

This copied document is made available for the sole purpose of enabling its consideration and review as part of a planning process under the Planning and Environment Act 1987 application

This form is for use only for the Planning and Environment Act 1987 application

The copy must not be used for any other purpose. Please note that the plan must not be to scale.

# DECLARATION FOR AMENDMENT TO A PLANNING PERMIT APPLICATION



PLANNING PERMIT NO:  
Office Use Only:  
DATE RECEIVED:  
FEE PAID: \$

Planning and Environment Act 1987 Sections 50 & 50A & 57A. Planning and Environment Regulations, Regulation 16. Council is collecting the information on this form so that it may consider your application in accordance with Part IV of the Planning and Environment Act 1987. Council must make a copy of this application available for any person to inspect free of charge in accordance with Section 51 of the Act.

Please print clearly. Please read the notes on the back before completing this form.

**THE APPLICANT: Who is making this amendment**

Name: MR BILL BALAKIS (BB DESIGN GROUP .P/L)

Tel.: (03) 9354 1344

Address:

160 BELL STREET, COBURG, 3058.

**THE LAND: Give the address and title particulars of the land.**

UNIT 1 - 1350 PASCOE VALE ROAD, COOLAROO, 3048.

LOTA - PLAN OF SUBDIVISION - 702371A

**PROPOSED AMENDMENTS: what changes are being requested since lodging the original application for planning permit (attach letter if required)**

ADDITIONAL PERMIT TRIGGER - ACCESS TO A ROAD IN A TRANSPORT ZONE 2.

**THE OWNER: The owner must be notified of these proposed changes**


Name: 1350 PASCOEVALE RD .PTY LTD .

Tel. Bus. hours:

Address: 982 - 984 SYDNEY RD, COBURG NORTH. 3058.

**DECLARATION TO BE COMPLETED FOR ALL APPLICATIONS**

This form must be signed. Please complete A, B or C

<b>A</b>	I declare that I am the Application and Owner of this land that all information given is true and correct	Owner/Applicant Signature:  Date:
<b>B</b>	I am the Owner of the land. I have seen this application	Owner Signature:  Date:
	I/We the Applicant declare that all information given is true and correct	Applicant Signature:  Date:
<b>C</b>	I/We the Applicant declare that I/We have notified the owner about this application and that all information given is true and correct	Applicant Signature:  Date: 12/03/2026.

This form is only to be used for changes made to a current planning permit application.

## HOW TO AMEND AN APPLICATION FOR A PLANNING PERMIT

### **Section 50. Amendment to application at request of applicant before notice**

- (1) An applicant may ask the responsible authority to amend an application before notice of the application is first given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and
  - (c) an amendment to any plans and other documents forming part of or accompanying the application.
- (3) A request under this section must—
  - (a) be accompanied by the prescribed fee (if any); and
  - (b) be accompanied by any information or document referred to in section 47(1)(c) to 47(1)(e) that relates to the proposed amendment to the application and that was not provided with the original application; and
  - (c) if the applicant is not the owner of the land to which the application applies, be signed by the owner or include a declaration by the applicant, that the applicant has notified the owner about the request.
- (4) Subject to subsection (5), the responsible authority must amend the application in accordance with the request.
- (5) The responsible authority may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.
- (6) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (7) On the amendment of an application under this section, the amended application is to be taken—
  - (a) to be the application for the purposes of this Act; and
  - (b) to have been received on the day that the request for amendment was received by the responsible authority.

### **50A. Amendment of application by responsible authority before notice**

- (1) With the agreement of the applicant and after giving notice to the owner, the responsible authority may make any amendments to an application that it thinks necessary before notice of the application is first given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and
  - (c) an amendment to any plans and other documents forming part of or accompanying the application.
- (3) The responsible authority may require the applicant—
  - (a) to notify the owner under subsection (1); and
  - (b) to make a declaration that that notice has been given.
- (4) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (5) On the amendment of an application under this section, the amended application is to be taken—
  - (a) to be the application for the purposes of this Act; and
  - (b) to have been received on the day that the applicant agreed to the amendment.

### **57A. Amendments to application after notice of application is given**

- (1) An applicant may ask the responsible authority to amend an application after notice of the application is given under section 52.
- (2) An amendment to an application may include—
  - (a) an amendment to the use or development mentioned in the application; and
  - (b) an amendment to the description of land to which the application applies; and
  - (c) an amendment to any plans and other documents forming part of or accompanying the application.
- (3) A request under this section must—
  - (a) be accompanied by the prescribed fee (if any); and
  - (b) be accompanied by any information or document referred to in section 47(1)(c) to 47(1)(e) that relates to the proposed amendment to the application and that was not provided with the original application; and
  - (c) if the applicant is not the owner of the land to which the application applies, be signed by the owner or include a declaration by the applicant that the applicant has notified the owner about the request.
- (4) Subject to subsection (5), the responsible authority must amend the application in accordance with the request.
- (5) The responsible authority may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.
- (6) The responsible authority must make a note in the register if any amendment is made to an application under this section.
- (7) On the amendment of an application under this section—
  - (a) the amended application is to be taken—
    - (i) to be the application for the purposes of this Act; and
    - (ii) to have been received on the day that the request for amendment was received by the responsible authority; and
  - (b) all objections made in relation to the original application are to be taken to be objections to the amended application.
- (8) Nothing in this section affects any right a person may have to make a request under section 87 or 89 in respect of anything done or not done in relation to the original application.
- (9) Sections 52 and 55 do not apply to an amended application.

***Send your completed form and all documents to the Responsible Authority:***

**HUME CITY COUNCIL – STATUTORY PLANNING**

**P O Box 119, DALLAS 3047**

**1079 PASCOE VALE RD. BROADMEADOWS**

# Application for Planning Permit

Planning Enquiries  
 Phone: 03 9205 2200  
 Web: <http://www.hume.vic.gov.au>

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.

Clear Form

## The Land i ① Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address \*

Unit No.: <u>1</u>	St. No.: <u>1350</u>	St. Name: <u>PASCOE VALE RD</u>
Suburb/Locality: <u>COOLAROO</u>		Postcode: <u>3048</u>

Formal Land Description \*  
 Complete either A or B.

▲ This information can be found on the certificate of title.

A  Lot No.: A     Lodged Plan     Title Plan     Plan of Subdivision    No.: 702 31 1A

OR

B Crown Allotment No.: \_\_\_\_\_ Section No.: \_\_\_\_\_

Parish/Township Name: \_\_\_\_\_

If this application relates to more than one address, please click this button and enter relevant details. Add Address

## The Proposal i ▲ 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.

② 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](#)

Select the focus of this application and describe below: OTHER USE

PROPOSED DEVELOPMENT OF LAND FOR USE AS A CARWASH

▲ 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.

③ Estimated cost of development for which the permit is required \*

Cost \$ 800,000.00    ▲ You may be required to verify this estimate. Insert '0' if no development is proposed.

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit [www.sro.vic.gov.au](http://www.sro.vic.gov.au) for information.

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## Existing Conditions 1

### 4 Describe how the land is used and developed now \*

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

VACANT LAND

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

## Title Information 1

### 5 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

### 6 Provide details of the applicant and the owner of the land

#### Applicant \*

The person who wants the permit.

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 \*

Organisation (if applicable): BB DESIGN GROUP P/L

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name: PO BOX 283

Suburb/Locality: BATMAN

State: VIC

Postcode: 3058

Contact person's details \*

Same as applicant (if so, go to 'contact information')

Name:

Title:

First Name:

Surname:

Organisation (if applicable):

Postal Address:

Unit No.:

St. No.:

If it is a P.O. Box, enter the details here:

St. Name:

Suburb/Locality:

State:

Postcode:

Contact information

Business Phone: (03) 9354 1544

Email: ADMIN@BBDESIGNGROUP.COM.AU

Mobile Phone:

Fax:

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**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.

Name:		Same as applicant <input type="checkbox"/>	
Title: <input type="text"/>	First Name: <input type="text"/>	Surname: <input type="text"/>	
Organisation (if applicable): 1350 PASCOE VALE RD PTY LTD			
Postal Address:		If it is a P.O. Box, enter the details here:	
Unit No.: <input type="text"/>	St. No.: <input type="text"/>	St. Name: 982-984 SYDNEY RD	
Suburb/Locality: COBURG NTH		State: VIC <input type="text"/>	Postcode: 3058
Owner's Signature (Optional): <input type="text"/>			Date: <input type="text"/>
			day / month / year

**Declaration [i](#)**



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## 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.dewp.vic.gov.au/planning](http://www.dewp.vic.gov.au/planning)

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist. Insufficient or unclear information may delay your application.

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

No  Yes

If 'yes', with whom?:


Date:  day / month / year

## Checklist

9 Have you:

Filled in the form completely?

Paid or included the application fee?

 Most applications require a fee to be paid. Contact Council to determine the appropriate fee.

Provided all necessary supporting information and documents?

A full, current copy of title information for each individual parcel of land forming the subject site

A plan of existing conditions.

Plans showing the layout and details of the proposal

Any information required by the planning scheme, requested by council or outlined in a council planning permit checklist.

If required, a description of the likely effect of the proposal (eg traffic, noise, environmental impacts).

If applicable, a current Metropolitan Planning Levy certificate (a levy certificate expires 90 days after the day on which it is issued by the State Revenue Office and then cannot be used). Failure to comply means the application is void.

Completed the relevant Council planning permit checklist?

Signed the declaration (section 7)?

## Lodgement

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

Hume City Council  
PO Box 119 Dallas VIC 3047  
Pascoe Vale Road Broadmeadows VIC 3047

### Contact information:

Telephone: 61 03 9205 2200

Email: [email@hume.vic.gov.au](mailto:email@hume.vic.gov.au)

DX: 94718

Translation: 03 9205 2200 for connection to Hume Link's multilingual telephone information service

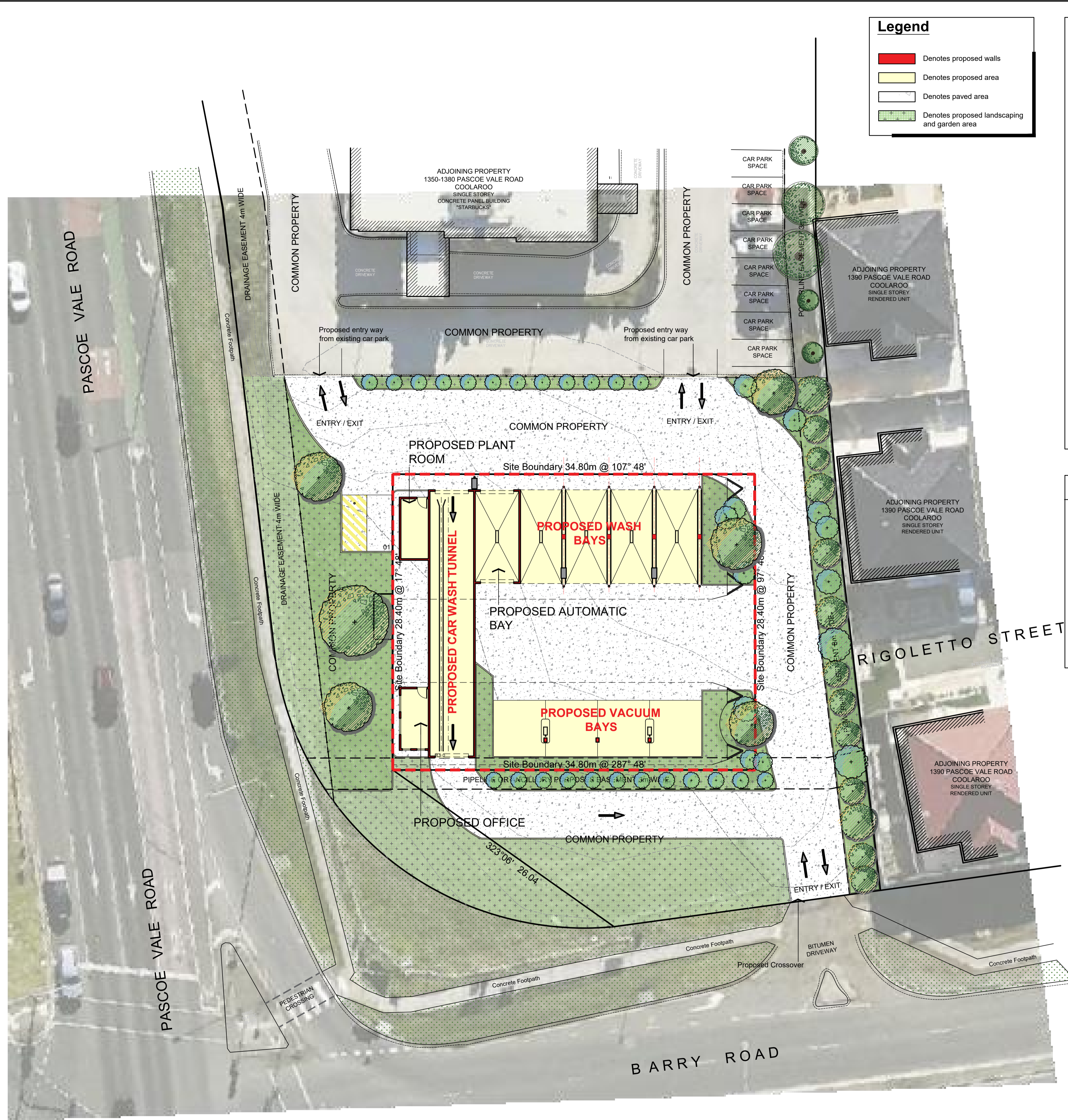
### Deliver application in person, by fax, or by post:

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.

### Save Form:

You can save this application form to your computer to complete or review later or email it to others to complete relevant sections.

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**Legend**

- Denotes proposed walls
- Denotes proposed area
- Denotes paved area
- Denotes proposed landscaping and garden area

**DIRECTIONAL SIGNAGE NOTES:**

Where directional signage is provided consistent colour and layout to assist people find & use the signage.

Matt finishes shall be used to assist people with vision impairment.

Colours with high luminance contrast are to be used.

Standardized symbols to be used where possible to reinforce written words.

Sans Serif font to be used.

**EMERGENCY SERVICES NOTES:**

All emergency services and warning systems to be in accordance with NCC 2019 requirements.

All lighting levels are to comply with S1428.1 CLAUSE 17.1 and be consistent with AS1680.0 to provide for safe movement within the warehouse.

**GENERAL CONSTRUCTION NOTES:**

Light switches to be located between 900mm - 1100mm above FL, horizontally aligned with door handles and not less than 500mm from internal corners.

Carpet to have a max. pile height of 6mm.

Vinyl flooring if proposed to be slip resistive comply with AS1428.1:2009 Clause 7.

**AREA ANALYSIS:**

TOTAL SITE AREA =	988.30m <sup>2</sup>
Proposed manual Carwash =	157.00m <sup>2</sup>
Proposed Auto Carwash =	40.00m <sup>2</sup>
Proposed Carwash Tunnel =	116.00m <sup>2</sup>
Proposed Vacuum Bays =	108.00m <sup>2</sup>
Proposed Office =	17.00m <sup>2</sup>
Proposed Plant Room =	17.00m <sup>2</sup>
<b>TOTAL PROPOSED =</b>	<b>455.00m<sup>2</sup></b>

SITE COVERAGE: 46.00%

**DISABLED STANDARD NOTES:**

Signage to designated car spaces to be in accord. with AS 1428.1 and 2890.6

Maximum cross-fall to designated car spaces for persons with disabilities not to exceed 1:40 in both directions.

Drainage grates not to be in path of travel b/w designated car space for persons with disabilities and any paths to entry doors.

Provide level transition b/w car space and landing to entry doors.

If any door closers are fitted to any door requiring accessibility, then the force to open not to exceed 20N.

Disabled amenity room size and internal fit-out to comply with AS 1428.1:2009.

Cross-fall on designated car spaces, paths and level landings at entry doors not to exceed 1:40.

All door circulation spaces & disabled amenities to comply with AS1428.1:2009.

All Pavement pathways are to be flush with roadways and parking areas with otherwise disabled compliant kerb ramps are to be provided.

All entry & internal doors to provide minimum 850mm clear opening.

Provide level threshold at entry door/landing junction and maximum fall on landing at 1:40.

All joinery fitout to be by tenant.

Raised tactile and Braille signage to be provided in accord. with NCC 2019 D3.6 and Spec. D3.6 to all sanitary facilities with all to be positioned between 1200-1600mm on latchside of door in accordance with AS 1428.1:2009 Clause 8.1.

All Doors & handles to comply with AS 1428.1:2009 and door frame to have 30% luminance contrast to the adjacent surface. Safety decals to door leaves, sidelights and any other areas which can be mistaken for openings. Min. solid non-transparent band no less than 75mm wide req. with the lower edge of the band to be 900-1000mm above FL.

Tactile indicators to footpaths either side of crossovers, as required by local authority.

**BUSINESS IDENTIFICATION SIGN**

The total advertisement area of all signs to each premises must not exceed 8 sq m.

This does not include a sign with an advertisement area not exceeding 1.5 sq m that is below a verandah or, if no verandah, that is less than 3.7 m above pavement level.

REV	DATE	DESCRIPTION	APPD
A	25.07.2025	TOWN PLANNING - FIRST ISSUE	J.S.
B	07.11.2025	ADDITION OF CAR WASH TUNNEL	J.S.
C	08.12.2025	REVISED CARWASH LAYOUT	J.S.
D	22.03.2026	AMENDED AS PER PLANNER DISCUSSION	J.S.

**TOWN PLANNING ISSUE**

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 ASSOCIATION OF AUSTRALIA

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PROJECT

**PROPOSED INDUSTRIAL DEVELOPMENT AT: 1350 PASCOE VALE ROAD, COOLAROO**

CLIENT

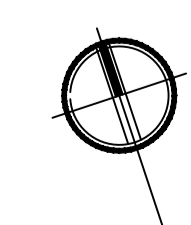
**1350 PASCOE VALE RD PTY LTD**

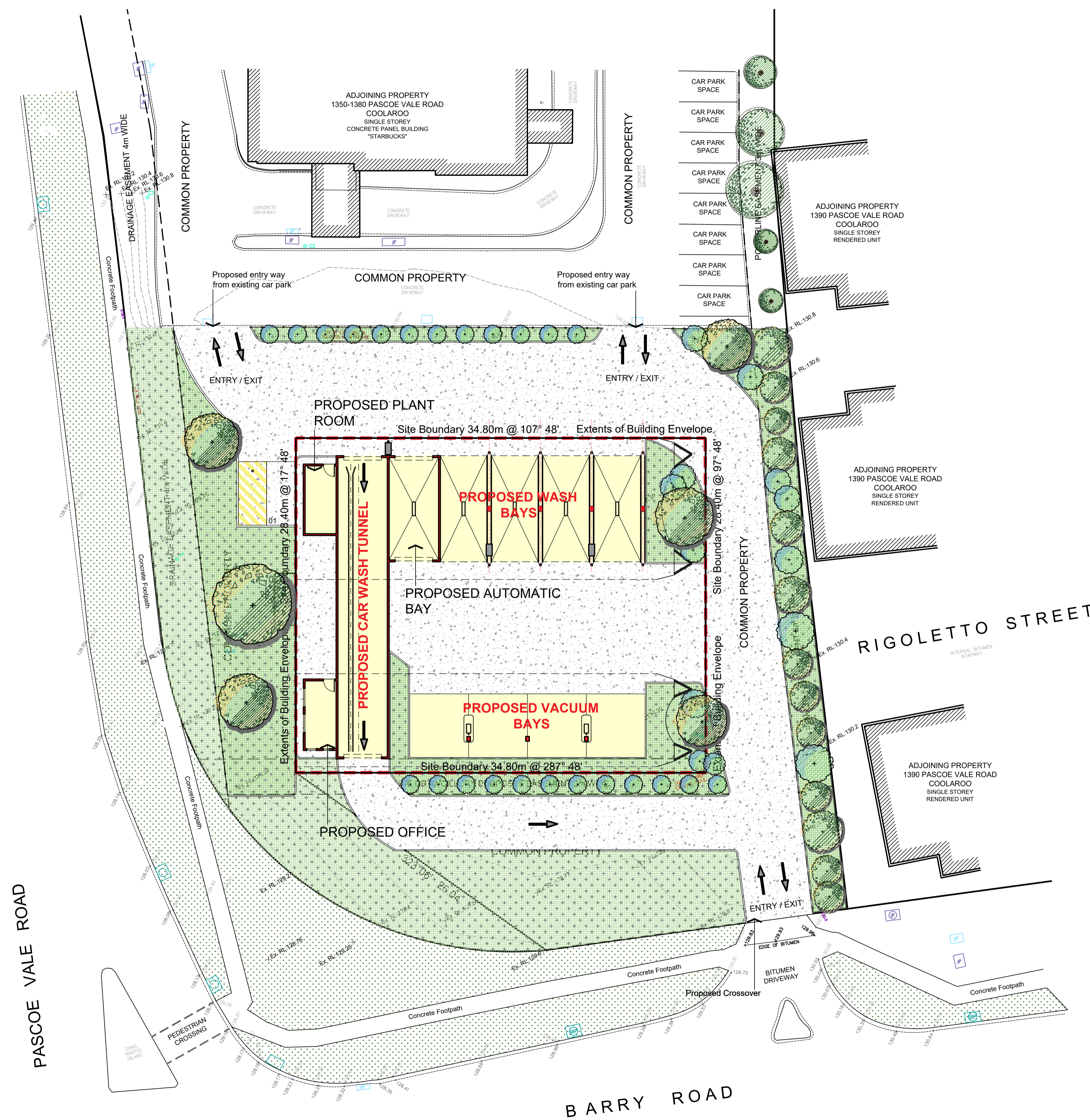
DRAWING TITLE

**OVERALL CONTEXT PLAN**

DATE	SCALE	DRG NO.
JUL 25	1:200	TP00

DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108





**AREA ANALYSIS:**

TOTAL SITE AREA =	988.30m <sup>2</sup>
Proposed manual Carwash =	157.00m <sup>2</sup>
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Proposed Vacuum Bays =	108.00m <sup>2</sup>
Proposed Office =	17.00m <sup>2</sup>
Proposed Plant Room =	17.00m <sup>2</sup>
<b>TOTAL PROPOSED =</b>	<b>455.00m<sup>2</sup></b>
<b>SITE COVERAGE: 46.00%</b>	

**Legend**

- Denotes proposed walls
- Denotes proposed area
- Denotes paved area
- Denotes proposed landscaping and garden area

**Legend**

- Denotes Existing Trees
- Denotes proposed vegetation
- Denotes extents of building envelope

All levels are to Australian Height Datum

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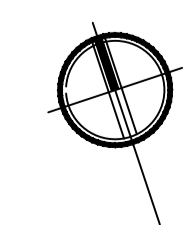
**bdag**  
BUILDING DESIGNERS ASSOCIATION OF AUSTRALIA  
'Creating a Working & Living Environment'

**PROPOSED INDUSTRIAL DEVELOPMENT**  
AT: 1350 PASCOE VALE ROAD, COOLAROO

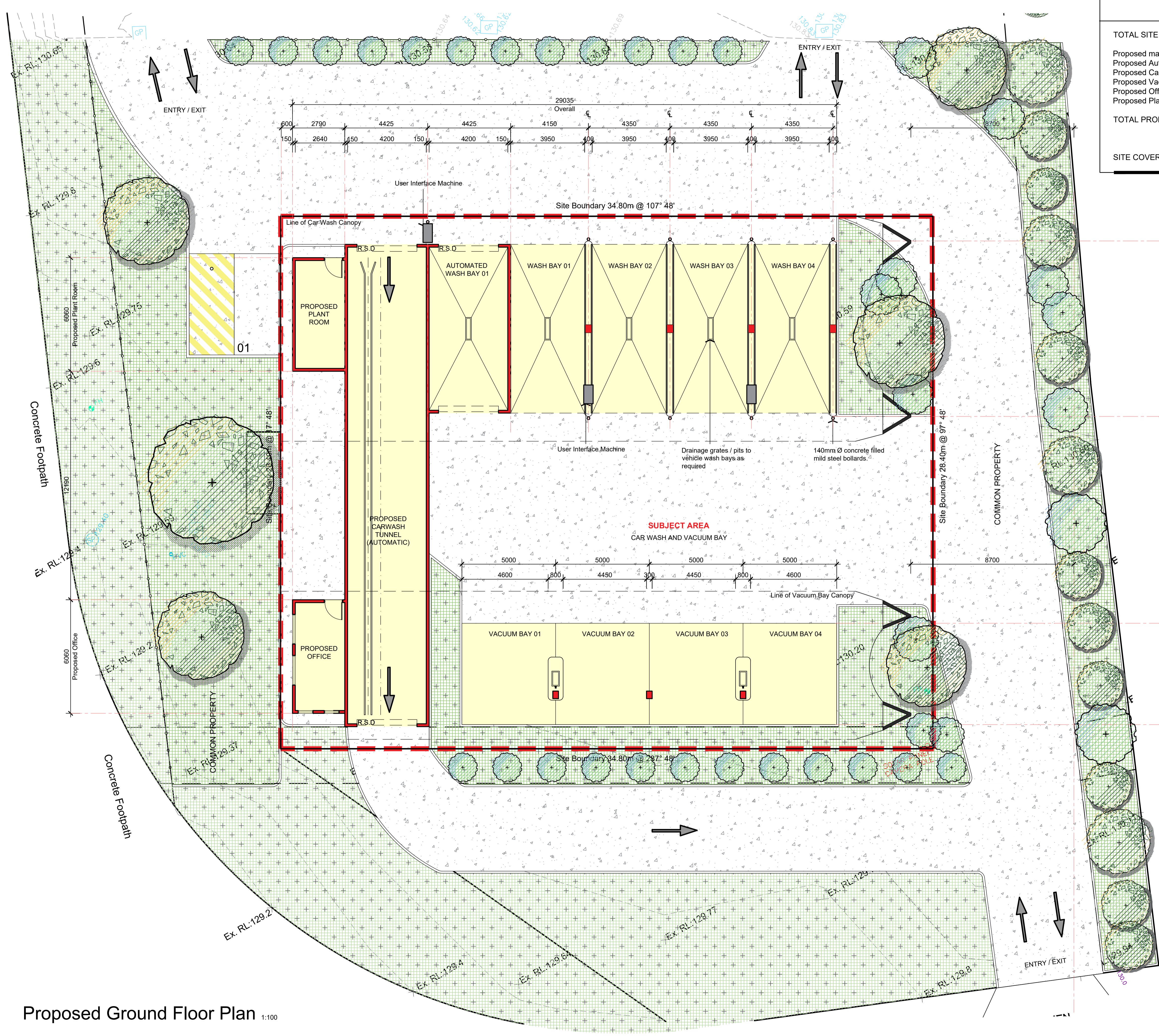
CLIENT  
**1350 PASCOE VALE RD PTY LTD**

DRAWING TITLE  
**SITE LAYOUT PLAN**

DATE	SCALE	DRG. NO.
JUL 25	1:200	TP01
DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108



Proposed Site Plan 1:200



**AREA ANALYSIS:**

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PROJECT

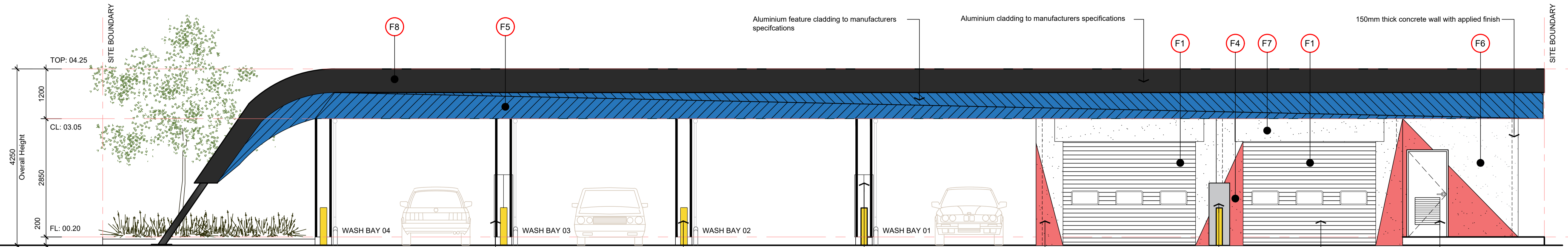
**PROPOSED INDUSTRIAL DEVELOPMENT**  
AT: 1350 PASCOE VALE ROAD, COOLAROO

CLIENT  
**1350 PASCOE VALE RD PTY LTD**

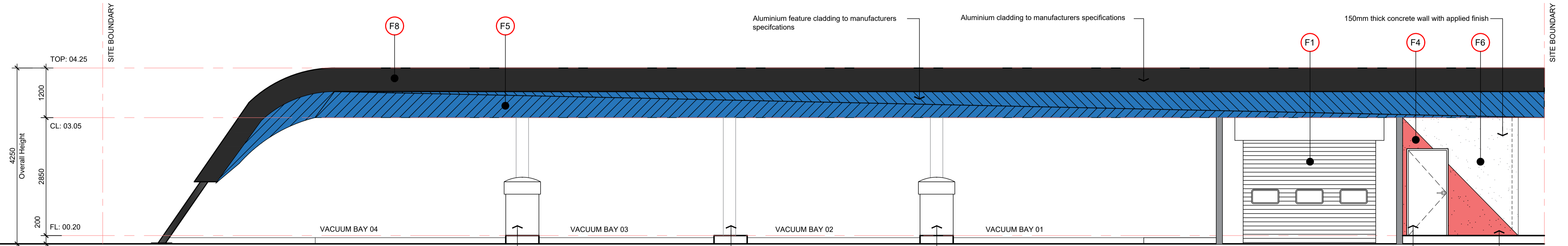
DRAWING TITLE  
**PROPOSED GROUND FLOOR PLAN**

DATE	SCALE	DRG NO.
JUL 2025	1:100	TP02
DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108

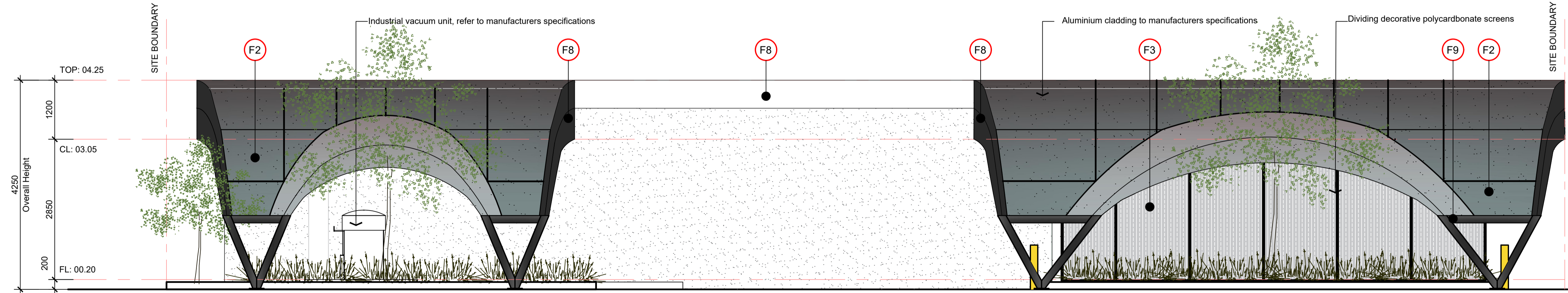
Proposed Ground Floor Plan 1:100



**Proposed North Elevation** Scale 1:50  
Carwash Bays



**Proposed North Elevation** Scale 1:50  
Vacuum Bays



**Proposed East Elevation** Scale 1:50

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FINISHES SCHEDULE (TBC)	
F1	COLORBOND "MONUMENT" Garage Panel Door
F2	Aluminium Cladding Panels - to match colour or Similar
F3	Polycarbonate Feature Bay Screen Dividers or Similar
F4	Concrete Wall Panel Painted Finish R-242, G. 113, B. 114
F5	Blue Aluminium Feature Cladding to Manufacturers Specifications
F6	Concrete Wall Panel Painted Finish R-255, G. 255, B. 255
F7	Concrete Wall Panel Painted Finish - Vivid White R: 247, G: 248, B: 244
F8	Black Aluminium Fascia Cladding or Similar
F9	Black Steel column
F10	Grey Glazing

NOTE: COLOURS SHOWN ARE INDICATIVE ONLY AND MAY VARY TO FINISHED PRODUCT.

REV.	DATE	DESCRIPTION	APP'D.
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D	22.03.2026	AMENDED AS PER PLANNER DISCUSSION	J.S.

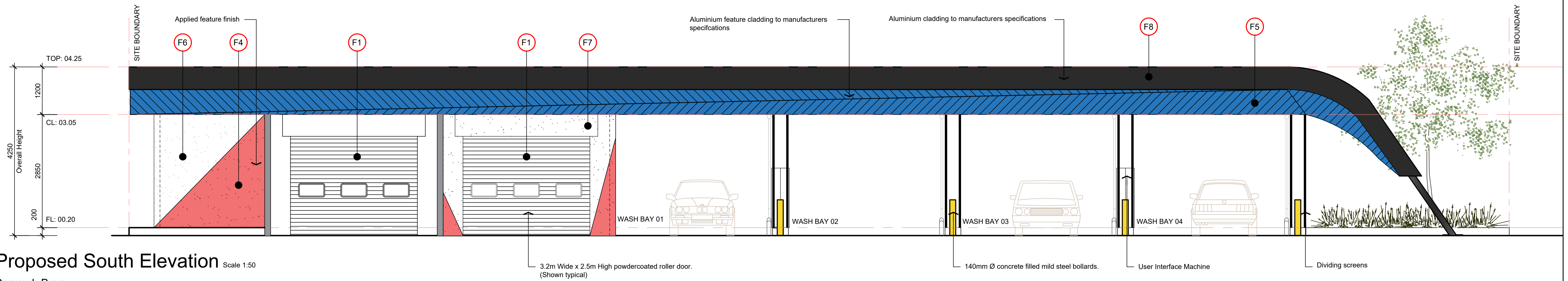
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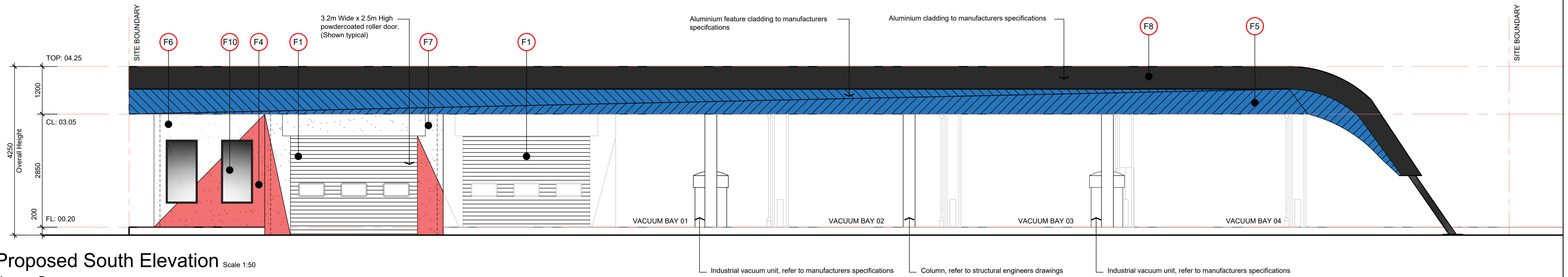
**BB DESIGN GROUP**  
BUILDING DESIGNERS  
*'Creating a Working & Living Environment'*

PROJECT		
<b>PROPOSED INDUSTRIAL DEVELOPMENT</b>		
AT: 1350 PASCOE VALE ROAD, COOLAROO		
CLIENT		
1350 PASCOE VALE RD PTY LTD		
DRAWING TITLE		
<b>PROPOSED ELEVATIONS</b>		
DATE	SCALE	DRG. NO.
JUL 25	1:100	TP03
DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108



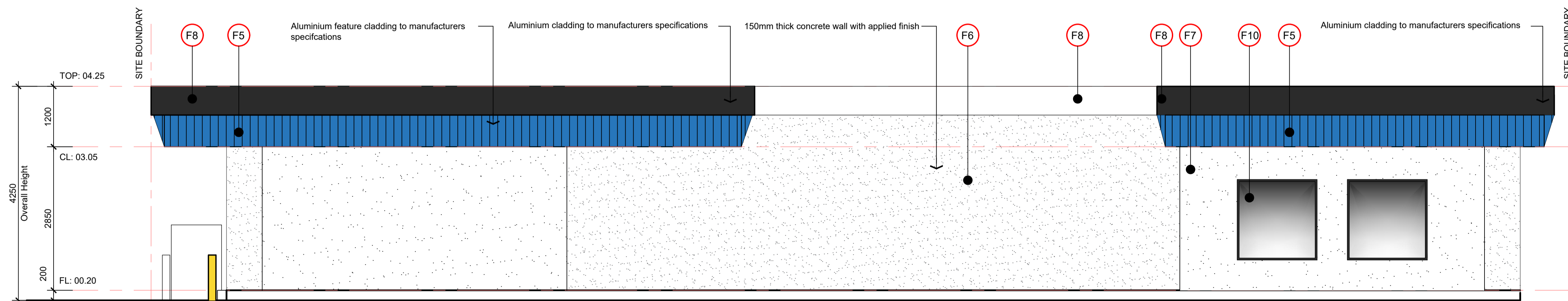
Proposed South Elevation Scale 1:50

Carwash Bays



Proposed South Elevation Scale 1:50

Vacuum Bays



Proposed West Elevation Scale 1:50

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FINISHES SCHEDULE (TBC)			
F1	COLORBOND "MONUMENT" Garage Panel Door	F6	Concrete Wall Panel Painted Finish R:255, G: 255, B: 255
F2	Aluminium Cladding Panels - to match colour or Similar	F7	Concrete Wall Panel Painted Finish - Vivid White R: 247, G: 248, B: 244
F3	Polycarbonate Feature Bay Screen Dividers or Similar	F8	Black Aluminium Fascia Cladding or Similar
F4	Concrete Wall Panel Painted Finish R:242, G: 113, B: 114	F9	Black Steel column
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PROJECT

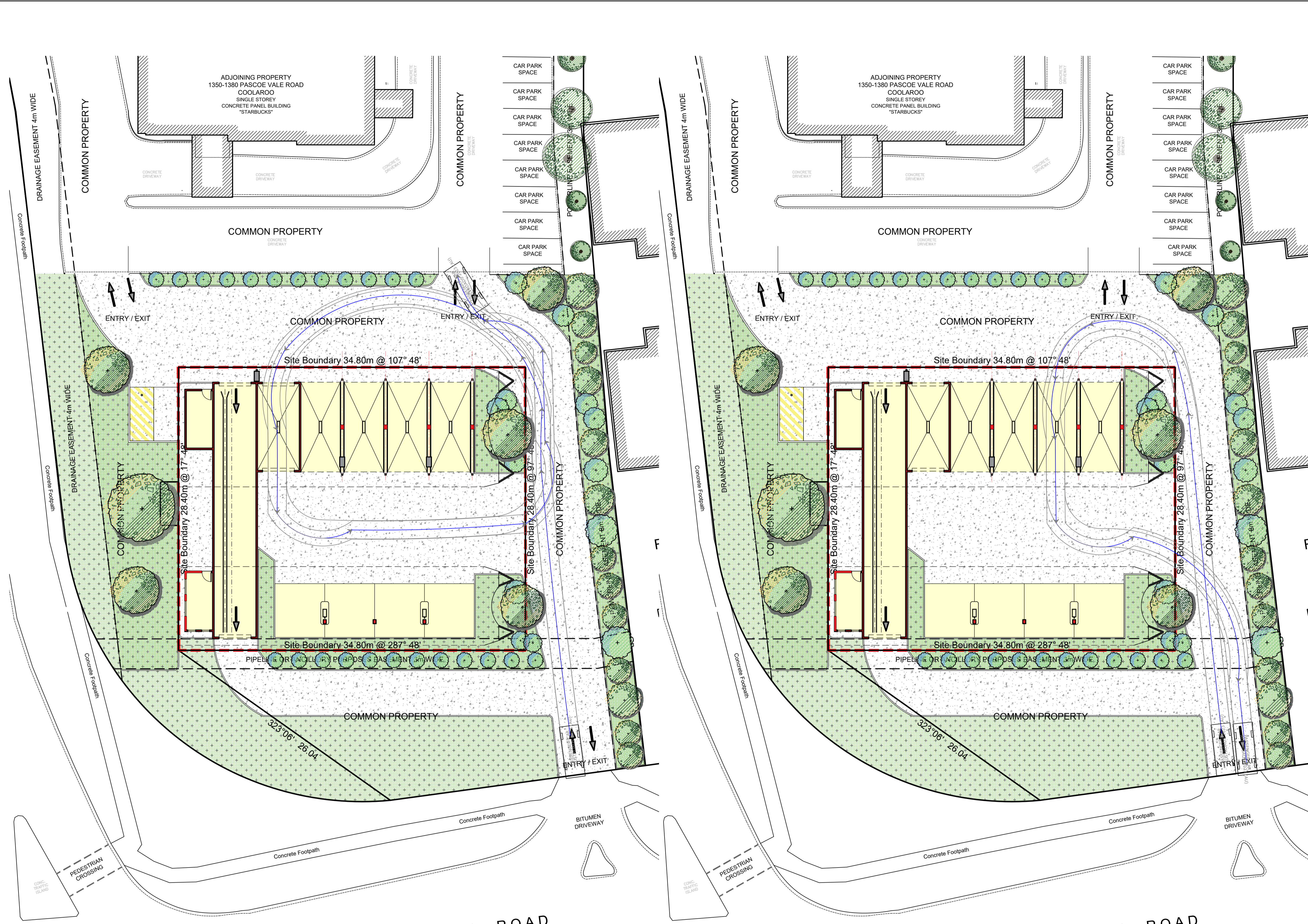
**PROPOSED INDUSTRIAL DEVELOPMENT**  
AT: 1350 PASCOE VALE ROAD, COOLAROO

CLIENT  
**1350 PASCOE VALE RD PTY LTD**

DRAWING TITLE  
**PROPOSED ELEVATIONS**

DATE	SCALE	DRG. NO.
JUL 25	1:100	TP04

DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108



**Legend**

- Denotes proposed walls
- Denotes proposed area
- Denotes paved area
- Denotes proposed landscaping and garden area

**Legend**

- Denotes Existing Trees
- Denotes proposed vegetation
- Denotes extents of building envelope

All levels are to Australian Height Datum

**VEHICLE NOTES:**

HRV:	: Meters
Width	: 1.90
Track	: 1.55
Lock to Lock Time	: 6.0 sec
Steering Angle	: 24.0 deg

**Passenger Vehicle**  
Scale: N.T.S

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**PROPOSED INDUSTRIAL DEVELOPMENT**  
AT: 1350 PASCOE VALE ROAD, COOLAROO

CLIENT  
1350 PASCOE VALE RD PTY LTD

DRAWING TITLE  
**ACCESS AND EGRESS**

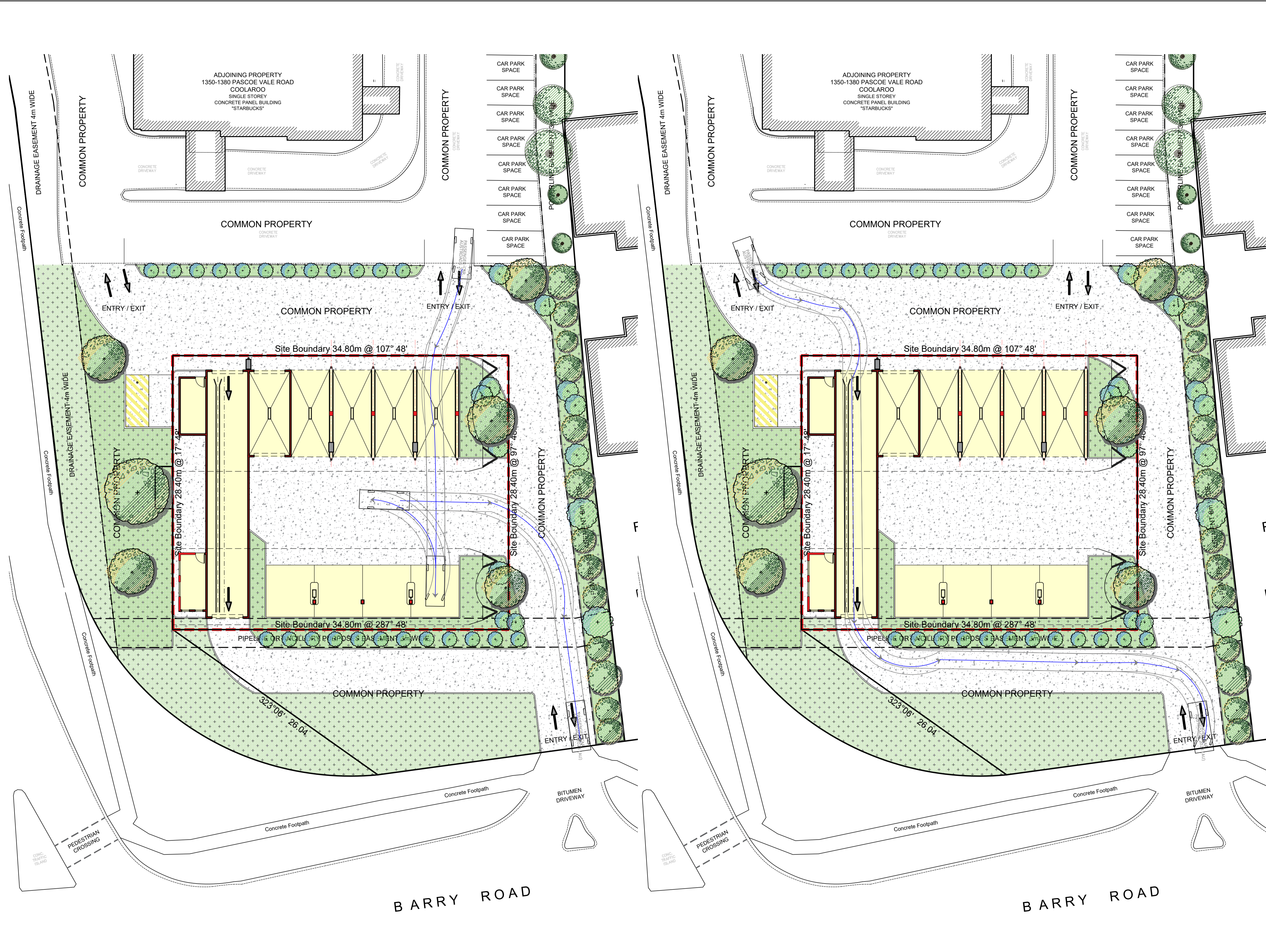
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JUL 2025	1:200	TP05

DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108

Access And Egress 1:200

Access And Egress 1:200

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**Legend**

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**Legend**

- Denotes Existing Trees
- Denotes proposed vegetation
- Denotes extents of building envelope

All levels are to Australian Height Datum

**VEHICLE NOTES:**

HRV:	:	Meters
Width	:	1.90
Track	:	1.55
Lock to Lock Time	:	6.0 sec
Steering Angle	:	24.0 deg

**Passenger Vehicle**  
Scale: N.T.S

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**PROJECT**

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AT: 1350 PASCOE VALE ROAD, COOLAROO

**CLIENT**  
1350 PASCOE VALE RD PTY LTD

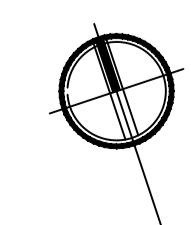
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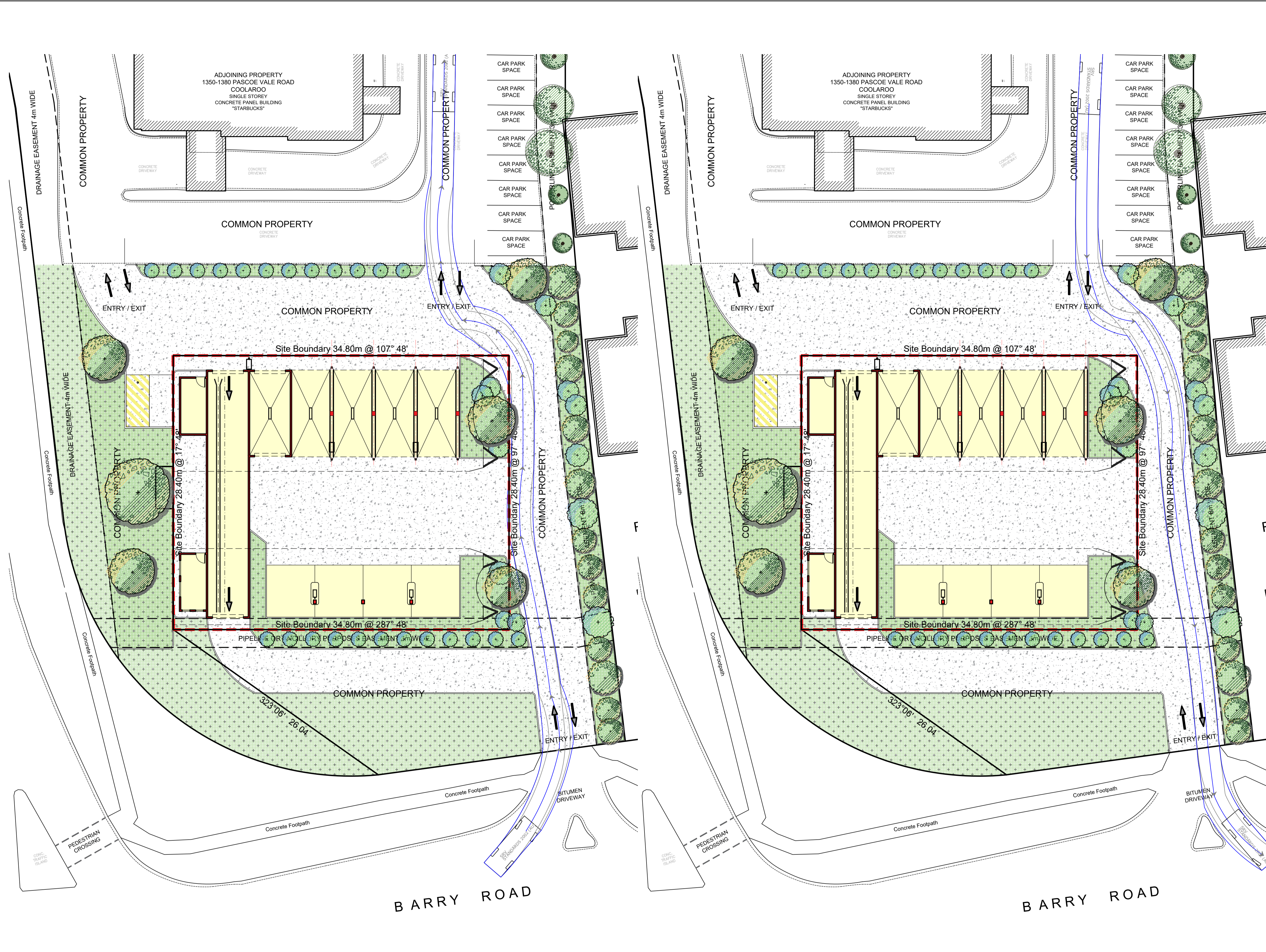
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JUL 2025	1:200	TP06
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J.S.	B.B.	250108

Access And Egress 1:200

Access And Egress 1:200

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**Legend**

- Denotes proposed walls
- Denotes proposed area
- Denotes paved area
- Denotes proposed landscaping and garden area

**Legend**

- Denotes Existing Trees
- Denotes proposed vegetation
- Denotes extents of building envelope

All levels are to Australian Height Datum

**VEHICLE NOTES:**

SRV: : Meters  
 Width : 2.30  
 Track : 2.30  
 Lock to Lock Time : 6.0 sec  
 Steering Angle : 38.0 deg

**Delivery Vehicle**  
 Scale: N.T.S

REV	DATE	DESCRIPTION	APPRO
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**PROPOSED INDUSTRIAL DEVELOPMENT**  
 AT: 1350 PASCOE VALE ROAD, COOLAROO

CLIENT  
 1350 PASCOE VALE RD PTY LTD

DRAWING TITLE  
**ACCESS FOR DELIVERY VEHICLE**

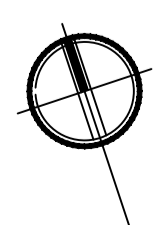
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JUL 2025	1:200	TP07

DRAWN	CHECKED	JOB NO.
J.S.	B.B.	250108

Access And Egress 1:200

Access And Egress 1:200

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# CAR PARKING DEMAND ASSESSMENT

**PROPOSED CAR WASH DEVELOPMENT**

1350 PASCOE VALE ROAD, COOLAROO

14 APRIL 2026

1350 PASCOE VALE ROAD, COOLAROO

CLIENT: BB Design Group

OBT JOB NUMBER: 28898

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VERSION	DATE	ISSUE	PREPARED BY	REVIEWED BY
28898 CPDA	14 April 2026	Draft	Matthew Lam	Terry Alexandrou

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## 1 INTRODUCTION

O'Brien Traffic has been engaged by BB Design Group to undertake a car parking demand assessment of a proposed car wash development at 1350 Pascoe Vale Road, Coolaroo.

In the course of preparing this report:

- Plans prepared by BB Design Group dated July 2025 and relevant documentation have been reviewed; and
- Parking implications of the proposal have been assessed.

## 2 THE PROPOSAL

It is proposed to construct a 455m<sup>2</sup> car wash with the following components:

- a car wash tunnel (116m<sup>2</sup>);
- one (1) automated wash bay (40m<sup>2</sup>);
- four (4) manual car wash bays (157m<sup>2</sup>);
- four (4) vacuum bays (108m<sup>2</sup>);
- a plant room (17m<sup>2</sup>); and
- an ancillary office of (17m<sup>2</sup>).

Vehicle access is proposed via an existing left-in left-out crossover at Barry Road, located approximately 40m east of Pascoe Vale Road. Internal access is also proposed via the existing commercial development to the north on the subject site which would provide alternative access via Pascoe Vale Road.

A staff member will be on site during standard operating hours.

One (1) on-site parking space is proposed.

## 3 CAR PARKING

### 3.1 PLANNING SCHEME CAR PARKING REQUIREMENT

Parking policy and requirements applicable to the proposed development are specified in Clause 52.06 of the Planning Scheme.

The purpose of Clause 52.06 is:

- *To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.*
- *To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.*
- *To support sustainable transport alternatives to the motor car.*

- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

A Car Wash is a nested land use under 'Industry' as defined in Clause 73.04 of the Planning Scheme. The subject site is located in Category 2 of the Car Parking Requirement maps. The Planning Scheme parking requirement for the proposal is shown in **Table 1**.

USE	SIZE	PLANNING SCHEME PARKING RATE	CAR PARKING REQUIREMENT
Industry other than listed in the table	455m <sup>2</sup> leasable floor area	0.4 spaces to each 100m <sup>2</sup> of leasable floor area;	1 space
<b>TOTAL</b>			<b>1 SPACE</b>

TABLE 1: PLANNING SCHEME CAR PARKING REQUIREMENT

The proposed car wash has a Planning Scheme parking requirement of one space.

As one space is proposed on-site, the proposal complies with the Planning Scheme parking requirement which will be adequate to accommodate the staff parking.

It is however noted that while the site has an overall floor area of 455m<sup>2</sup>, employees do not regularly occupy all areas. The manual wash bays and vacuum bays would typically be occupied by customers and staff would occasionally check these areas (e.g. empty vacuums and bins). For their safety staff do not occupy the automatic wash bay and car wash tunnel.

However, staff are likely to occupy the office and the plant room (e.g. to restock carwash detergents, etc.). These areas have a total floor area of 34m<sup>2</sup>. If the above Planning Scheme requirement were applied to this area the proposal would have a parking requirement of 0.14 spaces, i.e. no parking requirement. Therefore, it is considered that one on-site car parking spaces will be more than sufficient for the proposed car wash use.

## 4 CONCLUSION

Based on the considerations outlined above, it is concluded that there are no parking related grounds to prevent the proposed car wash development from proceeding.

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## Planning Report

1350 Pascoe Vale Road, Coolaroo

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## 01

### Introduction

This report supports the Planning Permit application and contains the following:

- Details the proposed development;
- Describes the planning development context of the wider area;
- Outlines the relevant planning controls and policies and the relevant decision guidelines of the Hume Planning Scheme;
- Outlines the merits of the proposal having regard to the relevant decision guidelines.

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## 02

### Context and Design Response

The following sections of this report describe the site that is the subject of this application and its relationship to adjoining areas, and to the pattern of planned development within the surrounding area.

## 02.1

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### The Subject Site

The subject site is located within an established residential area of Coolaroo, at the corner site on the northeast intersection of Pascoe Vale Road and Barry Road. The area proposed for development is situated at the cleared land on the southern end of the larger site at 1350 Pascoe Vale Road. The overall site is irregular in shape and contains a service station at the northern end small take away/ food and drinks premises centrally and a drive through coffee shop at the southern end of the existing development. The area for the proposal is currently vacant, with a considerably flat topography and no notable vegetation or environmental constraints. A 4m wide drainage easement and a 3m wide powerline easement runs along the western and eastern boundaries of the site respectively. An additional 3m wide easement runs parallel to Barry Road within the location of the subject site.

Access to and from the site is provided via the common property/ shared access through the Pascoe Vale Road slip lane, and the existing crossover from Barry Road, which has been considered and integrated into the proposed development design to enhance accessibility and traffic management.



*Above - Aerial of subject site (MetroMap)*

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# PLAN URBAN



Above - View of subject site from Barry Road.



Above - Aerial of subject site from Pascoe Vale Road



Above - View of existing structures to the north of the subject site

## 02.2

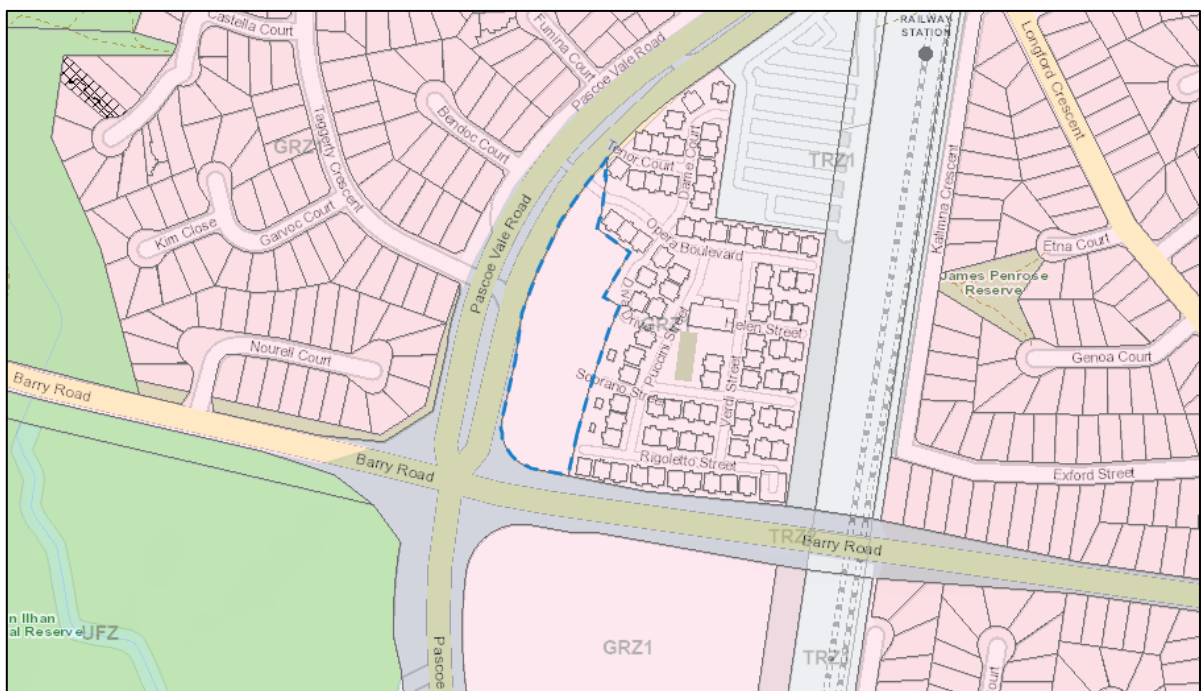
### The Surrounding Context

The site is situated within a predominantly residential area, with connectivity to major roads along Barry Road and Pascoe Vale Road, facilitating transportation for residents and businesses operating in the area. Immediate surroundings to the site's south and west feature busy collector roads within the Principal Road Network, with considerable vehicular traffic.

Given the site's location within a residential area, the remainder of the surroundings are defined by modest residential dwellings characteristic of varying architectural styles. To the east of the subject site is the Melba Valley Country Club that features low scale modest single storey dwellings for retirement living. Residential dwellings within the locality are characterised by their low-density patterns within modest allotments developed along cul-de-sacs of inner streets. These allotments feature informal landscaping with minimal canopy trees.

As noted above the site sits within a mixed use development which has direct access from a slip lane on Pascoe Vale Road and a separate access from Opera Boulevard to the north of the site. These buildings are modest single storey structures with flat roofs and a contemporary architectural design, provided with car parking spaces along their setbacks. The site is in close proximity to the Coolaroo Station and its associated car park, being approximately 200m to the north-east. We make note of the following neighbourhood services and amenities within the near vicinity of the site:

- Bus Stops servicing Route 542, 901 – 100m
- Coolaroo Railway Station Parking – 250m
- Coolaroo Railway Station – 220m
- John Ilhan Memorial Reserve/ Sporting fields – 105m.



Above – Zoning map of the subject site (Vic Plan)

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## 03

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### Proposal

The proposal seeks to use part of the site for a car wash, alongside of associated works. Further details are as follows:

### Use

The proposal seeks for the use of the southern part of the subject site as a 'Car Wash', a use that falls under the broader definition of 'Service Industry'.

The use includes four wash bays, alongside of a drive through car wash tunnel and a separate automated car wash alongside of four vacuum bays. A small office and separate plant equipment room are also proposed as part of the use.

The washing of the vehicles will only occur within the allocated car wash bays/ car wash tunnel. No other motor vehicle related services are proposed on site.

### Development

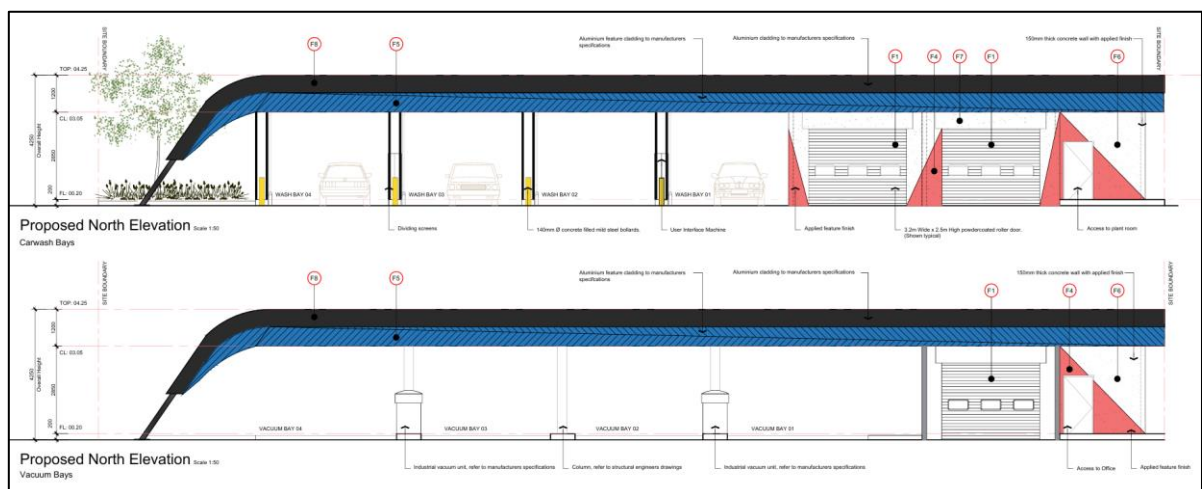
The proposal provides a contemporary built form approach to the proposed car wash facility, balancing the practical needs for the use with a modern aesthetic. The car wash and vacuum bays are covered by an aluminium clad canopy extending over the entire area, with roller shutter doors located on the northern and southern sides of the automated car wash. The eastern elevation includes both the office and plant equipment room which the former featuring decorative screening. The canopy extends beyond each building and is softened via its curvature that is juxtaposed against the more horizontal patterns associated with the aluminium cladding.

The car wash bays are provided with user interface machines and are separated by concrete columns and bollards. Similarly, the vacuum bays are separated by columns and provided with industrial vacuum units. Walls are finished with concrete with painted finishes. The overall building has a maximum height of 4.25m with a total proposed area of 455sqm.

The facility will have two separate ingress/ egress points, the first being from Barry's Road and the secondary being via the existing conditions to the north of the subject premises. Landscaping has been proposed along the setbacks, through the use of low planting and canopy trees and is focused to the areas immediately adjacent to the subject premises.

### Car Parking

The subject site within which the proposal is planned has existing car parking spaces, notwithstanding car parking requirements have been further discussed under Clause 52.06.



## 04

### Planning Controls

An assessment according to the Municipal Planning Strategy and the Planning Policy Framework of the Hume Planning Scheme is carried out below.

## 04.1

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### Municipal Planning Strategy

#### Clause 02.02 – Vision

*Hume’s vision is to be a sustainable and thriving community with great health, education, employment, infrastructure and a strong sense of belonging. (Council Plan 2021 – 2025, p26). This will be achieved by:*

- *Valuing education and life long learning.*
- *Enabling economic growth through the creation of local jobs and supporting local industries.*
- *Acknowledging and celebrating the diversity of Hume people.*
- *Supporting active participation by residents in community life.*
- *Growing in a way that is both sustainable and sensitive to the open, natural and rural spaces.*
- *Creating a place that will benefit future generations while protecting the environment.*
- *Advocating for sustainable neighbourhoods.*
- *Protecting heritage.*
- *Designing spaces that are accessible and fill the community with pride.*

#### Clause 02.03-1 – Settlement

##### **Strategic directions**

*The strategic directions for settlement are:*

- *Develop the Hume Corridor to be a sustainable urban area with high quality development in new growth areas.*
- *Maintain the inter urban break in the Hume Corridor for, larger detached housing and low density rural residential development that supports the conservation of biodiversity and landscape values.*
- *Develop Hume’s regional and predominantly State Significance Employment Areas as major employment locations for manufacturing, logistics and transport.*
- *Maintain the character of Sunbury Township as a town separated from Melbourne by non-urban areas while accommodating planned growth.*
- *Limit the expansion of Bulla township.*
- *Protect Melbourne Airport’s curfew free status from encroachment by development.*
- *Facilitate high density residential development within and around activity centres and Broadmeadows, Craigieburn and Sunbury train stations.*
- *Sequence development so that it provides communities with access to local infrastructure and services when they move into new housing.*
- *Facilitate improved street networks and pedestrian amenity through subdivision and redevelopment of large land parcels to create walkable communities and minimise car dependence.*

#### Clause 02.03-5 – Built environment and Heritage

##### **Urban design**

*The image and appearance of the Hume Corridor has been characterised by its industrial history. This presents poor visual and amenity outcomes to long sections of the southern arterial road network and to key gateways into the municipality.*

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# PLAN URBAN

*It is important that investment in the public realm and the redevelopment of housing, industrial and commercial development achieves better urban design outcomes and improves the image and appearance of Hume. New development in growth areas presents an opportunity to achieve high quality and the best urban design outcomes right from the start of their design and layout.*

## **Industrial and commercial design**

*Industry and large-scale business are key contributors to the City's strong employment base. The appearance and amenity of development strongly influences business and industry investment and people's impressions of the City.*

*Haphazardly developed or poorly designed industrial areas adversely affect the amenity and appearance of the City, particularly if the area is close to residential areas, major roads or natural heritage sites. It is important that industrial areas achieve a high standard in terms of architectural and landscape design, stormwater management, car parking provision and vehicular access.*

## **Building design**

*There is significant opportunity to ensure that new buildings and development in Hume set high environmental standards and are designed to be more resilient to the impacts of climate change and to be more resource, energy and water efficient. This will also improve the long-term affordability of housing in the region, particularly in light of anticipated increasing utility costs.*

## **Signs**

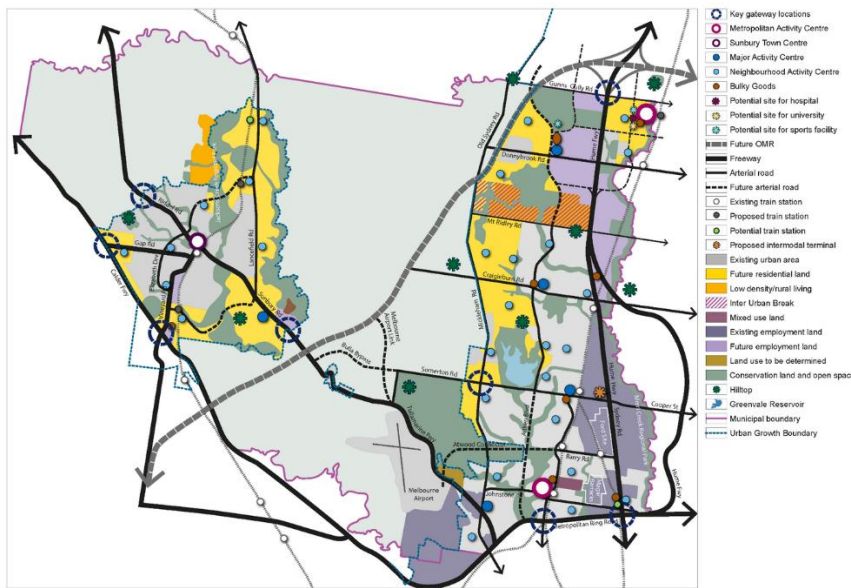
*Hume is an area of significant natural beauty and an important gateway to Melbourne. It contains many rural and urban landscapes and streetscapes that are visually unique and highly valued by the community.*

*While there is a need for the effective identification of businesses, a proliferation of signs and signs that are poorly sited and designed, significantly detract from the attractiveness and amenity of the urban and rural environments and major approach roads. Sign clutter reduces the effectiveness of individual signs.*

## Clause 02.03-7 – Economic development

- *Hume's economy currently generates \$32 billion worth of output and contributes significantly to Victoria's economic performance making Hume's employment and economic base of state significance. As the population of Hume and the Northern Sub Region grows, increasing the number and diversity of employment opportunities in Hume is critical. Plans are in place to enable the development of large areas of employment land north of Donnybrook Road, along the Hume Freeway, around Melbourne Airport and in parts of Sunbury. These will be capable of increasing employment in Hume to over 180,000 jobs. The majority of this growth is to be in transport and logistics, advanced manufacturing, healthcare, education, training, retail and professional services.*
- *As the population of Hume and the Northern Sub Region grows, increasing the number and diversity of employment opportunities in Hume is critical. Plans are in place to enable the development of large areas of employment land north of Donnybrook Road, along the Hume Freeway, around Melbourne Airport and in parts of Sunbury. These will be capable of increasing employment in Hume to over 180,000 jobs. The majority of this growth is to be in transport and logistics, advanced manufacturing, healthcare, education, training, retail and professional services.*
- *Melbourne Airport is one of Victoria's key strategic assets and economic drivers. Directly employing around 12,500 people, it is one of the largest employment generators in Melbourne.*
- *The City of Hume contains state significant industrial land including waste and resource recovery facilities that are important infrastructure essential to meet the waste and resource recovery needs of the State and Metropolitan Melbourne.*
- *The strategic directions for economic development are:*
  - *Facilitate the delivery of jobs across a broad range of employment sectors, including within the existing and future employment land identified in the Strategic Framework Plan to Clause 02.04.*
  - *Facilitate economic growth and job diversity through the continued support of existing businesses and the attraction of new businesses.*
  - *Encourage site consolidation and integrated development on small sites within existing employment areas to improve their functionality.*
  - *Reinforce the role of Melbourne Airport as one of Victoria's key economic assets.*
  - *Provide a network of specialist bulky goods based centres that service a regional catchment in the locations shown in the Strategic Framework Plan to Clause 02.04.*
  - *Ensure industrial land remains available for industrial uses, including opposing the establishment of non-industrial uses that may compromise the continued operation of existing industrial uses.*
  - *Support best practice management of industrial and resource recovery uses to better manage onsite storage and minimise offsite amenity impacts on the community and environment from upset conditions including fires or other emergency management events.*

## Clause 02.04-2 – Strategic Framework Plan



**Response:**

The proposed development aligns with the relevant Municipal Planning Strategies. The proposed car wash is situated within an established area of Coolaroo, on an existing mixed use site and appropriately located at the junction of two busy collector roads. The proposal will compliment Hume’s diverse range of local businesses and compliment the adjoining business’ on the site. The proposal will also facilitate the provision of local employment opportunities and will positively contribute to the performance of the municipality.

The proposed design of the car wash prioritizes high-quality and functionality that complement the locality and the existing built forms within the subject site. The development incorporates suitable landscaping along its frontage, enhancing the visual appeal of the site while contributing to environmental sustainability. The site’s strategic location adjoining major roads provides for efficient vehicular and transport access to and from the site. Additionally, the inclusion of essential infrastructure such as a car wash to the existing service businesses on the site, remains consistent with the development of the site.

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## 04.2

### Planning Policy Framework

Relevant policies within the Planning Policy Framework include:

- Clause 11 – Settlement
- Clause 13 – Environmental Risks and Amenity
- Clause 15 – Built Environment and Heritage
- Clause 17 – Economic Development
- Clause 18 – Transport
- Clause 19 – Infrastructure

#### Clause 11.01-1S – Settlement

##### **Objective**

*To facilitate the sustainable growth and development of Victoria and deliver choice and opportunity for all Victorians through a network of settlements.*

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## Strategies

- *Plan for the delivery of 2.24 million homes across Victoria by 2051.*
- *Develop sustainable communities through a settlement framework that:*
  - *Offers a range of housing choices.*
  - *Provides convenient access to jobs, services, infrastructure and community facilities.*
  - *Takes into account regional and municipal contexts and frameworks.*
- *Focus investment and growth in:*
  - *Melbourne Central City.*
  - *Metropolitan Activity Centres and Suburban Rail Loop Precincts in Metropolitan Melbourne.*
  - *Priority Precincts (including the Suburban Rail Loop East Precincts).*
  - *Major regional cities of Ballarat, Bendigo and Geelong.*
  - *Regional cities of Horsham, Latrobe City, Mildura, Shepparton, Wangaratta, Warrnambool and Wodonga.*
- *Manage the expansion of settlements by:*
  - *Creating and reinforcing settlement boundaries. Where no settlement boundary is identified, limit the expansion of a settlement to the extent of existing urban zoned land.*
  - *Promoting and capitalising on opportunities for urban renewal and infill redevelopment.*
  - *Limiting urban sprawl and directing growth into existing settlements.*
  - *Ensuring land that may be required for future urban expansion is not compromised.*
- *Provide for growth in population and development of facilities and services across a regional or sub-regional network in accordance with housing targets.*
- *Plan for development and investment opportunities that make best use of existing and planned transport infrastructure.*
- *Coordinate transport, communications and economic linkages between settlements through the identification of servicing priorities.*
- *Strengthen transport links on national networks for the movement of commodities.*
- *Deliver networks of high-quality integrated settlements, suburbs and towns that:*
  - *Are great places with a strong identity and sense of place.*
  - *Are inclusive, prosperous, liveable and sustainable.*
  - *Comprise a form and density that supports healthy, active and sustainable transport.*
  - *Are based around compact existing or planned activity centres to maximise accessibility to facilities and services.*
  - *Concentrate retail, office-based employment, community facilities and services in central locations.*
- *Facilitate environmentally resilient settlements by:*
  - *Integrating the management of water resources into the urban environment in a way that supports water security, public health, environment and amenity outcomes.*
  - *Minimising exposure to natural hazards.*
  - *Contributing to net zero greenhouse gas emissions through renewable energy infrastructure and energy efficient urban layout and urban design.*
  - *Supporting metropolitan and regional climate change adaptation and mitigation measures.*
  - *Supporting cooling and greening measures for urban areas.*

## Clause 13.05-1S – Noise management

### **Objective**

*To assist the management of noise effects on sensitive land uses.*

### **Strategies**

- *Ensure that development is not prejudiced and community amenity and human health is not adversely impacted by noise emissions.*
- *Minimise the impact on human health from noise exposure to occupants of sensitive land uses (residential use, child care centre, school, education centre, residential aged care centre or hospital) near the transport system and other noise emission sources through suitable building siting and design (including orientation and internal layout), urban design and land use separation techniques as appropriate to the land use functions and character of the area.*

## Clause 13.07-1S – Land use compatibility

### **Objective**

*To protect community amenity, human health and safety while facilitating appropriate commercial, industrial, infrastructure or other uses with potential adverse off-site impacts.*

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## Strategies

- *Ensure that use or development of land is compatible with adjoining and nearby land uses*
- *Avoid locating incompatible uses in areas that may be impacted by adverse off-site impacts from commercial, industrial and other uses.*
- *Avoid or otherwise minimise adverse off-site impacts from commercial, industrial and other uses through land use separation, siting, building design and operational measures.*
- *Protect commercial, industrial and other employment generating uses from encroachment by use or development that would compromise the ability of those uses to function safely and effectively.*

## Clause 15.01-1S – Urban design

### Objective

*To create urban environments that are safe, healthy, functional and enjoyable and that contribute to a sense of place and cultural identity.*

## Strategies

- *Require development to respond to its context in terms of character, cultural identity, natural features, surrounding landscape and climate.*
- *Ensure development contributes to community and cultural life by improving the quality of living and working environments, facilitating accessibility and providing for inclusiveness.*
- *Ensure the interface between the private and public realm protects and enhances personal safety.*
- *Ensure development supports public realm amenity and safe access to walking and cycling environments and public transport.*
- *Ensure that the design and location of publicly accessible private spaces, including car parking areas, forecourts and walkways, is of a high standard, creates a safe environment for users and enables easy and efficient use.*
- *Ensure that development provides landscaping that supports the amenity, attractiveness and safety of the public realm.*
- *Ensure that development, including signs, minimises detrimental impacts on amenity, on the natural and built environment and on the safety and efficiency of roads.*
- *Promote good urban design along and abutting transport corridors.*

## Clause 15.01-1L-01 – Urban design – Transport Corridors

### Strategies

- *Establish and maintain boulevard treatments along the entire length of Aitken Boulevard, Donnybrook Road, Sunbury Road/Macedon Street, Riddell Road, Vineyard Road/Horne Street, Gap Road and Lancefield Road.*
- *Ensure the widening and upgrade of Mickleham Road, Riddell Road, Gap Road, Macedon Street and Craigieburn Road retains existing trees in the road reserve and provides space for additional planting.*
- *Ensure a strong landscaping treatment in the upgrade of Craigieburn Road, Donnybrook Road, Somerton Road, Sunbury Road, Lancefield Road and Vineyard Road.*
- *Ensure a strong informal landscape treatment is established along the north-south connector road through the western end of the Inter Urban Break that reflects a rural landscape character.*
- *Ensure upgrades of rural roads to an urban standard retains existing vegetation in the road reserve.*
- *Establish new streetscape planting which enhances and reinforces Hume's landscape character.*

## Clause 15.01-2S – Building design

### Objective

*To achieve building design and siting outcomes that contribute positively to the local context, enhance the public realm and support environmentally sustainable development.*

## Strategies

- *Ensure a comprehensive site analysis forms the starting point of the design process and provides the basis for the consideration of height, scale, massing and energy performance of new development.*
- *Ensure development responds and contributes to the strategic and cultural context of its location.*
- *Minimise the detrimental impact of development on neighbouring properties, the public realm and the natural environment.*
- *Improve the energy performance of buildings through siting and design measures that encourage:*
  - *Passive design responses that minimise the need for heating, cooling and lighting.*
  - *On-site renewable energy generation and storage technology.*
  - *Use of low embodied energy materials.*
- *Restrict the provision of reticulated natural gas in new dwelling development.*

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- *Ensure the layout and design of development supports resource recovery, including separation, storage and collection of waste, mixed recycling, glass, organics and e-waste.*
- *Encourage use of recycled and reusable materials in building construction and undertake adaptive reuse of buildings, where practical.*
- *Encourage water efficiency and the use of rainwater, stormwater and recycled water.*
- *Minimise stormwater discharge through site layout and landscaping measures that support on-site infiltration and stormwater reuse.*
- *Ensure the form, scale, and appearance of development enhances the function and amenity of the public realm.*
- *Ensure buildings and their interface with the public realm support personal safety, perceptions of safety and property security.*
- *Ensure development is designed to protect and enhance valued landmarks, views and vistas.*
- *Ensure development considers and responds to transport movement networks and provides safe access and egress for pedestrians, cyclists and vehicles.*
- *Encourage development to retain existing vegetation.*
- *Ensure development provides landscaping that responds to its site context, enhances the built form, creates safe and attractive spaces and supports cooling and greening of urban areas.*

#### Clause 15.01-2L-01 – Building design - Hume

##### **Strategies**

###### **General**

- *Ensure that the siting and design of development on hillsides responds to contours to minimise its visual impact on the landscape and avoid extensive earthworks which will substantially alter the natural landform.*
- *Ensure development in rural areas is sited and designed to:*
  - *Consolidate building footprints.*
  - *Minimises visual bulk.*
  - *Follow the natural land form, minimising the need for cut and fill.*
  - *Retain and protect the existing vegetation.*
  - *Complements the surrounding landscape.*
- *Encourage built form to incorporate architectural treatments and use of colours, materials and finishes that are visually interesting and engaging, particularly for industrial, commercial and high density residential development, key gateway sites as identified within the Strategic Framework Plan to Clause 02.04 and in areas with a high volume of pedestrian traffic.*
- *Ensure development maintains uninterrupted views in all directions from Redstone Hill, Jacksons Hill, Bald Hill, Mount Holden, Mount Ridley and Mount Aitken.*
- *Ensure landscaping is used to soften the visual appearance of development on hillsides.*
- *Encourage front fencing that is low and/or permeable.*
- *Ensure the redevelopment of corner sites includes side fencing that is designed to achieve a balance between providing privacy and maintaining visual connections to the public realm.*
- *Encourage basement car parking in multi-level development.*
- *Design development to highlight Macedon Street as a major entry to Sunbury.*

#### Clause 15.01-2L-02 – Energy and resource efficiency

##### **Strategies**

- *Ensure the design of new subdivisions and the siting of buildings maximises passive solar design outcomes.*
- *Encourage the use of sustainable building materials including recycled materials.*
- *Encourage the retention of buildings, or parts of buildings, that can be adapted to a variety of uses.*
- *Support development that incorporates opportunities for local food production.*
- *Encourage development to maximise the use of permeable surfaces.*
- *Incorporate and protect existing vegetation, including scattered trees within open space, road reserves and tree reserves and ensure these areas are linked through the subdivision and connected to the wider landscape.*
- *Ensure the retention of existing vegetation incorporates the necessary buffers to appropriately manage its ongoing protection.*
- *Incorporate drought tolerant plants into landscape treatments.*
- *Ensure development contributes towards an increase in canopy cover across Hume.*

#### Clause 15.01-2L-03 – Environmentally sustainable development - Hume

##### **Policy application**

*This policy applies to residential and non-residential development, excluding subdivision, in accordance with the thresholds detailed in this policy.*

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## Objective

*To achieve best practice in environmentally sustainable development from the design stage through to construction and operation.*

## Strategies

- *Facilitate development that minimises environmental impacts.*
- *Encourage environmentally sustainable development that:*
  - *Is consistent with the type and scale of the development.*
  - *Responds to site opportunities and constraints.*
  - *Adopts best practice through a combination of methods, processes and locally available technology that demonstrably minimise environmental impacts.*

## Energy performance

- *Reduce both energy use and energy peak demand through design measures such as:*
  - *Building orientation.*
  - *Shading to glazed surfaces.*
  - *Optimising glazing to exposed surfaces.*
  - *Inclusion of or space allocation for renewable technologies.*

## Integrated water management

- *Reduce total operating potable water use through appropriate design measures such as water efficient fixtures, appliances, equipment, irrigation and landscaping.*
- *Encourage the appropriate use of alternative water sources (including greywater, rainwater and stormwater).*
- *Incorporate best practice water sensitive urban design to improve the quality of stormwater runoff and reduce impacts on water systems and water bodies.*

## Indoor environment quality

- *Achieve a healthy indoor environment quality, including thermal comfort and access to fresh air and daylight, prioritising passive design over mechanical heating, ventilation, cooling and lighting.*
- *Reduce indoor air pollutants by encouraging use of low-toxicity materials.*
- *Minimise noise levels and noise transfer within and between buildings and associated external areas.*

## Transport

- *Design development to promote the use of walking, cycling and public transport, in that order; and minimise car dependency.*
- *Promote the use of low emissions vehicle technologies and supporting infrastructure.*

## Waste management

- *Promote waste avoidance, reuse and recycling during the design, construction and operation stages of development.*
- *Encourage use of durable and reuseable building materials.*
- *Ensure sufficient space is allocated for future change in waste management needs, including (where possible) composting and green waste facilities.*

## Urban ecology

- *Protect and enhance biodiversity by incorporating natural habitats and planting indigenous vegetation.*
- *Reduce urban heat island effects through building design, landscape design, water sensitive urban design and the retention and provision of canopy and significant trees.*
- *Encourage the provision of space for productive gardens, particularly in larger residential developments.*

## Policy guidelines

### Non-residential

*A Sustainable Design Assessment (including an assessment using BESS and STORM/MUSIC or other methods) for:*

- *A non-residential building with a gross floor area of 300 square metres to 1000 square metres.*
- *An extension to an existing non-residential building creating between 300 square metres to 1000 square metres of additional gross floor area (excluding outbuildings).*

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## Clause 17.01-1S – Diversified economy

### **Objective**

*To strengthen and diversify the economy.*

### **Strategies**

- *Protect and strengthen existing and planned employment areas and plan for new employment areas.*
- *Facilitate regional, cross-border and inter-regional relationships to harness emerging economic opportunities.*
- *Facilitate growth in a range of employment sectors, including health, education, retail, tourism, knowledge industries and professional and technical services based on the emerging and existing strengths of each region.*
- *Improve access to jobs closer to where people live.*
- *Support rural economies to grow and diversify.*

## Clause 17.01-1L – Diversified economy - Hume

### **Strategies**

- *Encourage site consolidation and integrated development on small sites within existing employment areas to improve their functionality.*
- *Support existing employment areas with a large number of businesses in similar sectors.*
- *Facilitate use and development that supports the continued operations of wineries in and around the Sunbury township.*

## Clause 17.02-1S – Business

### **Objective**

*To encourage development that meets the community's needs for retail, entertainment, office and other commercial services.*

### **Strategies**

- *Plan for an adequate supply of commercial land in appropriate locations.*
- *Ensure commercial facilities are aggregated and provide net community benefit in relation to their viability, accessibility and efficient use of infrastructure.*
- *Locate commercial facilities in existing or planned activity centres.*
- *Provide new convenience shopping facilities to provide for the needs of the local population in new residential areas and within, or immediately adjacent to, existing commercial centres.*
- *Provide small scale shopping opportunities that meet the needs of local residents and workers in convenient locations.*
- *Provide outlets of trade-related goods or services directly serving or ancillary to industry that have adequate on-site car parking.*
- *Locate cinema based entertainment facilities within or on the periphery of existing or planned activity centres.*
- *Apply a five year time limit for commencement to any planning permit for a shopping centre or shopping centre expansion of more than 1000 square metres leasable floor area.*
- *Regulate the use and development of land for a sex services premises in commercial and mixed use areas in the same way as for other types of shop.*
- *Ensure that planning for the use and development of land for a sex services premises and home based business is consistent with decriminalisation of sex work and provides for the reduction of discrimination against, and harm to, sex workers.*

## Clause 18.01-3L – Sustainable personal transport - Hume

### **Strategies**

- *Facilitate direct and continuous walking and cycling links along existing and proposed green corridors, waterways and road and rail corridors.*
- *Support development that addresses gaps in the walking and cycling network to achieve a continuous network.*
- *Ensure walking and cycling path networks incorporate shade, seating and directional signage.*
- *Discourage areas of car parking that interrupt primary pedestrian and cyclist routes.*

### **Response:**

**The proposed car wash development aligns with the relevant objectives and policies of the Planning Policy Framework of the Hume Planning Scheme. The proposal falls into the broader definition of 'service industry' within the Planning Scheme. Notwithstanding, the use of a car wash is an appropriate use within the confines of a residential area particularly given its frontages to a highly trafficable road along Pascoe Vale Road and Barry Road. It is noted that a 'car wash' is a discretionary use within all residential zones, providing it fronts a Transport Zone Category 2 or 3, as is the case in this instance.**

The proposed development's design is consistent with surrounding built forms within the site. The proposed height, scale, and massing of the building is sympathetic to its existing surrounding character and is softened via its use of lightweight materiality and articulation. Its material palette and façade treatments incorporate concrete wall panelling and aluminium canopy cover thus creating a design which complements the streetscape and adds to its aesthetic appearance while incorporating landscaping elements within its setbacks to allow for a suitable transition to the road reserve, a natural screen to the site and a softening of the development. The building provides for a balance of practicality with architectural interest that is further evidenced via its curvature an interplay with more horizontal elements. The subject proposal is less intrusive than any non-residential use and is more compatible to the surrounding residential precinct. Whilst located in a Residential Zone, the site is suitably located on a mixed use development, being at the junction of two major roads. Impacts pertaining to noise would be negligible given the location of the site and the wash facilities being well setback from the nearest residential interface.

The proposed car wash builds on the accessibility and connectivity of the subject stie by taking advantage of the existing transport network abutting the site and utilising the existing road connectivity through crossovers from Barry Road, and the driveways from the common property to the north of the proposal. This ultimately promotes efficient and sustainable movement of vehicles within the site. The proposal also takes advantage of its proximity to key transport routes which enhances access for industrial, and service business uses. The proposed use is of a small scale and given the limitations on site this is not proposed to change. This also ensures that the use would be an appropriate use within a residential zone, and given the anticipated changes to this area, the proposal would remain compatible with any residential precinct.

## 05

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### Zoning and Overlays

The subject site is situated within the General Residential Zone (Schedule 1) and is affected by the Melbourne Airport Environs Overlay (Schedule 2 and 1).

#### General Residential Zone

##### Purpose

- To implement the Municipal Planning Strategy and the Planning Policy Framework.
- To encourage development that is responsive to the neighbourhood character of the area.
- To encourage a diversity of housing types and housing growth particularly in locations offering good access to services and transport.
- To allow educational, recreational, religious, community and a limited range of other non-residential uses to serve local community needs in appropriate locations.

#### Use of land

Section 2 - Permit required	
Use	Condition
Car wash	The site must adjoin, or have access to, a road in a Transport Zone 2 or a Transport Zone 3.

#### Building and works associated with a Section 2 use

A permit is required to construct a building or construct or carry out works for a use in Section 2 of Clause 32.08-2.

#### Decision guidelines

Before deciding on an application, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

##### General

- The Municipal Planning Strategy and the Planning Policy Framework.
- The purpose of this zone.
- The objectives set out in a schedule to this zone.
- Any other decision guidelines specified in a schedule to this zone.

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# PLAN URBAN

- The impact of overshadowing on existing rooftop solar energy systems on dwellings on adjoining lots in a General Residential Zone, Housing Choice and Transport Zone, Mixed Use Zone, Neighbourhood Residential Zone, Residential Growth Zone or Township Zone.

## Non-residential use and development

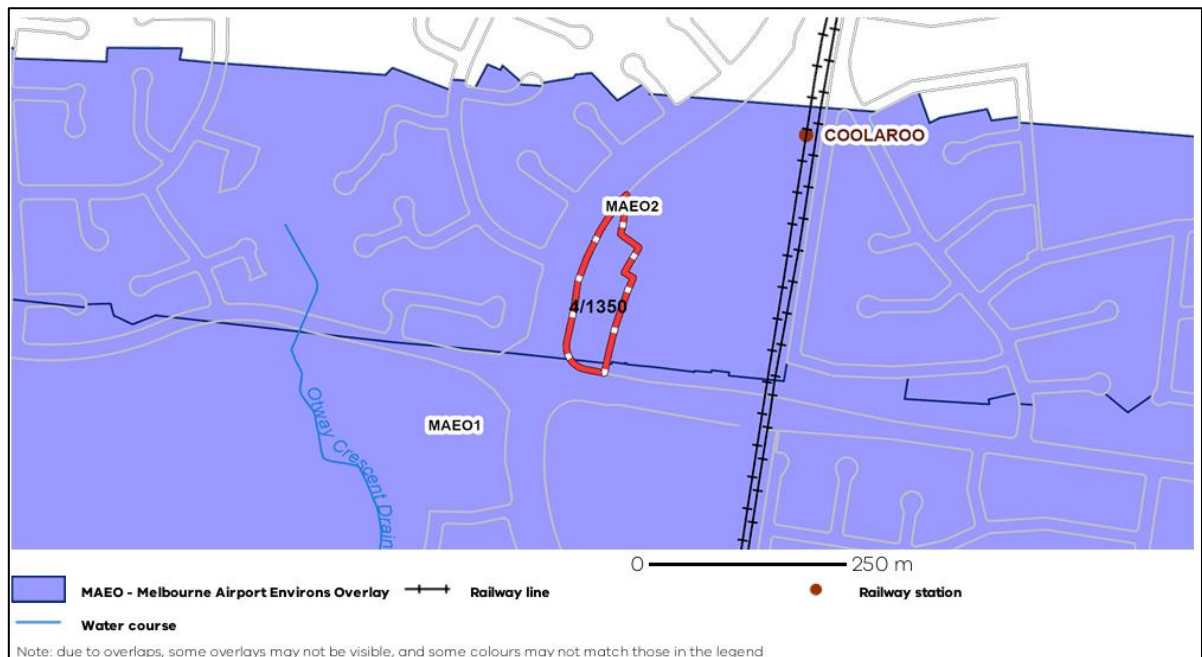
- Whether the use or development is compatible with residential use.
- Whether the use generally serves local community needs.
- The scale and intensity of the use and development.
- The design, height, setback and appearance of the proposed buildings and works.
- The proposed landscaping.
- The provision of car and bicycle parking and associated accessways.
- Any proposed loading and refuse collection facilities.
- The safety, efficiency and amenity effects of traffic to be generated by the proposal.

## Response:

A permit is triggered for the use of the subject site as a 'Car Wash' under section 2. The subject site is appropriately located adjoining the Principal Road Networks (TR22) along Pascoe Vale Road and Barry Road. A permit is also triggered for building and works for the development of the car wash as a non-residential development in a GRZ, notwithstanding, the proposal is consistent with the purpose of the zone and the decision guidelines.

The proposed car wash is a use compatible with residential development and being on a major road intersection on an existing mixed use site. The proposal aligns with the Municipal Planning Strategy and Planning Policy Framework as noted prior. It is furthermore sympathetic in its built form and height, to the existing establishments on the subject site and to the surrounding residential dwellings. the proposed use is a service that will ultimately benefit the residents of the area and will enhance the amenity of the locality whilst complimenting the other uses on site such as the service station on the northern end. The proposed built form and design is well articulated and includes a high-quality architectural design with well proposed landscaping within the setbacks to allow for improved amenity and minimised visual bulk. The proposal has well planned crossovers to allow for safe movement of vehicles to and from the subject site. Overall, the proposed building and works is consistent with the decision guidelines of the zone.

Melbourne Airport Environs Overlay (Schedule 2)



## Purpose

To identify areas that are or will be subject to moderate levels of aircraft noise based on the 20-25 Australian Noise Exposure Forecast (ANEF) contours and to limit use and development to that which is appropriate to that level of exposure.

## Use of land

### Other use

A permit is required to use the land for:

- Accommodation.
- Arts and craft centre.
- Bar.
- Display home centre.
- Education centre.
- Hospital.
- Hotel.
- Office.
- Place of assembly.
- Research and development centre.
- Research centre.
- Restricted recreation facility.

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## Building and works

- A permit is required to construct a building or construct or carry out works for a use in Clause 1.0.
- A permit is not required to construct the following:
  - An open sided carport, verandah, pergola or other open sided structure.
  - A non-habitable room or outbuilding.
  - A swimming pool or tennis court.
  - An alteration or extension to a dwelling which existed as at the date of commencement of Amendment VC173 provided:
    - The extension is less than 50 per cent of the floor area of the dwelling at that date.
    - The dwelling was not constructed between 14 May 2007 and the date of commencement of Amendment VC173 on land that was subject to this overlay during this period.

## Melbourne Airport Environs Overlay (Schedule 1)

### Purpose

To identify areas that are or will be subject to high levels of aircraft noise based on the 25 Australian Noise Exposure Forecast (ANEF) contour and to restrict use and development to that which is appropriate to that level of exposure.

## Use of land

### Other use

A permit is required to use land for:

- Art and craft centre.
- Bar.
- Cinema based entertainment facility.
- Crematorium.
- Display home centre.
- Funeral parlour.
- Host farm.
- Hotel.
- Home based business.
- Indoor recreation facility.
- Office.
- Place of assembly (other than Drive-in theatre).
- Research and development centre.
- Research centre.
- Residential hotel.
- Restricted recreation facility.
- Retail premises.
- Veterinary centre.

Land must not be used for:

- Accommodation (other than Dwelling, Host farm, Residential hotel and Small second dwelling).
- Drive-in theatre.
- Education centre.
- Hospital.

## Building and works

- A permit is required to construct a building or construct or carry out works for a use in Clause 1.0.
- A permit is not required for the following:
  - An open sided carport, verandah, pergola or other open sided structure.
  - A non-habitable room or outbuilding.
  - A swimming pool or tennis court.
  - An alteration or extension to a dwelling which existed as at the date of commencement of Amendment VC173 provided:
    - The extension is less than 50 per cent of the floor area of the dwelling at that date.
    - The dwelling was not constructed between 14 May 2007 and the date of commencement of Amendment VC173 on land that was subject to this overlay during this period.

## Response:

The proposal for a car wash is not listed as a permit requirement under the MAEO2 and MAEO1 overlay, therefore no permit is triggered for its use or building and works.

# 06

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## Particular Provisions

### Clause 52.06 – Car Parking

#### Purpose

- To ensure that car parking is provided in accordance with the Municipal Planning Strategy and the Planning Policy Framework.
- To ensure the provision of an appropriate number of car parking spaces having regard to the demand likely to be generated, the activities on the land and the nature of the locality.
- To support sustainable transport alternatives to the motor car.
- To promote the efficient use of car parking spaces through the consolidation of car parking facilities.
- To ensure that car parking does not adversely affect the amenity of the locality.
- To ensure that the design and location of car parking is of a high standard, creates a safe environment for users and enables easy and efficient use.

#### Provision of Car Parking Spaces

Table 1 of this clause sets out the minimum and maximum car parking requirements that apply to a use specified in the table based on the land category identified in the Car Parking Requirement Maps (Department of Transport and Planning, 2025) (CPR maps). The car parking requirement for a use specified in Table 1 is calculated by multiplying the corresponding number specified in Category 1, 2, 3 or 4 (as applicable) by the corresponding measure. If the measure is specified as a per cent of the site area, the corresponding number specified in Category 1, 2, 3 or 4 is the per cent of the site area to be set aside for car parking.

Land use	Measure	Category 1 (Minimum Requirement)	Category 2 (Minimum Requirement)	Category 3 (Minimum and Maximum Requirement)	Category 4 (Maximum Requirement)
Industry - other than specified in this table	To each 100 square metres of leasable floor area	2.9	0.4	0 - minimum 0.8 - maximum	0.8

**Response:**

The subject site is within Category 2 of the Car Parking Requirements Map (CPR map) and the proposed use of a 'car wash' nests under the service industry within the industry land use, therefore seeks a statutory requirement of minimum 0.4 spaces to each 100sqm of leasable floor area. For a floor area of 455sqm, the required minimum car space is 1. Whilst no new car spaces are proposed there remains ample spaces throughout the larger site to easily meet the needs of one additional space.

Clause 52.29 – Land adjacent to Principal Road Network

**Purpose**

- To ensure appropriate access to the Principal Road Network or land planned to form part of the Principal Road Network.
- To ensure appropriate subdivision of land adjacent to Principal Road Network or land planned to form part of the Principal Road Network.

**Permit requirement**

A permit is required to:

- Create or alter access to:
  - A road in a Transport Zone 2.
  - Land in a Public Acquisition Overlay if a transport manager (other than a municipal council) is the acquiring authority and the acquisition is for the purpose of a road.

**Referral of applications**

An application must be referred under section 55 of the Act to the person or body specified as the referral authority in clause 66.03.

**Exemption from notice and review**

An application is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the Act.

**Decision guidelines**

Before deciding on an application, in addition to the decision guidelines in clause 65, the responsible authority must consider:

- The Municipal Planning Strategy and the Planning Policy Framework.
- The views of the relevant road authority.
- The effect of the proposal on the operation of the road and on public safety.
- Any policy made by the relevant road authority pursuant to schedule 2, clause 3 of the Road Management Act 2004 regarding access between a controlled access road and adjacent land.

**Response:**

The proposal incorporates the existing crossover located to the southeastern edge of the site to Barry Road (TRZ2) as a part of the proposed accessway around the car wash and common property. No additional access is proposed or created from the adjoining TRZ2 access roads abutting the site. We acknowledge that the proposal will be referred to the Department of Transport and Planning for comment and await their response. Notwithstanding, we note that the access has been designed to allow vehicles to exit in a forward motion and ingress and egress from the same access point.

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## 07

### **Conclusion**

The proposal is consistent with the Municipal Planning Policies and the Planning Policy Framework, and represents an appropriate development of the land, which will impact positively on existing and future development in the area.

It is therefore submitted that it would be appropriate for the Council to approve the proposed development and grant a Planning Permit.

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PLAN URBAN

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

Page 1 of 2

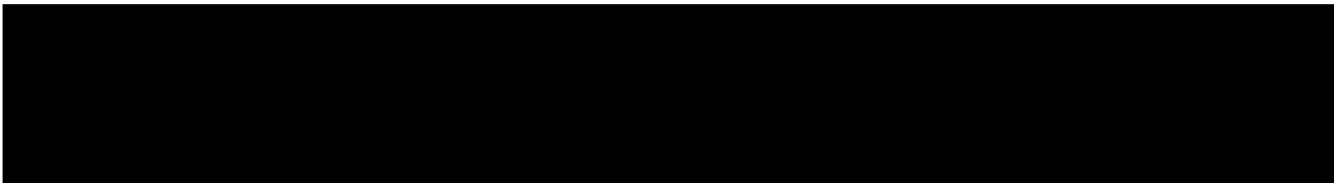
VOLUME 11525 FOLIO 861

Security no : 124130978670J  
Produced 23/12/2025 11:57 AM

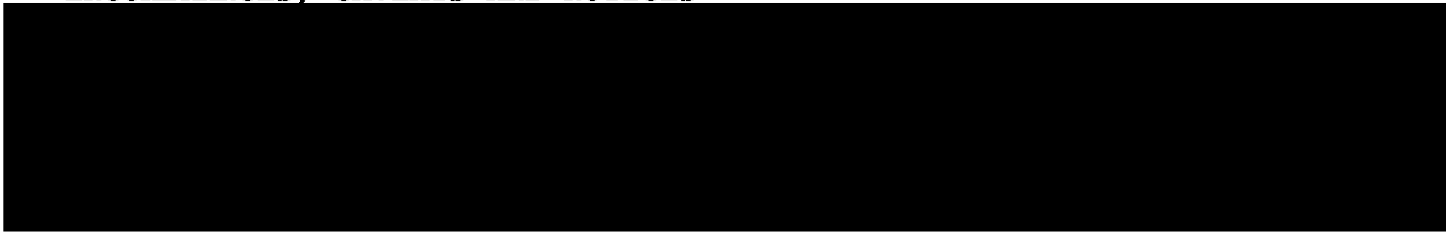
**LAND DESCRIPTION**

Lot A on Plan of Subdivision 702371A.  
PARENT TITLE Volume 11104 Folio 495  
Created by instrument PS702371A 15/10/2014

**REGISTERED PROPRIETOR**



**ENCUMBRANCES, CAVEATS AND NOTICES**



AGREEMENT Section 173 Planning and Environment Act 1987  
S572599H 08/07/1993

AGREEMENT Section 173 Planning and Environment Act 1987  
AK248121V 20/03/2013

**DIAGRAM LOCATION**

SEE PS702371A FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 1 1350 PASCOE VALE ROAD COOLAROO VIC 3048

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 19/12/2023

**OWNERS CORPORATIONS**

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

---

Page 2 of 2

The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS702371A

DOCUMENT END

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# Department of Environment, Land, Water & Planning

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Status	Registered	Dealing Number	AX581312P
Date and Time Lodged	19/12/2023 02:36:04 PM		

## TRANSFER

**Jurisdiction** VICTORIA

### Privacy Collection Statement

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**Estate and/or Interest being transferred**  
Fee Simple

**Consideration**  
\$AUD 1700000.00

### Transferee(s)

<b>Tenancy (Inc. share)</b>	Sole Proprietor
<b>Name</b>	1350 PASCOE VALE RD PTY LTD
<b>ACN</b>	673001039
<b>Address</b>	
Street Number	982
To Street Number	984
Street Name	SYDNEY

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# Department of Environment, Land, Water & Planning

---

## Electronic Instrument Statement

Street Type	ROAD
Locality	COBURG NORTH
State	VIC
Postcode	3058

---

**Duty Transaction ID**  
5873181

---

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of	1350 PASCOE VALE RD PTY LTD
Signer Name	MAHMOUD ELHAWLI
Signer Organisation	MSE LEGAL PTY LTD
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	19 DECEMBER 2023

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

Executed on behalf of	NAVEEN KUMAR SHARMA
Signer Name	ANTHONY JOHN MAHON
Signer Organisation	A.J. MAHON & ASSOCIATES PTY. LTD.
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	19 DECEMBER 2023

---

**File Notes:**  
NIL

---

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

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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

**AK248121V**

20/03/2013 \$110.30 173



## Form 18

Lodged by:

Name: MADDOCKS  
 Phone: 9288 0555  
 Address: Level 6, 140 William Street, Melbourne, Victoria, 3000  
 Ref: KAL:DQM:BMS:5938126  
 Customer Code: 1167E

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 11104 Folio 495

Responsible Authority: Hume City Council of 1079 Pascoe Vale Road, Broadmeadows, Victoria

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:

15/11/12

Signature for Responsible Authority:

*John Farago*

Name of officer:

JOHN FARAGO

Position Held:

MANAGER STATUTORY PLANNING

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**AK248121V**

20/03/2013 \$110.30 173



**Maddocks**

Lawyers  
140 William Street  
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555  
Facsimile 61 3 9288 0666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

Date 15, 11, 12

**Agreement under section 173  
of the Planning and Environment Act 1987**  
Subject Land: 1350 Pascoe Vale Road, Coolaroo

**Hume City Council**  
and

**Fakhrie Pty Ltd**  
ACN 138 962 320  
and

**Jondan Pty Ltd**  
ACN 139 793 703

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Interstate offices  
Canberra Sydney  
Affiliated offices around the world through the  
Advoc network - www.advoc.com

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20/03/2013 \$110.30 173



**Maddocks**

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# Agreement under section 173 of the Planning and Environment Act 1987

**AK248121V**

Dated 15/11/12

20/03/2013 \$110.30 173



## Parties

Name	<b>Hume City Council</b>
Address	1079 Pascoe Vale Road, Broadmeadows, Victoria
Short name	<b>Council</b>

Name	<b>Fakhrie Pty Ltd ACN 138 962 320</b>
Address	Rose & Associates Pty Ltd, Level 5, 150 Albert Road, South Melbourne, Victoria
Short name	<b>Owner</b>

Name	<b>Jordan Pty Ltd ACN 139 793 703</b>
Address	85 Fitzwilliam Street, Kew, Victoria
Short name	<b>Owner</b>

## Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council requires the Owner to enter into this Agreement, prior to issuing a permit for the subdivision of the Subject Land.
- D. The Parties enter into this Agreement:
  - D.1 to give effect to the Planning Scheme; and
  - D.2 to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the Planning and Environment Act 1987.

Agreement means this Agreement.

Dwelling has the same meaning as in the Planning Scheme.

Lot has the same meaning as in the Planning Scheme.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land or any part of it and includes a mortgagee-in-possession.

Party or Parties means the Parties to this Agreement.

Planning Scheme means the Hume Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means the land situated at 1350 Pascoe Vale Road, Coolaroo being the land referred to in Certificate of Title Volume 11104 Folio 495 and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

- 2.1 the singular includes the plural and vice versa;
- 2.2 a reference to a gender includes all genders;
- 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 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;
- 2.5 a term used 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;
- 2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;
- 2.7 the Background forms part of this Agreement;
- 2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and
- 2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

**AK248121V**

20/03/2013 \$110.30 173



**Maddocks**

---

**3. Owner's specific obligations**

The Owner covenants and agrees that, unless with the prior written consent of Council, the Owner must not construct or erect, or allow to be constructed or erected, a Dwelling on the Subject Land.

---

**4. Owner's further obligations**

**4.1 Notice and registration**

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

**4.2 Further actions**

The Owner:

4.2.1 must do all things necessary to give effect to this Agreement;

4.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:

- (a) sign any further agreement, acknowledgment or document; and
- (b) obtain all necessary consents to enable the recording to be made.

**4.3 Council's costs to be paid**

Prior to this Agreement being recorded on the Certificate of Title of the Subject Land, the Owner must pay to Council, Council's costs and expenses (including legal expenses) of preparing, drafting, finalising, signing, recording and enforcing this Agreement.

---

**5. Agreement under section 173 of the Act**

Without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

---

**6. Owner's warranties**

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 Subject Land which may be affected by this Agreement.

---

**7. Successors in title**

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

7.1 give effect to this Agreement; and

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**AK248121V**

20/03/2013 \$110.30 173



7.2 enter into a deed agreeing to be bound by the terms of this Agreement.

**8. General matters**

**8.1 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:

- 8.1.1 personally on the person;
- 8.1.2 by leaving it at the person's current address for service;
- 8.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 8.1.4 by facsimile to the person's current number for service; or
- 8.1.5 by email to the person's current email address for service.

**8.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**8.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**8.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**8.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**8.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

**9. Commencement of Agreement**

This Agreement commences on the date specified on page one.

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**AK248121V**

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# Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of Hume City Council  
was hereto affixed on the 14<sup>th</sup> February 2013 }  
in the presence of:

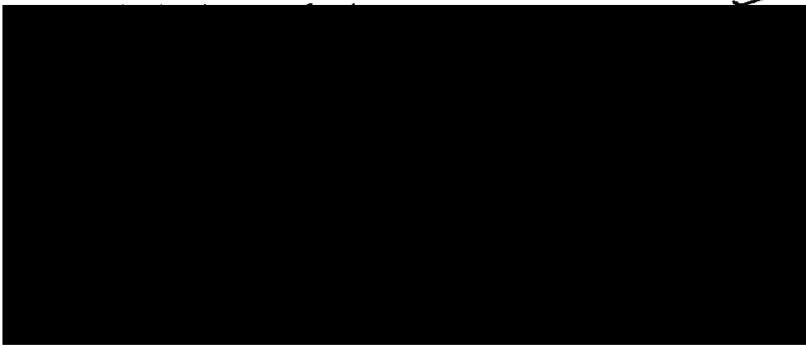
Councillor .....

Chief Executive Officer D. [Signature] .....



Executed by Fakhrie Pty Ltd ACN 138 962  
320 in accordance with section 127(1) of the  
Corporations Act 2001 by being signed by the

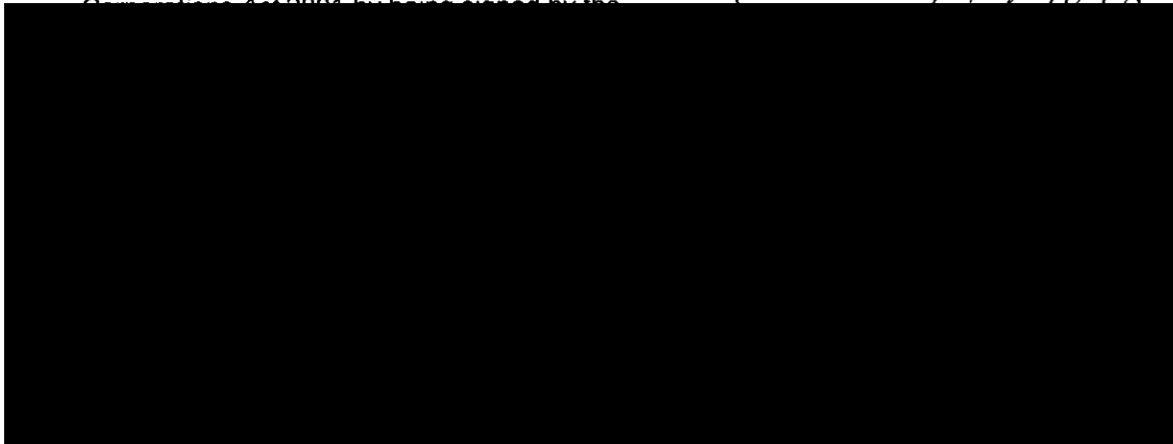
[Signature]



Director and Sole Company Secretary  
name  
address

Executed by Jordan Pty Ltd ACN 139 793  
703 in accordance with section 127(1) of the  
Corporations Act 2001 by being signed by the

[Signature]



Secretary

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020793 1141 MISC \$56 \$572599H

5572599H

Lodged By: PRICE BRENT  
Code: 1413R  
Ref: 38/URB344/180

Form 9.1

Titles Office Use Only

VICTORIA

APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181  
Planning and Environment Act 1987 for ENTRY OF A  
MEMORANDUM OF AGREEMENT under Section 173 of the Act.

The Responsible Authority under the Planning Scheme having entered  
into an Agreement with the parties named for the land described  
requires that a memorandum of the Agreement be entered on the  
Certificate(s) of Title to the land referred to.

LAND

Certificate of Title Volume 9320 Folio 473

ADDRESS OF THE LAND

Corner Pascoe Vale and Barry Roads, Coolaroo *at 28-9-93*

RESPONSIBLE AUTHORITY

CITY OF BROADMEADOWS, Municipal Offices, Pascoe Vale Road,  
Broadmeadows

PLANNING SCHEME

BROADMEADOWS PLANNING SCHEME

AGREEMENT DATE ) AGREEMENT WITH URBAN LAND  
*21 June, 1993* ) AUTHORITY  
)  
)

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority ..... *[Signature]*  
Name of Officer ..... *BRUDD RYAN*  
Date ..... *10-6-93*.....

A060201/ysb/ajg

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THIS AGREEMENT is made under Section 173 of the Planning and Environment Act 1987 on the 21 day of JUNE 1993

BETWEEN: THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF BROADMEADOWS, Municipal Offices, Pascoe Vale Road, Broadmeadows ("the Council")

AND: URBAN LAND AUTHORITY, Melbourne Central, Floor 11, 360 Elizabeth Street, Melbourne ("the Owner")

RECITALS:

- A. The Owner is the registered proprietor and owner of the land situate corner Pascoe Vale and Barry Roads, Coolaroo which land is to be subdivided into Lots 1 and 2 on PS 317168T and being the land more particularly described in Certificate of Title Volume 9320 Folio 473 ("the Land").
- B. The Council is the Responsible Authority under the Act for the administration and enforcement of the Broadmeadows Planning Scheme which applies to the Land.
- C. Following application by the Owner the Council granted Planning Permit No. P92/104 to subdivide the land into two (2) separate allotments in accordance with the endorsed plans and subject to conditions including the following:-

"2. Drainage shall be provided to the satisfaction of the Council's Technical Services Branch, discharging to Council's existing piped drainage system at the Pascoe Vale/Barry Road intersection. The required standard is to accord to the intended use of the site and the Council's requirements"

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and conditions 3-8 (inclusive) relating to drainage; a copy of the Permit is attached to this Agreement.

- D. To facilitate early registration of Plan PS 317168T the Council has agreed to delay the construction of drainage in accordance with Condition 2 of the Permit and the parties have agreed to enter into this Agreement.

THIS AGREEMENT WITNESSES AND THE PARTIES AGREE AS FOLLOWS:-

Part 1 - Introduction and Interpretation

1.1 Operation

Without limiting any operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made under Division 2 Part 9 (and in particular Section 173) of the Act, with the intent that the burden of the Owner's covenants runs with the Land.

1.2 Definitions

In this Agreement unless the contrary intention appears:-

"Act" means the Planning and Environment Act 1987.

"Land" means the land described in the Certificate of Title referred to in Recital A.

"Permit" means the permit and endorsed plan referred to in Recital C.

"Scheme" means the Broadmeadows Planning Scheme.

1.3 Interpretation

In this Agreement, unless the contrary intention

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appears:-

- (a) words importing the singular include the plural, and vice versa;
- (b) words importing a gender include any gender;
- (c) where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- (d) a covenant or obligation on the part of two or more persons binds them jointly and severally;
- (e) a reference to the "Council" includes its successors and assigns (including its successors as responsible authority under the Act);
- (f) a reference to the "Owner" includes its successors, assigns and transferees in all respects;
- (g) a reference to any Act of Parliament, statutory provision or subordinate instrument shall be read as meaning such Act, statutory provision or subordinate instrument as in force from time to time or any statutory modification or re-enactment thereof;
- (h) headings are for guidance only and do not affect the interpretation of this Agreement.

1.4 Proper Law

This Agreement is governed by, and the Owner submits to the jurisdiction of, the laws of the State of Victoria.

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1.5 Commencement

This Agreement begins immediately upon execution by the parties.

Part 2 - Owner's Covenants

2. The Owner covenants and agrees that on any development or further subdivision of either Lot 1 or Lot 2 on PS 317168T comprising the Land and more particularly on or before the certification of any plan of subdivision of either lot pursuant to the Subdivision Act 1988, or approval of any plans of development by the Council, the Owner will provide and construct the drainage in accordance with the conditions of the Permit.

Part 3 - Costs of this Agreement

3. The Owner will forthwith upon any request or account from the Council or its legal representative pay to the Council the Council's reasonable fees and disbursements in connection with and incidental to the preparation, execution, registration and (if necessary) enforcement of this Agreement. In the event of dispute, the Council may have the costs assessed by the Law Institute of Victoria Costs Advisory Service, with the parties being bound by such assessment and with any assessment fee being borne equally by the parties.

4. The Owner warrants and covenants that:

4.1 it is both the registered proprietor (for

- 5 -

entitled to be so) and the beneficial owner of the Land;

4.2 there are no mortgages liens charges easements or other encumbrances or any rights inherent in any person affecting the Land and not disclosed by the usual searches;

4.3 the Land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in Section 42 of the Transfer of Land Act 1958; and

5. The Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land or any part thereof without first disclosing to its successors the existence and nature of this Agreement.

#### Part 6 - General

6. The parties agree as follows:-

##### 6.1 Further Documents

The parties will do all things, and prepare and sign all further documents, necessary to give effect to this Agreement and to ensure that the covenants and obligations of the parties under this Agreement are fully carried out.

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6.2 Registration

The parties will do all things necessary to enable the Council, in its discretion, to register this Agreement with the Registrar of Titles in accordance with Section 181 of the Act.

6.3 Notice

Any notice or document under this Agreement may be served upon a party to this Agreement by being left at or posted by prepaid letter addressed to the party at its address stated at the commencement of this Agreement (or such address as is notified to all parties from time to time) and shall be conclusively deemed to have been served at the expiration of 48 hours from the time of posting.

7. Default of Owner

In the event of the Owner defaulting or failing to perform any of its obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs shall be capable of being recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

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IN WITNESS WHEREOF the parties have hereunto affixed their seals the day and year first hereinbefore written.

THE COMMON SEAL of THE MAYOR )  
COUNCILLORS AND CITIZENS OF THE )  
CITY OF BROADMEADOWS was hereunto )  
affixed in the presence of:- )

..... *[Signature]* Mayor  
..... *[Signature]* Councillor  
..... *[Signature]* Chief Executive Officer  
*M J Owen Clerk*

THE COMMON SEAL of URBAN LAND )  
AUTHORITY was hereunto affixed )  
in the presence of:- )

..... *[Signature]* Chairman  
..... *[Signature]* General Manager

DIRECTOR, PROJECT MANAGER



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# PLANNING PERMIT

Permit No. P92/104  
 Planning Scheme CITY OF BROADMEADOWS PLANNING SCHEME  
 Responsible Authority CITY OF BROADMEADOWS

## ADDRESS OF THE LAND.

Lot B on North East corner Barry Road and Pascoe Vale Road, Coolaroo, City of Broadmeadows

## THE PERMIT ALLOWS

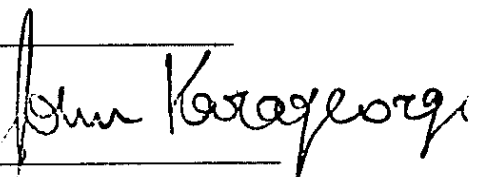
To subdivide an existing allotment into 2 separate allotments, as in accordance with the endorsed plans.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. The subdivision, as shown on the endorsed plan, shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or By-Law or for any other reason) without the consent of Council.
2. Drainage shall be provided to the satisfaction of the Council's Technical Services Branch, discharging to Council's existing piped drainage system at the Pascoe Vale/Barry Road intersection. The required standard is to accord to the intended use of the site and to Council's requirements.
3. The applicant shall submit for approval engineering plans and specifications for the works specified in (2).
4. The applicant shall pay to Council a fee equal to 0.75% of the actual value of the works specified in (2) for the checking of engineering plans and specifications. Such payment must be made prior to the issuing of a Statement of Compliance.
5. The works specified in (2) shall be carried out under the supervision of a person appointed by Council.
6. The applicant shall pay to Council a fee equal to 2½% of the actual value of the works specified in (2) for the supervision of these works. Such payment must be made prior to the issuing of a Statement of Compliance.

Date Issued 12 JUN 1992

Signature for the Responsible Authority



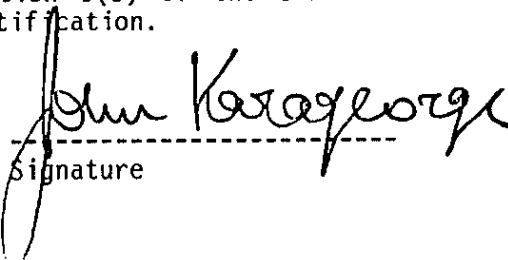
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PLANNING PERMIT NO.P92/104 - Conditions (continued)

- 7. The applicant shall be responsible for the maintenance of the completed works specified in (2) and keep in good condition and repair for three months, commencing from the date of advice by Council's Supervising Engineer that the works have reached the stage of practical completion. A Bank Guarantee or security deposit must be provided to Council, and shall be retained until the three months have expired.
- 8. Where the existing easements for drainage purposes do not, or are insufficient to cover the alignment of the works specified in (2), the applicant shall arrange to his/her expense for the creation of easements for drainage purposes in favour of the City of Broadmeadows. These easements shall be of sufficient extent to cover these works and to the satisfaction of Council. These easement creations are to be finalised prior to the issuing of a Statement of Compliance.
- 9. The payment of a fee equal to 5% of the actual site value is to be paid to Council for public open space contribution. Such payment shall be made prior to the issue of a Statement of Compliance. The actual fee shall be determined by the City Valuer.
- 10. The owner of the subject land must enter into an agreement with the Board of Works for the provision of reticulated water supply to each lot shown on the endorsed plan and subsequent subdivision of the stage lots, in the terms provided for in Section 184C,D, of the Melbourne & Metropolitan Board of Works Act 1958 as appropriate.
- 11. The owner of the subject land must enter into an agreement with the Board of Works for the provision of reticulated sewerage serving each lot shown on the endorsed plan and subsequent subdivision of the stage lots, in the terms provided for in Section 184C,D, of the Melbourne & Metropolitan Board of Works Act 1958 as appropriate.
- 12. The owner of the subject land must enter into an agreement with the Board of Works for the provision of drainage works and the acceptance of surface and stormwater runoff directly or indirectly into the Board's drainage systems in the terms provided for in Section 269A of the Melbourne and Metropolitan Board of Works Act 1958 as appropriate.
- 13. If the plan submitted changes due to matters raised by the issuing of a Town Planning Permit, then the revised Plan of Subdivision must be referred to the Board of Works under Section 8 of the Subdivision Act 1988 prior to certification.
- 14. The Board requires the following specified alteration to the above plan of subdivision, pursuant to Section 9(1) of the Subdivision Act 1988, before consenting to its certification.

12 JUN 1992

Date



Signature

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PLANNING PERMIT NO.P92/104 - Conditions (continued)

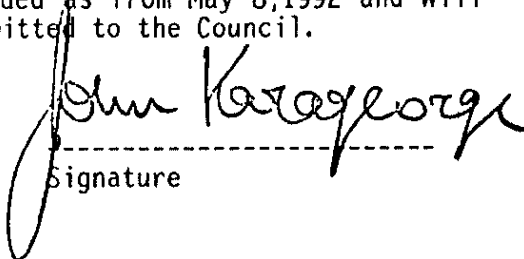
- 15. Expressed pipeline easements in favour of the Board of Works to cover all existing/proposed Board's sewers, drains, watercourses, watermains within the plan.
- 16. The plan of subdivision submitted for Certification must be referred to the S.E.C.V in accordance with Section 8 of the Subdivision Act, 1988.
- 17. The applicant must enter into an agreement with the S.E.C.V. for the supply of electricity to each lot shown on the endorsed plan.
- 18. The applicant must enter into an agreement with the S.E.C.V. for the rearrangement of the existing electricity supply system.
- 19. The applicant shall ensure that any private electric line in the subdivision is rearranged to the satisfaction of the S.E.C.V.
- 20. The applicant shall provide to the S.E.C.V. a copy of the version of the plan of subdivision submitted for certification which shows any amendments which have been required.
- 21. Prospective purchasers of lots in this subdivision should contact the S.E.C.V. to determine the availability of a supply of electricity. Financial contributions may be required.
- 22. Appropriate documentation and supporting plans shall be submitted to the Subdivisions Officer of the City of Broadmeadows, so that such plans can be Certified by Council.
- 23. This Permit shall expire if the subdivision and use hereby permitted is either not commenced within two years from the date hereof or not completed within two years from the date of commencement, or within any extension of those times which, upon application made before or within three months after the expiry of the Permit is granted in writing by Council.

NOTES:

- 1. The owner of the subject land is advised to contact the Responsible Authority with regards to making all necessary arrangements for the provision of services.
- 2. Prior to the issue of a Statement of Compliance, it is required that all Responsible Authorities requirements relating to Public Works are satisfied, and the required release letters provided.
- 3. A Statement of Compliance shall not be issued until such time that all the above conditions on this Permit have been complied with.
- 4. Suspension of Time:  
Under Section 9 (4) of the Subdivision Act 1988 the time for consideration of the plan is suspended as from May 8,1992 and will resume when the altered plan is submitted to the Council.

12 JUN 1992

Date



Signature

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<b>PLAN OF SUBDIVISION</b>	Stage No. LTO use only	<b>PLAN NUMBER</b>  PS 317168 T
----------------------------	------------------------	---------------------------------------

cation of Land  
 sh: Will Will Rook  
 nshlp: \_\_\_\_\_  
 tion: \_\_\_\_\_  
 wn Allotment: \_\_\_\_\_  
 wn Portion: 14 (Part)  
  
 base record: Chart 36  
 e References:  
 9320 Fol 473  
  
 t Plan Reference:  
 tal Address: Pascoe Vale Road  
 Coolaroo 3048  
  
 Co-ordinates: E 316,800m  
 pprox. centre of plan) N 5,829,400m Zone 55

**Council Certification and Endorsement**

Council Name: City of Broadmeadows Ref: P92/104  
  
 1. This plan is certified under section 6 of the Subdivision Act 1988.  
 2. This plan is certified under section 11(7) of the Subdivision Act 1988.  
 Date of original certification under section 6 / /  
 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.  
  
**Open Space**  
 (I) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made.  
 (II) The requirement has been satisfied.  
 (III) The requirement is to be satisfied in Stage  
  
 Council Delegate  
 Council seal  
  
 Date / /

**Disclaimer**  
**Warning: This Plan is Unregistered.**  
 This plan was prepared to be certified by Council and to be registered by the Registrar of Titles. As alterations may be required by the Council and the Registrar of Titles prior to registration, Payton Waite Pty. Ltd., accepts no responsibility whatsoever for any loss or damage suffered howsoever arising to any person or corporation who may use or rely upon this plan for any other reason.  
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 b) Unless the reproduction includes this note.

Vesting of Roads or Reserves	
Identifier	Council/ Body/ Person
NIL	NIL

**Notations**

Depth Limitation: Does not apply	Staging This is/ is not a staged subdivision Planning Permit No.
Survey:- This plan is / is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). In proclaimed Survey Area no.	

**Easement Information**

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

Easement	Purpose	Width (Metres)	Origin	Land Benefited/ In Favour Of
<p><b>Planning and Environment Act 1987</b></p> <p><b>BROADMEADOWS PLANNING SCHEME</b></p> <p>Plan Referred to in Planning Permit</p> <p>No. P92/104</p> <p><i>[Signature]</i></p> <p>Planning Officer - City of Broadmeadows</p> <p style="text-align: right; font-weight: bold; font-size: 1.2em;">12 JUN 1992</p>				

LTO use only \_\_\_\_\_

Statement of Compliance / Exemption Statement

Received

Date / /

LTO use only \_\_\_\_\_

PLAN REGISTERED

TIME

DATE / /

Assistant Registrar of Titles

SHEET 1 OF 2 SHEETS

**PAYTON WAITE PTY. LTD.**  
**CONSULTING LAND SURVEYORS**  
**AND TOWN PLANNERS**  
 353 PLENTY ROAD, PRESTON, 3072.  
 PH. 478 4933 FAX 470 6992  
 ACN 004 963 884

LICENSED SURVEYOR PETER BRIAN PEYTON  
 SIGNATURE \_\_\_\_\_  
 DATE 9 / 4 / 92  
 REF 5193 / 01 VERSION 2

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

PLAN OF SUBDIVISION			Stage No.	Plan Number	
				PS 317168 T	

**Planning and Environment Act 1987**

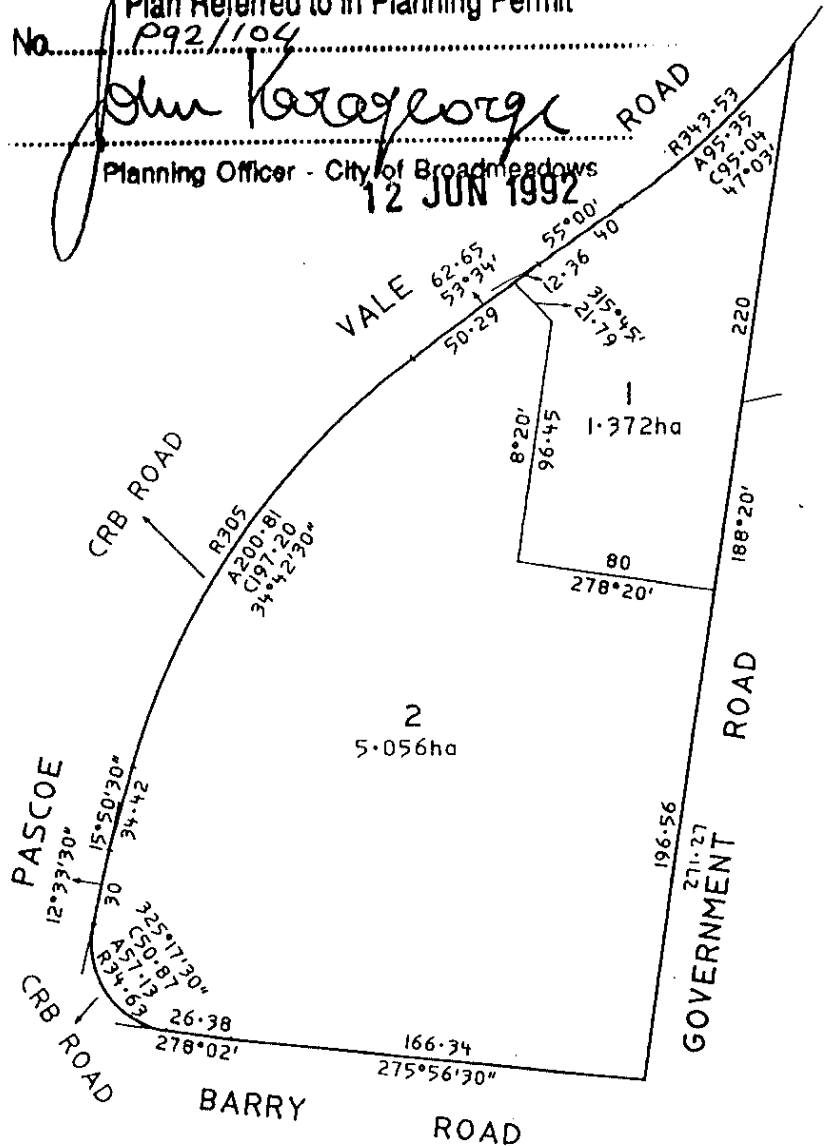
**BROADMEADOWS PLANNING SCHEME**

Plan Referred to in Planning Permit

No. P92/104

*John Karageorge*  
 Planning Officer - City of Broadmeadows  
 12 JUN 1992

APPROX TRUE NORTH



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 ACN 004 962 884

SEE SHEET 1 FOR DISCLAIMER

SHEET 2 OF 2 SHEETS

ORIGINAL SCALE

SHEET SIZE A3 SCALE 1:2000

20 0 20 40 60 80

LENGTHS ARE IN METRES

LICENSED SURVEYOR PETER BRIAN PEYTON

SIGNATURE \_\_\_\_\_ DATE 9 / 4 / 92

REF 5193 / 01 VERSION 2

DATE / /

COUNCIL DELEGATE SIGNATURE

DATED the 21 day of June, 1993

BETWEEN:

THE MAYOR COUNCILLORS AND  
CITIZENS OF THE CITY OF  
BROADMEADOWS ("the Council")

AND:

URBAN LAND AUTHORITY ("the Owner")

---

AGREEMENT UNDER SECTION  
173 PLANNING AND  
ENVIRONMENT ACT  
(LOTS 1 & 2 CNR PASCOE VALE  
AND BARRY ROADS, COOLAROO)

---

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PRICE BRENT  
Solicitors  
21st Floor  
500 Bourke Street  
MELBOURNE VIC 3000

DX 427 MELBOURNE

Tel: 246 5000

Ref: 38/URB344/180

A060200/ysb/ajg

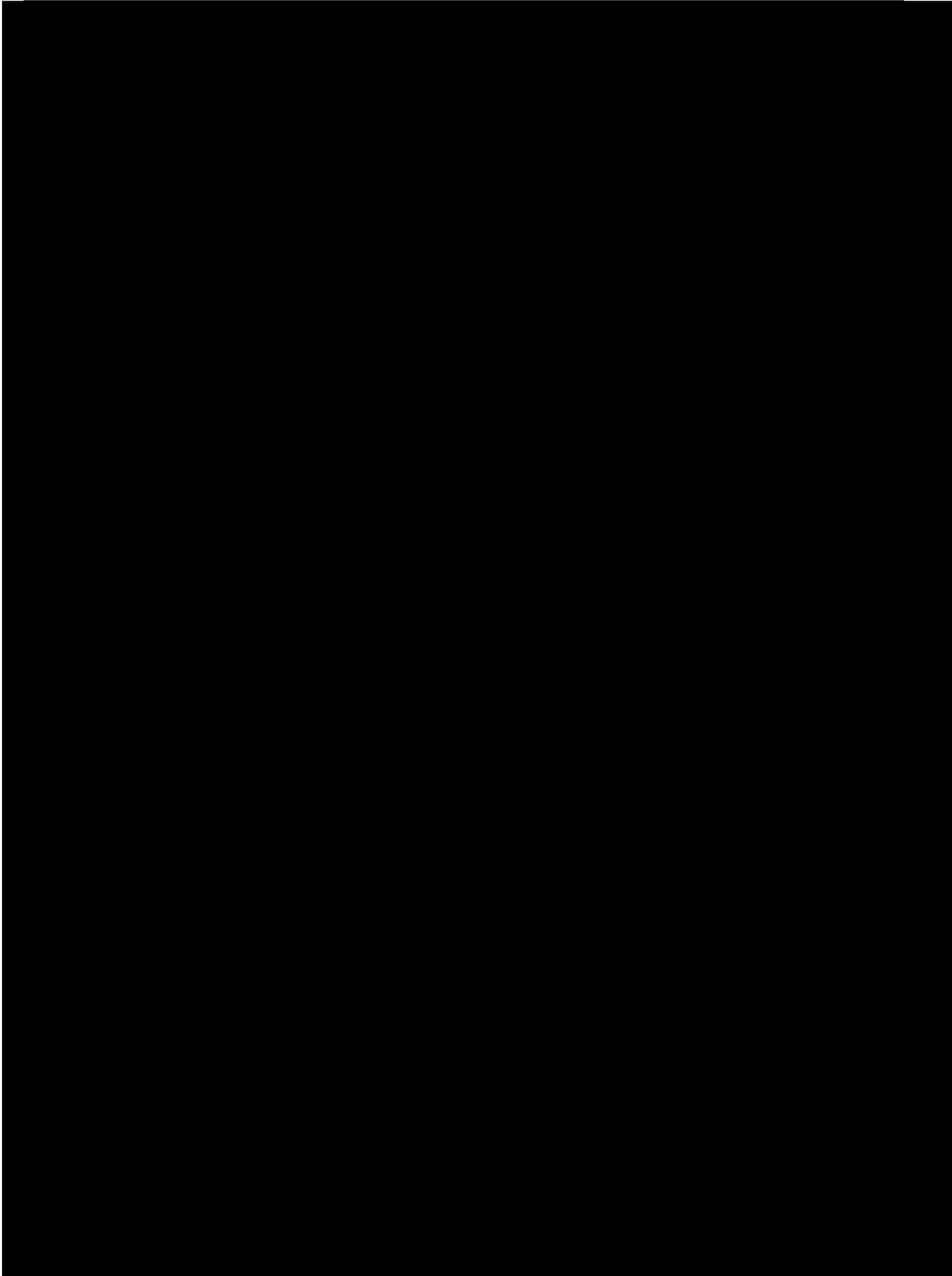
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**HISTORICAL SEARCH STATEMENT**

**Land Use Victoria**



# Imaged Document Cover Sheet

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Document Identification	<b>PS702371A</b>
Number of Pages (excluding this cover sheet)	<b>8</b>
Document Assembled	<b>23/12/2025 11:57</b>

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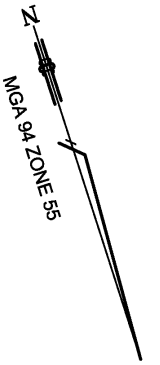
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<b>PLAN OF SUBDIVISION</b>		<b>LV USE ONLY</b>		<b>PS702371A</b>	
<b>LOCATION OF LAND</b> PARISH : WILL WILL ROOK TOWNSHIP : SECTION : CROWN ALLOTMENT : 14 (PART) CROWN PORTION : TITLE REFERENCE : LOT 2 ON PS604096S LAST PLAN REFERENCE : VOL 11104 FOL 495 POSTAL ADDRESS : 1350 PASCOE VALE ROAD (At time of subdivision) COOLAROO VIC 3048 MGA94 Co-ordinates (of approx centre of land in plan) E 316 817 ZONE: 55 N 5 829 586 GDA 94		HUME CITY COUNCIL			
<b>NOTATIONS</b>					
BOUNDARIES SHOWN BY THICK CONTINUOUS LINES ARE DEFINED BY BUILDINGS					
LOCATION OF BOUNDARIES DEFINED BY BUILDINGS					
MEDIAN - WALLS, FLOORS AND CEILINGS SHOWN THUS M INTERIOR FACE - WALLS SHOWN THUS I EXTERIOR FACE - ALL OTHER BOUNDARIES					
LEVELS ARE TO THE AUSTRALIAN HEIGHT DATUM (AHD) AND ARE DERIVED FROM WOLLERT PM 36 RL 141.304 DATED 27/10/2011.					
E-8 IS LIMITED IN DEPTH TO THE GROUND LEVEL AND HEIGHT TO RL 140.00 AHD.					
<b>NOTATIONS</b>					
DEPTH LIMITATION DOES NOT APPLY					
Survey: This plan is based on survey. To be completed where applicable. This survey has been connected to permanent marks no's Wollert PM 36 and Will Will Rook PM 66 In Proclaimed Survey Area No. STAGING This is not a staged subdivision. Planning Permit No. P16144					
<b>EASEMENT INFORMATION</b>					
<b>LEGEND:</b> A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)					
SECTION 12(2) OF THE SUBDIVISION ACT APPLIES TO ALL THE LAND IN THIS PLAN					
<b>Easement Reference</b>	<b>Purpose</b>	<b>Width (Metres)</b>	<b>Origin</b>	<b>Land Benefited/In Favour Of</b>	
E-1 & E-6	CARRIAGEWAY	SEE PLAN	PS 604096S	LOT 1 ON PS 604096S	
E-2, E-3 & E-7	PIPELINE OR ANCILLORY PURPOSES	3.0	PS 604096S - SECTION 136 OF THE WATER ACT 1989	YARRA VALLEY WATER	
E-3, E-4	POWERLINE	SEE PLAN	PS 604096S - SECTION 88 OF THE ELECTRICITY INDUSTRY ACT 2000	ALINTA AE LTD	
E-5, E-6 & E-7	DRAINAGE	SEE PLAN	PS 604096S	HUME CITY COUNCIL	
E-8	CARRIAGEWAY (LIMITED IN HEIGHT AND DEPTH) SEE ABOVE	SEE PLAN	THIS PLAN	LOTS A, 2, 3, 4, 5, 6 & 7 ON THIS PLAN	
 <p><b>Absolute Surveying Pty Ltd</b> total surveying solutions PO BOX 530 BENTLEIGH VIC 3204 T 9557 1407 survey@absolutesurveying.com.au</p>			DIGITALLY SIGNED BY LICENSED SURVEYOR: MARY C RABLING		Sheet 1 of 7 Sheets
					ORIGINAL SHEET SIZE A3
					PLAN REGISTERED: TIME: 13:58 DATE: 15/10/2014
			REF 1255-SS-PS001 VERSION 5		Anthony Haynes Assistant Registrar of Titles

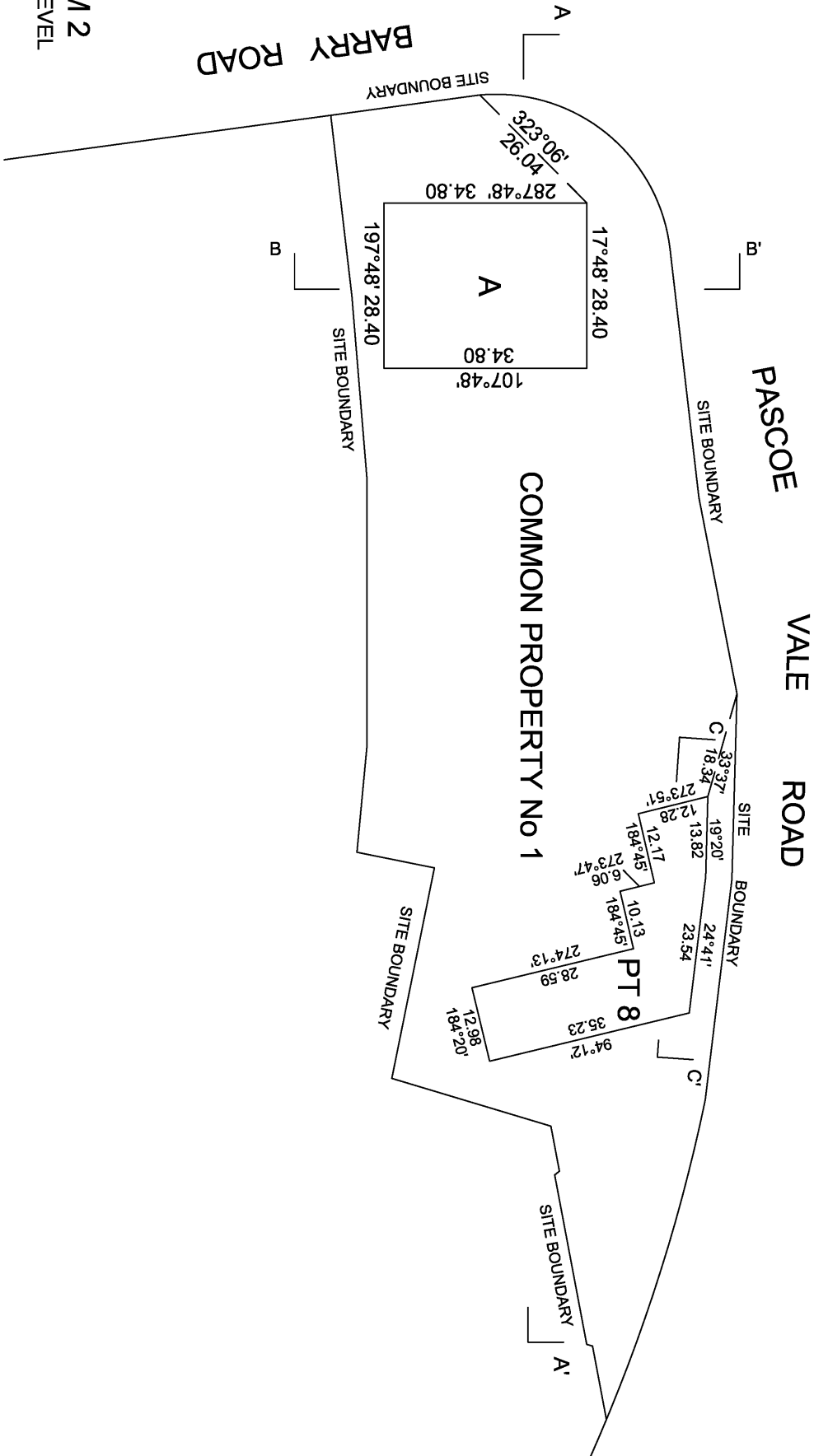
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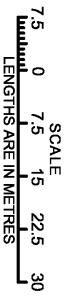
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**DIAGRAM 2**  
BASEMENT LEVEL



PS702371A

**Absolute**  
total surveying solutions  
Surveying Pty Ltd  
PO BOX 530 BENTLEIGH VIC 3204  
T 9557 1407  
survey@absolutesurveying.com.au



ORIGINAL SCALE 1:750

DIGITALLY SIGNED BY LICENSED SURVEYOR: MARY C RABLING

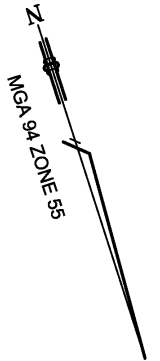
REF: 1285-SS-PS001

VERSION: 5

Sheet 3

ORIGINAL SHEET SIZE A3

HUME CITY COUNCIL



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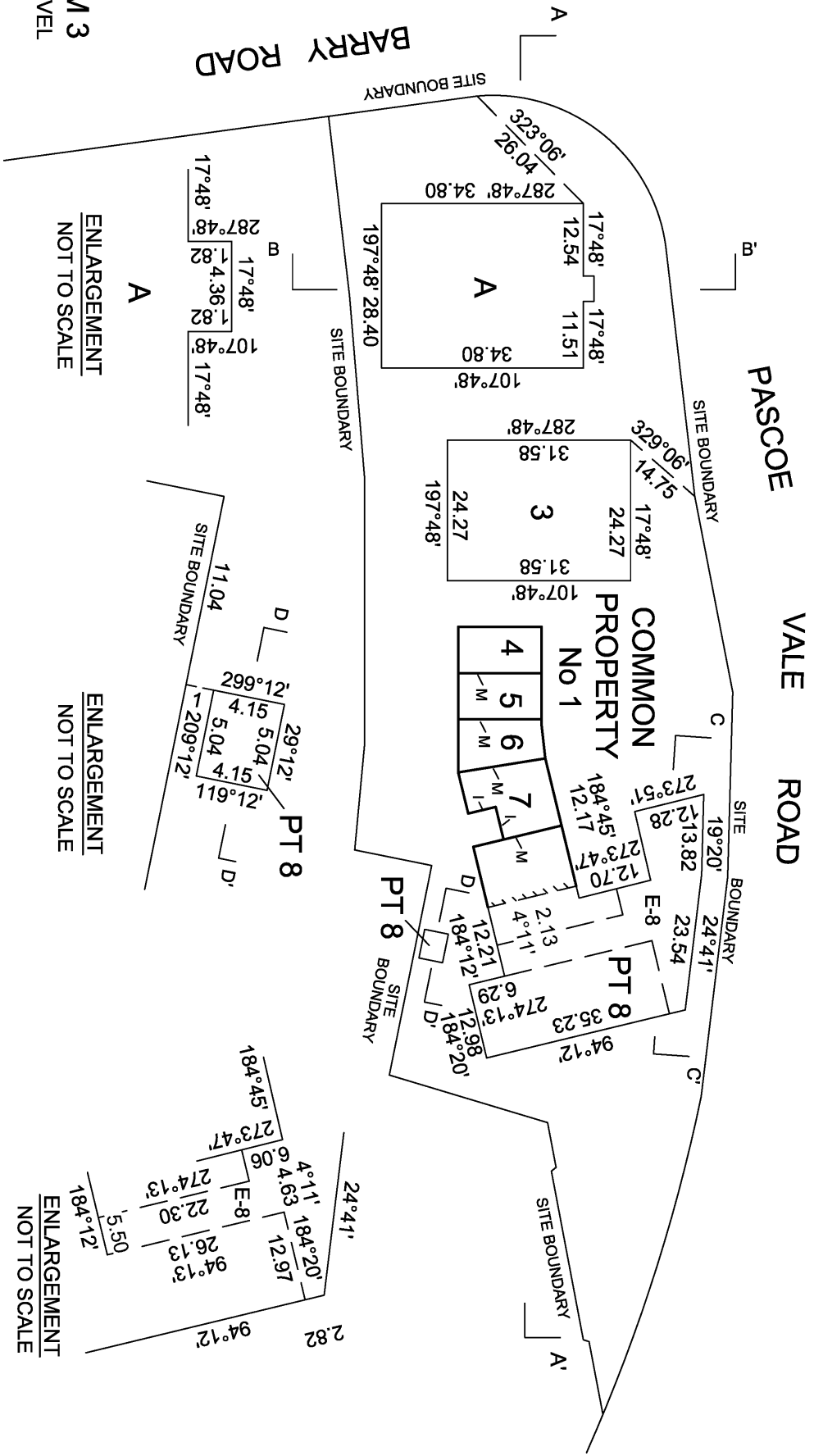


DIAGRAM 3  
GROUND LEVEL

ENLARGEMENT  
NOT TO SCALE

ENLARGEMENT  
NOT TO SCALE

ENLARGEMENT  
NOT TO SCALE

PS702371A

total surveying solutions  
**Absolute**  
Surveying Pty Ltd

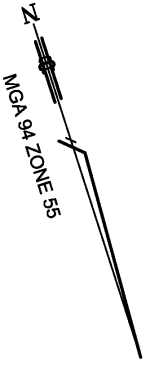
PO BOX 530 BENTLEIGH VIC 3204  
T 9557 1407  
survey@absolutesurveying.com.au

SCALE  
7.5 0 7.5 15 22.5 30  
LENGTHS ARE IN METRES

ORIGINAL SCALE 1:750

DIGITALLY SIGNED BY LICENSED SURVEYOR: MARY C RABLING  
REF: 1285-SS-PS001 VERSION: 5

Sheet 4  
ORIGINAL SHEET SIZE A3  
HUME CITY COUNCIL

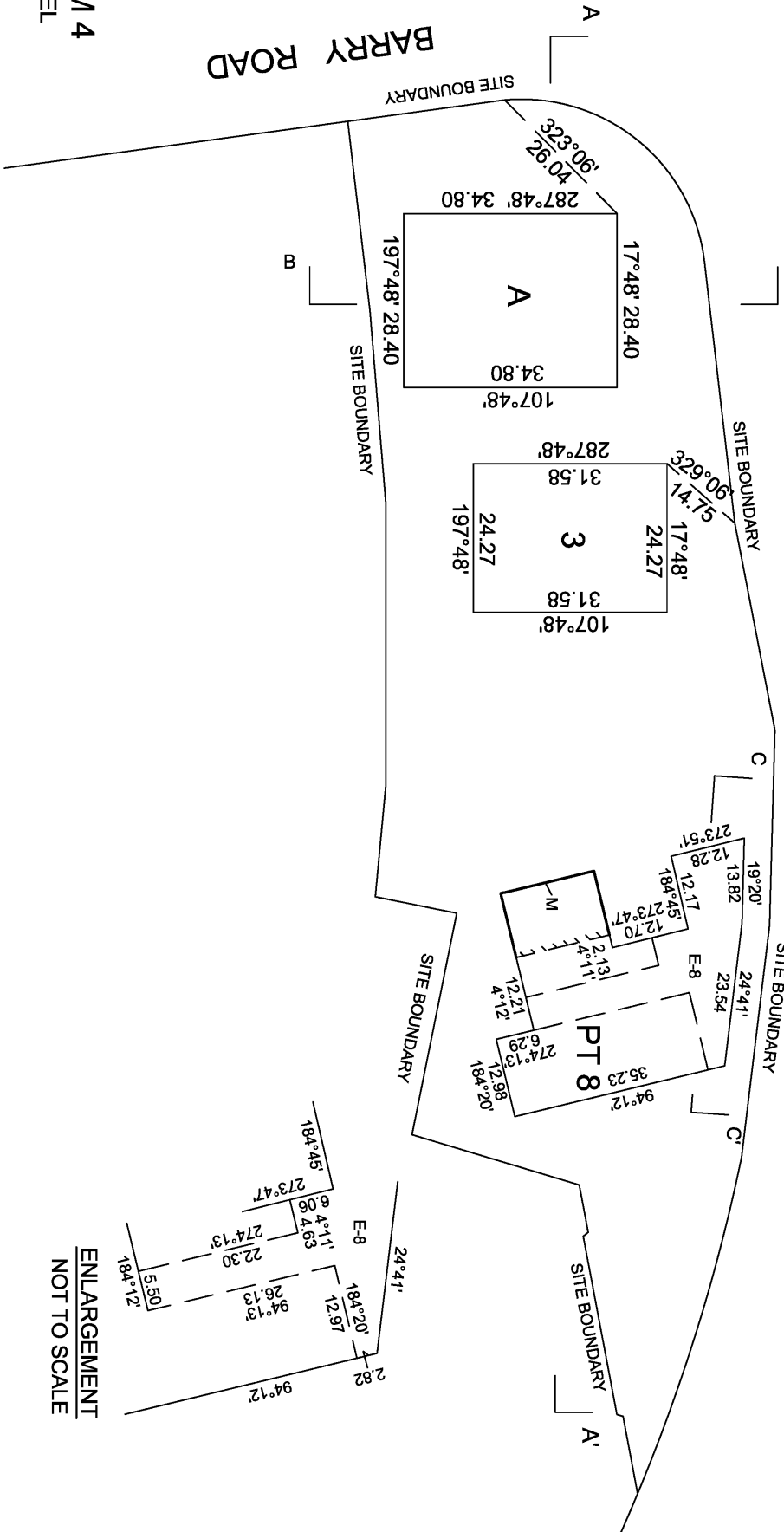


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**DIAGRAM 4**  
FIRST LEVEL


**BARRY ROAD**

**PASCOE VALE ROAD**



**ENLARGEMENT**  
**NOT TO SCALE**

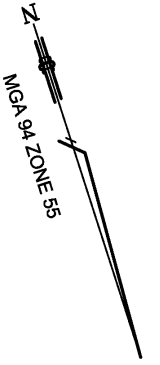
**PS702371A**


  
 Absolute Surveying Pty Ltd
   
 PO BOX 530 BENTLEIGH VIC 3204
   
 T 9557 1407
   
 survey@absolutesurveying.com.au

SCALE
   
 7.5 0 7.5 15 22.5 30
   
 LENGTHS ARE IN METRES
   
 ORIGINAL SCALE 1:750

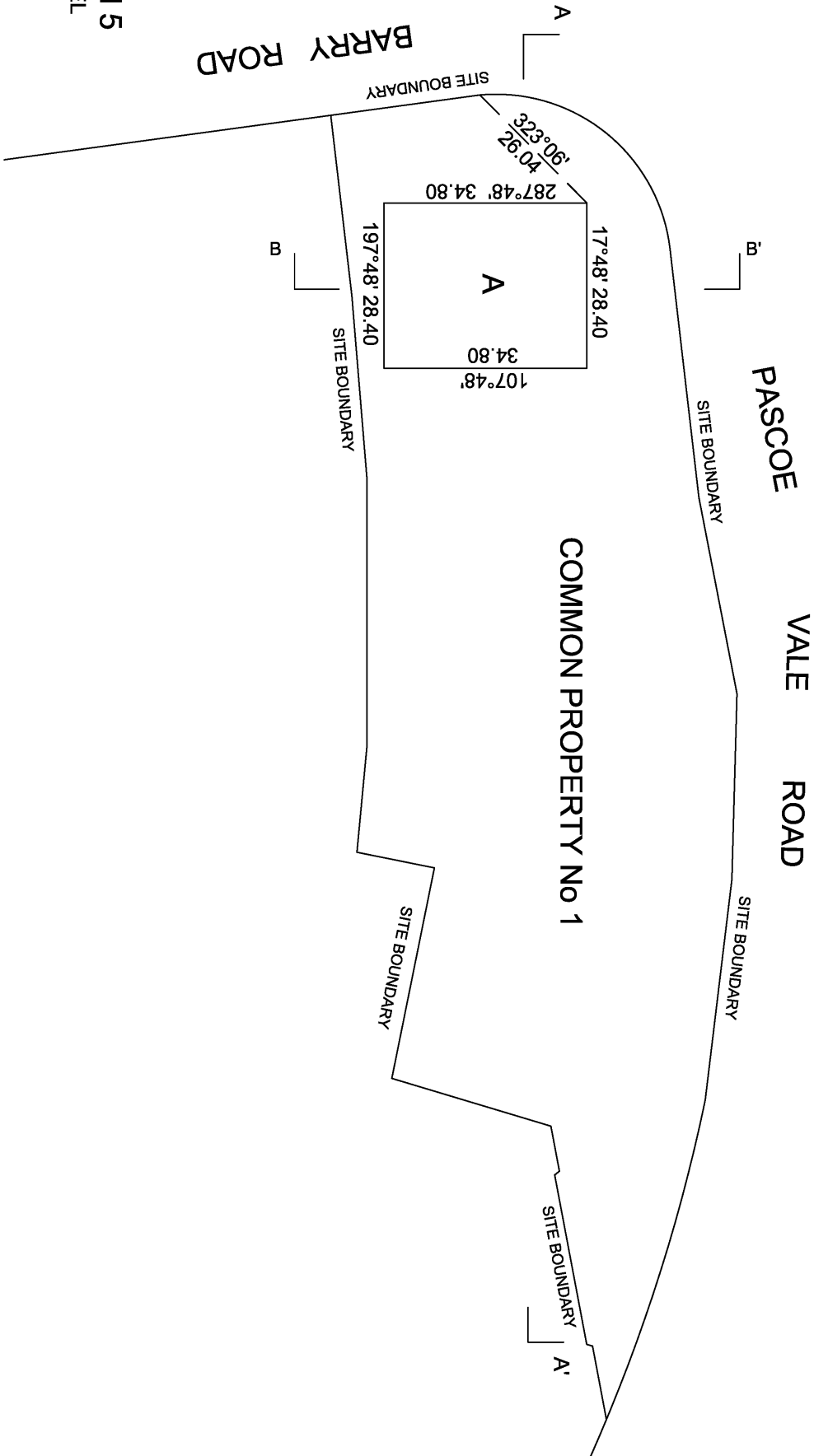
DIGITALLY SIGNED BY LICENSED SURVEYOR: MARY C RABLING
   
 REF: 1285-SS-PS001
   
 VERSION: 5

Sheet 5
   
 ORIGINAL SHEET SIZE A3
   
 HUME CITY COUNCIL




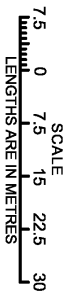
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**DIAGRAM 5**  
ROOF LEVEL



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 T 9557 1407
   
 survey@absolutesurveying.com.au



ORIGINAL SCALE 1:750

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VERSION: 5

Sheet 6

ORIGINAL SHEET SIZE A3

HUME CITY COUNCIL

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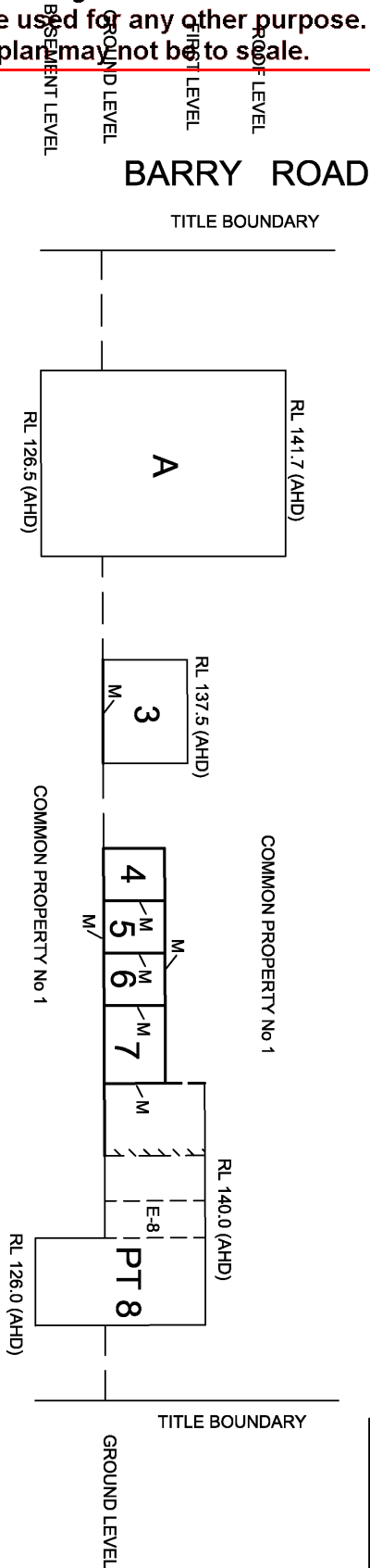


DIAGRAM 6  
SECTION A-A'

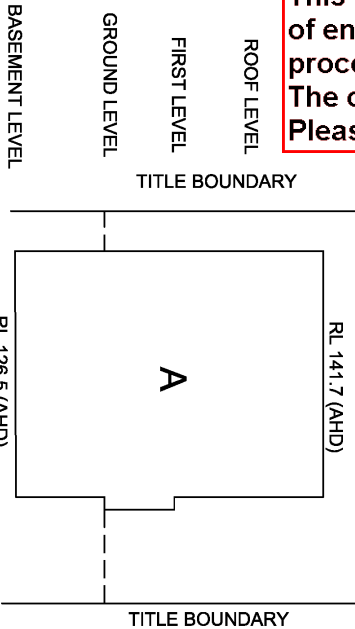


DIAGRAM 7  
SECTION B-B'

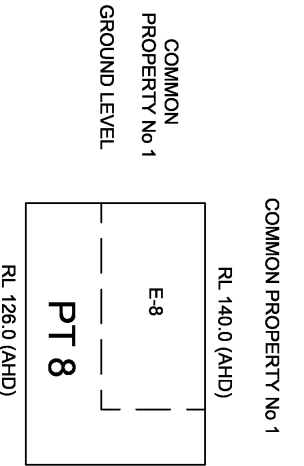


DIAGRAM 8  
SECTION C-C'

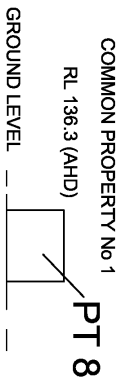

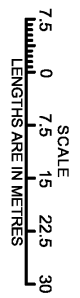


DIAGRAM 9  
SECTION D-D'

PS702371A


  
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 T 9557 1407
   
 survey@absolutesurveying.com.au



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REF: 1285-SS-PS001

VERSION: 5

Sheet 7

ORIGINAL SHEET SIZE A3

HUME CITY COUNCIL



**Plan of Subdivision PS702371A  
Concurrent Certification and Statement of Compliance  
(Form 3)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S021971B  
Plan Number: PS702371A  
Responsible Authority Name: Hume City Council  
Responsible Authority Reference Number 1: S006565  
Surveyor's Plan Version: 4

**Certification**

This plan is certified under section 6 of the Subdivision Act 1988

**Statement of Compliance**

This is a statement of compliance issued under section 21 of the Subdivision Act 1988

**Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

Has not been made at Certification

Digitally signed by Council Delegate: Tony Magazzu  
Organisation: Hume City Council  
Date: 29/07/2014

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# Department of Environment, Land, Water & Planning

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## Owners Corporation Search Report

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Produced: 23/12/2025 11:57:43 AM

**OWNERS CORPORATION 1**  
**PLAN NO. PS702371A**

The land in PS702371A is affected by 1 Owners Corporation(s)

**Land Affected by Owners Corporation:**  
Common Property 1, Lots 3 - 8, A.

**Limitations on Owners Corporation:**  
Unlimited

**Postal Address for Services of Notices:**  
LEVEL 5 150 ALBERT ROAD SOUTH MELBOURNE VIC 3205  
  
OC023287W 15/10/2014

**Owners Corporation Manager:**  
NIL

**Rules:**  
Model Rules apply unless a matter is provided for in Owners Corporation Rules. See Section 139(3) Owners Corporation Act 2006

**Owners Corporation Rules:**  
NIL

**Additional Owners Corporation Information:**  
OC023287W 15/10/2014

**Notations:**  
NIL

**Entitlement and Liability:**  
NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Common Property 1	0	0
Lot 3	177	177
Lot 4	115	115
Lot 5	115	115
Lot 6	117	117
Lot 7	162	162
Lot 8	1254	1254



# Department of Environment, Land, Water & Planning

## Owners Corporation Search Report

Produced: 23/12/2025 11:57:43 AM

**OWNERS CORPORATION 1  
PLAN NO. PS702371A**

### Entitlement and Liability:

NOTE – Folio References are only provided in a Premium Report.

Land Parcel	Entitlement	Liability
Lot A	1938	1938
<b>Total</b>	<b>3878.00</b>	<b>3878.00</b>

From 31 December 2007 every Body Corporate is deemed to be an Owners Corporation. Any reference to a Body Corporate in any Plan, Instrument or Folio is to be read as a reference to an Owners Corporation.

Statement End.

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

Page 1 of 2

VOLUME 11525 FOLIO 861

Security no : 124130978670J  
Produced 23/12/2025 11:57 AM

**LAND DESCRIPTION**

Lot A on Plan of Subdivision 702371A.  
PARENT TITLE Volume 11104 Folio 495  
Created by instrument PS702371A 15/10/2014

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
1350 PASCOE VALE RD PTY LTD of 982-984 SYDNEY ROAD COBURG NORTH VIC 3058  
AX581312P 19/12/2023

**ENCUMBRANCES, CAVEATS AND NOTICES**

**ACTIVITY IN THE LAST 125 DAYS**

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: UNIT 1 1350 PASCOE VALE ROAD COOLAROO VIC 3048

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16089P NATIONAL AUSTRALIA BANK LTD  
Effective from 19/12/2023

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**OWNERS CORPORATIONS**

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

---

Page 2 of 2

The land in this folio is affected by  
OWNERS CORPORATION 1 PLAN NO. PS702371A

DOCUMENT END

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# Department of Environment, Land, Water & Planning

---

## Electronic Instrument Statement

Street Type	ROAD
Locality	COBURG NORTH
State	VIC
Postcode	3058

---

**Duty Transaction ID**  
5873181

---

The transferor transfers to the transferee their estate and/or interest in the land specified for the consideration, subject to any restrictive covenant set out or referred to in this transfer.

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferee or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

---

### Execution

1. The Certifier has taken reasonable steps to verify the identity of the transferor or his, her or its administrator or attorney.
2. The Certifier holds a properly completed Client Authorisation for the Conveyancing Transaction including this Registry Instrument or Document.
3. The Certifier has retained the evidence supporting this Registry Instrument or Document.
4. The Certifier has taken reasonable steps to ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.

---

**File Notes:**  
NIL

---

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

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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

**AK248121V**

20/03/2013 \$110.30 173



## Form 18

Lodged by:

Name: MADDOCKS  
 Phone: 9288 0555  
 Address: Level 6, 140 William Street, Melbourne, Victoria, 3000  
 Ref: KAL:DQM:BMS:5938126  
 Customer Code: 1167E

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 11104 Folio 495

Responsible Authority: Hume City Council of 1079 Pascoe Vale Road, Broadmeadows, Victoria

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:

15/11/12

Signature for Responsible Authority:

*John Farago*

Name of officer:

JOHN FARAGO

Position Held:

MANAGER STATUTORY PLANNING

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**AK248121V**

20/03/2013 \$110.30 173



**Maddocks**

Lawyers  
140 William Street  
Melbourne Victoria 3000 Australia

Telephone 61 3 9288 0555  
Facsimile 61 3 9288 0666

info@maddocks.com.au  
www.maddocks.com.au

DX 259 Melbourne

Date 15, 11, 12

**Agreement under section 173  
of the Planning and Environment Act 1987**  
Subject Land: 1350 Pascoe Vale Road, Coolaroo

**Hume City Council**  
and

**Fakhrie Pty Ltd**  
ACN 138 962 320  
and

**Jondan Pty Ltd**  
ACN 139 793 703

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Interstate offices  
Canberra Sydney  
Affiliated offices around the world through the  
Advoc network - www.advoc.com

**AK248121V**

20/03/2013 \$110.30 173



**Maddocks**

---

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# Agreement under section 173 of the Planning and Environment Act 1987

**AK248121V**

Dated 15/11/12

20/03/2013 \$110.30 173



## Parties

Name	<b>Hume City Council</b>
Address	1079 Pascoe Vale Road, Broadmeadows, Victoria
Short name	<b>Council</b>

Name	<b>Fakhrie Pty Ltd ACN 138 962 320</b>
Address	Rose & Associates Pty Ltd, Level 5, 150 Albert Road, South Melbourne, Victoria
Short name	<b>Owner</b>

Name	<b>Jordan Pty Ltd ACN 139 793 703</b>
Address	85 Fitzwilliam Street, Kew, Victoria
Short name	<b>Owner</b>

## Background

- A. Council is the responsible authority for the Planning Scheme.
- B. The Owner is or is entitled to be the registered proprietor of the Subject Land.
- C. Council requires the Owner to enter into this Agreement, prior to issuing a permit for the subdivision of the Subject Land.
- D. The Parties enter into this Agreement:
  - D.1 to give effect to the Planning Scheme; and
  - D.2 to achieve and advance the objectives of planning in Victoria and the objectives of the Planning Scheme in respect of the Subject Land.

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AK248121V

20/03/2013 \$110.30 173



The Parties agree

1. Definitions

In this Agreement unless the context admits otherwise:

Act means the Planning and Environment Act 1987.

Agreement means this Agreement.

Dwelling has the same meaning as in the Planning Scheme.

Lot has the same meaning as in the Planning Scheme.

Owner means the person registered or entitled from time to time to be registered as proprietor of an estate in fee simple of the Subject Land or any part of it and includes a mortgagee-in-possession.

Party or Parties means the Parties to this Agreement.

Planning Scheme means the Hume Planning Scheme and any other planning scheme that applies to the Subject Land.

Subject Land means the land situated at 1350 Pascoe Vale Road, Coolaroo being the land referred to in Certificate of Title Volume 11104 Folio 495 and any reference to the Subject Land includes any Lot created by the subdivision of the Subject Land or any part of it.

2. Interpretation

In this Agreement unless the context admits otherwise:

2.1 the singular includes the plural and vice versa;

2.2 a reference to a gender includes all genders;

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 any agreement, representation, warranty or indemnity by 2 or more persons (including where 2 or more persons are included in the same defined term) binds them jointly and severally;

2.5 a term used 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;

2.6 a reference to an Act, regulation or the Planning Scheme includes any Act, regulation or amendment amending, consolidating or replacing the Act, regulation or Planning Scheme;

2.7 the Background forms part of this Agreement;

2.8 the Owner's obligations take effect as separate and several covenants which are annexed to and run at law and equity with the Subject Land; and

2.9 any reference to a clause, page, condition, attachment or term is a reference to a clause, page, condition, attachment or term of this Agreement.

**AK248121V**

20/03/2013 \$110.30 173



**Maddocks**

---

**3. Owner's specific obligations**

The Owner covenants and agrees that, unless with the prior written consent of Council, the Owner must not construct or erect, or allow to be constructed or erected, a Dwelling on the Subject Land.

---

**4. Owner's further obligations**

**4.1 Notice and registration**

The Owner must bring this Agreement to the attention of all prospective purchasers, lessees, mortgagees, chargees, transferees and assigns.

**4.2 Further actions**

The Owner:

4.2.1 must do all things necessary to give effect to this Agreement;

4.2.2 consents to Council applying to the Registrar of Titles to record this Agreement on the Certificate of Title of the Subject Land in accordance with section 181 of the Act and do all things necessary to enable Council to do so, including:

- (a) sign any further agreement, acknowledgment or document; and
- (b) obtain all necessary consents to enable the recording to be made.

**4.3 Council's costs to be paid**

Prior to this Agreement being recorded on the Certificate of Title of the Subject Land, the Owner must pay to Council, Council's costs and expenses (including legal expenses) of preparing, drafting, finalising, signing, recording and enforcing this Agreement.

---

**5. Agreement under section 173 of the Act**

Without limiting or restricting the respective powers to enter into this Agreement and, insofar as it can be so treated, this Agreement is made as a deed in accordance with section 173 of the Act.

---

**6. Owner's warranties**

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 Subject Land which may be affected by this Agreement.

---

**7. Successors in title**

Until such time as a memorandum of this Agreement is recorded on the Certificate of Title of the Subject Land, the Owner must require successors in title to:

7.1 give effect to this Agreement; and

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AK248121V

20/03/2013 \$110.30 173



7.2 enter into a deed agreeing to be bound by the terms of this Agreement.

**8. General matters**

**8.1 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:

- 8.1.1 personally on the person;
- 8.1.2 by leaving it at the person's current address for service;
- 8.1.3 by posting it by prepaid post addressed to that person at the person's current address for service;
- 8.1.4 by facsimile to the person's current number for service; or
- 8.1.5 by email to the person's current email address for service.

**8.2 No waiver**

Any time or other indulgence granted by Council to the Owner or any variation of this Agreement or any judgment or order obtained by Council against the Owner does not amount to a waiver of any of Council's rights or remedies under this Agreement.

**8.3 Severability**

If a court, arbitrator, tribunal or other competent authority determines that any part of this Agreement is unenforceable, illegal or void then that part is severed with the other provisions of this Agreement remaining operative.

**8.4 No fettering of Council's powers**

This Agreement does not fetter or restrict Council's power or discretion to make decisions or impose requirements or conditions in connection with the grant of planning approvals or certification of plans subdividing the Subject Land or relating to use or development of the Subject Land.

**8.5 Inspection of documents**

A copy of any planning permit, document or plan referred to in this Agreement is available for inspection at Council offices during normal business hours upon giving the Council reasonable notice.

**8.6 Governing law**

This Agreement is governed by and is to be construed in accordance with the laws of Victoria.

**9. Commencement of Agreement**

This Agreement commences on the date specified on page one.



Maddocks

**AK248121V**

20/03/2013 \$110.30 173



# Signing Page

Signed, sealed and delivered as a deed by the Parties.

The Common Seal of Hume City Council  
was hereto affixed on the 14<sup>th</sup> February 2013 }  
in the presence of:

Councillor .....

Chief Executive Officer D. [Signature]



Executed by Fakhrie Pty Ltd ACN 138 962  
320 in accordance with section 127(1) of the  
*Corporations Act 2001* by being signed by the  
authorised person for the company:

[Signature]



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020793 1141 MISC \$56 \$572599H

5572599H

Lodged By: PRICE BRENT  
Code: 1413R  
Ref: 38/URB344/180

Form 9.1

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VICTORIA

APPLICATION BY A RESPONSIBLE AUTHORITY under Section 181  
Planning and Environment Act 1987 for ENTRY OF A  
MEMORANDUM OF AGREEMENT under Section 173 of the Act.

The Responsible Authority under the Planning Scheme having entered  
into an Agreement with the parties named for the land described  
requires that a memorandum of the Agreement be entered on the  
Certificate(s) of Title to the land referred to.

LAND

Certificate of Title Volume 9320 Folio 473

ADDRESS OF THE LAND

Corner Pascoe Vale and Barry Roads, Coolaroo *at 28-9-93*

RESPONSIBLE AUTHORITY

CITY OF BROADMEADOWS, Municipal Offices, Pascoe Vale Road,  
Broadmeadows

PLANNING SCHEME

BROADMEADOWS PLANNING SCHEME

AGREEMENT DATE ) AGREEMENT WITH URBAN LAND  
*21 June, 1993* ) AUTHORITY  
)  
)

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority ..... *[Signature]*  
Name of Officer ..... *BRUDD RYAN*  
Date ..... *10-6-93*.....

A060201/ysb/ajg

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Please note that the plan may not be to scale.

THIS AGREEMENT is made under Section 173 of the Planning and Environment Act 1987 on the 21 day of JUNE 1993

BETWEEN: THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF BROADMEADOWS, Municipal Offices, Pascoe Vale Road, Broadmeadows ("the Council")

AND: URBAN LAND AUTHORITY, Melbourne Central, Floor 11, 360 Elizabeth Street, Melbourne ("the Owner")

RECITALS:

- A. The Owner is the registered proprietor and owner of the land situate corner Pascoe Vale and Barry Roads, Coolaroo which land is to be subdivided into Lots 1 and 2 on PS 317168T and being the land more particularly described in Certificate of Title Volume 9320 Folio 473 ("the Land").
- B. The Council is the Responsible Authority under the Act for the administration and enforcement of the Broadmeadows Planning Scheme which applies to the Land.
- C. Following application by the Owner the Council granted Planning Permit No. P92/104 to subdivide the land into two (2) separate allotments in accordance with the endorsed plans and subject to conditions including the following:-

"2. Drainage shall be provided to the satisfaction of the Council's Technical Services Branch, discharging to Council's existing piped drainage system at the Pascoe Vale/Barry Road intersection. The required standard is to accord to the intended use of the site and the Council's requirements"

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and conditions 3-8 (inclusive) relating to drainage; a copy of the Permit is attached to this Agreement.

- D. To facilitate early registration of Plan PS 317168T the Council has agreed to delay the construction of drainage in accordance with Condition 2 of the Permit and the parties have agreed to enter into this Agreement.

THIS AGREEMENT WITNESSES AND THE PARTIES AGREE AS FOLLOWS:-

Part 1 - Introduction and Interpretation

1.1 Operation

Without limiting any operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made under Division 2 Part 9 (and in particular Section 173) of the Act, with the intent that the burden of the Owner's covenants runs with the Land.

1.2 Definitions

In this Agreement unless the contrary intention appears:-

"Act" means the Planning and Environment Act 1987.

"Land" means the land described in the Certificate of Title referred to in Recital A.

"Permit" means the permit and endorsed plan referred to in Recital C.

"Scheme" means the Broadmeadows Planning Scheme.

1.3 Interpretation

In this Agreement, unless the contrary intention

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appears:-

- (a) words importing the singular include the plural, and vice versa;
- (b) words importing a gender include any gender;
- (c) where a word or phrase has a particular meaning, other grammatical forms of that word or phrase have a corresponding meaning;
- (d) a covenant or obligation on the part of two or more persons binds them jointly and severally;
- (e) a reference to the "Council" includes its successors and assigns (including its successors as responsible authority under the Act);
- (f) a reference to the "Owner" includes its successors, assigns and transferees in all respects;
- (g) a reference to any Act of Parliament, statutory provision or subordinate instrument shall be read as meaning such Act, statutory provision or subordinate instrument as in force from time to time or any statutory modification or re-enactment thereof;
- (h) headings are for guidance only and do not affect the interpretation of this Agreement.

1.4 Proper Law

This Agreement is governed by, and the Owner submits to the jurisdiction of, the laws of the State of Victoria.

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1.5 Commencement

This Agreement begins immediately upon execution by the parties.

Part 2 - Owner's Covenants

2. The Owner covenants and agrees that on any development or further subdivision of either Lot 1 or Lot 2 on PS 317168T comprising the Land and more particularly on or before the certification of any plan of subdivision of either lot pursuant to the Subdivision Act 1988, or approval of any plans of development by the Council, the Owner will provide and construct the drainage in accordance with the conditions of the Permit.

Part 3 - Costs of this Agreement

3. The Owner will forthwith upon any request or account from the Council or its legal representative pay to the Council the Council's reasonable fees and disbursements in connection with and incidental to the preparation, execution, registration and (if necessary) enforcement of this Agreement. In the event of dispute, the Council may have the costs assessed by the Law Institute of Victoria Costs Advisory Service, with the parties being bound by such assessment and with any assessment fee being borne equally by the parties.

4. The Owner warrants and covenants that:

4.1 it is both the registered proprietor (for

- 5 -

entitled to be so) and the beneficial owner of the Land;

4.2 there are no mortgages liens charges easements or other encumbrances or any rights inherent in any person affecting the Land and not disclosed by the usual searches;

4.3 the Land or any part of it is not subject to any rights obtained by adverse possession or subject to any easements, rights or encumbrances mentioned in Section 42 of the Transfer of Land Act 1958; and

5. The Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land or any part thereof without first disclosing to its successors the existence and nature of this Agreement.

#### Part 6 - General

6. The parties agree as follows:-

##### 6.1 Further Documents

The parties will do all things, and prepare and sign all further documents, necessary to give effect to this Agreement and to ensure that the covenants and obligations of the parties under this Agreement are fully carried out.

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6.2 Registration

The parties will do all things necessary to enable the Council, in its discretion, to register this Agreement with the Registrar of Titles in accordance with Section 181 of the Act.

6.3 Notice

Any notice or document under this Agreement may be served upon a party to this Agreement by being left at or posted by prepaid letter addressed to the party at its address stated at the commencement of this Agreement (or such address as is notified to all parties from time to time) and shall be conclusively deemed to have been served at the expiration of 48 hours from the time of posting.

7. Default of Owner

In the event of the Owner defaulting or failing to perform any of its obligations under this Agreement, the Council may without prejudice to any other remedies rectify such default and the cost of any works undertaken by the Council to rectify any default shall be borne by the Owner and any such costs shall be capable of being recovered by the Council in any Court of competent jurisdiction as a civil debt recoverable summarily.

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# PLANNING PERMIT

Permit No. P92/104  
 Planning Scheme CITY OF BROADMEADOWS PLANNING SCHEME  
 Responsible Authority CITY OF BROADMEADOWS

## ADDRESS OF THE LAND.

Lot B on North East corner Barry Road and Pascoe Vale Road, Coolaroo, City of Broadmeadows

## THE PERMIT ALLOWS

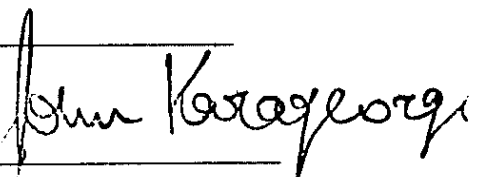
To subdivide an existing allotment into 2 separate allotments, as in accordance with the endorsed plans.

## THE FOLLOWING CONDITIONS APPLY TO THIS PERMIT.

1. The subdivision, as shown on the endorsed plan, shall not be altered or modified (whether or not in order to comply with any Statute, Statutory Rule or By-Law or for any other reason) without the consent of Council.
2. Drainage shall be provided to the satisfaction of the Council's Technical Services Branch, discharging to Council's existing piped drainage system at the Pascoe Vale/Barry Road intersection. The required standard is to accord to the intended use of the site and to Council's requirements.
3. The applicant shall submit for approval engineering plans and specifications for the works specified in (2).
4. The applicant shall pay to Council a fee equal to 0.75% of the actual value of the works specified in (2) for the checking of engineering plans and specifications. Such payment must be made prior to the issuing of a Statement of Compliance.
5. The works specified in (2) shall be carried out under the supervision of a person appointed by Council.
6. The applicant shall pay to Council a fee equal to 2½% of the actual value of the works specified in (2) for the supervision of these works. Such payment must be made prior to the issuing of a Statement of Compliance.

Date Issued 12 JUN 1992

Signature for the Responsible Authority



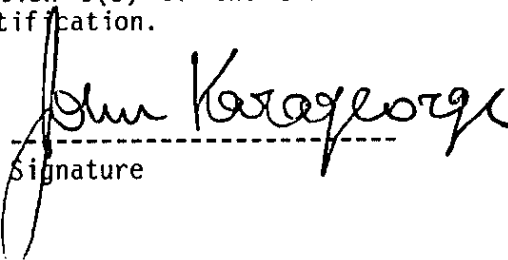
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PLANNING PERMIT NO.P92/104 - Conditions (continued)

- 7. The applicant shall be responsible for the maintenance of the completed works specified in (2) and keep in good condition and repair for three months, commencing from the date of advice by Council's Supervising Engineer that the works have reached the stage of practical completion. A Bank Guarantee or security deposit must be provided to Council, and shall be retained until the three months have expired.
- 8. Where the existing easements for drainage purposes do not, or are insufficient to cover the alignment of the works specified in (2), the applicant shall arrange to his/her expense for the creation of easements for drainage purposes in favour of the City of Broadmeadows. These easements shall be of sufficient extent to cover these works and to the satisfaction of Council. These easement creations are to be finalised prior to the issuing of a Statement of Compliance.
- 9. The payment of a fee equal to 5% of the actual site value is to be paid to Council for public open space contribution. Such payment shall be made prior to the issue of a Statement of Compliance. The actual fee shall be determined by the City Valuer.
- 10. The owner of the subject land must enter into an agreement with the Board of Works for the provision of reticulated water supply to each lot shown on the endorsed plan and subsequent subdivision of the stage lots, in the terms provided for in Section 184C,D, of the Melbourne & Metropolitan Board of Works Act 1958 as appropriate.
- 11. The owner of the subject land must enter into an agreement with the Board of Works for the provision of reticulated sewerage serving each lot shown on the endorsed plan and subsequent subdivision of the stage lots, in the terms provided for in Section 184C,D, of the Melbourne & Metropolitan Board of Works Act 1958 as appropriate.
- 12. The owner of the subject land must enter into an agreement with the Board of Works for the provision of drainage works and the acceptance of surface and stormwater runoff directly or indirectly into the Board's drainage systems in the terms provided for in Section 269A of the Melbourne and Metropolitan Board of Works Act 1958 as appropriate.
- 13. If the plan submitted changes due to matters raised by the issuing of a Town Planning Permit, then the revised Plan of Subdivision must be referred to the Board of Works under Section 8 of the Subdivision Act 1988 prior to certification.
- 14. The Board requires the following specified alteration to the above plan of subdivision, pursuant to Section 9(1) of the Subdivision Act 1988, before consenting to its certification.

12 JUN 1992

Date



Signature

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PLANNING PERMIT NO.P92/104 - Conditions (continued)

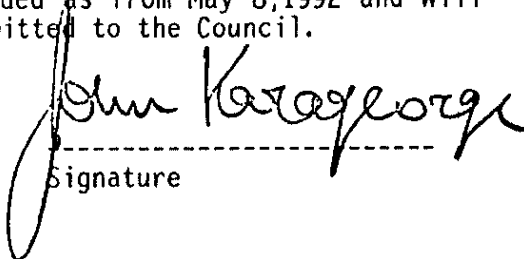
- 15. Expressed pipeline easements in favour of the Board of Works to cover all existing/proposed Board's sewers, drains, watercourses, watermains within the plan.
- 16. The plan of subdivision submitted for Certification must be referred to the S.E.C.V in accordance with Section 8 of the Subdivision Act, 1988.
- 17. The applicant must enter into an agreement with the S.E.C.V. for the supply of electricity to each lot shown on the endorsed plan.
- 18. The applicant must enter into an agreement with the S.E.C.V. for the rearrangement of the existing electricity supply system.
- 19. The applicant shall ensure that any private electric line in the subdivision is rearranged to the satisfaction of the S.E.C.V.
- 20. The applicant shall provide to the S.E.C.V. a copy of the version of the plan of subdivision submitted for certification which shows any amendments which have been required.
- 21. Prospective purchasers of lots in this subdivision should contact the S.E.C.V. to determine the availability of a supply of electricity. Financial contributions may be required.
- 22. Appropriate documentation and supporting plans shall be submitted to the Subdivisions Officer of the City of Broadmeadows, so that such plans can be Certified by Council.
- 23. This Permit shall expire if the subdivision and use hereby permitted is either not commenced within two years from the date hereof or not completed within two years from the date of commencement, or within any extension of those times which, upon application made before or within three months after the expiry of the Permit is granted in writing by Council.

NOTES:

- 1. The owner of the subject land is advised to contact the Responsible Authority with regards to making all necessary arrangements for the provision of services.
- 2. Prior to the issue of a Statement of Compliance, it is required that all Responsible Authorities requirements relating to Public Works are satisfied, and the required release letters provided.
- 3. A Statement of Compliance shall not be issued until such time that all the above conditions on this Permit have been complied with.
- 4. Suspension of Time:  
Under Section 9 (4) of the Subdivision Act 1988 the time for consideration of the plan is suspended as from May 8,1992 and will resume when the altered plan is submitted to the Council.

12 JUN 1992

Date



Signature

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<b>PLAN OF SUBDIVISION</b>	Stage No.	LTO use only	PLAN NUMBER
	EDITION		PS 317168 T

cation of Land  
 sh: Will Will Rook  
 nshlp: \_\_\_\_\_  
 tion: \_\_\_\_\_  
 wn Allotment: \_\_\_\_\_  
 wn Portion: 14 (Part)  
  
 base record: Chart 36  
 e References:  
 9320 Fol 473  
  
 t Plan Reference:  
 tal Address: Pascoe Vale Road  
 Coolaroo 3048  
  
 Co-ordinates: E 316,800m  
 pprox. centre of plan) N 5,829,400m Zone 55

**Council Certification and Endorsement**

Council Name: City of Broadmeadows Ref: P92/104  
  
 1. This plan is certified under section 6 of the Subdivision Act 1988.  
 2. This plan is certified under section 11(7) of the Subdivision Act 1988.  
 Date of original certification under section 6 / /  
 3. This is a statement of compliance issued under section 21 of the Subdivision Act 1988.  
  
**Open Space**  
 (I) A requirement for public open space under section 18 Subdivision Act 1988 has / has not been made.  
 (II) The requirement has been satisfied.  
 (III) The requirement is to be satisfied in Stage  
  
 Council Delegate  
 Council seal  
  
 Date / /

**Disclaimer:**  
**Warning: This Plan is Unregistered.**  
 This plan was prepared to be certified by Council and to be registered by the Registrar of Titles. As alterations may be required by the Council and the Registrar of Titles prior to registration, Payton Waite Pty. Ltd., accepts no responsibility whatsoever for any loss or damage suffered howsoever arising to any person or corporation who may use or rely upon this plan for any other reason.  
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 b) Unless the reproduction includes this note.

Vesting of Roads or Reserves	
Identifier	Council/ Body/ Person
NIL	NIL

**Notations**

Depth Limitation: Does not apply	Staging	This is / is not a staged subdivision Planning Permit No.
Survey:- This plan is / is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). In proclaimed Survey Area no.		

**Easement Information**

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

Easement	Purpose	Width (Metres)	Origin	Land Benefited/ In Favour Of
<p><b>Planning and Environment Act 1987</b></p> <p><b>BROADMEADOWS PLANNING SCHEME</b></p> <p>Plan Referred to in Planning Permit</p> <p>No. .... P92/104</p> <p><i>[Signature]</i></p> <p>Planning Officer - City of Broadmeadows</p> <p style="text-align: right; font-weight: bold;">12 JUN 1992</p>				

LTO use only \_\_\_\_\_

Statement of Compliance / Exemption Statement

Received

Date / /

---

LTO use only \_\_\_\_\_

PLAN REGISTERED

TIME

DATE / /

Assistant Registrar of Titles

SHEET 1 OF 2 SHEETS

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 AND TOWN PLANNERS  
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 ACN 004 963 884

LICENSED SURVEYOR PETER BRIAN PEYTON  
 SIGNATURE \_\_\_\_\_  
 DATE 9 / 4 / 92  
 REF 5193 / 01 VERSION 2

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size A3

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PLAN OF SUBDIVISION			Stage No.	Plan Number
				PS 317168 T

### Planning and Environment Act 1987

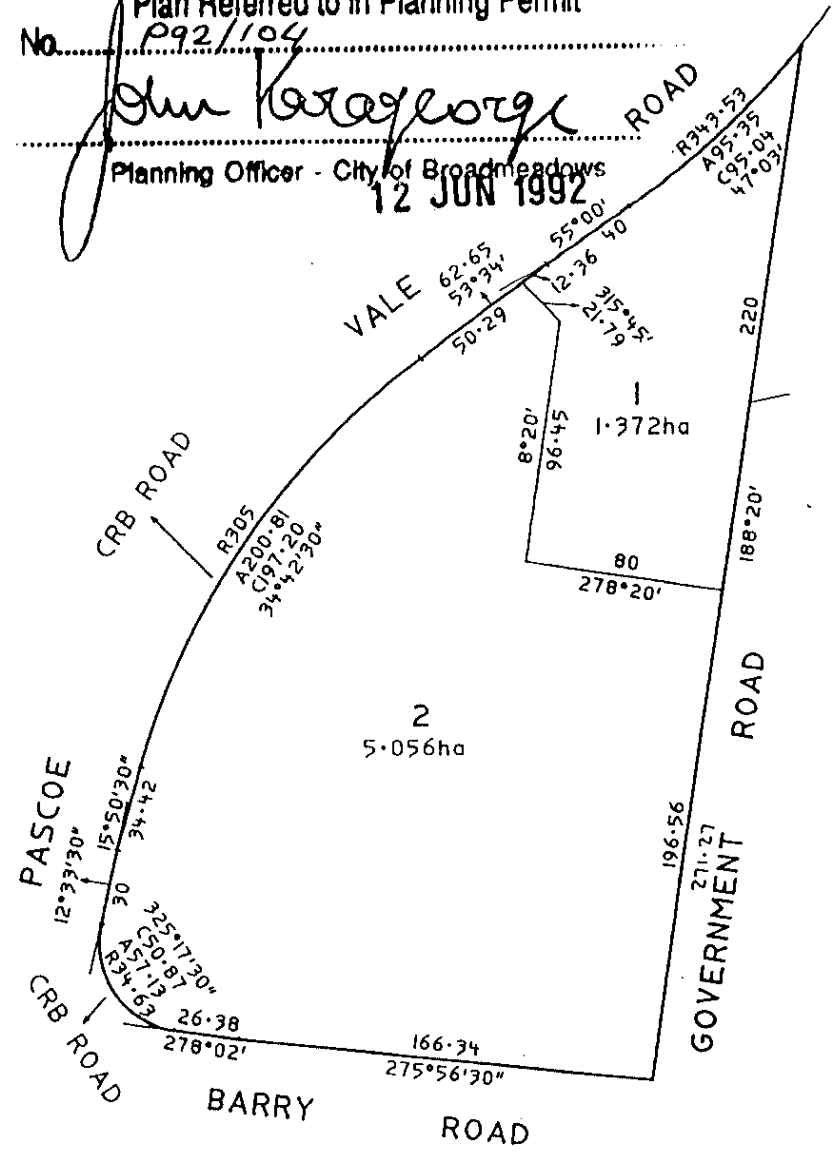
#### BROADMEADOWS PLANNING SCHEME

Plan Referred to in Planning Permit

No. *P92/104*

*John Karageorge*  
Planning Officer - City of Broadmeadows  
12 JUN 1992

APPROX TRUE NORTH



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SEE SHEET 1 FOR DISCLAIMER

SHEET 2 OF 2 SHEETS

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SHEET SIZE A3

SCALE 1:2000

LENGTHS ARE IN METRES

LICENSED SURVEYOR PETER BRIAN PEYTON

SIGNATURE \_\_\_\_\_ DATE 9 / 4 / 92

REF 5193 / 01 VERSION 2

DATE / /

COUNCIL DELEGATE SIGNATURE \_\_\_\_\_

DATED the 21 day of JUNE, 1993

BETWEEN:

THE MAYOR COUNCILLORS AND  
CITIZENS OF THE CITY OF  
BROADMEADOWS ("the Council")

AND:

URBAN LAND AUTHORITY  
("the Owner")

---

AGREEMENT UNDER SECTION  
173 PLANNING AND  
ENVIRONMENT ACT  
(LOTS 1 & 2 CNR PASCOE VALE  
AND BARRY ROADS, COOLAROO)

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PRICE BRENT  
Solicitors  
21st Floor  
500 Bourke Street  
MELBOURNE VIC 3000

DX 427 MELBOURNE

Tel: 246 5000

Ref: 38/URB344/180

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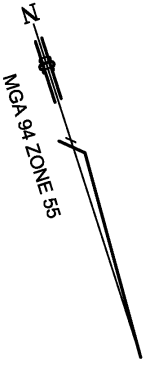
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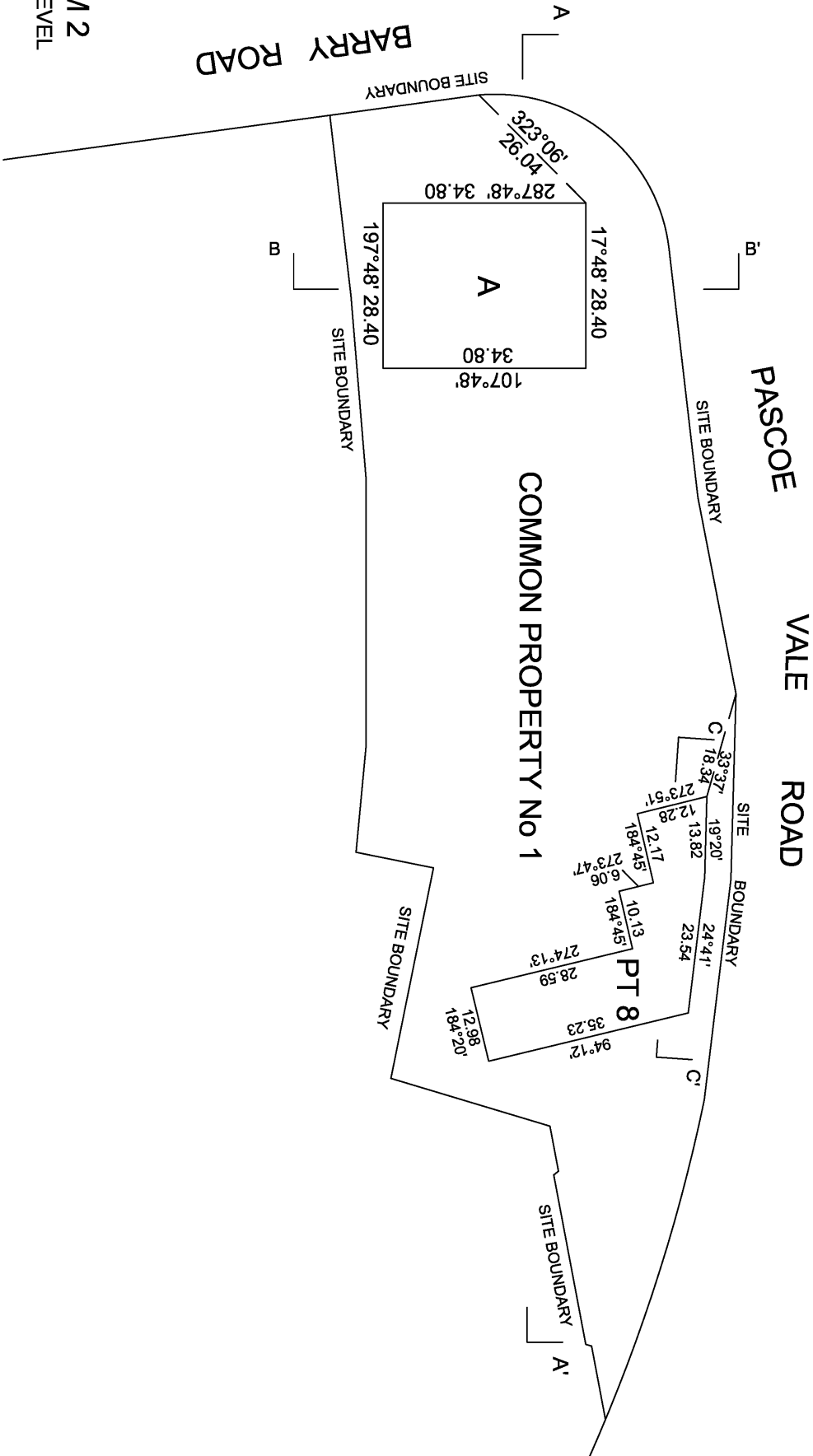







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**DIAGRAM 2**  
BASEMENT LEVEL



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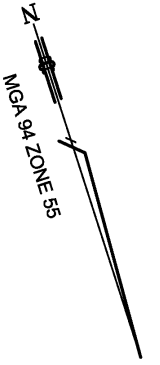

  
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 T 9557 1407
   
 survey@absolutesurveying.com.au

SCALE
   
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 ORIGINAL SCALE 1:750

DIGITALLY SIGNED BY LICENSED SURVEYOR: MARY C RABLING
   
 REF: 1285-SS-PS001
   
 VERSION: 5

Sheet 3
   
 ORIGINAL SHEET SIZE A3
   
 HUME CITY COUNCIL



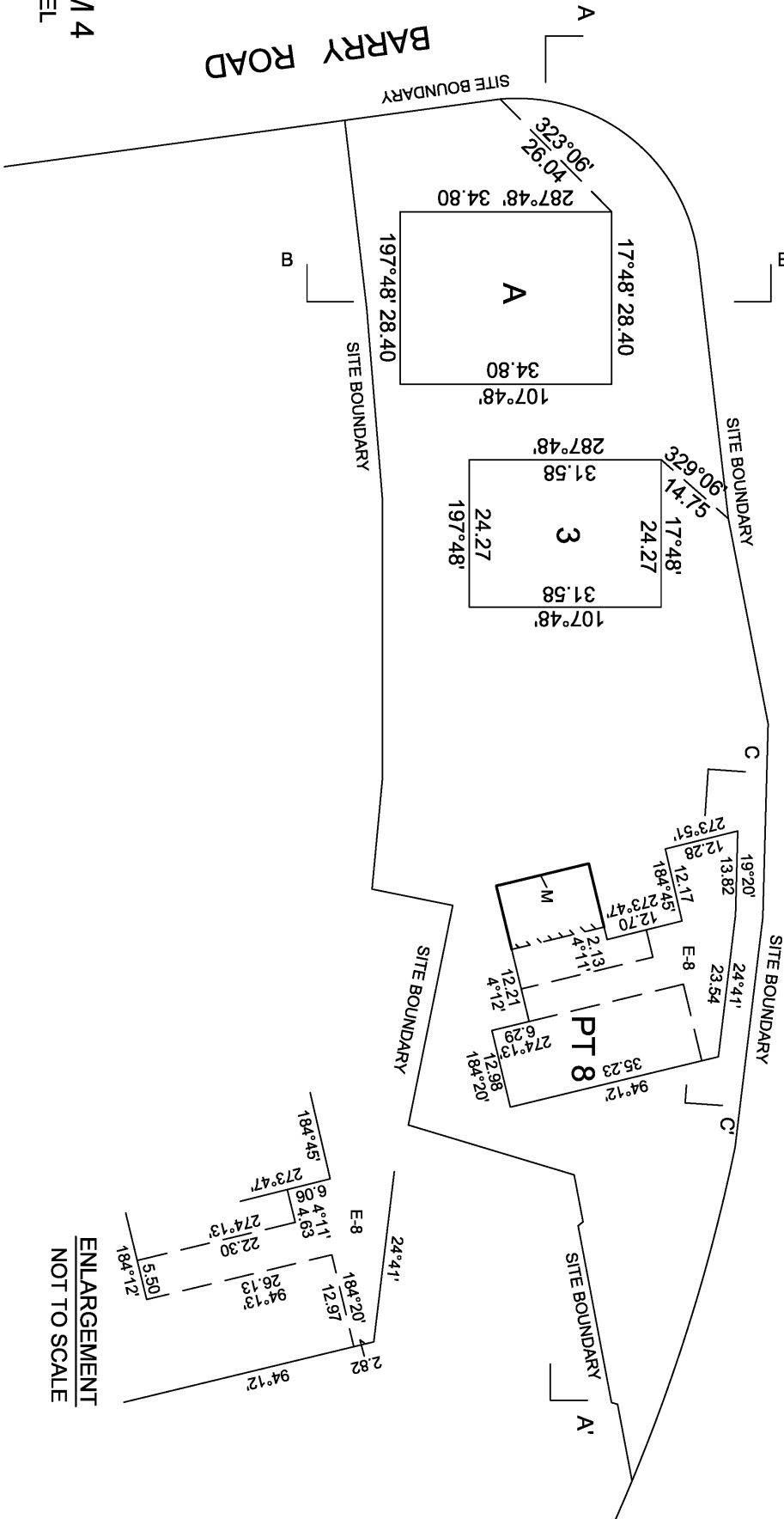


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**DIAGRAM 4**  
FIRST LEVEL

**BARRY ROAD**

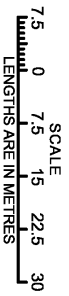
**PASCOE VALE ROAD**



**ENLARGEMENT**  
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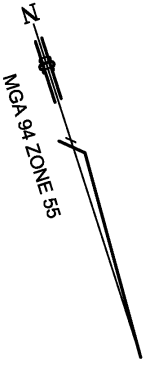
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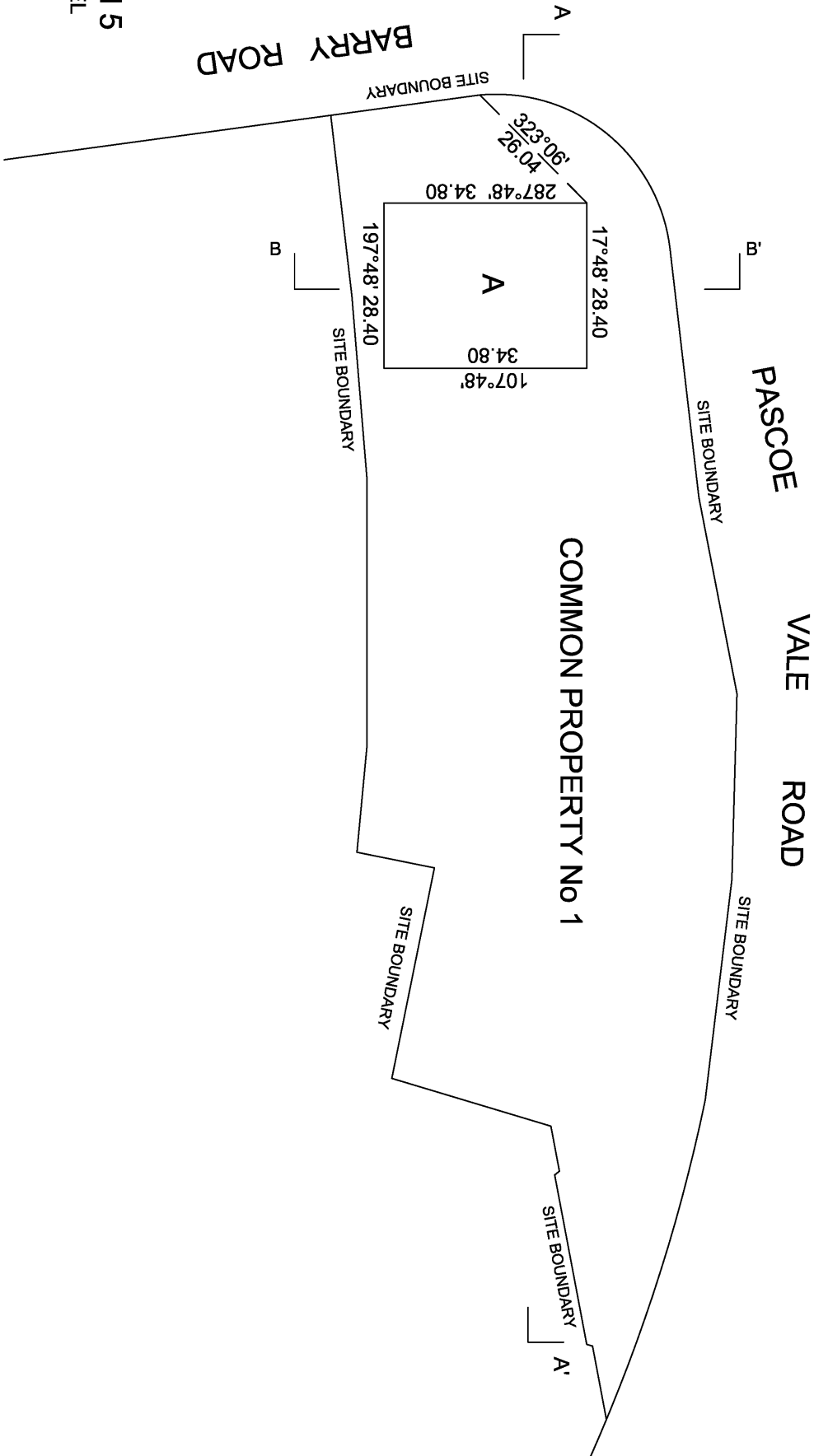
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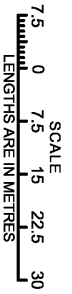
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**DIAGRAM 5**  
ROOF LEVEL



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VERSION: 5

Sheet 6

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 ORIGINAL SHEET SIZE A3
   
 HUME CITY COUNCIL

