

R325593X

REGD

Register of Titles

\$51

## ADVERTISED PLAN

MACPHERSON & KELLEY  
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 of Title to the land referred to:

LAND:

LOT 77 ON PLAN OF SUBDIVISION NO. 4681 AND BEING THE LAND REMAINING IN CERTIFICATE OF TITLE VOLUME 6432 FOLIO 305,  
PART OF LOT 77 ON PLAN OF SUBDIVISION NO. 4681 AND BEING THE WHOLE OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 6432 FOLIO 306,  
PART OF LOT 75 ON PLAN OF SUBDIVISION NO. 4681 AND BEING THE WHOLE OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 9325 FOLIO 162,  
LOT 2 ON PLAN OF SUBDIVISION NO. 27949 AND BEING THE LAND REMAINING IN CERTIFICATE OF TITLE VOLUME 8046 FOLIO 098,  
LOT 73 ON PLAN OF SUBDIVISION NO. 4681 AND BEING THE WHOLE OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 4057 FOLIO 235,  
LOT 74 ON PLAN OF SUBDIVISION NO. 4681 AND BEING THE WHOLE OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 4240 FOLIO 957,  
LOT 1 ON PLAN OF SUBDIVISION NO. 27949 AND BEING THE WHOLE OF THE LAND DESCRIBED IN CERTIFICATE OF TITLE VOLUME 8817 FOLIO 957,  
LOT 2 ON PLAN OF SUBDIVISION NO. 96617 AND BEING THE LAND REMAINING IN CERTIFICATE OF TITLE VOLUME 8965 FOLIO 826,

This copied document to be 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. The document must not be used for any purpose which may breach any copyright

A memorandum of the within instrument has been entered in the Register Book.



ADVERTISED  
19 FEB 1994  
W. J. ...  
...  
/o

This copied document to be 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. The document must not be used for any purpose which may breach any copyright

**J. N. MARTIN & PARTNERS**

**AGREEMENT PURSUANT TO SECTION 173**

**PLANNING & ENVIRONMENT ACT 1987**

THIS AGREEMENT is made the 19<sup>th</sup> day of FEBRUARY One thousand nine hundred and ninety-one.

BETWEEN: WALTOP PTY. LTD. of 47 Robinson Street, Dandenong in the State of Victoria ("the Owner") of the one first part

AND

THE MAYOR COUNCILLORS AND RATEPAYERS OF THE CITY OF SPRINGVALE of Municipal Offices, 397-405 Springvale Road, Springvale in the said State ("the Council") of the other part

RECITALS

WHEREAS

- A. The Owner is entitled to be registered as the proprietor of all that piece of land being part of Lot 77 on Plan of Subdivision No: 4681 and being the land remaining in Certificate of Title Volume 6432 Folio 305, and part of Lot 77 on Plan of Subdivision No: 4681 and being the whole of the land described in Certificate of Title 6432 Folio 306, and part of Lot 75 on Plan of Subdivision No: 4681 and being the whole of the land described in Certificate of Title Volume 9325 Folio 162, and Lot 2 on Plan of Subdivision No: 27949 and being the land remaining in Certificate of Title Volume 8046 Folio 098, and Lot 73 on Plan of Subdivision No: 4681 and being the whole of the land described in Certificate of Title Volume 4057 Folio 235, and Lot 74 on Plan of Subdivision No: 4681 and being the whole of the land described in Certificate of Title Volume 4240 Folio 957, and Lot 1 on Plan of Subdivision No: 27949 and being the whole of the land described in Certificate of Title Volume 8817 Folio 957, and Lot 2 on Plan of Subdivision No: 96617 and being the land remaining in Certificate of Title Volume 8965 Folio 826, and Lot 72 on

**ADVERTISED  
PLAN**

- 2 -

Plan of Subdivision No: 4681 and being the whole of the land described in Certificate of Title Volume 4597 Folio 206 and being the land situate at 94-96 and 116-156 Clarke Road, Springvale ("the land").

- B. The Owner is the successor in title to the land from PIROTTA INDUSTRIES PTY. LTD. which company has obtained a Town Planning Permit issued by the Council numbered 76/90 issued on 2nd October 1990 ("the Permit") for to use the land for the purpose of a private rubbish tip in accordance with the plans to be submitted and subject to conditions contained in the Permit, inter alia, requiring the Owner to enter into this Agreement and such Permit is of no force or effect until the Owner has entered into this Agreement.

NOW IT IS THEREFORE EXPRESSLY AGREED by and between the parties hereto as follows:-

1. The parties hereto acknowledge that this Agreement is made pursuant to the provisions of Section 173 of the Planning and Environment Act and the conditions of the Permit and that the provisions of this Agreement are intended by them to run with the land and the registered proprietor HEREBY CONSENTS to any application the Council may make for the entry of a memorandum of this Agreement on the Certificates of Title referred to in Recital A hereto or any other Certificate or Certificates of Title which may subsequently issue from the Land Titles Office in respect of the land and shall take all steps and sign all documents reasonably required of them to enable such entry to take place.
2. The expression "the Owner" shall be deemed to include the registered proprietor, its successors, transferee and assigns, the registered proprietor for the time being of the land or any relevant part thereof and the obligations imposed on and assumed by the registered proprietor shall also be binding on his successors, transferees, purchasers, mortgagees, assigns and any person obtaining possession of the whole or part of the land (hereinafter called "the Successors") as if each of those successors had separately executed this Agreement.

**ADVERTISED  
PLAN**

**This copied document to be 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. The document must not be used for any purpose which may breach any copyright**

- 3 -

3. The Owner agrees that tipping on the land shall cease no later than 30th day of September 1996 ("the expiry date") PROVIDED THAT where upon the application of the Owner for an extension of the expiry date the Council reasonably considers that all space available for tipping shall be exhausted within eighteen months or less of the expiry date then Council may extend the expiry date to a date not more than eighteen months after the expiry date.
4. Notwithstanding the provisions of clause 3 herein, should at the expiry date of 30th day of September 1996 space remains available for tipping on the land and the South Eastern Regional Refuse Disposal Groups tipping facility in Clarke Road, Springvale is filled or not in use the Owner agrees to take refuse from the Region at an agreed commercial rate so as to ensure early completion of the tip. It is further acknowledged by the Owner that in circumstances where this clause shall become operative the Region may be required to manage and control the tip.
5. The Owner at its own cost shall prepare the area of land within the Proposed Dingley Freeway Reserve in accordance with the requirements of Vic. Roads and to the satisfaction of the Council.
6. Upon cessation of tipping operations on the land, the Owner at its own cost shall take appropriate steps to ensure the after use of the land for recreation purposes in accordance with the Heatherton-Dingley Chain of Parks Concept Plan - 1988. Such steps shall include:-
  - A. control of any leachates; and
  - B. control of methane or other gases; and
  - C. landscape treatment; and
  - D. removal of buildings or works as directed by the Council; and
  - E. preparation of a "Master Plan" by a professional consultant mutually acceptable to the Owner and the Council who shall deal with the above issued.
7. This Agreement shall be of no force or effect until the Owner has paid the legal costs of Council and Vic. Roads of and incidental to the preparation of this

This copied document to be 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. The document must not be used for any purpose which may breach any copyright

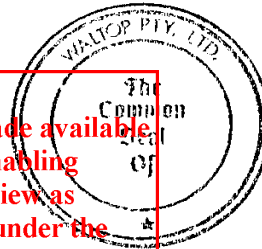
**ADVERTISED  
PLAN**

Agreement and all attendances and correspondence relating thereto and all stamp duty, any Land Titles Office fees and other disbursements thereon.

- 8. (a) This Agreement shall begin on the execution thereof.
- (b) This Agreement shall end upon the completion by the Owner of its obligations pursuant to clauses 5. 6 and 7 hereof.

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

THE COMMON SEAL of WALTOP )  
PTY. LTD. was hereunto )  
 affixed in accordance with its )  
 Articles of Association in the )  
 presence of:- )



This copied document to be 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. The document must not be used for any purpose which may breach any copyright

*[Handwritten Signature]*  
 ..... Secretary

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

**ADVERTISED PLAN**

*[Handwritten Signature: Lorna L. Stevenson]* ..... Mayor  
*[Handwritten Signature]* ..... Councillor  
*[Handwritten Signature]* ..... Town Clerk

**This copied document to be 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.  
The document must not be used for any  
purpose which may breach any  
copyright**

LOT 72 ON PLAN OF SUBDIVISION NO. 4681 AND  
BEING THE WHOLE OF THE LAND DESCRIBED IN  
CERTIFICATE OF TITLE VOLUME 4597 FOLIO 206

ADDRESS OF THE LAND: 94-96 and 116-156 CLARKE ROAD,  
SPRINGVALE

RESPONSIBLE AUTHORITY: THE MAYOR COUNCILLORS AND CITIZENS  
OF THE CITY OF SPRINGVALE

PLANNING SCHEME: SPRINGVALE PLANNING SCHEME

AGREEMENT DATE: DECEMBER 10, 1990

AGREEMENT WITH: WALTOP PTY. LTD.

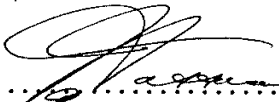
A copy of the Agreement is attached to this Application.

DATED this 15<sup>th</sup> day of April 1991.

SIGNATURE FOR THE RESPONSIBLE AUTHORITY -

NAME OF OFFICER - Ian Tattersall

DATE - 15/4/91

  
.....  
TOWN CLERK/CHIEF EXECUTIVE OFFICER

1720s/50

**ADVERTISED  
PLAN**