

Office Use Only

VicSmart:

☐ Yes

☐ No

Specify class of VicSmart application:

Application No:

Date Lodged: / /

Application for Planning Permit

If you need help to complete this form, read [How to complete the Application for Planning Permit 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 concerns, please contact Council's planning department.



Questions marked with an asterisk (*) are mandatory and must be completed.



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

Application type

Is this a VicSmart Application?*

☐ No ☐ Yes

If yes, please specify which VicSmart class or classes: _____



If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application

Pre-application meeting

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

☐ No ☐ Yes

If 'yes', with whom?: _____

Date: _____

day / month / year

The Land


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

Street Address*

Unit No: 3	St. No: 13-19	St. Name: Tariff Court
Suburb/Locality: Werribee		Postcode: 3030

Formal Land Description*

Complete either A or B

 This information can be found on the certificate of title.

OR	A	Lot No: 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/> Plan of Subdivision	No: 833640R
	B	Crown Allotment No:	Section No:		Parish/Township Name:	

If this application relates to more than one address, please attach details.

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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.

① For what use, development or other matter do you require a permit?*

If you need help about the proposal, read: [How to Complete the Application for Planning Permit Form](#)

'As Built' Mezzanine



Provide additional information on 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.

① Estimated cost of development for which the permit is required*

Cost \$ 65,000



You may be required to verify this estimate

Insert '0' if no development is proposed (eg. change of use, subdivision, removal of covenant, liquor licence)

Existing Conditions ①

Describe how the land is used and developed now*

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

Existing Warehouse



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

Title Information ①

Encumbrances on title*

If you need help about the title, read: [How to complete the Application for Planning Permit form](#)

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' eg restrictive covenants.)

Applicant and Owner Details ①

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

Applicant *

The person who wants the permit

Name:	
Title: Mr	\$
Organisation (if applicable):	
Postal Address	
Unit No:	If it is a PO Box, enter the details here:
\$	

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

Please provide at least one contact phone number *

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.

Contact person's details*		Same as applicant (if so, go to 'contact information') x	
Name:			
Title:	First Name:	Surname:	
Organisation (if applicable):			
Postal Address		If it is a PO Box, enter the details here:	
Unit No.:	St. No.:	St. Name	
Suburb/Locality:		State:	Postcode:
Contact Information			
<div></div>			
Mobile Phone:		Fax:	
Name:			
<div></div>			
Owner's Signature (optional):		Date: 24/08/2020 day / month / year	

Information Requirements

Is the required information provided?

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

- ☐ Yes
- ☐ No

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.

<div></div>	Date: 24/08/2020 day / month / year
-------------	--

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Checklist ⓘ

Have you:

<input type="checkbox"/>	Filled in the form completely?	 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.
<input type="checkbox"/>	Paid or included the application fee?	
	Provided all necessary supporting information and document?	
<input type="checkbox"/>	A full and current copy of the information for each individual parcel of land forming the subject site.	
<input type="checkbox"/>	A plan of existing conditions.	
<input type="checkbox"/>	Plans showing the layout and details of the proposal.	
<input type="checkbox"/>	Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.	
<input type="checkbox"/>	If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).	
<input type="checkbox"/>	Completed the relevant Council planning permit checklist?	
<input type="checkbox"/>	Signed the declaration (section 7)?	

Need help with the Application? ⓘ

If you need help to complete this form, read [How to complete the Application for Planning Permit form](#).
General information about the planning process is available at www.dtpli.vic.gov.au/planning.

Assistance can also be obtained from council's planning department

Lodgement ⓘ

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

Contact details for lodgement are available from council or at www.dtpli.vic.gov.au/planning-permit-application-forms

Deliver application in person, by fax, or by post:

Make sure you deliver any required supporting information and necessary payment when you deliver this form to the above mentioned address. This is usually your local council but can sometimes be the Minister for Planning or another body.

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

Page 1 of 2

VOLUME 12254 FOLIO 952

Security no : 124099668285L
Produced 16/08/2022 01:31 PM

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 833640R.
PARENT TITLE Volume 11376 Folio 754
Created by instrument PS833640R 09/10/2020

REGISTERED PROPRIETOR

ENCUMBRANCES, CAVEATS AND NOTICES

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.

AGREEMENT Section 173 Planning and Environment Act 1987
AJ194340N 14/09/2011

DIAGRAM LOCATION

SEE PS833640R 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: UNIT 3 13 TARIFF COURT WERRIBEE VIC 3030

ADMINISTRATIVE NOTICES

NIL

eCT Control 17045F WYNDHAM PARTNERS
Effective from 23/12/2020

OWNERS CORPORATIONS

The land in this folio is affected by
OWNERS CORPORATION 1 PLAN NO. PS833640R

WYNDHAM CITY COUNCIL
Town Planning
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REGISTER SEARCH STATEMENT (Title Search) Transfer of Land Act 1958

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DOCUMENT END

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PLAN OF SUBDIVISION			EDITION 1	PS 833640R
<p style="text-align: center;">LOCATION OF LAND</p> <p>PARISH : Deutgam</p> <p>TOWNSHIP : Werribee</p> <p>SECTION : J</p> <p>CROWN ALLOTMENT : 29 & 30 (Parts)</p> <p>CROWN PORTION : -</p> <p>TITLE REFERENCE : Vol. 11376 Fol. 754</p> <p>LAST PLAN REFERENCE : PS611706B Lot 34</p> <p>POSTAL ADDRESS : 13-19 Tariff Court (At time of subdivision) Werribee. 3030</p> <p>MGA20 CO-ORDINATES E 294400 ZONE:55 (of approx centre of land in plan) N 5800780 GDA 20</p>			<p>Council Name: Wyndham City Council</p> <p>Council Reference Number: WYS5128/19 Planning Permit Reference: WYP11656/19 SPEAR Reference Number: S144310A</p> <p>Certification</p> <p>This plan is certified under section 11 (7) of the Subdivision Act 1988 Date of original certification under section 6: 15/09/2020</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: Caitlin Anne Spratling for Wyndham City Council on 08/10/2020</p>	
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON		<p>BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS. LOCATION OF BOUNDARIES DEFINED BY BUILDINGS</p> <p>Median: Boundaries marked M</p> <p>Exterior Face : All other boundaries</p> <p>Hatching within a parcel indicates that the structure of the relevant walls is contained within that parcel</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p style="text-align: center;">LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS</p> <p style="text-align: center; font-size: small;">FOR DETAILS OF ANY OWNERS CORPORATIONS INCLUDING PURPOSE, RESPONSIBILITY, ENTITLEMENT & LIABILITY SEE OWNERS CORPORATION SEARCH REPORT, OWNERS CORPORATION ADDITIONAL INFORMATION AND IF APPLICABLE, OWNERS CORPORATION RULES</p> </div>	
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION: 15.24m				
<p>SURVEY: THIS PLAN IS BASED ON SURVEY. STAGING: THIS IS NOT A STAGED SUBDIVISION. PLANNING PERMIT NO. WYP11656/19.</p> <p>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS 718, 226 & 147. IN PROCLAIMED SURVEY AREA NO. -</p>				
EASEMENT INFORMATION				
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)				
IMPLIED RIGHTS PURSUANT TO SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLY TO ALL THE LAND IN THIS PLAN				
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	Drainage	2.50	PS611683L	Wyndham City Council
E-1	Sewerage	2.50	PS611683L	City West Water
E-4, E-5	Drainage	See Diagram	PS611683L	Melbourne Water
E-2, E-3	Gas Pipeline	See Diagram	AG319737U	Vol.10825 Fol.426
E-4, E-5	Powerline	See Diagram	Sec 88 Electricity Industry Act 2000	Powercor Australia
E-2, E-3	Drainage	See Diagram	PS611706B	Wyndham City Council
E-3, E-6, E-7	Power Line	See Diagram	This plan Sec 88 Electricity Industry Act 1988	CitiPower Pty Ltd
E-6	Drainage	See Diagram	This Plan	Melbourne Water
<p>Licensed Land Surveyors Development Consultants Town Planners</p> <p style="font-size: small;">Tel 9370 9925 Fax 9372 8796 PO Box 148 Ascot Vale Vic 3032 info@anthonyfordsurveying.com.au www.anthonyfordsurveying.com.au</p>			<p style="text-align: center;">SURVEYORS REF: 4566</p> <p>Digitally signed by: Anthony Ian Ford, Licensed Surveyor, Surveyor's Plan Version (05), 01/10/2020, SPEAR Ref: S144310A</p>	
ORIGINAL SHEET SIZE: A3			SHEET 1 OF 3	
PLAN REGISTERED			TIME: 11:11 am DATE: 09/10/2020	
Assistant Registrar of Titles			Plan: 8 of 30	

WYNDHAM CITY COUNCIL

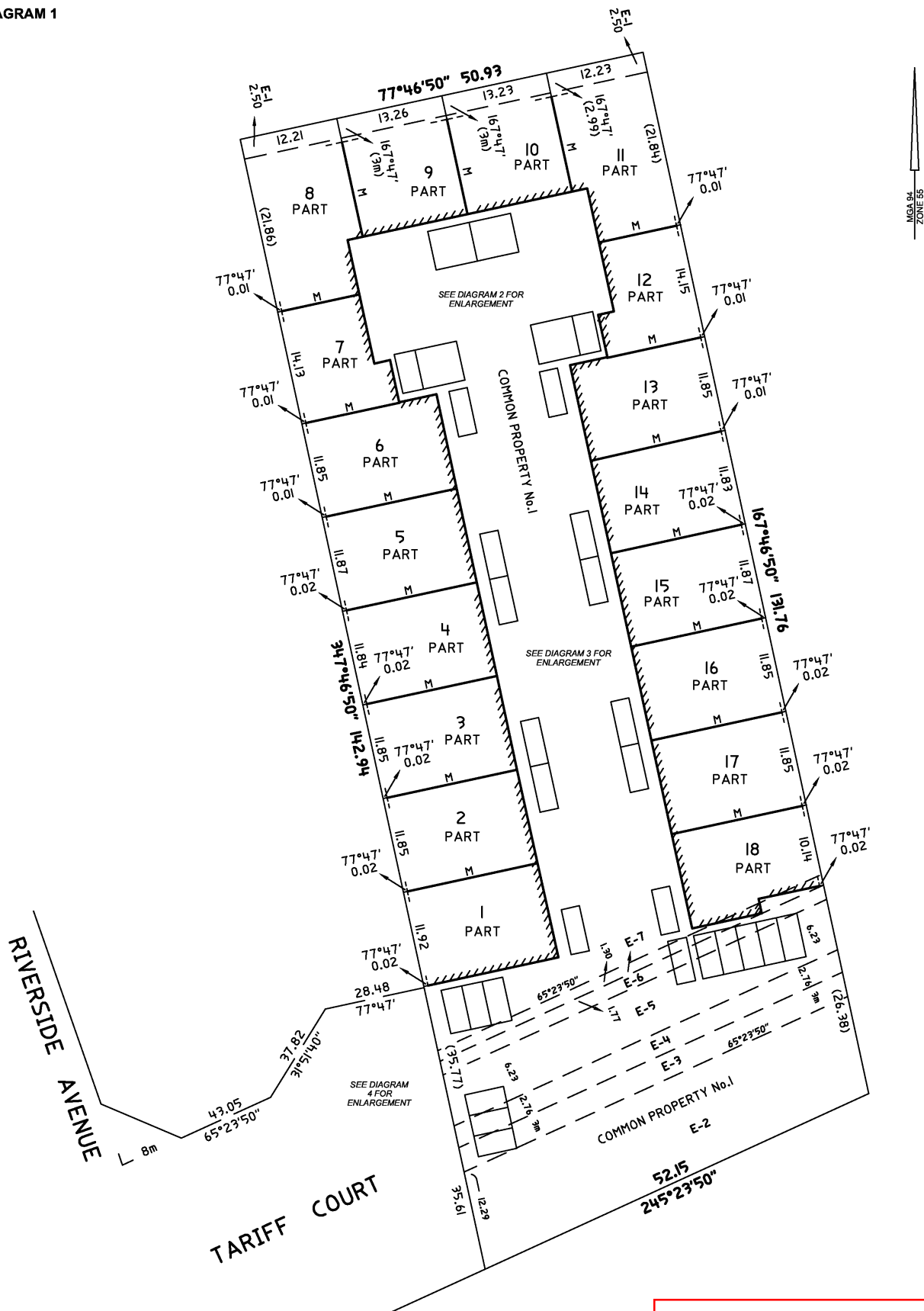
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PS 833640R

DIAGRAM 1



WYNDHAM CITY COUNCIL
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ORIGINAL SHEET
 SIZE: A3
 SHEET 2

Digitally signed by: Wyndham City Council
 08/10/2020, 10:10:10
 SPEAR Ref: S144310A

Plan: 9 of 30

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Application by a Responsible Authority for the making of a Recording of an Agreement

Section 181 Planning and Environment Act 1987

Lodged by:

ROBERTSON HETTS

VOOK

AJ194340N

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The Responsible Authority having made an agreement referred to in Section 181(1) of the *Planning and Environment Act 1987* requires a recording to be made in the Register.

Land: *(volume and folio)*

Volume 9419 Folio 753, Volume 8909 Folio 314 and Volume 8919 Folio 175

Responsible Authority: *(full name and address including postcode)*

Wyndham City Council of 45 Princes Highway, Werribee, Victoria, 3030

Section and Act under which agreement made:

Section 173 of the Planning and Environment Act 1987

A copy of the agreement is attached to this Application.

Date:



Signature for Responsible Authority:

Name of Officer:

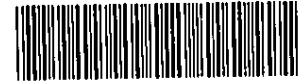
PETER WILLIAM VAN TIL
(full name)

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Section 173 Agreement

Wyndham City Council

and

Werribee Properties Pty Ltd
ACN 140 673 696

WYNDHAM CITY COUNCIL
Town Planning
Advertised Documents


Plan: 13 of 30 T O R S

386 Hargreaves Street,
Bendigo, Victoria 3550
Ph: 03 5434 6666
Fax: 03 5434 6667

Visit Office
Level 1, 6 Riverside Quay
Southbank, Melbourne
Victoria 3006

AJ194340N



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Section 173 Agreement

THIS AGREEMENT is made the 10 day of August 2011 pursuant to section 173 of the Planning & Environment Act 1987

PARTIES

1. **Wyndham City Council** of 45 Princes Highway, Werribee, Victoria, 3030 (**Council**)
2. **Werribee Properties Pty Ltd** ACN 140 673 696 of 61 Bull Street, Bendigo, Victoria 3550 (**Owner**)

RECITALS

- A. The Council is the responsible authority under the Act for the Scheme and enters this Agreement in that capacity.
- B. The Owner is the registered proprietor of the Land.
- C. The Owner wishes to subdivide and develop the Land.
- D. This Agreement has been entered into in order to achieve and advance the objectives of planning in Victoria and the objectives of the Scheme in relation to the Land.

IT IS AGREED THAT:

1. Definitions

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise.

Act means the *Planning and Environment Act 1987*;

Agreement means this Agreement and any agreement executed by the parties expressed to be supplemental to this Agreement;

Building Act means the *Building Act 1993* (Vic);

Design Guidelines means the design guidelines attached to this Agreement at Annexure A and titled "Industrial Guidelines - Riverside Avenue, Werribee".

Land means the land within the Scheme known and described as Riverside Avenue, Werribee being the land more particularly described in certificate of title volume 9419 folio 753, volume 8909 folio 314 and volume 8919 folio 175;

Mortgagee means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it.

Owner means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it and includes a Mortgagee in possession;

Permit means planning permit number WYP1801/07.04 issued by Council on 29 September 2009; and

Scheme means the Wyndham Planning Scheme a copy of which is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

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2. Interpretation

In this Agreement, unless the context admits otherwise:

- 2.1 the singular includes the plural and the plural includes the singular;
- 2.2 a reference to a gender includes a reference to each other gender;
- 2.3 a reference to a person includes a reference to a firm, corporation or other corporate body and that person's successors in law;
- 2.4 if a party consists of more than one person this Agreement binds them jointly and each of them severally;
- 2.5 a reference to a statute shall include any statutes amending, consolidating or replacing them and any regulations made under such statutes;
- 2.6 all headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement;
- 2.7 the Recitals to this Agreement are and will be deemed to form part of this Agreement including any terms defined within the Recitals;
- 2.8 a reference to the words "Scheme" includes any planning control in the form of or similar to a planning scheme and being a successor to the Wyndham City Planning Scheme;
- 2.9 a term used in this Agreement has its ordinary meaning unless that term is defined in this Agreement. If a term is not defined in this Agreement and it is defined in the Act it has the meaning as defined in the Act;
- 2.10 the obligations of the Owner under this Agreement, will take effect as separate and several covenants which are annexed to an run at law and equity with the Land provided that if the Land is subdivided, this Agreement must be read and applied so that each subsequent owner of a lot is only responsible for those covenants and obligations which relate to that lot owner's lot.

3. Agreement under section 173 of the Act

The Council and the Owner agree that without limiting or restricting their respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a Deed pursuant to Section 173 of the Act.

4. Commencement of Agreement

Unless otherwise provided in this Agreement, this Agreement commences on the date of this Agreement.

5. Successors in Title

Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Land, successors in title shall be required to

- 5.1 give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
- 5.2 execute a deed agreeing to be bound by the terms of this Agreement.

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6. Owner's Covenants

6.1 Design Guidelines

- (a) The Owner covenants with Council that (except with the written permission of the Council) it will develop the Land in accordance with the Design Guidelines.
- (b) Where an owner of the Land (or part of the Land) is a successor to the Owner:
 - (i) all building plans for any buildings to be constructed on the Land shall prior to their submission for approval under the Building Act (whether by the Council or a private building surveyor registered under the Building Act) be submitted to the Owner for its approval and in deciding whether or not to approve such building plans, the Owner may consult with an appropriate architect or design consultant; and
 - (ii) all plans submitted for approval to the Council or a private building surveyor must be endorsed by the Owner unless the Council's consent in writing is first obtained by the successor to the Owner.

6.2 Compliance

The Owner covenants and agrees to take all necessary steps to comply with the obligations of each and every clause of this Agreement.

6.3 Registration

The Owner covenants and agrees to do all things necessary to enable the Council to register notification of this Agreement against the title or titles to the Land in accordance with Section 181 of the Act, including obtaining the endorsement of any Mortgagee and arranging for the certificate of titles to the Land to be made available to enable registration of this Agreement.

6.4 Council's Costs to be paid

The Owner covenants and agrees to pay the Council's reasonable costs and expenses of and incidental to the preparation, execution, and registration of this Agreement.

7. Notices

7.1 Service of Notices

A notice or other communication required or permitted to be served by a party on another party must be in writing and may be served:

- 7.1.1 by delivering it personally to that party;
- 7.1.2 by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- 7.1.3 by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party or by hand delivery or prepaid post.

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7.2 Time of Service

A notice or other communication is deemed served:

- 7.2.1 if delivered, on the next following business day;
- 7.2.2 if posted, on the expiration of two business days after the date of posting; or
- 7.2.3 if sent by facsimile, on the next following business day unless the receiving party has requested re-transmission before the end of that business day.

8. General

8.1 Further Assurance

Each party must promptly execute and deliver all documents and take all other action necessary or desirable to effect, perfect or complete the transactions contemplated by this Agreement.

8.2 No Waiver

Any time or other indulgence granted by the Council to the Owner or any variation of the terms and conditions of this Agreement or any judgment or order obtained by the Council against the Owner shall not in any way amount to a waiver of any of the rights or remedies of the Council in relation to the terms of this Agreement.

8.3 Severability

If a court, arbitrator, tribunal or other competent authority determines that a word, phrase, sentence, paragraph or clause of this Agreement is unenforceable, illegal or void then it shall be severed and the other provisions of this Agreement shall remain operative.

8.4 No Fettering of Powers of Council

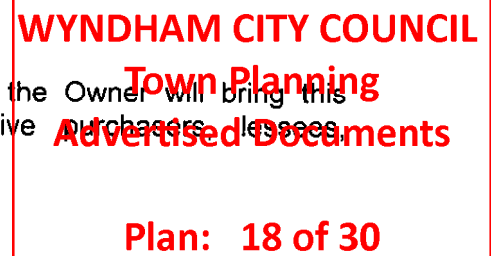
It is acknowledged that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

8.5 Ending of Agreement

- 8.5.1 This Agreement shall end in accordance with Section 177 of the Act upon agreement by the parties to this Agreement.
- 8.5.2 As soon as practicable after the Agreement has ended, Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183(1) of the Act to cancel the recording of this Agreement on the register.

8.6 Notice of Agreement

The Owner further covenants and agrees that the Owner will bring this Agreement to the attention of all prospective purchasers, lessees, Mortgagees, chargees, transferees and assigns.



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8.7 Commencement

Unless otherwise provided in this Agreement, this Agreement commences from the date of this Agreement.

8.8 Owner warranty

Without limiting the operation or effect which this Agreement has, the Owner warrants that apart from the Owner and any other person who has consented in writing to this Agreement, no other person has any interest, either legal or equitable, in the Land which may be affected by this Agreement.

IN WITNESS WHEREOF the parties have set their hands and seals on the day and year first hereinbefore written

Dated this 10 day of August 2011

Executed by Werribee Properties Pty Ltd
ACN 140 673 696 in accordance with
section 127(1) of the Corporations Act 2001
(Cth):

[Redacted signature]

Signature of director

DONALD JAMES ERSKINE

Name (please print)

[Redacted signature]

Signature of director or company secretary*
*delete whichever does not apply

MARK ERSKINE

Name (please print)

Signed for and on behalf of the WYNDHAM
CITY COUNCIL pursuant to Instrument of)
Delegation dated 27 June 2011)

[Redacted signature]

PETER VAN TIL, MANAGER TOWN PLANNING
NAME & POSITION TITLE

Victoria

10 AUGUST 2011

DATE

EXECUTED by BENDIGO AND ADELAIDE)
BANK LIMITED ABN 11 068 049 173 by being)
signed by its Attorneys LINZA MARK)
GILBERT AND ROSEMARY KLEAN)
HAYES)
who certify that)
TEAM MANAGER OFFICER)
being authorised Officers of the Council)
under Power of Attorney dated 9 April)
2008 a certified copy of which is filed in)
Permanent Order Book No. 277 at Page 027)
Item 16 in the presence of:-)

WYNDHAM CITY COUNCIL
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Witness: Catherine Veronica Nealley

C. Dec. Reg. No. 76703

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Annexure A

Industrial Guidelines - Riverside Avenue, Werribee

AJ194340N

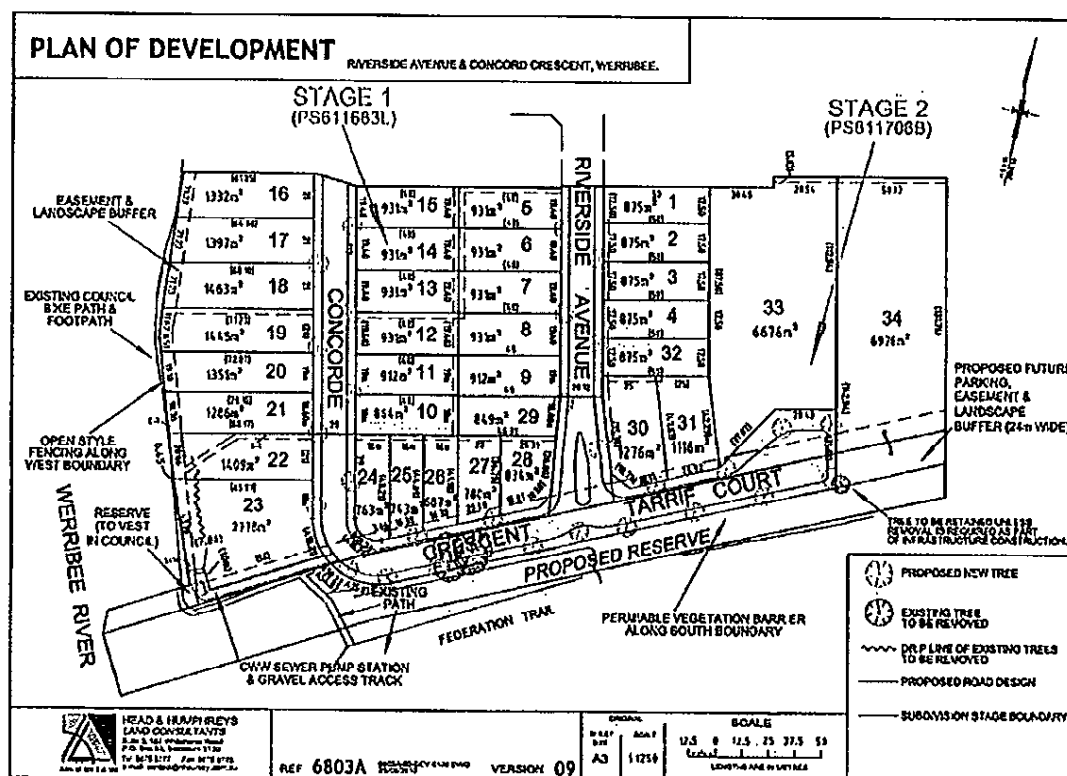
14/09/2011 \$107.50 173



Industrial Guidelines - Riverside Avenue, Werribee

1. Introduction

The Riverside Avenue Industrial Estate is sited adjacent to the Princes Freeway and the Werribee River. As such it is an important entry marker to the Werribee area, given its highly visible aspect from the Princess Freeway.



2. Lot Development

Proposed developments within the estate require planning permissions under the zoning provisions of the Wyndham Planning Scheme, and must address the requirements of these guidelines.

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Riverside Avenue, Werribee - Industrial Guidelines

3. Objectives

Proposed developments within the Riverview Avenue Industrial Estate should achieve the following objectives:

- Provide for landscape areas which contribute to the river environs;
- Ensure buildings are designed with front facades that address the Princes Freeway;
- Ensure that the development of lots abutting the Werribee River Reserve address the Werribee River.
- Ensure adequate provision is made for access, car parking and efficient and safe loading areas;

4. Industrial 3 Zone Wyndham Planning Scheme

Clause 33.03-4 Buildings and Works of the Wyndham Planning Scheme, sets out the application requirements for plans to be submitted to Wyndham City Council. As well as satisfying the requirements of the Zone, any application must also respond appropriately to the requirements of the Design Guidelines.

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4.1 Site Plans & Building Design

Site and building design plans for each lot should include the following:

Black chain mesh fencing (or other such material of high quality with minimum capacity for vandalism) is to be used where sites are to be enclosed by security fencing and the fence is visible from the streets or reserves. Fencing treatments must contribute to a consistent fencing theme along the western boundary of the site.

Buildings on lots that face the Werribee River are to be designed with an office component, balcony or window openings that face the Werribee River to enhance the appearance of the estate from the west, and to provide surveillance of this area.

No encroachments of development into the landscape buffer shown in the typical layout plans (Section 6 in these guidelines) are permitted, with the exception of details that positively contribute to improvements in the articulation of the building and the interface with the Werribee River. Any encroachments should not extend more than 30% of the width of the lot, and must not encroach more than 2m into the buffer.

Consideration should also be given to appropriate materials, colours, surface treatments and west facing fenestration, to provide opportunity for passive surveillance of the shared trail along the Werribee River.

Facades of buildings addressing the Werribee River must incorporate design detail to enhance the appearance of the estate from the west and southwest. Design detail should include articulation in the built form, surface treatments, and fenestration.

Building on lots facing the Princes Highway shall be designed with active frontages with integrated signage. Blank facades will not be accepted.

All external storage and waste treatment areas are to be enclosed or screened by landscaping.

4.2 Building Setbacks

The front setback of buildings from all streets will be set aside for the provision of car parking spaces and landscaping.

All buildings and works are to be setback a minimum of 9m from the frontage. This setback may include car parking.

Buildings can be located on side boundaries.

Buildings on corner lots to be setback a minimum of 2m with a minimum of 1m provided, unless otherwise allowed by Council.

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4.3 Building Height

Buildings shall be a maximum of 10 metres high, unless otherwise allowed by Council.

4.4 Car Parking

Car parking shall be provided at a ratio of at least 1.5 spaces per 100m² of floor area for warehouse uses, or 2.9 spaces per 100m² of floor area for industrial uses, unless otherwise allowed by Council.

All parking areas shall be located in the front setback set behind landscaping, unless otherwise allowed by Council.

4.5 Advertising Signs

Advertising sign requirements are at Clause 52.05 and Clause 22.10 of the Wyndham Planning Scheme.

The location of signs shall be designed as part of the building façade and incorporated into the building.

Signage on the western façade of buildings addressing the Werribee River must be restricted to a single sign of no more than 2m² in area, unless otherwise allowed by Council.

4.6 Development of the Integrated Development Site

Lot 23 shown on the above Subdivision Layout Plan is to be an integrated Development Site. This lot is to incorporate the following features;

- Multiple units.
- Shared access from Concorde Crescent.
- Shared parking on the southern portion of the lot to facilitate buildings that address the Princes Freeway.

Refer to 6.4 for a concept sketch plan.

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5. Landscape Guidelines

The preparation of a landscape plan is required with any application for a planning permit to develop land. Wyndham City Council has prepared recommended street tree lists, which would be suitable for the planting of trees along the site frontage and for side boundaries abutting car parking areas.

These lists are available from Wyndham City Council, and your landscape designer/architect should use these planting lists when preparing a landscape plan for approval.

5.1 Landscape Buffer

Landscape plans must demonstrate how landscape planting will buffer the development from the existing viewsheds from the west.

Landscape Buffers must be developed and maintained to the satisfaction of Wyndham City Council, by the owner of each affected lot for each lot affected by the buffer..

A landscape strip of a minimum of 2m wide shall be provided along the frontage of the property.

A landscape setback of a minimum of 1m wide shall be provided along the side boundary in front of the building adjacent to the car parking.

A landscape setback of a minimum of 8m shall be provided along the west boundary of the site abutting the Werribee River Reserve.

The landscape buffer must be planted with vegetation types and species approved by Wyndham City Council. Landscape planting must consider the location of easements. The planting must be undertaken in such a way as to screen development, and must be designed to discourage graffiti on exposed surfaces.

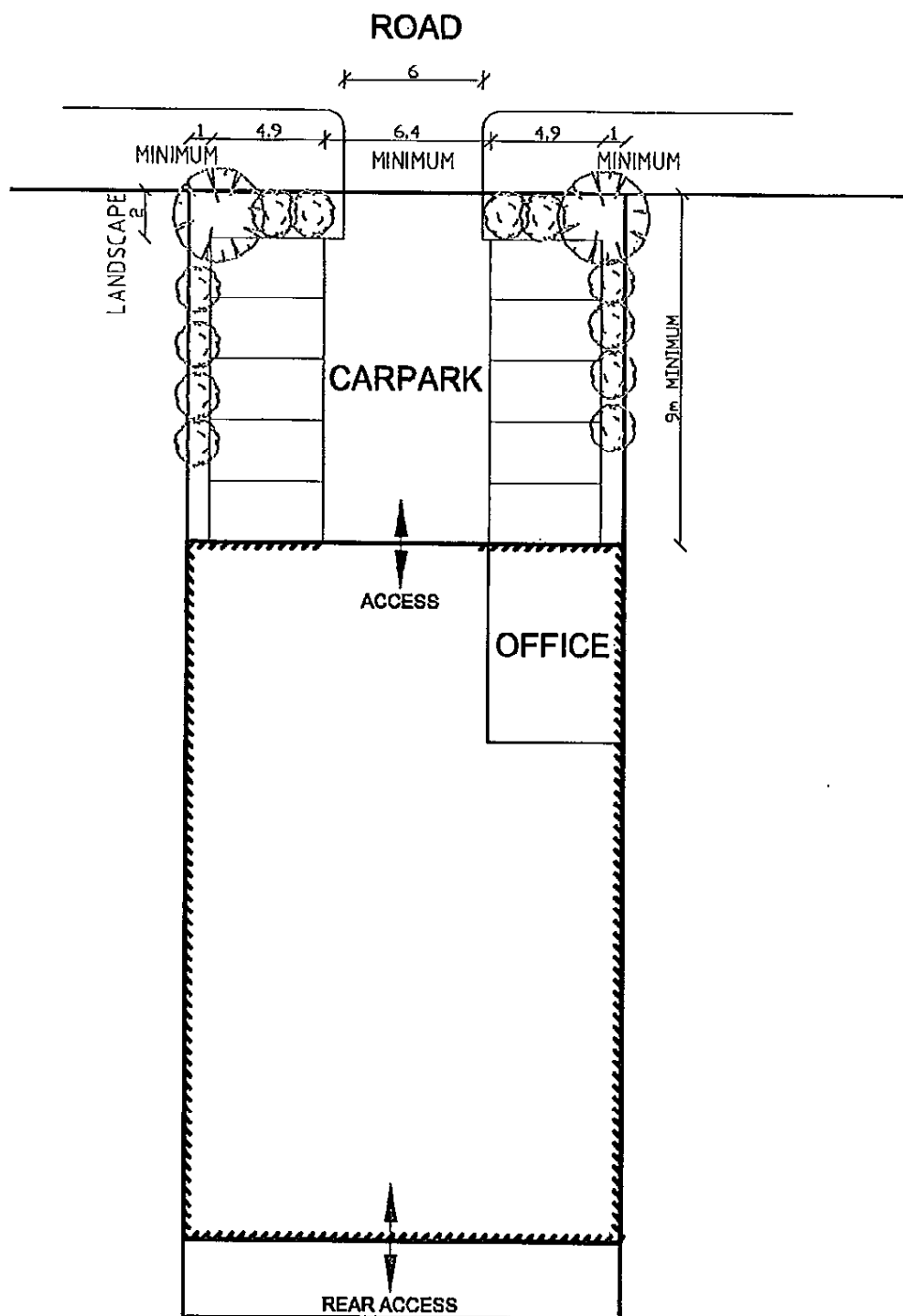
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Riverside Avenue, Werribee - Industrial Guidelines

6.1 Typical layout plan for a lot development on a mid block site.



Note: Development, access and carparking details are indicative only and subject to planning approval.

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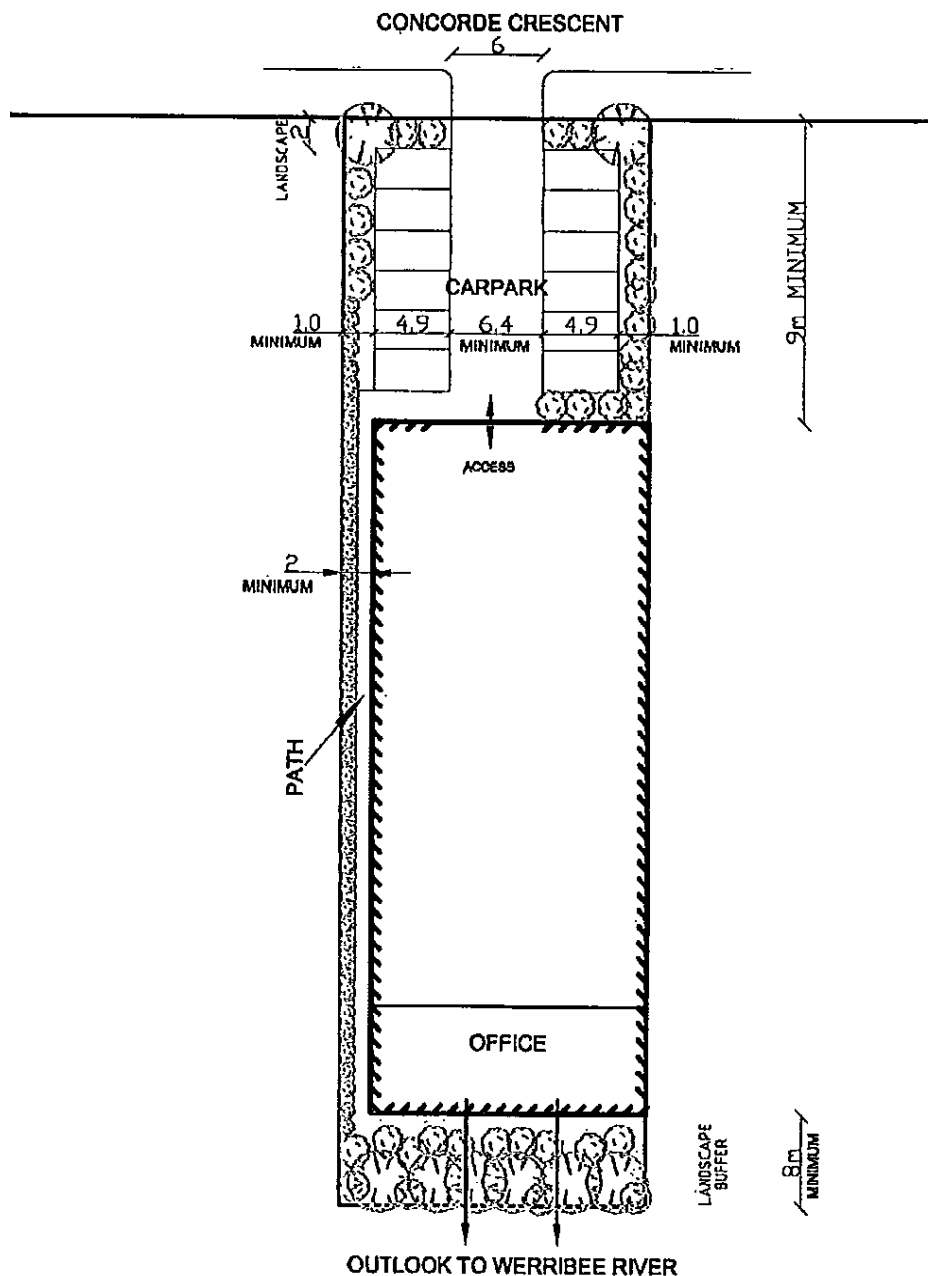
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Riverside Avenue, Werribee - Industrial Guidelines



6.2 Typical layout plan for a lot development fronting Werribee River.



REF: 8803-00-MSC-0102.DWG

Note: Development, access and carparking details are indicative only and subject to planning approval.

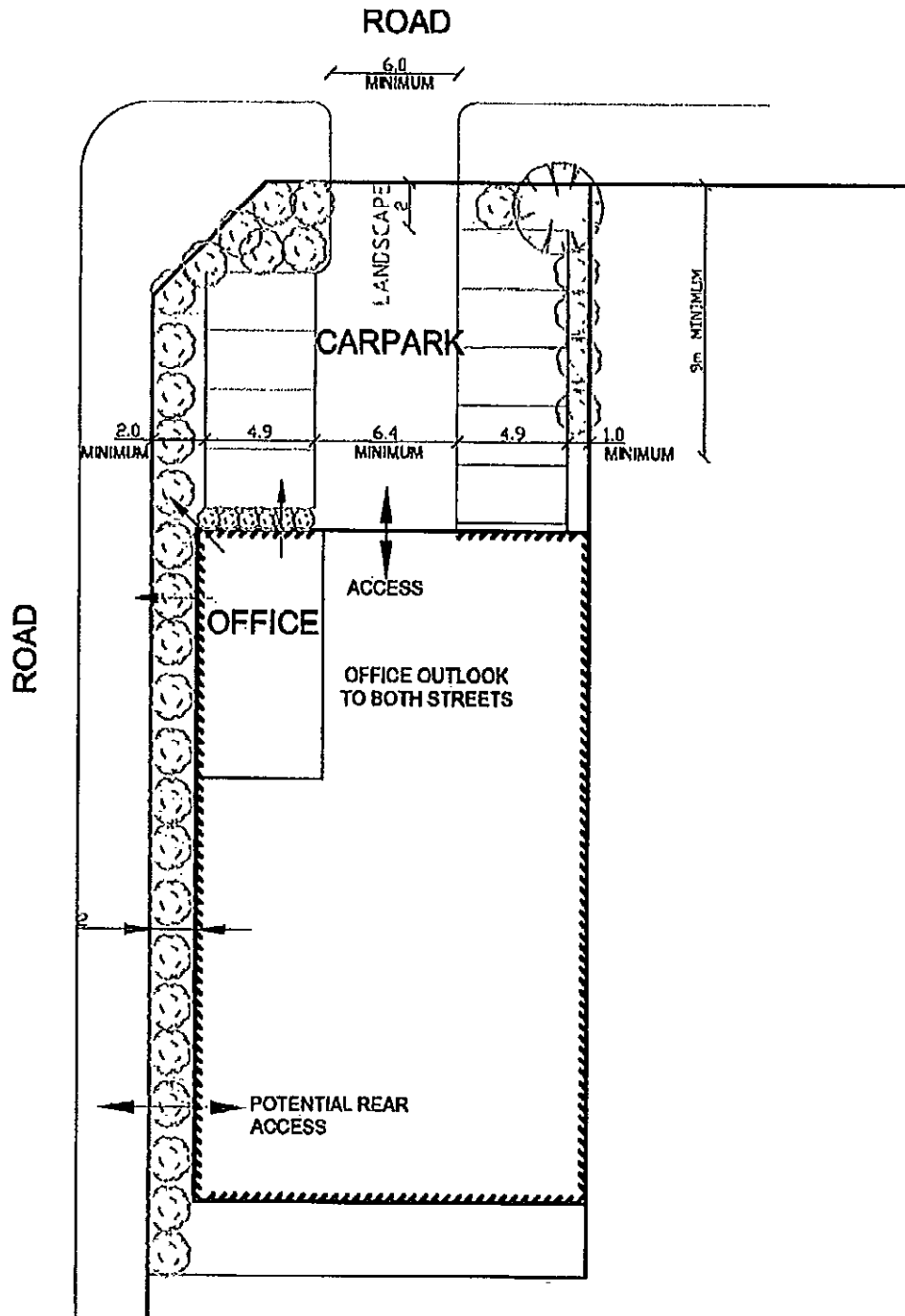
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6.3 Typical layout plan for a lot development of a corner lot.



REF: 6805-00-1150-0102.DWG

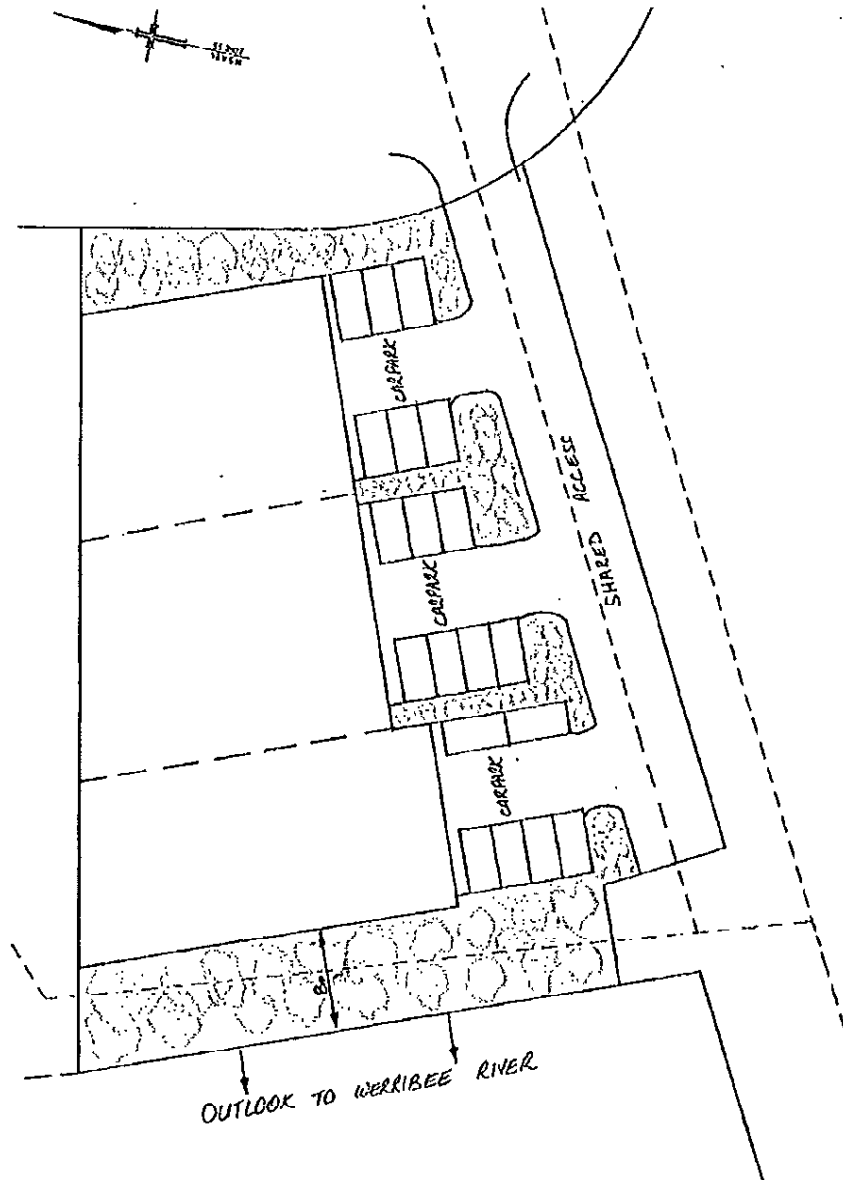
Note: Development, access and carparking details are indicative only and subject to planning approval.

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6.4 Concept plan for the Integrated Development Site.



Note: Development, access and carparking details are indicative only and subject to planning approval.

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MORTGAGEE'S CONSENT

BENDIGO AND ADELAIDE BANK LIMITED ABN 11 068 049 178 as Mortgagee under Mortgage No AH863122N hereby consents to the registration of the Section 173 Agreement.

Dated 1 September 2011

VIC

EXECUTED by BENDIGO AND ADELAIDE BANK LTD
ABN 11 068 049 178 by being signed by its Attorneys
LINDA MAREE GILBERT and ROSEMARY ELEANOR HAYES

who certify that they are the
Team Manager – Loan Services Retail
Loan Services Officer
respectively for the time being of the Company under
the Power of Attorney dated 9 April 2008 a certified copy
of which is filed in the permanent Order Book No. 277
at page 027 Item 16 in the presence of:-
Witnessing Officer (signature, full name)

.....
Catherine Veronica Nealey
.....
C. Dec. Reg. No. 76703

.....
) Attorney
) *[Signature]*
)
)
) Attorney
) *[Signature]*
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