

Register Search Statement - Volume 11828 Folio 518

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

VOLUME 11828 FOLIO 518

Security no : 124083384956G
Produced 28/05/2020 10:29 AM

LAND DESCRIPTION

Lot 334 on Plan of Subdivision 738923J.
PARENT TITLE Volume 11812 Folio 673
Created by instrument PS738923J 21/10/2016

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
P & A CAIRNS FAMILY SUPER INVESTMENTS PTY LTD of 11 CONNEWARRE CLOSE WYNDHAM
VALE VIC 3024
AR311332V 02/08/2018

ENCUMBRANCES, CAVEATS AND NOTICES

MORTGAGE AR311333T 02/08/2018
WESTPAC BANKING CORPORATION

COVENANT PS738923J 21/10/2016
Expiry Date 21/10/2026

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 PS738923J 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: 41 LUSTER CRESCENT TARNEIT VIC 3029

ADMINISTRATIVE NOTICES

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION
Effective from 20/09/2018

DOCUMENT END

**Delivered from the LANDATA® System by SAI Global Property Division Pty Ltd
Delivered at 28/05/2020, for Order Number 62455243. Your reference: 41 Luster Crescent.**

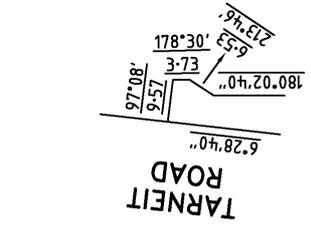
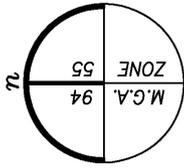
| PLAN OF SUBDIVISION | | EDITION 1 | PS 738923J | |
|---|--|---|---|---|
| PARISH: | LOCATION OF LAND TARNEIT | Council Name: Wyndham City Council | | |
| TOWNSHIP: | — | Council Reference Number: WYS3356/15 Planning Permit Reference: WYP6826/13 SPEAR Reference Number: S071402V | | |
| SECTION: | 21 (PART) | Certification | | |
| CROWN ALLOTMENT: | — | This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 16/02/2016 | | |
| CROWN PORTION: | C (PART) | Public Open Space | | |
| TITLE REFERENCE: | VOL 11812 FOL 673 | A requirement for public open space under section 18 of the Subdivision Act 1988 Has not been made at Certification | | |
| LAST PLAN REFERENCE: | LOT B ON PS738847X | Digitally signed by: Annette Susan Monk for Wyndham City Council on 11/03/2016 | | |
| POSTAL ADDRESS: (at time of subdivision) | EVENTIDE AVENUE TARNEIT 3029 | | | |
| MGA 94 CO-ORDINATES: (approx. centre of land in plan) | E 295 660 N 5 810 500 | Zone: 55 | | |
| VESTING OF ROADS AND/OR RESERVES | | NOTATIONS | | |
| IDENTIFIER | COUNCIL/BODY/PERSON | STAGING | This is is not a staged subdivision Planning Permit No. WYP6826/13 | |
| ROAD R1 RESERVE No.1 | WYNDHAM CITY COUNCIL WYNDHAM CITY COUNCIL | DEPTH LIMITATION SURVEY | DOES NOT APPLY This plan is is not based on survey This survey has been connected to permanent marks no(s) 790, 714 & 759 In Proclaimed Survey Area No. — | |
| | | DIMENSIONS SHOWN THUS <u>279*49*40"</u> & <u>756*88</u> ARE NOT THE SUBJECT OF THIS SURVEY | | |
| | | LOTS 1 TO 300 (BOTH INCLUSIVE) AND LOTS A & B HAVE BEEN OMITTED FROM THIS PLAN | | |
| | | AREA OF LAND SUBDIVIDED (EXCLUDING LOT C) - 2.143ha | | |
| EASEMENT INFORMATION | | | | |
| LEGEND: E - Encumbering Easement, Condition in Crown Grant in the Nature of an Easement or Other Encumbrance A - Appurtenant Easement | | | | |
| SUBJECT LAND | PURPOSE | WIDTH (METRES) | ORIGIN | LAND BENEFITED/IN FAVOUR OF |
| E-1 | DRAINAGE | SEE DIAG | PS734547H | WYNDHAM CITY COUNCIL |
| E-1 | SEWERAGE | SEE DIAG | PS734547H | CITY WEST WATER CORPORATION |
| E-2 | SEWERAGE | SEE DIAG | THIS PLAN | CITY WEST WATER CORPORATION |
| | | | | |
| HAVEN - 3 | | LICENSED SURVEYOR ADRIAN A. THOMAS | | |
| 37 LOTS & BALANCE LOT C | | | | |
| Bosco Jonson Pty Ltd A.B.N 15 169 138 827 P.O. Box 5075, South Melbourne, Vic 3205 16 Eastern Road South Melbourne Vic 3205 Australia Tel 03) 9699 1400 Fax 03) 9699 5992 | | DATE 26/11/15 REFERENCE 29474033 | | ORIGINAL SHEET SIZE A3 |
| | | VERSION F DRAWING 2947403AF | | SHEET 1 OF 7 SHEETS |
| | | Digitally signed by: Adrian Alexander Thomas (Bosco Jonson Pty Ltd), Surveyor's Plan Version (F), 17/02/2016 | | PLAN REGISTERED TIME: 10:28 am DATE: 21 / 10 / 2016 Ian D Thomson Assistant Registrar of Titles |



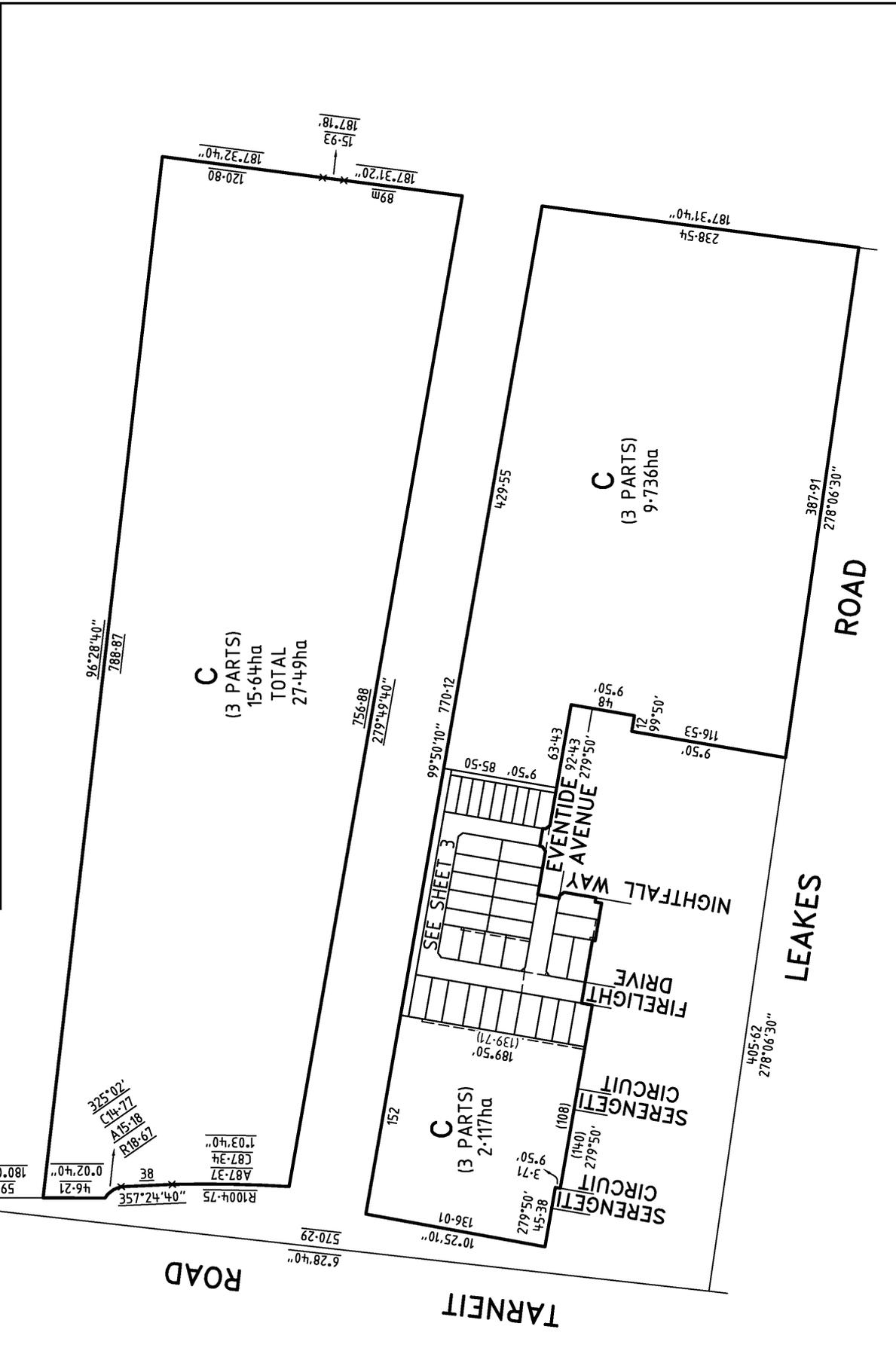
PLAN OF SUBDIVISION

PS 738923J

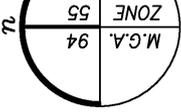
SEE ENLARGEMENT BELOW



ENLARGEMENT
NOT TO SCALE

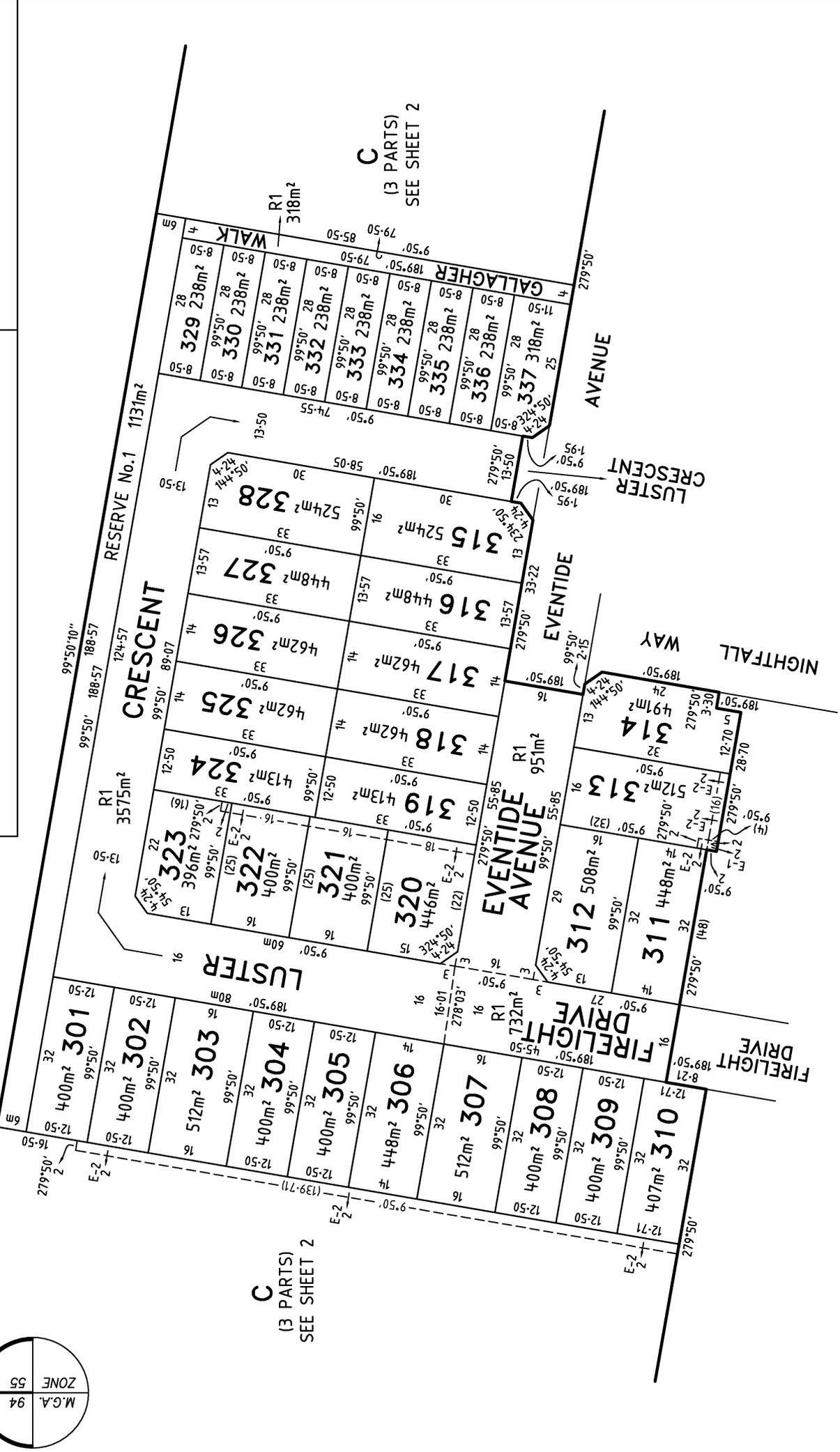


| | | | | |
|---|--|--|--|---|
| <p>Bosco Jonson Pty Ltd A.B.N 15 169 138 827 P.O. Box 5075, South Melbourne, Vic 3205 16 Eastern Road, South Melbourne Vic 3205 Australia Tel 03) 9699 1400 Fax 03) 9699 5992</p> | <p>HAVEN - 3</p> <p>LICENSED SURVEYOR ADRIAN A. THOMAS</p> | | <p>SCALE 1:3000</p> | <p>ORIGINAL SHEET SIZE A3 SHEET 2</p> |
| | <p>DATE 26/11/15 VERSION F</p> <p>REFERENCE 29474033 DRAWING 2947403AF</p> | | <p>Digitally signed by: Wynham City Council, 11/03/2016, SPEAR Ref: S071402V</p> | |



PLAN OF SUBDIVISION

PS 738923J



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 Vic 3205 Australia
 Tel 03) 9699 1400 Fax 03) 9699 5992

HAVEN - 3

LICENSED SURVEYOR **ADRIAN A. THOMAS**

DATE **26/11/15** REFERENCE **29474033**

VERSION **F** DRAWING **2947403AF**

Digitally signed by: Adrian Alexander Thomas (Bosco Jonson Pty Ltd),
 11/03/2016,
 17/02/2016

Digitally signed by:
 Wymham City Council,
 11/03/2016,
 SPEAR Ref: S071402V

SCALE **1:750**

ORIGINAL SHEET SIZE **A3**

SHEET **3**

PLAN OF SUBDIVISION

PS 738923J

CREATION OF RESTRICTION A

The following restriction is to be created upon registration of Plan of Subdivision No. PS738923J (Plan of Subdivision) by way of a restrictive covenant and as a restriction as defined in the Subdivision Act 1988.

Land to benefit: Lots 301 to 337 (all inclusive) on the Plan of Subdivision.

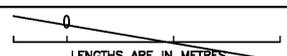
Land to be burdened: Lots 301 to 337 (all inclusive) on the Plan of Subdivision.

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) subdivide or allow a lot to be subdivided except corner lots;
- (b) consolidate or allow a lot to be consolidated;
- (c) build more than one dwelling on a lot except corner lots;
- (d) 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 veranda, 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. using contrasting but complementary 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 three dwelling houses in each direction;
- (e) 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;
- (f) 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 3.6 metres 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;
- (g) build or allow to be built any dwelling with a roof:
 - i. if pitched, at 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 Colourbond contemporary range or a similar colour;
- (h) 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;
- (i) build or allow to be built any side or rear fencing:
 - i. of materials other than Colourbond standard sheeting infill panels;
 - ii. other than 1.8 metres in height (except where there is a front fence); or
 - iii. of a colour in respect of infill panels, posts and rails other than Greyridge;
- (j) 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;
- (k) 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 Colourbond standard sheeting infill panels;
 - iii. other than 1.8 metres in height; or
 - iv. of a colour in respect of infill panels, posts and rails other than Greyridge;

continued

| | | | | |
|---|---|------------------------------------|--|---|
| HAVEN - 3 | | LICENSED SURVEYOR ADRIAN A. THOMAS | SCALE |  |
| Bosco Jonson Pty Ltd A.B.N 15 169 138 827 P.O. Box 5075, South Melbourne, Vic 3205 16 Eastern Road South Melbourne Vic 3205 Australia Tel 03) 9699 1400 Fax 03) 9699 5992 |  | DATE 26/11/15 | REFERENCE 29474033 | ORIGINAL SHEET SIZE A3 |
| | | VERSION F | DRAWING 2947403AF | SHEET 4 |
| Digitally signed by: Adrian Alexander Thomas (Bosco Jonson Pty Ltd), Surveyor's Plan Version (F), 17/02/2016 | | | Digitally signed by: Wyndham City Council, 11/03/2016, SPEAR Ref: S071402V | |

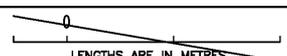
PLAN OF SUBDIVISION

PS 738923J

CREATION OF RESTRICTION A (CONTINUED)

- (l) 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;
- (m) 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 colour which is inconsistent with the materials and finishes of the dwelling;
- (n) build or allow to be built:
 - i. any retaining structures greater than 1 metre 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;
- (o) 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;
- (p) 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;
- (q) 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;
- (r) allow any rubbish to accumulate or remain unsecured on the Lot unless stored in an appropriately sized skip or bin;
- (s) allow any grass or weeds on the Lot to grow excessively;
- (t) 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;
- (u) 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.
- (v) 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.
- (w) 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.

| | | | | |
|---|---|------------------------------------|--|--|
| HAVEN - 3 | | LICENSED SURVEYOR ADRIAN A. THOMAS | SCALE |  LENGTHS ARE IN METRES |
| Bosco Jonson Pty Ltd A.B.N 15 169 138 827 P.O. Box 5075, South Melbourne, Vic 3205 16 Eastern Road South Melbourne Vic 3205 Australia Tel 03) 9699 1400 Fax 03) 9699 5992 |  | DATE 26/11/15 | REFERENCE 29474033 | ORIGINAL SHEET SIZE A3 |
| | | VERSION F | DRAWING 2947403AF | SHEET 5 |
| Digitally signed by: Adrian Alexander Thomas (Bosco Jonson Pty Ltd), Surveyor's Plan Version (F), 17/02/2016 | | | Digitally signed by: Wyndham City Council, 11/03/2016, SPEAR Ref: S071402V | |

PLAN OF SUBDIVISION

PS 738923J

CREATION OF RESTRICTION B

Upon registration of this plan the following restriction is created

DESCRIPTION OF RESTRICTION

Table of land burdened and land benefited

| BURDENED LOTS SUBJECT TO THE SMALL LOT HOUSING CODE | BENEFITING LOTS ON THIS PLAN |
|---|------------------------------|
| 329 | 330 |
| 330 | 329, 331 |
| 331 | 330, 332 |
| 332 | 331, 333 |
| 333 | 332, 334 |
| 334 | 333, 335 |
| 335 | 334, 336 |
| 336 | 335, 337 |

The registered proprietor or proprietors for the time being for any burdened lot on this plan in the table as a lot subject to the 'Small Lot Housing Code (Type A)' 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 A)' unless in accordance with a planning permit granted to construct a dwelling on the lot. This restriction shall cease to have effect after the issue of certificate of occupancy for the whole of the dwelling on the lot.

HAVEN - 3

LICENSED SURVEYOR ADRIAN A. THOMAS

SCALE



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 16 Eastern Road South Melbourne
 Vic 3205 Australia
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DATE 26/11/15
 VERSION F

REFERENCE 29474033
 DRAWING 2947403AF

ORIGINAL SHEET SIZE A3

SHEET 6

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 Surveyor's Plan Version (F),
 17/02/2016

Digitally signed by:
 Wyndham City Council,
 11/03/2016,
 SPEAR Ref: S071402V

PLAN OF SUBDIVISION

PS 738923J

CREATION OF RESTRICTION C

Upon registration of this plan the following restriction is created

Land to benefit: Lots 301 to 307 & 315 to 337 (all inclusive) on this Plan of Subdivision.
Land to be burdened: Lots 301 to 307 & 315 to 337 (all inclusive) on this Plan of Subdivision.

Note: The burdened lots fall within the Design and Development Overlay Schedule 10 (DDO10) under the Wyndham Planning Scheme and are nominated as properties requiring architectural noise attenuation measures by reference to the letter titled '830 Leakes Road Sound Insulation Requirements', dated 16th October 2015 prepared by Marshall Day Acoustics and having Document Reference Number Lt 001 R02 2015445ML.

DESCRIPTION OF RESTRICTION

The registered proprietor or proprietors for the time being of any lot on this plan to which the following restriction applies shall not construct a dwelling on any burdened lot on this plan unless:

- the dwelling is constructed in such a way so that internal bedroom noise levels do not exceed 65dB LAmax and 40 dB LAcq during the 8 hour period between 10pm and 6am and
- the dwelling proposed to be constructed on the burdened land achieves minimum acoustic rating and the typical construction requirements set out in the table below.

| DESCRIPTION OF TYPICAL CONSTRUCTION TO ACHIEVE MINIMUM ACOUSTIC RATING (Rw ⁽¹⁾) TO ACHIEVE THE REQUIREMENTS OF DDO10 | | | |
|--|--|---|--|
| EXTERNAL WALLS | ROOF-CEILING | GLAZING | DOORS |
| Rw > 41 Typically achieved with: - Lightweight facade material, such as 75mm Hebel Power Panel XL (33kg/m ²) - 25mm furring channel - 90mm timber stud framing - Minimum R2.0 insulation placed in cavity - 10mm thick plasterboard (7kg/m ²) internal wall lining | Rw > 44 Typically achieved with: - Pitched roof at 22.5 degrees, consisting metal deck roofing (minimum BMT 0-48mm) or roof tiles with sarking - Minimum R3.6 insulation in roof cavity - 10mm thick plasterboard (minimum 7kg/m ²) internal ceiling lining Eaves to be sealed and treated to prevent minimise noise break in to the roof space | Rw > 31 Typically achieved with: - 4mm monolithic glass ⁽²⁾ All windows and sliding glass doors shall incorporate full perimeter good-quality acoustic seals which form an airtight seal on closure | Rw > 30 Typically achieved with: - Minimum 40mm solid core with good-quality full perimeter acoustic grade seals which form an airtight seal on door closure |

(1) Rw (Weighted Sound Reduction Index) - A single number rating of the sound insulation performance of a specific building element. Rw is measured in a laboratory and is commonly used by manufacturers to describe the sound insulation performance of building elements such as plasterboard and concrete.

(2) Should home builders select alternative windows for thermal insulation, (e.g. double glazing), care shall be taken such that the acoustic performance of such system meets the minimum sound transmission loss requirements. The final glazing selection will be dependent on size, function, and relevant Australian Design Standards. This assessment considers a variety of bedroom sizes with total glazing areas up to 4m² per room.

(3) For this assessment, split system air-conditioning systems have been assumed in preference to the more acoustically open evaporative type air conditioning systems. Ventilation paths may be required to be acoustically treated to control noise break-in and ensure that the sound insulation performance of the building envelope is not compromised. Forms of suitable ventilation may include a ducted system with internal lining or an acoustically rated trickle vent system such as a Silenceair or Tifon Trimvent system or an approved equivalent.

HAVEN - 3

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LICENSED SURVEYOR ADRIAN A. THOMAS

SCALE



DATE 26/11/15
 VERSION F

REFERENCE 29474033
 DRAWING 2947403AF

ORIGINAL SHEET SIZE A3

SHEET 7

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