
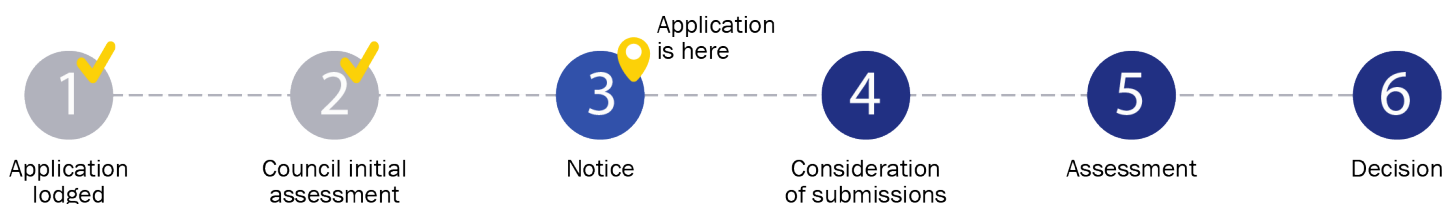


# Notice of Application for a Planning Permit

|  |   |  |
|--|---|--|
| The land affected by the application is located at:  | L504 PS547240 V11197 F219<br>151 Blue Horizons Way, Pakenham VIC 3810   |  |
| The application is for a permit to:  | Variation of Covenant AH232156Q on Lot 504 of PS547240  |  |
| A permit is required under the following clauses of the planning scheme:   |   |  |
| 52.02  | To proceed under Section 23 of the Subdivision Act 1988 to create, vary or remove an easement or restriction or vary or remove a condition in the nature of an easement in a Crown grant  |  |
| <b>APPLICATION DETAILS</b>   |   |  |
| The applicant for the permit is:   | M.J.Reddie Surveys Pty Ltd  |  |
| Application number:  | T240525   |  |
| <p>You may look at the application and any documents that support the application at the office of the responsible authority:</p> <p>Cardinia Shire Council, 20 Siding Avenue, Officer 3809.</p> <p>This can be done during office hours and is free of charge.</p> <p>Documents can also be viewed on Council's website at <a href="http://cardinia.vic.gov.au/advertisedplans">cardinia.vic.gov.au/advertisedplans</a> or by scanning the QR code.</p> |   |    |
| <b>HOW CAN I MAKE A SUBMISSION?</b>  |   |  |
| <p>This application has not been decided. You can still make a submission before a decision has been made. The Responsible Authority will not decide on the application before:</p>  |   | <b>04 April 2025</b>   |
| <p><b>WHAT ARE MY OPTIONS?</b></p> <p>Any person who may be affected by the granting of the permit may object or make other submissions to the responsible authority.</p> <p>If you object, the Responsible Authority will notify you of the decision when it is issued.</p>   | <p>An objection must:</p> <ul style="list-style-type: none"> <li>• be made to the Responsible Authority in writing;</li> <li>• include the reasons for the objection; and</li> <li>• state how the objector would be affected.</li> </ul> | <p>The Responsible Authority must make a copy of every objection available at its office for any person to inspect during office hours free of charge until the end of the period during which an application may be made for review of a decision on the application.</p> |



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## ePlanning

### Application Summary

Portal Reference A4244CA

### Basic Information

Proposed Use 2 lot subdivision, covenant amendment and provision for 173 agreement to delay works  
Current Use Single dwelling  
Site Address 151 Blue Horizons Way Pakenham 3810

### Covenant Disclaimer

Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? No such encumbrances are breached

Note: During the application process you may be required to provide more information in relation to any encumbrances.

### Contacts

| Type              | Name                                     | Address                      | Contact Details            |
|-------------------|--|------------------------------|----------------------------|
| Applicant         | [REDACTED]<br>M.J.Reddie Surveys Pty Ltd | PO BOX 268, berwick VIC 3806 | W: 9707-4117<br>[REDACTED] |
| Preferred Contact | [REDACTED]<br>M.J.Reddie Surveys Pty Ltd | PO BOX 268, berwick VIC 3806 | W: 9707-4117<br>[REDACTED] |

### Fees

| Regulation Fee Condition  | Amount     | Modifier | Payable           |
|---|------------|----------|-------------------|
| 9 - Class 18 To subdivide land into two lots  | \$1,453.40 | 100%     | \$1,453.40        |
| 9 - Class 21 To:<br>create, vary or remove a restriction within the meaning of the Subdivision Act 1988; or<br>create or remove a right of way; or<br>create, vary or remove an easement other than a right of way; or<br>vary or remove a condition in the nature of an easement (other than right of way) in a Crown grant. | \$1,453.40 | 50%      | \$726.70          |
| <b>Total</b>  |            |          | <b>\$2,180.10</b> |



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20 Siding Avenue, Officer, Victoria

**Council's Operations Centre (Depot)**  
Purton Road, Pakenham, Victoria

**Postal Address**  
Cardinia Shire Council  
P.O. Box 7, Pakenham VC, 3810

**Email:** mail@cardinia.vic.gov.au

Monday to Friday 8.30am–  
5pm  
**Phone:** 1300 787 624  
**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784

---

## Documents Uploaded

| Date       | Type                | Filename                            |
|------------|---------------------|-------------------------------------|
| 01-10-2024 | Subdivision Plan    | 24-07-50 (PS V1).pdf                |
| 01-10-2024 | Explanatory Letter  | Form 1.pdf                          |
| 01-10-2024 | Additional Document | 24-07-50 (SA) Model (1).pdf         |
| 01-10-2024 | Additional Document | COV. BLUE HORIZONS WAY - letter.pdf |
| 01-10-2024 | Additional Document | TITLE (Full).PDF                    |
| 08-10-2024 | Additional Document | Clause 56 Assessment.pdf            |

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

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**Email:** [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

**Monday to Friday 8.30am–5pm**  
**Phone:** 1300 787 624  
**After Hours:** 1300 787 624  
**Fax:** 03 5941 3784

# Request to amend a current planning permit application

This form is used to request an amendment to an application for a planning permit that has already been lodged with Council, but which has not yet been decided. This form can be used for amendments made before any notice of the application is given (pursuant to sections 50 / 50A of the *Planning and Environment Act 1987*) or after notice is given (section 57A of the Act).

## PERMIT APPLICATION DETAILS

|                      |                                 |
|----------------------|---------------------------------|
| Application No.:     | T240525                         |
| Address of the Land: | 151 Blue Horizons Way, Pakenham |

## APPLICANT DETAIL

|               |                           |
|---------------|---------------------------|
| Name:         | [REDACTED]                |
| Organisation: | MJ Reddie Surveys         |
| Address:      | 21 Olive Avenue, Harkaway |
| Phone:        | 97074117                  |
| Email:        | luke@reddiesurveys.com.au |

## AMENDMENT TYPE

| Under which section of the Act is this amendment being made? (select one)                        |                                     |
|--|-------------------------------------|
| Section 50 – Amendment to application at request of applicant <b>before</b> notice:              | <input checked="" type="checkbox"/> |
| Section 50A - Amendment to application at request of responsible authority <b>before</b> notice: | <input type="checkbox"/>            |
| Section 57A – Amendment to application <b>after</b> notice is given:                             | <input type="checkbox"/>            |

## AMENDMENT DETAILS

| What is being amended? (select all that apply)   |  |  |
|--|--|--|
| What is being applied for <input checked="" type="checkbox"/>  | Plans / other documents <input type="checkbox"/> | Applicant / owner details <input type="checkbox"/> |
| Land affected <input type="checkbox"/>   | Other <input type="checkbox"/>                   |  |
| Describe the changes. If you need more space, please attach a separate page.   |  |  |
| Change the application from "removal of covenant" to "variation of covenant, to remove conditions a, f & g of the covenant |  |  |
|  |  |  |
|  |  |  |



|   |                                    |               |
|---|------------------------------------|---------------|
| Specify the estimated cost of any development for which the permit is required: |                                    |               |
| Not applicable <input checked="" type="checkbox"/>                              | Unchanged <input type="checkbox"/> | New amount \$ |

**DECLARATION**

|  |            |
|--|------------|
| I declare that all the information in this request is true and correct and the owner (if not myself) has been notified of this request to amend the application. |            |
| Name:  | [Redacted] |
| Signature:   | [Redacted] |
| Date:  | 24/02/2025 |

**LODGEMENT**

Please submit this form, including all amended plans/documents, to [mail@cardinia.vic.gov.au](mailto:mail@cardinia.vic.gov.au)

You can also make amendments to your application via the Cardinia ePlanning Portal at <https://eplanning.cardinia.vic.gov.au/>

If you have any questions or need help to complete this form, please contact Council's Statutory Planning team on 1300 787 624.

**IMPORTANT INFORMATION**

It is strongly recommended that before submitting this form, you discuss the proposed amendment with the Council planning officer processing the application.

Please give full details of the nature of the proposed amendments and clearly highlight any changes to plans (where applicable). If you do not provide sufficient details or a full description of all the amendments proposed, the application may be delayed.

No application fee for s50/s50A requests unless the amendment results in changes to the relevant class of permit fee or introduces new classes of permit fees. The fee for a s57A request is 40% of the relevant class of permit fee, plus any other fees if the amendment results in changes to the relevant class (or classes) of permit fee or introduces new classes of permit fees. Refer to the *Planning and Environment (Fees) Regulations 2016* for more information.

The amendment may result in a request for more under section 54 of the Act and/or the application requiring notification (or re-notification). The costs associated with notification must be covered by the applicant.

Council may refuse to amend the application if it considers that the amendment is so substantial that a new application for a permit should be made.

Any material submitted with this request, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the *Planning and Environment Act 1987*.

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## ePlanning

### Application Summary

|                  |          |
|------------------|----------|
| Portal Reference | D12516GZ |
| Reference No     | T240525  |

### Basic Information

|               |   |
|---------------|---|
| Cost of Works | \$0                                     |
| Site Address  | 151 Blue Horizons Way Pakenham VIC 3810 |

### Covenant Disclaimer

|   |                                   |
|---|-----------------------------------|
| Does the proposal breach, in any way, an encumbrance on title such as restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope? | No such encumbrances are breached |
| <input type="checkbox"/> Note: During the application process you may be required to provide more information in relation to any encumbrances.                                  |                                   |

### Documents Uploaded

| Date       | Type                | Filename         |
|------------|---------------------|------------------|
| 20-02-2025 | Additional Document | RFI Response.pdf |

Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit

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20 Siding Avenue, Officer, Victoria  
**Council's Operations Centre (Depot)**  
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**REGISTER SEARCH STATEMENT (Title Search) Transfer of  
Land Act 1958**

Page 1 of 1

VOLUME 11197 FOLIO 219

Security no : 124117543742R

Produced 19/08/2024 12:26 PM

**LAND DESCRIPTION**

Lot 504 on Plan of Subdivision 547240D.  
PARENT TITLE Volume 11164 Folio 773  
Created by instrument PS547240D 20/04/2010

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**REGISTERED PROPRIETOR**

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AS805152L 12/12/2019  
WESTPAC BANKING CORPORATION

COVENANT AH232156Q 18/05/2010

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  
X688217L 22/08/2001

**DIAGRAM LOCATION**

SEE PS547240D 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: 151 BLUE HORIZONS WAY PAKENHAM VIC 3810

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION  
Effective from 12/12/2019

DOCUMENT END



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| Document Type                                   | <b>Instrument</b>       |
| Document Identification                         | <b>AH232156Q</b>        |
| Number of Pages<br>(excluding this cover sheet) | <b>4</b>                |
| Document Assembled                              | <b>19/08/2024 15:51</b> |

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# TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

Lodged by:

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: Scott Ashwood P/L

Ref: Code 1557Q

Customer Code: \_\_\_\_\_

*502*

**AH232156Q**  
 18/05/2010 \$501 45  


MADE AVAILABLE / CHANGE CONTROL  
 Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 11197 Folio 219

Estate and Interest: (e.g. "all my estate in fee simple")

All its estate in fee simple

Consideration:

[Redacted]

Transferor: (full name)

[Redacted]

Creation and/or Reservation and/or Covenant

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Continued on T2 Page 2.

Approval No. 325955A

ORDER TO REGISTER

Please register and issue title to

# T2



Signed

Cust. Code:

Stamp Duty Use Only  
 DRS AP 414  
 Vic Duty \$4,120.00  
 Consideration \$155,000.00  
 Trans No. 9929/2010  
 Endorse Date 05/05/2010  
 Section s57J (PPR) Original  
 KATHARINEB Signature *[Signature]*

THE BACK OF THIS FORM MUST NOT BE USED *44415573 9781*  
 Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

**AH232156Q**

18/05/2010 \$501 45



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Dated:

4/5/10

Execution and attestation



Approval No. 325955A

**T2 Page 2**





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# ANNEXURE PAGE

## Transfer of Land Act 1958

Approved Form A1  
Victorian Land Titles Office

Panel Heading

"AND the said Transferees for themselves, their heirs, executor administrators and Transferees the registered proprietor or proprietors for the time being of the land hereby transferred and every part thereof (hereinafter referred to as "The Transferees") DO HEREBY and as a separate Covenant COVENANT with the said Transferor its successors, assigns and transferees and others the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision No. 515599K and every part or parts thereof (other than the lot hereby transferred) that the Transferees will not, and the Transferees hereby Covenant that they will not:

- a) Erect of cause to be erected or allow to remain on the lot hereby transferred any dwelling other than one dwelling the plans for which have been approved by the transferor and having a clear floor area of not less than 18 squares including exterior walls but excluding verandahs, garages and outbuildings and with the outer walls thereof being constructed of brick, brick veneer or new weather board (excluding a portable home).
- b) Erect or construct a roof other than one which is constructed of tiles, slate or colourbond unless the type colour and materials are approved of in writing by the transferor.
- c) Erect or cause to be erected or allow to remain on the lot herein transferred any garage or carport other than a garage or carport which is of brick or brick veneer constructions;
- d) Erect or cause to be erected or allow to remain on the lot hereby transferred any other type of shed including garden shed of a size greater than four squares;
- e) Keep within the boundaries of the lot hereby transferred more than two of any species of animal or bird;
- f) Cause or allow the lot hereby transferred to be re-subdivided into small allotments either by way of Plan of Subdivision, Strata Subdivision or Cluster Titles.
- g) Erect or cause to be erected more than one dwelling house or allow the lot hereby transferred to be used as a road, access way, carriageway easement, cross over or for any other purposes whatsoever.
- h) Erect or construct the dwelling, garage or outbuilding within 5 meters of the front boundary of the lot hereby transferred.

Approval No. 18170111L

# A1



1. If there is insufficient space to accommodate the signature on the Annexure Page under the appropriate panel heading. **PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Page to be used.
3. The Annexure Pages must be properly identified and signed on the Annexure Form to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

**AH232156Q** on RE  
 18/05/2010 \$501 45 ch. ved

# ANNEXURE PAGE

## Transfer of Land Act 1958

Approved Form A1  
Victorian Land Titles Office

### Panel Heading

- i) Erect or construct a fence on any part of the land whose boundaries adjoin any land owned by the transferor unless such fence is erected at a cost of no more than \$1.00 to the transferor.
- j) Erect or construct any fence on the side boundaries hereby transferred unless the materials are of brick, brick rendered, Colourbond or brush with timber capping. Fence colour to be Colourbond Domain, (if Colourbond fencing is used).
- k) Allow or cause the dwelling constructed on the lot hereby transferred to be used for display house purposes without the written consent of the transferor.
- l) For a period of 18 months from the date hereof erect or permit to be erected any notice, signboard or other display advertised or indicating that the lot is hereby transferred is or may be for sale provided that this covenant shall not apply to the advertising for sale of a house erected on the lot hereby transferred.
- m) Allow or cause any truck or heavy vehicle to be parked on the lot hereby transferred or in the street abutting or adjoining the lot hereby transferred.
- n) Allow the landscaping on the lot hereby transferred to deteriorate and to maintain the same on a quarterly basis.

AND it is intended that this Covenant shall appear as an encumbrance affecting the same and every part thereof on the Certificate of Title to be issued in respect to the lot hereby transferred.

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# AH232156Q



Approval No. 18170111L

# A1



1. If there is insufficient space to accommodate the required information in a panel of the *Approved Form* insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading. **THE BACK OF THE ANNEXURE PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the *Approved Form* to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

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| Document Identification                         | <b>PS547240D</b>        |
| Number of Pages<br>(excluding this cover sheet) | <b>5</b>                |
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**PS547240D**

|  |             |                                 |                                       |
|--|-------------|---------------------------------|---------------------------------------|
| SUBDIVISION ACT 1988<br><b>PLAN OF SUBDIVISION</b> | STAGE No. / | LR USE ONLY<br><b>EDITION 2</b> | P<br>F<br>15/04/2010 \$2524.70 PS<br> |
|--|-------------|---------------------------------|---------------------------------------|

**LOCATION OF LAND**

PARISH: NAR NAR GOON

TOWNSHIP: -----

SECTION: -----

CROWN ALLOTMENT: 51<sup>G</sup> (PART)

CROWN PORTION: -----

LTO BASE RECORD: D.C.M.B.

TITLE REFERENCES: VOL. 11164 FOL. 773

LAST PLAN REFERENCE: PS 542159M LOT J

POSTAL ADDRESS: JACARANDA WAY  
(at time of subdivision) PAKENHAM 3810

MGA CO-ORDINATES: E 365 840 ZONE: 55  
(of approximate centre of land in plan) N 5 783 270

**COUNCIL CERTIFICATION AND ENDORSEMENT**

COUNCIL NAME : CARDINIA SHIRE COUNCIL REF : **506/065**

- THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988.
- ~~THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 / /~~
- ~~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 *cmurphy*

~~COUNCIL SEAL~~

DATE **9/6/2009**

~~RE CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988-~~

~~COUNCIL DELEGATE-~~

~~COUNCIL SEAL~~

DATE / /

**VESTING OF ROADS OR RESERVES**

| IDENTIFIER                  | COUNCIL / BODY / PERSON                          |
|-----------------------------|--|
| ROADS, R-1<br>RESERVE No. 1 | CARDINIA SHIRE COUNCIL<br>CARDINIA SHIRE COUNCIL |

**NOTATIONS**

|  |  |
|--|--|
| DEPTH LIMITATION: DOES NOT APPLY   | STAGING THIS IS NOT A STAGED SUBDIVISION<br>PLANNING PERMIT No.  |
| LOTS 1-500 (BOTH INCLUSIVE) AND 510-531 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS PLAN. | THE LAND BEING SUBDIVIDED IS ENCLOSED WITHIN THICK CONTINUOUS LINES.<br>SURVEY THIS PLAN IS BASED ON SURVEY<br>THIS SURVEY HAS BEEN CONNECTED TO PERMANENT MARKS No (s) . -----<br>IN PROCLAIMED SURVEY AREA No. ----- |

**EASEMENT INFORMATION**

LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)

| EASEMENT REFERENCE | PURPOSE  | WIDTH (METRES) | ORIGIN    | LAND BENEFITED / IN FAVOUR OF |
|--------------------|----------|----------------|-----------|-------------------------------|
| E-1, E-3           | DRAINAGE | 2              | THIS PLAN | CARDINIA SHIRE COUNCIL        |
| E-2, E-3           | SEWERAGE | 2              | THIS PLAN | SOUTH EAST WATER LIMITED      |

**LR USE ONLY**

STATEMENT OF COMPLIANCE/  
EXEMPTION STATEMENT

RECEIVED

DATE **15 / 4 / 10**

**LR USE ONLY**

PLAN REGISTERED

TIME 4:05

DATE **20 / 4 / 10**

**Randall McDonald**

.....

ASSISTANT REGISTRAR OF TITLES

*...cmurphy...*

DATE **9/6/2009**

|  |   |   |
|--|---|---|
| Reeds Consulting Pty Ltd<br>Level 6 440 Elizabeth Street<br>Melbourne 3000<br>phone (03) 8660 3000 fax (03) 8660 3060<br>e-mail survey@reedscon.com.au<br><small>Copyright © 2008 Reeds Consulting Pty Ltd</small> | LICENSED SURVEYOR (PRINT) ..... <b>ALAN DAVID NORMAN</b> .....<br>SIGNATURE <i>Alan David Norman</i> ..... DATE <b>2/6/2009</b> .....<br>REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS1E.DGN | COUNCIL DELEGATE SIGNATURE<br>SHEET 1 OF 4 SHEETS<br>ORIGINAL SHEET SIZE A3 |
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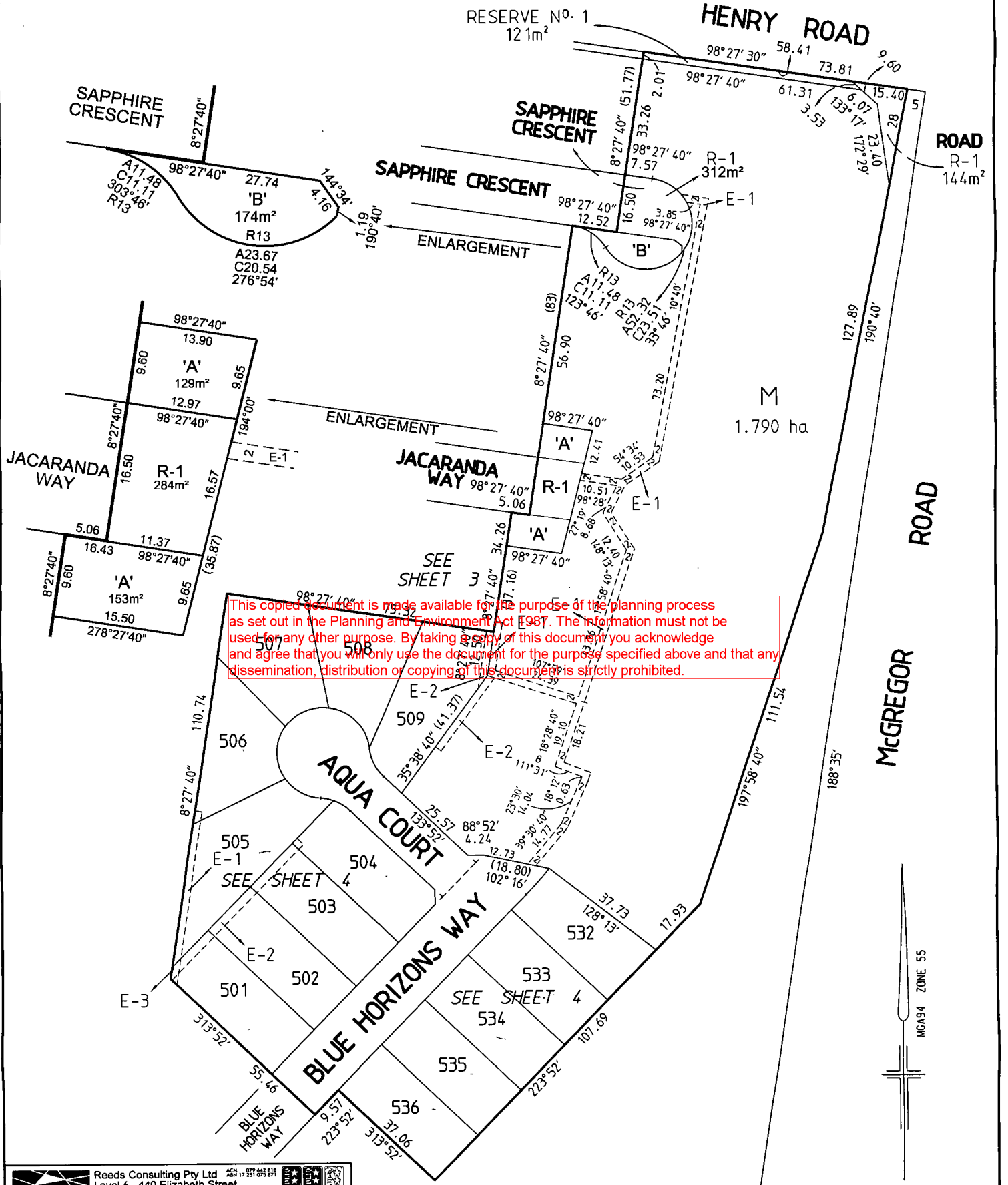
SUBDIVISION ACT 1988

STAGE No.

PLAN NUMBER

# PLAN OF SUBDIVISION

# PS 547240D



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 CIVIL ENGINEERS • LAND SURVEYORS • DEVELOPMENT CONSULTANTS

Reeds Consulting Pty Ltd  
 Level 6 440 Elizabeth Street  
 Melbourne 3000  
 phone (03) 8660 3000 fax (03) 8660 3060  
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LICENSED SURVEYOR (PRINT) ..... ALAN DAVID NORMAN .....  
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 REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS2E.DGN

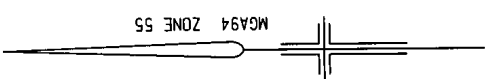
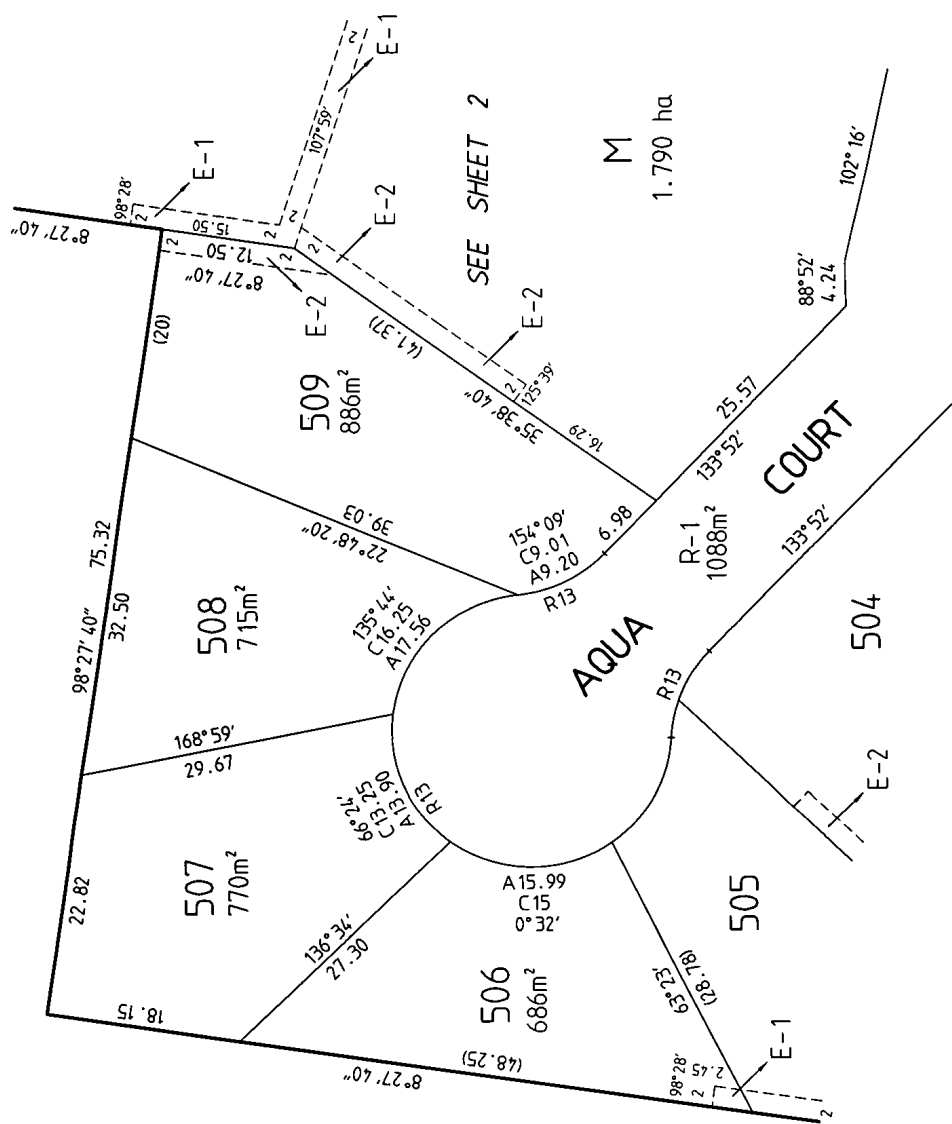
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 ..... .....  
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STAGE No. PLAN NUMBER  
**PS 547240D**

SUBDIVISION ACT 1988  
**PLAN OF SUBDIVISION**

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SEE SHEET 4

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SIGNATURE *Alan David Norman* DATE 2/6/2009  
REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS3E.DGN

SHEET 3 OF 4 SHEETS  
... *Alan David Norman* DATE 9/6/2009  
COUNCIL DELEGATE SIGNATURE



SUBDIVISION ACT 1988

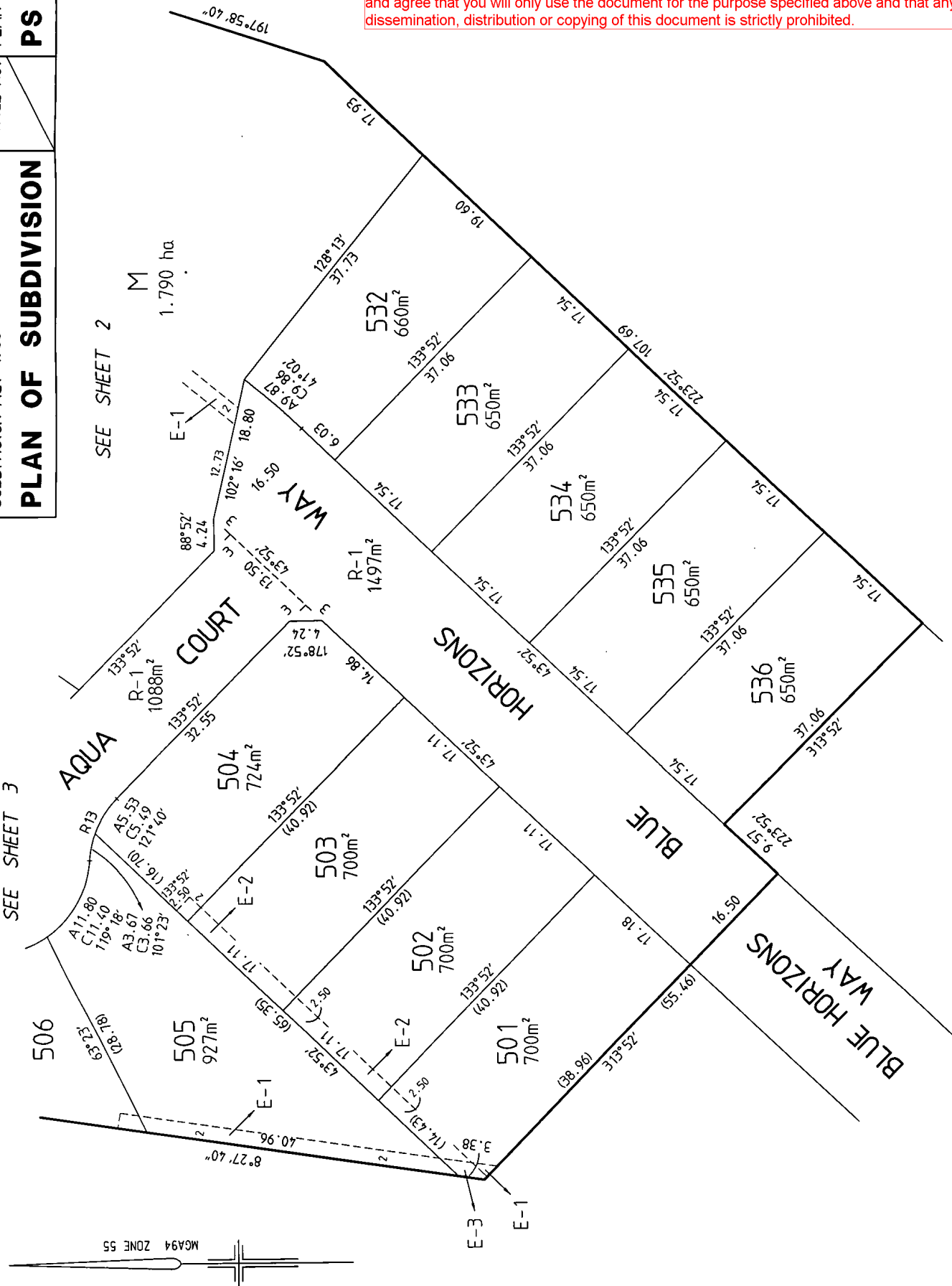
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# PLAN OF SUBDIVISION

## PS 547240D

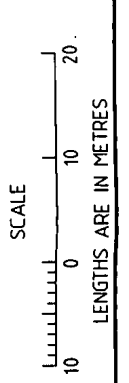
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SHEET 4 OF 4 SHEETS  
 DATE 9/6/2009  
 COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) ALAN DAVID NORMAN  
 SIGNATURE *Alan Norman* DATE 2/6/2009  
 REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS4E.DGN

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# MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

## PLAN NUMBER

# PS547240D

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| AFFECTED LAND/PARCEL | LAND/PARCEL IDENTIFIER CREATED | MODIFICATION        | DEALING NUMBER | DATE     | EDITION NUMBER | ASSISTANT REGISTRAR OF TITLES |
|----------------------|--------------------------------|---------------------|----------------|----------|----------------|-------------------------------|
| 'A'                  |                                | ROAD DISCONTINUANCE | AM873081A      | 19/07/16 | 2              | CM                            |
| 'B'                  |                                | ROAD DISCONTINUANCE | AM873087M      | 19/07/16 | 2              | CM                            |
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**APPLICATION BY RESPONSIBLE AUTHORITY  
FOR MAKING OF A RECORDING OF AN AGREEMENT**

**X688217L**  
220801 1348 173



s. 181 (1)

*Planning and Environment Act 1987*

**Lodged at the Land Titles Office by:**

**Name:** BEST HOOPER

**Phone:** 9670 8951

**Address:** 563 Little Lonsdale Street, Melbourne

**Ref:** **Customer Code: 0485 U**

The Authority having made an Agreement requires a recording to be made in the Register for the land.

**Land:** Certificate of Title Volume 7869 Folio 067

**Authority:** Cardinia Shire Council

**Section and Act under which Agreement made:**

Section 173 Planning and Environment Act 1987



**Dated:** 20 August, 2001

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mm 27/08/01

DATED 9<sup>th</sup> DAY of JULY

2001

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**PRINCE REMOVAL & STORAGE PTY LTD ("the Owner")**

- and -

**CARDINIA SHIRE COUNCIL ("the Council")**

---

**AGREEMENT**

---



**X688217L**  
220801 1348 173



**BEST HOOPER**  
**Solicitors**  
563 Little Lonsdale Street  
MELBOURNE 3000

Tel: 9670 8951  
Fax: 9670 2954  
Ref: JDC:LP:01.09.0216

THIS AGREEMENT is made the 9<sup>th</sup> day of July 2001

**BETWEEN:**

**PRINCE REMOVAL & STORAGE PTY LTD** of in  
the State of Victoria ("the Owner") of the first part

- and -

**CARDINIA SHIRE COUNCIL** of Henty Way, Pakenham in the said State ("the Council")  
of the second part.

**WHEREAS:**



A. The Owner is the registered proprietor of the land comprised in Certificate of Title  
Volume 7869 Folio 067. ("the Land")

B. The Land is in part zoned -

- Residential 1;
- Public Purpose Reservation ("the Reserved Land");
- Rural 1 ("the Rural Land");



under the Cardinia Planning Scheme ("the Planning Scheme").

C. The Land is affected by Agreements made pursuant to Section 173 of the *Planning and Environment Act 1987* ("the Act") dated the 13<sup>th</sup> day of August 1990 and the 15<sup>th</sup> day of February 1993 ("the Former Agreements").

D. The Council is the Responsible Authority under the Planning Scheme for the purposes of administering the provisions therefore and is the Council for the Local Government Municipality of Cardinia Shire.

E. The Council has prepared a Special Charge Scheme pursuant to the provisions of Section 163 of the Local Government Act 1989 ("the Local Government Act") to facilitate the construction of a trunk sewer known as the Henry Road Branch Sewer ("the Special Charge").

F. The Council has levied the Special Charge on the Land and the Owner has lodged an application to review the levying of that charge with the Victorian Civil &

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Administrative Appeals Tribunal (“the Tribunal”) being Proceeding No. 2001/007813 (“the Proceeding”).

- G. The Council and the Owner have agreed to settle the proceeding upon the terms set out in this Agreement and to include in this Agreement other matters relating to the Land.

**NOW IT IS HEREBY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:**

Interpretation

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- 1.1 Words importing the singular shall include the plural and words importing the masculine gender shall include the female and if applicable a corporation.
- 1.2 This agreement shall be governed and construed in accordance with the laws for the time being of the State of Victoria.
- 1.3 Any notice shall be given or served by delivery of any party at the address in the State or Territory shown in this agreement for that party or at such other address as any party may nominate in writing to the other party or by being posted to that address by *registered* post shall be deemed to be duly served at the expiration of five days after the time of posting unless in the meantime the letter is returned unopened.
- 1.4 Any notice to be given by any of the parties may be executed under common seal, by the attorney or attorneys of that party or by the manager, director, secretary or solicitors for the time being of the party.
- 1.5 In any case where one or more of the terms, conditions or provisions of this agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, the remaining terms, conditions and provisions shall nevertheless remain in full force and effect.
- 1.6 Headings in this agreement are for convenience only and shall not affect the interpretation or construction hereof. All schedules and annexures to this agreement are incorporated in and form part of this agreement.



- 1.7 Any reference to any Act of Parliament shall be deemed to include any amendment, replacement or re-enactment of that Act for the time being in force and to include any by-laws, local laws, licences, statutory instruments, rules and regulations, orders notices and directions, consents or permission made under it and any condition attaching to it.
- 1.8 The expression "the Owner" shall be deemed to include its successors, assigns and transferees and the obligations imposed upon and assumed by the Owner (to the extent relevant, having regard to the portion of the land owned and the obligation to be complied with) shall be binding on its successors, transferees, purchasers, mortgagees and assigns as if each of them had separately executed this agreement.
- 1.9 Without limiting the operation or effect which this agreement otherwise has, the parties hereto acknowledge that this agreement is made pursuant to the provisions of Section 173 of the Act.

The Proceeding



- 2.1 Within 72 hours after execution of this Agreement, the Owner shall seek the leave of the Tribunal to withdraw the proceeding (and the Council consents to such application) with no order as to costs.
- 2.2 In consideration of this Agreement, the Owner and the Council waive all claims and rights each might have had against the other with respect to the subject matter of the proceeding and in the case of the Owner all claims and rights it might otherwise have to challenge the validity of the Special Charge.

Variation of Special Charge

- 3.1 Subject to the provisions of Clause 4 hereof the Council agrees to vary the Special Charge insofar as it relates to the Land by *substituting* the sum of \$94,400.00 as the amount payable in respect of the Land under the Special Charge ("the Adjusted Contribution").

Rezoning of the Rural Land

**X688217L**  
220801 1348 173



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- 4.1 If requested by the Owner, in writing the Council shall within 28 days of such written request being received by the Council (subject to the payment of the fees prescribed under the Act) propose an amendment to the Planning Scheme to rezone the Rural land and the Reserved Land to Residential 1 or such other zone that the Council and the Owner may agree upon.
- 4.2 The Council shall process any such request for rezoning with due diligence, including:
  - (a) requesting the Minister to appoint a Panel pursuant to the provisions of the Act to consider any submissions that may be made in respect of such rezoning;
  - (b) support for the rezoning; and
  - (c) using its best endeavours to have it approved.



Rezoning of the Reserved Land

5.1 The Owner covenants to transfer or to vest in the Council 8 hectares of its land in the one parcel configured and located to the satisfaction of the Council (“the New Public Reserve”).

5.2.1 Within 7 days after the execution of this Agreement, the Owner and the Council shall enter into negotiations with a view to reaching agreement on the configuration and location of the New Public Reserve which shall include unless otherwise agreed it:

- (a) being located adjacent to the Toomuc Creek;
- (b) being of a configuration to accommodate one standard size sporting oval; and
- (c) having sufficient road frontage to enable it to function effectively as a reserve for active and passive recreation pursuits.



5.2.2 The Council shall construct so much of any road existing prior to any subdivision of the Land for its entire abuttal (if any) with the New Public Reserve.

5.3 If agreement is not reached within twelve (12) months of the date of this agreement, there shall be deemed to be a dispute between the Council and the Owner and either

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party may refer the dispute to the Victorian Civil & Administrative Appeals Tribunal ("the Tribunal") pursuant to Section 149 of the Act.

- 5.4 Within 7 days after the determination of that dispute or immediately upon agreement being reached as to the location of the New Public Reserve (as the case may be), the Owner shall prepare a Plan of Subdivision of its land upon which the New Public Reserve shall be shown as a reserve to vest in Council.
- 5.5 The Owner shall diligently pursue such application and do whatever is necessary to obtain the approval of the Registrar of Titles to such Plan of Subdivision provided that the Owner shall not be required to obtain such approval unless and until the Council has adopted a planning scheme amendment giving effect to the rezoning of the reserve land. All *reasonable and direct* costs associated with the preparation and registration of the Plan of Subdivision shall be borne by the Council.
- 5.6 The obligation of the Council to prepare an amendment to the Planning Scheme to rezone the Reserved Land to a Residential 1 zone or such other zone as the Council and the Owner may agree upon shall be suspended until such time as agreement is reached on the location of the New Public Reserve.
- 5.7 Subject to the New Public Reserve having vested in the Council, the Council agrees that the provision of the New Public Reserve is in full satisfaction of the obligation that the Owner may otherwise have had either under the Planning Scheme or the Subdivision Act 1988 to provide Public Open Space as part of any subdivision of its Land.

#### Failure to Rezone



- 6.1 If a rezoning of either the Rural Land or the Reserved Land or any part thereof in accordance with the provision of this agreement is not effected by publication in the Victorian Government Gazette of notice of approval of an amendment to the planning scheme to give effect to such rezoning within 24 months of the date of this agreement, then the Special Charge shall be further varied by deleting the area of that part of the land not so rezoned from the area of the land to which the Special Charge applies ("the Further Adjustment Contribution").
- 6.2 In such event the Council shall refund to the Owner so much of the Special Charge apportioned to the Land not so rezoned within 14 days of being requested in writing by the Owner *together with interest at the rate of 9% calculated from the date of the*

payment of the amounts payable under the Special Charge until the date payment of the refund is made. For the remainder of the Special Charge period, the Owner shall pay the Further Adjusted Contribution.

Access



- 7.1 The Owner by this Agreement consents to access being obtained to its Land by the Council, its agents, employees or contractors for the purpose of the construction of the Henry Road Branch Sewer and all works associated with such construction.
- 7.2 The Owner shall grant to the Council or South East Water Limited an easement for sewerage purposes over the Owner's Land in the location and of a width as shown on the plan attached to this agreement as Schedule A ("the easement").
- 7.3 The Council shall pay all costs in relation to the creation of the easement but compensation (*if any*) shall *only* be payable to the Owner for the creation of the easement **if the Council for any reason fails to support the rezoning in accordance with Clause 6.1 hereof.** In such event and in the event of a dispute arising as to the amount of compensation payable, there shall be deemed to arise a disputed claim for the purposes of the Land Acquisition and Compensation Act 1986 and shall be determined pursuant to that Act. *If necessary, in order to bring the dispute within the said Act, the Council shall serve upon the Owner a notice of intention to acquire and/or give notice of acquisition.*

Former Agreements

- 8.1 This agreement shall be registered pursuant to Section 181 of the Act within 7 days after its execution upon which date the former Agreements shall end. The Council shall concurrently with its registration of this agreement lodge with the Registrar of Titles the necessary application to cancel the former Agreements pursuant to Section 183 of the Act.

**X688217L**  
220801 1348 173

General Provisions



- 9. The Owner warrants and covenants **to the best of its knowledge and belief** that:
  - 9.1 it is the registered proprietor of the land or entitled to be the registered proprietor of the Land; and

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- 9.2 there are no mortgages, liens, charges, easements or other encumbrances or any rights inherent in any person affecting the Land and not disclosed by the usual titles searches.
- 10. The Owner shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without further providing to its successors a copy of this agreement.
- 11. The Council and Owner shall do all things necessary (including signing any further agreement, acknowledgment or document) to give full effect to the terms of this agreement and to enable the Council to enter a memorandum of this agreement on the certificate of title or titles to the Land in accordance with section 181 of the Act.
- 12. No plan of subdivision of the Land or any part of it or any Instrument of Transfer of the Land or any part of it may be lodged at the Land Titles Office for registration or approval until this section 173 agreement and the section 181 memorandum have been lodged by or on behalf of the Council and entered on the certificate of title or titles to the Land, unless the Council otherwise consents in writing.

Fees

- 13. The Owner shall within 14 days of presentation to it of a tax invoice pay to Council, one half of Council's reasonable costs and expenses (**up to a maximum contribution of \$500.00**) (including legal expenses) of and incidental to the preparation, drafting, finalization, engrossment, execution, registration and enforcement of this agreement which are until paid a debt due to the Council by the Owner. In the event of a dispute as to the amount of such costs and expenses, the Owner's solicitor shall be entitled to engage an independent cost consultant at the Owner's expense to determine the amount of such costs and expenses and the Council agrees to accept the amount so determined.



**X688217L**  
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Resolution of Disputes

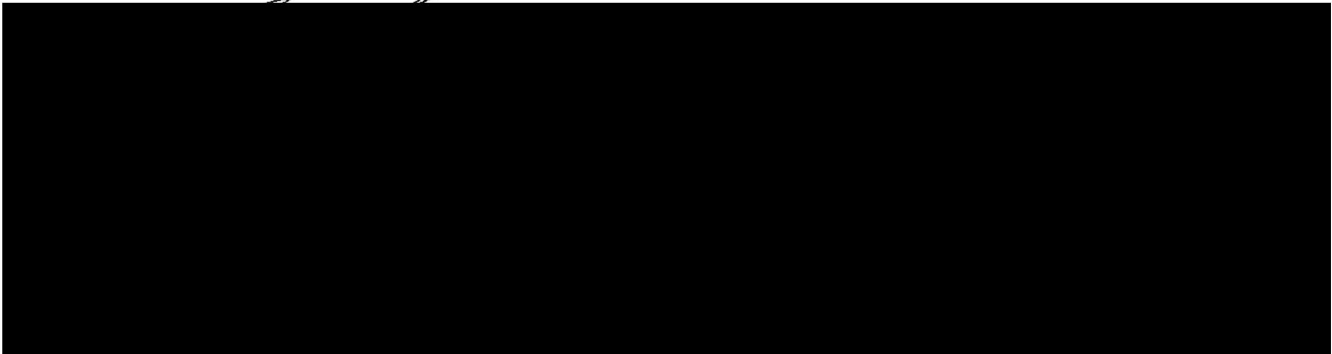
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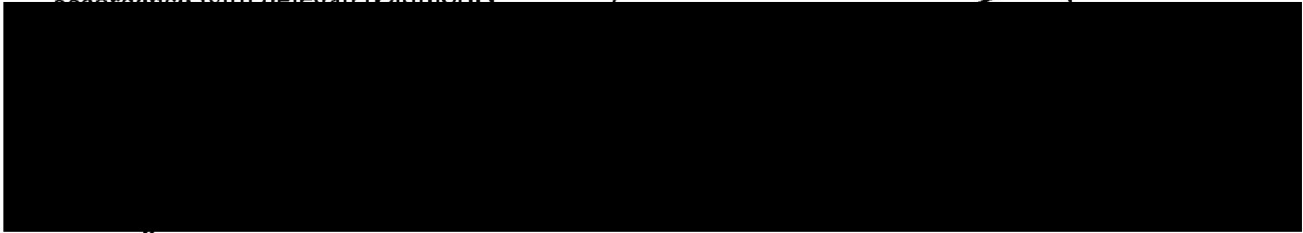
14. Any dispute between the Council and the Owner concerning any matter contained in this agreement shall be determined where possible pursuant to Division 5 of Part 6 of the Act or otherwise in a court of competent jurisdiction.

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

THE COMMON SEAL of PRINCE  
REMOVAL & STORAGE PTY LTD )  
was hereunto affixed in accordance with )  
its Articles of Association in the )  
presence of: )



~~THE COMMON SEAL of CARDINIA~~ )  
~~SHIRE COUNCIL was affixed hereto in~~ )  
~~accordance with delegated authority~~ )



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# M.J. REDDIE SURVEYS Pty. Ltd.

ABN 49 005 965 257

LICENSED SURVEYOR

ENGINEERING SURVEYOR

Office: 1 Horner St. Beaconsfield, 3807  
Branch Office: 19 Evergreen Ave Inverloch, 3996  
Email: [luke@reddiesurveys.com.au](mailto:luke@reddiesurveys.com.au)

POSTAL ADDRESS:

P.O. BOX 268

BERWICK 3806

PHONE: 9707 4117

FAX: 9707 4428

20/02/2025

**Address:** 151 Blue Horizons Way, Pakenham VIC 3810  
**Proposal:** Removal of Covenant AH232156Q

To whom it may concern,

We refer to your letter requesting further information under section 54 of the *Planning and Environment Act, 1987*.

We will respond to each item in your letter below.

4. Detailed statement outlining the conditions of the covenant removal

i) The application is to partially remove conditions of the covenant that will affect the ability to subdivide. The application should be to specifically, to remove the following conditions of the covenant.

a. Erect or cause to be erected or allow to remain on the lot hereby transferred any dwelling other than one dwelling the plans for which have been approved by the transferor and having a clear floor area of not less than 18 squares including exterior walls but excluding verandahs, garages and outbuildings and with the outer walls thereof being constructed of brick, brick veneer or new weather board (excluding a portable home).

f) Cause or allow the lot hereby transferred to be re-subdivided into small allotments either by way of Plan of Subdivision, Strata Subdivision or Cluster Titles.

g) Erect or cause to be erected more than one dwelling house or allow the lot hereby transferred to be used as a road, accessway, carriageway easement, crossover or for any other purpose whatsoever.

*I trust that the information and documents provided satisfy Council's request for further information. Notwithstanding, should the above or enclosed be insufficient for Council to proceed to permit issuance, we respectfully request an extension of time to provide a response, in addition to written details regarding any additional information or further alterations required.*

We look forward to your favourable consideration of this matter.

Please do not hesitate to contact our office should you have any questions regarding this matter.

*Kind Regards*

  
Licensed Surveyor

**M.J. Reddie Surveys P/L**

**Email: [luke@reddiesurveys.com.au](mailto:luke@reddiesurveys.com.au)**

**Website: [www.reddiesurveys.com.au](http://www.reddiesurveys.com.au)**

**Mobile: 0438 538 870**

**Office: 97074117**

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# M.J. REDDIE SURVEYS Pty. Ltd.

ABN 49 005 965 257

LICENSED SURVEYOR

ENGINEERING SURVEYOR

Office: 1 Horner St. Beaconsfield, 3807  
Branch Office: 19 Evergreen Ave Inverloch, 3996  
Email: [luke@reddiesurveys.com.au](mailto:luke@reddiesurveys.com.au)

POSTAL ADDRESS:

P.O. BOX 268

BERWICK 3806

PHONE: 9707 4117

FAX: 9707 4428

14/02/2025

Address: 151 Blue Horizons Way, Pakenham VIC  
Proposal: Removal of Covenant AH232156Q

To whom it may concern,

We refer to your letter requesting further information under section 54 of the *Planning and Environment Act, 1987*.

We will respond to each item in your letter below.

1. Confirmation that the landowner has applied for the restrictive covenant to be removed, or a declaration signed by the landowner submitted, stating that the landowner has been notified and consents to the application to remove Covenant AH232156Q.
  - a. See attached signed letter from the landowner
2. A current copy of Section 173 Agreement X688217L produced within three (3) months of the date of the submission of the planning application.
  - a. See attached Section 173 Agreement X688217L
3. A list of beneficiaries of Restrictive Covenant AH232156Q
  - a. See attached documentation prepared by Fiegl and Newell
4. Detailed statement relating to the covenant removal
  - a. As per the discussion between Lori Zhang and Rob Grant of MJ Reddie Surveys the morning of 14/02/2025, this condition would be satisfied if it was shown that there was already a subdivision in the immediate area that was affected by this covenant. As shown below the subdivision at 33 Sapphire Crescent (PS 815241). A 2-lot subdivision with common property was affected by the covenant, Shown in the documentation from Fiegl and Newell

*I trust that the information and documents provided satisfy the Council's request for further information. Notwithstanding, should the above or enclosed be insufficient for Council to proceed to permit issuance, we respectfully request an extension of time to provide a response, in addition to written details regarding any additional information or further alterations required.*

We look forward to your favorable consideration of this matter.

Please do not hesitate to contact our office should you have any questions regarding this matter.

*Kind Regards*

[REDACTED]  
Licensed Surveyor

**M.J. Reddie Surveys P/L**

**Email: [luke@reddiesurveys.com.au](mailto:luke@reddiesurveys.com.au)**

**Website: [www.reddiesurveys.com.au](http://www.reddiesurveys.com.au)**

**Mobile: 0438 538 870**

**Office: 97074117**

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# FEIGL & NEWELL PTY. LTD. A.B.N. 91 155 326 195

*Professional Title Searchers*

ESTABLISHED 1968

*Consultant for:*

SEMI & LOCAL GOVERNMENT  
SURVEYORS  
PLANNERS  
VALUERS  
SOLICITORS  
ENVIROSCIENTISTS

*Searchers of:*

T.L.A. TITLES  
GENERAL LAW  
CROWN LANDS  
SURVEY INFORMATION  
CORPORATE AFFAIRS  
COVENANT BENEFICIARIES

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25/09/2024

## TO WHOM IT MAY CONCERN

### RE PROPERTY: 151 BLUE HORIZONS WAY, PAKENHAM

My name is Peter O'Loughlin, I am a Partner of the firm Feigl & Newell Pty Ltd, Title Searchers.

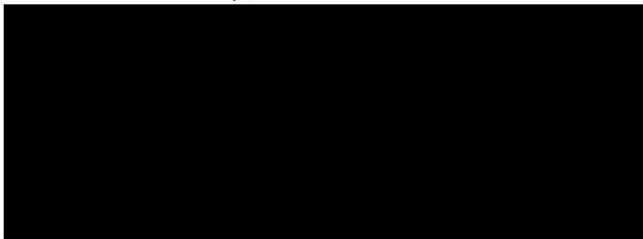
Our firm is considered to be experts in the field of Covenant Beneficiaries and we are retained by Barristers to brief them in these matters.

After careful perusal of the Covenant in Instrument of Transfer No.AH232156Q it would appear the beneficiaries are all the land within the borders highlighted yellow on the attached digital map base. The land highlighted blue has the burden of said Covenant.

I came to this conclusion as the intent of the covenant in Instrument of Transfer No.AH232156Q is that the beneficiaries are the Registered Proprietor or Proprietors for the time being of the land comprised in the said Plan of Subdivision No.547240D and every part or parts thereof (other than the lot hereby transferred).

Please advise if any further information is required.

Yours faithfully,





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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.

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

Page 1 of 1

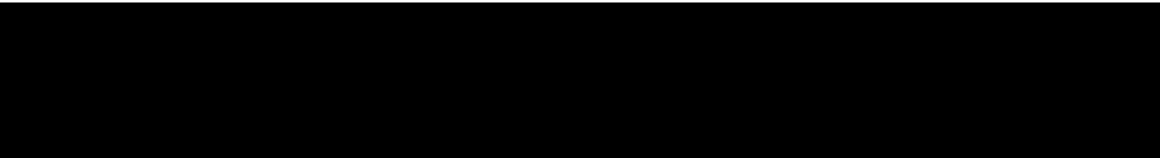
VOLUME 11197 FOLIO 219

Security no : 124117543742R  
Produced 19/08/2024 12:26 PM

**LAND DESCRIPTION**

Lot 504 on Plan of Subdivision 547240D.  
PARENT TITLE Volume 11164 Folio 773  
Created by instrument PS547240D 20/04/2010

**REGISTERED PROPRIETOR**



**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE AS805152L 12/12/2019  
WESTPAC BANKING CORPORATION

COVENANT AH232156Q 18/05/2010

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  
X688217L 22/08/2001

**DIAGRAM LOCATION**

SEE PS547240D 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: 151 BLUE HORIZONS WAY PAKENHAM VIC 3810

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 16320Q WESTPAC BANKING CORPORATION  
Effective from 12/12/2019

DOCUMENT END



**PS547240D**



|  |           |                                 |        |
|--|-----------|---------------------------------|--------|
| SUBDIVISION ACT 1988<br><b>PLAN OF SUBDIVISION</b> | STAGE No. | LR USE ONLY<br><b>EDITION 2</b> | P<br>F |
|--|-----------|---------------------------------|--------|

**LOCATION OF LAND**

PARISH: NAR NAR GOON

TOWNSHIP: -----

SECTION: -----

CROWN ALLOTMENT: 51<sup>G</sup> (PART)

CROWN PORTION: -----

LTO BASE RECORD: D.C.M.B.

TITLE REFERENCES: VOL. 11164 FOL. 773

LAST PLAN REFERENCE: PS 542159M LOT J

POSTAL ADDRESS: JACARANDA WAY  
(at time of subdivision) PAKENHAM 3810

MGA CO-ORDINATES: E 365 840 ZONE: 55  
(at approximate centre of land in plan) N 5 783 270

**COUNCIL CERTIFICATION AND ENDORSEMENT**

COUNCIL NAME : CARDINIA SHIRE COUNCIL REF : **306/065**

- THIS PLAN IS CERTIFIED UNDER SECTION 6 OF THE SUBDIVISION ACT 1988.
- ~~THIS PLAN IS CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988. DATE OF THE ORIGINAL CERTIFICATION UNDER SECTION 6 --- / --- / ---.~~
- ~~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 *cmurphy*

COUNCIL SEAL

DATE **9/6/2009**

~~RE-CERTIFIED UNDER SECTION 11(7) OF THE SUBDIVISION ACT 1988.~~

COUNCIL DELEGATE

COUNCIL SEAL

DATE --- / --- / ---

| VESTING OF ROADS OR RESERVES |  |
|------------------------------|--|
| IDENTIFIER                   | COUNCIL / BODY / PERSON                          |
| ROADS, R-1<br>RESERVE No. 1  | CARDINIA SHIRE COUNCIL<br>CARDINIA SHIRE COUNCIL |

**NOTATIONS**

DEPTH LIMITATION: DOES NOT APPLY

STAGING THIS IS NOT A STAGED SUBDIVISION PLANNING PERMIT No.

LOTS 1-500 (BOTH INCLUSIVE) AND 510-531 (BOTH INCLUSIVE) HAVE BEEN OMITTED FROM THIS 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) . ----- IN PROCLAIMED SURVEY AREA No. -----

**EASEMENT INFORMATION**

LEGEND: A - APPURTENANT EASEMENT E - ENCUMBERING EASEMENT R - ENCUMBERING EASEMENT (ROAD)

| EASEMENT REFERENCE | PURPOSE  | WIDTH (METRES) | ORIGIN    | LAND BENEFITED / IN FAVOUR OF |
|--------------------|----------|----------------|-----------|-------------------------------|
| E-1, E-3           | DRAINAGE | 2              | THIS PLAN | CARDINIA SHIRE COUNCIL        |
| E-2, E-3           | SEWERAGE | 2              | THIS PLAN | SOUTH EAST WATER LIMITED      |

LR USE ONLY

STATEMENT OF COMPLIANCE/ EXEMPTION STATEMENT

RECEIVED

DATE 15 / 4 / 10

LR USE ONLY  
PLAN REGISTERED  
TIME 4:05  
DATE 20 / 4 / 10

**Randall McDonald**

ASSISTANT REGISTRAR OF TITLES

*cmurphy*

DATE 9/6/2009

COUNCIL DELEGATE SIGNATURE

SHEET 1 OF 4 SHEETS

ORIGINAL SHEET SIZE A3

**REEDS CONSULTING**

Reeds Consulting Pty Ltd  
Level 6 440 Elizabeth Street  
Melbourne 3000  
phone (03) 8660 3000 fax (03) 8660 3060  
e-mail survey@reedscon.com.au

Civil Engineers • Land Surveyors • Development Consultants

LICENSED SURVEYOR (PRINT) ..... ALAN DAVID NORMAN .....

SIGNATURE *Alan David Norman* DATE 2/6/2009

REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS1E.DGN

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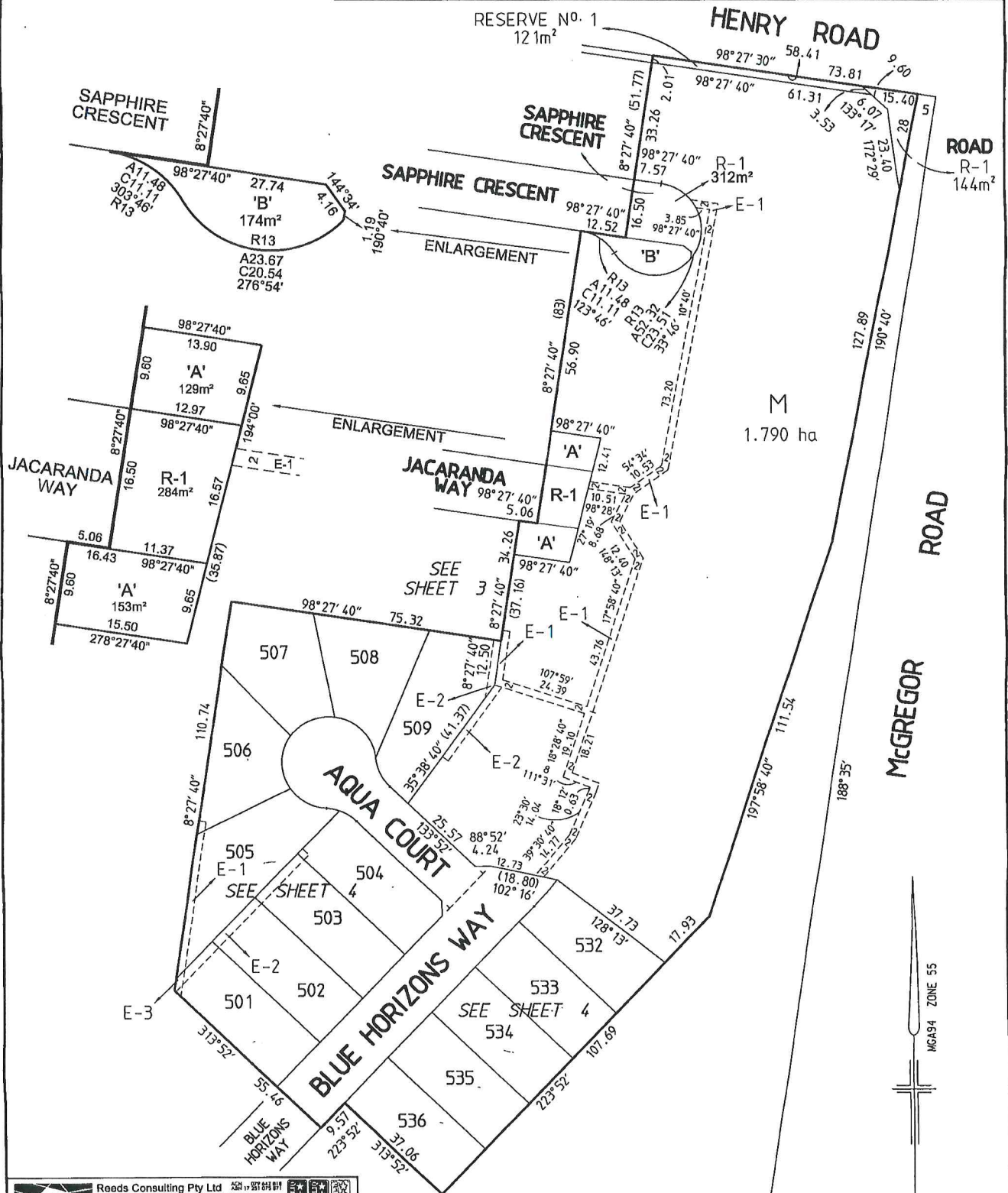
SUBDIVISION ACT 1988

STAGE No.

PLAN NUMBER

**PLAN OF SUBDIVISION**

**PS 547240D**



**REEDS CONSULTING**  
 CIVIL ENGINEERS • LAND SURVEYORS • DEVELOPMENT CONSULTANTS

Reeds Consulting Pty Ltd  
 Level 6 440 Elizabeth Street  
 Melbourne 3000  
 phone (03) 8660 3000 fax (03) 8660 3060  
 e-mail survey@reedscon.com.au

SCALE

10 0 10 20 30 40 50

LENGTHS ARE IN METRES

ORIGINAL SCALE SHEET SIZE  
 1:1000 A3

LICENSED SURVEYOR (PRINT) ALAN DAVID NORMAN

SIGNATURE *[Signature]* DATE 2/6/2009

REF: 19423/5BPS VERSION: E DATE: 02/06/09 5BPS2E.DGN

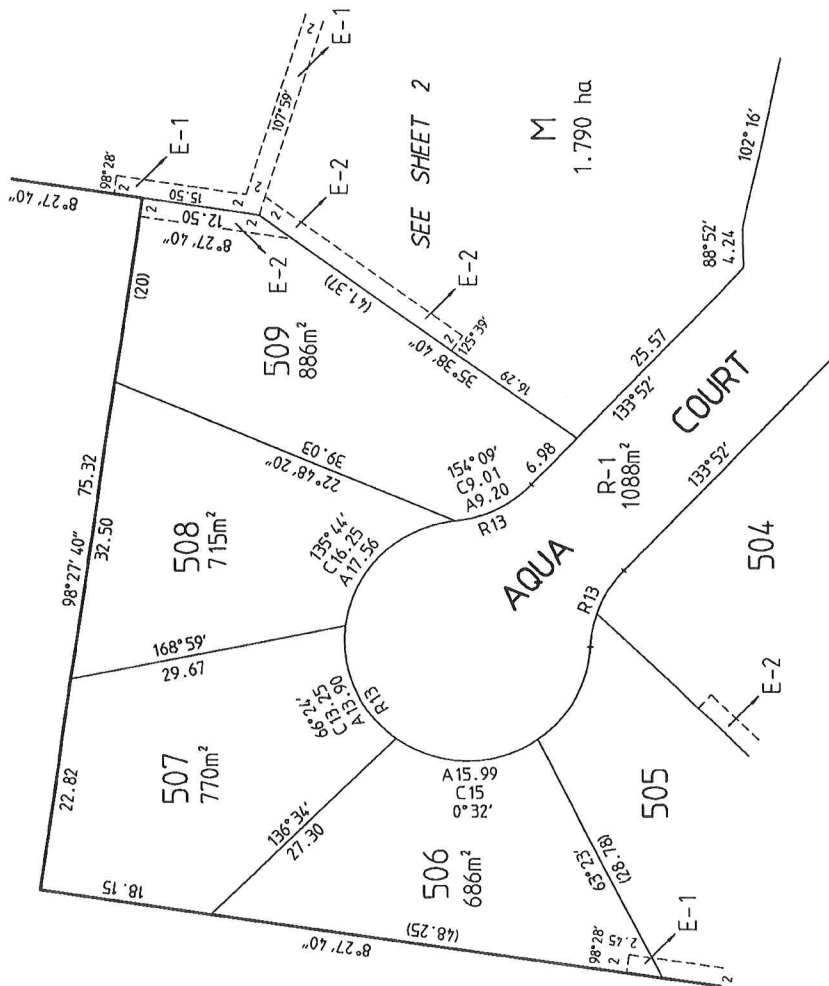
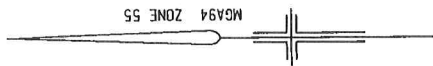
SHEET 2 OF 4 SHEETS

*[Signature]*  
 DATE 9/6/2009  
 COUNCIL DELEGATE SIGNATURE

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SUBDIVISION ACT 1988  
**PLAN OF SUBDIVISION**  
 STAGE No. / PLAN NUMBER  
**PS 547240D**

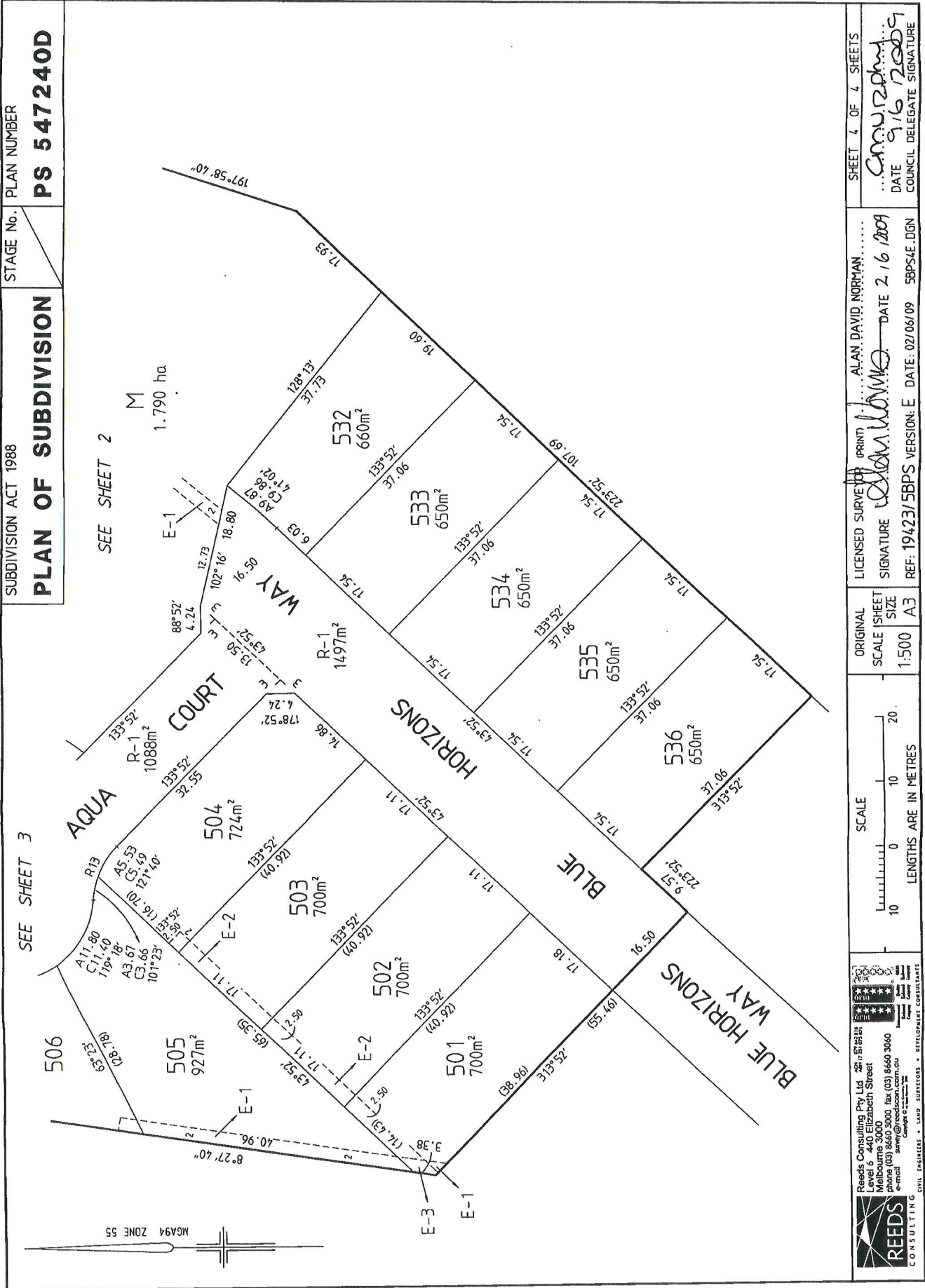
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SEE SHEET 4

|   |  |   |  |  |  |
|---|--|---|--|--|--|
| <p><b>REEDS CONSULTING</b><br/>                 CIVIL ENGINEER • LAND SURVEYORS • ENVIRONMENTAL CONSULTANTS</p> | <p>Reeds Consulting Pty Ltd<br/>                 Level 6, 440 Elizabeth Street<br/>                 Melbourne 3000<br/>                 phone (03) 8660 3000 fax (03) 8660 3060<br/>                 e-mail <a href="mailto:survey@reedson.com.au">survey@reedson.com.au</a><br/> <a href="http://www.reedson.com.au">www.reedson.com.au</a></p> | <p>SCALE<br/>                 10 0 10 20<br/>                 LENGTHS ARE IN METRES</p> | <p>ORIGINAL SCALE 1:500<br/>                 SHEET SIZE A3</p> | <p>LICENSED SURVEYOR (PRINT) ALAN DAVID NORMAN<br/>                 SIGNATURE <i>Alan David Norman</i> DATE 2/6/2009<br/>                 REF: 19423/SBPS VERSION: E DATE: 02/06/09 SBPSJE.DGN</p> | <p>SHEET 3 OF 4 SHEETS<br/>                 DATE 9/6/2008<br/>                 COUNCIL DELEGATE SIGNATURE <i>Alan David Norman</i></p> |
|   | <p>SEE SHEET 4</p>   |   |  |  |  |





SUBDIVISION ACT 1988  
**PLAN OF SUBDIVISION**  
 PS 547240D

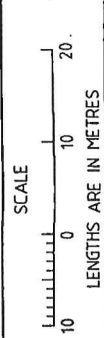
STAGE No.

PLAN NUMBER  
**PS 547240D**

SHEET 4 OF 4 SHEETS  
 DATE 9/16/2009  
 COUNCIL DELEGATE SIGNATURE

LICENSED SURVEYOR (PRINT) ALAN DAVID NORMAN  
 SIGNATURE [Signature]  
 DATE 2/16/2009  
 REF: 19423/SBPS VERSION: E DATE: 02/06/09 SBPSAE.DGN

ORIGINAL SCALE (SHEET SIZE)  
 1:500 A3



REEDS CONSULTING  
 SOIL ENGINEERS • LAND SURVEYORS • DEVELOPMENT CONSULTANTS

Reeds Consulting Pty Ltd  
 Level 6 440 Elizabeth Street  
 Melbourne 3000  
 phone (03) 8660 3000 fax (03) 8660 3060  
 e-mail [Email Address]

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## MODIFICATION TABLE

RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

# PLAN NUMBER

## PS547240D

WARNING: THE IMAGE OF THIS DOCUMENT OF THE REGISTER HAS BEEN DIGITALLY AMENDED.  
NO FURTHER AMENDMENTS ARE TO BE MADE TO THE ORIGINAL DOCUMENT OF THE REGISTER.

| AFFECTED LAND/PARCEL | LAND/PARCEL IDENTIFIER CREATED | MODIFICATION        | DEALING NUMBER | DATE     | EDITION NUMBER | ASSISTANT REGISTRAR OF TITLES |
|----------------------|--------------------------------|---------------------|----------------|----------|----------------|-------------------------------|
| 'A'                  |                                | ROAD DISCONTINUANCE | AM873081A      | 19/07/16 | 2              | CM                            |
| 'B'                  |                                | ROAD DISCONTINUANCE | AM873087M      | 19/07/16 | 2              | CM                            |
|                      |                                |                     |                |          |                |                               |
|                      |                                |                     |                |          |                |                               |
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|                      |                                |                     |                |          |                |                               |
|                      |                                |                     |                |          |                |                               |
|                      |                                |                     |                |          |                |                               |

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# TRANSFER OF LAND

Section 45 Transfer of Land Act 1958

506



Lodged by:  
Name: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Address: Scott Ashwood P/L  
Ref: Code 1557Q  
Customer Code: \_\_\_\_\_

MADE AVAILABLE / CHANGE CONTROL  
Office Use Only

The transferor at the direction of the directing party (if any) transfers to the transferee the estate and interest specified in the land described for the consideration expressed-

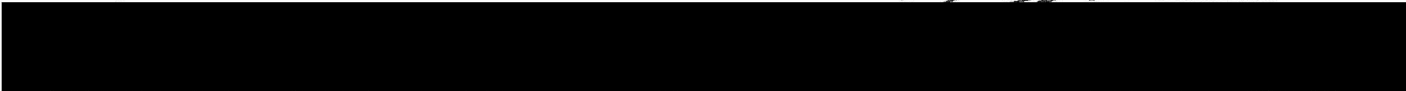
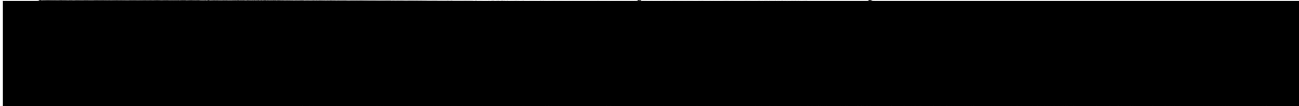
- together with any easements created by this transfer;
- subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer; and
- subject to any easements reserved by this transfer or restrictive covenant contained or covenant created pursuant to statute and included in this transfer.

Land: (volume and folio reference)

Certificate of Title Volume 11197 Folio 219

Estate and Interest: (e.g. "all my estate in fee simple")

All its estate in fee simple



Creation and/or Reservation and/or Covenant

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continued on T2 Page 2.

Approval No. 325955A      ORDER TO REGISTER  
Please register and issue title to  
  
Signed \_\_\_\_\_      Cust. Code: \_\_\_\_\_

T2



STAMP DUTY USE ONLY  
DRS      AP 414  
Vic Duty      \$4,120.00  
Consideration      \$155,000.00  
Trans No.      9929/2010  
Endorse Date      05/05/2010  
Section s57J (PPR)      Original  
KATHARINEB Signatur KA

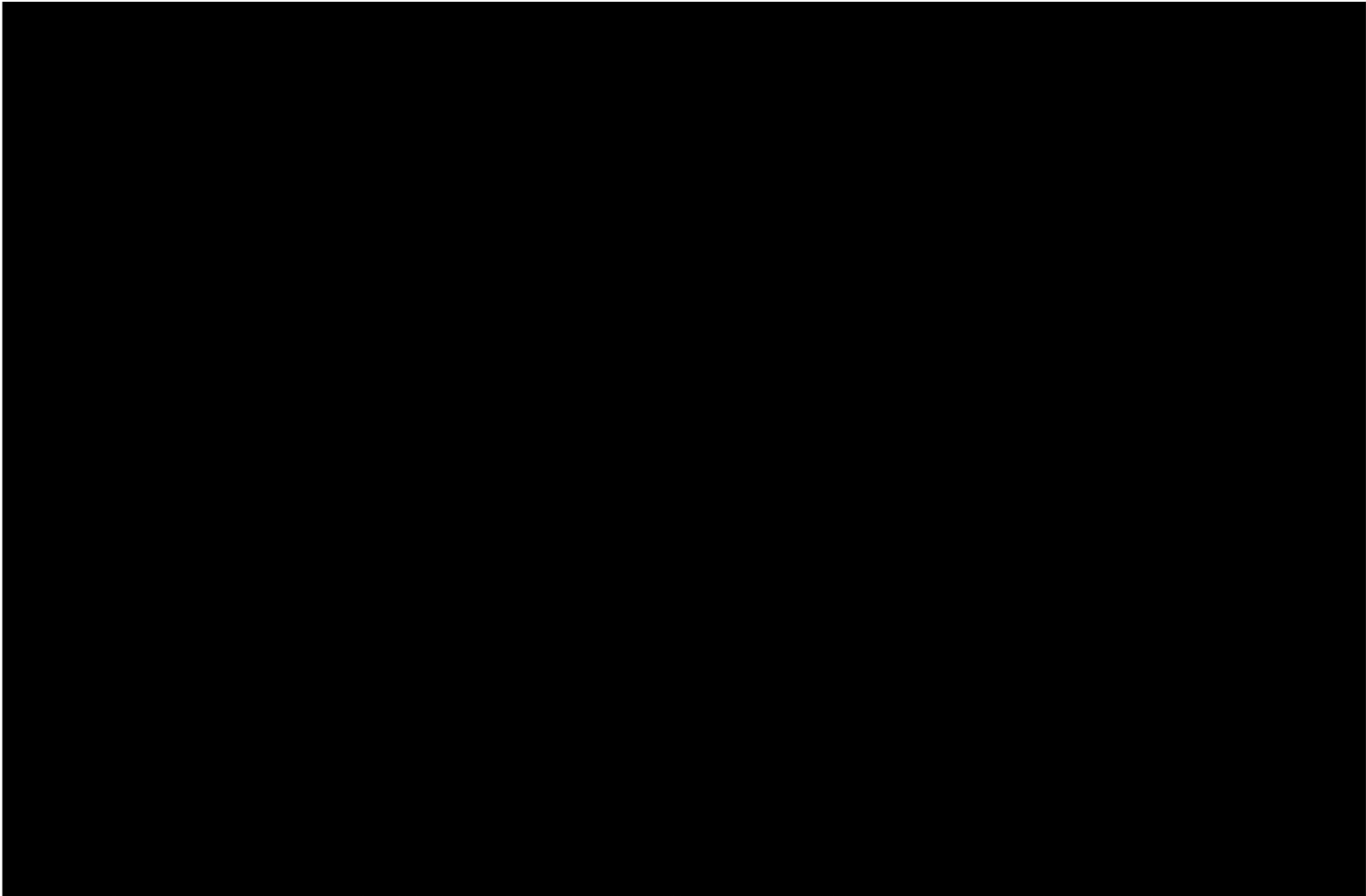
THE BACK OF THIS FORM MUST NOT BE USED 46415573 9781  
Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010

**AH232156Q**

18/05/2010 \$501 45



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Approval No. 325955A

**T2 Page 2**



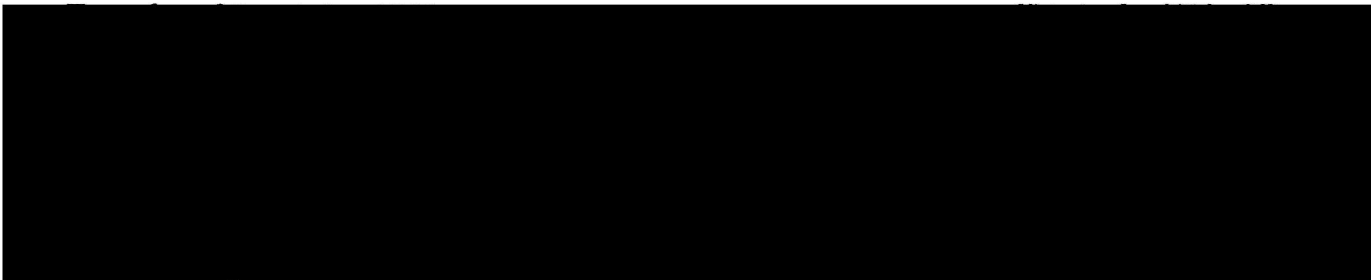
**THE BACK OF THIS FORM MUST NOT BE USED**  
*Land Registry, 570 Bourke Street, Melbourne, 3000, Phone 8636-2010*



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# ANNEXURE PAGE

Approved Form A1



### Panel Heading

"AND the said Transferees for themselves, their heirs, executor administrators and Transferees the registered proprietor or proprietors for the time being of the land hereby transferred and every part thereof (hereinafter referred to as "The Transferees") DO HEREBY and as a separate Covenant with the said Transferor its successors, assigns and transferees and others the registered proprietor or proprietors for the time being of the land comprised in the said Plan of Subdivision No. <sup>542260D</sup> 515599K and every part or parts thereof (other than the lot hereby transferred) that the Transferees will not, and the Transferees hereby Covenant that they will not:

- a) Erect or cause to be erected or allow to remain on the lot hereby transferred any dwelling other than one dwelling the plans for which have been approved by the transferor and having a clear floor area of not less than 18 squares including exterior walls but excluding verandahs, garages and outbuildings and with the outer walls thereof being constructed of brick, brick veneer or new weather board (excluding a portable home).
- b) Erect or construct a roof other than one which is constructed of tiles, slate or colourbond unless the type colour and materials are approved of in writing by the transferor.
- c) Erect or cause to be erected or allow to remain on the lot herein transferred any garage or carport other than a garage or carport which is of brick or brick veneer constructions;
- d) Erect or cause to be erected or allow to remain on the lot hereby transferred any other type of shed including garden shed of a size greater than four squares;
- e) Keep within the boundaries of the lot hereby transferred more than two of any species of animal or bird;
- f) Cause or allow the lot hereby transferred to be re-subdivided into small allotments either by way of Plan of Subdivision, Strata Subdivision or Cluster Titles.
- g) Erect or cause to be erected more than one dwelling house or allow the lot hereby transferred to be used as a road, access way, carriageway easement, cross over or for any other purposes whatsoever.
- h) Erect or construct the dwelling, garage or outbuilding within 5 meters of the front boundary of the lot hereby transferred.

Approval No. 18170111L

# A1



1. If there is insufficient space to insert the words "See Annexure Page 2" (or as the case may be) on the Annexure Page under the appropriate panel heading. **PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Page must be attached to the Form to which it is annexed.
3. The Annexure Pages must be properly identified and signed to the Form to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.

**AH232156Q** on RE  
 18/05/2010 \$501 45 ch. red

# ANNEXURE PAGE

Approved Form A1

## Panel Heading

- i) Erect or construct a fence on any part of the land whose boundaries adjoin any land owned by the transferor unless such fence is erected at a cost of no more than \$1.00 to the transferor.
- j) Erect or construct any fence on the side boundaries hereby transferred unless the materials are of brick, brick rendered, Colourbond or brush with timber capping. Fence colour to be Colourbond Domain, (if Colourbond fencing is used).
- k) Allow or cause the dwelling constructed on the lot hereby transferred to be used for display house purposes without the written consent of the transferor.
- l) For a period of 18 months from the date hereof erect or permit to be erected any notice, signboard or other display advertised or indicating that the lot is hereby transferred is or may be for sale provided that this covenant shall not apply to the advertising for sale of a house erected on the lot hereby transferred.
- m) Allow or cause any truck or heavy vehicle to be parked on the lot hereby transferred or in the street abutting or adjoining the lot hereby transferred.
- n) Allow the landscaping on the lot hereby transferred to deteriorate and to maintain the same on a quarterly basis.

AND it is intended that this Covenant shall appear as an encumbrance affecting the same and every part thereof on the Certificate of Title to be issued in respect to the lot hereby transferred.

**AH232156Q**



Approval No. 18170111L

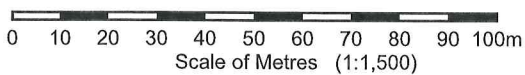
**A1**



1. If there is insufficient space to accommodate the required information in a panel of the *Approved Form* insert the words "See Annexure Page 2" (or as the case may be) and enter all the information on the Annexure Page under the appropriate panel heading. **THE BACK OF THE ANNEXURE PAGE IS NOT TO BE USED.**
2. If multiple copies of a mortgage are lodged, original Annexure Pages must be attached to each.
3. The Annexure Pages must be properly identified and signed by the parties to the *Approved Form* to which it is annexed.
4. All pages must be attached together by being stapled in the top left corner.



Data Source: Vicmap Property



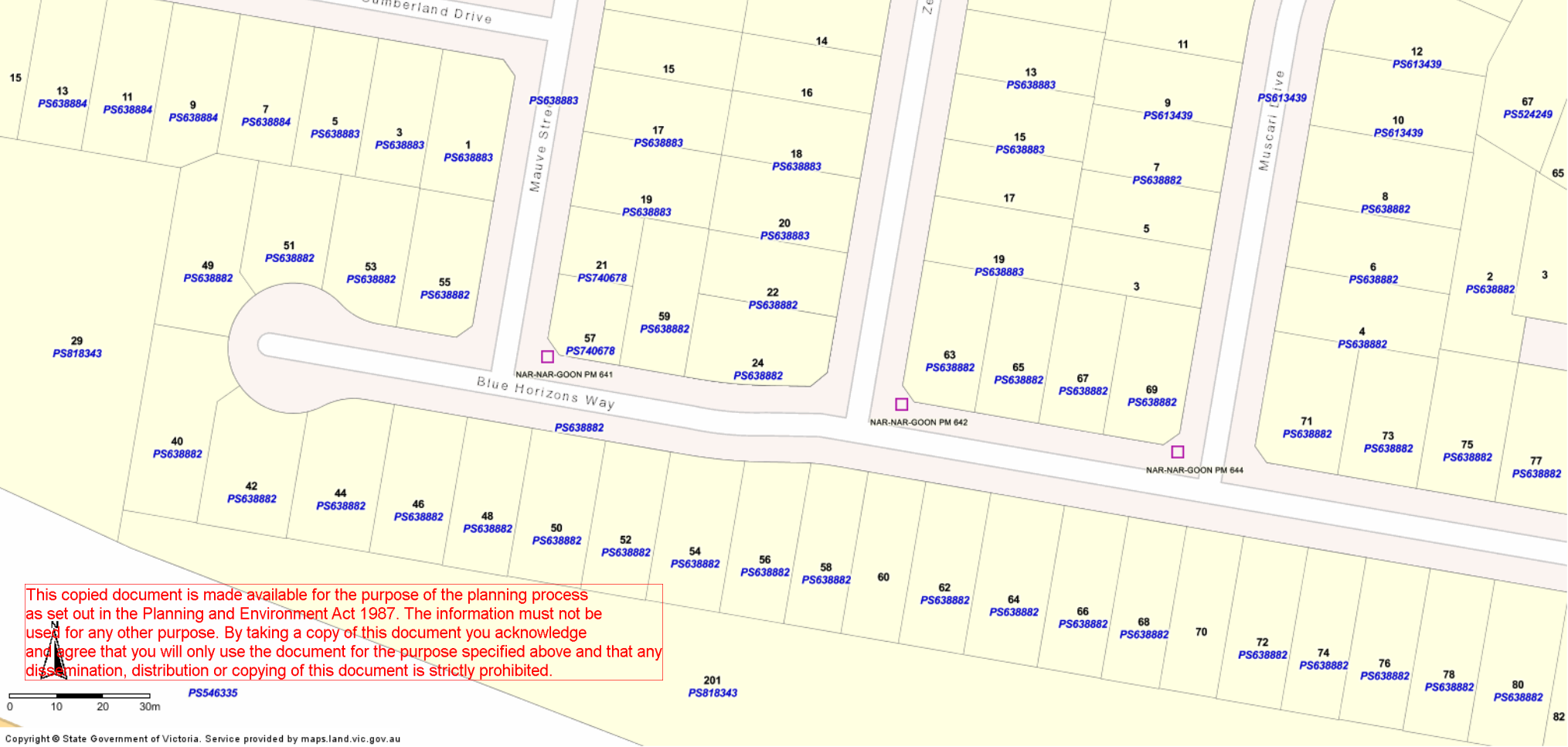
MGA Zone 55  
 Melways- 317 B11 (ed.42) Vicroads- 449 F11 (ed.8)  
 Created 08:03 AM on Sep 25, 2024

Co-ordinates of Plot Corners  
 NW 365765,5783518  
 SW 365773,5783182  
 MGA Zone 55

**WARNING:**  
 No warranty is given as to the accuracy or completeness of this map.  
 Dimensions are approximate.  
 For property dimensions, undertake a Title search.

Co-ordinates of Plot Corners  
 NE 366034,5783524  
 SE 366041,5783188  
 MGA Zone 55

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PS546335



# M.J. REDDIE SURVEYS Pty. Ltd.

ABN 49 005 965 257

LICENSED SURVEYOR

ENGINEERING SURVEYOR

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Branch Office: 19 Evergreen Ave Inverloch, 3996  
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BERWICK 3806

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16/01/2025

Address: 151 Blue Horizons Way Pakenham Vic 3810  
Proposal: Partial Removal of Covenant AH232156Q

I/We the owners of 151 Blue Horizons Way Pakenham Vic 3810, have been notified and consent to the application to partially remove the restrictive covenant AH232156Q.



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