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

Stage 24

Bloomdale
Diggers Rest

PS749043E

Due Diligence Checklist

What you need to know before buying a residential property

Consumer Affairs Victoria

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

Urban living

Moving to the inner city?

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

Is the property subject to an owners corporation?

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

Growth areas

Are you moving to a growth area?

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

Flood and fire risk

Does this property experience flooding or bushfire?

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

Rural properties

Moving to the country?

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

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

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

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

Soil and groundwater contamination

Has previous land use affected the soil or groundwater?

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

[6804943: 17311809_1]

State Government Victoria

Consumer Affairs Victoria

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

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

1 DEFINITIONS

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 **PS749043E (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 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** ~~/ *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** ~~/ *does not~~ affect the Property.

8 GROWTH AREAS INFRASTURE CONTRIBUTION ("GAIC") 32G

(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.

9 SERVICES 32H

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.

10 TITLE 32I

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 PS749043E – Stage 24;

(d) Unregistered Memorandum of Common Provisions – Stage 24;

(e) Unregistered Plan of Subdivision PS749041J – Stage 23 (previous stage);

(f) Unregistered Memorandum of Common Provisions – Stage 23 (previous stage);

(g) Unregistered Draft Plans of Subdivision for subsequent stages PS749048T (Stage 25), PS803025H (Stage 26), PS803026F (Stage 27) and PS803028B (Stage 28);

(h) Unregistered Draft Memoranda of Common Provision for subsequent stages being Stage 25, Stage 26, Stage 27 and Stage 28;

(i) Notice AH462111E (any liability is the Vendor's liability);

(j) Agreement AL448715Q Section 173 Agreement.

11 OTHER DOCUMENTS AND INFORMATION

Copies of the following documents are attached:

(a) Engineering Plan;

(b) Design Guidelines;

(c) Planning permit(s);

(d) Concept Plan;

(e) Subdivision Masterplan;

(f) Planning Certificate
(applicable to the parent title);

(g) Melton City Council Land Information Certificate
(applicable to the parent title);

(h) Western Water Information Statement
(applicable to the parent title);

(i) Vic Roads Certificate;

(j) Land Tax Assessment Notice
(applicable to the parent title);

(k) Growth Areas Infrastructure Contribution Certificate;

(l) Victorian Department of Environment, Land, Water and Planning Bushfire Prone Area Report;

(m) Section 1.7 from the Diggers Rest Development Contributions Plan Sheet (Distinction between Community and Development Infrastructure – fee paid per dwelling);

(n) 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

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 : 124066240879X
Produced 26/05/2017 12:15 pm

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
AL448715Q 27/10/2014

DIAGRAM LOCATION

SEE PS749014M FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER		STATUS	DATE
PS749014M (S)	PLAN OF SUBDIVISION	Registered	20/02/2017

DOCUMENT END

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PLAN OF SUBDIVISION

EDITION 1

PS749014M

LOCATION OF LAND

PARISH: HOLDEN
TOWNSHIP: .....
SECTION: 13
CROWN ALLOTMENT: B (PART)
CROWN PORTION: .....
TITLE REFERENCE: Vol. 11833 Fol. 402

LAST PLAN REFERENCE: W8 on PS733910V

POSTAL ADDRESS: 62 - 144 Diggers Rest - Coimadai Road
(at time of subdivision) DIGGERS REST 3427

MGA CO-ORDINATES: E: 297 500 ZONE: 55
(of approx centre of land in plan) N: 5833 600 GDA 94

Council Name: Melton City Council

Council Reference Number: SUB4619
Planning Permit Reference: PA2013/4257
SPEAR Reference Number: S084527C

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: Geraldine Addicott for Melton City Council on 28/09/2016

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	Melton City Council

NOTATIONS

DEPTH LIMITATION: Does Not Apply

SURVEY:
This plan is based on survey.

STAGING:
This is not a staged subdivision
Planning Permit No. PA2013/4257

BLOOMDALE ESTATE
Area of Release: 462m²
No. of Lots: 1 Superlot

NOTATIONS

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.

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

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

SURVEYORS FILE REF: Ref. 01112-B5 Ver. 2

ORIGINAL SHEET SIZE: A3

SHEET 1 OF 4

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PLAN REGISTERED
TIME: 6:52 DATE: 20/02/2017
C. GROSSO
Assistant Registrar of Titles

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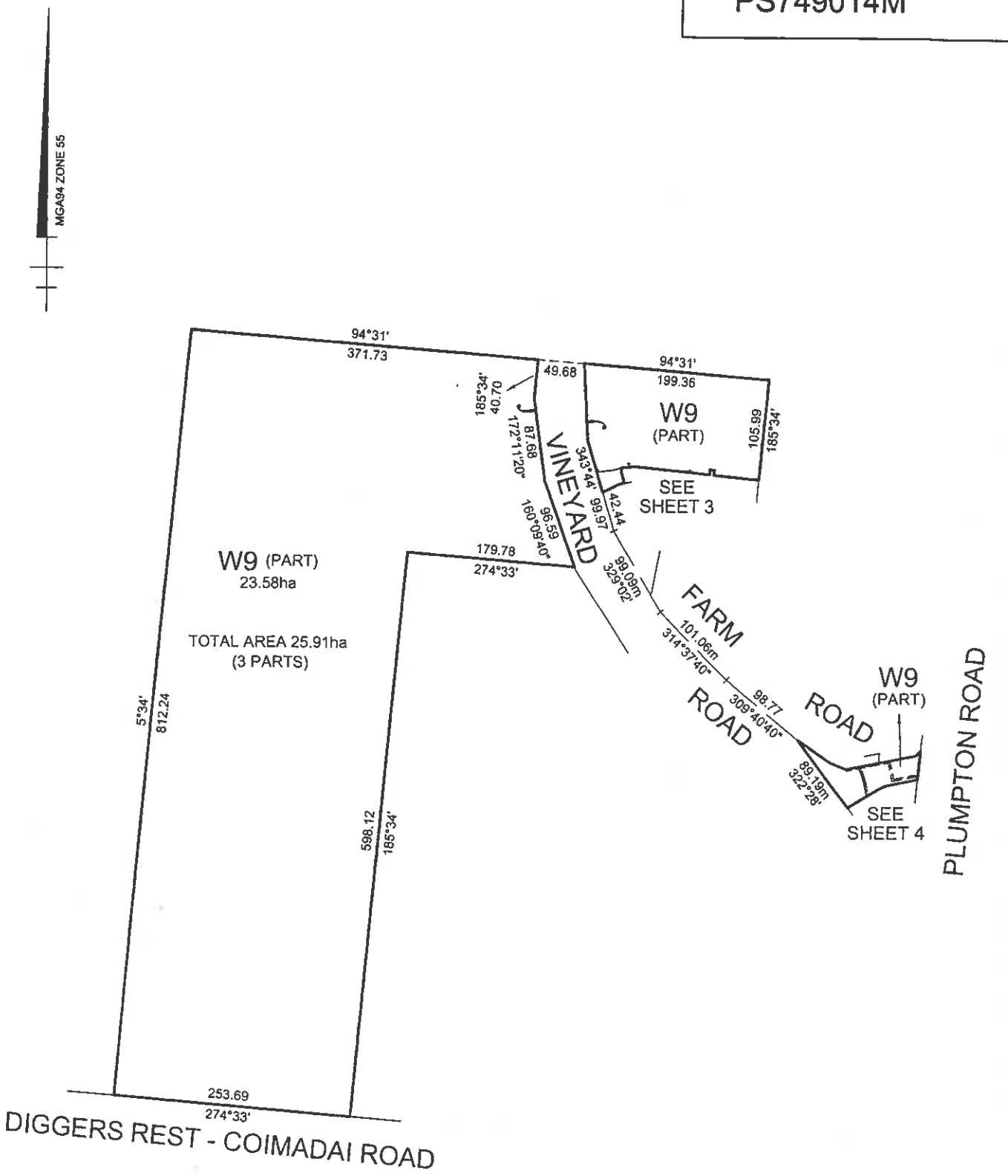
PS749014M



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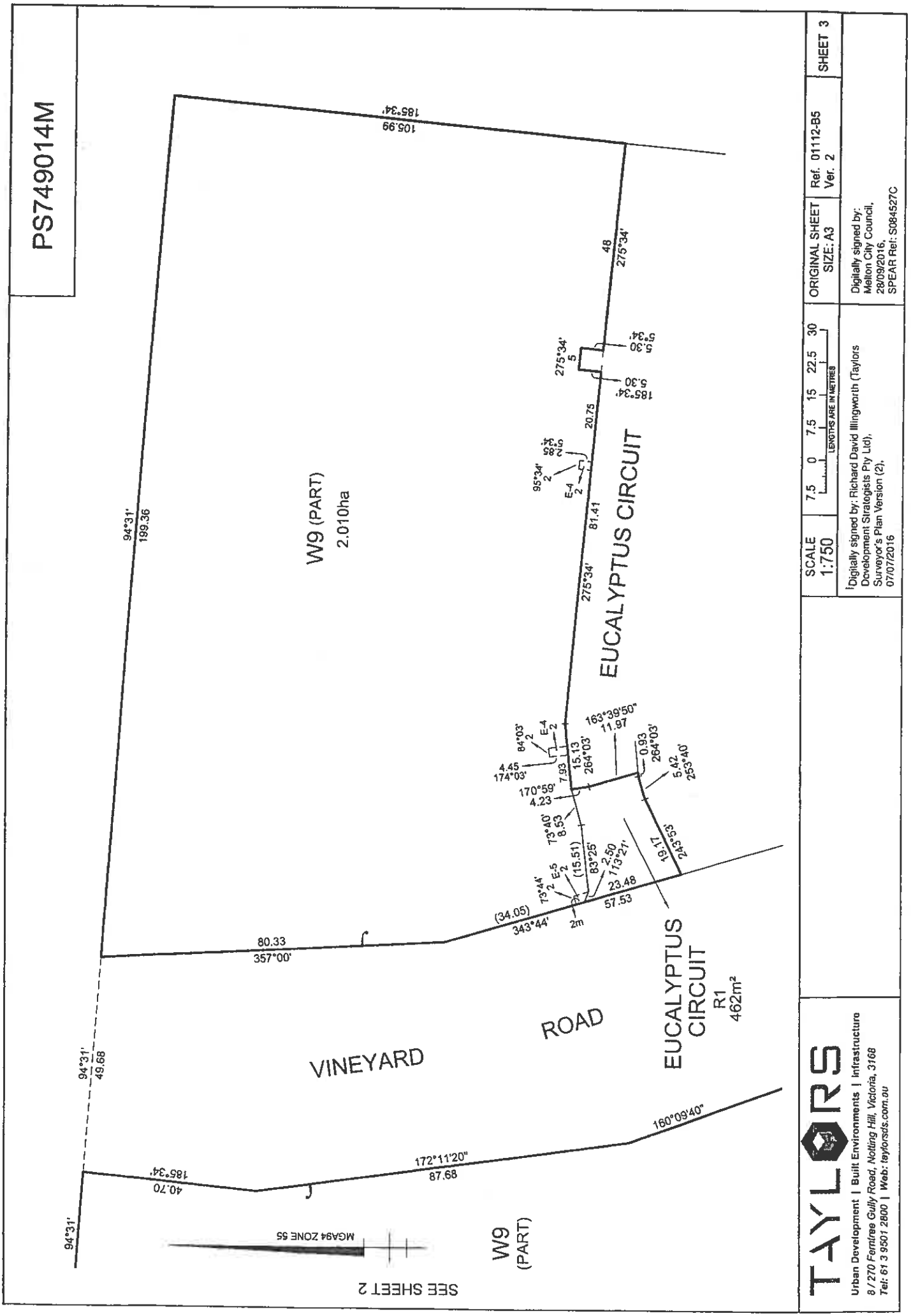

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Ref. 01112-B5
Ver. 2

SHEET 3

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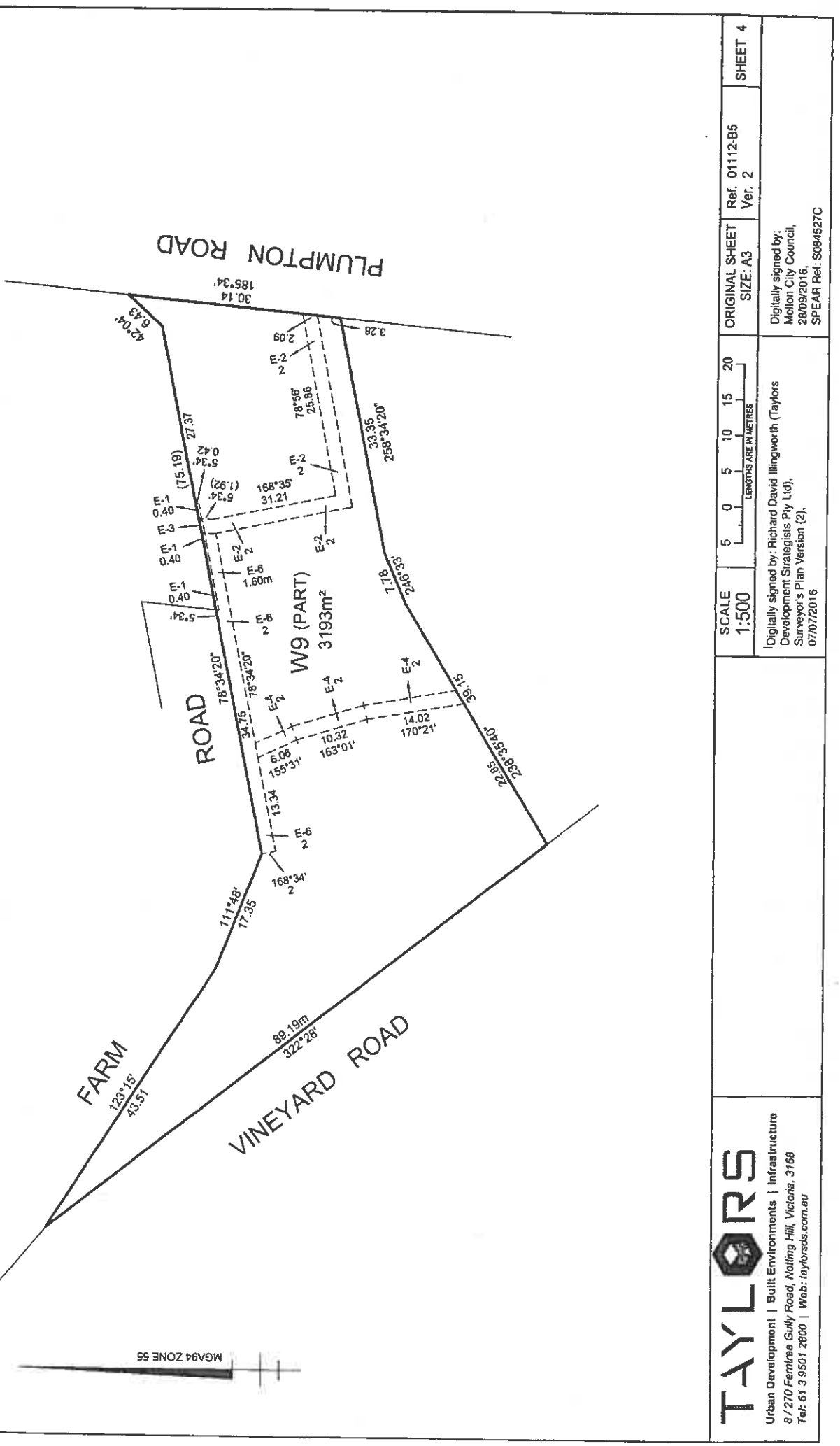
PS749014M



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LENGTHS ARE IN METRES

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PLAN OF SUBDIVISION

EDITION 1 | PS749043E

LOCATION OF LAND

PARISH: HOLDEN
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 in plan) N: 5833 660

Council Name: Melton City Council

Council Reference Number: SUB4801
Planning Permit Reference: PA2016/5231/1
SPEAR Reference Number: S100282B

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 26/05/2017

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1 Reserve No. 1	Melton City Council Jemena Electricity Networks Ltd

NOTATIONS

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

NOTATIONS

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

EASEMENT INFORMATION

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		

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SURVEYORS FILE REF: Ref. 01112-S24 Ver. 3

ORIGINAL SHEET SIZE: A3

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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
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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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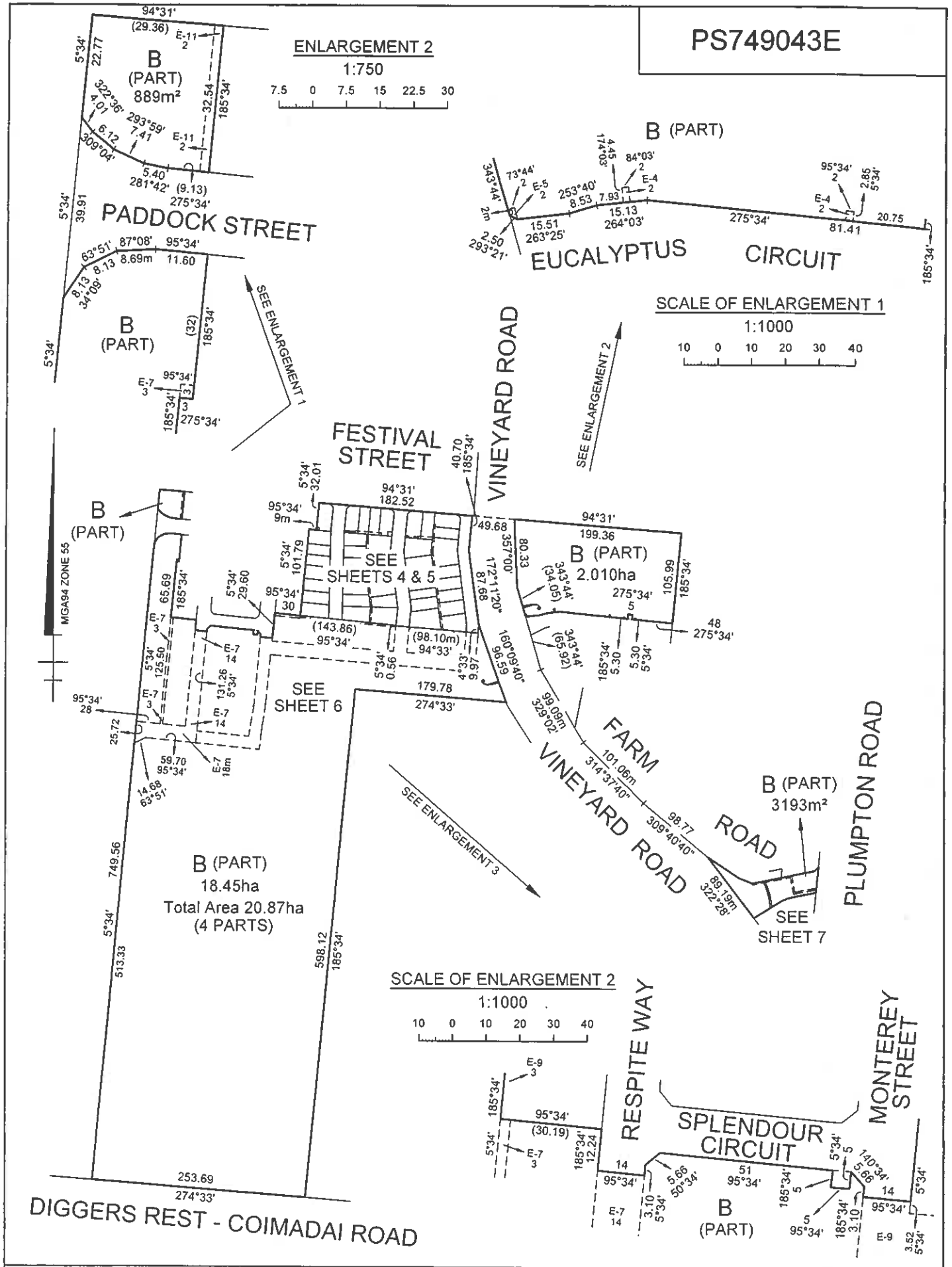

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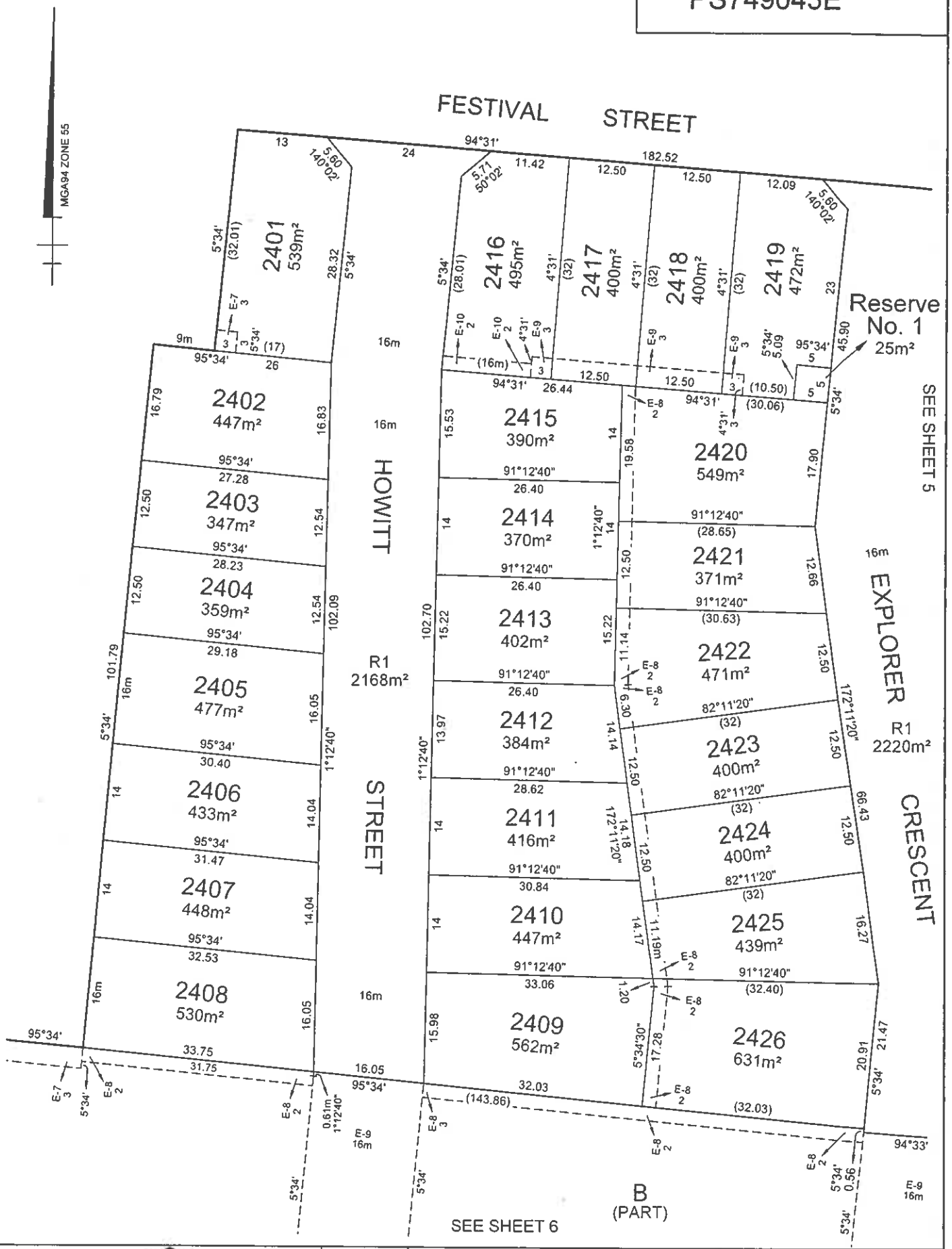

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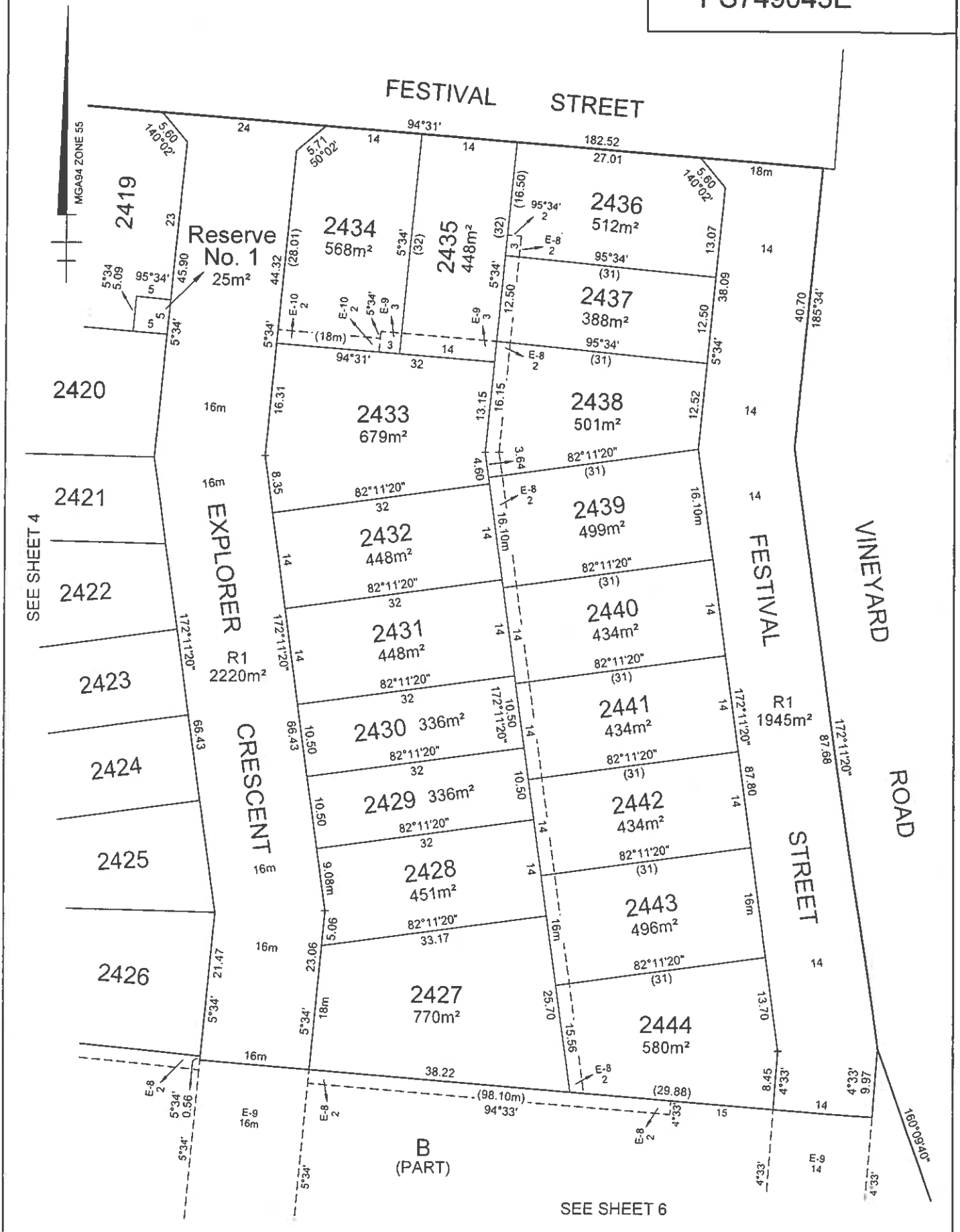

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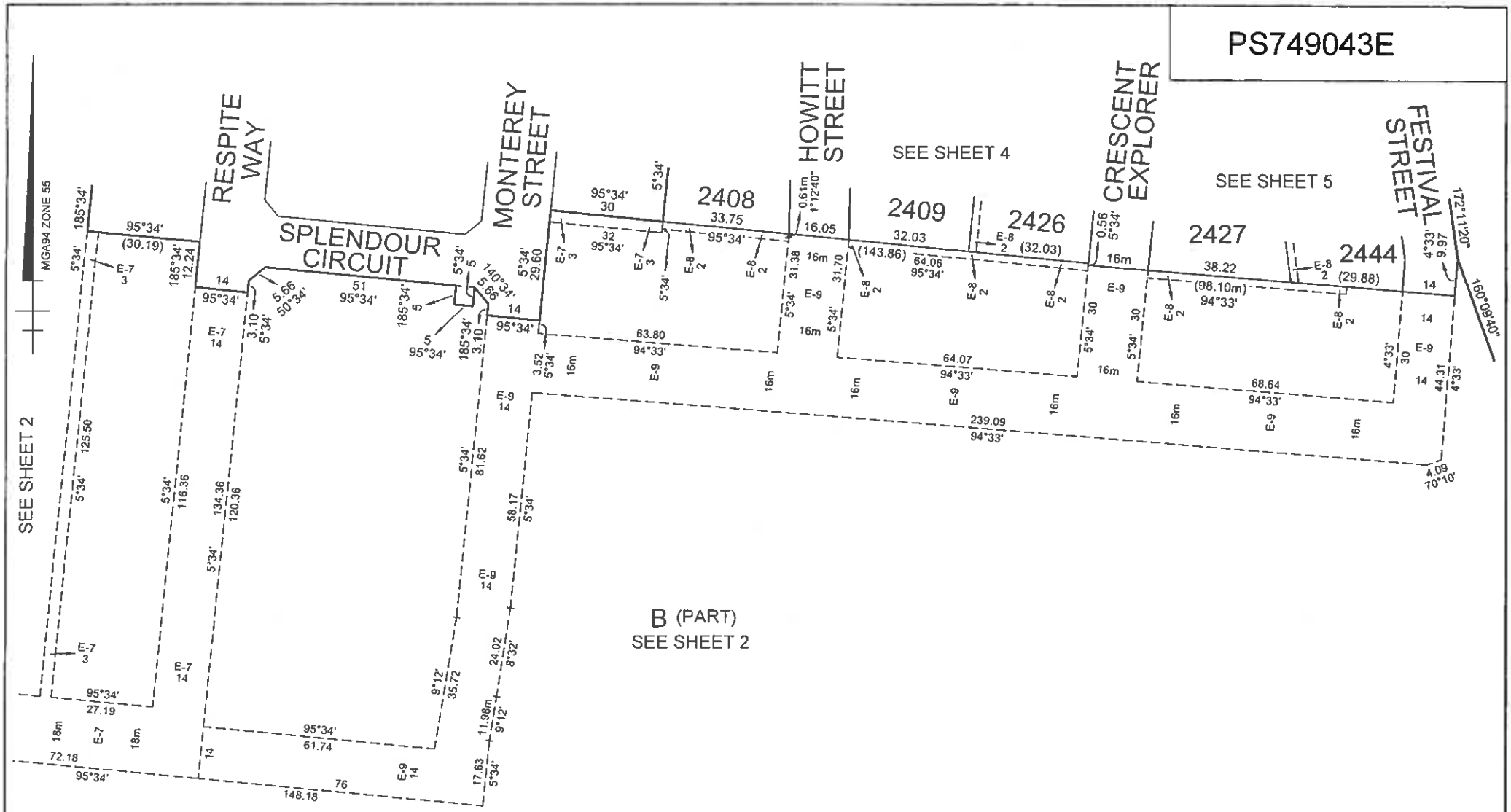
PS749043E



TAYLORS

Urban Development | Built Environments | Infrastructure

8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
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SCALE		ORIGINAL SHEET	Ref. 01112-S24	SHEET 6
1:1000	10 0 10 20 30 40 LENGTHS ARE IN METRES	SIZE: A3	Ver. 3	

Digitally signed by: Richard David Illingworth (Taylors Development Strategists Pty Ltd), Surveyor's Plan Version (3), 11/05/2017, SPEAR Ref: S100282B

Digitally signed by: Melton City Council, 26/05/2017, SPEAR Ref: S100282B

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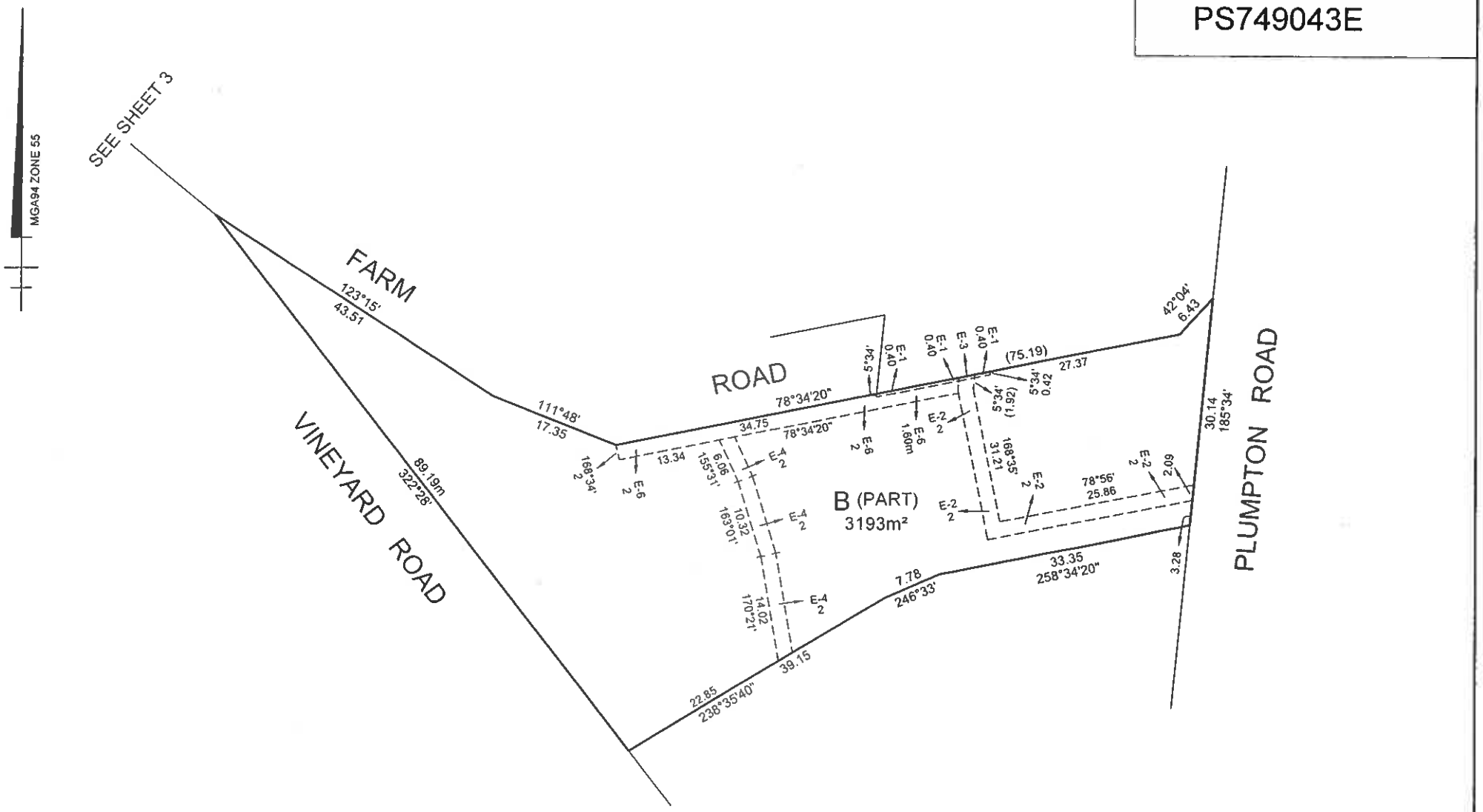

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SCALE		ORIGINAL SHEET	Ref. 01112-S24	SHEET 7
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ver. 3	

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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:

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

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name:

Phone:

Address:

Reference:

Customer Code:

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.

THE BACK OF THIS FORM MUST NOT BE USED

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

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 300m² 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 300m² 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) 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 600m².

On a lot greater than 600m², 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 600m²;

(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 300m², 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.

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^2.

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).

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).

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 $15m^2$ 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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.

PLAN OF SUBDIVISION

EDITION 1

PS749041J

LOCATION OF LAND

PARISH: HOLDEN

TOWNSHIP: .....

SECTION: 13

CROWN ALLOTMENT: B (PART)

CROWN PORTION: .....

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: W9 on PS749014M

POSTAL ADDRESS: (at time of subdivision) 120 Diggers Rest - Coimadai Road DIGGERS REST 3427

MGA 94 CO-ORDINATES: (of approx centre of land in plan) E: 297 140 ZONE: 55 N: 5833 660

COUNCIL NAME: MELTON CITY COUNCIL

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1 Reserve No. 1	Melton City Council Jemena Electricity Networks Ltd

NOTATIONS

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

NOTATIONS

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.

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	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

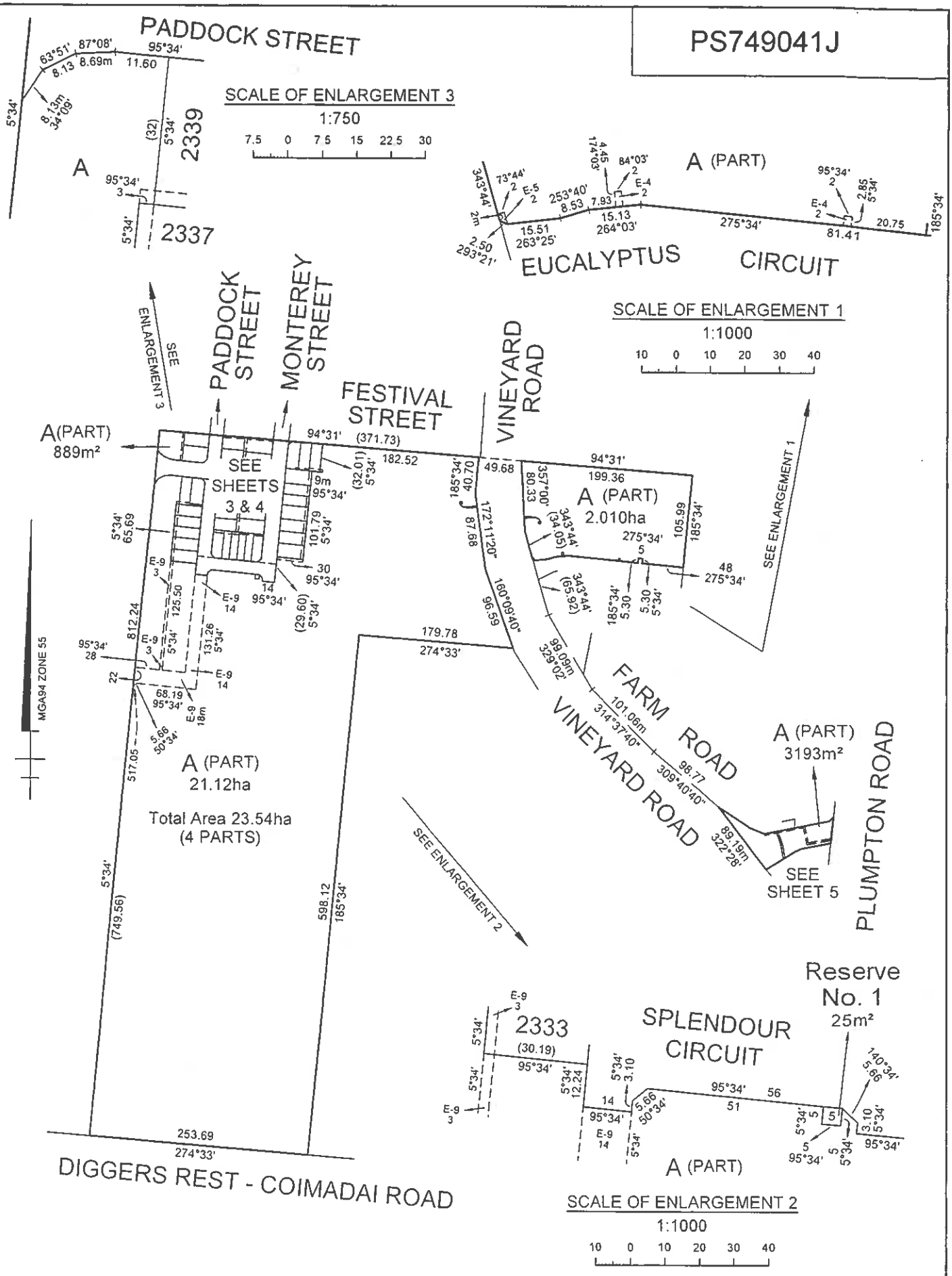
TAYLORS
Urban Development | Built Environments | Infrastructure
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SURVEYORS FILE REF: Ref. 01112-S23 Ver. 7

ORIGINAL SHEET SIZE: A3

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 7

PS749041J



TAYLORS

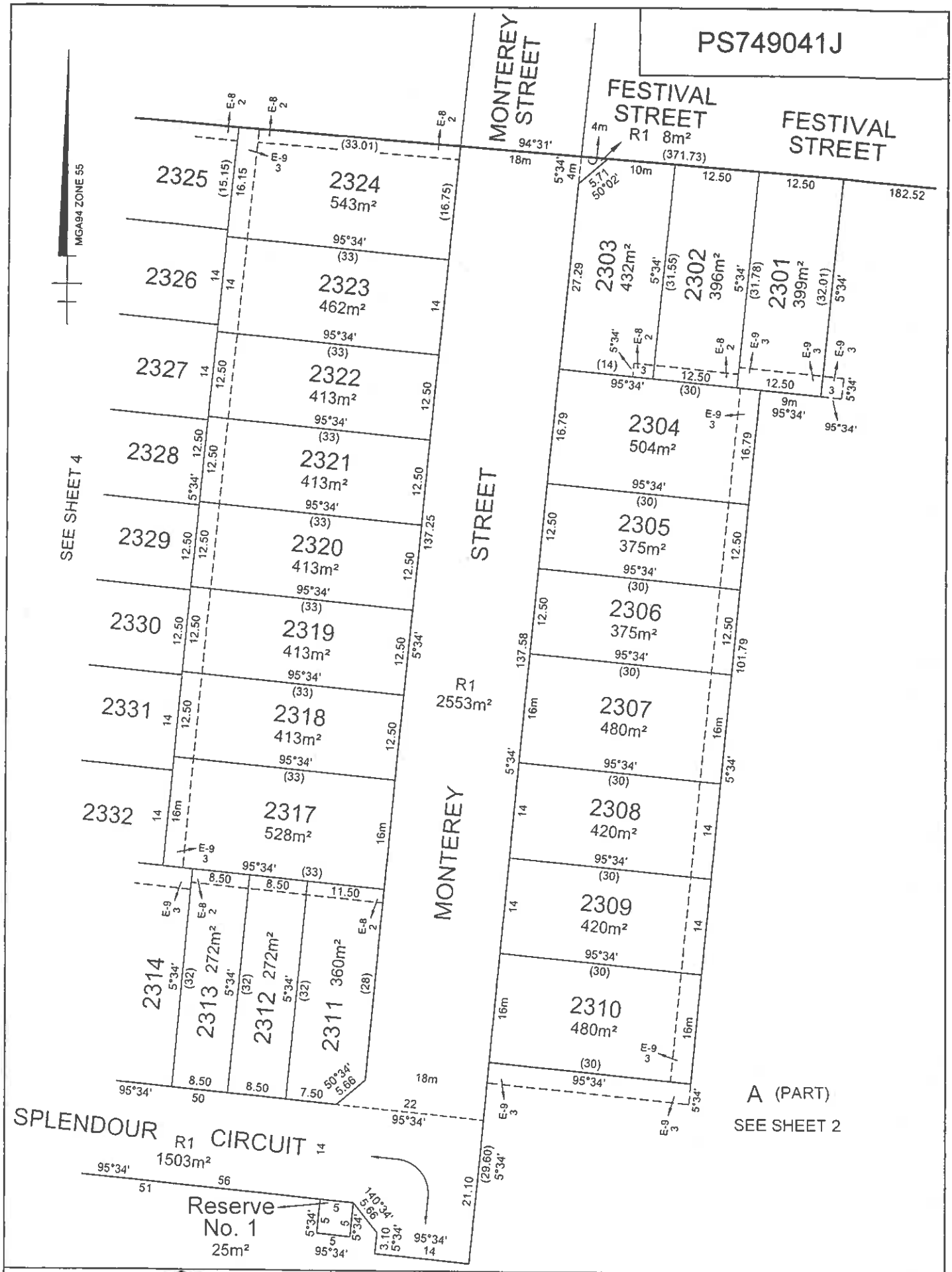
Urban Development | Built Environments | Infrastructure

8/270 Ferntree Gully Road, Notting Hill, Victoria, 3168

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

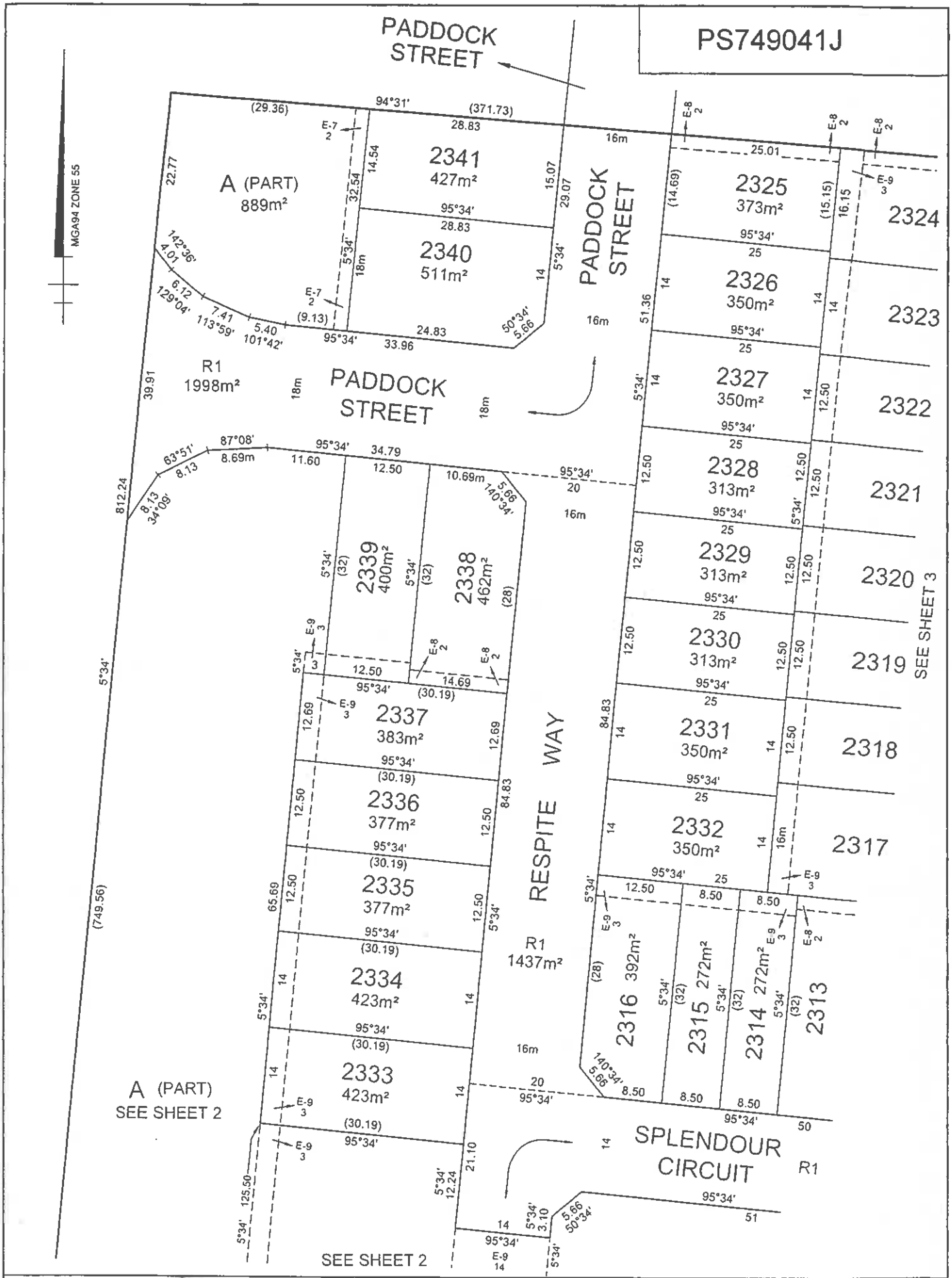
SCALE 1:4000	40 0 40 80 120 160 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S23 Ver. 7	SHEET 2
Licensed Surveyor: RICHARD ILLINGWORTH / Version No 7				

PS749041J



TAYLORS Urban Development | Built Environments | Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2600 | Web: taylorsds.com.au	SCALE 1:500 5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S23 Ver. 7	SHEET 3
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 7			

PS749041J



TAYLORS

Urban Development | Built Environments | Infrastructure

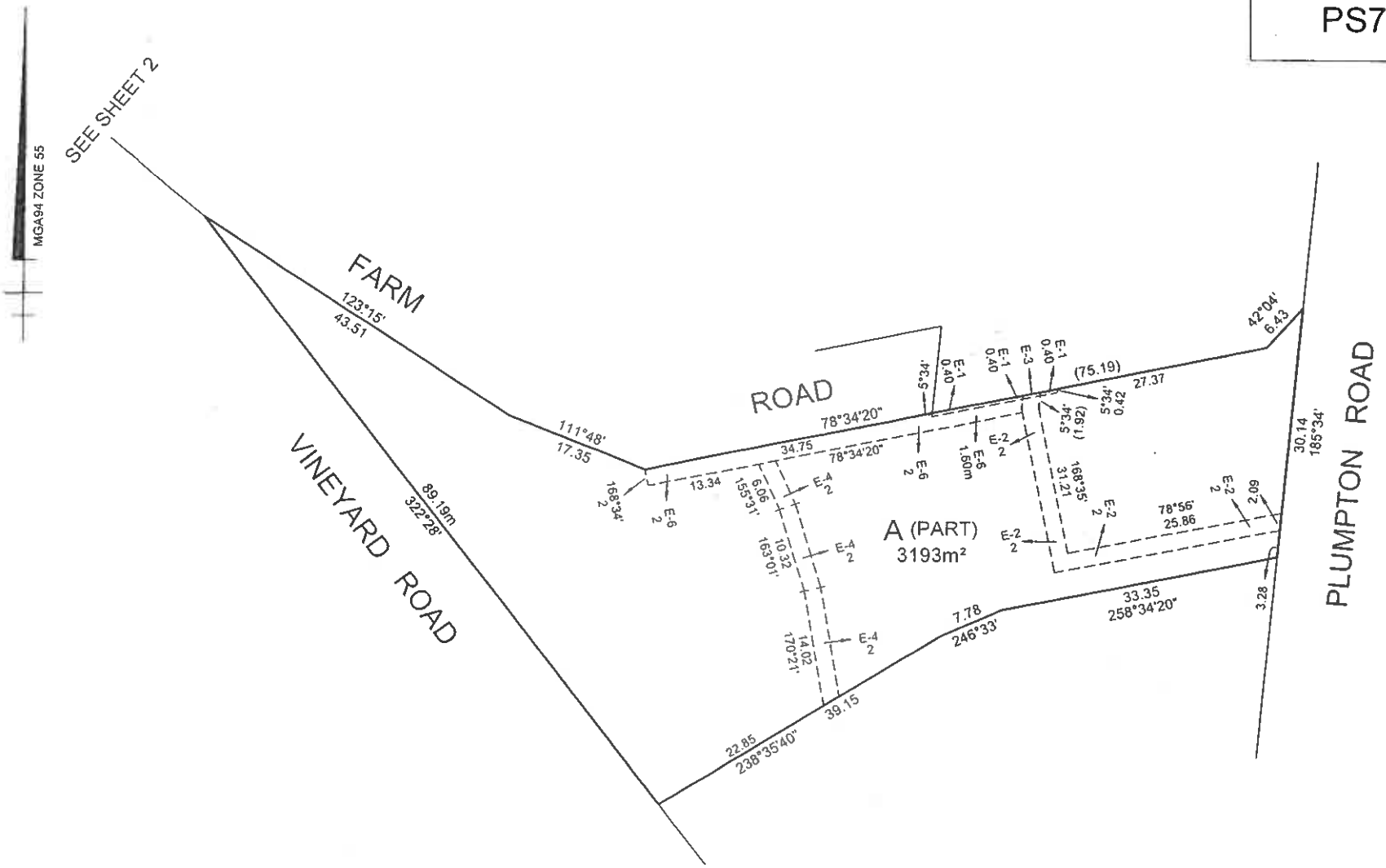
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE	LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S23 Ver. 7	SHEET 4
1:500	5 0 5 10 15 20			

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 7

PS749041J



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 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S23 Ver. 7	SHEET 5

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 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
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

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.

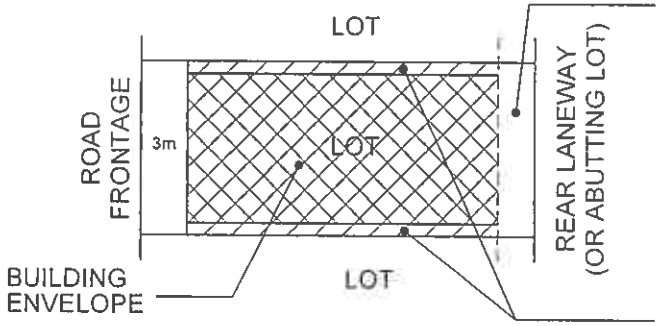
THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.

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:

1. 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.
2. 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.

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name:

Phone:

Address:

Reference:

Customer Code:

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.

THE BACK OF THIS FORM MUST NOT BE USED

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

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 300m² 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 300m² 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) 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 600m².

On a lot greater than 600m², 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 600m²;

(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 300m², 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.

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^2.

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).

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).

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 $15m^2$ 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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.

PLAN OF SUBDIVISION

EDITION 1

PS749048T

LOCATION OF LAND

PARISH: HOLDEN

TOWNSHIP: .....

SECTION: 13

CROWN ALLOTMENT: B (PART)

CROWN PORTION: .....

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: Lot B on PS749043E

POSTAL ADDRESS: (at time of subdivision) 120 Diggers Rest - Coimadai Road DIGGERS REST 3427

MGA 94 CO-ORDINATES: (of approx centre of land in plan) E: 297 250 ZONE: 55 N: 5833 510

Council Name: Melton City Council

SPEAR Reference Number: S103232B

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	Melton City Council
Reserve No. 1 & 2	Melton City Council

NOTATIONS

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

NOTATIONS

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.

EASEMENT INFORMATION

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

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

SURVEYORS FILE REF: Ref. 01112-S25 Ver. 1

ORIGINAL SHEET SIZE: A3

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 1

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

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

Licensed Surveyor:
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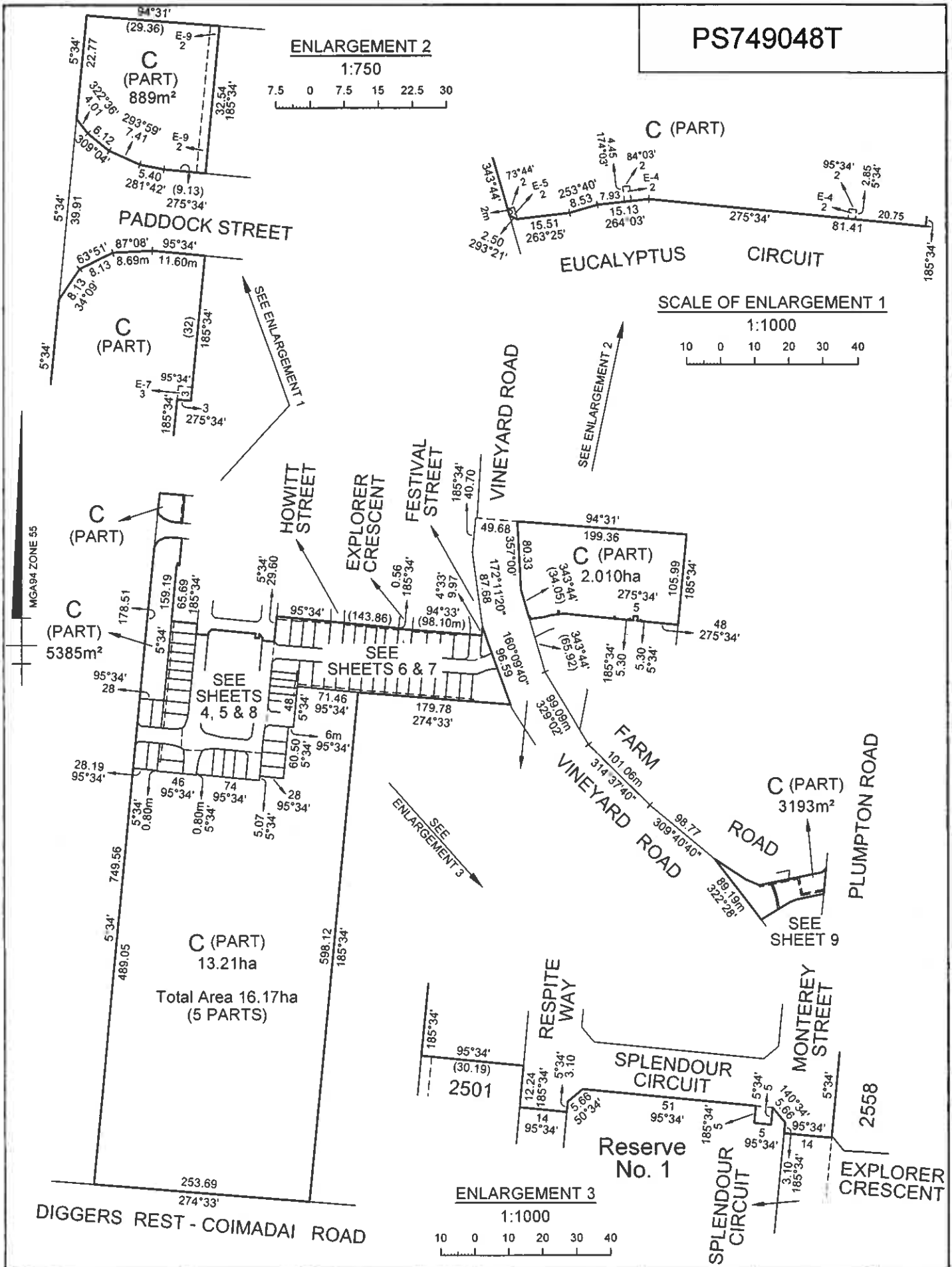
PS749048T



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	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1			

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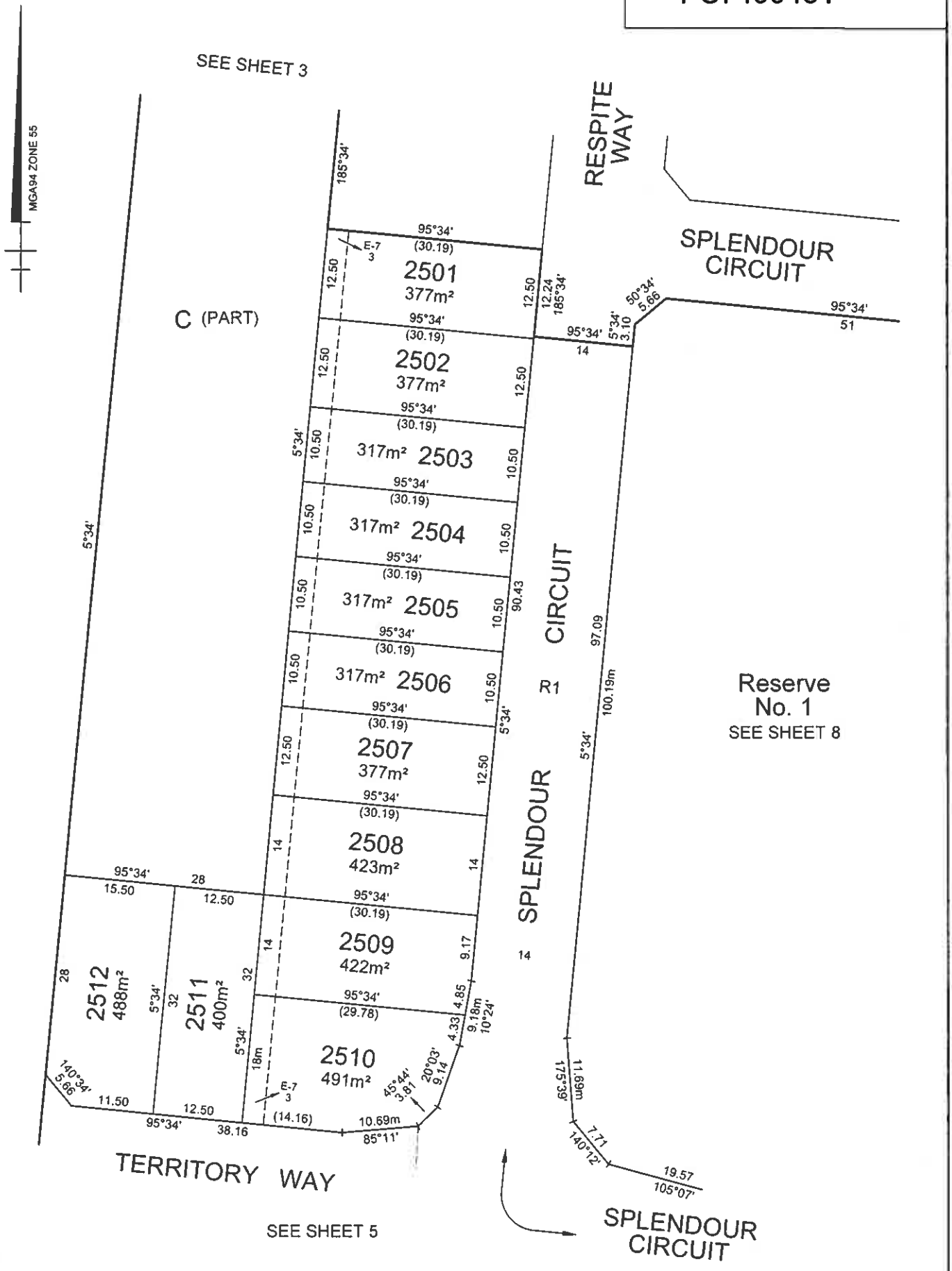

TAYLORS Urban Development | Built Environments | Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800 | Web: taylorsds.com.au	SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE A3	Ref. 01112-S25 Ver. 1 / SHEET 4
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1			

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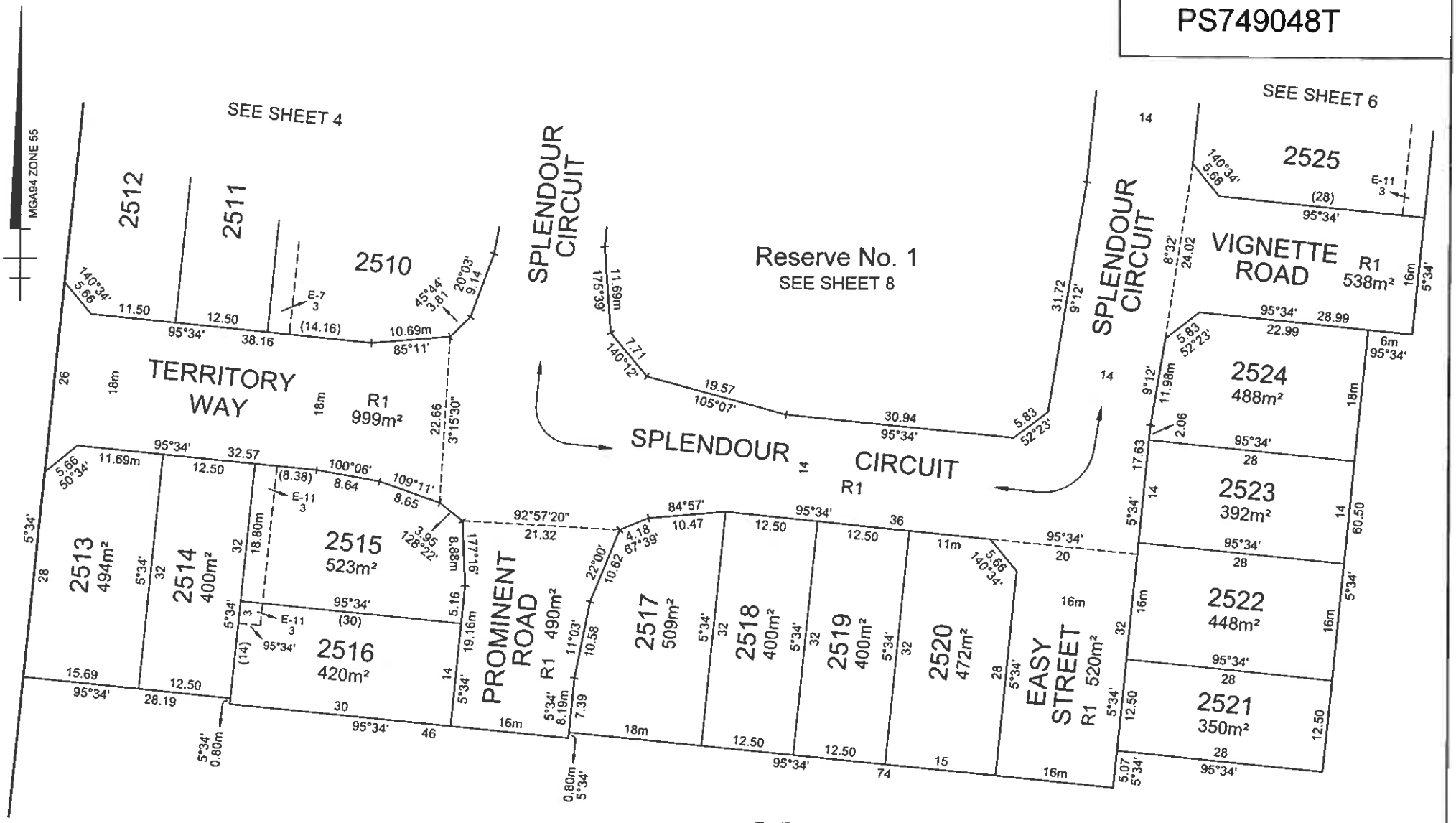

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8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE		ORIGINAL SHEET	Ref. 01112-S25	SHEET 5
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Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

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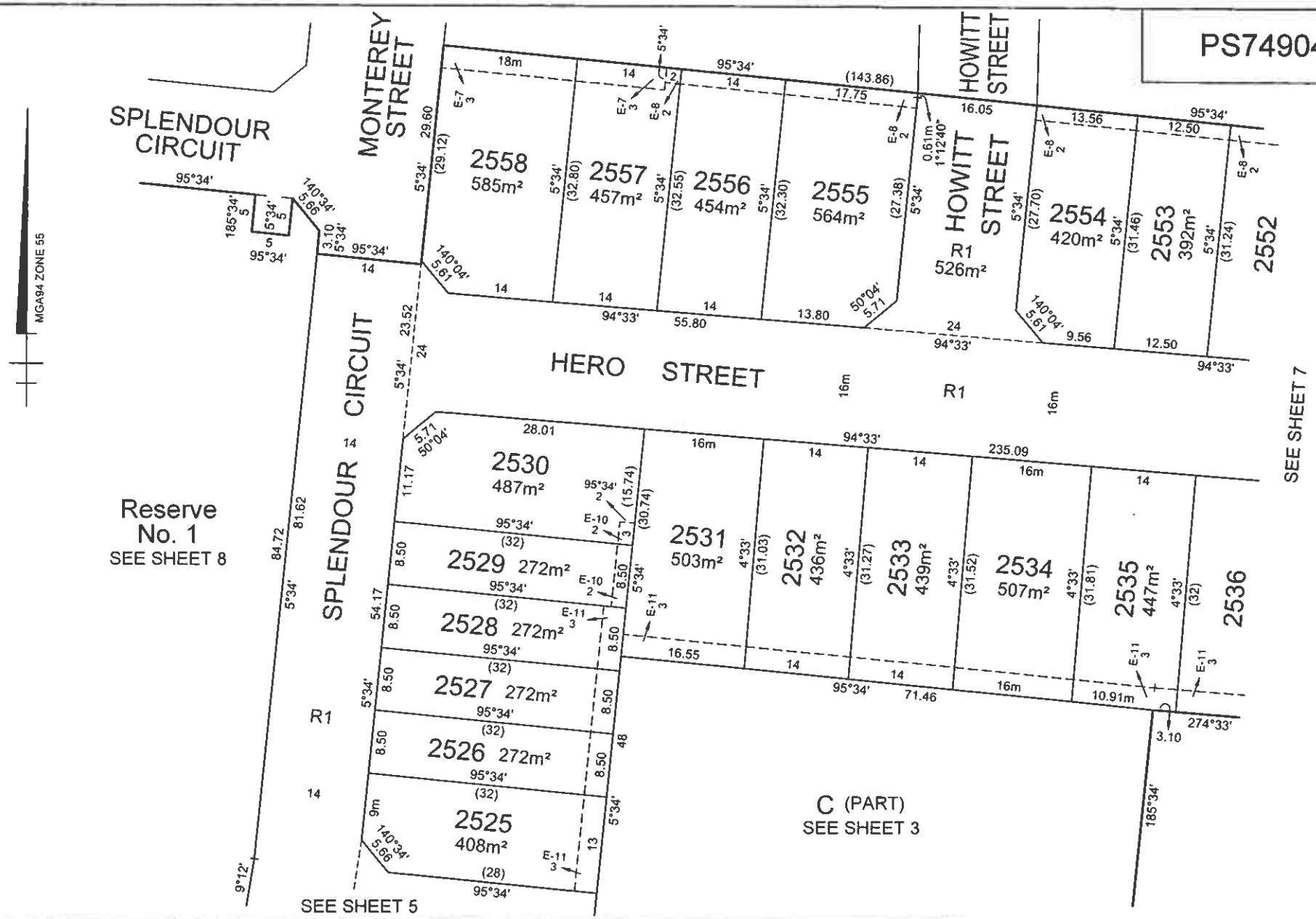

TAYLORS
Urban Development | Built Environments | Infrastructure
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE		ORIGINAL SHEET	Ref. 01112-S25	SHEET 6
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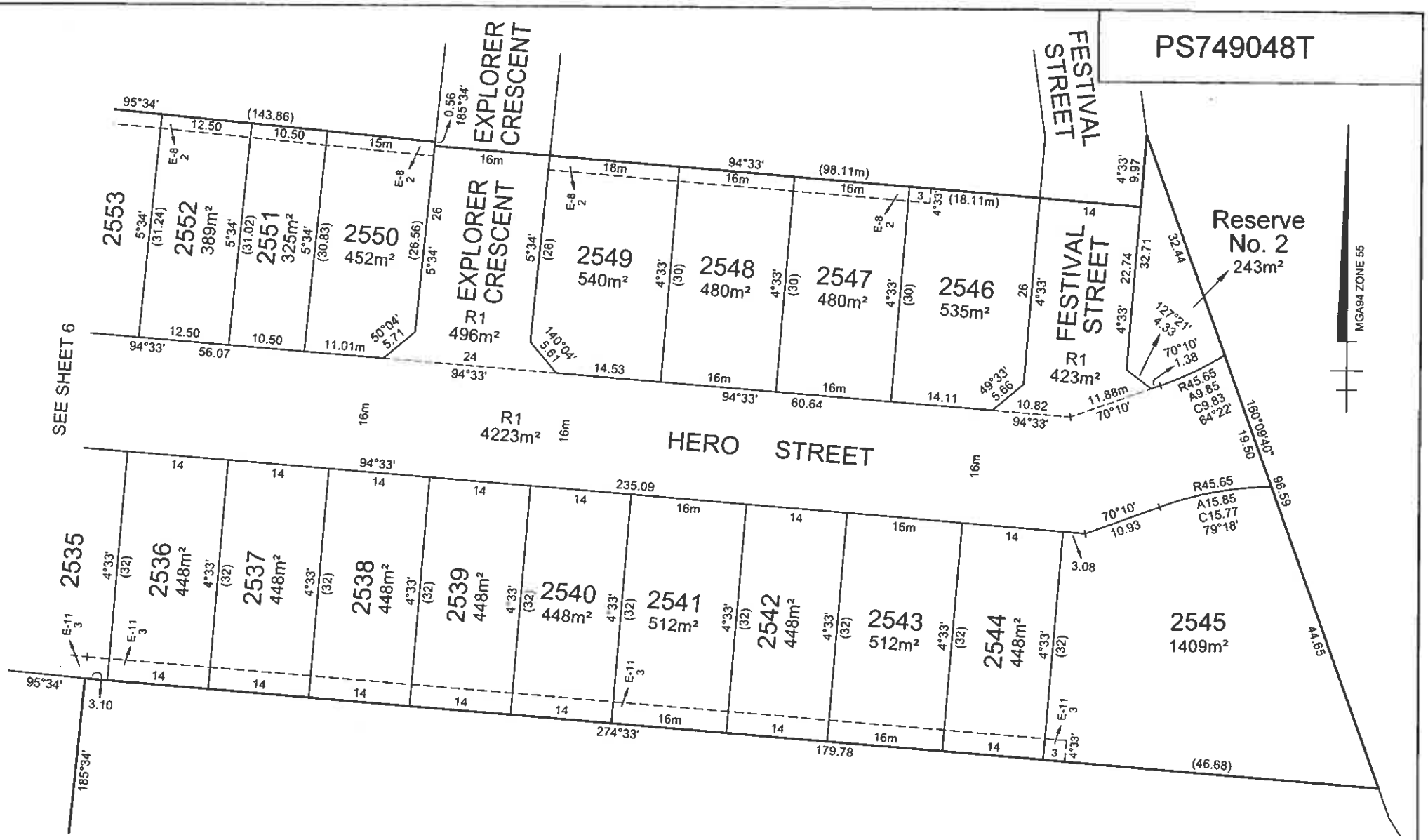
Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS749048T



TAYLORS

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SCALE		ORIGINAL SHEET	Ref. 01112-S25	SHEET 7
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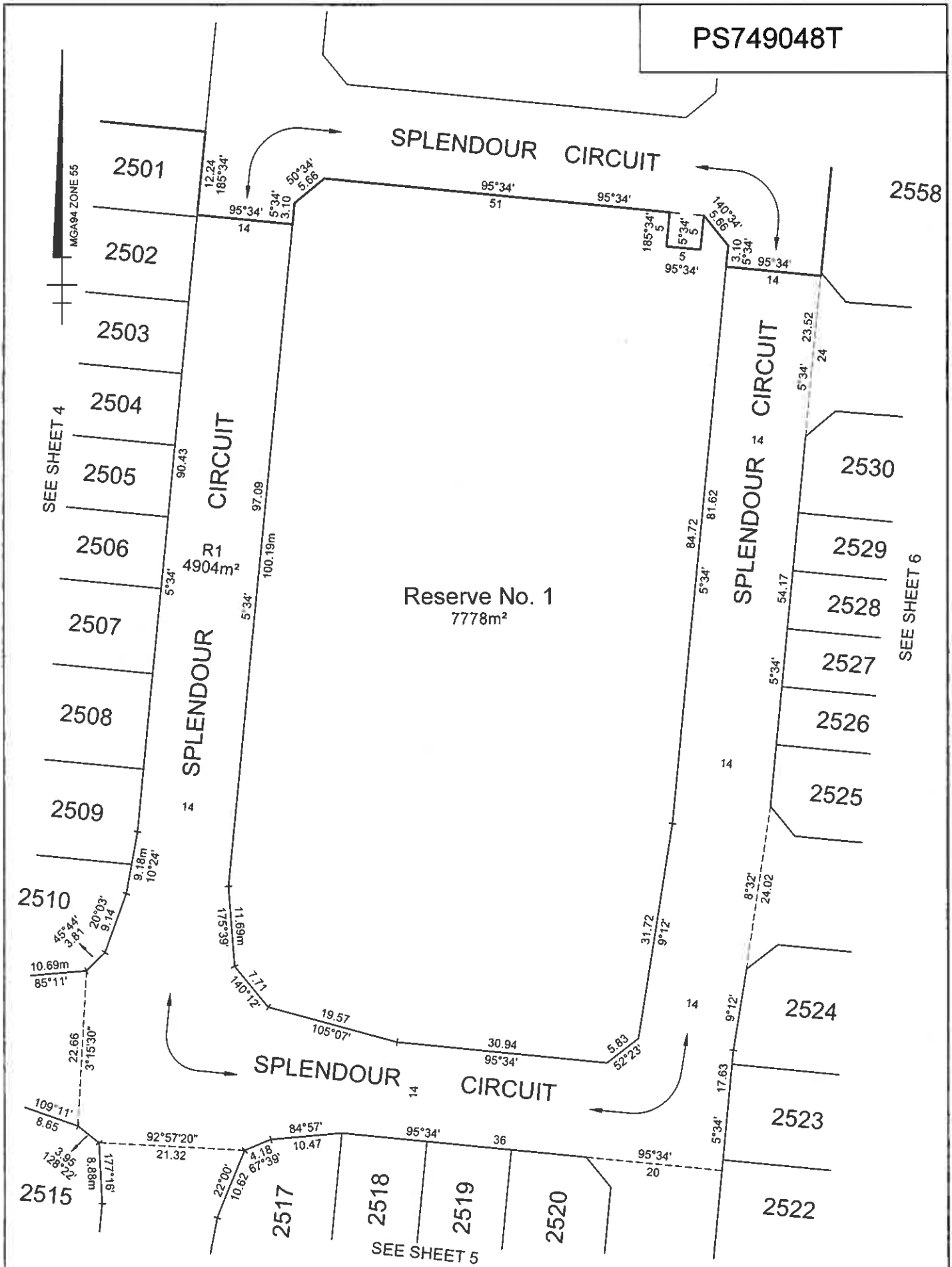
Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS749048T



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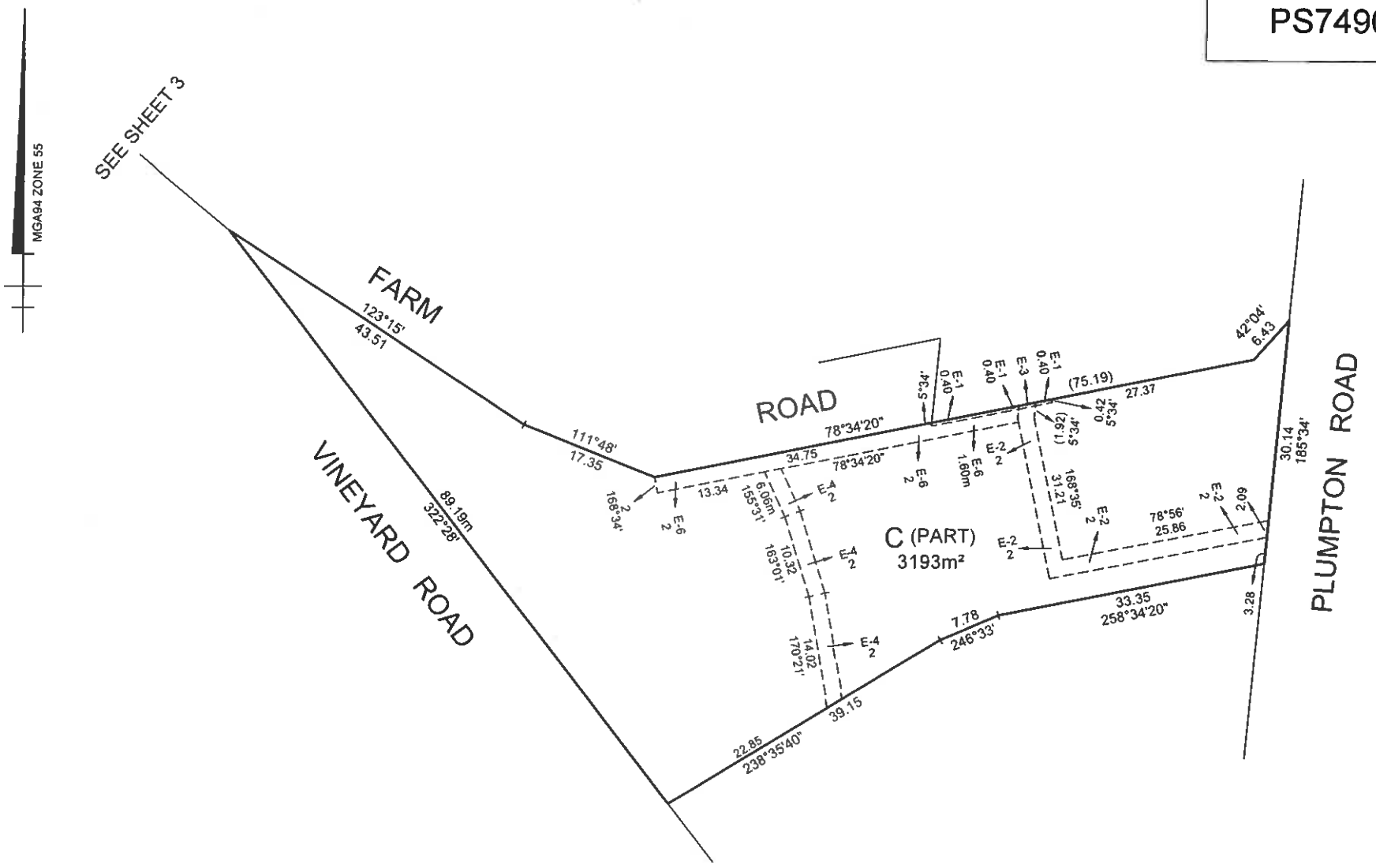
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S25 Ver. 1	SHEET 6

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS749048T



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

SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S25 Ver. 1	SHEET 9

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

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
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.

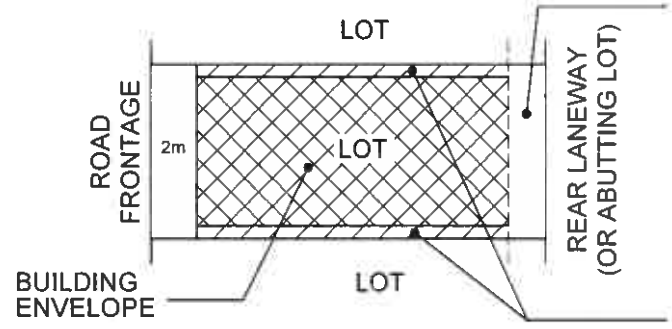
THIS RESTRICTION SHALL CEASE TO APPLY TO ANY BUILDING ON THE LOT AFTER THE ISSUE OF A CERTIFICATE OF OCCUPANCY FOR THE WHOLE OF A DWELLING ON THE LOT.

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:

1. 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.
2. 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.

PLAN OF SUBDIVISION

EDITION 1

PS803025H

LOCATION OF LAND

PARISH: HOLDEN

TOWNSHIP: .....

SECTION: 13

CROWN ALLOTMENT: B (PART)

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 in plan) N: 5833 360

Council Name: Melton City Council

SPEAR Reference Number: S103563A

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	Melton City Council

NOTATIONS

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

NOTATIONS

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.

EASEMENT INFORMATION

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		

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

SURVEYORS FILE REF: Ref. 01112-S26 Ver. 2

ORIGINAL SHEET SIZE: A3

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 2

PS803025H

EASEMENT INFORMATION

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

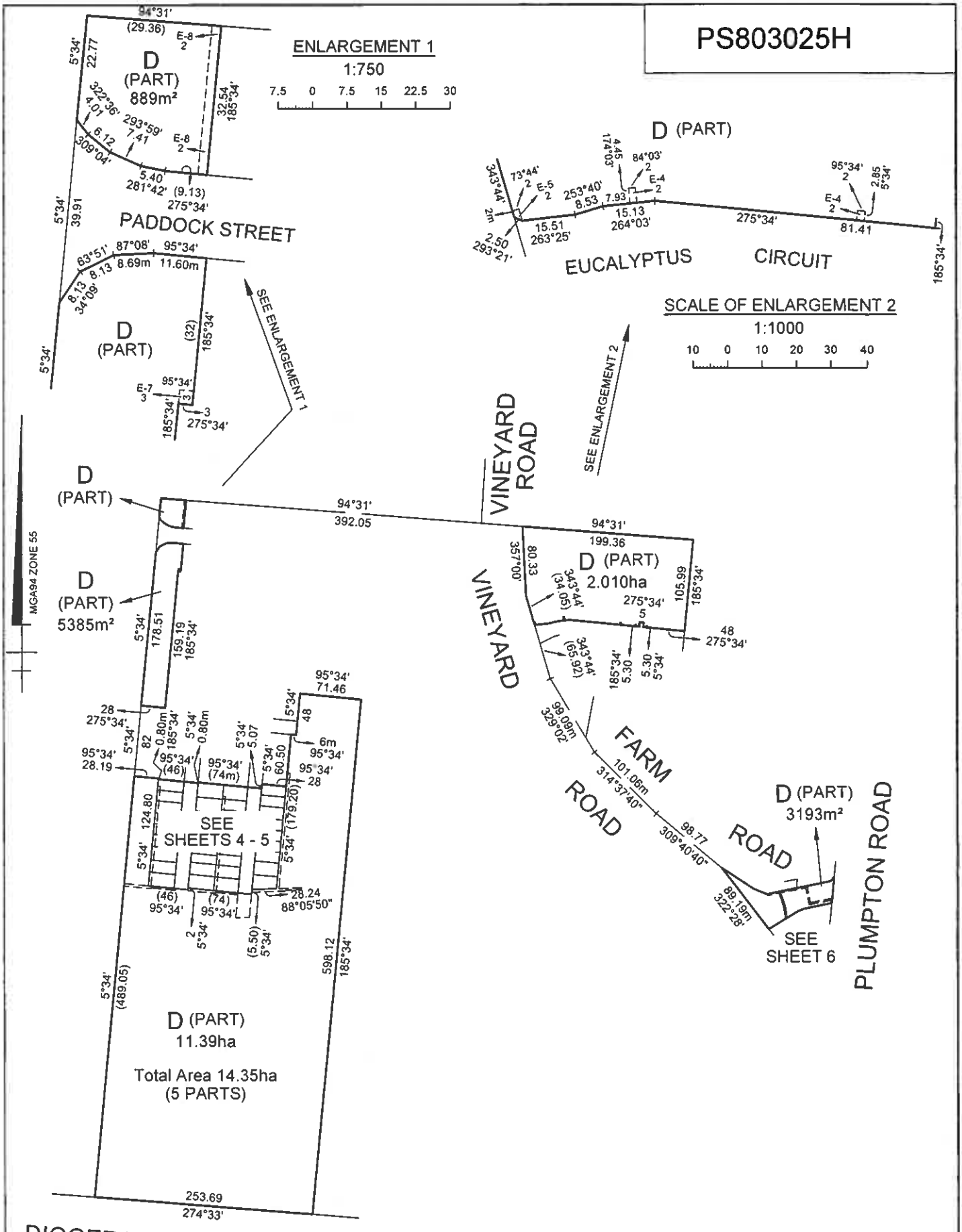
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	See Diag.	PS719779V	Melton City Council
E-2	Sewerage	2m	PS719779V	Western Region Water Corporation
E-3	Drainage	See Diagram	PS719779V	Melton City Council
	Sewerage			Western Region Water Corporation
E-4	Drainage	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	This Plan	Western Region Water Corporation
E-10	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: taylorsds.com.au

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 2

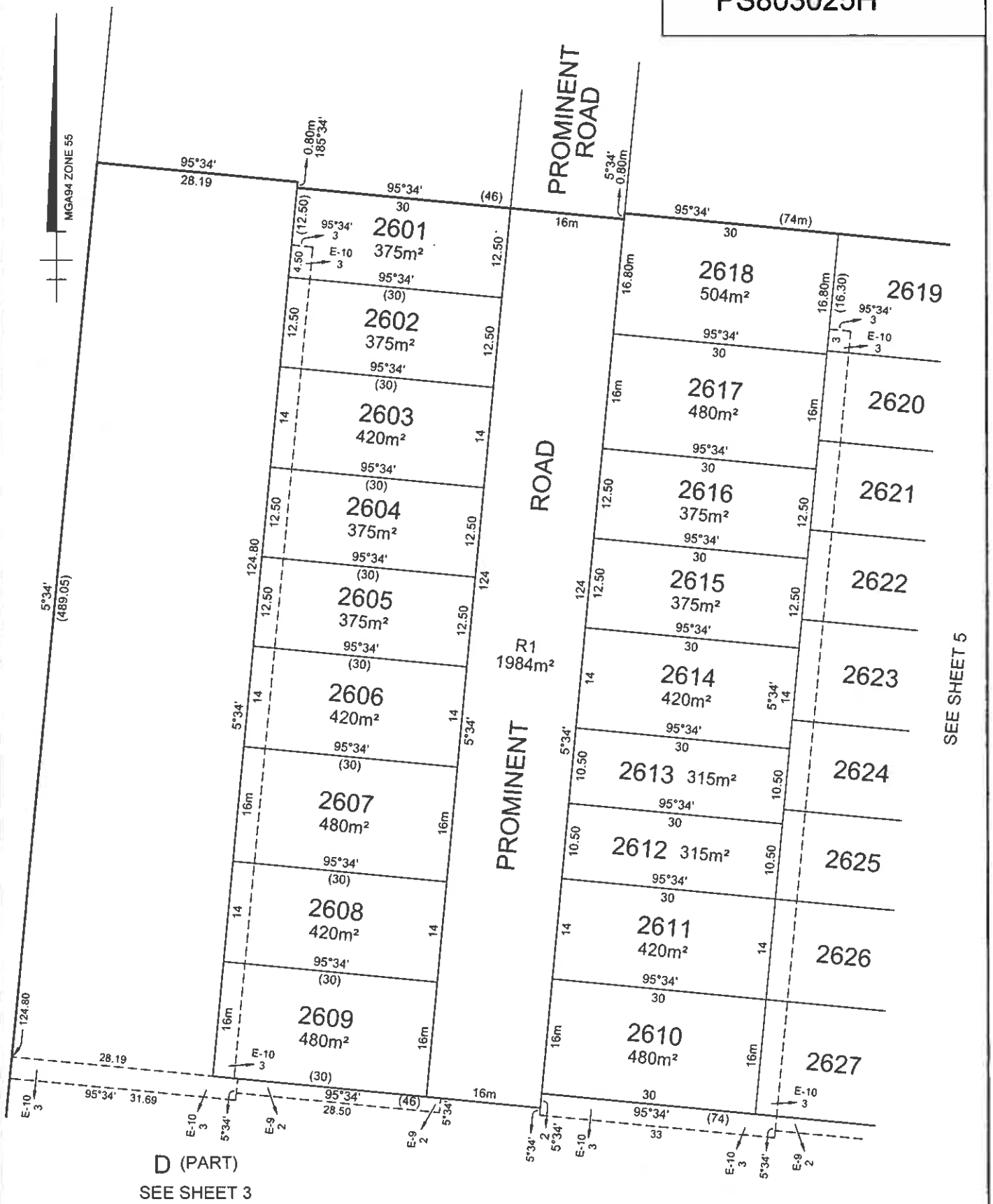
ORIGINAL SHEET SIZE: A3 | Ref 01112-S26 Ver 2 | SHEET 2

PS803025H



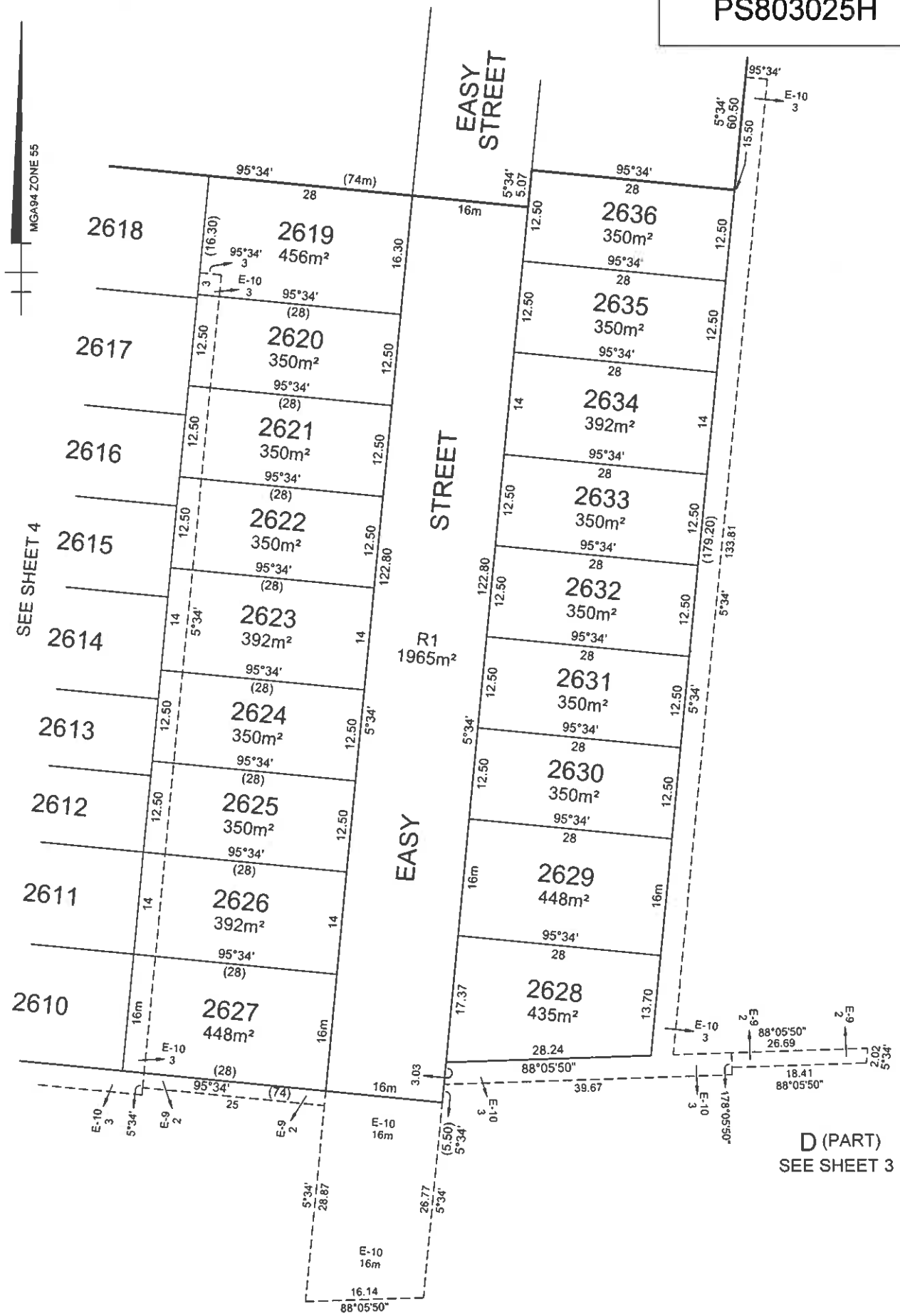
TAYLORS Urban Development | Built Environments | Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800 | Web: taylorsds.com.au	SCALE 1:4000	40 0 40 80 120 160 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S26 Ver. 2	SHEET 3
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 2				

PS803025H



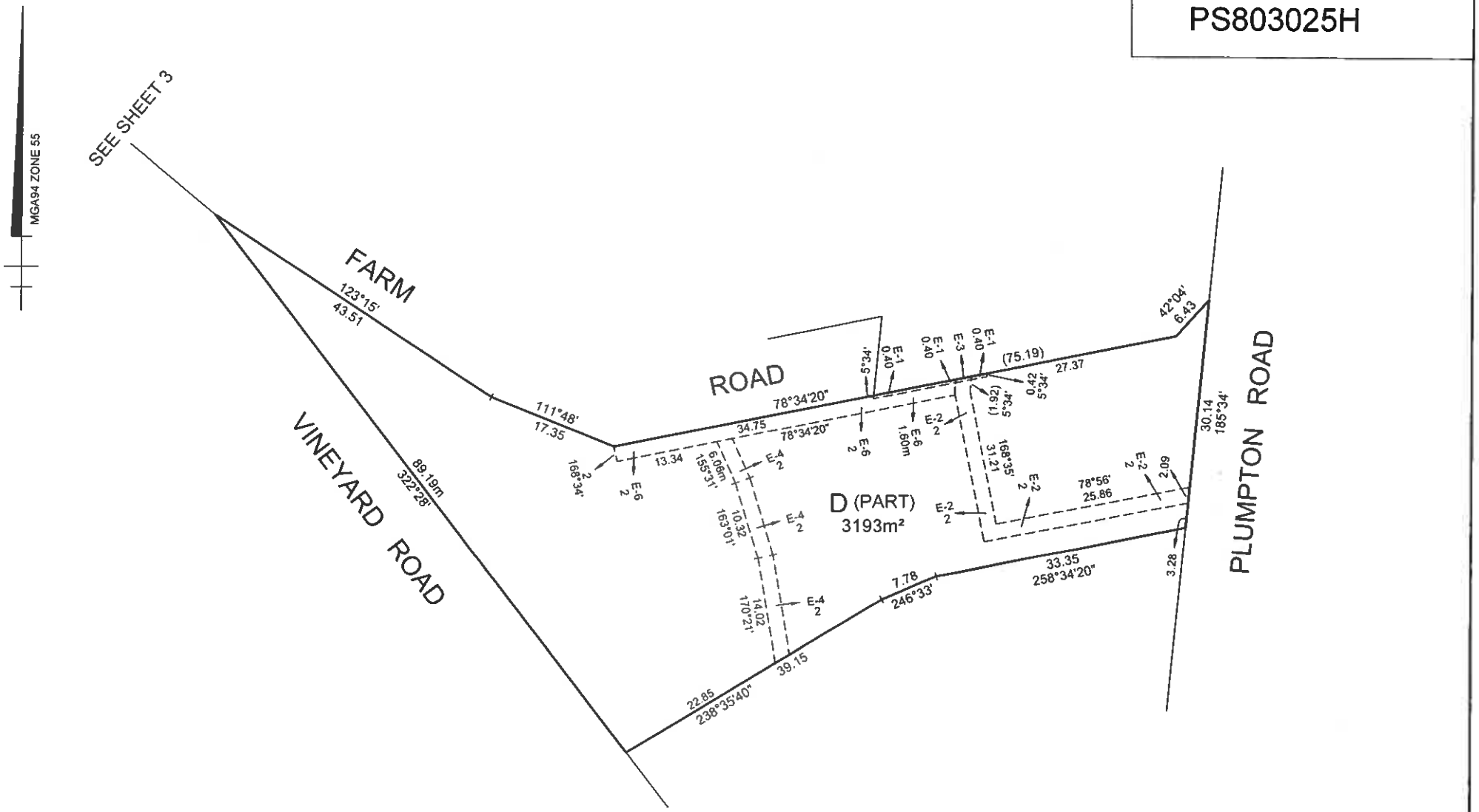
TAYLORS Urban Development | Built Environments | Infrastructure 8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168 Tel: 61 3 9501 2800 | Web: taylorsds.com.au	SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref: 01112-S26 Ver: 2 / SHEET 4
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 2			

PS803025H



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 1:500 5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S26 Ver. 2	SHEET 5
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 2			

PS803025H



TAYLORS

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8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168

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

SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S26 Ver. 2	SHEET 6

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 2

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

PLAN OF SUBDIVISION

EDITION 1

PS803026F

LOCATION OF LAND

PARISH: HOLDEN

TOWNSHIP: .....

SECTION: 13

CROWN ALLOTMENT: B (PART)

CROWN PORTION: .....

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: Lot D on PS803025H

POSTAL ADDRESS: (at time of subdivision) 120 Diggers Rest - Coimadai Road DIGGERS REST 3427

MGA 94 CO-ORDINATES: (of approx centre of land in plan) E: 297 130 ZONE 55 N: 5833 220

Council Name: Melton City Council

SPEAR Reference Number: S103690H

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	Melton City Council
Reserve No. 1	Melton City Council
Reserve No. 2	Jemena Electricity Networks (Vic) Ltd

NOTATIONS

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. 27
Area of Release: 3.656ha
No. of Lots: 44 Lots and Balance Lot F

NOTATIONS

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.

OTHER PURPOSE OF PLAN
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.
GROUNDS FOR REMOVAL:
By agreement between all interested parties.

EASEMENT INFORMATION

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

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

SURVEYORS FILE REF: Ref. 01112-S27 Ver. 1

ORIGINAL SHEET SIZE: A3

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 1

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

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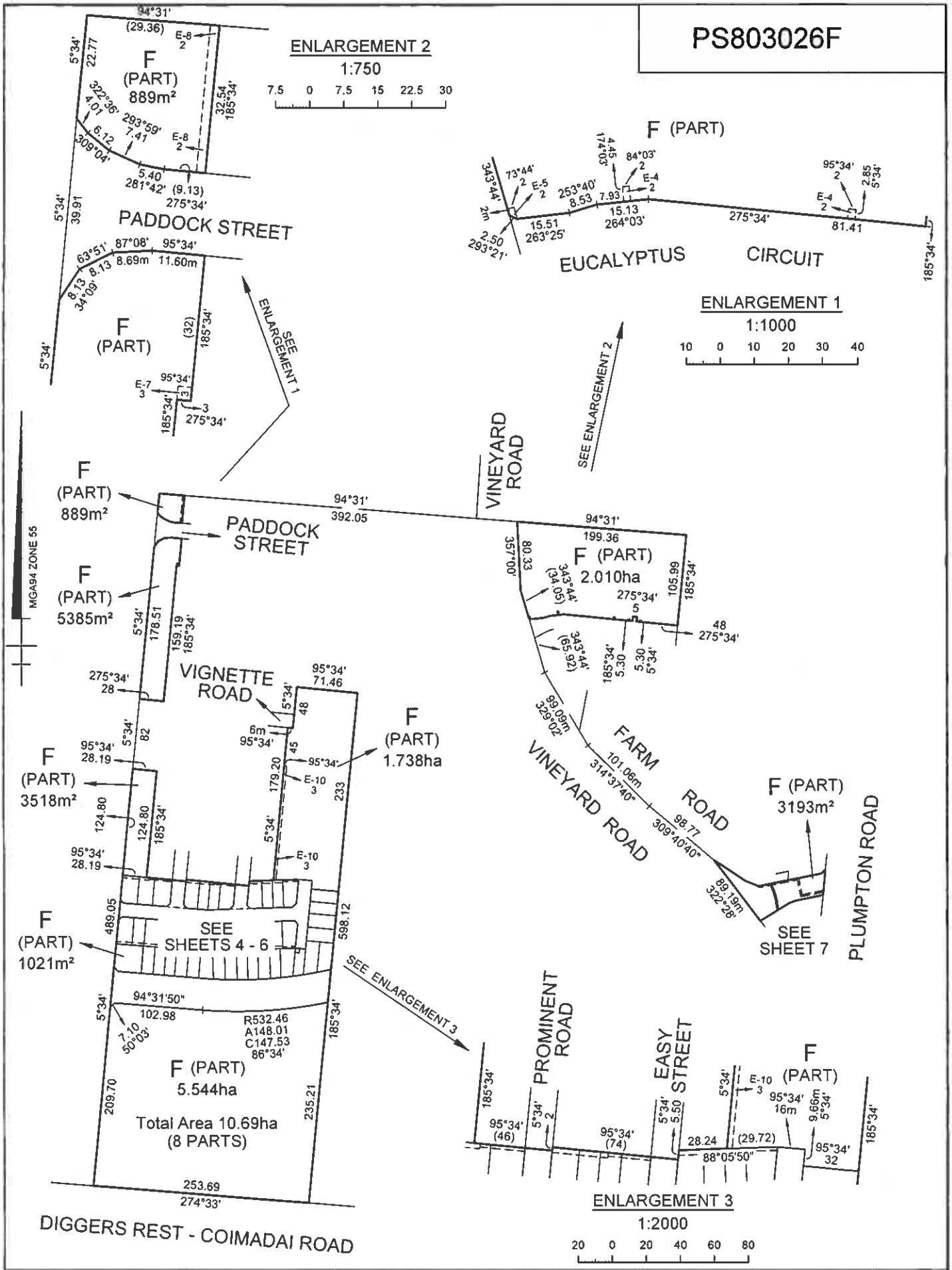
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 1

ORIGINAL SHEET SIZE: A3 | Ref. 01112-S27 Ver. 1 | SHEET 2

PS803026F



TAYLORS

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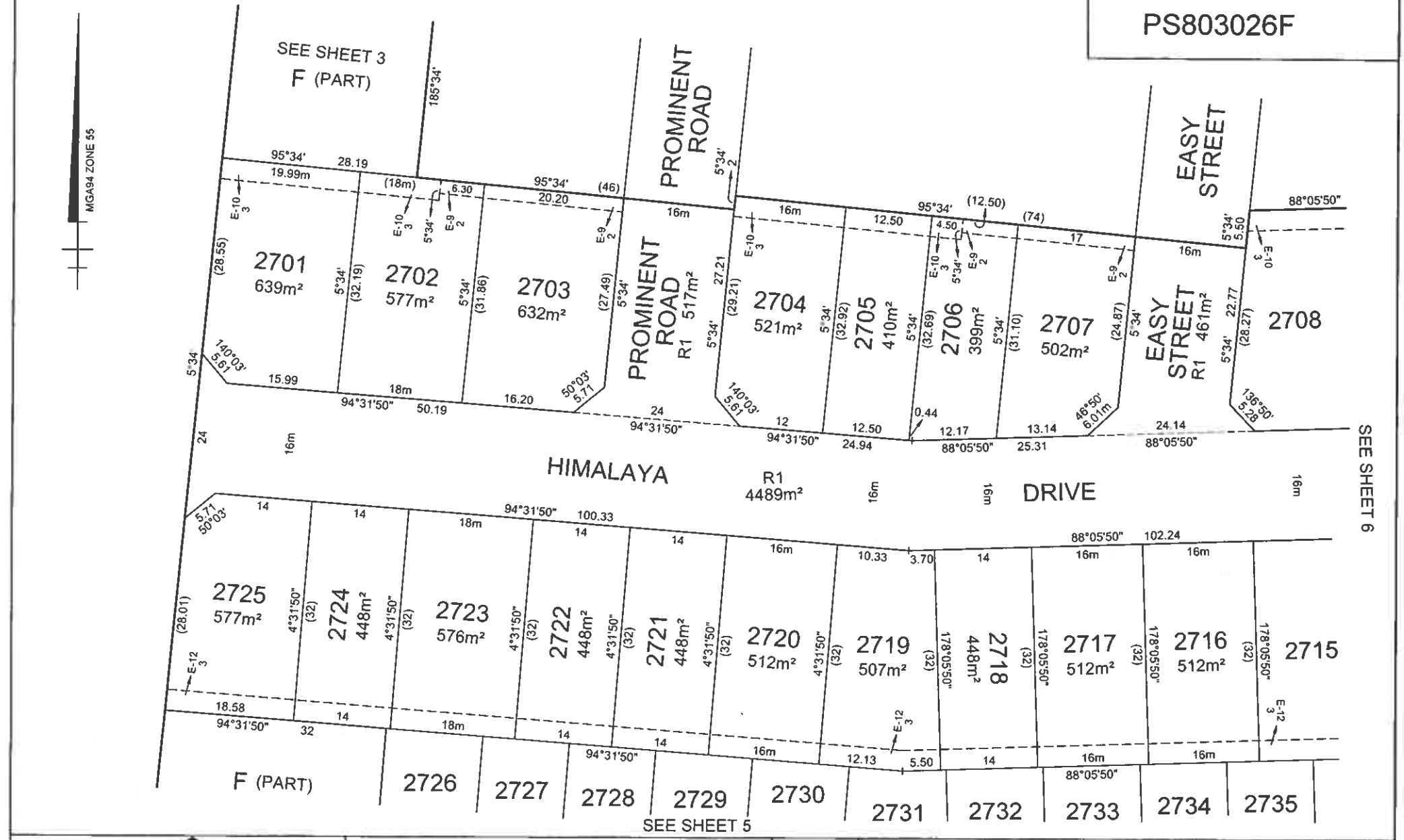
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE 1:4000	40 0 40 80 120 160 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S27 Ver. 1	SHEET 3
Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1				

PS803026F



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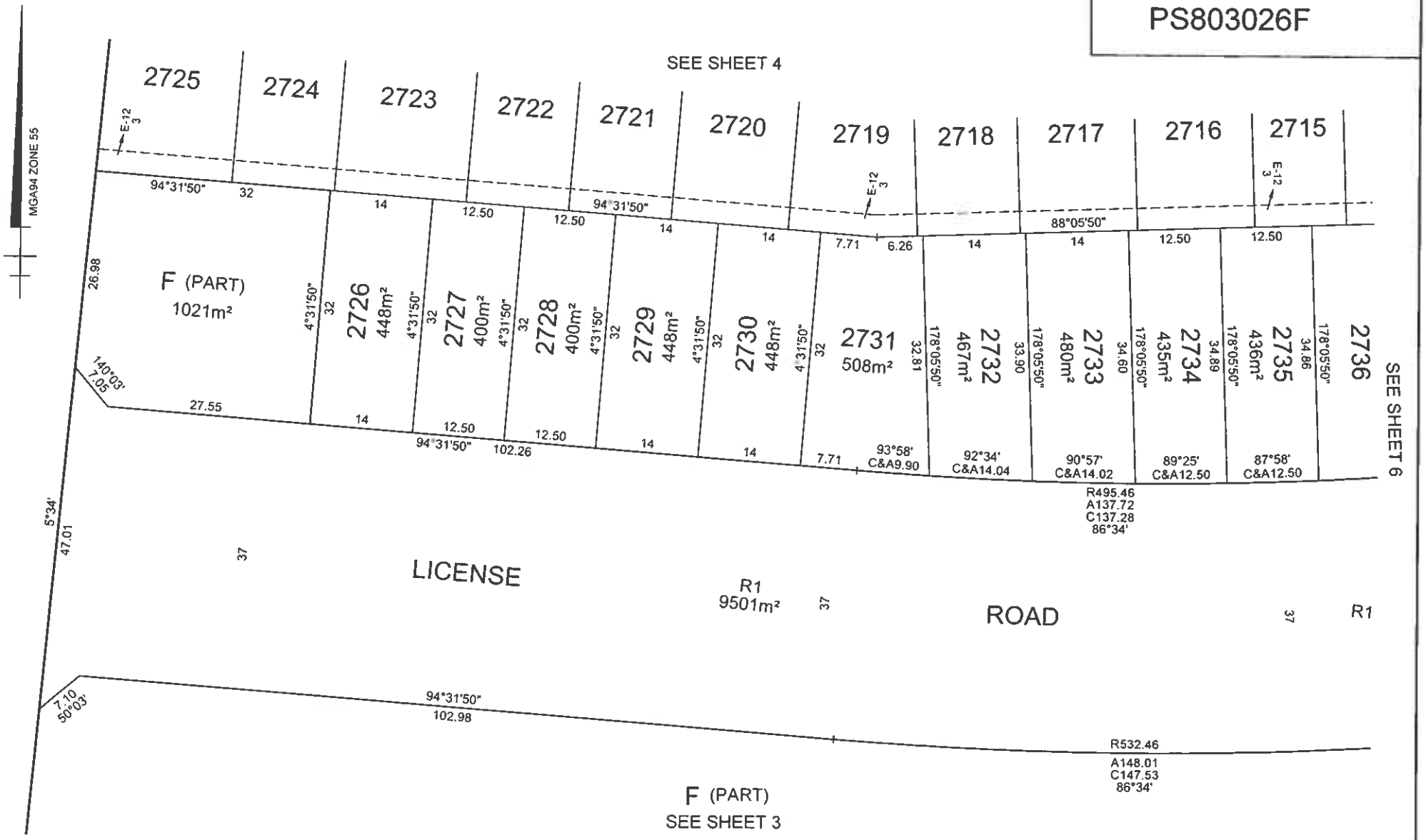
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE		ORIGINAL SHEET		SHEET
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ref. 01112-S27 Ver. 1	4

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS803026F



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Urban Development | Built Environments | Infrastructure

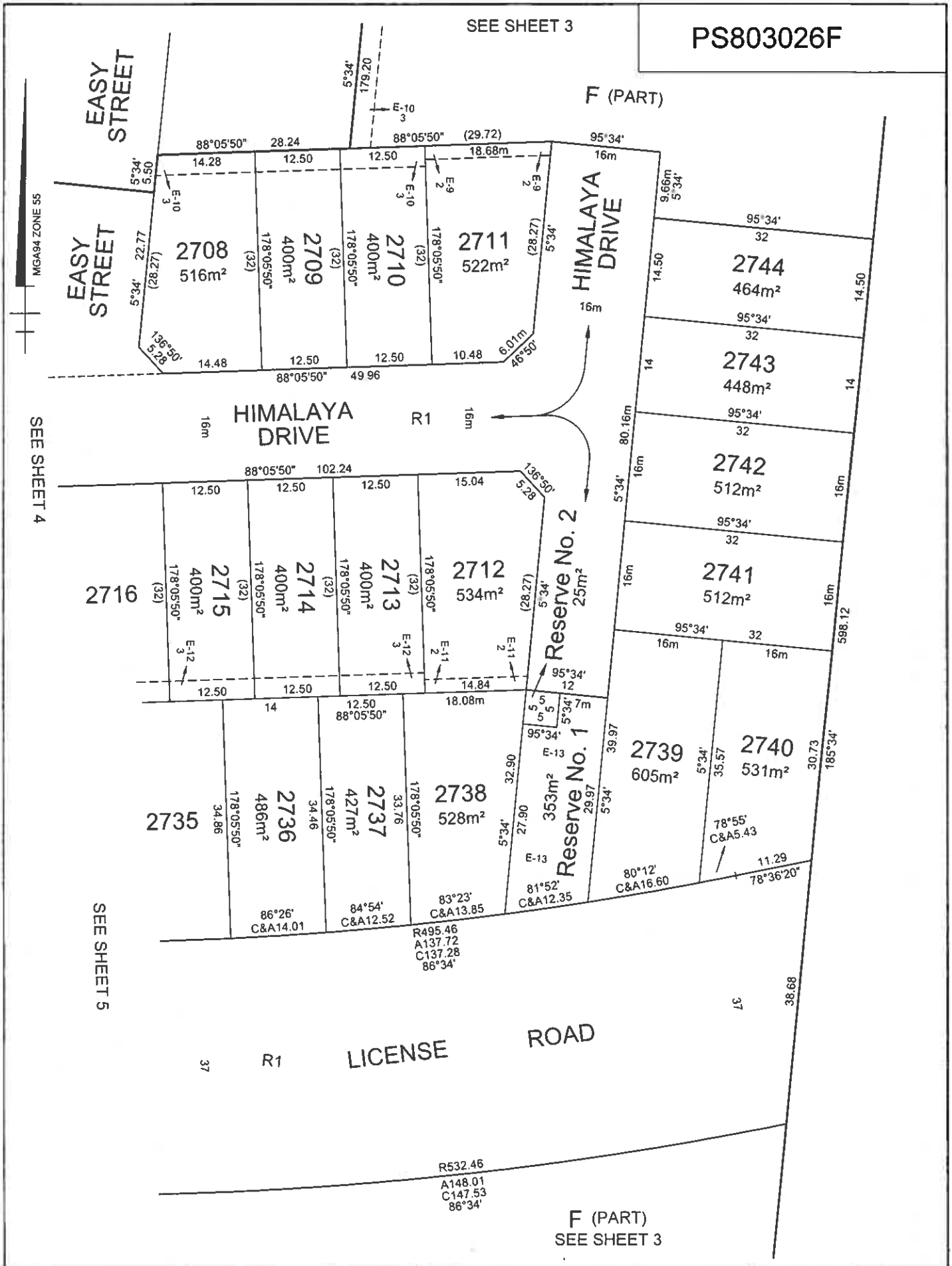
8 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE		ORIGINAL SHEET		
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ref. 01112-S27 Ver. 1	SHEET 5

Licensed Surveyor:

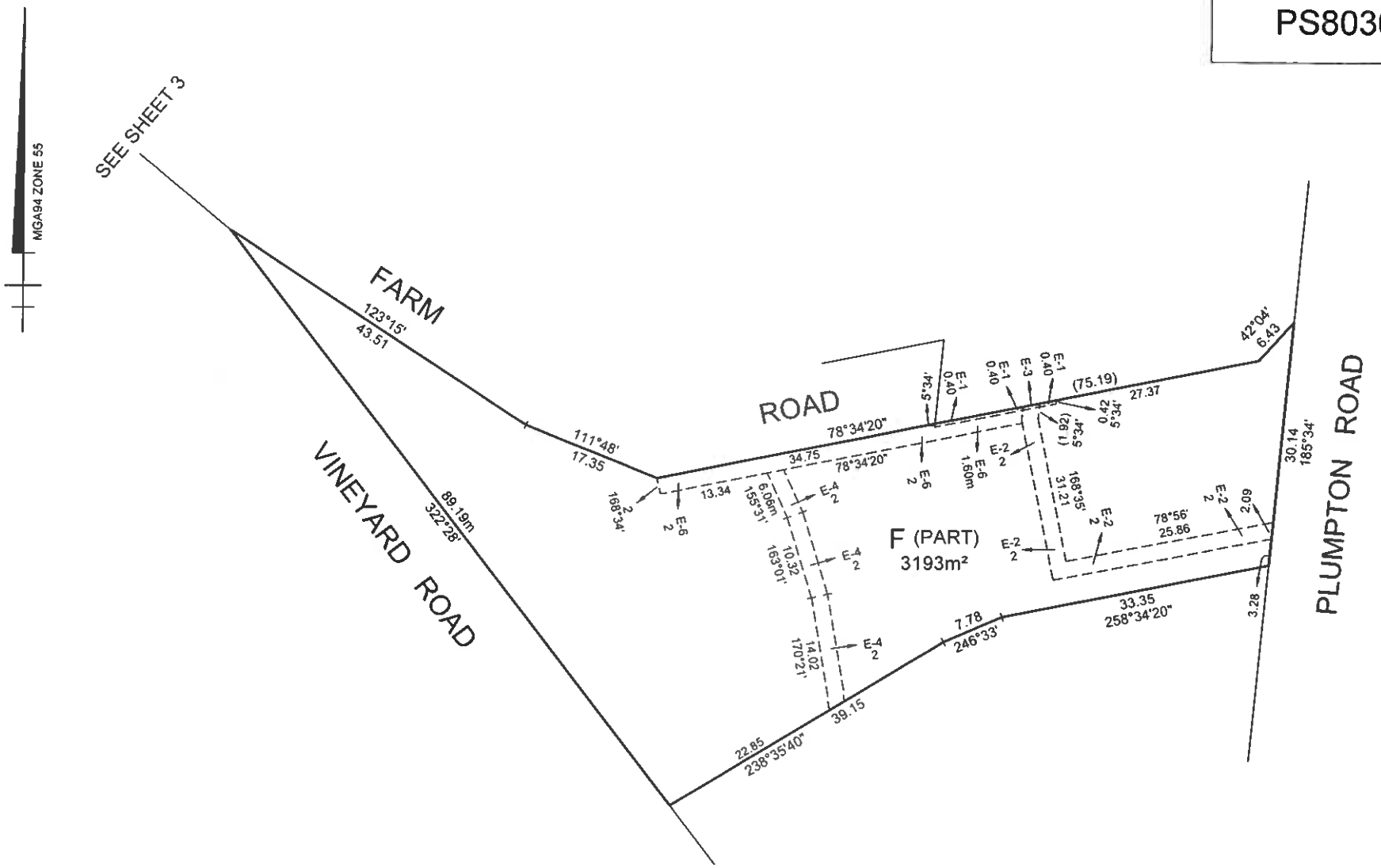
RICHARD ILLINGWORTH / Version No 1

PS803026F



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 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S27 Ver. 1	SHEET 6
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1				

PS803026F



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

SCALE 1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref. 01112-S27 Ver. 1	SHEET 7

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

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
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

PLAN OF SUBDIVISION

EDITION 1

PS803028B

LOCATION OF LAND

PARISH: HOLDEN

TOWNSHIP: .....

SECTION: 13

CROWN ALLOTMENT: B (PART)

CROWN PORTION: .....

TITLE REFERENCE: Vol. Fol.

LAST PLAN REFERENCE: Lot F on PS803026F

POSTAL ADDRESS: (at time of subdivision) 120 Diggers Rest - Coimadai Road DIGGERS REST 3427

MGA 94 CO-ORDINATES: (of approx centre of land in plan) E: 297 230 ZONE 55 N: 5833 380

Council Name: Melton City Council

SPEAR Reference Number: S103699S

VESTING OF ROADS AND/OR RESERVES

IDENTIFIER	COUNCIL/BODY/PERSON
ROAD R1	Melton City Council

NOTATIONS

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

NOTATIONS

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.

EASEMENT INFORMATION

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

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

SURVEYORS FILE REF: Ref. 01112-S28 Ver. 1

ORIGINAL SHEET SIZE A3

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 1

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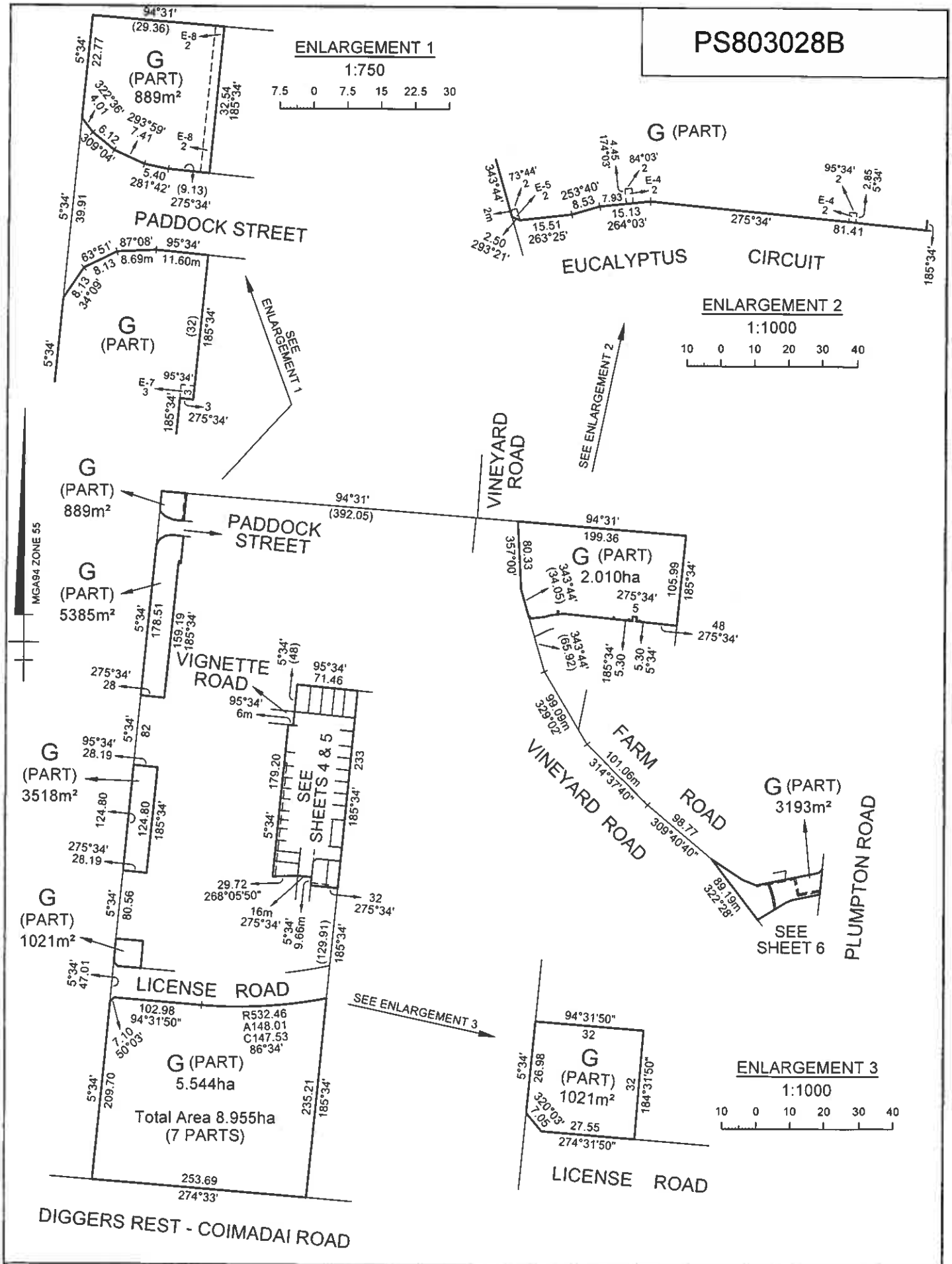
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

Licensed Surveyor:
RICHARD ILLINGWORTH / Version No 1

ORIGINAL SHEET SIZE: A3 | Ref. 01112-S28 Ver. 1 | SHEET 2

PS803028B



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 1:4000	40 0 40 80 120 160 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	Ref 01112-S28 Ver 1 / SHEET 3
	Licensed Surveyor: RICHARD ILLINGWORTH / Version No 1			

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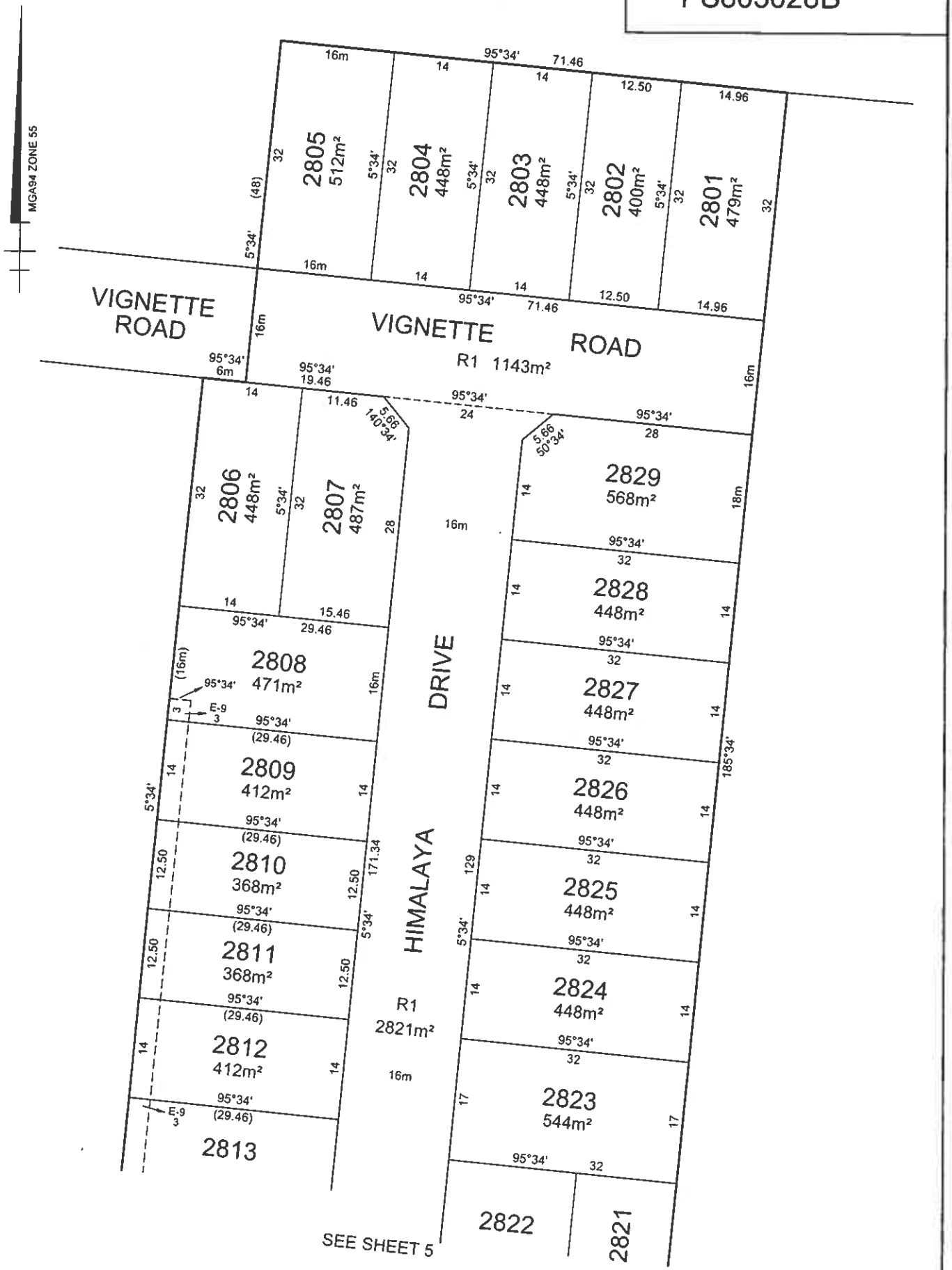

TAYLORS
Urban Development | Built Environments | Infrastructure
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Tel: 61 3 9501 2800 | Web: taylorsds.com.au

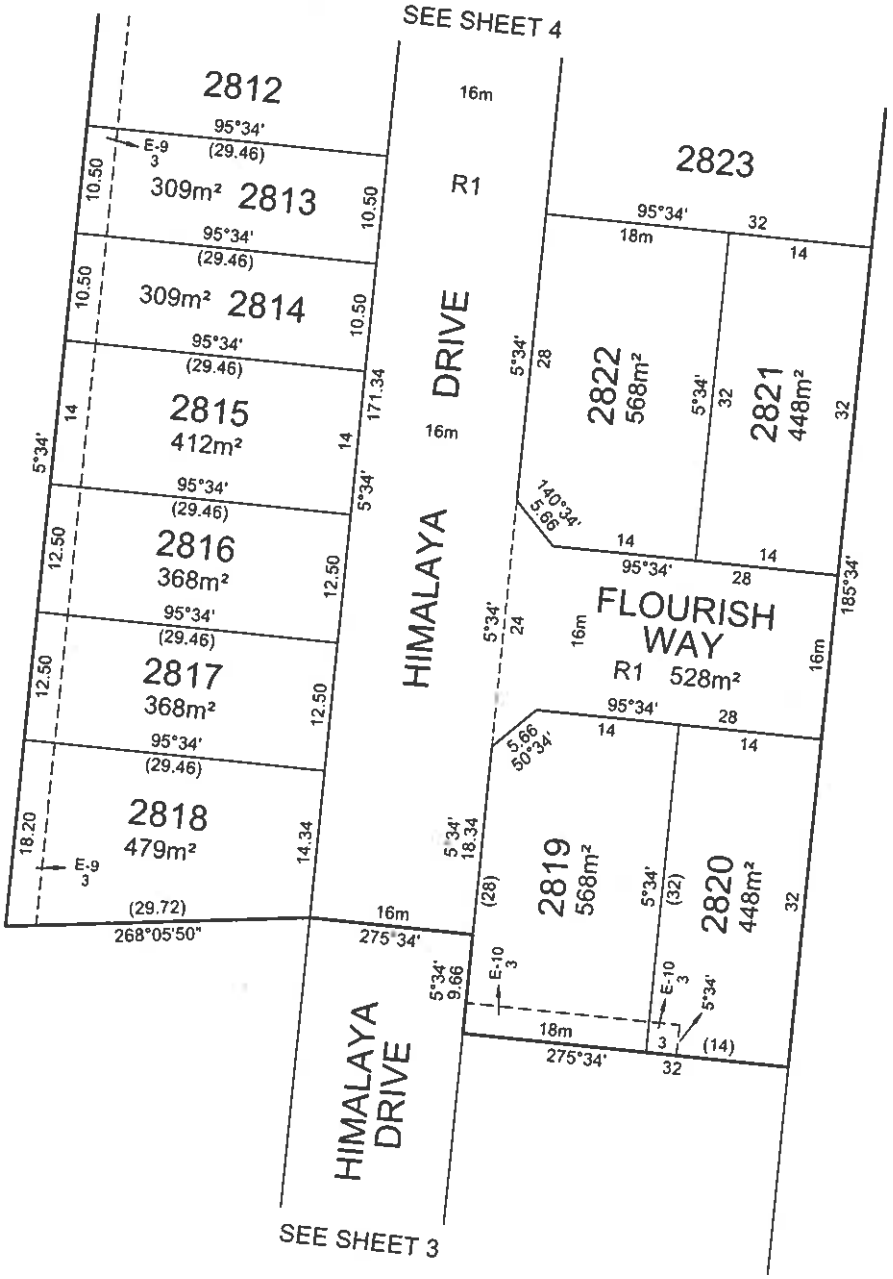
SCALE		ORIGINAL SHEET	Ref. 01112-S28	SHEET 4
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ver. 1	

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS803028B

MGA94 ZONE 55



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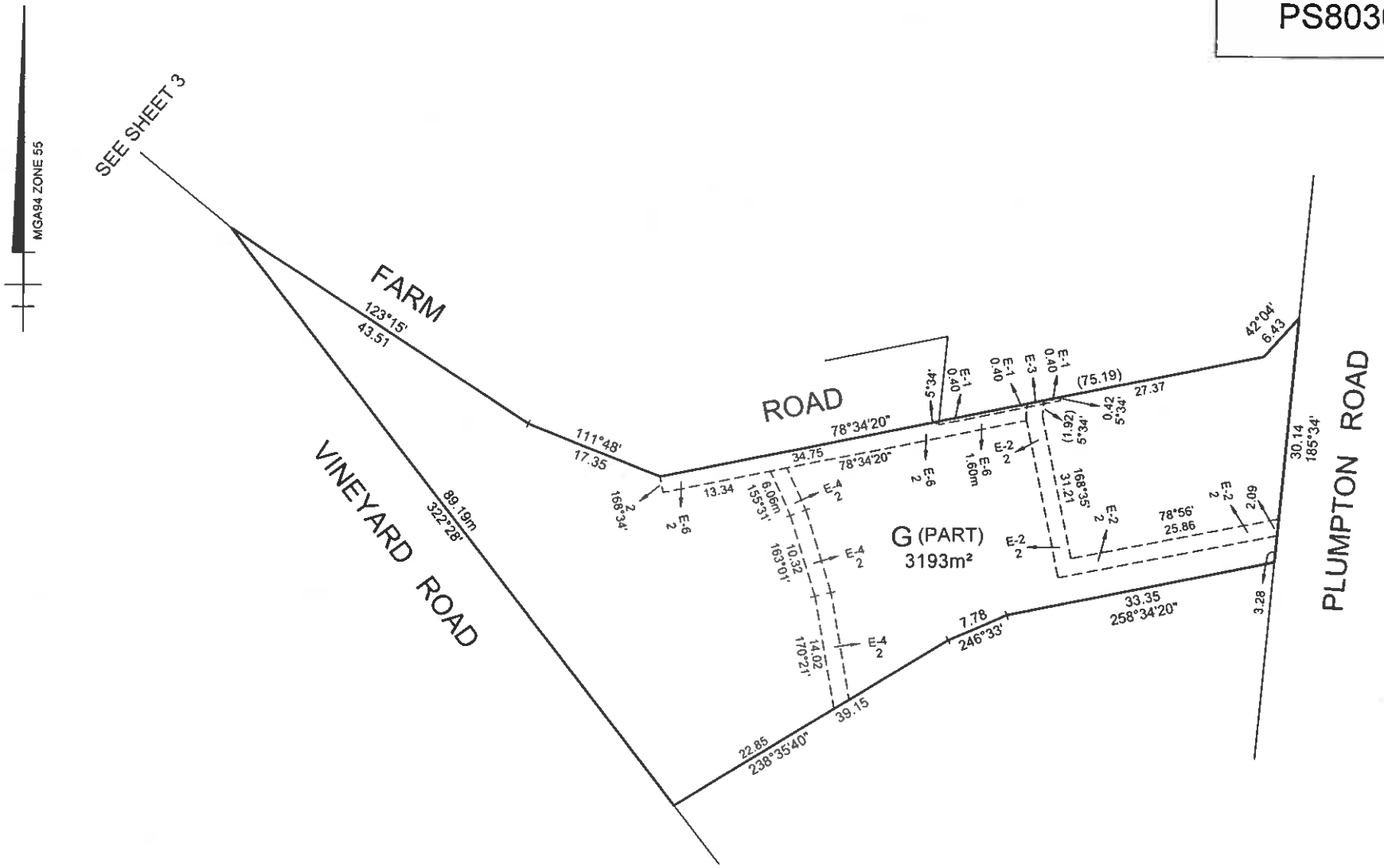
Tel: 61 3 9501 2800 | Web: taylorsds.com.au

SCALE		ORIGINAL SHEET	Ref. 01112-S28	SHEET 5
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ver. 1	

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

PS803028B



TAYLORS

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

SCALE		ORIGINAL SHEET		
1:500	5 0 5 10 15 20 LENGTHS ARE IN METRES	SIZE: A3	Ref. 01112-S28 Ver. 1	SHEET 6

Licensed Surveyor:

RICHARD ILLINGWORTH / Version No 1

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

Memorandum of Common Provisions

Section 91A Transfer of Land Act 1958

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Lodged by

Name:

Phone:

Address:

Reference:

Customer Code:

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

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THE BACK OF THIS FORM MUST NOT BE USED

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

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.

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A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m² 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 300m² 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) 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 600m².

On a lot greater than 600m², 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 600m²;

(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 300m², 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.

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^2.

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).

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).

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^2 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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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Provisions

1 **Bloomdale, Diggers Rest**
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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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A planning permit is not required to construct or extend one dwelling on a lot with an area less than 300m² 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 300m² 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) or contact the Council's Planning Department on 9747 7200.

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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 600m².

On a lot greater than 600m², 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 600m²;

(b) Corner lots and

(c) Lots identified as integrated housing sites.

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.

On lots less than 300m², 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.

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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.

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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.

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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.

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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

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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.

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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^2.

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.

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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).

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).

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 $15m^2$ 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name:

Phone:

Address:

Reference:

Customer Code:

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**
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.

THE BACK OF THIS FORM MUST NOT BE USED

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

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 300m² 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 300m² 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) 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 600m².

On a lot greater than 600m², 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 600m²;

(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 300m², 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.

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.

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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.

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

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

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- 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).

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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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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.

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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.

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

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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.

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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.

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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.

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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.

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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:

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

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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.

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).

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).

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 $15m^2$ 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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

Privacy Collection Statement
The information from this form is collected by the Registrar of Titles under statutory authority and is used for the purpose of maintaining publicly searchable registers and indexes.

Lodged by

Name:

Phone:

Address:

Reference:

Customer Code:

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.

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.

THE BACK OF THIS FORM MUST NOT BE USED

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

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 300m² 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 300m² 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) 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 600m².

On a lot greater than 600m², 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 600m²;

(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 300m², 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.

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^2.

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.

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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.

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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.

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The panels should follow the roof pitch.

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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.

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).

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).

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 $15m^2$ 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 $300m^2$;

Standard Lots are lots with an area greater than $300m^2$;

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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G1 Application to Record Notification

Section 201UB 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.

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Read this before you start

❶ Fill page 1 online ❷ Print form single sided ❸ 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 Seamer

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? 14273H Reference D/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

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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

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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
8954/155	9045/320	9109/397	9231/540	9396/903	9443/129	9509/863
8954/156	9045/942	9109/398	9231/982	9396/904	9443/131	9509/864
8954/157	9047/883	9109/399	9242/592	9399/506	9443/132	9516/669
8954/158	9052/355	9109/400	9254/011	9399/609	9443/133	9522/663
8954/159	9052/576	9109/401	9255/485	9399/692	9443/134	9522/664
8954/160	9070/221	9109/402	9256/159	9402/918	9443/135	9523/453
8954/161	9070/222	9109/403	9256/160	9405/500	9443/136	9523/503
8954/162	9070/223	9109/404	9268/683	9413/116	9443/137	9523/631
8954/163	9070/225	9109/405	9286/465	9413/117	9443/138	9535/088
8954/164	9070/226	9109/406	9286/466	9413/118	9443/139	9541/064
8954/165	9070/705	9109/407	9290/653	9415/811	9443/140	9541/065
8954/166	9070/706	9109/408	9297/658	9418/765	9443/149	9541/066
8954/167	9070/707	9109/409	9297/966	9425/584	9443/891	9541/067
8954/168	9070/708	9109/410	9304/796	9426/840	9443/892	9541/068
8954/169	9070/709	9109/411	9304/797	9426/841	9443/893	9545/891
8954/170	9070/710	9114/376	9304/798	9426/842	9443/894	9545/892
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
8954/174	9070/714	9116/691	9304/801	9427/545	9449/296	9551/550
8954/175	9070/715	9116/692	9304/802	9427/546	9449/754	9557/785
8954/176	9070/716	9116/693	9310/308	9427/547	9450/276	9562/454
8964/441	9070/717	9121/387	9312/072	9427/548	9450/277	9562/576
8965/616	9070/718	9127/837	9313/324	9427/549	9450/644	9562/578
8966/832	9070/719	9127/838	9316/884	9427/550	9450/645	9562/579
8968/228	9070/721	9127/839	9317/330	9427/551	9455/030	9567/415
8968/229	9070/722	9127/840	9317/333	9427/552	9455/031	9567/620
8972/099	9070/723	9128/176	9320/879	9427/553	9455/673	9567/621
8973/033	9072/040	9129/521	9325/244	9428/262	9460/163	9567/622
8973/034	9072/041	9131/866	9330/229	9431/900	9461/294	9570/889
8975/169	9075/435	9132/749	9330/230	9431/902	9465/003	9580/507
8975/839	9075/436	9132/777	9330/231	9433/597	9472/269	9597/854
8975/840	9075/462	9135/164	9330/233	9436/966	9474/075	9597/855
8975/877	9075/463	9153/820	9330/234	9436/967	9474/640	9599/616
8993/430	9075/464	9153/821	9332/088	9436/968	9476/274	9601/885
8994/128	9075/465	9157/636	9332/811	9437/677	9478/666	9606/826
8994/129	9075/466	9157/637	9341/958	9437/678	9478/667	9611/723
8994/130	9075/467	9157/638	9341/959	9437/679	9482/981	9621/312
8994/131	9075/468	9157/639	9341/960	9437/680	9484/167	9622/084
8995/457	9075/469	9157/835	9341/962	9437/681	9485/593	9622/085
9001/452	9080/872	9166/830	9347/470	9437/682	9485/594	9623/604
9001/453	9085/531	9166/837	9352/804	9437/683	9491/527	9623/605
9001/454	9099/906	9169/393	9361/565	9441/160	9495/269	9623/606
9001/455	9101/032	9169/394	9361/566	9442/494	9498/310	9623/607
9001/456	9102/501	9181/445	9366/602	9443/117	9500/229	9623/608
9001/457	9102/502	9181/446	9371/922	9443/118	9500/951	9623/609
9001/458	9108/040	9208/354	9375/940	9443/119	9500/952	9623/610
9001/459	9109/388	9210/643	9375/941	9443/120	9500/953	9623/611
9002/160	9109/389	9210/921	9375/942	9443/121	9501/211	9623/612

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Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol
9623/613	9673/428	9728/543	9829/356	9970/948	10075/222	10204/122
9623/614	9674/805	9728/544	9829/357	9970/951	10079/554	10204/123
9623/615	9675/726	9728/545	9829/358	9970/952	10079/690	10204/124
9623/616	9677/740	9728/546	9830/401	9970/953	10083/993	10215/726
9623/617	9679/029	9728/547	9830/402	9970/954	10086/279	10216/287
9623/619	9679/033	9728/548	9830/403	9972/230	10086/280	10216/288
9626/019	9679/311	9740/398	9830/404	9972/231	10090/359	10224/123
9626/020	9684/869	9742/415	9832/647	9972/232	10090/360	10240/186
9626/953	9687/142	9746/039	9840/914	9972/233	10090/361	10240/187
9626/955	9687/143	9748/454	9840/915	9972/234	10090/362	10240/188
9626/956	9687/144	9748/556	9849/394	9972/235	10090/363	10240/535
9626/957	9687/145	9748/557	9849/395	9972/236	10090/364	10246/337
9630/212	9688/099	9748/558	9861/497	9972/237	10090/365	10246/575
9630/984	9688/101	9750/863	9865/261	9972/238	10091/035	10250/581
9630/990	9688/102	9759/775	9874/890	9987/218	10091/036	10252/421
9630/992	9688/103	9759/776	9882/117	9987/219	10091/277	10252/422
9630/994	9688/104	9759/778	9885/340	9987/220	10092/073	10252/423
9633/191	9688/105	9759/779	9885/341	9987/221	10092/778	10252/424
9633/192	9688/106	9759/780	9885/342	9987/222	10092/780	10252/425
9633/683	9688/107	9760/269	9905/357	9987/223	10096/166	10252/427
9634/398	9691/598	9764/099	9905/358	9987/224	10098/928	10252/428
9634/399	9692/231	9764/100	9905/359	9987/225	10099/872	10252/429
9634/400	9693/576	9764/101	9910/749	9997/135	10100/202	10254/071
9638/744	9694/005	9765/602	9918/721	10003/280	10105/316	10262/461
9644/523	9694/335	9765/603	9918/722	10003/281	10105/927	10262/462
9649/080	9695/440	9766/531	9923/709	10014/256	10105/928	10266/617
9649/081	9696/624	9766/532	9923/710	10014/257	10106/700	10266/618
9649/082	9702/390	9767/467	9923/711	10027/604	10109/025	10266/741
9649/083	9705/352	9768/570	9923/712	10027/605	10109/636	10266/742
9650/368	9707/102	9768/571	9947/123	10027/606	10109/637	10266/743
9650/372	9708/147	9769/942	9947/617	10028/646	10112/478	10266/744
9650/990	9709/028	9770/105	9947/618	10028/647	10112/479	10268/651
9650/991	9709/029	9770/106	9947/619	10032/880	10112/670	10268/652
9651/522	9712/250	9770/107	9948/964	10032/881	10112/671	10268/653
9651/523	9713/988	9774/204	9948/965	10036/124	10112/672	10268/654
9651/524	9714/155	9775/458	9950/364	10037/611	10112/673	10277/878
9651/525	9714/156	9792/813	9951/490	10041/276	10112/674	10285/602
9651/526	9720/177	9793/360	9952/991	10041/277	10115/393	10285/603
9651/527	9724/873	9793/942	9957/021	10041/371	10120/421	10290/323
9651/528	9724/874	9793/943	9957/022	10042/477	10129/463	10290/892
9658/130	9724/875	9795/892	9957/039	10042/478	10130/052	10301/438
9658/132	9724/876	9800/718	9957/043	10044/151	10130/069	10303/154
9659/213	9724/877	9800/719	9957/044	10048/733	10131/615	10313/134
9660/062	9724/878	9806/588	9957/078	10050/965	10153/600	10313/135
9662/160	9724/879	9806/589	9960/867	10053/295	10153/601	10313/734
9665/565	9724/880	9811/874	9965/837	10053/790	10153/602	10315/519
9666/175	9724/881	9814/220	9965/838	10053/791	10154/036	10316/140
9666/176	9726/419	9820/889	9965/839	10060/124	10156/380	10316/288
9666/183	9726/420	9821/870	9965/840	10062/529	10156/381	10316/289
9666/184	9728/023	9823/135	9965/841	10062/530	10159/328	10316/290
9666/185	9728/024	9823/136	9970/942	10070/496	10162/885	10316/349
9666/186	9728/025	9823/137	9970/943	10073/293	10164/963	10316/350
9670/658	9728/537	9823/138	9970/944	10073/294	10175/560	10318/536
9671/129	9728/539	9824/685	9970/945	10073/295	10185/068	10318/537
9673/427	9728/541	9826/511	9970/946	10073/296	10190/317	10333/066

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Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol	Vol/Fol
10333/067	10526/721	10658/192	10792/448	10946/870	11132/117
10334/568	10528/300	10662/498	10797/261	10946/871	11132/118
10335/655	10528/301	10662/905	10797/262	10946/872	11132/119
10335/711	10531/043	10664/424	10799/136	10946/873	11132/121
10335/712	10531/176	10685/975	10799/137	10946/874	11132/122
10344/121	10531/177	10685/976	10800/510	10946/875	11139/257
10344/122	10531/178	10686/142	10800/511	10946/876	11139/643
10344/123	10532/115	10686/732	10802/054	10948/003	11139/652
10344/124	10544/086	10686/733	10802/055	10948/004	11139/655
10344/125	10545/750	10688/266	10802/058	10959/268	11139/664
10344/126	10548/731	10688/267	10807/165	10975/323	11139/674
10344/127	10552/867	10688/269	10813/586	10976/085	11139/675
10346/494	10556/170	10688/270	10817/337	10988/204	11152/077
10353/886	10558/304	10693/364	10817/338	10988/545	11161/381
10354/999	10561/160	10693/365	10817/868	10995/844	11161/384
10355/000	10561/161	10694/988	10819/698	10995/845	11161/386
10355/953	10561/162	10694/989	10820/188	10995/846	11164/783
10369/869	10561/163	10700/037	10820/189	10996/773	11179/263
10369/870	10562/111	10700/038	10822/044	10996/774	11179/264
10369/871	10562/294	10701/532	10822/045	11005/306	11179/265
10374/689	10566/432	10703/118	10828/645	11005/307	11179/266
10377/057	10566/433	10703/119	10828/646	11005/737	11179/267
10377/058	10570/229	10705/178	10828/647	11006/657	11179/268
10377/059	10570/230	10708/397	10831/730	11009/588	11179/269
10377/060	10571/375	10708/398	10831/731	11009/589	11179/270
10389/470	10571/376	10709/167	10842/954	11010/176	11179/271
10390/602	10588/637	10716/689	10842/955	11016/854	11179/272
10390/930	10593/753	10717/931	10847/300	11016/855	11179/273
10390/931	10593/754	10717/932	10848/470	11021/249	11179/274
10394/754	10594/817	10722/615	10849/145	11027/399	11179/479
10396/229	10611/318	10722/616	10849/430	11033/541	11179/674
10396/230	10611/319	10725/166	10849/432	11040/580	11182/695
10397/864	10611/320	10725/167	10850/783	11041/327	11190/398
10397/865	10611/397	10731/389	10853/767	11041/824	11191/485
10397/866	10611/398	10737/775	10853/768	11054/168	11191/486
10397/867	10618/032	10737/776	10854/734	11054/169	11196/226
10413/619	10620/794	10743/426	10861/940	11054/490	11196/588
10418/076	10620/795	10743/427	10870/979	11084/517	11208/128
10422/004	10629/942	10756/924	10870/980	11084/832	11208/177
10438/885	10632/525	10756/925	10871/183	11084/833	11208/231
10442/555	10632/526	10757/518	10871/184	11084/970	11208/537
10444/858	10632/527	10758/481	10875/508	11087/928	11208/608
10453/741	10632/738	10758/482	10880/402	11088/975	11208/625
10458/789	10632/904	10760/451	10880/694	11088/976	11209/231
10460/912	10632/966	10763/699	10893/028	11098/492	9488/220A
10465/096	10641/468	10773/948	10893/029	11098/493	
10465/836	10641/469	10773/949	10899/206	11103/769	
10469/542	10641/531	10786/540	10899/207	11109/680	
10469/543	10645/136	10786/541	10910/444	11111/297	
10470/800	10646/764	10788/845	10910/445	11115/575	
10470/801	10653/831	10788/846	10915/748	11115/576	
10477/531	10653/832	10788/847	10915/940	11117/092	
10495/800	10655/572	10791/617	10915/941	11117/093	
10498/611	10655/573	10791/618	10939/871	11121/146	
10526/720	10655/732	10791/977	10946/869	11126/028	

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maintaining publicly searchable registers and indexes.

Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 **Planning and Environment Act 1987**

Form 18

Lodged by:

Name:	MADDOCKS
Phone:	9258 3555
Address:	Level 6, 140 William Street, Melbourne, Victoria, 3000
Ref:	NFH:NJS 5922080
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:

The whole of the land described in Volume 11499 Folio 962 and Volume 11500 Folio 774 and Volume 4658 Folio 415.

Responsible Authority: Melton City Council of 232 High Street, Melton in the State of Victoria

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

A copy of the Agreement is attached to this Application

Date: 22-10-14

Signature for Responsible Authority: .....

Name of officer: Broowyn Pettitt

Position held: Coordinator Major Developments

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SECTION 173 AGREEMENT

MELTON CITY COUNCIL
(Council)

- and -

INVESTA NOMINEES (2) PTY LTD (ACN 128 351 011)
(Owner)

Harwood Andrews
ABN 98 076 868 034
70 Gheringhap Street, Geelong 3220, Victoria, Australia
DX 22019 Geelong
PO Box 101 Geelong Vic 3220

T 03 5225 5225 F 03 5225 5222

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THIS AGREEMENT is made on the 5 day of September 2014.

PARTIES:

1. **MELTON CITY COUNCIL** of 232 High Street, Melton in the State of Victoria ("Council"); and

2. **INVESTA NOMINEES (2) PTY LTD (ACN 128 351 011)** of Level 6, 126 Phillip Street Sydney NSW 2000 ("Owner").

RECITALS:

R1. The Council is the responsible authority under the Planning Scheme for the purposes of administering the provisions thereof.

R2. The Owner is the registered proprietor of the land known as 85 Davis Road Diggers Rest Vic 3427 being the land described in certificate of title volume 10048 folio 733 ("the 85 Davis Road Land").

R3. The Owner is the ~~registered~~ proprietor part of the land known as 62-140 Diggers Rest – Coimadai Road, Diggers Rest being the land described in Volume 11499 Folio 962 ("the 62-140 Diggers Rest – Coimadai Road Land").

R4. The Owner is the anticipated purchaser under put and call option of the land at 146-498 Diggers Rest Coimadai Road, Diggers Rest being the land described in Volume 4658 Folio 415 ("the 146-498 Diggers Rest – Coimadai Road Land").

R5. The Owner enters this Agreement:

i) Pursuant to section 173(1) of the Act as the registered proprietor of the 85 Davis Road Land; and

ii) Pursuant to section 173(3) of the Act as the anticipated purchaser of the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road Land.

R6. The Council has issued the Planning Permit in respect of and affecting the 85 Davis Road Land, which includes condition 8 requiring the Owner to enter into this Agreement.

R7. This Agreement is 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).

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R8. This Agreement is entered into between the Council and the Owner pursuant to section 173 of the Act, in order to:

i) 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

ii) achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Land.

R9. The 85 Davis Road Land is subject to registered mortgage No. AH626920H registered on 22 November 2010 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.

R10. The 85 Davis Road Land is subject to registered mortgage No. AH735822Y registered on 19 January 2011 in favour of Joanna Kastaniotis, Katina Drakakis, Georgia Dacakis and Nikolaos Dacakis, which Mortgagees, as evidenced by their consent on the attestation pages, consent to this Agreement and, in the event that they become a mortgagees in possession, to be bound by this Agreement.

OPERATIVE PART:

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1. THE PARTIES AGREE AS FOLLOWS:

1.1. Definitions

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

1.1.1. "Act" means the Planning and Environment Act 1987.

1.1.2. "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.

1.1.3. "Approved Plans" means the plans for each Infrastructure Project approved by Council under clause 3.5 of this Agreement.

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1.1.4. "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.

1.1.5. "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.

1.1.6. "DCP" means the Diggers Rest Development Contributions Plan dated March 2012, prepared by Growth Areas Authority as may be amended from time to time.

1.1.7. "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.

1.1.8. "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.

1.1.9. "Developed Lot" means a lot in respect of which there is no Development Infrastructure Levy payable or the Development Infrastructure Levy has been satisfied.

1.1.10. "Further Planning Permit" means any permit granted for the balance of the Land.

1.1.11. "Infrastructure Project" means an infrastructure project included in the Works Schedule and in the DCP.

1.1.12. "Land" means, subject to clause 10.2, each of:

(a) the 85 Davis Road Land;

(b) the 62-140 Diggers Rest – Coimadai Road Land ; and

(c) the 146-498 Diggers Rest – Coimadai Road Land.

1.1.13. "Maintenance Period" has the meaning given in clause 7.2.

1.1.14. "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 85 Davis Road Land, the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road Land or any part of it.

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1.1.15. "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 85 Davis Road Land or any part of it and includes a Mortgagee-in-possession.

1.1.16. "party or parties" means the Owners and Council under this Agreement as appropriate.

1.1.17. "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.

1.1.18. "Planning Permit" means planning permit No PA2012/3787 issued by the Council under the Planning Scheme and which relates to part of the 85 Davis Road Land.

1.1.19. "Planning Scheme" means the Melton Planning Scheme and any other planning scheme which applies to the Land.

1.1.20. "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.

1.1.21. "Precinct Structure Plan" means the plan prepared by Growth Areas Authority entitled the Diggers Rest Precinct Structure Plan dated March 2012.

1.1.22. "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.

1.1.23. "Serviced" means delivered with electricity, water, gas sewerage and any other service normal to the delivery of land to the relevant lot.

1.1.24. "Statement of Compliance" means a statement of compliance issued under the Subdivision Act 1988.

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1.1.25. "62-140 Diggers Rest – Coimadai Road Land" means the land referred to in Recital R3.

1.1.26. "146-498 Diggers Rest – Coimadai Road Land" means the land referred to in Recital R4.

1.1.27. "85 Davis Road Land" means the land referred to in Recital R2.

1.1.28. "Termination Date" means:

(a) the latter of:

a. 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

b. 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.

1.1.29. "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 85 Davis Road Land, the 62-140 Land and the 146-498 Land and in respect of which the Owner must submit detailed plans to Council's satisfaction in accordance with the Agreement.

1.1.30. "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.

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.

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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 85 Davis Road Land, the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest –

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Coimadai Road 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 85 Davis Road Land, the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road 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.

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 85 Davis Road Land, the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road 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:

i) 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;
ii) Serviced (except for roads) to the satisfaction of Council; and
iii) 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 in 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:

i) indemnifies the Council in respect of the GAIC liability;

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ii) 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;

iii) 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;

iv) 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.

v) And in any case must pay the GAIC amount to Council:

- within 5 years transfer or vesting of the land in Council (whether triggered by a Council activity at that time or not); or
- 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:

i) 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;

ii) 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 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

iii) 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.

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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.

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 onPractical Completion for the relevant Works unless otherwise agreed by Council in writing.

3.1.2 the credit to which the Owner shall be entitled 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

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commence on the dates indicated in the note 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 pursuant 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 an 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 rather than undertaking Works and must submit an amended PIP for endorsement accordingly.

Payment of Credit

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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 85 Davis Road Land and the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road Land.

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.

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:

(a) be constructed in accordance with the Approved Plans;

(b) accord with any conditions on the Approved Plans;

(c) be constructed to the satisfaction of Council;

(d) be in accordance with the specifications, requirements and any necessary approvals of all relevant authorities;

(e) be maintained free of defects for a period of 3 months from the date that the works vest in Council pursuant to clause 7.1 or the date of Practical Completion where the land is already vested in Council;

(f) comply with any State or Federal law.

Credit Rollover

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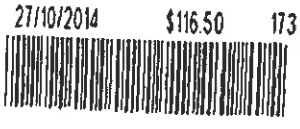

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3.8. In the event that the Owner may be provided with a cash payment by Council in accordance with clause 3.2 of this Agreement, the Council may at the request of the Owner, using its absolute discretion, apply such credit as a paid Development Infrastructure Levy to any other parcel of land (which is additional to the 85 Davis Road Land, the 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road 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.

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 85 Davis Road 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 85 Davis Road 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 85 Davis Road 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 85 Davis Road Land or any part thereof without first providing to their successors a copy of this Agreement.

4.1.5 The Owner will within 28 days of written demand pay to the Council the Council's reasonable costs (including legal costs) and expenses of and incidental to the preparation, execution, any amendment, and registration and

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if the Owner is in breach of this Agreement, enforcement of the Agreement and the consideration, assessment, negotiation and registration of any proposed amendment to this Agreement. To the extent that such costs and expenses constitute legal professional costs, the Council may at its absolute discretion have these costs assessed by the Law Institute of Victoria and in that event the parties shall be bound by the amount of that assessment, with any fee for obtaining such an assessment being borne equally by Council and the Owner. Such costs payable by the Owner shall include the costs and disbursements associated with the registration of the Agreement on the titles to the Land and removal therefrom.

4.2 Subject to clauses 10 and 22, the Owner must ensure that, until this Agreement is recorded on the folio of the register which relates to the Land, it, and the Owner's successors in title, will:

a) give effect to, do all acts and sign all agreements requiring those successors to give effect to this Agreement; and

b) execute a deed agreeing to be bound by this Agreement.

5. COUNCIL'S COVENANTS

The Council agrees that:

5.1 It must apply the Development Infrastructure Levy paid by the Owner towards the construction of Infrastructure Projects.

5.2 The total of the Development Infrastructure Levy paid by the Owner, will be held and applied by the Council as a payment under the DCP.

5.3 When the Works for an Infrastructure Project have reached completion to the satisfaction of Council, the Council must issue Practical Completion for those Works.

6. APPLICATION OF CONTRIBUTIONS

The parties acknowledge and agree that:

i. The Council may in it absolute discretion determine how, and to which Infrastructure Projects, it directs the application of the Development Infrastructure Levy; ·

ii. In the event that the Council has insufficient funds to complete all Infrastructure Projects under the DCP, it must apply towards the Infrastructure Projects any funds it

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has received from the Owner as a Development Infrastructure Levy in accordance with the DCP and the Act; and

iii. The Council will account for all Development Infrastructure Levy payments made by the Owner within an account relevant to the DCP. All funds will be held within an interest bearing account with a major Australian trading bank.

iv. The Council are to provide a quarterly report on request by the Owner detailing the status of the account.

v. 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.

7. TRANSFER OF OWNERSHIP OF WORKS

7.1 The ownership of the land containing the Works and the Works will be transferred 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"):

a) the date of Practical Completion; or

b) 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:

a) as required under clause 52.01 of the Planning Scheme, the PSP and the DCP;

b) 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.

9. REGISTRATION OF AGREEMENT

9.1 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 62-140 Diggers Rest – Coimadai Road Land and the 146-498 Diggers Rest – Coimadai Road Land and certificates of title Volume 11500 Folio 774 pursuant to the provisions of Section 181 of the Act.

10. APPLICATION OF AGREEMENT TO THE LAND

10.1 The parties agree that the PIP and this Agreement are intended to apply to the Land.

10.2 Despite any other provision of this Agreement, Council acknowledges and agrees that this Agreement shall have no application or effect in relation to the 146-498 Diggers Rest – Coimadai Road Land or the owner of that land until such time as Investa Nominees (2) Pty Ltd (ACN 128 351 011) becomes the registered proprietor of that land.

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10.3 In the event that the Owner does not become the registered proprietor of all of the Land by 31 December 2015 or the Owner notifies Council that it will not become the become the registered proprietor of the 146-498 Diggers Rest – Coimadai Road Land:

a) the Owner must submit to the Council a revised PIP for approval which takes account of the reduced land the subject of this Agreement; and

b) Council must 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 end this Agreement in respect of the 146-498 Diggers Rest – Coimadai Road Land.

11. AMENDMENT

This Agreement may be amended only in accordance with the requirements of the Act.

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.

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 85 Davis Road Land or relating to any use or development of the 85 Davis Road 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 contribute to or provide roads.

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14. NOTICE

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 not later than two business days after being deposited in the mail with postage prepaid;

14.2 when delivered by hand;

14.3 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

14.4 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.

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.

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.

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.

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

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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.

18.3 Council acknowledges that the credit accrued to the Owner under this Agreement may be transferred by the Owner:

i. 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.

ii. 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.

iii. 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.

19. INVESTA NOMINEES (2) PTY LTD RELEASED

Save for clauses 2.1.5 and 2.1.6, subject to registration of this Agreement over the Land and without limiting the definition of Owner in clause 1, Investa Nominees (2) Pty Ltd (ACN 128 351 011) is released from any obligations under this Agreement in respect of any part of the 85 Davis Road Land for which it ceases to be the Owner.

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.

22. THE PARTIES AGREE

22.1 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.

22.2 The Agreement shall commence on the date that it bears.

22.3 This Agreement shall end or cease to apply to a Developed Lot (as the case may be) on the Termination Date.

22.4 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 relate 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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23. LIMITATION OF LIABILITY

23.1 The Owner enters into this Agreement solely in its capacity as trustee of the following trusts (each a "Trust") and in no other capacity:

i. Diggers Rest Trust A in respect of the 85 Davis Road Land;

ii. Diggers Rest Trust B in respect of the 62-140 Diggers Rest – Coimadai Road Land; and

iii. Diggers Rest Trust C in respect of the 146-498 Diggers Rest – Coimadai Road Land.

23.2 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.

23.3 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.

23.4 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.

23.5 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.

EXECUTED BY THE PARTIES

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

MELTON CITY COUNCIL COMMON SEAL

..... Councillor

..... Chief Executive Officer

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EXECUTED by **INVESTA NOMINEES (2) PTY LTD** in accordance with section 127(1) of the Corporations Act 2001 (Cwlth) by authority of its directors:

.....
Signature of director

Cameron Richard Holt
.....
Name of director (block letters)

17/11/14

.....
Signature of director/company secretary*
*delete whichever is not applicable

Andrew Jason Murray
.....
Name of director/company secretary* (block letters)
*delete whichever is not applicable

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COPY

MORTGAGEE'S CONSENT

ANZ FIDUCIARY SERVICES PTY LTD (ACN 100 709 493) as mortgagee under mortgage No. AH626920H and mortgage No. acknowledges and agrees to be bound by the terms of this Agreement as it affects the land the subject of the mortgage.

DATED:

Signed, sealed and delivered for and on behalf of **ANZ Fiduciary Services Pty Limited** in its **capacity as trustee of the Security Trust** by its attorney under a power of attorney dated 4 APRIL 2014 in the presence of:

Signature of witness

Alison Carlin

Full name of witness

Signature of attorney who declares that the attorney has not received any notice of the revocation of the power of attorney

ANTHONY HERDEN

Full name of attorney

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MORTGAGEE'S CONSENT

Joanna Kastaniotis, Katina Drakakis, Georgia Dacakis and Nikolaos Dacakis as mortgagee under mortgage No. AH735822Y and mortgage No. acknowledges and agrees to be bound by the terms of this Agreement as it affects the land the subject of the mortgage.
DATED:

SIGNED by **GEORGIA DACAKIS** by her attorney **NIKOLAOS DACAKIS** under General Power of Attorney dated the 22nd day of May 2014 and who certifies that the said power has not been varied or revoked in the presence of:

Attorney

Signature of witness

VICTOR DIFELICE

Name of witness

SIGNED by **KATINA DRAKAKIS** by her attorney **NIKOLAOS DACAKIS** under General Power of Attorney dated the 26th day of May 2014 and who certifies that the said power has not been varied or revoked in the presence of:

Attorney

Signature of witness

VICTOR DI FELICE

Name of witness

SIGNED by **JOANNA KASTANIOTIS** by his attorney **NIKOLAOS DACAKIS** under General Power of Attorney dated the 22nd day of May 2014 and who certifies that the said power has not been varied or revoked in the presence of:

Attorney

Signature of witness

VICTOR DI FELICE

Name of witness

SIGNED SEALED AND DELIVERED by the said **NIKOLAOS DACAKIS** in the presence of:

Witness

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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.
OS02	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.

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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. Construction of road upgrade works within existing Diggers rest township	Upgrade to Plumpton Road between Houdini Drive and Licence Road	Yes	$3,707,485.38 Plumpton Road Component $1,525,914.32	41%	The issue of Statement of Compliance for the last stage of development in 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.

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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
IT02	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 $3,011,490.76 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 required land (ultimate land take)	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 425th Developed Lot within the 85 Davis Road Land and 2.The occupancy of a building within the town centre. Or, at the issue of Statement of Compliance for the stage that contains the 800th Developed Lot in the PSP area, whichever occurs first.
IT03	Roads and	Vineyard Road	Vineyard Road	Vineyard Road	Yes	$4,911,040.35	96%	The issue of Statement of

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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
	Intersection	and Licence Road Intersection	and Licence Road: Intersection. Construction of roundabout (interim layout). Purchase of 0.45 hectares of additional required land (ultimate land take)	and Licence Road: Intersection. Construction of roundabout (interim layout).		Intersection Construction $4,736,040.35 Land take relates to others		Compliance for the stage that contains the 1000th Developed Lot within the PSP area; Or, the construction of either leg of the east-west extension to License 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 required land (ultimate land take).	Diggers Rest-Coimadai Road and North South Connector: Intersection. Construction of intersection (interim layout). Purchase of 0.20 hectares of additional required land (ultimate land take).	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.
IT06	Roads and	Davis Road	Davis Road	Davis Road	Yes	$2,230,408.75	2%	The issue of

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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
	Intersection	and North Bound On Ramp Intersection	and North Bound On Ramp: Intersection. Construction of roundabout (ultimate layout). Purchase of 0.32 hectares of additional required land (ultimate landtake).	and North Bound On Ramp: Purchase of 0.14 ha of additional required land (ultimate land take)		Land purchase 0.14 hectares $47,687.50		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

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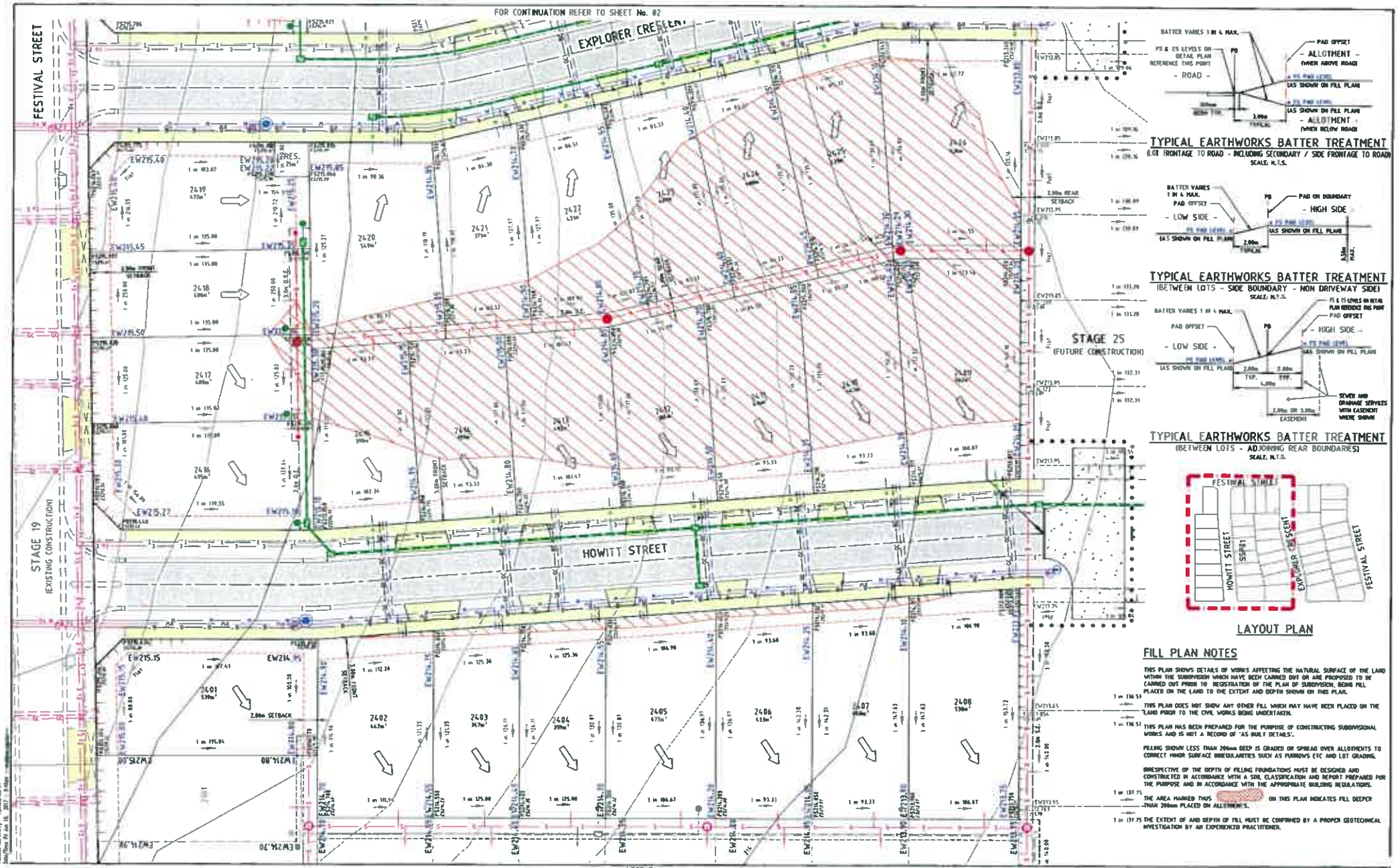

TYPICAL EARTHWORKS BATTER TREATMENT

(LOT FRONTAGE TO ROAD - INCLUDING SECONDARY / SIDE FRONTAGE TO ROAD)

SCALE: N.T.S.

TYPICAL EARTHWORKS BATTER TREATMENT

(BETWEEN LOTS - SIDE BOUNDARY - NON DRIVEWAY SIDE)

SCALE: N.T.S.

TYPICAL EARTHWORKS BATTER TREATMENT

(BETWEEN LOTS - ADJOINING REAR BOUNDARIES)

SCALE: N.T.S.

LAYOUT PLAN

FILL PLAN NOTES

THIS PLAN SHOWS DETAILS OF WORKS AFFECTING THE NATURAL SURFACE OF THE LAND WITHIN THE SUBDIVISION WHICH HAVE BEEN CARRIED OUT OR ARE PROPOSED TO BE CARRIED OUT PRIOR TO REGISTRATION OF THE PLAN OF SUBDIVISION, BEING FILL PLACED ON THE LAND TO THE EXTENT AND DEPTH SHOWN ON THIS PLAN.

THIS PLAN DOES NOT SHOW ANY OTHER FILL WHICH MAY HAVE BEEN PLACED ON THE LAND PRIOR TO THE CIVIL WORKS BEING UNDERTAKEN.

THIS PLAN HAS BEEN PREPARED FOR THE PURPOSE OF CONSTRUCTING SUBDIVISIONAL WORKS AND IS NOT A RECORD OF 'AS BUILT DETAILS'.

FILLING SHOWN LESS THAN 200mm DEEP IS GRADED OR SPREAD OVER ALLOTMENTS TO CORRECT MINOR SURFACE IRREGULARITIES SUCH AS FURROWS ETC AND LOT GRADING.

IRRESPECTIVE OF THE DEPTH OF FILLING FOUNDATIONS MUST BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH A SOIL CLASSIFICATION AND REPORT PREPARED FOR THE PURPOSE AND IN ACCORDANCE WITH THE APPROPRIATE BUILDING REGULATIONS.

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NOT TO BE USED FOR CONSTRUCTION

REV	AMENDMENTS	DATE	APP'D
C	HYDRANT LOCATIONS AMENDED	05/09/17	TL
B	CONTRACT PLANS AMENDED	25/05/17	TL
A	PRELIMINARY ISSUE	24/03/17	TL

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Drawn M CAPALDO Date AN
Designed K PHAL Date AN
Verified Date AN
Audited Date AN
Approved Date AN

LEGEND

- EXISTING WATER MAIN
- EXISTING GAS MAIN
- EXISTING ELECTRICAL CABLE
- EXISTING SEWER MAIN & MANHOLE
- EXISTING TELECOMM CABLE
- EXISTING STORMWATER DRAIN & PIT CONSTRUCTED PRE DEVELOPMENT
- BATTER (GRADE AS SPECIFIED) 1:6(MIN) WHERE GRADES > 1 in 10
- ALLOTMENT PAD BOUNDARY
- SEWER MAIN AND MANHOLE
- STORMWATER DRAIN & PIT
- SW DRAIN & PIT CONSTRUCTED IN PREVIOUS STAGES
- HOUSE DRAIN
- GAS CONDUIT
- WATER CONDUIT
- RECYCLED WATER CONDUIT
- FS EXISTING SURFACE LEVEL (CORNERS FINISHED SURFACE LEVEL (CORNERS
- EW EARTHWORKS PAD LEVEL (INTURE)
- EW EARTHWORKS PAD LEVEL EX. EARTHWORKS PAD LEVEL
- WATER
- RECYCLED WATER
- TELECOMMUNICATIONS
- ELECTRICITY
- GAS
- STREET NAME SIGN
- DW HYDRANT
- NDW HYDRANT
- DIRECTION OF FALL (1 in 150 MINIMUM)
- DW WASHOUT
- NDW WASHOUT

AVID Property Group

Coords MGA
Levels AHD

Hor 1:250 0m 2.5m 5m 10m 15m

Scale @ A1/A3 1:250/1:500

BLOOMDALE ESTATE - AREA B

STAGE 24
120 DIGGERS REST - COIMADAI ROAD
SALES SERVICING PLAN
SHEET 01 OF 02
Drawing No. 12563.24SSP01 Rev C
Sheet No 01 PRELIMINARY

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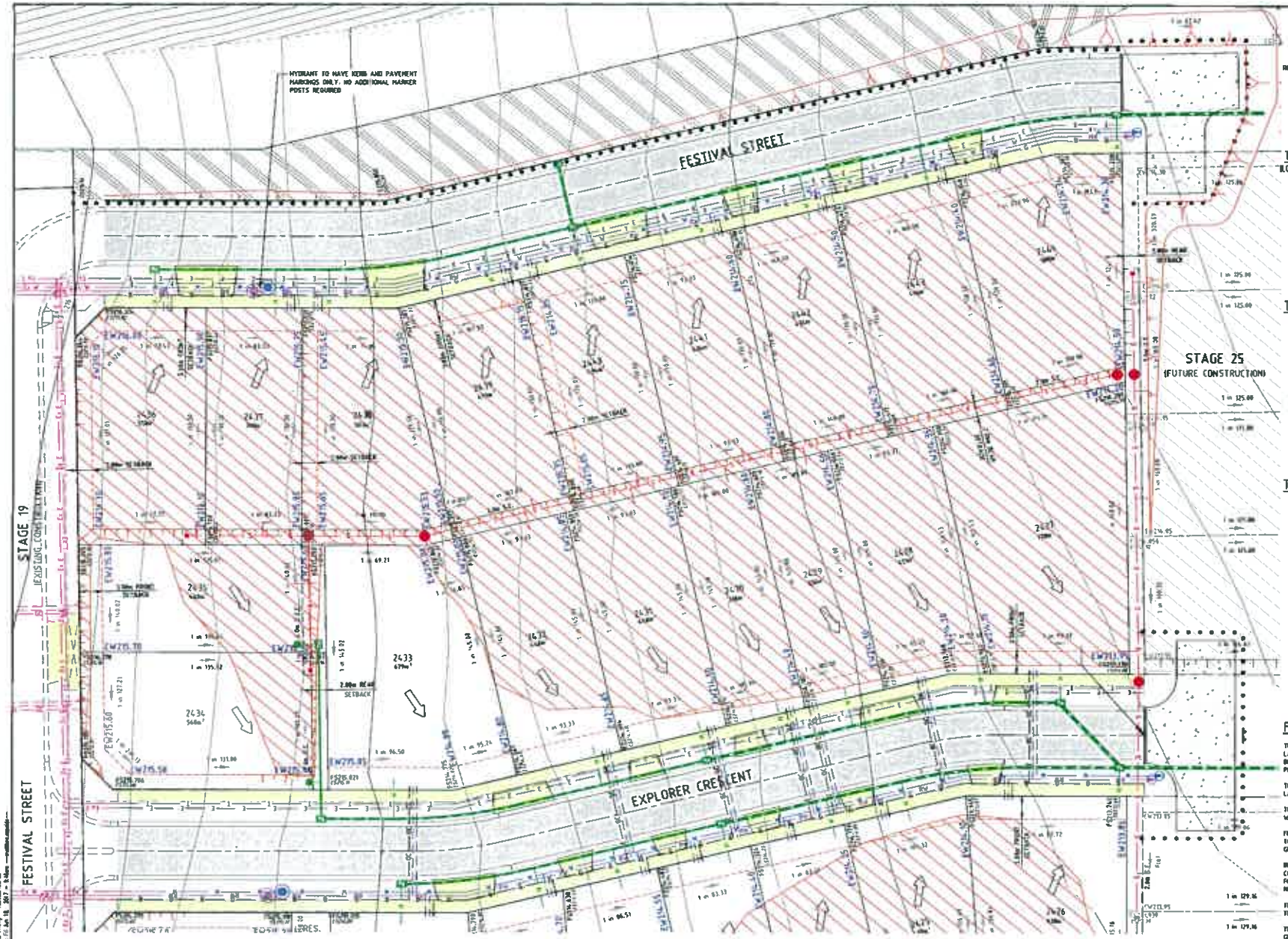
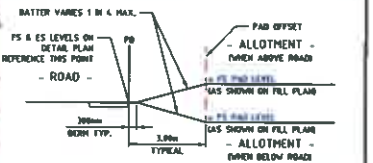
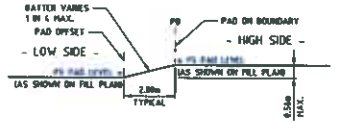




TYPICAL EARTHWORKS BATTER TREATMENT

(LOT FRONTAGE TO ROAD - INCLUDING SECONDARY / SIDE FRONTAGE TO ROAD)

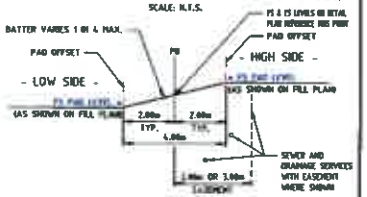
SCALE: N.T.S.



TYPICAL EARTHWORKS BATTER TREATMENT

(BETWEEN LOTS - SIDE BOUNDARY - NON DRIVEWAY SIDE)

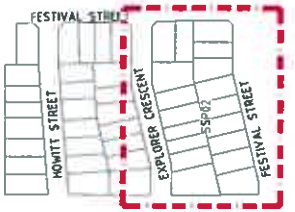
SCALE: N.T.S.



TYPICAL EARTHWORKS BATTER TREATMENT

(BETWEEN LOTS - ADJOINING REAR BOUNDARIES)

SCALE: N.T.S.



LAYOUT PLAN

FILL PLAN NOTES

THIS PLAN SHOWS DETAILS OF WORKS AFFECTING THE NATURAL SURFACE OF THE LAND WITHIN THE SUBDIVISION WHICH HAVE BEEN CARRIED OUT OR ARE PROPOSED TO BE CARRIED OUT PRIOR TO REGISTRATION OF THE PLAN OF SUBDIVISION, BEING FILL PLACED ON THE LAND TO THE EXTENT AND DEPTH SHOWN ON THIS PLAN.

THIS PLAN DOES NOT SHOW ANY OTHER FILL WHICH MAY HAVE BEEN PLACED ON THE LAND PRIOR TO THE CIVIL WORKS BEING UNDERTAKEN.

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- HOUSE DRAIN
- GAS CONDUIT
- WATER CONDUIT
- RECYCLED WATER CONDUIT
- EXISTING SURFACE LEVEL (CORNER)
- FINISHED SURFACE LEVEL (CORNER)
- EARTHWORKS PAD LEVEL (FUTURE)
- EARTHWORKS PAD LEVEL
- EX. EARTHWORKS PAD LEVEL
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BLOOMDALE ESTATE - AREA B
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120 DIGGERS REST - COIMADAI ROAD
SALES SERVICING PLAN
SHEET 02 OF 02
Drawing No. 12563.24SSP02 Rev C
Sheet No 02 PRELIMINARY
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Bloomdale

Diggers Rest

Design Guidelines
June 2017
Stages 23 - 28

MELTON PLANNING SCHEME
This is the endorsed document referred to in
Planning Permit No.
Pages 1 to 26 Condition 2
20/6/17
Signature of Responsible Authority Date

21/6/17

Bloomdale
Diggers Rest

ILLUSTRATIVE MASTER PLAN

Bloomdale
Diggers Rest

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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.

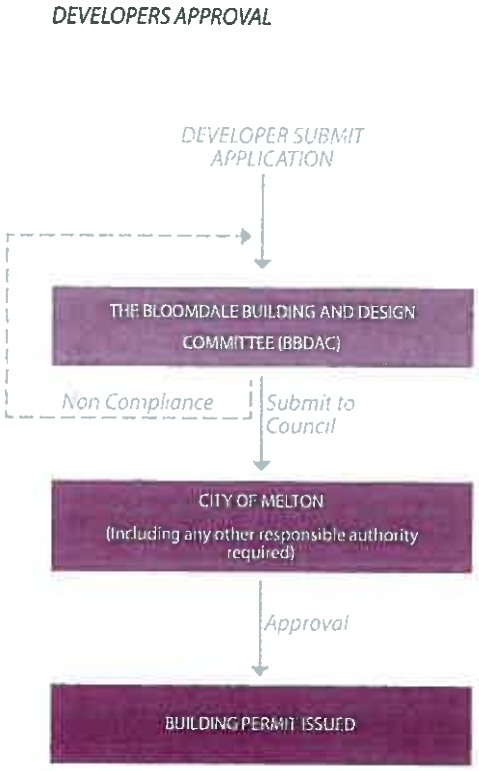
The Design Guidelines document has been prepared to assist Owners, Designers and Builders by guiding the design of the built environment within Bloomdale. These Design Guidelines present a series of measures designed to protect the design integrity of Bloomdale and ensure a high standard of innovative, 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.



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 integarted 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^2 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^2 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) 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.

Bloomdale
Diggers Rest

02

Example of non compliance facades, identical facades to close together

2.1 Dwellings

Only one dwelling is permitted per property for lots under 600m².

On a lot greater than 600m², 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 600m²;

(b) Corner lots and

(c) Lots identified as integrated housing sites.

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

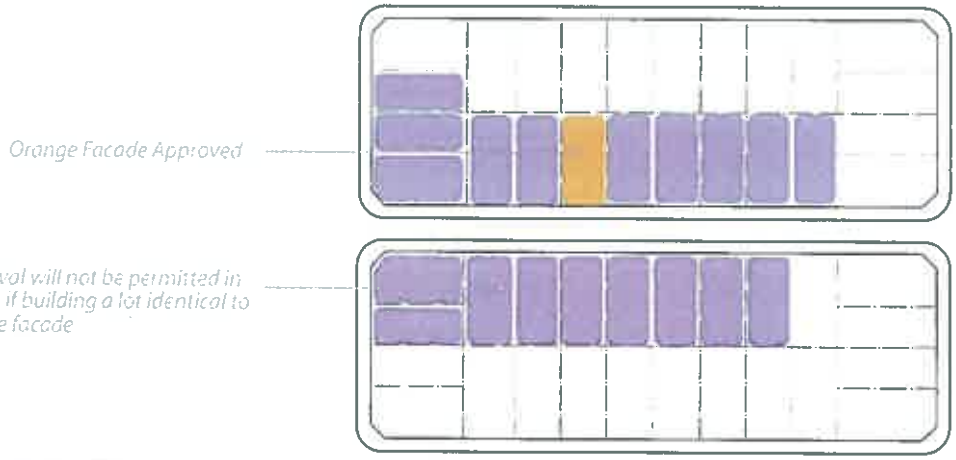
2.2 Identical Façade Assessment

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 300m², 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



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

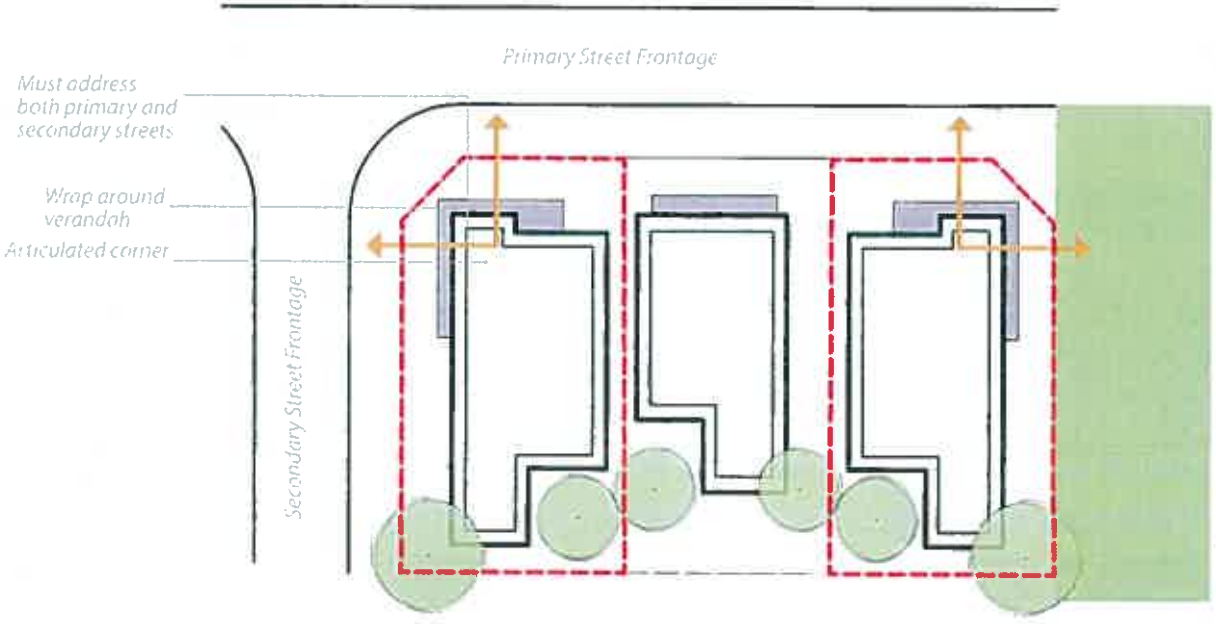
Example of compliant treatment, articulation of corner and verandah wrapping the corner.

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.

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.

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

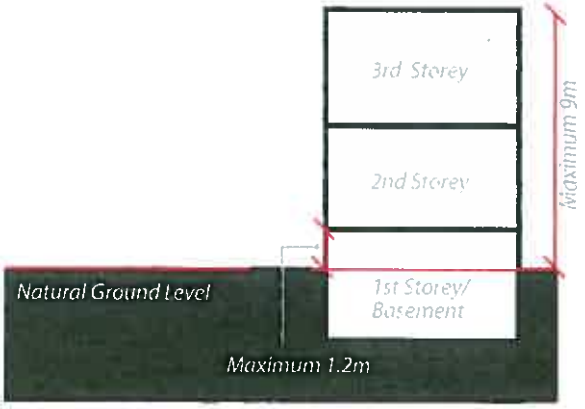
Maximum building heights should generally accord with Rescode requirements.

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 facade, entry made a feature.

Example of non compliant treatment for porches and entries, no features.



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

Example of non compliant treatment, no setback.

3.1 Small Lot Setbacks

Small Lots are lots with an area less than 300m^2.

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.

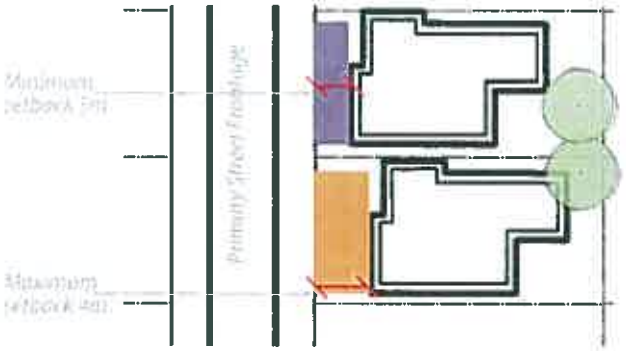
Porches, porticos and verandahs less than 3.6m in height may encroach up to 1.0m into the minimum front setback.

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 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.

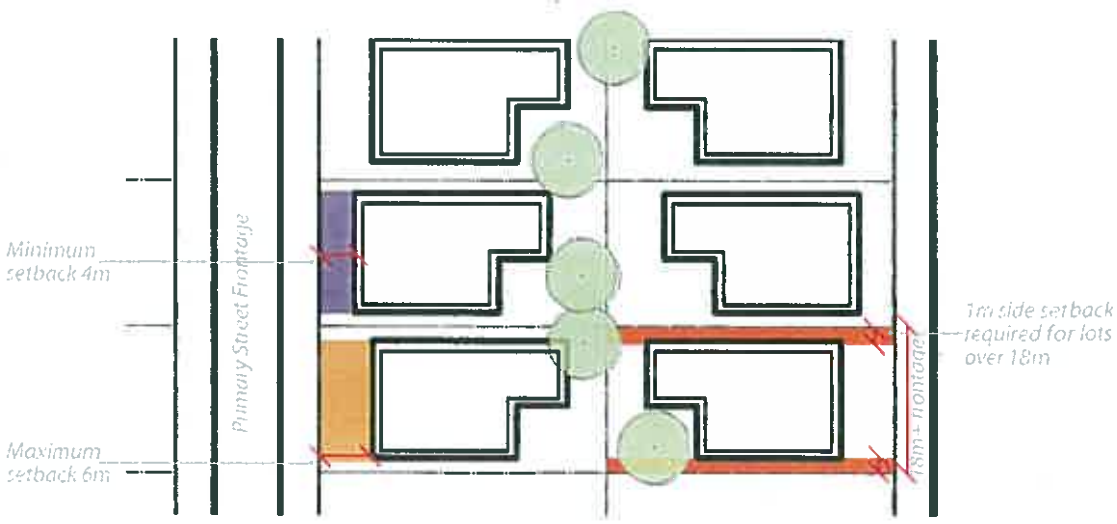
Single storey dwellings on regular lots 18m or wider must be setback from side boundaries by a minimum of 1.0m. Regular lots are those lots where the front boundary dimension is the same as the rear boundary dimension

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.

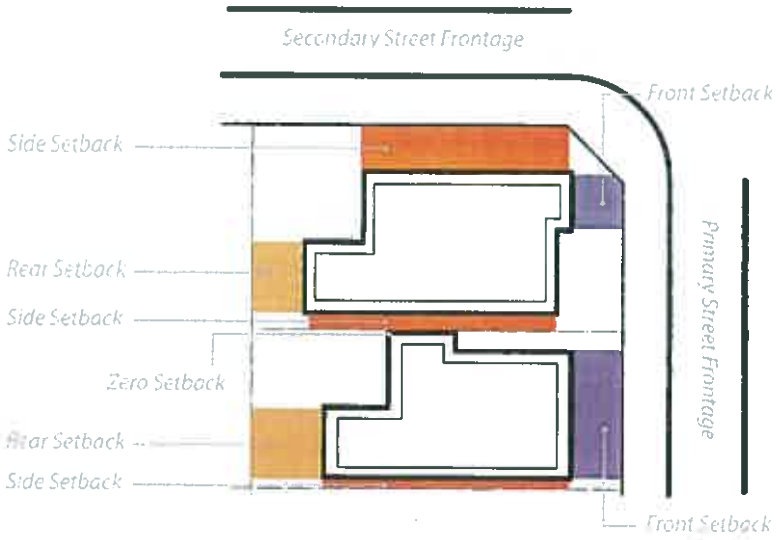
Where facing the secondary street frontage, the garage must be setback a minimum of 5.0m from the secondary street frontage. An easement running along the rear of the lot cannot be built over, and the garage may have to be setback from the rear boundary to accommodate the easement. Garages must be located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

Example of compliant material treatment, complementary materials and colours.

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 treatment and colours.

Example of non compliant materials, treatment, no differentiating materials.

Example of non compliant colour schemes.

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.

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.

Bloomdale
Diggers Rest

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.

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.

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:

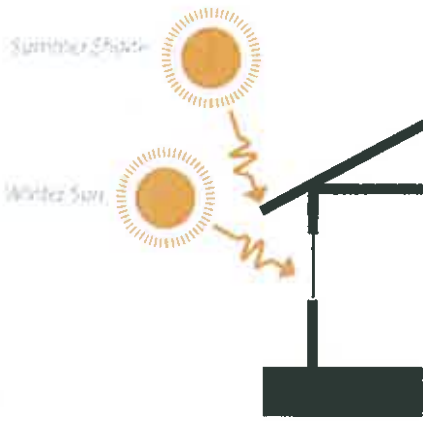
- Fine grading and shaping of landscaped and lawn areas.
- Cultivation of existing soil in the garden beds to a 200mm depth, the addition of imported topsoil and fertiliser to all landscaped areas, as well as the use of mulch and/or other selected topping.
- At least 1 mature tree (2.0m minimum height).

5.4 Letterboxes

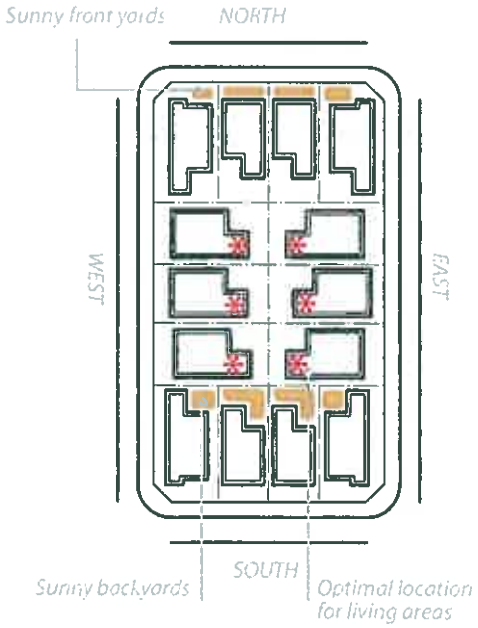
Letterboxes should be designed to match and compliment the dwelling design. Single post supported letterboxes are discouraged.

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, 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 15m² 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.

Bloomdale
Diggers Rest

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^2;

STANDARD LOTS are lots with an area greater than 300m^2;

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.

Bloomdale
Diggers Rest

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: PA2016/5231
Planning Scheme: Melton Planning Scheme
Responsible Authority: 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:

Date Issued: 6 June 2017

Signature of the Responsible Authority:

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.

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.

Date Issued: 6 June 2017

Signature of the Responsible Authority:

(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.

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.

(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.

(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.

(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".

Date Issued: 6 June 2017

Signature of the Responsible Authority:

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.

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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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

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:

(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.

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.

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

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 occupier 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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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.

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:

(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.

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

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)

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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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.

Date Issued: 6 June 2017 **Signature of the Responsible Authority:**

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.

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.

Date Issued: 6 June 2017

Signature of the Responsible Authority:

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

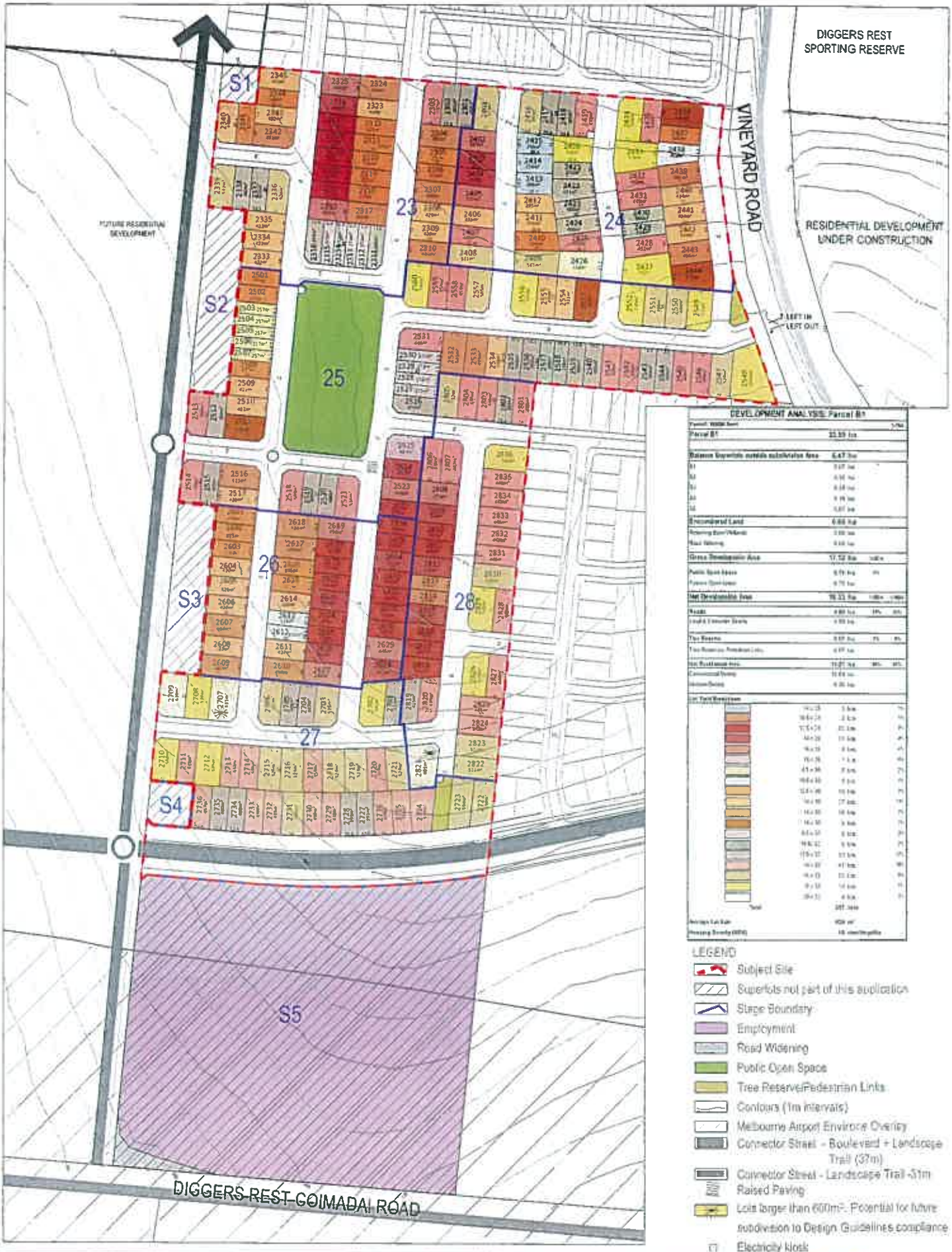
(b) The plan of subdivision for the last stage of the subdivision is not certified within ten years of the date of this permit; or

(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.

Date Issued: 6 June 2017

Signature of the Responsible Authority:



DEVELOPMENT ANALYSIS: Parcel B1

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 600m². Potential for future subdivision to Design Guidelines compliance
- Electricity Kiosk

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: 3410212D
date: 29 June 2016
rev: I
drawn: DS
checked: CD

SMEC
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planning & urban design
melbourne - tel 9868 0500
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trading as smec urban

Scale 1:1000 @ A1

Sheet 1 of 1

Ref 011120

Revision F

SCALE

R. ILLINGWORTH
Licensed Surveyor

COMPUTED SUBDIVISION MASTER PLAN

BLOOMDALE ESTATE - PARCEL B WEST
DIGGERS REST 3427

Developer AVID PROPERTY GROUP

MUNICIPALITY MELTON CITY COUNCIL

TAYLORS
Urban Development | Built Environments | Infrastructure
5 / 270 Ferntree Gully Road, Notting Hill, Victoria, 3168
Tel: 61 3 9501 2800 | Web: taylorsdx.com.au

PLANNING CERTIFICATE

Official certificate issued under Section 199 Planning & Environment Act 1987
and the Planning and Environment Regulations 2005

CERTIFICATE REFERENCE NUMBER

437961

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

26 May 2017

Hon. Richard Wynne MP
Minister for Planning

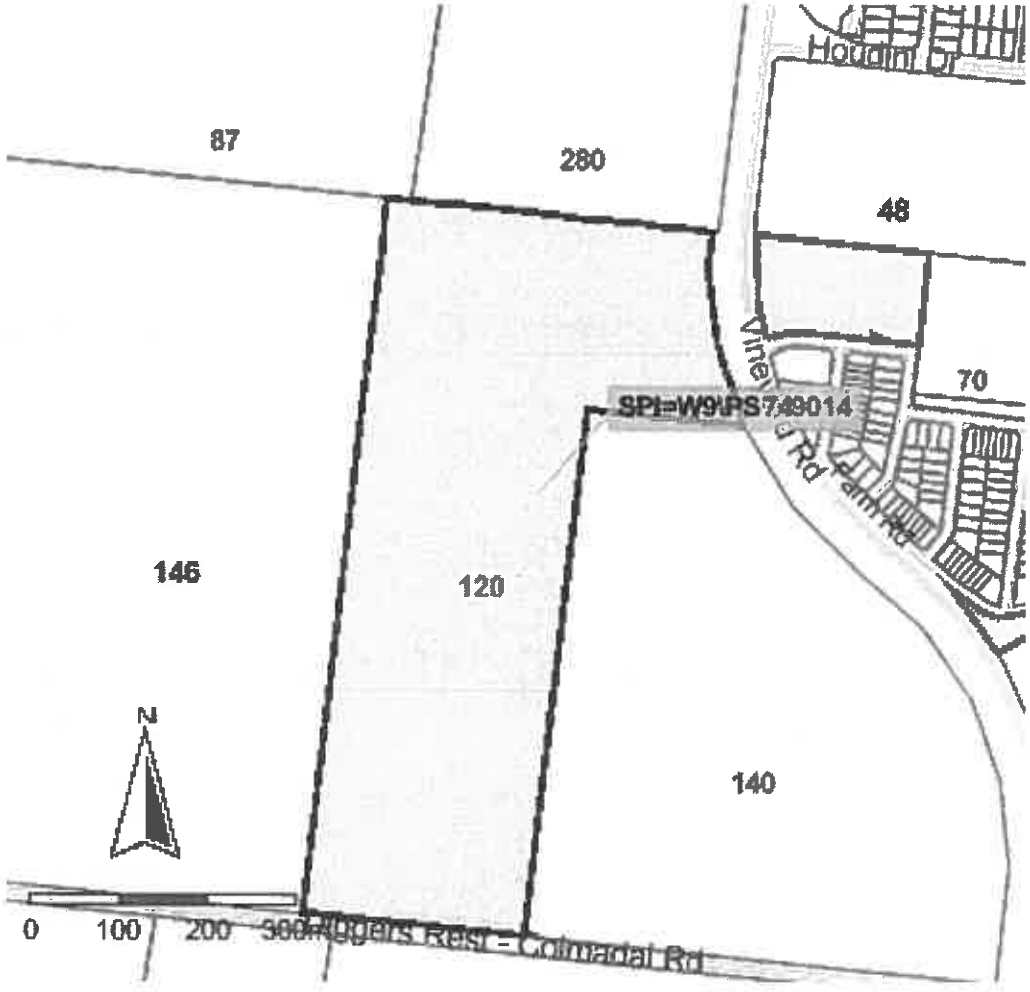
VICTORIA State Government

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.

Please note: The map is for reference purposes only and does not form part of the certificate.



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VICTORIA State Government

LAND INFORMATION CERTIFICATE

Section 229 Local Government Act, 1989.

**** Rates and Charges for period 1 July 2016 to 30 June 2017***

Civic Centre
232 High Street
Melton 3337
Postal Address
PO Box 21 Melton
Victoria 3337
T 03 9747 7333
F 03 9743 9970
Dx 33005 Melton
ABN 22 862073 889
www.melton.vic.gov.au

Your Reference: 25205044-013-2 Certificate No: 73938

Assessment Number: 627539 Issue date: 31/05/2017

Applicant:

Landata
DX 250639
MELBOURNE

Property Location: 120 Diggers Rest-Coimadai Road DIGGERS REST 3427

Title: LOT: W9 PS: 749014M
Volume No:
Folio No.
Ward: WATTS

Capital Improved Value:	$8,258,000
Net Annual Value:	$412,900
Site Value:	$8,258,000
Effective Date:	01/07/2016
Base Date:	01/01/2016

1. RATES CHARGES AND OTHER MONIES:

Vacant Land Date Levied 01/07/2016	$40,242.06
Municipal Charge Date Levied 01/07/2016	$139.00
Residential FSPL Fixed Charge Date Levied 01/07/2016	$105.00
Residential FSPL Variable Charge Date Levied 01/07/2016	$1,057.02
Rate Arrears to 30/06/2016:	$12.08
Interest to 31/05/2017:	$49.35
Other Monies:	$0.00
Less Rebates:	$0.00
Less Payments:	-$31,218.27
Less Other Adjustments:	$0.00

Rates & Charges Due:	**$10,386.24**
Additional Monies Owed:	
Total Due:	**$10,386.24**

NOTE: In accordance with section 175(1) & (2) Local Government Act 1989, a person who becomes the owner of rateable land must pay any rate or charge on the land which is current. And any arrears of rates or charges (including any interest on those rates or charges) on the land which are due and payable. OVERDUE AMOUNTS ACCRUE INTEREST ON A DAILY BASIS AT 9.50% P.A.

This property may be subject to a supplementary valuation.

PLEASE NOTE: THAT MELTON CITY COUNCIL OFFERS PAYMENTS BY INSTALMENTS ONLY

Interest will accrue on instalment amounts if they are not paid by their due dates as set below;

1. 30th September 2. 30th November 3. 28th February 4. 31st May

2. OTHER INFORMATION:

Assessment Number: 627539

Certificate Number: 73938

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.

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 $25.40 being the fee for this certificate.

For further information contact: Rates Department: 9747 7333.

AUTHORISED OFFICER

WESTERN WATER

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
Email: mail@westernwater.com.au

022

Wakeham Investments T/as Law Office Services
C/- Landata
Level 14 570 Bourke St
MELBOURNE VIC 3000

Your Ref:	25205044
Statement No:	60592
Service Req ID:	369868
Property No:	90-0767-0130
Account No:	90-0767-0130-01
Date:	30-May-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-2017 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**
Total Amount Owing to 30-June-2017	**$0.00**

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 $96.80 for the period 1 July 2016 to 30 June 2017.

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 369868. This statement is valid for a period of 120 days from date of issue.

Graham Holt 30-May-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

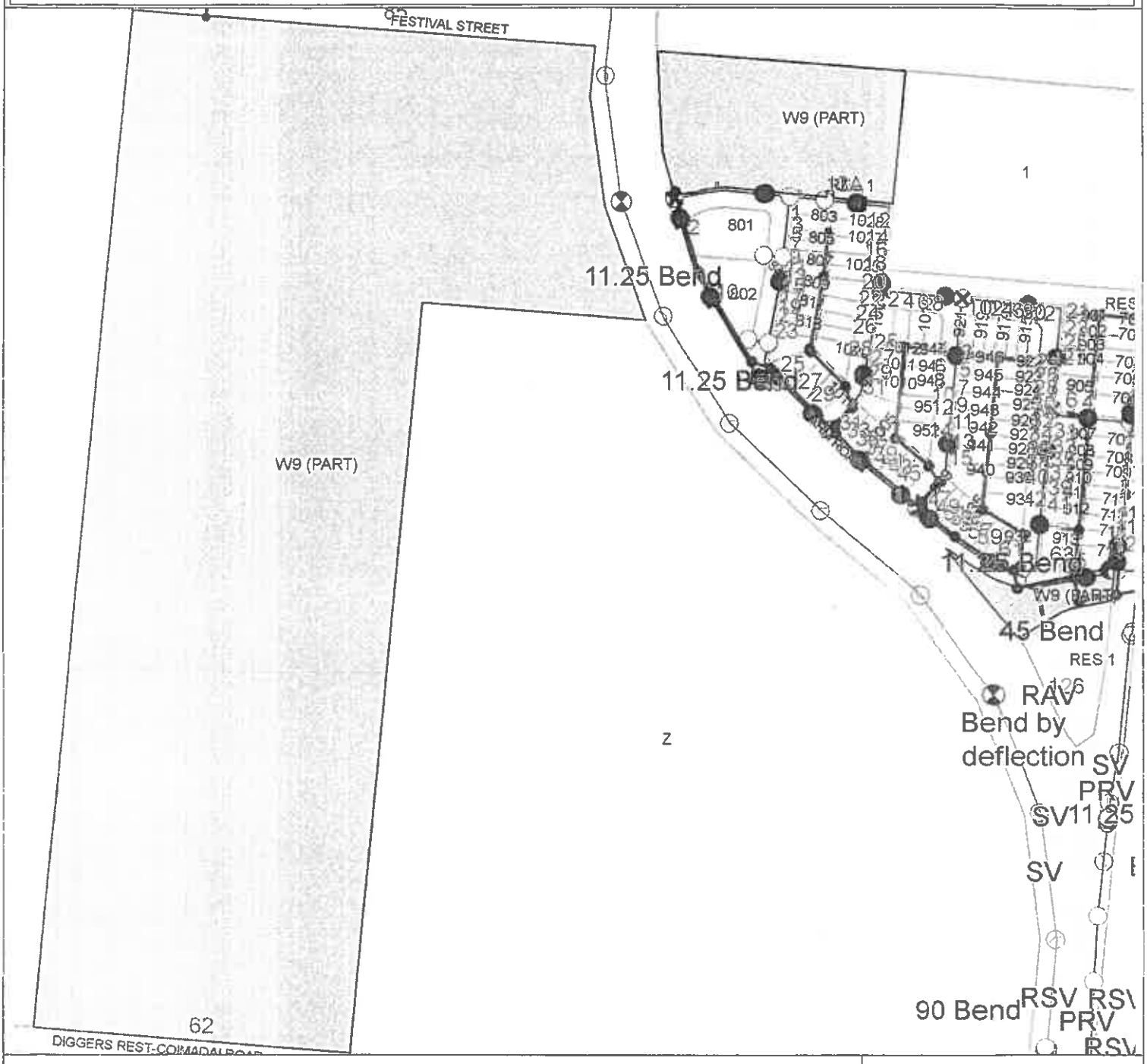
Information Statement Remittance Page

AccountNo	Description	Amount	Barcode
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 : 30-05-2017

Sewer Main does traverse property

Water Legend

Water main		Air Valve	AV
Junction		Hydrant	Hyd
End of Line		Fire Plug	FP
Swab Point	SP	Pres Reducing Valve	
Non Return Valve		Reducer	
		Valve	

Other

Recycled water main	
Easement	

Sewer Legend

Sewer main	
Sewer rising main	
Standard manhole	
Inspection shaft	
Air valve	
Stop Valve	
End of Line	

WESTERN WATER

Western Water

36 Macedon Street
PO Box 2371
Sunbury DC
VIC 3429

Ph: 03 9218 5422
Fax:03 9218 5444

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.

**** 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 26th May 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: 26th May 2017

Telephone enquiries regarding content of certificate: 13 11 71

[Vicroads Certificate] # 25205044 - 25205044092536 '357847'

Land Tax Clearance Certificate

Land Tax Act 2005

STATE REVENUE OFFICE VICTORIA
ABN 76 775 195 331
SRO - ISO 9001 Quality Certified

INFOTRACK

Your Reference:	AVID/STAGE 23
Certificate No:	15928126
Issue Date:	26 MAY 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	$141,942.81

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	$141,942.81

Arrears of Tax	Year	Proportional Tax	Penalty/Interest	Total

Comments: Land Tax of $143,505.38 has been assessed for 2017, an amount of $1,562.57 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

Paul Broderick
Commissioner of State Revenue

TAXABLE VALUE:	$8,258,000
AMOUNT PAYABLE:	**$141,942.81**

Land Tax Clearance Certificate - Remittance Advice

Certificate No:	15928126
Land ID:	43197123
Amount Payable:	$141,942.81

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*

STATE REVENUE OFFICE VICTORIA
ABN 76 775 195 331
SRO - ISO 9001 Quality Certified

Certificate No: 15928126

1. 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.

2. 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.

3. 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.

4. A 'Nil' Land Tax Clearance certificate does not mean that the land on the certificate is exempt from land tax.

5. 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.

6. 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
   a. the vendor, or
   b. the purchaser, if the vendor defaults and the certified amount has not been remitted to the SRO within 28 days after settlement.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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	**www.sro.vic.gov.au**
Email	sro@sro.vic.gov.au (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

Contact Name Daniel Scott
Telephone 03 9628 0049
Facsimile 03 9628 6853
Our Ref.
Your Ref. 25205044-010-1

STATE REVENUE OFFICE VICTORIA

www.sro.vic.gov.au

9 June 2017

Wakeham Investments
C/- Landata
GPO Box 527
MELBOURNE VIC 3001

Dear Sir/Madam

Growth Areas Infrastructure Contribution (GAIC)

120 Diggers Rest-Coimadai Road, Diggers Rest (Volume 11855 Folio 593) – the land

Thank you for your Application for GAIC Certificate dated 26 May 2017.

Although the land is currently within the urban growth boundary and a Growth Area, the GAIC liability in respect of the land has been fully discharged and the GAIC notification on the land has been removed.

For further details regarding GAIC, please visit the State Revenue Office website or telephone 03 9628 0049.

If you have any queries in relation to this matter please contact me.

Yours sincerely

Daniel Scott
GAIC
Land Revenue Branch

Department of Environment, Land, Water and Planning

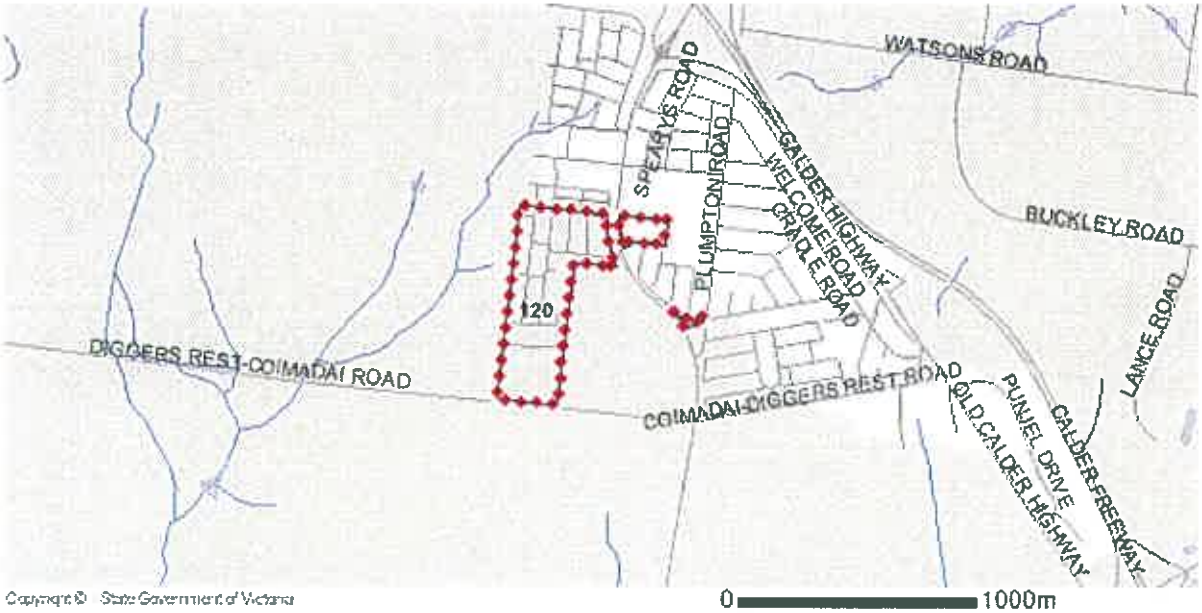
Designated Bushfire Prone Areas

from 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



Bushfire Prone Area Legend

Bushfire Prone Area | Selected Land | Railway | Train | 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

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

For Planning Scheme Provisions in bushfire areas visit Planning Schemes Online

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

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

VICTORIA State Government | Environment, Land, Water and Planning

Department of Environment, Land, Water and Planning

Planning Property Report

from 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

See next page for planning information

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VICTORIA State Government | Environment, Land, Water and Planning

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 or 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 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 $2011
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
TOTAL		**$ 7,393,000**

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.

REPORT

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 Number. 1658172-001-R-Rev0

Distribution:

1 e-copy - Diggers Rest Trust B
1 e-copy - Golder Associates

Golder Associates

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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 carcases 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 carcases 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***
Sensitive Uses			
Child care centre, Pre-school or Primary school	A	B	C
Dwellings, residential buildings etc.	A	B	C
Other Uses			
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:

A) Require an environmental audit.

B) 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).

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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Report Signature Page

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