



# Imaged Document Cover Sheet

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WITHDRAWN &  
23 AUG 2000  
RELODGED



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120700 1207 172  
**W995809W**  
230800 2300 173 \$0



**APPLICATION BY  
COUNCIL  
FOR THE MAKING OF A RECORDING  
OF AN AGREEMENT  
SECTION 173 OF THE PLANNING AND ENVIRONMENT ACT**

Lodged by:  
Name: Reith & Berry  
Phone: 03 5952 2275  
Address: 1/60 Chapel Street, Cowes, 3922  
Ref. WB.CA 990918  
Customer Ref.: 1454B

REMOVED  
23 AUG 2000  
With consent of  
Current Practitioner for *Att.*

The Council having made an agreement requires a recording to be made in the Register for the land.

Land Certificates of Title Volume <sup>10527</sup> ~~10086~~ Folios <sup>901 to 913 (both inc).</sup> ~~240, 241, 258 and 259~~

Council: The Bass Coast Shire Council of 76 McBride Avenue, Wonthaggi, 3995.

Section and Act under which Agreement made:  
Section 173 of the Planning and Environment Act

A copy of the Agreement is attached to this application.

Date: 31 MAY 2000

Signed, Chief Executive Officer, Bass Coast Shire Council



DW995809W-1-8

*29/1/00*  
*-2 AUG 2000*

**THIS AGREEMENT** is made on the 31 day of MAY  
In the year two thousand  
**BETWEEN** **BASS COAST SHIRE COUNCIL** of 76 Mc Bride Avenue, Wonthaggi, in the State of  
Victoria ("the Responsible Authority")  
**AND:** **ALACAZAM DEVELOPMENTS PTY. LTD. A C N 006 693 241** of 3/7 Cowderoy Street,  
West St. Kilda 3182, Victoria, (the Owner") .

**WHEREAS:**

- A. The Responsible Authority is the Responsible Authority under the Act for the administration and enforcement of the Bass Coast Planning Scheme ("the Planning Scheme").
- B. The Owner is the Registered Proprietor of the land situate Crown allotments 16, 17, 20 and 21 Wetherall Drive, Corinella 3984, Victoria being the land comprised in Certificates of Title Volume 10086 Folios 240, 241, 238 and 239 ("the subject land")
- C. The Responsible Authority issued to the Owner/s Planning Permit No. 991511 dated 12 October 1999 ("the Permit") to enable the owner/s to subdivide the subject land in accordance with Clause 22-3 . 1 of the planning scheme.
- D. The Owner and Responsible Authority have agreed that the subdivision enabled by Planning Permit 991511 for Plan of Subdivision 335932E shall provide a restriction (as set out herein) upon each lot that:
  - a. All external cladding and trim of the buildings to be constructed on any lot in the subdivision shall be of non-reflective nature to the satisfaction of the Responsible Authority;
  - b. Buildings to be constructed on Lots 9-17 inclusive shall not be constructed within the setback area marked on the subdivisional layout plan which forms part of the endorsed plan. Buildings on these lots shall be single storey only and shall not exceed 5.5 metres in height; and
  - c. Buildings constructed on any lot in this subdivision shall be set back at least 3 metres from the side boundaries.
- E. The parties have prepared and executed this agreement in order to record that the lots within the subject subdivision must comply with Part D (a), (b), and (c), hereof .

**NOW IT IS AGREED AS FOLLOWS:**

- 1. In this Agreement unless inconsistent with the context of the subject matter:
  - a. The owners make each of the covenants to be performed by them on their own behalf and on behalf of the Owner or Owners from time to time hereafter of the subject land or any part thereof; and
  - b. "Owners" shall mean the owners for the time being of the subject land and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of an estate in fee simple in the subject land or any part thereof.
- 2. The Owner and Responsible Authority agree that the subdivision enabled by Planning Permit 991511 for Plan of Subdivision 335932E shall provide a restriction (as set out herein) upon each lot that:
  - a) All external cladding and trim of the buildings to be constructed on any lot in the subdivision shall be of non-reflective nature to the satisfaction of the Responsible Authority;
  - b) Buildings to be constructed on Lots 9-17 inclusive shall not be constructed within the setback area marked on the subdivisional layout plan which forms part of the endorsed plan and is attached as appendix 1 to this Agreement. Buildings on these lots shall be single storey only and shall not exceed 5.5 metres in height; and
  - c) Buildings constructed on any lot in this subdivision shall be set back at least 3 metres from the side boundaries.
  - d) It is intended that the Owners covenants herein shall run with the subject land and every part thereof.

**W995809W**  
230800 2300 173 \$0



DW995809W-2-5

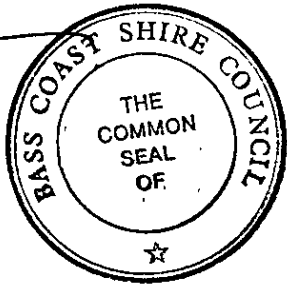
*[Handwritten signatures]*

3. The owners will without delay upon demand pay the costs of the Responsible Authority of and in connection with and incidental to the preparation and execution of this Agreement and with the lodging of a memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act.
4. The Owners agree to do all things necessary to enable the Responsible Authority to enter a memorandum of this Agreement on Certificates of Title Volume 10086 Folios 240, 241, 238 and 239 in accordance with Section 181 of the Act.
5. This agreement shall lapse if:
  - Plan of subdivision PS 335932E (attached as appendix 1) is not registered by the Land Titles Office; or
  - Bass Coast Shire Planning Permit 991511 expire, is cancelled or amended so as to no longer have effect over that part of the land.
6. The provisions of this Agreement come into effect on the date of this Agreement.

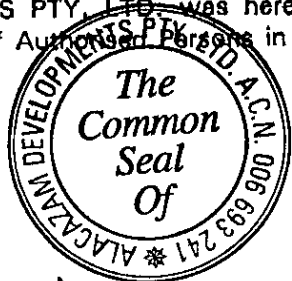
IN WITNESS WHEREOF the parties have hereunto set their hands and seals the day and year first hereinbefore written.

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

Chief Executive Officer:



THE COMMON SEAL of ALACAZAM DEVELOPMENTS PTY, LTD was hereto affixed in the presence of Authorized Persons in the presence of:



Director: *Peter L. Denson*

Name **PETER L. DENSON**  
 Address **7 COWDERDY ST.  
 N. ST KILDA VIC 3182**

Secretary: *Kenneth W. Dunstan*

Name **KENNETH W DUNSTAN**  
 Address **8 DAVIES ST  
 PORT MELBOURNE VIC 3207**

**W995809W**  
 230800 2300 173 \$0



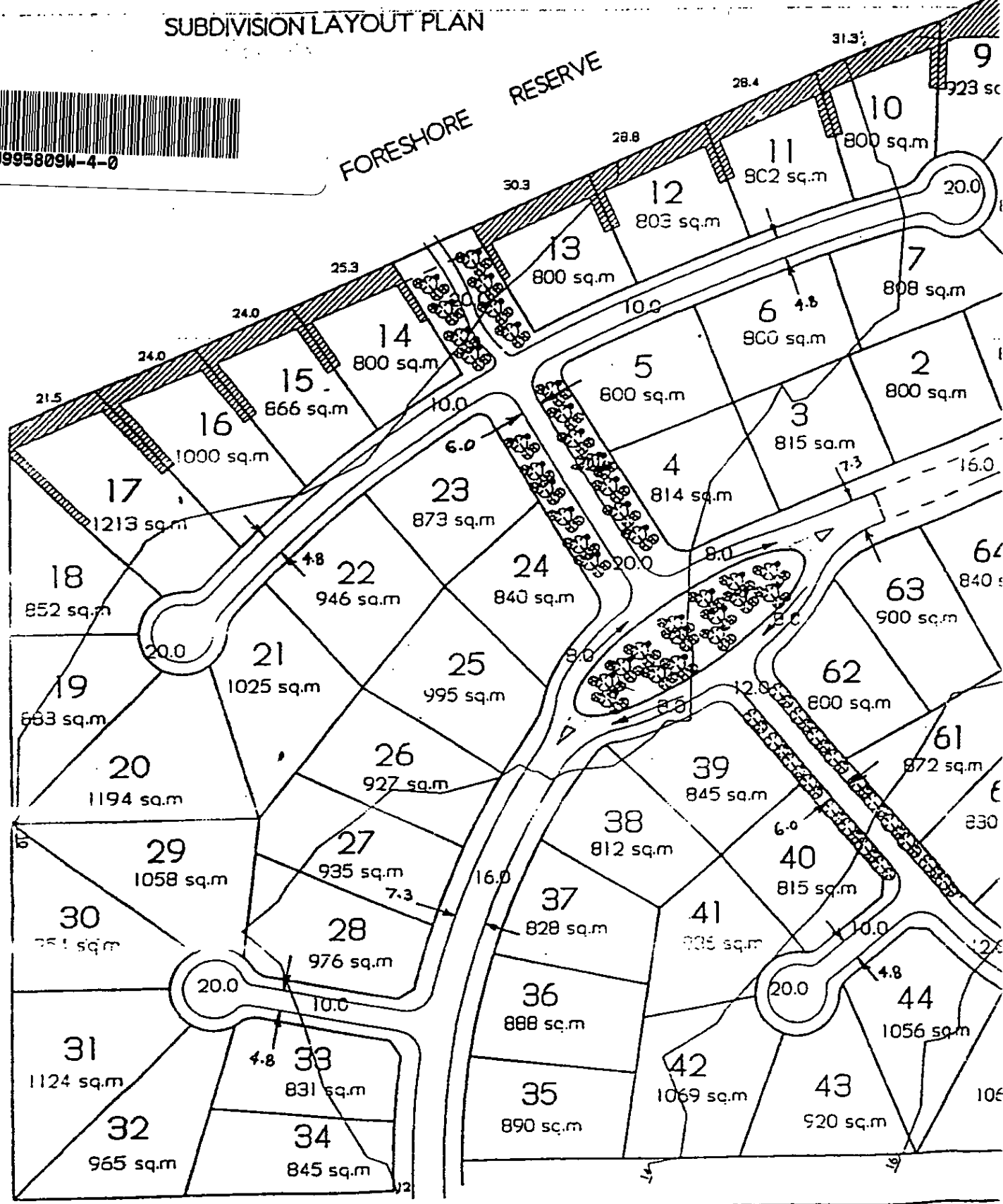
# SETTLEMENT POINT ESTATE

## SUBDIVISION LAYOUT PLAN



DW995809W-4-0

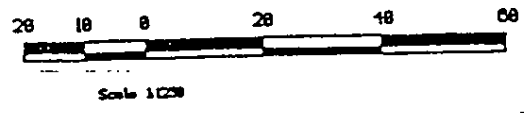
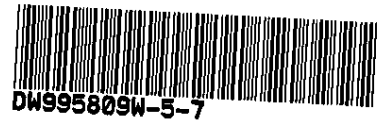
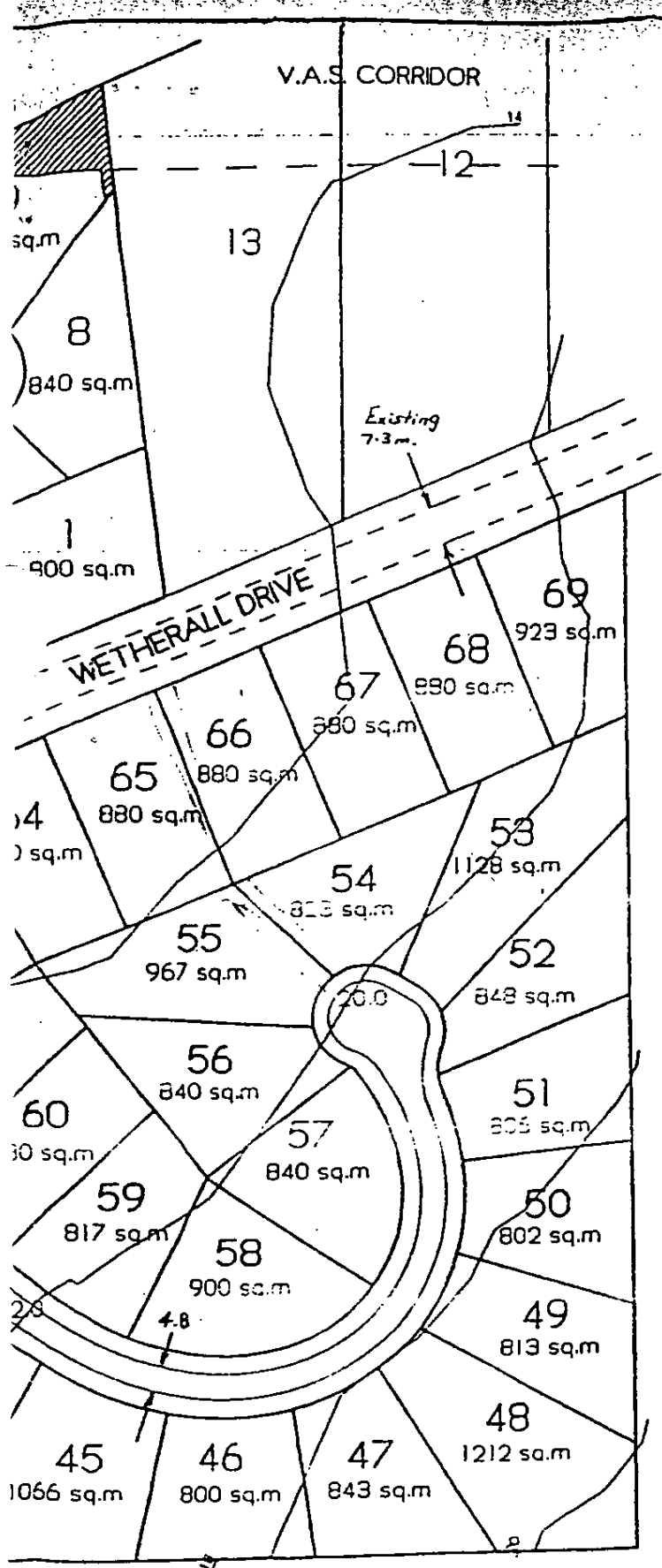
FORESHORE RESERVE



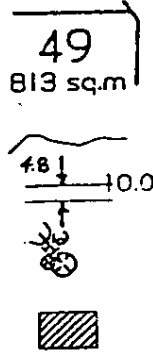
**W995809W**  
230800 2300 173 \$0

**BARDEN**  
CONSULTING ENGINEERS PTY LTD  
7 COCHRAN ST, ST ALBANS VIC 3020





**LEGEND**



49  
813 sq.m

Contour (2m interval)

Proposed Road Pavement & Road Reserve width (m)

Plantations

Prohibited Building Zone

ENDORSED PLAN  
Planning & Environment Act

Permit No. 99154

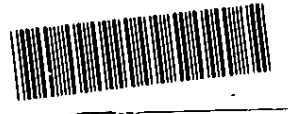
This plan is submitted No. 20/2  
referred to in the above permit

For and on behalf of the Responsible Authority

*1993/8413*  
*12/10/99*  
*28/11/93*

LOT AREA (sq.m)	NO.	TOTAL
800 - 850	34	49
850 - 900	12	17
900 - 950	8	12
950 +	15	22
<b>TOTAL</b>	<b>69</b>	

**W995809W**  
230800 2300 173 \$0



Drawn	IMB	<b>ALACAZAM DEVELOPMENTS PTY LTD</b>	DRG. NO.
Designed	IMB/PLD		<b>A020</b>
Checked	PLD	<b>SETTLEMENT POINT ESTATE, CORINELLA</b>	
Date	25th Nov 92	<b>SUBDIVISION LAYOUT PLAN</b>	sheet   of
Scale	1:1250		

**THIS AGREEMENT** is made on the 31 day of MAY  
In the year two thousand  
**BETWEEN** **BASS COAST SHIRE COUNCIL** of 76 Mc Bride Avenue, Wonthaggi, in the State of  
Victoria ("the Responsible Authority")  
**AND:** **ALACAZAM DEVELOPMENTS PTY. LTD. A C N 006 693 241** of 3/7 Cowderoy Street,  
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  - b. "Owners" shall mean the owners for the time being of the subject land and the person or persons entitled from time to time to be registered by the Registrar of Titles as the proprietor of an estate in fee simple in the subject land or any part thereof.
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**W995809W**  
230800 2300 173 \$0

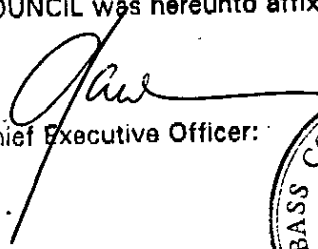


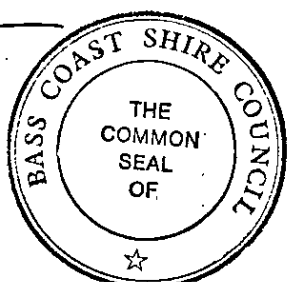
*Handwritten marks:* A large '2' and a signature 'Red' with a flourish below it.

3. The owners will without delay upon demand pay the costs of the Responsible Authority of and in connection with and incidental to the preparation and execution of this Agreement and with the lodging of a memorandum of this Agreement at the Land Titles Office pursuant to Section 181 of the Act.
4. The Owners agree to do all things necessary to enable the Responsible Authority to enter a memorandum of this Agreement on Certificates of Title Volume 10086 Folios 240, 241, 238 and 239 in accordance with Section 181 of the Act.
5. This agreement shall lapse if:
  - Plan of subdivision PS 335932E (attached as appendix 1) is not registered by the Land Titles Office; or
  - Bass Coast Shire Planning Permit 991611 expire, is cancelled or amended so as to no longer have effect over that part of the land.
6. The provisions of this Agreement come into effect on the date of this Agreement.


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

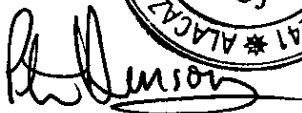
THE COMMON SEAL of the BASS COAST SHIRE COUNCIL was hereunto affixed in the presence of:

Chief Executive Officer: 




THE COMMON SEAL of ALACAZAM DEVELOPMENTS PTY. LTD. was hereto affixed in the presence of Authorised Persons in the presence of:



Director: 

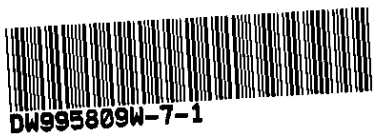
Name: PETER L. DENSON

Address: 7 COWDEROY ST  
W. ST KILDA VIC 3182

Secretary: 

Name: KENNETH W. DUNSTAN

Address: 8 DAVIES ST  
PORT MELBOURNE VIC 3207



**W995809W**  
230800 2300 173 \$0





# SETTLEMENT POINT ESTATE

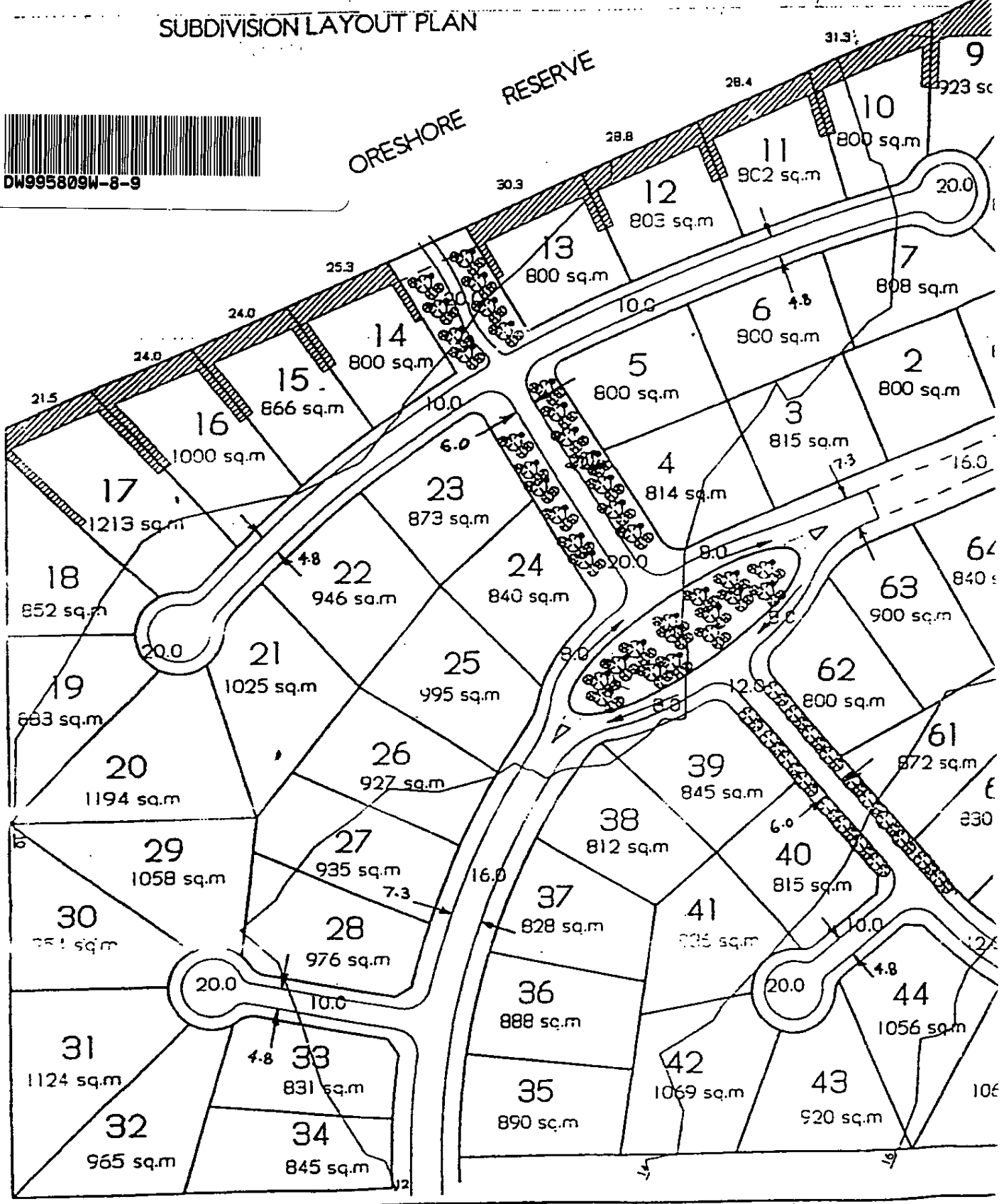
## SUBDIVISION LAYOUT PLAN

30.5



DW995809W-8-9

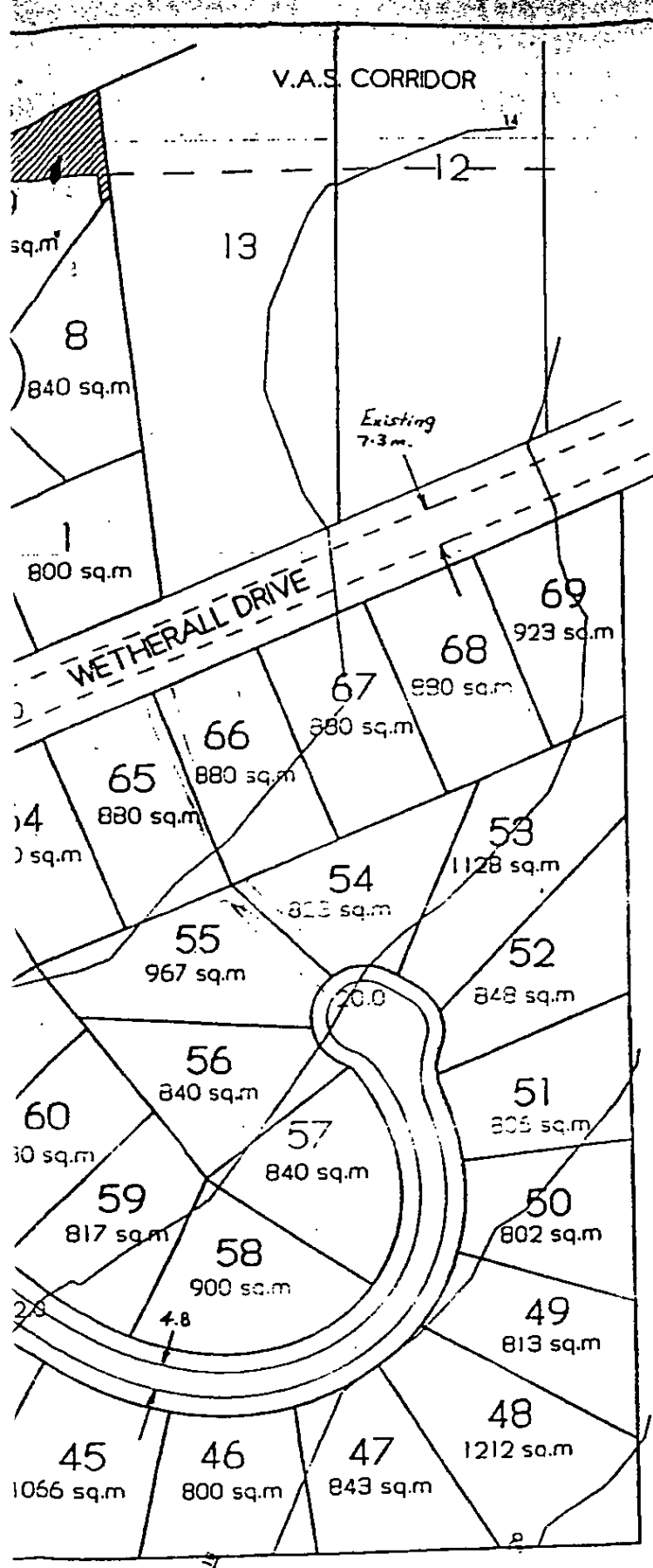
ORESHORE RESERVE



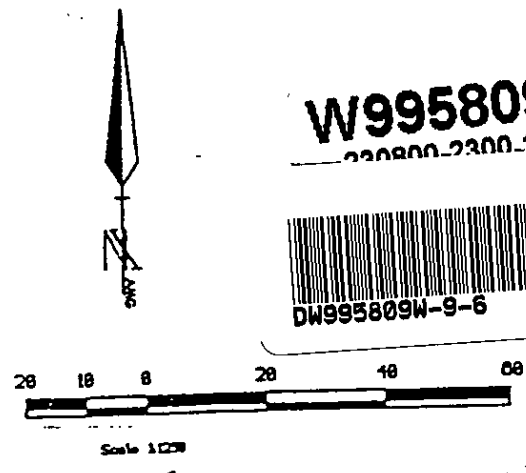
**W995809W**  
230800 2300 173 \$0



**BARDEN**  
CONSULTING ENGINEERS PTY LTD  
7 CONNORS ST, ST ALBANS, VIC 3011



**W995809W**  
220800-2300-173-50



**LEGEND**

- Title Boundary, Lot No. & Allotment Area
- Contour (2m interval)
- Proposed Road Pavement & Road Reserve width (m)
- Plantations
- Prohibited Building Zone

**ENDORSED PLAN**

Planning & Environment Act

Permit No. **99154**

This plan is submitted No. **2 of 2**

referred to in the above permit

For and on behalf of the Responsible Authority

*Michael*

**12-10-99**

LOT AREA (SQ.M)	NO.	TOTAL
800 - 850	34	49
850 - 900	12	17
900 - 950	8	12
950 -	15	22
<b>TOTAL</b>	<b>69</b>	

Drawn	IMB
Designed	IMB/PLD
Checked	PLD
Date	25th Nov 92
Scale	1:1250

**ALACAZAM DEVELOPMENTS PTY LTD**  
SETTLEMENT POINT ESTATE, CORINELLA  
SUBDIVISION LAYOUT PLAN

DRG. NO.  
**A020**  
sheet 1 of 1