

# Vendor Statement

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

This statement must be signed by the vendor and given to the purchaser before the purchaser signs the contract. The Vendor may sign by electronic signature.

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

**Land**

18 BROADWAY STREET, COBRAM VIC. 3644

**Vendor's name**

HARVEY ALAN LIEBMANN

Date 4 / 5 / 22

**Vendor's  
signature**

Harvey A. Liebmann

**Vendor's name**

JUDITH LOUISE LIEBMANN

Date 4 / 5 / 22

**Vendor's  
signature**

Judith Louise Liebmann

**Purchaser's name**

Date / /

**Purchaser's  
signature**

**Purchaser's name**

Date / /

**Purchaser's  
signature**

PREPARED BY : PAUL MAGINN, LAWYER, 53A SYDNEY STREET, KILMORE, VICTORIA, 3764

## **1. FINANCIAL MATTERS**

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

Total does not exceed:

\$3,500.00
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### **1.2 Particulars of any Charge** (whether registered or not) imposed by or under any Act to secure an amount due under that Act, including the amount owing under the charge. There are none unless set out below.

### **1.3 Terms Contract**

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

Not Applicable.

### **1.4 Sale Subject to Mortgage**

Not applicable.

## **2. INSURANCE**

### **2.1 Damage and Destruction**

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

Not Applicable.

### **2.2. Owner Builder**

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

Not Applicable.

## **3. LAND USE**

### **3.1 Easements, Covenants or Other Similar Restrictions**

There are none to the best of the vendor's knowledge information or belief.

3.2 **Road Access**

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

☐

3.3 **Designated Bushfire Prone Area**

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

☐

3.4 **Planning Scheme**

Attached is planning information with the required specified information.

4. **NOTICES**

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

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

Not Applicable.

**4.2 Agricultural Chemicals**

There are NO notices, property management plans, reports or orders in respect of the land issued by a government department or public authority in relation to livestock disease or contamination by agricultural chemicals affecting the ongoing use of the land for agricultural purposes, unless any such information is attached.

**4.3 Compulsory Acquisition**

The particulars of any notices of intention to acquire that have been served under section 6 of the *Land Acquisition and Compensation Act 1986* are as follows: There are none.

5. **BUILDING PERMITS**

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

6. **OWNERS CORPORATION**

Not applicable

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

Not applicable

**8. SERVICES**

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

Electricity supply ☐ Gas supply ☐ Water supply ☐ Sewerage ☐ Telephone Services ☐

**9. TITLE**

Attached are copies of the following documents:

- 9.1 A Register Search Statement and the document, or part of a document, referred to as the 'diagram location' in that statement which identifies the land and its location.
- 9.2 Evidence of the vendor's right or power to sell (where the vendor is not the registered proprietor or the owner in fee simple)

**10. SUBDIVISION**

Not Applicable as the land is not subject to an unregistered plan of subdivision

**11. DISCLOSURE OF ENERGY INFORMATION** Not applicable

**12. DUE DILIGENCE CHECKLIST** and other **ATTACHMENTS**



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

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

VOLUME 07518 FOLIO 151

Security no : 124097109285H  
Produced 27/04/2022 04:00 PM

LAND DESCRIPTION

Lot 13 on Plan of Subdivision 020050.  
PARENT TITLE Volume 04446 Folio 060  
Created by instrument 2140389 28/04/1950

REGISTERED PROPRIETOR

Estate Fee Simple  
TENANTS IN COMMON  
As to 99 of a total of 100 equal undivided shares  
Sole Proprietor  
HARVEY ALAN LIEBMANN of 8 CRIMMINS WAY KILMORE VIC 3764  
As to 1 of a total of 100 equal undivided shares  
Sole Proprietor  
JUDITH LOUISE LIEBMANN of 8 CRIMMINS WAY KILMORE VIC 3764  
AN721691N 06/04/2017

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AN721692L 06/04/2017  
GOULBURN MURRAY CREDIT UNION CO-OPERATIVE LTD

COVENANT 2140389 28/04/1950

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 TP456969Q 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: 18 BROADWAY STREET COBRAM VIC 3644

DOCUMENT END

Sheet 1 of 1 sheets



4856462

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MORRISON, SAVERS & TEARE, 39 Collins Street, Melbourne  
 agents for  
 MORRISON & TEARE Solicitors, Cobram

2140389

MICROFILMED

2140389

VICTORIA

TRANSFER OF LAND



WE, MICHAEL DESMOND O'DWYER, Orchardist, LINDSAY GORDON HAMILTON, Collector and WILLIAM JAMES RITCHIE, Farmer and Grazier all of Cobram being registered as joint proprietors of an estate in fee simple in the land hereinafter described subject to the encumbrances notified hereunder IN CONSIDERATION of the sum of One hundred pounds (£100) paid to us by WILLIAM LEARMONTH of Cobram Stock and Station Agent DO HEREBY TRANSFER to the said WILLIAM LEARMONTH all our estate and interest in ALL THAT piece of land being Lot Thirteen on Plan of Subdivision Number 2216 lodged in the Office of Titles being part of Crown Allotment Thirty-five Parish of Cobram County of Moira and being part of the land more particularly described in the Certificate of Title entered in the Register Book Volume 4446 Folio 889060 AND the said WILLIAM LEARMONTH with the intent that the benefit of this covenant shall be attached to and run at law and in equity with every lot on the said Plan of Subdivision other than the lot hereby transferred and that the burden of this covenant shall be annexed to and run at law and in equity with the said land hereby transferred BOTH HEREBY for himself his heirs executors administrators and transferees covenant with the said Michael Desmond O'Dwyer, Lindsay Gordon Hamilton and William James Ritchie and the survivors or survivor of them and the heirs executors or administrators of the survivor of them and the transferees of them or of the survivors or survivor of them registered proprietor or proprietors for the time being of so much of the land described in the said Certificate of Title as constitutes the lots on the said Plan of Subdivision other than the lot hereby transferred THAT he the said William Learmonth his heirs executors, administrators and transferees WILL NOT erect or

*See Red & Blue  
 1446 / 060 P. 13  
 Under an Act  
 1446 / 060 P. 13  
 As to the title  
 the Govt. of Victoria  
 1446 / 060 P. 13  
 1446 / 060 P. 13  
 1446 / 060 P. 13*

*21/7/18*

cause to be erected any dwelling or other building on the land hereby transferred unless he or they first constructs, or causes to be constructed a suitable grease trap and an approved drainage pit.

DATED this 10<sup>th</sup> day of May

One thousand nine hundred and forty-eight.

SIGNED in Victoria by the said

MICHAEL DESMOND O'DWYER in

the presence of

SIGNED in Victoria by the said

LINDSAY GORDON HAMILTON in

the presence of

SIGNED in Victoria by the said

WILLIAM JAMES RITCHIE in the

presence of

SIGNED in Victoria by the said

WILLIAM LEARNOTH in the

presence of

INCUMBRANCES REFERRED TO

As to the land coloured blue - an easement for the purpose of a pipe-line for water supply in favour of the Commissioners of the State Rivers and Water Supply Commission.

The rights of the covenantee under Covenant 115995



I, WILLIAM LEARMONTH the within named transferee do hereby declare

(A) That the transaction to which the within written instrument relates is not in contravention of any of the provisions of the National Security (Land Transfer) Regulations and

(B) That the said instrument has not been executed in contravention of the said Regulations.

SIGNED by the said WILLIAM LEARMONTH  
in the presence of

*W. Learmouth*

*Robertson*  
*Robertson*  
*Robertson*

# PROPERTY REPORT



Environment,  
Land, Water  
and Planning

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 27 April 2022 04:08 PM

## PROPERTY DETAILS

Address: **18 BROADWAY STREET COBRAM 3644**  
Lot and Plan Number: **Lot 13 LP20050**  
Standard Parcel Identifier (SPI): **13\LP20050**  
Local Government Area (Council): **MOIRA**  
Council Property Number: **72579**  
Directory Reference: **Vicroads 667 P8**

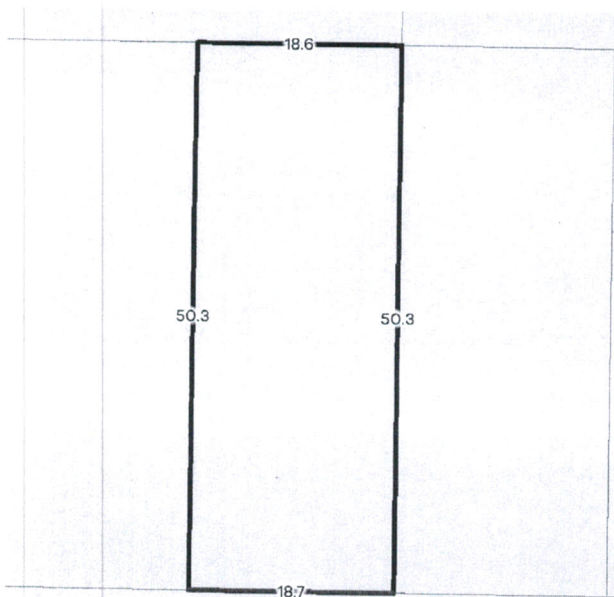
[www.moira.vic.gov.au](http://www.moira.vic.gov.au)

**This property is not in a designated bushfire prone area.**  
**No special bushfire construction requirements apply. Planning provisions may apply.**

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>

## SITE DIMENSIONS

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



**Area:** 938 sq. m

**Perimeter:** 138 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: **Goulburn-Murray Water**  
Urban Water Corporation: **Goulburn Valley Water**  
Melbourne Water: **Outside drainage boundary**  
Power Distributor: **POWERCOR**

## STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**  
Legislative Assembly: **OVENS VALLEY**

## PLANNING INFORMATION

**Planning Zone:** [GENERAL RESIDENTIAL ZONE \(GRZ\)](#)  
[GENERAL RESIDENTIAL ZONE - SCHEDULE 1 \(GRZ1\)](#)

**Planning Overlay:** None

# PROPERTY REPORT



Environment,  
Land, Water  
and Planning

Planning scheme data last updated on 21 April 2022.

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>

## Area Map



Selected Property

**32.08**31/07/2018  
VC148**GENERAL RESIDENTIAL ZONE**

Shown on the planning scheme map as **GRZ** , **R1Z** , **R2Z** or **R3Z** with a number (if shown).

**Purpose**

To implement the Municipal Planning Strategy and the Planning Policy Framework.

To encourage development that respects the neighbourhood character of the area.

To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.

To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

**32.08-1**27/03/2017  
VC110**Neighbourhood character objectives**

A schedule to this zone may contain neighbourhood character objectives to be achieved for the area.

**32.08-2**20/01/2022  
VC205**Table of uses****Section 1 - Permit not required**

Use	Condition
<b>Bed and breakfast</b>	<p>No more than 10 persons may be accommodated away from their normal place of residence.</p> <p>At least 1 car parking space must be provided for each 2 persons able to be accommodated away from their normal place of residence.</p>
<b>Community care accommodation</b>	Must meet the requirements of Clause 52.22-2.
<b>Dependent person's unit</b>	Must be the only dependent person's unit on the lot.
<b>Domestic animal husbandry (other than Domestic animal boarding)</b>	Must be no more than 2 animals.
<b>Dwelling (other than Bed and breakfast)</b>	
<b>Home based business</b>	
<b>Informal outdoor recreation</b>	
<b>Medical centre</b>	<p>The gross floor area of all buildings must not exceed 250 square metres.</p> <p>Must not require a permit under Clause 52.06-3.</p> <p>The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</p>



Use	Condition
Place of worship	The gross floor area of all buildings must not exceed 250 square metres.  The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Racing dog husbandry	Must be no more than 2 animals.
Railway	
Residential aged care facility	
Rooming house	Must meet the requirements of Clause 52.23-2.
Tramway	
Any use listed in Clause 62.01	Must meet the requirements of Clause 62.01.
<b>Section 2 - Permit required</b>	
Use	Condition
Accommodation (other than Community care accommodation, Dependent person's unit, Dwelling, Residential aged care facility and Rooming house)  Agriculture (other than Animal production, Animal training, Apiculture, Domestic animal husbandry, Horse husbandry and Racing dog husbandry)	
Car park	Must be used in conjunction with another use in Section 1 or 2.
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience restaurant	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
Convenience shop	
Domestic animal husbandry (other than Domestic animal boarding) – if the Section 1 condition is not met	Must be no more than 5 animals.

Use	Condition
<b>Food and drink premises (other than Convenience restaurant and Take away food premises)</b> <b>Grazing animal production</b> <b>Leisure and recreation (other than Informal outdoor recreation and Motor racing track)</b> <b>Market</b> <b>Place of assembly (other than Amusement parlour, Carnival, Cinema based entertainment facility, Circus, Nightclub and Place of worship)</b> <b>Plant nursery</b>	
<b>Service station</b>	<p>The site must either:</p> <ul style="list-style-type: none"> <li>▪ Adjoin a commercial zone or industrial zone.</li> <li>▪ Adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul> <p>The site must not exceed either:</p> <ul style="list-style-type: none"> <li>▪ 3000 square metres.</li> <li>▪ 3600 square metres if it adjoins on two boundaries a road in a Transport Zone 2 or a Transport Zone 3.</li> </ul>
<b>Store</b>	Must be in a building, not a dwelling, and used to store equipment, goods, or motor vehicles used in conjunction with the occupation of a resident of a dwelling on the lot.
<b>Take away food premises</b>	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.
<b>Utility installation (other than Minor utility installation and Telecommunications facility)</b>	
<b>Any other use not in Section 1 or 3</b>	
<b>Section 3 – Prohibited</b>	
<b>Use</b>	

### Section 3 – Prohibited

#### Use

**Amusement parlour**  
**Animal production (other than Grazing animal production)**  
**Animal training**  
**Brothel**  
**Cinema based entertainment facility**  
**Domestic animal boarding**  
**Extractive industry**  
**Horse husbandry**  
**Industry (other than Car wash)**  
**Motor racing track**  
**Nightclub**  
**Office (other than Medical centre)**  
**Retail premises (other than Convenience shop, Food and drink premises, Market, and Plant nursery)**  
**Saleyard**  
**Transport terminal**  
**Warehouse (other than Store)**

**32.08-3**  
 31/07/2018  
 VC148

### Subdivision

#### Permit requirement

A permit is required to subdivide land.

An application to subdivide land that would create a vacant lot less than 400 square metres capable of development for a dwelling or residential building, must ensure that each vacant lot created less than 400 square metres contains at least 25 percent as garden area. This does not apply to a lot created by an application to subdivide land where that lot is created in accordance with:

- An approved precinct structure plan or an equivalent strategic plan;
- An incorporated plan or approved development plan; or
- A permit for development.

An application to subdivide land, other than an application to subdivide land into lots each containing an existing dwelling or car parking space, must meet the requirements of Clause 56 and:

- Must meet all of the objectives included in the clauses specified in the following table.
- Should meet all of the standards included in the clauses specified in the following table.



<b>Class of subdivision</b>	<b>Objectives and standards to be met</b>
60 or more lots	All except Clause 56.03-5.
16 – 59 lots	All except Clauses 56.03-1 to 56.03-3, 56.03-5, 56.06-1 and 56.06-3.
3 – 15 lots	All except Clauses 56.02-1, 56.03-1 to 56.03-4, 56.05-2, 56.06-1, 56.06-3 and 56.06-6.
2 lots	Clauses 56.03-5, 56.04-2, 56.04-3, 56.04-5, 56.06-8 to 56.09-2.

### **VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<b>Class of application</b>	<b>Information requirements and decision guidelines</b>
Subdivide land to realign the common boundary between 2 lots where:	Clause 59.01
<ul style="list-style-type: none"> <li>▪ The area of either lot is reduced by less than 15 percent.</li> <li>▪ The general direction of the common boundary does not change.</li> </ul>	
Subdivide land into lots each containing an existing building or car parking space where:	Clause 59.02
<ul style="list-style-type: none"> <li>▪ The buildings or car parking spaces have been constructed in accordance with the provisions of this scheme or a permit issued under this scheme.</li> <li>▪ An occupancy permit or a certificate of final inspection has been issued under the Building Regulations in relation to the buildings within 5 years prior to the application for a permit for subdivision.</li> </ul>	
Subdivide land into 2 lots if:	Clause 59.02
<ul style="list-style-type: none"> <li>▪ The construction of a building or the construction or carrying out of works on the land: <ul style="list-style-type: none"> <li>▪ Has been approved under this scheme or by a permit issued under this scheme and the permit has not expired.</li> <li>▪ Has started lawfully.</li> </ul> </li> </ul>	



**Class of application****Information  
requirements and  
decision guidelines**

- The subdivision does not create a vacant lot.

**32.08-4**  
15/05/2018  
VC143

**Construction or extension of a dwelling or residential building****Minimum garden area requirement**

An application to construct or extend a dwelling or residential building on a lot must provide a minimum garden area as set out in the following table:

Lot size	Minimum percentage of a lot set aside as garden area
400 - 500 sqm	25%
Above 500 - 650 sqm	30%
Above 650 sqm	35%

This does not apply to:

- An application to construct or extend a dwelling or residential building if specified in a schedule to this zone as exempt from the minimum garden area requirement;
- An application to construct or extend a dwelling or residential building on a lot if:
  - The lot is designated as a medium density housing site in an approved precinct structure plan or an approved equivalent strategic plan;
  - The lot is designated as a medium density housing site in an incorporated plan or approved development plan; or
- An application to alter or extend an existing building that did not comply with the minimum garden area requirement of Clause 32.08-4 on the approval date of Amendment VC110.

**32.08-5**  
31/07/2018  
VC148

**Construction and extension of one dwelling on a lot****Permit requirement**

A permit is required to construct or extend one dwelling on:

- A lot of less than 300 square metres.
- A lot of between 300 square metres and 500 square metres if specified in a schedule to this zone.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with one dwelling on:
  - A lot of less than 300 square metres, or
  - A lot of between 300 and 500 square metres if specified in a schedule to this zone, and

- The fence exceeds the maximum height specified in Clause 54.06-2.

A development must meet the requirements of Clause 54.

### No permit required

No permit is required to:

- Construct or carry out works normal to a dwelling.
- Construct or extend an out-building (other than a garage or carport) on a lot provided the gross floor area of the out-building does not exceed 10 square metres and the maximum building height is not more than 3 metres above ground level.
- Make structural changes to a dwelling provided the size of the dwelling is not increased or the number of dwellings is not increased.

### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct an outbuilding or extend a dwelling if the development:</p> <p>Meets the minimum garden area requirement of Clause 32.08-4.</p> <ul style="list-style-type: none"> <li>▪ Does not exceed a building height of 5 metres.</li> <li>▪ Is not visible from the street (other than a lane) or a public park.</li> <li>▪ Meets the requirements in the following standards of Clause 54: <ul style="list-style-type: none"> <li>▪ A10 Side and rear setbacks.</li> <li>▪ A11 Walls on boundaries.</li> <li>▪ A12 Daylight to existing windows.</li> <li>▪ A13 North-facing windows.</li> <li>▪ A14 Overshadowing open space.</li> <li>▪ A15 Overlooking.</li> </ul> </li> </ul> <p>For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.</p> <p>If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.</p>	<p>Clause 59.14</p>
<p>Construct or extend a front fence within 3 metres of a street if the fence is associated with one dwelling.</p>	<p>Clause 59.03</p>

**32.08-6**  
20/12/2021  
VC174

## **Construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings**

### **Permit requirement**

A permit is required to:

- Construct a dwelling if there is at least one dwelling existing on the lot.
- Construct two or more dwellings on a lot.
- Extend a dwelling if there are two or more dwellings on the lot.
- Construct or extend a dwelling if it is on common property.
- Construct or extend a residential building.

A permit is required to construct or extend a front fence within 3 metres of a street if:

- The fence is associated with 2 or more dwellings on a lot or a residential building, and
- The fence exceeds the maximum height specified in Clause 55.06-2.

A development must meet the requirements of Clause 55. This does not apply to a development of five or more storeys, excluding a basement.

An apartment development of five or more storeys, excluding a basement, must meet the requirements of Clause 58.

A permit is not required to construct one dependent person's unit on a lot.

### **VicSmart applications**

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

<b>Class of application</b>	<b>Information requirements and decision guidelines</b>
Construct or extend a front fence within 3 metres of a street if the fence is associated with 2 or more dwellings on a lot or a residential building.	Clause 59.03

### **Transitional provisions**

Clause 55 of this scheme, as in force immediately before the approval date of Amendment VC136, continues to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

Clause 58 does not apply to:

- An application for a planning permit lodged before the approval date of Amendment VC136.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before the approval date of Amendment VC136.

Clauses 55 and 58 of this scheme, as in force immediately before the approval date of Amendment



VC174, continue to apply to:

- An application for a planning permit lodged before that date.
- An application for an amendment of a permit under section 72 of the Act, if the original permit application was lodged before that date.

**32.08-7**  
27/03/2017  
VC110

### Requirements of Clause 54 and Clause 55

A schedule to this zone may specify the requirements of:

- Standards A3, A5, A6, A10, A11, A17 and A20 of Clause 54 of this scheme.
- Standards B6, B8, B9, B13, B17, B18, B28 and B32 of Clause 55 of this scheme.

If a requirement is not specified in a schedule to this zone, the requirement set out in the relevant standard of Clause 54 or Clause 55 applies.

**32.08-8**  
26/10/2018  
VC152

### Residential aged care facility

#### Permit requirements

A permit is required to construct a building or construct or carry out works for a residential aged care facility.

A development must meet the requirements of Clause 53.17 - Residential aged care facility.

**32.08-9**  
04/12/2020  
VC180

### Buildings and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

#### VicSmart applications

Subject to Clause 71.06, an application under this clause for a development specified in Column 1 is a class of VicSmart application and must be assessed against the provision specified in Column 2.

Class of application	Information requirements and decision guidelines
<p>Construct a building or construct or carry out works where:</p> <ul style="list-style-type: none"> <li>▪ The building or works are not associated with a dwelling, primary school or secondary school and have an estimated cost of up to \$100,000; or</li> <li>▪ The building or works are associated with a primary school or secondary school and have an estimated cost of up to \$500,000; and</li> <li>▪ The requirements in the following standards of Clause 54 are met, where the land adjoins land in a residential zone used for residential purposes: <ul style="list-style-type: none"> <li>▪ A10 Side and rear setbacks.</li> </ul> </li> </ul>	<p>Clause 59.04</p>



**Class of application****Information  
requirements and  
decision guidelines**

- A11 Walls on boundaries.
- A12 Daylight to existing windows.
- A13 North-facing windows.
- A14 Overshadowing open space.
- A15 Overlooking.

For the purposes of this class of VicSmart application, the Clause 54 standards specified above are mandatory.

If a schedule to the zone specifies a requirement of a standard different from a requirement set out in the Clause 54 standard, the requirement in the schedule to the zone applies and must be met.

**32.08-10**

26/10/2018  
VC152

**Maximum building height requirement for a dwelling or residential building**

A building must not be constructed for use as a dwelling or a residential building that:

- exceeds the maximum building height specified in a schedule to this zone; or
- contains more than the maximum number of storeys specified in a schedule to this zone.

If no maximum building height or maximum number of storeys is specified in a schedule to this zone:

- the building height must not exceed 11 metres; and
- the building must contain no more than 3 storeys at any point.

A building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if:

- It replaces an immediately pre-existing building and the new building does not exceed the building height or contain a greater number of storeys than the pre-existing building.
- There are existing buildings on both abutting allotments that face the same street and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is on a corner lot abutted by lots with existing buildings and the new building does not exceed the building height or contain a greater number of storeys than the lower of the existing buildings on the abutting allotments.
- It is constructed pursuant to a valid building permit that was in effect prior to the introduction of this provision.

An extension to an existing building may exceed the applicable maximum building height or contain more than the applicable maximum number of storeys if it does not exceed the building height of the existing building or contain a greater number of storeys than the existing building.

A building may exceed the maximum building height by up to 1 metre if the slope of the natural ground level, measured at any cross section of the site of the building wider than 8 metres, is greater than 2.5 degrees.

A basement is not a storey for the purposes of calculating the number of storeys contained in a building.

The maximum building height and maximum number of storeys requirements in this zone or a schedule to this zone apply whether or not a planning permit is required for the construction of a building.

### **Building height if land is subject to inundation**

If the land is in a Special Building Overlay, Land Subject to Inundation Overlay or is land liable to inundation the maximum building height specified in the zone or schedule to the zone is the vertical distance from the minimum floor level determined by the relevant drainage authority or floodplain management authority to the roof or parapet at any point.

## **32.08-11 Application requirements**

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VC152

An application must be accompanied by the following information, as appropriate:

- For a residential development of four storeys or less, the neighbourhood and site description and design response as required in Clause 54 and Clause 55.
- For an apartment development of five or more storeys, an urban context report and design response as required in Clause 58.01.
- For an application for subdivision, a site and context description and design response as required in Clause 56.
- Plans drawn to scale and dimensioned which show:
  - Site shape, size, dimensions and orientation.
  - The siting and use of existing and proposed buildings.
  - Adjacent buildings and uses.
  - The building form and scale.
  - Setbacks to property boundaries.
- The likely effects, if any, on adjoining land, including noise levels, traffic, the hours of delivery and despatch of good and materials, hours of operation and light spill, solar access and glare.
- Any other application requirements specified in a schedule to this zone.

If in the opinion of the responsible authority an application requirement is not relevant to the evaluation of an application, the responsible authority may waive or reduce the requirement.

## **32.08-12 Exemption from notice and review**

26/10/2018  
VC152

### **Subdivision**

An application to subdivide land into lots each containing an existing dwelling or car parking space is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

## **32.08-13 Decision guidelines**

24/01/2020  
VC160

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

### **General**

- The Municipal Planning Strategy and the Planning Policy Framework.



- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.
- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

### **Subdivision**

- The pattern of subdivision and its effect on the spacing of buildings.
- For subdivision of land for residential development, the objectives and standards of Clause 56.

### **Dwellings and residential buildings**

- For the construction and extension of one dwelling on a lot, the objectives, standards and decision guidelines of Clause 54.
- For the construction and extension of two or more dwellings on a lot, dwellings on common property and residential buildings, the objectives, standards and decision guidelines of Clause 55. This does not apply to an apartment development of five or more storeys, excluding a basement.
- For the construction and extension of an apartment development of five or more storeys, excluding a basement, the objectives, standards and decisions guidelines of Clause 58.

### **Non-residential use and development**

- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

#### **32.08-14**

26/10/2018  
VC152

### **Signs**

Sign requirements are at Clause 52.05. This zone is in Category 3.

#### **32.08-15**

26/10/2018  
VC152

### **Transitional provisions**

The minimum garden area requirements of Clause 32.08-4 and the maximum building height and number of storeys requirements of Clause 32.08-9 introduced by Amendment VC110 do not apply to:

- A planning permit application for the construction or extension of a dwelling or residential building lodged before the approval date of Amendment VC110.
- Where a planning permit is not required for the construction or extension of a dwelling or residential building:
  - A building permit issued for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110.



- A building surveyor has been appointed to issue a building permit for the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.
- A building surveyor is satisfied, and certifies in writing, that substantial progress was made on the design of the construction or extension of a dwelling or residential building before the approval date of Amendment VC110. A building permit must be issued within 12 months of the approval date of Amendment VC110.

The minimum garden area requirement of Clause 32.08-3 introduced by Amendment VC110 does not apply to a planning permit application to subdivide land for a dwelling or a residential building lodged before the approval date of Amendment VC110.