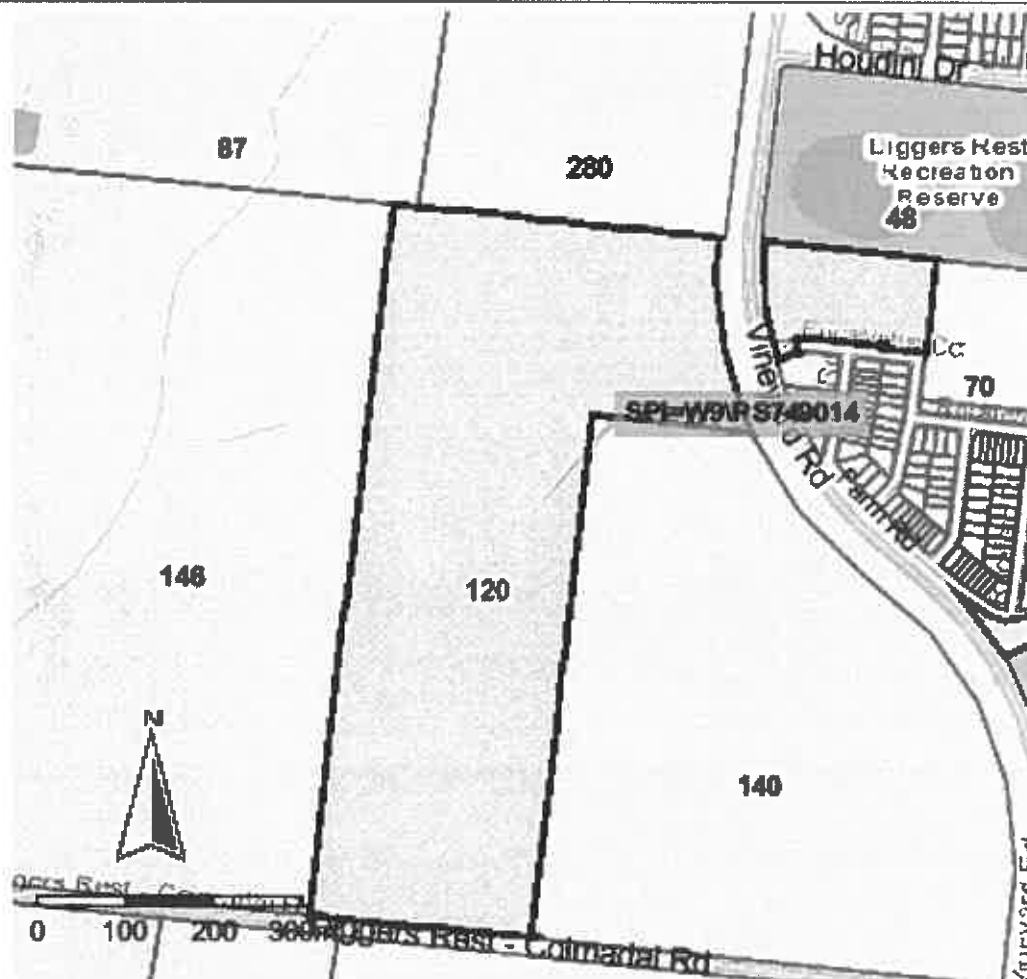
Hon. Richard Wynne MP  
Minister for Planning

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

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

If this property is different to the one expected, you can phone (03) 8636 2456 or email [landata.enquiries@delwp.vic.gov.au](mailto:landata.enquiries@delwp.vic.gov.au).

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



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### Choose the authoritative Planning Certificate

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

As part of your section 32 statement, the authoritative Planning Certificate provides you and / or your customer with the statutory protection of the State of Victoria. Order online before 4pm and for as little as \$11.70 (plus your broker's service fee where applicable) receive your authoritative Planning Certificate same day, in most cases within the hour. Next business day delivery, if further information is required from you.

#### Privacy Statement

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





**LAND INFORMATION CERTIFICATE**

Section 229 Local Government Act, 1989.

**Rates and Charges for period 1 July 2017 to 30 June 2018**

Your Reference: 25858264-013-2

Assessment Number: 627539

Issue date: 07/08/2017

Certificate No: 75180

Civic Centre  
232 High Street  
Melton 3337  
PO Box 21 Melton  
Victoria 3337  
T 03 9747 7333  
F 03 9743 9970  
Dx 33005 Melton  
ABN 22 862073 889  
[melton.vic.gov.au](http://melton.vic.gov.au)

**Applicant:**

Landata  
DX 250639  
MELBOURNE 3000

**Property Location: 120 Diggers Rest-Coimadai Road DIGGERS REST 3427**

Title: LOT: W9 PS: 749014M V/F: 11855/593

Ward: WATTS

Capital Improved Value: \$8,258,000

Site Value: \$8,258,000

Net Annual Value: \$412,900

Effective Date: 01/07/2017 Base Date: 01/01/2016

**1. RATES CHARGES AND OTHER MONIES:**

Vacant Land Date Levied 01/07/2017	\$41,230.54
Municipal Charge Date Levied 01/07/2017	\$142.00
Residential FSPL Fixed Charge Date Levied 01/07/2017	\$107.00
Residential FSPL Variable Charge Date Levied 01/07/2017	\$1,007.48
<b>Current Rates Levied: \$42,487.02</b>	
Rate Arrears to 30/06/2017:	\$0.00
Interest to 07/08/2017:	\$0.00
Other Monies:	\$0.00
Less Rebates:	\$0.00
Less Payments:	\$0.00
Less Other Adjustments:	\$0.00

<b>Rates &amp; Charges Due:</b>	<b>\$42,487.02</b>
<b>Additional Monies Owed:</b>	
<b>Total Due:</b>	<b>\$42,487.02</b>

**Council strongly recommends that an update be sought prior to settlement as interest accrues daily at 10% p.a.**

Interest will be charged on outstanding amounts after the due dates as set below;  
30 September, 30 November, 28 February and 31 May

This assessment may be subject to sections 173 or 174A of the Local Government Act 1989.

**2. OTHER INFORMATION:**



Assessment Number: 627539

Certificate Number: 75180

.....  
**3. SPECIFIED FLOOD LEVEL:**

The Council does not have a **Specified** flood level for this property. For further information on flooding, if any, can be obtained from Council's Design Services Department. Any other enquiries under the Building Act 1993 & Building Regulations 1994 should be directed to the Melton City Council's Building Section on 9747 7275.

.....  
**4. SPECIAL NOTES:**

After the issue of this certificate, Council may be prepared to provide a verbal update of information to the applicant about the matters disclosed in this certificate within 90 days of the date of issue, but if it does so, Council accepts no responsibility whatsoever for the accuracy of the verbal information given and no employee of the Council is authorised to bind Council by the giving of such verbal information.

.....  
**5. IMPORTANT INFORMATION:**


This certificate provides information regarding valuation, rates, charges, other monies owing and any orders and notices made under the Local Government Act 1958, Local Government Act 1989 or under a Local Law of the Council and specified flood level by the Council (if any).

This certificate is not required to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from the Council or the relevant authority. A fee may be charged for such information.

.....  
**6. NOTICE OF ACQUISITIONS:**

Electronic copies of Notice of Acquisitions can be emailed to [revenue@melton.vic.gov.au](mailto:revenue@melton.vic.gov.au)  
In accordance with Local Government Act 1989 S231 the failure to comply with the Local Government Regulations 2015 may result in a fine of 10 penalty units.

.....  
**7. BPAY OPTION:**

 **Bill**er code 1123  
**Reference Number** 627539  
**Min payment** \$25 **Cheque/Savings account only**

.....  
I hereby certify that as at the date of this certificate the information given is a correct disclosure of the rates, other monies and interest payable to Melton City Council, together with details of any Notices or Orders on the land pursuant to the Local Government Acts and Local Laws.

Received the sum of \$25.90 being the fee for this certificate.

  
Authorised Officer



ABN 67 433 835 375  
 PO BOX 2371, SUNBURY DC 3429  
 ADMINISTRATION CENTRE  
 36 MACEDON ST SUNBURY  
 TELEPHONE (03) 9218 5422

FACSIMILE NO. (03) 9218 5444  
 OFFICE HOURS 8.30AM - 5.00PM  
 Web Site: [www.westernwater.com.au](http://www.westernwater.com.au)  
 Email: [mail@westernwater.com.au](mailto:mail@westernwater.com.au)



022

Wakeham Investments  
 Landata  
 Level 14 570 Bourke St  
 MELBOURNE VIC 3000

Your Ref: 25858264  
 Statement No: 63859  
 Service Req ID: 395640  
 Property No: 90-0767-0130  
 Account No: 90-0767-0130-01  
 Date: 03-August-2017

## Information Statement

### Water Act 1989. Section 158

*This Statement details all Tariffs, Charges and Penalties due and payable to Western Water, as at the date of this Statement, and also includes Tariffs and Charges, (other than for water yet to be consumed), which are due and payable to the 01-Jul-2018 as well as any relevant Orders, Notices and Encumbrances applicable to the property, described hereunder.*

**Property Address:** 120-144 DIGGERS REST-COIMADAI RD, DIGGERS REST VIC 3427

**Title(s):** Lot W9, Plan of Subdivision 749014, Volume 11855, Folio 593, Parish of Holden

**Owner(s):**

---

Avid Property Group Nominees Pty Ltd

**Comments:**

---

There are no Comments applicable to this property

**Account Calculation:**

---

Charges Previously Billed:	\$0.00
Current Charges (see over for details):	\$0.00
<b>Total Amount Owing to 30-June-2018</b>	<b>\$0.00</b>

To calculate charges to settlement date, calculations should be based on daily access fees and volumetric charges from the period of the last account until settlement date.



Property No: 90-0767-0130  
Property Address: 120-144 Diggers Rest-Coimadai Rd, Diggers Rest VIC 3427

**Current Charges for services provided and their tariffs:**

---

This property is not chargeable.

**Encumbrances and other information:**

---

Western Water recommend that you contact us prior to settlement to obtain details of any payments or charges which may have been applied to the account after this statement was issued.

The subject property may be affected by a drainage and/or flooding issue. For further information please contact Melbourne Water on 9679 7517.

Although this property is Vacant Land a Waterways Charge will apply from settlement date for any change in ownership, or from date of meter fitting, whichever occurs first. The annual charge for Residential properties within the Urban Growth boundary is \$98.88 for the period 1 July 2017 to 30 June 2018.

**Disclaimer:**

---

Western Water hereby certify that the information detailed in this statement is true and correct according to records held and that the prescribed fee has been received. However, Western Water does not guarantee or make any representation or warranty as to the accuracy of this plan or associated details. It is provided in good faith as the best information available at the time. Western Water therefore accepts no liability for any loss or injury suffered by any party as a result of any inaccuracy on this plan. If there are any queries arising from information provided herein please call 9218 5422 quoting Service Request ID 395640. This statement is valid for a period of 120 days from date of issue.



Graham Holt 03-Aug-2017  
General Manager, Customer & Community Relations

# Western Water

PO Box 2371  
Sunbury DC VIC 3429

Property No: 90-0767-0130

Property Address: 120-144 Diggers Rest-Coimadai Rd, Diggers Rest VIC 3427

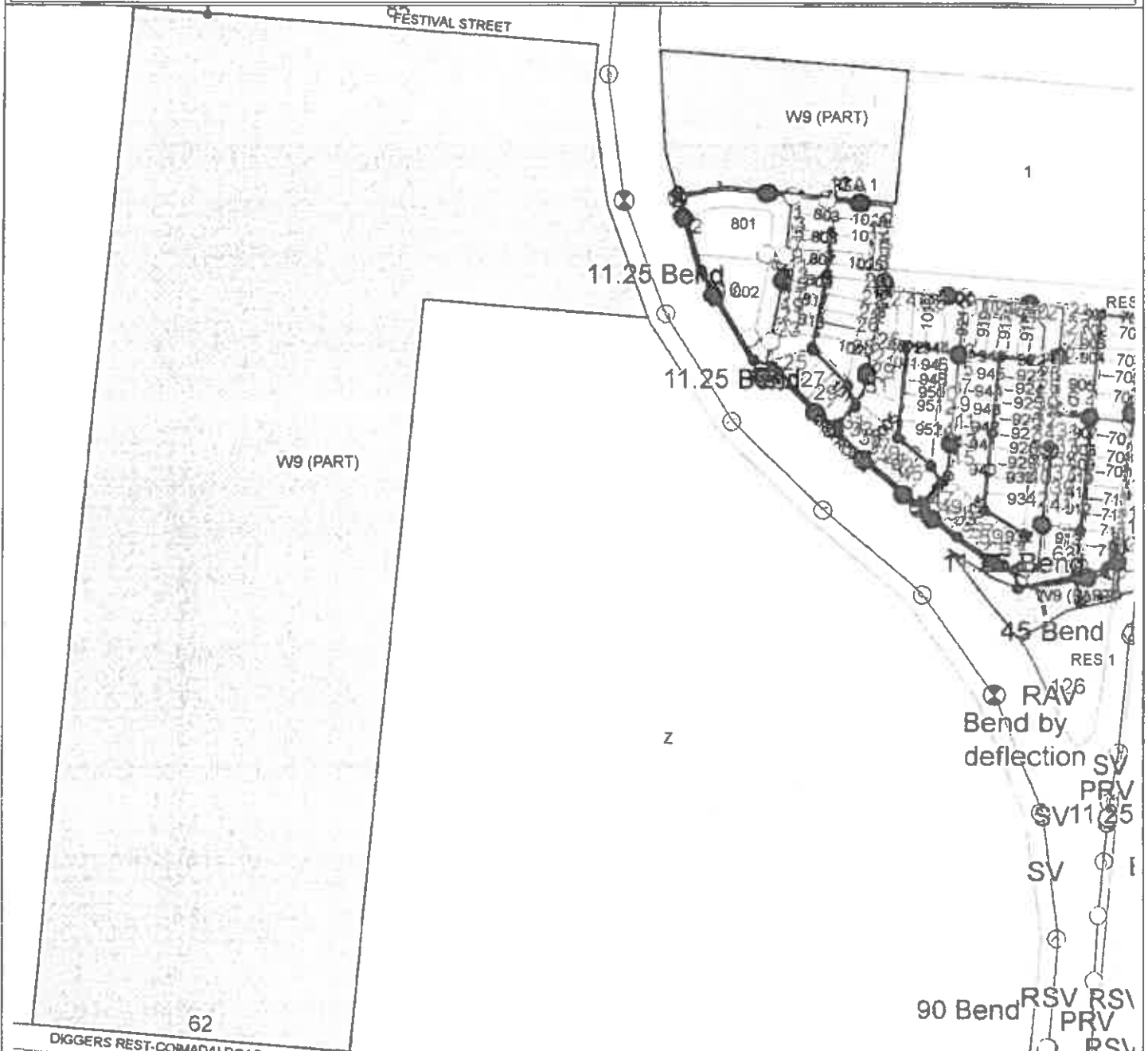
## Information Statement Remittance Page

<u>AccountNo</u>	<u>Description</u>	<u>Amount</u>	<u>Barcode</u>
90-0767-0130-01	Water Account	\$0.00	

Total: \$0.00

\*\*\*\* Please return this page with your payment \*\*\*\*

# INFORMATION STATEMENT - PLAN OF ASSETS TRaversING LAND



Prop No. : 90-0767-0130  
 Address : 120-144 Diggers Rest-Coimadai Road Diggers Rest VIC 3427  
 Scale : 4384  
 Printed on : 03-08-2017

Sewer Main does traverse property



Western Water

36 Macedon Street  
 PO Box 2371  
 Sunbury DC  
 VIC 3429

Ph: 03 9218 5422  
 Fax: 03 9218 5444

## Water Legend

Water main	—	Air Valve	⊗ AV
Junction	○	Hydrant	■ Hyd
End of Line	] ]	Fire Plug	● FP
Swab Point	◆	Pres Reducing Valve	⊗
Non Return Valve	⌞	Reducer	▶
		Valve	✕

## Sewer Legend

Sewer main	—
Sewer rising main	- - - - -
Standard manhole	●
Inspection shaft	■
Air valve	⊗
Stop Valve	✕
End of Line	] ]

## Other

Recycled water main	—
Easement	—

Western Water does not guarantee or make any representation or warranty as to the accuracy of this plan or associated details. It is provided in good faith as the best information available at the time. Western Water therefore accepts no liability for any loss or injury suffered by any party as a result of any inaccuracy in this plan.



# Information Statement & Certificate

SECTION 158 WATER ACT 1989

City West Water

ABN 70 066 902 467

ENQUIRIES  
131691

REFERENCE NO.

12536617810

DATE OF ISSUE - 15/08/2017

APPLICATION NO.

763481

LANDATA COUNTER SERVICES

YOUR REF.  
25858264-030-9

DELWP - ACCOUNTS PAYABLE  
LOCKED BAG 32017  
COLLINS ST EAST VIC 8003

SOURCE NO.  
99904685210

**PROPERTY:** W9/VINEYARD ROAD DIGGERS REST VIC 3427

**Statement & Certificate as to Waterways & Drainage, Parks Service and City West Water Charges**

The sum of Zero dollars is payable in respect of the property listed above to the end of the financial year.

Service Charge Type	Annual charge	Billing Frequency	Date Billed To	Year to Date Billed Amount	Outstanding Amount
<b>TOTAL</b>	0.00			0.00	0.00
	Service charges owing to 30/06/2017				0.00
	Service charges owing for this financial year				0.00
	Adjustments				0.00
	<b>Current amount outstanding</b>				0.00
	Plus remainder service charges to be billed				0.00
	<b>BALANCE including unbilled service charges</b>				0.00



**City West Water**

ABN 70 066 902 467

# Information Statement & Certificate

SECTION 158 WATER ACT 1989

ENQUIRIES  
131691

REFERENCE NO.

12536617810

DATE OF ISSUE - 15/08/2017

APPLICATION NO.

763481

This property is currently not liable for Parks and/or Waterway and Drainage charges however may be liable for these charges from date of sale.

Where applicable, this statement gives particulars of City West Water service charges as well as Parks Service and Waterways & Drainage service charges. Parks Service and Waterways & Drainage service charges are levied and collected on behalf of Parks Victoria and Melbourne Water Corporation respectively.

Section 274(4A) of the Water Act 1989 provides that all amounts in relation to this property that are owed by the owner are a charge on this property.

Section 275 of the Water Act 1989 provides that a person who becomes the owner of a property must pay to the Authority at the time the person becomes the owner of the property any amount that is, under Section 274(4A), a charge on the property.

This installation is not supplied with water through a City West Water meter.



City West Water

ABN 70 066 902 467

# Information Statement & Certificate

SECTION 158 WATER ACT 1989

ENQUIRIES  
131691

REFERENCE NO.

12536617810

DATE OF ISSUE - 15/08/2017

APPLICATION NO.

763481

## Information given pursuant to section 158 of the Water Act 1989

Please note that the property is outside this Authority's district for water supply and sewerage services. This property may also be subject to Water, Sewer and Waterways & Drainage charges. It is suggested that you contact Western Water on 1300 650 422 to confirm liability against the property for these charges as well as to enquire about any water, sewer and drainage assets of Western Water or Melbourne Water that may encumber this property.

AUTHORISED OFFICER:

SANDRA MAGANAS  
CUSTOMER OPERATIONS MANAGER  
CUSTOMER OPERATIONS  
CITY WEST WATER CORPORATION

Unless prior consent has been obtained from both CITY WEST WATER and MELBOURNE WATER (Section 148 Water Act 1989), the erection and/or replacement of any structure or filling over or under any easement, sewer or drain, any interference with, any sewer, drain or watercourse, or any connection to any sewer drain or watercourse is PROHIBITED.

City West Water provides information in this statement relating to waterways and drainage pursuant to Section 158 of the Water Act 1989, as an agent for Melbourne Water.

Please contact City West Water prior to settlement for an update on these charges and remit payment to City West Water immediately following settlement. Updates of rates and other charges will only be provided for up to three months from the date of this statement.



\*\*\*\* Delivered by the LANDATA® System, Department of Environment, Land, Water & Planning \*\*\*\*

## ROADS PROPERTY CERTIFICATE

The search results are as follows:

Wakeham Investments t/as Law Office Services C/- InfoTrack  
135 King Street  
SYDNEY 2000  
AUSTRALIA

Client Reference: 357847

NO PROPOSALS. As at the 2nd August 2017, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

120 DIGGERS REST-COIMADAI ROAD, DIGGERS REST 3427  
CITY OF MELTON

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 2nd August 2017

Telephone enquiries regarding content of certificate: 13 11 71

[Vicroads Certificate] # 25858264 - 25858264135730 '357847'

# Land Tax Clearance Certificate

## Land Tax Act 2005



INFOTRACK

**Your Reference:** AVID/STAGE 25  
**Certificate No:** 16533704  
**Issue Date:** 02 AUG 2017  
**Enquiries:** ESYSPROD

**Land Address:** 120 DIGGERS REST-COIMADAI ROAD DIGGERS REST VIC 3427

Land Id	Lot	Plan	Volume	Folio	Taxable Value	Tax Payable
43197123	W9	749014	11855	593	\$8,258,000	\$93,729.07

**Vendor:** AVID PROPERTY GROUP  
**Purchaser:** FOR INFORMATION PURPOSES

Current Land Tax Details	Year	Proportional Tax	Penalty/Interest	Total
DIGGERS REST TRUST B	2017	\$143,505.38	\$0.00	\$93,729.07

Arrears of Tax	Year	Proportional Tax	Penalty/Interest	Total

**Comments:** Land Tax of \$143,505.38 has been assessed for 2017, an amount of \$49,776.31 has been paid. Land Tax will be payable but is not yet due - please see note 5 on reverse.

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully. To request an update for this certificate go to: [www.sro.vic.gov.au/certificates](http://www.sro.vic.gov.au/certificates)

**Paul Broderick**  
 Commissioner of State Revenue

**TAXABLE VALUE: \$8,258,000**

**AMOUNT PAYABLE: \$93,729.07**

## Land Tax Clearance Certificate - Remittance Advice

**Certificate No:** 16533704  
**Land ID:** 43197123  
**Amount Payable:** \$93,729.07

State Revenue Office  
 GPO Box 4376  
 MELBOURNE VIC 3001

Please return this section with your payment. For further information refer overleaf. Do not mark below this line.



# Notes to certificates under Section 105 of the *Land Tax Act 2005*



Certificate No: 16533704

- Under Section 96 of the Land Tax Act 2005 (the Act), land tax is a first charge on the land to which it relates and should the vendor default, payment will be obtained from the purchaser. The purchaser should take into account the possibility that the vendor may default where land tax has been assessed but not paid.
- If land tax is due but not paid on a property, the Land Tax Clearance Certificate will certify the amount of land tax due and payable on that land. This amount will be binding on the Commissioner of State Revenue (the Commissioner) for purposes of section 96 of the Act whether or not it is paid to the State Revenue Office (SRO) on, or shortly after, settlement.
- The amount of land tax on this certificate relates to the amount of land tax due and payable as at the date of the application only and not to any future liability or the tax status of the land.
- A 'Nil' Land Tax Clearance certificate does not mean that the land on the certificate is exempt from land tax.
- If land tax will be payable on a property but payment is not due at the time the application is processed, the certificate will certify the amount that should be retained by the purchaser at settlement and remitted to the SRO. The Commissioner will consider himself bound by this amount against the purchaser, only if the amount is remitted to the SRO within 28 days after settlement.
- If the amount in 3. (above) is understated, the Commissioner has the right to seek recovery of the correct amount, or the balance, as the case may be, from
  - the vendor, or
  - the purchaser, if the vendor defaults and the certified amount has not been remitted to the SRO within 28 days after settlement.
- If an amount is certified in respect of a proposed sale which is not completed, the Commissioner will not be bound by the same amount in respect of a later sale of the subject land - another certificate must be applied for in respect of that transaction.
- If an amount certified is excessively high (for example, because a principal residence concession has not been deducted in calculating the amount) the Commissioner will issue an amended certificate, without an additional fee being charged on receipt of sufficient evidence to that effect from the vendor.
- If no land tax is stated as being payable in respect of the property, the Commissioner will consider himself bound by that certification, in respect of the purchaser, if the land is subsequently found to be taxable and the vendor defaults.
- If the vendor refuses to be bound by an amount stated by the Commissioner and does not agree to the amount being withheld and remitted at settlement, the purchaser cannot rely on such refusal as a defence to an action by the Commissioner to recover the outstanding amount from the purchaser under Sections 96 or 98 of the Act.
- The information on a certificate cannot preclude the Commissioner from taking action against a vendor to recover outstanding land tax.

## For Information Only

SINGLE OWNERSHIP CALCULATION BASED ON A TAXABLE VALUE OF \$8,258,000

Land Tax = \$143,280.00

Calculated as \$24,975 plus ( \$8,258,000 - \$3,000,000) multiplied by 2.250 cents.

## Further information

Internet	<a href="http://www.sro.vic.gov.au">www.sro.vic.gov.au</a>
Email	<a href="mailto:sro@sro.vic.gov.au">sro@sro.vic.gov.au</a> (Attn: Land Tax)
Phone	13 21 61 (local call cost)
Fax	03 9628 6853
Mail	State Revenue Office GPO Box 4376 MELBOURNE VIC 3001

## Payment options

Make cheque payable to **State Revenue Office, Victoria** marked 'Not Negotiable' and return with the remittance advice to:



### Payment by mail:

- State Revenue Office  
GPO Box 4376  
MELBOURNE VIC 3001

# Growth Areas Infrastructure Contribution Certificate



**Certificate Id:** 6473  
**Issue date:** 16 August 2017

## PART 1 – DETAILS OF APPLICANT

Wakeham Investments  
C/- Landata

## PART 2 - LAND DETAILS

**Land Address:** 120 Diggers Rest-Coimadai Road  
Diggers Rest 3427

### Details of Land Title:

**Lot / Plan:** W9 / PS749014M  
**Volume / Folio:** 11855 / 593  
**Municipality:** Melton  
**Land Type:** Type B1  
**Land Area:** 25.91 ha

## PART 3 - GROWTH AREAS INFRASTRUCTURE CONTRIBUTION LIABILITY STATUS

The total amount currently unpaid in accordance with a Notice of Approval of Staged Payment Arrangement is **\$ 2,406,460.81 (including interest)**

## PART 4 – CERTIFICATION

The information in this certificate relates only to the matters affecting the land detailed above and matters relevant to the Growth Areas Infrastructure Contribution (GAIC) amount as at the date of issue of the certificate. If there has been a change to any of the matters affecting the property or relevant to the Growth Areas Infrastructure Contribution amount, the information contained in this certificate is no longer valid and it may be advisable to apply for an updated certificate. **NB:** This certificate is for information purposes only, and is **not** a notice of assessment for the purposes of the *Taxation Administration Act 1997*.

## Notes to GAIC Certificate

### General

- The Growth Areas Infrastructure Contribution (GAIC) is a contribution on certain land in the growth areas of metropolitan Melbourne (see more detail at [www.sro.vic.gov.au](http://www.sro.vic.gov.au)).
- GAIC is calculated on a per hectare or part thereof basis.
- The liability to pay the GAIC only arises upon the first occurrence of a GAIC event i.e. the issuing of a statement of compliance, the making of an application for a building permit in respect of substantive building works or a dutiable transaction relating to the land.

### GAIC Certificate

This shows the amount of GAIC that:

- is due and unpaid,
  - has been deferred,
  - is subject to a staged payment approval,
  - is affected by a work-in-kind agreement, or
  - the potential amount of GAIC if the proposed GAIC event were to occur in the financial year of the issue of this certificate in respect of the land (certificate year).
- If a GAIC event is proposed to occur in a financial year for which the GAIC rates are not yet published, the potential GAIC amount on the GAIC certificate is calculated based on the GAIC rates of the certificate year. The GAIC amount is an estimate only and an updated GAIC certificate should be applied for when the new GAIC rates are published.
  - A current GAIC certificate is to be attached to the vendor's statement in accordance with s 32(3)(f) of the *Sale of Land Act 1962*.

### GAIC rates

- For 2010-2011, the GAIC rate for type A land was \$80,000 per hectare. The rate for type B-1, B-2 and C land was \$95,000 per hectare.
- For each subsequent financial year, the GAIC rates per hectare are indexed based on the Consumer Price Index for Melbourne.
- GAIC rates are published before 1 June of the preceding financial year. Current GAIC rates are published on the State Revenue Office website [www.sro.vic.gov.au](http://www.sro.vic.gov.au).

### Certificate Number

- The number is on the top right corner on the front of this certificate.
- Quoting this number will give you access to information about this certificate and enable you to enquire about your application by phone.
- You should quote the Certificate Number on any written correspondence.

**This certificate is for information purposes only and is not a notice of assessment for the purposes of the *Taxation Administration Act 1997*.**

### For more information please contact:

<b>State Revenue Office – GAIC enquiries</b> <b>Mail</b> State Revenue Office, GPO Box 1641, MELBOURNE VIC 3001 or DX260090 Melbourne	<b>Internet</b> <a href="http://www.sro.vic.gov.au">www.sro.vic.gov.au</a> <b>Email</b> <a href="mailto:gaic@sro.vic.gov.au">gaic@sro.vic.gov.au</a> <b>Phone</b> 13 21 61 (local call cost) <b>Fax</b> 03 9628 6856
<b>Victorian Planning Authority – GAIC enquiries</b> <b>Mail</b> Victorian Planning Authority, Level 25, 35 Collins Street, MELBOURNE VIC 3000	<b>Internet</b> <a href="http://www.vpa.vic.gov.au">www.vpa.vic.gov.au</a> <b>Email</b> <a href="mailto:info@vpa.vic.gov.au">info@vpa.vic.gov.au</a> <b>Phone</b> 03 9651 9600 <b>Fax</b> 03 9651 9623

# Designated Bushfire Prone Areas

from [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 15 August 2017 12:51 PM

**Lot and Plan Number:** Lot W9 PS749014

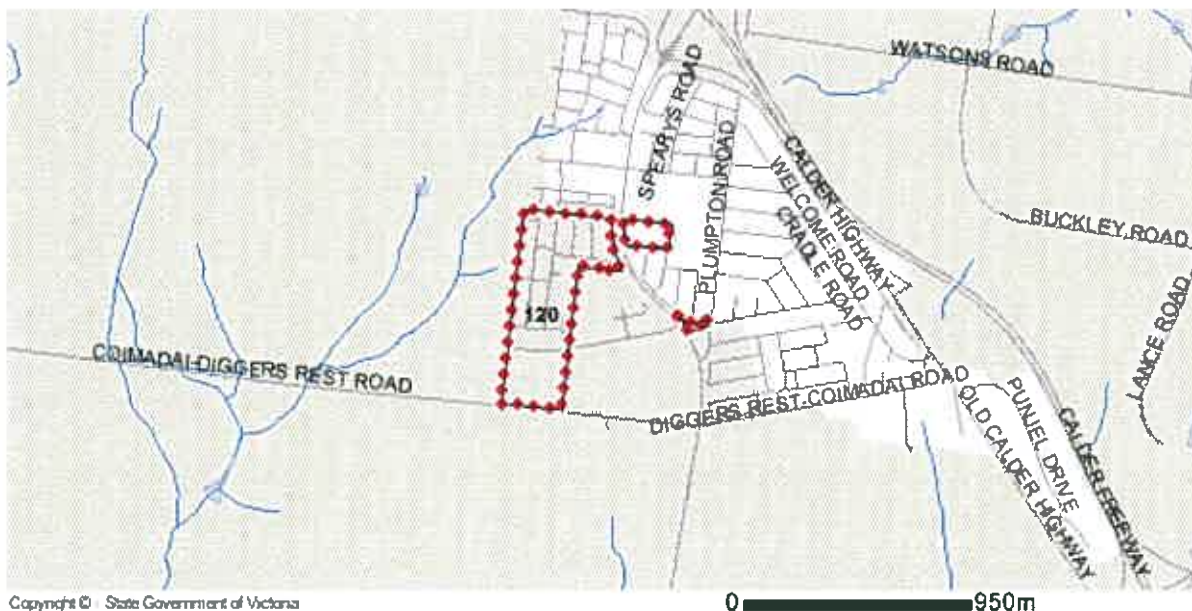
**Address:** 120 DIGGERS REST-COIMADAI ROAD DIGGERS REST 3427

**Local Government (Council):** MELTON **Council Property Number:** 627539

**Directory Reference:** Melway 351 J4

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

## Designated Bushfire Prone Area Map



### Bushfire Prone Area Legend

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

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

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

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

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

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

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

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



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and Planning

## Planning Property Report

from [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 08 June 2017 01:23 PM

**Address:** 120 DIGGERS REST-COIMADAI ROAD DIGGERS REST 3427

**Lot and Plan Number:** Lot W9 PS749014

**Local Government (Council):** MELTON **Council Property Number:** 627539

**Directory Reference:** Melway 351 J4

**This land is in an area added to the Urban Growth Boundary after 2005.  
It may be subject to the Growth Area Infrastructure Contribution.**

For more information about this contribution go to [Victorian Planning Authority](http://www.vpa.vic.gov.au)

See next page for planning information

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# Designated Bushfire Prone Areas

from [www.planning.vic.gov.au](http://www.planning.vic.gov.au) on 08 June 2017 01:22 PM

**Address:** 120 DIGGERS REST-COIMADAI ROAD DIGGERS REST 3427

**Lot and Plan Number:** Lot W9 PS749014

**Local Government (Council):** MELTON Council Property Number: 627539

**Directory Reference:** Melway 351 J4

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

## Designated Bushfire Prone Area Map



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### Bushfire Prone Area Legend

+++++	Railway	-----	Bushfire Prone Area	□	Selected Land
---+---	Tram	~~~~~	River, stream	○	Lake, waterbody

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

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

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

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

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

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

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**1.6 PROJECT TIMING**

Each item in the Development Contributions Plan has an assumed indicative provision trigger specified in Table 3. The timing of the provision of the items in this Development Contributions Plan is consistent with information available at the time that the Development Contributions Plan was prepared. The Development Agency will monitor and assess the required timing for individual items and may seek an amendment to the Development Contributions Plan to adjust indicative provision triggers as part of the 5 year review.

While indicative provision triggers are estimated these do not preclude the early provision of certain infrastructure to be constructed/provided by development proponents as works of land in-kind, if agreed to by the Collecting Agency.

**1.7 DISTINCTION BETWEEN COMMUNITY AND DEVELOPMENT INFRASTRUCTURE**

In accordance with the Act and Ministerial Directions on Development Contributions pursuant to Section 46M of the Act, the Development Contributions Plan makes a distinction between "development" and "community" infrastructure. The timing of payment of contributions is linked to the type of infrastructure in question.

For community infrastructure, community infrastructure contributions are to be paid by the home-buyer at the time of building approval. Contributions relating to community infrastructure will be paid for at a per-dwelling rate. The Act stipulates that the amount that may be contributed under a community infrastructure levy is no more than \$900 per dwelling. If the cap is ever increased and the increased amount is equal to or less than the amount required by this Development Contributions Plan, this higher amount will be deemed to be the community infrastructure contribution for the purposes of this Development Contributions Plan and it will be from the date it is introduced.

The following infrastructure projects are classified as community infrastructure:

DCP PROJECT NUMBER	DESCRIPTION	TOTAL PROJECT COST (\$'000)
AR02	Northern Pavilion (Davis Road Community Hub), Construction of pavilion to serve Northern Playing Fields (including all buildings works).	\$ 2,666,000
AR03	Central Pavilion (Diggers Rest Community Hub), Construction of new pavilion to serve two ovals at Diggers Rest Recreation Reserve and Diggers Rest Tennis Club (including all building works).	\$ 4,727,000
<b>TOTAL</b>		<b>\$ 7,393,000</b>

All other infrastructure projects are classified as development infrastructure projects. Contributions relating to development infrastructure are to be made by developers at the time of subdivision or if there is no subdivision then prior to construction of buildings and works. Part 3.2 of this Development Contributions Plan specifies implementation provisions.



9 August 2016

**PRELIMINARY SITE CONTAMINATION  
ASSESSMENT**

**Diggers Rest Parcel B1:  
Digger Rest Trust B**

**Submitted to:**  
Lewis Cormie  
Diggers Rest Trust B  
GPO Box 4203  
Sydney, NSW, 2001

**REPORT**



**Report Number.** 1658172-001-R-Rev0

**Distribution:**

- 1 e-copy - Diggers Rest Trust B
- 1 e-copy - Golder Associates







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**APPENDIX H**

Limitations



## 1.0 INTRODUCTION

Diggers Rest Trust B (DRTB) engaged Golder Associates Pty Ltd (Golder) to conduct a Preliminary Site Contamination Assessment (PSCA) of Parcel B1 of the Diggers Rest Subdivision Concept Plan (Reference 3410212U dated 29 June 2016), Vineyard Road, Diggers Rest (hereafter referred to as 'the site'). It is understood the site is proposed to be subdivided and developed predominantly for low density residential land use and public open space. A site locality plan is included as Figure 1 and the subdivision concept plan is shown in Appendix A.

These works have been undertaken in general accordance with Golder proposal number "P1658172 001 P Rev0" dated 26 May 2016.

*This PESA has been reviewed by Christian Wallis of Golder Associates who is a Principal Environmental Scientist and an EPA appointed Environmental Auditor (Contaminated Land); however not in his capacity as an Environmental Auditor.*

Your attention is drawn to the document in Appendix H - "Limitations". The statements presented in this document are intended to advise you of what your realistic expectations of this report should be. The document is not intended to reduce the level of responsibility accepted by Golder, but rather to ensure that all parties who may rely on this report are aware of the responsibilities each assumes in so doing.

## 2.0 BACKGROUND

### 2.1 The Site

The site is located within Melton Shire Council, west of Diggers Rest and the Calder Freeway and covers an area of approximately 23.8 hectares (ha). It is bound by farmland to the north and west, Vineyard Road and farmland to the east and Diggers Rest – Coimadai Road and farmland to the south. Multiple references have been made to the site in previous reports, as such, Table 1 outlines historical reference to the parcel. The site is referred to as Parcel B1 herein.

Table 1: Site Nomenclature

Reference	The Site Reference
Golder (2008) Report	Parcel 2a
Updated Golder (2010) Report	Parcel 2a
Golder (2011) Report	Parcel 2a
SMEC Subdivision Concept Plan	Parcel B1
This Report	Parcel B1

### 2.2 Permit Requirements

Golder understands that DRTB propose to develop the site subject to a planning permit acceptance by Melton City Council. The planning permit is likely to be issued subject to the condition that an environmental site assessment of the land is conducted by a suitably qualified environmental professional who provides information including;

- Information on the nature of the previous and existing land/use activities on the land;
- An assessment of the potential level and nature of contamination on the land; and
- Clear advice on whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended having regards to the Potentially Contaminated Land General Practice Note June 2005, Department of Sustainability and Environment (DSE).



## 2.3 Previous Assessment

Golder understands that the following geotechnical and environmental site investigations have been undertaken to date that include reference to the site:

- Earthtech (2005). "Vineyard Rd, Diggers Rest, Due Diligence Report". Earthtech, November 2005.
- Chadwick T&T Pty Ltd (2006). "Preliminary Geotechnical Investigation, Contamination and Flora and Fauna Report (Report No ENV0461-2), Proposed Development Site: Vineyards Road, Diggers Rest". Chadwick T&T, September 2006.
- Golder Associates Pty Ltd (2008). "Vineyard Road, Diggers Rest, Victoria, Limited Phase I Environmental Site Assessment". Golder Associates, March 2008.
- Golder Associates Pty Ltd (2010). "Vineyard Road, Diggers Rest, Victoria, Updated Limited Phase I Environmental Site Assessment". Golder Associates, June 2010 (Golder Reference: 107613070-001-R-Rev0).
- Golder Associates Pty Ltd (2011). "Phase 1 Environmental Site Assessment – Site History Review". Golder Associates, November 2011 (Golder Reference: 117613076-001-R-Rev0).
- Golder Associates Pty Ltd (2014). "Environmental Site Assessment, Diggers Rest Parcel 2B: Investa". Golder Associates, November 2014 (Golder Reference: 1415206-001-R-Rev0).

The Golder (2010) report aimed to undertake a review of the site history and publicly available information to assess the potential for the current and previous uses of the site to have impacted on the contamination status of the land. It also sought to identify potential risks which may need to be further assessed as part of proposed site redevelopment for residential use. The Golder (2011) did not assess the subject site; rather it assessed the adjacent land and made reference to the site.

The 2008 limited Phase 1 ESA and 2010 site walkover did not identify evidence of gross or widespread contamination risks. The key potential contamination risk issues are summarised in Table 2. The assessment has indicated some potential issues common with agricultural land of this type that may need to be further assessed and/or managed as part of the proposed residential development.

These potential risks are further explained below.

### 2.3.1 Priority Sites Register

A search of the EPA Victoria Priority Sites Register undertaken in June 2016 indicated that the site was not listed on the register. There were only two properties within the area that appeared on the register and these were approximately 4 km and 7 km away and both appeared on the register for dumping of industrial waste.

### 2.3.2 Aerial Photographs

A review of historical aerial photographs (years 1962, 1982 and 1991) presented in the updated Limited Phase 1 ESA (Golder 2010), revealed that the site appears to have remained unchanged since 1962.

Recent images on Nearmap captured between February 2010 and December 2015 were also reviewed to see if there had been recent changes to the site. There appeared to be no major changes to Parcel B1 from the observations noted during the June 2010 site visit. The entirety of the parcel of land exists as ploughed paddocks, except for the section in the middle of the site that remains unploughed possibly due to the rocky basalt outcrops found in this area. The only minor change to the site appears to be a small section of land in the northeast part of the site that remains unploughed from February 2014 until December 2015. Since the June 2010 site walkover, there has been changes to the area surrounding the site. The first sign of this can be seen in the Nearmap aerial taken on February 5, 2014, where construction has begun to the northeast of the site. In the Nearmap aerial taken on December 19, 2015, construction has also begun to the east, adjacent to the site. In addition to this, the June 2016 site walkover confirmed that construction has begun immediately north of the site and construction east of the site has progressed since the 2015 Nearmap Aerial, while the area south and west remains unchanged.



## 2.4 Contamination Risk at Site

The Golder (2010) report concluded that there was generally a low to medium risk of contamination to the site from general site wide practices. This risk assessment is outlined in Table 2.

**Table 2: Historical Contamination Risk Assessment**

Features	Potential Contamination Issues	Potential Chemicals of Interest	Transport Pathways	Contamination Issue Risk Ranking
General farming operation	Low intensive stock grazing property with limited use of inputs (fertilisers, chemicals and fuels etc).	Metals Hydrocarbons Pesticides Fertilisers/Nutrients	Surface soils/unsealed surfaces, sub-surface soils and groundwater	2
Maintenance activities	Equipment and vehicle maintenance activities associated with farming machinery.	Heavy metals chlorinated solvents oil and grease	Surface soils	1
Whole Site	Weed control.	Metals and Pesticides	Surface soils	2
Septic tank(s)	Areas where waste water discharge may have occurred or down gradient from overflow events.	Nutrients, metals, nitrate, ammonia and microbiological pathogens	Surface soils/unsealed surfaces, sub-surface soils and groundwater	1/2
Waste Disposal/Burning of Rubbish	Potential uncontrolled disposal of wastes and/or chemicals and animal carcasses in the rubbish/burn pit.	Metals Hydrocarbons Pesticides Fertilisers/Nutrients	Surface Soils and Groundwater	1
Fuel/oil storage	Possible spills or storage of larger volumes of fuel and other hydrocarbon.	Hydrocarbons	Surface soils	1
Imported Fill	Uncontrolled filling of former dams or other areas such as drainage channels.	Metals Hydrocarbons Pesticides Fertilisers/Nutrients	Surface Soils and Groundwater	1

### Contamination Issue Risk Ranking

- 1 Low risk and unlikely to present a significant environmental issue.
- 2 May present a potential risk, issue requires further characterisation.
- 3 Likely to presents a potential risk to ongoing use, action required (i.e. remediation and/or management)

Based on Table 2 (applicable to the entire area that was assessed in Golder (2010)), Golder understands the contamination risk applicable to the site (Parcel 1B) potentially include the following:

- **General farming operation:** Low intensive stock grazing property with limited use of inputs (fertilisers, chemicals and fuels etc).
- **Whole site:** Weed control.
- **Waste disposal/burning of rubbish:** Potential uncontrolled disposal of wastes and/or chemicals and animal carcasses in the rubbish/burn pit.



### 3.0 OBJECTIVE

The objective of the works is to undertake an intrusive investigation of the soil conditions across the site, and a desktop review of groundwater conditions at the site with the aim to:

- Describe the nature of the previous and existing land uses/activities on the land;
- Assess the potential level and nature of contamination on the land; and
- Advise whether the environmental condition of the land is suitable for the proposed use/s and whether an environmental audit of all or part of the land is recommended, having regard to the *Potentially Contaminated Land General Practice Note, June 2005, DSE*.

### 4.0 SCOPE OF WORK

Golder has undertaken the following scope of works to support the objective:

- Site history update, site walkover, soil sampling and laboratory analytical testing of soil at 27 onsite locations;
- Assessment of soil analytical results for proposed low density residential and open space use;
- Review of the groundwater quality in proximity at the site through publically available documents; and
- Preparation of this report.

### 5.0 SITE WALKOVER

A site walkover was conducted prior to the intrusive soil investigation on the 9 June 2016. In general, the site appeared unchanged since the previous site inspections and mainly consisted of a vacant block with grass coverage, with a large and small group of trees located on the block. The following was also observed and is shown in Figure 1:

- Unploughed area;
- Mound basalt cobbles and old fencing on the northeast corner of unploughed area;
- Waste materials, old fencing and corrugated iron were located within unploughed area around a large group of trees.

Site walkover confirmed there had been no major changes to Parcel B1 since the June 2010 site visit. To the north of site construction has begun within Parcel 1A, a fence has been erected along the Parcel 2A and 1A boundary.

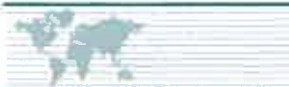
### 6.0 SOIL INVESTIGATION

#### 6.1 Investigation Methodology

Golder carried out a PESA including some intrusive sampling of soils in consideration of the following guidelines:

- Australian Standard AS4482.1-2005. Guide to the sampling and investigation of sites with potentially contaminated soil, Part 1: Non-volatile and semi-volatile compounds;
- National Environment Protection (Assessment of Site Contamination) Measure (NEPM) 1999, the relevant EPA Guidelines for the Assessment of Contaminated Land (amended 2013); and
- Golder Associates' Internal Technical Procedures.

Golder collected samples from 25 soil investigation locations on 9 June 2016. 20 soil samples were collected from the surface. A hand auger was used at an additional 5 locations to reach a maximum depth of 0.5 m below ground level (m bgl), two soil samples were collect at each of these locations, one at the surface and the second at depth



An environmental engineer from Golder undertook the site work, logged the sub surface conditions and nominated locations for the collection of samples. Soil sampling was undertaken in general accordance with Golder standard sampling protocols.

A total of 27 primary soil samples and 2 pairs of QA/QC soil samples were screened for the presence of detectable volatile compounds with a photo-ionisation detector (PID) and sent for analyse at the laboratory. This analysis of primary soil samples included:

- **General Screen 1:** Thirteen (13) samples were collected for a targeted screen of pH, organochlorine pesticides (OCP) and metals (As, B, Ba, Be, Cd, Cr, Co, Cu, Pb, Mn, Se, Hg, Ni, Zn, V).
- **General Screen 2:** Six (6) samples were collected and analysed for a targeted screen of pH, organochlorine pesticides (OCP) and metals (As, B, Ba, Be, Cd, Cr, Co, Cu, Pb, Mn, Se, Hg, Ni, Zn, V), total sulphur/sulphate and total phosphate and polycyclic aromatic hydrocarbons (PAH).
- **Broad Screen:** Eight (8) samples were collected for a broad screen of pH, TRH, Phenols, PAH, OCP, organophosphorous pesticides (OPP), herbicides, PCB, metals (As, Ba, Be, Cd, Cr, Co, Cu, Pb, Mn, Se, Hg, Ni, Zn), total cyanide, free cyanide, total sulphur/sulphate and total phosphorous.

General soil properties are also required to enable calculation of Environmental Investigation Levels (EILs) (NEMP, 2013). An environmental site assessment was conducted at a site located 200 m to the northeast in 2013 including four samples for pH, exchangeable cations+, cation exchange capacity (CEC), organic carbon, iron (Fe), manganese (Mn) and particle sizing. The weathered volcanic basalt soils encountered at the site are similar to that described at the site to the north and therefore the analytical data from the site to the north have been considered in EIL calculations.

Primary samples were also inspected and ranked for the presence of visual or olfactory evidence of contamination. The ranking system used is outlined in Table 3 below.

Table 3: Soil Ranking System

Visible Contamination		Odorous Soil	
Rank	Description	Rank	Description
0	No visible evidence of contamination	A	No odour
1	Slight evidence of visual contamination (trace quantities)	B	Slight odour
2	Visible contamination (e.g. more than trace)	C	Moderate odour
3	Obviously contaminated (e.g. significant colour and staining)	D	Strong odour

During the investigation the following quality control procedures were conducted during the field investigation:

- Collection and laboratory analysis of two primary and two secondary duplicate samples;
- Tracking of sample movements using chain-of-custody documentation;
- Use of National Association of Testing Authorities (NATA) registered laboratories for chemical analyses; and
- Completion of internal laboratory quality control tests.

Soil samples were collected in jars which were capped with teflon lined lids. The jars were labelled immediately and stored on ice in an insulated cool-box. The samples were then dispatched to the laboratory accompanied by chain-of-custody documentation. Sampling equipment was decontaminated between sampling locations to minimise the possibility of cross contamination.





Primary samples were submitted to the nominated primary laboratory, ALS Global Laboratories (ALS), which is registered by NATA for the analyses performed. The secondary quality control samples were submitted to Eurofins MGT (Eurofins) which is also registered by NATA.

All soil investigation locations were backfilled to the surface upon completion of sampling.

## 6.2 Assessment Criteria

### 6.2.1 Site Conceptual Model for Exposure Pathways

The adopted site criteria depend on the source of contaminant, exposure pathways and receptors affected on and offsite. Table 4 outlines the basic conceptual site model and exposure pathways to on site and off site receptors on site.

Table 4: Basic Conceptual Site Model and Exposure Pathways

Source	Exposure Pathway	Onsite Receptor for Soil
Non-volatile contaminants in soil	Primary Contact	Site occupants, groundwater (through leaching)
Volatile contaminants in soil	Inhalation of vapours and primary contact	Site occupants, indoor and outdoor environments, groundwater (through leaching)

It is noted that other contamination sources (and resulting exposure pathways) may exist in and to groundwater. However, resulting exposure pathways and receptors are not discussed because the risk of groundwater contamination is considered to be low.

### 6.2.2 Beneficial Use Criteria

The State Environment Protection Policy – Prevention and Management of Contamination of Land (Land SEPP) (VG, 2002) outlines land use categories and specifies beneficial uses that must be protected for each category. The beneficial uses that must be protected for the proposed residential land use (sensitive use) are summarised in Table 5 below.

Table 5: Summary of Protected Beneficial Uses

Beneficial Use to Be Protected		Proposed use of the land: Sensitive use (Other) consisting of land used for residential where there is generally substantial access to soil.
Maintenance of ecosystems	Natural Ecosystems	No
	Modified Ecosystems	Yes
	Highly Modified Ecosystems	Yes
Human Health		Yes
Buildings and Structures		Yes
Aesthetics		Yes
Production of food, flora and fibre		No

The Land SEPP outlines indicators and objectives for land, based on the relevant beneficial uses. For the beneficial uses relevant to this site, the following screening criteria have been applied.



### **Human Health**

For assessment of the beneficial use "human health", the Land SEPP states that contamination must not cause an adverse impact on human health. Furthermore, it is stated that the level of any indicator (i.e. potential contaminant) must not be greater than:

- The investigation levels specified for human health in the NEPM;
- Levels derived using site specific risk assessment, using a methodology which is in accordance with NEPM; or,
- Levels approved by the Authority (i.e. the Victorian EPA).

For the proposed sensitive land use, Golder has adopted the following NEPM (2013) screening criteria:

- Amended 2013 NEPM HIL A – For health risk assessment of residential use with garden/accessible soil (low density).
- Amended 2013 NEPM HIL C – For health risk assessment of public open space (does not include undeveloped public open space where the potential for exposure is lower).
- Amended 2013 NEPM Residential Soil HSL A for Vapour Intrusion 0-<1m clay – For health risk assessment from vapour intrusion for residential use.

It is noted that an exceedance of the adopted human health criteria does not necessarily present an unacceptable risk to human health for the respective land use scenario. Rather, an exceedance would trigger further assessment under the amended NEPM 2013 and possibly the need for a site-specific human health risk assessment which would evaluate the relevant exposure setting and associated risks.

### **Maintenance of Ecosystems**

For assessment of the beneficial uses of modified or highly modified ecosystems, the Land SEPP states that contamination must not adversely affect the maintenance of relevant ecosystems. Furthermore, the level of an indicator (i.e. potential contaminant) must not be greater than:

- Regional Ecological Investigation Level (EIL) and Ecological Screening Levels (ESL) developed in accordance with National Environment Protection Council "National Environmental Protection (Assessment of Site Contamination) Measurement" (NEPM), December 1999 (NEPC, 2013);
- Levels derived using site specific risk assessment, the methodology for which is in accordance with NEPM; or
- Levels approved by the Authority (i.e. the Victorian Environment Protection Authority (EPA)).

The adopted EIL and ESL were calculated with consideration of the general site soil properties. Soil properties considered included cation exchange capacity (CEC), iron and manganese. The method and calculation steps to derive an EIL are presented in Appendix G.

### **Buildings and Structures**

The objective for buildings and structures is to ensure that contamination does not cause the soil to be corrosive, and so affect the integrity of building materials. Potential impact to this beneficial use have been assessed by a review of physical parameters such as pH and sulphate (where available) to NEPM criteria and the Australian Standard AS 2159-2009 Piling – Design and Installation.

### **Aesthetics**

The Land SEPP states that contamination must not cause the land to be offensive to the senses of humans. Generally the land is considered to be aesthetically acceptable if the soils are free of chemical substances or wastes, staining or odours, or where concentrations exceed NEPM (2013) free-phase concentration thresholds and TRH management limits.



## 6.3 Results

### 6.3.1 Summary of Sub-Surface Conditions

The typical soil profile encountered across the site comprised a brown clay with trace silt. A summary of the characteristic and distribution of the materials encountered is included below.

A description of the soils encountered, samples collected the qualitative environmental ranking of each sample and the PID readings are recorded in the soil investigation records presented in Appendix D.

#### Summary of Visual and Olfactory Contamination

Generally, visible evidence of contamination was not observed within the soil at the soil investigation locations. No olfactory evidence of soil contamination was noted during the soil investigation.

During the sample collection at the soil investigation locations, no visual observations of suspected asbestos containing material (ACM) was made.

Soil samples were screened with a PID to detect the possible presence of volatile hydrocarbons. All reported PID readings were reported below 0.2 parts per million (ppm). These field screening results are considered to represent background readings and indicate a low risk of volatile hydrocarbons in the soil samples screened.

It was noted that no wide spread visual contamination was identified on the ground surface at the site. The general site appeared to only have old fencing material and corrugated iron located within the unploughed area around the large group of trees and a mound of basalt cobbles located at the northeast corner of unploughed area. Please refer to Appendix B for pictures of examples of waste observed during the site walkover.

#### Surface Soils (CLAY)

A layer of brown CLAY with trace silt was encountered across the surface of the site. This layer is inferred to represent residual natural soils formed by weathering of the underlying basalt. Encountered in parts the subsurface brown to dark brown CLAY was firm to stiff with evidence of basalt cobbles.

### 6.3.2 Soil Analytical Results

The soil analytical results from the soil sampling of Parcel B1 are presented in Appendix C.

The analytical soil results in Appendix C have been compared with the adopted assessment criteria. The laboratory certificates and chain of custody are presented in Appendix E.

## 6.4 Data Quality

### 6.4.1 Data Quality Measures and Objectives

The data quality measures for the assessment and the data quality objectives set for this project are presented in Appendix F.

In order to assess these objectives, a quality assurance plan was implemented by Golder for both the field sampling and laboratory components of the sample collection and analysis. The below assessment of data quality requirements provides the basis for the review of the quality assurance aspects of the limited soil investigation.

### 6.4.2 Data Quality Assessment

The following quality assurance measures were undertaken during the investigation:

- Two primary duplicates and one secondary duplicate were collected during the assessment for a total of 27 primary samples analysed. This equates to duplicate sample frequency of 11% which is greater than the adopted collection rate of 5%.



- In addition to Golder quality assurance procedures, the primary and secondary laboratories conducted internal quality procedures to verify its results. A percentage of the samples analysed were tested against measurable standards to check that laboratory methods were working within adopted limits. Spike samples, internal duplicates and method blanks were used in the laboratory testing programs to support reported results. Details of these results appear in the certified results supplied by the individual laboratories (Appendix E).

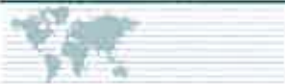
Samples were collected with the following measures to prevent cross contamination and to preserve the quality of the samples:

- A clean pair of nitrile gloves was worn when collecting each sample.
- Re-usable sampling equipment that came in direct contact with soil was washed between sampling locations. This wash comprised an initial Decon wash and scrub to remove excess soil, a fresh-water rinse and a de-ionised water rinse.
- The samples were stored in new clean containers supplied by the NATA certified laboratories.
- The collection of duplicates in the field was conducted at the same time as the collection of the primary samples, and sample containers were labelled using a predetermined unique numbering system to enable later identification.
- Samples were stored in an Esky to protect the samples from sunlight and contained ice to keep the samples cool. The samples were received by the laboratory at a temperature range of 3.0 to 5.0 °C.

Field chain of custody (CoC) records outlining the required analysis accompanied samples delivered to the laboratories. The CoC records were signed by the relinquishing and receiving parties are presented in Appendix E). Appendix F outlines the results of the QA/QC completeness assessment.

The overall assessment of the Golder QA program for the soil investigation has been made in terms of completeness. The completeness is equal to the percentage of valid quality control results. The quality control results meet the acceptance criteria including most duplicates with Relative Percentile Differences (RPDs) less than 50%; spikes falling in the range of 50% to 130%, and blanks below detection limits.

Overall, the quality assurance data meets the required 95% completeness set for this assessment. Based on the above information, it is considered that the overall data quality generated during assessment of soil by Golder is sufficient for the purposes of this ESA.



## 7.0 DISCUSSION OF SOIL RESULTS

### 7.1 Summary of Chemical Concentrations

Laboratory results outlined in Appendix C shows concentrations of herbicides, organochlorine pesticides, organophosphorous pesticides, phenolics, MAHs and VOCs were all reported below the limit of detection.

### 7.2 Comparison of Soil Concentrations to Beneficial Use

This section compares the soil results (including observations and laboratory analytical results) against adopted assessment criteria outlined in Section 6.2.

#### 7.2.1 Consideration of Human Health – Low Density Residential Environment

The 27 primary soil samples submitted for laboratory analysis reported chemical concentrations below the NEPM HIL A criteria. The chemical concentrations reported at the site where residential land use is proposed are not considered to impact on the beneficial use of human health in a low density residential use environment.

#### 7.2.2 Consideration of Human Health – Open Space Environment

The 27 primary soil samples submitted for laboratory analysis reported chemical concentrations below the NEPM HIL C criteria. As such, concentrations of chemicals reported at the site where open space is proposed are not considered to impact on the beneficial use of human health in an open space environment.

#### 7.2.3 Consideration of the Environment – NEPM EIL and ESL

Laboratory analytical results were reported below assessment criteria adopted for the protection of ecosystems.

#### 7.2.4 Consideration of the Buildings and Structures

Soil analytical results reported sulphate (as S) between <50 and 160 mg/kg. Soil analytical results reported pH between 4.4 and 7.7 pH units. This are considered to be naturally occurred concentrations of sulphate and levels of pH.

For soil less than 5000 ppm of sulphate and pH ranging from 4.4 to >5.5 pH units the Table 6.4.2(C) of the Australian Standard AS 2159-2009 Piling – Design and Installation classifies the exposure for concrete piles as non-aggressive to moderate for soil conditions.

#### 7.2.5 Consideration of the Aesthetics

The soil assessment identified some general waste, mound of basalt cobbles, corrugated iron and old fencing materials. A fence has been erected between Parcel 1A and Parcel B1 as construction has begun on Parcel 1A.



## 8.0 QUALITATIVE GROUNDWATER ASSESSMENT

### 8.1 Assessment Methodology

Golder undertook a qualitative assessment of risks to groundwater at the site. This assessment included a review of the following information sources in order to assess the vulnerability of the water table aquifer:

- Review of the Department of Natural Resources Water Table Aquifers Beneficial Use Map Series for South-Western Victoria (DNRE, 1995).
- Review of publically available groundwater data reported at nearby sites (within 5 km of the site).
- Assessment of general source, pathway (soils aquifer properties) and the sensitivity of the receiving groundwater quality.

### 8.2 Groundwater Quality

#### 8.2.1 Beneficial Use

A review of the Department of Natural Resources (DNRE) Water Table Aquifers Beneficial Use Map Series for South-Western Victoria (DNRE, 1995) reports that the hydrogeological unit in the area is the Newer Volcanic Aquifer with a lithology comprises basalt and scoria. The map series suggests that the regional groundwater quality in the area is classified as Segment C (having a total dissolved solids content of 3501 mg/L to 13,000 mg/L) under the State Environment Protection Policy (Groundwater of Victoria) (SEPP) (GoV 1997). The SEPP specifies that the following beneficial uses must be protected for groundwater of this segment:

- Stock watering;
- Industrial water use;
- Maintenance of ecosystems; and
- Buildings and structures.

Golder notes that the reported TDS concentration in groundwater would make it unsuitable for drinking water use without treatment.

#### 8.2.2 Groundwater Depth

The groundwater is reported to be approximately 20 m below ground level from nearby Environmental Audit Reports.

#### 8.2.3 Geology

A review of the Geological Survey of Victoria "Sunbury" Map Sheet (1:63,360) (Geological Survey of Victoria, 1974) indicates that the general area of the site is underlain by Quaternary aged Newer Volcanics. The Newer Volcanics basalt consists of olivine basalt, minor limburgite, trachy-andesite, scoria, thin interbedded sand, clay and tuff.

During the site visit, a clay layer is present across the site surface, a number of numerous basalt boulders and cobbles were found during the intrusive investigation; however, bedrock was not encountered.

### 8.3 Risks to Groundwater from Soil

Based on the desktop review of soil investigation and characteristic of groundwater setting at the site, the site is unlikely to present a risk to groundwater condition and groundwater use for the following reasons:

#### **Contaminant Source Characteristics**

- No notable soil impacts to present a source of potential risk to groundwater.



- No soil concentrations of potential mobile organic chemicals, such as low molecular weight organics above assessment criteria and most were below laboratory reporting limits.

***Soil/Aquifer Properties***

- The low permeable nature of the clay layer and basalt formation generally minimises the vertical migration of contamination if were present.
- The significant depth (20 m below ground level (m bgl)) to groundwater reduces its vulnerability to impacts via leaching processes.
- The moderate to high salinity levels of groundwater make it not suitable for drinking water.



## 9.0 STATUTORY PLANNING AND CONTAMINATION

### 9.1 Background

The Planning and Environment Act 1987 requires the Responsible Authority, before deciding on a planning permit application, to consider 'any significant effects which the responsible authority considers the use or development may have on the environment or which the responsible authority considers the environment may have on the use or development' (Section 60). The permit may be a permit for works, use or subdivision.

We have made reference to the following Department of Sustainability and Environment (DSE) document in relation to planning and process:

- DSE General Practice Note on "Potentially Contaminated Land", dated June 2005.

The document was prepared to assist planning authorities and others in identifying contaminated land and determining the appropriate level of assessment required for permit purposes.

### 9.2 Identifying Potentially Contaminated Land

The DSE Practice Note indicates ways in which land can be identified as being potentially contaminated. This includes a list of generic land uses considered to have low, medium and high potential, as well as indicators such as site history or the presence of an Environmental Audit Overlay (EAO) at the site. Table 1 in the DSE practice note lists land uses that are considered to pose a high risk for potential contamination.

### 9.3 Determining Land Use Sensitivity and Level of Assessment

The DSE Practice Note also provides a framework for identifying potential risk, sensitivity of land use and in turn what the associated planning response should be including whether a Statutory Environmental Audit or environmental site assessment is required. The matrix presented in the Practice Note is shown below as Table 6.

**Table 6: DSE Practice Note Assessment Matrix**

PROPOSED LAND-USE	POTENTIAL FOR CONTAMINATION		
	High	Medium	Low
<b>Sensitive Uses</b>			
Child care centre, Pre-school or Primary school	A	B	C
Dwellings, residential buildings etc.	A	B	C
<b>Other Uses</b>			
Open Space	B	C	C
Agriculture	B	C	C
Retail or office	B	C	C
Industry or warehouse	B	C	C

There are three outcomes as follows:

- Require an environmental audit.
- Require a site assessment from a suitably qualified environmental professional if insufficient information is available to determine if an audit is appropriate. If advised that an audit is not required, default to (c).
- General duty under Section 12(2)(b) and Section 60(1)(a)(iii) of the *Planning and Environment Act 1987*.





We note that the proposed residential development of the site would be considered sensitive use by a planning authority.

#### 9.4 Assessment of Land under Table 6 of the DSE Practice Note

The historical (2010) desktop assessment considered that the risk of contamination associated with historical use of the site was low to medium due to general farming operation (low intensive stock grazing property with limited use of inputs (fertilisers, chemicals and fuels etc) and weed control was low to medium.

The 2016 limited soil assessment has further assessed the risk of contamination to soil associated with the historical use of the site through intrusive assessment. Section 7.0 outlines that concentrations of contaminants in soil do not exceed adopted assessment criteria for the applicable beneficial uses outlined in the SEPP based on the Subdivision Concept Plan shown in Appendix A. Thus, given the density of the assessment, the risk of contamination posed by farming operation and weed control is considered to be low.

Furthermore, considering the qualitative assessment of groundwater, the risk of extensive groundwater contamination associated with farming operations and weed control is considered to be low.

It is Golder's opinion the limited intrusive soil assessment and qualitative groundwater assessment indicates that the former uses do not present an unacceptable risk to the proposed sensitive use of the site. Furthermore, Golder considers that an Environmental Audit is not required.

### 10.0 CONCLUSIONS AND RECOMMENDATIONS

Golder has undertaken a soil investigation and qualitative assessment of groundwater for Parcel B1 (the site), Vineyard Rd, Diggers Rest. The contamination assessment was undertaken to support the planning permit for the site and provide advice on whether the environmental condition of the land is suitable for the proposed use and whether an environmental audit of all, or part of the land is recommended.

Golder has undertaken a desktop review of environmental contamination risks supported by a field inspection and intrusive soil assessment on 9 June 2016. Based on the soil assessment results and qualitative groundwater assessment Golder considers the potential for contamination on the site to be low. In summary:

- *Low potential for widespread gross site contamination* – In general, the land has been used for low intensive agricultural uses including stock grazing and cropping. Soil analytical results indicate that there is low potential for widespread contamination. All analytical results are below adopted assessment criteria for the applicable low density residential and open space use.
- *Low potential for groundwater contamination* – No notable sources of potential groundwater contamination were identified at the site from the site history review and the intrusive soil investigation program. Regional groundwater is relatively deep and generally protected from surface leaching by a clay layer. In addition, the sensitivity of the groundwater is low; the regional groundwater quality in the area is classified as Segment C (Salinity content of 3501 mg/L to 13,000 mg/L (i.e. not suitable for drinking water use)).

A construction environmental management plan (CEMP) is recommended to be implemented to ensure that materials generated during the course of development works are managed and / or disposed of appropriately (including potential wastes (i.e. corrugated iron near the large group of trees in the centre of the site)). In addition to this, a suitability qualified environmental consultant (member of ACLCA) should be engaged to verify any materials/soil as aesthetically/chemically materials (including potential for suspected asbestos containing materials (ACM)), if observed during construction to determine if they are acceptable for unrestricted use across the site (i.e. low density residential use) and to provide appropriate waste classification of soils requiring removal from site.

The results of the Environmental Site Assessment indicate that a Statutory Environmental Audit in accordance with Part: IX of the *Environment Protection Act* is not necessary to support the low density



residential development of the site, as no unacceptable contamination was confirmed to be present at the site.

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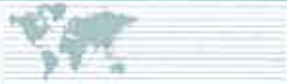
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## Report Signature Page

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