

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

Page 1 of 1

VOLUME 10178 FOLIO 534

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LAND DESCRIPTION

Lot 1 on Plan of Subdivision 328183L.

PARENT TITLES :

Volume 10036 Folio 159 to Volume 10036 Folio 160

Created by instrument PS328183L 13/07/1994

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

As to 1 of a total of 12 equal undivided shares

Sole Proprietor

VALI MOHAMED SHARIFF VALIBHOY of [REDACTED]

As to 1 of a total of 12 equal undivided shares

Sole Proprietor

ZAHARA MOHAMED SHARIFF VALIBHOY of [REDACTED]

As to 2 of a total of 12 equal undivided shares

Joint Proprietors

MOHAMED SHARIFF VALIBHOY

PARVEEN VALIBHOY both of [REDACTED]

As to 8 of a total of 12 equal undivided shares

Sole Proprietor

CROSSCOAST PTY LTD of [REDACTED]

AK014950K 09/11/2012

**ADVERTISED
PLAN**

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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.

DIAGRAM LOCATION

SEE PS328183L 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: 11-13 SPRING STREET FITZROY VIC 3065

DOCUMENT END

Imaged Document Cover Sheet

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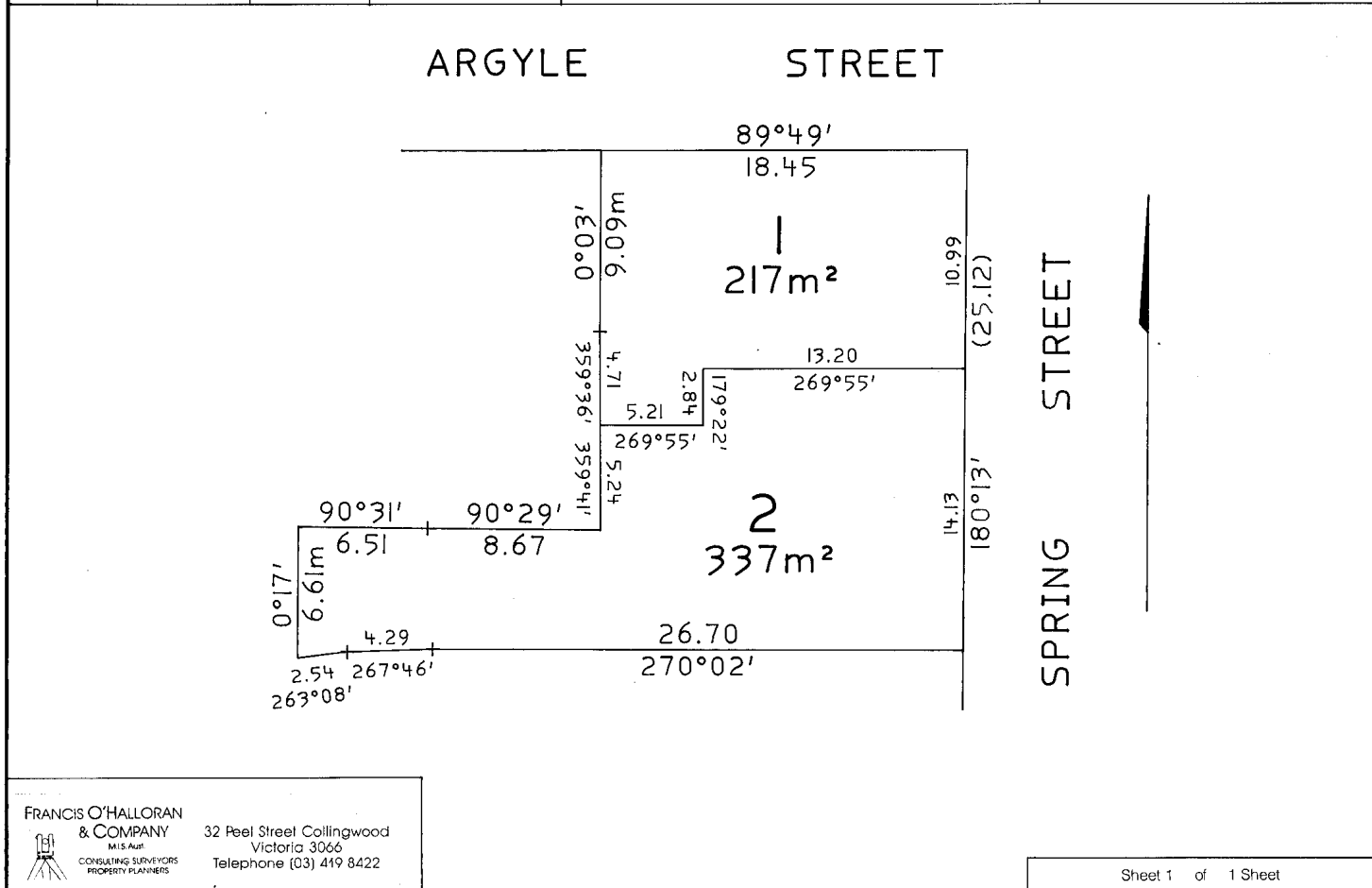
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PLAN OF SUBDIVISION		STAGE No. —	LTO USE ONLY EDITION 1	PLAN NUMBER PS 328183L				
LOCATION OF LAND PARISH: JIKA JIKA TOWNSHIP: SECTION: CROWN ALLOTMENT: CROWN PORTION: 83 (PART) LTO BASE RECORD: CHART 116 (2796) TITLE REFERENCES: VOL10036 FOL 160 VOL. 10036 FOL. 159 LAST PLAN REFERENCE: LP 222120S (Lots 1 & 2) 14-16 ARGYLE STREET & POSTAL ADDRESS: 11-13 SPRING STREET AMG Co-ordinates FITZROY 3065 N 5814 600 ZONE: 55 (of approx. centre of plan) E 321 700		COUNCIL CERTIFICATION AND ENDORSEMENT COUNCIL NAME: <i>CITY OF FITZROY</i> REF: <i>TP 2723</i> 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 has not been made. (ii) The requirement has been satisfied. (iii) The requirement is to be satisfied in Stage Council Delegate Council Seal Date <i>23/3/94</i> Re-certified under section 11(7) of the Subdivision Act 1988. Council Delegate Council Seal Date / /			LTO USE ONLY STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT RECEIVED ☒ DATE: <i>26/5/94</i>			
VESTING OF ROADS OR RESERVES <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 50%;">IDENTIFIER</th> <th style="width: 50%;">COUNCIL/BODY/PERSON</th> </tr> <tr> <td style="text-align: center; height: 50px;">NIL</td> <td style="text-align: center;">NIL</td> </tr> </table>		IDENTIFIER	COUNCIL/BODY/PERSON	NIL	NIL	LTO USE ONLY PLAN REGISTERED TIME <i>3:00</i> DATE <i>13/7/94</i> Assistant Registrar of Titles		
IDENTIFIER	COUNCIL/BODY/PERSON							
NIL	NIL							
NOTATIONS								
DEPTH LIMITATION: DOES NOT APPLY STAGING: This is is not a staged subdivision. Planning Permit No. SURVEY: This plan is is not based on survey.								
EASEMENT INFORMATION								
LEGEND A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)								
SECTION 12(2) OF THE SUBDIVISION ACT 1988 APPLIES TO ALL OF THE LAND IN THIS PLAN OF SUBDIVISION								
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefitted/In Favour Of				



FRANCIS O'HALLORAN & COMPANY M.S. AUST CONSULTING SURVEYORS PROPERTY PLANNERS 32 Peel Street Collingwood Victoria 3066 Telephone (03) 419 8422		Sheet 1 of 1 Sheet	
SCALE LENGTHS ARE IN METRES	ORIGINAL SCALE 1:250 SHEET SIZE A3	LICENSED SURVEYOR (PRINT) <i>K.J. ROBERTS</i> SIGNATURE _____ DATE / / REF 5876 VERSION 1	DATE / / COUNCIL DELEGATE SIGNATURE

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

Page 1 of 1

VOLUME 10178 FOLIO 535

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LAND DESCRIPTION

Lot 2 on Plan of Subdivision 328183L.

PARENT TITLES :

Volume 10036 Folio 159 to Volume 10036 Folio 160

Created by instrument PS328183L 13/07/1994

REGISTERED PROPRIETOR

Estate Fee Simple

TENANTS IN COMMON

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Sole Proprietor

CROSSCOAST PTY LTD of [REDACTED]

AK014931P 09/11/2012

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
S403411E 18/03/1993

DIAGRAM LOCATION

SEE PS328183L 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: 11-13 SPRING STREET FITZROY VIC 3065

DOCUMENT END

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 Code 0985X

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(s) of Title to the land referred
 to.

LAND

Certificate of Title Volume 10036 Folio 160

ADDRESS OF LAND

11 Spring Street, Fitzroy

RESPONSIBLE AUTHORITY

The Mayor, Councillors and Citizens of the City of Fitzroy

PLANNING SCHEME

Fitzroy Planning Scheme

AGREEMENT DATE 26th October, 1992.

AGREEMENT WITH COLANAM HOLDINGS PTY. LTD.

A copy of this Agreement is attached to this Application.

Signature for the
 Responsible Authority

Tim Kirwan

Name of Officer

Tim Kirwan

Date

10. 9. 1992.

11/5/93

THE MAYOR, COUNCILLORS AND CITIZENS OF THE CITY OF FITZROY

- and -

COLANAM HOLDINGS PTY. LTD.

AGREEMENT PURSUANT TO SECTION 173 OF THE PLANNING &
ENVIRONMENT ACT 1987 (AS AMENDED)

HOME, WILKINSON & LOWRY,
Solicitors,
80 Collins Street,
MELBOURNE VIC 3000.

DX: 30822 COLLINS STREET
Tel: 654-3455

Ref: jr/1keep/600335/cty.fitz/S173

THIS AGREEMENT is made the 26th day of October, 1992
pursuant to Section 173 of the Planning & Environment Act 1987 (as
amended) ("the Act")

BETWEEN: THE MAYOR, COUNCILLORS AND CITIZENS OF THE CITY OF
FITZROY of Municipal Offices, Napier Street, Fitzroy
("the Responsible Authority") of the one part

AND

COLANAM HOLDINGS PTY. LTD. (A.C.N. 007 057 034) of
395 Canterbury Road, Vermont ("the Owner", which
expression shall include the Owner's transferees and
assigns) of the other part

WHEREAS:

- A. The Owner is or is entitled to be the registered proprietor of 11 Spring Street, Fitzroy and being the land more particularly described in Lot 2 on Plan of Subdivision No. 222120S and being all the land described in Certificate of Title Volume 10036 Folio 160 ("the land").
- B. Pursuant to a planning application, the Responsible Authority granted a permit numbered 1016 in respect to the development and use of the land for the purpose of a restaurant and art gallery ("the permit").
- C. Condition 12 of the permit requires the Owner to enter into a Section 173 Agreement for the provision of nine (9) car spaces.
- D. The Responsible Authority and the Owner have agreed that, without restricting or limiting their respective powers to enter into this Agreement and in so far as it can be so treated, this Agreement shall be treated as being an Agreement under Section 173 of the Act.

- 2 -

NOW IT IS AGREED as follows:-

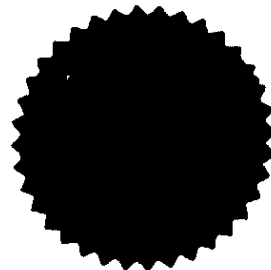
1. The Owner (which term shall include the Owner or Owners of the land from time to time) with the intent that its covenants hereunder shall run with the land hereby covenants and agrees that it will provide nine (9) car spaces as follows:-
 - (a) three (3) car spaces to be provided on the land in accordance with the endorsed plans attached to the permit; and
 - (b) six (6) car spaces to be provided by the Owner by entering into a lease or leases for the car spaces on land in the vicinity of the land for the exclusive use of patrons attending the restaurant on the land, a copy or copies of such lease or leases to be provided to the Responsible Authority.
2. For so long as the obligations of the Owner hereunder shall continue the Owner shall provide the Responsible Authority with evidence of such lease or leases and such further information and documents as is reasonably required by the Responsible Authority to enable the Responsible Authority to satisfy itself that the Owner is continuing to fulfil its obligations under this Agreement.
3. Without limiting the generality of Clause 2 of this Agreement the Owner agrees to notify the Responsible Authority in writing immediately any termination, breach or variation of any lease or leases and shall within one month of renewal or renegotiation of any lease or leases provide a copy or copies of such Lease or leases to the Responsible Authority.

- 3 -

4. This Agreement shall come into force on the signing hereof and shall terminate upon cessation of the use or development of the land as specified in the permit or by agreement between the parties or approval of the Minister.
5. The Owner agrees to do all things necessary to enable the Responsible Authority to enter a Memorandum of this Agreement on the Certificate of Title to the land in accordance with Section 181 of the Act including signing any further Agreement, acknowledgement or other document to enable the said Memorandum to be registered under that section, and to enable alteration or cancellation of registration in accordance with Section 183 of the Act.
6. The Owner shall pay to the Responsible Authority the Responsible Authority's reasonable costs and expenses of and incidental to the preparation, execution and subsequent registration, amendment or cancellation of a Memorandum of the Agreement.

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

THE COMMON SEAL of THE MAYOR)
)
COUNCILLORS AND CITIZENS OF THE)
)
CITY OF FITZROY was hereunto)
)
affixed in the presence of:)



[Signature]Mayor
[Signature]Councillor
[Signature]Municipal Clerk

- 4 -

THE COMMON SEAL of COLANAM
HOLDINGS PTY. LTD. (A.C.N. 007
057 034) was hereunto affixed in
accordance with its Articles of
Association in the presence of:



.....*[Signature]*.....Director
.....*[Signature]*.....Secretary