

Register Search Statement - Volume 11169 Folio 708

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

VOLUME 11169 FOLIO 708

Security no : 124066514968A
Produced 13/06/2017 01:51 pm

LAND DESCRIPTION

Lot 4 on Plan of Subdivision 510590G.

PARENT TITLES :

Volume 10773 Folio 137 to Volume 10773 Folio 138

Created by instrument PS510590G/D1 13/11/2009

REGISTERED PROPRIETOR

Estate Fee Simple

Joint Proprietors

PHILLIP JOHN SPARK

DIANNE MARGARET SPARK both of "TANKERTON" FRENCH ISLAND VIC 3921

PS510590G/D1 13/11/2009

ENCUMBRANCES, CAVEATS AND NOTICES

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

AGREEMENT Section 173 Planning and Environment Act 1987
AC544223F 15/12/2003

DIAGRAM LOCATION

SEE PS510590G 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: 340 THE CENTRE WAY FRENCH ISLAND VIC 3921

OWNERS CORPORATIONS

The land in this folio is affected by

OWNERS CORPORATION PLAN NO. PS510590G

DOCUMENT END

AC544223F

15/12/2003 \$59 173



1/1 Agreement
APPLICATION FOR RECORDING OF AN AGREEMENT.

SECTION 181 (1) PLANNING & ENVIRONMENT ACT 1987.

APPLICATION BY PHILLIP JOHN SPARK & DIANNE MARGARET SPARK
FOR THE MAKING OF RECORDING OF AN AGREEMENT

LODGED BY:

NAME; M. NEESHAM

PHONE : 0417363505.

ADDRESS; P.O. BOX 230, EAST KEW. 3102.

REF; MN

CUSTOMER CODE:



DAC544223F-1-1

THE AUTHORITY OR COUNCIL HAVING MADE AN AGREEMENT REQUIRES A
RECORDING TO BE MADE IN THE REGISTER FOR THE LAND.

LAND; CERTIFICATE OF TITLE VOLUME 5839 FOLIO 742

now = 10773 - 137
138
139

AUTHORITY OR COUNCIL; THE MINISTER FOR PLANNING OF 80 COLLINS ST,
MELBOURNE.

SECTION AND ACT UNDER WHICH AGREEMENT MADE; SECTION 173 OF THE
PLANNING & ENVIRONMENT ACT.

A COPY OF THE AGREEMENT IS ATTACHED TO THIS APPLICATION.

DATE; 10TH DECEMBER, 2003.

SIGNED ; M. NEESHAM. SOLICITOR FOR THE APPLICANTS.

M. Neesham

CURRENT LEGAL PRACTITIONER
UNDER THE LEGAL PRACTICE ACT.

6 17 12 03

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

BETWEEN



MINISTER FOR PLANNING

-and-

PHILLIP JOHN SPARK & DIANNE MARGARET SPARK



This **AGREEMENT** is made the 30th day of November 2003.

BETWEEN THE MINISTER FOR PLANNING of
8 Nicholson St, East Melbourne
(the Responsible Authority)

AND: PHILLIP JOHN SPARK & DIANNE MARGARET SPARK
Of The Centreway, French Island, Victoria
(the Owners)



RECITALS:

- A. The Owners are the Owners and registered proprietors of the land described in Certificate of Title Volume 5839 Folio 742 which is more commonly known as Crown Allotment 7A, Parish of French Island, County of Mornington. ("the Land").
- B. The Minister for Planning is the responsible authority for the administration and enforcement of the French Island & Sandstone Island Planning Scheme ("the Scheme") which applies to the Land.
- C. On 13th June, 2003, the Responsible Authority issued Planning Permit no. STA/02/000740 ("the Planning Permit"), which allowed the Land to be subdivided into three (3) lots generally in accordance with Plan of Subdivision No. 510590G ("the Plan of Subdivision").
- D. The owners are required to enter into this Agreement with the Responsible Authority in accordance with Condition 5 of the Planning Permit.

THE AGREEMENT IS WITNESSED AND THE PARTIES AGREE as follows:

Interpretation

- 1. In this Agreement:

"the Responsible Authority" means The Minister for Planning



“the Owners” means PHILLIP JOHN SPARK & DIANNE MARGARET SPARK or any person entitled from time to time to be registered by the Registrar of Titles as the proprietor of any estate in fee simple of the Land or any part or parts thereof;

“the Land” means the land referred to in Recital A;

“the Scheme” means the French Island & Sandstone Island Planning Scheme;

“the Planning and Environment Act” means the Planning and Environment Act 1987 or any modification, amendment or re-enactment thereof.

“the French Island National Park” means the area coloured blue on the attached plan marked “A”.

Section 173 of the Planning and Environment Act 1987



2. Without limiting the operation or effect which this Agreement otherwise has, the parties acknowledge that this Agreement is made under the provisions of Section 173 of the Planning and Environment Act 1987.
3.
 - 3.1 This Agreement shall come into force immediately upon execution by both parties.
 - 3.2 The burden of the covenants and obligations imposed on the Owners in this Agreement are intended to run with the Land and apply to the Owners and their successors in title to the Land or any part thereof.

Covenants of Owners

4. The Owners covenant for themselves and their Successors in Title that pursuant to condition 5 of the Planning Permit, they will construct a fence along the southern boundary of the land as shown on the endorsed plan, to be constructed and maintained to the requirements of Parks Victoria and to the satisfaction of the responsible authority.
5. The covenant for themselves and their Successors in Title that pursuant to condition 5 of the Planning Permit that any future development on Lot 3 on the plan of subdivision must be located at least 200 metres from the area coloured blue on the attached plan marked A.



6. The owners covenant for themselves and their Successors in Title that pursuant to condition 5 of the Planning Permit that the land will not be further subdivided so as to increase the number of lots.

Registration of Agreement



DAC544223F-5-4

- 5.1 The parties shall do all things necessary (including signing any further Agreement, acknowledgment or document) to enable a memorandum of this Agreement to be entered on the Certificate of Title to the Land in accordance with Section 181 of the Planning and Environment Act 1987.

- 5.2 Evidence of the registration of this Agreement must be provided to the Responsible Authority prior to a Statement of Compliance being issued for the subdivision of the Land in accordance with the Planning Permit and the Plan of Subdivision.

Costs

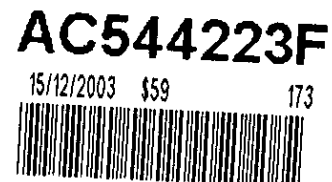
6. Each party shall bear their own costs and expenses of and incidental to this Agreement.

Notices

7. Any notice made under this Agreement may be served by delivering the same to the Owners at their address or the Minister for Planning at 8 Nicholson St, East Melbourne, or at such other address as may be notified by the Owners to the responsible authority in writing, or by putting the same into the post in a prepaid certified envelope addressed to the Owners or the Minister for Planning at their addresses, any notice posted shall be conclusively deemed to have been served at the expiration of 48 hours from time of posting.

General

8. 8.1 Whenever the word "Owners" (if the Owners hold the Land in a trust capacity) appears it shall include the beneficiaries of the trust in relation to which it holds the Land. Where such trust relationship exists, the Owners in executing this Agreement do so intending to assume not only personal liability but also to bind the trust for which it acts as trustee.



8.2 In this Agreement where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of that word or phrase have, unless the contrary intention appears, corresponding meanings.

8.3 Whenever the word "Responsible Authority" appears it shall include its successors (including its successors as Responsible Authority for the town planning controls in which case any reference to the holder of an office with the Responsible Authority shall be deemed to be a reference to such office of the successor Responsible Authority as that Responsible Authority may designate).

8.4 Where the Owners are constituted by more than one person, any obligation imposed by the Agreement on the Owners shall be imposed on those persons jointly and severally.

8.5 The expression "Owners" shall be deemed to include its successors, assigns and transferees and the obligations imposed upon and assumed by the Owners shall also be binding on its successors, transferees, purchasers, mortgagees, assignees and any person obtaining possession of the whole or part of the Land (called the "Successors") as each of those Successors had separately executed this Agreement.

8.6 Each of the parties to this Agreement shall respectively sign and execute all such further documents and deeds and do all acts and things as the other party shall reasonably require for completely effectuating this Agreement.

EXECUTED by the parties on the date set out at the commencement of this **AGREEMENT**.

Signed by and on behalf, and with the authority)
of the Minister for Planning by)
Paul Jerome,
General Manager
Planning, Land Services and Environmental Regulation
Department of Sustainability and Environment
in the exercise of power conferred)
by an Instrument of Delegation dated 23/1/03)




In the presence of:-

A handwritten signature in black ink, appearing to be a stylized 'P' followed by a horizontal line.

SIGNED, SEALED & DELIVERED BY
PHILLIP JOHN SPARK & DIANNE
MARGARET SPARK in the presence of :

) P Spark
) D. Spark
)


.....
witness.



AC544223F



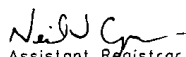
A

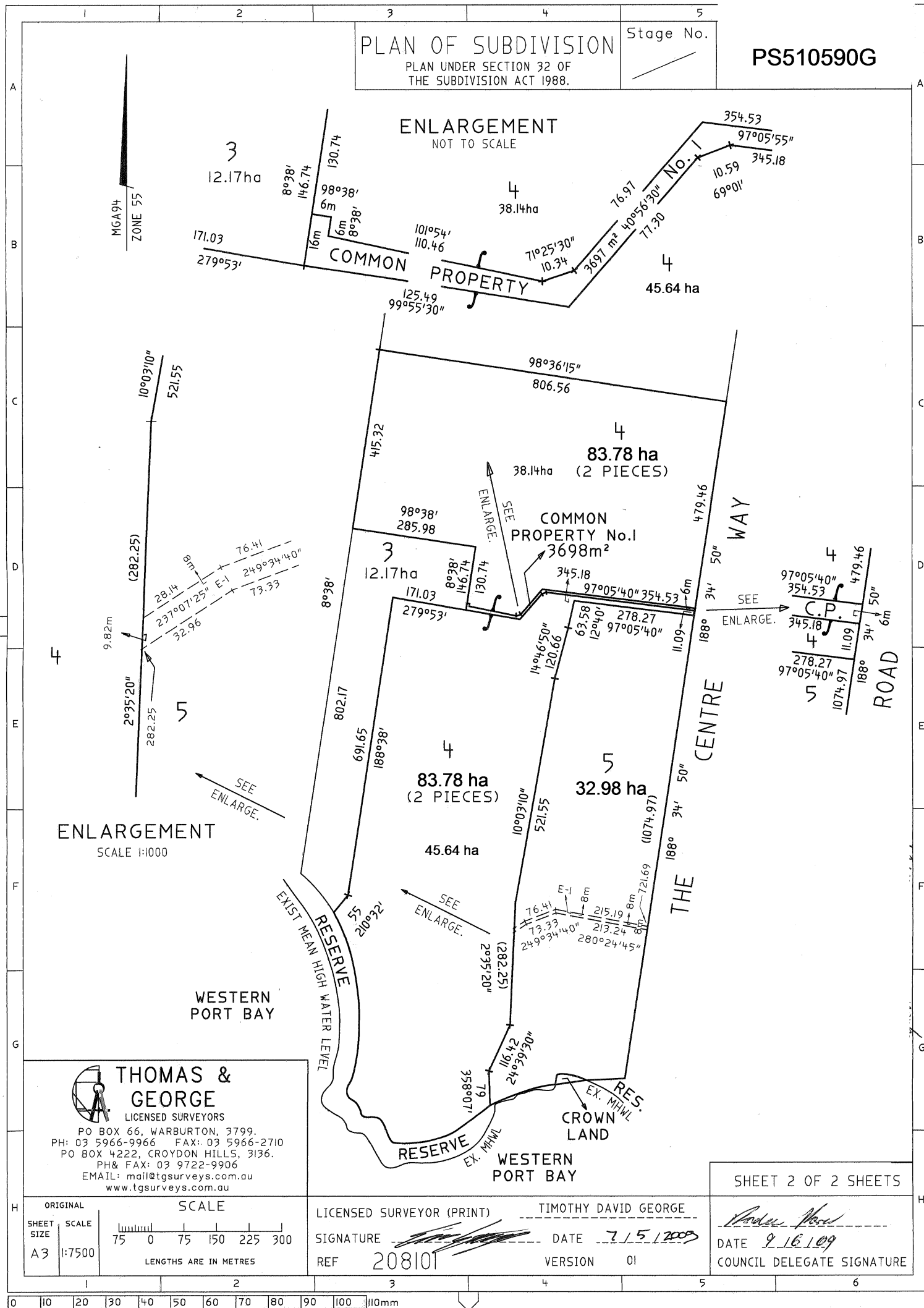
pursuant to a written agreement. The information from the Register of Land is only valid at the time and in the form obtained from the LANDATA® System. The State of Victoria accepts no responsibility for any subsequent release, publication or reproduction of the information.

TITLE PLAN		EDITION 1	TP 279725G
Location of Land Parish: FRENCH ISLAND Township: Section: Crown Allotment: 7 A Crown Portion:		Notations SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT VOL. 5839 FOL. 742 AND NOTED ON SHEET 2 OF THIS PLAN ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN	
Last Plan Reference Derived From: VOL 5839 FOL 742 Depth Limitation: 50 FEET		THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT COMPILED: 19/01/2000 VERIFIED: AA	
Description of Land / Easement Information			
LENGTHS ARE IN LINKS 1 inch = 0.3048 x Feet 1 centimetre = 0.201168 x Links		COLOUR CODE Y = YELLOW	

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DRC544223F-8-9

PLAN OF SUBDIVISION				Stage No. /	LR use only EDITION 2	PS 510590G
Location of Land Parish: FRENCH ISLAND Township: Section Crown Allotment: 7A Crown Portion: Title References: VOL 5839 FOL 742. Last Plan Reference: BP 1876P. Postal Address: THE CENTRE WAY, FRENCH ISLAND, TANKERTON, 3921. A.M.G. Co-ordinates : N 5748000 (Of approx. centre of plan) E 353400 Zone 55				Council Certification and Endorsement Council Name: DEPT OF SUSTAINABILITY Ref: AND ENVIRONMENT 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 21 / 11 / 03 Re-certified under section 11(7) of the Subdivision Act 1988 Council Delegate Council Seal Date / /		
				Vesting of Roads or Reserves <table border="1" style="width: 100%; border-collapse: collapse;"><thead><tr><th style="width: 20%;">Identifier</th><th style="width: 80%;">Council/Body/Person</th></tr></thead><tbody><tr><td style="text-align: center;">Nil</td><td style="text-align: center;">Nil</td></tr></tbody></table>		
Identifier	Council/Body/Person					
Nil	Nil					
Notations						
Depth Limitation: 15.24 METRES BELOW THE SURFACE				Staging This is is not a staged subdivision. Planning Permit No. STA/02/000740.		
SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS CONTAINED IN CROWN GRANT V.5839 F.742.				LOTS IN THIS PLAN MAY BE AFFECTED BY ONE OR MORE OWNERS CORPORATIONS - SEE OWNERS CORPORATION SEARCH REPORT FOR DETAILS Survey:- This plan is / is not based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s). 4 & 74. In proclaimed Survey Area no.		
Easement Information						LR use only Statement of Compliance / Exemption Statement Received <input checked="" type="checkbox"/> Date 5 / 12 / 03 LR use only PLAN REGISTERED TIME 12.59 DATE 15 / 12 / 03  Assistant Registrar of Titles Sheet 1 of 2 Sheets
Legend: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road) SECTION 12(2) OF THE SUBDIVISION ACT APPLIES TO ALL THE LAND CONTAINED IN THIS PLAN.						
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of		
E-1	CARRIAGE WAY	8	PS510590G/D1	LOT 4 ON THIS PLAN		
WAYNE B. THOMAS Licensed Land Surveyor 3407 Warburton Highway, Warburton, 3799 Ph : (03) 5966 2222 Fax : (03) 5966 9119 EMAIL: kgthomas@bigpond.com					LICENSED SURVEYOR (PRINT) TIMOTHY DAVID GEORGE SIGNATURE _____ DATE / / REF 202009 VERSION 3	
					DATE / / COUNCIL DELEGATE SIGNATURE Original sheet size A3	



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