

# PLAN OF SUBDIVISION

PS 826698X

## LOCATION OF LAND

**PARISH:** TARNEIT  
**TOWNSHIP:**  
**SECTION:** 7  
**CROWN ALLOTMENT:**  
**CROWN PORTION:** A (PART) & B (PART)  
**TITLE REFERENCE:** VOL 8168 FOL 426  
  
**LAST PLAN REFERENCE:** LOT 1 ON TP251610G  
**POSTAL ADDRESS:** 44 DAVIS ROAD  
(at time of subdivision) TARNEIT 3029  
  
**MGA CO-ORDINATES:** E: 293 200      ZONE:55  
(of approx centre of land in plan) N: 5 806 600

**APPROVED AMENDED PLAN**  
**PLANNING AND ENVIRONMENT ACT 1987**  
**WYNDHAM PLANNING SCHEME**

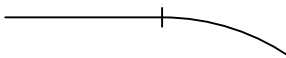
**Permit No: WYP10447/17.09**  
**Sheet: 1 of 7**  
**Approved by: Luke Sexton**  
**WYNDHAM CITY COUNCIL**  
**Date: 25 October 2023**

## VESTING OF ROADS AND/OR RESERVES

## NOTATIONS

| IDENTIFIER   | COUNCIL/BODY/PERSON                                     |
|--------------|---|
| ROAD R1      | WYNDHAM CITY COUNCIL                                    |
| RESERVE No.1 | THE MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE |
| RESERVE No.2 | THE MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE |
| RESERVE No.3 | POWERCOR AUSTRALIA LTD                                  |
| RESERVE No.4 | THE MINISTER FOR ENERGY, ENVIRONMENT AND CLIMATE CHANGE |

AREA OF LAND SUBDIVIDED (EXCLUDING BALANCE LOT A) - 3.598ha

TANGENT POINTS ARE SHOWN THUS: 

## NOTATIONS

DEPTH LIMITATION NIL

**SURVEY:**  
 This plan is based on survey.

**STAGING:**  
 This is not a staged subdivision.

## EASEMENT INFORMATION

LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)

| Easement Reference | Purpose               | Width (Metres) | Origin    | Land Benefited/In Favour Of |
|--------------------|-----------------------|----------------|-----------|-----------------------------|
| E-1                | FLOODWAY AND DRAINAGE | SEE DIAG       | THIS PLAN | MELBOURNE WATER CORPORATION |
|                    |                       |                |           |                             |

GRACE ESTATE - 8

36 LOTS AND BALANCE LOT A

LICENSED SURVEYOR: ANDREW J. REAY



**Lyssna Group Pty Ltd**  
 ABN 18 616 811 191  
 Tel: +61 3 9516 6899  
 PO Box 1098, South Melbourne 3205  
 Suite 3, 102 Dodds Street  
 Southbank VIC 3006 Australia

DATE: 20/10/23  
 DRAWING: SU08AP

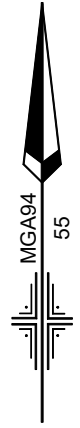
REFERENCE: AA0028  
 DRAWN BY: BA

ORIGINAL SHEET SIZE: A3  
 SHEET 1 OF 7

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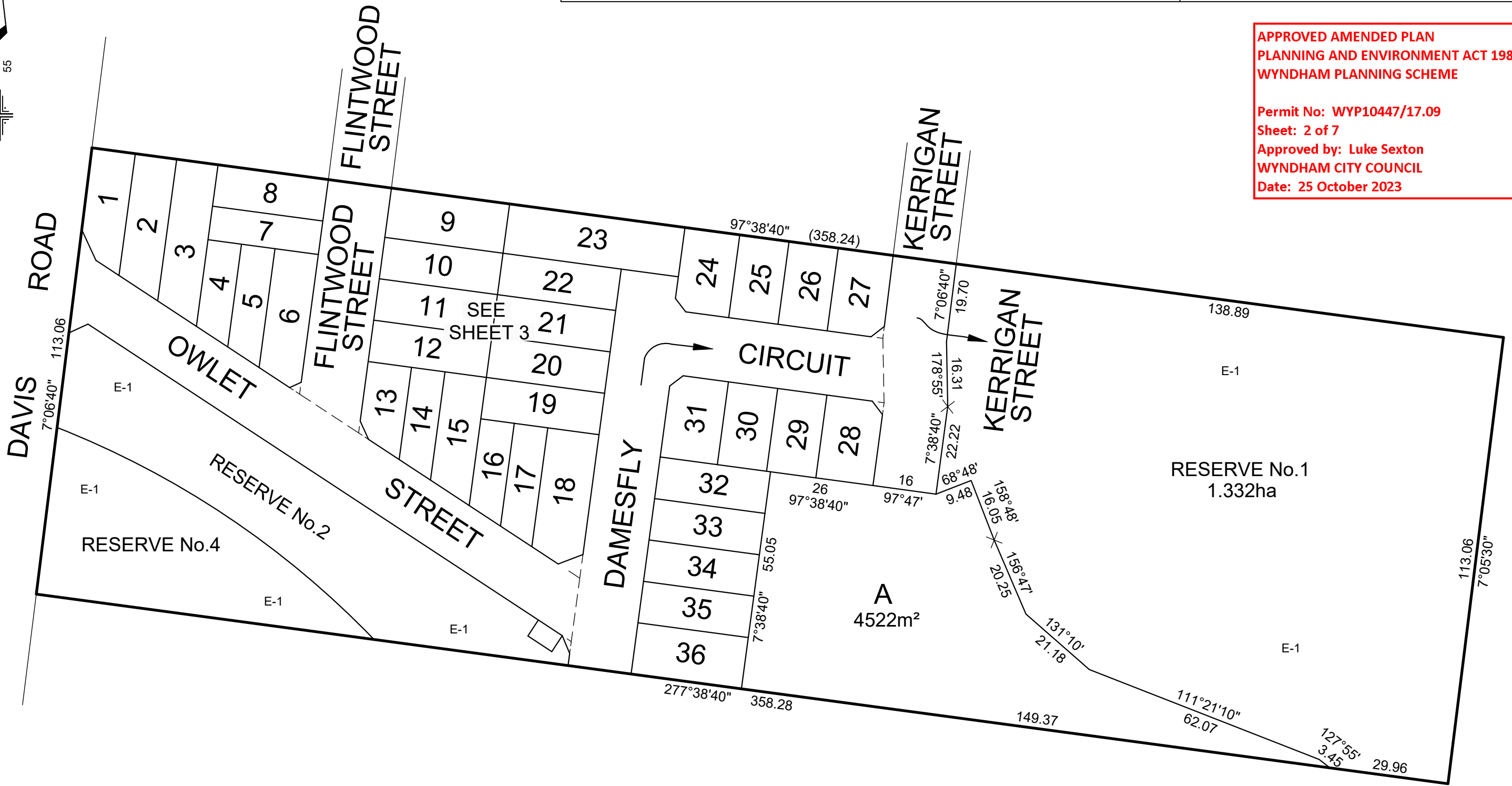
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APPROVED AMENDED PLAN  
 PLANNING AND ENVIRONMENT ACT 1987  
 WYNDHAM PLANNING SCHEME

Permit No: WYP10447/17.09  
 Sheet: 2 of 7  
 Approved by: Luke Sexton  
 WYNDHAM CITY COUNCIL  
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|                                   |                   |
|-----------------------------------|-------------------|
| GRACE ESTATE - 8                  |                   |
| LICENSED SURVEYOR: ANDREW J. REAY |                   |
| DATE: 20/10/23                    | REFERENCE: AA0028 |
| DRAWING: SU08AP                   | DRAWN BY: BA      |

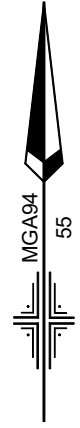
SCALE  
 1:1000

LENGTHS ARE IN METRES

|                         |         |
|-------------------------|---------|
| ORIGINAL SHEET SIZE: A3 | SHEET 2 |
|-------------------------|---------|

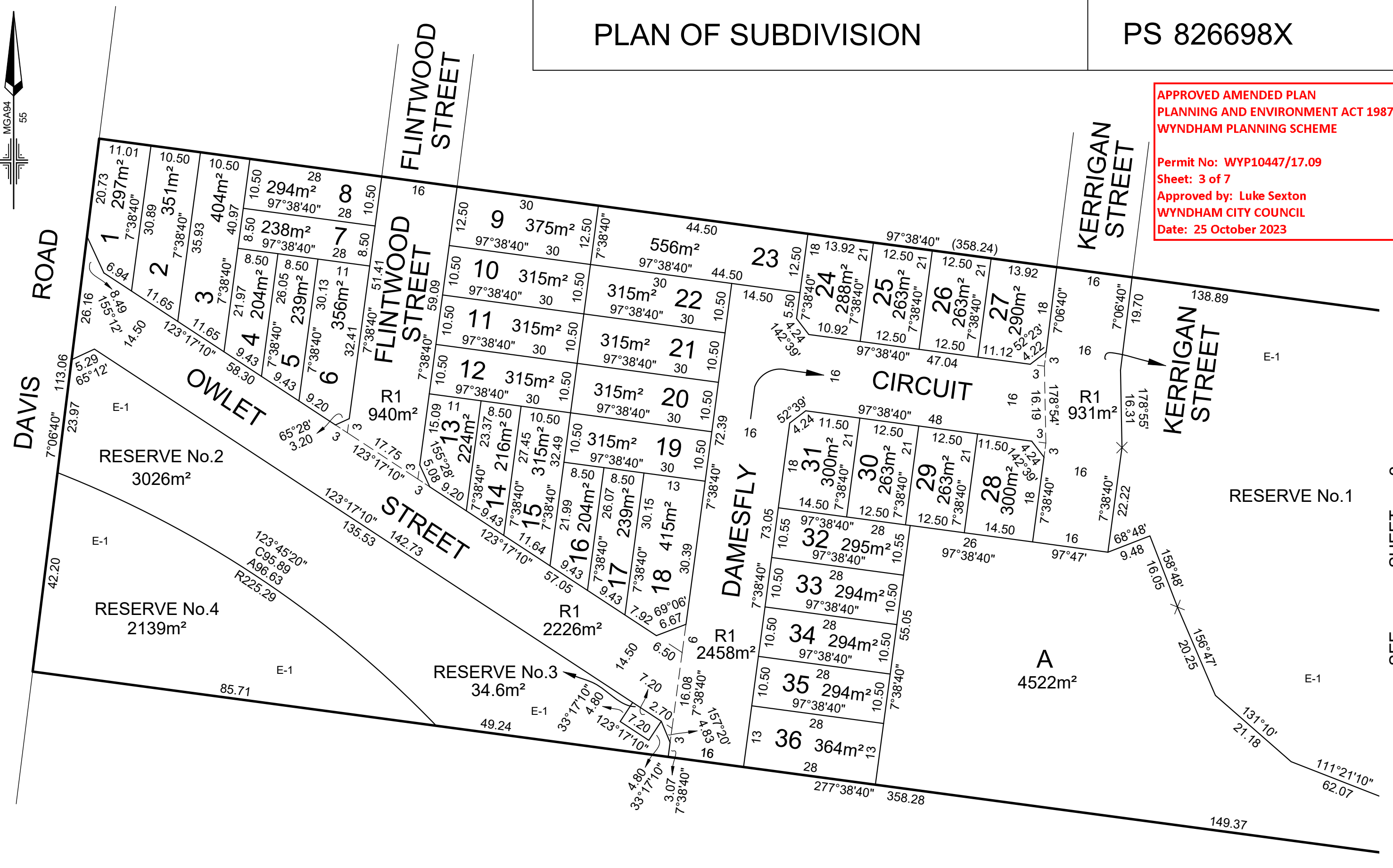
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**APPROVED AMENDED PLAN**  
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**WYNDHAM PLANNING SCHEME**

Permit No: WYP10447/17.09  
 Sheet: 3 of 7  
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 WYNDHAM CITY COUNCIL  
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SEE SHEET 2

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GRACE ESTATE - 8  
 LICENSED SURVEYOR: ANDREW J. REAY

DATE: 20/10/23 REFERENCE: AA0028  
 DRAWING: SU08AP DRAWN BY: BA

SCALE  
 1:750

LENGTHS ARE IN METRES

ORIGINAL SHEET SIZE: A3  
 SHEET 3

## CREATION OF RESTRICTION "A"

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.

## DESCRIPTION OF RESTRICTION

Table of land burdened and land benefited

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 2                | 1, 3                         |
| 3                | 2, 4, 7, 8                   |
| 6                | 5, 7                         |
| 9                | 10, 23                       |
| 10               | 9, 11, 22                    |
| 11               | 10, 12, 21                   |
| 12               | 11, 13, 14, 15, 20           |
| 15               | 12, 14, 16, 19               |
| 18               | 17, 19                       |

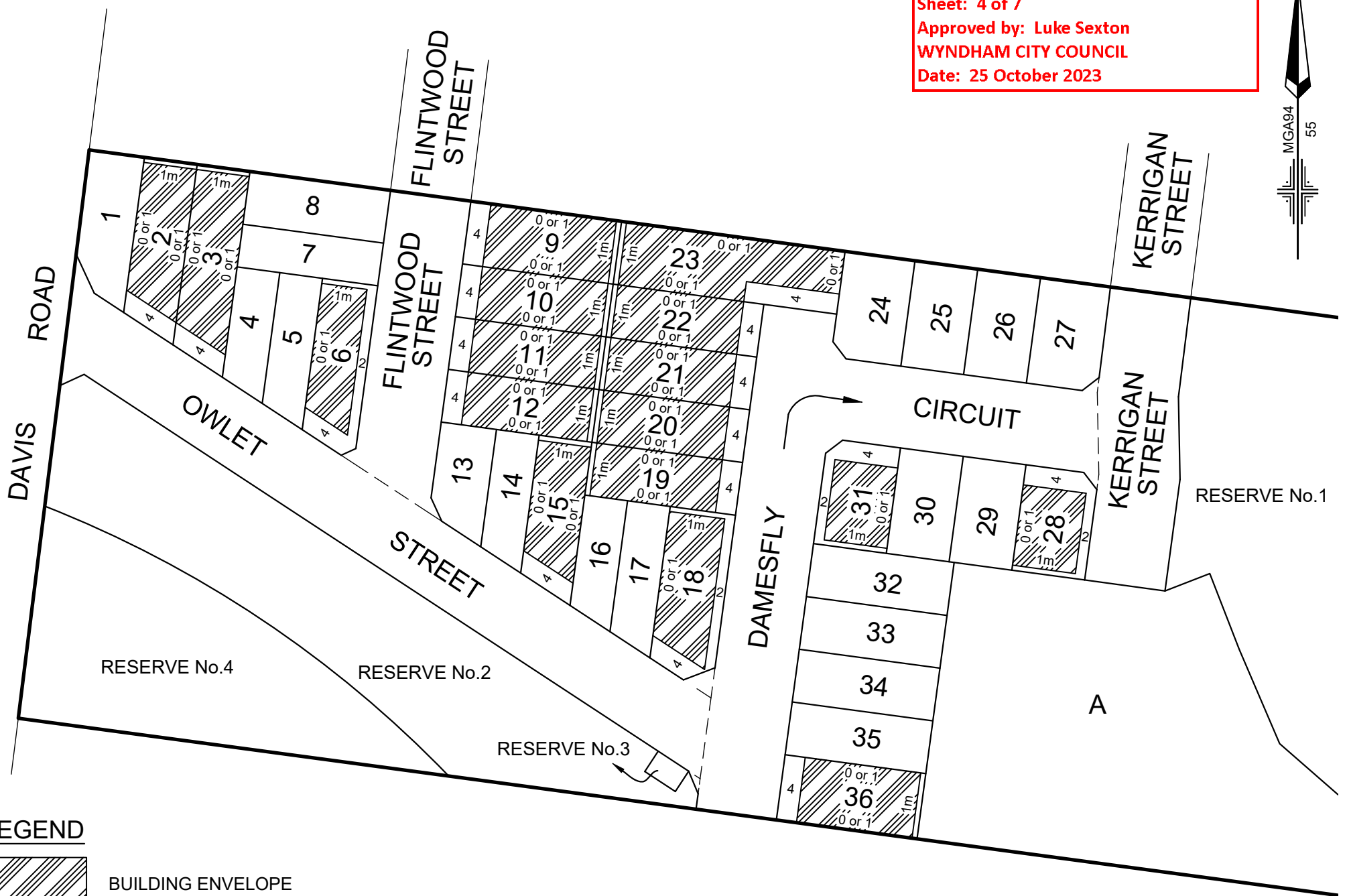
| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 19               | 15, 16, 17, 18, 20           |
| 20               | 12, 19, 21                   |
| 21               | 11, 20, 22                   |
| 22               | 10, 21, 23                   |
| 23               | 9, 22, 24                    |
| 28               | 29                           |
| 31               | 30, 32                       |
| 36               | 35                           |

Except with the written consent of the Transferor and in all other instances with the written consent of each and every registered proprietor of a benefiting Lot on the Plan of Subdivision the registered proprietor or proprietors for the time being of any burdened Lot on the Plan of Subdivision shall not build or allow to be built any dwelling that falls outside the relevant building envelope contained in this restriction and endorsed under Permit WYP10447/17 unless with the written consent of the responsible authority.

The restriction shall expire ten years after the date of registration of this plan.

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**PLANNING AND ENVIRONMENT ACT 1987**  
**WYNDHAM PLANNING SCHEME**

Permit No: **WYP10447/17.09**  
 Sheet: **4 of 7**  
 Approved by: **Luke Sexton**  
**WYNDHAM CITY COUNCIL**  
 Date: **25 October 2023**



### LEGEND

 BUILDING ENVELOPE

NOTE: FOR SETBACKS SHOWN "0 OR 1", ONLY ONE SIDE BOUNDARY MAY BE BUILT TO WHICH ACCORDS WITH THE CROSSOVER LOCATION. THIS NOTE DOES NOT APPLY TO LOTS 10, 11, 12, 15, 19, 20 & 22 WHICH MAY BE BUILT ON BOUNDARY TO BOUNDARY.

GRACE ESTATE - 8

LICENSED SURVEYOR: ANDREW J. REAY

SCALE  
1:1000

0 10 20 30 40  
LENGTHS ARE IN METRES



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DATE: 20/10/23  
 DRAWING: SU08AP

REFERENCE: AA0028  
 DRAWN BY: BA

ORIGINAL SHEET SIZE: A3  
 SHEET 4

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## 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.

## DESCRIPTION OF RESTRICTION

Table of land burdened and land benefited

| BURDENED LOT No. | BENEFITING LOT No. | SMALL LOT HOUSING CODE TYPE |
|------------------|--------------------|-----------------------------|
| 1                | 2                  | A                           |
| 4                | 3, 5, 7            | A                           |
| 5                | 4, 6, 7            | A                           |
| 7                | 3, 4, 5, 6, 8      | A                           |
| 8                | 3, 7               | A                           |
| 13               | 12, 14             | A                           |
| 14               | 12, 13, 15         | A                           |
| 16               | 15, 17, 19         | A                           |
| 17               | 16, 18, 19         | A                           |
| 24               | 23, 25             | B                           |

| BURDENED LOT No. | BENEFITING LOT No. | SMALL LOT HOUSING CODE TYPE |
|------------------|--------------------|-----------------------------|
| 25               | 24, 26             | B                           |
| 26               | 25, 27             | B                           |
| 27               | 26                 | B                           |
| 29               | 28, 30, 32         | B                           |
| 30               | 29, 31, 32         | B                           |
| 32               | 29, 30, 31, 33     | A                           |
| 33               | 32, 34             | A                           |
| 34               | 33, 35             | A                           |
| 35               | 34, 36             | A                           |

Unless in accordance with a planning permit granted to construct a dwelling on the lot, the registered proprietor or proprietors for the time being for any burdened lot on this plan must not build or permit to be built or remain on the lot any building or structure that has not been constructed in accordance with the 'Small Lot Housing Code Type as per the 'Type' listed in the above table.

The restriction shall expire after the issuance of an occupancy certificate.

## CREATION OF RESTRICTION "C"

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.

## DESCRIPTION OF RESTRICTION

Table of land burdened and land benefited

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 22               | LOTS ON THIS PLAN            |
| 23               | LOTS ON THIS PLAN            |

The registered proprietor or proprietors for the time being for any burdened lot on this plan must not;

- (a) build or permit to be built or remain on the lot more than one dwelling;
- (b) place bins for rubbish collection unless placed in the local street.

**APPROVED AMENDED PLAN  
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WYNDHAM PLANNING SCHEME**

**Permit No: WYP10447/17.09  
Sheet: 5 of 7  
Approved by: Luke Sexton  
WYNDHAM CITY COUNCIL  
Date: 25 October 2023**

GRACE ESTATE - 8



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LyssnaGroup.com

LICENSED SURVEYOR: ANDREW J. REAY

DATE: 20/10/23 REFERENCE: AA0028  
 DRAWING: SU08AP DRAWN BY: BA

ORIGINAL SHEET SIZE: A3  
 SHEET 5

# PLAN OF SUBDIVISION

PS 826698X

## CREATION OF RESTRICTION "D"

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.

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 1                | 2                            |
| 2                | 1, 3                         |
| 3                | 2, 4, 7, 8                   |
| 4                | 3, 5, 7                      |
| 5                | 4, 6, 7                      |
| 6                | 5, 7                         |
| 7                | 3, 4, 5, 6, 8                |
| 8                | 3, 7                         |
| 9                | 10, 23                       |
| 10               | 9, 11, 22                    |
| 11               | 10, 12, 21                   |
| 12               | 11, 13, 14, 15, 20           |

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 13               | 12, 14                       |
| 14               | 12, 13, 15                   |
| 15               | 12, 14, 16, 19               |
| 16               | 15, 17, 19                   |
| 17               | 16, 18, 19                   |
| 18               | 17, 19                       |
| 19               | 15, 16, 17, 18, 20           |
| 20               | 12, 19, 21                   |
| 21               | 11, 20, 22                   |
| 22               | 10, 21, 23                   |
| 23               | 9, 22, 24                    |
| 24               | 23, 25                       |

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 25               | 24, 26                       |
| 26               | 25, 27                       |
| 27               | 26                           |
| 28               | 29                           |
| 29               | 28, 30, 32                   |
| 30               | 29, 31, 32                   |
| 31               | 30, 32                       |
| 32               | 29, 30, 31, 33               |
| 33               | 32, 34                       |
| 34               | 33, 35                       |
| 35               | 34, 36                       |
| 36               | 35                           |

## DESCRIPTION OF RESTRICTION

Except with the written consent of the Transferor and in all other instances with the written consent of each and every registered proprietor of a benefiting Lot on the Plan of Subdivision the registered proprietor or proprietors for the time being of any burdened Lot on the Plan of Subdivision shall not:

- (a) consolidate or allow a lot to be consolidated;
- (b) build or allow to be built on the Lot any dwelling:
  - i. whose primary frontage does not face and address the road or a laneway or open space;
  - ii. without a front verandah, portico, porch or other integral entrance feature which is clearly visible from the street and consistent with the design of the dwelling;
  - iii. where the facade is fully constructed in brick;
  - iv. with less than 2 material finishes on the front facade, each of which must cover a minimum of 30% of the facade;
  - v. where materials incorporated into the front facade do not return a minimum of 1 metre to the sides of the dwelling (excluding parapet construction);
  - vi. with contrasting base, accent, face brick and roof tile colours;
  - vii. with window frames and glazing that contrast and do not complement the facade colour and the overall colour palette of the dwelling;
  - viii. containing any leadlight or stained glass features;
  - ix. whose height is greater than 8.5 metres from the natural surface level;
  - x. without fittings and connections which allow toilets and gardens to be flushed and/or serviced by recycled water;
  - xi. without being cabled and equipped with fibre cabling in accordance with the specifications nominated by NBN Co from time to time;
  - xii. with an identical facade to another dwelling house, unless such dwelling house is separated by a minimum of two dwelling houses in each direction or directly opposite.
- (c) build or allow to be built a dwelling house which does not, prior to occupation, have constructed a roofed and fully enclosed garage:
  - i. setback a minimum of 840mm from the main building line of the dwelling;
  - ii. where the opening occupies 40% or less of the width of the lot; and
  - iii. with sectional or tilt panels in the same colour scheme as that of the dwelling, or finished with a wood grain or timber panel;
- (d) build or allow to be built on the Land any outbuildings (including any garage, workshop, garden shed, storage shed, heating and cooling systems, antennae and satellite dishes, washing lines, solar units and hot water services or other outbuilding) which:
  - i. exceed 20 square metres in area;
  - ii. exceed 3.6m in height;
  - iii. are visible from any street or the private open space of any other Lot on the Plan of Subdivision or public open space; or
  - iv. are constructed from any materials or finishes or in any style or colours which are inconsistent with the main dwelling;
- (e) build or allow to be built any dwelling with a roof:
  - i. if pitched, a pitch of less than 22 degrees;
  - ii. of any material other than steel or masonry; or
  - iii. of any other colour other than from the Colorbond contemporary range or a similar colour;
- (f) build or allow to be built any front fence:
  - i. more than 1.2 metres in height;
  - ii. with less than 50 percent transparency unless the front fence is less than 0.7 metres in height then it may be solid;
  - iii. which is inconsistent with the dwelling on the Lot in relation to style, materials and colours;
  - iv. of materials other than timber slats or masonry pillars with metal infill panels;
  - v. with mock Victorian, Edwardian or other heritage detailing;
- (g) build or allow to be built any side or rear fencing:
  - i. of materials other than timber paling;
  - ii. other than 1.8 metres in height (except where there is a front fence);
- (h) build or allow to be built any side fencing which extends in front of the building line unless a front fence has been installed, which additional side fencing must be 1.2 metres in height;
- (i) on a corner lot, build or allow to be built any fence to a secondary boundary which is a street or public space:
  - i. which does not return a minimum of 2 metres behind the front building line;
  - ii. of materials other than timber paling feature fencing;
  - iii. other than 1.8 metres in height.

**APPROVED AMENDED PLAN  
PLANNING AND ENVIRONMENT ACT 1987  
WYNDHAM PLANNING SCHEME**

**Permit No: WYP10447/17.09  
Sheet: 6 of 7  
Approved by: Luke Sexton  
WYNDHAM CITY COUNCIL  
Date: 25 October 2023**

The restriction shall expire ten years after the date of registration of this plan.

GRACE ESTATE - 8

LICENSED SURVEYOR: ANDREW J. REAY



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DATE: 20/10/23  
 DRAWING: SU08AP

REFERENCE: AA0028  
 DRAWN BY: BA

ORIGINAL SHEET SIZE: A3  
 SHEET 6

## CREATION OF RESTRICTION "E"

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.

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 1                | 2                            |
| 2                | 1, 3                         |
| 3                | 2, 4, 7, 8                   |
| 4                | 3, 5, 7                      |
| 5                | 4, 6, 7                      |
| 6                | 5, 7                         |
| 7                | 3, 4, 5, 6, 8                |
| 8                | 3, 7                         |
| 9                | 10, 23                       |
| 10               | 9, 11, 22                    |
| 11               | 10, 12, 21                   |
| 12               | 11, 13, 14, 15, 20           |

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 13               | 12, 14                       |
| 14               | 12, 13, 15                   |
| 15               | 12, 14, 16, 19               |
| 16               | 15, 17, 19                   |
| 17               | 16, 18, 19                   |
| 18               | 17, 19                       |
| 19               | 15, 16, 17, 18, 20           |
| 20               | 12, 19, 21                   |
| 21               | 11, 20, 22                   |
| 22               | 10, 21, 23                   |
| 23               | 9, 22, 24                    |
| 24               | 23, 25                       |

| BURDENED LOT No. | BENEFITING LOTS ON THIS PLAN |
|------------------|------------------------------|
| 25               | 24, 26                       |
| 26               | 25, 27                       |
| 27               | 26                           |
| 28               | 29                           |
| 29               | 28, 30, 32                   |
| 30               | 29, 31, 32                   |
| 31               | 30, 32                       |
| 32               | 29, 30, 31, 33               |
| 33               | 32, 34                       |
| 34               | 33, 35                       |
| 35               | 34, 36                       |
| 36               | 35                           |

## DESCRIPTION OF RESTRICTION

Except with the written consent of the Transferor and in all other instances with the written consent of each and every registered proprietor of a benefiting Lot on the Plan of Subdivision the registered proprietor or proprietors for the time being of any burdened Lot on the Plan of Subdivision shall not:

- (a) on a corner lot, build or allow to be built any dwelling where the home design does not address both the primary and secondary street frontages and be of a consistent architectural design. Design elements (such as verandahs, detailing, feature windows & materials) used on the primary frontage must continue on that part of the secondary frontage visible from the public realm;
- (b) build or allow to be built:
  - i. more than one vehicle crossover to the Lot;
  - ii. a driveway exceeding 3.5 metres in width;
  - iii. a dwelling which is occupied before completion of the driveway;
  - iv. a driveway constructed of stampcrete or plain concrete;
  - v. a driveway of a color which is inconsistent with the materials and finishes of the dwelling;
- (c) build or allow to be built:
  - i. any retaining structures greater than 1.2 metres in height between a dwelling and a street or public space;
  - ii. any cut and fill deeper than 1 metre without utilization of planted and landscaped embankments with a maximum 1:3 gradient or a combination of a series of retaining structures with a maximum of 1 metre high steps and planted embankments or terracing;
- (d) allow the front yard of a Lot not to be landscaped within 3 months of the date of issue of the occupancy permit for a dwelling house;
- (e) build or allow to be built a letterbox which is not located and constructed to Australia Post standards, and which does not complement the dwelling house in terms of character, materials, colour, style and design;
- (f) do anything in respect of the Lot in contravention of the planning requirements set out in the precinct structure plan forming part of the Wyndham Planning Scheme;
- (g) allow any rubbish to accumulate or remain unsecured on the Lot unless stored in an appropriately sized skip or bin;
- (h) allow any grass or weeds on the Lot to grow excessively;
- (i) allow any building materials to be delivered or stored on the nature strip or anywhere else outside the title boundary of the Lot upon which the dwelling house is being constructed;
- (j) during construction:
  - i. allow construction rubbish or other rubbish to move from the Lot to other lots; or
  - ii. allow any trade or delivery vehicles to be parked on footpaths, verges, nature strips or park reserves or in any location which hinders overall development construction.
- (k) erect, permit or allow to be erected or to remain erected on the Lot any advertisement, hoarding, sign or similar structure and will not permit the Lot or any building or buildings constructed thereon to be used for the display of any advertisement, sign or notice provided that this restriction shall not prevent the erection of a signboard that the Lot is for sale and shall not prevent the display of the nameplate or light of any medical practitioner, dentist, legal practitioner or other such professional trade or business nameplate.
- (l) allow any plant or machinery or any recreation vehicle or commercial vehicle, (including without limitation a caravan, boat, box trailer, boat trailer, and car trailer but excluding any motor cycle, motor car, motor station wagon or utility or four wheel drive car registered for use on a highway) to be left or parked on the street or on the Lot between the building line and the front boundary (unless either of those occurs during the normal course of business by a visiting trades person) or on the nature strip or footpath.

The restriction shall expire ten years after the date of registration of this plan.

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WYNDHAM PLANNING SCHEME**

**Permit No: WYP10447/17.09  
Sheet: 7 of 7  
Approved by: Luke Sexton  
WYNDHAM CITY COUNCIL  
Date: 25 October 2023**

GRACE ESTATE - 8



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