

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

Page 1 of 1

VOLUME 11341 FOLIO 488

Security no : 124098130917N
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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 607356B.
PARENT TITLE Volume 10132 Folio 938
Created by instrument PS607356B 28/03/2012

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
BROWNING-FERRIS INDUSTRIES (CRANBOURNE) PTY LTD of 123 WHITEHORSE ROAD
DEEPPENE 3103
PS607356B 28/03/2012

ENCUMBRANCES, CAVEATS AND NOTICES

COVENANT C988605

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
P901575J 13/07/1990

DIAGRAM LOCATION

SEE PS607356B 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: 890 TAYLORS ROAD DANDENONG SOUTH VIC 3175

DOCUMENT END

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REGD

P9015753

TAYLOR SPLATT & PARTNERS

Lawyers
40 Young Street, Frankston
Code No. 2760N

**APPLICATION BY RESPONSIBLE AUTHORITY UNDER SECTION 181
PLANNING AND ENVIRONMENT ACT 1987 FOR ENTRY OF A
MEMORANDUM OF AGREEMENT UNDER SECTION 173 OF THAT 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 8120 Folio 999

**ADDRESS OF
THE LAND:** Lot 1 Bayliss Road, Lyndhurst

**PLANNING
SCHEME:** Cranbourne Planning Scheme

**RESPONSIBLE
AUTHORITY:** **THE PRESIDENT COUNCILLORS AND RATEPAYERS
OF THE SHIRE OF CRANBOURNE** of Sladen Street Cranbourne

**AGREEMENT
DATE:** 16th day of May, 1990

**AGREEMENT
WITH:** **BROWNING-FERRIS INDUSTRIES (CRANBOURNE)
PTY. LTD.** having its registered office at 123 Whitehorse Road Deepdene

A copy of the Agreement is attached to this Application.

DATED the 5th day of July 1990

**THE COMMON SEAL of THE PRESIDENT)
COUNCILLORS AND RATEPAYERS OF THE)
SHIRE OF CRANBOURNE was hereunto)
affixed in the presence of:)**

..... R. T. White President

..... [Signature] Councillor

..... [Signature] Shire Secretary

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



23 JUL 1990

**BROWNING-FERRIS INDUSTRIES
(CRANBOURNE) PTY. LTD.**

-and-

**THE PRESIDENT, COUNCILLORS AND
RATEPAYERS OF THE SHIRE OF CRANBOURNE**

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**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

ARTHUR ROBINSON & HEDDERWICKS
Solicitors,
AMP Tower,
535 Bourke Street,
MELBOURNE. VIC. 3000

Tel: 614 1011
Ref: RBCW:

a

**SECTION 173 AGREEMENT
PLANNING AND ENVIRONMENT ACT 1987**

THIS DEED is made the 16th day of May 1990

BETWEEN: **BROWNING-FERRIS INDUSTRIES (CRANBOURNE) PTY. LTD.** a company incorporated in the State of Victoria and having its registered office at 123 Whitehorse Road Deepdene in the said State ("BFIC", which expression shall include any successors in title to the Land and its liquidators, receivers, managers and voluntary or involuntary assigns) of the first part

AND **THE PRESIDENT, COUNCILLORS AND RATEPAYERS** of the Shire of Cranbourne being a body incorporated pursuant to Section 5 of the Local Government Act 1989 and having its registered office at Sladen Street, Cranbourne in the said State ("Cranbourne" which expression shall include its successors) of the second part

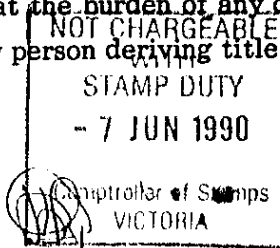
WHEREAS:

- A. BFIC is presently the registered proprietor of the Land.
- B. Cranbourne is the responsible authority in relation to the Land under the Planning and Environment Act 1987 ("the Act")
- C. BFIC seeks to establish on the Land, which is presently used as a sand quarry, a private putrescible landfill and Cranbourne on 24 January 1990 issued Planning Permit No. 890471 to allow BFIC to establish such landfill on the Land.
- D. In order to reduce the risk of any damage or injury including any environmental damage arising from any subsequent use or maintenance of the Land, the parties have covenanted and agreed with each other that after BFIC has ceased operating the landfill on the Land, any subsequent use and maintenance of the Land shall be compatible with such prior use of the Land as a landfill.
- E. It is the intention of the parties that ~~the burden of any covenant contained herein shall run with the Land and bind any person deriving title from BFIC.~~

NOW THIS DEED WITNESSES:

- 1. **Definitions and Interpretation**

- 1.1 In this Agreement, unless the context otherwise requires:



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2.

"cap" means the clay, sand and topsoil to be deposited over the waste placed in the landfill.

"EPA" means the Environment Protection Authority established under Section 5 of the Environment Protection Act 1970.

"Land" means all of that parcel of land described in Certificate of Title, Volume 8120 Folio 999, more commonly known as Lot 1 Bayliss Road, Lyndhurst.

"landfill" means a space above and below ground level constructed with liners wherein waste, including putrescible waste, may be deposited.

"liner" means the layers of clay deposited and compacted on the internal walls and floor of the landfill.

"person" includes any individual or body corporate.

- 1.2 Headings are included for convenience and do not affect the interpretation of this Agreement.

2. **Covenants**

- 2.1 Upon and following BFIC closing the landfill by capping in accordance with the requirements of the EPA, BFIC covenants and agrees that while it is the owner of the land it will:

- (a) take all such measures including but not limited to maintenance of landscaping and drainage as are required to ensure that the integrity of both the cap and liners of the landfill are maintained and furthermore, that no damage is occasioned to either of the cap or the liners; and
- (b) use the Land only for recreational purposes and will not at any time in the future develop the Land as either an industrial or residential site except that a caretaker's residence and maintenance depot may be constructed upon the unfilled area of the south eastern corner of the Land.

- 2.2 The covenants given by BFIC in clause 2.1 shall run with the Land and bind any person deriving title from BFIC.

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3.

3. **Governing Law**

This Agreement is governed by and shall be construed in accordance with the laws of the State of Victoria and the courts of that State will have non-exclusive jurisdiction.

4. **Recitals**

The recitals preceding this Agreement are adopted in and form part of this Agreement.

IN WITNESS whereof the parties have executed this Deed on the date first appearing.

THE COMMON SEAL of BROWNING-
FERRIS INDUSTRIES (CRANBOURNE)
PTY. LTD. was hereunto affixed in the
presence of:

)
)
)
)



.....*E. A. D. L.*.....

Director

.....*J. H. S.*.....

~~Director~~/Secretary

THE COMMON SEAL of THE
PRESIDENT, COUNCILLORS AND
RATEPAYERS OF THE SHIRE OF
CRANBOURNE was hereunto affixed in
the presence of:

)
)
)
)
)

.....*R. F. White*.....

President

.....*Don O'Sullivan*.....

Councillor

.....*A. J. S.*.....

Chief Executive

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MALLESONS
VICTORIA

REGD

CREATION OF EASEMENT

NO PENALTY
B. G. RICHARDS
Comptroller of Stamp
DUTY
16 JAN 1968

I JAMES WALTER MILLS of Lyndhurst Farmer (hereinafter called "the Owner") being registered or entitled to be registered as the proprietor of an estate in fee simple in the land secondly herein after described subject to the encumbrances notified hereunder in consideration of the sum of FOUR HUNDRED DOLLARS (\$400.00) paid to me by the GAS AND FUEL CORPORATION OF VICTORIA (hereinafter called "the Corporation") DO HEREBY TRANSFER AND GRANT unto the Corporation and its successors and transferees registered proprietor or proprietors for the time being of ALL THAT piece of land being part of Crown Portion Twelve Parish of Keelbundora and being the whole of the land comprised in Certificate of Title entered in the Register Book Volume 6866 Folio 134 FULL AND FREE RIGHT AND LIBERTY to and for it and them and its and their contractors servants agents and workmen at all times hereafter subject to and for the purposes of the Gas and Fuel Corporation Act 1958 -

(a) TO ENTER AND RE-ENTER in and upon ALL THAT piece of land delineated and coloured red on the plan annexed hereto and marked "A" and being part of Lot 3 on Plan of Subdivision No. 34157 Parish of Eumemmerring and being part of the land more particularly described in Certificate of Title entered in the Register Book Volume 8239 Folio 606 (which land is, hereinafter referred to as "the servient tenement") and to bring thereon and remove therefrom any plant equipment or materials and to construct re-construct or demolish any works and to excavate trenches and footings or foundations and to lay or erect or place in or under over along or across the servient tenement and from time to time to repair remove renew re-lay or re-erect any pipes conduits valves syphons hatches and inspection chambers and other controlling devices at any place or places and in any position or positions for the transmission of gas PROVIDED ALWAYS that the upper surface of any such pipes or conduits when laid shall be not

JAN-16-68 5:14:21.9 • 1742

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less than two feet below the surface of the servient tenement but inspection chambers hatches syphons and valves may be upon or above the surface.

(b) To erect and maintain any fences and gates upon the servient tenement.

(c) To fell and remove any tree or any limb or limbs of any tree and remove any obstructions upon the servient tenement and to carry out thereon any digging cutting excavating grading and re-grading.

(d) To go pass and repass for all of the purposes aforesaid either with or without horses or other animals carts or other vehicles through over and along the servient tenement.

(e) To use the servient tenement for all purposes of and incidental to the transmission of gas.

(f) To keep the servient tenement free of any buildings whatsoever and free from any obstructions above the surface.

(g) To maintain inspect alter repair renew use take up remove and replace all works and installations.

(h) To enter re-enter and pass on foot or on horseback or in any vehicle or machine over and along the servient tenement as often as the Corporation or its officers may desire for the purpose of protecting inspecting maintaining altering repairing renewing using taking up removing or replacing all works and installations.

PROVIDED ALWAYS that in the exercise of the foregoing powers of the Corporation the Corporation shall do as little damage as may be and will properly fill in any excavations and restore the surface of the servient tenement to as nearly as reasonably possible to the condition in which the same was immediately prior to the commencement of the work and clear of all rubbish and the Corporation shall if required within two years from the exercise of the said powers make full compensation to the owner his heirs - executors administrators or transferees for any damage sustained by him in consequence of such exercise of such powers and in default of agreement the amount of such damage shall be determined in manner provided by the Lands Compensation Act 1958 PROVIDED

2/16A

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DC988605-2-3

FURTHER that the Corporation will at all times hereafter keep indemnified the owner his heirs executors administrators and transferees from and against all damage injury or nuisance which may be caused or occasioned by the escape of gas on to or over the servient tenement if such damage arises from any failure of the Corporation to lay or erect and maintain the said works and installations in a proper and safe manner and design having regard to present day knowledge AND PROVIDED FURTHER that nothing herein contained shall be deemed in any way to restrict limit or detract from any right power authority or immunity of the - Corporation or its successors under or by virtue of the Gas and Fuel Corporation Act 1958 or any amendment thereof or any other statute or regulation which now or hereafter may confer any rights powers authorities or immunities on the Corporation

AND the Owner for himself and his heirs executors administrators and transferees registered proprietor or proprietors for the time being of the servient tenement HEREBY COVENANTS with the Corporation and its successors and transferees registered proprietor or proprietors for the time being of the land firstly hereinbefore described not to erect on any part of the servient tenement any building or other structure or place thereon any obstruction or to cultivate or dig or excavate any part of the surface of the servient tenement to a depth greater than one foot without the previous consent in writing of the Corporation first had and obtained.

DATED the *Seventh* day of *December* One thousand nine hundred and sixty ~~six~~ *seven*.

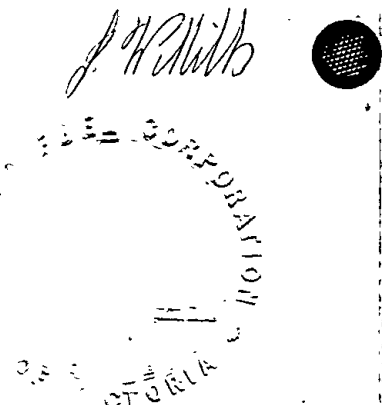
SIGNED SEALED AND DELIVERED in the State of Victoria by the said JAMES WALTER MILLS in the presence of :-

Kathleen J. Mills

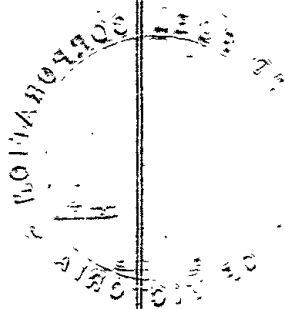
THE COMMON SEAL of GAS AND FUEL CORPORATION OF VICTORIA was hereunto affixed by the authority of the Board of Directors and attested by :-

[Signature] Director
[Signature] Director
[Signature] Secretary

ENCUMBRANCES REFERRED TO :
NIL



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"A"

GAS & FUEL CORPORATION OF VICTORIA

Easement required for **CRIB POINT TO DANDENONG PIPELINE**

Owner **JAMES WALTER MILLS**

Address

LYNDHURST



DC988605-3-0

Part of Allotment **66**

Section

Parish of **EUMEMMERRING**

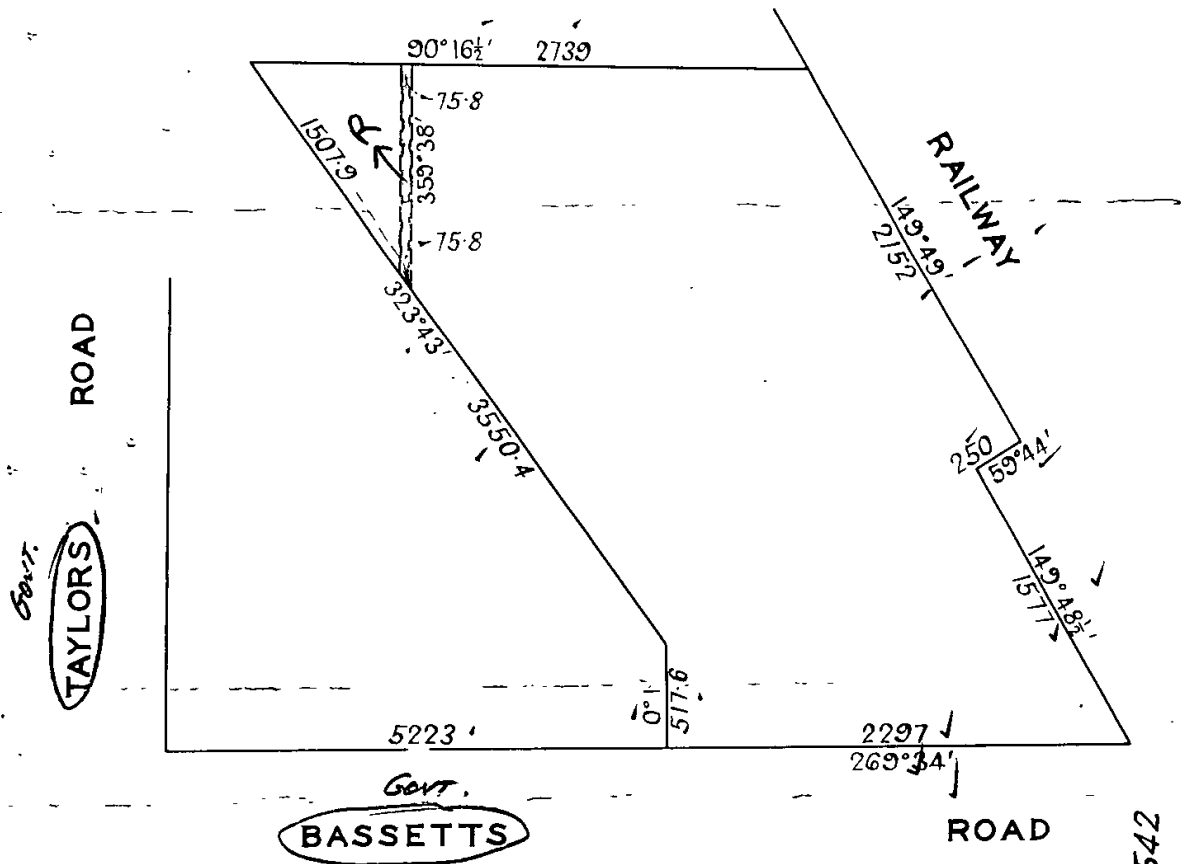
County of **MORNINGTON**

Area **0** a. **3** r. **14** p.

Certificate { Vol. **8239**
Fol. **-606**

Scale: **8 CHAINS** to an Inch.

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Measurements are in

LINKS

Draftsman

GARLICK & STEWART

Checked

Chief Draftsman

Supply Manager

Date

31.8.64

COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched

ET/12 RP.5542

KJM

This is the Plan marked "A" referred to in the Creation of Easement dated the 11th day of December 1967 from JAMES WALTER MILLS to GAS AND FUEL CORPORATION OF VICTORIA.

SIGNED in Victoria by the said }
JAMES WALTER MILLS in the pre- }
sence of :-

J. W. Mills

James W. Mills

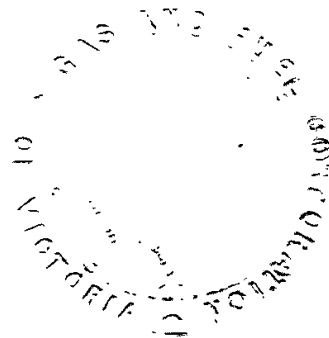
THE COMMON SEAL of GAS AND FUEL }
CORPORATION OF VICTORIA was }
hereunto affixed by the authority }
of the Board of Directors and }
attested by

[Signature]
[Signature]
[Signature]

Director

Director

Secretary



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DC988605-4-6

676. To The Registrar of Titles

M.L.B.

on completion

Please register this dealing and hand Certificate of
Title ~~to issue~~ to Maddock, Lonie and Chisholm

Maddock, Lonie, Chisholm

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



JTH

MALLESONS
Solicitors,
105 King Street,
MELBOURNE

CREATION OF EASEMENT

GAS AND FUEL CORPORATION
OF VICTORIA

to

MR. JAMES W. MILLS

DATED 11th Nov 1968

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PS607356B

PLAN OF SUBDIVISION

STAGE NO.

LR use only.

21/03/2012 \$919.30 PS

EDITION 1



Location of Land

Parish: EUMEMMERRING

Township: -----

Section: -----

Crown Allotment: -----

Crown Portion: 66

LR Base Record: D.C.M.B.

Title Reference: VOL. 10132 FOL. 938

Last Plan Reference: LOT 1 ON PS 322846U

Postal Address: 890 TAYLORS ROAD,
DANDENONG SOUTH 3175.MGA Co-ordinates E 344 860 Zone: 55
N 5 787 900

Council Certificate and Endorsement

Council Name: GREATER DANDENONG Ref. *PS2008/0063*

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/have not been made.~~(ii) The requirement has been satisfied.~~~~(iii) The requirement is to be satisfied in Stage~~

Council delegate

~~Council seal~~

Date

13/01/11~~Re-certified under section 11(7) of the Subdivision Act 1988~~~~Council Delegate~~~~Council Seal~~~~Date~~

Vesting of Roads and/ or Reserve

Identifier	Council / Body / Person
ROAD R-1 RESERVE No.1	CITY OF GREATER DANDENONG MELBOURNE WATER CORPORATION

Notations

Staging This is not a staged subdivision.
Planning Permit No. *2008 0695*

Depth Limitation DOES NOT APPLY

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Area of Site: 56.34ha

No. of Lots: 1

Survey This plan is based on survey.

This survey has been connected to permanent mark No(s)

In Proclaimed Survey Area No.

Easement Information

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

LR use only

Statement of Compliance/
Exemption Statement

Received



Date 21/ 3 /12

LR use only

PLAN REGISTERED

TIME 1.47PM

DATE 27/ 3 /12

K.A.Balachandiran

Assistant Registrar of Titles

Sheet 1 of 2

Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of
E-1	PIPELINE	15.24	C 988605	C/T VOL.6866 FOL.134
E-2	PIPELINE	15.24	C 565069	C/T VOL.8519 FOL.769
E-3	PIPELINE	15.24	C 315285	C/T VOL.8519 FOL.769
E-4	PIPELINE	15.24	C 433086	C/T VOL.6866 FOL.134



John Chivers & Associates P/L
Level 1, 260 Main Street
Lilydale Vic. Australia 3140
Phone: (03) 9735 4888
Fax: (03) 9735 1473
Email: jca@jchivers.com.au
www.jchivers.com.au
A.B.N. 75 083 816 915



LICENSED SURVEYOR : MICHAEL HERWALD HIPFEL

Signature

Date 23 / 9 / 2010

REF. 11682 (12)

VERSION 03

04/02/08
T.D.

Date 13 / 01 / 11

Council Delegate Signature

Original sheet size A3

