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

VOLUME 10687 FOLIO 721 Security no : 124062291814K

Produced 07/09/2016 03:01 pm

LAND DESCRIPTION

Lot 3 on Plan of Subdivision 431010T.

PARENT TITLES :

Volume 06388 Folio 593 Volume 07292 Folio 273 Volume 07302 Folio 355

Volume 08079 Folio 511

Volume 08253 Folio 339 to Volume 08253 Folio 340

Volume 09316 Folio 208 Volume 10422 Folio 553

Volume 10546 Folio 948 to Volume 10546 Folio 949

Volume 10582 Folio 811

Created by instrument PS431010T 13/11/2002

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

JOHN BRUCE ALLEN

PS431010T 13/11/2002

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT PS431010T 13/11/2002

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan set out under DIAGRAM LOCATION below.

AGREEMENT as to part Section 173 Planning and Environment Act 1987

X409742J 09/04/2001

AMENDMENT OF AGREEMENT AB437838W 24/07/2002

DIAGRAM LOCATION

SEE PS431010T FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

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

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

Street Address: 23-79 BAMBRA ROAD AIREYS INLET VIC 3231

DOCUMENT END

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

VOLUME 09687 FOLIO 762 Security no : 124062291899S  
Produced 07/09/2016 03:04 pm  
LAND DESCRIPTION

-----  
Lot 1 on Plan of Subdivision 203794S.  
PARENT TITLES :  
Volume 08957 Folio 920 to Volume 08957 Folio 921  
Created by instrument LP203794S 08/07/1986

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor  
CAROLINE FIONA WOOD of 115 BIMBADEEN DRIVE FAIRHAVEN VIC 3231  
AC313801F 05/09/2003

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE AE011038G 21/11/2005  
BENDIGO BANK LTD

MORTGAGE AH177160E 22/04/2010  
BENDIGO AND ADELAIDE BANK LTD

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section  
24 Subdivision Act 1988 and any other encumbrances shown or entered on the  
plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

-----  
SEE LP203794S FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

-----  
NIL

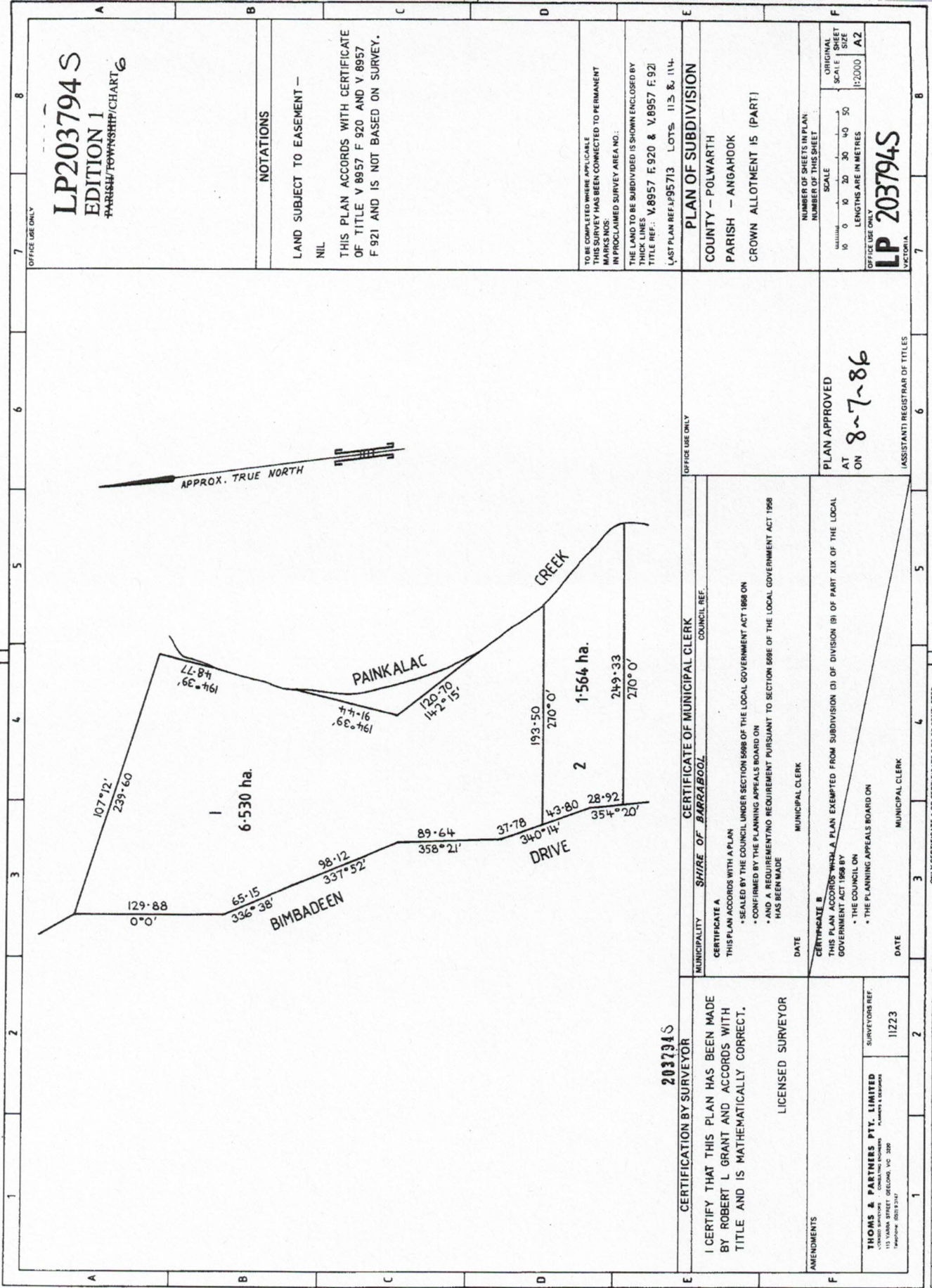
-----END OF REGISTER SEARCH STATEMENT-----

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

Street Address: "BLAZING SADDLES" 115 BIMBADEEN DRIVE FAIRHAVEN VIC 3231

DOCUMENT END

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**LP203794 S**  
**EDITION 1**  
 PARISH/TOWNSHIP/CHART

**NOTATIONS**

LAND SUBJECT TO EASEMENT -  
 NIL

THIS PLAN ACCORDS WITH CERTIFICATE OF TITLE V 8957 F 920 AND V 8957 F 921 AND IS NOT BASED ON SURVEY.

TO BE COMPLETED WHERE APPLICABLE  
 THIS PLAN HAS BEEN CONNECTED TO PERMANENT MARKINGS IN PROCLAIMED SURVEY AREA NO.:

THE LAND TO BE SUBDIVIDED IS SHOWN ENCLOSED BY THE LINES FOR WHICH THIS PLAN IS MADE

TITLE REF.: V.8957 F.920 & V.8957 F.921  
 LAST PLAN REF.: 95713 LOTS. 113 & 114.

**PLAN OF SUBDIVISION**

COUNTY - POLWARTH  
 PARISH - ANGAHOOK  
 CROWN ALLOTMENT 15 (PART)

NUMBER OF SHEETS IN PLAN  
 NUMBER OF THIS SHEET

SCALE  
 ORIGINAL SCALE 1:2000  
 SHEET SCALE 1:2000

LENGTHS ARE IN METRES

**LP 203794 S**  
 VICTORIA

OFFICE USE ONLY

**PLAN APPROVED**  
 AT 8-7-86  
 ON

(ASSISTANT) REGISTRAR OF TITLES

OFFICE USE ONLY

**CERTIFICATE OF MUNICIPAL CLERK**  
 MUNICIPALITY: SHIRE OF BARRABOOL  
 COUNCIL REF.

**CERTIFICATE A**  
 THIS PLAN ACCORDS WITH A PLAN  
 \* SEALED BY THE COUNCIL UNDER SECTION 598B OF THE LOCAL GOVERNMENT ACT 1958 ON  
 \* CONFIRMED BY THE PLANNING APPEALS BOARD ON  
 \* AND A REQUIREMENT/NO REQUIREMENT PURSUANT TO SECTION 598E OF THE LOCAL GOVERNMENT ACT 1958  
 HAS BEEN MADE

DATE MUNICIPAL CLERK

**CERTIFICATE B**  
 THIS PLAN ACCORDS WITH A PLAN EXEMPTED FROM SUBDIVISION (D) OF DIVISION (B) OF PART XIX OF THE LOCAL GOVERNMENT ACT 1958 BY  
 \* THE COUNCIL ON  
 \* THE PLANNING APPEALS BOARD ON

DATE MUNICIPAL CLERK

**203794 S**

**CERTIFICATION BY SURVEYOR**

I CERTIFY THAT THIS PLAN HAS BEEN MADE BY ROBERT L GRANT AND ACCORDS WITH TITLE AND IS MATHEMATICALLY CORRECT.

LICENSED SURVEYOR

**AMENDMENTS**

SURVEYOR'S REF. 11223

**THOMAS & PARTNERS PTY. LIMITED**  
 115 JAMES STREET, MELBOURNE, VIC 3000  
 Telephone: 03 9247 2247

ONLY CERTIFICATE A OR CERTIFICATE B TO BE COMPLETED  
 \* DELETE WORDS NOT APPLICABLE

PLAN OF SUBDIVISION	Stage No. /	LTO use only <b>EDITION 1</b>	Plan Number <b>PS 431010T</b>
---------------------	----------------	----------------------------------	----------------------------------

**Location of Land**  
 Parish: ANGAHOOK  
 Township: \_\_\_\_\_  
 Section: A (PART)  
 Crown Allotment: \_\_\_\_\_  
 Crown Portion: \_\_\_\_\_  
 LTO base record: DCMB  
 Title References: V.6388 F.593, V.7292 F.273, V.7302 F.355, V.8079 F.511, V.8253 F.339, V.8253 F.340, V.10422 F.553, V.10546 F.948, V.10546 F.949.  
 Last Plan Reference: TP18229E, LP1757  
 Postal Address: 23-79 BAMBRA ROAD, (at time of subdivision) AIREYS INLET, 3231.  
 AMG Co-ordinates E 246600 Zone 55  
 (of approx. centre of land in plan) N 5739600

**Council Certification and Endorsement**

Council Name: SURF COAST SHIRE Ref: 52632

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 of the 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 5/3/02

Re-certified under section 11(7) of the Subdivision Act 1988

Council Delegate  
 Council Seal  
 Date / /

**Vesting of Roads or Reserves**

Identifier	Council/Body/Person
ROAD R-1	SURF COAST SHIRE
RESERVE No.1	SURF COAST SHIRE
RESERVE No.2	SURF COAST SHIRE

**Notations**

**Staging** This ~~is~~ / is not a staged subdivision  
 Planning Permit No. 97/7281

**Depth Limitation**  
 DOES NOT APPLY

**CREATION OF RESTRICTION.**  
 UPON REGISTRATION OF THIS PLAN THE FOLLOWING RESTRICTION IS CREATED.  
 LAND TO BENEFIT: LOTS ON THIS PLAN.  
 LAND TO BE BURDENED: LOTS ON THIS PLAN

**DESCRIPTION OF RESTRICTION.**  
 THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ALLOW THE ERECTION OF MORE THAN ONE DWELLING ON ANY ALLOTMENT.  
 IN ACCORDANCE WITH PLANNING PERMIT No.97/7281 NO LOT ON THIS PLAN SHALL BE FURTHER SUBDIVIDED.  
 THE OWNERS OF LOTS ON THIS PLAN SHALL NOT ERECT A BUILDING OTHER THAN IN THE BUILDING ENVELOPES SHOWN ON THE ENDORSED NEIGHBOURHOOD DESIGN PLAN IN PLANNING PERMIT No.97/7281

**PARTIAL SURVEY**

TITLE BOUNDARY ABUTTING PANKALAC CREEK IS NOT A RESULT OF THIS SURVEY.

**Survey:-** This plan is / ~~is not~~ based on survey.  
 This survey has been connected to permanent marks no(s) 21, 22, 23 in Proclaimed Survey Area no. 76

**Easement Information**

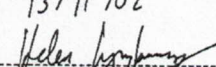
Legend: E - Encumbering Easement or Condition in Crown Grant in the Nature of an Easement  
 A - Appurtenant Easement R - Encumbering Easement (Road)

Subject Land	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	DRAINAGE	6	THIS PLAN	SURF COAST SHIRE

LTO use only  
 Statement of Compliance / Exemption Statement

Received

Date 3/6/02

LTO use only  
 PLAN REGISTERED  
 TIME 11:05  
 DATE 13/11/02  
  
 Assistant Registrar of Titles  
 Sheet 1 of 3 Sheets



30 BELLERME STREET, GEELONG, 3220.  
 Ph. (03) 5229 3147 Fax (03) 5222 1991  
 GEELONG • BALLARAT • MELBOURNE • MILDURA



A QUALITY ASSURED COMPANY

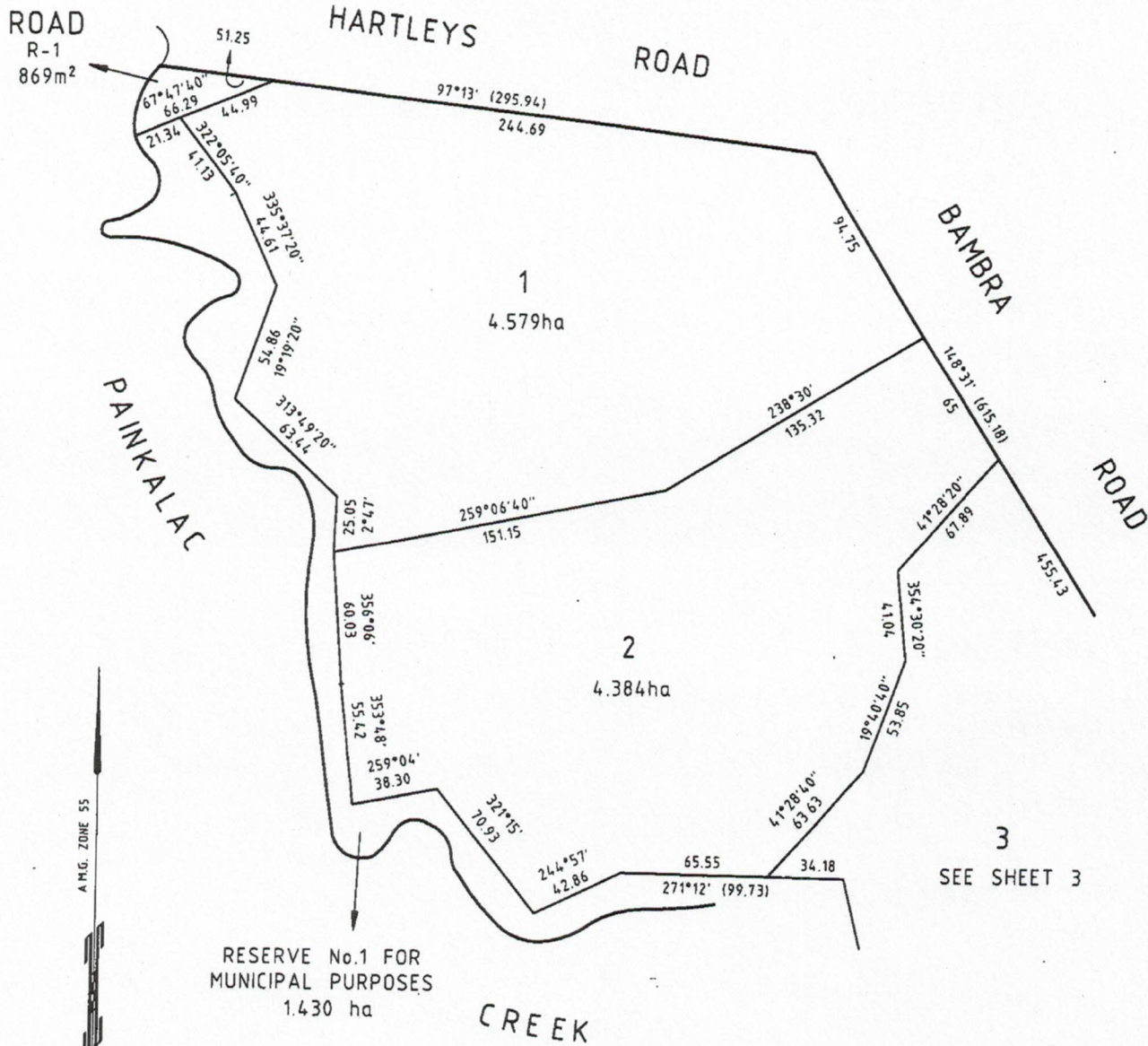
LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

SIGNATURE \_\_\_\_\_ DATE 6/2/02

REF GE-0356-01-SS VERSION 2

DATE 5/3/02  
 COUNCIL DELEGATE SIGNATURE  
 Original sheet size A3

<b>PLAN OF SUBDIVISION</b>	Stage No. /	Plan Number <b>PS431010T</b>
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A.M.G. ZONE 55



30 BELLERME STREET, GEELONG, 3220.  
 Ph (03) 5229 3147 Fax (03) 5222 1991  
 GEELONG • BALLARAT • MELBOURNE • MILDURA



ORIGINAL	SCALE	<p>LENGTHS ARE IN METRES</p>
SCALE 1:2000	SHEET SIZE A3	

LICENSED SURVEYOR (PRINT) GREGORY CHALMERS

SIGNATURE \_\_\_\_\_ DATE / /

REF GE-0356-01-SS VERSION 2

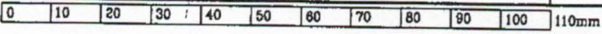
Sheet 2 of 3 Sheets

-----

DATE / /

COUNCIL DELEGATE SIGNATURE

Original sheet size A3





FORM 7 DRAWN &  
09 APR 2001  
RELOADED

~~X1513556~~  
141100 1139 173

APPLICATION BY RESPONSIBLE AUTHORITY  
FOR MAKING OF A RECORDING OF AN AGREEMENT

**X409742J**  
090401 2300 173 \$0

*1 x agreement*



Planning and Environment Act 1987



Lodged at the Land Titles Office by:

Name: BEST HOOPER

Phone: 9670 8951

Address: 563 Little Lonsdale Street, Melbourne

Ref: JDC:LP Customer Code: 0485 U

The Authority having made an Agreement requires a recording to be made in the Register for the land.

Land: Certificates of Title Volume 8079 Folio ~~911~~<sup>511</sup>, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio ~~543~~<sup>543</sup>, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339.

Authority: Surfcoast Shire of 28 Grossmans Road, Torquay, 3228.

Section and Act under which Agreement made:  
Section 173 Planning and Environment Act 1987

AMENDED  
-9 APR 2001  
With consent of  
Current Practitioner for: *A.H.P.*

A copy of the Agreement is attached to this Application.

Signature for the Authority: *Diana Patterson*  
Name of Officer: Diana Patterson  
Position Held: Chief Executive Officer  
Dated: 21.9.00

*210 JAN 2001*



DX409742J-1-1

**SURF COAST SHIRE COUNCIL**

- and -

**MR JOHN BRUCE ALLEN and ESTATE of PATRICIA VALERIE ALLEN**

---

**Agreement Under Section 173 of the  
Planning and Environment Act 1987**

---

**Subject Land: 23-79 Bambra Road, Aireys Inlet**

**KLM Gerner Consulting Group**  
117 Church Street, Hawthorn Vic 3122  
Tel (03) 9819 3199 Fax (03) 9819 1390  
Ref 1363R7

**X151355G**

141100 1139 173



DX409742J-2-8



## PLANNING AND ENVIRONMENT ACT 1987

### SECTION 173 AGREEMENT

THIS AGREEMENT is made on the 4 day of August 2000

**BETWEEN:**

**SURF COAST SHIRE COUNCIL** of 25 Grossmans Road, Torquay, in the State of Victoria (hereinafter called "the Council")

- and -

**JOHN BRUCE ALLEN and ESTATE OF PATRICA VALERIE ALLEN** c/o Allen & Allen Solicitors, 20<sup>th</sup> Floor, 114 William Street, Melbourne 3000 in the State of Victoria (hereinafter called "the Owner").

**WHEREAS:**

- A. The Owner is the owner and registered proprietor of the land more particularly described in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339, ("the Land").
- B. The Land is situated within the boundaries of the Surf Coast Shire which administers the Surf Coast Planning Scheme (the Planning Scheme).
- C. Pursuant to the Planning and Environment Act ("the Act") the Council is the Responsible Authority for the administration and enforcement of the Planning Scheme.
- D. The Council has issued Permit No.97/7281 (the Permit) which allows the land to be subdivided by the realignment of existing lot boundaries to create not more than three lots..
- E. Condition 2 of the Permit requires the execution of an Agreement between the Responsible Authority and the Owner pursuant to Section 173 of the Act prior to the certification of any Plan of Subdivision for the land and prior to the commencement of any development on the Land.
- F. The Council and the Owner have agreed that without restricting or limiting their respective powers to enter into this Agreement and insofar as it can be so treated, this Agreement shall be treated as an Agreement made pursuant to Section 173 of the Act.

**X151355G**

141100 1139 173



DX409742J-3-5

**NOW THIS AGREEMENT WITNESSETH AND THE PARTIES AGREE as follows:**

**1. DEFINITIONS**

In this Agreement the terms and words set out in this clause shall have the following meanings unless otherwise indicated by the context:

- 1.1 "the Act" means the Planning and Environment Act 1987.
- 1.2 "the Council" means Surf Coast Shire Council.
- 1.3 "the Owner" shall mean the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor or proprietors of an estate in fee simple of the land or any relevant part of it.
- 1.4 "the Scheme" means the Surf Coast Planning Scheme or any amendment thereof or any Planning Scheme made by the Minister for Planning and Local Government in place thereof.
- 1.5 "the Land" means the whole of the land in Certificates of Title Volume 8079 Folio 911, Volume 7292 Folio 273, Volume 10422 Folio 553, Volume 6388 Folio 543, Volume 7302 Folio 355, Volume 8253 Folio 340, Volume 8253 Folio 339 situated at 23-79 Bambra Road, Aireys Inlet or any part of such land.
- 1.6 "the Permit" means permit No 997/7281 issued by the Council on March 24, 1999.
- 1.7 "the Plan of Subdivision" means the amended plan submitted to Council in accordance with condition 1 of the Permit.

**2. INTERPRETATION**

In this Agreement unless the context admits otherwise:

- 2.1 The singular includes the plural and the plural includes the singular.
- 2.2 A reference to gender includes a reference to each other gender.
- 2.3 A reference to person includes a reference to a firm, corporation or other corporate bodies and their successors.
- 2.4 If a party consists of more than one person this Agreement binds them jointly and severally.
- 2.5 A reference to a statute shall include any statutes amending, consolidating or replacing same and any other regulations made under such statutes.

**X151355G**



2.6 All headings are for ease of reference only and shall not be taken into account in the construction or interpretation of this Agreement.

### 3. COMMENCEMENT OF AGREEMENT

This Agreement shall commence on the date hereof.

### 4. SPECIFIC OBLIGATIONS OF THE OWNER

The Owner covenants and agrees that:

- 4.1 None of the lots created on the Plan of Subdivision of the land (any of such lots to be referred to in this Agreement as "the lot") shall be further subdivided.
- 4.2 Not more than one dwelling shall be constructed on the lot.
- 4.3 An area of the land with a minimum width of 10 metres along the Painkalac Creek shall be noted on any Plan of Subdivision of the land as public open space to vest upon registration of any Plan of Subdivision of the land in the Council.
- 4.4 A building envelope shall be created for the lot as follows:-
  - (a) A minimum setback of 40 metres from the boundary of the road reserve of the road known as Bambra Road.
  - (b) A building area of not greater than 500 m<sup>2</sup>.
- 4.5 No building shall be constructed outside the building envelope.
- 4.6 The wall height of any building shall be a maximum of 3 metres above the natural ground level of the lot.
- 4.7 The maximum height of any building on the lot shall be 5 metres above the natural ground level of the lot.
- 4.8 No development shall commence on any of the lots unless the planting shown on the landscape plan endorsed to the permit ("the Endorsed Landscaping Plan") has been established for a period of at least two years prior to the commencement of any development.
- 4.9 The planting on the endorsed landscape plan shall be maintained to the satisfaction of the Council.

**X151355G**

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DX409742J-5-0

- 4.10 Save for the establishment of garden beds within a 10 metre radius of any buildings, no planting shall be undertaken on the lot other than in accordance with the endorsed landscaping plan without the written consent of the Council.
- 4.11 No dogs shall be kept on the lot.
- 4.12 All storm-water runoff from any building and any hard surfaces on the lot shall be treated to the satisfaction of the Responsible Authority prior to discharge into Painkalac Creek.

**5. FURTHER OBLIGATIONS OF THE OWNER**

- 5.1 The Owner agrees to do all things necessary to enable the Council to enter a Memorandum of this Agreement on the Certificate of Title to the Land after the Approval Date in accordance with Section 181 of the Act.
- 5.2 The Owner shall bear the reasonable costs of and incidental to the making of this Agreement and the registration of a Memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act and any duties or fees payable in connection with either the Agreement or the registration of the Memorandum at the Land Titles Office.
- 5.3 The Owner covenants and agrees to bring this Agreement to the attention of all prospective purchasers, mortgagees, transferees and assigns of the Land.

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

**THE COMMON SEAL of SURF COAST SHIRE COUNCIL** was hereunto affixed in the presence of:



..... Councillor  
*John Bruce Allen* Chief Executive Officer

**SIGNED** by the said **JOHN BRUCE ALLEN** in the presence of:

*Khalil alay* Witness

**SIGNED** by **JOHN BRUCE ALLEN** as Executor of the Estate of **PATRICIA VALERIE ALLEN** in the presence of:

*Khalil alay* Witness

*J-B Allen*

*J-B Allen*

**X151355G**

141100 1139 173



DX409742J-6-7