Notice of Application for a Planning Permit



The land affecte application is lo	•		L128 PS848743 V12580 F418 120 Pakenham Road, Pakenham VIC 3810				
The application	is for a permit t	o: Buildings an	Buildings and Works (Construction of a Dwelling and a Fence)				
A permit is requ	ired under the f	ollowing clauses	of the planning so	heme:			
42.01-2 C	onstruct a fence	•					
42.01-2 C	onstruct a build	ng or construct o	r carry out works				
l		APPLICA	TION DETAILS				
The applicant fo	or the permit is:	Frenken Hom	es Pty Ltd				
Application num	nber:	T250425					
-		and any docume Responsible Autho	nts that support t prity:	he eta			
Cardinia Shire C	Council, 20 Sidir	g Avenue, Officer	3809.				
This can be don	e during office I	nours and is free	of charge.				
		on Council's web <u>lans</u> or by scanni					
	ŀ	IOW CAN I MA	KE A SUBMISS	ION?			
	as been made. Th	I. You can still make e Responsible Autho		12 August 2025			
WHAT ARE M	Y OPTIONS?	An objection must:		The Responsible Authority must make a copy of every objection available at its			
Any person who ma the granting of the object or make oth to the responsible	permit may er submissions	 be made to the F Authority in writin include the reaso objection; and 	ig;	office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on			
If you object, the R Authority will notify decision when it is	you of the	• state how the ob affected.	jector would be	the application.			
			lication				
Ď	2)		4	6			
lication	Council initial assessment	Notice	Consideration of submission				
	as set out in the used for any othe	Planning and Environmen er purpose. By taking a co	r the purpose of the plann t Act 1987. The informatic py of this document you a ent for the purpose specil	n must not be cknowledge			

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ePlanning

Application Summary

Portal Reference	A325834K
Basic Informatio	n
Proposed Use	CONSTRUCTION OF NEW SINGLE STOREY DWELLING WITH GARAGE & FENCING ON LAND SUBJECT TO AN ENVIRONMENTAL PROTECTION OVERLAY. Design Guidelines have been complied with as design approval has been obtained. We have satisfied their requirements including casual surveillance, building setbacks, water saving options and design including variety, articulation, colours, materials, textures, roof design, car accommodation, height restrictions and site coverage. DAP approval and stamped plans uploaded Covenant PS848743W Restriction A &C Opy of building plans, elevation, roof and site plans incorporating setback from all boundaries, existing contours, proposed FFL and site levels, proposed driveway / paths, fencing, landscaping and external materials and colours have been submitted to the DAP for approval and approval has been obtained from the Design Assessment Panel. Restrictions B &C No party walls exist. Section 173 Agreement AX385769] There is no vegetation on the land apart from gras / weeds which the owner will maintain along with any future installed landscaping. Developer design approval has been obtained. The owner is obliged to comply with all things necessary as per the agreement. Owner is happy with plans as is, including size of al rooms, and has signed off on them. No outbuildings to note.
Current Use	VACANT
Cost of Works	\$273,377
Site Address	120 Pakenham Road Pakenham 3810

Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 No such encumbrances are breached agreement or other obligation such as an easement or building envelope?

Note: During the application process you may be required to provide more information in relation to any encumbrances.

Contacts

Туре	Name	Address	Contact Details
Applicant	FRENKEN HOMES PTY LTD	194 SLADEN STREET, CRANBOURNE VIC 3977	W: 03-5995-1655 E: assist@frenkenhomes.com.au
Owner			
Preferred Contact	FRENKEN HOMES PTY LTD	194 SLADEN STREET, CRANBOURNE VIC 3977	W: 03-5995-1655 E: assist@frenkenhomes.com.au

Fees

Regulation Fee Condition		Amount	Modifier	Payable
9 - Class 4	More than \$100,000 but not more than \$500,000	\$1,462.50 100% \$1,462.50		
		Total		\$1,462.50



Civic Centre 20 Siding Avenue, Officer, Victoria

Council's Operations Centre (Depot) Purton Road, Pakenham, Victoria Postal Address Cardinia Shire Council P.O. Box 7, Pakenham VIC, 3810

Email: mail@cardinia.vic.gov.au

Monday to Friday 8.30am– 5pm Phone: 1300 787 624 After Hours: 1300 787 624 Fax: 03 5941 3784

Documents Uploaded

Date	Туре	Filename	
18-07-2025	A Copy of Title	TITLE 15.07.2025.pdf	
18-07-2025	Encumbrance	AX385769J.pdf	
18-07-2025	Encumbrance	POS CURRENT 22.05.2025.pdf	
18-07-2025	Site plans	128 PAKENHAM - SITE PLAN.pdf	
18-07-2025	A proposed floor plan	128 PAKENHAM - FLOOR PLAN.pdf	
18-07-2025	Proposed elevation plan	128 PAKENHAM - ELEVATION PLAN.pdf	
18-07-2025	Overlay Requirements	ESO 42.01-s4.pdf	
18-07-2025	Additional Document	128 PAKENHAM - EARTHWORKS PLAN.pdf	
18-07-2025	Additional Document	128 PAKENHAM - FENCING PLAN.pdf	
18-07-2025	Additional Document	DA APPROVAL.pdf	
18-07-2025	Additional Document	LANDSCAPE PLAN V1.pdf	

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

Lodged By

Site User		194 SLADEN STREET, Cranbourne VIC 3977	W: 03-5995-1655	
	FRENKEN HOMES PTY LTD		E: assist@frenkenhomes.com.au	
Submission Date	18 July 2025 - 11:15:AM			

Declaration

By ticking this checkbox, I, teclare that all the information in this application is true and correct; and the Applicant and/or Owner (if not myself) has been notified of the application.



Civic Centre 20 Siding Avenue, Officer, Victoria Council's Operations Centre Postal Address Cardinia Shire Council P.O. Box 7, Pakenham VIC, 3810 Email: mail@cardinia.vic.gov.au

(Depot) Purton Road, Pakenham, Victoria Monday to Friday 8.30amâ€"5pm Phone: 1300 787 624 After Hours: 1300 787 624 Fax: 03 5941 3784

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Monday to Friday 8.30am– 5pm Phone: 1300 787 624 After Hours: 1300 787 624 Fax: 03 5941 3784



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

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

Page 1 of 1

VOLUME 12580 FOLIO 418

Security no : 124126233968T Produced 15/07/2025 04:48 PM

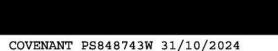
LAND DESCRIPTION

Lot 128 on Plan of Subdivision 848743W. PARENT TITLE Volume 12330 Folio 801 Created by instrument PS848743W 31/10/2024

REGISTERED PROPRIETOR



ENCUMBRANCES, CAVEATS AND NOTICES



COVENANI PB040/45W 51/10/2024

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

AGREEMENT Section 173 Planning and Environment Act 1987 AX385769J 25/10/2023

DIAGRAM LOCATION

SEE PS848743W FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NUMBER				STATUS	DATE
AZ326034B	(E)	DISCHARGE C	OF MORTGAGE	Registered	30/06/2025
AZ326035Y	(E)	TRANSFER		Registered	30/06/2025
AZ326036W	(E)	MORTGAGE		Registered	30/06/2025
				12576	

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

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

Street Address: 120 PAKENHAM ROAD PAKENHAM VIC 3810

ADMINISTRATIVE NOTICES

NIL



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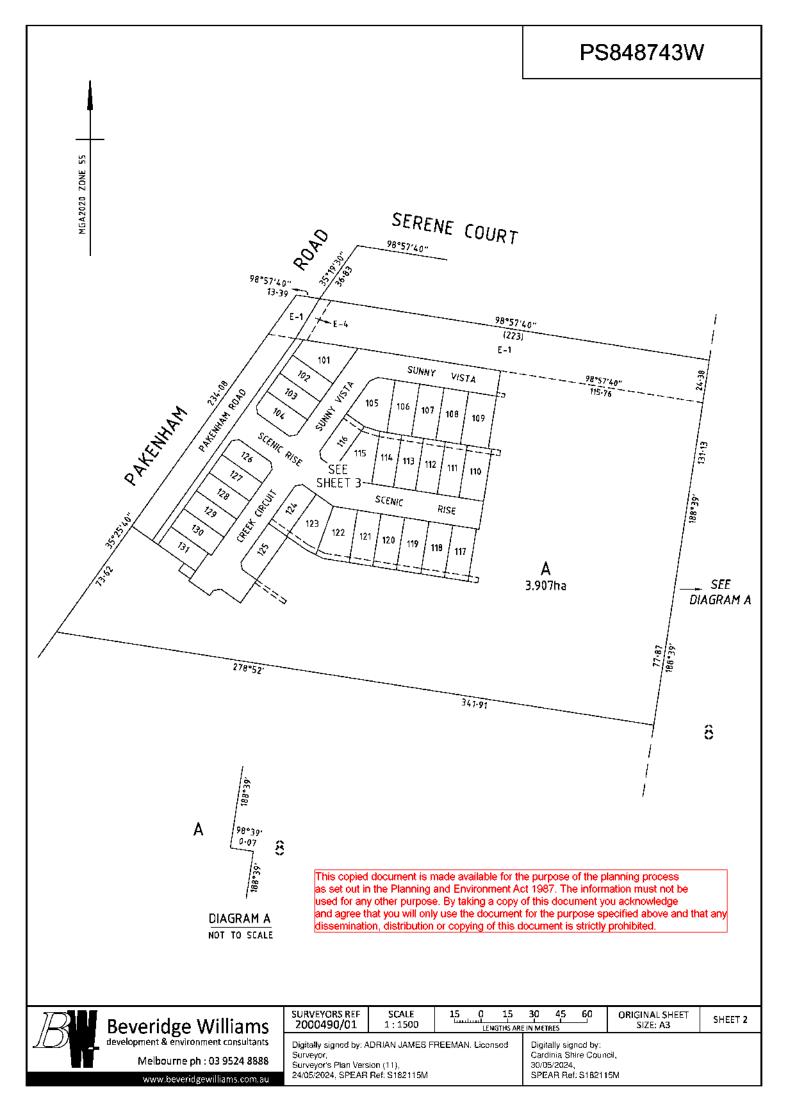
Document Type	Plan
Document Identification	PS848743W
Number of Pages	4
(excluding this cover sheet)	
Document Assembled	22/05/2025 12:54

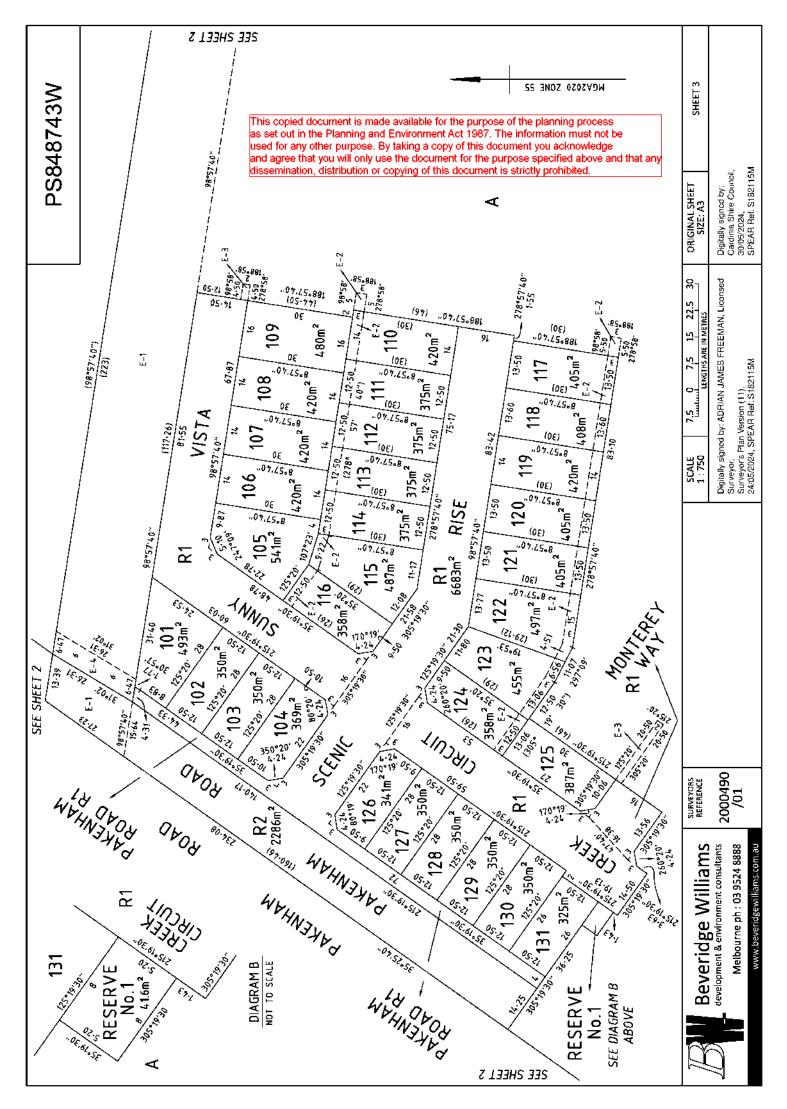
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PLAN C	F SUBDIVISION			EDITION 1	PS	348743W	
LOCATION (PARISH: TOWNSHIP: SECTION:	DF LAND NAR NAR GOON PAKENHAM —	NAR NAR GOON			Council Name. Cardinia Shire Council Council Reference Number: S21-146 Planning Pormit Reforence: T160690-2 SPEAR Reference Number: S182115M Certification		
				This plan is contified under sect Date of original certification und Public Open Space			
TITLE REFERENC	CE: VOL. 12230 FOL.	801		A requirement for public open s has been made and the require		r 18A of the Subdivision Act 1988 ied at Certification	
LAST PLAN REF	· · · · ·			Digitally signed by: Fiona Shadf Statement of Compliance issu		aunail an 30/05/2024	
POSTAL ADDRE (at time of subdivis		AD		Public Open Space A requirement for public open s has been made and the require		r 18A of the Subdivision Act 1988	
MGA CO-ORDINATES: E: 366 250 ZONE: 55 (of approx centre of land in plan) N: 5 786 580 GDA 2020				nas been made and the require	ment has been sanshed	at statement of Compliance	
VES	STING OF ROADS AND/OR R	ESERVES			NOTATIONS		
IDENTIFIER	COUNCIL/BOD	//PERSON		LOTS 1 TO 100 (BOTH INCLUS	IVE) HAVE BEEN OMIT	ITED FROM THIS PLAN.	
ROAD R1 ROAD R2 RESERVE No.	ROAD R2 HEAD TRANSPORT FOR VICTORIA			LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE RESTRICTIONS. FOR DETAILS OF RESTRICTIONS INCLUDING BURDENED LOTS & BENEFITING LOTS, SEE CREATION OF RESTRICTIONS ON SHEET 4.			
This copied document is made available for t			WARNING: The restrictive covenant(s)/restriction(s) in this plan may have been varied or removed. For current information, the purpose ଜୀଙ୍କରୁ planfor identify bergi evant folio(s) of the Register,				
	N ac ast action to Plan	mind and En	vironment A	t 1097 Thatisfarsection	BhofHae Transfer	of Land Act 1958	
Not apply the reacting and construction of the purpose. By taking a copy and agree that you will only use the document this is a SPEAR plan. This is a SPEAR plan. STAGING: This is not a staged subdivision. Planning Permit No. T160690 SURVEY: This plan is based on survey. This survey has been connected to permanent marks No(s). 89, 199, 213, 285, 286, 287, 295, 319, 320, 354, 355, 363, 674, 675 Estate: The Rise - Pakenham Phase No. 01 No. of Lots: 31 + Lot A				···· ···· ···· ···· ···· ···· ····	and a second		
PHASE AREA: 2.142ha		EAS					
LEGEND: A - Appu	urtenant Easement E - Encumbering Ea	asement R -	Encumberin	g Easement (Road)			
Easement Reference	Purpose	Width (Metres)		Origin	Land B	enefited/In Favour Of	
E-1, E-4	PIPELINE	24.38		INST. D613929	VICTORIA P	PIPELINES COMMISSION	
E-2 E-2, E-3	DRAINAGE SEWERAGE	3 SEE DIAG.		THIS PLAN THIS PLAN		NIA SHIRE COUNCIL T WATER CORPORATION	
E-4	SUPPLY OF WATER 6 (THROUGH UNDERGROUND PIPES)			THIS PLAN	SOUTH EAS	T WATER CORPORATION	
				00100/01			
	Beveridge Williams	SURVEYORS		00490/01 00490-01-PS-V11.DWG	ORIGINAL SHEET SIZE: A3	SHEET 1 OF 4	
	evelopment & environment consultants Melbourne ph : 03 9524 8888	Surveyor, Surveyor's P	lan Version (11		Land Use Victoria Plar 02:18 PM 31/10/2024 Assistant Begistrar of 2	-	
www.beveridgewilliams.com.au 24/05/2024, SPEAR Ref. S			102 (1 DIVI	Assistant Registrar of	nies		





SUBDIVISION ACT 1988

CREATION OF RESTRICTION 'A'

PS848743W

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS 101 TO 131 (BOTH INCLUSIVE) BENEFITING LAND: LOTS 101 TO 131 (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THE PLAN OF SUBDIVISION SHALL NOT:

(1) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY BUILDING OR STRUCTURE OTHER THAN A BUILDING OR STRUCTURE THAT SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE RISE (PAKENHAM) ESTATE DESIGN GUIDELINES AS AMENDED FROM TIME TO TIME.

A COPY OF THE DESIGN GUIDELINES AND BUILDING ENVELOPE PLAN IS AVAILABLE at http://www.beveridgewilliams.com.au/design-application/

- (2) CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY BUILDING OR STRUCTURE ON THE LOT PRIOR TO;
 - COPIES OF BUILDING PLANS, ELEVATION, ROOF PLANS, SITE PLANS (INCORPORATING SETBACKS FROM ALL BOUNDARIES, EXISTING CONTOURS, (A) PROPOSED FINISHED FLOOR LEVELS AND SITE LEVELS, ALL PROPOSED DRIVEWAYS AND PATHS, DETAILS OF FENCES AND OUTBUILDINGS AND LANDSCAPING) AND SCHEDULES OF EXTERNAL COLOURS AND MATERIALS HAVE BEEN SUBMITTED VIA THE DESIGN PORTAL AT THE ABOVE ADDRESS OR SUCH OTHER ENTITY AS MAY BE NOMINATED BY THE DESIGN ASSESSMENT PANEL FROM TIME TO TIME;
 - THE DESIGN ASSESSMENT PANEL OR SUCH OTHER ENTITY AS MAY BE NOMINATED BY THE DESIGN ASSESSMENT PANEL FROM TIME TO TIME HAVE (B) GIVEN ITS WRITTEN APPROVAL TO THE PLANS PRIOR TO THE COMMENCEMENT OF WORKS.

VARIATION:

ANY VARIATION TO CONDITIONS 1 AND 2 OF RESTRICTION 'A' WILL REQUIRE THE CONSENT OF THE DESIGN ASSESSMENT PANEL.

EXPIRY:

THIS RESTRICTION CEASES TO HAVE EFFECT FOLLOWING AFTER EITHER;

- (i) THE ISSUE OF AN OCCUPANCY PERMIT UNDER THE BUILDING ACT 1993 (OR SIMILAR) IN RESPECT OF A BUILDING ON EVERY RESIDENTIAL LOT ON THIS PLAN.
- (ii) 31 DECEMBER 2039.

CREATION OF RESTRICTION 'B'

THE REGISTERED PROPRIETORS OF THE BURDENED LAND COVENANT WITH THE REGISTERED PROPRIETORS OF THE BENEFITED LAND AS SET OUT IN THE RESTRICTION WITH THE INTENT THAT THE BURDEN OF THE RESTRICTION RUNS WITH AND BINDS THE BURDENED LAND AND THE BENEFIT OF THE RESTRICTION IS ANNEXED TO AND RUNS WITH THE BENEFITED LAND.

LAND TO BENEFIT & TO BE BURDENED:

BURDENED LAND: LOTS 101 TO 131 (BOTH INCLUSIVE) BENEFITING LAND: LOTS 101 TO 131 (BOTH INCLUSIVE)

DESCRIPTION OF RESTRICTION:

THE REGISTERED PROPRIETOR OR PROPRIETORS FOR THE TIME BEING OF ANY BURDENED LOT ON THE PLAN OF SUBDIVISION SHALL NOT:

CONSTRUCT OR ALLOW TO BE CONSTRUCTED ANY BUILDING OR STRUCTURE WITH PARTY WALLS UNLESS THE PARTY WALLS ARE CONSTRUCTED 1) SIMULTANEOUSLY WITH THE ABUTTING LOTS

EXPIRY:

THIS RESTRICTION CEASES TO HAVE EFFECT FOLLOWING AFTER EITHER;

- (i) THE ISSUE OF AN OCCUPANCY PERMIT UNDER THE BUILDING ACT 1993 (OR SIMILAR) IN RESPECT OF A BUILDING ON EVERY RESIDENTIAL LOT ON THIS PLAN.
- (iii) 31 DECEMBER 2039.



Beveridge Williams		SURVEYORS REF 2000490/01				ORIGINAL SHEET SIZE: A3	SHEET 4
development & environment consultants	Digitally signed by: A	DRIAN JAMES FI	REEMAN. Licensed	Digitally signed by:			
Melbourne ph : 03 9524 8888		Surveyor, Surveyor's Plan Vers	((·		Cardinia Shire Coun 30/05/2024,		
	www.beveridgewilliams.com.au	24/05/2024, SPEAR	Ref: S182115M		SPEAR Ref: S18211	5M	



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Produced 20/11/2024 12:03:49 PM

Status Date and Time Lodged	Registered 25/10/2023 12:57:26 PM	Dealing Number	AX385769J
Lodger Details			
Lodger Code	21884L		
Name	SETTLE CONNECT PTY LTD		
Address			
Lodger Box			
Phone			
Email			
Reference	Cardinia (12330/801		
	APPLICATION TO RECORD AN	IINSTRUMENT	

Jurisdiction

VICTORIA

Privacy Collection Statement

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Estate and/or Interest FEE SIMPLE

Land Title Reference

12330/800

12330/801

Instrument and/or legislation

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

Applicant(s) Name	CARDINIA S	HIRE COUNCIL
Address		
Property Name	CARDINIA S	HIRE OFFICE
Street Number	20	
Street Name	SIDING	This copied document is made available for the purpose of the planning process
Street Type	AVENUE	as set out in the Planning and Environment Act 1987. The information must not be
Locality	OFFICER	used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that an
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Electronic Instrument Statement

Postcode	3809
Additional Details Refer Image Instrumen	t
The applicant requests	the recording of this Instrument in the Register.
Execution	
1. The Certifier has take attorney.	en reasonable steps to verify the identity of the applicant or his, her or its administrator or
2. The Certifier holds a Registry Instrument of	properly completed Client Authorisation for the Conveyancing Transaction including this or Document.

- 3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
- 4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of Signer Name Signer Organisation

Signer Role

Execution Date

CARDINIA SHIRE COUNCIL DYE & DURHAM LEGAL PTY

LTD AUSTRALIAN LEGAL PRACTITIONER 25 OCTOBER 2023

File Notes:

NIL

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Statement End.





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Number of Pages	17
(excluding this cover sheet)	
Document Assembled	20/11/2024 12:03

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Deed of Agreement

Under s173 of the Planning and Environment Act 1987

Cardinia Shire Council

and

BNG (Pakenham) Pty Ltd (ACN 640125686)

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Doc ID 1115801193/v1

Level 8, 447 Collins Street, Melbourne VIC 3000 Australia PO Box 3, Collins Street West VIC 8007 Australia DX 564 Melbourne Telephone +61 3 8644 3500 Facsimile 1300 365 323 (Australia) +61 3 9034 3257 (International) hwlebsworth.com.au

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1.	Definitions and interpretation clauses	2				
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3.	Further obligations	5				
4.	Agreement under Section 173 of the Act	6				
5.	Owner's warranties	7				
6.	Successors in title	7				
7.	Notices	7				
8.	Miscellaneous	8				
Sche	edule	10				
Exec	cuted as a deed	11				
Sche	Schedule 1					
Sche	Schedule 2					



Deed of Ag	a u a	This copied document is made available for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.								
Date 06/10)/2023									
Parties	Cardinia Shire	Council								
	of 20 Siding Ave	enue, Officer 3809								
		(Council)								
	BNG (PAKENH	IAM) PTY LTD (ACN 640125686)								
	of Level 5, 991	Whitehorse Road, Box Hill VIC 3128								
		(Owner)								
Recitals	adminis	is the Responsible Authority pursuant to the Act for the stration and enforcement of the Planning Scheme, which to the Subject Land.								
	Subject	oner is or is entitled to be the registered proprietor of the Land, which is the land over which this Agreement is d to be registered.								
	T16069 the Sub vegetati	December 2017 Council issued Planning Permit No. 10 (Planning Permit), which allows for the subdivision of oject Land, associated works, fencing, removal of native ion and altering access to a road in a Road Zone ry 1, generally in accordance with the approved plans.								
		ine 2021 Council amended the Planning Permit 90-2) (Amended Planning Permit).								
	E. Conditio	on 41 of the Amended Planning Permit provides that:								
	the own	the issuing of a Statement of Compliance for each stage, ner must enter into an agreement pursuant to Section 173 Planning and Environment Act 1987 to provide for the g:								
	a)	A plan of subdivision to show the location and dimensions of the plantation reserve as well as the building envelopes.								
	b)	A requirement that each land owner must maintain the								



plantation reserve in perpetuity at the owner's cost. A separate maintenance/weed control schedule is required.

- c) A requirement that any fencing within the plantation reserve must be wire or similar material to the satisfaction of the Responsible Authority.
- d) A requirement that each lot affected by the plantation reserve must comply with the relevant Building Design Guidelines registered on title.
- F. The Parties have agreed to enter into this Agreement:

(a)	to give effect to the requirements of the Amended
	Planning Permit;

- (b) that the Building Envelopes referred to in this Agreement relate only to the building envelopes for the lots abutting the plantation reserve on the eastern boundary of the Subject Land; and
- (c) to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

This deed witnesses that in consideration of, among other things, the mutual promises contained in this deed the parties agree as follows:

1. Definitions and interpretation clauses

1.1 **Definitions**

In this deed the following definitions apply:

Actmeans the Planning and Environment Act 1987 (Vic).Agreementmeans this Deed of Agreement and any Agreement executed by
the Parties expressed to be supplemental to this Agreement.Building Design
Guidelinesmeans the Building Design Guidelines required by conditions 6
and 7 of the Planning Permit.

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Building Envelopes	means the building envelopes for the lots abutting the plantation reserve on the eastern boundary of the Subject Land.
Building Envelope Plan	means the plan showing the location and dimensions of the Building Envelopes attached at Schedule 1.
Business Day	means a day that is not a Saturday, Sunday or public holiday in Melbourne.
Claim	means any claim, action, proceeding or demand made against the person concerned, however it arises and whether it is present or future, fixed or unascertained, actual or contingent.
Council	means Cardinia Shire Council in its capacity as responsible authority.
Development	means the buildings and works authorised under the Planning Permit.
Endorsed Plans	means the plans and/or other documents that are endorsed pursuant to the Planning Permit from time to time.
Loss	means any loss, damage, cost, expense or liability incurred by the person concerned, however it arises and whether it is present or future, fixed or unascertained, actual or contingent.
Owner	means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple in the Subject Land or any part of it and includes a Mortgagee-in-possession.
Party or Parties	means the Owner and Council under this Agreement as appropriate.
Planning Permit	means Planning Permit No. T160690 issued by Council on 19 December 2017 referred to in Background C of this Agreement, and as amended from time to time (currently T160690-2 issued on 9 June 2021) and including any Endorsed Plans.

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Planning Scheme	means the Cardinia Planning Scheme and any other Planning Scheme which applies to the Subject Land.
Plantation Reserve	means the area marked 'plantation reserve' forming part of the Subject Land as detailed in the Building Envelope Plan.
Subject Land	means Volume 12330 Folio 801 (Lot 3 on Plan of Subdivision 6710) and Volume 12330 Folio 800 (Lot 2 on Plan of Subdivision 86652). Any reference to the Subject Land in this Agreement includes any lot created by the subdivision of the Subject Land or any part of it.
VCAT	means the Victorian Civil and Administrative Tribunal.
Vegetation Plan	means the vegetation plan attached at Schedule 2

1.2 Interpretation

- (a) In this document, unless the context otherwise requires:
 - (i) The singular includes the plural and vice versa.
 - (ii) A reference to a gender includes a reference to each other gender.
 - (iii) A reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law.
 - (iv) If a Party consists of more than one person this Agreement binds them jointly and each of them severally.
 - A term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act.
 - (vi) A reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme.
 - (vii) The introductory clauses to this Agreement are and will be deemed to form part of this Agreement.
 - (viii) Headings are for guidance only and do not affect the interpretation of this Agreement.



- (b) The obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
 - bind the Owner, its successors, transferees and permitted assigns, the registered proprietor or proprietors for the time being of the Subject Land; and
 - (ii) if the Subject Land is subdivided further, this Agreement must be read and applied so that each subsequent Owner of a lot is only responsible for those covenants and obligations which relate to that Owner's lot.

2. Owner's obligations

2.1 Plans showing the location of the Plantation Reserve and the Building Envelopes

The Owner covenants and agrees that the Building Envelope Plan shows the location and dimensions of the Plantation Reserve, as well as, the relevant Building Envelopes.

2.2 Maintenance of the Plantation Reserve

The Owner covenants and agrees that it will maintain the plantation reserve:

- (a) in perpetuity;
- (b) at the its own cost; and
- (c) in accordance with the Vegetation Plan.

2.3 Fencing within the Plantation Reserve

The Owner covenants and agrees to construct all fencing within the Plantation Reserve of wire or similar material to the satisfaction of the Responsible Authority.

2.4 Building Design Guidelines

The Owner covenants and agrees that the construction of buildings on each lot affected by the Plantation Reserve must comply with the Building Design Guidelines.

3. Further obligations

3.1 Notice and registration

The Owner will bring this Agreement to the notice of all prospective purchasers, Mortgagees, lessees, charges, transferees and assigns of the Subject Land.

 Deed of Agreement
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3.2 Giving effect to this Agreement

The Owner will do all things necessary to give effect to this Agreement, including executing any further documents and will comply with its obligations under this Agreement.

3.3 Recording by Registrar of Titles

The Owner will consent to Council making application to the Registrar of Titles to make a recording of this Agreement in the Register on the Certificate of Title of the Subject Land in accordance with s181 of the Act and do all things necessary to enable Council to do so including signing any further agreement, acknowledgement or document or procuring the consent to this Agreement of any Mortgagee or caveator to enable the recording to be made in the Register under that section.

3.4 Council's costs to be paid

- (a) The Owner will immediately pay to Council, Council's reasonable costs and expenses (including legal expenses) of and incidental to the preparation, drafting, finalisation, engrossment, execution, registration and enforcement of this Agreement which are and until paid will remain a debt due to Council by the Owner.
- (b) If in dispute, Council may have the costs assessed by the Law Institute of Victoria Costing Service and the Parties will be bound by any assessment, and the cost of any assessment will be paid equally by the Parties.

3.5 Mortgagee to be Bound

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

3.6 **Covenants run with the Subject Land**

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

4. Agreement under Section 173 of the Act

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

Deed of Agreement

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5. Owner's warranties

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person which has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Subject Land which may be affected by this Agreement.

Successors in title 6.

6.1 Successors in title

Without limiting the operation or effect which this Agreement has, the Owner must ensure that until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:

- (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- (b) execute a deed agreeing to be bound by the terms of this Agreement.

7. Notices

7.1 Service

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

- (a) by delivering it personally to that Party;
- by sending it by prepaid post addressed to that Party at the address set out in (b) this Agreement or subsequently notified to each Party from time to time; or
- (c) by sending it by electronic mail to that Party using the email address set out in this Agreement or subsequently notified to each Party from time to time.

7.2 Time of service

A notice or other communication is deemed served:

- if delivered, on the following business day; (a)
- if posted, on the expiration of two business days after the date of posting; or (b)
- (c) if emailed, when the electronic communication becomes capable of being retrieved by the addressee at an electronic address designated by the addressee.

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8. Miscellaneous

8.1 Commencement of Agreement

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

- 8.2 Default
 - If the Owner fails to comply with the provisions of this Agreement, Council may (a) serve a notice on the Owner specifying the works, matters and things in respect of which the Owner is in default.
 - (b) If the alleged default continues for 30 days after the service of such notice, Council may, by its officers, employees, agents and contractors, enter the Subject Land and ensure that the works, matters and things are carried out.
 - The costs incurred by the Council in undertaking the works as a result of the (c) Owner's default will be payable by the Owner.

8.3 **Ending of Agreement**

This Agreement ends:

- on the date that the Council confirms in writing that this Agreement can be (a) ended; or
- otherwise in accordance with the Act. (b)

8.4 **Application to Registrar**

As soon as reasonably practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under s183(2) of the Act to cancel the recording of this Agreement on the register.

8.5 No fettering of Council's powers

It is acknowledged and agreed that this Agreement does not fetter or restrict the power or discretion of Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Subject Land or relating to any use or development of the Subject Land.

8.6 No waiver

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

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8.7 Severability

- (a) If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it must be severed and the other provisions of this Agreement will remain operative.
- (b) Clause 8.7(a) will not apply if to do so will materially affect the commercial arrangement formed by this Agreement.

8.8 **Proper law**

This Agreement is governed by and the Owner submits to the laws of the State of Victoria.

8.9 Counterparts

This Agreement may be executed in counterparts, and is binding on the parties upon the counterparts being exchanged. A copy of the original executed counterpart sent by email is to be treated as an original counterpart for all intents and purposes.



Schedule

Mortgagee's Consent

Daiwa Capital Markets Australia Ltd as Mortgagee of registered Mortgage No AW944856J consents to the Owner entering into this Agreement and agrees to be bound by the terms and conditions of this Agreement as if it were the Owner of the Subject Land.

Executed by Daiwa Capital Markets Australia Ltd) ACN 006 461 356 in accordance with s 127(1) of the) Corporations Act 2001:

Signature of Director Secretary

Signature of Director/Company Secretary

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Print full name

HWL EBSWORTH

Executed as a deed

Signed, sealed and delivered as a deed by the parties

Signed sealed and delivered by

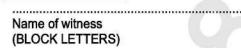


Manager Planning and Design, on behalf of) Cardinia Shire Council in the exercise of a) Power conferred by an Instrument of Delegation) in the presence of:)





Signature of witness The execution of this document has been witnessed by me in accordance with the requirements for witnessing by audio-visual link under section 12 of the Electronic Transactions (Victoria) Act 2000. (Strike out if inapplicable)



Executed by BNG (PAKENHAM) PTY LTD

(ACN 640125686) in accordance with section 127 of the *Corporations Act 2001* (Cth) by:



Signature of Director and Company Secretary



Signature of Director

Full name (print)

Full name (print)

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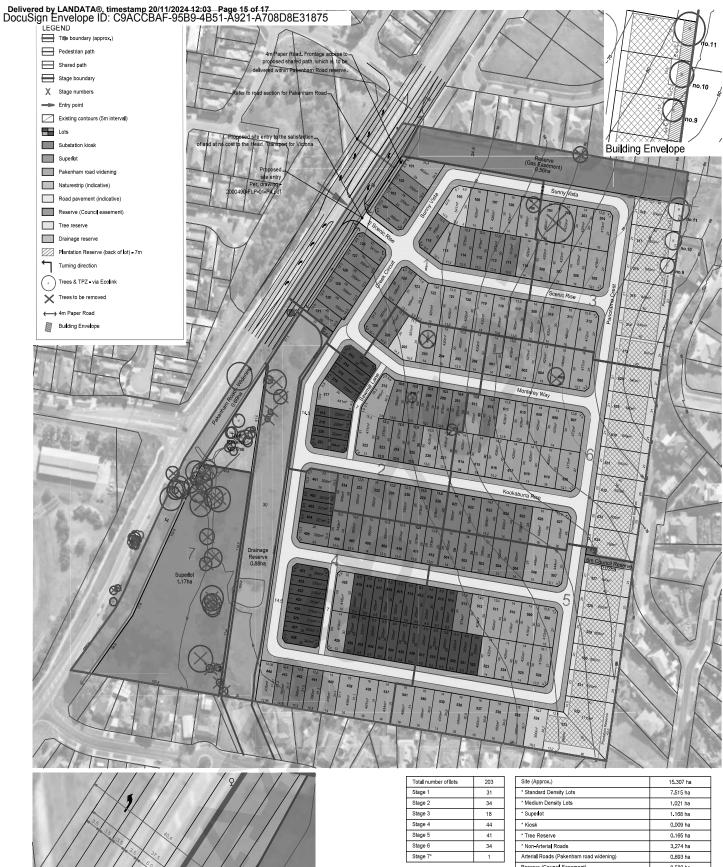
Schedule 1

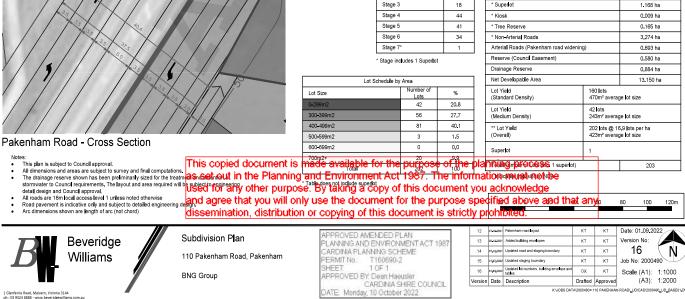
Building Envelope Plan

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Deed of Agreement

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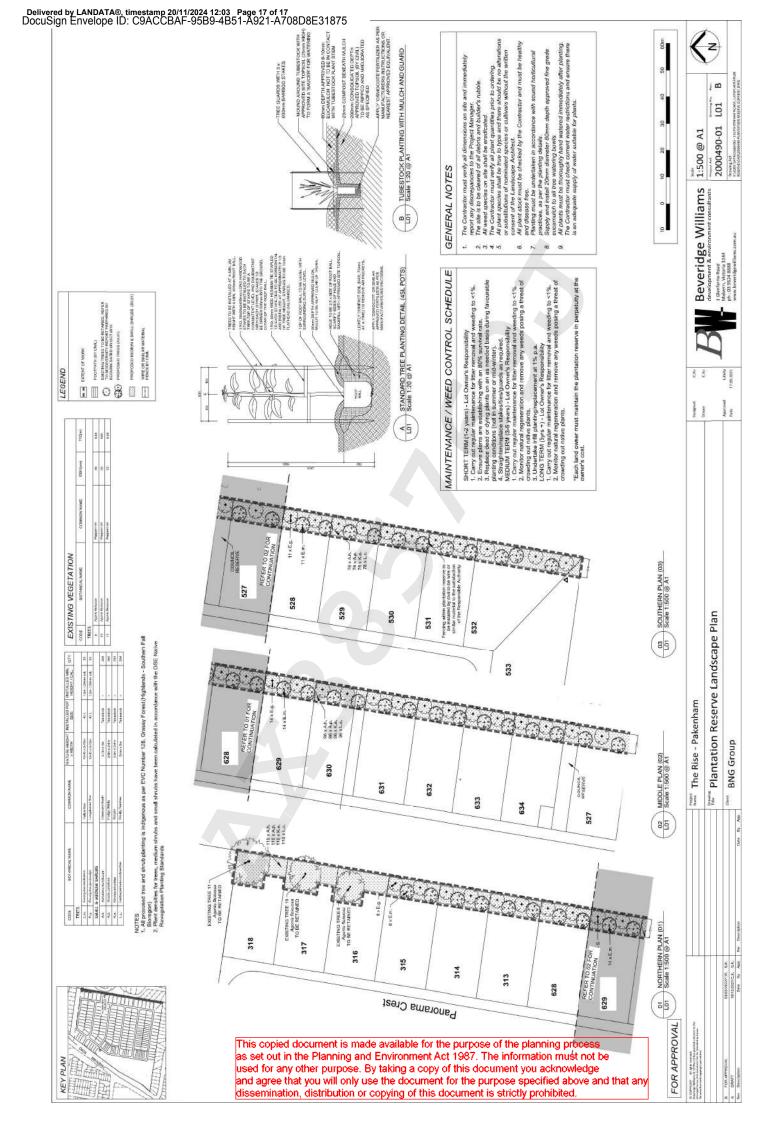
1 Glenferrie Road, Malvern, Victoria 3144 ph : 03 9524 8888 - www.beveridgewilliam



Schedule 2

Vegetation Plan

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10/06/2021 SCHEDULE 4 TO CLAUSE 42.01 ENVIRONMENTAL SIGNIFICANCE OVERLAY C254card

Shown on the planning scheme map as ESO4.

PAKENHAM NORTH RIDGE

Statement of environmental significance

The Pakenham ridge has regional significance for biodiversity. It makes a substantial contribution to biodiversity in the Gippsland Plain Bioregion as well as the Pakenham area. The area has remnants of Grassy Forest, an ecosystem that is vulnerable in the area. The Cobra Greenhood Orchid (Pterostylis grandiflora) which is of state significance, and the Green Scentbark (Eucalytptus fulgens) which is of state/national significance, are found in the area The area is characterised by a geology of Devonian Granitic and Silurian Sediment origin, moderate to steep slopes, and areas of remnant vegetation. These characteristics contribute to environmental values including landscape quality, water quality, and habitat of botanical and zoological significance. These characteristics are also a significant factor contributing to environmental hazards such as erosion, salinity and fire risk, and susceptibility to visual intrusion from buildings and works.

Environmental objective to be achieved

To protect and enhance the significant environmental and landscape values of the Pakenham North ridge.

To ensure that the siting and design of buildings and works does not adversely impact on environmental and landscape values including the ridge landform, the diverse and interesting landscape, the natural skyline of ridge areas, areas of remnant vegetation, and habitat of botanical and zoological significance.

To ensure that the siting and design of buildings and works responds to environmental and landscape values, and addresses environmental hazards of erosion, salinity and fire.

To maintain, manage and promote replanting of native vegetation as an important element of the Pakenham North ridge landscape and natural systems.

To ensure long term protection of areas of high conservation value and promote the protection

Permit requirement

and enhancement of wildlife habitat and the complete representation of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will only use the document for the purpose specified above and that any A permit is required to construct a fence.

A permit is not required to remove, destroy or lop any vegetation if:

- The vegetation is a tree overhanging the roof of a building used for Accommodation. This exemption only allows the removal, destruction or lopping of that part of the tree which is overhanging the building and which is necessary for fire protection.
- The vegetation is dead as a result of natural circumstances or as a result of the spread of noxious weeds and which has been assessed as being suitable for removal by an authorised officer of the responsible authority. This exemption does not apply to standing dead trees with a trunk diameter of 40 centimetres or more at a height of 1.3 metres above ground level.
- It is the minimum extent necessary to maintain utility services for the transmission of water, sewage, gas, electricity, electronic communications or the like, provided that the removal, destruction or lopping is with the written consent of the responsible authority.
- It is necessary for maintenance by the Cardinia Shire Council of works including any road, drain, essential service or public facility.
- It is the removal of any vegetation from an existing dam wall where the vegetation may impact on the structural stability of the dam wall.
- The vegetation is required to be pruned or lopped (but not removed or destroyed) as part of normal domestic or horticultural practice for the species.

2.0 10/06/2021 C254card

1.0

10/06/2021 C254card

3.0 10/06/2021

• The vegetation is an environmental weed contained in the table below; that is not listed under the Schedule to Clause 43.01 (Heritage Overlay) and there is no condition listed in the table:

Botanical name	Common name	Condition
Acacia baileyana	Cootamundra Wattle	
Acacia decurrens	Early Black Wattle	
Acacia elata	Cedar Wattle	
Acacia floribunda	White Sallow Wattle	
Acacia longifolia	Coast / Sallow Wattle	
Acacia saligna	Golden Wreath Wattle	
Acacia sophorae	Coastal Wattle	
Acer spp.	Maple	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Agapanthus praecox orientalis	African Lily	
Allium triquetrum	Angled Onion	
Alstromeria aurea	Peruvian Lily	
Amaryllis belladonna	as set out	ed document is made available for the purpose of the planning process in the Planning and Environment Act 1987. The information must not be
Anredera cordifolia	and agree	ny other purpose. By taking a copy of this document you acknowledge that you will only use the document for the purpose specified above and ition, distribution or copying of this document is strictly prohibited.
Anthoxanthum odoratum	Sweet Vernal Grass	
Arbutus unedo	Strawberry Tree	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Arctotheca calendula	Cape Weed	
Asparagus asparagoides	Bridal Creeper	
Asparagus scandens	Asparagus Fern	
Berberis darwinii	Darwin's Berberry	
Betula spp.	Birch	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres
Briza minor	Shivery Grass	

any

Botanical name	Common name	Condition	
Briza maxima	Quaking Grass		
Buddleia variabilis	Butterfly Bush		
Calicotome spinosa	Spiny broom		
Castanea spp.	Chestnut	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Cestrum elegans	Red Cestrum		
Chamaecytisus palmensis	Tree Lucerne		
Chrysanthemoides monilifera	Boneseed		
Chrysanthemum maximum	Shasta Daisy		
Cirsium vulgare	Spear thistle		
Conium maculatum	Hemlock		
Convolvulus spp.	Bindweeds		
Conyza bonariensis	Tall Fleabane		
Coprosma repens	Mirror Bush		
Coprosma repens	Tuapata This copied docur as set out in the F	ment is made available for the purpose of the planning process Planning and Environment Act 1987. The information must not be	
Coprosma robusta	used for any othe Karamu and agree that you	r purpose. By taking a copy of this document you acknowledge u will only use the document for the purpose specified above and that a stribution or copying of this document is strictly prohibited.	any
Cornus capitata	Evergreen Dogwood		
Cortaderia selloana	Pampas Grass		
Corymbia maculata	Spotted Gum	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Cotoneaster spp.	Cotoneaster		
Crataegus monogyna	Hawthorn		
Crocosmia x crocosmiifolia	Montbretia		
Cytisus palmensis	Tree Lucerne		
Cytisus scoparius	English Broom		

Botanical name	Common n	ame	Condition	
Cynodon dactylon	Couch gras	S		
Cyperus erogrostis	Drain Flat S	edge		
Delairea odorata	Cape Ivy			
Dipogon lignosus	Common Di (Dolichos)	pogon		
Dodonea viscose	Sticky Hop I	Bush		
Echium plantagineum	Paterson's (Curse		
Ehrharta erecta	Panic Veldt	Grass		
Ehrharta longiflora	Annual Veld	lt grass		
Erica baccans	Berry-flower	r Heath		
Erica lusitanica	Spanish He	ath		
Eucalyptus botryoides	Southern M Gum	ahogany	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Euryops abrotanifolius	Euryops			
Foeniculum vulgare	Fennel			
Fraxinus angustifolia	Narrow-leaf	ed Ash	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Fraxinus ornus	Manna Ash			
Fraxinus oxycarpa	Caucasian A	This copied d	ocument is made available for the purpose of the planning proc he Planning and Environment Act 1987. The information must r	ess
Galium aparine	Cleavers	used for any o and agree tha	other purpose. By taking a copy of this document you acknowled t you will only use the document for the purpose specified above distribution or copying of this document is strictly prohibited.	dge
Genista linifolia	Flax Leaf Bi			
Genista monspessulana	Cape/Montp Broom	pellier		
Hakea salicifolia	Willow Hake	ea		
Hakea sauveolens	Sweet Hake	a		
Hedra helix	English Ivy			
Holcus lanatus	Yorkshire Fo	og		

Botanical name	Common name Condition				
Hypericum androsaemum	Tutsan				
Hypericum perforatum	St.John's Wort				
Hypericum tetrapterum	St. Peter's Wort				
llex aquifolium	Holly				
Ipomoea indica	Morning Glory				
Lathyrus latifolius	Sweet Pea				
Leptospermum laevigatum	Coast Tea Tree				
Leycesteria formosa	Himilayan Honeysuckle				
Ligustrum lucidum	Broad-Leaved Privet				
Ligustrum vulgare	Privet				
Lonicera japonica	Japanese Honeysuckle				
Malus spp	Apple				
Melaleuca armillaris	Giant Honey Myrtle				
Melaleuca hypericifolia	Honey Myrtle				
Myosotis sylvatica	Common Forget-me- not				
Myrsiphyillum scandens	This copied document is made available for the purpose of the planning proce as set out in the Planning and Environment Act 1987. The information must no used for any other purpose. By taking a copy of this document you acknowled and agree that you will only uce the document for the purpoce specified above	nt be ge			
Myrsiphyllum asparagoides	dissemination, distribution or copying of this document is strictly prohibited. Bridal Creeper				
Myrsiphyllum asparagoides	Smilax				
Oenothera stricta	Common Evening Primrose				
Opuntia aurantiaca	Prickly Pear				
Oxalis pes-caprae	Soursob				
Portulaca oleracea	Common Purslane				
Paraserianthis lopantha	Cape Wattle				

Botanical name	Common na	ne	Condition		
Passiflora sp. aff. mollissima	Banana Passionfruit				
Pentaglottis serpvirens	Alkante				
Phalaris aquatica	Toowoomba Canary Grass				
Pennisetum clandestinum	Kikuyu				
Phytolacca octandra	Inkweed				
Pinus radiate	Montery Pine		Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres		
Pittosporum crassifolium	Karo				
Pittosporum undulatum	Sweet Pittosporum				
Polygalia myrtifolia	Myrtle Leaf Milkwort				
Populus tremuloides	American Aspen				
Prunus cerasifera	Cherry Plum		Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres		
Prunus laurocerasus	Cherry Laurel				
Prunus Iusitanica	Portugal Laur	el			
Prunus spp.	Plum	This copie	Except Prunus cerasifera (Cherry Plum)	<u> </u>	
Psoralea pinnata	This copied document is made available for the purpose of the planning pro- as set out in the Planning and Environment Act 1987. The information mus Bloukeur (Pinnated for any other purpose. By taking a copy of this document you acknow and agree that you will only use the document for the purpose specified about dissemination, distribution or copying of this document is strictly prohibited			not k dge	
Pyracantha spp.	Firethorns				
Quercus spp.	Oak		Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres		
Ranunculus repens	Creeping Buttercup				
Rhamnus alaternus	Italian Buckthorn				
Ricinus communis	Castor Oil Plant				
Robinia pseudacacia	Black Locust				
Romulea rosea var australis	Onion Grass				

Botanical name	Common name	Condition	
Rosa rubiginosa	Sweet Briar		
Rubus fruticosus spp. agg.	Blackberry		
Salix babylonica	Weeping willow	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Salix spp.	Willow	Diameter at 1.3 metres above natural ground level must not exceed 40 centimetres	
Salpichroa origanifolia	Pampas Lily of the Valley		
Senecio jacobaea	Ragwort		
See Cape Wattle	False Wattle		
Solanum linnaeanum	Apple of Sodom		
Solanum mauritianum	Tree Tobacco		
Solanum nigrum	Black Nightshade		
Solanum pseudocapsicum	Madeira Winter Cherry	у	
Sollya heterophylla	Blue-bell Creeper		
Spartina anglica	Common Cord-grass		
Tradescantia fluminensis	Wandering Jew/Trad		
Trapaeolum majus	Nasturtium		
Ulex europaeus	as set ou	pied document is made available for the purpose of the planning process ut in the Planning and Environment Act 1987. The information must not be any other purpose. By taking a copy of this document you acknowledge	be
Verbascum thapsus	and agre	e that you will only use the document for the purpose specified above and nation, distribution or copying of this document is strictly prohibited.	nd tha
Vibernum timus	Laurestinus		
Vinca major	Blue Periwinkle		
Viola odorata	Fragrant Violet		
Viola riviniana	Wood Violet		
Watsonia borbonica	Rosy Watsonia		
Watsonia meriana var. bulbillifera	Bulbil Watsonia		

Botanical name	Common name	Condition
Zantedeschia aethiopica	White Arum Lily	

4.0 10/06/2021 C254card

Application requirements

The following application requirements apply to an application for a permit under 42.01, in addition to those specified elsewhere in the scheme and must accompany an application, as appropriate, to the satisfaction of the responsible authority:

Buildings and works:

- The location of any existing buildings and works.
- Details of elevations, including external colours, materials and finishes.
- The location of any existing vegetation and any vegetation proposed to be removed.
- Details of the location and extent of any earthworks.

To remove, destroy or lop native vegetation:

- A photograph or site plan (drawn to scale) showing the boundaries of the site, existing vegetation and the vegetation to be removed.
- A description of the vegetation including understory to be removed, including the species, extent, number and size (diameter at 1.3 metres above natural ground level) of any trees to be removed and the Ecological Vegetation Class of native vegetation.
- Location of any hollow bearing trees.
- Topographic information, highlighting ridges, crests and hilltops, streams and waterways, slopes of more than 20 percent, drainage lines, low lying areas, saline discharge areas, and areas of existing erosion.
- A written explanation of the steps that have been taken to:
 - Avoid the removal of vegetation, where possible.
 - Minimise the removal of vegetation.
 - Appropriately replace and/or compensate the loss of vegetation, if required.
- A copy of any property vegetation plan that applies to the site.
- Where the removal, destruction or lopping of vegetation is to create defendable space, a statement explaining why removal, destruction or lopping of vegetation is required having regard to other available bushfire risk mitigation measures. This does not apply to the creation of defendable space in conjunction with an application under the Bushfire This copied document is made available for the purpose of the planning process Management Overlay. as set out in the Planning and Environment Act 1987. The information must not be

used for any other purpose. By taking a copy of this document you acknowledge **Decision guidelines** and agree that you will only use the document for the purpose specified above and that any

dissemination, distribution or copying of this document is strictly prohibited The following decision guidelines apply to an application for a permit under Clause 42.01, in addition to those specified in Clause 42.01 and elsewhere in the scheme which must be considered, as appropriate, by the responsible authority:

General

5.0

10/06/2021

254card

- The Land Capability Study for the Cardinia Shire (February 1997).
- The need for an environmental and landscape impact assessment report, prepared by a properly qualified person and to the satisfaction of the responsible authority, that includes:
 - An appropriate consideration of alternative subdivision layouts and alternative sites for buildings

CARDINIA PLANNING SCHEME

- Possible design responses and design guidelines
- Consideration of appropriate environmental management practices, including replanting of native vegetation and ongoing protection and management of vegetation and habitat areas.
- The protection and enhancement of environmental significance having regard to:
 - Protecting habitat areas, landscape areas and vantage points of high quality
 - Protecting and enhancing areas of native vegetation
 - Setting development back from the ridgeline to allow appreciation of the ridge landform and topography, and to maintain the natural skyline of the ridge
 - The visual prominence of land above the 60-metre contour as a defining landscape feature
 - The integration of buildings and works with environmental and landscape features
 - Appropriate environmental management practices.
- Measures to address environmental hazards or constraints including erosion, drainage and fire.
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Buildings and works

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- The impact of any buildings and works on areas of remnant vegetation, and habitat of botanical and zoological significance.
- The impact of proposed buildings and works on the landscape character of the area, including prominent ridgelines and significant views.
- The control of the density of buildings and subdivision necessary to meet environmental objectives.
- The establishment of appropriate building envelopes and the benefits of requiring building envelopes to be shown on plans of subdivision.
- Whether the siting, height, scale, materials, colours and form of proposed buildings and works, including roads and infrastructure service lines, have been designed to have least visual effect on the ridge environment and landscape.
- Whether approval of any proposed buildings and works is compatible with maintaining the visual, natural and cultural significance of the ridge landscape.
- The benefit of permit conditions requiring all building materials to be non-reflective and of colours that are complementary to those of the natural landscape.
- The benefit of conditions requiring the landscaping of buildings and works, while also having regard to the maintenance of existing viewlines.

Vegetation and habitat

- The retention of remnant vegetation and wildlife habitat, and the need to plant vegetation along waterways, gullies, ridgelines and property boundaries.
- The conservation and enhancement of the area's native vegetation and habitat values, including allowing for natural regeneration of native vegetation
- Providing linked open space and local habitat corridors.
- Maintaining vegetation as a key element of the landscape, and maintaining and enhancing the continuity of vegetation.
- The significance of any vegetation proposed to be removed, including its rarity and habitat value.
- The need to revegetate or landscape the site with native species and dispersing buildings to allow trees to be planted between them.

Response to slope

- The availability of other alternative sites, alternative building designs or alternative construction practices for proposed buildings and works that minimise cut and fill and would better meet the environmental objectives of this schedule, having regard to the size and topography of the land, retention of vegetation, and the form and nature of the proposed buildings and works.
- The availability of reasonable alternative routes, alternative designs or alternative forms of installation for roads, access driveways and infrastructure service lines that would avoid impact on vegetation and habitat areas, follow the contours of the land, minimise cut and fill and better meet the environmental objectives of this schedule.
- Locating buildings and works in low lying positions on a site.
- Slope stability and the need for a geotechnical report, particularly where slopes are greater than 20 percent.

Waterways

• The protection of waterways and water quality through the appropriate management of stormwater, effluent disposal, erosion, sediment pollution and the provision and protection of vegetation especially along watercourses.

Salinity

• Whether vegetation retention and revegetation is occurring and whether appropriate management techniques are being put in place to address water table and salinity issues.

6.0 Background documents

Ecological Assessment of Pakenham Ridge, Biosis Research (August 2006)

Indigenous Vegetation Survey – an inventory of sites of biodiversity significance in the Pakenham Growth Corridor and adjoining area Volume 2, Ecology Australia (January 2004)

Pakenham North Ridge Precinct Assessment of Landscape Value, Land Design Partnership (June 2007)

Land Capability Study for the Cardinia Shire (February 1997)

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Beveridge Williams

Our Ref: 2000490 12 June 2025

Applicant: Company/Builder: FRENKEN HOMES PTY LTD Email: assist@frenkenhomes.com.au

Dear Sir/Madam,

RE: Lot 128 Pakenham Road, Pakenham THE RISE DESIGN ASSESSMENT PANEL APPROVAL

Thank you for submitting your development plans to The Rise Design Assessment Panel for consideration. A review of your development plans indicates they are compliant with The Rise Design Guidelines and generally in line with restrictions on your plan of subdivision for the Estate. Any changes to material or design of the dwelling require the submission of amended plans for approval. You can only construct from the most recently approved plans.

It should be noted this approval relates only to the matters required under the terms of the Covenant which is concerned essentially with the appearance and siting of buildings. No detailed examination has been made of the construction specifications and no consideration has been made regarding whether the proposal complies with the requirements of the Standard Building By-laws nor any other statute.

You are reminded that approval from the Design Assessment Panel does not constitute or imply building approval and separate application is to be made to a private building surveyor prior to the commencement of development.

Please find attached an endorsed copy of your plans for your records. Please refer to any other conditions marked-up on the plans and ensure they are suitably addressed.

Please note;

- All lots require a planning permit under the ESO placed on the overall Estate. An
 application must be approved by council before construction commences. The
 Building envelopes are to be used as a guide only, the planning permit will override all
 siting recommendations by the DAP team.
- Mandated endorsed building envelopes are applicable for lots 313-318, 527-533, 628-634.
- Any lot under 300m2 in size, requires a planning permit for being under 300m2 in addition to the ESO planning permit. Front setback less than 4m are subject to further council approval.
- If you require planning services or further information, please contact Andrea Boully <u>boullya@bevwill.com.au</u> or on 0407 050 624
- There are no connections to Recycled Water (purple taps) in the estate therefore, other water saving requirements are to be met as per the current building regulations.

Should you have any queries, please contact the undersigned on 9524 8888 or via email planlodgement@bevwill.com.au All new submissions, re-submissions, amendment submissions or supplemental submissions, please use www.portal.beveridgewilliams.com.au

Kind Regards,

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

surveying .urban design .town planning .water resources . civil engineering .project management .environmental consulting .landscape architecture .traffic engineering

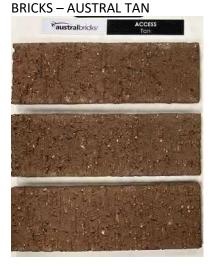


ACN 006 197 235 ABN 38 006 197 235

Melbourne Office 1 Glenferrie Road PO Box 61 Malvern VIC 3144 Tel: (03) 9524 8888

beveridgewilliams.com.au

LOT 128 PAKENHAM ROAD, PAKENHAM **COLOUR SAMPLES**



ROOF TILES – BRISTILE DEEP SHADOW ARTISAN



WINDOWS & METERBOX – BLACK



FASCIA, GUTTER, DOWNPIPES - NIGHT SKY

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RENDER & LETTERBOX – DUNE

DESIGN ASSESSMENT PANEL

PLAN APPROVAL DATE: 12.06.2025

REVIEWED BY: Belinda Blythe

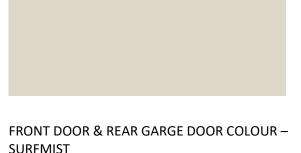


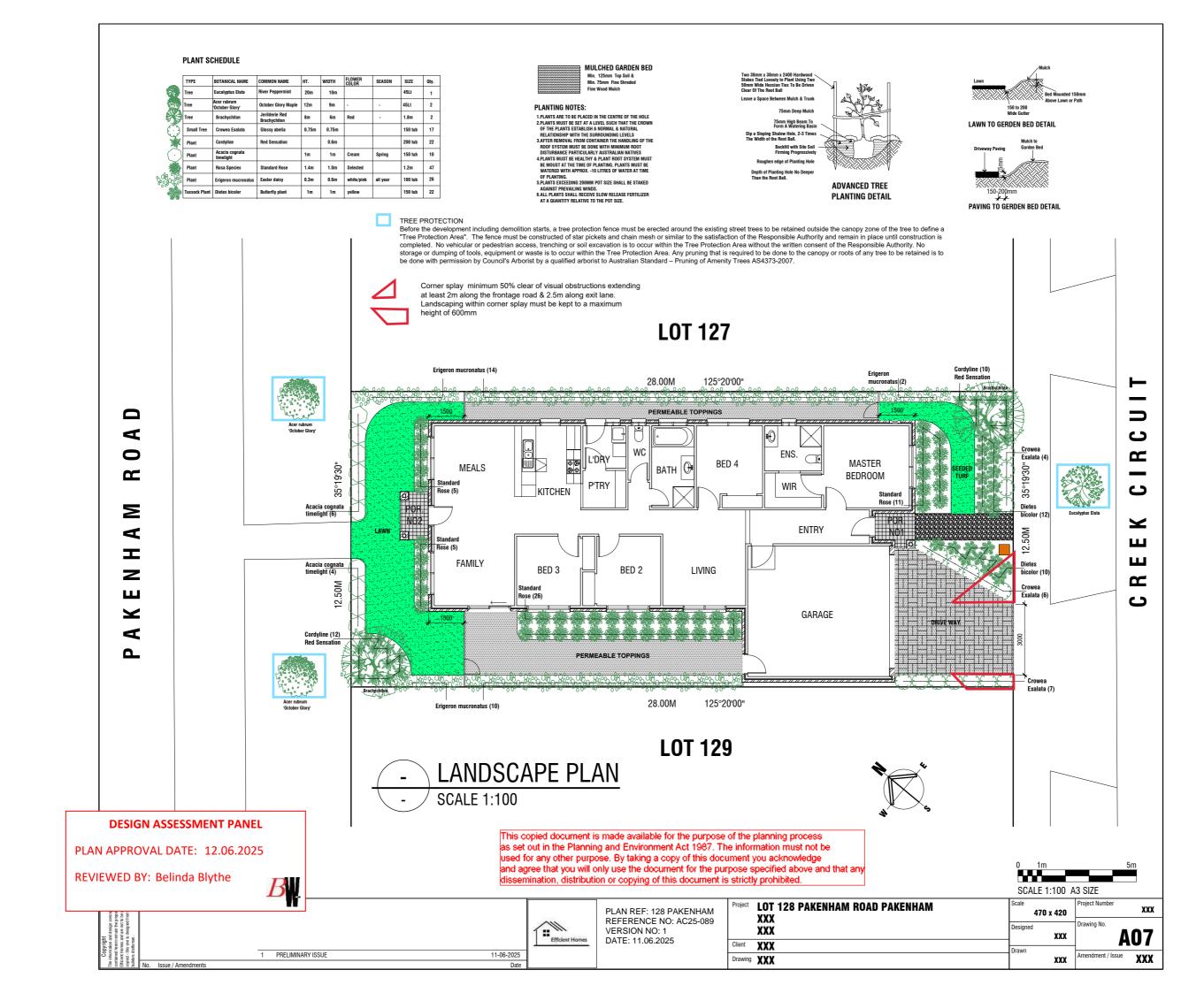
GARAGE DOOR COLOUR - SURFMIST

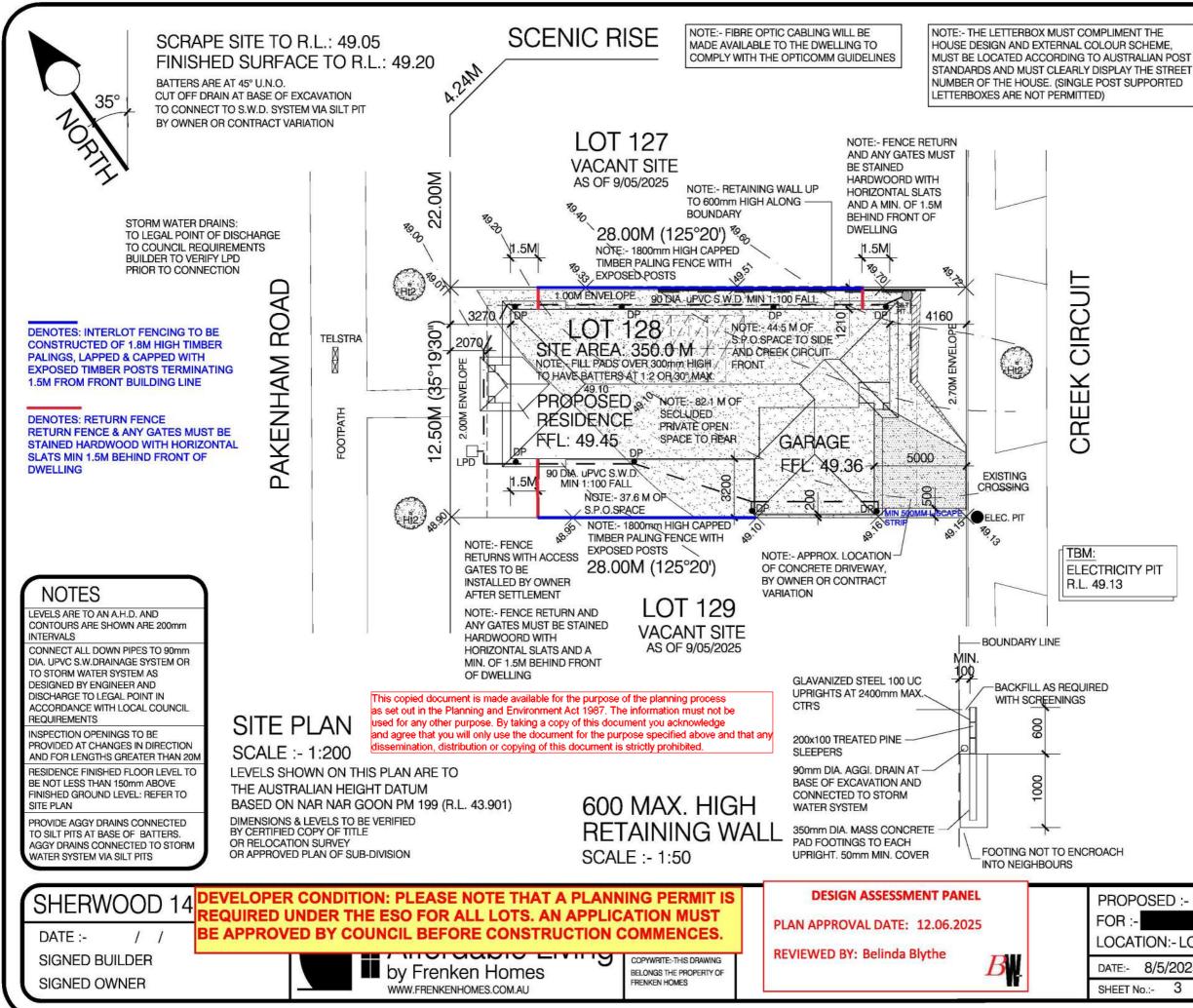
SURFMIST

DRIVEWAY COLOUR THROUGH CONCRETE -



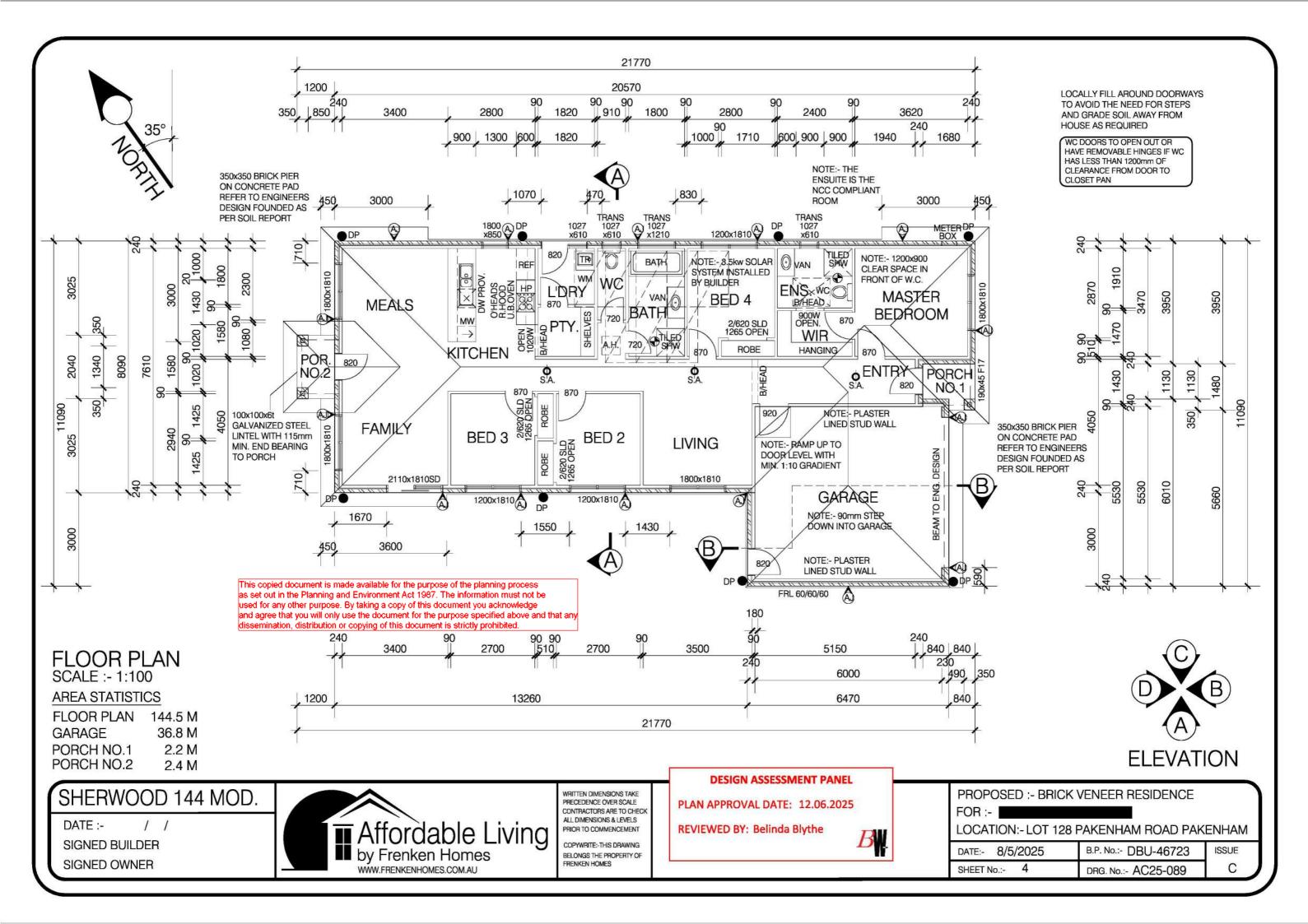


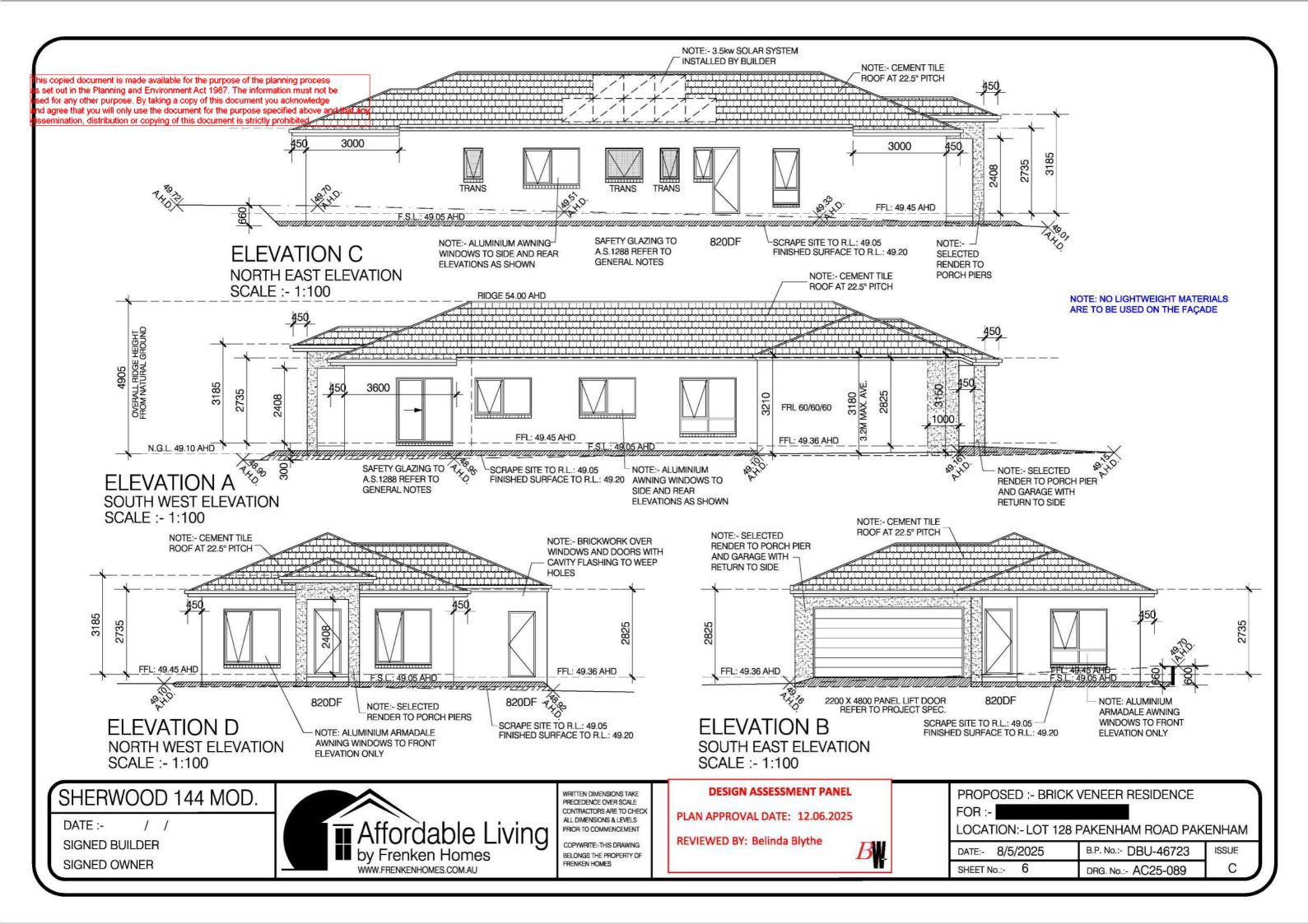


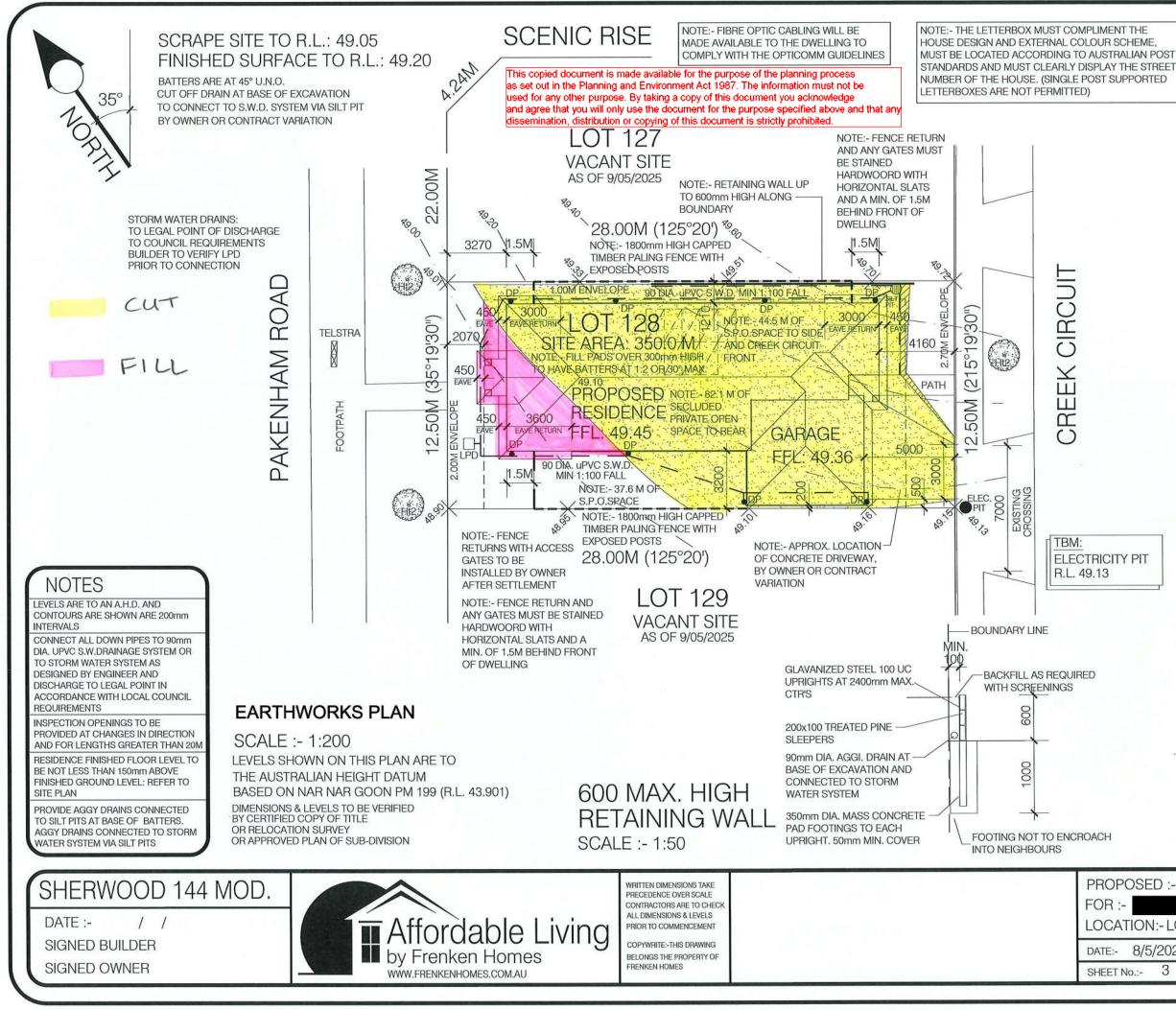


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	RESIDENCE	144.5 M
	GARAGE	36.8 M
	PORCH NO.1	2.2 M
	PORCH NO.2	2.4 M
	TOTAL SITE COVER SITE COVER RATIO	185.9 M 53% (0.531)
	DRIVE WAY	22.0 M
	OTHER PAVED AREAS	0.50
	TOTAL HARD COVER	
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B.P. No.:- DBU-46723	ISSUE
DRG. No.:- AC25-089	
	8 PAKENHAM ROAD PAK B.P. No.:- DBU-46723

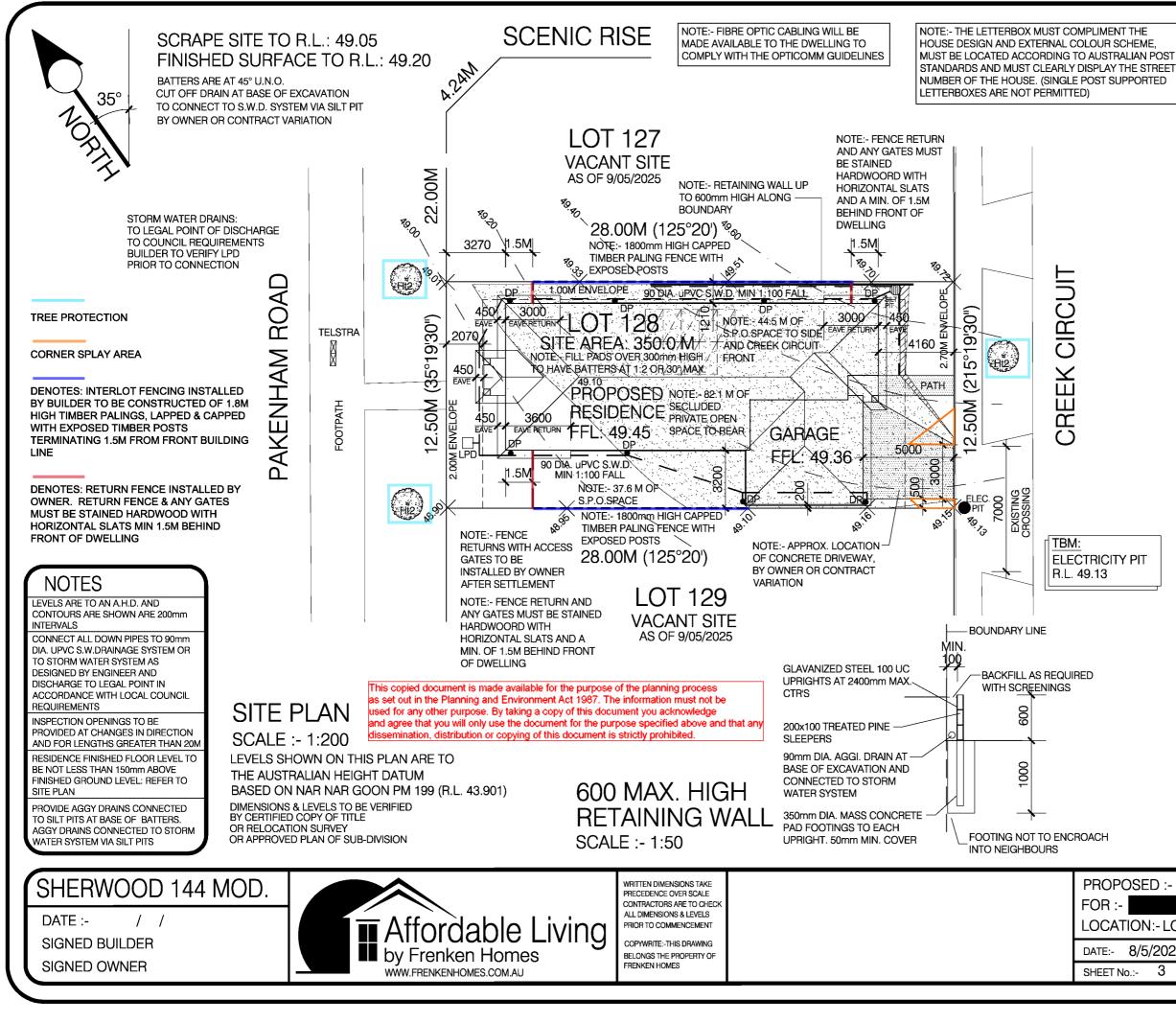






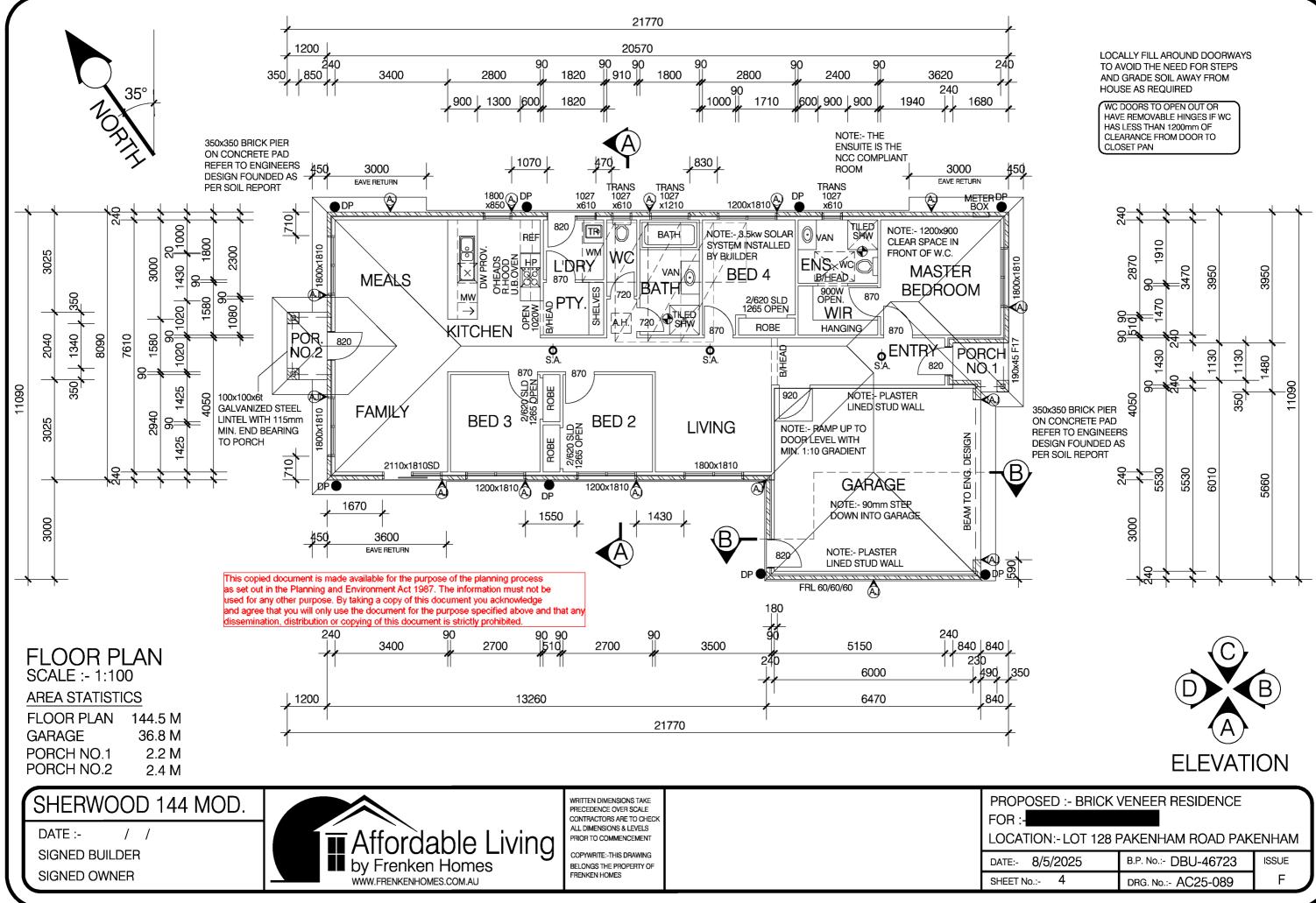
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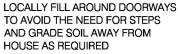
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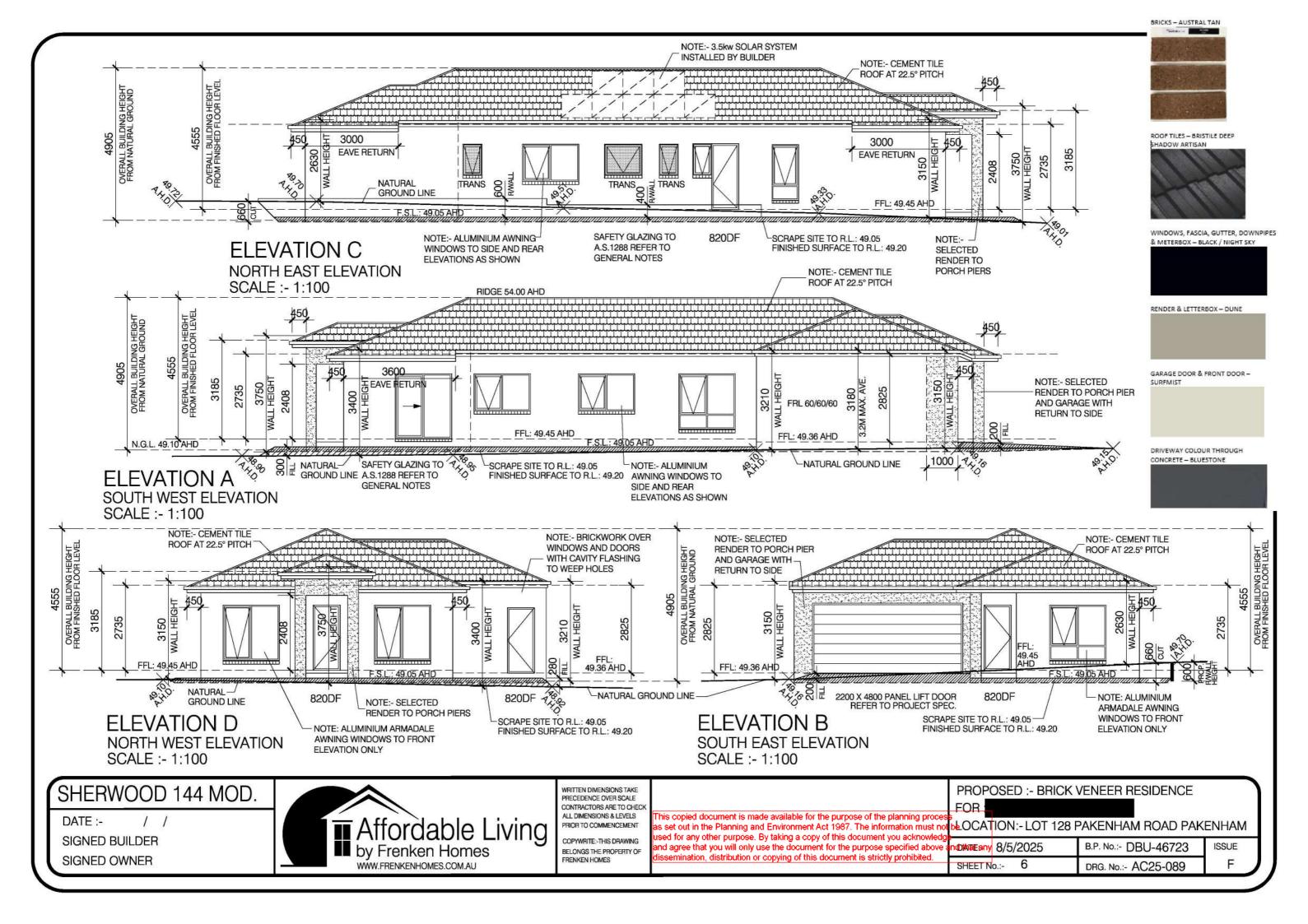
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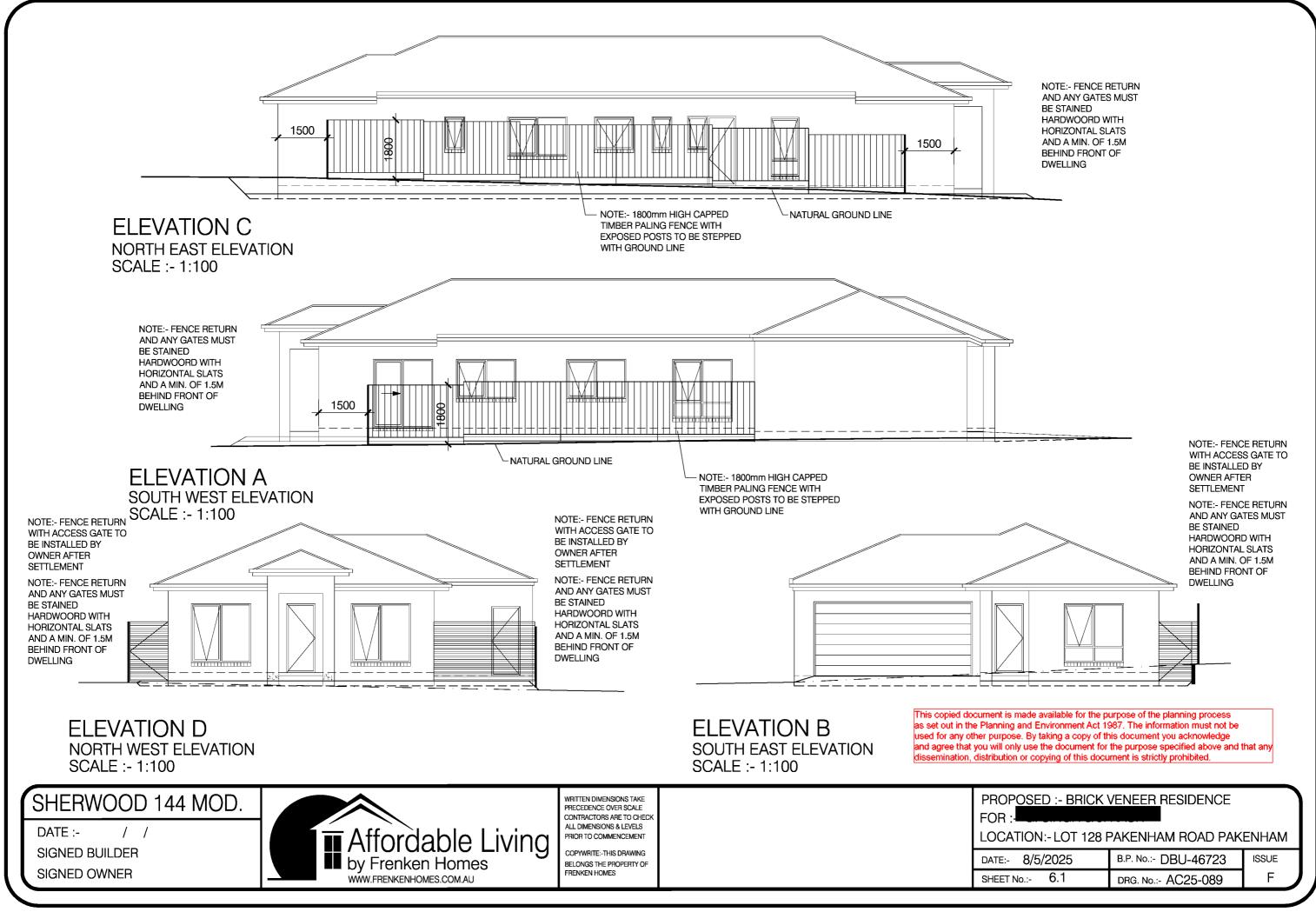
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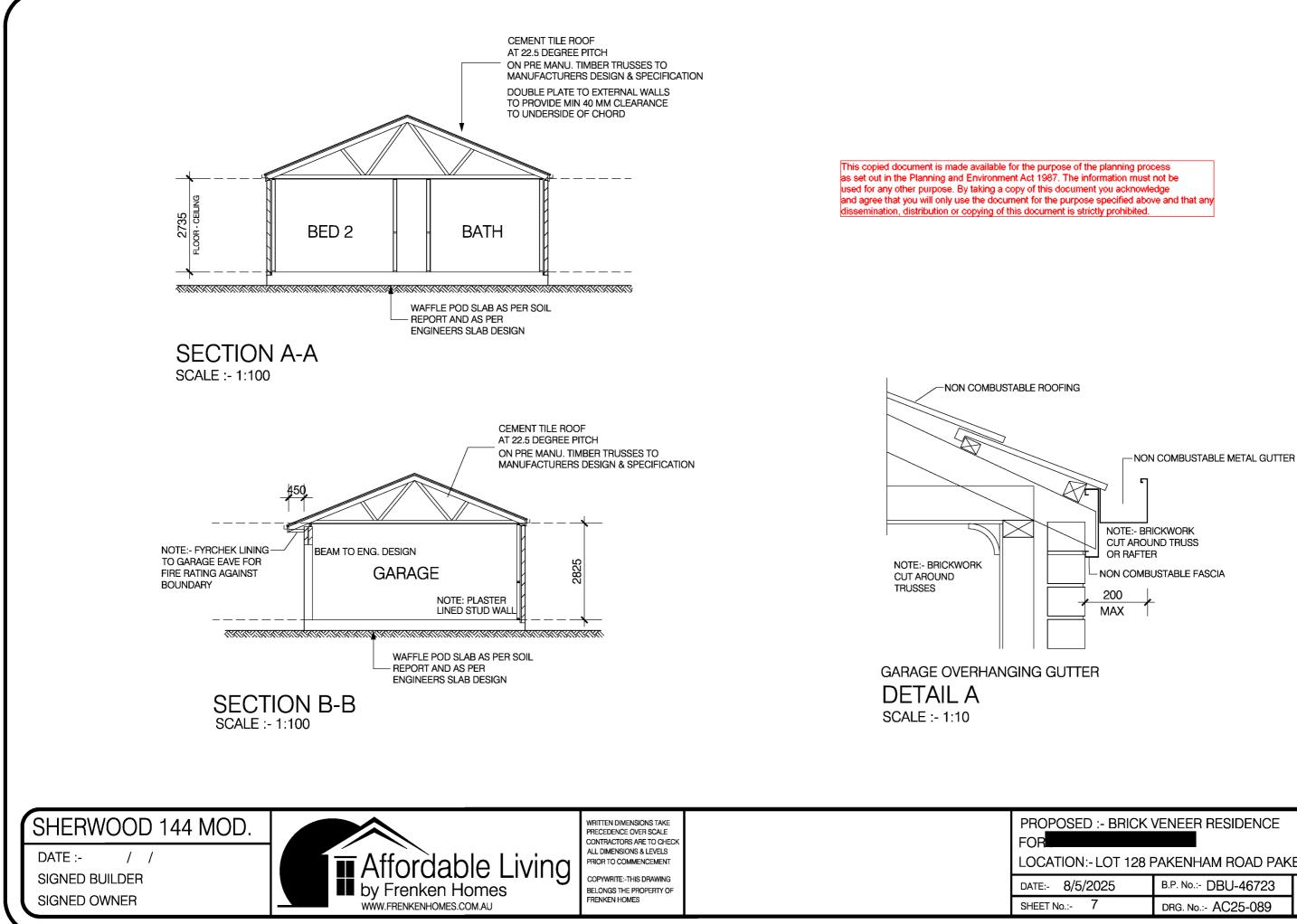




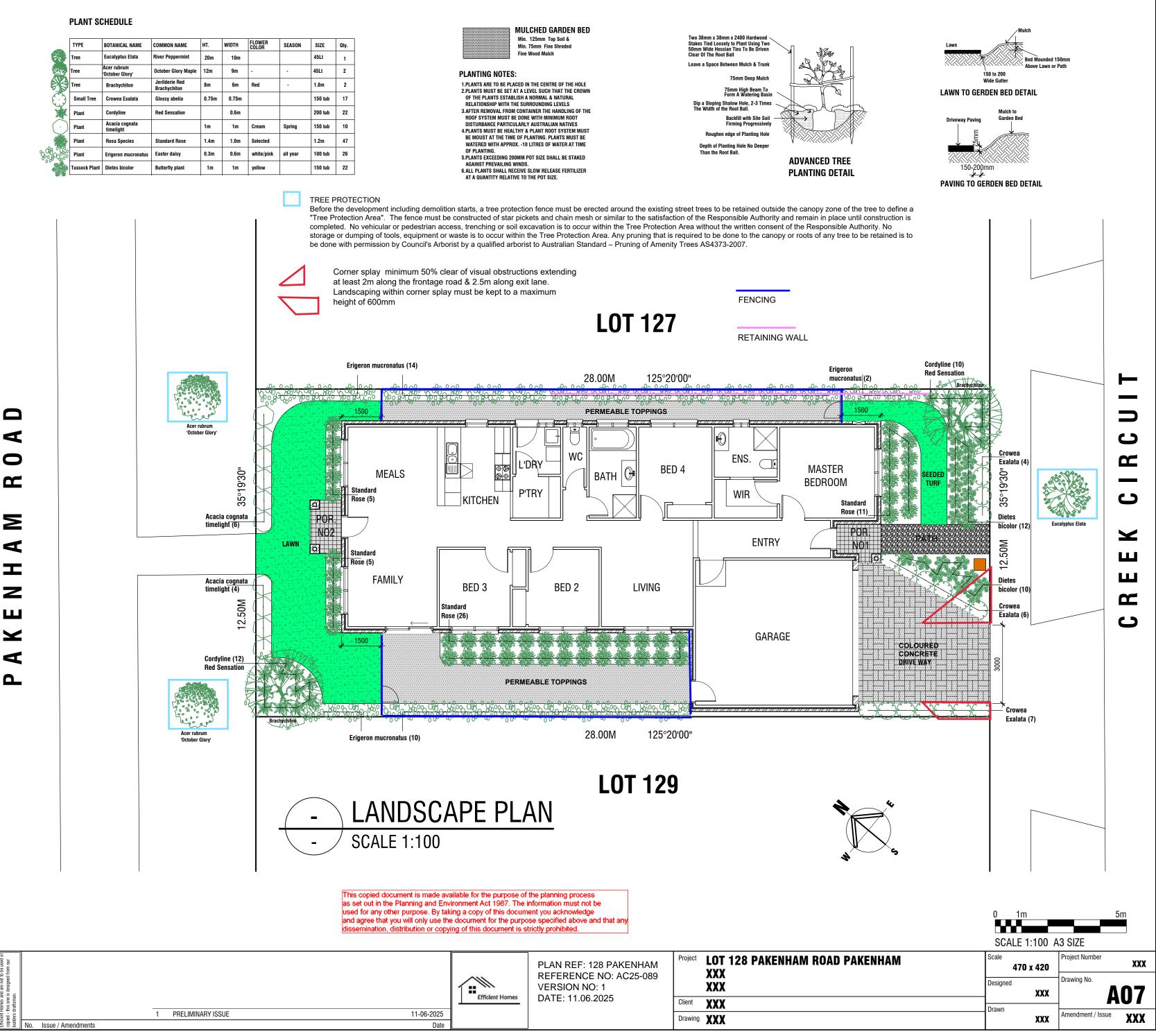
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	ТҮРЕ	BOTANICAL NAME	COMMON NAME	HT.	WIDTH	FLOWER COLOR	SEASON	SIZE
	Tree	Eucalyptus Elata	River Peppermint	20m	10m			45Lt
	Tree	Acer rubrum 'October Glory'	October Glory Maple	12m	9m		-	45Lt
	Tree	Brachychiton	Jerilderie Red Brachychiton	8m	6m	Red	-	1.8m
3	Small Tree	Crowea Exalata	Glossy abelia	0.75m	0.75m			150 tub
k	Plant	Cordyline	Red Sensation		0.6m			200 tub
)	Plant	Acacia cognata timelight		1m	1m	Cream	Spring	150 tub
	Plant	Rosa Species	Standard Rose	1.4m	1.0m	Selected		1.2m
200	Diant	E-law and the	Easter dalay	0.2m	0.6m	white/nink	allyser	100 +ub