

REGD

171088 2023 MISC \$49 N775887P

Form 9.1

LODGED BY: Ralph W. Lloyd & Co.
454 Collins Street,
MELBOURNE. VIC. 3000.

Office of Titles Use Only

CODE: 1132A

VICTORIA:

APPLICATION BY A RESPONSIBLE
AUTHORITY under Section 181 of
the Planning and Environment Act
1987 for ENTRY OF A MEMORANDUM OF
AGREEMENT under Section 173 of
the Act.

The Responsible Authority under the Planning Scheme having entered
into an Agreement with the parties named for the land described
requires that a memorandum of the Agreement be entered on the
Certificate of Title to the land referred to.

LAND

Being part of Crown Allotments 133, 134 and 135 Parish of
Mooranyal County of Grant and part of Lot 6 on Plan of
Subdivision No. 86856 and being part of the land more
particularly described in Certificate of Title Volume 8255-888
Folio 694-013 being the land colored red and blue on the plan annexed to this
application

ADDRESS OF LAND

Matthews Road, Lovely Banks

RESPONSIBLE AUTHORITY

The President, Councillors
and Ratepayers of the
Shire of Corio,
Swinburne Street,
NORTH GEELONG. VIC. 3215.

PLANNING SCHEME

Geelong Regional Planning Scheme

AGREEMENT DATE

The 18th day of August, 1988.



DN775887P-1-5

AGREEMENT WITH

GEELONG REGIONAL COMMISSION of Corner of Little Malop and
Fenwick Streets, Geelong of the first part AND
North Geelong of the third part.

A copy of the Agreement is attached to this Application.

Signature for the Responsible Authority

Name of Officer

Date A memorandum of the within instrument
has been entered in the Register Book

23/9/1988



part of
land in
each ct
affected

amended
with the
consent
of

Ralph W. Lloyd
Solicitor

(T. CAVOLI)

4/9/1989

LOH

Sec 173 of P+E Act

4/8255-694-A

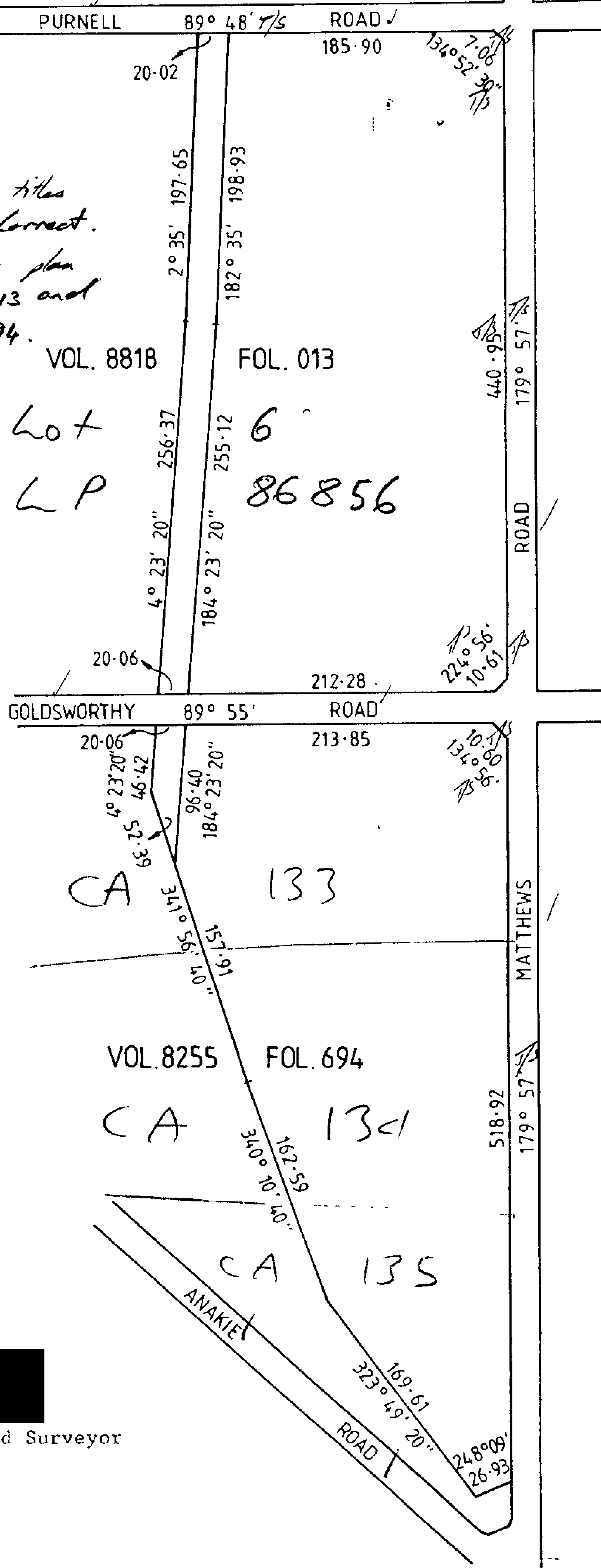
4/8818-013-P1

4/9/1989

*This plan shows with titles
and is Mathematically correct.
The land shown on this plan
is part of c/t 8818 - 013 and
part of c/t 8255 - 694.*

R.W. 12/9/89.

VOL. 8818 FOL. 013
Lot
LP 6
86856



I certify that the dimensions on
this plan are based on information
supplied by the Road Construction
Authority and that the plan is
mathematically correct.

Date: 23.8.89

Licensed Surveyor

THIS AGREEMENT is made the 18th day of August, 1988
BETWEEN GEELONG REGIONAL COMMISSION of Corner of Little Malop and
Fenwick Street, Geelong in the State of Victoria (hereinafter
referred to as "the Commission") of the first part THE PRESIDENT,
COUNCILLORS AND RATEPAYERS OF THE SHIRE OF CORIO (hereinafter
referred to as "the Shire") of the second part AND [REDACTED]
[REDACTED]
[REDACTED]

Geelong in the said State (hereinafter collectively referred to
as "the Owners") of the third part: [REDACTED]

W H E R E A S :

- A. The Owners are the owners of ALL THOSE pieces of land being
the land more particularly delineated and coloured red and
blue on the plan annexed hereto and being part of Crown
Allotments 133, 134 and 135 Parish of Mooranyal County of
Grant and part of Lot 6 on Plan of Subdivision No. 86856
lodged in the Office of Titles and being part of the lands
more particularly described in Certificate of Title Vol.
8255 Fol. 694 (hereinafter referred to as "the Land").
- B. The Commission is the Regional Planning Authority with
respect to the Geelong Regional Planning Scheme.
- C. The Shire is the Responsible Authority under the Planning
and Environment Act 1987 for the Geelong Regional Planning
Scheme with respect to the municipality of Corio.
- D. At the request of the Owners and with the consent of the
Shire the Commission shall seek to have rezoned the Land for
Reserved Residential purposes under the Geelong Regional
Planning Scheme.
- E. It shall be a condition of the said rezoning of the Land



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that this Agreement be entered into between the parties hereto.

F. This Agreement is entered into by and between the parties hereto pursuant to the provisions of Section 173 of the Planning and Environment Act 1987 as embodying the agreement reached between them.

WITNESSETH that it is hereby agreed by and between the parties hereto as follows:-

1. This Agreement shall come into effect only upon the coming into operation of the proposed Amendment to the Geelong Regional Planning Scheme which rezones the Land Reserved Residential and the same shall thereafter continue indefinitely.
2. The Shire hereby concurs with and consents to the land being rezoned Reserved Residential upon the terms of this Agreement.
3. The owners hereby jointly and severally covenant and agree with the Commission and the Shire that neither they nor any of them nor the executors or administrators or successors or transferees of them or any of them shall:-
 - (a) erect or cause or allow to be erected on or within any portion of the Land coloured blue on the plan annexed hereto any house or building to be used or intended or designed for use for residential purposes or any part of such a house or building the object and intent of this Agreement being that the whole of the area of land coloured blue on the said plan shall be kept and maintained free from the construction thereon of the whole or any portion of any house or building used



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intended or designed for residential use or occupation
PROVIDED THAT nothing contained in this sub-clause
shall operate so as to preclude or inhibit the right of
the Owners (subject to the obtaining by them of any
requisite permits or consents therefor) to use and
develop the said land coloured blue or any part thereof
for purposes ancillary to adjacent residential use or
occupation (not being in itself intended for
residential use or occupation) including but not
limited to a garage, a car port, a shed, a tennis
court, a swimming pool and other outdoor recreational
facilities.

- (b) seek a permit under the said Planning Scheme or any
amendment or modification thereof for any purpose of or
connected with any residential use or occupation of the
said land coloured blue or any part or parts thereof;
- (c) seek to be granted a planning scheme permit to
subdivide the Land or any part thereof into allotments
which or any of which are not reasonably capable of
having a dwelling house or other residential building
constructed thereon so that the same shall not encroach
in whole or in part on the said land coloured blue or
any part thereof;
- (d) sell any Lot on any plan of subdivision into which the
Land may be subdivided by them or any one or more of
them without first having brought the contents of this
Agreement and the restriction on the use of the said
Land coloured blue hereby imposed to the attention and
knowledge of the purchaser of such Lot.

4. The Owners hereby further jointly and severally covenant and
agree with the Commission and the Shire that they consent to





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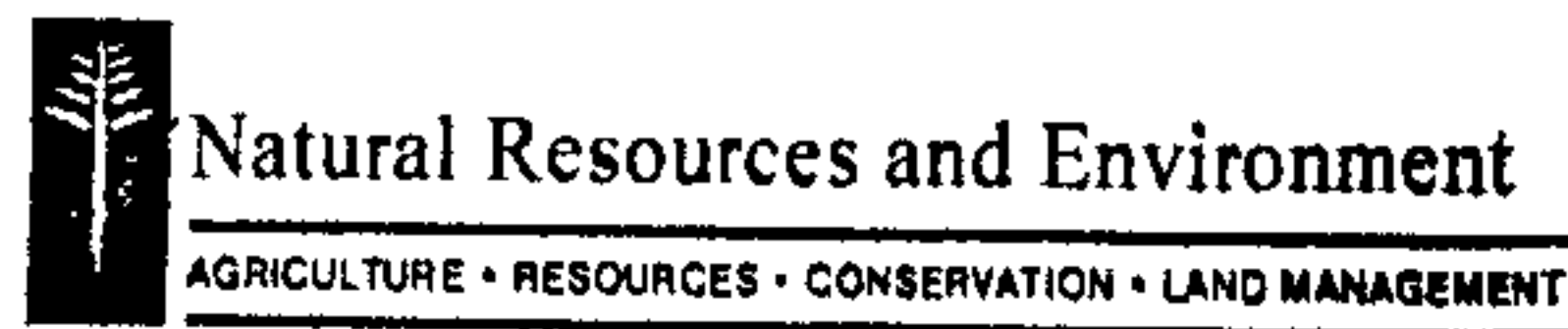
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any permit issued under the Geelong Regional Planning Scheme for the use or development of the Land or any part thereof containing a condition restricting the use of the said land coloured blue in the following form or to like effect:-

No land lying within 20 metres of the Outer Freeway reservation shown on the Geelong Regional Planning Scheme shall be used or developed in whole or in part for a house or other building intended or designed or to be used for residential use or occupation.

5. It is the intention of the parties hereto that the burden of the covenants on the part of the Owners herein contained shall in accordance with Section 182 of the Planning and Environment Act, 1987 attach to and run with the land and every part thereof and also with every Lot into which the Land may hereafter be subdivided.
6. The Commission shall use its best endeavours to have the Land rezoned Reserved Residential under the provisions of the Geelong Regional Planning Scheme.
7. The Shire hereby acknowledges that the Commission has consulted with it as required by Geelong Regional Commission Act 1977, as amended, with respect to the said proposed amendment to the Geelong Regional Planning Scheme and that the Shire consents to such amendment being made as proposed by the Commission.
8. It is the intention of the parties hereto that this Agreement be registered under the Transfer of Land Act 1958 pursuant to Section 181 of the Planning and Environment Act 1987.
9. In this Agreement where the context so admits or requires:-
 - (a) words importing the singular shall include the plural and vice versa and the masculine gender shall include





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feminine and neuter genders and words importing persons shall include corporate bodies;

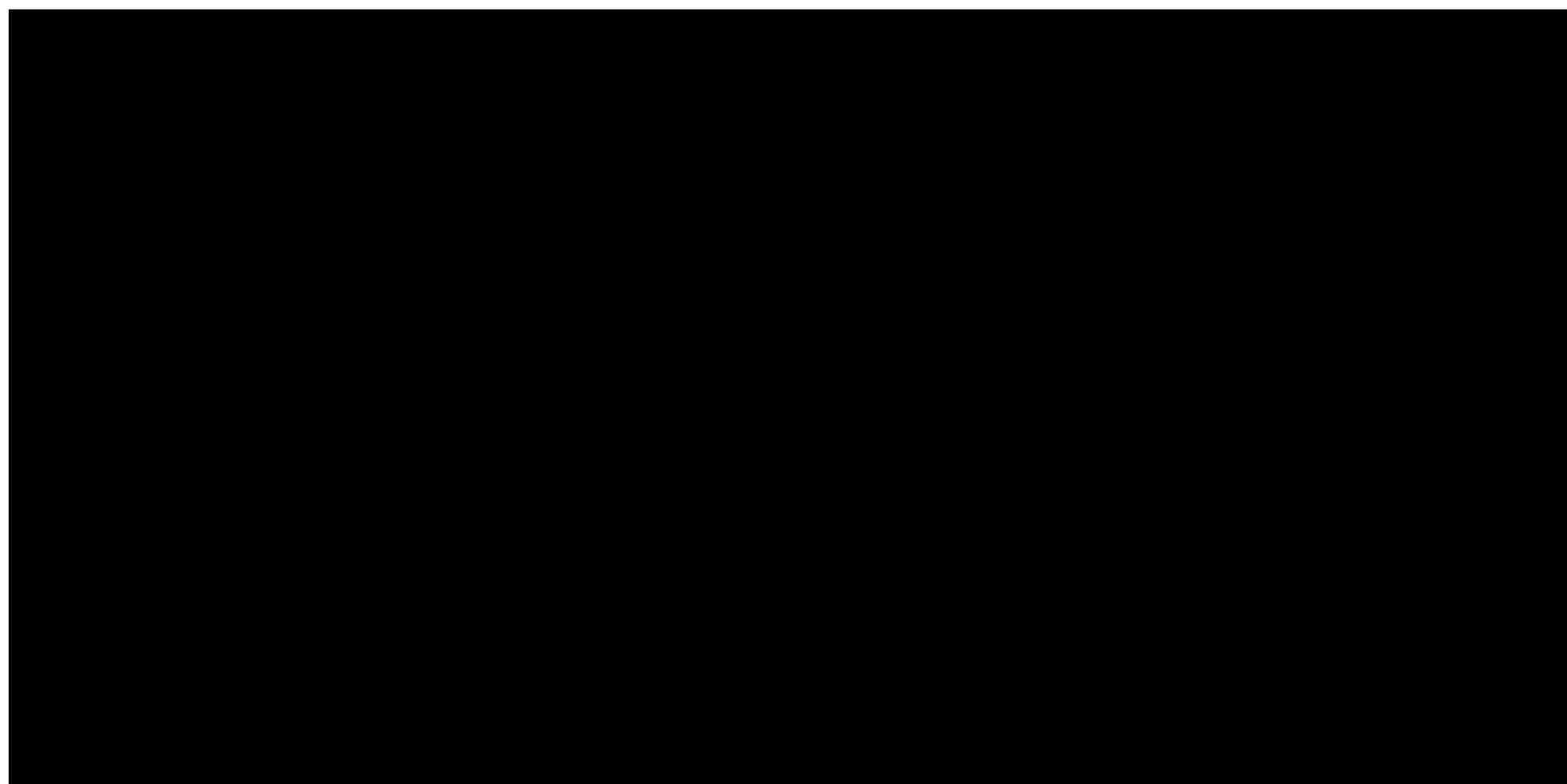
(b) the expression "the Owners" shall include their respective executors, administrators, transferees, successors and assigns as the case may be and shall specifically include the owner for the time being of any Lot into which the land may hereafter be subdivided; and

(c) the expressions "the Commission" and "the Shire" shall include their respective successors and assigns.

IN WITNESS WHEREOF, the parties hereto, have affixed their hands and seals on the day and year first hereinbefore written.

THE COMMON SEAL of GEELONG REGIONAL

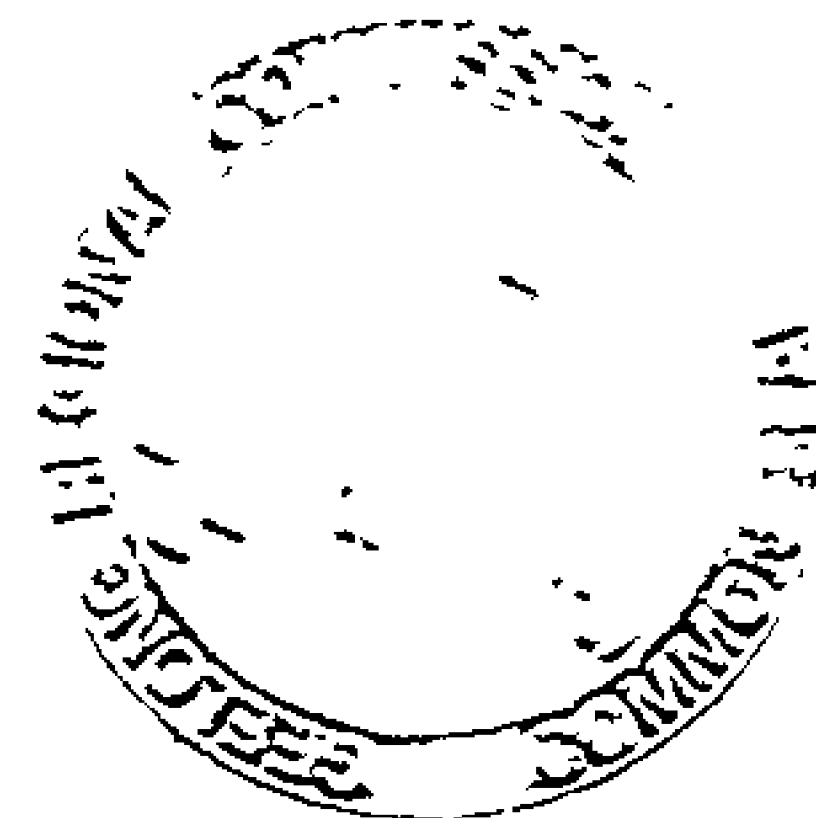
COMMISSION was hereunto affixed, by
order of the Commission in the



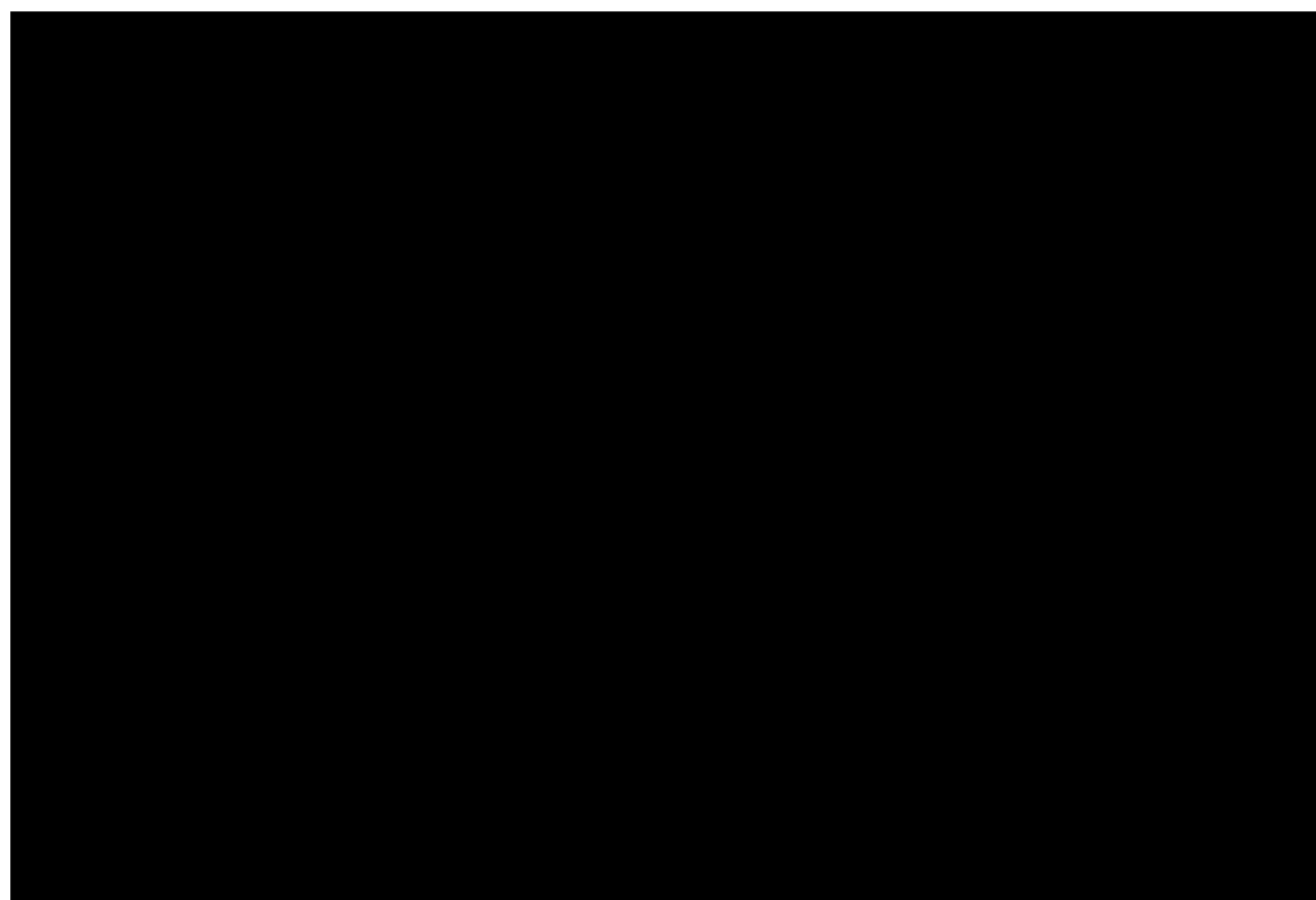
Chairman

Member

Secretary



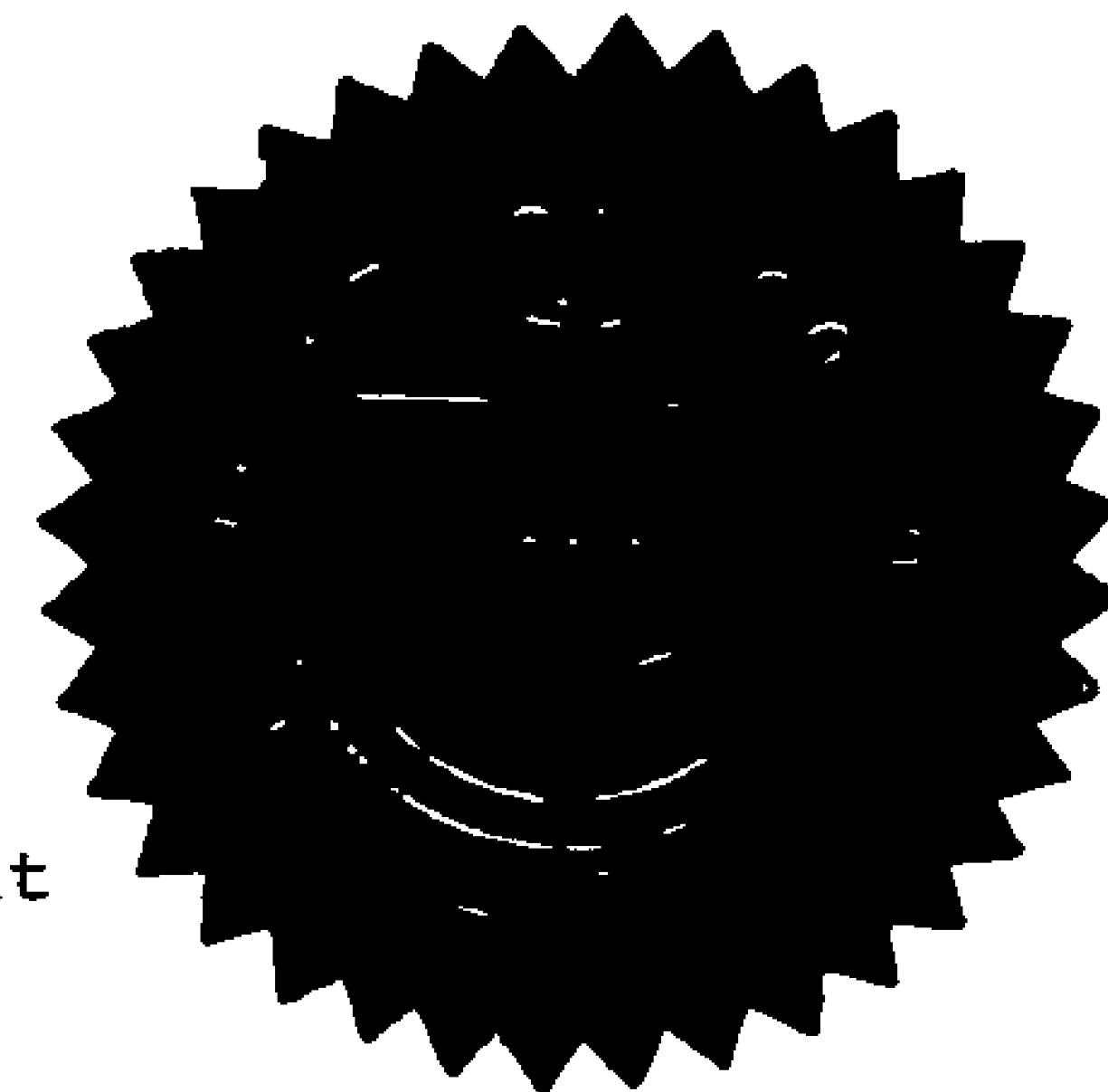
THE COMMON SEAL of THE PRESIDENT
COUNCILLORS AND RATEPAYERS OF THE
SHIRE OF CORIO by resolution of the
Council in the presence of:



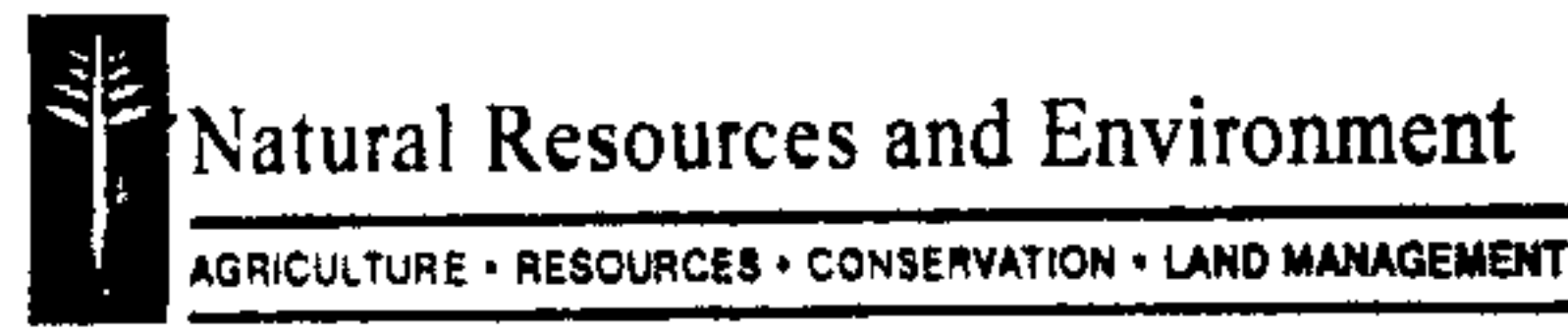
..... President

..... Councillor

..... Shire Secretary

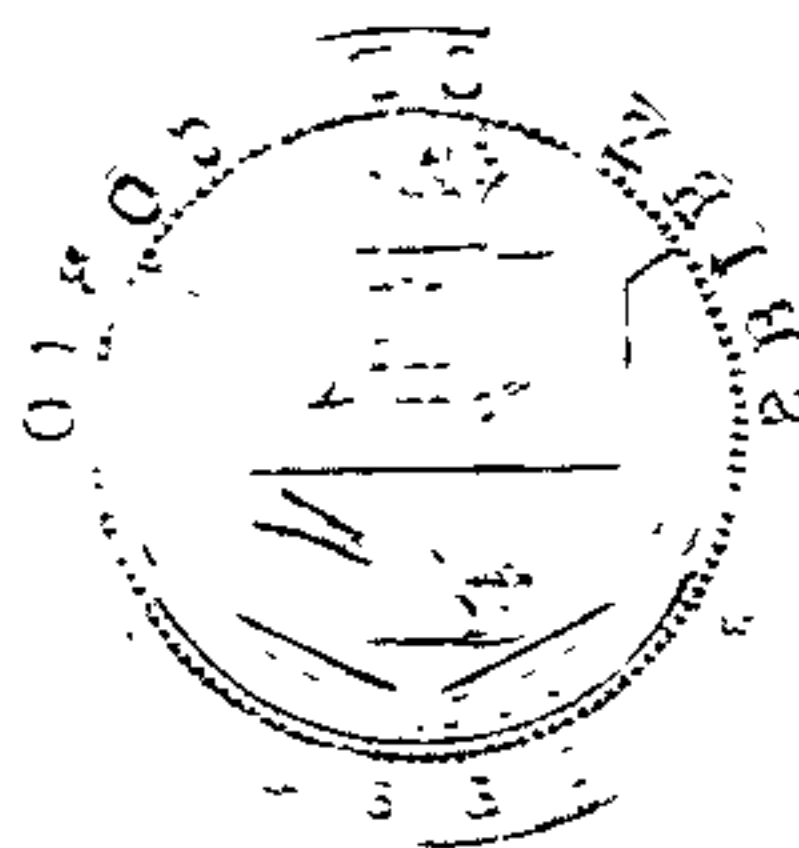
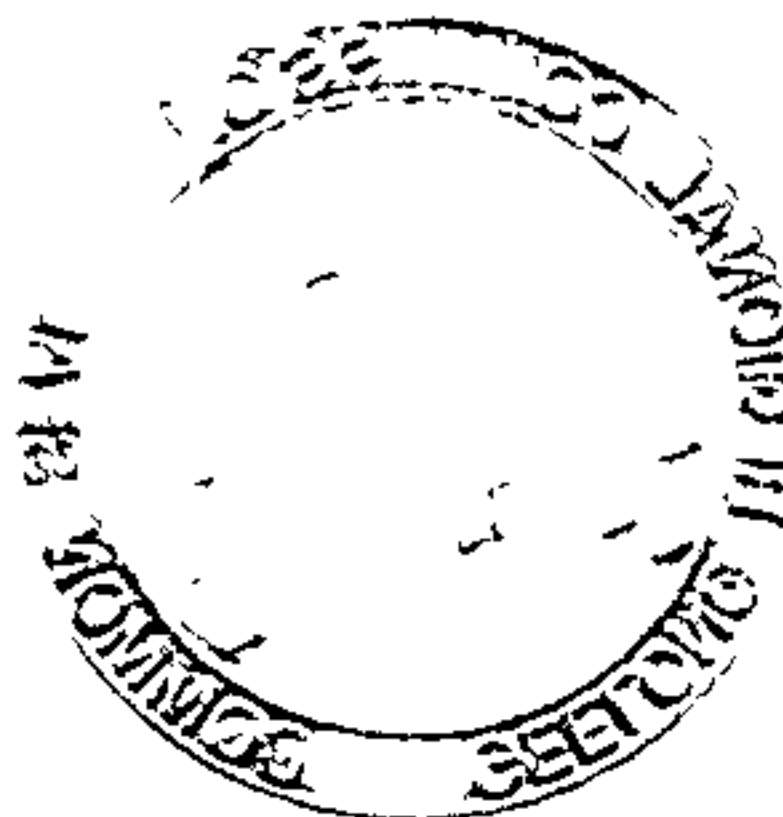


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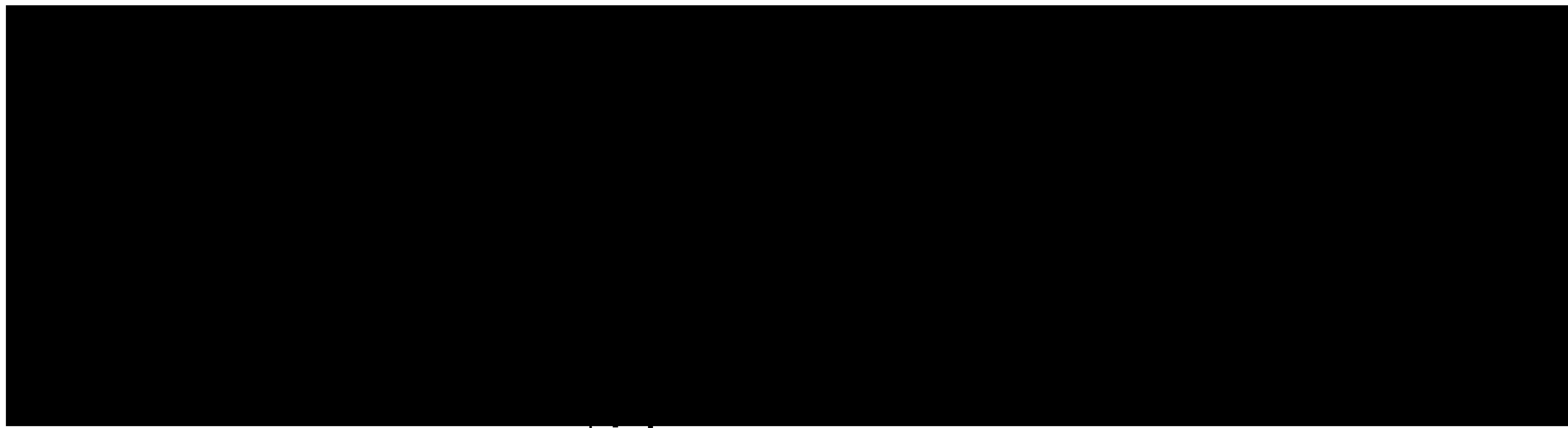
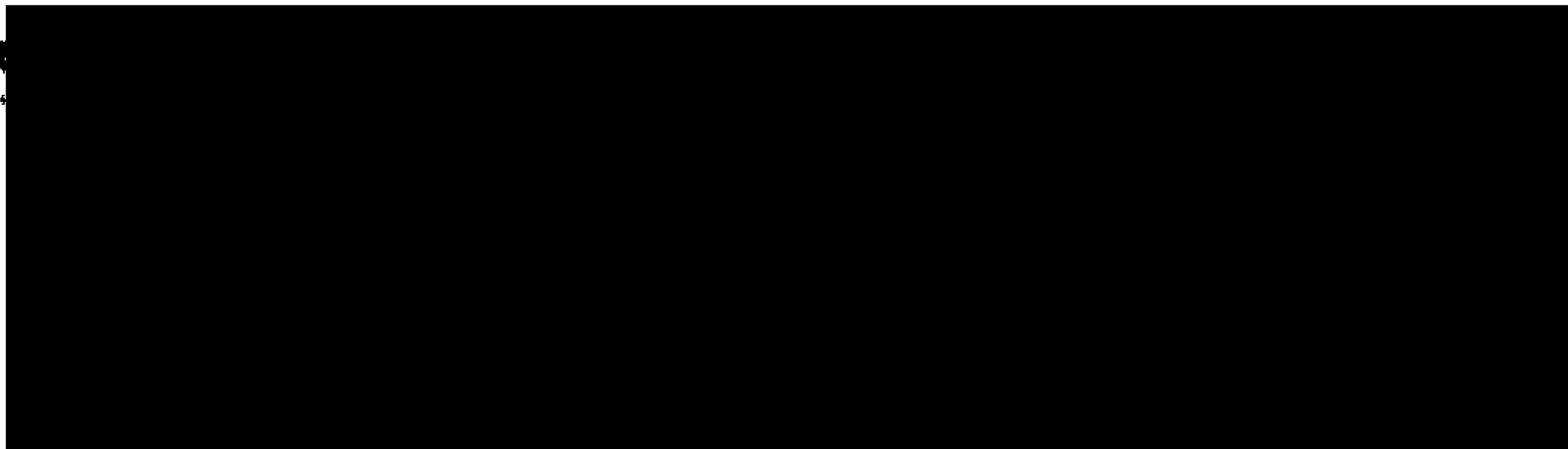


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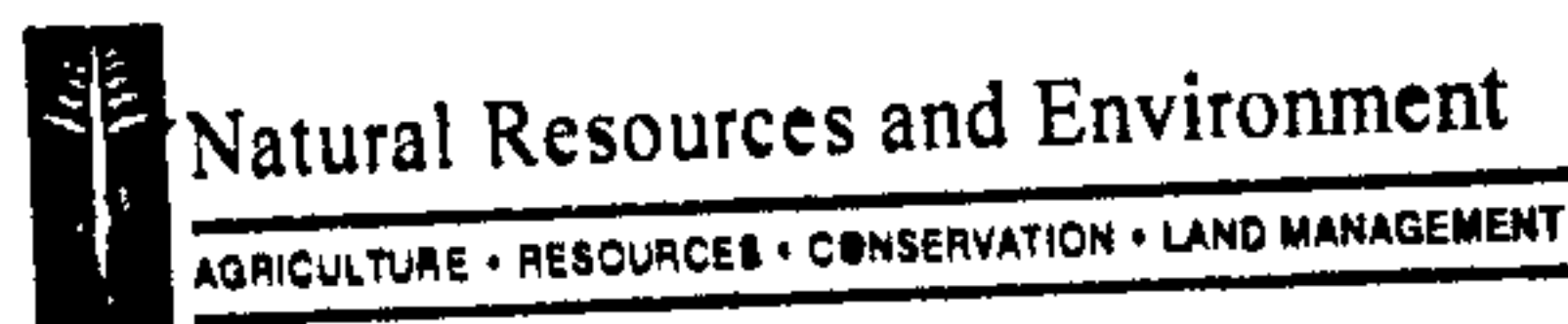
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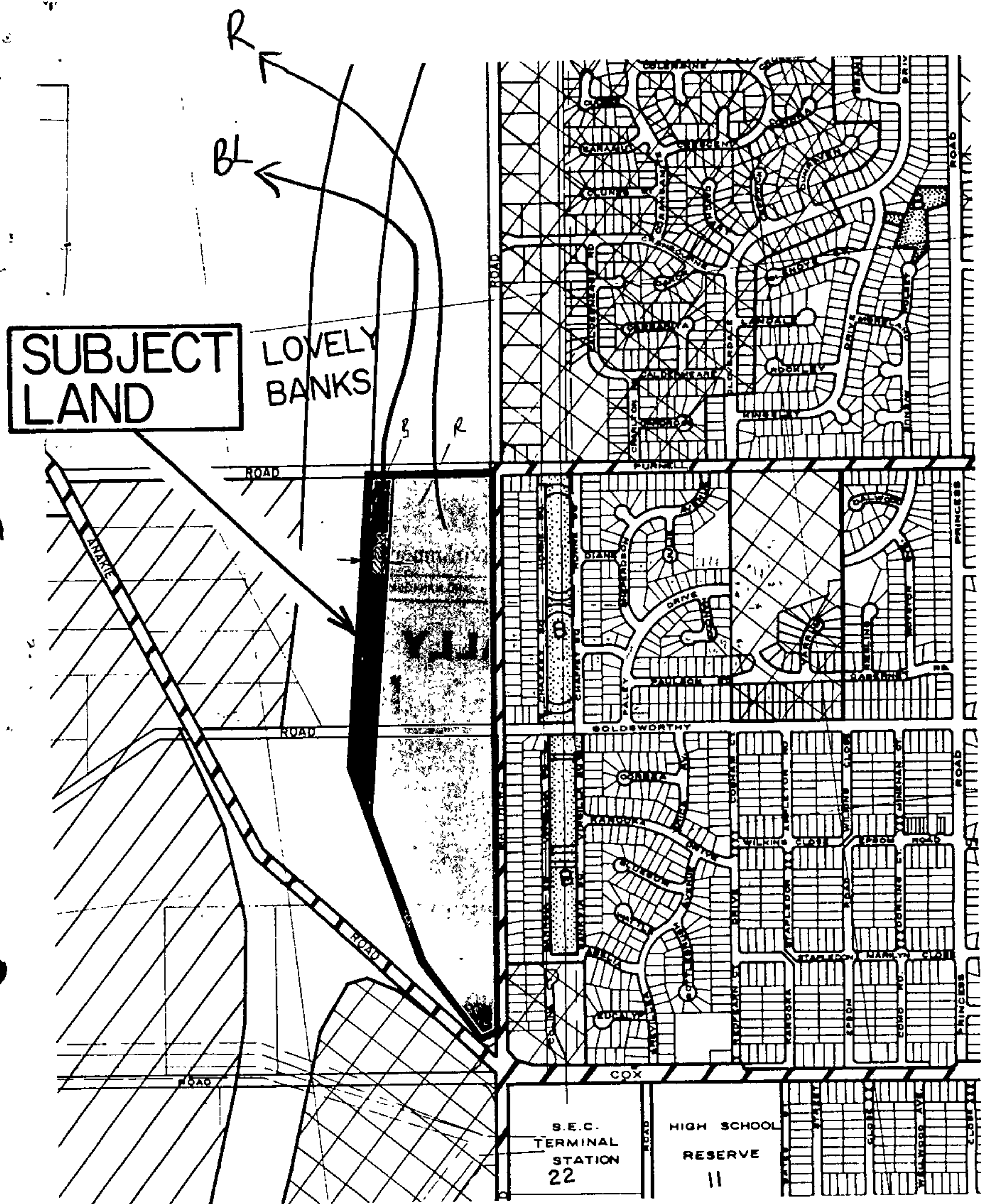
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PLAN OF LAND
Matthews Road,
Lovely Banks

COLOUR CODE

Y=Yellow O=Orange BR=Brown
G=Green R=Red BL=Blue P=Purple
H=Hatched CH=Cross Hatched



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DATED _____, 1988.

B E T W E E N :

GEELONG REGIONAL COMMISSION
of the first part

- and -

THE PRESIDENT, COUNCILLORS AND
RATEPAYERS OF THE SHIRE OF
CORIO
of the second part

- and -

For approval from the Board,

$\frac{1}{2} \times \frac{1}{2} = \frac{1}{4}$

not the third part

Y.L.A.C. POSITION

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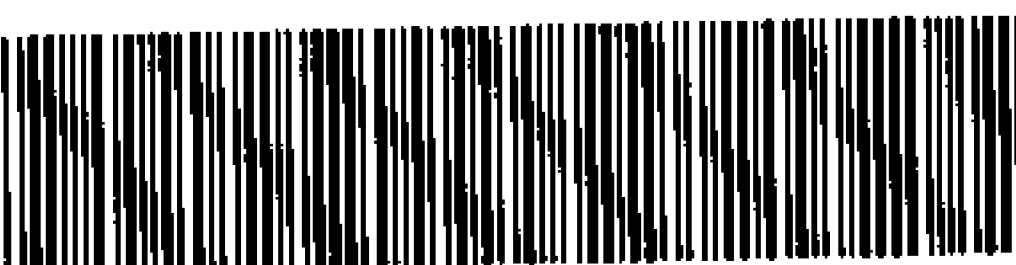
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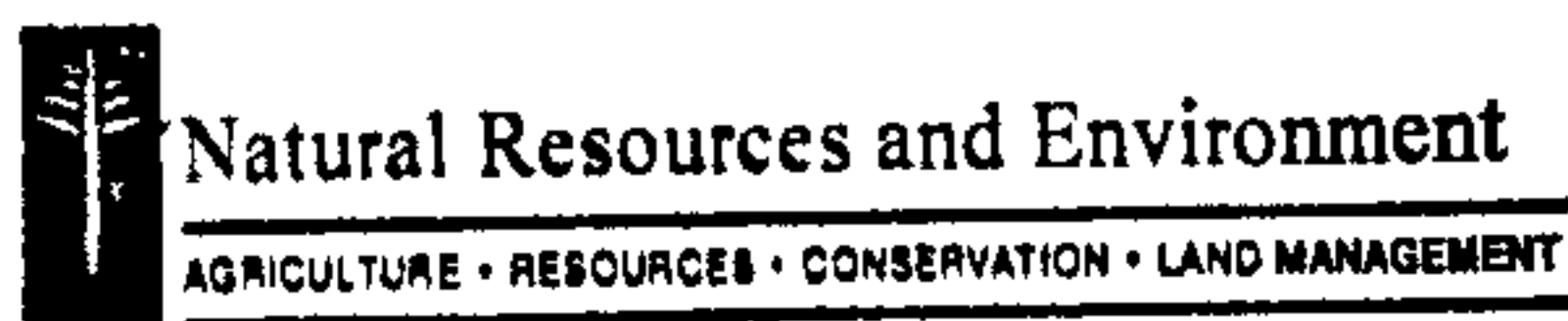
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AGREEMENT

RALPH W. LLOYD & CO.,
SOLICITORS,
454 COLLINS STREET,
MELBOURNE. VIC. 3000.

Tel: 670 5771
Ref: RWL:JM 2880249





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