



# Imaged Document Cover Sheet

**ADVERTISED  
PLAN**

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

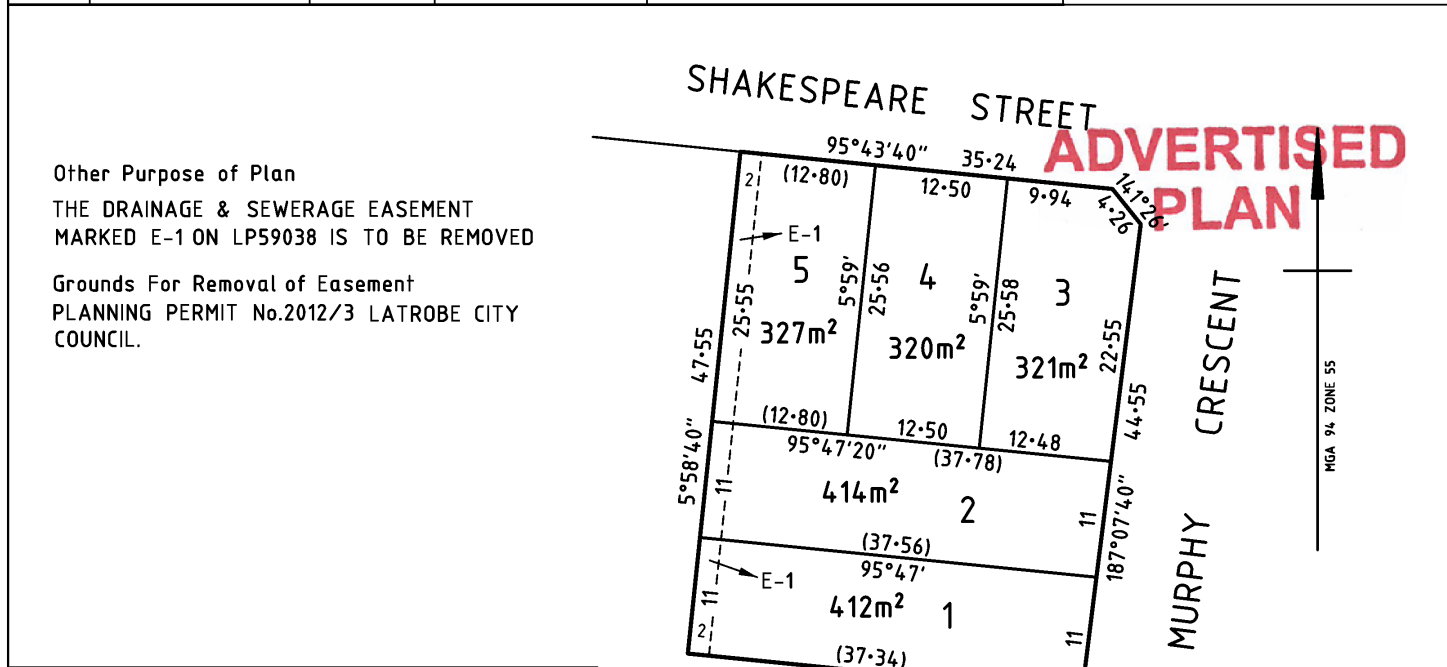
Document Type	<b>Plan</b>
Document Identification	<b>PS708927U</b>
Number of Pages (excluding this cover sheet)	<b>2</b>
Document Assembled	<b>08/06/2023 11:11</b>

**Copyright and disclaimer notice:**

© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

<b>PLAN OF SUBDIVISION</b>	STAGE NO. <hr/>	LRS use only <b>EDITION 1</b>	Plan Number <b>PS708927U</b>	
Location of Land Parish: LOY YANG Township: — Section: A Crown Allotment: 4A (PART) Crown Portion: — Title Reference: VOL.8605 FOL.701 VOL.8605 FOL.702 VOL.8605 FOL.703 Last Plan Reference: LP59038 LOTS 169,170 & 171 Postal Address: 135-137 SHAKESPEARE STREET (at time of & 3 MURPHY CRESCENT subdivision) TRARALGON 3844 MGA Co-ordinates E 461 260 (of approx. centre of N 5771 550 land in plan) ZONE: 55	Council Certification and Endorsement Council Name: LATROBE CITY COUNCIL Ref: 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 under Section 21 of the Subdivision Act 1988. <b>Open Space</b> (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 / / Re-certified under section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /		LRS use only Statement of Compliance/ Exemption Statement Received <input checked="" type="checkbox"/> Date 06/10/2014 LRS use only PLAN REGISTERED Time 2:34 pm Date 15/10/2014 <b>Mark Cagdas</b> Assistant Registrar of Titles Notations Depth Limitation DOES NOT APPLY. Staging: This is not a staged subdivision Planning permit No. 2012/3 SUBDIVISION (REGISTRAR'S REQUIREMENTS) REGULATIONS 2011 APPLY. THIS IS A SPEAR PLAN. The land being subdivided is enclosed within thick continuous lines. Survey This plan is based on survey. This survey has been connected to permanent marks no(s). 38,127,150 & 169 In Proclaimed Survey Area No. —	
<b>Vesting of Roads and/or Reserves</b>				
Identifier	Council/Body/Person			
—	—			
<b>Easement Information</b>				
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 PIPELINE OR ANCILLARY PURPOSES	2 2	THIS PLAN THIS PLAN-SEC 136 WATER ACT 1989	LATROBE CITY COUNCIL CENTRAL GIPPSLAND REGION WATER CORPORATION



**Beveridge Williams**  
 development & environment consultants  
 Traralgon ph : 03 5176 0374  
[www.beveridgewilliams.com.au](http://www.beveridgewilliams.com.au)

SCALE LENGTHS ARE IN METRES	ORIGINAL SCALE <b>1:500</b>	SHEET SIZE <b>A3</b>	LICENSED SURVEYOR (PRINT) DEAN NORMAN SNEDDON SIGNATURE DIGITALLY SIGNED REF. <b>1100117</b> VERSION <b>2</b>	Sheet 1 of 1 Sheets DATE / / COUNCIL DELEGATE SIGNATURE
--------------------------------	-----------------------------------	----------------------------	---	---



**Plan of Subdivision PS708927U  
Certification of plan by Council (Form 2)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S024510A  
Plan Number: PS708927U  
Responsible Authority Name: Latrobe City Council  
Responsible Authority Reference Number 1: 2012/3  
Responsible Authority Reference Number 2: 2012/55/Crt  
Surveyor's Plan Version: 2

**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 been made and the requirement has not been satisfied at Certification

Has been made and the requirement has been satisfied at Statement of Compliance (Document updated 10/07/2014)

Digitally signed by Council Delegate: Adnan Voloder  
Organisation: Latrobe City Council  
Date: 14/11/2012

**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**

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

VOLUME 11525 FOLIO 983

Security no : 124106705376Y  
Produced 08/06/2023 11:10 AM

**LAND DESCRIPTION**

Lot 1 on Plan of Subdivision 708927U.  
PARENT TITLES :  
Volume 08605 Folio 701 to Volume 08605 Folio 703  
Created by instrument PS708927U 15/10/2014

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Sole Proprietor  
DAVID IAN MITCHELL of 4 CROWEA WAY MORNINGTON VIC 3931  
PS708927U 15/10/2014

**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**

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AJ048068V 30/06/2011  
WESTPAC BANKING CORPORATION

CAVEAT AV843895U 12/07/2022  
Caveator  
DIRECTOR OF HOUSING  
Grounds of Claim  
PURCHASERS' CONTRACT WITH THE FOLLOWING PARTIES AND DATE.  
Parties  
THE REGISTERED PROPRIETOR(S)  
Date  
20/06/2022  
Estate or Interest  
FREEHOLD ESTATE  
Prohibition  
UNLESS I/WE CONSENT IN WRITING  
Lodged by  
HOLDING REDLICH  
Notices to  
HOLDING REDLICH - LISA CODY of LEVEL 8 555 BOURKE STREET MELBOURNE VIC 3000

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  
AK865958T 30/01/2014

**DIAGRAM LOCATION**

SEE PS708927U FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

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

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

Page 2 of 2

---

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

Street Address: 3 MURPHY CRESCENT TRARALGON VIC 3844

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION  
Effective from 23/10/2016

DOCUMENT END

**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**



# Imaged Document Cover Sheet

The document following this cover sheet is an imaged document supplied by LANDATA®, Secure Electronic Registries Victoria.

Document Type	<b>Instrument</b>
Document Identification	<b>AK865958T</b>
Number of Pages (excluding this cover sheet)	<b>6</b>
Document Assembled	<b>08/06/2023 11:11</b>

**Copyright and disclaimer notice:**

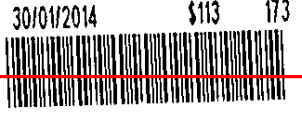
© State of Victoria. This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act 1968 (Cth) and for the purposes of Section 32 of the Sale of Land Act 1962 or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA® System. None of the State of Victoria, LANDATA®, Secure Electronic Registries Victoria Pty Ltd (ABN 86 627 986 396) as trustee for the Secure Electronic Registries Victoria Trust (ABN 83 206 746 897) accept responsibility for any subsequent release, publication or reproduction of the information.

The document is invalid if this cover sheet is removed or altered.

**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**

AK865958T



Section 181

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

**Section 181(1) Planning and Environment Act 1987**

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

Lodged by:

*Littleton Jackford*

Name: ~~Gippsland Legal Conveyancing~~  
Phone: 5172 2444  
Address: 119 Hotham Street, Traralgon  
Reference:  
Customer Code: *1130E*

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	Volume 08605	Folio 701
	Volume 08605	Folio 702
	Volume 08605	Folio 703

---

Authority Latrobe City Council  
PO Box 264  
**MORWELL VIC 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: *[Signature]*  
Name of Officer: *Yvonne Benthin*  
Designation of Officer: *City Planning Admin*  
Date: *18 December 2013*

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

**THIS AGREEMENT** is made on this 16 day of December two thousand and thirteen.

**BETWEEN:**

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

and

**DAVID IAN MITCHELL** of Shop 13, Harbour Plaza, Thompson Road, Patterson Lakes, Victoria 3197 ("the Owner") of the second part

**WHEREAS:**

A. The Owner is the registered proprietor of the land described in certificate of title volume 08605 folio 701, volume 08605 folio 702 and volume 08605 folio 703 (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. 2012/3 dated 16 March 2012 and (hereinafter called "the Permit") for the subdivision of the subject land subject to conditions including a condition as follows:-

"Prior to the issue of a statement of compliance, the operator of this permit must: enter into an Agreement with the Responsible Authority, made pursuant to Section 173 of the *Planning and Environment Act 1987* (the Act), that:

a. requires any future development of the land on Lot 3 on Plan of Subdivision approved on Planning Permit 2012/3 must address both street frontages (Shakespeare Street and Murphy Crescent);

b. make application to the Registrar of Titles to register the Section 173 Agreement on the title to the land under Section 181 of the Act;

c. pay the reasonable costs of the preparation, review, and execution and registration of the Section 173 Agreement;

d. provide Council with a copy of the dealing number issued by the Titles Office;

e. once titles are issued, provide either:

i. a current title search; or

ii. a photocopy of the duplicate Certificate of Title

as evidence of registration of the Section 173 Agreement on title.

**AK865958T**

30/01/2014 \$113 173

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



- C. The owner has prepared Plan of Subdivision number 711197N in accordance with the Permit.

**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 any future development of the land on Lot 3 on Plan of Subdivision approved on Planning Permit 2012/3 must address both street frontages (Shakespeare Street and Murphy Crescent);
  - that every dwelling erected on a lot in the Plan of Subdivision must be connected, in a proper and workmanlike manner to the reasonable satisfaction of the Responsible Authority, prior to the Occupancy Permit being issued for the dwelling to either –
    - i) a stormwater holding tank which includes:
      - a permanent plumbed connection from every dwelling; and
      - a stormwater holding tank as shown on the site drainage plan 1100117-01-41000 as approved by Latrobe City Council dated 21 May 2012, a copy of which is attached to this agreement; or,
    - ii) an alternative stormwater solution first approved in writing by the Responsible Authority which requires the Owner to submit the following documents, prepared by an appropriately qualified engineer, to the Responsible Authority for the review:
      - engineering plans; and
      - hydraulic calculations.
  - That site drainage plan 1100117-01-41000 as approved by Latrobe City Council dated 21 May 2012 becomes an attachment to this S173 agreement.
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*.

This copy of the Occupancy Permit 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

**AK865958T**

30/01/2014 \$113 173



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.

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) by 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.

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 2016. The document must not be used for any purpose which may breach any copyright.



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.

**AK865958T**

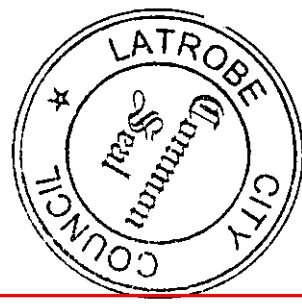


**This copied document to be made available  
for the sole purpose of enabling  
its consideration and review as  
part of a planning process under the  
Planning and Environment Act 1987.  
The document must not be used for any  
purpose which may breach any  
copyright**

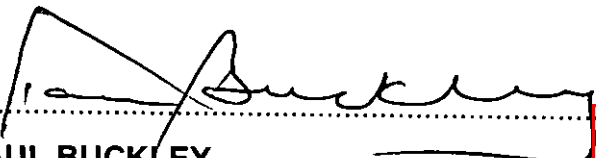
**EXECUTED BY THE PARTIES** on the date set out at the commencement of this Agreement.

The **Common Seal of Latrobe City Council** )  
was affixed in accordance with Local Law No.1 )  
this                      day of                      2013 )

**AK865958T**  
30/01/2014      \$113      173  


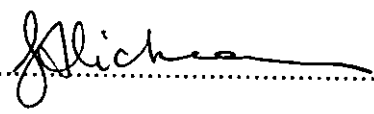



In the presence of:

  
.....  
**PAUL BUCKLEY**  
*Chief Executive Officer*

**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**

**And**  
**Signed** by the said  
**DAVID IAN MITCHELL**

  
.....  
  
.....

In the presence of (witness):



# Department of Environment, Land, Water & Planning

## Electronic Instrument Statement

Copyright State of Victoria. No part of this publication may be reproduced except as permitted by the Copyright Act 1968 (Cth), to comply with a statutory requirement or pursuant to a written agreement. The information is only valid at the time and in the form obtained from the LANDATA REGD TM System. None of the State of Victoria, its agents or contractors, accepts responsibility for any subsequent publication or reproduction of the information.

The Victorian Government acknowledges the Traditional Owners of Victoria and pays respects to their ongoing connection to their Country, History and Culture. The Victorian Government extends this respect to their Elders, past, present and emerging.

Produced 08/06/2023 11:11:46 AM

Status	Registered	Dealing Number	AV843895U
Date and Time Lodged	12/07/2022 09:54:57 AM		

### Lodger Details

Lodger Code	20747C
Name	HOLDING REDLICH
Address	
Lodger Box	
Phone	
Email	
Reference	LMC DFFH 19021310 (C)

## CAVEAT

Jurisdiction	VICTORIA
--------------	----------

### Privacy Collection Statement

The information in this form is collected under statutory authority and used for the purpose of maintaining publicly searchable registers and indexes.

**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**

### Land Title Reference

11525/983  
11525/984

### Caveator

Name	DIRECTOR OF HOUSING
------	---------------------

### Grounds of claim

Purchasers' contract with the following Parties and Date.

#### Parties

The Registered Proprietor(s)

#### Date

20/06/2022

### Estate or Interest claimed

Freehold Estate

### Prohibition

Unless I/we consent in writing



# Department of Environment, Land, Water & Planning

---

## Electronic Instrument Statement

### Name and Address for Service of Notice

Holding Redlich - Lisa Cody

#### Address

Floor Type	LEVEL
Floor Number	8
Street Number	555
Street Name	BOURKE
Street Type	STREET
Locality	MELBOURNE
State	VIC
Postcode	3000

---

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 ensure that this Registry Instrument or Document is correct and compliant with relevant law and any Prescribed Requirement.
2. The Certifier has retained the evidence supporting this Registry Instrument or Document.
3. The Certifier has taken reasonable steps to verify the identity of the caveator or his, her or its administrator or attorney.

Executed on behalf of	DIRECTOR OF HOUSING
Signer Name	LISA CODY
Signer Organisation	HOLDING REDLICH
Signer Role	AUSTRALIAN LEGAL PRACTITIONER
Execution Date	12 JULY 2022

---

### File Notes:

NIL

---

This is a representation of the digitally signed Electronic Instrument or Document certified by Land Use Victoria.

Statement End.

**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**