

# Vendor Statement

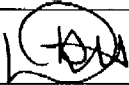
The vendor makes this statement in respect of the land in accordance with section 32 of the *Sale of Land Act 1962*.

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract.

The vendor may sign by electronic signature.

The purchaser acknowledges being given this statement signed by the vendor with the attached documents before the purchaser signed any contract.

<b>Land</b>	Lot 1 on unregistered Plan of Subdivision PS921065K being part of 536 Lake Tyers Beach Road, Lake Tyers Beach, Victoria, 3909
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<b>Vendor's name</b>	Donna Maree Burnett	<b>Date</b> 14/8/24
<b>Vendor's signature</b>		

<b>Purchaser's name</b>		<b>Date</b> / /
<b>Purchaser's signature</b>		

<b>Purchaser's name</b>		<b>Date</b> / /
<b>Purchaser's signature</b>		

# 1 FINANCIAL MATTERS

## 1.1 Particulars of any Rates, Taxes, Charges or Other Similar Outgoings (and any interest on them)

(a) Their total does not exceed:

\$2,000.00

## 1.2 Particulars of any Charge (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge

	To	
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Other particulars (including dates and times of payments):

## 1.3 Terms Contract

This section 1.3 only applies if this vendor statement is in respect of a terms contract where the purchaser is obliged to make 2 or more payments (other than a deposit or final payment) to the vendor after the execution of the contract and before the purchaser is entitled to a conveyance or transfer of the land.

Not Applicable.

## 1.4 Sale Subject to Mortgage

This section 1.4 only applies if this vendor statement is in respect of a contract which provides that any mortgage (whether registered or unregistered), is NOT to be discharged before the purchaser becomes entitled to possession or receipts of rents and profits.

Not Applicable.

## 1.5 Commercial and Industrial Property Tax Reform Act 2024 (Vic) (CIPT Act)

(a) The Australian Valuation Property Classification Code (within the meaning of the CIPT Act) most recently allocated to the land is set out in the attached Municipal rates notice or property clearance certificate or is as follows	AVPCC No.
(b) Is the land tax reform scheme land within the meaning of the CIPT Act?	<input type="checkbox"/> Yes <input type="checkbox"/> No
(c) If the land is tax reform scheme land within the meaning of the CIPT Act, the entry date within the meaning of the CIPT Act is set out in the attached Municipal rates notice of property clearance certificate or is as follows	Date: OR <input type="checkbox"/> Not applicable

# 2 INSURANCE

## 2.1 Damage and Destruction

This section 2.1 only applies if this vendor statement is in respect of a contract which does NOT provide for the land to remain at the risk of the vendor until the purchaser becomes entitled to possession or receipt of rents and profits.

Not Applicable.

## 2.2 Owner Builder

This section 2.2 only applies where there is a residence on the land that was constructed by an owner-builder within the preceding 6 years and section 137B of the *Building Act 1993* applies to the residence.

Not Applicable.

# 3 LAND USE

## 3.1 Easements, Covenants or Other Similar Restrictions

(a) A description of any easement, covenant or other similar restriction affecting the land (whether registered or unregistered): -

Not Applicable.

**3.2. Road Access**

There is NO access to the property by road if the square box is marked with an 'X'

**3.3. Designated Bushfire Prone Area**

The land is in a designated bushfire prone area under section 192A of the *Building Act 1993* if the square box is marked with an 'X'

**3.4. Planning Scheme**

Attached is a certificate with the required specified information.

**4 NOTICES**

**4.1. Notice, Order, Declaration, Report or Recommendation**

Particulars of any notice, order, declaration, report or recommendation of a public authority or government department or approved proposal directly and currently affecting the land, being a notice, order, declaration, report, recommendation or approved proposal of which the vendor might reasonably be expected to have knowledge:

Not Applicable.

**4.2. Agricultural Chemicals**

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes. However, if this is not the case, the details of any such notices, property management plans, reports or orders, are as follows:

Not Applicable.

**4.3. Compulsory Acquisition**

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

Not Applicable.

**5 BUILDING PERMITS**

Particulars of any building permit issued under the *Building Act 1993* in the preceding 7 years (required only where there is a residence on the land):

Not Applicable.

**6 OWNERS CORPORATION**

This section 6 only applies if the land is affected by an owners corporation within the meaning of the *Owners Corporations Act 2006*.

Not Applicable.

**7 GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")**

Not Applicable.

**8 SERVICES**

The services which are marked with an 'X' in the accompanying square box are NOT connected to the land:

Electricity supply <input checked="" type="checkbox"/>	Gas supply <input checked="" type="checkbox"/>	Water supply <input checked="" type="checkbox"/>	Sewerage <input checked="" type="checkbox"/>	Telephone services <input checked="" type="checkbox"/>
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**9 TITLE**

Attached are copies of the following documents:

**9.1 (a) Registered Title**

A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.

## 10 SUBDIVISION

### 10.1. Unregistered Subdivision

This section 10.1 only applies if the land is subject to a subdivision which is not registered.

- (a) Attached is a copy of the latest version of the plan if the plan of subdivision has not yet been certified.

### 10.2. Staged Subdivision

This section 10.2 only applies if the land is part of a staged subdivision within the meaning of section 37 of the *Subdivision Act 1988*.

Not Applicable.

### 10.3. Further Plan of Subdivision

This section 10.3 only applies if the land is subject to a subdivision in respect of which a further plan within the meaning of the *Subdivision Act 1988* is proposed.

Not Applicable.

## 11 DISCLOSURE OF ENERGY INFORMATION

*(Disclosure of this information is not required under section 32 of the Sale of Land Act 1962 but may be included in this vendor statement for convenience.)*

Details of any energy efficiency information required to be disclosed regarding a disclosure affected building or disclosure area affected area of a building as defined by the *Building Energy Efficiency Disclosure Act 2010* (Cth)

- (a) to be a building or part of a building used or capable of being used as an office for administrative, clerical, professional or similar based activities including any support facilities; and
- (b) which has a net lettable area of at least 1000m<sup>2</sup>; (but does not include a building under a strata title system or if an occupancy permit was issued less than 2 years before the relevant date):

Not Applicable.

## 12 DUE DILIGENCE CHECKLIST

*(The Sale of Land Act 1962 provides that the vendor or the vendor's licensed estate agent must make a prescribed due diligence checklist available to purchasers before offering land for sale that is vacant residential land or land on which there is a residence. The due diligence checklist is NOT required to be provided with, or attached to, this vendor statement but the checklist may be attached as a matter of convenience.)*

- Vacant Residential Land or Land with a Residence
- Attach Due Diligence Checklist (this will be attached if ticked)

## 13 ATTACHMENTS

*(Any certificates, documents and other attachments may be annexed to this section 13)*

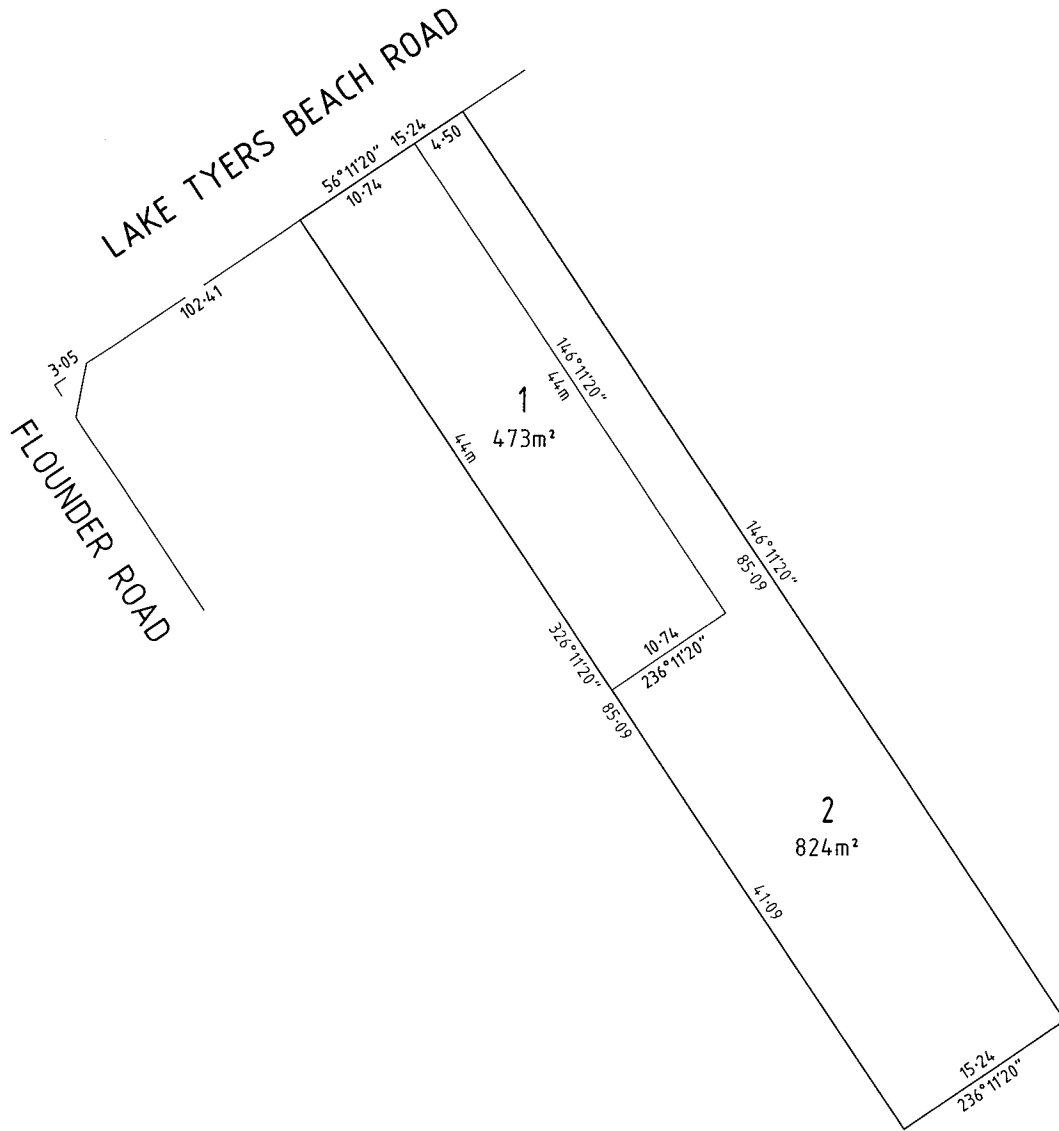
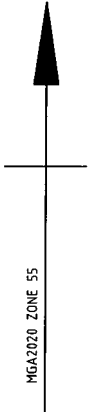
*(Additional information may be added to this section 13 where there is insufficient space in any of the earlier sections)*

*(Attached is an "Additional Vendor Statement" if section 1.3 (Terms Contract) or section 1.4 (Sale Subject to Mortgage) applies)*

Plan of Subdivision PS921065K
Grant of Planning Permit

<b>PLAN OF SUBDIVISION</b>		EDITION 1	<b>PS921065K</b>	
<b>LOCATION OF LAND</b> PARISH: COLQUHOUN TOWNSHIP: EAST CUNNINGHAME SECTION: --- CROWN ALLOTMENT: 7 (PART)  TITLE REFERENCE: VOL.9007 FOL.793  LAST PLAN REFERENCE: LOT 80 ON LP67618  POSTAL ADDRESS: 536 LAKE TYERS BEACH ROAD (at time of subdivision) LAKE TYERS BEACH, 3909  MGA CO-ORDINATES E: 595 090 ZONE: 55 (at approx centre of land in plan) N: 5809 200 GDA2020		EAST GIPPSLAND SHIRE COUNCIL		
<b>VESTING OF ROADS AND/OR RESERVES</b>		<b>NOTATIONS</b>		
IDENTIFIER	COUNCIL/BODY/PERSON	NOTE: THIS PRELIMINARY PLAN IS SUBJECT TO: 1: COUNCIL & STATUTORY AUTHORITY APPROVAL 2: SURVEY OF THE SUBDIVISION		
NIL	NIL			
<b>NOTATIONS</b>		DEPTH LIMITATION 15.24m APPLIES  SURVEY: This plan is based on survey  STAGING This is not a staged subdivision.  Planning Permit No. 5-2023-89-1  This survey has been connected to permanent marks No(s). 178  In Proclaimed Survey Area No. ---		
DEPTH LIMITATION 15.24m APPLIES				
SURVEY: This plan is based on survey				
<b>EASEMENT INFORMATION</b>				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Section 12(2) of the Subdivision Act 1988 applies to all of the land in this plan.				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
<b>Millar   Merrigan</b>		SURVEYOR'S REF: 29735S1	28/11/2023	ORIGINAL SHEET SIZE: A3
Land Development Consultants Millar & Merrigan Pty Ltd ACN 005 541 668 Metro 2/126 Merrindale Drive, Croydon 3136 Regional 156 Commercial Road, Monwell 3840 Mail PO Box 247 Croydon, Victoria 3136		LICENSED SURVEYOR <b>L. K. SIMMONS</b> VERSION NO. 1 This is not a digitally signed plan.		SHEET 1 OF 2
M(03) 8720 9500 R (03) 5134 8611 www.millarmerrigan.com.au survey@millarmerrigan.com.au SAI GLOBAL Quality ISO 9001				

PS921065K



SCALE 1:400	4 0 4 8 12 16 LENGTHS ARE IN METRES
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**Millar | Merrigan**

Land Development Consultants  
 Millar & Merrigan Pty Ltd ACN 005 541 668  
 Metro 2126 Merrindale Drive, Croydon 3136  
 Regional 156 Commercial Road, Morwell 3840  
 Mail PO Box 247 Croydon, Victoria 3136

M(03) 8720 9500 R (03) 5134 8611  
 www.millamerrigan.com.au  
 survey@millamerrigan.com.au  
 SAI GLOBAL Quality ISO 9001

SURVEYOR'S REF: 29735S1 28/11/2023

LICENSED SURVEYOR  
**L. K. SIMMONS** VERSION NO. 1

This is not a digitally signed plan.

ORIGINAL SHEET  
SIZE: A3

SHEET 2

Contact: Planning Department  
Email: [planning@egipps.vic.gov.au](mailto:planning@egipps.vic.gov.au)  
Our Ref: 5.2023.89.1

**Corporate Centre**  
273 Main Street (PO Box 1618)  
Bairnsdale Victoria 3875  
**Telephone:** (03) 5153 9500  
**National Relay Service:** 133 677  
**Residents' Info Line:** 1300 555 886  
**Facsimile:** (03) 5153 9576  
**Email:** [feedback@egipps.vic.gov.au](mailto:feedback@egipps.vic.gov.au)  
**ABN** 81 957 967 765

19 September 2023

Nba Group Pty Ltd  
PO Box 1170  
SALE VIC 3850

Dear Sir or Madam

## GRANT OF A PLANNING PERMIT

**Application:** 5.2023.89.1  
**Proposal:** Two lot subdivision  
**Property Address:** 536 Lake Tyers Beach Road LAKE TYERS BEACH 3909  
**Property Title** Lot: 80 LP: 67618

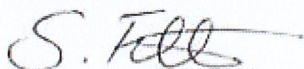
The Responsible Authority has completed its assessment of the above application and has issued a planning permit for the proposed development.

A copy of planning permit number 5.2023.89.1 is enclosed.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully, and check whether there are any actions you need to take prior to acting on the permit, including submission of additional and/or amended plans.

Please note that this permit is not a building permit, and if the proposal involves the construction or alteration of a building, you may need to obtain a separate building permit.

Yours sincerely



**SUSAN FITTON**  
**Contract Senior Statutory Planner**

# PLANNING PERMIT

Permit No: 5.2023.89.1  
Planning Scheme: East Gippsland  
Responsible Authority: East Gippsland Shire

FORM 4

## ADDRESS OF THE LAND:

536 Lake Tyers Beach Road LAKE TYERS BEACH 3909  
Lot: 80 LP: 67618

## THE PERMIT ALLOWS:

Planning Scheme Clause no.	Description of what the permit allows, in accordance with the endorsed plans
32.08-3	Subdivide Land
44.01-5	Subdivide Land
43.02-3	Subdivide Land
44.06-2	Subdivide Land

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

### Subdivision

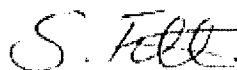
1. The subdivision as shown on the endorsed plan(s) must not be altered without the prior written consent of the Responsible Authority.
2. Before the issue of Statement of Compliance each lot as shown on the endorsed plans must be drained to the satisfaction of the Responsible Authority.
3. The owner of the land must enter into agreements with the relevant authorities for the provision of water supply, drainage, sewerage facilities, electricity and gas services to each lot shown on the endorsed plan in accordance with the authority's requirements and relevant legislation at the time.

All existing and proposed easements and sites for existing or required utility services and roads on the land must be set aside on the plan of subdivision submitted for certification in favour of the relevant authority for which the easement or site is to be created.

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.

4. The owner of the land must enter into an agreement with:
  - A telecommunications network or service provider for the provision of telecommunication services to each lot shown on the endorsed plan in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person for the provision of fibre ready telecommunication facilities to each lot shown on the endorsed plan in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
5. Before issue of a Statement of Compliance for any stage of the subdivision under the Subdivision Act 1988, the owner of the land must provide written confirmation from:

Date Issued: 19 September 2023





- A telecommunications network or service provider that all lots are connected to or are ready for connection to telecommunications services in accordance with the provider's requirements and relevant legislation at the time; and
  - A suitably qualified person that fibre ready telecommunication facilities have been provided in accordance with any industry specifications or any standards set by the Australian Communications and Media Authority, unless the applicant can demonstrate that the land is in an area where the National Broadband Network will not be provided by optical fibre.
6. All new services to the subdivision must be placed underground in shared trenching where possible. Design for the installation of services must meet the requirements of the relevant authorities and must be approved by those authorities to the satisfaction of the responsible authority.
7. Before the issue of Statement of Compliance, the outbuilding (dog kennel), including foundations above and below ground, (within new Lot 1) is to be removed to the satisfaction of the Responsible Authority.

### **Environment**

8. Before any works associated with the subdivision start, a simple drainage management plan to the satisfaction of the Responsible Authority must be submitted to and be approved by the Responsible Authority. When approved, the plan will then form part of the permit. The design and documentation for the drainage works must be prepared in accordance with standard engineering practice to provide for the collection, control and disposal of all stormwater runoff, and show:
- Drainage infrastructure, including on-site detention, e.g. provision of oversize underground pipes with reduced or orifice outlet as necessary. Note that permitted discharge rates from the rear lot 2 will apply in accordance with the Infrastructure Design Manual Section 19.3.

All drainage works and requirements must be undertaken and completed to the satisfaction of the Responsible Authority.

9. Before the issue of a Statement of Compliance, any portion of Council's existing infrastructure damaged as a result of work undertaken on the site or associated with the development must be repaired/reinstated to the satisfaction of the responsible authority.

### **Country Fire Authority conditions**

#### **Endorsement of Bushfire Management Plan**

- 10 The Bushfire management Plan 29735 BMP1 V2 dated September 2023 and prepared by Millar Merrigan must be endorsed by the Responsible Authority, be included as an annexure to the Section 173 agreement prepared to give effect to Clause 44.06-5 of the Planning Scheme and must not be altered unless agreed to in writing by CFA and the Responsible Authority.

#### **Additional Matters to be Set Out in the Section 173 Agreement**

11. In addition to the requirements of Clause 44.06-5 of the Scheme, the Section 173 Agreement prepared in accordance with that Clause must also:

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**Date Issued:** 19 September 2023



- a) Explicitly exclude Lot 2 from the following exemption under Clause 44.06-2 of the scheme:  
*'A building or works consistent with an agreement under Section 173 of the Act prepared in accordance with a Condition of permit issued under the requirements of Clause 44.06-5.'*
- b) *Require that any dwelling in Lot 1 must be constructed to a minimum Bushfire Attack Level of 12.5 (BAL 12.5) (unless agreed to in writing by the CFA).*
- c) *Note that the subdivision includes areas of shared defensible space on their land for the benefit of themselves and the owners of other lots.*
- d) *Require that the defensible space shown on the endorsed Bushfire Management Plan must be implemented and maintained on an ongoing basis to the satisfaction of the Responsible Authority, regardless of whether there is a dwelling constructed on the land or not.*

#### **Time Limit**

- 12 This permit as it relates to development (subdivision) will expire if one of the following circumstances applies:
- a. The plan of subdivision has not been certified under the *Subdivision Act 1988* within 2 years of the issued date of this permit.
  - b. A statement of compliance is not issued within 5 years of the date of certification.

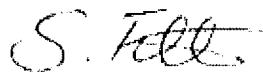
In accordance with Section 69 of the *Planning and Environment Act 1987*, an application may be submitted to the responsible authority for an extension of the periods referred to in this condition.

#### **Notes**

1. Before undertaking works within a Council Road reserve, an application for consent of works within road reserve must be obtained from the *Roads and Traffic* unit of Council. Refer to the Infrastructure Design Manual (IDM) for crossover designs.

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Date Issued: 19 September 2023



## IMPORTANT INFORMATION ABOUT THIS NOTICE

### WHAT HAS BEEN DECIDED?

The Responsible Authority has issued a permit.

(Note: This is not a permit granted under Division 5 or 6 of Part 4 of the *Planning and Environment Act 1987*.)

### CAN THE RESPONSIBLE AUTHORITY AMEND THIS PERMIT?

The responsible authority may amend this permit under Division 1A of Part 4 of the *Planning and Environment Act 1987*.

### WHEN DOES A PERMIT BEGIN?

A permit operates:

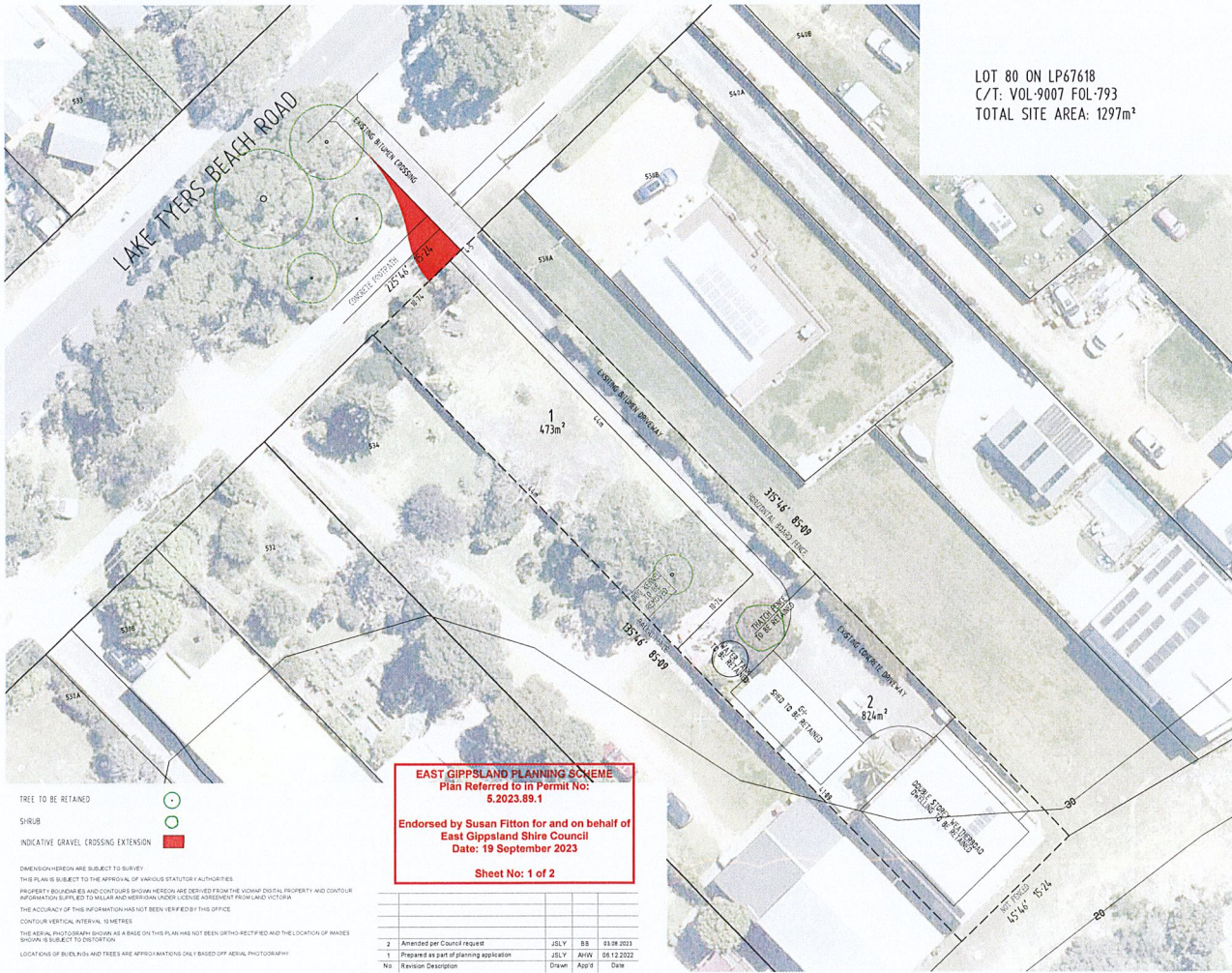
- From the date specified in the permit, or
- If no date is specified, from -
  - (i) The date of the decision of the Victorian Civil and Administrative Tribunal, if the permit was issued at the direction of the Tribunal, or
  - (ii) The day on which it is issued, in any other case.

### WHEN DOES A PERMIT EXPIRE?

1. A permit for the development of land expires if -
  - The development or any stage of it does not start within the time specified in the permit, or
  - the development requires the certification of a plan of subdivision or consolidation under the *Subdivision Act 1988* and the plan is not certified within two years of the issue of the permit, unless the permit contains a different provision, or
  - the development or any stage is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit or in the case of a subdivision or consolidation within 5 years of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.
2. A permit for the use of land expires if -
  - The use does not start within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit, or
  - The use is discontinued for a period of two years.
3. A permit for the development and use of the land expires if -
  - The development or any stage of it does not start within the time specified in the permit, or
  - The development or any stage of it is not completed within the time specified in the permit, or, if no time is specified, within two years after the issue of the permit; or
  - The use does not start within the time specified in the permit, or, if no time is specified, within two years after the completion of the development; or
  - The use is discontinued for a period of two years.
4. If a permit for the use of land or the development and use of land or relating to any of the circumstances mentioned in Section 6A(2), of the *Planning and Environment Act 1987*, or to any combination of use, development or any of those circumstances requires the certification of a plan under the *Subdivision Act 1988*, unless the permit contains, a different provision -
  - The use or development of any stage is to be taken to have started when the plan is certified; and
  - The permit expires if the plan is not certified within two years of the issue of the permit.
5. The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

### WHAT ABOUT REVIEWS?

- The person who applied for the permit may appeal against any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal where, in such case, no right of appeal exists.
- An appeal must be lodged within 60 days after the permit was issued, unless a Notice of Decision to Grant a permit has been issued previously, in which case the appeal must be lodged within 60 days after the giving of that notice.
- An appeal is lodged with the Victorian Civil and Administrative Tribunal.
- An appeal must be made on a Notice of Appeal form and lodged with the Victorian Civil and Administrative Tribunal, and be accompanied by the prescribed fee. An appeal must state the grounds on which it is based.
- An appeal must also be served on the responsible authority.
- Details about appeals, notice of appeal forms and the fees payable can be obtained from the Planning & Environment List at the Victorian Civil and Administrative Tribunal.



LOT 80 ON LP67618  
 C/T: VOL-9007 FOL-793  
 TOTAL SITE AREA: 1297m<sup>2</sup>

**EAST GIPPSLAND PLANNING SCHEME**  
 Plan Referred to in Permit No:  
 5.2023.89.1

Endorsed by Susan Fitton for and on behalf of  
 East Gippsland Shire Council  
 Date: 19 September 2023

Sheet No: 1 of 2

No	Revision Description	Drawn	App'd	Date
2	Amended per Council request	JELY	SB	03/09/2023
1	Prepared as part of planning application	JELY	AHW	08/12/2022

- TREE TO BE RETAINED
- SHRUB
- INDICATIVE GRAVEL CROSSING EXTENSION

DIMENSIONS HEREON ARE SUBJECT TO SURVEY  
 THIS PLAN IS SUBJECT TO THE APPROVAL OF RELEVANT STATUTORY AUTHORITIES  
 PROPERTY BOUNDARIES AND CONTIGUOUS BOUNDARIES SHOWN HEREON ARE DERIVED FROM THE NOMAN DIGITAL PROPERTY AND CONTOUR APPLICATION SUPPLIED TO THE HILLS AND HORIZONTAL CONTROL ADJUSTMENT FROM LAND VICTORIA  
 THE ACCURACY OF THIS INFORMATION HAS NOT BEEN VERIFIED BY THIS OFFICE  
 CONTOUR VERTICAL INTERVAL, 10 METRES  
 THE AERIAL PHOTOGRAPHY SHOWN AS A BASE ON THIS PLAN HAS NOT BEEN ORTHO-RECTIFIED AND THE LOCATION OF MARKS SHOWN IS SUBJECT TO DISTORTION  
 LOCATIONS OF BUIEYNS AND TREES ARE APPROXIMATIONS ONLY BASED OFF AERIAL PHOTOGRAPHY

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**PROPOSED PLAN OF SUBDIVISION**

Proposed Subdivision  
 536 Lake Tyers Beach Road, Lake Tyers Beach  
 East Gippsland Shire Council  
 207320P1  
 Version 2  
 Sheet 1 of 1 Sheets



**NBA Group Pty Ltd** ACN 005 541 608  
 100 Commercial Road, Mooroolbarn 3600  
 Regional Office: 170, Sth. 3850  
 Mail PO Box 247, Crayon, Victoria 3135  
 Tel: 03 5961 1000  
 Fax: 03 5961 1001  
 Email: info@nba.com.au  
 www.nba.com.au

**Construction Standard:**

Lot 1: Any future dwelling is to be designed and constructed to a minimum construction standard of BAL-12.5.

Lot 2: is considered to be exempt from any bushfire requirements as part of this application due to existing conditions. If lot 2 is redeveloped in the future a separate application will be required

**Access:**

Access for fire fighting vehicles must meet the following requirements:

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a trafficable width of 3.5m.
- Be clear of encroachments for at least 0.5m on each side and 4m vertically.
- Curves must have a minimum inner radius of 10m.
- The average grade must be no more than 1 in 7 (14.4 percent)(8.1 degrees) with a maximum of no more than 1 in 5 (20 percent) (11.3 degrees) for no more than 50m.
- Dips must have no more than a 1 in 8 (12.5 percent) (7.1 degrees) entry and exit angle.

**Defendable Space:**

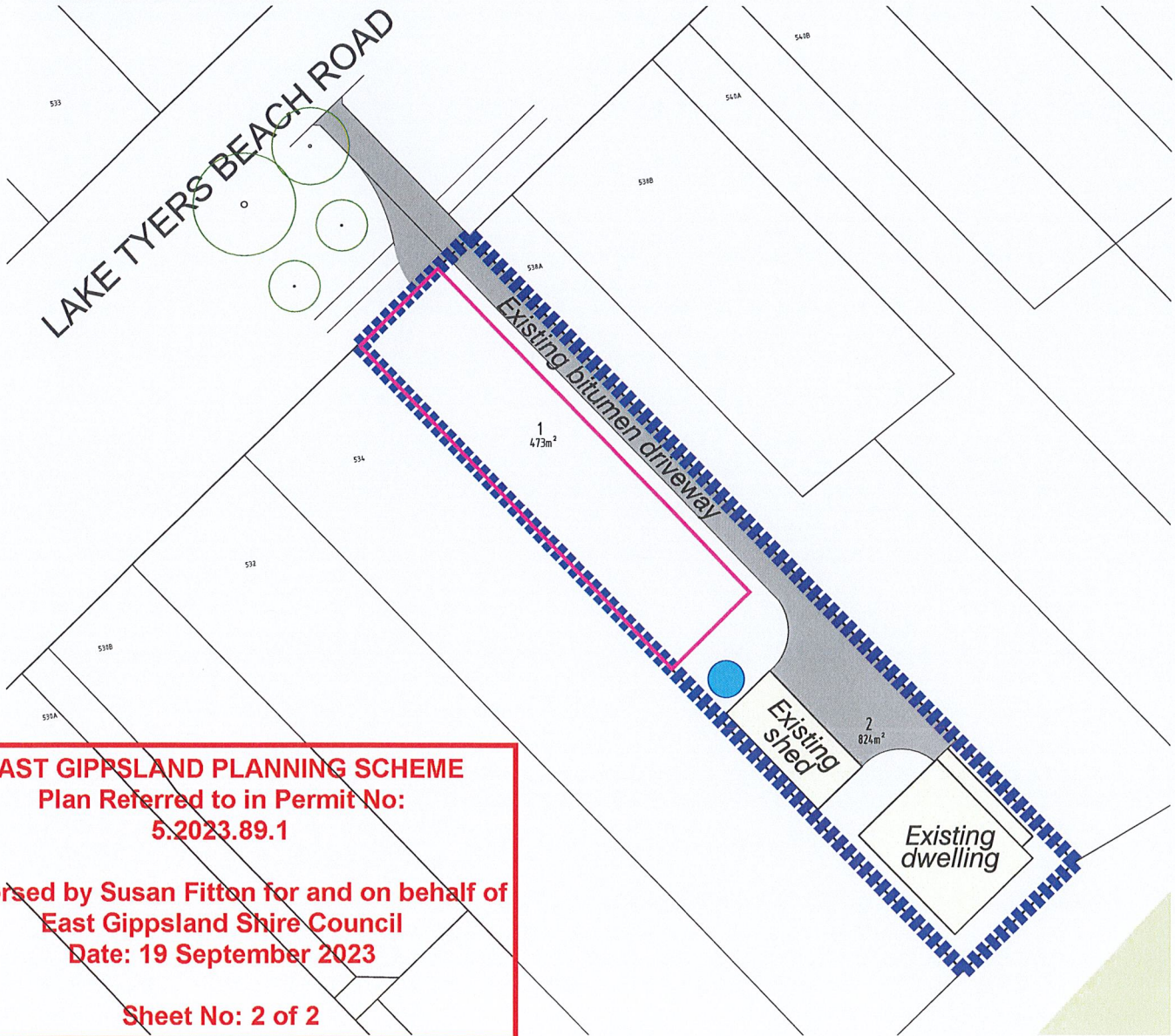
Defendable space is provided for a distance of 50 metres or to the property boundary and will be modified and managed in accordance with the following requirements:

- Grass must be short cropped and maintained during the declared fire danger period.
- All leaves and vegetation debris must be removed at regular intervals during the declared fire danger period.
- Within 10 metres of a building, flammable objects must not be located close to the vulnerable parts of the building.
- Plants greater than 10 centimetres in height must not be placed within 3 metres of a window or glass feature of the building.
- Shrubs must not be located under the canopy of trees.
- Individual and clumps of shrubs must not exceed 5sqm in area and must be separated by at least 5 metres.
- Trees must not overhang or touch any elements of the building.
- The canopy of trees must be separated by at least 5 metres.
- There must be a clearance of at least 2 metres between the lowest tree branches and ground level.

**Water Supply:**

A minimum 2,500L effective water supply for fire fighting purposes is to be installed on Lot 1. Water supply must meet the following requirements:

- Be stored in an above ground water tank constructed of concrete or metal.
- Have all fixed above ground water pipes and fittings required for fire fighting purposes made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the responsible authority.

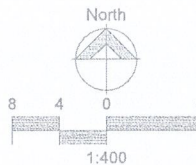


**EAST GIPPSLAND PLANNING SCHEME**  
**Plan Referred to in Permit No:**  
**5.2023.89.1**

**Endorsed by Susan Fitton for and on behalf of**  
**East Gippsland Shire Council**  
**Date: 19 September 2023**

**Sheet No: 2 of 2**

- Existing building
- Site Boundary
- Defendable space (to property boundary)
- Existing water tank
- Access



# Millar | Merrigan

## BUSHFIRE MANAGEMENT PLAN

536 Lake Tyers Beach Road, Lake Tyers  
29735 BMP1\_V2 (September 2023)



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

VOLUME 09007 FOLIO 793

Security no : 124117382421Q  
Produced 13/08/2024 08:54 AM

**LAND DESCRIPTION**

Lot 80 on Plan of Subdivision 067618.  
PARENT TITLE Volume 07549 Folio 066  
Created by instrument F063753 29/10/1973

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
DONNA MAREE BURNETT of 536 LAKE TYERS BEACH ROAD LAKE TYERS BEACH VIC 3909  
AQ834316K 19/03/2018

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AQ834317H 19/03/2018  
BENDIGO AND ADELAIDE BANK LTD

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

AGREEMENT Section 173 Planning and Environment Act 1987  
AX976780C 08/05/2024

**DIAGRAM LOCATION**

SEE LP067618 FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NUMBER	AGREEMENT	STATUS	DATE
AX976780C (E)		Registered	10/05/2024

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

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

Street Address: 536 LAKE TYERS BEACH ROAD LAKE TYERS BEACH VIC 3909

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 18057S BENDIGO BANK  
Effective from 19/03/2018

DOCUMENT END



# Imaged Document Cover Sheet

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Document Identification	<b>LP067618</b>
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PLAN OF SUBDIVISION OF  
CROWN ALLOTMENTS 7 & 8  
TOWNSHIP OF EAST CUNNINGHAME  
PARISH OF COLQUHOUN

COUNTY OF TAMBO

Measurements are in Feet & Inches

Conversion Factor  
FEET X 0.3048 = METRES

VOL. 7549 FOL. 066  
VOL. 8287 FOL. 521

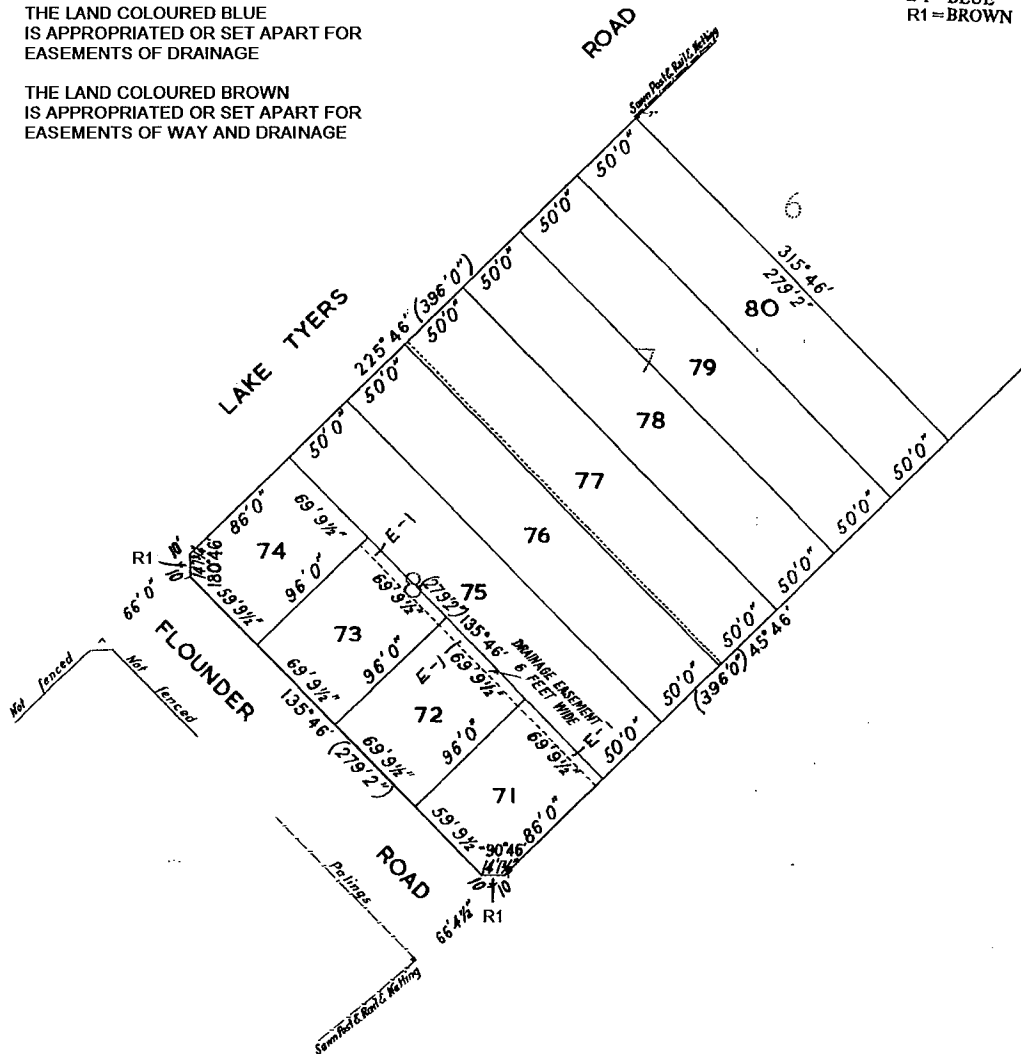
DEPTH LIMITATION: 50 FEET (CA 7)

**APPROPRIATIONS**

THE LAND COLOURED BLUE  
IS APPROPRIATED OR SET APART FOR  
EASEMENTS OF DRAINAGE

THE LAND COLOURED BROWN  
IS APPROPRIATED OR SET APART FOR  
EASEMENTS OF WAY AND DRAINAGE

COLOUR CONVERSION  
E-1=BLUE  
R1=BROWN





# PLANNING PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 13 August 2024 08:43 AM

## PROPERTY DETAILS

Address: **536 LAKE TYERS BEACH ROAD LAKE TYERS BEACH 3909**

Lot and Plan Number: **Lot 80 LP67618**

Standard Parcel Identifier (SPI): **80\LP67618**

Local Government Area (Council): **EAST GIPPSLAND** [www.eastgippsland.vic.gov.au](http://www.eastgippsland.vic.gov.au)

Council Property Number: **47607**

Planning Scheme: **East Gippsland** [Planning Scheme - East Gippsland](#)

Directory Reference: **Vicroads 85 C7**

## UTILITIES

Rural Water Corporation: **Southern Rural Water**

Urban Water Corporation: **East Gippsland Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**

Legislative Assembly: **GIPPSLAND EAST**

## OTHER

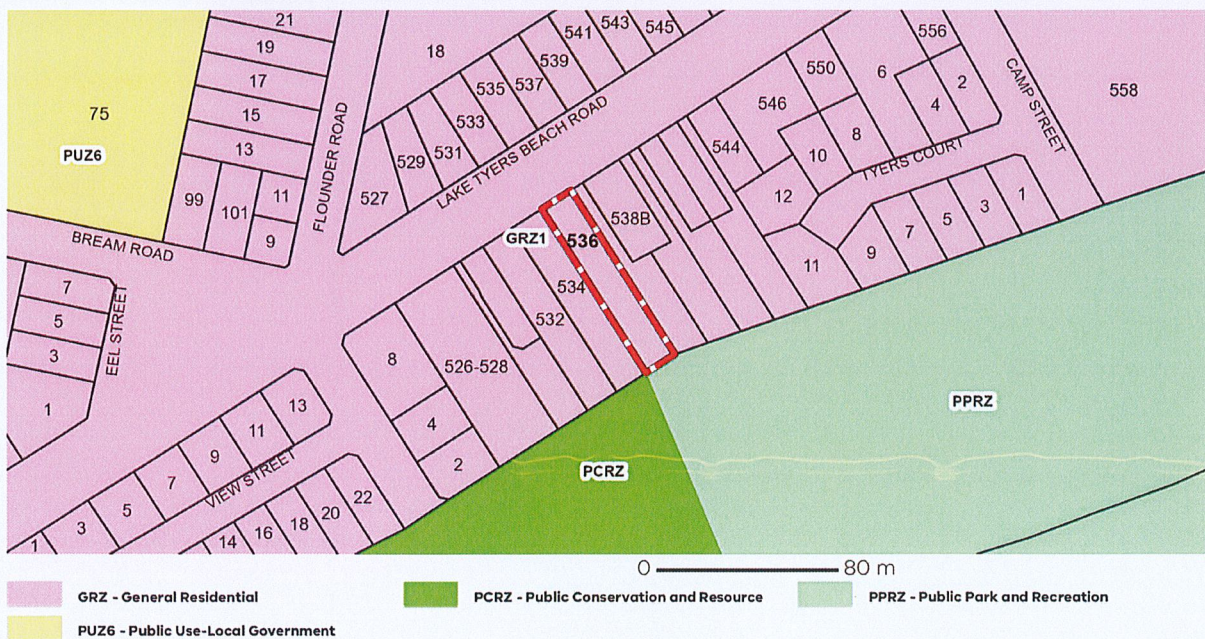
Registered Aboriginal Party: **Gunaikurnai Land and Waters  
Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

GENERAL RESIDENTIAL ZONE (GRZ)

GENERAL RESIDENTIAL ZONE - SCHEDULE 1 (GRZ1)



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

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PLANNING PROPERTY REPORT: 536 LAKE TYERS BEACH ROAD LAKE TYERS BEACH 3909

Page 1 of 6

## Planning Overlays

### BUSHFIRE MANAGEMENT OVERLAY (BMO)

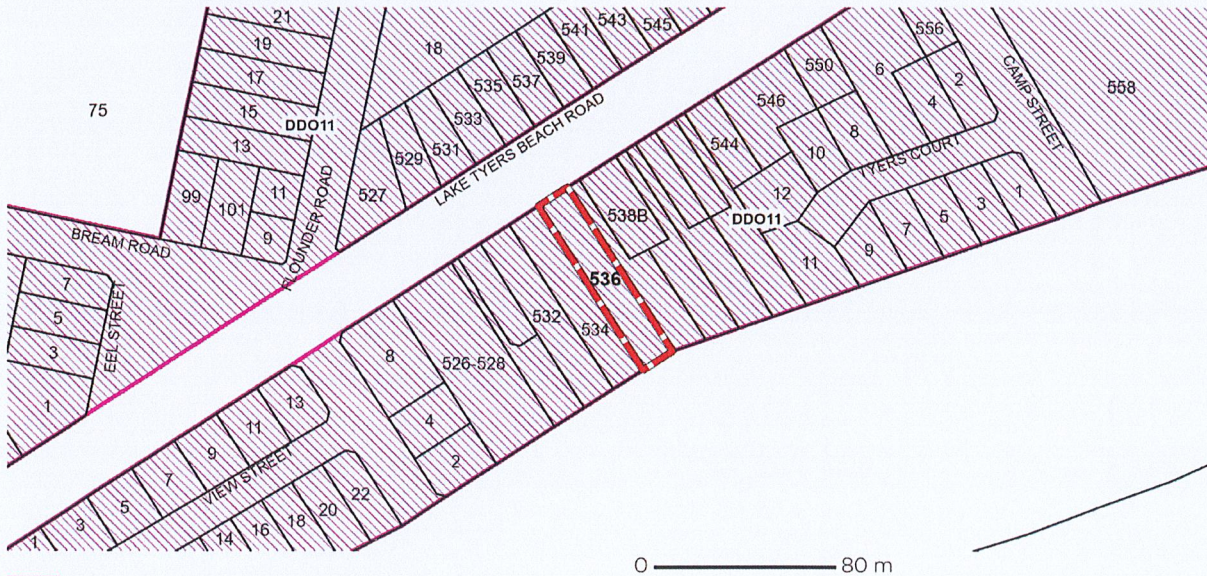


BMO - Bushfire Management Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

### DESIGN AND DEVELOPMENT OVERLAY (DDO)

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



DDO - Design and Development Overlay

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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## Planning Overlays

### EROSION MANAGEMENT OVERLAY (EMO)

### EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



**EMO - Erosion Management Overlay**

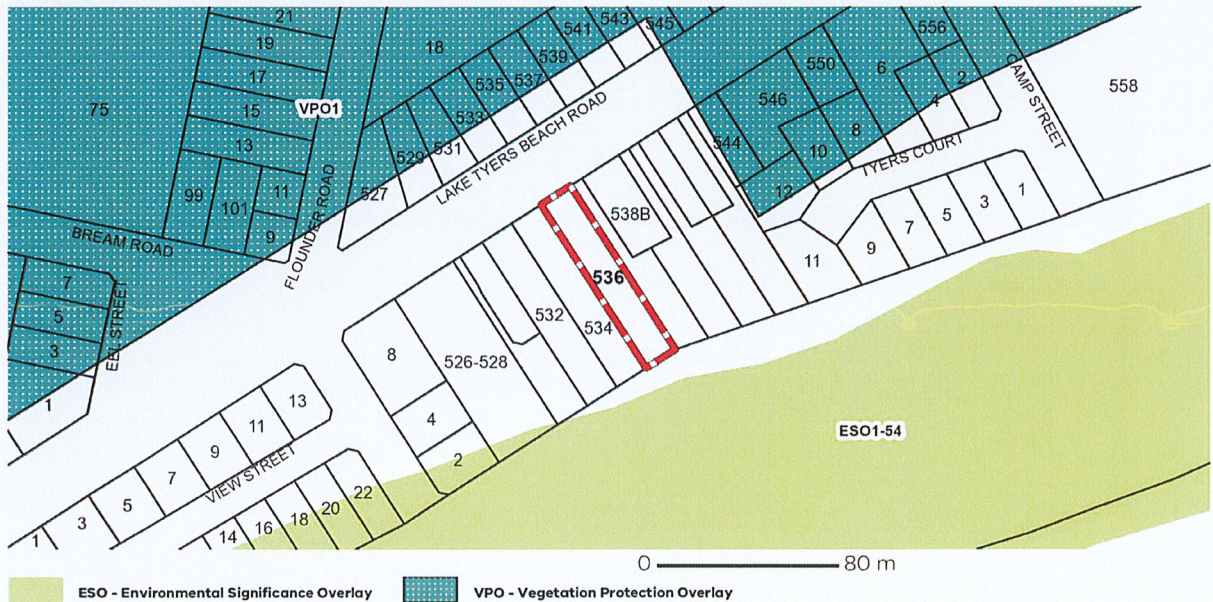
Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

### ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

### VEGETATION PROTECTION OVERLAY (VPO)



**ESO - Environmental Significance Overlay**

**VPO - Vegetation Protection Overlay**

Note: due to overlaps, some overlays may not be visible, and some colours may not match those in the legend

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## Areas of Aboriginal Cultural Heritage Sensitivity

All or part of this property is an 'area of cultural heritage sensitivity'.

'Areas of cultural heritage sensitivity' are defined under the Aboriginal Heritage Regulations 2018, and include registered Aboriginal cultural heritage places and land form types that are generally regarded as more likely to contain Aboriginal cultural heritage.

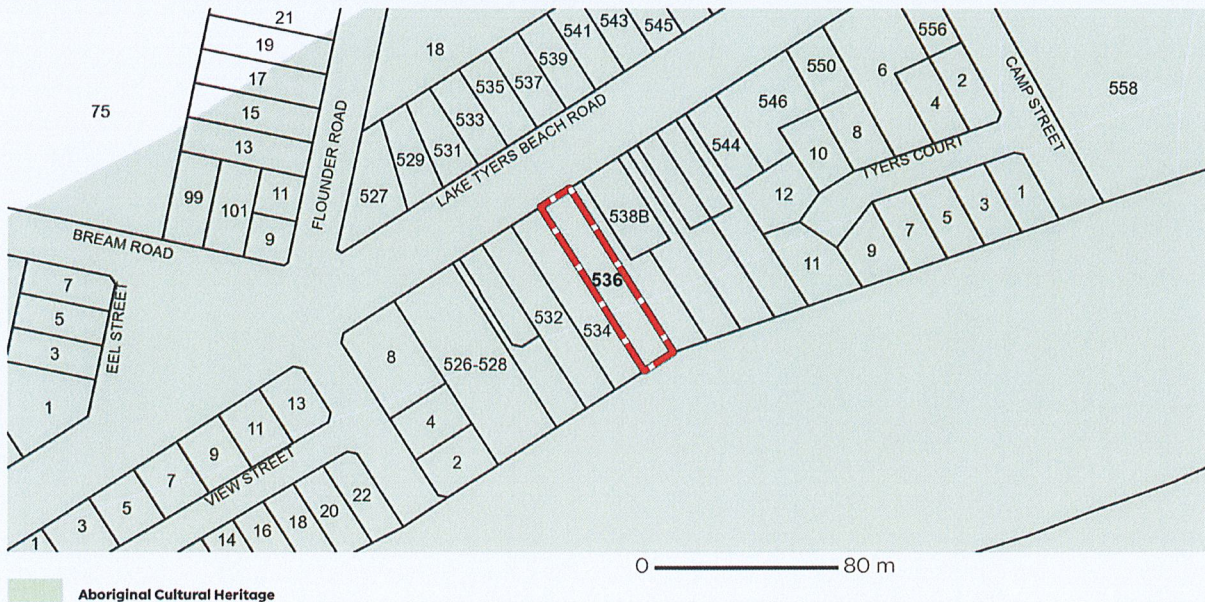
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

If a significant land use change is proposed (for example, a subdivision into 3 or more lots), a cultural heritage management plan may be triggered. One or two dwellings, works ancillary to a dwelling, services to a dwelling, alteration of buildings and minor works are examples of works exempt from this requirement.

Under the Aboriginal Heritage Act 2006, where a cultural heritage management plan is required, planning permits, licences and work authorities cannot be issued unless the cultural heritage management plan has been approved for the activity.

For further information about whether a Cultural Heritage Management Plan is required go to <http://www.aqvnrms.net.au/aqvQuestion1.aspx>

More information, including links to both the Aboriginal Heritage Act 2006 and the Aboriginal Heritage Regulations 2018, can also be found here - <https://www.aboriginalvictoria.vic.gov.au/aboriginal-heritage-legislation>



## Further Planning Information

Planning scheme data last updated on 9 August 2024.

A **planning scheme** sets out policies and requirements for the use, development and protection of land. This report provides information about the zone and overlay provisions that apply to the selected land. Information about the State and local policy, particular, general and operational provisions of the local planning scheme that may affect the use of this land can be obtained by contacting the local council or by visiting <https://www.planning.vic.gov.au>

This report is NOT a **Planning Certificate** issued pursuant to Section 199 of the **Planning and Environment Act 1987**. It does not include information about exhibited planning scheme amendments, or zonings that may affect the land. To obtain a Planning Certificate go to Titles and Property Certificates at Landata - <https://www.landata.vic.gov.au>

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

To view planning zones, overlay and heritage information in an interactive format visit <https://mapshare.maps.vic.gov.au/vicplan>

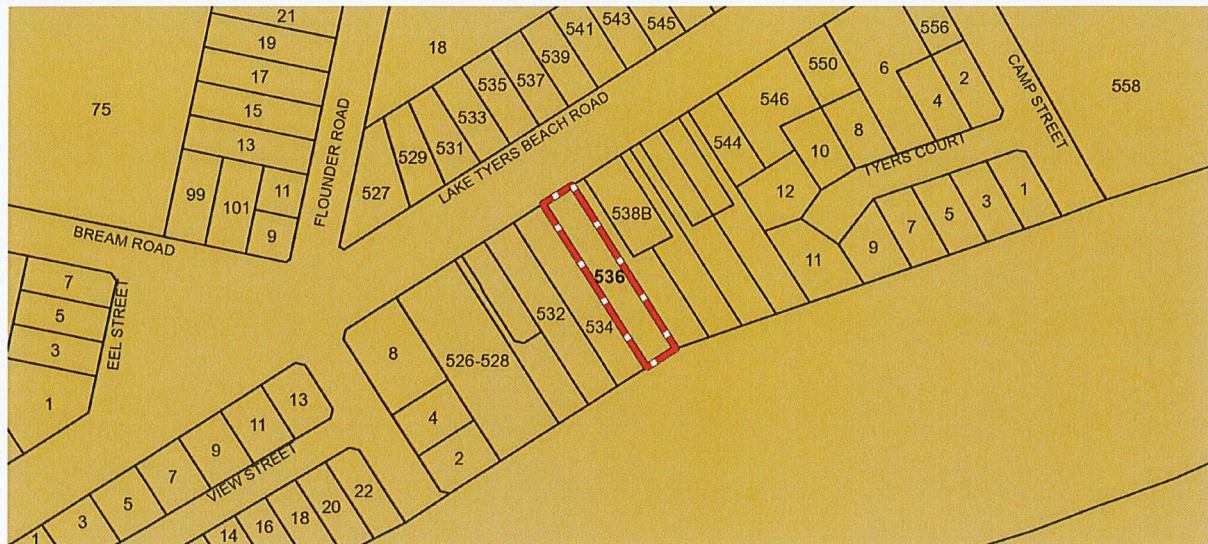
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>


## Designated Bushfire Prone Areas

**This property is in a designated bushfire prone area. Special bushfire construction requirements apply to the part of the property mapped as a designated bushfire prone area (BPA). Planning provisions may apply.**

Where part of the property is mapped as BPA, if no part of the building envelope or footprint falls within the BPA area, the BPA construction requirements do not apply.

Note: the relevant building surveyor determines the need for compliance with the bushfire construction requirements.



 Designated Bushfire Prone Areas

Designated BPA are determined by the Minister for Planning following a detailed review process. The Building Regulations 2018, through adoption of the Building Code of Australia, apply bushfire protection standards for building works in designated BPA.

Designated BPA maps can be viewed on VicPlan at <https://mapshare.vic.gov.au/vicplan/> or at the relevant local council.

Create a BPA definition plan in [VicPlan](#) to measure the BPA

Information for lot owners building in the BPA is available at <https://www.planning.vic.gov.au>

Further information about the building control system and building in bushfire prone areas can be found on the Victorian Building Authority website <https://www.vba.vic.gov.au>. Copies of the Building Act and Building Regulations are available from <http://www.legislation.vic.gov.au>. For Planning Scheme Provisions in bushfire areas visit <https://www.planning.vic.gov.au>.

## Native Vegetation

Native plants that are indigenous to the region and important for biodiversity might be present on this property. This could include trees, shrubs, herbs, grasses or aquatic plants. There are a range of regulations that may apply including need to obtain a planning permit under Clause 52.17 of the local planning scheme. For more information see [Native Vegetation \(Clause 52.17\)](#) with local variations in [Native Vegetation \(Clause 52.17\) Schedule](#)

To help identify native vegetation on this property and the application of Clause 52.17 please visit the Native Vegetation Information Management system <https://nvim.delwp.vic.gov.au/> and [Native vegetation \(environment.vic.gov.au\)](#) or please contact your relevant council.

You can find out more about the natural values on your property through NatureKit [NatureKit \(environment.vic.gov.au\)](#)

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# Due diligence checklist

## What you need to know before buying a residential property

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

## Urban living

### Moving to the inner city?

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

### Is the property subject to an owners corporation?

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

## Growth areas

### Are you moving to a growth area?

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

## Flood and fire risk

### Does this property experience flooding or bushfire?

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

## Rural properties

### Moving to the country?

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

- Is the surrounding land use compatible with your lifestyle expectations? Farming can create noise or odour that may be at odds with your expectations of a rural lifestyle.
- Are you considering removing native vegetation? There are regulations which affect your ability to remove native vegetation on private property.
- Do you understand your obligations to manage weeds and pest animals?

### Can you build new dwellings?

Does the property adjoin crown land, have a water frontage, contain a disused government road, or are there any crown licences associated with the land?

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

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

## Soil and groundwater contamination

### Has previous land use affected the soil or groundwater?

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

(04/10/2016)

## Land boundaries

### Do you know the exact boundary of the property?

You should compare the measurements shown on the title document with actual fences and buildings on the property, to make sure the boundaries match. If you have concerns about this, you can speak to your lawyer or conveyancer, or commission a site survey to establish property boundaries.

## Planning controls

### Can you change how the property is used, or the buildings on it?

All land is subject to a planning scheme, run by the local council. How the property is zoned and any overlays that may apply, will determine how the land can be used. This may restrict such things as whether you can build on vacant land or how you can alter or develop the land and its buildings over time.

The local council can give you advice about the planning scheme, as well as details of any other restrictions that may apply, such as design guidelines or bushfire safety design. There may also be restrictions – known as encumbrances – on the property's title, which prevent you from developing the property. You can find out about encumbrances by looking at the section 32 statement.

### Are there any proposed or granted planning permits?

The local council can advise you if there are any proposed or issued planning permits for any properties close by. Significant developments in your area may change the local 'character' (predominant style of the area) and may increase noise or traffic near the property.

## Safety

### Is the building safe to live in?

Building laws are in place to ensure building safety. Professional building inspections can help you assess the property for electrical safety, possible illegal building work, adequate pool or spa fencing and the presence of asbestos, termites, or other potential hazards.

## Building permits

### Have any buildings or retaining walls on the property been altered, or do you plan to alter them?

There are laws and regulations about how buildings and retaining walls are constructed, which you may wish to investigate to ensure any completed or proposed building work is approved. The local council may be able to give you information about any building permits issued for recent building works done to the property, and what you must do to plan new work. You can also commission a private building surveyor's assessment.

### Are any recent building or renovation works covered by insurance?

Ask the vendor if there is any owner-builder insurance or builder's warranty to cover defects in the work done to the property.

## Utilities and essential services

### Does the property have working connections for water, sewerage, electricity, gas, telephone and internet?

Unconnected services may not be available, or may incur a fee to connect. You may also need to choose from a range of suppliers for these services. This may be particularly important in rural areas where some services are not available.

## Buyers' rights

### Do you know your rights when buying a property?

The contract of sale and section 32 statement contain important information about the property, so you should request to see these and read them thoroughly. Many people engage a lawyer or conveyancer to help them understand the contracts and ensure the sale goes through correctly. If you intend to hire a professional, you should consider speaking to them before you commit to the sale. There are also important rules about the way private sales and auctions are conducted. These may include a cooling-off period and specific rights associated with 'off the plan' sales. The important thing to remember is that, as the buyer, you have rights.

(04/10/2016)



DATED

2024

**DONNA MAREE BURNETT**

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**VENDORS STATEMENT**

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**Property: Lot 1 on unregistered Plan of Subdivision PS921065K being part of 536 Lake Tyers Beach Road,  
Lake Tyers Beach, Victoria 3909**

Hibbert & Hodges Lawyers  
Lawyers  
2 Gray Street  
Lakes Entrance VIC 3909  
Tel: 03 5155 2377

Ref: GH:24/19717