

# PLAN OF SUBDIVISION

EDITION 1

PLAN NUMBER  
**PS 743588 R**

## LOCATION OF LAND

PARISH : BELLARINE

TOWNSHIP : - - - -

SECTION : - - - -

CROWN ALLOTMENT : 5A (PART)

CROWN PORTION : - - - -

TITLE REFERENCE : VOL. FOL.

LAST PLAN REFERENCE : P S740218 T (LOT A)

POSTAL ADDRESS : OCEANIA DRIVE  
(At time of subdivision) CURLEWIS, 3222

MGA94 Co-ordinates  
(of approx centre of land  
in plan) E 285 215 ZONE: 55  
N 5773 230 GDA 94

Council Name: City of Greater Geelong

Council Reference Number: 12857  
Planning Permit Reference: 1082-2010  
SPEAR Reference Number: S090862C

Certification

This plan is certified under section 11 (7) of the Subdivision Act 1988  
Date of original certification under section 6: 29/09/2016

Public Open Space

A requirement for public open space under section 18 of the Subdivision Act 1988  
has been made and the requirement is to be satisfied in stage: 12

Digitally signed by: Roger Munn for City of Greater Geelong on 23/06/2017

## VESTING OF ROADS AND/OR RESERVES

## NOTATIONS

IDENTIFIER	COUNCIL/BODY/PERSON	DEPTH LIMITATION: 15.24 METRES BELOW THE SURFACE
ROADS R-1 RESERVE No.1	CITY OF GREATER GEELONG POWERCOR AUSTRALIA LIMITED	SURVEY: This plan is based on survey. STAGING: This is not a staged subdivision. Planning Permit No.1082/2010  This survey has been connected to permanent marks No(s). In Proclaimed Survey Area No.
NOTATIONS		

THE DEFINED ENDS OF EASEMENTS ARE PERPENDICULAR TO THE  
ADJOINING BOUNDARY UNLESS OTHERWISE SHOWN.

LOTS 1 TO 146 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN.

LOTS B, C & 147-174 (BOTH INCLUSIVE) & RESERVE No.1 ARE THE RESULT  
OF THIS SURVEY.

CREATION OF RESTRICTION  
SEE SHEETS 4-10 FOR RESTRICTION DETAILS.

## 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	PIPELINES OR ANCILLARY PURPOSES	SEE PLAN	PS643969L & SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
E-2	DRAINAGE	SEE PLAN	PS643970C	CITY OF GREATER GEELONG
E-3	DRAINAGE	SEE PLAN	PS722548X	CITY OF GREATER GEELONG
E-4	PIPELINES OR ANCILLARY PURPOSES	SEE PLAN	PS722548X & SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
E-5, E-7	DRAINAGE	SEE PLAN	PS740218T	CITY OF GREATER GEELONG
E-6, E-7	PIPELINES OR ANCILLARY PURPOSES	SEE PLAN	PS740218T & SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION
E-8, E-10	DRAINAGE	SEE PLAN	THIS PLAN	CITY OF GREATER GEELONG
E-9, E-10	PIPELINES OR ANCILLARY PURPOSES	SEE PLAN	THIS PLAN & SECTION 136 WATER ACT 1989	BARWON REGION WATER CORPORATION

TGM Group  
1/27-31 Myers Street (PO Box 1137)  
Geelong Vic 3220  
T 03 5202 4600  
F 03 5202 4691  
ABN 11 125 568 461  
www.tgmgroup.com  
JAS-ANZ Accredited: Quality ISO 9001 - OH&S AS/NZS 4801 - Environment ISO 14001



SURVEYORS FILE REF: 005964-106

ORIGINAL SHEET  
SIZE: A3

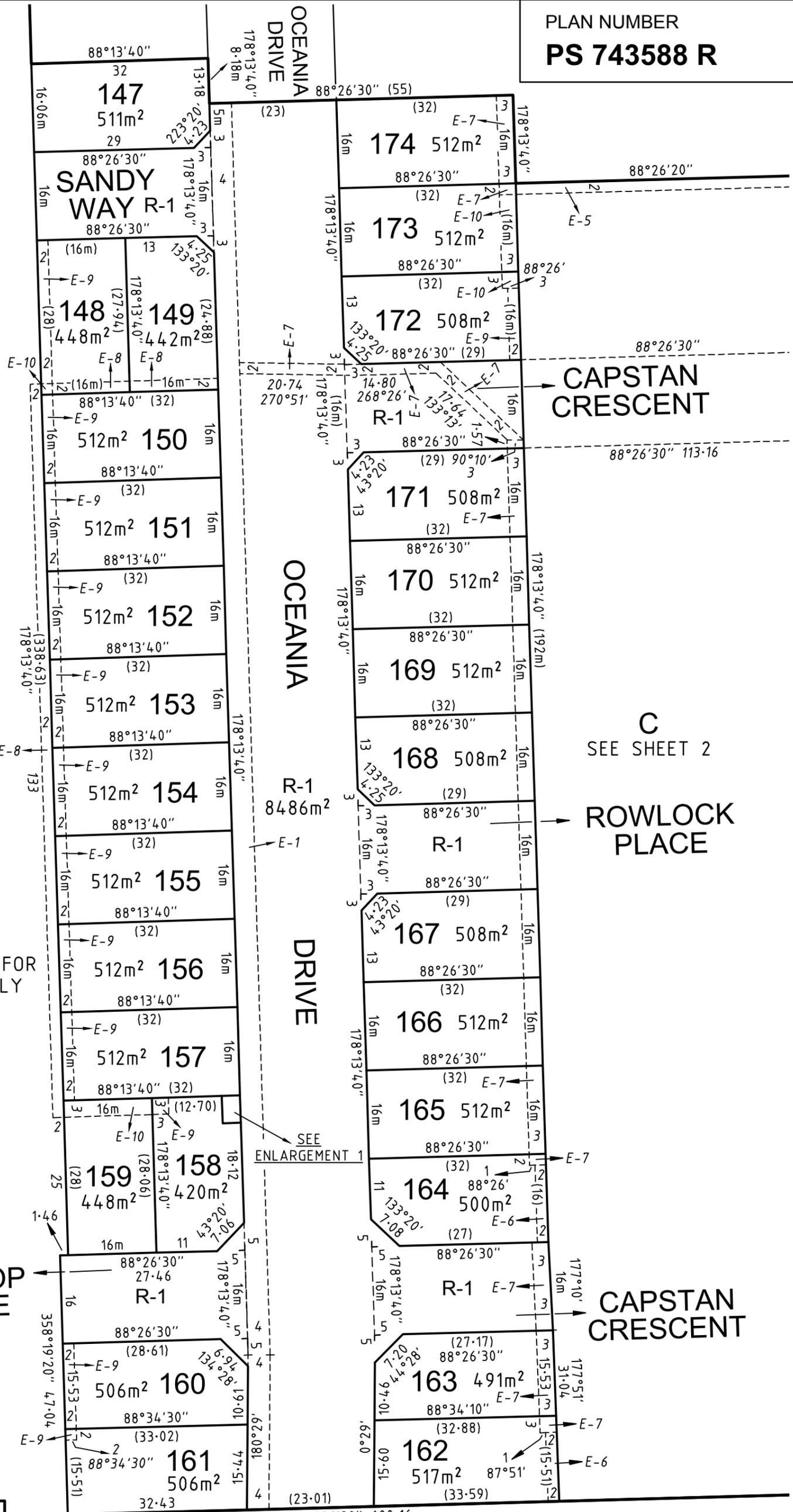
Sheet 1 of 10 Sheets

Digitally signed by: Raymond James Dunn (TGM Group Pty Ltd - Geelong),  
Surveyor's Plan Version (4),  
20/06/2017, SPEAR Ref: S090862C



PLAN NUMBER  
**PS 743588 R**

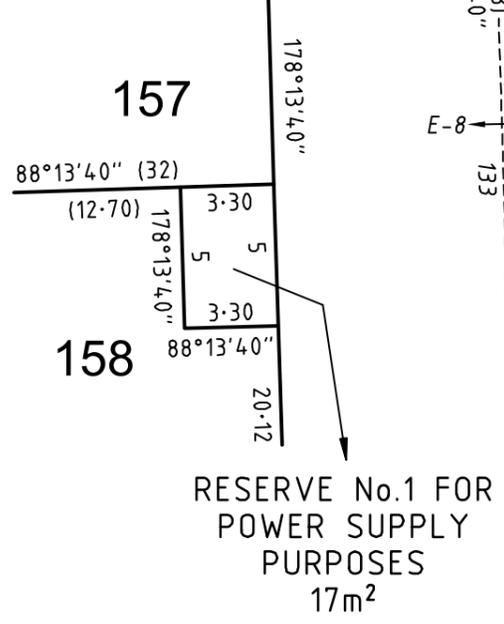
M.G.A. 94  
ZONE 55



**B**  
SEE SHEET 2

**C**  
SEE SHEET 2

ENLARGEMENT 1  
NOT TO SCALE



SEE ENLARGEMENT 1

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268°26'20" 600.16m

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SCALE  
1:750

7.5 0 7.5 15 22.5 30  
LENGTHS ARE IN METRES

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Digitally signed by:  
City of Greater Geelong,  
23/06/2017,  
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SHEET 3

CREATION OF RESTRICTION A.

Upon registration of this plan (PS743588R) the following restriction is created:

<u>Lot burdened</u>	<u>Lot/s benefited</u>
148	149, 150
149	148, 150
158	157, 159
159	157, 158
160	161
163	162
164	165

DESCRIPTION OF RESTRICTION A.

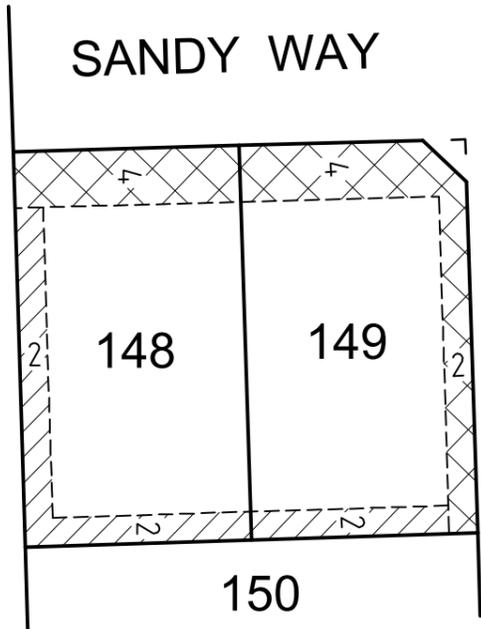
Buildings shall not be located in the area shown thus  except for allowable encroachments listed in the Building Regulations 2006.

Dwellings shall not be located in the area shown thus 

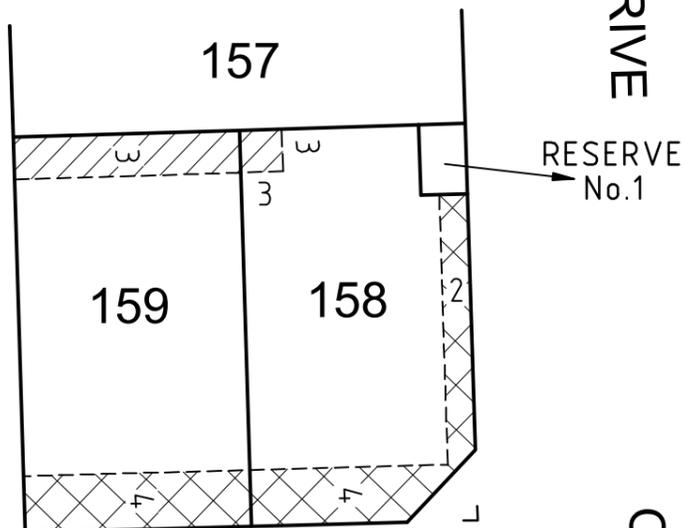
DEFINITIONS

BUILDING - Any structure

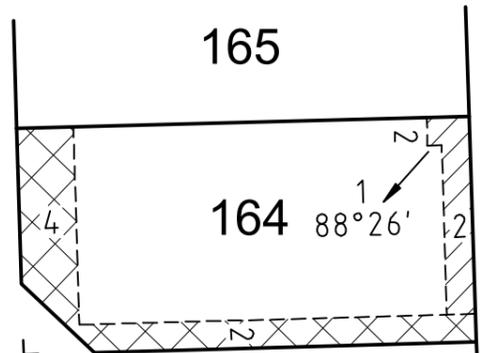
DWELLING - House- Habitable Room (excludes carport/garage)



OCEANIA DRIVE

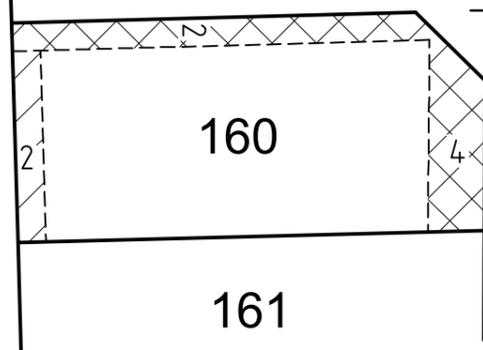


DRIVE



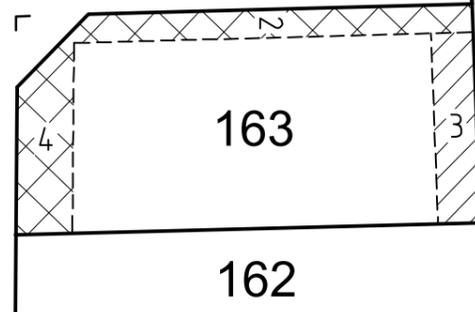
HILLTOP DRIVE

OCEANIA DRIVE



DRIVE

CAPSTAN CRESCENT



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**CREATION OF RESTRICTION B:**

The following restriction is to be created upon registration of the Plan:

Land to be benefited: Lots 147 - 174 (both inclusive) of this Plan.

Land to be burdened: Lots 147 - 174 (both inclusive) of this Plan.

**DESCRIPTION OF RESTRICTION B:**

Except where specified with the written consent of the Original Owner of the benefited land on the Plan and in all other instances with the written consent of each and every registered proprietor of a benefiting Lot on the Plan, the registered proprietor or proprietors for the time being and any persons or entity entitled to be the registered proprietor of any Burdened Lot on the Plan must not:

- (a) Subdivide or allow the lot to be subdivided.
- (b) Consolidate or allow the lot to be consolidated with any other lot or part thereof.

For the purposes of this Restriction the following definitions apply:

"Burdened Lot" means a Lot on the Plan and which forms part of the Baywater Estate.

"Original Owner" means L Bisinella Developments Pty Ltd (ACN 006 806 677) of 195 Forest Road, Lara 3212.

"Plan" means Plan of Subdivision PS743588R.

**CREATION OF RESTRICTION C:**

The following restriction is to be created upon registration of the Plan:

Land to be benefited: Lots 147 - 174 (both inclusive) on this Plan.

Land to be burdened: Lots 147 - 174 (both inclusive) on this Plan.

**DESCRIPTION OF RESTRICTION C:**

Except where specified with the written consent of the Original Owner of the benefited land on the Plan and in all other instances with the written consent of each and every registered proprietor of a benefiting Lot on the Plan, the registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot on the Plan must not use, develop or cause to be used or developed or remain to be used or developed any Burdened Lot on the Plan other than in accordance with the following:

**1. House Construction**

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not:

- (a) Build, construct, erect, place or cause or permit to be built, constructed, erected, placed or permit to remain erected upon the Burdened Lot or any part thereof more than one dwelling and no such dwelling shall be constructed with external walls (except windows and doors) that are not constructed of items in

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the following Tables A, B, C, D, E and F provided that the sum of items in each Table shall not exceed the following percentages of the total external walls of the dwelling (excluding windows and doors):

Table A: 70%

Table B: 60%

Table C: 70%

Table D: 70%

Table E: 40%

Table F: 5%

**TABLE A:**

- Natural timber
- Stained timber
- Painted timber
- Fibre cement weatherboard

**TABLE B:**

- Rendered concrete
- Rendered autoclaved aerated concrete
- Rendered brick
- Rendered block-work
- Rendered foam board
- Rendered cement sheet

**TABLE C:**

- Block-work
- Split face block
- Stone

**TABLE D:**

- Bricks
- Split face brick

**TABLE E:**

- Painted fibre cement siding/cladding
- Fibre cement wall board finished with a painted render or textured paint or painted membrane finish
- Non reflective pre-coated steel

For the avoidance of doubt, the exterior of a shipping container is not 'non reflective pre-coated steel' and, consequently, no part of any external wall of such dwelling may be constructed of the exterior of one or more shipping containers or of any part or parts of the exterior of one or more shipping containers.

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TABLE F:

- Any other materials provided that those materials are not affixed to any external surface of the dwelling and visible from the street frontage or any municipal reserve.
- (b) Build, construct, erect, place or permit to be built, constructed, erected or placed upon such Burdened Lot any relocated, pre-constructed or second-hand dwelling.
- (c) Cause or suffer to be used any second-hand materials on the exterior of any buildings erected on such Burdened Lot.
- (d) Deposit or allow to be deposited on such Burdened Lot any rubbish, waste or debris other than in a suitable rubbish receptacle for containing or disposal of rubbish.
- (e) Develop, use or cause to be developed or used such Burdened Lot for any purpose other than one residence with a garage or carport and outbuildings or external fixtures (as the case may be) prescribed by these restrictions.

2. Garages and Carports

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not:

- (a) construct a free standing detached carport on such Burdened Lot.
- (b) construct a single attached carport on such Burdened Lot unless such Burdened Lot has an area equal to or less than 400m<sup>2</sup>.
- (c) construct or cause to be constructed on such Burdened Lot a single attached carport which has a maximum width of more than 4 metres when measured from the external perimeter of the carport.
- (d) construct or cause to be constructed on such Burdened Lot a single attached carport unless such carport has a panel lift or tilt door fitted to the front of the carport so as to screen the internal space of the carport from the streetscape of such Burdened Lot.
- (e) construct a double carport, whether attached or detached, on such Burdened Lot.
- (f) build, construct, erect, place or cause to be built, constructed, erected or placed on such Burdened Lot any freestanding garage other than:
- (i) a garage ordinarily used for the parking of vehicles as the principal garage of the residence, the roof height of which is less than 3.6 metres above the ground level and the construction of which is of non-reflective pre-coated steel or the materials listed in Table A, B, C or D with a non-reflective pre-coated steel roof and PROVIDED FURTHER that in the event that the garage faces or more than 60 per centum of any side of the garage faces the street the roof of such garage shall be

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constructed of the same materials so as to match as identical the roof of the dwelling constructed on the Burdened Lot.

3. Sheds & External Fixtures

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not construct any storage or other shed on such Burdened Lot which:

- (a) exceeds 3.6 metres in height from the natural ground level of a Lot; or
- (b) has walls constructed of materials other than non-reflective pre-coated steel or materials listed in Table A,B,C and D with a pitched non reflective pre-coated steel roof.
- (c) has any side of which more than 60% is visible from the street frontage

4. Vehicle Accommodation

(a) Parking of Commercial Vehicles

The registered proprietor or proprietors from time to time and any person or entity entitled to be the registered proprietor of any Burdened Lot must not cause or permit or allow any commercial vehicle to be parked on such Burdened Lot unless such vehicle is housed or contained wholly within a garage on such Burdened Lot or parked in a carport on such Burdened Lot or otherwise parked on such Burdened Lot so as to be screened from public view from the street abutting such Burdened Lot excepting on a temporary basis for the purpose of delivering goods to an occupier of such Burdened Lot or in connection with the construction of improvements on such Burdened Lot.

(b) Parking of Caravans

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not cause, permit or allow any caravan to be placed on, parked on or remain on such Burdened Lot in such position that the caravan is visible from the street abutting such Burdened Lot.

(c) No Vehicle Repairs

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not carry out or cause to be carried out on such Burdened Lot or on any road or any other land in the vicinity of such Burdened Lot any dismantling, assembling, repair or restoration of a vehicle or vehicles unless carried out at the rear of a dwelling on such Burdened Lot in a location which is screened from public view.

5. Vehicular Access

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not:

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- (a) construct or allow to be constructed any driveway on such Burdened Lot unless such driveway is constructed of aggregate, patterned concrete, or exposed stone concrete.
- (b) construct or allow to be constructed any driveway on such Burdened Lot and/or crossover to the burden lot constructed from crushed rock.
- (c) leave or cause to be left any driveway and/or crossover construction on or to such Burdened Lot (as the case may be) incomplete or partly constructed for more than 21 days after the date of issue of a Certificate of Occupancy for the dwelling constructed on such Burdened Lot.
- (d) construct or allow to be constructed any crossover to such Burdened Lot unless such crossover is constructed to the standard and requirements imposed by the Responsible Authority.

For the purposes of this Restriction the following definitions apply:

"Burdened Lot" means a Lot on the Plan and which forms part of the Baywater Estate.

"Original Owner" means L Bisinella Developments Pty Ltd (ACN 006 806 677) of 195 Forest Road, Lara 3212.

"Plan" means Plan of Subdivision PS743588R.

"Responsible Authority" means the Greater Geelong City Council or other such delegated authority.

"Vehicle" means any car, utility, truck, van motorbike, speed boat or other water craft or other motorised form of transport.

**CREATION OF RESTRICTION D:**

The following restriction is to be created upon registration of the Plan:

Land to be benefited: Lots 147 - 174 (both inclusive) on this Plan.

Land to be burdened: Lots 147, 150 - 157, 160 – 162 & 165 - 174 (all inclusive) on this Plan.

**DESCRIPTION OF RESTRICTION D:**

Except where specified with the written consent of the Original Owner of the benefited land on the Plan of Subdivision 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 and any person or entity entitled to be the registered proprietor of any Burdened Lot on the Plan of Subdivision must not use, develop or cause to be used or developed or remain to be used or developed any Burdened Lot on the Plan other than in accordance with the following:

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1. House Size

The registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot must not build, construct, erect, place or cause or permit to be built, constructed, erected, placed or permit to remain erected upon the Burdened Lot or any part thereof any dwelling (including a garage or carport as the case may be but excluding verandas, decks or pergolas) unless in accordance with the following:

- (i) Any dwelling must not have a floor area less than 180 square metres.

For the purposes of this Restriction the following definitions apply:

"Burdened Lot" means a Lot on the Plan and which forms part of the Baywater Estate.

"Original Owner" means L Bisinella Developments Pty Ltd (ACN 006 806 677) of 195 Forest Road, Lara 3212.

"Plan" means Plan of Subdivision PS743588R.

CREATION OF RESTRICTION E:

The following restriction is to be created upon registration of the Plan of Subdivision:

Land to be benefitted: Lots 147 - 174 (both inclusive) on this Plan

Land to be burdened: Lots 147 - 174 (both inclusive) on this Plan

DESCRIPTION OF RESTRICTION E:

Except where specified with the written consent of the Original Owner of the benefitted land on the Plan, the registered proprietor or proprietors for the time being and any person or entity entitled to be the registered proprietor of any Burdened Lot on the Plan must not:

- (a) Plant, place, or allow to remain planted or placed on the Lot any plant, tree, shrub, hedging, bush or vegetation of whatsoever nature the height of which exceeds four (4) metres.

For the purposes of this Restriction the following definitions apply:

"Burdened Lot" means a Lot on the Plan and which forms part of the Baywater Estate.

"Original Owner" means L Bisinella Developments Pty Ltd (ACN 006 806 677) of 195 Forest Road, Lara 3212.

"Plan" means Plan of Subdivision PS743588R.

The above restrictions A to E shall cease to have effect 20 years after the date of registration of the Plan.

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