

LODGED at the Titles Office by
MULCAHY MENDELSON & ROUND
Solicitors
526 Whitehorse Road, Mitcham



S254915 M

CODE ~~929~~ 1297Q

VICTORIA

APPLICATION BY A RESPONSIBLE AUTHORITY
under Section 181 Planning and
Environment Act 1987 for ENTRY OF A
MEMORANDUM OF AGREEMENT under Section
173 of the Act.

The Responsible Authority under the Planning Scheme having entered into an Agreement with the parties named for the land described requires that a memorandum of the Agreement be entered on the Certificates of Title to the land referred to.

[Handwritten signature and stamp]

LAND NOW = WH. ⁶⁰¹⁵⁰³ ~~ST~~ 10095 - 501 to 512 (B.I.)

Certificate of Title Volume 9449 Folio 889 and all Certificates of Title issuing from Certificate of Title Volume 9449 Folio 889

[Handwritten notes: 19/1]

ADDRESS OF THE LAND

Crown Allotment 39 Corner Liverpool Road and Glasgow Road, Kilsyth

AMENDED
19 FEB 1993
with consent of
Solicitor for *[Signature]*

[Handwritten notes: 93]

RESPONSIBLE AUTHORITY

Shire of Lillydale

PLANNING SCHEME

Lillydale Planning Scheme

AGREEMENT DATE

12th October, 1992

AGREEMENT WITH

Martin Meadows Pty. Ltd. of 10 Larnook Crescent, Mooroolbark

A copy of the Agreement is attached to this Application

Signature for the Responsible Authority

[Handwritten signature: Cluath]

Name of Officer

STEPHEN W. WYATT

Date

25TH NOVEMBER 1992

[Handwritten notes: J., 19/1/93]



MURRAY MENDELSON & ROUND

Lawyers & Solicitors

Murray B. Round LL.B.
Robert A. Lees LL.B. B.Juris
Nicholas J. Slyant-Browne LL.B.
Erminio R. Rinaldo LL.B.
Michael R. Nolan LL.B.
John P. Sesto LL.B. B.Ec.
Evelyn R. Bender LL.B. B.Juris
Barry L. Devenish LL.B.

Consultant

Roger G. Mendelson LL.B. B.Ec.
George C. Hannan

All Correspondence to:
P.O. Box 21, Mitcham, 3132
Dx 13202 Mitcham
Fax: (03) 873 2092

526 Whitehorse Road,
Mitcham, 3132, Vic., Aust.
Tel: (03) 874 4999

Our ref: AW:MD 64966
Your ref:

22nd March, 1993

Land Titles Office,
DX 25,
MELBOURNE

Dear Sir,

**SECTION 181 AGREEMENT
RESPONSIBLE AUTHORITY: SHIRE OF LILLYDALE
CASE REFERENCE: S254915M**

We refer to the above matter and in particular to your further notice of the 16th March, 1993.

In respect of registration, we require registration to apply to all Lot Titles deriving from Certificate of Title Volume 9449 Folio 889, pursuant to Plan of Subdivision number 318763X.

As we have ascertained, the following Titles have issued and are required to be subject to the Section 173 Agreement. We therefore request the existing land described should be substituted by the following :-

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20 and 21.

Alternatively, we require the Section 181 note or memorandum and description to include the following Lot Titles which have now been issued, according to our searches :-

Certificate of Title Volume 10095 Folio 501
Certificate of Title Volume 10095 Folio 503
Certificate of Title Volume 10095 Folio 504
Certificate of Title Volume 10095 Folio 505
Certificate of Title Volume 10095 Folio 506
Certificate of Title Volume 10095 Folio 507
Certificate of Title Volume 10095 Folio 508
Certificate of Title Volume 10095 Folio 509
Certificate of Title Volume 10095 Folio 510
Certificate of Title Volume 10095 Folio 511
Certificate of Title Volume 10095 Folio 512.

Other offices:

Melbourne

Box Hill

Vermont

Ringwood

Yours faithfully,
MULCAHY MENDELSON & ROUND

A handwritten signature in black ink, appearing to be 'Andrew White', written in a cursive style.

ANDREW WHITE

MM&R

MULCAHY MENDELSON & ROUND

THE PRESIDENT, COUNCILLORS AND RATEPAYERS
OF THE SHIRE OF LILLYDALE
("the Responsible Authority")

- and -

MARTIN MEADOWS PTY. LTD.
("the Owner")

=====

A G R E E M E N T

=====

MULCAHY MENDELSON & ROUND,
Solicitors,
482 Bourke Street,
MELBOURNE VIC 3000

TEL :- 670 4215
ADX :- 363 Melbourne
FAX :- 670 1571
REF :- A.L.ROBERTS:JT:64966

Melbourne

Box Hill

Mitcham

Vermont

Ringwood

THIS AGREEMENT is made the 12th day of October 1992
pursuant to Section 173 of the Planning and Environment Act 1987
("the Act") -

BETWEEN :-

THE PRESIDENT, COUNCILLORS AND RATEPAYERS
OF THE SHIRE OF LILLYDALE
of Shire Offices, Anderson Street, Lilydale
("the Responsible Authority")

of the first part

- and -

MARTIN MEADOWS PTY. LTD.
of 10 Larnook Crescent, Mooroolbark
("the Owner")

of the other part

RECITALS :-

- A. The Responsible Authority is responsible under the Act for the administration and enforcement of the Lillydale Planning Scheme ("the Planning Scheme");
- B. The Owner is registered as the proprietor of all that land known as Crown Allotment 39, Corner of Liverpool Road and Glasgow Road, Kilsyth, described in Certificate of Title Volume 9449, Folio 889 ("the land");
- C. On the 13th of March, 1992, the Responsible Authority issued Planning Permit No. PE91/686. The Planning Permit is for a 21 lot subdivision to be completed in 2 stages. The first stage is Lots 1 to 11 inclusive and the second stage is Lots 12 to 21 inclusive ("the Subdivision"). Condition 3 of the Planning Permit provides as follows :-

-2-

Prior to a Statement of Compliance being issued the Applicant shall prepare and execute an Agreement under Section 173 of the Planning and Environment Act 1987 providing for -

the preservation of a 7.5 metre wide strip of existing vegetation along the Glasgow Road frontage of Lots 6, 7 and 9, except as required to be cleared at nominated crossing points;

the Owners of Lots 7, 8, 9, 10, 11, 15 and 16 to ensure that the common driveways serving those lots are properly landscaped and maintained and underground works protected, at the cost of the Owners, and to the satisfaction of the Responsible Authority;

no direct vehicular access from Lots 1 and 4 to Liverpool Road;

requiring that no additional vehicle crossing points other than as nominated on the endorsed Plan shall be provided to Lots 5, 6, 7 and 9;

cessation of the use of Lot 21 as a farm produce stall when a Statement of Compliance is issued for Stage 2 of the development;

notice of this Agreement shall be registered on the affected Titles.

- D. The Responsible Authority and the Owners have agreed that without limiting or restricting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as being an Agreement under Section 173 of the Act.

E. The land is encumbered by Mortgage No. S.123876 B. and the Mortgagee NATIONAL AUSTRALIAN BANK LIMITED has consented to the parties hereto entering into this Agreement.

F. NOW THIS AGREEMENT PROVIDES AS FOLLOWS :-

1. Successors in Title

Without limiting the operation or effect which this agreement has, the Owner shall ensure that its Successors in Title :-

- (a) give effect to and do all acts and sign all documents as to require them to give effect to this agreement; and
- (b) execute under seal a Deed agreeing to be bound by the terms of this agreement and thereupon this agreement shall continue as if executed by such Successors and the Responsible Authority as if the Successor's names appeared in each Clause in which the names of the Owner appears in substitution of the name of the Owners.

2. General

- (a) Any notice hereunder may be served by delivering the same to the Owner at its address as aforesaid or by putting the same into the post in a prepaid certified envelope addressed to the Owner at its address and any notice so posted shall conclusively deem to have been served at the expiration of forty-eight (48) hours from the time of posting.

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- (b) Each of the parties hereto shall respectively sign and execute all further documents and deeds and do all such acts and things as the other party shall reasonably require for completely effecting this Agreement.
- (c) This Agreement shall be treated insofar as it can be treated as an agreement under Section 173 of the Act.
- (d) Any time or other indulgence granted by the Responsible Authority to the Owner or any variation of the Terms and Conditions of this Agreement or any Judgment or Order obtained by the Responsible Authority against the Owner will not in any way amount to a waiver of any of the rights or remedies of the Responsible Authority in relation to the terms of this Agreement.

3. Covenants of Owner

(a) The Owner shall :-

- (i) preserve a 7.5 metre wide strip of existing vegetation along the Glasgow Road frontage of Lots 6, 7, and 9, except as required to be cleared at nominated crossing points;
- (ii) ensure that the common driveways serving Lots 7, 8, 9, 10, 11, 15 and 16 are properly landscaped and maintained and underground works protected, at the cost of the Owner, and to the satisfaction of the Responsible Authority;

-5-

- (iii) not provide direct vehicular access from Lots 1 and 4 to Liverpool Road;
 - (iv) require that no additional vehicle crossing points other than as nominated on the endorsed plans shall be provided to Lots 5, 6, 7 and 9;
 - (v) cease the use of Lot 21 as a farm produce stall when a Statement of Compliance is issued for Stage 2 of the development;
- (b) The Owner shall forthwith pay on demand to the Responsible Authority, the Responsible Authority's reasonable costs and expenses (including reasonable legal costs) of and incidental to :-
- (i) this Agreement or any consequence thereof, relating thereto, pursuant thereto or in furtherance thereof (including anything done in anticipation of this Agreement and the enforcement of any obligations imposed on the Owner herein);
 - (ii) preparation of an application pursuant to Section 181 of the Act enabling the registration of this Agreement at the Land Titles Office and any duties or fees payable in connection with either this Agreement, the registration of this Agreement at the Land Titles Office or in connection with any default by the Owner;

-6-

(c) The Owner shall consent to the Responsible Authority entering a Memorandum of this Agreement on the Certificate of Title to the land ("the parent Title") and on all subsequent Certificates of Title which issue from the parent Title pursuant to the subdivision in accordance with Section 181 of the Act and do all things necessary to enable the Responsible Authority so to do, including signing any further Agreement, acknowledgement or documents to enable the said Memorandum to be registered under that Section;

(d) The Owner shall -

(i) carry out all works strictly in accordance with the Permit and the requirements of this Agreement to the satisfaction of the Responsible Authority;

(ii) not sell, mortgage or in any way transfer or dispose of the land without first disclosing this Agreement to the purchaser, mortgagee or transferee (as the case may be);

(iii) carry out and comply with the requirements of all statutory authorities in relation to the development of the land and to comply with all statutes, regulations, by-laws and planning controls in relation thereto;

(iv) do all things necessary including

-7-

the signing of any further agreements, undertakings, covenants, consents, approvals or other documents necessary for the purpose of ensuring that it carries out its covenants, agreements and obligations hereunder and to enable the Responsible Authority to enforce the performance by the Owner of such covenants, agreements and undertakings.

4. Default by Owner


In the event of the Owner defaulting or failing to perform any of its obligations under this Agreement, the Responsible Authority may without prejudice to any other remedy (including without prejudice to its right to seek an Enforcement order and ancillary relief under Section 114 of the Act) rectify such default and the cost of any works or action undertaken by the Responsible Authority to rectify any such default shall be borne by the Owner and shall be capable of being recovered by the Responsible Authority in any Court of competent jurisdiction by way of damages arising out of breach of the Agreement or howsoever otherwise.

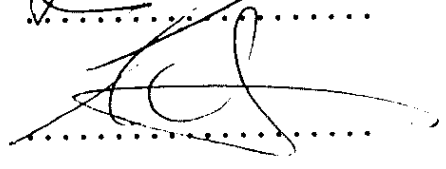
5. End of Agreement

In addition to the provisions contained in the Planning and Environment Act 1987, this Agreement may be brought to an end by the agreement in writing of the parties.

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

THE COMMON SEAL of THE)
)
PRESIDENT, COUNCILLORS AND)
)
RATEPAYERS OF THE SHIRE OF)
)
LILLYDALE was hereunto)
)
affixed in the presence of:-)

President :- 

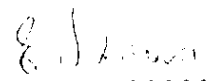
Councillor :- 

Shire Secretary :- Clyot

THE COMMON SEAL of MARTIN)
)
MEADOWS PTY. LTD. was)
)
hereunto affixed in)
)
accordance with its Articles)
)
of Association in the)
)
presence of :-)



Director :- 

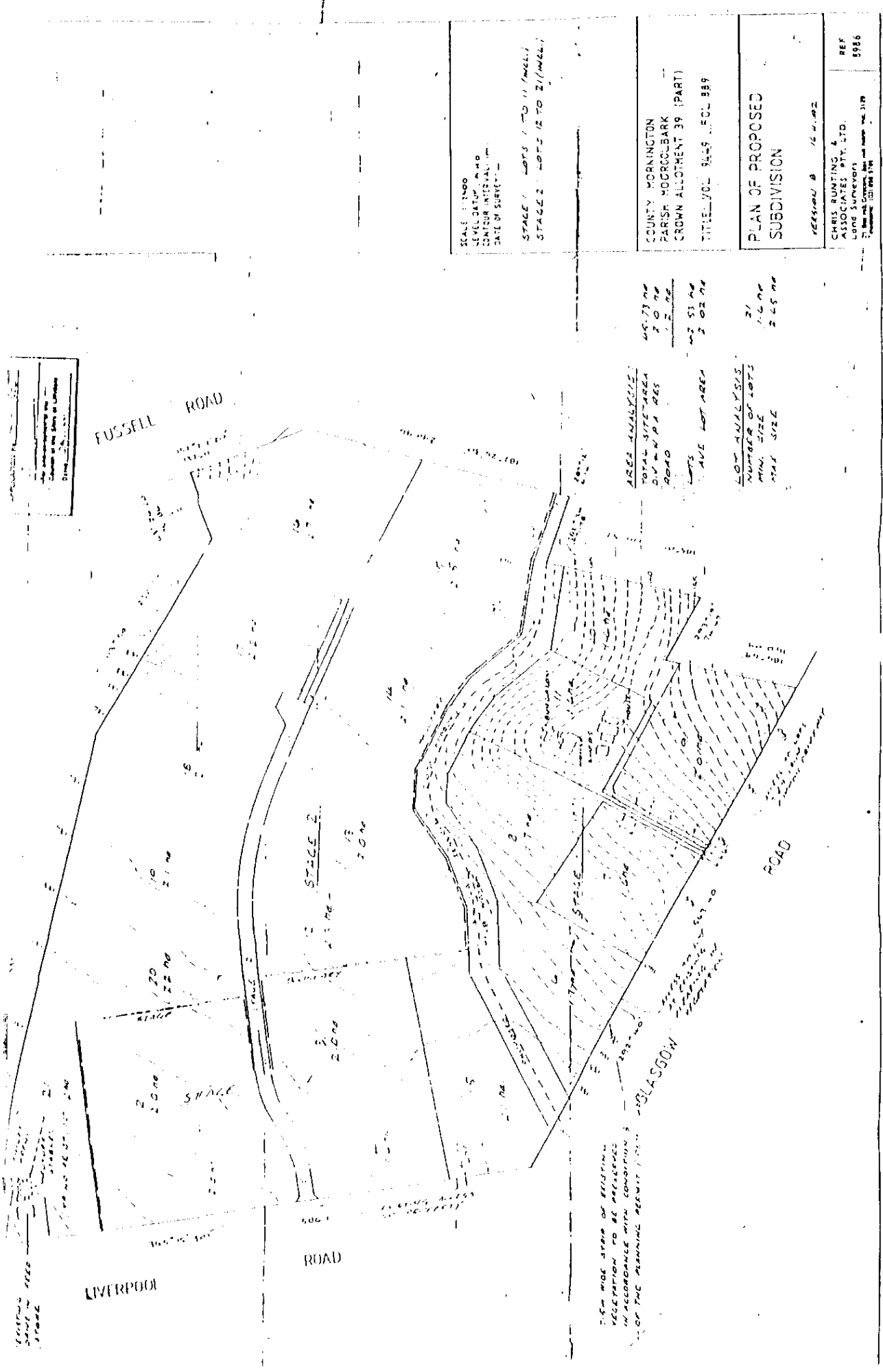
Secretary :- 

THE PRESIDENT, COUNCILLORS AND RATEPAYERS
OF THE SHIRE OF LILLYDALE
("the Responsible Authority")

- and -

MARTIN MEADOWS PTY. LTD.
("the Owner")

SCHEDULE 1



PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

AMENDED PLANS

1. THIS PERMIT SHALL HAVE NO FORCE OR EFFECT UNTIL AMENDED PLANS ARE SUBMITTED SHOWING:

- . NOMINATED ACCESS POINTS TO LOTS 7 AND 9 WHICH MAY NOT BE DIRECT TO GLASGOW ROAD;
- . NOMINATED ACCESS FROM LIVERPOOL ROAD TO LOT 5 AT THE NORTH EAST CORNER OF THAT LOT.

WHEN APPROVED THIS PLAN SHALL BECOME THE ENDORSED PLAN.

ENDORSED PLAN

2. THE LAYOUT OF THE SUBDIVISION AS SHOWN ON THE ENDORSED PLAN SHALL NOT ALTERED OR MODIFIED NOR SHALL ANY LIVING TREE BE REMOVED OTHER THAN THOSE REQUIRED FOR THE CONSTRUCTION OF A VEHICLE CROSSING TO EACH CREATED ALLOTMENT, WITHOUT THE WRITTEN CONSENT OF THE SHIRE OF LILLYDALE.

173 AGREEMENT

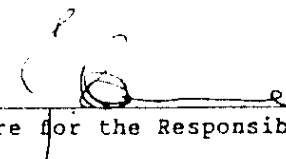
3. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED THE APPLICANT SHALL PREPARE AND EXECUTE AN AGREEMENT UNDER SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT 1987 PROVIDING FOR:

- . THE PRESERVATION OF A 7.5 METRE WIDE STRIP OF EXISTING VEGETATION ALONG THE GLASGOW ROAD FRONTAGE OF LOTS 6, 7 AND 9, EXCEPT AS REQUIRED TO BE CLEARED AT NOMINATED CROSSING POINTS.
- . THE OWNERS OF LOTS 7, 8, 9, 10 AND 11 AND 15 AND 16 TO ENSURE THAT THE COMMON DRIVEWAYS SERVING THOSE LOTS ARE PROPERLY LANDSCAPED AND MAINTAINED AND UNDERGROUND WORKS PROTECTED, AT THE COST OF THE OWNERS, AND TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

000289/ADMINING/2

13/3/92

(Date Issued)



Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- . NO DIRECT VEHICULAR ACCESS FROM LOTS 1 AND 4 TO LIVERPOOL ROAD.
- . REQUIRING THAT NO ADDITIONAL VEHICLE CROSSING POINTS OTHER THAN AS NOMINATED ON THE ENDORSED PLAN SHALL BE PROVIDED TO LOTS 5, 6, 7 AND 9.
- . CESSATION OF THE USE OF LOT 21 AS A FARM PRODUCE STALL WHEN A STATEMENT OF COMPLIANCE IS ISSUED FOR STAGE 2 OF THE DEVELOPMENT.

NOTICE OF THIS AGREEMENT SHALL BE REGISTERED ON THE AFFECTED TITLES.

TIME LIMIT

- 4. THIS PERMIT FOR THE SUBDIVISION OF LAND SHALL EXPIRE IF THE PERMITTED SUBDIVISION IS NOT COMPLETED WITHIN FIVE (5) YEARS OF THE DATE HEREOF.
- 5. THE HOLDER OF THIS PERMIT SHALL ENSURE THAT A COPY OF THIS PERMIT IS ATTACHED TO ANY VENDORS STATEMENT (SECTION 32 SALE OF LAND ACT 1982).

CERTIFICATION

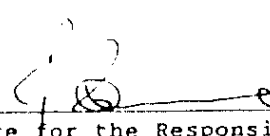
- 6. PRIOR TO CERTIFYING THE PLAN OF SUBDIVISION, DRAINAGE EASEMENTS ARE TO BE SHOWN ON THE PLAN TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.

ENGINEERING PLANS

- 7. PRIOR TO THE COMMENCEMENT OF ROAD AND/OR DRAINAGE WORKS AS REQUIRED BY THIS PERMIT, AN ENGINEERING CONSTRUCTION PLAN MUST BE SUBMITTED TOGETHER WITH A CHECKING FEE TO THE VALUE OF 0.75% OF THE ESTIMATED COST, FOR FORMAL APPROVAL.

000289/ADMIN/3

13/3/92
- (Date Issued)


Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

DRAINAGE RESERVE

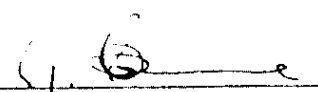
- 8. THE DRAINAGE RESERVE SHOWN ON THE ENDORSED PLAN SHALL BE TRANSFERRED TO MELBOURNE WATER.

STATEMENT OF COMPLIANCE STAGE 1

- 9. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 1, THE PROPOSED ROAD SHALL BE FULLY CONSTRUCTED, INCLUDING PIPE DRAINAGE, BUFFER KERB, OPEN SWALE DRAINS AND AGRICULTURAL DRAINS, TO A WIDTH OF 5.5 M BETWEEN THE BACKS OF KERBS, FROM LIVERPOOL ROAD TO OBTAIN ACCESS TO LOTS 2 AND 3, TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 10. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 1, CONCRETE/ASPHALT VEHICLE CROSSINGS ON THE NEW ROAD AND CRUSHED ROCK VEHICLE CROSSINGS ON LIVERPOOL AND GLASGOW ROADS SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 11. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 1, AN OPEN DRAIN SHALL BE CONSTRUCTED ALONG LIVERPOOL ROAD FROM THE PROPOSED ROAD TO THE NORTHERN BOUNDARY OF THE SITE TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 12. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 1:
 - (A) A LEFT-TURNING LANE SHALL BE CONSTRUCTED IN LIVERPOOL ROAD AT THE INTERSECTION WITH THE PROPOSED ROAD TO THE SATISFACTION OF THE MUNICIPAL ENGINEER;
 - (B) A LANDSCAPING PLAN SHALL BE SUBMITTED TO COMPENSATE FOR TREES REMOVED FOR THE LEFT TURN LANE WHICH WHEN APPROVED SHALL BE ENDORSED AS PART OF THIS PERMIT.
 - (C) A BANK GUARANTEE SHALL BE PROVIDED FOR THE LANDSCAPE WORKS IN (B) ABOVE TO BE RELEASED WHEN THE LANDSCAPE IS ESTABLISHED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

000289/ADMIN/4

13/3/92
(Date Issued)


Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages


THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

STATEMENT OF COMPLIANCE STAGE 2

- 13. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2, THE PROPOSED ROAD SHALL BE FULLY CONSTRUCTED, INCLUDING PIPE DRAINAGE, BUFFER KERB, OPEN SWALE DRAINS AND AGRICULTURAL DRAINS TO A WIDTH OF 5.5 M BETWEEN THE BACKS OF KERBS TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 14. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2, CONCRETE/ASPHALT VEHICLE CROSSINGS ON THE NEW ROAD AND CRUSHED ROCK VEHICLE CROSSINGS ON GLASGOW ROAD SHALL BE CONSTRUCTED TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 15. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2, PIPED OUTFALL DRAINAGE SHALL BE PROVIDED ALONG LIVERPOOL ROAD TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 16. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2, RIGHT TURNING/PASSING LANES SHALL BE CONSTRUCTED IN LIVERPOOL ROAD AT THE INTERSECTION WITH THE PROPOSED ROAD IF REQUIRED BY COUNCIL FOLLOWING RE-ASSESSMENT OF TRAFFIC CONDITIONS AT THE TIME, TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 17. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2 A LANDSCAPE PLAN SHALL BE SUBMITTED TO COMPENSATE FOR TREES REMOVED FOR THE RIGHT TURN LANE WHICH WHEN APPROVED SHALL BE ENDORSED AS PART OF THIS PERMIT.
- 18. A BANK GUARANTEE SHALL BE PROVIDED FOR THE LANDSCAPE WORKS IN (16) ABOVE TO BE RELEASED WHEN THE LANDSCAPE IS ESTABLISHED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.
- 19. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED FOR STAGE 2 A LANDSCAPE PLAN SHALL BE SUBMITTED FOR SUPPLEMENTARY PLANTING OF THE DRAINAGE RESERVE WITH INDIGENOUS TREES AND SHRUBS, TOTALING NOT LESS THAN 1,000 IN NUMBER. UPON APPROVAL BY MELBOURNE WATER AND THE RESPONSIBLE AUTHORITY THE PLAN SHALL BE ENDORSED AS PART OF THIS PERMIT.

000289/ADMINING/5

13/3/92
(Date/Issued)


Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

- 20. A BANK GUARANTEE SHALL BE PREPARED FOR THE LANDSCAPE WORKS IN (18) ABOVE TO BE RELEASED WHEN THE LANDSCAPE IS ESTABLISHED TO THE SATISFACTION OF THE RESPONSIBLE AUTHORITY.

STATEMENT OF COMPLIANCE BOTH STAGES

- 21. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED, A MAINTENANCE BOND TO THE VALUE OF 5% OF THE COST OF THE ROAD AND/OR DRAINAGE WORKS OR \$1000.00, WHICHEVER IS GREATER, SHALL BE SUBMITTED TO THE SHIRE OF LILLYDALE TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 22. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED, A SUPERVISION FEE TO THE VALUE OF 2.5% OF THE COST OF THE ROAD AND/OR DRAINAGE WORKS SHALL BE PAID TO THE SHIRE OF LILLYDALE TO THE SATISFACTION OF THE MUNICIPAL ENGINEER.
- 23. PRIOR TO A STATEMENT OF COMPLIANCE BEING ISSUED, PAYMENT OF \$1,040 SHALL BE MADE TO THE SHIRE OF LILLYDALE BEING PAYMENT FOR FOUR STREET TREES PER ALLOTMENT ALONG THE PROPOSED ROAD.

TELECOM

- 24. THAT THE DEVELOPER ENTER INTO AN AGREEMENT WITH TELECOM AUSTRALIA FOR THE SATISFACTORY PROVISION OF TELEPHONE RETICULATION OF EACH ALLOTMENT CREATED.
- 25. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO TELECOM IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT 1988.

GAS AND FUEL

- 26. EASEMENTS IN FAVOUR OF THE GAS AND FUEL CORPORATION MUST BE CREATED ON THE PLAN TO THE SATISFACTION OF THE GAS AND FUEL CORPORATION WITH ROAD RESERVES DESIGNATED FOR THE SUPPLY OF GAS.
- 27. SHOULD THE OWNER REQUIRE GAS SUPPLY TO THE SUBDIVISION, APPLICATION FOR SUPPLY MUST BE MADE TO THE CORPORATION.

000289/ADMG/6

13/3/91

 (Date Issued)



 Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

28. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO THE GAS AND FUEL CORPORATION IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT 1988.

SECV

29. THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION MUST BE REFERRED TO THE SECV IN ACCORDANCE WITH SECTION 8 OF THE SUBDIVISION ACT 1988.

30. THE APPLICANT MAY BE REQUIRED TO -

(A) ENTER INTO AN AGREEMENT WITH THE SECV FOR THE SUPPLY OF ELECTRICITY TO EACH LOT SHOWN ON THE ENDORSED PLAN.

(B) ENTER INTO AN AGREEMENT WITH THE SECV FOR THE REARRANGEMENT OF THE EXISTING ELECTRICITY SUPPLY SYSTEM.

(C) ENTER INTO AN AGREEMENT WITH THE SECV FOR REARRANGEMENT OF THE POINTS OF SUPPLY TO ANY EXISTING INSTALLATIONS AFFECTED BY ANY PRIVATE ELECTRIC POWER LINE WHICH WILL CROSS A BOUNDARY CREATED BY THE SUBDIVISION, OR BY SUCH OTHER MEANS AS MAY BE AGREED BY THE SECV.

(D) PROVIDE EASEMENTS SATISFACTORY TO THE SECV FOR "ELECTRICITY (POWER LINE) AS DEFINED IN COLUMN 2 IN THE 7TH SCHEDULE OF THE SEC ACT 1958" IN FAVOUR OF THE SECV, WHERE EASEMENTS HAVE NOT BEEN OTHERWISE PROVIDED, FOR ALL EXISTING SECV ELECTRIC POWER LINES AND FOR ANY NEW POWER LINES REQUIRED TO SERVICE THE LOTS ON THE ENDORSED PLAN AND/OR ABUTTING LAND.

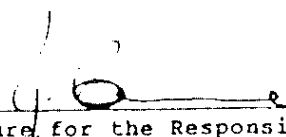
(E) OBTAIN FOR THE USE OF THE SECV ANY OTHER EASEMENT REQUIRED TO SERVICE THE LOTS.

(F) OBTAIN THE APPROVAL OF THE SURVEYOR IN CHARGE, GEOTECHNICAL AND DESIGN DEPARTMENT TO LOT BOUNDARIES WITHIN ANY AREA AFFECTED BY AN EASEMENT IN FAVOUR OF THE COMMISSION AND FOR THE CONSTRUCTION OF WORKS IN SUCH AN AREA.

000289/ADMING/7

13/3/92

(Date Issued)



Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

(G) ADJUST THE POSITION OF ANY EXISTING SECV EASEMENTS TO ACCORD WITH THE POSITION OF THE ELECTRIC LINE(S) AS DETERMINED BY SURVEY.

(H) PROVIDE TO THE SECV A COPY OF THE VERSION OF THE PLAN OF SUBDIVISION SUBMITTED FOR CERTIFICATION WHICH SHOWS ANY AMENDMENTS WHICH HAVE BEEN REQUIRED.

MELBOURNE WATER

WATER SUPPLY

31. THE OWNER OF THE SUBJECT LAND MUST ENTER INTO AN AGREEMENT WITH THE BOARD OF WORKS FOR THE PROVISION OF RETICULATED WATER SUPPLY TO EACH LOT SHOWN ON THE ENDORSED PLAN IN THE TERMS PROVIDED FOR IN SECTION 184 C, D, OF THE MELBOURNE AND METROPOLITAN BOARD OF WORKS ACT 1958 AS APPROPRIATE.

SEWERAGE

32. THE OWNER OF THE SUBJECT LAND MUST ENTER INTO AN AGREEMENT WITH THE BOARD OF WORKS FOR THE PROVISION OF RETICULATED SEWERAGE SERVICING EACH LOT SHOWN ON THE ENDORSED PLAN IN THE TERMS PROVIDED FOR IN SECTION 184 C OF THE MELBOURNE AND METROPOLITAN BOARD OF WORKS ACT.

THIS CONDITION WILL BE WITHDRAWN ON RECEIPT BY THE BOARD OF A LETTER FROM THE COUNCIL STATING THAT THE COUNCIL IS SATISFIED THAT THE ALLOTMENTS ARE CAPABLE OF ADEQUATELY TREATING AND RETAINING DOMESTIC WASTE WATER WITHIN THE BOUNDARIES OF EACH LOT. THE PROVISION OF SECTION 40(A),(B) STATE ENVIRONMENT PROTECTION POLICY, WATERS OF VICTORIA APPLY.

000289/ADMINING/8

13, 3, 92

(Date Issued)

Signature for the Responsible Authority

PLANNING PERMIT

Permit No. PE91/686

Planning Scheme: Lillydale Planning Scheme

Responsible Authority: Shire of Lillydale

ADDRESS OF THE LAND: Crown Allotment 39, Corner Liverpool & Glasgow Roads

THE PERMIT ALLOWS: 21 Lot Subdivision in 2 Stages

THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

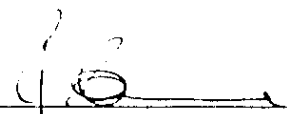
MELBOURNE WATER (DANDENONG OFFICE)

- 33. THE OWNER OR APPLICANT MUST PROVIDE DRAINAGE WORKS TO THE SATISFACTION OF MELBOURNE WATER SO AS TO SUFFICIENTLY DRAIN THE SAID LAND INTO A PUBLIC DRAIN OR EXISTING STREET OR ROAD OR SOME PLACE AT OR ALONG WHICH ALL DRAINAGE FROM SUCH LAND AND FROM EVERY STREET OR ROAD PROPOSED TO BE MADE OR LAID OUT ON SUCH LAND MAY BE LAWFULLY DISCHARGED OR CAUSED TO FLOW.
- 34. THE OWNER OR APPLICANT MUST ENTER INTO AN AGREEMENT WITH MELBOURNE WATER TO CONTRIBUTE TOWARDS THE COSTS OF EXISTING OR FUTURE WORKS INCLUDING THE OPERATION THEREOF, FOR THE ACCEPTANCE OF SURFACE AND STORMWATER FROM THE LAND WHETHER OR NOT SUCH WORKS HAVE BEEN OR WILL BE SITUATED WITHIN THE BOUNDARIES OF THE LAND.
- 35. THE OWNER OR APPLICANT MUST PROVIDE A GEOTECHNICAL SOIL REPORT AND SOIL ABSORPTION TESTS CARRIED OUT BETWEEN THE MONTHS OF MAY AND NOVEMBER INDICATING THAT EACH OF THE 21 LOTS IN THE PROPOSED SUBDIVISION IS CAPABLE OF DISPOSING OF ALL HOUSEHOLD WASTE WATERS WITHIN THE CURTILAGE OF EACH ALLOTMENT, TO THE SATISFACTION OF MELBOURNE WATER.
- 36. EASEMENTS AND/OR RESERVES IN FAVOUR OF MELBOURNE WATER MUST BE CREATED ON THE PLAN TO THE SATISFACTION OF MELBOURNE WATER.
- 37. ANY PLAN SUBMITTED UNDER THE SUBDIVISION ACT 1988 MUST BE FORWARDED TO MELBOURNE WATER - SOUTH EAST REGION - DANDENONG OFFICE UNDER SECTION 8 OF THE SUBDIVISION ACT.

000289/ADMINING/9

13/3/92

(Date Issued)



Signature for the Responsible Authority