

# NOTICE OF AN APPLICATION FOR PLANNING PERMIT

The land affected by the application is located at:  
46 Link Road, Benalla  
Lot 2, PS748664, Parish of Benalla

The application is for a permit to:  
Use and develop the land for a dwelling

The applicant for the permit is:  
Mr Frank Masten  
Masten Bennett & Associates

The application reference number is:  
DA6864  
P0057/24

Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.

**An objection must:**

- \* be made to the responsible authority in writing;
- \* include the reasons for the objection; and
- \* state how the objector would be affected.

The responsible authority must make a copy of every objection available at its 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 the application.

The Responsible Authority will not decide on the application before:

**1 July 2024**

If you object, the Responsible Authority will tell you its decision.

**Office Use Only**

Application No.:

Date Lodged: / /

# Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the end of this form.

**⚠** Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*. If you have any questions, please contact Council's planning department.

**⚠** Questions marked with an asterisk (\*) must be completed.

**⚠** If the space provided on the form is insufficient, attach a separate sheet.

**ℹ** Click for further information.

Clear Form

## The Land ℹ

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

### Street Address \*

Unit No.:      St. No.: 46      St. Name: LINK ROAD

Suburb/Locality: BENALLA      Postcode: 3672

### Formal Land Description \*

Complete either A or B.

**⚠** This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A    Lot No.: 2     Lodged Plan     Title Plan     Plan of Subdivision    No.: 748664A

OR

B    Crown Allotment No.:      Section No.:

Parish/Township Name:

## The Proposal

**⚠** You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

**ℹ** For what use, development or other matter do you require a permit? \*

DEVELOPMENT AND USE OF A SINGLE DETACHED DWELLING

**⚠** Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

**ℹ** Estimated cost of any development for which the permit is required \*

Cost \$650,000

**⚠** You may be required to verify this estimate. Insert '0' if no development is proposed.



## Existing Conditions i

### Describe how the land is used and developed now \*

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

LAND IS USED FOR THE PURPOSE OF A DOMESTIC SHED APPROVED UNDER DA6864

Provide a plan of the existing conditions. Photos are also helpful.

## Title Information i

### Encumbrances on title \*

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

- Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)
- No
- Not applicable (no such encumbrance applies).

Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

## Applicant and Owner Details i

Provide details of the applicant and the owner of the land.

### Applicant \*

The person who wants the permit.

Name:		
Title: Mr	First Name: Frank	Surname: Masten
Organisation (if applicable): Masten Bennett		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 76C	St. Name: Willis Little Drive
Suburb/Locality: Benalla		State: Vic Postcode: 3672

Please provide at least one contact phone number \*

Contact information for applicant OR contact person below	
Business phone:	Email: mastenbennett@gmail.com
Mobile phone: 0409211714	Fax:

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Contact person's details* <span style="float: right;">Same as applicant <input type="checkbox"/></span>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State: Postcode:

### Owner \*

The person or organisation who owns the land


Where the owner is different from the applicant, provide the details of that person or organisation.

Name: <span style="float: right;">Same as applicant <input type="checkbox"/></span>		
Title: Mrs	First Name: Jessica	Surname: Fitzgibbon
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.: 71 Tiger Hill Road,	St. Name: Ethell Road
Suburb/Locality: Tatong		State: Vic Postcode: 3673
Owner's Signature (Optional):		Date: day / month / year



## Declaration

This form must be signed by the applicant \*

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

I declare that I am the applicant, and that all the information in this application is true and correct, and the owner (if not myself) has been notified of the permit application.

Signature: 

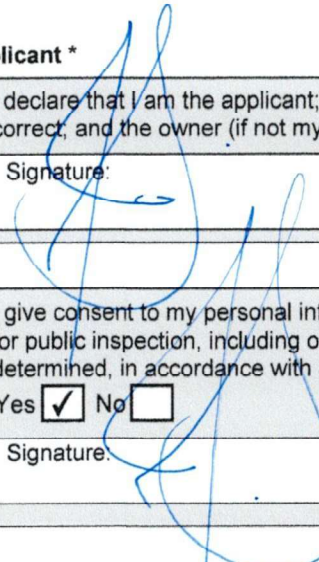
Date: 11.05.2024

day / month / year

## Privacy consent

I give consent to my personal information disclosed in the application to be made available for public inspection, including on Council's public website, whilst the application is being determined, in accordance with Section 51 of the Planning and Environment Act 1987.

Yes  No

Signature: 

Date: 11.05.2024

day / month / year

## Need help with the Application?

General information about the planning process is available at [planning.vic.gov.au](http://planning.vic.gov.au)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

Has there been a pre-application meeting with a council planning officer?

No  Yes

If 'Yes', with whom?

Date:


day / month / year

## Checklist

Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site.

A plan of existing conditions.

Plans showing the layout and details of the proposal.

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (for example, traffic, noise, environmental impacts).

Completed the relevant council planning permit checklist?

Signed the declaration above?

## Lodgement

Lodge the completed and signed form, the fee and all documents with:

Benalla Rural City Council  
PO Box 227  
Benalla VIC 3671  
Customer Service Centre  
1 Bridge Street East  
Benalla VIC 3671

### Contact information:

Phone (03) 5760 2600  
Email: [council@benalla.vic.gov.au](mailto:council@benalla.vic.gov.au)  
DX: 32230

Deliver application in person, by post or by electronic lodgement.

From [www.planning.vic.gov.au](http://www.planning.vic.gov.au) at 10 May 2024 07:58 AM

## PROPERTY DETAILS

Address: **46 LINK ROAD BENALLA 3672**

Lot and Plan Number: **Lot 2 PS748664**

Standard Parcel Identifier (SPI): **2\PS748664**

Local Government Area (Council): **BENALLA**

Council Property Number: **A18960**

Planning Scheme: **Benalla**

Directory Reference: **Vicroads 47 H2**

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

[Planning Scheme - Benalla](#)

## UTILITIES

Rural Water Corporation: **Goulburn-Murray Water**

Urban Water Corporation: **North East Water**

Melbourne Water: **Outside drainage boundary**

Power Distributor: **AUSNET**

## STATE ELECTORATES

Legislative Council: **NORTHERN VICTORIA**

Legislative Assembly: **EUROA**

## OTHER

Registered Aboriginal Party: **Yorta Yorta Nation Aboriginal Corporation**

[View location in VicPlan](#)

## Planning Zones

[RURAL LIVING ZONE \(RLZ\)](#)

[SCHEDULE TO THE RURAL LIVING ZONE \(RLZ\)](#)



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

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

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

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

## Planning Overlay

None affecting this land - there are overlays in the vicinity

### OTHER OVERLAYS

Other overlays in the vicinity not directly affecting this land

#### RURAL FLOODWAY OVERLAY (RFO)



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

## Further Planning Information

Planning scheme data last updated on 7 December 2023.

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

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

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

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

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



## Designated Bushfire Prone Areas

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

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

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



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

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

Create a BPA definition plan in VicPlan to measure the BPA.

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

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

## Native Vegetation

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

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

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

Copyright © - State Government of Victoria

**Disclaimer:** This content is provided for information purposes only. No claim is made as to the accuracy or authenticity of the content. The Victorian Government does not accept any liability to any person for the information provided.

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

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

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

Page 1 of 1

VOLUME 11928 FOLIO 885

Security no : 124114839989D  
Produced 10/05/2024 06:47 AM

### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 748664A.  
PARENT TITLE Volume 11277 Folio 611  
Created by instrument PS748664A 06/11/2017

### REGISTERED PROPRIETOR

Estate Fee Simple  
Joint Proprietors  
JESSICA ROSE FITZGIBBON  
CHRISTOPHER PATRICK FITZGIBBON both of 6 CRAMMOND STREET BENALLA VIC 3672  
AQ509285J 04/12/2017

### ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AQ509286G 04/12/2017  
GOULBURN MURRAY CREDIT UNION CO-OPERATIVE LTD

COVENANT as to part PS436641D 01/06/2000

COVENANT PS610956G 03/12/2009

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.

### DIAGRAM LOCATION

SEE PS748664A 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: 46 LINK ROAD BENALLA VIC 3672

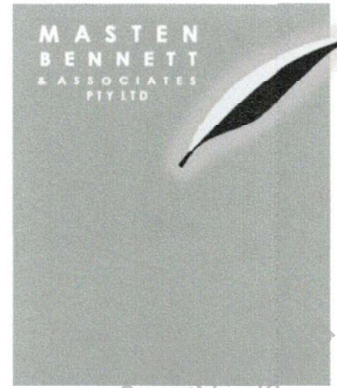
### ADMINISTRATIVE NOTICES

NIL

eCT Control 19228L SMR LEGAL  
Effective from 04/12/2017

DOCUMENT END





BUILDING CONSULTANTS  
PLANNERS & DESIGNERS

**May 10, 2024**

Benalla Rural City Council  
**Attn; Chief Executive Officer**  
Municipal Offices,  
1 Bridge Street East,  
**BENALLA** Victoria 3672

Dear Sir/Madame,

**RE; 46 LINK ROAD, BENALLA – FITZGISBON DWELLING.**  
**OUR REF; 35354824**

We write to advise of application for planning approval relating to proposed dwelling at the above address comprising;

- Application form, duly completed.
- Application drawings including site and floor plans and elevations.
- Certificate of title, and;
- Title plan.

Council issued planning permit DA6864 on or about 22 August, 2019 and that permit allowed the use and development of land for a dwelling and shed in accordance with the endorsed plans.

Since the issuance of planning permit, building permits have been attained to facilitate the construction of the proposed dwelling and shed. The construction of both these buildings and ancillary services were to have been undertaken simultaneously.

To date, the site has been improved by way of a shed, approved septic system and construction of raft slab for the dwelling. The shed was first completed to provide for storage of building materials for the dwelling and provide a secure arrangement for the registered builder involved.

Some form of dispute lead to the sacking of the builder engaged leaving the owners with a shed, floor slab and approved septic treatment system.

We are advised the shed is currently used for the purpose of domestic storage and houses furniture and some building materials.



A C N 0 0 7 0 9 2 0 4 2  
76C WILLIS LITTLE DRIVE, BENALLA  
VICTORIA 3672  
M 0409 211 714  
E mastenbennett@gmail.com

Pursuant to CI35.03-1, a dwelling use is a section 1 use, no permit required if it meets the following criteria;

- *The lot must be at least the area specified in a schedule to this zone. If no area is specified, the lot must be at least 2 hectares.*
- *Must be the only dwelling on the lot.*
- *Must meet the requirements of Clause 35.03-2.*
- *Must be located more than 500 metres from the nearest title boundary of land on which a work authority has been applied for or granted under the Mineral Resources (Sustainable Development) Act 1990.*

The proposed dwelling will be the only one on the Lot, (the Lot being consistent with the requirements of the schedule to the zone), meets the requirements of CI35.03-2 (discussed elsewhere) and is no closer than 500m to any known application for mineral resources.

Pursuant to CI 35.03-2, a lot used for a dwelling or small second dwelling must meet the following requirements:

- *Access to the dwelling or small second dwelling must be provided via an all-weather road with dimensions adequate to accommodate emergency vehicles.*
- *Each dwelling or small second dwelling must be connected to reticulated sewerage, if available. If reticulated sewerage is not available, all wastewater from each dwelling must be treated and retained within the lot in accordance with the requirements of the Environment Protection Regulations under the Environment Protection Act 2017 for an on-site wastewater management system.*
- *The dwelling or small second dwelling must be connected to a reticulated potable water supply or have an alternative potable water supply with adequate storage for domestic use as well as for firefighting purposes.*
- *The dwelling or small second dwelling must be connected to a reticulated electricity supply or have an alternative energy source.*

The proposed dwelling will be connected to Gardner Road via properly formed and drained all-weather driveway and crossover of crushed rock, be of a width no less than 3.00m and capable of accommodating personal and emergency vehicles of up to 14 tonne capacity. It will harvest rainwaters collected in a rainwater tank of no less than 60,000l with a reserve capacity for firefighting (10,000l). An established point of connection for reticulated electricity supply exists within the shed – this service is already connected.

Pursuant to CI35.03-4, a permit is triggered by the necessity to undergo earthworks to accommodate the dwelling; however it should be noted that the earthworks are limited only to the driveway and crossover – as the raft/floor slab is already constructed via former planning and building approvals.



Condition 18 of the abovementioned permit details expiry dates and commencement/completion terms. The permit allowed the commencement of construction of the dwelling over a 2 year period with a completion date of 4 years from the date of the permit. It is understood that no extension of time was applied for nor granted and so the permit has expired.

The subject site is known as 46 Link Road, Benalla and best described as being Lot 2 on Plan of Subdivision 748664A. The subject site is generally regular in shape save for a recent excision of some 6934sqm to the southeast corner of same.

The land is denude of vegetation (perhaps formerly a cropping paddock) and improved only by agricultural fencing, a shed, septic system and connection to reticulated power.

The permit issued for the land duly considered vehicular access from Link Road as the drawings accompanying the submission proposed. We understand this although the intention of the designer, not the preference of the Owner. Cordially, the shed gains direct access from Gardner Road and the property is informally described as 47 Gardner Road, Benalla.

Proposed for the dwelling is access directly from Gardner Road and not Link Road as approved by the expired permit. The driveway will be of 'all weather' type, properly formed and drained suitable for personal and emergency vehicles for and up to 14 tonne.

The following planning controls apply to the land including;

The land is within the Rural Living Zone and is within a designated bushfire prone area.

Rural Living Zone; pursuant to CI35.03, the purpose of the zone is;

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision.*

The proposed sets out to provide for a residential use in a rural environment and maintaining a modest level of grazing. In time, a self-imposed land management plan will be adopted to improve biodiversity and health of the soils. The land is something of a blank canvass which in its current form offers little by way of contribution to the landscape. Onsite management will avail an opportunity to implement good land care practices and improve not only the soils but the landscape vistas through considerate planting of indigenous species.



Remaining planning controls that canvass siting requirements, built form and materials have all been tested through the issuance of planning permit DA6864. It is considered unnecessary to again revisit these matters.

In closing, we say that all of the relevant planning considerations have been given due regard with the issuance of planning permit DA6864 – issued on or about 22 August, 2019. We note that since that date, there have been no changes or amendments to the Benalla Planning Scheme that affect the subject land.

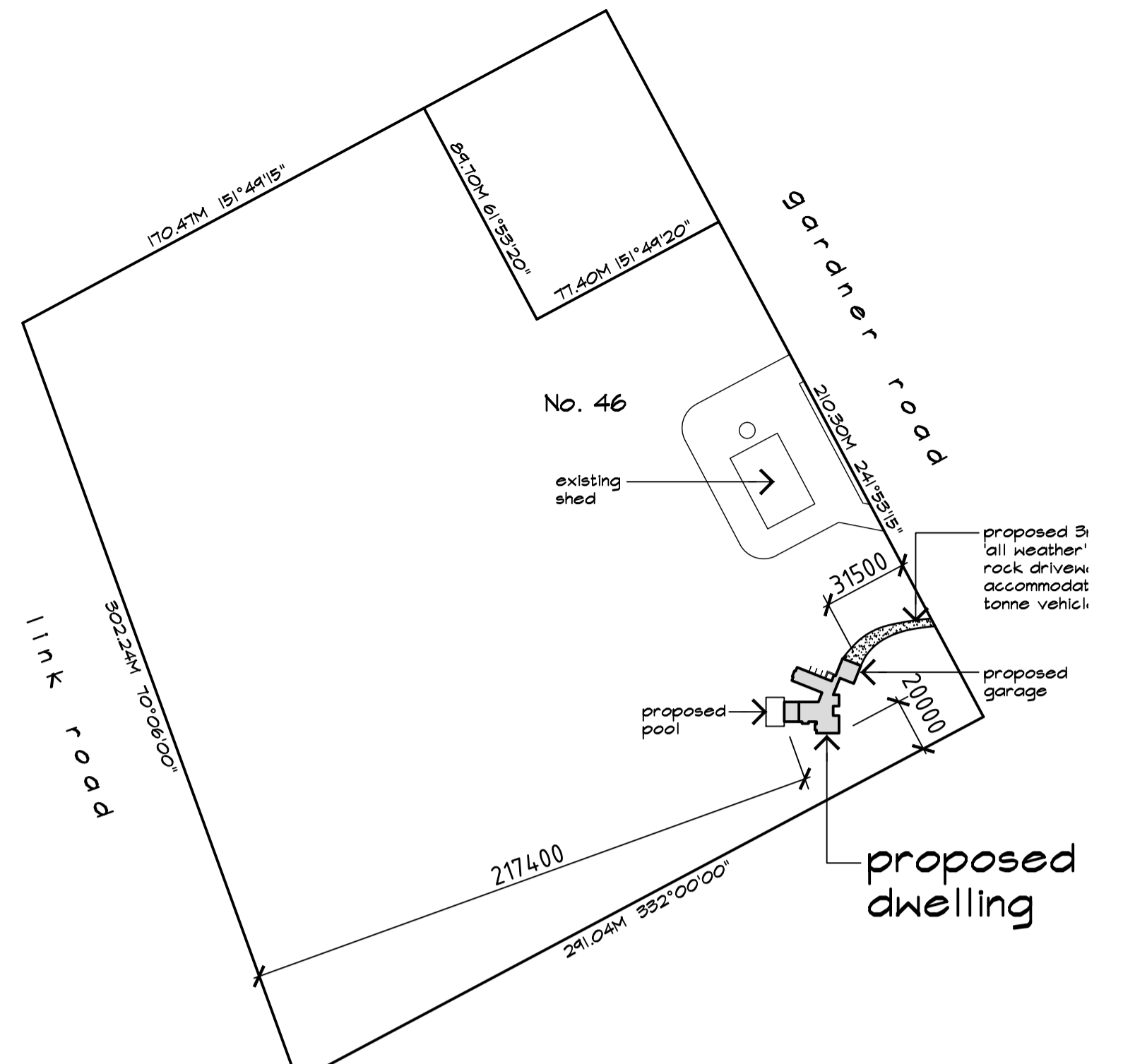
Should you have any queries regarding the above or other matters, please do not hesitate to contact the undersigned, thank you.

Yours faithfully,

Frank J. Masten

**Masten Bennett and Associates Pty Ltd**

This document has been copied and 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.



**SITE ANALYSIS:**

SITE AREA = 75180M<sup>2</sup>  
 EXISTING SHED AREA = 600M<sup>2</sup>  
 PROPOSED DWELLING AREA = 355M<sup>2</sup>  
 PROPOSED POOL AREA = 14M<sup>2</sup>

**MATERIAL SCHEDULE:**

**WALLS -**

- Timber Look vertical cladding - 'Decomwood Blue Ash' or similar
- Matt colorbond 'Longline' cladding - 'Woodland Grey'
- Rammed Earth

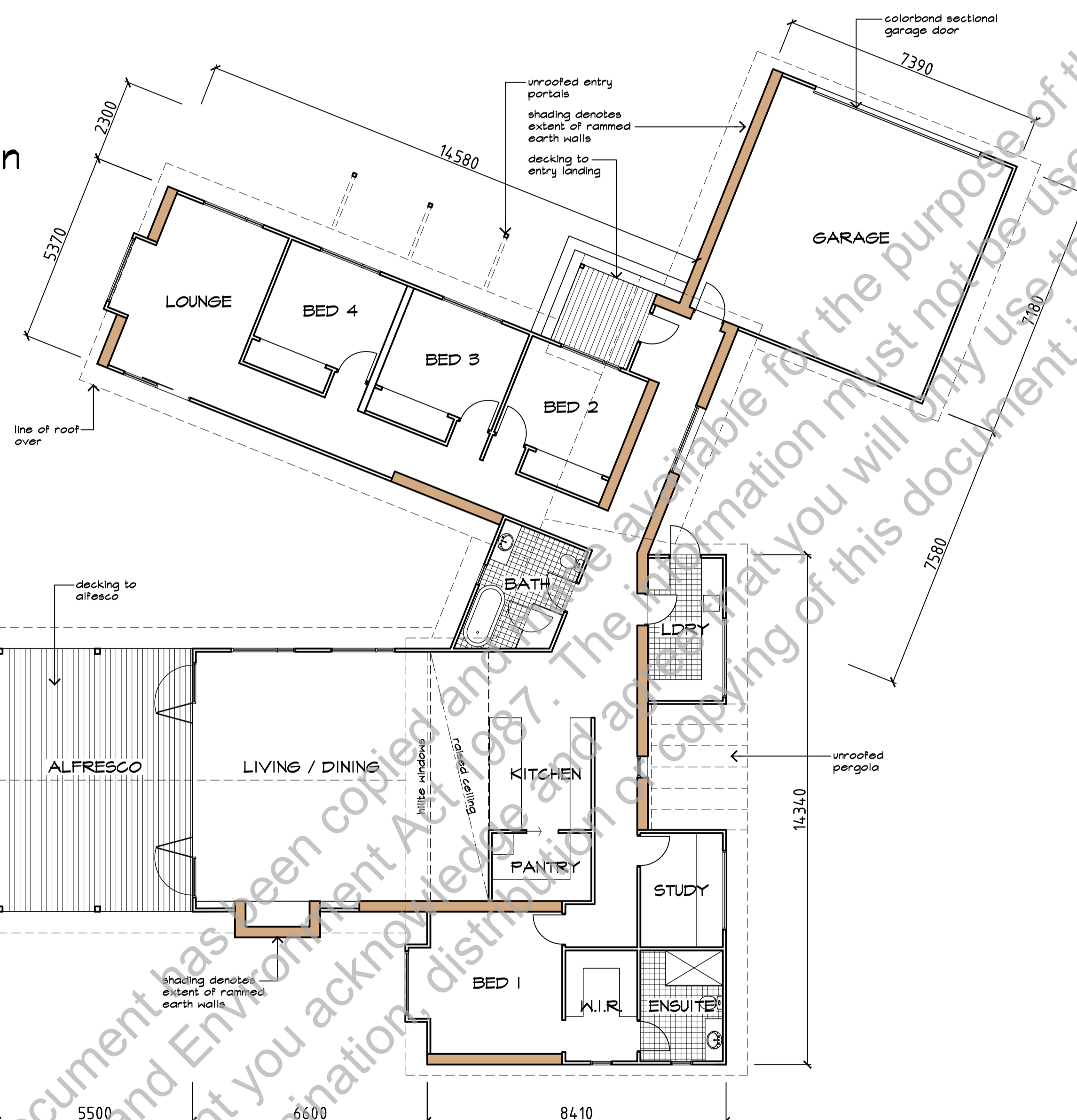
**ROOFING, FASCIAS, GUTTERS and DOWNPIPES -**

- Colorbond 'Woodland Grey'

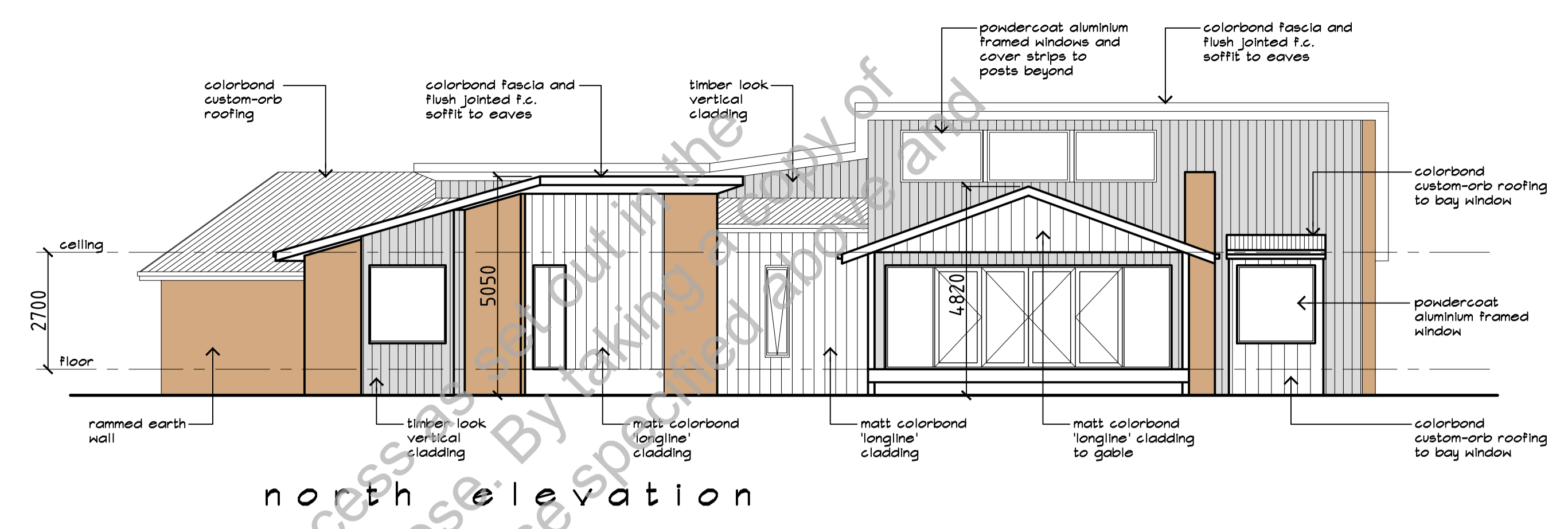
**WINDOW FRAMES -**

- Powdercoat 'Night Sky'

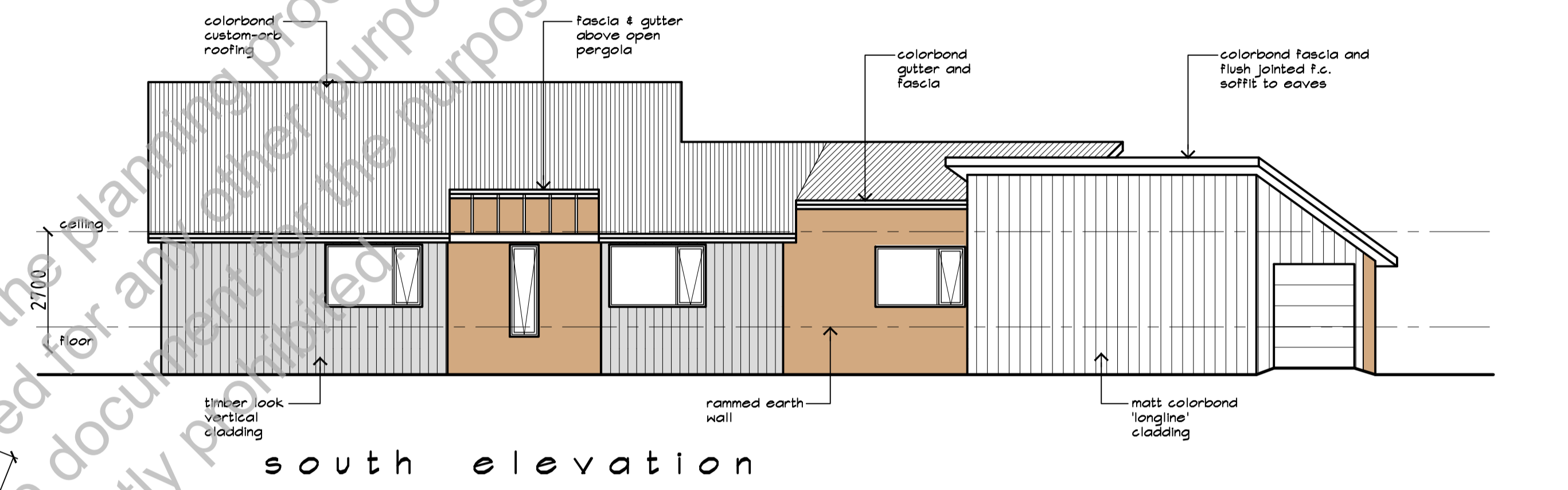
site plan  
1 : 2000



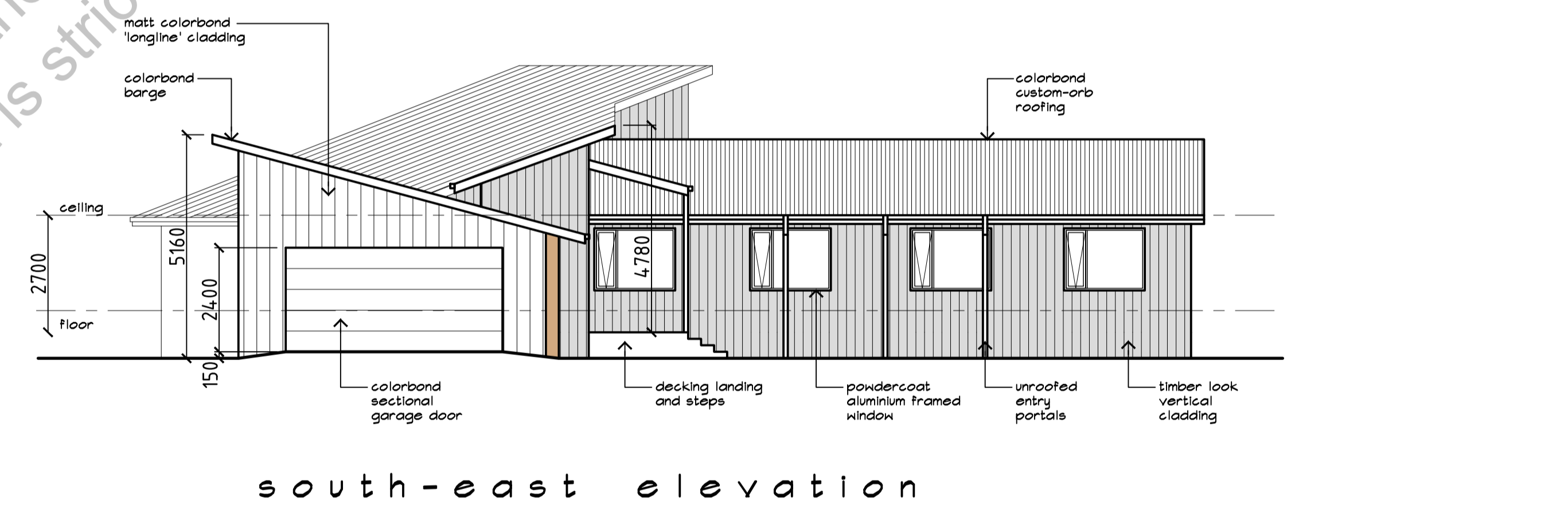
floor plan



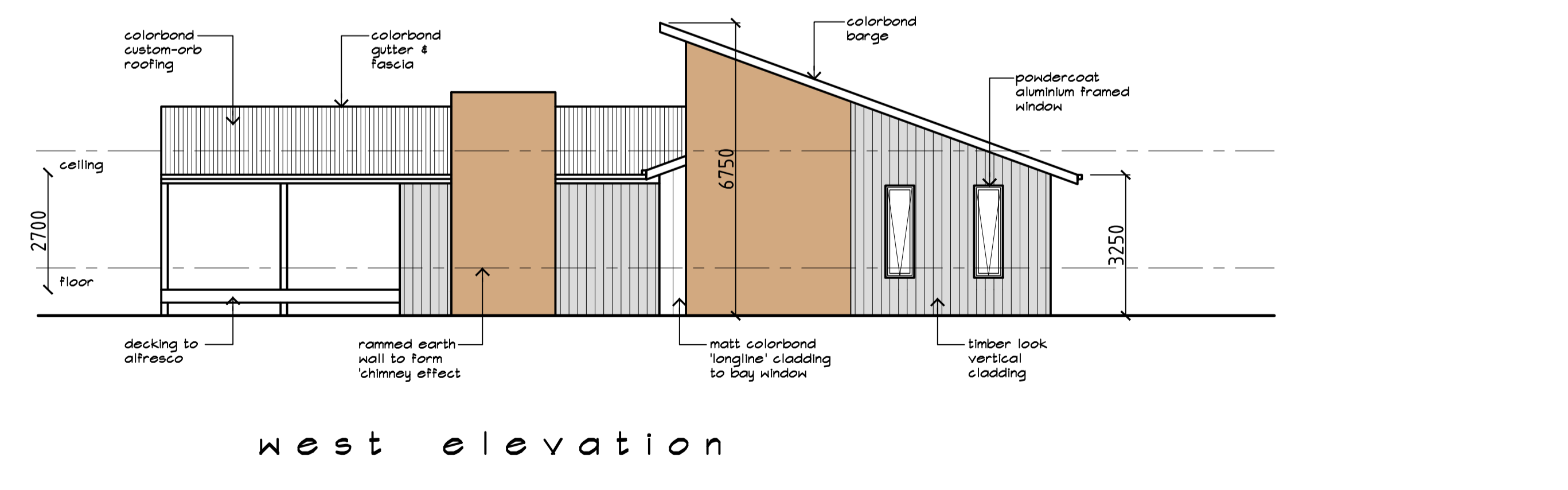
north elevation



south elevation



south-east elevation



west elevation

Issue	Description	Date	Issue	Description	Date

**TILTMAN DRAFTING SERVICES**  
 ARCHITECTURAL & STRUCTURAL DRAFTING  
 B.P.N: DP-AD1251 A.B.N: 29 676 482 510  
 2 STIRLING COURT KILSYTH 3137  
 T: 0400-601844 E: tiltman.drafting@bigpond.com

Client  
**MASTEN BENNETT & ASSOCIATES** PTY LTD  
 BUILDING CONSULTANTS PLANNERS & DESIGNERS  
 KLICITAT LANE  
 LIMA VICTORIA 3873  
 0409 211 714

Project  
**PROPOSED DWELLING AT 46 GARDNER ROAD, BENALLA FOR C & J FITZGIBBON**

Drawing  
**SITE & FLOOR PLANS AND ELEVATIONS**

Drawn SMT  
 Designed FJM  
 Date MAY'24  
 Job No. 354824  
 Drg Scale 1:100 uno  
 Plot Scale 1:1  
 Issue  
**3467.TP.01**

# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Instrument</b>
Document Identification	<b>PS436641D</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>31/05/2024 12:03</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This document has been copied and made available for publication in the planning process as set out in the Planning and Environment Act 1987. The information contained in this document is not to be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will not be held liable for any use of the information that any dissemination, distribution or copying of this document is strictly prohibited.



# PS 436641D Application to register a plan of Subdivision/Consolidation

Section 22 Subdivision Act 1988

(Not related to acquisition by an acquiring authority)

Lodged by:

Name: W J KELL

Phone: 02 60412244

Address: DX 5827 ALBURY

Ref: WJK.4562

Customer Code: 2504 H

The applicant applies for registration of the plan described.

Land: (Volume and Folio reference)

Certificate of Title Volume 10451 Folio 563

Applicant: (Full name and address including postcode)

RUSSELL BRAMLEY COOK of Benalla-Chesney Road, Benalla VIC 3672

Plan No.: 436641D

Stage No.: (If applicable)

Municipal district in which land is located:

DELATITE SHIRE

Office use only  
PS

ACCEPT

3 LOTS \$333

CLM SUPPLEMENT

PS TO F SIR

*Dist/100*

3 CERTS. TO ISSUE  
CLG. V. 10451 F. 563  
1st to 3rd CERTS.  
BEING LOTS 1 to 3 (B.1.)  
ALL ON PS 436641D  
Rev 1/16/00

Date: 8.05.00

Signed: Applicant  
or  
Solicitor  
or  
\* Agent

\*(written proof of agency must be supplied)

**WILLIAM JAMES KELL**  
3rd Floor 553 Kiewa St. Albury  
A NATURAL PERSON WHO IS A REGISTERED  
INTERSTATE PRACTITIONER WITHIN THE  
MEANING OF THE LEGAL PRACTICE  
ACT 1996.

ORDER TO REGISTER AND CONSENTS

# PS/PC

THE BACK OF THIS FORM MUST NOT BE USED



**PS436641D**

150500 1015 PS \$333



*Watermark: This document has been copied and made available for the purposes 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.*

This document has been copied and 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.



# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Instrument</b>
Document Identification	<b>PS610956G</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>31/05/2024 12:03</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

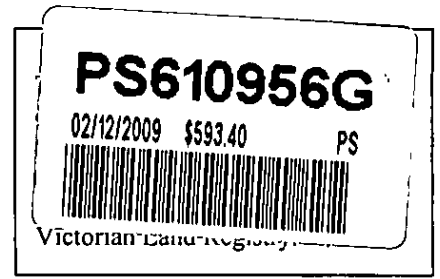
This document has been copied and made available for publication in the Planning process as set out in the Planning and Environment Act 1987. The information contained in this document is not to be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will not be held responsible for any dissemination, distribution or copying of this document which is prohibited.



# Application to register a plan of subdivision not related to acquisition by an acquiring authority

## Subdivision Act 1988

2



Lodged by:

Name: HARRISON DOBSON & COTTRILL

Phone: 03 5762 1844

Form 10 Reg 38(1)(b) Subdivision (Procedures) Regulations 2000

Address: 2 Bridge Street Benalla

Ref: GDH:JB:190723-5

Customer Code: 1674 L



The applicant applies for registration of the plan described.

Land: (Volume and Folio reference)

Volume 9655 Folio 395 and Volume 10520 Folio 940

Applicant: (Full name and address including postcode)

JOAN ANN BUCKINGHAM of 5617 Midland Highway, BENALLA 3672 and

BEVERLEY ANN BUCKINGHAM of 5617 Midland Highway, BENALLA 3672

Plan No: PS610956G

Stage No: (If applicable)

Municipal district in which land is located: Benalla Rural City Council

Office use only

Date: 6th August 2009

Signed:

An Australian Legal Practitioner (within the meaning of the Legal Profession Act 2004)

**GAVIN DOUGLAS HARRISON**  
Harrison Dobson & Cottrill  
2 Bridge Street, Benalla  
An Australian Legal Practitioner within the meaning of the Legal Profession Act 2004

### ORDER TO REGISTER AND CONSENTS

Please register this Dealing and on registration issue to lodging party and return LT in relation to Lot 2 C/Title(s) to BENDIGO AND ADELAIDE BANK LIMITED ABN 11 068 049 178, PO BOX 142 IPSWICH Q. 4305

Signed: Customer Code: 3500L

Bendigo and Adelaide Bank Limited consents to the registration of PS 610956G

Signed:

# PS

THE BACK OF THIS FORM MUST NOT BE USED

# DAVID TONKIN & ASSOCIATES

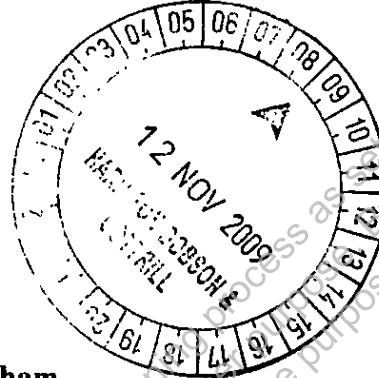
## BARRISTERS & SOLICITORS

Our Ref: 04-0116:DT

Your Ref: GDH:JB:190723-5

**10 November 2009**

Harrison Dobson & Cottrill  
Barristers & Solicitors  
2 Bridge Street  
BENALLA VIC 3672



Dear Sirs,

**Re: Buckingham**

**Property: 5617 Midland Highway, Benalla**

We advise that we consent to Registration of Plan of Sub-division number PS610956G.

Yours faithfully,



Per: *David Tonkin & Associates*  
David Tonkin & Associates

Liability Limited by a Scheme approved Under the Professional Standards Legislation

LEVEL 19, 500 COLLINS STREET  
MELBOURNE VIC 3000  
EMAIL: david@dtlawyers.com.au

PHONE: 03 8676 0296  
FAX: 03 9620 2466  
MOBILE: 0412 422 667

PRINCIPAL: David Tonkin B.A. LL.B

This document has been copied and 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 without 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.



# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Plan</b>
Document Identification	<b>PS748664A</b>
Number of Pages (excluding this cover sheet)	<b>1</b>
Document Assembled	<b>10/05/2024 06:47</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

This document has been copied and made available for publication in the planning process as set out in the Planning and Environment Act 1987. The information contained in this document is not to be used for any other purpose. By taking a copy of this document you acknowledge and agree that you will not be held liable for any use of the information for the purpose specified above and that any dissemination, distribution or copying of this document is strictly prohibited.



PLAN OF SUBDIVISION	EDITION 1	PS748664A
---------------------	-----------	-----------

<p style="text-align: center; font-weight: bold;">Location of Land</p> <p><b>Parish:</b> BENALLA  <b>Township:</b> ---  <b>Section:</b> T  <b>Crown Allotment:</b> 4(PT)  <b>Crown Portion:</b> ---  <b>Title Reference:</b> VOL.11277 FOL. 611</p> <p><b>Last Plan Reference:</b> PS631153E (Lot 4)  <b>Postal Address:</b> 5617 MIDLAND HIGHWAY,                  (at time of subdivision) BENALLA 3672</p> <p><b>MGA Co-ordinates:</b> E 408100 Zone: 55                  (of approx. centre of land N 5959300 GDA 94                  in plan)</p> <p style="text-align: center; font-weight: bold;">Notations</p> <p><b>Depth Limitation</b> DOES NOT APPLY.</p> <p><b>Survey</b> This plan is based on survey.  <b>Staging</b> This is not a staged plan of subdivision.  <b>Planning Permit No.</b> ---</p> <p><b>This survey has been connected to permanent mark(s)</b>                  124, PCM10270010, PCM10270011  <b>In Proclaimed Survey Area No.</b> ---</p>	<p>Council Name: Benalla Rural City Council</p> <p>Council Reference Number: S3060                  Planning Permit Reference: planning permit not required                  SPEAR Reference Number: S105489T</p> <p>Certification</p> <p>This plan is certified under section 6 of the Subdivision Act 1988</p> <p>Statement of Compliance</p> <p>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</p> <p>Public Open Space</p> <p>A requirement for public open space under section 18 of the Subdivision Act 1988 has not been made</p> <p>Digitally signed by: Joel Daniel Ingham for Benalla Rural City Council on 23/06/2017</p>
Vesting of Roads and/or Reserves	
Identifier	Council/Body/Person
NIL	NIL

Easement Information

**Legend:** E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement or other Encumbrance A - Appurtenant Easement

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
NIL				

