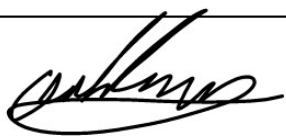





## Section 32 Vendor's Statement

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

<b>Land</b> 7 Old Gembrook Road, Emerald Vic 3782
--

<b>Vendor's name(s)</b>	Adrian Lee Whitling & Caitlin Siobhan Whitling
<b>Vendor's signature</b>	
<b>Date</b>	26/1 / 2023
<b>Vendor's signature</b>	
<b>Date</b>	26/1 / 2023

<b>Purchaser's name(s)</b>	
<b>Purchaser's signature</b>	
<b>Date</b>	___/___/20__
<b>Purchaser's signature</b>	
<b>Date</b>	___/___/20__

## **1. Financial matters**

### **1.1 Outgoings**

Details concerning any rates, taxes, charges or other similar outgoings affecting the land and any interest payable on any part of them:

Are contained in the attached certificates.

Amounts for which the purchaser may become liable in consequence of the sale:

- Land Tax, if the property has been assessed for Land Tax after this Vendor's Statement has been prepared. The Purchaser will also be responsible for any Land Tax assessed for the following years after settlement if the property is not exempt as the purchaser's principal place of residence; and
- annual increases on all rates and outgoings if the settlement date falls into the next rating period after this Vendor's Statement was prepared.

Otherwise, none to the vendor's knowledge except for the usual adjustment of rates at settlement.

### **1.2 Charge**

Amount owing under any other registered or unregistered statutory charge that secures an amount due under any other legislation:

If any, refer to attached certificates.

### **1.3 Terms Contract**

Details of cost of vendor finance are set out in the attached schedule 2 – not applicable.

### **1.4 Sale subject to Mortgage**

Particulars of any mortgage (whether registered or unregistered) over the land, which is not to be discharged before the purchaser becomes entitled to possession or to the receipt of rents and profits, are set out in the attached schedule 1 – not applicable.

## **2. Insurance details**

### **2.1 Damage and destruction**

Attached is a copy or extract of any policy of insurance in respect of any damage to or destruction of the land – not applicable.

Particulars of any policy of insurance maintained by the vendor in respect of any damage to or destruction of the land, are as follows – not applicable.

## **2.2 Owner - Building**

Particulars of any required insurance under the *Building Act 1993* applying to a residence on the land that was constructed by an owner-builder within the preceding 6 years and 6 months and s 137B *Building Act 1993* applies – not applicable.

## **3. Land use**

### **3.1 Easements, covenants or other similar restrictions**

Details of any registered or unregistered easement, covenant or other similar restriction affecting the land, are as follows:

3.1.1 set out in the attached copies of title documents; and

3.1.2 the requirements of any planning permit affecting the property.

To the best of the vendor's knowledge there is no existing failure to comply with the terms of any easement, covenant, caveat or similar restriction.

Note: there may be sewers, drains, water pipes, electricity cables (underground or overhead) or telephone cables (underground or overhead), or gas pipes laid outside registered easements which are not registered or required to be registered on the certificate of title to the Property.

### **3.2 Designated bushfire-prone area**

The land is in a designated bushfire-prone area, as noted on the attached report.

### **3.3 No road access**

Not applicable. There is access to the land by road.

### **3.4 Planning**

Details of any planning instruments affecting the land, are as follows:

Contained in the attached certificate or report.

## **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:

Are as follows:

None to the vendor's knowledge. The vendor has no means of knowing all decisions of public authorities and government departments affecting the land unless communicated to the vendor.

**4.2 Livestock disease or agricultural chemicals**

Particulars of any notices, property, managements 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:

None to the vendor's knowledge.

**4.3 Compulsory acquisition**

The particulars of any notices of intention to acquire, served pursuant to s 6 of the *Land Acquisition and Compensation Act 1986* are as follows:

None to the vendor's knowledge.

**5. Building permits**

Details of any building permit granted during the past 7 years under the *Building Act 1993* (required only where there is a residence on the land) -

are contained in the attached certificate or statement.

The Purchaser acknowledges and agrees that the Vendor provides no warranties in respect to any alterations, additions or improvements to the property which occurred prior to the Vendor becoming the registered proprietor.

**6. Owners corporation**

An owners corporation is not applicable to this property.

**7. Growth Areas Infrastructure Contribution**

Not applicable.

**7.1 Work-in-kind agreement**

Not applicable.

**7.2 GAIC recording**

Not applicable.

**8. Non connected services**

The services which are marked with a  in the accompanying square are not connected to the land.

Electricity supply <input type="checkbox"/>	Gas supply <input type="checkbox"/>	Water supply <input type="checkbox"/>	Sewerage <input checked="" type="checkbox"/>	Telephone Services <input type="checkbox"/>
---	-------------------------------------	---------------------------------------	--	---

Sewerage is septic tank.

Note: - 'connected' means that the service is provided by an authority and operating on the day of sale. The vendor may terminate their account with the authority before settlement and the purchaser will be responsible for reconnection of that service at their own cost.

**9. Evidence of title**

Attached are copies of the following:

- 9.1 the Register Search Statement and the document (or part of the document), referred to as the diagram location in the Register Search Statement that identifies the land and its location being certificate of title volume 9186 folio 536 and being Lot 4 Plan LP119304.

**10. Subdivision**

**10.1 Unregistered subdivision**

Not applicable.

**10.2 Staged subdivision**

Not applicable.

**10.3 Further subdivision**

Not applicable.

**11. Material Facts**

As required by Section 12 of the *Sale of Land Act* 1962 the purchaser is notified of the following material facts:

Previous termite damage in shed. Shed has since been treated.

**12. Purchaser Acknowledgements**

By signing this statement, the Purchaser acknowledges that the Vendor makes no representation that the improvements on the land sold or any alterations or additions comply with the requirements of the responsible authorities. The Purchaser acknowledges having inspected the property sold and acknowledges that it is purchasing the property in its present condition and state of repair and that the Vendor is under no liability or obligation to the Purchaser to carry out any repairs, renovations, alterations or improvements to the property sold or to obtain any permit or final inspection certificate or compliance.

The Vendor further gives notice and the Purchaser acknowledges that the particulars contained in this Vendor's Statement are given as at the date of this statement and some or all of the matters documented in this statement may change after the date of issue of this statement to the Purchaser.

# GST WITHHOLDING NOTICE TO PURCHASERS

*Vendor/supplier GST withholding notice Pursuant to section 14-255 Schedule 1 Taxation Administration Act 1953 (Cwlth)*

---

To: Purchaser/recipient: the named purchaser in the particulars of sale to the Contract

Property address: 7 Old Gembrook Road, Emerald Vic 3782

[Cross out whichever is not applicable]

The Purchaser/recipient is not required to make a payment under section 14-250 of Schedule 1 of the Taxation Administration Act 1953 (Cwlth) in relation to the supply of the above property.

OR

The Purchaser/recipient is required to make a payment of the amount under section 14-250 of Schedule 1 of the Taxation Administration Act 1953 (Cwlth) as follows in relation to the supply of the above property:  
Withholding amount: \$\_\_\_\_\_ The purchaser/recipient will be required to pay the withholding amount on or before the day of settlement, namely:

Vendor/supplier: \_\_\_\_\_

ABN: \_\_\_\_\_

# 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 [consumer.vic.gov.au/duediligencechecklist](http://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.

## **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



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

Page 1 of 1

VOLUME 09186 FOLIO 536

Security no : 124103255235B  
Produced 18/01/2023 08:05 AM

**LAND DESCRIPTION**

Lot 4 on Plan of Subdivision 119304.

PARENT TITLES :

Volume 05923 Folio 427      Volume 08386 Folio 791      Volume 08684 Folio 004

Created by instrument LP119304 27/01/1977

**REGISTERED PROPRIETOR**

Estate Fee Simple

Joint Proprietors

ADRIAN LEE WHITLING

CAITLIN SIOBHAN WHITLING both of 7 OLD GEMBROOK ROAD EMERALD VIC 3782

AQ596426A 02/01/2018

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AV521569F 11/04/2022

PEPPER FINANCE CORPORATION 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.

**DIAGRAM LOCATION**

SEE LP119304 FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Street Address: 7 OLD GEMBROOK ROAD EMERALD VIC 3782

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 20486E GALILEE SOLICITORS PTY LTD

Effective from 11/04/2022

DOCUMENT END



# Imaged Document Cover Sheet


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Document Type	<b>Plan</b>
Document Identification	<b>LP119304</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>18/01/2023 08:07</b>

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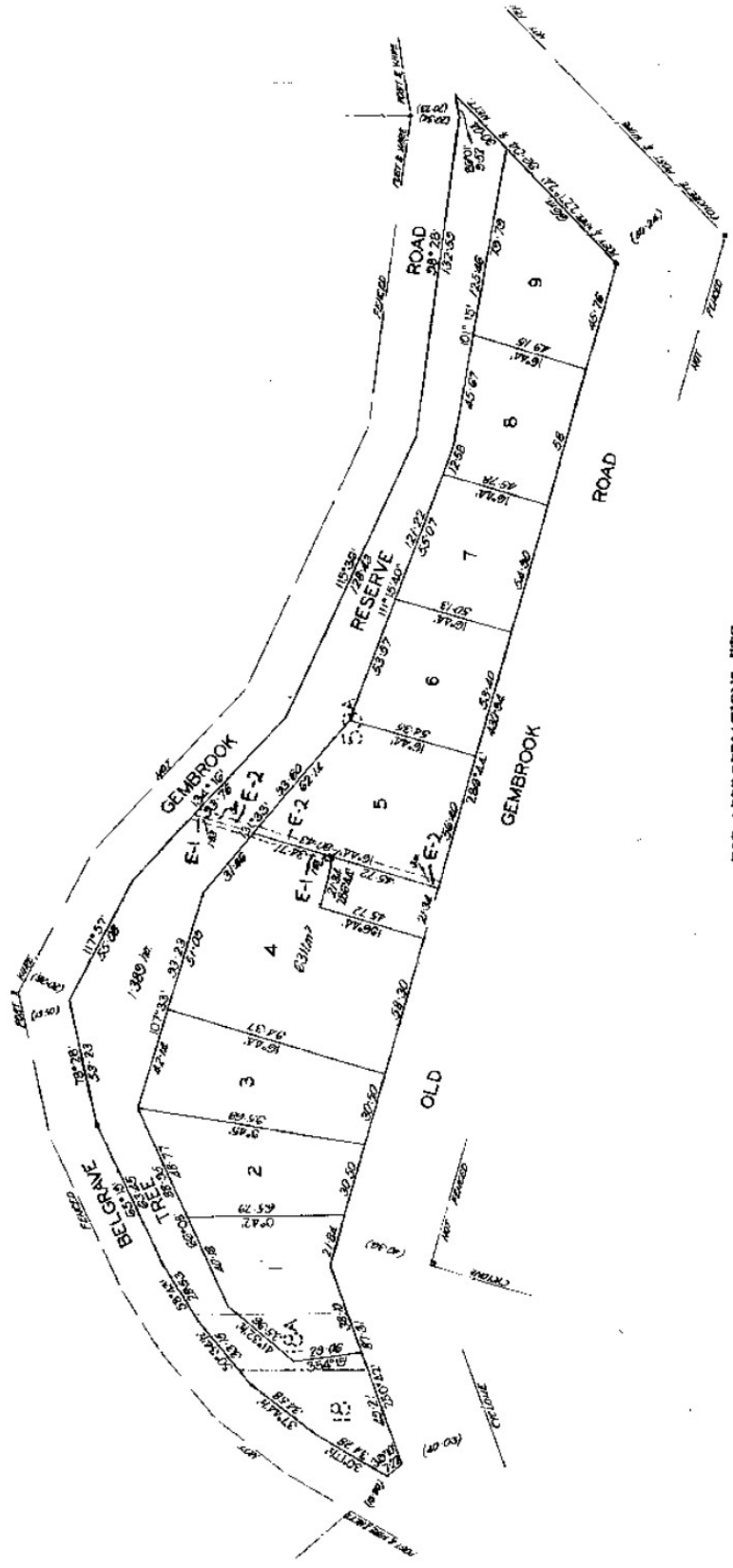
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<p>PLAN OF SUBDIVISION OF                  CROWN ALLOTMENT 18<sup>A</sup>                  AND PART OF CROWN ALLOTMENT 18                  SECTION A</p>	<p>APPROPRIATIONS                  BLUE - DRAINAGE</p>
<p>TOWNSHIP OF EMERALD                  AND PART OF CROWN ALLOTMENT 53<sup>A</sup>                  PARISH OF GEMBROOK                  COUNTY OF EVELYN</p> <p>LENGTHS ARE IN METRES</p> 	<p>NOTATIONS                  YELLOW - (UNCOMPLETED)                  DRAINAGE ENCASUREMENT SEE                  L.P. 778/13</p>

COLOUR CONVERSION  
 E-1 = YELLOW  
 E-2 = BLUE

DEPTH LIMITATION: 15.24m (LA 18A)



FOR APPROPRIATIONS, ETC.  
 SEE BACK HEREOF

119304

SUBDIVISIONAL  
CERTIFICATE OF TITLE V. 8684 F. 004  
V. 8386 F. 791  
V. 5923 F. 427

FOR TITLE REFERENCES TO LOTS  
SEE PARCELS INDEX

LP 119304  
BACK OF SHEET 1

LODGED BY TREVOR MORRIS + SON  
DEALING No. DATE 15 / 7 / 76  
DECLARED BY GEORGE RONALD SHACKLOCK  
ON 14 / 10 / 75  
COUNCIL SHIRE OF SHERBROOKE

DATE OF CONSENT 21 / 6 / 76  
PLAN MAY BE LODGED / /  
PLAN APPROVED DATE 30 / 9 / 76 TIME 2:15<sup>PM</sup> p.m

The land coloured BLUE  
is appropriated or set apart for  
easements of DRAINAGE.

19 January 2023



Property number: 2648000400
Your reference: 67579120-018-4
Receipt number: -

Warner Conveyancing and Legal Pty Ltd c/o LANDATA

PROPERTY INFORMATION REQUEST REGULATION (51(1)) - FORM 10

Land (property) located at: Lot 4 (7) Old Gembrook Road, Emerald VIC 3782

In reply to your recent enquiry, I wish to advise that a search of our building records for the preceding ten (10) years reveals the following: -

Details of Building Permits and Certificate of Occupancy or Final Inspection:

Table with 4 columns: Building Permit No., Issue Date, Building Works, Final/OP Date. Row 1: 4702717644941/0, 5/8/19, Addition/Alteration, 5/8/21

Please note that Council is unaware of any current statement(s) issued under regulation 64 or 231 of the Building Regulations 2018.

Outstanding building related orders or Notices pertaining to the Building Act 1993: -

Table with 3 columns: Type, Issue Date, Details. Row 1: NIL, empty, empty

The property: Is the building or land in an area:

- That is liable to flooding (Reg. 153)? NO\*
- That is a likely to be subject to termite attack (Reg. 150)? YES
- For which BAL level has been specified in a planning scheme? NO\*\*
- That is subject to significant snowfalls (Reg. 152)? NO
- Of designated land or works (Reg. 154)? NO

\*NOTE: Flooding information is predominantly based on 'Planning Scheme Flood Overlays' and 'Melbourne Water Data' available, any building work proposed within 50 metres of a water course (not requiring a planning permit) should be designed to ensure that amenity and structural integrity is not impacted (further opinion may be obtained from Councils Municipal Building Surveyor).

\*\* NOTE: BAL='Bushfire Attack Level', BAL's may also be provided as restrictions on title/subdivision and shall be complied with. Refer to 'Land Channel' website for information relating to regulation 155 (designated state bushfire prone areas) DELWP VicPlan Maps

Note:

This summary is an extract of Council's records only made at the date the information is provided. The information provided does not guarantee the current status of the building. An inspection has not been specifically conducted as a result of your enquiry. The reply provided has been prepared as accurately as possible as at the date of the reply, from information currently available to Council. Council accepts no liability for any omissions or errors contained in the information supplied. Where any doubt or concern is raised professional advice should be sought.

Any existing swimming pool/spa with a depth of over 300mm is required to be provided with suitable barriers to restrict young children from gaining access.

Please contact Councils building department without delay should an appropriate pool barrier not be in place, or should smoke alarms not be installed within a residential property.

Yours sincerely,

Handwritten signature of Lisa Fuss

Lisa Fuss
Administration Officer
Regulatory Services



**LAND INFORMATION CERTIFICATE  
SECTION 121 LOCAL GOVERNMENT ACT 2020  
LOCAL GOVERNMENT (LAND INFORMATION)  
REGULATIONS 2021**



Warner Conveyancing and Legal Pty Ltd c/LANDATA  
DX 250639  
Melbourne

**CERTIFICATE NO:** 73366  
**APPLICANT REFERENCE:** 67579120-017-7  
**DATE:** 18/01/2023

This certificate PROVIDES information regarding valuations, rates, charges, other moneys owing and any orders and notices made under the Local Government Act 2020, the Local Government Act 1989, the Local Government Act 1958 or under a local law or by law of the Council.

This certificate IS NOT REQUIRED to include information regarding planning, building, health, land fill, land slip, other flooding information or service easements. Information regarding these matters may be available from Council or the relevant Authority.  
A fee may be charged for such information.

<b>ASSESSMENT NO:</b> 2648000400	<b>VALUATIONS</b>	
<b>PROPERTY LOCATION:</b> 7 Old Gembrook Rd	<b>SITE VALUE:</b>	675000
Emerald 3782	<b>CAPITAL IMPROVED VALUE:</b>	1035000
<b>TITLE DETAILS:</b> L4 LP119304	<b>NET ANNUAL VALUE:</b>	51750
	<b>LEVEL OF VALUE DATE:</b>	01/01/22
	<b>OPERATIVE DATE:</b>	01/07/22

**PROPERTY RATES & CHARGES**

Rates and charges for the financial year ending 30 June 2023

<b><u>RATES &amp; CHARGES</u></b>	<b>LEVIED</b>	<b>BALANCE</b>
ARREARS BROUGHT FORWARD		\$0.00
RATES	\$2,343.24	\$1,317.64
INTEREST		\$0.00
MUNICIPAL CHARGE	\$0.00	\$0.00
FIRE SERVICES PROPERTY LEVY	\$171.86	\$96.56

GARBAGE	\$526.80	\$263.40
GREEN WASTE LEVY	\$0.00	\$0.00

**SPECIAL RATES /SPECIAL CHARGES**

SCHEME NAME	ESTIMATED AMOUNT	PRINCIPAL BALANCE	INTEREST BALANCE
		\$0.00	\$0.00
		<b>TOTAL SCHEME BALANCE</b>	<b>\$0.00</b>

**OPEN SPACE CONTRIBUTION**

**TOTAL OUTSTANDING** **\$1,677.60**



<b>Billor code:</b>	858944
<b>Reference:</b>	26480004006

**LAND INFORMATION CERTIFICATE  
SECTION 121 LOCAL GOVERNMENT ACT 2020  
LOCAL GOVERNMENT (LAND INFORMATION)  
REGULATIONS 2021**

7 Old Gembrook Rd  
Emerald  
L4 LP119304

---

**NOTICES AND ORDERS**

Other Notices or Orders on the land that have been served by Council under the Local Government Act 2020, the Local Government Act 1989, the Local Government Act 1958 or Local Law of the Council, which have a continuing application as at the date of this certificate if any

---

**OPEN SPACE CONTRIBUTION**

Any outstanding amount required to be paid for recreational purposes or any transfer of land required to Council for recreational purposes under Section 18 of the Subdivision of Land Act 1988 or the Local Government Act 1958:

---

**FLOOD LEVEL**

A flood level has not been designated under the Building Regulations 1994.  
Advice on whether a flood level has been determined, which affects the property, should be sought from Melbourne Water.

---

**POTENTIAL LIABILITIES**

Notices and Orders issued as described above:

Other:

---

**ADDITIONAL INFORMATION**

In accordance with Section 175 of the Local Government Act a person who becomes the owner of rateable land must pay any rate or charge on the land which is due and payable at the time the person becomes the owner of the land.

---

I acknowledge having received the sum of \$27.80 being the fee for this certificate.

Delegated Officer: .....  


---

**CONFIRMATION OF ANY VARIATION TO THIS CERTIFICATE WILL ONLY BE GIVEN FOR 90 DAYS AFTER ISSUE DATE.  
PAYMENTS MADE BY CHEQUE ARE SUBJECT TO CLEARANCE FROM THE BANK.**

# Property Clearance Certificate

## Taxation Administration Act 1997



WARNER CONVEYANCING AND LEGAL PTY LTD

<b>Your Reference:</b>	LD:67579120-013-9.WHITLING
<b>Certificate No:</b>	58841444
<b>Issue Date:</b>	18 JAN 2023
<b>Enquiries:</b>	ESYSPROD

**Land Address:** 7 OLD GEMBROOK ROAD EMERALD VIC 3782

Land Id	Lot	Plan	Volume	Folio	Tax Payable
4513992	4	119304	9186	536	\$0.00

**Vendor:** CAITLIN WHITLING & ADRIAN WHITLING

**Purchaser:** SALE SALE

Current Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
CAITLIN SIOVHAN WHITLING	2023	\$675,000	\$0.00	\$0.00	\$0.00

**Comments:** Property is exempt: LTX Principal Place of Residence.

Current Vacant Residential Land Tax	Year	Taxable Value	Proportional Tax	Penalty/Interest	Total
-------------------------------------	------	---------------	------------------	------------------	-------

**Comments:**

Arrears of Land Tax	Year	Proportional Tax	Penalty/Interest	Total
---------------------	------	------------------	------------------	-------

This certificate is subject to the notes that appear on the reverse. The applicant should read these notes carefully.

**Paul Broderick**  
Commissioner of State Revenue

<b>CAPITAL IMP VALUE:</b>	\$1,035,000
<b>SITE VALUE:</b>	\$675,000
<b>AMOUNT PAYABLE:</b>	<b>\$0.00</b>



# Notes to Certificates Under Section 95AA of the *Taxation Administration Act 1997*

Certificate No: 58841444

---

## Power to issue Certificate

1. The Commissioner of State Revenue can issue a Property Clearance Certificate (Certificate) to an owner, mortgagee or bona fide purchaser of land who makes an application specifying the land for which the Certificate is sought and pays the application fee.

## Amount shown on Certificate

2. The Certificate shows any land tax (including Vacant Residential Land Tax, interest and penalty tax) that is due and unpaid on the land described in the Certificate at the date of issue. In addition, it may show:
  - Land tax that has been assessed but is not yet due,
  - Land tax for the current tax year that has not yet been assessed, and
  - Any other information that the Commissioner sees fit to include, such as the amount of land tax applicable to the land on a single holding basis and other debts with respect to the property payable to the Commissioner.

## Land tax is a first charge on land

3. Unpaid land tax (including Vacant Residential Land Tax, interest and penalty tax) is a first charge on the land to which it relates. This means it has priority over any other encumbrances on the land, such as a mortgage, and will continue as a charge even if ownership of the land is transferred. Therefore, a purchaser may become liable for any such unpaid land tax.

## Information for the purchaser

4. If a purchaser of the land described in the Certificate has applied for and obtained a Certificate, the amount recoverable from the purchaser cannot exceed the 'amount payable' shown. A purchaser cannot rely on a Certificate obtained by the vendor.

## Information for the vendor

5. Despite the issue of a Certificate, the Commissioner may recover a land tax liability from a vendor, including any amount identified on this Certificate.

## General information

6. A Certificate showing no liability for the land does not mean that the land is exempt from land tax. It means that there is nothing to pay at the date of the Certificate.
7. An updated Certificate may be requested free of charge via our website, if:
  - The request is within 90 days of the original Certificate's issue date, and
  - There is no change to the parties involved in the transaction for which the Certificate was originally requested.

## For Information Only

LAND TAX CALCULATION BASED ON SINGLE OWNERSHIP

Land Tax = \$1,350.00

Taxable Value = \$675,000

Calculated as \$975 plus ( \$675,000 - \$600,000) multiplied by 0.500 cents.

---

## Property Clearance Certificate - Payment Options

**BPAY**



Billers Code: 5249  
Ref: 58841444

**Telephone & Internet Banking - BPAY®**

Contact your bank or financial institution to make this payment from your cheque, savings, debit or transaction account.

[www.bpay.com.au](http://www.bpay.com.au)

**CARD**



Ref: 58841444

**Visa or Mastercard**

Pay via our website or phone 13 21 61.  
A card payment fee applies.

[sro.vic.gov.au/paylandtax](http://sro.vic.gov.au/paylandtax)

18th January 2023

Warner Conveyancing and Legal Pty Ltd C/- LANDATA  
LANDATA

Dear Warner Conveyancing and Legal Pty Ltd C/- LANDATA,

**RE: Application for Water Information Statement**

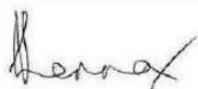
Property Address:	7 OLD GEMBROOK ROAD EMERALD 3782
Applicant	Warner Conveyancing and Legal Pty Ltd C/- LANDATA LANDATA
Information Statement	30744870
Conveyancing Account Number	7959580000
Your Reference	Whitling22012 SALE

Thank you for your recent application for a Water Information Statement (WIS). We are pleased to provide you the WIS for the above property address. This statement includes:

- Yarra Valley Water Property Information Statement
- Melbourne Water Property Information Statement
- Asset Plan
- Rates Certificate

If you have any questions about Yarra Valley Water information provided, please phone us on **1300 304 688** or email us at the address [enquiry@yvw.com.au](mailto:enquiry@yvw.com.au). For further information you can also refer to the Yarra Valley Water website at [www.yvw.com.au](http://www.yvw.com.au).

Yours sincerely,



Steve Lennox  
GENERAL MANAGER  
RETAIL SERVICES

## Yarra Valley Water Property Information Statement

Property Address	7 OLD GEMBROOK ROAD EMERALD 3782
------------------	----------------------------------

STATEMENT UNDER SECTION 158 WATER ACT 1989

### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(3)**

Existing sewer mains will be shown on the Asset Plan.

Please note: Unless prior consent has been obtained, the Water Act prohibits:

1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.

## **Melbourne Water Property Information Statement**

Property Address	7 OLD GEMBROOK ROAD EMERALD 3782
------------------	----------------------------------

STATEMENT UNDER SECTION 158 WATER ACT 1989

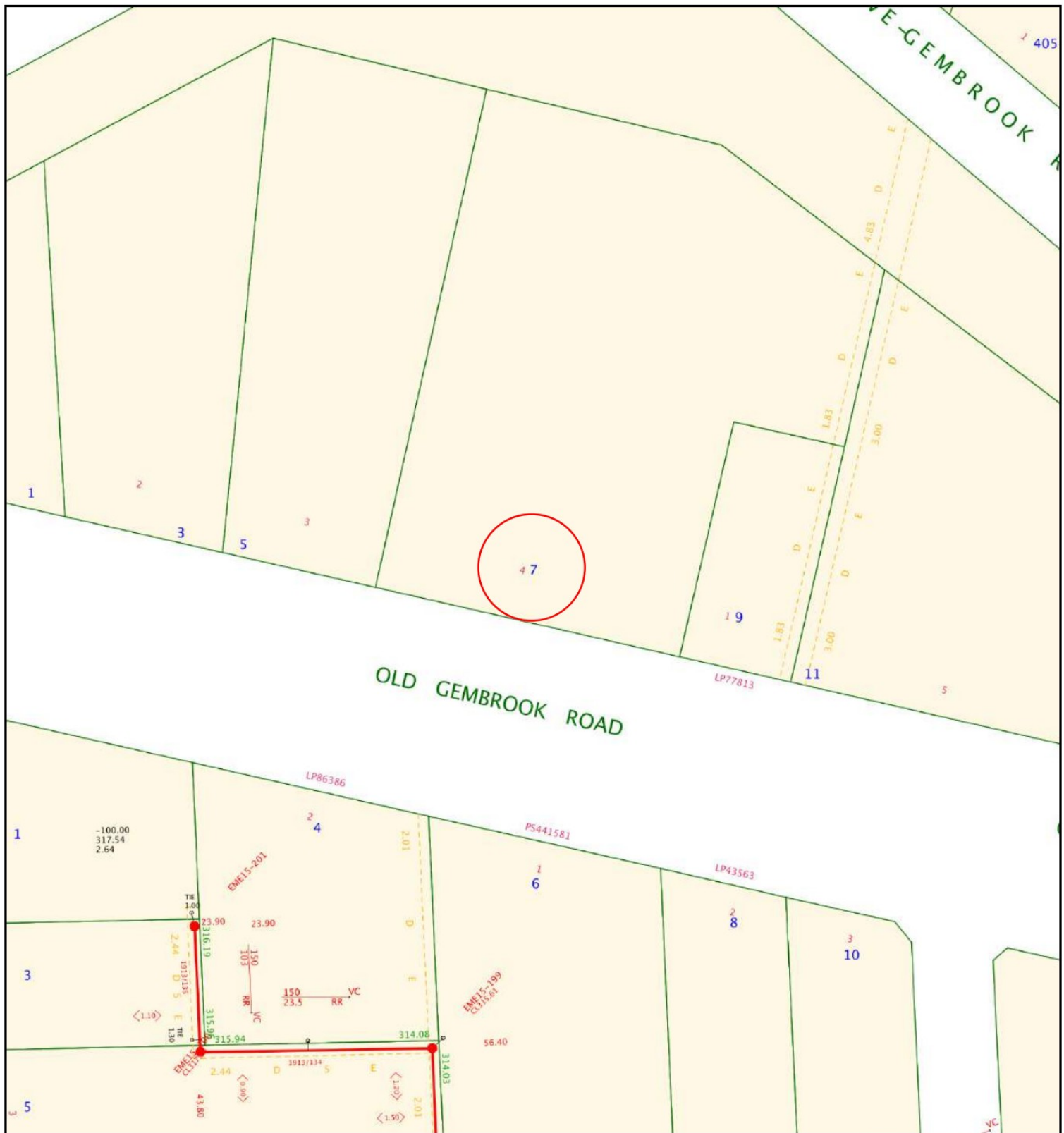
### **THE FOLLOWING INFORMATION RELATES TO SECTION 158(4)**

Information available at Melbourne Water indicates that this property is not subject to flooding from Melbourne Water's drainage system, based on a flood level that has a probability of occurrence of 1% in any one year.

Please note: Unless prior consent has been obtained, the Water Act prohibits:


1. The erection and/or placement of any building, wall, bridge, fence, embankment, filling, material, machinery or other structure over or under any sewer or drain.
2. The connection of any drain or sewer to, or interference with, any sewer, drain or watercourse.

If you have any questions regarding Melbourne Water encumbrances or advisory information, please contact Melbourne Water on 9679 7517.


















**Yarra Valley Water  
Information Statement  
Number: 30744870**

<b>Address</b>	7 OLD GEMBROOK ROAD EMERALD 3782
<b>Date</b>	18/01/2023
<b>Scale</b>	1:1000



**Yarra Valley Water**  
ABN 93 066 902 501

Existing Title	 Access Point Number	 <b>GLV2-42</b> MW Drainage Channel Centreline	
Proposed Title	 Sewer Manhole	 MW Drainage Underground Centreline	
Easement	 Sewer Pipe Flow	 MW Drainage Manhole	
Existing Sewer	 Sewer Offset	 <b>&lt;1.00&gt;</b> MW Drainage Natural Waterway	
Abandoned Sewer	 Sewer Branch		

**Disclaimer:** This information is supplied on the basis Yarra Valley Water Ltd:  
 - Does not warrant the accuracy or completeness of the information supplied, including, without limitation, the location of Water and Sewer Assets;  
 - Does not accept any liability for loss or damage of any nature, suffered or incurred by the recipient or any other persons relying on this information;  
 - Recommends recipients and other persons using this information make their own site investigations and accommodate their works accordingly;



YARRA VALLEY WATER  
ABN 93 066 902 501

Lucknow Street  
Mitcham Victoria 3132

Private Bag 1  
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E enquiry@yvw.com.au  
yvw.com.au

Warner Conveyancing and Legal Pty Ltd C/- LANDATA  
LANDATA  
certificates@landata.vic.gov.au

## RATES CERTIFICATE

Account No: 4369262998  
Rate Certificate No: 30744870

Date of Issue: 18/01/2023  
Your Ref: Whitling22012 SALE

With reference to your request for details regarding:

Property Address	Lot & Plan	Property Number	Property Type
7 OLD GEMBROOK RD, EMERALD VIC 3782	4\LP119304	1383720	Residential

Agreement Type	Period	Charges	Outstanding
Residential Water Service Charge	01-01-2023 to 31-03-2023	\$19.47	\$19.47
Residential Water Usage Charge Step 1 – 91.000000kL x \$2.47490000 = \$95.72 Step 1 – 0.000000kL x \$2.48510000 = \$74.30 Step 1 – 0.000000kL x \$2.44510000 = \$54.83 Estimated Average Daily Usage \$0.80	03-03-2022 to 08-12-2022	\$224.85	\$0.00
Parks Fee	01-07-2022 to 30-06-2023	\$81.60	\$0.00
Drainage Fee	01-01-2023 to 31-03-2023	\$14.84	\$14.84

### Other Charges:

Interest No interest applicable at this time

No further charges applicable to this property

Balance Brought Forward	-\$254.18 cr
Total for This Property	-\$219.87 cr
<b>Total Due</b>	<b>-\$219.87 cr</b>

GENERAL MANAGER  
RETAIL SERVICES

### Note:

1. Invoices generated with Residential Water Usage during the period 01/07/2017 – 30/09/2017 will include a Government Water Rebate of \$100.
2. This statement details all tariffs, charges and penalties due and payable to Yarra Valley Water as at the date of this statement and also includes tariffs and charges (other than for usage charges yet to be billed) which are due and payable to the end of the current financial quarter.
3. All outstanding debts are due to be paid to Yarra Valley Water at settlement. Any debts that are unpaid at settlement will carry over onto the purchaser's first quarterly account and follow normal credit and collection activities - pursuant to section 275 of the Water Act 1989.
4. If the total due displays a (-\$ cr), this means the account is in credit. Credit amounts will be transferred to the

purchasers account at settlement.

5. Yarra Valley Water provides information in this Rates Certificate relating to waterways and drainage as an agent for Melbourne Water and relating to parks as an agent for Parks Victoria - pursuant to section 158 of the Water Act 1989.

6. The charges on this rates certificate are calculated and valid at the date of issue. To obtain up to date financial information, please order a Rates Settlement Statement prior to settlement.

7. From 01/10/2022, Residential Water Usage is billed using the following step pricing system: 244.51 cents per kilolitre for the first 44 kilolitres; 312.53 cents per kilolitre for 44-88 kilolitres and 463.00 cents per kilolitre for anything more than 88 kilolitres

8. From 01/07/2022, Residential Recycled Water Usage is billed 184.89 cents per kilolitre

9. From 01/07/2022, Residential Sewage Disposal is calculated using the following equation: Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (cents/kl) 115.40 cents per kilolitre

10. From 01/07/2022, Residential Recycled Sewage Disposal is calculated using the following equation: Recycled Water Usage (kl) x Seasonal Factor x Discharge Factor x Price (cents/kl) 115.40 cents per kilolitre

11. The property is a serviced property with respect to all the services, for which charges are listed in the Statement of Fees above.

**To ensure you accurately adjust the settlement amount, we strongly recommend you book a Special Meter Reading:**

- Special Meter Readings ensure that actual water use is adjusted for at settlement.
- Without a Special Meter Reading, there is a risk your client's settlement adjustment may not be correct.



YARRA VALLEY WATER  
ABN 93 066 902 501

Lucknow Street  
Mitcham Victoria 3132

Private Bag 1  
Mitcham Victoria 3132

DX 13204

F (03) 9872 1353

E [enquiry@yvw.com.au](mailto:enquiry@yvw.com.au)  
[yvw.com.au](http://yvw.com.au)

**Property No:** 1383720

**Address:** 7 OLD GEMBROOK RD, EMERALD VIC 3782

**Water Information Statement Number:** 30744870

## HOW TO PAY



Billers Code: 314567  
Ref: 43692629984

Amount  
Paid

Date  
Paid

Receipt  
Number





\*\*\*\* Delivered by the LANDATA® System, Department of Environment, Land, Water & Planning \*\*\*\*

## ROADS PROPERTY CERTIFICATE

The search results are as follows:

Warner Conveyancing and Legal Pty Ltd  
PO Box 670 Howey STREET  
MOUNT MARTHA 3934

Client Reference: Whitling22012 SALE

NO PROPOSALS. As at the 18th January 2023, VicRoads has no approved proposals requiring any part of the property described in your application. You are advised to check your local Council planning scheme regarding land use zoning of the property and surrounding area.

This certificate was prepared solely on the basis of the Applicant-supplied address described below, and electronically delivered by LANDATA®.

7 OLD GEMBROOK ROAD, EMERALD 3782  
SHIRE OF CARDINIA

This certificate is issued in respect of a property identified above. VicRoads expressly disclaim liability for any loss or damage incurred by any person as a result of the Applicant incorrectly identifying the property concerned.

Date of issue: 18th January 2023

Telephone enquiries regarding content of certificate: 13 11 71

**[Vicroads Certificate] # 67579120 - 67579120080952 'Whitling22012 SALE'**

# PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 18 January 2023 11:02 AM

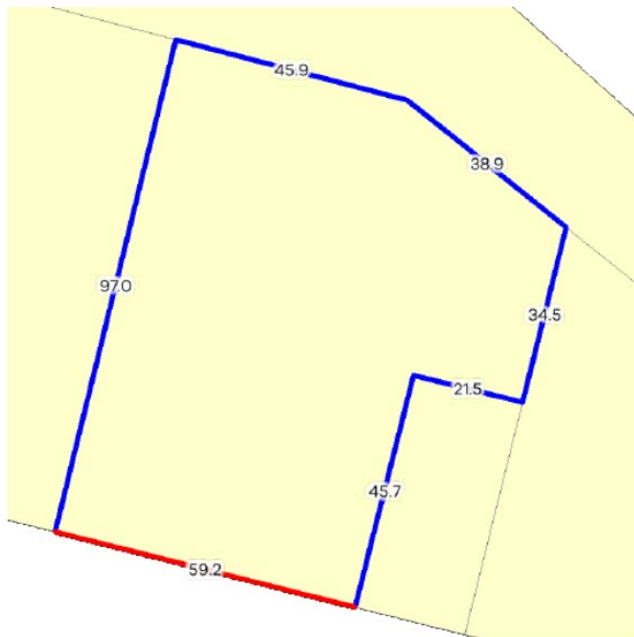
## PROPERTY DETAILS

Address: **7 OLD GEMBROOK ROAD EMERALD 3782**  
Lot and Plan Number: **Lot 4 LP119304**  
Standard Parcel Identifier (SPI): **4\LP119304**  
Local Government Area (Council): **CARDINIA**  
Council Property Number: **2648000400**  
Directory Reference: **Melway 127 G3**

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

## SITE DIMENSIONS

All dimensions and areas are approximate. They may not agree with those shown on a title or plan.



**Area:** 6561 sq. m

**Perimeter:** 343 m

For this property:

— Site boundaries

— Road frontages

Dimensions for individual parcels require a separate search, but dimensions for individual units are generally not available.

Calculating the area from the dimensions shown may give a different value to the area shown above

For more accurate dimensions get copy of plan at [Title and Property Certificates](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
Melbourne Water Retailer: **Yarra Valley Water**  
Melbourne Water: **Inside drainage boundary**  
Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**  
Legislative Assembly: **MONBULK**

## PLANNING INFORMATION

Property Planning details have been removed from the Property Reports to address duplication with the Planning Property Reports which are DELWP's authoritative source for all Property Planning information.

The Planning Property Report for this property can found here - [Planning Property Report](#)

Planning Property Reports can be found via these two links

**Vicplan** <https://mapshare.vic.gov.au/vicplan/>

**Property and parcel search** <https://www.land.vic.gov.au/property-and-parcel-search>

## Area Map



 Selected Property

## PROPERTY DETAILS

Address: **7 OLD GEMBROOK ROAD EMERALD 3782**  
 Lot and Plan Number: **Lot 4 LP119304**  
 Standard Parcel Identifier (SPI): **4\LP119304**  
 Local Government Area (Council): **CARDINIA**  
 Council Property Number: **2648000400**  
 Planning Scheme: **Cardinia**  
 Directory Reference: **Melway 127 G3**

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

[Planning Scheme - Cardinia](#)

## UTILITIES

Rural Water Corporation: **Southern Rural Water**  
 Melbourne Water Retailer: **Yarra Valley Water**  
 Melbourne Water: **Inside drainage boundary**  
 Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **EASTERN VICTORIA**  
 Legislative Assembly: **MONBULK**

## OTHER

Registered Aboriginal Party: **Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

[GREEN WEDGE A ZONE \(GWAZ\)](#)

[GREEN WEDGE A ZONE - SCHEDULE 2 \(GWAZ2\)](#)



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

## 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

### ENVIRONMENTAL SIGNIFICANCE OVERLAY (ESO)

#### ENVIRONMENTAL SIGNIFICANCE OVERLAY - SCHEDULE 1 (ESO1)



ESO - Environmental Significance Overlay

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

## Planning Overlays

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

[DESIGN AND DEVELOPMENT OVERLAY \(DDO\)](#)

[HERITAGE OVERLAY \(HO\)](#)

[SIGNIFICANT LANDSCAPE OVERLAY \(SLO\)](#)

[VEGETATION PROTECTION OVERLAY \(VPO\)](#)



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

## Further Planning Information

Planning scheme data last updated on 11 January 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 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 \(environment.vic.gov.au\)](#)

19 December 2018

Mr Peter Gatt  
Belgraphik Building Design  
1680 Burwood Highway  
Belgrave VIC 3160

info@belgraphik.com

Dear Sir/Madam,

**Application No.:** T180664  
**Property No.:** 2648000400  
**Address:** L4 LP119304, 7 Old Gembrook Road, Emerald VIC 3782  
**Proposal:** Development of the land for an addition to existing dwelling

I refer to the above planning permit application and wish to advise that a permit has been granted. Please find enclosed your copy of the permit and endorsed plans.

Your attention is drawn to the conditions of the permit. Please read these conditions carefully and check as to whether there are any steps which you need to take prior to commencing the use or the development, including submission of additional plans.

Please be aware that it is your responsibility to ensure that all of the conditions on the permit are complied with and that the permit remains valid. Council does not advise you when the permit will expire.

Please note if the permit relates to a subdivision a change in street number allocation may occur.

This permit should be kept in a safe place for future reference.

If you have any further queries regarding this matter, please contact Council's Development Services department on **5943-4591** or [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

Yours faithfully,



**Julie Bowyer**  
Statutory Planner



# PLANNING PERMIT

Form 4

*Planning Scheme:* Cardinia Planning Scheme  
*Responsible Authority:* Cardinia Shire Council

PLANNING PERMIT NUMBER: T180664

ADDRESS OF THE LAND: L4 LP119304, 7 Old Gembrook Road, Emerald VIC 3782

THIS PERMIT ALLOWS: Development of the land for an addition to existing dwelling, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

---

### Amended Plans

1. Prior to the removal vegetation or commencement of works (whichever occurs first), a Biodiversity Assessment consistent with the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment Land Water and Planning 2017)* must be submitted for the vegetation to be removed in accordance with Bushfire Management Plan to the satisfaction of the Responsible Authority.
2. Prior to the occupancy of the buildings approved under this permit the vegetation offset (as per the Biodiversity Assessment required under condition 1) must be carried out in accordance with Section 9.5 of the *Guidelines for the removal, destruction or lopping of native vegetation (Department of Environment Land Water and Planning 2017)* with either third party or first party offsets.

### Endorsed Plans

3. The layout of the site and the size of the proposed buildings and works, as shown on the approved plan/s, must not be altered or modified without the consent in writing of the Responsible Authority
4. Once the development has commenced, it must be continued and completed to the satisfaction of the Responsible Authority.
5. The exterior colour and cladding of the development must not result in any adverse visual impact on the environment of the area and all external cladding and trim of the development must be of a non-reflective nature in accordance with the endorsed plans.
6. All earthworks must be undertaken in a manner that minimises soil erosion, and any exposed areas of soil must be stabilised to prevent soil erosion to the satisfaction of the responsible authority.
7. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.

### CFA Conditions:

8. The Bushfire Management Plan *prepared by Keystone Alliance, drawing no. BMP2396, dated 17-Jul-18* must be endorsed to form part of the permit and must not be altered unless otherwise agreed in writing by the CFA and the Responsible Authority.

### Engineering Conditions:

9. Sediment control measures must be undertaken during construction to the satisfaction of the Responsible Authority to ensure that the development subject land is adequately managed in such a way that no mud, dirt, sand, soil, clay or stones are washed into or allowed to enter the stormwater drainage system.
10. All stormwater must be conveyed by means of drains to satisfactory points or areas of discharge approved by the Responsible Authority, so that it will have no detrimental affect on the environment or adjoining property owners.
11. Stormwater works must be provided on the subject land so as to prevent overflows onto adjacent properties.

---

Date Issued: 18 December 2018

Signature for the Responsible Authority:



# PLANNING PERMIT

Form 4

*Planning Scheme:* Cardinia Planning Scheme  
*Responsible Authority:* Cardinia Shire Council

PLANNING PERMIT NUMBER: T180664

ADDRESS OF THE LAND: L4 LP119304, 7 Old Gembrook Road, Emerald VIC 3782

THIS PERMIT ALLOWS: Development of the land for an addition to existing dwelling, generally in accordance with the approved plans

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:

---

12. Earthworks must be undertaken in a manner that minimises soil erosion. Exposed areas of soil must be stabilised to prevent soil erosion. The time for which soil remains exposed and unestablished must be minimised to the satisfaction of the Responsible Authority.
13. The slope of batters, both cut and fill, must not exceed 2:1 (horizontal: vertical) or, where this is not practicable, batters must be stabilised by other means to the satisfaction of the Responsible Authority.
14. Prior to commencement of the proposed use a Building Permit must be obtained for any retaining wall exceeding 1.0 metres in height.

### Health Conditions:

15. All wastewater from proposed dwelling/lots must be treated and contained on site in accordance with the EPA Septic Tank Code of Practice and Council requirements.
16. A report from a licensed plumber is required which details:
  - the position, type and condition of the present septic tank system
  - whether the existing septic tank system has been de-sludged within the last three years
  - whether or not the existing septic tank system is capable of containing all effluent from the proposed and existing buildings on site, in accordance with the EPA Septic Tank Code of Practice.

Please note that additional drainage, or other works, may still be required to ensure that all wastewater is treated and contained on-site.

17. Prior to any alteration works commencing on the septic tank system, a Permit to Alter must be obtained from Council. Land Capability Assessment must be provided with the application proposal to determine if wastewater can be contained on site.
18. All wastewater from the dwelling must be discharged into the reticulated sewerage system, to the satisfaction of the responsible authority, within 3 months of the sewerage system becoming available to the property.
19. Backwash from any swimming pool/spa must either be discharged off-site at a legal point of discharge or disposed of on-site in such a manner that it will not adversely affect the effluent disposal envelope.
20. If any proposed buildings, new boundaries or works encroach over any part of the existing septic tank system, including buffer zones, the system must be relocated to the satisfaction of Council.

### Footnotes

1. Should the future development be used for a commercial enterprise involving handling of food or drink, hairdressing, beauty therapy, myotherapy, colonic irrigation, skin penetration or tattooing or be providing accommodation to more than four (4) persons then the applicant must contact the Environmental Health Department for further advice concerning legislative requirements.

---

Date Issued: 18 December 2018

Signature for the Responsible Authority:



# PLANNING PERMIT

*Planning Scheme:* Cardinia Planning Scheme  
*Responsible Authority:* Cardinia Shire Council

PLANNING PERMIT NUMBER: T180664

ADDRESS OF THE LAND: L4 LP119304, 7 Old Gembrook Road, Emerald VIC 3782

THIS PERMIT ALLOWS: Development of the land for an addition to existing dwelling, generally in accordance with the approved plans

**THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT:**

---

2. In view of the potential for noise generation and traffic movements affecting nearby residential lots compliance with EPA requirements relating to noise generation from this commercial/industrial premise are necessary.
3. Permission given under planning legislation cannot be construed as permission relating to any other legislation under Council jurisdiction, such as Public Health & Wellbeing, Food or Tobacco Acts.

**Expiry:**

A permit for the development and use of land expires if—

- a) the development *or any stage of it* does not start within **two (2) years** after the issue of the permit; or
- b) the development is not completed within **four (4) years** after the issue of the permit.

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:** A Building Permit may be required for this development. To obtain a building permit you must contact a Registered Building Surveyor.

---

Date Issued: 18 December 2018

Signature for the Responsible Authority:



## 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 of Part 4 of the *Planning and Environment Act 1987*.)

---

### WHEN DOES A PERMIT BEGIN?

---

A PERMIT OPERATES:

- a) From the date specified in the permit, or
  - b) 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 date on which it was issued, in any other case.
- 

### WHEN DOES A PERMIT EXPIRE?

---

A PERMIT FOR THE DEVELOPMENT OF LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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 (2) years of the issue of the permit, unless the permit contains a different provision, or
- c) 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 in case of a subdivision or consolidation within five (5) years of the certification of the certification of the plan of subdivision or consolidation under the *Subdivision Act 1988*.

A PERMIT FOR THE USE OF LAND EXPIRES IF:

- a) The use does not start within the time specified in the permit, or if no time is specified, within two (2) years of the issue of within two years after the issue of the permit; or
- b) The use is discontinued for a period of two (2) years.

A PERMIT FOR THE DEVELOPMENT AND USE OF THE LAND EXPIRES IF:

- a) The development or any stage of it does not start within the time specified in the permit, or
- b) 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.
- c) 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
- d) The use is discontinued for a period of two (2) years.

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:

- a) The use or development of any stage is to be taken to have started when the
- b) Plan is certified; and
- c) The permit expires if the plan is not certified within two years of the issue of the permit.

The expiry of a permit does not affect the validity of anything done under that permit before the expiry.

---

### WHAT ABOUT APPEALS?

---

The person who applied for the permit may apply for a review of any condition in the permit unless it was granted at the direction of the Victorian Civil and Administrative Tribunal, in which case no right of review exists.

An application for review 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 application for review must be lodged within 60 days after the giving of that notice.

An application for review is lodged with the Victorian Civil and Administrative Tribunal.

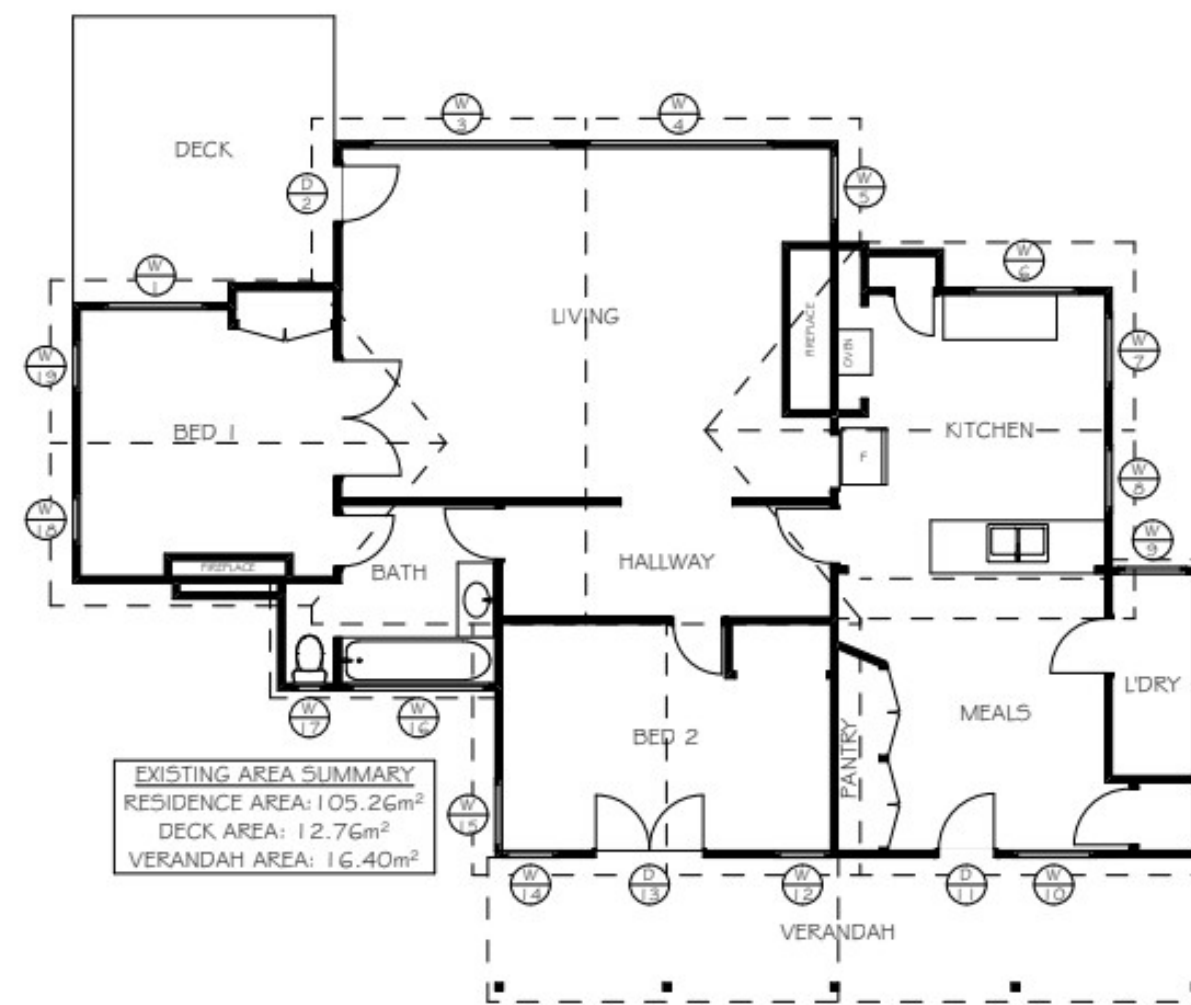
An application for review must be made on the relevant form which can be obtained from the Victorian Civil and Administrative Tribunal, and be accompanied by the applicable fee.

An application for review must state the grounds upon which it is based.

An application for review must also be served on the Responsible Authority.

Details about applications for review and the fees payable can be obtained from the Victorian Civil and Administrative Tribunal

Victoria Civil and Administrative Tribunal, Planning List  
55 King Street, MELBOURNE VIC 3000  
Ph (03) 9628 9777 Fax: (03) 9628 9789



EXISTING AREA SUMMARY  
 RESIDENCE AREA: 105.26m<sup>2</sup>  
 DECK AREA: 12.76m<sup>2</sup>  
 VERANDAH AREA: 16.40m<sup>2</sup>

EXISTING CONDITIONS  
 1:100

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 BUILDING DESIGN

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Contractor or owner-builder to check all dimensions on site prior to ordering and commencement of work and obtain clarification of any discrepancies from building designer.



No.	Revisions	Date



PROJECT  
**ADDITIONS & ALTERATIONS**  
 SITE ADDRESS  
**7 Old Gembrook Rd  
 Emerald 3782**  
 CLIENT  
**Adrian & Caitlin Whitting**

Title  
**EXISTING CONDITIONS**

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<b>Site Notes - Additions/Renovations</b>	
Council: Cardinia	
Zone: Greenedge (GWAZ2)	
Overlay(s): BMO, ESO	
Client: Adrian & Caitlin Whiting	
Address: 7 Old Gembrook Rd, Emerald 3782	
Our Ref: B18-016 Date revised: 25/06/2018	
Area of Existing: 134.42m <sup>2</sup>	
Area of Proposed & Existing: 361.39m <sup>2</sup>	
Area of Outbuildings: Approx. 156m <sup>2</sup>	
Percentage of Increased Area: 168.85%	
<input type="checkbox"/> All downpipes to connect to existing SW drainage system & connect to L.P.D. To relevant authority req's <input type="checkbox"/> Provide 90mm agy pipe to base of any cut & connect to c.w. via silt pit <input type="checkbox"/> Minimal earthworks less than 1.0m <input type="checkbox"/> Trees impacted as noted. <input type="checkbox"/> Building height does not exceed 7m <input type="checkbox"/> No overshadowing issues <input type="checkbox"/> No overlooking issues <input type="checkbox"/> (A) More than 9.0m from neighbour. <input type="checkbox"/> (B) Floor level less than 800mm above ground level. <input type="checkbox"/> The site area covered by buildings does not exceed 60%. <input type="checkbox"/> The site area covered by impervious surfaces not to exceed 80%.	

**BMO Construction Requirements**

The construction requirements of the dwelling will comply with a BAL 29

**Defendable Space**

An area of defendable space shall be provided around the dwelling to the property boundaries where vegetation will be managed to 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 period.
- Within 10 metres of a building, flammable objects must not be located close to vulnerable parts of the building.
- Plant 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 clumps of shrubs must not exceed 5m<sup>2</sup> 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**

A non-combustible water tank/s with a static water supply of 10,000 litres reserve capacity of water dedicated solely to firefighting purposes:

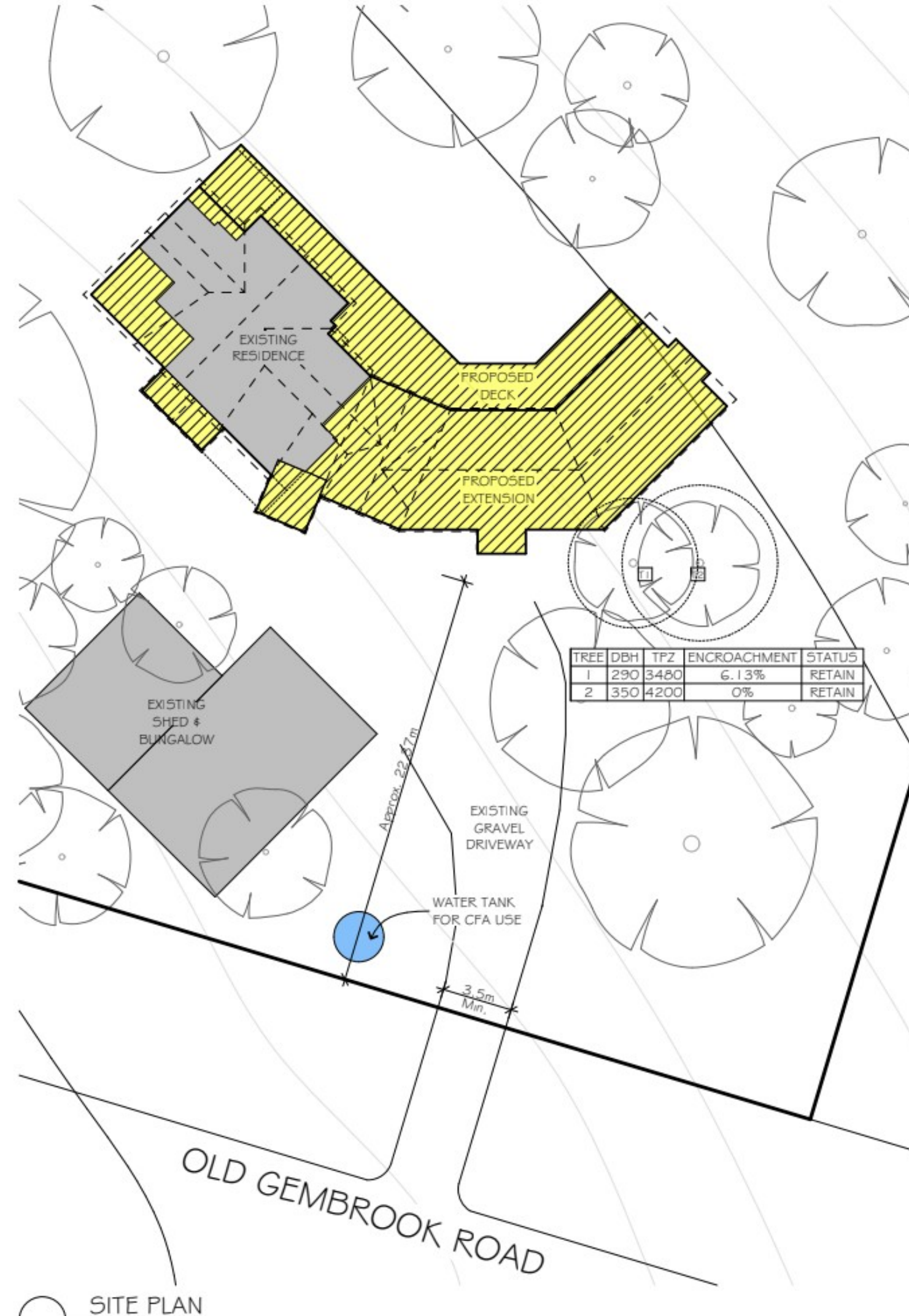
- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal.
- Include a separate outlet for occupant use.
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the access way and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling).

**Access**

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5%) (7.10°) entry and exit angle

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 Trading as Pegasus Australia Pty Ltd ACN 117 603 933

**bdav**  
Building Designers  
Association Victoria

REGISTERED  
Building Practitioner

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No. Revisions	Date

**NORTH**

**PROJECT**  
 ADDITIONS & ALTERATIONS  
 SITE ADDRESS  
 7 Old Gembrook Rd  
 Emerald 3782  
 CLIENT  
 Adrian & Caitlin Whiting

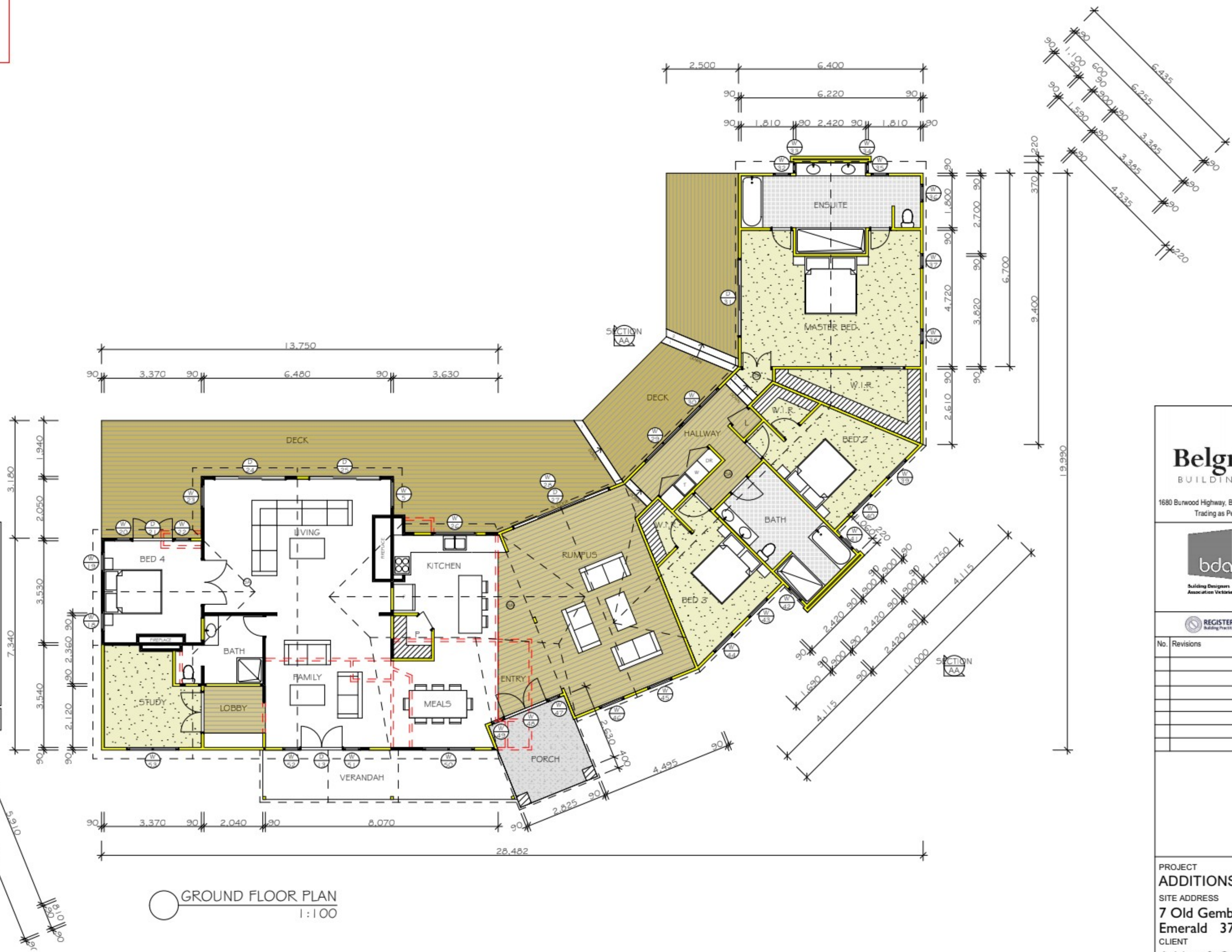
SITE PLAN

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AREA SUMMARY	
<b>EXISTING</b>	
RESIDENCE:	105.26m <sup>2</sup>
VERANDAH:	16.40m <sup>2</sup>
DECK:	12.76m <sup>2</sup>
<b>TOTAL:</b>	<b>134.42m<sup>2</sup></b>
<b>PROPOSED</b>	
ADDITION:	162.81m <sup>2</sup>
<b>TOTAL RESIDENCE:</b>	<b>268.07m<sup>2</sup></b>
ENTRY PORCH:	8.64m <sup>2</sup>
VERANDAH:	7.75m <sup>2</sup>
DECK:	76.93m <sup>2</sup>
<b>TOTAL:</b>	<b>361.39m<sup>2</sup></b>
	168.85% INCREASE
NOTE: WALLS TO BE REMOVED SHOWN RED AND DASHED	



GROUND FLOOR PLAN  
 1:100

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**NORTH**

**PROJECT**  
**ADDITIONS & ALTERATIONS**

**SITE ADDRESS**  
**7 Old Gembrook Rd**  
**Emerald 3782**

**CLIENT**  
**Adrian & Caitlin Whitting**

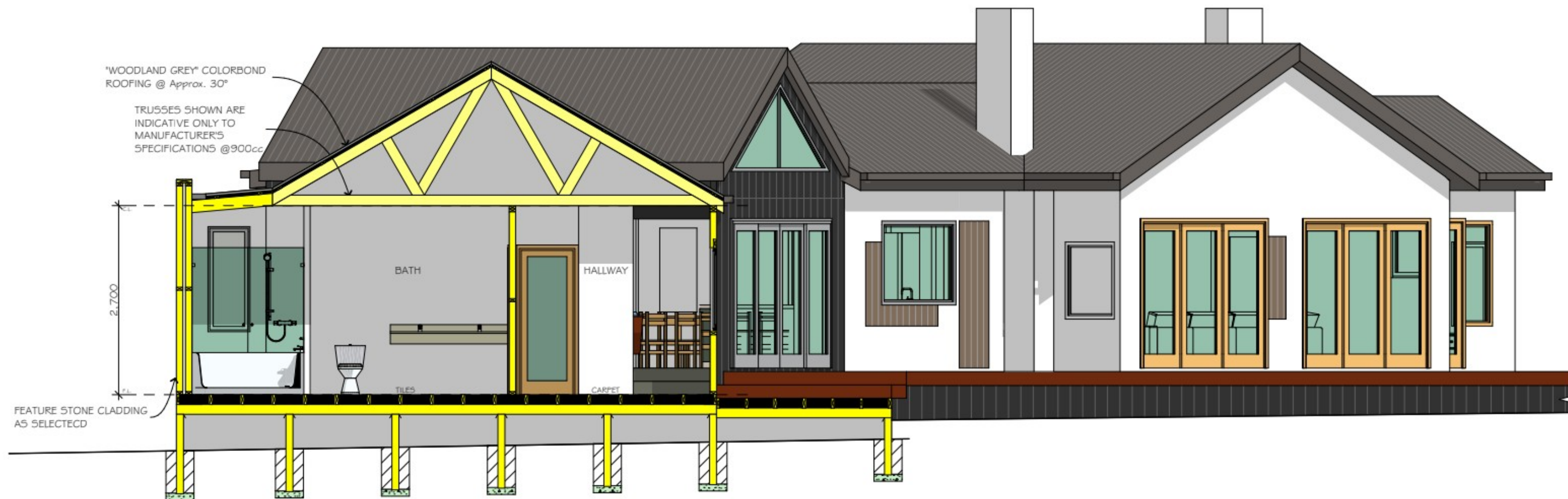
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SECTION AA  
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 ADDITIONS & ALTERATIONS  
 SITE ADDRESS  
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 CLIENT  
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Title  
**SECTION AA**

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July 18

# Bushfire Management Statement Pathway 2 as in 52.47-2

A Development in a Bushfire Management Overlay

**PROPERTY ADDRESS: 7 OLD GEMBROOK ROAD EMERALD 3782**

Date: 17 July 2018

Job N°: 2396

Report prepared for

**Mr Adrian Whitling**

APPROVED PLAN  
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CARDINIA SHIRE COUNCIL

Date: Tuesday, 18 December 2018



Prepared By

Paul Apostolos Oikonomidis [paul@keystonealliance.com.au](mailto:paul@keystonealliance.com.au) 0450 770 778

July 18

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Appendix 1: Photos

Appendix 2: BMO vegetation management standards

Appendix 3: BMO static water supply requirements

Appendix 4: BMO access requirements

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## 1.0 Executive Summary

The property at **7 Old Gembrook Road Emerald 3782** was visited on the 17 July 2018 to undertake a bushfire hazard assessment.

The site is a lot comprising of areas of managed **grassland & scattered trees** in **Emerald**.

The parcel to be developed has a total area of approximately **6,554km<sup>2</sup>**.

We are seeking development approval to **construct a new** building.

On-site and surrounding area vegetation within the 150m assessment area is classified as **modified, & low threat**.

Classified vegetation **modified** constructing with a **BAL 29**, defensible space requirements for the building is **up to the property's boundary** as in Clause 52.47.3 Table 2.

The area close to the site has **no** bushfire history, and in the event of a bushfire, the impact to the dwelling will be from **ember attack**.

The nearest Neighbourhood Safe Places is in **Emerald**.

A **10,000**-litre water tank will be required for firefighting purposes,

Access must meet BMO's access requirements (Appendix 4).



[nearmaps/mapshare.maps.vic.gov.au](http://nearmaps/mapshare.maps.vic.gov.au) **Image 1** Aerial view of site highlighted is parcel to be developed

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## 2.0 Introduction

The proposal seeks development approval for the **construction of a** dwelling on the land known as; **7 Old Gembrook Road Emerald 3782**.

Keystone Alliance Bushfire Assessments has been engaged by; **Mr Adrian Whitting** to provide a Bushfire Management Statement in accordance with Clause 44.06 Bushfire Management Overlay and 52.47 Bushfire Protection Planning Requirements at which is to accompany the planning permit application lodged with **Cardinia Shire**.

This assessment describes the subject site and surrounding area in relation to the risk associated with the Bushfire Attack Level (BAL), together with the relevant planning controls, namely, Australian Standard 3959-2009, "Construction of buildings in bushfire-prone areas."

The parcel to be developed has **an irregular** shape and an area of approx. **6,554km<sup>2</sup>** it is located approximately **55 km SE of Melbourne CBD** via road in a semi-rural area of **Emerald**. The property has towns water, also domestic and portable water supply **can be from water tanks**, it is provided with telecommunication services, and is connected to the sealed road network. Vehicular access to the land is via **Old Gembrook Road** (*please refer to Image 1 & 2*)

The purpose of the report is to assist in a decision of issuing a planning permit for the construction of the proposed development in a Bushfire Management Overlay.

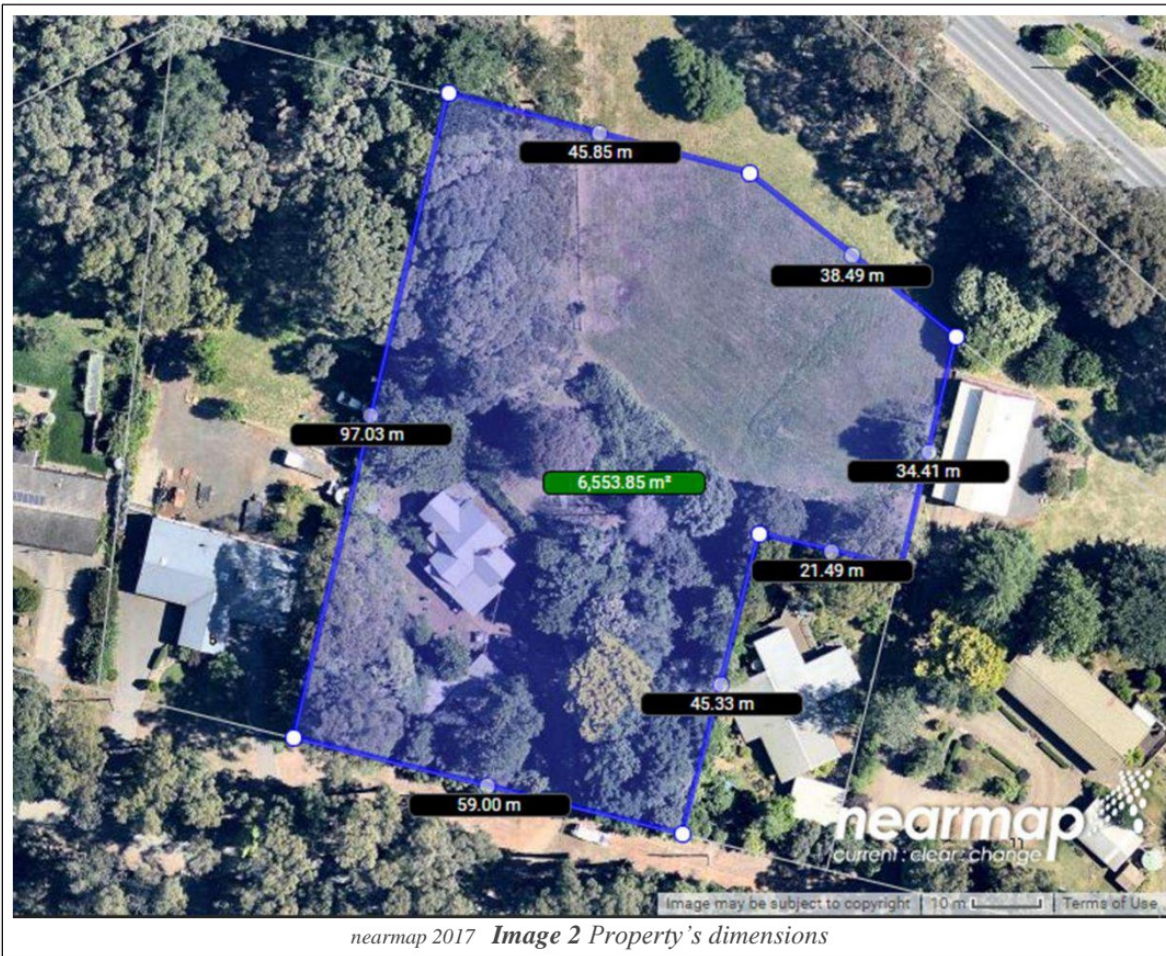
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## 3.0 Site Description

### 3.1 Site shape, dimensions, size and planning controls

Local government:	CARDINIA
Lot and Plan Number:	Lot 4 LP119304
The shape of the site is:	Irregular
The dimensions of the site are:	Please refer to <i>Image 2 Site Dimensions</i>
The site has a total area of:	Approximately 6,554km <sup>2</sup>
The zoning of the site is:	GREEN WEDGE A ZONE (GWAZ) GREEN WEDGE A ZONE - SCHEDULE 2 (GWAZ2)
The overlays that apply to the site are: Effected:	Bushfire Management Overlay, & ESO1
Assessed by: Paul Apostolos Oikonomidis	



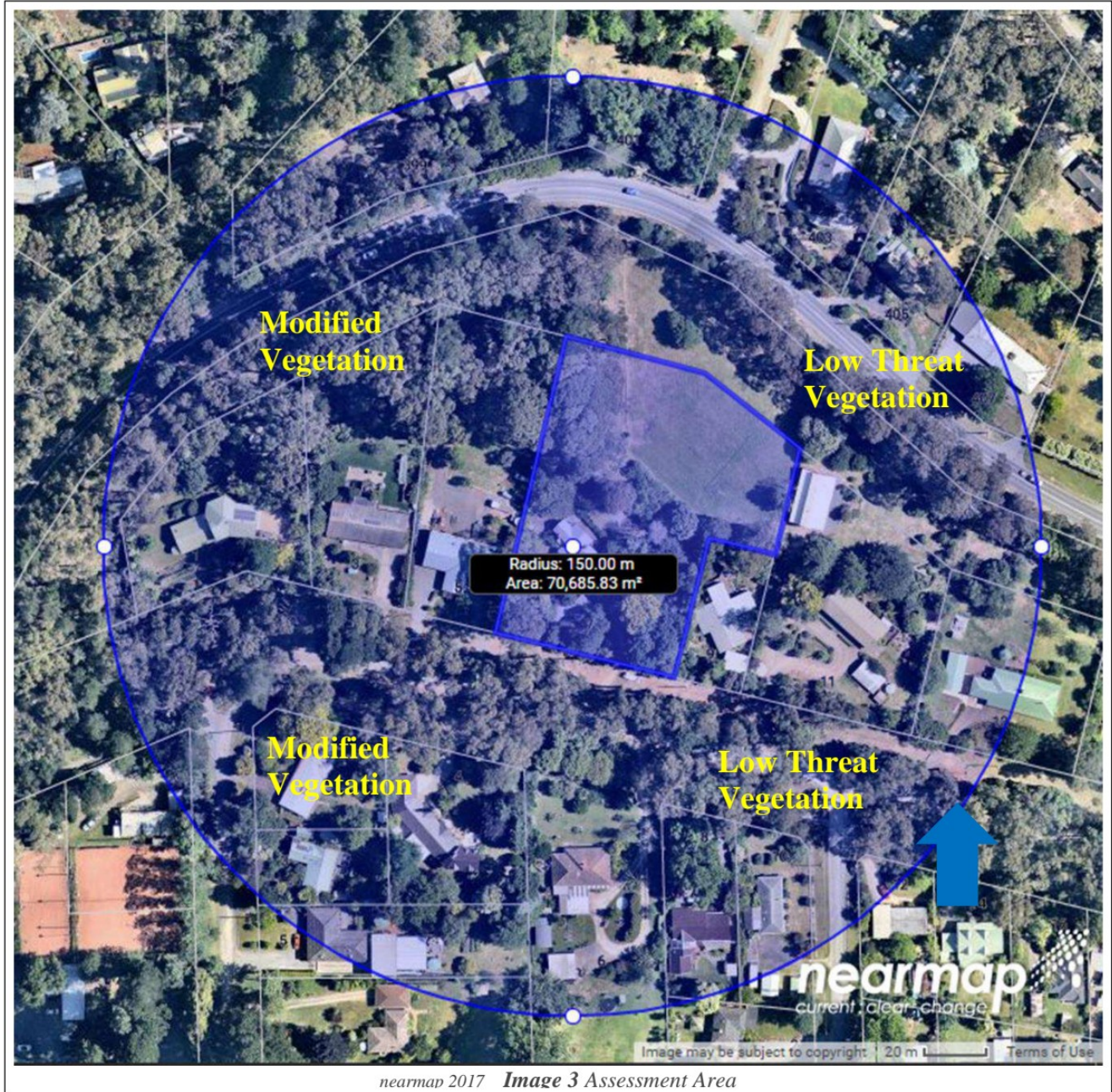
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## 4.0 Bushfire hazard site assessment

Assessment area within a 150m radius from the proposal



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## 4.1 Hazard Assessment

The proposed development has been assessed under AS 3959 – 2009 “Construction of buildings in bushfire prone areas”, the Victorian Planning Provisions Clause 52.47

A vegetation hazard assessment was carried out within a 150m radius from the proposed development. Within this area our interest was directed on the type of vegetation surrounding the proposal, distance from the proposal and the effective slope it stood.

Classified Vegetation	North North-East	South South-West	East South-East	West North-West
Forest				
Woodland				
Modified Vegetation		✘		✘
Low Threat Vegetation	✘		✘	
Distance to Vegetation	N/A	N/A	N/A	N/A
Effective Slope	N/A	N/A	N/A	N/A
	N/A	N/A	N/A	N/A
BAL each side	12.5	29	12.5	29
Defendable Space	PB	PB	PB	PB

PB= Property Boundary

An assessment of the site conditions has categorized this site as **BAL-29** fire risk and a requirement of defendable space around the building is **up to the property's boundary**.

Defendable space and bushfire attack level corresponds to Clause 52.47-3 Table 1, Column **C**

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## 4.2 Vegetation

Vegetation on and around the site has been classified in accordance with the likely fire behaviour it may generate.

### Modified Vegetation

Much of the vegetation to the north and east of the site has been identified as 'modified vegetation' (see Map 2). Planning Practice Note 65 notes that modified vegetation can occur where fuel loads are high but the vegetation is modified because of urban development, gardens, the way the vegetation is configured (for example, limited or no understorey), or because the fuel loads are different from the fuel loads assumed by AS3959-2009 but the vegetation cannot be excluded as it is not low-threat or low-risk (DTPLI, 2014).

### Low Threat Vegetation

Excluded vegetation and non-vegetated areas

Areas of low threat vegetation and non-vegetated areas have been excluded under one or more of the following AS 3959-2009 exclusion criteria (Standards Australia, 2009):

- i. Vegetation more than 150m from the site.
- ii. Non-vegetated areas, including waterways, roads, footpaths, buildings and rocky outcrops.
- iii. Low threat vegetation, including grassland managed in a minimal fuel condition, maintained lawns, golf courses, maintained public reserves and parklands, vineyards, orchards, cultivated gardens, commercial nurseries, nature strips and windbreaks'.

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## 5.0 Bushfire Hazard Landscape Assessment

### 5.1 Location description

The proposed development is sited at approx. **1 km SE from Emerald**. In the surrounding landscape for approx. 300m around the site to the north, east, west, and south are large areas residential land occupied and used as places of permanent residency. Beyond the 300m of the site as in the 2005 EVC *Damp Forest* resides, extending for more than 500m south and southeast. To the north and east at a greater distance of 300m vegetation is characterized as *Shrubby Foothill Forest*.

Due to the extent of vegetation south of the proposal a potential fire run can exceed 1km in extreme weather conditions.

The Regional Bushfire Planning Assessment – Melbourne Metropolitan Region (DPCD, 2012) identifies the *Clematis / Emerald* area as having multiple bushfire matters including:

- *Small lots in a bushfire hazard area. Hazard generated by the urban interface with Cardinia Reservoir to the south. Remnant vegetation exists surrounding and throughout the area generating bushfire hazard.*
- *Various single access roads exist associated with established settlement patterns.*

The main driveway access into the site is from **Old Gembrook Rd**. This is a compacted gravel dual carriageway, linking to **Emerald**. The local CFA Fire Station is located 1500m via road on **Emerald-Monbulk Rd in Emerald south-west** of the entrance driveway.

The Technical Guide outlines four Landscape Types. The local landscape character surrounding the property is most attributable to Landscape **Type 2**;

**Table 1- Landscape risk.**

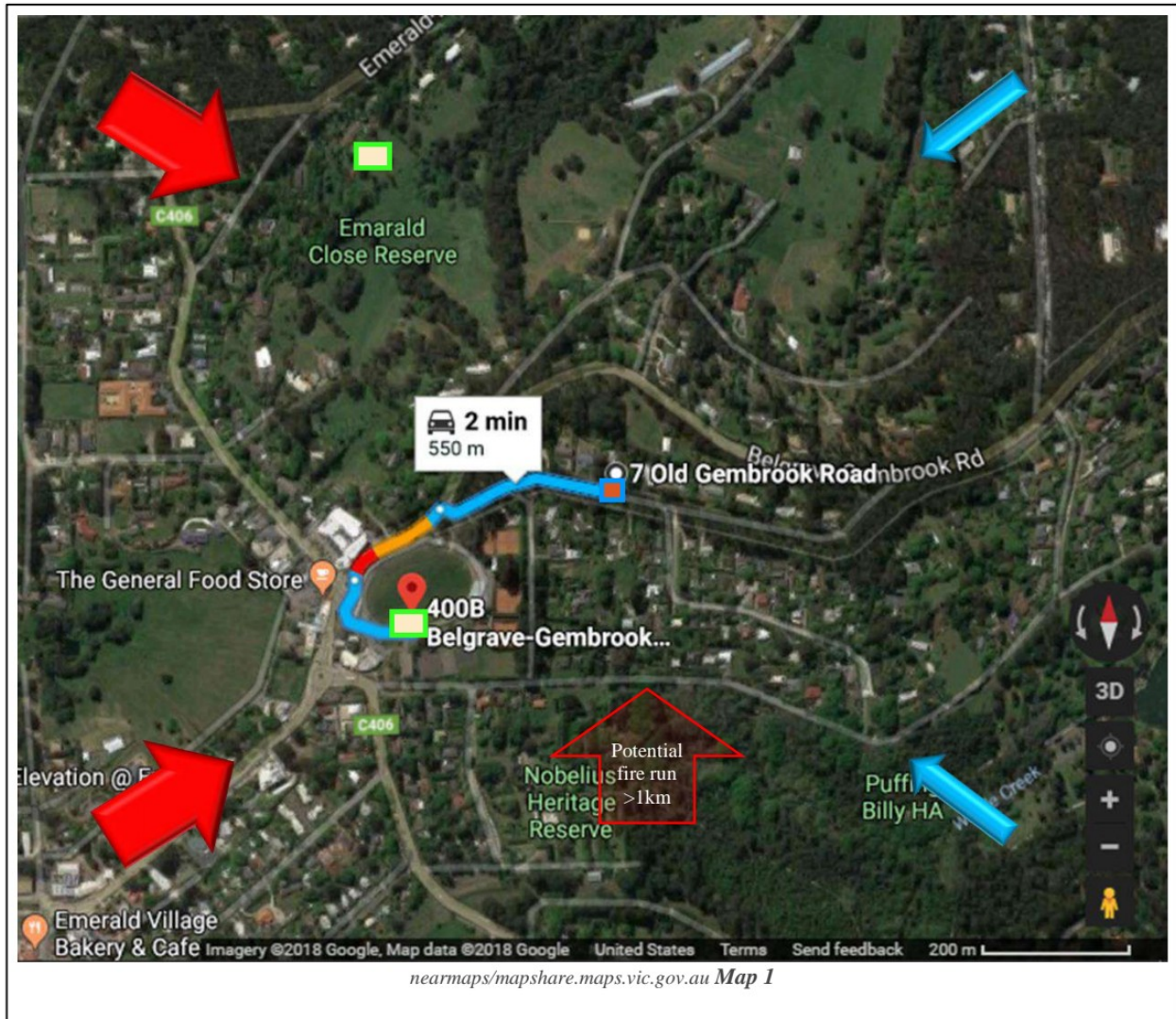
Broader Landscape Type 1	Broader Landscape Type 2	Broader Landscape Type 3	Broader Landscape Type 4
<ul style="list-style-type: none"> <li>• There is little vegetation beyond 150m of the site (except grasslands and low-threat vegetation).</li> <li>• Extreme bushfire behaviour is not possible.</li> <li>• The type and extent of vegetation is unlikely to result in neighbourhood- scale destruction of property.</li> <li>• Immediate access is available to a place that provides shelter from bushfire.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can only approach from one aspect and the site is located in a suburban, township or urban m area managed in a minimum fuel condition.</li> <li>• Access is readily available to a place that provides shelter from bushfire. This will often be the surrounding developed area.</li> </ul>	<ul style="list-style-type: none"> <li>• The type and extent of vegetation located more than 150 metres from the site may result in neighbourhood-scale destruction as it interacts with the bushfire hazard on and close to a site.</li> <li>• Bushfire can approach from more than one aspect.</li> <li>• The site is in an area that is not managed in a minimum fuel condition.</li> <li>• Access to an appropriate place that provides shelter from bushfire is not certain.</li> </ul>	<ul style="list-style-type: none"> <li>• The broader landscape presents an extreme risk.</li> <li>• Evacuation options are limited or not available.</li> </ul>

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## Location & Landscape Assessment



**Cardinia Shire** contains **several** designated Neighbourhood Safe Place (NSP). The **Emerald** NSP on **Emerald-Monbulk Road** is the closest NSP at approximately **550m** via road from the subject site, as you can see on *Map 1*.

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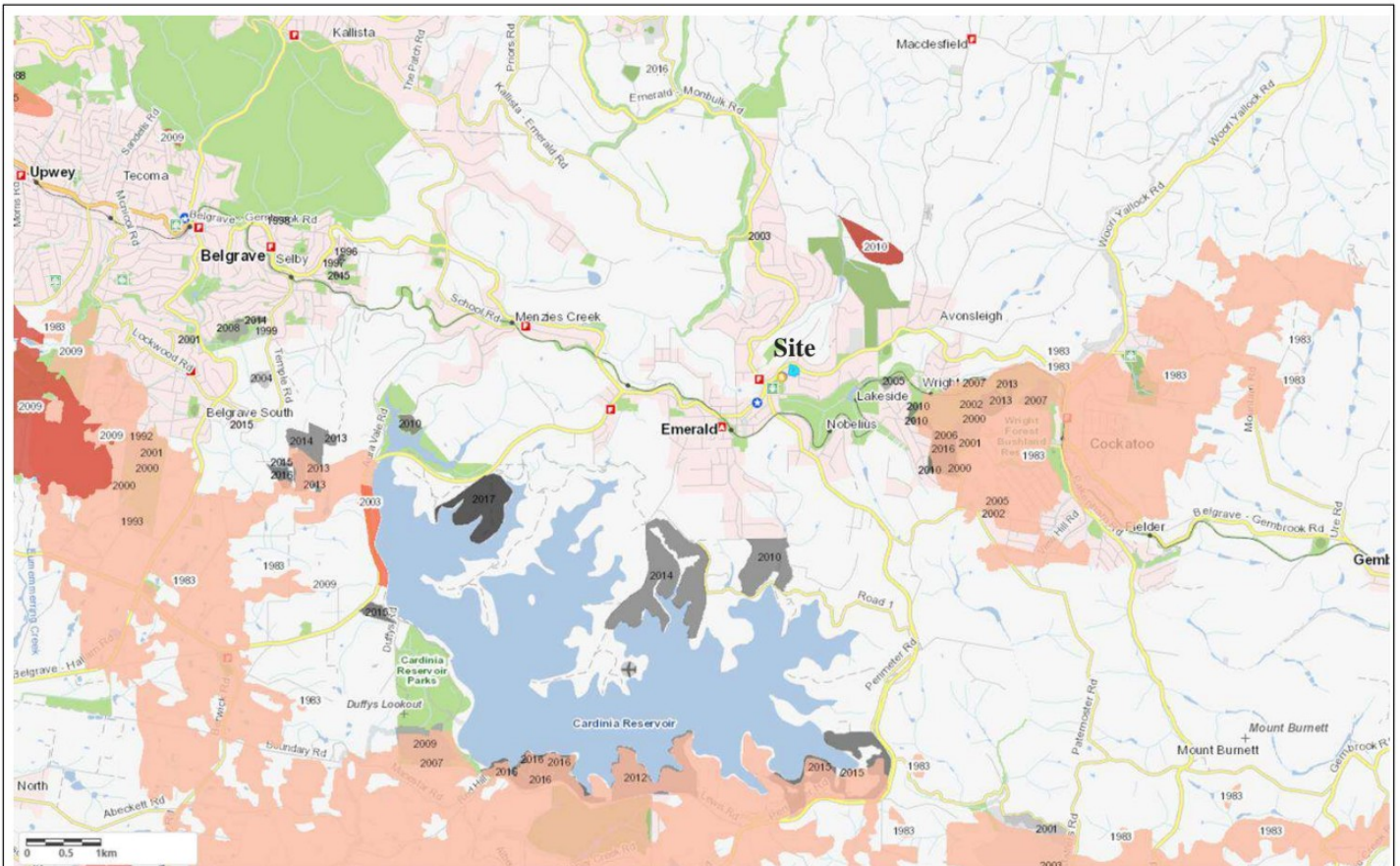
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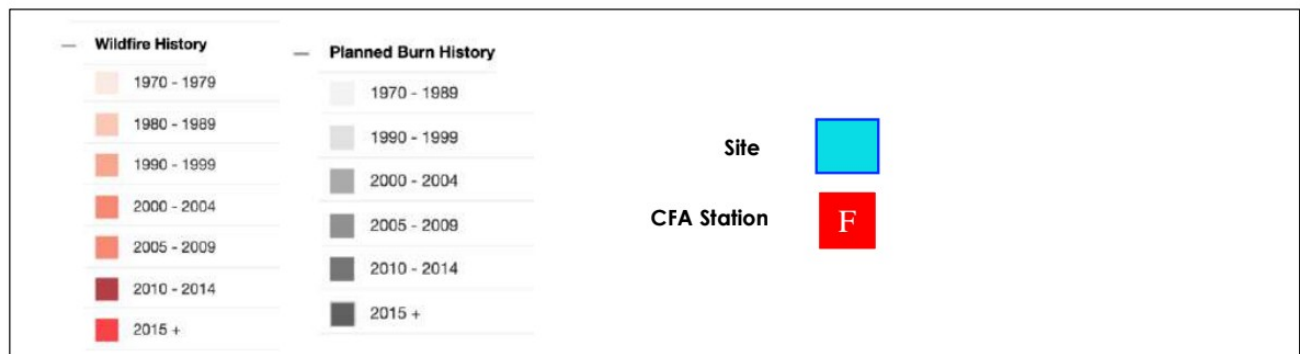
## 5.2 Bushfire History

**Monbulk** areas are prone to bushfires, the area hasn't been impacted by any bushfires in the recent history but bushfires have been recorded in the wider area but not in the immediate area surrounding the subject site.

Controlled burns have taken place and a wildfire history has been recorded in the wider area surrounding the proposal as you can see on Map 2. The wider area has fire history, and the publicly available database indicates that the site itself hasn't experienced bushfire.



*nearmap 2017/mapshare.maps.vic.gov.au Map 2 Bushfire history*



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## 5.3 Bushfire scenario

The most likely bushfire scenarios are those typically associated with the direction of the wind on severe or higher, fire danger days i.e. approach of bushfire from the north, northwest, west or southwest.

The development site has the potential to be impacted upon by a moderate, landscape scale fire approaching from the south or southeast. A fire from these directions would approach through the bushland areas of driven by hot, dry southerly or southeasterly winds commonly experienced during summer after a weather change.

Whilst the southern vegetated areas may interperate the speed and intensity of the fire before it impacted the site, under the BMO conditions of low humidity, elevated temperatures and fierce winds, the development could be subjected to significant ember attack and possibly radiant heat. The cleared areas around the development are a considerable asset in this scenario and substantially reduce the threat of radiant heat and flame impacts.

The areas of bushland at a distance to the south-east & south of the site are a potential hazard to the development and could result in a high intensity fire approaching from the south or south-east, generating significant ember attack and radiant heat.

Whilst the southern and southeastern eucalypts, can cause substantial amounts of embers and burning material to be blown long distances, the development site is sufficiently setback from the bushland such that it will be able to provide appropriate defendable space, commensurate with the risk and proposed construction standard of the building.

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## 6.0 Bushfire Management Statement

### 6.1 Landscape, siting and design objectives

- Development is appropriate having regard to the nature of the bushfire risk arising from the surrounding landscape.
- Development is sited to minimise the risk from bushfire.
- Development is sited to provide safe access for vehicles, including emergency vehicles. Building design minimises vulnerability to bushfire attack.

Compliance with these objectives at Clause 52.47-2.1 is proposed via the following Approved measures.

#### 6.1.1 Approved measure 2.1 Landscape

'The bushfire risk to the development from the landscape beyond the site can be mitigated to an acceptable level'.

As identified in Section 5 the landscape is not one of extreme bushfire risk. Whilst a high intensity, landscape scale bushfire could impact the site, the speed and intensity of a bushfire approaching from the south, will be somewhat moderated by the pattern of development in these directions, and the mosaic of areas of low threat and/or non-vegetated.

To the south & southeast there are large contiguous areas of bushland and the possibility of a fire run exceeding 1Km in extreme weather conditions of high temperatures and low humidity.

It is proposed that the risk can be mitigated to an acceptable level by implementing bushfire protection measures in compliance with the BMO requirements including BAL construction standard, commensurate defendable space, provision of a water supply for firefighting, ensuring good access and egress are available for occupants and emergency services and, most importantly, management planning in the form of a Bushfire Emergency Management Plan.

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## 6.1.2 Approved measure 2.2 Siting

**A building is sited to ensure the site best achieves the following:**

- **The maximum separation distance between the building and the bushfire hazard.**
- **The building is in close proximity to a public road.**
- **Access can be provided to the building for emergency service vehicles'.**

The proposed development is sited to have maximum distance from hazard vegetation from all aspects. Sufficiently distant to achieve **BAL-29** defensible space (**albeit with overlap beyond the property boundary onto managed neighbouring land**).

The building will be sufficiently distant from hazardous vegetation such that 'Table 2' to Clause 52.47-3 setbacks are achieved (please refer to Defensible Space Map 3).

The proposed development is close to a main public road enabling access and egress in compliance with BMO requirements for emergency vehicles and occupants/visitors.

## 6.1.3 Approved measure 2.3 Design

**A building is designed to be responsive to the landscape risk and reduce the impact of bushfire on the building.**

All BAL standards above BAL-Low are deemed to satisfy the building code requirement that buildings be designed and constructed to reduce the risk of ignition from a bushfire, appropriate to the:

- (a) 'potential for ignition caused by embers, radiant heat or flame generated by a bushfire; and
- (b) intensity of the bushfire attack on the building' (Building Code of Australia 2016).

The design of the buildings, will aim to facilitate wind flow over the building and easy maintenance (e.g. cleaning of gutters) and avoid complex roof lines which may allow build-up of debris (e.g. accumulation of leaves and bark) and trap embers. Walls and eaves should similarly avoid or minimise reentrant corners and other features that may trap debris and embers.

External walls cladding will be of non-combustible material, tiled roof or metal sheeting, all external glazing will use toughened glass greater than 4mm thick responding to the bushfire attack level requirements and all gaps and cracks will be sealed to avoid ember penetration.

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## 6.2 Defendable space and construction objectives

*'Defendable space and building construction mitigate the effect of flame contact, radiant heat and embers on buildings'.*

Compliance with this objective is proposed via the following Approved and Alternative measures.

**Approved measure 3.1** (AM 3.1) requires that: 'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with defendable space in accordance with:

- Column A, B or C of Table 2 to Clause 52.47-3 wholly within the title boundaries of the land; or If there are significant siting constraints,
- Column D of Table 2 to Clause 52.47-3.

The building is constructed with a **BAL 29** the bushfire attack level that corresponds to the defendable space provided in accordance with 'Table 2 to Clause 52.47-3 Column **C**'.

### 6.2.1 Adjoining property defendable space

**Alternative measures 3.3** (AltM 3.3) *Adjoining land may be included as defendable space where there is a reasonable assurance that the land will remain or continue to be managed in that condition as part of the defendable space.*

Required defendable space is within property's boundary managed to low fuel levels (Map 3).

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## 6.2.2 Habitable Building defensible space

The habitable building will be constructed with a **BAL-29**  
For classified vegetation "modified" on an upslope, for a building used as a dwelling the required defensible space is **up to the property's boundary** from the edges of the proposed building as shown Map 3. Defensible space and bushfire attack level corresponds to Clause 52.47-3 Table 2 Column **C**

### Defendable Space



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## 6.5 Water supply and access objectives

*'A static water supply is provided to assist in protecting the property.*

*Vehicle access is designed and constructed to enhance safety in the event of a bushfire'.*

*These objectives can be achieved via Approved measures 4.1 (AM 4.1):*

*'A building used for a dwelling (including an extension or alteration to a dwelling), a dependant person's unit, industry, office or retail premises is provided with:*

- A static water supply for firefighting and property protection purposes specified in Table 4 to Clause 52.47-3.*
- Vehicle access that is designed and constructed as specified in Table 5 to Clause 52.47-3'.*

*The water supply may be in the same tank as other water supplies if a separate outlet is reserved for firefighting water supplies.*

It is proposed that a minimum total capacity of **10,000**-litres be provided as a dedicated static water supply for firefighting, provided close to the building distanced no more than 60m and sited so a parked fire truck can get to the water outlet within 4m.

### Access

Internal roads should provide access in accordance with the vehicle access design and construction specifications in Table 5 to Clause 52.47-3 (detail provided as Appendix 4).

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## 7.0 Overall Conclusion

The proposed development has been assessed under Clause 52.47 & AS 3959 – 2009.

An assessment of the site conditions & adjoining property has categorised this site as **"BAL –29"** fire risk, with Sections 3 & 7 utilised for the building construction under AS3959 and is subject to the recommendations outlined above.

The proposed development has been sited and designed to avoid on and off-site constraints.

AS3959 2009' Construction of buildings in a bushfire prone area' describes **risk category for:**

- BAL – 12.5 as: "Ember Attack"
- BAL – 19 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 12.5-19KW"
- **BAL – 29 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux between 19-29KW"**
- BAL – 40 as: "Increasing levels of Ember Attack and burning debris ignited by wind borne embers with increasing heat flux with the increased likelihood of exposure to flames.
- BAL – FZ as: Direct exposure to flames from fire front in addition to heat flux and ember attack.

The final categorization of this site is subject to the relevant fire authority (CFA) review and approval.

Overall, the proposed development meets the requirements of the BMO and Clause 52.47 – Bushfire Protection: Planning requirements.

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## Appendix 1: Photos



*Photo 1 N*



*Photo 2 E*



*Photo 3 S*



*Photo 4 W*

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## Appendix 2: BMO vegetation management standards as in Clause 52.47-3

### Table 6 Vegetation management requirement

Vegetation management requirement

Defendable space is provided and is 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 5 square metres 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.

Unless specified in a schedule or otherwise agreed in writing to the satisfaction of the relevant fire authority.

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## Appendix 3: BMO static water supply requirements

Table 4 from Clause 52.47-3

**Table 4 Water supply**

Lot sizes (square meters)	Hydrant available	Capacity (litres)	Fire authority fittings and access required
Less than 500	Not applicable	2,500	No
500-1,000	Yes	5,000	No
500-1,000	No	10,000	Yes
1,001 and above	Not applicable	10,000	Yes

*Note 1: A hydrant is available if it is located within 120 metres of the rear of the building*

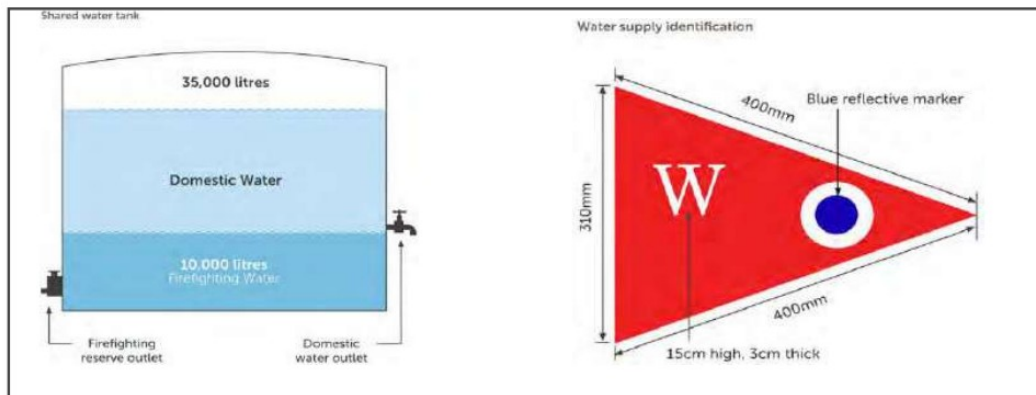
*Note 2: Fittings must be in accordance with the published requirements of the relevant fire authority.*

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### Water tank requirements

'The water supply should be stored in an above ground water tank constructed of concrete, steel or corrugated iron. The water supply should be identified. The water supply may be provided in the same water tank as other water supplies provided they are separated with different outlets'.



### CFA Fittings (CFA, 2014b)

'If specified within Table 4 to Clause 52.47-3 (if fire brigade access to your water supply is required), CFA's standard BMO permit conditions require the pipe work, fittings and tank outlet to be a minimum size of 64 mm.

65 mm BSP (British Standard Pipe) is the most common size available. A 65mm fitting is equivalent to the old 2 1/2 inch. A 65 mm BSP (2 1/2 inch) fitting exceeds CFA's requirements and will therefore comply with CFA's standard permit conditions for the BMO.

Diagram 1 below shows some common tank fittings available at most plumbing suppliers which meet the connection requirements. It includes a 65mm tank outlet, two 65 mm ball or gate valves with a 65mm male to 64 mm CFA 3 threads per inch male coupling. This is a special fitting which allows the CFA fire truck to connect to the water supply. An additional ball or gate valve will provide access to the water supply for the resident of the dwelling'

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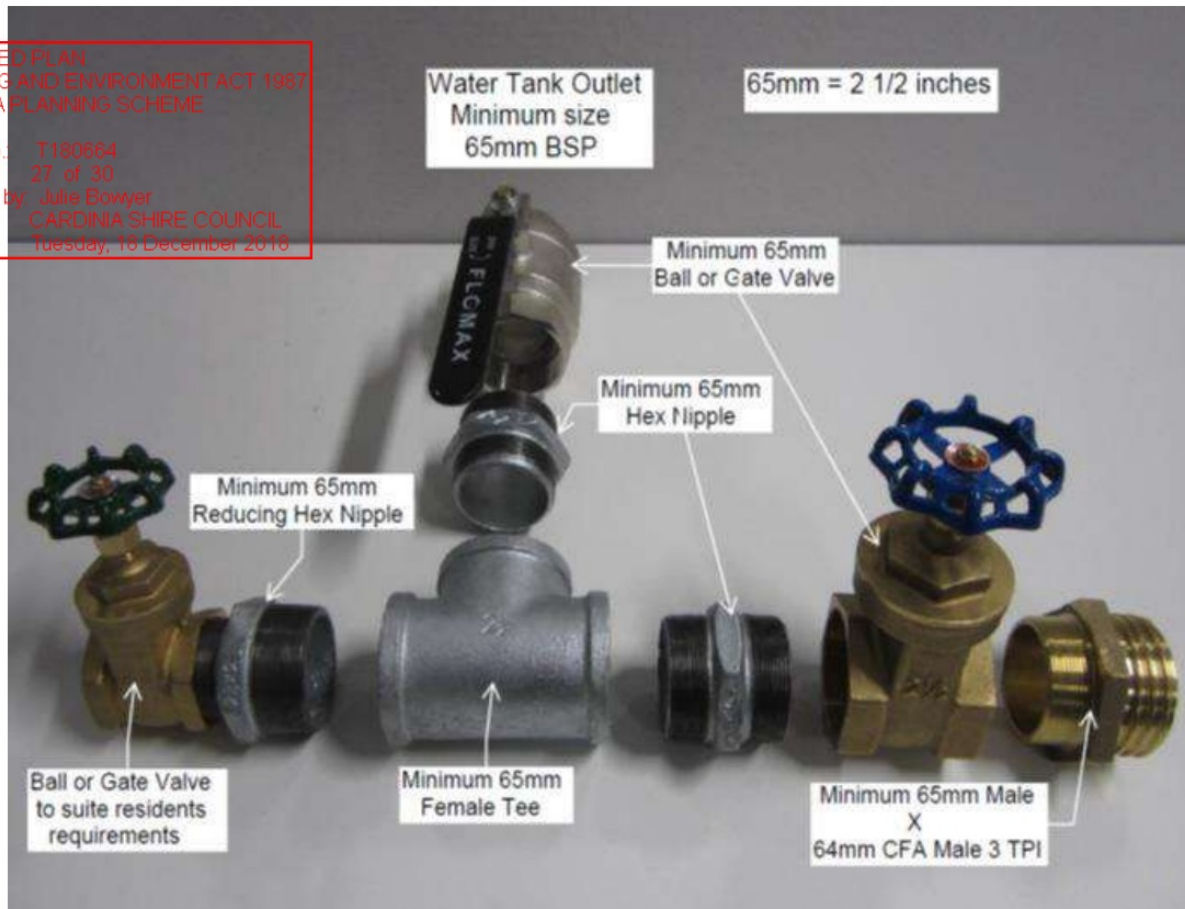


Diagram 1 CFA Standard permit conditions for water supply

Conditions required for all applications

'Show [xx litres] of effective water supply for firefighting purposes which meets the following requirements:

- Is stored in an above ground water tank constructed of concrete or metal.
- All fixed above-ground water pipes and fittings required for firefighting purposes must be made of corrosive resistant metal'.
- Include a separate outlet for occupant use.

Additional conditions to apply if a 10,000-litre water tank is used and access is required

'The water supply must also –

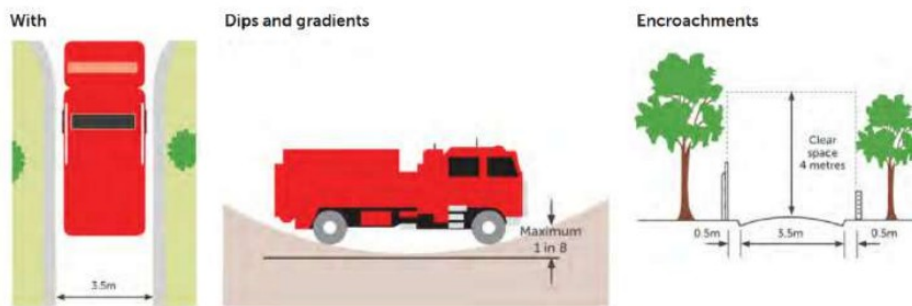
- Be readily identifiable from the building or appropriate identification signage to the satisfaction of the relevant fire authority.
- Be located within 60 metres of the outer edge of the approved building.
- The outlet/s of the water tank must be within 4 metres of the access way and unobstructed.
- Incorporate a separate ball or gate valve (British Standard Pipe (BSP 65millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
- Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

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## Appendix 4: BMO access requirements

Where the length of access is greater than 30 metres the following design and construction requirements apply:

- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres.
- Dips must have no more than a 1 in 8 (12.5%) (7.1°) entry and exit angle.
- A load limit of at least 15 tonnes and be of all-weather construction.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- A cleared area of 0.5 metres is required to allow for the opening of vehicle doors along driveways.



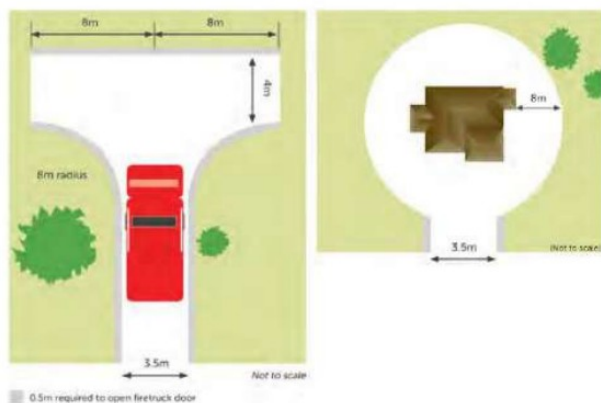
Practice Note 65 | Preparing and Assessing a Planning Application Under the Bushfire Provisions in Planning Schemes

### Access between 100 metres to 200 metres in length

In addition to the above:

A turning area for fire fighting vehicles must be provided close to the building by one of the following:

- a driveway encircling the dwelling
- other vehicle turning heads such as a T or Y head which meet the specification of Austroad Design for an 8.8 metre service vehicle.
- a turning circle with a minimum radius of 8 metres



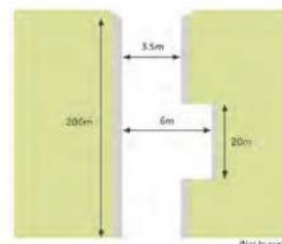
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### Access greater than 200 metres in length

In addition to the above, passing bays are required at least every 200 metres that are:

- a minimum of 20 metres long
- with a minimum trafficable width of 6 metres.





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# BUSHFIRE MANAGEMENT PLAN

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7 OLD GEMBROOK ROAD EMERALD.



17 JULY 2018

KEYSTONE ALLIANCE BUSHFIRE ASSESSMENTS

713 Plenty Road Reservoir, Vic 3073 M: 0450 770 778 [paul@keystonealliance.com.au](mailto:paul@keystonealliance.com.au)



17-Jul-18

# Bushfire Management Plan 7 OLD GEMBROOK ROAD EMERALD



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SITE PLAN  
1:500

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**Belgraphik**  
BUILDING DESIGN

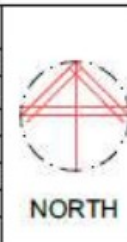
1680 Burwood Highway, Belgrave 3180 Ph: (03) 9754 7464 Fax: (03) 9754 7083  
Trading as Pegasus Australia Pty Ltd ACN 117 603 933

**bday**  
Building Designers  
Association Victoria

REGISTERED  
Building Practitioner

Contractor or owner-builder to check all dimensions on site prior to ordering and commencement of work and obtain clarification of any discrepancies from building designer.

No.	Revisions	Date



PROJECT  
**ADDITIONS & ALTERATIONS**

SITE ADDRESS  
7 Old Gembrook Rd  
Emerald 3782

CLIENT  
Adrian & Caitlin Whiting

### Construction Requirements

The construction requirements of the dwelling will comply with a **BAL 29**

#### Defendable Space

An area of defendable space shall be provided around the dwelling to the property boundaries where vegetation will be managed to 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 period.
- Within 10 metres of a building, flammable objects must not be located close to vulnerable parts of the building.
- Plant 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 clumps of shrubs must not exceed 5m<sup>2</sup> 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.

#### Access

- All-weather construction.
- A load limit of at least 15 tonnes.
- Provide a minimum trafficable width of 3.5 metres.
- Be clear of encroachments for at least 0.5 metres on each side and at least 4 metres vertically.
- Curves must have a minimum inner radius of 10 metres.
- The average grade must be no more than 1 in 7 (14.4%) (8.1°) with a maximum grade of no more than 1 in 5 (20%) (11.3°) for no more than 50 metres
- Dips must have no more than a 1 in 8 (12.5%) (7.10) entry and exit angle

#### Water

- A non-combustible water tank/s with a static water supply of 10,000 litres reserve capacity of water dedicated solely to firefighting purposes:
- Is stored in an above ground water tank constructed of concrete or metal.
  - All fixed above-ground water pipes and fittings required for firefighting purposes must be 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 relevant fire authority.
  - Be located within 60 metres of the outer edge of the approved building.
  - The outlet/s of the water tank must be within 4 metres of the access way and unobstructed.
  - Incorporate a separate ball or gate valve (British Standard Pipe (BSP) 65millimetre) and coupling (64-millimetre CFA 3 thread per inch male fitting).
  - Any pipework and fittings must be a minimum of 65 millimetres (excluding the CFA coupling)

Proposed Development 	Property Boundaries 	Access Road 	Building Envelope 	Defendable Space 	Water Tank for CFA Use 	Water Outlet 	Defendable Space Outbuilding 	Reference# BMP2396
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## CERTIFICATE OF FINAL INSPECTION

FORM 17 / REGULATION 200 / BUILDING REGULATIONS 2018 / BUILDING ACT 1993

PROPERTY DETAILS		
Number: 7	Street/Road: Old Gembrook Rd	
City/Suburb/Town: EMERALD		P/C: 3782
Lot/s: 4	LP/PS: 119304	Volume: 09186
Folio: 536	Crown Allotment:	Section:
Parish:	County:	Municipal District: Cardinia Shire Council

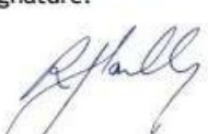
BUILDING PERMIT DETAILS
Building Permit Number: 4702717644941/0
Version of BCA applicable to building permit: NCC 2019 Volume 2

DESCRIPTION OF BUILDING WORK		
Part of Building	Permitted Use	BCA Class
Dwelling	Extension	1a(a)

MAINTENANCE DETERMINATION
A maintenance determination is not required to be prepared in accordance with regulation 215 of the Building Regulations 2018.

Directions to fix building work
All directions to fix building work under Part 4 of the Building Act 1993 have been complied with.

CONDITION OF THIS PERMIT
<p>1. This Certificate of Final Inspection has been issued with a Bushfire Risk Assessment Level, as determined by a registered building practitioner at the time of the issue of the building permit. It is the owners responsibility to maintain the building elements and vegetation at the current level. While the AS 3959-2009 will improve protection in a bushfire, it is important to note that it does not guarantee a building will survive a fire due to the unpredictable nature of a bushfire.</p> <p>2. An annual inspection of termite barriers is required to be carried out to ensure that the termite barriers are acting as intended and to ensure that the performance of the barriers have not been compromised.</p>

RELEVANT BUILDING SURVEYOR	
Name: Robert Hartley	
Address: 13 Hutchinson Street, Lilydale	P/C: 3140
Email: robert.hartley@yarrabsg.com.au	Building practitioner registration no.: BS-U 25753
Municipal district / Council name:	Cardinia Shire Council
Certificate no.: 4702717644941/0	Date of issue: 05/05/2021
Signature:	
	
<b>ROBERT J. HARTLEY</b> BS-U 25753	



## Certificate of Currency

This certificate acknowledges that the Policy referred to is in force for the period shown. Summary of cover is listed below.

This Certificate is subject to the terms, Definitions, Conditions and Exclusions of this Policy.

<b>DATE:</b>	23/07/2019
<b>POLICY NUMBER:</b>	32 V009689 CAR
<b>YOU/YOUR/INSURED:</b>	HALKIN DEVELOPMENTS PTY LTD
<b>PERIOD OF INSURANCE:</b>	From: 4.00pm on 16/06/2019 to: 4.00pm on 16/06/2020
<b>POLICY:</b>	Annual Contract Works including General Liability
<b>GEOGRAPHICAL SCOPE:</b>	Anywhere in Australia
<b>INTEREST INSURED:</b>	<b>Material Damage</b> Sum Insured (any one contract): \$760,000
<b>LIMIT OF LIABILITY:</b>	<b>Public Liability:</b> \$20,000,000 any one Occurrence <b>Products Liability:</b> \$20,000,000 any one Occurrence and in the aggregate during any one Period of Insurance
<b>WORDING:</b>	HIAS Annual Construction Liability Policy and agreed endorsements where applicable
<b>NOTING:</b>	N/A

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Issued by: QBE Australia

Underwriter: John Piccirilli