

## Valuation Report



**23-79 Bambra Road,  
Aireys Inlet VIC 3231**

**Under Instructions from:**  
Charlotte Allen  
Aireys Inlet & District Association  
PO Box 359  
Aireys Inlet VIC 3231

**Our Reference:**  
3348

17<sup>th</sup> March 2016

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## Executive Summary:

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**Property:** 23-79 Bambra Road, Aireys Inlet

**Instructed By:** Charlotte Allen  
Aireys Inlet & District Association  
PO Box 359  
Aireys Inlet VIC 3231

**Instructions:** We have acted on written instructions from Charlotte Allen of Aireys Inlet & District Association dated 24<sup>th</sup> February 2016 to assess the current market value of 23-79 Bambra Road, Aireys Inlet for potential pre-purchase purposes.

We have specifically been instructed to provide an assessment of market value of:

- The entire property (Lots 1, 2 & 3 PS431010T)
- Part of the property being Lot 3 PS431010T.

The report has been prepared for the private and confidential use of Charlotte Allen of Aireys Inlet & District Association for pre-purchase purposes and it should not be reproduced in whole or in part or relied upon for any other purpose or by any other party without our express written authority. Only the client, who the report is specifically addressed, may rely upon the report, and only for the sole purpose as specified in the report.

The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. Should any other party seek to rely upon the valuation report, the consent of VRC Property must be obtained in writing first. We reserve the right to withhold our consent or to review the contents of this report in the event that our consent is sought. VRC Property accepts no liability for negligence and/or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.

**Basis of Valuation:** This valuation has been prepared on the basis of market value, as defined within the International Valuation Standards 1 (IVS1), and endorsed by the Australian Property Institute, as:

*“Market value is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion”.*

**Brief Description:** The property comprises an irregular shaped parcel of 44.473 hectares (over 3 titles) located on the western side of Bambra Road, on the fringe of Aireys Inlet and opposite established residential dwellings.

The property forms part of the Painkalac Creek Flood Plain, is vacant land, largely cleared of trees and currently used for farming purposes (horses).

The majority of the property is affected by a Floodway Overlay and Land Subject to inundation Overlay due to low lying topography, its valley location and adjoining the Painkalac Creek.

The property is subject to an approved planning permit (97/7281) dated 24<sup>th</sup> March 1999 which allows for "the subdivision of the land involving realignment of existing lot boundaries and development of one house on each lot in accordance with the endorsed plans." The subdivision has been finalised with the property now comprising three (3) separate titles. Each title has a building envelope of 500 square metres delineated in the planning permit.

The planning permit (97/7281) also has a range of conditions, which are detailed further in Section 6.3 of this report.

**Location:**

The property is located on the southern fringe of the coastal township of Aireys Inlet, approximately 51 kilometres south west of Geelong. More specifically, the property is situated on the western side of Bambra Road approximately 420 metres north of the Great Ocean Road intersection. The property also has frontage to Old Coach Road.

**Planning:**

Rural Conservation Zone  
Bushfire Management Overlay  
Design and Development Overlay - Schedule 11  
Environmental Significance Overlay - Schedule 1  
Environmental Significance Overlay - Schedule 4  
Floodway Overlay  
Land Subject to Inundation Overlay

The property is within, or is affected by one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The property is within a designated bushfire prone area. Special bushfire construction requirements apply and planning provisions may apply.

**Title Particulars:**

Legal Description	Volume	Folio
Lot 1 PS431010T	10687	719
Lot 2 PS431010T	10687	720
Lot 3 PS431010T	10687	721

The Certificate of Title of Lot 1 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
  - The owners shall not allow the erection of more than one dwelling on any allotment.
  - No lot on the land can be further subdivided.
  - The owners of lots shall not erect a building other than in the building envelopes shown on the endorsed Neighbourhood Design Plan in Planning Permit No 97/7281.
- Agreement as to part Section 173 Planning and Environment Act 1987 X409742J dated 09/04/2001 and Amendment of Agreement AB437838W dated 24/07/2002.

The Certificate of Title of Lot 2 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
  - The owners shall not allow the erection of more than one dwelling on any allotment.
  - No lot on the land can be further subdivided.
  - The owners of lots shall not erect a building other than in the building envelopes shown on the endorsed Neighbourhood Design Plan in Planning Permit No 97/7281.
- Agreement as to part Section 173 Planning and Environment Act 1987 X409742J dated 09/04/2001 and Amendment of Agreement AB437838W dated 24/07/2002.

The Certificate of Title of Lot 3 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
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  - No lot on the land can be further subdivided.
  - The owners of lots shall not erect a building other than in the building envelopes shown on the endorsed Neighbourhood Design Plan in Planning Permit No 97/7281.
- Agreement as to part Section 173 Planning and Environment Act 1987 X409742J dated 09/04/2001 and Amendment of Agreement AB437838W dated 24/07/2002.
- Drainage easement E-1 which runs between Bambra Road and Painkalac Creek.

**Registered Proprietor:**

The Certificate of Title notes the registered proprietor in each instance as Sole Proprietor to be:

- John Bruce Allen

**Land Areas:**

Legal Description	Land Area
Lot 1 PS431010T	4.579 hectares
Lot 2 PS431010T	4.384 hectares
Lot 3 PS431010T	33.510 hectares
	42.473 hectares

**Occupancy Status:**

The entire property is vacant land however we understand it may be leased for horse agistment purposes.

**Date of Inspection:**

9<sup>th</sup> March 2016

**Date of Valuation:**

9<sup>th</sup> March 2016

**Interest Valued:**

Freehold

**Valuations:**

**Entire Property (Lots 1-3 PS431010T):** **\$1,900,000**  
**Part of the Property (Lot 3 PS431010T):** **\$1,000,000**

Goods and Services Tax (GST) is not applicable to farming properties.

**Important Note:** This executive summary must not be read in isolation and must be read in conjunction within the entire report, including our Qualifications and Disclaimers at the end of the report.

## Assumptions and Limitations

We detail the assumptions made by the valuer in performing this valuation:

- The property has been valued assuming vacant possession.
- Whilst reticulated water is connected, sewerage and power is not yet connected, albeit available in the immediate area. The planning permit (97/7281) dated 24<sup>th</sup> March 1999 requires each lot to be connected to sewerage and electricity prior to construction of a dwelling. Our investigations with Powercor and Barwon Water identified that additional costs will be required. As budget estimates for electricity and sewerage connection has not yet been provided at the date of valuation, we have assumed a nominal connection fee. We reserve the right to review our valuation once estimated connection costs are provided.
- The planning permit expires on 24<sup>th</sup> April 2018. We have contacted the Surf Coast Planning Department who advise that further extension may be permitted however that is subject to another application. There is no certainty that a permit would be approved however the commencement of landscaping plantings and/or dwelling construction and/or services connection before expiry date may assist in permit extension.
- Importantly the planning permit is due to expire on the 24<sup>th</sup> April 2018. In order to obtain the original planning permit, the matter was heard in VCAT (Ref 1998/029932) with a large number of experts called which indicated a difficult, lengthy and very costly hearing. The Surf Coast Shire Planning department have advised that whilst it is possible for the planning permit to be extended, given the permit has been extended multiple times, there is no guarantee that the permit will be extended into the future. Therefore there is a significant uncertainty for a prospective purchaser regarding permission to construct a dwelling and a possible VCAT application to allow the construction of a dwelling.
- We have reviewed the planning permit which expires in 25 months (2 years and 1 month). A dwelling cannot be constructed until the landscaping plan has been prepared, approved and plantings established for at least 2 years. Based on our inspection and discussion with the Surf Coast Shire, a landscaping plan and Conservation Management Plan have both been lodged and approved. That said, no plantings as part of the landscaping plan have been made at the date of valuation.

We detail the assumptions required by the client or limitations imposed on the valuer in performing this valuation:

- No assumptions were imposed.

Liability limited by a scheme approved under Professional Standards Legislation

**VRC Property Pty Ltd**



**Chris Barrett AAPI**  
**Certified Practising Valuer**  
**API Member No. 63083**

Dated: 17<sup>th</sup> March 2016

## 1. Instructions:

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We have acted on written instructions from Charlotte Allen of Aireys Inlet & District Association dated 24<sup>th</sup> February 2016 to assess the current market value of 23-79 Bambra Road, Aireys Inlet for potential pre-purchase purposes.

We have specifically been instructed to provide an assessment of market value of:

- The entire property (Lots 1, 2 & 3 PS431010T)
- Part of the property being (Lot 3 PS431010T).

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This valuation has been prepared in accordance with the Valuation of Land Act 1960 and the Australian Property Institute's Practice Standards and Guidance Notes.

We confirm that the valuer does not have any pecuniary interest that would conflict with the proper valuation of the property, has the appropriate experience in the valuation of this style of property, and is legally permitted to value such property in the State of Victoria.

We have been provided with the following information in undertaking our valuation:

- Copy of Certificates of Title
- Vendors Statement
- Contract of Sale
- Planning permit

### Assumptions and Limitations

We detail the assumptions made by the valuer in performing this valuation:

- The property has been valued assuming vacant possession.
- Whilst reticulated water is connected, sewerage and power is not yet connected, albeit available in the immediate area. The planning permit (97/7281) dated 24<sup>th</sup> March 1999 requires each lot to be connected to sewerage and electricity prior to construction of a dwelling. Our investigations with Powercor and Barwon Water identified that additional costs will be required. As budget estimates for electricity and sewerage connection has not yet been provided at the date of valuation, we have assumed a nominal connection fee. We reserve the right to review our valuation once estimated connection costs are provided.
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permit will be extended into the future. Therefore there is a significant uncertainty for a prospective purchaser regarding permission to construct a dwelling and a possible VCAT application to allow the construction of a dwelling.

- We have reviewed the planning permit which expires in 25 months (2 years and 1 month). A dwelling cannot be constructed until the landscaping plan has been prepared, approved and plantings established for at least 2 years. Based on our inspection and discussion with the Surf Coast Shire, a landscaping plan and Conservation Management Plan have both been lodged and approved. That said, no plantings as part of the landscaping plan have been made at the date of valuation.

We detail the assumptions required by the client or limitations imposed on the valuer in performing this valuation:

- No assumptions were imposed.

## 2. Basis of Valuation:

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This valuation has been prepared on the basis of market value, as defined within the International Valuation Standards 1 (IVS1), and endorsed by the Australian Property Institute, as:

*“Market value is the estimated amount for which an asset should exchange on the date of valuation between a willing buyer and a willing seller in an arm’s length transaction after proper marketing wherein the parties had each acted knowledgeably, prudently and without compulsion”.*

## 3. Date of Valuation:

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Our valuation has been assessed as at the 9<sup>th</sup> March 2016 based on our inspection of the same date.



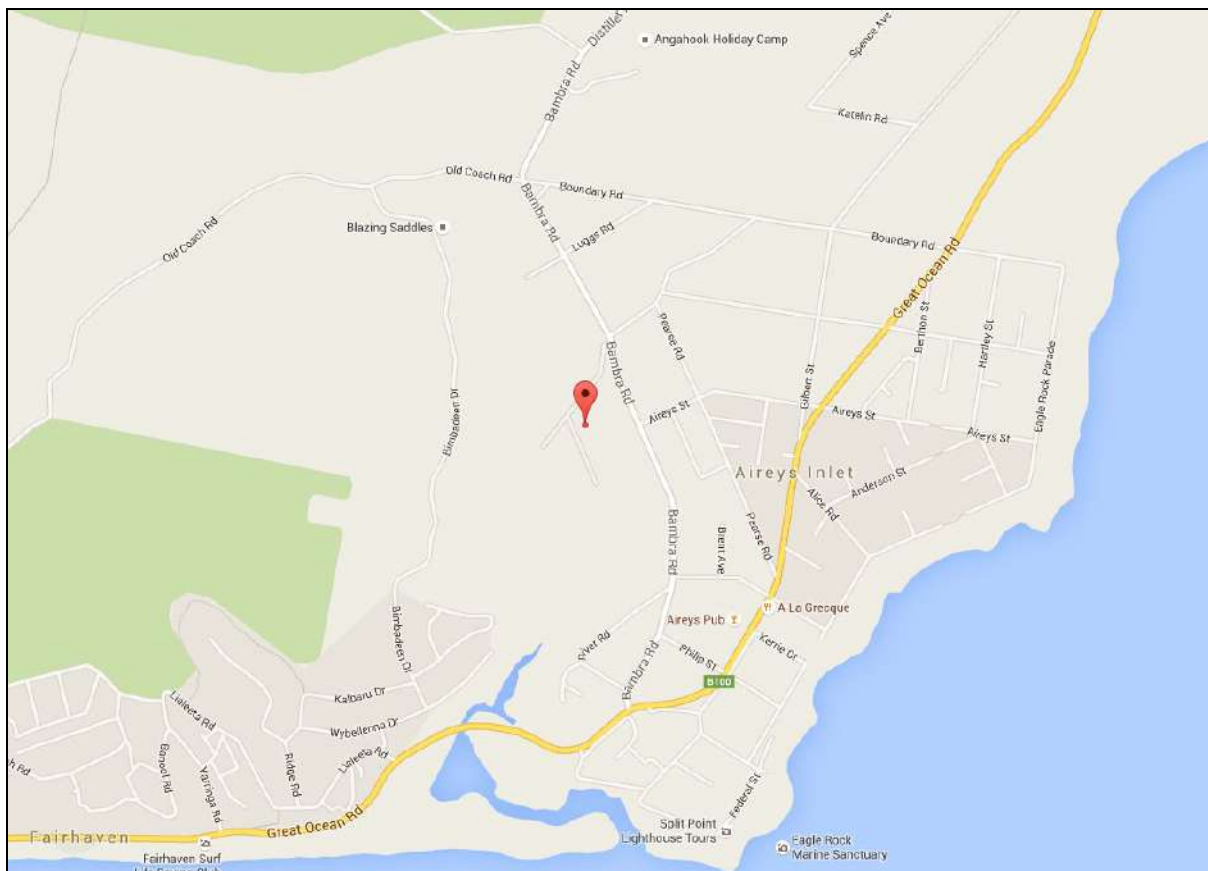
## 4. Location and Locality:

### 4.1. Overview:

The property is located on the southern fringe of the coastal township of Aireys Inlet, approximately 51 kilometres south west of Geelong.

More specifically, the property is situated on the western side of Bambra Road approximately 420 metres north of the Great Ocean Road intersection. The property also has frontage to Old Coach Road.

The following map highlights the location of the subject property.



Source: Google Maps

### 4.2. Surrounding development:

Surrounding properties comprise established residential properties to the east (directly opposite), lifestyle hobby farms to the north and west, Blazing Saddles to the west.

### 4.3. Transport infrastructure:

The subject property has very long road frontage to Bambra Road with additional frontage to Old Coach Road.

The Great Ocean Road is located some 400 metres to the south of the property.

## 4.4. Aerial Photo:



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

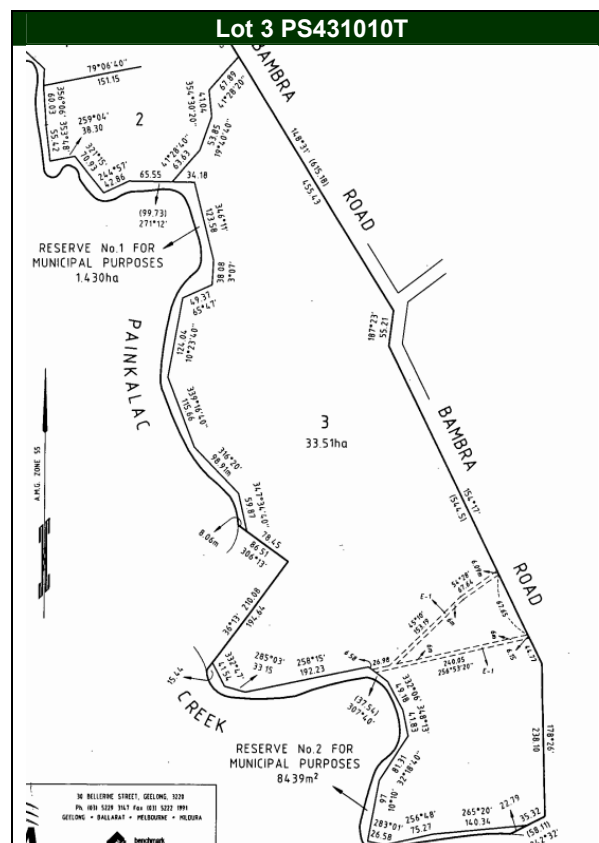
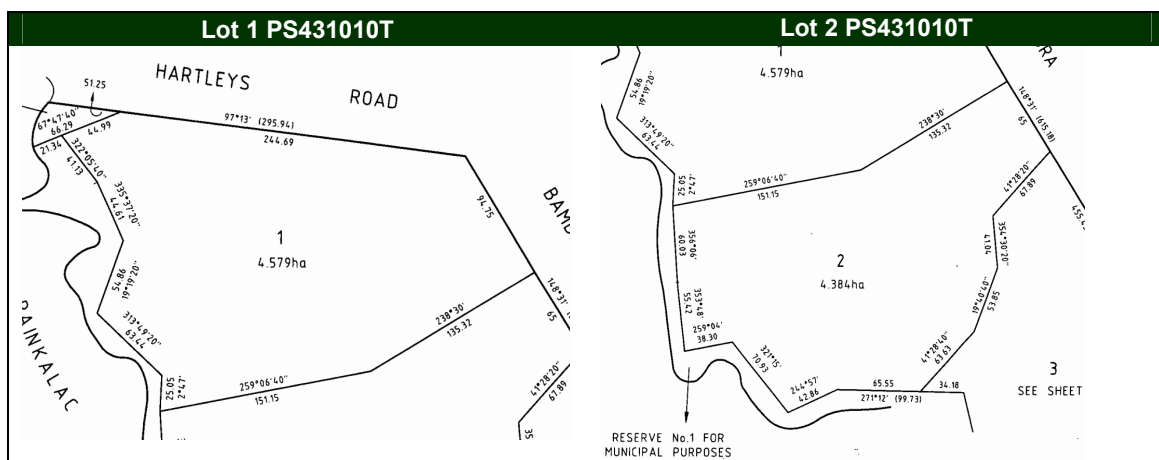
## 5. Title and Property Detail:

### 5.1. Legal Description:

The subject property is legally described within the following Certificates of Title:

Legal Description	Volume	Folio
Lot 1 PS431010T	10687	719
Lot 2 PS431010T	10687	720
Lot 3 PS431010T	10687	721

The following are extracts of the Plan of Subdivision.



## 5.2. Restrictions, Encumbrances, etc noted on Title:

The Certificate of Title of Lot 1 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
  - The owners shall not allow the erection of more than one dwelling on any allotment.
  - No lot on the land can be further subdivided.
  - The owners of lots shall not erect a building other than in the building envelopes shown on the endorsed Neighbourhood Design Plan in Planning Permit No 97/7281.
- Agreement as to part Section 173 Planning and Environment Act 1987 X409742J dated 09/04/2001 and Amendment of Agreement AB437838W dated 24/07/2002.

The Certificate of Title of Lot 2 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
  - The owners shall not allow the erection of more than one dwelling on any allotment.
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- Agreement as to part Section 173 Planning and Environment Act 1987 X409742J dated 09/04/2001 and Amendment of Agreement AB437838W dated 24/07/2002.

The Certificate of Title of Lot 3 PS431010T, Part 23-79 Bambra Road shows the following Restrictions, Encumbrances, leases etc. over the property:

- Covenant PS431010T dated 13/11/2002 which states:
  - The owners shall not allow the erection of more than one dwelling on any allotment.
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- Drainage easement E-1 which runs between Bambra Road and Painkalac Creek.

## 5.3. Registered Proprietor:

The Certificate of Titles notes the registered proprietor as Sole Proprietor in each instance to be:

- John Bruce Allen

## 5.4. Identification:

The subject property has been identified by reference to the Title Plans within the Register Search Statements dated 8<sup>th</sup> March 2016.

## 5.5. Land Area and Dimensions:

The subject property and all titles within are irregular in shape with the land areas noted on the Plan of Subdivision 431010T.

The land area of each lot and the entire property is detailed below.

Legal Description	Land Area
Lot 1 PS431010T	4.579 hectares
Lot 2 PS431010T	4.384 hectares
Lot 3 PS431010T	33.510 hectares
Total	42.473 hectares

Identification of the land sufficient for valuation purposes was possible, however due to the overall shape of the property, distance of boundaries, topography and vegetation, actual dimensions could not be verified and this assessment relies on the measurements provided by the Plan of Subdivision.

## 5.6. Encroachments

This report is not a site survey and no advice is given in any way relating to survey matters. Any comments given in relation to the property are not given in the capacity as an expert, however, are based on our inspection of the property and review of the Plan of Subdivision.

A current survey has not been sighted and this valuation is subject to there being no encroachments by or upon the property and this should be confirmed by a current survey and / or advice from a registered surveyor.

## 5.7. Topography:

The subject property is generally low lying in topography with a fall toward the west and south (toward Painkalac Creek) and a rise toward the north eastern corner of the site.

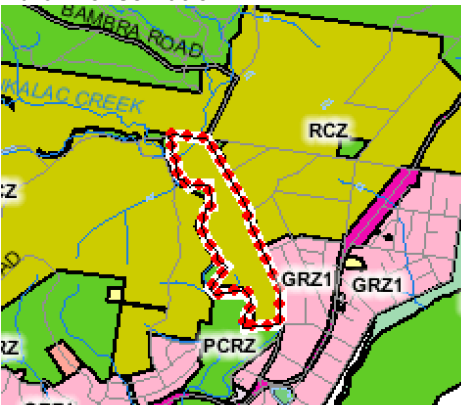
## 5.8. Vehicular Access and Road Construction:

Vehicular access to the property is via Bambra Road which is a bitumen sealed roadway carrying two way traffic and also Old Coach Road which is a gravel roadway.

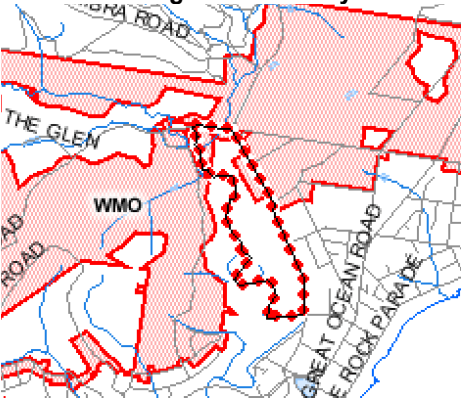
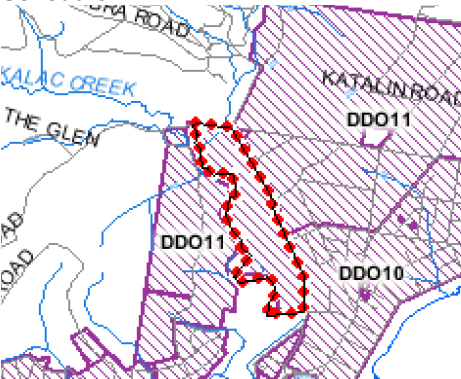
## 6. Planning Control

### 6.1. Zone and Scheme Reference:

The entire property is currently zoned Rural Conservation by virtue of the Surf Coast Planning Scheme.

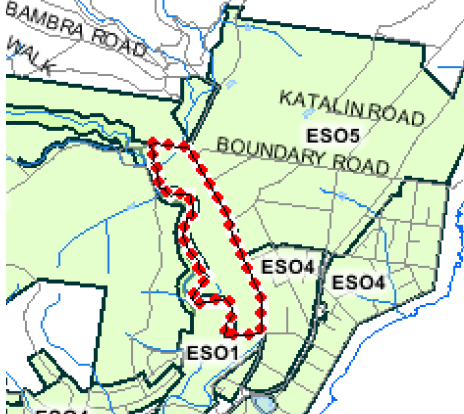
Zone:	Purpose of Zone:
<b>Rural Conservation</b> 	<ul style="list-style-type: none"> <li>To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To conserve the values specified in a schedule to this zone.</li> <li>To protect and enhance the natural environment and natural processes for their historic, archaeological and scientific interest, landscape, faunal habitat and cultural values.</li> <li>To protect and enhance natural resources and the biodiversity of the area.</li> <li>To encourage development and use of land which is consistent with sustainable land management and land capability practices, and which takes into account the conservation values and environmental sensitivity of the locality.</li> <li>To provide for agricultural use consistent with the conservation of environmental and landscape values of the area.</li> <li>To conserve and enhance the cultural significance and character of open rural and scenic non urban landscapes.</li> </ul>

The entire property is subject to the following planning overlays.

Overlay:	Purpose of Overlay:
<b>Bushfire Management Overlay</b> 	<ul style="list-style-type: none"> <li>To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To ensure that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.</li> <li>To identify areas where the bushfire hazard warrants bushfire protection measures to be implemented.</li> <li>To ensure development is only permitted where the risk to life and property from bushfire can be reduced to an acceptable level</li> </ul>
<b>Design and Development Overlay - Schedule 11</b> 	<ul style="list-style-type: none"> <li>To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.</li> <li>To identify areas which are affected by specific requirements relating to the design and built form of new development</li> </ul>

**Overlay:**

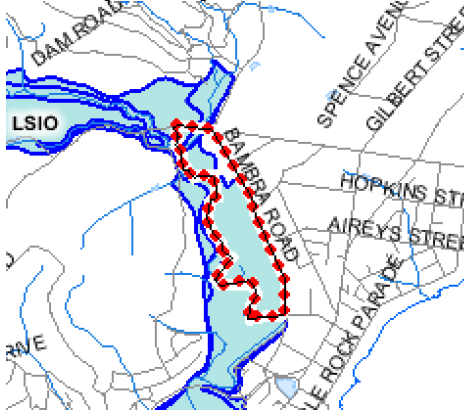
**Environmental Significance Overlay – Schedule 1 and 4**



**Purpose of Overlay:**

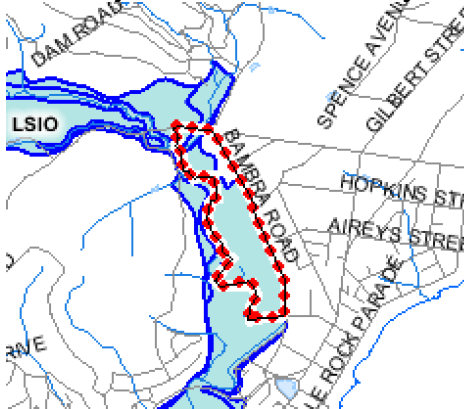
- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values

**Floodway Overlay**



- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify waterways, major floodpaths, drainage depressions and high hazard areas which have the greatest risk and frequency of being affected by flooding.
- To ensure that any development maintains the free passage and temporary storage of floodwater, minimises flood damage and is compatible with flood hazard, local drainage conditions and the minimisation of soil erosion, sedimentation and silting.
- To reflect any declarations under Division 4 of Part 10 of the Water Act, 1989 if a declaration has been made.
- To protect water quality and waterways as natural resources in accordance with the provisions of relevant State Environment Protection Policies, and particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

**Land Subject to Inundation Overlay**



- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify land in a flood storage or flood fringe area affected by the 1 in 100 year flood or any other area determined by the floodplain management authority.
- To ensure that development maintains the free passage and temporary storage of flood waters, minimises flood damage, is compatible with the flood hazard and local drain age conditions and will not cause any significant rise in flood level or flow velocity.
- To reflect any declaration under Division 4 of Part 10 of the Water Act, 1989 where a declaration has been made.
- To protect water quality in accordance with the provisions of relevant State Environment Protection Policies, particularly in accordance with Clauses 33 and 35 of the State Environment Protection Policy (Waters of Victoria).
- To ensure that development maintains or improves river and wetland health, waterway protection and flood plain health.

The property is within a designated bushfire prone area. Special bushfire construction requirements apply and planning provisions may apply.

The property is within, or is affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The planning information contained in this report has been obtained from the Department of Transport, Planning and Local Infrastructure website. We have relied upon this information in assessing the value of the property. We do not accept responsibility for any consequential error or defect in the valuation which has resulted from any error, omission or inaccuracy in this information.

## **6.2. Allowable Uses without Consent:**

The existing use of the property as a farm is a permitted use under the Surf Coast Planning Scheme.

## **6.3. Existing, Prior and/or Proposed uses:**

We consider the highest and best use of the site to be a farm, which is its current use.

The property is subject to an approved planning permit (97/7281) dated 24<sup>th</sup> March 1999 which allows for "the subdivision of the land involving realignment of existing lot boundaries and development of one house on each lot in accordance with the endorsed plans." The subdivision has been finalised with the property now comprising three (3) separate titles. Each title has a building envelope of 500 square metres delineated in the planning permit.

The planning permit expires on 24<sup>th</sup> April 2018. We have contacted the Surf Coast Planning Department who advise that further extension may be permitted however that is subject to another application. There is no certainty that a permit would be approved however the commencement of dwelling construction and/or services connection before permit expiry may assist in permit extension.

Importantly the planning permit is due to expire on the 24<sup>th</sup> April 2018. In order to obtain the original planning permit, the matter was heard in VCAT (Ref 1998/029932) with a large number of experts called which indicated a difficult, lengthy and very costly hearing. The Surf Coast Shire Planning department have advised that whilst it is possible for the planning permit to be extended, given the permit has been extended multiple times, there is no guarantee that the permit will be extended into the future. Therefore there is a significant uncertainty for a prospective purchaser regarding permission to construct a dwelling and a possible VCAT application to allow the construction of a dwelling.

We have reviewed the planning permit which expires in 25 months (2 years and 1 month). A dwelling cannot be constructed until the landscaping plan has been prepared, approved and plantings established for at least 2 years. Based on our inspection and discussion with the Surf Coast Shire, a landscaping plan and Conservation Management Plan have both been lodged and approved. That said, no plantings as part of the landscaping plan have been made at the date of valuation.

The planning permit (97/7281) also has a range of conditions which we detail as follows:

- None of the lots shall be further subdivided and not more than one dwelling will be constructed on each lot.
- Setting aside as an area of public open space to vest in the Council upon registration of the plan of re-subdivision to ensure a minimum width of public open space of 10 metres along the Painkalac Creek. This condition has been satisfied when Plan of Subdivision 431010T was registered and separate titles for each lot created.
- Creation of building envelopes having an area not greater than 500 square metres.
- No buildings to be constructed outside the building envelopes.
- No buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level.



- That no development commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit ("the endorsed landscaping plan) has been established for a period of at least two years prior, to the commencement of any development.
- That the planting on the endorsed landscaping plan to be carried out and maintained to the satisfaction of the Council.
- That save for the establishment of garden beds within a 10 metre radius of any buildings no plantings shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of the council.
- That no dogs shall be kept on the land.
- That all stormwater run-off from any buildings and any hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek.
- To pay the Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.
- Easements for drainage in favour of the Surf Coast Shire must be created on the plan to the satisfaction of the responsible authority. This condition has been satisfied when Plan of Subdivision 431010T was registered and separate titles for each lot created.

Furthermore, Powercor also requires a number of conditions to be met:

- Enter into an agreement with Powercor Australia Limited for the supply of electricity to each lot and for the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor Australia Limited. (A payment to cover the cost of such work will be required). In the event that a supply cannot be provided the Applicants shall provide a written undertaking to Powercor Australia Limited that a prospective purchaser will be so informed;
- Re-arrange, to the satisfaction of Powercor Australia Limited, any existing private electric lines that cross boundaries or the proposed lots to supply existing installations. Such lines shall be constructed with underground cable;
- Provide to Powercor Australia Limited, a copy of the version of the Plan of Subdivision submitted for certification, which shows any amendments which have been required.

We have liaised with Powercor and have been advised that whilst electricity is available in the immediate area, the cost of connecting power to the site is not currently known. There is likely to be additional costs associated with electricity connection, however that cost is unknown until a budget estimate has been prepared by Powercor. We have assumed there are no onerous electricity connection costs. We reserve the right to review our valuation when more accurate electricity connection costs are known.

Barwon Water also have a number of special conditions:

- Prior to the issuing of a Statement of Compliance the Owner must pay the Barwon Water Authority's Water Supply Headworks Levies and a Contribution towards existing Water Mains.
- Prior to the issue of a Statement of compliance each lot must be connected to a reticulated sewerage system.
- This permit shall expire if one of the following circumstances applies:
  - The subdivision is not started within two years of the date of this permit;
  - The subdivision is not completed within five years of the date of starting.

Section 11 of the Planning Permit relates to a landscaping plan that must be prepared and approved by the Responsible Authority. This condition has been met with Surf Coast Shire advising that a landscaping plan has been submitted and approved.

Section 12 of the Planning Permit relates to a Conservation Management Plan that must be prepared to the satisfaction of the Responsible Authority for the protection of remnant native vegetation on the southern areas of the subject land. This condition has been met with Surf Coast Shire advising that a Conservation Management Plan has been submitted and approved.

## 6.4. Heritage Implications:

The subject property is not subject to any heritage implications.

## 6.5. Environmental and contamination

We take this opportunity to advise that VRC Property Pty Ltd and its staff are not environmental auditors and will not be liable nor responsible for failure to identify all matters of environmental concern and the impact which an environmental related issue has on the property and its value.

This report is not an environmental audit and no advice given in any way relating to environmental matters. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert.

The use and occupation of the land recently has been farming in nature. At the date of inspection we have no knowledge of any contamination of the land. Based on our site observations, no obvious environmental problems were apparent.

We have not been provided with an environmental audit, nor are we aware of the property valued being affected by soil contamination, environmental problems including soil contamination, surface and ground conditions, toxic or hazardous wastes or building material hazards. We have not investigated the site beneath the surface or undertaken vegetation or soil sampling. If contamination of the land is found to exist this would seriously impact upon the assessed value resulting in a reduction of our valuation assessment.

Accordingly, our valuation is made on the assumption that there are no environmental problems in any way affecting the property.

We therefore reserve the right to review and if necessary vary the valuation figure if any contamination or other environmental hazard is found to exist.

## 7. Services:

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The subject property is serviced with the following;

- Reticulated water - to lots 1-3.

The services are considered adequate for farming purposes but not adequate for lifestyle hobby farming purposes.

## 8. Photos of Subject Property:

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Lot 1 PS431070T



Lot 1 PS431070T



Lot 2 PS431070T



Lot 2 PS431070T



Lot 3 PS431070T



Lot 3 PS431070T



## 9. Occupancy:

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The entire property is vacant land however we understand it may be leased for horse agistment purposes.

## 10. Sales History:

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The property has remained in current ownership for many years and therefore there are no sales within the last 10 years.

## 11. Sales Evidence:

In forming our opinion of value of the entire property (Lots 1, 2 & 3 PS431010T) and Lot 3 PS431010T in isolation, we have had regard to the following sales transactions.

Our analysis has been based on various sources of information. While we believe the information to be accurate, not all details have been formally verified.

### 11.1. Sales Evidence - Rural Conservation Zoned Properties:

In assessing the market value of entire property (Lots 1, 2 & 3 PS431010T) and Lot 3 PS431010T in isolation, we have firstly had regard to the following sales of Rural Conservation zoned properties in close proximity to the subject **property** and within Aireys Inlet and Fairhaven.

Whilst none of these sales are regarded to be directly comparable, they provide a useful baseline benchmark for underlying land, particularly of Lots 2 & 3 PS431010T.

Address:	Sale Price:	Sale Date:	Land Area:	Comments:
47 Hopkins Street, Aireys Inlet	\$455,000	Feb 2016	4,856 sqm \$93/sqm	The property comprises a rectangular shaped Rural Conservation zoned vacant parcel located on the southern side of Hopkins Street. The property is gently sloping in topography, heavily vegetated with mature iron bark gum trees and no apparent views or aspect. The property was sold without a planning permit. A smaller property with inferior aspect and potential issues with clearing a house site. Overall regarded as inferior.
50 Aireys Street, Aireys Inlet	\$520,000	Feb 2015	6,469 sqm \$80/sqm	The property comprises a rectangular shaped Rural Conservation zoned vacant parcel located on the northern side of Aireys Street. The property is gently sloping in topography, heavily vegetated with mature gum trees, gravel driveway and no apparent views or aspect. The property was sold without a planning permit. A smaller property with inferior aspect. Overall regarded as inferior.
54 Aireys Street, Aireys Inlet	\$530,000	May 2015	6,484 sqm \$81/sqm	The property comprises a rectangular shaped Rural Conservation zoned vacant parcel located on the northern side of Aireys Street. The property is gently sloping in topography, heavily vegetated with mature gum trees, gravel driveway and no apparent views or aspect. The property was sold without a planning permit but is fully serviced. A smaller property with inferior aspect. Overall regarded as inferior.

Address:	Sale Price:	Sale Date:	Land Area:	Comments:
185 Bimbadeen Drive, Fairhaven	\$1,320,000	May 2015	16,775 sqm  Ex Imps \$55/sqm	<p>The property comprises an irregular shaped and generally level Rural Conservation zoned parcel located on the south eastern corner of Old Coach Road and Bimbadeen Drive adjoining the subject property. The property is essentially a bush block with a cleared area for the dwelling.</p> <p>The property is improved with a timber dwelling constructed circa 2007 of some 262 square metres in very good condition. Other improvements include a detached garage/shed, large timber deck, gravel driveway and landscaping around the dwelling. All services connected. We have notionally apportioned the sale price between dwelling of \$327,500 (\$1,250/sqm), other improvements of \$60,000 and land of \$932,500 (\$55/sqm).</p> <p>A smaller property in close proximity to the subject property with all services connected and no onerous landscaping plan or conservation management plan. The land component of this sale is regarded as slightly superior to the lots 1 &amp; 2 on a lump sum basis.</p>
65 Bimbadeen Drive, Fairhaven	\$1,263,000	May 2015	45,033 sqm  Ex Imps \$20/sqm	<p>The property comprises an irregular shaped and sloping Rural Conservation zoned parcel located on the eastern side Bimbadeen Drive overlooking the subject property.</p> <p>The property comprises part bush block with a level cleared area at the rear with frontage to the Painkalac Creek.</p> <p>The property is improved with a brick veneer dwelling constructed circa 1985 of some 250 square metres in well maintained original condition. Other improvements include a double garage, ancillary sheds, tennis court and gravel driveway. All services connected.</p> <p>We have notionally apportioned the sale price between dwelling of \$237,500 (\$950/sqm), other improvements of \$100,000 and land of \$925,500 (\$20/sqm).</p> <p>The land component of this sale is regarded as slightly superior to the lots 1 &amp; 2 on a lump sum basis.</p>

## 11.2. Sales Evidence - Farming Properties:

In assessing the market value of entire property (Lots 1, 2 & 3 PS431010T) and Lot 3 PS431010T in isolation, we have secondly had regard to the following sales of farming properties in close proximity to the surf coast and beaches.

Given the size of Lot 3 being 33.51 hectares with an approved building envelope and the majority affected by a range of development restrictive overlays, we believe the most likely purchaser to be an owner occupier seeking a lifestyle hobby farm in close proximity to the beach.

We have therefore analysed sales of lifestyle hobby farms in close proximity to the beach, although all are further removed and lack direct comparability.

Address:	Sale Price:	Sale Date:	Land Area:	Comments:
1625 Great Ocean Road, Lorne	\$760,000	Feb 2015	163,900 sqm \$4.63/sqm	<p>The property comprises an irregular shaped and extremely steeply sloping Rural Conservation zoned parcel located on the northern fringe of Lorne and abutting established residential dwellings.</p> <p>The property is a heavily vegetated bush block, bisected by a powerline easement with expansive ocean views. The property has poor road frontage (accessed via Skyline Court) and near impossible internal access with limited housing sites.</p> <p>A smaller property with superior views but far inferior access and utility. Overall regarded as far inferior.</p>
175 Brushfields Road, Freshwater Creek	\$970,000	Aug 2015	554,880 sqm \$1.74/sqm	<p>The property comprises an irregular shaped and gently undulating Farming zoned parcel located at the southern terminus of Brushfields Road in Freshwater Creek. An intermittent water course runs along the northern boundary.</p> <p>The property is a cleared site with post and wire boundary fencing. Purchased as a lifestyle hobby farm.</p> <p>A larger property with inferior aspect, inferior road frontage although in a well regarded location. The property is unserviced. Overall regarded as far inferior.</p>
830 Anglesea Road, Freshwater Creek	\$1,000,000	Mar 2015	348,094 sqm Ex Imps \$890,000 \$2.55/sqm	<p>The property comprises a triangular and gently undulating shaped Farming zoned property located on the north western corner of Loutitt Bay Road and Blackgate Road with additional frontage to Anglesea Road in Freshwater Creek.</p> <p>The property is improved with a 2 bedroom brick veneer dwelling constructed circa 1960, woolsheds, machinery shed, hayshed, gravel driveway and post and wire fencing.</p> <p>We have notionally apportioned the sale price between dwelling of \$50,000, other improvements of \$60,000 and land of \$890,000 (\$2.55/sqm).</p> <p>Overall regarded as inferior.</p>

Address:	Sale Price:	Sale Date:	Land Area:	Comments:
1270 Hendy Main Road, Paraparap	\$1,050,000	May 2014	831,569 sqm  \$1.26/sqm	<p>The property comprises an irregular shaped and gently undulating cleared Farming zoned parcel located on the southern side of Hendy Main Road in Paraparap with additional frontage to Giddings Road and McPhees Road.</p> <p>The property is bisected by an intermittent water course, has 2 stock dams and post and wire fencing.</p> <p>A significantly larger property.</p> <p>Overall regarded as comparable.</p>
660 Great Ocean Road, Bellbrae	\$1,300,000	Jan 2014	312,000 sqm  Ex Imps \$3.73/sqm	<p>The property comprises an irregular shaped allotment of land situated on the south west intersection of Gundrys Road and Great Ocean Road directly opposite the subject property. The property is improved with a single level, three bedroom hardiplank dwelling constructed circa 1970 in good condition and an original post war weatherboard dwelling in derelict condition. The property is divided into paddocks and features sundry farm sheds water tanks and dams.</p> <p>The purchaser is subsequently seeking planning approval for an "Adventure Park" style tourist attraction.</p> <p>We have notionally apportioned the sale price between dwelling of \$84,000, other improvements of \$50,000 and land of \$1,166,000 (\$3.73/sqm)</p> <p>Overall the land component of this sale is regarded as comparable.</p>

Whilst the sales are not direct comparable to the subject property, they show that purchasers tend to pay a "lump sum" for properties despite their significantly different sizes and not purely on a rate per square metre basis.

The above sales are regarded as a direct competition to the subject property as a lifestyle hobby farm location although are further removed from the beach. That said, they are close to Geelong.



## 12. Valuation Rationale:

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### 12.1. Direct Comparison Approach:

The International Valuation Guidance Note No 1, and endorsed by the Australian Property Institute states that the sales comparison technique for land valuation involves direct comparison of the subject property with similar land parcels for which actual data on recent market transactions are available. The comparable market evidence is broken down into units of comparison and could include dollars per square metre (for retail, office and residential properties) and per hectare for rural and englobed development land properties. The units of comparison that are applicable to a particular valuation task depends upon the market behaviour.

To make direct comparisons between a comparable sale property and the subject property, quantitative and/or qualitative adjustments based on differences in the elements of comparison may be required by the valuer. Adjustments can narrow the differences between each comparable and the subject.

#### Lot 3 PS431010T, Part 23-79 Bambra Road, Aireys Inlet

In assessing the value of the subject property (Lot 3 PS431010T, Part 23-79 Bambra Road), the following have been central in our deliberations

- The property comprises an irregular shaped parcel of 33.51 hectares located on the western side of Bambra Road, on the fringe of Aireys Inlet and opposite established residential dwellings.
- We regard the highest and best use of Lot 3 PS431010T to be a lifestyle hobby farm for construction of a dwelling.
- The property is located on the southern fringe of the coastal township of Aireys Inlet, approximately 51 kilometres south west of Geelong. More specifically, the property is situated on the western side of Bambra Road approximately 420 metres north of the Great Ocean Road intersection. The property also has frontage to Old Coach Road.
- The property forms part of the Painkalac Creek Flood Plain, is vacant land, largely cleared of trees and currently used for farming purposes (horses).
- The majority of the property is affected by a Floodway Overlay and Land Subject to inundation Overlay due to low lying topography, its valley location and adjoining the Painkalac Creek.
- The property is subject to an approved planning permit (97/7281) dated 24<sup>th</sup> March 1999 which allows for "the subdivision of the land involving realignment of existing lot boundaries and development of one house on each lot in accordance with the endorsed plans." The subdivision has been finalised with the property now comprising three (3) separate titles.
- Importantly the planning permit is due to expire on the 24<sup>th</sup> April 2018. In order to obtain the original planning permit, the matter was heard in VCAT (Ref 1998/029932) with a large number of experts called which indicated a difficult, lengthy and very costly hearing. The Surf Coast Shire Planning department have advised that whilst it is possible for the planning permit to be extended, given the permit has been extended multiple times, there is no guarantee that the permit will be extended into the future. Therefore there is a significant uncertainty for a prospective purchaser regarding permission to construct a dwelling and a possible VCAT application to allow the construction of a dwelling.
- The planning permit (97/7281) also has a range of conditions, which were detailed further in Section 6.3 of this report which are quite onerous.
- We have reviewed the planning permit which expires in 25 months (2 years and 1 month). A dwelling cannot be constructed until the landscaping plan has been prepared, approved and plantings established for at least 2 years. Based on our inspection and discussion with the Surf Coast Shire, a landscaping plan and Conservation Management Plan have both been lodged and approved. That said, no plantings as part of the landscaping plan have been made at the date of valuation.

- Whilst reticulated water is connected, sewerage and power is not yet connected, albeit available in the immediate area. The planning permit requires each lot to be connected to sewerage and electricity prior to construction of a dwelling. Our investigations with Powercor identified that additional costs will be required. As budget estimates for electricity connection has not yet been provided at the date of valuation, we have assumed a nominal connection fee. We reserve the right to review our valuation once budget costs are provided by Powercor.
- The property is currently zoned Rural Conservation and is also affected by the following overlays:
  - Bushfire Management Overlay
  - Design and Development Overlay - Schedule 11
  - Environmental Significance Overlay - Schedule 1
  - Environmental Significance Overlay - Schedule 4
  - Floodway Overlay
  - Land Subject to Inundation Overlay
- Given we regard the highest and best use of the property (Lot 3 PS43101T) to be a lifestyle hobby farm and construction of a dwelling, we have had regard to a range of sales evidence:
  - Firstly we have analysed sales of Rural Conservation zoned vacant parcels in the Aireys Inlet township ranging in size between 4,856 and 6,484 square metres which show sale prices between \$455,000 and \$530,000. Whilst these properties are considerably smaller, they have an "as of right" permission to construct a dwelling, however the native vegetation that resides on each site may result in a protracted approval process. That said, they are regarded as far inferior to Lot 3 PS43101T.
  - Secondly we have had regard to sales of Rural Conservation zoned parcels that abut the subject property and also have frontage to the Painkalac Creek. Whilst both of the sale properties are improved with a dwelling and other improvements along with power and water connected, we have analysed the land value for each property to be between \$925,500 and \$932,500. Both of the sale properties do not possess the onerous landscape plan, conservation management plan and have services already connected to the allotment for use as a lifestyle hobby farm. Both properties are considerably smaller and therefore considered inferior to Lot 3 PS43101T.
  - Thirdly we have had regard to sales of lifestyle hobby farms in close proximity to the coast. The sales indicate land values for Farming zoned properties to range between \$890,000 and \$1,300,000 for properties of varying sizes. Whilst the sales are not direct comparable to the subject property (Lot 3 PS43101T), they show that purchasers tend to pay a "lump sum" for properties despite their significantly different sizes and not purely on a rate per square metre basis. The above sales are regarded as a direct competition to the subject property (Lot 3 PS43101T). as a lifestyle hobby farm location and whilst they are further removed from the beach, they are closer to Geelong.

After careful consideration, we believe the most likely selling price of the property (Lot 3 PS43101T) to be between \$1,000,000 and \$1,100,000 and given the presence of floodway overlay and requirement to connect electricity and sewerage, we have adopted the lower end of the range of \$1,000,000, which equates to \$29,850 per hectare.

Our valuation summation calculations for the subject property (Lot 3 PS43101T) is summarised as follows:

Direct Comparison Approach			
Lot 3 PS43101T, Part 23-79 Bambra Road, Pt Lonsdale			
Land:	33.51 ha	@ \$30,000/ha	\$1,005,300
<b>Adopt:</b>			<b>\$1,000,000</b>

Goods and Services Tax (GST) is not applicable to farming properties.

## Entire Property, 23-79 Bambra Road, Aireys Inlet (Lots1- 3 PS431010T)

In assessing the value of the entire property Lots1- 3 PS431010T, the following have been central in our deliberations

- The property comprises an irregular shaped parcel of 44.473 hectares (over 3 titles) located on the western side of Bambra Road, on the fringe of Aireys Inlet and opposite established residential dwellings.
- We regard the highest and best use of the properties to be 3 separate lifestyle hobby farms each for construction of a dwelling.
- The properties form part of the Painkalac Creek Flood Plain, is vacant land, largely cleared of trees and currently used for farming purposes (horses).
- The majority of the properties are affected by a Floodway Overlay and Land Subject to Inundation Overlay due to low lying topography, its valley location and adjoining the Painkalac Creek.
- The property is subject to an approved planning permit (97/7281) dated 24<sup>th</sup> March 1999 which allows for "the subdivision of the land involving realignment of existing lot boundaries and development of one house on each lot in accordance with the endorsed plans." The subdivision has been finalised with the property now comprising three (3) separate titles. Each title has a building envelope of 500 square metres delineated in the planning permit.
- Importantly the planning permit is due to expire on the 24<sup>th</sup> April 2018. In order to obtain the original planning permit, the matter was heard in VCAT (Ref 1998/029932) with a large number of experts called which indicated a difficult, lengthy and very costly hearing. The Surf Coast Shire Planning department have advised that whilst it is possible for the planning permit to be extended, given the permit has been extended multiple times, there is no guarantee that the permit will be extended into the future. Therefore there is a significant uncertainty for a prospective purchaser regarding permission to construct a dwelling and a possible VCAT application to allow the construction of a dwelling on any of the titles.
- The planning permit (97/7281) also has a range of conditions, which were detailed further in Section 6.3 of this report which are quite onerous.
- We have reviewed the planning permit which expires in 25 months (2 years and 1 month). A dwelling cannot be constructed until the landscaping plan has been prepared, approved and plantings established for at least 2 years. Based on our inspection and discussion with the Surf Coast Shire, a landscaping plan and Conservation Management Plan have both been lodged and approved. That said, no plantings as part of the landscaping plan have been made at the date of valuation.
- Whilst reticulated water is connected, sewerage and power is not yet connected, albeit available in the immediate area. The planning permit requires each lot to be connected to sewerage and electricity prior to construction of a dwelling. Our investigations with Powercor and Barwon Water identified that additional costs will be required. As budget estimates for electricity and sewerage connection has not yet been provided at the date of valuation, we have assumed a nominal connection fee. We reserve the right to review our valuation once estimated connection costs are provided.
- The properties are currently zoned Rural Conservation and is also affected by the following overlays:
  - Bushfire Management Overlay
  - Design and Development Overlay - Schedule 11
  - Environmental Significance Overlay - Schedule 1
  - Environmental Significance Overlay - Schedule 4
  - Floodway Overlay
  - Land Subject to Inundation Overlay

- Given we regard the highest and best use of the properties to be a lifestyle hobby farm and construction of a dwelling on each of the three lots we believe it is unlikely for a single purchaser to acquire properties in a single transaction. That said, we have been requested to provide a valuation of the entire property (3 separate titles) and therefore we must assume a hypothetical purchaser will acquire the property in a single transaction.
- To arrive at the valuation of the entire property, we have assessed the market value of each title and then made a discount for the purchase of all properties in one line. The "In One Line" valuation is calculated using the hypothetical development approach which pre-supposes a single purchaser of all three (3) parcels with a view of on-selling them individually to obtain a profit, as compared to a buy and hold strategy. This approach estimates the total gross realisation or sale price of each parcel and then makes deductions for sales and holding costs including a margin for profit and risk, to arrive at the market value on one line.
- The sales we have utilised in our assessment of market value are summarised as follows:
  - Firstly we have analysed sales of Rural Conservation zoned vacant parcels in the Aireys Inlet township ranging in size between 4,856 and 6,484 square metres which show sale prices between \$455,000 and \$530,000. Whilst these properties are considerably smaller, they have an "as of right" permission to construct a dwelling, however the native vegetation that resides on each site may result in a protracted approval process. That said, they are regarded as far inferior to the entire property.
  - Secondly we have had regard to sales of Rural Conservation zoned parcels that abut the subject property and also have frontage to the Painkalac Creek. Whilst both of the sale properties are improved with a dwelling and other improvements along with power and water connected, we have analysed the land value for each property to be between \$925,500 and \$932,500. Both of the sale properties do not possess the onerous landscape plan, conservation management plan and have services already connected to the lots for use as a lifestyle hobby farm. Both properties are considerably smaller and therefore considered inferior to the entire property.
  - Thirdly we have had regard to sales of lifestyle hobby farms in close proximity to the coast. The sales indicate land values for Farming zoned properties to range between \$760,000 and \$1,300,000 for properties of varying sizes. Whilst the sales are not direct comparable to the subject property, they show that purchasers tend to pay a "lump sum" for properties despite their significantly different sizes and not purely on a rate per square metre basis. The above sales are regarded as a direct competition to the subject property as a lifestyle hobby farm location and whilst they are further removed from the beach, they are closer to Geelong.

Firstly, we have estimated the Gross Realisation of each parcel as follows:

- Lot 1 PS431010T - After careful consideration, we believe the most likely selling price of the property to be between \$700,000 and \$800,000 and we have adopted the midpoint of \$750,000.
- Lot 2 PS431010T - After careful consideration, we believe the most likely selling price of the property to be between \$700,000 and \$800,000 and we have adopted the midpoint of \$750,000.
- Lot 3 PS431010T - After careful consideration, we believe the most likely selling price of the property to be between \$1,000,000 and \$1,100,000 and given the presence of floodway overlay and requirement to connect electricity and sewerage, we have adopted the lower end of the range of \$1,000,000, which equates to \$29,850 per hectare.

The gross realisation of all three properties equates to \$2,500,000.

Selling costs, services connection and a margin for profit and risk is deducted from the total gross realisation or sale price of the development, to arrive at the market value. Given the costs for electricity and sewerage connection are unknown, we have been unable to include these costs in our assessment.

Given the nature of the properties and the risks involved, we believe a discount of 25% to be fair a reasonable which equates to \$625,000.

Our valuation summation calculations for the entire subject property are summarised as follows:

Direct Comparison Approach			
Lot 3 PS431010T, Part 23-79 Bambra Road, Pt Lonsdale			
Lot 1 PS431010T:	4.579 ha	@ \$16.38/sqm	\$750,000
Lot 2 PS431010T:	4.384 ha	@ \$17.10/sqm	\$750,000
Lot 3 PS431010T:	33.51 ha	@ \$3.28/sqm	\$1,000,000
		Sub Total	\$2,500,000
	Discount for sale in one line	25%	(\$625,000)
		Total	\$1,875,000
<b>Adopt:</b>			<b>\$1,900,000</b>

Goods and Services Tax (GST) is not applicable to farming properties.

## 13. Conclusion:

After careful consideration, we have assessed the market value of the property known as 23-79 Bambra Road, Aireys Inlet (Lots 1, 2 & 3 PS431010T) as at 9<sup>th</sup> March 2016 to be:

**\$1,900,000**

**(ONE MILLION NINE HUNDRED THOUSAND DOLLARS)**

After careful consideration, we have assessed the market value of the property known as Lot 3, part 23-79 Bambra Road, Aireys Inlet (Lot 3 PS431010T) as at 9<sup>th</sup> March 2016 to be:

**\$1,000,000**

**(ONE MILLION DOLLARS)**

Goods and Services Tax (GST) is not applicable to farming properties.

## 14. Qualifications and disclaimers:

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This valuation is current at the date of valuation only. The value assessed herein may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). Liability for losses arising from such subsequent changes in value is excluded as is liability where the valuation is relied upon after the date of valuation.

We certify that the valuer and/or the valuation firm does not have any direct, indirect or financial interest in the property or client described in this report.

This valuation has been prepared on specific instructions from Charlotte Allen of Aireys Inlet & District Association for pre-purchase purposes. Only the client, who the report is specifically addressed, may rely upon the report, and only for the sole purpose as specified in the report.

The report is not to be relied upon by any other person or for any other purpose. We accept no liability to third parties nor do we contemplate that this report will be relied upon by third parties. Should any other party seek to rely upon the valuation report, the consent of VRC Property must be obtained in writing before relying on this report. VRC Property reserves the right to withhold consent or to review the contents of the valuation report in the event that consent is sought. VRC Property accept no liability for negligence and/or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.

The report has been prepared for the private and confidential use of Charlotte Allen of Aireys Inlet & District Association for pre-purchase purposes and it should not be reproduced in whole or in part or relied upon for any other purpose or by any other party without our express written authority.

This report is not to be used or relied upon by any person for the purpose of;

- mortgage purposes (lending money by way of loan or involved in the making of any loan); or
- solicitor loan purposes (for or on behalf of a Solicitor Lender or any person lending money through a Solicitor Lender; or
- Managed Investment Scheme purposes. This includes any use in connection with any Managed Investment Scheme which;
  - has as its prime or substantial purpose, the provision of tax benefits to investors; or
  - is involved in any form of direct or indirect investment in primary production (including property used for primary production).

This report has been made only for the purpose stated and shall not be used for any other purpose. Neither this report nor any portions thereof (including without limitation any conclusions as to value, the identity of VRC Property or any individuals signing or associated with this report, or the professional associations or organisations with which they are affiliated) shall be disseminated to third parties by any means without the prior written consent and approval of VRC Property.

Neither the whole nor any part of any valuation report may be included in any document, circular or statement without VRC Property prior written approval of the form and context in which they are to appear. VRC Property does not consent to any valuation report in whole nor any part being published on the internet or social media by any means.

This valuation has been prepared on the basis that full disclosure of all information and facts which may affect the valuation has been made to us. We do not accept any liability or responsibility whatsoever for the valuation if full disclosure has not been made. Furthermore, we do not accept responsibility for any consequential error or defect in the valuation which has resulted from any error, omission or inaccuracy in data or information supplied by the client or its officers and agents.

This valuation is based on information reasonably available to the valuer as at the date of issue in accordance with usual valuation practices. By reason of the operation of privacy laws, the valuers' enquiries in respect of recent transactions have been constrained. Accordingly the valuer may not have had access to information on recent transactions which have not yet been published in information sources available to the valuer. In the event that other transactions have taken place, knowledge of those transactions may affect the opinion expressed by the valuer.

No investigation has been made of, and no responsibility is assumed for the legal description or for legal matters, including the title or encumbrances. Title to the property is assumed to be good and marketable unless otherwise stated.

A current survey has not been sighted and this valuation is subject to there being no encroachments by or upon the property and this should be confirmed by a current survey and / or advice from a registered surveyor. All land areas, building areas and lettable areas referred to in the valuation report are approximate and even professional surveyors acting reasonably, can differ in relation to measurement of areas. Should the Client subsequently ascertain that areas referred to in the valuation report differ from other information provided to the Client, the Client agree to refer the valuation back to Valuer for comments and, where appropriate, amendment.

Information furnished by others, upon which all or portions of this report are based, is believed to be reliable but has not been verified in all cases. No warranty is given as to the accuracy of such information.

Full compliance with all applicable federal, state and local zoning, use, environmental and similar laws and regulations including relevant building codes is assumed, unless otherwise stated.

It is assumed that all required licences, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organisation have been or can be obtained or renewed for any use on which the value contained in this report is based.

No soil tests nor environmental studies or reports have been made available to us. Our valuation is completed on the assumption that there are no environmental problems in any way affecting the subject property, including surface or sub surface conditions, toxic or hazardous wastes or building material hazardous in the property that may adversely affect its existing or potential use and our assessment of value. Should it subsequently transpire that an expert report establishes that there are such matters of environmental concern, or such matters become known or discovered, no reliance should be placed on our assessment of value unless we have been advised of such matters and we have confirmed that our assessment of value is not affected. We reserve the right to review this valuation to determine the impact such environmental matters has on the property and our assessment of value

No soil analysis or geological studies were ordered or made in conjunction with this report.

The client acknowledges and recognises that VRC Property is not an expert in identifying environmental hazards and compliance requirements affecting properties. VRC Property does not have the expertise to be able to prepare an environmental audit report and any valuation report by VRC Property will not in any way constitute an environmental audit. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert. VRC Property will not be liable nor responsible for failure to identify all such matters of environmental concern and the impact which an environmental related issue has on the property and its value including loss arising from;

- i. site contamination;
- ii. the non-compliance with any environmental laws; or
- iii. costs associated with the clean-up of a property in which an environmental hazard has been recognised, including action by the Environmental Protection Authority to recover clean-up costs pursuant to the Environmental Protection Act.

VRC Property does not carry out structural surveys of buildings or improvements nor testing of building services. VRC Property is not able to give any assurance that a property (including building services) is free from defect. This report is on the basis that no impediment including timber infestation, structural

deficiencies, concrete cancer and the like, which could only be known following such survey, exists. The client should engage appropriate professionals to advise on structural soundness and state of services.

VRC Property does not carry out investigations on site or by enquiry to determine whether any building was constructed or altered using hazardous materials (eg. asbestos). The client should engage appropriate professionals to advise on the existence and state of such material.

We must point out that we are not experts in this area and therefore, in the absence of an environmental consultant's report concerning the presence of any asbestos fibre within the subject property, this valuation is made on the assumption that there is no health risk from asbestos within the property. Should it subsequently transpire that an expert report establishes that there is an asbestos related health risk we reserve the right to review this valuation.

VRC Property does not carry out any investigations on site or off site or by enquiry to determine the ground/soil beneath the surface or undertaken any vegetation or soil sampling. This report is on the basis that no contamination of the land exists. The client should engage appropriate professionals to advise in this regard.

VRC Property does not carry out investigations on site in order to determine the suitability of ground conditions and services for new developments. This report is on the basis that these aspects are satisfactory and that where development is proposed, no extraordinary expense or delays will be incurred during the construction period.

In relation to any potential GST liability, we must point out that we are not legal or taxation experts. Any comments given as to GST position are not given in the capacity as an expert. We recommend the client should engage appropriate legal or taxation experts to obtain their own legal and taxation advice on the GST position.

Liability limited by a scheme approved under Professional Standards Legislation

## **VRC Property Pty Ltd**



**Chris Barrett AAPI**  
**Certified Practising Valuer**  
**API Member No. 63083**

Dated: 17<sup>th</sup> March 2016



# VRC Property

| Valuations | Research | Consulting |

## Appendix 1:

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<b>Request for Valuation - Instructions</b>	
To VRC Property Pty Ltd, please provide a valuation in accordance with the information below. I agree I have read and understood the Terms of Engagement as outlined on pages 2 to 4.	
Date of Instruction:	24.02.2016
<b>Personal Details of Client:</b>	
Name:	CHARLOTTE ALLEN
Organisation:	AIREYS INLET 2 DISTRICT ASS
Address:	PO Box 359, AIREYS INLET, VIC 3231
Phone:	B: H: (03) 9419 1120 M: 0418 567 977
Email:	C.allen@bigpond.net.au
<b>Property / Valuation Details:</b>	
Address:	23-79 BAMBRA RD, AIREYS INLET
Purpose of Valuation:	POSSIBLE PURCHASE
Property Type:	GRAZED LAND ON THREE TITLES
Report Format:	WRITTEN REPORT - EMAILED
Comments or Special Instructions:	PLEASE SEE ATTACHED PAGES (2.) (Please provide all information and facts which may affect the valuation)
<b>Access Details for Inspection:</b>	
Contact Person:	JAMES WORSSAM, GREAT OCEAN RD REAL ESTATE
Phone:	B: 5220 0200 H: M: 0418 585 815
<b>Address Report to:</b>	
Name:	(if different to above)
Organisation:	
Address:	
Phone:	B: H: M:
Email:	
Delivery Method:	<input checked="" type="radio"/> Email / <input type="radio"/> Mail / <input type="radio"/> Fax / <input type="radio"/> Other: (Please circle)
<b>Address Invoice to:</b>	
Name:	(if different to above)
Organisation:	
Address:	
Phone:	B: H: M:
Email:	
Quoted Fee:	\$ (inc GST) Quote Required: Yes / No (Please circle)

## Terms of Engagement VRC Property Pty Ltd

The following terms are the standard terms and conditions that apply to valuation or consultancy services for which VRC Property Pty Ltd ("VRC Property") is engaged. These terms form part of the appointment of VRC Property by the client to provide the service, unless other specific terms and conditions are agreed in writing between VRC Property and the client.

### **Exclusion on Use and Liability**

Any valuation report prepared by VRC Property will be solely for the private and confidential use of the party by whom instructed by (the "client") for the sole purpose for which it was prepared. Only the client may rely upon the valuation report prepared by VRC Property, and only for the sole purpose as stated in the valuation report.

Any valuation report prepared by VRC Property is not to be relied upon by any other person or for any other purpose. VRC Property accepts no liability to third parties nor do VRC Property contemplate that any part of any valuation report will be relied upon by third parties. Should any other party seek to rely upon the valuation report, the consent of VRC Property must be obtained in writing first. VRC Property reserves the right to withhold consent or to review the contents of the valuation report in the event that consent is sought. VRC Property accept no liability for negligence and/or any other cause of action for any loss or damage suffered by a third party to whom the valuation report was not addressed.

The client agrees that neither the whole or any part of any valuation report will be communicated to any other person without first obtaining the written consent of VRC Property. The client further agrees that if it does communicate to any other person, the whole or any part of the valuation report, in accordance with these terms and conditions and on obtaining written consent, the client will also communicate the terms of engagement to that other person.

The client acknowledges that the valuation is current at the date of valuation only. The value assessed may change significantly and unexpectedly over a relatively short period of time (including as a result of general market movements or factors specific to the particular property). Liability for losses arising from such subsequent changes in value is excluded as is liability where the valuation is relied upon after the date of the valuation.

The client agrees to provide instructions in writing and must include a statement as to the purpose for which the client intends to use the valuation report.

The client agrees that the valuation report is not to be used for mortgage purposes (lending money by way of loan or involved in the making of any loan) unless

1. the person or entity making such loan is an authorised deposit taking institute within the meaning of the Banking Act 1959 AND
2. the client discloses in writing to VRC property that the purpose for which the client intends to use the report is for mortgage purposes (and discloses the authorised deposit taking institute). This disclosure is to be included in the written instructions provided by the client to VRC Property at the start of any commencement of services.

The client agrees that the valuation report is not to be used for solicitor loan purposes (for or on behalf of a Solicitor Lender or any person lending money through a Solicitor Lender).

The client agrees that the valuation report is not to be used for Managed Investment Scheme purposes. The valuation report is not to be used in connection with any Managed Investment Scheme which;

- has as its prime or substantial purpose, the provision of tax benefits to investors; or
- is involved in any form of direct or indirect investment in primary production (including property used for primary production).

## Other terms and conditions

The client agrees to provide to VRC Property full disclosure of all information and facts which may affect the valuation, to enable VRC Property to properly perform the services. VRC Property does not accept any liability or responsibility whatsoever for the valuation unless such full disclosure has been made by the client. Furthermore, VRC Property do not accept responsibility for any consequential error or defect in the valuation which has resulted from any error, omission or inaccuracy in data or information supplied by the client or its officers and agents. VRC Property has the right to refuse to provide a valuation report if the client does not provide VRC Property with information or explanations needed to perform the valuation.

The client agrees to make the property (including improvements) available and accessible for VRC Property to physically inspect. The client agrees that the property is in a condition to be physically inspected and does not cause any health or safety risk to the valuer(s) of VRC Property.

Except where required by law or by any proper authority, all confidential information provided by the client shall, except with consent of the client, be kept confidential by VRC Property. VRC Property reserves the right to retain a copy of the confidential information for purposes only of compliance with any professional, legal or regulatory requirements or obligations.

Intellectual property prepared by VRC Property and prepared for the client shall remain the property of VRC Property. The client agrees that no part of any valuation, report, document or publications prepared by VRC Property may be reproduced or transmitted or disclosed in any form or by any means, or stored in any database or retrieval system of any nature, without prior written consent from VRC Property.

The client agrees that neither the whole nor any part of any valuation report, nor any reference thereto, may be included in any document, circular or statement without VRC Property prior written approval of the form and context in which they are to appear. VRC Property does not consent to any valuation report in whole or any part being published on the internet or social media by any means.

The valuation takes account of the property in its present state and condition, based on information which VRC Property have derived from physical inspection, information supplied by the client, information derived from public records including land titles and the like and any other information which have been able to be obtained from reasonable enquiry as at the date of issue in accordance with usual valuation practices.

The client acknowledges and recognises that VRC Property is not an expert in identifying environmental hazards and compliance requirements affecting properties. VRC Property does not have the expertise to be able to prepare an environmental audit report and any valuation report by VRC Property will not in any way constitute an environmental audit. Any comments given as to environmental factors in relation to the property are not given in the capacity as an expert. VRC Property will not be liable nor responsible for failure to identify all such matters of environmental concern and the impact which an environmental related issue has on the property and its value including loss arising from;

- i. site contamination;
- ii. the non-compliance with any environmental laws; or
- iii. costs associated with the clean-up of a property in which an environmental hazard has been recognised, including action by the Environmental Protection Authority to recover clean-up costs pursuant to the Environmental Protection Act

VRC Property does not carry out structural surveys of buildings or improvements nor testing of building services. VRC Property is not able to give any assurance that a property is free from defect. The valuation reports are on the basis that no impediment including timber infestation, structural deficiencies, concrete cancer and the like, which could only be known following such survey, exists. The client should engage appropriate professionals to advise on structural soundness and state of services.

VRC Property does not carry out investigations on site or by enquiry to determine whether any building was constructed or altered using hazardous materials (eg. asbestos). Unless VRC Property are otherwise informed, the valuation reports are on the basis that no such materials have been used. The client should engage appropriate professionals to advise on the existence and state of such material.

VRC Property does not carry out any investigations on site or off site or by enquiry to determine the ground/soil beneath the surface or undertaken any vegetation or soil sampling. The valuation reports are on the basis that no contamination of the land exists. The client should make their own enquiries in this regard.

VRC Property does not carry out investigations on site in order to determine the suitability of ground conditions and services for new developments. Unless otherwise informed, the valuation reports are on the basis that these aspects are satisfactory and that where development is proposed, no extraordinary expense or delays will be incurred during the construction period.

The valuation reports assume full compliance with all applicable federal, state and local zoning, use, environmental and similar laws and regulations including relevant building codes.

The valuation reports assume that all required licences, certificates of occupancy, consents, or other legislative or administrative authority from any local, state or national government or private entity or organisation have been or can be obtained or renewed for any use on which the value contained in the report is based.

Our professional fees include all time spent on the project, whether at the client's premises or elsewhere. We reserve the right to submit interim invoices for such services where we consider it to be appropriate.

Unless otherwise agreed, payment of our fees is required prior to release of the valuation report.

I agree that I have read and understood the above Terms of Engagement which outline the terms and conditions that apply to this valuation engagement.

Print Name: Charlotte Allen

Print Name: PETER MCPHEE

Signature: CHARLOTTE ALLEN

Signature: Peter McPhee

Date: 24.02.2016

Date: 24.02.2016

**Please return to VRC Property Pty Ltd**

Mail: PO Box 3083 Waurm Ponds VIC 3216

Office: 1<sup>st</sup> Floor, 27-31 Myers Street, Geelong VIC 3220

Email: [valuer@vrcproperty.com.au](mailto:valuer@vrcproperty.com.au)

## **Comments or special instructions - Valuation 23-79 Bambra Road, Aireys Inlet**

There was not enough space on the form provided to make these comments.

1. The valley land (about 102 acres) is divided into three blocks of approximately 82, 10 and 11 acres.  
AIDA would like a valuation of the three titles as one lot – that is the whole 102 acres.  
We would also like a valuation of just the 82 acre block.
2. The client (Aireys Inlet and District Ass (AIDA)) must not be disclosed to the real estate agent. Suggest the agent is told a Melbourne based client asked for the valuation.
3. The valley land is a drained wetland and floodplain and has effectively been on the market for many years but has been actively marketed for about 5-6 months.
4. The land on each side of the valley has been subdivided from the land on the valley floor and progressively sold off over the past 20 years.
5. There is a Section 173 over the three blocks. This includes the following covenants (there are others)
  - a. That none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot.
  - b. The setting aside as an area of public open space to vest in the Council upon registration of the plan of re-subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Paikalac Creek.
  - c. Creation of building envelopes set back a minimum of 40 metres from Bambra Road, having an area not greater than 500 square metres, and otherwise sited to the satisfaction of the Responsible Authority on each of the three permitted lots.
  - d. No buildings to be constructed outside the building envelopes.
  - e. No buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level.
  - f. That no development commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit ("the endorsed landscaping plan") has been established for a period of at least two years prior to the commencement of any development.
  - g. That the planting on the endorsed landscaping plan to be carried out and maintained to the satisfaction of the Council.

h. That, save for the establishment of garden beds within a 10 metre radius of any buildings, no plantings shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of the council.

i. That no dogs shall be kept on the land.

j. That all storm water run-off from any buildings and any hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek.

k. To pay the Council's reasonable costs associated with the negotiation, preparation, execution and registration of the Agreement'.

# VRC Property

| Valuations | Research | Consulting |

## Appendix 2:

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# Planning Property Report

from [www.dtpli.vic.gov.au/planning](http://www.dtpli.vic.gov.au/planning) on 08 March 2016 04:08 PM

**Address:** 23-79 BAMBRA ROAD AIREYS INLET 3231

**Lot and Plan Number:** Lot 1 PS431010

This property has a total of 3 parcels.

For full parcel details get the free Basic Property report at [Property Reports](#)

**Local Government (Council):** SURF COAST **Council Property Number:** 64280

**Directory Reference:** VicRoads 525 S9

See next page for planning information

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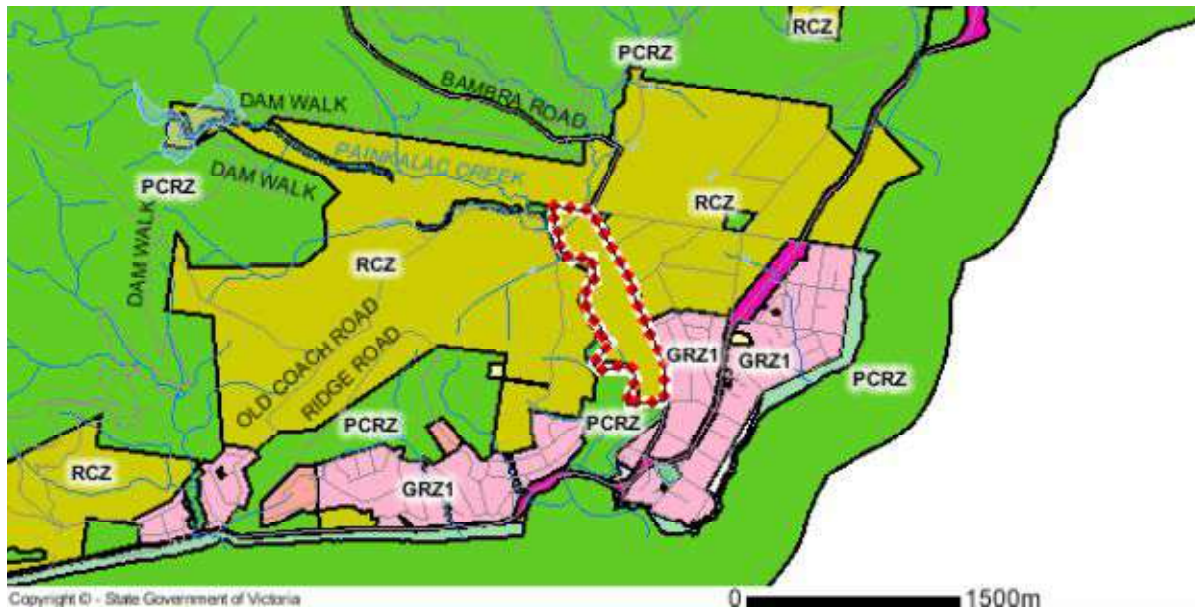
## Planning Zones

[PUBLIC CONSERVATION AND RESOURCE ZONE \(PCRZ\)](#)

[SCHEDULE TO THE PUBLIC CONSERVATION AND RESOURCE ZONE](#)

[RURAL CONSERVATION ZONE \(RCZ\)](#)

[SCHEDULE TO THE RURAL CONSERVATION ZONE](#)



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

### Zones Legend

ACZ - Activity Centre	IN1Z - Industrial 1	R1Z - General Residential
B1Z - Commercial 1	IN2Z - Industrial 2	R2Z - General Residential
B2Z - Commercial 1	IN3Z - Industrial 3	R3Z - General Residential
B3Z - Commercial 2	LDRZ - Low Density Residential	RAZ - Rural Activity
B4Z - Commercial 2	MUZ - Mixed Use	RCZ - Rural Conservation
B5Z - Commercial 1	NRZ - Neighbourhood Residential	RDZ1 - Road - Category 1
C1Z - Commercial 1	PCRZ - Public Conservation & Resource	RDZ2 - Road - Category 2
C2Z - Commercial 2	PDZ - Priority Development	RGZ - Residential Growth
CA - Commonwealth Land	PPRZ - Public Park & Recreation	RLZ - Rural Living
CCZ - Capital City	PUZ1 - Public Use - Service & Utility	RUZ - Rural
CDZ - Comprehensive Development	PUZ2 - Public Use - Education	SUZ - Special Use
DZ - Dockland	PUZ3 - Public Use - Health Community	TZ - Township
ERZ - Environmental Rural	PUZ4 - Public Use - Transport	UFZ - Urban Floodway
FZ - Farming	PUZ5 - Public Use - Cemetery/Crematorium	UGZ - Urban Growth
GRZ - General Residential	PUZ6 - Public Use - Local Government	Urban Growth Boundary
GWAZ - Green Wedge A	PUZ7 - Public Use - Other Public Use	
GWZ - Green Wedge	PZ - Port	

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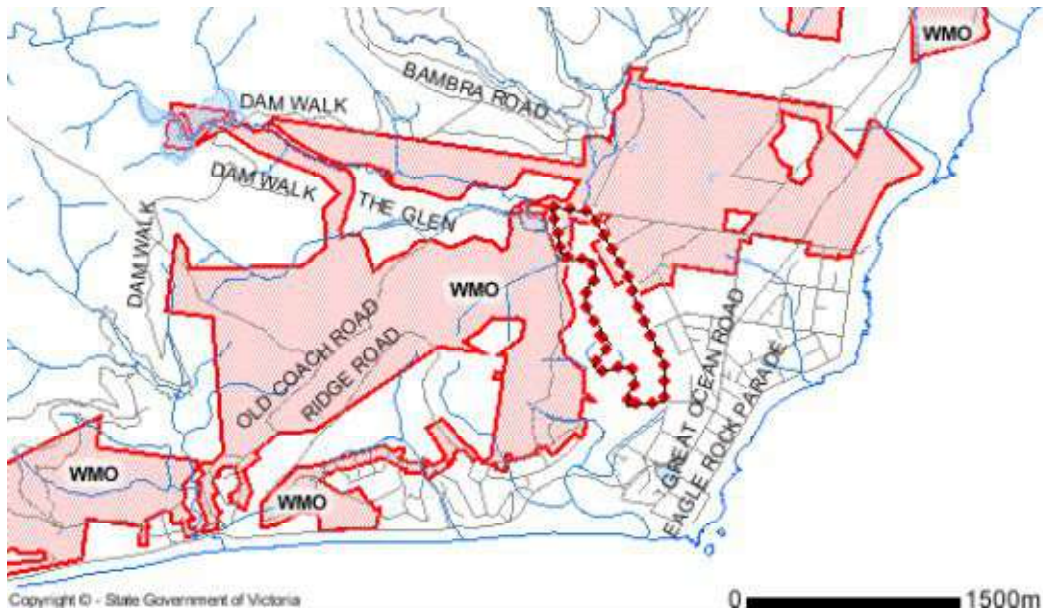
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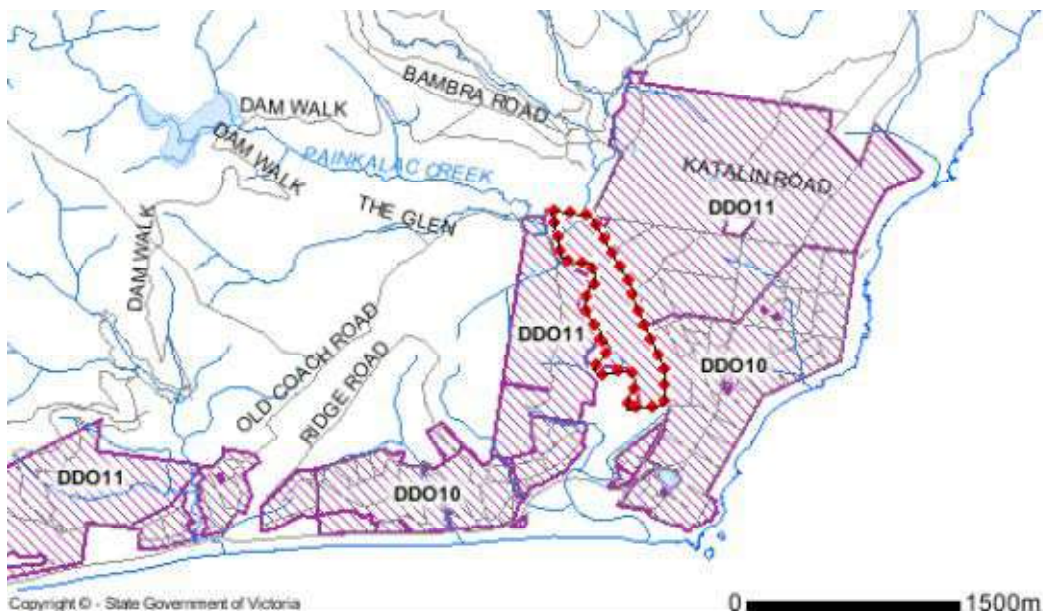
## Planning Overlays

### BUSHFIRE MANAGEMENT OVERLAY (BMO OR WMO)



### DESIGN AND DEVELOPMENT OVERLAY (DDO)

#### DESIGN AND DEVELOPMENT OVERLAY - SCHEDULE 11 (DDO11)



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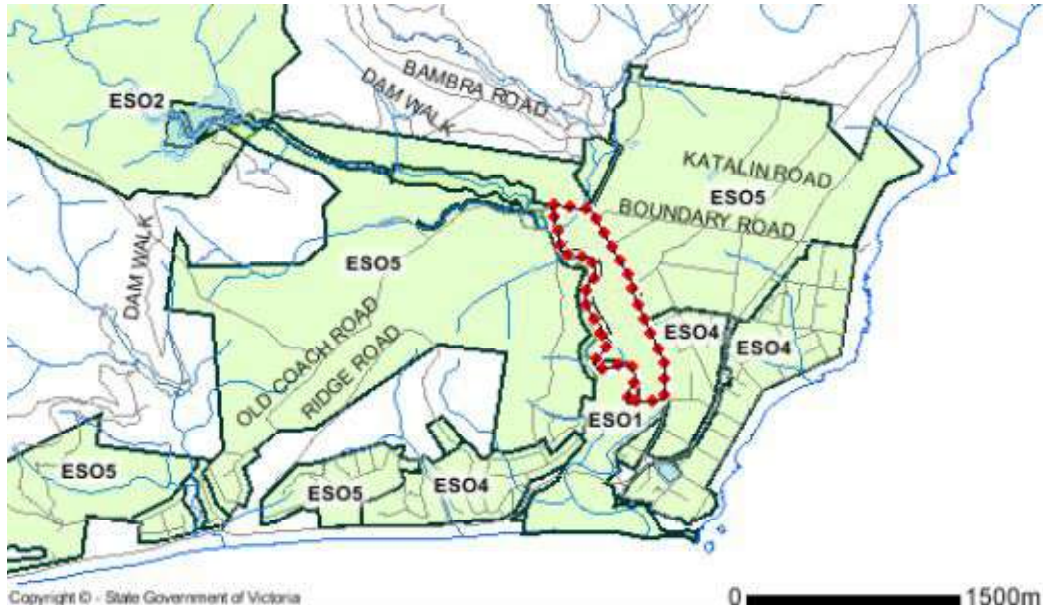


## Planning Overlays

ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)

ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 4 (ESO4)

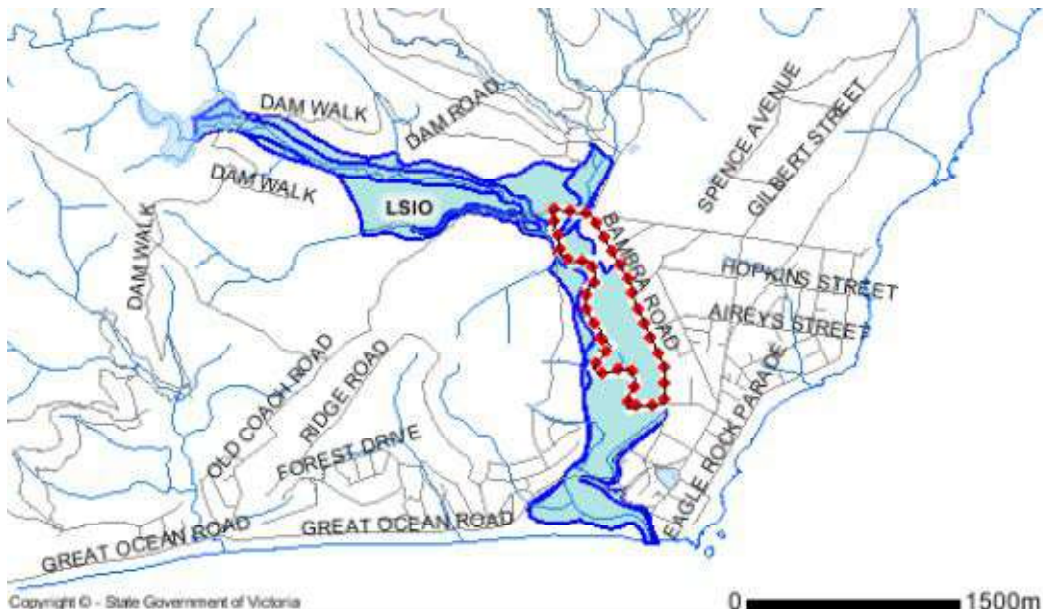


FLOODWAY OVERLAY (FO)

FLOODWAY OVERLAY SCHEDULE (FO)

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

LAND SUBJECT TO INUNDATION OVERLAY SCHEDULE (LSIO)



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## Planning Overlays

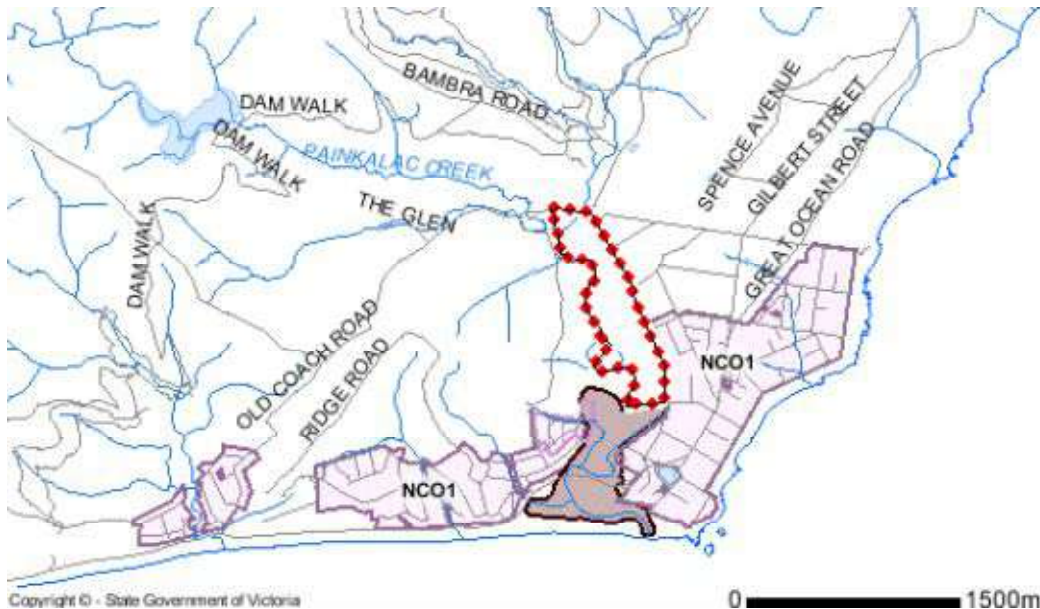
### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[DEVELOPMENT PLAN OVERLAY \(DPO\)](#)

[NEIGHBOURHOOD CHARACTER OVERLAY \(NCO\)](#)

[SALINITY MANAGEMENT OVERLAY \(SMO\)](#)



### Overlays Legend

AEO - Airport Environs	LSIO - Land Subject to Inundation
BMO - Bushfire Management (also WMO)	MAEO1 - Melbourne Airport Environs 1
CLPO - City Link Project	MAEO2 - Melbourne Airport Environs 2
DCPO - Development Contributions Plan	NCO - Neighbourhood Character
DDO - Design & Development	PD - Parking
DDOP - Design & Development Part	PAD - Public Acquisition
DPO - Development Plan	RD - Restructure
EAO - Environmental Audit	RCO - Road Closure
EMO - Erosion Management	SBO - Special Building
ESO - Environmental Significance	SLO - Significant Landscape
FO - Floodway	SMO - Salinity Management
HO - Heritage	SRD - State Resource
IPO - Incorporated Plan	VPO - Vegetation Protection

Note: due to overlaps some colours on the maps may not match those in the legend.

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## Areas of Aboriginal Cultural Heritage Sensitivity

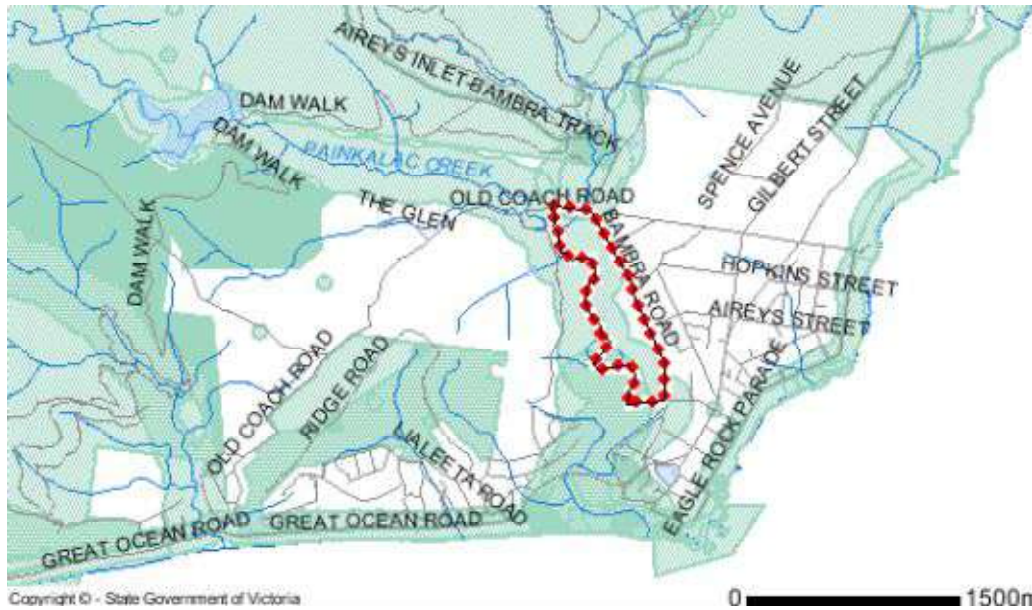
This property is within, or is affected by, one or more areas of cultural heritage sensitivity as described in the Aboriginal Heritage Regulations 2007.

The data provides indicative information about the location and extent of areas of Aboriginal cultural heritage sensitivity and is provided to assist with the decisions about the potential need to prepare a Cultural Heritage Management Plan in relation to proposed activities on this property.

For further information about whether a Cultural Heritage Management Plan is required go to [Aboriginal Heritage Planning Tool](#)

To find out if your property has any recorded Aboriginal cultural heritage places, such as scarred trees, occupation sites or places of burial, you can request information from the Victorian Aboriginal Heritage Register.

Find out more about the [Victorian Aboriginal Heritage Register](#)



**Aboriginal Cultural Heritage Sensitivity**  Aboriginal Cultural Heritage Sensitivity  Selected Land

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## Further Planning Information

Planning scheme data last updated on 3 March 2016.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State, local, particular and general provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting [Planning Schemes Online](#)

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the Planning & Environment Act 1987. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to [Titles and Property Certificates](#)

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

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

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

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# VRC Property

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## Appendix 3:

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

VOLUME 10687 FOLIO 720

Security no : 124059427312Y  
Produced 08/03/2016 04:13 pm

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593            Volume 07292 Folio 273            Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339    to Volume 08253 Folio 340

Volume 09316 Folio 208            Volume 10422 Folio 553

Volume 10546 Folio 948    to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN of 3 LESLIE GR, BRIGHTON 3186

PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL



-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

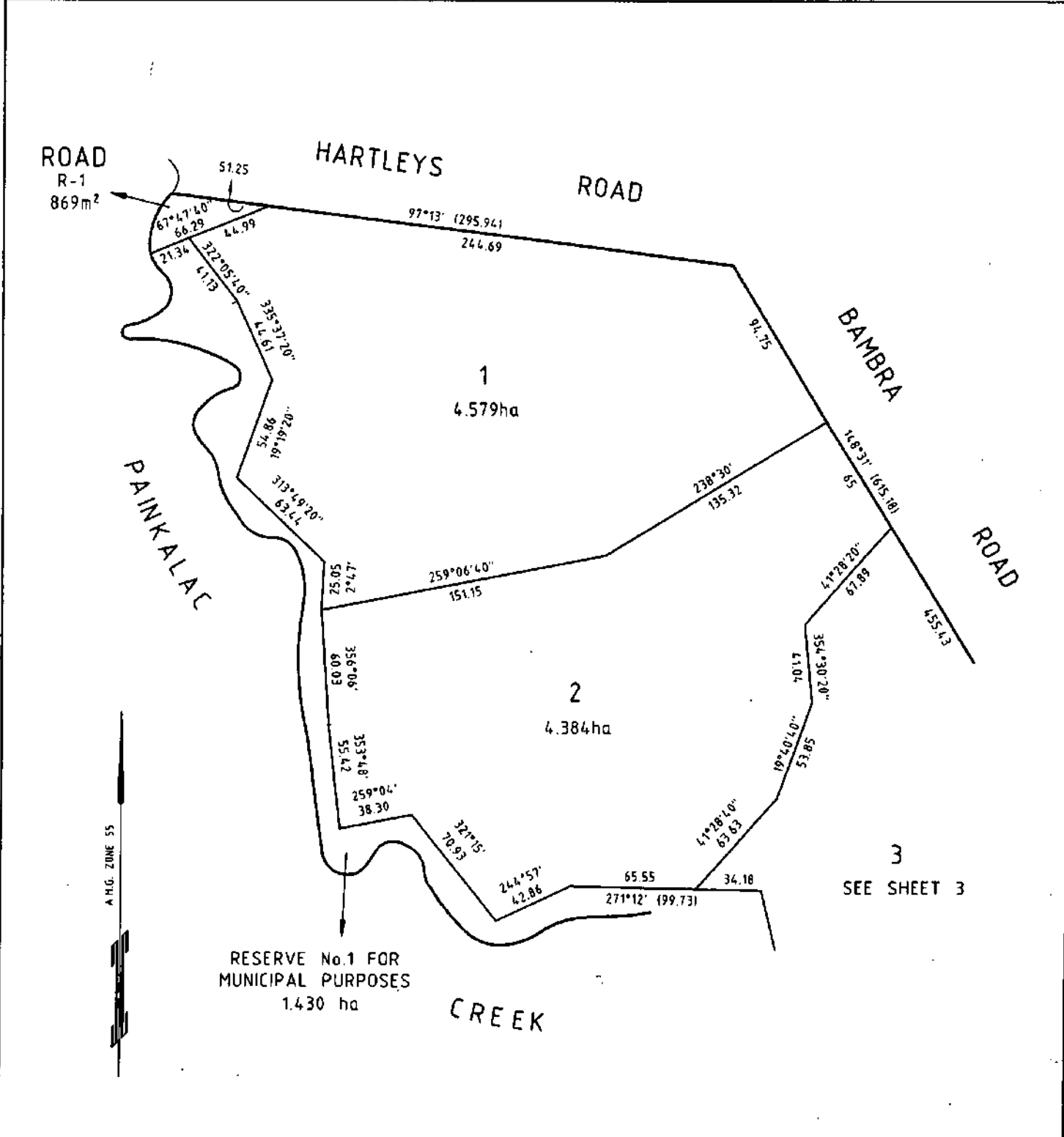
Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd  
Delivered at 08/03/2016, for Order Number 35190491. Your reference: 23-79 Bambra Road.**

<b>PLAN OF SUBDIVISION</b>				Stage No. /	LTO use only <b>EDITION 1</b>	Plan Number <b>PS 431010T</b>			
<b>Location of Land</b> Parish: ANGAHOOK Township: _____ Section: A (PART) Crown Allotment: _____ Crown Portion: _____ LTO base record: DCMB Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949. Last Plan Reference: TP18229E, LP1757 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231. AMG Co-ordinates E 246600 Zone 55 (of approx. centre of land in plan) N 5739600				<b>Council Certification and Endorsement</b> Council Name: SURF COAST SHIRE Ref: 52632 1. This plan is certified under section 8 of the Subdivision Act 1988. 2. <del>This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 / /</del> 3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> <b>Open Space</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has / has not</del> been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage</del> _____ Council Delegate _____ <del>Council seal</del> Date 5/3/02 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council Seal _____ Date / /					
<b>Vesting of Roads or Reserves</b>				<b>Notations</b>					
Identifier	Council/Body/Person			Staging This <del>is</del> / is not a staged subdivision Planning Permit No. 97/7281 Depth Limitation DOES NOT APPLY					
ROAD R-1	SURF COAST SHIRE								
RESERVE No.1	SURF COAST SHIRE								
RESERVE No.2	SURF COAST SHIRE			<b>CREATION OF RESTRICTION.</b> UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED. LAND TO BENEFIT: LOTS ON THIS PLAN LAND TO BE BURDENED: LOTS ON THIS PLAN <b>DESCRIPTION OF RESTRICTION.</b> THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT. IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED. THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281 PARTIAL SURVEY TITLE BOUNDARY ABUTTING PANKALAE CREEK IS NOT A RESULT OF THIS SURVEY. Survey:- This plan is / <del>is not</del> based on survey. This survey has been connected to permanent marks no(s) 21, 22, 23 In Proclaimed Survey Area no. 76					
<b>Easement Information</b>							LTO use only Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 3/6/02 LTO use only PLAN REGISTERED TIME 11:05 DATE 13/11/02 _____ Assistant Registrar of Titles Sheet 1 of 3 Sheets		
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)									
Subject Land	Purpose	Width (Metres)	Origin				Land Benefited/In Favour Of		
E-1	DRAINAGE	6	THIS PLAN	SURF COAST SHIRE					
 30 BELLERINE STREET, GEELONG, 3220. Ph. (03) 5229 3167 Fax (03) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA  benchmark IN QUALITY ASSURED ONLY A QUALITY ASSURED COMPANY				LICENSED SURVEYOR (PRINT) GREGORY CHALMERS SIGNATURE _____ DATE 6/2/02 REP GE-0356-01-SS VERSION 2					
				DATE 5/3/02 COUNCIL DELEGATE SIGNATURE Original sheet size A3					

<b>PLAN OF SUBDIVISION</b>	Stage No. <hr style="width:50%; margin: auto;"/>	Plan Number <b>PS431010T</b>
----------------------------	---	---------------------------------



30 BELLEUNE STREET, GEELONG, 3220.  
 PH: 0430 5229 3167 Fax: (09) 5222 1991  
 GEELONG • BALLARAT • MELBOURNE • MILDURA

**TGM**  
 Engineers and Surveyors

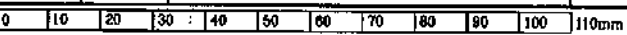
**benchmark**  
 IN QUALITY  
 ASSURED FOR EVER

A QUALITY ASSURED COMPANY

ORIGINAL	SCALE	<p>LENGTHS ARE IN METRES</p>
SCALE 1:2000	SHEET SIZE A3	

LICENSED SURVEYOR (PRINT) <u>GREGORY CHALMERS</u>	
SIGNATURE _____	DATE / /
REF <u>GE-0356-01-SS</u>	VERSION <u>2</u>

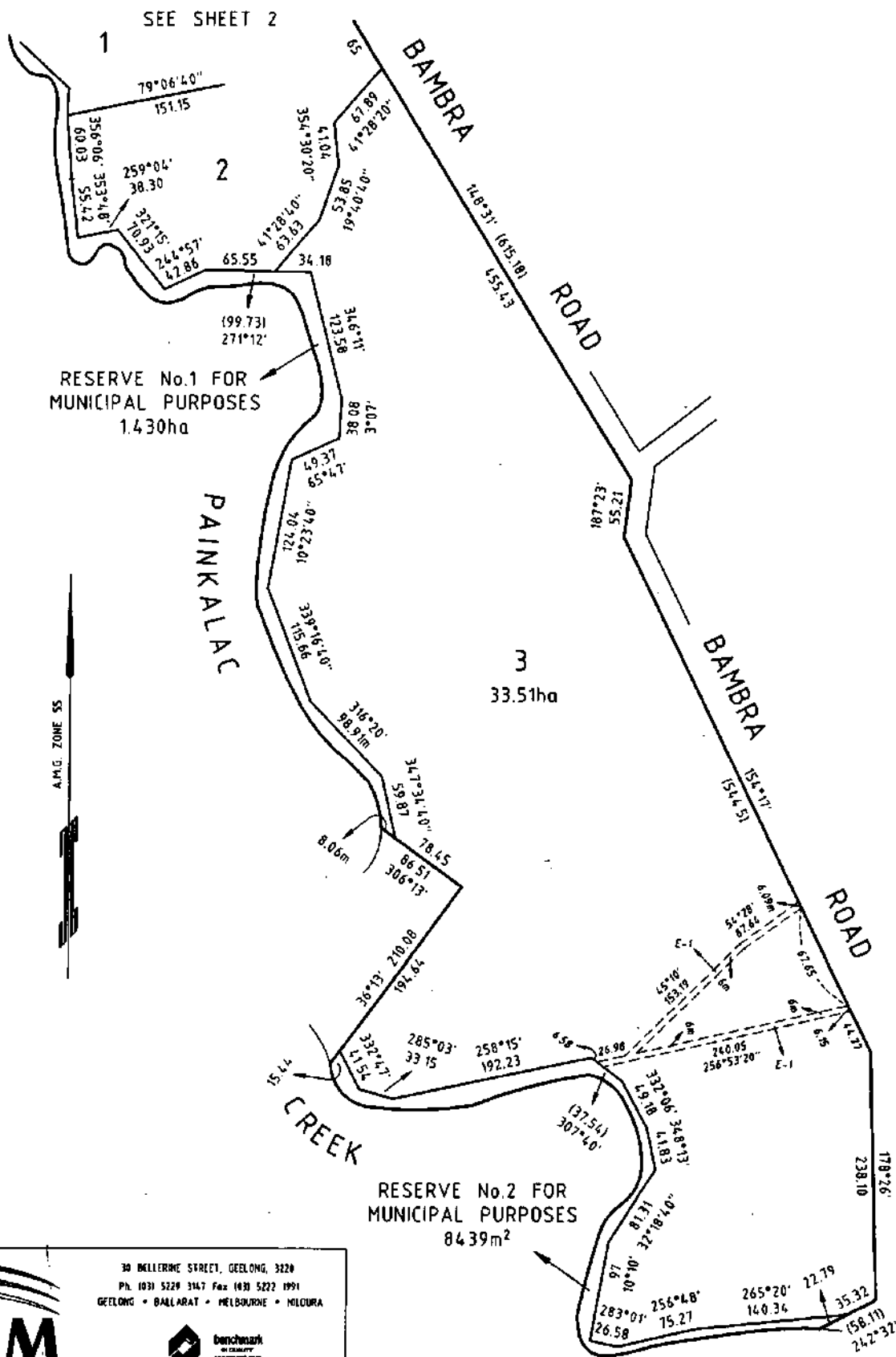
Sheet 2 of 3 Sheets
DATE / /
COUNCIL DELEGATE SIGNATURE
Original sheet size A3



**PLAN OF SUBDIVISION**

Stage No.

Plan Number  
**PS431010T**



30 BELLERME STREET, GEELONG, 3220  
Ph. (03) 5229 3147 Fax (03) 5222 1991  
GEELONG • BALLARAT • MELBOURNE • MILDURA

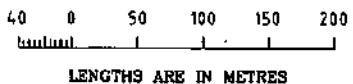


A QUALITY ASSURED COMPANY

ORIGINAL

SCALE

SCALE SHEET SIZE  
1:4000 A3



LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

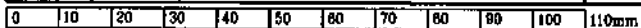
SIGNATURE \_\_\_\_\_ DATE / /

REF GE-0356-01-SS VERSION 2

Sheet 3 of 3 Sheets

DATE / /  
COUNCIL DELEGATE SIGNATURE

Original sheet size A3



Register Search Statement - Volume 10687 Folio 721

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of the information.

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

VOLUME 10687 FOLIO 721

Security no : 124059427304H  
Produced 08/03/2016 04:13 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593            Volume 07292 Folio 273            Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339    to Volume 08253 Folio 340

Volume 09316 Folio 208            Volume 10422 Folio 553

Volume 10546 Folio 948    to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN of 3 LESLIE GR, BRIGHTON 3186

PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd  
Delivered at 08/03/2016, for Order Number 35190491. Your reference: 23-79 Bambra Road.**

FORM 9. DRAWN 2  
09 APR 2001  
RELOIGED

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

1 x agreement

Planning and Environment Act 1987

X1513550

141100 1139 173

X409742J

090401 2300 173 \$0



Lodged at the Land Titles Office by:

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: JDC:LP

Customer Code: 0485 U

The Authority having made an Agreement requires a recording to be made in the Register for the land.

Land: Certificates of Title Volume 8079 Folio ~~911~~<sup>511</sup>, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio ~~543~~<sup>543</sup>, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339.

Authority: Surfcoast Shire of 28 Grossmans Road, Torquay, 3228.

Section and Act under which Agreement made:

Section 173 Planning and Environment Act 1987

AMENDED

-9 APR 2001

With comment of  
Current Practitioner for: *AMR*

A copy of the Agreement is attached to this Application.

Signature for the Authority:

Name of Officer:

Diana Patterson

Position Held:

Chief Executive Officer

Dated:

21.9.00

210 JAN 2001





**SURF COAST SHIRE COUNCIL**

- and -

**MR JOHN BRUCE ALLEN and ESTATE of PATRICIA VALERIE ALLEN**

---

**Agreement Under Section 173 of the  
Planning and Environment Act 1987**

---

**Subject Land: 23-79 Bambra Road, Aireys Inlet**

**KLM Gerner Consulting Group**  
117 Church Street, Hawthorn Vic 3122  
Tel (03) 9819 3199 Fax (03) 9819 1390  
Ref 1363R7

**X151355G**

141100 1139 173



**DX409742J-2-8**

## PLANNING AND ENVIRONMENT ACT 1987

### SECTION 173 AGREEMENT

**THIS AGREEMENT** is made on the 4 day of August 2000

**BETWEEN:**

**SURF COAST SHIRE COUNCIL** of 25 Grossmans Road, Torquay, in the State of Victoria (hereinafter called "the Council")

- and -

**JOHN BRUCE ALLEN and ESTATE OF PATRICA VALERIE ALLEN** c/o Allen & Allen Solicitors, 20<sup>th</sup> Floor, 114 William Street, Melbourne 3000 in the State of Victoria (hereinafter called "the Owner").

**WHEREAS:**

- A. The Owner is the owner and registered proprietor of the land more particularly described in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339, ("the Land").
- B. The Land is situated within the boundaries of the Surf Coast Shire which administers the Surf Coast Planning Scheme (the Planning Scheme).
- C. Pursuant to the Planning and Environment Act ("the Act") the Council is the Responsible Authority for the administration and enforcement of the Planning Scheme.
- D. The Council has issued Permit No.97/7281 (the Permit) which allows the land to be subdivided by the realignment of existing lot boundaries to create not more than three lots..
- E. Condition 2 of the Permit requires the execution of an Agreement between the Responsible Authority and the Owner pursuant to Section 173 of the Act prior to the certification of any Plan of Subdivision for the land and prior to the commencement of any development on the Land.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as an Agreement made pursuant to Section 173 of the Act.

**X151355G**

141100 1139 173



DX409742J-3-5

**NOW THIS AGREEMENT WITNESSETH AND THE PARTIES AGREE as follows:**

**1. DEFINITIONS**

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "the Council" means Surf Coast Shire Council.
- 1.3 "the Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the land or any relevant part of it.
- 1.4 "the Scheme" means the Surf Coast Planning Scheme or any amendment thereof or any Planning Scheme made by the Minister for Planning and Local Government in place thereof.
- 1.5 "the Land" means the whole of the land in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339 situated at 23-79 Bambra Road, Aireys Inlet or any part of such land.
- 1.6 "the Permit" means permit No 997/7281 issued by the Council on March 24, 1999.
- 1.7 "the Plan of Subdivision" means the amended plan submitted to Council in accordance with condition 1 of the Permit.

**2. INTERPRETATION**

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and the plural includes the singular.
- 2.2 A reference to gender includes a reference to each other gender.
- 2.3 A reference to person includes a reference to a firm, corporation or other corporate bodies and their successors.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and severally.
- 2.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any other regulations made under such statutes.

**X151355G**



2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

### 3. COMMENCEMENT OF AGREEMENT

This Agreement shall commence on the date hereof.

### 4. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- 4.1 None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.
- 4.2 Not more than one dwelling shall be constructed on the lot.
- 4.3 An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.
- 4.4 A building envelope shall be created for the lot as follows:-
- (a) A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.
  - (b) A building area of not greater than 500 m<sup>2</sup>.
- 4.5 No building shall be constructed outside the building envelope.
- 4.6 The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.
- 4.7 The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.
- 4.8 No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.
- 4.9 The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.

**X151355G**

141100\_1139\_173



DX409742J-5-0

- 4.10 Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.
- 4.11 No dogs shall be kept on the lot.
- 4.12 All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek.

**5. FURTHER OBLIGATIONS OF THE OWNER**

- 5.1 The Owner agrees to do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the Land after the Approval Date in accordance with Section 181 of the Act.
- 5.2 The Owner shall bear the reasonable costs of and incidental to the making of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.
- 5.3 The Owner covenants and agrees to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns of the Land.

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

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



..... Councillor  
*[Signature]* Chief Executive Officer

**SIGNED** by the said **JOHN BRUCE ALLEN** in the presence of:

..... *[Signature]* Witness

**SIGNED** by **JOHN BRUCE ALLEN** as Executor of the Estate of **PATRICIA VALERIE ALLEN** in the presence of:

..... *[Signature]* Witness

*J. B. Allen*

*J. B. Allen*

**X151355G**

141100 1139 173



DX409742J-6-7

**AB437838W**

24/07/2002 \$59 183%



**FORM 15**

**Schedule 1 of the Planning and Environment Regulations**

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF AMENDMENT OF AN AGREEMENT**



s. 183

*Planning and Environment Act 1987*

**Lodged at the Land Titles Office by:**

**Name:** BEST HOOPER



DAB437838W-1-9

**Phone:** 9670-8951

**Address:** 563 Little Lonsdale Street, Melbourne

**Ref:** DSLG:9909.0823

**Customer Code:** 0485 U

The Authority notifies that the agreement has been amended and requires that the recording in the Register be altered accordingly.

**Land:** Certificate of Title:-  
Volume 6388 Folio ~~543~~ 593  
Volume 7292 Folio 273  
Volume 7302 Folio 355  
Volume 8079 Folio ~~94~~ 511  
Volume 8253 Folio 339  
Volume 8253 Folio 340  
Volume 10422 Folio 553

Now = 10687-719  
720 AND  
721

**Authority:** Surf Coast Shire Council of 25 Grossmans Road, Torquay

**Section and Act under which Agreement made:**

*SH 23/1/02*

Section 178 *Planning and Environment Act 1987*

**RECORDED AGREEMENT NUMBER:** X400742 J

The Agreement has been amended in accordance with the terms of the Deed of Amendment to an Agreement, a copy of which is attached.

**Signature for the Authority:**

**Name of Officer:** MICHAEL ULBRICH

**Position Held:** ACTING CEO

**Dated:** 17/7/02

*SH 23/1/02*

DATED the

3rd

day of

July

2002

**SURFCOAST SHIRE COUNCIL**

- and -

**JOHN BRUCE ALLEN**

- and -

**JOHN BRUCE ALLEN as Executor of the  
ESTATE OF PATRICIA VALERIE ALLEN**



DAB437838W-2-7

---

**A G R E E M E N T**

---

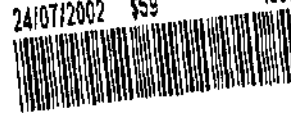
**BEST HOOPER**  
Solicitors  
563 Little Lonsdale Street  
MELBOURNE

Ref: JDC:TLC:MF:99090823  
Tel: 9670 8951  
Fax: 9670 2954

**AB437838W**

24/07/2002 \$59

1834



THIS AGREEMENT is made the 3rd day of July 2002

BETWEEN:

**SURFCOAST SHIRE COUNCIL** of 25 Grossmans Road, Torquay in the State of Victoria ("the Responsible Authority") of the first part

- and -

**JOHN BRUCE ALLEN & JOHN BRUCE ALLEN** as Executor of the ESTATE OF **PATRICIA VALERIE ALLEN** care of Allen & Allen Solicitors, 20<sup>th</sup> Floor, 114 William Street, Melbourne in the State of Victoria ("the Owners") of the second part

WHEREAS:

- A. The Owners are the registered proprietors of the land comprised in Certificates of Title Volume 6388 Folio <sup>543</sup>~~593~~, Volume 7292 Folio 273, Volume 7302 Folio 355, Volume 8079 Folio <sup>911</sup>~~544~~, Volume 8253 Folio 339 and Volume 8253 Folio 340 and Volume 10422 Folio 553 ("the land").
- B. An Agreement pursuant to Section 173 of the *Planning and Environment Act 1987* ("the S. 173 Agreement") affects the land. A copy of the S. 173 Agreement forms Schedule 1.

C. Clause 4 of the S. 173 Agreement, states:-



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

*The Owner covenants and agrees that:*

- 4.1 *None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.*





4.2 *Not more than one dwelling shall be constructed on the lot.*

4.3 *An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.*

4.4 *A building envelope shall be created for the lot as follows:-*

(a) *A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.*

(b) *A building area of not greater than 500m<sup>2</sup>.*

4.5 *No building shall be constructed outside the building envelope.*

4.6 *The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.*

4.7 *The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.*

4.8 *No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.*

4.9 *The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.*



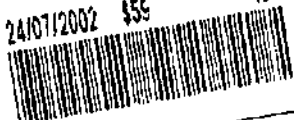
DAB437838W-4-3

**AB437838W**

24/07/2002

\$59

1834



4.10 *Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.*



DAB437838W-5-1

4.11 *No dogs shall be kept on the lot.*

4.12 *All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek."*

D. The Responsible Authority and the Owners agree to the variation of the S 173 Agreement contained on the Title by inserting an additional covenant in Clause 4 of the S.173 Agreement as follows:

*"4.13 The ongoing implementation of the Conservation Management Plan endorsed under Permit 97/7281 shall be undertaken in accordance with the requirements of the Plan."*

A copy of the Conservation Management Plan forms Schedule 2 to this Agreement.

E. In order to give effect to the agreement referred to in Recital D, the parties enter into this agreement which the parties agree constitutes an amendment to the S. 173 Agreement insofar as it affects the land, pursuant to Section 178 of the *Planning and Environment Act 1987* ("the Act").

F. The Responsible Authority is responsible under the Act for the administration and enforcement of the Surfcoast Shire Planning Scheme ("the Planning Scheme") in respect of the land.

**AB437838W**



24/07/2002 559

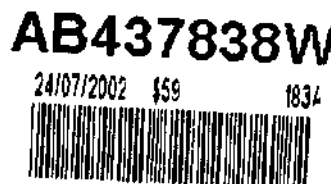
1834

**NOW IT IS AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:-**

**Interpretation**



- 1.1 Words importing the singular shall include the plural and words importing the masculine gender shall include the female and if applicable a corporation.
- 1.2 This Agreement shall be governed and construed in accordance with the laws for the time being of the State of Victoria.
- 1.3 Any notice shall be given or served by being delivered to any party at the address in the State or Territory shown in this Agreement for that party or at such other address as any party may nominate in writing to the other parties or by being posted to that address and if served by post shall be deemed to be duly served at the expiration of fourteen days after the time of posting unless in the meantime the letter is returned unclaimed.
- 1.4 Any notice to be given by any of the parties may be executed under common seal, by the attorney or attorneys of the party or by the manager, director, secretary or solicitor for the time being of the party.
- 1.5 In any case where one or more of the terms, conditions and provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect the remaining terms, conditions and provisions shall nevertheless remain in full force and effect.
- 1.6 Unless otherwise stated the terms and conditions of this Agreement shall be the whole of the terms and conditions between the parties hereto. Any additions or variation in such terms and conditions shall be of no effect unless in writing and attached to this Agreement.
- 1.7 Time shall be of the essence of this Agreement.



- 1.8 Headings in this Agreement are for convenience only and shall not affect the interpretation or construction hereof. All schedules and annexures to this Agreement are incorporated in and form part of this Agreement.
- 1.9 Any reference to any Act of Parliament shall be deemed to include any amendment, replacement or re-enactment of that Act for the time being in force and to include any by-laws, local laws, licenses, statutory instruments, rules and regulations, orders, notices and directions, consents or permission made under it and any condition attaching to it.
- 1.10 The Owners shall be deemed to include their successors assigns and transferees and the obligations imposed upon and assumed by the Owners shall also be binding on their successors transferees purchasers mortgagees and assigns as if each of them had separately executed this Agreement.
- 1.11 Without limiting the operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made pursuant to the provisions of Section 178 of the Act.

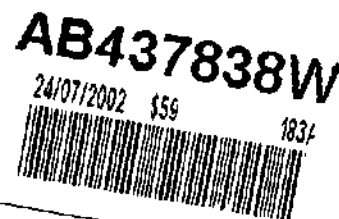
Commencement of Agreement



2. This Agreement shall come into force and effect immediately upon its execution by both parties.

Parties' agreement

3. The Responsible Authority and the Owners covenant and agree that by virtue of this Agreement a new paragraph 4.13 stated as follows, is included as the last item in clause 4 in the S. 173 Agreement:-



*"4.13 The ongoing implementation of the Conservation Management Plan endorsed under Permit 97/7281 shall be undertaken in accordance with the requirements of the Plan."*

4. In the event of any inconsistency between this Agreement and any of the provisions of the S. 173 Agreement, the provisions of this Agreement prevail.

5.1 The Owners will do all things necessary, including signing any further agreements, undertakings, covenants and consents, approvals or other documents necessary for the purpose of ensuring that the Owners carry out the Owners' covenants under this Agreement and to enable the Responsible Authority to enforce the performance by the Owners of such covenants and undertakings.

5.2 The Owners will consent to the Responsible Authority making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the land in accordance with Section 181 of the Act and do all things necessary to enable the Responsible Authority to do so, including signing any further agreement, acknowledgment or documents or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that Section.

6. The Owners warrant and covenant that:-



- (i) they are the registered proprietors of the land;
- (ii) the subject land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in Section 43 of the *Transfer of Land Act 1958*.

7. The Owners warrant and covenant that any mortgagee in respect of the land will provide its consent in writing to -



(a) the Owners entering into this Agreement;



(b) being bound by the terms of this Agreement should it become the mortgagee in possession of the land.

8. The Owners shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land without first providing to their successors a copy of the executed Agreement.

9. The Owners shall forthwith on demand pay to the Responsible Authority the Responsible Authority's costs and expenses (as between solicitor and own client) of and incidental to this Agreement and of anything consequent thereon, relating thereto, pursuant thereto or in furtherance thereof (including, but without limiting the generality of the foregoing, anything done in anticipation or in the negotiation of this Agreement and the enforcement of any obligations imposed by the Owners herein). To the extent that any such costs and expenses constitute legal professional costs, the Responsible Authority may have them assessed by the Law Institute of Victoria Costs Service and, in the event, the parties shall be bound by the amount of such assessment with any fee for obtaining such assessment being borne equally by the Owners and the Responsible Authority.

10. In the event of a dispute arising between the parties concerning any matter contained in this Agreement, the parties agree to submit the dispute to the determination of a person nominated by the President for the time being of the Law Institute of Victoria acting as an expert and not as an arbitrator whose decision shall be final and binding on the parties. Each party shall pay its own costs in relation to the determination of such dispute.

11. In all other respects the S. 173 Agreement is affirmed.



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

THE COMMON SEAL of )  
SURFCOAST SHIRE COUNCIL )  
is affixed hereto in the presence of: )



*[Signature]* ..... Councillor

*[Signature]* ..... Chief Executive Officer

SIGNED SEALED AND DELIVERED )  
by JOHN BRUCE ALLEN: )  
in the presence of: )

*J. B. Allen*

*[Signature]* ..... Witness

*Adrian Leary* ..... Full name

*563 Little Lonsdale* ..... Usual address

*St Melle* .....



SIGNED by JOHN BRUCE ALLEN )  
as Executor of the Estate of )  
PATRICIA VALERIE ALLEN )  
in the presence of: )

*J. B. Allen*

*[Signature]* ..... Witness

*563 Little Lonsdale* ..... Full name

*St* ..... Usual address

*Melkenn 3000* .....

**AB437838W**



**SCHEDULE 1**



**0AB437838W-11-5**





**SURF COAST SHIRE COUNCIL**

- and -

**MR JOHN BRUCE ALLEN and ESTATE of PATRICIA VALERIE ALLEN**

---

**Agreement Under Section 173 of the  
Planning and Environment Act 1987**

---



**Subject Land: 23-79 Bambra Road, Aireys Inlet**

**KLM Gerner Consulting Group**  
117 Church Street, Hawthorn Vic 3122  
Tel (03) 9819 3199 Fax (03) 9819 1390  
Ref 1363R7



**PLANNING AND ENVIRONMENT ACT 1987**

**SECTION 173 AGREEMENT**

**THIS AGREEMENT** is made on the \_\_\_\_\_ day of \_\_\_\_\_ 2000

**BETWEEN:**

**SURF COAST SHIRE COUNCIL** of 25 Grossmans Road, Torquay, in the State of Victoria (hereinafter called "the Council")

- and -

**JOHN BRUCE ALLEN and ESTATE OF PATRICA VALERIE ALLEN** c/o Allen & Allen Solicitors, 20<sup>th</sup> Floor, 114 William Street, Melbourne 3000 in the State of Victoria (hereinafter called "the Owner").

**WHEREAS:**

- A. The Owner is the owner and registered proprietor of the land more particularly described in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339, ("the Land").
- B. The Land is situated within the boundaries of the Surf Coast Shire which administers the Surf Coast Planning Scheme (the Planning Scheme).
- C. Pursuant to the Planning and Environment Act ("the Act") the Council is the Responsible Authority for the administration and enforcement of the Planning Scheme.
- D. The Council has issued Permit No.97/7281 (the Permit).
- E. Condition 2 of the Permit requires the execution of an Agreement between the Responsible Authority and the Owner pursuant to Section 173 of the Act prior to the certification of any Plan of Subdivision for the land and prior to the commencement of any development on the Land.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as an Agreement made pursuant to Section 173 of the Act.

**AB437838W**

24/07/2002 156 1834





**NOW THIS AGREEMENT WITNESSETH AND THE PARTIES AGREE as follows:**

**1. DEFINITIONS**

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "the Council" means Surf Coast Shire Council.
- 1.3 "the Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the land or any relevant part of it.
- 1.4 "the Scheme" means the Surf Coast Planning Scheme or any amendment thereof or any Planning Scheme made by the Minister for Planning and Local Government in place thereof.
- 1.5 "the Land" means the whole of the land in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339 situated at 23-79 Bambra Road, Aireys Inlet or any part of such land.
- 1.6 "the Permit" means permit No 997/7281 issued by the Council on March 24, 1999.

**2. INTERPRETATION**

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and the plural includes the singular.
- 2.2 A reference to gender includes a reference to each other gender.
- 2.3 A reference to person includes a reference to a firm, corporation or other corporate bodies and their successors.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and severally.
- 2.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any other regulations made under such statutes.

**AB437838W**

24/07/2002 \$59 1834



2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

### 3. COMMENCEMENT OF AGREEMENT

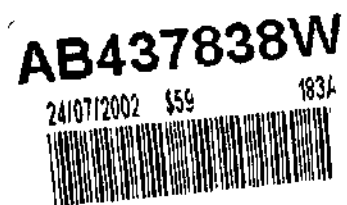
This Agreement shall commence on the date hereof.

### 4. SPECIFIC OBLIGATIONS OF THE OWNER



The Owner covenants and agrees that:

- 4.1 None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.
- 4.2 Not more than one dwelling shall be constructed on the lot.
- 4.3 An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.
- 4.4 A building envelope shall be created for the lot as follows:-
  - (a) A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.
  - (b) A building area of not greater than 500 m<sup>2</sup>.
- 4.5 No building shall be constructed outside the building envelope.
- 4.6 The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.
- 4.7 The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.
- 4.8 No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.
- 4.9 The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.





- 4.10 Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.
- 4.11 No dogs shall be kept on the lot.
- 4.12 All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek.

**5. FURTHER OBLIGATIONS OF THE OWNER**

- 5.1 The Owner agrees to do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the Land after the Approval Date in accordance with Section 181 of the Act.
- 5.2 The Owner shall bear the reasonable costs of and incidental to the making of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.
- 5.3 The Owner covenants and agrees to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns of the Land.

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

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

..... Councillor

..... Chief Executive Officer

**SIGNED** by the said **JOHN BRUCE ALLEN** in the presence of:

..... Witness

**SIGNED** by **JOHN BRUCE ALLEN** as Executor of the Estate of **PATRICIA VALERIE ALLEN** in the presence of:

..... Witness

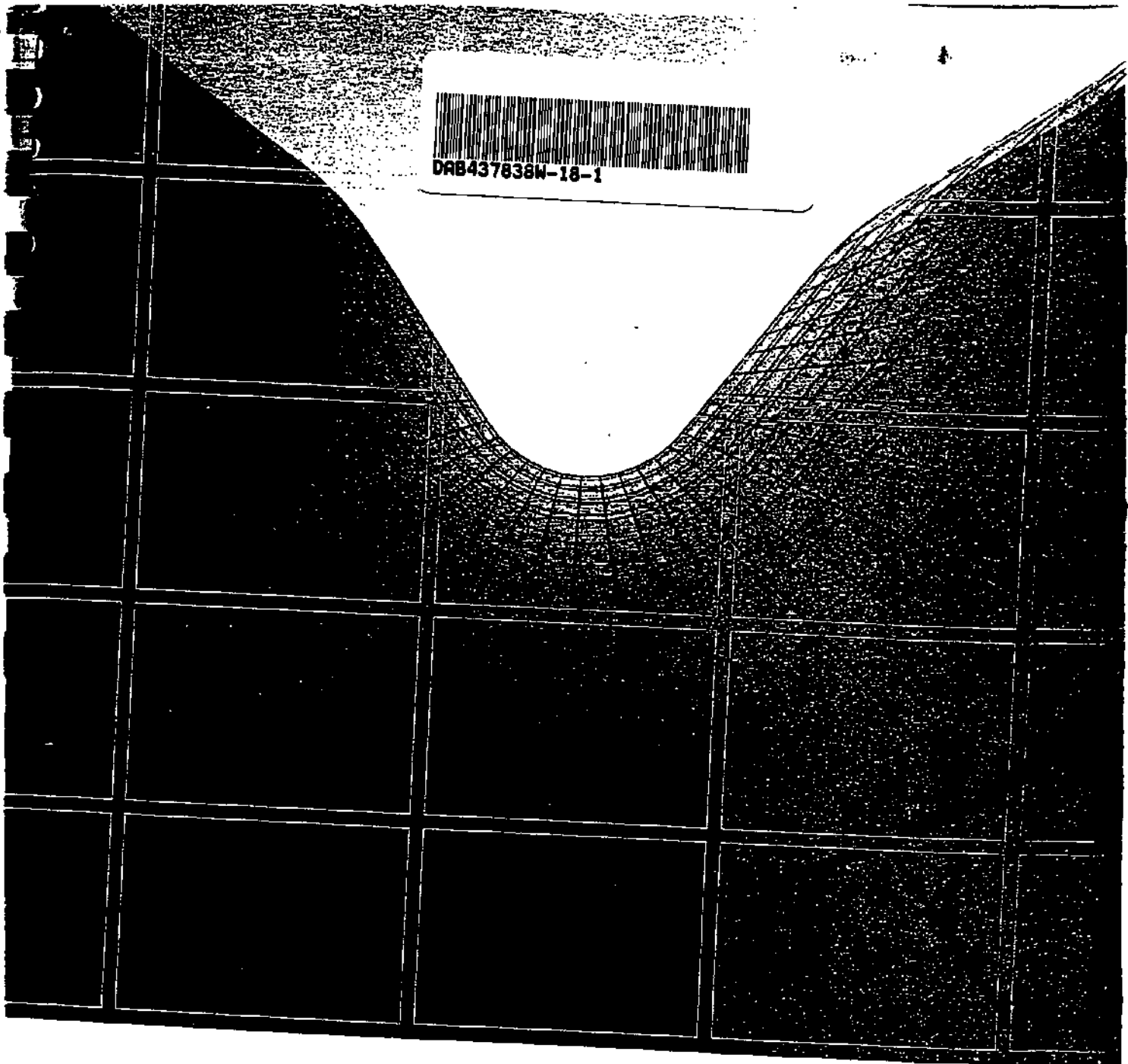


## SCHEDULE 2





DB437838W-18-1



# Bambra Road Subdivision, Airleys Inlet

Conservation and Management Plan

Allen & Allen Barristers & Solicitors

February 2002

698213RP2

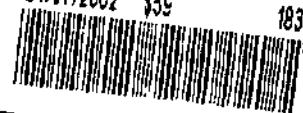
[www.erm.com](http://www.erm.com)

**AB437838W**

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**FINAL REPORT**


**BAMBRA ROAD  
SUBDIVISION,  
AIREYS INLET**

*Conservation and  
Management Plan*



February 2002

Reference: 698213 RPT2

For and on behalf of	
Environmental Resources Management Australia	
Approved by:	Allan Wyatt
Signed:	
Position:	Principal
Date	8 <sup>th</sup> February 2002

**AB437838W**

24/07/2002 559 1834





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PLANNING & ENVIRONMENT ACT 1987

**SURF COAST PLANNING SCHEME**  
 Amended Plan Endorsed  
 under Condition 1(2)(d) of  
 Permit 971/7281 dated 21/3/1999

Signed *[Signature]*

Date 13/3/02 For and on behalf of the  
 Council of the Surf Coast Shire

Sheet No. ...1... of ...9... sheets

## AB437838W

24/07/2002 \$55 1834





DB437838W-21-3

Chapter 1

Amended Plan Endorsed  
 under Condition 1.2(a) of  
 Permit 1.7.1.2281... dated 24.1.99  
 Signed .....  
 Date 3.13.02 For and on behalf of  
 Council of the Surf Coast S  
 Sheet No. 2 of 9 sheets

# INTRODUCTION

ERM were commissioned to prepare a management plan for areas of revegetation within a new rural residential area at Aireys Inlet. Management actions are required in order to ensure the ongoing success of the landscape.

## 1.1 THE LANDSCAPE PLAN AS PER CONDITION 11

The Figure below shows the drawing prepared as part of the Permit Application and amended to show three lots as approved (the amalgamation of lots 3 & 4 as per Condition 1 (a)) and amended planting areas as generally agreed by a Council Officer.

As shown on the plan above, the majority of new planting is adjacent to Bambra Road and along fencelines, separating the three allotments. This planting was in response to Condition 11 of the Permit, which stated:

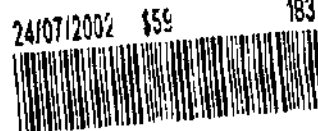
- a) *When specified vegetation reaches maturity it will:*
  - (i) *provide effective screening of buildings from the south of the subject land*
  - (ii) *provide substantially screened views of buildings from viewpoints on Bambra Road.*
- b) *Inclusion of a mix of native vegetation species including trees and shrubs which are native to the hill slopes to the east and west of the subject land.*
- c) *Planting of vegetation is to occur at densities and with a distribution reflecting native vegetation in the area.*

Planting, in accordance with the Town Planning application, was undertaken prior to October 1999. The planting was based on the plan prepared by ERM Mitchell McCotter (Drawing No. 698213 / LS2, August 1998).

In accordance with the permit (Condition 11(b)), species were planted that were indigenous to the hills to the east and west as well as other native species.

Species that were planted are listed below.

# AB437838W





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**Botanical Name**

- Eucalyptus radiata*
- E. cladocalyx*
- E. sideroxylon*
- E. tricarpa*
- E. viminalis*
- E. ovata*
- Acacia melanoxylon*
- A. verniciflua*
- Goodenia ovata*
- Poa labillardieri*

**Common Name**

- Narrow Leafed Pepper Gum
- Sugar Gum
- Red Ironbark
- Red Ironbark
- Manna Gum
- Swamp Gum
- Blackwood
- Varnish Wattle
- Hop Goodenia
- Tussock Grass

PLANNING & ENVIRONMENT

**SURF COAST PLANNING SCHEME**

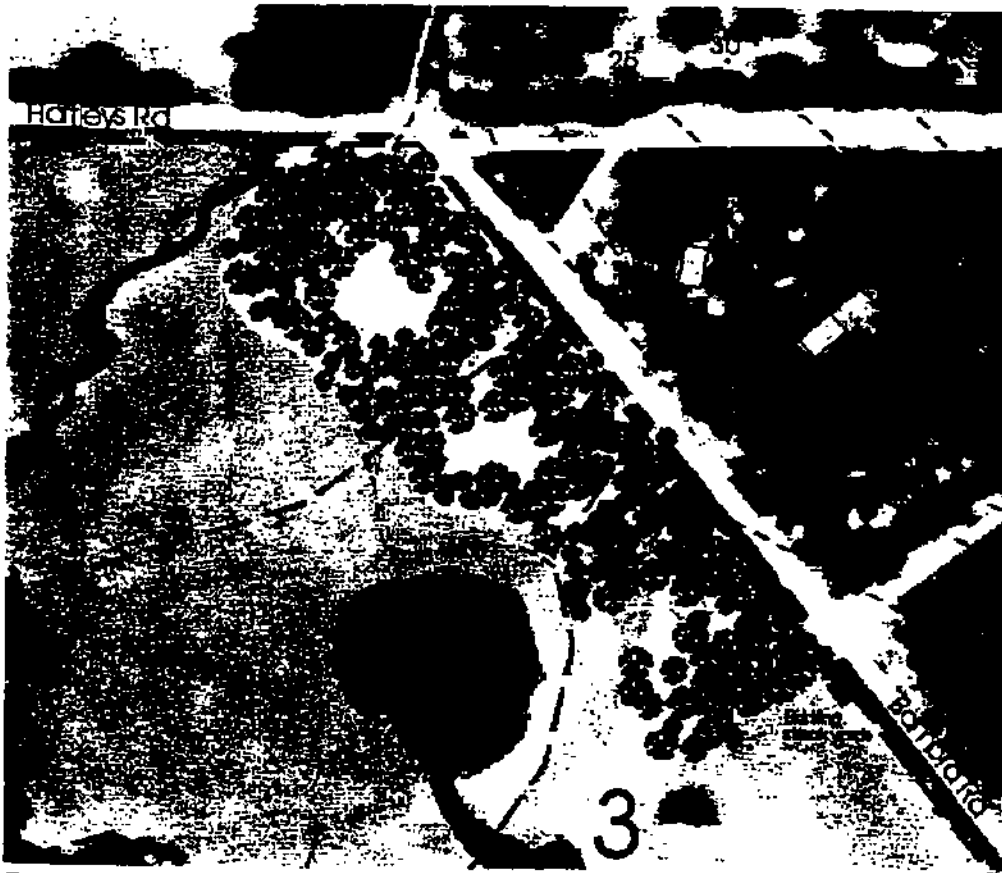
Amended Plan Endorsed  
under Condition 121 of

Permit 571,726 dated 21/3/99

Signed *[Signature]*

Date 13/3/02 For and on behalf of:  
Council of the Surf Coast Shire

Sheet No. 3 of 9 sheets



**Figure 1.1 The planted vegetation**

Initially more than 600 trees and shrubs were planted along the boundaries between the allotments and along Bambra Road. This planting was subsequently approved by a Council Officer and will be maintained as part of the conservation plan.

**AB437838W**

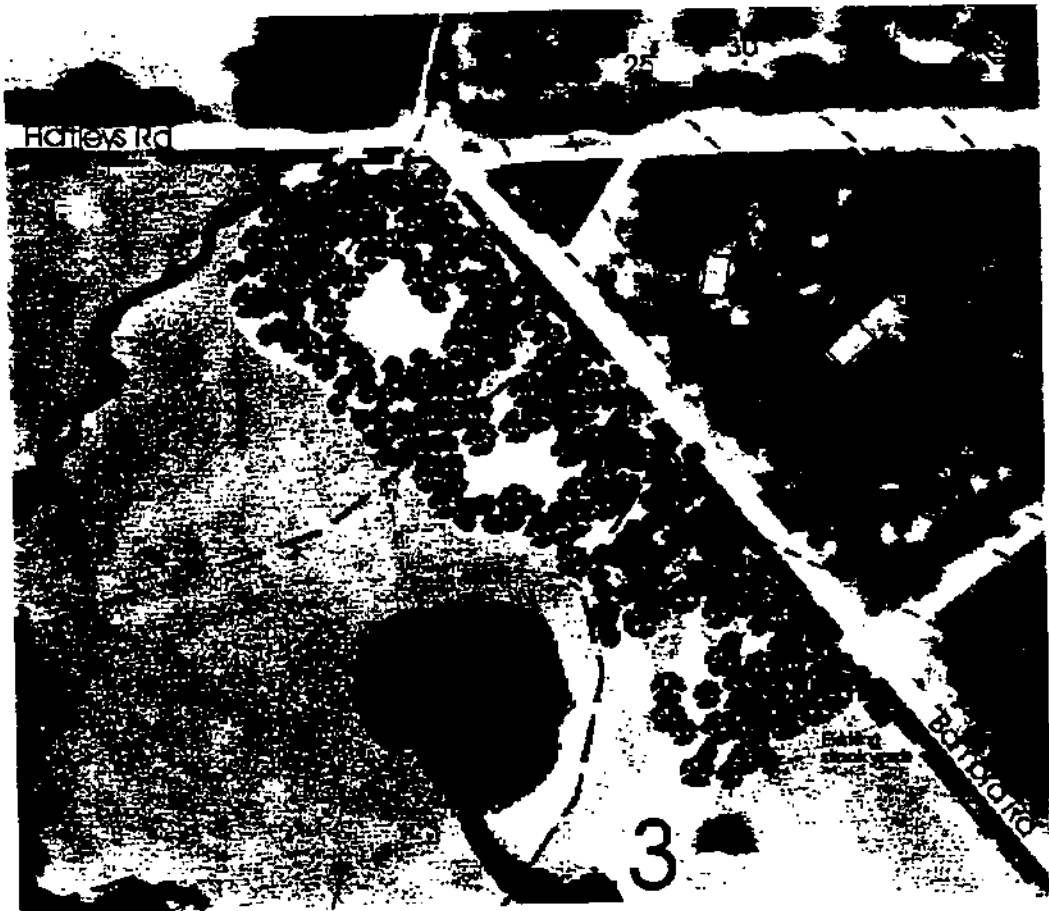
24/07/2002 \$59 1834



**Botanical Name**  
*Eucalyptus radiata*  
*E. cladocalyx*  
*E. sideroxylon*  
*E. tricarpa*  
*E. viminalis*  
*E. ovata*  
*Acacia melanoxylon*  
*A. verniciflua*  
*Goodenia ovata*  
*Poa labillardieri*

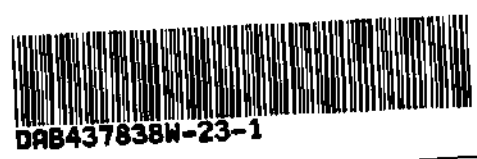
**Common Name**  
 Narrow Leafed Pepper gum  
 Sugar Gum  
 Red Ironbark  
 Red Ironbark  
 Manna Gum  
 Swamp Gum  
 Blackwood  
 Varnish Wattle  
 Hop Goodenia  
 Tussock Grass

PLANNING & ENVIRONMENT	
SURF COAST PLANNING SCHEME	
Amended Plan Endorsed under Condition 12 of	
Permit 971,726 dated 29.1.99	
Signed	<i>[Signature]</i>
For and on behalf of the Council of the Surf Coast Shire	
Date	13.3.02
Sheet No. 3 of 9 sheets	



**Figure 1.1 The planted vegetation**

Initially more than 600 trees and shrubs were planted along the boundaries between the allotments and along Bambra Road. This planting was subsequently approved by a Council Officer and will be maintained as part of the conservation plan.



**SURF COAST PLANNING SCHEME**  
 Amended Plan Endorsed  
 under Condition 12 of  
 Permit 9717291 dated 21/3/99  
 Signed *[Signature]*  
 Date 21/3/99 For and on behalf  
 Council of the Surf Coast  
 Sheet No. 4

Chapter 2

# CONSERVATION MANAGEMENT PLAN

## 2.1 PERMIT CONDITIONS

Condition 12 of the Planning Permit states:

*A conservation management plan must be prepared to the satisfaction of the responsible authority for the protection of remnant native vegetation on the southern areas of the subject land. This plan will show:*

- a) *management proposals for areas of habitat value, being the existing mature trees and the ephemeral wetlands areas, which should be retained;*
- b) *retention of mature trees with suitable nesting hollows;*
- c) *protection of remnant trees and vegetation with sign posting and fencing by standard post and wire fencing; and*
- d) *retention of remnant roadside vegetation outside the eastern boundary of the subject site, along Bumbra Road, wherever practicable.*

*Once approved, this plan shall become 'the endorsed conservation management plan' to this permit.*

This section of the report is to fulfil the requirements of the conservation and management plan.

## 2.2 MANAGEMENT OBJECTIVES



The overall management objectives are to:

- Provide protection for the planting that was undertaken on or before October 1999. Construction of buildings can commence in October 2001 (under the conditions of the permit, construction must wait two years after completion of the planting).
- Protect and maintain existing remnant trees and ephemeral wetlands along the western boundary of the site as well as fauna habitats associated with these



DRB437838W-25-8

areas, particularly in the older remnant Eucalypts on the conservation values of the site and adjoining Painkalac Creek

- Control and manage weeds and feral animals.
- Manage the threat of wildfires.

Ensure adequate and responsible management.

### 2.3 ACTIONS UNDER THE MANAGEMENT PLAN

- Preserve the existing remnant Eucalypts and wetlands along the western boundary.
- Contain services such as electricity and sewage to driveway alignments to reduce edge effects and the amount of machinery trampling, excessive run-off, disturbance and weed invasion.
- Construct temporary and permanent fences to minimise edge effects and unnecessary disturbance and protect conservation areas. Fencing will control human access, minimise soil compaction, tree root trampling and flattening of any regenerating areas and they will highlight the conservation value of the area by indicating areas warranting protection.
- Implement fire, weed and pest management and erosion and sediment control measures with minimal impact on threatened and significant species.
- Undertake an annual monitoring and evaluation program to assess achievement and management objectives.

PLANNING & ENVIRONMENT ACT 1987

**SURF COAST PLANNING SCHEME**  
Amended Plan Endorsed  
under Condition 112 of  
Permit 1772E.1 dated 24/3/02

Signed ..... *[Signature]* .....

Date 31/3/02 For and on behalf  
Council of the Surf Coast

Sheet No. 5 of 9 sheets

#### 2.3.1 Temporary fencing protection of planted areas and building envelope

Temporary fences should surround the recently planted areas as well as the outer perimeter of the building envelope.

Temporary fencing (i.e. star picket and orange mesh fence) will prevent damage from uncontrolled or accidental access, or stockpiling during construction.

This will provide protection from machinery and ensure that bulldozers or vehicles do not cross into the planted areas. Temporary fences will be constructed with



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minimal impact and will be removed after planting has established and the construction work has been completed.

Erection of temporary fencing around perimeter of building envelope and access road needs to be constructed prior to commencement of and building and works.

**2.3.2 Permanent fencing of wetlands and remnant vegetation**

Permanent fencing shall follow the outer perimeter of any ephemeral wetlands and surround existing remnant vegetation. The proposed layout of permanent fencing is illustrated below.

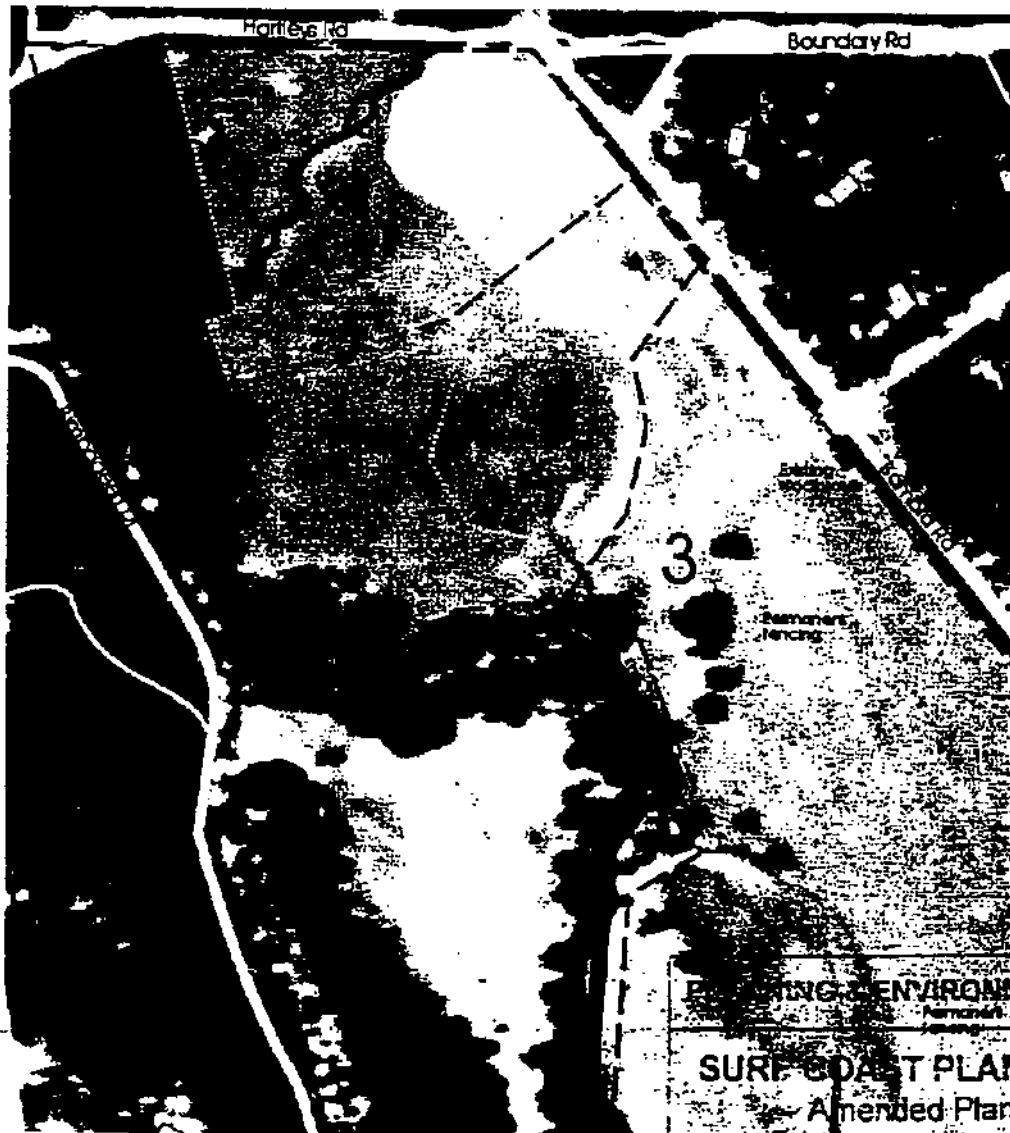


Figure 2.2 Permanent fencing

<p>ENVIRONMENTAL RESOURCES MANAGEMENT ACT 1987</p> <p><b>SURF COAST PLANNING SCHEME</b></p> <p>Amended Plan Endorsed under Condition 12/11 of Permit 11/726/L dated 24/3/09</p> <p>Signed <i>[Signature]</i></p> <p>For and on behalf of the Council of the Surf Coast Shire</p> <p>613/302</p> <p>6 of 1 sheets</p>
--

**SURF COAST PLANNING SCHEME**  
 Amended Plan Endorsed  
 under Condition 1.2.1 of  
 Permit 911,746.1. dated 24.3.1991  
 signed *[Signature]*  
 Date 13.3.1992 Council of the Surf Coast Shire

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Sheet No. 7 of 9 sheets

The black dotted lines illustrate the perimeter fencing, while the yellow dotted lines show the internal permanent post and wire fencing constructed around wetlands and areas of remnant vegetation.

All permanent fencing should be post and 5-strand wire with timber droppers to standard approved by Surf Coast Shire.

Erection of permanent fencing around conservation areas shall generally be in accordance with Figure 2.2 and is to occur before the commencement of any building and works.

**2.3.3 Soil**

There is to be no soil disturbance and / or stockpiling outside the building envelope without Council consent.

No soil shall be moved into the area unless the soil is certified as being free from Cinnamon Fungus (*Phytophthora cinnamomi*) or potentially invasive weed species.

**2.3.4 Fire Management**

Management of fire within the management plan area will aim to protect life and property as well as maintain biodiversity. Protection of adjacent houses from fire originating from the planted areas will be from fire buffers on individual lots.

Fire regimes will be identified in consultation with Parks Victoria and CFA and the measures will be undertaken in accordance with the *DNRE Code of Practice for Fire Management on Public Land* (DNRE, 1995) and with approved Fire Protection Plans.

**2.3.5 Weed Management**

Management of environmental weeds within the management plan area will consist of initial assessment and weed removal, followed by ongoing monitoring and weed control, in liaison with DNRE and the Surf Coast Shire

An experienced weed control specialist will be contracted to undertake weed control for the area during and after construction if weed problems are identified within the conservation and planted areas.

Weed control will be done in a manner that minimises soil disturbance. Where herbicides are used, selective application is preferable to broad-area application and







PLANNING & ENVIRONMENT ACT 1987

**SURF COAST PLANNING SCHEME**

Amended Plan Endorsed  
under Condition 1211 of

Permit 171701 dated 24/3/1992

Signed *[Signature]*

Date 13/3/92

For and on behalf of the  
Council of the Surf Coast Shire

Sheet No. 8 of 9 sheets

the loss of non-target species needs to be balanced with the threat of incomplete control of weed populations.

### 2.3.6 Pest Management

Feral animals such as foxes, cats, rabbits and house mice are abundant along the coast. These species place pressure on native faunal populations through predation and competition for food and shelter. Control of these species will allow native fauna populations to re-establish.

Pest management will be undertaken within the Management Plan areas to the satisfaction of the Surf Coast Shire. Pest management programs are available from the Surf Coast Shire. Below is a rabbit control program prepared by DNRE and Surf Coast Shire.

#### RABBIT CONTROL CALENDAR

*This publication has been supported by the Victorian Government as part of the Rabbit Action Program. Rabbit control activities are most successful when neighbours work together. Contact your neighbours and ask them to join you in a coordinated rabbit control campaign of, poisoning, fumigating and destroying warrens. Remember, to rid yourself of rabbits permanently you need to rid your property of rabbit harbour. If you need any guidance, contact the Surf Coast Shire on 5261 0600. Good luck!*

**JANUARY:** *Time to put those New Year resolutions into practice! Myxomatosis may be active in the rabbit population now. Time to start planning for an autumn poisoning program.*

**FEBRUARY:** **PINDONE POISONING PROGRAM** *Now is a good time to lay poisoned bait as there is less feed available, young rabbits are feeding outside the burrows, and rabbit numbers can be reduced prior to the breeding season.*

**MARCH:** **PINDONE POISONING PROGRAM** *Good time to lay poisoned bait. Begin planning for autumn spraying of rabbit harbour such as gorse, bracken, blackberries and.*

**APRIL:** *It is still a good time to lay poisoned bait. Good time to spray harbour. Begin planning for harbour removal works [chainsaw, tractor etc]. Start planning for fumigation, harbour removal and ripping campaign.*

**MAY:** *Good time to fumigate warrens, especially if poisoning is not practical on your property. Good time to commence harbour removal and ripping of warrens as*



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**SURF COAST PLANNING SCHEME**

Amended Plan Endorsed  
under Condition 12(1) of

Permit (T) 7261 dated 24.1.2009

Signed: *[Signature]*

For and on behalf of:

Date 13.1.2012 Council of the Surf Coast Shire

Sheet No. 1 of 9 sheets

fire restrictions are usually lifted by now and debris from harbour removal and fallen timber can be burnt.

**JUNE:** Time to fumigate, and destroy warrens, and to remove harbour.

**JULY:** Undertake warren fumigation & ripping and harbour removal activities. Don't forget to burn or remove debris as it can become harbour for rabbits.

**AUGUST:** Continue with the fumigation and harbour removal as necessary. Time to plan for spraying of harbour in the Spring.

**SEPTEMBER:** Spray any live harbour such as gorse, and blackberries, etc. Begin planning for Spring poisoning campaign.

**OCTOBER:** Continue to spray harbour if necessary. Contact the local CFA for controlled burning of harbour.

**NOVEMBER:** PINDONE POISONING PROGRAM It is still a good time to spray harbour. Also good time to fumigate any warrens, especially those that may have re-opened despite all your hard work

**DECEMBER:** PINDONE POISONING PROGRAM Fumigation can still be done successfully this month. Harbour removal may be undertaken - burning of debris will need to be held off until autumn, after fire restrictions are lifted. After all your effort in rabbit control, celebrate and have a safe and happy Christmas season.

For further information contact: Surf Coast Shire 5261 0600 or DNRE 5226 4667



**2.3.7 Monitoring and Evaluation**

Annual photographs are to be taken from specified locations and at a specified time of year to provide a record for assisting in evaluating the conservation management program.

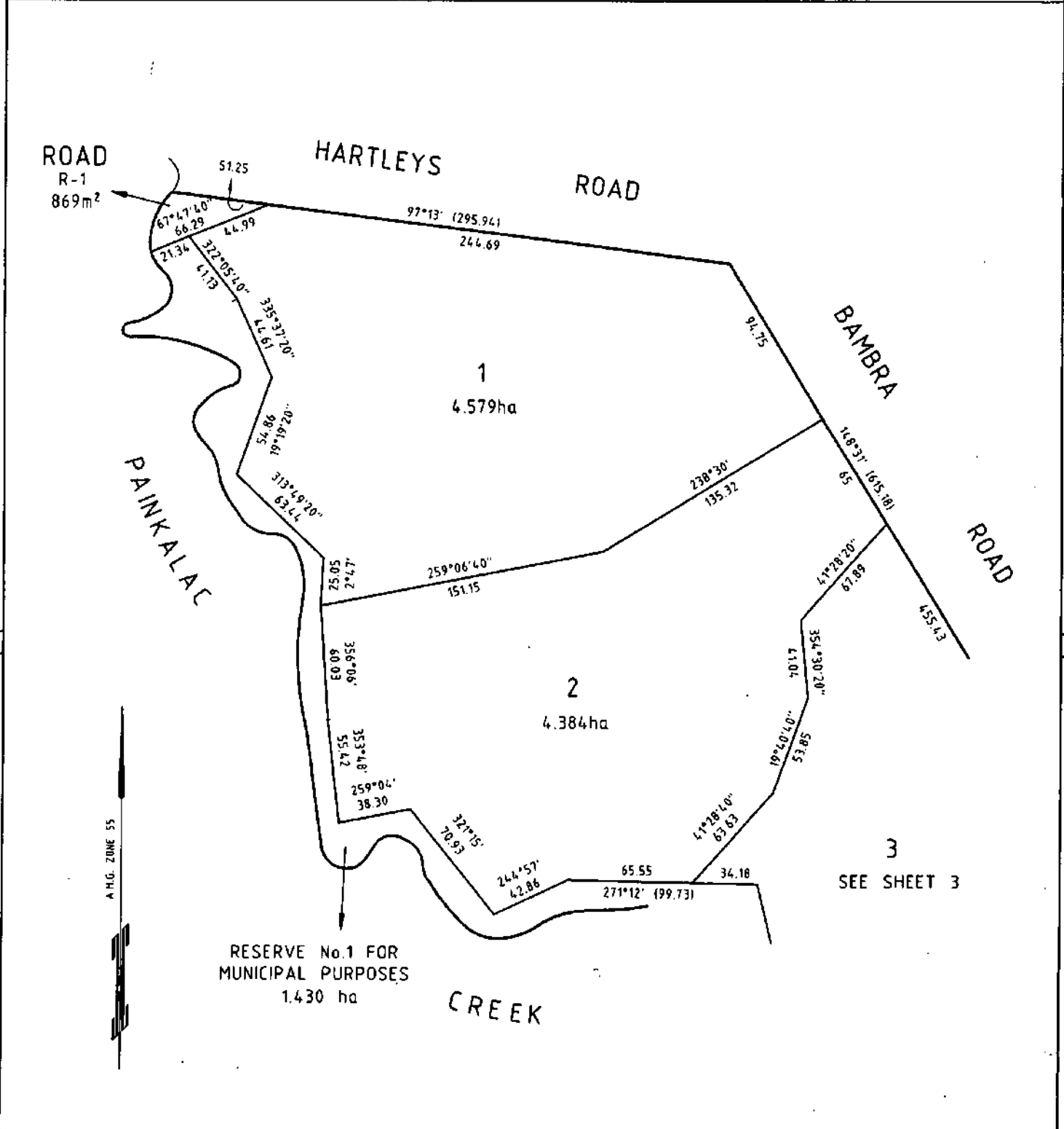
This is to be followed up with an annual (or as otherwise agreed) inspection with an officer of the Surf Coast Shire and agreement made on future management actions to ensure the ongoing achievement of the management objectives.

**2.4 TIMING OF THE CONSERVATION MANAGEMENT PLAN**

The management of the conservation areas is an ongoing responsibility and is to be undertaken in liaison with DNRE and the Surf Coast Shire.

<b>PLAN OF SUBDIVISION</b>				Stage No. /	LTO use only <b>EDITION 1</b>	Plan Number <b>PS 431010T</b>			
<b>Location of Land</b> Parish: ANGAHOOK Township: _____ Section: A (PART) Crown Allotment: _____ Crown Portion: _____ LTO base record: DCMB Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949. Last Plan Reference: TP18229E, LP1757 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231. AMG Co-ordinates E 246600 Zone 55 (of approx. centre of land in plan) N 5739600				<b>Council Certification and Endorsement</b> Council Name: SURF COAST SHIRE Ref: 52632 1. This plan is certified under section 8 of the Subdivision Act 1988. 2. <del>This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 / /</del> 3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> <b>Open Space</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has / has not</del> been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage</del> _____ Council Delegate _____ <del>Council seal</del> Date 5/3/02 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council Seal _____ Date / /					
<b>Vesting of Roads or Reserves</b>				<b>Notations</b>					
Identifier	Council/Body/Person			Staging This <del>is</del> / is not a staged subdivision Planning Permit No. 97/7281 Depth Limitation DOES NOT APPLY					
ROAD R-1	SURF COAST SHIRE								
RESERVE No.1	SURF COAST SHIRE								
RESERVE No.2	SURF COAST SHIRE			<b>CREATION OF RESTRICTION.</b> UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED. LAND TO BENEFIT: LOTS ON THIS PLAN LAND TO BE BURDENED: LOTS ON THIS PLAN <b>DESCRIPTION OF RESTRICTION.</b> THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT. IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED. THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281 PARTIAL SURVEY TITLE BOUNDARY ABUTTING PANKALAE CREEK IS NOT A RESULT OF THIS SURVEY. Survey:- This plan is / <del>is not</del> based on survey. This survey has been connected to permanent marks no(s) 21, 22, 23 In Proclaimed Survey Area no. 76					
<b>Easement Information</b>							LTO use only Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 3/6/02 LTO use only PLAN REGISTERED TIME 11:05 DATE 13/11/02 _____ Assistant Registrar of Titles Sheet 1 of 3 Sheets		
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)									
Subject Land	Purpose	Width (Metres)	Origin				Land Benefited/In Favour Of		
E-1	DRAINAGE	6	THIS PLAN	SURF COAST SHIRE					
 30 BELLERINE STREET, GEELONG, 3220. Ph. (03) 5229 3167 Fax (03) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA  benchmark IN QUALITY ASSURED ONLY A QUALITY ASSURED COMPANY				LICENSED SURVEYOR (PRINT) GREGORY CHALMERS SIGNATURE _____ DATE 6/2/02 REP GE-0356-01-SS VERSION 2					
				DATE 5/3/02 COUNCIL DELEGATE SIGNATURE Original sheet size A3					

<b>PLAN OF SUBDIVISION</b>	Stage No. <hr style="width:50%; margin: auto;"/>	Plan Number <b>PS431010T</b>
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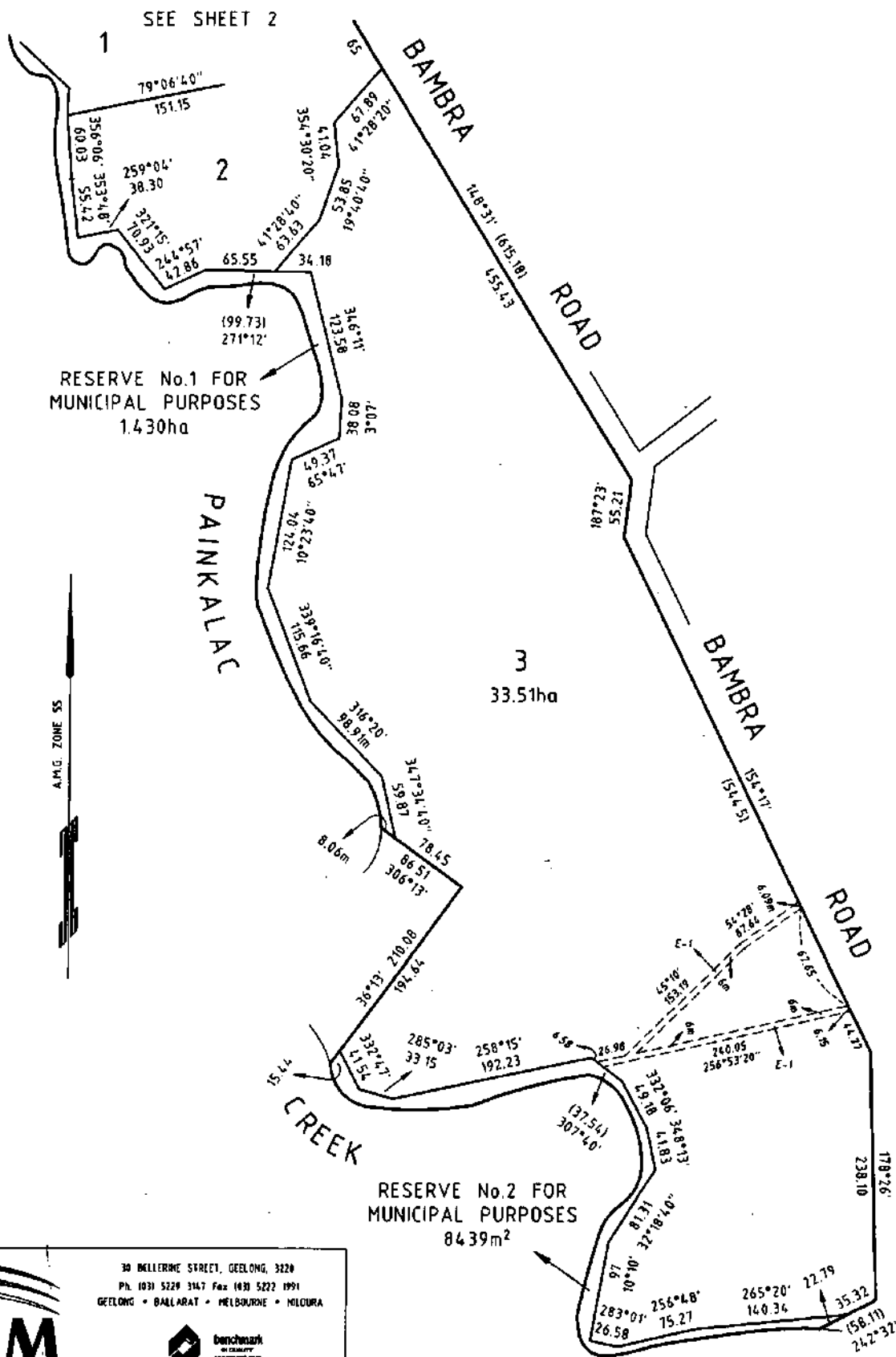


<b>TGM</b> Engineers and Surveyors		30 BELLEUNE STREET, GEELONG, 3220. PH: 0430 5229 3167 Fax: (09) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA	benchmark BY QUALITY ASSURED FOR 2000 A QUALITY ASSURED COMPANY	Sheet 2 of 3 Sheets
ORIGINAL SCALE 1:2000	SHEET SIZE A3	SCALE LENGTHS ARE IN METRES	LICENSED SURVEYOR (PRINT) <u>GREGORY CHALMERS</u> SIGNATURE _____ DATE / / REF <u>GE-0356-01-SS</u> VERSION <u>2</u>	DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3

**PLAN OF SUBDIVISION**

Stage No.

Plan Number  
**PS431010T**



30 BELLERME STREET, GEELONG, 3220  
Ph. (03) 5229 3147 Fax (03) 5222 1991  
GEELONG • BALLARAT • MELBOURNE • MILDURA



A QUALITY ASSURED COMPANY

ORIGINAL	SCALE						
SCALE	SHEET SIZE	40	0	50	100	150	200
1:4000	A3	LENGTHS ARE IN METRES					

LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

SIGNATURE \_\_\_\_\_ DATE / /

REF GE-0356-01-SS VERSION 2

Sheet 3 of 3 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

Original sheet size A3

Register Search Statement - Volume 10687 Folio 719

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

VOLUME 10687 FOLIO 719

Security no : 124059427308D  
Produced 08/03/2016 04:13 pm

LAND DESCRIPTION

Lot 1 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593            Volume 07292 Folio 273            Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339    to Volume 08253 Folio 340

Volume 09316 Folio 208            Volume 10422 Folio 553

Volume 10546 Folio 948    to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN of 3 LESLIE GR, BRIGHTON 3186

PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

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

AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL



-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

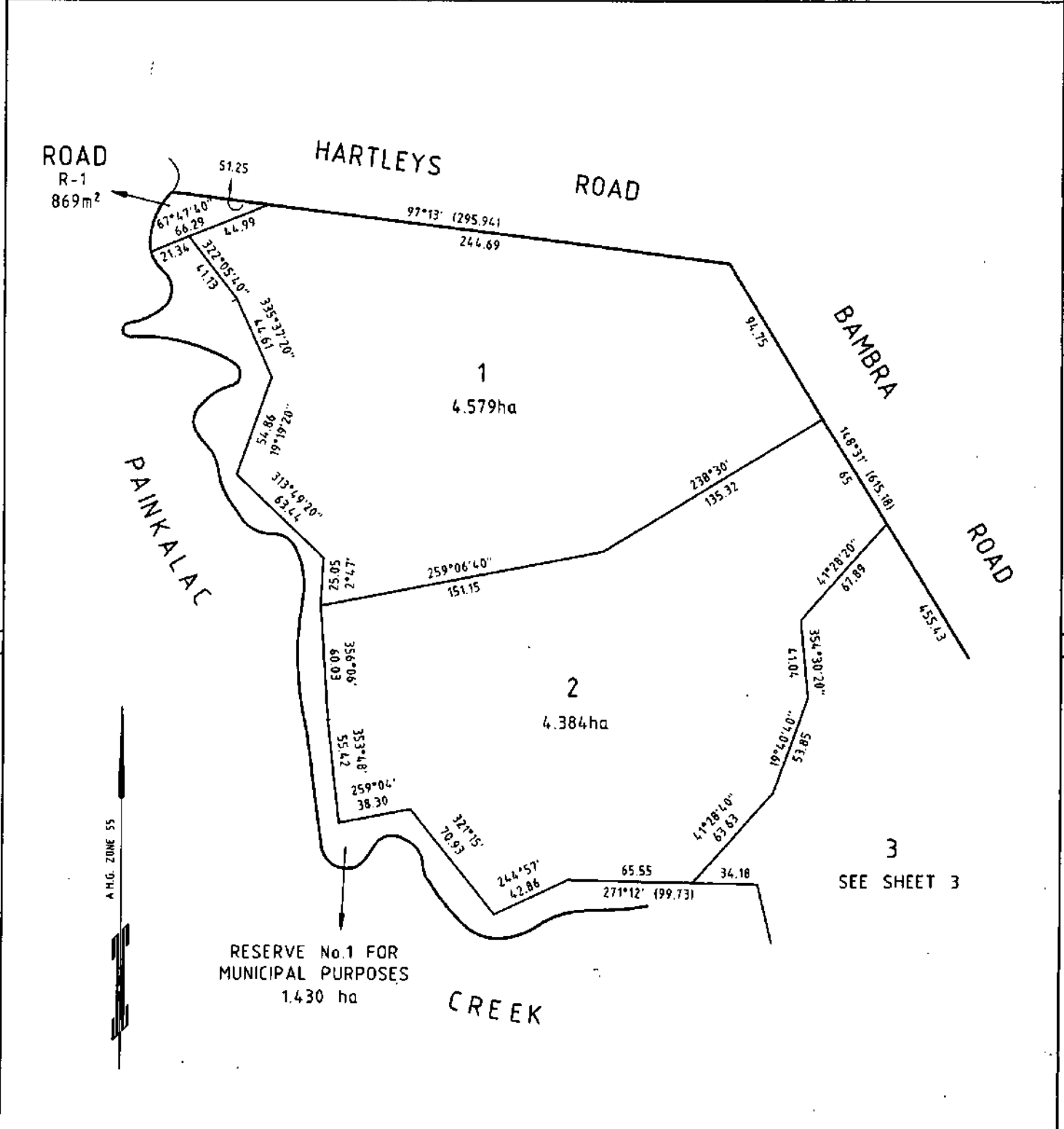
DOCUMENT END

**Delivered from the Landata ® System by SAI Global Property Division Pty Ltd  
Delivered at 08/03/2016, for Order Number 35190491. Your reference: 23-79 Bambra Road.**

<b>PLAN OF SUBDIVISION</b>				Stage No. <hr/>	LTO use only <b>EDITION 1</b>	Plan Number <b>PS 431010T</b>			
<b>Location of Land</b> Parish: ANGAHOOK  Township: _____ Section: A (PART) Crown Allotment: _____ Crown Portion: _____ LTO base record: DCMB Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949. Last Plan Reference: TP18229E, LP1757 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231. AMG Co-ordinates E 246600 Zone 55 (of approx. centre of land in plan) N 5739600				<b>Council Certification and Endorsement</b> Council Name: SURF COAST SHIRE Ref: 52632 1. This plan is certified under section 8 of the Subdivision Act 1988. <del>2. This plan is certified under section 11(7) of the Subdivision Act 1988.</del> <del>Date of original certification under section 6 / /</del> 3. <del>This is a statement of compliance issued under section 21 of the Subdivision Act 1988.</del> <b>Open Space</b> (i) A requirement for public open space under section 18 of the Subdivision Act 1988 <del>has / has not</del> been made. (ii) <del>The requirement has been satisfied.</del> (iii) <del>The requirement is to be satisfied in Stage</del> _____ Council Delegate _____ <del>Council seal</del> Date 5/3/02 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate _____ Council Seal _____ Date / /					
<b>Vesting of Roads or Reserves</b>				<b>Notations</b>					
Identifier	Council/Body/Person			Staging This <del>is</del> / is not a staged subdivision Planning Permit No. 97/7281  Depth Limitation DOES NOT APPLY					
ROAD R-1	SURF COAST SHIRE								
RESERVE No.1	SURF COAST SHIRE								
RESERVE No.2	SURF COAST SHIRE			<b>CREATION OF RESTRICTION.</b> UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED. LAND TO BENEFIT: LOTS ON THIS PLAN LAND TO BE BURDENED: LOTS ON THIS PLAN  <b>DESCRIPTION OF RESTRICTION.</b> THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT. IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED.  THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281  PARTIAL SURVEY TITLE BOUNDARY ABUTTING PANKALAE CREEK IS NOT A RESULT OF THIS SURVEY.  Survey:- This plan is / <del>is not</del> based on survey. This survey has been connected to permanent marks no(s) 21, 22, 23 In Proclaimed Survey Area no. 76					
<b>Easement Information</b>							LTO use only Statement of Compliance / Exemption Statement  Received <input checked="" type="checkbox"/>  Date 3/6/02  LTO use only PLAN REGISTERED TIME 11:05 DATE 13/11/02 _____ Assistant Registrar of Titles Sheet 1 of 3 Sheets		
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement A - Appurtenant Easement R - Encumbering Easement (Road)									
Subject Land	Purpose	Width (Metres)	Origin				Land Benefited/In Favour Of	_____ DATE 5/3/02 COUNCIL DELEGATE SIGNATURE Original sheet size A3	
E-1	DRAINAGE	6	THIS PLAN	SURF COAST SHIRE					
 30 BELLERAME STREET, GEELONG, 3220. Ph. (03) 5229 3167 Fax (03) 5222 1991 GEELONG • BALLARAT • MELBOURNE • MILDURA   benchmark IN QUALITY ASSURED ONLY A QUALITY ASSURED COMPANY				LICENSED SURVEYOR (PRINT) GREGORY CHALMERS  SIGNATURE _____ DATE 6/2/02 REP GE-0356-01-SS VERSION 2					



<b>PLAN OF SUBDIVISION</b>	Stage No. /	Plan Number <b>PS431010T</b>
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 PH: 0430 5229 3167 Fax: (09) 5222 1991  
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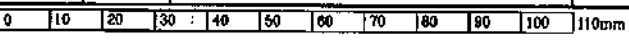
**TGM**  
 Engineers and Surveyors

**benchmark**  
 IN QUALITY  
 ASSURED FOR 2000  
 A QUALITY ASSURED COMPANY

ORIGINAL	SCALE
SCALE 1:2000	<p>LENGTHS ARE IN METRES</p>
SHEET SIZE A3	

LICENSED SURVEYOR (PRINT) <u>GREGORY CHALMERS</u>
SIGNATURE _____ DATE / /
REF <u>GE-0356-01-SS</u> VERSION <u>2</u>

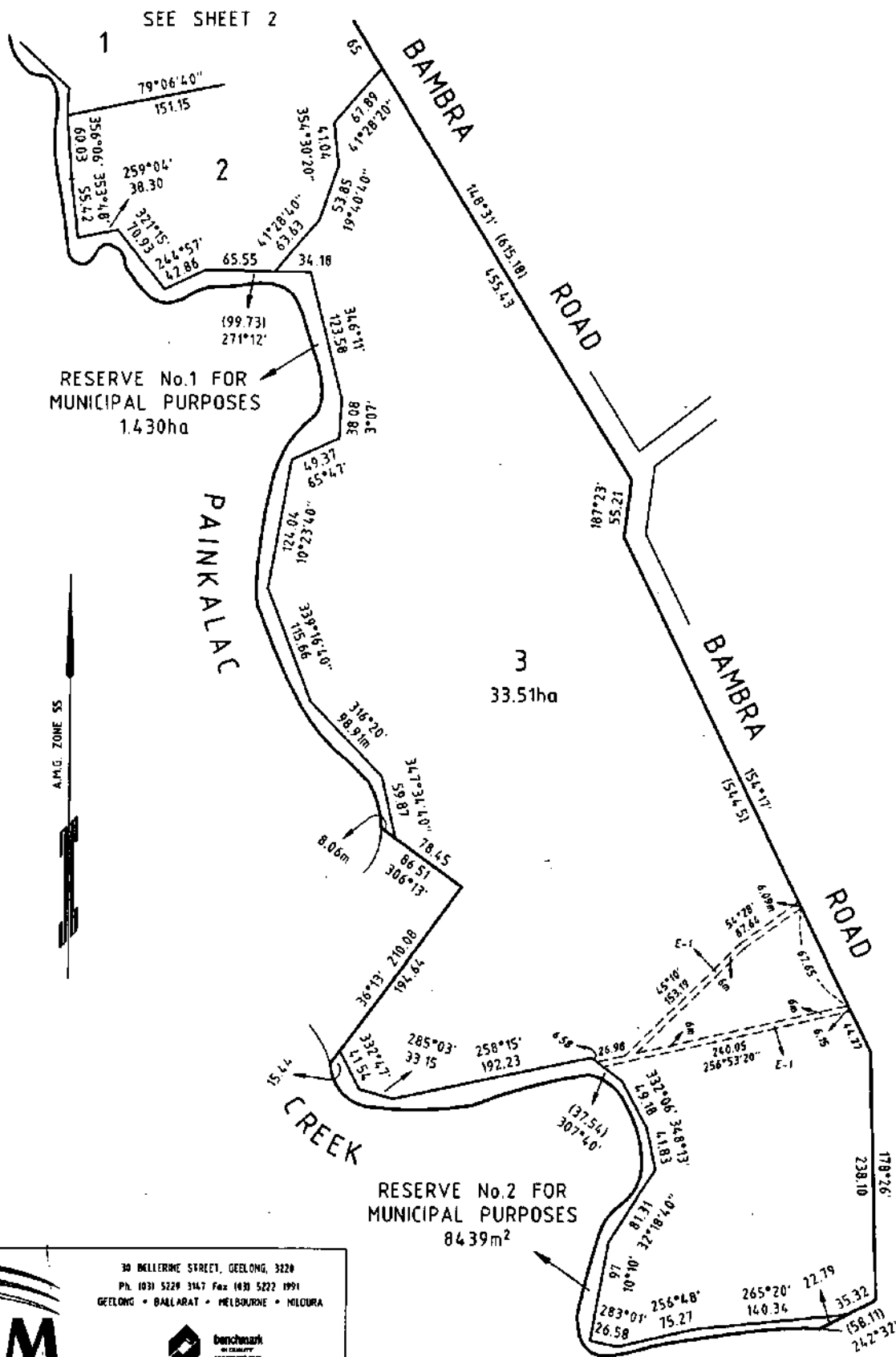
Sheet 2 of 3 Sheets
DATE / /
COUNCIL DELEGATE SIGNATURE
Original sheet size A3



**PLAN OF SUBDIVISION**

Stage No.

Plan Number  
**PS431010T**



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A QUALITY ASSURED COMPANY

ORIGINAL	SCALE						
SCALE	SHEET SIZE	40	0	50	100	150	200
1:4000	A3	LENGTHS ARE IN METRES					

LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

SIGNATURE \_\_\_\_\_ DATE / /

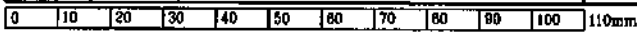
REF GE-0356-01-SS VERSION 2

Sheet 3 of 3 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

Original sheet size A3



# VRC Property

| Valuations | Research | Consulting |

## Appendix 4:

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Our Ref: OA2525 (977281)  
App Ref:  
Contact: Brydon King - 5261 0513

ABN 18 078 461 409  
1 Merrijig Drive,  
Torquay, Victoria  
**POST**  
PO Box 350, Torquay  
Victoria 3228

**PHONE**  
03 5261 0600

**FAX**  
03 5261 0525

**WEB**  
[www.surfcoast.vic.gov.au](http://www.surfcoast.vic.gov.au)

**EMAIL**  
[info@surfcoast.vic.gov.au](mailto:info@surfcoast.vic.gov.au)

10 May 2012

John Bruce Allen  
3 Leslie Grove  
BRIGHTON, VIC 3186

Dear John

**Permit No:** OA2525  
**Land At:** 23 PAMBRA RD, AIREYS INLET. (LOT: 14 SEC: 17 LP: 1757)  
**Purpose:** Extension of time

I refer to your application for approval of an extension of time to the above mentioned planning permit and apologies for the delay in responding.

An extension of time for four years has been approved. Planning Permit No 977281 related to dwelling development on each lot will now expire on 24 March 2018 if the dwellings have not commenced.

Should you have any further queries please do not hesitate to contact me by phone on 5261 0513 or by email at [bking@surfcoast.vic.gov.au](mailto:bking@surfcoast.vic.gov.au).

Yours Faithfully,



**Brydon King**  
Manager Planning & Development

enc



P O Box 350, Torquay, Victoria 3228  
25 Grossmans Road, Torquay  
Telephone (03) 5261 0600  
Facsimile (03) 5261 4527

# Planning PERMIT

Planning scheme: **SURF COAST PLANNING SCHEME**  
Responsible authority: **SURF COAST SHIRE COUNCIL**

Permit number:  
**97/7281**

Address of the land: **23-79 Bambra Road, Aireys Inlet**  
Property number: **64280**

The permit allows: **The subdivision of the land involving realignment of existing lot boundaries and development of one house on each lot in accordance with the endorsed plans.**

### The following conditions apply to this permit:

1. Prior to the commencement of any development under this permit, an amended plan of the re-subdivision, to the satisfaction of the Responsible Authority, shall be submitted. This plan shall be generally in accordance with the plan submitted with the permit application, but shall show:
  - a) the proposed lots 3 and 4 consolidated into a single lot; and
  - b) the land set aside to be vested in the Council for the purpose of public open space, to a width necessary to ensure a minimum width of 10 metres along the Painkalac Creek.
2. Prior to the certification of any Plan of Subdivision for the land and prior to commencement of any development on the land the owners shall execute an agreement with the Responsible Authority under Section 173 of the Planning and Environment Act 1987, which shall contain the following covenants:
  - a) That none of the lots created on the plan of subdivision shall be further subdivided and not more than one dwelling will be constructed on each lot.
  - b) The setting aside as an area of public open space to vest in the Council upon registration of the plan of re-subdivision of such land as may be necessary to ensure a minimum width of public open space of 10 metres along the Painkalac Creek.
  - c) Creation of building envelopes set back a minimum of 40 metres from Bambra Road, having an area not greater than 500sqm, and otherwise sited to the satisfaction of the Responsible Authority on each of the three permitted lots.
  - d) No buildings to be constructed outside the building envelopes.

Page 1 of 4

Date issued:  
**24 March 1999**

Signature of the  
responsible authority:

- e) No buildings to exceed a maximum wall height of 3 metres and an overall height of 5 metres above natural ground level.
  - f) That no development commence on any of the lots unless the planting as shown on the landscape plan endorsed to this permit ("the endorsed landscaping plan") has been established for a period of at least two years prior to the commencement of any development.
  - g) That the planting on the endorsed landscaping plan to be carried out and maintained to the satisfaction of the Council.
  - h) That, save for the establishment of garden beds within a 10 metre radius of any buildings, no plantings shall be undertaken on the subject land other than in accordance with the endorsed landscaping plan, without the written consent of the council.
  - i) That no dogs shall be kept on the land.
  - j) That all stormwater run-off from any buildings and any hard surfaces shall be treated to the satisfaction of the Council prior to discharge into the creek.
  - k) To pay the Council's reasonable legal costs associated with the negotiation, preparation, execution and registration of the Agreement.
3. Easements for drainage in favour of the Surf Coast Shire must be created on the plan to the satisfaction of the responsible authority.

**Conditions required by referral authorities**

**Powercor**

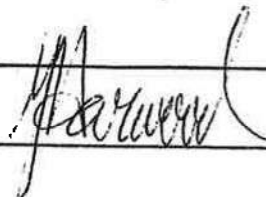
4. The Applicant shall:

- a) Enter into an agreement with Powercor Australia Limited for the supply of electricity to each lot and for the extension, augmentation or re-arrangement of any existing electricity supply system, as required by Powercor Australia Limited. (A payment to cover the cost of such work will be required). In the event that a supply cannot be provided the Applicants shall provide a written undertaking to Powercor Australia Limited that a prospective purchaser will be so informed;
- b) Re-arrange, to the satisfaction of Powercor Australia Limited, any existing private electric lines that cross boundaries or the proposed lots to supply existing installations. Such lines shall be constructed with underground cable;
- c) Provide to Powercor Australia Limited, a copy of the version of the Plan of Subdivision submitted for certification, which shows any amendments which have been required.

*Note: It is recommended that, at an early date, the Applicant commences negotiations with Powercor Australia Limited, for supply of electricity in order that supply arrangements can be worked out in detail, so prescribed information can be issued without delay (the release to the municipality enabling a Statement*

Date issued:  
24 March 1999

Signature of the  
responsible authority:



*of Compliance with the conditions to be issued.*

*Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric lines required to supply the lots, and planning permits for any tree clearing.*

*Prospective purchasers of lots in this subdivision should contact Powercor Australia Limited to determine the availability of a supply of electricity. Financial contributions may be required.*

#### **Barwon Water**

5. Prior to the issuing of a Statement of Compliance the Owner must pay the Barwon Water Authority's Water Supply Headwords Levies and a Contribution towards existing Water Mains.
6. Prior to the issue of a Statement of Compliance, the existing water supply to the consolidated Lots 3 and 4 must be contained within the Lot.
7. Prior to the issue of a statement of compliance each Lot must be connected to a reticulated sewerage system.
8. This permit shall expire if one of the following circumstances applies:
  - a) the subdivision is not started within two years of the date of this permit;
  - b) The subdivision is not completed within five years of the date of starting.

#### **Development**

9. The development as shown on the endorsed plans must not be altered without the written consent of the Responsible Authority.

*Note: Any plan approved under the Building Act and Regulations must not differ from the endorsed plan forming part of this Permit.*

10. Prior to the construction of any building on any of the three permitted lots, plans to the satisfaction of the Responsible Authority must be submitted to and approved by the Responsible Authority. When approved, the plans will be endorsed and will then form part of the permit. The plans must be drawn to scale with dimensions and three copies must be provided. The plans must show:

- a) siting and design of buildings;
- b) details of all external materials, finishes and colours to the satisfaction of the Responsible Authority. All buildings and works must be constructed and maintained in materials and colours which blend with the natural environment to preserve the aesthetic amenity of the area to the satisfaction of the Responsible Authority.

*Note: The Shire's Subdued Colour Policy specifies a range of colours which are deemed to comply with this condition.*

Date issued:  
24 March 1999

Signature of the  
responsible authority:



*of Compliance with the conditions to be issued.*

*Arrangements for supply will be subject to obtaining the agreement of other Authorities and any landowners affected by routes of the electric lines required to supply the lots, and planning permits for any tree clearing.*

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*Note: The Shire's Subdued Colour Policy specifies a range of colours which are deemed to comply with this condition.*

Page 3 of 4

Date issued:  
24 March 1999

Signature of the  
responsible authority:





11. A landscaping plan must be prepared for the subject land and be submitted to the Responsible Authority for its approval. This plan must be generally in accordance with the landscaping shown on the plan prepared by ERM Mitchell McCotter (Drawing no. LS2, Project n. 698213, August 1998), but modified to implement the following objectives:

- a) When specified vegetation reaches maturity, it will:
  - i) provide effective screening of buildings from views from the south of the subject land;
  - ii) provide substantially screened views of buildings from viewpoints on Bambra Road.
- b) Inclusion of a mix of native vegetation species including trees and shrubs which are native to the hill slopes to the east and west of the subject land.
- c) Planting of vegetation is to occur at densities and with a distribution reflecting naturally occurring vegetation in the area.

Once approved, this plan shall become "the endorsed landscaping plan" to this permit.

12. A conservation management plan must be prepared to the satisfaction of the Responsible Authority for the protection of remnant native vegetation on the southern areas of the subject land. This plan will show:

- a) management proposals for areas of habitat value, being the existing mature trees and the ephemeral wetlands areas, which should be retained;
- b) retention of mature trees with suitable nesting hollows;
- c) protection of remnant trees and vegetation with sign posting and fencing by standard post and wire fencing; and
- d) retention of remnant roadside vegetation outside the eastern boundary of the subject land, along Bambra Road, wherever practicable.

Once approved, this plan shall become "the endorsed conservation management plan" to this permit.

13. Prior to the occupation of any dwelling on the land, the boundary between the land shown on the plan of subdivision as vesting in the Responsible Authority and the balance of the land shall be fenced at the cost of the owner to the satisfaction of the Responsible Authority.

14. This permit, insofar as it permits the construction of a dwelling on each of the lots to be created by the subdivision also hereby permitted, will expire if either of the following circumstances applies:-

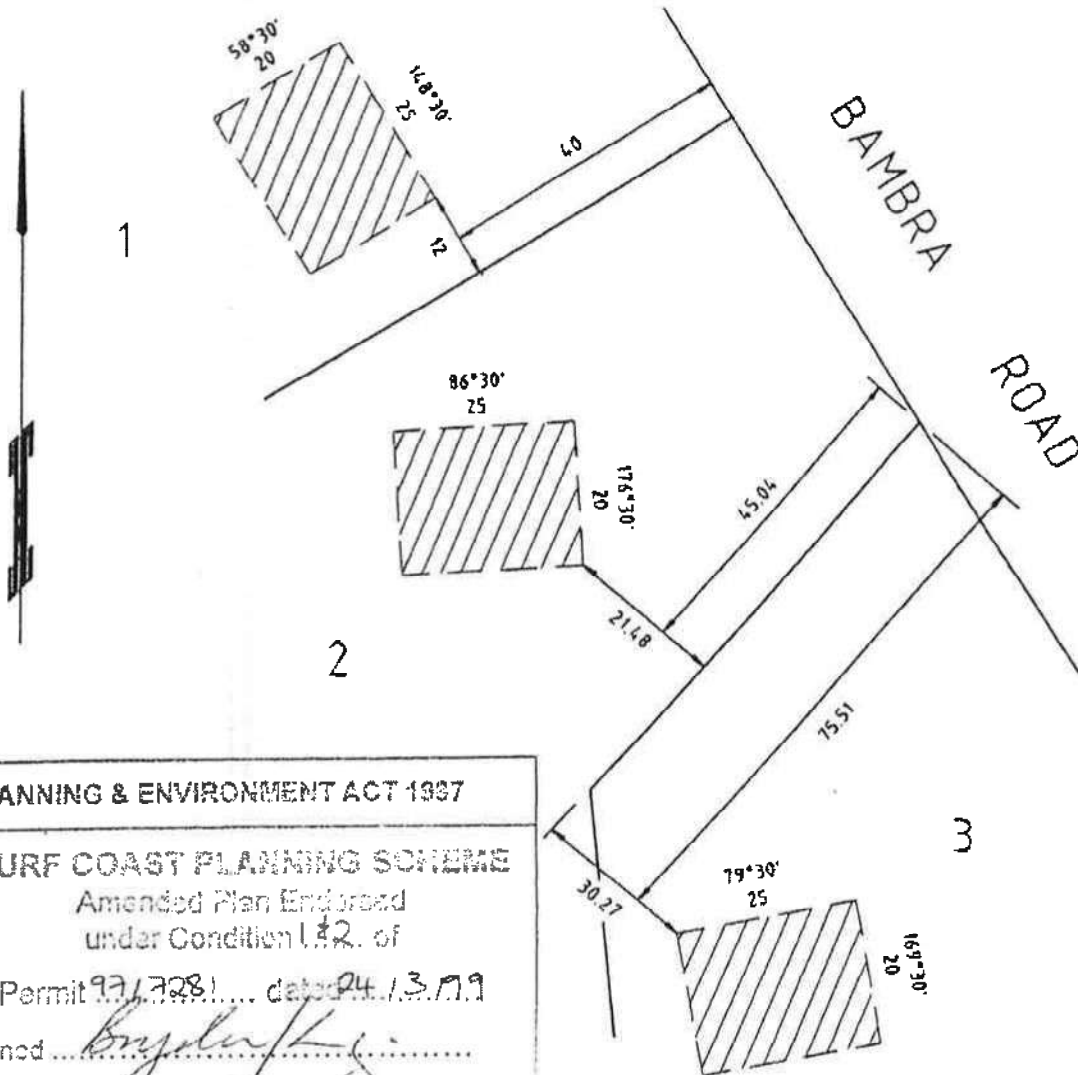
- a) The construction of the dwelling is no issue of the permit
  - b) The construction of the dwelling is not commencement of construction.
- This permit has been extended for 4 of year/s, Planning Permit No. 97/7281 will now expire on 24/4/2018 if the development has not commenced.

Signed  Date 10/5/12

Date issued:  
24 March 1999

Signature of the  
responsible authority:

# NEIGHBOURHOOD DESIGN PLAN



**PLANNING & ENVIRONMENT ACT 1987**


**SURF COAST PLANNING SCHEME**  
 Amended Plan Endorced  
 under Condition #2. of  
 Permit 97/2281... dated 24.13.79

Signed *[Signature]*  
 For and on behalf of  
 Date 19/2/02 Council of the Surf Coast

**NOTE.**  
 1. This plan is not to scale.  
 2. This plan is to be read in conjunction with PS431010T

**HOUSE SITING POLICY**

No building shall be erected other than in accord with this policy.

- 1. No building shall be erected outside the area shown thus  and dimensioned thus e.g. 25

SURVEYORS REFERENCE-  
 GE-0356-01-SS



30 BELLERINE STREET, GEELONG, 3220.  
 Ph. (03) 5229 3167 Fax (03) 5222 1991  
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