

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

VOLUME 11502 FOLIO 057

Security no : 124070183310W  
Produced 02/02/2018 12:45 pm

**LAND DESCRIPTION**

Lots 1,2 and 3 on Title Plan 954804X.  
Created by Application No. 130568P 18/06/2014

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
JOHN DAVID ROSE  
GINA MARY ROSE both of 1130 CAPE OTWAY ROAD MODEWARRE VIC 3240  
Application No. 130568P 18/06/2014

**ENCUMBRANCES, CAVEATS AND NOTICES**

MORTGAGE Book 898 No.73  
COMMONWEALTH BANK OF AUSTRALIA

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.

**Warning as to Dimensions**

Any dimension and connecting distance shown is based on the description of the land as contained in the General Law Title and is not based on survey information which has been investigated by the Registrar of Titles.

**Warning as to subsisting interests**

This title is based on General Law documents which have not been investigated by the Registrar of Titles. Subsisting interests under the General Law may affect this title.

AGREEMENT Section 173 Planning and Environment Act 1987  
Y009025V

**DIAGRAM LOCATION**

SEE TP954804X 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)

**ADMINISTRATIVE NOTICES**

NIL

eCT Control 15940N COMMONWEALTH BANK OF AUSTRALIA  
Effective from 23/10/2016



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

Page 2 of 2

DOCUMENT END



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**AP130568P**



## APPLICATION

*to bring land under the operation of the  
Transfer of Land Act 1958*

### SECTION 23 Transfer of Land Act 1958

Lodged by:

Name: ~~REGISTRAR OF TITLES~~

Address: ~~LEVEL 10, 570 BOURKE ST. MELBOURNE~~

Phone: ~~(03) 8636 2030~~

Ref: **SURF COAST RATEPAYERS**

Customer Code: 35D

DUPLICATE FOLIO NOT CREATED

### **REGISTRAR'S CONVERSION Section 26S (b) (ii) Transfer of Land Act 1958**

The named registered proprietor/s is/are the current Ratepayers of the subject land.

The Subsisting interest title generated from this application reflects the position of the General Law Register upon its closure on 31/12/1998. See Search Notes for details.

The warning in the form of Part V of the Fifth Schedule of the *Transfer of Land Act 1958* that is recorded on the folio for the land may be removed:

i) At any time by application under Section 14 or Section 15 of the *Transfer of Land Act 1958*;

or

ii) After 15 years from creation of the folio, by application under Section 26D of the Act



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ND 535

# MEMORIAL BOOK 903 NO. 203

I, RICHARD BRIAN EDMONDS of 70 Gheringhap Street, Geelong, Solicitor

certify that this memorial contains a just and true account of the several particulars hereunder set forth of an instrument to be registered in the Office of the Registrar-General.

## PARTICULARS REFERRED TO

1. DATE OF INSTRUMENT:— 11 / 9 / 1995
2. NATURE OF INSTRUMENT:— Section 173 Agreement
3. NAME, ADDRESS AND DESCRIPTION OF EACH PARTY:—  
SURF COAST SHIRE COUNCIL of 25 Grossmans Road, Torquay in the State of Victoria ("the Council") of the one part and JOHN DAVID ROSE and GINA ROSE of 1130 Cape Otway Road, Modewarre in the said State ("the owners") of the other part.

## 4. NAMES OF WITNESSES

Peter Anderson



## 5. CONSIDERATION

An agreement made between the owners and Barwon Region Water Authority.

## 6. RECITALS

- A. The owners are purchasing the land described in the Schedule hereto ("the land").
- B. This agreement is entered into in anticipation of and subject to the owners becoming the registered proprietors of the land.
- C. The Council in order to reserve to itself appropriate powers and discretions in relation to future developments or redevelopments of the land and adjoining land has imposed a requirement that the owners enter into this agreement under the provisions of section 173 of the Planning and Environment Act 1987 ("the Act") to be registered under section 181 of the Act.

## NOW THIS AGREEMENT WITNESSETH:

1. 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 and the Council shall pursuant to section 181 of the Act apply to the Registrar of Titles to register a memorandum of this agreement on the land and to deliver a memorial thereof to the Registrar General.
2. The owners covenant and agree with the Council not to erect or cause to be erected placed or brought onto the land or any part of the land any dwelling.
3. This agreement shall come to an end when the land has been consolidated with abutting land or as otherwise may be permitted by the Council.
4. The parties shall do all things necessary (including signing any further agreement acknowledgement or document) to enable the Council to enter a memorandum of this agreement on the certificate of title to the land in accordance with section 181 of the Act and to register a memorial thereof with the Registrar General.

Received into the Office of the Registrar General of the State of Victoria this 12<sup>th</sup> day of January 1996 at the hour of 9:30 in the fore noon  
A memorial of the within deed

*RB Edmonds*



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

Page 1 of 1

VOLUME 11502 FOLIO 111

Security no : 124070183309X  
Produced 02/02/2018 12:45 pm

**LAND DESCRIPTION**

Lot 1 on Title Plan 954817N.  
Created by Application No. 130572Y 18/06/2014

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
JOHN DAVID ROSE  
GINA MARY ROSE both of 1130 CAPE OTWAY ROAD MODEWARRE VIC 3240  
Application No. 130572Y 18/06/2014

**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.

**Warning as to Dimensions**

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**Warning as to subsisting interests**

This title is based on General Law documents which have not been investigated by the Registrar of Titles. Subsisting interests under the General Law may affect this title.

AGREEMENT Section 173 Planning and Environment Act 1987  
Y009025V

**DIAGRAM LOCATION**

SEE TP954817N FOR FURTHER DETAILS AND BOUNDARIES

**ACTIVITY IN THE LAST 125 DAYS**

NIL

DOCUMENT END





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**AP130572Y**



## APPLICATION

*to bring land under the operation of the  
Transfer of Land Act 1958*

### SECTION 23 Transfer of Land Act 1958

Lodged by:

Name: ~~REGISTRAR OF TITLES~~

Address: ~~LEVEL 10, 570 BOURKE ST. MELBOURNE~~

Phone: (03) 8636 2030

Ref: **SURF COAST RATEPAYERS**

Customer Code: 35D

DUPLICATE FOLIO NOT CREATED

### **REGISTRAR'S CONVERSION Section 26S (b) (ii) Transfer of Land Act 1958**

The named registered proprietor/s is/are the current Ratepayers of the subject land.

The Subsisting interest title generated from this application reflects the position of the General Law Register upon its closure on 31/12/1998. See Search Notes for details.

The warning in the form of Part V of the Fifth Schedule of the *Transfer of Land Act 1958* that is recorded on the folio for the land may be removed:

i) At any time by application under Section 14 or Section 15 of the *Transfer of Land Act 1958*;

or

ii) After 15 years from creation of the folio, by application under Section 26D of the Act

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

VOLUME 10284 FOLIO 963

Security no : 124070183308Y  
Produced 02/02/2018 12:45 pm

**LAND DESCRIPTION**

Lot 1 on Title Plan 133932S (formerly known as part of Crown Allotment 12 Section 2 Parish of Modewarre).  
PARENT TITLE Volume 08524 Folio 530  
Created by instrument T993363K 08/12/1995

**REGISTERED PROPRIETOR**

Estate Fee Simple  
Joint Proprietors  
JOHN DAVID ROSE  
GINA ROSE both of 1130 CAPE OTWAY ROAD MODEWARRE 3240  
T993363K 08/12/1995

**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  
U319468C 22/07/1996

**DIAGRAM LOCATION**

SEE TP133932S 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: 1130 CAPE OTWAY ROAD MODEWARRE VIC 3240

DOCUMENT END



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NEW TITLE

TRANSFER OF LAND  
Section 45 Transfer of Land Act 1958



Approved Form 100  
March 1995 Edition

Lodged by:  
Name: HARWOOD ANDREWS  
(052) 217166  
Phone: 70 Gheringhap Street, Geelong 3220  
Address: RE  
Ref.: 2235J  
Customer Code:

081295 1015 45 0 T993363K

MADE AVAILABLE / CHANGE CONTROL  
Land Titles 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 and subject to the encumbrances affecting the land including any created by dealings lodged for registration before the lodging of this transfer.

Land: (volume and folio reference)

The land shown hatched on the plan hereon being part of Crown Allotment 12 Section 2 Parish of Modewarre being part of the land described in certificate of title volume 8524 folio 530.

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

Ch Vol. 8524 Fol. 530 (P)  
AREA: 1760m<sup>2</sup>

All its estate and interest in fee simple.

Consideration:  
\$240.00

AD  
11/4/96

Transferor: (full name)  
BARWON REGION WATER AUTHORITY (formerly Geelong Waterworks and Sewerage Trust)

Transferee: (full name and address including postcode)  
JOHN DAVID ROSE and GINA ROSE of 1130 Cape Otway Road, Modewarre 3240 as joint tenants

Directing Party: (full name)



Dated: 11<sup>th</sup> September 1995.

Execution and attestation:  
THE COMMON SEAL of BARWON REGION WATER AUTHORITY )  
was affixed hereto in the presence of:

Member  
Secretary

SIGNED by the transferees in the presence of:  
Wendy Guy

Gina Rose

Approval No. 002926L ORDER TO REGISTER  
Please register and issue title to

STAMP DUTY USE ONLY  
\$3.00  
Trn 060694108 Cde 52 08/12/95  
Ref F2 Amt \$ 3.00  
Stamp Duty, Victoria  
0830633

J  
15  
12  
95  
T1  
OFFICE OF TITLES  
VICTORIA

Signed: Cust. Code:

NEW TITLE



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**INTENTIONALLY**



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# ANNEXURE PAGE

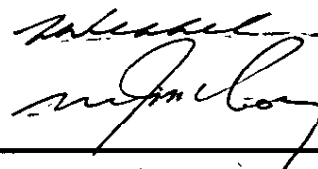
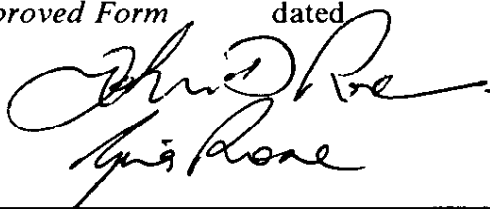
Transfer of Land Act 1958

Approved Form A1  
Victorian Land Titles Office

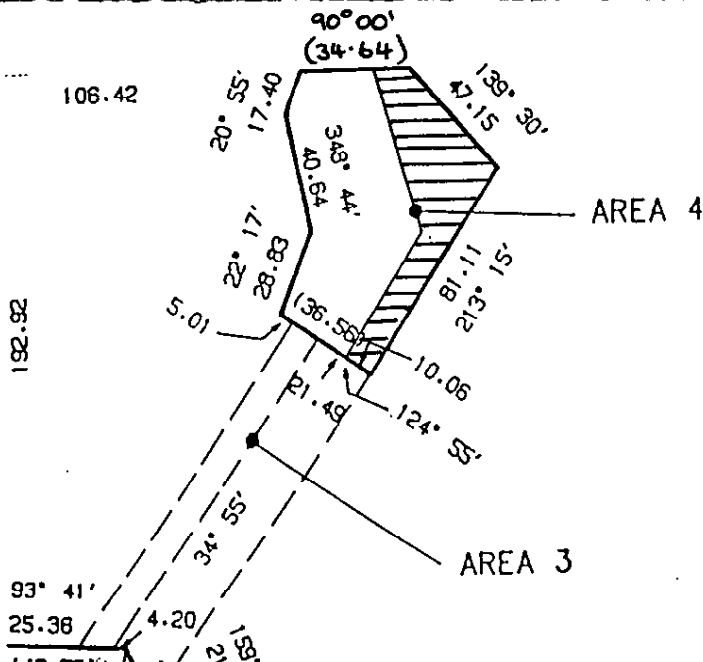
T993363K

This is page \_\_\_\_\_ of *Approved Form* dated \_\_\_\_\_ between \_\_\_\_\_

Signatures of the parties



## Panel Heading



DT993363K-2-5

Approval No. 002926L

# 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.



Natural Resources and Environment

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**INTENTIONALLY**



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<b>U041091P</b> 120196 1129 173
<b>U319468C</b> 220796 2300 173 \$0

6

Form 9.1

APPLICATION BY A RESPONSIBLE AUTHOR  
THE MAKING OF A RECORDING OF AN AGREEMENT

Section 181(1)

Planning and Environment Act 1987

Lodged at the Land Titles office by:

Name: Harwood Andrews

Phone: (052) 217166

Address: P.O. Box 101, Geelong

Ref: WN

Customer Code: 2235J

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

Land: Certificate of Title Volume ~~8524~~ <sup>10284 - 963</sup> Folio ~~530~~

Authority: Surf Coast Shire Council of 25 Grossmans Road, Torquay.

Section and Act under which agreement made: Section 173

A copy of the Agreement is attached to this Application.

Signature for the Authority: *P. Anderson*

Name of Officer: *PETER ANDERSON*  
*DELEGATE of SURF COAST SHIRE COUNCIL*

Date: *11 September 1995*

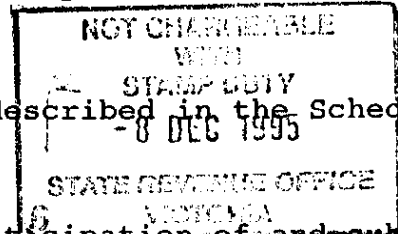
*RECORDED*  
*12 JUL 1995*  
*App*  
*P.*

*14/6/95*

THIS AGREEMENT is made this *11th* day of *September* 1995  
BETWEEN: SURF COAST SHIRE COUNCIL of 25 Grossmans Road, Torquay  
in the State of Victoria ("the Council") of the one part and JOHN  
DAVID ROSE and GINA ROSE of 1130 Cape Otway Road, Modewarre in  
the said State ("the owners") of the other part.

WHEREAS:

- A. The owners are purchasing the land described in the Schedule hereto ("the land").
- B. This agreement is entered into in anticipation of and subject to the owners becoming the registered proprietors of the land.
- C. The Council in order to reserve to itself appropriate powers and discretions in relation to future developments or redevelopments of the land and adjoining land has imposed a requirement that the owners enter into this agreement under the provisions of section 173 of the Planning and Environment Act 1987 ("the Act") to be registered under section 181 of the Act.



NOW THIS AGREEMENT WITNESSETH:

- 1. 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 and the Council shall pursuant to section 181 of the Act apply to the Registrar of Titles to register a memorandum of this agreement on the land and to deliver a memorial thereof to the Registrar General.
- 2. The owners covenant and agree with the Council not to erect or cause to be erected placed or brought onto the land or any part of the land any dwelling.
- 3. This agreement shall come to an end when the



consolidated with abutting land or as otherwise may be permitted by the Council.

4. The parties shall do all things necessary (including signing any further agreement acknowledgement or document) to enable the Council to enter a memorandum of this agreement on the certificate of title to the land in accordance with section 181 of the Act and to register a memorial thereof with the Registrar General.
5. The owners warrant and covenant that:
  - 5.1 the owners are entitled to become the beneficial owners and registered proprietors of the land;
  - 5.2 there are no mortgages, charges, easements or other encumbrances or any rights held by any person affecting the land not disclosed by the usual searches; and
  - 5.3 the land or any part of it is not subject to any rights attained by adverse possession or subject to any easements, rights, or encumbrances mentioned in section 42 of the Transfer of Land Act 1958.
6. The owners shall not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the land or any part thereof without first disclosing to the owners' successors the existence and nature of this agreement.
7. The owners shall pay the Council's costs and expenses (as between solicitor and own client) of and incidental to this agreement and the costs of enforcement of any obligations imposed on the owners for the time being of the land.
- 8.1 In this agreement where a word or phrase is given a particular meaning, other parts of speech and grammatical forms of the word or phrase have, unless the contrary intention appears, corresponding meanings.

**U041091P**

120196 1129 173



- 8.2 Whenever herein appearing the word "Council" shall include its successors (including its successors as Responsible Authority) for the planning controls in force in respect of the land) in which case any reference to the holder of an office with the Council shall be deemed to be a reference to such office of the successor Responsible Authority as that Responsible Authority may designate.
- 8.3 Where the owners are constituted by more than one person, any obligation imposed by this agreement on the owners shall be imposed on those persons jointly and severally.
- 9.1 The expression "owners" shall be deemed to include the owners' successors, assigns and transferees and the obligations imposed upon and assumed by the owners shall also be binding on the successors, transferees, purchasers, mortgagees, assigns, and any person obtaining possession of the whole or part of the land (hereinafter called the "successors") as if each of those successors had separately executed this agreement.
- 9.2 Without limiting the operation or effect which this agreement has apart from this sub-clause, the owners shall ensure that the successors of the owners:
- 9.2.1 give effect to and do all acts and sign all documents as to require them to give effect to this agreement; and
  - 9.2.2 execute under seal a deed agreeing to be bound by the terms of this agreement and thereupon this agreement shall continue as if executed by such successors as well as by the parties hereto and as if the successors' names appeared in each clause in which the name of the owners appeared to the names of the owners.



EXECUTED AS A DEED.



THE COMMON SEAL of SURF COAST SHIRE COUNCIL  
was hereunto affixed in the presence of:

..... *[Signature]* Chief Executive Officer

SIGNED SEALED AND DELIVERED by the said  
JOHN DAVID ROSE in the presence of:

*[Signature]*

*[Signature]*

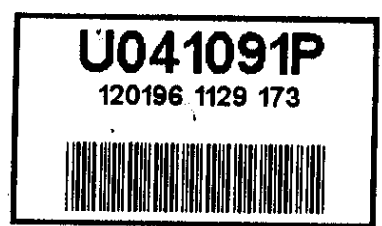
SIGNED SEALED AND DELIVERED by the said  
GINA ROSE in the presence of:

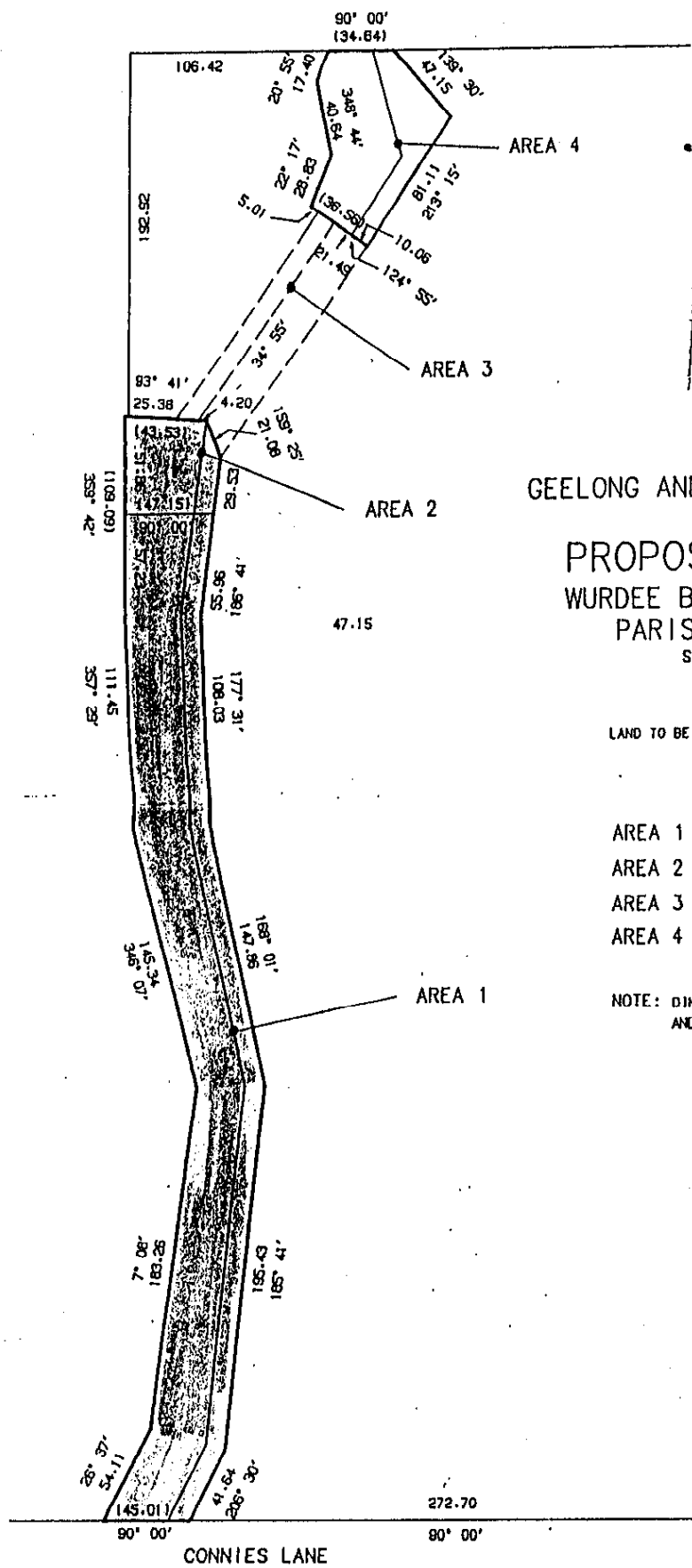
*[Signature]*

*[Signature]*

THE SCHEDULE

All that piece of land being Area 4 on the attached plan containing 0.483 hectares being parts of the land described in Certificate of Title Volume 8524 Folio 530 and Conveyance No.402 Book 819 situate in the Parish of Modewarre in the State of Victoria.





**VLTO**  
 "This reproduction is the best obtainable from the original."

**GEELONG AND DISTRICT WATER BOARD**  
**PROPOSED LAND SALE**  
**WURDEE BOLUC OUTLET CHANNEL**  
**PARISH OF MODEWARRE**  
 SCALE 1:2500

LAND TO BE SOLD C/T Vol. 8524 Fol. 529  
 C/T Vol. 8524 Fol. 530  
 Mem. No. 402 Bl. 819

- AREA 1 = 2.154 ha
- AREA 2 = 2425 m<sup>2</sup>
- AREA 3 (EASEMENT) = 0.406 ha
- AREA 4 = 0.483 ha

NOTE: DIMENSIONS ARE SUBJECT TO SURVEY  
 AND AREAS ARE APPROXIMATE ONLY.

**U041091P**  
 120196 1129 173

CAPE OTWAY ROAD

COMPUTED BY: .....  
 DRAWN BY: .....  
 CHECKED BY: .....  
 CHIEF SURVEYOR: .....



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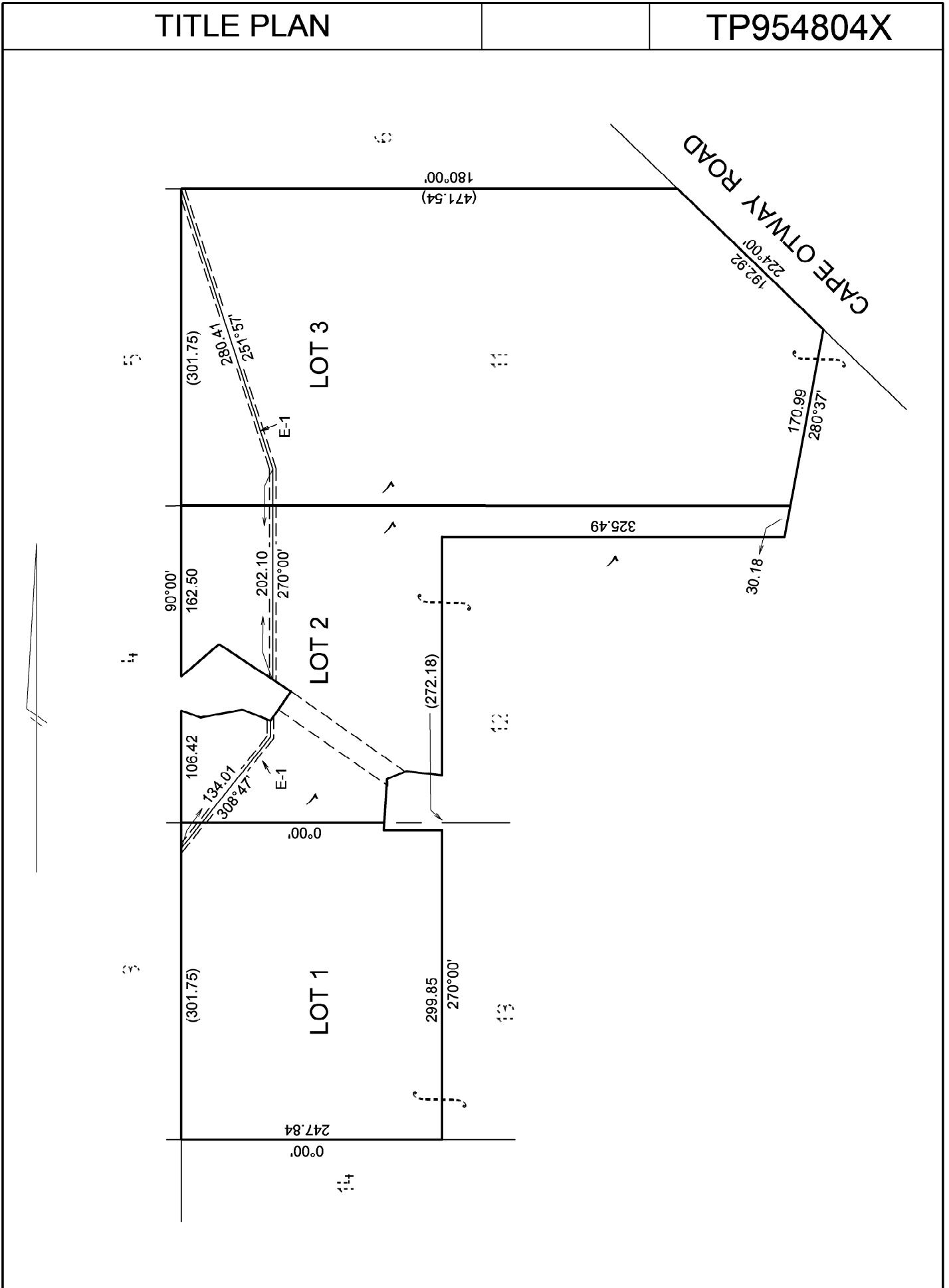
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TITLE PLAN			EDITION 1	TP954804X	
<b>LOCATION OF LAND</b> PARISH: MODEWARRE TOWNSHIP: SECTION: 2 CROWN ALLOTMENT: 11 (PART), 12 (PART) & 13 (PART) CROWN PORTION: LAST PLAN REFERENCE: DERIVED FROM: DEPTH LIMITATION: NIL			<b>NOTATIONS</b>  <b>WARNING AS TO DIMENSIONS:</b> ANY DIMENSION AND CONNECTING DISTANCE SHOWN IS BASED ON THE DESCRIPTION OF THE LAND CONTAINED IN THE GENERAL LAW TITLE AND IS NOT BASED ON SURVEY INFORMATION WHICH HAS BEEN INVESTIGATED BY THE REGISTRAR OF TITLES.		
<b>EASEMENT INFORMATION</b> E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.					THIS PLAN HAS BEEN PREPARED BY LAND VICTORIA FOR TITLE DIAGRAM PURPOSES  Checked by: PRT  Date: 18/6/2014  Assistant Registrar of Titles
Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of	
E-1	DRAINAGE	SEE PLAN	Y9022F ( BOOK 785 NO 122)	SEE Y9022F	
E-2	GEELONG WATERWORK & SEWERAGE TRUST	SEE PLAN	Y9023C ( BOOK 819 NO 402)	SEE Y9023C	
E-3	GEELONG WATERWORK & SEWERAGE TRUST	SEE PLAN	Y9024Y ( BOOK 669 NO 369)	SEE Y9024Y	
SEE SHEETS 2 & 3 FOR DIAGRAM					
LENGTHS ARE IN METRES		SCALE	DEALING / FILE No: AP130568P		DEALING CODE: 23
		—	GOVERNMENT GAZETTE No:		SHEET 1 OF 3

TITLE PLAN

TP954804X



LENGTHS ARE IN METRES

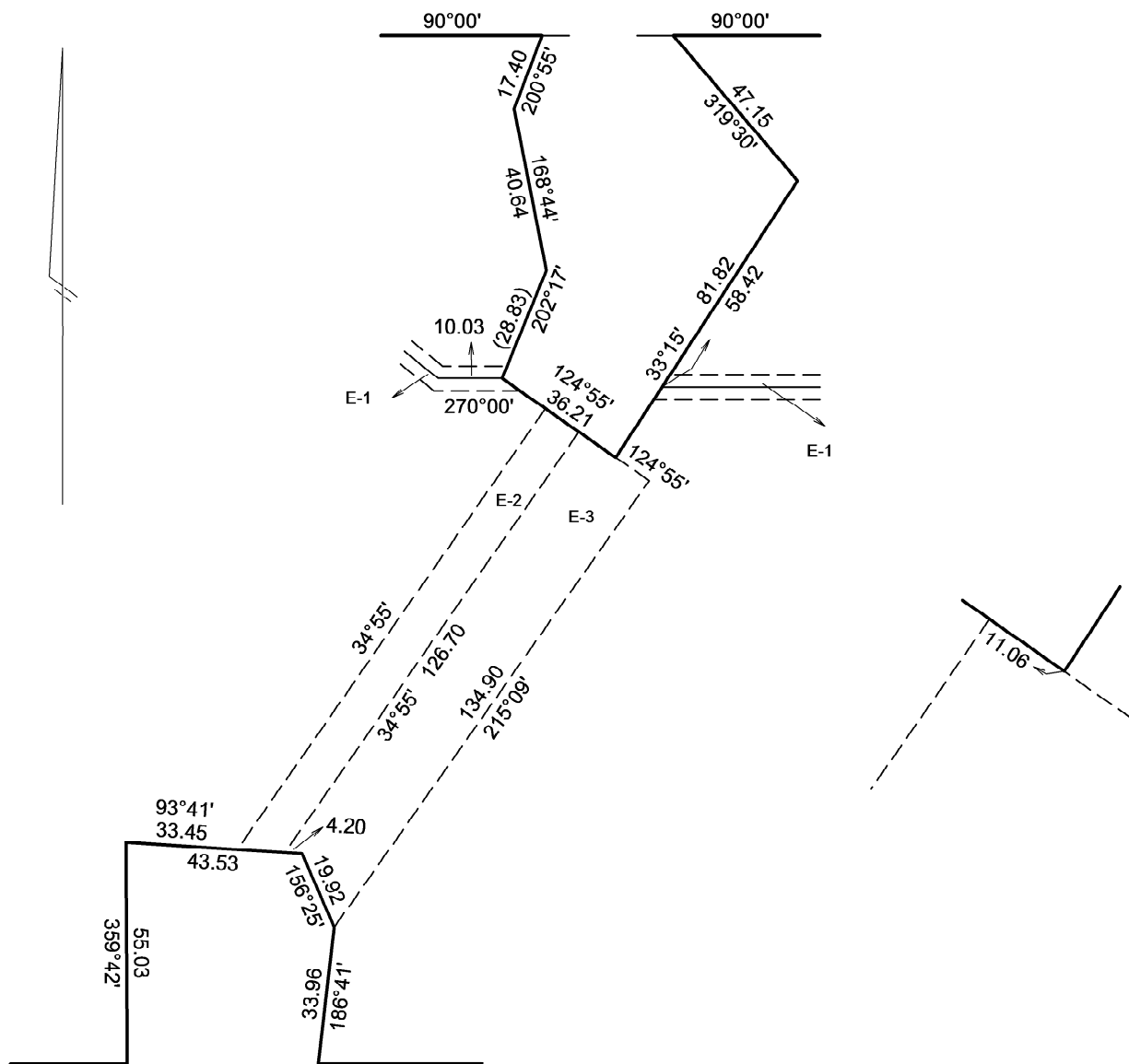
SCALE  
—

DEALING / FILE No: AP130568P  
GOVERNMENT GAZETTE No:

SHEET 2

TITLE PLAN

TP954804X



LENGTHS ARE IN METRES

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SHEET 3



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Document Identification	<b>TP954817N</b>
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<b>TITLE PLAN</b>	<b>EDITION 1</b>	<b>TP954817N</b>
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**LOCATION OF LAND**  
 PARISH: MODEWARRE  
 TOWNSHIP:  
 SECTION: 2  
 CROWN ALLOTMENT:  
 CROWN PORTION: 13 (PT)  
 LAST PLAN REFERENCE:  
 DERIVED FROM:  
 DEPTH LIMITATION: NIL

**NOTATIONS**

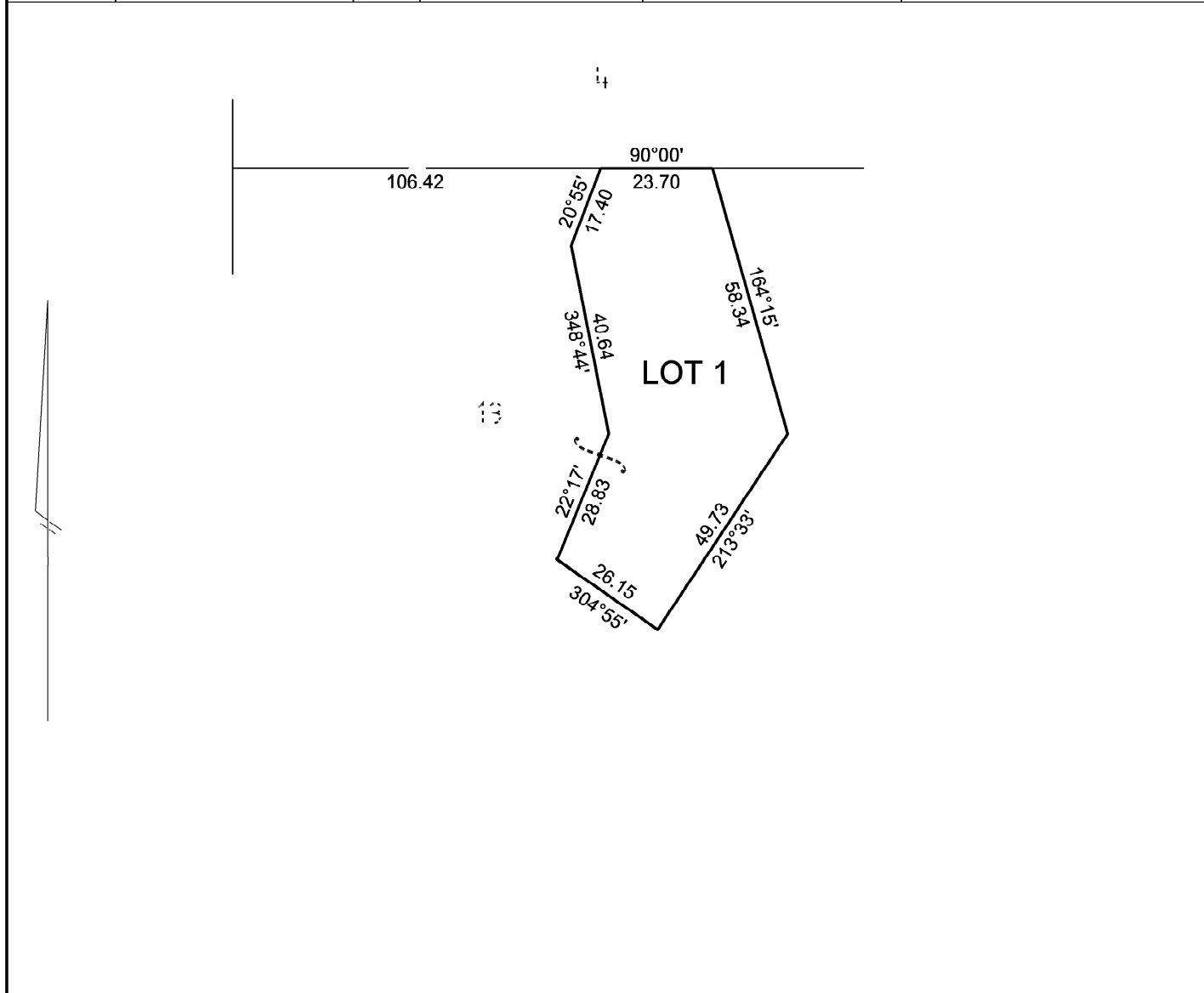
**WARNING AS TO DIMENSIONS:**  
 ANY DIMENSION AND CONNECTING DISTANCE SHOWN IS BASED ON THE DESCRIPTION OF THE LAND CONTAINED IN THE GENERAL LAW TITLE AND IS NOT BASED ON SURVEY INFORMATION WHICH HAS BEEN INVESTIGATED BY THE REGISTRAR OF TITLES.

**EASEMENT INFORMATION**  
 E - ENCUMBERING EASEMENT. R - ENCUMBERING EASEMENT (ROAD). A - APPURTENANT EASEMENT.

THIS PLAN HAS BEEN PREPARED BY LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES

Checked by: PRT  
 Date: 18/6/2014  
 Assistant Registrar of Titles

Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of





# Imaged Document Cover Sheet

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TITLE PLAN		EDITION 1	TP 133932S
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<p><b>Location of Land</b></p> <p>Parish: MODEWARRE          Township:          Section: 2          Crown Allotment: 12 (PT)          Crown Portion:</p> <p>Last Plan Reference:          Derived From: VOL 10284 FOL 963          Depth Limitation: NIL</p>	<p style="text-align: center;">Notations</p> <p>ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN</p>
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<p style="text-align: center;"><b>Description of Land / Easement Information</b></p> <p style="text-align: center;">ALL THAT PIECE OF LAND IN THE PARISH OF MODEWARRE BEING PART OF CROWN ALLOTMENT 12 SECTION 2 WHICH LAND IS SHOWN ENCLOSED BY CONTINUOUS LINES ON THE MAP HEREON TOGETHER WITH THE WATER SUPPLY EASEMENT OVER THE LAND COLOURED YELLOW ON THE MAP ON THE FACE OF CERTIFICATE OF TITLE VOL.8524 FOL.530 SET OUT IN GRANT OF EASEMENT BOOK 669 NO.369 - - - - -</p>	<p>THIS PLAN HAS BEEN PREPARED FOR THE LAND REGISTRY, LAND VICTORIA, FOR TITLE DIAGRAM PURPOSES AS PART OF THE LAND TITLES AUTOMATION PROJECT</p> <p>COMPILED: 06/09/1999          VERIFIED: A.H.</p>
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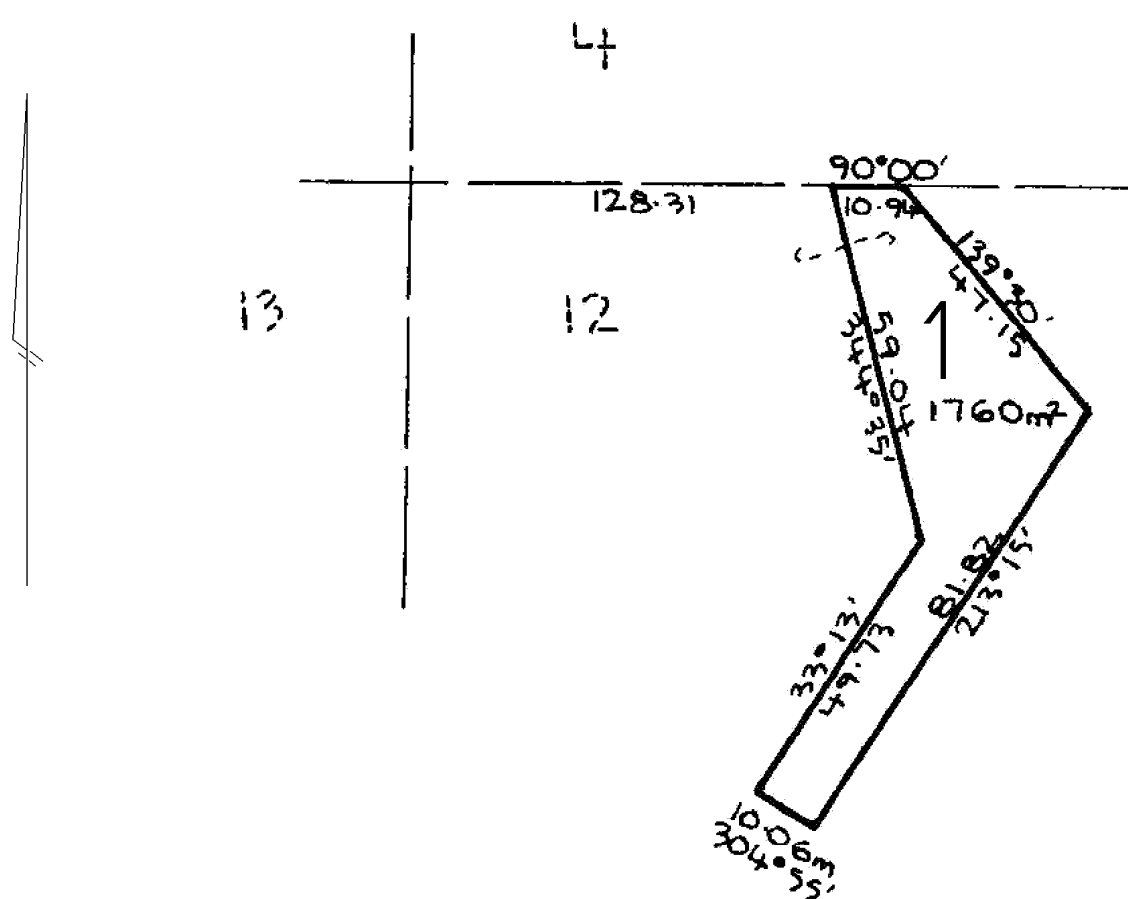


TABLE OF PARCEL IDENTIFIERS
WARNING: Where multiple parcels are referred to or shown on this Title Plan this does not imply separately disposable parcels under Section 8A of the Sale of Land Act 1962
PARCEL 1 = CA 12 (PT)