

This Agreement is made under Section 173 of The Planning and Environment Act 1987 (Vic) on this 15th day of September 2022

BETWEEN

BENALLA RURAL CITY COUNCIL

of 1 Bridge Street East, Benalla in the State of Victoria

("the Council")

AND

DANIEL PATRICK CLARIDGE AND PATRICIA MAREE CLARIDGE

of 145 Sydney Road in the State of Victoria

("the Owner")

RECITALS:

- A. **THE** Owner is the registered proprietor of the land presently contained and described within Certificate of Title Volume 09943 Folio 858 ("the land").
- B. **THE** Benalla Rural City Council is the authority responsible for the administration and enforcement of the Benalla Planning Scheme in relation to the land.
- C. A proposed amendment to C43 to the Benalla Planning Scheme has been put to the Benalla Rural City Council
- D. **IT** is a condition of the C43 that the Owner enters into this Agreement with the Council.

OPERATIVE PROVISIONS:

- 1. **THE** Owner acknowledges and agrees that:

Except with the prior written consent of the Responsible Authority;

Protection of Native Vegetation

- (a) The owners of Lot 1 acknowledge the presence of protected remnant vegetation and drainage area within the said Lot, being the area marked in red on the plan annexed hereto and marked "A" ("the protected area"). The owner (and/or occupier) of the lot understand and accept the following responsibilities and restrictions;
 - (i) At no time shall any actions be undertaken or permitted to be undertaken to remove, destroy, lop or otherwise compromise the health of respective trees within the protected area, without the prior written consent of the Responsible Authority.

5. **THE** rights powers and remedies provided in this agreement are cumulative with and not exclusive of the rights, powers and remedies provided by law independently of this agreement including, without limitation, the Council's rights and powers as the Responsible Authority.

EXECUTED AS A DEED by the parties on the day and the date first hereinbefore appearing

SIGNED by **BENALLA RURAL CITY**)

COUNCIL by its duly authorised delegate in)

the presence of:

Council Delegate

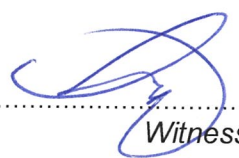
.....
Full Name

SIGNED SEALED AND DELIVERED by)

the said **DANIEL PATRICK CLARIDGE** in)

the presence of:


.....
Daniel Patrick Claridge


.....
Witness Signature

Felicity Jayne Trends
.....
Print full name of Witness

SIGNED SEALED AND DELIVERED by)

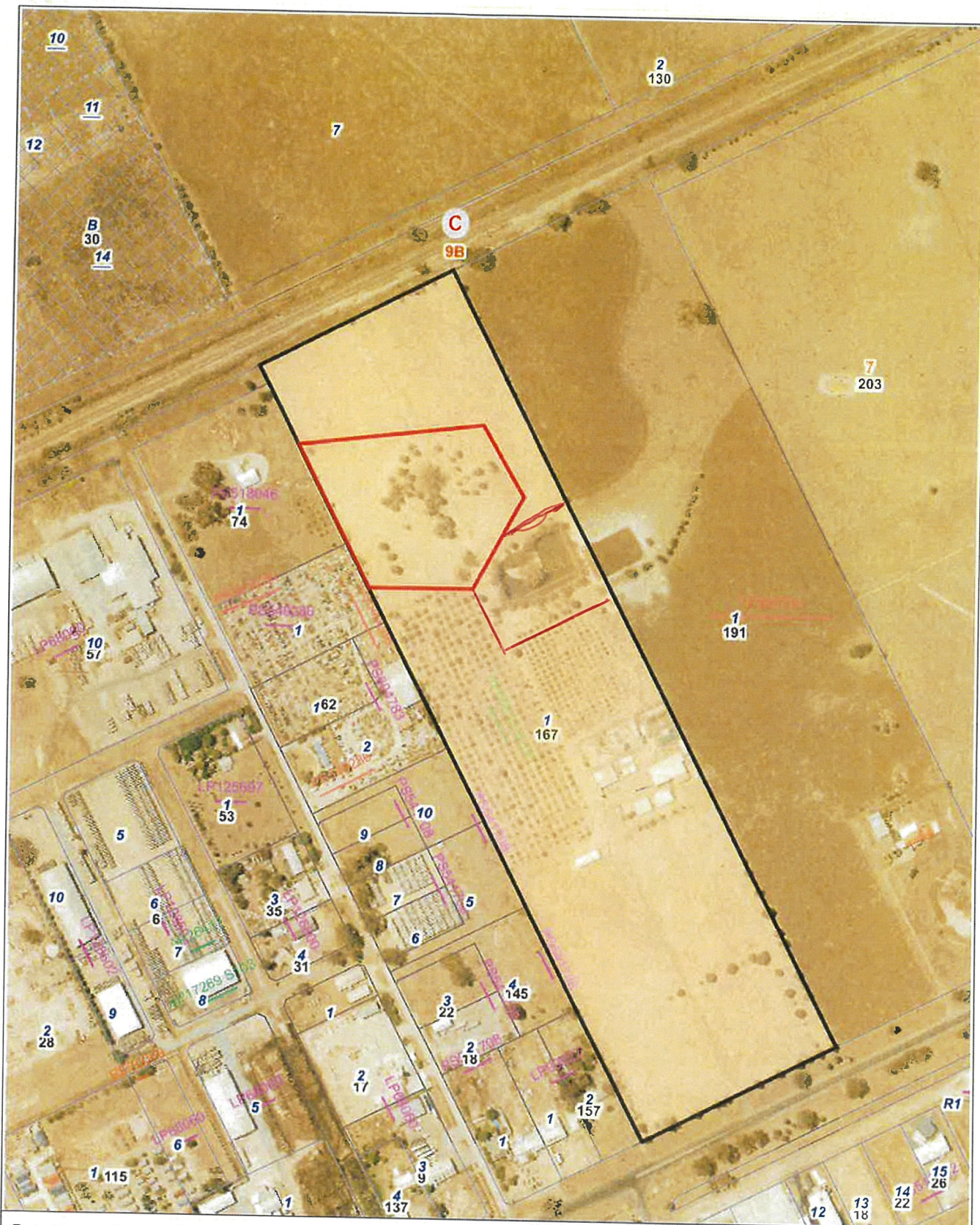
the said **PATRICIA MAREE CLARIDGE**)

in the presence of:


.....
Patricia Maree Claridge


.....
Witness Signature

Felicity Jayne Trends
.....
Print full name of Witness



Data Source: Vicmap Property

0 50 100 150 200 250 300 350 400 450 500m
Scale of Metres (1:5,000)

MGA Zone 55
Vicroads- 663 U3 (ed.8)
Created 04:02 PM on Sep 16, 2021

Co-ordinates of Plot Corners
NW 411018,5956532
SW 411041,5955410
MGA Zone 55

WARNING:
No warranty is given as to the accuracy or completeness of this map.
Dimensions are approximate.
For property dimensions, undertake a Title search.

Co-ordinates of Plot Corners
NE 411914,5956550
SE 411937,5955429
MGA Zone 55