
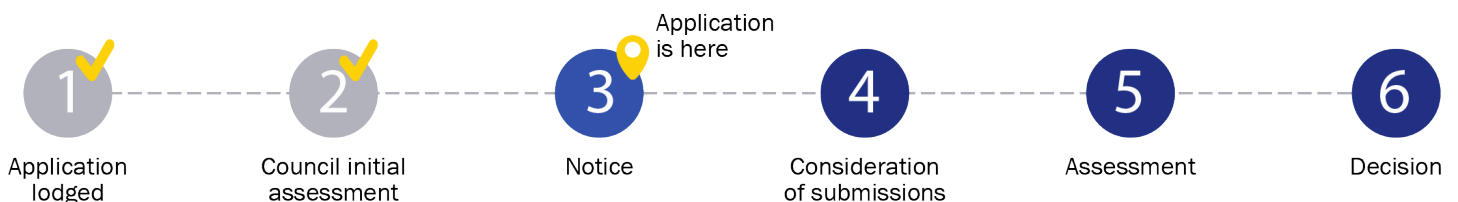


Notice of an Application for an Amendment to a Planning Permit

The land affected by the application is located at:	L21 PS811821 V12291 F581 30 Blessing Rise, Pakenham VIC 3810
The application is to:	Amendment to the endorsed plans pursuant to S72 of the Act to include the construction of retaining walls.

APPLICATION DETAILS	
The applicant for the amendment to the permit is:	Hargreaves Design Group
Application number:	T220295 - 2
<p>You may look at the application and any documents that support the application at the office of the Responsible Authority: Cardinia Shire Council, 20 Siding Avenue, Officer 3809. This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website: cardinia.vic.gov.au/advertisedplans or by scanning the QR code.</p>	

HOW CAN I MAKE A SUBMISSION?		
This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:		26 July 2024
<p>WHAT ARE MY OPTIONS?</p> <p>Any person who may be affected by the proposed amendment to permit may object or make other submissions to the responsible authority.</p>	<p>An objection must:</p> <ul style="list-style-type: none"> • be made to the Responsible Authority in writing; • include the reasons for the objection; and • state how the objector would be affected. <p>If you object, the Responsible Authority will notify you of the decision when it is issued.</p>	<p>The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.</p>





This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Planning Enquiries
Phone: 1300 787 624
Web: www.cardinia.vic.gov.au


Application to AMEND a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

 Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

 This form cannot be used to:

- amend a permit or part of a permit if the Victorian Civil and Administrative Tribunal (VCAT) has directed under section 85 of the Act that the responsible authority must not amend that permit or that part of the permit (as the case requires); or
- amend a permit issued by the Minister under Division 6 of Part 4 of the Act (these applications must be made to the Minister under section 971 of the Act).

 Questions marked with an asterisk (*) must be completed.

 Click for further information.

Clear Form

The Land


Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:	St. No.: 30	St. Name: Blessing Rise
Suburb/Locality: Pakenham		Postcode: 3810

Formal Land Description *

Complete either A or B.

 This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.


A	Lot No.: 21	<input type="radio"/> Lodged Plan	<input type="radio"/> Title Plan	<input checked="" type="radio"/> Plan of Subdivision	No.: PS811821
OR					
B	Crown Allotment No.:		Section No.:		
Parish/Township Name:					

Planning Permit Details

What permit is being amended?*

Planning Permit No.: T220295 PA


The Amended Proposal

 You must give full details of the amendment being applied for. Insufficient or unclear information will delay your application

What is the amendment being applied for?*

- Indicate the type of changes proposed to the permit.
- List details of the proposed changes.

If the space provided is insufficient, attach a separate sheet.

This application seeks to amend:	
<input type="checkbox"/> What the permit allows	<input checked="" type="checkbox"/> Plans endorsed under the permit
<input type="checkbox"/> Current conditions of the permit	<input type="checkbox"/> Other documents endorsed under the permit
Details: Proposed Retaining walls	
<div style="border: 1px solid red; padding: 5px; color: red;">This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.</div>	
 Provide plans clearly identifying all proposed changes to the endorsed plans, together with: any information required by the planning scheme, requested by Council or outlined in a Council checklist; and if required, include a description of the likely effect of the proposal.	



Development Cost i

Estimate cost of development*

If the permit allows **development**, estimate the cost difference between the development allowed by the permit and the development to be allowed by the amended permit.

Cost of proposed amended development:	Cost of the permitted development:	Cost difference (+ or -):
\$ <input style="width: 80%;" type="text" value="100,000"/>	– \$ <input style="width: 80%;" type="text" value="unknown"/>	= \$ <input style="width: 80%;" type="text" value="TBC"/>
Insert 'NA' if no development is proposed by the permit.		
You may be required to verify this estimate.		

Existing Conditions i

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

Have the conditions of the land changed since the time of the original permit application? Yes No

If yes, please provide details of the existing conditions.

A new single storey dwelling has now been constructed on the site.

Provide a plan of the existing conditions if the conditions have changed since the time of the original permit application. Photos are also helpful.

Title Information i

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

Yes (If 'yes' contact council for advice on how to proceed before continuing with this application.)

No

Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Applicant and Owner Details

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:

Contact information for applicant OR contact person below

Business phone:

Mobile phone: Fax:

Contact person's details* Same as applicant

Name:

Title: First Name: Surname:

Organisation (if applicable):

Postal Address: If it is a P.O. Box, enter the details here:

Unit No.: St. No.: St. Name:

Suburb/Locality: State: Postcode:


Name: Same as applicant

Owner's Signature (Optional): Date:

day / month / year

Declaration

This form must be signed by the applicant*

 Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; that all the information in this application is true and correct; that all changes to the permit and plan have been listed as part of the amended proposal and that the owner (if not the applicant) has approved this application.

Signature: Date:

day / month / year

Need help with the Application?

If you need help to complete this form, read More Information at the end of this form or contact Council's planning department. General information about the planning process is available at planning.vic.gov.au

Contact Council's planning department to discuss the specific requirements for his application and obtain a checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer

No Yes If 'Yes', with whom?:


Date: day / month / year



Checklist

Have you:

- Filled in the form completely?
- Paid or included the application fee?
- Attached all necessary supporting information and documents?
- Completed the relevant council planning permit checklist?
- Signed the declaration above?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Lodgement

Lodge the completed and signed form and all documents with:

Cardinia Shire Council
PO Box 7
Pakenham VIC 3810

In person: 20 Siding Avenue, Officer

Contact information:

Telephone: 1300 787 624

Fax: (03) 5941 3784

Email: mail@cardinia.vic.gov.au

DX: 81006

Deliver application in person, by post or by electronic lodgement.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

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

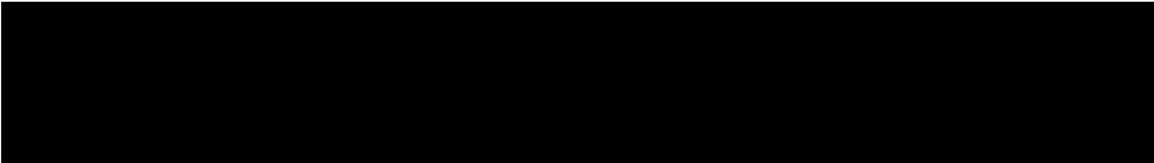
VOLUME 12291 FOLIO 581

Security no : 124112334020H
Produced 02/02/2024 10:08 AM

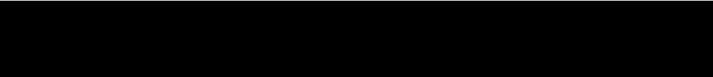
LAND DESCRIPTION

Lot 21 on Plan of Subdivision 811821L.
PARENT TITLE Volume 11081 Folio 288
Created by instrument PS811821L 16/03/2021

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



COVENANT PS611885X 18/07/2008
VARIATION OF COVENANT AR973357H 01/03/2019

COVENANT PS811821L 16/03/2021

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

AGREEMENT Section 173 PLANNING AND ENVIRONMENT ACT 1987
X049709H 20/09/2000

AGREEMENT Section 173 Planning and Environment Act 1987
AU092536S 28/02/2021

DIAGRAM LOCATION

SEE PS811821L FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

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

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

Street Address: 30 BLESSING RISE PAKENHAM VIC 3810

ADMINISTRATIVE NOTICES

NIL



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

Page 2 of 2

Effective from 15/08/2022

DOCUMENT END

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 02/02/2024 09:58:41 AM

Status	Registered	Dealing Number	AU092536S
Date and Time Lodged	28/02/2021 11:22:06 AM		

Lodger Details

Lodger Code	20747C
Name	HOLDING REDLICH
Address	
Lodger Box	
Phone	
Email	
Reference	JBM 19040373

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

APPLICATION TO RECORD AN INSTRUMENT

Jurisdiction VICTORIA

Privacy Collection Statement

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

Estate and/or Interest

FEE SIMPLE

Land Title Reference

11081/288

Instrument and/or legislation

RECORD - AGREEMENT - SECTION 173
Planning & Environment Act - section 173

Applicant(s)

Name	CARDINIA SHIRE COUNCIL
Address	
Property Name	CARDINIA SHIRE OFFICE
Street Number	20
Street Name	SIDING
Street Type	AVENUE
Locality	OFFICER
State	VIC
Postcode	3809



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Additional Details

Refer Image Instrument

The applicant requests the recording of this Instrument in the Register.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the applicant or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant legislation and any Prescribed Requirement.

Executed on behalf of

Signer Name

Signer Organisation

Signer Role

Execution Date

File Notes:

NIL

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Instrument
Document Identification	AU092536S
Number of Pages (excluding this cover sheet)	9
Document Assembled	02/02/2024 09:58

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



HOLDING REDLICH

Dated

Agreement made pursuant to Section 173 of the Planning and Environment Act 1987

Cardinia Shire Council

and

Horizon Property Investment Group (ACN 621 002 757)

Subject Land: 180 Pakenham Road, Pakenham Victoria 3810

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This Agreement is dated

Parties

Council: Cardinia Shire Council of 20 Siding Avenue, Officer Victoria 3809

Owner: Horizon Property Investment Group (ACN 621 002 757) of 17 Bryson Street, Canterbury Victoria 3126

Introduction

- A** Council is the responsible authority for the administration and enforcement of the Scheme pursuant to the Act.
- B** The Owner is the registered proprietor of the Land.
- C** The Land is encumbered by mortgage number AS494994L in favour of the Mortgagee. The Mortgagee has consented to the Owner entering into this Agreement. A copy of this consent is attached at Annexure B.
- D** On 15 May 2019, Council issued the Permit, which allows the subdivision of land, removal of native vegetation, removal of an easement, creation of an easement, removal of restriction on title (building and waste envelope) and associated earthworks, generally in accordance with approved plans.
- E** Condition 6 of the Permit relevantly provides:

6. Section 173 Agreement

Prior to the Statement of Compliance being issued;

- a) the owner must enter into an agreement with the Responsible Authority made pursuant to section 173 of the Planning and Environment Act 1987, and make the application to the Registrar of Titles to have the agreement registered on the title to the land under Section 181 of the Act, which provides;
 - i. that on Lot 27 to 33 a 10m fire buffer and Lot 18 and 27 a 4m buffer on the eastern boundary side is to be incorporated into each allotment and be managed and maintained to a minimum fuel conditions during the declared Fire Danger Period to the satisfaction of the CFA and the Responsible Authority. There are to be no buildings or structures including clothes lines, sheds, cubby houses or tree planting within the fire buffer as shown on the endorsed plans of this permit.
 - ii. the keeping of cats is prohibited within any of the lots within the approved subdivision.

The owner must pay the reasonable costs of the preparation, execution and registration of the section 173 agreement.

- F** This Agreement is made under Division 2 of Part 9 of the Act.
- G** This Agreement has been entered into in order to:
 - (a) prohibit, restrict or regulate the use or development of the Land; and

- (b) achieve and advance the objectives of planning in Victoria or the objectives of the Scheme in relation to the Land.

It is agreed:

2. Definitions and interpretation

2.1 Definitions

In this Agreement, unless the context clearly indicates otherwise:

Act means the *Planning and Environment Act 1987*;

Agreement means this Agreement, including the recitals and any annexures to this Agreement;

CFA means the Country Fire Authority established under the *Country Fire Authority Act 1958* or any successor authority;

Council means the Cardinia Shire Council or any other municipal council which may, from time to time, be the responsible authority in relation to the Land pursuant to the Act;

Fire Buffer means the fire buffer zone required to be established and maintained on the Land, in accordance with clause 5 of this Agreement and as shown on the endorsed plan name known as Proposed Development Plan (or as amended);

Fire Danger Period has the same meaning as under the *Country Fire Authority Act 1958*;

Land means all the land contained in certificate of title volume 11081 folio 288 and more particularly described as Lot A on Plan of Subdivision 611885X;

Lot means a lot resulting from the subdivision of the Land allowed by the Permit and a reference to a lot number is a reference to the corresponding Lot, as shown on the Plan;

Minimum Fuel Conditions means the state of having insufficient fuel available to significantly increase the severity of a bushfire, including a maximum grass height of 100mm;

Mortgagee means National Australia Bank Ltd or the person registered or entitled, from time to time, to be registered by the Registrar of Titles as mortgagee of the Land or any part of it;

Owner means the person or persons registered or entitled to be registered as proprietor of an estate in fee simple of the Land and includes a mortgagee-in-possession;

Permit means Planning Permit No. T130505-3 issued on 20 November 2014 and as amended on 15 May 2019;

Plan means the plan prepared by SJE Consulting with the reference 200524 version 1 and as endorsed by the Council on 15 May 2019, or as amended from time to time with the consent of Council, but generally in accordance with the plan attached as Annexure A to this Agreement;

Register means the register maintained by the Registrar of Titles under the *Transfer of Land Act 1958*; and

Scheme means the Cardinia Planning Scheme or any other planning scheme which applies to the Land from time to time.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

2.2 Interpretation

- (a) a reference to legislation or a legislative provision includes any statutory modification or substitution of that legislation or legislative provision and any subordinate legislation issued under that legislation or legislative provision;
- (b) a reference to a body or authority which ceases to exist is a reference to either a body or authority that the parties agree to substitute for the named body or authority or, failing agreement, to a body or authority having substantially the same objects as the named body or authority;
- (c) a requirement to do any thing includes a requirement to cause that thing to be done and a requirement not to do any thing includes a requirement to prevent that thing being done;
- (d) the singular includes the plural and vice-versa.

3. Commencement

This Agreement commences on the date it is made as set out above.

4. Termination of Agreement

4.1 Termination

- (a) This Agreement ends when the Owner has complied with its obligations under this Agreement.
- (b) This Agreement may be ended by agreement between the parties in accordance with the Act, or as otherwise provided for in this Agreement.

4.2 Cancellation of Agreement

As soon as reasonably practicable after this Agreement has ended wholly, in part, or as to the whole or part of the Land, Council must, at the cost of the Owner, notify the Registrar of Titles of such under section 183(1) of the Act to enable the Registrar to cancel or alter the recording of this Agreement on the Register as may be applicable.

5. Owner's Covenants

5.1 Fire Buffer

The Owner covenants and agrees that:

- (a) a 10m Fire Buffer on Lots 27 to 33 (inclusive) must be maintained on the northern boundary side of those Lots;
- (b) a 4m Fire Buffer on Lots 18 and 27 must be maintained on the eastern boundary side of those Lots;
- (c) the Fire Buffers required under clause 5.1(a) and (b) must be managed and maintained to Minimum Fuel Conditions during the declared Fire Danger Period to the satisfaction of the CFA and Council; and
- (d) no tree planting, buildings or structures, including clotheslines, sheds, and cubby houses, are permitted within the Fire Buffer.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

5.2 Keeping of cats prohibited

The Owner covenants and agrees that cats must not be kept or allowed to be kept on the Land.

6. Successors in title

Until this Agreement is recorded in the Register in accordance with section 181 of the Act, the Owner must ensure that the Owner's successors in title give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement, including requiring the successors in title to execute a deed agreeing to be bound by the terms of this Agreement. Until that deed is executed, the Owner remains liable to perform all of the Owner's obligations contained in this Agreement.

7. Recording of agreement

The Owner must do all things necessary to give effect to this Agreement and to enable Council to record this Agreement on the folio of the Register which relates to the Land, including signing any further agreement, acknowledgment, or document.

8. Payment of Council's costs

- (a) The Owner agrees to, upon demand, pay to Council the costs and expenses of and incidental to the preparation, execution, recording and enforcement of this Agreement incurred by Council.
- (b) The Owner agrees to pay interest to Council in accordance with section 227A of the *Local Government Act 1989* on any amount payable under this Agreement that is not paid by the due date.

9. Covenants run with the Land

The Owner's obligations under this Agreement take effect as covenants which shall be annexed to and run at law and in equity with the Land and every part of it, and bind the Owner, its successors, assignees and transferees, and the registered proprietor for the time being of the whole or any part of the Land.

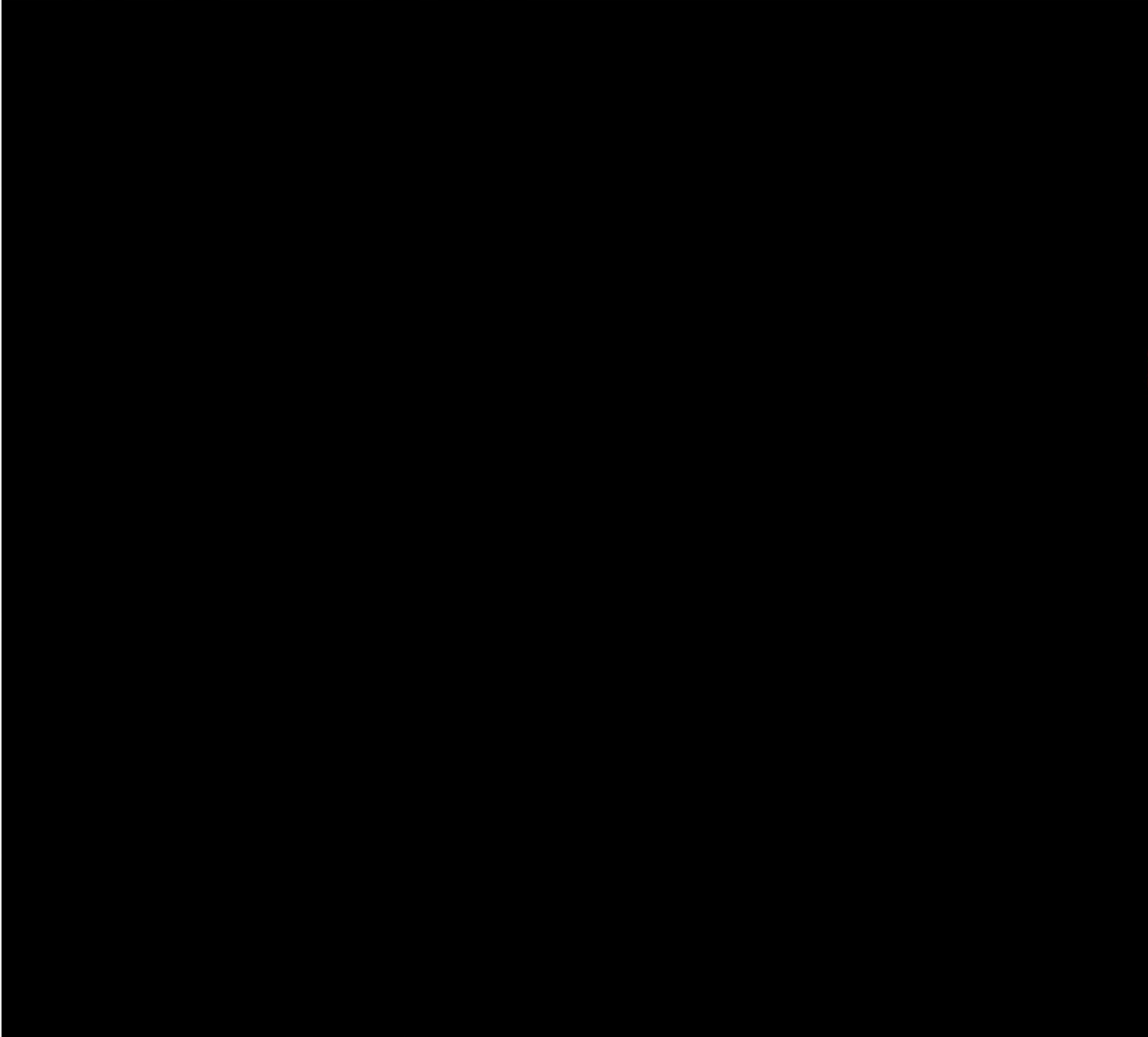
10. No fettering of Council's powers

- (a) This Agreement does not fetter or restrict Council's power or discretion in respect of any of Council's decision making powers, including but not limited to, to make decisions under the *Local Government Act 1989* and the Act, to make or impose requirements or conditions in connection with any use or development of the Land, the granting of any planning permit, the approval or certification of any plans of subdivision or consolidation relating to the Land, or the issue of a statement of compliance in connection with any such plans.
- (b) The Owner acknowledges that Council's entry into this Agreement does not place any obligations upon Council with respect to the grant of a permit for the subdivision or use and development of the Land.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Execution page

SIGNED, SEALED AND DELIVERED as a deed by the parties on the date set out at the commencement of this Agreement.



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Annexure B - Mortgagee Consent

National Australia Bank Ltd, as Mortgagee under mortgage no. AS494994L which encumbers the Land, consents to the Owner entering into this Agreement.

.....
Signature

.....
Print Name

.....
Title

AU092536S

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	Instrument
Document Identification	X049709H
Number of Pages (excluding this cover sheet)	13
Document Assembled	02/02/2024 09:58

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Hagreen

Planning and Environment Regulations 1998 No. 8

X049709H
200900 1058 173



Form 13



Section 181

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

Planning and Environment Act 1987

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Lodged at the Land Titles Office by:

Name: Duffy & Simon Lawyers
Phone: (03) 5941 1622
Address: John Street, Pakenham
Ref: dd:GH 00.6.1555 **Customer Code:** 0756P

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

Land (*Insert Volume and Folio reference*) (*if part only, define the part*)

Certificate of Title Volume 8576 Folio 473

Authority (*name and address*)

Cardinia Shire Council, Municipal Offices, Henty Way, Pakenham 3810

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the Agreement is attached to this Application

Signature for the Authority 

Name of Officer: 

Date: 13th September 2000



DX049709H-1-1

13/9/00

X049709H

20/09/2000 \$0 173



This Agreement is made on the 30th day of AUGUST, 2000

BETWEEN

CARDINIA SHIRE COUNCIL

of Henty Way, Pakenham in the State of Victoria ("the Council")

AND



Owner)

Recitals

- A. The Owner is the registered proprietor of 162 Pakenham Road, Pakenham ("the Land").
- B. The Council is the Responsible Authority pursuant to the Act for the Scheme.
- C. The Owner has obtained a Planning Permit from the Council to carry out a development of the land.
- D. As a condition of the Planning Permit, the Owner must enter into an agreement pursuant to Section 173 of the Act to be registered on the title which addresses the issues stated in the Planning Permit.

Operative provisions

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 Agreement" or "this Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this agreement;
- 1.3 "approved" means approved by Council;
- 1.4 "Approved Plan" means Plan of Subdivision No. 441730A which was approved on 21st July 2000, a copy of which is contained in Annexure "A" to this Agreement.

1664251000
T000009
973 Ag.
162 Pak Rd
Pak.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

X049709H

20/09/2000

\$0 173



-2-

- 1.5 **"development"** includes subdivision;
- 1.6 **"the Land"** means the land known as Lot 3 LP 8840, 162 Pakenham Road, Pakenham which is more particularly described as Certificate of Title Volume 8576 Folio 473;
- 1.7 **"Lot"** or **"Lots"** means the lots on the Land as shown in the Approved Plan;
- 1.8 **"Owner"** means the person or persons entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the Land or any part of it;
- 1.9 **"Planning Permit"** means Planning Permit No. T000009 issued by the Council on 15th March 2000. A copy of the Planning Permit is contained in Annexure B to this Agreement.
- 1.10 **"the Scheme"** means the Cardinia Planning Scheme.

2. Interpretation

All provisions of this Agreement are to be interpreted in the following manner unless otherwise indicated by the context:

- 2.1 Undefined terms or words shall have the meanings given in the Act or the Scheme.
- 2.2 The singular includes the plural and the plural includes the singular.
- 2.3 A reference to a gender includes a reference to each other gender.
- 2.4 A reference to a person includes a reference to a firm, corporation or other corporate body.
- 2.5 If a party consists of more than one person this Agreement binds them jointly and each of them severally.
- 2.6 A reference to a "planning scheme or "the Scheme" shall include amendment, consolidation or replacement of such scheme and any document incorporated by reference into such scheme.
- 2.7 A reference to a statute shall include any statutes amending, consolidating or replacing same and any regulations made under such statutes.

X049709H

20/09/2000 \$0 173



- 2.8 Where in this agreement the Council may exercise any power, duty or function, that power may be exercised on behalf of the Council by an authorised or delegated officer.
- 2.9 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.
- 2.10 The introductory clauses of this Agreement are and will be deemed to form part of this Agreement.

3. Agreement under Section 173 of the Act

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement is made pursuant to Section 173 of the Act.

4. Effect of Agreement

- 4.1 This Agreement shall be deemed to come into force and effect from the date of this Agreement.
- 4.2 The obligations of the Owner under this Agreement, being obligations to be performed by the Owner as conditions subject to which the Land may be used or developed for specified purposes and being intended to achieve or advance the objectives of the Scheme, will take effect as separate and several covenants which shall be annexed to and run at law and in equity with the Land to bind the Owner and each successor, assign or transferee of the Owner.

X049709H

20/09/2000 \$0 173



5. Covenants of Owner

The Owner covenants and agrees that:

- (a) The Owner will allow access to Lot 1 on the Approved Plan from the existing driveway only until such time as access is available from the road proposed to be constructed to the north of the said Lot 1.
- (b) Within three (3) months of access being available to the north the existing driveway must be removed and the boundary between the said Lot 1 and the 'Tree Reserve No. 1' shown on the Approved Plan fenced to the satisfaction of the Responsible Authority.
- (c) The Owner must incur all costs associated in preparing and registering this Agreement on title.
- (d) This Agreement may be ended wholly or in part or as to any part of the land by the Council with the approval of the Minister for Planning or by agreement between the Council and all persons who are bound by any covenant in this Agreement;
- (e) **Notice**
This Agreement will be brought to the attention of all prospective purchasers, mortgagees, transferees and assigns.
- (f) **Compliance**
The Owner will carry out and comply with the requirements of all statutory authorities and comply with all statutes, regulations, local laws and planning controls in relation to the Land.
- (g) The Owner will take all necessary steps to comply with the obligations of each and every clause in this Agreement.
- (h) **Registration**
The Owner will consent to the Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the folio of the Register which relates to the Land in accordance with Section 181 of the Act and do all things necessary to enable the Council to do so including signing any further agreement, acknowledgment or document or procuring the consent to this Agreement of any mortgagee or caveator to enable the recording to be made in the Register under that section.

X049709H

20/09/2000 \$0 173



(i) **Mortgage to be Bound**

The Owner will obtain the consent of any mortgagee to be bound by the covenants in this Agreement if the mortgagee becomes mortgagee in possession of the Land.

(j) **Council's Costs to be Paid**

The Owner will pay the Council's reasonable costs and expenses (including legal expenses) incidental to enforcement of this Agreement.

(k) **Indemnity**

The Owner will indemnify and keep indemnified the Council, its officers, employees, agents, workmen and contractors from and against all costs, expenses, losses or damages whatsoever which they or any of them may sustain incur or suffer to be or become liable for or in respect of any suit action proceeding judgment or claim brought by any person whatsoever arising from or referable to this Agreement or any non-compliance with this Agreement.

(l) **Non-Compliance**

If the Owner has not complied with this Agreement within 14 days after service of a notice by the Council specifying such non-compliance, the Owner covenants to allow the Council its officers, employees, contractors or agents to enter the Land and rectify such non-compliance.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Council Access

5.12 The Owner covenants to allow the Council and/or its officers, employees, contractors or agents (at any reasonable time) to enter the Land to assess compliance with this Agreement.

6. Notices

6.1 Service of Notice

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

- (a) personally to the party; or

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

X049709H

20/09/2000 \$0 173



-6-

- (b) by sending it by pre-paid post, addressed to that party at the address for service specified in this document or subsequently notified to each party; or
- (c) by facsimile to the person's number for service specified in this document or subsequently notified to each party.

6.2 Time of Service

A notice or other communication is deemed served:

- (a) if served personally, upon service;
- (b) if posted within Australia to an Australian address, two business days after posting and in any other case, seven business days after posting; or
- (c) if served by facsimile, at the time indicated on the transmission report produced by the sender's facsimile machine indicating that the facsimile was sent in its entirety to the addressee's facsimile;
- (d) if received after 6.00pm in the place of receipt or on a day which is not a business day, at 9.00am on the next business day.

7. GENERAL

7.1 Further Assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

X049709H

20/09/2000 \$0 173



7.2 No Waiver

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

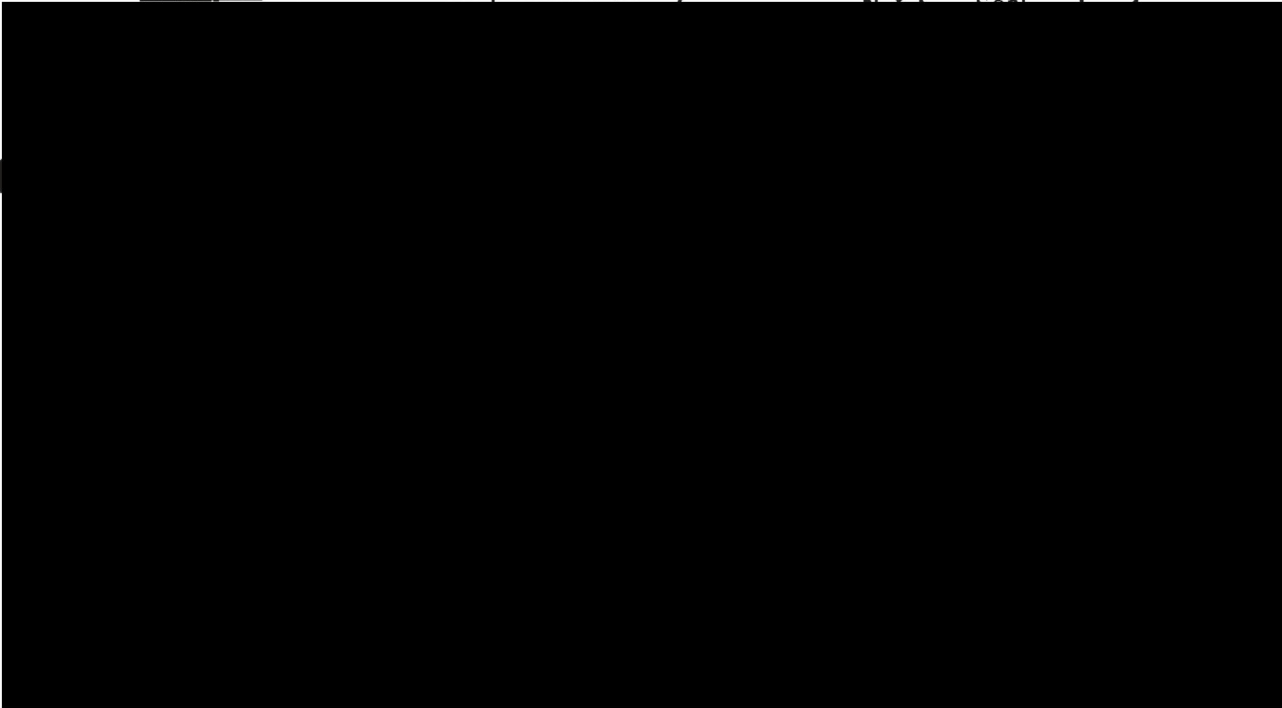
7.3 Severability

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

7.4 Costs

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

**THE COMMON SEAL of CARDINIA SHIRE)
COUNCIL was affixed in the presence of:)**



X049709H

20/09/2000 \$0 173



Form 4.4

PLANNING PERMIT

Permit No. TD00009
 Planning Scheme: Cardinia Planning Scheme
 Responsible Authority: Cardinia Shire Council

ADDRESS OF THE LAND:

Address: 162 PAKENHAM RD, PAKENHAM
 Lot/LP Details: Lot 3, LP 8840

THE PERMIT ALLOWS:

The subdivision of the land into two (2) lots generally in accordance with the approved plans.

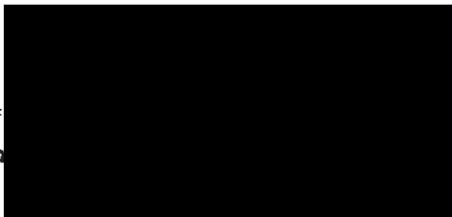
THE FOLLOWING CONDITIONS NO.1- 7 INCLUSIVE APPLY TO THIS PERMIT:

1. Prior to the certification of a plan of subdivision, three (3) copies of amended plans must be submitted to and approved by the responsible authority. The plans must be generally in accordance with the submitted plans but modified to show:
 - (a) A 5.0 metre by 5.0 metre splay at the northern boundary of Lot 1;
 - (b) The land between the splay required by Condition 1(a) and the southern property boundary as 'Tree Reserve' with a width of 5.0 metres;
 - (c) The 'Proposed Road Widening' across the frontage of Lot 2 deleted; and
 - (d) A three (3) metre wide drainage easement along the southern boundary of Lot 1 in favour of Lot 2;

to the satisfaction of the responsible authority.
2. The layout of the subdivision, as shown on the approved plan, must not be altered or modified without the consent in writing of the responsible authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity, gas and telecommunications services to each lot shown on the approved plan in accordance with the authority's requirements and relevant legislation at the time.
4. All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside in the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.
5. The plan of subdivision submitted for certification under the Subdivision Act 1988 must be referred to the relevant authority in accordance with Section 8 of that Act.

Date Issued: 15/3/00.

Signature for the Responsible Authority



X049709H

"B"

20/09/2000 \$0 173



Form 4.4

PLANNING PERMIT

Permit No. T000009
 Planning Scheme: Cardinia Planning Scheme
 Responsible Authority: Cardinia Shire Council

ADDRESS OF THE LAND:

Address:
 Lot/LP Details:

162 PAKENHAM RD, PAKENHAM
 Lot 3, LP 8840

THE PERMIT ALLOWS:

The subdivision of the land into two (2) lots generally in accordance with the approved plans.

THE FOLLOWING CONDITIONS NO.1-7 INCLUSIVE APPLY TO THIS PERMIT:

6. Prior to a Statement of Compliance being issued:

- (a) it must be demonstrated to the satisfaction of Council's Health Department that the septic system for the existing dwelling will be contained within the boundaries of Lot 1;
- (b) the permit holder must enter into an agreement under Section 173 of the Planning and Environment Act 1987 to allow access to Lot 1 from the existing driveway only until such time as access is available from the road proposed to be constructed to the north. Within three (3) months of access being available to the north the existing driveway must be removed and the boundary between Lot 1 and the 'Tree Reserve' fenced to the satisfaction of the responsible authority. The permit holder must incur all costs associated in preparing and registering this agreement on title; and
- (c) a cash contribution must be provided in lieu of the provision of an area or areas for public open space equivalent to eight (8) percent of the site value of Lot 1.

7. This permit will expire if:

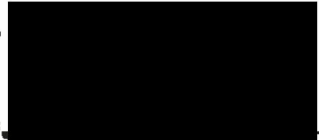
- (a) the subdivision is not commenced within two (2) years of the date of this permit; or
- (b) the subdivision is not completed within five (5) years of the date of commencement.

The responsible authority may extend the periods referred to, if a request is made in writing before the permit expires or within three (3) months afterwards.

(Note: The starting of the subdivision is regarded by Section 68(3A) of the Planning and Environment Act 1987 as the certification of a plan, and completed is regarded as the registration of the plan).

Date Issued: 15/1/00

Signature for the Responsible Authority: _____



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

PLAN OF SUBDIVISION	Stage No. <i>A</i>	LTO use only EDITION	Plan Number PS441730A
----------------------------	-----------------------	--------------------------------	---------------------------------

Location of Land
 Parish: Nar Nar Goon
 Township: _____
 Section: _____
 Crown Allotment: 7 (Part)
 Crown Portion: _____

LTO base record: DCMB
 Title References C/T V.8576 F.473

Last Plan Reference: LP8840 (Lot 3)
 Postal Address: 162 Pakenham Road
 (AI) time of subdivision Pakenham 3810

AMG Co-ordinates E. 366 650
 101 approx. centre of plan N. 5 786 900 ZONE 55

Vesting of Roads or Reserves

Identifier	Council/Body/Person
Res No 1	Cardinia Shire Council

Council Certification and Endorsement

Council Name: Cardinia Shire Council Ref: **500/089**

- This Plan is certified under Section 6 of the Subdivision Act 1988.
- This plan is certified under section 11(7) of the Subdivision Act 1988
 Date of original certification under section 6/...../.....
- This is a statement of compliance issued under section 21 of the Subdivision Act 1988.

OPEN SPACE

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

(ii) The requirement has been satisfied

(iii) The requirement is to be satisfied in Stage
 Council delegate
 Council seal
 Date / /

Re-certified under section 11(7) of the Subdivision Act 1988.

Council delegate
 Council seal
 Date / /

Notations

<p>Depth Limitation Does not apply</p> <p style="text-align: center;">APPROVED PLAN</p> <p style="text-align: center;">PLANNING AND ENVIRONMENT ACT 1987</p> <p style="text-align: center;">CARDINIA PLANNING SCHEME</p> <p>PERMIT No. <i>T000009</i></p> <p>SHEET <i>1</i> OF <i>2</i></p> <p>SIGNED: _____</p> <p>DATE: <i>21/10/00</i></p>	<p>This is/is not a staged subdivision Staging Planning permit No. T000009</p> <p>Lot 2 is not the subject of this survey.</p> <div style="text-align: right; border: 1px solid black; padding: 5px;"> <p style="font-size: 24pt; font-weight: bold;">X049709H</p> <p>20/09/2000 \$0 173</p> </div> <p>Survey This plan is / is not based on survey</p> <p>This survey has been connected to permanent marks no(s). Proclaimed Survey Area no.</p>
--	--

Easement Information

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

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/in Favour Of
E-1	Drainage	3	This plan	Lot 2 on this plan and Cardinia Shire Council

LTO use only

Statement of compliance/
Exemption Statement

Received

Date / /

LTO use only

PLAN REGISTERED
TIME
DATE / /

Assistant Registrar of Titles

Sheet 1 of 2 Sheets

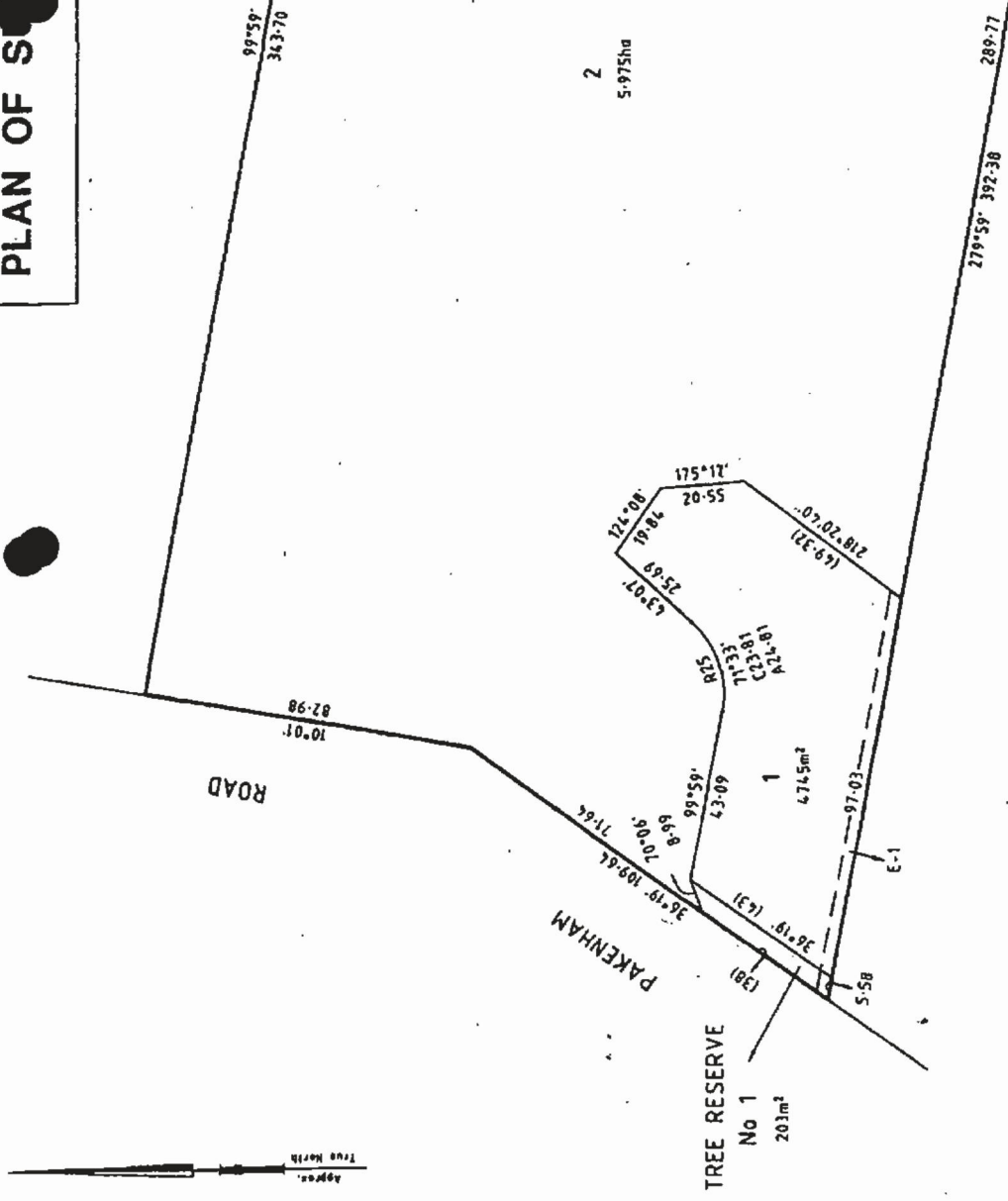
<p>LITTLE & BROSAN PTY. LTD. A.C.N. 006 434 888 LAND SURVEYORS, PLANNERS & DEVELOPMENT CONSULTANTS 189 JOHNSTON STREET, FITZROY, 3065. TELEPHONE: (03)9417-7311 FAX: (03)9417-1813</p>	<p>LICENSED SURVEYOR <i>Damian Leo Slattery</i></p> <p>SIGNATURE <i>[Signature]</i> DATE <i>11/11/00</i></p> <p>REF. 3009-1 VERSION 11-7-00</p>	<p>DATE / /</p> <p style="text-align: center;">COUNCIL DELEGATE SIGNATURE</p> <p style="text-align: right; font-size: small;">Original sheet size A3</p>
---	---	--

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

Stage No. / Plan Number
PS441730A

PLAN OF SUBDIVISION

X049709H
 20/09/2000 \$0 173



**APPROVED PLAN
 PLANNING AND ENVIRONMENT ACT 1987
 CARDINIA PLANNING SCHEME**

PERMIT No. **1000009**

SHE [Redacted] DATE / /
 SIGN [Redacted]
 DAT of 2 Sheets

LICENSED SURVEYOR **Damian Leo Slater**
 SIGNATURE *[Signature]* DATE / /
 REF. **3009-1** VERS. **1-1-1**

ORIGINAL SCALE SHEET SIZE
 1:1250 A3

SCALE
 12.5 0 12.5 25 37.5 50
 LENGTHS ARE IN METRES

LITTLE & BROSNAHAN PTY. LTD.
 A.C.N. 005 439 858
 LAND SURVEYORS, PLANNERS
 & DEVELOPMENT CONSULTANTS
 189 JOHNSTON STREET, FITZROY, 3065.
 TELEPHONE: 10319417-7311 FAX: 10319417-1813

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of the planning you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

X049709H

20/09/2000

\$0 173



Dated 30TH AUGUST 2000

Cardinia Shire Council
"the Council"



Section 173 Agreement

**Property - 162 Pakenham Road,
Pakenham**

Duffy & Simon
Lawyers
23 John Street
Pakenham 3810

Tel (03) 59411622
Ref: dd:gh;00.6.1555

convey/vendor/cox11/sect173agree.doc

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.


Document Type	Plan
Document Identification	PS811821L
Number of Pages (excluding this cover sheet)	4
Document Assembled	02/02/2024 09:58

Copyright and disclaimer notice:

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

<h1>PLAN OF SUBDIVISION</h1>			LV USE ONLY EDITION 1	<h1>PS811821L</h1>
Location of Land Parish: NAR-NAR GOON Township: ----- Section: ----- Crown Allotment: 7 (PART) Title References: Vol.11081 Fol.288 Last Plan Reference: LOT A on PS611885X Postal Address: PAKENHAM ROAD, PAKENHAM 3810 MGA94 Co-ordinates: E 366 710 Zone 55 (Of approx. centre of plan) N 5 787 050			Council Name: Cardinia Shire Council Council Reference Number: S18-028 Planning Permit Reference: T130505-2 SPEAR Reference Number: S117616B Certification This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 06/06/2019 Statement of Compliance This is a statement of compliance issued under section 21 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 of the Subdivision Act 1988 has been made and the requirement has been satisfied Digitally signed by: Sonia Higgins for Cardinia Shire Council on 05/03/2021	
Vesting of Roads or Reserves				
Identifier	Council/Body/Person			
R1 RESERVE No.1 RESERVE No.2	CARDINIA SHIRE COUNCIL CARDINIA SHIRE COUNCIL AUSNET ELECTRICITY SERVICES PTY LTD			
Notations				
Depth Limitation:	Does not apply			
Staging This is not a staged subdivision. Planning Permit No. T130505 Survey:- This plan is based on survey. To be completed where applicable This survey has been connected to permanent mark no(s). Nar-Nar Goon PM89, 295 & 670 In proclaimed Survey Area No. ---				
This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.				
Easement Information				
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour of
E-1	ELECTRICITY SUPPLY	2	PS611885X	LOT 1 ON PS611885X
E-2	SEWERAGE DRAINAGE	SEE DIAG.	THIS PLAN	SOUTH EAST WATER CORPORATION CARDINIA SHIRE COUNCIL
E-3	SEWERAGE	2.50	THIS PLAN	SOUTH EAST WATER CORPORATION
E-4	POWERLINE	SEE DIAG.	THIS PLAN (S.88 ELECTRICITY INDUSTRY ACT 2000)	AUSNET ELECTRICITY SERVICES PTY LTD
E-5	SUPPLY OF WATER (THROUGH UNDERGROUND PIPES)	SEE DIAG.	THIS PLAN	SOUTH EAST WATER CORPORATION
E-6	DRAINAGE	SEE DIAG.	THIS PLAN	CARDINIA SHIRE COUNCIL
 HEAD & HUMPHREYS LAND CONSULTANTS Suite 3, 47 Railway Road P.O. Box 63, Blackburn 3130 Tel: 9875 8777 Fax: 9875 8778 e-mail: contact@hhsurvey.com.au ABN 80 006 516 169		REF 7678 <small>7678-00-SUB-0111-LUV.DWG 16-03-2021</small>	11	ORIGINAL SHEET SIZE: A3 SHEET 1 OF 4 SHEETS
			Digitally signed by: Jason Ollerenshaw, Licensed Surveyor, Surveyor's Plan Version (11), 05/03/2021, SPEAR Ref: S117616B	PLAN REGISTERED TIME: 12:10 PM DATE: 16/03/2021 YL Assistant Registrar of Titles

PLAN OF SUBDIVISION

LV USE ONLY
EDITION

PS811821L

CREATION OF RESTRICTION

The following restrictions are to be created upon registration of this plan of subdivision.

The registered proprietor for the time being of the burdened land shall comply with the restrictions.

RESTRICTION A. (Building Controls)

Land to be benefited - Lots 1 to 33 (both inclusive) on this plan

Land to be burdened - Lots 1 to 33 (both inclusive) and Reserve No.1 on this plan.

Description of Restriction.

Except with the written consent of Cardinia Shire Council the registered proprietors or proprietor for the time being of any burdened lot on the Plan shall not at any time erect, construct, build or cause or permit to be erected, constructed or built :-

- a. any building or structure other than a building or structure in accordance with the Pakenham Rise Residential Design Guidelines.

Restriction A does not lapse.

RESTRICTION B. (Development Controls)

Land to be benefited - Lots 1 to 33 (both inclusive) on this plan.

Land to be burdened - Lots 1 to 3 (both inclusive), 9, 11, 12, 14 to 18 (both inclusive), 20, 21 and 27 to 33 (both inclusive) on this plan.

Description of Restriction.

Except with the written consent of Cardinia Shire Council the registered proprietors or proprietor for the time being of any burdened lot on the Plan shall not:-

- a. park or store vehicles, machinery, plant or equipment outside of the building envelopes shown on sheet 4 of this plan;
- b. construct a building or part of a building outside of the building envelopes shown on sheet 4 of this plan;

Restriction B does not lapse.

RESTRICTION C.

Land to be benefited - Lots 1 to 33 (both inclusive) on this plan.

Land to be burdened - Lots 14 to 18 (both inclusive) and 27 on this plan.

Description of Restriction.

Except with the written consent of Cardinia Shire Council the registered proprietors or proprietor for the time being of any burdened lot on the Plan shall not:-

- a. permit the felling, lopping or removal of any vegetation abutting the burdened land;

Restriction C does not lapse.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



HEAD & HUMPHREYS
LAND CONSULTANTS
 Suite 3, 47 Railway Road
 P.O. Box 63, Blackburn 3130
 Tel: 9875 8777 Fax: 9875 8778
 e-mail: contact@hhsurvey.com.au

REF **7678**7678-00-SUB-0111-LUV.DWG
16-03-2021**11**ORIGINAL SHEET
SIZE: A3

SHEET 3

Digitally signed by: Jason Ollerenshaw, Licensed Surveyor,
 Surveyor's Plan Version (11),
 05/03/2021, SPEAR Ref: S117616B

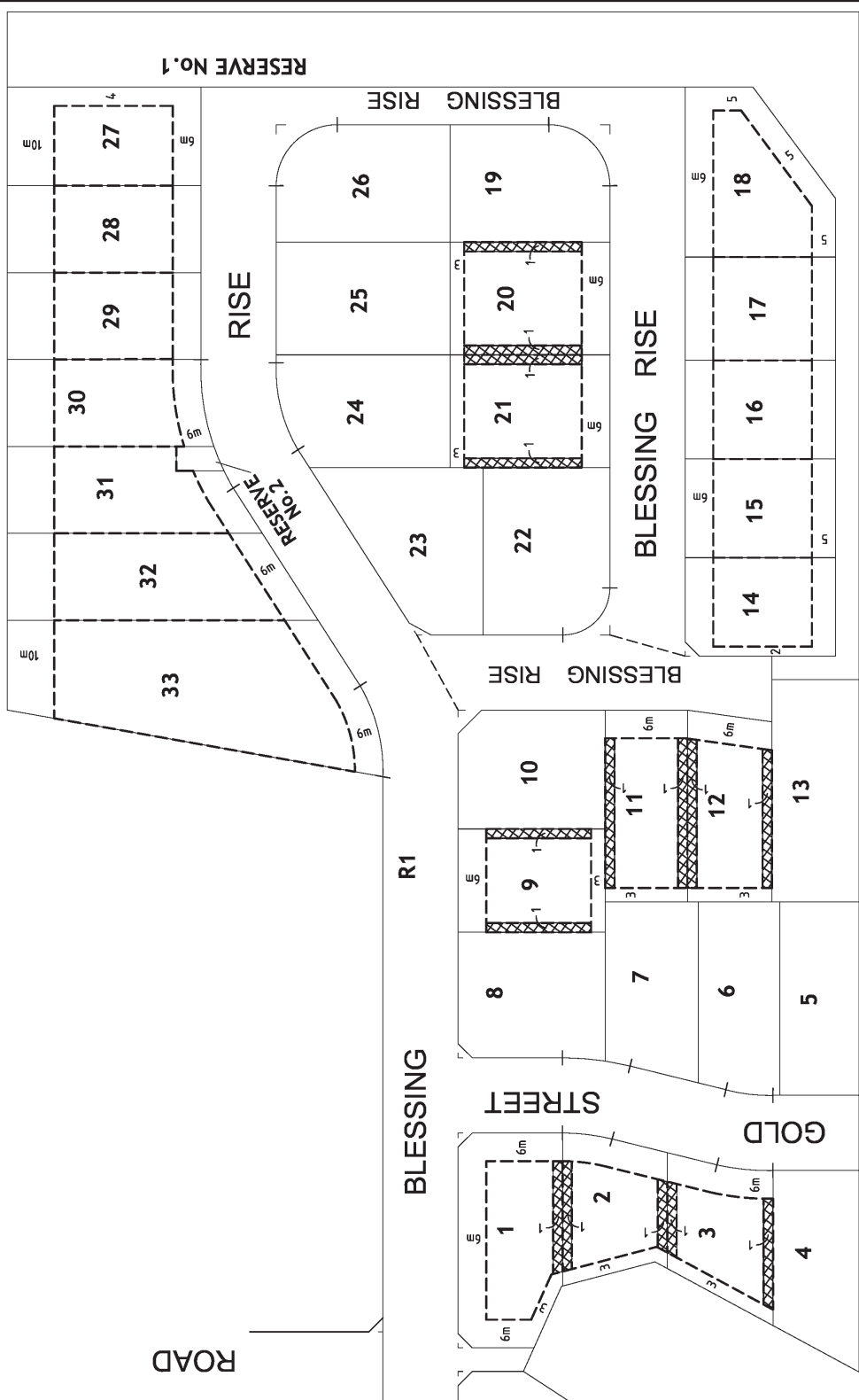
Digitally signed by:
 Cardinia Shire Council,
 05/03/2021,
 SPEAR Ref: S117616B

BUILDING ENVELOPES DIAGRAM
(SEE RESTRICTIONS A & B)

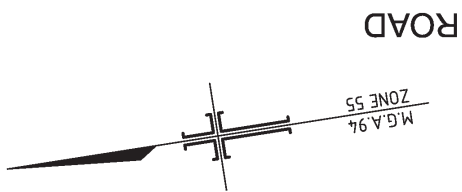
PLAN OF SUBDIVISION

PS811821L

LV USE ONLY EDITION



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



LEGEND

- BUILDING ENVELOPE BOUNDARY
- BOUNDARY
- SETBACK DISTANCE
- LOT NUMBER
- BUILDING ENVELOPE

BUILDING ENVELOPE - ONLY ONE OF THESE ZONES CAN BE UTILISED PER LOT IN RELATION TO THE LOCATION OF THE CROSSOVER PROVIDED FOR THAT LOT.

HEAD & HUMPHREYS
LAND CONSULTANTS
Suite 3, 47 Railway Road
P.O. Box 63, Blackburn 3130
Tel: 9875 8777 Fax: 9875 8778
e-mail: contact@hhsurvey.com.au
ABN 80 006 616 169

SCALE: 1:1000

LENGTHS ARE IN METRES

REF **7678** 7678-00-SUB-011-LUV.DWG 16-05-2021

REF **7678** ORIGINAL SHEET SIZE: A3 SHEET 4

Digitally signed by: Jason Ollershaw, Licensed Surveyor, Surveyor's Plan Version (11), 05/03/2021, SPEAR Ref: S:117616B

Digitally signed by: Jason Ollershaw, Licensed Surveyor, Cardinia Shire Council, 05/03/2021, SPEAR Ref: S:117616B

25 March 2024

Town Planning Dept.
Cardinia Shire Council PO Box 7
Pakenham VIC 3810

RE: PROPOSED RETAINING WALLS @ 30 BLESSING RISE, PAKENHAM ,3810

Dear Sir/Madam,

Please find the attached, relevant documentation for the purpose of obtaining an amendment to the existing town planning permit application T220295 PA
The land is currently occupied by an existing single storey split level dwelling which is to be retained. The proposal is for retaining walls to all boundaries.

The land is under

- GENERAL RESIDENTIAL ZONE (GRZ)
- ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)
- DEVELOPMENT CONTRIBUTIONS PLAN OVERLAY (DCPO)

Please find attached –

1. Set of Town Planning Drawings.
2. Copy of Title & Plan of Subdivision
3. Signed Planning Permit Application form.

Yours faithfully

BUILDING DESIGNER
HARGREAVES DESIGN GROUP

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



✉ 3/5 Cook Drive, Pakenham 3810
☎ (03) 5940 2340
✉ scott@hargreaves.design
🌐 www.hargreaves.design

02.05.24

Planning Dept.
C/- Cardinia Shire Council
20 Siding Ave
Officer, VIC. 3809

**RE: Proposed Retaining walls
At 30 Blessing Rise, Pakenham 3810
Permit Application No – T220295 – 2APP**

Dear [REDACTED]

In response to the further information request dated 23rd April 2024, we have supplied you with the following information as requested -

1. Amended Town Planning Drawings.
2. Written Response to Clause 42.01

Regarding RFI Item

1. A written response to the decision guidelines 42.01 (including schedule 4).

The subject site has a moderate to steep slope. Due to the dwelling already being located and floor levels already determined on the site the proposed works for the retaining walls achieves the best outcome for the site while trying to protect the significant environmental and landscape values of the Pakenham North Ridge by ensuring that the maximum height of any retaining wall within the site to have a maximum height of 1800mm. Significant benching has been achieved with the current proposal within the site which allows for control of surface water runoff and for extensive suitable areas for future landscaping and planting.

As per the Landscape plan it is demonstrated that native planting will be used.

2. Site Plan is now drawn at Scale 1:100 nominating finished surface levels on all proposed retaining walls.
3. Elevations are drawn at Scale 1:100 with
 - a. dimension of proposed retaining walls.
 - b. Dimensions of earthworks (both cut and fill).
 - c. Notations with natural ground levels of the site along boundary lines.

At this point I would like to advise that the Survey shown on the site plan has been completed recently and reflects the current site works on the site, however these works are illegal and should not of been granted a building permit as there is extensive Fill and Site cut encroaching into the neighboring properties which are currently vacant, I have shown the correct Natural Ground Line when the land was titled and before the existing dwelling constructed and current earth works were undertaken. Significant Site cut and fill located on the neighboring properties will be undertaken as part of the proposed works to restore the natural surface at the boundary lines.

It is my professional opinion that the original Planning permit, Developer Approval and Building Permit should not of been granted with the drawings completed by Marchi Design as there was insufficient information shown relating to the scope of earth works required for this site and dwelling. We are now forced to produce a retaining wall design that Complies with the relevant Pakenham Rise Residential design Guidelines while still working with the existing floor levels of the dwelling.

Please see several site photos of the extent of existing current site works.



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



4. Updated Landscape plan now reflects the current proposal.

Regarding Councils comments.

5. Environmental Significance Overlay – Schedule 4

As mentioned above we are dealing with existing floor levels, existing dwelling footprint, rear easement with stormwater & sewer assets located within and Natural Ground lines, thus the proposed retaining wall design is unable to respond appropriately to the objectives and decision guidelines of the Environmental Significance Overlay – Schedule 1. All we can achieve with the current proposal is compliance with the Pakenham Rise Residential design Guidelines, which we have achieved.

6. We await further assessment from Council and will attend to any further information requests.

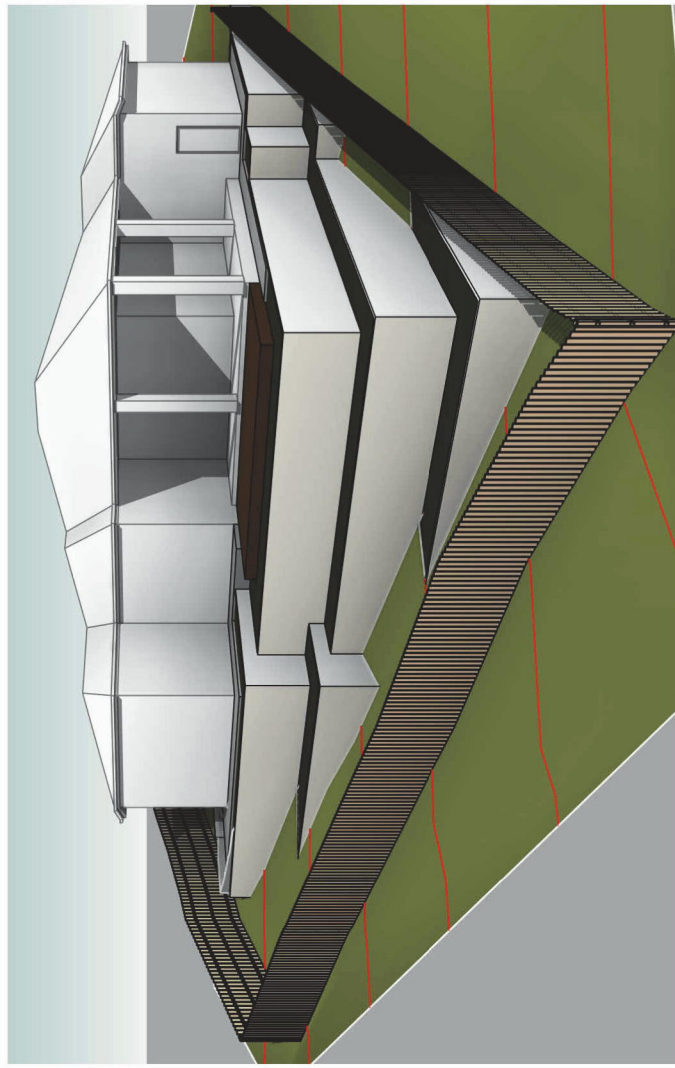
Yours faithfully,

OFFICER MANAGER
HARGREAVES DESIGN GROUP

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

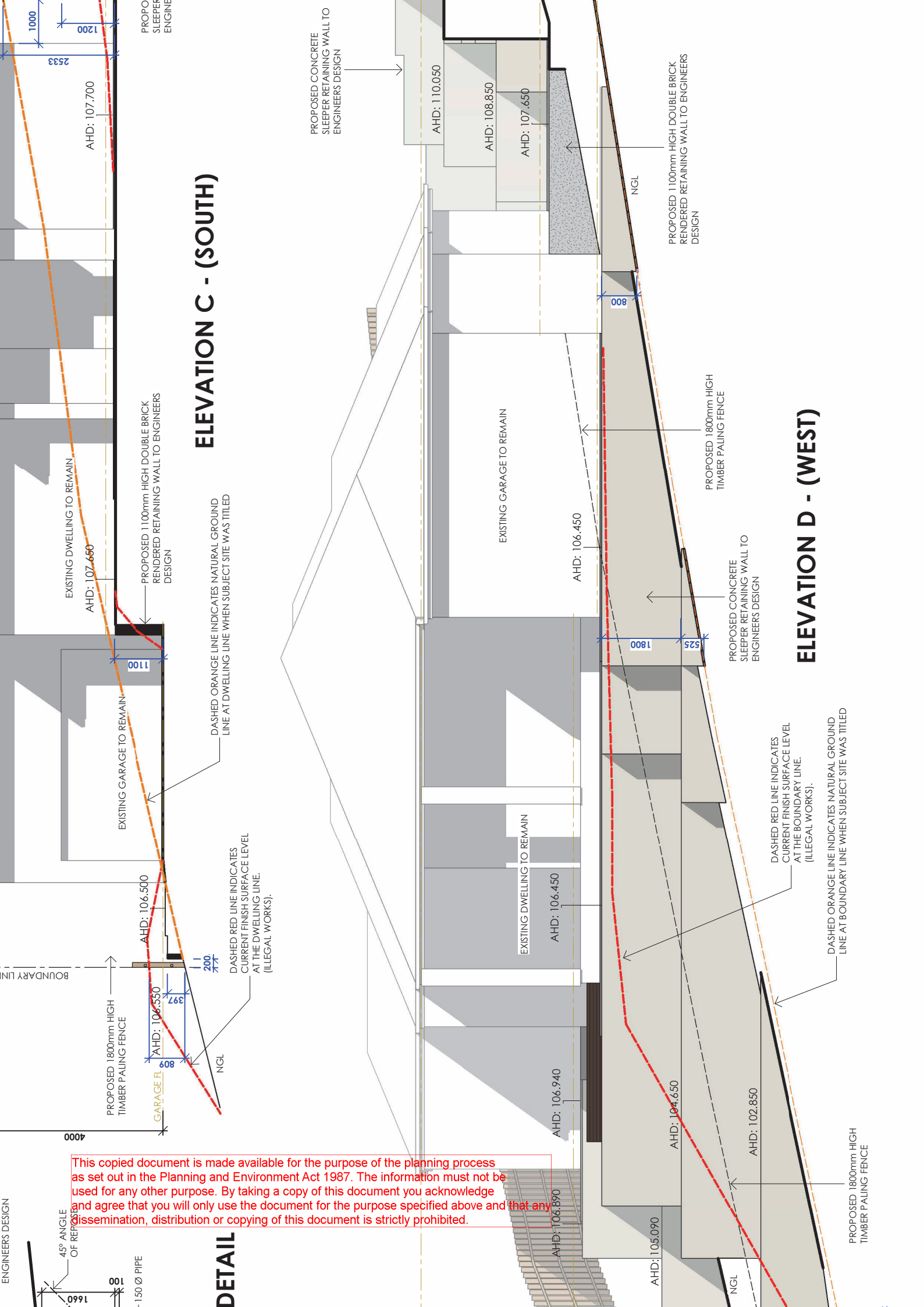
PROPOSED: RETAINING WALLS
AT: 30 BLESSING RISE, PAKENHAM
FOR: 1.

X	SHEET NUMBER
	1
	2
	3
	4
	5



This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

ISSUE	AMENDMENT DATA
A	INITIAL DRAWINGS 26.03.24 - SR
B	AMEND DRAWINGS (CO 02.05.24 - SR
C	
D	
E	
F	
G	
H	
I	
J	
K	
L	
M	
N	
O	
P	
Q	
R	
S	
T	
U	
V	



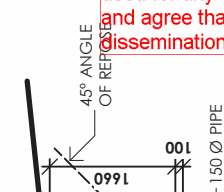
ELEVATION C - (SOUTH)

ELEVATION D - (WEST)

DETAIL

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.

ENGINEERS DESIGN



4000

1100

200

397

809

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1100

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

525

1800

800

NGL

NGL

NGL

NGL

NGL

1000

1200

2533

107.700

107.650

106.500

106.550

106.450

106.940

104.650

102.850

105.090

106.890

110.050

108.850

107.650

800

1800

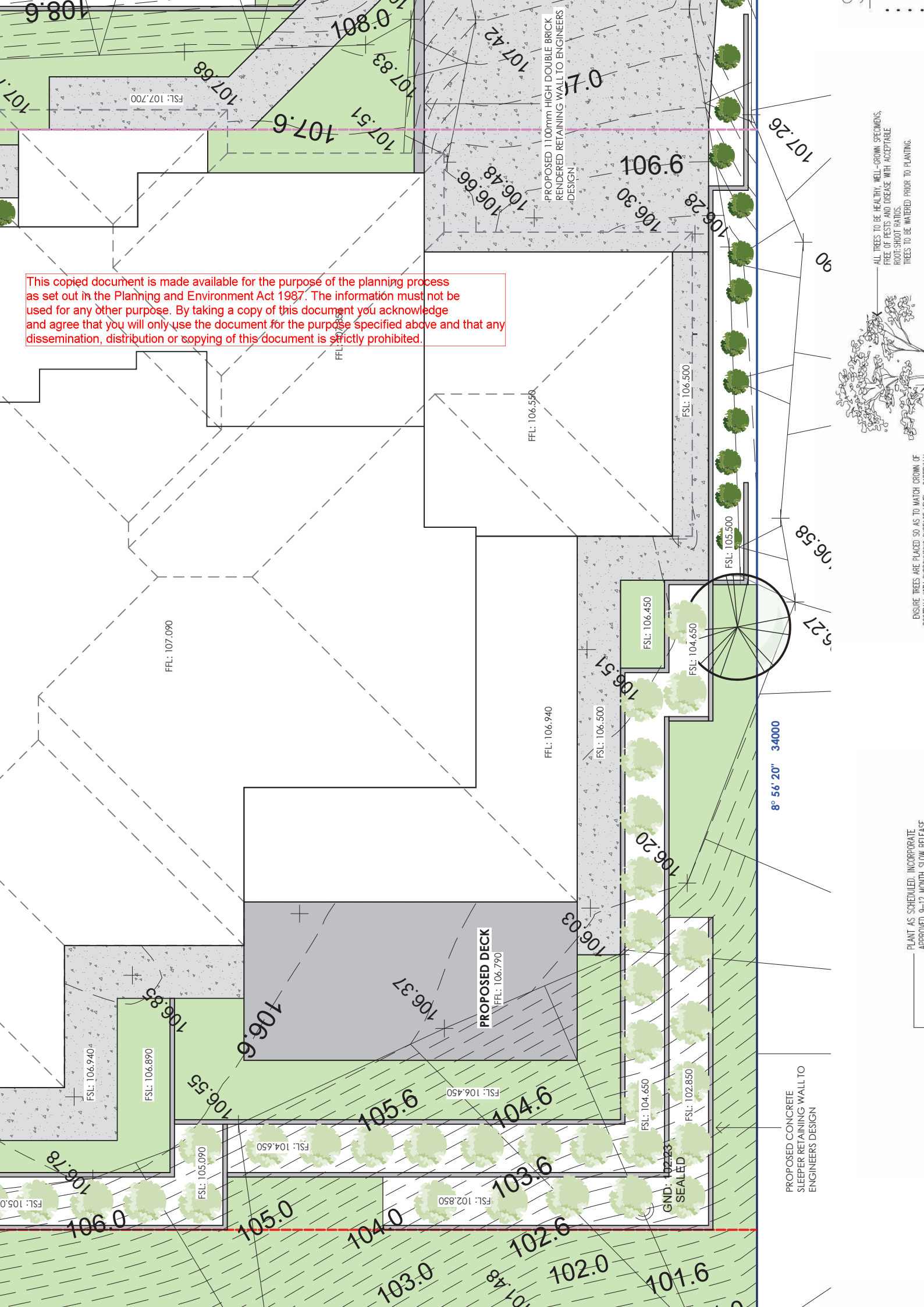
525

1800

800

NGL

This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



PROPOSED 1100mm HIGH DOUBLE BRICK RENDURED RETAINING WALL TO ENGINEERS DESIGN

PROPOSED DECK
FFL: 106.790

PROPOSED CONCRETE SLEEPER RETAINING WALL TO ENGINEERS DESIGN

8' 56' 20" 34000

ALL TREES TO BE HEALTHY, WELL-CROWN SPECIMENS, FREE OF PESTS AND DISEASE WITH ACCEPTABLE ROOT-SHOOT RATIOS. TREES TO BE WATERED PRIOR TO PLANTING.



ENSURE TREES ARE PLACED SO AS TO MATCH CROWN OF

PLANT AS SCHEDULED, INCORPORATE APPROVEN 9-12 MONTH SLOW RELEASE