

Description of the land affected by the agreement	189-389 Volum Road, GNARWARRE
Description of the proposal:	Amend Section 173 Agreement AB854082B
Who initiated the proposal:	<p>The proposal was initiated by FRV Australia, who applied to the responsible authority for agreement to the proposal under section 178A of the Planning and Environment Act 1987.</p> <p>In accordance with Section 178A(3) of the Planning and Environment Act 1987 the responsible authority has notified the applicant that it agrees in principle to the proposal.</p>
The application reference number is:	<b>PG25/0064</b> (Please quote this number when making enquiries)

You may look at the application free of charge and any documents that support the application at the office of the responsible authority:

**Surf Coast Shire Council, 1 Merrijig Drive, Torquay VIC 3228**  
**Office hours: Monday to Friday 8.30am – 5.00pm**

The application can be viewed online: [www.surfcoast.vic.gov.au/Property/Planning/Current-applications](http://www.surfcoast.vic.gov.au/Property/Planning/Current-applications)

Any person who is given notice of the proposal, or who ought to have been given notice of the proposal under section 178C of the *Planning and Environment Act 1987*, may object to, or make any other submission in relation to, the proposal.

If the responsible authority decides to amend or end the agreement, or refuses to amend or end the agreement, the responsible authority will give notice of its decision to any person who made a submission.

If the responsible authority proposes to amend or end the agreement in a manner that is substantively different from the proposal, the responsible authority will give notice of the new proposal to all parties to the agreement and any other persons to whom the responsible authority considers the decision to amend or end the agreement may cause material detriment.

**The Responsible Authority will not make a decision on the proposal under section 178E of the *Planning and Environment Act 1987* before:**  
(or until a minimum of 14 days after the last notice is given)

**22 May 2025**

Planning and Environment Regulations 2015 Form 18



# Public Notice Information Sheet

The information contained in this online registry is provided for the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.

## Information about this notice of application to end or amend an agreement under Section 173 of the Planning and Environment Act 1987

### What is a Section 173 Agreement?

Council can negotiate an agreement with an owner of land to set out conditions or restrictions on the use or development of the land, or to achieve other planning objectives in relation to the land. These agreements are commonly known as 'section 173 agreements'. The power to enter into the agreement arises under section 173 of the Planning and Environment Act 1987 (PE Act). These agreements can be changed or amended under the provisions of the Act.

### Why this notice was sent to you

This application has been advertised in accordance with Section 178C of the Planning and Environment Act, 1987.

We advertise in order to notify other parties to the agreement and surrounding property owners, occupiers, and other interested parties of changes which may affect them. This provides you with the opportunity to raise any concerns with us regarding the application.

### How to view plans

You are invited to view the application and associated documents at the Surf Coast Shire Planning Offices – 1 Merrijig Drive, Torquay prior to the closing date nominated on the front of the form (during business hours).

The application can also be viewed online through the following link:

[eplanning.surfcoast.vic.gov.au/Account/Login.aspx](http://eplanning.surfcoast.vic.gov.au/Account/Login.aspx)

Instructions on how to view applications currently on public notice are located on Council's website titled "How to view an application on Public Notification and Make a Submission" ([surfcoast.vic.gov.au/Property/Planning-and-Building/Planning/Current-applications](http://surfcoast.vic.gov.au/Property/Planning-and-Building/Planning/Current-applications))

### Objections

If you have any related concerns that you want Council to consider, these must be submitted in writing before a decision is made on the application. Your concerns should relate to the planning merits of the application and should outline how you are affected.

### How to submit an objection

Instructions on how to **View an Application on Public Notification and Make a Submission** are located on our website through the **Current Applications** tab.

- You can email your objection to us at [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)
- You can mail your objection to us at PO Box 350, Torquay Vic 3228

We will acknowledge receipt of your objection in writing.

### Availability of objector information under the *Planning and Environment Act 1987*

A copy of your objection may be provided to the applicant but private information such as phone number and email address will not be shared.

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### Wadawurrung Country

1 Merrijig Drive (PO Box 350) Torquay Vic 3228

Phone (03)5261 0600 Email [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)

You may become aware of an application to end or amend an agreement in a number of ways. Perhaps you received a letter in the mail, seen an advertisement in your local newspaper or a public notice sign on site. Alternatively, your neighbour or developer may have approached you to discuss their plans.

Regardless of how you became aware of it, if the decision to amend or end the agreement may affect you, you may object. If you are supportive of the application, you also have an opportunity to lodge a submission in favour of the proposal. This fact sheet provides information on what to think about when you are considering making a submission to an application.

There are two important stages to lodging a submission.

## **Stage 1 – Work out how the proposal will affect you**

Information about the application (such as plans and reports) can be found online through Council's Eplanning Portal <https://eplanning.surfcoast.vic.gov.au/Public/PlanningRegister.aspx?search=basic>. When applying to end or amend an agreement under Section 173 of the Planning and Environment Act 1987, the applicant may not have a detailed use or development plan. Instead, the purpose of ending or amending the agreement could be to enable potential future land use or development that is currently restricted by the existing agreement. If you are finding it difficult to understand the plans or application information, ask one of Council's planners to explain the application to you.

Council must consider all submissions received when making its decision but can only take into account matters which relate to the effect of ending or amending the agreement as proposed, this may include how the land may be used and developed in the future.

In addition to any submissions, before deciding on the application, Council will consider matters such as the purpose of the agreement and why it was entered into, the purpose of the amendment or why the agreement may no longer be required, any changes in circumstances and whether other people would be disadvantaged by the agreement being ended or amended. You may wish to consider these in thinking about how you may be affected.

You can also engage a town planning consultant or a planning lawyer for their opinions on the proposal or plans.

## **Step 2 – Prepare a submission and lodge it with Council**

If you have decided that you wish to lodge a submission it must be in writing and include your name, address and contact details together with how the proposal will affect you. You can outline your concerns using Council's Eportal or supply a written submission via email, post or it can be handed in over the counter at the Council offices.

A date will be included on the notice of application, Council cannot make a decision on the application prior to this date. You should try to lodge a submission prior to this date, although you can lodge a submission at any time prior to Council making a decision. If you have lodged a submission, you will receive an acknowledgement letter advising your submission has been received by Council. You will also be notified in writing of Council's decision either by email or mail depending on how it is lodged.

### **Consultation**

In some cases, Council Officers will request a consultation meeting between all objectors and the Applicant. This is an opportunity to listen and seek to understand concerns and aspirations from all parties, and to focus on finding solutions to the issues wherever possible. If one is offered, it is highly recommended that you participate in the process.

In other cases, the Applicant may provide a written response to objections received, and also make changes to the proposal to resolve concerns. You may wish to indicate how the proposal could be changed in order to make it acceptable. Council planners will circulate revised documents to all submitters if the applicant makes changes to address

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concerns raised or further notice of the application may be given. This provides you with further opportunity to comment on the amended proposal.

If as part of the consultation you no longer have concerns about the application, you can write to Council withdrawing your objection. However, if you withdraw your objection, you will not be informed of the decision and you will lose your right of appeal if you are unhappy with the outcome.

## Other important things to know about making a submission

### Petitions

If you submit a petition, all correspondence will be sent to the first name and address listed on the petition. It is the responsibility of this individual to inform all other participants in the petition. A petition is counted as one individual submission irrespective of how many signatures are on the petition.

### Precedent

Each application is considered on its individual merits based on the specifics of the proposal

### Can I appeal against Council's decision?

If you have lodged a submission, notice of Council's decision will be given to you. You may lodge an appeal against that decision. An appeal, formally called an 'Application for Review' and must be lodged with VCAT within 28 days of Council's giving notice of the decision (the dated it was posted or emailed). The applicant can also appeal Council's decision to refuse the application. As a submitter, you will be notified if an application for review has been lodged by the applicant.

An application for review involves a VCAT hearing where Council's representative, review applicants and respondents (the applicant in a submitter review or submitters in an applicant review) present their cases to a Tribunal member (or members). Details of how and when to appeal are also contained on the reverse side of the written decision that you receive from Council.

If you would like to find out more or speak to one of Council's planners, please call 5261 0800 or email [planningapps@surfcoast.vic.gov.au](mailto:planningapps@surfcoast.vic.gov.au)



# Application Form for Amending or Ending a Section 173 Agreement



## Applicant Details

**Note:** Pursuant to Section 178A of the Planning and Environment Act only the owner of land, or a person who has entered into an agreement under Section 173 in anticipation of becoming the owner of the land, may apply to the responsible authority for agreement to a proposal to amend an agreement in respect of that land, or end an agreement in respect of that land

Name	
Postal Address	
Email Address	
Contact Phone Number	

## Section 173 Agreement Details

Reference and Date of Section 173 Agreement	AL816144J (15/04/2015)
Planning Permit Number that Required the Section 173 Agreement	14/0022
Address of Subject Land	189-389 Volum Road Gnarwarre, Victoria 3221
Volume, Folio and Plan of Subdivision Number	Lot 2 on Plan of Subdivision 802780Y / Volume 11826 Folio 956

## Please Detail

The nature of the change sought to the Section 173 Agreement (eg amend or end):
Amend. See Section 2 of Supplementary Information
Reason for the proposed change to the Section 173 Agreement:
To facilitate the Gnarwarre Battery Energy Storage System project. See Section 2 of letter with supplementary information.
Has written consent to the proposed change been obtained from the parties to the Section 173 Agreement?
Landowner consent (of 189-389 Volum Road, Gnarwarre) is provided in Appendix I

## Declaration

I declare that I am the applicant and that all the information is true and correct.

Signature



Date: 29-04-2025

# Application Form for Amending or Ending a Section 173 Agreement



## Ending or Amending a Section 173 Agreement Checklist

When making an application to Council to amend or end a Section 173 Agreement the following documentation must be submitted:

Checklist item	Have you provided?
<b>A completed application form</b> This form can be downloaded from <a href="https://www.surfcoast.vic.gov.au/Property/Planning-and-building/Planning-FAQs/Section-173-Agreements#section-2">https://www.surfcoast.vic.gov.au/Property/Planning-and-building/Planning-FAQs/Section-173-Agreements#section-2</a> Remember it is against the law to give false and misleading information	This form.
<b>A Copy of Title</b> A full, current copy of Title for the property including any restrictions/ covenants listed. A copy of Title can be obtained from <a href="https://www.landata.vic.gov.au/">https://www.landata.vic.gov.au/</a> Copies of Title must be no older than 30 days	Appendix J
<b>Details of all Parties to the Section 173 Agreement</b> A suitably qualified legal practitioner may be required to prepare this information	Section 1
<b>Written Consent from the Parties to the Section 173 Agreement</b>	Appendix K
<b>A Company Search</b> If the subject land is owned by a company, a company search must be submitted with the application to confirm correct ownership details. The company search must be no older than 30 days	Appendix L
<b>Fee</b> An application fee of \$726.70. Please note: Fees may be subject to change	Invoice paid
<b>Written Statement Outlining the Reasons for Amending or Ending the Agreement</b> The application must be accompanied by a written statement that outlines the purpose of the amendment or ending of the Agreement, why the amendment or ending of the agreement is required, and any changes in circumstances that necessitates the proposed amendment/ ending of the Agreement.	Section 2

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Surf Coast Shire Council  
1 Merrijig Dr, Torquay VIC 3228

29 April 2025

**Application to Amend Section 173 Agreement - 189-389 Volum Road Gnarwarre, Victoria 3221 (Lot 2 on Plan of Subdivision 802780Y / Volume 11826 Folio 956): supplementary information**

This letter provides additional information seeking to supplement the application form.

**1 EXISTING AGREEMENTS AND SUBDIVISION HISTORY**

N A Investments (VIC) Pty Ltd (the **Owner**) and FRV Services Australia Pty Ltd on behalf of Gnarwarre BESS Asset Co Pty Ltd as trustee for Gnarwarre BESS Asset Trust (collectively **FRV**) is seeking to amend the Section 173 Agreement (AL816144J) applying to 189-389 Volum Road Gnarwarre, Victoria, legally defined as Lot 2 in Plan of Subdivision (PS) 802780 (Volume 11826 Folio 956) and shown in **Figure 1**. Lot 2 PS 802780 was subdivided by Plan of Subdivision 802780Y (registered 17/10/2016).



**Figure 1 – 189-389 Volum Road, Lot 2 PS802780, Volume 11826 Folio 956**



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The Owner owns land to the north and east which comprise Rosemont Stud, a thoroughbred stud farm. The land is currently used for cropping, grazing and horse rearing.

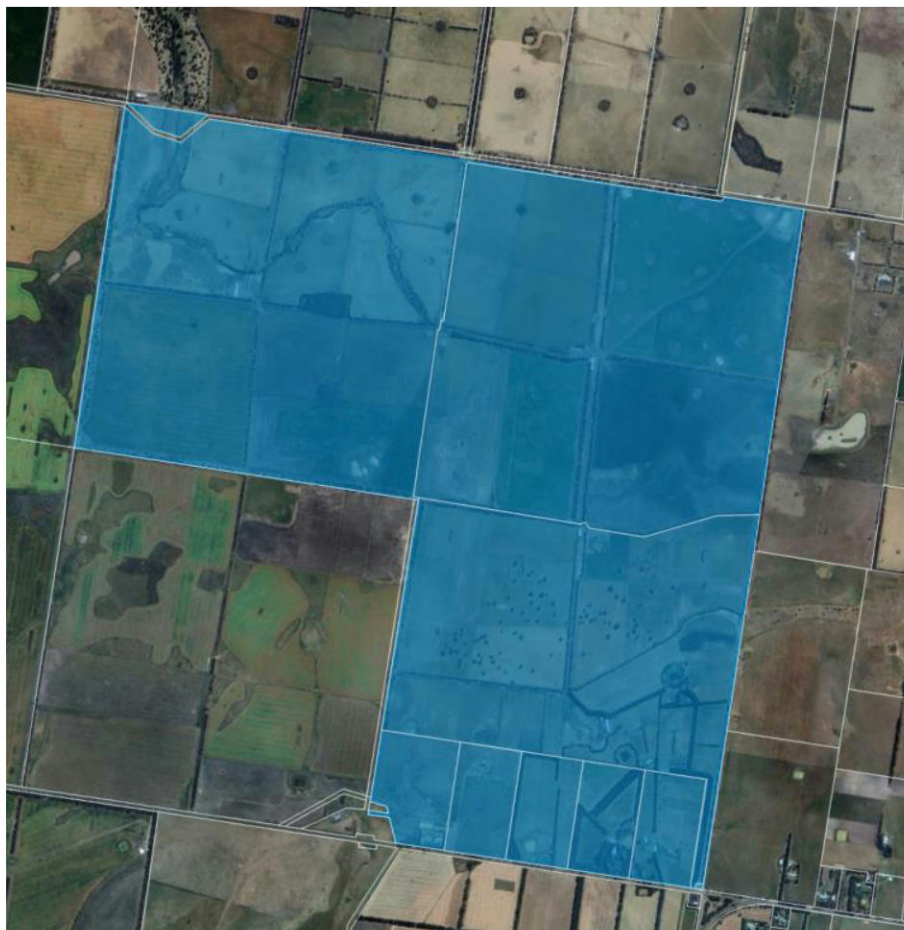
Two section 173 agreements apply to 189-389 Volum Road Gnarwarre. These agreements include:

- AB854082B made in 2003 which permitted the subdivision of a broader property into six lots; and
- AL816144J made in 2015 which permitted the subdivision of three lots and has the effect of ending the agreement previous registered over the land (AB854082B). Arrangements will be made for removing AB854082B from the title (Lot 2 PS802780, Volume 11826 Folio 956). The proposal to amend will vary this agreement.

A summary of agreements and subdivision history is provided in this section.

#### 1.1 Section 173 Agreement (AB854082B)

The original Section 173 Agreement (AB854082B) (**Appendix A**) was made between the Surf Coast Shire and Vizard Foundation Pty Ltd in January 2003. This involved a former parcel of land addressed at 70 Gnarwarre Road, Gnarwarre and its original extents are presented in **Figure 2**.



**Figure 2 – 70 Gnarwarre Road, Gnarwarre (Vol 7769 Folio 180, Vol 8102 Folio 293, Vol 8715 Folio 179, Vol 9231 Folio 652) (former)**

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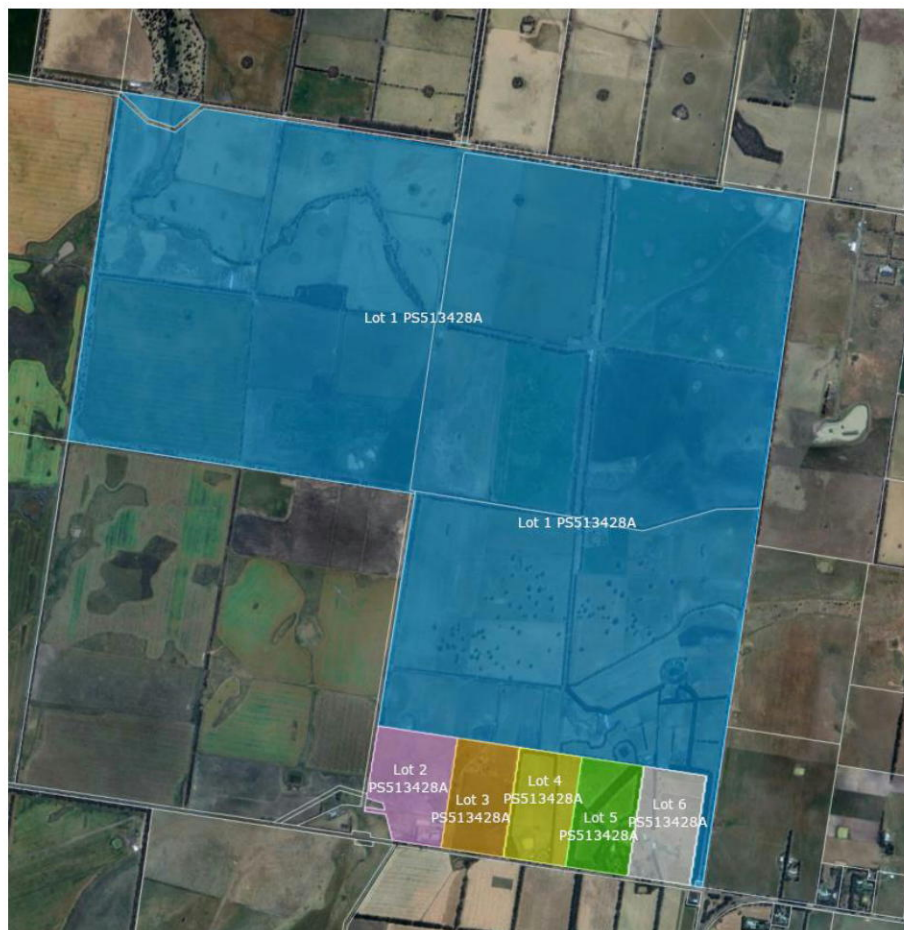
The parcel was legally defined as comprising:

- Volume 7769 Folio 180 (Section 13 Parish of Gnarwarre)
- Volume 8102 Folio 293 (Section 18 Parish of Gnarwarre)
- Volume 8715 Folio 179 (Section 19 Parish of Gnarwarre)
- Volume 9231 Folio 652 (Portion 13 Parish of Gnarwarre, part of a former Government Road Parish of Gnarwarre)

A copy of the above titles is included in **Appendix B**.

The original Section 173 Agreement (AB854082B) was made in response to Planning Permit 02/0426, which sought to subdivide the southern extent of the land creating six (6) lots. The agreement allowed for this six-lot subdivision but prohibited further subdivision unless the agreement was terminated or if the land was rezoned to permit further subdivision.

A subdivision was registered in February 2003 and shown in **Figure 3** and the Plan of Subdivision (PS513428A) associated with the creation of lots is provided in **Appendix C**.



**Figure 3 – Six lots created by Plan of Subdivision PS513428A**



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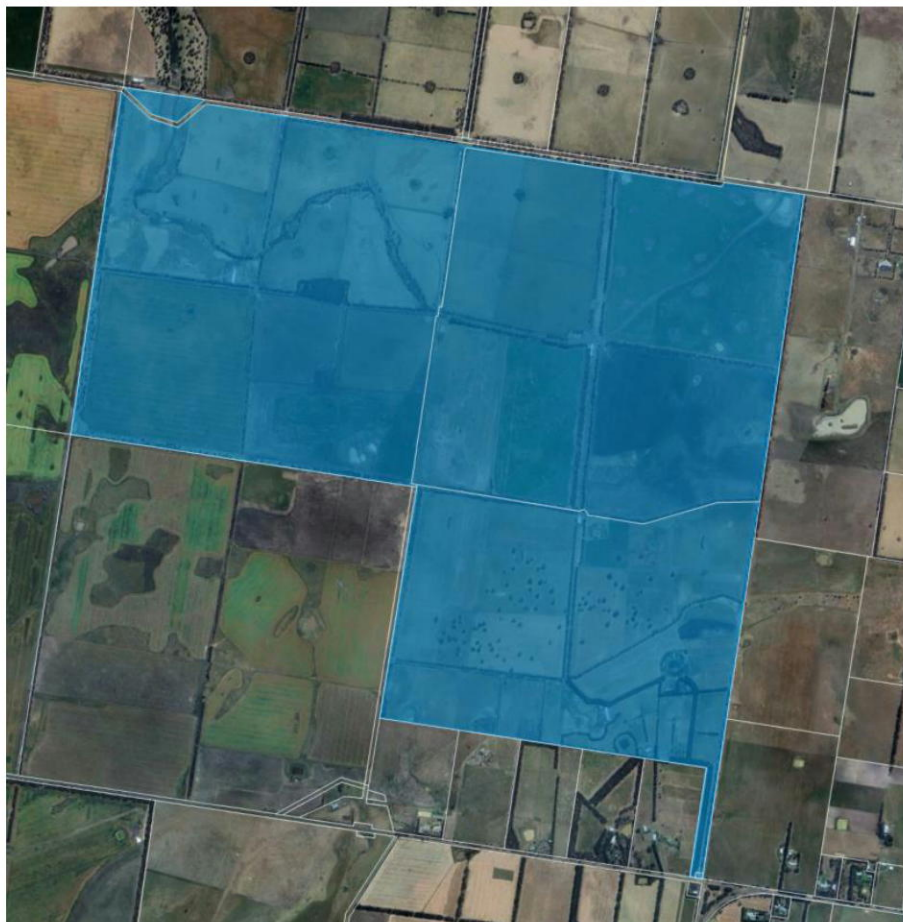
The following Lots were created:

- **Lot 1 PS513428 (Volume 10708 Folio 680) (38 Gnarwarre Road, Gnarwarre)**
- Lot 2 PS513428 (current)
- Lot 3 PS513428 (current)
- Lot 4 PS513428 (current)
- Lot 5 PS513428 (current)
- Lot 6 PS513428 (current)

A copy of the certificate of title for Volume 10708 Folio 680 is provided in **Appendix D**.

#### 1.2 Amendment to Section 173 Agreement (AL816144J)

An amendment to the original Section 173 Agreement was made between Surf Coast Shire and [REDACTED] (Australia) (Pty Ltd) in April 2015 (AL816144J) (**Appendix E**). This amendment involved the land parcel addressed at 38 Gnarwarre Road, Gnarwarre and legally defined as Lot 1 PS513428 (Volume 10708 Folio 680) and is shown in **Figure 4**.



**Figure 4 – 38 Gnarwarre Road, Gnarwarre (Volume 10708 Folio 680) (former)**

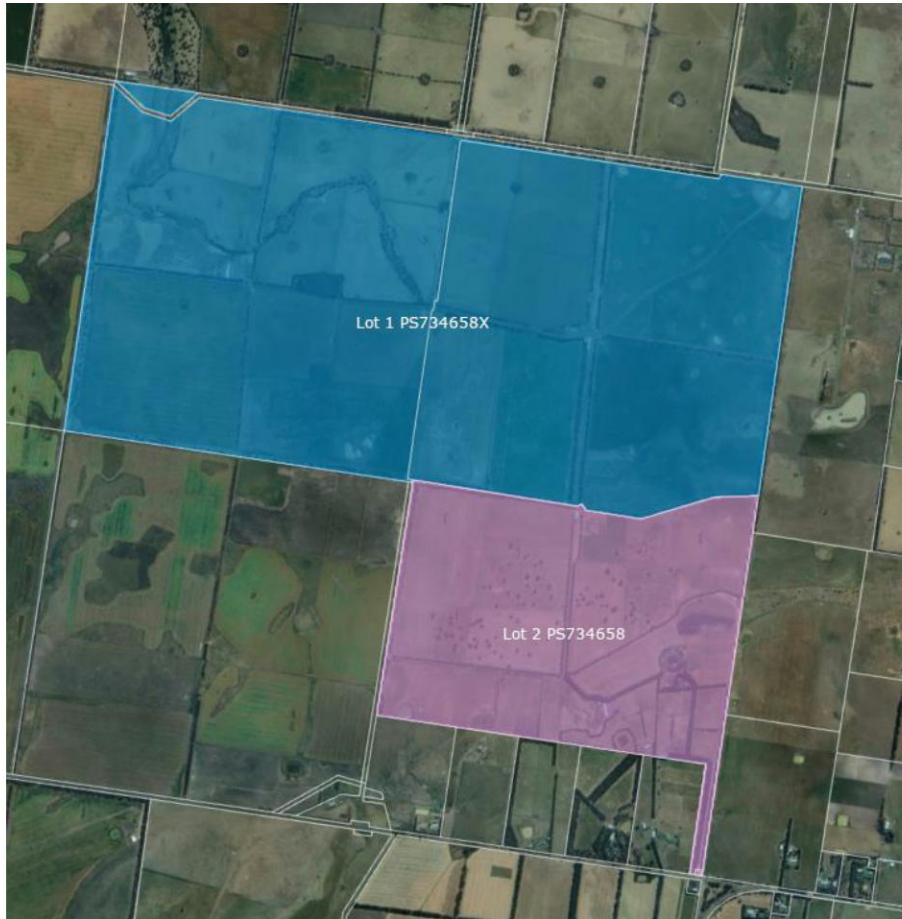
The amended agreement allowed for the further subdivision of 38 Gnarwarre Road, Gnarwarre (Volume 10708 Folio 680) to create a maximum of three (3) lots. Similarly, the amended agreement prevented further subdivision of the land unless the agreement was terminated or if the land was rezoned.



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After the date of the amended agreement, a lost title application was made (AM163438T) and a new Volume and Folio number were issued (Volume 11596 Folio 697). A copy of the new title is provided in **Appendix F**.

Two subdivisions occurred to the property creating three parcels of land. The first subdivision was registered in November 2015 and is shown in **Figure 5**. The associated Plan of Subdivision (PS734658X) is provided in **Appendix G**.



**Figure 5 – Two lots created by Plan of Subdivision PS734658X**

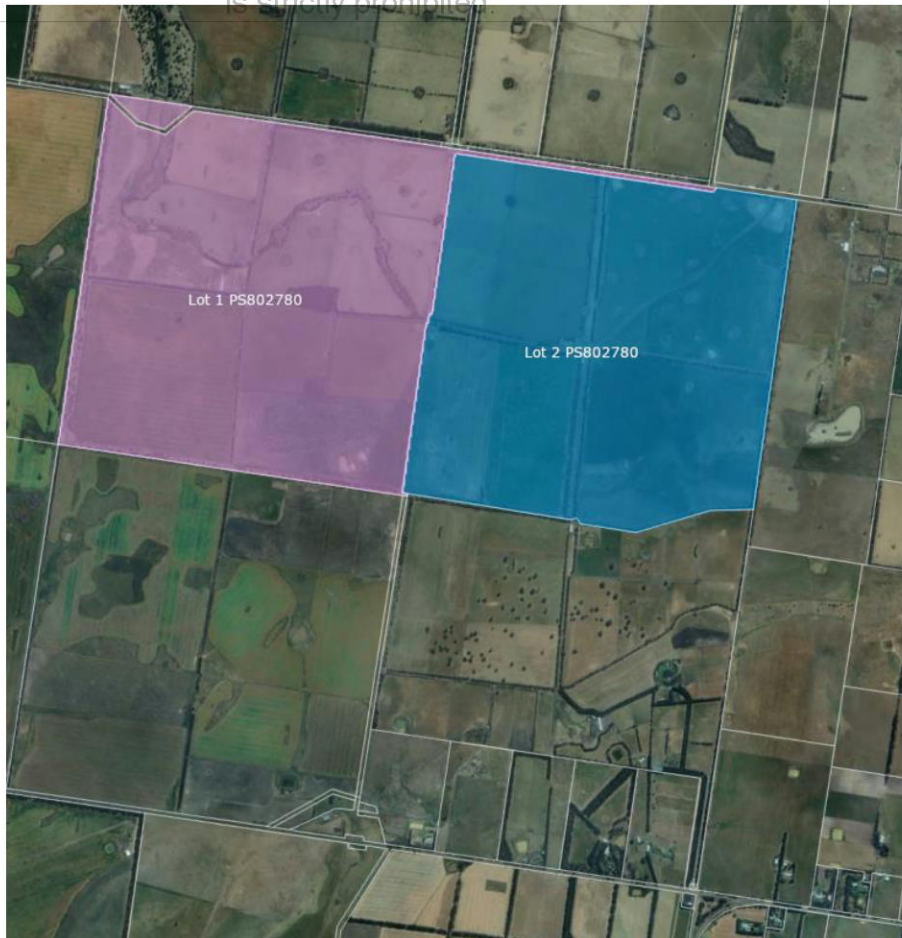
The subdivision created the following Lots:

- Lot 1 PS734658 (Volume 116609 Folio 424)
- Lot 2 PS734658 (current)

A copy of the certificate of title for Volume 116609 Folio 424 is provided in **Appendix H**.

A second subdivision was made to the remainder Lot 1 PS734658X (Volume 116609 Folio 424) and registered in October 2016. The extent of this subdivision is shown in **Figure 6**. The Plan of Subdivision (PS802780Y) is included in **Appendix I**.

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**Figure 6 – Two lots created by Plan of Subdivision PS802780Y**

The subdivision created the following Lots:

- Lot 1 PS802780 (Volume 11826 Folio 955) (current)
- Lot 2 PS802780 (Volume 11826 Folio 956) (189-389 Volum Road, Gnarwarre) (current)

A copy of the certificate of title for **Volume 11826 Folio 956** is provided in **Appendix J**.

Accordingly, the maximum number of lots have been created and an amendment to the section 173 agreement is required as it pertains to 189-389 Volum Road, Gnarwarre (Lot 2 PS802780) (Volume 11826 Folio 956).



## 2 PROPOSED AMENDMENT AND BACKGROUND CONTEXT

### 1.3 Background Context

FRV is seeking to develop the Gnarwarre BESS, a utility-scale battery which was approved pursuant to a scheme amendment ([C142surf](#) - *Incorporated Document for the Gnarwarre Battery Energy Storage System dated September 2022*). The project is located at Lot 2 on Plan of Subdivision 802780. The project incorporates a Shared Network Asset switching station (also known as a Terminal Station). This Terminal Station is a requirement of the Australian Energy Market Operator (AEMO) and AusNet to enable the project to connect to the adjoining 220 kV transmission line. The Terminal Station will serve a public purpose and allow future for future potential connection and augmentation where required. Given its nature as a shared asset, there is a need for a subdivision to enable the facility to be operated into perpetuity.

The approximate location and size of the proposed subdivision is shown in **Figure 7**.



**Figure 7 – Proposed subdivision of Lot 2 PS802780 (Volume 11609 Folio 424) (189-389 Volumn Road, Gnarwarre)**

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A Project Construction and Coordination Deed was signed between AEMO, AusNet, FRV, and Transmission Operations (Australia) 4 Pty Ltd (TOA4) and dated 12 September 2023 (PCCD). TOA4 will own and operate the Terminal Station and provide transmission services to AEMO pursuant to a Transmission Network Service Provider Network Services Agreement (TNSP NSA) and Interface Network Services Agreement (INSA) entered into between those parties. These agreements were entered into under Section 50D of the National Electricity Law and will facilitate the granting of a transmission licence to TOA4 closer to the date of energisation. The PCCD requires that the Twitching Station be excised from the larger parcel of land (Lot 2 PS802780), through subdivision and transferred to TOA4.

As noted in Section 1. There is a present limit on the number of lots that can be created over the original lot parcel (70 Gnarwarre Road, Gnarwarre (Vol 7769 Folio 180, Vol 8102 Folio 293, Vol 8715 Folio 179, Vol 9231 Folio 652)). Accordingly, an amendment pursuant to Section 178 of the *Planning and Environment Act 1987* is required to allow for Lot 2 PS802780 (Volume 11826 Folio 956) (189-389 Volum Road, Gnarwarre) to be subdivided into a maximum of two lots.

The proposed wording for this covenant is provided below:

*The Owner and Council agree that Lot 2 PS802780 can be subdivided to create a lot for a utility installation associated with the Incorporated Document for the Gnarwarre Battery Energy Storage System dated September 2022.*

#### 1.4 Planning permit approval pathway

Lot 2 PS802780 is located within the Farming Zone (FZ) with an objective for non-agricultural uses to not adversely affect land for agriculture. Under clause 35.07-3, a permit is required to subdivide land, and each resultant lot must be at least 40 hectares (ha) in size. However, clause 35.07-3 provides that a permit may be granted to create smaller lots if the subdivision is to be undertaken by a utility service provider to create a lot for a utility installation. The proponent for the subdivision will be TOA4.

Once constructed, TOA4 will be providing transmission services to AEMO under TNSP NSA. The TNSP NSA is a formal network agreement made under section 50D of the National Electricity Law (NEL). The NEL has force as a law of Victoria under section 6 of the *National Electricity (Victoria) Act 2005* (Vic). AEMO will purchase transmission services from TOA4 under the TNSP NSA and from AusNet Services (the transmission line operator) under an INSA. The INSA forms the basis of the connection agreement AEMO has entered into with FRV, AEO and AusNet under section 50E of the NEL. A transmission licence has not yet been achieved but will be prior to terminal station energisation.

The parent company to TOA4 is Australian Energy Operations Pty Ltd. Australian Energy Operations, through its subsidiary companies, builds, owns and operates electricity transmission lines and terminal stations. In Victoria it operates the Elaine Terminal Station (3 wind farm connections and 2 transmission lines) and Ararat Terminal Station (1 wind farm connection and 1 transmission line). Once TOA4 obtains a transmission licence for the project it will a Declared Transmission System Operator.

Accordingly, TOA4 meets the definition of a utility service provider. Further, the subdivided lot will only contain the terminal station and no battery facility infrastructure. The land will immediately be transferred to TOA4 in accordance with the requirements of the connection agreement.



The future happens here

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**Per Clause 72.01-1 of the Surf Coast planning scheme, the Minister for Planning (Department of Transport and Planning (DTP)) is the responsible authority for matters required by a permit in relation to the use and development of land including for a utility installation used to transmit or distribute electricity. As noted above, the subdivision is for this purpose and, therefore, a planning permit from DTP will be obtained.**



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### **3 ADDITIONAL REQUIREMENTS FROM CHECKLIST**

<b>A Copy of Title:</b>	<b>Appendix H</b>
<b>Details of all Parties to the Section 173 Agreement:</b>	<b>Section 1</b>
<b>Written Consent from the Parties to the Section 173 Agreement</b>	<b>Appendix K</b>
<b>A Company Search</b>	<b>Appendix L</b>
<b>Written Statement Outlining the Reasons for Amending the Agreement</b>	<b>Section 2</b>



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**Appendix A**  
**Section 179 Agreement**  
**AB854082B**

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# Imaged Document Cover Sheet

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Document Identification	<b>AB854082B</b>
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FORM 9.1

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

**AB854082B**



s 181(1)

*Planning and Environment Act 1987*

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

**Name:**

**Phone:**

**Address:**

**Ref:**



*lot 2  
incorrect?  
not created yet*

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

**Land:**

~~70 Gnarwarre Road, Gnarwarre (volume 07769 Folio 180)~~

*Lots 1 and 2 on PS 513428A being part of the land in Vol 7769 Fol 180, Vol 8102 F 293, Vol 8215 Fol 179 & Vol 9231 Fol 652*

**Authority:**

SURF COAST SHIRE COUNCIL of 25 Grossmans Road, Torquay 3228

*CAN/C*

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

*Now = c/s 10708-680/1*

Section 173 Planning and Environment Act 1987

A copy of the Agreement is attached to this Application.

**Signature for the Authority:**

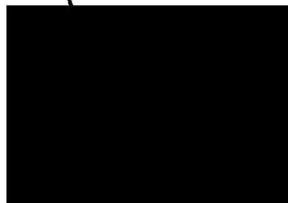
**Name of Officer:**

**Position held:**

Chief Executive Officer

**Dated:**

10/01/2003



*[Signature]*

28 FEB 2003

With consent of  
Current Planning Officer

*Applicant*



DAB854082B-1-1

*27/02/03*

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DB854082B-2-0

This agreement is made pursuant to Section 173 of the Planning and Environment Act 1987

### AGREEMENT

**THIS AGREEMENT** is made on the Ten day of JANUARY 2003  
**BETWEEN:**

**SURFCOAST SHIRE COUNCIL** of 25 Grossmans Road, Torquay in the State of Victoria  
(hereinafter called "the Responsible Authority") of the first part, and

**THE VIZARD FOUNDATION PTY LTD** of [REDACTED] in the State of  
Victoria (hereinafter called "the Owner") of the second part.

### **WHEREAS:**

- A. The Responsible Authority has issued Planning Permit Number 02/0426 to allow a six (6) lot subdivision of land currently described as ~~Lot 1 TP711258G, Crown Section 18, Crown Section 19 and Crown Section 19A, Parish of Gnarwarre~~, (being 70 Gnarwarre Road, Gnarwarre) in the said State.

- B. Condition 1 of Planning Permit 02/0426 stipulates that:

*Certificates of Title volume 09231 folio 652, volume 7769 folio 180, volume 8715 folio 179 and volume 8102 folio 293.*

*"Before the issue of the Statement of Compliance the land owner shall enter into a legally binding agreement with the responsible authority under section 173 of the Planning and Environment Act 1987, requiring:*

*a) that the land will not be further subdivided;*

*b) that the agreement shall lapse if the land is rezoned to permit further subdivision.*

*A memorandum of the agreement is to be entered on title and the cost of the preparation and execution of the agreement and entry of the memorandum on title is to be paid by the owner."*

- C. The owner has agreed to comply with the requirements of the aforesaid condition of Planning Permit No. 02/0426.
- D. The Responsible Authority will certify, subject to the appropriate requirements and pursuant to the provisions of the *Subdivision Act* 1988, staged plans of subdivision, PS 513428A, affecting the said land.

### **NOW THIS AGREEMENT PROVIDES AS FOLLOWS :**

1. This Agreement is made pursuant to Section 173 of the *Planning and Environment Act* 1987.
2. The Owner and Responsible Authority acknowledge that the objective of this Agreement is to ensure that Condition 1 of Planning Permit No. 02/0426 is complied with.
3. The Owner agrees that the land cannot and will not be further subdivided.
4. The costs associated with the preparation of this Agreement and subsequent lodgement at the Land Titles Office shall be paid by the owner.



The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that you will make application to the Registrar of Titles pursuant to Section 181 of the *Planning and Environment Act 1987* for registration of this Agreement forthwith after the coming into effect of this Agreement which is intended by the parties to run with the land affected.

5. The owner shall make application to the Registrar of Titles pursuant to Section 181 of the *Planning and Environment Act 1987* for registration of this Agreement forthwith after the coming into effect of this Agreement which is intended by the parties to run with the land affected.
6. This Agreement shall come into operation and effect upon the issue by the Responsible Authority of a Statement of Compliance pursuant to Section 21 of the *Subdivision Act 1988* for Stage 1 Plan of Subdivision PS 513428A.
7. This Agreement shall lapse if the land is rezoned to permit further subdivision.

**EXECUTED** by the parties on the date set out at the commencement of this Agreement:

THE COMMON SEAL of the SURFCOAST )  
SHIRE COUNCIL was affixed in the presence: )

[REDACTED]  
CHIEF EXECUTIVE OFFICER



Executed by THE VIZARD FOUNDATION PTY LTD in accordance with Section 127 the *Corporations Act 2001*.

[REDACTED]  
DIRECTOR/COMPANY SECRETARY

[REDACTED]  
DIRECTOR



**AB854082B**

05/02/2003 \$59 173



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## Appendix B

### Certificate of title(s)

- Volume 7769 Folio 180 (Section 13 Parish of Gnarwarre)
- Volume 8102 Folio 293 (Section 18 Parish of Gnarwarre)
- Volume 8715 Folio 179 (Section 19 Parish of Gnarwarre)
- Volume 9231 Folio 652 (Portion 13 Parish of Gnarwarre)



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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

-----  
Produced 06/03/2025 05:30 PM

Volume 7769 Folio 180  
Folio Creation: Created as paper folio continued as computer folio  
Parent title    Volume 03056 Folio 192

THE IMAGE OF THE FOLIO CEASED TO BE THE DIAGRAM LOCATION ON 14/05/2003 05:19:15 AM

RECORD OF HISTORICAL DEALINGS  
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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS  
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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
---------------------------------	------------------------------	---------	--------

29/10/2002	12/11/2002	AB659337G	Y
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DISCHARGE OF MORTGAGE  
MORTGAGE(S) REMOVED  
T367732D

24/01/2003	26/02/2003	PS513428A	Y
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PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS513428A

STATEMENT END

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Volume 07769 Folio 180  
124003799877B  
Produced 12/11/2002 03:44 pm

LAND DESCRIPTION

-----  
Lot 1 on Title Plan 711258G (formerly known as part of Section 13 Parish of Gnarwarre).  
PARENT TITLE Volume 03056 Folio 192  
Created by instrument 2494076 09/05/1952

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor  
THE VIZARD FOUNDATION PTY. LTD. of [REDACTED]  
T367731G 20/10/1994

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE T367732D 20/10/1994  
WESTPAC BANKING CORPORATION

COVENANT as to part V981658H 20/11/2001

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

-----  
SEE DIAGRAM ON IMAGED FOLIO VOLUME 7769 FOLIO 180 FOR FURTHER DETAILS AND BOUNDARIES

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VICTORIA

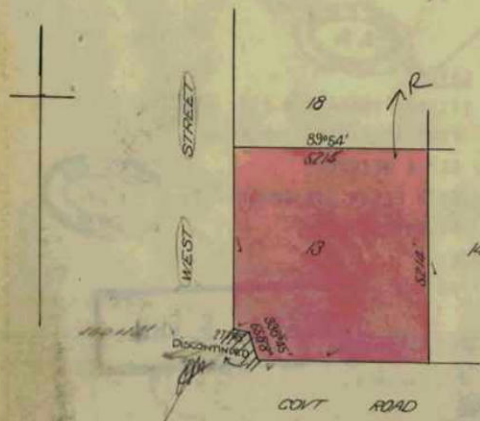
Vol. 7769 Fol. 180

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT 1928"

[Redacted] and [Redacted] both  
of [Redacted] are -----  
now ~~the joint proprietors~~ -----  
of an Estate in Fee-simple subject to the Encumbrances notified hereunder in  
All that piece of Land, delineated and coloured red on the map in the ----  
margin being part of Crown Section Thirteen Parish of Gnarwarre County of Grant --

Dated the Ninth day of May One  
thousand nine hundred and fifty-two.



*J. J. W. W. W.*

Assistant Registrar of Titles



ENCUMBRANCES REFERRED TO



787769-180-1-6

NO DEALING TO BE REGISTERED UNTIL  
PLAN IS AMENDED ON DUPLICATE  
SEE LGD 1101

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Vol. 2026 Fol. 192

Transfer 24/9/2026

Application

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For Continuation of Endorsement  
See Annexed Sheet Method A



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*This is the Sheet marked A referred to in the Certificate of Title entered in the Register Book Vol. 7769 Fol. 180*

Assistant Registrar of Titles



CREATION OF EASEMENT AND COVENANT

U981658H 9/4/99



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T07769-180-2-4



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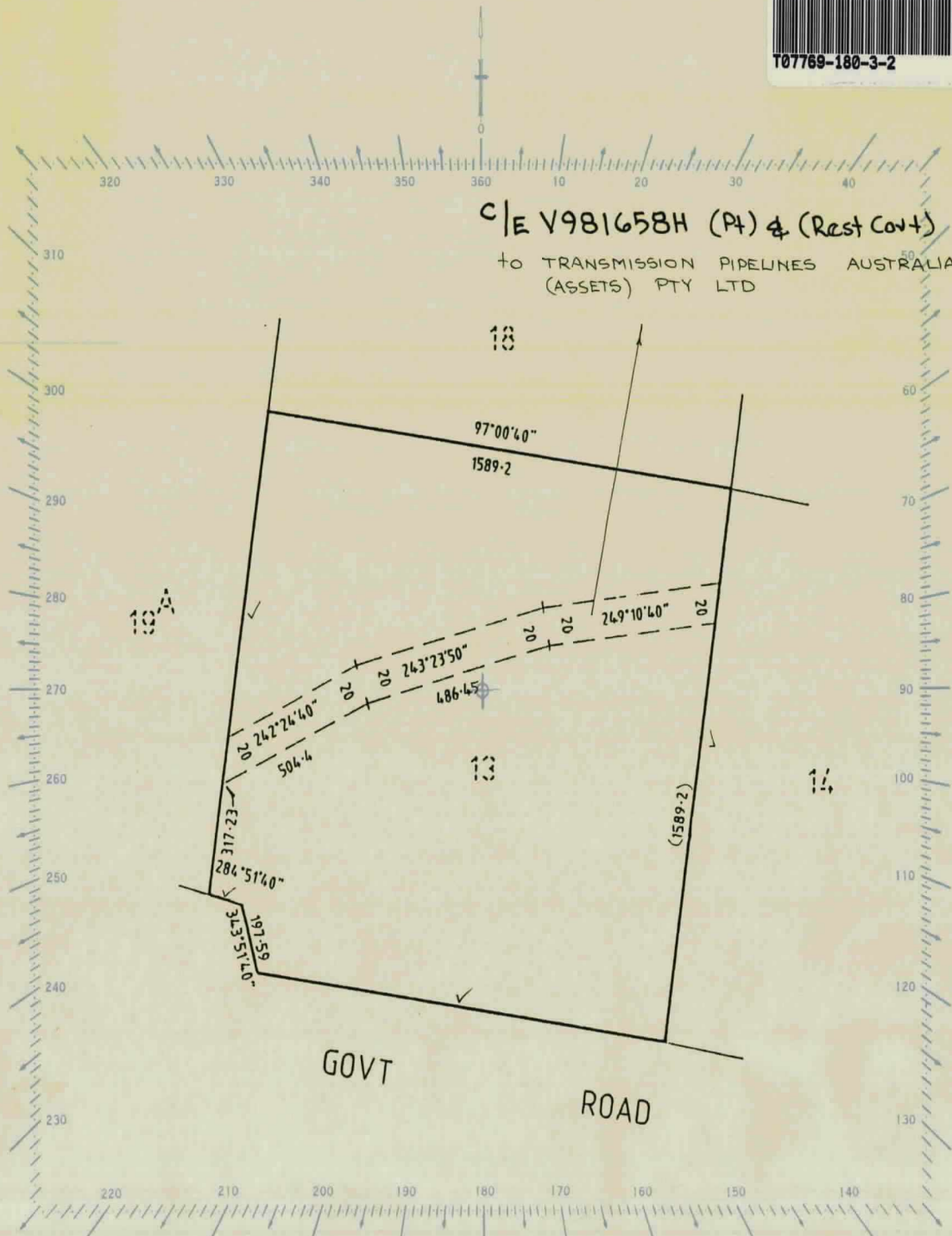
SCALE

Volume 7769 Folio 180

NOTE: A.M.G. BEARINGS  
to be adopted for  
Dealing V981658H and  
for any further P.W. C/Ts  
to issue herefrom -7°06'40" for C/T



707769-180-3-2



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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Produced 06/03/2025 05:30 PM

Volume 8102 Folio 293

Folio Creation: Created as paper folio continued as computer folio

Parent titles :

Volume 03056 Folio 192                      Volume 03237 Folio 252

RECORD OF HISTORICAL DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
29/10/2002	12/11/2002	AB659337G	Y

DISCHARGE OF MORTGAGE  
MORTGAGE(S) REMOVED  
T367732D

24/01/2003	26/02/2003	PS513428A	Y
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PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS513428A

STATEMENT END

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Volume 08102 Folio 293  
124003799879A  
Produced 12/11/2002 03:44 pm

LAND DESCRIPTION

-----  
Lots 1 and 2 on Title Plan 818251B (formerly known as part of Crown Allotment 19A Parish of Gnarwarre, Section 18 Parish of Gnarwarre).

PARENT TITLES :

Volume 03056 Folio 192      Volume 03237 Folio 252  
Created by instrument 2684945 26/10/1954

REGISTERED PROPRIETOR

-----  
Estate Fee Simple

Sole Proprietor

THE VIZARD FOUNDATION PTY. LTD. 

3000

T367731G 20/10/1994

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE T367732D 20/10/1994

WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

-----  
SEE DIAGRAM ON IMAGED FOLIO VOLUME 8102 FOLIO 293 FOR FURTHER DETAILS AND BOUNDARIES

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Entered in the Register Book

Vol. 8102 Fol. 293

VICTORIA

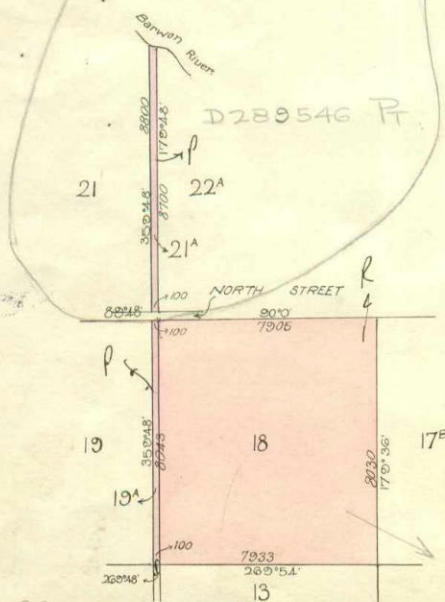
# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT 1928" 1954"

3/7/56.

\_\_\_\_\_ is  
now the proprietor  
of an Estate in Fee-simple subject to the Encumbrances notified hereunder in  
All that piece of Land, delineated and coloured red on the map in the margin  
and in the surface and down to the depth of Fifty feet below the surface of ALL THOSE  
pieces of land delineated and coloured purple on the said map containing altogether--  
Six hundred and fifty-three acres One rood and Twenty-one perches or thereabouts --  
being Crown Section 18 Crown Allotment 21<sup>A</sup> and part of Crown Allotment 19<sup>A</sup> Parish--  
of Gnarwarre County of Grant

Dated the Twenty-sixth day of October One  
thousand nine hundred and fifty-four.



THE MEASUREMENTS ARE IN links.



ENCUMBRANCES REFERRED TO

SEE SKETCH ATTACHED  
TO C/T V. 2531 P. 123

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Assistant Registrar of Titles.



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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Produced 06/03/2025 05:30 PM

Volume 8715 Folio 179  
Folio Creation: Created as paper folio continued as computer folio  
Parent title    Volume 02531 Folio 123

THE IMAGE OF THE FOLIO CEASED TO BE THE DIAGRAM LOCATION ON 06/06/2003 05:00:05 AM

RECORD OF HISTORICAL DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
---------------------------------	------------------------------	---------	--------

29/10/2002	12/11/2002	AB659337G	Y
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DISCHARGE OF MORTGAGE  
MORTGAGE(S) REMOVED  
T367732D

24/01/2003	26/02/2003	PS513428A	Y
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PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS513428A

STATEMENT END

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Volume 08715 Folio 179  
124003799880Y  
Produced 12/11/2002 03:44 pm

LAND DESCRIPTION

-----  
Section 19 Parish of Gnarwarre.  
PARENT TITLE Volume 02531 Folio 123  
Created by instrument C849286 04/08/1967

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor  
THE VIZARD FOUNDATION PTY. LTD.  
T367731G 20/10/1994

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE T367732D 20/10/1994  
WESTPAC BANKING CORPORATION

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

-----  
SEE DIAGRAM ON IMAGED FOLIO VOLUME 8715 FOLIO 179 FOR FURTHER DETAILS AND BOUNDARIES

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VICTORIA

REGISTER BOOK

VOL. 8715 FOL. 179

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

VOL. 8715 FOL. 179

\_\_\_\_\_ of \_\_\_\_\_ is now the - - -  
proprietor of an estate in fee simple subject to the encumbrances notified - -  
hereunder in ALL THOSE pieces of land delineated and coloured red and blue on--  
the map in the margin containing Six hundred and forty-four acres and- - - - -  
seventeen perches or thereabouts being Section 19 Parish of Gnarwarre County--  
of Grant- - - - -

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DATED the 4th day of August 1967

*J. Flanagan*

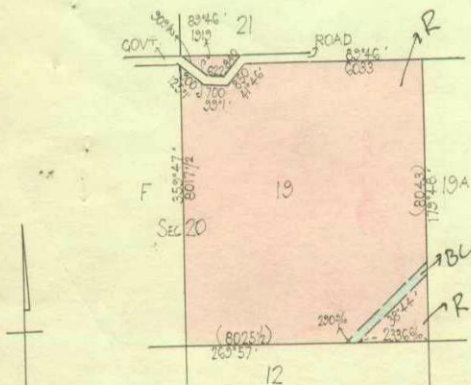
Assistant Registrar of Titles



## ENCUMBRANCES REFERRED TO

As to the land coloured blue- - - - -

THE EASEMENT to State Electricity  
Commission of Victoria created--  
by Instrument A576871- - - - -



MEASUREMENTS ARE IN Links

Derived from Vol.2531 Fol.123  
C849286

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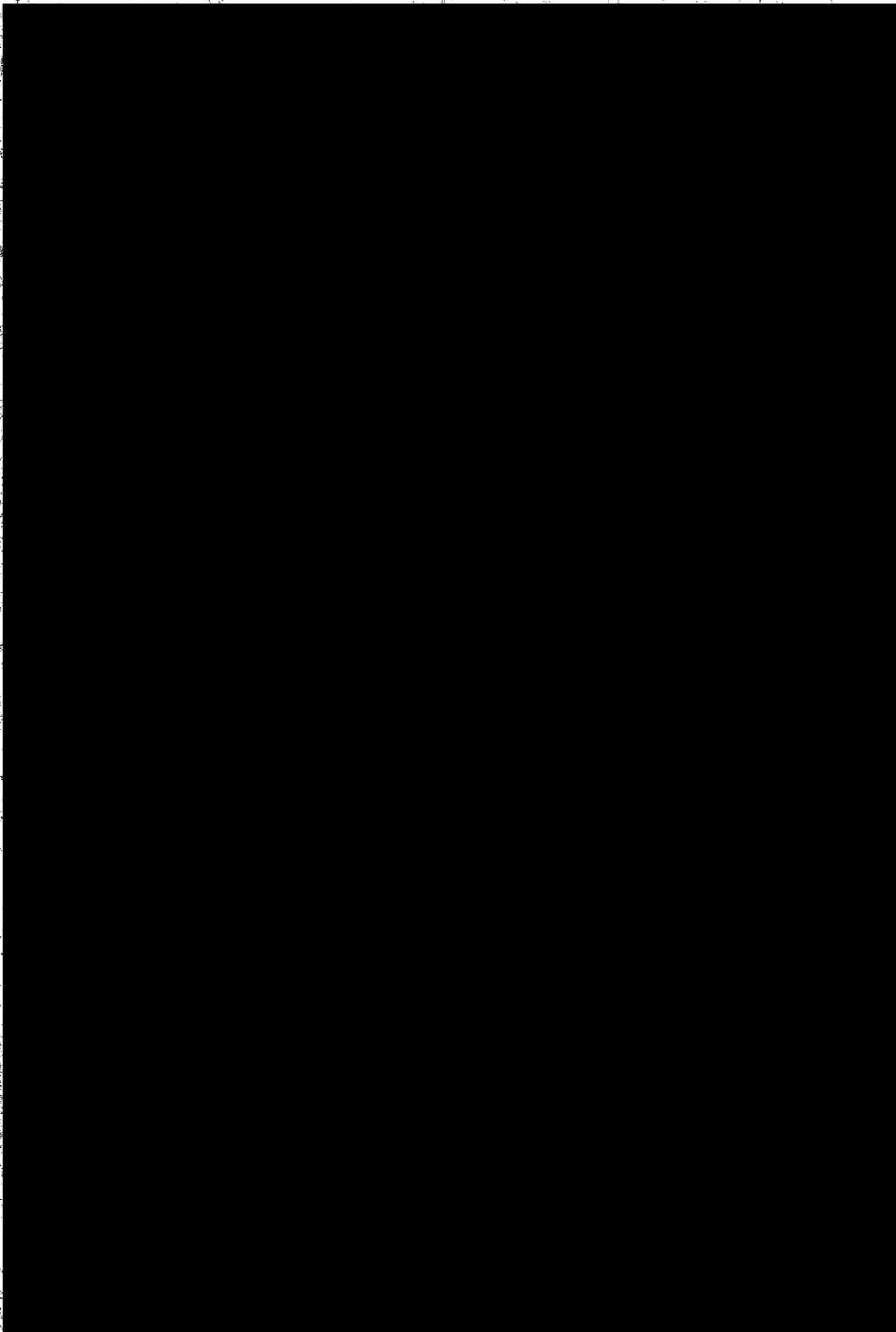
VOL.

FOL.

INSTRUMENT

APPLICATION

PL



V.8715 F.179



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HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Volume 9231 Folio 652  
Folio Creation: Created as paper folio continued as computer folio  
Parent title    Volume 00823 Folio 527

RECORD OF HISTORICAL DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
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29/10/2002	12/11/2002	AB659337G	Y
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DISCHARGE OF MORTGAGE  
MORTGAGE(S) REMOVED  
T367732D

24/01/2003	26/02/2003	PS513428A	Y
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PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS513428A

STATEMENT END

The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.

Volume 09231 Folio 652

124003799881X

Produced 12/11/2002 03:44 pm

#### LAND DESCRIPTION

-----  
Lots 1 and 2 on Title Plan 818244X (formerly known as part of Portion 13 Parish of Gnarwarre, part of a former Government Road Parish of Gnarwarre).

PARENT TITLE Volume 00823 Folio 527

Created by instrument G657401 07/06/1977

#### REGISTERED PROPRIETOR

-----  
Estate Fee Simple

Sole Proprietor

THE VIZARD FOUNDATION PTY. LTD. of

3000

T367731G 20/10/1994

#### ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE T367732D 20/10/1994

WESTPAC BANKING CORPORATION

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

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VICTORIA

REGISTER BOOK

VOL. 9231 FOL. 652

# Certificate of Title

UNDER THE "TRANSFER OF LAND ACT"

[REDACTED] is now the --  
proprietor of an estate in fee simple subject to the encumbrances notified --  
hereunder in ALL THAT piece of land delineated and coloured red on the map --  
hereon and in so much as lies above the depth of fifteen metres below the --  
surface of ALL THAT piece of land delineated and coloured purple on the said  
map being part of Crown Portion 13 and part of a former Government Road --  
Parish of Gnarwarre County of Grant - - - - -

FOL.

VOL.

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This document provides an image of a cancelled folio of the Register. It is not a statement  
from the register of subsisting information in relation to the land to which it refers.

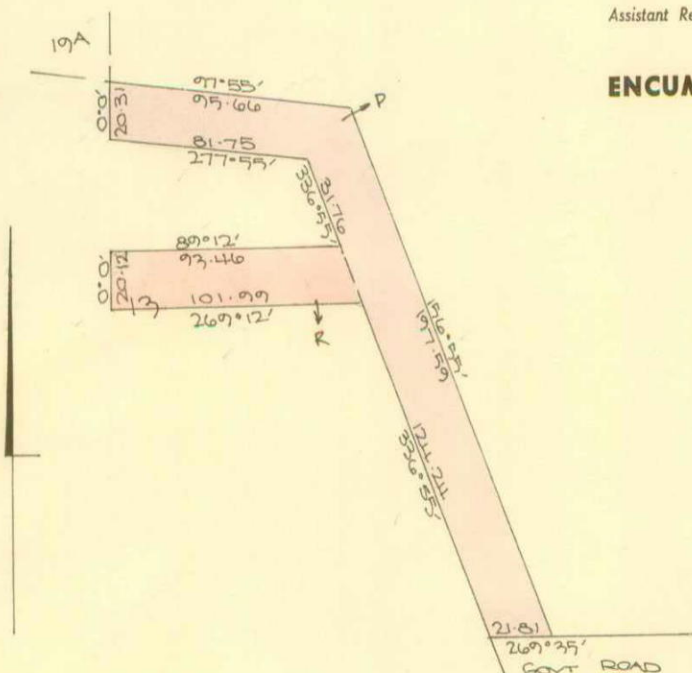
DATED the 7th day of June 1977

*John Brown*

Assistant Registrar of Titles



## ENCUMBRANCES REFERRED TO



Certificate of Title Vol.823 Fol.527  
Government Gazette No.104 Dated 17th December 1975  
L.G.D. File No.1191  
G657401

MEASUREMENTS ARE IN METRES

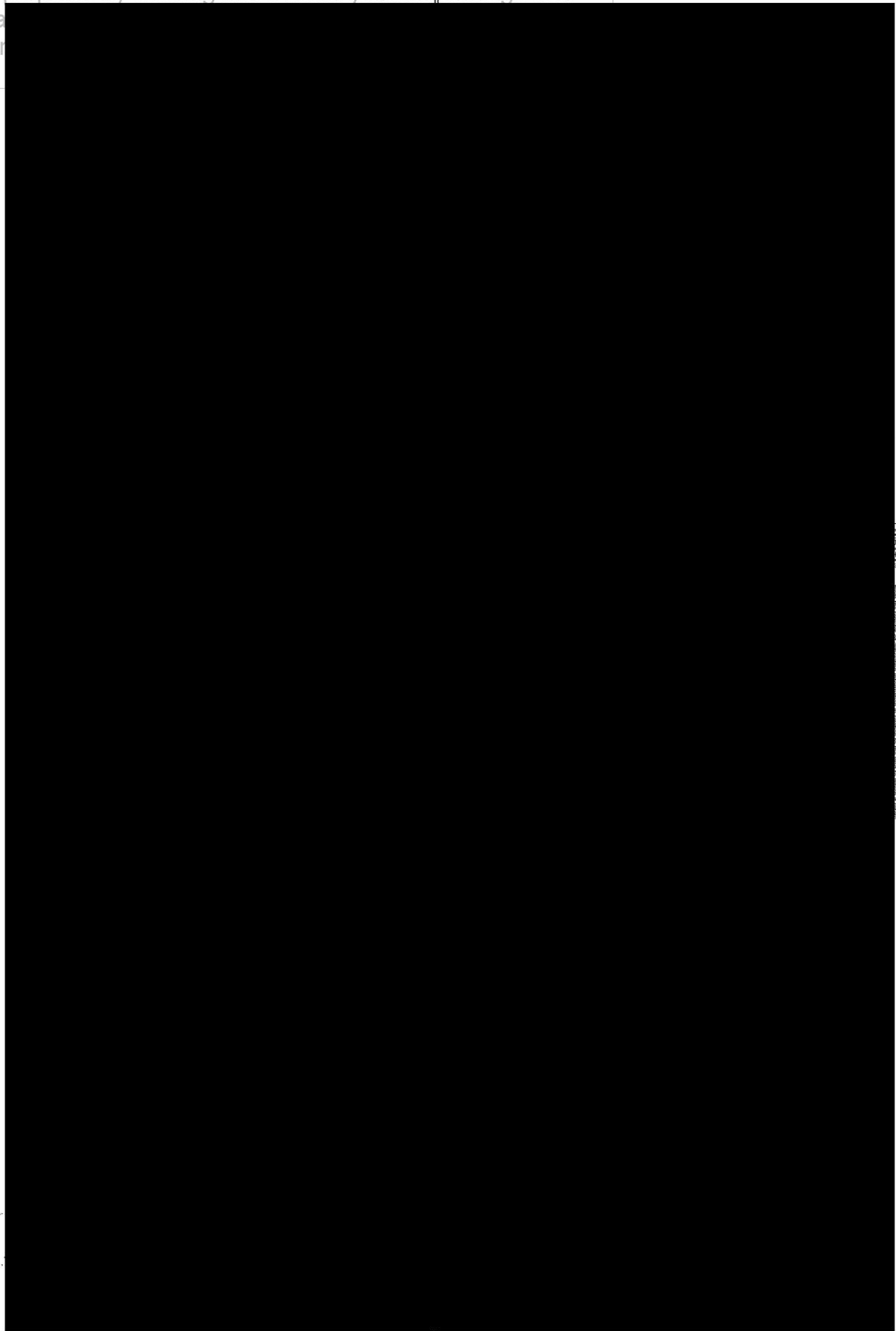
The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that

**VOL 9231 FOL 652**

**INSTRUMENT**

**APPLICATION**

-PL



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of the original document.



T09231-652-1-7



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## Appendix C

### Plan of Subdivision PS513428A

06/03/25 6:24:18 +00:00

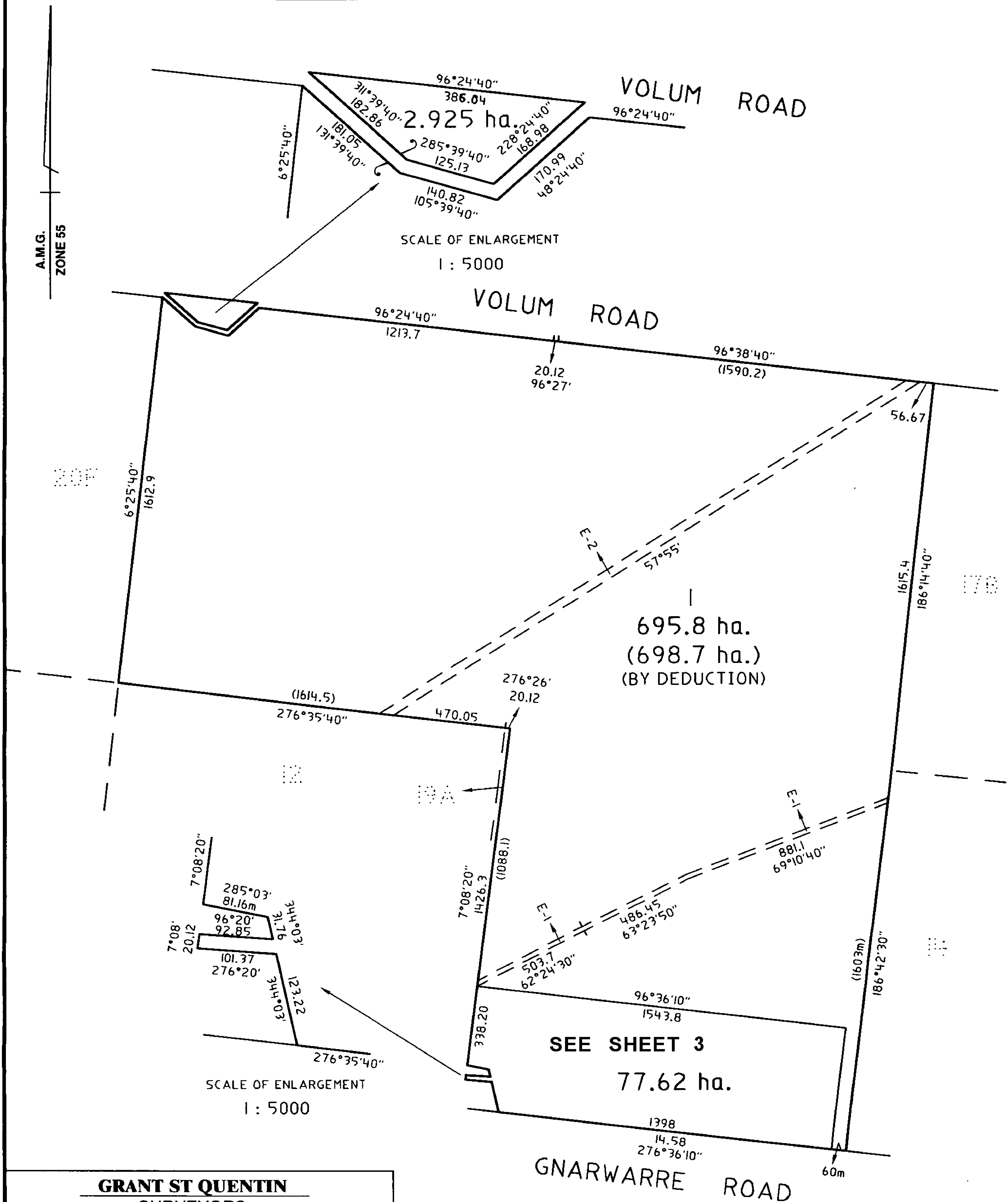
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# PLAN OF SUBDIVISION

STAGE No

PLAN NUMBER

PS513428A



GRANT ST QUENTIN

SURVEYOR

PH (03) 52292011 FAX (03) 52292909

150 0 150 300 450 600 750  
LENGTHS ARE IN METRES

ORIGINAL  
SCALE  
SHEET  
SIZE  
1:15,000  
A3

LICENSED SURVEYOR(PRINT) ...

SIGNATURE ...

DATE / /

REF 6313\_SI/02

VERSION 04

SHEET 2 OF 3 SHEETS

DATE / /

COUNCIL DELEGATE SIGNATURE

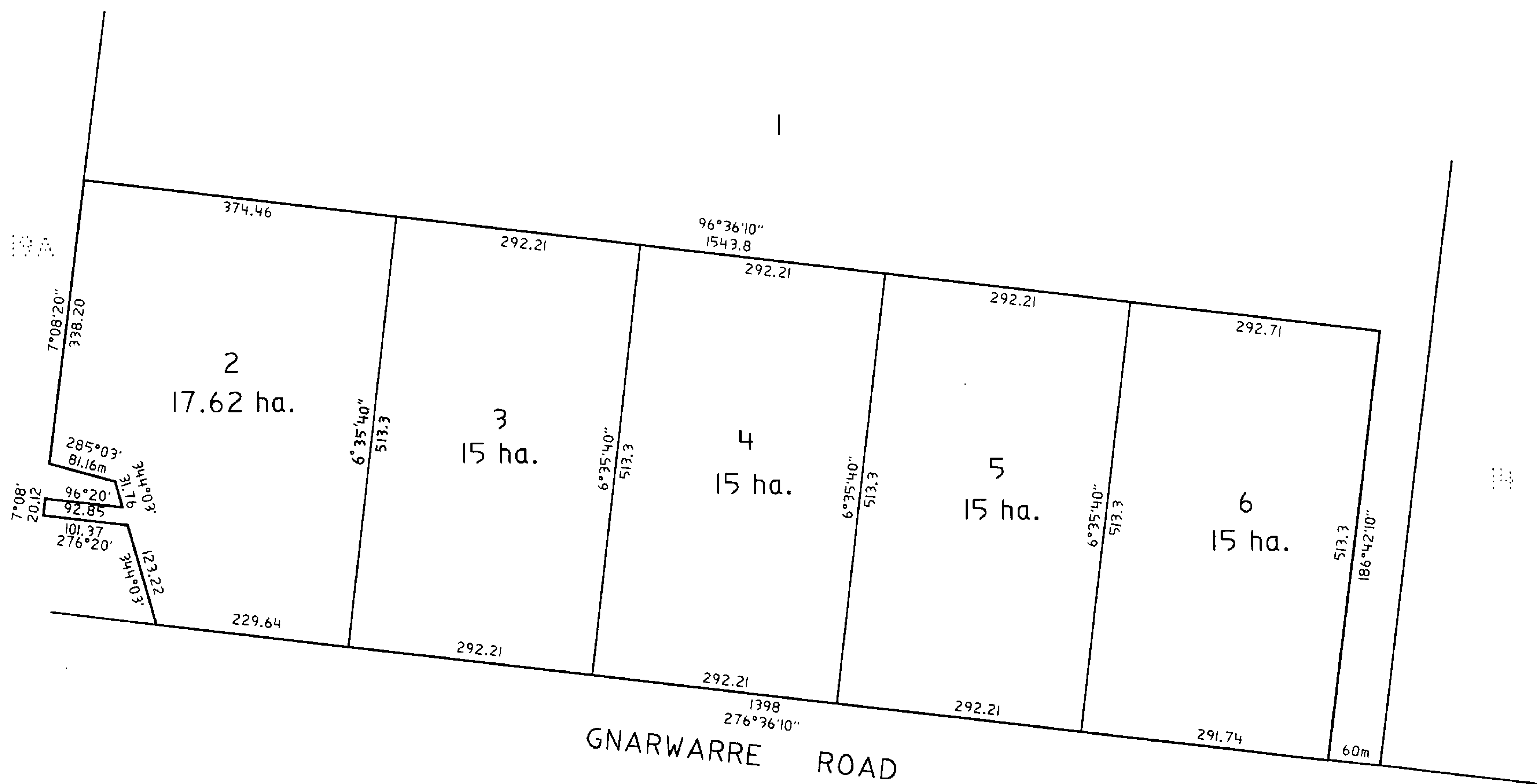
PLAN OF SUBDIVISION

STAGE No

PLAN NUMBER

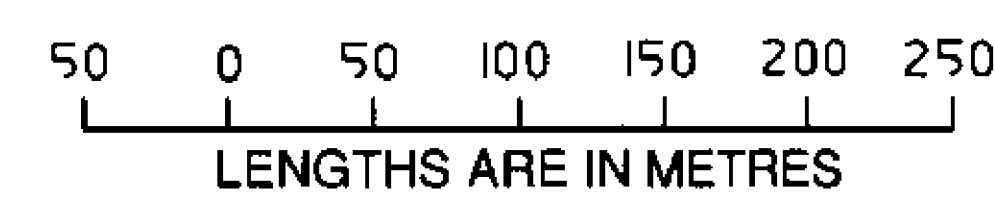
PS513428A

A.M.G.  
ZONE 55



GRANT ST QUENTIN

SCALE



ORIGINAL  
SCALE  
1:5000  
SHEET  
SIZE  
A3

LICENSED SURVEYOR(PRINT) WILLEM NAGEL  
SIGNATURE DATE / /  
REF 6313\_S2/02 VERSION 01

SHEET 3 of 3 SHEETS

DATE / /  
COUNCIL DELEGATE SIGNATURE



# MODIFICATION TABLE

## RECORD OF ALL ADDITIONS OR CHANGES TO THE PLAN

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

# PLAN NUMBER

## PS513428A

AFFECTED LAND/PARCEL	LAND/PARCEL IDENTIFIER CREATED	MODIFICATION	DEALING NUMBER	DATE	TIME	EDITION NUMBER	ASSISTANT REGISTRAR OF TITLES
LOT S2	LOTS 2 to 6	STAGE 2	PS513428A/S2	11/07/03	11.59	2	RWG

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## Appendix D

### Certificate of title

- Volume 10708 Folio 680

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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.

HISTORICAL SEARCH STATEMENT      Land Use Victoria

Produced 06/03/2025 04:26 PM

Volume 10708 Folio 680  
Folio Creation: Created as a computer folio

Parent titles :

Volume 07769 Folio 180      Volume 08102 Folio 293      Volume 08715 Folio 179  
Volume 09231 Folio 652

## RECORD OF HISTORICAL DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
---------------------------------	------------------------------	---------	--------	-----------------------------

## RECORD OF VOTS DEALINGS

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
---------------------------------	------------------------------	---------	--------

05/02/2003	28/02/2003	AB854082B	Y
------------	------------	-----------	---

AGREEMENT SECTION 173 PLANNING AND ENVIRONMENT ACT 1987

AGREEMENT Section 173 Planning and Environment Act 1987  
AB854082B 05/02/2003

06/03/2003	06/03/2003	AB926746B	Y
------------	------------	-----------	---

### CAVEAT

CAVEAT AB926746B 06/03/2003  
Caveator

Capacity PURCHASER/FEE SIMPLE  
Lodged by

## Notices to

04/04/2003	04/04/2003	AB989532R	Y
------------	------------	-----------	---

## TRANSFER OF LAND BY ENDORSEMENT

FROM:

TO:

RESULTING PROPRIETORSHIP:  
Estate Fee Simple

The information in this online registry is provided for the purpose of the Environment Act 1987. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.

Sole Proprietor [REDACTED]

AB989532R 04/04/2003  
AND LAPSING OF CAVEAT AB926746B

04/06/2009 04/06/2009 AG545425C Y

MORTGAGE OF LAND

MORTGAGE AG545425C 04/06/2009  
AUSTRALIA AND NEW ZEALAND BANKING GROUP LTD

28/09/2011 28/09/2011 AJ222215Q (O) Y

DISCHARGE OF MORTGAGE

AFFECTED ENCUMBRANCE(S) AND REMOVED MORTGAGE(S)  
MORTGAGE AG545425C

28/09/2011 28/09/2011 AJ222216N (O) Y

MORTGAGE OF LAND

MORTGAGE AJ222216N 28/09/2011  
NATIONAL AUSTRALIA BANK LTD

15/04/2015 15/04/2015 AL816144J Y

VARIATION OF 173 AGREEMENT

AGREEMENT Section 173 Planning and Environment Act 1987  
AB854082B 05/02/2003  
VARIATION OF 173 AGREEMENT AL816144J 15/04/2015

08/09/2015 09/09/2015 AM163438T Y

Cancelled by AM163438T

STATEMENT END

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VOTS Snapshot

Volume 10708 Folio 680  
124004956161W

Produced 26/02/2003 05:05 pm

#### LAND DESCRIPTION

-----  
Lot 1 on Plan of Subdivision 513428A.

#### PARENT TITLES :

Volume 07769 Folio 180      Volume 08102 Folio 293      Volume 08715 Folio 179  
Volume 09231 Folio 652  
Created by instrument PS513428A 26/02/2003

#### REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor

PS513428A 26/02/2003

#### ENCUMBRANCES, CAVEATS AND NOTICES

-----  
COVENANT as to part V981658H 20/11/2001

Any encumbrances created by Section 98 Transfer of Land Act 1958 or Section 24 Subdivision Act 1988 and any other encumbrances shown or entered on the plan set out under DIAGRAM LOCATION below.

#### DIAGRAM LOCATION

-----  
SEE PS513428A FOR FURTHER DETAILS AND BOUNDARIES

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**Appendix E**

**Amendment to Section 173 Agreement**

**AL816144J**

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**FORM 20**

Section 183

**NOTIFICATION BY A RESPONSIBLE AUTHORITY OF AMENDMENT OF AN AGREEMENT**

**Sch. 1**

**Planning and Environment Act 1987**

Lodged by:

Name: [REDACTED]

Phone: [REDACTED]

Address: [REDACTED]

Ref: **2013043** Customer Code: **15861J**

The Authority notifies that the agreement has been amended and requires that the recording in the Register be altered accordingly.

Land: Volume **10708 Folio 680** (*insert Volume and Folio references of all affected land*)

Authority: **Surf Coast Shire 1 Merrijig Drive Torquay VIC 3228** (*name and address*)

Agreement Application Number: **AB854082B** (*insert Office of Titles reference*)

The Agreement has been amended in accordance with the terms of the Deed of Amendment to an Agreement, (or a provision in a Statement of Compliance relative to Plan of Subdivision or pursuant to an Order of the Victorian Civil and Administrative Tribunal), a copy of which is attached.

Signature for the Authority: [REDACTED]

Name of Officer: [REDACTED]

Date:

CHIEF EXECUTIVE OFFICER

1/4/2015

Delivered by LANDATA® timestamp 06/03/2025 17:16 Page 2 of 9

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**KINGS**  
LAWYERS

**AL816144J**

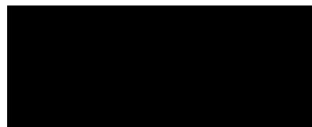


## SECTION 173 AGREEMENT

**SURF COAST SHIRE**  
(Council)



(Owner)



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KINGS  
LAWYERS

**Planning and Environment Act 1987**

**Section 173 Agreement**

**AL816144J**



THIS AGREEMENT is made on the lot day of April 2015

**PARTIES:**

1. **SURF COAST SHIRE COUNCIL** of 1 Merrijig Drive Torquay Victoria 3228 ("Council");  
and
2. [REDACTED] ("Owner").

**RECITALS:**

- R1 The Council is the responsible authority pursuant to the Act for the Surf Coast Planning Scheme ("the Planning Scheme") for the purpose of administering the provisions thereof.
- R2 The Owner is the registered proprietor of the land known as 38 Gnarwarre Road, Gnarwarre, Victoria being the land described in certificate of title volume 10708 folio 680 known as Lot 1 on Plan of Subdivision 513428A ("the Land").
- R3 Planning Permission number OA2536 ("the Permission") was issued by the Council on 20 October 2014 allowing an amendment to an existing section 173 agreement effecting the Land to facilitate the further subdivision of the Land.
- R4 Planning permit No 14/0022 has been issued allowing the land to be subdivided into 2 lots.
- R5 As part of the Permission Council has agreed to amend an existing 173 agreement to allow the Land to be subdivided into a maximum of 3 lots. Land Victoria has advised that to amend an existing agreement a new agreement must be registered containing the required amendments.
- R6 This Agreement when registered will have the effect of ending the agreement previously registered under instrument number AB854082B and replacing it with a new agreement allowing the subdivision referred to in the above Recital 5.
- R7 This Agreement is entered into between the Council and the Owner pursuant to the provisions of Section 173 of the Act in order to allow the land to be subdivided into no more than 3 lots and to advance the objectives of planning in Victoria.

KINGS

AL816144J



R8 The Land is subject to a registered mortgage to the National Australia Bank

#### IT IS AGREED

#### 3. Definitions

In this Agreement the words and expressions set out in this clause have the following meanings unless the context admits otherwise:

- 3.1 "the Act" means the Planning and Environment Act 1987;
- 3.2 "this Agreement" means this agreement and any agreement executed by the parties expressed to be supplemental to this Agreement;
- 3.3 "Council" means the Surf Coast Shire Council as the Responsible Authority for the Planning Scheme and any subsequent person or body which is the Responsible Authority for the Planning Scheme;
- 3.4 "Lot 1" means the Lot shown on PS 513428A;
- 3.5 "Mortgage" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as Mortgagee of the Land or any part of it;
- 3.6 "Owner" means the person or persons registered or entitled from time to time to be registered by the Registrar of Titles as proprietor or proprietors of an estate in fee simple of the Land or any part of it and includes a Mortgagee-in-possession;
- 3.7 "Party or parties" means the Owner and/or Council under this Agreement as appropriate;
- 3.8 "Permit" means planning permit number 14/0022 issued by Council on 20 October 2014;
- 3.9 "Permission" means planning permission No. OA2536 granted by Council on 8 July 2014;
- 3.9 "Planning Scheme" means the Surf Coast Planning Scheme and any other planning scheme which applies to the Land; and
- 3.10 "Land" means the land referred to in Recital R2.

#### 4. Interpretation

In the interpretation of this Agreement (including its recitals and any schedules) except to the extent that the context otherwise requires:

- 4.1 the singular will be deemed to include the plural and vice versa;
- 4.2 a reference to a gender will be deemed to include all other genders;
- 4.3 words (including defined expressions) denoting persons will be deemed to include all trusts, bodies and associations, corporate or unincorporated, and that persons successors in law;
- 4.4 a reference to an Act, Regulation or the Planning Scheme includes any Acts, Regulations or amendments amending, consolidating or replacing the Act, Regulation or Planning Scheme;
- 4.5 headings are included for convenience only and will not affect the interpretation of this Agreement or any schedule;



KINGS  
LAWYERS

- 4.6 references to clauses, recitals and schedules are to clauses of, and recitals and schedules to, this Agreement;
- 4.7 references to the parties will include their transferees, heirs, assigns, and liquidators, executors and legal personal representatives as the case may be;
- 4.8 reference to the Land in this Agreement will include a reference to any Lot created by the subdivision of the Land or any part of it;
- 4.9 reference to a document or agreement includes reference to that document or agreement as changed, novated or replaced from time to time;
- 4.10 where a word or phrase is given a definite meaning in this Agreement a part of speech or other grammatical form for that word or phrase has a corresponding meaning; and
- 4.11 a rule of construction does not apply to the disadvantage of a party because the party was responsible for the preparation of this Agreement or any part of it.

#### SUBSTANTIVE PROVISIONS

AL816144J



#### 5. THE PARTIES COVENANTS

The Owner and Council agree that Lot 1 PS 513428A can only be further subdivided into a maximum of 3 lots.

#### 6. WARRANTIES

The Owner further warrants and covenants with the Council that:

- 6.1 it is the registered proprietor of the Land;
- 6.2 save as shown in the certificate of title to the Land, there are no mortgages affecting the Land or any part thereof and not disclosed by the usual searches;
- 6.3 no part of the Land is subject to any right obtained by adverse possession;
- 6.4 it has not entered into any contract of sale or lease in respect of the Land;
- 6.5 it will not sell, transfer, dispose of, assign, mortgage or otherwise part with possession of the Land or any part thereof without first providing to its successors a copy of this Agreement; and
- 6.6 it will be responsible for the expense of the preparation and registration of this Agreement.

KIN



**7. REGISTRATION OF AGREEMENT**

The parties agree and the Owner acknowledges that the Council will forthwith after the execution of the Agreement register the Agreement on the certificate of title of the Land pursuant to the provisions of Section 181 and/or Section 183(1) of the Act.

**8. COSTS**

The owner must pay to Council, the Council's reasonable costs and expenses (including legal expenses on a party/party basis) of and incidental to the registration of this Agreement and until those costs are paid they will remain a debt of the Owner to the Council.

**9. AMENDMENT**

This Agreement may be amended only in accordance with the requirements of the Act.

**10. WAIVER**

No waiver by an party of any default in the strict and literal performance of or compliance with any provision condition or requirement in this Agreement will be deemed to be a waiver of strict and literal performance of and compliance with any other provision, condition or requirement of this Agreement nor to be a waiver of or in any way release any party from compliance with any provision condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of such right accruing to it thereafter.

**11. NO FETTERING OF COUNCIL'S POWERS**

The parties acknowledge and agree that this Agreement does not fetter or restrict the power or discretion of the Council to make any decision or impose any requirements or conditions in connection with the granting of any planning approval or certification of any plans of subdivision applicable to the Land or relating to any use or development of the Land.

**12. NOTICE**

All notices and other communications provided for or permitted by this Agreement will be sent by prepaid mail, by hand delivery, email or by facsimile to the addresses of the parties as specified in this Agreement or to such other address or person as any party may specify by notice in writing to the other party or parties, and may be sent by an agent of the party sending the notice. Each notice or communication will be deemed to have been duly received:

KINC

**AL816144J**



- 12.1 not later than two business days after being deposited in the mail with postage prepaid;  
when delivered by hand;
- 12.2 if sent by email upon production of a delivery confirmation report received by the sender  
which records the time the email was delivered unless the sender received a delivery failure  
notification; or
- 12.3 if sent by facsimile transmission upon completion of that transmission and production of a  
transmission report stating that the facsimile was sent to the addressee's facsimile number.

### **13. JURISDICTION**

This Agreement will be governed by and constructed in accordance with the law of the State of Victoria and each of the parties hereby submits to the jurisdiction of the Courts of the State of Victoria and the Victorian Civil and Administrative Tribunal.

### **14. INVALIDITY OF ANY CLAUSE**

Notwithstanding anything to the contrary in this Agreement, if any provision of this Agreement is determined by a court, arbitrator or tribunal to be will be invalid and not enforceable in accordance with its terms, it must be severed from all other provisions which are self sustaining and capable of separate enforcement. All other provisions will be and continue to be valid and enforceable in accordance with those terms.

### **15. AGREEMENT BINDING ON SUCCESSORS OF OWNER**

This Agreement will extend to and bind the Owners' successors, assigns, administrators, transferees and legal personal representatives and the obligations imposed upon them shall also be binding on their successors transferees purchasers mortgagees and assigns as if each of them had separately executed this Agreement.

### **16. ENDING OF AGREEMENT**

- 16.1 This Agreement will end:
  - (a) if the land is rezoned in any way and the minimum lot size for the new zone is less than 80Ha. or
  - (b) by agreement of the parties.
- 16.2 As soon as practicable after the Agreement has ended, Council will, at the request of and cost of the Owner, make application to the registrar of Titles under Section 183(1) of the Act to cancel the recording of this agreement on the register Council will execute all necessary forms to have the agreement removed from the title.

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#### 17. JOINT OBLIGATIONS

In the case of each party that consists of more than one person (including in that expression any corporation) each of those persons covenants, agrees and declares that all of the covenants, agreements, declarations and consents contained in this Agreement and made and given by that party have been entered into, made and given and are binding upon that person both severally and also jointly with the other person or persons constituting that party.

#### 18. THE PARTIES AGREE

18.1 The Council and the 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 register this Agreement on the certificate of title to the Land in accordance with the Act.

18.2 The Agreement shall commence on the date that it bears.

#### EXECUTED BY THE PARTIES

Signed on behalf of the Surf Coast Shire Council )  
by the Chief Executive Officer )  
pursuant to the instrument of delegation )  
dated 23 July 2013 in the presence of )

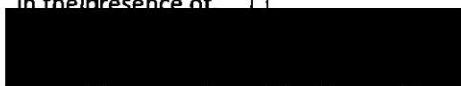


Witness

Executed by [Redacted] in )  
accordance with Section 127 the Corporations Act 2001 )  
in the presence of [Redacted] )



Director



Witness

#### MORTGAGEE CONSENT

NATIONAL AUSTRALIA BANK LTD as mortgagee under mortgage no AJ222216N acknowledges and agrees to be bound by the terms of this agreement.

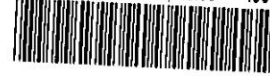
Executed on behalf of  
NATIONAL AUSTRALIA BANK LTD

SEE OVER

Delivered by LANDATA®, timestamp 06/03/2025 17:16 Page 9 of 9



15/04/2015	\$116.50	183V
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**Registered Proprietor**

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Journal compilation © 2006 Blackwell Publishing Ltd

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)
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) .....  
) Attorney

Signature of W



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## Appendix F

### Certificate of title

- Volume 11596 Folio 697

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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.

HISTORICAL SEARCH STATEMENT                      Land Use Victoria

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Produced 06/03/2025 04:19 PM

Volume 11596 Folio 697  
Folio Creation: Created as a computer folio  
Parent title    Volume 10708 Folio 680

RECORD OF HISTORICAL DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

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Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
08/10/2015	02/11/2015	PS734658X (S)	Y

PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS734658X

STATEMENT END

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VOLUME 11596 FOLIO 697  
124056829578X  
Produced 09/09/2015 09:16 am

LAND DESCRIPTION

-----  
Lot 1 on Plan of Subdivision 513428A.  
PARENT TITLE Volume 10708 Folio 680  
Created by instrument AM163438T 08/09/2015

REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor

-----  
AUSTRALIA 5000  
AB989532R 04/04/2003

ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE AJ222216N 28/09/2011  
NATIONAL AUSTRALIA BANK LTD

COVENANT as to part V981658H 20/11/2001

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  
AB854082B 05/02/2003  
VARIATION OF 173 AGREEMENT AL816144J 15/04/2015

DIAGRAM LOCATION

-----  
SEE PS513428A FOR FURTHER DETAILS AND BOUNDARIES



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## Appendix G

### Plan of Subdivision PS734658X

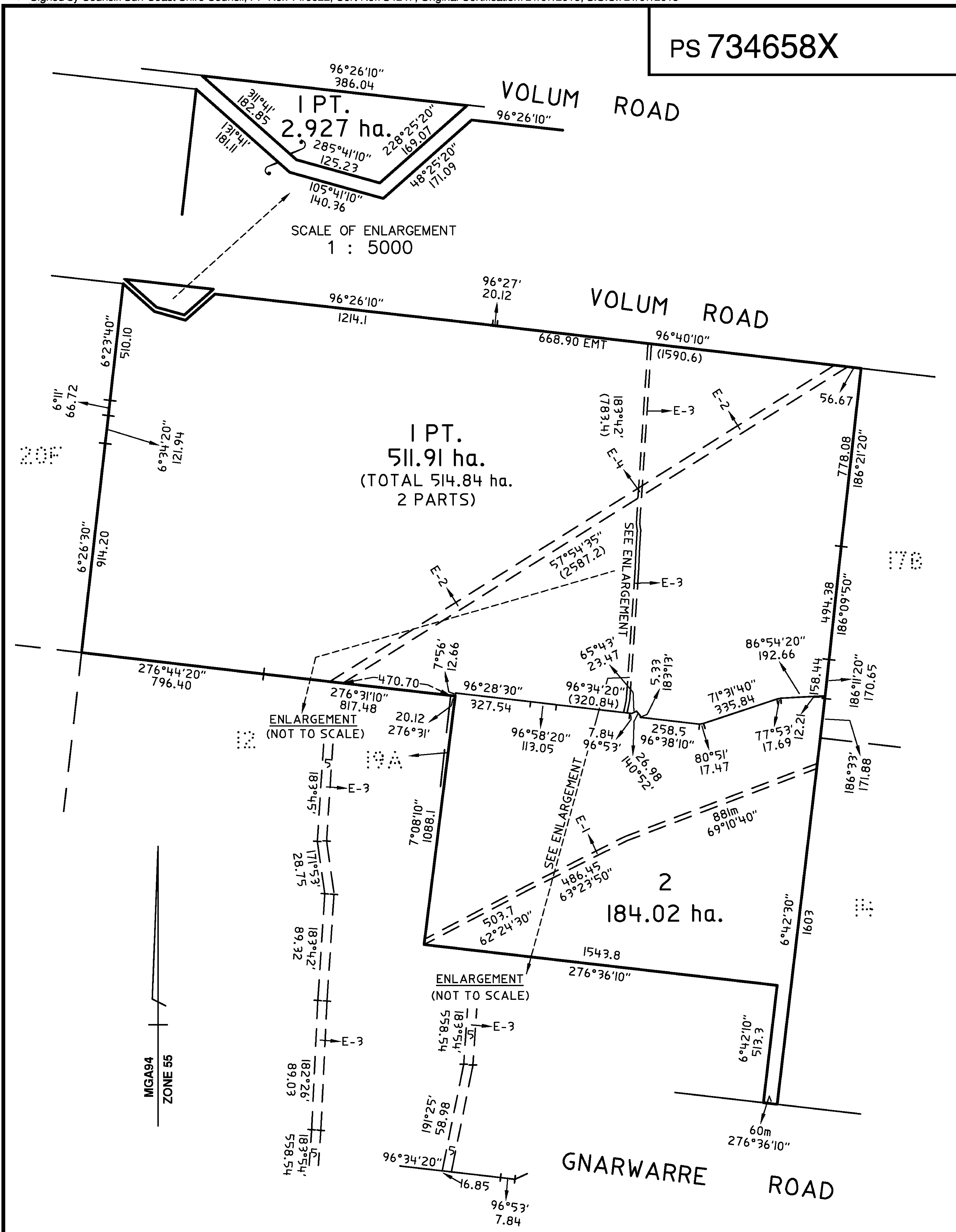
Signed by Council: Surf Coast Shire Council, PP Ref: 14/0022, Cert Ref: S4247, Original Certification: 21/07/2015, S.O.C.: 21/07/2015

PLAN OF SUBDIVISION			LV USE ONLY EDITION 1		PLAN NUMBER PS 734658X																													
LOCATION OF LAND  PARISH : GNARWARRE TOWNSHIP : - SECTION : -  CROWN ALLOTMENT : 18 & 19 & PARTS OF 13 & 19A CROWN PORTION : - & FORMER GOVT. ROAD  TITLE REFERENCE : VOL.11596 FOL. 697  LAST PLAN REFERENCE : PS513428A (LOT 1) POSTAL ADDRESS : 38 GNARWARRE ROAD (At time of subdivision) GNARWARRE, 3221  MGA94 Co-ordinates (of approx. centre of in plan) E 248 720 ZONE: 55 N 5 774 290 GDA 94			COUNCIL CERTIFICATION AND ENDORSEMENT  COUNCIL NAME: SURFCOAST SHIRE REF: -																															
			NOTATIONS																															
			FORMER GOVT. ROAD																															
VESTING OF ROADS AND/OR RESERVES																																		
<table><tr><td>IDENTIFIER</td><td>COUNCIL/BODY/PERSON</td></tr><tr><td>NIL</td><td>NIL</td></tr></table>							IDENTIFIER	COUNCIL/BODY/PERSON	NIL	NIL																								
IDENTIFIER	COUNCIL/BODY/PERSON																																	
NIL	NIL																																	
NOTATIONS																																		
15.24m BELOW THE SURFACE CROWN ALLOTMENT 19A DEPTH LIMITATION: 15m BELOW THE SURFACE FOR PART FORMER GOVT. ROAD																																		
Survey: This plan is based on survey. To be completed where applicable. This survey has been connected to permanent marks no(s) In Proclaimed Survey Area No.  STAGING This is not a staged subdivision. Planning Permit No. 14/0022																																		
EASEMENT INFORMATION																																		
LEGEND: A - Appurtenant Easement E - Encumbering Easement R - Encumbering Easement (Road)																																		
<table><tr><td>Easement Reference</td><td>Purpose</td><td>Width (Metres)</td><td>Origin</td><td colspan="3">Land Benefited/In Favour Of</td></tr><tr><td>E-1</td><td>GAS PIPELINE (SEE Inst.V981658)</td><td>20</td><td>C/E V981658H</td><td colspan="3">Transmission Pipelines Australia (Assets) P/L Vol.10392 Fol.180</td></tr><tr><td>E-2 &amp; E-4</td><td>TRANSMISSION OF ELECTRICITY</td><td>36.57</td><td>C/E A576871</td><td colspan="3">S.E.C.V.</td></tr><tr><td>E-3 &amp; E-4</td><td>WATER SUPPLY</td><td>5m</td><td>THIS PLAN</td><td colspan="3">LOT 2 ON THIS PLAN</td></tr></table>							Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of			E-1	GAS PIPELINE (SEE Inst.V981658)	20	C/E V981658H	Transmission Pipelines Australia (Assets) P/L Vol.10392 Fol.180			E-2 & E-4	TRANSMISSION OF ELECTRICITY	36.57	C/E A576871	S.E.C.V.			E-3 & E-4	WATER SUPPLY	5m	THIS PLAN	LOT 2 ON THIS PLAN		
Easement Reference	Purpose	Width (Metres)	Origin	Land Benefited/In Favour Of																														
E-1	GAS PIPELINE (SEE Inst.V981658)	20	C/E V981658H	Transmission Pipelines Australia (Assets) P/L Vol.10392 Fol.180																														
E-2 & E-4	TRANSMISSION OF ELECTRICITY	36.57	C/E A576871	S.E.C.V.																														
E-3 & E-4	WATER SUPPLY	5m	THIS PLAN	LOT 2 ON THIS PLAN																														
  T 09			DIGITALLY SIGNED BY LICENSED SURVEYOR:  			Sheet 1 of 2 Sheets																												
						ORIGINAL SHEET SIZE A3																												
						PLAN REGISTERED TIME: 3.33 DATE: 02/11/2015 Ian R Mcleod Assistant Registrar of Titles																												
			REF 13084		VERSION 03																													



Signed by Council: Surf Coast Shire Council, PP Ref: 14/0022, Cert Ref: S4247, Original Certification: 21/07/2015, S.O.C.: 21/07/2015

PS 734658X



**ST. QUENTIN**  
Surveyors • Town Planners • Engineers

SCALE  
150 0 150 300 450 600 750  
LENGTHS ARE IN METRES

ORIGINAL  
SCALE  
1:15,000

Sheet 2  
ORIGINAL SHEET SIZE A3  
SURFCOAST SHIRE  
REF: -

DIGITALLY SIGNED BY LICENSED SURVEYOR:  
MATTHEW MCGRATH

REF 13084 VERSION 03

Signed by: MATTHEW MCGRATH (StQuentin Consulting Pty Ltd) Surveyor's Plan Version (03) SPEAR Ref: S064559B 02/07/2015

## **Plan of Subdivision PS734658X**

### **Concurrent Certification and Statement of Compliance (Form 3)**

SUBDIVISION (PROCEDURES) REGULATIONS 2011

SPEAR Reference Number: S064559B

Plan Number: PS734658X

Responsible Authority Name: Surf Coast Shire Council

Responsible Authority Permit Ref. No.: 14/0022

Responsible Authority Certification Ref. No.: S4247

Surveyor's Plan Version: 03

#### **Certification**

☒ This plan is certified under section 6 of the Subdivision Act 1988

#### **Statement of Compliance**

☒ This is a statement of compliance issued under section 21 of the Subdivision Act 1988

#### **Public Open Space**

A requirement for public open space under section 18 of the Subdivision Act 1988

☐ Has not been made at Certification

Digitally signed by Council Delegate:

[Redacted Signature]

Organisation:

Surf Coast Shire Council

Date:

21/07/2015

Signed by: [Redacted Signature] (Surf Coast Shire Council) 21/07/2015

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## Appendix H

### Certificate of title

- Volume 116609 Folio 424

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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.

HISTORICAL SEARCH STATEMENT                      Land Use Victoria

-----  
Produced 06/03/2025 04:06 PM

Volume 11609 Folio 424  
Folio Creation: Created as a computer folio  
Parent title    Volume 11596 Folio 697

RECORD OF HISTORICAL DEALINGS

-----

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged	Dealing Type and Details
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RECORD OF VOTS DEALINGS

-----

Date Lodged for Registration	Date Recorded on Register	Dealing	Imaged
---------------------------------	------------------------------	---------	--------

21/09/2016	21/09/2016	AN118969G	N
------------	------------	-----------	---

NOMINATE PCT TO PAPER INSTRUMENT OR LODGEMENT CASE

23/09/2016	17/10/2016	PS802780Y (S)	Y
------------	------------	---------------	---

PLAN OF SUBDIVISION, SUBDIVISION ACT 1988  
Cancelled by PS802780Y

STATEMENT END

The information contained in this online registry is provided for the purpose of the planning process as set out in the Planning and Environment Act 1987. The information must not be used for any other purpose. By entering this website you acknowledge and agree that you will only use the information for the purpose specified above and that any dissemination or distribution of this information is strictly prohibited.

VOTS Snapshot

VOLUME 11609 FOLIO 424  
124057669102W

Produced 02/11/2015 03:33 pm

#### LAND DESCRIPTION

-----  
Lot 1 on Plan of Subdivision 734658X.  
PARENT TITLE Volume 11596 Folio 697  
Created by instrument PS734658X 02/11/2015

#### REGISTERED PROPRIETOR

-----  
Estate Fee Simple  
Sole Proprietor

PS734658X 02/11/2015

#### ENCUMBRANCES, CAVEATS AND NOTICES

-----  
MORTGAGE AJ222216N 28/09/2011  
NATIONAL AUSTRALIA BANK LTD

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  
AB854082B 05/02/2003  
VARIATION OF 173 AGREEMENT AL816144J 15/04/2015

#### DIAGRAM LOCATION

-----  
SEE PS734658X FOR FURTHER DETAILS AND BOUNDARIES

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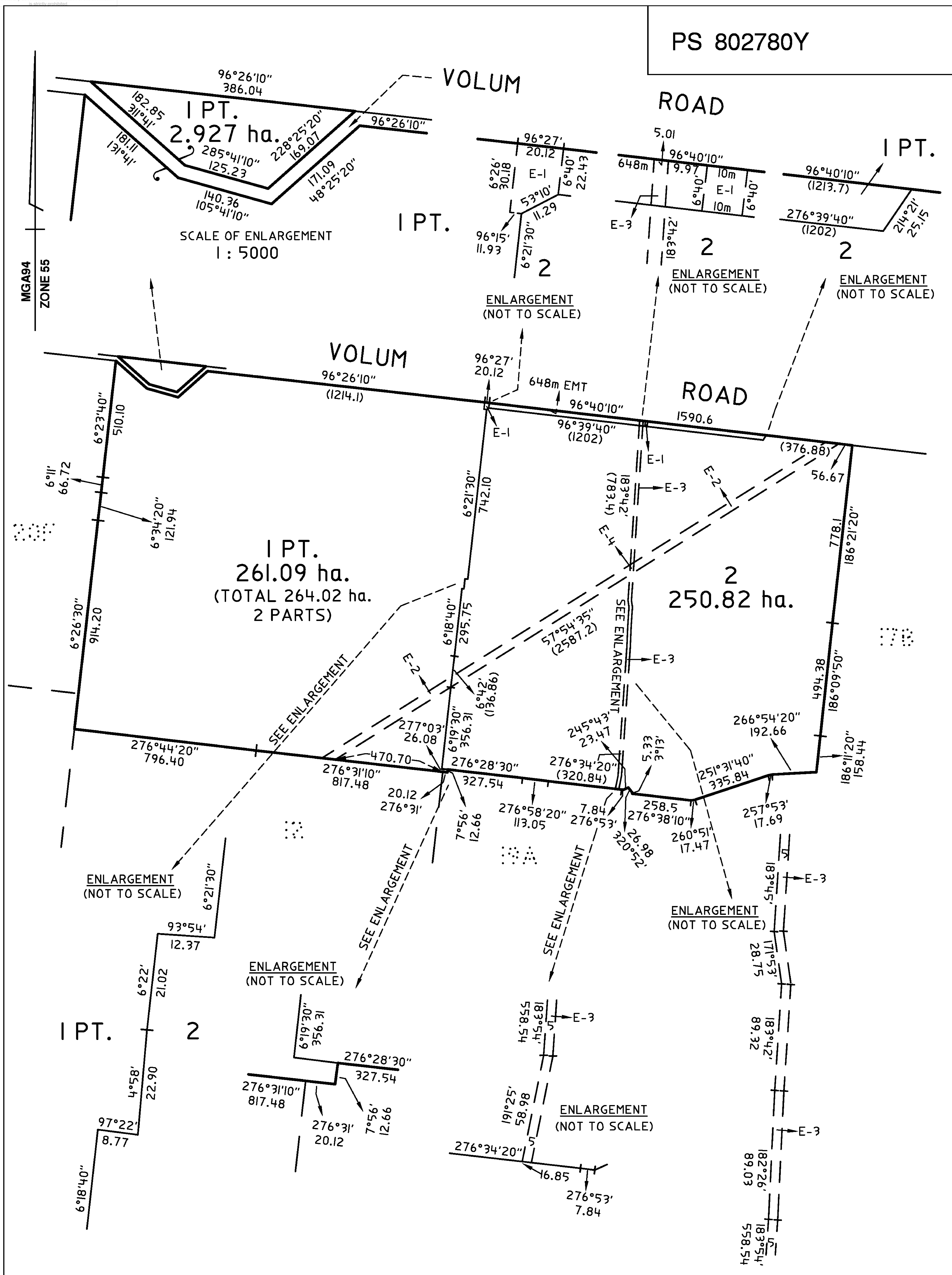
## Appendix I

### Plan of Subdivision PS802780Y



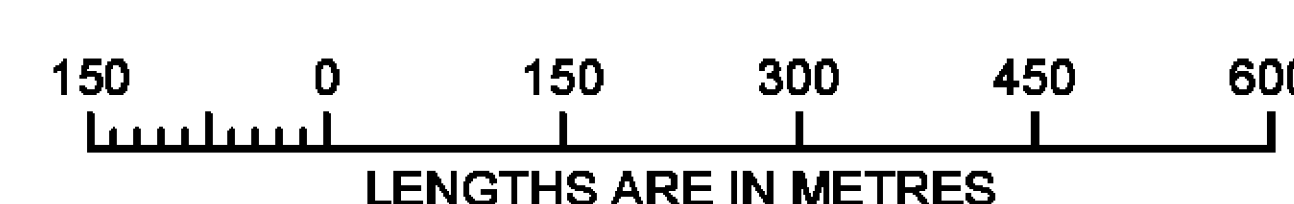
PLAN OF SUBDIVISION			EDITION 1	PS 802780Y
<div>LOCATION OF LAND</div> <div>PARISH: GNARWARRE</div> <div>TOWNSHIP: -</div> <div>SECTION: -</div> <div>CROWN ALLOTMENT: 18 (PART), 19 &amp; FORMER GOVT. ROAD</div> <div>CROWN PORTION: -</div> <div>TITLE REFERENCE: VOL.11609 FOL.424</div> <div>LAST PLAN REFERENCE: PS734658X (LOT 1)</div> <div>POSTAL ADDRESS: 389 VOLUM ROAD</div> <div>(at time of subdivision) GNARWARRE, 3221</div> <div>MGA CO-ORDINATES: E: 248 357 ZONE: 55</div> <div>(of approx centre of land N: 5 774 608 GDA 94</div> <div>in plan)</div>			<div>Council Name: Surf Coast Shire Council</div> <div>Council Reference Number: S4378</div> <div>Planning Permit Reference: 15/0509</div> <div>SPEAR Reference Number: S088655M</div> <div>Certification</div> <div>This plan is certified under section 6 of the Subdivision Act 1988</div> <div>Statement of Compliance</div> <div>This is a statement of compliance issued under section 21 of the Subdivision Act 1988</div> <div>Public Open Space</div> <div>A requirement for public open space under section 18 of the Subdivision Act 1988</div> <div>Has not been made at Certification</div> <div>Digitally signed by: Benjamin Schmied for Surf Coast Shire Council on 24/08/2016</div>	
VESTING OF ROADS AND/OR RESERVES			NOTATIONS	
IDENTIFIER	COUNCIL/BODY/PERSON			
NIL	NIL			
NOTATIONS				
DEPTH LIMITATION 15.24m BELOW THE SURFACE FOR CROWN SECTION 18				
<div>SURVEY:</div> <div>This plan is based on survey.</div> <div>STAGING:</div> <div>This is not a staged subdivision.</div> <div>Planning Permit No. 15/0509</div> <div>This survey has been connected to permanent marks No(s).</div> <div>In Proclaimed Survey Area No.</div>				
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	CARRIAGEWAY	SEE PLAN	THIS PLAN	LOT 2 ON THIS PLAN
E-2 & E-4	TRANSMISSION OF ELECTRICITY	36.57	C/E A576871	S.E.C.V.
E-3 & E-4	WATER SUPPLY	5m	PS734658X	LOT 2 ON PS734658X
<div><div>ST. QUENTIN</div><div>Surveyors • Town Planners • Engineers</div><div></div></div>		SURVEYORS FILE REF: 13993		ORIGINAL SHEET SIZE: A3
		Digitally signed by: M (StQuentin Consulting Pty Ltd), Surveyor's Plan Version (02), 02/08/2016 Amended: 17/10/2016		SHEET 1 OF 2
		PLAN REGISTERED		TIME: 9:28 AM DATE: 17 / 10 / 2016
		Mark Cagdas		Assistant Registrar of Titles

PS 802780Y



**Surveyors • Town Planners • Engineers**

SCALE  
1:15,000



Digitally signed by [REDACTED] (StQuentin  
Consulting Pty Ltd),  
Surveyor's Plan Version (02),  
02/08/2016 Amended: 17/10/2016

ORIGINAL SHEET  
SIZE: A3

REF: 13993

SHEET 2

Digitally signed by:  
Surf Coast Shire Council,  
24/08/2016,  
SPEAR Ref: S088655M



The future happens here

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## Appendix J

### Certificate of title

- Volume 11826 Folio 956

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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

VOLUME 11826 FOLIO 956

Security no : 124122536122R  
Produced 04/03/2025 03:25 PM

#### LAND DESCRIPTION

Lot 2 on Plan of Subdivision 802780Y.  
PARENT TITLE Volume 11609 Folio 424  
Created by instrument PS802780Y 17/10/2016

#### REGISTERED PROPRIETOR

Estate Fee Simple  
Sole Proprietor

#### 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  
AB854082B 05/02/2003  
VARIATION OF 173 AGREEMENT AL816144J 15/04/2015

#### DIAGRAM LOCATION

SEE PS802780Y 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: 189-389 VOLUM ROAD GNARWARRE VIC 3221

#### ADMINISTRATIVE NOTICES

NIL

eCT Control 22373H MAST LAWYERS  
Effective from 21/09/2020

#### DOCUMENT END

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## Appendix K

### Written Consent from Parties to the Section 173 Agreement

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**RE: Application for amending a Section 173 Agreement applying to 2/PS802780 (Vol 11826 Folio 956)**

Pursuant to Section 178A of the Planning and Environment Act, the undersigned hereby consents to the lodgement of an application to amend the existing section 173 agreement (AB854082B, superseded by AL816144J) where it concerns Lot 2 in Plan of Subdivision 802780 for the purposes of an additional subdivision to accommodate a terminal station.

Name

[Redacted]

N A Investments (Vic) Pty Ltd

Date

07/03/2025

Signature

[Redacted]



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## Appendix L

### Company Search

# Current Company Extract for N A INVESTMENTS (VIC) PTY LTD

Extracted from ASIC database on 10 March 2025 11:07 AM AEST

This extract contains information derived from the Australian Securities and Investment Commission's (ASIC) database under section 1274A of the Corporations Act 2001. Please advise ASIC of any error or omission which you may identify.

## Organisation Details

Name:	N A INVESTMENTS (VIC) PTY LTD
A.C.N:	113350333
Status:	Registered
Registered In:	VIC
Registration Date:	11/03/2005
Review Date:	01/07/2025
Name Start Date:	11/03/2005
Type:	Australian Proprietary Company
Organisation Number Type:	Australian Company Number
Details Start Date:	19/01/2009
Class:	Limited By Shares
Subclass:	Proprietary Company
Disclosing Entity:	No
Registered charity:	No
Document Number:	025231389

## Organisation Address

Status	Address Type	Address	Start Date	Doc Number
Current	Registered Office		26/07/2018	0EBO88309
Current	Principal Place of Business		11/08/2010	7E3107754

## Organisation Officers

Role	Officer Details	Address	Appointment Date	Court Details	Doc Number
Director			11/03/2005		7E3107754
Secretary			11/03/2005		7E3107754
Secretary			04/02/2011		7EAM17876

## Share Structure

Share Class	No. Issued	Amount Paid	Amount Unpaid	Doc Number
ORD ORDINARY SHARES	2	\$2.00	\$0.00	020868454

Note: For each class of shares issued by a proprietary company, ASIC records the details of the twenty members of the class (based on shareholdings). The details of any other members holding the same number of shares as the twentieth ranked member will also be recorded by ASIC on the database. Where available, historical records show that a member has ceased to be ranked amongst the twenty members. This may, but does not necessarily mean, that they have ceased to be a member of the company.

## Shareholders

Class	No. Held	Beneficially Held	Fully Paid	Shareholder Details	Document Number
ORD	2	Yes	Yes		7E2605292

## Documents

Form Code	Description	# of pages	Received	Processed	Effective	Doc Number
484	484A1 Change to Company Details Change Officeholder Name Or Address	2	12/06/2019	12/06/2019	12/06/2019	7EAM17876
484	484B Change to Company Details Change of Registered Address	2	19/07/2018	19/07/2018	22/06/2018	0EBO88309
2205	2205H Notification of Resolution Relating to Shares Financial Assistance - Approval By Ultimate Aust Holding Co	9	07/11/2013	11/11/2013	04/11/2013	028663106
2601	2601 Notification of Intention to Give Financial Assistance	2	07/11/2013	11/11/2013	25/11/2013	028663093
2602	2602C Notification of Financial Assistance Details Approval By Members Ultimate Australian Holding Company	10	25/10/2013	01/11/2013	25/10/2013	028740846
484	484E Change to Company Details Appointment or Cessation of A Company Officeholder	2	02/03/2011	02/03/2011	02/03/2011	7E3509268
484	484 Change to Company Details 484C Change of Principal Place of Business (Address) 484A1 Change Officeholder Name or Address 484A2 Change Member Name or Address	2	16/08/2010	16/08/2010	16/08/2010	7E3107754
484	484 Change to Company Details 484E Appointment or Cessation of a Company Officeholder 484N Changes to (Members) Share Holdings	3	15/12/2009	15/12/2009	15/12/2009	7E2605292
488	488B Application to Change Review Date of a Company or Scheme Synchronise Review Date By Office Holder - Fee Applies	4	15/01/2009	19/01/2009	15/01/2009	025231389
309	309A Notification of Details of a Charge	21	02/01/2009	05/01/2009	13/12/2007	025425083
484	484B Change to Company Details Change of Registered Address	2	24/06/2005	24/06/2005	20/06/2005	1E1061887
902	902 Supplementary Document Alters 020 868 454	2	09/05/2005	24/05/2005	11/03/2005	021247441
201	201C Application For Registration as a Proprietary Company Altered by 021 247 441	8	11/03/2005	11/03/2005	11/03/2005	020868454

#### Contact Address for ASIC use only

Note: The Address for ASIC Company Communications is for ASIC use only to correspond with the company. ASIC will forward notices such as the company statement, invoice statements and other correspondence where requested to this address.

Address	Start Date	Doc Number
	06/04/2005	