

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

Page 1 of 2

VOLUME 11366 FOLIO 917

Security no : 124121411654P

Produced 22/01/2025 03:08 PM

LAND DESCRIPTION

Lot 2 on Plan of Subdivision 700402C.

PARENT TITLES :

Volume 07888 Folio 044 Volume 09149 Folio 599

Created by instrument PS700402C 30/07/2012

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REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

GREGORY IAN EVENDEN of 115 CHURCH ROAD HAZELWOOD NORTH VIC 3840

AL646891P 28/01/2015

ENCUMBRANCES, CAVEATS AND NOTICES

CAVEAT AX768514L 27/02/2024

Caveator

EKU ENERGY PROJECTS (AUSTRALIA) PTY LTD ACN: 643783528

Grounds of Claim

AGREEMENT WITH THE FOLLOWING PARTIES AND DATE.

Parties

THE REGISTERED PROPRIETOR(S)

Date

22/12/2023

Estate or Interest

FREEHOLD ESTATE

Prohibition

ABSOLUTELY

Lodged by

MILLS OAKLEY

Notices to

TOM DUGDALE of LEVEL 6 530 COLLINS STREET MELBOURNE VIC 3000

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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

AJ401891A 03/01/2012

DIAGRAM LOCATION

SEE PS700402C 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: MONASH WAY HAZELWOOD NORTH VIC 3840

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

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DOCUMENT END

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Document Identification	PS700402C
Number of Pages (excluding this cover sheet)	3
Document Assembled	12/12/2024 11:33

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PLAN OF SUBDIVISION

STAGE No.

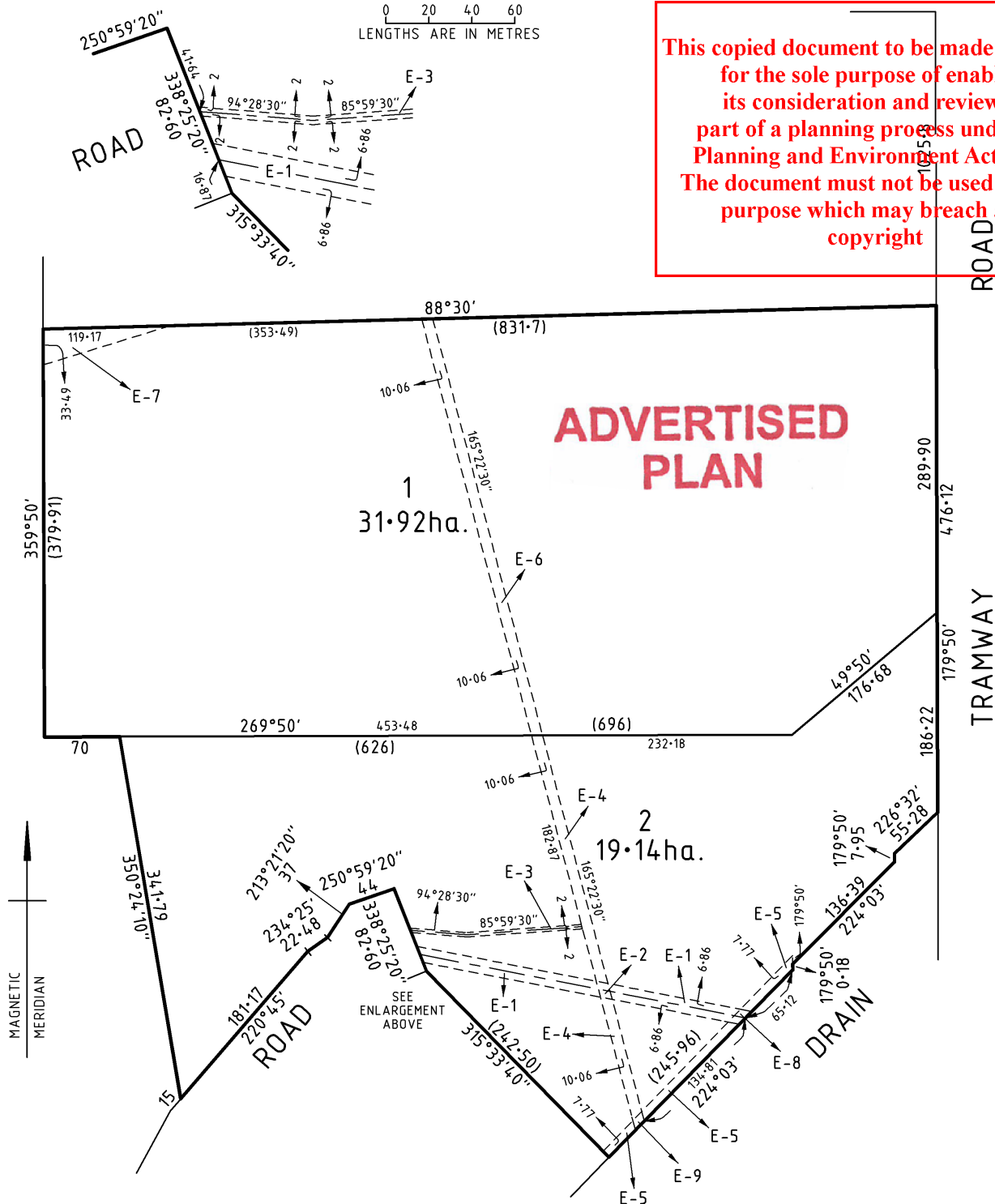
Plan Number

PS700402C

SCALE OF ENLARGEMENT
1:2000
0 20 40 60
LENGTHS ARE IN METRES

GOVERNMENT ROAD

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Beveridge Williams

development & environment consultants

Traralgon ph : 03 5176 0374

SCALE

40 0 40 80 120 160

LENGTHS ARE IN METRES

ORIGINAL

SCALE

1:4000

SHEET SIZE

A3

LICENCED SURVEYOR (PRINT) IAN GORDON KEITH

SIGNATURE DIGITALLY SIGNED

REF. 1000502

VERSION 3

Sheet 2 of 2 Sheets

DATE / /

COUNCIL DELEGATE SIGNATURE

Plan of Subdivision PS700402C
Certification by Council (Form 5)

LatrobeCity

SUBDIVISION (PROCEDURES) REGULATIONS 2000

SPEAR Reference Number: S015515C
Plan Number: PS700402C
Responsible Authority Name: Latrobe City Council
Responsible Authority Reference Number 1: 2010/303
Responsible Authority Reference Number 2: 2011/58/Cert
Surveyor's Plan Version: 3

Certification

This plan is certified under section 6 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

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Digitally signed by Council Delegate: Joel Templar
Organisation: Latrobe City Council
Date: 22/11/2011

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Department of Environment, Land, Water & Planning

Electronic Instrument Statement

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Status	Registered	Dealing Number	AX768514L
Date and Time Lodged	27/02/2024 03:06:31 PM		

Lodger Details

Lodger Code	21078Q
Name	MILLS OAKLEY
Address	
Lodger Box	
Phone	
Email	
Reference	TWDM/JEBM/6230020

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CAVEAT

Jurisdiction	VICTORIA
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Privacy Collection Statement

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Land Title Reference

11366/917

Caveator

Name	EKU ENERGY PROJECTS (AUSTRALIA) PTY LTD
ACN	643783528

Grounds of claim

Agreement with the following Parties and Date.

Parties

The Registered Proprietor(s)

Date

22/12/2023

Estate or Interest claimed

Freehold Estate

Prohibition

Absolutely

Name and Address for Service of Notice

Tom Dugdale



Department of Environment, Land, Water & Planning

Electronic Instrument Statement

Address

Floor Type	LEVEL
Floor Number	6
Street Number	530
Street Name	COLLINS
Street Type	STREET
Locality	MELBOURNE
State	VIC
Postcode	3000

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The caveator claims the estate or interest specified in the land described on the grounds set out. This caveat forbids the registration of any instrument affecting the estate or interest to the extent specified.

Execution

1. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. 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	EKU ENERGY PROJECTS (AUSTRALIA) PTY LTD
Signer Name	THOMAS WILLIAM LAWRENCE DUGDALE
Signer Organisation	MILLS OAKLEY
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	27 FEBRUARY 2024

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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Document Type	Instrument
Document Identification	AJ401891A
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Section 181

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

Section 181(1) Planning and Environment Act 1987

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Lodged by:

Name: Littleton Hackford & D'Alessandro Pty Ltd
Phone: 5133 9639
Address: 256A Commercial Road, Morwell 3840
Reference: **WDA: JB - CRANWELL**
Customer Code: **11150R**

The Authority in 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 for the land.


Land Lots 1, 2 & 3 of TP 875574C and lot 2 of LP 117903 being the whole of
the land more particularly described in Certificates of Title Vol 7888 Fol
044 & Vol 9149 Fol 599

Authority Latrobe City Council, 141 Commercial Road, Morwell 3840

Section and Act under which agreement made:

Section 173
Planning and Environment Act 1987

A copy of the Act Agreement is attached to this Application

Signature of Authority: 

Name of Officer: **HEATHER TULLOCH**

Designation of Officer: **PLANNING ADMINISTRATION OFFICER**

Date: **09/12/2011**

Planning and Environment Act Regulations -9.1

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THIS AGREEMENT is made on the 6th day of December 2011

BETWEEN:

THE LATROBE CITY COUNCIL of 141 Commercial Road, Morwell (hereinafter called "the Council") of the first part

and

DARYL EDWIN SPEECHLEY of 25 Arrandoon Drive, Hazelwood North 3840 & **DAVID MATSON CRANWELL** of Tramway Road, Hazelwood North 3840 ("the Owner") of the second part

WHEREAS:

A. The Owner is the registered proprietor of the land described in Certificates of Title Volume 9149 Folio 599 and Volume 7888 Folio 044 (hereinafter called "the subject land") and has made an application to the Council as the responsible authority under the Latrobe Planning Scheme (hereinafter called "the Scheme") for a permit to subdivide the subject land.

B. The Council has granted Planning Permit No. 2010/303 dated 29th March 2011 (hereinafter called "the Permit") for the subdivision of the subject land subject to conditions including a condition as follows:-

"Prior to the issue of Statement of Compliance, the owner of each lot must enter into an agreement with the Responsible Authority made pursuant to Section 173 of the Planning and Environment Act 1987 to provide the following:

- that the land must not be further subdivided so as to increase the number of lots; and
- that the land is in the vicinity of Mining Licence 5004 (granted under the Mineral Resources (Sustainable Development) Act 1990.

Prior to the issue of Statement of Compliance, an application must be made to the Registrar of Titles to register the Section 173 Agreement on the title to the land under section 181 of the Act.

The operator of this permit must pay the reasonable costs of the preparation, and execution and registration of the section 173 agreement."

C. The Owner has prepared Plan of Subdivision Number PS700402C in accordance the Permit.

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NOW THIS AGREEMENT DOES WITNESS AS FOLLOWS –

1. In this Agreement unless inconsistent with the context or subject matter:-
 “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 subject land.
2. The Owner with the intent that this covenant shall run with the land hereby covenants and agrees:
 - that the land will not be further subdivided so as to increase the number of lots.
 - that the land is in the vicinity of Mining Licence 5004 (granted under the Mineral Resources (Sustainable Development) Act 1990).
3. 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 being an Agreement under Section 173 (1) of the Planning & Environment Act 1987.
4. Without limiting the operation or effect which this Agreement has, 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.
5. 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 subject land in accordance with Section 181 of the Act including signing of any further Agreement, acknowledgement or document to enable the said Memorandum to be registered under that Section.
6. Without limiting the operation or effect that this Agreement has, the Owner must ensure that, until such time as a memorandum of this Agreement is registered on the title to the Subject Land, successors in title shall be required to:
 - (a) give effect to and do all acts and sign all documents which will require those successors to give effect to this Agreement; and
 - (b) execute a deed agreeing to be bound by the terms of this Agreement.
7. The Owner covenants and agrees to pay the Council's costs of and incidental to the execution of this Agreement and the registration of a Memorandum of the Agreement at the Office of Titles 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 Office of Titles.
8. This Agreement will end pursuant to Section 177 of the Act. As soon as reasonably practical after the Agreement has ended, the Council will, at the request and at the cost of the Owner make application to the Registrar of Titles under Section 183(2) of the Act to cancel the recording of this Agreement on the register.

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9. 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:

- (a) be delivering it personally to that party;
- (b) by sending it by prepaid post addressed to that party at the address set out in this Agreement or subsequently notified to each party from time to time; or
- (c) by sending it by facsimile provided that a communication sent by facsimile shall be confirmed immediately in writing by the sending party by hand delivery or prepaid post.

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A notice or other communication is deemed served:

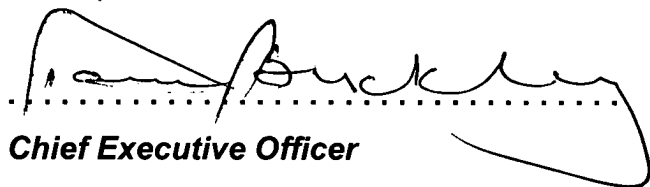
- (d) if delivered, on the next following business day;
- (e) if posted, on the expiration of two business days after the date of posting; or
- (f) if sent by facsimile, on the next following business day unless the receiving party has requested retransmission before the end of that business day.

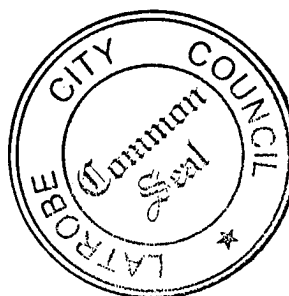
EXECUTED BY THE PARTIES on the date set out at the commencement of this Agreement.

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The **Common Seal of Latrobe City Council**)
was affixed in accordance with Local Law No.1)
this . 6 day of December . 2011)

In the presence of:

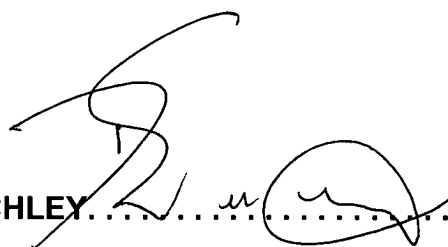

.....
Chief Executive Officer



And

Signed by the said

DARYL EDWIN SPEECHLEY



in the presence of:



&

DAVID MATSON CRANWELL



in the presence of:

