



VENDOR STATEMENT

5 Grassby Rise, Metung 3904

Warren, Graham & Murphy Pty Ltd
Lawyers
119 Main Street
Bairnsdale Vic 3875
Tel: 03 5152 2661 | Fax: 03 5152 3584
Ref: RMH:ISH:1076521

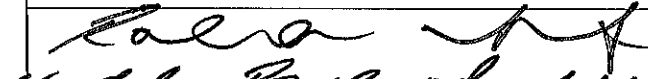
Vendor Statement

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.

Land	5 Grassby Rise, Metung 3904
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Vendor's name	Metung Developments Pty Ltd ACN 167 774 843	Date 25/3/2024
Vendor's signature	 Under Power of Attorney dated 8/5/16.	Director/Secretary

Purchaser's name		Date / /
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Purchaser's signature	
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Purchaser's name		Date / /
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Purchaser's signature	
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1. FINANCIAL MATTERS

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

Authority	Amount	Interest (if any)
(1) East Gippsland Shire Council	(1)	(1)
(2) East Gippsland Water	(2)	(2)
(a) Their total does not exceed:		\$2,000.00

2.1 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	
--	----	--

Other particulars (including dates and times of payments):

2.2 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.

2.3 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.

3. INSURANCE

3.1 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.

3.2 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.

4. LAND USE

4.1 Easements, Covenants or Other Similar Restrictions

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

Is in the attached copies of title documents.

(b) Particulars of any existing failure to comply with that easement, covenant or other similar restriction are:

To the best of the vendors knowledge there is no existing failure to comply with the terms of any easement, covenant or other similar restriction.

4.2 Road Access

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

4.3 Designated Bushfire Prone Area

The land is in a designated bushfire prone area within the meaning of regulations made under the *Building Act 1993* if the square box is marked with an 'X'

4.4 Planning Scheme

Attached is a certificate with the required specified information.

5. NOTICES

5.1 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.

5.2 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:

Nil.

5.3 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:

Nil.

6. 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.

7. 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.

8. GROWTH AREAS INFRASTRUCTURE CONTRIBUTION ("GAIC")

Not applicable.

9. 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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10. 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.

Not Applicable.

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 2000m²; (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.)

Is attached.

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)

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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.

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

VOLUME 12536 FOLIO 743

Security no : 124113660144T
Produced 25/03/2024 08:20 AM

LAND DESCRIPTION

Lot 104 on Plan of Subdivision 845531E.
PARENT TITLES :
Volume 11812 Folio 449 to Volume 11812 Folio 450
Created by instrument PS845531E 18/03/2024

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
METUNG DEVELOPMENTS PTY LTD of 116 MACLEOD STREET BAIRNSDALE VIC 3875
PS845531E 18/03/2024

ENCUMBRANCES, CAVEATS AND NOTICES

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
AL486244P 13/11/2014

DIAGRAM LOCATION

SEE PS845531E FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER	PLAN OF SUBDIVISION	STATUS	DATE
PS845531E (B)	PLAN OF SUBDIVISION	Registered	18/03/2024

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

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

Street Address: 5 GRASSBY RISE METUNG VIC 3904

ADMINISTRATIVE NOTICES

NIL

eCT Control 21210T WARREN GRAHAM AND MURPHY PTY LTD
Effective from 18/03/2024


DOCUMENT END

Delivered from the LANDATA® System by InfoTrack Pty Ltd.

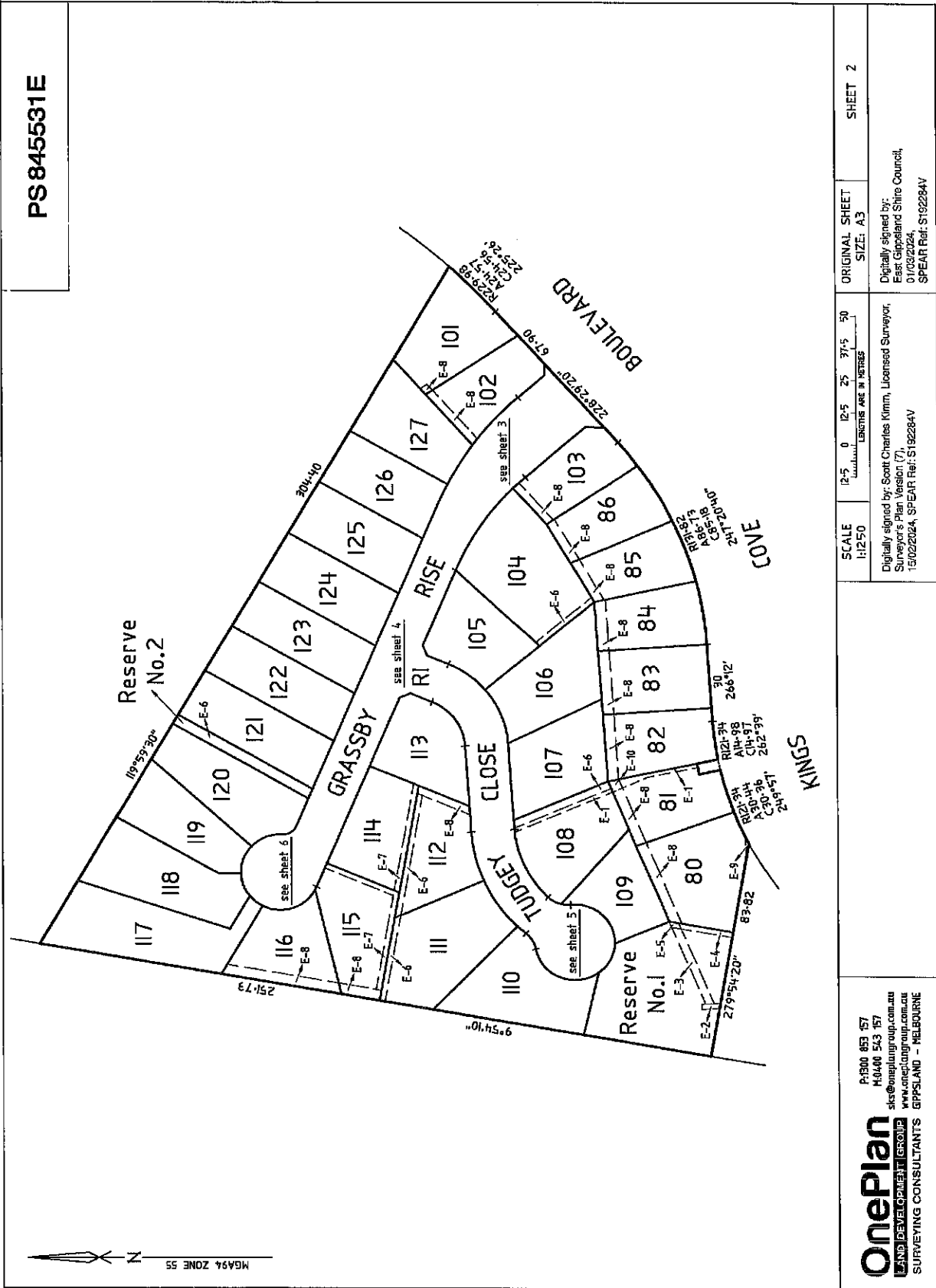
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PLAN OF SUBDIVISION		EDITION 1	PS 845531E	
LOCATION OF LAND PARISH: BUMBERRAH TOWNSHIP: - SECTION: - CROWN ALLOTMENT: 81A (PART) CROWN PORTION: - TITLE REFERENCE: Vol 11812 Fol 449 & Vol 11812 Fol 450 LAST PLAN REFERENCE: Lots A & B on PS734399V POSTAL ADDRESS: 120 KINGS COVE BOULEVARD METUNG, 3904 MGA2020 Co-ordinates (of approx. centre of land in plan) E 573 160 N 5807 080 ZONE 55		Council Name: East Gippsland Shire Council Council Reference Number: PS845531E Planning Permit Reference: Planning permit not required SPEAR Reference Number: S192284V Certification This plan is certified under section 6 of the Subdivision Act 1988 Public Open Space A requirement for public open space under section 18 or 18A of the Subdivision Act 1988 has not been made Digitally signed by: Michelle Kim Van Aarde for East Gippsland Shire Council on 01/03/2024 Statement of Compliance issued: 01/03/2024		
VESTING OF ROADS AND/OR RESERVES		NOTATIONS		
IDENTIFIER	COUNCIL/BODY/PERSON		Lots 1 to 79 (both inclusive) & 87 to 100 (both inclusive) have been omitted from this plan. OTHER PURPOSE OF PLAN: To remove sewerage easement E-1 on PS548109V GROUNDS FOR REMOVAL OF EASEMENT: Agreement from all interested parties. (Section 6(1)(K) Subdivision Act 1988)	
RESERVE No.1 RESERVE No.2 ROAD R1	EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL EAST GIPPSLAND SHIRE COUNCIL			
NOTATIONS				
DEPTH LIMITATION: 15.24 metres below the surface				
SURVEY: This plan is/is-not based on survey. STAGING: This is/is not a staged subdivision. Planning Permit No. This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No. 21, 24 & 26.				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of
E-1 & E-10 E-2	Powerline Drainage	See diag. 2	This plan PS631915D	Ausnet Electricity Services Pty Ltd East Gippsland Shire Council
E-3 & E-5 E-4 & E-5	Drainage Sewerage	See diag. 2	PS734399V PS734399V	East Gippsland Shire Council East Gippsland Region Water Authority
E-6, E-8 & E-10 E-7, E-8 & E-10 E-9	Sewerage Drainage Sewerage	See diag. See diag. See diag.	This plan This plan PS631915D	East Gippsland Region Water Corporation East Gippsland Shire Council East Gippsland Region Water Authority
 P:1300 853 157 M:0400 543 157 www.oneplangroup.com.au GIPPSLAND - MELBOURNE		SURVEYORS FILE REF: 201511 PS-1		ORIGINAL SHEET SIZE: A3 SHEET 1 OF 6 SHEETS
		Digitally signed by: Scott Charles Kimm, Licensed Surveyor, Surveyor's Plan Version (7), 15/02/2024, SPEAR Ref: S192284V		PLAN REGISTERED TIME: 04:20 PM DATE: 18/03/2024 L.D.Rozario Assistant Registrar of Titles

PS 845531E

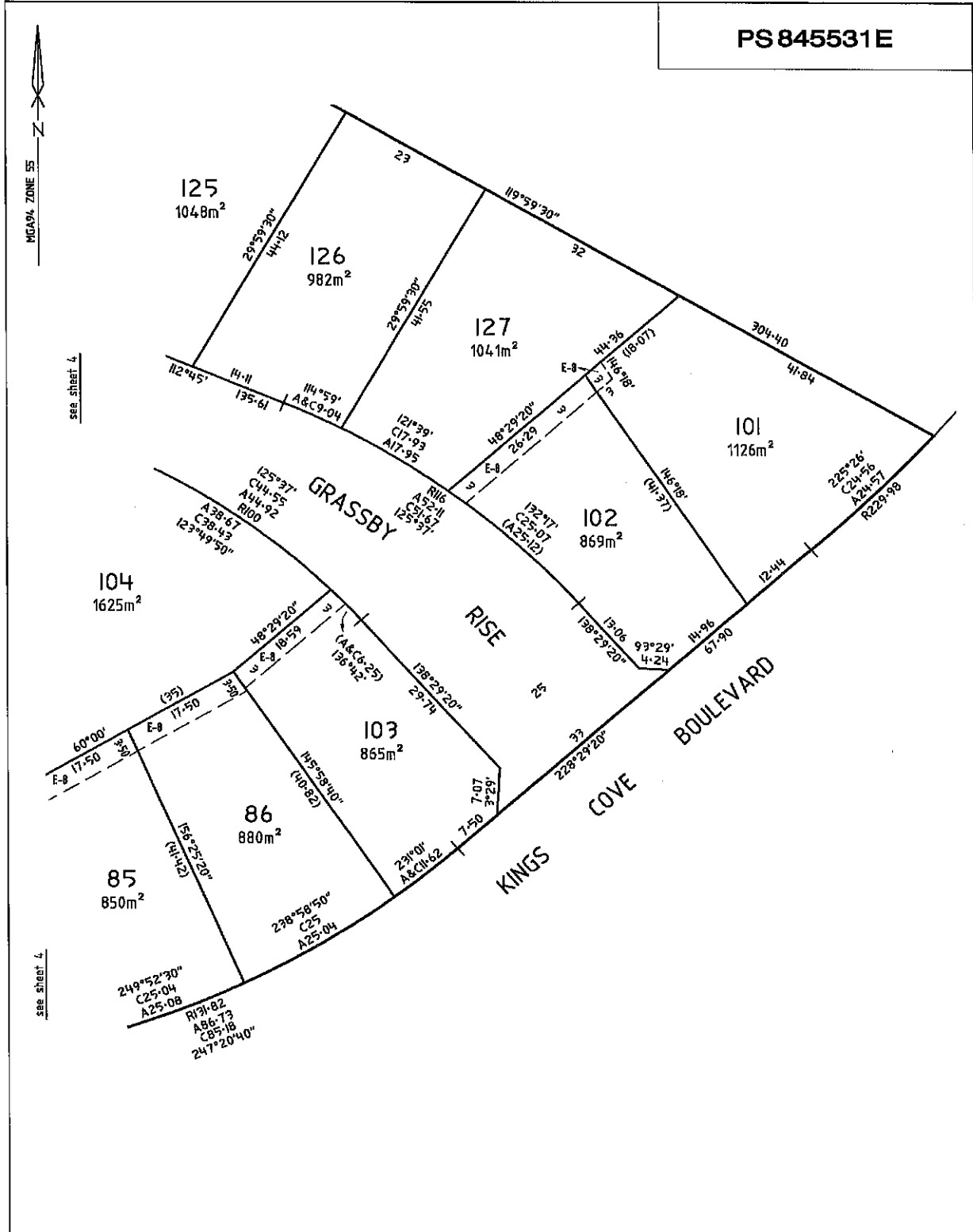


MG594, ZONE 55

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 GPPSLAND - MELBOURNE
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 F:0400 543 157
 sks@oneplangroup.com.au
 www.oneplangroup.com.au

Amended by: Scott Charles Kimm, Licensed Surveyor 18/03/2024.

SCALE	1:250	LENGTHS ARE IN METRES	0 25 50
ORIGINAL SHEET SIZE:	A3	SHEET 2	
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Digitally signed by:	East Gippsland Shire Council, 01/03/2024, SPEAR Ref: S192284V		



PS 845531E

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 sks@oneplangroup.com.au
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SCALE 1:500
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 LENGTHS ARE IN METRES

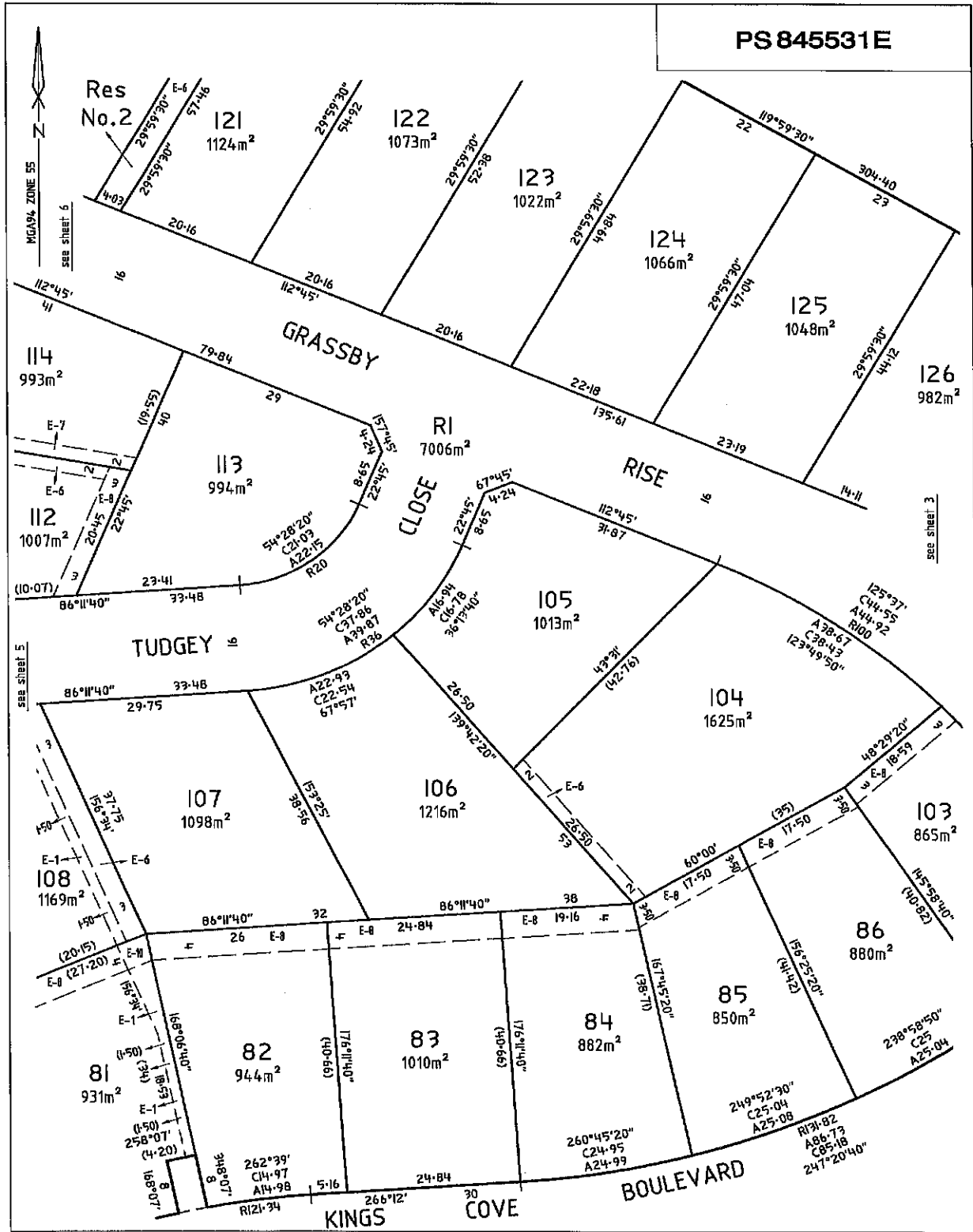
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 Surveyor's Plan Version (7),
 15/02/2024, SPEAR Ref: S192284V

ORIGINAL SHEET
 SIZE: A3

SHEET 3

Digitally signed by:
 East Gippsland Shire Council,
 01/03/2024,
 SPEAR Ref: S192284V

Amended by: Scott Charles Kimm, Licensed Surveyor 18/03/2024.



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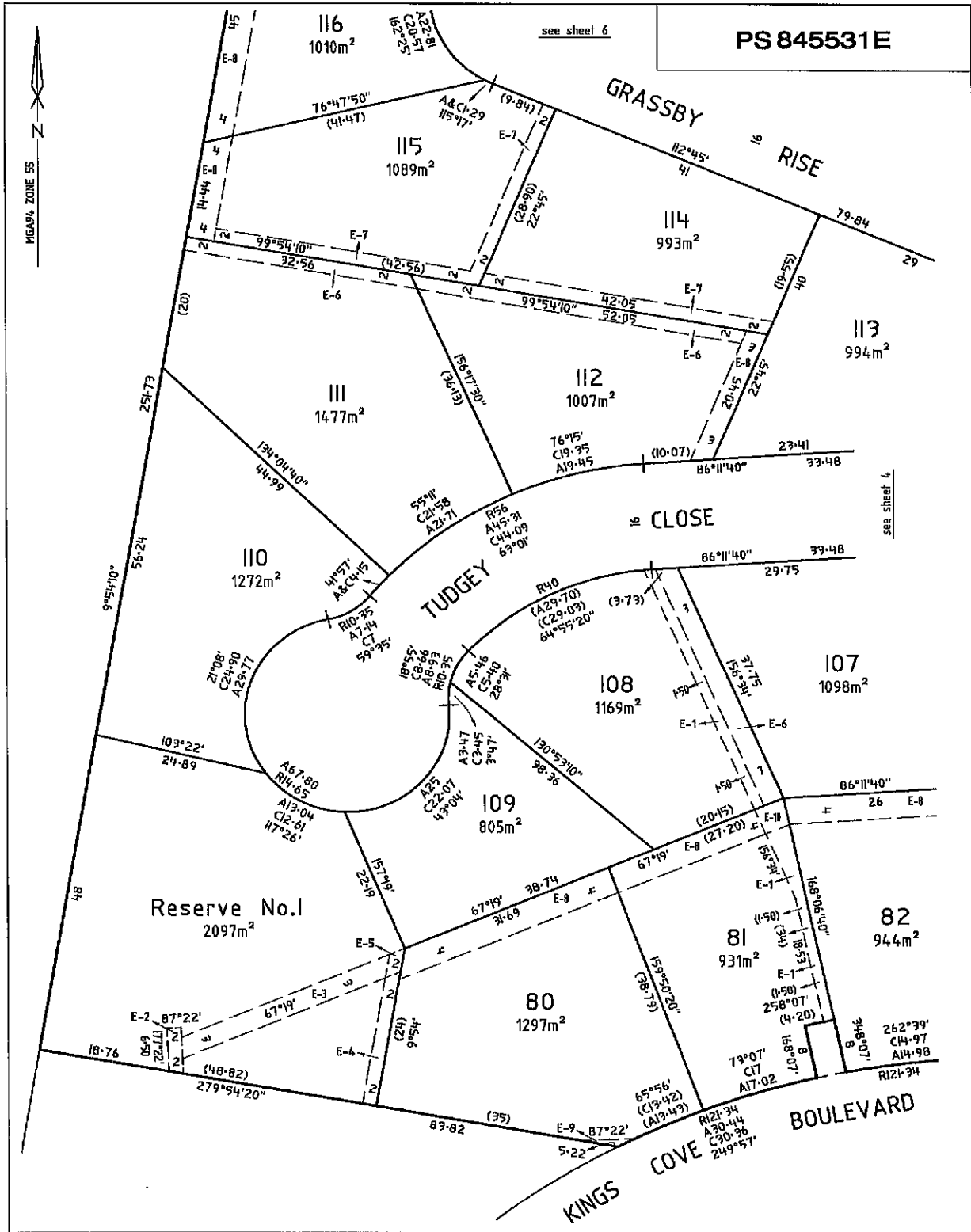
SCALE
 1:500
 0 5 10 15 20
 LENGTHS ARE IN METRES

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 Surveyor's Plan Version (7),
 15/02/2024, SPEAR Ref: S192284V

ORIGINAL SHEET
 SIZE: A3

SHEET 4

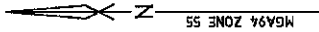
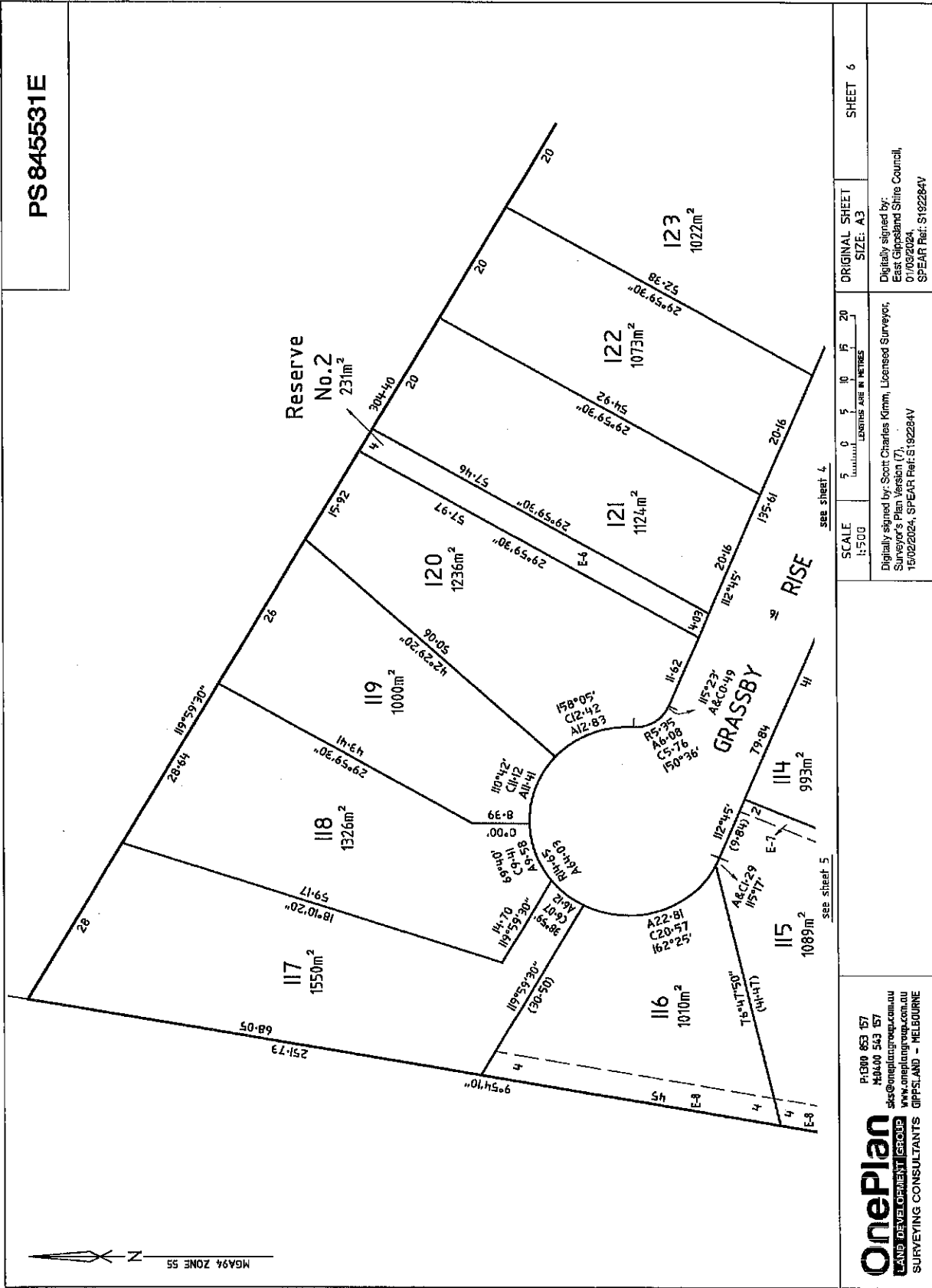
Digitally signed by:
 East Gippsland Shire Council,
 01/03/2024,
 SPEAR Ref: S192284V



OnePlan LAND DEVELOPMENT GROUP SURVEYING CONSULTANTS P1300 853 157 M0400 543 157 sks@oneplangroup.com.au www.oneplangroup.com.au GIPPSLAND - MELBOURNE	SCALE 1:500	0 5 10 15 20 LENGTHS ARE IN METRES	ORIGINAL SHEET SIZE: A3	SHEET 5
	Digitally signed by: Scott Charles Kimm, Licensed Surveyor, Surveyor's Plan Version (7), 15/02/2024, SPEAR Ref: S192284V		Digitally signed by: East Gippsland Shire Council, 01/03/2024, SPEAR Ref: S192284V	

Amended by: Scott Charles Kimm, Licensed Surveyor 16/03/2024.

PS 845531E

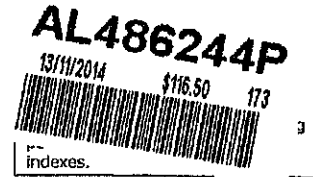


P1310 853 157 M3400 543 157 ds@onepiangroup.com.au www.onepiangroup.com.au OnePian LAND DEVELOPMENT GROUP SURVEYING CONSULTANTS GIPPSLAND - MELBOURNE	SCALE 1:500 0 5 10 15 20 METRES see sheet 4	ORIGINAL SHEET SIZE: A3 SHEET 6
	Digitally signed by: Scott Charles Kimm, Licensed Surveyor, Surveyor's Plan, Version (7), 15/02/2024, SPEAR Ref: S192284V	

Amended by: Scott Charles Kimm, Licensed Surveyor 18/03/2024.

Application by a responsible authority for the making of a recording of an agreement

Section 181 Planning and Environment Act 1987



Lodged by

Name:

Phone:

Address:

Reference:

ASHURST AUSTRALIA

Customer Code:

496P

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

Land: Volume 11245 folio 288

Responsible authority: East Gippsland Shire Council of 273 Main Street, Bairnsdale, Victoria 3875

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

A copy of the agreement is attached to this application:

Date: 31/10/2014

Signature for responsible authority: 

Name of officer: ANTON HOLLOW

AL486244P

13/11/2014 \$116.50 173



Maddocks

Lawyers
140 William Street
Melbourne Victoria 3000 Australia

Telephone 61 3 9258 3555
Facsimile 61 3 9258 3666

info@maddocks.com.au
www.maddocks.com.au

DX 289 Melbourne

Date 31 / 10 / 2014

**Agreement under section 173
of the Planning and Environment Act 1987**
Subject Land: Part of 120 Kings Cove Boulevard, Metung

East Gippsland Shire Council
and

Kings Cove Metung Pty Ltd (In Liquidation) ACN 006 383 179

AL486244P



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Agreement under section 173 of the Planning and Environment Act 1987

Dated / /

Parties

Name	East Gippsland Shire Council
Address	273 Main Street, Bairnsdale, Victoria
Short name	Council
Name	Kings Cove Melung Pty Ltd (In Liquidation) ACN 006 383 179
Address	Level 19, 15 William St, Melbourne Victoria
Short name	Owner

Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is the registered proprietor of the Subject Land.
- C. The Planning Scheme provides that the Owner is required to enter into this Agreement providing for the matters set out in clause 52.03 of the Planning Scheme.
- D. As at the date of this Agreement, the Subject Land is encumbered by a mortgage in favour of the Mortgagee. The Mortgagee consents to the Owner entering into this Agreement.

The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

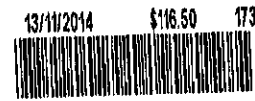
Act means the *Planning and Environment Act 1987*.

Agreement means this Agreement and includes this Agreement as amended from time to time.

Building has the same meaning as in the Act.

Building Envelope means the area identified on the Endorsed Plan as a 'Building Envelope' or the like.

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Building Envelope Plan means the plan entitled 'Building Envelope Plan Version 3' dated 25 September 2013, prepared by Crowther and Sadler, as amended from time to time, and approved by Council or such other plan approved by Council.

CPI means the annual Consumer Price Index (All Groups-Melbourne) as published by the Australian Bureau of Statistics, or, if that Index number is no longer published, its substitute as a cumulative indicator of the inflation rate in Australia, as determined by Council from time to time.

Current Address means:

- (a) for Council, the address shown on page one of this Agreement, or any other address listed on Council's website; and
- (b) for the Owner, the address shown on page one of this Agreement or any other address provided by the Owner to Council for any purpose relating to the Subject Land.

Current Email means:

- (a) for Council, feedback@egipps.vic.gov.au, or any other email address listed on Council's website; and
- (b) for the Owner, any email address provided by the Owner to Council for the express purpose of electronic communication regarding this Agreement.

Development Guidelines means the document entitled 'Kings Cove Metung, Development Guidelines – Stage 6', dated 22 August 2014, prepared by East Gippsland Shire Council, and attached at Annexure 2 to this Agreement, as amended from time to time, and approved by Council, or such other document approved by Council.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan setting out the approved development on the Subject Land.

Indexation means an annual adjustment to the Satisfaction Fee carried out in accordance with CPI.

Lot means a lot on the Endorsed Plan

Mortgagee means the person registered or entitled from time to time to be registered as mortgagee of the Subject Land.

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

Owner's obligations includes the Owner's specific obligations and the Owner's further obligations.

Party or Parties means the Parties to this Agreement but does not include a person who has transferred or otherwise disposed of all of their interests in the Subject Land.

Planning Scheme means the East Gippsland Planning Scheme and any other planning scheme that applies to the Subject Land.

Satisfaction Fee means a fee payable by the Owner to Council for determining whether any one of the Owner's obligations has been undertaken to Council's satisfaction, or for deciding

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whether to give consent for anything this Agreement provides must not be done without Council's consent, and which is payable at the rate of:

- (a) \$102 if paid within 12 months from the date that this Agreement commences; or
- (b) \$102 plus Indexation if paid at any time after 12 months from the date that this Agreement commences.

Schedule means the document entitled 'Schedule – Resort Hotel/Motel and Convention Facility Development' dated May 1999, prepared in accordance with the Schedule to clause 52.03 of the East Gippsland Planning Scheme and attached at Annexure 1 to this Agreement or such other document approved by Council.

Subject Land means part of the land situated at 120 Kings Cove Boulevard, Metung being part of the land referred to in certificate of title volume 11245 folio 288 and more particularly being lots 1-10 inclusive on the Endorsed Plan and any reference to the Subject Land includes any lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

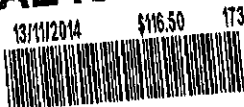
- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act, it has the meaning as defined in the Act;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

3. Purposes of Agreement

The Parties acknowledge and agree that the purposes of this Agreement are to:

- 3.1 give effect to the Planning Scheme; and
- 3.2 achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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4. Reasons for Agreement

The Parties acknowledge and agree that Council has entered into this Agreement for the following reasons:

- 4.1 the Schedule requires an Agreement to be entered into regarding the use and development of the Subject Land; and
- 4.2 the Owner has elected to enter into this Agreement in order to take the benefit of the Schedule.

5. Agreement required

The Parties agree that this Agreement will continue to be required until the Owner has complied with all of the Owner's obligations.

6. Owner's specific obligations

The Owner agrees that:

6.1 Building envelopes

unless with the prior written consent of Council, the Owner must not build, construct or erect or cause or permit to be built, constructed or erected any Building on any Lot outside a Building Envelope.

6.2 Compliance with Schedule and Development Guidelines

the Owner:

6.2.1 may only develop the Subject Land in accordance with the:

- (a) Endorsed Plans;
- (b) Schedule; and the
- (c) Development Guidelines.

6.2.2 must not, upon completing the development, alter or extend or otherwise change the development.

6.3 Expiry of Schedule and Development Guidelines

the Owner's obligations under clause 6.2 continue to apply:

- 6.3.1 regardless of any right conferred by the Planning Scheme; and
- 6.3.2 regardless of any subdivision of the Subject Land.

6.4 No further subdivision

Notwithstanding anything in the Planning Scheme, the Owner must not subdivide the Subject Land in a way that creates an additional Lot except in accordance with:

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7.5 Time for determining satisfaction

If Council makes a request for payment of:

- 7.5.1 a fee under clause 7.3; or
- 7.5.2 any costs or expenses under clause 7.4.3,

the Parties agree that Council will not decide whether the Owner's obligation has been undertaken to Council's satisfaction, or whether to grant the consent sought, until payment has been made to Council in accordance with the request.

7.6 Interest for overdue money

- 7.6.1 The Owner must pay to Council interest in accordance with section 227A of the *Local Government Act 1989* on any amount due under this Agreement that is not paid by the due date.
- 7.6.2 If interest is owing, Council will apply any payment made to interest and any balance of the payment to the principal amount.

8. Agreement under section 173 of the Act

Without limiting or restricting the respective powers to enter into this Agreement, and insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

9. Owner's warranties

The Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement and the purchasers under individual land sale contracts dated 4 December 2013 of lot 7, and 9 February 2014 of lots 1-6 and 8-10 inclusive on the Endorsed Plan, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

10. Successors in title

Until such time as a memorandum of this Agreement is recorded on the certificate of title of the Subject Land, the Owner must require successors in title to:

- 10.1 give effect to this Agreement; and
- 10.2 enter into a deed agreeing to be bound by the terms of this Agreement.

11. General matters

11.1 Notices

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

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**EAST GIPPSLAND SHIRE – SPECIFIC SITES AND EXEMPTIONS
(REFER CLAUSE 52.03 OF THE EAST GIPPSLAND PLANNING SCHEME)**

**SCHEDULE – RESORT HOTEL/MOTEL AND CONVENTION
FACILITY DEVELOPMENT, MAY 1999**

This Schedule applies to the land described as Lot 2 PS 420967K Storth Ryes, Hardys Road, Metung

THE SCHEDULE ALLOWS THE SUBDIVISION USE AND DEVELOPMENT OF THE LAND FOR THE PURPOSE OF A LICENSED RESORT HOTEL/MOTEL INCLUDING CONVENTION FACILITIES AND ANCILLARY RESTAURANT, CAFÉ, SERVICE PREMISES, BAR/LOUNGES, OFFICES, CLINIC (INCLUDING GEO THERMAL BATHS) AND RETAIL FACILITIES (INCLUDING THE HARBOURSIDE COMMERCIAL CENTRE), FLATS, TOWNHOUSES, ATTACHED HOUSES AND ASSOCIATED ADVERTISING SIGNS, LANDSCAPING, ROADS, DRAINS, ACCESS, UTILITY SERVICES, MAINTENANCE AND WORKSHOP FACILITIES, CARPARKING, BOAT STORAGE AND LOADING AREAS AND RECREATION AND LANDSCAPED GARDEN AREAS INCLUDING TENNIS COURTS AND SWIMMING POOLS AND MAINTENANCE FACILITIES.

THE FOLLOWING CONDITIONS APPLY TO THIS SCHEDULE:

General

1. The layout of the use and development authorised by this Schedule must be generally in accordance with the concept plan forming part of this Schedule (the "concept plan") to the satisfaction of the Responsible Authority.
2. Prior to the commencement of the subdivision, use and development authorised by this Schedule, plans must be submitted to and approved by the Responsible Authority. When approved such plans shall constitute the endorsed plans for the purposes of this Schedule.
3. The endorsed plans may include a development staging plan and must show the location and description of all use and development authorised by this Schedule to the satisfaction of the Responsible Authority:
 - (a) All existing significant physical features of the land including topography, vegetation, view points and other features.
 - (b) The position and width of existing and proposed major access roads.
 - (c) The staging of subdivisional works within particular development areas or stages.
 - (d) An indication of building envelopes within the particular development area or stage.

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- (e) A description of the proposed buildings and works.
 - (f) The general location of landscaped areas, water features and recreation facilities.
 - (g) The nature of utility services to be associated with the development.
 - (h) The parking areas to be set aside for the accommodation of stationary motor vehicles and the loading and unloading of motor vehicles.
 - (i) The location, design, external colour and materials of construction of buildings and works including elevations, heights and contours where appropriate.
 - (j) Any other matter which is considered appropriate by the Responsible Authority to satisfy the requirements of this Schedule.
4. No development authorised by this Schedule shall commence within any individual development area or stage until plans complying with the requirements of this Schedule have been approved and endorsed by the Responsible Authority for that particular development area or stage.
5. The land to which this Schedule applies may be subdivided, used and developed in accordance with the provisions of this Schedule despite any other provisions or controls within this Planning Scheme.

Planning Agreement

6. Prior to the commencement of the use and development authorised by this Schedule the owner of the land must enter into an agreement pursuant to Section 173 of the *Planning and Environment Act 1987* (the "planning agreement") to regulate the approved use and development including:
- (a) Controls and guidelines regarding land use activities established pursuant to this Schedule including road construction, landscaping, carparking, buildings and service installation works.
 - (b) Management and maintenance of common facilities including landscaping on common open space by the management company or body corporate of which the owners of the allotments shall be shareholders or body corporate members.

Site Services

- 7. Goods, packages, waste refuse or other material must be stored and/or left exposed outside any buildings on the land so as not to be visible to the public from roads adjoining the subject land to the satisfaction of the Responsible Authority.
- 8. All low voltage electricity supply mains must be located underground unless otherwise approved by the Responsible Authority.
- 9. All telephone services must be located underground unless otherwise approved by the Responsible Authority.
- 10. All sewerage and other liquid wastes must be disposed via the reticulated Metung sewerage system to the satisfaction of the Responsible Authority.
- 11. A reticulated domestic water supply must be made available to service the development to the satisfaction of the Responsible Authority.

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12. No permanent building constructed on the land must be occupied until it is connected to a reticulated sewerage system to the satisfaction of the Responsible Authority.
13. The stormwater drainage system must be designed and constructed to the satisfaction of the Responsible Authority to prevent discharges which would adversely effect natural wetlands, including Lake King, to the satisfaction of the Responsible Authority. The design and construction of stormwater drainage systems must take into account the need to control soil erosion to the satisfaction of the Responsible Authority. The design and construction of stormwater drainage systems associated with all buildings and works authorised by this Schedule must comply with the following objectives to the satisfaction of the Responsible Authority:
 - (a) The minimisation and control of nuisance flooding and safe passage of less frequent flood events.
 - (b) The control of soil erosion.
 - (c) The control of health and safety aspects of stormwater flows.

Stormwater drainage must be designed and constructed in conformity with the requirements of the Responsible Authority and in accordance with plans and specifications submitted to and approved by the Responsible Authority. . When approved by the Responsible Authority, the stormwater drainage plan shall be endorsed and form part of the endorsed plans under this Schedule.

General Development Conditions

14. Prior to the erection or display of any advertising sign details of the proposed advertising sign must be submitted to and approved by the Responsible Authority.
15. Disturbed surfaces on the land resulting from buildings and works authorised or required by this Schedule must be revegetated or otherwise stabilised to the satisfaction of the Responsible Authority.

Landscaping

16. Within six months of any building works commencing on the land, a landscape plan for each development area or stage (other than the residential development cells as shown on the concept plan) must be prepared by a qualified landscape architect or a person with expert knowledge in the discipline to the satisfaction of the Responsible Authority. When approved by the Responsible Authority, the landscape plan shall be endorsed and form part of the endorsed plans under this Schedule. The landscape plan must show species, density of planting, the proportions of various species proposed to be planted to the satisfaction of the Responsible Authority.
17. All trees and shrubs located in the areas covered by the landscape plan must be maintained in good order and condition and any dead or diseased trees or shrubs must be replaced as soon as practicable to the satisfaction of the Responsible Authority. Nothing in this Schedule shall prevent the removal of dead trees or the removal of any vegetation which is or may from time to time be proclaimed as a noxious weed or where the removal of any tree or trees is required by the Country Fire Authority in conditions of emergency to prevent the spread of bushfires.
18. Except with the approval of the Responsible Authority, a bank guarantee for an amount approved by the Responsible Authority having regard to the nature and extent of the landscaping required pursuant to the endorsed plans must be lodged with the Responsible Authority prior to the occupation of any buildings in each

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development area or stage (other than dwellings located within the residential development cells shown on the concept plan). The bank guarantee must be surrendered to the provider upon the completion of the landscaping works in each development area or stage to the satisfaction of the Responsible Authority.

Roads and Parking

19. The provision for parking of vehicles for each component of the approved use and development must be to the satisfaction of the Responsible Authority. All parking areas must be sealed and constructed to the satisfaction of the Responsible Authority. Prior to the construction of any vehicle parking area plans must be submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the parking area plan shall be endorsed and form part of the endorsed plans under this Schedule.
20. All internal roads including the major access road shown on the endorsed concept plan must be constructed to a standard of a bitumous surface carriageway between concrete kerb and channels with paved footpaths where considered necessary for safety of pedestrian traffic and with underground pipe drains as are necessary for the proper drainage of the roadways and allotments to the satisfaction of the Responsible Authority. Road widths must vary depending on the traffic volumes which they are intended to carry to the satisfaction of the Responsible Authority.

Buildings

21. No more than 250 flats, townhouses or attached houses may be developed on the land.
22. The harbourside commercial centre authorised by this Schedule must not exceed 4,000m² of gross leasable floor area.
23. No building on the land, except houses built over water, shall exceed 6 metres in height when measured from mean ground level to the eaves or two storeys in height, whichever is the lesser to the satisfaction of the Responsible Authority. No roof of any building constructed on the land must have a pitch greater than 45° to the satisfaction of the Responsible Authority.
24. Architectural features of the resort hotel/motel must not exceed 7.5 metres in height when measured from mean ground level to the eaves or 2.5 storeys in height whichever is the lesser to the satisfaction of the Responsible Authority.
25. Any houses built over water must not be greater than 6 metres in height when measured from the building platform to the eaves or two storeys in height whichever is the lesser to the satisfaction of the Responsible Authority.
26. For the purposes of this Schedule, mean ground level means one half of the sum of the highest and lowest levels established along the line representing natural ground level (whether or not so occurring) to the extreme outer surface of a wall of a building module measured from outer wall to outer wall.
27. The construction of the buildings and works authorised by this Schedule must be undertaken in accordance with the development guidelines forming part of this Schedule to the satisfaction of the Responsible Authority.
28. The use of the licensed premises authorised by this Schedule must comply with the following requirements:

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- (a) The permissible noise levels emanating from mechanical equipment must comply with the requirements of State Environment Protection Policy N1 Control of Noise from industrial, commercial and trade premises within the Melbourne Metropolitan area to the satisfaction of the Responsible Authority.
- (b) The permissible noise levels emanating from musical equipment must comply with the requirements of State Environment Protection Policy N2 Control of Entertainment Noise to the satisfaction of the Responsible Authority

Commencement/Completion

- 29. The development and use authorised by this Schedule must be commenced within 15 years of the approval date and the development must be completed within 15 years of the date of commencement of works. The Responsible Authority may extend either of the periods referred to in this condition if a request is made in writing before the expiry date or within three months afterwards.

Subdivision

- 30. Any subdivision of land to which this Schedule applies must be in accordance with the subdivision layout shown on the endorsed plans under this Schedule. The subdivision may provide for the staged subdivision of the land to the satisfaction of the Responsible Authority. The Responsible Authority must refer any proposed subdivision to any relevant subdivision referral authority listed in this Planning Scheme prior to the endorsement of any subdivision plan by the Responsible Authority. The proposed subdivision must be to the satisfaction of any relevant subdivision referral authority, the East Gippsland Shire Council and the Responsible Authority. Endorsement of any subdivision of the land on an endorsed plan pursuant to this Schedule is evidence that the proposed subdivision complies with the provisions of this Planning Scheme for the purposes of the *Subdivision Act 1988*.
- 31. The Responsible Authority must not approve any subdivision pursuant to this Schedule which shows vehicular access to the development authorised by this Schedule via Beach Road.

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DEVELOPMENT GUIDELINES

(1) General

The Guidelines contained in this Clause establish the principles which govern the design, construction and operation of approved elements of the approved use and development.

The general objectives are as follows:

- a) To make provision for a range of tourist and residential accommodation, recreation and water based facilities and commercial activities.
- b) To ensure that the scale, intensity, bulk and character of any development compliments the natural system or landscape value of the land.
- c) To increase the capacity of the area for tourism and related commercial development in a sensitive manner that recognises the village character of Metung.
- d) To promote the retention or re-establishment of those physical and landscape features of the land that contribute to its appearance and character and provides a sense of identity.
- e) To encourage public access to foreshores through provision of a network of public open space.
- f) To ensure that adequate services are provided consistent with the level of development.

(2) Landscape Guidelines

- a) The objectives of landscape works on the subject land shall be to:
 - i) create and maintain a high quality environment;
 - ii) minimise the visual impact of roads, car parking and buildings;
 - iii) minimise erosion and fire hazards;
 - iv) ensure the use and development is visually contained within the site to ensure privacy for residents and patrons.
- b) The design and routing of roads shall be dictated by the terrain and the development layout and roads shall be aligned to minimise cut and fill.
- c) Car parks shall be extensively landscaped to minimise visual intrusion. Car parks shall be constructed and located having regard to the terrain of the subject land. Landscape treatment shall include perimeter screening by large shrubs, heavily planted intermediate garden beds and canopy trees to provide shade and wind protection.
- d) The siting and design of all major buildings shall ensure that their scale, form and materials are compatible with their surroundings.
- e) Landscaping around major buildings shall include:

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- i) planting to screen undesirable views and wind;
- ii) planting to provide shade and shelter;
- iii) planting to enhance the setting of these buildings, particularly from important view points;
- iv) provision of paved areas for seating; and
- v) provision of a paved pedestrian system.

(3) Guidelines for Houses and Flats

- a) The construction of houses and flats shall conform to the following:
 - i) Buildings should be designed and developed to minimise visual impact as well as erosion and fire risks.
 - ii) Buildings should be designed with sloping roofs which generally repeat the prevailing ground slope. Floor plans, changes of level and entry points should be designed to be in sympathy with ground slopes;
 - iii) Buildings should use window fenestration and/or set backs to "break up" the building elevation. Patterns of light and shade should be used to reduce scale of building;
 - iv) Pergolas, decks and shading devices may be used to soften the interface between buildings and surrounding vegetation;
 - v) Split level buildings should be encouraged on sloping land to reduce the height of the building.
- b) Materials to be used in the construction of buildings shall be appropriate to a high quality development and reflect the colour and texture of the coastal setting. Selection of material should take account of colour, texture, durability and weathering characteristics.
- c) Carports, garages and outbuildings shall be built in the style and materials of the dwelling or flat or alternatively shall be painted in colours having the same characteristics as those in the preceding paragraph.

(4) Guidelines for Resort Hotel/Motel Buildings and Lakeside Commercial Centre

The Resort Hotel/Motel and Lakeside Commercial Centre shall be designed and constructed to complement the general scale and character of the local landscape and proximity to Lake King.

- a) All major buildings shall relate in character to each other and to the complex as a whole.
- b) The selection of natural materials, colour and texture shall have regard to the colours and textures present in the landscape.

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c) The profile of the buildings shall follow the topography of the immediate site where practical.

(5) Guidelines for Marina and Harbour

The design of the Marina and Harbour layout shall have regard to the New South Wales Public Works "Marina Guidelines", November, 1987.

(6) Erosion Control Guidelines

Erosion control practices during construction shall have regard to the following objectives:

- a) the minimisation of exposed areas;
- b) the minimisation of the time soil is exposed during construction;
- c) the control of surface drainage;
- d) the breaking up of drainage paths to trap eroded soil before it affects downstream areas;
- e) the programming of development to minimise disturbed areas particularly on steep slopes to allow rapid protection of disturbed areas through revegetation, mulching or paving;
- f) the location of the plantings and size of soil stockpiles prior to commencing construction;
- g) the establishment of vehicle tracks and drainage lines at the commencement of construction.

LEGEND

- RESIDENTIAL DEVELOPMENT CELLS
- RESIDENTIAL - MEDIUM DENSITY
- HOTEL SITE
- GOLF COURSE CLUB HOUSE
- COMMERCIAL CENTRE
- SERVICE CENTRE
- PRIMARY ROAD
- SECONDARY ROAD
- RIDGE PLANTING - RECREATION CORRIDOR
- ROAD PLANTING
- OPEN SPACE
- FAIRWAY
- GREETINGS TITLE BOUNDARY
- VICTORIAN PROPERTIES TITLE BOUNDARY

DEVELOPMENT CONCEPT

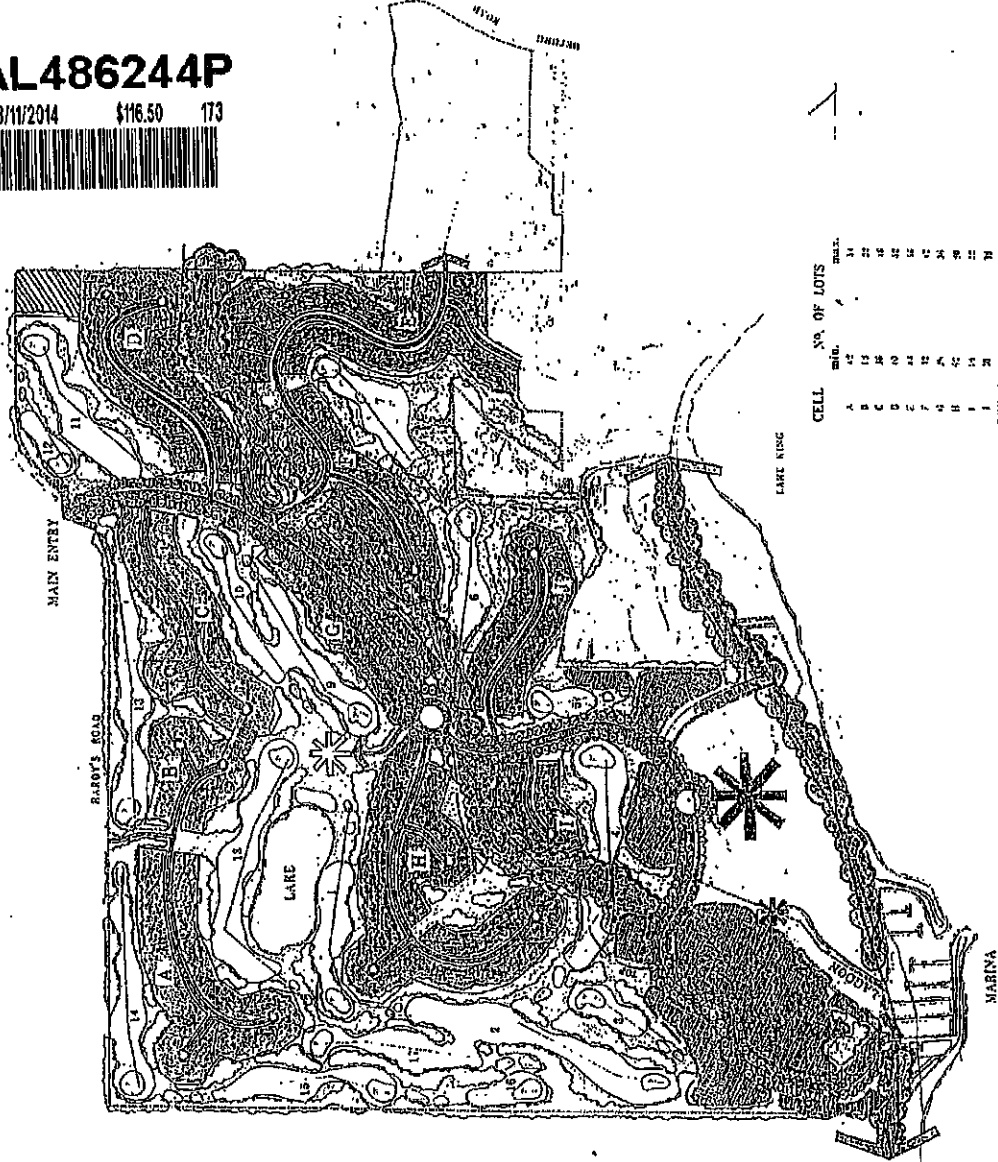
STORTH - RYES E.E.S.

TRACT CONSULTANTS:
LANDSCAPE ARCHITECTS & PLANNERS

SCALE DATE MARCH 1991
FIGURE 5A

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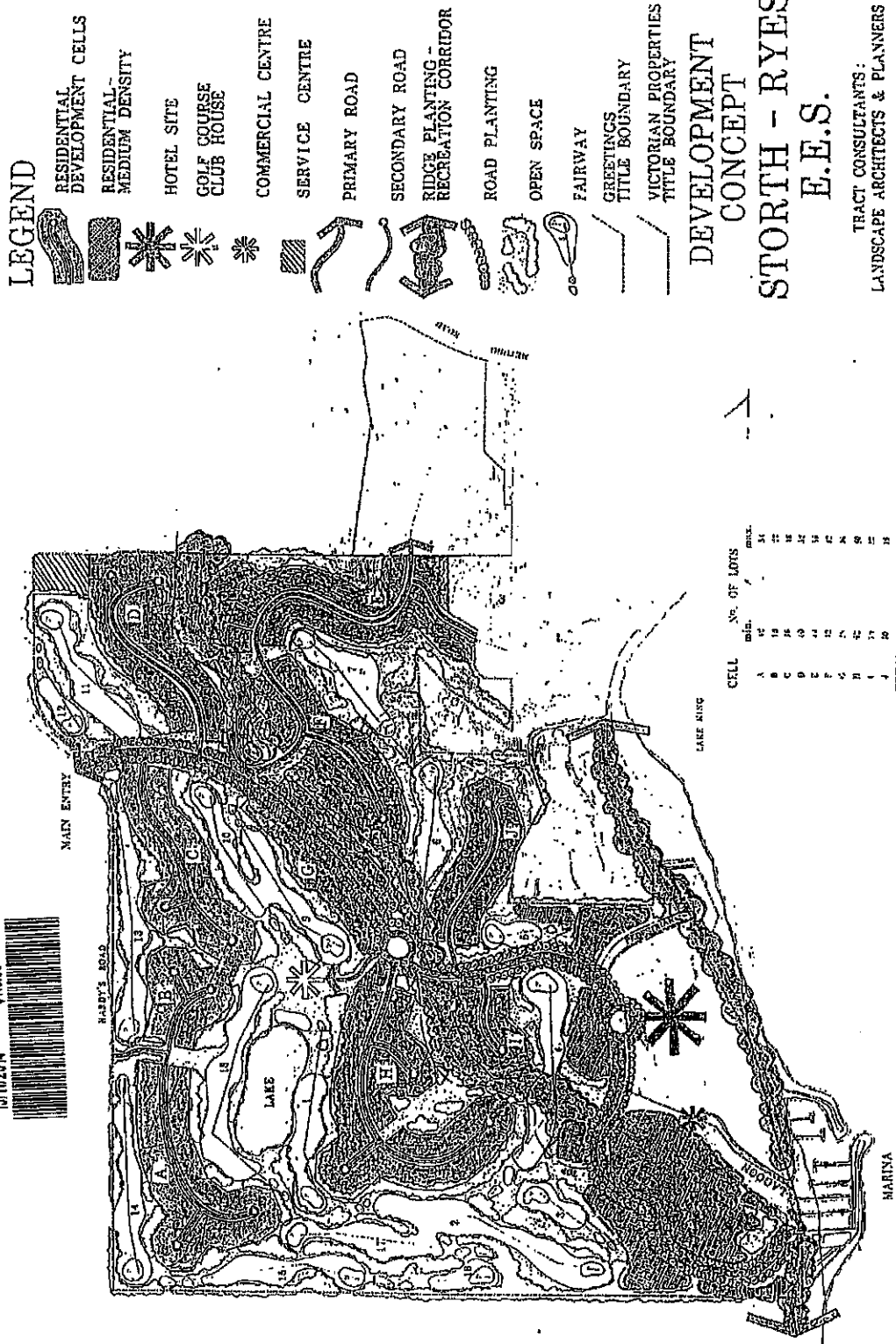
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CELL	Nº. OF LOTS	max.
A	12	11
B	15	22
C	16	18
D	10	12
E	11	12
F	12	12
G	12	12
H	12	12
I	12	12
TOTAL	108	108

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14. Annexure 2

Kings Cove Metung, Development Guidelines – Stage 6

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- (b) part of an overall integrated design for the Lot and constructed of materials consistent with those used to construct the Dwelling on the Lot.

3.3.3 Each Lot must provide for fully enclosed or covered parking for not less than two motor vehicles.

3.3.4 Outbuildings are not permitted on a Lot if:

- (a) not associated with a Dwelling on the Lot; or
- (b) constructed of or clad primarily in Colorbond or the like.

3.4 Building Form and Architectural Style

3.4.1 Sun protection of walls, openings and terraces must be achieved by:

- (a) roof overhangs;
- (b) verandahs;
- (c) pergolas; or
- (d) other structurally integrated elements of the building.

3.4.2 All Buildings must be designed to minimise erosion and fire hazard.

3.4.3 No Building shall exceed 6 metres in height when measured from mean ground level to the eaves, or 2 storeys in height, whichever is the lesser, to the satisfaction of Council.

3.4.4 Building design on sloping land must seek to reduce the overall height above natural surface level of the Lot, such as using split-level design.

3.5 Energy Rating

Dwellings must meet all relevant statutory requirements relating to energy ratings and energy efficiency.

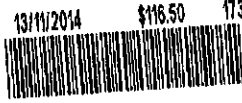
3.6 External Finishes and Colours

3.6.1 External finishes and colours on all Buildings must complement the colours and textures of the immediate natural environment and take account of durability and weathering characteristics.

3.6.2 The following finishes and colours are preferred:

- (a) Walls
 - (i) brick or masonry that is rendered or bagged and painted in colours sympathetic with the immediate natural environment;
 - (ii) stone or quality look-alike stone products;
 - (iii) timber and/or composite weatherboards treated or painted in colours sympathetic with the immediate natural environment;
 - (iv) Hardiflex and similar manufactured sheeting materials suitably coated and painted; and

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- (v) Colorbond metal in corrugated patterns and in colours and finishes suited to and sympathetic with the immediate natural environment and which do not have detrimental impact from reflection of light.
- (b) Roof
 - (i) Colorbond metal – in colours and finishes suited to and sympathetic with the immediate natural environment and which do not have detrimental impact from reflection of light;
 - (ii) Zinalume – where it has no detrimental impact from reflection of light; and
 - (iii) Glass or Polygal, Laserlight, Salfcloth and similar products.
- (c) Trim
 - (i) Timber, aluminium, sheeting materials and steelwork in colours sympathetic with the immediate natural environment.

3.7 Service Areas

- 3.7.1 The following must be located within endorsed building envelopes and be reasonably concealed from public view:
- (a) areas used for the purpose of drying or airing clothes;
 - (b) boats, caravans, recreational vehicles and trailers parked on a Lot;
 - (c) water storage tanks;
 - (d) refuse storage areas; and
 - (e) air-conditioning units.

3.7.2 Water storage tanks must be mounted at or below ground.

3.8 Vehicle Driveways / Paved Areas

- 3.8.1 Vehicle access to the Subject Land is only permitted from Plateau Avenue.
- 3.8.2 Vehicle driveways and other paved areas exposed to public view must be constructed of either:
- (a) clay brick;
 - (b) masonry pavers;
 - (c) crushed stone;
 - (d) stone sheeted bitumen;
 - (e) hot mix;
 - (f) coloured concrete;
 - (g) exposed aggregate concrete; or

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(h) formed gravel surface; and

in all cases must be of a colour and finish suited to and sympathetic with the immediate natural environment.

3.8.3 Adequate drainage and erosion protection measures must be incorporated in accordance with the Soil and Water Management Plan / Erosion Management Plan.

3.9 Alterations and Additions

The Guidelines also apply to all external structural alterations and additions to external surfaces of Buildings.

3.10 Builders' Site Refuse Guidelines

Any construction or the carrying out of any works must be in accordance with the Builders' Site Refuse Guidelines contained in Schedule 1 of these Guidelines.

3.11 Occupancy Certificate

An Occupancy Certificate must be issued for a Dwelling before that occupation of that Dwelling.

4. LANDSCAPING

4.1 Each Lot must be landscaped:

- 4.1.1 In accordance with a landscape plan prepared by a relevantly qualified landscape design professional;
- 4.1.2 to minimise the visual intrusion of buildings and car parking areas;
- 4.1.3 to contribute to the prevailing pattern of vegetation at Kings Cove;
- 4.1.4 using predominantly Australian native plants;
- 4.1.5 within 12 months of the occupation of the Dwelling on that Lot, or the issue of an occupancy certificate for a Dwelling, whichever is soonest; and
- 4.1.6 to retain existing mature vegetation where possible.

4.2 The Owner of the Lot must maintain the vegetation on that Lot in perpetuity, including by replacing any vegetation which is in poor health, dead or dying.

4.3 The Owner must make the landscape plan available for Council inspection on request.

4.4 All landscape plans must include the following detail:

- 4.4.1 planting schedule / species list;
- 4.4.2 diagrammatic representation of planting layout;
- 4.4.3 plan showing locations of structures and buildings including retaining walls, pools, gazebos, pergolas, steps, terracing, fencing, screens and paths; and
- 4.4.4 the proposed materials and finished colours of all structures and paths.

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Slope Management

- 4.5 The Owner must maintain and landscape all ground slopes on the Lot.
- 4.6 The landscape plan described in clause 4.1.1 must:
 - 4.6.1 be in accordance with the Soil and Water Management Plan / Erosion Management Plan;
 - 4.6.2 maintain vegetative cover on all slopes; and
 - 4.6.3 provide measures to avoid any erosion of the Lot.
- 4.7 Retaining structures required to support a swimming pool or to form a terrace must include:
 - 4.7.1 sloping landscaped or stone pitched banks as a means of level transition; and
 - 4.7.2 drainage to avoid erosion.

Maintenance prior to construction

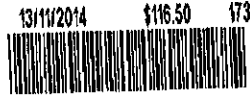
- 4.8 The Owner must:
 - 4.8.1 maintain vegetation on a Lot prior to construction of the Dwelling on that Lot; and
 - 4.8.2 ensure that grass height does not exceed 200 millimetres at any time.

5. FENCES

- 5.1.1 Solid fences on a Lot may only be used for screening service areas, pools and other outdoor living areas for the provision of private open space.
- 5.1.2 Solid fences must be constructed of either:
 - (a) brush panel,
 - (b) stone; or
 - (c) horizontally fixed hardwood or treated pine boards of 75mm x 20mm with 10mm spacings.
- 5.1.3 The front boundaries of Lots facing an Internal Road must not contain fencing unless the fence is:
 - (a) set back at least 1 metre from the front boundary; and
 - (b) significant planting is incorporated into the setback area.
- 5.1.4 When an Owner wishes to define a Lot boundary other than in accordance with conditions 5.1.1 , 5.1.2 and 5.1.3, such definition must be by of:
 - (a) screen planting; or
 - (b) erecting plain-wire style boundary fencing in the style prevalent throughout Kings Cove.

6. LIABILITY

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Schedule 1

Builders' Site Refuse Guidelines

1. The Owner must, prior to the commencement of Building Work on a Lot, inform the Builder of the contents of these Builders' Site Refuse Guidelines.
2. All materials related to Building Work, including fill material, must be stored entirely within the Lot boundaries of the Lot the materials are intended for, or originated from, at all times during Building Work.
3. No materials related to Building Work are permitted to be stored on any nature strip.
4. A skip must be provided on each Lot during Building Work for the storage of all site refuse generated in relation to the Building Work. All site refuse must be stored within the skip.
5. The Owner must ensure that the Builder:
 - 5.1 controls all site litter in accordance with the Builders' Site Refuse Guidelines; and
 - 5.2 protects adjoining land from damage caused by the Builder or Building Work.
6. The Owner must ensure that a sign is erected on the Lot during Building Work specifying the Builder's obligations in relation to the Builders' Site Refuse Guidelines.
7. An Owner and/or Builder must immediately rectify any breach of the Builders' Site Refuse Guidelines upon being made aware of the breach.

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Schedule 2

Kings Cove Metung Erosion Management Plan ~ Stage 6

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**Kings Cove, Metung
Erosion Management Plan – Stage 6**



1. BACKGROUND and OBJECTIVE

This Erosion Management Plan outlines the minimum erosion control requirements necessary for the construction of a dwelling including removal of existing vegetation on Stage 6 of Kings Cove Metung, Victoria.

The objective of this Plan is to prevent soil erosion and control sedimentation by adoption of the following key principles:

- Implementation of sensible site planning and compliance with construction specifications
- Diversion of up-slope water from the construction site
- Minimisation of site disturbance
- Rationalisation of movement by construction vehicles
- Installation of sediment traps/controls along low-side of construction site
- Rationalisation of stockpile location
- Protection of stockpiles from erosion
- Minimise waste from wash-down and tile/brick cutting
- Minimisation of stormwater runoff from the construction site
- Reduce the erosive energy of stormwater leaving or diverted around the construction site.
- Minimisation of building waste and debris
- Regular maintenance of all erosion control structures
- Prompt rehabilitation of all disturbed areas

2. RESPONSIBILITY FOR COMPLIANCE

Compliance with the erosion control techniques specified by this Plan is a mandatory requirement of East Gippsland Shire Council's Schedule to Clause 52.03 (Schedule).

It is the land/dwelling owner's responsibility to ensure that all contractors engaged in the construction of a dwelling within Stage 6 are aware of the need to implement the erosion controls specified by this Plan.

It is the individual responsibility of the builder and all sub-contractors to implement and maintain the various erosion control structures.

3. SITE-SPECIFIC REQUIREMENTS

Site disturbance should, at all times, be kept to a minimum on all lots by limiting the extent of cut and fill, limiting the steepness of batter slopes, and prompt rehabilitation of all disturbed sites. The following erosion control requirements must be implemented on all lots:

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- Install cut-off drains to divert upslope runoff.
- Construct silt fences on ALL down slope sides of construction site.
- Cut & fill batters > 3.0 m long and steeper than 1 H in 3V should be structurally retained.
- Utilise craneage and pumping for construction on steep erosion-prone slopes.
- Stormwater from all roofs and impervious areas should be connected to kerbs or pipelines as soon as possible.
- Avoid stormwater discharge down steep slopes.

Given the existing slope of the land the proposed construction of dwellings will not present an erosion hazard. The owner needs to ensure that erosion controls specified in this plan are implemented.

4. STORMWATER DISCHARGE and DRAINAGE LINE PROTECTION

Pursuant to the Schedule, stormwater drainage must be designed and constructed in conformity with the requirements of the Responsible Authority and in accordance with plans and specifications submitted to and approved by the Responsible Authority. When approved by the Responsible Authority, the stormwater drainage plan shall be endorsed and form part of the endorsed plans under the Schedule.

All stormwater from the dwelling and associated access must be drained to an appropriate discharge point. Where the location of property inlets on easement drains or house drains to kerbs or pipelines cannot be located enquiries should be directed to East Gippsland Shire offices for locations.

Particular care must be taken to protect all drainage lines, gullies and steep erosion-prone slopes. Stormwater temporarily discharged onsite (from buildings and driveways etc) must be suitably baffled to dissipate erosive energy. Where there is a threat of erosion, energy dissipaters consisting of rock aggregate (100 mm ALO) securely laid over needle-punched geotextile fabric, should be constructed at stormwater outlet points. Stormwater should exit over the aggregate and onto stable grassed areas. A sedimentation pond should be constructed across the drainage line immediately below the stormwater outlet point during construction activities.

Early connection of stormwater lines and onsite storage for subsequent reuse is encouraged.

5. INSTALLATION SEQUENCE

Forward planning can minimise the number of erosion control structures required and their potential interference with the building process.

Installation of erosion control structures in an appropriate sequence will maximise the effect of the structures in preventing erosion and sediment movement, and further reduce the interference to builders.

The following sequence should be adopted:

1. Establish a single entry-exit point and 'parking' spot for all vehicles involved in construction activities
2. Peg-out the limits of the dwelling
3. Determine the limits of disturbance / earthworks (i.e. cut and fill)



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4. Install sediment fences along the low side of the site immediately below the limit of disturbance, leaving sufficient room for construction activities and stockpiles Sediment fence detail is shown on the Dwelling Erosion Management Plan.
5. Install a cut-off drain above the upper limit of the cut batter to divert up-slope water around the site
6. Stabilise cut-off drains and discharge points to dissipate erosive energy of water
7. Remove existing vegetation as required.
8. Strip and stockpile topsoil within the sediment fence perimeter
9. Rehabilitate all disturbed areas (including cut and fill batters) not subject to
10. further construction activity with erosion control matting and suitable fast growing grass species
11. Install on-site building waste and litter receptacles (ie mini skips etc)
12. Undertake construction activity
13. Minimise erosive potential of stormwater generated from the site and dwelling roofs. This will include the need to install and connect roof downpipes and stormwater drainage lines to approved discharge points.
14. Continue to maintain all erosion and sediment control structures, including regular removal of accumulated sediment.
15. Stabilise and rehabilitate all remaining disturbed slopes (cut and fill batters, service trenches) with suitable fast growing grass species.

Date: 22 August 2014



Maddocks

Schedule 3

Glossary

Act means the *Planning and Environment Act 1987*.

Action includes any action, claim, demand, proceeding, damages, loss, liability, expense and cost (including legal expense).

Builder means a person carrying out any Building Work.

Building has the same meaning as in the Act and includes water tanks, retaining walls, outbuildings, swimming pools, gazebos, eaves and hot water services.

Building Envelope means the area identified on the Endorsed Plan as a 'Building Envelope' or the like.

Building Work means the construction of a Building or the carrying out Works.

Council means East Gippsland Shire Council, its officers, employees, agents and contractors.

Damages or Loss means damages or loss of any kind however caused including, but not limited to, the negligence of Council, sustained, incurred or suffered by the Owner in connection with these Guidelines, including, death or personal injury.

Dwelling has the same meaning as in the East Gippsland Planning Scheme.

Endorsed Plan means the plan endorsed with the stamp of Council from time to time as the plan setting out the approved development on the Subject Land.

Guidelines means these Guidelines and includes these Guidelines as amended from time to time.

Internal Road means any vehicle accessway within Kings Cove that is not South Ryes Avenue or Kings Cove Boulevard.

Kings Cove means the development known as Kings Cove, Metung as described and authorised in the Schedule.

Lot means a lot on the Endorsed Plan.

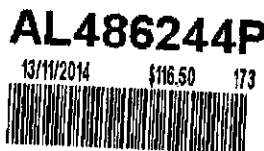
Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land and includes a mortgagee-in-possession.

Property means any real, personal, tangible or intangible property.

Schedule means the document entitled 'Schedule – Resort Hotel/Motel and Convention Facility Development' dated May 1999, prepared in accordance with the schedule to clause 52.03 of the East Gippsland Planning Scheme or such other document approved by Council.


Subject Land means part of the land situated at 120 Kings Cove Boulevard, Metung being part of the land referred to in certificate of title volume 11245 folio 288 and more particularly being lots 1-10 inclusive on the Endorsed Plan and any reference to the Subject Land includes any lot created by the subdivision of the Subject Land or any part of it.

Works has the same meaning as in the Act.



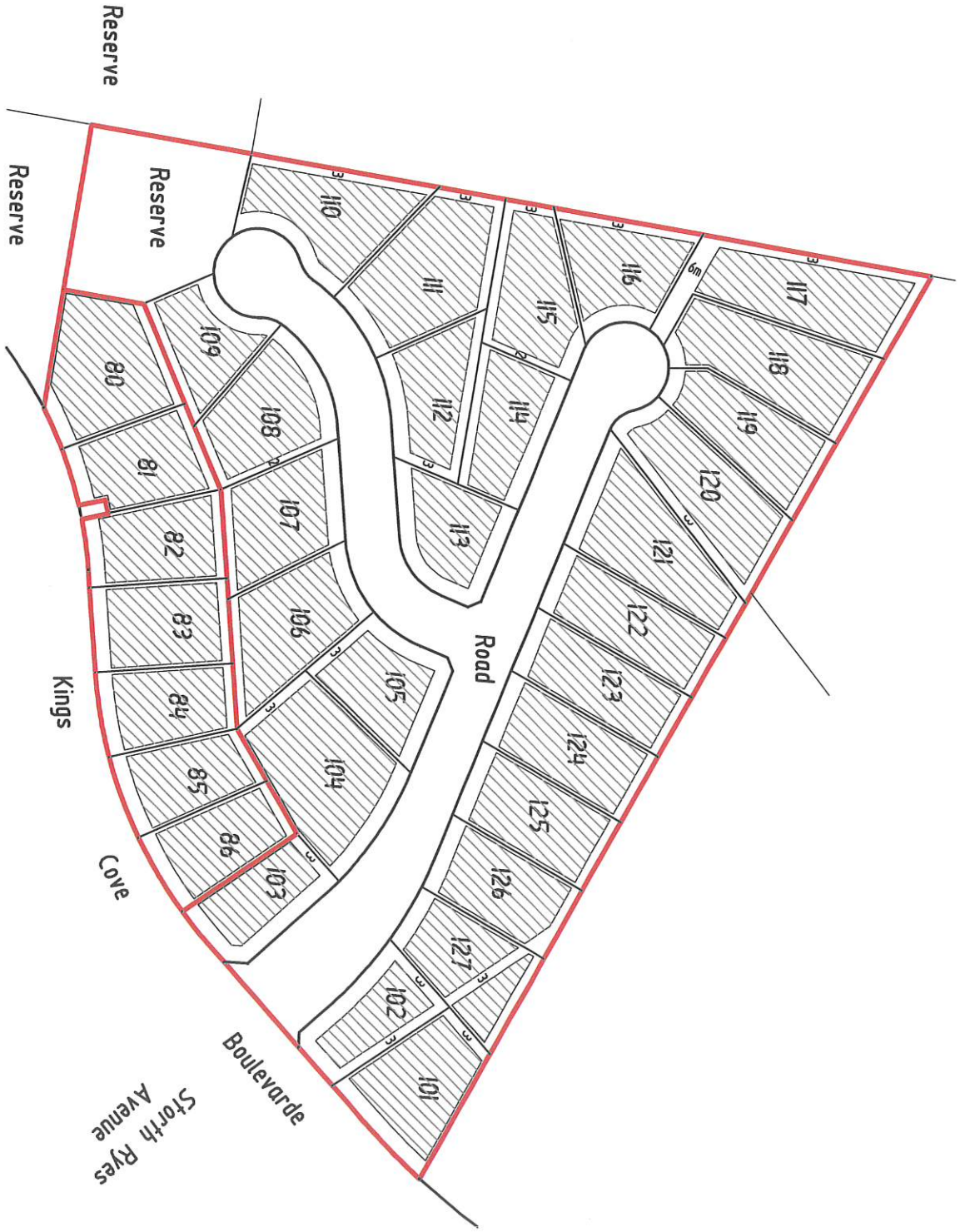


Notations:

-  - Building Envelope

Road setback 5 meters unless shown otherwise.
 Side setback 1 meter unless shown otherwise.
 Rear setback 3 meter unless shown otherwise.

- This is not a title survey
 - See Certificate of Title for Easement details.
 - Lot dimensions & areas are approximate only & subject to survey.
 - This plan is for conceptual purposes only and subject to council approval.
 - All dimensions and areas are to be manipulated with permission from SK Spatial Pty Ltd.



OnePlan
 LAND DEVELOPMENT GROUP
 SURVEYING CONSULTANTS

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 M:0400 543 157
 sks@oneplangroup.com.au
 www.oneplangroup.com.au
 GIPPSLAND - MELBOURNE

Plan No.
 211511 BE-2

Scale
 1:1250 - A3

12.5 0 12.5 25 27.5 50
 Lengths are in metres

Notations
 7 Lots - Plateau North
 27 Lots - The Wedge
 Total site area: 3.943ha

quoystone
 properties

120 Kings Cove Boulevard, Metung, 3904.
 East Gippsland Shire

Drawn : 1/6/2021, Scott Charles Kim L.S.

Indicative Building Envelope Plan

Parish of Bumberrah
 Crown Allotment: 81A (part)
 Lot A & B on P5736-399V
 Paracentroid (MGA94) : E 573 150, N 5807 100

Contact: Nicole Reynolds
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

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
ABN 81 957 967 765

24 July 2019

Metung Hot Springs
C/o Crowther & Sadler
PO Box 744
BAIRNSDALE VIC 3875

Dear Sir/Madam,

East Gippsland Planning Scheme – Schedule Resort Hotel/Motel and Convention Facility Development, May 1999 – granting of extension of time

I refer to your recent correspondence dated 23 July 2019 providing further information, namely the certified Plan of Subdivision PS548109V confirming 'commencement' occurred on 16 August 2007. On the basis of this information, the control in question will expire if the development is not completed within 15 years of commencement, being 16 August 2022.

As was conveyed to you in correspondence dated 23 July 2019, Council officers, under delegation, have determined to extend the completion date by 15 years.

The development must be completed by 16 August 2037.

I note that the schedule requires a number of matters to be addressed which I'm sure will be forthcoming in time.

Should you have any further questions please contact Nicole Reynolds, Acting Manager Planning.

Yours sincerely,



AARON HOLLOW
Acting General Manager Place and Community



Contact: Nicole Reynolds
Telephone No: (03) 5153 9500
Email: feedback@egipps.vic.gov.au

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
ABN 81 957 967 765

17 July 2019

Metung Hot Springs
C/o Crowther & Sadler
PO Box 744
BAIRNSDALE VIC 3875

Dear Sir/Madam,

**East Gippsland Planning Scheme – Schedule Storth Ryes Harbour and Marina
Development May 1999 – granting of extension of time**

I refer to your recent correspondence dated 22 May 2019 providing further information to support your request for an extension of time pursuant to Clause 51.01 - Schedule- Storth Ryes Boat Harbour and Marina Development May 1999 of the East Gippsland Planning Scheme.

I wish to advise that your request has been considered by Council officers under delegation and approved. It has been determined to provide a time extension of 5 years to commence the use and development and development to be completed within 15 years of commencement.

In order to be clear I advise that the schedule was to expire 26 August 2019. This time extension would provide for the use and development to be commenced by 26 August 2024 and the development to be completed within 15 years of commencement.

I note that the schedule requires a number of matters to be addressed which I'm sure will be forthcoming in time.

Should you have any further questions please contact Nicole Reynolds, Acting Manager Planning.

Yours sincerely,



AARON HOLLOW
Acting General Manager Place and Community



From www.planning.vic.gov.au at 25 March 2024 08:04 AM

PROPERTY DETAILS

Address: **120 KINGS COVE BOULEVARD METUNG 3904**

Lot and Plan Number: **More than one parcel - see link below**

Standard Parcel Identifier (SPI): **More than one parcel - see link below**

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

Council Property Number: **98030**

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

Directory Reference: **Vicroads 84 F8**

This property has 2 parcels. For full parcel details get the free Property report at [Property Reports](#)

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

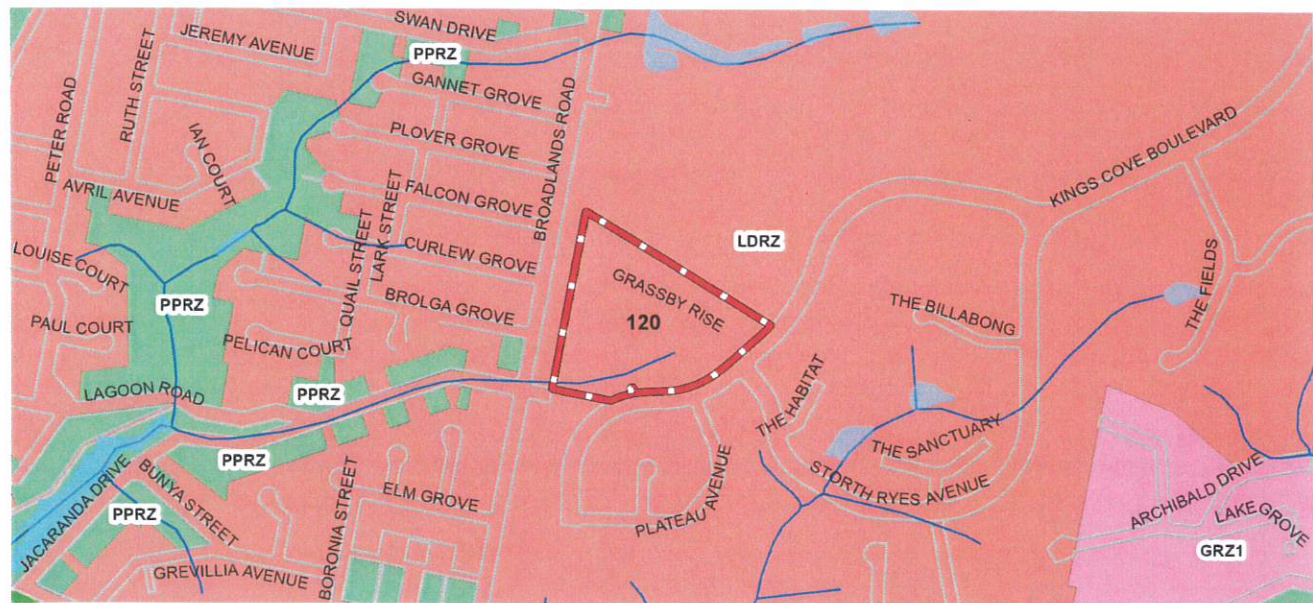
Registered Aboriginal Party: **Gunaikurnai Land and Waters
Aboriginal Corporation**

[View location in VicPlan](#)

Planning Zones

[LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)

[SCHEDULE TO THE LOW DENSITY RESIDENTIAL ZONE \(LDRZ\)](#)



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

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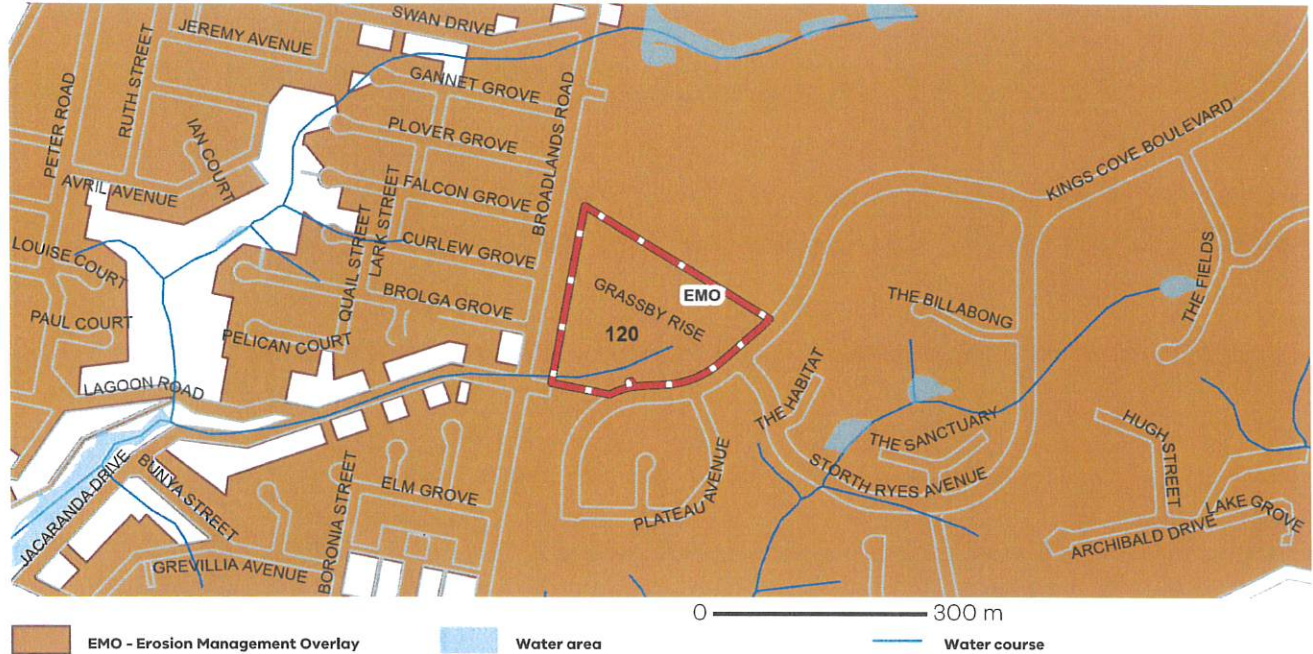
Read the full disclaimer at <https://www.delwp.vic.gov.au/disclaimer>

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

Planning Overlays

EROSION MANAGEMENT OVERLAY (EMO)

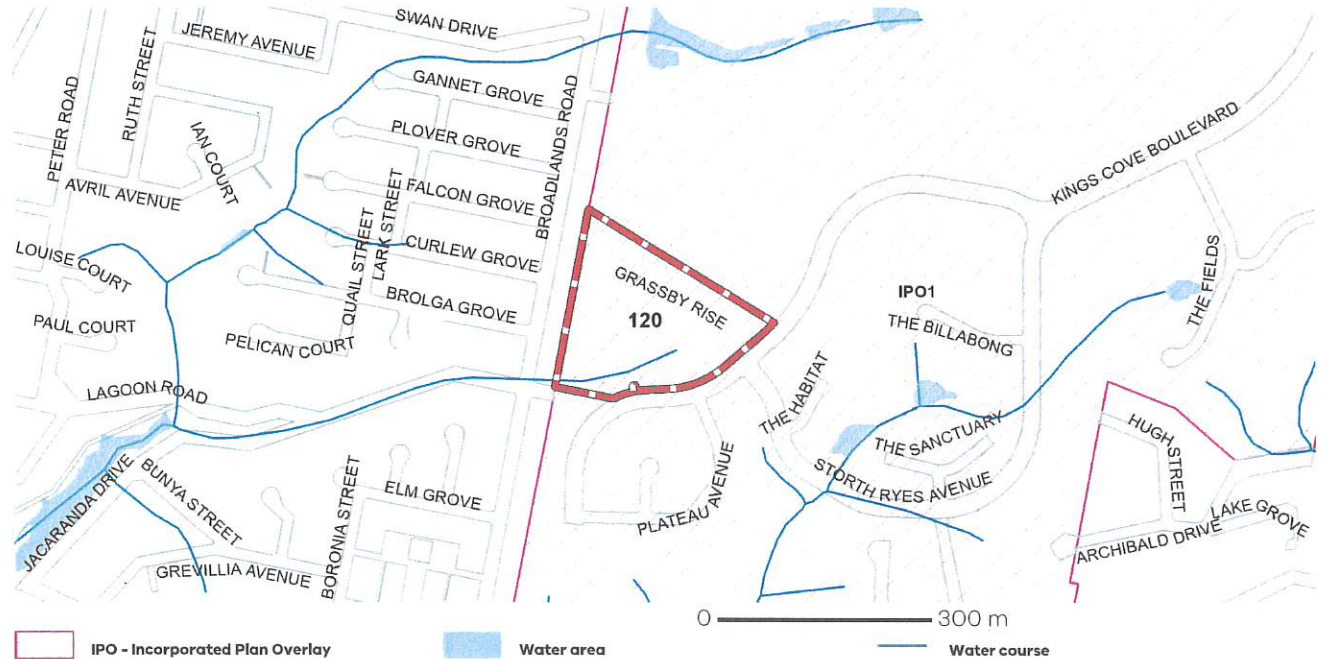
EROSION MANAGEMENT OVERLAY SCHEDULE (EMO)



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

INCORPORATED PLAN OVERLAY (IPO)

INCORPORATED PLAN OVERLAY - SCHEDULE 1 (IPO1)



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

Planning Overlays

VEGETATION PROTECTION OVERLAY (VPO)

VEGETATION PROTECTION OVERLAY - SCHEDULE 3 (VPO3)



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

OTHER OVERLAYS

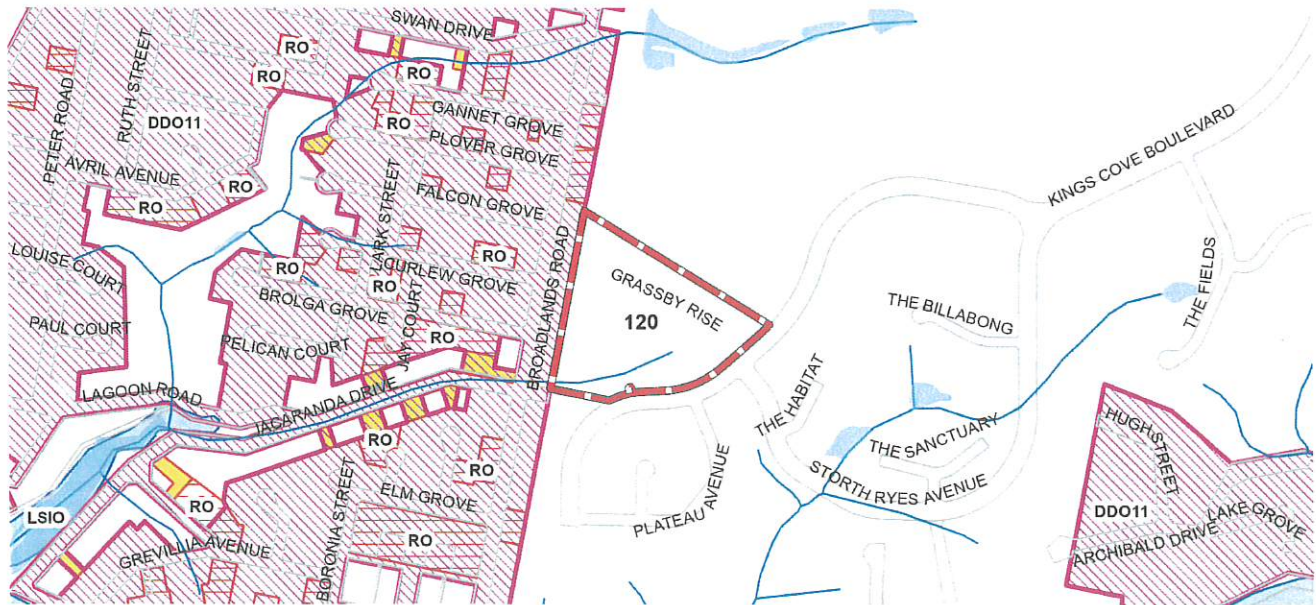
Other overlays in the vicinity not directly affecting this land

DESIGN AND DEVELOPMENT OVERLAY (DDO)

LAND SUBJECT TO INUNDATION OVERLAY (LSIO)

PUBLIC ACQUISITION OVERLAY (PAO)

RESTRUCTURE OVERLAY (RO)



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.

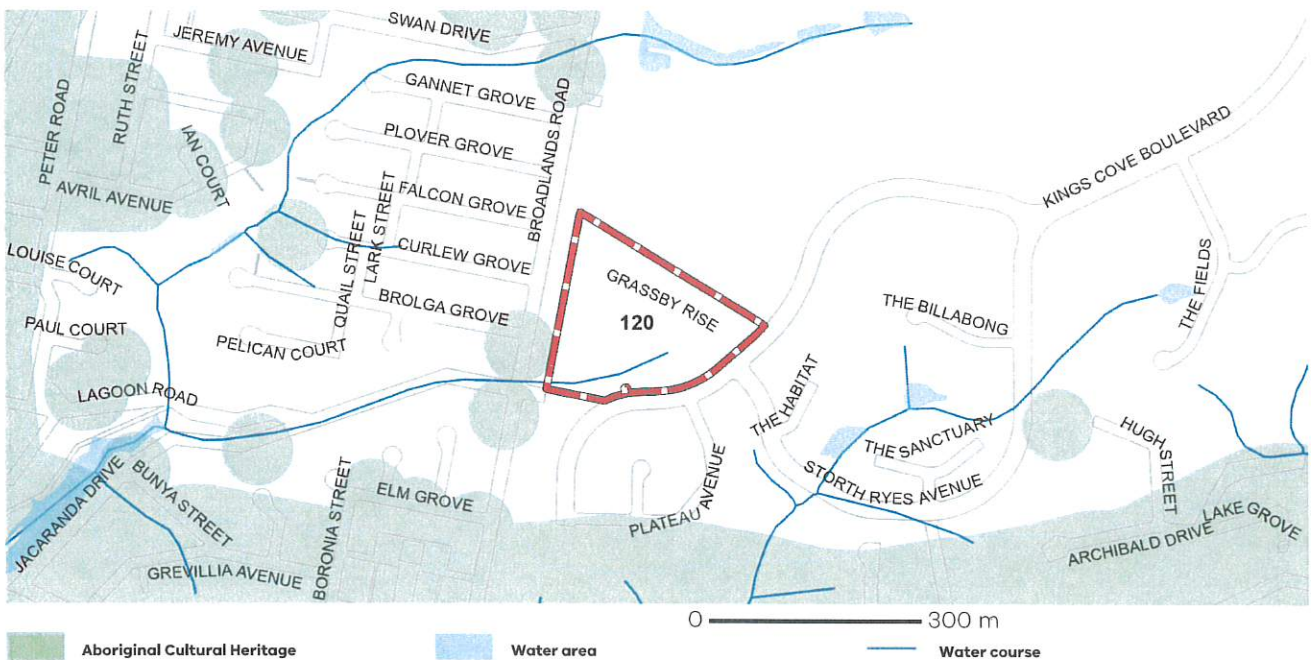
Under the Aboriginal Heritage Regulations 2018, 'areas of cultural heritage sensitivity' are one part of a two part trigger which require a 'cultural heritage management plan' be prepared where a listed 'high impact activity' is proposed.

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.aav.nrms.net.au/aavQuestion1.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 7 December 2023.

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>

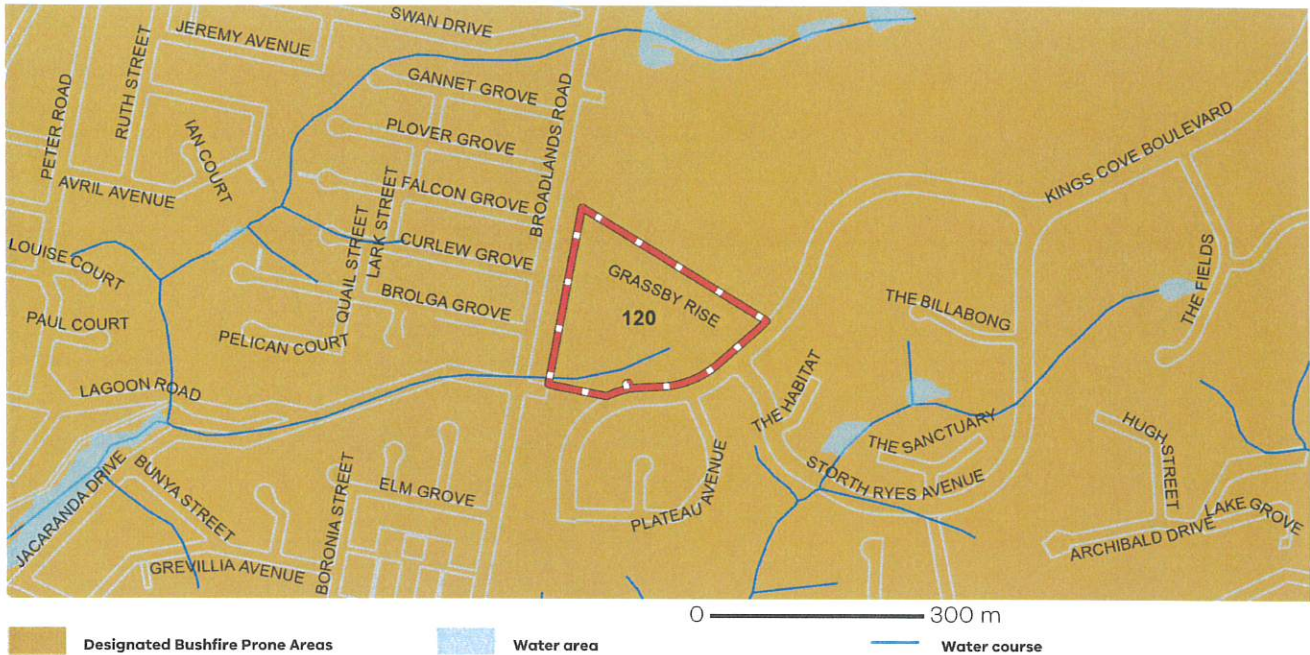
For other information about planning in Victoria visit <https://www.planning.vic.gov.au>

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 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://maashare.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 \(environment.vic.gov.au\)](#)

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)

METUNG DEVELOPMENTS PTY LTD ACN 167 774 843

VENDOR STATEMENT

Property: 5 Grassby Rise, Metung 3904

Warren, Graham & Murphy Pty Ltd
Lawyers
119 Main Street
BAIRNSDALE VIC 3875
Tel: 03 5152 2661
Fax: 03 5152 3584
Ref: RMH:ISH:1076521